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SENATE—*Tuesday, April 15, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we come to You in weakness and seek Your strength. Without Your presence, life's challenges overwhelm. Lift our burdens and fill our life with Your joy.

Strengthen our lawmakers. Use their talents and abilities to make a positive difference in our world. Empower them with Your providential care to find creative paths that will bring this Nation to a desired destination. Inspire their minds with insight and wisdom, their hearts with resiliency and courage, and their bodies with vigor and vitality. May your peace flow into them, calming their spirits, directing their dispositions, and controlling all they say and do.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 15, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, the Senate will be in a period of morning business for 1 hour, with Senators allowed to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

ORDER OF PROCEDURE

I ask unanimous consent that the first 30 minutes be given to the Republicans and the final 30 minutes to the majority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, following that time, the Senate will resume consideration of H.R. 1195.

I ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. today to allow for the weekly caucus luncheons.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

RECOGNITION OF THE REPUBLICAN LEADER

THE ACTING PRESIDENT pro tempore. The Republican leader is recognized.

POPE BENEDICT XVI'S VISIT TO THE UNITED STATES

Mr. MCCONNELL. Mr. President, this week we welcome his Holiness, Pope Benedict XVI, for his first visit to America as Pope.

Here in Washington, Pope Benedict will meet the President at the White House, marking only the second time in America's history that a pontiff has visited the White House. He will offer Mass at the newly opened Nationals Park, and deliver an address at Catholic University.

Pope Benedict will then travel to New York, where he will address the United Nations, visit Ground Zero, site of the devastating 9/11 terrorist attacks, and say Mass at Yankee Stadium.

During his visit, the Pope will also champion a brotherhood of faith between the religions, by meeting with leaders from the Buddhist, Muslim, Hindu, Jewish, and other faiths.

The Pope's visit observes some important anniversaries. Wednesday, April 16, will be his 81st birthday, and Saturday, the 19th, will mark the third anniversary of his election as Pope.

His visit also coincides with the 200th anniversary of four of the oldest dioceses in the United States, one of which was established in my own State of Kentucky. Two hundred years ago this month, Pope Pius VII carved the Diocese of Bardstown from one of the oldest dioceses in the New World.

The territory of the Bardstown Diocese once covered a giant swath of land, including what are now the States of Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Missouri, and half of Arkansas.

The Bardstown Diocese was established alongside the dioceses of Boston, Philadelphia, and New York. Its seat was eventually moved to Louisville, KY, and made an archdiocese. But its place in the history of American Catholicism continues to be a point of pride across Kentucky.

Kentuckians celebrate this bicentennial throughout the year at the St. Thomas Church, considered the "Cradle of Catholicism" in the Bluegrass State and still located in Bardstown. A two-story log house that stands on St. Thomas' property is the oldest structure related to the Catholic faith in our region of the United States.

Built in 1795 by Thomas and Ann Howard, the property was willed to the church by Mr. Howard in 1810, and it became the first home of the St. Thomas Seminary, the first seminary west of

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● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

the Alleghenies. It later served as the residence of Bishop Benedict Joseph Flaget, first bishop of the Bardstown Diocese.

Bishop Flaget and others who worked to establish the Bardstown Diocese were pioneers of the land as well as of the spirit. Kentucky was the western frontier of the young United States at that time, and frontier life posed many hardships.

Yet Bishop Flaget successfully made his work and presence felt throughout the diocese, and the St. Thomas Church still cites his influence today, two centuries later.

The resolve and faith displayed by the founders of that Bardstown Diocese are the same resolve and faith that have enabled so many other Catholic missionaries to attract more than 1 billion adherents to the Catholic faith.

As the Bishop of Rome, the Pope's leadership inspires millions with confidence that mankind can find God's will amidst the chaos of this world.

Yet, for all the obvious affection people show him, Pope Benedict would be the first to recognize that he is merely "a simple, humble laborer in the vineyard of the Lord."

We are honored by his visit. And in Bardstown, Washington or elsewhere, we welcome Pope Benedict VXI to bring his labors to America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PAPAL VISIT

Mr. REID. Mr. President, tomorrow the President has invited a number of people to the White House to greet the Pope on the south lawn. That will be at 10 o'clock in the morning. We are going to be in session and have a regular session tomorrow. We will make sure there are no votes between 10 and 11.

On Thursday, for the Mass, for those Members of the Catholic faith, and others who wish to attend the Mass at the baseball stadium, we are not going to come in until 12:45. That will allow people to go to the Mass and give them time to come to the Capitol. We will start legislating at 12:45 on Thursday. Hopefully, we will complete some legislation at that time. Hopefully, we will be on the technical corrections bill or another piece of legislation.

JACKIE ROBINSON

Mr. McCONNELL. Mr. President, Jackie Robinson broke baseball's color barrier on this day in 1947. He immediately made his mark on the field and off the field, winning the Rookie of the Year Award in 1947 and suffering painful indignities from fans and opposing players with both patience and grace.

As a young man growing up in Louisville, I always took pride in the fact that Pee Wee Reese, a graduate of my high school, had become a Major Leaguer and even the captain of his team, the Brooklyn Dodgers. But I was even more proud of the fact that Pee Wee walked over to Jackie one day when the taunts were especially tough, put his arm on Jackie's back, and sent a message to the fans that Jackie Robinson was no different than anyone else they came to root for that day.

Reflecting on Jackie's courage, a baseball commentator said this week that it is remarkable to note that in all the photographs from those years, Jackie always seemed to be smiling, despite the jeers and taunts and the hatred.

We honor Jackie Robinson today for his courage and his example and for accelerating the march toward equality for all Americans.

TAX DAY

Mr. McCONNELL. Mr. President, most Americans view April 15 as a sort of national anti-holiday, when they are forced to take a hard look at how much of their money goes into a Washington spending machine instead of their childrens' education or their gas tank.

It is worth noting that most people don't dread tax day as much as they used to; as much as they did before Republican policies significantly reduced the share of the family budget that goes from taxpayer wallets to the Treasury Department.

According to a recent Gallup poll, 43 percent of middle income earners say they are paying too much in taxes—43 percent, but still far fewer than the 59 percent who thought they were being overtaxed 7 years ago.

The reason for the drop-off isn't too hard to figure out: The reason a lot fewer people think their tax burden is too high is that their tax burden is a lot lower than it was 6 years ago.

Married couples and families with children have benefited from tax credits, tens of millions of Americans have benefited from tax cuts on dividends and capital gains, including more than 250,000 people in Kentucky.

And that is why it's critical that middle class Americans understand the path that Democrats are headed down.

At a time when the economy is slowing and Americans are paying record prices for food, gas, and healthcare, our Democrat friends are preparing the largest tax hike in U.S. history—nearly three times larger than the previous record.

We saw the plan last month in a budget that only one Democrat in the Senate voted against, a blueprint that raises taxes on middle class families by $2,300 a year.

Our friends won't admit this is a tax hike; they won't say they're raising taxes; they plan to do it quietly, by letting all the recently enacted tax cuts and credits that Americans have benefited from over the past several years expire.

If you ask about it, they will tell you these tax cuts were only for the rich anyway.

Don't listen to them—unless, of course, you think 43 million American families with children who will pay thousands more in taxes under the Democrat budget are rich, and should be taxed more; or that all 18 million seniors who will pay thousands more in taxes under the Democrat budget are rich and should be taxed more; or that every owner of the 27 million small businesses in the U.S. who will have to pay $4,100 more in taxes under the Democrat budget are rich and should be taxed more.

Under the budget that every Democrat in the Senate but one voted for last month, taxes will go up on anyone who makes more than $34,000. Are these people rich? Should they pay more in taxes?

The first-year teacher in Louisville who makes $35,982—is he or she rich? Does he or she need to be taxed more? I will bet they don't think so.

How about the veteran teacher with a Ph.D. who maxes out at $73,418—is he or she rich? Does he or she need to be taxed more? I will bet they don't think so.

Our Democrat friends have their own answer to these questions: they voted for an amendment last month that extends tax breaks on married couples and children.

The problem, of course, is that they voted for a similar amendment last year, and then they didn't do a thing about it. They had no intention of making it into law.

So if past experience is any indication of future events, our friends won't act on the amendment this year either. They cast a vote that's intended to appeal to working families, but their record shows they won't follow through by actually doing anything about it.

As Americans struggle to pay the bills and millions worry about falling home values and whether they will even be able to keep their homes, they should be able to expect more from Congress than political cover votes and class warfare rhetoric.

All the recently enacted tax cuts will soon expire. These cuts have helped tens of millions of American families and seniors. These folks should know what is coming. And Democrats in Washington should relent on their plans to return to the bad old days when 60 percent of them thought their tax bills were too high.

That is the road our friends on the other side are taking us down. They have shown us the blueprint. It certainly was not written with working families in mind.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Missouri is recognized.

TAX DAY

Mr. BOND. Mr. President, today millions of Americans are reminded about Ben Franklin's poignant observation: Nothing is certain but death and taxes.

Today families across the Nation are being forced to tighten their belts as the Federal Government takes more and more of their hard-earned money. For working families, the tax bill that comes due every April 15 is often a tremendous burden. In fact, the average American pays more in taxes than it spends on food, shelter, clothing, and transportation combined.

For American families, tax day is a real eye opener. This year, families will work the first 113 days of the year to pay their Federal, State, and local taxes. Unfortunately, this year tax day has come around when families are facing spiking energy, housing, and health care costs, runaway college tuition, and high rising prices for consumer goods.

While the Senate has acted to help these families in the short term, the stimulus and housing relief bills, a long-term fix is a long way off and badly needed. We should support long-term economic growth policies that lower taxes, create more jobs, and grow our American economy.

Our distinguished minority leader, the Senator from Kentucky, Mr. McCONNELL, has outlined the dangers of going back to a high-tax era. We all know that the tax reductions adopted by Congress in 2003 which gave relief for capital gains taxes encouraged more small businesses to invest, gave them the resources to grow, and small businesses are the dynamic engine of this country.

That tax relief provided some 8.4 million new jobs. But as Senator McCONNELL said, my friends on the other side of the aisle have proposed a budget that includes the largest tax increase in American history and would raise taxes on every American taxpayer by doing nothing, intentionally doing nothing.

The plan of the Democrats raises taxes on the average American family by $2,300 a year. A $2,300 increase in taxes will be a devastating hit to American families. For families in Missouri and across the Nation, this is $2,300 they will no longer be able to use to buy groceries, put gas in their car, pay tuition, or purchase prescription drugs. And, as Senator McCONNELL pointed out, there will be an even larger tax increase on small businesses—small businesses that we expect to create the new jobs we will continue to need as our economy and technology evolves.

Unfortunately, not only are taxes getting higher, they are getting more complicated. According to the President's panel on tax reform, there have been more than 14,000 changes to the Tax Code since 1986. With all of these changes, it is no wonder that the average time burden for all taxpayers filing a 1040 is 30 hours, and now more than 6 in 10 Americans hire someone to help prepare their returns every year.

So in addition to taking 113 days in wages, the Federal Government requires you to spend an initial day and even more money to hire a professional to make sense of what you owe. It is a daunting task for anyone, particularly if they have a family and business activities to make sense of what they owe.

In January, I introduced a radical solution, and I think the time has come for a radical solution to bring some common sense to this process. My bill, the Fair and Simple Tax Act, will simplify the Tax Code and help American families keep more of their paychecks. It will get rid of the AMT and the double calculations middle-income taxpayers must make. It will eliminate higher tax rates, get rid of the myriad targeted reductions, credit givebacks, phase-ins, phase-outs, and other special interest provisions.

The Fair and Simple Tax Act will provide a simpler, lower, flat income tax option, as well as offer historic tax relief for families and businesses to create jobs for American workers.

This bill will reduce the tax rate on families and the employers who create jobs, make permanent existing tax relief, keep current deductions for home mortgage interest and charitable deductions, but give Americans more control over their health care by providing tax relief to individuals and families who do not now have access to employer-provided health care.

Also, my bill will eliminate the death tax which is a significant burden for farmers and small businesses.

The best fiscal policy is economic growth, job creation, and keeping taxes low for middle-class families. And the best economic or fiscal policy is also the best social policy. There is no better policy than assuring a good-paying job for hard-working Americans.

The last thing our economy needs right now is a tax increase, which is what Americans will receive when the 2001 and 2003 tax cuts expire. And you know what will happen. It will not only be a tax increase on individual families; by increasing significantly taxes on small business, it is going to curb job growth, it is going to cut the ability of people to find a job.

Let me be clear. Unless we stop this looming tax hike, which would be the largest in history, more than 2 million Missouri families will face higher tax bills. My bill would prevent the family-budget-killing tax hikes. My bill would simplify the tax rate for millions of Americans. My bill would mean tax relief and real money back into the pockets of American families.

Let's get real about taxes and bring back some common sense to a Tax Code that is too complex, too confusing, and too costly. This plan will give American taxpayers what they need: a fairer system that puts more of their own money back in their pocketbooks and takes off their back the hassle of April 15.

I ask for the support of my colleagues in bringing a radical but simple commonsense reform to our Tax Code.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, 20 years ago today, Senator Malcolm Wallop of Wyoming came to the Senate floor to speak about the tax burden Americans face. He came to the floor because it was April 15, tax day. He came to extend his sympathies to the many, as he called it, "frustrated taxpayers who were probably at this minute," he said, "sweating bullets over a form 1040 while gnawing through yet another pencil."

He spoke 2 years after Congress enacted the landmark 1986 tax reform bill, legislation intended to reform and simplify the Code and make the chaos of past April 15s mere memories. That legislation did not reform the Tax Code, and it fell far short of tax simplification.

Senator Wallop voted against final passage, and he knew that history would be on his side.

The same day, he introduced into the CONGRESSIONAL RECORD a 1988 guest editorial from the Casper Star Tribune, a newspaper in Wyoming. The editorial reflected the sentiments similar to those expressed by Senator Wallop. Less than 2 years after enactment of that 1986 law, tax reform and simplification spawned 2,704 changes in the Internal Revenue Code, 42 new regulations, 65 announcements, 32 revenue rulings, and 48 new tax forms.

The changes were so complicated that in a nationwide study of 50 tax preparers who were given hypothetical identical pieces of information about what a family would do in trying to figure out their taxes, none of the 50 tax preparers came out with the same result in terms of how much that family would owe. The system was that complicated.

Senator Wallop said that guest editorial summed up the feelings of taxpayers across the Nation. The author of that guest editorial submitted 20 years ago today into the CONGRESSIONAL RECORD was a Wyoming physician named JOHN BARRASSO. That is right, the current occupant of Senator Wallop's Wyoming Senate seat.

The reform envisioned by Congress failed miserably to achieve its desired result. Today, Americans continue the painful experience of frantically attempting to complete their tax returns and write their checks to the Government before the clock strikes midnight.

The Tax Code is even longer today, 6,000 pages and over 2.8 million words, and it is growing. Provisions within the Code regularly expire, and then they are extended on an irregular basis. The IRS estimates that the average amount of time an American taxpayer is going to take to fill out their tax returns in this year is over 30 hours. More than 6 in 10 Americans hire someone to help prepare their returns for them. Hundreds of billions of dollars are spent annually trying to comply with our complicated tax laws.

Many post offices across America will be staying open until midnight tonight. Why? To give taxpayers one last shot to meet the deadline.

It is no wonder that more than 10 million Americans will request an extension this year. The future does not look much better for American taxpayers, both in terms of tax simplification and in terms of tax relief.

Americans work day in and day out to pay for Washington programs that they would not wish on their worst enemy. In too many families, one parent works to put food on the table and the other parent works to pay for the Washington bureaucracy.

The Government is too big. It spends too much. Americans get it. Americans have to balance their own budgets. They have to balance their own checkbooks. The Government should do the same. And the Government should do it the same way that American families do it—by controlling spending.

The current tax system is a mess, it is too complicated, it is antigrowth, and it discourages additional investment in America. The American taxpayer rightfully deserves a system that is simple. The American taxpayer deserves a system that provides certainty. The American taxpayer deserves a system that encourages success and innovation, and the American taxpayer deserves a system that is based on what is in their best interests and not the best interests of Government.

Have you ever wondered why tax day is April 15 and not, say, 6 months later, October 15? Imagine, if you will, if tax day were right before election day. Then the voices of the taxpayers would register loudly and clearly. Maybe this is the solution necessary to ensure that people, not the Government, come first because, after all, the money belongs to the people, the hard-working people of Wyoming and every other State in this country, not to the Government. It is the people's money; it is not the Government's money.

The American taxpayer deserves better, the American taxpayer deserves tax simplification, the American taxpayer deserves tax relief, and the American taxpayer deserves action.

Change the system? Well, it is not an easy undertaking but a necessary one. Four criteria are necessary to make the effective change. It must be fair so people pay their fair share. It must be simple so people can quickly file their own returns. It must be uniform. No matter who you are, the system must be applied equally to every taxpayer. And, No. 4, it must be consistent. Changing the system every year is not good for the economy and is not good for taxpayers.

During his floor speech on April 15, 1988, 20 years ago today, Wyoming Senator Malcolm Wallop said that his vote against the tax reform conference report, as he said, "was one of the best things I have done since I have been in the Senate." He was right on target. His words have survived the test of time. Let us hope that 20 more years—20 more years—do not pass before we get it right.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, how much more time remains for business on our side?

The ACTING PRESIDENT pro tempore. Fourteen and a half minutes.

Mr. CORNYN. I thank the Chair.

Mr. President, recently, I noted a story in the Wall Street Journal that preceded the primary date of March 4 in Texas, and Ohio as well. Not to pick on our friends in Ohio by any means, but I was interested to see the story discussed of why it is jobs and people were leaving Ohio and why people were moving to Texas. We have had 3 million people move to Texas since 2000.

Basically, the journalist said it boiled down to three things: He said, No. 1, Texas is a State that believes in free trade. We believe NAFTA, the North American Free Trade Agreement, has actually increased jobs in our State and in the United States by creating jobs for those goods that are manufactured here and then sold in Canada and Mexico.

No. 2, the article pointed out Texas is a right-to-work State. In other words, you don't have to join a labor union in order to get a job. You can if you want to, but you are not required to do so as a condition of employment.

No. 3, this article pointed out Texas did not have a State income tax, and I assure you we never will. The people in my State like government as small as possible. They like to keep taxes low, and they realize the decisions we have made in our State have made it a conducive environment for job creators to move to our State to create opportunity for people to move there, to get a job, to raise their family, and to seek to achieve their dreams.

Today, we are talking about tax day for the Federal taxpayer, and I think we ought to learn something from the lessons we have found demonstrated in places such as Texas, where we have kept taxes low. Having lower tax rates is perhaps the best stimulus package you could ever pass. We have passed a couple stimulus packages so far this year. First, the bipartisan package, which will result in a check being written to many taxpayers that they will receive in the next few weeks, and then we also passed a housing bill last week. But I submit the best stimulus we could pass is by keeping taxes low.

This first chart I have demonstrates an uncomfortable fact, and that is the American taxpayer has to work until April 23 of this year in order to pay their taxes. In other words, here we are on April 15, and taxpayers still have another few days, another week or so to work to pay their tax bill before they can begin to work for themselves and for their families and for their small business.

This is another revealing chart, I think, because it points out how many days of the year an individual works, or the average taxpayer works, to pay for essentials such as housing, which is very much a part of our agenda recently because of the housing crunch; health care, health care costs are a significant portion of every family's budget, and the average taxpayer works 50 days a year to pay for their health care; food, equating to 35 days; and transportation, 29 days. As you can see, to pay Federal taxes, an individual has to work 74 days; to pay the State, local, and other taxes, it is another 39 days.

Particularly at a time when the economy is not doing as well as we would like, Congress seems to be acting inconsistently, first of all, in passing a stimulus package which is sending checks to taxpayers because we are worried taxpayers don't have enough money to spend to help stimulate the economy. Yet at the same time, both the House of Representatives and this body passed a budget that raises taxes, imposing almost $2,400 more in taxes onto my constituents in Texas.

Now, it may not seem like a lot of money to some here in Washington, but I can assure you that to many of my constituents, this is real money and money they would prefer to have to invest in their businesses and spend according to their own desires rather than to have Uncle Sam tap them for an additional $2,400.

I would also note this has an antistimulus effect—raising taxes—and is inconsistent with what we are doing with regard to trying to get more money in the hands of the American people to help us boost and stimulate the economy. To turn around and impose an additional almost $2,400 per person in taxes is inconsistent, to say the least, and is antistimulus.

The Heritage Foundation has estimated that if in fact this tax increase goes into effect—the one contemplated by the 2009 budget—more than 70,000 Texans will likely lose their jobs because the budget assumes higher taxes, which will harm job creation and reduce economic output.

I know there is a lot of revisionist history in Washington about what the last 5 or 6 years has been like in terms of the economy, but the fact of the matter is the economy has been very good, by and large. At least 8 million constituents of mine in Texas benefitted from the tax relief we have passed since 2001. I would note, roughly, that same number of new jobs was created across the country—roughly 9 million new jobs—since the tax relief we passed in 2003. In 2007, at least 6.9 million Texans benefitted from the new low 10-percent tax bracket created back in 2001, and more than 2 million Texas families used the $1,000 child tax credit, all of which are timed to expire in 2011, unless Congress acts to make that tax relief permanent.

If there is one thing we could do that would have the surest impact of bolstering the economy, giving people more money to spend as they see fit, it would be to make the tax relief permanent—the relief that was made temporary back in 2001 and 2003. The dividends and the capital gains reductions we passed in 2003 will also expire as well. These, of course, most often impact people when they buy and sell things they own—when they buy stock in their retirement plans, the dividends tax relief in particular. We are going to see that increase dramatically, unless Congress acts to stop the antistimulative effect I mentioned a moment ago.

Today, of course, as I said, is an important day for every American, but it is certainly not a day for celebrating. This is not a holiday for most Americans. Today is a day of observance that is mandated by the Federal Government and an observance which is universally dreaded by the American people—tax day. One of the biggest reasons people hate tax day is because it reminds them of the complex, incomprehensible system through which a faraway agency, known as the Internal Revenue Service, sends them a pile of forms they have to navigate to figure out how much they owe the Federal Government.

They may ask: Do I get a W-2 or a W-4? Can I fill out the 1040EZ or should I get the schedule D form? Do I fill out the 1099 miscellaneous and the 1099 dividend form? What is form 5498 for or 1065 or 4562?

Well, you get my point, hopefully. Our tax laws continue to proliferate and become increasingly complex and increasingly incomprehensible to most Americans. That is why so much money is spent by average Americans getting someone else to help them figure out how to comply with the law. The only thing going down is our comprehension and our understanding of the tax system; all other costs associated with this unnecessarily complex and impenetrable system are going up.

Families and entrepreneurs, as I said, spend a lot of money—billions of dollars—and thousands of hours each year trying to figure out how to do the right thing and how to comply with the Internal Revenue Code. In fact, they will spend more than 6 billion hours complying with the Federal income Tax Code, with an estimated compliance cost of more than $265 billion. This has more than doubled since the mid-1990s. Estimates are it will continue to increase at an even faster rate.

Every year, the National Taxpayer Advocate highlights this complexity in one way or another as one of the top 10 problems taxpayers face. We know the Tax Code is full of special interest loopholes and that with each year the American taxpayer spends more and more time and more and more money to try to figure out how to comply with its burdensome provisions. Taxpayers, as I indicate, are working longer each year to pay for Government—a total of 113 days this year. I think most American taxpayers, if you asked them the question: Do you like the system as it exists now or would you like tax reform, something simpler, flatter or fairer? they would say: Whatever our Tax Code, whether it be a flat tax, a sales tax or an income tax, it should be based on three fundamental ideas: simplicity, fairness, and transparency.

I have to tell you our Tax Code does not, as currently written, meet any of those three requirements—of simplicity, fairness or transparency. I think these simple standards ought to guide us in reforming and simplifying the income tax code. I have heard several proposals made in the last couple days. Senator WYDEN, from Oregon, has talked about a flat tax he has proposed. Senator ALEXANDER, from Tennessee, likewise has proposed a tax return you could fill out in one page. Wouldn't that be great, to have a single page, something so easy to understand you could send in a single sheet of paper and know you have complied with your obligations to pay and report your income taxes due?

While comprehensive tax reform may not be right around the corner, the last thing we should do is to raise taxes on families and entrepreneurs by letting the tax relief passed by Congress in 2001 and 2003 expire. I have already talked about the budget and its impact on people in my State, but the budget passed last month would now require 27 million small businesses all across the country to owe an additional $4,100. That is, if, in fact, the revenue projections in that budget are kept, 43 million families will owe an extra $2,300 each, and 18 million seniors will each owe an additional $2,200.

Amazingly, these tax hikes and increased Federal spending come weeks, as I pointed out, after Congress actually voted to send money back to the taxpayers in order to get them to spend it so it would stimulate the economy. We did this at the same time we are raising taxes and basically taking that same money away and more. If we agree that putting more money in the pockets of the American people is the best way to stimulate the economy, why are we still looking to take more money from them during tax season?

One of the most effective tools for combating this and wasteful spending, in general, is more information, and I think a proposal I made yesterday, which I would talk like to talk briefly about, will actually help us hold the Federal Government more accountable for the money it spends and give the American taxpayers more information so they can make sure their voice is heard when it comes to tax policy and how much money we take out of their pockets in order to fund the Federal Government.

Yesterday, I introduced a bill called the Federal Spending and Taxpayer Accessibility Act of 2008. This bill creates an online earmark tracking system taxpayers can use free of charge to search for earmarks by recipient, appropriations bill, State, and Member in real time during the appropriations process. This legislation also directs the IRS to provide each taxpayer with a concise and easy-to-read personal record of the amount of taxes they have already paid, as well as a projection of the taxes they will owe into the future, up until the time they retire. If this sounds familiar, that is because the Social Security Administration sends a similar statement of Social Security taxes paid and how much you can expect, upon retirement, to receive in benefits. I think it can play an important role when taxpayers are planning their future, to provide them with a better idea of how much they will owe in the future so they can take that into account.

These statements would provide taxpayers with a reminder of how much our Government is spending and give them even more reason to keep track of how their money is spent, along with the political accountability that would flow from that. This legislation would also build on the Federal Funding Accountability and Transparency Act of 2006, which created a one-stop, searchable Web site for all Federal contracts and grants. This legislation would expand the Web site by including the expenditures of all Federal agencies, including salaries, rent, supplies, and transportation. I know not every American is going to be interested in that level of detail, but I think it is important it be made available to everyone who is interested and particularly for the press who can report on it and let the American people know what the facts are.

On this tax day, I urge our colleagues in the Senate to take a new stand against growing Government, growing spending, and growing taxes.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

DELAYING TACTICS IN THE SENATE

Mr. DURBIN. Mr. President, I am going to yield to the majority leader when he comes to the floor, which could be momentarily. But I would like to, if I may, in morning business, address an issue which I think goes to the heart and soul of what the Senate is all about. One hundred men and women come together in this Senate, two from each State, to be part of a rich tradition in the history of this country, part of a national debate about the issues that are timely and important. It is an opportunity for the American people, through us, to have a voice and actually speak to these issues.

Unfortunately, time and again, this voice has been silenced, delayed by tactics from the minority side of the aisle.

I see the majority leader is here. I am going to yield to him at this point. I know he wanted to make the opening statement in morning business.

I yield to the majority leader.

FILIBUSTERS AND DELAYS IN THE SENATE

Mr. REID. Mr. President, I extend my appreciation to my good friend, the senior Senator from the State of Illinois.

Today is April 15. It is a big, red-letter day for people because it is the last day to file your income tax returns. As we send in our taxes—and some, as will happen tonight, will wait in line to file their tax returns—it is a good time to give thought to the economic state of our families and our economy, generally.

Since President Bush took office, the cost of gasoline has gone up more than 100 percent, more than doubled. The cost of home heating has skyrocketed. The price we pay for groceries has never been higher.

The head of the World Bank said, 3 days ago, that 31 countries will be in desperate need of food within a matter of months, and there could be riots in those countries. We are very fortunate in America, we don't have a shortage of food. But people are having trouble paying for the food they would like to eat. The same is true for health care, for prescription drugs—for college tuition. At the University of Nevada, we have a new law school. I was happy to see in the latest rankings it came out ranked 78th—a new law school ranked 78th in the Nation. That is remarkable. They have done such a good job.

But they also announced they are going to double the tuition at that new small law school—double the tuition. The cost of going to State institutions is going up. Why? Because the economies of our States are so desperately bad. In the State of Nevada, because of the downturn in the economy, the Governor, with the State legislature, has had to cut almost $1 billion in programs that are there in the State—road construction, new buildings, new programs—and cutting some of the old programs. Of course, they have a program to let prisoners out of our prisons more quickly, not because it is good for the people of the State of Nevada but because they are desperate for money.

We are paying record prices for nearly everything. Yet the average household income has dropped. American families are earning less and paying more. The Republican answer, for 7 years, has been to slash taxes for the ultrawealthy, to side with big business, oil companies, utility companies, and let the little guy fend for himself.

We have worked hard, as the Democratic Party—first in the minority, now in the majority—to cut taxes for the middle class, to end the dependence on oil that keeps our gas and heating bills sky high, to make health care and college tuition more affordable for families. We have now tried for days to quickly pass a highway bill that takes care of some of the problems we had in the massive bill we had before. There are corrections we would like to make on that. Last Thursday evening, the distinguished assistant leader was on the floor, as was the assistant leader for the Republicans. We talked about: Why are we having another filibuster on this? My friend, the junior Senator from Arizona, said: Oh, there will be no filibuster on this, everything is going fine—words to that effect. We had to vote last night to invoke cloture, and rather than being able to legislate on the bill, we are talking on the bill, stalling, wasting time.

We could have started on this legislation Thursday night. We could have legislated all day yesterday and all day today. But, no, we are not going to be able to do that. We are going to use the full 30 hours.

This is a number—it is probably higher than this, but let's assume this is right. The last time we came out and said there were 70-plus filibusters, they came out and said: Oh, no, not that many, not that many. So say 65, for purposes of this discussion.

In the history of this country previously—and I am going to use leader time, not morning business time, Mr. President, during my presentation.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. REID. Mr. President, in the entire history of the country, no matter what has been going on in this country—and we have been through some difficult times—the most filibusters we ever had were 61 or 62 during a 2-year period of time, during an entire Congress. But now, in the first year of this Congress, they broke that record—stalling, slowing things down so we cannot legislate the people's business. That is because they are protecting the status quo.

Can you imagine filibustering a bill that is correcting technical mistakes made by the two Houses in passing this legislation previously? They are filibustering that—commas, semicolons, dotting an "i," crossing a "t," that is what we are doing, that is what this legislation is all about, technical corrections—supported by the ranking member, Senator INHOFE, and the chairman, Senator BOXER. They are filibustering this, making us use all the time.

Some may ask why they are doing this. The main reason is they are protecting the status quo. Time after time, Republicans seemed intent on obstruction only for obstruction's sake. They pursued this course on legislative matters large and small. It doesn't have to be, as they have done many times, stopping us from moving forward on matters relating to Iraq—many times. Let's consider that a big issue. But let's consider what we are doing today a small issue—technical corrections on a bill.

Look what is going on in the country today. Look what is going on in the world today. We listen to the news or find it in the newspaper. Today in Iraq—scores of people killed in Iraq. Bombs here, bombs there, two American soldiers killed in Iraq yesterday. We have learned 2.7 million people are displaced in Iraq. That is Iraqis. The population is only 25 million people to begin with and 2.7 million of them are wandering around trying to find a place to live in Iraq. About 3 million have left the country. They have blocked us from doing anything about that.

We had General Petraeus talk about what is going on in Iraq. He didn't answer the question: Are we any safer now than we were before this Iraq war started, before the surge started? No answer to that. When are we going to get our troops home? No answer to that. They have even gone forward on tactics delaying matters on legislation they ultimately came to support—stalling for time.

The most unfortunate aspect of Republican strategy is real people suffer because of it. Why do I say that? There are a lot of things we need to do as a country. We have, now, a big merger that took place making big business even bigger. Delta Airlines has joined with Northwest. They will have 75,000 or 80,000 employees. Now there is talk of United joining with other companies. We have heard Southwest Airlines—they were flying airplanes that were in bad shape, but they did it anyway.

We have learned in recent weeks the Federal Aviation Agency is protecting the airlines and not the consumer. We have a bill we need to do, FAA reauthorization. We need to do that bill. We would like to bring up that bill, but we cannot because we are being stalled on a technical corrections bill—only stalling for time.

Veterans health care—Senator AKAKA has asked for months: Why can't I bring up my bill? Every time, I say to him: Senator AKAKA, we are doing our best, but they stalled us on this and they stalled us on that. That is something we want to do this work period, as we do the FAA legislation.

There is an important piece of legislation—genetic nondiscrimination. A lot of things are happening in medicine. We have the ability to look at people and find out what their genes are going to forecast for the future. But we don't want, as a result of advances in medical care and treatment in this regard, to have someone who may be prone to getting some disease 10 or 15 years from now be discriminated against in the workplace. This is an important piece of legislation, and it is being held up; we can't get to that.

Flood insurance—we want to be able to do this. It is important to the American people. We hear a lot about the Federal Emergency Management Agency. What they deal with more than anything else—more than earthquakes, tornadoes, fires—is floods. Flooding is the most devastating natural disaster we have every year in America, and we want to do something to have the flood insurance program in this country mean something. We saw the never-ending litigation in Louisiana and Mississippi and Alabama as a result of Katrina. One of the reasons for that litigation is the legislation was not clear. It was not good legislation. We need to change that.

Food safety? My friend from Illinois has been working for a long time to do something about food safety—what can we do to make it better, so that when you go to a fast-food restaurant, you don't get salmonella; if you get a steak, it is OK. Has it been inspected? We have not been able to legislate in that regard.

It is disheartening to recognize and realize what we are not able to do, as a result of the Republicans wanting to maintain the status quo. Why can't we go through this piece of legislation, let Senator BOXER move forward on completing it, and then go to one of the other matters. There are a lot of other matters we need go to. I have only mentioned a few of them.

When I go home, people ask: Why aren't you getting more done? I tell them the Republicans are stalling, they want the status quo. Here is a perfect illustration, I say to my friends who have asked that question. Why are we being asked to waste valuable Senate time—that is all we have is time—valuable Senate time on something that is so unnecessary. We are waiting here. We came in at 10. The Republicans say we can't go to the bill; they want to go to their caucus and discuss what they want to do on the technical corrections bill.

I hope that my friends on the other side of the aisle, the Republicans, would let us start legislating. After we passed the stimulus bill for housing, I thought we could enter into a program where we would start doing that. I do not know what they could talk about in their caucus about how difficult this particular technical corrections bill is. I said we are not going to fill the tree, which means they can offer amendments. Let them offer amendments. We invite them to offer amendments. But let's move forward on this legislation.

The Republican filibusters of this Congress, 65, is recordbreaking. They should be proud of that. We invoked cloture on more than 65 of those issues. We are still counting. Today is one of those counts that continue. I am very disappointed that we are being stalled again on something as insignificant as a technical corrections bill on highways.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, will you alert me when I have spoken 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. DURBIN. A filibuster is a way to stop the Senate from acting. A filibuster is an effort to make sure the Senate does nothing. You saw the movie with Jimmy Stewart, "Mr. Smith Goes to Washington." He took to the floor as a freshman Senator and stood there speaking in a filibuster until he collapsed in physical exhaustion.

Well, it does not quite happen that way anymore. What happens, of course, is someone says: I am going to stop the Senate, and you are going to have to come up with 60 votes to stop me.

Well, Democrats have 51 votes in this current Senate; the Republicans have 49. So anytime we want to move forward with a piece of legislation to which a Republican Senator objects, we need their help to stop a filibuster. They know that.

So their strategy this year has been to slow us down to a crawl so nothing happens and to make sure when something comes up that they think might be a delicate vote for them to face, they start a filibuster. Then we cannot come up with 60 votes, and we move on to something else.

The net result of this filibuster strategy from the Republican side of the aisle is that critically important issues, such as the ones mentioned by the majority leader, cannot be addressed in the Senate. The House passes important and timely legislation and sends it over, and the Republican strategy on this side is to stop anything from happening.

Look at the issues we are facing in this country. The Senator from California is here. She is the chairman of the Environment and Public Works Committee, and this committee is considering critical legislation on the question of global warming. This is important for us as a nation. It is important for our planet. And we know when this critical legislation which has now been reported from her committee comes to the floor, we will face a string of filibusters.

That is part and parcel now of the procedure in the Senate. But you say: Well, wait a minute. That is a big issue. Global warming is a controversial issue with some. You expect some political controversy. Right?

Well, accepting that argument, I then have to ask you: Why were we involved in a filibuster until last night by the Republicans on the bill before us today? This is a technical corrections bill. When we passed the highway bill, the Federal highway bill years ago, it was a huge bill affecting the entire United States of America. Then, as we combed through it, word for word, line for line, page for page, we found there were technicalities that needed to be changed: punctuation, references to a road instead of a trail. You find them in here. They go on for hundreds of pages.

But they are technical in nature; it is not a big policy debate. This kind of bill usually passes in the Congress by a voice vote late at night and no one notices. It is housekeeping. That is ordinarily what we do when we try to catch up and make sure everything is done just right.

Senator BOXER has worked long and hard to bring it out of her committee and bring it to the Senate floor, and the Republicans initiated a filibuster against the technical corrections bill.

That is like having a resolution to salute motherhood and having them initiate a filibuster. Where is the controversy? There is no controversy in this bill. If they want to offer amendments, we said on this side: If they are germane amendments to the bill, have at it. That is what the Senate is all about, after all.

But the Republican strategy of filibusters, as indicated by this chart, in the history of Congress, the minority party has initiated no more than 57 filibusters in any 2-year period of time. That is the record, 57 in 2 years.

So far in this Congress, we are barely a few months into the second year. The minority party, the Republicans, has initiated 65 filibusters, and we are still counting.

You say to yourself: Well, they must have been some pretty controversial issues they had to filibuster. A technical corrections bill? So why do they filibuster? So that we burn the clock and eat up days so we cannot address the issues that are even more important to this country.

Would it not be great for us as a Senate to consider and debate a national energy policy to bring down the price of gasoline in the United States? No way. The Republicans insist on filibustering a bill that focuses on punctuation. Would it not be timely for us to consider the cost of health insurance to businesses and families across America and find a way to make it more affordable and accessible? No way. The Republicans want to debate a bill which changes the word "trail" to "road" and filibuster it.

That is the reality. And time and again when we have brought up issues, the Republicans have initiated a filibuster in this Congress. You cannot read this; I can barely read it. It is a list of the Republican filibusters so far in this Congress, 65 and still counting.

Let me give you a couple of examples, if I can, of the egregious Republican filibusters in this Congress. We had a bill to implement the 9/11 Commission Report to fight terrorism in America—filibustered by the Republicans.

We had a bill authorizing the intelligence agencies to make America safer—filibustered by the Republicans.

We had a bill for court security so that judges and their families would be safe when they are at work or at home—filibustered by the Republicans.

We had a water resources bill to deal with the infrastructure of America and create good-paying jobs right here at home—filibustered by the Republicans.

The Clean Energy Act, an effort to use renewable, sustainable energy to reduce pollution and stimulate the needs of our economy—filibustered by the Republicans.

The CHIP reauthorization bill, a bill for health insurance for poor children across America, not poor enough to qualify for Medicaid, not lucky enough to have health insurance—filibustered by the Republicans.

The economic stimulus package to get this country out of the recession and moving—filibustered by the Republicans.

A Consumer Products Safety Commission overall to stop toys with lead-based paint from coming into this country from China—filibustered by the Republicans.

GOP used to stand for Grand Old Party. That is what the Republicans called their party, the Grand Old Party. But when it comes to the Republicans in the Senate, GOP stands for "Graveyard of Progress." They want to stop this Senate from making any progress on critical issues for this country. They want to run out the clock by filibustering a technical corrections bill.

There is only one remedy for this. It comes in November. The American people will have a chance to speak then. They can initiate a filibuster which the Republicans will hear. They can speak long and loudly and clearly that it is time for change in this Senate. The old ways of Washington dominated by special interest groups really hidebound to the partisanship that will not even let us bring up these technical correction issues has to change.

Voters in this country have the last word in November to elect agents of change, people who will make a difference for improving this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask that you notify me when I have gone 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

Mr. SCHUMER. Mr. President, I, too, rise in strong support of the transportation technical corrections bill. First, I commend my friend and colleague, Senator BOXER, on her hard work and leadership in putting in these corrections.

I thank Leader REID for his determination to get this act through the body. Yet it seems our colleagues across the aisle will stop at nothing to obstruct our efforts which will improve the lives of working Americans who struggle to make ends meet and filibuster a comma, filibuster an exclamation point, filibuster the name change of a road to a way.

What is going on here? What is going on? Well, I have two points I would like to make. But first I ask my colleagues across the aisle, is there any topic that you will not filibuster? If you will filibuster a technical corrections bill, name changes, punctuation changes, corrections in terms of where the miles were supposed to be and where they are, what will you not filibuster?

Now, let's talk about two things. First, this bill is a win-win for the American people. We are entering a recession. We all know we need to prime the pump. Many of us believe we should have a large public works spending program. But the question is, Should we pay for it or should we not?

But in the SAFETEA-LU bill, this technical corrections bill, the money is already allocated. It cannot be spent because of some nonpolitical small error in the drafting. So this bill makes those corrections and hundreds of projects can sally forth and employ people with no particular cost to the Federal Government. Who could object to that? Do my colleagues want to tell the construction workers and those who have little diners and lunch places and restaurants where construction workers eat, and those who supply the construction industry: Heck with all of you, we are filibustering.

So on the merits it makes no sense to block this bill—on the merits. I have to say this to our minority leader: I know there are probably Members on his side who say: I want something else. I do not want to let this bill go through. There is a larger obligation. If we let every single Member of the other side of the aisle paralyze this body, then we are doing America a disservice.

I would plead with the minority leader to tell his individual Members: You do not have—each one of you does not have veto power over anything, particularly something as trivial as this.

So why is this happening? That is the second point I wanted to address. I will tell you why. The other side is basically paralyzed. They have no program for America. They have no agenda for America. They do not know what to say except the old nostrums that were rejected years and years and years ago. They cannot say yes and so they try to show some kind of position. They just say no. That is what is going on here. It is the internal problem on the other side of the aisle, the hard right versus the right, versus the mainstream versus the moderates. They are all in a knot, and they cannot come to an agreement on anything, even a technical corrections bill that everyone has agreed to on the substance.

So the only thing that can unify them is a two-letter word: N-o.

Well, let me say that to allow any single Member to obstruct this bill is not living up to what the Senate is all about. It is not living up to what America is all about. It is not living up to what democracy is all about. Our leader has not said you cannot amend. Our leader has not said you cannot debate. I know there are a few Members on the other side of the aisle who believe there may be changes made. Let them debate it and let's vote.

But, no, the answer is only no. It has not been only on this bill. My friend and colleague from Illinois went through a long list of bills that are even more consequential than this one.

Now, this one is not inconsequential. The changes are inconsequential, but the results are consequential. Again, it will employ thousands of people and release millions of dollars that have already been paid for to do worthy projects.

That, nobody disputes. But instead we have 65 filibusters already; 57 is the record—65 and going up. The filibuster used to be used on issues of major importance. It is now being used for everything, even the changing of punctuation and spelling, misspellings. Why? Because the only thing that unifies the other side is the word "no."

Well, the American people, come November 2008, are going to say "no" to the other side.

They are going to say: No more of this obstruction. We are going to give our side the number of votes we need to move forward, because 50 votes is not enough. Sixty is the need. This temporary refuge in the word "no" of a false unity will only be temporary.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor, along with the majority leader and my colleagues, to express our extreme frustration with what the minority, the Republicans are doing to block basic bills from getting through the Senate. We are trying to move to debate and offer amendments on a basic bill that needs to be done, called a technical corrections bill for transportation projects, changing minor things in the law so it can move forward. Normally this bill is done late at night; everyone agrees to it; there is no objection; it moves on; it takes only a few hours of time. It has gone through a lot of work in committee, which Senator BOXER chairs. They have done all their homework. It has passed on a bipartisan basis, and it was approved by the Senate late last night as a procedural move. But we are here today, spending hours and hours with no ability to move forward, no ability to offer amendments, no ability to pass it, because the Republican minority has decided to filibuster this bill.

I go home every week, 2,500 miles away from here to the State of Washington. People come up to me and say: What are we going to do about the rising cost of health care? What are we going to do about the fact that fewer and fewer doctors are seeing seniors going into Medicare? What are we going to do about veterans waiting in line to get the care they have been promised? What are we going to do about the housing crisis? What are we going to do about Iraq and the President's request for $109 billion more? In Washington, Boeing workers come up to me and say: What are we going to do about a procurement process that has allowed our military to send $40 billion to a European-owned company, our tax dollars, at a time when our economy is struggling, to a European-owned company to start producing the backbone of our military, our air tankers? What are we going to do about that?

These are issues that we as Democrats want to bring to the floor and have major debates on, move legislation forward. They will take time. There is disagreement. Growing up in Washington State, when somebody said there is a filibuster, I assumed it was a major argument of the day. We would rush to find out what it was about and see which Senators were arguing which way and wonder in what direction this would change our country in the future.

We are a long way from that today. The filibuster is now being used as a delaying tactic so we won't get to those critical pieces of legislation, those critical debates we ought to be having in the Senate.

Republicans have engaged in an historic, record-setting level of obstruction over the last 14 months. They haven't filibustered the bills themselves, but they have filibustered motions to proceed to basic bills that we need to pass to keep Government running. They have delayed us from moving forward even after voting in favor of these bills. That is where we find ourselves today. Once again, Republicans have decided to keep us from moving forward simply to delay progress. They don't oppose the legislation. In fact, after filing cloture on the motion to proceed last Thursday and waiting the obligatory 30 hours, last night the Senate voted, and 93 Senators wanted to move this legislation forward. So why are we sitting here today delaying 30 more hours before Senators can even start to offer amendments, if they so choose, so that we can then move the bill to final passage, unless, of course, we have to file a motion to end debate and get to another filibuster of 30 hours, which will take a lot more time.

We have seen this before. It is about delaying. It is about not allowing America to move forward. It is about not allowing progress. The word "filibuster" gets thrown around a lot here. People think of "Mr. Smith Goes to Washington" and the movie appears in their head. That is the most celebrated version of a filibuster. But there are all kinds of filibusters. We have learned that firsthand, because at the core a filibuster is any procedural move to delay the Senate. Any one Senator has the power to delay us. The majority and the minority have the power to talk to Members and say: This is important to enough of us that we need to move past those objections and begin to move this forward. We need to work toward an agreement so we can move forward.

Time and time again we have seen people use delays on motions to proceed, and then the Senate has to wait 30 hours, 30 long hours with people such as me sitting out here talking on the floor on miscellaneous subjects until we can finally get through 30 hours so we can then be on the floor for hours waiting for Senators to offer amendments. That kind of delay has forced this Senate in this Congress for over a year now into weeks and weeks and weeks of wasted time. No wonder the American people think nothing is getting done in Washington. We are seeing delay after delay. Believe me, we are all frustrated that we cannot get to those important topics of the day, to be able to have perhaps a real filibuster on a real issue that is important, that would change the direction of this country. That is what a filibuster ought to be about. But here we have to file cloture on the motion to proceed to basic bills. We have had to file procedural motions on whether to follow the 9/11 Commission recommendations, which then passed 97 to nothing, once we got through all of those hours of waiting around. On the intelligence authorization bill, we had to file a motion to proceed to the bill, had to wait the 30 hours, and then the vote was 94 to 3. So a couple of Senators forced an entire Senate to wait 30 hours and not get anything done. Bill after bill I could list a desire on the part of the minority to delay progress.

What we are seeing is Republicans who are united for obstruction on issue after issue. Month after month, Republicans have put delay before debate, procedure above progress, and obstruction before solutions.

The American people, certainly in my State of Washington, want us to move forward and deal with the issues critical to their families. They are struggling today with the economy. They are worried about their ability to retire. They are worried about being able to send their kids to college. Certainly, our men and women who have gone to fight the war in Iraq are coming home and facing delays. Yet we can't get a veterans bill up on this floor because of the delays we are seeing.

Here we are today, waiting around to vote on a technical corrections bill to a transportation bill that ought to take a few minutes.

It is a sad day in the United States. I hope our colleagues will talk to their leaders and say: We need to move on. It is time to get the business of this country done. That is our job.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, could the Chair tell me what the current state of the parliamentary situation is right now?

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1195, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consideration of Calendar No. 608, a bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am very hopeful we can move this bill. When my kids were a little younger, they used to say: Mom, it is a no-brainer.

This is a no-brainer. This is something we need to do. We passed a very important bill several years ago that funds our highways and our transit. As often happens—because the years pass and the studies take place and you find there were errors in such a big bill that encompasses so many programs—there were certain very important transportation projects, highway projects that got stymied because of a technical problem. We also had one account that was oversubscribed and we need to make some fixes there because that particular account funds research into the state of our bridges, our highways, our transit systems, and we all know with bridges collapsing in America today, we can't short ourselves on the funding. We need to find out exactly what is the state of our fiscal infrastructure.

In a great economy, you can't move people and you can't move goods without a transportation infrastructure. That means roads that are not falling apart, bridges that are not falling apart, transit systems that work. Especially in this time of more awareness of being efficient, energy efficient, all of this works together as we look at global warming and the best ways to combat that.

This is a very simple bill. Why are we standing here without actually voting on a few amendments that we know some of my Republican friends have? It is because there is a move by some Republican Senators to slow us down, slow down our work. My colleagues heard about it previous to my taking the floor today. Several colleagues talked about the unprecedented number of filibusters.

But I have to say on the bright side, this is a bill that Senator INHOFE and I have worked very closely on. We agree on it. It is bipartisan in nature. There are a couple of colleagues who don't like a couple of things in here. We will deal with that. We will deal with it, but let's get moving. It seems a shame to have the Presiding Officer sitting in the chair in front of an empty Chamber while the time clicks away and we can't get anything done on a technical corrections bill.

I might say everyone is quite aware that we are in an economic slowdown. I look at this bill as a little bit of a ministimulus package, because it will unleash about $1 billion for very important projects already approved. It will unleash those funds. For every billion dollars, tens of thousands of new jobs are created in the construction industry. We have a very long list of people supporting us on this bill. Again, I call on my friends and colleagues on the other side of the aisle who for some reason are holding up this bill: Please. We are willing to have votes on your objections in the form of an amendment. We are willing to work with you. We want to get this bill done. The American people need this bill done. There is no reason to get it caught up in other political arguments and questions.

I hope I can come out here in short order with the news that my Republican friends have decided to let us go to the amendment process so we can move forward and complete our work on this bill.

At this point I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRATULATING BOSTON COLLEGE MEN'S ICE HOCKEY TEAM

Mr. KENNEDY. Mr. President, I welcome this opportunity to congratulate Boston College Eagles men's ice hockey team on their Division I National Championship and to offer a Senate resolution with my colleague from Massachusetts, Senator KERRY, to recognize the team's extraordinary accomplishment.

This past Saturday, in Denver, Boston College defeated the University of Notre Dame four goals to one to claim their third national championship and their second since 2001. For the Eagles and their legion of supporters, known as the "Super Fans," this victory marks the culmination of years of hard work in which they reached the Frozen Four's championship game in 3 consecutive years. Junior Nathan Gerbe was named the Frozen Four's Most Outstanding Player.

Led by head coach Jerry York, Nathan Gerbe, captain Mike Brennan, and assistant captains Matt Greene and Dan Bertram, the Eagles compiled an impressive overall record of 24 wins, 11 losses, and 8 ties during the 2007 to 2008 season, which also included Boston College's 14th victory in the historic Beanpot Championship.

With their work ethic and dedication, the Eagles have made the entire Boston College community and all of us in New England proud. We congratulate the entire team, its coaches, and fans.

We also thank Father William P. Leahy, president of Boston College, who has proved that you can foster a collegiate environment in which both academic and athletic excellence are the order of the day. The team deserves great credit for its extraordinary achievement, and I urge my colleagues in the Senate to approve this resolution.

Mr. President, I ask unanimous consent that an article from the Boston Globe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Apr. 14, 2008]

AT BC, A MOMENT TO SAVOR

(By Nancy Marrapese-Burrell)

DENVER.—When Boston College won its NCAA championship in 2001, Bobby Allen was one of the team captains. So it seemed fitting that it was Allen who gave the 2007–08 Eagles a crucial pep talk last week just prior to their departure for the Mile High City and this year's Frozen Four.

In essence, Allen told the players to live in the moment, to revel in the joy of the event and remember that hockey is a labor of love.

The team took that message to heart. After beating Notre Dame, 4–1, in the title game Saturday night at the Pepsi Center, the seniors in particular felt the weight of the world lifted off their shoulders. They were the ones who most acutely realized it was their last chance after two consecutive failed attempts at the crown. Senior center Dan Bertram said they were determined it wasn't going to elude them a third time.

"I think [the experience factor] helped us a lot," said Bertram. "I know with our senior class here, we were all pretty tight. We didn't know exactly what the feeling was like to be on the other side and we sure as heck didn't want to have that this year. Everyone else really saw the passion from our captain [Mike Brennan] all the way down and you can't say enough about just this feeling and the achievement."

When Allen and his teammates were celebrating their victory, John Muse was only 12 years old. The Falmouth native, who backstopped the Eagles in all 44 games this season, allowed only two goals in the Frozen Four, one each to North Dakota and Notre Dame.

"He's been unbelievable," said Bertram. "I think everyone is going to know who John Muse is now. We're so proud of him and we had so much confidence in him. That's a hard thing, to come in as a freshman, and the whole year he has played solid, consistent hockey. The way he played in the Frozen Four is unbelievable. These guys are lucky to have him for another three years."

While Muse was keeping out goals in his end, neither the Fighting Sioux nor the Fighting Irish could do a thing about junior left wing Nathan Gerbe, who tallied 4 points in each game (five goals, three assists) on the way to being named the tournament's most outstanding player. It's as if Gerbe was playing on an entirely different stage than anyone else. All they could do was watch.

"In our eyes, he's the best player in the country," said Bertram. "To show up in the biggest games, I think that's the best [praise] someone can give you. He's a big-game player. To lead this team and score those big goals, he's going to be a great player at the national level, too, but it's just so nice to experience and play with him here and just see that talent first-hand. He's a game-breaker and if you give him some chances and loosen up a little bit, he's going to make you pay. The last two games, he was unbelievable."

The seniors provided strong leadership throughout the season, which was not always very smooth. There were winless streaks, injuries, and player dismissals. But the steady upperclassmen helped right the ship for the stretch run and none allowed themselves to get too excited until practically the final seconds ticked off the clock.

"I wasn't exhaling until I looked up with six seconds left and said, 'All right, I don't think they can score three goals with six seconds left,'" said Bertram. "It's almost surreal when you're sitting there and kind of watching the clock go down, 30 seconds at a time. I guess when it got to 1:30 [left] and I'm thinking, 'This is really in out of reach now.' Six seconds was the only time I was like, 'OK, start enjoying it a little bit.'"

Senior Matt Greene said in his 22 years of living, the feeling of accomplishment is unmatched.

"I can't say this is the best feeling I'll ever feel, but this certainly is the highlight of my life so far," he said.

Greene acknowledged, however, it hadn't quite hit him that although the seniors went out on the ultimate high, his collegiate career is over.

"I've got a couple more weeks to stick around the BC campus," said Greene. "It's the last time I'll stare across and give [Andrew] Orpik a wink or maybe throw a tape ball at [Brian Gibbons] or maybe a little bit of ice at [Kyle Kucharski]. That's all a part of being a team.

"Hockey is a special sport because you grow in relationships more than I think in any other sport. We deeply mean what we say and it's going to hit me for sure."

Bertram said as devastated as they were to lose in the two title games prior to this one, that's how incredible the feeling is to win.

"You never want to lose," said Bertram. "It's nice as senior, you're remembered for your last game. There is no better feeling than leaving Boston College, which has been so good to us, on top and winning. It's something I'll never forget and it's something forever I will be proud of."

The Eagles will hold an autograph session at Conte Forum at 5:30 this afternoon, followed by a victory celebration at 6:15 p.m.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 514 submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 514) congratulating the Boston College men's ice hockey team on winning the 2008 National Collegiate Athletic Association Division I National Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to consider be laid upon the table, and any statements be printed in the RECORD without intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 514) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 514

Whereas, on Saturday, April 12, 2008, the Boston College men's ice hockey team (referred to in this preamble as the "Eagles") won the 2008 National Collegiate Athletic Association (NCAA) Division I National Ice Hockey Championship by defeating the University of Notre Dame men's ice hockey team by the score of 4 to 1 in the final game of the Frozen Four;

Whereas the University of Notre Dame men's ice hockey team deserves great respect for reaching the Frozen Four for the first time in the team's history and then advancing to the National Championship game;

Whereas the victory for Boston College marked the Eagles' third national hockey championship, after the team's first championship win in 1949 and its second championship win in 2001;

Whereas the Eagles earned the number 1 seed in the NCAA hockey tournament with an impressive overall record of 24 wins, 11 losses, and 8 ties during the 2007-2008 season;

Whereas the Eagles were led by junior Nathan Gerbe, the Nation's leading scorer in men's college ice hockey, who came in second for the Hobey Baker Memorial Award, with 35 goals and 32 assists during the season;

Whereas the Eagles have made the National Championship game in each of the past 3 years, demonstrating extraordinary teamwork and dedication;

Whereas the remarkable 2007-2008 season also included a memorable victory for the Eagles in the historic Beanpot Championship in February 2008, earning Boston College its 14th Beanpot Championship;

Whereas Boston College "Super Fans" traveled great distances all year and gave the Eagles strong support throughout their championship season; and

Whereas Boston College and its student athletes are well known for their commitment to both athletic and academic excellence, ranking sixth nationally among NCAA Division I schools in the graduation rate of student athletes: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston College men's ice hockey team for winning the 2008 National Collegiate Athletic Association Division I National Ice Hockey Championship; and

(B) the players, coaching staff, faculty and staff of the university, student body, and fans whose determination, strong work ethic, drive, and support made the 2007-2008 championship season possible;

(2) congratulates the University of Notre Dame men's ice hockey team for its success in the 2007-2008 season and for reaching the Frozen Four for the first time in the team's history; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Boston College President Father William P. Leahy, S.J.;

(B) Boston College Athletic Director Gene DeFilippo; and

(C) Boston College Head Coach Jerry York.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. this afternoon.

There being no objection, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from California is recognized.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007—MOTION TO PROCEED—Continued

Mrs. BOXER. Mr. President, I am very hopeful that our Republican friends had a good meeting about this SAFETEA-LU technical corrections bill and that they decided to work with us to get this job done. This, as we say, is definitely not rocket science. It is a bill that is going to correct some mistakes we made in this enormous highway transportation bill that was passed several years ago. It is going to make very important corrections so the Department of Transportation can proceed to investigate the status of our highways, our bridges, and our transit systems.

The bottom line is, as we get ready for our next highway bill—and, Mr. President, you are such a key player on our committee. You know this as well as I do. We see bridges collapsing. We need to know the extent of the problems we are facing.

Because of a problem in the bill, the account that we need to fund these investigations and studies is oversubscribed, which is a fancy way of saying we need to figure out another way to complete our work. That is taken care of in this bill.

We need colleagues to help us. We are not adding one dime to the spending on transportation systems and highways. All we are doing is making technical corrections to make sure some of the projects that have been stymied—let's say because the environmental report came in and said we can't do alternative 1, we have to do alternative 2, and alternative 2 was not authorized—will be allowed to move forward.

I did a press conference today with both management and labor of the building trades. The construction workers are hurting out there. We know we are in a recession. This is a mini-economic stimulus bill. We are not suggesting it is a cure-all by any means. It is a small bill, but it will unleash $1 billion across this great Nation of ours. When you unleash $1 billion of spending, what it means is tens of thousands of workers will get jobs. They are doing important projects—fixing bridges, fixing roads, building transit systems—all the good work that makes our Nation work.

I am here. It is about 2:20 in the afternoon. We have been on the floor of the Senate since early Monday. Frankly, this bill could have been done in an hour or two. We are very willing to take the few amendments there are and work with the authors of those amendments. We may have to have just an up-or-down vote because, frankly, we are not going to entertain anything that changes the law. This is just a technical corrections bill. But if there are things we can do to accommodate our colleagues, we are happy to do them.

When I say "we," I not only mean the Democratic members of the committee but the Republican members of the committee. Senator INHOFE has been working very closely with me, and we feel very good about our work together. We managed to get our WRDA bill through, the Water Resources Development Act, in 7 months after it languished 7 years. We can do it on this too. On that we had to override the President's veto. The President sent us a little note that he doesn't love this bill; there is one thing he doesn't like. The fact is, the one thing he doesn't like was signed off on by Republicans and Democrats on the Banking Committee. It has to do with how we prioritize transit projects. The desire of the committee to put this in the bill is a reiteration of SAFETEA-LU. It really doesn't change anything, it just stresses it. The President does not like it, but I am hopeful he is not going to veto. He didn't say he is going to veto. He just said he didn't appreciate the guidance we are giving him. We don't believe it is a veto threat. We believe we can get this to his desk.

Think about how good we will feel to know that people who are hurting can get jobs right now—that is really what it is about right now—and, frankly, companies that are hurting can get contracts.

Again, this is a no brainer, for want of a better term. This is something we should do. We should do it quickly. I stand by ready, willing, and able to get this work done.

I do not see anyone else on the Senate floor wishing to speak. Mr. President, I will be back when I have to be back.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, here we are. It is 2:15, 2:20. The caucus has ended for the Republicans, and there is still no decision on the momentous decision on whether we can legislate on a technical corrections bill. It is too bad that we cannot move forward; we have so much to do in this body to meet the needs of the American people. We need to do something about the reauthorization of the Federal Aviation Agency. We have an equal pay issue we have to deal with. We have a veterans health matter we have to deal with. We have to deal with a long list of legislation, and we are being stopped from doing that today. We were stopped from doing it yesterday. We were stopped from doing it on Thursday.

I want to be spread on the record that this obstructionism of the Republicans has been carried to a fine art. They are doing a great job. They are basically obstructing everything, stalling for time to maintain the status quo. We have had 7-plus years of this administration which has brought this country down, not up. We have an economy that is staggering. We have a housing crisis like we have rarely seen—maybe during the Great Depression but not since then. We have a war that is costing us $5,000 a second, and the Republicans want to maintain the status quo.

The only thing they talk about is let's have the Bush tax cuts go on a little bit longer. Let's do tort reform. It is no longer a serious debate on legislation. It is a serious debate on how to keep attention away from the failed Presidency of George Bush.

We can have a vote at 11:30 tonight, approximately. It takes a majority vote. That is all it takes to move forward on this legislation. Until then we can do nothing. We cannot legislate until the 30 hours is used. In the 65 or 70 filibusters they have conducted in the Senate—my math is not good enough instantaneously to tell you how many hours we have eaten up on days like this just doing nothing, just letting the statutory 30 hours run out—but during that period of time we really can't do anything. They know that. But I believe the American people will recognize in November what has happened in the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask unanimous consent that I speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM

Mr. ALLARD. Mr. President, I rise today to talk about an issue that is very important to the hard-working men and women of our great country; that is, tax reform. I believe the Federal tax burden is excessive and overly intrusive. Reform of the IRS and the current tax system is long overdue.

If our Democratic colleagues have their way, the Tax Code will continue to be excessive and overly intrusive. In recent years it has become abundantly clear to me that we have lost sight of the fact that the fundamental purpose of our tax system is to raise revenues to fund our Government.

In its current application, the U.S. tax system distorts the economic decisions of families, of businesses, leading to an inefficient allocation of resources and hindering economic growth.

Our tax system has become unstable and unpredictable. Frequent changes to the Tax Code have caused volatility that is harmful to the economy and creates additional compliance costs. The tax system was originally intended to be an efficient and simple system designed to raise revenues for our national defense, social programs, and vital Government services. However, the current tax system is now so complex that approximately $150 billion is spent each year by taxpayers and the Federal Government to make sure that taxes are tallied and paid correctly. This is an enormous expense and a waste of resources. At present, the United States has instituted a tax system that thwarts basic economic decisions, punishes wise and productive investments, and rewards those who work less and borrow more.

As it stands, the quagmire that is our existing Tax Code penalizes savings, contributes to the ever-increasing cost of health insurance, and undermines our global competitiveness. More disturbing is the fact that Americans spend more than 3.5 billion hours doing their taxes, which is the equivalent of hiring almost 2 million new IRS employees; more than 20 times the agency's current workforce, I might add.

On average, Americans spend the equivalent of more than half of one work week; that is, 26 hours, on their taxes each year, not to mention the amount of time they work to pay the taxes themselves. At the end of the day, despite our lengthy codified tax law, there is no evidence to suggest that Americans know how much they should be paying in taxes in any given year or why.

Our Tax Code should aspire to be clear and transparent, rather than multifarious and convoluted. Everyone should be able to have a basic understanding of the Tax Code, knowing how and why they are taxed. The Tax Code's constant phase-ins and phase-outs are a nuisance at best and a negative force, at worst, in the daily economic lives of American families and businesses.

Moreover, taxpayers with the same incomes, family situation, and other key characteristics often face different tax burdens. This differing treatment creates a perception of unfairness in the Tax Code and has left many Americans discouraged.

At present, how much or little taxpayers pay in taxes is sometimes dependent on where they happen to live and the choices made by their employers.

In 1986, President Ronald Reagan, a true visionary in this area, signed the Tax Reform Act of 1986 which reduced top marginal individual rates from 50 percent to 28 percent, increased the standard deduction, and reduced the top corporate tax from 50 percent to 34 percent. In doing so, this reform act simplified the Tax Code, broadening the income tax base, allowing for lower marginal rates, and curtailing the use of individual tax shelters.

While the 1986 act was a step in the right direction, unfortunately, it did not produce a long-lasting transformation of our tax system. Today, our tax system bears little resemblance to the simple low-rate system promised by the 1986 reform. This is due to constant tweaking over the years. More than 100 different acts of Congress have made nearly 15,000 changes to the Tax Code.

Public opinion polls indicate that Americans believe taxpayers should not have to pay more than one-fourth of their income to the Government. The current Tax Code hardly reflects this perspective. Depending on the level of income, the amount of deductions, and the type of family, one's income can be taxed at 25 percent, 28 percent, 33 percent, or 35 percent.

I support broad-based tax reform and a simplified tax system. It is my belief that any reform to the current tax system should benefit the middle class. The vast majority of taxpayers are the middle class, and they have borne the burden of the current system.

While I was a member of the Colorado Legislature, we implemented a 5-percent flat tax for Colorado. I believe we should take a similar approach on the Federal level. While I would be willing to consider a flat tax or a sales tax or other plans on the Federal level, it is important that any replacement plan be simple and fair. The replacement system must provide tax relief for working Americans. It must protect the rights of taxpayers and reduce our collection abuse. But most importantly, a new system must eliminate the bias against savings and investment and against economic growth and job creation.

No one can deny that our Tax Code is in dire need of reform. Its complexity, lack of clarity, unfairness, and disproportionate influence on behavior has caused great frustration. Our current Tax Code has been shaped by goals other than simplicity, by intentions other than helping the taxpayer plan ahead, and by objectives other than expanding our economy. Not only has it failed to keep pace with our economy, frequent changes have made it unstable and unpredictable. Years of hodgepodge Government interference and ad hoc meddling have left our Tax Code in shambles. While we cannot change the past, we can learn valuable lessons from the same and remedy our mistakes.

If we do not take steps to immediately simplify and reform the Tax Code, it will become more complex, more unfair, and less conducive to our economy's future growth.

Small reforms are not enough. A total overhaul of the existing system is the only chance we have of righting this wrong and getting our economy and our deficit back on track.

Raising taxes is not an option. Our Democratic colleagues seem to believe that raising taxes or doing nothing about taxes is the best policy. Just last month, Democrats proposed raising taxes on the average American family by $2,300 per year. Earlier this year, Democrats passed a proposal calling for the largest tax hike in history. If Democrats continue down this path of tax increases and a do-nothing tax policy, more and more American families will suffer.

It is important to point out that to do nothing on the Tax Code means a tax increase is going to happen within the next several years. A do-nothing policy on taxes will allow for the expiration of several key tax provisions. It will further the reach of the AMT, the alternative minimum tax. We will see a tax increase of more than $1.2 trillion over the next 10 years.

At a time of economic uncertainty, raising taxes and taking money out of the pockets of the American people should not be the goal of the Congress. We must act now. We have a responsibility to our constituents and the Nation to resolve the predicament the current tax system has put us in. If we do not act sooner rather than later in reforming our tax system, it will continue to become more complex and cumbersome.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I want to take a few minutes to speak on the transportation technical corrections bill, which we will be discussing this week. Later on I will offer a motion to recommit, with some considerations I would like to address now.

A lot of us were part of moving this through Congress. It is an important transportation bill, when roads and bridges are in desperate need of funding for repairs and widening.

There were over 6000 politically directed earmarks in the original highway bill. Now, the corrections bill involves 500 of those earmarks. I thought we should talk about the bill and what this means, as far as transportation in the United States.

First, I want to thank Senators BOXER and INHOFE for all of the work they have done on transparency on this legislation. While I strongly believe we should put an end to the practice of earmarking, if the Senate is going to earmark, it must do it in a transparent manner. I believe the chairwoman and ranking member have set an example for all committees in providing information in a way that people can look at it and debate it. It is all right for us to disagree on whether we like earmarks. In this case, we can do it with full disclosure of what is actually in the bill.

The American people deserve to know how their elected representatives are spending their money, and the way this bill handles earmark disclosure helps us do just that. The Senators from California and Oklahoma have disclosed the sponsor, the recipient, and the purpose of the earmarks in this bill, in addition to letters disclosing that the sponsors have no financial interests in the particular earmark. I was also pleased to see that disclosures were made in a timely manner so we could review them before we began consideration of the legislation. They have gone beyond the requirements of the Senate rules, and I applaud them for their commitment to transparency. I hope the other committees are equally committed to transparency.

My colleagues have suggested on the floor that this bill is needed so States can move forward with planning and construction of authorized projects from the last highway reauthorization bill. As with all large bills, there were typos and other errors in this bill, and the technical corrections bill we are discussing this week was designed to correct those technical errors and problems. I think that is something, obviously, we need oftentimes to do with most of our legislation. But instead of correcting the errors from the last reauthorization bill, the committee decided to rewrite public law and add contract authority as well as add to spending levels for certain projects, essentially adding new earmarks to the bill.

The President's statement of administrative policy regarding this technical corrections bill contains strong language critical of this legislation, and let me quote some from that SAP.

> The administration notes with strong concern that the majority of the bill is devoted to earmarks. The bill modifies hundreds of earmarks from a bill that passed in 2005, effectively creating new earmarks, including a stand-alone section that would provide mandatory funding for magnetically levitating rail. The effort through H.R. 1195 to modify these earmarks from an authorization that passed only three years ago is a further reflection of those inefficiencies. Therefore, the Administration urges that these provisions be removed from the bill.

That is effectively what my motion will address when we offer it later in the week.

Again quoting from the administration's position on this bill:

> The administration urges Congress to restrict the bill to true technical changes. For example, in addition to those noted above, both the Senate-proposed substitute and the underlying bill contain substantive changes to statutory provisions regarding waiver procedures for Buy America requirements that should be removed from the bill because they are not technical corrections. In addition, section 104 of the substitute would repeal section 111(d) of title 23 of the U.S. Code, which allows idling reduction facilities at public rest areas in Interstate rights-of-way. This provision is a policy change, not a technical amendment. Repealing this section of the U.S. Code would eliminate a beneficial initiative first proposed by this administration.

We have heard for the past months, and will continue to hear today, that Members of Congress know what is best in their districts—know better than some unelected Federal bureaucrat. If a Member of Congress knows what is best for their district, then why are we debating a 138-page so-called technical corrections package? I suppose some of these are drafting errors, and I do not deny there should always be room for some error in the legislative process. But page after page of corrections does not speak well for our whole earmarking process.

The 1982 highway bill had only 10 earmarks. That number rose to 538 in 1991, and 1,800 in 1998. The SAFETEA-LU highway authorization bill we are talking about today contained an inexcusable 6,000 earmarks, at a cost of well over $20 billion and now nearly 500 changes in the technical corrections package. A 2007 report by the Department of Transportation Office of Inspector General, requested by Senator TOM COBURN, found that DOT earmarks have increased in number by 1,150 percent from 1996 to 2005—an incredible increase—and, as we can see, a number that has been very difficult for us to manage effectively here in the Congress.

This administration has projected that the highway trust fund will have a negative balance of $3.2 billion by 2009 if we continue on the path of outspending the receipts in this account. So piling on the additional authorization levels to projects in this technical corrections bill will only further deplete the highway account and cause the highway trust fund to be bankrupt sooner than projected.

I know the case has been made that this technical corrections bill does not increase the overall amount, but as we went back through this and found numerous earmarks that were no longer needed or even wanted, instead of moving that money to savings, we moved it to earmarks, and new earmarks, and to add to additional earmarks at a time when we need to be trying to save money to overcome the projected deficit. Congress needs to take a timeout and examine the country's infrastructure priorities instead of relying solely on Members of Congress transportation earmarks.

Of most concern is that many of the earmarks requested and funded in highway authorization bills are neither the most effective nor efficient use of funds. Many of them, such as an earmark for renovating the Apollo Theater, have nothing to do with transportation. Senators and House Members have picked particular projects for funding that they know will result in their gaining political support. They will get more votes in their reelection campaigns for bringing home the bacon, but funding will be redirected from highway projects where it is most needed.

This is why I have proposed this motion to recommit, that will send this bill back to the committee and require that the bill be reported back to the Senate with an amendment that eliminates any provision in the bill that increases spending for earmarks that are contained in the SAFETEA bill. Increasing spending for existing earmarks is simply not a technical correction, and such provisions do not belong in this legislation, that is intended to only correct the technical aspects of the bill.

Here are a few examples of provisions in this bill that are not technical corrections but are actually inserting new earmarks into law or significantly increasing funding for existing earmarks.

Page 18 amends an earmark in current law that provides $800,000 for an intersection project in Pennsylvania by striking the $800,000 designation and increasing the earmark to $2.4 million. That is not a technical correction.

On page 19, we amend an earmark in current law that provides Federal funds for widening two blocks of Poplar Street from Park Avenue to 13th Street in Williamson County, IL, by striking that description and inserting the following new earmark, which is to construct a connector road from Rushing Drive north to Grand Avenue in Williamson County. It is not a technical correction. It is a new project and it is the elimination of another one.

Page 22 amends an earmark in current law that provides $800,000 to widen State Road 80 in Henderson County, FL, by striking the $800,000 figure and inserting $1.6 million. We double the earmark amount.

Page 29 amends an earmark in current law that provides $2.7 million for upgrades to an interchange in Pennsylvania by striking the $2.7 million amount and increasing the earmark to $3.2 million.

Page 35 amend a New York earmark in current law that provides $4 million for Miller Highway improvements by striking the existing earmark and inserting the following new earmark: pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South. This is not a technical correction, and it is one of the reasons we are not rebuilding and improving and maintaining bridges in America, because we are focused on things that are not basic infrastructure.

Pages 63 and 64 amend a New York earmark in current law that provides $500,000 for design and construction of an access road to Plattsburgh International Airport by striking this description and inserting the following new earmark: preparation, demolition, disposal, and site restoration of Alert Facility on Access Road, Plattsburgh International Airport.

So we found we didn't need the money in one area, but we found a new area, instead of saving it, as we apparently need to do to keep the Highway Trust Fund on the path of solvency.

The most glaring example of a nontechnical correction made by this bill is the MAGLEV section, which provides $90 million over 2 years in mandatory spending for a MAGLEV rail project from Nevada to California. Under current law, this project was simply between two cities in Nevada, but this technical corrections bill paves the way for extending this project all the way to California and leaves the Federal Government on the hook for paying the price tag.

How will this project expand Federal spending? Well, first, it jams all the funding into the last 2 years, which increases the baseline from $30 million in 2009 to $45 million. The way we fund things here is based on year-to-year baselines. It turns the funding from an authorization to direct spending. In the original bill, it allows the funding of a project. Now it requires the funding of a project. It extends the Federal project from Primm, NV, to Anaheim, CA, and it involves the Federal Government in a dubious construction project that will create an unwanted transportation mode, the cost of which will likely expand considerably.

Along this same route, a private company has raised billions of dollars to build a high-speed rail corridor from Nevada to California without any taxpayer money. Our role in Government should be to make the private sector work, not to replace it and to compete with it with taxpayer dollars.

In addition to increasing Federal funding, this provision inserts the Government into a business that appears to need no propping up from taxpayers. Press reports indicate that the MAGLEV route is nearly identical, as I mentioned before, to a completely privately financed rail project, which is estimated to cost between $3 billion and $5 billion. This legislation would use taxpayer dollars to fund a government project that is in direct competition with an existing privately funded effort.

The Government does not need to be replacing private sector involvement. In 2005, the Los Angeles Times had this to say about MAGLEV:

> The long-running debate over MAGLEV trains is a battle between faith and reason. They have to rely on faith because there is very little evidence of the practicality of these systems. Only one commercial high-speed MAGLEV train exists, covering a 19-mile stretch from Shanghai to Pudong International Airport. Why spend so much money, especially if it's from taxpayers, when you might get more bang for the buck out of cheaper alternatives? That the Primm line has gotten this far is a tribute to the power and determination of the Senate Majority Leader, who undoubtedly sees MAGLEV as promising a new transportation system for pork.

The Associated Press also reported a few weeks ago that the country of Germany has canceled its initiative to build a MAGLEV link to the Munich airport, citing escalating costs. Germany's transportation minister told reporters that it was "not possible to finance the project" since the cost had more than doubled.

I guess anything is possible when it is taxpayer money, but, clearly, building an unproven experimental project, where private money is already accomplishing the same thing, does not make very much sense. In this transportation bill, not only will this experimental rail provision eventually cost billions in Federal funding and insert the Government into the private market, where it doesn't belong, it would most likely also be bad for consumers. According to my last check on the Internet, the nonstop flights from Los Angeles to Las Vegas are 1 hour 10 minutes and cost only $118 for a round trip. That is $59 each way.

I ask my colleagues how much these MAGLEV trips will cost. Are we absolutely certain it will cost less than $59 each way? If not, why would not consumers fly?

I would hazard a guess here that if we were asking Members of the Senate to invest their own personal money in this project, not one would reach for their wallet. But this is taxpayers' money we are spending on something none of us would do as individuals.

Even the administration has weighed in on this provision stating that the bill modifies hundreds of earmarks from a bill that passed in 2005, effectively creating new earmarks, including a stand-alone section that would provide mandatory funding for magnetic levitating rail. The administration urges these provisions be removed from the bill.

We are not talking about technical corrections. These provisions increase funding for existing earmarks and create new earmarks. Proponents of this legislation will argue that the bill spends no new Federal dollars and, in fact, even saves taxpayers a few million dollars. While that is true, the bill accomplishes this by rescinding funds left in the Treasury that were never used by a few earmarks previously authorized by Congress. However, it is clear to me that this bill is just another way for Congress to create new earmarks, increase spending for existing earmarks without actually appearing to be doing just that.

In addition, by shifting existing funding from one earmark to be used for a completely new earmark, this bill also creates new projects which now rely on the Federal Government to continue their funding in the future. In the long run, this legislation encourages wasteful Washington spending through the broken process of earmarking.

Here is an example of a true technical correction included in this legislation. On page 24 of the bill, there is a provision that would strike the word "country" and insert the word "county" in an earmark for "New County road on Whidbey Island" in Washington State. The current law refers to this road as "New Country Road," which was a mistake, and this bill would correct that error by inserting the word "county." Clearly, this is a true technical correction and represents the spirit of what this bill was intended to accomplish, which is to correct technical errors contained in current law.

Another argument we hear is that earmarking Federal tax dollars is our "constitutional obligation." Our colleague, Dr. Coburn, wrote an excellent article entitled "Founders vs. Pork" addressing this bogus claim. I will not read the article in its entirety, but I commend it to all my colleagues. It contains some excellent quotations which I will share.

Thomas Jefferson, in a 1796 letter to James Madison regarding federally funded local projects, said that "[O]ther revenues will soon be called into their aid, and it will be the source of eternal scramble among the members, who can get the most money wasted in their State; and they will always get the most who are the meanest."

In a 1792 letter to Alexander Hamilton conveying what he believed to be the public's perception of government, George Washington cited worries about the "increase in the mass of the debt," which had "furnished effectual means of corrupting such a portion of the legislature, as turns the balance between the honest voters[.]" Hamilton, who famously clashed with Jefferson and Madison on fiscal matters, responded that "[e]very session the question whether the annual provision should be continued, would be an occasion of pernicious caballing and corrupt bargaining."

The importance of transparency in Government operations was also recognized by Jefferson. In 1808, he wrote:

> The same prudence, which, in private life, would forbid our paying our money for unexplained projects, forbids it in the disposition of public moneys.

As I said before, I doubt very seriously any Member of this Senate would invest their own money in an unproven technology over a route where there is already going to be private competition.

Jefferson also astutely recognized that large amounts of spending would inevitably lead to outside efforts to redirect that money. He wrote in 1801 about the need "to reform the waste of public money, and thus drive away the vultures who prey upon it[.]"

George Washington noted in 1792 that no mischief is "so afflicting and fatal to every honest hope, as the corruption of the legislature."

Congressional approval ratings, as we all know, are now at record lows because taxpayers do not believe we are being honest or open about how we spend their money.

One might argue that earmarking is a simpler system. There is really no meddling by bureaucrats, no cost-benefit analysis, no hearing just a big pie that is sliced up into pieces of varying sizes, with the senior Members getting the biggest slice. But this is no way to run a government or a country.

This bill proves that the so-called simplicity of the system is not all it is cracked up to be. One of the changes in this bill involves removing an earmark that was not even wanted but was secretly put into a bill after the bill had already passed. Now, that is the sort of technical correction we should be passing right now. Why did it take so long to identify an earmark that was not wanted or needed? Fortunately, in this bill, we could remove it. Senator COBURN has an amendment that will force an investigation of this bizarre process by which an earmark finds its way into a bill that already has passed. I look forward to the findings. I encourage my colleagues to support it.

I applaud the committee for providing earmark disclosure, more earmark disclosure than we have seen out of most committees. Senators BOXER and INHOFE are to be commended for their effort they have made to comply with the letter and the spirit of the law. As I said, I hope all the committees will follow example. However, this bill does not have a committee report. In that sense, Senators have been denied the tools we customarily rely on to decipher massive catchall bills such as this. For example, without the "changes in existing Law" document, which is contained in all committee reports, we are theoretically supposed to go through each earmark and try to figure out what it is amending. Since it is almost certain that few Members will actually do this beyond projects they inserted in the bill personally, the bill is largely a series of meaningless paragraphs. For example, section 105 of the bill is 63 pages containing 386 earmarks. These earmarks contain such illuminating descriptions as "In item number 753 by striking $2,700,000 and inserting $3,200,000." That is all we know unless we go back to the original bill to figure it out. The earmark description for this one simply says it is from BILL SHUSTER and gives the SAFETEA-LU section it amends. Even with the list of earmark descriptions, one has no idea what this amendment does without going to the underlying bill. When you look at the law, you see that it has to do with "Widening of Rt. 22 and SR 26 in Huntingdon. Upgrades to the interchange at U.S. Rt. 22 and SR 26." I still have no idea why this project needs a $500,000 plus-up, but at least I have a general idea what the project is. But, again, I do not expect that any of my colleagues actually looked up this earmark.

This bill highlights the fact that this is a terrible way to write legislation, where we all decide the different projects we want and force them in a single bill. This bill demonstrates to me and the American people that earmarking is out of control and that the process is inefficient.

We are spending time on the Senate floor to pass 138 pages of "fixes" to mistakes and errors relating to existing earmarks. I say to my colleagues, we have much more pressing needs that deserve our time and attention, such as providing health insurance to the millions of uninsured across this Nation, making health care more affordable, and passing the FISA reauthorization bill to protect our homeland. Instead, we are spending precious time fixing earmarks—hardly a high priority with taxpayers who are disgusted with the way their hard-earned tax dollars are being wasted now.

I urge my colleagues to support this amendment. Again, it does not strike any earmarks that are in law. It allows all the technical corrections that are included in this bill, but it simply says we would eliminate any new earmarks in this bill and any increases in existing earmarks. I think that is what a technical corrections bill should be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I intend to speak for a few minutes on behalf of the committee in response to the comments made by the Senator from South Carolina. I ask unanimous consent that the Senator from Georgia then be recognized for up to 5 minutes to talk as in morning business and then followed by the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I first thank my colleague from South Carolina for acknowledging that the process that was used on this technical corrections bill was a very open process, one in which all the changes were open for public review and scrutiny, well identified, and a process in which any Member or any person could evaluate the merits or demerits of what we were attempting to do.

Second, let me point out that this is a technical corrections bill—and I am going to respond to one of the projects specifically that the Senator from South Carolina has talked about—but that it is a normal process when we pass a large bill to go through a technical corrections process in order to correct mistakes that were made or clarify or, as priorities change, to deal with the regions to make sure the Federal programs are properly targeted to the needs. This is a technical corrections bill.

Third, let me point out that the regions have come to us to ask for clarifications or modifications of projects within the area, not increasing the costs. I thank the Senator from South Carolina for pointing out that this legislation does not increase costs; in fact, it will save some money. I appreciate him pointing that out.

So we are in agreement on all those points. We are going to save money. It corrects mistakes that were made, and it deals with regional priorities that have been requested of us, consistent with prior authorizations of Congress.

I point out one project, and that is the maglev project. I do not want to debate the merits or demerits of the maglev project because I do not think that would be appropriate on a technical corrections bill. But where the Senator from South Carolina is incorrect is that this is a technical correction of prior actions of Congress. It provides contract authority. That is what we intended to do in the SAFETEA-LU Act. So this is not anything new in maglev. The areas that are involved were the same areas that were previously identified. It does not expand the project and makes technical corrections as far as contract authority.

What the Senator from South Carolina is debating is the merits of maglev, and this is the wrong bill on which to debate that. By the Senator's own admission, this is a technical corrections bill, and we should just be talking about whether the language is what was intended by Congress in its previous actions, and clearly it was, to make sure we do it right based on previous actions.

I hope the Senator from South Carolina will heed his own advice; that is, let's make the technical corrections bill deal with those types of issues. And I am afraid his amendment would not. As now explained to us, he wants to eliminate some of these projects, and that is not the purpose of a technical corrections bill. I can understand Members being concerned about that approach. I am proud of the work of the committee. The committee did identify those—and it is relatively few when you consider how many authorizations are in the SAFETEA-LU Act—to clarify and, in some cases, to make typo corrections and things such as that.

It is vitally important to move this bill forward so we can move forward on vital transportation projects that affect every one of our States. I urge our colleagues to support the committee and support the process, the very open and fair and transparent process that was used by the committee in developing the changes that are in this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

JACKIE ROBINSON

Mr. CHAMBLISS. Mr. President, I rise today to commemorate a seminal moment in our Nation's history. On this day in 1947, Jackie Robinson broke the color barrier to Major League Baseball after years of segregation.

Jack Roosevelt Robinson was born in 1919 to a family of sharecroppers in Cairo, GA. Cairo, the home of the syrup makers, is a small town in south Georgia located about 35 miles from my hometown of Moultrie.

As you can imagine, Jackie was very talented and did extremely well at sports. At UCLA, Jackie became the first athlete to win varsity letters in four sports—football, basketball, baseball, and track. He was even named All-American in football.

Jackie enlisted in the U.S. Army in World War II, and following his discharge in 1944, he played the season in the Negro Baseball League and a couple of years in minor league ball.

In 1947, following Jackie's outstanding performance in the minor leagues, Brooklyn Dodgers vice president Branch Rickey decided it was time to integrate Major League Baseball, which had not had an African-American player since 1889. When Jackie first donned a Brooklyn Dodgers uniform, he led the way to the integration of professional athletics in America.

In his first year, he hit 12 home runs and helped the Dodgers win the National League pennant. That year, Robinson led the National League in stolen bases and was also selected Rookie of the Year. Robinson succeeded in putting racial conflict and prejudice aside to show the world what a talented individual he was. His success in the major leagues opened the door for other African-American players.

Jackie Robinson himself became a vocal champion for African-American athletes, civil rights and other social and political causes. After baseball, Robinson became active in business and continued working as an activist for social change. He was the first African-American inducted into the baseball Hall of Fame and, in 1997, his number was retired by Major League Baseball.

I can recall, as a small boy, being a Brooklyn Dodgers fan. The main reason was because my older brother was a New York Yankees fan and the perennial World Series game was between the Dodgers and the Yankees, so it was a natural rivalry that my brother and I have. I have very vivid memories of watching Jackie Robinson play ball on TV and having great admiration and respect for him as an athlete. It was Jackie Robinson who paved the way for so many great athletes today.

Little did he know, back then in 1947, that he would be followed by the likes of Larry Doby, Willie Mays, and my good friend, Hank Aaron. But what a great inspiration he has been for all of America. Today, I honor the man who stood boldly against those who resisted racial equality, and I acknowledge the profound influence of one man's life on the American culture. Jackie Robinson's life and legacy will be remembered as one of great importance in American history.

I will yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, if people are by any chance watching the proceedings of the Senate this afternoon, they may wonder what on Earth is happening or more likely what is not happening. It has become customary, when we try to do business in the Senate in recent months, that we discover there is a filibuster that requires a cloture motion to be filed on almost anything. On the Senate floor today, as I understand it, we are on a 30-hour postcloture period on a motion to proceed to a technical corrections bill. That is almost unbelievable to me.

It is not unusual. We have had 65 filibusters in this Congress. Why would someone require a cloture motion to be filed in order to break a filibuster on a motion to proceed to a technical corrections bill? The only conceivable reason to do that is to stop the Senate from doing anything. I guess those who have been doing this in the minority party have been pretty successful.

Today is tax day, April 15. One might ask, if we were not doing this—standing around and gnashing our teeth and wiping our brow, wondering why we can't move this—what would we be doing? If we didn't have a minority that insists on a motion to proceed, a filibuster, a cloture motion and 30 hours postcloture, what would we be doing?

We would probably be doing some worthwhile things. It is not that the underlying bill is not worthwhile, it is. It should be done quickly and easily. It is a technical corrections bill. But what, for example, could we do?

I thought, because it is April 15, a day a lot of people recognize as a day of obligation to pay their taxes, I would mention perhaps a few of the things we could be doing on the floor of the Senate if we had a bit of cooperation and if we could get the minority party to agree—and in every one of these cases, certainly we could not. But let me describe what we might do, just on the Tax Code.

The Government Accountability Office found that 59 of the 100 largest publicly-traded Federal contractors—that is companies that did work for the Federal Government in 2001—had established hundreds of subsidiaries located in offshore tax havens to avoid paying taxes to the United States of America. They want all the benefits you can get from being a contractor for the Government, but they do not want to pay taxes to this country.

I discovered this some long while ago. It actually comes from an enterprising reporter named Dave Evans with Bloomberg News. I mention that because it is important. He discovered that in this building in the Cayman Islands, a 5-story white building on Church Street, there are 12,748 corporations that call it home. They are not there. It is their post office mailing address for the purpose of saying they are in the Cayman Islands to avoid paying U.S. taxes.

If we were not spending our time at parade rest, or posing as potted plants because the minority doesn't want to move ahead on anything, not even a motion to proceed on a technical corrections bill, are there other things we can do? We could solve this, couldn't we? We could say: If you are going to run your income through a subsidiary in a tax-haven country to avoid your obligation to the United States, maybe you don't need to contract with the Federal Government. Maybe you don't need to get the Federal Government's business. Or perhaps on tax day, we might say we will close this tax loophole—just like that. If you are not doing substantive business in a tax-haven country, we will not recognize you as having gone to a tax-haven country, and you will pay taxes as if you never left our country.

If we were not seeing all these interminable delays, perhaps we would pass legislation that I have offered previously, and that is to say to American companies: If you shut your manufacturing plant, fire your workers and move your operations overseas, you are not going to get a tax break anymore. Someone might say: Do they get a tax break for that? They sure do. Let me give an example. I assume that almost everyone has ridden in a Radio Flyer Little Red Wagon. It was made for 110 years in Illinois, in Chicago, IL. Radio Flyer Little Red Wagon was created by an immigrant who came here and created a big business.

The thing is, after 110 years the Radio Flyer Little Red Wagons are not manufactured here. They are all gone. They are in China. Every Radio Flyer Little Red Wagon is now manufactured in China. By the way, the company got a tax break to move the jobs to China.

I have spoken often on the floor about Huffy bicycles—20 percent of the American bicycle market and made in Ohio by workers who were earning $11 an hour plus benefits. Not any more. They all got fired in Ohio and all these jobs were moved to Shenzhen, China. Huffy bicycles are made by people who work 12 to 14 hours a day, 7 days a week, for 30 cents an hour.

Do you know what the workers at Huffy bicycle did the last day of work, as their plants were closed down? As they pulled out of their parking spaces, the workers left a pair of empty shoes where their car used to park. It was their poignant way to say: You can move our jobs to China, but you are not going to fill our shoes. This company received a tax break for moving jobs to China.

Fruit of the Loom underwear—everybody knows about Fruit of the Loom underwear. You remember, they used to do commercials with the dancing grapes. I don't know who would dress up as a grape and dance, but I guess they got paid to do that, so you have commercials of dancing grapes advertising Fruit of the Loom underwear.

The problem is, there is no Fruit of the Loom underwear made in America anymore because they all went offshore to be produced and the company got a tax break to do it. Why? Because this specific company did that? No, because companies that shut down their American manufacturing plants and move their jobs overseas get a tax break from this country. It is the most pernicious thing I have ever seen. I tried four times to correct it on the floor of the Senate. I ask people to look up the votes and see who is standing up for American jobs and American workers.

Perhaps we could do that on tax day, maybe fix that problem and say: At the very least, let's stop subsidizing, through the Tax Code, the shipping of American jobs overseas.

Here is another thing we could probably do if the minority weren't requiring cloture motions and engaging in 65 filibusters, which take up dead time.

I should point out for anybody watching or listening, nothing can be done during this period. We are in a 30-hour postcloture period on a motion to proceed—not even on the bill, on a motion to proceed to a technical corrections bill. So this 30 hours is dead time, designed by the minority because they do not want us to do anything we probably could do on this tax day.

We have a Tax Code that allows almost unbelievable tax breaks to some companies. This happens to be a streetcar in Germany owned by an American company. Why? Because they are experts in streetcars in Germany? No, because they get big tax breaks when they do this.

This is a sewer system in Germany. Wachovia Bank, a U.S. company, was buying sewer systems in Germany. Think of that—do you think it is because they are experts in sewer systems? No. Do you think they wanted to buy a sewer system and move it to America? No, not at all. They want to buy sewer systems in Europe so they can avoid taxes in the United States, because if you buy a sewer system from a European city and you now own it, you can actually depreciate it and then lease it back to the city and everybody makes money—except the American taxpayers and the Federal Government loses money. Maybe, since it is tax day, we could shut down this tax scam, although the President has threatened to veto legislation that shuts down these kind of tax scams, for reasons I don't understand.

But we could try. We could decide, you know, if working folks pay taxes, maybe everybody else can pay taxes. Perhaps we can pass a piece of legislation that says those on Wall Street who are getting what is called carried interest, some of the wealthiest people in the United States, should pay a higher income tax rate than 15 percent. Almost everybody pays a higher income tax rate than 15 percent, but those who are making the biggest money on Wall Street in the form of what is called carried interest, they are laughing all the way to the bank. They get a 15-percent tax rate. Perhaps we could change that.

Perhaps another thing we could do this afternoon, if we were not forced to 30 hours of dead time, is we could deal with what the Internal Revenue Service is doing by farming out tax collections that need to be made—these are people who owe taxes—to debt collection agencies in the private sector. This is going to be hard for anybody to believe or understand, but here is what they have done. This administration is so anxious to privatize and farm out everything, they have gone into the Internal Revenue Service and said let's farm out these collections of taxes owed, so they have contracted with a couple of companies. The problem is that this privatization program lost $50 million in its first year and is expected to lose more this year.

The IRS's private revenue collection target for the current fiscal year was $88 million. But they now project that the program will collect only $23 million. After excluding commissions, ongoing operational costs and capital investments, the IRS will still be $31 million in red this year.

It is unbelievable. How can the Internal Revenue Service contract with a company that is going to lose money collecting taxes? I have a piece of legislation that says stop it. Maybe we could work on that and pass that legislation today—see if we could find some deep reservoir of common sense. The National Taxpayer Advocate who works at the IRS has said: Had that money been spent for collectors at the IRS, they would have raised $1.4 billion. Instead, they invested $71 million to use private collectors and returned just $32 million in 2007. So they missed it by about $1.368 billion. Isn't that incredible?

Does anybody care? Apparently not. We are in 30 hours dead time on a motion to proceed to a technical corrections bill, guaranteeing nothing can be done on the floor of the Senate.

There are a couple of other things we might consider when we are thinking what could we do this afternoon in this dead time.

This is a photograph of Mr. Efriam Diveroli. He is the chief executive officer of a firm that received $300 million in U.S. Army contracts. He's 22 years old. His dad actually started a shell company back in the 1990s, and then he took it over. He said he was the only employee, except it lists a vice president. The vice president is a massage therapist. He is 25 years old.

So here we have a 22-year-old chief executive officer and a 25-year-old massage therapist running a company in Miami. They got $300 million from the U.S. Department of Defense to provide ammunition to the Afghan fighters.

Let me describe where they are. They are in this building. No, they do not own this building; they are in a little part of this building with an unmarked door. So you have a 22-year-old and a 25-year-old massage therapist working out of an unmarked office in Miami, FL; Miami Beach, FL, and they are supposed to, with $300 million, provide ammunition to the Afghan fighters on behalf of the U.S. Defense Department.

Here is a picture of the ammunition. Some of it is ammunition from China from the 1960s. You can see what it looks like. And the Afghan fighters were saying: Wait a second. What are you sending us? Bullets that do not fire? Now, I must say, the New York Times deserves some real credit. Three people wrote this story. The New York Times, I can tell from the story, they traveled around the world to get the details.

Now, we did not do it. We should have. We should have done it in something called a Truman committee. The bipartisan Truman committee was created in the Second World War, run by Harry Truman. By the way, it started with $15,000 and has saved the American taxpayer $15 billion going after waste, fraud, and abuse in defense contracting.

Three times we have voted on a Truman committee in the Congress, and three times it has been turned back by the minority.

Now, I will come later and give a longer presentation about defense contracting and the most unbelievable waste, fraud, and abuse in the history of this country. But we do not need more than the picture of the president of this company who got $300 million.

The question I started with today is, What could we be doing in 30 hours of dead time, if the minority had not required that there be a cloture petition and had not effectively filibustered on a motion to proceed to a bill that is going to get overwhelming support? I do not understand it.

Finally, we probably could do something about the price of oil or gasoline while we are on the Senate floor during this dead time if we were not prevented by the minority, prevented by a President's threatened veto pen.

Oil and gas. Well, look, today is Tuesday, and oil is at $113 a barrel. Some are going to the bank with a big smile on their face, particularly the large major integrated oil companies because they are making a massive amount of profit. Then other people are wondering: Do I have enough in my gas tank to be able to drive to work tomorrow? How am I going to do that?

So while all of this is going on today, the Federal Government is putting 70,000 barrels of sweet, light crude oil underground in the Strategic Reserve. And they are going to do it every single day all year long, 70,000 barrels a day, stuck underground.

Now, the Strategic Reserve is a decent idea. It is 97 percent filled. Why on Earth would we, when oil has hit $113 a barrel, continue, through this Bush and Cheney administration, to put oil underground and thereby put upward pressure on gasoline prices and oil prices? It makes no sense at all.

So, perhaps, were the dead time not required by the minority, we could work on that, or perhaps with respect to the price of gasoline and oil, we could work on increasing the margin requirements for those who are speculating in the futures markets.

The commodities futures market, especially for oil, is an unbelievable carnival of speculation. Do you know that when you buy stocks, there is a 50 percent margin requirement. But if you want to buy oil, God bless you, it is only 5 to 7 percent. You want to control 100,000 barrels of oil tomorrow, $7,000 will do that. That is the margin. So, as a result, you have unbelievable speculation in these markets driving up the price well above that which the fundamentals of oil supply and demand would justify.

Perhaps we can do something about saying to the exchanges: There must be increased margin requirements to stop this speculation hurting our country. It is driving up the price of oil, driving up the price of gasoline in a manner that is completely unjustified. Stop the speculation, stop putting 70,000 barrels of sweet light crude underground every day. Maybe those would be two things we could do when we are required to file cloture petitions to stop a filibuster on issues such as a motion to proceed.

I mean it is unbelievable to me that we find ourselves in this position. There is so much to do, and it is such important work. Yet here we find ourselves with the American people looking in on the Senate and wondering: What on Earth are they doing?

Well, what we are doing is what we are required to do by the rules when one side decides it wants the Senate to stand at parade rest almost all the time.

We have such big challenges in our country. I have mentioned energy. I have mentioned the fiscal policy. I have mentioned health care. We have such big challenges that ought to be our agenda. This country deserves better, and our agenda is, in my judgment, something on which the American people expect us to make progress. They do not expect us to see every single day, in every way, a filibuster on the floor of the Senate, even on motions to proceed. That is the last thing this American public should expect from a Congress that ought to come to work ready to go to work on issues that really matter in peoples' lives every single day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

MIDDLE CLASS AMERICA

Mr. SANDERS. Madam President, I commend my friend from North Dakota. He is exactly right. The middle class in our country is in deep trouble. Some would argue the middle class is collapsing. And the people of our country are looking to Washington, to us, to get something done. What they are finding is a filibuster on a corrections bill and inaction in every single area that faces working people in our country.

A couple of weeks ago in Vermont we held several town meetings on the economy. I invited Vermonters to respond to our Web site about what the collapse of the middle class means to them personally. I think it is one thing for those of us to give a speech, to use huge numbers, to talk in an extravagant way; it is another thing to hear directly from people in terms of what is going on in their lives.

What I promised that I would do, and continue to do, is read some of these very poignant e-mails I received, mostly from Vermonters, some from other parts of the country, where people are simply saying: Look, this is what is going on in my life today. I thought I was in the middle class, but I no longer am.

So what I want to do is read a few of the e-mails that I received, to put what we are debating and discussing in a very personal tone, in the real words of real Americans. This is the collapse of the middle class as described by ordinary people.

We received an e-mail from an older couple in the State of Vermont. This is what they wrote. The woman writes:

> My husband and I are retired and 65. We would like to have worked longer, but because of injuries caused at work and the closing of our factory to go to Canada, we chose to retire early. Now with oil prices the way they are, we cannot afford to heat our home unless my husband cuts and splits wood, which is a real hardship as he has had his back fused and should not be working most of the day to keep up with the wood. Not only that, he has to get up two to three times each night to keep the fire going.
>
> We also have a 2003 car that we only get to drive to get groceries or go to the doctor or to visit my mother in the nursing home 3 miles away. It now costs us $80 a month to go nowhere. We have 42,000 miles on a 5-year-old car. I have Medicare but I cannot afford prescription coverage unless I take my money out of an annuity, which is supposed to cover the house payments when my husband's pension is gone. We also only eat two meals a day to conserve.

This is a 65-year-old couple in the State of Vermont in the year 2008, and I suspect this story is being told all over America.

Here is another story about a woman who lives in our largest county, Chittenden County. She writes:

> First of all, I am a single mother of a 16-year-old daughter. I own a condominium. I have worked at the hospital for 16 years and make a very good salary, in the high $40,000 range. I own a 2005 Honda Civic. I filled up my gas tank yesterday, and it cost me almost $43. That was at $3.22 a gallon. If prices stay at that level, it will cost me $160 per month to fill up my gas tank. A year ago, it would cost me approximately $80 per month. I now have to decide what errands I really need to run and what things I can do over the phone or the Internet.
>
> But the other issue is, if I use my cell phone too much during the month, my bill will increase and that will cost me more money. I feel as though I am between a rock and a hard place no matter how hard I try to adjust my budget for the month. I am watching my purchases in the grocery store and department stores more closely because of increased prices.
>
> I am not sure that can I afford to take a summer vacation this year. I usually take a day off during my daughter's spring vacation so we can go shopping in New Hampshire somewhere. I have already cancelled those plans for this year.
>
> I am hoping that I can take a few days off this summer to go to Maine. We will see how the gas prices are this summer, but I hear it is going to get worse. Not much hope for someone on a tight budget.

Here we have somebody who asks nothing more than to be able to take a few days off with her daughter to go shopping. Somebody who works very hard cannot even do that because the price of gas is soaring.

Here is another e-mail that comes from a woman living in a small town in Vermont. This is what she writes:

> Yesterday I paid for our latest home heating fuel delivery, $1,100. I also paid my $2,000 plus credit card balance much of which bought gas and groceries for the month. My husband and I are very nervous about what will happen to us when we are old.
>
> Although we have three jobs between us, and participate in a 403(B) retirement plan, we have not saved enough for a realistic post-work life if we survive to our life expectancy. As we approach the traditional retirement age, we are slowly paying off our daughter's college tuition loan and trying to keep our heads above water. We have always lived frugally. We buy used cars and store-brand groceries, recycle everything, walk or carpool when possible, and plastic our windows each fall. Even so, if and when our son decides to attend college, we will be in deep debt at age 65. P.S. Please do not use my name. I live in a small town and this is so embarrassing.

Well, it is not embarrassing. That is the story being told from one end of this country to the other. People who thought that after working their entire lives, they would be able to retire with a little bit of security and a little bit of dignity are now wondering, in fact, if they will be able to survive at all.

After working your whole life and being frugal, you should not have to retire in debt dependent upon a credit card.

The e-mails we receive from people who are young, middle age and old, each in its own way is a work of poetry because it comes from people's hearts. It is poignant. It is true. This is what a younger person from Vermont writes:

> I am 23 years old. I have about $33K of education debt + $12K of credit card debt and

> only make about $26K a year + benefits. I barely make enough to support myself and whenever unexpected expenses come up I end up having to use credit to cover them. I feel like I will never catch up and now everything is getting even more expensive; it seems hopeless. Meanwhile I listen to the news and how the rich are getting richer and it is making me hate this country. I am not an economics expert but I know that things could be done differently to help people like me who work hard and get little in return instead of rewarding those who have the ability to use their money to make more money.

We heard Senator DORGAN talk about huge tax breaks that go to some of the wealthiest people, people who don't pay their taxes because they move to the Cayman Islands and set up phony front offices. This writer, who may not have a PhD. in economics, hit it right on the head. This young man and these old people are the people we should start worrying about, not the wealthiest people who are having it very good.

Let me talk briefly about a woman. This is another piece of reality. She writes:

> As a couple with one child, earning about $55000/year, we have been able to eat out a bit, buy groceries and health insurance, contribute to our retirement funds and live a relatively comfortable life financially. We've never accumulated a lot of savings, but our bills were always paid on time and we never had any interest on our credit card.
>
> Over the last year, even though we've tightened our belts (not eating out much, watching purchases at the grocery store, not buying "extras" like a new TV, repairing the washer instead of buying a new one . . .), and we find ourselves with over $7000 of credit card debt and trying to figure out how to pay for braces for our son!
>
> I work 50 hours per week to help earn extra money to catch up, but that also takes a toll on the family life—not spending those 10 hours at home with my husband and son makes a big difference for all of us. My husband hasn't had a raise in 3 years, and his employer is looking to cut out any extra benefits they can to lower their expenses, which will increase ours!

Here is a woman who has to work longer hours in order to try to catch up, and she can't spend time with her husband and son, which is what her life is about. How many millions of people are in the same boat?

What is not usually talked about on the floor of the Senate is the fact that here in the United States, our people work longer hours than do the people of any other industrialized country. Not talked about terribly often is that to make ends meet now, in the vast majority of middle-class life, you need both the husband and the wife working long hours. Despite those two incomes, people have less disposable income today than 30 years ago in a one-income family. But when you talk about the collapse of the middle class, one of the manifestations of much of it is that people have to claw and scratch and work so hard that their family lives deteriorate. In this case, a woman cannot even spend the time she would like with her son and husband.

Here are a few more e-mails. This comes from a veteran from the State of Vermont:

> The real killer is the price of heating fuel. Up here in northern Vermont we need heat in the winter. With a Military Pension I make too much to get any assistance. We got a 2.8% pension increase in January, and the price of heating fuel has increased by about 50%. We have to cut back on food in order to stay warm. Thank you.

Somebody trying to live on a military pension that goes up 2.8 percent, the price of home heating fuel soars, not making it.

This is another short e-mail we received:

> The company I work for has just announced a "raise freeze" which means not even a cost of living increase can be expected this year . . . this will be tough for us, as we were counting on at least a cost of living increase in a year where the cost of living has surely increased, be it groceries, fuel, wood, gasoline, etc!

Let me finish by reading an e-mail from another young Vermonter:

> As a graduating law student I am particularly concerned with the potential reduction of jobs available to me. I am leaving school with a great amount of debt in student loans and credit cards and entering the uncertain job market.
>
> I currently pay a tremendous amount of money in rent. I would like to work in poverty law but those jobs only pay about 36,000 so it is unlikely going to happen.

Here is an example of a young man who goes to law school, wants to work in poverty law, but because his debts are so high and the interest rate on that debt is so high, he no longer has a choice of careers. This is happening to young people all over the country.

The middle class in America is collapsing. Poverty is increasing. The gap between the very wealthy and everybody else is growing wider. Today we have by far the most unequal distribution of wealth and income of any major country on Earth. We are the only major country on this planet without a national health care program. The cost of college education is very high, while the oil companies make huge profits. Our people cannot afford to fill up their gas tanks.

As Senator DORGAN said, the time is long overdue for this Congress to start focusing on the real issues facing ordinary Americans. The time is now for us to develop the courage to stand up to the big money interests, the 35,000 lobbyists who surround us every day, the big campaign contributors who want benefits for the wealthy and the powerful. We have an obligation to stand up for the middle class. I hope we can begin doing that as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TAX FILING DAY

Mr. GRASSLEY. Madam President, my colleagues on this side of the aisle have spoken today about tax issues because today is the day for filing income tax. I think it is appropriate that we remind each other about a lot of tax issues that are very important that we have to decide this year, next year, and the following, or we are going to have the biggest tax increase in the history of the country. We are taking the opportunity on April 15 to talk about those.

When I was chairman of the Senate Finance Committee, I worked to get through a narrowly divided Senate the biggest tax cut in a generation. We reduced income tax rates for individual taxpayers. We created the first ever 10-percent bracket for lower income workers so they didn't have to pay as much tax as they would at the 15-percent bracket on their first dollars earned. We reduced the marriage penalty because we don't think one ought to pay more taxes because they are married. We created a deduction for college tuition. We also passed a deduction for schoolteachers buying supplies for their classrooms. I could go on with a lot of other provisions in those tax bills, but they have all had good economic consequences. We ought to consider that they should not sunset.

Now I and others are at work to make sure this tax relief is extended. If it is allowed to expire, Americans will be hit with the biggest tax increase in history. That is one thing. But it is quite another thing that this is going to happen without a vote of Congress. In other words, on that magic date of sunset, we go back to levels of taxation as they were before January 1, 2001, and we automatically, without a vote of Congress, end up with the biggest tax increase in the history of the country.

People say: Well, we are going to continue existing tax law. They need to be intellectually honest and tell people that when they are doing that, they are going to allow the biggest tax increase in the history of the country.

We can intervene. We need to intervene. It is my goal to intervene. The last thing families need, the last thing small businesses need, the last thing investors need is a tax increase. But that is what will happen this year and in 2010, if Congress doesn't act.

Last week the Senate demonstrated support for extending current law tax relief without offsets, when it voted on energy tax incentives, things that are meant to make the United States more energy efficient and less dependent upon foreign sources of energy. That same approach demonstrated last week, extending current tax law relief without offsets, should rightfully apply to other expiring tax provisions, including the research and development tax credit and the individual tax provisions I have already mentioned. I will be working hard to see that that does happen so taxpayers don't get hit with even higher taxes. I learned a long time ago that you can't raise taxes high enough to satisfy the appetite of Congress to spend money.

Stopping the tax increases that people say we are not voting for, we are only allowing present law, which means the biggest tax increase in the history of the country will happen without a vote of the people, we can do something about it. We ought to do something about it. Stopping these tax increases ought to be a major goal. Maybe taxes should not be lowered. Nobody is talking about lowering taxes. But we ought to keep the present level of taxation, because it has been good for the economy. It has been good for the taxpayers, because we do not see a revolt going on by taxpayers as we have seen in recent years in the Congress.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. What business is pending before the Senate?

The PRESIDING OFFICER. The Senate is under cloture on the motion to proceed to H.R. 1195, surface transportation technical corrections.

Mr. DURBIN. Madam President, under cloture, what it means of course is we are doing nothing—good speeches on important topics, but we are not considering legislation. We are not debating a bill. We are killing time, which turns out to be the major occupation of the Senate for the last year and a half. Why? Because the minority party, the Republican Party, has a strategy. It is a strategy of using filibusters to slow down or stop any bill from passing in the Senate. Today we are seeing that strategy in the extreme.

The bill pending before the Senate is H.R. 1195. In the annals of legislative history in the Senate, this will not go down as a great piece of legislation. This is not a bill that was worked on for years by Senators and their staffs, conceived with grand ideas to change this great country. This is a bill which by and large changes punctuation in the Federal highway bill, a bill we passed several years ago. Then when we carefully read it afterwards, we said: We got some of this wrong. This should not have been "trail." It should have read "road." This section you referred to wasn't exactly accurate. It is another section.

So we created a technical corrections bill, a bill that cleaned up the Federal highway bill. This technical corrections bill is now being filibustered by the Republican side of the aisle. They want to stop us from voting on a technical corrections bill. They want to delay our consideration of even this housekeeping bill. You ask yourself why. Frankly, because they don't want us to take up legislation of even greater importance. This is an important bill. Don't get me wrong. By cleaning up the old Federal highway bill, we can move forward on highway projects. We can spend a billion dollars creating good-paying jobs right here in the United States, 4 to 500 different projects across our country, 40,000 new jobs. That is good. But these were all destined to occur. We are just making sure the language is clear enough to move forward.

We are really not generating a lot of controversy and debate, are we, about this bill? Two or three little amendments we could take care of in a matter of an hour, that is about it. But what has happened is that the Republican minority is trying to stop the majority party—the Democratic Party—from considering and passing important legislation.

In the history of the U.S. Senate—this grand body, this deliberative body—in the history of this institution, the record number of filibusters in any 2-year period of time was 57, until the Republican minority decided to take on this strategy. So far, last year and the first few months of this year, there have been 65 Republican filibusters this Congress, and still counting. They have broken a record. Who cares? Well, I think a lot of people should care.

We heard the Senator from Vermont a few minutes ago. He talked about his genuine concern about working people in his State. He talked about the impact of this economy on average working families. He talked about the impact of gasoline prices, $3.50 a gallon and higher. He talked about the impact of food costs going up on families all across America, the cost of health insurance, the cost of college education, the cost of daycare for kids. He talked about the fact that the majority of families have not seen an increase in real income over the last 7 years of this administration. He feels, as I do, that this Senate should be dealing with that issue. What is keeping us from doing so? The filibusters from the Republican side of the aisle: 65 and still counting, a record number of filibusters.

So Senator McCONNELL, who is the Republican minority leader in the Senate, was asked a question at a press conference today. The reporter said to Senator McCONNELL about his Republican caucus:

> Are you and the caucus prepared now to start slowing down work on the floor and legislation in response?

He answers:

> Well, we are on the highway technical corrections bill. It is open for amendments. We were discussing various amendments at our lunch earlier and I assume amendments are going to be offered and dealt with.

That was his answer, and unfortunately it is wrong. We are not considering amendments to this bill because we are still under cloture on the motion to proceed that doesn't expire until 11:30 p.m. tonight.

So if Senator McCONNELL really wants us to consider amendments to this bill and get it finished, he needs to walk out on the floor and agree to a unanimous consent to move to this bill immediately and consider it. Then his statement to the press this afternoon will be accurate. But until he does, it is not accurate. We are stuck, stuck on cloture, stuck, as we have been time and again by this Republican minority. I, for one, believe they have pushed it to the extreme—a filibuster on a technical corrections bill.

Can you think of anything else, Madam President, we might be considering? Well, how about the policy on the war in Iraq, a war that claimed 2 American lives yesterday, a war that has taken over 4,025 of our best and bravest, that has injured more than 30,000, that has cost this country over $700 billion, that continues to cost us $10 billion to $15 billion a month; a war that claims the lives of our soldiers, ruins the morale of many troops who refuse to reenlist; a war that has stretched our military to a breaking point. Is that worth a few minutes of debate here on the floor of the Senate, the policy of this country toward the war in Iraq?

How about the war in Afghanistan? A war that was designed to go after those responsible for 9/11, to capture Osama bin Laden; a war which is stalled because we have dedicated so many resources to Iraq; a war which we must win so that al-Qaida and the Taliban do not resume their control over this poor country; a war which sadly has not resulted in the capture of Osama bin Laden more than 6 years after the terrible tragedies of 9/11. Is that worth a few hours on the floor, maybe a resolution, maybe a discussion about policy? I think it is, but we can't get to it because Republican filibusters are stopping us.

Maybe we should spend a few moments talking about our dependence on foreign oil and what we can do to bring down gasoline prices across America; how we can work on a bipartisan basis to find renewable, sustainable sources of energy that fuel our economy without killing our environment. Is that worth a little debate here on the floor of the Senate? Most Americans think it is an important issue but, sadly, we are stuck with a Republican filibuster again. Maybe we could spend some time bringing the bill out of the Committee on the Environment, the cap and trade bill, a bipartisan bill by Senator WARNER, a Republican of Virginia, Senator LIEBERMAN, an independent Democrat of Connecticut. Maybe we could bring that to the floor and talk about a way to clean up this world's environment so our kids have a fighting chance to have a planet they can live on, so that we can devise with American ingenuity a system using our free market to make this a cleaner planet. Is that worth a few hours of debate on the floor?

Debate on the Children's Health Insurance Program that the President has vetoed not once but twice, a program to extend health insurance coverage to some children in America who are not poor enough to qualify for Medicaid and not lucky enough to have parents with health insurance, is that worth a few hours of debate on the floor? I think it is.

Those issues and so many others are the ones the American people expect us to be talking about right here in Washington. But instead we have a bill, with grammar and punctuation, trying to clean up a Federal highway bill of several years ago, that is being filibustered by the Republican side of the aisle. This is shameful. It is such a waste of time in this great institution, but it is a specifically designed strategy by the Republicans to slow down the business of the Senate and to stop us from considering critically important legislation for America.

I would say to Senator McCONNELL, who said that we are on the highway technical corrections bill and it is open for amendments, it will be open for amendments when Senator McCONNELL comes to the floor and gives us his consent to stop the filibuster and to give us a chance to pass this bill, as we should have last week, and move on to more important legislation—legislation the American people ask us to consider. Sixty-five Republican filibusters this Congress and still counting. The Grand Old Party, the Republican Party, the GOP now has a new name. It is no longer the GOP, Grand Old Party. From the Republicans in the Senate, we have learned that it is the Graveyard of Progress. That is their idea of their role in the Senate. Any proposal for change, any proposal for progress, they want to kill. This graveyard is going to speak back to them in November.

I think the American people have had it with the obstructionism, the slowdowns, and the obstacles we are seeing here in Washington. The voters get their chance in November. I hope they will join us. I hope they will send more Senators to Washington who are prepared to not only debate but vote for change, Senators who are willing to say: Put an end to these mind-numbing filibusters and get down to work. Roll up your sleeves and do something to make life better for working families. Do something about this energy crisis. Make this planet a safer place for our kids to live on. Be responsible when it comes to spending, and start bringing the American soldiers home. That is what we should be doing. Instead, we are stuck in another Republican filibuster.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, today is tax day. People all across America are heading to the post office to get that all-important "April 15" postmark. OK, not everybody waits until the last minute, but there are enough procrastinators among us that this is sort of a rite of spring. The first week in Washington brings the cherry blossoms. The 15th of the month brings long lines near midnight in front of the main post office just a few blocks from the floor of the Senate.

For some taxpayers, 2007 was a very good year. Huge fortunes were made on Wall Street by people who correctly bet against the housing market, and some of those of the very wealthiest people were given huge tax breaks that the middle class never saw. But for the people who live in all of those homes, those homes that Wall Street people were betting against in some sense, 2007 was a very tough year. The home ownership rate has actually fallen over the past 6 years, both nationally by a slight amount and close to 2 percent in the Midwest. What is extraordinary about this fact is that it came during a period of the lowest interest rates since the Eisenhower administration. With the economy expanding, with interest rates at record lows, home ownership should have expanded. Instead, it shrunk.

The reason is another trend that has received too little notice by the Nation's newspapers and the Nation's media: economic growth, simply put, has not benefited most Americans. Instead, income and wealth are more and more flowing to the most affluent in our country. The middle class, meanwhile, must work harder and longer to try to maintain its standard of living. Real wages have been in decline for the past several years. The only way a lot of families have kept up is, first, the entry of more women into the workplace—women in greater numbers; second, workers in this country working longer and longer hours, overtime if they can get it, two jobs, sometimes even three jobs; and third, the only way families have kept up is by taking on more and more debt. The third strategy can be a recipe for disaster; sooner or later, the bills come due. You can't borrow your way very long to a decent standard of living.

Economic security begins with economic opportunity. That means good-paying jobs. It means the kind of training that enables workers to diversify their skills and take on new challenges. It means high-quality primary, secondary, and, yes, higher education.

Our Nation is the wealthiest in the world. Overall economic growth has been strong. Working families should be thriving. By and large, they are not. Working families are struggling to find and maintain good-paying jobs to keep their health benefits, to keep their pension benefits if they have them, and those benefits, those health and pension benefits, are being scaled back. It costs more and more, as people painfully know every day, to fill the gas tank. People are borrowing in record amounts just to cover day-to-day costs. So many Ohioans from Galion to Gallipolis are struggling.

The Center for American Progress looked at some key statistics over the past 5 years and found that the average job growth is one-fifth the rate of previous business cycles. The average job growth is one-fifth—20 percent—the rate of previous business cycles. Wages have been flat. Only 28 percent of middle-class families have the financial resources to sustain themselves through a period of unemployment. The average family took on debt equal to 126 percent of disposable income just to manage its day-to-day expenses.

Having witnessed the weakest economic expansion in modern history—in other words, the growth in our economy, the expansion in our economy was weaker than the expansion of the economy at any time in recent history—we now find ourselves in a recession once again. So we didn't have very strong growth when things were supposedly good—when profits were up, when there was economic growth—but it wasn't spread around very well. Now we find ourselves in a recession once again. We have had three straight months of job losses. Consumer confidence in Lima and in Zanesville and all over my State is understandably shaken.

Our Nation cannot afford to take these statistics in stride, just hoping that the precarious financial position of working families is a temporary phenomenon linked to the ebbs and flows of our economy, because it is not. Our economy as a whole is losing ground. As our trade deficit skyrockets, energy and health care costs spiral upward, good-paying jobs are too often shipped overseas, and our Federal deficit climbs higher and higher and higher. Yet, when Congress tries to address any of these problems, we find ourselves faced with filibusters, one after another after another, as well as veto threats. When we tried to react to the Housing crisis last fall, Republicans objected. When we tried to tackle the topic in February, the Republicans objected and we faced a filibuster. Even today, the President threatens to veto the bill passed by the Senate. Sixty-five filibusters, as Senator DURBIN and others have said, 65 filibusters—more filibusters already in the year and 3 months this Senate has been in session than in any 2-year period in the history of the U.S. Senate. Sixty-five filibusters. It means we haven't been able to do what we ought to do in education, on health care, on infrastructure, and, most importantly, on the war in Iraq.

Today, as an example, we are simply trying to pass a technical corrections bill to a highway bill. Yet our Republican colleagues are filibustering and slow walking the legislation once again. Sixty-five filibusters.

We spend $3 billion a week in Iraq, with no questions asked. Halliburton can rob us blind, but we avert our gaze. But to try to build a road, a bridge, or some other public works in the United States, and you will meet with filibusters, delays, and obstructionism by the Republicans. In other words, taxpayers are paying $3 billion and building hundreds of water systems in Iraq—spending that money with Halliburton and Bechtel—and the money goes to these contractors instead of that money coming back to local businesses and building water and sewer systems in Defiance, Findlay, Bryan, Napoleon, and Perrysburg, OH—places that are being squeezed and are not able to afford the reconstruction of the water and sewer systems they need.

We should be doing a lot more construction and a lot less obstruction. Our roads and bridges, in too many cases, are falling apart. If my colleagues don't like a project, they can make their case and offer an amendment instead of the obstructionism, instead of blocking these issues, instead of their 65 filibusters.

The American people are tired of this kind of delay. Their taxes should pay for a government that will work on their behalf, rather than only on behalf of the wealthiest and most powerful people in this country.

We cannot continue down a path that undermines the middle class. We cannot just hope for real economic recovery. You simply cannot get there from here.

Mrs. BOXER. Will the Senator yield to me for a question?

Mr. BROWN. Yes.

Mrs. BOXER. I thank my friend for that, because this bill before us is a job producer. There is tremendous support for it. I wanted to make sure my friend was aware—because I have to ask him a question—of the support we have. The thing is, when you unleash a billion dollars for 500 projects, which have been tied up for technical reasons, it is going to create jobs. I ask my friend if he was aware of the broad support we have. I will read the list of organizations supporting this technical corrections bill, which will free up some 500 highway projects: American Association of Highway and Transportation Officials, which is the departments of transportation for all 50 States; American Highway Users Alliance; American Public Transit Association, which is the transit systems; American Road and Transportation Builders Association, which is more than 5,000 members of the transportation construction industry; Associated General Contractors, which is more than 32,000 contractors, service providers, and suppliers; Council of University Transportation Centers, which is more than 30 university transportation centers from across the country; National Stone, Sand and Gravel Association, the companies producing more than 92 percent of crushed stone and 75 percent of the sand and gravel used in the United States annually; National Asphalt and Pavement Association, which is more than 1,100 companies that produce and pave with asphalt.

The point is, when we do this work, in many ways we are creating a bit of a stimulus. These are the companies and the workers who are suffering right now because of the economic downturn. Before my friend leaves, I wanted to thank him and also ask him if he was aware of the strong support for this bill.

Mr. BROWN. Yes, there is strong support. I appreciate the comments of the Senator from California. There is strong support for this bill, but not just in those groups. I had in my office building trades people from Mansfield, Lima, Cleveland, Dayton, and Columbus. They were talking about the kinds of jobs—good-paying jobs—in our State on road crews, such as the operating engineers and laborers and all kinds of workers that are paid decent wages. It is a stimulus, as the Senator says. It injects money into our economy immediately. These are ready-to-go projects. We need to fund them so we can work immediately to create these jobs, which will spin off and create other jobs.

But it is the same old story. We have had 65 filibusters from Republicans to stop us from moving forward on everything from health care, to education, to ending the war in Iraq, to jobs programs such as this. This is the best kind of jobs and economic development program. Not only will it create jobs immediately, but it makes it much easier for economic development and for people to bring new business into communities because the infrastructure is more modern.

Mrs. BOXER. I want to ask something else. The Senator is not on the committee of jurisdiction, but I know he is interested to hear this. We correct a real problem in this bill. The organization that does the evaluation of our Nation's bridges, highways, and all of our byways, has run out of funds. The funds they had have been oversubscribed. What we do, without adding any new funds, is enable them to get funding and to continue their work, as we get ready for the next highway bill, which is coming to us next year.

I wanted to make sure my friend was aware that, as we get ready for the new highway bill, we need to know the condition of our highways. We have seen collapsing bridges. That is another reason it is so important. I am very hopeful that by this evening we are going to see some relenting. I have been on the floor since Monday morning. I don't mind that, but it is wasting time, truth be known. We can have a few amendments and we can wrap this up. My colleagues can go back home and say we have done something.

I want to specifically know if my colleague was aware of this particular account that funds the investigation of the state of our infrastructure—that they have run out of money, and that we fix that in this bill?

Mr. BROWN. I thank the Senator for this information and for all she is doing.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Florida is recognized.

PAPAL VISIT

Mr. MARTINEZ. Mr. President, I am delighted that the Senator from Colorado is in the chair.

I will begin by simply extending a word of welcome to the Holy Father, who, a few minutes ago, landed in our country for his historic visit. I feel tremendously honored that I will have the opportunity to see his arrival ceremony at the White House tomorrow and, of course, then to be with him and, I presume, with the President as we celebrate Mass with him at Nationals Park. It is a momentous and historic occasion.

I know I speak for many of us as I say the Holy Father is welcome to the United States. We are delighted he is here. We hope his message of spiritual renewal, hope, and peace is one that will resonate with the American people.

COLOMBIAN FREE TRADE AGREEMENT

Mr. President, the Colombian free trade agreement is of great importance to me personally. It is something that I believe requires the attention of this Congress, and it is something whose time has come for us to act and make a determination.

There has been a great deal of attention focused on the future prospects of this trade agreement with Colombia. The core question is whether we think people in the United States should be able to effectively compete in Colombia. What is at stake is whether we want to create jobs here in the United States, create additional wealth in the United States, and export more goods and services to Colombia.

The fact is that a free trade agreement with Colombia benefits all of the stakeholders involved. It is good for the United States, it is good for Colombia, but it also is good for the Western Hemisphere.

The United States would reap immediate benefits of a free trade agreement with Colombia in our level of exports—one of the strongest and more positive areas of our economy today.

I know the Senator from Ohio was just speaking about the economic hard times in our country. I know and respect him greatly. I am not sure he agrees this is a good agreement for us to sign. But what better way is there of improving economic circumstances than to export and sell more of our goods to a country that wants to be our friend and our partner.

By leveling the playing field and eliminating the tariffs on products we export to Colombia, this agreement would benefit those responsible for the $8.6 billion in merchandise the United States exported to Colombia last year.

Currently, more than 9,000 United States companies export products to Colombia. Of those, 8,000 are small and medium-sized firms. In the absence of a free trade agreement, these firms must pay up to 35 percent when sending their goods to Colombia. On the other side of the equation, more than 90 percent of imports from Colombia coming into the United States arrive here duty free.

This agreement will immediately eliminate tariffs on more than 80 percent of American exports of industrial and consumer goods, and then reaching up to 100 percent over time.

This is an agreement that will bring more business to American firms, and it will bring higher demand for products from farmers in Louisiana, machinery manufacturing workers in Alabama, transportation equipment providers in Illinois, and electronics makers in California.

My own State of Florida—home to what we think of as the "gateway to the Americas" in Miami—was responsible for $2.1 billion in exports to Colombia in 2007, the second largest export total in the Nation.

The free trade agreement would benefit the more than 28,500 companies in my State that provided products in areas such as computers and electronics, machinery manufacturing, and transportation equipment.

The trade agreement makes sense economically, but also from a national security standpoint, it strengthens our relationship with a key Latin American ally and demonstrates our commitment to supporting nations who choose their leaders through free and fair democratic elections and who support the rule of law.

In fact, the U.S. Southern Command, which oversees our forces in Central and South America, sees the Colombian free trade agreement as a critical component of our Nation's Latin American policy.

A few days ago, I saw Admiral Stavridis, head of the Southern Command, who was testifying before the Senate Armed Services Committee. I asked Admiral Stavridis whether he felt the Colombian free trade agreement was an important component of our overall policy for the region and whether it would add to our ability to increase U.S. influence and security in the area. He wholeheartedly agreed.

Recently, a group of SouthCom military leaders, including GEN Peter Pace, expressed their support of the agreement in an open letter to Congress.

These officials know of the diplomatic opportunities this trade agreement represents, especially given their unique perspective on the current climate in Central and South America.

In their letter, they affirm that passing this agreement "will build upon [Colombia's] recent advances to enhance the long-term prospects for peace, stability, and development in Colombia."

They also argue that it is in our "national interest to help Colombia along the road toward democratic consolidation and economic development."

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPEN LETTER TO CONGRESS FROM FORMER COMMANDERS OF THE U.S. SOUTHERN COMMAND SUPPORTING THE U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

We are writing to urge your support for the U.S.-Colombia Trade Promotion Agreement. This vital agreement will advance U.S. interests in Colombia, a strategically located country that is arguably our closest ally in Latin America. It will also underscore our deep commitment to stability and growth in the strategically important Andean region, which depends on Colombia's continued progress as a resilient and democratic society.

Colombia's transformation over the past decade is a triumph of brave and principled Colombians. It is also a remarkable achievement of bipartisan U.S. foreign policy. Violence has fallen to its lowest level in a generation, and 45,000 fighters have been demobilized as the country's narco-guerrilla groups have lost legitimacy. While drug-trafficking poses a continuing threat, Colombia's leaders have eliminated two-thirds of its opium production, and more than 500 traffickers have been extradited during the Uribe administration—by far the most extraditions from any country to the United States.

Colombia's economic resurgence has been a critical factor in its recent progress, Robust investment has boosted economic growth and development. The creation of new jobs has provided tens of thousands of Colombians with long-term alternatives to narcotic trafficking or illegal emigration.

The US.-Columbia Trade Promotion Agreement will build upon these recent advances to enhance the long-term prospects for peace, stability, and development in Colombia. Providing new incentives for investment and job creation, this landmark accord will help ensure that Colombia stays on the path of economic openness, the rule of law, and transparency.

It is in our national interest to help Colombia progress along the road toward democratic consolidation and economic development. This trade agreement will advance U.S. security and economic interests by forging a deeper partnership.

Finally, approving this agreement will meet our duty to stand shoulder-to-shoulder with Colombians as they have stood by the United States as friends and allies. For all of these reasons, we strongly urge Congress to approve the U.S.-Colombia Trade Promotion Agreement.

Sincerely,

GENERAL JAMES T. HILL,
Commander in Chief, United States Southern Command 2002–2004.
GENERAL BARRY MCCAFFREY,
Commander in Chief, U.S. Southern Command 1994–1996.
GENERAL PETER PACE,
Commander in Chief, U.S. Southern Command 2000–2001.
GENERAL CHARLES E. WILHELM,
Commander in Chief, U.S. Southern Command 1997–2000.
GENERAL GEORGE JOULWAN,
Commander in Chief, U.S. Southern Command 1990–1993.

Mr. MARTINEZ. Mr. President, Colombia remains one of our strongest allies within the region. It is the strategic center of Latin America, of all of the Andean countries. Geographically, it is in a precise and important spot in the region. It is a country of 40 million people. It is a very significant country.

Fostering this important relationship holds strategic importance to advancing our security and economic interests in South America and also with the Colombian Government. Colombia's Congress voted twice in favor of passing this trade agreement.

It would honor the commitment we made when signing the agreement last year and would provide greater stability and security to the Colombian people as their quality of life continues to improve. I know some critics of the trade agreement point to some of the violence against labor organizers that has occurred over the years as the reason not to ratify.

In doing so, I believe they fail to recognize the progress that has occurred in Colombia in recent years. Colombia has had a violent history. I can recall in younger days when I used to travel to Colombia frequently. It was not only a beautiful and wonderful country, but you were perfectly free to go throughout the country. Over the years, the violence brought upon the people of Colombia by FARC, or the Revolutionary Armed Forces of Colombia, has wreaked havoc on that country. It was to the point where the violence was incredible.

Six years ago, as President Alvaro Uribe delivered his inaugural address, mortar shells landed near the Presidential palace in Bogota and killed 14 people and wounded another 40. That was the level violence had reached in this country.

These events and crimes against labor organizers were common prior to when President Uribe came into office in 2002. Since that time, violence has dramatically decreased in Colombia, and the Colombian Government's presence is being felt in cities and towns across the nation.

Let me point out that one death of an innocent civilian or one death of a union leader or union organizer is one death too many. Colombia has seen more than its share of violence.

I point to this chart which I believe is accurate in pointing out the actual figures when it comes to union leader violence. Notice the high point in 2001. This is before President Uribe was President. Then he comes into the Presidency and look at the dramatic drop since his Presidency down to where it is today. This is not just violence against union leaders. President Uribe has been effective in pacifying the country.

The violence against unionists has declined 86 percent during his time in office from 2002 to 2007. The reason for this decline is President Uribe's attention and response to concerns over these attacks. The President established an independent prosecutor unit and created a special program to protect labor activists. They can actually seek protection from the Government and be provided with armored vehicles, with protection for union halls, and personal protection for them as they go about the country.

There has been significant progress in other areas of Colombia as well, which is improving the lives of the Colombian people.

It is astonishing to see homicides are down 40 percent, kidnappings are down 83 percent, and terrorist attacks are down 76 percent. This is as a result of what, in fact, has been a very successful partnership. One of those moments of bipartisan agreement that the President and I so often yearn for in this Congress started under President Clinton with support from the Republicans, continued under President Bush with support from Democrats.

We had Plan Colombia. This has been a way of helping the Colombian Government and the Colombian people to continue to strengthen their democracy. President Uribe was elected to office with over 60 percent of the Colombian vote, and he is a democratically elected leader who is fighting an insurgent group that seeks to destroy his Government and democracy in Colombia by means of violence.

When we stand with President Uribe, when we stand with the duly constituted Government elected by the people of Colombia, we are standing on the side of those who respect democracy, freedom, and human rights.

When we talk about the kidnappings, these kidnappings have now been limited to poor peasants, although that has been part of it, but it has also included Government officials. Miss Betancourt, who has gained international notoriety because of efforts by the French Government to free her, was a Presidential candidate in the midst of a Presidential campaign when she was kidnapped. Also, members of the Congress of Colombia, businesspeople—they have shown no mercy. Today it is rumored they maintain about 700 kidnapped victims with them in the jungles of Colombia. Colombia's Foreign Minister is someone who was a victim of kidnapping who escaped 5 years ago, maybe more, from the jungles of Colombia and has regained his freedom.

Public school enrollment in Colombia has increased 92 percent. The child mortality rate has decreased dramatically as the Government turned its focus to human rights and also living conditions. The number of tourists visiting Colombia has doubled in the last 5 years.

Colombia is on the rise. Colombians enjoy a better quality of life because they have been living in a country that is more peaceful. For that, I think the Colombian people are very grateful to the United States. There is no country in the region that is more pro-U.S, that is more pro-American, and so much wants to interact and work with us. Enhancing that relationship will continue to bring prosperity at a time when Colombians continue to face destabilizing forces of terrorism.

There is a second aspect of Plan Colombia. It is not just about building the Colombian military, as important as that is. There is a second phase. It is about people, it is about job generation, job creation. That is why it is important to enter into this free-trade agreement so that U.S. investment dollars might flow to Colombia and increase jobs in Colombia as we increase jobs in America as well.

One of the most prominent narcoterrorist organizations operating within their borders is the FARC. ELN is another one. FARC is an organization that supports a brand of terrorism much like al-Qaida.

FARC's greatest enemy is stability, the same sort of political and economic stability provided by trade agreements such as these.

They oppose the democratically elected Government, and they would love nothing more than to return Colombia to the days of corruption, chaos, murder, and mayhem. It would be unwise to abandon this vital alliance in the face of a difficult time for them.

A trade agreement with the United States would deal a blow to those attempting to hinder Colombia's growth, to those who offer a misguided vision of the future of the region to those who hear their cry.

The fact is, there is a battle of ideas going on in the hemisphere, and this battle of ideas is one we cannot shrink from but must engage. By entering into this agreement, we would join a growing list of partners in the region that have demonstrated commitment to human rights, free and fair elections, and strengthening trade relations with us.

We have a very strong partnership. NAFTA, I must confess I find it a little difficult to understand how NAFTA, which has created jobs all over America, could be faulted for jobs going to China. And I cannot believe, on a serious note, those who seek to be the President of our country would walk away from that trade agreement. The fact is, this trade agreement is one that would enhance and advance the interests of the United States.

I do not believe in a country that would be afraid to compete with those abroad. I believe in the America that is proud and strong and can compete with anyone in the world. We cannot just shelter within our shores. We cannot just retreat to fortress America. Those days are gone. We created the global trade we live in today and to retreat from that would be a misguided mistake.

Over the weekend, both the New York Times and the L.A. Times ran pieces urging Congress to ratify this important and historic trade agreement. According to the New York Times, "rejecting or putting on ice the trade agreement would reduce the United States' credibility and leverage in Colombia and beyond."

And the L.A. Times characterized the House's decision to halt the vote by stating "it wasn't about the U.S. economy and it wasn't about Colombia. It was politics."

I don't want to dwell on that issue because I believe the best way for this to take place is for us to continue to work together in a bipartisan fashion to try to bring about an agreement that would be good for America, good for the region, good for Colombia, good for the United States, good for our people, good for their people. This is the kind of trade agreement that is a win-win.

I was talking about NAFTA. We then moved to Central America and the Dominican Republic, and we have CAFTA. That trade agreement is creating and generating jobs in that region. We have a free-trade agreement with Peru and Panama, and if Colombia joins in, that would create a powerful, mighty trade alliance creating and generating jobs and exports from the United States to this region.

I was meeting this morning with a gentleman who is hoping to be the next Ambassador of the United States to Honduras. I asked him how has CAFTA impacted our relationship with Honduras. He said there has been several billion dollars a year of trade between us and Honduras, and it had increased U.S. exports to Honduras by 18 percent. That is good for America. That is good for American jobs.

So I hope calmer voices will prevail. It would give us a chance to vote on this important trade agreement. It was signed by Colombia and the United States well over a year ago. There is never a perfect time for these agreements. I believe the votes are there. I believe it is time to allow the votes to take place instead of utilizing procedural maneuvers that, at the end of the day, are not particularly democratic.

Mr. President, I hope we can move forward to consider this agreement, to study the elements of it, to see the merits of it. It goes beyond stating the obvious: that this is something that not only would help economically, but it would also be a tremendous boost to our relationship in this region of the world that all too often feels forgotten, that all too often feels our eyes are focused elsewhere in the world, but are always our closest neighbors, are always our people who each and every day signify more and more to us.

A great many people of Colombian heritage live in the State of Florida and in other States of our country. They are great contributors to the American experiment. I am proud to have them among my constituents. I know in the southern part of my State, this is a big, important issue. It is one whose time has come. I hope the Speaker will reconsider. I hope we will move forward with this important trade agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise in support of passing the bill that is on the Senate floor; that is, the SAFETEA-LU technical corrections bill. When we look at the bill that is of the magnitude of the SAFETEA-LU bill and its extraordinary importance in our economy, there are bound to be some drafting errors and issues. I am glad we are taking the time to correct these errors so we can continue to strengthen our national infrastructure and our economy.

As a member of the Environment and Public Works Committee, I applaud Senator BOXER's leadership in getting this bill to the floor. This bill is a step in the right direction as this Congress focuses more and more attention on our national infrastructure.

I urge all of my colleagues to support this bill, as well as future efforts, to strengthen our national infrastructure.

The Presiding Officer, being a Senator from Colorado, knows and I know there is a new economy in the future. It is the energy economy. But if we are going to move forward the next century's economy, we cannot be stuck in the last century's transportation system.

I believe when you invest in infrastructure, you invest in the American economy. Rebuilding Main Street means revitalizing Main Street. The Federal Highway Administration estimates that for every $1 billion of Federal highway investment, it creates over 30,000 jobs. So when we rebuild our roads, we strengthen our economy.

As you know, a bridge collapsed one day in the middle of Minnesota. It was something no one could ever believe would happen in the middle of our major Interstate Highway System.

As I said that day, a bridge should not fall down in the middle of America, especially not an eight-lane interstate highway, especially not one of the most heavily traveled bridges in our State, and especially not at rush hour in the heart of a major metropolitan area, and especially not in my front yard. As you know, Mr. President, as you have seen, the area of that bridge was only 8 blocks from my house.

Unfortunately, it has taken a disaster of this magnitude to put the issue of infrastructure investment squarely on the national agenda, and it is long overdue.

The sudden failure and collapse of the I-35W bridge has raised many questions about the condition and safety of our roads and bridges. In fact, we just had a bridge that was similarly designed shut down in St. Cloud, MN, about an hour and a half away from the bridge that collapsed. It was designed by the same designer, with the same problem with the bent gussets. The investigation is still going on into the exact cause and triggering events that led to the collapse of the I-35W bridge.

The fact a bridge closed down so near, and the State of Minnesota decided to replace that bridge rather than repair it, shows this is not an isolated incident. Critical investment in the maintenance and construction of our Nation's transportation is imperative. Strengthening and maintaining our national infrastructure must be a national priority.

At the moment, our priorities are not in the right place. We spend $12 billion a month in Iraq, with no end in sight, but our bridges fall down in the middle of America. We have tax cuts for the top 1 percent, but it is getting harder and harder for the middle class to get by. We need to better prioritize our national spending.

Our robust, well-maintained, up-to-date highway system is vital to the continued expansion of our economy. It is, in fact, an essential driver of our economic prosperity. As President Kennedy once said:

> Building a road or highway isn't pretty. But it's something that our economy needs to have.

And nowhere is this truer than in rural America.

In Minnesota, the relationship between highways and the economy is most obvious in our rural areas. Transportation is absolutely essential to their viability and to their vitality. Rural Minnesota is now in the midst of an economic revival that promises to grow even stronger. We are seeing this all over America with the energy revolution, whether it is wind or solar or geothermal or whether it is ethanol or biodiesel.

As our Nation demands greater energy independence and security, the rural parts of our country are poised to benefit enormously with the further development of home-grown energy. I believe we need to be prepared to maximize the opportunities offered by this renewable energy revolution. It is only beginning to emerge, but it promises major economic and technological changes for our country.

Already the development of wind farms and ethanol plants has rejuvenated many rural areas in our State. We are third in the country when it comes to wind energy. But at the same time, these wonderful new energies are placing new demands on our transportation infrastructure. Here is one example: Demand for ethanol has increased dramatically. This Congress has pushed it. We are now with corn ethanol, but we know we will also expand into cellulosic, switchgrass, prairie grass, and other forms of biomass. For the first 6 months of 2007, ethanol production in the United States totaled nearly 3 billion gallons—32 percent higher than the same period last year.

Currently, there are 128 ethanol plants nationwide, with total annual production capacity nearing close to 7 billion gallons. An additional 85 plants are under construction. As we know, this is just the beginning. We look at places such as Brazil, which are completely energy independent because of what they have done with sugarcane. We know corn isn't the only answer. We will expand into other kinds of ethanol. But we do know this is going to place demands—demands we want to have—on our Nation's transportation infrastructure.

Total ethanol production in the United States is projected to exceed 13 billion gallons per year by early 2009, if not sooner. What does that mean in terms of transportation? Well, this means an average square mile of land in southern Minnesota, which now generates the equivalent of 80 loaded semitrucks per year, could soon produce double that—160 loads of grain per year. As more homegrown energy is produced, rural roads and bridges will have greater demands placed on them, as will rural rail.

I have had members of my own State of Minnesota—constituents—come up and show me these old rail ties that are breaking down. I have seen myself the bridges that are in need of shoulders. I have seen the highways that are in need of repair. Some of our roads in Minnesota are in such disrepair they have actually been letting them go to dirt. We are going the opposite because they do not have the money to repair them.

The ethanol plant in Benson, MN, now has over 525 fully loaded semis hauling either corn, ethanol or other forms of biodiesel from their plant every week. This is a 45-million gallon ethanol facility. Their production falls around the middle of Minnesota's 16 ethanol plants.

SMI Hydraulics is a company in rural southwestern Minnesota that manufactures the bases for the wind towers you see all across southern Minnesota. I have visited the company. They basically started in a barn, and they are building these huge wind towers. The heavy trucks that bring the steel to the company put an understandable heavy burden on the roads they travel and are putting their durability to the test.

The U.S. Department of Agriculture estimates truck freight in rural America is going to double—double—by the year 2020. The continuing trend toward greater reliance on trucking to support these industries raises concern about the wear and tear on rural roads and bridges. Many of these roads and bridges were built before this trend was evident. Whoever thought they would be carrying this huge wind tunnel? No one ever thought it would happen, but it does. They were not designed for this type of traffic.

Much of the rural road network in the United States was constructed during an era of slower travel and lighter vehicles. Current traffic, which is heavier and wider, has accelerated the rate of deterioration and made these types of roads less serviceable. In many important grain-producing States, such as Minnesota, more than 40 percent of the major highway system is rated as being in less than fair condition. Our transportation systems need to support the development of these industries, so we need to look at the full spectrum of transportation options.

I truly appreciate Senator BOXER's leadership, looking not just at truck travel, not just at roads but also at mass transportation and other ways we can transport our goods to market. With more than half our State of Minnesota's total population now living in the seven-county Twin Cities metro area, the need for more transportation options has become very clear to all of us.

It is not just about the rural areas in our State. Increasing traffic congestion has become a major threat to Minnesota's quality of life and our prosperity, costing precious time and money for both commuters and businesses. There is enormous support in our State for something called Northstar rail, which would bring people basically from the Twin Cities to the area of St. Cloud—Big Lake, to be exact. St. Cloud is the area I explained where the bridge had been closed because of safety concerns. And if you drive that 94 Interstate right now, I can tell you, you waste so much time sitting in traffic you practically feel sick to your stomach if you are there in rush hour.

We need that mass transit, and legislators and people who were originally completely opposed to this project are now standing up in front of the line because they know how important it is for their constituents. This is a case where I have to tell you the constituents were there before the elected officials and led the way to try to get this Northstar rail in. And because of the Federal help, it is now getting built.

The bottom line for any business is you lose money when your people and your products get stuck in traffic, and you also lose the ability to attract top-notch, talented workers if they must contend with aggravating and time-consuming traffic jams. To combat this threat, we must commit to broadening our transportation options, developing the right mix of multimodal solutions to serve our emerging needs, while maintaining our existing systems and highways. This mix, of course, includes not just rail but rapid bus transit, high-occupancy toll lanes, and anything we can do to try to move the people to the places they need to go.

Our Nation has faced this challenge before, a half century ago, and we succeeded in building a new modern transportation system for a new modern economy. At the heart of it all was the interstate highway system. In his 1963 memoir, "Mandate for Change 1953–1956," President Eisenhower famously said this of transportation:

> More than any single action by the government since the end of the war, this one would change the face of America. Its impact on the American economy—the jobs it would produce in manufacturing and construction, the rural areas it would open up—was beyond calculation.

He was right. It is our responsibility to restore Eisenhower's vision of a transportation infrastructure that works for all of America. I can tell you this firsthand, from my heart, having seen what happens when you don't invest as you are supposed to; having seen a major bridge fall down one day in the middle of America; having seen the promise in the rural parts of our State of the new energy revolution but then hearing how they can't get their goods to market because they have a bunch of single-road highways, when they have trucks that are trying to bring wind towers in, when they are trying to be part of the solution to this energy crisis.

It is our responsibility to restore that vision that Eisenhower had—to build this transportation infrastructure in our country. That is why I am so proud to support Senator BOXER and her work on this bill, and I hope our colleagues will support this bill and that we get this bill passed for the good of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am sitting here and listening to Senator KLOBUCHAR, and I am so proud of her work on the committee that I am fortunate enough to chair, the Environment and Public Works Committee. This committee is so interesting because we do everything from global warming legislation, protecting endangered species, to rebuilding the infrastructure of our Nation on the public works side.

It is kind of an interesting divide, because when it comes to rebuilding the infrastructure, we have more bipartisan support right now than for protecting the environment; where Senator WARNER, on global warming, has frankly been our hero on the other side of the aisle, joining with us. But on the infrastructure, Senator INHOFE and I have worked very closely together, and with the help of members of the committee, such as Senator KLOBUCHAR, we are making progress.

Before the good Senator leaves the floor, I wanted to make sure she was aware of something in this bill that is so crucial and is very much apropos to her reminding us about the bridge collapse in Minnesota. We fix an oversight in SAFETEA–LU that resulted in a particular account being oversubscribed. That account was the surface transportation research development and deployment account.

Now, what does that do? It is a very fancy name. Basically, that particular account funds research into the status of our infrastructure. It takes a look at our infrastructure, and it tells us what we need to do to keep up. Do we need to reinforce our bridges, for example. That is one of the aspects they look at. The appraisal of our highways. How do we fund transit? What is the physical condition of our roads? How do they operate? What is their performance level? It is so crucial that we have the information.

My colleague from Minnesota wrote the carbon registry bill that is part of our global warming bill because she knows that before you can solve global warming, you need to know how much carbon and other greenhouse gases are in the atmosphere. We can't write a new bill in 2009 unless we know the status of our roads, our freeways, our bridges, and our highways. So that is why this bill is so important.

We have been here for 2 full days now. I have been ready, willing, and able to take any and all amendments. We have said the bill is closed. We are not adding anything new because we want to keep this bill the exact same cost as the SAFETEA–LU bill. We are not adding anything. We are, in essence, making technical corrections to make sure we don't stymie a billion dollars' worth of projects, which is going to create tens of thousands of new jobs, and we are going to free up the frozen level of this research because they can't research anymore. They can't do any more research on the state of our infrastructure. We want to unfreeze that.

So here we are for 2 days, standing on our feet begging our Republican friends not to filibuster this bill. What is the point? Everybody wants this bill, except maybe one Senator who doesn't like one provision in it. We had the vote to proceed. I think it was 93 to 1. So everyone wants this bill. This bill doesn't add any new spending, it unleashes a billion dollars of important projects. That is why we have extraordinary support—and I don't have the chart here—from all our construction trades people, the management side, the labor union side, the worker side. We have it all. We have the heads of all the transit agencies across the country. They all want this bill. It is very impressive.

Oh, good, we have it back. I will show it one more time, because when you hear who is backing us—and they are not backing us quietly, they are on the phones, they are calling Members and saying: Let this bill go.

When my kids were young, they would call something a no-brainer. That is what this bill is, a no-brainer. This bill makes eminent sense.

Here is the list: The American Association of Highway and Transportation Officials—from all 50 States—support us; the American Highway Users Alliance—millions of highway users; the American Public Transit Association—transit systems from across the country; American Road and Transportation Builders—that is more than 5,000 members of the transportation construction industry; Associated General Contractors—that is 32,000 contractors; Council of University Transportation Centers—more than 30 university transportation centers from across the country; The National Stone, Sand and Gravel Association—these are the companies that produce more than 92 percent of crushed stone and 75 percent of sand and gravel used in the United States annually; and the National Asphalt and Pavement Association—more than 1,100 companies.

These are the folks who are suffering right now. These are the folks who have gotten caught in this recession we are in. These are the folks who are calling Senators and saying: Please, let this bill go.

Senator BOXER supports it, Senator INHOFE supports it, Senator KLOBUCHAR supports it, Senator BAUCUS supports it, Senator ISAKSON supports it. I could list members from our committee—almost all. As I said, we had a vote of 93 to 1 to proceed to this bill.

Calling all Republican friends: Please, please, please, relent. Please, let's get going. People are counting on you. They need the work. They need the jobs. Our country needs the infrastructure built. This doesn't cost a penny more. These are funds that are sitting in the trust fund.

Ms. KLOBUCHAR. Will the Senator yield for a question?

Mrs. BOXER. Yes, I will be glad to yield to my colleague.

Ms. KLOBUCHAR. I ask the Senator, how long has she been trying to get this bill through? I know she has been waiting. I know it has been months.

Mrs. BOXER. The House passed it 1 year ago, and we passed it in the committee in June 2007. This is not something that—this has been around. We have been asking Senator REID. He wanted to bring it up, but it is getting caught up in other matters. It has been a long time.

Ms. KLOBUCHAR. It seems to me, when there is so much bipartisan support, the other side of the aisle would try to advance this bill. I know in our State we have had this tragedy. They see this not only as you talk about it—as a way to figure out, do an analysis of what we really need to meet our transportation needs but they also need it as investment. As you know, we were unable, on the stimulus package, to get some of the things we wanted on the Democratic side, so we did get the check in the mail to people. But long after those rebate checks are cashed, we need a long-term investment strategy in this country that invests in jobs.

I thank Senator BOXER for bringing up that piece of the bill. I was very focused on the nuts and bolts on the roads, the wear and tear on the roads that we all think about when driving on the highway, but we also have to think about this as an investment strategy. I thank her for bringing out that important point.

Mrs. BOXER. I am happy to do it, I say to my friend, and I am glad she asked me when we passed this bill out of committee—June 2007. June 2008 is fast upon us. The House also passed it a year ago.

This is a long time in coming. You are so right, we all talk about the need to make sure there are good jobs for people. This is a ministimulus package right here. There are 500 important projects that will move forward. This means real jobs, real jobs in the U.S. of A. When you are building a road here, you are building a road here. This is important.

It is unusual to see all of these folks team up together. We had a press conference this morning, management and labor together saying: Please, here is an opportunity.

There is nothing negative to say about this bill, as far as I am concerned. You may have one or two projects you wouldn't vote for, but the fact is they have come from the Members of Congress who know their districts and know their States.

I was very glad Senator DEMINT called and said he was pleased with the way we did our disclosure under the new ethics rule, that our committee had set the standard. I was very happy to hear from him about that. He said we did it right, we made it public. Everybody signed on to whatever project they requested—very open, very transparent, very necessary. This is a very necessary bill.

I guess I am talking to colleagues who may be in their offices and I am saying, especially to my Republican friends, come join us. Let's do something good for the people. This is very important for your States. You have the American Association of State Highway and Transportation Officials—that's the department of transportation for all 50 States—calling on us to act. There is no reason to hold this up. We are wasting precious minutes. We are wasting precious hours. We are wasting precious days. We have a lot of other work to get done.

My goodness, I don't understand filibustering this bill which, again, is within the budget. It doesn't add a penny more than we were supposed to spend. I am a little perplexed as to why we are sitting here at 10 to 6 at night and we can't get anybody to come here to offer an amendment. But I am ever hopeful, because it is my nature, that people will realize, as they go back to their offices and see their phone messages from all these people, that this is real. This is real. We need to get it done.

Mr. President, I suggest the absence of a quorum. I will be back as soon as I have some news to share with colleagues.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, the matter before the Senate now that is currently being blocked by the minority is a bill that would permit work to proceed on hundreds of highway and transportation infrastructure projects, creating tens of thousands of construction jobs, and pouring $1 billion into our economy. This is timely legislation to repair our roads and bridges now, while our economy needs the work. Yet this bill is stalled in this body because Republicans in the Senate will not allow it to move forward.

Unfortunately, we have seen this movie too many times. The minority has engaged in no less than 65 filibusters in this Congress—an astounding number that lays bare the minority's lack of interest in solving the real problems America faces. What a record—65 filibusters, the most ever. That is what the minority has to contribute to the problems America is facing.

A number of our Republican colleagues have come to the floor of the Senate to speak today, but we have heard very little in the way of substantive or reasonable objections to the highway bill. Instead, what we have heard is a lot of talk about taxes. Of course taxes are on the minds of many Americans today. It is, after all, April 15, filing day, the deadline for Federal and State tax returns to be filed. Today, we should remember that the work of Government does not just cost money, it costs our money. For that reason, we should ask how this Government is spending our hard-earned money and whether the priorities reflected in the Federal Government's spending are truly the right priorities for our people and for our time.

These are difficult days. Today, families throughout my State of Rhode Island and all across this country are reading their bank statements, opening their bills, reading their local newspapers, and finding that the looming downturn in the economy leaves them struggling to make ends meet. Everywhere we look, prices are rising, from the groceries that feed our families to the gasoline that fuels our cars. Every day, more Americans face the disaster of foreclosure. Every day, more Americans face the nightmare of catastrophic health care bills.

In these days of insecurity, the people of this country are looking for answers, for solutions, for a new direction. Democrats in the Senate are working overtime to provide that new direction. We passed an economic stimulus package, legislation to address the housing crisis, and a budget plan to put our Government back on the path to surplus and cut taxes for middle-class families. We know we need a change of course and, most particularly, a change of leadership in the White House to get our country back on track.

But Senate Republicans today are making it clear that they do not agree. Instead of putting working families first, instead of getting our infrastructure repaired, they want to protect the massive Bush tax cuts for the wealthiest Americans, a fiscally irresponsible policy that has left our country trillions of dollars in debt. Instead of a budget that focuses Federal Government spending on our children and our veterans, Republicans want to stick us with the status quo, pouring hundreds of billions of dollars into an endless war in Iraq without spending a dime here at home to fix the problems that face American families.

Senate Democrats support tax cuts for middle-class families, including targeted help for families with children or seeking to adopt a child. Indeed, the budget resolution this year would provide those tax cuts in a fiscally responsible way, without digging our country deeper into debt. But President Bush and his Republican allies in the Senate want to extend the extravagant portions of the 2001 to 2003 Bush tax breaks that are weighted heavily toward the wealthiest Americans.

Mr. President, 71 percent of the value of the tax cuts in 2009 will go to the wealthiest fifth of Americans, and 28 percent of the value of the tax cuts goes to the top 1 percent, a group whose incomes average around $1.5 million a year—clearly people who are hurting and need a lot of help from our Government right now. Almost nothing at all goes to the lowest earning fifth, families who earn $15,000 a year or less. This is the George Bush idea of fair tax policy.

The President's insistence on forcing through these cuts without making up for the lost revenue, to defer that pain to later generations—to our children, to our grandchildren—was not only cowardly leadership, it left our budget in precarious straits. The Bush tax cuts of 2001 and 2003 cost a staggering $1.9 trillion, and they account for 25 percent of the $7.7 trillion Bush Debt. The $7.7 trillion Bush Debt is the difference between the nonpartisan Congressional Budget Office projections as President Clinton left office compared to the budgetary nightmare George Bush created—$7.7 trillion.

I am from Rhode Island. One trillion dollars is an unthinkable amount of money in a small State such as Rhode Island. I do not know what $7.7 trillion is. So I have tried to scale it for myself. I have here in my hand a simple penny. A simple penny. If this simple penny were $1 billion—now, even in Rhode Island $1 billion is big money—if this simple penny were $1 billion, $7.7 trillion is a stack of these simple billion-dollar pennies that is 39 feet high, takes us right to the top of this room with a simple penny being a full billion dollars.

It is an astonishing burden for this country to have to bear. It is the responsibility of George Bush and the Republicans, and we have to get serious about it. But are the Senate Republicans willing to get serious about it? No. If they have their way, the wealthiest Americans will continue to profit to the tune of trillions of borrowed dollars while those most in need receive virtually nothing. According to the Center on Budget and Policy Priorities, the poorest Americans—the lowest 20 percent of income earners would receive less than 0.5 percent of the value of extending Bush tax cuts between 2009 and 2018. The top 20 percent, on the other hand, would receive a staggering 74 percent of the value, a total of nearly $4 trillion over that 10-year period.

And, of course, this is Bush tax policy, so the higher the income, the greater the benefit. Close to $1.2 trillion in Bush tax cuts would accrue to the top 1 percent of American households. Households with annual incomes of more than $1 million a year, those alone receive $834 billion, $834 billion in extended Bush tax cuts.

The reckless fixation on tax cuts for our wealthiest folks that the Bush administration has pursued is driving us to a bad place, to a divided America with two economies, a gilded economy for the wealthy, and a worried struggle for everyone else. That is not good for America. In fact, that is not America. But this does not seem to bother our Republican friends. They have hitched their wagons to the big winners in the gilded economy: the oil companies, the pharmaceutical companies, the billionaires. The two economies, well, that is fine with them so long as their friends are winning. But that is not good for America.

In fact, that is not America, not the one we know. The tool they have used over and over and over is the filibuster. With a $7.7 trillion Bush Debt foundering us, with families across the country in their home States, everyone struggling, you would think they would want their role to be more productive than being the biggest filibusters in American history. You would think they would want a more productive record and legacy than that. But, no, they want to dig a $7.7 trillion hole and then filibuster the folks who are trying to get America out of it. It is so clear that Senate Republicans would prefer to engage in overheated and overhyped tax rhetoric than they would roll up their sleeves, sit down, and get to work on legislation solving the real problems working Americans are facing across our country each day.

I will tell you, it is clear and it is disappointing.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the record has been made clear today. We wish we had been doing some legislating. We have not been. I have had a number of conversations with my distinguished counterpart, Senator MCCONNELL.

Senator MCCONNELL, following the caucus he had with his Senators, as I have with mine every Tuesday, my understanding is a concern was raised in the caucus about the number of judges who have been or not been approved by the Senate in these last few months.

As you know, one day last week we approved five judges, one circuit court judge and four district court judges. We thought that was a step in the right direction. What are we going to do the rest of this year? You know, there is a Thurmond doctrine that says: After June, we will have to take a real close look at judges in a Presidential election year.

June is fast approaching. I believe that is the time set forth in the Thurmond doctrine. So today Senator

MCCONNELL and I in our conversations talked about all of the various judges who could be brought up, should be brought up, may be brought up, and we went over the different circuits and talked in some detail.

Following my first conversation with Senator MCCONNELL, I called the Judiciary Chairman, Senator LEAHY. He and I have a wonderful relationship. He defends me on the floor, I defend him on the floor. Our wives are friends. He is a good person. I think the world of him. So I called him so there would be no misunderstanding. He came over to my office following the telephone conversation. And after the telephone conversation I called Senator MCCONNELL. Senator LEAHY came to my office and we visited again about the judges. We believe we need to make more progress on judges.

As we have said before, we do not want the minority to be treated the way we were treated during the Clinton years. We have done a pretty good job. At this time we have probably approved 90 percent of President Bush's judges, lots and lots of judges, well over 100 judges we have approved.

The Republican leader asked me: What can you do before our Memorial Day recess? What I have told him is we are going to do our utmost, we are not going to talk about district court judges, we are going to approve district court judges, the exact number of which I do not know, and Senator LEAHY and I are going to do everything we can to approve three circuit court judges by Memorial Day.

I would like to be able to guarantee that. I cannot guarantee it. A lot of things happen in the Senate. But I am going to do my very best. I want to live up to what I am saying here on the floor right now. Senator LEAHY knows I am here speaking before the American people today and to Senator MCCONNELL. So we are going to do our very best to approve three circuit court judges by Memorial Day. That is about the best I can do. Which ones, I have told Senator MCCONNELL. There are a number of alternatives we can have. He knows some by name, I know them by name. I do not want and I do not choose to go over them name by name at this time. But we have a number to choose from to get to those three. I will do the best I can, working with Senator LEAHY and the Judiciary Committee. And when I say "bring to the floor," that means confirm the judges.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, my good friend, the majority leader, and I, I think at the beginning of this conference—and I believe this is a correct characterization of where we were; I am sure he can disabuse me of the notion if it is not a direct characterization of where we were—we felt at the very least, President Bush, with regard to circuit court nominees, should be treated as well as President Reagan, President Bush 41, and President Clinton were treated in the last 2 years of their Presidencies.

Each of those Presidents found themselves with the following dilemma: The Senate was in the control of the opposing party, so there was a certain symmetry to this President. George W. Bush ends up the last 2 years of his Presidency similarly situated to President Reagan, President Bush 41, and President Clinton. The average number of circuit court judges approved for all of those Presidents was 17. President Clinton was on the low end of that at 15.

As of today, April 15, we have approved in this Congress seven circuit judges. Except for last week, there had not been one since last September. I am sure the majority leader would agree with me that we are running dramatically behind. We know there is an election coming up in the fall.

The majority leader mentioned the so-called Thurmond rule which at some point here will probably be implemented, indicating there will not be any circuit judges approved.

We currently have before the committee two judges, one from North Carolina and one from South Carolina. The one from North Carolina has a unanimously well qualified from the American Bar Association and has previously been confirmed to his current position as a district court judge by the Senate. The blue slips are back on both of these judges. We anticipate there will be a nominee from Virginia who will have blue slips returned and, in the near future, two nominees from the State of Michigan whose blue slips will be returned. As we all know, in Michigan there are two Democratic Senators and in Virginia there is one Democratic Senator and one Republican. In South Carolina and North Carolina, there are two Republican Senators. The chairman of the Judiciary Committee has made it clear he is not likely, almost certainly not likely, to move a nominee from a State for which there are no blue slips. So we have blue slips in on North and South Carolina, and both nominees have been waiting for quite some time. So there are nominations ready to go.

What I have said is there is a great interest on my side in seeing three circuit court nominees confirmed by the Senate before the Memorial Day recess. The majority leader has indicated he is comfortable with that. We have not picked the candidates, but let me suggest it would be unfair to discriminate against a State which has two Republican Senators with blue slips in and has had nominees pending for quite some time in favor of nominees only recently with blue slips in or only recently nominated. The principle should be the same regardless of whether a State is represented by two Republicans, two Democrats or one Republican and one Democrat. If the blue slips are in, the blue slips are in. If the nominee is otherwise qualified and noncontroversial, I would hope, I say to my good friend, the majority leader, he would share my view that we should not discriminate against a nominee from a State with two Republican Senators, the nominees having been pending for quite some time, in favor of recent nominees who happen to be from States with two Democratic Senators or one Democratic and one Republican Senator. I wonder if my friend, the majority leader, has any observation about that.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have a number of places from which the Judiciary Committee can move matters to the floor. We have North Carolina, South Carolina, Rhode Island, Maryland. We have Pennsylvania. The Pennsylvania situation, we have a Democrat and a Republican there. As I recall the judge's name, the nominee there is a man by the name of Pratter. We have someone from Virginia. We have, as of today, two from Maryland. We have a wide range to choose from. I say to my friend from Kentucky, no, it should not be because you have two from the same party from one State and they are not our party, that should not cause them not to have their nominee approved. As I indicated last week when we got into a discussion about this, we should measure the quality of the nominees, not the quantity. We are today talking about the quantity of nominees. But we also have to be concerned about the quality of these nominees. We should confirm capable, mainstream nominees who are the product of bipartisan cooperation. With this committee, to get something out of the committee, it has to be bipartisan. I guess it doesn't have to be, but that is the way we would like it.

So we have done a pretty good job. Last year, we had a very controversial judge. One of the Senators on the Judiciary Committee decided she would vote with the minority. As a result of that, a controversial judge was reported to the floor and ultimately approved. So we are working very hard to arrive at three judges by the time of our break, which is 5 weeks from now, I believe. I said when I got this job, that if the nominations of judges are important to my friend, the Republican leader, they are important to me. I have some knowledge of difficulties with judges on the floor, having survived, as the Democratic leader, the so-called nuclear option. So I understand how people feel strongly about judges. Democrats feel strongly about them. Republicans feel strongly about them. When Senator Lott was majority leader, he said words to the effect: Why should we worry about them in the Senate? People don't care about judges. This is something that is just within the Senate.

I, personally, don't feel that way. I feel these men and women who have lifetime appointments are extremely important and that we should—even though Senator Lott might be right, maybe people outside Washington don't care about judges, I care about judges. The Republican leader cares about judges. I will try my best to get three judges approved by the Senate before the Memorial Day recess.

Mr. MCCONNELL. Mr. President, the only thing I would add with regard to my earlier comments, just picking, for example, the North Carolina judge, the Fourth Circuit is a judicial emergency. The chairman of the Judiciary Committee has set forward some standards. His first standard: If a vacancy is deemed to be a judicial emergency, it should be addressed quickly. That is the chairman of the Judiciary Committee. In the case of the Fourth Circuit, it has been declared a judicial emergency. It is one-third vacant. The nominee from North Carolina, to pick an example, is not controversial, has a unanimously well qualified from the ABA. The blue slips are back from both North Carolina Senators. My only point to my good friend, the majority leader, was it would seem not to be fair, when you have a nominee pending for a long time who is not controversial, upon which the blue slips have been returned, where there are two Republican Senators, for that nominee to be in effect moved to the back of the bus while you handle nominees nominated more recently from a State with two Democratic Senators or a State with one Democrat and one Republican Senator.

What I am pleading for is a sense of fairness. I believe in the case of both North Carolina and South Carolina, with the judicial emergency existing on the Fourth Circuit, you could make a strong case that they should be dealt with first under the standards of the chairman of the Judiciary Committee. But in particular I cite the nominee from North Carolina because he has been declared noncontroversial, had the unanimous ABA approval rating, and has been pending for hundreds of days. I don't know why we couldn't meet the goal the majority leader has set out of doing three circuit court nominees before Memorial Day. There is no reason not to. There are enough ready to be dealt with who don't require additional paperwork.

So I guess my question of the majority leader is, What is his view as to the likelihood that we would get three circuit judges confirmed before the Memorial Day recess?

Mr. REID. Mr. President, first of all, Chairman LEAHY understands. If there is an emergency in a circuit, he understands the importance of doing something about that. He has expressed that publicly and privately. Also, in this overall process, let's make sure we understand, there are vacancies out there in the circuit courts that we have no nominees for. We are waiting for them. I say to my friend, as I have said before, I am going to do everything to work with the Judiciary Committee. Senator LEAHY said he would do that too. I think we can say we would work very hard to make sure there are no holdovers. That is, if somebody is reported out, we will do our very best to make sure they don't waste that week on that. I am going to do what I can to fulfill what I have said. I will do everything within my power to get three judges approved to our circuits before the Memorial Day recess.

Who knows, we may even get lucky and get more than that. We have a number of people from whom to choose. Maybe the President can send us down a few more names on some of those vacancies that are there now. I don't know what more I can say than to say what I have said. I have to work with the committee, within the rules they have, and do the best I can.

Mr. MCCONNELL. Mr. President, I guess the only thing I would add, would the majority leader agree with me on the following principle: That a circuit judge from a State with two Republican Senators, who is completely qualified and upon which two blue slips have already been returned and have been pending for a long time, does the majority leader share my view that those type nominees from States with two Republican Senators should not be discriminated against in trying to meet our responsibility? We have only confirmed seven circuit judges throughout this Congress. We are a long way from coming anywhere close to what President Clinton got at 15.

Mr. REID. Mr. President, I hope the record will reflect the smile on my face because the fact is, we had, for years, two Democratic Senators from a State and those nominees of President Clinton weren't even given a hearing. More than 60 weren't even given a hearing. They were pocket vetoed, for lack of a better description. So, yes, I think if you have two Senators from the same party, they should not be discriminated against. I mentioned their names. Their names are Matthews and Conrad. I have spoken to Senator LEAHY. The first time I talked to him was today. Of course, we will take a look at those.

Mr. MCCONNELL. Well, I certainly understand what the intention of the majority leader is. We will need to discuss this further, I guess privately. I certainly understand his intention. I know he is a person who operates in good faith. I trust him. We have had a good relationship over the last period during which we have been in our respective positions. I guess the calculation I have to make, at some point, is what is the likelihood of this occurring, because there is a deep-seated unrest on our side related to this low number of circuit court judges. I think that is understandable. It is a paltry number in comparison to how President Reagan, President Bush, and President Clinton were handled in a similar situation. But I understand the representations my good friend, the majority leader, has made as far as he is prepared to go today. We will continue to discuss the matter.

Mr. REID. Mr. President, the only thing I would say, my good friend asked the odds. I am from Las Vegas. I don't bet. I hope they are good odds. I am going to do everything I can to live up to what I have said this last 5 or 10 minutes.

Mrs. BOXER. Will the Senator yield, my leader yield to me for a question?

Mr. REID. Surely.

Mrs. BOXER. I was pleased to see this dialog back and forth. Because, frankly, I have been wondering, as chairman of the Environment Committee, what was going on. We have a very straightforward bill on the floor. I didn't understand. We have a few amendments. We are very happy to deal with them. We have every group in the country, every construction group, management, labor, everyone, we have every State asking us to do this bill. I didn't understand, frankly, why we were waiting around. I wonder, I ask my leader—and I would be delighted to hear from the Republican leader as well, given this colloquy you had back and forth—and I know the Senator from Nevada as well as anyone here. When he gives his word like this and says: I am going to do everything I can, listen, I think that is as good as it gets around here. I am hopeful, and I would ask my leader to tell me and the Republican leader as well, Senator INHOFE is here, I am here, we are very anxious to move our bill forward, 500 transportation projects, not one penny of added spending; it will unleash a billion dollars' worth of jobs, I am wondering whether you could let us know tonight what are the chances that we are going to be able to move forward.

Mr. REID. I say to my friend, I wish we had moved to this bill Thursday night, legislated yesterday and today. We haven't done that.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007

Mr. REID. Mr. President, I now ask unanimous consent that all postcloture time be yielded back, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table, and that the Senate now proceed to the consideration of H.R. 1195.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway Technical Corrections Act of 2007".

SEC. 2. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking "paragraph (1)" each place it appears and inserting "paragraph (2)".

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking "among the States".

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

"(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

"(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

"(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

"(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.".

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting "LA," after "TX,".

(e) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking "through 189 as sections 601 through 609, respectively" and inserting "through 190 as sections 601 through 610, respectively".

(f) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking "only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,"; and

(2) by striking "section 120(b)" and inserting "section 120".

(g) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

"(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

"(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.".

(h) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2006, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways".

(i) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(j) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting "(112 Stat. 257)" after "21st Century"; and

(4) in subsection (a)(2)(B)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "SAFETEA–LU" and inserting "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)".

(k) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking "purposes under this subsection" and inserting "highway safety improvement program purposes".

(l) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization for the Lake Tahoe region under other provisions of this title and chapter 53 of title 49, prior to an allocation under section 202 of this title, the Secretary shall set aside ½ of 1 percent of funds authorized to be appropriated to carry out that section, which shall be provided to the Tahoe Metropolitan Planning Organization to carry out the transportation planning process, including the environmental review of transportation projects to complete environmental documentation for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this subparagraph.";

(2) in subsection (j)(3)(D) by inserting "or the identified phase" after "the project" each place it appears; and

(3) in subsection (k)(2) by striking "a metropolitan planning area serving".

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

*(A) in the section heading by striking "**replacement and rehabilitation**";*

(B) in subsections (b), (c)(1), and (e) by striking "Federal-aid system" each place it appears and inserting "Federal-aid highway";

(C) in subsections (c)(2) and (o) by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways";

(D) in the heading to paragraph (4) of subsection (d) by inserting "SYSTEMATIC" before "PREVENTIVE";

(E) in subsection (e) by striking "off-system bridges" each place it appears and inserting "bridges not on Federal-aid highways";

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in subsection (f) (as redesignated by subparagraph (G))—

(i) in paragraph (1)(A)—

(I) in clause (vi), by inserting ", except that any unobligated or unexpended funds remaining upon completion of the project under this clause shall be transferred to and used to carry out the project described in clause (vii)" after "Vermont"; and

(II) in clause (viii), by inserting "and corridor" after "bridge"; and

(ii) in paragraph (2), by striking the paragraph heading and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(I) in subsection (m) (as redesignated by subparagraph (G)) by striking the subsection heading and inserting "PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS"; and

(J) in subsection (n)(4)(B) (as redesignated by subparagraph (G)) by striking "State highway agency" and inserting "State transportation department".

(2) CONFORMING AMENDMENTS.—

(A) METROPOLITAN PLANNING.—Section 104(f)(1) of title 23, United States Code, is amended by striking "replacement and rehabilitation".

(B) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of title 23, United States Code, are amended by striking "replacement and rehabilitation" each place it appears.

(C) ANALYSIS.—The analysis for chapter 1 of title 23, United States Code, is amended in the item relating to section 144 by striking "replacement and rehabilitation".

(n) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking "a National Scenic Byway under subparagraph (A)" and inserting "a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)"; and

(2) in subsection (c)(3) by striking "or All-American Road" each place it appears and inserting "All-American Road, or one of America's Byways".

(o) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking "paragraph (3)" and inserting "paragraph (4)".

(p) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking "(B), (C), and (D)" and inserting "(B) and (C)".

(q) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United

States Code, is amended by inserting "bbb minus, BBB (low)," after "Baa3,".

(r) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting "tribal," after "local,".

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking "plan administer" and inserting "plan and administer".

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting "equity bonus," after "minimum guarantee,";

(B) by striking "freight intermodal connectors" and inserting "railway-highway crossings";

(C) by striking "high risk rural road,"; and

(D) by inserting after "highway safety improvement programs" the following: "(and separately the set aside for the high risk rural road program)".

SEC. 3. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) $20,000,000 for fiscal year 2007; and

"(B) $35,000,000 for each of fiscal years 2008 and 2009.".

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

"(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.".

SEC. 4. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 19 by striking the project description and inserting "Regional rail expansion and transportation infrastructure in the vicinity of Santa Teresa, New Mexico"; and

(2) in item number 22 by striking the project description and inserting "Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County".

SEC. 5. IDLING REDUCTION FACILITIES.

Section 111 of title 23, United States Code, is amended by striking subsection (d).

SEC. 6. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 3688 by striking "road" and inserting "trail";

(2) in item number 3691 by striking the project description and inserting "Hoonah roads";

(3) in item number 3695 by striking "in Soldotna" and inserting "in the Kenai River corridor";

(4) in item number 3699 by striking "to improve fish habitat";

(5) in item number 3700 by inserting "and ferry facilities" after "a ferry";

(6) in item number 3703 by inserting "or other roads" after "Cape Blossom Road";

(7) in item number 3704 by striking "Fairbanks" and inserting "Alaska Highway";

(8) in item number 3705 by striking "in Cook Inlet for the Westside development/Williamsport-Pile Bay Road" and inserting "for development of the Williamsport-Pile Bay Road corridor";

(9) in item number 3828 by striking "$2,000,000" and inserting "$11,000,000";

(10) by striking item number 3829;

(11) by striking item number 3832;

(12) in item number 3861 by striking the project description and inserting "Creation of a greenway path along the Naugatuck River in Waterbury";

(13) in item number 3883 by striking the project description and inserting "Wilmington Riverfront Access and Street Grid Redesign";

(14) in item number 3892 by striking "$5,000,000" and inserting "$8,800,000";

(15) in item number 3894 by striking "$5,000,000" and inserting "$1,200,000";

(16) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91";

(17) in item number 3911 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(18) in item number 3916 by striking the project description and inserting "City of Hollywood for U.S. 1/Federal Highway, north of Young Circle";

(19) in item number 3937 by striking the project description and inserting "Kingsland bypass from CR 61 to I–95, Camden County";

(20) in item number 3945 by striking "CR 293 to CS 5231" and inserting "SR 371 to SR 400";

(21) in item number 3965 by striking "transportation projects" and inserting "and air quality projects";

(22) in item number 3986 by striking the project description and inserting "Extension of Sugarloaf Parkway, Gwinnett County";

(23) in item number 3999 by striking "Bridges" and inserting "Bridge and Corridor";

(24) in item number 4003 by striking the project description and inserting "City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project";

(25) in item number 4043 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(26) in item number 4050 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(27) in item number 4058 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(28) in item numbers 4062 and 4084 by striking the project descriptions and inserting "Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park";

(29) in item number 4089 by inserting "and parking facility/entrance improvements serving the Museum of Science and Industry" after "Lakeshore Drive";

(30) in item number 4103 by inserting "and adjacent to the" before "Shawnee";

(31) in item number 4110 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(32) in item number 4120 by striking the project description and amount and inserting "Upgrade 146th Street to Improve I–69 Access" and "$800,000", respectively;

(33) in item number 4125 by striking "$250,000" and inserting "$1,650,000";

(34) by striking item number 4170;

(35) by striking item number 4179;

(36) in item number 4185 by striking the project description and inserting "Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne";

(37) in item number 4299 by striking the project description and inserting "Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(38) in item number 4313 by striking "Maryland Avenue" and all that follows through "Rd. corridor" and inserting "intermodal access and pedestrian safety improvements";

(39) in item number 4315 by striking "stormwater mitigation project" and inserting "environmental preservation project";

(40) in item number 4318 by striking the project description and inserting "Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns";

(41) in item number 4323 by striking the project description and inserting "MaineDOT Acadia intermodal passenger and maintenance facility";

(42) in item number 4338 by striking the project description and inserting "Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(43) in item number 4355 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(44) in item number 4357 by striking the project description and inserting "Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the City of St. Michael";

(45) in item number 4360 by striking the project description and inserting "Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul";

(46) in item number 4362 by striking the project description and inserting "I–494/U.S. 169 interchange reconstruction including U.S. 169/Valley View Road interchange, Twin Cities Metropolitan Area";

(47) in item number 4365 by striking the project description and inserting "34th Street realignment and 34th Street and I–94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I–94, and other transportation improvements for the city of Moorhead, including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program";

(48) in item number 4369 by striking the project description and inserting "Construction of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud";

(49) in item number 4371 by striking the project description and inserting "Construction and ROW of TH 241, CSAH 35 and associated streets in the City of St. Michael";

(50) in item number 4411 by striking "Southaven" and inserting "DeSoto County";

(51) in item number 4424 by striking the project description and inserting "U.S. 93 Evaro to Polson transportation improvement projects";

(52) in item number 4428 by striking the project description and inserting "U.S. 76 improvements";

(53) in item number 4457 by striking the project description and inserting "Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County";

(54) in item number 4461 by striking the project description and inserting "Transportation and related improvements at Queens University of Charlotte, including the Queens

Science Center and the Marion Diehl Center, Charlotte";

(55) in item number 4507 by striking the project description and inserting "Design, right-of-way and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I–129";

(56) in item number 4555 by inserting "Canal Street and" after "Reconstruction of";

(57) in item number 4565 by striking the project description and inserting "Railroad Construction and Acquisition, Ely and White Pine County";

(58) in item number 4588 by inserting "Private Parking and" before "Transportation";

(59) in item number 4596 by striking the project description and inserting "Transportation center, Corning";

(60) in item number 4610, by striking the project description and inserting "Demolition, site restoration, and hazardous material abatement of Alert Facility at Plattsburgh International Airport";

(61) in item number 4649 by striking the project description and inserting "Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas";

(62) in item number 4651 by striking "for the transfer of rail to truck for the intermodal" and inserting ", and construction of an intermodal freight";

(63) in item number 4691 by striking the project description and inserting "Transportation improvements to Idabel Industrial Park Rail Spur, Idabel";

(64) in item number 4722 by striking the project description and inserting "Highway, traffic, pedestrian, and riverfront improvements, Pittsburgh";

(65) in item number 4749 by striking "study" and inserting "improvements";

(66) in item number 4821 by striking "highway grade crossing project, Clearfield and Clinton Counties" and inserting "Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties";

(67) in item number 4838 by striking "study" and inserting "improvements";

(68) in item number 4839 by striking "fuel-celled" and inserting "fueled";

(69) in item number 4866 by striking "$11,000,000" and inserting "$9,400,000";

(70) by inserting after item number 4866 the following:

"4866A	*RI*	*Repair and restore railroad bridge in Westerly*	*$1,600,000";*

(71) in item number 4892 by striking the project description and inserting "Construct a 4-lane highway between maverick Junction and the Nebraska border";

(72) in item number 4915 by striking the project description and inserting "For projects of highest priority, as determined by the South Dakota DOT";

(73) in item number 4916 by striking "$1,000,000" and inserting "$328,000";

(74) in item number 4924 by striking "$3,450,000" and inserting "$4,122,000";

(75) in item number 4927 by striking the project description and inserting "Construction and Improvements to the College Street Corridor, Great Smoky Mountain Heritage Highway Cultural and Visitors Center in Maryville";

(76) in item number 4960 by inserting "of which $50,000 shall be used for a street paving project, Calhoun" after "County";

(77) in item number 4974 by striking ", Sevier County";

(78) in item number 5008 by inserting "/Kane Creek Boulevard" after "500 West";

(79) in item numbers 5011 and 5033 by striking "200 South Interchange" each place it appears and inserting "400 South Interchange";

(80) in item number 5021, by striking "Pine View Dam,";

(81) in item number 5026 by striking the project description and inserting "Roadway improvements on Washington Fields Road/300 East, Washington";

(82) in item number 5027 by inserting "and roadway improvements" after "safety project";

(83) in item number 5028 by inserting "and roadway improvements" after "lighting";

(84) in item number 5029 by inserting "and roadway improvements" after "lights";

(85) in number 5032 by striking the project description and inserting "Expand Redhills Parkway, St. George";

(86) in item number 5132 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County"; and

(87) in item number 5161 by striking the project description and inserting "Raleigh Street Extension Project in Martinsburg".

(b) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940 (commonly known as the "Truman-Hobbs Act") (33 U.S.C. 511 et seq.).

(c) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2007 through 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

SEC. 7. CORRECTION OF INTERSTATE DESIGNATION.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking "from the Arkansas State line" and inserting "from Interstate Route 540".

SEC. 8. FUTURE OF SURFACE TRANSPORTATION SYSTEM.

Section 1909(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1471) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (9) by striking "July 1, 2007" and inserting "December 31, 2007";

(2) in paragraph (11)(C) by striking "the Administrator of the Federal Highway Administration" and inserting "the Secretary";

(3) in paragraph (11)(D)(i) by striking ", on a reimbursable basis,";

(4) in paragraph (15) by striking "$1,400,000 for each of fiscal years 2006 and 2007" and inserting "$1,400,000 for fiscal year 2006 and $3,400,000 for fiscal year 2007";

(5) by redesignating paragraphs (14), (15), (16), and (17) as paragraphs (15), (16), (17), and (18), respectively; and

(6) by inserting after paragraph (13) the following:

"(14) LIMITATIONS.—

"(A) FUNDS.—Funds made available to carry out this section may be expended only to support the activities of the Commission.

"(B) DATA, ANALYSES, AND REPORTS.—No data, analysis, report, or other document prepared for the Commission to fulfill the duties of the Commission may be provided to, or shared with, any other commission or task force until the data, analysis, report, or document has been made available to the public.".

SEC. 9. BUDGET JUSTIFICATION.

Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 301 note; 119 Stat. 1483) is amended by striking "The Department" and inserting "Notwithstanding any other provision of law, the Department".

SEC. 10. BUY AMERICA.

Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) the current application by the Federal Highway Administration of the Buy America test as applied only to components or parts of a bridge project and not the entire bridge project is inconsistent with this sense of Congress;".

SEC. 11. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 12 by striking "Yukon River" and inserting "Kuskokwim River";

(2) in item number 18 by striking "Engineering and Construction in Merced County" and inserting "and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties";

(3) in item number 38 by striking the project description and inserting "Relocation of the Newark Train Station";

(4) in item number 57 by striking the project description and inserting "Kingsland bypass from CR 61 to I-95, Camden County";

(5) in item number 114—

(A) by striking "IA-32"; and

(B) by inserting "SW" after "Construct";

(6) in item number 122 by striking the project description and inserting "Design, right-of-way, and construction of the SW Arterial and connections to U.S. 20, Dubuque County";

(7) in item number 130 by striking the project description and inserting "Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad";

(8) in item number 133 by striking "IA–32";

(9) in item number 138 by striking the project description and inserting "West Spencer Beltway Project";

(10) in item number 142 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(11) in item number 161 by striking "Bridge replacement on Johnson Drive and Nall Ave." and inserting "Construction improvements";

(12) in item number 182 by striking the project description and inserting "Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(13) in item number 198 by striking the project description and inserting "Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(14) in item number 201 by striking the project description and inserting "Alger County, paving a portion of H–58 from Buck Hill to a point located 4,000 feet east of the Hurricane River";

(15) in item number 238 by striking the project description and inserting "Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage";

(16) in item number 329 by inserting ", Tulsa" after "technology";

(17) in item number 358 by striking "fuel-celled" and inserting "fueled";

(18) in item number 374 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border"; and

(19) in item number 402 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George".

SEC. 12. HIGHWAY RESEARCH FUNDING.

(a) F–SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2007 through 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking "509, and 510" and inserting "and 509";

(B) in subsection (a)(4) by striking "$69,700,000" and all that follows through "2009" and inserting "$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009"; and

(C) in subsection (b) by inserting "or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203, 80 percent" after "50 percent".

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2007 through 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking "PROGRAM APPRECIATION.—" and inserting "PROGRAM APPLICATION.—".

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (i)—

(i) by striking "In order to" and inserting the following:

"(1) IN GENERAL.—In order to"; and

(ii) by adding at the end the following:

"(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution."; and

(B) in subsection (k)(3) by striking "The Secretary" and all that follows through "to carry out this section" and inserting "For each of fiscal years 2007 through 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section".

SEC. 13. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking "$8,593,000,000" each place it appears and inserting "$8,710,000,000".

SEC. 14. TEA–21 TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking "2003" and inserting "2009".

(b) BEARTOOTH HIGHWAY, WYOMING AND MONTANA.—Item number 1646 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 317) is amended in the project description by striking "and construction" and inserting "reconstruction, maintenance (including routine and preventive maintenance), snow removal, and pavement preservation".

SEC. 15. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking "and United States Routes 1, 3, 9, 17, and 46," and inserting "United States Routes 1, 9, and 46, and State Routes 3 and 17,"; and

(2) in paragraph (64)—

(A) by striking "United States Route 42" and inserting "State Route 42"; and

(B) by striking "Interstate Route 676" and inserting "Interstate Routes 76 and 676".

(b) INNOVATIVE PROJECTS.—The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048(b)) is amended in item number 89, in the matter under the column with the heading "INNOVATIVE PROJECTS", by inserting "and contiguous counties" after "Michigan".

SEC. 16. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) receive—

"(i) a driver's license suspension for not less than 1 year; or

"(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

"(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated (or both) by the individual;".

SEC. 17. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking "$2,225,000" and inserting "$2,250,000".

SEC. 18. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 4, 6, and 11) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 4, 6, and 11) shall be treated as not being enacted.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am very pleased we are on this bill. Senator INHOFE and I haven't wasted the time. We have been talking with our colleagues. I think for the interest of all Members, at this point we don't expect any votes tonight, but we certainly do hope in every way possible that we will start disposing of the amendments in the morning. We will be here about 10:30. We urge our colleagues to come down and offer their amendments. We will debate them, we will have our votes on them, and we will get something done for the American people.

I yield the floor at this time.

I see my ranking member and I am delighted he is here.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the chairman of the committee. This is something we have spent a long time on. I think it is very important for all of us on both sides of the aisle to understand that what we are considering here is not the transportation reauthorization bill of 2005. That was done. That is history. That is behind us. A technical corrections bill is common with every bill, every major piece of legislation that comes along. Sometimes in the case—I will go ahead and say in my case of Oklahoma, we had a major project that was about a $200,000 project in Durant, OK in which, according to our transportation commissioner and the Transportation Department of Oklahoma, that same amount of money could be better spent doing the same project but at another location. Well, that takes a technical change. There is no difference.

I say to all of my good friends, there is no one who is more conservative than I am by all ratings in my last 22 years in both the House and the Senate. There are no new projects. There is no new spending. The amount of money that was authorized is the same amount of money that is authorized at the present time in the technical corrections bill. So it is not somehow getting some kind of an earmark or something else in it.

I have often said that of all of the systems we use in Washington to accomplish things, probably the transportation system is the best. I don't know of anyone who complains about paying into the highway trust fund when they get gasoline. They want to be sure it is going to go to building highways, repairing bridges. But what we do in the State of Oklahoma is we have eight transportation districts, eight transportation commissioners, all geographically located. They make recommendations. What I do with a transportation bill is I leave it up to them to make the determination as to where that goes. The States are making those decisions. The highway trust fund—there are some States where the money doesn't go straight into transportation. They have been robbing balances of the highway trust fund for as long as I know. We have corrected that problem in the State of Oklahoma. Instead of having it go to other causes, it goes to correcting the crisis we are in right now.

I wish to say that for those of us who are conservatives, this is something that works well. If there is any function of government that needs to be addressed and has to be addressed at the Federal level, it is our roads and highways. We have States such as Montana, big States that have very few people. You still have to get across them. You have the congested eastern States that have the opposite situation. That is why way back in the Eisenhower administration they decided to go in together and create this system we still have today. It is one that has worked fairly well. I don't want people out there to think this is something that has a bunch of projects and a bunch of earmarks in it. It doesn't. This is something we spent 2 or 3 years intensively working on prior to its passage in 2005. Now we want to make these corrections to make sure the rest of the projects get done.

Here is the dilemma we have right now. We have a lot of projects—not nearly enough but a lot of projects—that we authorized in 2005. If we don't have technical corrections, we are up against the wall now where we can't get anything more done, and we have given our word to people all throughout the country that we are going to improve bridges, we are going to try to save lives, and it has virtually stopped because we have certain corrections that need to be made.

What we dealt with on that very large, what was it, $286 billion over the period of 2005 through 2009, which is a lot of money, that doesn't do anything more—it doesn't even maintain what we already have. We don't even have a lot of new stuff in there. There is not a person in America who doesn't know we have a crisis. Some of these Members of this committee or this body, if you don't think it is a crisis, call your wife at home, or your husband, and they will tell you it is a crisis. It is worse every year. It is not something that we can make a decision today and all come to our good senses and get it done and it will be done tomorrow. It is a long lead time. It is a complicated process. But it is one of the things that has worked well.

I know there are a lot of people who want to satisfy some constituency that says you are spending too much money. You tell that constituency to go out and drive in the traffic for a while and see what kind of serious problems we have.

I have often said—and I have followed this myself—we all in this body have different priorities. That is what makes it a representative body. I have often said we need to, No. 1, take care of our Nation's security, have a military that can defend our country; No. 2, take care of the infrastructure we have and move forward with that; and No. 3, which is kind of a pet thing with me, and I think everyone who has previously been a mayor of a major city—unfunded mandates is another area that I feel this governing body should be paying attention to. But we have a bill. We have a bill that is working now. We are improving highways. We are adding lanes. But we have come to a stop. I think anyone who tries to keep this from becoming a reality doesn't want to address a serious problem we are faced with.

No one else is going to do it for us. The States can't do it. It has to be done by the Federal Government. We passed a bill. We are going to be coming up against another bill next year when this runs out in 2009. We are going to be reauthorizing for the next 5 years or 7 years or maybe even longer. But this has to be done and we need to get it done now.

We do have several amendments. I understand the concern of the Senator from South Carolina who has made his statements, and he has done so very eloquently. Frankly, I agree with almost everything he says. The only thing I disagree with is that this bill isn't creating new projects, isn't spending new money. We need, in his State as well as my State and in all 50 States, to get on with this. I hope people realize these are not new projects; it is not an increase in spending. It doesn't spend at all; it is an authorization bill.

Another amendment that is going to be pending is that of my good friend Senator BOND from Missouri. He has a special concern, and I encourage him to come down to the floor to bring it up, debate it, and let's vote on it and get that done. Then my junior Senator has a concern over something that is a process that happened—it didn't even happen here, but it happened in the other body. Now, I agree with him, it is something that was egregious and needs to be investigated. I think it should be. I think there are a lot of different ways of doing it. I want to join hands with him and get this done.

So we, to my knowledge, only have those three things that are out there that are holding this up. I would invite those three authors to come down. I think while we are not going to be having votes tonight, we can start debating these tonight, and tomorrow morning we could actually vote on some of these. But I agree with the chairman of the committee, Senator BOXER, and the majority and the minority leaders in this body that we need to get it done. We are not going to get it done until we get the amendments down here, debate them, and decide what is the will of this body. That is what we are supposed to be doing for a living around here. That is what happens.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLOMBIA FREE TRADE AGREEMENT

Mr. BROWN. Mr. President, earlier this month, President Bush sent up another trade agreement to the House of Representatives. This agreement is a bilateral trade agreement with Colombia. He calls it a "free trade agreement," a term we use around here—I am not sure why, except that it sounds good, because these trade agreements generally are—I don't have it in front of me, but it was too thick to bind in its original printing. It is about seven or eight hundred pages.

NAFTA, the North American Free Trade Agreement—which the Presiding Officer opposed 15 years ago, as I did—was even longer than that. The way they sell these agreements is they say we are eliminating the tariffs on the trade relationship between—in this case it is Colombia, and Colombia still has tariffs on American goods. We have eliminated tariffs on Colombian goods. If we were to pass a real free trade agreement, it would be three, four, five, six pages long and eliminate the tariff schedule, making a real free trade agreement.

These are not free trade agreements the President sends us, nor are they free trade agreements that Presidents in the past sent. They are hundreds and hundreds of pages of protectionism, pages outlining protections for the drug companies, protections for the energy companies, for financial services companies, banks and others, and protections for the pharmaceutical industry. That is what these supposed free trade agreements are.

It is interesting that those of us who oppose these "free trade agreements" because they don't protect our communities, frankly, are called "protectionists." If we are going to write these agreements and build in protections for the drug companies, the oil industry, and the other energy companies, the financial services companies, the banks, and the insurance companies, we also should build in protections for our workers in New Jersey and in Ohio, protections for our communities in Lima, and Mansfield, and Tiffin, OH, protections for food safety, and build in protections for consumer product safety.

But that is not what they do. What is most curious about these agreements that the President has sent up—in this case the most recent is Colombia—it reminds me of the old Einstein saying that the definition of insanity is doing the same thing over and over and over again and expecting a different outcome.

We have seen, in almost 15-plus years in the House of Representatives, and now in the Senate—and it is roughly the same period of the Presiding Officer—we have seen our trade deficit go from $38 billion in 1992, to in excess of $800 billion last year. It is hard to know exactly what that means. A $38 billion deficit—that means we buy $38 billion more in this country than we sell to other countries. It is $800 billion more that we buy in this country than we sell to other countries. That is a huge amount of dollars, obviously.

That $800 billion—it was boiled down by the first President Bush, who said that a billion dollar trade surplus, or deficit, translated into 13,000 jobs. So if you have a trade surplus—in other words, if you are selling more than you are buying as a nation, a billion dollars, according to President Bush the first, would add up to about 13,000 new jobs—net gain of jobs in your country. But if you have $1 billion deficit, it means it is a 13,000 net job loss in your country. We have not a billion dollar trade deficit but an $800 billion one. Do the math. What does that mean in lost jobs? It means an awful lot of lost manufacturing jobs in my State, from Cleveland, to Dayton, to Lima, to Canton, to Kent, to Ravenna, to all over our State. It means a lot of other lost jobs, not just manufacturing jobs. When American Standard shuts down in Tiffin, and when a company shuts down in Bucyrus, or in Ashland, it means fewer firefighters, fewer schoolteachers, fewer restaurant workers, fewer realtors, and fewer people who serve those jobs—those people who had the manufacturing jobs.

So it is pretty clear that the trade agreements, in addition to other damage they have done, clearly—when you have a trade deficit that goes from $38 billion to $800 billion in a decade and a half, they have done significant damage to our country and, most importantly, to our communities and our families.

I will close on something specifically unique to the Colombia trade agreement. We know that in Colombia they have had a significant number of murders committed against union activists. I heard a Member of the House say today there were more union activists—organizing union leaders—murdered in Colombia than anywhere in the rest of the world combined.

Although President Uribe of Colombia says union violence has come down and his spokespeople in this body say the same, the fact is that union murders, deaths of union activists in the first 3 months of 2008 are almost twice what they were in 2007. Adding insult to injury, we have seen fewer and fewer convictions. Only about 3 percent of these murders have resulted in convictions of the people who have been guilty of the murders. To add even further insult to this whole issue, the American Government, the State Department has said the paramilitary vigilantes who are allied often with the Uribe Government who have killed the union activists are classified by our State Department as terrorists. We, in essence, are supporting the Uribe Government that is allied with paramilitary vigilantes who are called terrorists by our own Government.

I don't quite see why we would want to reward that Government. I want President Uribe to succeed. I think he has done decent works. But I don't think we should reward him with a trade agreement and lose the leverage we have to try to get the activist murder rate down and also so that the people have the opportunity to join unions in Colombia. Fewer than 5 percent of the Colombian workforce is unionized. That is the lowest or second lowest in the Western Hemisphere.

They are not doing what they need to do to bring working families into the middle class, as we have seen in our country. The reason we have a prosperous Zanesville and a prosperous Springfield, OH, in part is because of people's ability to join a union and bargain collectively for better wages, health care, and pensions.

In the country of Colombia, they do not have those opportunities. For us to put the imprimatur of the U.S. on a free-trade agreement for that social structure and government to me makes little sense.

The House of Representatives delayed the bill for several months. If it gets to this body, I am hopeful Members will do the right thing and say to President Bush: It is not time to do a trade agreement. This trade policy in our country has failed. It is not working for our country, it is not working for our national security, it is not working for our communities, it is not working for our families, and it is not working to build the middle class in this society the way we should.

I yield the floor.

TRIBUTE TO CLARENCE W. DUPNIK

Mr. REID. Mr. President, I rise today to pay tribute to one of America's finest, Clarence W. Dupnik, Sheriff of Pima County, AZ, who celebrates 50 years of law enforcement service to his community this year.

Clarence Dupnik is known as a man of action, integrity, and innovation. These skills have been invaluable to his 50 years of service to Arizona, and the Nation.

Sheriff Dupnik began his career in law enforcement in 1958 as a patrol officer with the city of Tucson Police Department, TPD. He held various positions within the Tucson Police Department, rising to major in charge of field operations by the time he retired from the TPD in January 1977. From there, he was appointed chief deputy sheriff of Pima County Sheriff's Department, and later appointed Pima County Sheriff in 1980.

Since 1980, Clarence Dupnik has been elected to seven consecutive terms of office as Pima County Sheriff, a position in which he remains today. Clarence Dupnik's many years of service to Pima County represent a remarkable achievement and a great responsibility.

During his tenure as sheriff, the population of Pima County has nearly doubled in size. Today it claims almost 400,000 residents, making it the second-highest populated county in Arizona. In addition, Pima County shares 123 miles of border with the nation of Mexico. These characteristics have brought on special challenges, which Sheriff Dupnik met head on, with an admirable commitment to crime reduction.

Over the last three decades, Sheriff Dupnik has been instrumental to the reduction of the per capita crime rate in Pima County. He has fought criminal enterprises, drug trafficking organizations, and gangs. He also worked with former U.S. Surgeon General Richard Carmona to improve law enforcement capabilities by integrating special weapons and tactics with emergency medical assistance. Additionally, he had the foresight to deploy 350 new mobile data computers in all Sheriff's patrol vehicles—both patrol and unmarked—before most other departments in Arizona. Sheriff Dupnik also participated in the Joint Terrorism Task Force and served on the Executive Committee of the FBI.

Using his many years of law enforcement experience and leadership skills, Clarence Dupnik has worked hard to improve and give back to his community in any way he can. He introduced Drug Abuse Resistance Education, DARE, and School Resource Officer programs in Pima County schools. In addition, Sheriff Dupnik instituted a countywide community policing program, created the Multi-agency Narcotic Investigations Unit, and established the Command Group of the Arizona Alliance Planning Committee. In addition, he founded and chairs a drug-prevention group called Arizona for a Drug-Free Workplace.

The dedication and service of Clarence Dupnik during his 50-year law enforcement career is truly commendable. I thank Sheriff Dupnik for his many years of service and wish him further success in the years to come. I know that these years of public service have sacrificed time from his family and I would like to take this moment to also thank and acknowledge his wife Susie and their family. With Sheriff Dupnik's great example in mind, I hope that we can all work together to reduce crime in our Nation.

HONORING DR. JAMES HANSEN

Mr. REID. Mr. President, I rise today to recognize Dr. James Hansen upon receiving the Desert Research Institute's Nevada Medal for 2008.

This award, which will be formally presented to Dr. Hansen in Reno tonight and in Las Vegas on April 17, was established 20 years ago by the Desert Research Institute, DRI, to recognize outstanding achievements in science and engineering. DRI is a world leader in the study of environmental sciences, and Dr. Hansen should be proud to receive such an honor.

Dr. Hansen directs the NASA Goddard Institute for Space Studies, and is an adjunct professor of Earth sciences at Columbia University's Earth Institute. He received his bachelor's degree from the University of Iowa in 1963, followed by his master's in 1965, and his Ph.D. in 1967. He was elected to the National Academy of Sciences in 1995, and has received numerous awards throughout his illustrious career.

Dr. Hansen has spent decades researching climate change, and his work has broadened public knowledge about accelerating changes in the climate due to global warming. He has linked human-produced emissions to an overall increase in global temperature and called for international cooperation to address the issue. Dr. Hansen highlights the dangerous path we tread if we fail to reduce our reliance on fossil fuels. At the same time, he has outlined the steps that need to be taken in order to reverse the course of global warming and stabilize our climate.

I am proud to honor Dr. James Hansen and his many achievements. The contributions that he has made to the scientific community are truly invaluable. I applaud his efforts and wish him the best in his future endeavors.

TREATING VICTIMS OF STROKE MORE EFFECTIVELY

Mr. KENNEDY. Mr. President, a recent article in the Washington Post highlights the serious additional harm that is being done to victims of stroke each and every day by our failure to get them as quickly as possible to hospitals or other treatment centers qualified to provide the timely, appropriate care that can make all the difference between recovery and permanent disability or death.

Not all hospitals have this capability, and Massachusetts and a handful of other States have begun implementing systems to make better quality care available and to inform the public and emergency medical services of the location of the nearest facility capable of providing such care. What is needed most, however, is national leadership to make prompt and quality care for stroke victims a reality throughout this country.

I believe our colleagues in the Senate and House will be interested in this important article, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to printed in the RECORD, as follows:

[From the Washington Post, Apr. 1, 2008]

NEW RULES ON STROKE

CARE CENTER NETWORKS MAY SAVE LIVES

(By Alicia Ault)

In the event of a stroke, time is brain—meaning the more quickly you recognize the problem and get proper medical treatment, the more likely you are to survive and minimize neurological damage. Increasingly, experts are concluding that means getting to the right hospital, and fast.

According to the American Stroke Association and many neurologists, the right facility is one that has been designated by a state agency or the Joint Commission (which accredits hospitals for quality and safety) as having the appropriate medical staff, the ability to quickly administer such diagnostic tests as computed tomography, and a potentially lifesaving drug, tissue plasminogen activator (TPA), which dissolves clots.

In some states, including Maryland, you don't have to worry about which hospital might be best. Ambulance crews who suspect a stroke are required to seek out a designated stroke center, unless the nearest one is an unreasonable distance away.

Now health officials in Virginia and the District say they are considering similar plans.

In March, Virginia Gov. Timothy M. Kaine signed a bill requiring local health officials to rush stroke patients to Joint Commission-certified primary stroke centers. Even though that law has not yet taken effect, emergency medical technicians typically route patients to stroke centers, said Paul Sharpe, trauma and critical care coordinator for Virginia's Office of Emergency Medical Services.

In Washington, Michael Williams, medical director of Fire and Emergency Medical Services, said he soon will issue a protocol requiring transport of suspected stroke patients to Joint Commission-certified stroke centers. That rule should take effect within a month or so.

Until those changes take place, Virginia and District residents might be wise to know the signs of stroke. If they suspect they're having a stroke, they then, directly or through a family member acting on their behalf, might ask to be taken to a specialized stroke center.

About 780,000 Americans have a stroke each year. The vast majority of strokes, 87 percent, are ischemic, caused by a clot that cuts off blood supply to the brain, according to the American Heart Association.

TPA, when given within three hours of the onset of a stroke, can increase the chances of a full neurologic recovery by at least 25 percent, said Robert Bass, executive director of the Maryland Institute for Emergency Medical Services Systems, or MIEMSS. But the drug's associated risks, which include major bleeding in the brain, make it even more crucial to get care at the right facility, Bass said.

Finding a hospital that specializes in stroke care is even more important at a time when most are having trouble finding specialists to "take call"—that is, to see patients at the hospital.

There are no hard numbers on the shortage, but the American College of Emergency Physicians reported in 2006 that three-quarters of emergency departments nationwide had problems finding specialists such as neurosurgeons to take call. The shortage was especially acute in orthopedics, plastic surgery and neurosurgery.

Being seen by a neurology specialist doesn't guarantee a good stroke outcome. But it is crucial to have a physician trained in stroke care, said Lee Schwamm, vice chairman of the neurology department and director of acute stroke services at Massachusetts General Hospital in Boston.

"Many people assume that stroke can be and is treated by anyone," he said, which simply isn't true.

Massachusetts was the first state to create a stroke care system, in 2004, partly because of the problem of getting on-call specialists. Under the plan, designated hospitals agree to have the appropriate diagnostics and staff (including neurologists on duty or available through telemedicine) and the ability to give TPA within three hours. They also agree to report on the quality of care.

In mid-2005, the state began requiring ambulances to take patients to stroke centers. Within a year, the number of stroke patients receiving TPA increased by 20 percent, Schwamm said. Now the goal is to increase the number of patients who get to the hospital in time, he added. Sixty-eight of the state's 72 hospitals have been designated as stroke centers by the Massachusetts health department.

Several states have followed Massachusetts's lead, including Maryland (in 2007), New York, New Jersey and Florida.

Maryland hospitals that apply for the stroke center designation are evaluated by a state inspection team. Hospitals can also be certified by the Joint Commission.

The nonprofit commission began certifying stroke centers in 2003. So far, 455 hospitals nationwide have received that designation.

Twenty-eight hospitals have received Maryland's five-year stroke center certification. These hospitals can evaluate stroke patients, give the initial treatment and, in most cases, admit patients directly to a special stroke unit in the hospital, Bass said. Since the program's establishment, the number of patients receiving clot-busting therapy has increased 20-fold, said John Young, stroke system coordinator for MIEMSS.

Like the District, Virginia does not have its own stroke center certification process.

Certification isn't a guarantee of superior care, said Ralph Sacco, chairman of the American Stroke Association's Stroke Advisory Committee and chairman of neurology at the Miller School of Medicine at the University of Miami. But it's an indicator that the hospital has the infrastructure in place—and the commitment—to deliver high-quality treatment, he and Schwamm agreed.

What should you do if you think you or a loved one are having a stroke?

The keys to a good outcome, Schwamm said, are knowing the warning signs, calling 911 immediately and getting to a primary stroke center.

He and others say they hope that every state adopts a system to require transport to those centers. It could be a lifesaving trip.

FIRST ANNIVERSARY OF THE VIRGINIA TECH TRAGEDY

Mr. LEAHY. Mr. President, tomorrow, April 16, 2008, marks the first anniversary of the horrific incident at Virginia Tech that resulted in the tragic deaths of 32 students and faculty members and serious injuries to many other innocent victims. Our hearts go out to the victims' families as they mourn their loved ones who tragically lost their lives before their time. Our sympathies also go out to the survivors of this terrible incident, as well as the entire Virginia Tech community, whose resilient spirit and courage in the face of tragedy over the past year have been truly remarkable.

We cannot reverse the senseless violence of one year ago, nor can we repair all of the damage that the heinous acts of one very disturbed young man caused for an entire community. But one thing we can do to honor the victims and their families is ensure that our schools, colleges, and universities have the support and resources they need to protect our children.

Regrettably, 1 year after the tragic events at Virginia Tech, little has been done at the national level to address the dangers our students continue to face. Over the past 12 months, we have continued to see threatening conduct and, too often, deadly acts of violence involving students of all ages. Only yesterday we learned that several colleges were shut down as officials assessed graffiti messages threatening violence on campus. School lockdowns are becoming all too common in our communities.

A string of tragedies in just 1 week's time this past February reminded us once again that our students face more than merely threatening violent conduct. Between February 8 and February 14, at least four incidents at schools and colleges resulted in death or serious injury to students of all ages.

On February 8, a female student killed two other students, and then herself, inside a classroom on the campus of Louisiana Technical College in Baton Rouge. Three days later, a student at Mitchell High School in Memphis, TN, was left in critical condition after a violent incident in the school's cafeteria. A day later, a 15-year-old boy at E.O. Green Junior High in Oxnard, CA, was critically wounded by a classmate. He was later declared brain dead.

Then, on February 14, tragedy struck at Northern Illinois University. A former student opened fire in a geology class, killing 5 students and wounding 16, before killing himself. As hundreds of mourners remembered one of the Northern Illinois University victims at a funeral service, more than 1,000 Virginia Tech students—many of the same students who will grieve tomorrow for their lost friends, classmates, and professors—gathered in solidarity for a candlelight vigil in Blacksburg, VA.

Eight months ago, the Senate Judiciary Committee took a step to make our schools and college campuses safer when it reported the School Safety and Law Enforcement Improvement Act of 2007, S. 2084. Regrettably, the Senate has failed to take up and pass that bill to improve school safety. The 1-year anniversary of the Virginia Tech incident reminds us why this comprehensive legislation should be considered and passed without further delay.

In originating the bill more than 8 months ago, the Judiciary Committee showed deference to Gov. Tim Kaine and the task forces at work in Virginia and sought to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the committee originated this bill and reported it at the start of the 2007 academic year in the hope that Congress would adopt these critical school safety improvements last fall. We worked hard to get it done.

The incidents at E.O. Green Junior High, Mitchell High School, Louisiana Technical College, and Northern Illinois University are just a few of the tragic events that have claimed lives or resulted in serious injuries to students since the Virginia Tech tragedy. In the time since this bill was reported out of the Judiciary Committee, we have seen tragic deaths at Delaware State University and the University of Memphis and grievous injuries sustained by students and teachers at

SuccessTech Academy in Cleveland, OH. And there have been numerous lockdowns nationwide as a result of threatening conduct in our schools, including recent lockdowns at Fern Creek High School in Louisville, KY, and St. Peter's College in Jersey City, NY.

The School Safety and Law Enforcement Improvement Act would address the problem of violence in our schools in several ways. The bill authorizes Federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions, including bulletproof vests, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens two existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, the bill would improve the safety and security of students both at the elementary and secondary school level and on college and university campuses. The K-12 improvements are drawn from a bill that Senator BOXER introduced right after the Virginia Tech tragedy, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which will enable students to report potentially dangerous situations to school administrators before they occur.

To address the new realities of campus safety in the wake of Virginia Tech and more recent college incidents, the bill also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice.

The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at $50 million for the next 2 fiscal years. While this amounts to just $3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

The bill would also make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits and for funds administered under the Byrne Grant Program and the Bulletproof Vest Partnership Grant Program. Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. The leadership of Senator JACK REED has been vital in this area.

The bill also helps law enforcement by making improvements to the Law Enforcement Officers Safety Act of 2003, LEOSA. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves, their families, and their fellow citizens wherever those officers may be.

The bill focuses on prevention as well, by incorporating the PRECAUTION Act at the request of Senators FEINGOLD and SPECTER. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, the bill incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

The Virginia Tech Review Panel—a body commissioned by Governor Kaine to study the Virginia Tech tragedy—has issued its findings based on a 4-month investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the Review Panel aimed at improving school safety.

We must not miss this opportunity to implement these initiatives nationwide and to take concrete steps to ensure the safety of our kids. The Senate should move forward and act. I hope those who are holding up this legislation will reconsider their position today as we prepare to remember and to honor those who so tragically lost their lives, and those who had their lives changed forever, in the most deadly incident on a college campus in our Nation's history.

The Senate should move forward to invest in the safety of our students and to better support law enforcement officers across the country by considering and passing the School Safety and Law Enforcement Improvement Act of 2007.

CAPITAL AREA DISTRICT LIBRARY 10TH ANNIVERSARY

Mr. LEVIN. Mr. President, since the first library society was formed in Detroit in 1817, libraries have played a central role in the cultural and economic development of the people of Michigan. Nearly 200 years after that first foray into book-sharing, libraries have spread across our State. Today I would like to take a moment to recognize the Capital Area District Library in Ingham County, which is celebrating a decade of enriching the Lansing area, and in doing so has continued the long history of libraries making important contributions to our State.

The Capital Area District Library system plays a significant role in the early stages of learning for children in Lansing, and provides important resources for continuing education for adults. The 13 libraries and the book mobile are places where all are welcome to access and pursue a wealth of information. Patrons can work on their own, in organized programs, or with the assistance of the highly effective library staff, who are focused on promoting learning and enjoyment.

The resources available through the Capital Area District Library also play a critical role in economic development. Considering that more than half of all American households do not have computers or Internet access, the Capital Area District Library resources are more important than ever to connect our citizens to technology and information in this rapidly changing world.

Thomas Jefferson once wrote to John Adams, "I cannot live without books." Books and education were a bedrock of life for our Nation's Founding Fathers and of our democracy; books and education and new learning resources that the Founding Fathers could not have imagined must be readily available to citizens across the country. The Capital Area District Library continues to fulfill this need in Lansing and Ingham County, and has done so for 10 years with remarkable effectiveness. I congratulate all who have worked so hard on this venture, and extend my deepest appreciation for their service to the citizens of our State.

IRS PRIVATE DEBT COLLECTION ACTIVITIES

Mr. CARDIN. Mr. President, today is April 15, the day when millions of Americans are hurrying to file their income tax forms to meet the midnight deadline. Many of my colleagues have spoken today about the need to make more effective and responsible use of Federal tax dollars, and I agree that we must do so. One place to start is with the IRS's own private debt collection program.

Today, the Washington Post reported that the Internal Revenue Service's use of private debt collection agencies is expected to cost taxpayers more than $37 million this year. Throughout our Nation's history, the Federal Government had always assumed responsibility for tax collection. But in 2004, through legislation that I opposed, Congress gave the IRS authority to use private debt collection companies to collect undisputed tax debts of less than $25,000. The companies also would receive a 25-percent commission on all receipts. Although the stated goal was to improve the efficiency of tax collections, it is clear that this plan is not working.

In fact, even before Congress adopted this approach, former IRS Commissioner Charles Rossotti estimated, in a

2002 report to the IRS Oversight Board, that if Congress were to appropriate an additional $296 million to hire more compliance employees, the agency could collect an additional $9.47 billion. In other words, every dollar spent on collection would net $31. But rather than increase the number of IRS employees, Congress ignored Commissioner Rossotti's advice and instead spent scarce taxpayer funds to privatize IRS functions, with dismal results.

In March 2008, Nina Olson, the National Taxpayer Advocate, reported to Congress that the program actually is losing money. Testifying before the House Ways and Means Committee, Ms. Olson said that the IRS is losing at least $81 million a year by using private debt collection companies. The IRS spent $71 million to start the program and it spends $7.65 million annually to operate it, plus on average $4.6 million in commissions that are paid to the private collectors. Despite using aggressive tactics, the companies have collected only $49 million, little more than half of what it has cost the IRS to implement the program. By contrast, Ms. Olson testified, and I quote, "if the program did not exist and the IRS instead allocated $7.65 million in appropriated funds to its automated collection system, ACS, function, the return on investment would be vastly greater. IRS data shows that the average return on investment for the ACS program is about 20:1, which would mean that an expenditure of $7.65 million would generate annual revenue of $153 million." Ms. Olson then recommended that the private debt collection initiative be terminated. I concur.

The privatization initiative is also putting millions of Americans' personal information at risk. I do not believe that Americans want private collection agencies tio have access to their sensitive, personal information that should only be reserved for the Federal Government and the qualified, trained, accountable personnel who work at the IRS.

The Ways and Means Committee recently considered legislation that would repeal the IRS's authority to use private debt collection agencies. The Taxpayer Assistance and Simplification Act was reported out of committee in a bipartisan vote. My distinguished colleague from North Dakota has introduced similar legislation that would prohibit the IRS from using private debt collection companies, and I am pleased to be an original cosponsor of that bill.

The private debt collection program also has generated considerable confusion among taxpayers. Under the rules of the program, collectors cannot say they are working for the IRS or that they are calling about a tax matter without first receiving proof of a taxpayer's identity. This has led to numerous complaints from consumers who have received calls from collectors, pressing them to provide Social Security numbers and other personal information without first identifying the purpose of the call. Citizens are justifiably fearful of being scammed, and so they refuse to provide the companies with any information. By any measure, this program is not working.

Mr. President, the private debt collection experiment has failed. Tax collection is a fundamental responsibility of Government, and Congress should provide the IRS with the staff and other resources needed to fulfill this responsibility, not enrich private companies at the expense of American taxpayers. Today on April 15—Tax Day—millions of Americans are rushing to file their taxes before the midnight deadline. Many are writing checks to the IRS, and so it is an appropriate time to reconsider the millions of dollars they are spending on the private debt collection program. It is time for this body to pass Senator DORGAN's bill and end this inefficient use of taxpayer dollars.

HONORING OUR MILITARY

Mr. NELSON of Nebraska. Mr. President, I rise today to honor the courage and selflessness of the men and women serving so bravely in America's military and, in particular, to acknowledge those from my home State of Nebraska. Last week, the testimony of GEN David Petraeus and Ambassador Ryan Crocker before the Senate on the situation in Iraq reminded everyone of the personal sacrifices of the men and women and their families who are serving their country in support of Operations Iraqi Freedom and Enduring Freedom.

The United States is engaged in a protracted war for the first time since the end of the military draft 35 years ago. The strains of this prolonged engagement in Iraq and Afghanistan are underscored by the burdens placed on our service members and their families. The voluntary nature of our military accentuates these burdens, being borne by a relative few. This present situation is unique compared to America's past military engagements. World Wars I and II and the conflicts in Korea and Vietnam relied on conscription; consequently, the effects of these wars were felt by a broad number of ordinary Americans. Today, the current wars in Iraq and Afghanistan have placed our soldiers and military families in an extraordinary situation.

I have visited Iraq four times and Afghanistan twice since the commencement of Operations Iraqi Freedom and Enduring Freedom and have met with countless soldiers and their families. Each of these visits and meetings has further elevated my personal gratitude and appreciation of these men and women, and consequently, these soldiers and their families are constantly at the forefront of my thoughts. Last week, a news story described the battle of Sadr City, a district in Baghdad, Iraq, and featured a young man whom I had watched grow up in Nebraska. This news story evoked those same feelings of deep gratitude and immense pride.

The soldier featured in the story was Army CPT Logan Veath, of Chadron, NE. I had last seen Captain Veath 5 months ago at a reunion of the Big Red Battalion, the University of Nebraska's Reserve Officers' Training Corps, ROTC, unit, of which he was a member while attending our shared alma mater. I had first met Captain Veath when he was 16 years old, and we reminisced at that reunion of our past experiences together. Captain Veath was dressed in cowboy attire—because that is exactly what he is in Nebraska. In fact, I almost didn't recognize him in the news story from Iraq, as he had a Kevlar helmet on his head instead of his usual cowboy hat.

Captain Veath's entire family was also at the reunion, and they provided a brief glimpse into how a family copes with a loved one who is called upon to serve tours of duty lasting from 12 to 15 months. Captain Veath is unique in that this is his sixth tour of duty serving in Iraq or Afghanistan. Less than 1 percent of Army service members have been deployed six times; this speaks to Captain Veath's remarkable dedication and selflessness.

That day was a vivid reminder of our American soldiers, who must leave their loved ones in order to serve in battles nearly 7,000 miles away from their homes. Today, I offer my most sincere appreciation and gratitude to soldiers such as Army CPT Logan Veath. We must never forget these brave men and women, who have valiantly and selflessly served their country, together with their families, who provide them with immeasurable support. Their honor in service must remain a source of inspiration for us all.

ADDITIONAL STATEMENTS

HONORING JENNIFER JOY WILSON

• Mr. INHOFE. Mr. President, today I wish to honor Jennifer Joy Wilson. For the past decade, Ms. Wilson has served first as the head of the National Stone Association, and then after the merger of two similar groups, as the president and CEO of the National Stone, Sand & Gravel Association, NSSGA. Based in Alexandria, VA, NSSGA is the world's largest mining association by product volume. Its member companies represent more than 90 percent of the crushed stone and 70 percent of the sand and gravel produced annually in the United States and approximately

118,000 working men and women in the aggregates industry. During 2006, a total of about 2.95 billion metric tons of crushed stone, sand and gravel, valued at $21 billion, were produced and sold in the United States.

This year Ms. Wilson has been given the distinguished honor of being selected as AggMan of the Year by Aggregates Manager magazine, one of the construction aggregates industry's leading trade publications.

During her tenure, the NSSGA led an effort to improve employee safety in the aggregate industry by developing new safety procedures, called Part 46, for the U.S. Mine Safety & Health Administration, MSHA. The joint industry-labor effort produced a proposal "that would apply better to our industry and provide managers and workers with effective means to prevent accidents and fatalities." By all accounts, Part 46 has shown remarkable success in reducing employee injuries.

On February 11, 2003, an alliance between NSSGA and MSHA was announced. Signed at the NSSGA's Centennial Convention in Orlando, FL, the agreement calls for the two bodies to work closely together on the promotion of safe working conditions, the development of effective miner training programs, and the expansion of the mine safety and health outreach and communication. "For the first time ever, MSHA and an industry association have jointly agreed to adopt safety and health performance goals with objective measures," then MSHA Administrator Dave Lauriski said during that meeting. "This alone is unprecedented . . . NSSGA is again showing its leadership."

On the environmental front, Ms. Wilson led the industry in investing in a study "righting an assumption we just didn't believe was right." Through the efforts of the association and its members, it was determined that the aggregates industry is not a major emitter of PM–10—a particular type of air pollutant. The final regulations reflected the investment by the industry in recognizing that aggregate operations are not a major source of coarse particulate matter.

Considering almost half of all crushed stone, sand and gravel produced in the United States is used for building the Nation's transportation infrastructure, Ms. Wilson has led her members in establishing a strong grassroots presence connecting the industry's workforce with their elected officials while increasing their activity on Capitol Hill. Leveraging the association's resources, Ms. Wilson has also worked closely with industry coalitions to advocate for sound and sensible transportation policies.

Ms. Wilson has also worked to raise awareness of the public, legislators, and of regulators at all levels to the immeasurably important role aggregates play in maintaining America's high quality of life. She calls this effort "romancing the stone" which includes her leadership in establishing The Rocks gallery at the Smithsonian's National Museum of Natural History and creating a permanent endowment to support the gallery, all totaling more than $3.1 million.

Many people have been able to take credit for industry accomplishments, but selection as AggMan of the Year denotes something not everyone can lay claim to—respect of one's peers. For this reason I stand here today to take a moment and congratulate a woman who has done so much for America and the good people in the aggregates industry all the while earning their respect.•

RECOGNIZING NORTH SEATTLE COMMUNITY COLLEGE

• Mrs. MURRAY. Mr. President, I wish today to recognize the North Seattle Community College, in my home State of Washington, as a local leader in sustainability practices. The work of North Seattle Community College, and especially of the North Seattle Community College Sustainability Committee, has made significant contributions to raising awareness of sustainability issues in everyday life on the campus.

Created in 2005, the North Seattle Community College Sustainability Committee holds regular meetings to coordinate sustainability practices with faculty, staff, administrators, students, and interested local residents. This committee has helped to create and implement an impressive list of community-wide activities including: sustainability curriculum, courses, and service learning opportunities; a Web site with useful resources; and an annual Earth Day celebration.

The North Seattle Community College Sustainability Committee also helped incorporate new resource management practices into campus operations and expanded the campus trail system. By providing these services, the North Seattle Community College Sustainability Committee has done a wonderful job of engaging students, teachers, and local citizens.

I believe that in order to truly embrace the opportunities and challenges of tomorrow, the youth of our Nation must have access to programs that foster stewardship and long-term commitment to community awareness. Washington State is fortunate to have schools like North Seattle Community College, which is a natural arena for the kind of innovation our Nation needs in order to embrace new environmentally friendly practices. Green programs and activities are critical to the development of environmentally aware citizens. I was proud to introduce the Higher Education Sustainability Act to help provide resources for college and universities to implement sustainability programs, and my hope is that schools like North Seattle Community College will continue to serve as great role models for other colleges around the Nation as they work on sustainability issues.

It is inspiring to see that the issue of sustainability is bringing people together, and I am proud North Seattle Community College is empowering the entire campus to work on positive solutions. I am sure North Seattle Community College will continue to be successful in inspiring change and providing continued leadership on this important issue.•

• Ms. CANTWELL. Mr. President, with Earth Day just a week away, I wish to recognize the steps colleges and universities in my State are taking to increase public awareness about the effect our daily actions have on the environment. Specifically, I would like to applaud the commitment North Seattle Community College has made to incorporate sustainable practices into everyday life at the college and local level.

Sustainability, the simple idea that we can meet the needs of the present without compromising the ability of future generations to meet their own needs is a concept that is relevant to our lives now more than ever. Today, our reliance on fossil fuels is not only exacerbating economic woes, it is driving too many of our foreign policy decisions and fueling the detrimental forces of climate change. It is time we shift our focus to sustainable practices that encourage a cleaner environment, healthier communities, a stronger economy, and most importantly, national security.

My home State of Washington has always been a leader when it comes to environmental sustainability. For 75 years we have been on the cutting edge of utilizing natural resources to create sustainable, clean emissions power. I think that Washingtonians, living next door to some of the most pristine river valleys and snowcapped peaks in the world, realize how unfair it would be if our great-grandchildren couldn't do the same.

Furthering our State's environmentally conscious tradition, in the spring of 2005, North Seattle Community College president Dr. Ron LaFayette put NSCC on track to be a leader in the sustainability movement by creating a standing advisory Sustainable Committee to address issues of sustainability at the school.

The committee, made up of faculty, staff, administrators, students, and interested citizenry, began meeting regularly in 2006. Since then, it has spearheaded NSCC's efforts to become a local and national model for sustainability practices.

The Sustainability Committee created and has begun to implement goals that include creating and developing a fact sheet, Web site, and other information-sharing methodology; creating and coordinating curriculum around sustainability issues. This includes developing new stand-alone courses, integrated studies programs, service learning and distance learning opportunities; furthering the development of a campus trail system, including a walking trail and an interpretive nature trail; incorporating sustainable practices into campus operations—including food service, waste management, and resource usage; and sponsoring the annual Earth Week celebration. In 2007, this festival included guest speakers and over 35 vendors including educational institutions, environmental nonprofits, and neighborhood businesses.

I am personally encouraged by the attention North Seattle Community College and other Washington State schools have given to advancing sustainable practices in our schools and communities. I hope more institutions of higher education will follow suit in years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3548. An act to enhance citizen access to Government information and services by establishing plain language as the standard style for Government documents issued to the public, and for other purposes.

H.R. 4881. An act to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4881. An act to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contractor grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2731. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. No. 110-325).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. SMITH):

S. 2855. A bill to amend the Internal Revenue Code of 1986 to adjust the dollar amounts used to calculate the credit for the elderly and the permanently disabled for inflation since 1985; to the Committee on Finance.

By Mr. ALEXANDER:

S. 2856. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers a flat tax alternative to the current income tax system; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 2857. A bill to amend title 10, United States Code, to provide for the distribution of a share of certain mineral revenues, and for other purposes; to the Committee on Armed Services.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. SMITH, and Mr. INOUYE):

S. 2858. A bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB (for himself and Mr. WARNER):

S. 2859. A bill to amend the Family Educational Rights and Privacy Act of 1974 to clarify limits on disclosure of student health records, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. MARTINEZ):

S. 2860. A bill to diminish predatory lending by enhancing appraisal quality and standards, to improve appraisal oversight, to ensure mortgage appraiser independence, to provide for enhanced remedies and enforcement, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself and Mr. AKAKA):

S. 2861. A bill to amend the Internal Revenue Code of 1986 to prohibit the imposition of a separate fee for electronic filing of returns and statements for individuals, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mrs. CLINTON):

S. 2862. A bill to provide for National Science Foundation and National Aeronautics and Space Administration utilization of the Arecibo Observatory; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2863. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain stem cell research expenditures; to the Committee on Finance.

By Mr. AKAKA:

S. 2864. A bill to amend title 38, United States Code, to include improvement in quality of life in the objectives of training and rehabilitation for veterans with service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE (for herself, Mr. REED, Mr. KERRY, Mr. LIEBERMAN, Mr. WHITEHOUSE, Ms. COLLINS, and Mr. KENNEDY):

S. 2865. A bill to permit qualified withdrawals from a capital construction fund account under chapter 535 of title 46, United States Code, for gear or equipment required for fishery conservation or safety of life at sea without regard to the minimum cost requirement established by regulation; to the Committee on Finance.

By Mr. REID (for Mrs. CLINTON):

S. 2866. A bill to require greater disclosure of senior corporate officer compensation, to empower shareholders and investors to protect themselves from fraud, to limit conflicts of interest in determining senior corporate officer compensation, to ensure integrity in Federal contracting, to close corporate tax loopholes utilized to subsidize senior corporate officer compensation, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 2867. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Res. 514. A resolution congratulating the Boston College men's ice hockey team on winning the 2008 National Collegiate Athletic Association Division I National Ice Hockey Championship; considered and agreed to.

By Mr. WHITEHOUSE (for himself, Mr. REED, Mr. BIDEN, and Mr. CORNYN):

S. Res. 515. A resolution commemorating the life and work of Dith Pran; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, Mr. FEINGOLD, and Mr. CASEY):

S. Res. 516. A resolution solemnly commemorating the 25th anniversary of the tragic April 1983 bombing of the United States Embassy in Beirut and remembering those who lost their lives and those who where injured; considered and agreed to.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 267

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 268

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 268, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 358

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 582

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 970

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1390

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1483

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1483, a bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1926

At the request of Mr. DODD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 2021

At the request of Mr. WYDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2021, a bill to provide $50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2310

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 2310, a bill to establish a National Catastrophic Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2399

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2399, a bill to expand and improve housing counseling services by increasing financial education and counseling services available to homeowners and prospective homebuyers in financial turmoil or who seek credit or other personal financial assistance, and for other purposes.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2498

At the request of Mr. BINGAMAN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN), the Senator from

Nevada (Mr. REID), the Senator from Nebraska (Mr. NELSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. BOXER), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. TESTER), the Senator from Arkansas (Mr. PRYOR), the Senator from Wisconsin (Mr. KOHL), the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Mr. LEVIN), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Ms. CANTWELL), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2505

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2631

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2631, a bill to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

S. 2668

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2674

At the request of Mr. BURR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2674, a bill to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr. BENNETT), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. TESTER), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2747

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2747, a bill to grant a Federal charter to the National American Indian Veterans, Incorporated.

S. 2756

At the request of Mr. BIDEN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2756, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2758

At the request of Ms. MURKOWSKI, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Idaho (Mr. CRAIG) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2758, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2771

At the request of Ms. LANDRIEU, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2771, a bill to require the president to call a White House Conference on Children and Youth in 2010.

S. 2775

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2775, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits.

S. 2785

At the request of Ms. STABENOW, the names of the Senator from Montana (Mr. TESTER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2839

At the request of Mr. CORNYN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2839, a bill to provide emergency relief for United States businesses and industries currently employing temporary foreign workers and for other purposes.

S. 2840

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2840, a bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 2844

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2844, a bill to amend the

Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. RES. 500

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 500, a resolution honoring military children during "National Month of the Military Child".

S. RES. 506

At the request of Mr. NELSON of Nebraska, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 506, a resolution expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq.

S. RES. 513

At the request of Mrs. DOLE, her name was added as a cosponsor of S. Res. 513, a resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. SMITH, and Mr. INOUYE):

S. 2858. A bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, in honor of World Social Work Day, I rise today to introduce the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act. I am proud to sponsor this legislation that will improve the shortage of social workers as we move into an era of unprecedented healthcare and social service needs. Social workers play a critical role combating the social problems facing our Nation. We must have the workforce in place to make sure that our returning soldiers have access to mental health services, our elderly maintain their independence in the communities they live in, and abused children are placed in safe homes. This bill reinvests in social workers by providing grants to social workers, reviewing the current social workforce challenges, and determining how this shortage will affect the communities social workers serve. I am honored to introduce this bill named after two social visionaries, Dorothy I. Height and Whitney M. Young. Dorothy Height, a pioneer of the civil rights movement, like me began her career as a case worker and continued to fight for social justice. Whitney Young, another trailblazer of the civil rights movement, also began his career transforming our social landscape as a social worker. He helped create President Johnson's War on Poverty and has served as President of the National Association of Social Workers. Congressman TOWNS introduced the companion bill in the House of Representatives last month.

As a social worker, I understand the critical role social workers place in the overall care of our populations. Social workers can be found in every facet of community life—in hospitals, mental health clinics, senior centers, and private agencies that serve individuals and families in need. Social workers are there to help struggling students, returning soldiers, and chronically ill. Oftentimes, social workers are the only available option for mental health care in rural and underserved urban areas. The number of adults over the age of 65 will double by the year 2030 and social workers will be at the forefront of providing compassionate care to this burgeoning community. Yet there will not be enough social workers to meet these needs. Today 30,000 social workers specialize in gerontology, but we will need 70,000 of these social workers by 2010. I want to make sure that when the aging tsunami hits us, we have the workforce in place to care for our aging family members, the Alzheimer patients, the disabled.

This bill is about reinvesting in social work. It provides grants that invest in social work education, research, and training. These grants will fund community based programs of excellence and provide scholarships to train the next generation of social workers. The bill also addresses how to recruit and retain new social workers, research the impact of social services, and foster ways to improve social workplace safety. This bill establishes a national coordination center that will allow social education, advocacy and research institutions to collaborate and work together. It will facilitate gathering and distributing social work research to make the most effective use of the information we have on how social work service can improve our social fabric. This bill also gives social work the attention is deserves. It creates a media campaign that will promote social work, and recognizes March as Social Work Awareness Month.

As a social worker, I have been on the frontlines of helping people cope with issues in their everyday lives. I started off fighting for abused children, making sure they were placed in safe homes. Today I am a social worker with power. I am proud to continue to fight every day for the long range needs of the Nation, on the floor of the United States Senate and as the Chairwoman of the Aging Subcommittee of the Health, Education, Labor and Pensions Committee.

I believe that social work is full of great opportunities, both to serve and to lead. Social work is about putting our values into action. Social workers are our best and brightest, our most committed and compassionate. They are at the frontlines of providing care, often putting themselves in dangerous and violent situations. Social workers have the ability to provide psychological, emotional, and social support—quite simply, the ability to change lives. That is why we must reinvest in social work—we must recruit, retain and research. I think we can do better by our Nation's troops, seniors, and children, by making sure we have the social workforce in place to meet their needs. I'm fighting to make sure we do.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act is strongly supported by the National Association of Social Workers and the Institute for the Advancement of Social Work Research. I want to thank Senators STABENOW, SMITH, and INOUYE for their cosponsorship of this bill.

I look forward to working with my colleagues to enact this important piece of legislation.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
SOCIAL WORKERS,
Washington, DC.

We, the undersigned professional social work organizations, join with the National Association of Social Workers (NASW) in showing our full support for the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act. Social workers provide indispensible services in nearly every community nationwide and to millions of Americans including aging baby boomers, wounded veterans, former prisoners, at-risk students, abused and neglected children, and those diagnosed with cancer, serious mental illness, and those with HIV and AIDS. These essential services have a positive impact on the mental, social, and psychosocial functioning of clients across the country. While professional social workers are more necessary today than at any other time in our history, they are also facing barriers that challenge the profession including insurmountable education debt, insufficient salaries, and serious safety concerns.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act takes important steps to ensure the future viability of the social work profession. The legislation explores the many successful efforts already undertaken by our nation's social workers, while examining the persistent challenges to these efforts. A Social Work Reinvestment Commission will provide a comprehensive analysis of current workforce trends and develop long-term recommendations and strategies to maximize the ability of America's social workers to serve their clients with expertise and care. Demonstration programs will be funded in the areas of workplace improvements, research, education and training, and community-based programs of excellence. This investment will be returned many times over both in support for effective social service solutions and in direct services to client populations.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act is a commitment to ensure that social workers can provide indispensable services for years to come. The future of the profession depends on the measures that are taken toward reinvestment today. We thank Senator Mikulski for her dedication to and leadership of the social work profession and urge every member of the Senate to show their support for professional social workers as well as the individuals, groups, and communities they serve.

Sincerely,

Action Network for Social Work Education and Research, Association of Baccalaureate Social Work Program Directors, Association of Oncology Social Work, Clinical Social Work Association, Council on Social Work Education, Group for the Advancement of Doctoral Education in Social Work, Institute for the Advancement of Social Work Research, National Association of Deans and Directors of Schools of Social Work, Social Welfare Action Alliance, Society for Social Work and Research.

INSTITUTE FOR THE ADVANCEMENT
OF SOCIAL WORK RESEARCH,
Washington, DC, April 12, 2008.

Hon. BARBARA MIKULSKI,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: As the Institute for the Advancement of Social Work Research (IASWR) celebrates its 15th anniversary, this is an important opportunity to recognize the strides that have been made in knowledge development and research infrastructure development in social work over the past decade and one half. However, the growing demands for social work services, the focus on implementation of evidence-based practices, and the need to address both recruitment and retention of professional social workers, requires that there be enhanced federal investments in the social work profession. As the number of children in foster care rises, as our population ages, as school drop-out rates increase, and as deployed soldiers and returning veterans require expanded access to health, mental health and social services, the need for professional social workers at all levels of practice and in all fields of practice has never been greater.

IASWR would like to thank you for standing with your profession in introducing the Dorothy I. Height/Whitney M. Young Social Work Reinvestment Act in the Senate. This Act is one important step in addressing workplace and workforce issues faced by social workers. It will also provide discretionary grants to implement best practice models in social agencies and it provides incentive programs to attract the next generation of social work practitioners and social work researchers. Of particular importance will be the Social Work Reinvestment Commission that will examine critical issues and potential solutions facing the profession today.

As a social worker, I know that you recognize the challenges faced by the social work profession, including low salaries, high caseloads, lack of access to the latest technology to facilitate service delivery, shrinking availability of services, and concerns about safety. The Social Work Reinvestment Act begins to address these concerns.

Thank you for all of your leadership and commitment to social work and to the millions of vulnerable individuals, families and communities that we work with daily. IASWR and the social work research community stands ready to work with you. If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

JOAN LEVY ZLOTNIK,
Executive Director.

Mr. SMITH. Mr. President, I rise today, on World Social Work Day, to introduce the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act. I am pleased to be joined by my colleagues Senator BARBARA MIKULSKI and Senator DEBBIE STABENOW in supporting this important legislation to help ensure the sustainability of the social work field. I look forward to continuing our collaboration on this bill and other efforts to support the tremendous work of our nation's social workers as they ensure the safety and welfare of our citizens in need of guidance and protection.

Social workers in America face an array of issues that impact their ability to stay in the profession. We know that as the U.S. population increases and ages, caseworkers' caseloads continue to increase, causing greater pressure to perform with ever decreasing resources. Further, relatively low wages make it difficult for social workers to stay in their profession long-term. These are just a few of the many challenges they face. Those in the social work field need our support in creating innovative ways to keep them in the profession they love and therefore help the people in our communities who need their expertise and compassion.

Unfortunately, my home State of Oregon is not immune to these problems. We all know of the wonderful work that social workers do to protect children from abuse and neglect. Particularly in parts of Oregon where Methamphetamine abuse has caused widespread suffering, social workers have risen to the occasion to ensure children get the help that they need. However, less recognized is the work that they do on behalf of our elderly. About 13 percent of Oregon's population is persons over the age of 65, which is above the national average of about 12.4 percent. This number is expected to increase dramatically in coming years as our population continues to age, our seniors live longer and we see more of our elderly with multiple chronic conditions. Many of these elderly will depend on the help and guidance of social workers to ensure their well being.

I encourage all of my colleagues to join me, Senator MIKULSKI and Senator STABENOW in championing this legislation to support the needs of our social workers. I look forward to its swift passage.

By Mr. WEBB (for himself and Mr. WARNER):

S. 2859. A bill to amend the Family Educational Rights and Privacy Act of 1974 to clarify limits on disclosure of student health records, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WEBB. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Educational Rights and Privacy Act Amendments of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Federal authorities charged with examining the tragic shootings at Virginia Tech in April 2007 found that confusion and overly-restrictive interpretations of Federal privacy laws, State medical confidentiality laws, and regulations unnecessarily impede the effective transfer of information that could prove useful in averting tragedies. Some school administrators are unaware of exceptions to Federal privacy laws that could allow relevant information about a student's mental health to be appropriately shared.

(2) The purpose of this Act is to eliminate ambiguity in Federal education privacy law to ensure that the Family Educational Rights and Privacy Act of 1974 (FERPA) is not interpreted as prohibiting information sharing between on-campus and off-campus health care providers when both are involved in treating a student. Such "consults" are generally permitted by State medical confidentiality law, and FERPA should not be interpreted as posing an additional obstacle. The Virginia Tech Review Panel recommended that changes to "FERPA should explicitly explain how it applies to medical records held for treatment purposes". The panel reported that misinterpretation of how student treatment records are handled under FERPA as the main source of confusion. FERPA protects the privacy of both student education records and student treatment records from being disclosed generally.

(3) The Virginia Tech Review Panel recommended that Federal privacy laws should be amended to include "safe harbor" provisions that would insulate a person or organization from the loss of Federal education funding for making a disclosure with a good faith belief that the disclosure was necessary to protect the health or safety of a student or member of the public at large. The Commission further recommended that the Federal Educational Rights and Privacy Act of

1974 (FERPA) be amended to clarify the ability of educational institutions to disclose information in emergency situations and to facilitate treatment of students at off-campus facilities.

(4) Mental disorders frequently begin during youth. Research supported by the National Institute of Mental Health found that half of all lifetime cases of mental illness begin by age 14; three quarters have begun by age 24.

(5) In 2004, the Centers for Disease Control and Prevention reported 4,316 suicides among young adults aged 15-24, making it the third leading cause of death in this age group. There were an additional 5,074 suicides among those aged 25-34, making it the second leading cause of death in this age group.

(6) Depression, mental illness, and suicide are problems on college campuses. In 2006, 44 percent of college students reported feeling so depressed it was difficult to function and 9 percent seriously considered suicide, according to a 2006 national survey conducted by the American College Health Association.

(7) While most people in the United States with a mental disorder eventually seek treatment, a National Institute of Mental Health study found pervasive and lengthy delays in getting treatment, with the median delay across disorders being nearly a decade. Over a 12-month period, 60 percent of those with a mental disorder got no treatment at all.

(8) A 2006 survey sponsored by the American College Counseling Association found that 9 percent of enrolled students sought counseling last year and 92 percent of counseling center directors reported an increase in the number of students with severe psychological disorders.

(9) Recent events, including the campus shootings at the Virginia Tech and Northern Illinois universities, have further highlighted the deadly problems of mental illness and violence in American schools. The Northern Illinois shooting resulted in 6 deaths while the Virginia Tech killings left 32 people dead, making it the most lethal school shooting in United States history.

SEC. 3. STUDENT HEALTH RECORDS.

The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) is amended by adding at the end the following:

"(k) CONSULTATION WITH OFF CAMPUS MEDICAL PROFESSIONALS.—Nothing in this section shall prohibit a physician, psychiatrist, psychologist, or other recognized healthcare professional or paraprofessional acting in the individual's professional or paraprofessional capacity, or assisting in that capacity, from consulting with or disclosing records described in subsection (a)(4)(B)(iv) with respect to a student, to a physician, psychiatrist, psychologist, or other recognized healthcare professional or paraprofessional acting in the individual's professional or paraprofessional capacity, or assisting in that capacity, outside the educational agency or institution in connection with the provision of treatment to the student.".

SEC. 4. SAFE HARBOR PROVISION.

The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) is amended in subsection (f) by adding at the end the following: "The release by an educational agency or institution of education records or personally identifiable information contained in such records in the good faith belief that such release is necessary to protect against a potential threat to the health or safety of the student or other persons, shall not be deemed a failure to comply with this section regardless of whether it is subsequently determined that the specified conditions for such release did not exist.".

SEC. 5. EMERGENCY EXCEPTION AMENDMENT.

The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) is amended in subsection (b)(1)(I) by striking "is necessary" and all that follows and inserting "is necessary, according to the good faith belief of the educational agency or institution or persons to whom such disclosure is made, to protect against a potential threat to the health or safety of the student or other persons; and".

By Mr. AKAKA:

S. 2864. A bill to amend title 38, United States Code, to include improvement in quality of life in the objectives of training and rehabilitation for veterans with service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed Training and Rehabilitation for Disabled Veterans Enhancement Act of 2008. This measure would make two small but, I believe, necessary changes in the Department of Veterans' Affairs program of Independent Living services conducted under the authority of chapter 31 of title 38, United States Code.

VA's IL Program was first established in 1980 by Public Law 96-466, the Veterans Rehabilitation and Education Amendments of 1980. Initially, that law provided for the establishment of a 4-year pilot program designed to provide independent living services for severely disabled veterans for whom the achievement of a vocational goal was not reasonably feasible. The number of veterans who could be accepted annually into the pilot program was capped at 500. In 1986, the program was extended through 1989 and then, in 1989, it was made in Public Law 101-237, the Veterans' Benefits Amendments of 1989. In 2001, the 500 annual cap on enrollees was increased to 2,500.

The measure I am introducing would remove any cap on the number of enrollees in any year. In earlier years, as a pilot project, the cap may have been appropriate in order to give VA an opportunity to manage the program in the most effective manner possible and in 2001, it made sense to increase that cap in light of the increased demand and need for the program.

Now, however, it makes sense to lift the cap altogether. This is especially so since this important program is designed to meet the needs of the most severely service-connected disabled veterans and more and more of those returning from combat have suffered the kind of devastating injuries that may make employment not reasonably feasible for extended periods of time.

The VA's Inspector General found, in a report issued in December of last year, that "the effect of the statutory cap has been to delay IL services to severely disabled veterans." This delay happens because VA has developed a procedure that holds veterans in a planning and evaluation stage when the statutory cap may be in danger of being exceeded.

The bill I am introducing today would eliminate the cap entirely as recommended by VA's IG. It would also make the program mandatory rather than a discretionary pilot effort and would include improvement in quality of life an objective of training and rehabilitation for veterans with service-connected disability who are participating in programs of IL services. For these veterans—with respect to whom it has been determined that employment is not a present, reasonably feasible option but one that may be feasible in the future—it seems appropriate to look not only at future employment prospects but also toward improving the individual's quality of life. Such an approach may very well lead to bettering an individual's chances of rehabilitation and future employment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Training and Rehabilitation for Disabled Veterans Enhancement Act of 2008".

SEC. 2. INCLUSION OF IMPROVEMENT IN QUALITY OF LIFE AS OBJECTIVE OF TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) INCLUSION IN SERVICES AND ASSISTANCE UNDER TRAINING AND REHABILITATION.—Section 3104(a)(15) of title 38, United States Code, is amended by inserting before the period at the end the following: "and to improve a veteran's quality of life".

(b) INDEPENDENT LIVING SERVICES AND ASSISTANCE.—

(1) ENTITLEMENT OF CERTAIN VETERANS.—Section 3109 of such title is amended by inserting before the period at the end the following: "and to improve such veteran's quality of life".

(2) PROGRAM OF SERVICES AND ASSISTANCE.—Section 3120 of such title is amended—

(A) in subsection (a), by striking "may" and inserting "shall"; and

(B) in subsection (d), by inserting before the period at the end of the first sentence the following: "and to improve such veteran's quality of life".

SEC. 3. REPEAL OF LIMITATION ON NUMBER OF VETERANS ENROLLED IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

Section 3120 of title 38, United States Code, as amended by section 2 of this Act, is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

By Ms. SNOWE (for herself, Mr. REED, Mr. KERRY, Mr. LIEBERMAN, Mr. WHITEHOUSE, Ms. COLLINS, and Mr. KENNEDY):

S. 2865. A bill to permit qualified withdrawals from a capital construction fund account under chapter 535 of title 46, United States Code, for gear or equipment required for fishery conservation or safety of life at sea without regard to the minimum cost requirement established by regulation; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Fisheries Capital Construction Fund Enhancement Act of 2008. This bill will help alleviate the potentially devastating economic impacts of recent regulations on the lobster industry issued by the National Marine Fisheries Service, and simultaneously encourage conservation in our Nation's fisheries and enhance the safety of the men and women who make their living at America's most dangerous profession.

On October 5, 2007, the National Marine Fisheries Service, or NMFS, issued new regulations that will require "fixed gear" fishermen along the Atlantic Seaboard, including lobstermen, to use sinking groundline to connect their traps in large areas of the Gulf of Maine beginning next fall. The rules are intended to prevent entanglements of endangered whales in fishing gear. By NMFS's own estimates, this rule will impose annual costs of approximately $14 million on our fisheries, over 90 percent of which will be borne by the lobster industry. But a report issued by the Government Accountability Office in August 2007 found the agency's economic analysis to be insufficient, and that it could not estimate the extent to which these costly measures would protect whales. While we must protect our endangered species, it is senseless to impose ineffective measures on an already struggling industry.

These regulations are particularly concerning given the additional hardships our fishing communities currently face, especially down east where lobster plays an integral role in the regional economy. The groundfish industry, once the lifeblood of this region, is now virtually non-existent, with just one active permit remaining east of Penobscot Bay. Lobster has been the lone bright spot in recent years, with annual landings throughout the state in the neighborhood of $300 million. Unfortunately, early returns for 2007 have declined by more than 20 percent from the record highs of 2005 and 2006, and with fuel and bait prices at record highs, the harvest numbers already are leading to tightening budgets and dwindling profits. The bottom line is that it is no exaggeration to say that these rules could put many lobstermen out of business. The effect on fishing families, and even on entire fishing communities, could be devastating.

Furthermore, these rules bring additional safety concerns to the lobster industry. Many offshore areas in Maine have extremely rocky sea floors. Sinking rope vastly increases the likelihood that the line will chaff and snag, wearing the rope to the point that it can suddenly snap, or pulling the boat's rail towards the waterline where it can more easily be swamped and capsized by a large wave.

Passage of this bill would be a step toward alleviating the economic and safety impacts of these rules by opening fishermen's individually held Capital Construction Funds, or CCF's, to purchases of fishing gear required to meet conservation measures required within a fishery or for purchase of equipment to increase the safety of life at sea. Currently, fishermen can deposit a portion of their pre-tax income into a CCF, and that money can then be withdrawn for purchase or reconstruction of fishing boats. Expanding the qualified withdrawals from these accounts would reduce the safety and economic impacts of these and other fishing regulations. Furthermore, this bill would provide an additional outlet for the $221 million currently held in CCF's nationwide, limiting the expansion of fishing capacity and enhancing conservation efforts by reducing incentives to buy or upgrade existing vessels.

Our fisheries are the only remaining commercial wild capture industries in the Nation; fishermen are the last commercial hunters. As such, they must strike a unique balance between plying their trade and protecting the resource and the environment that supports it. The Nation's managers thus strive to balance the two parallel goals of sustaining our fish stocks and the viability of our fishing industries. The bill I introduce today will help achieve that balance by making fishing gear required for conservation or safety purposes more affordable for America's hard-working fishermen.

I want to thank my colleagues, Senators REED, KERRY, LIEBERMAN, WHITEHOUSE, COLLINS, and KENNEDY for co-sponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fisheries Capital Construction Fund Enhancement Act of 2008".

SECTION 2. CERTAIN QUALIFIED CAPITAL CONSTRUCTION FUND WITHDRAWALS.

Section 53509 of title 46, United States Code, is amended—

(1) by striking "or" after the semicolon in paragraph (1) of subsection (a);

(2) by redesignating paragraph (2) of subsection (a) as paragraph (3);

(3) by inserting after paragraph (1) of subsection (a) the following:

"(2) the acquisition of gear or equipment required for safety of life at sea or to comply with conservation measures within a fishery; or"; and

(4) by inserting after "withdrawal." in subsection (c) the following: "The minimum cost requirements established by such regulations (50 C.F.R. 259.31) shall not apply to a withdrawal described in subsection (a)(2).".

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 2867. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Southwest Border Violence Reduction Act. This legislation is aimed at addressing the drug-related violence that has plagued parts of Mexico and ensuring that we dedicate the resources necessary to stop the flow of weapons that help fuel this violence.

In the Mexican state of Chihuahua, which shares a border with New Mexico, there have been over 200 killings since the beginning of 2008, an increase of about 100 percent over the previous year. This violence, which is mostly perpetrated by international drug trafficking organizations, impacts the well-being and safety of communities on both sides of the U.S.-Mexico border.

Recently it was reported that the entire police force in Palomas, a Mexican town just across the border from Columbus, New Mexico, resigned after repeated threats from drug traffickers. The Chief of Police fled to the United States to seek asylum. On another recent occasion, the Columbus Port of Entry was shut down after there were several killings nearby. As a result, American school children who commute back and forth over the border had to receive a police escort. And just yesterday, the Department of State renewed a travel advisory warning of the ongoing violence.

I have met with Mexico's Ambassador, Foreign Minister, and Attorney General to raise serious concerns about the level of violence in the region and to discuss ways to address this problem. I am pleased that the Government of Mexico understands the gravity of this situation and I appreciate Mexico's response in sending 2,000 troops to Chihuahua to bring it under control. However, both Mexican and U.S. law enforcement officials have stressed the need to more aggressively target the criminal enterprises that are supplying weapons to drug cartels. According to ATF, about 90 percent of the firearms recovered in Mexico are trafficked from the United States because high-powered weapons are much easier to purchase in the U.S. than in Mexico.

The drug cartels operating along the border smuggle illegal narcotics into the United States and use revenue derived from the drug trade to purchase the firearms they need to maintain control over drug trafficking routes. According to ATF, about 90 percent of the firearms recovered in Mexico originate from sources within the United States because high-powered weapons, such as M–50s, are much easier to purchase in the United States than in Mexico. The ability to fight drug traffickers is significantly hampered by the fact that these violent groups use smuggled weapons to assassinate military and police officials, murder rival members of drug organizations, and kill innocent civilians.

In order to reduce violence in the region and disrupt the drug trade, it is essential that we aggressively work to prevent drug trafficking organizations operating in Mexico from obtaining these weapons. This effort requires that additional resources be allocated to target weapons trafficking networks supplying these arms and enhanced international cooperation in tracing the sources of weapons seized in Mexico.

To this end, the legislation I am introducing today would authorize additional resources to expand a successful ATF initiative, Project Gunrunner, which is aimed at combating arms smuggling. The bill would also increase the training and support of Mexican law enforcement in investigating firearms trafficking cases.

Specifically, the legislation would enable ATF to hire, train, and deploy an additional 80 special agents to establish and support seven more Project Gunrunner Teams that are solely devoted to disrupting firearm trafficking organizations smuggling weapons into Mexico. The bill also would make it possible for ATF to place at least 12 additional special agents in Mexico to support Mexican law enforcement in tracing seized firearms. Two Special Agents could be assigned to U.S. Consulates throughout the border region, Guadalajara, Chihuahua, Matamoros, Hermosillo, Tijuana, and Mazatlan, in conjunction with existing DEA offices. Funds would cover salaries, protective and investigative equipment, and other costs associated with maintaining a foreign presence. And lastly, the legislation would significantly increase ATF efforts to assist and train Mexican law enforcement officers with weapons trafficking investigations. The bill authorizes $24.5 million for each fiscal year 2009 and 2010 to implement this Act.

I strongly believe that it is essential that the U.S. enhance its efforts to stop the flow of weapons being trafficked into Mexico, and I hope my colleagues will join me in this effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 514—CONGRATULATING THE BOSTON COLLEGE MEN'S ICE HOCKEY TEAM ON WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NATIONAL ICE HOCKEY CHAMPIONSHIP

Mr. KENNEDY (for himself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 514

Whereas, on Saturday, April 12, 2008, the Boston College men's ice hockey team (referred to in this preamble as the "Eagles") won the 2008 National Collegiate Athletic Association (NCAA) Division I National Ice Hockey Championship by defeating the University of Notre Dame men's ice hockey team by the score of 4 to 1 in the final game of the Frozen Four;

Whereas the University of Notre Dame men's ice hockey team deserves great respect for reaching the Frozen Four for the first time in the team's history and then advancing to the National Championship game;

Whereas the victory for Boston College marked the Eagles' third national hockey championship, after the team's first championship win in 1949 and its second championship win in 2001;

Whereas the Eagles earned the number 1 seed in the NCAA hockey tournament with an impressive overall record of 24 wins, 11 losses, and 8 ties during the 2007–2008 season;

Whereas the Eagles were led by junior Nathan Gerbe, the Nation's leading scorer in men's college ice hockey, who came in second for the Hobey Baker Memorial Award, with 35 goals and 32 assists during the season;

Whereas the Eagles have made the National Championship game in each of the past 3 years, demonstrating extraordinary teamwork and dedication;

Whereas the remarkable 2007–2008 season also included a memorable victory for the Eagles in the historic Beanpot Championship in February 2008, earning Boston College its 14th Beanpot Championship;

Whereas Boston College "Super Fans" traveled great distances all year and gave the Eagles strong support throughout their championship season; and

Whereas Boston College and its student athletes are well known for their commitment to both athletic and academic excellence, ranking sixth nationally among NCAA Division I schools in the graduation rate of student athletes: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston College men's ice hockey team for winning the 2008 National Collegiate Athletic Association Division I National Ice Hockey Championship; and

(B) the players, coaching staff, faculty and staff of the university, student body, and fans whose determination, strong work ethic, drive, and support made the 2007–2008 championship season possible;

(2) congratulates the University of Notre Dame men's ice hockey team for its success in the 2007–2008 season and for reaching the Frozen Four for the first time in the team's history; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Boston College President Father William P. Leahy, S.J.;

(B) Boston College Athletic Director Gene DeFilippo; and

(C) Boston College Head Coach Jerry York.

SENATE RESOLUTION 515—COMMEMORATING THE LIFE AND WORK OF DITH PRAN

Mr. WHITEHOUSE (for himself, Mr. REED, Mr. BIDEN, and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 515

Whereas, between 1975 and 1979, Dith Pran dedicated his life and journalistic career to preventing genocide by exposing the atrocities perpetrated by the Khmer Rouge regime in his native Cambodia;

Whereas Dith Pran, the subject of the Academy Award-winning film "The Killing Fields", survived the genocide in Cambodia in which up to 2,000,000 men, women, and children, including most of Dith Pran's extended family, were killed by the Khmer Rouge;

Whereas Dith Pran assisted many of his fellow journalists who were covering the impending takeover of Cambodia by the Khmer Rouge to escape unharmed from the country when the capital of Cambodia, Phnom Penh, fell to the Khmer Rouge in 1975;

Whereas Dith Pran was subsequently imprisoned by the Khmer Rouge, and for 4 years endured forced labor, beatings, and unconscionable conditions of human suffering;

Whereas, in 1979, Dith Pran escaped from forced labor past the Khmer Rouge's "killing fields", a term Mr. Dith created to describe the mass graveyards he saw on his 40-mile journey to a refugee camp in Thailand;

Whereas Dith Pran, in the words of New York Times Executive Editor Bill Keller, "reminds us of a special category of journalistic heroism, the local partner, the stringer, the interpreter, the driver, the fixer, who knows the ropes, who makes your work possible, who often becomes your friend, who may save your life, who shares little of the glory, and who risks so much more than you do";

Whereas Dith Pran moved to New York in 1980 and devoted the remainder of his life and journalistic career to advocating against genocide and for human rights worldwide;

Whereas Dith Pran educated people around the world about the horrors of genocide in general, and the genocide in Cambodia in particular, through his creation of the Dith Pran Holocaust Awareness Project;

Whereas, in 1985, Dith Pran was appointed a United Nations Goodwill Ambassador by the United Nations High Commissioner for Refugees;

Whereas Dith Pran lost his battle with cancer on March 30, 2008, leaving behind a world that better understands the tragedy of the genocide in Cambodia and the need to prevent future genocides, largely due to his compelling story, reporting, and advocacy;

Whereas Dith Pran said, "Part of my life is saving life. I don't consider myself a politician or a hero. I'm a messenger. If Cambodia is to survive, she needs many voices."; and

Whereas the example of Dith Pran should endure for generations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Dith Pran is a modern day hero and an exemplar of what it means to be a citizen of the United States and a citizen of the world;

(2) the United States owes a debt of gratitude to Dith Pran for his tireless work to prevent genocide and violations of fundamental human rights; and

(3) teachers throughout the United States should spread Dith Pran's message by educating their students about his life, the genocide in Cambodia, and the collective responsibility of all people to prevent modern-day atrocities and human rights abuses.

SENATE RESOLUTION 516—SOLEMNLY COMMEMORATING THE 25TH ANNIVERSARY OF THE TRAGIC APRIL 1983 BOMBING OF THE UNITED STATES EMBASSY IN BEIRUT AND REMEMBERING THOSE WHO LOST THEIR LIVES AND THOSE WHO WERE INJURED

Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, Mr. FEINGOLD, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 516

Whereas, on April 18, 1983, terrorists detonated a bomb at the United States Embassy in Beirut, Lebanon, killing 63 people, including 42 American and Lebanese Embassy staff;

Whereas the bombing injured many other people, including 35 Embassy staff;

Whereas President Ronald Reagan denounced the "vicious terrorist bombing" as a "cowardly act"; and

Whereas the April 18, 1983 attack was at the time the deadliest attack against a United States diplomatic mission in history, but was followed by other terrorist attacks against Americans in Beirut including the bombing of the United States Marines barracks in Beirut on October 23, 1983, which killed 241 members of the United States Armed Forces, the bombing of the United States Embassy annex in Beirut on September 20, 1984, which killed 12 people, including 9 Embassy staff, and the bombing of a United States Embassy vehicle on January 15, 2008, which injured 2 Lebanese employees of the Embassy and killed 3 Lebanese passers by: Now, therefore, be it

Resolved, That the Senate, on the 25th anniversary of the April 18, 1983, bombing of the United States Embassy in Beirut, Lebanon—

(1) remembers the victims of the bombing;

(2) joins family and friends in mourning the American and Lebanese victims who lost their lives in this tragic bombing;

(3) condemns all terrorist acts that deliberately target the innocent; and

(4) reiterates its strong support for the people of Lebanon and their Government as they seek to build a better future free from the threat of terrorist violence.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4527. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table.

SA 4528. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 1195, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4527. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 2 and 3, insert the following:

(1) in item number 273, by striking the project description and inserting "Improvements to on/off ramp system from I–10 to Ryan Street (LA 385), including installation of an exit ramp for eastbound traffic on I–10, incorporating, as necessary, portions of Front Street and Ann Street, and including repair and realignment of Lakeshore Drive, and to include the expansion of Contraband Bayou Bridge";

SA 4528. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 3 and 4 and insert the following:

(386) in item number 3735 by striking the project description and inserting "Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49"; and

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, April 23, 2008, at 3 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 662, to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; S. 827, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; S. 923 and H.R. 1528, to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; S. 956, to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; S. 2073, to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; S. 2513, to modify the boundary of the Minute Man National Historical Park, and for other purposes; S. 2604, to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; S. 2804, to adjust the boundary of the Everglades National Park, and for other purposes; H.R. 53, to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes; and H.R. 1483 (Subtitles C, D, and F of title II, title III, section 4006 of title IV, and titles V and VI only), to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the Session of the Senate on April 15, 2008, at 10 a.m., to conduct a hearing entitled "Turmoil in U.S. Credit Markets: Impact on the Cost and Availability of Student Loans."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Ending Abuses and Improving Working Conditions for Tomato Workers" on Tuesday, April 15, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 15, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Tax: Fundamentals in Advance of Reform".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 15, 2008, at 2:30 p.m. to hold a hearing on law of war treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, April 15, 2008, at 10 a.m. to conduct a hearing entitled, "Nuclear Terrorism: Confronting the Challenges of the Day After."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, April 15, 2008, at 3:15 p.m. to conduct a hearing entitled "Census in Peril: Getting the 2010 Decennial Back on Track, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 15, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests, be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 15, 2008, at 2:30 p.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality be authorized to meet during the session of the Senate on Tuesday, April 15, 2008 at 3 p.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Pharmaceuticals in the Nation's Water: Assessing Potential Risks and Actions to Address the Issue."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Madam President, I ask unanimous consent that Maria Kate Dowling, a detailee of Senator KENNEDY's HELP Committee staff, be granted the privilege of the floor for the duration of the Ledbetter Fair Pay Restoration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 25TH ANNIVERSARY OF THE APRIL 1983 BOMBING OF THE UNITED STATES EMBASSY IN BEIRUT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 516, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 516) solemnly commemorating the 25th anniversary of the tragic April 1983 bombing of the United States Embassy in Beirut and remembering those who lost their lives and those who were injured.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, I rise to commemorate the 25th anniversary of the tragic April 1983 bombing of the U.S. Embassy in Beirut. As we speak, thousands of State Department employees are living and working abroad, promoting U.S. interests and building stronger relations with foreign governments and their peoples. While their work is always important, it is also sometimes dangerous. The 25th anniversary of the April 18, 1983, bombing of the U.S. embassy in Beirut reminds us of this fact. On that sad day, the lives of 63 people, including 42 Americans and Lebanese members of the Embassy staff, were tragically taken. In addition to those who lost their lives, many others were injured, including 35 embassy personnel.

On April 18th, 2008, the State Department will host a commemoration ceremony. Senior U.S. Government officials will join Ambassador Robert Dillon, the U.S. Ambassador to Lebanon at the time of the bombing, and over 100 family members of the victims to remember their sacrifice. The U.S. Senate also joins in honoring the service of those who died, mourning their death, and condemning all terrorist acts that deliberately target the innocent. We also reiterate our unwavering support for the people of Lebanon and their government as they seek to build a better future free from the threat of terrorist violence.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 516) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 516

Whereas, on April 18, 1983, terrorists detonated a bomb at the United States Embassy in Beirut, Lebanon, killing 63 people, including 42 American and Lebanese Embassy staff;

Whereas the bombing injured many other people, including 35 Embassy staff;

Whereas President Ronald Reagan denounced the "vicious terrorist bombing" as a "cowardly act"; and

Whereas the April 18, 1983 attack was at the time the deadliest attack against a United States diplomatic mission in history, but was followed by other terrorist attacks against Americans in Beirut including the bombing of the United States Marines barracks in Beirut on October 23, 1983, which killed 241 members of the United States Armed Forces, the bombing of the United States Embassy annex in Beirut on September 20, 1984, which killed 12 people, including 9 Embassy staff, and the bombing of a United States Embassy vehicle on January 15, 2008, which injured 2 Lebanese employees of the Embassy and killed 3 Lebanese passers by: Now, therefore, be it

Resolved, That the Senate, on the 25th anniversary of the April 18, 1983, bombing of the United States Embassy in Beirut, Lebanon—

(1) remembers the victims of the bombing;

(2) joins family and friends in mourning the American and Lebanese victims who lost their lives in this tragic bombing;

(3) condemns all terrorist acts that deliberately target the innocent; and

(4) reiterates its strong support for the people of Lebanon and their Government as they seek to build a better future free from the threat of terrorist violence.

ORDERS FOR WEDNESDAY, APRIL 16, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, April 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, and the Senate then proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 1195, the highway technical corrections bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Wednesday, April 16, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

MICHELE M. LEONHART, OF CALIFORNIA, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT, VICE KAREN P. TANDY, RESIGNED.

THE JUDICIARY

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PATRICK J. DUGGAN, RETIRED.

HELENE N. WHITE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE SUSAN BIEKE NEILSON, DECEASED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

TREVOR M. HARE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

SUSAN M. MAITRE

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CRAIG LEWIS CLOUD, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN CHARLES DOCKERY, OF TEXAS
MARY-KATHARINE RANKIN, OF TEXAS
ERICA KEEN THOMAS, OF MARYLAND
MARIKA RICHTER ZADVA, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

RACHEL BICKFORD, OF NEW HAMPSHIRE
FREDERICK H. GILES, OF THE DISTRICT OF COLUMBIA
CYNTHIA M. GUVEN, OF VIRGINIA
ERIK W. HANSEN, OF VIRGINIA
RACHEL HODGETTS NELSON, OF CALIFORNIA

DEPARTMENT OF STATE

KIM FELICIA DUBOIS, OF FLORIDA
IRVIN HICKS, JR., OF MARYLAND
SARA K. HODGSON, OF MISSOURI
JEFFREY SCOTT WALDO, OF WYOMING

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MIRIAM LAILA AWAD, OF TEXAS
JARED BANKS, OF MARYLAND
ANNE WHITE BENJAMINSON, OF TEXAS
JOHN C. BERGEMANN, OF VIRGINIA
TIMOTHY DAVID BIRNER, OF MISSOURI
RUSSELL K. BROOKS, OF NEW JERSEY
NEDA A. BROWN, OF TENNESSEE
FREDERICK E. N. BRUST, OF NEW YORK
ANIA BURCZYNSKA CANAVAN, OF WASHINGTON
BENJAMIN CADE CANAVAN, OF FLORIDA
ANAMIKA CHAKRAVORTY, OF CALIFORNIA
AKUNNA E. COOK, OF MARYLAND
PETER J. COVINGTON, OF CALIFORNIA
MARIO CRIFO, OF TEXAS
JENNIFER J. DANOVER, OF MINNESOTA
JACQUELINE SAMARA DELEY, OF CALIFORNIA
BRIAN E. DENVER, OF VIRGINIA
VITO DIPAOLA, OF GEORGIA
ROBERT F. DOUGHTEN, OF MONTANA
LINDA A. FENTON, OF KANSAS
CYRIL M. FERENCHAK, OF FLORIDA
JOSHUA FISCHEL, OF IDAHO
DOUGLAS A. FISK, OF NEW MEXICO
ERIC GREGORY FLAXMAN, OF TEXAS
MARILYN R. GAYTON, OF CALIFORNIA
ALEXANDER C. GAZIS, OF NEW YORK
YVONNE MARIE GONZALES, OF CALIFORNIA
KATHERINE A. GREELEY, OF CALIFORNIA
CHRISTOPHER JAMES HARRIS, OF VIRGINIA
LAUREN HOLT HANSEN, OF CALIFORNIA
CHRISTOPHER DREW HOSTER, OF OHIO
KAREN W. HSIAO, OF UTAH
RODNEY MAX HUNTER, OF INDIANA
PAUL I. JUKIC, OF CONNECTICUT
HEATHER E. KALMBACH, OF PENNSYLVANIA
YOLANDA V. KERNEY, OF THE DISTRICT OF COLUMBIA
KRISTIN LOUISE KNEEDLER, OF FLORIDA
DANIEL D. KOSKI, OF TEXAS
BRIAN KRESSIN, OF THE DISTRICT OF COLUMBIA
SRINIVAS RAO KULKARNI, OF TEXAS
LAUREN MARCUS LADENSON, OF WASHINGTON
JILL MARY LARSON, OF MINNESOTA
LOWELL DALE LAWTON, OF NEVADA
ANDREW T. LEE, OF CALIFORNIA
EDWARD PAUL LUCHESSI, OF CALIFORNIA
LORA OMAN LUND, OF VIRGINIA
TODD HARRY LUNDGREN, OF WASHINGTON
ANDREW T. MACDONALD, OF TEXAS
ERIK J. MAGDANZ, OF CALIFORNIA
LATRANDA SHONTELL MARTIN, OF GEORGIA
MARIELLE HALLER MARTIN, OF INDIANA
MICHAEL J. MCKEOWN, OF TEXAS
TAWNIE A. MCNEIL, OF CALIFORNIA
ELISE MICHELLE MELLINGER, OF HAWAII
DENNY J. MEREDITH III, OF MISSOURI
KIMBERLY A. MORALES, OF PENNSYLVANIA
GREGORY LANE NAARDEN, OF TEXAS
LONG T. NGUYEN, OF CALIFORNIA
SUE ELLEN KRISTINE OSTREM, OF NEW JERSEY
MELINDA M. PAVEK, OF WYOMING
RAIMONDS PAVLOVSKIS, OF NEW YORK
JEAN L. PIERRE-LOUIS, OF FLORIDA
KRISTYNA L. RABASSA, OF MICHIGAN
ANNA RADIVILOVA, OF FLORIDA
CHRISTIAN WILLIAM REDMER, OF TENNESSEE
DOVAS A. SAULYS, OF ILLINOIS
MORDICA MICHELLE SIMPSON, OF FLORIDA
MATTHEW ANDERS SINGER, OF VIRGINIA
ROBIN DIANE SOLOMON, OF TEXAS
JOHN C. TAYLOR, OF WYOMING
YODCHIWAN DEW TIANTAWACH, OF OREGON
MATTHEW A. TOLLIVER, OF VIRGINIA
JESSICA MARIE TORRES, OF FLORIDA
ERIC RICHARD TURNER, OF VIRGINIA
ANDREW JOSEPH VADEN, OF TEXAS
JENNIFER R. VAN TRUMP, OF CALIFORNIA
PATRICK H. VENTRELL, OF COLORADO
RAJEEV M. WADHWANI, OF NEW JERSEY
JENNIFER D. WASHELESKI, OF THE DISTRICT OF COLUMBIA
CARL THOMAS WATSON, OF NEW YORK
GINA M. WERTH, OF NEVADA
DIANNE KAYE WEST, OF SOUTH DAKOTA
ALEXANDER WHITTINGTON, OF TEXAS
SARA S. YUN, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

TERESA HOWES, OF MICHIGAN
WILLIAM KUTSON, OF MARYLAND
JESSE LAPIERRE, OF VIRGINIA

DEPARTMENT OF STATE

CAROLYN LEE AKER, OF VIRGINIA
JEEMES LEE AKERS, OF VIRGINIA
EUNJOO A. ALAM, OF VIRGINIA
PAUL R. ALLEN, OF VIRGINIA
ERIK M. ANDERSON, OF NEW HAMPSHIRE
SHRI A. ARORA, OF THE DISTRICT OF COLUMBIA
RICHARD A. BAKEWELL, OF VIRGINIA
BENJAMIN BARRY, OF THE DISTRICT OF COLUMBIA
TRACY BECKER, OF VIRGINIA
STEVEN TERRY BENFELL, OF VIRGINIA
ROBERT C. BLACKSTONE, OF MARYLAND
JEREMY M. BLUM, OF FLORIDA
MELANIE LYNETTE BONNER, OF MISSISSIPPI
SARAH E. BOSWELL, OF VIRGINIA
BRUCE M. BOURBEAU, OF VIRGINIA
CARRIE BRAMAN, OF VIRGINIA
JOSEPH C. BRISTOL, OF WASHINGTON
HEATHER WINN BROMAN, OF VIRGINIA
BRUCE T. BROOKS, OF VIRGINIA
SUSAN A. BROWN, OF VIRGINIA
PETER EGILL EGGERZ BROWNFELD, OF VIRGINIA
STEPHEN C. BURGIN, OF VIRGINIA
EDWARD C. BURLESON, OF TEXAS
LEWIS W. BURNS III, OF NORTH CAROLINA
GINA M. CABRERA-FARRAJ, OF VIRGINIA
PAULINA CARRASCO, OF VIRGINIA
CHRISTINA JEANNE CAVALLO, OF VIRGINIA
TODD M. CISZ, OF VIRGINIA
LAWRENCE HUSTON CLIFTON, OF VIRGINIA
TALYON J. COLEMAN, OF MINNESOTA
STACIE LEIGH CONSTANTINE, OF VIRGINIA
SARAH B. CROCKETT, OF VIRGINIA
KELIA EILEEN CUMMINS, OF NEW YORK
RICHARD E. DALEY, OF FLORIDA
ANNE BARBER DAVIS, OF VIRGINIA
ANN MARIE DEAL, OF MASSACHUSETTS
NATHAN L. DIETRICH, OF VIRGINIA
STEVEN J. DUBE, OF ILLINOIS
KONSTANTIN DUBROVSKY, OF VIRGINIA
QUINTON L. DUFFY, OF COLORADO
J. COE ECONOMOU, OF NEW YORK
CHARLES WILLIAM ELLIOT III, OF VIRGINIA
MARY M. ENNIS, OF VIRGINIA
AMANDA M. EVANS, OF MARYLAND
HEATHER CARLIN FABRIKANT, OF THE DISTRICT OF COLUMBIA
PHILLIP FANTOZZI, OF VIRGINIA
KATHRYNN RAE FESTA, OF VIRGINIA
HENRY DOUGLAS FLACH, OF VIRGINIA
COLLIN J. FLYNN, OF THE DISTRICT OF COLUMBIA
MATTHEW D. FRANKE, OF THE DISTRICT OF COLUMBIA
DAVID CHARLES GAMBLA, OF VIRGINIA
ANDREW M. GHOBRIEL, OF VIRGINIA
ACQUANIA V. GIBBS, OF MARYLAND
RENEE P. GOFF, OF VIRGINIA
ANN DELONG GREENBERG, OF VIRGINIA
LONI MARIA GREENBERG, OF MARYLAND
MICHAEL THOMAS HACKETT, OF CONNECTICUT
MAXWELL J. HAMILTON, OF LOUISIANA
J. MICHAEL HARVEY, OF WASHINGTON
CHARLES E. HAVENER, OF MARYLAND
ROBERT B. HAWKINS III, OF CALIFORNIA
ANDREW WILLIAM HAY, OF THE DISTRICT OF COLUMBIA
ROBERT ARMSTRONG HELWIG III, OF VIRGINIA
JOHN BRIAN HERICKHOFF, OF VIRGINIA
MICHAEL J. HESSLER, OF VIRGINIA
MICHEL C. HO, OF VIRGINIA
COURTNEY ANNE HOMAN-JONES, OF MARYLAND
HEATHER S. HONAKER, OF VIRGINIA
DAVID MAURICE JONES, OF ILLINOIS
KRISTIN MICHELLE HOOPER, OF VIRGINIA
PHILLIP ANDREW HOOPER, OF VIRGINIA
DAVID C. HORENGIC, OF VIRGINIA
CHARLES C. HULL, OF MARYLAND
OMAR KAMAL JABBOUR, OF VIRGINIA
ALEXANDER J. JARZ, OF VIRGINIA
BRENDAN H. JOHNSON, OF VIRGINIA
JEFFREY M. JORDAN, OF MARYLAND
KEITH P. JORDAN, OF VIRGINIA
NICKOLAS A. JORJANI, OF VIRGINIA
ROBERT WARREN KACHUR, OF VIRGINIA
STEPAN KARAKESISOGLU, OF MARYLAND
KATHERINE MICHELLE KELLEY, OF MARYLAND
MICHAEL JAMES KELLY, OF MARYLAND
SUSAN KOPP KEYACK, OF PENNSYLVANIA
DONG-SUNG KIM, OF MARYLAND
THANH C. KIM, OF TEXAS
CARINA DEA KLEIN, OF NEW YORK
GEORGE E. KRAMER, OF VIRGINIA
KRIS S. KUMAR, OF VIRGINIA
JONATHAN P. LALLEY, OF VIRGINIA
SCOTT D. LANDSMAN, OF ILLINOIS
JOSEPH AARON LARSON, OF VIRGINIA
ELLISON S. LASKOWSKI, OF THE DISTRICT OF COLUMBIA
JEFFREY DEAN LASSETER, OF VIRGINIA
DARLENE M. LIAO, OF VIRGINIA
LEAH CHRISTINE LIOTT, OF MARYLAND
KENDRICK M. LIU, OF CALIFORNIA
LIANA M. LUM, OF MARYLAND
AYO W. LYNN, OF VIRGINIA
PATRICK S. LYON, OF MARYLAND
ERIN NICHOLE MARKLEY, OF MISSOURI
NICHOLAS FRANCIS VAZQUEZ MATHEW, OF VIRGINIA
KEITH A. MCCOY, OF VIRGINIA
REID B. MCCOY, OF TEXAS
N. DEAN MESERVY, OF MARYLAND
FAITH MCCARTHY MEYERS, OF VIRGINIA
CHRISTOPHER C. MILLER, OF VIRGINIA
MARK R. MINEO, OF FLORIDA
MARLA ANNE MONTEVALDO, OF VIRGINIA
WILLIAM L. MORRIS III, OF VIRGINIA
GILBERT GEORGE MORTON, OF NEW YORK
KALPANA MURTHY, OF WASHINGTON
JASON ZIMPRICH NADON-RZASA, OF VIRGINIA
TODD R. NEIMAN, OF ILLINOIS
KEVIN D. NELSON, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER R. NEWMAN, OF VIRGINIA
RUTH NEWMAN, OF COLORADO
RICHARD F. NICHOLES, OF VIRGINIA
CHARLOTTE SULLIVAN NUANES, OF THE DISTRICT OF COLUMBIA
BRIAN O'BEIRNE, OF THE DISTRICT OF COLUMBIA
NICOLE L. O'BRIEN, OF VIRGINIA
KERRI ANN OLSEN, OF VIRGINIA
MATTHEW RYAN PACKER, OF THE DISTRICT OF COLUMBIA
TAMMY B. PALTCHIKOV, OF ALABAMA
ELEANOR B. PEARSON, OF VIRGINIA
CHARLES STEPHEN PENNYPACKER, OF VIRGINIA
LAUREN E. PETERS, OF THE DISTRICT OF COLUMBIA
SHANE M. PETERSEN, OF VIRGINIA
KRISTA PICA, OF VIRGINIA
JEREMY B. PINNER, OF VIRGINIA
ESTHER A. PIZARRO, OF VIRGINIA
JAMES PLASMAN, OF ILLINOIS

LOUIS S. POLLARD, OF VIRGINIA
PAMELA ROSS DIEFENDERFER PONTIUS, OF THE DISTRICT OF COLUMBIA
CARTER JAMES POTTS, OF VIRGINIA
CYNTHIA ZUNIGA PRASZCZALEK, OF MARYLAND
CLAIRE V. QUIRKE, OF THE DISTRICT OF COLUMBIA
PRASHANTH RAJAN, OF THE DISTRICT OF COLUMBIA
NAYEONG L. RANDORF, OF VIRGINIA
GREGORY N. RANKIN, OF THE DISTRICT OF COLUMBIA
JAMES E. REESE, OF PENNSYLVANIA
JAMIE ROANE, OF VIRGINIA
ROSELLEN ALBANO ROBERT, OF VIRGINIA
MICHAEL A. ROBERTS, OF VIRGINIA
OLGA B. ROMANOVA, OF NEW YORK
IVAN F. RUIZ, OF VIRGINIA
ROBERT RUSCHENBERG, OF CALIFORNIA
ALEXANDER THEODORE RYAN, OF PENNSYLVANIA
BRIGITTA J. SAJCIC, OF VIRGINIA
TANYA YUKI SALSETH, OF CALIFORNIA
ROCCO C. SANTORO, OF MARYLAND
BRANDE HANNAH SASSMAN, OF VIRGINIA
CRAIG G. SCHMAUS, OF VIRGINIA
ANDREW HUBBARD SCHUT, OF THE DISTRICT OF COLUMBIA
ANDREW C. SCHWARTZ, OF MARYLAND
ANDREW CRAWFORD SCHWARTZ, OF VIRGINIA
JOE L. SEPULVEDA, OF VIRGINIA
MELISSA K. SHOEMAKER, OF VIRGINIA
ASHLI C. SIMPSON, OF TEXAS
EILEEN SIMPSON, OF VIRGINIA
JONATHAN M. SMALLRIDGE, OF THE DISTRICT OF COLUMBIA
NOLAN G. SMASH, OF MARYLAND
GREGORY MICHAEL SMITH, OF VIRGINIA
JASON A. SMITH, OF VIRGINIA
ROBERT THOMAS SMITH, OF VIRGINIA
STEPHANIE P. SMITH, OF VIRGINIA
RAVINDRA MOHAN SRIVASTAVA, OF COLORADO
JOHN W. STABLES, OF TEXAS
NATASHA N. STITH, OF VIRGINIA
ROBERT J. STOLZ, OF VIRGINIA
LIAM L. SULLIVAN, OF NEW HAMPSHIRE
MATTHEW JOSEPH SULLIVAN, OF VIRGINIA
MEREDITH JILL SUMPTER, OF VIRGINIA
ELIZABETH TANG SWEET, OF NEW JERSEY
TRISHA ANN TAINO, OF VIRGINIA
LISA Y. TAM, OF VIRGINIA
CONSTANTINO THEOHARATOS, OF ARIZONA
ERIC J. THEUS, OF VIRGINIA
BOBBI C. THOMAS-TAGAI, OF TEXAS
PATTY ANN TRUGLIO, OF VIRGINIA
DAVID COLIN TURNBULL, OF NEW YORK
ANDREW UTZ, OF VIRGINIA
PETER P. VELASCO, OF THE DISTRICT OF COLUMBIA
JILLIAN MARIE WALKER, OF VIRGINIA
ERIKA A. H. WANAMAKER, OF VIRGINIA
JUSTIN T. WARNICK, OF VIRGINIA
SHAWNTAE WHITE, OF OHIO
MICHELLE A. WHITEMAN, OF MARYLAND
CURT WHITTAKER, OF OREGON
ARIC C. WILLIAMS, OF VIRGINIA
GEORGE THOMAS WOOD IV, OF VIRGINIA
JEFFREY TODD WORKMAN, OF MARYLAND
JARED M. YANCEY, OF VIRGINIA
MARA YAVERBAUM, OF VIRGINIA
MICHAEL B. YORKE, OF VIRGINIA
KIRA L. ZAPORSKI, OF WISCONSIN

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DENISE G. MANNING, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR, EFFECTIVE JANUARY 6, 2008:

ROBERT A. ECKERT, OF FLORIDA
KIMBERLY K. OTTWELL, OF ARIZONA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TO BE LIEUTENANT GENERAL

MAJ. GEN. DANA T. ATKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARK D. SHACKELFORD

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK G. HELMICK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. JOHN F. MULHOLLAND, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be major

KENNETH D. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be lieutenant colonel

JOHN M. HOPPMANN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

AMY M. BAJUS
SHANE E. BARTEE
JOSEPH B. BERGER III
LOUIS A. BIRDSONG
PAULETTE V. BURTON
ERIK L. CHRISTIANSEN
DAVID T. CLUXTON
STEVEN P. CULLEN
GAIL A. CURLEY
KATHRYN A. DONNELLY
GREGG A. ENGLER
KWASI L. HAWKS
MICHAEL K. HERRING
JONATHAN HOWARD
JOHN T. HYATT
IAN R. IVERSON
MELVIN C. JENKS
CARL A. JOHNSON
NICHOLAS F. LANCASTER
JEFFERY D. LIPPERT
DONALD G. LOBEDA, JR.
JOSEPH M. MASTERSON
DAVID E. MENDELSON
MATTHEW M. MILLER
PHILIP C. MITCHELL
SUSAN E. MITCHELL
JOHN C. MOORE
MICHAEL E. MUELLER
CHARLES C. POCHE
LUIS O. RODRIGUEZ
JOHN T. ROTHWELL
MICHELLE L. RYAN
KENNETH W. SHAHAN
WILLIAM D. SMOOT III
SUSAN B. SUTHERLAND
KURT A. TAKUSHI
JAMES L. VARLEY
ROBERT P. VASQUEZ

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C. SECTION 624:

To be lieutenant colonel

DAVID G. MCCULLOH
ROBERT E. SAWYER
PAUL W. VOSS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ADAM J. COGHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN E. PASCH III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD C. BOEHM
MICHAEL D. CONGER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES R. DUNWORTH
BRUCE A. HORTON
ROBERT K. LANSDEN
FRANCIS J. MCCABE II
NEIL R. REILLY
CHARLES A. ROZHON, JR.
MICHAEL A. SANO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WILLIAM K. DAVIS
ROBERT T. DURAND
THOMAS R. GRESBACK
JON C. LUNDBERG
TERRANCE L. SHANNON
KATHLEEN R. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KATHLEEN GROMILOVITZ
JOHN F. LANDRY
JAMES M. MANCHER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

THOMAS E. FOLLO
JOHN M. PIETKIEWICZ
SARAH M. STANDARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID J. HARACH
WILLIAM T. LITTLE
MARK D. MAXWELL
PATRICK R. MULCAHY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DONALD R. BURNS
MICHAEL D. COOK
RANDALL J. GEIS
DEAN C. HALVORSON
WILLIAM R. LARAY
WILLIAM D. MICHAEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT J. BARTON II
MICHAEL P. CARTER
STEPHEN M. DEBRUYNKOPS
DOUGLAS S. FARNCOMB
CHARLES A. GUNZEL
THOMAS L. MORGAN
ANTHONY NICKENS
LYNN J. PETERSEN
ROBERT A. UHLIG
CHRISTOPHER M. WAALER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DREW G. FLAVELL
ERIC W. JOHNSON
SCOTT A. LANGLEY
TONYA Y. W. PRINGLE
TODD A. ROSE
JOSEPH P. WAITE
PAUL F. WECKMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TERI J. BARBER
MARY K. CAFFREY
SHARON S. DOXEY
VALERIE L. EICHENLAUB
STEPHEN D. KIBBEY
PATRICIA A. LEOPARD
ROBERTA E. SYBA
LORI A. YOST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ERIC B. ANDERSON
MARLIN C. ANTHONY
WILLIAM L. BACH
JAY S. BOWMAN
SYBIL V. BRADLEY
MICHAEL L. ELLIOTT
CARLOS E. FLANAGAN
DONALD M. GORDNIER
TED C. GRAHAM
KEVIN O. HENDRICKS
ANDREW E. HOPKINS
RANDOLPH B. JOHNSON
JON C. KREITZ
WILLIAM J. LEAR, JR.
PAUL G. MATTINGLY II

CHRISTOPHER S. MOORE
SAMUEL L. TATE
STEVEN D. VINCENT
GEORGE N. WHITBRED IV

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CLAYTON R. ALLEN
AYAD N. ALSAIGH
DOUGLAS J. ANDERSON
SAMUEL W. ASBURY
KELLY J. BALTZ
JOHN H. BARNET, JR.
MICHAEL D. BELL
MATTHEW C. BINSFIELD
DANIEL J. BURQUE
ANDREW P. CAMPBELL
PAMELA K. L. CAREL
WESLEY J. CARPENTER
DOUGLAS R. CARROLL
STEPHAN J. CASSIDY
GREGG T. CLARK
MICHAEL W. CLARK
RICHARD G. COLBURN
MARTIN R. COSTA
GEORGE M. COX
RONALD A. CRADDOCK
JOHN W. CRAIG
OWEN J. CURLEY
RODNEY P. DEWALT
DAVID P. DIPESA
MATTHEW S. DOYLE
CRAIG R. DUGAN
MICHAEL R. DUNNE
MICHAEL S. EKLUND
DAVID C. ENGLEHART
ROBERT J. FINKELSTON
JEFFREY C. FLUMIGNAN
ADRIANANTHONY GARCIA
LEONARD A. GESHAN, JR.
SHANE A. GRAY
GERALD E. GREEN, JR.
MICHAEL L. HARRIS
DAVID W. HEGLAR
JOSEPH J. HORVATH
CHRISTOPHER K. HYDER
GUY D. V. JACKSON
WILLIAM S. JOHNSON
DANIEL T. KELLY
GEORGE A. KENYON, JR.
MICHAEL KIRKPATRICK
JAMES P. KITZMILLER
RUDOLPH KLICEK, JR.
LEIGH L. KOJIRO
JOSEPH G. LAMACK II
JOSEPH C. LAULETTA, JR.
STEVEN E. LEAHY
PAUL D. LEBRASSEUR
CLAUDE P. R. LIM
JAMES S. LITTLE
ALEXANDER R. LOVETT
MARK D. LOWMAN
WILLIAM F. LUSSIER
SCOT T. LYNN
MICHAEL A. MALOWNEY
KEVIN L. MARLOWE
DONATO B. MASAOY III
STEPHEN MASI
ALISON S. MCCRARY
TODD R. MCKINLEY
ANTHONY MCKINNEY
EDWARD MEANY
JAMES J. MEHAIL
JOHN E. MENDEL
DOMINIC J. MEOLI
KEVIN P. MONAGLE
WALLACE F. MOORE
KEITH E. MORAN
ARIEL C. NAGALES
MICHAEL S. NEWMAN
DAVID P. ODEA, JR.
MATTHEW P. OKEEFE
DONALD S. PAGEL, JR.
DAVID J. POPOVICH
GREGORY J. RALSTIN
RANDALL K. REID
PAUL D. REINHART
MARK J. RETZLOFF
ALLAN D. RISLEY
JEFFREY M. ROGALINER
DANIEL R. ROMAN
MARCO F. ROMANI
BRIAN S. RUSSELL
DAVID M. SALUTO
ANTHONY J. SANNICOLAS
STEVEN A. SCHELLBERG
DAN S. SCHINDLER
KENNETH A. SCHROEDER
ROBERT E. SECHRIEST
GERALD A. SHERMAN
KRISTI L. SIDEBOTTOM
THOMAS J. SKUBIC
ANDE A. SMITH
LANCE A. SNIDER
CRAIG S. SOER
DAVID V. SPEARS
MICHAEL A. STEWART
VINCENT L. TISEO
JESS H. UMPHENOUR
WARREN K. VANEMAN
FRANK T. WALLACE
DAVID H. WEEKS
CURTIS A. WOLD
ERIC F. ZANIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TAMMY M. BAKER
KATHLEEN BOEHMER
DAVID H. BULFORD
ROBIN K. CLEMENTS
CHARLES M. CONWAY III
TIMOTHY W. CROY
RALPH L. DEFALCO
DAVID J. DORAN
GEORGE C. DRISCOLL
MARY S. ELLIS
BRUCE D. GARROTT
GREGORY K. HAYES
WILLIAM R. HUNT
MARK A. KENNEY
LINDA K. KNIGHT
JOHN H. LAGORIO, JR.
DREW F. LIEB
EVAN C. LOVE
SAMUEL J. MANDELL
JOHN A. MANNARINO
KATHRYN L. MAURER
BRIAN C. POEHLER
ROBERT D. POWELL
CLYDE E. ROYSTON
ERIC S. SCHNEIDER
LUCY A. SIMONIAN
JOHN D. TODD
SUSAN D. TOTH
SCOTT A. WOODWORTH
LEONARD A. ZIMMERMANN I

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

SAMUEL G. ESPIRITU
MILLER J. KERR
PAUL G. SCANLAN

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

TERRY L. BUCKMAN
ROBERT D. CARTER, JR.
CHRISTOPHER C. COFFEY
KENNY J. COMEAUX
GEORGE R. EBARB
CHAD A. FELLA
WILLIAM D. FRANCIS
JOHN T. GREEN
JELANI K. HALE
JEFFREY P. HARVEY
ROBERT A. HEELY, JR.
TIMOTHY KNAPP
BRIAN J. LADIEU
DAVID C. LEIKER
TERRY P. MCNAMARA
ERIC A. NICHOLSON
JASON P. PATTERSON
DAVID A. PFAEFFLIN
ANGEL F. RODRIGUEZ
KENNETH M. ROMAN
ANTHONY M. ROMERO
CHAD J. ROUM
JOHN W. RYAN
KENNETH A. SABOL
KENNETH D. SAUNDERS
TIMOTHY J. SHIVOK
CHAD B. STEINBRECHER
GREGORY L. TAYLOR
RITCHIE L. TAYLOR
FRANCIS J. WALTER III
THOMAS M. WILLIAMS

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 15, 2008 withdrawing from further Senate consideration the following nomination:

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE SUSAN BIEKE NEILSON, DECEASED, WHICH WAS SENT TO THE SENATE ON MARCH 19, 2007.

HOUSE OF REPRESENTATIVES—*Tuesday, April 15, 2008*

The House met at 10:30 a.m.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

THE PELOSI PREMIUM

The SPEAKER. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Thank you, Madam Speaker.

I'm here to talk about the Pelosi Premium. Once a nightmare scenario, $4 gasoline may soon become a harsh reality on Speaker PELOSI's watch. Today, drivers are paying a dollar more per gallon at the pump than when the Speaker took office. This Pelosi Premium is hitting working families hard at a time when they are confronting soaring costs, a slowing economy and a housing crunch. Middle-class families and their increasingly tight budgets need relief, not more broken promises. We're operating under a set of broken promises.

Speaker PELOSI promised the American people a commonsense plan to lower gasoline prices, but House Democrats have not only failed to offer any meaningful solutions, they've put forward policies that will have precisely the opposite effect. We cannot tax middle-class families' and truckers' tanks from empty to full.

Speaker NANCY PELOSI on 4-18-2006: The Democrats have a plan to lower gas prices.

Speaker NANCY PELOSI on 4-24-2006: Democrats have a commonsense plan to help bring down skyrocketing gas prices.

August 4, 2007, Democrats have voted those four times to raise taxes in the 110th Congress: January 18, August 4, December 6, 2007, February 27, 2008. The Pelosi Premium continues.

Since Democrats took control of Congress, gasoline prices have skyrocketed by more than $1 per gallon forcing worker families to pay a Pelosi Premium at the pump. With reports indicating gasoline prices are beginning to hit $4 per gallon, the Pelosi Premium couldn't come at a worse time for middle-class families already being squeezed by the soaring costs of living.

The price we pay for both gasoline and oil is fundamentally an issue of supply and demand, but while U.S. oil consumption has largely remained the same over the past few years, world oil consumption has spiraled to 84 million barrels a day, up nearly 25 percent from 68 million barrels a decade ago. This results in a tremendous increase in prices.

As you are fully aware, gas prices have increased by $1.05 per gallon since NANCY PELOSI took control of Congress on January 4, 2007. This represents an increase of nearly 45 percent.

At the same time that world oil consumption has skyrocketed, access to world energy supplies has struggled to keep pace. Nowhere has this trend been worse than in the United States which stands today as the only industrialized Nation in the world that refuses to tap 85 percent of our available deep sea energy resources.

While the U.S. has held its consumption steady, more needs to be done to build a bridge from where we are today to the renewable and alternative energy future in which we all want to live. In fact, under the Democrats in Congress, we've gone from 50 percent of our oil imports coming from OPEC to 57 percent coming from OPEC in 1 year.

But before we achieve those things in the future, we'll have to figure out a way to live, work, and prosper in the present. For too many Democrats, growing our economy today, tomorrow, and next month isn't much of a priority. In fact, the majority has voted four separate times to raise energy taxes in the 110th Congress. But even if we had access to all of the oil in the world, we would need places to turn that oil into gasoline. Regrettably, the U.S. hasn't built a new refinery in 32 years and, in fact, has successfully shut down several at that time. The results are stunning. Today, the U.S. has only 149 operable oil refineries compared with 321 in 1981. That means roughly double the demand now must be handled with half of the number of refineries.

Let's remember this fall the broken promises made in 2006 and the Pelosi Premium which is costing us so much money.

THE PELOSI PREMIUM

The SPEAKER pro tempore (Mr. ISRAEL). The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Thank you, Mr. Speaker. I want to read to you, Mr. Speaker, a memo from the Democratic Congressional Campaign Committee that was sent out in 2006. This was sent out to the Democratic candidates, and it was obtained by the Chicago Tribune.

"Demonstrate your dedication for fighting for middle-class families by clearly explaining how you will work to keep down the price of gas if elected to Congress. Hold an event at a gas station or other logical locations where you will call for real commitment to bringing down gas prices and pledge that, as a Member of Congress, you will fight for families in your district, not the oil and gas executives for which this Republican Congress has fought so hard."

Now those are some pretty interesting comments coming from the DCCC. On May 10, 2006, BARON HILL said this: "In Congress, I will support measures that will strengthen our economy and lower gas prices instead of rewarding big oil companies and special interest lobbies."

Mr. Speaker, once Mr. HILL got elected to Congress and voted to raise taxes on the American energy producers, he was somehow shocked when higher taxes resulted in higher gas prices.

March 12, 2007, in a press release Mr. HILL said, "Gasoline prices have increased significantly over the past few weeks, with little explanation for higher prices." The explanation for higher prices is because of higher taxes.

Mr. JOE DONNELLY in a July 3, 2006, interview: "I will be an independent voice who will represent the people of the second district. Not the wealthy oil and pharmaceutical companies that have bought our Congress and are running our country. We need leaders who will stand up for good jobs, a better prescription drug plan for our seniors, and a real energy plan that will work to drive down skyrocketing gas prices."

Mr. DONNELLY, I'm sure your constituents and the people of this country are waiting for that energy to go forth in some results.

April 26, 2006, press release by Mr. ED MARKEY: "Congress once again has an opportunity to help the American people through this financial pinch." Keep in mind, the Republicans were in charge and the Democrats were trying to win votes, Mr. Speaker.

"But by ignoring legislation like the Windfall Profits and Consumer Assistance Act, Congress has shown, once

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

again, that it would rather put the needs of the special interests ahead of the needs of the American people. There is a cost to this kind of corruption in Washington, and it's at $75 a barrel and climbing."

Mr. MARKEY, the price today is $113 a barrel, and you have not reintroduced your Windfall Profits and Consumer Assistance Act to Congress.

But what have we done? I tell you what we have done. The chairman of Energy and Commerce has got a solution: raise gasoline tax by 50 cents a gallon. I don't think that's what the American people had in mind.

July 26, 2006, in a town hall meeting, JIM CLYBURN, who is now the majority whip, says this: "Thomas from Orangeburg asks: What are you doing about gas prices? They're ridiculously high." Mr. CLYBURN answered, "House Democrats have a plan to help curb rising gas prices. We have outlined our plan in a proposal called Energizing America. I join my fellow Democrats in believing that drilling for more oil is not a long-term solution to our Nation's energy crisis."

What is it? Buying bicycles? The Pelosi plan? Thirty bicycles for $30,000? Raising taxes? Fifty cents a gallon by the chairman of Energy and Commerce proposal? Five cents a gallon by the chairman of Transportation? A dollar a barrel of oil from the chairman of Transportation? Those are some great ideas.

April 27, 2006, when gas was $2.91 a gallon, and I will remind you that it's $3.44 today, a letter to Speaker Hastert signed by 88 Democratic Members of Congress, they said this: "Just this week, the price for oil increased to over $70 a barrel." Don't we yearn for those days of $70 a barrel when it's $113 today?

We believe Congress has an obligation to determine the underlying causes behind the skyrocketing prices. Congress has an obligation to take action on behalf of the consumer. Where is the action?

All bark, no bite.

GOP: THE GRAND OIL PARTY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, the Grand Oil Party is at it again. $500 billion in profits to the oil industry since George Bush, the oil man, and DICK CHENEY, the oil man, took office. Remember what they told us? They could deal with the industry. They'd talk the prices down. They could deal with OPEC. They'd talk the prices down. OPEC is violating international law. The President won't file a complaint in the World Trade Organization for their illegal constraint of production which is driving up the price. The President refuses to take any action against his friends in the OPEC consortium or cartel.

Now the big oil companies, $40 billion in profits for one, ExxonMobil, last year, their generous campaign contributors, the GOP, Grand Oil Party, is doing very well. But now they're crying crocodile tears here on the floor and saying they really care about consumers, after the Bush-Cheney energy bill, which gave subsidies to ExxonMobil who made $40 billion last year after the Republicans refused last year to strip those subsidies from the oil companies? They complain about the high price to consumers. They're born-again consumer advocates. That's great.

I've been a consumer advocate for a long time. I have consistently supported a windfall profits tax. I've also consistently said we've got to go after the OPEC cartel and file the complaints. And we need new technologies, and we need new fuels, and we need conservation. None of those things were in the Bush-Cheney energy bills written behind closed doors by big oil and the GOP, the Grand Oil Party.

But now, their presumptive political nominee, Mr. MCCAIN, has come up with a great idea, let's suspend the gas tax. Now, let's see. In 1993, the gas tax was 18.3 cents a gallon, and gas was $1.05 a gallon. Today, in my district, gas is $3.50 a gallon, and guess what? The Federal gas tax is still 18.3 cents a gallon. That money is a tax. It's a tax going to big oil and OPEC and to hedge fund speculators who are driving up the price of oil. That's the tax the American consumers are paying. They won't take on OPEC, and they sure as heck aren't going to take on their friends in big oil.

We're willing to do that. And suspending the gas tax, now I would ask the presumptive Republican nominee, Mr. MCCAIN, if we suspend the gas tax, how many highway projects and bridge projects are you going to cancel? How many thousand people are you going to put out of work when you already have a deficit in the trust fund? If you want to give relief to the American consumers, target the real culprits. It is not the gas tax that's been flat for the last 15 years; it's big oil and it's the OPEC companies and the hedge fund speculators on Wall Street. Let's go after them.

HOPE AND CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DAVID DAVIS) for 5 minutes.

Mr. DAVID DAVIS of Tennessee. Thank you, Mr. Speaker. I rise today to tell you something about my district. I go home every single weekend because I take the word "representative" very seriously. I go home and speak with people living and working in my district because they are the ones who sent me to Washington to express their ideas and their concerns. Two common themes come up from the people in northeast Tennessee: hope and change. We hear a lot about those words today.

They hope that sometime in the future they won't have to spend over $50 to fill up their pick-up truck. They want change, a change that will take them from dependence on foreign oil to clean, safe, and available American energy. Energy is the foundation and lifeblood of the American economy creating the conditions to help us support good-paying jobs here in the United States and allow our industrial base to compete with the rest of the world.

We all know that the middle-class families are feeling significant pain at the pump. But the American family isn't the only place where the strain of spiking fuel prices can be felt. According to recent news reports, local schools, law enforcement agencies, and other community services are paying the price for a record high-fuel cost. Unfortunately, Democrats in the House, who are now in charge, have been consistent in offering so-called energy legislation that weakens our ability to compete with emerging titans such as China, India, and Russia.

In the United States today, we are 63 percent dependent on foreign sources of energy. 63 percent. And that percentage is growing every year. Gasoline prices have increased more than $1 per gallon since the majority party, under Speaker PELOSI, took control of the House last year, increasing from a nationwide average of $2.33 per gallon on the first day of the 110th Congress to now $3.34 a gallon. When Speaker PELOSI took office and had a plan to fix the energy cost, oil was selling for $56 a barrel. Now, it's selling for $113 a barrel. People are looking for hope and change.

Figures from the Energy Information Administration indicate the U.S. reliance on the Organization of Petroleum Exporting Countries, commonly known as OPEC, grew from 50.9 percent of our total crude imports in 2006 to 57.6 percent in 2007. Not only has the majority party failed to end our reliance on Middle Eastern oil for our essential energy needs, they've actually helped grow our dependence to historic and dangerous levels.

We need to make sure that we're not dependent on our energy needs from people that hate us and hate our freedoms all because of their refusal to allow responsible energy production here at home. We cannot tax and regulate our way out of an energy crisis. The American people want an energy policy that's comprehensive and addresses our needs for wind, water, solar, safe nuclear, clean coal technology and, most importantly, the use of American oil.

The American middle class deserves better. They deserve an energy policy that is dependent on American energy, not foreign energy.

CRISIS IN LEADERSHIP IN WASHINGTON AND THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. PRICE) for 5 minutes.

Mr. PRICE of Georgia. Thank you, Mr. Speaker.

Mr. Speaker, today is April 15th. It's a momentous day for Americans as all Americans know it's Tax Day. And it's a day that Americans tend to focus a little more attention on the amount of money that they send to Washington. And it's a lot of money. It's a lot of money, Mr. Speaker.

And most folks that I talk to say that would be okay, a lot of them have said that would be okay if they were getting good things for their money, if they were seeing progress happen here in Washington. But that's just not the case.

I, like most of my colleagues, go home every weekend. I went home last weekend, and what I hear from my constituents is what is happening? Where is the leadership in Washington? Mr. Speaker, I believe there is a crisis in leadership in Washington and here in the House of Representatives.

Whether it is supporting our troops, the leadership here apparently is determined that they are going to use our military troops as pack mules to carry their special projects across the finish line. Mr. Speaker, that's leadership lacking.

Whether it's protecting our Nation in the area of intelligence, this leadership believes that our intelligence community doesn't need to have the tools necessary to tell what the bad guys are going to do before they do it. Mr. Speaker, that's leadership lacking.

You have heard a lot about gas prices this morning. Sixteen months ago when this leadership took charge, a barrel of gasoline cost about $52, $53 a barrel. Today, it is about $112, $113 a barrel. Mr. Speaker, that's leadership lacking.

What's changed in Washington since that time? New leadership here in the House of Representatives. Mr. Speaker, that's not the kind of change that America voted for.

We need to work together in the area of energy. We need to make certain that we, as Americans, conserve more. We need to make certain that we utilize American resources for Americans. There's incredible resources in our land. We could utilize those resources in environmentally sensitive and technologically sound ways to make certain that we decrease our dependence on foreign oil.

And finally, Mr. Speaker, we need to make certain that we accelerate the use of alternative fuel, not picking winners and losers like this leadership in this majority wants to do, pick ethanol and raise the gas prices significantly by that, raise food prices around the world because of the action of this leadership. Mr. Speaker, that's leadership lacking.

Where else is leadership lacking here in the House? Well, Mr. Speaker, it is in helping our friends around the world. We have a former President meeting with Hamas terrorists. Where is the outcry from this leadership saying that that's not the correct thing to do for a former leader of our Nation?

In the area of fair trade, free trade, last week this leadership decided they were going to take one of our friends, Colombia and South America, who have worked with us time and time again, one of the glimmering hopes for democracy in South America, and what does this leadership do? Kick them in the teeth.

It is not just me saying that. Headlines all across the Nation last week: Financial Times, "A setback on trade in Washington;" Knoxville News Sentinel, "House Democrats holding free trade hostage;" Corpus Christi Caller Times, "Congress should pass Colombia trade deal;" Charleston Post Courier, "Politics trump free trade;" Orange County Register, "Trading on ignorance;" the Plain Dealer, "Sidetracking American trade deal hurts U.S. businesses and workers;" the Chicago Tribune, "Caving on Colombia;" Los Angeles Times, "Pelosi plays politics;" The Oklahoman, "Pelosi's ploy: Colombia Deal Succumbs to Politics;" New York Times, "Time for the Colombian Free Trade Pact;" the Denver Post, "Historical failure on Colombia trade pact;" San Francisco Chronicle, "Trade pandering;" New York Post, "Pelosi's Putrid Sellout;" Seattle Times, "The Washington 6: tampering with trade;" the Boston Herald, "The Pelosi Doctrine: Duck;" Las Vegas Review Journal, "Trade Talks;" National Review, "Free Choice;" St. Louis Post-Dispatch, "The Politics of Trade;" Washington Post, "Drop Dead, Colombia;" and the Wall Street Journal, "Pelosi's Bad Faith."

Mr. Speaker, there is a crisis of leadership here in Washington, here in this House of Representatives. The American people are paying attention. The American people want positive change. The American people want us to work together. I call on the Speaker of this House to bring forward the free trade deal with Colombia, to work together on gas prices, to make certain that we pass a Foreign Intelligence Surveillance Act that allows our intelligence communities to act positively.

Mr. Speaker, I call on our leadership to be responsible.

ETHANOL HAS NOT SAVED US YET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE. Thank you, Mr. Speaker. It has been said by folks that Washington, DC., is the only place in America that is surrounded by reality because people here, especially in Congress, those people say, are in a Disney World atmosphere and don't know how the world really is.

Probably the best example is what has taken place throughout our country in the area of gasoline prices. They are going up every day. Every day we come back to Congress, gasoline prices continue to rise. And there's a constant problem here. Retail operators who run those mom-and-pop independent gasoline stations are saying they're not even making a profit off of gasoline. They hope maybe they can make one cent a gallon. The way they make profit is selling lottery tickets and donuts, and the country continues to see higher and higher gasoline prices.

It's a tremendous problem that we have to deal with. We have to come out of this Disney World atmosphere and solve the problem. Some say what is going to save us all is ethanol. Let's take all of the farmland in America, let's till it up, let's grow some corn, and let's make some of that unproven, unpredictable ethanol to burn in our vehicles.

Of course, what we have done as a Nation by encouraging and subsidizing the special interest group of ethanol, we've raised the corn prices worldwide. In fact, they have tripled in the last 2 years. And because corn prices are going up, wheat prices are going up. And in the last 17 years, food prices in the world are higher than they ever have been, all because the United States has seen this vision that ethanol is going to save us all.

Several years ago, those who talked about ethanol that weren't for the concept of ethanol said ethanol is not going to be profitable unless gasoline gets to $4 a gallon. Four years ago, people in this House said, oh, that's never going to happen. The problem with ethanol is it takes a gallon and a third of fuel, diesel, to produce a gallon of ethanol. And only when gasoline gets to be $4 a gallon will ethanol be profitable for this country.

In fact, it's driving up pollution. Science Magazine has stated, "After taking into account worldwide land-use changes, corn-based ethanol will increase greenhouse gases 93 percent compared to gasoline over a 30-year period."

In other words, the House was trying to be environmentally correct. We want to make sure we don't have pollution. Nobody wants pollution. Nobody wants greenhouse gases; but unproven, subsidized ethanol is going to raise worldwide greenhouse gases all because we're tilling up our farmland.

I have here a map of the United States. Now we're also finding out where the Mississippi River dumps into the Gulf of Mexico, there is a dead zone, and there is a dead zone there for various reasons. But because we're plowing up all in the Midwest this farmland and making corn, which takes a lot of fertilizer, that fertilizer is going down the Mississippi River, and the dead zone at the mouth of the Mississippi River is getting bigger. "Dead zone" means exactly what it says: Nothing grows there and fish don't live there, all because of this concept of ethanol.

So what are we doing about it? Well, first thing Congress did, we're going to punish those oil companies, those American oil companies, and we are going to tax them, raise the taxes on these oil companies, and that's what Congress did. Now it's a simple economic fact. You tax something, you get less of it. What does that mean? That means if you tax something, you're going to get less production. You're going to get less production of crude oil.

Now, we don't drill off our own shores. We're the only Nation in the world that doesn't take care of ourselves with the natural resources that we have been given. The only place we drill offshore, Mr. Speaker, is right here in this blue zone off the State of Texas where I'm from, off the State of Louisiana and parts of Mississippi and Alabama. But you see in all of these areas that are red on this map, there is crude oil out there in the ocean, but we don't drill out there even though crude oil is there.

In fact, we're going to see some new platforms out in the Gulf of Mexico, but they're not from America. Right here off the coast of Florida, right there at the tip, there is an oil site, but we're not drilling there because we don't drill offshore. So the next oil rig you will see out in the Gulf of Mexico will be built by the Cubans and the Chinese. They're drilling in areas that we ought to be drilling in because it has been said in this House we can't drill offshore safely. That is wrong.

I live in the area that was hit by Katrina and Hurricane Rita, and when those two hurricanes came through that area, 700 offshore rigs were damaged or destroyed. But yet, we didn't hear one word about crude oil seepage from the Gulf of Mexico because it did not happen.

We have the greatest technology in the world for drilling, and we can drill safely, we've proven that. We've drilled safely, and we will continue to drill safely.

And that's just the way it is.

ENVIROMENTAL GROUPS ARE DRIVING UP THE PRICE OF GASOLINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN. Mr. Speaker, oil prices have reached $112, $113 a barrel, an all-time high. Gas prices have reached an average of $3.50 a gallon and in some places even higher, and the only people who seem to be happy about this are Sierra Club and some of these other environmental groups. I have noticed that almost all of these environmental radicals or environmental extremists seem to come from very wealthy or very upper-income families. They are elitist types, and perhaps they're not concerned when their policies destroy jobs and drive up prices because who they're really hurting are the poor and the lower income and the working people in this country.

As the previous speaker, Mr. POE, pointed out, now some of these environmental groups, their policies are causing food prices to go up worldwide and, in many countries, leading to starvation. But once again, the environmentalists are hurting the poor and the lower-income and the working people. So perhaps they don't care.

About a year and a half ago in one of my newsletters I wrote this: I said, many experts are still predicting that the price of oil, and thus the price of gas, is going to go way back up. Environmental groups think this is good because it will force people to drive less. However, many people already have difficulty paying their gas bills, especially people from small towns in rural areas where many people have to drive long distances to go to work.

And I might add, Mr. Speaker, that when you drive these gas prices up, as some of these environmental groups want, to $4, or $5, or $6 a gallon so people will drive less, you'll put the final nails in the coffins of some of the small towns in rural areas. The environmental groups loudly complain about urban sprawl, but yet their policies are leading to more urban sprawl as they continue to drive up these gas prices.

Syndicated columnist Walter Williams wrote recently, "If I were an OPEC big cheese, I would easily conclude I could restrict output and charge higher prices were U.S. oil drilling restricted. I would see environmental groups as allies and make 'charitable' contributions to help them reduce U.S. output," and that's something I thought for quite some time that these OPEC and countries and foreign energy producers I'm sure are contributing big money to these environmental groups, and they're receiving huge multi-million dollar contributions that they were refusing to disclose the source of.

Leonardo Mangeri, of the Italian energy company ENI, said, there are proven oil reserves now, economically and technologically recoverable, of 1.1 trillion barrels, or 38 years of world usage. In addition, he says there are another 2 trillion barrels of recoverable reserves that will be obtainable as technology improves over the next few years.

Also, the International Energy Administration, Mr. Speaker, estimates that at current prices, it will be economic to recover at least another 2 trillion barrels of petroleum from tar sands and oil shale.

Just a couple of months ago, I wrote in another newsletter this: Gas prices are far too high and probably will go even higher. They could be much lower, but very powerful environmental groups want them to go higher so people will drive less. Thus, we have put 85 percent or 611 million acres of the outer continental shelf off limits to oil production. We will not allow drilling in 99.9 percent of Alaska where oil could be found, and have prohibited or restricted production in other parts of the U.S.

We've also placed so many rules, regulations and red tape on all types of domestic energy production that small- and medium-sized businesses cannot compete or even enter these industries in the first place. All of these productions can be done in environmentally safe ways. Some of these environmental groups help the big business giants and foreign energy producers tremendously, but they are really hurting lower- and middle-income people.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 7 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BALDWIN) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of the founders of this Nation, who has shown us mercy throughout our history, be attentive to Your people and our needs today. In Your wisdom, You have established us as stewards of creation. Guide the Members of Congress and all citizens of this great land in their work today.

May the dignity of their enterprise bear results, which will unite Your people and bring about a prosperity that will embrace the least in our midst and reveal the generosity of those richly endowed so to give You ever greater glory, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. HARE) come forward and lead the House in the Pledge of Allegiance.

Mr. HARE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ECONOMY AND EFFORTS TO PASS SECOND ECONOMIC STIMULUS PACKAGE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, with thousands of Americans losing their homes and jobs, skyrocketing costs for basic items such as gas prices at an all-time high, Americans everywhere are feeling the negative impact of these failed economic policies that we are living under.

Congress has already enacted an economic stimulus package that will provide relief to families in need. Last week, House Democrats called on President Bush to again work in a bipartisan manner on a second stimulus package, one that would help our economy get back on track.

House Democrats are also working on legislation to help 1.5 million American families to avoid foreclosure. This legislation goes further than the President's plan to help only 100,000 homeowners. This one goes to 1.5 million.

Congressional Democrats are proposing strong initiatives that will help stabilize the housing market and help jump-start an economy that is simply leaving just too many people behind.

THE PELOSI RECESSION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, taxes are a function of spending. If you spend more, you must tax more.

The spending budget we passed previously is predicated on the largest tax increase in American history. Tax increases are coming to all Americans. Tax increases are on autopilot.

Without even a vote, tax levels are going to snap back up to the old levels, the levels that existed before the 2001 and 2003 tax reductions. In other words, doing nothing is doing something.

One of the reasons for the uncertainty in the market is because people know these tax increases are coming. All marginal income tax rates will increase, capital gains rates will increase, the marriage tax penalty will come back, the child tax credit will decrease, the death tax will jump back up to 55 percent. This will hurt the economy.

The Democratic leaders have blocked free trade with Colombia, they have blocked efforts to produce more oil and natural gas resources, they have blocked lower taxes. All this will hurt the economy.

People are beginning to call this the Pelosi recession. Maybe they are right.

HONORING EVA GEIRINGER SCHLOSS

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Madam Speaker, I rise today to honor and commend Eva Geiringer Schloss for her efforts to educate our Nation about the evils of racism and hate.

Eva was born in Austria in 1929. When the Nazis invaded, she and her family went into hiding in Amsterdam until they were arrested on Eva's 15th birthday.

Eva was sent to Auschwitz, where she endured the daily degradation of the concentration camp that robbed so many of their lives. Eva's father and brother were killed in the Holocaust. She and her mother were liberated by the Russian army.

Eva Geiringer Schloss has traveled throughout the United States educating thousands of people about the dangers of unchecked prejudice and hate. A play based on Eva's life entitled "And Then They Came for Me" has been presented all over the country and will be performed in my district to mark the Holocaust Remembrance.

It is my honor to recognize Eva, a courageous woman who endured unimaginable brutality and has dedicated her life to fighting injustice.

HONORING RIC FLAIR

(Mrs. MYRICK asked and was given permission to address the House for 1 minute.)

Mrs. MYRICK. Madam Speaker, I would like to honor the career of a man whom I am proud to call both a constituent and a friend.

Ric Flair's professional wrestling career of 36 years, in which he entertained millions of people around the world, recently came to a close. He will be forever known as an innovator, a pioneer, and, perhaps, the greatest that his industry has ever seen. By any standard, Ric Flair is a living legend.

He is recognized all over the world, but he calls Charlotte, North Carolina, home. On his way to being named a record 16-time world champion, he became famous for his bleached blond hair, his designer suits, and his charismatic on-stage persona, while dishing out his trademark chops, and, of course, the dreaded Figure Four Leglock.

On March 29, 2008, Ric Flair became the first active wrestler to be ever inducted into the WWE Hall of Fame. Often imitated, but never duplicated, his legacy will forever be synonymous with the world of professional wrestling. He is a fixture at Carolina Hurricanes games and Panthers games in our State. The joy and emotion that Ric Flair's very presence evokes will continue on for a very, very long time.

Today I honor the career of Nature Boy and congratulate Charlotte's favorite son, Ric Flair.

Woooo!

TAX BENEFITS AND RELIEFS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, today is the dreaded April 15, and I, like millions and millions of Americans, have filed my returns and those for my mother and others.

This Congress has tried to provide and has provided relief for middle-class taxpayers and middle-income taxpayers and extended those tax benefits. We have also passed relief for the people who pay the alternative minimum tax.

But with the stimulus package, we provide moneys for people to get a refund. But to get that refund, people have to file their taxes. Be sure and file your taxes, and if your income is $75,000 or less or $150,000 for a couple, you can get your stimulus relief package passed by this Congress.

We wish our moneys weren't going to rebuild Baghdad and for war efforts, but with the work of this Congress, one day we will have peace, we won't be spending the money in Baghdad, and we will be spending the money in America to rebuild our infrastructure.

THE WASHINGTON ELITES

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the Washington elites are trying to rule the land like a monarchy, claiming they know best for what they consider the peasants in the vast rural areas.

Those elitists grew up in privilege and look down on the rest of the country. The elitists in the imperial kingdom of Washington, DC feel it's their privileged right and obligation to make the peasants happier because those rural Americans don't know how to take care of themselves.

Well, let me tell you the truth about those peasants. These great Americans don't look to Washington or the elites or the monarchy for their happiness. They find their happiness in their individuality. The folks that I represent in southeast Texas are patriotic citizens, many from small-town rural America.

They love their families and are proud of America. They are honest, hard-working independent citizens who, when duty calls, go off to war to defend this Nation. They attend church on Sunday, and if they don't attend, they still feel strongly about their religion.

They believe they have the personal right to bear arms. They are not bitter about life, but they are generally happy. They are not in need of big government coming in in the name of hope and change to control more of their lives.

Those in Washington would do well to remember that the salt of the Earth lives in small-town America. Government should keep out of their way, instead of interfering with their lives, their faith, and their right to bear arms.

And that's just the way it is.

BIG OIL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, the presumptive Republican nominee for president, JOHN MCCAIN, has a solution to skyrocketing gas prices.

Is he going to take on Big Oil, their price gouging, and their obscene profits? No. Is he going to take on OPEC and their collusion to restrict supply and drive up the price in violation of international trade law? No.

Is he going to take on the hedge fund speculators on Wall Street that are driving up the price unnecessarily 50 cents a gallon so then they can make money? No.

He is going to be the GOP nominee, the Grand Oil Party nominee. He can't take that money. He has a solution. Suspend the Federal gas tax.

In 1993, the Federal gas tax was 18.3 cents and a gallon of gas was a buck. In 2008, a gallon of gas is $3.50. The Federal gas tax is the same 18.3 cents. It's dropped to 5 percent of the cost.

If we follow his plan, we will cancel hundreds of needed bridge projects and highway projects across the country, throwing construction workers out of jobs, an already hard-hit sector, or maybe he is just going to borrow the money after he cancels the gas tax, because the only thing going up faster on the Republican administration than the price of gas is the national debt.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Madam Speaker, this week is National Crime Victims' Rights Week.

This Congress should be working to make our cities, our streets, our States, our Nation safer for crime victims instead of talking about things like beaches and protecting union bosses.

The National Center for Missing and Exploited Children was created 10 years ago, and this is about to expire in a few months.

Let me tell you, having spent 21 years on the bench, I probably tried 250 to 300 aggravated sexual assault cases. One was an adult, the balance were children.

This is epidemic in this country. It's time for this Congress to get on board and work on the Internet Sex Offender Prohibition Act, which would punish people for using the Internet to find victims for their sexual offenses as child predators and would increase and enhance the punishment for those crimes.

This is important work. This is work this Congress needs to do to protect our children and make our streets safe.

DEMOCRATIC CONGRESS IS FIGHTING TO MAKE THE TAX CODE FAIR AND PRO-FAMILY

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Madam Speaker, as millions of middle-class Americans rush to the post office tonight to drop their tax forms in the mail, this Democratic Congress is fighting to make the Tax Code fair and pro-family.

Already this year we passed a budget that makes middle-class tax relief a priority. Our budget calls for extending middle-income tax cuts, including child tax credit, marriage penalty relief and 10 percent tax bracket.

Rather than supporting our budget, President Bush and congressional Republicans continue to push permanent tax cuts for multimillionaires. For 7 years now, President Bush's tax policy has disproportionately benefited the wealthiest few in our Nation.

Consider that the average millionaire is being given $120,000 in tax breaks on their 2007 taxes, while middle-income taxpayers are, on average, receiving only about $740.

As the income gap between the wealthy and the middle class continues to grow, we should prioritize middle-class tax cuts. If Congressional Republicans are serious about providing continued relief to the middle class, they should support our final budget proposal.

☐ 1215

MIDDLE CLASS TAX CUTS

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, congressional Democrats are prioritizing tax cuts for the middle class. Our budget made clear that we intend to extend and pay for the Bush tax cuts that directly impact middle class families.

In fact, the Democratic budget identifies the specific tax cuts that we would like to see extended, such as: marriage penalty relief; the 10 percent lower income bracket; the child tax credit; small business expensing; and the R&D tax credit.

But like our fiscally irresponsible colleagues who advocate a continuation of this administration's failed economic policies, the Democratic budget achieves balance in 4 years and ensures that any increased spending or decreased revenue must be offset by comparable budget cuts.

Rather than just charging the cost to the national credit card and increasing our indebtedness to foreign nations like China and Japan, Democrats want to go in a new direction by ensuring that our budgets are balanced and our Tax Code is fair for all Americans.

AMERICANS ASK: WHY IS BUSH SPENDING BILLIONS IN IRAQ

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, on Tax Day, Americans have a right to ask why the Bush administration continues to spend taxpayer dollars on an Iraq war that has no end in sight and no plans for success.

Today, President Bush will spend more than $338 million in Iraq. What exactly does that mean for the taxpayer sending in his or her form today? The typical taxpayer covers the cost of the war in Iraq for only one-half a second.

And while we continue to ship billions of dollars to Iraq while our economy is going south and our budget deficit continues to hit record highs every year, the Iraqi government currently has a surplus and is expecting to receive $40 billion this year in oil revenues. Can someone please make sense of this policy?

Madam Speaker, the American taxpayer has every right to demand more accountability from Washington. Congressional Democrats continue to propose a change in policy, one that shifts more responsibility to the Iraqis themselves. They can certainly afford it. Unfortunately, President Bush and his supporters in Congress ignore the American people and congressional Democrats who do not want to see taxpayer dollars wasted in Iraq any longer.

SUPPORT TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Madam Speaker, I rise today on Tax Day 2008 in strong support of H.R. 5719, the Taxpayer Assistance and Simplification Act. I commend Chairman RANGEL and Ranking Member McCRERY for bringing this bill to the floor and working hard to simplify our tax policies.

Today's Tax Code has become so complex that it takes more than 25 hours to complete an itemized tax return. That is an hour longer than 2003, and 10 hours longer other than 1989.

Families will benefit significantly from this legislation which strengthens identity theft and tax fraud protections, stops taxpayer harassment by ending the private collection of Federal taxes, and expands tax refund assistance for low-income Americans.

I am also pleased that the provisions in the Taxpayer Assistance and Simplification Act increase online fraud security and allows individuals to have better recourse in the event of a crime.

Madam Speaker, I urge my colleagues to support H.R. 5719.

AMERICANS ASK: WHY IS BUSH SPENDING BILLIONS IN IRAQ

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Madam Speaker, today, Tax Day, millions of Americans know that their tax dollars will support rebuilding Iraq instead of rebuilding America. Americans have already spent $44 billion in rebuilding Iraq at a time when the Iraqis have a huge oil revenue reserve.

Today, taxpayers may be wondering how this money could be spent in Iraq, our money, instead of rebuilding the U.S.A. With the $339 million that we are spending daily in Iraq, we could instead provide an additional 18,000 American students with Pell Grants so they can attend college. We could also hire and keep 4,400 "COPS on the beat." Our moneys could be used, if we spent them here, to have 2,000 more border guard agents to protect our borders.

Madam Speaker, as Americans pay their taxes today, they have a right to know why billions are being spent each month in Iraq instead of here in the U.S.A.

DEMOCRATS' FISCALLY IRRESPONSIBLE BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, House Democrats' fiscally irresponsible budget will impose on American workers and businesses a $683 billion tax hike, the largest in U.S. history.

With our economy slowing and many families losing their homes, the last thing Congress needs to do is to take more money from these hardworking Americans. Tax relief, not a tax increase, is the best stimulant to our economy. Socking 116 million Americans with an average tax hike of over $1,800 is an irresponsible fiscal strategy.

Working families would be hit especially hard by the Democrats' irresponsibility. A family of four with two children that currently earns $50,000 annually would have to pay an additional $2,155 in taxes under the Democrats' plan. That would amount to a 191 percent increase in their tax bill.

The last thing our economy needs right now is the largest tax increase in history. House Republicans are dedicated to protecting working families, investors, and small businesses from the irresponsible tax hike that is being foisted upon us.

TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Madam Speaker, my friend, the colleague who spoke just before me, was mentioning a fictitious tax increase. I want people to know that such a thing does not in fact exist, and I would be curious to see which law it is.

In the meanwhile, there is no better day than today, April 15, to talk about the commitment this Congress has made to the American people to ensure that the Tax Code becomes fairer and simpler for middle class families.

We must be consistent and make the Tax Code more helpful to families by prioritizing middle class tax relief, including the child tax credit, relief from the marriage penalty, and preserving our lowest tax brackets.

We must also commit to making sure our tax dollars are spent wisely. The average family pays over $13,000 in Federal taxes; they deserve to get their money's worth.

For that to happen, we must preserve fiscal discipline, as this Congress has done by reinstating the pay-as-you-go rules, PAYGO, meaning we only spend as much money as we have and we do not increase the deficit for our children and grandchildren. And we must prioritize important spending such as health care, education, and our national infrastructure.

WHY IS BUSH SPENDING BILLIONS IN IRAQ

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, as our constituents put the finishing touches on their tax returns, many of them are probably wondering just how much we will be sending to Iraq.

Taxpayers are rightfully outraged, as are many Members of this body, by the massive levels of waste, fraud and corruption documented in large government contracts to well-connected firms. Under the Bush administration, the use of no-bid contracts has doubled and the Defense Contract Audit Agency believes that $10 billion of the taxpayers' money has been spent on questionable or unsupported costs in Iraq contracts.

Madam Speaker, House Democrats are bringing much-needed accountability to the government contracting business by cracking down on no-bid contracts, protecting Federal whistleblowers, and withholding Federal contracts from tax-delinquent companies.

While Democrats would like to see a change of policy in Iraq, we, like the average taxpayer, want to prevent our money from being wasted. We are taking the steps necessary to ensure that no longer happens.

ON TAX DAY, WHOSE SIDE ARE YOU ON?

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Madam Speaker, today is Tax Day and everyone in America is asking the question: Whose side are you on?

Well, I am on the side of Wisconsin taxpayers, and my record proves it. I have kept my word.

In September of 2006, I stated we should do two things: First, balance our Federal budget here in Washington like people do back home; and, second, to reduce taxes for middle class families.

We have kept our word. And like other Democrats, I voted to cut taxes and balance our Federal budget. We saved 62,000 households in the Eighth District of Wisconsin from paying the AMT tax; for tax deductions for health care expenses and property taxes; we voted to cut taxes for small businesses and S corporations; and we are trying to make mortgage payments deductible for everyone, whether you itemize or do not.

We also voted to close tax loopholes that encourage our jobs to be shipped overseas. We are on the side of the taxpayers. My record proves it. Today is

Tax Day. Whose side is your representative on?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

FEDERAL LAW ENFORCEMENT OFFICERS CONGRESSIONAL BADGE OF BRAVERY ACT OF 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4056) to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Officers Congressional Badge of Bravery Act of 2008".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) According to the Department of Justice, in the past 7 years, an average of 150 Federal law enforcement officers per year sustained physical injuries while dealing with an assaultive subject.

(2) More than 70 Federal agencies employ Federal law enforcement officers but only 2 such agencies have an awards mechanism to recognize Federal law enforcement officers who are injured in the line of duty.

(3) In contrast to the lack of an awards mechanism for Federal law enforcement officers, the President awards the Purple Heart for military personnel wounded or killed during armed service, and most State and local police departments have commendations and medals for officers who are injured in the line of duty.

(4) Formal congressional recognition does not exist to honor Federal law enforcement officers who are injured in the line of duty.

(5) It is appropriate for Congress to recognize and honor the brave men and women in Federal law enforcement who are injured while putting themselves at personal risk in the line of duty.

SEC. 3. AUTHORIZATION OF A BADGE.

The Attorney General may award, and a Member of Congress or the Attorney General may present, in the name of Congress a Congressional Badge of Bravery (in this Act referred to as the "Badge") to a Federal law enforcement officer who is cited by the Attorney General, upon the recommendation of the Congressional Badge of Bravery Board, for sustaining a physical injury on or after January 1, 2007, while in the line of duty.

SEC. 4. NOMINATIONS.

(a) IN GENERAL.—An agency head may nominate for a Badge an individual who meets the following criteria:

(1) The individual is a Federal law enforcement officer working within the agency of the agency head making the nomination.

(2) The individual sustained a physical injury while in the line of duty.

(3) The individual faced personal risk when the injury described in paragraph (2) occurred.

(4) The injury described in paragraph (2) occurred during some form of conduct characterized as bravery by the agency head making the nomination.

(b) CONTENTS.—A nomination under subsection (a) shall include—

(1) a written narrative, of not more than 2 pages, describing the circumstances under which the nominee sustained a physical injury described in subsection (a) and how the circumstances meet the criteria described in such subsection;

(2) the full name of the nominee;

(3) the home mailing address of the nominee;

(4) the agency in which the nominee served on the date when such nominee sustained a physical injury described in subsection (a);

(5) the occupational title and grade or rank of the nominee;

(6) the field office address of the nominee on the date when such nominee sustained a physical injury described in subsection (a); and

(7) the number of years of service in the Federal government by the nominee as of the date when such nominee sustained a physical injury described in subsection (a).

(c) SUBMISSION DEADLINE.—

(1) INJURIES SUSTAINED BEFORE AUGUST 15.—In the case of an individual who sustained a physical injury described in subsection (a) on or after January 1 of a year and before August 15 of such year, to nominate such individual under such subsection for a Badge, an agency head shall submit such nomination to the Congressional Badge of Bravery Board by February 15 of the following year.

(2) INJURIES SUSTAINED ON OR AFTER AUGUST 15.—In the case of an individual who sustained a physical injury described in subsection (a) on or after August 15 of a year, to nominate such individual under such subsection for a Badge, an agency head shall submit such nomination to the Congressional Badge of Bravery Board by February 15 of the second year following the date on which the individual sustained such physical injury.

SEC. 5. CONGRESSIONAL BADGE OF BRAVERY BOARD.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Congressional Badge of Bravery Board (in this Act referred to as the "Board").

(b) DUTIES.—The duties of the Board are the following:

(1) Design the Badge with appropriate ribbons and appurtenances.

(2) Select an engraver to produce each Badge.

(3) Not later than July 15 of each year, from among the nominations timely submitted to the Congressional Badge of Bravery Board by February 15th of such year, endorse as recipients of the Badge such nominations who meet the criteria described in section 4(a) and submit to the Attorney General a list of such nominations so endorsed.

(4) After submission to the Attorney General of the list described in paragraph (3)—

(A) procure the Badges from the engraver selected under paragraph (2);

(B) send a letter announcing the award of each Badge to the agency head who nominated the endorsed recipient of such Badge;

(C) send a letter to each Member of Congress representing the congressional district where the endorsed recipient of each Badge resides to offer such Member an opportunity to present such Badge;

(D) provide for the presentation of each Badge in accordance with section 7; and

(E) provide for the posting of the name of each endorsed recipient of the Badge on the public Internet site of the Department of Justice in a manner that acknowledges the Federal service and bravery of each such recipient.

(5) Set an annual timetable for fulfilling the duties described in this subsection.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 7 members (in this Act referred to as the "Board members") appointed as follows:

(A) One member jointly appointed by the majority leader and minority leader of the Senate.

(B) One member jointly appointed by the Speaker and minority leader of the House of Representatives.

(C) One member from the Department of Justice appointed by the Attorney General.

(D) Four members of the Federal Law Enforcement Officers Association appointed by the Executive Board of the Federal Law Enforcement Officers Association.

(2) LIMITATIONS.—

(A) APPLICABLE TO MEMBERS OF THE FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION.—No more than 5 Board members may be members of the Federal Law Enforcement Officers Association.

(B) APPLICABLE TO NOMINATING OFFICIALS.—In the case of a Board member who is an agency head, if such member nominates an individual under section 4(a), such member may not participate in any evaluation or recommendation process of the Board with respect to such individual.

(3) QUALIFICATIONS.—Board members shall be individuals with knowledge or expertise, whether by experience or training, in the field of Federal law enforcement.

(4) TERMS AND VACANCIES.—Each Board member shall be appointed for 2 years and may be reappointed. A vacancy in the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(d) OPERATIONS.—

(1) CHAIRPERSON.—The Chairperson of the Board shall be a Board member elected by a majority of the Board.

(2) MEETINGS.—The Board shall conduct its first meeting not later than 90 days after the appointment of a majority of Board members. Thereafter, the Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.

(3) VOTING AND RULES.—A majority of Board members shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the business of the Board, if such rules are not inconsistent with this Act or other applicable law.

(4) STAFF.—The Board may appoint and fix the pay of additional qualified personnel as the Board considers appropriate to assist it in carrying out its duties under subsection (b).

(e) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the Board considers appropriate to carry out the duties of the Board under this Act. The Board may administer oaths or affirmations to witnesses appearing before it.

(B) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(2) INFORMATION FROM FEDERAL AGENCIES.—Subject to sections 552, 552a, and 552b of title 5, United States Code—

(A) the Board may secure directly from any Federal department or agency information necessary to enable it to carry out this Act; and

(B) upon request of the Board, the head of that department or agency shall furnish the information to the Board.

(3) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

(f) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), Board members shall serve without pay.

(2) TRAVEL EXPENSES.—Each Board member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

SEC. 6. PRESENTATION OF BADGES.

(a) PRESENTATION BY MEMBER OF CONGRESS.—A Member of Congress may present a Badge to any Badge recipient who resides in such Member's congressional district. If both a Senator and Representative choose to present a Badge, such Senator and Representative shall make a joint presentation.

(b) PRESENTATION BY ATTORNEY GENERAL.—If no Member of Congress chooses to present the Badge as described in subsection (a), the Attorney General, or a designee of the Attorney General, shall present such Badge.

(c) PRESENTATION ARRANGEMENTS.—The office of the Member of Congress presenting each Badge may make arrangements for the presentation of such Badge, and if a Senator and Representative choose to participate jointly as described in subsection (a), the Senator and Representative shall make joint arrangements. The Board shall facilitate any such presentation arrangements as requested by the congressional office presenting the Badge and shall make arrangements in cases not undertaken by Members of Congress.

(d) LIMITATION.—A Badge may not be awarded under this section during the 60-day period before the date of a Congressional election.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(a) FEDERAL LAW ENFORCEMENT OFFICER.—The term "Federal law enforcement officer" means a Federal employee—

(1) who has statutory authority to make arrests;

(2) who is authorized by his or her agency to carry firearms; and

(3) whose duties are primarily—

(A) the investigation, apprehension, or detention of individuals suspected or convicted of a Federal criminal offense; or

(B) the protection of Federal officials against threats to personal safety.

(b) AGENCY HEAD.—The term "agency head" means the head of any executive, legislative, or judicial branch government entity that employs Federal law enforcement officers.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

It is my pleasure to rise in strong support of H.R. 4056, the Federal Law Enforcement Officers Congressional Badge of Bravery Act of 2008.

This measure establishes a formal process by which Congress will be able to recognize acts of bravery by men and women in Federal law enforcement who become injured in the course of their duties.

Each year, approximately 150 Federal law enforcement officers are injured in the line of duty. Although more than 70 Federal agencies employ law enforcement officers, only two of these agencies have an awards mechanism to recognize officers who are injured in the line of duty.

This bill addresses a long overdue need to establish a process for congressional recognition of the dangers these officers face for our safety. It would authorize a Member of Congress or the Attorney General to present in the name of Congress a Congressional Badge of Bravery to an officer who is cited by the Attorney General based on the recommendation of a board established by this measure.

Madam Speaker, the men and women in Federal law enforcement, like many hardworking public servants, must often work long and sometimes irregular hours. Unlike other public servants, however, Federal law enforcement officers undertake their responsibilities with full knowledge that they are at risk of severe injury, or worse.

This bill will now accord these brave men and women formal congressional recognition, an honor that is so very much deserved. I thank the gentleman from Indiana (Mr. ELLSWORTH) for his leadership on this important legislation. I encourage my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 4056, the Federal Law Enforcement Officers Congressional Badge of Bravery Act of 2008. The men and women of America's Federal law enforcement agencies risk their lives every day protecting our communities, apprehending criminals and bringing them to justice. They are charged with the challenge of disrupting terrorist plots, combating violent gang activity, and stemming the flow of illegal drugs into this country. And they rise to this challenge every single day.

□ 1230

Over 100,000 law enforcement officers are employed by Federal agencies, including not only the FBI, DEA and ATF, but also the Secret Service, Forest Service, Park Police, Postal Inspectors and Immigration and Customs Enforcement officers.

Unbeknownst to many of us, approximately 150 of our Federal officers are injured in the line of duty each year in this country. However, of the more than 70 Federal agencies that employ law enforcement officers, only two, the Drug Enforcement Administration and Bureau of Alcohol, Tobacco, Firearms and Explosives, actually recognize agents injured in the line of duty.

H.R. 4056 establishes the Congressional Badge of Bravery to honor Federal law enforcement officers injured in the line of duty, the first formal congressional award honoring injured law enforcement officers throughout the entire Federal Government.

The Congressional Badge of Bravery will be awarded to those Federal law enforcement officers who demonstrate bravery in performance of their duties, faced personal risk to their safety, and were injured in the line of duty.

H.R. 4056 establishes a seven-member Badge of Bravery Board within the Department of Justice. The Board is charged with designing the badge, selecting recipients and coordinating the presentation of the award.

Federal law enforcement officers perform an invaluable service in protecting our Nation from terrorist attacks, apprehending violent criminals, including sexual predators who prey on our children, and ensuring the safety of thousands of visitors to America's parks and forests each year. This badge of bravery is the least we can do to recognize the dedication and sacrifice of those injured in the line of duty.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, it is an honor to yield to the author of this legislation, Mr. ELLSWORTH, who represents his district in Indiana with distinction, but also represented the district as their sheriff for many years, and it is therefore very appropriate that I yield to him 5 minutes.

Mr. ELLSWORTH. Madam Speaker, I'd like to thank Ms. ZOE LOFGREN and Mr. CHABOT from Ohio for their support and recommended support for this. And I rise with great pride today to support the Federal Law Enforcement Officers Congressional Badge of Bravery Act.

As we all know, our Federal law enforcement agencies, including the Capitol Police that keep us safe every day, are responsible for providing much of the safety and security that all Americans expect and enjoy. In big cities and in small towns across the country, Federal law enforcement officers work to keep our Nation safe from terrorists, criminals and anybody who seeks to do us harm. This legislation gives Congress an opportunity to honor their service.

As a career law enforcement officer, I know about the sacrifices that all law enforcement officers make in service to their communities and the Nation. I've seen genuine acts of bravery and heroism, and have also been witness to some of the injuries that can come with the job.

While my experiences are specific to local law enforcement, Department of Justice statistics show that over the last 7 years, an average of 150 Federal law enforcement officers each year sustained physical injuries while dealing with combative subjects as a direct result of their duties.

Unlike military personnel who are awarded a Purple Heart when wounded or killed during armed service, and in many States and local police who receive commendations and medals for sustaining physical injuries, most Federal law enforcement officers do not receive any official recognition for similar sacrifices. In fact, while more than 70 Federal agencies employ Federal law enforcement, only two such agencies, the DEA and the ATF, have an award mechanism to recognize those officers who were injured in the line of duty. This is an oversight that we can correct today.

The bill before us would make great progress in honoring the law enforcement officers who help keep us safe. It would establish a Congressional Badge of Bravery that would be awarded to officers injured in the line of duty while conducting an act of bravery. It would also provide Members of Congress the opportunity to present the Congressional Badge of Bravery to the injured officers who are truly hometown heroes in all of our districts.

It should also be noted that the Federal Law Enforcement Officers Association, which represents more than 26,000 members, supports this legislation.

Again, I'd like to thank Chairman CONYERS and his staff for their support and hard work and the assistance on this bill.

I urge my colleagues to support this legislation.

Mr. CHABOT. Madam Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. I would just urge my colleagues to support this important legislation. It has bipartisan support.

Mr. SHULER. Madam Speaker, I rise today in support of H.R. 4056, establishing a Federal Law Enforcement Officers Congressional Badge of Bravery. This resolution will ensure that due public honor and recognition is given to those Federal law enforcement officers who are wounded in the line of duty while protecting our Nation and communities.

Federal law enforcement officers are employed by a multitude of agencies, yet only two of those agencies have distinct awards mechanisms to recognize officers wounded in the line of duty. Adopting this resolution will allow the Attorney General and Members of Congress the opportunity to honor Federal law enforcement officers from their districts and commend their actions, which resulted in being wounded, with a Badge. This honor will bolster recognition for those Federal officers, as well as raising awareness and pride of their work in the communities they serve and protect.

Madam Speaker, I commend Congressman ELLSWORTH on his leadership in bringing this legislation to the floor. I urge my colleagues today to vote for this important resolution that will give due honor and respect to those Federal law enforcement officers wounded in the line of duty by recognizing them with a Congressional Badge of Bravery.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today in support of H.R. 4056 which provides Congress the ability to recognize and honor the dedicated men and women in Federal law enforcement who risk their lives and welfare daily while performing necessary and often hazardous duties.

There are thousands of Federal Law Enforcement Officers, FLEOs, including those that bravely serve in the Department of Homeland Security. Of these thousands, some are injured in the course of duty. I want to take this opportunity to express my appreciation to these individuals, especially given the difficult task they have of enforcing our laws and protecting our way of life.

In the Department of Homeland Security alone, countless FLEOs serve to protect the Nation from harm at our borders and ports of entry as well as our financial, cyber and transportation systems. On a daily basis, these individuals work diligently, often apprehending or detaining people suspected of criminal offenses, even if it means putting themselves in harm's way. Their work is absolutely necessary to the security and well-being of our country and it should be properly acknowledged.

While measures exist to award military personnel and State and local officers for their sacrifices, currently only 2 out of the more than 70 Federal agencies recognize their own valiant FLEOs. Therefore, it is imperative that Congress address and highlight the value of these distinguished men and women by establishing a Congressional Badge of Bravery. I urge all my colleagues to support this important legislation.

Ms. ZOE LOFGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 4056, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE MISSION AND GOALS OF NATIONAL CRIME VICTIMS' RIGHTS WEEK

Ms. ZOE LOFGREN of California. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1053) supporting the mission and goals of National Crime Victims' Rights week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1053

Whereas 23,000,000 Americans are victims of crime each year, and of those, 5,200,000 are victims of violent crime;

Whereas a just society acknowledges crime's impact on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas victims' rights are a critical component of the promise of "justice for all," the foundation for our system of justice in America;

Whereas although our Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas we must do better to ensure services are available for underserved segments of our population, including crime victims with disabilities, victims with mental illness, victims who are teenagers, victims who are elderly, victims in rural areas, and victims in communities of color;

Whereas observing victims' rights and treating victims with dignity and respect serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas America recognizes that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all;

Whereas our Nation must strive to protect, expand, and observe crime victims' rights so that there truly is justice for victims and justice for all; and

Whereas National Crime Victims' Rights Week, April 13, 2008 through April 19, 2008, provides an opportunity for us to strive to reach the goal of justice for all by ensuring that all victims are afforded their legal rights and provided with assistance as they face the financial, physical, and psychological impact of crime: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the mission and goals of the 2008 National Crime Victims' Rights Week in order to increase public awareness of the impact of crime on victims and survivors of crime, and of the rights and needs of such victims and survivors; and

(2) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime in the Department of Justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

Madam Speaker, the National Center for Victims of Crime reports that approximately 23 million Americans are victimized by crime each year. Of these, more than 5 million are victims of violent crime.

Victims of crime can suffer from a broad range of adverse effects, ranging from the physical to the psychological. Some experience financial distress resulting from a disruption in employment.

Unfortunately, some of the most vulnerable of our society are also among those who are most commonly the victims of crime. People of color suffer disproportionately from violent crime. The poor and uneducated are often the target of financial schemes. And, sadly, children are victimized more than any other group.

A just society demands that we always bear in mind the suffering that crime victims endure and work to reduce the incidence of the crime that causes that suffering.

This bill will increase public awareness about the effects of crime on its victims and their families as well as our communities.

As part of today's debate, I would also like to point out that the Office for Victims of Crime offers a full array of assistance help for crime victims. By supporting this office and its programs on an ongoing basis we can help ensure that victims are afforded their legal rights and the necessary assistance to overcome the effects of being victimized by crime.

I encourage my colleagues to support H. Res. 1053.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this important resolution and the 28th annual observance of National Crime Victims' Rights Week. This year's theme, "Justice for Victims, Justice for All" is appropriate. Too often, victims of crime are made to be victims a second time, first as a result of the crime, but second as a result of our criminal justice system, the very system designed to protect them.

In 2004, 20 years after Congress enacted the Victims of Crime Act, Congress enacted the Justice for All Act. This was a significant victory for crime victims, as it extended a number of enforceable rights to crime victims, including the right to be reasonably heard at any public proceeding involving release, plea or sentencing, the right to file a motion to reopen a plea, or sentence in certain circumstances, and, most importantly, the right to be treated with dignity, fairness and respect.

Despite enactment, enforcement of these rights is just one of a number of important changes that needs to occur to ensure that our Nation's criminal justice system is just for both offenders and the victims of those crimes.

In a hearing held by the Crime Subcommittee 3 weeks ago, testimony was presented revealing that crime victims continue to bear the brunt of crimes. According to the Department of Justice, crime costs victims and their families more than $105 billion in lost earnings, public victim assistance and medical expenses.

For example, despite a victim's right to full and timely restitution, it remains one of the most underenforced victims' rights within our justice system. In fact, more than $50 billion in criminal debt, including restitution and fines, were uncollected in 2007. And the amount of outstanding criminal debt is only expected to increase, ballooning from $269 million to almost $13 billion. And in my own State of Ohio, more than $1.2 billion in criminal debt remained uncollected at the end of fiscal year 2007.

While I appreciate the majority's effort to recognize National Crime Victims' Rights Week, I believe that more than just lip service can be done to help victims. Many of us have introduced good legislation, such as H.R. 845, the Criminal Restitution Improvement Act of 2007, or H.R. 4110, restitution legislation introduced by Representative SHEA-PORTER that will do more to assist victims.

If we all agree that crime victims bear the brunt of crimes, then why not pass a bill such as H.R. 845, that makes restitution mandatory and strengthens collection efforts?

Enforcement of these rights is the type of legislation that crime victims and their families need and deserve to help rebuild their lives, not just the recognition that they exist on paper.

I appreciate the work that my colleagues, Mr. COSTA and Mr. POE, have done on the Victims' Rights Caucus and in introducing this resolution. National Crime Victims Week serves many purposes, including to remind us what victims have suffered and the need to include them in the criminal justice system, to thank those individuals and organizations who have selflessly dedicated themselves to assisting victims, and to urge us all to rededicate ourselves to advance the cause of the victims of crime.

I urge my colleagues to support the victims of crime and their families and those that help them rebuild their lives by supporting this resolution.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, it is an honor to recognize my colleague from California, the author of this bill, Congressman JIM COSTA, for 5 minutes.

Mr. COSTA. Madam Speaker, I thank the gentlewoman from California for yielding me the time.

I rise today to introduce House Resolution 1053 with my colleague, Congressman TED POE. This supports the mission of the goals of National Crime Victims' Rights Week, and that designated that this week, April 13 to April 19, as National Crime Victims' Rights Week.

Congressman POE and I introduced this resolution on behalf of Victim Rights Caucus members who have joined this effort over the recent years.

In 1980 President Reagan first called for a national observance to recognize and honor millions of victims of crime in our country, their families and survivors. And with a bipartisan effort in Congress, that took place.

National Crime Victims' Rights Week also pays tribute to thousands of community-based systems for victims service providers, who, in fact, provide support to the criminal justice system and allied professionals, who, in fact, help those victims of crime every week throughout the country.

This year's theme for National Crime Victims' Rights Week is "Justice for Victims, Justice for All." We, as a Nation, must do more to ensure that all victims of crime are afforded their legal rights and provided with assistance as they face financial, physical and oftentimes psychological impacts of crime.

When I first arrived in Washington almost 4 years ago, there was a lack of an advocacy group of behalf of victims' rights and issues. Congressman TED POE and I decided, as new Members, that we would put together a Victim Rights Caucus. We're very proud of the effects of this caucus in the first 4 years of its origin.

The goals of our caucus are simple: One, to represent crime victims in the United States in a bipartisan effort by supporting legislation that reflects their interests and their needs.

Two, to provide ongoing forum for proactive discussion between Congress and national victims assistance organizations to enhance mutual education, legislative advocacy and initiatives which promote justice for all, including, most importantly, the victims of crime.

Three, to seek opportunities for education to public education initiatives to help those in the United States to understand the impact on crime on victims and to encourage their involvement in crime prevention, victim assistance and community safety.

And, fourth, to protect the restitution fund that was initiated in the early 1980s. Those restitution funds go to the benefits of victims of crimes. Unfortunately, this administration has tried to redirect those restitution funds, which are not taxpayers dollars, but, in fact, criminal dollars, to the general fund. This Congress and the previous Congress prevented that from occurring.

Our caucus has been very successful. We have authored legislation, and I want to thank Congressman TED POE for cochairing the caucus with me, and for all of the Members of the House of Representatives who belong to this caucus.

Crime victims are our sons, our daughters, our brothers and our sisters, or neighbors and our friends. And they are struggling to survive in the aftermath of crime. They deserve our support.

□ 1245

Mr. CHABOT. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE), who before joining us here in Congress was a very distinguished judge who was recognized for his leadership in working to promote the interests of victims of crime.

Mr. POE. Madam Speaker, I appreciate the gentleman from Ohio yielding.

Madam Speaker, victims of crime are real people. They are our friends, our relatives and our neighbors, and unfortunately, because of our culture, they have been for many years overlooked in the criminal justice system. Well, I think those days are over because they are as important as defendants, because the same Constitution that protects the rights of defendants in the courtroom, that same Constitution protects the rights of victims of crime.

Since 1981, this country celebrates National Crime Victims' Rights Week in April. Local communities hold rallies and candlelight vigils and a number of other activities to honor the millions of crime victims and survivors in the United States and also to recognize those many individuals that work with crime victims.

This week is National Crime Victims' Rights Week, and this year's theme is "Justice for Victims, Justice for All." It is a very appropriate theme because we cannot achieve justice for all until there is some justice, total justice, for victims of crime.

The victims' right movement has come a long way. The days when a victim was just a mere witness in the courthouse are not far gone.

While we are always sure to safeguard the rights of defendants, our justice system must also safeguard the rights of victims of crime.

The victims' rights movement dates all the way back to 1965 when the first crime victim compensation program was started in the State of California. Five States enacted similar legislation by 1970, and then we saw that organization, what we call the MADD mothers, Mothers Against Drunk Driving, come into being to advocate on behalf of victims of crime who had been hurt by those people who drink and drive.

In 1975, activists across the country united and formed the National Organization for Victim Assistance to expand victim services and promote the rights of victims.

In 1978, three more important organizations started: the National Coalition Against Sexual Assault, the National Coalition Against Domestic Violence, and a group of somber individuals called Parents of Murdered Children, all of them advocating on behalf of crime victims.

President Reagan in 1981 proclaimed the first National Victims' Rights Week in April, and that was also the year that 6-year-old Adam Walsh was abducted from a department store and later murdered, prompting a national campaign to educate the public on missing children and to pass better legislation—Federal legislation, to protect our greatest natural resource, the young that live among us.

In 1982, the Federal Government created the Office for Victims of Crime, or OVC, within the Department of Justice, a tremendous organization that sees after the victims of crime in our country.

Then, in 1984, the Congress passed the Victims of Crime Act, what we call VOCA, one of the most novel concepts that Congress has ever adopted. What it does is require that people convicted in Federal courts, those defendants, once they are convicted, they pay moneys into a fund, and that fund is used to help crime victims throughout the United States. It is a tremendous idea, making defendants pay for the system they have created, pay the rent on a courthouse as I like to call it. And today, Madam Speaker, that fund is over $1.7 billion, contributed not by taxpayers but by offenders, that goes for the specific purpose of helping victims, helping victims' organizations like rape centers, domestic violence shelters, and victim advocates that help victims throughout the turmoil of being a crime victim.

In 2005, my first year in Congress, I was honored to form the Victims' Rights Caucus with the gentleman from California (Mr. COSTA), who was a long-time victims' advocate in the State of California before he ever came to Congress. And this bipartisan, but yet nonpartisan, caucus now has 44 members, and we do everything we can to raise the awareness of crime victims here in the Federal Government.

In 2006, 25 years after Adam Walsh's murder that I just mentioned earlier, President Bush signed the Adam Walsh Child Protection and Safety Act, which requires sex offenders and child molesters, once they leave the Federal penitentiary or State penitentiaries, to register on the national database so that we keep up with those people who wish to prey on our communities.

Madam Speaker, crime victims don't have a lobbyist up here in Washington. They don't have some high-dollar lobbyist to work for them and advocate on their behalf. But we are their lobbyists. We advocate on behalf of all crime victims because that's what we do here in Congress, to take and protect the best that we have among us, and that's crime victims.

I urge community leaders and organizations to celebrate how far the victims' rights movement has come but also to continue to recognize the importance of crime victims that live among us because, Madam Speaker, justice is the one thing we should always find, and hopefully crime victims can find justice at the courthouse in our day and time.

And that's just the way it is.

Ms. ZOE LOFGREN of California. Madam Speaker, I wonder if the gentleman from Ohio has additional speakers.

Mr. CHABOT. We have no additional speakers, and we would be happy to yield back our time.

Ms. ZOE LOFGREN of California. Madam Speaker, I would urge my colleagues to support this resolution. It's bipartisan. It's important.

I just recalled, as I was listening to both Mr. POE and Mr. COSTA taking the lead and I thank them both for that, my more than 10 years on the Victim Witness Assistance Board, when I was in local government, and the tremendous need there is for people who have been victims and then who are also witnesses to receive the assistance from society that they need so much.

So I appreciate the efforts of both gentlemen and our colleagues who are in this caucus and urge support.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and agree to the resolution, H. Res. 1053.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE ANNIVERSARY OF THE FAIR HOUSING ACT

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1095) recognizing and honoring the 40th anniversary of congressional passage of title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) and the 20th anniversary of the Fair Housing Amendments Act of 1988.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1095

Whereas April 11, 2008, marks the 40th anniversary of congressional passage of the Fair Housing Act;

Whereas September 13, 2008, marks the 20th anniversary of congressional passage of the Fair Housing Amendments Act of 1988;

Whereas the Chicago Freedom Movement, led by the Reverend Doctor Martin Luther King, Jr., expanded the fight for civil rights from the South to the North, raised the national consciousness about housing discrimination, and shaped the debate that led to the landmark fair housing legislation, the Fair Housing Act;

Whereas the National Advisory Commission on Civil Disorders, appointed by President Lyndon B. Johnson and commonly known as the Kerner Commission, found in 1968 that "[o]ur nation is moving toward two societies, one black and one white—separate and unequal";

Whereas Congress passed the Fair Housing Act as part of the Civil Rights Act of 1968, and President Lyndon B. Johnson signed the Act into law on April 11, 1968, one week after the assassination of the Reverend Doctor Martin Luther King, Jr.;

Whereas the Fair Housing Act prohibits discrimination in housing and housing-related transactions on the basis of race, color, national origin, and religion;

Whereas in section 808 of the Housing and Community Development Act of 1974, Congress amended the Fair Housing Act to include protection on the basis of sex;

Whereas the Fair Housing Amendments Act of 1988, passed by overwhelming margins in Congress, included protection on the basis of familial status and disability, created an important enforcement mechanism, and expanded the definition of "discriminatory housing practices" to include interference and intimidation, requiring the Department of Housing and Urban Development to issue regulations to implement and interpret the Fair Housing Act and report annually to Congress on the nature and extent of housing discrimination;

Whereas the intent of Congress in passing the Fair Housing Act was broad and inclusive, to advance equal opportunity in housing and achieve racial integration for the benefit of all people in the United States;

Whereas housing integration affects educational attainment, employment opportunities, access to health care, and home equity;

Whereas the majority of Americans support neighborhood integration, and numerous studies have shown the universal benefits of residential integration;

Whereas more than 4,000,000 violations of fair housing laws still occur each year against people of all protected classes, and testing of the enforcement of fair housing laws continues to uncover a high rate of discrimination in the rental, sales, mortgage lending, and insurance markets;

Whereas less than 1 percent of violations of fair housing laws are reported each year;

Whereas fair housing centers funded by Fair Housing Initiatives Program (FHIP) are the frontline in the effort to resolve housing discrimination;

Whereas in 2006, approximately 27,000 housing discrimination complaints were filed, of which 18,000 complaints were resolved by fair housing centers;

Whereas the Fair Housing Assistance Program (FHAP) funds fair housing grants annually on a non-competitive basis to State and local fair housing enforcement agencies which are used for complaint processing, administrative costs, special enforcement efforts, training and other projects designed to enhance the agency's administration and enforcement of its fair housing law;

Whereas fair housing education and enforcement play a pivotal role in increasing housing choice and minority homeownership and combating predatory lending; and

Whereas the Fair Housing Act is an essential component of our Nation's civil rights legislation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the 40th anniversary of the enactment of the Fair Housing Act (42 U.S.C. 3601 et seq.) and the 20th anniversary of the enactment of the Fair Housing Amendments Act of 1988 (Public Law 100–430; 102 Stat. 1619);

(2) supports activities to recognize and celebrate the important historical milestones represented by the anniversaries of the enactment of the Fair Housing Act and the enactment of the Fair Housing Amendments Act of 1988; and

(3) encourages all people and levels of government to rededicate themselves to the enforcement and the ideals of fair housing laws.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

House Resolution 1095 recognizes the 40th anniversary of the Fair Housing Act, enacted as Title VIII of the Civil Rights Act of 1968.

On April 11, 1968, days after the assassination of Dr. Martin Luther King, Jr., President Lyndon Johnson signed into law the Fair Housing Act, which prohibits discrimination in housing based on race, color, religion or national origin. Twenty years later today, the law was expanded by the Fair Housing Amendments Act to include protections against discrimination based also on sexual orientation, familial status, and disability.

Many may not recall Dr. King's advocacy for fair housing, but he recognized the tremendous costs our society pays if patterns of segregated living continues, as it has.

While there is no question that the Fair Housing Act has become a powerful tool for advancing civil rights, there is much more to be done. For instance, most Americans still live in communities largely divided by race, according to the National Fair Housing Alliance.

An estimated 3.7 million people are discriminated against in housing transactions every single year. This number doesn't even include instances of discrimination against persons with disabilities, nor does it reflect discriminatory lending in insurance practices, planning and zoning, or other forms of profiling. We have so much more to do.

Enforcement is a key area where we need further improvement. For example, while 27,000 complaints of housing discrimination were filed with the Federal Government last year, Housing and Urban Development issued 31 charges, and the Justice Department filed 35 cases.

Landlords, real estate agents, lenders, insurance agents, and others know they face limited risk of prosecution for discrimination. Even those who are prosecuted often pay such a minor penalty that discrimination today becomes just another cost of doing business. It's no surprise that housing providers continue to discriminate and communities across our Nation sadly remain highly segregated.

The most recent manifestation of discrimination in housing is the current sub-prime foreclosure crisis, which presents some of the greatest fair housing and civil rights issues facing our Nation today. Fueled by reverse red-lining practices, the sub-prime foreclosure crisis is now causing extreme havoc for minority owners who were targeted for predatory home loans that stripped away their home equity and put their houses at risk of foreclosure. It's also affected financing markets all over the world.

If left unchecked, the foreclosure crisis threatens to wipe out many of the advances the country has made in the 40 years since the passage of the Fair Housing Act.

To be an effective tool in our fight against discrimination, the Fair Housing Act must be enforced, and we need to augment it with tough anti-predatory lending legislation, which is what I intend to do.

We should also enact legislation permitting bankruptcy judges to restructure home mortgages so deserving families can save their homes from foreclosure and, thereby, stem falling housing prices in communities all across our Nation.

After centuries of discrimination and denied opportunities, enactment of the Fair Housing Act 40 years ago marked a milestone in our Nation's efforts to achieve equal housing opportunities.

And so today, we celebrate the Fair Housing Act's 40th anniversary with, I hope, a renewed commitment to achieving and furthering its goals by supporting this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I rise in strong support of H. Res. 1095, a resolution commemorating the 40th anniversary of the passage of the Fair Housing Act.

On April 4, 2008, just 11 days ago, this Nation joined together to pay tribute to the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., and recognize his contributions to this Nation.

□ 1300

Thus, it's only fitting that we recognize one aspect of Dr. King's legacy, passage of the Fair Housing Act, which was signed into law by President Lyndon Johnson on April 11, 1968, just one week after Dr. King's tragic assassination.

The act, which prohibits discrimination in the sale, rental and financing of housing based on race, religion, national origin, sex, and later handicap and family status, was another tool to give meaning to the rights and protections afforded to all citizens by the Constitution.

Passage of the Fair Housing Act was a fitting memorial to Dr. King, as his name was closely associated with fair housing legislation since the 1966 "open housing" marches in Chicago.

At the same time, Senator Edward Brooke, the first African American ever to be elected to the Senate by popular vote, helped facilitate this Act's passage by describing his difficulties finding housing for his new family following his service in World War II.

The first official appointed to administer the act was former Governor George Romney. Secretary Romney assumed his position of Secretary of Housing and Urban Development after serving as Governor of Michigan, where he successfully campaigned for the ratification of a State constitutional amendment that prohibited discrimination in housing.

Since its enactment, the Fair Housing Act has prevented both countless instances of specific discrimination as well as broader patterns or practices of discrimination in housing programs. In addition, the act serves to punish those who attempt to disguise their discriminatory motives by giving false information to potential homebuyers, or by manipulating zoning codes. It prohibits sexual harassment in housing, and enables the disabled to more easily assimilate into our communities.

Madam Speaker, I would be remiss if I didn't also commend and recognize the chairman of the Judiciary, Mr. CONYERS, both for his remarks, and also working with myself in a bipartisan manner on the issue that he raised about those that find themselves at risk of having their homes foreclosed upon. And I agree with him that we ought to give the bankruptcy judges additional powers to modify those particular agreements so that they can have a better chance of retaining their homes. That certainly would move forward those that find themselves at risk of losing their own homes. Again, I want to thank the chairman of the committee for working with us in a bipartisan manner on that issue.

I urge my colleagues to join me in supporting this resolution today, and in celebrating the 40th anniversary of passage of the Fair Housing Act.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I thank my colleague from Ohio (Mr. CHABOT), the ranking member, for his great work on the matter.

And now I recognize the Reverend AL GREEN of Texas, the author of this idea, for 4 minutes.

Mr. AL GREEN of Texas. Thank you, Mr. Chairman. However, the promotion I cannot claim. I'm still a lowly Member of the House of Representatives, not yet made it to that lofty level of being a reverend, but you are very kind. And I thank you for the many years of work that you have dedicated to this very issue that we have on the floor today. In fact, it can be said that your great work has caused us to have this opportunity to be here today.

I also would like to thank the ranking member, LAMAR SMITH, for his work in helping us to bring this to the floor, and the manager of the time, Member STEVE CHABOT, for your services that you've rendered as well. And I appreciate especially the comments that you've made today.

In celebrating or commemorating or recognizing the 40th anniversary of the Fair Housing Act of 1968, we are, in truth, recognizing the efforts of Dr. Martin Luther King because it was Dr. Martin Luther King who went to Memphis some 40 years ago to help what we call sanitation workers today, but back then we called them garbage men.

Dr. King had a basic premise of trying to help somebody. And to him, these persons, although known as garbage men, they were somebody. And he went there to help them in their efforts to obtain equal justice. And while there, the unfortunate circumstance occurred, and we lost Dr. King prematurely. But I do believe that he did not live in vain.

There is a spiritual song styled, "If I can help somebody as I travel along, if I can help someone with a word or a song, if I can help someone from doing wrong, then my living shall not be in vain." Dr. King lived not in vain because this act, the Fair Housing Act, was passed after his demise. There are some historians who contend that it was his demise, in fact, that created the opportunity for it to pass as timely as it did.

And I am honored that Dr. King took up the cause of the lowly garbage men. However, 40 years later, there is still great work to be done, as has been indicated by the chairman, because 40 years later there are approximately four million acts of housing discrimination each year in this country. Forty years later, approximately 27,000 acts of housing discrimination and complaints are filed annually. Forty years later, 13 fair housing groups have closed their doors due to a lack of funding. Forty years later, 26 fair housing centers, or one-quarter of all fair housing centers, have either closed their doors or are at risk of closing their doors due to a lack of funding.

Forty years later, 87 percent of African Americans, Latinos and Asian Americans meet with real estate agents and experience some form of steering. Steering occurs when the agent will send a person of one ethnicity to an area where persons of this ethnicity may be residing, whites to white neighborhoods, blacks to black neighborhoods, or neighborhoods that are going into some form of transition. Forty years later, 20 percent of the African Americans and Latinos trying to buy or rent homes have their cause ignored.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CONYERS. I yield the gentleman 1 additional minute.

Mr. AL GREEN of Texas. Less than 1 percent of housing discrimination acts are reported 40 years later.

So we need to do something to change this. We need to fully fund the fair housing programs. FHIP, the Fair Housing Initiative Program, should be fully funded to about $52 million.

This program allows us to do what is known as testing, the means by which we acquired the empirical evidence that housing discrimination has actually occurred. There is no substitute for FHIP and the testing that takes place.

But also there is a piece of legislation, the Fair Housing Act of 2007, or H.R. 2926, which will give HUD some additional authority, will establish competitive grants, will help us to examine the causes of housing discrimination and talk about what we can do and, in fact, conclude what we can do to make remedies.

If we want to live not in vain as Dr. King did, let's help somebody. Let's do something about discrimination in housing and make real the great American ideal of owning a home.

Mr. CONYERS. I am pleased now to recognize a senior member of the House Judiciary Committee, MEL WATT, for as much time as he may consume. And I note that, although the gentleman from Texas is not a minister, we may all agree that he is a good preacher.

Mr. WATT. Madam Speaker, I rise in support of H. Res. 1095, the resolution recognizing the 40th anniversary of the Fair Housing Act.

The Fair Housing Act, title VIII of the Civil Rights Act, was passed by Congress and signed into law by President Lyndon Johnson in April of 1968, only 1 week after the assassination of Reverend Dr. Martin Luther King.

This landmark act, the primary purpose of which is to prohibit discrimination in housing, introduced meaningful Federal enforcement mechanisms for buyers and renters. The Federal Housing Act initially prohibited discrimination on the basis of race, color, religion and national origin. Sex was subsequently added to the list of protected classes in 1974, and disability and family status were added in 1988.

Forty years later, in 2008, effective and meaningful enforcement of these fair housing laws continues to be critically important. It is essential that we continue to combat housing discrimination, which still exists today, not just by enacting laws, but by enforcing those that we have on the books already.

This is a meaningful piece of legislation, and I'm honored to pay tribute to the importance of it, but more importantly, to pay tribute and to recognize that enforcement continues to be a problem, and that discrimination in housing continues to exist.

With that, I thank the gentleman for the time.

Mr. CONYERS. Madam Speaker, I am pleased now to recognize the Honorable MAXINE WATERS of California for as much time as she may consume.

Ms. WATERS. Madam Speaker, I am pleased to speak in strong support of this resolution offered by my colleague, Mr. GREEN, from Houston commemorating the 40th anniversary of title VIII of the Civil Rights Act of 1968 and the 20th anniversary of the Fair Housing Amendments Act of 1988.

The history of the Fair Housing Act embodies both our Nation's most noble instincts and recent behavior by our Federal Government, which should make none of us proud.

On April 11, 1968, one week to the day after the assassination of Dr. Martin Luther King, Jr., Congress passed and the President signed into law the Federal Fair Housing Act which now prohibits discrimination in housing based on race, national origin, religion, color, sex, familial status and disability.

Acting on this legislation, which has been stalled in this body for over 2 years, was a fitting tribute to Dr. King and reflected a belief that something constructive could be achieved in the aftermath of days of unrest in cities across the country.

In 1988, the law was amended by the Fair Housing Amendments Act, which significantly strengthened the enforcement powers of the act, giving the Departments of Housing and Urban Development and Justice the authority to mandate and to enforce the expanded and comprehensive requirements of the act. Unfortunately, while we can be proud of passing these landmark statutes, the sad fact is that the Fair Housing Act remains the least enforced of our Nation's civil rights laws.

Through the work of local housing groups like the Housing Rights Center in my district in Los Angeles, we know that more than 3.7 million people are discriminated against in housing transactions every year, and we are on the brink of an economic crisis fueled by a failed subprime lending market built primarily on borrowers and neighborhoods of color.

The current foreclosure crisis is the outgrowth of persistent discrimination in housing, lending and insurance markets that took place under the negligent eyes of the very Federal agencies charged with enforcing our Nation's antidiscrimination laws. In 2007, the U.S. Department of Housing and Urban Development issued only 31 charges of discrimination, and the Department of Justice filed just 35 cases.

Sadly, the risk posed by lax enforcement of the Fair Housing Act is no less than the resegregation of America. While we have made some progress in reducing levels of residential segregation, most Americans live in communities largely divided by race and ethnicity. Perhaps more distressingly, our children are attending increasingly segregated schools. Recent research demonstrates that by 2000, minority students were in schools with substantially fewer white students than was the case a decade earlier. We must reduce those troubling trends.

To that end, I urge my colleagues to support this resolution offered by Mr. GREEN, whose dedication to the housing needs of America and America's most vulnerable households is second to that of no other member of the Housing and Community Opportunity Subcommittee, which I chair.

Additionally, in my role as Chair, I'm joining Mr. GREEN in rededicating myself to the enforcement of the Fair Housing Act, starting with making plans for a joint hearing with the Constitution Subcommittee, chaired by Mr. NADLER of New York, to hold the inadequate efforts of both HUD and the Department of Justice up to congressional scrutiny.

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The best way to celebrate the anniversary of the Fair Housing Act is to take concrete actions to enforce both its letter and spirit.

Mr. Chairman of our Judiciary Committee, whose lifelong work has been to end discrimination and to enforce fair housing and to enforce civil rights, I just thank you for having the opportunity to work with you.

Mr. CONYERS. Madam Speaker, I recognize now the gentlewoman from Oakland, California, a valuable member of the House (Ms. LEE), for such time as she may consume.

The SPEAKER pro tempore. The gentleman from Michigan will note that there are only 3 minutes remaining.

Ms. LEE. Let me first say to the chairman of the Judiciary Committee, I want to thank you also for staying the course for freedom, justice, and equality for so many years. Thank you, Mr. CONYERS, and thank you for yielding.

Madam Speaker, let me say that I rise in strong support of H. Res. 1095, and I also must thank Congressman AL GREEN for introducing this very important resolution but also for his consistent voice for liberty and justice for all. Thank you, Congressman GREEN.

The Fair Housing Act was critical in ending the rampant discrimination in the housing industry 40 years. Today the Fair Housing Act continues to play a vital and significant role in ensuring fair and equal access to housing for all Americans.

It is in part due to the failure, however, of this administration to enforce these civil rights laws that led to the predatory lending practices that fueled the housing crisis our Nation now faces.

Just like many other innovative and progressive ideas about equality and fairness, I must remind us of the fact that the Fair Housing Act had a California precursor: the Rumford Fair Housing Act, one of the first fair housing laws in the Nation. Former Assemblyman William Byron Rumford, the first African American from Northern California elected to the California legislature, and whose seat I was later honored to hold, passed this landmark bill in 1963, and today I also honor his memory and his legacy.

But like many today who argue that the housing and financial services industries do not need further oversight or regulation, I must remind us also that during this period, a candidate for governor over 40 years ago, Ronald Reagan, fought very hard against fair housing laws. But, thankfully, Ronald Reagan lost his fight to make housing discrimination the law in California, and 40 years ago the Congress passed the Fair Housing Act to outlaw discrimination in housing in every State of the union. Like my colleagues, I also honor the legacy of Dr. Martin Luther

King, Jr. today as we pass this resolution.

Unfortunately, today the promise of fair housing remains unfulfilled. De facto segregation has kicked in. Subprime mortgages have unfairly hit African Americans and the Latino community and other communities of color. So we must work to educate Americans about their right to fair housing and work together to enforce the law. And we must fully fund fair housing programs to at least the tune of $84 million in fiscal 2009.

So, Madam Speaker, we must recommit ourselves today to make these critical investments a guarantee for fair housing for all Americans. Housing should be a basic human right in our great country.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Res. 1095, "Commemorating the 40th Anniversary of the Fair Housing Act", introduced by a fellow Texan, Representative AL GREEN.

The Department of Housing and Urban Development (HUD) is the nation's housing agency committed to increasing homeownership, particularly among minorities; creating affordable housing opportunities for low-income Americans; and supporting the homeless, elderly, people with disabilities and people living with AIDS. The Department also promotes economic and community development and enforces the nation's fair housing laws.

However, according to the Department of Housing and Urban Development (HUD), more than 10,000 people filed housing discrimination complaints last year, mostly from persons with disabilities. HUD also found that race-based housing discrimination was the second most frequent reason individuals filed complaints.

Of the more than 10,000 complaints filed last year, 43 percent alleged discrimination against persons with disabilities while 37 percent alleged racial discrimination. Most complainants claimed to be victims of discrimination in the terms and conditions of the sale or rental of housing, or outright refusal to rent.

The Assistant Secretary for Fair Housing and Equal Opportunity at HUD stated that "Forty years after the passage of the Fair Housing Act, an alarming number of families are still being denied housing and still need the protections this landmark law offers." Assistant Secretary Kim Kendrick's remarks only underscore the importance of HUD's continued enforcement, instruction, and outreach activities to ensure that all Americans have equal access to housing opportunities.

Currently HUD has placed fair housing advertisements on more than 900 movie screens throughout the country. These advertisements inform viewers that it is unlawful to discriminate in the sale, rental, or financing of housing and provided HUD's toll-free telephone number, for those that may have experienced or witnessed unlawful discrimination.

Another part of HUD's outreach in this area is its training program, Fair Housing Accessibility FIRST, which has trained 1,351 individuals in 22 training sessions in 17 states on the Fair Housing Act's design and construction requirements for multifamily housing.

TEXAS

On March 27th, HUD announced that the Texas State Program and the cities of Houston and New Braunfels will receive a total of $234,868,077 to support community development and produce more affordable housing. HUD's annual funding will also provide down payment assistance to first-time homebuyers; assist individuals and families who might otherwise be living on the streets; and offer real housing solutions for individuals with HIV/AIDS.

This funding will help Texas to reconstruct its neighborhoods and affordable housing stock by helping communities to improve their infrastructure or assisting families to purchase their first home, HUD is helping improve neighborhoods from the ground up.

The funding announced includes: Community Development Block Grant (CDBG) funds; HOME Investment Partnerships (HOME) funding; American Dream Down payment assistance; Emergency Shelter Grant (ESG); and, Housing Opportunities for Persons with AIDS (HOPWA).

Since 1974, HUD's Community Development Block Grant (CDBG) Program has provided more than $120 billion to state and local governments to target their own community development priorities. The rehabilitation of affordable housing and the improvement of public facilities have traditionally been the largest uses of CDBG although the program is also an important catalyst for job growth and business opportunities. Annual CDBG funds are distributed to communities according to a statutory formula based on a community's population, poverty, and age of its housing stock, and extent of overcrowded housing.

HOME (HOME Investment Partnerships Program) is the largest federal block grant to state and local governments designed exclusively to produce affordable housing for low-income families. Since 1992, more than 600 communities have completed more than 834,000 affordable housing units, including 352,000 for new homebuyers. In addition, 186,000 tenants have received direct rental assistance.

The American Dream Down payment Initiative (ADDI) helps first-time homebuyers with the biggest hurdles to homeownership—down payment and closing costs. The program was created to assist low-income first-time homebuyers in purchasing single-family homes by providing funds for down payment, closing costs, and rehabilitation carried out in conjunction with the assisted home purchase. Since the program's inception, ADDI has assisted nearly 29,000 families to purchase their first home.

Emergency Shelter Grants (ESG) helps local communities to meet the basic shelter needs of homeless individuals and families. These grants also provide transitional housing and a variety of support services designed to move the homeless away from a life on the street toward permanent housing. This block grant program, along with more than $14 million HUD awarded New Orleans and Jefferson Parish by competition, helps thousands of local homeless assistance programs to help those who would otherwise be living on the streets.

HUD's Housing Opportunities for Persons with AIDS (HOPWA) grants are distributed to states and cities based on the number of AIDS cases reported to the Centers for Disease Control and Prevention. The grants provide resources for operating community residences and providing rental assistance and support services to individuals with HIV/AIDS and their families. In addition, the HOPWA program also helps many communities develop strategic AIDS housing plans and fill in gaps in local systems of care. A stable home environment is a critical component for low-income persons managing complex drug therapies and potential side effects from their treatments.

SUBPRIME MORTGAGE CRISIS AND HOUSING

Over the past year, we have seen a crisis in subprime mortgage lending, which has threatened the stability of the housing market and the livelihoods of large numbers of Americans. This Democratic Congress is committed to strengthening the housing market and stabilizing the economy, and we have passed important legislation to address this crisis.

Due to the lack of regulation by the federal government, many loans were accompanied by fraud, predatory lending, inadequate information and other failures of responsible marketing. With exceptionally high (and rising) foreclosure rates across the country, homeowners all over America are losing their homes.

The sub-prime mortgage crisis has impacted families and communities across the country. Home foreclosure filings rose to 1.2 million in 2006—a 42 percent jump—due to rising mortgage bills and a slowing housing market. Nationally, as many as 2.4 million sub-prime borrowers have either lost their homes or could lose them in the next few years.

It is critical that we address this crisis. The Bush administration and the mortgage industry must reach agreement that matches the scale of the problem. If you produce an inadequate agreement, or fail outright, the cost to our economy will be incalculable. The freeze on foreclosures would give the housing market time to stabilize and homeowner's time to build equity.

The 110th Congress has demonstrated its commitment to moving America in a New Direction by raising the minimum wage, implementing the recommendations of the 9/11 Commission, opposing the war in Iraq, improving children's health care coverage, increasing aid to the Gulf Coast, passing energy reform, instituting fiscal discipline through pay go budgeting, raising ethical standards for lobbying, and increasing oversight over the Bush Administration on a range of issues including Iraq, FISA, the CIA interrogation tapes, and the Jena 6 cases.

We have also made efforts to strengthen the housing market, including continued efforts to end discriminatory practices and stabilize the economy. Expanding affordable housing and mortgage opportunities for all American families is of paramount importance.

CONCLUSION

The 40th Anniversary of the Fair Housing Act comes only a few weeks after the Anniversary of the assassination of Dr. Martin Luther King, Jr. and—oh how fitting. The things he fought for then, the principles he gave his life for are still ideals we fight for today. We must continue the fight to end discrimination not just in the area of housing but in education, in healthcare, in politics. Madam Speaker, I remind colleagues of the importance of the Fair Housing Act, what it has meant to all Americans.

Mr. MORAN of Virginia. Madam Speaker, I rise to commend my colleague Congressman GREEN for sponsoring this resolution to recognize and honor the 40th anniversary of congressional passage of title VIII of the Civil Rights Act of 1968, the Fair Housing Act, and the 20th anniversary of the Fair Housing Amendments Act of 1988. It is important that we honor the legacy of Dr. Martin Luther King and reflect on how far we have come. It is equally important, as we witness tens of thousands of Americans who risk losing their homes to foreclosure this year, that we rededicate ourselves to standing firm for those victimized by this economy or victimized by residual discrimination. We must continue to encourage all people and all three levels of government to rededicate themselves to the enforcement and the ideals of fair housing laws.

The fair provision of housing and economic opportunity—and especially the drive to ensure safe shelter for those in need—has been a compelling foundation of my career in public service. As a council member and subsequently as mayor of Alexandria, I served as vice chairman of the Alexandria Economic Opportunity Commission when the commission began its efforts to ensure local, State, and Federal action to bring down the barriers in rental housing that so discriminated against single women with children.

The enactment of the Fair Housing Act of 1988 was a testament to many of our former colleagues in this region, including former Congresswoman Gladys Spellman, former Senator Charles MacMathias, and former Delegate, Reverend Walter Fauntroy. That enactment was an honor to them and to thousands of Americans who joined in a national effort to seek justice and enduring rights for women in that most fundamental of human needs: shelter.

In Alexandria, our commission—and our city—focus on special populations, such as at-risk preschool children and teens, the homeless, ex-offenders, single parents, as well as the low-income community in general. These populations, our most vulnerable, face enough of an uphill struggle everyday as it is without governmentally permitted discrimination. I am proud at what we were able to accomplish so many years ago, but I remain committed the vision that Dr. King and others set before us, which we honor and remember today.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. CHABOT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1095.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RELIGIOUS WORKER VISA EXTENSION ACT OF 2008

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5570) to amend the Immigration and Nationality Act to eliminate the sunset in the special immigrant nonminister religious worker visa program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Worker Visa Extension Act of 2008".

SEC. 2. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

(a) REGULATIONS.—Not later than December 31, 2008, the Secretary of Homeland Security shall issue final regulations to eliminate or reduce fraud in the special immigrant categories described in subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)).

(b) EXTENSIONS.—

(1) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "October 1, 2008," each place such term appears and inserting "January 1, 2010,".

(2) CONDITIONAL FURTHER EXTENSION.—

(A) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)), as amended by paragraph (1), is further amended by striking "January 1, 2010," each place such term appears and inserting "January 1, 2016,".

(B) CONDITIONAL EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on March 1, 2009, but only if the Secretary of Homeland Security has complied with subsection (a).

(c) REPORT.—Not later than September 30, 2010, the Inspector General of the Department of Homeland Security shall submit to the Congress a report containing the results of a study of the effectiveness of the regulations described in subsection (a). The report shall also include an analysis of a random sample of non-minister special immigrant religious workers, before their second anniversary of being admitted, to determine whether they are still employed by the religious organization that petitioned for them, and if not, the reasons for their departure from such employment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Members of the House, this week we are honored by a visit from His Holiness Pope Benedict XVI and are reminded of the good work that people of faith do all around the world. I am pleased to bring before the House at this time the Religious Worker Visa Extension Act of 2008.

This measure would reauthorize the Special Immigrant Non-Minister Religious Worker Program, which also allows non-minister religious workers to obtain special immigrant status in the United States so that they may do the work required of their faith. If we don't act, the program will sunset at the end of September of this year.

Non-minister religious workers are people of faith who are called to a vocation or who are in traditional religious occupations with a bona fide nonprofit religious organization in the United States. Examples of those called to a vocation include nuns, monks, and sisters. Examples of those in religious occupations include missionaries, counselors, translators, religious instructors, cantors, and other pastoral care providers.

The program provides up to 5,000 special immigrant visas per year that religious denominations or organizations in the United States may use to sponsor foreign nationals to perform religious service here. Once granted, this type of visa allows religious workers to immigrate permanently to the United States.

Since it was first enacted in 1990, the program has been extended four times, most recently in 2003. Working with the ranking member of our committee, LAMAR SMITH, we're making changes in the program for the first time to address potential fraudulent uses of the program. None other than our Immigration Subcommittee Chair, ZOE LOFGREN of California, has led the way in fashioning these proposals.

First, the bill requires that the Department of Homeland Security issue regulations by December 31 of this year to eliminate or reduce any fraud in the program. Then it extends authorization for only 15 months if the Department of Homeland Security fails to issue those regulations. This would enable Congress to better consider other possible avenues to address possible or potential fraud in the program if that proves necessary. If the department does issue the regulations, the authorization is extended for 6 more years, for a total of a little over 7 years. Finally, the bill requires the Inspector General to report on the effectiveness of the regulations by September 30, 2010.

With these significant anti-fraud provisions we have worked together with our Republican colleagues to add, I am confident Congress will be equipped with the information it needs to determine whether further action to prevent fraud in the program is warranted. And if it is, we do not hesitate to take such appropriate action.

So I hope that we will receive unanimous support on this bipartisan legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Madam Speaker, I yield myself such time as I may consume.

I rise to address the legislation as so eloquently laid out by the chairman of the full Judiciary Committee. And, first, I would like to remark that I appreciate the cooperation in the negotiations that have taken place between Ranking Member SMITH and the chairman of the Immigration Subcommittee, Ms. ZOE LOFGREN, as well as Chairman CONYERS. And this is the right spirit to deal with a religious visas extension type of a bill, and the timing of this is perfect as well for it to be the very week that Pope Benedict XVI is arriving tomorrow morning here in Washington, DC, and I think a lot of our activity will be suspended while we commemorate the glorious day.

I have looked at a number of the statistics throughout this, and I have some reservations about what has transpired with the religious worker visas over the last several years, and I expect to take up some of those issues a little bit later in the debate.

But as the gentleman who is more eloquent in laying out this entire case is to my right, I would be very happy to yield 3 minutes to the ranking member of the full Judiciary Committee, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. First of all, I want to thank the gentleman from Iowa (Mr. KING), who is the ranking member of the Immigration Subcommittee, for yielding.

I am happy to have played a part in the creation of the Religious Worker Immigrant Visa Program back in 1990. These visas enable American religious denominations, large and small, to benefit from committed religious workers from other countries.

However, I have also long been concerned about the high level of fraud that has been evident in this visa program. Like Mr. KING, I feel regulations can only go so far in preventing fraud and we do need additional statutory changes in the program.

The Office of Fraud Detection and National Security at the Department of Homeland Security has conducted a Fraud Benefit Assessment. It found that of 220 religious worker visa cases selected at random, 33 percent had "a finding of fraud," the highest of any visa program.

Fraud involves everything from bogus churches and bogus jobs to "religious workers" who are found driving taxis soon after they arrive here.

So I especially appreciate the steps that the chairman of the Immigration Subcommittee, Congresswoman ZOE LOFGREN, has taken to address these concerns. She agreed that we would extend the expiring religious worker green cards for 7 years as long as the Department of Homeland Security issues long-needed regulations to address some types of fraud. In addition, she agreed to have the Inspector General complete a report on the effectiveness of the anti-fraud regulations. The Inspector General also will conduct an audit to determine to what extent religious workers continue to work for the religious institutions that sponsor them.

Madam Speaker, although the bill does not contain all of the provisions I would have liked, I want to express my thanks to Ms. ZOE LOFGREN for her comity in drafting this legislation, which I support.

Mr. CONYERS. Madam Speaker, I recognize now the gentlewoman from California (Ms. ZOE LOFGREN), Chair of Immigration, without whose inordinate leadership we would not have been able to arrive at the accommodations and agreements that is in the bill that is now before us, and I yield to her such time as she may consume.

Ms. ZOE LOFGREN of California. I thank Mr. CONYERS, Mr. SMITH, and Mr. KING.

Madam Speaker, I am proud to be the author of H.R. 5570, the Religious Worker Visa Extension Act of 2008.

Immigrant religious workers add vitality and depth to communities of faith throughout America. They provide much-needed help to people of all faiths. America is a great and diverse land. Our religious institutions, our churches, mosques, synagogues, temples, cathedrals, face daunting challenges today. They must reach out to more people from more countries and cultures than ever before. Religious workers serve these communities well and ably to the benefit of their communities and their many faiths. I have no doubt that religious communities in America will continue to have the need to find devoted people of faith to help them meet the needs of their members.

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In Jewish community schools across the country, highly skilled religious instructors from Israel plant the fertile seeds of faith in our children. Mormon missionaries from around the world come to the U.S. to serve their community and deepen their faith. In Catholic dioceses around America, nuns from around the world provide needed community services and teach our children well. Muslim imams call their communities together to promote their faiths and a greater understanding of their beliefs. Protestant churches of every denomination benefit from the touches of religious workers in their diverse communities.

The call to faithful service in the United States will continue to grow as this Nation becomes more diverse. Because of this growing need, I introduced this bill. It follows my efforts in years past from the 105th and 106th Congress to permanently reauthorize the special immigrant nonminister religious worker visa program. I called those bills the Mother Theresa Worker Act in honor of her great service which inspired us and benefited the world.

I believed then as I believe now, that the special immigrant nonminister religious worker visa program represents an important and even critical piece of our immigration laws and that it should, like other religious worker programs, not sunset.

After four successive reauthorizations of this program in 1994, 1997, 2000 and most recently in 2003, each without a single substantive change in the program, I again introduced a bill to permanently reauthorize the program. However, as part of the process of putting the bill through the regular order and subjecting it to the robust discussion inherent in the legislative process, I offered an amendment worked out with the minority in the subcommittee to significantly reduce the potential for fraud in the program.

As mentioned by the chairman of the full committee, it requires DHS to issue its regulations. It limits the reauthorization to 15 months. If the department fails to issue regulations, it requires the Inspector General to issue a report on the effectiveness of the regulations. And rather than the permanent extension, as I had sought, Mr. SMITH and I worked out a compromise of 7 years of the regulations that are authored.

Finally, after additional discussion with the minority over the last several days, we have agreed that the Inspector General's report should also contain an analysis of a random sample of nonminister special immigrant cases to determine whether they are still employed by the religious organization that petitioned for them, and if not, the reasons for their departure from such employment. I am confident that these steps will make the issue and concern of fraud unnecessary because we will eliminate that problem.

I had an exit interview, if you will, with the director of the USCIS last week. Dr. Emilio Gonzalez is going back to his family in Florida. And he told me that with the initiation of site visits, which is something that should have happened long ago, the actual number of applications for this visa has dropped significantly, which is an interesting phenomenon.

So I think that we are well underway in eliminating any problems with the program so that our country can enjoy the richness that religious workers bring to our communities.

I thank the chairman for yielding to me.

Mr. CONYERS. I would like now to recognize the distinguished gentlelady from Texas, SHEILA JACKSON-LEE, who has worked on immigration as long as anyone on our committee, and her industry and cooperation have been very effective in bringing us together this afternoon. And I yield her as much time as she may consume or as much time as I have left, whichever is the longest.

Ms. JACKSON-LEE of Texas. To the distinguished chairman, let me thank you for the litany and list of achievements of human rights that you have achieved on this floor. And I appreciate the leadership of my subcommittee Chair, Ms. ZOE LOFGREN, on many hard issues that have come to her attention over the time of her tenure as chairperson. And as a member of the subcommittee, I am grateful for her leadership. And working with the minority, I thank them on this instance for the cooperation on H.R. 5570. It is an especially unique and important legislative initiative as we make note not only of the many religious leaders in this Nation, but as we make note of the visit of the Aga Khan that, who has spent time in the State of Texas and his followers who have had the privilege of seeing him for the first time in 10 years in the United States, someone who has funded major humanitarian efforts around the world, and of course, the people of New York and Washington, D.C. have the privilege of hosting the Pope in these coming weeks and certainly in Washington.

Religion is special, and is special to this Nation. This legislation is a special immigrant visa which allows qualified religious workers to immigrate to the U.S. and later become citizens if they so chose and meet the qualifications. The other is a nonimmigrant visa which allows qualified religious workers to entry temporarily and perform services in the U.S. for a prescribed period. It has already been noted that the actions of these religious workers may find themselves in parishes, mosques or synagogues, or really simply in the community, as Mother Theresa was in India. Both of these visas may be granted to both ministers and nonminister religious workers.

Yes, there is humanitarian work to be done in the United States. They work in some of our most impoverished communities. And they are sincere in their social and religious humanitarian work. The bill has come under closer scrutiny because of the allegations of abuse and fraud among the foreign petitioners. But I am glad that this bill will provide for a 7-year extension of the program, and it will require DHS to promulgate regulations to eliminate fraud.

We must work together with the Department of Homeland Security, and I do appreciate the work of Dr. Gonzalez to impress upon them that their task is, in fact, to secure America and that they must move quickly on these regulations. If the regulations are not in place by December 31, 2008, to reduce fraud, the program will only be extended for 15 months through January 1, 2010. But if DHS can get the regulations in place, it is automatically extended to January 1, 2016.

I think this is a great start. But I ask my colleagues to consider the expansion of this bill, one to authorize it permanently, but also to look at a small area of which I hope to write legislation on, and that is the insistence that the religious person coming must be of the same religion of that which the person is petitioning for.

I had this circumstance in my district. Grace Community Church is a church with thriving multiple ministries that wanted to bring a young man and his family, a bilingual pastor, to speak to their Spanish congregation and to minister to our Hispanic community in Texas. It was a very, very tough task to address the question of the denials that he received because he was not the same religion of Grace Community Church. He had the same faith. He believed in a higher power. He wanted to do missionary work. The church was legitimate. It had long years in the community. The father of the young man had worked with the pastor of Grace Community Church. But yet we could not get a visa except for the gracious reconsideration of the Department of Homeland Security.

We must reduce fraud. But we can't reduce faith. And when individuals come and want to be missionaries even in this land, we should recognize and grant the opportunity. We can reduce fraud by making sure the institutions exist, the time frame is a time frame that is credible, the individuals are credible, the time that the visa is issued is reviewed, if you will, or overseen by the Department of Homeland Security. But actually, we should encourage those who wish to come to this Nation for good reasons and those who come under this visa are doing so.

So in conclusion, I do want to note that we are celebrating the authorization of this bill this week for very special reasons. But we are also celebrating it because we believe that those who want to do good should be granted the opportunity. As we go forward on this legislation, I am hoping that we will look at some of the small fractures that keep good people from coming to the United States, worshiping, practicing, serving and working with a great church like Grace Community and others who may wish to bring individuals who may not have the same religious affiliation but have the same belief in the greater goodness and the greater power.

Let me yield back by asking my colleagues to support H.R. 5570. And I thank my colleagues for the great work that they have done.

Madam Speaker, I rise today in support of H.R. 5570, the "Religious Worker Visa Program Extension Act of 2008", introduced by the Chairman of the Subcommittee on Immigration, Representative ZOE LOFGREN.

I urge my colleagues to support this bill. The religious worker visa program allows U.S. religious denominations to fill critical religious worker positions for which there are no qualified candidates in the U.S. with qualified religious workers abroad. The program provides for two types of visas.

The one is a special immigrant visa, which allows qualified religious workers to immigrate to the U.S. and later become citizens if they so choose and meet the qualification. The other is the non-immigrant visa, which allows qualified religious workers to enter temporarily and perform services in the U.S. for a proscribed period. Both of these visas may be granted to both ministers and non-minister religious workers.

This bill has come under closer scrutiny recently because of allegations of abuse and fraud among the foreign petitioners. H.R. 5570 would provide for a seven-year extension of the program and it would require DHS to promulgate regulations to eliminate fraud. If the Department of Homeland Security does not issue regulations to eliminate or reduce fraud in the religious worker program by December 31, 2008, the program is only extended for 15 months through January 1, 2010. If the Secretary of Homeland Security issues the regulation then the program is automatically extended until January 1, 2016.

While I support this bill, I would have liked to have this bill be expanded so that a religious worker does not have to work for a religious institution of the same denomination. Presently, a religious worker must be of the same religion as the institution by which the worker is employed. Recently this has created problems.

Pastor Riggle from Grace Community Church in my district in Houston, Texas contacted my office concerning Dr. David Scarpeta who needed a religious worker visa to work in his church. USCIS initially denied Dr. Scarpeta's religious worker petition because Dr. Scarpeta was not a member of Pastor Riggle's church.

In my view, Dr. Scarpeta should not have been excluded from the religious worker program merely because he was not a member of the church that was sponsoring him. This is inconsistent with religious work as I know it in this country. Often religious workers from different denominations and religious workers from different denominations work together in the religious vineyard.

Because I thought the law as interpreted was draconian and far too limited in its application, I worked tirelessly with USCIS to ensure that Dr. Scarpeta would be able to work for Grace Community Church. Through my efforts, I was able to get resolution of that case and now Dr. Scarpeta is an active member of the Grace Community Church.

Madam Speaker I urge my colleagues on both sides of the aisle to examine this bill and recognize that it benefits the religious worker and Americans. I fully support what Representative LOFGREN and the Subcommittee on Immigration, of which I am a member, have done in the area of immigration.

Mr. KING of Iowa. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to make sure that I am on record here as supporting religious worker visas. And one of the things that was well publicized during the Reagan administration was our ability to exchange students and business relationships and all parts of our culture with the rest of our world and bring people into the United States to get a feel and for us to learn from them and for them to learn from us. And I very much support that approach, and it has been important from the standpoint of promoting peace throughout the world.

I find that whenever you get to know people, you find out that people are human everywhere with the same values, the same interests and the same ideals at our core. We have different religions sometimes, we have different economics, different clothing, different food, different building structures and different climates. That all comes together as components of who we are as nations and nationalities. But inside of us, we are all one people. And that is my belief, and it is my profound commitment to continue to support the religious workers' visa.

Now I get to the "or what?" And that is that I have seen a significant amount of fraud in these applications. And I want to point out that where we will be welcoming Pope Benedict XVI here in Washington, D.C., and as I look through the statistics on the Catholic religious workers' visas, the fraud rate is very, very low as a proportion to the overall applications. So there is no implication in my remarks with regard to Catholics in particular, and many other denominations from that standpoint.

But the special immigrant religious worker visa program was created in 1990 and has been a magnet for people not only to come and share their faith with us, but also a magnet for people to be able to utilize the program in the system that it wasn't intended for.

The State Department's Bureau of Consular Affairs in September 2005 in their Fraud Digest reported that "religious worker visas are known as some of the most difficult to adjudicate." The Fraud Digest then goes on to discuss various cases in which people were prosecuted for fraudulent use of the program. So, for instance, in 2004 a Venezuelan national was convicted in Virginia of visa fraud. He had filed 179 fraudulent petitions for religious ministers. In addition to creating fraudulent certificates of ordination, diplomas and other supporting documentation, he also obtained a valid 501(c)(3) tax exemption from recognized religious organizations without their knowledge.

The Immigration Subcommittee has long been aware of fraud in their religious worker visa program. In 1997, a GAO investigation was requested by our subcommittee. The State Department conducted a field inquiry. They did that to get the views of consular offices as to the level and type of fraud. And in 41 percent of the 83 responding posts, some type of fraud or abuse was acknowledged. And the State Department also noted that under the program's regulations, almost anyone involved with a church, aside from the explicitly excluded occupations of cleaning, maintenance and support staff, arguably could be qualified as a religious worker. So this was an open door. And I recognize the chairlady of the subcommittee acknowledged that we need to tighten that up a bit. And that, I think, is the biggest reason why, in that particular quote from that report.

In 1999, the GAO released a final report. The agency noted that the types of fraud often encountered in the processing of religious worker visas "involved petitioners making false statements about the length of time that the applicant was a member of the religious organization and the nature of the qualifying work experience."

The report went on to say that evidence uncovered at that time by INS agents suggested that "some of these organizations exist solely as a means to carry out immigration fraud." That is what we should be guarding against. That is what we hope to be able to do with their new regulations that will be written as a result of the bill.

At his motion, I would be happy to yield to the chairman of the full committee, Mr. CONYERS.

Mr. CONYERS. Thank you very much, STEVE KING, ranking member.

Am I getting from your remarks that you are implying that Protestants commit more abuse than Catholics in this particular program?

Mr. KING. Mr. Chairman, reclaiming my time, no good deed goes unpunished.

I'm simply complimenting the Catholics without reference to Protestants. However, I do have some data I could bring out perhaps a little later in the debate.

Mr. CONYERS. Did you say yes or no?

Mr. KING of Iowa. I said, "No good deed goes unpunished." I complimented the Catholics and didn't remark with regard to the Protestants.

Mr. CONYERS. I thank the gentleman.

Mr. KING of Iowa. I thank the chairman for his levity in this debate and I reclaim my time.

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Madam Speaker, most recently, in July of 2006, the U.S. Citizenship and Immigration Services Office of Fraud Detection and National Security conducted a fraud benefit assessment on the Religious Worker Visa program. They selected 220 cases at random and found an astounding 33 percent fraud rate. That means one out of three was fraudulent. That is their finding.

In 32 of the fraudulent cases, the religious institution either did not exist or only existed on paper, and 39 of their fraudulent petitions included fraudulent supporting documentation or material misrepresentations within a document. Other instances of fraud included cases where the petitioner could not be located or connected to any religious entity and where the petitioning religious entity was unaware that the petition had even been filed and was unaware of the beneficiary.

Now that this Nation is involved in a global war on terror, we must be extremely vigilant, Madam Speaker. We must protect the safety and welfare of American citizens. We can't do that with an immigration policy that includes programs ripe with fraud.

Another example would be in 2003 Mohammed Khalil and three of his sons were arrested in connection with submitting false applications to bring over 200 individuals to the United States using the Religious Worker Visa program. Prosecutors revealed that Khalil made statements to an undercover witness professing allegiance to Osama bin Laden. He also allegedly stated, "Hopefully another attack in the United States will come shortly." These are the kind of people that we don't need in this program. We must be ever vigilant.

This program needed some improvements before it was ready for reauthorization. Historically it has been reauthorized as a 5-year reauthorization. The initial proposal was to reauthorize it to make the program permanent. I appreciate the negotiations that have taken it down to a 7-year reauthorization. I would have preferred it be substantially less.

However, information that has been made available to me after such time as we took action on the bill in the Judiciary Committee gives me some hope that USCIS, the U.S. Citizenship Immigration Services, has already taken some steps that likely would have reduced the percentage and certainly reduced the number of fraud cases.

As I look at the verbal report from Director Emilio Gonzalez, the 2005 Religious Worker Visa applications were something slightly above 4,000 out of the 5,000 cap that is in the authorization. That was 2005. So that would be the year by which we have seen the highest percentage of fraud in the reports that I have seen, Madam Speaker.

In 2006, the applications, by the report language that I received, is 3,048. So we have seen these numbers going down, presumably because of the increased scrutiny on the Religious Worker Visa applications. Then by 2007 we only saw, and this is by a verbal report from the director, 454 Religious Worker Visa applications. That is a dramatic 80-some percent reduction in the number of visa applications. I think it is safe to conclude that a significant amount of this, Madam Speaker, is the result of increased scrutiny on the part of USCIS.

We need to be taking a particular look still, and I intend to sit down with Director Gonzalez and talk this through so I can get a full understanding of the decisions they made, the timing of their decisions and how that might have affected the Religious Worker Visa applications.

But as I look through their report, I see a couple or three places that we should be looking. One is the special registrant countries. These are the countries that required extra scrutiny post-September 11th, and we know which countries those are. They are listed in the report. That happens to be the source of, depending how you want to evaluate the information, those countries that made those self-attested reports show that either 70 percent, 73 percent or 80 percent were fraudulent in the special registrant countries category.

Then the non-affiliated groups, the groups that are not affiliated with a religious denomination, showed 63 percent fraud. That is worthy also of significant scrutiny, and I am hopeful that this has been addressed. And those numbers I believe also are shrinking. Then I looked at, for example, the countries of origin. There was one county that had 100 percent fraud of the report that was issued. That was Jamaica.

So these are things that I think are red flags. I intend to sit down and have this conversation with Director Gonzalez and get a better feel for it. But that is the statistics we are dealing with today as this bill to reauthorize and extend for 7 years Religious Worker Visas is before this Congress.

Then I would submit also that there is something that is actually missing in our policy. A nation that should be a nation that believes in free trade and smart trade also should believe in free and smart trade of our religious workers. I believe that we should have reciprocity. For us to welcome religious workers from countries that will disallow American religious workers from going to their countries and particular religions that come from America to go to those countries, I think is a great big gap in our oversight.

Recognizing the time of this legislation and the inability to offer an amendment in a closed rule, I have drafted a bill, and I have that bill with me today and I won't be able to introduce it unless there is a request for unanimous consent, and I don't intend to do that, but this bill is the Religious Worker Reciprocity Act of 2006. What it does, it just extends reciprocal immigration treatment to nationals of the United States who are seeking resident status in order to work in religious vocation of other countries. In other words, it would simply say you send your religious workers here, we want to be able to send our religious workers there. I think that is the intent. And I would ask for support of that across the bipartisan effort, and particularly those that have taken particular interest in this issue. But I will be introducing that legislation in a subsequent day.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN), the chairwoman of the Immigration Subcommittee.

Ms. ZOE LOFGREN of California. Madam Speaker, may I inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Michigan controls 6 minutes and the gentleman from Iowa controls 4½ minutes.

Ms. ZOE LOFGREN of California. Madam Speaker, I just want to make a couple of comments. I think it is important to note that the various analyses of this program back in the nineties and early in this century actually preceded reauthorization when Republicans were in the majority. We had a reauthorization with no changes at all in 1994, 1997, 2000 and 2003. So this is the first time we have actually had changes in the bill to address the issue of fraud, and I think is it is appropriate we do so. We want to welcome religious workers to our country, but we don't want to be scammed. So I think we have done the balance on this.

I would note that I believe, as does the ranking member, that the Catholics probably do have a low rate of fraud, but there is no way to know that, because the sample of 220 was so small that there was no way to pull out any one denomination as being more problematic than another.

I would ask unanimous consent that the e-mail from the USCIS making that point to me be included in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

From: Patrick N. Forrest.
Sent: Thursday, March 13, 2008.
To: Blake Chisam.
Subject: Re religious workers.

BLAKE, the Religious Worker BFA (non-immigrant) had a 32.73% fraud rate out of a sample of 220 cases. The public version of the BFA did not further break down the 220 cases into religious categories. The fraud rate for Muslim organization has been spoken of many times on the Hill for some time. The reality is that because the population sample for Muslim groups in the BFA is so small the rate of fraud is statistically insignificant. I'm still waiting on the site check data.

PATRICK.

Ms. ZOE LOFGREN of California. Madam Speaker, I would note also that, anecdotally, the non-affiliated may in fact be part of the issue, and here is the problem that may have happened.

If there is no site visit to the petitioning church, you don't know whether it is a phony post office box or whether it is St. Joseph's Cathedral in downtown San Jose. So now that the Department of Homeland Security has done site inspections, anybody can see the beautiful St. Joseph's in downtown San Jose, and you can also find out there is something funny here because there is not a real church or it is just a post office box. And I think that is what has led to the dramatic decline in some of these more problematic applications.

I would note also, and I look forward to talking to the ranking member about his reciprocity bill, but let me just express a caution. Right now, Russia will not allow our evangelicals into their country to proselytize. I think that is the wrong thing for the Russian government to do. I think it denies the Russian people the opportunity to be exposed to those who believe that Christ is their personal saviour. But I don't think we ought to deny the Russian Orthodox believers in California the opportunity to receive assistance from Russian Orthodox religious workers simply because the Russian government has hostility towards religion and our government does not have hostility towards religion.

So I look forward to discussing this further with the ranking member, but I would want to add that cautionary.

Mr. KING of Iowa. Madam Speaker, I yield myself such time as I may consume.

In fact, I don't recall the unanimous consent request. Was that responded to by the Speaker?

The SPEAKER pro tempore. Yes, it was.

Mr. KING of Iowa. Okay, I didn't hear that. And I certainly don't reserve nor do I object to that e-mail from USCIS being introduced into the RECORD. In fact, I would like to read it into the RECORD.

It says, "The religious worker BFA non-immigrant had a 32.73 percent fraud rate out of a sample of 220 cases. The public version of the BFA did not further break down the 220 cases into religious categories. The fraud rate for Muslim organization has been spoken of many times on the Hill for some time. The reality is that because the population sample for Muslim groups in the BFA is so small, the rate of fraud is statistically insignificant. I am still waiting on the site check data."

I believe that is the e-mail referenced by the gentlewoman from California, and I reference it here to speak to the data that is in the report rather than a comment about the data that is in the report.

These 220 cases were drawn to give indicators for further scrutiny. When you see a 70, 73 or 80 percent fraud rate, there is an obligation to look into that and verify the sources of that fraud and also the indicators that it might be greater, not less. I don't imply it is, but we can draw just as much inference that it is greater than it is less from these statistics.

I pointed out that Jamaica has a 100 percent fraud rate out of the sample in this study. That doesn't mean there aren't other denominations we shouldn't be looking at. But I am looking at each one of these cases, and I referenced the special registrant countries that are part of that list. The special registrant counties would be, for the record, Iran, Iraq, Syria, Sudan, Libya, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, Yemen, Egypt and Pakistan.

For the record, when I referenced then the special registrant countries, those are the countries. This is the record. It is the data we are dealing with. I think that it is something that we need to pay special scrutiny to. But we should encourage the reciprocity and the exchange of religious workers.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am very happy to yield back my time if the other side has no further speakers.

Mr. KING of Iowa. If the gentleman would yield, I would like perhaps 30 seconds just to wrap it up.

Mr. CONYERS. Absolutely.

Madam Speaker, I return any unused time.

Mr. KING of Iowa. Madam Speaker, I think this has been a very healthy debate. It has brought issues out into the RECORD that are going to be useful for us to reference. I pointed out that I do have data here that hasn't become part of the RECORD and I have withheld it for some reasons of discretion.

I look forward to reaching across the aisle and working with the Members across the aisle to look into those concentrated areas of fraud and work together to see if we can find a way to establish a policy of reciprocity for religious workers, and, at the same time, celebrate the great religions of the world and the exchange of those religions.

Mr. TANCREDO. Madam Speaker, I rise to oppose H.R. 5570, a bill which will again reauthorize the Religious Worker Visa. The new majority apparently thinks we need to add "ministry" to the list of jobs that "Americans won't do." Then again, with the level of hostility the Democrats have towards religion in America, there may come a time when we do have to import religious workers. Fortunately, we aren't to that point quite yet.

Regrettably, this program is far from comical. Just last year, the U.S. Citizenship and Immigration Service attested to the fact that this visa had been "compromised." The fraud rate is "excessively high" according to Emilio Gonzalez, head of USCIS. In fact, a DHS fraud-prevention task force found that a whopping 33 percent of the visas in this program were granted based on fraudulent information.

Even worse, rampant fraud and abuse has characterized this program, practically since its inception in 1990. A GAO report about the program back in 1999 found that, "As a result of . . . fraud investigations, both [the State Department and the INS] have expressed concern that some individuals and organizations that sponsor religious workers may be exploiting this category to enable unqualified aliens to enter or stay in the United States illegally."

Madam Speaker, some might point out that this program is not very large in the scope of the total number of visas. But I would remind them that we know the amount of damage a handful of determined enemies can inflict when they are allowed to abuse our visa system.

The last thing we want to do is perpetuate a program we know is fatally flawed, and continue a policy that just might be rolling out a welcome mat for some of the most radical imams in the Middle East. I urge a "no" vote on this bill. Let's close this giant loophole in our national security.

Mr. KING of Iowa. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5570, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Immigration and Nationality Act with respect to the special immigrant nonminister religious worker program, and for other purposes.".

A motion to reconsider was laid on the table.

□ 1400

EMERGENCY ASSISTANCE FOR SECURE ELECTIONS ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5036) to direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Assistance for Secure Elections Act of 2008".

SEC. 2. PAYMENTS TO CERTAIN JURISDICTIONS CONDUCTING 2008 GENERAL ELECTIONS.

(a) REIMBURSEMENT FOR CONVERSION TO PAPER BALLOT VOTING SYSTEM.—

(1) IN GENERAL.—The Election Assistance Commission shall pay to each eligible jurisdiction an amount equal to the sum of the following:

(A) The documented reasonable costs paid or incurred by such jurisdiction to replace any voting systems used to conduct the general elections for Federal office held in November 2006 that did not use or produce a paper ballot verified by the voter or a paper ballot printout verifiable by the voter at the time the vote is cast with paper ballot voting systems.

(B) The documented reasonable costs paid or incurred by such jurisdiction to obtain non-tabulating ballot marking devices that are accessible for individuals with disabilities in accordance with the requirements of section 301(a)(3) of the Help America Vote Act of 2002.

(C) The documented reasonable costs paid or incurred by such jurisdiction to obtain ballot marking stations or voting booths for the protection of voter privacy.

(D) The documented reasonable costs paid or incurred by such jurisdiction to obtain paper ballots.

(E) The documented reasonable costs paid or incurred by such jurisdiction to obtain precinct-based equipment that tabulates paper ballots or scans paper ballots.

(F) The documented reasonable administrative costs paid or incurred by such jurisdiction that are associated with meeting the requirements for an eligible jurisdiction.

(2) ELIGIBLE JURISDICTION DEFINED.—In this subsection, an "eligible jurisdiction" means a jurisdiction that submits to the Commission (and, in the case of a county or equivalent jurisdiction, provides a copy to the State), at such time and in such form as the Commission may require, an application containing—

(A) assurances that the jurisdiction conducted regularly scheduled general elections for Federal office in November 2006 using (in whole or in part) a voting system that did not use or produce a paper ballot verified by the voter or a paper ballot printout verifiable by the voter at the time the vote is cast;

(B) assurances that the jurisdiction will conduct the regularly scheduled general elections for Federal office to be held in November 2008 using only paper ballot voting systems;

(C) assurances that the jurisdiction has obtained or will obtain a sufficient number of non-tabulating ballot marking devices that are accessible for individuals with disabilities in accordance with the requirements of section 301(a)(3) of the Help America Vote Act of 2002;

(D) assurances that the jurisdiction has obtained or will obtain a sufficient number of ballot marking stations or voting booths for the protection of voter privacy;

(E) assurances that the jurisdiction has obtained or will obtain a sufficient number of paper ballots;

(F) such information and assurances as the Commission may require to make the determinations under paragraph (1); and

(G) such other information and assurances as the Commission may require.

(3) DETERMINATIONS OF REASONABLENESS OF COSTS.—The determinations under paragraph

(1) of whether costs paid or incurred by a jurisdiction are reasonable shall be made by the Commission.

(4) PAPER BALLOT VOTING SYSTEM DEFINED.—In this subsection, a "paper ballot voting system" means a voting system that uses a paper ballot marked by the voter by hand or a paper ballot marked by the voter with the assistance of a non-tabulating ballot marking device described in paragraph (1)(B).

(b) REIMBURSEMENT FOR RETROFITTING OF DIRECT RECORDING ELECTRONIC VOTING SYSTEMS TO PRODUCE VOTER VERIFIABLE PAPER RECORDS.—

(1) IN GENERAL.—The Commission shall pay to each eligible jurisdiction an amount equal to the documented reasonable costs paid or incurred by such jurisdiction to retrofit direct recording electronic voting systems so that the systems will produce a voter verifiable paper record of the marked ballot for verification by the voter at the time the vote is cast, including the costs of obtaining printers to produce the records.

(2) ELIGIBLE JURISDICTION DEFINED.—In this subsection, an "eligible jurisdiction" means a jurisdiction that submits to the Commission (and, in the case of a county or equivalent jurisdiction, provides a copy to the State), at such time and in such form as the Commission may require, an application containing—

(A) assurances that the jurisdiction has obtained or will obtain a printer for and retrofit each direct recording electronic voting system used to conduct the general elections for Federal office held in November 2008 so that the system will produce a voter verifiable paper record of the marked ballot for verification by the voter;

(B) such information and assurances as the Commission may require to make the determinations under paragraph (1); and

(C) such other information and assurances as the Commission may require.

(3) DETERMINATION OF REASONABLENESS OF COSTS.—The determinations under paragraph (1) of whether costs paid or incurred by a jurisdiction are reasonable shall be made by the Commission.

(c) REIMBURSEMENT FOR PROVISION OF BACKUP PAPER BALLOTS BY JURISDICTIONS USING DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.—

(1) IN GENERAL.—The Commission shall pay to each eligible jurisdiction an amount equal to the documented reasonable costs paid or incurred by such jurisdiction to obtain, deploy, and tabulate backup paper ballots (and related supplies and equipment) that may be used in the event of the failure of a direct recording electronic voting system in the regularly scheduled general elections for Federal office to be held in November 2008.

(2) ELIGIBLE JURISDICTION DEFINED.—In this subsection, an "eligible jurisdiction" means a jurisdiction that submits to the Commission (and, in the case of a county or equivalent jurisdiction, provides a copy to the State), at such time and in such form as the Commission may require, an application containing—

(A) assurances that the jurisdiction will post, in a conspicuous manner at all polling places at which a direct recording electronic voting system will be used in such elections, a notice stating that backup paper ballots are available at the polling place and that a voter is entitled to use such a ballot upon the failure of a voting system;

(B) assurances that the jurisdiction counts each such backup paper ballot cast by a voter as a regular ballot cast in the election, and does not treat it (for eligibility purposes) as a provisional ballot under section 302(a) of the Help America Vote Act of 2002, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot;

(C) such information and assurances as the Commission may require to make the determinations under paragraph (1); and

(D) such other information and assurances as the Commission may require.

(3) DETERMINATION OF REASONABLENESS OF COSTS.—The determinations under paragraph (1) of whether costs paid or incurred by a jurisdiction are reasonable shall be made by the Commission.

(d) AMOUNTS.—There are authorized to be appropriated to the Commission such sums as may be necessary for payments under this section. Any amounts appropriated pursuant to the authorization under this subsection shall remain available until expended.

SEC. 3. PAYMENTS FOR CONDUCTING MANUAL AUDITS OF RESULTS OF 2008 GENERAL ELECTIONS.

(a) PAYMENTS.—

(1) ELIGIBILITY FOR PAYMENTS.—If a State conducts manual audits of the results of any of the regularly scheduled general elections for Federal office in November 2008 (and, at the option of the State, conducts audits of elections for State and local office held at the same time as such election) in accordance with the requirements of this section, the Commission shall make a payment to the State in an amount equal to the documented reasonable costs incurred by the State in conducting the audits.

(2) CERTIFICATION OF COMPLIANCE AND COSTS.—

(A) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State shall submit to the Commission, in such form as the Commission may require, a statement containing—

(i) a certification that the State conducted the audits in accordance with all of the requirements of this section;

(ii) a statement of the reasonable costs incurred in conducting the audits; and

(iii) such other information and assurances as the Commission may require.

(B) AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section shall be equal to the reasonable costs incurred in conducting the audits.

(C) DETERMINATION OF REASONABLENESS OF COSTS.—The determinations under this paragraph of whether costs incurred by a State are reasonable shall be made by the Commission.

(3) TIMING OF PAYMENTS.—The Commission shall make the payment required under this section to a State not later than 30 days after receiving the statement submitted by the State under paragraph (2).

(4) MANDATORY IMMEDIATE REIMBURSEMENT OF COUNTIES AND OTHER JURISDICTIONS.—If a county or other jurisdiction responsible for the administration of an election in a State incurs costs as the result of the State conducting an audit of the election in accordance with this section, the State shall reimburse the county or jurisdiction for such costs immediately upon receiving the payment from the Commission under paragraph (3).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary for payments under this section. Any amounts appropriated pursuant to the authorization under this subsection shall remain available until expended.

(b) AUDIT REQUIREMENTS.—In order to receive a payment under this section for conducting an audit, the State shall meet the following minimum requirements:

(1) Not later than 30 days before the date of the regularly scheduled general election for Federal office in November 2008, the State shall establish and publish guidelines, standards, and procedures to be used in conducting audits in accordance with this section.

(2) The State shall select an appropriate entity to oversee the administration of the audit, in accordance with such criteria as the State considers appropriate consistent with the requirements of this section, except that the entity must meet a general standard of independence as defined by the State.

(3) The State shall determine whether the units in which the audit will be conducted will be precincts or some alternative auditing unit, and shall apply that determination in a uniform manner for all audits conducted in accordance with this section.

(4) The State shall select the precincts or alternative auditing units in which audits are conducted in accordance with this section in a random manner following the election after the final unofficial vote count (as defined by the State) has been announced, such that each precinct or alternative auditing unit in which the election was held has an equal chance of being selected, subject to paragraph (9), except that the State shall ensure that at least one precinct or alternative auditing unit is selected in each county in which the election is held.

(5) The audit shall be conducted in not less than 2 percent of the precincts or alternative auditing units in the State (in the case of a general election for the office of Senator) or the Congressional district involved (in the case of an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress).

(6) The State shall determine the stage of the tabulation process at which the audit will be conducted, and shall apply that determination in a uniform manner for all audits conducted in accordance with this section, except that the audit shall commence within 48 hours after the State or jurisdiction involved announces the final unofficial vote count (as defined by the State) in each precinct in which votes are cast in the election which is the subject of the audit.

(7) With respect to each precinct or alternative audit unit audited, the State shall ensure that a voter verified paper ballot or paper ballot printout verifiable by the voter at the time the vote is cast is available for every vote cast in the precinct or alternative audit unit, and that the tally produced by counting all of those paper ballots or paper ballot printouts by hand is compared with the corresponding final unofficial vote count (as defined by the State) announced with respect to that precinct or audit unit in the election.

(8) Within each precinct or alternative audit unit, the audit shall include all ballots cast by all individuals who voted in or who are under the jurisdiction of the precinct or alternative audit unit with respect to the election, including absentee ballots (subject to paragraph (9)), early ballots, emergency ballots, and provisional ballots, without regard to the time, place, or manner in which the ballots were cast.

(9) If a State establishes a separate precinct for purposes of counting the absentee ballots cast in the election and treats all absentee ballots as having been cast in that

precinct, and if the state does not make absentee ballots sortable by precinct and include those ballots in the hand count described in paragraph (7) which is administered with respect to that precinct, the State may divide absentee ballots into audit units approximately equal in size to the average precinct in the State in terms of the number of ballots cast, and shall randomly select and include at least 2 percent of those audit units in the audit. Any audit carried out with respect to such an audit unit shall meet the same standards applicable under paragraph (7) to audits carried out with respect to other precincts and alternative audit units, including the requirement that all paper ballots be counted by hand.

(10) The audit shall be conducted in a public and transparent manner, such that members of the public are able to observe the entire process.

(c) COLLECTION AND SUBMISSION OF AUDIT RESULTS; PUBLICATION.—

(1) STATE SUBMISSION OF REPORT.—In order to receive a payment under this section, a State shall submit to the Commission a report, in such form as the Commission may require, on the results of each audit conducted under this section.

(2) COMMISSION ACTION.—The Commission may request additional information from a State based on the report submitted under paragraph (1).

(3) PUBLICATION.—The Commission shall publish each report submitted under paragraph (1) upon receipt.

(d) DELAY IN CERTIFICATION OF RESULTS BY STATE.—No State may certify the results of any election which is subject to an audit under this section prior to completing the audit, resolving discrepancies discovered in the audit, and submitting the report required under subsection (c).

SEC. 4. PAYMENTS FOR CONDUCTING HAND COUNTS OF RESULTS OF 2008 GENERAL ELECTIONS.

(a) PAYMENTS.—

(1) ELIGIBILITY FOR PAYMENTS.—If a State, county, or equivalent location tallies the results of any regularly scheduled general election for Federal office in November 2008 by conducting a hand count of the votes cast on the paper ballots used in the election (including paper ballot printouts verifiable by the voter at the time the vote is cast) in accordance with the requirements of this section, the Commission shall make a payment to the State, county, or equivalent location in an amount equal to the documented reasonable costs incurred by the State, county, or equivalent location in conducting the hand counts.

(2) CERTIFICATION OF COMPLIANCE AND COSTS.—

(A) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State, county, or equivalent location shall submit to the Commission (and, in the case of a county or equivalent jurisdiction, shall provide a copy to the State), in such form as the Commission may require, a statement containing—

(i) a certification that the State, county, or equivalent location conducted the hand counts in accordance with all of the requirements of this section;

(ii) a statement of the reasonable costs incurred by the State, county, or equivalent location in conducting the hand counts; and

(iii) such other information and assurances as the Commission may require.

(B) AMOUNT OF PAYMENT.—The amount of a payment made to a State, county, or equivalent location under this section shall be equal to the reasonable costs incurred by the State, county, or equivalent location in conducting the hand counts.

(C) DETERMINATION OF REASONABLENESS OF COSTS.—The determinations under this paragraph of whether costs incurred by a State, county, or equivalent location are reasonable shall be made by the Commission.

(3) TIMING OF PAYMENTS.—The Commission shall make the payment required under this section to a State, county, or equivalent location not later than 30 days after receiving the statement submitted by the State, county, or equivalent location under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary for payments under this section. Any amounts appropriated pursuant to the authorization under this subsection shall remain available until expended.

(b) HAND COUNTS DESCRIBED.—

(1) IN GENERAL.—A hand count conducted in accordance with this section is a count of all of the paper ballots on which votes were cast in the election (including paper ballot printouts verifiable by the voter at the time the vote is cast), including votes cast on an early, absentee, emergency, and provisional basis, which is conducted by hand to determine the winner of the election and is conducted without using electronic equipment or software.

(2) COMPLETENESS.—With respect to each jurisdiction in which a hand count is conducted, the State, county, or equivalent location shall ensure that a voter verified paper ballot or paper ballot printout verifiable by the voter at the time the vote is cast is available for every vote cast in the jurisdiction.

(c) PROCESS FOR CONDUCTING HAND COUNTS.—

(1) IN GENERAL.—In order to meet the requirements of this section, a hand count of the ballots cast in an election shall be conducted in accordance with the following procedures:

(A) After the closing of the polls on the date of the election, the appropriate election official shall secure the ballots at the polling place (or, in the case of ballots cast at any other location, at the office of the chief election official of the jurisdiction conducting the hand count).

(B) Beginning at any time after the expiration of the 8-hour period that begins at the time the polls close on the date of the election, the jurisdiction shall conduct an initial hand count of the ballots cast in the election, using the ballots which are eligible to be counted in the election as of the time the polls are closed.

(C) Any ballot which is eligible to be counted in the election but which is not included in the initial count conducted under subparagraph (B), including a provisional ballot cast by an individual who is determined to be eligible to vote in the election or an absentee ballot received after the date of the election but prior to the applicable deadline under State law for the receipt of absentee ballots, shall be subject to a hand count in accordance with this section and added to the tally conducted under subparagraph (B) not later than 48 hours after the ballot is determined to be eligible to be counted.

(D) The hand count shall be conducted by a team of not fewer than 2 individuals who shall be witnessed by at least one observer sitting at the same table with such individuals. Except as provided in paragraph (2), all such individuals shall be election officials of the jurisdiction in which the hand count is conducted. The number of such individuals who are members of the political party whose candidates received the greatest number of the aggregate votes cast in the regularly scheduled general elections for Federal office held in the State in November 2006 shall be equal to the number of such individuals who are members of the political party whose candidates received the second greatest number of the aggregate votes cast in the regularly scheduled general elections for Federal office held in the State in November 2006.

(E) After the completion of the hand count, the ballots may be run through a tabulating machine or scanner for comparison with the tally, if such a machine or scanner is available.

(2) USE OF OTHER PERSONNEL.—An individual who is not an election official of the jurisdiction in which a hand count is conducted under this section may serve on a team conducting the hand count or may serve as an observer of a team conducting the hand count if the jurisdiction certifies that the individual has completed such training as the jurisdiction deems appropriate to conduct or observe the hand count (as the case may be).

(3) LOCATION.—The hand counts conducted under this section of the ballots cast in an election shall be conducted—

(A) in the case of ballots cast at a polling place on the date of the election, at the polling place at which the ballots were cast; or

(B) in the case of any other ballots, at the office of the chief election official of the jurisdiction conducting the hand count.

(4) INFORMATION INCLUDED IN RESULTS.—Each hand count conducted under this section shall produce the following information with respect to the election:

(A) The vote tally for each candidate.

(B) The number of overvotes, undervotes, spoiled ballots, and blank ballots cast (or their equivalents, as defined by the State, county or equivalent location).

(C) The number of write-in ballots and the names written in on such ballots pursuant to State law.

(D) The total number of ballots cast.

(E) A record of judgement calls made regarding voter intent.

(5) PUBLIC OBSERVATION OF HAND COUNTS.—Each hand count conducted under this section shall be conducted in a manner that allows public observation of the entire process (including the opening of the ballot boxes or removal of machine-printed ballots from their containers, the sorting, counting, and notation of results, and the announcement of final determinations) sufficient to confirm but not interfere with the proceedings.

(6) ESTABLISHMENT AND PUBLICATION OF PROCEDURES.—Prior to the date of the regularly scheduled general election for Federal office held in November 2008, a State, county, or equivalent location shall establish and publish procedures for carrying out hand counts under this subsection.

(d) APPLICATION TO JURISDICTIONS CONDUCTING ELECTIONS WITH DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.—

(1) REQUIRING SYSTEMS TO PRODUCE VOTER VERIFIABLE PAPER RECORD.—If a State, county, or equivalent location uses a direct recording electronic voting system to conduct an election, the State, county, or equivalent location may not receive a payment under this section for conducting a hand count of

the votes cast in the election unless (in addition to meeting the other requirements applicable under this section) the State, county, or equivalent location certifies to the Commission that each such system produces a paper record printout of the marked ballot which is verifiable by the voter at the time the vote is cast.

(2) Treatment of Paper Record Printouts.—In applying this section to a hand count conducted by a State, county, or equivalent location which provides a certification to the Commission under paragraph (1), the paper record printout referred to in such paragraph shall be treated as the paper ballot used in the election.

(e) Announcement and Posting of Results.—Upon the completion of a hand count conducted under this section, the State, county, or equivalent location shall announce the results to the public and post them on a public Internet site.

(f) Use of Hand Count in Certification of Results.—The State shall use the results of the hand count conducted under this section for purposes of certifying the results of the election involved. Nothing in this section may be construed to affect the application or operation of any State law governing the recount of the results of an election.

SEC. 5. STUDY, DEVELOPMENT OF TESTING METHODS, AND ACCELERATION OF DEVELOPMENT OF PRODUCTS AND STANDARDS TO ENSURE ACCESSIBILITY OF PAPER BALLOT VERIFICATION AND CASTING FOR CERTAIN INDIVIDUALS.

(a) Study, Testing, and Development.—In accordance with OMB Circular A-119, the Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall study, develop testing methods, and accelerate the development of products and standards that ensure the accessibility of paper ballot verification and casting for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including the mechanisms themselves and the processes through which the mechanisms are used. In carrying out this subsection, the Director shall investigate existing and potential methods or systems, including non-electronic systems, that will assist such individuals and voters in creating voter verified paper ballots, presenting or transmitting the information printed or marked on such ballots back to such individuals and voters in an accessible form, and enabling the voters to cast the ballots.

(b) Report.—Not later than June 30, 2009, the Director shall submit a report to Congress on the results of the studying, development of testing methods, and acceleration of the development of products and standards under subsection (a).

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Director such sums as may be necessary to carry out this section, to remain available until expended.

SEC. 6. DEFINITIONS.

In this Act—

(1) the term "Commission" means the Election Assistance Commission; and

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5036 and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, H.R. 5036, the Emergency Assistance for Secure Elections Act 2008, is a bill that provides State and local governments the opportunity to have safe, secure and auditable elections in this, the election, year.

I commend Congressman HOLT and his bipartisan cosponsors for their continued dedication to the issue of election reform.

This bill recognizes that 2008 is quickly approaching and options must be provided to ensure the integrity of the vote. Our election process must be open and transparent to ensure public confidence. We are now 8 months from the general election and cannot place State and local governments in a position to require change. Therefore, the bill is 100 percent optional.

State and local governments can choose which provisions they can successfully implement. Opting in entitles the State or jurisdiction to reimbursement. In committee, several changes were made to this bill through bipartisan cooperation, and I want to thank Mr. EHLERS for his support during the committee markup. Changes were also made to meet the concerns of disability groups, as well as State and local government.

H.R. 5036, as amended, reimburses jurisdictions for retrofitting paperless touch-screen voting machines, or DREs, with systems that produce a voter verifiable paper record, allows for reimbursements for jurisdictions to obtain backup paper ballots in the event of failure of electronic voting systems and authorizes reimbursement for jurisdictions which conduct a manual audit of a Federal and any State and local election in November, 2008, in no less than 2 percent of the precincts.

During the markup, all the amendments offered by the Republicans were accepted by voice vote, and those four amendments were to allow for audits to commence within 48 hours after States or relevant jurisdictions involved announced the unofficial vote count. It requires no hand count to commence until at least 8 hours after the polls close and requires the ballots to be in a secured location until the hand count commences, and ensures that the hand-counting teams, when conducting a hand count of the election results, have equal representation from both political parties of the candidates who received the two greatest numbers of aggregate votes cast, and requires that after the hand count is complete the ballots be run through a tabulating machine or scanner for verification of the tally, if such a machine or scanner is available.

Having a voter verified paper trail with an automatic routine audit will go a long way to increase voter confidence and deter fraud.

Post-election audits are an essential tool to increase voter confidence in the election process. While the bill authorizes such sums as necessary, the CBO has come back to us with a score of $685 million, about what we expected, and a sum that was in the original Holt bill.

The CBO score, however, anticipates the participation of everyone in this bill. I think it is highly unlikely that every jurisdiction will participate in every aspect of the bill, since they have the opportunity to do nothing or to pick and choose portions of the bill. It is clear that the actual score or total would be less.

I would note that we are spending over $10 billion a month in Iraq and that we have spent a total of $1.32 billion on democracy-building programs in Afghanistan and Iraq. The CBO figure is certainly less than that. It seems to me, if we can't protect our elections at home, really, how are we supposed to be a model of democracy without safe and secure and auditable elections.

The country could end up revisiting the contentious and mistrusted count of 2000 and, even more recently, in the contested election of District 13 where people could not verify votes through an actual written ballot.

The bill reported out of committee makes the changes requested by the minority to the legislation but keeps the core purpose of the bill, providing a voter verifiable paper and auditable paper trail.

If this bill is enacted promptly, jurisdiction should have adequate time to purchase and implement the voting system upgrades and the other provisions of this bill and provide voter confidence in the integrity of the 2008 election.

I urge all of my colleagues to support this option bill, this bipartisan effort.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to discuss this bill and, first of all, to commend Mr. HOLT for his efforts and his concerns.

He is sincerely and extremely concerned about accuracy in voting, and what can be done to make certain that the results are accurate. He expressed that in his first bill, H.R. 811, which did not receive committee consideration.

I spent considerable time with him trying to work out the details of that bill, but we simply could not reach agreement or even come close to agreement.

I commend Mr. HOLT again for his concern and his persistence, as he authored H.R. 5036. When I reviewed it with him I thought this might be a much better basis for agreement and, that by working together, we might be able to achieve that.

Unfortunately, we have not achieved full agreement on it, although we did get it out of committee. I supported it out of committee because I thought it should reach the floor for floor debate. I anticipated that it would be taken up under a rule where we might have the possibility for an additional compromise, but that has not happened.

There are a number of issues that still remain. I agree with Mr. HOLT that we should have some type of redundancy in our recording systems. I disagree that it has to be paper. I think there are other methods of achieving redundancy.

Recently we had an exposition in the House Administration Committee room where we had demonstrations of equipment which shows redundancy in an electronic fashion, and I think would be fully as reliable as redundancy in paper.

Another area where we disagree is in the hand counting of ballots. I have enough experience with elections in local politics to recognize that hand counting is not as accurate as almost any machine counting that I have seen.

There are ways of achieving what Mr. HOLT wishes. I think the optical-scan method is certainly a valid one, and that is what the State of Michigan uses. Other States are beginning to go use that.

But the final blow to our efforts was the judgment of the CBO that it was $685 million for 1 year. I realize that Mr. HOLT had estimated that would be the cost in his original bill. In fact he had included it as an authorization in his original bill.

But having the CBO report that large sum that casts a pall over this particular bill in respect to the opinions of the Members of this body, and I am afraid that is likely to be the death knell.

In summary, I certainly commend Mr. HOLT for his concerns. I commend him for his efforts. I just don't think we have achieved enough agreement to effectively make this a bipartisan bill. Therefore, I suspect it will not pass, and I will have great difficulty supporting it at this point.

Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would like to recognize the author of the bill, Congressman RUSH HOLT from New Jersey, who has been tremendously diligent in pursuing these reform measures. Really, without his persistence, we would not be here today. I would recognize him for 5 minutes.

Mr. HOLT. I thank the gentlelady.

Mr. Speaker, I rise to urge my colleagues to support the Emergency Assistance for Secure Elections Act of 2008.

This is a bill that is optional for counties. It's to encourage counties and States to do the right thing. We should all want national standards of accessibility, reliability and auditability for our elections. This is an emergency stop-gap measure to see that we achieve as much of that as possible before the November elections.

The principle is simple. Anything of value should be auditable. Votes are valuable. They should be audited so that voters can have the confidence that each vote is recorded the way the voter intended. In too many places around the United States, votes are not audited.

In too many places around the United States, they are not even auditable. Voters leave the polling places wondering if their vote will be counted as they intended and election losers and their supporters are left wondering if they can believe the results.

Already in this primary season, there have been numerous, numerous problems, questions, and unresolved disputes.

In county after county, in State after State, electronic voting systems have failed in many ways, failure to start-up in the morning, a mismatch between the electronic count and the end-of-day printout, failed memory cards, and on and on and on. In too many places, the irregularities can not be resolved. There is no way to resolve them. There is no way to know because there is no record of the voter's intentions.

This legislation would reimburse counties and States for allowing voters to inspect paper-based records of their vote, in other words, paper ballots. That would not only make it possible for audits, but this legislation would go further and reward States for putting in place procedures to conduct those audits. This would go a long way toward restoring confidence in the process.

There is still time before November to secure our election system. If our Emergency Assistance for Secure Elections Act is enacted, localities could choose to convert to paper ballot voting systems, offer emergency paper ballots if machines fail, and to conduct audits to confirm the accuracy of the electronic tallies.

I want to stress that this is optional. We took great pains to accept the suggestions of the minority party, to take suggestions of election officials, to take suggestions of people all over the country, lawyers and others who have looked at elections in detail. We simplified this so that counties could not object that we were making them do something that we weren't going to support them on. This is optional. We have simplified it as much as possible so that it could be implemented in time for this year's election, and it could be.

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This modest bill simply entitles jurisdictions to reimbursement for the costs to conduct fully auditable, fully audited elections. It will encourage States and counties that want to do the right thing on behalf of their voters. But time is of the essence.

If we don't take action immediately, we will not leave enough time for States that wish to opt to do so before the November election. Voters will lose further confidence in the system, and candidates will leave on election night wondering if they can trust the results.

Common Cause wrote: "The security and reliability problems with electronic machines have been well documented. Both the State of California with the Top to Bottom Review and the State of Ohio with their study have documented numerous security vulnerabilities and have systems and have taken action to protect voters. Additionally, a number of academic and public policy experts have recommended that the shortcomings of these systems be addressed. Finally, there have been a number of incidents in which voters have been disenfranchised and election outcomes thrown into doubt because the machines have simply failed to work properly."

The Brennan Center for Justice at the New York University School of Law writes: "Reports of machine problems during States' recent Presidential primary elections provide a preview of potentially widespread machine failure and disenfranchisement in November."

They and others go on to argue that this simple, straightforward legislation will allow many counties and States around the country to address these problems in time for their November election so that we can have a truly reliable, accessible and auditable election that voters can believe in.

I yield back the balance of my time with thanks to the gentlelady from California for her diligent work in putting together such a good piece of legislation.

Ms. ZOE LOFGREN of California. I thank the gentleman, and I reserve the balance of my time.

Mr. EHLERS. I yield 3 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I rise in opposition to H.R. 5036.

CBO estimates that this bill will cost the taxpayers $685 million to reimburse jurisdictions for the cost of converting to voting systems that produce paper ballots, manual audits and hand recounts. We have already provided the States with $3.2 billion in grants to implement the Help America Vote Act, including $115 million appropriated in fiscal year 2008.

The administration of elections is a State and local responsibility. Many jurisdictions have already decided to change their election systems to require paper ballots using their own resources. This bill would encourage other jurisdictions to rush the implementation of new paper ballot systems for the November election.

In written testimony before the Appropriations Subcommittee, the bipartisan Election Assistance Commission stated: "Experience has taught election officials that a minimum of 6 to 8 months, and preferably longer, is needed to effectively implement a new voting system and to educate the voting public about how to use the system. Consistency in procedures and process is key in creating a secure, accurate and effective election. As we have seen in Ohio and in several other jurisdictions, the hasty attaching of a printer to some machines has led to paper jams, long lines, and confusion. While jurisdictions may find a voter verified paper audit trail to be suitable for their needs, hastily requiring such a thing for this year's election has the potential to lead to more problems than it can possibly solve. At this point in the election cycle, election officials are better served by sharpening their already existing policies than trying to apply patchwork fixes that could lead to greater problems."

That was from the Election Assistance Commission which is a bipartisan group.

I would add, this bill will not only put the country further in debt, but would encourage jurisdictions to implement new voting systems between the primaries and general election, leading to additional election problems.

I urge my colleagues to vote "no" on this legislative proposal.

Ms. ZOE LOFGREN of California. Mr. Speaker, Mr. DAVIS of Virginia is a principal cosponsor and I don't see him here, so I will yield to Mr. HOLT for 1 minute.

Mr. HOLT. I thank the gentlelady. I just wanted to address a couple of the points that the gentleman from Ohio made.

The first is we don't in this legislation tell the counties how to run their elections. We leave this up to them, and it is entirely optional. There are States around the country who have instituted complete auditable election systems in a matter of months.

If a county or a State feels they cannot do it, then I would advise them not to opt in to this program. But we believe they can. Let's leave that to them rather than as the gentleman from Ohio would, try to decide for them whether this is something that they would want.

We believe from a number of indications that this will be useful in many counties and States around the country.

Mr. EHLERS. I yield 4 minutes to the Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding and I come to the floor to talk about this bill with real appreciation for the hard work that the gentleman from New Jersey has put into this effort. I know it is a heartfelt effort on his part.

In fact, I first met his mother when we were both serving as the Secretaries of State of respective States, West Virginia and Missouri, at the time. I just come here to say that the States have handled the responsibility of the mechanics of election administration well for a very long time.

The process of voting, how you vote, the mechanics of what the ballot looks like, whether you have a straight ballot voting system, all that has been left to the States, and I think wisely so.

In the Help America Vote Act, the Congress provided States with over $3 billion to modernize their voting systems, including allowing the States to decide whether they wanted to have a paper backup. In my State, the State of Missouri, the Secretary of State determined if that money was used, there would be no system authorized in our State unless the paper backup was part of that system. As it turned out, that was a very good decision.

But in the aftermath of the 2000 elections, many States took that incentive, that $3 billion that was out there, and in my view made decisions more quickly than they otherwise would have.

This bill now offers a second round of money that would be available to encourage changing their systems, many of them that we know about today changing their system from a system they just used Federal money to change to. I think this is neither wise nor the responsible thing for us to do.

I also very much think that there is no reason to rush this bill at this time. There is not enough time left between now and the November election to change voting systems. Over 30 States have already conducted primary elections with the system they will use in November. The very worst time to change a voting system is an election that has overwhelming participation, as we believe this one will.

Election administration and the mechanics of election grew up in this country over decades and generations of voting and voting habits. To try to change those voting habits from a primary election some time earlier in the year to a new system, to be frankly tested the first time in probably the biggest election turnout that we have had or will have in a long time, is just a mistake.

To think that we should pass this bill today for the November election, I think, is as far off base as we could be. I am not absolutely opposed to the Federal Government encouraging States to do better with their election process; I am opposed to this feeling that we get into that creates an environment where the States have to make these decisions more quickly than they should, and particularly to make a decision like this just in advance of a high-participation election.

I don't think the $3.2 billion so-called solution produced the right results. In fact, several States are now complaining that it produced problems. But they are the ones that decided that they would deal with those problems. Those problems, frankly, become less significant every time voters use a system. Maybe you made an investment that you wished you didn't make, but you made that investment. It is not impossible to either reverse it on your own or decide you are going to make it work.

I think this is the wrong approach at the wrong time. I encourage my colleagues to vote "no" on this bill today, not to give up in working with our friend from New Jersey to find a bill that would be helpful to the States, but not to pass a bill today that would only create with certainty more problems in November than we will have without it.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just want to make it clear that the Holt bill is optional for jurisdictions. No one is required to opt in, so no one would be rushed unless they wanted and felt they could take advantage of this legislation. I would note also that several States have undergone very rapid conversion. I would note that Governor Crist from Florida was a witness before the Election Subcommittee in House Administration, and he had the entire State of Florida switch from the electronic machines to optical scan in really a matter of months. This is a matter of intention if you want to do it.

I reserve the balance of my time.

Mr. EHLERS. I am pleased to yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Michigan for yielding, and I appreciate the privilege to address you here on the floor of the House with regard to integrity in the ballot system.

I will say as a compliment to Mr. HOLT, he and I have had a number of conversations about integrity in the electoral process. We share concern that the electoral process here in America have the highest level of integrity. I, for one, actually sat in my chair for all but a couple of 37 days following the election of the year 2000 watching television, scooting around and surfing the Internet, chasing down the rabbit trails. I was on the telephone. At the time I was the chairman of the Senate State Government Committee in Iowa, and I didn't want Iowa to become a Florida.

As I educated myself, it was a crash course in the electoral process. I found fraud in elections in a number of States, at least solid newspaper and journalistic reports of fraud, and I became convinced that it was scattered throughout this country. And the pattern is hard to follow, but the conclusion I drew was if this country ever loses its faith in our electoral system, this constitutional republic will collapse due to a lack of faith of the people.

So integrity in the electoral process is important. I would rather lose an election than lose the integrity of the electoral process.

I come to this floor today to oppose this bill, however, because this is Tax Day, 2008, election year 2008, and we are watching the Presidential debates unfold and soon we will hear the congressional debates light up. To try to jump on this horse in the middle of this fast current of stream that we have racing toward an election, I think is a bridge too far for us to be able to get there without further damaging the integrity, rather than improving it.

□ 1430

I would urge this House to step back, take a look, take a deep breath, and come together with some legislation that would provide, of course, for a paper audit trail, which I support, but one that does so in a reasoned fashion, not in the middle of an election year, not something that's designed to patch some of the flaws that came with the Help America Vote Act, but something that's well thought out, something that's bipartisan, something that's reasoned, something that's cautious, and something that will preserve the integrity of the electoral system that we have. And that's why I come to the floor, Mr. Speaker, for that purpose.

And I support the position taken by the ranking member from Michigan and my colleagues, although I intend to continue to work with Mr. HOLT. Another point that I would make is that we do have a disagreement in our viewpoint, and that is that I think we should, at the very last resort, impose obligations on the States. The States have run this electoral process. The Federal Government has a minimal involvement.

And so my view is, if the States have integrity, we have to be very careful because the voters within the States will be determining the next leader in the free world. I think the number was just 527 votes in Florida made the difference on who the leader of the free world was in the year 2000. That integrity is important. We must hold it together.

But I urge a "no" vote on this bill at this time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just like to note that this has not been a hurried effort. In fact, we reported out of the House Administration Committee the original Holt bill before last Easter, Easter of 2007, and have been working with interested parties and across the aisle since that time.

It's worth noting that these changes can happen responsibly and also quickly. For example, in Lackawanna County, Pennsylvania, they're going to switch from DREs to optical scan in 7 weeks, before this primary.

And I would note that the legislature in Iowa has voted, I understand the vote was nearly unanimous, to transition from DREs to optical scan, and that's going to be done before this November election. So I think that this measure would help cities and counties who want to take those responsible steps.

I would yield to the author of the legislation, Mr. HOLT, an additional minute.

The SPEAKER pro tempore. The Chair will note that the gentleman from Michigan has 6½ minutes remaining. The gentlewoman from California has 6 minutes remaining.

Mr. HOLT. Mr. Speaker, under this legislation, the States and counties still have the responsibility for the mechanics of the elections. All we're saying is, if they put in place procedures to make them auditable, and procedures to audit the votes, we will assist them in the cost.

There are many things the gentleman from Iowa (Mr. KING) said we could be dealing with, and, indeed, we are not dealing with questions of registration and purging of names on registration lists and absentee voting and the openness of the tabulation phase of results. We are just talking about what happens in the voting booth, so that each voter will be able to verify, on paper, that her vote or his vote is recorded the way they intended, and then, those voter verified records be used to audit the results. It's that simple.

I can promise you that if jurisdictions don't take these steps, there will be many questions around the country that cannot be resolved. This is a simple, straightforward way to take care of it.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Florida, who has considerable voting experience, Mr. MICA.

Mr. MICA. I want to thank Ranking Member EHLERS and others for working on this bill.

I join in opposition to the legislation. First of all, let me say, my colleagues, there's nothing more important than the integrity of the election process in the United States and confidence that all Americans would have in making certain our system of election is secure.

But let me tell you, folks, this is compounding error and mistake Congress made, and here it is on Tax Day, 2008, that we're going to commit another two-thirds of a billion dollar mistake.

I sat on House Administration that oversees elections. I was there in 2000 when we had the problems in Florida with the hanging chads. We've all heard of the hanging chads. And everybody rushed here, and every vote's got to count; we've got to spend taxpayer dollars and make sure that every vote is counted; and we're going to put in a system, and we have to make it look like we're doing something to make certain that system's secure.

Now, we listened to the witnesses and they came before House Administration and they told folks that an electronic voting system, which would cost billions of dollars to implement, would have the possibility of error and just about the same percentage of error if you choose a lever, if you use a hanging chad ballot, if you use optical scan, if you use a paper ballot. And you can mess up any of those elections.

They told us. And then everybody rushed down. They voted it out of committee. We passed it. We spent $2 billion or $3 billion to put in place a system that they told us, well, somebody can pull the plug, the electronic thing doesn't work. Duh. Somebody can come up with some sort of electronic device. Even one of these might set it off and you might get some results.

They told us there might be errors, and they told us they didn't have a paper trail. Duh.

So here we are putting in place the system. On Tax Day, spend another two-thirds of a billion dollars. Keep working out there, Americans. Send it here because they'll spend it in some dumb fashion, and this follows that.

Now, we do want the system to work, but there are errors in everything. You heard them talking about the scan.

I went down and sat all night and watched the scan voting. It's simple. You just take a pen and you fill in the space. My God, I couldn't believe, hundreds of people, they put X's all the way around, they circled optical scan. They could screw up any kind of a ballot. A paper ballot. Actually I'm told that the old levers are probably the best, that we took out for $2 billion or $3 billion worth of hard-earned taxpayer dollars and replaced with these electronic machines which now we're coming to correct. But they still have the same rate of error.

I guess it never stops around here. But here we are again spending that money on another whim. But we'll do it.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just want to make a couple of comments. In the last several years, the United States has spent at least $240 million to make sure that democratic elections in other countries met the same standards that we're hoping elections will be held to here. And so, obviously, every dollar that we have is precious tax money, but I would hope that we would be at least as interested in protecting the integrity of the elections in America as we are in protecting the integrity of the elections in Pakistan, Afghanistan and the like.

Secondly, I was not a member of the House Administration Committee when Mr. MICA, the gentleman from Florida, was. But I was on the Florida 13 Task Force, and we reached a conclusion. It was unanimous and it was bipartisan, and I don't second-guess them. We had GAO go in and they gave us a report, and we accepted that report. But had there been a paper trail we wouldn't have had to have the GAO go in and examine these machines.

And I would finally note that the gentleman is right. If you can mess it up, it will be messed up. But at least, with a paper ballot, you can discern intent. And if somebody circles the name instead of fills it in, and there is a recount, you can see what a voter meant to do. You cannot see that with an electronic machine.

So with that, and I understand the points being made, but I would hope that we can come together and support this bipartisan bill.

I reserve the balance of my time.

Mr. EHLERS. I yield 30 seconds to the gentleman from Florida (Mr. MICA).

Mr. MICA. I didn't get a chance to say this, but there is a quote that I think should be part of the RECORD. And the quote is: "An informed electorate is the cornerstone of democracy and an educated electorate." And that's what we need to do.

And they make errors. Folks make errors. They just don't circle one and it's very clear. I'd love to bring the ballots here. Sometime I'll have to do that to show you how people can mess it up. But an informed electorate is the cornerstone of democracy. And, yes, we need to do all we can to make certain that they're provided with all the assistance from the Federal level to make certain that we have a fair, open, honest election.

Ms. ZOE LOFGREN of California. We don't have additional speakers. I wonder if the gentleman has additional speakers.

Mr. EHLERS. We have no further speakers. If you have none then I will make some concluding remarks.

I yield myself such time as I may consume.

We've heard a good deal of discussion on this bill. Some of you may recall Parkinson's laws from some years ago in which he commented that when there's a debate on a subject, the more the people know, the longer the debate. And I suspect we could go on considerably longer if we had more of the Members of Congress here simply because all of us have experience with elections.

I would like to point out a few items. First of all, the comments about the integrity of the system. I agree totally. The objective should be the complete integrity of the system to insure that every vote is counted accurately, and that every voter can be assured that their vote is not cancelled out by someone who has illegally voted the wrong way; in other words, through fraud or through mistakes by the machine.

I believe that the audits that Mr. HOLT has proposed are very important and should be developed. It should be developed with the help of the Secretaries of State and local election officials to develop a system that works, so that we can ensure that the count is as accurate as possible.

I also want to comment that the White House also has taken a dim view of this. They've issued a SAP this afternoon, somewhat to my surprise, that indicates that they oppose this bill and urge Members of the Congress to vote against it.

But I do want to look at this from the historical perspective, and as an older person, I've been around a while, and I've seen a lot of different elections. Recalling the early history of our country, all balloting was with paper. But because there was too much miscounting on opportunity for fraud, machines were developed: the iron monsters, as they called them, meaning the lever machines. And those were used for years, even though their error rate also was note zero. And then we've gone to many other voting methods over the years.

Now we're using high tech approaches with computers, and we have encountered some of the same difficulties.

I am not saying that you can't make a perfect machine. I am saying that as long as people are involved in operating them, there are likely to be mistakes.

And one of my classics that I remember is from the presidential election in 2004, when in Los Angeles County there were something like nine candidates for President listed on the ballot. This was an optical scan ballot. Over 3,600 voters crossed through the oval for candidates other than President Bush and left his blank.

Now, how is one to interpret that? Did these voters think they should leave the Bush oval blank because that was who they wanted to vote for? Or were they saying "Anyone but the President? Who knows. As long as those types of mistakes are possible, they will be made. And we have to do our best here to work diligently, with, and I emphasize "working with" very strongly, working with the local elected officials, the State-elected officials, and continue to do as best we can to perfect the best possible voting system.

And with that, I will yield back.

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge that we pass this important legislation today.

I will confess that I am disappointed that the ranking member is not today in support of this measure. We, on the majority side, accepted every amendment offered by Republicans in the committee mark-up on this bill, and I had hoped and expected that we would be able to continue to work together and support this measure on the floor.

We reported the original Holt bill out of the committee over 1 year ago, and in that time, between now and then, we have worked with Secretaries of State, the National Association of Counties, disability rights groups, voting rights groups, civil rights groups, to try and get a measure that could garner broad support across the country. And I believe that we have that measure before us today.

I will say that the White House issuing an SAP today, after a year's work, I think, is really bad faith. We have worked very hard, and to come out at the last minute is really very unprofessional.

I'd finally like to say that the dollar amount estimated by the Congressional Budget Office is a worst-case scenario. There's no way that that would be the full amount.

But even if it were, I would ask Members to think of this: Isn't the American democracy worth as much as the Iraqi or the Pakistani democracy?

□ 1445

Aren't we willing to spend as much to make sure that our precious American votes are counted as we are the votes of foreigners in other countries? I would hope that as we consider our responsibility as Members of Congress to our wonderful America and our wonderful country, that the answer to that would be yes and therefore, a "yes" on the whole bill.

There have been various quotes made today, but I think back of the second Californian to ever be President of the United States, his phrase was not used about voting, but it was this: Trust but verify. That's what the Holt bill would do. It would trust but verify, and I hope that Members today can come together and support the Holt bill.

I would like to commend once again Congressman HOLT for his enormous efforts that brought us here today.

Mrs. CAPPS. Mr. Speaker, as a cosponsor of the Emergency Assistance for Secure Elections Act, I rise in strong support of the bill.

Voting is the most fundamental element of democracy. It is the mechanism by which citizens hold their government accountable for its actions. This most critical of democratic actions depends, however, on voters' confidence that their votes are counted fairly and accurately.

Voters have lost this confidence.

Election after election, year after year, millions of voters cast votes not knowing if their votes will count because the machines produce no paper records.

The Help America Vote Act of 2002 was supposed to resolve these problems. However, it failed to address several major issues that continue to plague the system and undermine the legitimacy of our elections.

This so-called response to the 2000 election debacle in Florida failed to implement accountability measures to ensure that every vote is cast and counted accurately.

The Emergency Assistance for Secure Elections Act would address this problem by providing funding for states and counties to implement safe, secure and auditable voting systems in time for the 2008 general election.

It would reimburse jurisdictions that choose to convert to paper-based voting systems. The reimbursements also cover emergency paper ballots used in the event of machine failure, and the cost of conducting hand-counted audits or hand counting the results of elections.

We must act to restore confidence in our election system. The Emergency Assistance for Secure Elections Act will help restore this confidence and help ensure that all votes are counted and recorded properly. I urge my colleagues to fulfill their responsibility to American voters by voting yes on this critical bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008.

I think everyone in the chamber today remembers the frustration and disbelief we all felt in November 2000 as hundreds of volunteers poured into Dade County Florida to oversee the recount of the Presidential election. As the future of our nation swayed in the balance, we all thought to ourselves, Can this actually be happening in America?

The answer, unfortunately, was yes. As devastating as that event was, I think we learned two very important lessons. The first is that every vote really does count. Every person who is eligible must get to the polls. The second lesson learned is that our system of elections is broken. Changes must be mandated, improvements must be made.

That is why I am proud to rise in support of H.R. 5036. This bill takes real steps to improve the transparency and accuracy of electoral process by minimizing the financial burden placed on local governments to ensure the accuracy of election results.

H.R. 5036 fully reimburses jurisdictions that choose to offer paper ballots on Election Day. In the 2006 election cycle, we learned that electronic voting machines are not always reliable, often malfunctioning and creating substantial complications on Election Day. H.R. 5036 also subsidizes manual recounts of elections results if basic minimum requirements are met. We must provide resources to the states to ensure that the elections they conduct are fair and accurate.

Both provisions provide absolutely necessary funding to alleviate the significant burden placed on local and county governments when holding elections. This relief is critical to ensure that local government entities can protect the legitimacy of election results without enduring financial hardship.

While, I recognize the fact that more must be done, I also believe that this bill is a very good start and I want to commend my good friend and colleague, RUSH HOLT, for his leadership on this issue. Even a month ago, it appeared that passing this bill was impossible. However, thanks to Representative HOLT's tireless efforts to work with members of Congress on both sides of the aisle, that impossibility becomes reality today. America will be a better for place for his efforts on this issue.

Mr. KUCINICH. Mr. Speaker, elections are the bedrock of our republic. Our capacity to function as a tripartite government of co-equal branches rests in the public's assurance that those of us entrusted to administer and legislate assumed our offices through free, fair and open elections.

I laud Congressman RUSH HOLT and his efforts to ensure the integrity and accuracy of our voting system. However, today I must rise in opposition to H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008.

H.R. 5036 acknowledges that problems exist in our system of voting, and that without action now these problems will grow. For this reason the legislation has merit. While H.R. 5036 includes a provision to reimburse jurisdictions that convert their paperless voting system to one that includes a paper trail, it may also include optical scan technology. I have serious concerns with optical scan technology and its susceptibility to hacks and security breaches. Recent tests and research have demonstrated the ease with which a person can manipulate the configuration files to change votes. What's more, most of the equipment necessary to accomplish this can be purchased off-the-shelf at most technology stores.

Indeed, our voting system needs improvement, but replacing one flawed technology with another will do little to garner public faith in the electoral process. Let us make comprehensive electoral system reform a priority, and let us enact a policy that ensures system integrity, system security, and that each and every vote is counted.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the Emergency Assistance for Secure Elections Act because I believe it is essential that we ensure every American's basic right to vote and to have that vote counted.

Currently, 15 states still use paperless voting machines which have been proven to be unreliable and vulnerable to hacking. In the past two election cycles, voting machines have malfunctioned and votes have been lost forever. Computer scientists across the country have shown how easy it is to hack these voting systems.

This bill will address these problems by providing the states with financial backing from the Federal Government in order to convert from electronic voting systems to paper ballot voting systems in time for the November 2008 elections. The bill also provides emergency paper ballots if the jurisdiction uses a direct recording electronic voting system which happens to fail.

Today, 9 percent of the U.S. population records their votes electronically. These numbers vary greatly from State to State. Twelve percent of Ohio votes are recorded electronically; 80 percent of Kentucky voters use electronic ballots. Without an adequate confirmation method. mechanical deficiencies could have a drastic impact on close elections. This problem must not go unnoticed, and must be addressed.

Considering the tremendous election discrepancies that we have seen take place in this country in 2000 and 2004, we know that we are still dealing with a flawed system. I believe that the passage of this legislation is paramount to ensuring that people throughout this country are not disenfranchised when they attempt to exercise their right to vote.

The right to vote is a right every citizen of this country deserves. As Members of Congress, we all have an obligation to make sure all of our constituents' votes are counted through the most fair and accurate means available. The right to vote should not be reserved for just some of our constituents, but for all of our constituents. It is for this reason that I introduced the Count Every Vote Act of 2007 which seeks to provide an all-encompassing solution to a broad range of voting irregularities that occurred during the 2004 presidential election. It is for the same reason that I urge my colleagues to support the passage of H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008.

Mr. HONDA. Mr. Speaker, while I was unfortunately absent for the vote on H.R. 5036 due to commitments in my home state of California, I would have voted in support of this legislation had I been present. I am deeply dismayed that the bill failed to pass by a wide margin.

As an original cosponsor of H.R. 5036, the Emergency Assistance for Secure Elections Act, I thank Congressman HOLT for his vigorous efforts to provide emergency support to states and counties that wish to ensure that all votes are accurately counted through the use of paper ballots. This bill would provide assistance to states and counties that voluntarily choose to use paper-based voting systems. States would be able to seek federal reimbursements for emergency paper ballots that are offered in the event of technological failures. The bill would make funding available for the development of procedures to conduct hand-counted audits or to hand-count the results of elections.

Free and fair elections are fundamental aspects of a representative democracy like the United States, and we must provide the necessary support to our state and local governments to strengthen the integrity of our democracy. In the 2004 election, while widespread usage of electronic voting machines helped standardize our nation's voting system and prevented some of the problems that occurred with punch-card ballots in the 2000 election, there were reports of voting irregularities, some of which were due to glitches in electronic voting machine software. This is why it is absolutely necessary to make available paper receipts that each voter can verify for themselves.

To this end, I am also a cosponsor of H.R. 811, the Voter Confidence and Increased Accessibility Act. The legislation would require voting systems to produce a voter-verified paper record suitable for a manual audit equivalent or superior to that of a paper ballot box system.

A few years ago, I held a town hall meeting on electronic voting at Santa Clara University to expand my knowledge and public awareness of direct recording electronic (DRE) devices. The program provided much insight into the development of DREs but it also left many unanswered questions about their security and reliability. Since then, I have supported legislation that seeks to ensure a voter verifiable record and greater openness in the testing and certification process of DREs.

Even as secure technology is developed, voter verifiable records will sustain the high integrity of our voting processes. It is imperative that Congress helps support those states and counties that are willing to use paper ballots to strengthen our democracy until electronic systems that produce a paper trail are available, and to ensure that all American votes cast will be counted.

Mr. CAPUANO. Mr. Speaker, I rise to share my views on H.R. 5036, the Emergency Assistance for Secure Elections Act.

As both a Member of the Committee on House Administration which has considered this issue for many months and a former mayor who was responsible for overseeing elections for many years, I know how important it is that people have confidence in their votes. This bill is part of an effort to ensure that we improve that confidence, which has waned in recent years.

There are good provisions in this bill. I believe firmly that the best way to ensure that votes are cast as intended and counted accurately, is to provide paper ballots that the voters themselves mark. This bill helps move the Nation in that direction by providing optional funding for many localities that wish to switch to paper ballots. For this reason, I support it.

However, there are some shortcomings in this legislation that I feel must be stated for the RECORD. I do not personally believe that it is the most effective use of Federal resources to give states funding in order for them to add on printers to Direct Recording Electronic devices (DREs). I don't believe that "paper trails" are an adequate substitute for real paper ballots and for this reason, I have concerns about giving states the funding to retrofit their DREs rather than simply incentivizing the switch to real paper ballots.

Similarly, I am discouraged that the bill does not allow jurisdictions with DREs that produce a paper trail access to Federal funds to switch to real paper ballots. Many jurisdictions across the country have come to the conclusion that paper ballots, not electronic voting machines with paper trails, are the most reliable type of voting system. By denying some jurisdictions the Federal resources to make that positive switch, the bill fails to reward those who are making the commitment to switch to what many believe is the best system.

However, I am supporting this bill. Because is not overly prescriptive, I hope that many jurisdictions consider utilizing its positive provisions, should it become law. I look forward to continuing to work with my colleagues on the committee and in the full House toward a better and more trustworthy vote.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5036, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HOUSE SALARIES

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5493) to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF COMMITTEE ON HOUSE ADMINISTRATION TO ESTABLISH DAY FOR PAYING SALARIES IN OR UNDER THE HOUSE OF REPRESENTATIVES.

Section 116(a) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60d–1) is amended by adding at the end the following new sentence: "Notwithstanding the previous sentence, the Committee on House Administration may by regulation provide for the payment of salaries with respect to a month on a date other than the date provided under the previous sentence as may be necessary to conform to generally accepted accounting practices.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5493 is a bill to address the frequency of staff pay periods in the House. It provides that the day for paying staff may be regulated by the Committee on House Administration. The House of Representatives currently pays the staff once a month. The executive branch, the Senate, and most private companies pay their employees twice a month or every two weeks.

We are considering a change because once-a-month pay can be difficult for staffers budgeting on a tight paycheck. In addition, the committee's oversight experience with payroll software suggested adopting a more common approach will save money, reduce errors and increase efficiency. Unfortunately, the committee can't change the pay schedule for House staff until we change the law.

This bill will give the committee the authority to change the date that staffers are paid. It won't change the pay schedule right away. Once this bill is enacted, the committee will adopt regulations that change the pay cycle.

I would like to thank my friend and colleague, Mr. EHLERS, for cosponsoring this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5493, which would establish that the pay date in the House be determined by Committee on House Administration regulations. However, I want to make clear that, while I support the committee establishing its authority to determine the House's pay date, I do not necessarily support alteration of the current House pay schedule at this time.

Along with the obvious administrative challenges that would impact the CAO, there are a number of cultural implications within the House population that must be addressed prior to making such a change.

Many employees pay their mortgages, utility bills, and other financial obligations in concert with a monthly pay schedule. To change a system that has been in place for such an extended period of time will have a pervasive impact and must be considered and communicated thoroughly before it is instituted.

This bill is the first step on a very long road, and it should be followed by hearings and surveys to allow House employees to express their opinions.

However, I fully support the efforts of Chairman BRADY to ensure that the committee take a decisive role in determining whether or not changes to the House pay schedule are made.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5493.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HOUSE EXERCISE FACILITY

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1068) permitting active duty members of the Armed Forces who are assigned to a Congressional liaison office of the Department of Defense at the House of Representatives to obtain membership in the exercise facility established for employees of the House of Representatives, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1068

Resolved, That any active duty member of the Armed Forces who is assigned to a Congressional liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives, in accordance with such regulations as the Committee on House Administration may promulgate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1068 responds to a specific request from the liaisons who serve in each branch of the military and assist us daily in the House of Representatives. They have just a simple favor to ask that they be allowed to use the House staff gym since they work here far away from the ordinary military fitness facilities.

In order to ensure that the military liaisons can maintain the physical fitness and readiness while they serve in the House, this resolution will allow them to use the House staff gym. The committee will adopt regulations for the use of this facility.

We anticipate that the Armed Forces personnel who use the facility would do so consistently with military policy and, to the extent possible, during off-peak hours.

Again, I would like to thank my friend and colleague, the gentleman from Michigan (Mr. EHLERS), for cosponsoring this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1068, which would permit military liaisons who are assigned to official duty within the House of Representatives to join the House Staff Fitness Center. The center has been a welcome benefit to many House employees since it opened in December of 2005. Located in the southwest corner of the Rayburn building, the fitness center covers 11,000 square feet in which gym members can take advantage of health screenings and fitness assessments, take part in health wellness workshops and seminars, and receive individualized exercise programs, in addition to using the state-of-the-art exercise equipment.

While membership in the House Staff Fitness Center will prove a convenient and useful operation to those military personnel who work in the House campus, I think it's also important to recognize that these gentlemen and women are part of the military. They must remain in shape because they may be called into active duty at any time.

And so I believe this is a good bill, and I thank Chairman BRADY for his work on the bill.

I yield back my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1068, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution permitting active duty members of the Armed Forces who are assigned to a Congressional liaison office of the Armed Forces at the House of Representatives to obtain membership in the exercise facility established for employees of the House of Representatives.".

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO MICHAEL ELLIS DEBAKEY, M.D.

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of S. Con. Res. 71 and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. EHLERS. Mr. Speaker, reserving the right to object, I will not object, but I would like to make a few comments.

I am proud to support S. Con. Res. 71, which authorizes the use of the Rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Michael Ellis DeBakey.

A pioneer in the field of cardiovascular surgery, Dr. DeBakey became chairman of the Department of Surgery at Baylor University College of Medicine in 1948. Over the last half century, he has created a number of medical devices, techniques, and procedures that have saved countless lives. He is perhaps best known for his pioneering efforts in cardiovascular surgery, as he was one of the first physicians to ever perform coronary bypass surgery.

Additionally, Michael DeBakey is credited with developing the concept for the Mobile Army Surgical Hospital, or M.A.S.H., units which were used in the Vietnam and Korean War to treat injured soldiers, saving even more lives.

An adviser to nearly every President for the past 50 years, Dr. DeBakey has served the public through his vast knowledge on a variety of medical issues. He has published more than 1,300 medical articles and has performed over 60,000 cardiovascular procedures. He is a beloved educator, so much so that in 1976, his students across the globe worked together to establish the Michael E. DeBakey International Surgical Society in his honor.

Dr. DeBakey has received numerous awards for his work, including the Presidential Medal of Freedom in 1969 and the National Medal of Science, which was awarded to him by the late President Ronald Reagan in 1987.

I am extremely pleased that this bill will enable us to bestow another honor upon Dr. DeBakey as he receives the Congressional Gold Medal in the Rotunda of the United States Capitol.

Mr. BRADY of Pennsylvania. Mr. Speaker, would the gentleman yield?

Mr. EHLERS. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. Mr. Speaker, the concurrent resolution provides for the use of the Capitol Rotunda to award the Congressional Gold Medal, and I support the resolution.

Mr. Speaker, Dr. Michael DeBakey is a pioneer in the field of heart surgery and research. Dr. DeBakey honed his skills as an Army doctor during World War II. While chairman of the Department of Surgery at the Baylor College of Medicine, Dr. DeBakey performed the first heart bypass surgery. He has saved countless lives.

Dr. DeBakey has received a Presidential Medal of Freedom and the National Medal of Science, as well as awards from the American Medical Association, the American Heart Association, and the Academy of Surgical Research.

We are honored to authorize the use of the Capitol Rotunda to present Dr. DeBakey with the Congressional Gold Medal, and again, I thank the gentleman from Michigan for his support.

Mr. EHLERS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on April 23, 2008, for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

☐ 1500

PROVIDING FOR CONSIDERATION OF H.R. 5719, TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT OF 2008

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1102 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1102

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5719 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1102 provides for consideration of H.R. 5719, the Taxpayer Assistance and Simplification Act of 2008, under a closed rule. The rule provides for 1 hour of debate on the bill controlled by the Committee on Ways and Means.

Mr. Speaker, today, April 15, is Tax Day, which has long been a source of stress and anxiety for many working families. However, today we will bring good news. We will consider legislation that will alleviate many of the tax-related difficulties Americans face today and throughout the year. This legislation will streamline the tax filing process for individuals and businesses as well as improve IRS customer service and strengthen privacy protections.

The Taxpayer Assistance and Simplification Act is also fully paid for by ensuring funds from tax-advantaged health savings accounts will be used for qualified health care expenses, and by temporarily delaying a withholding requirement on government payments to contractors.

It also contains provisions to strengthen the integrity of the Tax Code, making it simpler and fairer for all Americans. It eliminates incentives for U.S. companies to outsource work by ensuring they cannot escape paying employment taxes on government workers.

In addition, this legislation will also prevent thousands of elderly and disabled individuals from owing employment taxes for in-home care workers provided through State and local government programs.

This legislation also improves IRS service and outreach to low-income taxpayers in several ways. First, it allows IRS employees to refer taxpayers requiring assistance with tax cases to qualified low-income taxpayer clinics. It also requires that the IRS notify taxpayers of their potential eligibility for the Earned Income Tax Credit, which has been the largest need-based, anti-poverty program in the United States, lifting millions of Americans out of poverty every single year.

GAO estimates that in 2004, Americans failed to claim $8 billion in earned income tax credits, hundreds of millions of dollars in my home State of Ohio alone. These credits have the potential to help strengthen families and their financial security while also benefiting our communities at large by stimulating local economic development and job growth. And in order to ensure that eligible families can continue to take advantage of the earned income tax credit, this legislation authorizes an annual $10 million grant to Volunteer Income Tax Assistance, or VITA, programs. VITA provides free assistance to qualified low-income taxpayers, thanks to these grants as well as the assistance of dedicated volunteers across the country.

The availability of these valuable services makes it unnecessary for working families to turn to high-cost tax preparers and unscrupulous organizations engaging in predatory practices like offering what is called "Refund Anticipation Loans."

The Taxpayer Assistance and Simplification Act also includes several provisions to strengthen privacy protections and government accountability. Importantly, it prohibits the IRS from providing individual taxpayer information to private entities employing predatory loan tactics. And it requires the IRS to notify taxpayers of suspected identity theft and fraud. It also takes the important step of repealing the authority of the IRS to contract with private debt collection agencies.

Mr. Speaker, there is no duty more central to the functioning of the Federal Government than the collection of its revenue. But under the Bush Administration, this inherently governmental responsibility has been farmed out to private collectors who keep up to 25 percent of the tax revenues they collect. The program has caused confusion and aggravation for many taxpayers because these private debt collectors frequently demand sensitive personal information without revealing the nature of their phone calls, as was documented in a Ways and Means Committee hearing last year.

In addition, the operations of private contractors are not held to the same standard of transparency as required of the Federal Government. There is the danger that sensitive personal information could be compromised through careless handling of these cases without accountability. The Taxpayer Advocate Service has reported over 1,500 complaints related to this program. And not only are there serious privacy and service issues, but the promised cost savings of the private debt collection program has simply not materialized. One needs to look no further than a headline on the front page of today's Washington Post that proclaims, "Collectors Cost IRS More Than They Raise."

Private debt collectors are also less efficient than the IRS. As the IRS Taxpayer Advocate Service points out, the Department of the Treasury estimates that private collection agencies collect $4 for every dollar it invests in tax collection efforts, but every dollar invested in IRS collections yields five times that amount.

The downside of continuing to outsource the duties of the Internal Revenue Service clearly outweigh any benefits. It's just another disturbing example of a poor governmental function being outsourced to private contractors with subpar results and a lack of transparency and accountability. It is a waste of taxpayer resources, and it is about time that we eliminated the IRS's authority to outsource this government responsibility.

The Taxpayer Assistance and Simplification Act improves government accountability and makes the Tax Code simpler and fairer for all Americans. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise in opposition to this 52nd closed rule of the 110th Congress, a new record for the United States Congress. And I oppose, also, the underlying legislation which would have been passed by this House in a bipartisan fashion without the inclusion of two partisan and controversial measures that have already drawn veto threats from President Bush's senior advisers.

Mr. Speaker, I will insert a Statement of Administrative Policy for H.R. 5719 in the CONGRESSIONAL RECORD outlining the administration's oppositions to these two provisions.

STATEMENT OF ADMINISTRATION POLICY, H.R. 5719—TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT OF 2008

(Rep. Rangel (D) New York and 16 cosponsors.)

The Administration strongly opposes H.R. 5719, the so-called "Taxpayer Assistance and Simplification Act of 2008." The bill includes provisions that would impose new administrative burdens on the trustees of Health Savings Accounts (HSAs). These new burdens on HSA administrators are unnecessary for efficient tax administration, inconsistent with the flexibility purposely afforded HSAs at their inception, and could undermine efforts by employers, individuals, and insurers to reduce health care costs and improve health outcomes by empowering consumers to take greater control of health care decision-making. If H.R. 5719 were presented to the President with these provisions, his senior advisors would recommend he would veto the bill.

Also, the Administration strongly opposes the provisions of the bill that would repeal the current statutory authorization for the Internal Revenue Service (IRS) private debt collection program. As of February 2008, over 98,000 cases have been referred to contractors, representing over $910 million in delinquent accounts. Terminating this program would result in a loss of $578 million in revenue over the next ten years, according to Congress' Joint Committee on Taxation. These are tax dollars that are legally owed to the Government and are otherwise very unlikely to be collected by the IRS due to workload demands. As noted in previous Statements of Administration Policy, the Administration strongly opposes elimination of this program, which is not consistent with the Administration's commitment to a balanced approach toward improving taxpayer compliance and collecting outstanding tax liabilities. If H.R. 5719 were presented to the President with these provisions, his senior advisors would recommend that he veto the bill.

The first partisan provision unnecessarily included by our friends, the Democrats, in this otherwise noncontroversial measure would require all HSA account holders to verify independently the qualified nature of medical expenses for all withdrawals subject to those transactions not substantiated to income taxes.

In theory, it is extremely important to make sure that health savings accounts are being used for qualified medical expenses and not for everyday use. Unfortunately, this language takes the reporting process way too far and risks discouraging health savings accounts enrollment, limiting patient choice, and further burdening our banks and financial organizations with implementing the substantial requirements.

The current system requires that nonqualified withdrawals from a health savings account are subject to individual income taxes as well as a 10 percent penalty. If the Internal Revenue Service is not enforcing these penalties, it should be, and it would make sense that Congress would take the necessary steps to ensure the appropriate audits take place. Our constituents' health and our Nation's financial institutions should not suffer from the Federal Government's inefficiency.

The Joint Committee on Taxation has said that this provision would save money, though they are unable to determine how much savings would result from the newly captured penalties and taxes that make HSAs, health savings accounts, less attractive to consumers, in turn, giving them less health care choices.

I might add that HSAs are there to provide consumers that do not have the tax advantages that corporate employees have, it gives employees health care on a pretax basis and is very important to families across this country.

But consumers are not the only ones who would suffer. Introducing a new step of independent substantiation would increase costs for banks and account administrators. Should that happen, it is very possible that they will pass on these costs to employees, and ultimately, consumers.

Over the past several weeks, Democrats have loudly complained about the charges that banks and other commercial lending institutions pass on to their customers, yet provisions allow for the possibility of increasing those costs further when it now applies to an HSA. I think Members of this body should be opposed to that.

The other controversial and partisan provisions included in this legislation would revoke the Internal Revenue Service's authority to contract out collection authority for those small accounts that in the private sector would often be referred to as "old and cold." In 2004, Congress gave the IRS the ability to utilize the best practices and advantages created by the private sector to address its growing backlog of unpaid debt. Today, it is estimated that $345 billion of these unpaid taxes exist, meaning that every year the average taxpayer who plays by the rules must pay an extra $2,700 to cover the taxes not paid for by these people who are not paying.

This new practice, which begins as a small pilot program that grows as it continues to succeed, is estimated to bring in approximately $2.2 billion in the first 10 years alone. And under this agreement, the IRS would get the first 25 cents of every dollar to hire new collections professionals, a provision that will have a positive, compound effect by helping to bring in even greater amounts of this uncollected revenue for the government in the future.

The program, even in its beginning stages and despite numerous attempts by the Democrat majority to kill it before it could succeed, has been hugely successful, bringing in over $30 million worth of uncollected taxes. Mr. Speaker, that means that $30 million worth of taxes that the IRS chose not to collect has been brought in as a result of what these outside collectors have done. It has received a 98 percent rating from the IRS for regulatory and procedural accuracy as well as a 100 percent rating for professionalism. Additionally, less than 1 percent of the taxpayers contacted by these private agencies have filed complaints with the IRS, not one of which has been validated.

Despite this program's track record of success on behalf of taxpayers who play by the rules and pay their designated share, not to mention the increased revenues that it brings in to fund the Democrats' other new, big spending legislation, there are many opponents on the other side of the aisle that want to prevent it from continuing to work, supposedly to protect the dues of big government union bosses.

□ 1515

They have claimed, despite the fact that 40 out of the 50 States in America already contract out their services, that this is something that only the government can do. You don't have to take my word for it to be said that this is untrue. Even the nonpartisan Government Accounting Office found that "the IRS may benefit from using private collectors . . . and it is reasonable to assume that the IRS could learn from their best practices as it works to resolve longstanding problems with its debt collection activities."

As well, in July of 2007, over 51,667 "cold cases" that the IRS was incapable of collecting were given to private agencies, resulting in over 5,300 full repayments to the Treasury and almost 2,000 full agreements to repay these debts incrementally. This means that the government received over $24 million of gross revenue that it would not have otherwise received, which was about one-eighth of what it cost for these nonexisting services to be paid for.

In fact, the IRS has publicly stated that no government employee will lose his or her job as a result of this highly efficient private contracting. Instead, the IRS will benefit from the opportunity to focus their talent, expertise, and resources on higher priority, more complex cases.

Last night in the most-closed-Congress-in-history Rules Committee, I offered an amendment coauthored by my friend Congressman KEVIN BRADY of Texas to strike this unfortunate provision, which was unsurprisingly defeated by the Democrat majority along party lines.

I encourage all my colleagues to vote against this closed rule and the underlying legislation that includes these two provisions.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, before I yield, I'd just like to clarify for the RECORD some of the things that have been presented.

The National Taxpayer Advocate, who is appointed by the Treasury Secretary, reported to Congress that "the money spent on the IRS Private Debt Collection initiative is an inefficient use of government dollars." The Chief of the National Taxpayer Advocate Service testified that the IRS employees bring in $20 for every dollar IRS spends, whereas private debt collectors bring in only $4.

Mr. Speaker, at this time I yield 3 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to support the rule and the underlying legislation. The Taxpayer Assistance and Simplification Act is an important step toward a more straightforward, just tax system. I commend Chairman RANGEL for his tireless leadership.

Among other things, this bill will allow IRS employees to refer taxpayers needing assistance to qualified low-income taxpayer clinics, boost outreach, supporting the earned income tax credit. For so many families facing such great income insecurity during these difficult times, the EITC is a powerful initiative whose benefits reach our entire economy.

In particular, I want to recognize Representative ELLSWORTH and highlight this bill's Fair Tax Provision, rooted in our belief that no one, no one, should receive special privileges under our tax system. After all, what does it say about our Nation and our priorities when American companies like Kellog, Brown & Root, by far the largest contractor in Iraq, are allowed to take their Department of Defense dollars and filter them through offshore shell companies in order to avoid paying significant Social Security and Medicare taxes? It is my understanding that there are no other contractors in Iraq who are doing this.

KBR, which received a no-bid contract to rebuild Iraq's oil infrastructure and provides logistical support to the military, employs roughly 14,000 Americans in Iraq, and nearly all of them, approximately 10,500, are listed as employees of two Cayman Islands' shell companies, contracted by KBR solely to avoid paying payroll taxes for those workers.

And that means big cost savings passed on to a Defense Department that is contracted to reimburse KBR for all its labor costs while guaranteeing a profit, a Defense Department that is more than ready to look the other way as long as the bottom line works out in its favor. Indeed, the department knew KBR was shirking its responsibilities since 2004; yet they took no action. This kind of setup may mean a smaller price tag on any particular contract, but the long-term costs to the government and the taxpayer are far greater, $846 million over 10 years, according to the Joint Committee on Taxation. And the only one who really wins in the end is the company who gets the contract thanks to its unfair competitive advantage.

Mr. Speaker, these practices must end. This bill amends current law to treat foreign subsidies of U.S. companies under contract with the U.S. Government as American employers. And it changes the degree of common ownership to 50 percent, ensuring that more companies owing taxes are subject to the new law and greater transparency.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. SUTTON. Mr. Speaker, I yield an additional minute to the gentlewoman.

Ms. DELAURO. Mr. Speaker, it is unacceptable for the Department of Defense to pay for this war by doing business with a company that siphons money from its own workers and its own government, undermining the Social Security and the Medicare trust funds in the process. When tax dodgers try to avoid their responsibility, the American taxpayer suffers. This company should not be allowed to shirk their responsibilities and then be able to reap the rewards of very large Federal contracts. It is wrong. It should end. And we can no longer afford to look the other way.

I thank the gentlewoman for yielding.

Mr. SESSIONS. Mr. Speaker, I'm starting to get it. The IRS has a lot of work to do, and then as accounts become older because they don't get to those and they become 2, 3, 4, 5 years old but they are still debts that are owed this country, the IRS now, or at least we are led to believe this, would go collect that money when they hadn't done it their first 5 years.

Well, Mr. Speaker, it's not true. They will not go collect these accounts. They are old. And the point is it's still a debt that is owed to the United States Government. And that's where these private collectors come in. Private collectors that collect for at least 40 out of 50 States. Private collectors that have a 100 percent rating.

Mr. Speaker, what we're trying to say is that the IRS probably does do a good job with what it does do. But when it has not handled an account, it is unwise and bad for the taxpayer not to receive that money that is due from its services and from the taxes that took place, and that's what these collectors are all about. To say that they're not as efficient an outside collector as an IRS collector is silly because these cases are ones the IRS didn't want to handle in the first place.

Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to the rule and the underlying bill, H.R. 5719.

As we are all aware, today is April 15, and once again Americans from all across this land and from all walks of life must fork over their hard-earned income to the IRS. So to ease the burden on the taxpayer, the House Democratic leadership, under a closed rule, no opportunity for amendment, brings up this so-called Taxpayer Assistance and Simplification Act.

However, Mr. Speaker, anyone who takes a good, hard look at the language in the bill, they might not think today is April 15 but rather April Fools Day. In fact, this legislation should really be entitled the "Tax Evader Assistance and Simplification Act."

For example, this legislation will provide assistance to those who just don't feel like paying their taxes by eliminating a successful debt collection program that my friend from Texas just mentioned. Instead of lowering taxes for hardworking Americans of over half a billion dollars, this majority would rather give a tax break to these tax evaders to the tune, Mr. Speaker, of about $600 million.

And, unfortunately, to pay for these tax-evader protections, this bill targets what? Health Savings Accounts and the millions of Americans who are trying to take control of their own health care decisions. This legislation will cost those Americans who use HSAs, as my children do, nearly $500 million. It effectively works to destroy market-based solutions in order to force government-run health care down the throats of the American people.

Mr. Speaker, I mentioned earlier that this bill makes today seem more like April Fools Day. Well, that moniker already belongs to April 1; so perhaps we can just call today "Thank a Congressional Democrat Day."

I would say to the American people if they are happy that this Congress today will basically give away $600 million to tax evaders, thank a congressional Democrat.

If they are happy with the fact that this Congress has done nothing to repeal the deplorable death tax, thank a congressional Democrat.

If they are happy with the fact that this Congress has refused time after time to extend the tax cuts of 2001 and 2003 when our economy needs it most, thank a congressional Democrat.

If they are happy with the fact this Congress has for 2 straight years passed budgets that included the largest tax increase in United States history, thank a congressional Democrat.

And if they look forward to the prospect of writing an even bigger check to the IRS next year than they did this year, well, you guessed it, they can thank a congressional Democrat.

Mr. Speaker, I again ask all my colleagues, Democrat and Republican, to oppose this rule so this bill can be amended to provide real assistance to the American taxpayer. But if this rule passes, I call upon them to oppose the underlying "Tax Evader Protection and Simplification Act."

Ms. SUTTON. Mr. Speaker, at this time I yield 1 minute to the distinguished gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today to support moving forward with this legislation.

I was a former small business owner, and I understand the real costs of health care, health insurance, increasing year after year. It's my understanding that the health savings account provision is not going to increase the burden on employers. The bill does not intend for employers to be subject to any additional burdens or obligations. And what it simply does is it closes the tax gap by requiring HSA trustees to report amounts paid to individuals that are not identified with medical expenses. Furthermore, we are going to be asking the GAO to study the uses of distribution from the HSAs.

So I'm really pleased to know that we are ensuring that this provision does not negatively impact our business community.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentlewoman from Arizona's letting us know about her understanding of what's happening.

What I would like to tell her is that a number of companies, including the National Association for the Self-Employed, National Association of Health Underwriters, National Association of Manufacturers, National Restaurant Association, National Retail Federation, National Taxpayers Union, Principal Financial Group, Retail Industry Leaders Association, Financial Services Roundtable, the HSA Council, the UnitedHealth Group, U.S. Chamber of Commerce, WellPoint, these people that employ people that utilize the HSA, are all saying it will have a negative impact upon the use of HSAs making it easier for individuals to get and have health care on a pretax basis.

Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from California (Mr. ROYCE).

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Mr. ROYCE. Mr. Speaker, let me just make the observation that today is Tax Day, and effectively what we are doing to the American taxpayers is making them jump through more hoops. Certainly if they have an HSA, and the costs of this program are projected to be about a half a billion dollars a year, what we are going to be doing, what we are doing in bringing this bill to the floor, is enacting burdensome bureaucratic regulations that are going to undermine those health savings accounts which have been proven successful at slowing the growth of health costs and cutting insurance premiums for millions of individuals and small businesses. And my colleague has just listed all the business groups that are opposed to this legislation.

The question I guess I have is in the last session, we had a largely bipartisan bill that the Republicans put forward, with Democratic support, 407-7 it passed. But now we have this provision dropped into this bill that cripples health savings accounts. Now I know we have a philosophical difference of opinion on whether we want to keep health care private and do it through the marketplace, or whether we want to have a government nationalization and takeover of health care. What I am sharing with you is if you cripple HSAs in this way, I guess you do build momentum for a government takeover of health care. But that is not going to make savings for the American consumers.

HSAs are effective in reducing costs for the consumer. And I have got to tell you, these new burdens are unnecessary. They are inefficient. They are inconsistent with the flexibility purposely afforded HSAs at their inception. These provisions undermine efforts by employers, individuals and insurers to reduce health care costs and improve health outcomes.

How is it possible that we are going to consider a program here where it will take longer to receive reimbursements and will require individuals to come up with money out of their own pocket, potentially hundreds of dollars, on occasion $1,000 or so, at one time under this new proposal?

I just think that this new step of independent substantiation frankly helps only one company, or a very limited number of companies who offer such bureaucratic systems and imposes costs on all of the rest. This is going to increase the costs for the banks, for the account administrators, and for the individual who uses them. And it is going to be passed on to the consumers.

So we do complain about the charges which banks and other commercial lending institutions pass on to their customers. But why have this provision that is going to increase those costs on the consumer? This does not make sense. Health savings accounts were created to reduce the growth of health care costs. And they have achieved some noteworthy successes. But this bill is going to lead to increased health care costs for individuals by crippling HSAs. Don't taxpayers have enough to worry about on Tax Day?

I urge my colleagues to vote against this rule so we can fix this bill and provide a little relief to hardworking Americans on April 15.

Ms. SUTTON. Mr. Speaker, at this time, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. This is an important bill and a timely bill. This is a bill that is due as a gift to the American people on this day which is referred to as Tax Day, April 15.

Now, Mr. Speaker, this bill simplifies the Tax Code. It also deals with antiharassment. It also deals with making sure that companies who do business in foreign lands are not using offshore accounts as scams to avoid paying their fair share of taxes.

And most importantly, Mr. Speaker, it deals with the simplification of the code and applies that to those people who need it the most, because so many people, Mr. Speaker, are not even getting the advantages and getting their due from paying the taxes because of the fact that our Tax Code is so complicated. It is so complex. And this bill streamlines that.

Now let me take just a few minute to go through some very salient points. The Government Accountability Office estimates that Americans overpaid their taxes by over $1 billion a year because they failed to claim deductions. This bill deals with that. About a quarter of Americans who are eligible for the earned income tax credit failed to claim that due to its complexity.

But what this bill does, Mr. Speaker, is it makes the Tax Code simpler and fairer. It strengthens the IRS's outreach program to make sure that people know that they are entitled to the tax refunds and to payments earned under the earned income tax credit. As I mentioned, there are 25 percent of households who are eligible for the earned income tax credit in 1999 that did not even claim it. And working Americans may have lost out on approximately $8 billion. This bill corrects that.

And one of the most important measures of this bill, Mr. Speaker, is that the American people are tired of the harassment. They are tired of the phone calls, the abuse by these private collectors in which jobs are outsourced by the IRS to go collect the Federal debt. We have talked with the IRS. We have talked with the commissioner of the IRS. And he agrees with us that that can best be done not by outsourcing these jobs out, but by having the IRS employees collect that debt. Personal financial information of our American people is too precious and it is too confidential to be in the hands of private contractors on the outside.

And just very quickly, Mr. Speaker, we have foreign companies like KBR that are working and having millions of dollars of contracts servicing in Iraq. But they are using offshore accounts to hide that money to make sure that they do not have to pay the important taxes that go to Medicaid and to Medicare, not only not paying their fair share, Mr. Speaker, and hundreds of millions of dollars, but not even allowing their employees to qualify for Medicare and for Social Security. This bill corrects that.

And another important area, Mr. Speaker, is the new taxpayer protections against identity theft and tax fraud. It cracks down on misleading web sites that seek to get personal information by using their web sites and imitating and pretending that they are the IRS. Now Mr. Speaker, the American people are certainly fed up with being abused by these private collectors, being abused by these Web siters who are posing themselves as IRS agents.

This is a very important measure. I support this rule going forward. This is a very important bill, giving the taxpayers a due recognition, making the Tax Code simpler, and making sure it is fair for all. It is a good bill. I support this bill rule, and let's pass this bill and move it forward.

The SPEAKER pro tempore. The Chair will note that both sides have 13½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today in opposition to this closed rule. I am opposed because the majority continues to punish States without an income tax, States like Florida. Under the Republican leadership, Congress allowed States to once again allow their residents to deduct the State sales tax from their Federal income tax, just as other States are able to deduct their State income tax. My colleagues and I have repeatedly asked the chairman of the Ways and Means Committee to extend the deduction. But we have repeatedly been ignored.

As we all know, providing tax relief is a very important and effective way to stimulate our economy. Yet, the majority is choosing to pass a tax increase on to Floridians and residents of other States that only have a State sales tax.

Florida has the second highest foreclosure rate in America. And this, ladies and gentlemen, would increase taxes on people already stressing to pay their mortgage payments, and today being April 15, obviously, to rush down to the post office to pay their Federal income tax.

The Taxpayer Assistance and Simplification Act will not assist the average taxpayer nor simplify their tax burden. Even though the bill is being considered today, I haven't had a single constituent contact me in support of this measure. I have, however, had some pretty upset constituents come in about the fact that this is going to be the last year that they can deduct the sales tax on their Federal income tax.

Instead of heading off their requests, the majority is passing this bill under a closed rule, disallowing Members to help our cash-strapped constituents. The majority should really be ashamed of what they are doing today.

I urge all Members to vote against this rule and also the underlying bill.

Ms. SUTTON. Mr. Speaker, at this time, I yield 2 minutes to the distinguished gentleman from Indiana, (Mr. ELLSWORTH).

Mr. ELLSWORTH. Mr. Speaker, I thank the gentlelady for recognizing me and yielding.

Mr. Speaker, I rise today in support of the Taxpayer Assistance and Simplification Act that is before us today. As everyone knows, it is April 15, Tax Day. No one likes paying taxes. But what folks really hate is when they have to pay more because bad actors are gaming the system and not paying their fair share. In fact, recent reports in the Boston Globe has shown that some government contractors have been using offshore Cayman Islands places, tax havens, to avoid paying their payroll taxes that they owe. A few weeks ago, I introduced the Fair Share Act to put a stop to this abuse, and I am proud to have this legislation included as part of today's important bill.

My constituents back in the Eighth District of Indiana don't want to pay even more taxes to shore up programs like Social Security and Medicare because companies who receive billions of dollars from this very government are exploiting the tax system today.

I urge my colleagues to support this bill and send a strong message that Congress is not going to stand by and let contractors cheat their workers, cheat the government or the American taxpayers.

Mr. SESSIONS. Mr. Speaker, we will reserve our time.

Ms. SUTTON. Mr. Speaker, I would inquire of the gentleman from Texas if he has any remaining speakers.

Mr. SESSIONS. I appreciate the gentlewoman asking. At this time, I do not have any additional speakers other than my close.

Ms. SUTTON. Mr. Speaker, I am the last speaker on this side, so I'll reserve my time until the gentleman has closed on his side and yielded back his time.

Mr. SESSIONS. I thank the gentlewoman.

Mr. Speaker, as every American taxpayer is acutely aware, today is Tax Day, or the final day for individuals and families to file taxes without incurring financial penalties.

This is not to be confused with Tax Freedom Day, which the Tax Freedom Foundation has defined as the day on which the average American has finally earned enough money to pay this year's tax obligations at the Federal, State and local level, which won't arrive this year until next week, April 23.

In recognition of these two important days on every taxpayer calendar, today I will be asking each of my colleagues to vote "no" on the previous question to this rule. If this previous question is defeated, I will amend the rule to make it in order for the House to consider H.R. 2734, a bill offered by my friend, the gentleman from Michigan, Congressman TIM WALBERG.

This legislation repeals the sunset date of the 2001 Economic Growth and Tax Relief Reconciliation Act and makes the tax reductions enacted by that act permanent. Let me say that again in regular English. That means that we will make the tax cuts permanent to make sure that all these hard-working taxpayers that we are talking about won't have to pay an increase of taxes because the new Democrat majority wants tax increases for every single taxpayer in this country.

Today is an opportunity where we can make those tax cuts permanent to make sure that our Tax Code encourages not only employers, but employees, and to grow our economy. It also repeals the termination date for provisions of the 2003 Jobs and Growth Tax Relief Reconciliation Act of 2003, thereby reducing income tax rates on dividends and capital gains. It amends the Internal Revenue Code to make permanent the tax deduction for State and local sales taxes, the tax deduction for tuition and related expenses, the increased expensing allowance for small business assets and related provisions, and the tax credit for increasing research activities.

□ 1545

In summary, I would just say this, that what it will do is to maintain in a time of uncertainty the ability for America to continue to grow jobs, which means that America can compete globally. On the other hand, if you are for tax increases, if you want to tax taxpayers more, just simply vote with the Democrat majority.

Finally, it expresses the sense of the House of Representatives and the Committee on Ways and Means that they should report legislation on or before the end of the year to simplify the Federal income tax system.

Mr. Speaker, I can think of a no more fitting action for Congress during the week between Tax Day and Tax Freedom Day to provide this kind of certainty to the American taxpayer.

By voting "no" on the previous question, Members will not be voting to kill or delay this debt relief legislation. They will simply be voting to provide tax relief to Americans as they provide debt relief the same day to the world's poorest countries. I encourage all of my colleagues on both sides of the aisle to vote "no" on the previous question.

Mr. Speaker, on behalf of taxpayers who want to continue economic growth in America, I say let's vote to make the tax cuts permanent.

AMENDMENT TO H. RES. 1102 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 2734) to make the Economic Growth and Tax Relief Reconciliation Act of 2001 and certain other tax benefits permanent law. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) an amendment in the nature of a substitute if offered by Representative Rangel of New York, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, the Taxpayer Assistance and Simplification Act of 2008 is a strong pro-taxpayer bill that adopts legislative recommendations and tackles many of the most serious problems detailed in the National Taxpayer Advocate's Report to Congress.

In this weakening economy, America's working families will face many challenges in the months ahead and we in Congress need to do what we can to help. This legislation will streamline the tax filing process and ease the burden of tax law compliance, it will ensure that we are good stewards of taxpayer funds by eliminating unnecessary and wasteful programs that compromise the integrity of our governmental functions, and it makes the Tax Code simpler and fairer by eliminating unduly burdensome compliance requirements and providing commonsense solutions.

I am proud, Mr. Speaker, to support this legislation, because it makes the needs of working Americans a priority.

Mr. UDALL of Colorado. Mr. Speaker, I support ordering the previous question because I think the House should proceed to considering H.R. 5719, the Taxpayer Assistance and Simplification Act, without unnecessary delay.

Some have urged that Members oppose ordering the previous question so that the House could consider legislation to make permanent all the tax cuts the Bush Administration pushed through Congress in 2001.

I supported some of those reductions, but opposed others, and am not convinced that they should all be made permanent. But in any event, they will remain in effect until 2010. There is no need for us to consider today which should be extended, either as they stand or in modified form. I think instead we should proceed to the debate on H.R. 5719, and so I am voting to order the previous question.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 1102, the Rule to Consider H.R. 5719, "Taxpayer Assistance and Simplification Act of 2008". This legislation, introduced by Chairman CHARLES B. RANGEL (D–NY) and Oversight Subcommittee Chairman JOHN LEWIS (D–GA), modernizes Internal Revenue Service functions to make filing taxes simpler while improving outreach to taxpayers.

This Rule allows considerations:

SUMMARY OF H.R. 5719

Key provisions included in H.R. 5719 as agreed to by the Committee would eliminate the special requirements for individuals to keep detailed records of calls made on employer-provided cell phones; delay for one year the imposition of a three-percent withholding requirement on government payments for goods and services made after December 31, 2010; stops federal contractors from using foreign subsidiaries to evade Social Security and other employment taxes; make the administrators of state and local government programs liable for paying the employment taxes on amounts paid by government programs to in-home care workers provided to elderly and disabled persons; repeal the IRS's authority to use private debt collection companies to collect Federal taxes; prohibit the misuse of Department of the Treasury names and symbols in misleading websites and "phishing" schemes; protect low-income taxpayers by prohibiting IRS debt indicators for predatory refund anticipation loans, allowing IRS employees to refer taxpayers to qualified low-income taxpayer clinics, and authorizing funding for Volunteer Income Tax Assistance, "VITA" programs, and require the IRS to notify taxpayers if it suspects theft of a taxpayer's identity.

PROGRAMS FOR THE BENEFIT OF LOW-INCOME TAXPAYERS

There are parts of this tax bill that help the working poor and our elderly, making this tax bill truly live up to its name of being one of Taxpayer Assistance—not just give a credit to the top 2% of Americans.

This bill would authorize an annual $10 million grant for Volunteer Income Tax Assistance, "VITA" programs, increasing the annual aggregate limitation authorized on grants to qualified low-income taxpayer clinics to $10 million.

This bill would allow IRS employees to refer taxpayers needing assistance with tax cases to qualified low-income taxpayer clinics so they can get the help they need. Many people are struggling with how to manage complicated tax cases when they can barely afford to pay their mortgage. This portion of the bill will alleviate the fear that is sometimes associated with IRS tax cases particularly among people who cannot afford legal counsel.

ELDERLY AND DISABLED INDIVIDUALS RECEIVING IN-HOME CARE

This bill would make the administrators of state and local government programs liable for paying the employment taxes on amounts paid by government programs to in-home care workers provided to elderly and disabled persons. This is yet another provision of the bill that benefits our most vulnerable populations.

CONCLUSION

Mr. Speaker I urge my colleagues on both sides of the aisle to allow for full consideration of this bill by supporting H. Res. 1102, the Rule providing for consideration of the Taxpayer Assistance and Simplification Act of 2008. I fully support what Representative RANGEL and the Committee on Ways and Means has done to alleviate some of the burden on taxpayers.

AMENDMENT OFFERED BY MS. SUTTON

Ms. SUTTON. Mr. Speaker, I offer an amendment to the rule which I have placed at the desk.

The Clerk read as follows:

Amendment offered by Ms. SUTTON:

Add at the end the following new sections:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment considered as adopted under the first section of this resolution shall be modified as specified in section 4.

SEC. 4. The modification referred to in section 3 is as follows:

Page 21, line 26, insert "as related to account beneficiary substantiation requirements" after "flexible spending arrangements".

Add at the end the following new section:

SEC. 20. GAO STUDY ON HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the use of distributions from health savings accounts.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

Ms. SUTTON. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on agreeing to the amendment to House Resolution 1102, if ordered; adopting House Resolution 1102, if ordered; and suspending the rules with respect to H.R. 5036.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 15, as follows:

[Roll No. 186]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce

Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Blunt
Capuano
Culberson
Delahunt
Gohmert
Honda
LoBiondo
Mack
Meek (FL)
Pallone
Pascrell
Peterson (PA)
Richardson
Rush
Wilson (NM)

□ 1612

Messrs. LAMBORN, MCHENRY and STEARNS changed their vote from "yea" to "nay."

Mr. HIGGINS changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 195, not voting 14, as follows:

[Roll No. 187]

AYES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Capuano
Culberson
Delahunt
Gohmert
Gutierrez
Honda
LoBiondo
Mack
Pallone
Pascrell
Peterson (PA)
Richardson
Rush
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes are left.

□ 1620

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EMERGENCY ASSISTANCE FOR SECURE ELECTIONS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the bill, H.R. 5036, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5036, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 178, not voting 14, as follows:

[Roll No. 188]

YEAS—239

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent

Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Ramstad
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Capuano
Culberson
Delahunt
Gohmert
Honda
LoBiondo
Mack
Pallone
Pascrell
Peterson (PA)
Rangel
Richardson
Rush
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes are left.

□ 1628

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1630

GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill, H.R. 5719.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Is there objection to the request of the gentleman from Georgia?

There was no objection.

TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT OF 2008

Mr. LEWIS of Georgia. Madam Speaker, pursuant to House Resolution 1102, I call up the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Pursuant to House Resolution 1102, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayer Assistance and Simplification Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title, etc.
Sec. 2. Modification of penalty on understatement of taxpayer's liability by tax return preparer.
Sec. 3. Removal of cellular telephones (or similar telecommunications equipment) from listed property.
Sec. 4. Delay of application of withholding requirement on certain governmental payments for goods and services.
Sec. 5. Elderly and disabled individuals receiving in-home care under certain government programs not subject to employment tax provisions.
Sec. 6. Referrals to low income taxpayer clinics permitted.
Sec. 7. Programs for the benefit of low-income taxpayers.
Sec. 8. EITC outreach.
Sec. 9. Prohibition on IRS debt indicators for predatory refund anticipation loans.
Sec. 10. Study on delivery of tax refunds.
Sec. 11. Extension of time for return of property for wrongful levy.
Sec. 12. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
Sec. 13. Taxpayer notification of suspected identity theft.
Sec. 14. Repeal of authority to enter into private debt collection contracts.
Sec. 15. Clarification of IRS unclaimed refund authority.
Sec. 16. Prohibition on misuse of Department of the Treasury names and symbols.
Sec. 17. Substantiation of amounts paid or distributed out of health savings account.
Sec. 18. Certain domestically controlled foreign persons performing services under contract with United States Government treated as American employers.
Sec. 19. Time for payment of corporate estimated tax.

SEC. 2. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—If a tax return preparer—

"(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

"(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by *the tax return preparer with respect to the return or claim.*

"(2) UNREASONABLE POSITION.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

"(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

"(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position described in subparagraph (A) or (B) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in subparagraph (C) of such section (as amended by this section), to returns prepared for taxable years ending after the date of the enactment of this Act.

SEC. 3. REMOVAL OF CELLULAR TELEPHONES (OR SIMILAR TELECOMMUNICATIONS EQUIPMENT) FROM LISTED PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) (defining listed property) is amended by inserting "and" at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2008.

SEC. 4. DELAY OF APPLICATION OF WITHHOLDING REQUIREMENT ON CERTAIN GOVERNMENTAL PAYMENTS FOR GOODS AND SERVICES.

(a) IN GENERAL.—Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to the withholding requirements of section 3402(t) of the Internal Revenue Code of 1986, including a detailed analysis of—

(1) the problems, if any, which are anticipated in administering and complying with such requirements,

(2) the burdens, if any, that such requirements will place on governments and businesses (taking into account such mechanisms as may be necessary to administer such requirements), and

(3) the application of such requirements to small expenditures for services and goods by governments.

SEC. 5. ELDERLY AND DISABLED INDIVIDUALS RECEIVING IN-HOME CARE UNDER CERTAIN GOVERNMENT PROGRAMS NOT SUBJECT TO EMPLOYMENT TAX PROVISIONS.

(a) IN GENERAL.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. ELDERLY AND DISABLED INDIVIDUALS RECEIVING IN-HOME CARE UNDER CERTAIN GOVERNMENT PROGRAMS.

"(a) IN GENERAL.—In the case of amounts paid under a home care service program to a home care service provider by the fiscal administrator of such program—

"(1) the home care service recipient shall not be liable for the payment of any taxes imposed under this subtitle with respect to amounts paid for the provision of services under such program, and

"(2) the fiscal administrator shall be so liable.

"(b) DEFINITIONS.—For purposes of this section—

"(1) HOME CARE SERVICE PROGRAM.—The term 'home care service program' means a State or local government program—

"(A) any portion of which is funded with Federal funds, and

"(B) under which domestic services are provided to elderly or disabled individuals in their homes.

Such term shall not include any program to the extent home care service recipients make payments to the home care service providers for such in-home domestic services.

"(2) HOME CARE SERVICE PROVIDER.—The term 'home care service provider' means any individual who provides domestic services to a home care service recipient under a home care service program.

"(3) HOME CARE SERVICE RECIPIENT.—The term 'home care service recipient' means any individual receiving domestic services under a home care service program.

"(4) FISCAL ADMINISTRATOR.—The term 'fiscal administrator' means any person or governmental entity who pays amounts under a home care service program to home care service providers for the provision of domestic services under such program.

"(c) RETURNS BY FISCAL ADMINISTRATOR.—For purposes of this section—

"(1) IN GENERAL.—Returns relating to taxes imposed or amounts required to be withheld under this subtitle shall be made under the identifying number of the fiscal administrator.

"(2) IDENTIFICATION OF SERVICE RECIPIENT.—The fiscal administrator shall, to the extent required under regulations prescribed by the Secretary, make a return setting forth—

"(A) the name, address, and identifying number of each home care service recipient for whom amounts are paid by such fiscal administrator under the home care services program, and

"(B) such other information as the Secretary may require.

"(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including requiring deposits of any tax imposed under this subtitle.".

(b) SERVICE RECIPIENT IDENTIFICATION RETURN TREATED AS INFORMATION RETURN.—Paragraph (3) of section 6724(d) is amended by striking "and" at the end of subparagraph (C)(ii), by striking the period at the end of subparagraph (D)(ii) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) any requirement under section 3511(c)(2).".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Elderly and disabled individuals receiving in-home care under certain government programs.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after December 31, 2008.

SEC. 6. REFERRALS TO LOW INCOME TAXPAYER CLINICS PERMITTED.

(a) IN GENERAL.—Subsection (c) of section 7526 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) TREASURY EMPLOYEES PERMITTED TO REFER TAXPAYERS TO QUALIFIED LOW-INCOME TAXPAYER CLINICS.—Notwithstanding any other provision of law, officers and employees of the Department of the Treasury may refer taxpayers for advice and assistance to qualified low-income taxpayer clinics receiving funding under this section.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to referrals made after the date of the enactment of this Act.

SEC. 7. PROGRAMS FOR THE BENEFIT OF LOW-INCOME TAXPAYERS.

(a) VOLUNTEER INCOME TAX ASSISTANCE PROGRAMS.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

"SEC. 7526A. VOLUNTEER INCOME TAX ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of volunteer income tax assistance programs.

"(b) VOLUNTEER INCOME TAX ASSISTANCE PROGRAM.—For purposes of this section, the term 'volunteer income tax assistance program' means a program—

"(1) which does not charge taxpayers for its return preparation services,

"(2) which operates programs to assist low and moderate-income (as determined by the Secretary) taxpayers in preparing and filing their Federal income tax returns, and

"(3) in which all of the volunteers who assist in the preparation of Federal income tax returns meet the requirements prescribed by the Secretary.

"(c) SPECIAL RULES AND LIMITATIONS.—

"(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

"(2) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (6) of section 7526(c) shall apply with respect to the awarding of grants to volunteer income tax assistance programs.".

(b) INCREASE IN AUTHORIZED GRANTS FOR LOW-INCOME TAXPAYER CLINICS.—Paragraph (1) of section 7526(c) (relating to aggregate limitation) is amended by striking "$6,000,000" and inserting "$10,000,000".

(c) CLERICAL AMENDMENTS.—

(1) Section 7526(c)(5) is amended by inserting "qualified" before "low-income".

(2) The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

"Sec. 7526A. Volunteer income tax assistance programs.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. EITC OUTREACH.

(a) IN GENERAL.—Section 32 (relating to earned income) is amended by adding at the end the following new subsection:

"(n) NOTIFICATION OF POTENTIAL ELIGIBILITY FOR CREDIT AND REFUND.—

"(1) IN GENERAL.—To the extent possible and on an annual basis, the Secretary shall provide to each taxpayer who—

"(A) for any preceding taxable year for which credit or refund is not precluded by section 6511, and

"(B) did not claim the credit under subsection (a) but may be allowed such credit for any such

taxable year based on return or return information (as defined in section 6103(b)) available to the Secretary,

notice that such taxpayer may be eligible to claim such credit and a refund for such taxable year.

"(2) NOTICE.—Notice provided under paragraph (1) shall be in writing and sent to the last known address of the taxpayer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 9. PROHIBITION ON IRS DEBT INDICATORS FOR PREDATORY REFUND ANTICIPATION LOANS.

(a) IN GENERAL.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by adding at the end the following new paragraph:

"(3) PROHIBITION ON IRS DEBT INDICATORS FOR PREDATORY REFUND ANTICIPATION LOANS.—

"(A) IN GENERAL.—In carrying out any program under this subsection, the Secretary shall not provide a debt indicator to any person with respect to any refund anticipation loan if the Secretary determines that the business practices of such person involve refund anticipation loans and related charges and fees that are predatory.

"(B) REFUND ANTICIPATION LOAN.—For purposes of this paragraph, the term 'refund anticipation loan' means a loan of money or of any other thing of value to a taxpayer secured by the taxpayer's anticipated receipt of a Federal tax refund.

"(C) IRS DEBT INDICATOR.—For purposes of this paragraph, the term 'debt indicator' means a notification provided through a tax return's acknowledgment file that a refund will be offset to repay debts for delinquent Federal or State taxes, student loans, child support, or other Federal agency debt.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 10. STUDY ON DELIVERY OF TAX REFUNDS.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study on the feasibility of delivering tax refunds on debit cards, prepaid cards, and other electronic means to assist individuals that do not have access to financial accounts or institutions.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the results of the study conducted under subsection (a).

SEC. 11. EXTENSION OF TIME FOR RETURN OF PROPERTY FOR WRONGFUL LEVY.

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.—Subsection (b) of section 6343 (relating to return of property) is amended by striking "9 months" and inserting "2 years".

(b) PERIOD OF LIMITATION ON SUITS.—Subsection (c) of section 6532 (relating to suits by persons other than taxpayers) is amended—

(1) in paragraph (1) by striking "9 months" and inserting "2 years", and

(2) in paragraph (2) by striking "9-month" and inserting "2-year".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 12. INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC., ON INDIVIDUAL RETIREMENT PLAN.

(a) IN GENERAL.—Section 6343 (relating to authority to release levy and return property) is amended by adding at the end the following new subsection:

"(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON INDIVIDUAL RETIREMENT PLAN.—

"(1) IN GENERAL.—If the Secretary determines that an individual retirement plan has been levied upon in a case to which subsection (b) or (d)(2)(A) applies, an amount equal to the sum of—

"(A) the amount of money returned by the Secretary on account of such levy, and

"(B) interest paid under subsection (c) on such amount of money,

may be deposited into such individual retirement plan or any other individual retirement plan (other than an endowment contract) to which a rollover from the plan levied upon is permitted. An amount may not be deposited into a Roth IRA under the preceding sentence unless the individual retirement plan levied upon was a Roth IRA at the time of such levy.

"(2) TREATMENT AS ROLLOVER.—If amounts are deposited into an individual retirement plan under paragraph (1) not later than the 60th day after the date on which the individual receives the amounts under paragraph (1)—

"(A) such deposit shall be treated as a rollover described in section 408(d)(3)(A)(i),

"(B) to the extent the deposit includes interest paid under subsection (c), such interest shall not be includible in gross income, and

"(C) such deposit shall not be taken into account under section 408(d)(3)(B).

For purposes of subparagraph (B), an amount shall be treated as interest only to the extent that the amount deposited exceeds the amount of the levy.

"(3) REFUND, ETC., OF INCOME TAX ON LEVY.—If any amount is includible in gross income for a taxable year by reason of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

"(4) INTEREST.—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

SEC. 13. TAXPAYER NOTIFICATION OF SUSPECTED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7529. NOTIFICATION OF SUSPECTED IDENTITY THEFT.

"If, in the course of an investigation under the internal revenue laws, the Secretary determines that there was or may have been an unauthorized use of the identity of the taxpayer or a dependent of the taxpayer, the Secretary shall, to the extent permitted by law—

"(1) as soon as practicable and without jeopardizing such investigation, notify the taxpayer of such determination, and

"(2) if any person is criminally charged by indictment or information with respect to such unauthorized use, notify such taxpayer as soon as practicable of such charge.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7529. Notification of suspected identity theft.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations made after the date of the enactment of this Act.

SEC. 14. REPEAL OF AUTHORITY TO ENTER INTO PRIVATE DEBT COLLECTION CONTRACTS.

(a) IN GENERAL.—Subchapter A of chapter 64 is amended by striking section 6306.

(b) CONFORMING AMENDMENTS.—

(1) Subchapter B of chapter 76 is amended by striking section 7433A.

(2) Section 7811 is amended by striking subsection (g).

(3) Section 1203 of the Internal Revenue Service Restructuring Act of 1998 is amended by striking subsection (e).

(4) The table of sections for subchapter A of chapter 64 is amended by striking the item relating to section 6306.

(5) The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7433A.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION FOR EXISTING CONTRACTS, ETC.—The amendments made by this section shall not apply to any contract which was entered into before March 1, 2008, and is not renewed or extended on or after such date.

(3) UNAUTHORIZED CONTRACTS AND EXTENSIONS TREATED AS VOID.—Any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986, as in effect before its repeal) which is entered into on or after March 1, 2008, and any extension or renewal on or after such date of any qualified tax collection contract (as so defined), shall be void.

SEC. 15. CLARIFICATION OF IRS UNCLAIMED REFUND AUTHORITY.

Paragraph (1) of section 6103(m) (relating to tax refunds) is amended by inserting ", and through any other means of mass communication," after "media".

SEC. 16. PROHIBITION ON MISUSE OF DEPARTMENT OF THE TREASURY NAMES AND SYMBOLS.

(a) IN GENERAL.—Subsection (a) of section 333 of title 31, United States Code, is amended by inserting "Internet domain address," after "solicitation," both places it appears.

(b) PENALTY FOR MISUSE BY ELECTRONIC MEANS.—Subsections (c)(2) and (d)(1) of section 333 of such Code are each amended by inserting "or any other mass communications by electronic means," after "telecast,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring after the date of the enactment of this Act.

SEC. 17. SUBSTANTIATION OF AMOUNTS PAID OR DISTRIBUTED OUT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (1) of section 223(f) (relating to amounts used for qualified medical expenses) is amended by inserting "(and, in the case of amounts paid or distributed after December 31, 2010, substantiated in a manner similar to the substantiation required for flexible spending arrangements)" after "account beneficiary".

(b) REPORTS.—Subsection (h) of section 223 (relating to reports) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(2) by moving the text of subparagraphs (A) and (B) (as so redesignated) and the last sentence 2 ems to the right,

(3) by striking "(h) REPORTS.—The Secretary may require—" and inserting the following:

"(h) REPORTS.—

"(1) IN GENERAL.—The Secretary may require—", and

(4) by adding at the end the following new paragraph:

"(2) RELATING TO SUBSTANTIATION.—Not later than January 15 of each calendar year after 2011, the trustee of a health savings account shall make a report regarding such account to the Secretary and the account beneficiary setting forth—

"(A) the name, address, and identifying number of the account beneficiary, and

"(B) the amount paid or distributed out of such account for the preceding calendar year not substantiated in accordance with subsection (f)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts paid or distributed out of health savings accounts after December 31, 2010.

SEC. 18. CERTAIN DOMESTICALLY CONTROLLED FOREIGN PERSONS PERFORMING SERVICES UNDER CONTRACT WITH UNITED STATES GOVERNMENT TREATED AS AMERICAN EMPLOYERS.

(a) FICA TAXES.—Section 3121 (relating to definitions) is amended by adding at the end the following new subsection:

"(z) TREATMENT OF CERTAIN FOREIGN PERSONS AS AMERICAN EMPLOYERS.—

"(1) IN GENERAL.—If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated for purposes of this chapter as an American employer with respect to such services performed by such employee.

"(2) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

"(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

"(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

"(3) LIABILITY OF COMMON PARENT.—In the case of a foreign person who is a member of any domestically controlled group of entities, the common parent of such group shall be jointly and severally liable for any tax under this chapter for which such foreign person is liable by reason of this subsection, and for any penalty imposed on such person by this title with respect to any failure to pay such tax or to file any return or statement with respect to such tax or wages subject to such tax. No deduction shall be allowed under this title for any liability imposed by the preceding sentence.

"(4) COORDINATION.—Paragraph (1) shall not apply to any services which are covered by an agreement under subsection (l).

"(5) CROSS REFERENCE.—For relief from taxes in cases covered by certain international agreements, see sections 3101(c) and 3111(c).".

(b) SOCIAL SECURITY BENEFITS.—Subsection (e) of section 210 of the Social Security Act (42 U.S.C. 410(e)) is amended—

(1) by striking "(e) The term" and inserting "(e)(1) The term",

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively, and

(3) by adding at the end the following new paragraph:

"(2)(A) If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated as an American employer with respect to such services performed by such employee.

"(B) For purposes of this paragraph—

"(i) The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

"(ii) The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

"(I) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

"(II) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3) of such Code) by members of such group (including any entity treated as a member of such group by reason of this sentence).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed after the date of the enactment of this Act.

SEC. 19. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAX.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 0.25 percentage points.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LEWIS) and the gentleman from New York (Mr. REYNOLDS) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, on Tax Day, it is so important that we bring H.R. 5719 to the floor of the House. Taxpayers must be treated fairly, and they deserve all the help we can give them.

This bill draws, in part, on legislation authored by myself and many members of the Ways and Means Committee. Most of the pieces of this bill enjoy bipartisan support.

This bill will assist victims of identity theft and prevent the misuse of the IRS name in schemes that defraud the public.

The bill helps low-income taxpayers by allowing IRS employees to refer them to low-income taxpayer clinics, expanding earned income tax credit outreach, and authorizing funding for low-income taxpayer programs.

It would, once and for all, repeal the authority of the IRS to enter into private debt collection contracts. This program violates the public trust and must end.

The bill also protects elderly and disabled persons from tax liability on workers provided to them under government programs.

H.R. 5719 enhances the fairness of our tax code and deserves this House's total support.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield myself so much time as I may consume.

Today is Tax Day, Madam Speaker, and all across the country, millions of Americans will wait patiently, or not so patiently, in line at the local post office, making sure that their taxes are postmarked by the midnight deadline.

Having recently struggled through the process of filling out my own tax forms, I share the frustrations of millions of American taxpayers, not just with the amount of taxes that we have to pay, but with the dizzying maze of forms, worksheets and calculations required by the IRS as well.

But instead of working together in a bipartisan way to simplify the process and enhance taxpayers rights, the majority has chosen to bring forward a partisan, political bill that has already drawn a veto threat from the administration, and is almost certainly "dead on arrival" in the other body.

To be sure, this legislation does contain a number of positive, pro-taxpayer provisions, most of which have already passed the House last year in an overwhelmingly bipartisan basis as part of H.R. 1677. Unfortunately for this House, and for taxpayers across the country, the majority has now abandoned that commonsense bipartisan approach that we brought to last year's bill.

Instead the majority has included a pair of highly controversial proposals that kill any hope of bipartisan cooperation, one imposing a new substantiation requirements on withdrawals from health savings accounts, and another cutting off the ability of carefully selected private businesses to assist the IRS in collecting delinquent tax debt.

Over the course of today's debate, we'll hear much more about the concerns that many Members have about the HSA provision, a provision that was not subject to a single hearing in the Ways and Means Committee, and was inserted into the bill just prior to mark-up without any real understanding of the potential consequences.

So let me take a moment to focus on the other provision of concern, the proposal to repeal the IRS's authority to work with private collection agencies to ensure that acknowledged tax debt is actually paid.

For some Members of this body on both sides of the debate, this particular issue is simple and is simply about policy. For them, it's an abstract question about whether these private collection agencies, so called PCAs, should be able to play a limited supplementary role in ensuring that undisputed tax debts are, in fact, paid.

As we debate this particular issue yet again this afternoon, we'll hear again persuasive evidence making clear just how successful the PCA program has already been in narrowing the tax gap, and while carefully protecting taxpayers rights. And we will also hear how much additional promise this program holds for the future if it's allowed to continue.

But for me and the area I represent, Western New York, the issue is much more than an abstract policy debate. It's also about jobs. As the Member of Congress who represents rural Wyoming County in Western New York, I'm actually more familiar than most Members with the work that PCAs do. After all, the largest single private employer in Wyoming County, Pioneer Credit Recovery, is one of the only two companies nationwide that the IRS has selected to help get this important program underway.

Madam Speaker, Pioneer Credit is a highly respected local business that has created more than 1,400 high-paying jobs for families living in either my district or neighboring districts around Buffalo and Rochester. And as my fellow Members of Western New York's Congressional Delegation know, these jobs have been created in a region that has faced serious economic challenges.

This IRS contract has allowed Pioneer Credit to turn an empty warehouse in Perry, New York into a thriving job center for newly hired employees. In short, it's been a great economic success story in part of Western New York that has desperately needed it.

As someone who fought to give the IRS the authority to partner with these private companies in the first place, I am deeply troubled that the new majority is once again threatening to deauthorize this important program just as it's getting underway.

If this program is allowed to continue, Pioneer Credit will have the opportunity to compete for future IRS contracts that could create many additional jobs in the area of Western New York that I represent. Killing this program, on the other hand, would cost my constituents real jobs at a time when Congress should be working to expand employment opportunities, particularly in hard-hit areas that are struggling economically.

I would also like to note, Madam Speaker, that under the Democrats convoluted PAYGO rules, proposals that reduce anticipated Federal revenues must be offset by other provisions that raise revenue. As a result, today's proposal to eliminate the PCA program, a program that is currently expected to bring in more than a half billion dollars to the Federal Treasury, over the next decade, also requires them to raise Federal revenue or taxes by the same amount somewhere else. That's right. The majority is raising taxes by a half a billion dollars today in order to eliminate the very program that's helping us to collect undisputed tax debts, more effectively. Only in Washington, Madam Speaker, only in Washington.

This bill is wrong on policy, it's wrong on job creation and it's on the way to mark April 15 for America's hard-working taxpayers.

I urge a "no" vote.

I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), a member of the Ways and Means Committee.

Mr. VAN HOLLEN. I thank my colleague from Georgia and thank him for his leadership on this important issue.

Madam Speaker, I rise in strong support of this legislation, the Taxpayer Assistance and Simplification Act. It's a set of commonsense reforms designed to make the Tax Code a little more consumer friendly for hardworking Americans.

If the IRS has reason to believe that you've been a victim of identity theft, this bill says the IRS should let you know.

If you're entitled to an unclaimed refund, this bill empowers the IRS to do more to find you.

And if you need help with your taxes, this bill lets the IRS refer you to a qualified taxpayer clinic that can provide assistance.

So whether it's from eliminating nuisance paperwork to publicizing the earned income tax credit to clamping down on predatory "refund anticipation loans," this bill, time and again, sides with the taxpayer.

I'm particularly pleased that it includes legislation many of us have worked on to end the practice of bounty hunting and terminate the program of contracting out the collection of taxes to private debt collectors.

Proponents of this program say it's necessary to close the tax gap. The facts just say they're wrong. The program, to date, hasn't returned a single dime of additional revenue to the U.S. Treasury. In fact, so far as we gather here today, it's been a revenue loser, an ideological driven black hole that has sucked $50 million out of the Treasury last year alone. And we would have been able to raise, and this is according to both Republican and IRS commissioners, we would have been able to raise $1.4 billion in revenue from people who hadn't paid taxes if we'd simply hired more IRS agents to do the job. And that's also the testimony of the National Taxpayer Advocate at the Department of Treasury. That's the person whose job it is to look out for the taxpayers, and she testified this is a bad deal for taxpayers. We should get rid of it.

And we shouldn't be surprised. We had a similar program in the 1990s that was ended because of abusive practices, and it failed to collect the money. Let's learn from history. Let's adopt this legislation.

Mr. REYNOLDS. Madam Speaker, I yield 3 minutes to my distinguished colleague on the Ways and Mean Committee from Wisconsin (Mr. RYAN), an expert on HSAs and other matters for consideration today.

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Mr. RYAN of Wisconsin. Madam Speaker, why are we here? We're here because it's Tax Day and the majority decided they had to have a tax bill to come to the floor to pass on Tax Day.

There are some good provisions in this bill. I want to talk about one provision that is not a good provision. That's what we call HSA substantiation. What that basically means is without a single hearing, the majority wants to bring these new red-taped complicated rules to health savings accounts so that every time somebody goes and makes a health care purchase that's under the deductible, they have to first get permission from their banker or from the government before they do it. That's essentially what substantiation does.

Now, we've heard from banks, from the credit unions, from the NFIB and the small businesses. They're all saying, we're not going to do it anymore. We're not going to offer HSAs to our clients.

Madam Speaker, the key with health savings accounts is that people can save tax free for their out-of-pocket health care savings. Why on earth would we want to bring a bill to the floor which we know will reduce the use of health savings accounts?

The goal of this Congress ought to be to make health care more accessible and more affordable. Unfortunately, this bill goes in the wrong direction. So we want to inflict all of this red tape that we don't inflict on individual retirement accounts or on home equity lines of credits on this, and this will make it harder for people to save tax free for health care. It will tie them up in red tape. It will say to the banks and credit unions that offer these things, don't offer them anymore, and more to the point, we're doing this clumsy legislating without having had one hearing in the Ways and Means Committee.

More to the point, Madam Speaker, is this. The market is already fulfilling the need to have better recordkeeping. The market is already showing us they can do this without this law. But if you impose this law, as this bill does, guess what's going to happen? People in rural America, people in some small towns, people in Janesville, Wisconsin, they won't be able to subscribe to this law. Their retailers don't have the technology that's being required here. So you're going to leave rural America, small town America out, and only urban areas can comply with this.

This is not good legislating. This has not been seen through. No foresight. No hearings. More to the point, it's going to make it harder for people in rural and small towns to save tax tree for health care. It's going to make it harder for anybody to save tax free for health care. This is going to raise health care costs, and it is going to make it harder for patients to really get control of their health care destiny.

And that is why this bill should be defeated. For this piece of policy alone, this bill should be defeated because it was not thought through. It was slammed in there at the last minute, and that is enough of a reason that on this day, on Tax Day, we should not be telling the American people, we're going to raise your taxes if you want to go buy health care. That's wrong, but that's what this bill does; and I think we should reject this bill for that reason alone.

Mr. LEWIS of Georgia. Madam Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), a wonderful friend who is a member of the Ways and Means Committee.

Mr. POMEROY. Madam Speaker, I appreciate very much the gentleman from Georgia's leadership of the Oversight Subcommittee on the Ways and Means Committee.

A couple of things to respond to.

The matter before us involves a pay-for, because unlike much of the work of my friend, the ranking member of the Budget Committee, this majority pays for things that cost the Treasury.

Now, the HSA issue he just raised involves tax-free accounts and savings accounts to be used for health care. We ask that there be some verification to show the money withdrawn was spent for health care. That's all. What drives us to this is a report that we had from one account manager that shows these funds being withdrawn for everything from body shop repair to fast food restaurants.

Mr. RYAN of Wisconsin. Madam Speaker, will the gentleman yield?

Mr. POMEROY. Sure I will yield.

Mr. RYAN of Wisconsin. As the gentleman knows, this is their money, and if they choose to withdraw their money for non-health care reasons, they pay taxes.

Mr. POMEROY. Reclaiming my time, and I only have 2 minutes, this HSA, I believe the gentleman would agree, in fact I think he said it in his comments, is for the cost of health care. It gives a tax incentive cost, a tax assistance to taxpayers for health care costs, not for body shop costs. We don't tax incent body shop costs. So we would like to shut that abuse down.

The question is legitimately raised. Is this too onerous? Absolutely not. Many of us have flex savings accounts that are used for medical costs. Now, all we ask is that the same verification any Federal employee uses when they make a withdrawal in their flex savings account would be used to substantiate withdrawal from the health savings account. This isn't inventing something new. We've done it. It works well.

Another feature of the bill that's drawn such objection is this business of putting out of business the whole notion of private bill collectors being loosed on our taxpayers to collect revenues owed the Federal Government.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of Georgia. Madam Speaker, I yield the gentleman an additional minute.

Mr. POMEROY. Madam Speaker, I refer my colleagues to the Washington Post, the front page story today, "Collectors cost IRS more than they raise."

We have had, in fact, kind of the bill collection version of the $600 toilet seat for the old Pentagon contract procurements. This was advertised to cost very little, $10 to $14 million, well now up to $70 million and counting, a multiple of what was initially advertised. That's the set-up cost. They said it was going to bring all of this money. Well, the reality is it has brought in only a fraction of the money advertised.

And so on a net basis, this whole initiative to bring in money owed us has cost us money. We've been shipping more money to contractors. This is an administration and this is a minority that loves private contractors. And if it costs the Federal Government on the net balance, it doesn't matter because they just so ideologically love private contractors.

We should pass this bill and end this failed experiment of private debt collection.

Mr. REYNOLDS. Madam Speaker, I've been listening to some of my colleagues, and I'm sure we'll have more on the Democratic side of the aisle that have been such proponents of doing away with the collection. I just want to remind some of them of a couple of things that we should look at.

First, this is money that the IRS will not go after. It is part of the goal that Congress said we will pursue to get this money, and it was going to show a $1 billion over 10-year revenue.

Now, we have seen the start-up of PCAs, one in Iowa and one in New York, after a very clear scrutiny by the IRS and by strong oversight of the Congress. And there are start-up costs of the $50 million, as we're beginning to see the program come under way, to pursue money that the IRS either hasn't collected, can't collect, will not collect as the PCAs are pursuing it.

And I have listened to a lot of people describe what they think they understand of a PCA, but they have never really been in tune with it. It kind of reminds me of somebody debating ATM legislation and never actually used an ATM.

Madam Speaker, I yield 2 minutes to the distinguished senior member of the Ways and Means Committee from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, as Americans send their checks to the IRS today, they have a number of concerns. There are the dozens of tax provisions that expired last year and have not yet been extended adding to economic uncertainty. There is the inefficiency of many Federal agencies resulting in waste of hard-earned tax dollars, and there are the entitlement programs that threaten to double the Federal tax burden over the coming decades if they are not reformed. All of these issues Congress should be considering this Tax Day.

One complaint I have never heard from my constituents is that the IRS doesn't ask them for enough information. Yet the legislation before us would impose burdensome new reporting requirements on 5 million Americans with health savings accounts. Although Congress has held no hearings to determine whether misuse of HSA funds is a real problem, these requirements would make HSAs less convenient for consumers and could lead financial institutions to stop offering HSAs.

Ironically, this bill would also repeal a program that collects bad tax debts. The majority's message seems to be that if you're not paying your taxes, we will let you off the hook, but if you follow the rules, we will increase your burden of compliance.

Madam Speaker, that is the wrong message to send this Tax Day. I urge a "no" vote.

Mr. LEWIS of Georgia. Madam Speaker, no one on this side of the aisle is suggesting that we all shouldn't pay our fair share.

Madam Speaker, I now yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL), a member of the Ways and Means Committee.

Mr. EMANUEL. Madam Speaker, to pick up on my colleague's comments about fairness, one of the provisions in this legislation deals with closing the loophole for KBR, a former Halliburton subsidiary, that used the Cayman Islands to avoid paying taxes. And that is, it was discovered that in fact KBR, they're a company that was doing its operations in Iraq, was not paying and consciously set up a company in the Cayman Islands, just a post office box, set up a company to avoid paying Social Security, Medicare, and unemployment insurance, which is how they became the low bid.

It is the company, by the way, I'm sure you remember this, that served contaminated water to our troops, costing the taxpayers more money to take care of the health of those troops.

They set up an operation in the Cayman Islands, and in fact, their post office was Post Office Box 847, One Capital Place, 4th Floor, Shedden Road, Grand Cayman, Cayman Islands, KY1-1103. And the reason they were the low bidder? They didn't pay their fair share.

And the truth is the American people care about two things when it comes to American taxes: Simplicity of the code and fairness. And this is an example of the unfairness of our code.

In fact, if you look at the Ugland House in the Cayman Islands, one building houses 12,000 companies who have established post office boxes or ZIP codes or modems there, and the only purpose they're there for is to avoid paying their fair share of their taxes. And one of the pieces of this legislation is, in fact, to shut down the operation so companies cannot get contracts doing government work here in the United States, paid for by the taxpayers, whose sole purpose is to avoid paying their fair share.

The company acknowledges that the reason they set up the Cayman Islands was so they didn't pay Social Security, they didn't pay unemployment, they didn't pay Medicare.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of Georgia. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. EMANUEL. And the way this was discovered was on a worker who was laid off with 10,000 employees, went to go collect unemployment insurance and was told no, you don't have the money for that because you didn't pay insurance. He said no, I work for an American company, and then discovered, in fact, he didn't work for an American company. KBR was a company set up in the Cayman Islands for the purpose of avoiding paying their fair share of taxes, and it is right here on April 15, when Americans are facing bigger tax bills, higher costs for health care, higher costs for education, higher costs for gasoline, that in fact those companies that are servicing in Iraq pay their fair share and not use the tax code to avoid their responsibility.

Mr. REYNOLDS. Madam Speaker, I would like to yield 2 minutes to my colleague, the distinguished ranking member of the Health Committee of Ways and Means from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. I thank the gentleman for yielding.

Madam Speaker, here we are on Tax Day, April 15, talking about a bill called the Taxpayer Assistance and Simplification Act. A great title, but this bill falls remarkably short.

What this Congress should be debating today is legislation to simplify and reform the tax code. The tax code is over 67,000 pages long. It takes taxpayers 6 billion hours and over $260 billion to comply with current tax laws. That's unacceptable.

Instead of this bill, Congress needs to pass legislation to make filing tax returns simpler and fairer. While more and more Americans are demanding Congress make our tax laws easier to comply with, the Ways and Means Committee has held only one hearing on tax reform since the beginning of last year.

And just as the economy struggles in the face of problems in the housing and the credit markets, rising gas and food prices and an up-take on employment, the House Democrat budget proposes to hit families with the largest tax increase in history.

□ 1700

Instead of reforming the Tax Code and lowering the tax burden, the bill before us ignores both those questions. And while there are some good provisions in it, like I support the provision that no longer requires employees to keep track of the cell phone calls they make on their office cell phones, other measures in the bill make it objectionable.

I reject the majority's attempts to impose new administrative burdens on the use of health savings accounts. Millions of Americans are enrolled in HSAs because they provide consumers with the ability to affordably manage their own health care costs. H.R. 5719 will make it harder for people to save for their own health care.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REYNOLDS. I yield the gentleman an additional minute.

Mr. CAMP of Michigan. HSAs already have a built-in enforcement mechanism that seeks to ensure HSA funds are spent on qualified medical expenses. If a person spends those dollars on a nonqualified expense, they're subject to individual income taxes and a 10 percent penalty. The IRS also has the right to audit HSA withdrawals.

Americans are concerned about the cost of health care. Before Congress rushes to impose new burdens on HSAs, the one innovation that helps patient-centered, individual health care, helps individuals take control of their health care, we should find out first if there really is a problem, and then, how we can fix it without restricting the ability of consumers to take greater control of their health care decision making.

I urge my colleagues to reject this flawed legislation.

Mr. LEWIS of Georgia. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

I find no small amount of irony listening to our friends from the other side of the aisle talk about complexity on Tax Day because for the 12 years that they were in charge there was an explosion, hundreds of thousands of additional words added to the IRS code; loopholes and complexity, not simplification.

It is absolute hogwash that there are areas that the IRS won't go after to collect and we have to use private collection agencies. They are the people who decided to underfund the IRS. Testimony before our committee was conclusive: The IRS-trained employees collect eight times as much per person as these bounty hunters that they contract out. With the minimum of a $70 million investment, we will raise over $1.4 billion.

Equally specious is the argument here that we're hearing about HSAs. There are millions of Americans who have benefits, as my good friend from North Dakota pointed out, flexible savings accounts. We have them for our Federal employees. And all they have to do, however, is there is some minimal verification. What they're proposing is that we just ignore it and allow people to use it for car washes and country club memberships and rely on an occasional audit, which is much more difficult because they have cut back on the IRS. That's foolish. It works for millions of Americans with flexible benefit accounts, there's no problem doing it with HSAs.

It is time for us to move forward with these simple, commonsense efforts, steps that make the IRS more effective. More money for the taxpayers prevents inappropriate use of tax exempt money.

Mr. REYNOLDS. Madam Speaker, may I inquire as to how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from New York has 15 minutes remaining. The gentleman from Georgia has 19 minutes remaining.

Mr. REYNOLDS. Madam Speaker, I yield myself as much time as I may consume.

Well, I just want to make sure at least the taxpayers from the countryside I come from realize that H.R. 5719, which we're considering, the Taxpayer Assistance and Simplification Act of 2008, really sounds good. It sounds real good on Tax Day, as I open my remarks by saying that taxpayers are in line now or will be until midnight tonight to have a postmarked April 15 date. But we know that this legislation will face a steep consideration of some saying "dead on arrival" in the other body. We've seen the administration have its advisers threaten veto. And yet, while there were so many things that we agreed upon in the Ways and Means Committee, Republicans and Democrats, we have a bill that brings controversy, that brings another one-House bill. It gets tough, as we move towards November of an election year, to explain that we didn't get much done, but boy did we have a lot of action on one-House bills.

I want to just share for the record here on this body what I did in the Ways and Means hearing. Because I think there's two important documents that my colleagues, as this debate goes today, and some of the consideration of what will be difficult on seeing PCAs, as the legislation may come to pass from this body, we will see difficult sledding in the other body, as well as the administration, are two reports.

The Treasury Inspector General for Tax Administration wrote one on March 26, only weeks ago, that had inadequate security controls over routers and switches that jeopardize sensitive taxpayer information. It was done by the Inspector General. And I want to just report, because we had it confirmed by representatives of the administration under our examination that this, in fact, has occurred and it's in the report which was submitted to the Ways and Means Committee. And it says, "Impact to the Taxpayer: Because the IRS sends sensitive taxpayer and administrative information across its networks, routers on the networks must have sufficient security controls to deter and detect unauthorized use. Access controls for IRS routers were not adequate, and reviews to monitor security configuration changes were not conducted to identify inappropriate use. A disgruntled employee, contractor or a hacker could reconfigure routers and switches to disrupt computer operations and steal taxpayer information in a number of ways, including diverting information to unauthorized systems."

Madam Speaker, that same very day, on March 26, the same Treasury Inspector General for Tax Administration issued a second report called, "The Private Collection Agencies Adequately Protected Taxpayer Data." And this information also was confirmed under examination as we made inquiries to the administration that confirmed that the reports exist, and they were well aware of these findings as well. And on page 2 of the Inspector General's report it said, "We reviewed the computer security controls over taxpayer data provided to the two current PCAs," or private collection agencies for those maybe not following the debate, "and determined that the controls were adequate. In particular, files were securely transmitted from the IRS to the contractors and adequately secured on the contractor systems. In addition work stations used by contractor collection personnel were adequately controlled to prevent unauthorized copying of taxpayer information to removable media or transfer via e-mail. The contractors also maintained adequate audit trails and performed periodic reviews, including reviews to identify unauthorized access to taxpayer data."

Now, the response from the IRS, contained also on page two of the Treasury Inspector General said, "The key IRS management officials reviewed the report prior to issuance and agreed to the results of the review."

We know that in the operation of PCAs, we are going to see the collection pursuit of $500 million over that over the next 10 years. And we know that if this legislation prevails, there is going to be a tax increase of $500 million to pay for this under the majority's PAYGO rules. And so as we continue the debate, make it clearly understood that the pursuit of these PCAs was on proceeds that were not collected, could not be collected, needed to be collected in order to put into the Treasury this money owed by taxpayers to the government. And that as we look at this legislation, what has brought the controversy to uncontroversial legislation, legislation that both parties could agree to, was the adding of HSA changes and dealing with the PCAs. My colleagues need to consider the type of consequences we're seeing in what will be a misguided change on PCA legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I am delighted to yield 2 minutes to the gentlewoman from Nevada, my good friend, Congresswoman BERKLEY, a member of the Ways and Means Committee.

Ms. BERKLEY. I want to thank the chairman for recognizing me.

I don't have any long Treasury reports to read to you, and I'm not here to tell you what should have been, what we could have done, should have done, would have done. But I'm here to talk on behalf of H.R. 5719 because there are some important components and provisions of this bill that, when taken together, will make future tax days more fair and less strenuous for the average American taxpayer.

H.R. 5719 contains provisions to ensure that taxpayers receive all the tax benefits they're entitled to. This bill will increase outreach to help taxpayers benefit from the earned income tax credit and find unclaimed refunds, effectively lowering taxes for many Americans. I think this is a good provision.

This bill also prevents the IRS from using private debt collectors to collect Federal income taxes. Private debt collectors have proven to be poorly equipped for the job, actually costing the IRS and taxpayers 37 million more than they have collected. This change is an important move to protect taxpayer privacy. And as a taxpayer and as a citizen, I want the government and the IRS to do its job and not send this responsibility out to someone else.

I'm also very supportive of a provision to postpone implementation of the 3 percent withholding requirement on government payment to vendors. This requirement will cause significant administrative and financial burdens on local governments, unfairly penalizing companies, and raising prices on consumers. I think this is a good provision in this legislation.

The bill also helps protect taxpayers by requiring the IRS to notify individuals if unlawful use of their identity is detected by cracking down on Web sites that try to defraud people through use of the official IRS logo.

The SPEAKER pro tempore. The time of the gentlewoman from Nevada has expired.

Mr. LEWIS of Georgia. I yield the gentlelady 15 seconds.

Ms. BERKLEY. All of these taken together aren't earth-shattering and they're not going to change the way that we collect taxes in this country, but it's going to help, and it's going to help millions of our fellow Americans.

On Tax Day, let's pass something and do something positive for the American people.

Mr. REYNOLDS. Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I am delighted to yield 2 minutes to the gentleman from New York, a member of the Ways and Means Committee, my good friend, Mr. CROWLEY.

Mr. CROWLEY. I want to thank my good friend from Georgia (Mr. LEWIS) for yielding me this time.

My colleagues, this is a good bill, and I ask all my colleagues to support this worthy effort.

And Chairman LEWIS, I want to thank you personally, and your staff. You went out of your way to include language that I had concerns of and wanted to include in this bill to increase the access of eligible taxpayers to the EITC, the earned income tax credit. So I want to personally thank you and your staff for your outreach to our office and including that. Ronald Reagan himself referred to the EITC as the greatest anti-poverty program in the history of our country, so I think it deserves worthy bipartisan support.

Madam Speaker, we heard in testimony last week in the Committee on Ways and Means from the Taxpayer Advocate of the United States that identity fraud against taxpayers is skyrocketing. This bill establishes some of the strongest protections for taxpayers against identity theft scams, especially those at greatest risk of fraud, our seniors and veterans filing this year to claim the economic stimulus rebate check. But my colleagues on the other side of the aisle, my Republican colleagues and the Bush Administration, are adamantly opposed to this taxpayer protection act because they're opposed to the offset that we provide.

☐ 1715

No one can argue that some of my Republican colleagues philosophically oppose paying for anything and support the continuation of what I believe was 7 years of Republican economic theory of "borrow and spend." And in case you're keeping count, the results of the Republican borrow and spend credit card economic policy is a $30,000 birth tax on every person born in this country today. In fact, in my own home, it's at $90,000 because I have an 8-, 7-, and 2-year-old. I can't imagine that they would be very happy if they understood what the birth tax was that was placed upon them by irresponsible and reckless fiscal policies over the last 7 years.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of Georgia. Madam Speaker, I yield an additional minute to the gentleman from New York.

Mr. CROWLEY. Madam Speaker, that's why Democrats are trying to be responsible and we implemented the pay-as-you-go principles, meaning all new tax cuts and new spending increases need to be paid for as we move forward.

In regards to the health savings account, I really don't understand the opposition here. What we're simply asking for is accountability. We know that health savings accounts have been spent for country club membership, massage parlors, women's lingerie shops, casinos and gambling, dating and escort services.

Let's really put this all in perspective. What we're talking about is accountability in health savings accounts. We're not saying they shouldn't be used for health purposes, but they should be held accountable.

People right now, hardworking, honest, faith-loving Americans that want to donate to a charity or to their church with after-tax payments have to account for that charitable contribution before they can take a tax deduction. When it comes to health savings accounts, there is not that requirement. And we're talking about pretax dollars on health savings accounts. There's something wrong here. I wish my Republican colleagues would better understand it. It's simply absurd that they don't support simple accountability.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of Georgia. I yield to the gentleman an additional minute.

Mr. CROWLEY. It is simply absurd to me that my Republican colleagues can't understand that we're simply asking for accountability, that we're not looking to eliminate them, that if they are using it for legitimate health purposes, that's fine.

Now, I did note that the HSA, the Health Savings Account Council, says that the IRS has the authority to audit these accounts. Are they suggesting that the IRS audit every health savings account to make sure that health savings accounts are being used for health reasons? I daresay that the IRS is looking at probably more often than not the charitable contributions that hardworking Americans make and making sure that those are legitimate charities before they're able to deduct them from their taxes.

So what we are looking for is a little balance here in terms of what really are legitimate tax savings purposes in health savings accounts. That's really simply what the Democrats are looking for.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

I have listened very carefully to my friend and colleague from New York as he sees his views.

I thought maybe I might for the record just outline that I have a copy of a letter that numerous groups sent in opposition to this legislation, primarily due to HSAs, to both Chairman RANGEL and Ranking Member McCRERY. And it leads off with the NFIB and goes down to the National Taxpayers Union, and it has the U.S. Chamber and it has the Retail Industry Leaders Association, the National Retail Federation, the National Restaurant Association, the National Association of Manufacturers, and so many others. And I will make it available in case some of my colleagues haven't seen it.

This isn't something Republicans on this side of the aisle just kind of dreamed up that there are problems that make this legislation controversial with HSA legislation or with the PCAs. It's well documented by the experts that are using the program.

I also think, rather than some of my colleagues interpreting what the administration may have for support or rejection of the legislation, maybe I should read into the RECORD exactly what the Statement of Administration Policy is on H.R. 5719 so that we all know what the administration's concerns are.

And for the record: "The administration strongly opposes H.R. 5719, the so-called 'Taxpayer Assistance and Simplification Act of 2008.' The bill includes provisions that would impose new administrative burdens on the trustees of health savings accounts. These new burdens on HSA administrators are unnecessary for efficient tax administration, inconsistent with the flexibility purposely afforded HSAs at their inception, and could undermine efforts by employers, individuals, and insurers to reduce health care costs and improve health outcomes by empowering consumers to take greater control of health care decision making. If H.R. 5719 were presented to the President with these provisions, his senior advisers would recommend he veto the bill.

"Also, the administration strongly opposes provisions of the bill that would repeal the current statutory authorization for the Internal Revenue Service private debt collection program. As of February 2008, over 98,000 cases have been referred to contractors, representing over $910 million in delinquent accounts. Terminating this program would result in a loss of $578 million in revenue over the next 10 years, according to Congress' Joint Committee on Taxation. These are tax dollars that are legally owed to the government and are otherwise very unlikely to be collected by the IRS due to workload demands. As noted in previous Statements of Administration Policy, the administration strongly opposes elimination of this program, which is not consistent with the administration's commitment to a balanced approach toward improving taxpayer compliance and collecting outstanding tax liabilities. If H.R. 5719 were presented to the President with these provisions, his senior advisers would recommend that he veto the bill."

That is a Statement of Administration Policy on the record relative to this.

Mr. REYNOLDS. I now would yield to my colleague from New York for a question.

Mr. CROWLEY. Thank you.

Madam Speaker, I note that the gentleman made reference to the fact that the legislation, or at least the interpretation of the administration, that the legislation places onerous responsibilities on the trustees of the HSAs.

Where in the legislation does it say that?

Mr. REYNOLDS. Well, I will ask you to look that up, and at a later time I will yield and you can point it out in my record.

Mr. CROWLEY. Will the gentleman continue to yield?

Mr. REYNOLDS. One more time.

Mr. CROWLEY. I just would point to the record that, in fact, it is not the responsibility of the trustees but of the individual who opens an HSA account that we're placing the burden on, that they prove that the HSA account is for legitimate medical purposes.

Mr. REYNOLDS. Reclaiming my time, Madam Speaker, I thank the gentleman.

I just think it's important we look at this. First, I heard the debate coming from the majority, from the gentleman, that outlined his interpretation of why the administration was opposed to the bill. I listened carefully. I made a decision to read into the RECORD exactly what the administration's policy position was on this so that it was no longer an interpretation from a Member of Congress but exactly in written word what the administration said relative to this bill.

And I think while we're looking at other aspects of this legislation, we do know the following: That the administration is going to veto this legislation, that we also know it has difficult sledding in the other body. And it has in the past because there's a track record, that it appears just with PCA alone, let alone some of the concerns that have been put forth in the letter that I read from earlier on HSAs, that we now have another one-House bill being trumped up and laid out on Tax Day.

And I will say the majority is superb in showmanship. We seem to be able to move legislation to the floor on significant days. Today is tax legislation on Tax Day, April 15.

But I also know that the public is not going to be confused by the fact that while we trump up an extravaganza of legislation on special days, today tax legislation on April 15, that the voters are going to take a real hard look at what really got done, what has gotten through, what was made better for America. And, again, we have another one-House bill that just, sadly, had too much partisanship in it and fell away.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I would like to note that the NFIB has endorsed and supported H.R. 5719. Passage of H.R. 5719 will be considered a key vote for the NFIB.

Madam Speaker, I would like to yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN), a member of the Appropriations Committee.

Mr. ROTHMAN. I thank the chairman for the time.

Madam Speaker, I rise today in strong support of H.R. 5719, the Taxpayer Assistance and Simplification Act of 2008.

Let me tell my colleagues that this bill simply closes a lot of loopholes that were created when my Republican friends controlled this Congress in the majority years ago and it also addresses some of the disastrous Bush administration policies that were adopted by my friends the Republicans when they were in the majority. But they're no longer in the majority this year.

Let me tell you what this is all about. My Republican friends and the Bush administration love to privatize. They wanted to privatize Social Security. Remember that? They wanted to privatize prescription drugs, and they got away with it, and that's why it's so expensive and convoluted. They wanted to privatize health care at Walter Reed Hospital, and you know the disasters that happened there. Trying to privatize the delivery of the United States mail; privatize security in Iraq by letting private contractors handle these things for the U.S. Army. Blackwater and Halliburton, sound familiar?

Well, one of the things that this bill that we're passing today in the House will do will be to eliminate one of the disastrous Bush and Republican policies that they inserted in a 2004 bill. That policy was where they slashed the number of IRS tax collectors, and then they said, oh, my gosh, we can't collect enough taxes; so you know what we'll do? We'll privatize the collection of taxes. This was after they removed the number of IRS tax collectors. They said we'll hire private folks to collect taxes, but we'll pay them eight times more than it would cost a Federal Government employee.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of Georgia. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. ROTHMAN. I thank the gentleman.

So can you imagine, Madam Speaker, they slashed IRS collectors from people who owed taxes, slashed the tax collectors, and wanted to privatize it and pay eight times more to their friends in private industry to do it. Eight times more. It only took now when the Democrats are in control of the House that we are able now to pass this bill today to end that program.

And when my friend from New York on the other side of the aisle says, well, you know, it's only a one-House bill because the Senate won't approve this, ask yourself why that is. Because there are only 51 Democrat Senators in the Senate, and you need 60 votes in the Senate to overcome a filibuster. We only have 51 Democrats in the Senate. We can't get 9 Republicans to get rid of this ridiculously wasteful program of privatizing tax collection. So it's like that terrible story of the kid who kills his parents and pleads for mercy from the Court because he's an orphan. They slashed the tax collectors. Then they gave it to their cronies. Now they say they can't get Republicans to help us fix this problem that they created. Fortunately, the House has a majority that will.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of Georgia. Madam Speaker, I yield the gentleman another 30 seconds.

Mr. ROTHMAN. So do you get, my colleagues, the hypocrisy? They slashed the tax collectors, paid eight times more to this private contractor cronies, and then when we get a Democratic majority in the House to pass this to eliminate this wasteful program, they say it won't pass the Senate. Because the Republicans in the Senate won't do it, and we need them to add up to the 60 votes to avoid the Republican filibuster, which they expect to do, to filibuster getting rid of this privatization of tax collection.

I urge the passage of this bill.

Mr. REYNOLDS. Madam Speaker, I think I heard my colleague when he said that Democrats are in the majority in this body, Democrats are in the majority in the other body, but it's the Republicans' fault that this legislation isn't going to happen.

Now, I have explained a lot of tough, challenging things to my constituents, but I don't think they're going to buy that. It's just another one-House bill that is going to the other body and going to see death. It isn't going to see the light of day.

□ 1730

Now, moving to my colleague from New York who asked me the question. I didn't think I could provide the answer to his question quite as soon as I could, and saving him looking it up, because I assume as he went off the floor, he might be looking up this. I want to go back again to the statement of administration policy. The bill includes provisions that would impose new administrative burdens on the trustees of health savings accounts. That is what the administration said in their veto threat.

Now on the bill as reported out of committee by the majority, page 22, line 7, 8 and 9 to my colleagues, says the trustee of the health savings account shall make a report regarding such account to the Secretary and account beneficiary setting forth. So I want everyone to know, including my colleague who asked the question, it is clear in your bill that you set forth that the HSA trustees would have new administrative burdens.

I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia, a member of the Financial Services Committee, my friend, Mr. SCOTT.

Mr. SCOTT of Georgia. To my distinguished colleague from Georgia, I want to commend you on your excellent leadership on this very, very important and timely piece of legislation. A lot has been said here today. The two points of contention that the other side has brought have been in two areas. And let me just speak to those directly so that we can get to the facts of the matter.

Now the other side says that they are opposed to the health savings accounts compliance. Now, what we are saying on our side is this: The health savings accounts are set up for the purpose of helping our constituents with health care services. Now if that is the case, then it is very important that we set up a mechanism so that we can check the abuses of that. They are not set up for them to go and to use those accounts for massage parlors, for country clubs, for other issues and areas, and escort services.

So it is important for us to be able to simply do this. The bill simply requires the reporting of a holder of the health service account of any funds used for nonhealth care purposes in order to reduce the tax gap. That's simple.

Now, ladies and gentlemen, the American people are holding on by their fingernails in this terrible economy. And you may laugh and scorn about this being April 15. Of course it is April 15. And it is a day that the American people's minds are totally focused on their personal finances. And it is important that this House of Representatives respond in a way that responds to that interest. And so we are closing the gap.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of Georgia. Madam Speaker, I am pleased to yield an additional 1 minute to the gentleman from Georgia.

Mr. SCOTT of Georgia. So it is very important. And let me get to the other area very quickly, and that is the area of these private contractors. We have received complaint after complaint after complaint from your constituents and our constituents who have been abused by calls. Let me give you one example of an elderly couple that was called 150 times, Madam Speaker, including five times in one day, asking for a taxpayer. And it comes to find out that they are innocent.

Again, the GAO found out that debt collectors were placing over 1 million calls to innocent people just to reach 35,000 taxpayers. The Federal Trade Commission had 130 complaints as of last year giving unaccountable private tax collectors the right to look into and examine personal financial information of our taxpayers. It is wrong.

Now let me tell you this, that the commissioner of the IRS himself, Mr. Douglas Sherman, has asked for this legislation. Madam Speaker, I just simply say that if the IRS is asking for this, that they could do a better job, they are the ones who we are holding responsible. We should make sure we pass this legislation and let the IRS do their job of collecting the taxes and not hand it off to these private bounty hunters.

Mr. REYNOLDS. Madam Speaker, may I inquire on the amount of time left, please.

The SPEAKER pro tempore. The distinguished gentleman from New York has 1 minute remaining. The distinguished gentleman from Georgia has 6½ minutes remaining.

Mr. REYNOLDS. I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from North Dakota, (Mr. POMEROY), a member of the Ways and Means Committee.

Mr. POMEROY. I thank the chairman for yielding.

I want to begin my remarks by commending the fine job Mr. REYNOLDS has done today. He has indicated that this legislation uniquely affects him because many of the people at the Pioneer Call Center, a private debt collector hired to collect this debt, are in his district. And I think we all recognize he has done a fine job in fighting for that business activity in his district today. He has given it everything he has, and I commend him for the job he has done.

But the reality in the policy context is summed up in a simple headline in today's Washington Post, "Collectors Cost IRS More Than They Raise." Why in the world would we want to continue with an arrangement like that? But there are many other parts of this bill that are simplifying the process and are helpful to taxpayers. And that is why we have the support of the American Institute of Certified Public Accountants, the National Association of State Auditors, Comptrollers and Treasurers, the National League of Cities, U.S. Conference of Mayors, Citizens for Tax Justice, National Consumer League, Consumer Federation of America, and a late-breaking one. In fact, this organization has been mentioned on both lists, the NFIB.

Mr. REYNOLDS has indicated they were opposed to the bill. This is probably a development that broke later than Mr. REYNOLDS' information. But in fact, they are for the bill and indicate in a "key vote alert" that they will be scoring this as a key vote. They indicate that the "provisions in this legislation seek to enact simpler tax rules and reduce the paperwork burden associated with tax compliance."

They talk about a few provisions. One of them is that right now we have an onerous paperwork requirement on employers providing cell phones to employees for business purposes. I commend my Republican colleague on Ways and Means, SAM JOHNSON, for bringing this to our attention. I was pleased to cosponsor legislation with him now included in the bill that makes this paperwork requirement go away.

The SPEAKER pro tempore. The time of the gentleman from North Dakota has expired.

Mr. LEWIS of Georgia. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. POMEROY. I thank the gentleman for yielding.

And so including the Pomeroy-Johnson or the Johnson-Pomeroy bill in this I think was an important feature to the NFIB deliberation that this is indeed lessening paperwork requirements on small employers, and therefore they support it. They do cite a couple of other provisions, another provision of this legislation amending a recent change to the Tax Code that helps tax preparers better assist their clients by changing an established higher standard of reporting for preparers. That creates a potential conflict of interest between clients and themselves. That is addressed in this legislation.

And they also talk about the legislation including a 1-year delay of the implementation of the 3 percent withholding requirement by Federal, State and local governments on payments for goods and services which puts both an administrative burden on all parties involved and a strain on the daily operating cash flow of small businesses. There are other provisions, as well, but I appreciate the NFIB's laying them out as they have done on this letter.

In balance, this is a bill designed to help taxpayers. That is why we passed it out of the Ways and Means Committee. That is why it is before us on Tax Day. We urge its adoption.

Mr. REYNOLDS. Madam Speaker, I am prepared to close if the gentleman is. I would proceed and then have you close if you are ready.

Mr. LEWIS of Georgia. Madam Speaker, we are ready to close.

Mr. REYNOLDS. I thank the gentleman from Georgia who has done a magnificent job of managing his time, and I've enjoyed working with him.

Madam Speaker, today represents yet another missed opportunity on the floor of this House. We could have approached the issues of taxpayer rights and tax simplification in a bipartisan way just as we did last year. But with the election season now in full swing, the majority seems more interested in staging political theater than in actually getting something done for hard-working, middle-class taxpayers. This House and this country deserve more, especially on April 15, Tax Day. I urge a "no" vote.

I yield back the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank the gentleman from New York. I enjoyed working with him on this bill. There being no more speakers, I will close, Madam Speaker.

Madam Speaker, H.R. 5719 is good. It is good. It is good for the taxpayers. And today, when so many people are filing their tax return, we should let them know that we are looking out for them, giving them protections they need and support that they deserve.

This is a good bill. This is a necessary bill.

The private debt collection program is an insult to the American taxpayers and our Federal tax system. It violates the public trust, and this bill will bring it to an end. It must end.

I urge all of my colleagues to support this important bill.

Mr. BRALEY of Iowa. Madam Speaker, today the House considers legislation related to the burdens placed on everyday taxpayers—the Taxpayer Assistance & Simplification Act. This bill includes a number of good provisions, of which I am supportive. However, the bill also includes a provision which would cost Eastern Iowa hundreds of jobs. While there are various, well-thought-out taxpayer protections in this bill, they do not outweigh the negative impact this bill would have on jobs in the First District. For this reason, I intend to oppose H.R. 5719.

Currently, the Internal Revenue Service is allowed to contract with outside agencies for assistance in collecting overdue taxes. After a rigorous competitive bidding process for these contracts, an Eastern Iowa company was fortunate enough to receive one of the contracts, and has been hard at work ever since. While nobody likes to defend the tax man, the fact is, this company employs more than 625 people in Waterloo and another 200 in West Des Moines.

Unfortunately, the bill on the floor today includes a provision that would threaten these Waterloo and West Des Moines jobs. This provision would disallow any future contracts, which could directly result in the loss of hundreds of Iowa jobs. As the Representative of Iowa's First District, I cannot support the elimination of these jobs.

While I intend to vote against this bill due to this provision, I would like to stress my support for other provisions in this bill:

I am supportive of the provision in this bill that requires the IRS to notify taxpayers who may have had their identity stolen. It is unfortunate that the IRS does not already provide this notification, and I believe that protecting the identities of American taxpayers should be a primary goal of government.

I am supportive of the provisions in this bill that strengthen additional protections against identity theft, by increasing the penalties for those who mislead our citizens in order to steal private information. Identity theft is a very serious problem, and I am glad Congress is working to help protect Americans from this growing epidemic.

I am supportive of the provision in this bill that ensures elderly and disabled individuals receiving in-home care are not subject to employment tax provisions. This is a much-needed change that helps protect our senior citizens and disabled citizens.

I am supportive of the provision in this bill to establish a grant program to expand and improve income tax assistance programs to provide services to taxpayers. I am also glad to see that the bill allows IRS employees to refer taxpayers needing assistance with tax cases to taxpayer clinics. As an ardent supporter of tax simplification, this provision ensures help is available to those having trouble with the very complicated process of filing taxes. Just last night I passed H.R. 3548, the Plain Language in Government Communications Act, out of the House. This bill would greatly simplify income tax forms and documents, but until my bill becomes law, these taxpayer assistance clinics will continue to provide valuable services to taxpayers as tax day approaches.

I am supportive of the provision in this bill that requires the IRS to notify taxpayers if they are potentially eligible for the Earned Income Tax Credit. This is a good tax credit that should be utilized by everyone who qualifies, and I believe the IRS should help make sure that those who are eligible receive the full benefit.

I am supportive of the provision in this bill that looks into the feasibility of providing tax refunds on debit cards. This could create a more convenient process of receiving tax refunds for many taxpayers.

I am supportive of the provision in this bill which delays the requirement that Federal, State, and local governments withhold 3 percent from many government payments for goods or services. This 3 percent withholding is bad for small businesses and creates a bureaucratic mess, and I believe this withholding should be eliminated. I am also a cosponsor of H.R. 1023, which would completely repeal the 3 percent withholding.

I am supportive of the provision in this bill that eliminates the requirement for individuals and small businesses to keep onerous records of calls made on cell phones to substantiate business use of such devices. I have heard from employers in Iowa's First District about the administrative burden that this creates, and I am glad Congress is reducing this burden.

I am supportive of closing the loophole that allows foreign subsidiaries of U.S. companies, performing services as American companies, to avoid paying taxes. This loophole results in a higher tax burden being placed on America's working families, so I am glad this bill takes this action.

Finally, I am supportive of the provision that helps protect against predatory lending by barring the IRS from providing certain services to companies that offer refund anticipation loans, if the IRS determines that the company charges predatory rates.

Again, I believe that many of the provision in the Taxpayer Assistance & Simplification Act will help protect American taxpayers and simplify the process of filing taxes. However, these good parts of the bill do not outweigh the direct, negative impact that the bill would have on jobs in Iowa's First District, which is why I oppose this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 5719, "Taxpayer Assistance and Simplification Act of 2008", introduced by my good friend from New York, Representative CHARLES RANGEL.

COST AS COMPARED TO THE WAR IN IRAQ

This bill is estimated to cost $22 million dollars over the next 10 years. Before my Republican colleagues balk at this number I want to remind them over the past year, the Administration requested a total of $195.5 billion for FY 2008 emergency war funds at three times—in its original FY 2008 request in February 2008, in an amendment for Mine Resistant Ambush Program (MRAP) vehicles on July 31, 2008, and in an amended request to cover additional costs submitted on October 22, 2008. Thus far, we have appropriated $90.4 billion for war-related costs of the Defense Department, State/U.S. Agency for International Development, USAID, and the Veterans' Administration including funds in both regular and emergency appropriations acts. As of the enactment of the FY 2008 Consolidated Appropriations, this brings the total for funds appropriated to date to $700 billion for the wars in Iraq, Afghanistan and enhanced security.

Let me be clear, we must support our troops and we must defend our Nation, but at a time when this country's economy is spiraling downward, this tax bill will impact Americans regardless of their political affiliation providing assistance at time when they most need it.

SUMMARY OF H.R. 5719

Taxpayer Assistance and Simplification Act of 2008—Amends the Internal Revenue Code to: (1) modify penalty provisions for tax return preparers who take an unreasonable position in the preparation of a tax return causing an underpayment of tax; (2) eliminate certain restrictions on the tax deduction for employee use of cellular telephones; (3) exempt recipients of home care services from liability for employment taxes for payments made to home care service providers; (4) authorize the Secretary of the Treasury to make grants for volunteer income tax assistance programs; (5) require written notice to taxpayers of eligibility for the earned income tax credit; (6) place restrictions on information relating to refund anticipation loans; (7) require the Secretary to notify a taxpayer of any unauthorized use of such taxpayer's identity (suspected identity theft) uncovered during an tax investigation; (8) repeal the authority of the Internal Revenue Service, IRS, to enter into private debt collection contracts; (9) extend the period during which the IRS may return property seized in a wrongful tax levy; and (10) increase penalties for failures to provide correct tax information and to file partnership or S corporation tax returns.

This bill delays until 2012 the 3 percent withholding requirement on government payments to contractors providing goods and services. It also directs the Secretary of the Treasury to conduct a feasibility study on alternative means of delivering tax refunds. H.R. 5719 seeks to expand the prohibitions against the misuse of Department of the Treasury names and symbols to include misuse on an Internet domain address.

PROGRAMS FOR THE BENEFIT OF LOW-INCOME TAXPAYERS

There are parts of this tax bill that help the working poor and our elderly, making this tax bill truly live up to its name of being one of Taxpayer Assistance . . . not just a credit to the top 2 percent of Americans. This bill would authorize an annual $10 million grant for Volunteer Income Tax Assistance, VITA, programs, increasing the annual aggregate limitation authorized on grants to qualified low-income taxpayer clinics to $10 million.

This bill would allow IRS employees to refer taxpayers needing assistance with tax cases to qualified low-income taxpayer clinics so they can get the help they need. Many people are struggling with how to manage complicated tax cases when they can barely afford to pay their mortgage. This portion of the bill will alleviate the fear that is sometimes associated with IRS tax cases particularly among people who cannot afford legal counsel.

ELDERLY AND DISABLED INDIVIDUALS RECEIVING IN-HOME CARE

This bill would make the administrators of State and local government programs liable for paying the employment taxes on amounts paid by government programs to in-home care workers provided to elderly and disabled persons. This is yet another provision of the bill that benefits our most vulnerable populations.

CONCLUSION

Madam Speaker, I urge my colleagues on both sides of the aisle to examine this bill in its entirety and recognize that it benefits all Americans. I fully support what Representative RANGEL and the Committee on Ways and Means has done to alleviate some of the burden on taxpayers.

Mr. UDALL of Colorado. Madam Speaker, I rise in support of this very timely and important measure. Its enactment will make a number of worthwhile changes in the current tax laws and the policies of the Internal Revenue Service, IRS.

To protect people against identity theft, it will require the IRS to notify a taxpayer if IRS finds that someone else may have made unauthorized use of the taxpayer's identity.

It will increase both the civil and criminal penalties that can be imposed on those who use misleading websites that imitate to seek to get personal information. This is important because people are losing thousands of dollars in tax refunds to such frauds.

It will strengthen IRS outreach to make sure that people know that they are entitled to tax refunds or to payments under the Earned Income Tax Credit, EITC. It would also permit the IRS to refer these taxpayers to low income tax clinics and increase funding for those clinics, and strengthen taxpayer protections from "predatory" providers of refund anticipation loans. And it clarifies that the IRS can use its website to publicize unclaimed taxpayer refunds.

To help small businesses, the bill will eliminate the outdated requirement to maintain and submit detailed call records to substantiate business use of employer-provided cell phones.

Of great importance to State and local governments—including every county in Colorado—it will delay for one year the imposition of a 3 percent withholding requirement on government payments for goods and services made after December 31, 2010.

Further, to protect all of us, the bill includes the "Fair Share Act," which closes a loophole that now allows government contractors to avoid paying Social Security and Medicare taxes.

An example of how the current law could permit this was recently reported in the press account of how a company operating under Federal contracts for reconstruction work in Iraq has listed the people doing that work as being employees of a subsidiary company based in the Cayman Islands. As a result, while people formally employed by the company with the Federal contract would be subject to the 15.3 percent payroll tax for Social Security and Medicare (half technically paid by the employer, the other half technically paid by employees), that is not the case with people who are counted as working for a foreign company. This is not fair or just. It should not be permissible, and this bill would stop it by closing the loophole.

In addition, the bill would strengthen accountability and protect taxpayers by repealing the authorization for the Internal Revenue Service to use private contractors to collect Federal income taxes.

Just today, the press is reporting that this program, while perhaps well-intentioned, has cost the government—that is, the taxpayers—some $37 million more than the total amount of taxes it has collected, while the contractors have collected commissions of up to 24 percent for their efforts. The program has been marked by harassment, abusive calling, and violations of taxpayer rights and disclosure protections. The Government Accountability Office has reported that debt collectors placed over one million calls, many to innocent people, trying to reach 35,000 taxpayers and the Federal Trade Commission reports that as of last year it had received 130 complaints and the National Taxpayer Advocate has counted many more. The House has already twice voted to end this private collection program, and we should do so again today.

Madam Speaker, some have criticized this bill because it includes measures to implement the requirement that taxes be paid on funds withdrawn from a Health Savings account for purposes other than those related to health care. I think the purpose of these provisions is appropriate, but it may be that they could be more finely-tuned in order to achieve that purpose in a better way—something that may occur as the legislative process proceeds. In any event, I am not convinced that whatever shortcomings there may be in that or other parts of the bill are sufficient to outweigh the benefits of the rest of the legislation.

Overall, this is a good bill that will help the taxpayers and our country, and I urge its passage.

Mr. KNOLLENBERG. Madam Speaker, I rise today to express my opposition to H.R. 5719, the Taxpayer Assistance and the Simplification Act of 2008. While this bill has some good provisions, such as the delayed implementation of the 3-percent withholding on Government contracts, the bad provisions simply outweigh the good. Specifically, I am troubled by the section that would alter reporting requirements for Health Savings Account, HSA, owners.

This bill would require individuals using HSAs to provide exhaustive documentation of their medical expenses in order to qualify as a tax-exempt expense. More than 5 million Americans are taking advantage of these accounts, and approximately 25 percent of HSA owners had no health insurance prior to their participation. Currently, every HSA account holder must file specific tax forms to provide details about spending from the account. We must expand this program so we can help families afford healthcare coverage and bring healthcare costs down. Requiring unnecessary and duplicative paperwork is not the right way to accomplish this goal.

HSAs are a very valuable asset to many of my constituents. The manufacturing industry is one of the premier sources of jobs in my district, and most of these manufacturing entities are small in nature. In fact, approximately 93 percent of the more than 1,500 manufacturing firms in my district employ less than 100 people. Employees of these small businesses are the primary beneficiaries of HSAs. In a time when the cost of health care is sharply rising, it is crucial for us to promote the use of innovative health care products such as HSAs, helping families afford the health care they need. I am concerned that we will inevitably deter these families from utilizing HSAs by adding such draconian reporting requirements for HSA owners. This will ultimately increase the cost of health care for a large number of my constituents who currently take advantage of this valuable product.

It is also worth noting that the best assistance we could provide to taxpayers is to protect them from the largest tax increase in American history. Sadly, many of my colleagues are more interested in dealing with minutia in the Tax Code rather than addressing the looming massive tax hike. Families in my district in Michigan, home of this country's worst economy, simply cannot afford to pay any more in taxes. A tax increase of this size would devastate families struggling with sky-high unemployment, the mortgage crisis, and rising gas prices. It would add insult to injury to ask them to pay more to this Government as well.

A tax increase of this scope would also be devastating for job providers and small businesses, This Congress should be doing everything it can to be helping our economy by creating jobs and encouraging growth. Dramatically raising taxes would do just the opposite.

Madam Speaker, implementing the largest tax increase in American history is a slap in the face to all the families currently struggling to make ends meet. It has been made abundantly clear today who stands with working families and who stands with wasteful Washington spending. I, for one, stand with the hard working men and women of Michigan and across this great land.

Mr. CANTON. Madam Speaker, I rise today to oppose a provision in this bill that will discourage the use of HSAs. HSAs are a new and innovative product in the health insurance field. Their glowing track record promises a tremendous breakthrough in the effort to expand and improve health care. In 3 short years, we have seen these accounts grow to cover 4.4 million people, and will likely reach 6 million when the new numbers come out next month.

For those Americans who need health care most, HSAs are working. Of HSA applicants, 43 percent did not indicate previous insurance when they signed up, and 66 percent of HSA account holders are families with children. HSA users have demonstrated a greater likelihood to seek preventive care, something we have always strived to achieve across the entire health arena. And, one-third of small employers who now offer HSAs did not previously offer insurance.

We need to be looking for bipartisan ways to help people get access to affordable health care, not take it away from them.

Mr. CARSON of Indiana. Madam Speaker, I rise today in strong support of H.R. 5719. It is fitting that we are debating a bill that provides much needed assistance for low and moderate income taxpayers. The Taxpayer Assistance and Simplification Act recognizes the need for enhanced financial literacy for those individuals by authorizing an annual $10 million grant for the Volunteer Income Tax Assistance programs and increases the authorization levels for grants targeted to qualified low-income taxpayer clinics to $10 million.

These free taxpayer assistance programs walk these individuals through what can be a daunting tax preparation process and alert them to assistance they may be eligible for.

A provision of particular importance to me and the taxpayers in the 7th Congressional District is a requirement for IRS to notify taxpayers of potential eligibility for the Earned Income Tax Credit for all open tax years and directs the IRS to notify individuals who have not filed a return, but who may be eligible for the credit based on previous return information.

In Indianapolis, there are tens of thousands of individuals who qualify for the credit who do not claim it. This credit assistance is critically needed by many families in my district.

As an advocate for financial literacy I am pleased to lend my support to this legislation that enables organizations to better reach out to those low income individuals who have been hit so hard during this turbulent time in our economy. I thank Chairman RANGEL and my colleagues on the Ways and Means Committee for their hard and thoughtful work on this bill.

Mr. HOYER. Madam Speaker, today, as millions of Americans prepare to file their Federal income tax returns by midnight, many will be confounded, confused and, yes, perhaps even cranky because of our unbelievably complicated tax code, and, I don't think there's a person in this body who will blame them.

Our tax code is a maze of complexity that creates confusion and, yes, unfairness. In fact, between 2001 and 2006—when our Republican colleagues controlled the Congress and the White House—they added more than 10,000 pages to the Internal Revenue Code and regulations.

It now takes people an average of 34 hours to complete a 1040 long form. It's no wonder that 62 percent of Americans rely on a tax professional to prepare their returns.

The Democratic majority has been focused for years on making our Tax Code fairer and simpler—and doing so in a fiscally responsible way, but this issue also demands Presidential leadership. We know that from experience.

The last real tax reform occurred 22 years ago when President Reagan and Dan Rostenkowski, then Chairman of the Ways and Means Committee, came together to streamline our Tax Code.

When a new President takes office in January 2009, I believe that this should be an issue near the top of the agenda—particularly an effort to reform the dreaded alternative minimum tax.

Today, we will consider the "Taxpayer Assistance and Simplification Act," which makes small, but important reforms to our Tax Code.

Among other things, this bill will:

Strengthen taxpayer protections from identity theft and tax fraud;

Expand assistance for low-income taxpayers;

Close tax loopholes that allow Government contractors to set up sham companies in foreign jurisdictions to avoid paying Social Security and Medicare taxes; and

End the private collection of Federal income taxes.

Just this morning, the Washington Post reported that the Internal Revenue Service expects to lose more than $37 million by using private debt collectors to pursue tax scofflaws.

That's right—private companies hired to collect tax revenue that the IRS does not have the resources to pursue actually cost the Federal Government—i.e., taxpayers—more than they bring in.

Furthermore, let me say that there clearly is something wrong with our Tax Code when the costs of noncompliance—the so-called "tax gap"—is an estimated $345 billion a year. The reality is, this tax gap is only going to be narrowed and closed when we get serious about real tax reform.

Until that day, Madam Speaker, we must do what we can to make our tax laws fairer and simpler. This legislation is an important step in that regard.

I urge my colleagues on both sides of the aisle to vote for this bill, and, in the months ahead, to come together—like we did in 1986—in support of real tax reform.

Mr. LEWIS of Georgia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1102, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HERGER

Mr. HERGER. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HERGER. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Herger moves to recommit the bill H.R. 5719 to the Committee on Ways and Means with instructions to report the same back promptly with the following amendment:

Add at the end the following new sections:

SEC. 20. DENIAL OF TAX EXEMPT INTEREST WITH RESPECT TO BONDS OF SANCTUARY STATES AND CITIES.

(a) IN GENERAL.—Paragraph (1) of section 103(c) (defining State or local bond) is amended by adding at the end the following new sentence: "Such term shall not include any obligation of a State or political subdivision thereof, if such State or political subdivision has in effect a policy (whether statutory or otherwise) specifying that employees of such State or political subdivision are not required to notify Federal officials of an alien who may be unlawfully present in the United States."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 21. EFFORTS TO ADMINISTER EARNED INCOME TAX CREDIT.

The Secretary of the Treasury shall increase the efforts of the Internal Revenue Service to ensure, to the extent possible, that aliens unlawfully present in the United States are not allowed a credit under section 32 of the Internal Revenue Code of 1986 (relating to earned income).

Mr. HERGER (during the reading). I request unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. LEWIS of Georgia. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion and a Member in opposition to the motion will be recognized for 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HERGER. Madam Speaker, Federal law requires local governments to cooperate with the Department of Homeland Security's Immigration and Customs Enforcement. Local law enforcement authorities may turn over individuals who have been apprehended if the police believe they are not legally present in the United States.

Unfortunately, many local governments flaunt this requirement and openly boast that they refuse to cooperate with the Federal Government in helping to enforce our immigration laws establishing an irresponsible precedent and frustrating our shared goal of having safe and secure borders.

As you know, taxpayers all across the country subsidize local governments through a provision of Federal law that permits States and localities to issue debt that is exempt from Federal taxes.

☐ 1745

The motion presents the Members of Congress with a simple question: Is it reasonable to put some strings on this subsidy?

If adopted, the motion would clarify that the Federal tax subsidy does not apply to new debt issued by States or localities that declare themselves by statute or other manner to be a sanctuary city for illegal immigrants. In other words, having self-helped themselves out of helping the Federal Government address the growing burden of illegal immigrants, then they should not expect American taxpayers to subsidize their debt.

Madam Speaker, on April 15, we are reminded again about the many Americans who are playing by the rules, yet still feel the squeeze on their family budgets, particularly at tax time. Isn't it only fair that we ask our city mayors and county boards to do the same?

This brings me to the second piece of our motion to recommit. Many American families benefit from the Earned Income Tax Credit. It has helped millions of low-income families help make ends meet, though its cost to the Treasury is not insubstantial. Studies have often showed that the earned income tax credit is overclaimed by as much as 30 percent. In other words, many of those who receive the benefit are not actually entitled to it.

As the underlying bill includes a provision directing the IRS to conduct outreach to inform individuals that they may be eligible for the earned income tax credit, the motion would add language directing the IRS to improve its efforts to identify individuals who may be ineligible for the EITC on account of their citizenship status.

Madam Speaker, I encourage all of my colleagues to vote for this motion to recommit. While I am greatly concerned about the message sent by the underlying bill that somehow we are going to take away an effective tool to ensure we all pay our fair share of taxes, this motion helps correct that wrong-headed tilt by trying to prevent tax benefits from going to illegal aliens and cities and States who shelter them from our immigration laws.

I urge passage of the motion.

Madam Speaker, I yield back the balance of my time.

Mr. POMEROY. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for 5 minutes.

Mr. POMEROY. Madam Speaker, we have just obtained the motion in terms of trying to sort through the tax provisions, with an eye, among other things, to wondering whether or not people holding bonds of municipalities could suddenly find themselves with taxes they didn't think they were going to have when they bought these bonds.

Trying to work our way through these, one word jumped out on this motion to recommit that really has shut down all further analysis by us, and that is the word "promptly," because this is yet another one of those motions to recommit that is designed for one purpose and one purpose only, and that is to kill the bill they are trying to attach it to. That is because this would take the Taxpayer Assistance and Simplification Act that we want to pass than April 15th and pack it off back to the Ways and Means Committee, dispensing any possibility of passing it off the floor today. It is a procedural move by the minority to try and stop us from moving forward with this legislation.

What is unfortunate about that is there are taxpayers that are going to be benefited, benefited substantially, by this legislation, small businesses that right now are subject to IRS audit exposure if they are not keeping detailed call records on cell phones that they give their employees. We want to take this relief away through this motion to recommit? I don't think so.

We go through so many positive, taxpayer-friendly provisions in this bill, provisions that have received the support of so many diverse organizations, from the League of Cities, Association of Mayors, NFIB and Consumers Federation of America, it would take that and take it off the table today, preventing the House from moving this forward.

Now, you think, why? What is the motive behind a motion like this? Why would they not want this taxpayer bill to move forward? Well, my friends, you can find it on the front page of today's Washington Post. Basically, they are trying everything they can to preserve private bill collectors hired by the IRS to chase after taxpayers.

So here on Tax Day, April 15th, we are trying to stop private bill collectors from going after taxpayers on behalf of the IRS, an endeavor that has cost taxpayers millions and brought in not enough by any measure to cover the cost; a forgone revenue opportunity of $81 million, testified by the Taxpayer Advocate, if we simply took the money we sent to these private contractors and hired employees to go ahead and collect that debt. But they are so completely convinced that they have got to pull every trick out of their hat to try and stop our efforts to rein in these private bill collectors that they brought this motion to recommit.

I would yield such time as I have remaining to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman.

I perused the motion to recommit by Mr. HERGER. I think it is interesting, the other side has pointed out we have chosen today, Tax Day, to bring this bill to the floor. It is also interesting they take this motion to recommit the same day that the Pope has arrived here in the United States, who is with the President right now at the White House; the same Pope who has decried the xenophobic nature of some of the legislation that has been coming out of this House by the other side of the aisle.

I think it is interesting to note that no illegal aliens will be hurt by this motion to recommit. In fact, it will be the elderly woman who relies upon her opportunities to buy these bonds for their income later in life. I would also point out it is quite possible that New York State and California, the States of two of the gentleman here today, could potentially be hurt by this motion to recommit.

I think it is foolhardy. It obviously is an attempt to kill the bill by requiring it be promptly reported back to committee, and therefore the attempt is clear, once again to use anti-immigrant rhetoric to kill the bill and to use "promptly" to kill the bill.

I urge my colleagues to reject this motion to recommit and to vote for the underlying legislation.

Mr. POMEROY. I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman please state his parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, isn't it true the Chair has ruled multiple times on the fact that a bill reported promptly out of the House may return to the House floor at the discretion of the committee, and the fact that the Ways and Means Committee brought this to the floor, it could easily do so within a relatively short period of time, a matter of days?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HERGER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and suspension of the rules with respect to H.R. 5517.

The vote was taken by electronic device, and there were—yeas 210, nays 210, not voting 12, as follows:

[Roll No. 189]

YEAS—210

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre

McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—210

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Culberson
Cummings
Delahunt
Gohmert
Honda
Mack
Pallone
Peterson (PA)
Radanovich
Richardson
Rush
Wilson (NM)

☐ 1821

Ms. ESHOO, Messrs. ALLEN, BRADY of Pennsylvania, NADLER and Mrs. DAVIS of California changed their vote from “yea” to “nay.”

Messrs. BURGESS, SOUDER and TERRY changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. WESTMORELAND. Madam Speaker, is it not true that you are the deliberator and the decider of rules in this House?

The SPEAKER pro tempore. The Chair rules on questions of order. Does the gentleman have a parliamentary inquiry?

Mr. WESTMORELAND. Madam Speaker, further parliamentary inquiry. Is it not the job of the Speaker to interpret the rules of this House?

The SPEAKER pro tempore. Does the gentleman have an inquiry to state? Would the gentleman please state that inquiry.

Mr. WESTMORELAND. Madam Speaker, is it not true that under rule XX of this House, that it says that no votes will be kept open to change the outcome of that vote; is that true?

The SPEAKER pro tempore. As the Chair advised on March 11, 2008, a challenge to the Chair's actions under clause 2 of rule XX may be raised collaterally.

Mr. WESTMORELAND. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Madam Speaker, as a parliamentary inquiry, and I beg your pardon, but I don't believe this is a hard question to answer.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WESTMORELAND. The parliamentary inquiry, Madam Speaker, is this: Is the Speaker the deliberator and the decider if the rules of this House are being followed?

The SPEAKER pro tempore. The Chair rules on questions of order.

Mr. WESTMORELAND. Ma'am, I don't know how else to put it other than maybe a point of order.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. WESTMORELAND. The point of order is: Is the Speaker of this House the deliberator and the decider if the rules of this House are being followed?

The SPEAKER pro tempore. The Chair has recognized the gentleman for a point of order. Would the gentleman please state his point of order.

Mr. WESTMORELAND. The point of order is: Is it the Chair's responsibility to rule on a point of order?

The SPEAKER pro tempore. The gentleman has stated a parliamentary inquiry. The Chair does rule on points of order.

Mr. WESTMORELAND. Madam Speaker, I make a point of order that the electronic vote just completed violated clause 2(a) of rule XX which provides in part “a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.”

The SPEAKER pro tempore. As the Chair advised on March 11, 2008, a challenge to the Chair's actions under clause 2 of rule XX may be raised collaterally.

Mr. WESTMORELAND. Madam, I am raising that point.

The SPEAKER pro tempore. The Chair has just ruled.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. REYNOLDS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 179, not voting 14, as follows:

[Roll No. 190]

AYES—238

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt

Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—14

Culberson
Delahunt
Gohmert
Honda
Johnson, E. B.
Mack
Pallone
Paul
Peterson (MN)
Peterson (PA)
Radanovich
Richardson
Rush
Wilson (NM)

□ 1833

Mr. CRENSHAW changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TEXAS MILITARY VETERANS POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5517, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5517.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 18, as follows:

[Roll No. 191]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)

Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Cardoza
Chandler
Courtney
Culberson
Delahunt
Dicks
Gohmert
Honda
Linder
Mack
Pallone
Paul
Peterson (PA)
Radanovich
Rangel
Richardson
Rush
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1840

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5719, TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT OF 2008

Mr. McNULTY. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5719, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HONORING THE 125TH ANNIVERSARY OF THE NATIONAL CRITTENTON FOUNDATION

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Madam Speaker, I rise today to recognize an historic anniversary of the National Crittenton Foundation, which was the first charitable organization created under a congressional charter, and is celebrating 125 years of service.

People who recognize the Crittenton name often recall only the maternity homes that were usually hidden and welcomed girls and young women seeking support during their unplanned pregnancies. Much less is known about the influence of the national network of affiliated Crittenton agencies and their lasting impact on the social work profession.

The unique relationship between the National Crittenton Foundation and the Crittenton family of agencies is based on the belief that addressing compelling social issues in the United States is best done through a network of independent local agencies supported by a national body.

There are now over 23 Crittenton agencies across the country. Together they have provided over 2,200 years of continuous service to 5 million vulnerable girls, young women and their families.

Madam Speaker, I ask you and my colleagues to join me in wishing the National Crittenton Foundation and its family of agencies across the country happy anniversary, and our best wishes for another 125 years of success.

□ 1845

TAX DAY

(Mr. McCAUL of Texas asked and was given permission to address the House for 1 minute.)

Mr. McCAUL of Texas. Madam Speaker, once again, the tax man cometh. Today, April 15, is a day American taxpayers scramble to comply with a tax code over 67,000 pages long.

In 2007, individual taxpayers spent over 3 billion hours complying with the Federal income tax laws. Individuals spent $26.5 billion for tax software, tax repairs, postage, and other costs related to filing their Federal income taxes. And corporations spend over $156 billion to comply with the Federal tax laws.

Americans may send $2.5 trillion to the IRS, but the costs to our economy is much greater. Despite this, the majority party is forcing a $654 billion tax increase on the American people, the largest tax increase in American history. It is time to scrap this oppressive tax code. It is time to take a look at the fair tax or the flat tax as viable alternatives to our overly burdensome tax code, and it's time to stop punishing taxpayers and pass fundamental tax reform.

AMERICA, WE ARE ON YOUR SIDE ON TAX DAY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today is Tax Day, April 15, and that's why the Democrats have risen today to be able to tell the American people we're on your side. The Taxpayer Assistance and Simplification Act of 2008 may cost $22 million, but I can assure you that it pales in comparison to the money that my friends are spending on the unending war in Iraq.

I am glad to stand with the taxpayers of America, making sure that the elderly and the disabled are exempted from liability for employment taxes or payments to home care service providers. They deserve our respect, and today we give it to them.

I am glad that we are requiring a written notice to taxpayers of the eligibility of the earned income tax credit. It's a shame that so many think that there is so much fraud for hardworking Americans who don't file for their taxes who deserve it, and I'm delighted to stand with Americans to repeal the authority of the IRS to enter into private debt collection, those guys who have harassed the elderly, the shut-ins, hardworking Americans because they are private bounty hunters.

Today we stand with hardworking Americans. We will do so as well. And we honor our troops, declare the war's end, bring them home and reinvest in America.

LOWERING THE COST OF FUEL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, it is, in essence, the third day in the legislative schedule when I come to the floor to talk about energy prices.

When this Democrat majority took over the House, the price of a barrel of crude oil was $58 a barrel. Today, it hovers around $111 a barrel.

In 2006, the Democrat leadership promised lower gas prices. What we've seen, in reality, is higher gas prices. We've seen negative change, which has caused bitterness in rural America with the high-increasing cost to travel around rural America. All we're asking is for a plan to bring on more supply.

I have been in this well numerous times in this Congress to talk about coal-to-liquid technologies. We shouldn't limit it to that. We should talk about expanding renewable fuels. We should talk about the outer continental shelf. We ought to talk about ANWR. We need to bring more supply to lower the cost of fuels because the average American citizens are tired of paying these high gas prices, and it hurts the economy of this country.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRS EQUALS IRAQ REVENUE SUPPLIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, today is April 15, Tax Day. Right now, millions of Americans are hurrying to report their incomes to the IRS. Usually, "IRS" stands for "Internal Revenue Service," but today, it might as well stand for "Iraq revenue suppliers" because so much of our tax revenue is paying for the occupation of Iraq.

Joseph Stiglitz, the Nobel Prize winning economist, has calculated the occupation will cost at least $3 trillion. That means that the occupation will cost each of our 300 million citizens $10,000, or an incredible $40,000 for a family of four.

America's hardworking families are struggling to keep their heads above water as we sink into a deep, what I call, Iraq recession. Yet, they're being asked to hand over $40,000, most of which goes to the foreign nations that are lending us the money to keep the occupation going. And that $40,000, Madam Speaker, will get much bigger if the occupation goes on for another few years, for 100 years as some cheerleaders for the occupation are discussing.

What have we gotten for our occupation money? General Petraeus told us last week that the security situation in Iraq has gotten much better. But 19 of our incredibly brave soldiers died last week. And our top military leaders continue to warn us that our obsession with Iraq is breaking our military and that we may wake up one day to find that we can't meet a real threat to our national security.

Next month, the IRS will mail out economic stimulus checks. I'm glad that that relief is on the way. But the best economic stimulus plan would be to end the occupation of Iraq. The American people agree. A recent New York Times/CBS poll found that 89 percent of the American people believe that the cost of the occupation has contributed to our economic problems.

Last month, the Progressive Caucus put forth an alternative budget that showed that we can actually achieve an end to the occupation in Iraq and reorder our spending priorities. The budget is truly remarkable. We were able to fully fund the education that our children deserved and that our Nation must have to remain competitive in the global economy.

We were able to invest in green jobs that could employ millions of our citizens and put our Nation on the path to the energy independence we must have to fuel our economy and ensure our national security. And we were able to provide health care coverage to every American who lacks it, not only fulfilling our promise to care for each other, but making our country stronger and more competitive in the process.

But instead of revving up these engines of economic growth and social justice, the administration will soon send to Congress yet another request for emergency Iraq funding. This time around, the request will be for $108 billion.

Madam Speaker, I agree that we must spend money on Iraq but not the way the administration wants to spend it. It wants an open-ended occupation. Instead, we must fully fund the safe, responsible redeployment of our troops and military contractors out of Iraq.

And we must help, not do it all, but we must help to reconstruct Iraq. We've all heard of the so-called Pottery Barn rule: If you break it, you own it. We need to expand that saying: If you break it, you have a moral obligation to help rebuild it.

It's time for the madness to end, Madam Speaker. It's time to bring our troops home, get our fiscal house in order, give the Iraqi people back their sovereignty and help them rebuild their country and their lives.

AMERICA'S DOMESTIC OIL SUPPLY CANNOT MEET ITS DEMAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, the price of gasoline goes up every day, and Congress is partially to blame. The price of crude oil is increasing because demand is increasing. Our domestic energy supply cannot meet that demand. The global demand for oil is also rising with the industrialization of China. And increased demand for oil leads to increased prices for many products, including products made out of plastic.

The problem is that Congress has made it difficult for our supply to meet that demand. There is a solution to the problem. The solution is to increase our supply by exploring domestic energy sources and drilling in ANWR.

Like it or not, crude oil is still the energy base of our Nation. Unlike every other country on the planet, the United States does not take advantage of its own natural resources. When Congress abolished tax credits for domestic exploration and production, Congress effectively abolished reasonable oil prices and then raised taxes on oil companies to $18 billion, taxes that are eventually passed on to us, the consumer. Thus, higher prices at the pump.

And this Congress decided to even award Venezuelan Dictator Chavez and his nationalized oil company with a large tax break, a tax break they did not give to American oil companies.

It's common knowledge that, if you tax something, you're going to get less of it. If you tax oil, you get less of it. Less of what? Less production and less crude oil. Less oil on the market equals higher prices at the pump. And if we look at the world crude oil reserves, 80 percent of the world crude oil is controlled by foreign nationalized oil companies. We call them OPEC. Six percent is controlled by Russian companies, and only six percent of the world oil reserves is controlled by American-owned oil companies. You know, those American-owned oil companies that are capitalistic, that have stockholders, we call them Americans. And those companies are making about 8 percent, 8½ profit.

So the world is controlled by OPEC, not American oil companies. We may be the world power, but the United States does not control the world oil market.

The only control we have is over our domestic energy supply, which we don't take advantage of because of the U.S. restrictions on offshore drilling and exploration. We have succumbed to the environmental fear myth that we cannot drill safely offshore. Other nations, including Britain, Norway, Holland, and Denmark, take full advantage of their natural resources and even permit offshore drilling in the North Sea, that area of the world where offshore drilling is the most difficult, and they do it without environmental damage.

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We can increase our energy supply and reduce the price of gasoline at the pump by also allowing drilling in ANWR.

On top of the heightened demand for crude oil, there is a heightened demand for new refineries. Madam Speaker, I represent 21 percent of the Nation's refineries in southeast Texas, but we don't have any new ones. The last oil refinery was built 32 years ago. Our oil refineries have been punished by bureaucracy and unnecessary Federal regulations. Too many unnecessary Federal regulations, too many government controls, too many high taxes, the second highest corporate income tax in the world, and what happens? They leave town, they go somewhere else. We must lift these burdens and encourage refinery development. Our gasoline prices will eventually drop as soon as we build new refineries and we drill offshore and we drill in ANWR.

The high prices of gasoline have thrown the airline industry into chaos. Twenty-two percent of the Nation's jet fuel is made in my district. But one example, Madam Speaker, it costs an airline company $44 a minute to allow a plane to idle on the runway. Thus, every plane that takes off that's been sitting there about 30 minutes costs $1,500 in additional oil prices.

The high gas prices even affect the 170,000 independently owned gas stations in the country. They no longer make a profit on selling fuel. They hope to make one cent on every gallon, so they are thrilled if they make that penny. They make money by selling lottery tickets, donuts and beer, that's how they make their profit.

It's time for us in Congress to encourage more domestic oil production, lift the restrictions to offshore drilling, and take care of ourselves. We must stop relying on unstable, volatile regions in the world and pompous dictators who hold Americans hostage with their crude oil.

We have a problem, but we can solve it. Otherwise, we'll be parking our vehicles on the side of the road, riding bicycles to work, then blissfully wondering where all the crude oil went.

And that's just the way it is.

THE STATE OF OUR ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Madam Speaker, I appreciate this opportunity to address the House for a few moments.

I think it's very appropriate for us to pause for a moment here and just reflect on where we are as a Nation and as a people when it comes to our economy and our financial House. This April 15, it's Tax Day. It's important that this House of Representatives be mindful of the difficulties that the American people are faced with.

Madam Speaker, millions of American people and families are absolutely hanging on by their fingernails. They're on the verge of losing their homes. Many have already. And so much of it has been because of bad policies by their government. It is important for us to understand that, Madam Speaker, so much of this could possibly have been prevented had we moved quicker, had we made different policies.

This is a very sobering time. Two major events happened today. One is, the American people, many are in line at post offices as we speak trying to meet the midnight deadline to pay their taxes. Others are struggling to do so. Others are having difficulty even beginning to comprehend the complexities, the complications of a tax code that even if they sat down to read it, it would take them over 1 year trying to read the tax code, let alone trying to understand it, just the volume of trying to read it.

And Madam Speaker, we in Congress must take into consideration how difficult that is, the fact that the American people, many are not even taking the credits or getting the deductions that they should have because they don't understand it. Twenty-five percent of American families that are entitled to the Earned Income Tax Credit don't even get it because they don't understand how to do it.

Last year, over 65 percent of American families had to get a private person from the outside to come help them with their taxes. That has increased up 25 percent, since just 10 years ago it was 40. And in 1950, it was just 20 percent that did that. The complexity of our tax code is just out of whack. Many are gathered around the kitchen tables right now trying to find out how they're going to have ends meet.

And Madam Speaker, the other phenomenal event in our economy that took place today was the merger of Delta Airlines and Northwest Airlines, making the largest airline company in the world. That is certainly room to celebrate, but it's very important that we be very mindful to both Delta and Northwest to understand the implications of that, to have the sensitivity that there are many thousands of families that are impacted, and that we do not use the word "synergy" to equate with a loss of jobs, but that there are no jobs lost.

We in Congress must have the empathy of putting ourselves into the mindset of the American people, and we must show that we understand the difficulties that the American people are faced with; we understand the difficulties of knowing when they wake up the next morning, their car may be repossessed, they may have a foreclosure notice.

Our policies must be, here in this House of Representatives going forward, to keep Americans in their homes, even if it means coming up with the policies and moving as fast as we can. If we could move with lickety-split speed to save Wall Street, Bear Stearns, and Madam Speaker, I believe that was the right thing to do because, had we not, global markets would have cascaded and we would have had an extraordinary world calamity in the financial markets, but just as aggressively as we moved with those policies that helped Wall Street and Bear Stearns, we must move to help our homeowners and our families.

And then finally, Madam Speaker, the real elephant facing us in the room, the real looming threat economically and financially to this country is our overwhelming debt. Madam Speaker, it is staggering to look at the debt that we are in. Every dime we are spending is on borrowed money. And we have spent, Madam Speaker, as I conclude, in the last 5 or 6 years, more money from foreign governments than in the entire history of this country.

Madam Speaker, that's the state of our economy. And it's very important that we reflect it from the perspective of the American people. And I thank you for this opportunity.

COMPLEXITY OF TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, you know, it is said that nothing in the world is certain except death and taxes. And I'll tell you, being a physician in my former life, that sometimes even death is a little less complicated than our tax system.

The complexity of the tax code is a consequence of countless deductions and exemptions that are aimed not at collecting revenue, but steering a social agenda. And the result is a Federal law that is fraught with opportunities for avoiding taxes and full of loopholes to be exploited, all at the expense of fellow Americans.

My criticizing the tax code is as American as apple pie and baseball, and for good reason, because every year Americans spend billions of hours and billions of dollars, and that's not counting the billions of hours that we spend complaining about the tax code. Time is money, and time should be spent growing the economy and creating jobs.

There is a strong prescription for real change in our tax code. We caught a glimpse of it when Ronald Reagan cut the tax code in half back in 1986. As a result of that reform, the economy grew, revenues increased, and jobs were created. The prescription is pretty simple: Flatten the tax, broaden the base, and shift the burden away from families and small businesses.

And we do have a practical and effective blueprint, it's called the flat tax. Back in 1981, Robert Hall and Alvin Rabushka proposed a radically simple structure that would transform the Internal Revenue Service and our economy by creating a single tax rate for all Americans. Today, several States have implemented a single rate tax structure for their State income tax, and from Utah to Massachusetts citizens are realizing the benefit.

In Colorado, a single rate tax generated so much income that it was reduced 10 years after its implementation. In Indiana, the economy boomed after a single rate went into effect in 2003, and since that time the corporate income tax receipts have grown by 250 percent.

Now, several people in Congress are working on the problem. I have a bill, H.R. 1040, which is a voluntary flat tax. A companion bill was introduced by the senior Senator from Tennessee just this past week. We have bills from DAVID DREIER, the gentleman from California, PAUL RYAN from Wisconsin, all trying to accomplish the same goal, and it is so simple. You have a single rate, you have a single piece of paper. You put in your name, just a little bit of identification data, write in your income, there's a line for personal exemptions, calculate your deductions from personal exemptions and calculate your taxable income, multiply it by a flat rate, subtract the taxes already withheld, and you're done. And what did that take? Not even 30 seconds. No more expensive tax attorney bills, no more hours of stressful research, no more headaches. It is much less costly, saving the taxpayers more than $100 billion per year. And it would increase tax compliance. The result: Increase in personal savings, and there is a stimulus package that would have an immediate effect on our American economy.

Recent polling by a group called American Solutions shows that over 80 percent of Americans favor an optional one-page tax return form with a single rate. Now, we hear a lot of talk about change this year. You practically cannot turn on the television without some political commercial talking about change. Well, let's consider how change could improve the most complicated of institutions, the Internal Revenue Service. And more importantly, consider how that change could deliver prosperity and return time, the precious commodity of time, to the American taxpayer. Now, that's a stimulus package worthy of everyone's vote.

THE REAL CULPRIT FOR RISING FOOD PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, the world is beginning to understand what my constituents have known for far too long, higher food prices and higher commodity prices are destroying prosperity for millions and millions of people here at home and abroad. Whether there is a hungry person in Toledo, Ohio or in Haiti, the rising costs of basic food are really placing the world's marginalized and poor in even a tighter squeeze.

Getting in the front of devastation that higher commodity prices can cause is a challenge to all of us. While I am pleased that the leaders of the International Monetary Fund and the World Bank have called for half a billion dollars more to feed the poor of the world, I'm deeply troubled that these leaders have pointed to the same tired rhetoric in diagnosing the cause of these rising prices. It's been very interesting for me to hear them say they're blaming higher food prices on the production of ethanol and biodiesel in agricultural America, which is actually a new value-added market for our farmers. It's actually a new market that's taking land that is just laying fallow for years, where we have paid commodity payments and gotten nothing, now we are beginning to reuse some of that land again.

The real culprit for rising food prices is rising oil prices. Our world is facing a crisis precipitated by the greater competition for dwindling supplies of world energy that has caused all the prices of basic goods to skyrocket. But instead of dealing with that reality of how oil is embedded in every aspect of life in this country and globally, they're trying to blame this on the new developing market of renewable energy.

Yes, under current technology biofuels consume some food stocks for the production of fuel. Corn has been utilized by some ethanol producers, for example. But to claim that biofuels are the cause of rising food prices, that's disingenuous at best. Look to the rising oil prices at over $113 a barrel, and this oil-dependent economy must become energy independent here at home again. And renewable fuels based in agriculture are a part of the solution for this country in the world.

Take a look at the rising cost of fertilizer that can be directly attributed to the increasing cost of natural gas and smaller crop sizes. According to the recent Texas A&M Agriculture and Food Policy Center analysis, rising fertilizer costs have led to a $3 million acre reduction in planted corn in the 2006, 2007 crop year.

Let's look at another major cause globally of why food prices are going up: Drought. World food production has gone down because in Australia and eastern Europe, and because of poor weather in Canada and western Europe and Ukraine, we've seen overall production reduced. With such world stocks for wheat at 30-year lows, buyers are turning to the United States for supplies. Has the IMF offered suggestions to these nations for dealing with the drought that global warming is causing? No. They're just blaming America's farmers.

Higher incomes around the world are boosting demand for processed foods in countries such as India and China. And this higher demand has skyrocketed the need for products produced across the supply chain. Now, has the IMF sought to better manage the uncontrolled growth in developing countries? No. They're just blaming America's farmers.

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With the U.S. dollar in free fall, American agricultural goods have become extremely attractive internationally and have placed great demand on foodstuff production domestically. With greater competition for food, with more U.S. exports, our weak dollar due to terrible economic policies here at home has decreased the power of Americans to purchase food produced right here in our country. Has the IMF identified the weak dollar as the challenge to millions of Americans faced with food shortages? Of course not. They just blame the U.S. farmer and the new developing market of biofuels.

With the price of oil reaching over $110 a barrel, the world's addiction to oil is driving up the production costs of agricultural products. How much do you think it costs to haul a truckload of bell peppers from Salinas Valley in California to Cleveland, Ohio?

I cannot accept IMF's wanton attack on the investment in rural America. If we follow their formula, we would not be growing any food domestically. If we were following IMF's advice, we would not be developing the infrastructure and capacity to produce our own renewable energy here at home and help lead the world in a real energy-independent transformation of this country.

Madam Speaker, Americans simply must commit to cutting off our oil addiction and restoring energy independence here at home.

[From IMF Survey Magazine, Apr. 10, 2008]

FOOD PRICE RISES THREATEN EFFORTS TO CUT POVERTY—STRAUSS-KAHN

Higher food prices have particularly adverse effect on the poor.

Projections show nearly all African countries suffering food price shocks.

IMF Spring Meetings to discuss global strategy on food price crisis.

A rise in food prices of 48 percent since end-2006 is a huge increase that may undermine gains the international community has made in reducing proverty, IMF Managing Director Dominique Strauss-Kahn warned.

He told an April 10 news conference in Washington that policy responses to higher food prices have to be tailored to meet the needs of each country.

Strauss-Kahn said the IMF could take four steps to help address higher food prices in the short term:

Support countries in designing appropriate macroeconomic policies to deal with shocks; provide advice and technical assistance for countries where rising food prices are eroding terms of trade, through targeted income support for the poor—without jeopardizing hard-won gains on economic stabilization; in countries where price shocks are affecting the balance of payments, provide assistance through IMF lending facilities, and work, along with other agencies and donors, to help countries mitigate negative impacts.

OPEN TRADE POLICIES

Longer-term answers to the problem of higher food prices centered on removing obstacles to increased supply, Strauss-Kahn said.

The IMF cites increased trade as a policy option for mitigating the effects of higher commodity prices on national economies. IMF chief economist Simon Johnson told an April 9 World Economic Outlook briefing: "As a way to reduce global pressure on food and energy prices, more open trade policies in those products would be a good start. Less insular biofuels policy in advanced economies would help relieve some pressure. At the same time, we encourage countries to avoid raising taxes or imposing quotas on their food exports. These reduce incentives for domestic producers and also increase international prices."

IMPACT ON INFLATION

IMF research shows that higher prices for food pose new challenges for African policymakers and could have particularly adverse effects on the poor. Because food represents a larger share of what poorer consumers buy, a global increase in food prices has a bigger impact on inflation in poorer countries.

IMF studies show the rise in food prices reflecting a mixture of longer-term factors such as food crops being diverted to biofuel production; higher food demand from emerging economies; and higher energy and fertilizer costs. Temporary factors, such as droughts, floods, and political instability, also contributed to higher food prices.

Strauss-Kahn displayed a map at the press briefing that showed the impact of projected food price increases on global trade balances.

"Almost all African countries have a negative impact from these food prices," Strauss-Kahn told the briefing. A problem in trade balances meant problems in current accounts. Problems in current accounts meant problems that the IMF could help address, he said.

New projections on the effects of higher food prices follow publication of a World Bank-IMF report warning that most countries will fall short on the Millennium Development Goals, a set of eight globally agreed development targets that the international community is aiming to achieve by 2015. The report said that though much of the world is set to cut extreme poverty in half by then, prospects are gravest for the goals of reducing child and maternal mortality, with serious shortfalls also likely in primary school completion, nutrition, and sanitation goals.

NEW KIND OF IMBALANCE

In Africa and Asia the effect of higher food prices would have to be seen not only in terms of undermining the efforts to fight against poverty but also as representing a new kind of macroeconomic imbalance, Strauss-Kahn said. For a large part of Africa, a shock could be expected that was as big as, and maybe bigger than, previous shocks.

Strauss-Kahn welcomed an initiative launched by U.K. Prime Minister Gordon Brown that urges the IMF, the World Bank, and the United Nations to develop a global strategy to address higher food prices. "The initiative taken by Gordon Brown is perfectly timely, We need now to consider the rise in food prices as something which is not just happening for one or two months but as probably more structural," Strauss-Kahn said.

The Brown proposal would probably be on the agenda of the IMF-World Bank Spring Meetings and of the ministerial meeting of the Group of Seven industrial countries, he added.

FOREIGN SHORTFALLS IN IRAQ AID PLEDGES

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, I would like to bring to the attention of the House and to the American people a disturbing situation involving a shortfall in Iraq aid pledges. This morning during a hearing of the House Armed Services Committee, I also brought this issue to the attention of Secretary of State Condoleezza Rice, Secretary of Defense Robert Gates, and Admiral Michael Mullen.

On January 30, 2008, USA Today reported that allied countries have paid only $2.5 million of the more than $15.8 billion they pledged to help rebuild Iraq. The article further reports: "The biggest shortfalls in pledges by 41 donor countries are from Iraq's oil-rich neighbors and U.S. allies, namely Saudi Arabia and Kuwait.

Madam Speaker, it is extremely troubling that some of the countries that may benefit most from a secure and stable Iraq, particularly its neighbors in the region, are not providing the money they pledged to help achieve that goal.

The United States, on the other hand, has already spent $29 billion to help rebuild Iraq, and Congress has approved an additional $16.5 billion. And unlike the United States, which is borrowing money from foreign governments to pay its bills, many of Iraq's neighbors are running record surpluses because of profits their governments receive from their national oil companies.

In 2001 a gallon of gasoline cost Americans $1.42. Today that same gallon costs us $3.36. In 2001 oil was $28 per barrel. Today that same barrel is almost $114. Many of the countries who are falling short on their pledges to Iraq are withholding oil production and causing gas prices to rise on the American consumer. These countries have the economic resources to meet their commitments to Iraq.

Madam Speaker, in a letter on February 8 of this year, I expressed these concerns to Secretary Rice. Since then I received a response from the Department of State. They say they share my concern that for some countries the pace of their assistance to Iraq has been too slow. The State Department also indicates that top officials continue to urge their government to follow through on their pledges, and with the increased successes, the department is working through multilateral forums to encourage donors to meet their pledges.

During this morning's hearing, Secretary Rice also pledged that she will redouble her efforts to encourage allies in the region to pay their way in Iraq. Madam Speaker, out of fairness to the American taxpayer, I am hopeful that these efforts will be successful. It is time for Arab countries that are running surpluses to start paying their share of the bills in Iraq.

Madam Speaker, I have said many times and said it today at the hearing that it's our men and women who are in Iraq losing their legs, being paralyzed for the rest of their life, and losing their life for this country. It is the least that these Arab countries can do that are making dollars every time we put gas in our cars. It is time that they meet their obligation to fulfill the $15.8 billion that they pledged to help rebuild Iraq.

With that, Madam Speaker, before I close, I ask God to continue to bless our men and women in uniform, and I ask God to continue to bless America.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5715, ENSURING CONTINUED ACCESS TO STUDENT LOAN ACT OF 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–590) on the resolution (H. Res. 1107) providing for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, which was referred to the House Calendar and ordered to be printed.

WEEK OF THE YOUNG CHILD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LOEBSACK) is recognized for 5 minutes.

Mr. LOEBSACK. Madam Speaker, this week is Week of the Young Child, and I stand before you and my colleagues this evening to call for the full funding of Head Start, our Nation's premier early education program, and for Child Care and Development Block Grants.

I understand firsthand how important Head Start and subsidized child care programs are for low-income working families. I grew up in poverty, and I had a single mother who suffered from mental illness. I relied on support from my extended family, community, and friends. And as a result of the support that I received, I was able to focus on school, work hard, and achieve the American Dream. However, not all children are fortunate enough to have this sort of support system outside of their homes, and even with this additional support, many of Iowa's children could benefit from attending Head Start. Additionally, many hardworking, low-income parents could more easily push their families out of poverty if provided access to affordable and reliable child care. This is why it is critical that we properly fund Head Start and Child Care and Development Block Grants so we can expand enrollment and provide greater support to working families and opportunity to our Nation's children.

For years we have been provided with statistics proving the benefits of Head Start and affordable child care. We know that children enrolled in Head Start will excel academically, have fewer health problems, and adapt better both socially and emotionally.

However, to appreciate fully the benefits, Madam Speaker, one simply has to speak with the parents of these outstanding young students. In Iowa's Second District, which I am proud to represent, I have been lucky enough to visit a number of Head Start locations, and I have received letters from the parents of a number of these students. One of these letters was from Trina Thompson, a single, hardworking parent of two. Her youngest child attends

Head Start in Iowa City, where she shared with me that "The staff and the program itself at Head Start are invaluable to my family and many others. It is a well-run program that has been vitally beneficial to my daughter and my family." Ms. Thompson went on to say, "I can go to work every day secure in the knowledge that my daughter is safe in a positive learning environment with amazing people." Ms. Thompson is not alone in her praise of these critical programs and the outstanding educators and child care providers.

The photo behind me today is a photo of one of these exceptional providers. Kelly Mathews of Iowa City is pictured here with children at the child care center she runs in Iowa. Ms. Mathews works 50 hours a week with the children at this center. Then she spends additional time filling out paperwork, completing continuing education credits, shopping for supplies, and creating a challenging and exciting curriculum for the children under her care. Ms. Mathews does all this for one clear reason: "to change the world." But we know this goal isn't easy, especially when Ms. Mathews is receiving a very modest salary with no benefits and no paid time off. We must do better for Ms. Mathews, better for all the child care providers and Head Start teachers, better for the children in Iowa and across the country, and better for hard-working families.

Unfortunately, this year the President failed to stand up for our country's children. He failed to prioritize their needs, forgetting that these children are the key to our country's future success. This year the President proposes flat funding for child care that will cause 200,000 children to lose access to child care assistance by 2009. The administration also acknowledges that fewer children will be served in Head Start under their proposal. Should these cuts be implemented, the Kelly Mathews of the world will find it even more difficult to make ends meet, and the Trina Thompsons and their young children will find it next to impossible to secure a spot at their local Head Start. And this is simply not acceptable.

I urge all of my colleagues to take a moment this week in honor of the Week of the Young Child to think about the tens of thousands of children you represent that could be provided a wealth of opportunity and hope in their lives if we simply reject the President's budget proposal and choose to invest in the future and well-being of our children.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 15, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,867 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

Madam Speaker, let me conclude, in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,867 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 15, 2008—12,867 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of free and the home of the brave.

THE U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER of Illinois. Madam Speaker, I rise to express concern about an action taken by this House this past week, and let me begin by asking this House who is America's best friend in Latin America?

Well, the answer is pretty loud and clear, and that is America's best friend in Latin America is the democratic Republic of Colombia, a nation of 42 million people, the second largest Spanish-speaking nation in the world, a nation which is recognized throughout Latin America and, frankly, throughout the world as United States' most reliable partner in counterterrorism, United States' most reliable partner in counternarcotics. It's the Republic of Colombia.

Well, this passed week the House of Representatives, the Democratic majority, which controls it, voted to turn its back, this Congress's back, on our most reliable partner in Latin America, sending a terrible signal to all of Latin America that if you are a good friend of the United States, you're not very important and you're not a very big priority, and when we have an agreement, we'll ignore it.

Ladies and gentlemen, we have a trade promotion agreement with Colombia and the United States. It's a good agreement. Why is it a good agreement? Because it's a win-win-win for Illinois workers, Illinois farmers, Illinois manufacturers. The majority of this House, an overwhelming bipartisan majority of this House, voted earlier this past year to pass trade preferences for the Andean region, for countries like Colombia, Ecuador, Bolivia and Peru. And what the trade preferences do is allow all the products that come in from Colombia that enter the United States duty free, no taxes, no tariffs. So agricultural products and manufactured goods made in Colombia and produced in Colombia enter the United States duty free. However, without the trade promotion agreement, products made in Illinois by Illinois workers or farm goods like corn and soybeans produced by Illinois farmers and, of course, manufacturers and workers all suffer taxes or tariffs on U.S.- and Illinois-made goods exported to Colombia.

We have often heard from constituents that say trade's important in Illinois and it just doesn't seem right when one country's products come into the United States duty free but we don't get reciprocity. And the U.S.-Colombia Trade Agreement gives us that reciprocity. In fact, farm organizations will tell you that the U.S.-Colombia Trade Agreement is the best ever negotiated to give U.S. farmers and growers and producers access to a foreign market. And when it comes to manufactured goods, 85 percent of the manufactured goods exported to Colombia would be duty free immediately.

□ 1930

In my district, I have 8,000 constituents, union members, who work for a company which makes the yellow bulldozers and yellow construction equipment. Right now, those bulldozers made in America suffer a 15 percent tariff, which means the cost of that product is 15 percent more, making Illinois-manufactured construction equipment, like bulldozers and mining trucks, 15 percent more expensive but also less competitive with Asian competition.

We need this trade promotion agreement. And we need to have that brought to the floor for an up-or-down vote. Because I believe if it is brought to the floor for an up-or-down vote, the majority of this House would agree that we need to continue to expand our markets overseas for Illinois-manufactured goods and Illinois farm products as well as American farm products and American manufactured goods. It is a good agreement.

Now, there are those who say, "Colombia, yeah, they are our partner, and, of course, they are the oldest democracy in Latin America. But there has been violence in that country." Historically they are right. President Uribe, when he was elected, pledged to defeat the FARC, the left-wing narcotrafficking terrorist group which has troubled the nation of Colombia over the last 40 years. And he has made tremendous progress.

In fact, President Uribe today enjoys 80 percent approval. Eight out of 10 Colombians approve of the leadership of President Uribe. And if you look at this Congress, this House of Representatives, this Congress has an 18 percent approval rating. So clearly, the Colombians think more of their president than the American people do this Congress. And at the same time that he has made progress defeating the left-wing narcotrafficking FARC, 73 percent of the Colombian people believe he has made Colombia more secure and safer while respecting human rights. In fact, today the murder rate in Colombia is lower than in Washington, D.C. It is lower than in Baltimore. In fact, it is safer in Colombia than it is in our Nation's Capital.

The U.S.-Colombia trade promotion agreement is a good agreement for American workers, American farmers and American manufacturers. Let's bring it to a vote.

DISTRICT OF COLUMBIA VOTING RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, this is a special day for all Americans, none more so than the people I represent, the residents of the District of Columbia. And so I have come this evening to offer some remarks, remarks that I think are particularly justified today when the residents of the District of Columbia, like all other American citizens, are paying their Federal income taxes. The difference is they are doing so without any voting representation on the floor of the House or the Senate.

First, I begin with some gratitude to my colleagues, the so-called Blue Dogs, for whom this hour had been claimed, but who gave it to me this evening because of the subject matter of this special order. I very much appreciate their support. For those of you who don't know who the Blue Dogs are, they are the more conservative Members of the House. They supported the D.C. Voting Rights bill that indeed passed the House, one of the first.

We hadn't been here 6 months, I don't think we had been here more than 4 months before this bill to give the District of Columbia citizens, the citizens of the Nation's Capital, voting rights only in this chamber, the people's House. It was indeed passed by the House of Representatives, mind you, the only House that is affected. In a Nation known more for its incrementalism than for rapid change to effect justice, we have accepted the notion that we must begin with the House, the people's House. After more than 200 years of meeting every obligation that has been met by every other citizen, we think it is not too much to ask that the residents of the Nation's Capital have the vote at least in the people's House. We are asking for no more than that.

Our thanks go especially to the Speaker of the House, NANCY PELOSI, who made it a priority to pass this bill and put her full energy behind it. She was willing to bring it to the floor. She made it clear that she, as the leader, the first woman to lead the House of Representatives, wanted to put her signature on this bill and asked four Members on both sides of the aisle to support it. Majority Leader STENY HOYER, a longtime supporter of this bill, as well, put all of his energy in it. Particularly when it was stopped first by a parliamentary maneuver, he worked tirelessly until he got this bill passed. He has been with us every step of the way. These two leaders have stood for full representation and equality for Americans in so many ways. No one should be surprised at the leadership they have given us on this bill.

I have to very especially mention Congressman TOM DAVIS who doggedly started us on what has been a truly bipartisan path. When I was in the minority and he indeed became the chief sponsor of the House-only bill, I discovered indeed a partner for us. The State of Utah barely missed getting a House vote in the last census. And they missed it for reasons I have to put into the RECORD. Utah sends many of its citizens who willingly agree to go away and become missionaries when they are young for a few years of their lives. They, of course, are missionaries for their Mormon church. And they are coming home to their families. Like others who come home, the State of Utah wanted them counted since they remained residents. They took the matter all the way to the Supreme Court. And because of the way the Census Bureau and the administrative process had ruled, the Court allowed the census to stand. And all of these missionaries exercising their freedom of religion, their freedom of speech, while being residents of their State, lost their State a seat.

To say the least, residents of Utah were not joyful about this. And they have joined us in what would seem to be the example par excellence of win-win in our country. A heavily Republican district and State, some would say the most Republican State in the union, a big city in the United States tends to be Democratic, this one is, joined together. It's a wash politically. Nobody gains and nobody loses. Why hasn't this bill passed?

Well, it has almost passed. And we will get into that in a minute. Just a few more indications of gratitude. HENRY WAXMAN, chairman of the committee that has direct jurisdiction, along with another chairman, JOHN CONYERS, were extraordinary leaders in this process. I mentioned Utah. I thank Governor Jon Huntsman for coming here to testify about the importance of the bill and the entire Utah delegation, Representatives BISHOP, CANNON, and MATHESON.

I particularly thank the 219 Democrats and 22 Republicans who won a vote of 241–177 and passed this bill last year. And may I thank the 8 Republicans and 49 Democrats who have brought us so close that it is hard to believe that we are not already there.

Only in the other body is 57 percent not a majority. The Senate has required 60 votes. We are three votes short. We are so close. I have every reason to believe that we will, in fact, this year pass the D.C. Voting Rights Act, creating a historic 110th Congress that every Member, I think, will be proud of.

I have to thank the local and national civil rights organizations that have been a formidable force spreading around the country the message. There are too many of them to name on the local level. The great leader has been DCVote Ilir Zerka and his army of residents in the region and in the city carrying a message for us, the leadership conference on civil rights, the Nation's great leader on civil rights matters has been a major figure in this bill. We could not possibly have gotten this far without them, along with every major civil rights organization in the country.

I particularly thank my own mayor, Adrian Fenty, and city council chair, Vincent Gray, who joined every mayor and city council of the District of Columbia in supporting our residents and this bill. And I especially thank the residents of the District of Columbia, living and dead, who have fought for equal citizenship over the ages.

I have not yet mentioned my Senate partners, but they have been equally important to this bill. You don't pass a bill just in the House. Senator JOE LIEBERMAN was the lead Democratic sponsor. Consistent with the way he has helped me on voting rights in every iteration, and there have been several different kinds of bills, he became the lead sponsor here.

A very special word of thanks goes to Senator ORRIN HATCH of Utah. Some of you may think that ORRIN HATCH comes to this because, after all, he represents Utah. And he does. But had you had the pleasure of hearing Senator HATCH in the committee hearings, you would understand that he is moved by a deep principle about voting rights. His principal reason for voting rights dominated much of what he had to say about people who pay taxes and go to war without representation. I thank Senator ORRIN HATCH who was a good friend of mine before this bill. He has endeared himself to me in ways I will never be able to pay by the way in which he has stood fast with us, yes, because his State is involved. Of course, that is his primary obligation. But making it clear in the way he discusses the bill that there is a deeply rooted principle in his support.

The many supporters of this bill will forgive me for not making this a calling of the roll. But I come to the floor because on tax day in the District of Columbia, people have gone all over the city to assure residents of the very substantial progress we are making. DCVote and its coalition have been all across the United States targeting seven States and have done a remarkable job. I have a little bit to say about that.

What I want to do this evening during this special order hour is to essentially discuss this issue from three perspectives. Whose rights are we talking about? What barriers are there? And whose responsibility is it to remedy this matter?

□ 1945

I start with whose rights they are, because the greatest frustration I have had as a Member of the House is that most Americans do not know that 600,000 people live in the Nation's Capital and don't have the same rights as they have. A lot of them have been in the armed services with people in Washington, DC. They come here, 20 million of them, every year. There is no indication, until they begin to see license plates that say "no taxation without representation" on those official license plates, which was put there precisely to relieve our frustration that most people simply do not know.

I have a word to say about that, because increasingly people do know and support us. According to the Washington Post poll, 61 percent say they support the bill I have come to the floor to speak to tonight. That is close to an American consensus today.

Why would people be for the vote? They are Americans, that is why. Do you really think that in this country today, at war, a country where love of country is manifest in everything we do, they will do anything but say that people who have fought, yes, and died in every war since the country was created, including the war that created the country itself, the American Revolutionary War, that people who pay taxes the same way they do, are just like them, should not have representation? It is a thoroughly American idea. So don't be surprised that 61 percent today support this bill, in the House only, because that is all that is before the other body, the Senate, as we speak.

Who are these people? We thought we would let you see exactly who we are talking about. This man's name is Larry Chapman, a resident of the District of Columbia. I am proud to represent him. I don't know him. I checked him out. He lives here. I represent him. By the way, note his uniform. He is a firefighter. He is a man who risks his life for whoever is here, a Member of Congress, a visitor, a resident, a regional resident.

I don't represent this man, Jayme Heflin. He lives in Maryland. He does the same thing for Maryland that Mr. Chapman does for the District of Columbia.

I don't think you will find an American citizen, if you went out with a microphone, who thinks that Larry Chapman, who lives in the District of Columbia, should not have representation in the Congress, someone who can vote on war or peace or raising or lowering taxes, and that Jayme Heflin should.

That is who I represent. The difference between these two men cannot be seen in their faces, cannot be seen in their jobs. The only difference is where they live. They live within a few miles of one another, because Maryland is part of our region, a region without borders, as a matter of fact. If you go to Maryland, you won't even know you are there.

Both of them pay Federal taxes. Both of them don't like it, and both of them do it. There should be no difference between Larry Chapman and Jayme Heflin. There is no difference. The only difference is a difference that only this body can correct.

Why do I say only this body? Because the Congress has exclusive jurisdiction over the Nation's Capital. The Framers were intent upon one thing and one thing only when they set up the Nation's Capital. It certainly wasn't to deprive us of the vote. It was to make sure we weren't in a State, because you couldn't tell when the State's jurisdiction would conflict with the Federal jurisdiction. That is the only principle that was at stake. And, indeed, all the evidence is that the last thing they would have done would have been to give a vote to Mr. Heflin and not to Mr. Chapman.

The reason we know it is that four signers of the Constitution which gave the Congress this jurisdiction were from Maryland and Virginia, which contributed the land for the city where we are today, two from Maryland and two from Virginia. They contributed land on which a sizable number of their own constituents were living.

They made sure that in the 10-year transition period during which the land was being shifted, that their residents would still have the vote. But once, of course, it left the jurisdiction of Maryland and Virginia, it was up to the Congress. And the first Congress, in so many words, promised that when the land came after 10 years under the complete jurisdiction, that these residents would indeed continue to have the vote.

We know it for sure, because not only were these residents of Maryland and Virginia living in the territory, but among them were men who had fought in the Revolutionary War. The one slogan that every school child knows from that war is we are fighting against no taxation without representation. It is inconceivable and it is impossible and it simply did not happen that the Framers of the Constitution from Maryland and Virginia gave the land and said, take away the vote from the people we represent once you have jurisdiction.

Maryland couldn't give us the vote once we became the Nation's Capital. Virginia couldn't do it. Only the Congress can do it. The Constitution itself makes clear that the grant of exclusive jurisdiction to the Congress means that the Congress is empowered to offer this correction that has been needed for much too long.

This is another resident of the District of Columbia whose work all of us would admire, because she is a teacher. Her name is Chandra Jackson-Sounders, teaching and counseling in the D.C. public schools for 17 years. A native Washingtonian, like me. She pays Federal income tax, like all the rest of us who live here. We are not immune from that. There she is, teaching children.

Who would deny this young woman, who has committed herself to one of the hardest jobs in the country, who pays hefty federal income taxes, the same rights that they have? No American. No one imbued with the spirit of our Constitution or of the native ethic, the ethic that gave birth to the country, no taxation without representation.

The more people know about D.C. voting rights, the more support we have. I ought to thank Stephen Colbert right here on the House floor, because at least four times he has invited me on the Colbert Report to make fun of the District of Columbia for not having voting rights, until under cross-examination one day on his program I found out that he was born in the District of Columbia himself. He has managed to get himself in the portrait gallery, to be sure, either in the men's room or in a corner close to it.

But I must here pay tribute to Stephen, whom I call Colbert, because, more than all we have been able to do, he has gotten the message out that 600,000 people live in the Nation's Capital, pay taxes, and do not have the same representation as they do. He makes fun of me. That is why I go on and allow it. "You must not be in the United States." He said, "Who could you possibly represent?" "Why don't you move into the country?" That is what I have to take.

But taking what Colbert has thrown at me has gotten people to understand, yes, through his jostling and joking, what is a very serious matter; that in a country that is trying to bring democracy all over the world, including particularly Iraq, where we have given so many American lives, over 4,000, there are people right here who don't have the same rights that people from the District of Columbia are, as I speak, fighting to get for the residents of Iraq, Afghanistan and so many other countries.

Support for D.C. voting rights keeps going up. I noted earlier that 61 percent say that they are specifically for that bill, because that is the question we asked. You ask them the question, this is the kind of response you get. "Do you support equal voting rights for the people of the District of Columbia?" In 1999, you got 72 percent of Americans saying yes. In January 2005, you got 82 percent.

Thank you, Colbert, D.C. Vote, Leadership Conference on Civil Rights, and all of those who have helped us get the message out. Eighty-two percent of the American people. Not a surprising figure, not in the United States of America.

What you may believe is that, well, they have got a lot of liberals up here, and what do you expect? A very scientific poll was done behind these figures. With 72 percent and 82 percent, you know there must be some bipartisanship here.

But are they all piled up in one part of the country? Are they all really young people or older people? Who are these people who support D.C. voting rights? "Norton says who the people are who want voting rights. Well, who are these people who registered these large numbers, 61 percent for this bill, up to 82 percent if you ask the bald question about equal voting rights in Congress for the people who live in the Nation's Capital?"

This is perhaps the most important data, and it is fascinating for the Senate in particular to bear in mind, because it breaks down who we are talking about in the American public.

Notice how far out the blue bar goes. That is because there is no support less than 77 percent among all adults, and 82 percent is that figure I just showed you. Women, 86 percent; men, 78 percent.

Let's look at the age groups. Is this all a young persons' thing, or what? Young people, well, they were raised to believe that democracy is for everybody. They are off the charts, 87 percent. But look at 35-54. They are at 78 percent. And look at 55 years old and above, many of whom were raised at a time when many Americans did not have equal rights and perhaps imbued that culture. 55-years-old and above, 82 percent of the American people support equal voting rights for the people who live in the Nation's Capital.

Sometimes we find that some parts of the country favor certain kinds of action more than others. You are quite aware that some parts of the country are more military, some parts of the country are considered more liberal, so it was important to know who are we talking about. And this I found perhaps the most fascinating part of the revelation.

☐ 2000

Northeast, 84 percent of the people; midwest, 80 percent of the people, these are for equal voting rights; south, ladies and gentlemen, put aside your stereotypes, 84 percent of southerners support equal voting rights in Congress for the people of the District of Columbia; west, 80 percent.

So the south and the northeast give us the largest majority or super majorities, 84 percent each with midwest and west right behind them at 80 percent. In this metropolitan area, where they know us best, have seen us at our best and our worst, the metropolitan area includes Virginia, Maryland, and the figure is 82 percent.

In the nonmetropolitan area, beyond the counties immediately surrounding the District where people tend to be more conservative, hardly any difference, 83 percent there support it; 82 percent in the immediate area.

I am still looking, friends, for some break in the public of the kind we regularly see on things like guns or the military or the war. It will not be found in this graph, not on this Tax Day, not tomorrow, not in the America of the 21st century, maybe in the America of the 19th century, early 20th century.

But now for decades, I believe it would be difficult to find Americans who would stand up and salute the proposition that people who are paying Federal income taxes, that people who are fighting and dying in war are being denied a say-so on those issues in this House.

You break it down even further to see who you are talking about, how about those who have a family member in the military, 82 percent support D.C. voting rights. How about a favorite that is often cited as difference among Americans, regularly attend services, we note at a moment when the Pope has just arrived in town, but we see that that's 82 percent of those who regularly attend religious services.

We, of course, have family or friends living in D.C., I wouldn't even cite those. You would expect those people to perhaps be more aware and more inclined to be with us.

Registered voters, 81 percent of registered voters support equal voting rights for the residents of the city, and here is one that cannot be put aside, because this is the great divider, Republicans and Democrats, 77 percent of Republicans, 82 percent of independents, 87 percent of Democrats, no statistical difference even by party on so basic a matter as whether or not the people I represent, and I should be required to do whatever this chamber says, along with the others, and not have any say, utterly and thoroughly un-American even to state such a proposition.

Well, the Republicans who supported us in the House on this bill, led by TOM DAVIS, including a number of others who voted for us, didn't have this figure before them. They had a gut instinct of what it means to be an American.

There are any number of them who could be quoted. Among the most eloquent was Representative MIKE PENCE, who actually wrote out what was in his head and published it and posted it, "Why I Voted for D.C. Representation in the House," and the senior Senator LUGAR, one of the eight Republicans who voted for this bill. But it was MIKE who started it here, because the bill started here.

Let me quote from Representative MIKE PENCE, a leader of most conservative matters here, understood to be a leader in the House and particularly a much-respected conservative leader. He is a wonderfully affable man, but he would be the first to note that he and I have considerable differences on issues that come before this House.

But at the time this bill was pending, Representative PENCE wrote, "The fact that more than half a million of Americans living in the District of Columbia are denied a single voting representative in Congress is clearly a historic wrong and justice demands that it be addressed."

He goes on to say, "The old book tells us what is required," and he quotes the Bible, "do justice, love kindness and walk humbly with Your God."

Then he says, "I believe that justice demands we right this historic wrong. The American people should have representation in the people's House. I believe that kindness demands that, like Republicans from Abraham Lincoln to Jack Kemp, we do the right thing for all Americans regardless of race or political creed. And I believe humility demands that we do so in a manner consistent with our Constitution, laws and traditions. The D.C. voting bill gets this test, and I am honored to have the opportunity to continue to play some small role in leading our constitutional republic ever closer to a more perfect union." Those are the words of Representative MIKE PENCE. I believe they are words that history will remember.

The support continues to grow, the support reflected here, just to name a few of the States that have been visited, not by me but by residents in the city of the region. I want to thank the citizens of Oregon; of New Hampshire, where a whole resolution has been introduced to support the bill; of Montana, where the editorial boards of the major newspapers, in Montana, the Butte Chamber of Commerce, have accorded the residents of the District of Columbia every courtesy in meeting with them and the papers have editorialized for voting rights. I named those States because DC Vote—Leadership Conference on Civil Rights have targeted those States among others.

I particularly note a resolution in New Hampshire, pending in both the New Hampshire House and Senate that is quite extraordinary. It expresses regret that New Hampshire's two U.S. Senators voted against the D.C. voting rights bill and calling upon them to correct that in the next vote.

As one of the sponsors, Representative Cindy Rosenwald said, and I am quoting her, "We are, here in our small corner of the country, democracy's most passionate supporters. Therefore, I believe we should expect the same level of commitment and passion for representative democracy from those elected officials who represent New Hampshire in Congress."

Thank you, New Hampshire. I thank many others whose efforts today, up to 10 States, I cannot specifically acknowledge in the time allotted to me.

I bring you deep gratitude from the residents of the District of Columbia who have only my voice, no voice in the Senate, only my voice, and whose voice, of their own, you will see in the Internet but who do not have ways to reach you, which is why I am here this evening.

I must thank, in particular, the legal scholars who have come forward. In searching for legal comment, we found many willing to come forward, and from constitutional scholars of various views, there were any number who were particularly helpful in expressing and answering the hard questions that have been raised, hard questions, not because most Americans would consider them such, but if you happen to be a constitutional lawyer, and I, myself, practice constitutional law, these questions become closer questions than if you are an American who does not have to take the Constitution into effect in forming your own view.

I particularly thank Kenneth Starr, former judge Kenneth Starr; former judge, Patricia Wald. Kenneth Starr is a Republican. Patricia Wald is a Democrat. Both have testified for the bill.

I thank Professor Viet Dinh who has come forward in a quite extraordinary way. He is the point man on constitutional issues, or was, when Mr. Ashcroft was the attorney general. He has been, perhaps, the foremost conservative scholar to come forward for the bill.

I particularly thank Walter Smith, a former corporation counsel, or attorney general, as it is now called. Richard Bress of Latham & Watkins, Walter Smith of D.C. Appleseed, these are different scholars who are from different parts of the constitutional spectrum who have come forward to be helpful.

But you I think that I ought to cite conservative scholars. Frankly, those are the scholars on whom we have chiefly relied because we believe that if we relied chiefly on Judge Wald or Walter Smith or many others who have helped us, then we would have greater difficulty in showing that this bill is eminently constitutional.

Remember, it's the constitutional issue to which the opponents have been pushed back. They can't make an argument that sounds in American terms that the average person could understand. So they go into the Constitution.

That, my friend, is defamation to the framers, because what they are saying, hey, the framers did it to you. We don't have anything to do with it.

Of course, if the Framers did it to us, then we must pass the bill and let the only part of our Government that is empowered to tell us that do so, and that's the Supreme Court.

But, no, they sit back and fancy themselves constitutional scholars for the purpose of saying that 600,000 residents who pay taxes like they do, have served in the country's wars, should not have the same rights they do. This in the 21st century, no less.

Professor Viet Dinh, who served as a scholar, who served in the Bush Justice Department under former Attorney General Ashcroft, and, therefore, advised the whole Justice Department, he was the man who advised them on constitutional matters, testified there are no indications, textual or otherwise, to suggest that the Framers intended that congressional authority, under the District clause, that's the District of Columbia clause, extraordinary and plenary power in all other respects, would not extend to grant District residents representation in Congress.

You see, we are left with either the Framers intended to have the people who lived in the Nation's Capital they just set up without the same rights as everybody else, or they intended somebody to be able to give it. Now, if they intended us not to have the same rights then we, of course, have to amend the Constitution.

But I would suggest that unless you can cite evidence of somebody getting up and saying that, that you have got to find a better reason.

□ 2015

To hide behind the Framers is an act close to cowardice. If you think we shouldn't have it, you should say why. Take the responsibility, but do not say that the Framers of the Constitution from Maryland and the Framers of the Constitution from Virginia meant to disenfranchise their own residents. Do not say that the Framers of the Constitution meant once you crossed the District line, you would lose the rights you had on the other side in every other State of the Union.

The opponents rest on one word, and that is the Constitution says that the vote in the House should go to Members of States. They say ah-hah, the District is not a State; ergo, no vote for you people.

Well, the fact is that since the passage of the Constitution, this government, this Congress, has defined the District as a State in over 500 provisions of United States Code. The only way in which we are not defined as a State respects our voting rights, and that brings me to the floor today.

Cite chapter and verse to prove that, and I shall. And what I am citing is not only the language of the Constitution, I am citing the Supreme Court of the United States who interprets the Constitution. The Supreme Court has approved action by this Congress equating the District of Columbia with the States for constitutional purposes. Here is the language from the Constitution that the Supreme Court over the years says includes the District of Columbia although the word "State" is used.

"Commerce among the States" taken to court, the District is not a State and shouldn't be included in the commerce clause. Answer from the Supreme Court: For these purposes, the Nation's Capital is included when the word "State" is used.

Suits between citizens of different States, means something special for the District of Columbia, it was alleged, not a State, took it to the Supreme Court. The Supreme Court says citizens of different States of course includes the Nation's Capital. They said this is not what we meant, we only meant that the District of Columbia would not be a part of a State. We set up something that for lack of a better word we called a District of Columbia.

What, is the Commonwealth of Virginia not a State? Are they not a State because they are called a Commonwealth? Is the Commonwealth of Massachusetts not a State? How in the world can one hinge a right so precious in this democracy on the use of the word "State" when it has been interpreted by the Supreme Court of the United States in decade after decade to include the District of Columbia?

I must cite on this April 15, Tax Day, my very favorite. If indeed States means or does not mean the District of Columbia, the people I represent want every dime we have paid to the Federal Treasury back because the 16th amendment says there shall be direct taxes by the Federal Government. Direct taxes only on citizens of the States; if we are not a State, you owe us a lot of money. It is almost silly to even try to argue from so slim a use of language.

When one reads the Federalist Papers, if one reads American history, if one reads decade after decade where the matter of State has been challenged when someone was trying to pay less taxes or trying to get out of the commerce clause, and in a dozen other ways I could name and the Supreme Court has simply pushed them back, I don't think you would be quick to continue to make that argument.

I want to especially thank the Blue Dogs again for their generosity in giving me their hour. I want to thank all of those on both sides of the aisle who have rallied after more than two centuries finally to this idea.

I want to leave you with a picture in your mind, this young woman, Chandrai Jackson-Saunders who pays her Federal income taxes and teaches our children and doesn't have the vote.

I am moved to tears and to laughter by a series of cartoons making fun of our country for not giving the residents of the District of Columbia a vote. Here is one that happened to be in the Washington Post. It says "Import Democracy" on a raised placard, then in small print at the bottom it says "No Invasion Necessary." No, all that is necessary is that we face up to 200 years of obligation.

For me, I confess that this matter is deeply personal. I am the third generation of Holmes family to live here. My great grandfather, Richard Holmes, was really born in Virginia as a slave. One day he left the plantation. He just walked away; nobody must have been looking. In my family no one says that he gathered together in some kind of heroic way—he left the plantation—and got as far as here and started our family.

My father was born and raised in District public schools, just like my grandfather. My grandfather entered the D.C. Fire Department in 1902. We have long been without our rights here. So for me it is first and foremost a matter for the people I represent.

But in the interest of revealing all that is concerned, hiding nothing, it is hard for me to say that there is not a personal matter associated here, particularly when I see it is in the Senate that the bill is now awaiting 60 votes, although it already has 57 percent of the Senate, because what I remember as a child growing up without a mayor, without a city council, there was no representation whatsoever here. The place was ruled by the Congress. The President appointed three commissioners; no democracy of any kind. And it was a segregated city. Oh, how segregated. The schools were not integrated until Brown v. Board of Education.

When I was at Dunbar High School and had mostly finished high school, the District was one of six Brown v. Board of Education cases. So the notion of filibuster rings far too personal to me. I remember the filibusters of the Senate, my friends, as a child. In the Senate, the N-word was routinely used. This place was entirely controlled by southern Democrats who controlled every subcommittee and every committee because racial rhetoric and racial prejudice were used to get them back to the House each and every year.

It gives me great grief and sadness to see that Republicans have not been in the forefront of this bill except for those who have stepped forward and unabashedly embraced the bill and Republican traditions because it was after the Civil War that the District first got a delegate and home rule. It was the Republican Congress that first gave us democracy. It was the so-called radical Republicans who in the Nation's Capital exercised their right and their obligation to see that democracy came here. It was the end of Reconstruction and the Tildon-Hayes compromise with the withdrawal of Federal troops from the South and the resurrection of Democrats that overturned home rule for the District of Columbia and sent a delegate who had only a term or two back to where he came from. It was Republicans who were in the leadership then. In the name of the great leaders who gave birth to their party, you would expect them to be in the leadership now.

The interesting thing is that this is a now-majority African American city, but that is a recent vintage. The segregated city I grew up in was a majority white city. It didn't become majority black until close to 1960. Black people in the minority took a lot of white people down with them because the fact is that race played a central role in the denial of voting rights and home rule to the District of Columbia. Today it is partisanship. But it was unabashedly race. Even though blacks were a minority, there were enough blacks here so that southern Democrats wanted to be sure there was no home rule and no representation, even a delegate. They were not bashful about it.

To quote one Alabama Democratic Senator, "The Negroes flocked in, and there was only one way out, and that was to deny suffrage and power to every human being in the District," that means regardless of race, creed or color.

□ 2030

I don't want to hide from whence cometh what gave birth to the issue here.

Senator Ed Brooke, a native Washingtonian, became the first popularly elected Black Senator, born and raised in the District of Columbia, went to the same high school I did. But he had to go outside the District of Columbia to get any vote at all, and certainly a vote in the Senate.

So there's a very sorry racial history behind it all. The last thing Republicans want to do is to attach their partisanship to that history because they're not a part of that history. That history was led by Democrats, and mostly southern Democrats.

Now, the Democratic Party, to its great credit, has taken that off of itself, scrubbed that terrible stain, that racial stain off. To their great credit, the Republicans joined us when we reauthorized the 1965 Voting Rights Act.

There is no difference, no difference whatsoever here. There's no difference when you are talking about the District of Columbia which, in the Vietnam war, lost more men than did 10 States; in World War II, lost more men than did four States; World War I, lost more men than did three States, and the Korean War, lost more than did eight States. We have fought, died, bled for the country we love.

The notion that there would be a Member who'd have to come to the floor to ask for such a right in 2008 should be unthinkable.

I particularly, tonight, dedicate these remarks not only to those who paid their taxes today, but to those who've given their lives in Iraq and Afghanistan and most recently, Darryl Dent, the D.C. National Guard, Specialist Darryl Dent, Army Reservist Lieutenant Colonel Paul Kimbrough, Marine Lance Corporal Gregory MacDonald, Marine Lieutenant Colonel Kevin M. Shea, among thousands over the years that we have sent to war, proudly so.

I dedicate these remarks to Wesley Brown, the first black graduate of the U.S. Naval Academy is still living. There have been at least 20 Blacks who had gone to the Naval Academy. They had to be what we called super Black. They were driven out by the most horrendous racial harassment. The story of sacrifices made—what's my time?

The SPEAKER pro tempore (Ms. TSONGAS). Ten seconds.

Ms. NORTON. The story of sacrifices made is not a story I should need to tell. All I should need to say is what I leave you with this evening, with my gratitude for your support and friendship.

I am an American. I represent 600,000 Americans. Please do all you can to see to it that we are treated as you would want to be treated, like other Americans.

Ms. JACKSON-LEE of Texas. Madam Speaker, today is Tax Day and it is the day that D.C. residents pay their Federal income taxes. Yet D.C. residents remain without a vote. D.C. residents enjoy many of the benefits of U.S. citizenship but they lack the vote.

The rest of the Nation votes as District residents pay their taxes and serve in wars abroad in Iraq and Afghanistan. Andy Shallal, a D.C. citizen said it best, "People like me of Iraqi ancestry and even my son, who was born in the United States, are entitled to vote in the Iraqi's election due in large part to the service of the citizens of the District of Columbia and other Americans who have fought and died in Iraq." In spite of D.C. residents' service in foreign wars and even in the American Revolution, and every war since where U.S. was involved, D.C. residents cannot vote in their own country.

Tax Day is a bitter reminder to the Nation that the founders of our country who staged their revolution for representation would then deny representation to residents of their very own capital city. Professor Viet Dinh, President Bush's former assistant attorney general for constitutional matters, has wiped away the major argument that because the District is not a state, its American citizens cannot vote in the House by detailing the many ways in which "since 1805 the Supreme Court has recognized that Congress has the authority to treat the District as a state and Congress has repeatedly exercised this authority." My favorite is the 16th amendment which requires only that citizens of states pay Federal income taxes. Why then have District residents continuously been taxed without representation?

There is a terrible racial stain that has been at the core of the denial of the rights of D.C. citizens. Congress required the same racial segregation in schools and public accommodations in D.C. and other parts of the South until the 1954 Brown decision. As one southern Senator put it, "The Negroes . . . flocked in . . . . and there was only one way out . . . and that was to deny . . . suffrage entirely to every human being in the District."

Former Republican Senator Edward Brooke, a native Washingtonian and the Nation's first popularly elected black Senator wrote, "The experience of living in a segregated city and of serving in our segregated armed forces perhaps explains why my party's work on the Voting Rights Act reauthorization last year and on the pending D.C. House Voting Rights Act has been so important to me personally. The irony of course, is that I had to leave my hometown to get representation in Congress and to become a Member."

Today, on Tax Day, we need to move to abolish the irony and the tragedy of the many who have come to the Nation's capital seeking freedom for well over 200 years. It is on this day, that D.C. residents pay their Federal income taxes without a vote.

Presently, only three votes are needed for Senate passage of the D.C. Voting Rights Bill. I am a supporter of the bill in the House. I appeal to your conscience and ask for your vote so that finally there will be a vote for your fellow Americans here, who have paid for this precious right many times over in blood and tears. Support the voting rights bill today.

COLOMBIA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Madam Speaker, thank you very much. It is true that today is the day that the American people have their obligation to pay taxes for the American government to continue to function. And obviously, there are many good things that the Federal Government does, and there are many not so good things that the Federal Government does.

But one of the things that I think is very important for us to focus attention on, especially as we deal with a challenging economy, is the need for us to ensure that, as stewards of those taxpayer dollars, those dollars fund this institution, the greatest deliberative body known to man, and we need to ensure that we put into place policies that will encourage strong, dynamic, economic growth and to make sure that there are opportunities for every single American. And Madam Speaker, we're going to talk about that this evening.

I have to say that my original intentions for this special order were a little different than they are going to end up being tonight. I'd planned to join tonight with several of my colleagues who have spent time in Colombia. I'd planned to talk about what I've personally witnessed there, and I'd invited many of my colleagues to do the same.

I'd hoped to make this a bipartisan endeavor, and I extended invitations to several of my Democratic colleagues to participate this evening. And I will say that I still do hope that we might have a chance to do that. And one of our Democratic colleagues did come up to me and say that he had hoped to participate.

I thought that this was very important, because I knew that when the President sent, a week ago today, when he sent the implementing legislation for the U.S/Colombia Free Trade Agreement, a 60-day clock, under trade promotion authority, would begin. We would have 60 legislative days to hold a vote on the agreement. This meant that the House of Representatives would face a vote on the U.S./Colombia Free Trade Agreement some time in probably late July. That would leave us 3 months for debate, discussion, education, and enlightenment about what this agreement would mean to the American people.

However, despite the ample time granted under trade promotion authority, I knew that many of my colleagues, particularly my Democratic colleagues, remained deeply ambivalent on the trade agreement itself. We certainly saw that as we had this debate last week.

For this reason, it was my hope that this special order this evening would be opening the 3-month discussion in a bipartisan way, and what I wanted to do was I wanted to shift the focus away from the free trade agreement, and I'd hoped that a group of Republicans and Democrats who've gone to Colombia could come together here on the House floor to simply share our experiences and describe what we've seen in Colombia, over the past year, or at least a half a year.

I knew that much of the free trade agreement debate would hinge on the current situation, as it exists in Colombia, what progress has been made, what steps has the Colombian government taken.

I wanted this debate to stay grounded in facts and a full understanding of the Colombia, of 2008, not a caricature of the Colombia past. I'd thought that bipartisan, firsthand testimony would further that goal of allowing the American people and our colleagues to understand the changes that have taken place in Colombia.

Unfortunately, Madam Speaker, the landscape here in the House was drastically altered last week when my California colleague, Speaker PELOSI, took the unprecedented step, never before had this been done, but it was a step of changing the Rules of the House in order to block a vote on the free trade agreement.

In one fell swoop, she ended 3 months, what would be the beginning, and tonight would have been part of that, of substantive, bipartisan deliberation before it even had the chance to begin. Apparently, she didn't like her odds in what would clearly have been a fair fight, so she changed the rules in the middle of the game.

The condemnation from around the country came swiftly. Now, I have control of the floor now for an hour, and I could easily fill the entire 1 hour simply by reading the scathing editorials that have come about over the past week reproaching the Democratic leadership for their petulant act. The New York Times, the Los Angeles Times, the Washington Post, hardly mouthpieces for Republicans or President Bush. And even Speaker PELOSI's hometown newspaper, the San Francisco Chronicle. All, Madam Speaker, have had the harshest of words for the dangerous and unprecedented action that was taken here last week.

Now, I'll read just a few of those highlights. I mentioned Speaker PELOSI's hometown newspaper, the San Francisco Chronicle, a paper that I actually enjoy reading myself, but again, far from being a Republican mouthpiece. They accuse Speaker PELOSI of "pandering" and "playing politics."

It points out that the decision to block a vote on the agreement is especially egregious, considering that she represents a region that heavily depends on exports for its economic competitiveness and job creation, particularly through its ports.

My hometown paper, the Los Angeles Times, stated it very plainly, and I quote. "Halting the vote wasn't about the U.S. economy and wasn't about Colombia. It was about politics." That's what the Los Angeles Times, again, hardly a Republican mouthpiece, had to say.

It points out that the FTA creates quite a bind for the Democratic leadership because what is good for their party is bad for the United States of America.

It highlights the current imbalance in our trade relationship. We have an open market, yet face barriers in Colombia.

I'll say that again. And Los Angeles Times pointed that out, Madam Speaker. We allow the rest of the world, including Colombia now, under the ATPA, the Andean Trade Preference Agreement, we allow them access to the U.S. consumer market. All this agreement that we had hoped to be debating now, but the clock has stopped on that. All this agreement would do was level that playing field and allow U.S. workers to have a chance to send their products into Colombia.

The New York Times, in its editorial, Madam Speaker, emphasizes not just the economic consequences but the foreign policy implications as well. It declares that last week's actions "reduce the United States' credibility and leverage in Colombia and beyond," adding that it "serves human rights in Colombia no good" whatsoever. The cause of human rights, about which many of our colleagues rarely talk, and which we're all concerned about, would do no good by not proceeding with consideration.

The New York Times is certainly, as I said, no knee-jerk supporter of the agreement. Actually, they, last year, in the New York Times, proposed postponing the consideration. And that was last year. And yet this year they are strong proponents of our moving ahead with this.

The Washington Post, Madam Speaker, was the quickest of all the major papers to condemn Speaker PELOSI's decision, equating the move to telling Colombia to "drop dead." That's what the Washington Post had to say, and calling into question the Democrats credibility and judgment.

The message from around the Nation has been clear and unequivocal. The unprecedented rule change was a grave mistake that should be corrected immediately by proceeding with a vote. The damage described in those editorials is twofold, economic and international. Now, I would add an additional level to that that really hasn't been pointed to in a lot of these editorials, the institutional damage that has been done.

Now, first the economic damage. As I said just a moment ago, the Andean Trade Preferences Act, which Congress renewed just a few weeks ago, allows all Colombian goods, virtually all Colombian goods to enter the United States duty free. They have full access to our market, and we don't get the same treatment today. American goods face an average of 14 percent tariff on goods that we are sending into the Colombian market, with agricultural products facing particularly steep barriers.

These preferences, like all of our preference system, have enjoyed overwhelming bipartisan support in Congress. So Democrats and Republicans have come together to say that we should allow these Colombian goods to come into the United States, their products, whether it's coffee, cut flowers, bananas, it allows them to virtually tariff free come into United States. So Democrats and Republicans alike said that's good for our consumers.

And yet, this free trade agreement, which would end the imbalance and extend that same preferential treatment for American exports, is opposed by the Democratic leadership.

It's a bizarre quirk of American politics. The Democrats always support trade as charity. They'll gladly give away one-sided trade without a second thought. But as soon as we propose to make it reciprocal and create a direct benefit for our own workers as well, they cry foul. To add to the absurdity, they do it in the name of protecting American workers.

Now, we're in a time, as I said, today is Tax Day, April 15. We're dealing, unfortunately, with an economic slowdown, and there is a great deal of economic anxiety throughout the United States of America and in other parts of the world. You might think that we could finally put politics aside and make the rational, logical decision to give American workers equal treatment and to protect American exports by creating new markets for U.S. goods and services. But unfortunately, and bizarrely, that's apparently not the case. By blocking a vote on the Colombia Free Trade Agreement, the Democratic leadership has blocked a clear win for our exports and the workers who produce those exports.

☐ 2045

The second form of damage that has been done is in the international arena. Again, we wander into the absurd. Time and again, I hear my Democratic colleagues decry what they call our diminished standing in the world. President Bush has, in fact, diminished our standing and in fact is a big part of the presidential campaign.

They accuse the administration of unilateralism and a disregard for our allies. They say that that has hurt our leadership and our credibility in the international community. And in the presidential campaign, they promise, Senators CLINTON and OBAMA, they promise to restore our prestige.

And yet the Democratic leadership raced to sabotage our relationship with our best and closest ally in South America with what could only be described as reckless abandon. Following a mere 1 hour of debate, they chose to treat our close democratic friend in our very own hemisphere, a slap in the face is the way this was described by the Vice President of Colombia, or as the Las Vegas Review Journal put it, a stab in the back. That's how the action that was taken here last week has been characterized.

Colombian democracy has grown steadily stronger under the courageous leadership of President Uribe with whom I spoke today. His popularity has soared above 70 percent and stayed there because he took his country from the brink of a failed State and put it back on the path of peaceful and prosperous stability. He's strengthened democratic institutions, not least of which is a Justice Department that has aggressively tackled the culture of impunity for murderers.

Under Uribe's presidency, crime has plummeted, largely because he has aggressively pursued the eco-terrorist guerillas and the equally murderous paramilitaries. The former have been pushed from their stronghold, and the latter have been systematically dismantled and their leadership imprisoned. The rank-and-file are beginning the long and difficult process of rehabilitation and reintegration into society with the help of government-funded social programs. The same has been offered to rank-and-file guerrillas who wish to surrender their arms.

Now, Madam Speaker, I had the opportunity to witness the real-world implications of these demobilization efforts. When I was in Colombia last August, several of my colleagues and I had the chance to sit down with former paramilitary members. These are young men and women, and I do mean young, teenagers in most cases, who had heart-wrenching tales to share with us. We heard from one young man who described his parents' murder right before his eyes. In his grief and anger, he turned to vigilantism. Like so many Colombians spanning multiple generations, he experienced the horror of violence, and he turned to violence himself.

The leaders of these paramilitary groups, like their guerrilla counterparts, committed heinous acts of violence and are now paying their debt to society. As remarkable an achievement as that is, the much harder part is bringing these young men and women, like those who I met, back into society.

I met them at a vocational training facility where they are learning the skills that will allow them to provide for themselves and become responsible members of society. They're learning to leave their violent past behind them and contribute to a peaceful and prosperous Colombia.

These efforts undertaken by President Uribe's government are already serving as a model for other post-conflict countries that have faced similar challenges. The process, Madam Speaker, of demobilization and reconciliation is not easy. There is still a great deal of work that needs to be done. While most paramilitary groups have been dismantled, there are still vigilantes in the jungle. There are still violent leaders at large who must go to jail. The guerrilla groups have yet to lay down their arms. And even as demobilization goes forward, the work of reintegration will take years.

But, Madam Speaker, I saw firsthand, as I know my colleagues who are going to be participating in this Special Order have. Tough work is being done, and it is being done with great success.

At the same time this transformation is taking place, Colombia has also faced a formidable foe of democracy on its border. We all know very well. Hugo Chavez has long been working to dismantle democratic institutions and free markets in his country of Venezuela and to export his authoritarian designs throughout the region. He suppressed dissent, trashed the Venezuelan constitution and squashed free enterprise. He's interfered with the elections of his neighbors and drawn Ecuador and Bolivia into his orbit.

He keeps company with Daniel Ortega, Fidel Castro, and Mahmoud Ahmedinejad. His anti-democratic institutions for this hemisphere are no secret, and he is as openly hostile to the region's bulwarks of democracy as he is to the United States of America. Just weeks ago, he sent troops to his border with Colombia in a naked act of hostility. Flush with oil money, we all know that Hugo Chavez poses a grave threat to Latin America.

President Uribe, facing enormous challenges within his own borders and on the front lines of this ideological battle, is standing up. Colombia, under his leadership, is actively countering the influence of Hugo Chavez by acting as a model of the great gains to be made in a free and transparent democracy.

With seemingly little thought for the cause of democracy or U.S. interests, the Democratic leadership has disregarded both with last week's vote. Only time will tell the extent of the damage to our relationship with Colombia or our struggle to rein in the influence of Hugo Chavez. The damage to our credibility may be even more durable, unfortunately.

We have now sent a clear message to our partners: our word at the negotiating table is cheap, and if we don't like how things are going, we will just change the rules in the middle of the process. The implications extend well beyond trade. The United States is engaged in a great many negotiations on a great many issues: Israeli-Palestinian peace talks, nuclear nonproliferation, regional diplomatic efforts for Iraq. If our word to our close friends can't be trusted, how will we effectively engage around the globe?

Our credibility, Madam Speaker, and our leadership in the international community can hardly endure when they are so casually disregarded by this body.

This was the main thrust of the criticism from editorial boards across the country. But to economic and foreign policy damage, I would add institutional damage. Ironically, the vote to kill the free trade agreement succeeded because the Democratic leadership effectively argued to its membership that it was in the House's interest, this institution's interest to do so. They appealed to that institutional and party pride. I have already discussed the issue of party pride, Madam Speaker, as the L.A. Times editorialized, it's no secret on this issue, Democratic party interests run counter to our Nation's interest.

But the claims of institutional prerogative are utterly specious. During the rule debate last week, I went through the administration's requirements under Trade Promotion Authority chapter and verse, and I won't belabor them here. Suffice it to say, the Trade Promotion Authority was not ambiguous in its demands. I was involved in the negotiations in putting trade promotion authorities together. It is very, very rigorous because I believe in the first branch of government, I'm a believer in this institution, and I believe that we have very important rights.

The requirements for any administration under Trade Promotion Authority are laid out very clearly, and as my colleagues who are here on the floor know, this administration followed those directives to the letter in both spirit and in letter. They followed it to a T. These requirements were designed to ensure that Congress is consulted at every single step of the way. This goal was demonstrably and unequivocally achieved.

But under Trade Promotion Authority, there are two sets of processes: There is the negotiating process, which closely involves Congress but is led by the administration, and there is the congressional process. Both processes are unambiguously defined by very strict timetables.

The first timeline was followed. The second timeline was abrogated. One side followed the rules in good faith; the other side cheated. The Charlottesville Daily Progress outlined the implications of these actions perfectly, and they said, "If rules of procedure mean nothing, then the legislative process can be warped, and moreover, it can be warped at the discretion of a single powerful person. This is not the way democracy should work. The effort to change the rules after the process was under way dishonors Congress."

Those are not my words. Those are the words of the editorial written in the Charlottesville Daily Progress.

Madam Speaker, so much for institutional pride. The message the Democratic leadership has sent is that the ends justify the means. And what lofty goal did they sacrifice institutional integrity for? Killing an agreement, killing an agreement that extends preferential treatment to American workers and strengthens a key democratic ally in our own hemisphere.

No wonder the condemnation came so swiftly, and my staff has done a great deal of research. We have yet to find an editorial that is in support of the actions of the Speaker. As I said, her hometown paper, the New York Times, the Washington Post, on and on and on, we're going to discuss some of those further in just a minute. It is not too late though, Madam Speaker, it is not too late to correct this.

We were supposed to have a 3-month process of debate and deliberations. We can still have it. We were supposed to have a vote at the end of that process. The Democratic leadership can still commit to do it.

I mentioned the fact that I spoke with President Uribe a few hours ago. He's patient and he's optimistic. Frankly, he has no choice other than to be patient and optimistic. Madam Speaker, I call on Speaker PELOSI and Majority Leader HOYER to make a commitment to hold a vote on this very important Colombia Free Trade Agreement prior to the August recess. I call on them to quit demagoging this issue and let their rank-and-file Members vote their conscience.

I will say that I completely disagree with the statement made by Speaker PELOSI here last week. She said that one of the reasons she didn't want this vote is that she was afraid it would go down to defeat. As I look at my colleagues who have joined me here, we've been working in a bipartisan way, and I'm not going to state the names of any of my colleagues on the other side of the aisle; but the fact of the matter is, in going through this 3-month process, I have every confidence that a bipartisan majority of this institution would recognize that helping American workers, strengthening a democratic ally, doing everything that we can for the word of this institution, would be the right thing to do. I know that because, frankly, more than a few Democrats have told me that they want to have a choice to vote for and support this measure.

Passage of the U.S.-Colombia Free Trade Agreement is clearly in our economic and our foreign policy interest. Blocking it is clearly not. And changing the rules in the middle of the game because you're afraid of a fair fight is not defensible. It's time for us to exert true leadership as an institution and make sure that we pass this agreement.

So those are my prepared remarks, Madam Speaker. And I'm so proud that I have been joined by a number of my colleagues, all of whom have been great champions in this effort and have worked on the notion of expanding opportunities for U.S. goods and services to be sold all around the world.

And one of the great leaders who has been pursuing this, specifically in this hemisphere for many, many years and was a great champion of the Central American Free Trade Agreement and a wide range of other free trade initiatives, comes from a State, by the way, that is the headquarters for Caterpillar, and we know that by not passing this free trade agreement, we are preventing good, hardworking Caterpillar employees from having an opportunity to duty-free sell their very important equipment into Colombia. And I'm very happy at this time to yield to my very, very good friend who I'm saddened to say will not be joining us in the 111th Congress because he's chosen to retire to spend time with his wonderful, wonderful and very young family, but I'm happy to yield to my friend from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. I want to thank the gentleman for yielding. I also want to thank Mr. DREIER for your leadership tonight as well as your continuous leadership on trade issues because, as you pointed out, the actions of this House last week have done a lot of damage to the reputation not only to the House of Representatives but the reputation of the United States in Latin America.

President Uribe is a popular elected official. This Congress has an 18 percent approval rating. President Uribe enjoys an 80 percent approval rating because he's made such progress in addressing five decades of violence and civil problems in the democratic Republic of Colombia. And as a result, today, 73 percent of Colombians say they feel more secure because of President Uribe's leadership, but also they feel that he has brought security while respecting human rights.

☐ 2100

Mr. DREIER. If I could reclaim my time, I would like to pose a question, if I might, to my friend.

As we hear this 73 percent support level in Colombia, we know that the opposition here in the United States to this is being led by the AFL–CIO and organized labor. Now, I'm sure that my friend has seen in Colombia, as I have, that the private sector unions in Colombia are strongly supportive of this agreement. Is that the case or not?

I would be happy to yield to my friend.

Mr. WELLER of Illinois. I thank you for your generous time.

This past week, as we all know, there was a delegation of labor leaders from Colombia, including both the private sector and as well as public sector unions, and they made the point that the majority of industrial unions, private sector unions support the U.S.-Colombia Trade Agreement, but the opposition is coming from the government employees, who are not even impacted.

Mr. DREIER. In no way impacted by this agreement at all.

Mr. WELLER of Illinois. That's correct. And one point you made earlier that I would like to—and I don't want to be greedy with the time, you've been very generous.

Mr. DREIER. I would just like to include our colleagues here with the discussion.

Mr. WELLER of Illinois. But I would just like to comment on one point that you made.

You said Illinois is headquarters to Caterpillar, and people think of the yellow construction equipment. There is more to it than you think, and that's why this trade agreement is so important. I have 8,000 Caterpillar employees residing in the 11th Congressional District of Illinois. They're union members, every one of them. And Caterpillar, of course, would benefit from this, and that means their workers would as well. Half of their production in Illinois is dependent on exports.

Mr. DREIER. So maybe there would be more than 11,000 workers if this agreement were to go through.

Mr. WELLER of Illinois. There would be. And their growth has come as a result of export.

But the point that really needs to be made is there is tremendous economic growth going on in the Andean region, which Colombia is leading, and a lot of that is in the energy and the mining and raw material sector, which means they're going to use construction equipment. And right now, the construction equipment that union workers make in the district I represent, places like Joliet, Aurora, Pontiac and Decatur, it faces a 15 percent tariff when exported to Colombia. Now, some would say, what does that mean? That's a 15 percent tax on the price of that bulldozer. So that makes U.S. products less competitive, say, than competing with Japan.

Mr. DREIER. If I could reclaim my time, I would say taxes are something very important today to discuss. I mean, we talk about that tax on April 15.

Mr. WELLER of Illinois. And of course these tariffs would be eliminated immediately upon implementation of the U.S-Colombia Trade Agreement. I yield back the time, but it is so important to point out, Illinois is a big winner, manufacturers as well as farmers.

Mr. DREIER. I thank my friend. I hope that you can stay for a few minutes because I know we would like to get in some other questions.

When my friend began discussing the fact that a delegation came from Colombia of union leaders to the United States, I thought that you were going to mention the fact that a delegation of Members of the United States Congress went last week to Colombia. One of those who went was the distinguished secretary of the Republican Conference, our very, very good friend, Judge JOHN CARTER, a gentleman from Texas. And I would love to hear his thoughts, having just been in Colombia a week ago, on his trip. And I am happy to yield to my friend.

Mr. CARTER. I thank you for yielding to me. My friend from California is gracious to do so.

Let me start off by telling you what happened when I decided I was going to Colombia. My daughter, who lives here in Washington, called me up and said, Daddy, I told you not to go down to Colombia. Didn't you see "Clear and Present Danger?" Didn't you see that movie? Have you lost your mind?

I want to point that out because I think that's a lot of what the American people think about Colombia when it comes to their mind, they think of that movie and that book. And I am pleased to say that I was very pleasantly surprised to find a very peaceable place where an awful lot of people have done an awful lot of hard work to get violent people out of their country and to get those people who joined defense bands and guerrilla bands to lay down their weapons.

Mr. DREIER. Madam Speaker, I would like to ask my friend, did you have a chance to visit Medellin?

Mr. CARTER. I was in Medellin.

Mr. DREIER. Medellin was the murder capital of the world, clearly the most dangerous spot in the world. And now Medellin has a murder rate that is too high. We have a murder rate that is too high in the District of Columbia. We have a murder rate that is too high in the United States of America. But the transformation of Medellin under the great Mayor Sergio Fajardo, with whom I'm sure you met, has been so dramatic. His leadership and the leadership of President Uribe has just transformed that city. Is that what my friend found?

Mr. CARTER. Absolutely. Transformed it completely. It's a joy to be in Medellin, it really is. And, you know, the Medellin cartels are gone, and they are prospering.

And, you know, they talked to us and they said, look, we are trying to stand up for democracy and free enterprise, we believe in this system. And this trade agreement is the linchpin that holds it all together for this country that has worked so desperately to solve problems that, quite frankly, not very many countries in the world would have been able to solve. Getting 40,000 people to lay down their arms is a major project.

Mr. DREIER. And Madam Speaker, I would like to ask my friend if he, in fact, had the chance to meet with any of these young people who had been former paramilitaries, and I wonder if he has any anecdotes that he can share with us.

Mr. CARTER. We did. We divided into groups and met with an assortment of both male and female. And you're right—

Mr. DREIER. Share one of those stories.

Mr. CARTER. You know, the first question, they all started talking about how they joined the paramilitary unit. They told about families being slaughtered, being separated from their families, having to run and escape the guerrillas that came out of the woods. And they ran to escape, and then came back to find their families slaughtered, and so they joined a paramilitary group. And a question was asked, rather naively, I think, by us, you mean, you were carrying weapons? Absolutely. Every one of them, male and female, were carrying weapons. And now they are working in programs that are changing the culture of these people that joined the violent behavior. They have laid down their weapons. We asked them why. They said the comandantes said we have talked to the president, we lay down our weapons, and they did.

They are out studying. They're proud to say they're getting high school educations. They're proud to say they're going to trade schools. A few were proud to say they had received admission to university. These were jungle fighters just a short while ago, and now they are coming into society and working very hard because they see a future for Colombia. And this future rests upon a world of free enterprise and trade, and this agreement starts the process that gives them many opportunities for free trade around the world.

Mr. DREIER. Absolutely. My friend is absolutely right. And I will tell you, these meetings are always, for me, I've participated in several of them, very emotional. As I said in my opening remarks, I remember very vividly seeing this young, I mean, a kid, he said he was 18 years old when he watched the Revolutionary Armed Forces of Colombia, the FARC, which we all know that acronym, they came in and they murdered his mother and father right in front of him. And of course he was, like any of us would be, so angry and so bitter that he joined with the paramilitary and began being, as you said so well, Mr. CARTER, a guerrilla fighter. And he was able to become productive because of the trade schools that have been put into place.

And the patriotism that these young Colombians have for their country and their desire for a peaceful nation is so great. They were forced into this because these narcoterrorists in the FARC were resorting to murdering their parents. And so many others have been tragically murdered there. To see this take place and to hear those individual stories, they are very, very emotional. In fact, as you listen to these people, I mean, I'm getting emotional thinking about it because of the fact that these young people who have been forced into this are now becoming productive members of society. And the notion of our not doing what we can to bring about peace and stability in this hemisphere is, I think, very, very distressing.

I am happy to see that we're joined by the very distinguished ranking member of the Subcommittee on Trade of the Ways and Means Committee, my California colleague, Mr. HERGER. And I would be happy to yield for some comments to my very good friend.

Mr. HERGER. Well, I want to thank my good friend, Mr. DREIER, for setting this up this evening.

This is so incredibly important. It's important to our Nation, it's important to our workers at a time when we're seeing our economy dipping, when we need to be able to produce jobs. And we look at how we produce jobs. Since last year, some 27 percent of our increase in gross domestic product came from exports. It's projected that just this year of our increase in gross domestic product, some 40 percent will be again from exports.

And I wish it weren't true, but it seems like perhaps the best kept secret in our Nation today is that the United States is the largest trading nation in the world. We're the largest exporting nation in the world.

I represent, as my good friend knows, a very rich agricultural district north of Sacramento in northern California.

Mr. DREIER. Beautiful area.

Mr. HERGER. One of the richest agriculture areas in the world, second largest rice producing district. Some 60 percent of all the dried plums in the world, prunes, are grown there, walnuts, almonds, these specialty crops. And America cannot consume all that we produce. As a matter of fact, one-third of all that we produce we need to be able to export. And to be able to see, again, talking about Colombia, what this does for American workers, we just heard about Caterpillar from our good friend from Illinois (Mr. WELLER) just earlier in his district, the thousands that it affects. And so it affects in the district I represent.

Right now, because of our duty free status for the Andean nations, which we've gone in to try to help Colombia, Colombia was not always this great nation where some 42,000 former paramilitary, as we were talking about earlier, have gone from fighting the country to now being part of the country and supporting them. As we know, it wasn't always that way. And so some years ago we gave these Andean nations, including Colombia, Peru, Panama, and others, the ability to be able to export into the United States duty free, duty free, but yet we still have export duties, some as high as 60, 70 percent, going into their country.

And what this free trade agreement would do is it would be able to give us the same access to their markets that they currently have to ours, to our rice, to our walnuts, to our wheat, to our corn, to other commodities that are so very, very important.

So it is important what we're doing. It's important not only for, we were discussing the change in Colombia itself, which is our strongest ally in South America; we cannot turn our back on them, we cannot slap them in the face.

And Madam Speaker, I would like to place into the RECORD some of these editorials that you were speaking about, Mr. DREIER, for the RECORD.

[From the New York Times, Apr. 12, 2008]

TIME FOR THE COLOMBIAN TRADE PACT

American workers are understandably anxious. Their incomes went nowhere through six years of economic growth. Many are losing their jobs as the economy slips into recession. Yet concern about workers' plight should not lead Congressional Democrats to reject the trade agreement with Colombia. This deal would benefit the American economy and further the nation's broader interests in Latin America.

It is time for Congress to ratify it.

The trade pact would produce clear benefits for American businesses and their workers. Most Colombian exports are exempt from United States' tariffs. American exports, however, face high Colombian tariffs and would benefit as the so-called trade promotion agreement brought them down to zero.

The deal also would strengthen the institutional bonds tying the United States to Colombia, one of America's few allies in an important region that has become increasingly hostile to the United States' interests. Perhaps most important, the deal would provide a tool for Colombia's development, drawing investment and helping the nation extricate itself from the mire of poverty that provides sustenance to drug trafficking and a bloody insurgency.

Violence in Colombia is way too high. We remain very concerned over the killing of trade unionists by right-wing paramilitary groups. Last year, we advised Congress not to ratify the trade agreement until Colombia demonstrated progress in investigating the murders and prosecuting and convicting their perpetrators.

Though by no means ideal, the situation today has improved. Thirty-nine trade unionists were killed last year, down from 197 in 2001, the year before the government of Álvaro Uribe came to office. Prosecutors obtained 36 convictions for the murder of trade unionists—up from 11 in 2006 and only one in 2001. The budget of the prosecutor general's office has increased every year. Last year, it created a special unit to prosecute labor murders that has obtained 13 sentences.

Pressure from the United States Congress has contributed to this progress, nudging the Colombian government with its offer that gains on the human rights front would lead to ratification of the trade agreement. Washington must sustain the pressure to ensure the energetic prosecution of crimes by paramilitary thugs and further reduce violence against union members. It has a powerful tool to do so: about $600 million a year in mostly military aid for Colombia to combat drug trafficking. The money must be approved by Congress every year.

Rejecting or putting on ice the trade agreement would reduce the United States' credibility and leverage in Colombia and beyond. In a letter last year to Congressional Democrats, a group of Democratic heavyweights from the Clinton administration and previous Congresses wrote: "Walking away from the Colombia trade agreement or postponing it until conditions are perfect would send an unambiguous signal to our friends and opponents alike that the United States is an unreliable partner without a vision for cooperation in our hemisphere." It would serve human rights in Colombia no good.

Unfortunately, the agreement has become entangled in political jockeying between the White House and Democrats. The Democrats are right to demand assistance for American workers, and the Bush administration should work with Congress to expand the safety net for workers displaced by globalization. But this should not stop the Colombian trade pact from coming to fruition.

[From the Washington Post, Apr. 10, 2008]

DROP DEAD, COLOMBIA

The year 2008 may enter history as the time when the Democratic Party lost its way on trade. Already, the party's presidential candidates have engaged in an unseemly contest to adopt the most protectionist posture, suggesting that, if elected, they might pull out of the North American Free Trade Agreement. Yesterday, House Speaker Nancy Pelosi declared her intention to change the procedural rules governing the proposed trade promotion agreement with Colombia. President Bush submitted the pact to Congress on Tuesday for a vote within the next 90 legislative days, as required by the "fast-track" authority under which the U.S. negotiated the deal with Colombia. Ms. Pelosi says she'll ask the House to undo that rule.

The likely result is no vote on the agreement this year. Ms. Pelosi denies that her intent is to kill the bill, insisting yesterday that Congress simply needs more time to consider it "in light of the economic uncertainty in our country." She claimed that she feared that, "if brought to the floor immediately, [the pact] would lose. And what message would that send?" But Ms. Pelosi's decision-making process also included a fair component of pure Washington pique: She accused Mr. Bush of "usurp[ing] the discretion of the speaker of the House" to schedule legislation.

That political turf-staking, and the Democrats' decreasingly credible claims of a death-squad campaign against Colombia's trade unionists, constitutes all that's left of the case against the agreement. Economically, it should be a no-brainer—especially at a time of rising U.S. joblessness. At the moment, Colombian exports to the United States already enjoy preferences. The trade agreement would make those permanent, but it would also give U.S. firms free access to Colombia for the first time, thus creating U.S. jobs. Politically, too, the agreement is in the American interest, as a reward to a friendly, democratic government that has made tremendous strides on human rights, despite harassment from Venezuela's Hugo Chávez.

To be sure, President Bush provoked Ms. Pelosi. But he forced the issue only after months of inconclusive dickering convinced him that Democrats were determined to avoid a vote that would force them to accept accountability for opposing an agreement that is manifestly in America's interest. It turns out his suspicions were correct.

"I take this action with deep respect to the people of Colombia and will be sure that any message they receive is one of respect for their country, and the importance of the friendship between our two countries," Ms. Pelosi protested yesterday. Perhaps Colombia's government and people will understand. We don't.

Mr. DREIER. Madam Speaker, let me express my appreciation to my friend for pointing to these editorials because, as I said a few minutes ago, we've done a great deal of research. We've been trying desperately to find an editorial anywhere in this country that has been written in support of the egregious action taken by the Democratic leadership in this institution, undermining the ability to open up this very important new market for U.S. workers, agricultural products and manufactured goods. We hear from California and Illinois and other States as well. And I actually have, I think, about 15 of these editorials here with some incredible quotes that are pretty damning. And again, these come from publications that are hardly considered Republican mouth pieces.

You know, we had this very harsh criticism level at the President of the United States, and he somehow was trying to ram this thing through and rush it. We know that this agreement, the negotiation began 4 years ago, it was completed 2 years ago, and a year and a half ago it was signed. There have been constant attempts to bring this up; 27 meetings held with the Democratic leadership by this administration, and yet, as has been pointed out in these editorials, this terrible action was taken.

I'm very pleased that one of the great free traders in this institution who represents the very important port town of Houston, Texas, has joined us, another hardworking member of the Ways and Means—I guess we've got three members of the Ways and Means Committee here, so I'm particularly pleased to have members of that very, very important committee with us, including my good friend, as I said, from Houston, Mr. BRADY.

Mr. BRADY of Texas. Thank you, Mr. DREIER. And thank you for your leadership. I'm glad to join all the Members here tonight on this important issue.

The reason this country is so dismayed by the action last week is that it was such a huge loss for American jobs, for security in our hemisphere, and a big loss for America's prestige around the world.

☐ 2115

Colombia's a remarkable trading partner, as you have noted. They are a remarkable study and model in progress, in democracy, and human rights, pulling themselves up by their bootstraps by rule of law and freedom of speech and freedom of trade, all the American traits that you have to admire. They're in our backyard. They're in our hemisphere. A remarkable trading partner.

I think last week many in America wondered just what happened to this great country. Who could imagine that America, with the world's largest economy, would cower from Colombia behind walls of protectionism? Who could imagine the world's strongest democracy would be afraid to even debate, even consider this agreement? And who could imagine, by changing the rules after we had already shaken hands and signed an agreement, that we would send a signal to the rest of the world that we are no longer not even a reliable trade leader in this world but we are not even reliable negotiators, that our word, our bond, our agreements mean nothing?

And the loss in jobs, as you know, America is wide open, Mr. DREIER. As you know, we can buy anything from almost any country anywhere we want in our communities.

Mr. DREIER. And that's a good thing.

Mr. BRADY of Texas. But when we try to sell our goods and services around the world, we find too much of it blocked. As we have said before, it's not enough anymore to just buy American. We have to sell American. We have to sell our goods and services throughout the world. But when we do, we find so much of the world is closed off, locked away from us.

Colombia, a great partner, has been selling their goods and services into America since 1991, but we face real barriers when we try to do the same, and this trade agreement creates that two-way trade.

For Texas I know it's critical. We're the largest seller of goods to Colombia. We sell about a little over a billion dollars a year in chemicals, construction, equipment and machinery and computers. And under this agreement we would sell another billion dollars of not only that but grapefruit and beef and financial services. A number of services our small businesses could sell into Colombia, our neighbor in the backyard and in our hemisphere. So we lost jobs here in America.

Colombia lost jobs because they lost a guaranteed market because by not acting, by changing the rules, they are now coming at a disadvantage to their neighbors, in Peru and Central American countries. So they actually lost ground from a jobs perspective.

And, finally, to turn our back on what a tremendous ally, as you have noted over and over, who has made such great progress, who we deserve to engage more and be a stronger partner with, not to turn our back on, it's a huge loss.

Mr. DREIER. I thank my friend for his very thoughtful contribution, Madam Speaker.

And one of the issues that has come to the forefront, and I would be happy to yield to any of my colleagues who would like to comment on this, has been this notion that the Colombian Government is somehow murdering union leaders. We have continued to hear this. And it is true. In the past it's been absolutely outrageous to see the treatment.

But in the last several years under the leadership of President Uribe, very important steps have been taken to bring to justice any of those who have been responsible for the heinous act of murdering these union leaders. And the government has done something which is totally unprecedented. The government does not want to see union leaders killed; so what do they do? There are 1,500 union leaders who enjoy full security protection paid for by the Government of Colombia. And yet we continually hear arguments put forward by our friends at the AFL–CIO that "the Colombian Government is murdering our brothers." I mean I've heard that chant over and over and over again. Because, of course, as these very thoughtful arguments that my colleagues have put forward are there, the only response that they can have is the Colombian Government is murdering, is murdering, our brothers.

I would be happy to further yield to my friend.

Mr. BRADY of Texas. Very briefly, Judge CARTER was with me and others here 2 weeks ago as we met with the general prosecutor, an independent prosecutor, for the country of Colombia.

Mr. DREIER. I believe he's called the Fiscalia.

Mr. BRADY of Texas. Yes. And he told us straight out, because we asked him, he said there is no thread, no direct or indirect thread at all, between the Colombian Government and any murders of anyone, much less union leaders. And he said what you've said, that this government has not only sat down to prosecute those who would commit violent crimes against union leaders but provides protection. In fact, it is safer to be a union leader in Colombia than just the general population might be. That is such an effort they have made. That government is providing a lower level of violence, a safer country for all citizens.

So the argument that they are targeting or that they are allowing it or just looking the other way is exactly wrong, and the unions themselves told us that.

Mr. DREIER. That's right because, as I pointed out earlier, the private sector unions, and Mr. WELLER and I had this exchange, are very supportive of this. And I suspect that on your trip, you had a chance to meet with a number of those union leaders.

Let me just say that one Member who is here that we haven't heard from is the distinguished gentleman from Iowa.

Madam Speaker, I would be very happy to yield to my friend from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from California for yielding, and I thank him especially for gathering us together here for this Special Order.

Being mindful of the clock, there are a few points I would like to make. And one of them is to address our trade deficit. We have had a trade deficit over the last several years that has grown an average of about 20 percent a year. Now, it's flattened out in this last year because the weaker dollar has shifted so that we have more exports in proportion. However, I believe the dollar needs to be shored up. And why would a nation that has a trade deficit refuse to allow a trade agreement that would open up a country to allow our goods to go in?

I'm astonished continually at the continuing shift on the part of the Democrats. And I looked through the trade agreements that we have dealt with here since I have been in this Congress, and I'm thinking of trade agreements like Singapore and Chile and Australia and Morocco, the Central American Free Trade Agreement, DR-CAFTA. All of those gave us opportunities that were advantageous to us. And the logic in this is just as clear and simple: If you market something or if you're doing business with people, where you buy it from is where the jobs are. That's where the production is. We have production in the United States. We need to market more goods overseas. If we shore up the dollar, and I think we should, we're going to need to be more aggressive marketing our goods overseas. Colombia's sitting there waiting to open that up.

I have to say a couple kind words about our pork producers. They sold $8.5 million worth of pork into Colombia last year, not a lot. They're losing money on every head today. They need to open up this market. It would be in multiples if we would simply allow that tariff that's in Colombia to disappear, which would happen immediately if we could sign into this free trade agreement. That's some of the components.

But I am also more concerned about our relationships in the Western hemisphere. And as we watch Hugo Chavez teaming up and picking up the legacy of Fidel Castro and watching the unrest that's being promoted or watching tanks roll up to the border, these things are taking place in our hemisphere. And this Monroe Doctrine, I think, calls upon us to be good diplomats, good stewards of the money, and good promoters of trade, taking care of American jobs and protecting our opportunity to compete in the rest of the world. All of this comes together in this Colombia Free Trade Agreement.

What happened here in this Congress was a shameful act. And Americans have to be viewed as having character, the kind of character that holds up when a business deal is a deal. We did more than shake hands on this. This Congress passed it. The President signed it. This agreement was negotiated under terms that said this trade agreement will come to the floor of this House and it will be brought forward for a vote, up or down, in 90 days. That's the deal. That's the deal it was negotiated under. That's the deal that it should have been brought to the floor of this House under.

Mr. DREIER. Madam Speaker, I would like to reclaim my time so I could propound a question to my friend, and I don't mean to interrupt his very thoughtful statement.

But as I listened to the arguments that have been made by Speaker PELOSI and others against this, they said we have an economy that is weakening. We all know that is the case. Our economy is facing very serious challenges. Here again, this is Tax Day, April 15, and it is hard for people to make ends meet. It has become more difficult. So the argument has been made. I hear Speaker PELOSI regularly say we need to focus on American workers and their concerns rather than some kind of agreement, and so we should put off this agreement until our economy is stronger.

And I just don't quite understand that. And I wonder if my friend might enlighten me on exactly what the point of that statement is.

And I further yield.

Mr. KING of Iowa. If we took that position with every country on the globe, you could virtually guarantee our economy would collapse, not get stronger. We need to make every move that we can make to improve this economy. I'm really not as concerned as the pundits are, but it's prudent for us to open trade. Free trade, fair trade smart trade is a better code word for this, and it means jobs in America. The U.S. market is open to Colombia. They're saying, let's open our market to you. I'm happy to send Caterpillars down there. We buy them in my business. And I'm happy to send the pork down there that we produce and everything that we can compete with. This global market that we're involved in demands that we export, and the Western hemisphere demands that we lead. And that means we need to promote strong, strong relationships in the Western hemisphere. And as we watch the bullying tactics of Hugo Chavez, I think that cries out for us to shake hands with President Uribe and complete this Colombia Free Trade Agreement.

Mr. DREIER. So basically this would best be described as a win-win all the way around. It's a winner for the cause of democracy and freedom and the rule of law in South America, which we all know is very important. It's a winner when it comes to stopping those drug traffickers who are selling drugs, poisoning our children and grandchildren. And then we look at the opportunity created for the United States of America, our workers. They're greatly benefited by this.

And that's why I continue to try to figure out why it is that anyone would oppose this. I mean we use the term "no brainer" to describe this. It really is a no brainer. We used that in the debate last week. I know that the distinguished ranking member of the Ways and Means Committee, Mr. MCCRERY, and a couple of others have said this is a no brainer.

And these editorials that have been written, I think we probably should share some of the words of these publications that often criticize Republican policies who have come forward with this. I know a number of things have been put forward. But one thing just today, the Wall Street Journal had an editorial that was in strong support of a letter, an open letter, that came from former senior administration officials from the Clinton administration and Democratic Members of Congress, and it was signed by 35 of them, former colleagues of ours who are Democrats. And it includes people, by the way, just some of the signatories of this letter, the former Commerce Secretary William Daley, who is from Mr. WELLER's State that we talked about; Stuart Eizenstat, a very prominent brilliant economic mind; General Barry McCaffrey; our former colleague who was a Republican Senator but went on to be the Secretary of Defense in the Clinton administration, Bill Cohen, signed this. So a lot of people have signed this letter.

It says: "We believe this agreement is in both our vital national security and economic interests. We feel that the treaty should be considered as soon as possible." I remind people it's not actually a treaty; it's an agreement. "We feel that the treaty should be considered as soon as possible and that any obstacles be quickly and amicably resolved."

The letter cites "an overwhelming national security imperative" and that "President Uribe has been a strong and faithful ally. To turn our back on the Colombia Free Trade Agreement would be a severe blow to that relationship and would send a very negative message to our friends in a volatile region?

The letter praises Colombia for its "dramatic improvement in security" and for being "a model of open market democracy that supports fundamental U.S. national interests" and points out that these are ideals that many in the region "openly scorn," of course, referring, as my friend just said, to Hugo Chavez. The letter goes on to praise Uribe personally for his "great personal courage" in aggressively going on the offensive in fighting narcoterrorists and dramatically increasing drug interdiction and eradication of criminals to the United States, or extradition of criminals. Eradication of criminals too, we want to do that. It also praises his substantial progress in the issue of violence against trade unionists, pointing out that Uribe has provided special security protection to some 9,400 individuals. This number says including 1,900 trade unionists. I said 1,500, and this letter that these officials of the Clinton administration and former Democratic Members of the United States Congress said 1,900 trade unionists have been able to receive this kind of protection.

And that's why I implore my colleagues in the Democratic leadership to bring this up for a vote.

Mark my words, and I would ask any of my colleagues who are here if they disagree with my assessment, if after we go through these arguments, which we have begun talking about tonight and we talked a little bit about last week, is there any doubt that we would have strong bipartisan support with many Democrats joining with us in support of this?

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I would be happy to yield to any of my colleagues who have any thoughts or comments on that at all. I suspect you might agree with me, but if you have any thoughts on it, I would be happy to.

Mr. BRADY, you look like you would like to cast your vote.

Mr. BRADY of Texas. Absolutely. There have been a number of Democrat colleagues who have traveled to Colombia to see that remarkable progress firsthand, who have assessed it themselves rather than playing the politics of it, and who have been both public and private in their support for this agreement. I think all they would like is an up-or-down vote, a fair chance to debate this issue and bring it to the floor. I am confident with it would pass. And I am confident we would send a completely different signal to our allies like Colombia and the rest of the world.

Mr. DREIER. Madam Speaker, my friend is absolutely right. And it is very interesting. We have heard the Speaker, Speaker PELOSI, talk about the need for trade adjustment assistance, a second stimulus package. And Madam Speaker, I would argue that the Colombia free-trade agreement, which will create an opportunity for more U.S. workers to sell their goods and agricultural products into Colombia is, in fact, trade adjustment assistance itself. And I would argue that this agreement, job creating, is in fact an economic stimulus package in and of itself. So if the commitment is to trade adjustment assistance and economic stimulus so that we can create more jobs in the United States of America, the answer is, pass the U.S.-Colombia free-trade agreement.

I would be happy to yield to my friend from Texas.

Mr. CARTER. I agree wholeheartedly that I think an up-or-down vote and we will have a Colombia free-trade agreement. I think that our Democratic colleagues will be reasonable and understand this. And I think we have the votes to get it done.

But I think Speaker PELOSI needs to release this and let us have a vote. That is the key thing. And you notice that letter you just read kept talking about national security. What we really have here, if you look at it closely, is a contest of two socialist—we used to call them Communist—a regime in Hugo Chavez, and we have Uribe who is trying to create a free democracy, and a free enterprise system. These are two, side-by-side competing systems that will influence that entire continent.

And that is why this is in our national security interest. It is not just a trade agreement which is going to benefit American workers. It is a security agreement that points to the direction that we stand up for what we believe in, democracy and free enterprise.

Mr. DREIER. My friend makes a very good and important point here. And I was talking to my colleague, Dan Lungren, who served here, I was pleased to serve with him during the 1980s when we were in the midst, and I know my friend from California came in 1986 to this institution. We have spent time, energy, resources and weapons in dealing with the expansion of Communism in Central America as we were providing resources to the Democratic resistance in Nicaragua known as the Contras. And we regularly hear criticism from Democrats that what we should be doing in Iraq is we shouldn't be using weapons, we should, in fact, be engaging and using trade and other things.

And what is it we have here? We have Democrats, the Democratic leadership, unfortunately, saying that as we seek to build a stronger relationship with a country that is standing up to narcoterrorists, that is standing up to the expansion of Hugo Chavez on their borders trying to extend into the country, and they are saying "no" to this. They are saying "no" to this because somehow they believe it is going to hurt U.S. workers.

To me it is absolutely outrageous that this has taken place. And Madam Speaker, let me express my appreciation to my colleagues for the time that they have spent here this evening. And I hope very much that Speaker PELOSI and the Democratic leadership will, in fact, schedule a vote on the U.S.-Colombia free-trade agreement before the August recess. Let's begin the process of debate and voting right now.

I thank again my colleagues, Madam Speaker, and with that I yield back the balance of my time.

IRAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes.

GENERAL LEAVE

Ms. WATERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. The subject of my Special Order is Iran.

Madam Speaker, at the time the war in Iraq began in March of 2003, who would have thought that we were being led into perhaps the worst foreign policy disaster in America's history? Many of us voted against the war authorization in the first place. But many more Members wish they had voted against it. We now know that this country was led into this war with faulty intelligence and a deafening war drum from the administration.

The question that we raise tonight is this: Could the Bush administration possibly be planning for a war with Iran? There isn't any empirical evidence to prove that the Bush administration is planning for war. But there are experts that are indeed worried that the same playbook that was used to bring this country into the Iraq war is now being used to toward Iran. The administration is pushing suspect intelligence. And it has severely increased and sharpened since their rhetoric first began toward Iran.

We come to the floor tonight to resist efforts by this administration to paint war with Iran as a necessary next step in our so-called war on terror. A vast majority of foreign policy and military experts agree that war with Iran would be a colossal error.

Allow me to spend a few minutes to explain why I feel that U.S. strikes against Iran are a real possibility. Let us look at some of the signs that we may be headed for war. The increased rhetoric. The administration is building the volume of inflammatory rhetoric toward Iran in a similar fashion to the run-up to the Iraq war. Strong statements about Iran's intervention in Iraq could set the stage for U.S. attack on Iranian military or nuclear facility.

Surrogates in the administration, including the President himself, have increasingly stressed a full range of negative Iranian behavior, including that Iran is killing U.S. soldiers in Iraq, supplying weapons, training and funding to special groups.

They also say that Iran is interfering with the peace process in the Middle East. And they go on to talk about General Petraeus and Ambassador Crocker as they argued that Iran is the major future threat to stability in Iraq.

Iran seeks to build nuclear weapons. When this point was dismissed by the recent National Intelligence Estimate stating that Iran had long since halted their nuclear enrichment, the administration criticized the report.

Allow me to read a short selection of clips from recent press clippings that expose the irresponsible rhetoric coming from the Bush administration. This headline from the Daily Telegraph on April 7, 2008: British Fear U.S. Commander is Beating the Drum for Iran Strikes. "British officials gave warning yesterday that America's commander in Iraq will declare that Iran is waging war against the U.S.-backed Baghdad Government. A strong statement from General David Petraeus about Iran's intervention in Iraq could set the stage for a U.S. attack on Iranian military facilities, according to a Whitehall assessment."

Another headline: Petraeus Says Iranian-Backed Groups Are Greatest Threat to Iraq. This is in the Bloomberg News April 9, 2008. "The so-called 'special groups,' which are funded, trained and armed by Iran, played a 'destructive role' in the recent clashes between extremist militias and Iraqi Government forces in Basra and Baghdad, Petraeus said. 'Iran has fueled the violence in a particularly damaging way,' he told the House Armed Services Committee today in Washington, his second day of testimony to lawmakers. 'Unchecked, the 'special groups' pose the greatest long-term threat to the viability of a Democratic Iraq."

Again, that was the Bloomberg News, April 9, 2008.

Another headline, the Voice of America, April 2, 2008, Israel to Redistribute Gas Masks Amid Fears of War with Iran.

"Israel's security Cabinet has decided to redistribute gas masks to the entire population amid fears of a nonconventional war with Iran. The last distribution was just before the U.S. invasion of Iraq 4 years ago."

Another headline in the New York Times, April 12, 2008. The headline reads, Iran Fighting Proxy War in Iraq, U.S. Envoy Says.

"Iran is engaging in a proxy war with the United States in Iraq, adopting tactics similar to those it has used to back fighters in Lebanon, the United States ambassador to Iraq said Friday. While Bush administration officials have long denounced what they have described as Iran's meddling in Iraq, Mr. Crocker's language was unusually strong from Mr. Bush down, administration officials this week have been turning up the volume on Iran."

A further sign that the U.S. may be headed for war is Admiral Fallon's resignation. In the aftermath of the disastrous invasion of Iraq, there has been discussion within media and in the military that senior military officers should have resigned when they knew the White House to be heading to a reckless war in Iraq.

Some are speculating that the recent retirement of Admiral Fallon is a direct result of his steadfast opposition to war with Iran. He even made his disagreements with the administration public before his retirement.

In a now-famous profile that Admiral Fallon agreed to do for Esquire magazine, he was characterized as the only man standing between war with Iran.

Let me read an excerpt from that article.

This was Esquire magazine, March 11, 2008. The title is "The Man Between War and Peace." The article goes on to say that if in the dying light of the Bush administration, we go to war with Iran, it will all come down to one man. If we do not go to war with Iran, it will all come down to one, that same man. So while Admiral Fallon's boss, President George W. Bush, regularly trash-talks his way to world war III and his administration casually casts Iranian President Mahmoud Ahmadinejad as this century's Hitler, a crown it has awarded once before, to deadly effect, it's left to Fallon, and apparently Fallon alone, to argue that, as he told al Jazeera last fall, this constant drumbeat of conflict is not helpful and not useful.

Another sign that the U.S. may be thinking about war is the offensive against the Mahdi Army. Moqtada al Sadr has promised full-scale attacks on America's interests in Iraq in the event of strikes on Iran. As commander of the multinational force in Iraq, General David Petraeus still presides as the commander of the Iraqi security forces as well. Any operation against the Mahdi Army would have been authorized by him. What motivation did the United States have in fueling a violent confrontation with the powerful militia at a time when al Sadr had declared a truce and the progress of the surge was being reported to Congress?

One explanation is that recent operations against al Sadr's militia, the Mahdi Army, may have been meant to neutralize possible resistance inside of Iraq in the event of a strike on Iran.

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The following five reasons are taken verbatim from an article in U.S. News and World Report that was published on March 5th entitled "Six Signs the U.S. May Be Headed For War in Iran."

Before I go into the five reasons that I have taken verbatim from this article in U.S. News and World Report, I am going to recognize the Congresswoman from Oakland, California, BARBARA LEE, who is cochair of the Progressive Caucus. She is one of the co-founders of the Out of Iraq Caucus. She has been consistent in her resistance to this war in Iraq.

She is an organizer. She is a constant speaker on the speaking engagement circuit, speaking with groups and organizations all over this country who want to hear from BARBARA LEE about what is going on in Congress.

The question she is most confronted with is when will this Congress end the war and bring our soldiers home? What are you going to do about a President who is ignoring the will of the people and ignoring the will of Congress in their attempts to resist the continued funding of the war? Every weekend, somewhere in this country, BARBARA LEE is attempting to answer those questions and engage the American citizens about what is happening here.

I yield to BARBARA LEE.

Ms. LEE. Madam Speaker, let me begin by thanking my colleague Congresswoman MAXINE WATERS, the gentlewoman from California, for organizing this very important special order tonight. Let me just say to you, Congresswoman WATERS, your clear voice and your sound judgment as the co-founder of the Out of Iraq Caucus has helped guide this antiwar movement, not only here in the House of Representatives, but throughout the country.

Your boldness and your vision in organizing those of us who knew that this war was wrong from day one in putting together over, what, some 77 members now of the Out of Iraq Caucus, I have to salute you and thank you for that, because we will never go back again. All we can do is go forward to try to end this occupation and try to prevent another preemptive war against Iran.

It is very timely that Congresswoman WATERS has called us here tonight to sound the alarm on Iran. It is truly disturbing to me to hear many of the same drumbeats on this administration 's march to war with Iran as we saw 5 years ago in the run-up to the war in Iraq. So I want to provide just a little bit of history on Iraq to draw out some of these parallels, in the hope that they will provide Congress and the American people with a clear warning signal.

Madam Speaker, this discussion is also timely today because today is April 15th, and millions of Americans across our country are right now racing the clock to beat the tax filing deadline. Lots of them are asking, how much do they owe and what is the government doing with their money?

One answer, Madam Speaker, is that in the last 5 years, this administration has spent nearly a half trillion dollars on the Iraq war and occupation. This Iraq tax, and that is what it is, an Iraq tax, comes out to approximately $16,500 for every American family of four. Has the tax been worth it? Let's look at what we have gotten in exchange.

More than 4,000 of the Nation's best and bravest have been killed. More than 30,000 others have been wounded, many suffering permanent and debilitating injuries. Tens of thousands of innocent Iraqi civilians have died, and millions have been internally displaced or sought refuge in neighboring countries. Meanwhile, the occupation of Iraq has caused serious damage to America's international reputation and created a generation, mind you, a generation of future enemies incensed by the endless occupation of their country by a foreign power.

Madam Speaker, compounding the folly of this strategic blunder, the $500 billion which American taxpayers already have spent on this occupation is now undermining our ability to finance the investments needed to address the pressing domestic needs of the American people and to revive our sagging economy. Given what the Iraq tax has brought American families, and this $500 billion is quickly mounting to almost $3 trillion very soon, is anyone really surprised that the American people are angry and demanding change?

The saddest aspect of this whole story and this whole episode, Madam Speaker, is it did not have to be that way. Along with 125 of my colleagues, a substantial majority of House Democrats, I opposed the war, like Congresswoman WATERS did, from the beginning, and we voted against the resolution authorizing the use of military force.

I offered an amendment Congresswoman WATERS supported, we got 72 votes during that period, to the original use of force resolution to prohibit the administration, remember this, Congresswoman WATERS, we tried, we tried, we did everything we could do to try to keep the administration from taking military action until the United Nations could complete their inspections and confirm that Saddam Hussein's regime indeed possessed weapons of mass destruction which it intended to use against us or to give to our sworn enemies.

Had the Lee amendment been adopted, we would have learned much sooner and at far less cost what the whole world knew, that evidentially we didn't know, but some of us knew, but the whole world now knows, including the American people, that Iraq did not pose an imminent threat to the United States, was not involved in the September 11th attacks, had no ties to al Qaeda and had no weapons of mass destruction.

The war and occupation has also exacted an awful toll on our military force, our structure, our readiness, and the men and women in uniform and their families. General Richard Cody, the Army Vice Chief of Staff, testified before the Congress that the Army is out of balance. The current demand of our forces in Iraq and Afghanistan exceeds the substantial supply and limits our ability to provide ready forces for other contingencies.

Because of this administration's mistake, tens of thousands of servicemen and women have been required to undertake lengthy deployments into the war zone, two, three, and some even four times. This has placed enormous strain on them and their families and increased their risk of struggling with mental health issues, including when they return home many, many posttraumatic stress issues that we have never seen before. Nearly 60,000 veterans of the wars in Iraq and Afghanistan have been diagnosed with posttraumatic stress disorder, and most experts in the field believe the numbers could be much higher.

Some may ask, why is it necessary to review this history? Well, as the old saying goes, those who forget history are doomed to repeat it. The other reason for reviewing this history is because it goes straight to the veracity and the credibility of this administration that brought us this debacle and which may be maneuvering to reprise its strategic and geopolitical incompetence by taking preemptive military action against Iran.

If you listen carefully, you can hear the same distant drumbeats of a coming war with Iran. The signs are very familiar. Nearly on a daily basis we read or hear these from the administration, and let me just repeat a few of these drumbeats that we hear.

They say Iran is the single greatest threat to the stability in Iraq, although when I asked General Petraeus last week if Iran was in Iraq 5 years ago, he said they weren't really "kissing cousins." I think that is what his comment was. No, Iran was not in Iraq 5 years ago.

Iran is building nuclear weapons.

Iran is killing American soldiers in Iraq, arming, training and funding insurgents and terrorists.

Iran is interfering with the peace process in the Middle East.

I am reminded how the administration sent General Colin Powell, do you remember that, Congresswoman WATERS, the Secretary of State, by far the most effective and respective spokesman, before the United Nations Security Council to make the case to the world that Iraq posed an imminent threat to regional peace and security. The case presented by General Powell accomplished its mission, but its factual foundation rested on falsehoods, misinformation and speculation masquerading as evidence. To this day, General Powell regards his performance that day as really a mark on an otherwise distinguished career of public service to our Nation.

General Petraeus is the 2008 version, quite frankly, of General Powell. He inspires more confidence than President Bush and is far more credible than Vice President CHENEY. But so did General Powell inspire and bring this credibility to this administration, and he turned out to be wrong; terribly wrong.

Again last week, General Petraeus testified that Iranian-backed so-called special groups posed the greatest long-term threat to the viability of a Democratic Iraq. He testified that it was these groups that launched Iranian rockets and mortar rounds at Iraq's seat of government two weeks ago, causing loss of innocent life and fear in the capital and requiring Iraqi and coalition actions in response.

This is starting to sound like the groundwork being laid for the need to take defensive action against Iran. This is unacceptable. We should not be looking for an excuse to attack Iran. Congress should not stand for yet another so-called preemptive military strike, and we should take action to clearly prohibit any such attempt against Iran.

As I stated, we have been down this road before. We have learned a simple truth from five hard and bitter years in Iraq. No unjust war ever produced a just and lasting peace. It has not worked in Iraq. It will not work in Iran.

What is needed is not another rush to unwarranted, unnecessary and misguided military action, but rather a strong diplomatic surge for peace and reconciliation. And, yes, I do believe that a nuclear-armed Iran poses a danger. I believe we need to move forward with nonproliferation efforts, including looking at our own arsenal of nuclear weapons in our own country. Nuclear weapons should not be an option at this point, given the dangers of the world. So we need to address nuclear nonproliferation in the context of a strong diplomatic initiative.

One of the most important first steps we should take is to have direct, comprehensive and unconditional bilateral talks with Iran. To facilitate this goal, it is imperative for the administration to show that it is serious in this endeavor by appointing a special envoy. I think we need to appoint a special person, an individual who does nothing but ensure that we move forward to reduce the tensions in the region, and this envoy should receive the necessary support to carry out his or her mandate.

That is why I introduced H.R. 5056, the Iran Diplomatic Accountability Act of 2008. Among other things, this bill directs the President to appoint a high level envoy empowered to conduct direct, unconditional, bilateral negotiations with Iran for the purpose of easing tensions and normalizing relations between the United States and Iran. No one says this is going to be easy, but we must start somewhere.

The latest National Intelligence Estimate released last week representing the consensus view of our 16 intelligence agencies clearly indicates that Iran is nowhere close to having nuclear weapons capability. The NIE assessment underscores why it is critical for Congress to ensure that this administration's saber rattling against Iran does not turn into a march to war. We have been down this path before.

Madam Speaker, in conclusion, the last 5 years in Iraq demonstrates the folly of rushing off to start a war. We don't need another war in Iran. We need to end the war in Iraq and fully fund the redeployment of American troops so that they may be reunited with their families in the United States. We need to use our funds to support them, protect them, and bring them home. And we need to begin to move forward to address the real issues with regard to Iran and begin to take the military option off of the table, because our President, this country always has the military option, and it makes no sense to use this or to talk about it if we truly intend to reduce tensions and look for some form of global peace and security.

Thank you, again, Congresswoman WATERS for calling us together today.

Ms. WATERS. I would like to thank the gentlewoman from California for her consistent and persistent leadership on this issue of war in Iraq, and I thank her for coming to the floor this evening to help sound the bell against a possible march to war with Iran.

We have been joined by another one of our colleagues who too has been consistent in his opposition to this war. From the very day that he first came to this chamber, he made it clear where he stood on this war. He has joined with us on the floor on many other occasions and it is a constant part of his agenda wherever he is to remind people that we are in a war that makes no sense, where lives are being lost, and hopes and dreams are being dashed.

He brings a special kind of understanding about what is going on because of his familiarity with the Arab nations and with Islam, and he has done a wonderful job of helping to teach and introduce to the Members of this Congress other cultures and helping us to understand how they operate, what they are all about, and helping us to gain respect for those that sometimes are singled out for war, when, of course, problems and issues could be handled with diplomacy.

I am proud to yield time to Representative KEITH ELLISON to sound the alarm.

☐ 2200

Mr. ELLISON. I would like to thank you, Congressman WATERS and Congressman LEE. Before I got to Congress I thought both of you just were towering heroes of peace. Now that I have been here and had the chance to get to know both of you, I am certain that I was right from the very first impression I had of you. Thank you for standing up and calling this special order tonight.

The point I would like to make is simply this. We see in Iran a country we have not had any open diplomatic relationships with since 1979, except for brief moments around IEDs last summer. The meetings have not been continued, and, in essence, we have had no real diplomatic relationships with Iran in many, many years.

Many Americans don't remember the day when we did have relationships with Iran. Yet, despite all these years of having no diplomatic ties to Iran, no open communications, channels of communications, it really has not solved any of the problems. Not talking has not helped.

I want to join with Representative WATERS and Representative LEE in calling for an open dialogue, unconditional bilateral dialogue. Dialogue is not a gift, dialogue is not a present, dialogue is not a reward.

Dialogue is a tool that can help us stabilize the world, bring peace to millions and millions of people all over the world. Dialogues should not be used as some sort of a gift. It doesn't make sense for any nation to say capitulate to our demands, and then we will talk to you. The very purpose of negotiation is to say, let's talk, and the first agenda item could be serious problems we have with one another.

But the start is talking, unconditional talking, talking with a clear agenda in mind, talking with no illusions about differences. But talking, nonetheless, is something that I think we need, and we need it now.

I want to say that our effort to isolate Iran by not talking to Iran, reminds me of our effort of trying to isolate Cuba by not talking to Cuba. Now everybody in the world does business with Cuba except the United States. American farmers wanting to sell grain, Cubans want to buy stuff from the U.S., people wanting to see family, those things are hampered because we are the only ones in the world maintaining this policy of nondialogue. I fear that we could end up in the same way with Iran.

Let me just point out an article in the Times online from March 3, 2008. The headline is, "Four kisses, then the band played: the day former foes became friends."

It starts out describing a meeting between Mahmoud Ahmadinejad and Nouri al-Maliki. It goes on to talk about how a young girl dressed in a white dress clutched a bouquet of flowers as she waited with a small boy in a smart suit to greet President Ahmadinejad of Iran, who began a historic visit to Iraq.

Earlier today, we heard a speaker who I won't name say that, oh, the United States needs to get with China and Russia to isolate Iran. China and Russia, we can't even get Iraq to isolate Iran.

We can't even get Iraq, a country we have invaded and essentially have taken over, though it does operate under the guise of sovereignty, we can't even get them to say don't talk to Iran. They have open relationships with Iran and are building them more and stronger every day. It doesn't make any sense.

Now, it's not just Iraq that has a welcome mat for Iran. But let me just say that when Americans, Members of Congress go to Iraq, all of us know we go into military aircraft that takes evasive maneuvers into Baghdad, because we are concerned about our safety.

This is a fact. So much for isolating Iran from Iraq. Okay, well, then, what about another country, Pakistan. We send a lot of money to Pakistan. Yet Pakistan announced in a March 5, 2008 article, the Times of India, Iran, on Wednesday, said it was "ready to sign the India-Pakistan-Iran gas pipeline deal," but technical issues between the two are hindering the process.

"We are ready to sign the agreement as soon as possible," Iranian Deputy Foreign Minister for Economic Affairs said. "Everything is okay from our side. There are some technical issues between India and Pakistan," he said.

"The India-Pakistan-Iran pipeline, which is dubbed as the 'Peace Pipeline,' is stuck over issues such as price and transition fees."

So much for isolating Iran from Pakistan and India. All right, so Iraq, they are talking to them, Iran, Pakistan and India are talking, but, okay, maybe we can still get Russia and China, countries that have militaries, countries that have economies, countries that have been freestanding and independent for many, many, many, many, many years.

Okay, what about Afghanistan? Isn't that country essentially a failed state which we invaded and kicked out the Taliban and now are trying to reconstruct today?

"In the electricity substation just outside of Herat, western Afghanistan, there's the loud hum of power—Iranian power," that's right. "More electricity reaches Herat than the city can use, but the industrial park just across the road from the NATO military base is putting it to good use.

"Small plastic bottles of fizzy orange juice shuffle along the conveyor belt to be labeled and packed—the building is noticeably Iranian in design and the markings on the machinery show exactly which country helped these Afghan businessmen.

"The camels grazing outside cautiously cross the fast, straight, asphalt road—one of the best roads in Afghanistan stretching 120km to the border.

"Soon a railway will link Afghanistan to Europe, or so boasts the Iranian government."

I would just mention, with a quick Google search, Iraq, India, Pakistan and, now, Afghanistan are all coalescing economically with Iran. We are not talking to Iran. We don't talk to Iran. We don't want to try to get into that market of 70 million people. We don't want to try to open up diplomatic ties and work on issues.

We are not trying to solve this nuclear conflict with dialogue, discussion and open conversation. We are just trying to isolate them, but nothing suggested we are being successful at doing that.

The fact is maybe isolation of Iran is not the right tactic. Maybe the right tactic is to try to talk to them, to try to build a better relationship, to try to have cultural exchange, try to have exchange of views, different though they may be, with an eye toward a more peaceful world, with an eye toward a world in which people can have security and in which an eye toward which the world can rest and feel their children are safe at night.

The fact is this saber rattling, I remember that it was about maybe 16 months ago that I sat in my first meeting that I ever had with the President, with, I believe, Representative LEE and Representative WATERS. I think it was Representative LEE who said, are you, Mr. President, planning on hitting Iran? He gave us a sure statement that he was not.

Yet ever since that time, all we have been hearing, time and time again is that Iran is the problem.

I don't know how Iran could be the problem in Iraq without the complicity of the Iraqi government. I mean, I need somebody to correct me on this point because I just don't get it. How can Iran be an issue in Iraq unless Iraq wants them in the country. It just doesn't make any other kind of sense to me, and I need somebody to explain that, because maybe I have just not been in Congress long enough to get it.

Let me just say, I want to move aside now, and I want to thank the two Members who have been leading the charge, along with Congresswoman WOOLSEY, who is recovering from back surgery. I know if she was feeling better she would be right better with you, the triad, the triad for peace. I admire you so much.

Ms. WATERS. Thank you very much, I am so pleased and proud to have been joined by my colleagues here this evening to sound the alarm. Let me say that again, we are sounding the alarm. We are opening up the debate. We are raising the questions. We are challenging this administration on the issue of war with Iran.

We are saying, Mr. President, we have watched, we have listened, and we have learned. We are smarter people when we hear talk about war, when we hear accusations being made. When we hear a march to war we now recognize it for what it is. It is a given that we have this knowledge that we have acquired since we have been here since the start of the war with Iraq. We do not intend to sit idly by without opening up the discussion, without making the challenge, without raising the questions.

As I said, prior to the opening lines of the presentation that was just given by Congresswoman BARBARA LEE, there were signs of war that have been identified, not only by some of the experts that we have been talking to, but by those who have been writing and watching what has been going on.

As I mentioned before, there is talk, and there are news articles.

U.S. News & World Report, published on March 11, title, "6 Signs the U.S. May Be Headed for War in Iran." Let me repeat that, U.S. News & World Report published on March 11 titled "6 Signs the U.S. May Be Headed for War in Iran."

Warships off of Lebanon, with the Army fully engaged in Iraq, much the contingency planning for possible military action has fallen to the Navy, which has looked at the use of carrier-based war planes and sea launch missiles as the weapons to destroy Iran's air defenses and nuclear infrastructure.

"Two U.S. warships took up positions off Lebanon earlier this month, replacing the USS Cole. The deployment was said to signal U.S. concern over the political stalemate in Lebanon and the influence of Syria in that country. But the United States also would want its warships in the eastern Mediterranean in the event of military action against Iran to keep Iranian ally Syria in check and to help provide air cover to Israel against Iranian missile reprisals. One of the newly deployed ships, the USS Ross, is an Aegis guided missile destroyer, a top system missile defense against air attacks."

This article goes on to talk about "Vice President Cheney's peace trip: Cheney, who is seen as a leading hawk on Iran, is going on what is described as a Mid East trip to try to give a boost to stalled Israeli-Palestinian peace talks. But he has also scheduled two other stops: One, Oman, is a key military and ally and logistics hub for military operations in the Persian Gulf. It also faces Iran across the narrow, vital Strait of Hormuz, the vulnerable oil transit choke point into and out of the Persian Gulf that Iran has threatened to blockade in the event of war. Cheney is also going to Saudi Arabia, whose support would be sought before any military action given its ability to increase oil supplies, if Iran's oil is cut off. Back in March, 2002, Cheney made a high-profile Mid East trip to Saudi Arabia and other nations that officials said at the time was about diplomacy to Iraq and not war, which began a year later."

Vice President CHENEY has been on that trip, as we pretty well know, based on the advanced intelligence revealed by this very, very well-placed article.

They go on to talk about the Israeli air strike on Syria.

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Israel's air strike deep in Syria last October was reported to have targeted a nuclear-related facility, but details have remained sketchy, and some experts have been skeptical that Syria had a covert nuclear program.

An alternative scenario floating in Israel and Lebanon is that the real purpose of the strike was to force Syria to switch on the targeted electronics for newly received Russian anti-aircraft defenses. The location of the strike is seen as on a likely flight path to Iran. That is also crossing the friendly Kurdish-controlled northern Iraq. Knowing the electronic signatures of the defensive systems is necessary to reduce the risk for warplanes heading to targets in Iran.

They go on to give the other identification markers that should be watched and should be vetted.

Israeli comments. Israeli President Shimon Peres said earlier this month that Israel will not consider unilateral action to stop Iran from getting a nuclear bomb. In the past, though, Israeli officials have quite consistently said that they are prepared to act alone if that becomes necessary to ensure that Iran does not cross a nuclear weapons threshold. Was Peres speaking for himself, or has President Bush given the Israelis an assurance that they won't have to act alone?

Israel's war with Hezbollah. While this seems a bit old, Israel's July 2006 war in Lebanon against Iranian-backed Hezbollah forces was seen at the time as a step that Israel would want to take if it anticipated a clash with Iran. The radical Shiite group is seen not only as a threat on its own, but also as a possible Iranian surrogate force in the event of war with Iran. So it was important for Israel to push Hezbollah forces back from their positions on Lebanon's border with Israel and to do enough damage to Hezbollah's Iranian-supplied arsenals to reduce its capabilities. Since then, Hezbollah has been able to rearm through a United Nations force that polices a border buffer zone in southern Lebanon.

So as you can see, there is quite a bit of reason to be concerned about the administration's saber-rattling towards Iran. There is no way to prove their intentions, and I hope we are wrong, but we really can't afford to be wrong.

Another encounter like in January between the U.S. Navy and an Iranian speedboat could be used as an excuse for retaliation similar to the Gulf of Tonkin incident that began the Vietnam War. The White House would simply claim that we were "provoked" and were defending ourselves.

I would like to stop at this time and yield time to the gentlelady from Houston, Texas, who has been consistent in her work with the Out-of-Iraq Caucus in an attempt to bring our soldiers home. It is with great pleasure that I yield to Congresswoman JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairwoman, MAXINE WATERS. I would say I am delighted to be part of the Out-of-Iraq Caucus, but that is not the appropriate term. I am delighted, however, to join my colleagues, Chairwoman WATERS and Congresswoman BARBARA LEE and the other members who have participated and submitted their statement.

I wanted to join my colleagues because it has been a very long journey. I remind Congresswoman WATERS in the fall of 2002, we were working hard for people to study the resolution being put before them. We garnered some 133-plus votes to vote in opposition to the then-Iraq resolution.

I want to speak constitutionally and why this special order and the position that Members are taking in opposing any preemptive attack or invasion of Iran and standing solidly against the perceived authority that the President may have.

Frankly, if we look at the 2002 resolution, we will find that it can be assessed that the President's authority has expired. Saddam Hussein is no longer there. Elements of the resolution required that. The government has changed. There has been a democratic election, and there may be some question as to whether the adherence of the U.N. Security Council resolution is still part of that 2002 war resolution. But I would argue that there have been so many resolutions in the U.N. we could also concede the point that we have protected or adhered to those resolutions.

I truly believe that we are at such a point in history that any actions by the President would warrant extreme actions; or I should not suggest extreme, I should suggest constitutional actions by this Congress. It may warrant raising issues of impeachment. The reason I say that is to use the War Powers Act in a way that ignores the constitutional privilege and right of this Congress to declare war, I believe, is not doing well by the American people.

We already know the results of a war without end, the Iraq war, that is costing $339 million a day, that has already gone past a trillion dollars, that has seen 9,500 of our soldiers injured or maimed, sometimes injured or maimed for life, to see 4,000-plus die. It is a war without end.

Frankly, the question has to become what is the President's goal and intent if he has an idea that Iran is the next target. Has he looked to diplomacy and looked to the question of working with China or Russia to contain Iran? Has he looked at negotiation with the individuals in Iran who really may be interested in some sort of resolution? Is he buying into the constant refrain that Iran is providing the weapons in Iraq? Is he also looking to the perceived friendship between the Iraq government and the Iran government? None of the above.

What I sense in the administration is a percolating attempt to attack Iran, and that percolating attempt based upon the representation of nuclear weapons. I don't want Iran to possess the capacity to engage and to utilize nuclear weapons, nor am I interested in protecting an Iran that has been hostile to the world. I am not interested in coddling terrorists. But we can clearly see that the policies in Iraq have not deterred the terrorists. They have only grown the terrorists. And I would question whether the only way to create peace in the Mid East is to again attack another country in the Mid East.

It is important that we continue to engage for two distinct states, the Palestinian and Israel negotiations. I would have hoped that this administration would have spent their time following through on the road map that the President announced some few years back. I believe that we were distracted in Iraq. We were distracted in Iraq from Afghanistan and from solving the Palestinian-Israeli question.

So I rise today to join my colleagues and say not on my watch, absolutely not. The statistics of the war in Iraq are devastating. Yes, I am prepared today to declare a military success in Iraq. A military success means that our soldiers on one and two and three and four redeployments have done everything the Commander in Chief has asked them to do. Saddam Hussein is gone, there have been democratic elections, and U.N. resolutions adhered to. Bring those soldiers home, declare a military success, and make the statement to the American people that we will never recklessly invade another country.

Iran is somewhat different from Iraq; and, therefore, may have a different story to tell. It may not be the easy route that they might have thought Iraq was. But frankly, my view is that we have crossed the constitutional bounds and that as I yield back to the distinguished chairwoman, I simply believe that we have come to a crisis point that this Congress must accept its duty and say to the President that no war can be declared without a vote of the United States Congress under the Constitution, and I would join with my colleagues, the chairman of the Human Right Subcommittee on International Issues of the Foreign Affairs Committee, Chairman DELAHUNT, to suggest that the War Powers Act should be amended and should now be that it can only be utilized by a President when the Nation is under imminent attack and when there is necessity to go forward to protect our citizens. Other than that, that War Powers Act should be amended, it should be drawn down, and we should stand with the Constitution. No invasion of Iran on my watch, and constitutional implications for the President of the United States if such attack is proposed.

I thank the distinguished gentlelady for her leadership in the Out-of-Iraq Caucus.

I join my colleagues here tonight to discuss a very important issue: the possibility that this Administration may be intent on leading us into another war in the Middle East, this time against Iran. I would like to thank my colleague Congresswoman WATERS for organizing this special order on Iran. Even as we remain engaged in a war in Iraq to which there is no military solution, this Administration has begun beating the drum for war with Iran. I strongly urge my congressional colleagues to send a clear message to President Bush that he does not currently have authorization to use military force against Iran.

Mr. Speaker, I believe that using a military strike against Iran would be a colossal error. As a nation, we are still paying an unacceptably high price for this Administration's ill-advised and ill-executed invasion of Iraq in March 2003. In 2002, when I voted against the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq, I did so because I believed that this would be a war without end. I believed this resolution would trap us in a conflict that, like the Vietnam War, would consume American resources and lives without tangible yield. Unfortunately for the people of both this country and Iraq, this has proven true.

As a nation, we have already paid an enormous price for the war in Iraq. We have squandered an exponentially increasing amount of money, and, worst of all, lost an unacceptably large number of American lives. However, the over 4,000 U.S. casualties and the $3,919 per second ($123.6 billion per year) we are spending in Iraq have bought neither peace nor security.

Mr. Speaker, even as our troops are caught in the midst of instability and civil war in Iraq, the President has begun the march to war with Iran. We cannot compound the mistakes of the Iraq war with the even bigger mistake of opening up a second military conflict in the Middle East. And yet, the Administration has begun to set the stage for a U.S. attack on Iranian military or nuclear facilities by issuing strong statements about Iran's intervention in Iraq, and using inflammatory rhetoric against Iran in a similar fashion to the run-up to the Iraq war.

In recent weeks, the Administration has increasingly referred to negative behavior of the Iranian regime. Despite contrary findings by the National Intelligence Estimate (NIE), Bush has increasingly stated that Iran is building nuclear weapons. The Administration has also cited Iran as a cause of instability in Iraq, and has argued that Iran is killing U.S. soldiers and supplying weapons, training, and funding.

I certainly believe that the current state of affairs in Iran, and specifically those issues relating to U.S. sanctions on Iran and the security of the region, are extremely important and in desperate need of discussion. As a Member of Congress, I find Iran's support of terrorist organizations, pursuit of nuclear weapons, and dismal human rights record to be extremely worrisome. However, I am also concerned by what appears to be movement by this Administration toward yet another war in the Gulf region, without having first exhausted diplomatic means of addressing any conflicts.

I have long been an advocate of a free, independent, and democratic Iran. I believe in an Iran that holds free elections, follows the rule of law, and is home to a vibrant civil society; an Iran that is a responsible member of the region and the international community, particularly with respect to the proliferation of nuclear weapons. An Iran that, unfortunately, we do not see today.

The only effective way to achieve lasting peace and prosperity in the region, along with bringing about reforms in Iran's polity, is to assist the Iranian people in their quest to achieve political, social, and religious liberty. Every government can be judged with the way in which it treats its ethnic and religious minorities, and the current Iranian government gets a failing grade for its treatment of its many and diverse minorities.

The controversy surrounding Iran's procurement of nuclear energy is cause for great concern; however, the administration's avoidance of any and all diplomatic relations with Iran is cause for greater alarm. Moreover, the current rhetoric from the Bush Administration regarding war with Iran is both counterproductive and highly inflammatory. While full diplomatic, political, and economic relations between the U.S. and Iran cannot be normalized unless and until enforceable safeguards are put in place to prevent the weaponization of Iran's nuclear program, these policy objectives should not constitute pre-conditions for any diplomatic dialogue.

Establishing a diplomatic dialogue with the Government of Iran and deepening relationships with the Iranian people would help foster greater understanding between the people of Iran and the people of the United States and would enhance the stability and the security of the Persian Gulf region. Doing so would reduce the threat of the proliferation or use of nuclear weapons in the region, while advancing other U.S. foreign policy objectives in the region. The significance of establishing and sustaining diplomatic relations with Iran cannot be over-emphasized. Avoidance and military intervention cannot be the means through which we resolve this looming crisis.

Mr. Speaker, Middle East experts have repeatedly stated that a U.S. attack on Iran would have disastrous consequences. Among possible outcomes, many experts agree, would be an Iranian counter-attack on U.S. and Israeli interests in the region or throughout the world. Such an attack could also lead to a greater Middle East War, and would undoubtedly bring with it a greater loss of life and financial burden.

Mr. Speaker, now is the time that we need to be looking to ending one Middle East conflict, not to beginning another. We need to work to rebuild our standing in the international community, not to raise further enmity in the Middle East and beyond by attacking another nation. I strongly urge my colleagues to speak out against any potential military strike in Iran.

Ms. WATERS. I thank the gentlelady from Texas, and I am very, very appreciative of the fact that the gentlelady is one of the Members of Congress that we can always count on to confront the challenges that we are confronted with, particularly as it relates to this war, and at this time I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. I, too, want to commend the gentlelady from Texas for raising some of the constitutional issues that we have to grapple with each and every day.

I would like to talk briefly about the issue of the preemptive strike which is central to this administration's foreign and military policy.

In essence what the Bush administration has decided is that it is all right, and actually it is their standard, to be able to use force not necessarily in the face of an imminent threat, but it is all right and it is a policy of this administration to be able to use force to prevent a future perceived threat. All of this is couched in this global war on terror where oftentimes they believe they do have a blank check to use force wherever they want to go in the world.

When you look at what they are trying to do now in Iraq with regard to the security agreements, they are trying to negotiate a permanent military presence in Iraq without even coming back to Congress to try to get the authority to do that. I think minimally, and we have several bills that have been introduced into this body, that basically just say before the administration decides to use force or take military actions or strike Iran, minimally they must come to Congress to seek authorization.

Well, for the life of me, this is the People's House. I cannot figure out why we cannot have a resolution as basic as that come to this body so we can pass that. I think that should be a minimum standard to protect the American people from first of all what could be total chaos. Secondly, when you just look at the expenditure of resources and what a possible preemptive strike could cost as it relates to Iran in terms of treasury, blood, our young men and women and also our financial resources. We may just be a few voices in the wilderness crying out tonight, but we are crying out very loudly and asking the American people to look at these signs because as Congresswoman WATERS said, we are sounding the alarm so we can stop what appears to be on the horizon.

Ms. JACKSON-LEE of Texas. If the gentlelady would yield, I just came back from Iraq, and you are so right. After going and I think getting a very wide view of the status of affairs there, clearly as we have understood or understand, the government is leaning on the captains of our military. Ranks at the captain level are like the government. There is no seeming intent or plan that would cease the Maliki government from leaning on the United States military, using it as a crutch. So there is no evidence that suggests that they don't intend to have permanent military bases. In fact, every indication from the presentations of the military and others is that they would have it. I believe they are in violation of maybe not the rules of this House, but certainly the respect of the three branches of government.

Finally, I would say that I have legislation that declares a military success, that lists the criteria under which our soldiers went in, and moves it to a diplomatic surge. We should not fool ourselves. The intent is a permanent base that allows them to do the preemptive strike that you are speaking of against any country in the Mideast, and in particular Iran. I believe we have to stop it now, and we have to stop it forever, and we have to lean on the Constitution because we have seen over the last couple of years the Constitution ignored, and that simply cannot stand in this place called America.

□ 2230

Ms. WATERS. Thank you very much to both SHEILA JACKSON-LEE and BARBARA LEE for, again, their constant and consistent struggle working in this House against the war.

Mr. Speaker, and Members, press reports have given us some indications of the thrust of current White House directed planning. The strike would be against Iranian terrorist facilities, the Revolutionary Guard units and/or nuclear production facilities, a limited air strike operation with the objective of changing Iranian behavior. Those who argue for the strike are saying there will be very few U.S. casualties and very few Iranian civilian casualties. Nevertheless, we all know that U.S. strikes against Iran would be disastrous.

Middle East experts generally agree that Iran would respond to a U.S. strike by attacking U.S. and Israeli interests throughout the region and possibly globally. These strikes would lead to a greater Middle East war, including greater loss of life, financial burden, over stretch of our military and worse.

We're sounding the alarm this evening and we are sending a message to the President of the United States of America and to the Vice President, particularly now to the Vice President, who, when he was reminded by an ABC News reporter that the recent polls show that two-thirds of Americans say the fight in Iraq is not worth it, his response, "and so?"

Well, Mr. Vice President, our "and so" to you tonight is, and so the American people do not want us to continue this war in Iraq and to air strike in Iran. We're sounding the alarm. And I will yield time to the gentleman who just left the Speaker's seat to complete this colloquy that we've had here this evening.

Mr. ELLISON. Madam Speaker, I just want to again thank Representatives WATERS and LEE and SHEILA JACKSON LEE.

I just want to make a few quick points. We're under no illusions. I think that by this special order, I don't think anyone intends to excuse bellicose, inflammatory remarks that have been made by the President of Iran. There's no excusing that. But you don't deal with bellicose remarks with a war. You deal with bellicose remarks by issuing a statement condemning those statements, but not with a war. And I don't think any bellicose statements or inflammatory remarks by the President of Iran could ever justify an attack which will result in the massive loss of life.

I also want to say that a strike against Iran, no one can predict what the consequences of that will be. Will it excite the Shiia community in Pakistan, of which 30 percent of the people are Shiia there? What will it do to Afghanistan?

Again, Iran is providing electricity in Afghanistan in an effective way, much, much more than other countries have done. Again, Kabul and Kandajar are not electrified 100 percent of the time.

What will happen in Lebanon? Will that inflame another war such as the one in the summer of 2006? That could inflame the region, and no one knows whether bombs will start falling from other parts of the region.

This war against Iran, a strike against Iran has no clear outcome. It is a very bad idea. And I think that what we must do is pursue diplomatic negotiations, and remember that negotiation is not a reward, it's not a gift, it's not a present; it's a tool for the security of the world.

Ms. WATERS. Madam Speaker, and Members, I am pleased that we have taken time from our schedules to come to the floor tonight to sound the alarm. The saber rattling is going on by this administration. The remarks that we're hearing day in and day out are more accusatory toward Iran. We are made to believe that we are somehow being placed at a great threat by Iran.

And so we know where this is going. We know what this means, and we're saying, we must not rule out diplomacy. We must believe that we can settle differences by way of diplomacy.

We know that we've still got work to do on Iraq. We've still got to make many Members of this House feel comfortable with the idea that they can confront their President, that they can still be very, very patriotic as they stand up against war and bringing our soldiers home. We know that the work has to be done, but we've got to add to that work the fact that we can stop an airstrike on Iran and we can stop the notion that somehow we must send more soldiers in.

AN AMERICAN PERSPECTIVE ON THE WAR IN IRAQ

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. GILCHREST) is recognized for 60 minutes.

Mr. GILCHREST. I thank the Speaker for the time. And Mr. Speaker, what I would like to talk about today, and it's actually a pretty good follow-up to the previous special order by Ms. WATERS, who is a classmate of mine, going back to, I was going to say 1891, but going back to 1991, MAXINE and I came in as freshman and we've been here now for the past 17 years. And the previous discussion about the Iraq war, the relationship with Iran, I think, leads fairly well into the special order that I am prepared to give tonight.

Mr. Spèaker, what I would like to do is to give a presentation on the war in Iraq, the Middle East, an American perspective on the Cold War that engulfed the world for many decades, an American perspective on the Cold War and how it impacted the Middle East, the present crisis in the Middle East and Iraq, from an American perspective, and an American perspective on the way forward.

When I say an American perspective, tonight, Mr. Speaker, I'm trying to relate an idea that the United States, for the past 50 years, has seen itself not as a lone super power in the world, but as a Nation, as Walt Whitman described, the race of races, the United States, the melting pot.

The United States has engaged itself in the fiber of the international community, and has not seen itself as a lone ranger in the international arena of conflict, of economy, of culture, of exchanges. The United States has seen itself as an integrated part of the international community in much of its history. And so, tonight, when I talk about the U.S. view of the war in Iraq, it is to illustrate the complexity of that conflict, the complexity of the intrigue and violence that we are now seeing, the complexity of the way forward, but, in fact, there is a way forward.

So I want to give a brief history covering about the last 60 years. And what I would like to share with the American people, Mr. Speaker, among many, many periodicals, many books, many resources, I'd like to share ideas tonight from seven books.

The first one is Violent Politics by William Polk, who served in the Kennedy and Johnson Administration. Violent politics is not what we see here on the House floor. Violent politics is when diplomacy fails and war begins, war usually that engulfs communities or regions, not in what we saw in World War II, but in insurgencies, where there are no munitions factories to bomb, there are no supply lines to bomb, there are no massive armies to bomb or thousands of tanks to take out, but violent politics as it envelops regions in insurgencies.

And is there an effective counter insurgency to that particular break down in diplomacy?

We're seeing an insurgency in the Middle East, in the Middle East, in Iraq, in Afghanistan, and certainly in other places. In Violent Politics, William Polk gives an idea of how an insurgency actually works, and how you can deal with an insurgency like we're experiencing now in Iraq and Afghanistan.

The other book is Fiasco by Thomas Ricks. How did we get involved in Iraq? What were the mistakes, the very clear, obvious mistakes over the planning in the first few years?

The next one is by Steven Kinzer, All the Shah's Men; America's relationship with a large country that is seeking to have influence for self-defense purposes, mainly, the country of Iran.

The next one is Trita Parsi who wrote Treacherous Alliance. What is the arrangement or what has been the arrangement or the alliance and sometimes the verbal conflict between Israel and Iran?

The next is Tony Zinni, who was Commander of CENTCOM for a number of years, spent much of his military Marine career in the Middle East. He wrote a book about the Battle for Peace. Tony Zinni, like President Eisenhower, knows you need a strong military, strong intelligence, and consensus in dialogue and diplomacy. That plays a vital role in actions that the United States is involved in.

An interesting book called Human Options by Norman Cousins. What kind of decisions do we make? Why do we make them? And do we know all the options that are before us?

The last book is a little bit older. It's about the Vietnam war, called Why Vietnam? How did we get involved in that conflict? It's written by a man called Archimedes Patty, who was among the first Americans to meet Ho Chi Minh in 1945; sent there by this government as the head of the OSS or the Office of Strategic Services, which was the forerunner of the CIA, to find out how we can find people in Indochina, to see, to gather intelligence about the Japanese troop movements in that region of the world since we couldn't get any intelligence from the French or the Chinese or anybody else.

And Archimedes Patty discovered this man, the head of the Viet Minh, known as Ho Chi Minh that was willing to help and in fact did help the United States gather intelligence on Japanese troop movements in Indochina; helped many, many, many Americans, downed pilots and so on, and allied himself with the United States in 1945, hoping to get help from the United States, not from Russia, not from China, to gain his independence from French colonial rule. A fabulous book that shows the intricacies of how diplomacy works sometimes, and how the bureaucracy doesn't always work too well when communicating those kinds of pieces of information.

Seven books, Violent Politics, Fiasco, All the Shah's Men, Treacherous Alliance, Battle for Peace, Human Options, Why Vietnam. Sounds like a tall order.

But, Mr. Speaker, I can imagine the American public, who have some dissatisfaction, some apprehension, some anger, some wanting a ray of hope about the conflict in Iraq and Afghanistan, I can see the American public, over the next many months, turning the television off every single night for 1 or 2 hours, every night, and dedicating themselves to help the solution, the American solution, the American solution of how to solve this difficult problem in the Middle East, by becoming informed, by finding out information, by becoming more knowledgeable about these issues, not waiting for the government that people sometimes assume is competent, but being a part of the process.

Now, I mentioned the book Human Options by Norman Cousins. And I want to give you two quotes out of that book to frame this discussion tonight. The first one is, "Knowledge is the solvent for danger." You want to solve a problem? You need a couple of things. You need initiative, of course. You're going to turn the TV off and read these books. You need initiative. And then as you read this material, some of it is pretty intricate, exquisite detail, complicated. But you need some ingenuity and intellect to figure it out. And you have that.

But what this assignment will give to you is knowledge. It'll give you information. It'll give you a depth of information so that, you, as an individual, can become more competent to share this with your fellow Americans and maybe even write your congressman.

The other one in Human Options, the quote, is "History is a vast early warning system." We know more about Vietnam, or we should today, than we did 40 years ago, 50 years ago when we became embroiled in that tragic conflict.

And we say we should have had, you know, it's okay to say it now, and hindsight is better than foresight. We've had 40 years of experience to know what was good and what was bad about that conflict. But I will tell you that when the United States became involved in that violent conflict, we already had all the information we need to know. We needed to understand the history of our relationship with Indochina, with China, and their relationship, Vietnam, with the rest of the world. But we didn't bother to understand or listen carefully enough to what Archimedes Patty was saying when he spoke to Ho Chi Minh. We didn't know the history of Vietnam in 1945 in 1965, and we should have.

□ 2245

History is a vast early warning system. We owe it to the soldiers in Iraq, we owe it to the soldiers in Afghanistan, we owe it to eighth graders and ninth graders in high school today who will graduate in just a few years and should not have to be involved in a conflict that, if we put our intellect together with enough knowledge, this can be solved.

So I would suggest to the American people, Mr. Speaker, that every single night, if you're a patriotic American, you want to solve this problem. You want to commit yourself to bringing the troops home in a responsible fashion, find some source of information, read it objectively.

You know, Rudyard Kipling, the writer and poet from Great Britain, traveled the world, spent much time in India, had a son who died in World War I in northern France in a violent struggle. And to express his sorrow, Rudyard Kipling said, why did young men die because old men lied?

I want to paraphrase that today. Old men should talk before they send young men to die. We should talk. We should be knowledgeable. We should spend the time to understand the nature of history, the nature of conflict.

Let's take a short walk back in history to the Cold War and some of its successes and failures.

President Eisenhower and the leader of the Soviet Union, Premier Khrushchev, Nikita Khrushchev, bitter enemies, faced off with thousands of nuclear weapons all armed, ready to go at a moment's notice. We know that Khrushchev told the United States and the Western powers many, many times that he was going to bury us. One time in the United Nations, we remember this, Nikita Khrushchev took his shoes off, pounded the podium, looked right at the western diplomats—ours was Henry Cabot Lodge at the time—pointed his finger and said, we will bury you.

What was Eisenhower's response during the time that he was President of the United States to these kinds of threats from the Soviet Union, from Nikita Khrushchev? Open dialogue. He invited President Khrushchev to come and tour American cities, ride on American trains, go to our suburbs, visit our farms, visit our schools. President Eisenhower's response was dialogue.

What happened in 1962 when it was discovered by our spy planes that Cuba, Fidel Castro, had deployable nuclear weapons in Cuba 90 miles off the coast of Florida? What was Kennedy's response? Call the Kremlin. Have a dialogue. Negotiate with the Soviet Union. Talk to Nikita Khrushchev. What happened? The weapons were removed; we avoided war.

China, Communist China, said that they would not mind if half the population of China was wiped off the face of the earth as long as they destroyed the United States. Violent rhetoric pointed at the United States. What was President Nixon's response to Mao Zedong? Nixon went to China. Nixon opened the dialogue that continues today.

Is China today a model democracy? No. Does China have human rights violations? Yes. Are they well-known? Do we know that they continue to violate freedom of speech, freedom of press, freedom of religion? Do they continue to violate human rights? The answer is yes. What is our response to China? It's our biggest trading partner. We constantly have a dialogue. The Olympics will be held there. Do we condemn the Chinese for human rights violations? How do we deal with it? Do we get ourselves in violent politics? No. The answer is dialogue.

Those were our successes. They continue to be a struggle. They continue to be a challenge, but we continue to pursue them through dialogue.

What happened in Vietnam? Ho Chi Minh. A tiny old man with slight whiskers who, in 1945, wanted to ally himself with the United States to gain sovereignty from under the French colonial rule. What happened in the 1950s? Senator McCarthy talked about communism. John Foster Douglas wanted to contain Communism. We somehow didn't listen to the people in the State Department or the CIA. We somehow didn't follow that path to dialogue with Khrushchev or dialogue that got ourselves out of the Cuban missile crisis or dialogue with Mao Zedong.

So what happened because there wasn't a dialogue? 58,000 Americans died. Hundreds of thousands were wounded. Post-traumatic stress syndrome still affects thousands of Vietnam veterans. Well more than a million Vietnamese died because we didn't have the dialogue.

It's time, Mr. Speaker, for the American public to really understand the complexities of international politics. The dialogue, communications, consensus can be a strong and powerful tool to enhance America's interest. America does not become stronger by putting more people in cemeteries as a result of these violent conflicts.

Let's take a look at the Middle East, the area that we're now dealing with, during the Cold War.

Then, as now, it was a complex place. There was intrigue there, and there was a great deal of violence. Let's look at some of the incidents that the United States has been involved in or was involved in.

In 1953, actually in 1950, Muhammed Mossadeq was a duly elected Prime Minister of Iran running a secular country moving toward democracy. But because of some misunderstandings, believe it or not, between what the British Petroleum Company, called the Anglo Persian Petroleum Company, which is now today BP, British Petroleum, they had some strong disagreements with Muhammed Mossadeq. The United States, under John Foster Dulles, was thinking, although they were wrong, that Muhommad Mossadeq had a strong relationship with the Soviet Union and he might turn to communism.

In 1953, we were at the very early stages of the Cold War, and a lot of things were going on. But as a result of some misunderstanding, the United States planned a coup inside its embassy in Tehran, and it turned out to be a very violent, very bloody coup in which their duly elected prime minister was removed from office, put under house arrest for the rest of his life. And we put in the Shah. The United States put in the Shah. In 1953, we broke down a relationship that we had had with Iran for many, many years.

The United States was looked upon as being the beacon of hope around the world by many people, including Iranians, hoping the United States would help them gain some equality with the British extracting oil from Iran. In 1953, we started a violent coup in Iran.

What happened in 1979? Most of us would remember. In 1979, there was a revolution in Iran. The United States embassy in Tehran was taken over by the Revolutionary Guard, and all relationships with the United States were broken. But it's interesting that the American embassy was taken over in Tehran, the same embassy that planned the coup in 1953. That was a mistake. We lit a slow fuse in 1953 that blew up in 1979.

What about the Soviet Union in the Middle East during the Cold War? It's like a roller coaster ride. Sometimes they were allied with certain Arab nations; sometimes they were not allied with certain nations. Most Arab nations always distrusted the Soviet Union because they were a country of atheists, and Arab nations were a country under Islam.

How about Israel during the Cold War? It's interesting, and you ought to read the book "Treacherous Alliance" by Trita Parsi, to understand the nature of the relationship between Israel and Iran between 1948 and 1991. Israel and Iran had many enemies in common. They were both enemies of the Soviet Union. They were both enemies of many Arab states, especially Iraq under Saddam Hussein. And as a result of that, because they had the same enemies—and Iran is a Persian country, does not speak Arabic, speaks Farsi, it is an Islamic State, but Israel and Iran had many similar enemies. And so they had secret arrangements: Oil for technology. That went on to 1991.

Russia invaded Afghanistan from 1980 and the war went on to just about 1989. They call it Russia's Vietnam. Iran and Iraq went to war in 1980 to 1988. There were more people killed in the Iran-Iraq War than all of the Americans killed in World War I, World War II, Korea, and Vietnam. More people killed between 1980 and 1988 between two neighboring states. The blood, the bitterness, the fear, remains to this day.

1979, Egypt decided that they were going to recognize Israel, and Egypt became more of an American ally than a Soviet ally. Jordan followed not far behind.

What I'm trying to present to you is that the Middle East, in most of recent history, has been a place of intrigue, a place of complexity, and a place of violence. What do we see now today in the Middle East?

We know that in the three great religions faith is very important. It's a part of everyone's life. The three great religions of Judaism, Christianity, and Islam. And in many places in the Middle East, the Jews, the Christians, and the Muslims live together. There is even intermarriage. The children go to school, and when they learn about their faith, they just move to different classrooms. When they learn about math, they move back to the math classroom together or the history classroom together. And this is throughout much of the Middle East.

So there is a strong religious component. Faith is important in their life. But in many communities, the three great religions live side by side, and for the most part, harmoniously.

Oil is a vital component of their economic viability. We know that and the world knows that. The oil exports from the Middle East are extremely vital for their economy, and that's why we have not seen the Gulf of Hormuz, where most of that oil comes out of, we have not seen that, we have not seen any of those countries in the Middle East try to shut that route out.

Today, as in the past, but especially today, the geopolitical balance of power is fractured. What does that mean? That means, which direction is the Middle East going to go?

Mr. Speaker, who is going to have more influence in the Middle East? Will it be Saudi Arabia? Will it be Iran? Will it be Israel? Will it be Russia? Will it be China? Will it be Europe? Will it be the United States? Nobody knows exactly right now. But what we do know is the Middle East has been a focus of America's attention since 9/11, an absolute focus of America's attention mainly because we were attacked, thousands of Americans were killed. We invaded Afghanistan to get rid of the source of the attack, al Qaeda and the Taliban, and then we subsequently invaded Iraq in which we eliminated a brutal dictator, Saddam Hussein. We eliminated a potential for weapons of mass destruction.

We are beginning and we have developed a working Iraqi Government. Iraq has been the focus of America's attention, but how much information do we know about this region, about Iraq?

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But again, I would recommend reading especially some of these books to bring us up to date on some of that information.

The Shiites, the Sunnis and the Kurds, the main factions in Iraq, the Shiites and the Sunnis are Muslim, the Kurds are Muslim. What is the difference between the Shiites and the Kurds and the Muslims? Much of it has to do with historic understanding about who would be inheriting Muhammad's role in the Muslim faith. But the average Muslim, I will tell you, whether they're a Sunni, a Shia or a Kurd, the average Muslim wants to live their life in peace, wants human rights for themselves and their family. They want to raise their family.

There is no bitter quarrel among the average Muslim about who's a Sunni or a Shia, who is supposed to inherit the role of Muhammad. The average Muslim wants to live their life in peace. They want human rights. They want justice. They want the rule of law. They want freedom of religion, freedom of thought, freedom of expression. Where the trouble comes with the Islamic faith is with al Qaeda, with the Taliban. Sometimes I would even say with the teachings of Wahhabi, where they confine themselves to a certain monstrous certainty.

Iran, by the way, as do most other Arab countries, oppose the teachings of al Qaeda. They oppose the teachings of Taliban. One of our problems in the Middle East is to find allies, is to have a dialogue with other countries. And I will tell you, when the Taliban took over Afghanistan, just think about this, when the Taliban took over Afghanistan, every country in the world pulled their embassy out except Iran. Iran left its embassy in Kabul. And what did the Taliban soldiers do? They went to the Iranian Embassy in Kabul, pulled out the 11 Iranians, and they shot them, the only embassy left in Kabul. What did the Taliban do? They shot the Iranians. Who helped them? Al Qaeda. Is Iran a friend of these Islamic extremists? No. Is Iran a friend of the Taliban and al Qaeda? No. Is Iran open to discussion about these issues to bring stability? The answer is yes.

There are many differences between these Arab countries, whether it's Saudi Arabia, Iran, Syria, Qatar, Amman, Iraq, Afghanistan, Lebanon, you name it. They all have some differences in the way they look at religion and the way they look at their leadership. They're either democracies or they're monarchies or they're dictatorships, but what they have in common is they want stability in that region.

The present crisis, the war in Iraq, the war in Iraq is not World War II. It is not like World War II. There are no munitions factories to bomb anywhere in Iraq like there were in Germany and Japan. There are no supply lines. There are no standing armies. We are fighting an insurgency, a very multi-complex insurgency.

Where are we now? Why is there a sense of urgency to find a resolution, an end to this conflict? We say there's 34,000 casualties. What does that mean, 34,000 American casualties? That means there's more than 4,000 young American soldiers dead. Thirty thousand wounded. What does that mean? That means 30,000 Americans have come back that have been brutally blown up and have lost limbs, been burned severely. Their physical lives are, for the most part, ultimately and absolutely changed. They will never be the same. With courage, they can pick up the pieces of their life and move on with strong families.

There are tens of thousands who have post traumatic problems. I will say that everyone that enters a war zone, 100 percent comes back with post-traumatic stress. Now, what does that mean? That means that the violence that they see, the violence and destruction of explosions, of human bodies being torn to pieces, that image that they see and experience never leaves their memory. They will always remember that. That image never goes away. It just happens that your soldier can deal with it effectively and become a productive citizen and take that image in their mind and figure out how to conduct themselves in a normal fashion so they can lead a good life, they can raise a family, they can have a relationship, they can deal with it. Some cannot. Some are psychologically scarred for a long time to come.

The war so far is costing a little over $600 billion. That's where we are as far as the Treasury is concerned. The American people want a conclusion to the conflict. How are we going to end the war in Iraq?

There is global dissent about our policy at present. There is a struggling Iraqi Government. Are they ready to take over completely with their politics, with their military, with their infrastructure, with their economy? Not quite yet, they aren't. Some of our Arab allies, including Saudi Arabia, our strongest ally in the Middle East, have stated publicly that America's war in Iraq is illegal. That is where we are at this point.

Can we leave Iraq, like some of our generals have suggested; drive them to Basra, put them on boats and airplanes and bring them home? Many people are suggesting that. But I would remind the American people, Mr. Speaker, of something that General McCaffrey said. We left Mogadishu abruptly, and it was chaos. If we abruptly leave Iraq, that chaos will be multiplied by a thousand times.

When the French began to pull out of Vietnam, they left some military there. And the famous battle of Dien Bien Phu has been retold many times. If we leave Iraq under the present conditions and leave some American troops there, how many should we leave? We don't want another Dien Bien Phu for American soldiers in Iraq.

General Petraeus said there is no military solution in the war in Iraq. Is there a political solution? What is the road ahead?

There is a great deal of talk about elections in October. We really have to work toward that goal. What about a hydrocarbon law? Is there a strong local police force? Is there a strong Iraqi national army? Is there a stable government? How do we achieve these goals, and many more? We don't achieve them with military power alone. That simply is not going to work.

Let's take a look at the way forward. What do we do? Very complicated situation. History, to a certain extent, can be a guiding post to avoid certain obstacles that we don't anticipate, but let's take a look.

Iraq. The United States and the United States military is the skeletal structure upon which the entire Iraqi society rests right now. We are the structure that that government depends upon. If we pulled out, to a large extent, at least for a time, hard to predict, there would be chaos. So we are the skeletal structure upon which the entire Iraqi society rests.

If we just focus on Iraq, though, we understand there is no long-term military solution to its insurgency, there is no basic long-term political solution if we just focus in on Iraq. The United States needs to understand the region and how we impact the region and how we can be interconnected with many of the problems that are there. And that will also begin to help resolve the Iraqi question.

Many of the insurgents in Iraq still are al Qaeda and the Taliban. Many of the recruiting tools to bring more people into that violent extremist movement is the Palestinian-Israel question. So if the United States, and we've already begun that, we've seen the Bush Administration in Annapolis, we've seen some discussions in a number of levels trying to resolve and reconcile the differences between the different factions in Palestine and the different factions in Israel. If the United States becomes an objective arbitrator with the Palestinian-Israel question, we will reduce significantly the number of people that are recruited into the violent Islamic community known as al Qaeda.

Our discussions with Saudi Arabia, that we're not going to abandon the region, Saudi Arabia still has some fear that Iraq could be an Iranian satellite. And Saudi Arabia fears too much Iranian influence in the region. So our discussions with Saudi Arabia are pretty important.

Our discussions with Iraq, obviously, can be very interesting, especially with the Iranians, because the Iraqis have diplomatic relations with the Iranians, and vice versa; Maliki has gone to Tehran, Ahmadinejad has gone to Baghdad. So the Iraqis can see us as being a little closer to their relationship as far as the Iranians are concerned.

Now, the Iranians, obviously, we talked a little bit about the Iran-Iraq war that lasted from 1980 to 1988 and how many hundreds of thousands of Iranians were killed. The Iranians fear the kind of government that could do that again in Iraq.

The differences between the Ba'athist party, the Sunnis, the old Saddam Hussein regime is could·that possibly come back? So our relationship, our open dialogue with the Iranians is pretty important.

No one in the Middle East wants too much Russian influence. They remember the old Soviet Union, they remember Afghanistan. They simply don't know if Russia has found its soul yet, so many in the Middle East fear too much Russian influence. Many in the Middle East fear too much Chinese influence because they know China is looking for resources, especially oil.

So the U.S. involved in the Middle East in all these areas, including Syria, including, I will say, Hamas and Hezbollah, it is America's power that gives us the ability to negotiable, to dialogue, to communicate, to find some way to talk to our allies, our friends, and also our enemies in the Middle East. This is not Chamberlain giving away Czechoslovakia. This is the United States, the most powerful country in the world militarily, economically, and with our diplomats, discussing the issues in the Middle East with our friends, our allies, and our enemies, not giving up anything, certainly not giving up territory, not giving in to threats, not giving in to proliferation of nuclear weapons or weapons of mass destruction. This is the United States, with its power, negotiating its way to find a solution with our strength.

Eisenhower said in the 1950s, and it's true today, the United States' ability to be a super power, to be strong, is a three-legged stool, a strong military, a strong intelligence system, and consensus and dialogue. That's in our arsenal as well, diplomacy, trade, education, technology, social exchanges, science exchanges, cultural exchanges. That's the beacon, that's our strength.

So let's take a look at some ways to resolve this problem. We have the military. People know we're strong. We have the best intelligence in the world. We talked about a military surge about a year ago. Let's take a look at a diplomatic surge, with present and former diplomats in the United States covering the gauntlet in the Middle East to talk about these kinds of reconciliation measures.

International support structure from the international community, that has worked so well for many decades, and integrated security alliance. We have it, we've had it for some time with NATO. We've had it with SEATO, the Southeast Asia Treaty Organization. We've had it with Latin America, the Organization of American States. The Soviet Union had it. They know how these integrated security alliances work. We are fully aware of the Warsaw Pact, that gave those countries participating a certain amount of strength.

An integrated economic system can help immensely. And I'm not saying that you will have a NATO-type alliance among Middle Eastern countries, but you can begin to discuss an integrated security alliance.

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Continue the current military drawdown of American troops that is now ongoing strategically and in a responsible manner. Continue to work toward a reconciliation among the different factions in the Shia community, the Sunni community, and the Kurds. And we have seen recently in Basra between Iraq, the United States, and the country of Iran, the resolution to that violent conflict in Basra among the different Shia factions. Reconciliation among those factions can work.

And let's take a quick look historically at how these alliances can work. In 1941 the United States signed the Atlantic Charter with a number of European countries. And in part how did that Atlantic Charter work? What were some of the provisions? It said that all peoples have a right to self-determination. Trade barriers were to be lowered. There was to be global economic cooperation and advancement of social welfare, freedom from want and fear, disarmament of aggressor nations. Why did we sign the Atlantic Charter actually in September of 1941? Because we knew the war wasn't going to last forever and we knew that we needed some agreement about sovereignty and human rights that we could work toward. Those would be our goals.

That, I have to say as an aside, it was signed in 1941. In 1942, with Ho Chi

Minh living under Japanese rule with the blessings of the French in Indochina, Ho Chi Minh said, "I hope that means that that Atlantic Charter also includes Asians." And, unfortunately, he went on to say a few years later, since the Atlantic Charter talked about sovereignty, he said, "I guess the Atlantic Charter did not include Asians."

A couple of decades after the Atlantic Charter was written and signed, there was something called the Helsinki Accords. The Helsinki Declaration was signed in December, 1975, by many European countries, including the Soviet Union, including Eastern Europe. And, by the way, the Atlantic Charter was what led into the United Nations to help secure sovereignty for countries, human rights, freedom of expression, freedom of thought, and so on. In 1975, and I want to bring this out for another particular reason and how it can apply today in the Middle East, in 1975 a number of countries signed the Helsinki Declaration, and what did that say in part? It said "sovereign equality, respect for the rights inherent in sovereignty." It said, "refraining from the threat of use of force." This helped trigger dialogue between the differences of nations that had conflict. "Peaceful settlements of disputes." We didn't go to war with the Soviet Union. We didn't go to war with East Germany. We didn't go to war with a number of other conflicts around the world. "Nonintervention in internal affairs. Respect for human rights, including the freedom of thought. Equal rights and self-determination of peoples. Fulfillment in good faith of obligations under international law."

Now, Brezhnev actually liked this. Premier Brezhnev of the Soviet Union, Prime Minister Brezhnev, liked that because he thought that all the land that the Soviet Union then occupied, he would be able to occupy that territory forever. But what, in fact, did the Helsinki Accords actually do to people around the world, Eastern Europe, and Soviet Republics like the Ukraine? What did it do? It gave them official permission to say what they felt, to say what they thought, and the world would listen, and the world did listen. People living in the Ukraine today, the former Soviet Union, will tell you that the Helsinki Accords was that trigger, that slow fuse that led to their self-determination, their sovereignty, their independence. The Atlantic Charter, the Helsinki Accords.

What the United States can do in the Middle East is to remember those words, bring about a Middle East summit in which there can be Middle East accords, to bring about sovereignty, to bring about human rights, to bring about the respect for international law, to bring about respect for human thought. It can do for the Middle East what it did for former Soviet Republics that are now independent, now free. And the Ukraine is trying to get into the European Union. The Ukraine is trying to get into NATO, as is Kosovo, as is Macedonia, former Soviet Republics. View of the Helsinki Accords is what led to their ability to become sovereign and free nations and develop democracy. What can happen in the Middle East under these circumstances is the same thing. Eisenhower talked to Khrushchev. Kennedy avoided war in Cuba. Nixon talked to Mao Tse-tung. Knowledge is the solvent for danger. History is the vast early warning system.

What is our policy now based on in the Middle East? Do we have a definite direction? Are we sure about our power, our power to influence, our power of trade, our power of human dignity? What is our policy now in the Middle East?

Sam Rayburn, former Speaker, former Member of the House, the building right across the road is named after him, the Rayburn Office Building, where I work. What did Sam Rayburn say years ago that is actually applicable today? "Any mule can kick a barn door down, but it takes a carpenter to build one." It takes a carpenter to build a barn.

We need more carpenters. We need more people who understand the nature of conflict. We need more people that have a sense of urgency.

The soldiers in Iraq that are driving in convoys that actually in the next few minutes might run over a land mine, those soldiers need to know, those soldiers in Iraq who are stunningly competent about what they do, need to know that we, the policymakers, are also stunningly competent in how we developed a policy that they have to take out.

But I will tell the American people, Mr. Speaker, just don't wait for the government to be competent. You're hoping they are competent. You're hoping they know what they are doing. Turn your television off 2 hours every night and start trying to understand the nature and the culture and the history and the intrigue and the complexity of the violence in the Middle East so you're better able to understand it.

Rudyard Kipling lost his son in France a long time ago, and to soothe his pain, he said, "Why did young men die because old men lied?" Today old people should talk before they send young people to die.

As we look back on the landscape of human tragedy, what and who in every instance was the enemy? What caused the violence? What caused the pain? What caused the despair? What caused the suffering? I will tell you we have three enemies in the landscape of human tragedy: ignorance, arrogance, and dogma. When you put those three things together, it leads to this monstrous certainty, this oversimplification of what the issues actually are, this monstrous certainty that comes out of al Qaeda that I'm right and you're wrong, this monstrous certainty that comes out of the Taliban, I'm right and you're wrong. A suicide bomber should do his job, that's what God wants. We know that's not right. We know that's wrong.

What's the antidote over history to ignorance, arrogance, and dogma? Knowledge to replace ignorance, humility to replace arrogance, and tolerance to replace dogma. We, as the policymakers, need to be knowledgeable and informed so we are competent to create a policy that will lead us out of this conflict, that will take us through the violence and understand the nature of this conflict so a resolution can come to the fore.

Mr. Speaker, I want to wish the American people well in their assignment to read these books that will bring knowledge to the fore: "Violent Politics" by William Polk, "Fiasco" by Thomas Ricks, "All the Shah's Men" by Steve Kinser, "Treacherous Alliance" by Trita Parsi, "The Battle For Peace" by Tony Zinni, "Why Vietnam?" by Archimedes Patti, and "Human Options" by Norman Cousins.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PALLONE (at the request of Mr. HOYER) for today.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today and the balance of the week on account of official business.

Mr. LoBIONDO (at the request of Mr. BOEHNER) for April 14 and up until 6 p.m. today on account of visiting servicemen and women in Afghanistan.

Mr. MACK (at the request of Mr. BOEHNER) for April 14 and the balance of the week on account of an illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Ms. GIFFORDS, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DeFAZIO, for 5 minutes, today.

Mr. LOEBSACK, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 22.

Mr. JONES of North Carolina, for 5 minutes, April 22.

Mr. SALI, for 5 minutes, April 16.

Mr. WELLER of Illinois, for 5 minutes, today and April 16.

ADJOURNMENT

Mr. GILCHREST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 16, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6078. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ferric Citrate; Inert Ingredient; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0479; FRL-8071-2] received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6079. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenhexamid; Pesticide Tolerance [EPA-HQ-OPP-2007-0303; FRL-8357-2] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6080. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerance [EPA-HQ-OPP-2007-0426; FRL-8356-9] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — S-Abscisic Acid, Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2008-0092; FRL-8357-4] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6082. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flonicamid; Pesticide Tolerance [EPA-HQ-OPP-2007-0338; FRL-8356-7] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6083. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dicamba; Pesticide Tolerance [EPA-HQ-OPP-2007-0325; FRL-8356-6] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6084. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acequinocyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0678; FRL-8356-6] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6085. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerance [EPA-HQ-OPP-2007-0308; FRL-8352-5] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6086. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerance [EPA-HQ-OPP-2007-0302; FRL-8351-6] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6087. A letter from the Directors, Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) fiscal year 2009 outlay rates and prior year outlays, pursuant to 10 U.S.C. 226; to the Committee on the Budget.

6088. A letter from the Chairman, National Endowment for the Arts and Member Federal Council on the Arts and the Humanities, National Foundation on the Arts and the transmitting the Federal Council on the Arts and the Humanities' thirty-second annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2007, pursuant to 20 U.S.C. 959(c); to the Committee on Education and Labor.

6089. A letter from the Secretary, Department of Health and Human Services, transmitting as required by Sections 913(b)(2) and Section 902(g) of the Healthcare Research and Quality Act of 1999 (Pub. L. 106-129), reports entitled "The National Healthcare Quality Report 2007" (NHQR) and "The National Healthcare Disparities Report 2007" (NHDR); to the Committee on Energy and Commerce.

6090. A letter from the Director, Regulatory Management Division, Environment Protection Agency, transmitting the Agency's final rule — National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities [EPA-HQ-OAR-2005-0155; FRL-8547-4] (RIN: 2060-AO52) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6091. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Federal Implementation Plan for the Billings/Laurel, Montana, Sulfur Dioxide Area [EPA-R08-OAR-2006-0098; FRL-8551-2] (RIN: 2008-AA01) received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6092. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada [AZ and NV-EPA-R09-OAR-2006-1014 FRL-8551-1] received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6093. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada, Nevada Division of Environmental Protection [EPA-R09-OAR-2008-0229; FRL-8550-9] received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6094. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alabama: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R04-RCRA-2007-0992; FRL-8550-3] received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final 8-hour Ozone National Ambient Air Quality Standards Designations for the Early Action Compact Areas [EPA-HQ-2008-0006; FRL-8550-1] (RIN: 2060-AO83) received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Large Municipal Waste Combustor (LMWC) Emissions from Existing Facilities [EPA-R03-OAR-2008-MD-0209; FRL-8552-5] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions [EPA-R09-OAR-2007-1155; FRL-8548-8] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to the 1-Hour Ozone Maintenance Plan for the Raleigh/Durham and Greensboro/Winston-Salem/High Point Areas [EPA-R04-OAR-2008-0036-200801(a); FRL-8551-9] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6099. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R03-RCRA-2008-0256; FRL-8548-9] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, Bay Area Air Quality Management District [EPA-R09-OAR-2007-0970; FRL-8547-6] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments [EPA-HQ-OAR-2004-0022 FRL-8549-4] (RIN: 2050-AG35) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6102. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0103; FRL-8549-8] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6103. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0100; FRL-8549-6] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6104. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2006-0127; FRL-8538-1] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6105. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2007-1074, FRL-8537-9] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6106. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Control of Particulate Matter from Pulp and Paper Mills; Correction [EPA-R03-OAR-2005-VA-0011; FRL-8537-6] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6107. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definition of Volatile Organic Compound (VOC) [EPA-R03-OAR-2007-1157; FRL-8532-4] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6108. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Energy and Commerce.

6109. A letter from the Inspector General, U.S. House of Representatives, transmitting the Inspector General's final report on the Management Advisory review of the Exchange 2003 Implementation; to the Committee on House Administration.

6110. A letter from the Acting Administrator, FAA, Department of Transportation, transmitting the Federal Aviation Administration's Capital Investment Plan (CIP) for fiscal years 2009-2013, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

6111. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Administration's position on the budgeting for the Park River at Grafton, North Dakota, flood damage reduction project; to the Committee on Transportation and Infrastructure.

6112. A letter from the Secretary, Department of Transportation, transmitting a report entitled, "Fundamental Properties of Asphalts and Modified Asphalts-II" submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, and Section 5117(b)(5) of the Transportation Equity Act of the 21st Century (TEA-21) and the extension of those provisions through FY 2007; to the Committee on Transportation and Infrastructure.

6113. A letter from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY09, pursuant to 49 U.S.C. 24315(b); to the Committee on Transportation and Infrastructure.

6114. A letter from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting the National Railroad Retirement Investment Trust's annual management report covering FY 2007, pursuant to 45 U.S.C. 231n Public Law 107-90, section 105; to the Committee on Transportation and Infrastructure.

6115. A letter from the Director, National Science Foundation, transmitting the Foundation's Performance Highlights for FY 2007; to the Committee on Science and Technology.

6116. A letter from the Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting a copy of the Report of the Chairman for FY 2007; to the Committee on Veterans' Affairs.

6117. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, "To amend title 38, United States Code, to improve veterans' health care benefits and for other purposes"; to the Committee on Veterans' Affairs.

6118. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's biennial report on evaluation, research and technical assistance activities supported by "The Promoting Safe and Stable Families Program"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 1107. Resolution providing for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families (Rept. 110–590). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself, Mr. COSTELLO, Mr. PETRI, Mr. DUNCAN, Mr. OBERSTAR, Mr. LIPINSKI, Mr. FILNER, Mr. COHEN, Mr. BOOZMAN, Mr. CAPUANO, and Mr. GEORGE MILLER of California):

H.R. 5788. A bill to amend title 49, United States Code, to establish prohibitions against voice communications using a mobile communications device on commercial airline flights, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WU (for himself, Mr. GORDON, Mr. BAIRD, and Mr. WILSON of Ohio):

H.R. 5789. A bill to reauthorize the Small Business Innovation Research (SBIR) Program and the Small Business Technology Transfer (STTR) Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER:

H.R. 5790. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for State and local real property taxes whether or not the taxpayer itemizes other deductions, and for other purposes; to the Committee on Ways and Means.

By Ms. SHEA-PORTER (for herself and Mr. LATHAM):

H.R. 5791. A bill to amend title 10, United States Code, to clarify the effective date of active duty of members of the reserve components of the Armed Forces receiving an alert order anticipating a call or order to active duty in support of a contingency operation for purposes of entitlement to medical and dental care as members of the Armed Forces on active duty; to the Committee on Armed Services.

By Mr. MOORE of Kansas (for himself, Ms. PRYCE of Ohio, Mr. CAMPBELL of California, and Mr. KLEIN of Florida):

H.R. 5792. A bill to amend the Liability Risk Retention Act of 1986 to increase insurance competition and available coverage for consumers; to the Committee on Financial Services.

By Ms. ZOE LOFGREN of California (for herself, Mr. CANNON, Mr. COHEN, Mr. CHABOT, Mr. MEEKS of New York, and Mr. SENSENBRENNER):

H.R. 5793. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; to the Committee on the Judiciary.

By Mr. BRADY of Texas (for himself, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BLUNT, Mr. BROUN of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. CARTER, Mr. CHABOT, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GOHMERT, Mr. GOODE, Mr. HALL of Texas, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAMBORN, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCKEON, Mr. MACK, Mrs. BONO MACK, Mr. MARCHANT, Mrs. MYRICK, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. STEARNS, Mr. TERRY, Mr. THORNBERRY, Mr. WELLER, and Mr. WESTMORELAND):

H.R. 5794. A bill to provide for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist; to the Committee on Oversight and Government Reform.

By Mr. CAMPBELL of California:

H.R. 5795. A bill to require the Secretary of the Interior to notify units of local government when a Native American group files a petition to become a federally recognized Indian tribe and before the decision on the petition is made, and for other purposes; to the Committee on Natural Resources.

By Ms. CLARKE:

H.R. 5796. A bill to provide funding for the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities; to the Committee on Appropriations.

By Mrs. DRAKE:

H.R. 5797. A bill to amend title 5, United States Code, to provide for a qualified Roth contribution program under the Thrift Savings Plan; to the Committee on Oversight and Government Reform.

By Mr. HILL:

H.R. 5798. A bill to amend the Internal Revenue Code of 1986 to allow a credit for care packages provided for soldiers in combat zones; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5799. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 5800. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to appropriate the proceeds for the Low-Income Home Energy Assistance Program; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. BOSWELL, Mr. SPACE, Mr. HILL, Mr. BARROW, and Mr. MELANCON):

H.R. 5801. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mr. ELLISON, and Mr. DAVIS of Illinois):

H.R. 5802. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to repeal the denial of food stamp eligibility of ex-offenders; to the Committee on Agriculture.

By Ms. ZOE LOFGREN of California:

H.R. 5803. A bill to direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes; to the Committee on House Administration.

By Mr. McDERMOTT (for himself, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. STARK, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. EMANUEL, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, Mr. HARE, Ms. SUTTON, Mr. HONDA, Mr. HIGGINS, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. CUMMINGS, Mr. KAGEN, and Mr. LEVIN):

H.R. 5804. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5805. A bill to establish a new solar energy future for America through public-private partnership and energy leasing for reliable and affordable energy for the American people, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH (for himself and Mr. UPTON):

H.R. 5806. A bill to permit universal service support to schools under the Communications Act of 1934 to be used for enhanced emergency notification services; to the Committee on Energy and Commerce.

By Mr. SALAZAR:

H.R. 5807. A bill to amend title 10, United States Code, to provide for the distribution of a share of certain mineral revenues, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CONYERS, Mr. ELLISON, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. WAXMAN, and Mr. HONDA):

H.R. 5808. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CONYERS, Mr. ELLISON, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. WAXMAN, and Mr. HONDA):

H.R. 5809. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 5810. A bill to amend title V of the Social Security Act to provide grants for school-based mentoring programs for at risk teenage girls to prevent and reduce teen pregnancy, and to provide student loan forgiveness for mentors participating in such programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. CLAY, and Mr. HODES):

H.R. 5811. A bill to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. PAUL, and Mr. CANTOR):

H.R. 5812. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Ms. KILPATRICK, Mr. KILDEE, Mr. UPTON, Mr. MCCOTTER, Mr. CAMP of Michigan, Mr. EHLERS, Mr. DINGELL, Mr. WALBERG, Mr. KNOLLENBERG, Mr. ROGERS of Michigan, Mr. LEVIN, Mr. STUPAK, Mr. HOEKSTRA, and Mrs. MILLER of Michigan):

H. Con. Res. 327. Concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself, Ms. BALDWIN, Mrs. CAPPS, Mrs. DAVIS of California, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HOLT, Mr. HONDA, Mr. LOEBSACK, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. NADLER, Ms. NORTON, Mr. PALLONE, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SIRES, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H. Con. Res. 328. Concurrent resolution supporting the goals and ideals of the National Day of Silence with respect to anti-lesbian, gay, bisexual, and transgender name-calling, bullying, and harassment faced by individuals in schools; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. REICHERT):

H. Res. 1108. A resolution expressing the sense of the House of Representatives that future Iraq reconstruction should be paid for by the Government of Iraq; to the Committee on Foreign Affairs.

By Mr. SIRES:

H. Res. 1109. A resolution honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BARRETT of South Carolina.

H.R. 351: Ms. SCHAKOWSKY, Ms. NORTON, and Mr. BRADY of Pennsylvania.

H.R. 406: Mr. BUYER, Mr. COBLE, Mr. DAVIS of Kentucky, Mr. DOOLITTLE, Mr. EHLERS, Ms. GRANGER, Mr. HAYES, Mr. SAM JOHNSON of Texas, Mr. MARCHANT, Mr. RAMSTAD, Mr. ROYCE, Mr. SHUSTER, and Mr. TURNER.

H.R. 471: Mr. LOBIONDO, Ms. DELAURO, Mr. KELLER, and Mr. HINOJOSA.

H.R. 510: Mr. YOUNG of Alaska, Mr. BARTON of Texas, Mr. CALVERT, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. HOEKSTRA, Mr. WITTMAN of Virginia, Mr. PEARCE, and Mr. SULLIVAN.

H.R. 643: Mr. VAN HOLLEN.

H.R. 657: Mr. HONDA.

H.R. 661: Mr. ELLISON.

H.R. 688: Mr. JONES of North Carolina and Mr. GERLACH.

H.R. 728: Mr. ALTMIRE.

H.R. 919: Ms. FOXX.

H.R. 953: Ms. FOXX.

H.R. 981: Mr. RYAN of Ohio.

H.R. 1043: Ms. SLAUGHTER.

H.R. 1050: Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. ELLISON, and Mr. HONDA.

H.R. 1056: Mr. HOEKSTRA.

H.R. 1057: Mr. HOEKSTRA.

H.R. 1076: Mr. DAVIS of Kentucky and Mr. MCKEON.

H.R. 1185: Mr. GRIJALVA.

H.R. 1190: Mr. TOWNS and Mr. GRIJALVA.

H.R. 1228: Mr. ALLEN.

H.R. 1293: Mr. AKIN.

H.R. 1303: Mr. CHANDLER.

H.R. 1380: Mrs. BONO MACK.

H.R. 1524: Mr. JACKSON of Illinois, Mr. CASTLE, Mr. HARE, Mr. ORTIZ, and Mr. WALBERG.

H.R. 1540: Mr. BRADY of Pennsylvania, Mrs. LOWEY, and Mr. BARTLETT of Maryland.

H.R. 1707: Mrs. LOWEY.

H.R. 1742: Mr. JACKSON of Illinois, Mr. LYNCH, Mrs. NAPOLITANO, and Mr. JEFFERSON.

H.R. 1776: Mr. CARNAHAN, Mr. LOEBSACK, and Mr. CHANDLER.

H.R. 1843: Mr. BLUNT and Mr. ENGLISH of Pennsylvania.

H.R. 1884: Ms. KAPTUR, Mrs. BOYDA of Kansas, Mr. FRANKS of Arizona, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILL, and Mr. HELLER.

H.R. 1921: Mr. FRANK of Massachusetts.

H.R. 1932: Mr. TIBERI and Mr. DAVID DAVIS of Tennessee.

H.R. 1983: Mr. CHANDLER.

H.R. 2188: Mr. GERLACH and Mr. ALLEN.

H.R. 2267: Mr. PLATTS.

H.R. 2329: Mrs. BACHMANN, Mr. KLEIN of Florida, Mr. WELCH of Vermont, and Mr. ENGLISH of Pennsylvania.

H.R. 2332: Mr. GENE GREEN of Texas, Mr. YOUNG of Alaska, and Mr. SHADEGG.

H.R. 2343: Mr. KENNEDY.

H.R. 2371: Mr. RUPPERSBERGER, Mr. ROSS, Mr. TERRY, Mr. TOWNS, Mr. BUTTERFIELD, Mr. ALTMIRE, and Mr. BRALEY of Iowa.

H.R. 2380: Mr. KAGEN and Mr. HOBSON.

H.R. 2421: Ms. TSONGAS.

H.R. 2458: Mr. BRADY of Texas.

H.R. 2593: Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. HONDA.

H.R. 2676: Mr. PLATTS and Mr. BRALEY of Iowa.

H.R. 2686: Mr. MCINTYRE and Mr. POMEROY.

H.R. 2892: Ms. LEE and Mr. FRANK of Massachusetts.

H.R. 2976: Mr. COHEN and Ms. SCHAKOWSKY.

H.R. 3054: Ms. WATERS.

H.R. 3149: Mr. CARTER.

H.R. 3189: Mr. CONYERS.

H.R. 3463: Mr. BLUMENAUER.

H.R. 3543: Mr. MCGOVERN.

H.R. 3544: Mr. HINOJOSA, Mr. HILL, Mr. BRADY of Pennsylvania, and Mr. CRAMER.

H.R. 3616: Mr. MOORE of Kansas.

H.R. 3642: Mr. MCGOVERN.

H.R. 3652: Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. OBERSTAR.

H.R. 3654: Mr. CARSON and Mr. HILL.

H.R. 3658: Mr. MCDERMOTT.

H.R. 3660: Mr. SESSIONS and Mr. HUNTER.

H.R. 3728: Ms. WOOLSEY, Mr. FATTAH, and Ms. SCHAKOWSKY.

H.R. 3797: Mr. KIND.

H.R. 3818: Mr. LATTA and Mr. HUNTER.

H.R. 3886: Mr. RYAN of Ohio.

H.R. 3981: Mr. ALEXANDER.

H.R. 4044: Mr. GONZALEZ, Mr. PETERSON of Minnesota, Mr. BISHOP of Georgia, and Mr. HINOJOSA.

H.R. 4061: Mr. MARSHALL.

H.R. 4093: Mr. ARCURI.

H.R. 4126: Mr. MCKEON, Mr. ENGLISH of Pennsylvania, Mrs. JONES of Ohio, and Mr. NUNES.

H.R. 4188: Mr. HONDA and Ms. WASSERMAN SCHULTZ.

H.R. 4204: Ms. WASSERMAN SCHULTZ.

H.R. 4236: Mr. WALZ of Minnesota.

H.R. 4279: Ms. WATSON.

H.R. 4310: Mr. HARE.

H.R. 4651: Mr. WELCH of Vermont.

H.R. 4775: Mrs. MALONEY of New York and Mr. WAXMAN.

H.R. 4838: Mr. WELCH of Vermont.

H.R. 4926: Mr. BLUMENAUER.

H.R. 4927: Mr. UDALL of Colorado.

H.R. 4930: Mr. BRALEY of Iowa.

H.R. 4934: Mr. WILSON of Ohio.

H.R. 4987: Mr. CALVERT.

H.R. 5032: Mr. DOOLITTLE, Mr. SENSENBRENNER, Mr. ALEXANDER, Mr. TIAHRT, Mr. PICKERING, and Mr. SHADEGG.

H.R. 5057: Mr. MOORE of Kansas.

H.R. 5131: Mr. BURGESS.

H.R. 5174: Mr. MCNULTY.

H.R. 5176: Ms. JACKSON-LEE of Texas.

H.R. 5223: Ms. BERKLEY and Mr. HARE.

H.R. 5236: Mr. SHADEGG.

H.R. 5315: Mr. CARSON.

H.R. 5441: Mr. LIPINSKI and Mr. MICA.

H.R. 5443: Mr. FOSSELLA.

H.R. 5445: Mr. ELLISON and Mr. KLINE of Minnesota.

H.R. 5447: Ms. SCHWARTZ, Mr. HONDA, Mr. LINCOLN DAVIS of Tennessee, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. HINOJOSA, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, and Mr. BERMAN.

H.R. 5450: Mr. ALTMIRE.

H.R. 5461: Mr. ALLEN.

H.R. 5466: Ms. SUTTON.

H.R. 5473: Mr. DELAHUNT, Mr. WALZ of Minnesota, Mr. WEXLER, Mr. MARKEY, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. WILSON of Ohio, Mr. BARROW, Mr. MURPHY of Connecticut, Mr. HINCHEY, Mr. HODES, Ms. GIFFORDS, Mr. MCGOVERN, Mr. WAXMAN, Mr. BRALEY of Iowa, Ms. SHEA-PORTER, Ms. SCHAKOWSKY, Mr. EMANUEL, Mrs. CAPPS, and Mr. CARSON.

H.R. 5481: Mr. YOUNG of Alaska.

H.R. 5488: Mr. MCDERMOTT and Mr. KUCINICH.

H.R. 5490: Mr. BARRETT of South Carolina.

H.R. 5515: Mr. GOHMERT.

H.R. 5546: Mr. ENGLISH of Pennsylvania.

H.R. 5561: Ms. HERSETH SANDLIN and Mr. MCHUGH.

H.R. 5585: Mr. PRICE of North Carolina.

H.R. 5591: Mr. SOUDER, Mr. WALBERG, and Mr. HINOJOSA.

H.R. 5595: Mr. SOUDER, Mr. CARSON, Mr. ENGLISH of Pennsylvania, and Mr. HARE.

H.R. 5596: Mr. SENSENBRENNER, Mr. TANCREDO, Mr. BILBRAY, and Mr. FRANKS of Arizona.

H.R. 5609: Mr. PAYNE.

H.R. 5611: Mr. PLATTS and Mr. AKIN.

H.R. 5613: Mr. LOBIONDO, Mr. BRADY of Pennsylvania, Mr. KLEIN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MELANCON, Mr. RUSH, Mr. COHEN, Mr. BACA, Mr. HINOJOSA, Mr. COURTNEY, and Mr. RYAN of Ohio.

H.R. 5627: Mr. SESSIONS, Mr. SHULER, Mrs. MILLER of Michigan, Mr. PENCE, Mr. KUHL of New York, and Mr. KNOLLENBERG.

H.R. 5629: Mr. DELAHUNT and Mr. NUNES.

H.R. 5642: Mr. DANIEL E. LUNGREN of California and Mr. GOHMERT.

H.R. 5646: Mr. KINGSTON, Mr. WESTMORELAND, Mr. LINDER, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. AKIN, Mr. DEAL of Georgia, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. MARCHANT, Mr. ADERHOLT, and Mr. FEENEY.

H.R. 5659: Mr. PAUL.

H.R. 5684: Mr. WELCH of Vermont, Mr. HINOJOSA, Mr. SPACE, and Mr. ROSS.

H.R. 5695: Mr. GINGREY, Mr. HELLER, and Mr. GALLEGLY.

H.R. 5709: Mr. BOSWELL, Mr. ENGLISH of Pennsylvania, and Mrs. BOYDA of Kansas.

H.R. 5712: Mr. SARBANES, Mr. BRALEY of Iowa, Mr. HODES, and Mr. MURPHY of Connecticut.

H.R. 5717: Mr. YOUNG of Alaska.

H.R. 5731: Mr. CAMPBELL of California, Mr. GARY G. MILLER of California, and Mr. ENGLISH of Pennsylvania.

H.R. 5734: Ms. CORRINE BROWN of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. MCDERMOTT, Mr. ELLISON, and Mr. MCGOVERN.

H.R. 5737: Mrs. DRAKE, Mr. SOUDER, and Mr. BUCHANAN.

H.R. 5740: Mr. SIRES, Mrs. MILLER of Michigan, Mr. CARSON, Mr. DONNELLY, and Mr. FEENEY.

H.R. 5749: Mr. BLUMENAUER, Mr. POMEROY, Mr. DINGELL, Mr. WILSON of Ohio, Mr. STUPAK, and Mr. KILDEE.

H.R. 5752: Mr. MANZULLO.

H.R. 5753: Mr. MCGOVERN.

H.R. 5759: Mr. HASTINGS of Washington.

H.R. 5762: Mr. DEFAZIO.

H.R. 5770: Mr. HONDA.

H.R. 5775: Mr. SHADEGG.

H. Con. Res. 70: Mr. DELAHUNT.

H. Con. Res. 195: Mr. TANNER, Mrs. CAPPS, Mr. COHEN, Mr. MARCHANT, Ms. BORDALLO, Ms. GRANGER, and Mr. HINOJOSA.

H. Con. Res. 223: Mr. WALZ of Minnesota.

H. Con. Res. 244: Mr. HUNTER, Mr. MAHONEY of Florida, Mr. CULBERSON, and Mr. DICKS.

H. Con. Res. 295: Mr. MCCARTHY of California, Mr. ABERCROMBIE, and Mr. WITTMAN of Virginia.

H. Con. Res. 298: Mr. BURTON of Indiana.

H. Con. Res. 322: Mr. HIGGINS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MICHAUD, Mr. ALTMIRE, Mr. DAVIS of Alabama, Mr. PERLMUTTER, Mr. HELLER, Mr. YOUNG of Alaska, Mr. SMITH of New Jersey, Mr. UDALL of Colorado, Mr. SMITH of Texas, Mr. BILIRAKIS, Mr. REHBERG, Mr. LARSEN of Washington, Mr. COSTA, Mr. YARMUTH, Mr. UDALL of New Mexico, Mr. ELLISON, Mr. SHAYS, Mr.

BOOZMAN, Mr. SALI, Mr. POMEROY, Mr. SOUDER, Mr. ALEXANDER, Mr. CRENSHAW, and Mr. NUNES.

H. Res. 353: Mr. BUTTERFIELD.

H. Res. 373: Ms. TSONGAS.

H. Res. 887: Mr. MCINTYRE.

H. Res. 896: Mrs. BONO MACK.

H. Res. 1008: Mr. WAMP.

H. Res. 1011: Ms. ZOE LOFGREN of California, and Ms. ESHOO.

H. Res. 1043: Mr. BRADY of Pennsylvania, and Mr. HARE.

H. Res. 1069: Mr. MANZULLO.

H. Res. 1091: Mr. MICA, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 1095: Mrs. JONES of Ohio.

H. Res. 1096: Mr. CLEAVER, Mr. UDALL of New Mexico, Mr. BOSWELL, Mr. SALAZAR, Mr. ISRAEL, Mr. WU, Mrs. CAPPS, Mr. ELLISON, Mr. GONZALEZ, Ms. BERKLEY, Mr. BAIRD, Mr. TAYLOR, Mr. RYAN of Ohio, Mr. POMEROY, Mr. KIRK, Mr. MATHESON, and Ms. HERSETH SANDLIN.

* * *

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GEORGE MILLER of California or a designee to H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. ENGLISH of Pennsylvania. Madam Speak, on rollcall No. 185, H.R. 3548, the Plain Language in Government Communications Act of 2007, I would have voted in favor of the bill. I was held up in Pennsylvania due to a car accident that shut down the PA Turnpike.

Had I been present, I would have voted "yea".

HONORING AND RECOGNIZING THE DIOCESE OF ST. CLOUD CATHOLIC CHARITIES' MEALS ON WHEELS PROGRAM

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mrs. BACHMANN. Madam Speaker, I rise to recognize and pay honor to the immense service the Meals on Wheels Association of America, MOWAA, has made to the most vulnerable senior citizens of our Nation. The MOWAA represents a number of member senior nutrition programs in each State throughout the country, including several in Minnesota.

This organization represents America's commitment to community service by restoring dignity and respect to all citizens, regardless of race or religion. In addition, their annual March for Meals campaigns have served as a platform to raise funds, create awareness, and increase the number of volunteers to enhance the association and its critical objectives.

I would particularly like to commend the Meals on Wheels program run by Catholic Charities of the Diocese of St. Cloud. They provide hot, nutritious meals and deliver them to frail, homebound seniors.

Since its humble beginnings in Great Britain during World War II and the first American home-delivered meal program in Philadelphia, Pennsylvania, in January of 1954, Meals on Wheels has provided vulnerable senior Americans with not only a warm meal, but also a warm heart. There is nothing greater in life than a person's self-respect, and the MOWAA has made that ideal a cornerstone of their mission and organization.

Madam Speaker, it is my honor to recognize today the selfless commitment of the Meals on Wheels Association of America and its dedicated volunteers across the country. It is through their service that we can be proud to call ourselves Americans.

CELEBRATING THE FIFTIETH ANNIVERSARY OF WEBSTER, TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. LAMPSON. Madam Speaker, I am pleased to stand before you today in celebration of the fiftieth anniversary of the City of Webster, Texas. Webster was incorporated on April 19th, 1958, almost 80 years after it was settled by James W. Webster.

Since its settlement in 1879, Webster has enjoyed a rich and varied history. Its temperate climate and the dedicated work of its residents nursed the fledgling Texas rice industry, now a multimillion-dollar economic success. In more recent years, Webster has become home for much of the aerospace industry and serves as the gateway to Johnson Space Center. Its population has blossomed, from a handful of ranching settlers in 1879 to over 9000 residents.

Webster has also served as a vital connector for the Bay Area. Its official emblem, an unbroken chain, reflects its role as a link in the Bay Area economy and between the cities of Houston and Galveston, as well as the Johnson Space Center. The emblem also symbolizes Webster's constant progress and growth, a connection between the past and the future.

As Webster enters its next 50 years, I have no doubt that it will continue to achieve success. I am proud to celebrate with the residents of Webster their legacy and hopes for the years ahead. I wish the City of Webster a bright future and congratulate them on this golden anniversary.

GAGE CARTER HERRINGTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Gage Carter Herrington, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 45, and by earning the most prestigious award of Eagle Scout.

Gage has been very active with his troop, participating in many scout activities. Gage participated in the National Youth Leadership Training in Boy Scouts of America. Gage is also a Brave in the Tribe of Mic-O-Say.

Gage has also excelled academically, ranking 11th in his class of 201 at Lafayette High School. Gage participated in the National Geography Bee at the State level, earned a double varsity letter on the debate team, and earned medals at the Science Fair and Science Olympiad.

Madam Speaker, I proudly ask you to join me in commending Gage Carter Herrington for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE CLARION PUBLIC LIBRARY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate the Clarion Public Library on its 100th year anniversary. The Clarion Public Library serves over 3,000 residents of Clarion, Iowa as well as residents of the surrounding areas in Wright County.

In February 1907, the Clarion City Council voted to contribute $5,000 to erect and maintain a public library after Mr. Morgan Everts, a pioneer of Webster City, Iowa, offered to supplement the project with a $10,000 donation. The structure of the library was erected by F.F. McManus at the contract price of $9,921, without a furnace or furnishings, and was built in the same style of architecture as the Carnegie libraries around the country. The building was opened to the public in April 1908.

The 5,000 square-foot library contains a large basement where the heating plant, store rooms and auditorium are located. A high flagstaff is set in front of the building, designed to hold "Old Glory," which was the gift of Captain Terrell.

From April 1908 to January 1913, Mrs. G.T. Eldridge served as the first librarian and was subsequently followed by Mrs. Irving E. Nagle. Mrs. Marrian Gannon was the longest serving head librarian from 1967 to 1996, and the current head librarian, Nola Waddingham, has served since 1996.

In 1984, a total remodeling of the library was completed. With a grant from the Kinney-Lindstrom Fund and help from the city council, the children's library was moved to the basement, an elevator was installed, and a meeting room for cultural events was constructed. Today the Clarion Library Board and the City of Clarion are raising funds to expand and renovate this historic library.

Throughout the many years the Clarion Public Library staff has strived to meet the needs of the people in the area by providing excellent information and encouraging citizens to read. I congratulate the Clarion Public Library on this historic anniversary. It is an honor to represent Nola Waddingham, the library board of trustees, and all of the Clarion Library staff in the United States Congress, and I wish the Clarion Public Library continued success well into the future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PAYING TRIBUTE TO DAN McPARTLAND

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Dan McPartland by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I honor Dan McPartland, who is retiring after 27 years of service to the Clark County School District Department of Food Services.

Mr. McPartland has been a resident of southern Nevada since 1968. Throughout his service, Dan has provided leadership and stability to a vital department of southern Nevada's education system. During his time as director of food services, Dan led numerous projects to effectively feed and nourish Clark County students. Such projects included technology upgrades in every school cafeteria networked to the main food service office as well as the implementation of a strict nutrition policy that regulated all foods sold in schools during business hours. Mr. McPartland expanded the department to keep up with rapid growth and maintained a financially sound budget while doing so. Dan was recognized with the Golden Carrot in 2004 for his exceptional innovation and leadership in promoting child health and nutrition through school food service.

Madam Speaker, I am proud to honor Dan McPartland. His dedication and commitment to the students of Clark County is commendable and his efforts have enriched countless lives. I congratulate Mr. McPartland on his much deserved retirement and wish him all the best in his future endeavors.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. ALLEN. Madam Speaker, on April 14, 2008, I was unavoidably absent from the House due to a family illness.

If I had been present, I would have voted "yes" on rollcall vote No. 183, a motion by Mr. ELLSWORTH of Indiana to suspend the rules and agree to the passage of H. Res. 886, a resolution expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado.

I would have also voted "yes" on rollcall vote No. 184, a motion by Mr. DAVIS of Illinois to suspend the rules and agree to the passage of H. Res. 994, a resolution expressing support for designation of a National Glanzmann's Thrombasthenia Awareness Day.

I would have also voted "yes" on rollcall vote No. 185, a motion by Mr. BRALEY of Iowa to suspend the rules and agree to the passage of H.R. 3548, the Plain Language in Government Communications Act of 2007.

I ask unanimous consent that this statement be inserted in the appropriate place in the RECORD.

CONGRATULATING TAIWANESE PRESIDENT-ELECT MR. MA YING-JEOU

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. LIPINSKI. Madam Speaker, I rise today to congratulate Mr. Ma Ying-jeou on his success in the March 22 presidential election in Taiwan, as well as applaud the democratic process that led to his election. The success of the fair and peaceful Taiwanese presidential election and the transfer of power from one party to another demonstrate that Taiwan is a genuine democracy and a shining example of freedom for the rest of the region.

As Mr. Ma is inaugurated on May 20th, I look forward to continuing the exceptional relationship between the United States and Taiwan. Taiwan is one of America's strongest partners in the region and a true friend of the United States. Similarly, I am pleased to know of Mr. Ma's pledged support for strengthening ties with the U.S. and I am confident that our relationship will grow stronger.

I also applaud the president-elect's initiatives to improve relations between Taiwan and China through increased dialogues on proposals that would greatly benefit the people of Taiwan and China. Increased communication and commerce between the people of China and Taiwan will greatly assist in reducing tensions in the region while allowing the Chinese to see firsthand the success of democracy in Taiwan.

I rise today, Madam Speaker, to commend the democratic process that led to the free and fair election of Mr. Ma Ying-jeou, whom I heartily congratulate on his attainment of this high office.

I sincerely hope that the rest of the world has taken note of the historic events that have transpired in these free and transparent elections. May this democratic spirit reach far and wide and inspire a desire to foster democracy all around the world. Again, I congratulate Mr. Ma in his election and wish him the very best.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, on rollcall No. 184, H. Res. 994, Expressing support for designation of a National Glanzmann's Thrombasthenia Awareness Day, I would have voted in favor of the resolution. I was held up in Pennsylvania due to a car accident that shut down the PA Turnpike. Had I been present, I would have voted "yea."

IN HONOR OF BRENNY TRANSPORTATION'S COMMITMENT TO OUR HOMELAND SECURITY

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to commend Todd and Joyce Brenny, owners of Brenny's Transportation and Brenny Specialized in St. Cloud, Minnesota, for their participation in the U.S. Department of Homeland Security's Highway Watch program. By dedicating the time and effort of their drivers, Todd and Joyce Brenny are helping to keep our Nation safe.

Highway Watch is a program through which truck drivers are trained to spot suspicious activity while on the roads and to report it to a national call center so that public safety officials can both address a particular issue and detect early if a pattern is arising. Minnesota was one of the first three states to join this program when it was first started by the American Trucking Association, ATA, in 1998. Then it was a safety awareness program, teaching drivers to report road hazards and accidents.

Following 9/11, the Department of Homeland Security worked with ATA to add an anti-terrorism component to the program's curriculum. Since 2004, about 800,000 drivers, State transportation workers, and toll booth operators, including 9,921 drivers in Minnesota alone, have been trained. That turns out to be a cost of about $31 per driver. In 2007, more than 3,000 calls were logged as part of the program nationwide, including 1,700 security-related calls.

All 60 of Brenny's drivers and office employees participate in Highway Watch. They have taken a real interest in supporting our efforts to keep our Nation safe and I commend them and all their fellow trucking companies who take part in this program for their efforts.

LOPEZ SIBLINGS TO ALL COMPETE IN OLYMPIC GAMES

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. LAMPSON. Madam Speaker, this summer, the United States will be sending three siblings to compete in the Olympic Games. This outstanding feat has not occurred since 1904, and I am honored to recognize these individuals from the Houston area: Steven Lopez, Mark Anthony Lopez, and Diana Lopez.

Each of the three is an exceptional athlete and will be representing the United States in the sport of taekwondo this summer. Steven Lopez spent the majority of his life in his hometown of Sugar Land, Texas, and is a two-time Olympic Gold Medalist and four-time world champion. Mark Lopez was born in Houston, Texas, and is a recipient of three World Championship Medals including a Gold Medal in 2005. Diana Lopez is the youngest of the three and was also born in Houston, Texas, and received a Gold Medal in 2005.

These extraordinary individuals deserve America's utmost appreciation and support. I am proud to have such remarkable citizens in my district, and I wish them the best in the 2008 Summer Olympics and in the years ahead.

CORY S. ADAMS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cory Adams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 60, and by earning the most prestigious award of Eagle Scout.

Cory has been very active with his troop, participating in many Scout activities. Cory has shown an extraordinary commitment to Scouting as evidenced by earning 45 merit badges. Cory is also a Brave in the Tribe of Mic-O-Say.

Cory's Eagle Scout service project was placing two swinging benches at the ponds located at Duncan park in Savannah, Missouri. Cory performed the majority of the work, and supervised other Scouts, friends and family that helped with the project. This project continued the tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Cory Adams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 182 I was unavoidably detained. Had I been present, I would have voted "yea".

QUESTIONS ABOUT DESIGN OF PROPOSED FLIGHT 93 MEMORIAL

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. RAMSTAD. Madam Speaker, Tom Burnett, Jr. was a true American hero. All Americans owe Tom and the other passengers on United Flight 93 a deep debt of gratitude for their bravery on September 11, 2001. Indeed, the Members of this body may owe their very lives to Tom Burnett, Jr. and the other courageous passengers. Tom Burnett, Jr. grew up in Bloomington, Minnesota, in the 3rd Congressional District, which I am privileged to represent.

Tom was among the small group of passengers who confronted the hijackers that fateful morning. Department of Defense officials believe Flight 93 was headed for a target here in Washington, most likely the White House or the Capitol.

Tom's father, Tom Burnett, Sr., has long-held and serious concerns about the design of the Flight 93 Memorial Project proposed for the site where the plane crashed in Pennsylvania.

Madam Speaker, I would like to insert comments from Tom Burnett, Sr., regarding what he believes to be serious problems with the design of the memorial to his beloved son and the other passengers. Here are Tom Burnett, Sr.'s important concerns about the Flight 93 Memorial:

"I am the father of Tom Burnett, Jr., a passenger on Flight 93 on 9-11-2001. Tom Jr. led the effort to take that flight back from the hijackers, and he and 39 passengers and crew almost succeeded.

"My son confronted a terrible moment of truth. Faced with a plot against our nation, he and the other heroes of Flight 93 fought back, and at the cost of their lives, foiled that plot to destroy the White House or the Capitol. Now it is time for the rest of us to face our moment of truth. Flight 93 has been rehijacked, and I am requesting that, if you can, demand that a proper investigation of the Memorial Project be conducted.

"This was no accident. The Memorial Project held an open design competition in time of war, inviting the entire world to enter. Guess who joined in? That group of trees that sits roughly in the position of the star on an Islamic flag is the crash site. What do you think is being memorialized here?

"A second Islamic feature that I also protested when I served on the Stage II jury is the minaret-like Tower of Voices, formed in the shape of a crescent, with its top cut at an angle so that its crescent arms reach up into the sky. Upturned crescents are a standard mosque adornment in many Muslim countries.

"Every iota of this original Crescent of Embrace design remains completely intact in the so-called 'redesign.' That is why Congressman Tancredo asked the Park Service to scrap the existing design entirely. Instead of getting rid of the giant crescent as Tancredo demanded back in 2005, architect Paul Murdoch only disguised it with a few surrounding trees.

"Also remaining are those 44 glass blocks on the flight path. (There were 40 passengers and crew and four Islamic terrorists on Flight 93.) The Memorial Project acknowledges the 40 blocks inscribed with the names of my son and the other heroes, and they acknowledge the three inscribed with the 9/11 date, but they pretend not to know about this one: the huge glass block that dedicates the entire site.

"When this 44th glass block is pointed out, Project Partners say that it can't be counted with the other blocks because it is not the same size. What? Because the capstone to the terrorist memorializing block count is magnificent, that is supposed to make it okay?

"For every Islamic or terrorist memorializing feature of the crescent design, the Park Service has another equally phony excuse.

"What do we have to do to convince those opponents that the proposed Flight 93 Red Crescent still doesn't cut it? It is terribly flawed and should be thrown out to begin the quest for an entirely new design worthy of their efforts, those heroic Americans who were on that plane that fateful day.

"I was on the second jury in August, 2005, that approved that design over my objections. I objected then, in August 2005, and I am still adamantly opposed today to a design that is riddled with Islamic symbols.

"By consensus, the Stage II jury forwards this selection to the partner (architect Paul Murdoch) with the full and unqualified support of each juror, says the report that was issued.

"No, to the contrary, the vote was not unanimous, it was 9 to 6, and we, the minority, had no veto power. This is my effort to get back in the game.

"I don't want that design that has been redesigned several times by its originator and a design committee. In addition to the Red Crescent being a giant mosque, the proposed 'Tower of Voices' looks like an Islamic minaret.

"Millions of Americans and I find the 'Red Crescent of Embrace' an insult to my son and the others on Flight 93 who engaged in a violent struggle to take that plane back from the Islamic hijackers and were suddenly placed in the vanguard of the war on terrorism. Facing unfathomable choices, Tom was calm, clear headed, decisive and fearless. I can only hope that in the years to come the rest of us live up to the standard of heroism that he and others set on 9/11.

"What I am preeminently concerned about is what our countrymen will feel and learn when they visit the site.

"The story, when properly presented, will honor and reverberate in history. What those heroes accomplished for their fellow Americans, and for the entire Western World.

"I would want them to feel the desperateness of those aboard Flight 93 as they became aware of what was happening, and their cold realization of what they had to do. I want them to ask themselves, what would I have done had I been aboard that flight? We know that in very little time the passengers got out of their seats, and attempted to take back the airplane.

"I do not want my son's name used anywhere on that Memorial, which is an insult to him and the other passengers and crew, and what is needed is a thorough, honest and objective investigation of the process during its selection, how and why.

"I am confused but undaunted by the attacks on me and anybody else who is against this design centered around Islamic symbolism.

"Those who have opposed me in many efforts to be heard includes some of the victims family members (thankfully, few), officials in the National Park Service, a few newspapers and some others.

"The possibility of them prevailing to railroad the acceptance of this flawed design worries me! But I am undaunted in my attempt to start over, to scrap it, and get a new design. That doesn't include a bow to the Islamic fanatics.

"An investigation is needed to avoid a cataclysmic mistake. It must be now, or else the flawed design could come about. Let us get at the truth. Their stubborn persistence is terribly misguided. Maybe well intentioned, but flawed in telling me that I don't see what I see.

"Designer Paul Murdoch (and others) are engaging in personal attacks on anyone opposed, including Alec Rawls who has written widely damning the Memorial. His latest, a book, "Crescent of Betrayal," gives a reasoned and thorough explanation for scrapping it.

> "I am suggesting that it is past time to start over with a new design, one that will truly be worthy of those 40 heroes."

Madam Speaker, may God bless Tom Burnett and his family. And may God bless America and all the heroes like Tom who gave their lives to save others on September 11.

TRIBUTE TO COMMISSIONER PAUL ELIZONDO, FORMER CHAIRMAN OF THE COUNCIL OF COMMUNITY HEALTH CENTERS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. GONZALEZ. Madam Speaker, I rise today to pay tribute to an extraordinary person and a dynamic force within the Center for Health Care Services community. Commissioner Paul Elizondo served with distinction on the Center for Health Care Services Board of Directors for 8 years. From 1988 until 1995 he served first as Board Secretary and then he served two terms as the chairman of the board.

CHCS would not have been the same without the efforts of Paul Elizondo. As chairman, he worked tirelessly, both internally and externally, to improve the center's services to its clients. He encouraged, funded, and pushed innovative programs in child and adolescent mental health care, substance abuse treatment, and mental retardation services.

During his tenure, the center rose to national prominence and he was appointed to the Executive Board of the National Council of Community Health Centers. I'm pleased to recognize his continuous dedication and willingness to foster the growth of CHCS throughout the community so patients might obtain more efficient access to treatment.

It is my honor to pay tribute to such a leader. He is an innovative thinker who continuously took it upon himself to confront various community issues with sound solutions.

Commissioner Paul Elizondo continues to keep track of the center's activities and services. At the national, State, and local level he is an omnipresent "watchdog" and advocate for the clients they serve. Above all, he wholeheartedly believes in the center, its people, its mission, and their ability to help the people they serve.

His hard work was much appreciated and along with others that know him, I would like the rest of America to recognize his many contributions. Our community is fortunate to have had such a devoted leader.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, on rollcall No. 183, H. Res. 886, expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado, I would have voted "yea." I was held up in Pennsylvania due to a car accident that shut down the PA Turnpike.

Had I been present, I would have voted "yea."

ANDREW B. CARROLL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Carroll, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 60, and by earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Andrew has shown an extraordinary commitment to scouting as evidenced by earning 62 merit badges. Andrew is also a Brave in the Tribe of Mic-O-Say.

Andrew's Eagle Scout service project consisted of constructing and placing two Martin Bird Houses at Messick Park in Savannah, Missouri. Andrew supervised other scouts, friends and family that assisted with this project. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Andrew Carroll for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO BERNIE BALTIC

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. PAUL. Madam Speaker, I rise to pay tribute to Mr. Bernie Baltic of Cleveland, Ohio. Mr. Baltic, who recently passed away, was a tireless champion of liberty. His advocacy of applying the freedom philosophy to the issues of the day was made all the more effective by his voracious reading of both the classics of liberty and the latest policy studies.

Any politician or bureaucrat at any level of government who threatened individual liberty was sure to hear from Mr. Baltic. Mr. Baltic also worked to educate and mobilize his fellow citizens in the cause of liberty through writing letters to the editor, and by directly challenging anti-liberty officials at forums such as city council meetings. In addition to his own activities, Mr. Baltic generously shared his support and counsel with numerous organizations that work to advance the cause of liberty.

Perhaps Mr. Baltic's most lasting contribution to the freedom movement came when then-president of the Advocates for Self Government Marshall Fritz showed Mr. Baltic a computer game Mr. Fritz developed that identified an individual's political philosophy based on responses to 10 questions on economic issues and 10 questions on civil liberties. Mr. Baltic, who was quite impressed with the chart, suggested that the Advocates produce business-card sized versions of the graph and quiz. The result was the "World's Smallest Political Quiz," one of the freedom movement's most recognized and effective outreach tools.

Bernie Baltic set an example for all those wishing to effectively advance the cause of liberty. Madam Speaker, I salute Bernie Baltic for his many contributions to the freedom movement and extend my condolences to Mr. Baltic's family and friends.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, April 14, on very urgent business. Had I been present for the three votes which occurred yesterday, I would have voted "aye" on H. Res. 886, rollcall vote No. 183; I would have voted "aye" on H. Res. 994, rollcall vote No. 184; and I would have voted "aye" on H.R. 3548, rollcall vote No. 185.

TRIBUTE TO SENATOR JOHN W. DRUMMOND

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a great statesman, a tremendous public servant and a good friend. Senator John W. Drummond will retire this year after serving in the South Carolina General Assembly since 1965. His leadership will certainly be missed.

John W. Drummond was born in Greenwood, South Carolina, on September 29, 1919, to mill worker parents. He was the fourth of seven children growing up a deeply religious, working-class family, whose values shaped the man John was to become.

As a young man, John's family moved to the town of Ninety Six, where he attended school until he graduated in 1937. With few options available to him, John decided to join the military. He joined the 263rd South Carolina Coast Artillery Regiment, the equivalent of today's National Guard, and was stationed in Charleston. By early 1941, John earned the rank of Sergeant and he enjoyed military life. Everything changed with the bombing of Pearl Harbor later that year.

John's regiment was federalized, and he was eager to see action in the war. He took a paratroopers exam at the Citadel, hoping to change his military assignment and get closer to the action. John scored so well, he was encouraged to become a pilot and was sent to Randolph Air Force Base in San Antonio for training. The skills he demonstrated in flight training school led instructors to send John to

Tallahassee to become a bomber pilot. After training, he was inducted into the 405th Bomber Group Unit of the 510th Fighter Squadron. His skill as a bomber pilot earned him the nickname "Ace." In September 1943, John's squadron was transferred from Florida back to his home State of South Carolina and an air base in Walterboro.

His return home got John into some hot water. While out on a training mission, John buzzed his hometown of Ninety Six. This forbidden practice earned him a demotion in rank to 2nd Lieutenant and a winter of sleeping out in a pup tent.

Finally in March 1944, the 510th received its orders to report to Christchurch, England, to begin its service on the war front. By May, John was flying reconnaissance and combat missions over the German-occupied Normandy area of France. He rose to the rank of Captain and was a fighter commander. On D-Day, June 6, 1944, John was in the midst of the invasion protecting the ships that were attacking the beaches of Normandy.

On July 29, 1944, John's plane was shot down by German anti-aircraft fire, and he managed to escape the burning plane, although his parachute didn't open fully due to his close proximity to the ground. Although injured, John rolled into the bushes, but was soon captured by German soldiers. He became a POW and was sent to a camp in Germany where he remained in horrid conditions until May 13, 1945.

When he returned to the United States after his liberation, John spent time recovering in a military hospital from severe malnutrition and other ailments related to his time in the POW camp. Upon his return to Ninety Six, John made good on a promise he had made to himself to woo and marry an acquaintance, Holly Self, affectionately known as Ms. Holly. The two married on June 12, 1947, and had three sons.

In 1946, John was officially discharged from the Air Force. He decided to go into business for himself, and opened a donut shop—the Golden Ring Bakery. He owned, managed and did all the work himself with the help of just one employee until 1954. John then accepted an offer from his father-in-law to become a manager at Greenwood Petroleum Company. He showed a real talent for the oil business, growing and expanding its operations. Later he inherited Greenwood Petroleum and began Drummond Oil Company, making both very successful businesses.

On June 6, 1964, John announced his candidacy for the South Carolina House of Representatives. He won his first election, and took his seat in the General Assembly in January 1965. He immediately caught the attention of the very powerful Speaker of the House, Sol Blatt, and he became one of "Sol's boys," which provided him invaluable tutelage and political opportunities.

Just two years later, John challenged the incumbent Senator from Greenwood over the issue of who should provide power to their rural county. He, with the help of his ally Duke Power, won that contest, and in January 1967, John became a South Carolina State Senator representing Greenwood.

Senator Drummond came into office with high ideals and a mind to shake up the status quo. His first effort was an attempt to eliminate the seniority system which controlled the Senate. His bold move was quickly thwarted by the Senate President Pro Tempore Edgar Brown.

During his 43 years in the General Assembly, Senator Drummond made education his top priority. He was a staunch supporter of the Education Finance Act of 1977, the Education Improvement Act of 1984, and the Education Accountability Act of 1998. He was also a strong advocate for the Home Rule Act of 1976, which allowed counties and municipalities more autonomy.

Senator Drummond has always been a proponent of more transparency in government. It was appropriate that his first committee chairmanship was of the Senate Ethics Committee. Under his leadership, the Senate passed the South Carolina Ethics Act of 1975, which established the State Ethics Commission with oversight over financial disclosure, campaign disclosure and conduct of elected officials. He was also a leading voice to expand the Commission's authority with the passage of the Ethics Reform Act of 1991, following the Operation Lost Trust scandal.

Senator Drummond was also a key player in the restructuring of State government. He served on the Commission on Government Restructuring, which made numerous recommendations that were enacted into law in 1993. In order to ensure passage of these reforms, Senator Drummond used his role as Chairman of the Senate Finance Committee to threaten to withhold the budget until the government restructuring package was approved. His political maneuvering paid off, and the Restructuring Act of 1993 passed with bipartisan support.

In 1996, Senator Drummond became the Senate President Pro Tempore, a title which he earned through the seniority system he had sought to dismantle as a young, independent-minded Freshman Senator. Although his rogue tendencies mellowed over time, Senator Drummond's effectiveness grew. In 2001, he became President Pro Tempore Emeritus when the Republicans took control of the Senate, but he didn't succumb to the pressure to switch parties as so many of his colleagues had.

Madam Speaker, I ask that you and my colleagues join me today in celebrating the extraordinary career and life of South Carolina Senator John Drummond, who I am proud to call one of my best friends in South Carolina politics and government. He is a true public servant, from his courageous service in World War II to his uncompromising representation in the South Carolina General Assembly. He has always remained true to the values instilled him growing up in the small community of Ninety Six. His tremendous legacy is one that honors his humble beginnings and speaks highly of his personal integrity. I commend John Drummond for his statesmanship and his numerous contributions to South Carolina and the Nation. I am proud to call him a friend.

CONGRATULATING THE PLATTSBURGH STATE WOMEN'S HOCKEY TEAM UPON WINNING THE 2008 DIVISION III NATIONAL CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. McHUGH. Madam Speaker, I rise today to congratulate the State University of New York at Plattsburgh (Plattsburgh State) Lady Cardinals upon winning the 2008 NCAA Division III Women's Ice Hockey National Championship, their second consecutive national championship. I am proud to represent the Lady Cardinals and the community of Plattsburgh.

On March 22, 2008, Plattsburgh State won the Division III National Championship when it defeated the Manhattanville College Lady Valiants by a score of 3 to 2 at the Stafford Ice Arena in Plattsburgh, NY. The Lady Cardinals seized the lead at 9:59 of the first period when Laurie Bowler scored the first goal of the game. After the Valiants evened the score just over a minute later, Stephanie Moberg and Captain Danielle Blanchard combined on a beautiful goal, finished by Blanchard, to put the Lady Cards back in the lead at 13:50. Forty-nine seconds later, Amber Ellis scored the Cardinals third and the eventual game-winning goal, which was assisted by Kate Fairfield and Brittany Meade. Goaltender Danielle Beattie turned away 22 shots to win her 21st game of the season.

Blanchard, Beattie, Captain Julie Devereux, Moberg, and Sharis Smith were all named to the NCAA All-Tournament Team; Blanchard and Devereux were also named to the AHCA All-American First Team. Blanchard, a three-time All-American who scored a career-high 28 goals as part of a 48-point season, also earned the 2008 Laura Hurd Award, which is given to the Nation's top player.

The Lady Cardinals were coached by head coach Kevin Houle, who won the Division III Women's Ice Hockey Coach of the Year for the third straight year and currently has the best career record (121–19–7; 847 winning percentage) among all active coaches in NCAA hockey. Other team members included assistant coaches Chad Kemp and Erin O'Brien and players Kristen Bond, Ainsley Brien, Assistant Captain Lindsay Brown, Kara Buehler, Shay Bywater, Elise Campbell, Megan DiJulio, Helen Giroux, Amanda Hoy, Tara Khan, Mandy Mackrell, Kayla McDougall, Steph Moon, Claire O'Connor, and Sarah Samson.

Madam Speaker, it is an honor to have the opportunity to congratulate the Plattsburgh State Lady Cardinals ice hockey team. Accordingly, I now ask my colleagues to join me in honoring the entire Lady Cardinals hockey team for their remarkable accomplishments this season.

EXTENSION OF THE RESEARCH AND DEVELOPMENT TAX CREDIT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to ask my colleagues to act swiftly to pass a strengthened and seamless extension of the Research and Development Tax Credit.

The R&D tax credit expired at the end of last year, creating an unacceptable degree of uncertainty for our country's most innovative industries.

An investment in R&D is an investment in the U.S. economy. In 2003, for example, U.S. companies invested $140.1 billion in domestic research and development.

As we have seen in Silicon Valley and elsewhere, that investment has strengthened our economy and led to remarkable technological advancements.

At a time when our economy is shedding jobs, a swift extension of the R&D tax credit makes abundant sense. More than 90% of the benefits of the credit are attributable to salaries of workers performing U.S.-based research.

A permanent extension of the credit would be ideal. Since its inception in 1981, the R&D tax credit has been extended 12 times for periods ranging from 5 years to 6 months.

Given the long time horizon for returns on R&D investments, this ad hoc and piecemeal approach to extending the credit is problematic.

Nonetheless, the prospect of the credit lapsing altogether is even more problematic. Given the intense global competition faced by our most innovative industries, we cannot cede any more ground to those countries that provide expansive, permanent R&D incentives to lure away R&D investments.

Swift action on the R&D tax credit is critical to innovation centers like the Silicon Valley and to the overall health of the U.S. economy.

We must act quickly and decisively to maintain and advance America's place as a leader in innovation.

ZACHARY BEATTIE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary Beattie, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 60, and by earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many scout activities. Along with his 42 merit badges, Zach has earned the World Heritage Award and the Mile Swim Award. Zach is also a Warrior in the Tribe of Mic-O-Say.

In 2003, Zach earned the Shawn Burke High Adventure Scouting Award and in 2005 he earned the Jeff Prewitt Scouting Spirit Award. Along with scouts, Zach is active in many community and school activities. Zach is also a member of Fellowship of Christian Athletes, Future Teachers of America and National Honor Society.

Madam Speaker, I proudly ask you to join me in commending Zachary Beattie for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO COMMEMORATE THE 40TH ANNIVERSARY OF DR. KING'S ASSASSINATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. CLYBURN. Madam Speaker, I rise today to mark 40 years since the assassination of Dr. Martin Luther King, Jr. In doing so, I would like to submit for the RECORD a statement from Ralph B. Everett, President and CEO of the Joint Center for Political and Economic Studies. The Joint Center is one of the nation's premier research and public policy institutions and the only one whose work focuses primarily on issues of particular concern to African Americans and other people of color.

"While the 40th anniversary of the assassination of the Reverend Dr. Martin Luther King, Jr. evokes deeply troubling memories, it also serves as an important milestone in assessing the progress this nation has made and how far we must yet go to transform America in the way that Dr. King envisioned.

For many people, the passing of four decades has not diminished the memory of how difficult and uncertain those times were. In my hometown of Orangeburg, South Carolina, the tragic and untimely death of Dr. King intensified the sense of despair and unease that many of us already felt after the February 8, 1968, shooting by law enforcement officers of three unarmed students, including my high school classmate Delano Middleton, during a protest at South Carolina State College against a segregated bowling alley. This became known as the Orangeburg Massacre.

In those dark days we wondered, how would the dream survive without Dr. King to lead us toward the Promised Land?

But history records that sadness and anxiety gave way to determination and action. Dr. King's spirit continued to guide the movement as African Americans began to concentrate on the everyday task of translating hard won rights into representation and influence in our system of governance in order to secure justice under the law, greater opportunity and an America that lives up to its historic promise.

The Joint Center was founded for this purpose and played a critical role in the ensuing progress. Today, we honor Dr. King for his bequest of a legacy and a dream that did not die with him, but rather has served as a lodestar for all that has been accomplished since the tragic day of his assassination.

We also recognize there is much to be done—just as Dr. King did when, in the wake of historic gains in civil and voting rights, he sought to direct our attention to the need for fundamental changes in the political and economic life of the nation, so that justice could truly prevail and opportunity could flow to every American. On this day and in his memory, let us commemorate Dr. King's vision and, at the same time, invigorate ourselves with resolve and forbearance to make his dream a reality from sea to shining sea."

Madam Speaker, I ask you to join Ralph B. Everett, the Joint Center for Political and Economic Studies, and me in honoring the great legacy of Dr. Martin Luther King, Jr. As we celebrate the life of Dr. King, I hope that we will be reminded to never be silent in the face of injustices and inequities. I hope we will stand, as Dr. Martin Luther King, Jr. stood, for what is right, and just for all.

ULTIMATE TEST OF A MORAL SOCIETY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. WOLF. Madam Speaker, according to GAO we are $5.3 trillion deep in publicly held debt, and have an estimated $54.3 trillion in unfunded promised benefits if we don't change our current course.

The Social Security and Medicare Trustees reports recently issued only reinforce the dire condition of our fiscal health.

This is a fundamental issue for our country's economic future. It's also a generational issue.

Pete Peterson's commentary in Newsweek last week ends by quoting Dietrich Bonhoeffer, the German pastor who was instrumental in the resistance movement against Nazism.

He said, "The ultimate test of a moral society is the kind of world it leaves to its children."

I can't help but wonder what sort of future today's partisan Washington is leaving generations to come. If we can come together—both sides of the aisle—we can ensure that our children and grandchildren have all the opportunity you and I have had.

The bipartisan Cooper-Wolf SAFE Commission could give this country a chance to get back on track—to rein in entitlement spending. If there are other bipartisan ideas on how to address this issue, we should talk about those too.

Doing nothing is simply not an option. I urge Congressional leadership and Treasury Secretary Paulson to embrace the Cooper-Wolf legislation.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. SHUSTER. Madam Speaker, on rollcall Nos. 183, 184, and 185 I was not present because I was returning from a field hearing. Had I been present I would have voted: "yes" on rollcall 183—H. Res. 886, "yes" on rollcall 184—H. Res. 994, and "yes" on rollcall 185—H.R. 3548.

TRIBUTE TO DONALD DILLMAN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. PENCE. Madam Speaker, I rise today to pay tribute to Don Dillman's remarkable life of selfless service. Inspired by his strong Christian faith, he subordinated his personal struggle with diabetes to his singular focus on the important volunteer work he did to improve the community of Hope, Indiana. His admirable courage in the face of adversity is something special that deserves honoring today on the floor of the people's House.

Donald W. Dillman was born in Columbus, Indiana on March 8, 1940, to Shirley "Bud" and Jessie Cecil Anderson Dillman. He was a graduate of Hope High School, Class of 1957. On June 24, 1962, he married Rena Blake, with whom he shared and celebrated forty-five years of marriage.

The "unofficial mayor" of Hope, Don helped organize countless civic projects and community initiatives over the years ranging from new playground equipment for the town square to launching the Hope Chamber of Commerce. He even stepped in as an anonymous reporter covering Hope Town Council meetings for the Hope Star Journal.

Don worked for decades to improve the community, serving in important leadership positions. He served as President of Heritage of Hope for over thirty-five years. He was a founder and board member of the Hawcreek-Flatrock Endowment Fund, applying his fundraising prowess to help it grow to over $225,000. Since the early 1970s, Don led the Hope Heritage Days festival, which draws thousands to the town each fall.

Don was not just bold about fundraising for the community; he was also bold about his faith. He served as a deacon at the First Baptist Church of Hope for many years. But most of all his faith shone through his commitment to the community of Hope, Indiana despite his own physical illnesses.

Sadly, Don has passed away, but he leaves a strong legacy of personal faith and selfless service that serve as a powerful example to all who knew him. I offer my sincere condolences to his wife Rena, their sons Jon and Darrell, and two grandchildren James and Jessica.

THE ENVIRONMENTAL HORMONE DISRUPTION ACT AND THE WOMEN'S ENVIRONMENTAL HEALTH AND DISEASE PREVENTION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Ms. SLAUGHTER. Madam Speaker, today I'm proud to introduce the Environmental Hormone Disruption Act and the Women's Environmental Health and Disease Prevention Act.

Consider for a moment that a woman's lifetime risk of breast cancer is 1 in 7 today, compared to 1 in 22 in the 1940s—over half of the cases are unexplained. And, over the last 30 years, the U.S. has seen a steep rise in the occurrence of childhood cancers, testicular cancer, juvenile diabetes, attention deficit disorder, learning disabilities, thyroid disorders, cognitive impairment, and autoimmune disorders. Autism cases alone rose 210 percent between 1987 and 1998.

About 100,000 chemicals are registered for use in the United States. However, 90 percent of these have never been fully tested for their impact on human health. Scientists have found that exposure to these synthetic chemicals disrupts hormone function and contributes to increased incidences of diseases. We already know the tragic impact that diethylstilbestrol, or DES, has had on the daughters of women who took this anti-miscarriage drug prescribed until 1971.

Furthermore, a recent article in the Boston Globe highlighted the possible link between obesity and exposure to bisphenol A (BPA), an estrogen-like compound found in many common plastic objects.

While the evidence is mounting that there is an association between these chemicals and hormone disruption, research remains limited, particularly on the impact on women and on how long-term, low-dose exposure to environmental pollutants impacts children at critical stages of development.

A couple years ago, I participated in a study conducted by the Environmental Working Group to find out what toxic substances I, in particular, and Americans in general, have been exposed to throughout our lives. My stunning test results showed literally hundreds of chemicals pumping through my vital organs every day. These chemicals include PCBs that were banned decades ago, as well as chemicals like Teflon that are currently under Federal investigation.

The study also tested 10 newborn babies and found that on average, each one had some 200 chemicals in their blood at the time of birth. The fact that we have children coming into this world already polluted and at the same time, do not know what the effects of that pollution will be on their mental and physical development, is both bad policy and immoral. We must test chemicals before they go onto the market, not after they get into our bloodstreams.

For several years, i have called on Congress to enact legislation that would allow NIH to expand its research on the impact of these chemical pollutants on the health of women and children.

Once again, I am introducing two important bills that I hope will advance this research—the Environmental Hormone Disruption Act and the Women's Environmental Health and Disease Prevention Act. The Environmental Hormone Disruption Act authorizes the National Institute of Environmental Health Sciences (NIEHS) to conduct a comprehensive program to research and educate the public on the health effects of hormone-disrupting chemicals. The Women's Environmental Health and Disease Prevention Act authorizes the NIEHS to establish multidisciplinary research centers to investigate how environmental factors may be related to women's health and disease prevention.

Increased investments in research now could prevent and treat a broad range of diseases and disorders in future generations. I urge my colleagues to support these bills today.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. ANDREWS. Madam Speaker, I was unavoidably detained from voting on April 10, 2008. Had I been present I would have voted "yea" on the following rollcall votes: rollcall No. 178, rollcall No. 179. rollcall 180, rollcall 181.

I would have noted "nay" on the following rollcall vote: rollcall No. 182.

HONORING MATHEW DAVID BUCHHOLZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mathew David Buchholz a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 303, and in earning the most prestigious award of Eagle Scout.

Mathew has been very active with his troop, participating in many scout activities. Over the many years Mathew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Mathew David Buchholz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING JUNOT DIAZ FOR WINNING THE 2008 PULITZER PRIZE FOR FICTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. RANGEL. Madam Speaker, I rise today to praise and congratulate Junot Diaz for winning the Pulitzer Prize for fiction on Monday, April 7, 2008, for his novel "The Brief Wondrous Life of Oscar Wao."

Junot Diaz was born in the Dominican Republic on December 31, 1968, but has lived most of his life in New Jersey. As a child he loved reading, and his favorite book of all time is "Planet of the Apes." After high school, Junot attended the University of Rutgers where he received his Bachelor's Degree in English in 1992, later received his Master of Fine Arts at the University of Cornell in 1995, where he decided to develop his passion for creative writing.

Junot Diaz first made a name for himself with his critically acclaimed short story collection "Drown" in 1996, which featured the short stories "Ysrael", and "Drown". In this novel he developed the short stories into segments of the life of a Dominican immigrant getting accustom to life in the United States. He also published a translated version of "Drown" titled "Negocios." This short story novel made him a household name in the Dominican American communities nationwide.

His latest novel, "The Brief Wondrous Life of Oscar Wao" has been praised as the best novel of 2007 by Time Magazine, New York Magazine, the Washington Post, and countless other newspaper publications. In this novel he portrayed the story of a boy, who is fascinated with comic books, who lives with a dysfunctional Dominican family, who decide to move back home during the dictatorship of Rafael Trujillo.

Junot Diaz is a wonderful example that anything you put your mind and dedication to can be achieved in great depth. He has achieved goals that many only dream about in a lifetime, at a tender age of 39. He serves as a great role model for youth in the United States as evidence the American dream can be achieved.

CONGRATULATING CLARENCE W. DUPNIK FOR 50 YEARS OF LAW ENFORCEMENT SERVICE TO THE TUCSON, ARIZONA, COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. PASTOR. Madam Speaker, I rise today to pay tribute to one of America's finest, Clarence W. Dupnik, Sheriff of Pima County, Arizona, who, this year, celebrates 50 years of law enforcement service to his community in Tucson, Arizona. Sheriff Dupnik began his career in February, 1958, as a Patrol Officer with the City of Tucson Police Department. While there, he held various positions, rising to Major in charge of Field Operations when he retired in January, 1977. From there, he was appointed Chief Deputy Sheriff of the Pima County Sheriffs Department, and was appointed Pima County Sheriff on February 19, 1980. Since that time, Sheriff Dupnik has been elected to 7 consecutive terms of office as Pima County Sheriff, a position in which he remains today. Of his 50 years of law enforcement service, Clarence Dupnik has served 31 years as Sheriff of Pima County, the 2nd largest populated county in the States of Arizona, and the 7th largest county in the nation—a remarkable achievement!

During his law enforcement career, Sheriff Dupnik has, among other things:

Led the reduction of the per capital crime rate in Pima County to levels equal to the City of Scottsdale and one-half the crime rate within the City of Tucson.

Created the Metropolitan Area Narcotics Trafficking Interdiction Squads (MANTIS).

Founded the Command Group of the Arizona Alliance Planning Committee, a joint federal, state, and local law enforcement task force to interdict and prevent the smuggling of illegal narcotics into Arizona from Mexico.

Collaborated with the FBI to participate in the Joint Terrorism Task Force, and was appointed to serve on the Executive Committee of the FBI.

Pursued and secured funding from the Department of Homeland Security for a helicopter to identify and interdict terrorists.

Introduced Drug Abuse Resistance Education (DARE) in Pima County Schools.

Founded the drug prevention group known as the Arizonans for a Drug-Free Workplace, and serves as its Chairman.

Madam Speaker, the dedication and service of Clarence Dupnik to Pima County during his 50 year law enforcement career is truly commendable and worthy of note by this body. We thank Sheriff Dupnik for his long and illustrious career, and wish him further success in the years to come. We know that all of the years of public service have sacrificed time from this family and personal matters, so we take this moment to also thank and acknowledge his wife, Susie, and their families. The Tucson community, and the state of Arizona as a whole, is a better place because of you, my friend, Sheriff Dupnik.

IN HONOR OF SENATOR THURMAN G. ADAMS, JR., PRESIDENT PRO TEMPORE DELAWARE STATE SENATE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Senator Thurman G. Adams, Jr., who was elected by his colleagues as Senate President Pro Tempore of the Delaware General Assembly in January of 2003. Senator Adams is also the longest serving member of the State Senate in Delaware history, as he has represented the 19th Senate District of Sussex County since 1972, and I had the personal pleasure of serving with him in the State Senate during my last term as a Senator from 1972 to 1976 and again as Lt. Governor from 1981 to 1985. In addition, when I was Governor of Delaware from 1985 to 1993 I worked closely with Senator Adams on many issues.

During his career in public service, Senator Adams has held many distinguished positions. Before becoming President Pro Tempore, he served as Senate Majority Leader from 1999 to 2003. Senator Adams serves on several standing committees, including the Agriculture Committee, the Highways & Transportation Committee, and as longtime Chairman of the Executive Committee. In this position he has overseen the appointment of Chief Justices, Judges, cabinet secretaries and individuals to other prominent positions within State Government. He has worked for the interests of Delaware's farm community and expended much effort toward such causes as improving roads and the quality of Delaware's public education system. As a member of the Public Safety Committee, Senator Adams sponsored legislation that established Delaware's "Enhanced 911" emergency telephone system.

Senator Adams is a lifelong Delawarean, being born and raised in Bridgeville, DE, in the very district that he now represents. After graduating from Bridgeville High School, Senator Adams went on to earn a Bachelor of Science degree in Agricultural Education from the University of Delaware. Senator Adams was married for almost 50 years to Hilda McCabe Adams, who passed away in 2002. His world revolves around family and his two daughters, Polly and Lynn, son Brent who passed away, seven grandsons and four great-grandchildren mean the world to him. He is the president of T.G. Adams & Sons, Inc., a feed and grain company, and oversees a large farming business. Senator Adams has served on various boards, including the Eastern Shore Grain Dealers Association, of which he was president, chairman of the United Methodist Church Administrative board, president of Harrington Raceway, and as director of Baltimore Trust Company, Milford Memorial Hospital and the Medical Center of Delaware. In addition to his public service, Senator Adams devotes time to community outreach and charitable projects through the Bridgeville Lions Club, several Shrine Clubs, and numerous other organizations. Finally, if we could get his beloved Baltimore Orioles back into the World Series I am certain Senator Adams would consider his work complete, well at least for a moment or so.

I commend and thank Senator Thurman Adams for his innumerable contributions and many years of admirable service to the State of Delaware. I am confident that he will continue to serve the people of Delaware with passion and excellence and I am very proud to call him my friend.

HONORING MR. JOSEPH DELANEY FOR HIS YEARS OF COMMUNITY SERVICE ON STATEN ISLAND, NEW YORK

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. FOSSELLA. Madam Speaker, I rise today to honor a pillar of community service in my district, Mr. Joseph Delaney. The University of Notre Dame Alumni Association officially recognizes 230 Alumni clubs throughout the world. This includes the University of Notre Dame Alumni Club of Staten Island, located in my Congressional District. For 10 years the Staten Island Club was led by a gentleman I rise to honor today, Mr. Joseph Delaney.

During Joe's leadership, the Alumni Club became one of the most altruistic, charity-oriented organizations on Staten Island. The University of Notre Dame Alumni Association recognized the Staten Island Club with its prestigious Charlie F. Lennon Award, recognizing it as the most outstanding club in the entire network, in both 1999 and 2005. The club was also recognized by the University Alumni Association as the most outstanding club for their size of membership three times, in 1997, 2002, and 2005.

Joe's community service is not restricted solely to his leadership of the Alumni Club. In the wake of the 9/11 terrorist attacks Joe arranged for the University of Notre Dame Glee Club to visit Staten Island and headline a fundraiser which raised $11,000 to help the families of police and fire officers who died at the World Trade Center. On two separate occasions Joe has coordinated fundraisers for the benefit of St. Peter's Elementary School raising a total of $17,000 for the school.

While no longer serving as the Club's President, Joe continues to direct their annual Christmas Toy Drive which aides the Salvation Army, The New York Foundling Hospital, and the Seaman's Society. He also coordinates their Annual Thanksgiving Clothes Drive which provides coats to the needy at Project Hospitality. One of Joe's greatest charity successes has been building the annual "Bread of Life Food Drive." Through this drive the Alumni Club has donated over 800,000 food products to local needy families and individuals. The New York City Council recognized Joe's efforts for the Food Drive and honored him with an award in 1997.

Certainly, Joe Delaney is a giant of the Staten Island community service community and I rise today to join the Notre Dame Alumni Club in honoring Joe for his years of service to our community. The Alumni Club will be honoring Joe at their annual "Universal Notre Dame Celebration" on April 18th.

I rise to offer gratitude to Mr. Delaney on behalf of my constituents on Staten Island, and to thank him for his years of community service.

CONGRATULATING MICHAEL J. MAHER ON RECEIVING THE MOTHER ROSALIE CLIFTON HILL SERVICE AWARD

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. ISSA. Madam Speaker, I rise today to honor Michael J. Maher upon his receipt of the University of San Diego's Mother Rosalie Clifton Hill Service Award for 2008.

In honor of Mother Rosalie Clifton Hill, the University of San Diego (USD) presents this award annually to an alumnus who personifies the spirit and philosophy of the University. Such a person must exhibit involvement, service enthusiasm and commitment well beyond what is expected of an USD alumnus; demonstrate support of, and service to the USD Alumni Association; and must exemplify in all aspects of his or her life an incorporation of honesty, loyalty, integrity and fidelity.

Michael J. Maher epitomizes these above mentioned qualifications. Graduating from the University of San Diego in 1970 with a bachelor's degree in philosophy, Mr. Maher returned to San Diego in 1976 to begin his 32-year professional career.

Maher has been a fervent supporter of the University of San Diego's athletic programs. He has been instrumental in the continued success of the University's golf program as well as the Torero Athletic Committee. He has dedicated hundreds of hours of mentoring to student athletes.

His continued support of the University has positively influenced associates and fellow alumni to become more involved.

Madam Speaker, I ask you to please join me in congratulating Michael Maher upon his receipt of this esteemed honor.

HONORING CHUCK AND BOBBIE TERRELL

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. BACA. Madam Speaker, on May 16, 2008, the San Bernardino community will gather to honor Chuck and Bobbie Terrell as they are presented with the prestigious Golden Baton Award from the San Bernardino Symphony Guild. In the Guild's 77 years of its existence, this will only be the ninth time that this honor has been awarded. The Guild is honoring them not only for their significant contribution to the San Bernardino Symphony but also for their commitment and dedication to the San Bernardino community as a whole for having spent over 50 years in the field of education.

After honorably serving his country in the United States Marine Corps, Chuck began his career by teaching social science at Azusa High School in 1956. Over the next 10 years, he served as a teacher, a counselor, the director of activities, the unit administrator, and finally, as principal, starting in 1963. During those years, Bobbie supported her husband by raising their children, and also stayed active in her church, the Jr. Women's Club and the United Way. In addition to performing his duties as principal, Chuck received his education doctorate from the University of Southern California.

From 1966 to 1977, Chuck served as superintendent of schools for the communities of Needles, Corona and Norco. Bobbie received her B.A. in psychology from Cal State Fullerton in 1974, and began teaching elementary school in Chino.

For the past 30 years the Terrells have made their home in San Bernardino. Chuck became San Bernardino County Superintendent of Schools in 1982 and worked in that capacity until his retirement in 1993. After receiving her master's degree in counseling from Cal State San Bernardino, Bobbie worked in the Alvord School District as an elementary counselor and a resource specialist. Bobbie eventually earned her school psychologist's credential from Cal State San Bernardino and became a school psychologist in the Jurupa Unified School District until her retirement in 1993.

Their careers aside, I am sure the Terrells would say that their greatest accomplishment is their family, which includes their children Greg and Kathy, their six granddaughters and two great-grandchildren.

In retirement, the Terrells continue to serve their community as they always have. Chuck still serves San Bernardino to this day, as president of the board of trustees for the San Bernardino Community College District. Bobbie has served as treasurer for the San Bernardino Symphony Guild for the past 4 years. Active in the Presbyterian Church, she has also served as treasurer at the presbytery level for 6 years.

Madam Speaker, it is my great honor to recognize the service, sacrifice, and dedication of Chuck and Bobbie Terrell. Their impact on our community over the years serves as a great reminder that a life spent educating others is a life of a true patriot.

HONORING MORGAN WALKER MARTZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Morgan Walker Martz a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 175, and in earning the most prestigious award of Eagle Scout.

Morgan has been very active with his troop, participating in many scout activities. Over the many years Morgan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Morgan Walker Martz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

APRIL 15TH—TAX DAY

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. MCCAUL of Texas. Madam Speaker, once again the Tax Man cometh. Today, April 15, is the day American taxpayers scramble to comply with a tax code, over 67,000 pages long.

In 2007, individual taxpayers spent an estimated 3.18 billion hours complying with the Federal income tax laws. Individuals spend $26.5 billion for tax software, tax preparers, postage, and other costs related to filing their Federal income tax, while corporations spend $156.5 billion to comply with Federal tax laws. Americans may send two and a half trillion dollars to the IRS, but the cost to our economy is much greater. Despite this, the majority party is forcing a $654 billion tax increase on the American people, the largest in American history.

It's time to scrap the IRS and this oppressive tax code. It's time to look at the fair tax or the flat tax as viable alternatives to our overly burdensome tax code. It's time to stop punishing taxpayers and pass fundamental tax reform.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. UDALL of Colorado. Madam Speaker, I was unable to be present for three rollcall votes on April 14th. If I had been present for those votes, I would have voted as follows:

First, on rollcall No. 183, to suspend the rules and pass H. Res. 886, Expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado, as a cosponsor of the resolution I would have voted "yes."

As the resolution reminds us all, on Sunday, December 9, 2007, a troubled individual was responsible for killing several innocent people and injuring others at, first, the Youth With a Mission facility in Arvada and, a few hours later, at the New Life Church in the Colorado Springs Area—where he was fatally shot by Jeanne Assam, a volunteer private security guard.

The resolution rightly commends Ms. Assam and the quick response of local first responders in the city of Arvada and in Jefferson County as well as those in El Paso County and Colorado Springs who, assisted by Federal authorities and medical professionals limited the danger to the church and local community. And it offers the heartfelt condolences of the House of Representatives to the victims and families of these tragic acts of violence in Colorado and conveys our gratitude to Jeanne Assam, city and county officials, as well as the police, fire, sheriff, Federal authorities, and emergency medical teams whose quick response saved lives.

Second, on rollcall No. 184, to suspend the rules and pass H. Res. 994, regarding National Glanzmann's Thrombasthenia Awareness Day, I would have voted "yes."

And, third, on rollcall No. 185, to suspend the rules and pass H.R. 3548, as amended, the Plain Language in Government Communications Act, as a cosponsor of that measure I would have voted "yes."

H.R. 3548 requires Federal agencies to use plain language in government documents related to obtaining a service or a benefit. It responds to the fact that government documents often are complex and difficult to understand, particularly when they are not written clearly. To address this problem, President Clinton in 1998 issued a memorandum that, in part, required Federal agencies to use plain language in all documents that explain how to obtain a benefit or service. However, while a few agencies still maintain plain language programs, efforts to promote plain language have waned. H.R. 3548 defines plain language and requires agencies to use plain language in any new document that explains how to obtain a service or a benefit or that is relevant to obtaining a service or a benefit. The bill ensures that many of the letters, forms, and other documents that people receive from the government will be written in a clear, understandable way. Under this bill, for example, the Social Security Administration would be required to use plain language in letters that provide beneficiaries information about Social Security.

I joined in cosponsoring the bill because I think it is important for those of us in government to do more to communicate clearly with our employers, the American people, and I hope that the Senate will join the House in giving prompt approval to the legislation.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. RUSH. Madam Speaker, during the week of February 25–29, 2008, I was unavoidably absent from rollcall votes 69–87.

Had I been present I would have voted "yea" on rollcall vote 69, H. Res. 978, "yea" on rollcall vote 70, H. Res. 930, "yea" on rollcall vote 71, H. Res. 944, "yea" on rollcall vote 74, H. Res. 974, "yea" on rollcall vote 75, H.R. 3521 the Sires of New Jersey Amendment, "yea" on rollcall vote 76, H.R. 3521 the Meek of Florida Amendment, "yea" on rollcall vote 81, H. Res. 1001, "nay" on rollcall vote 83, H.R. 5351 on Motion to Recommit with Instructions, "yea" on rollcall vote 84, H.R. 5351, "yea" on rollcall vote 85, S. 2272, "yea" on rollcall vote 86, H.R. 4454, "yea" on rollcall vote 87, H.R. 4454.

Madam Speaker, during the week of March 3–7, 2008, I was unavoidably absent from rollcall votes 88–106.

Had I been present I would have voted "yea" on rollcall vote 88, H.R. 1143, "yea" on rollcall vote 89, H.R. 1311, "yea" on rollcall vote 90, H.R. 816, "yea" on rollcall vote 91, H.R. 4191, "yea" on rollcall vote 92, H. Con. Res. 278, "yea" on rollcall vote 93, H. Res. 951, "yea" on rollcall vote 96, H. Res. 1014, "yea" on rollcall vote 97, H.R. 4774, "yea" on rollcall vote 98, H. Con. Res. 286, "nay" on rollcall vote 100, H.R. 1424 the Motion to Recommit with Instructions, "yea" on rollcall vote 101, H.R. 1424, "yea" on rollcall vote 102, H.R. 5400, "yea" on rollcall vote 104, H. Res. 1015, "nay" on rollcall vote 105, H.R. 2857 the Flake of Arizona Amendment, "yea" on rollcall vote 106, H.R. 2857 the Inslee of Washington Amendment.

Madam Speaker, during the week of March 10–14, 2008, I was unavoidably absent from rollcall votes 108–145.

Had I been present I would have voted "yea" on rollcall vote 108, H. Res. 537, "yea" on rollcall vote 109, H.R. 3196, "yea" on rollcall vote 110, H.R. 4166, "yea" on rollcall vote 115, H. Res. 924, "yea" on rollcall vote 116, Motion, "yea" on rollcall vote 117, H.R. 2082, "yea" on rollcall vote 118, H. Res. 948, "yea" on rollcall vote 119, H. Res. 493, "yea" on rollcall vote 122, H. Res. 1031, "yea" on rollcall vote 130, H. Res. 1036, "yea" on rollcall vote 131, H.R. 5563, "yea" on rollcall vote 132, H. Con. Res. 316, "yea" on rollcall vote 133, H. Res. 936, "yea" on rollcall vote 134, S. 2733, "yea" on rollcall vote 137, H. Con. Res. 312 Kilpatrick of Michigan Amendment, "yea" on rollcall vote 138, H. Con. Res. 312 Lee of California Amendment, "nay" on rollcall vote 140, H. Con. Res. 312 Ryan of Wisconsin Amendment, "yea" on rollcall vote 141, H. Con. Res. 312, "yea" on rollcall vote 142, H. Res. 991, "yea" on rollcall vote 143, H. Res. 1041 On Ordering the Previous Question, "yea" on rollcall vote 144, H. Res. 1041 On Agreeing to the Resolution, "yea" on rollcall vote 145, H.R. 3773.

Madam Speaker, during the week of March 31–April 4, 2008, I was unavoidably absent from rollcall votes 147–160.

Had I been present I would have voted "yea" on rollcall vote 147, H.R. 3352, "yea" on rollcall vote 148, H.R. 2675, "yea" on rollcall vote 149, H. Con. Res. 302, "yea" on rollcall vote 150, H. Con. Res. 310, "yea" on rollcall vote 151, H. Res. 1005, "yea" on rollcall vote 152, H. Res. 1021, "yea" on rollcall vote 154, H. Res. 1065 On Ordering the Previous Question, "yea" on rollcall vote 155, H. Res. 1065 On Agreeing to the Resolution, "yea" on rollcall vote 156, H.R. 5501 Carson of Indiana Amendment, "nay" on rollcall vote 157, H.R. 5501 On Motion to Recommit with Instructions, "yea" on rollcall vote 158, H.R. 5501 On Passage, "nay" on rollcall vote 159, H.R. 4847 On Motion to Recommit with Instructions, "yea" on rollcall vote 160, H.R. 4847 On Passage.

Madam Speaker, during the week of April 7–11, 2008, I was unavoidably absent from rollcall votes 161–182.

Had I been present I would have voted "yea" on rollcall vote 161, H.J. Res. 70, "yea" on rollcall vote 162, H.R. 2464, "yea" on rollcall vote 163, S. 793, "yea" on rollcall vote 164, H. Res. 1084 On Ordering the Previous Question, "yea" on rollcall vote 165, H. Res. 1084 On Agreeing to the Resolution, "yea" on rollcall vote 166, H. Res. 1077, "yea" on rollcall vote 167, H.R. 2016 the Grijalva of Arizona Amendment, "nay" on rollcall vote 168, H.R. 2016 the Bishop of Utah Amendment, "nay" on rollcall vote 169, H.R. 2016 the Bishop of Utah Amendment, "nay" on rollcall vote 170, H.R. 2016 the Bishop of Utah Amendment, "yea" on rollcall vote 171, H.R. 2016 the Altmire of Pennsylvania Amendment, "nay" on rollcall vote 172, H.R. 2016 the Pearce of New Mexico Amendment, "nay" on rollcall vote 173, H.R. 2016 On Motion to Recommit with Instructions, "yea" on rollcall vote 174, H.R. 2016 On Passage, "yea" on rollcall vote 175, H.R. 2419, "yea" on rollcall vote 176, H.R. 5489, "yea" on rollcall vote 177, H.R. 5472, "yea" on rollcall vote 179, H. Res. 1083, "yea" on rollcall vote 180, H. Res. 1038, "yea" on rollcall vote 181, H. Res. 1092, "nay" on rollcall vote 182, H.R. 2537 the Flake of Arizona Amendment.

THE DAILY 45: 23 CHICAGO PUBLIC SCHOOL CHILDREN KILLED TO DATE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. RUSH. Madam Speaker, today, Americans across the country are engaging in a debate on whether or not they are bitter. Whether it's bitterness about guns or bitterness about the economy.

Madam Speaker, this debate is a diversion from the real issue of the plague of gun violence in our communities. I rise, today, to mourn the gun-related deaths of far too many young people who were students at Chicago's public schools. As of today, that number stands at 23–all but two of those deaths was due to gun violence.

That's 23 young people who, in the pursuit of what other families take for granted—getting an education—have to duck and cover just to learn how to read and write.

Shannon Brown, 17, is the latest student to die from a gunshot. Described by his younger brother, Keishawn, as a "good big brother," Brown was a happy and responsible child who enjoyed school and hanging out with his friends. He became the victim of gun violence following a fist fight in his neighborhood.

Like a scene from a bad Hollywood movie, he stumbled toward his home, while bleeding profusely, and collapsed on the stairs. Last week, law enforcement captured his alleged assailant, the 26–year-old who Shannon had bested in the fist fight.

When will Americans say "enough is enough? Stop the killings!

INTRODUCTION OF THE ROTH TSP ACT OF 2008

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Ms. DRAKE. Madam Speaker, today is tax day. This is a day when all Americans are reminded of the federal government's treatment of their hard-earned money, investments, and retirement savings. Our servicemembers in Iraq and Afghanistan think about these issues as well. I firmly believe it is time to improve the options at their disposal to secure a comfortable retirement after their service to our Nation.

Currently, two common options available in the private sector used as retirement savings tools are the Individual Retirement Account (IRA) and a 401(k), which is an employer-sponsored retirement plan where the employer matches the employee's contributions up to a specified limit. Both can be structured as either a "Traditional" or "Roth" plan.

Many are familiar with the Roth and Traditional IRA options as Roth IRAs have been around since 1998. However, a Roth 401(k) is a fairly new option that is similar to the Roth IRA in that it allows after-tax contributions to fund tax-free retirement income.

The Roth 401(k) option was established as part of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) and went into effect on January 1, 2006. The Pension Protection Act of 2006, signed into law by President Bush on August 17, 2006, makes the Roth 401(k) permanent, removing the December 31, 2010 expiration date that previously was in force.

Traditional IRA and 401(k) plans are funded through tax-deferred contributions or "before-tax" contributions, which means the money contributed is taken out of a person's pay before Federal and, in almost all cases, state income taxes are withheld. Any earnings are also tax-deferred. This means that an individual does not pay income taxes on contributions and earnings in their IRA or 401(k) account until their money is withdrawn, usually at retirement.

With a Roth plan, an individual does not receive the tax deduction for their contribution, but all the money in the account grows tax-free and can be withdrawn tax-free subject to certain criteria. For many, the Roth is the better deal.

As such, more and more companies have started to offer Roth 401(k)s since they were allowed to start doing so two years ago, and many firms that don't yet provide this option are considering adding it in the future.

However, in a glaring omission, this same option has not been extended to the federal Thrift Savings Plan (TSP), which is the federal government's in-house 401(k) retirement savings plan for the federal workforce and our men and women in uniform.

That is why today I have introduced the Roth TSP Act of 2008. This bill will simply provide the same 401(k) options available in the private sector to participants in the TSP. Currently, there are 3.9 million account holders in the TSP. These include civilians who are employed by the U.S. Government and our military personnel.

Our men and women in uniform and the federal workforce may find the option to structure their retirement plans as a Roth TSP to be a better deal. My legislation will place the same options available in the private sector at their disposal and provide another option when considering their long term financial and retirement planning. Allowing this option could provide greater growth potential and greater return on investment for their retirement savings than under the traditional TSP structure.

Consider the potential benefit to our military. If military personnel serve in a combat zone as an enlisted person or as a warrant officer for any part of a month, all military pay received for military service in that month is excluded from their gross income. For commissioned officers, the monthly exclusion is capped at the highest enlisted pay, plus any hostile fire or imminent danger pay received. With a Roth TSP, these individuals could earn this pay tax-free, grow their investment in their Roth TSP, and then withdraw it all tax-free after age 59½, having never been required to pay taxes on the invested money.

The men and women of our military worry about consequences on a day-to-day basis that most Americans never even consider. The least we can do in return is provide our service members with choices and options that will allow them to plan for their future and help to ensure that they never have to worry about a secure retirement.

CELEBRATING THE 100TH ANNIVERSARY OF THE EDGE HILL FIRE COMPANY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Edge Hill Fire Company on the celebration of their 100th anniversary. Beginning in 1908 with just a few volunteers and hand drawn equipment, the Edge Hill Fire Company has developed into a modern, professional fire company.

In Philadelphia 272 years ago, Benjamin Franklin started the first fire department in America. Franklin's brigade, comprised entirely of volunteers, was dedicated to looking out for their neighbors. Today, volunteers constitute 73 percent of all firefighters nationwide, and Franklin's proud tradition of volunteerism is being continued by the brave firefighters of Edge Hill Fire Company.

In 1909, following a serious fire in the village of Edge Hill, a few residents spearheaded the effort to protect properties and lives in their community against future destruction. By 1911, Edge Hill Fire Company was able to purchase a fire truck, the first motorized apparatus in Abington Township. In 1933, the company moved into a new firehouse, built and funded largely by the company's volunteers. This firehouse, located on Limekiln Pike at Cricket Avenue is still in use today, but has been renovated to serve as a meeting hall. As the community grew, so did the fire company, building a large addition in 1956 to include three truck bays, a service bay, hose tower, radio and recreation room.

Today, the company continues their proud tradition of providing the best service to the community. They, as the firefighters described by Benjamin Franklin, still "apply themselves with all vigilance and resolution," as well as dedication and courage, to the protection of their community in times of fire crises and as promoters of fire safety and prevention.

Madam Speaker, once again I congratulate the members of the Edge Hill Fire Company for their service, commitment, and sacrifice. I ask that my colleagues join me in celebrating this milestone and wish the dedicated firefighters another 100 years of success and safety.

TRIBUTE TO LIEUTENANT COLONEL ALBERT P. BARRY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. MURTHA. Madam Speaker, I would like to take this opportunity to recognize the late Lt. Col. Albert P. Barry, USMC (Ret.). On December 2, 2007, Lt. Col. Barry passed away at his South Carolina home with his loving wife, Mrs. Elizabeth Taylor Barry, by his side. On January 16, 2008, he received full U.S. Marine Corps honors at Arlington National Cemetery. The date was very special in that it would have been Al and Liz's 20th wedding anniversary.

Madam Speaker, Al lived a full and courageous life even through his battle with glioblastoma, terminal brain cancer. He refused to give up and he and Liz filled their last year with hope, prayer, and as much laughter as possible. Sustained by family and all those who knew him well, Al's reaction was typical of the Marine within. He had been given his "orders"—by physicians this time—and he set out to "beat it." He never complained—and never failed to be Al Barry.

Albert P. Barry was born on April 12, 1936, in New Haven, Connecticut. He earned a Bachelor's Degree at Tufts University and a Master's Degree at Syracuse University. In 1958, he joined the U.S. Marine Corps, was commissioned a Second Lieutenant in December 1959, and retired as a Lieutenant Colonel in 1979. His 21-year active duty service in the Marine Corps included tours with three Marine Divisions. He served as a Marine Barracks Commanding Officer in the Personnel Management and Assignment Office at Marine Corps Headquarters, and completed his career in the Liaison Office to the United States Senate from July 1975 until November 1979. He spent two tours in the Vietnam War with duty as an Aerial Observer; he served as a Battery Commander twice, a Battalion Operations Officer, an Assistant Regimental Operations Officer, and a Marine Amphibious Unit Operations Officer and Fire Support Coordinator. He received many notable personal decorations during his military service, which include the Legion of Merit, the Bronze Star with Combat "V," the Air Medal, the Navy Commendation Medal with the Combat "V," the Navy Achievement Medal, the Combat Action Ribbon, the Presidential Unit Citation, the Navy Unit Citation, the Vietnam Staff Service Honor Medal and other campaign medals.

Following his U.S. Marine Corps Service, Mr. Barry served as a Legislative Director in the U.S. Senate and was appointed in 1981 as Deputy Assistant Secretary of Defense in the Reagan Administration. He was awarded the Department of Defense Civilian Distinguished Service Medal in 1985.

Mr. Barry's professional positions included Director of Legislative Affairs for Sikorsky Aircraft, Director of Washington Operations for Pneumo Abex Corporation, and Vice President of Washington Operations for AAI Corporation. He was active in defense and industrial associations, and officially retired in March of 2006.

Surviving family in addition to his wife, Elizabeth, include eight children, two step-children, five sons-in-law, one daughter-in-law, and eleven grandchildren. The children are Barbara Barry, Emily Helm, Paul Barry, Kathleen Mullins, Eileen Macleay, Beatrice McMurrer, Sarah Smith, Matthew Barry, Tanya Taylor, and Tom Taylor.

Madam Speaker, Lt. Col. Albert Barry was a true American Patriot. He was a man who loved his family and did his duty to his country. He was unselfish in service and he was a great friend to many, including myself. I want to conclude my remarks by commending him for his life well lived and I want to thank him for his many years of service in helping to make our country great.

TAX DAY, APRIL 15TH

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Ms. SPEIER. Madam Speaker, I have long known that the war in Iraq was costing our Nation far too much. But after less than a week here in Washington, I'm sad to say, it is even worse than I thought. Today, on the day millions of Americans pay their Federal income taxes, it is disheartening to point out that the average American's total tax bill pays for less than one half of one second of this unnecessary war.

At a time when hard-working, two-income families struggle to pay their mortgages, when gas prices force small businesses to raise prices on basic services and necessities, when support for college students continues to decline and CEO salaries rise faster than a carnival balloon, it is time to bring a dose of sanity to our tax laws.

Madam Speaker, today we took an important step by passing legislation to deny government contracts to firms that are delinquent in tax payments. No longer shall we allow corporations to reap war profits while defrauding taxpayers by not paying their fair share.

We also took aim at the ridiculous practice of hiring outside collection agencies to harass American taxpayers at a cost higher than the money they take in. If America truly is the land of opportunity, then that opportunity must extend to all members of the American family. We cannot be nickel-and-diming hardworking families while losing tens of billions of dollars in waste, fraud and abuse in questionable contracts awarded to politically-connected firms doing business in Iraq.

Madam Speaker, I am new to this body, but I am not new to politics. I understand that the only way anything gets done in the halls of power is when someone stands up and insists on action. Today, on Tax Day, let us make a promise to work toward ending this devastating and costly war, providing middle-income tax relief and once and for all doing away with subsidies for oil companies. Only then, can Americans start to feel that Tax Day is something more than a shake-down of hardworking families.

CBO COST ESTIMATE FOR H.R. 5715, THE ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. GEORGE MILLER of California. Madam Speaker, with respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee on Education and Labor received, subsequent to the filing of the Committee report, the following estimate for H.R. 5715 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 15, 2008.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Kalcevic.

Sincerely,
ROBERT A. SUNSHINE,
(For Peter R. Orszag, Director).

Enclosure.

H.R. 5715—Ensuring Continued Access to Student Loans Act of 2008

Summary: H.R. 5715 would:

Alter repayment and eligibility terms on parent Loans for Undergraduate Students (PLUS),

Increase the annual and aggregate borrowing limits on unsubsidized loans,

Give the Department of Education temporary authority to purchase guaranteed loans from private lenders, and

Clarify provisions relating to the lender-of-last-resort program.

On balance, CBO estimates that enacting the bill would increase direct spending by $320 million over the 2008–2013 period and by $390 million over the 2008–2018 period. The bill would have no impact on revenues. CBO has not yet completed an estimate of the impact of H.R. 5715 on discretionary spending; implementing the bill would probably increase costs for administering the federal student loan programs.

H.R. 5715 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5715 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2008–2013	2008–2018
CHANGES IN DIRECT SPENDING													
Changes to PLUS Program:													
Estimated Budget Authority	−35	−75	−75	−80	−85	−95	−100	−110	−115	−125	−135	−445	−1,030
Estimated Outlays	−20	−55	−65	−70	−75	−85	−90	−95	−105	−110	−115	−370	−885
Raise Limits on Unsubsidized Loans:													
Estimated Budget Authority	−90	−180	5	105	115	105	115	125	135	145	155	60	735
Estimated Outlays	−50	−135	−45	65	100	100	100	110	115	125	135	35	620

	By fiscal year, in millions of dollars—												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2008–2013	2008–2018
Purchase of Guaranteed Loans:													
Estimated Budget Authority	0	655	0	0	0	0	0	0	0	0	0	655	655
Estimated Outlays	0	655	0	0	0	0	0	0	0	0	0	655	655
Lender of Last Resort:													
Estimated Budget Authority	*	*	*	*	*	*	*	*	*	*	*	*	*
Estimated Outlays	*	*	*	*	*	*	*	*	*	*	*	*	*
Total Changes:													
Estimated Budget Authority	−125	400	−70	25	30	10	15	15	20	20	20	270	360
Estimated Outlays	−70	465	−100	−5	25	15	10	15	10	15	20	320	390

Note: PLUS = Parent Loans for Undergraduate Students, * = less than $500,000.

Basis of estimate: For this estimate, CBO assumes that H.R. 5715 will be enacted before July 1, 2008. As required under the Federal Credit Reform Act of 1990, the costs of student loans are estimated on a net-present-value basis.

Changes to PLUS program

The bill would make two changes to the PLUS program. First, it would allow parents to defer payment on their PLUS loans until six months after the dependent borrower leaves school. Under current law, parents must begin repaying the loan 60 days after disbursement. CBO projects that approximately 10 percent of parent borrowers would take advantage of this determent before repaying their loans. Interest rates on parent loans range between 7.9 percent and 8.5 percent. Because interest on these loans would accrue during deferment, CB0 estimates this provision would decrease direct spending by $370 million over the 2008–2013 period and by $885 million over the 2008–2018 period.

In addition, H.R. 5715 would allow a lender to determine that a potential PLUS borrower who is delinquent on a home mortgage payment for fewer than 181 days (and might otherwise be deemed not creditworthy) to quality for the PLUS program due to extenuating circumstances. Based on information from lenders and other groups, C130 estimates this provision would have a negligible impact on direct spending.

Raise limits on unsubsidized loans

H.R. 5715 would increase the borrowing limits on unsubsidized loans for all students by $2,000 per year and raise aggregate borrowing limits to accommodate those increases.

Based on data from the National Student Loan Data System and the National Postsecondary Student Aid Study (NPSAS) and about applicants for federal financial assistance. CBO estimates these changes would increase the volume of unsubsidized loans by more than $1 billion in fiscal year 2008; that increase would grow to more than $8 billion in fiscal year 2018. CBO expects that the volume of loans made to parents and graduate students in the PLUS program would decrease, as these students and parents would shift some of their borrowing to the unsubsidized loan program, which has a lower interest rate. CBO estimates these changes would increase direct spending by $35 million over the 2008–2013 period and by $620 million over the 2008–2018 period.

Purchase of guaranteed loans

The bill would grant the Department of Education the authority to purchase guaranteed loans originated on or alter October 1. 2003. from lenders in the Federal Family Education Loan (FFEL,) program, if the Secretary determines that there is insufficient capital available to meet the demand for guaranteed loans. The Secretary would have full discretion over the purchase price of the loans and the decision to buy. This authority would expire on July 1, 2009.

Under the hill, the Secretary could purchase guaranteed loans only after determining that such a purchase is in the best interests of the United States and does not have a cost to the government. C130 believes that the likelihood of increased costs is greater than the likelihood of increased savings if the Secretary purchases guaranteed loans for the following reasons:

CBO expects that the volume of loans purchased by the department would yard directly with the offer price. In considering possible outcomes, higher prices would result in higher volumes, and hence relatively large costs; outcomes assuming lower prices would probably involve a lower volume of loans purchased, and any savings under such scenarios would he relatively small. Thus, the expected value of the range of possible results would be a cost.

C130 expects that lenders would have better information about the future profitability of each loan than the Secretary and might he able to sell loans that are more likely to enter default. and thus generate costs to the government. Lenders would have an incentive to sell the loans that are most likely to result in costs to the government.

Finally, CBO is unsure how the Secretary would balance the need to be budget-neutral with a competing need to ensure that the loan guarantee industry has sufficient capital to make student loans for the upcoming school year.

For those reasons, we expect that allowing the Department of Education to purchase guaranteed loans would likely increase costs to the federal government. Based on preliminary information from FEEL lenders, guaranty agencies, and the Department of Education, CBO estimates this provision could increase direct spending by $655 million in 2009. Those costs could be higher or lower depending on what price the Secretary sets for guarantee purchases.

Lender of last resort

H.R. 5715 also would clarity two provisions of the lender-of-last-resort program, which provides loans to students who otherwise are unable to obtain a loan under the regular loan application process. First, it would specify that guaranty agencies may carry out the functions of the lender-of-last-resort program on a school-wide basis rather than an individual borrower basis. CBO estimates that this provision would have a negligible impact on direct spending.

Second, it would clarify that the Secretary of Education has the authority to advance federal funds to guaranty agencies serving as lenders of last resort who do not have sufficient capital to originate guaranteed loans. CBO estimates this provision would have no impact on direct spending because the U.S. Department of Education has this authority under current law and has published regulations governing the lender-of-last-resort authority.

Intergovernmental and private-sector impact: H.R. 5715 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Deborah Kalcevic and Justin Humphrey; Impact on state, local, and tribal governments: Burke Doherty; Impact on the private sector: Nabeel Alsalam.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

SENATE—*Wednesday, April 16, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, how excellent is Your Name in all the Earth. Our praise can never match Your glory and majesty. Your grace gives worth even to the least of our efforts, so use us to fulfill Your purposes.

Give the Members of this body a new vision of Your glory. Help them to see that no obstacle is so difficult, no challenge so great, no setback so irreversible that Your purposes will not prevail. Free them to depend on You more deeply as they wait patiently for You to replenish their spirits. Lord, speak to our Senators so that their words may reflect the tenor of Your truth and the tone of Your grace. Father, let Your Name be magnified, for the kingdom, the power, and the glory belong to You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 16, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if he chooses to make any this morning, there will be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees. The majority will control the first half, and the Republicans will control the second half.

Following morning business, the Senate will resume consideration of the highway corrections bill. There will be no rollcall votes between 10 and 11 because the Pope is at the White House. I have spoken to staff, and I think we should be on a pathway of finishing this bill today. I hope so. I hope it is not necessary to file cloture on the bill. If that is necessary, I will file cloture this afternoon, and a vote will occur on Friday morning.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business, with the time divided and controlled by the two leaders or their designees, with the majority controlling the first half of the time and the Republicans controlling the final half.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VIRGINIA TECH TRAGEDY

Mr. MCCONNELL. Mr. President, 1 year ago today, a tragedy struck the campus of Virginia Tech, where the lives of 32 students and faculty members were tragically cut short in what was the worst campus shooting in U.S. history. We remember with sadness the terrible loss we all suffered that day while we all mourned with the Virginia Tech family. Our prayers go out to everyone in the Virginia Tech community who is remembering a loved one on this day.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I would like 5 minutes to talk about the judge situation.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

JUDICIAL NOMINATIONS

Mr. GRAHAM. Mr. President, No. 1, I wish to acknowledge the progress that was made yesterday between Senator MCCONNELL and Senator REID regarding an impasse over circuit court nominations.

The average, I believe, for the last 2 years of a Presidential term when the opposing party had control of the Senate, was 15 circuit court nominations being confirmed by the Senate. At this point, we are at seven.

As I understand, an agreement reached yesterday between Senator REID and Senator MCCONNELL will allow three circuit court judges to be moved forward by the May 23 recess. I appreciate that progress.

I live in the State of South Carolina, which is in the Fourth Judicial Circuit. We have a judicial emergency on hand there. A third of the Fourth Circuit Court of Appeals is vacant. We have two nominees, one from South Carolina and one from North Carolina, who have been awaiting hearings and confirmation for well over 200 days now.

I urge my colleagues to allow these fine candidates for the judiciary to move forward and the Senate get on about its business when it comes to judges. What I worry the most about is, over the last 4 or 5 years, we have had an experience with judges pretty much unknown to the Senate. There are a lot of anecdotal stories, a lot of cases in the past where people slow walked. I can only speak to my time here. I was involved in the Gang of 14 to make sure the Senate did not do something that would haunt the body for years to come. The Gang of 14 was a bipartisan effort to make sure filibustering judges would be done only in extraordinary circumstances, simply because if we engage in this practice of trying to hold up Presidential nominations based on philosophy and not qualifications, if all of us become President, so to speak, saying, I am not going to allow a vote on a judge I wouldn't have picked, it becomes chaos.

I urge Senators CLINTON and OBAMA, who have been, quite frankly, part of the problem, to look at the model they are setting, because if they do secure the White House, they do not want this to come back to haunt them.

I want an independent judiciary. I wish to make sure it is well paid and insulated as much as possible from an unfair process. The confirmation process is getting out of hand, overly political, too many political interest groups on the left or right have an inordinate amount of say in who gets on the bench. The role of the Senate is to pass judgment, an up-or-down vote, on qualified nominees sent over by the President.

I found in the Senate if you get someone who is an outlier, there is usually bipartisan support to say no to that nominee. President Bush sent over a couple nominees I opposed. Generally speaking, I expect my time in the Senate to defer as much as possible to a Presidential nominee who I think is qualified and not base my vote or denying a nominee a vote based on the fact I would not have chosen that person. I certainly would not have chosen Justice Ginsburg, if I was President, but she is eminently qualified and received well over 90 votes, I believe.

I hope in the future we will allow judges to come to the floor, through the committee, in a timely process. The Fourth Judicial Circuit is in dire need of Judge Conrad and Mr. Steve Matthews from South Carolina having hearings and a vote. If a Senator does not like these nominees, they can vote against them. What happened there is creating a problem in the area of the country in which I live and, quite frankly, it is unfair.

I look forward to working with my colleagues to break this logjam. Senator DURBIN and Senator KENNEDY were kind enough to meet with Steve Matthews, the nominee from South Carolina, and I appreciate them doing so.

Let's not get into a pattern that will come back to haunt us as a body and do a lot of damage to the confirmation process and over time erode the independence of the judiciary.

I appreciate the progress that was achieved yesterday, but there is a lot more to do, particularly when it comes to the Fourth Circuit.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL CONFIRMATIONS

Mr. DEMINT. Mr. President, over the past couple of weeks, there has been a lot of talk about the lack of progress the Democrat majority in the Senate has made on judicial confirmations in the last couple of years, but I want to thank the majority leader for his promise last night to confirm three judges by Memorial Day. This is certainly welcome news. I hope at least one of those is the nominee for the Fourth Circuit.

As we all know, our courts are in crisis. Currently, there are over 40 vacancies on the U.S. Circuit Court, and of those half are judicial emergencies. The consequences of the majority's failure to act on these nominations result in extended judicial vacancies, increased casework, and a delay in verdicts. This obstruction is harmful for the American judicial system and the American people.

One of the most important jobs we have here in the Senate is to offer advice and consent to the President's judicial nominees. While I believe all of these nominees deserve an up-or-down vote on the Senate Floor, I rise today specifically to speak on the current judicial vacancies on the Fourth Circuit Court of Appeals and the qualified nominees waiting for a vote.

The Fourth Circuit of Appeals, which covers South Carolina, North Carolina, Virginia, West Virginia, and Maryland, is one-third vacant. Even though the Fourth Circuit is facing so many pronounced vacancies, and there is a critical need for judges, the Democratic leadership has made no effort to move any of the pending nominees.

In spite of the number of vacancies, the Fourth Circuit, run by Chief Judge Karen Williams, continues to do a remarkable job. Many of the cases brought before the Fourth Circuit are extremely complex, and the judges must spend a longer amount of time on each of these cases before issuing their opinion. Our judges will not sacrifice quality, but it may take a lot longer for the court to issue its decision. We are lucky that the Fourth Circuit has the leadership it has. They are dedicated and hardworking, clearly, but we cannot continue with this high level of vacancy.

I have heard firsthand about the impact these vacancies have on the Fourth Circuit. Appellate courts must have enough judges to fill the panel, and if a seat is vacant, they must fill it somehow. This means judges from other circuits or judges from the district courts must take time away from their families, their caseload, their administrative tasks to fill the spot on the panel.

Two of the Fourth Circuit nominees, Mr. Steve Matthews of South Carolina and Mr. Robert Conrad of North Carolina, have the support of their home State Senators and are ready for a hearing in the Senate Judiciary Committee. Despite these facts, both nominees have been waiting for over 200 days for a hearing.

Let me quote an editorial from the Washington Post in December of 2007 in which they addressed the dire straits of the Fourth Circuit.

> The Senate should act in good faith to fill vacancies—not as a favor to the President but out of respect for the residents, businesses, defendants, and victims of crime in the region the Fourth Circuit covers. Two nominees—Mr. Conrad and Steve A. Matthews—should receive confirmation hearings as soon as possible.

On that note, I wish to spend a couple of minutes telling you about Mr. Steve Matthews from South Carolina. President Bush nominated Steve Matthews in September of 2007, but the Senate Judiciary Committee has failed to hold a hearing on his nomination.

Matthews received his undergraduate degree from the University of South Carolina and his law degree from Yale Law School. He is currently the managing director of Haynesworth, Sinkler, and Boyd in Columbia, SC.

Prior to joining the Columbia firm, Matthews practiced in the Washington office of Dewey Ballantine and served in the U.S. Department of Justice during President Reagan's second term. During his time at the Department of Justice, Matthews advised then Attorney General Ed Meese and President Reagan on the selection of nominees for Federal judgeships, and served as special counsel to Meese on the Iran Contra investigation.

I have personally met with Mr. Matthews several times and know he has the experience, the intellect, and the integrity necessary to serve on one of our Nation's highest courts.

We must fulfill our constitutional responsibility to vote on judicial nominations and allow hearings, as well as plain up-or-down votes here on the Senate Floor. The Senate Judiciary Committee has several extraordinary nominees before it, and the Fourth Circuit desperately needs their service.

Our courts are in critical need of judges and any inaction on these nominees is irresponsible and puts our Nation's judicial system at risk. Again, I thank the majority leader for committing to at least three by Memorial Day, and I appreciate the opportunity to address this issue.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I think the Senate is clearly in a slowdown. It is not fulfilling its responsibility to evaluate and vote on Presidential nominees for our courts in America.

We are now into the fourth month of 2008 and only one circuit judge, Judge Haynes, who received an ABA rating of unanimously well qualified—the highest rating by the bar—has been confirmed, and that confirmation only happened last week, April 10. So we have gone quite a long time here. We still have 10 pending nominations to the appeals courts that need hearings, need votes out of the Judiciary Committee, and need up-or-down votes on the Senate Floor.

Why is this a problem? I will tell you. Because President Bush campaigned on, and effectively, I believe, won the day on the argument that judges should be, as now Chief Justice John Roberts said at his confirmation hearing, neutral umpires. They are supposed to call the balls and strikes. They are not supposed to be on one side or the other. They are not supposed to be setting forth their personal political agendas in the guise of ruling on disputes of law in a courtroom. That is an abuse of the power of the judiciary. Members of the Judiciary are given lifetime appointments. They cannot be removed except through impeachment or death, and their salaries can not be reduced. It is critical that those judges show restraint and remember their proper role in our three branch system.

Now, the truth is that for many years my liberal activist colleagues have delighted in having Federal judges, and sometimes State judges, promote and affect a political agenda they could not win at the ballot box. That is what it is all about. But we need judges who respect the rule of law and who understand they are not policymakers. If they want to set policy, let them run for Governor, let them run for President or the Senate. So President Bush has consistently submitted nominees with high ratings, even from the American Bar Association, which frequently, I submit, is more activist than I would favor. Indeed, they meet and have all these resolutions and pass these resolutions on issues with which I do not agree. I am a member of the ABA, but I don't agree with some of the positions they take in these resolutions. They meet in some big conference, unrepresented by the members of the bar, and they do these things.

I mention all that to say they have been rating these present nominees very well. They have been giving them high ratings because they are men and women of good legal ability, sound judgment, and President Bush would not nominate them if they were not committed to the proper role of a judge, in my view.

Circuit court vacancies—these are the 11 circuits we have. The circuit courts are the first level of appellate courts above the Federal district court, the trial courts. When you appeal a criminal conviction or a civil judgment in America, you appeal first from the district court to the circuit court. That is one step below the Supreme Court. Then you can appeal from there to the U.S. Supreme Court, Chief Justice Roberts and his team, right across the street. That is the way the system works. These appellate courts are important because the Supreme Court only takes 100 or so cases a year, and many of the rulings of the circuit courts have become final. That is one reason people consider them to be important. Ultimately, the Supreme Court will rule.

Despite the fact that there are 10 nominees for the 13 vacancies in the circuit courts, the Judiciary Committee, our committee, of which I have been a member now for almost 12 years, has only given a hearing to 1, and that was over a year and a half ago when Senator SPECTER was chairman, the Republican chairman.

Peter Keisler, the circuit nominee for the D.C. Circuit here in Washington, was given a hearing in August 2006, but he has still not been voted on, called up for a vote in the Judiciary Committee. He is a fabulous nominee. One of the reasons he is being objected to is the same reason they objected to Miguel Estrada, the same reason they objected to a lot of other nominees—he is so capable, he would be on the short list for the Supreme Court of the United States. If they can kill them off at this level, they will not be considered sometime in the future. That is just a fact. I have been here. I know how this works. There is no reason Peter Keisler ought not to be confirmed. He had a hearing in August 2006, and he still has not been brought up for a vote in the committee.

Catharina Haynes was highly rated too. She was confirmed last week after we began to complain about this. That was the first circuit court nomination hearing since September of last year.

The Fourth Circuit is in a crisis. The vacancy rate is alarming. One-third of the seats are vacant. Four nominees are pending for those vacancies, but none has even been given a hearing.

Robert Conrad, former Federal prosecutor, has been waiting for a hearing for 265 days. He is also, at this point, a Federal district judge, a Federal district judge for the Western District of North Carolina. He was nominated for a judicial emergency. He has the support of both his home Senators, received a unanimous ABA rating of "well qualified," the highest rating you can get. He is a consensus nominee. The Senate unanimously confirmed him for his current district judge seat, and the ABA, then, ranked him unanimously "well qualified." The whole ABA 15-member committee voted him the highest rating, unanimously. So why hasn't he been given a hearing?

Steve Matthews has been waiting over 205 days. We have others out there who I think are being slowed down.

Mr. Conrad is an excellent nominee, in my opinion. He has a number of qualifications. I remember he was given the duty to conduct one of the investigations that occurred in the Department of Justice. He testified. I remember him testifying because I liked the honesty and directness in his testimony. He chose not to prosecute anybody for those offenses, but by all accounts he examined it carefully and fairly. Among other qualifications he had, he played point guard on the Clemson University basketball team in the ACC where he was an academic All-American basketball player, among the other things he did, which has always impressed me.

I would say there has been talk about invoking the so-called Thurmond Rule. The Thurmond Rule could sort of be, if you want it to be, an excuse for slow-walking nominees and not approving the nominees who ought to be approved just because there is a Presidential election on the horizon. Majority Leader HARRY REID mentioned last night that the so-called rule would be invoked in June. Senator LEAHY has mentioned before that he would invoke it in the second half of this year. Let me say this about the Thurmond Rule. It is a myth. It does not exist. There is no reason for stopping the confirmation of judicial nominees in the second half of a year in which there is a Presidential election.

I remind my colleagues that our now chairman of the Judiciary Committee, Chairman LEAHY, when he assumed control over the committee, stated he would institute the Thurmond Rule starting the spring of this year. He said:

> The Thurmond rule, in memory of Senator Strom Thurmond—he put this in when the Republicans were in the minority—which said in a Presidential election year, after spring, no judges would go through except by the consent of both Republican and Democratic leaders. I want to be bipartisan. We will institute the Thurmond rule.

Those were his remarks at Georgetown University Law School in December 2006.

In May 2007, he reiterated that the Thurmond Rule would kick in next April. Senator LEAHY said:

> Obviously the Thurmond rule kicks in.

But let's be very clear about it. The Thurmond Rule as interpreted is a false myth. Senator LEAHY, before the statements he made in 2006 and 2007 during the Bush Presidency, has admitted as much. In fact, as Senator LEAHY said in 2000, when the situation was somewhat different—during President Clinton's final year in office, like this is President Bush's last year:

> There is a myth that judges are not traditionally confirmed in Presidential election years. That is not true. Recall that 64 judges were confirmed in 1980; 44 in 1984; 42 in 1988, when a Democratic majority in the Senate confirmed the Reagan nominees and, as I have noted, 66 in 1992, when a Democratic

majority in the Senate confirmed 66 Bush nominees.

Those are not my words. Those are Senator LEAHY's words.

I see the distinguished ranking member of the Judiciary Committee is here. It is time for him to speak. I will just say that we, as Members of this Senate, have a Constitutional responsibility to move judicial nominees. We should not be playing games. Good nominees with strong support ought to be moved forward. A lot of these nominees have not been treated fairly. It is time to move them forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I begin by thanking my distinguished colleague from Alabama for his cogent, timely comments about the need to process the confirmation of judges. Republicans have reserved time in our period for morning business to speak to this issue in order to acquaint the American people with the importance of proceeding with the confirmation of Federal judges. The process has been slowed down very materially during the final two years of Presidential terms when the White House is controlled by one party and the Senate the other, as the White House is now controlled by Republicans and the Senate by Democrats.

As I have said on the Senate floor, this is a problem that has been going on for the past two decades. In the last two years of President Reagan's administration, there was a slowdown when Democrats were in charge of the Senate. The slowdown continued during the term of President Bush, the 41st President. Then, Republicans retaliated during the term of President Clinton by slowing down the process. We have had very major disputes—I would even call them bitter disputes. Notwithstanding the disrepute of the word "bitter," sometimes it is applicable, and I think it is certainly applicable to the filibusters of 2005. During that confrontation between the parties, filibusters were used repeatedly by Democrats. Republicans retaliated in kind with the threat of a so-called nuclear or constitutional option.

As I have said on the floor on previous occasions, the fault lies, in my judgment, with both parties. I thought the Republican caucus was wrong in its response to President Clinton's nominees, and I backed up my opinion with my votes. I voted in support of President Clinton's qualified nominees.

It is my hope that we can find a resolution to this issue, that we can reach across the aisle. There is no doubt the American people are sick and tired of party bickering. There is also no doubt that the American people want prompt justice in our courts. Where you have judicial emergencies, as you have in many courts where nominees have been pending for protracted periods of time, failing to fill vacancies does great harm to the litigants who are waiting to have their cases heard. As a simple illustration, I'll use an automobile accident case. If somebody has this type of case in court, first you look to the jurisdiction, which is a judicial emergency, and there is no district judge to try the case. The litigant waits and waits. You do not have to emphasize the consequences of that situation. People are perhaps out of work from their injuries as their medical bills are rising. They ought to have their day in court to have the matter adjudicated. If the matter is finally tried, then an appeal is taken in the courts of appeals, and there are judicial emergencies there. Again, the litigant waits and waits. The problem is clear. It is my hope we would move ahead here and process judicial nominees.

I am pleased to note that some progress has been made, as announced by the majority leader after consultation with Senator MCCONNELL, the Republican leader. There is an arrangement to have three circuit judges confirmed before Memorial Day. That is a step in the right direction, providing that the right judges are confirmed.

It has been announced similarly that finally, at long last, after protracted disputes, there is an agreement between the White House and the Michigan Senators on the nomination of two circuit judges for the Sixth Circuit.

It is my hope that the confirmations will be directed to three of the nominees who have been ready for hearings or committee votes and have been waiting the longest time.

Peter Keisler, nominee for the District of Columbia Circuit Court of Appeals, has been waiting for more than 650 days. There has been some talk about the D.C. Circuit not needing an additional judge. That is simply not factually correct. Mr. Keisler has been lauded by newspaper editorials—The Washington Post, the Los Angeles Times—and is preeminently well qualified to be confirmed to that position.

Judge Robert Conrad, Chief Judge of the U.S. District Court in North Carolina, has been waiting for over 270 days, and he is nominated to fill a judicial emergency. There is no blue-slip problem with Judge Conrad; the Senators from North Carolina are both urging his confirmation.

Similarly, with the nomination of Steve Matthews of the Fourth Circuit, he has been waiting for more than 220 days. And, again, both the blue slips have been returned. So, it is my hope we will move quickly to confirm Mr. Keisler, Judge Conrad, and Mr. Matthews. They are the ones who have been ready for committee action the longest and are most pressing.

By letter dated April 10, I wrote to Senator JOHN MCCAIN, Senator HILLARY CLINTON, and Senator BARACK OBAMA, asking for their positions on prospective motions, which I intend to pursue in the Senate, to discharge from the Senate Judiciary Committee the nominations of Judge Conrad, Mr. Keisler, and Mr. Matthews.

There are procedures where we can take the matters from the committee and take them to the floor for action by the entire body. The Constitution provides that confirmations will be handled by the Senate; there is no provision for committee action. In my judgment, when the controversies have raged for this period of time, the nominees ought to come to the full Senate.

I have also written to the interrogators of the debate, which is scheduled for this evening at the convention center of Philadelphia, Mr. George Stephanopoulos of ABC News and Mr. Charles Gibson of ABC News, suggesting that these would be appropriate questions for Senator CLINTON and Senator OBAMA during the course of the discussion this evening.

I ask unanimous consent that the text of the letters to Senator MCCAIN, Senator CLINTON, Senator OBAMA and Mr. Stephanopoulos and Mr. Gibson be included in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Now, in these letters to the three Senators, dated April 10, I said I would not make the disclosure of them public until April 15, in order to give them an opportunity to reply before these letters were released to the press. I said:

> I do not plan to make the news media aware of my inquiries until April 15th in order to give you ample opportunity to advise me of your response.

Yesterday evening, I did receive a response from Senator OBAMA. I think it is worthwhile to read this into the RECORD. Senator OBAMA writes:

> I am responding to your letter of April 10, 2008, regarding several pending judicial nominations. As a former constitutional law instructor, I fully appreciate the important work that our Federal judges do and the need to fill judicial vacancies. However, I have great respect for the Senate's constitutional advice and consent role in the confirmation of these judges.
>
> The concerns you have raised in your letter are important ones. However, since I am not a member of the Judiciary Committee, I would defer to Chairman Leahy on the scheduling of any committee votes on these pending nominations, and I would defer to Senator Reid on the scheduling of any floor votes.
>
> Moreover, I am confident that we can work in a bipartisan fashion to continue to fill vacancies. Just last week, the Senate confirmed five judicial nominations. And today, Chairman Leahy has announced a resolution reached with the Administration over Sixth Circuit nominations. Those events highlight a desire on all sides to ensure that vacancies on the bench are filled.

Thank you for seeking my views on this issue. Sincerely, Barack Obama, United States Senator.

I begin by thanking Senator OBAMA for his reply. But, I disagree with him, disagree respectfully, on the position he has taken. When he says he is not a member of the Judiciary Committee, I believe his standing as a Member of the Senate is the determinative membership, and under the Constitution of the United States, the Senate has the constitutional responsibility to consent or not on pending nominations.

When Senator OBAMA says that "I would defer to Chairman LEAHY on the scheduling of any committee votes on these nominations," and, "I would defer to Senator REID on the scheduling of any floor votes," again, I disagree, respectfully.

A Senator's duties are not delegated. No Senator can delegate to anyone else his constitutional responsibilities. The Constitution does not refer to the Judiciary Committee. The Constitution does not refer to the majority leader. Even if it did, that would not provide a basis for a Senator, duly elected and sworn to uphold the Constitution, as I took an oath on five occasions and as Senator OBAMA has taken an oath and as every Member of this body has taken an oath, not to uphold the Constitution.

The Constitution says: The Senate confirms. The Constitution says: Senators vote. You cannot delegate your constitutional responsibilities. There is an abundance of case law on this subject in a myriad of contexts, and so, I would respectfully ask my colleague, Senator OBAMA, to reconsider.

I would also ask, respectfully, for Senator MCCAIN to respond and for Senator CLINTON to respond. Further, when Senator OBAMA talks about his confidence that we can work out, in a bipartisan fashion, an agreement to fill the current vacancies, I think that confidence is misplaced.

When Senator OBAMA makes note of the fact that there were confirmations last week, he does not make note of the fact that these were the first confirmations this year, and that there was no hearing on any circuit judge from September 25, 2007, until February 21, 2008.

What is required to move the process along is for Senators to discharge their duty. In proposing to bring these matters to the floor for action by the full Senate, it is my view that every Senator ought to stand up and say whether he agrees with what is going on today because I think we have an electorate that is concerned.

And, the purpose of this discussion today is to fully acquaint the electorate with what is happening. As we have seen in prior elections, obstructionism costs at the ballot box. I would prefer not to resort to the political process. I would prefer not to make this a campaign or an election issue. I would prefer to see the Senate decide this on the merits.

Again, I emphasize the need for independent judgments. I do not think it is sufficient for a Senator to say: I am going to defer to the chairman. I do not that it is sufficient for a Senator to say: I am going to defer to the majority leader.

When I disagreed with the chairman of the Judiciary Committee—and we had a very distinguished chairman, Senator HATCH, sitting beside me—I said to Senator HATCH: ORIN, I respectfully disagree. I am going to vote that way. Let the RECORD show Senator HATCH is nodding in the affirmative.

The PRESIDING OFFICER. The time for morning business has expired.

Mr. SPECTER. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. When I disagreed with the majority leader, I said so. I would ask other Senators to do the same.

Mr. President, we have the Senator from South Carolina on the floor. He arrived in the middle of my remarks. I would ask that he be permitted to speak, and also Senator HATCH, be permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, we are laying down our bill. Senator DEMINT has been waiting for his amendment. He has a time problem. So I am willing to give another 3 minutes to our Republican friends. But, seriously, we need to get going on this bill. We have been on this bill now for 3 days.

We finally have an amendment. We would like to hear it. So I would agree to 3 minutes more.

Mr. SPECTER. Mr. President, I renew my request for 5 minutes for the two Senators who are on the floor.

Mr. DEMINT. I thank the Senator. I have spoken on judges. I will defer to Senator HATCH and make my comments later.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 10, 2008.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I write seeking your position on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler, nominee to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina, nominee to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina, nominee to the Court of Appeals for the Fourth Circuit.

Mr. Keisler's nomination has been on the agenda since June 29, 2006, without a Committee vote despite his excellent credentials. He graduated magna cum laude from Yale University and then received his Juris Doctor from Yale Law School. In addition to clerking for Supreme Court Justice Anthony Kennedy, Mr. Keisler has held several high level positions in the Department of Justice. Most recently, he served as Acting Attorney General, providing much needed leadership after the resignation of Attorney General Gonzales. Prior to that, Mr. Keisler served as the Assistant Attorney General managing the Civil Division of the Justice Department. He is currently a partner in the D.C. office of Sidley Austin LLP. The American Bar Association has awarded him its highest rating, a "unanimous well qualified," and the editorial boards of the Los Angeles Times and The Washington Post have called him a "moderate conservative," a "highly qualified nominee," and someone who "certainly warrants confirmation."

The only objections raised to Mr. Keisler's nomination have nothing to do with his qualifications or suitability to sit on the D.C. Circuit. Instead, the objections concern whether the Senate needs to fill the 11th seat on the D.C. Circuit, the seat to which Mr. Keisler is nominated. On the contrary, there is recent precedent of the Senate confirming a nominee to fill the 11th seat on the D.C. Circuit. In 2005, the Senate voted to confirm Thomas Griffith to fill the 11th seat on the D.C. Circuit. Judge Griffith was voted out of the Judiciary Committee and confirmed with bipartisan support, including the support of Senators Biden, Feinstein, Durbin, Kohl, and Schumer. In addition, Congress recently validated the 11th seat of the D.C. Circuit when it passed the Court Security Improvement Act last year. Further, arguments against filling the 11th seat based on the decrease in the D.C. Circuit's caseload since 1997 are premature due to the recent addition of detainee cases to the circuit's jurisdiction and the possibility of an increase in administrative law cases due to choice of venue options.

I include Judge Conrad and Mr. Matthews in the proposed motion due to the critical need to expeditiously fill the vacancies on the Court of Appeals for the Fourth Circuit. Currently, one-third of the seats on the Fourth Circuit are vacant, leaving the court inexcusably understaffed. Judge Conrad and Mr. Matthews are also exceptional appellate court nominees. Judge Conrad is the Chief Judge of the Western District of North Carolina, a position to which he was unanimously confirmed in 2005. Prior to his service on the bench, he had a long career as a federal prosecutor, working in both Republican and Democratic administrations. He has the support of both his home state senators, and the ABA has rated him unanimously "well qualified." The vacancy to which Judge Conrad has been nominated has been declared a "judicial emergency" by the nonpartisan Administrative Office of the Courts. In fact, there is a protracted history to this particular seat, which has been vacant since 1994. However, Judge Conrad has been waiting for a hearing for over 260 days.

Mr. Matthews is another outstanding circuit court nominee. A graduate of Yale Law School, Mr. Matthews has had a distinguished career in private practice in South Carolina. He also served for several years in appointed positions in the Department of Justice, including positions in the Civil Division, the Civil Rights Division, the Office of Legal Policy, and the Office of the Attorney General. He has been a shareholder of a prominent South Carolina law firm since 1991, and from 2004 to 2008 served as the managing director. He has the strong support of both of his home state senators. Despite his impressive and varied professional credentials, Mr. Matthews has been waiting for a hearing for over 200 days. Notwithstanding my repeated requests, no Committee action is planned at this time on any of the aforementioned nominees.

Another nominee, Justice Stephen Agee of Virginia was recently nominated to fill another judicial emergency on the Fourth Circuit. I remain hopeful that Justice Agee will be listed on a hearing agenda and acted on by the Committee in the very near future. If the Committee delays in processing his nomination, I may return to him, given the judicial emergency on the Fourth Circuit.

I write to find out how you would vote on the proposed discharge petition, but also, candidly, to focus the public's attention on these nominations. I know you are aware of the ongoing controversy as to whether the Judiciary Committee is processing nominations with appropriate dispatch. This type of delay has been a recurrent problem during the last two years of every President's Administration for the past two decades when the White House is controlled by one party and the Senate by the other.

I am also seeking the responses of Senator Obama and Senator McCain on this subject. I do not plan to make the news media aware of my inquiries until April 15th in order to give you ample opportunity to advise me of your response.

Thank you very much for your consideration of this request.

Sincerely,
ARLEN SPECTER.

U.S. SENATE,
Washington, DC, April 10, 2008.
Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I write seeking your position on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler, nominee to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina, nominee to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina, nominee to the Court of Appeals for the Fourth Circuit.

Mr. Keisler's nomination has been on the agenda since June 29, 2006, without a Committee vote despite his excellent credentials. He graduated magna cum laude from Yale University and then received his Juris Doctor from Yale Law School. In addition to clerking for Supreme Court Justice Anthony Kennedy, Mr. Keisler has held several high level positions in the Department of Justice. Most recently, he served as Acting Attorney General, providing much needed leadership after the resignation of Attorney General Gonzales. Prior to that, Mr. Keisler served as the Assistant Attorney General managing the Civil Division of the Justice Department. He is currently a partner in the D.C. office of Sidley Austin LLP. The American Bar Association has awarded him its highest rating, a "unanimous well qualified," and the editorial boards of the Los Angeles Times and The Washington Post have called him a "moderate conservative," a "highly qualified nominee;" and someone who "certainly warrants confirmation."

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I write to find out how you would vote on the proposed discharge petition, but also, candidly, to focus the public's attention on these nominations. I know you are aware of the ongoing controversy as to whether the Judiciary Committee is processing nominations with appropriate dispatch. This type of delay has been a recurrent problem during the last two years of every President's Administration for the past two decades when the White House is controlled by one party and the Senate by the other.

I am also seeking the responses of Senator Clinton and Senator Obama on this subject. I do not plan to make the news media aware of my inquiries until April 15th in order to give you ample opportunity to advise me of your response.

Thank you very much for your consideration of this request.

Sincerely,
ARLEN SPECTER.

U.S. SENATE,
Washington, DC, April 10, 2008.
Hon. BARACK OBAMA,
U.S. Senate,
Washington, DC.

DEAR SENATOR BARACK OBAMA: I write seeking your position on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler, nominee to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina, nominee to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina, nominee to the Court of Appeals for the Fourth Circuit.

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Thank you very much for your consideration of this request.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 15, 2008.

Mr. GEORGE STEPHANOPOULOS,
ABC News.

DEAR GEORGE: On April 10, 2008, I wrote to Senator John McCain, Senator Hillary Clinton and Senator Barack Obama seeking their positions on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina to the Court of Appeals for the Fourth Circuit.

With this letter, I am enclosing copies of those letters. I suggest you may find this subject a matter for questioning Senator Clinton and Senator Obama during tomorrow's debate in Philadelphia.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 15, 2008.

Mr. CHARLES GIBSON,
ABC's World News.

DEAR CHARLES: On April 10, 2008, I wrote to Senator John McCain, Senator Hillary Clinton and Senator Barack Obama seeking their positions on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina to the Court of Appeals for the Fourth Circuit.

With this letter, I am enclosing copies of those letters. I suggest you may find this subject a matter for questioning Senator Clinton and Senator Obama during tomorrow's debate in Philadelphia.

Sincerely,

ARLEN SPECTER.

Mr. HATCH. Mr. President, last week an event occurred that was a long time coming.

I am not talking about the grand opening of the Newseum a few blocks from here down Pennsylvania Avenue.

No, last week the Senate finally voted on and confirmed a few nominees to the Federal bench.

This event is of historical proportions because not since 1848 had the Senate taken this long to confirm a Federal judge in a Presidential election year.

You heard me right.

The first judicial confirmation of 2004 was on January 28, the first one in 2000 was on February 10, and the first one in 1996 was on January 2.

One of my Democratic colleagues was here on the floor last week trying to shuffle the historical chairs on the judicial confirmation deck by talking about the 1996 session rather than 1996 itself because the second session of the 104th Congress began on January 3.

By dicing and splicing the calendar that way, he tried to avoid counting all of the judges we confirmed that year.

I am not going to play that game.

I am comparing apples with apples, years with years.

In 33 of the 40 Presidential election years since 1848, the Senate confirmed the first Federal judge by the end of February.

Not mid-April, not mid-March, but the end of February.

This is the latest start to judicial confirmations in a presidential election year in 160 years.

Now I realize that the Senate cannot vote on nominations that have not been reported to the floor from the Judiciary Committee.

And the Judiciary Committee generally does not report out nominees who have not had a hearing.

Unfortunately, the Judiciary Committee has simply not been holding hearings for nominees to the U.S. Court of Appeals.

There was no judicial confirmation hearing at all last month, and the hearing 2 weeks ago was yet another one with no appeals court nominee.

This graph shows the number of appeals court nominees receiving a Judiciary Committee hearing in each of the 16 Congresses since I was first elected to the Senate.

These are the 95th Congress in 1977-78 to the current 110th Congress.

You can see there is some variation here and there from Congress to Congress, but without a doubt the 110th Congress is the lowest of them all.

Appeals court nominees are simply not getting hearings.

This graph helps us better evaluate what is going on today.

The Judiciary Committee held a hearing for an average of 23 appeals court nominees in the previous 15 Congresses during which I have served in this body.

One of my Democratic colleagues last week actually mocked using such an average as a comparison.

This average is over many years and includes periods when Democrats as well as Republicans ran the Senate and occupied the White House.

It is a much better, much more reliable standard than pulling out the single year or, worse yet, only the portion of a single year that makes a predetermined partisan point.

Today, 15 months into the 110th Congress, only five appeals court nominees have received a hearing.

That is less than one-fourth the average over the previous 30 years.

Now some might say that Presidential election years, and therefore Presidential election Congresses, are different, that everything slows down.

OK, fair enough, perhaps that would be a better comparison.

Comparing the current Congress with the previous seven Presidential election Congresses, however, only widens the contrast between what the Senate has done in the past and what the Senate is not doing today.

It turns out that the Judiciary Committee held a hearing for an even higher average of 25 appeals court nominees during those Presidential election seasons.

In the current Presidential election season, however, only five appeals court nominees have had hearings.

If the partisan roles were reversed and the pace of hearings for appeals court nominees had slowed to perhaps one-half or one-third of the historic average, I can guarantee you that my friends across the aisle would be down here raising the roof about how we were failing to do our confirmation duty.

In fact, when I chaired the Judiciary Committee under the previous President and the hearing pace was much faster than it is today, my colleagues on the other side did complain early, loudly, and often.

But the pace today is worse than one-half, worse than one-third, worse even than one-fourth of the historic average.

The current Judiciary Committee hearing pace for appeals court nominees is the worst in decades.

In fact, there is virtually no current pace at all.

It has not been this way in the past, and it does not have to be this way today.

I am pleased that last night the distinguished majority and minority leaders spoke about this here on the floor and the majority leader acknowledged that "we need to make more progress on judges."

The majority leader said he would do his very best, his utmost as he put it, to confirm three more appeals court nominees by Memorial Day, which is coming in less than 6 weeks.

I would like to point out a few highly qualified nominees who have been waiting a long time and who I hope will be included in this effort.

Yesterday, this editorial appeared in the Washington Post.

It opens with these words: "It is time to stop playing games with judicial nominees."

The editorial correctly notes that the Senate confirmed more than twice as many appeals court nominees in the final 2 years of the Clinton administration than the Senate has confirmed so far in the 110th Congress.

Even with the three additional appeals court nominees the majority leader has pledged to confirm, we have a lot of ground to make up.

The editorial suggests beginning to make up that ground by confirming Peter Keisler to the U.S. Court of Appeals for the D.C. Circuit and Rod Rosenstein to the Fourth Circuit.

Unlike some other languishing appeals court nominees, Mr. Keisler has at least had a hearing.

But it was 624 days ago.

Mr. Rosenstein has not been waiting that long but is fully as qualified. As the Post editorial points out, he has admirers on both sides of the aisle and is an excellent and principled lawyer.

Two other Fourth Circuit nominees whose consideration by the Judiciary Committee is long overdue are Steven Matthews of South Carolina and Robert Conrad of North Carolina.

My colleagues from those States are speaking in more detail on the floor today, but I want to highlight that these fine nominees have the strong support of their home-State Senators.

Lack of such support can be a reason why a nominee does not get a hearing. I know, because that is the reason I could not give a hearing to some Clinton judicial nominees when I chaired the Judiciary Committee.

But that is not the case with these nominees.

And in Judge Conrad's case, this body confirmed him just a few years ago to the U.S. District Court without even a rollcall vote.

I hope that this pledge by the majority to make some much-needed confirmation progress is not just a temporary flash in the pan.

The majority leader last night suggested that there is some kind of rule that the Senate does not confirm judicial nominees after June.

He actually referred to this as the Thurmond doctrine.

I want to say to my colleagues that there is no such thing as a Thurmond doctrine, a Thurmond rule, or even a Thurmond guideline for judicial confirmations in a Presidential election year.

In 2000, the current Judiciary Committee chairman said that while things might, he said might, slow down "within a couple months of a presidential election," that the best judicial confirmation standard was set in 1992.

Like today, his party was in the majority.

Like today, a President Bush was in the White House.

Senator Thurmond himself was ranking member of the Judiciary Committee.

In that Presidential election year, the Judiciary Committee held hearings on appeals court nominees until September 24 and the Senate confirmed appeals court nominees until October 8.

The Senate confirmed 66 judges, including 11 appeals court judges, in 1992.

So I want to dispel this judicial confirmation myth that there is any kind of rule, let alone a doctrine, that justifies shutting down the confirmation activity which I hope and trust is finally about to begin.

There is no doubt that we are way behind where we should be in the judicial confirmation process.

But it does not have to stay that way, not if we are serious about doing our duty.

As the Washington Post editorial said, the Senate "should at least give every current nominee an up-or-down vote and expeditiously process the nominees to the U.S. Court of Appeals for the Fourth Circuit."

That would be a great place to start.

MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1195, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

AMENDMENT NO. 4146

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4146.

(The amendment is printed in the RECORD of March 7, 2008, under "Text of Amendments.")

Mrs. BOXER. Mr. President, I know my colleague Senator DEMINT is here to offer what will be the first amendment to this bill. I thank him, because I know he initially had several amendments. It looks as though he has boiled it down to one amendment. I know Senator INHOFE and I are glad about that. I thanked him previously for calling me and saying that he was pleased with the way we treated the transparency of this bill.

I have been given a copy of the amendment by the Senator from South Carolina. I will listen carefully to his presentation, and I will have remarks afterward. Senator INHOFE may also have some remarks prior to Senator DEMINT being recognized.

Senator INHOFE and I are hopeful we can get this completed. This is a bill that overall creates not one more penny of new spending. It will unleash into our economy, however, a billion dollars already budgeted for. That is why so many people are supporting this in real life: Construction companies, workers, transit operators. All of them have written to us. I will put those names in the RECORD. We are hopeful, if everybody cooperates today, we can get this finished. This bill isn't rocket science. It is very simply making technical corrections to SAFETEA-LU and in places where some projects simply couldn't go forward, replacing those projects without adding a penny of new spending. There is full transparency.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree with the comments made by the chairman. It is my understanding we are down to maybe three amendments. I have talked to Senator COBURN, who has an amendment, as well as Senator BOND. It is my hope that Senator DEMINT will be able to present his amendment. Then it is my understanding we will hold votes until early this afternoon and maybe try to get some of the others out of the way. Being a conservative, I want to make sure everybody understands: A technical corrections bill is always necessary when we have a major reauthorization of transportation. There are some things in here that are borderline. One case, in my State of Oklahoma, in Durant, I mistakenly said 200 yesterday, but it is $300,000 on a road program that the Department of Transportation came back and said: We thought we were ready for this, but we are not. But we are, on down the road in Idabel.

It is common sense that that is where it should be done. It is the same amount of money. I agree with the principle behind the amendment of the Senator from South Carolina, but in this case we have to have the technical corrections bill in order to go forward with a lot of the projects that have been authorized since 2005. I am hopeful we will be able to proceed along those lines.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO RECOMMIT

Mr. DEMINT. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> Motion to recommit H.R. 1195 to the Committee on Environment and Public Works of the Senate with instructions to report the bill back to the Senate with an amendment striking all new earmarks and spending increases for existing earmarks.

Mr. DEMINT. Mr. President, I thank the chairwoman and ranking member for setting an example for this body in how a bill should be presented to the Senate—with full disclosure, all documentation. It allows us to have an open and honest debate about any differences. There is no question about what is contained therein and what is not. In this case, we disagree on parts of this, but I don't want to begin without first saying I believe the chairwoman and ranking member have set an example for the rest of the committees.

My motion to recommit simply addresses what I believe are serious problems in developing a technical corrections bill that actually changes the legislation from one earmark to another or pluses up earmarks, takes money from an earmark that might be not needed anymore, the project is not wanted, that money is moved somewhere else. While it certainly is correct that the total cost of the bill is about the same, we do need to remember that by next year, we are projecting over a $3 billion shortfall in the trust fund. So instead of adding to earmarks and creating new ones, it makes sense to try to save some of that money so we can fund important infrastructure projects around the country.

The motion to recommit sends this bill back to committee with an amendment that says it should be presented back to the Senate where all of the new earmarks are excluded and any additions to funding for existing earmarks is returned to the current level. What that leaves us with is a technical corrections bill, which is what this bill should be.

The administration has noted with strong concerns that the majority of the technical corrections bill is devoted to earmarks. It modifies hundreds of earmarks from the legislation that passed in 2005. It effectively creates new earmarks, including a standalone section that would provide mandatory funding for a magnetically levitating rail system. The presence of excessive earmarks in the 2005 bill created significant inefficiency in the allocation of resources to fund transportation infrastructure.

I have heard regularly from the Department of Transportation of the difficulty in implementing a national transportation system with thousands and thousands of earmarks for special projects that don't necessarily match State priorities.

I encourage my colleagues to take a look at the motion to recommit. It does not kill the bill. It simply refocuses on a technical correction perspective rather than adding to earmarks or creating new ones.

I thank the chairwoman for the opportunity to offer this and thank both her and the ranking member for setting an example of how a bill should be brought to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, again, I thank the Senator for his kind comments about the way we have handled this legislation.

This amendment is, first, wrong on its face and, second, it is going to kill the bill. Of all times to try and kill what I consider a mini-economic stimulus plan, this is not one of them. We have a lot of people out of work. Many people have called Senator INHOFE and myself, and others, saying this is an important piece of legislation.

I will read the names of those people, because I believe it is important that we show the breadth of support. It is a very simple piece of legislation, but it will correct some errors. It will say, as an example, in Oklahoma—and we have them in California—and for all these 500 projects, one leg of a project might not have been ready. Let's put the funds where they can be used now, where they are ready to go. Unleashing up to a billion dollars of funds right now means tens of thousands of jobs, and we have to rebuild our infrastructure. We are doing it within the confines of the moneys that were already authorized.

Again I have said this so many times, I am sure it is boring people, but I think it is important to note who has written to Senator INHOFE and myself to move this bill: the American Association of State Highway and Transportation Officials, whose members include the Departments of Transportation for all 50 States; the American Highway Users Alliance, whose members represent millions of highway users; the American Public Transit Association; the American Road and Transportation Builders Association; the Associated General Contractors; the Council of University Transportation Centers; the National Stone, Sand and Gravel Association; the National Asphalt and Pavement Association.

This is not one of these bills that is a matter of some intellectual debate. This means real jobs for real people and real infrastructure improvements for all the people of this Nation who count on us to keep their highway and transit systems moving.

What does Senator DEMINT do? He would send this bill back to the committee, in essence killing the bill. We passed this bill out of committee on a bipartisan voice vote on June of 2007. Here we are, moving toward June of 2008. Why on Earth would we want to stop the forward progress of this legislation? We can't afford further delay.

I am sorry my colleague has left the Chamber, but Senator DEMINT had several projects that he asked for in SAFETEA-LU. I ask unanimous consent to print a list of those projects in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMINT SAFETEA PROJECT REQUESTS

Senator DeMint requested 13 different earmarks in SAFETEA, totaling $110 million dollars.

1. 1–73, Construction of 1–73 from Myrtle Beach, SC to 1–95, ending at the North Carolina state line: $40,000,000.
2. Construction of I–73 from Myrtle Beach, SC to I–95, ending at the NC state line: $10,000,000.
3. Widening of US 278 to six lanes in Beaufort County, SC between Hilton Head Island and SC 170: $15,000,000.
4. Engineering, design and construction of a Port Access Road connecting to I–26 in North Charleston, SC: $10,000,000.
5. Improvements to US 17 in Beaufort and Colleton Counties to improve safety between US 21 and SC 64: $10,000,000.
6. Widening of SC 9 in Spartanburg County from SC 292 to Rainbow Lake Road: $5,000,000.
7. Complete Construction of Palmetto Parkway Extension (I–520) Phase II to I–20: $3,000,000.
8. Complete a multi-lane widening project on SC Hwy 5 Bypass in York County, SC between I–77 and I–85: $4,000,000.
9. Re-construction of an existing interchange at I–385 and SC 14, in Laurens County, SC: $2,000,000.

10. Construction of the Lexington Connector in Lexington County, SC to alleviate traffic congestion: $2,000,000.

11. Widening of 4.4 miles of West Georgia Road in Greenville County, SC: $2,000,000.

12. Extension of Wells Highway in Oconee County, SC: $2,000,000.

13. Demolition of the old Cooper River Bridges in Charleston, SC: $5,000,000.

Total: $110,000,000.

Mrs. BOXER. All of these will bring jobs and improve transportation in the State of South Carolina. That is why I supported it, as did Senator INHOFE. That is why we all supported it. There is a number of projects contained here, 13 projects, $110 million, Senator DEMINT has in SAFETEA-LU. Fortunately for Senator DEMINT, none of his projects required any technical corrections.

Let's take one: Construction of I-73 from Myrtle Beach, SC to I-95, ending at the North Carolina State line. Suppose something had turned up in the engineering and they had to stop it further toward Myrtle Beach, but they couldn't go ahead with the project until they made that technical change. Then Senator DEMINT would find that the project was stymied. He is fortunate. He didn't have this problem. But a lot of us weren't so fortunate. We did have issues in our States where we had to make changes.

This legislation fixes nearly 500 descriptions for highway and transit projects. Without the changes included in the legislation, many of these projects will continue to be stuck at red lights. This isn't the time to slow down job creation. This is the time to unleash job creation. This technical corrections bill provides a green light that could unleash up to $1 billion in transportation projects. The funding has been approved before, so we are not increasing spending. Given the current slowdown in our economy, we simply cannot afford to allow these funds to remain unused.

At the appropriate time, I am going to move to table the DeMint motion. I think we are working on an agreement to have a vote on that motion at around 2 o'clock.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I will just be a moment. I see the Senator from Florida wants the floor. But let me, first of all, say that this is right. In my State of Oklahoma, we had some things for which it took 7 years for this bill to come into reality. The reauthorization is something we should do every other year, but we did not do it.

When you pass a bill of this magnitude—and, look, I have to say there is no one person in this body of 100 Senators who is more conservative than I am. That is what all the ratings say. ACLU has me as No. 1. So it is not a matter of conservative versus liberal. This is a matter of doing what we are supposed to do. We are supposed to defend America. We are supposed to work on the infrastructure. We have been doing it since the National Highway System came into effect back in the Eisenhower administration.

But I had two changes that were in my bill. I had a light signalization that was meant to take place in Tulsa, OK. This is a modernization, using new technology. However, in the original bill, it said "Oklahoma." It did not say "Tulsa, OK," when clearly that was our intent. So the Department of Transportation of Oklahoma said: Put in "Tulsa" so we know where that belongs.

The other one, which I have already mentioned, was the $300,000 for a project. Actually, it was a feasibility study in Durant, OK, in southern Oklahoma. Then they found out later that you are better off doing it down the road from there in Idabel. Consequently, if we are forced not to be able to make that technical correction, we would be forced to spend $300,000 on something we are not ready to do.

So the important thing to get across to people is that this technical corrections bill does not increase the total amount of authorizations that are taking place right now from the 2005 bill. It is the same amount. I do not want people to think it is not, because it is, and that is an irrefutable fact.

I kind of agree with the chairman of the committee when she talks about that this will kill the bill. It would if it went back and they could not move it, the House would not accept this. This is one of the most difficult things to deal with when we are doing the authorization bill because every time we finally get an agreement here, we have to go over there and get the same thing—Democrats and Republicans here and Democrats and Republicans there. I just don't want to put ourselves in a position where we send anything over there that could kill this bill because this is necessary to finally finish the implementation of the 2005 Transportation authorization bill.

So with that, I will yield the floor, and I will have more to say later.

The PRESIDING OFFICER. The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to speak in favor of the technical corrections bill. In large part, we have a technical correction in the bill affecting a major interstate project in Florida that needs to be passed.

Now, the story I am about to tell you is going to amaze some people of what happened.

A few years back, when we passed the highway bill, they passed the version in the House, and we passed the version in the Senate, and they got merged so they were identical. The bill was getting ready then—the same bill that had passed both Houses—to go to the President for signature. But a strange thing happened on the way to the White House because someone—identity yet unknown—went in and changed the language, which was, "Widening and Improvements for I-75 in Collier and Lee County"—a matter of $10 million in the highway bill—and changed that to be, instead, $10 million for a study for an interchange on Interstate 75 at Coconut Road.

Now, the long and short of it is, you simply cannot do that once it passes the House and passes the Senate in identical form and then goes to the President in that identical form for signature. Somewhere in the process of enrolling the bill to send it down to the White House, someone is not permitted to go in and change the meaning of the appropriation—in this case, $10 million for widening Interstate 75, which has become a parking lot at 7 o'clock in the morning and 5 o'clock in the afternoon because of all the traffic. That is why we want to widen Interstate 75 in southwest Florida to six lanes instead of the existing four lanes.

Someone went in and changed the intent and wording of the bill. So what we have in the technical corrections bill is a technical correction to have the law read, in fact, what it was intended to read, and what it, in fact, did read until somebody went in and tampered with it.

Now, in the meantime, we have had correspondence from the chairman of the Committee on Transportation and Infrastructure in the House of Representatives to the local metropolitan planning organization, which has, under State law, the authority for setting up the priorities for road projects, saying to them that you need to follow the law—the law as it went to the President for signature. We have correspondence back from the metropolitan planning organization—in this case, many letters, but in the one I have in my hand to me—stating there was an error in the enrollment of the bill and the metropolitan planning organization wants the original intent of the legislation to be what governs, which is the widening of Interstate 75, and the $10 million used for that.

So, Mr. President, I ask unanimous consent to have printed in the RECORD both of these pieces of correspondence.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, January 23, 2006.

Mr. JOHN ALBION,
Chairman, Lee County Metropolitan Planning Organization (MPO), Fort Myers, FL.

DEAR CHAIRMAN ALBION: Thank you for your letter of December 21, 2005 updating the Committee Transportation and Infrastructure on the Lee County MPO's Long Range Transportation Plan and their decision to exclude the Coconut Road Interchange from its financially feasible plan. The letter further requests a "re-programming" to occur for these funds.

Section 1701 of Subtitle G, Title I of SAFETEA-LU (Public Law 109-59) contained amendments to the law located in Section 117 U.S.C. Title 23, titled High Priority Projects. The authority provided in Sec. 117 with regard to projects authorized in Sec. 1702 on SAFETEA-LU is quite clear and unambiguous. Projects for which funds are designated are available only for that project. The state in which the designated project resides is free under the terms of the law to build, or not build the project. However, the law does not provide authority for a state to use funds designated for an authorized project on some other project.

In this important sense then, the funds made available to these authorized projects are not subject to the same legal terns and conditions as formula funds.

As the second session of the 109th Congress proceeds, the Committee will, as the Committee has historically done on previous reauthorizations, work to pass into law a bill to amend SAFETEA-LU. This bill, which in previous Congresses has been titled a corrections bill, will seek to make improvements, rectify errors and modify aspects of SAFETEA-LU. With regard to Sec. 1702, my past experience on this committee suggests that where a state elects to not utilize funds designated for an authorized project, the committee will incorporate the effect of that decision as appropriate when developing the bill. In an era of funding shortfalls, it is an important responsibility of the committee to see that all funds provided in SAFETEA-LU are in fact used for their intended benefit on the transportation system.

Sincerely,

DON YOUNG,
Chairman.

LEE COUNTY METROPOLITAN
PLANNING ORGANIZATION,
Fort Myers, FL, August 20, 2007.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON, I write as Chair of the Lee County MPO requesting that the language for the $10 million "Coconut Road Earmark" be restored to the language that both the House and Senate approved when they voted final passage of SAFETEA-LU on 7/28/05—"Widening and improvements for I-75."

This correction to the legislation corrects an error in the enrollment of the bill. The language in the Public Law is not the same as that passed by the House and Senate. During the enrollment process, managed by Congressman Don Young (AK), someone tampered with the bill. Funds for I-75 improvement were changed to funds for a totally new Coconut Rd. interchange—a project not on the MPO priority list.

The specific requested change is as follows: Technical Amendment to SAFETEA-LU (119 Stat. 1509) [PL. 109-59, Section 1934]: The table contained in Section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1509) is amended in item number 462 by striking 'Coconut Rd. interchange I-75/Lee County' and inserting "I-75 widening and improvements in Collier and Lee County, FL."

The MPO has been discussing this topic for two years, attempting to understand how we received money for a project that was not anywhere on our priority list. We were told that we had no choice other than to accept it or return it. Having learned that our entire delegation and the full Congress actually voted for an MPO priority project and that it is possible to have an enrollment error corrected, on Friday August 17, 2007, the MPO voted (10 in favor, 3 opposed, 2 absent) to request this technical amendment.

On behalf of the MPO, I thank you for your assistance in this matter. If you wish to contact me, please contact me directly. I look forward to your reply to our request.

Cordially,

CARLA BROOKS JOHNSTON,
MPO Chair.

Mr. NELSON of Florida. So we come to this point. It is absolutely critical that we pass a technical correction so that the law, as it was intended by the passage in the House and the Senate, be honored. The question is, What about the tampering? Well, we need to find out.

Mr. COBURN, the Senator from Oklahoma, has taken great umbrage at this tampering. I can tell you, as the senior Senator from Florida, I am very grateful to him for him being upset and wanting to do something about this. This Senator and my colleague from Florida have signed on to an amendment by Senator COBURN trying to get to the bottom of who did the tampering and how did it occur so this kind of stuff will never happen again.

There is some question about the way Senator COBURN's amendment is drafted, that it would be a direction to the House of Representatives which might meet some constitutional problem, in which case what we are trying to work out is that there would be a future amendment where there would be an investigation by the General Accounting Office and maybe some resolution with regard to the Justice Department saying that this matter ought to be investigated as to a violation of the laws of this country in that you cannot tamper with legislation like this.

Whatever we resolve, I hope we will get it in because we have that separate issue of the tampering that needs to be dealt with, and it needs to be exposed to the light of day so people will understand you just do not take a bill that is duly passed by the Congress of the United States and, while it is en route from Capitol Hill to 1600 Pennsylvania Avenue, change the meaning of the bill.

It is my hope that as we get into all these other issues that seem to have cropped up that have nothing to do with Interstate 75, we can get these other issues resolved so the technical correction can proceed and that we can get this particular technical correction adopted into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that at 2:15 p.m. today the Senate proceed to vote in relation to the DeMint motion to recommit the bill, and that no further amendments be in order to the motion prior to the vote; that following the conclusion of the debate this morning with respect to the motion, it be set aside to recur at 2 p.m., with the time until 2:15 p.m. equally divided and controlled between Senators BOXER and DEMINT or their designees; and that at 2:15, without further intervening action or debate, the Senate proceed to vote in relation to the DeMint motion to recommit the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, since we have a lull in the conversation about the technical corrections bill—and the reason for that is, frankly, it is a very straightforward bill. We know of two other amendments. We are working with Senator COBURN on his amendment dealing with an investigation into what occurred in the Coconut Road project in Florida. We know Senator BOND has an amendment which is really not a technical correction. It goes to overturning a law that was passed which protects consumers when they are defrauded by furniture moving companies. That is his amendment. We hope he can come down here so we can get going; we can start to debate that.

But in the meantime, I have asked Senator INHOFE if he had any objection if I rose to pay tribute to 19 young Americans who were killed in Iraq who were either from California or based in California, and he had no objection to that. I don't know if I need to ask to speak as in morning business. If that is the appropriate thing, I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

Mrs. BOXER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HALTING THE GROWTH OF GREENHOUSE GASES

Mr. BARRASSO. Mr. President, later today, President Bush will propose halting growth in U.S. greenhouse gases by the year 2025. In his speech at the White House, the President is expected to place significant emphasis on new technology.

I recently introduced legislation to address the challenge of how to deal with greenhouse gases. The bill is called the Greenhouse Gas Emissions Atmospheric Removal Act, or the GEAR Act.

Members of this body have discussed various proposals to regulate the output of greenhouse gases. Some advocate doing it through a cap-and-trade approach. Others have advocated a carbon tax. Such proposals are aimed at limiting future carbon output into the atmosphere. Many proposals have been introduced and debated using this approach of dealing with carbon output.

Overlooked in the debate are the greenhouse gases that are already in the atmosphere. The best science tells us that the greenhouse gases already in the atmosphere are the gases that are causing the warming of our planet. To what extent, we are not certain.

So let's resolve to find a way to remove the excess greenhouse gases that are already in the atmosphere—remove them and then permanently sequester them.

To accomplish this goal, we are, as a nation, going to need to make a significant investment to develop new technology.

The approach my legislation takes to address this is through a series of financial prizes—prizes where we set the technological goals and also define the outcomes we demand.

The first researchers who meet each criteria will receive not only a financial prize but also international acclaim.

The prizes would be determined by a Federal commission under the Department of Energy. The commission would be composed of climate scientists, physicists, chemists, engineers, business managers, and economists.

The commission would be appointed by the President with the advice and consent of the Senate. The awards would go to those, both public and private, who would achieve milestones in developing and applying technology—technology that could significantly help to slow and even reverse the accumulation of greenhouse gases in our atmosphere.

The greenhouse gases would have to be permanently sequestered, and sequestered in a manner that would be without significant harmful effects.

This is how it would work. There would be four different levels of prizes.

The first level would go to either the private or public entity that could first demonstrate a design for successful technology that could remove and permanently sequester the greenhouse gases.

Second, there would be a prize for a lab scale demonstration project of the technology that accomplishes the same thing.

Third, there would be an award for demonstrating the technology to remove and permanently sequester greenhouse gases that is operational at a larger working model scale.

Finally, there would be an award for whoever can demonstrate the technology to remove and permanently sequester greenhouse gases on a commercially viable scale.

There you have it—four different levels of development: First, to design the technology; second, a lab scale demonstration of the technology; then for a larger working model; and then, finally, the proven use of the technology on a commercially viable scale.

Well, once the technology is developed, the United States would share intellectual property rights to that technology with whomever invented it.

This bill, as drafted, does not include a specific dollar amount for each prize. Instead, it authorizes such sums as may be necessary.

The commission will be directed to report to Congress 1 year after enactment into law. The commission will recommend the levels of funding that would be necessary to achieve the goals of this act.

I believe prizes can be a unique tool in creating the technological development we need. It only seems natural that if we get all the best scientific minds thinking about the same problem, and working on it, we significantly enhance our chances of solving it.

Historically, prizes have been used to spur all types of technological development to solve big problems.

In 1714, the British Government offered the first prize of this type, and they did it for a device capable of accurately measuring longitude. John Harrison, a clock maker, was awarded 20,000 pounds for designing an accurate and durable chronometer 59 years later. This transformed our ability to sail the seas.

In 1810, the first vacuum-sealed food was produced after 15 years of experimentation. It was driven, again, by a prize offered, this time, by Napoleon. Today, vacuum sealing is still used throughout the world.

In 1909, the first flight across the English Channel was spurred by a prize offered by a newspaper.

Charles Lindbergh was competing for a prize offered by a wealthy hotel owner when he flew the Spirit of St. Louis nonstop from New York to Paris in 1927. Well, that achievement spawned what is a $300 billion aviation industry today.

It is my hope and my goal that this legislation will foster the kind of solutions that we need to address the concerns about climate change.

What I am proposing is that we take a brand new look at climate change. With that new look, our solution will be based on removing excess greenhouse gases that are already in the atmosphere. We must think anew and we must act anew.

That line—"we must think anew and we must act anew"—is engraved on a scenic overlook along Interstate 80 between Cheyenne and Laramie, WY. It is engraved on the pedestal that holds a large-size bust of Abraham Lincoln. Lincoln was the one to have the vision for the Transcontinental Railroad.

It is now time for us as Americans to think anew and act anew about the issue of climate change and controlling greenhouse gases. Americans have always looked within ourselves for solutions. We have always had confidence in American ingenuity and American creativity to deal with the challenges of the future.

Yes, we want to protect our environment and, yes, we want a strong economy. The way to have both is by thinking anew and acting anew. It is time to use our untapped human potential and the American spirit to develop the technologies we need.

It is now time for the Senate and for Congress to find a solution to global climate change, not through limits but through imagination, innovation, and invention. I look forward to working with each and every Member of the Senate in achieving this goal.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask my friend from Iowa if he wants to speak in morning business.

Mr. GRASSLEY. Yes, for 6 or 7 minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent that at the conclusion of my remarks, Senator GRASSLEY be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, first of all, I make a plea to my friends on the other side of the aisle. There are a couple of amendments out there. Senator INHOFE and I are anxious to get done with the bill. The bill is a mini-economic stimulus. It would release a billion dollars worth of projects for important highway and transit programs. It is a technical corrections bill that stays within the limits we set in terms of spending. When Senator INHOFE and I agree on something, it usually covers the spectrum. So we hope we will have a good vote.

I wanted to say something before Senator BARRASSO leaves because he mentioned the President's goals. The President says we should halt the growth of greenhouse gases by 2025—"halt the growth," which means 18 years of nothing. What a pathetic response to a crisis that has united evangelical groups, scientists, businesses, and much of the world.

So I am just here to say—I am not going to have a debate with my good friend, whom I really enjoy as a member of our Committee, but I want to say this gives new meaning to doing nothing. When we have a crisis such as we have now and we have a small window to act and we wait 18 years, this is not talking about leaving the problems to the new President, like he is doing in Iraq. It means we are following a recipe for gloom and doom instead of looking at this problem and seeing it for what it is—an amazing opportunity.

It is interesting that my friend, Senator GRASSLEY, is here, who is so strong on ethanol. Well, this is the kind of thing we are going to do so we can get off of fossil fuel. We have other opportunities, such as cellulosic. We have new ways of making cars.

I happen to drive a hybrid. It is amazing. I get over 50 miles per gallon. I sort of wave at the gas stations because I don't have to go there that often. These cars are getting better and better.

We have so many ways, but it is not going to happen if we simply say, by 2025 we will halt the growth of greenhouse gas emissions. We have to halt the growth very soon. I view it as a great opportunity for an economic renaissance in this country. If you look at Great Britain, they have cut their carbon emissions by 15 percent over the last 10 years or so. Their GDP has grown by 45 percent, and they have added 500,000 new green jobs.

I think rather than being so frightened and meek as the President is about this, we should be leading the world to this new great economic renaissance. America should be in the front, inventing these products. I know the President says he wants to invest in new technology. Unless you have a cap on greenhouse gas emissions, unless your proposal involves a cap so we get down to what is necessary to prevent catastrophe, then you are part of the problem. You are not part of the solution. You are just making believe you are part of the solution.

I don't want to do any more than is necessary. I want to do what is necessary to reverse a real, serious, horrific problem for the world. As our intelligence community tells us, as our Pentagon tells us, if we do nothing, the ravages of global warming will be the cause of wars, will be the cause of droughts, will be the cause of famine, will be the cause of unrest, and will be the cause of refugees wandering around starving to death.

That is why so many churches have joined us, many of the great religions have joined us in this effort. We have a great group working here. I was a little bit surprised when the President sort of took on the Lieberman-Warner bill in his way. He didn't mention it by name, but he basically referred to efforts in the Senate and the dangers. Mr. President, I have been trying to get to see you on this issue. I have wanted to talk to you on this issue. I know the former Prime Minister of England, Tony Blair, spoke to you about this issue. He is coming to speak to me again. We need to work together. This should not be partisan.

Unfortunately, it is. When I and my staff were in Great Britain, we were meeting to understand what steps they have taken and how about a cap-and-trade system and the rest. What we found out was most remarkable. Each party, Labor and Conservative, was staking claim to the issue of global warming and saying to the other party: You are not doing enough. I turned to my staff and said: Oh, if I have one prayer, it is that we have a situation where that happens at home instead of this horrible fight. And if I have another prayer, it is that the Presidential candidates, Republican and Democratic, will argue over who has the best plan. That may happen, and that would be exciting. But I do not want to wait until then. I do not want to do nothing. I do not want to be part of the problem. I do not want my grandkids to say: Where was my grandma? At the moment they had a window to do something, they slammed it shut.

I am glad my friend came to speak about global warming. I hope we can continue to work together to get him on board in a more aggressive way to do more, to do our job, to fulfill our responsibility. We would never take our grandchild, put him or her in an infant seat in the car, go to a parking lot at the supermarket and leave him or her inside with the windows closed and the Sun beating down. We would not do that because we adore our children and our grandchildren, and we want the world to be better. At least we want it to be as good as it was for us.

We are so lucky. We have lived through such golden years for ourselves and our families. We have the American dream. We saw Richard Nixon step to the plate and create the Environmental Protection Agency, and Presidents, Republican and Democratic, who have come after stand up—until now.

I say to my colleagues, we are going to have a moment come June. It is going to be a little bit different than today. Today Senator INHOFE and I are joined at the hip on this technical corrections highway bill. We are not going to be that way on global warming, but I hope we can have some bipartisanship, and JOHN WARNER has been leading the way. We need to do more instead of wait until 2025 to halt the growth of greenhouse emissions. That is too late. That is dangerously late. That is the equivalent of doing nothing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

MEDICAID MORATORIUMS

Mr. GRASSLEY. Mr. President, today the House Energy and Commerce Committee is taking up—or maybe has already taken up—consideration of a bill, H.R. 5613. This bill seeks to place a moratorium on seven Medicaid regulations until the next administration.

I know some people have concerns, because I have discussed those concerns, with these CMS Medicaid regulations. So let me be very clear that I am not unsympathetic with those concerns. I am not here to argue the regulations put forth by the administration are perfect. I have issues with some of them that I wish to see addressed.

However, the regulations do address areas where there are real problems with Medicaid. CMS is taking care of those problems, and we ought to let them move forward instead of delaying all of these Medicaid regulations at once.

As everyone knows, Medicaid is a Federal-State partnership that provides a crucial health care safety net for some very vulnerable populations, people whom we all agree we have a social responsibility to look out for—low-income seniors, the disabled, pregnant women, and children. These classes of people depend on Medicaid, and it does generally serve them well.

Medicaid is also a program with a checkered history of financial challenges that we, as fiscal conservatives—and we all brag about fiscal conservatism—ought to be concerned about, these financial challenges coming from Medicaid, sometimes not being administered the way it should be.

Quite frankly, using the term "fiscal challenges" is a gentle way of putting it sometimes. A more severe way of putting it would be that Medicaid has a history in our respective States—not every State but a lot of States—of abusively pushing the limits of what should be allowed to maximize Federal dollars that we send to them under various formulas.

I am not going to devote time in my remarks today to issues of fraud and abuse in Medicaid, but that is legitimate to talk about. I will be back with that at another time. Instead, I want to focus on a very simple concept, and that simple concept is that Medicaid program integrity depends upon the setter for Medicaid services and the States and providers and ultimately beneficiaries having a clear understanding of the rules of the road. That is what we ought to expect out of any government program, that everybody knows how that program operates.

In this instance, States have not had clear guidance. In that case, they could be inappropriately spending taxpayers' dollars. Improper payments, wasteful spending—what does it do? It only increases the financial pressure on a very worthwhile safety net.

The Medicaid regulations that H.R. 5613 attempts to halt would halt all efforts by CMS to provide clear rules,

rules of the road in very critical areas where there have been well-documented problems and most of those problems costing the taxpayers more money.

During the recent debate on the budget resolution, I entered into the RECORD a Congressional Research Service memo that showed some of the issues that exist under current law. I am not going to go into all of those issues today in detail because they are in the RECORD, but when CMS does not know how a State is billing for a service and States do not have clear guidance for how they should bill, neither Medicaid beneficiaries nor the taxpayers at the Federal or State levels are well served.

We should be, in fact, talking about fixing the regulations so that they better address real problems in Medicaid. But instead, the House of Representatives is trying to kick this can down the road to next year.

What does that mean for the taxpayers? H.R. 5613 spends $1.7 billion to place a short moratorium on these regulations. This is only to delay the regulations until March of next year—$1.7 billion to delay the regulations for 1 year.

I know supporters hope the next administration, whichever party that might be, whichever of the three candidates still in the race might be, will completely cancel the regulations. If these regulations were canceled, what would it cost if we tried to completely prevent these regulations from ever taking effect? It would not cost just this $1.7 billion that is going to be spent between now and next March. It would actually cost the taxpayers almost $20 billion over the next 5 years and almost $50 billion over the next 10 years.

It is absolutely a farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to walk away from these issues. But that is what this bill, H.R. 5613, does; it walks away. Let's say it another way. It kicks the can down the road hoping the next President might walk away.

I know supporters of that bill will say they need more time. They say they have not had enough time to study the regulations and to respond. That argument is starting to strain credibility. The public provider rule was proposed well over a year ago to study and react. The rehabilitation services rule was proposed 9 months ago for people in the House of Representatives to respond to and react.

Supporters of that bill have had plenty of time; that is, plenty of time if they wanted to make new policy. But it is obvious by these actions that their only real interest is in making these regulations go away.

This is very unfortunate because finding solutions is what we should be doing instead of kicking the can down the road. When we start talking about the integrity of the Medicaid Program, it is clarity of the rules that is most needed between the Center for Medicaid Services and our 50 States. So if you do not like the rules, that is fine, but there are tens of billions of dollars involved in this delay.

I say to my colleagues: Roll up your sleeves, or maybe I should say roll up our sleeves and let us all get to work to solve a problem that the regulations try to solve instead of kicking the can down the road. That is what we should be doing for the taxpayers. That is what we should be doing for the credibility of the Medicaid Program, a Medicaid Program that is needed, a Medicaid Program, for the most part, that serves people well. Contrariwise, putting moratoriums on all the Medicaid regulations issued by the Center for Medicaid Services is not the right answer.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion on the Boxer substitute amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Boxer substitute amendment No. 4146 to H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.
>
> Barbara Boxer, Harry Reid, Charles E. Schumer, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed, Ron Wyden, Dianne Feinstein.

CLOTURE MOTION

Mr. REID. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.
>
> Barbara Boxer, Harry Reid, Charles E. Schumer, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed, Ron Wyden, Dianne Feinstein.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call required by those motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as I have indicated to the Chairman, and, of course, I have not had the opportunity to speak to the ranking member, but we have explained to the minority that I am filing these cloture motions—I have done so with the hope and anticipation that we need not have a cloture vote on this bill. We should finish this bill today. I hope we can do that. If not, of course, with these being filed, we will have the cloture vote Friday morning. But I hope that is not necessary. There is not a reason in the world we should not finish this bill today and go on to something else.

WELCOMING POPE BENEDICT XVI

Mr. REID. Mr. President, this morning I was honored to help welcome Pope Benedict XVI to the United States for his first papal visit to America.

In his brief remarks this morning on the south lawn of the White House, he spoke of his admiration and respect for America, our country.

His lifetime of righteousness in faith and deeds is an inspiration, not just to the more than 1 billion Catholics worldwide but to those of every faith.

As Pope Benedict XVI said shortly after his election 3 years ago:

> I place my ministry in the service of reconciliation and harmony between peoples.

During my entire life, I have known the Catholic Church to be a deep well of comfort and aid to those in need and a pillar of strength in times of uncertainty.

I had a wonderful conversation this morning with Cardinal Mahony of Los Angeles. He indicated: Can we please do something on immigration? I said: We are trying. And he has been so helpful to us on this issue. I hope we can fulfill the wishes and prayers of Cardinal Mahony and do something about immigration. Certainly, it is something that needs to be done. Comprehensive immigration reform is what we need, which he supports.

On behalf of the Senate, I certainly wish to extend my welcome to the Pope. We welcome him to America with open arms.

ONE YEAR ANNIVERSARY OF VIRGINIA TECH SHOOTING

Mr. REID. One year ago today, on a campus not far from here, southwest of where we stand, the Virginia Tech community suffered a tragedy that continues to defy our comprehension. This great university, academically sound, athletically, in many instances superior, suffered a great loss. Thirty-two lives were taken by the hand of a young man with a deeply disturbed mind and some guns.

One year from that day, we pause to honor memory of these 32 young men and women and to grieve for their friends, family, and loved ones. I would, in passing, indicate that there were others than just students killed. Our thoughts go out to those unfortunate individuals whose lives were snuffed out for no reason.

I also grieve for our country, for these bright young men and women taken from all of us before their limitless potential could be fulfilled. As we mark this sad anniversary, the terrible images of chaos, panic, and heartbreak remain woven in the fabric of that community and our common memory.

But we remember also the amazing strength of Virginia Tech's community in those days and weeks that followed, how they lifted themselves from the deepest depths of despair to find a brotherhood and sisterhood of solace, peace, and even hope. President Steger and the entire Virginia Tech family demonstrated grace and steely resolve.

I want to take particular note at this time and extend my admiration and appreciation to Governor Kaine, who has led that State with such integrity and political brilliance but with an example of all things good during the time of this tragedy. To this day, he has done a wonderful job of reaching out to the community, everyone in the State of Virginia, meeting with people, and giving them confidence that the future will be better.

Now, as then, there is little we can offer but the broad shoulders of our Nation to lean upon and help carry the heavy burden of their pain.

Mr. President, I say for those of us who suffer this time of year with allergies, being outside on the south lawn for an hour today, as indicated by my inability to stop coughing, makes me reflect on how great it is to live in the desert with no rose petals, flower petals, and pollen around. In the desert, we do not worry about that kind of stuff. But we also do not have much hay fever.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR PAY RESTORATION ACT

Mr. KENNEDY. Mr. President, earlier this month, we honored the 40th anniversary of the death of Dr. Martin Luther King, Jr. Each year on this anniversary we get together and speak glowingly of Dr. King's life and work. These words are important; make no mistake. But even more important than honoring Dr. King with words is honoring Dr. King with action. Today, we have the opportunity to do that by passing the Fair Pay Restoration Act.

The right to equal pay for equal work is a fundamental right. Indeed, Dr. King was in Memphis on that fateful day in April 1968 to protest pay discrimination against African-American Memphis sanitation workers. We hope to have this legislation on the floor in the early part of next week. It involves overturning the Ledbetter case, a Supreme Court decision of recent times.

Forty years later, we are still fighting the same fight as Dr. King. We are still trying to empower workers to assert their civil rights.

Over the years, I have been proud to stand with the majority of the Congress for justice and fairness by passing strong bipartisan laws against pay discrimination. In 1963, we passed the Equal Pay Act. We followed that in 1964 with the landmark Civil Rights Act. Then we passed the Age Discrimination Act, then the Americans With Disabilities Act. Most recently, we passed the Civil Rights Act of 1991. All these laws protected workers from pay discrimination and have made our country a stronger, better, and fairer land.

These laws are just words on a page of a lawbook if workers can't get into court when employers break the law. To bring these words to life, we must today continue the work Dr. King started. This effort is necessary because last May the Supreme Court undermined the fundamental protections against pay discrimination. In the Ledbetter decision, the Court imposed serious obstacles in the path of workers seeking to enforce their rights.

Ledbetter was a textbook case of pay discrimination. Lilly Ledbetter, whom I have had the honor to meet, was one of a few women supervisors at a Goodyear Tire and Rubber Company plant in Gadsen, AL. She worked at the plant for almost two decades, consistently demonstrating that a woman can do a job traditionally done by men. She put up with teasing and taunting from her mail coworkers, but she persevered and consistently gave the company a fair day's work for what she thought was a fair day's pay. What she didn't know, however, was that Goodyear wasn't living up to its end of the bargain.

For almost two decades, the company used discriminatory evaluations to pay her less than her male colleagues who performed exactly the same work. The jury saw the injustice in Goodyear's treatment of Ms. Ledbetter and awarded her full damages. But five members of the Supreme Court ignored that injustice and held that Ms. Ledbetter was entitled to nothing at all—nothing at all—saying she was too late in filing her claim.

Under the rule in the Ledbetter case, Ms. Ledbetter would have had to file her claim within a few months of when Goodyear first started discriminating against her. Never mind that Ms. Ledbetter didn't know about the discrimination when it first began. Never mind that she had no means to learn of the discrimination because Goodyear kept salary information confidential. Never mind that Goodyear's discrimination against Ms. Ledbetter continued each and every time it gave her a smaller paycheck than it gave her male colleagues. The rule imposed by the Supreme Court reversed decades of precedent in the courts of appeal, it overturned the policy of the EEOC under Democratic and Republican administrations, and it upset the Nation's accepted definition of what is right.

This chart shows that the paycheck accrual rule was the law of the land prior to Ledbetter. In all these areas, these are the courts of appeal decisions that would have helped Ms. Ledbetter to recover. These areas are the areas where the EEOC demonstrates the paycheck accrual rule under EEOC policy, as well as these others. This small area in here shows what is now known in the Supreme Court decision as the Ledbetter decision. But this is the way the law of the land had been for years prior to this judgment and this decision.

The rule imposed by the Supreme Court reversed the decades of precedent in the courts of appeal, it overturned the policy of the EEOC under both Democratic and Republican administrations, and it upset the Nation's accepted definition as to what is fair and right.

The Court's decision turned back the clock on civil rights. Every year, thousands of workers suffer pay discrimination. The Ledbetter decision will hurt workers alleging discrimination of every kind: Sex, race, national origin, age, and disability. This chart shows 5,700 pay discrimination charges that have been brought. These here are on disability, discrimination on the basis of disability, after we passed the Americans with Disabilities Act. The dark green is on gender discrimination. The lighter green is on race discrimination; discrimination on the basis of race. This is national origin in here: 588. This is discrimination on age. All these cases—5,700—are based upon the pay discrimination that has crossed the country.

This is a real challenge. This doesn't represent the hundreds of thousands—hundreds of thousands—of cases of people who don't know about it. This is what is happening in this country. This is what is going to continue to happen unless we overturn the Ledbetter decision.

The Supreme Court's decision in Ledbetter gives employers free rein to continue to discriminate and leaves workers powerless to stop it. The result defies both justice and common sense. We must act to restore the decency and fairness to our Nation's civil rights laws.

The bipartisan Fair Pay Restoration Act will restore the clear intent of Congress. That is the legislation we will have on the floor to act on this next week. It provides a reasonable rule that reflects how pay discrimination actually occurs in the workplace. It links the time for filing a pay discrimination claim to the date a worker receives a discriminatory paycheck—not when an employer makes a discriminatory decision. Workers shouldn't have to be mindreaders in order to protect themselves from discrimination. Workers who aren't allowed to share information about their wages shouldn't be rendered powerless to combat discrimination. This bill recognizes that workers who receive a discriminatory check today should not be out of time to file a claim simply because the employer managed to hide its illegal behavior initially.

This legislation holds no surprises. It puts the law back to what it was on the day before the Supreme Court's Ledbetter decision. So we know this legislation is fair and it is workable. There would not be any unexpected consequences. Courts would not be overwhelmed. In fact, the Congressional Budget Office has said this bill would not increase litigation costs by much and businesses would not be blindsided. We are restoring what the law was previously. Most importantly, the Fair Pay Restoration Act makes employers accountable for violating the law. Under the Supreme Court's rule, if an employer can keep its discriminatory ways secret for 6 months, it gets a free pass. Do my colleagues hear me? If they are able to keep this secret that they are discriminating on any one of these bases—any of the bases we have mentioned, including age or disability, national origin, sex or race—in any of these areas, if they are able to do that and keep that a secret for 6 months, the employers get the free pass.

They can continue to discriminate and its victims are powerless to stop the unfair treatment. It only makes sense that, if the violation continues, the right to challenge it should continue. No one should get a free pass to break the law.

The Supreme Court's decision in Ledbetter took us backward in time. It takes us farther away from our ideal of a fair and just workplace for all Americans. We have too much progress still to make, and we cannot afford a step back. With this legislation, we can at least make up the ground we have lost.

That is why this legislation has such widespread support. This chart indicates the various groups. A wide array of civil rights groups, labor unions, and religious and disability rights groups support this legislation. It includes the American Association of People with Disabilities. AARP understands what is happening in terms of age discrimination; Business and Professional Women understand the discrimination taking place against women; NAACP; the United Auto Workers and other labor organizations, too; National Congress of Black Women; Religious Action Center understands the moral implications of this issue; U.S. Women's Chamber of Commerce, and others. They all support this legislation. Many businesses also support the bill, including the U.S. Women's Chamber of Commerce, as I said. All companies that play by the rules and treat workers fairly should support this legislation.

Workers have lived for almost a year with the inequity of the Ledbetter decision. It is time to stand up for the right to fair pay. As Dr. King said so eloquently after the passage of the Civil Rights Act of 1964:

> Many people felt that after the passage of the civil rights bill, we had accomplished everything. We didn't have anything else to do and we would miraculously move into a new era of freedom.
>
> But when we opened our eyes, we came to see that the civil rights bill, as marvelous as it is, is only the beginning of a new day and not the end of a journey.
>
> If this bill is not implemented in all of its dimensions, it will mean nothing, and all of its eloquent words will be as sounding brass on a tinkling cymbal. We must take this bill and lift it from thin paper to thick action, and go all out, all over this Nation, to implement it.

It is time to hold employers accountable for their unlawful conduct. It is time to turn the clock forward on civil rights, instead of backward. It is time to pass the Fair Pay Restoration Act.

A final comment. This is a remarkable woman, Lily Ledbetter. Here is her quote:

> And according to the Court, if you don't figure things out right away, the company can treat you like a second class citizen for the rest of your career. That isn't right.

She played by the rules. She worked hard and provided for her family and was being discriminated against. Here she is again:

> I hope that Congress won't let this happen to anyone else. I would feel that this long fight was worthwhile if, at least at the end of it, I knew that I played a part in getting the law fixed so that it can provide real protection to real people in the real world.

We hear a lot of speeches in this body about the importance of work and paying people fairly. We hear speeches on both sides of the aisle about this. Here we have the classic example of a hard-working, decent, fairminded woman, who is trying to provide for a family, is playing by the rules, and she is getting shortchanged on the basis of doing equal work but not getting equal pay. She finds that out and pursues her rights and receives damages, under the rule of law in most of the States; and the Supreme Court, by a narrow margin of one, makes a decision that because she didn't know about it at the time this was started, when there was no chance in the world she would know about it because pay records are kept confidential, she is going to lose out on the fair pay she is entitled to under the protection of the law we have passed.

This body has gone on record time in and time out about fair wages for their work. We are going to have another opportunity in the next week to see whether we are going to continue this.

Let me finally say we are going back to the previous law. This isn't a new, bold idea carving out terms of the future. This is the way the law was. We are restoring the law, restoring the protections. This should have passed unanimously. How can Members of this body say no to restoring the law to what it was in the overwhelming majority of the jurisdictions of this country, on the fundamental issue of fairness that applies to virtually all workers, applies to men and women of color, men and women of disability, men and women of age, applies to national origin, and applies across the board? What are we afraid of?

We will have the chance to take this up and to take action on it and to call the roll, and the American people will understand who in this body is for fairness and treating American workers right, and who is for going back in terms of the Nation's fundamental commitment to decency and honoring hard-working people, who should be entitled to equal pay for equal work. We will find out when we call the roll the early part of next week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. TESTER pertaining to the introduction of S. 2875 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. TESTER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX DAY

Mr. THUNE. Mr. President, I rise to speak today on an issue that is on the forefront of most Americans' minds this week, and that is the issue of tax day. Yesterday was the filing deadline, April 15, which comes around every year, and for most Americans it is greeted with a great deal of trepidation and anxiety.

April 15 represents the annual call of Uncle Sam, the tax collector, knocking on the doors of hard-working taxpayers, and it highlights the real tax burden that is placed on American families.

This year, Americans will work 74 days to pay their Federal taxes, 74 days to pay their Federal tax burden alone. In order to pay State and local taxes, Americans will work an average of 39 additional days. What that means is that the typical hard-working, taxpaying, law-abiding American in this country will have to work an average of 113 days to pay taxes in 2008.

If we look at a calendar, that pretty much takes care of the months of January, February, March, and April, up to the 23rd of this month. If you think about it, every American is still working this year to pay the tax man. They have not gotten to that point in the tax year when everything they make can then be dedicated to the expenses they have for their families, for their children's education, for retirement, for fuel costs—all the things we deal with in our daily lives. We are still at a point on the calendar where none of what we make can be applied to those necessities of life because we are still at a point on the calendar where everything we earn and make in this country is dedicated to paying the tax man. Literally 113 days of the calendar year of this year up until April 23, which will be next week, is dedicated to pay the tax man.

What does that mean? Another perspective: If you put it into an 8-hour work day, taxpayers are going to work 1 hour and 37 minutes every single day to pay Federal taxes, and an additional 51 minutes to pay State and local taxes.

Put that into perspective. All other categories of consumer spending pale in comparison to the annual tax burden. In fact, Americans only need to work 60 days to pay for annual housing costs, 50 days for health and medical care, 35 days to pay for their annual costs, and 29 days to pay for transportation.

So the expenses most people deal with in their every-day lives, whether, again, that is the cost of housing, health care, food, or transportation—all are basic necessities—pale in comparison to the number of days the American taxpayer works every single year to pay their tax burden.

That is a pretty remarkable chart, I think you would have to say, when you look at the tax burden and the number of days you have to pay relative to the things we spend the rest of our money on.

This year, the statistics are probably better, if you can imagine that, than they were a few years ago. In 2000, before the historic tax cuts took effect, taxpayers had to work an all-time high of 123 days to pay their tax burden. We have gone from 123 days down to 113 days.

In that same year 2000, a record 33.6 percent of the Nation's income was dedicated to paying taxes. After the 2001 and 2003 tax cuts, Americans were able to work an average of two fewer weeks to meet their Federal tax burden. That is why we find the average American working 113 days to meet their tax liability as opposed to 123 days a few short years ago. That is attributable to the tax relief that was enacted in 2001 and 2003.

Aside from paying taxes, filling out tax returns is a burden in and of itself. We have a Tax Code that is out of control, out of date, and is imploding under its own weight. The U.S. Tax Code spans over 54,000 pages. Some of the current provisions of the code were created 40 years ago. Each year individuals, families, and businesses spend needless hours poring over IRS forms and regulations trying to make sense of the endless exercise of filing taxes. In fact, in total, taxpayers dedicate over 6 billion hours to file their taxes and spend over $140 billion a year in compliance costs.

I read a story a couple of days ago that those who still fill out their own tax returns take an average of 34 hours to do so. That is almost a week. That is a workweek almost for most people to comply or fill out the tax return—for those who still fill out their own tax returns.

Bear in mind that a lot of Americans have gotten to the point where it is so complex, burdensome, and complicated they turn it over to a tax preparer. For those who still fill out their tax returns, 34 hours is the average they spend in complying with the Tax Code in this country.

Ironically, the complexity and uncertainty of filing taxes is only amplified by congressional action. Since 1986, we have made—I say we, the Congress—have made 15,000 changes to our Tax Code, or approximately 2 every single day. Many of these changes focus on 1- or 2-year extensions of expiring provisions.

For example, last year, Congress was unable to extend the alternative minimum tax until the IRS had published its 2007 tax return forms. Because of this delay, 13.5 million taxpayers had to wait until February 11 to file forms relative to the alternative minimum tax.

Only Congress can create a complex tax provision, such as the alternative minimum tax, and actually make it more complicated by extending it after the IRS publication deadline.

Unfortunately, the congressional leadership is simply either oblivious or unsympathetic to the tax burden on American families. Last month, the Senate Democrats called for the largest tax increase in American history. Under the Democratic budget, the reduced individual tax rates are set to expire in 20 months.

As millions of Americans have now finished coping with this year's April 15 deadline, I think it is important to point out that this deadline is going to be even more painful under the Democratic budget that passed the Senate earlier this year.

If the 2001 and 2003 tax cuts are not extended, on January 1, 2011, the 10-percent tax bracket will expire, the tax bracket that was put into effect that impacts low-income earners, lowers their tax liability and took literally millions of American taxpayers completely off the tax rolls. The 25-percent tax bracket that currently applies to earners in that tax rate bracket is going to go up to 28 percent. The 28-percent tax rate will increase to 31 percent. The 33-percent tax rate will increase to 36 percent. And the 35-percent tax rate will increase to 39.9 percent.

On top of the increased tax rates that will happen on January 1, 2010, unless we take steps to extend and prevent those tax cuts from expiring, the increased child tax credit will expire as well. Families with children are going to see their tax burden increase substantially when the $1,000 tax credit is reduced to $500 after the year 2010.

Additionally, the marriage penalty is reinstated. The 31 million filers who report dividend income and the 26 million filers who report capital gains income also will see their taxes on their investments go up.

Finally, the death tax will be reinstated at pre-2001 levels of $1 million. In other words, you can exempt $1 million worth of your income, the wealth you acquired over the years, from the death tax liability. If we think about how that impacts small businesses, farmers, and ranchers—and I can share that as someone who lives in a rural State where we have a lot of farm and ranch families. We have a lot of people with lots of assets, lots of land, lots of equipment, but they are very cash poor. When you take $1 million anymore, with land values being what they are in a place such as even my State of South Dakota, you are going to have an awful lot of people who are going to be hit very hard by the death tax when it becomes reinstated at a $1 million-level exemption.

Attach to that a maximum statutory rate of 55 percent—which, incidentally, is one of the highest death tax rates in the world. So literally you are going to have for people now who worked their whole lives—small businesses, farmers, ranchers—to accumulate some things to pass on to the next generation, all but $1 million of that would be taxed at a rate as high as 55 percent.

Think about the impact that is going to have on family farm and ranch operations in this country and many of our small businesses, which is where most of the jobs in the country are generated.

In total, the average family is going to see their taxes increase by roughly $2,300 per year. That is enough to buy several months of groceries or several months worth of health care.

It does not have to be this difficult. Congress can work in a bipartisan manner to fix our broken Tax Code and to ease the tax burden for families and small businesses.

Commissions have been convened, hearings have been held, studies have been published, and yet another tax day has passed without comprehensive tax reform.

Streamlining our Tax Code will strengthen our economy, it will improve the competitiveness of our businesses, and it will greatly ease the tax burden for all American families.

The problem is not that Washington taxes too little. The problem is that Washington spends too much. The American people, when they start spending virtually a third of their year to pay the tax burden that is imposed on them at the Federal level, the State level, and the local level, we are asking way too much and imposing way too much a burden on the working men and women in this country and those small businesses that are creating the jobs and those who are trying to pass on those operations to the next generation so we can keep family farms, ranches, and small businesses in the family, contributing, creating jobs, and paying taxes. With a confiscatory death tax, which will happen if we do not take steps to extend the tax cuts, we are going to see a lot of those farms, ranchers, and small businesses go by the wayside.

I hope the sentiment in this body, the Senate, and the House of Representatives will change to the point that we recognize the importance of extending the tax relief that was enacted in 2001 and 2003 so we do not see these steep increases in income rates and return of the marriage penalty and a decrease in the per-child tax credit, dividend, and capital gains income being taxed at much higher rates, and the death tax being reinstated. If we are successful in extending those tax cuts, I think we will see an economy that, although experiencing an economic downturn right now, will improve, will start to grow again and create jobs. If we allow these tax cuts to expire, I think it is "Katy, bar the door" in terms of the adverse economic consequences and impact it will have on this economy and on the working men and women of this country and the entrepreneurs who make it work.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 2:15 shall be equally divided and controlled between the Senator from California, Mrs. BOXER, and the Senator from South Carolina, Mr. DEMINT, or their designees.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I don't see the Senator from South Carolina here, and I don't want to presume to describe his amendment. That wouldn't be fair because he views his amendment as something that will help this bill and I view it as something that will kill this bill. Simply put, what he is saying is we need to recommit this bill to the Environment and Public Works Committee, and what he is basically saying is that we need to scrub out of this bill any changes that were made to projects.

Although Senator DEMINT wasn't here at the time, I made the point earlier that in this SAFETEA-LU bill is $110 million worth of projects he requested. He was fortunate: all those projects seemed to be moving forward, and they do not need any technical correction. But many of us—many of us—don't have that experience. For example, Senator INHOFE explained a road project in Oklahoma where one portion of the project wasn't ready for funding and another was. So, yes, we make a technical correction. I have a similar project in my State where we have to make sure the project is changed a little bit or there are going to be some bad impacts on some of my people who live in those communities.

So there is really nothing nefarious going on here. We are just trying to get these projects moving. We are trying to give a green light to projects that are facing a red light. What that means is that about $1 billion worth of projects could actually get started—transit projects, road projects—and we think that, at this particular time when we are suffering a recession, the last thing we should do is try to bring this bill back to the committee because, effectively, that would kill it. So I have respect for my colleague's intention here, but, in essence, if he was being completely straightforward, he would admit this is going to kill this bill.

We know how hard it is to get bills up before the Senate. This bill actually passed when Senator INHOFE was chairman of the committee, but it has languished because we haven't had a chance to bring it to the floor. Senator REID gave us time. It is a simple bill. I was hopeful it could be finished by now. I am grateful we are having a vote on at least one of the amendments—we know of another couple of amendments.

So that is really what I have to say. At the appropriate time, I am going to make a motion to table this motion, so I will return to do that, as I say, at the appropriate time.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is advised that the time is under the control of the Senator from South Carolina.

Mr. DEMINT. Mr. President, I yield to the Senator from Virginia.

(The remarks of Mr. WARNER are printed in today's RECORD under "Morning Business.")

Mr. DEMINT. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Two minutes 25 seconds.

Mr. DEMINT. I appreciate the chairman giving me the time to speak on the bill. I am offering a motion to recommit, which will be up for a vote in just a few minutes, and it is a motion to recommit the technical corrections bill back to the EPW Committee.

The purpose of this is clear: Colleagues, we have to stop increasing spending at every point, never cutting anything and never looking for savings. On this Transportation bill, there have been a number of projects, hundreds of millions of dollars worth, that were not needed or wanted. And we need to be reminded that the highway trust fund by next year is going to be over $3 billion in the red. With this Transportation bill, we had an opportunity to save. Yet, instead of doing that, I am afraid this technical corrections bill goes well beyond technical corrections and takes the money that would have been saved from unwanted or unneeded projects and uses it to add new earmarks to the Transportation bill that aren't in the original legislation and adds spending to existing earmarks.

My motion would recommit the technical corrections bill to the committee and instruct them to take out any new earmarks and any increases in spending for existing earmarks. What that will do is just leave the base bill, which would be, at that point, technical corrections. That is what this bill is intended to be. So I encourage all my colleagues to show some fiscal restraint and to restore this bill to a technical corrections bill.

I thank the Chair, and I yield back the remainder of my time.

Mr. INHOFE. Mr. President, I ask unanimous consent I have 1 minute to respond.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, we talked about this before. First of all, I am coming from a very conservative perspective. Looking at this and also looking at the infrastructure needs we have, we want to make sure the technical corrections bill is not killed because that will stop all the activity going on that is so desperately needed in South Carolina as well as the rest of the country.

There is no increase in the technical corrections bill in the amount of authorization. That is very important for people to know. We talk about projects and assume they are projects that were not considered before. The top line is an amount of authorization that is the same. It has not increased at all. So I contend, with all due respect to one of my closest friends and fellow conservatives, that the conservative position is to stay with the technical corrections bill.

Mrs. BOXER. Mr. President, I move to table the DeMint motion to recommit and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion to table the motion to recommit.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. McCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—78

Akaka
Alexander
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—18

Allard
Barrasso
Bayh
Brownback
Burr
Coburn
Corker
Cornyn
DeMint
Enzi
Feingold
Graham
Gregg
Kyl
Martinez
McCaskill
Sessions
Sununu

NOT VOTING—4

Clinton
Hagel
McCain
Obama

The motion to table was agreed to.

Mrs. LINCOLN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I rise to talk about an amendment that has been filed, which may or may not be offered. I wanted to alert the Senate to the possibility of an amendment that deals with moving companies—companies that move families, move furniture, et cetera, from city to city and across State lines—in fact, move them all over the country.

This amendment touches on a bipartisan provision that the Commerce Committee handled 3 years ago, which was, I guess, led by Senators INOUYE, STEVENS, Lott, and myself. We basically acknowledged that there has been a problem in the moving industry for quite some time. I don't want to go into great detail, but I will be glad to if Senator BOND comes down and offers his amendment.

I want to give a little bit of background. Basically, if you look at the statistics, since 2001, there have been about 25,000 official complaints with the Department of Transportation related to household good carriers transporting goods in interstate commerce. These complaints do cover a wide range of abusive household good carrier practices—everything from fraudulent cost estimates to lost and even damaged goods. So they really do cover the waterfront. However, the most outrageous of these complaints, in my view, is what they call "hostage goods."

What happens here is a moving company will move goods, and they will hold a consumer's possessions hostage until they pay thousands of dollars in excess of the original estimate. It is hard to believe that people would treat each other this way, but we have seen this thousands of times around the country, where a moving company will hold goods hostage because they want to chisel more money out of the customer.

Three years ago now, in the Commerce Committee, we looked at this situation. We understood the Federal Motor Carrier Safety Administration only had five employees assigned for the entire Nation when it comes to household goods and those complaints. Obviously, we had a problem. We worked on a solution. Again, this was a very bipartisan solution.

Part of the solution was to authorize State attorneys general and State consumer protection officials—they are not always AGs; it depends on the State. Usually they are attorneys general offices, but they don't have to be. It would allow the State to enforce certain Federal household goods consumer protection laws and regulations as determined by the Secretary of Transportation. This set up a partnership between the State governments and the Federal Government. We think it has been working well. We are hearing positive feedback.

State attorneys general, back in January of 2004, sent a letter, signed by 48 State attorneys general, saying they would like to have this authority. Let me tell you why. Probably, they have had similar experiences that I had when I was in the attorney general's office in Arkansas. I had a friend of mine who had moved from Florida back to Arkansas; he was moving back with his family, et cetera, et cetera. Literally, his goods—everything he owned—were held hostage by one of these unscrupulous moving companies. Naturally, as the attorney general, I thought surely we could help him. We started looking at it and learned that we were preempted by Federal law. I think he filed a complaint with the U.S. Department of Transportation, but let me ask my colleagues, who is going to be better at enforcing this and doggedly pursuing relief for their citizens, the State attorney general or the U.S. DOT in Washington—again, with five employees for the whole Nation? That is a pretty easy answer, and that is the State AGs. This is something we crafted, and we believe it is balanced. It came out of committee unanimously. There was compromise. Two Democrats and two Republicans worked together to get compromise language that we believed was fair and, we thought, served the purpose, and we believe it is good law.

I think it is important that it did come out of the committee unanimously. Again, Senator Lott took a real leadership role, and Senator STEVENS was involved and Senator INOUYE was involved and I was involved. We worked hard to get this done for the committee and for the Senate and for the American people.

As part of all this, we listened to industry complaints. We really did try to go the extra mile with the industry. We even had a hearing held by Chairman Lott on May 4, 2006. We brought in witnesses and allowed moving companies to come in and talk about the situation. Basically, at the conclusion of the hearing, the committee found strong support for our safety provision, including the endorsement of the U.S. DOT inspector general and the FMCSA.

So this has been something that has been vetted, has been agreed to, has been passed by the committee and by the Senate, and it has been signed into law. We think it is a good provision.

Obviously, if there is an amendment on this today, this would not be a technical correction, this would be a big shift in policy. I think that is an important factor for colleagues to consider as they look at this.

Also, if it is offered and if, in fact, I have a chance to come back to the floor and talk about it further, I know there will be a little bit of a comparison to the Consumer Product Safety Act and the Consumer Product Safety Commission bill that we filed a few weeks ago, and we passed it on the Senate floor 79 to 13, I believe it was.

I know there will be a little comparison, but this is very different. This is different in a number of ways. It is similar in some ways, but it is different also. And that is, with a consumer recall and with the State being able to enforce a consumer recall once that decision has been made in Washington, there may be thousands, tens of thousands, possibly millions of units of that product out in the American marketplace that has been recalled. Those products may be in warehouses or they may show up on the Internet. There are a lot of different ways they can show up. It can take literally years to get all those products out of the stream of commerce.

The moving industry is very different than that. Almost always what happens with one of these moving companies is something goes on during the move which more often than not is over a few days' period. Oftentimes, it is from one State to another State. The fact situation here is very different.

One of the reasons we are seeing an increase—and even though we passed this law, we are still seeing a fairly steady increase in these types of complaints—is the proliferation of the Internet. You can get on the Internet right now—I did this yesterday as an experiment. I clicked on something such as "cheap moving companies." I don't know exactly what I typed. Several came up. With many of these companies, what you do is click a couple of little buttons to tell how many rooms you have in the house, or something very rudimentary, and you get a quote.

For folks who know about moving, it takes a lot more than that. You cannot make a couple clicks on the computer and think you are going to get an accurate moving estimate.

My experience has been with these large companies, they have written contracts and they have procedures in place. They come out to your home, or wherever you may be, and they look at your goods. They measure, they offer various services for crating, boxing, and all this kind of jazz. They can look, do their measurements and calculations and give you an estimate down to the penny. More often than not, those estimates are very accurate.

The problem is not so much the name-brand companies. I am sure there are occasional problems with them. But the problem we are trying to get to is these companies that are fly by night, many based on the Internet, many of them you do not know with whom you are dealing.

What we are trying to do is clean up this industry and help the American public in any way we can.

Since we passed this legislation, you would think you would see an amazing drop in statistics. We have seen the numbers grow a little bit. Again, it has been fairly steady. We feel as though we do not have accurate numbers yet. We are actually going to request a GAO study to allow them to do their analysis and see how our provision is working. I think what we will find, once the numbers come in and are analyzed, is some good movement in the right direction.

One point that is important is that under SAFETEA-LU, the FMCSA did not add that many employees. It went from 5 employees to 11 employees. That is still a very small number of employees to do this all over the country. Hopefully, the State attorneys general will be able to help resolve these matters that are very good for the people in their States.

Madam President, I don't know if Senator BOND is going to offer his amendment. He told me earlier he thought he would. I hope he does not. If it does require a vote, certainly I will ask my colleagues to vote against his amendment. If he, in fact, does offer his amendment, I would like to have a chance to respond to Senator BOND. I know Senator BOXER and a few others have indicated their interest in doing that as well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4538 TO AMENDMENT NO. 4146

Mr. COBURN. Madam President, I ask that the pending amendment be set aside and at the appropriate place amendment No. 4538 be inserted into the Boxer substitute.

The PRESIDING OFFICER. The Senator may propose an amendment to that substitute.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. MCCAIN, Mr. OBAMA, Mrs. CLINTON, and Mrs. MCCASKILL, proposes an amendment numbered 4538 to amendment No. 4146.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To create a bipartisan, bicameral special committee to investigate the improper insertion of an earmark for Coconut Road into the conference report of the 2005 highway bill after both chambers of Congress had approved identical versions of the conference report)

At the appropriate place, insert the following:

SEC. ___. COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, $10,000,000 was allocated for "Widening and Improvements for I–75 in Collier and Lee County".

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, $10,000,000 was allocated for "Coconut Rd. interchange I–75/Lee County".

(3) A December 3, 2007, article in the Naples Daily News noted, "Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I–75/Lee County.'".

(4) Page 824 of Riddick's Senate Procedure notes that "Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.".

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of $10,000,000 to the "Coconut Rd. interchange I-75/Lee County" calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the

House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the "Committee").

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 1, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

Mr. COBURN. Madam President, I am on the floor this afternoon because a few years ago something happened in Congress that should never have happened. What happened is a bill passed the House and a bill passed the Senate. A bill that both Houses agreed to was changed before it went to the President. We do not know where it was changed or who changed it. We do not know the details of it. There has been speculation in the press, but we do not have any real knowledge of how this happened. But there is a principle, and the principle is, if we cannot trust what we agree to in both bodies of Congress will be sent to the President, then everything we pass has to be suspect.

This is a hard amendment to offer because there is a lot of angst around looking at ourselves and looking at the problems. But the one thing we do know is the American people expect the process to be one that is open, one that is accurate, and that when the President gets a bill, it truly represents what the Congress intended.

What actually happened? On the highway bill conference report passed by Congress, item 461, there were widening improvements for the I-75 corridor in Collier and Lee Counties in Florida. What actually went to the President was different. This was changed to Lee County only and for an interchange. Somehow that got changed. This money has been rejected three times by the citizens and their elected representatives in that area because they do not want an interchange. What they wanted was to widen I-75 in terms of hurricane evacuations.

As I said, we do not know how this happened. There is press speculation. We don't know if it occurred in the Senate. We don't know if it occurred in the House. What we do know is it did occur, and nobody can dispute the fact. And this bill, thanks to Chairman BOXER, corrects that and puts it back to what the original intent of Congress was, what Congress intended originally.

Some will say: Now that we fixed it, we don't need to do anything about it. But the problem the American public has in terms of confidence in us is that we will do the right thing, and the right thing is to figure out how something such as this happened and make sure it never happens again and put in the safeguards so we know it will not happen again. I believe it is time for Congress to look at this issue and fix it.

Many of my colleagues say we are treading on dangerous water because if this occurred in the House, we are forcing the House to look at something, one body telling the other body to do something. We don't know where it occurred.

The amendment I am offering creates a committee of Members, four from the House, four from the Senate, that will look at this issue and make appropriate recommendations to the appropriate bodies; that is, the House Committee on Official Conduct and the Senate Ethics Committee or any law enforcement officers.

I understand that there will possibly be a second-degree amendment, and this ought to be offered and made, that the Justice Department look at this. That can certainly happen in due time, but there is this little issue of separation of powers. We have the responsibility in Congress to do what is right.

It is very interesting the debates we have had, especially in this Congress, about separation of powers and not wanting the executive branch to take power away from us. However, we are thinking about offering a second-degree amendment that would do that.

I believe in the people in this body. I believe we all do not like that this happened. I believe we all want to see that it never happens again. The best way to do this is to have an investigation, two Members appointed by the Speaker and two Members appointed by the minority leader in the House, two Members appointed by the majority leader in the Senate and two Members appointed by the minority leader in the Senate. So we have eight Members reporting back to us what happened and making recommendations to the appropriate committees, not necessarily to us.

As we all know, Senate ethics investigations, as well as House investigations in terms of official conduct, are not public. We don't know if something is going on regarding this issue now. But what we do know is something happened, and we ought to be about fixing it.

My worry is if we modify this amendment or we do not agree to this amendment, this is going to be the feeling of the American public: Is this political? Can we not control the rules of our own body in terms of enrollment?

It is interesting what Jefferson said when he talked about this in his manual. He described what should and shouldn't be done when a bill has passed both Houses of Congress.

The House last acting on it, notifies its passage to the other and delivers the bill to the Joint Committee on Enrollment, who sees it is truly enrolled in parchment. When the bill is enrolled, it is not to be written in paragraphs but solidly, all in one piece, that the blanks between the paragraphs may not give room for forgery.

That is, in essence, what happened in this case. Now, that is not a case for the Justice Department to investigate at this time. That is a case for us to investigate and look at our own rules. The fact is, something went terribly wrong on the way of a bill going to the President that was different than both Houses of Congress passed.

I understand the angst of someone coming from the Senate and saying this ought to happen, and I understand we don't want to get in a fingerpointing mode. But if the House agrees with this in conference, it will happen; and if they do not agree with this in conference, it won't happen. But what should happen in the Senate should be that we look at this so we can create the confidence that the American people deserve to have in this body to know that when we pass a bill out, that the bill we passed is actually the bill the President signs.

I am thankful to the Transportation Committee and Chairman BOXER and Ranking Member INHOFE for clarifying this and fixing it. It is right that it should be done. It is right that the original intention of it should be done. But that is not good enough. That is not good enough for the American public. I understand the desire of the chairman of the committee to move this out of our hands and into the Justice Department's hands, but I have some problems with that. One is this idea of separation of powers. What other powers are we going to give up when we can't handle a simple investigation into what went wrong during the process of enrollment?

The second thing is, my legal staff tells me we cannot mandate to the executive branch what they will and will not investigate. So should they choose not to investigate this, we will have been no further down the road. But the 100-percent guarantee that it will get investigated is if we have Members of both bodies investigate this and come to a resolution so it does not happen again.

It doesn't matter whose bill it is, and it doesn't matter which party's bill it is. If a bill, no matter whose bill it is, is changed, it affects the whole country, and it affects the confidence in this body. This is an ethical issue for us, if in fact it involved the Senate.

The easy thing would be not to offer this. That is easy; you don't make other Senators uncomfortable with you; you don't have the chance that the House could be upset at what we are suggesting in a conference, if they agree to us jointly in investigating this. We could sweep it under the rug as if it never happened because we corrected it. But it did happen. And by not investigating it, it means it can happen again.

This is not without precedent. I believe in 1982 or 1992, this same thing happened and it didn't get investigated. It just got changed. So here we have it happening again, and only because of some very good work in the press were we made aware of it. Consequently, we ought to be the ones to fix it. We ought to take responsibility for our actions and we ought to correct the problem that happened with this, wherever it may be. If it happened in the House, the House should correct it. If it happened in the Senate, the Senate should correct it. But at least we ought to know the details of how and why, and then, if appropriate, a referral, if in fact that is justified. If it was a simple clerical error, we will know that. If it was more than that, we will know that.

The fact is, by not doing this, what we are saying to the American people is, oops, we had a mistake that is paramount to the quality and the clarity of how this body functions, and we believe it is not a grave error. Well, I happen to disagree. It is an entirely egregious error because it impacts every other piece of legislation.

If I as a Senator can no longer trust that the bills we pass in Congress, after they are enrolled, are exactly what we pass, then I now have to spend the time looking at every bill after it has been enrolled to make sure it matches. None of us has the time to do that. That is what we entrust the Secretary of the Senate and the Clerk of the House for.

So somewhere along the way, something changed. We need to know that. We don't need to play the same political games. We don't need to play a partisan game with it, because nobody knows for sure who did what. What we do need to do is to do the hard work of looking at what went wrong and making the appropriate changes.

I note there are several cosponsors, and the Presiding Officer is one. She has been a great addition to our body because she seeks clarity and transparency in what we do here; also Senator MCCAIN and Senator OBAMA, as well as Senator MARTINEZ and Senator NELSON of Florida. They are the two Senators where this had the most impact.

I don't come to the floor lightly saying we want to poke at people, but I do think it is important for the integrity of our body that we, along with the House, get to the bottom of it. It was my hope we could work this out without trying to refer it to the Justice Department. If in fact it needs to get there, it will get there after appropriate investigation.

To bypass us and give up our power to correct things that are wrong with our rules—not laws, our rules—seems to me to be the antithesis of what we have debated so many times in this Senate over the past 9 to 15 months about the executive power encroaching on the Senate. Now we are ready to give that power away for something that is duly ours and set a precedent that we are going to ask the Justice Department to investigate us? We ought to be investigating ourselves.

We have the integrity, we have the quality, we have the people, and we have the goodwill of all the Senators of this body and all the Members of the House to do that. Because the institution is more important than any one of us. What we do for the American people has to be more important than any one of us. So it is my hope—I will not take much more time—the Senate will concur.

This is done with all sincerity. I am pointing a finger at no one. But I think if we do not do this, by a second amendment that takes it away, what we will have done is to abrogate our responsibility in terms of the clarity of our purpose and the quality of our work. And if we choose to do that, here is what we will find. We will find another notch down the confidence in Congress by the American people, if we refuse to look under our own bedsheets for our own bedbugs and give that responsibility away.

I appreciate the help of the staff of the committee. They have been very forthright in working with us. As I have said before, I appreciate Senator BOXER's cooperative attitude on this. We disagree on how best to handle this, and I understand her right as the chairman and as a Member of this body, but my hope is we don't give away powers that are ours. The separation of powers is a very important concept in this body, and to abrogate our responsibility and appoint it somewhere else, when we don't have the facts—that can always happen afterwards.

In fact, this amendment states that appropriate referrals will be made to both Ethics Committees of the House and Senate and to law enforcement, if necessary. So my hope would be that we could vote this eventually and look at it. I think it is paramount for the quality of our work.

Madam President, I reserve any time I may have, and I look forward to the comments of the chairman.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, when I learned about this whole issue of what went on in a very devious way related to a highway project, I was very glad Senator COBURN called it to our attention. Where we are right now is the best way to handle this, and this is where there is a bit of a disagreement.

I am concerned, as I look at the Senator's solution here. Essentially, what he has is the House and Senate selecting Members to go on this special committee, and I believe that injects politics into it right away. We can all say we are going to be objective, and so on and so forth, but I think people get the sense, oh, that is a Republican, and he may feel one way; or she is a Democrat, she may feel one way; or I saw that person going to dinner with another Senator or another House Member this way.

I am chair of the Ethics Committee, so I know it is very hard to be totally objective, and you must be in this circumstance. But I think the appearance of a conflict of interest in setting up this committee is something I would rather avoid. So I think that Senator COBURN has done everything in his power to set up a way to investigate this that is fair, but my feeling is there is a better way to go.

As a matter of fact, I am going to offer an amendment to the underlying substitute, and I would ask the Parliamentarian if I need to lay aside the pending amendment in order to do that.

The PRESIDING OFFICER. The Senator does not need to do that. The amendment is in order at this time.

AMENDMENT NO. 4539

(Purpose: To call for a review by the Department of Justice of allegations of violations of Federal criminal law)

Mrs. BOXER. I send an amendment to the underlying substitute to the desk.

The PRESIDING OFFICER. The clerk will report.

Mrs. BOXER. Do I need to ask for its immediate consideration?

The PRESIDING OFFICER. That is automatic. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4539 to the text of the committee substitute to be inserted:

At the end of the amendment, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109-59 to ascertain if a violation of Federal criminal law has occurred.

Mrs. BOXER. Madam President, I thank the clerk for reading. That is it in its entirety. We call attention to the exact problem that occurred in the bill, the exact project, without naming it. It is explained here. We know it is the Coconut Road project.

This is not a sense of the Senate. This is a very direct amendment that says the Department of Justice shall review these allegations and they shall ascertain if a violation of Federal criminal law has occurred.

So what we do, by taking it into this realm, we take it out of the realm of politics. Senators selected by the Senate to be on this investigation committee of something that happened over in the House; House Members selected by the House to investigate, to me it injects politics into the process.

Secondly, if you read the Constitution and you see the speech and debate clause, you understand that this raises constitutional issues—the Coburn amendment—as to whether one part of Congress can investigate another. I don't want to see this whole thing collapse like a deck of cards because we did something unconstitutional. We know that the Justice Department, when there is an allegation of improper behavior, we know when there is a possibility here of laws being broken, they have the clear obligation and responsibility, and now we are, in essence, telling them they must review this.

In our conversations, one of the things Senator COBURN was worried about was that the Department of Justice could not use the subpoena power. I have looked at that and what I have found is that is not true. In the case of the Jefferson investigation, it was because there was no warrant. That was the problem. There was some narrow issue involving that. Clearly, this investigation would be appropriate.

Also, we don't give up anything here, I say to my colleague. Consistent with applicable standards and procedures, that is what we say. The Department of Justice shall review, consistent with applicable standards and procedures. No new rules, no new laws, no new ways, and very clearly done.

Frankly, if I might say, I am so angry about this. I am so upset about this. I am sick about this. I think it is very possible people ought to go to jail here. A Senate and House committee can't send anybody to jail. They simply can't. They could make a referral to Justice, but they can't do it.

I am saying I think what we are doing here, by requiring that the Justice Department—by saying, "They shall review allegations," I think is a much better way to go. It keeps politics out of this, it keeps constitutional questions about the debate clause out of this, and it gets to the heart of this, which is, if there was a crime, the person ought to go to jail or the people ought to go to jail.

Let's get right to the point instead of setting up some political committee. They will call hearings and the press will come and people—Senators will make speeches and make their careers. I can just see this thing. I can see this coming. I want to avoid a circus. I want to put somebody in jail if they did something wrong. That is why I think this particular amendment I am offering is the way to go.

I do respect my friend. I certainly am looking forward to having votes on both of these, but I do think this simple amendment we have here will get to the bottom of this, which is where my friend wants to go. He wants to punish the people who have done something wrong. That is what I think we do here.

I will be happy to yield the floor because I see my colleague would like to respond.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, first of all, I thank the chair for her words. I stated that this amendment language is based on a very big precedent established in 1992 in this body with a joint committee of Members of Congress to look at the rules in both Houses, to look at the processes in both Houses. There is a precedent. There is not a problem with the debate clause. I think that is not a prudent argument to be against this.

The Justice Department will eventually get this if, in fact, we find out there was a crime. I also make the point that nobody knows right now where this occurred. At least I don't. Nobody knows what the facts are, so the assumption we are making that we would be involved in investigating the House is—we do not know that. At least I certainly do not know it, and I have kind of been looking at this for quite some time. So it is an assumption that we are going to have, necessarily, an investigation of the House. We may be having an investigation of the Senate.

The fact is, we have a good precedent for this. This was a Joint Committee on the Organization of Congress, H. Con. Res. 192, in the 102nd, and it looked at everything. It didn't just look at one specific thing. So there is precedent for it.

More important is the separation of powers issue. What we are saying to the American public is we do not have the power to control our own body and that we have to ask the Justice Department to come in and do it. If there is a criminal violation, they certainly ought to be involved in that, but we do not know that yet.

First of all, these are the rules of the Senate. They are not law. We are asking them to investigate the rules of the Senate, not a law; therefore, we are giving power to the executive branch, we are asking the executive branch to come in. My great worry—there is no question, Senator BOXER's amendment will do this. It will get an investigation, if they will come and do it—there is no way we can force them to come and do it—and we will get to the bottom of it.

But I am worried about the integrity of the body, saying to the American public that we cannot police ourselves; we cannot do it; we do not want to take the heavy lifting it is going to take. And I do not believe a four-by-four panel of two Democratic Senators, two Republican Senators, two Democratic Congressmen, and two Republican Congressmen—and this committee has the right to not do any of this in public if they do not want to. The committee totally gets to do this. Nobody wants a circus. I am even reticent that I am actually here making this point. I think it is a pox on our body that this happened, but I think it needs to be addressed.

My hope is that people will not take a partisan viewpoint on how they vote. My hope is they will think about the institution of Congress, they will think about the separation of powers, they will think about the difference between laws and rules of the Senate and rules of the Congress. Then, if a referral needs to be made to the Justice Department, we would do that, but that would most appropriately come from our Ethics Committees, not from this committee—after a referral from this committee to the Ethics Committee.

The chair of the Ethics Committee cannot say whether they are looking at this right now. They may be. They may not be. We do not know. The Justice Department cannot say whether they are or not. So we do not know what is happening.

The point is, something needs to happen. I worry that when we tell the American public we are not capable of looking into our own dysfunction, that, in fact, what it says is that we give up power to the Justice Department to look at how we enroll bills and whether we violated the rules under how we do it. I have a real concern with that. I have tremendous concern with that, especially since we made such a large issue of separation of powers in this Congress.

I will make one other point, and it is not to demean the Senator from California. If this were important to the committee, why was your amendment not part of the committee mark? If, in fact, the committee was enraged over this, why was this not a part of the original committee mark?

Mrs. BOXER. Is that a question to me?

Mr. COBURN. Why have we not addressed this in the original committee mark or the substitute? We corrected it—and I said, while the Senator was out, I was thankful that the problem was corrected. But the issue of how it got changed is not in the committee mark.

This amendment, this second-degree amendment, comes on the fact that we are trying to offer what I think is a cogent way that has precedent in both the House and Senate for solving this. That is probably just an oversight because I know the Senator cares deeply about this. I know she was upset about it. With everything they had to do to bring this bill to the floor as quickly as they did, that is probably what happened. But the fact is, we are at this point. If the body wants the Justice Department—if we want to give up that power to the Justice Department, the body will vote that, and that is fine.

The last point I will make, and I will not continue on a lot further, is this does not force the House to do anything. Let me tell you why. This bill will go to a conference committee, I believe, of which Chairman BOXER will be the head, and all the House has to say is: We disagree with this; we do not want to do this; we do not want to have a committee look into this. The House has that option, and if it does not agree to it, it will not come out of the conference committee and we will not do anything on it.

The same is true of her amendment in terms of the Department of Justice. But it is important for the American people to know whether something happens on it and whether we do it in a way that emboldens and strengthens the institution of Congress or weakens it.

AMENDMENT NO. 4540 TO AMENDMENT NO. 4539

Before I yield the floor, I have a second-degree amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4540 to amendment No. 4539.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, $10,000,000 was allocated for "Widening and Improvements for I–75 in Collier and Lee County".

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, $10,000,000 was allocated for "Coconut Rd. interchange I–75/Lee County".

(3) A December 3, 2007, article in the Naples Daily News noted, "Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I–75/Lee County.' ".

(4) Page 824 of Riddick's Senate Procedure notes that "Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.".

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of $10,000,000 to the "Coconut Rd. interchange I–75/Lee County" calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the "Committee").

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 2, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

Mr. COBURN. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, let me just say to my friend, I am the chair of the Environment and Public Works Committee. I am not the chair of the Judiciary Committee. I just want to say for the record, in defense of my committee members all, that we fixed this problem in this bill. We fixed the problem in the bill. Do I support the Justice Department going after the evildoers and putting them in jail? You bet I do. But—I hate to say it—in Environment and Public Works, that is not our role. I support what the Senator is trying to do here. So let's get that clear.

On page 86, here it is fixed, in section 110. I want to make that clear, that our committee did the right thing and fixed this problem.

My friend is right, there was a committee to look at the rules. But if all he is doing is looking at rules—and I know he is not—then what is the point? I want to look at what happened. My friend himself talked about fraud. The fact is, we better get to the bottom of this, and all this committee is going to do is look at rules. Frankly, I don't think it is doing much. I would much rather put people in jail. The proper way to do that is to call on the Justice Department to look at these crimes because, to me, it is the crimes that concern me. I think what they did, on the face of it, going in the dead of night, is certainly not allowed in our rules—at least my interpretation of the rules. That, to me, is not.

I tell you right now, in our committee we are pretty tough on this. We are not allowing people to change things.

Everything that is in this technical corrections bill—and that is why Senator DEMINT praised us—is on the Web site for all to see. We believe in transparency.

What this is about is getting to the bottom of allegations of serious crimes—bribery. Bribery. That is why I do believe at the end of the day let's keep politics out of this issue.

I can tell you right now, the Senators who get on this committee are going to have the flashbulbs going off in their faces, they are going to make a big todo about this, and they are not going to talk about rules, they are going to talk about crimes. The sad thing is, even if they got to the bottom of it, at the end of the day the committee cannot put anybody in jail. The Justice Department can.

The speech and debate clause is really clear. I know my colleague in the chair is a very prominent attorney. If you look at section 6, article I, it clearly says:

> . . . for any Speech or Debate in either House, they shall not be questioned in any other Place.

So our attorneys are saying the way this is set up, A, you have politics in it; B, you have a constitutional problem, probably; and C, it is a lot of hoopla, a lot of cameras, and at the end of the day we want to put people in jail. That is what we are talking about, really, at the end of the day.

Looking at the Senator's own document on page 5, he says the committee shall share its findings, share its documents, share its information, and so on, with various groups.

I just believe to be tough you have to get the Justice Department involved. When there is a knock on the door from the Justice Department, you will get to the bottom of this. That is what the Boxer amendment does.

I hope people who really want to be tough will do the tough thing, not set up some committee that is going to give Senators and House Members a chance to make political points, and the public will look at us and say this is just a great big show, but really get to the bottom of it and get the Justice Department into this now. There are reports that they are looking at some issues, but there is nothing to say that they are looking at this particular problem.

That is what I have to say. My friend is right to bring this up. I am glad. When the press said: What do you think? I said: Good for him for bringing this up. I am sorry we were not able to agree on the right approach, but I feel very good about the approach I have come up with here. I look forward to our colleagues voting on this at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I will just make one comment.

First of all, the chair of the EPW Committee is very gracious. I appreciate her words, and I intended no disrespect for her in terms of her effort. I know she supports this effort to get to the bottom of it. But I would make a correction. We only say we should share with three people: the appropriate law authorities and the appropriate ethics committees of both the House and the Senate.

We did not envision a show. I would envision that the people who might be on this committee would take this very seriously; that, in fact, it probably would not be open hearings but, rather, closed, and that, in fact, we would get to the bottom of the problem.

But either way we get to the bottom of the problem, I am happy we are going to get there. I think it is important that we get there. As I outlined, I think the integrity of what we pass, no matter how we get there, as long as we can ensure the integrity, I will be satisfied we have done that. I am not sure we will get that.

The final point I would make is we will be setting a precedent. Let us not forget, we will be setting a precedent that the Congress says the Justice Department should investigate us. That is a big precedent. That is a big precedent. I am not a lawyer. I do not know if it has happened before, but I do not like that precedent. I don't like it at all. Because I think the integrity of this body is far greater than that. I think Members of this body are far above that, that we do not need the Justice Department to investigate us. I think we can investigate ourselves and we need to demonstrate to the American public that we do have the will and courage to do the disciplined thing and do the right thing and to solve the problem.

Then if a referral is needed to the Justice Department, we should give it. But I have great qualms, great worries about ceding to the Justice Department the power to investigate us. My own personal experience is, we do not know where they will go. We do not know that they will stick on us. The point is, this is a big precedent I would worry about setting.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, if I might respond to my friend, No. 1, we do not cede a thing. We do not give up anything. As a matter of fact, we stay consistent with applicable standards and procedures, and this cannot be a fishing expedition. We say the Department of Justice shall review allegations of impropriety regarding item 462 in section 193(4)(C) of Public Law 109-59, to ascertain if a violation of Federal criminal law has occurred.

The question is, to me: Will the people or persons who did something wrong be punished? At the end of the day, that is what I am about. I am not about big committee hearings and special committees and the rest. Listen, I am not about that. I am about: We have a lot of work to do for the American people. My friend used words—"fraud," he said. He said "fraud." He already used it. And in his own resolution he says: If they find that there was such fraud, which he already thinks there was—which, by the way, I think it was worse than that, but that is what I think from what I know.

There needs to be proof here. I do not mean to leap ahead too far. He says he is going to refer it to the proper law enforcement. Why can't I say: Well, that is a bad precedent. I do not get it. The difference between what the Senator is doing and what I am doing is I am saying: It looks bad, as if there were a crime committed; we are not sure. Let's get right to the heart of it, and let's go after it.

Here, what my friend is doing, he says: Before we tell them to look at it, we are going to have these hearings. By the way, in his own words, he is going to put the findings on the Internet, he is going to publish them. I have been around here long enough to know what a circus is. I have been involved in a lot of investigations on a lot of committees, and what I want is justice done. I do not want political theatre. I want justice done. I will tell you why. When justice is done and someone goes to jail—we have seen a few people from the other side walk off to jail—that sends the best possible message.

I do not think it ought to be delayed by hearings. Sometimes what happens is, it holds up a Justice Department investigation when there are public hearings going on. I have been in that circumstance too. So I say, here we have two options. One sets up this elaborate committee, and the other one says: Let's get to the heart of this, go after these bad actors, put them in jail. I think that is the better way to go.

I guess I have said it a hundred ways to Sunday. I would stand on those remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I certainly appreciate hearing the debate on the amendments of the technical corrections of the highway bill.

I want to take a little detour for a moment. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NIGERIAN DETAINING

Mr. TESTER. Madam President, I rise to speak on a matter that has been of great concern this week to not only the Governor of the State of Montana and Senator BAUCUS, but to my colleagues from the State of Washington, Senator CANTWELL and Senator MURRAY.

Four Americans were detained last weekend in Nigeria. They have been held in Nigeria until today. Today they were released. It is an enormous relief to all of us and particularly to those families, that Sandy Cioffi, Tammi Sims, Clifford Worsham, and Sean Porter will soon be reunited with their loved ones.

Nigeria's State Security Service has been overseeing their custody since Saturday afternoon, more than 100 hours. They were charged with no crime. They were in the country legally. They did nothing wrong. So we worked closely to try to get these folks released, and it did happen. It is particularly of importance to me because one of the people who was detained is a lady by the name of Tammi Sims. Tammi is from Joplin, MT, which is a stone's throw away from my hometown. I have been in regular contact with her family since last weekend, and they have been worried sick. But now we have reason for hope. We will not be celebrating, however, until Tammi is reunited and the others are reunited with their families here in the United States. We will continue to keep our fingers crossed, and Sharla and I will continue to pray for Tammi and the rest of the group until they are back here on American soil.

I do, however, want to take a minute to thank the consular affairs section of the U.S. Embassy in Nigeria, who were so very helpful in getting information about these individuals back to my office and to the families of those folks. I also thank the dedicated Foreign Service officers of the State Department. They do this kind of work all over the world, probably every day, but it is not until one of your own is in need of assistance that you appreciate their work, and I do.

I also thank some of my other colleagues, including Senator FEINGOLD, Senator BROWN, who also expressed support for these folks. I thank them for that. This is a good day, and hopefully those folks will be back in their home country very soon with their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

CONGRATULATING DOVER AIR FORCE BASE

Mr. CARPER. While we are talking as in morning business, I wish to continue the detour, although I may take a little different direction.

As the Chair and my colleague from Montana probably know, each year our military bases in this country go through a competition in which Air Force bases are evaluated against other Air Force bases, and naval installations against other naval installations, Marine Corps against others, Army installations against other Army installations.

For 23 years or so the Air Force has been comparing their bases in a friendly competition called the Commander in Chief's Installation Excellence Award. During that period of time, it is my understanding that no mobility command, no airlift base, if you will, such as Dover, has ever been honored as the best of the best.

Yesterday I was visited here on Capitol Hill by COL Steve Harrison, who is the active-duty wing commander for the Dover Air Force Base, and he gave me this letter announcing the good news, that Dover Air Force Base has been selected for this high honor.

As an old naval flight officer, I remember often my squadrons on the naval bases where I was located participating in ORI exercises, operational readiness exercises. This is not an ORI. This is a competition which digs in deep and looks at things other than how well you fly your airplanes and meet your readiness requirements and meet your mission, although that is part of it.

This is a competition that also involves how you care for your people; what kind of workspaces do you provide for the folks who are on your bases, the uniformed, nonuniformed personnel? How do you look out for the families of those military personnel? How well do you think outside the box in trying to address the problems and challenges you face? What kind of commitment do you have to innovation in the delivery of the service you provide to support our military forces?

There are over 100 Air Force installations throughout this country. To have been chosen as the one that is believed to be most worthy of receiving this award this year is a matter of great pride, not only for the men and women who wear the uniform at the base, not only for the civilians who work there, and for the families, not only for the Air Force retirees in our State—and there are a lot of them who served at Dover Air Force Base—not only for the folks who live in Dover, the civilian population in central Delaware, this is a matter of pride for all of Delaware.

We have one active-duty installation, actually active duty and a reserve wing at Dover Air Force Base. We have an Air Guard installation up north in our State that we are very proud of. They fly C–130s. But this one, Dover Air Force Base, is very special to the people in our State. They fly C–5 aircraft, which are among the largest aircraft in the world. To be from a little State, and to be the home of one of the biggest aircraft in the world, gives us bragging rights that little States do not often get.

We have C–5B aircraft, about 18 of those at our base. We are getting a new squadron, a squadron of brand new C–17 aircraft that will complement our C–5s. The C–5s will be modernized in the years to come.

Dover Air Force Base has not only wonderful people, a terrific tradition and reputation, but will also have the new C–17s and maybe the first modernized C–5s. We will be ready to go to work and do our job.

Among the things pointed out in the recognition of Dover Air Force Base is that they have secured, I think in the last year or so, October 1, last fiscal year, October 1, 2006 through September 30, 2007, among other things, they have secured some roughly $50 million in milcon projects. I hope our delegation, Senator BIDEN, Congressman CASTLE and I, was helpful in that process. We are grateful to our colleagues for the support of that funding.

During that period of time, we opened a brand new air freight terminal that cost, over several years, about $77.5 million. The efficiencies that will flow from that new cargo-handling facility will actually pay for that facility within 2 years. Now, whenever companies are looking for a way of a return on investment, the idea that you can get a return on investment in 5 years or maybe even 10 years is not deemed very bad. We will realize a return on this investment for our new cargo-handling facility, our air freight terminal, within 2 years of bringing it on line.

What we have done at the base in terms of privatizing the housing and providing enlisted and officer personnel with better housing for themselves and their families is something we greatly appreciate. Also, in the Air Force, they conduct roughly every 400 or so days an inspection called an isochronal inspection. The isochronal inspections that are now being provided for C–5 aircraft take place not only for the air mobility command C–5S but for those that are in the Air Reserve components and the C–5s that are part of the Air National Guards are all done at Dover Air Force Base.

The good news is not only are they done at Dover, because they are done at the Air Force base with people who know how to do this work, trained to do it, they are able to greatly reduce the amount of time it takes to produce the isochronal inspection—not to diminish the quality, the thoroughness of that inspection, but to reduce the time. Since time is money, we are saving some money there for the taxpayers.

Dover Air Force Base provides over one-quarter of all the Department of

Defense airlift requirements. They have for some time. With the new cargo-handling facility coming on line, we expect to see that number go up. I understand in the last year or so, the last fiscal year, they completed more than 20 antiterrorism and force protection initiatives.

So to the team at Dover Air Force base that very much is a team, the active-duty wing, the Reserve wing, which works seamlessly together in providing airlift capabilities for our country and around the world, this old naval flight officer salutes you on a job well done. On behalf of every single Delawarean, congratulations and God bless. Keep up the great work.

Mr. BIDEN. Madam President, yesterday, the Secretary of Defense announced the 2008 Commander in Chief's Awards for Installation Excellence. These awards honor the best installation for each service. For the first time in the 23-year history of the award, the Air Force winner is a mobility base, Dover Air Force Base. Out of 117 Air Force installations, Dover AFB was chosen as the absolute best.

I cannot say that I was surprised. I believe they won because of the tradition of excellence imbued in each man and woman working at Dover.

It started in 1941, when the 112th Observation Squadron of the Ohio National Guard arrived to set up antisubmarine operations at the new Dover airfield. That mission and the others that helped America and her allies win World War II began an enduring tradition of excellence. In 1948, the airfield was officially named Dover Air Force Base and the Nation moved into its Cold War posture. Some may not know this, but for 7 years, 1951–1958, Dover was home to fighter squadrons defending American airspace.

In 1955, one of Dover's best known missions came to the base, the Aerial Port Mortuary. For over 70 years, the Dover team has given fallen Americans an honorable and compassionate homecoming. While it is only one mission on the base, every generation of air men and women stationed at Dover has taken pride in honoring America's heroes and ensuring the grace and dignity of their return to our Nation and their families.

By the late 1950s, Dover was transformed into a mobility base, under the Military Air Transport Service, which became Military Airlift Command, and eventually became Air Mobility Command. Since 1973, Dover has been home to America's largest military transport aircraft, the C–5. Just last year, the Nation's second largest military transport aircraft, the C–17, was added to the base. As home to the Nation's great airlifters, Dover has always been busy—supporting American forces in every military engagement from Vietnam to Grenada to Panama to the first gulf war to the Balkans to Afghanistan and Iraq; supporting our Israeli allies with critical supplies during the Yom Kippur War; evacuating Americans from Iran in 1978; assisting with cleanup from the devastating Exxon Valdez oil spill; assisting Central American nations, Turkey, and Taiwan that have experienced devastating earthquakes; providing humanitarian aid around the globe after major natural disasters; and supporting Presidential travel around the world. This dual mission, to provide lethal force and vital humanitarian aid, makes Dover critical to America's use of both hard and soft power and has made it all the more important that every generation serving at Dover carry on the tradition of excellence.

This year, Dover's tradition of excellence and the entire Dover team have been recognized with the Commander in Chief's Award. What does it mean to be the best base in the Air Force? It means that the entire Dover team has found innovative ways to make the absolute most of the resources they have. They have not only saved the taxpayers money, they have also given the warfighter more capability.

They have also been unstinting in giving back to the local community and the larger Delaware community. The Dover team is not just the air men and women serving on the base. It is also their families, civilians working on base, the businesses that support base operations and life, the State and local government that support base needs, and the entire Delaware military community working together to give the State and the Nation the very best.

Let me give you some examples from the seven categories that were considered in the competition. Keep in mind that all of these accomplishments occurred in 1 year. They were only possible because the people at Dover, despite full-time, 365/24/7 operations in support of Iraq and Afghanistan, constantly challenged themselves to do more and to do it better.

First, improvements to the infrastructure of the base and the working environment were considered.

Dover opened a state-of-the-art, $77.5 million Air Freight Terminal that increased cargo capacity and efficiency through Dover by 50 percent. The base also invested $53 million in a major runway improvement project and another $3.5 million to repair 183,000 square feet of taxiway, improving both the efficiency and safety of airfield operations. After a close analysis of their budget, the Dover team found $32 million to use for base improvements, including a $5 million renovation of a squadron operations building, C–5 recapitalization, and projects needed for the C–17 squadron setup. Thoughtful planning allowed Dover to keep the bed down of a new C–17 squadron on schedule because base personnel proactively made $780,000 necessary basic infrastructure improvements. In addition, they installed solar lights on the runways and reinforced the taxiway so that C–17 aircrews could do navigation training and combat off-load training.

Dover also improved security operations by installing over 450 removable bollards on the base, including some at the gate in a "Lazy S" curve to prevent reverse entry threats. The bollard installation reduced the force protection squadron's time spent on contracting by 50 percent, freeing them for security missions. Security was further enhanced by the installation of a $450,000 crash-rated airfield gate, U.S. Transportation Command's No. 1 priority for force protection, and by the use of radiological detection equipment to screen over 91,000 trucks in 1 year alone. This valuable equipment, valued at $150,000, was obtained by base personnel at no cost. In addition, by renovating the Security Forces firing range at a cost of $4.8 million, the base was able to increase the range's capacity by 15 percent and save 1,000 manhours per year.

Second, improvements to the quality of life on the base were considered.

Dover has pioneered Air Mobility Command's privatization effort for base housing. Dover built 240 homes in 2007 and was named the 2007 Outstanding Housing Installation Team-Privatized Location for the Air Force. The $250 million housing project is the benchmark for the command and will ultimately increase the housing standards for 980 families when complete in 2009. Dover's Services Squadron was recognized as Air Mobility Command's 2007 Youth Program of the Year and the Outdoor Recreation Program earned the Air Force's 5–Star Program Award. Quality of life for airmen was further enhanced by finalizing the design of a $13 million, 144-room dormitory that exceeds command standards and will be a model for other bases.

Keeping the Dover team, including families, healthy is critical to a high quality of life. Dover is the only base in the command with 100 percent of its pharmacy technicians nationally certified. In addition, the base was first in the command and third in the Air Force for flu immunization rates, at over 99 percent.

Third, efforts to enhance the productivity of the workforce were considered.

Dover has taken the lead role in reducing the time needed for Isochronal, ISO, inspections and, as a result, was made the regional center for all east coast C–5 Isochronal inspections in July of 2007. This is the first such regional facility in the Air Force. Historically, an ISO inspection took up to 38 days to complete. The 436th Maintenance Team reviewed the entire process to increase velocity while maintaining quality. This led the team to one record-breaking effort in which an ISO inspection was completed in only 13.2 days. These initiatives were also a key reason the 436th Maintenance Squadron won the 2006 Air Force Maintenance Effectiveness Award.

In order to reduce the time planes are on the ground, the 436th Maintenance Squadron did a complete review of how they maintained ground equipment. As a result, they were able to reduce the steps each mechanic takes from 763 to 73, saving 29.7 minutes per inspection, while reducing wait time by 34 minutes. They also saved 63.7 minutes per inspection or 26.54 manhours per year and vacated 17,660 square feet of floor space to be designated for other use. The cellular work design they came up with is considered the benchmark for such designs in the command and is a model of how the Air Force Smart Operations for the 21st century initiative and use of Lean Six Sigma, a process improvement approach first used in the private sector, can make better use of existing resources.

The Dover Operations Group improved throughput for aircraft by creating the only C–5 one-stop/jet-side service system in the Air Force. The Required Flight Manual, Flight Information Publications, weapons and tools needed by an aircrew for a mission are delivered directly to the aircraft. This reduces travel time by 20 minutes, allowing a 12-percent reduction in the C–5 launch sequence and providing more duty days for the crews to complete their missions.

Dover was able to reduce the amount of time needed to overhaul and rebuild C–5 jet engines, TF39, by 12 days, going from 75 to 63 days. The process improvement also allowed two production crews to be reassigned to other sections, regained five critical manning positions, and saved 36 manpower positions and $3.8 million in operating costs. On the whole, by reducing wasted motion for support equipment and tools, the 436th Maintenance Group has saved 73.3 annual man-days and expedited engine repairs so that they are done 5 days faster than the original standard and freeing 1,944 square feet of floor space for other work.

Another key initiative was the effort to ensure that Basic Post Flight inspections be done within 10 hours of mission completion. This initiative was begun in 2005 by the Dover Maintenance Group Commander and brought completion time down to 6 hours, a 40-percent improvement. The complete process review improved Home Station Logistics Reliability rate by 40 percent and overtime man hours were reduced by 75 percent. Overall, this means the team saved 23,000 labor-hours and $1.168 million. The mission benefits included the following: a reduced number of tail swaps, increased number of aircraft ready for flight, reduced number of late take-offs, and dramatically improved efficiency in the launch sequence of events.

The Dover team also ensured a seamless transition for the new C–17 squadron, ensuring that Dover's first C–17 was able to fly its first combat mission within 36 days of arrival. In the squadron's first month, they had a 100-percent on-time departure rate and a 99-percent mission capable rate.

In addition, once investigators were done with the 2007 C–5 crash scene, Dover personnel took the initiative to save and recover parts. Their efforts ensured that 127 parts were recovered, inspected, and restocked into the Air Force supply system, saving $7 million.

Fourth, increases in customer satisfaction or improvements in customer service were considered.

Today, Dover's key mission, or customer service, is to support operations in Iraq and Afghanistan. Twenty-seven percent of the entire Department of Defense airlift requirement last year went from Dover. The 3rd and 9th Airlift Squadrons flew more than 8,000 hours, with more than 2,000 combat hours and 460 combat missions. The two squadrons combined airlifted 59.4 million pounds of cargo and more than 12,000 passengers.

Dover is the second busiest en route airfield in the Department of Defense. It supported 3,000 en route missions in 2007 with a 95-percent departure reliability rate.

In addition, Dover assisted America's diplomatic efforts and the State Department by supporting foreign military sales to 32 countries, handling 85 missions and 950 tons of cargo.

The Dover team also made sure that it provided the best possible services to military personnel and their families on base. Access to mental health care was increased by 35 percent, despite a 40-percent decrease in manning. This exceeded the command's goal for access by 20 percent. In order to keep basic operations functioning, the Communications Squadron answered 99 percent of their 2,700 assistance requests within 2 days. That is 4 percent better than the Air Force standard.

In an effort to improve safety and provide instantaneous responses to emergencies with existing resources, the Civil Engineer Fire Department teamed with the Medical Group to provide 24/7 ambulance service. The Medical Group Airmen who provide ambulance response are now co-located at the emergency call center at the base Fire Department.

Fifth, efforts to encourage bottom-to-top communication and team problem solving were considered.

Dover has been a true leader in implementing Air Force Smart Operations for the 21st century. The key to the success of this initiative to make operations more streamlined and "lean" has been clear communication and a team approach. In recognition of this excellence, Dover has hosted numerous training sessions for units from five major commands, Air Force senior leaders, and for the Royal Air Force. Dover instructors have trained 4,200 students in Basic Lean Awareness including a program at the First Term Airmen Center.

Dover is the first base in the command to have two fully qualified level-2 facilitators. These facilitators certified seven level-1 facilitators and trained another 20 level-1 students. They have successfully made operations more efficient in over 50 areas in just 1 year. In addition, Dover's trainers ensured that 210 future Ramstein Air Force Base and Charleston Air Force Base facilitators understood the basics of lean initiatives. These efforts won the Dover team praise from the Logistics Director at Air Mobility Command Headquarters.

Sixth, the promotion of unit cohesiveness and the recognition of outstanding individual effort was considered.

The Dover team won two Department of Defense, one Secretary of the Air Force, 12 Air Force, and 93 Air Mobility Command Awards in 2006. In addition, they won the 2007 U.S. Small Business Administration Award for the State of Delaware. One critical example of why these awards were won is in antiterrorism, where they won command honors for the ninth consecutive year for best antiterrorism and force protection programs. Dover was able to obtain $1.2 million in Combating Terrorism Readiness Initiative Funds that it used to resolve installation vulnerabilities, resulting in winning the Department of Defense's Best Antiterrorism Operational Unit in 2006 and the Department of Defense's Best Antiterrorism Program Manager Awards for 2007. The Dover team won these awards by completing over 20 antiterrorism and force protection initiatives that created a hard target security signature. These efforts paid off by deterring Fort Dix terrorists from attacking Dover AFB. This event permeated Air Force culture and is commonly referred to as the "Dover Effect."

Seventh, the promotion of energy conservation and environmental safety, including compliance, remediation, and stewardship, was considered.

The maintenance squadron at Dover was able to dramatically improve the process for cleaning ground equipment while also making it more environmentally sound. Formerly all ground equipment had to be moved to a separate wash facility primarily used for aircraft. Through careful research, a completely self-contained wash system with zero environmental impact was selected, designed, and installed in the ground equipment facility. This decreased travel time from 190 hours to 12 hours a year, a 94-percent savings. This increased the capability and availability for ground equipment, alleviated contractual issues that had arisen with the old cleaning system, and reduced the chance for aircraft delays. The new process is environmentally friendly and captures, filters, and recycles all waste water.

Dover also received the 2006 Secretary of Defense Environmental Restoration Award for Best Environmental Restoration Program for its restoration of natural resources used to support the base's warfighting mission. Dover reached the Defense Department's environmental goals 4 to 8 years ahead of schedule. Activities at Dover Air Force Base which earned this award include, but are not limited to: obtaining regulator signatures on six Records of Decision for 39 sites in 6 months; achieving Response Complete status at 27 of Dover's 59 sites; opening up 54 acres of formerly restricted land for use in supporting the base's mission; and completing Remedial Designs and Work Plans for 17 sites in only 3 months.

In addition, Dover won the 2006 Air Force General Thomas D. White Environmental Award which recognizes the efforts of installations and individuals to improve environmental quality, restoration, pollution prevention, recycling, and conservation of natural and cultural resources. Dover is 6 years ahead of schedule in its environmental remediation program.

These are the areas that the selection committee looked at when it decided which base was the best in the Air Force this past year. It is obvious that in every area, the Dover team took seriously the challenge to improve base operations and the quality of life wherever possible. From the smallest process improvements to the largest investments in critical infrastructure, Dover personnel found ways to do more. The result is not just that they upheld the base's long tradition of excellence, they surpassed it. In so doing, they have truly given our Nation their best and have made me and every Delawarean proud. We have always known Dover is the best in the Air Force. It is time the rest of the Nation knew about your excellence.

Congratulations, Dover Air Force Base!

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIREFIGHTERS KILLED IN COLORADO

Mr. SALAZAR. I come to speak in regard to three firefighters killed in the State of Colorado in the last day and a half. These three firefighters are part of the legion of first responders who make sure they are keeping us safe day in and day out. In Colorado, in the last day we have had three significant fires that have broken out: one in Crowley County, one in El Paso County in Fort Carson, and a third in Garfield and Pitkin Counties in Carbondale.

The fire in Crowley County, we had two volunteer firefighters who gave their lives fighting that fire. They are John Schwartz and Terry DeVore. To them, their families, we appreciate their sacrifice, serving as first responders often do, putting their lives on the line to make sure communities are protected.

In the case of Gert Marais, who was fighting the fire at Fort Carson and whose plane crashed while he was fighting the fire, to his family we also send our condolences and appreciation.

These are unusual fires for us in Colorado. Usually we get to fire season during the dry times of July and August, September and October. This year in particular we have had moisture that is on average about 200 percent over a normal year in all of our southern river basins, which is seemingly unprecedented. But the fires have been driven by high winds, and the damage has been significant.

In Ordway in Crowley County, a rural and remote part of our State, much of the town of Ordway has been devastated; 1,100 people who live in the town had to be evacuated because of the fire. I have been in Crowley County and Ordway many times in my public life. It is one of those counties in Colorado which is part of that forgotten America. It is rural and very remote. Thousands upon thousands of acres of land within Crowley County have been dried up as the water that irrigated those fields has been taken to so-called higher economic uses of the city, the cities of Pueblo, and Colorado Springs, and the Denver metropolitan area.

It is this fire that caused extensive damage to the town of Ordway and has also created the devastation.

I am certain the 1,100 citizens of Ordway, as devastated as they are in the aftermath of the fire, are also very rich and powerful in spirit. With that power of spirit, they will rebuild the town and the community. I will be there, along with my colleagues, to do everything we can to help them rebuild.

I appreciate the efforts of Governor Ritter and the Federal agencies that have been so responsive to the issues created by these fires in Colorado.

VISIT OF POPE BENEDICT

I also rise to speak concerning the Pope's visit to America. This morning, along with many of my colleagues in the Senate, I participated in greeting the Pope upon his arrival at the White House with President and Mrs. Bush.

It is a momentous occasion for all of us who come from a Roman Catholic tradition to have Pope Benedict visit America. It is our hope that as he comes to Washington and then goes to New York and visits Ground Zero and also addresses the United Nations, one of the things the Pope will do is to talk about what he is here to do, and that is to talk about how it is that we are one global community. As we deal with the issues that confront our world today, whether they relate to terrorism or poverty, disease or the issue of global climate change, at the end of the day it is important to recognize that the hope and optimism of humanity is bound up in how we work together as one people. It is a message of hope and optimism.

We have looked forward to his visit to America and to the inspiration that he will give to 300 million Americans, as well as the over 50 million Catholics we have in the United States.

Some years ago, in 1993 and 1994, we prepared for and held World Youth Day where Pope John Paul II came to the United States and visited many of us in Colorado. He had a mass at Cherry Creek State Park which was attended by over 500,000 young Americans from throughout the United States as well as the world. It was a celebration of World Youth Day in Denver. It was characterized as one of the most peaceful gatherings of a crowd that size in the history of the State, a crowd that size, in terms of the peacefulness of it, probably in the United States. It left a legacy not only in Colorado but across the United States and the world about the hope and optimism that we see in America and in the world, so much of it through the eyes of our young people.

Today, for me, as I greeted the Pope in Washington, DC, at the White House, I was reminded about the hope and optimism which is part of the legacy John Paul II left when he came to visit in Colorado now some 15 years ago.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER.) Without objection, it is so ordered.

Mrs. BOXER. Mr. President, the majority leader will be coming out shortly to let Members know what is happening. But I can tell everybody that this bill is being slow walked. This is a simple bill. This is a mini-economic stimulus bill. It would release $1 billion of highway trust fund moneys to build roads, to fix bridges, to run transit systems, and it got caught up in Presidential politics, investigations—everything you can think of—while the people wonder what we are doing.

This bill, simple as it is, would create about 50,000 new jobs at a time when we know—it is worse than a middle-class squeeze. It is really a middle-class struggle that is going on, and people are worried. They are worried about their homes, they are worried about everything, and this bill will create jobs.

So what we have is a classical slowdown, with Presidential politics being involved dealing with the gas tax that funds the highway trust fund. That is fine, but just let everybody know from where it is coming. The only amendments to this bill—the only amendments—come from the Republican side. I offered one as a side-by-side to Senator COBURN's, which I think is a good amendment. My amendment will not bring down this bill. Others will.

Here is where we are. We have a simple bill. It passed a year ago in the House. It passed, I believe it was June of 2007, under the leadership of Senator INHOFE. Actually, it was under my leadership but with the work of Senator INHOFE, both of us working together, bipartisan, bicameral.

I want to show you, Mr. President, who is strongly supporting this bill: the American Association of Highway and Transportation Officials, that is departments of transportation officials of all 50 States; the American Highway Users Alliance, millions of highway users throughout the country; the American Public Transit Association, transit systems from across the country; the American Road and Transportation Builders Associations, more than 5,000 members of the transportation construction industry; Associated General Contractors, more than 32,000 contractors, service providers, and suppliers; the Council of University Transportation Centers, more than 30 university transportation centers from across the country; the National Stone, Sand and Gravel Association, companies producing more than 92 percent of crushed stone and 75 percent of sand and gravel used in the U.S. annually; the National Asphalt and Pavement Association, more than 1,100 companies that produce and pave with asphalt.

These are real people who are willing, ready, and able to build and rebuild our infrastructure, to build and rebuild our transit systems. This bill is a no brainer. Instead, it is caught up in all of these negotiations right now. Whether we vote tonight or not, we are going to find out soon enough from Senator REID. But, Mr. President, let me say to my colleagues on both sides of the aisle, Senator INHOFE and I really wanted to get them a good bill. Senator INHOFE and I really wanted to get this work done quickly. We did all our homework. We put everybody's name on the Web site, so we complied with the new ethical rules. Senator DEMINT said he was very pleased with the standard we set for transparency.

These projects are ready to go. They are ready to go in Brooklyn, they are ready to go in Manhattan, they are ready to go in San Francisco, they are ready to go in Atlanta, and they are ready to go in Oklahoma. They are ready to go in every State of the Union. I say to all these good people who told us how much they want this bill to move: Please contact the Republican leadership and tell them to play Presidential politics another day with amendments that are not germane, with amendments that don't belong on this bill. Today pass this legislation.

There is too much talk around here and not enough action. We passed a stimulus bill. We did it in a bipartisan way, but we all know there is more to be done. This little bill will create tens of thousands of good-paying jobs in America, doing something that has to be done. But, no, we cannot finish it. We had one vote so far on an amendment by Senator DEMINT. We defeated it, which was important because it was a killer amendment. It says to me people want this bill.

This is the status. We are waiting for some type of agreement. This whole thing is being slow walked. We look forward to hearing from the majority leader as to whether there will be any more votes this evening. But as far as this Senator is concerned—I know I speak for Senator INHOFE—we want to get this bill done. But people are slow walking this bill. We are going to do our best to see if we can get this logjam stopped. But at this point, we have not been able to do it.

Tens of thousands of jobs are in jeopardy, and 500 various transit projects already paid for are in jeopardy. What a shame we cannot go forward. What a shame we are in another slowdown by my friends from the other side of the aisle. It is very discouraging.

Again, as the eternal optimist, I will return to this place tonight, if we can continue working, or tomorrow after we come in after we pay our respects to the Pope.

MORNING BUSINESS

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak up to only 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE POLICY

Mr. BROWN. Madam President, there has been a lot of controversy in the last couple of weeks about the President's sending the Colombia so-called free trade agreement to the House of Representatives. Under this unusual law, there is something called fast track procedure. Fast track procedure—this is a lot of inside baseball—changes the way we do business in the House and Senate. Trade law is the only issue that changes the way that we do business. On no other issue that comes in front of the House and Senate, except the budget, are there limits on amendments, are there limits on required up-or-down votes, timetables—all of that. The Senate rules do not apply on that legislation. It is the only time—in part because of who has written trade policy in this country in the last 20 years.

We have seen trade agreements that always look out for the interests of the drug industry, look out for the interests of the insurance industry, of banking interests, of energy interests. But we have not seen trade policy written in this country, negotiated by the President of the United States, the U.S. Trade Representative, that has shown any of the same concern for workers, for the environment, for food safety, for the safety of consumer products. That is why we have seen what happened with all the toys that came into this country from China. It should not have been a surprise to us that at Eastertime, that at Christmas, that at Halloween last year, that consumer products, especially toys for small children, came into this country that were dangerous. It should not have surprised us because it was somewhat inevitable because of the way we do trade policy in this country.

Professor Jeff Weidenheimer, a professor of chemistry at Ashland University, about 10 miles from where I grew up in north central Ohio, took his class to test children's toys last fall at Halloween and then did it again at Christmas and did it again at Easter. In case after case, they would go to a toy store or a discount store and they would buy a bunch of toys, very inexpensive toys, and they would test them for lead. Every one of these batches of toys had significant numbers of toys that had lead content—lead in the paint that covered these toys—lead content way above on average what is considered safe. What is considered safe is about 600 parts per million. These were, in some cases, thousands of parts per million.

What should not surprise us about that is the way we set up trade policy in this country. We don't write trade policy to protect our children or to protect our communities or to protect our workers. We don't write trade policy to protect our food supply. We write long trade agreements—this isn't one, but I have to gather these papers to show how long they are. We pass trade policies that are this long. If we wanted to eliminate tariffs, we would pass trade policies that are this long. You could write a schedule of eliminating tariffs in the Colombian free trade agreement of 2 or 3 pages. Instead, we write agreements that are hundreds, if not in some cases over a thousand pages, because they are full of protections—not for workers, not for communities, not for children, not for our kitchen tables, our families—but these are trade policies that are chockfull of protections for the drug industry, the insurance industry, the oil companies, the banks. That is what our trade policy is all about. That is why.

Go back to Jeff Weidenheimer's class at Ashland University and look what happened. American companies decide they are going to shut down in this country because they would rather pay Chinese workers low wages and not have environmental laws and not have worker safety laws and not have to worry about consumer protection laws, so they shut down plants such as Huffy Bicycle in Sidney, OH, and they move to China where it is a whole lot cheaper. You don't have to worry about treating Chinese workers well because they are disposable. They did have to worry about treating American workers well, frankly, because many of them were union, and even if they were not, we have consumer protection laws, safe drinking water, clean air, environmental laws—all of those kinds of things. So these companies in Ohio and in the State of Washington where the Presiding Officer is from, all over our country, these companies shut down and they move to China.

A company such as Hasbro, a toy manufacturer, moves their production to China. Hasbro then subcontracts with a Chinese company, they subcontract their work. They go to a country, China, that does not have the same environmental safety, worker safety, consumer safety, and wages we have in this country, and then they deal with Chinese contractors and they push those Chinese contractors to cut costs: You have to cut costs; you have to cut costs. Every year they cut costs over the year before, because that is good business. These American companies, when they outsource their jobs to China, force those Chinese contractors to cut costs.

Do you know what happens? They use lead-based paints. Do you know why? Because lead-based paint is cheaper to apply, it is cheaper to buy, it dries faster. These toys, then, all of a sudden, instead of having a coating that is safe for little children instead now have a coating that has lead base in them, making them dangerous to children. But they do that because these American companies are pushing these subcontractors to cut costs.

Forgetting for a moment—because these American companies don't seem much to care and the Chinese contractors don't seem to care much—forgetting for a moment these people in China are working in these factories and are probably ingesting all kinds of toxic lead themselves—forget that for a moment, as bad as that is. These toys then come back to the United States. Do you know what the Bush administration did? The Bush administration has weakened consumer protection laws and cut the number of inspectors so these products come through the American regulatory system that used to be the best regulatory system, the best consumer product safety system in the world, the best Food and Drug Administration system in the world—agencies that protected consumer products, about toys, especially—and agencies that protected food products that came into this country. And what do we end up with? We end up with toxic toys coming to our children's bedrooms, we end up with contaminated vitamins and other contaminated food coming into our kitchens. That is the result of American trade policy. It doesn't look out for our families, it doesn't look out for our children, it doesn't look out for our workers, it doesn't look out for our communities. Instead, it looks out for the drug companies, it looks out for the big toy manufacturers, it looks out for the big insurance companies, it looks out for the banks, it looks out for the oil industry. That is what is wrong with our trade policy.

President Bush's answer is let's send another free trade agreement to the Senate, to the House of Representatives, the Colombia free trade agreement. It is more of the same. It will not work.

The last point, Madam President, and I think we are pretty ready to adjourn for the night. When I came to Congress—I was elected the same year the Presiding Officer was elected, 1992—we had a $38 billion trade deficit. That means our country bought $38 billion more than our country sold to other countries around the world. Today, that trade deficit exceeds $800 billion—from $38 billion to $800 billion in a decade and a half. President Bush the First said for every $1 billion trade surplus or trade deficit, it amounted to 13,000 jobs. That means if we had a $1 billion trade surplus, if we were selling more than we were bringing in, it meant 13,000 net gain of jobs in country. If we had a $1 billion trade deficit, it meant we bought $1 billion more than we sold, we had a 13,000 jobs net loss. We have an $800 billion plus trade deficit. Do the math. Think about that.

As we adjourn for the evening, think about what this trade policy is doing. It continues to fail the American people, continues to fail our communities, and it kind of begs the issue about which Albert Einstein once said: The definition of insanity is to do the same thing over and over and expect a different result.

We are getting the same result. It hurts our communities, it doesn't protect our families—consumer protection and food safety and all of that. These trade agreements are a bad idea. We can fix them. I, like Senator DORGAN, who has spoken on the floor many times about this, want more trade. We want plenty of trade. We just want it under a very different set of rules, rules that protect our families, protect our communities, that protect our workers—not just protecting the drug industry and the oil industry and the energy companies and those toy manufacturers that sort of forget about the safety of our children.

HONORING OUR ARMED FORCES

Mrs. BOXER. Madam President, today I rise to pay tribute to 19 young Americans who have been killed in Iraq since November 6, 2007. This brings to 831 the number of servicemembers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 21 percent of all U.S. deaths in Iraq.

SPC Peter W. Schmidt, 30, died on November 13, in Mukhisa, Iraq, of wounds suffered when an improvised explosive device detonated during dismounted combat operations. Specialist Schmidt was assigned to the 2nd Battalion, 23rd Infantry Regiment, 4th Stryker Brigade Combat Team, 2nd Infantry Division, Fort Lewis, WA. He was from Eureka, CA.

SSgt Alejandro Ayala, 26, died November 18, of injuries sustained as a result of a vehicle accident in Kuwait. Staff Sergeant Ayala was assigned to the 90th Logistics Readiness Squadron, F.E. Warren Air Force Base, WY. He was from Riverside, CA.

SGT Kyle Dayton, 22, died December 3 in Ashwah, Iraq, of injuries suffered from a noncombat-related incident. Sergeant Dayton was assigned to the 2nd Battalion, 504th Parachute Infantry Regiment, 1st Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from El Dorado Hills, CA.

CPO Mark T. Carter, 27, died December 11 as a result of enemy action while conducting combat operations in Iraq. Chief Petty Officer Carter was permanently assigned as an East Coast-based Navy SEAL. He was from Fallbrook, CA.

PFC George J. Howell 24, died December 21 in Riyadh, Iraq, of wounds suffered when his vehicle was attacked by an improvised explosive device. Private First Class Howell was assigned to the 1st Battalion, 87th Infantry Regiment, 1st Brigade Combat Team, 10th Infantry Division, Light Infantry, Fort Drum, NY. He was from Salinas, CA.

SGT Benjamin B. Portell, 27, died December 26 in Mosul, Iraq, of wounds suffered from small arms fire during dismounted combat operations. Sergeant Portell was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, III Corps, Fort Hood, TX. He was from Bakersfield, CA.

PFC Ivan E. Merlo, 19, died in Samarra, Iraq, on January 9, of wounds sustained during combat operations. Private First Class Merlo was assigned to the 2nd Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division, Air Assault, Fort Campbell, KY. He was from San Marcos, CA.

SGT David J. Hart, 22, died in Balad, Iraq, on January 9, of wounds sustained during combat operations in Samarra, Iraq. Sergeant Hart was assigned to the 2nd Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division, Air Assault, Fort Campbell, KY. He was from Lake View Terrace, CA.

SGT James E. Craig, 26, died from wounds suffered when his unit encountered an improvised explosive device during convoy operations on January 28, in Mosul, Iraq. Sergeant Craig was assigned to the 1st Battalion, 8th Infantry Regiment, 3rd Brigade Combat Team, 4th Infantry Division, Fort Carson, CO. He was from Hollywood, CA.

PFC Brandon A. Meyer, 20, died from wounds suffered when his unit encountered an improvised explosive device during convoy operations on January 28 in Mosul, Iraq. Private First Class Meyer was assigned to the 1st Battalion, 8th Infantry Regiment, 3rd Brigade Combat Team, 4th Infantry Division, Fort Carson, CO. He was from Orange, CA.

SGT Timothy P. Martin, 27, died February 8 in Taji, Iraq, of wounds suffered when his vehicle encountered an improvised explosive device. Sergeant Martin was assigned to 2nd Squadron, 14th Cavalry Regiment, 2nd Stryker Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI. He was from Pixley, CA.

SPC Michael T. Manibog, 31, died February 8 in Taji, Iraq, of wounds suffered when his vehicle encountered an improvised explosive device. Specialist Manibog was assigned to 1st Battalion, 21st Infantry Regiment, 2nd Stryker Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI. He was from Alameda, CA.

LCpl Drew W. Weaver, 20, died February 21 while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Weaver was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

CPL Jose A. Paniagua-Morales, 22, died March 7, in Balad, Iraq, of injuries sustained in Samarra, Iraq, when an improvised explosive device detonated near his vehicle. Corporal Paniagua-Morales was assigned to C Company, 4th Battalion, 9th Infantry Regiment, 2nd Infantry Division, Fort Lewis, WA. He was from Bell Gardens, CA.

PVT George Delgado, 21, died March 24 in Baghdad, Iraq, from wounds suffered when his vehicle encountered an improvised explosive on March 23. Private Delgado was assigned to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Palmdale, CA.

MAJ William G. Hall, 38, died March 30 from wounds he suffered while conducting combat operations in Al Anbar Province, Iraq, on March 29. Major Hall was assigned to 3rd Low Altitude Air Defense Battalion, Marine Air Control Group 38, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Richard A. Vaughn, 22, died April 7, in Baghdad, Iraq, from wounds suffered when enemy forces attacked using a rocket propelled grenade, improvised explosive device and small arms fire. Sergeant Vaughn was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from San Diego, CA.

SGT Timothy M. Smith, 25, died April 7, in Baghdad, Iraq of wounds suffered when his vehicle encountered an improvised explosive device. Sergeant Smith was assigned to the 4th Brigade Special Troops Battalion, 4th Brigade Combat Team, 10th Mountain Division, Light Infantry, located at Fort Polk, LA. He was from South Lake Tahoe, CA.

TSgt Anthony L. Capra, 31, died April 9, near Golden Hills, Iraq, of wounds suffered when he encountered an improvised explosive device. Technical Sergeant Capra was assigned to Detachment 63, 688 Armament Systems Squadron, Indian Head City, MD. He was from Hanford, CA.

I would also like to pay tribute to the eight servicemembers from California who have died while serving our country in Operation Enduring Freedom since November 6.

SPC Lester G. Roque, 23, died November 10 of wounds sustained when his patrol was attacked by direct fire from enemy forces in Aranus, Afghanistan, on November 9. Specialist Roque was assigned to 2nd Battalion, 503rd Airborne Infantry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy. He was from Torrance, CA.

SPC Sean K. A. Langevin, 23, died November 9 of wounds sustained when his patrol was attacked by direct fire from enemy forces in Aranus, Afghanistan. Specialist Langevin was assigned to 2nd Battalion, 503rd Airborne Infantry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy. He was from Walnut Creek, CA.

First Lieutenant Matthew C. Ferrara, 24, died November 9 of wounds sustained when his patrol was attacked by direct fire from enemy forces in Aranus, Afghanistan. First Lieutenant Ferrara was assigned to 2nd Battalion, 503rd Airborne Infantry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy. He was from Torrance, CA.

SGT Phillip A. Bocks, 28, died November 9 while conducting combat operations in Aranus, Afghanistan. Sergeant Bocks was assigned to Marine Corps Mountain Warfare Training Center, Bridgeport, CA.

SrA Nicholas D. Eischen, 24, died December 24, in Bagram Air Base, Afghanistan, in a noncombat-related incident. Senior Airman Eischen was assigned to the 60th Medical Operations Squadron, Travis Air Force Base, CA. He was from Sanger, CA.

SGT James K. Healy, 25, died at Jalalabad Airfield, Afghanistan, of wounds sustained when his vehicle struck an improvised explosive device on January 7, in Laghar Juy. Sergeant Healy was assigned to the 703rd Explosive Ordnance Detachment, Fort Knox, KY. He was from Hesperia, CA.

SGT Robert T. Rapp, 22, died March 3, in the Sabari District of Afghanistan, of wounds suffered during combat operations. Sergeant Rapp was assigned to the 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from Sonora, CA.

SGT Gabriel Guzman, 25, died March 8 at Orgun E, Afghanistan, of wounds suffered when his vehicle encountered an improvised explosive device in Gholam Haydar Kala, Afghanistan. Sergeant Guzman was assigned to the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from Hornbrook, CA.

May all these brave soldiers, brave marines, brave Navy SEALs and sailors, brave airmen—brave all—may they rest in peace. I wish to say that if you come to my office in the Hart Building, before you enter, I have listed on big charts the names of all the individuals who are either from California or assigned in California, and if they passed, they are on that listing. We started with one enormous chart, then two, three, and four. I am sad to say it is growing.

The reason I wished to mention their names on the floor is because sometimes we tend to just look at numbers—and we should—but behind those numbers are our children. I am a grandmother. I ache every time I sign a letter. Every single one of these brave Americans died doing something they wanted to do for their country. Their Commander in Chief sent them into battle, so of course not one of them has died in vain. But I want to do all I can—and I say this from my heart—to ensure that when we get into a conflict, we know there is a way out and that we can bring these conflicts to an end as soon as possible because so many sacrifices are being made, and no more so than the loss of America's finest.

SERGEANT HEATHER SPRINGER

Mr. NELSON of Nebraska. Madam President, I rise today to honor Nebraska Army National Guard Sergeant Heather Springer, in recognition of receiving the Army Veterans' Association Medic of the Year award and the Bronze Star Medal for Valor.

Sergeant Springer is a native of Lincoln, NE, and currently attends the University of Nebraska Medical Center College of Nursing. She joined the Nebraska Army National Guard on April, 8, 2004, and served with the 313th Ground Ambulance and 110th Medical Battalion. On March 1, 2006, Sergeant Springer transferred to Charlie Company 2-135 General Support Aviation Battalion, 36th Combat Brigade, to become a flight medic. Soon after, she was deployed to Iraq in Diyala Province in support of Operation Iraqi Freedom.

On July 15, 2007, Sergeant Springer was transported to a landing zone where several U.S. soldiers had been struck by a roadside bomb. While conducting treatment for a critically injured soldier, her team suddenly came under enemy fire. She immediately secured the wounded soldier she was attending to and then moved 10 meters to a second wounded soldier, willingly exposing herself to open fire. During this hostile situation, Sergeant Springer remained composed and demonstrated assertive judgment by concluding that the wounds sustained by the first soldier were more critical. She determinedly led part of her team through 60 meters of open road, completely susceptible to enemy fire, to secure the soldier inside a Black Hawk helicopter. Once inside the helicopter, Sergeant Springer noticed that the second wounded soldier she had attended to was being moved towards the helicopter, and instantly moved to help safely transport the soldier aboard the aircraft.

Sergeant Springer displayed remarkable courage and selflessness while placing her own life at risk. These two wounded warriors are alive today as a direct result of her steadfastness and superb medical skills. The DUSTOFF—Dedicated Unhesitating Service to Our Fighting Forces—Association recently awarded her the DUSTOFF Medic of the Year award. The DUSTOFF Association is a nonprofit organization for the Army Medical Department's enlisted and officer personnel, aviation crew members, and others who have actively supported Army aeromedical evacuation programs in war or in peacetime.

Sergeant Heather Springer's admirable performance in Iraq led her to become the second woman in Nebraska National Guard history to receive the Bronze Star Medal for Valor. I wish Sergeant Springer all the best as she pursues her education in nursing school, and join all Nebraskans in honoring the heroism of this exceptional soldier.

ONE-YEAR ANNIVERSARY OF VIRGINIA TECH TRAGEDY

Mr. WARNER. Madam President, 1 year ago today, the horrific shootings at Virginia Tech claimed 32 innocent lives.

In remembrance of the lives of promise that were forever lost that shocking day, I would simply like to read each of their names into the CONGRESSIONAL RECORD: Ross A. Alameddine; Christopher James Bishop; Brian R. Bluhm; Ryan Christopher Clark; Austin Michelle Cloyd; Jocelyne Couture-Nowak; Daniel Alejandro Perez Cueva; Kevin P. Granata; Matthew Gregory Gwaltney; Caitlin Millar Hammaren; Jeremy Michael Herbstritt; Rachael Elizabeth Hill; Emily Jane Hilscher; Jarrett Lee Lane; Matthew Joseph La Porte; Henry J. Lee; Liviu Librescu; G.V. Loganathan; Partahi Mamora Halomoan Lumbantoruan; Lauren Ashley McCain; Daniel Patrick O'Neil; Juan Ramon Ortiz-Ortiz; Minal Hiralal Panchal; Erin Nicole Peterson; Michael Steven Pohle, Jr.; Julia Kathleen Pryde; Mary Karen Read; Reema Joseph Samaha; Waleed Mohamed Shaalan; Leslie Geraldine Sherman; Maxine Shelly Turner; Nicole Regina White.

The day after the shooting, I mourned with the campus community at a convocation held on the campus of Virginia Tech. While the mourning of that tragic day continues for all of us, in the past year the Tech family has come together to support each other in a way that all of America admires. I know that those who have suffered most in the tragedy, and their families, remain in the thoughts and prayers of not only all Hokies, but indeed Americans across the country.

JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, Senate Democrats have worked hard to make progress on judicial nominations. That hard work has paid off, with circuit court vacancies at less than half of what they were when President Clinton left office. The majority leader last week was right to call the Republican complaints chutzpah.

Yesterday, the Michigan Senators and I were able to overcome a long impasse lasting more than a decade over vacancies on the Sixth Circuit. I have long urged the President to work with the Michigan Senators, and, after 7 years, he finally has. With his nomination of Judge Helene White of Michigan, we have a significant development that can lead to filling the last two vacancies on the Sixth Circuit before this year ends.

Our actions in resolving this impasse stands is sharp contrast to action of Senate Republicans who refused to consider any nomination to the Sixth Circuit Court of Appeals in the last 3 years of the Clinton administration, leaving open four vacancies. Thanks to the hard work of Senator LEVIN and Senator STABENOW, we are now poised to fill them all.

Judge White was initially nominated 11 years ago, but her nomination was 1 of the more than 60 judicial nominees the Republicans pocket filibustered. After literally years of work, her renomination yesterday allows us to move forward with the support of the Senators from Michigan. I plan to consider the Sixth Circuit nominations as quickly as possible.

We are also poised to make progress to end a long impasse on the Fourth Circuit with the pending nomination of Steve Agee of Virginia. After insisting on nominating a series of contentious and time-consuming choices such as Jim Haynes, Claude Allen and Duncan Getchell, a nomination that was not supported by either the Republican Senator or the Democratic Senator from Virginia, the President this year has finally chosen to work with Senator WARNER and Senator WEBB. I have already said that I expect to hold the confirmation hearing on the Agee nomination as soon as the paperwork is completed. If we are able to confirm Steve Agee, there will be fewer Fourth Circuit vacancies than there were at the end of the Clinton administration.

Just last week, on a day when the Republicans chose to ignore the pressing problems affecting the lives of the American people and vent over judicial nominations, the Senate proceeded on schedule to confirm another five lifetime judicial appointments, including that of Catharina Haynes to fill the last vacancy on the Fifth Circuit. Similar to yesterday's progress with nominations to the Sixth Circuit, this stands in marked contrast to consideration of nominations to that court during the Clinton administration. At that time, the Republican-controlled Senate refused to consider nominees for the last 4 years of the Clinton administration, while the Chief Judge of the Fifth Circuit declared a circuit-wide emergency. Today, there are no vacancies on the Fifth Circuit.

I have said for 8 years that if the President is willing to work with us and consult in the constitutionally mandated process of advice and consent, we can make significant progress. When he does so, as he has recently with respect to Virginia and now Michigan, I have commended him. I do so again today.

It has taken years. It has taken effort. It has taken the steadfastness of

Senators LEVIN and STABENOW. Today we can all take heart that we have broken through a decade's old impasse. Others have tried but been unsuccessful. I know that Senator HATCH tried and Senator SPECTER tried. We are succeeding. We are succeeding because we have not been distracted by politically driven fights but stayed focus on making real progress. Even now, while others insist on fussing and fighting, I am working to continue to make progress where we can.

We have already cut the circuit court vacancies more than in half. Today circuit court vacancies stand at 12, the lowest number of such judicial vacancies in more than a decade, indeed since the Republican effort to stall President Clinton's nominees and increase circuit court vacancies. By the end of President Clinton's administration, the Republican majority in the Senate had expanded those vacancies from 12 to 26. When I began the consideration of President Bush's nominees in the summer of 2001, circuit court vacancies stood at 32 and overall vacancies topped 110. Yet we get no credit or even acknowledgement from the Republican side of the aisle for all our efforts and accomplishments in cutting those vacancies. In fact, we are being penalized for doing a good job early and not following their pattern of building up massive vacancies before allowing nominations to proceed.

While I continue to process nominations in the last year of this President's term, we have already lowered the vacancies in the Second Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit, and the Federal Circuit. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate, some numbering as high as five. Both the Second Circuit and the Fifth Circuit now are without a single vacancy after last week's confirmation of Judge Catharina Haynes. Circuits with no vacancies also include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. That is five circuits without a single vacancy due to our efforts. Indeed, the only circuit that has more vacancies than it did at the end of the Clinton administration is the First Circuit, which has gone from no vacancies to one. The other three circuits, the Third, the Fourth and the Seventh have the same number of vacancies today that they had at the end of the Clinton administration. When we take action on the Agee nomination from the Fourth Circuit, even that circuit will be in an improved posture.

I am trying to make significant progress. I have made sure that we did not act as Republicans did during the Clinton administration when they pocket filibustered more than 60 judicial nominations and voted lock step against the confirmation of Ronnie White. I am also mindful that their bad behavior not simply be forgotten, and thereby rewarded. They have yet to acknowledge responsibility and accept any accountability for their actions. We have not engaged in a tit-for-tat. Rather, by cutting the vacancies as we have, we have taken a giant step toward resolving these problems, just as we are now on course to resolve the longstanding impasse in the Sixth Circuit. We have acted more fairly. I hope to be able to complete the restoration of the confirmation process during the next President's administration. We will then have overcome years of partisan rancor.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of September 9, 2007, a gay man was walking home when he was attacked near the Georgetown University campus. According to the victim, two men at a college party began following him while yelling homophobic slurs. As the victim turned a corner, one of the men began punching him in the head, resulting in cuts and bruises to his face, and a broken thumb. The victim immediately reported the incident to the Georgetown campus police. The attack was investigated as a bias-related crime based on the victim's sexual orientation and the circumstances of the attack. However, the Washington, DC, Metropolitan Police Department has charged Philip Cooney, a 19-year-old Georgetown sophomore, with simple assault.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FOREIGN POLICY VISION

Mr. CARPER. Madam President, I wish to bring to the attention of my colleagues a speech that my good friend and fellow Delawarean JOE BIDEN delivered yesterday at Georgetown University. In his remarks, Senator BIDEN eloquently laid out a foreign policy vision for Democrats and outlined what is at stake for our country in the years ahead. I urge my colleagues to read Senator BIDEN's speech, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

When people say "this is the most important election in my lifetime," they're right.

So much is at stake. The physical security of our children. The retirement security of our parents. The economic and health security of our families. And, above all else, the national security of our country, which is a President's first responsibility.

I start from a simple premise: we cannot afford another four years of Republican stewardship of our nation's security.

After eight years of the Bush Administration, our country is less secure and more isolated than it has been at any time in recent history. This administration has dug America into a very deep hole—with very few friends to help us climb out.

It doesn't have to be this way. The next President will have an awesome responsibility—but also the greatest opportunity since FDR—to change the direction of our country * * * and the world.

It starts with a much clearer understanding of how the world has changed over the past two decades. As Yeats wrote in "Easter 1916," our world has "changed utterly, a terrible beauty has been born."

The emergence of China and India as major economic powers. The resurgence of Russia floating on a sea of oil. A unifying Europe. The spread of dangerous weapons and lethal diseases. The shortage of secure sources of energy, water and even food. The impact of climate change. Rising wealth and persistent poverty. A technological revolution that sends people, ideas and money hurtling around the planet at ever faster speeds. The challenge to nation states from ethnic and sectarian strife. The struggle between modernity and extremism.

That's a short list of the forces shaping the 21st century. No one country can control these forces, but more than any other country, we have an ability to affect them—if we use the totality of our strength.

Our military might and economic resources are necessary but not sufficient to lead us into this new century. It is our ideas and ideals that will allow us to exert the kind of leadership that persuades others to follow and to deal effectively with these forces of change.

Over the next few months, I'll speak in detail about how Democrats will exert that kind of leadership.

For today, I want to concentrate on this administration. It has squandered our ability to shape this new world. It has put virtually all of these issues on the back burner, failing to devote the intellectual capital and constant effort they require. It has destroyed faith in America's judgment. And it has devalued America's moral leadership in the world.

Instead, this administration has focused to the point of obsession on the so-called "war on terrorism" and produced a one-size-fits-all doctrine of military preemption and regime change ill suited to the challenges we face.

It has made fear the main driver of our foreign policy. It has turned a deadly serious but manageable threat—a small number of radical groups that hate America—into a ten-foot tall existential monster that dictates nearly every move we make.

Even if you look at the world through this administration's distorted lens, you see a failed policy. This failure flows from a dangerous combination of ideology and incompetence and a profound confusion about whom we're fighting.

It starts with the very language the President has tried to impose: "the global war on terror." That is simply wrong. Terrorism is a means, not an end, and very different groups and countries are using it toward very different goals. If we can't even identify the enemy or describe the war we're fighting, it's difficult to see how we will win.

The most urgent threat is the intersection of the world's most radical groups—like Al Qaeda—with the world's most lethal weapons.

But we also must confront groups that use terror not to target us directly, but to advance their own nationalistic causes. We must deal with outlaw states that support them and otherwise flout the rules. We must face a civil war in Iraq, a renewed war for Afghanistan, and an ideological war for the future of Pakistan. We must help resolve a historic conflict between Arabs and Israelis.

And we must contend with Iran, especially its efforts to acquire the capacity to build a nuclear weapon.

This administration spent five years fixated on changing the Iranian regime. No one likes the regime, but think about the logic: renounce the bomb—and when you do, we're still going to take you down. The result is that Iran accelerated its efforts to produce fissile material and is closer now to the bomb than when Bush took office.

Instead of regime change, we should focus on conduct change. We should make it very clear to Iran what it risks in terms of isolation if it continues to pursue a dangerous nuclear program but also what it stands to gain if it does the right thing.

That will require keeping our allies in Europe, as well as Russia and China, on the same page as we ratchet up pressure. But it also means doing much more to reach out to Iran—including through direct talks—to exploit cracks within the ruling elite and between Iran's rulers and its people, who are struggling economically and stifled politically. The Iranian people need to know that their government, not the United States, is choosing confrontation over cooperation.

Saber rattling is the most self-defeating policy imaginable. It forces Iranians who despise the regime to rally behind their leaders and spurs instability in the Middle East, which adds to the price of oil, with the proceeds going right into Tehran's pockets. The worst nightmare for a regime that thrives on isolation and tension is an America ready, willing and able to engage. It's amazing how little faith this administration has in the power of America's ideas and ideals.

All these fronts throughout the Middle East and South Asia are connected. But this administration has wrongly conflated them under one label, and argued that success on one front ensures victory on the others. It has lumped together, as a single threat, extremist groups and states more at odds with each other than with us. It has picked the wrong fights at the wrong time, failing to finish a war of necessity in Afghanistan before starting a war of choice in Iraq.

The result is that, to quote the findings of the most recent National Intelligence Estimate on the Terrorist Threat: "Al Qaeda is better positioned to strike the West . . . [it has] regenerated . . . and remains determined to attack us at home."

Of course, we must destroy Al Qaeda.

But instead of rolling back the threat it poses, this administration's approach has helped produce a global breakout of extremism, which now threatens more people in more places than it did before 9-11.

So even on its own terms, the national security strategy of this administration has been a failure. We cannot afford four more years.

Last month, a man I greatly admire and consider a friend, Senator John McCain, set out his vision for our foreign policy.

To his credit, John repudiates some of the Bush Administration's approach to the world. He recognizes that the power of our example is as important as the example of our power . . . that allies we respect, not disdain, can advance our interests. He is especially eloquent about his abhorrence for war—as JOHN is uniquely placed to be.

But John McCain remains wedded to the Bush Administration's myopic view of a world defined by terrorism. He would continue to allow a tiny minority to set the agenda for the overwhelming majority.

It is time for a total change in Washington's world view. That will require more than a great soldier. It will require a wise leader.

Nowhere is this truer than in Iraq. The war dominates our national life. It stands like a boulder in the road between us and the credibility we need to lead in the world and the flexibility we require to meet our challenges at home.

When it comes to Iraq, there is no daylight between John McCain and George W. Bush. They are joined at the hip.

When it comes to Iraq, there will be no change with a McCain administration . . . and so there is a real and profound choice for Americans in November.

Like President Bush, Senator McCain likes to talk about the dire consequences of drawing down our forces in Iraq. He argues that Iraq is the meeting point for two of the greatest threats to America: Al Qaeda and Iran. It's an argument laden with irony. After all, who opened Iraq's door to Al Qaeda and Iran? The Bush Administration.

"Al Qaeda in Iraq" is a Bush-fulfilling prophecy: it wasn't there before the war, but it is there now. As to Iran, its influence in Iraq went from zero to sixty when we toppled Saddam's Sunni regime and gave Shi'ite religious parties inspired and nurtured by Iran a path to power.

No matter how we got to this point, President Bush and Senator McCain argue that if we start to leave, it will further empower Al Qaeda and Iran.

I believe they are exactly wrong. And so do a large number of very prominent retired military and national security experts who testified before the Foreign Relations Committee this month.

Would drawing down really strengthen "Al Qaeda in Iraq" and give it a launching pad to attack America? Or would it help eliminate what little indigenous Iraqi support "Al Qaeda in Iraq" retains?

Most Sunni Arabs have turned on "Al Qaeda in Iraq," alienated by their tactics and ideology. "Al Qaeda in Iraq" is down to about 2,000 Iraqis and a small number of foreigners whose almost exclusive focus is Iraq. When we draw down, the most likely result is that Iraqis of all confessions will stamp out its remnants—and we can retain a residual force in or near Iraq to help them finish the job.

Last week, I asked our ambassador to Iraq, Ryan Crocker, to tell us where al Qaeda poses a greater threat to America's security: in Iraq, or in Afghanistan and Pakistan. He said: Afghanistan and Pakistan.

So what about Al Qaeda in Pakistan and Afghanistan—the people who actually attacked us on 9-11? If we draw down, would they be emboldened?

Or, to paraphrase the National Intelligence Estimate on Terrorism, would they lose one of their most effective recruiting tools—the notion that we're in Iraq to stay, with permanent military bases and control over the oil? And would they finally risk the full measure of America's might?

Senator MCCAIN has taken a lot of heat for saying he would not mind if American troops stay in Iraq for 100 years. The truth is, he was trying to make an analogy to our long term presence in peaceful post-war Germany, post-armistice Korea and post-Dayton Bosnia.

But Germany, Korea or Bosnia after the peace are nothing like Iraq today—with thousands of bombs, hundreds of American injured and dozens of American killed every month—and there is little prospect Iraq will look like them anytime soon.

Worse, saying you're happy to stay in Iraq for 100 years fuels exactly the kind of dangerous conspiracy theories about America's intentions throughout the Arab and Muslim worlds that we should be working to dispel.

What about Iran? Would drawing down increase its already huge influence in Iraq? Or would it shift the burden of helping to stabilize Iraq from us to them and make our forces a much more credible deterrent to Iran's wider misbehavior?

The idea that we could or even should wipe out every vestige of Iran's influence in Iraq is a fantasy. Even with 160,000 American troops in Iraq, our ally in Baghdad greets Iran's leader with kisses. Like it or not, Iran is a major regional power and it shares a long border—and a long history—with Iraq.

Right now, Iran loves the status quo, with 140,000 Americans troops bogged down and bleeding, caught in a cross fire of intra Shi'a rivalry and Sunni-Shi'a civil war.

The challenge for us is not eliminating all Iranian influence in Iraq, but forcing Iran to confront the specter of a disintegrating Iraq or all-out war between different Shi'a factions.

By drawing down, we can take away Iran's ability to wage a proxy war against our troops and force Tehran to concentrate on avoiding turmoil inside Iraq's borders and instability beyond them.

Finally, would our responsible draw down accelerate sectarian chaos?

Or would it cause Iraq's leaders and Iraq's Sunni Arab neighbors to finally act responsibly? To date, both have used our large presence as a crutch or an excuse for inaction. When that stops, they will have to start to fill the vacuum or put their interests at much greater risk.

We should debate the consequences of drawing down in Iraq. But more importantly, we should talk about what both President Bush and Senator MCCAIN refuse to acknowledge: the increasingly intolerable costs of staying.

The risks of drawing down are debatable. The costs of staying with 140,000 troops are knowable—and they get steeper every day: the continued loss of the lives and limbs of our soldiers; the emotional and economic strain on our troops and their families due to repeated, extended tours, as Army Chief of Staff General George Casey recently told Congress; the drain on our Treasury—$12 billion every month; the impact on the readiness of our armed forces—tying down so many troops that, as Vice Chief of Staff of the Army Richard Cody said, we don't have any left over to deal with a new emergency; and the inability to send enough soldiers to the border between Afghanistan and Pakistan, where Al Qaeda has regrouped and is plotting new attacks.

When I visited Afghanistan in February, General McNeil, who commands the international force, told me that with two extra combat brigades—about 10,000 soldiers—he could turn around the security situation in the south, where the Taliban is on the move. But he can't get them because of Iraq.

Even when we do pull troops out of Iraq, the Chairman of the Joint Chiefs, Admiral Mullen, says he would want to send them home for a year to rest and retrain before sending them to Afghanistan.

The longer we stay in Iraq, the more we put off the day when we fully join the fight against the real Al Qaeda threat and finally defeat those who attacked America 7 years ago.

It is long past time to clearly define our interests in Iraq. It is not in our interest to intervene in an internal power struggle among Shi'a factions. It is not in our interest to back one side or the other, or get caught in the cross fire of a Sunni-Shi'a civil war. It is in our interest to start to leave Iraq without leaving chaos behind.

Even if we could keep 140,000 troops in Iraq, they will not be the deciding factor in preventing chaos. Instead, we need to focus all our remaining energy and initiative on achieving what virtually everyone agrees is the key to stability in Iraq: a political power sharing agreement among its warring factions. I remain convinced that the only path to such a settlement is through a decentralized, federal Iraq that brings resources and responsibility down to the local and regional levels.

We need a diplomatic surge to get the world's major powers, Iraq's neighbors and Iraqis themselves invested in a sustainable political settlement.

Fifteen months into the surge that President Bush ordered and Senator McCain embraced, we've gone from drowning to treading water. We are no closer to the President's stated goal of an Iraq that can defend itself, govern itself and sustain itself in peace. We're still spending $3 billion every week and losing 30 to 40 American lives every month.

We can't keep treading water without exhausting ourselves and doing great damage to our other vital interests around the world. That's exactly what both the President and Senator McCain are asking us to do.

They can't tell us when, or even if, Iraqis will come together politically, which was the purpose of the surge in the first place. They can't tell us when, or even if, we will draw down below pre-surge levels. They can't tell us when, or even if, Iraq will be able to stand on its own two feet. They can't tell us when, or even if, this war will end.

Most Americans want this war to end. They want us to come together around a plan to leave Iraq without leaving chaos behind.

They're not defeatists. They're patriots who understand the national interest—and the great things Americans can achieve if we responsibly end a war that we should not have started.

I believe it is fully within our power to do that. Then, with our credibility restored, our alliances repaired and our freedom renewed, we will once again lead the world. We will once again address the hopes, not play to the fears, of our fellow Americans.

That is my hope for next November—and for the country we all love.

May God bless America and protect our troops.

TAX REFORM

Mr. VOINOVICH. Madam President, the time for a honest, national discussion of fundamental tax reform is long overdue. Each year, April 15 looms on the calendar as a day of reckoning for American taxpayers facing a laborious and needlessly stressful process. Since enacting the Tax Reform Act of 1986—legislation intended to simplify the filing process for taxpayers—more than 15,000 provisions have been added to the Internal Revenue Code.

The irony of our complex Tax Code is that in order to take advantage of all the benefits and deductions for which they qualify, Americans have to spend a significant amount of money to pay someone or something to do their taxes for them—thus decreasing the value of their return. According to the President's Advisory Panel on Federal Tax Reform, only 13 percent of taxpayers are able to file without the help of either a tax preparer or computer software.

The Tax Foundation estimates that in 2005, individuals, businesses, and nonprofits spent an estimated 6 billion hours complying with the Federal income tax code, with an estimated compliance cost of more than $265 billion. This amounts to imposing a 22-cent tax compliance surcharge for every dollar the income tax system collects.

Tinkering with the current Tax Code won't get the job done. Tinkering is what got us into this mess in the first place. We must enact fundamental tax reform—a complete overhaul of the system that would make the Tax Code simple, fair, transparent, and conducive to economic growth and private savings.

Tax reform is not just a matter of simply saving taxpayers time and effort. This is about saving taxpayers real money. Comprehensive tax reform could save Americans the $265 billion in compliance costs. Now, that would be a real tax reduction that wouldn't cost the Treasury one dime.

A new tax system is also vitally important to job creation and economic growth. In addition to simplification for average families, we must address one of the biggest problems with the current code: it rewards moving production activity—and the good-paying jobs that accompany such activity—overseas. It taxes domestically produced goods heavily and taxes foreign-made goods lightly. We have the second highest corporate tax rate in the developed world, but we are near the bottom in corporate tax collections as a share of the economy. Such a system sounds absolutely perverse, but that is what we have in the United States.

Some of my colleagues will suggest that we can just increase marginal rates to raise the revenue we need. But in a competitive global economy, I can't understand why we would choose such a self-defeating approach. Higher marginal rates on an already-broken tax system would only discourage economic ingenuity and reduce U.S. competitiveness. Recent economic research concludes that in a global economy workers bear the brunt of higher corporate tax rates, through lower wages and fewer jobs.

The bottom line is Congress needs to take tax reform seriously. I am actively evaluating proposals that would simplify the Tax Code, save taxpayers billions of dollars, expand the economy, and most importantly, protect American jobs. I have already discussed the need for such legislation with many of my colleagues, and I know there is bipartisan support in the Chamber for comprehensive and timely action.

We can start the process by enacting legislation to create a bipartisan commission to propose tax and entitlement reform legislation that Congress must vote on under fast-track procedures, such as my SAFE Commission Act or the Bipartisan Task Force for Responsible Fiscal Action that has been proposed by Senate Budget Committee chairman Kent Conrad and ranking Republican Judd Gregg. With or without such a commission, Congress and the next President must move forward on comprehensive tax reform that simplifies the code and creates jobs in the United States.

SUPREME COURT CONFIRMATION PROCESS

Mr. KENNEDY. Madam President, an editorial in Monday's New York Times called attention to a new academic study on the Supreme Court confirmation process. The study, "An Empirical Analysis of the Confirmation Hearings of the Justices of the Rehnquist Natural Court," was conducted by Professors Jason Czarnezki of the Marquette Law School, William Ford of the John Marshall Law School, and Lori Ringhand of the University of Kentucky College of Law, and it was published in the Spring 2007 issue of Constitutional Commentary. The study compares the statements made by nine Supreme Court nominees—Justices Rehnquist, Stevens, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, and Breyer—at their confirmation hearings with their subsequent rulings on the Court to determine whether their statements as nominees on stare decisis, originalism, legislative history, and the rights of criminal defendants were consistent with their rulings as Justices.

The authors found that a large gap often exists between what nominees told the Senate Judiciary Committee and how they later ruled from the bench. For example, in their confirmation hearings, Justices Scalia and Thomas indicated a stronger commitment to stare decisis than most of their colleagues did, yet on the Court they were the Justices most likely to vote to overturn precedents. On none of the subjects was the correlation very strong between the testimony by the nominees at the Senate hearings and their rulings on the Court. The authors conclude that Senators have a better chance at obtaining useful information in confirmation hearings if they "focus their questions on specific issue areas rather than 'big picture' issues involving interpretative methods."

As the authors state, their results are far from definitive and are meant only to start a conversation. The evidence is certainly suggestive, however, and is consistent with what legal scholars have been saying for many years. Supreme Court nominees reveal very little substantive information at their confirmation hearings. As a result, it is difficult for the Senate and the American public to understand how these nominees will approach their role on the Court.

This trend was obvious in the confirmation hearings of Chief Justice John Roberts and Associate Justice Samuel Alito. Throughout their hearings, they offered only general platitudes, with little indication of how they would rule on the bench. They refused to answer specific questions or to say how they would have voted in past cases, on the ground that doing so might compromise their duty to decide every case with an open mind.

Legal scholars are increasingly in agreement that political convenience, not principle, has motivated much of this stonewalling. Since Supreme Court nominees all have years of legal experience and, if confirmed, have lifetime appointments to the Court, they can be candid about their views on many issues, including previously decided cases, without doing any damage to the judicial system or to the rights of future litigants.

Since Supreme Court confirmation hearings have become increasingly lacking in significant content, it is no surprise that researchers find weak correlations between what nominees say at the hearings and what they do on the Court, and that academic and popular support for a more serious confirmation process continues to grow. Of course, no Senator should try to undermine judicial independence by asking nominees to make "commitments" to rule a particular way in a future case, but all Senators should insist that nominees participate in a serious conversation about the pressing legal issues of our time. Hopefully, Senators on both sides of the aisle can agree that, at a minimum, nominees should give full and forthright responses when asked about their views on specific legal questions. It does not compromise the integrity or impartiality of the judiciary to require nominees to tell the Senate what they honestly think about such questions. Their failure to do so has real costs for our democracy.

Madam President, I believe that this article will be of interest to all of us in the Senate in exercising our constitutional responsibility of advice and consent on judicial nominees, especially nominees to the Supreme Court, and I ask unanimous consent that the New York Times editorial and the article's abstract be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 14, 2008]

HOW TO JUDGE A WOULD-BE JUSTICE

It is hard to imagine a more solemn responsibility than confirming the nomination of a Supreme Court justice. And we have worried, especially in recent years, that nominees are far too carefully packaged and coached on how to duck all of the hard questions.

A new study supports our fears: Supreme Court nominees present themselves one way at confirmation hearings but act differently on the court. That makes it difficult for senators to cast informed votes or for the public to play a meaningful role in the process.

The study—with the unwieldy title "An Empirical Analysis of the Confirmation Hearings of the Justices of the Rehnquist Natural Court"—published in Constitutional Commentary, looked at how nine long-serving justices answered Senate questions, and how they then voted on the court. While it does not say that any nominee was intentionally misleading, it still found a wide gap.

Justices Antonin Scalia and Clarence Thomas, for example, told the Senate that they had strong respect for Supreme Court precedents. On the court they were the justices most likely to vote to overturn those precedents. Justice David Souter deferred more to precedent than his Senate testimony suggested he would.

The authors examined one substantive area of the law: criminal defendants' rights. There what the nominees—both conservatives and liberals—told the Senate about their support for defendants' rights was reasonably well reflected in how they voted.

The study suggests that senators would be better off asking "very probing, specific questions," says Lori Ringhand, associate professor of law at the University of Kentucky and one of the paper's three authors.

As we see it, the study also delivers a larger lesson: Senators should examine a nominee's entire legal career and look for clear evidence that he or she is committed to fairness, equal justice and an unstinting view of constitutional rights.

The findings have particular resonance now because the next president could nominate three or more justices, shaping the law for decades to come. The Senate needs to upgrade the confirmation process so it can perform its vital advice-and-consent role more effectively.

[From Social Science Research Network]

AN EMPIRICAL ANALYSIS OF THE CONFIRMATION HEARINGS OF THE JUSTICES OF THE REHNQUIST NATURAL COURT

(By Jason J. Czarnezki, Marquette University; William K. Ford, John Marshall Law School; and Lori A. Ringhand, University of Kentucky)

Despite the high degree of interest generated by Supreme Court confirmation hearings, surprisingly little work has been done comparing the statements made by nominees at their confirmation hearings with their voting behavior once on the Supreme Court. This paper begins to explore this potentially rich area by examining confirmation statements made by nominees regarding three different methods of constitutional interpretation: stare decisis, originalism and the use of legislative history. We also look at nominees' statements about one specific area of law: protection of the rights of criminal defendants. We then compare the nominees' statements to decisions made by the Justices once confirmed. Our results indicate that confirmation hearings statements about a nominee's preferred interpretive methodologies provide very little information about future judicial behavior. Inquiries into specific issue areas—such as the rights of criminal defendants—may be slightly more informative. We emphasize, however, that this study is a preliminary look at this issue. As such, we hope this piece stimulates discussion regarding how to best use the wealth of information provided by confirmation hearings to facilitate a better understanding of the role those hearings do—or could—play in shaping the jurisprudence of the Supreme Court.

* * *

TRIBUTE TO MICHAEL A. HANNA

Mr. SPECTER. Madam President, I have sought recognition today to speak about Michael A. Hanna, who passed away on April 2, 2008.

Mr. Hanna was born July 1, 1952, in Oakland, MD to former county Democratic chairman and district attorney Michael A. Hanna and Eliza Jane Gibson Hanna of Monongahela. He spent time working on Capitol Hill and had the distinction of serving as the youngest U.S. House of Representatives page in the history of the program. He also served as a personal assistant to former Speaker of the House John W. McCormick.

An author and producer, Mr. Hanna graduated from Washington & Jefferson College and attended Duquesne Law School. Although perhaps best known for the animated series "Rockin' at the Rim" and authoring the book "Cuba: Fire Island," his professional experience extended a good deal further. He served as a special envoy to the country of Haiti and traveled extensively in various professional capacities throughout Europe and the Middle East.

Mr. Hanna is survived by his mother and brother, Mark Hanna, as well as

Mark's wife Ashley and their son Michael. On their behalf, I would like to recognize and honor Michael A. Hanna's life and work.

HEALTH CARE

Mr. WYDEN. Madam President, Dr. Ezekiel Emanuel and Dr. Victor Fuchs, physicians and distinguished scholars, have recently written a particularly important article that I wish to bring to the attention of the Senate.

These two gentlemen have a long and impressive track record on the issue of reforming our Nation's broken health system, and their recent article in the Journal of American Medicine (JAMA), "Who Really Pays for Health Care? The Myth of Shared Responsibility," is one that every Senator should reflect on.

Drs. Emanuel and Fuchs assert in their article that when millions of Americans say that financing health care is a "shared responsibility" between "employers, government, and individuals" they are incorrect. The authors say there is actually no such thing as "shared responsibility"—health costs in America come out of the hides of individuals and households. Emanuel-Fuchs point out, for example, that money employers spend on health care for their workers would otherwise go to workers' salaries and that Government cannot secure funds at all without reaching into our wallets for tax payments or money we lend to them.

The work of these two scholars is particularly relevant because recent public opinion polls show significant numbers of Americans would be content "to just keep the health care they have." This seems understandable. If you are not a regular reader of JAMA, you are likely to miss Dr. Emanuel and Dr. Fuchs describe how your take-home pay is going to keep going down without health reform that makes health care more affordable.

If Americans are kept in the dark about how much of the money spent on employer-based health care produces little value, naturally, during these times of economic uncertainty, many will be glad to just keep the care they have got.

Senator BENNETT and I, along with six other Democrats and six other Republicans, believe it is time to modernize the employer-employee relationship in health care. If employers choose to offer health coverage in the future, and workers know how much money they are spending and can choose between the employer's health coverage and private sector alternatives, we are fine with that. Workers should, however, have the opportunity as Dr. Emanuel and Dr. Fuchs put it to "consider alternatives". Americans can get more value from the 2.3 trillion dollars being spent this year on their health care, and this article is an important part of the discussion as to how to bring that about.

Mr. President, I ask unanimous consent that the article by Drs. Emanuel and Fuchs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO REALLY PAYS FOR HEALTH CARE?

THE MYTH OF "SHARED RESPONSIBILITY"

(By Ezekiel J. Emanuel, M.D., Ph.D. and Victor R. Fuchs, Ph.D.)

When asked who pays for health care in the United States, the usual answer is "employers, government, and individuals." Most Americans believe that employers pay the bulk of workers' premiums and that governments pay for Medicare, Medicaid, the State Children's Health Insurance Program (SCHIP), and other programs.

However, this is incorrect. Employers do not bear the cost of employment-based insurance; workers and households pay for health insurance through lower wages and higher prices. Moreover, government has no source of funds other than taxes or borrowing to pay for health care.

Failure to understand that individuals and households actually foot the entire health care bill perpetuates the idea that people can get great health benefits paid for by someone else. It leads to perverse and counterproductive ideas regarding health care reform.

THE MYTH OF SHARED RESPONSIBILITY

Many sources contribute to the misperception that employers and government bear significant shares of health care costs. For example, a report of the Centers for Medicare & Medicaid Services states that "the financial burden of health care costs resides with businesses, households, and governments that pay insurance premiums, out-of-pocket costs, or finance health care through dedicated taxes or general revenues." A New America Foundation report claims, "There is growing bipartisan support for a health system based on shared responsibility—with the individual, employers, and government all doing their fair share."

The notion of shared responsibility serves many interests. "Responsibility" is a popular catchword for those who believe everyone should pull their own weight, while "sharing" appeals to those who believe everyone should contribute to meeting common social goals. Politicians welcome the opportunity to boast that they are "giving" the people health benefits. Employers and union leaders alike want workers to believe that the employer is "giving" them health insurance. For example, Steve Burd, president and chief executive officer of Safeway, argued that decreasing health care costs is critical to his company's bottom line—as if costs come out of profits. A highly touted alliance between Wal-Mart and the Service Employees International Union for universal coverage pledged that "businesses, governments, and individuals all [must] contribute to managing and financing a new American health care system.

The Massachusetts health care reform plan is constructed around "shared responsibility." The rhetoric of health reform proposals offered by several presidential candidates helps propagate this idea. Hillary Clinton, for instance, claims that her American Health Choices plan "is based on the principle of shared responsibility. This plan ensures that all who benefit from the system contribute to its financing and management." It then lists how insurance and drug companies, individuals, clinicians, employers, and government must each contribute to the provision of improved health care.

With prominent politicians, business leaders, and experts supporting shared responsibility, it is hardly surprising that most Americans believe that employers really bear most of the cost of health insurance.

THE HEALTH CARE COST-WAGE TRADE-OFF

Shared responsibility is a myth. While employers do provide health insurance for the majority of Americans, that does not mean that they are paying the cost. Wages, health insurance, and other fringe benefits are simply components of overall worker compensation. When employers provide health insurance to their workers, they may define the benefits, select the health plan to manage the benefits, and collect the funds to pay the health plan, but they do not bear the ultimate cost. Employers' contribution to the health insurance premium is really workers' compensation in another form.

This is not a point merely of economic theory but of historical fact. Consider changes in health insurance premiums, wages, and corporate profits over the past 30 years. Premiums have increased by about 300% after adjustment for inflation. Corporate profits per employee have flourished, with inflation-adjusted increases of 150% before taxes and 200% after taxes. By contrast, average hourly earnings of workers in private nonagricultural industries have been stagnant, actually decreasing by 4% after adjustment for inflation. Rather than coming out of corporate profits, the increasing cost of health care has resulted in relatively flat real wages for 30 years. That is the health care cost—wage trade-off.

Even over shorter periods, workers' average hourly earnings fluctuate with changes in health care expenditures (adjusted for inflation). During periods when the real annual increases in health care costs are significant, as between 1987 and 1992 and again between 2001 and 2004, inflation-adjusted hourly earnings are flat or even declining in real value. For a variety of reasons, the decline in wages may lag a few years behind health care cost increases. Insurance premiums increase after costs increase. Employers may be in binding multiyear wage contracts that restrict their ability to change wages immediately. Conversely, when increases in health care costs are moderate, as between 1994 and 1999, increases in productivity and other factors translate into higher wages rather than health care premiums.

The health care cost—wage trade-off is confirmed by many economic studies. State mandates for inclusion of certain health benefits in insurance packages resulted in essentially all the cost of the added services being borne by workers in terms of lower wages. Similarly, using the Consumer Expenditure Survey, Miller found that "the amount of earnings a worker must give up for gaining health insurance is roughly equal to the amount an employer must pay for such coverage." Baicker and Chandra reported that a 10% increase in state health insurance premiums generated a 2.3% decline in wages, "so that [workers] bear the full cost of the premium increase." Importantly, several studies show that when workers lose employer-provided health insurance, they actually receive pay increases equivalent to the insurance premium.

In a review of studies on the link between higher health care costs and wages, Gruber concluded, "The results [of studies] that attempt to control for worker selection, firm selection, or (ideally) both have produced a fairly uniform result: the costs of health insurance are fully shifted to wages."

THE COST—PUBLIC SERVICE TRADE-OFF

A large portion of health care coverage in the United States is provided by the government. But where does government's money for health care come from? Just as the ultimate cost of employer-provided health insurance falls to workers, the burden of government-provided health coverage falls on the average citizen. When government pays for increases in health care costs, it taxes current citizens, borrows from future taxpayers, or reduces other state services that benefit citizens: the health care cost—public service trade-off.

Health care costs are now the single largest part of state budgets, exceeding education. According to the National Governors Association, in 2006, health care expenditures accounted for an average of 32 percent of state budgets, while Medicaid alone accounted for 22 of spending. Between 2000 and 2004, health care expenditures increased substantially, more than 34 percent with Medicaid and SCHIP increasing more than 44 percent. These increases far exceeded the increase in state tax receipts. In response, some states raised taxes, others changed eligibility requirements for Medicaid and other programs, and still others reduced the fees and payments to physicians, hospitals, and other providers of health care services.

However, according to a Rockefeller Institute of Government study of how 10 representative states responded, probably the most common policy change was to cut other state programs, and "the program area that was most affected by state budget difficulties in 2004 was public higher education. . . . On average, the sample states projected spending 4.5 percent less on higher education in FY 2004 than in FY 2003 and raised tuition and fees by almost 14 percent on average. In other words, the increasing cost of Medicaid and other government health care programs are a primary reason for the substantial increase in tuition and fees for state colleges and universities. Middle-class families finding it more difficult to pay for their children's college are unwittingly falling victim to increasing state health care costs. Not an easy—but a necessary—connection to make.

POLICY IMPLICATIONS

The widespread failure to acknowledge these effects of increasing health care costs on wages and on government services such as education has important policy implications. The myth of shared responsibility perpetuates the belief that workers are getting something while paying little or nothing. This undercuts the public's willingness to tax itself for the benefits it wants.

This myth of shared responsibility makes any reform that removes employers from health care much more difficult to enact. If workers and their families continue to believe that they can get a substantial fringe benefit like health insurance at no cost to themselves, they are less likely to consider alternatives. Unless this myth is dispelled, the centerpiece of reform is likely to be an employer mandate. This is regrettable and perpetuates the widely recognized historical mistake of tying health care coverage to employment. Furthermore, an employer mandate is an economically inefficient mechanism to finance health care. Keeping employers in health care, with their varied interests and competencies, impedes major changes necessary for insurance portability, cost control, efficient insurance exchanges, value-based coverage, delivery system reform, and many other essential reforms. Employers should be removed from health care except for enacting wellness programs that directly help maintain productivity and reduce absenteeism. Politicians' rhetoric about shared responsibility reinforces rather than rejects this misconception and inhibits rather than facilitates true health care reform.

Not only does third-party payment attenuate the incentive to compare costs and value, but the notion that someone else is paying for the insurance further reduces the incentive for cost control. Getting Americans invested in cost control will require that they realize they pay the price, not just for the deductibles and co-payments, but for the full insurance premiums too.

Sustainable increases in wages require less explosive growth in health care costs. Only then will increases in productivity show up in higher wages and lower prices, giving a boost to real incomes. Similarly, the only way for states to provide more support for education, environment, and infrastructure is for health care costs to be restrained. Unless the growth in Medicaid and SCHIP are limited to—or close to—revenue increases, they will continue to siphon money that could be spent elsewhere.

CONCLUSION

Discussions of health care financing in the United States are distorted by the widely embraced myth of shared responsibility. The common claim that employers, government, and households all pay for health care is false. Employers do not share fiscal responsibility and employers do not pay for health care—they pass it on in the form of lower wages or higher prices. It is essential for Americans to understand that while it looks like they can have a free lunch—having someone else pay for their health insurance—they cannot. The money comes from their own pockets. Understanding this is essential for any sustainable health care reform.

ADDITIONAL STATEMENTS

CONGRATULATING MRS. HOLLY COLLINSWORTH

● Mr. BUNNING. Madam President, I wish to congratulate Mrs. Holly Collinsworth of Ft. Thomas, KY, for being named one of the Cincinnati Enquirer's Women of the Year for her dedication and service to our community. This outstanding award is given annually to 10 women in the northern Kentucky and Greater Cincinnati area for their hard work and commitment to making our communities a better place to live.

Mrs. Collinsworth, mother of four children, has begun a task never before imagined to help improve Fort Thomas schools. She is currently leading a fundraising campaign that has collected millions of dollars in private money to help renovate the 71-year-old Highlands High School, her alma mater. The school has not been refurbished since the 1960s. With her leadership, over $7.4 million in private donations, State matching funds and grants has been raised to help with the repairs.

Mrs. Collinsworth's contributions to the Commonwealth do not stop there. She and husband Cris Collinsworth, former Cincinnati Bengal and current NFL broadcaster, are among the founders of UGive, a nonprofit that matches area students fulfilling their school community service requirements with charities in need of volunteers. The UGive program was started this year and will be up and running by August.

Mrs. Collinsworth also serves on the board of the Cris Collinsworth ProScan Fund and cochairs its Pink Ribbon Luncheons which have raised more than $1 million for programs such as breast cancer education and mammograms for low-income uninsured women.

I thank Mrs. Collinsworth for her dedication and commitment to the community. She has made a tremendous impact on individuals across northern Kentucky and the Greater Cincinnati area. I appreciate all that she has done and will continue to do in the future. Mrs. Collinsworth is truly an inspiration to all Kentuckians.●

RECOGNIZING THE TOWN OF HEBRON

● Mr. DODD. Madam President, today I wish to recognize a significant milestone for one of the towns in my home State of Connecticut. This year, the town of Hebron is celebrating the 300th anniversary of its founding.

As recently as 1930, Hebron's population stood at only 879 people. Today, with an estimated population of 8,600 persons, Hebron continues to exemplify Connecticut's rich heritage. Throughout its history, it has been able to retain its small-town, rural charm that existed when it was first founded on May 26, 1708.

With its wide-open fields, mixture of colonial and contemporary architecture, and the annual Harvest Fair, Hebron provides an idyllic New England setting. Gay City State Park, the towns most widely known attraction, offers a glimpse into Connecticut's industrial roots with the opportunity to explore the ruins of an extinct mill town that existed until the time of the Civil War.

The residents of Hebron are rightfully proud of the town's rich cultural and agricultural heritage and have scheduled a year's worth of activities to celebrate this momentous occasion. I ask my colleagues to join with me in congratulating my many friends among the good people of Hebron as they gather this year to celebrate their town's three centuries of history.●

TRIBUTE TO BARBARA J. EASTERLING

● Mr. LAUTENBERG. Madam President, I pay tribute to Barbara J. Easterling for her tireless dedication to workers' rights. Barbara is a true leader, and her commitment to the Communication Workers of America, CWA, is more than worthy of recognition.

Barbara is the first woman ever to serve as CWA's secretary-treasurer—its second-highest office—and she has held the position for the past 16 years. She supervises the budget, finances, and strategic planning of the organization, and is responsible for the union's retiree program. The 700,000 men and women of the CWA have consistently reelected Barbara by acclamation, most recently in 2005.

In addition, Barbara has worked to advance the rights of women in the workplace. She serves on the board of the Union Network International, UNI, a 17-million member labor organization, and is president of the UNI World Women's Committee. For her accomplishments, Barbara has received the Women's Equity Action League Award, the International Women's Democracy Center Global Democracy Award, the Midwest Labor Press Association's Eugene V. Debs Award, and the Ellis Island American Legend Award.

While Barbara has displayed impressive achievements as secretary-treasurer of CWA, she has also found time to contribute to several other worthy organizations. She is cochair of the National Alliance to End Homelessness, a member of the Spinal Bifida Foundation and the Elizabeth Glaser Pediatric AIDS Foundation, and serves on the board of directors of the National Democratic Institute for International Affairs and the Faith and Politics Institute. Barbara has displayed a commendable ability to advance the goals of each of these organizations and increase their impact.

Throughout her long and distinguished career, Barbara has worked to shatter the glass ceiling at the local, national, and international level. I am proud that she was honored last month before a record gathering of union women at the Women in Leadership Development Conference in East Brunswick, NJ. Whether striving to advance the rights of workers, serving as an advocate for women, or volunteering her time on behalf of countless organizations, Barbara has been a strong and effective leader. Barbara embodies the best of the union spirit and I thank her for her service and commitment to the CWA and workers across the country.●

HONORING SIGCO, INC.

● Ms. SNOWE. Madam President, today I honor a small, privately owned manufacturing business from my home State of Maine with a remarkable dedication to serving the customer. SIGCO, Inc., of Westbrook is a glass and architectural metal fabricator and distributor that exemplifies Maine's stellar manufacturing leadership in this Nation.

As ranking member of the Senate Committee on Small Business and Entrepreneurship and cochair of the Senate Task Force on Manufacturing, I constantly see the vital impact that manufacturing has on the health of our Nation's economy. Small companies like SIGCO are absolutely crucial to our Nation's manufacturing sector competing in a global environment, as they account for roughly 99 percent of American manufacturers. This is why we must encourage and support the development of our Nation's small- and medium-sized manufacturers, and underscore the numerous accomplishments of SIGCO and similar firms.

Established in 1986, SIGCO inherited a proud tradition of craftwork from Soule Glass Industries, a firm that preceded SIGCO as the local leader in quality glass manufacturing and metal fabrication. SIGCO has demonstrated impressive growth in its operations throughout its history, and, in particular, over the past 4 years, by expanding from 55 employees to 85 and relocating to a newly opened 60,000 square-foot manufacturing facility. SIGCO produces and distributes architectural glass, frameless entrances, shower enclosures, aluminum entrances, acrylic, polycarbonate, and glazing supplies. The company also offers a 5-year warranty on all sealed insulating glass units. SIGCO's target clientele are contract glaziers, retail glass shops, and window manufacturers throughout New England who have come to trust SIGCO for its unrivaled craftsmanship and customer service.

SIGCO has demonstrated a consistency in both performance and financial strength, traits that have anchored the company in its achievement. Proof of SIGCO's accomplishments came when U.S. Glass magazine recognized the firm as one of the most influential companies in the glass and metal industry, followed up by the magazine naming company president David McElhinny as one of the trade's most influential people. Mr. McElhinny's leadership has contributed greatly to SIGCO's remarkable expansion, and his years of experience provide the company with a tremendously knowledgeable voice at the helm.

SIGCO is also known for its sophisticated production process. To promote efficiency, the company uses two industrial-type cutting lines in its plant. That said, SIGCO also offers individualized products upon customer requests. SIGCO notably uses an advanced edging process that creates clean, ground, or seamed edges for the appropriate type of glass. On top of the cutting and edging processes, SIGCO uses new, state-of-the-art equipment to drill holes and mill cutouts and notches. Additionally, SIGCO uses a convection tempering oven to perfect their heat-treated products. Among a select number of licensees of the DecoTherm process, which allows companies to decorate glass without screen printing or sandblasting, SIGCO can customize designs on glass products to provide quality and unique products to each customer. Finally, SIGCO is one of only five U.S. distributors of Tubelite storefronts and entrances.

As former British Prime Minister Benjamin Disraeli poignantly observed, "The secret of success is constancy to purpose." SIGCO embodies Disraeli's definition of success by exhibiting a consistent dedication to its mission, as well as never sacrificing the excellence of its products as the company grows and expands. Proudly representing Maine's ongoing contribution to the manufacturing sector, SIGCO and its employees exemplify the hardwork and ingenuity for which Mainers are well-known. I wish David McElhinny and everyone at SIGCO the best, and look forward to their future endeavors.●

RECOGNIZING JIM ADAMS

● Mr. SUNUNU. Madam President, today I recognize Jim Adams, a Pittsfield, NH, resident who recently retired from a 35-year career with the United States Postal Service.

After bravely serving his country for 4 years in the United States Navy, Mr. Adams began his postal career as a Manchester mail carrier in 1973. During his 10 years in this position, Jim personified the Postal Service maxim, "neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds," through many difficult New Hampshire winters, and unpredictable New England summers.

During this time, Jim took night classes and earned a degree in business management from New Hampshire College which, along with his dedicated work ethic, helped propel him through the ranks of the Postal Service.

After 3 years in the management ranks of local New Hampshire post offices, Jim spent time in both Syracuse, NY, and Washington, DC, learning the ins and outs of the Nation's second largest employer. In 1992, Jim was selected as the executive assistant to the Postmaster General, becoming the first person ever to rise all the way through the ranks from an entry level craft position to attain that post.

In 1997, Jim returned home to New Hampshire as the district manager for customer service and sales, and in 2003, when the New Hampshire and Vermont Districts merged, Jim assumed the responsibility for both States. During this time, he oversaw 7,000 employees as they worked to ensure more than 6 million pieces of mail arrived on time throughout both New Hampshire and Vermont each day. In fact, over the last 4 years of his tenure, 98 percent of the mail in his district was delivered on time; and during the past 6 years, New Hampshire has earned the highest customer service ratings in the Nation. All the while, Jim improved the district's safety record from worst in the Nation to tenth best.

For all of Jim's success, his shining professional moment will be his leadership during the anthrax crisis that plagued the Nation shortly after September 11, 2001. His personal involvement in handling the crisis helped calm the fears of postal workers and citizens alike, and he helped us all get through the fear and distress that went hand-in-hand with this highly volatile bioterrorist attack.

Over the course of his career, Jim had the opportunity to meet five Presidents and play a role in the development of several well recognized commemorative stamps, including the World War II, Elvis, and POW/MIA stamps. From a local boy delivering mail with 3-cent stamps in 1973, to a district manager overseeing a $500 million budget in 2008—I would say that is a career well done.

Jim's well rounded operations and managerial experience gave him a unique and comprehensive view of the organization, which he was able to put to work for the benefit of the millions of postal customers in his district.

I have known Jim and his wife Sandra for many years and am sure they are looking forward to many relaxing years together with their children and grandchildren. He has dedicated himself to public service staying true to the ideal of placing the needs of others before those of yourself. Now I join with so many others in extending warm wishes as they begin a well deserved retirement together.●

MESSAGES FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5813. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 71. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.

At 1:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4056. An act to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty.

H.R. 5493. An act to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office".

H.R. 5570. An act to amend the Immigration and Nationality Act with respect to the special immigrant nonminister religious worker program, and for other purposes.

H.R. 5719. An act to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4056. An act to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty; to the Committee on the Judiciary.

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5719. An act to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5799. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota" (Docket No. APHIS–2008–0037) received on April 10, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5800. A communication from the Director of Selective Service, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC–5801. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General William E. Mortensen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5802. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral William J. Fallon, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–5803. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (4) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5804. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the details of the Office's compensation plan for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5805. A communication from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's Annual Report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–5806. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (73 FR 14826) received on April 10, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MT-Propeller Entwicklung GmbH Propellers" ((Docket No. 2004–NE–25)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((Docket No. 2007–NM–070)(RIN2120-AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW 4164, PW4168, and PW4168A Turbofan Engines" ((Docket No. 2007–-NE–04)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Intertechnique Zodiac Aircraft Systems, Oxygen Reserve Cylinders" ((Docket No. 2007–SW–02)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC 5811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company Models R22, R22 Alpha, R22 Beta, R22 Mariner, R44 and R44 I Helicopters" ((Docket No. 2007–SW–04)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW4164, PW4168, and PW4168A Turbofan Engines" ((Docket No. 2007–NE–

04)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders" ((Docket No. 2007–CE–065)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 680 Airplanes" ((Docket No. 2007–NM–331)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes" ((Docket No. 2006–NM–050)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes" ((Docket No. 2007–NM–291)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes" ((Docket No. 2007–NM–091)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((Docket No. 2007–NM–247)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and Model SAAB 340B Airplanes" ((Docket No. 2007–NM–238)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes" ((Docket No. 2007–NM–237)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes" ((Docket No. 2007–NM–243)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5822. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters" ((Docket No. 2007–SW–76)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135ER, –135KE, –135KL, and –135LR Airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes" ((Docket No. 2007–NM–127)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 525, 525A, and 525B Airplanes" ((Docket No. 2007–CE–068)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes; and Model 767–200 and –300 Series Airplanes; Equipped with Certain Goodrich Evaluation Systems" ((Docket No. 2005–NM–139)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR Model ATR42–500 Airplanes" ((Docket No. 2007–NM–277)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Airplanes" ((Docket No. 2007–NM–239)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC–4 and DHC–4A Airplanes" ((Docket No. 2007–NM–338)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC–4 and DHC–4A Airplanes; and Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes" ((Docket No. 2007–NM–338)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes" ((Docket No. 2007–NM–143)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines" ((Docket No. 2003–NE–12)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes" ((Docket No. 2007–CE–088)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 Airplanes; Model DC–8F–54 and DC–8F–55 Airplanes; Model DC–8–50, –60, –60F, –70, and –70F Series Airplanes; Model DC–9–10, –20, –30, –40, and –50 Series Airplanes; Model DC–9–81, DC–9–82, DC–9–83, and DC–9–87 Airplanes; and Model MD–88 Airplanes" ((Docket No. 2006–NM–243)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5834. A communication from the Acting Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the services provided during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–5835. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to Federal actions during flood control operations at Grand Lake, Oklahoma; to the Committee on Environment and Public Works.

EC–5836. A communication from the Chair, Good Neighbor Environmental Board, transmitting, pursuant to law, the Board's Annual Report; to the Committee on Environment and Public Works.

EC–5837. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to budgeting for the Park River at Grafton, North Dakota; to the Committee on Environment and Public Works.

EC–5838. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, “National Coverage Determinations”; to the Committee on Finance.

EC-5839. A communication from the Acting Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Entry of Softwood Lumber Products from Canada” (RIN1505-AB73) received on April 15, 2008; to the Committee on Finance.

EC-5840. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to U.S. participation in the United Nations during fiscal year 2006; to the Committee on Foreign Relations.

EC-5841. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Premium Rates; Payment of Premiums; Variable-Rate Premium; Pension Protection Act of 2006” (RIN1212-AB11) received on April 10, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5842. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Report for 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-5843. A communication from the Deputy Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on April 10, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5844. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Audit of Child and Family Services Agency's Congregate Care Contract Expenditures”; to the Committee on Homeland Security and Governmental Affairs.

EC-5845. A communication from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting, pursuant to law, the report of discontinuation of service in an acting role for the position of General Counsel, received on April 10, 2008; to the Select Committee on Intelligence.

EC-5846. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination for the position of Director of the National Counterterrorism Center, received on April 10, 2008; to the Select Committee on Intelligence.

EC-5847. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Director's Annual Report for fiscal year 2007; to the Committee on the Judiciary.

EC-5848. A communication from the Director of Regulations Management, Office of Information Protection and Risk Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Data Breaches” (RIN2900-AM63) received on April 10, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 2087. A bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes (Rept. No. 110-326).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 999. A bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. ALEXANDER, Mr. HATCH, Mrs. DOLE, Mr. CORNYN, and Mr. SUNUNU):

S. 2868. A bill to amend title II of the Immigration and Nationality Act to replace the diversity visa lottery program with a program that issues visas to aliens with an advanced degree; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mrs. LINCOLN):

S. 2869. A bill to amend title 18 of the United States Code to clarify the scope of the child pornography laws and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN:

S. 2870. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out quality assurance activities with respect to the administration of disability compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN (for herself, Mr. LEAHY, Mr. BAYH, Mr. KERRY, Mr. CRAPO, Ms. MIKULSKI, Mr. SALAZAR, Mr. CASEY, Mr. SMITH, Ms. KLOBUCHAR, and Mr. BROWN):

S. 2871. A bill to amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code, to enhance the program of educational assistance under that chapter, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN (for himself and Ms. SNOWE):

S. 2872. A bill to amend titles II and XVI of the Social Security Act to provide for treatment of disability rates and certified as total by reason of unemployability by the Secretary of Veterans Affairs as disability for purposes of such titles, and for other purposes; to the Committee on Finance.

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2873. A bill to amend the Federal Water Pollution Control Act to establish a Corps of Engineers Board of Appeals for permits for certain water storage projects, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Mr. KENNEDY, Mr. SCHUMER, and Mrs. BOXER):

S. 2874. A bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes; to the Committee on Armed Services.

By Mr. TESTER (for himself and Mr. BARRASSO):

S. 2875. A bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SALAZAR (for himself, Mr. COCHRAN, Mr. DODD, Mr. ALEXANDER, Mr. LEVIN, Mrs. LINCOLN, Mr. BROWN, Ms. LANDRIEU, Mr. KENNEDY, Mr. CASEY, Mrs. MURRAY, Mr. ROBERTS, and Mr. JOHNSON):

S. Res. 517. A resolution designating the week of April 13-19, 2008, as “Week of the Young Child”; considered and agreed to.

By Mr. DODD:

S. Res. 518. A resolution designating the third week of April 2008 as “National Shaken Baby Syndrome Awareness Week”; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 358

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 561

At the request of Mr. BUNNING, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1019

At the request of Mr. COBURN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1070

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1117

At the request of Mr. BOND, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1313

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1313, a bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2347

At the request of Mr. REID, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2426

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2498

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2507

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2507, a bill to address the digital television transition in border states.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2555

At the request of Mrs. BOXER, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2614

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2614, a bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2743

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2743, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes.

S. 2758

At the request of Ms. MURKOWSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2758, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Hawaii (Mr. INOUYE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2829

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2829, a bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 2852

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2852, a bill to provide increased accessibility to information on Federal spending, and for other purposes.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2863

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2863, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain stem cell research expenditures.

S.J. RES. 28

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 1

At the request of Mr. ALLARD, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Con. Res. 1, a concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol.

S. RES. 482

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 482, a resolution designating July 26, 2008, as "National Day of the American Cowboy".

AMENDMENT NO. 4527

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 4527 intended to be proposed to H.R. 1195, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TESTER (for himself and Mr. BARRASSO):

S. 2875. A bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation; to the Committee on Energy and Natural Resources.

Mr. TESTER. Mr. President, I rise today to talk about the Gray Wolf Livestock Loss Mitigation Act, which Senator BARRASSO and I are introducing today.

This program is a key step now that wolves will be delisted in Montana, Wyoming, and Idaho. The bill will help reduce livestock losses due to wolves and help our ranchers who bear the financial burden of losses due to wolves.

On March 28, the U.S. Fish and Wildlife Service removed the gray wolves in the northern Rockies from the endangered species list. Wolves have, over the last few years, experienced a remarkable recovery in the northern Rockies. They, in fact, have exceeded their population goals put in place when they were reintroduced.

I applaud the Fish and Wildlife Service for their decision to turn the management over to the States, such as Montana, because Montana is ready.

Each State in our region has developed its own management plan that will treat wolves like other wildlife and keep their numbers at approved levels.

Today, tourists come to Yellowstone to see wolves. They are a symbol of the wildness of our region. But wolves also need to eat, and they kill animals in the process—some wild, some domestic. In the case of the domestic livestock, such as cattle and sheep, that costs producers time and money and reduces profitability.

Our States are taking action by initiating new programs that will try to prevent wolf kills by improved fencing, grazing practices, using guard dogs, and other means. They will also be compensating producers for the losses due to wolves.

Yesterday, Montana's program began accepting claims. Since the Federal Government reintroduced wolves to the northern Rockies, it only makes sense for the Fish and Wildlife Service to assist States in managing wolves even after the delisting.

Today, Senator BARRASSO and I are introducing the Gray Wolf Livestock Loss Mitigation Act to provide the assistance States need in managing wolves in the future.

This program strikes the balance the public demands. It accepts the presence of wolves, but it also supports our livestock industry which is affected by that reintroduction of the wolves.

If wolves are a public asset deserving of reintroduction, the Federal Government ought to be a player at the table to mitigate their costs.

I encourage my colleagues to take a look at this issue—it is an important one—particularly those colleagues from the Great Lakes region and the Southwest who face similar problems.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 517—DESIGNATING THE WEEK OF APRIL 13–19, 2008, AS "WEEK OF THE YOUNG CHILD"

Mr. SALAZAR (for himself, Mr. COCHRAN, Mr. DODD, Mr. ALEXANDER, Mr. LEVIN, Mrs. LINCOLN, Mr. BROWN, Ms. LANDRIEU, Mr. KENNEDY, Mr. CASEY, Mrs. MURRAY, Mr. ROBERTS, and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 517

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served;

Whereas only about one-half of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so;

Whereas less than 5 percent of all eligible babies and toddlers in the United States receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives assistance under section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs;

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs reduce—

(1) the occurrence of students failing to complete secondary school; and

(2) future costs relating to special education and juvenile crime; and

Whereas economist and Nobel Laureate, James Heckman, and Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, have stated that investment in childhood education is of critical importance to the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 13–19, 2008, as "Week of the Young Child";

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

SENATE RESOLUTION 518—DESIGNATING THE THIRD WEEK OF APRIL 2008 AS "NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK"

Mr. DODD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 518

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System figures reveal that more than 900,000 children were victims of abuse and neglect in the United States in 2006, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas more than 4 children die as a result of abuse or neglect in the United States each day;

Whereas children younger than 1 year old accounted for approximately 44 percent of all child abuse and neglect fatalities in 2006, and children younger than 3 years old accounted for approximately 78 percent of all child abuse and neglect fatalities in 2006;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas 20 States have enacted statutes related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or are undetected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death of an infant and may result in extraordinary costs for medical care in only the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been killed or injured by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas the Senate previously designated the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week"; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2008 as "National Shaken Baby Syndrome Awareness Week";

(2) commends hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

Mr. DODD. Mr. President, I rise today to introduce legislation with my colleague, Senator ALEXANDER, to proclaim the third week of April as "National Shaken Baby Syndrome Awareness Week."

First recognized by our late colleague, Senator Paul Wellstone, Shaken Baby Syndrome Awareness Week is one step the Senate can take each year to raise public awareness of Shaken Baby Syndrome, represents one of the most devastating forms of child abuse in this country. This form of abuse not only results in severe injury and lifelong disability in some cases, it results in the deaths of hundreds of children each year.

In recognition of the need to eliminate child abuse and to raise awareness about the issue, the month of April has been designated "National Child Abuse Prevention Month," an annual tradition that was initiated in 1979 by former President Jimmy Carter. As we focus more closely on the prevention of child abuse this month, awareness and prevention of Shaken Baby Syndrome should be an important component of these efforts.

The facts demonstrate the need for our efforts: Based on the most recent statistics available, about 1530 children died of abuse in 2006. While each of those deaths is a tragedy, it is estimated that 300 of those children were victims of an inflicted head injury. Nearly all of those children were under 5 years of age, and two-thirds had not reached their first birthday. The total annual cost of child abuse and neglect in the United States is estimated to be $103.8 billion a year.

However, there is good news: Programs that educate new parents about the danger of shaking and how they can protect their child have been shown to be remarkably effective. Eleven years ago, a pilot project to educate parents before they left the hospital began in Buffalo, New York. Since that time, the incidence of inflicted head injury is 50 percent lower in the Buffalo area. Today, New York and eight other States require hospitals to provide parents with education that gives them the knowledge to keep their children safe, and regional and local programs have begun in other States. Since Texas began in 1998, several states now require that licensed child care providers be trained about the causes, consequence and prevention of Shaken Baby Syndrome, important knowledge when more than 8 million children under age 5 are in child care during the work week. In Wisconsin, Illinois and New York, education programs are being designed for middle-school and high-school students: tomorrow's parents, tonight's babysitters.

While awareness of the vulnerability of young children to inflicted brain injuries is important, we are learning that effective education programs work best when they enlist the support of parents and other caregivers, and give them the knowledge and techniques they need to keep young children safe.

I, like many of my colleagues, am a parent. My children are still young and my parenting memories are perhaps more fresh than those of some other members. The overwhelming majority of my memories are ones I will cherish for a lifetime. But, I also recall exhaustion, anxiety and moments of frustration and anger. While national surveys show such moments are a normal part of being a parent, they are rarely spoken of.

Education and awareness can give every parent the opportunity to learn how to cope with frustrating moments, and to keep their children safe. Understanding this, last year I introduced the Shaken Baby Syndrome Awareness Act of 2007. This initiative provides for the creation of a public health campaign, including the development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of Shaken Baby Syndrome, and establishment of a cross-disciplinary advisory council to help coordinate national efforts. Through this legislation I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately eliminate Shaken Baby Syndrome.

With the support of the Centers for Disease Control, in 2008 Pennsylvania and North Carolina will begin statewide initiatives to support the efforts of hospitals to educate new parents. This builds on the program that began 11 years ago in Buffalo, New York and it builds on the efforts of doctors, nurses, educators, child care providers, prevention organizations and parent advocates across America who have been working to prevent Shaken Baby Syndrome and other inflicted abuse.

I would like to recognize those efforts, and the efforts of many others, including those formed by parents and relatives of children who have been killed or injured by shaking, who work to increase awareness of how parents can help protect their children from this devastating form of child abuse. Among those who are working toward the end of preventing the tragedy of child abuse and who are supportive of this resolution are: Association of University Centers on Disabilities, Brain Injury Association of America, Child Welfare League of America, Children's Healthcare is a Legal Duty, Children's Safety Network, Congress of Neurological Surgeons, Easter Seals, Hannah Rose Foundation, National Association of Child Care Resource & Referral Agencies, National Association of State Head Injury Administrators, National Center for Learning Disabilities, National Child Abuse Coalition, National Exchange Club Foundation, Prevent Child Abuse America, Shaken Baby Prevention, Inc., Shaken Baby Syndrome Prevention Plus, The Arc of the United States, The Center for Child Protection and Family Support, The National Association of Children's Hospitals and Related Institutions, The National Shaken Baby Coalition, United Cerebral Palsy, Voices for America's Children, D.C. Children's Trust Fund, and National Family Partnership. I would like to thank Senators MENENDEZ, CASEY, BAYH, CLINTON, SCHUMER, HATCH, MURRAY for their support of this worthwhile initiative.

I urge the Senate to adopt this resolution designating the third week of April 2008 as "National Shaken Baby Syndrome Awareness Week," and I urge members who take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month to take the opportunity to visit a local hospital, child care center or school, learn what they are doing to help parents protect their children from injury and recognize those efforts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4529. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table.

SA 4530. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4531. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4532. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4533. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4534. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4535. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4536. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4537. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4538. Mr. COBURN (for himself, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. MCCAIN, Mr. OBAMA, Mrs. CLINTON, and Mrs. MCCASKILL) proposed an amendment to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra.

SA 4539. Mrs. BOXER (for herself, Mrs. CLINTON, Mr. OBAMA, and Mr. NELSON of Florida) proposed an amendment to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra.

SA 4540. Mr. COBURN proposed an amendment to amendment SA 4539 proposed by Mrs. BOXER (for herself, Mrs. CLINTON, Mr. OBAMA, and Mr. NELSON of Florida) to the amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra.

SA 4541. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4529. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, after line 2, insert the following:

(s) PROJECT MODIFICATION.—Section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) by amending the description for item 160 to read as follows: "Nebraska Statewide Transit Bus, Bus Facilities and Related Equipment"; and

(2) by amending the description for item 586 to read as follows: "Nebraska Department of Roads/Bus, Bus Facilities and Related Equipment Statewide".

SA 4530. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 3 and 4 and insert the following:

(386) in item number 4497 by inserting ", including lighting, landscaping, and pedestrian enhancements from 18th Street to 20th Street and 29th Street to 30th Street" after "Cuming Street Transportation improvement project in Omaha";

(387) in project number 4506 by inserting ", including Burt Street lighting, landscaping, and pedestrian enhancements (including burial of certain overhead utilities) from 30th Street to 20th Street" after "Cuming Street Transportation Improvement Project in Omaha"; and

(388) in item number 370 by striking the

On page 86, strike lines 11 and 12 and insert the following:

campus in New Rochelle";

(25) in item number 276 by inserting ", including narrowing of 24th Street from Cuming Street to Cass Street and adjacent lighting, landscaping, and pedestrian safety enhancements" after "in Omaha"; and

(26) in item number 462 by striking the project

SA 4531. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, after line 2, insert the following:

(s) PROJECT MODIFICATION.—

(1) IN GENERAL.—Section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(A) by amending the description for item 232 to read as follows: "WMATA alternatives analysis, environmental assessment, preliminary engineering, design, and construction related to the transfer of WMATA buses from the Alexandria, Virginia Royal Street Bus Garage to an alternate WMATA facility"; and

(B) by amending the description for item 494 to read as follows: "WMATA alternatives analysis, environmental assessment, preliminary engineering, design, and construction related to the transfer of WMATA buses from the Alexandria, Virginia Royal Street Bus Garage to an alternate WMATA facility".

(2) AUTHORIZATION.—Amounts for the projects referred to in paragraph (1), as amended, shall remain available through fiscal year 2010.

SA 4532. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 15 and 16 and insert the following:

paving";

(3) in item number 72—

(A) in the column under the heading "Project description", by striking "Widen I-64 Bland Boulevard interchange" and inserting "Middle Ground Boulevard Extension Project"; and

(B) in the column under the heading "(Dollars in millions)", by striking "25.8375" and inserting "28.8375";

(4) by striking item number 1769; and

(5) in item number 614 by inserting "and for

SA 4533. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike line 3 and all that follows through line 8, and insert the following:

(386) in item number 370 by striking the project description and inserting "Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South"; and

(387) in item number 2406 by striking "in Fort Worth" and inserting ", or Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth".

SA 4534. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENFORCEMENT OF FEDERAL LAWS WITH RESPECT TO TRANSPORTATION OF HOUSEHOLD GOODS.

Chapter 147 of title 49, United States Code, is amended by striking sections 14710 and 14711 and inserting the following:

"§ 14710. Enforcement of Federal laws with respect to transportation of household goods

"(a) STATE ENFORCEMENT AUTHORITY.—Except as provided under subsection (f), if the attorney general or enforcement official of a State has reason to believe that the interests of the residents of that State have been, or are being, threatened or adversely affected by a violation of any consumer protection provision under this title that apply to individual shippers (as determined by the Secretary) and are related to the delivery and transportation of household goods by a household goods motor carrier subject to jurisdiction under subchapter I of chapter 135 of this title, or regulations or orders issued by the Secretary or the Board under such provisions, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to obtain injunctive relief as provided under this section.

"(b) NOTICE TO SECRETARY OR BOARD.—

"(1) IN GENERAL.—Except as provided under paragraph (2), not later than 60 days before initiating a civil action under subsection (a), the State shall submit, to the Secretary or the Board, written notice of such action that includes a copy of the complaint to be filed to initiate such action.

"(2) EXCEPTION.—If it is not feasible for the State to provide notice to the Secretary or the Board before the deadline under paragraph (1), the State shall provide such notice immediately upon instituting such civil action.

"(c) INTERVENTION.—Upon receiving the notice required under subsection (b), the Secretary or the Board—

"(1) may intervene in such civil action; and

"(2) upon intervening—

"(A) shall be heard on all matters arising in such civil action;

"(B) shall, upon motion, be substituted for the State in such civil action; and

"(C) may file petitions for appeal of a decision in such civil action.

"(d) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

"(1) the venue shall be a judicial district in which—

"(A) the carrier, foreign motor carrier, or broker operates;

"(B) the carrier, foreign motor carrier, or broker was authorized to provide transportation at the time the complaint arose; or

"(C) the defendant in the civil action is found;

"(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

"(3) a person who participated with the carrier or broker in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

"(e) FEDERAL PRIMARY RIGHT OF ENFORCEMENT.—If the Secretary or Board institutes a civil action or an administrative action under subsection (a), or under any other Act, regulation, or order for which the Secretary or the Board has enforcement authority, no State attorney general, or other official or agency of a State, may bring an action under this section while such action is pending against any defendant named in the complaint of the Secretary or Board for any violation alleged in the complaint.

"(f) REASONABLE COSTS AND ATTORNEY FEES.—If a State prevails in any civil action under subsection (a) for a violation of section 13707, the State can recover reasonable costs and attorneys fees from the carrier or broker.

"(g) STATE COMPLIANCE ORDERS.—

"(1) IN GENERAL.—If an individual shipper fails to relinquish possession of household goods in violation of section 13707, a State may issue an order requiring the shipper to comply with such section.

"(2) ISSUANCE.—Any order issued under this subsection shall—

"(A) be delivered by personal service;

"(B) state with reasonable specificity—

"(i) the requirements of section 13707;

"(ii) the nature of the violation of such section; and

"(iii) the penalties available for such violation (as described by section 14915); and

"(C) shall specify a date by which the shipper shall comply with the order.

"(3) SAVINGS PROVISION.—Action taken by a State under this subsection shall not affect or limit the authority of the State under subsection (a).

"(h) NOTICE TO CARRIER OR BROKER.—

"(1) FAILURE TO RELINQUISH POSSESSION OF HOUSEHOLD GOODS.—

"(A) IN GENERAL.—Except as provided under subparagraph (C), if a civil action brought under subsection (a) is for a violation of section 13707, the State shall provide notice of the alleged violation to the carrier or broker as soon as the alleged violation becomes known to the State.

"(B) CONTENTS.—Notice provided under subparagraph (A)—

"(i) shall require that the carrier or broker cure any violation within 24 hours of receipt of the notice;

"(ii) may be made in writing or by telephone; and

"(iii) if provided by telephone, shall—

"(I) be actual notice; and

"(II) be followed by subsequent written notification not later than 48 hours after the initial notice.

"(C) COMPLIANCE ORDER.—The State is not required to provide notice under this paragraph if the State issues a compliance order under subsection (g).

"(2) OTHER VIOLATIONS.—

"(A) IN GENERAL.—If a civil action brought under subsection (a) is not for a violation of section 13707, the State shall provide written notice to the carrier or broker of any civil action under subsection (a) not later than 30 days before initiating such action.

"(B) CONTENTS.—Notice provided under subparagraph (A) shall—

"(i) include a copy of the complaint to be filed to initiate such civil action; and

"(ii) provide the carrier or broker with an opportunity to cure the reported violation by mutual agreement between the State and the carrier or broker.

"(3) CIVIL ACTION AUTHORIZED.—Regardless of whether a carrier or broker cures a violation about which it has received notification from a State under this subsection, the State may file a civil action against the carrier or broker under subsection (a) if the State has complied with the notification requirement under subsection (b).

"(i) CONSTRUCTION.—Nothing in this section may be construed to—

"(1) prevent the attorney general or enforcement official of a State from exercising the powers conferred on such officials by the laws of such State;

"(2) convey a right to initiate or maintain a class action lawsuit in the enforcement of a Federal law or regulation or order; or

"(3) prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of such State.".

SA 4535. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 24 and 25, strike "in Clifton".

SA 4536. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

In section 105(a), after paragraph (10), insert the following:

(11) in item number 334 by striking "at intersection of Clinton Street and Keith Avenue";

SA 4537. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, strike lines 8 through 11 and insert the following:

(250) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 90";

SA 4538. Mr. COBURN (for himself, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. MCCAIN, Mr. OBAMA, Mrs. CLINTON, and Mrs. MCCASKILL) proposed an amendment to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, $10,000,000 was allocated for "Widening and Improvements for I–75 in Collier and Lee County".

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, $10,000,000 was allocated for "Coconut Rd. interchange I–75/Lee County".

(3) A December 3, 2007, article in the Naples Daily News noted, "Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I–75/Lee County.'".

(4) Page 824 of Riddick's Senate Procedure notes that "Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.".

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of $10,000,000 to the "Coconut Rd. interchange I–75/Lee County" calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the "Committee").

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 1, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

SA 4539. Mrs. BOXER (for herself, Mrs. CLINTON, Mr. OBAMA, and Mr. NELSON of Florida) proposed an amendment to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109-59 to ascertain if a violation of Federal criminal law has occurred.

SA 4540. Mr. COBURN proposed an amendment to amendment SA 4539 proposed by Mrs. BOXER (for herself, Mrs. CLINTON, Mr. OBAMA, and Mr. NELSON of Florida) to the amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, $10,000,000 was allocated for "Widening and Improvements for I-75 in Collier and Lee County".

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, $10,000,000 was allocated for "Coconut Rd. interchange I-75/Lee County".

(3) A December 3, 2007, article in the Naples Daily News noted, "Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I-75/Lee County.' ".

(4) Page 824 of Riddick's Senate Procedure notes that "Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.".

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of $10,000,000 to the "Coconut Rd. interchange I-75/Lee County" calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the "Committee").

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 2, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

SA 4541. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 18, strike "160" and insert "169".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 16, 2008, at 10 a.m., to conduct a committee hearing entitled "Turmoil in U.S. Credit Markets: Examining Proposals to Mitigate Foreclosures and Restore Liquidity to the Mortgage Markets."

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 16, 2008, at 2 p.m., to conduct a subcommittee hearing entitled "Affordable Housing Opportunities: Reforming the Housing Voucher Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 16, 2008, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "The Impact of the Credit Crunch on Small Business," on Wednesday, April 16, 2008, beginning at 2:30 p.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. BOXER. Mr. President. I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Wednesday, April 16, 2008 from 3 p.m.–5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century" on Wednesday, April 16, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 16, 2008, at 2:30 p.m., in open session to receive testimony from military beneficiary organizations regarding the quality of life of active, reserve, and retired military personnel and their family members in review of the defense authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Wednesday April 16, 2008 at 10 a.m. in Room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Surface Transportation and the Global Economy."

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT

On Thursday, April 10, 2008, the Senate passed H.R. 3221, as amended, as follows:

H.R. 3221

Resolved, That the bill from the House of Representatives (H.R. 3221) entitled "An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreclosure Prevention Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FHA MODERNIZATION ACT OF 2008

Sec. 101. Short title.

Subtitle A—Building American Homeownership

Sec. 111. Short title.
Sec. 112. Maximum principal loan obligation.
Sec. 113. Cash investment requirement and prohibition of seller-funded downpayment assistance.
Sec. 114. Mortgage insurance premiums.
Sec. 115. Rehabilitation loans.
Sec. 116. Discretionary action.
Sec. 117. Insurance of condominiums.
Sec. 118. Mutual Mortgage Insurance Fund.
Sec. 119. Hawaiian home lands and Indian reservations.
Sec. 120. Conforming and technical amendments.
Sec. 121. Insurance of mortgages.
Sec. 122. Home equity conversion mortgages.
Sec. 123. Energy efficient mortgages program.
Sec. 124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 125. Homeownership preservation.
Sec. 126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 127. Post-purchase housing counseling eligibility improvements.
Sec. 128. Pre-purchase homeownership counseling demonstration.
Sec. 129. Fraud prevention.
Sec. 130. Limitation on mortgage insurance premium increases.
Sec. 131. Savings provision.
Sec. 132. Implementation.
Sec. 133. Moratorium on implementation of risk-based premiums.

Subtitle B—Manufactured Housing Loan Modernization

Sec. 141. Short title.
Sec. 142. Purposes.
Sec. 143. Exception to limitation on financial institution portfolio.
Sec. 144. Insurance benefits.
Sec. 145. Maximum loan limits.
Sec. 146. Insurance premiums.
Sec. 147. Technical corrections.
Sec. 148. Revision of underwriting criteria.
Sec. 149. Prohibition against kickbacks and unearned fees.
Sec. 150. Leasehold requirements.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
Sec. 203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
Sec. 302. Nationwide distribution of resources.
Sec. 303. Limitation on use of funds with respect to eminent domain.
Sec. 304. Limitation on distribution of funds.
Sec. 305. Counseling intermediaries.

TITLE IV—HOUSING COUNSELING RESOURCES

Sec. 401. Housing counseling resources.
Sec. 402. Credit counseling.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 501. Short title.
Sec. 502. Enhanced mortgage loan disclosures.
Sec. 503. Community Development Investment Authority for depository institutions.
Sec. 504. Federal Home loan bank refinancing authority for certain residential mortgage loans.

TITLE VI—TAX-RELATED PROVISIONS

Sec. 601. Election for 4-year carryback of certain net operating losses and temporary suspension of 90 percent AMT limit.
Sec. 602. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.
Sec. 603. Credit for certain home purchases.
Sec. 604. Additional standard deduction for real property taxes for nonitemizers.
Sec. 605. Election to accelerate AMT and R and D credits in lieu of bonus depreciation.
Sec. 606. Use of amended income tax returns to take into account receipt of certain hurricane-related casualty loss grants by disallowing previously taken casualty loss deductions.
Sec. 607. Waiver of deadline on construction of GO Zone property eligible for bonus depreciation.
Sec. 608. Temporary tax relief for Kiowa County, Kansas and surrounding area.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

Sec. 801. Short title; amendment of 1986 Code.

Subtitle A—Taxable REIT Subsidiaries

Sec. 811. Conforming taxable REIT subsidiary asset test.

Subtitle B—Dealer Sales

Sec. 821. Holding period under safe harbor.
Sec. 822. Determining value of sales under safe harbor.

Subtitle C—Health Care REITs

Sec. 831. Conformity for health care facilities.

Subtitle D—Effective Dates and Sunset

Sec. 841. Effective dates and sunset.

TITLE IX—VETERANS HOUSING MATTERS

Sec. 901. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 902. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 903. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 904. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 905. Increase in specially adapted housing benefits for disabled veterans.

Sec. 906. Report on specially adapted housing for disabled individuals.
Sec. 907. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.
Sec. 908. Definition of annual income for purposes of section 8 and other public housing programs.
Sec. 909. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.

TITLE X—CLEAN ENERGY TAX STIMULUS

Sec. 1001. Short title; etc.

Subtitle A—Extension of Clean Energy Production Incentives

Sec. 1011. Extension and modification of renewable energy production tax credit.
Sec. 1012. Extension and modification of solar energy and fuel cell investment tax credit.
Sec. 1013. Extension and modification of residential energy efficient property credit.
Sec. 1014. Extension and modification of credit for clean renewable energy bonds.
Sec. 1015. Extension of special rule to implement FERC restructuring policy.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

Sec. 1021. Extension and modification of credit for energy efficiency improvements to existing homes.
Sec. 1022. Extension and modification of tax credit for energy efficient new homes.
Sec. 1023. Extension and modification of energy efficient commercial buildings deduction.
Sec. 1024. Modification and extension of energy efficient appliance credit for appliances produced after 2007.

TITLE XI—SENSE OF THE SENATE

Sec. 1101. Sense of the Senate.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 101. SHORT TITLE.

This title may be cited as the "FHA Modernization Act of 2008".

Subtitle A—Building American Homeownership

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Building American Homeownership Act of 2008".

SEC. 112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

"(ii) 132 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2009, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and

"(B) not to exceed 100 percent of the appraised value of the property."; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "section 3103A(d) of title 38, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

SEC. 113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

"(9) CASH INVESTMENT REQUIREMENT.—

"(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

"(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

"(i) such lien shall be subordinate to the mortgage; and

"(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

"(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

"(i) The seller or any other person or entity that financially benefits from the transaction.

"(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).".

SEC. 114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or of the General Insurance Fund" and all that follows through "section 234(c),,"; and

(2) in subparagraph (A)—

(A) by striking "2.25 percent" and inserting "3 percent"; and

(B) by striking "2.0 percent" and inserting "2.75 percent".

SEC. 115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

SEC. 116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking "and" before "(2)"; and

(B) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before "a first mortgage" insert "(A)";

(2) by striking "or on a leasehold (1)" and inserting "(B) a first mortgage on a leasehold on real estate (i)";

(3) by striking "or (2)" and inserting ", or (ii)"; and

(4) by inserting before the semicolon the following: ", or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project".

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.".

SEC. 118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

"(a) MUTUAL MORTGAGE INSURANCE FUND.—

"(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

"(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

"(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

"(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

"(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

"(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

"(B) the types of loans insured, categorized by risk;

"(C) any significant changes between actual and projected claim and prepayment activity;

"(D) projected versus actual loss rates; and

"(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

"(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

"(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

"(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

"(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.".

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking "Notwithstanding section 202 of this title, the" and inserting "The"; and

(B) by striking "General Insurance Fund" the first place such term appears and all that follows through the end of the subsection and inserting "Mutual Mortgage Insurance Fund.".

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking "General Insurance Fund" and inserting "Mutual Mortgage Insurance Fund".

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking "203(b)" and all that follows through "203(i)" and inserting "203, except as determined by the Secretary".

SEC. 119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking "General Insurance Fund established in section 519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking "General Insurance Fund" the first place it appears through "519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

SEC. 120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking "shall" and all that follows and inserting "means a metropolitan statistical area as established by the Office of Management and Budget;".

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

SEC. 121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting "or subordinate mortgage or" before "lien given"; and

(2) in subparagraph (C), by inserting "or subordinate mortgage or" before "lien".

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert " 'real estate,' " after " 'mortgagor',";

(2) by amending subsection (d)(1) to read as follows:

"(1) have been originated by a mortgagee approved by the Secretary;";

(3) by amending subsection (d)(2)(B) to read as follows:

"(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

"(i) originating or servicing the mortgage;

"(ii) funding the loan underlying the mortgage; or

"(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;";

(4) in subsection (f)—

(A) by striking "(f) INFORMATION SERVICES FOR MORTGAGORS.—" and inserting "(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—"; and

(B) by amending the matter preceding paragraph (1) to read as follows: "The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—"

(5) in subsection (g), by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(6) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation";

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

"(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles."; and

(10) by adding at the end the following new subsection:

"(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

"(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

"(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

"(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

"(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

"(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

"(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

"(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

"(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

"(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

"(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.".

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the "program").

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

"(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

"(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

"(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act."; and

(2) by adding at the end the following:

"(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.".

SEC. 124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking "; or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) a significant reduction in the income of the household due to divorce or death; or

"(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

"(I) an unexpected or significant increase in medical expenses;

"(II) a divorce;

"(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

"(IV) a large property-tax increase; or";

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

"(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.".

SEC. 128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) Establishment of Program.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) Forms of Counseling.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) Size of Program.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) Incentive to Participate.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) Eligible Homebuyer Defined.—For purposes of this section an "eligible homebuyer" means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) Report to Congress.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting "the Federal Housing Administration" before "the Farm Credit Administration"; and

(2) by striking "commitment, or loan" and inserting "commitment, loan, or insurance agreement or application for insurance or a guarantee".

SEC. 130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) In General.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) Waiver.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this title, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

Subtitle B—Manufactured Housing Loan Modernization

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2008".

SEC. 142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": Provided, That with" and inserting ". With".

SEC. 144. INSURANCE BENEFITS.

(a) In General.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) Insurance Benefits for Manufactured Housing Loans.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) Applicability.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 145. MAXIMUM LOAN LIMITS.

(a) Dollar Amounts.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008."

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).".

SEC. 146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).".

SEC. 147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.".

SEC. 148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.".

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

"SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

"(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

"(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

"(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.".

SEC. 150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

"(A) expires not less than 3 years after the origination date of the obligation;

"(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

"(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.".

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term "maximum guaranty amount" shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking "90 days" and inserting "9 months".

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking "90 days" and inserting "9 months".

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking "in excess of 6 percent" the second place it appears and all that follows and inserting "in excess of 6 percent—

"(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

"(B) during the period of military service, in the case of any other obligation or liability."; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

"(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.".

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the "Secretary").

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon; and

(D) demolish blighted structures.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 304. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term "applicable individual" means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SEC. 305. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 401 of this Act shall be $180,000,000: Provided, That of amounts appropriated under such section 401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the "NRC") to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase "For an additional amount") under the heading "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" of Public Law 110–161.

SEC. 402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Mortgage Disclosure Improvement Act of 2008".

SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "before the credit is extended, or";

(4) by inserting ", which shall be at least 7 business days before consummation of the transaction" after "written application";

(5) by striking ", whichever is earlier"; and

(6) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

"(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

"(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.

"(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later

than 3 business days before the date of consummation of the transaction.

"(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

"(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

"(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

"(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

"(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

"(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2,000" and inserting "not less than $400 or greater than $4,000"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting "or section 128(b)(2)(C)(ii)," after "128(a),"; and

(B) by inserting "or section 128(b)(2)(C)(ii)" before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

SEC. 504. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.".

TITLE VI—TAX-RELATED PROVISIONS

SEC. 601. ELECTION FOR 4-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES AND TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—

(1) 4-YEAR CARRYBACK OF CERTAIN LOSSES.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 (relating to years to which loss may be carried) is amended to read as follows:

"(H) ADDITIONAL CARRYBACK OF CERTAIN LOSSES.—

"(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

"(ii) TAXABLE YEARS ENDING DURING 2008 AND 2009.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(4)) for any taxable year ending during 2008 or 2009—

"(I) subparagraph (A)(i) shall be applied by substituting '4' for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting '3' for '2', and

"(III) subparagraph (F) shall not apply.".

(2) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(A) IN GENERAL.—Section 56(d) of the Internal Revenue Code of 1986 (relating to definition of alternative tax net operating loss deduction) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(4)), the amount described in subclause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

"(A) carrybacks of net operating losses from taxable years ending during 2008 and 2009, and

"(B) carryovers of net operating losses to taxable years ending during 2008 or 2009.".

(B) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting "amount of such" before "deduction described in clause (ii)(I)".

(3) EFFECTIVE DATES.—

(A) NET OPERATING LOSSES.—The amendments made by paragraph (1) shall apply to net operating losses arising in taxable years ending in 2008 or 2009.

(B) SUSPENSION OF AMT LIMITATION.—The amendments made by paragraph (2) shall apply to taxable years ending after December 31, 1997.

(4) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this subsection, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(b) ELECTION AMONG STIMULUS INCENTIVES.—

(1) IN GENERAL.—

(A) BONUS DEPRECIATION.—Section 168(k) of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after December 31, 2007, and before January 1, 2009), as amended by the Economic Stimulus Act of 2008, is amended—

(i) in paragraph (1), by inserting "placed in service by an eligible taxpayer" after "any qualified property", and

(ii) by adding at the end the following new paragraph:

"(4) ELIGIBLE TAXPAYER.—

"(A) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:

"(i) This subsection and section 179(b)(7).

"(ii) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years ending during 2008 and 2009.

"(B) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in subparagraph (A), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under subparagraph (A).

"(C) ELECTION IRREVOCABLE.—An election under subparagraph (A) may not be revoked except with the consent of the Secretary.".

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 103 of the Economic Stimulus Act of 2008.

(2) ELECTION FOR INCREASED EXPENSING.—

(A) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations), as added by the Economic Stimulus Act of 2008, is amended to read as follows:

"(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(4)) beginning in 2008—

"(A) the dollar limitation under paragraph (1) shall be $250,000,

"(B) the dollar limitation under paragraph (2) shall be $800,000, and

"(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).".

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect as if included in section 102 of the Economic Stimulus Act of 2008.

SEC. 602. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

"(i) $10,000,000,000 multiplied by a fraction—

"(I) the numerator of which is the population of such State, and

"(II) the denominator of which is the total population of all States, or

"(ii) the amount determined under subparagraph (B).

"(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a State (other than a possession), $90,300,606, and

"(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

"(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

"(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

"(C) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code (relating to elective carryforward of unused limitation for specified purpose) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

"(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.".

(c) ALTERNATIVE MINIMUM TAX EXEMPTION FOR QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND BONDS FOR QUALIFIED RESIDENTIAL RENTAL PROJECTS.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 (relating to specified private activity bonds) is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)), any qualified veterans' mortgage bond (as defined in section 143(b)), or any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)), but only if such bond is issued after the date of the enactment of this subclause and before January 1, 2011.

Subclause (II) shall not apply to a refunding bond unless such subclause applied to the refunded bond (or in the case of a series of refundings, the original bond).".

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) of such Code is amended by striking "QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 603. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

"(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

"(b) LIMITATIONS.—

"(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

"(A) after the date of the enactment of this section, and

"(B) before the date that is 12 months after such date.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.

"(3) ONE-TIME ONLY.—

"(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

"(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

"(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.

"(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—

"(A) IN GENERAL.—The term 'eligible single-family residence' means a single-family structure that is a residence—

"(i) upon which foreclosure has been filed pursuant to the laws of the State in which the residence is located, and

"(ii) which—

"(I) is a new previously unoccupied residence for which a building permit was issued and construction began on or before September 1, 2007, or

"(II) was occupied as a principal residence by the mortgagor for at least 1 year prior to the foreclosure filing.

"(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(ii)(I), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

"(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.

"(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

"(1) disposes of the qualified principal residence with respect to which a credit is allowed under subsection (a), or

"(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

"(f) SPECIAL RULES.—

"(1) JOINT PURCHASE.—

"(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$3,500' for '$7,000' in paragraph (1) thereof.

"(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,000.

"(2) PURCHASE; PURCHASE PRICE.—Rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply for purposes of this section.

"(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply for purposes of this section.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "and 25B" and inserting ", 25B, and 25E".

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting "25E," after "25D,".

(3) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25E".

(4) Section 25D(c)(2) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(5) Section 26(a)(1) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(6) Section 904(i) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(7) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 25E(g).".

(8) Section 1400C(d)(2) of such Code is amended by striking "and 25D" and inserting "25D, and 25E".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for certain home purchases.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases in taxable years ending after the date of the enactment of this Act.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment relates.

SEC. 604. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) of the Internal Revenue Code of 1986 (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(8) REAL PROPERTY TAX DEDUCTION.—

"(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of the eligible State and local real property taxes paid or accrued by the taxpayer during the taxable year which do not exceed $500 ($1,000 in the case of a joint return).

"(B) ELIGIBLE STATE AND LOCAL REAL PROPERTY TAXES.—For purposes of subparagraph (A), the term 'eligible State and local real property taxes' means State and local real property taxes (within the meaning of section 164), but only if the rate of tax for all residential real property taxes in the jurisdiction has not been increased at any time after April 2, 2008, and before January 1, 2009.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 605. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

"(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

"(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

"(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and

"(ii) the limitation under section 53(c).

"(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

"(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

"(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

"(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

"(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

"(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

"(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iv), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

"(iv) APPLICABLE LIMITATION.—For purposes of clause (iii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

"(I) $40,000,000, or

"(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

"(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iv).

"(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

"(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(F) OTHER RULES.—

"(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

"(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

SEC. 606. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—

(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate

determined under section 6621(a)(2) of such Code; and

(2) shall not be subject to any penalty under such Code.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 607. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 608. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VII—EMERGENCY DESIGNATION

SEC. 701. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "REIT Investment Diversification and Empowerment Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Taxable REIT Subsidiaries

SEC. 811. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking "20 percent" and inserting "25 percent".

Subtitle B—Dealer Sales

SEC. 821. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking "4 years" in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting "2 years",

(2) by striking "4-year period" in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting "2-year period", and

(3) by striking "real estate asset"and all that follows through "if" in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting "real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if".

SEC. 822. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting ", or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;", and

(2) by adding "or" at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

"(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,".

Subtitle C—Health Care REITs

SEC. 831. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

"(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

"(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.".

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

"(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.".

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting "or a health care facility" after "a lodging facility", and

(2) by inserting "or health care facility" after "such lodging facility".

Subtitle D—Effective Dates and Sunset

SEC. 841 EFFECTIVE DATES AND SUNSET.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

(e) SUNSET.—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.

TITLE IX—VETERANS HOUSING MATTERS

SEC. 901. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

SEC. 902. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

"§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

"(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

"(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

"(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

"(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

"(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

"(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

"(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of such title is amended—

(A) in subsection (a)—

(i) by striking "veteran" each place it appears and inserting "individual"; and

(ii) in paragraph (3), by striking "veteran's" and inserting "individual's";

(B) in subsection (b)(1), by striking "a veteran" and inserting "an individual";

(C) in subsection (c)—

(i) by striking "a veteran" and inserting "an individual"; and

(ii) by striking "the veteran" each place it appears and inserting "the individual"; and

(D) in subsection (d), by striking "a veteran" each place it appears and inserting "an individual".

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of such title is amended—

(A) by striking "veteran" each place it appears (other than in subsection (b)) and inserting "individual";

(B) in subsection (a), by striking "veteran's" each place it appears and inserting "individual's"; and

(C) in subsection (b), by striking "a veteran" each place it appears and inserting "an individual".

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of such title is amended by striking "veterans" both places it appears and inserting "individuals".

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of such title is amended—

(A) in subsection (a), by striking "veteran" each place it appears and inserting "individual"; and

(B) in subsection (b)—

(i) in the first sentence, by striking "A veteran" and inserting "An individual";

(ii) in the second sentence, by striking "a veteran" and inserting "an individual"; and

(iii) by striking "such veteran" each place it appears and inserting "such individual".

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of such title is amended—

(A) in subsection (a)—

(i) by striking "any eligible veteran" and inserting "any eligible individual"; and

(ii) by striking "the veterans'" and inserting "the individual's";

(B) in subsection (b), by striking "an eligible veteran" and inserting "an eligible individual";

(C) in subsection (e), by striking "an eligible veteran" and inserting "an individual";

(D) in subsection (h), by striking "each veteran" and inserting "each individual";

(E) in subsection (i), by striking "the veteran's" each place it appears and inserting "the individual's";

(F) by striking "the veteran" each place it appears and inserting "the individual"; and

(G) by striking "a veteran" each place it appears and inserting "an individual".

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of such title is amended to read as follows:

"§2101. Acquisition and adaptation of housing: eligible veterans".

(B) The heading of section 2102A of such title is amended to read as follows:

"§2102A. Assistance for individuals residing temporarily in housing owned by a family member".

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of such title is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

"2101. Acquisition and adaptation of housing: eligible veterans.";

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

"2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.";

and

(C) by striking the item relating to section 2102A and inserting the following new item:

"2102A. Assistance for individuals residing temporarily in housing owned by a family member.".

SEC. 903. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

SEC. 904. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006" and inserting "after December 31, 2011".

SEC. 905. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000";

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000"; and

(3) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 906. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 902(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 907. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 902(a) of this Act), who reside with family members on a permanent basis.

SEC. 908. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting "or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts" before "may not be considered".

SEC. 909. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.".

TITLE X—CLEAN ENERGY TAX STIMULUS

SEC. 1001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the "Clean Energy Tax Stimulus Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Extension of Clean Energy Production Incentives

SEC. 1011. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2010":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams, *"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or*

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.".

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2010" and inserting "the date of the enactment of paragraph (11)".

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(d) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 1012. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)" and inserting "subsection (c)(2)(B)".

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1013. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking ", (2)," in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 1014. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting ", and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000" after "$1,200,000,000" in paragraph (1),

(2) by striking "$750,000,000 of the" in paragraph (2) and inserting "$750,000,000 of the $1,200,000,000", and

(3) by striking "bodies" in paragraph (2) and inserting "bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)".

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

"(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).", and

(2) by inserting "; PUBLIC POWER PROVIDER" before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 1015. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

SEC. 1021. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking "2006" and inserting "2008".

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 1022. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

"(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

"(ii) used by such eligible contractor as a residence during the taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 1023. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking "$1.80" and inserting "$2.25".

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking "$.60" and inserting "$0.75", and

(B) by striking "$1.80" and inserting "$2.25".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1024. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

TITLE XI—SENSE OF THE SENATE

SEC. 1101. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

Amend the title so as to read: "An Act to provide needed housing reform and for other purposes.".

WEEK OF THE YOUNG CHILD

Mrs. BOXER. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 517 submitted earlier today by Senator SALAZAR.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 517) designating the week of April 13–19, 2008, as "Week of the Young Child."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Madam President, I rise today to recognize the "Week of the Young Child." With 20 million children under the age of 5 in this country, these children are our country's future, and we must support and invest in our future. Providing children with access to quality early education programs will help to ensure that all children are not only ready for school, but ready to succeed and reach their full potential.

In Connecticut, early care and education centers were established to provide quality early education to children of low- and moderate-income families. These centers, which are in communities all over the State, would not exist without a combination of State and Federal funds. Connecticut's centers are accredited by the National Association for the Education of Young Children and seek to support and promote the cognitive, physical, social, and emotional development of children.

The Children's Center of New Milford, CT, is one of these funded early care and education centers. The center offers quality care on a sliding-fee scale to approximately 80 families. In addition to providing educational and social opportunities, the center also provides 80 percent of a child's daily nutritional needs including breakfast, a hot lunch, and an afternoon snack.

Many of the parents helped by the center provide the workforce for small and large companies. They are employed by fast food stores, department stores, grocery stores, local restaurants, and nursing homes. Without the funded centers, these parents would not be able to afford childcare, and their children would not be able to benefit from the various educational, social, and emotional supports the centers provide.

One Connecticut parent wrote to me about how a quality pre-K program has changed her child's life saying: "My three year old loves books. My three year old interacts well with others. My three year old knows how to express himself without anger. My three year old will grow up to be a good citizen. My three year old is a product of good parenting and a quality pre-K program. As a single working parent, I rely on a pre-K program to fill the gaps when I am unavailable to nurture and teach my child."

I also heard from an elementary school Spanish teacher who discussed the benefits he has seen when children who come from non-English speaking families attend quality pre-K programs saying: "The ability to learn with peers and children who do speak English at home helps these children so that they are not further behind their peers when they start kindergarten."

Funding quality early education programs such as these is essential to support the children, parents, communities, and future of our Nation. I thank Senators SALAZAR and COCHRAN for their leadership with regard to the resolution designating the "Week of the Young Child" and proudly support them in their valuable efforts.

Mrs. BOXER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 517) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 517

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served;

Whereas only about one-half of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so;

Whereas less than 5 percent of all eligible babies and toddlers in the United States receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives assistance under section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs;

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs reduce—

(1) the occurrence of students failing to complete secondary school; and

(2) future costs relating to special education and juvenile crime; and

Whereas economist and Nobel Laureate, James Heckman, and Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, have stated that investment in childhood education is of critical importance to the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 13-19, 2008, as "Week of the Young Child";

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

ORDERS FOR THURSDAY, APRIL 17, 2007

Mrs. BOXER. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12:45 p.m. tomorrow, Thursday, April 17; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, and the Senate then resume consideration of H.R. 1195, the highway technical corrections bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. BOXER. For the information of all Senators, we are working on an agreement to have votes in relation to amendments tomorrow. Those votes could be as early as 1:45 p.m.

As a reminder, today cloture was filed on the Boxer substitute No. 4146 and H.R. 1195. Under the rule, the filing deadline for first-degree amendments is 1 p.m. tomorrow, Thursday, April 17.

ADJOURNMENT UNTIL 12:45 P.M. TOMORROW

Mrs. BOXER. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Thursday, April 17, 2008, at 12:45 p.m.

HOUSE OF REPRESENTATIVES—*Wednesday, April 16, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. DEGETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 16, 2008.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Dr. Charles B. Simmons, Memorial Drive United Methodist Church, Houston, Texas, offered the following prayer:

Ever-present God: Humbly we pause to approach You. Help us to come before You in reverence that You may enter into our presence with power.

In this hallowed House, we thank You for these Your servants who now guard its great legislative inheritance and seek to profit the Nation by wise governance. Endow each with a right understanding, pure purposes and sound speech. Enable them to rise above all personal agendas and party zeal to the nobler concerns of the public good. Give them vision and set their hearts afire with large resolves.

Lord, lead them, that in all deliberations they may faithfully discharge the duties of their office and ever promote the health, safety and well-being of all whom they serve, for the good of the United States of America, the blessing of our world, and the glory of Your holy name. In His, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Nebraska led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING DR. CHARLES B. SIMMONS

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. CULBERSON) is recognized for 1 minute.

There was no objection.

Mr. CULBERSON. Thank you, Madam Speaker.

It's my privilege to rise today to honor my pastor and my good friend, Dr. Charles B. Simmons, our chaplain for the day.

Dr. Simmons joins us from my hometown of Houston, Texas, and it is just a thrill to have him here today. Dr. Simmons baptized our daughter, Caroline. He has been our minister for many, many years at Memorial Drive United Methodist Church.

He is joined here today by his wife, Carol; his son, Christopher; and Christopher's wife, Melissa. We are thrilled to have them here. Dr. Simmons and his wife, Carol, also have a son, Jeffrey, who is not here with us today.

Dr. Simmons is serving in his 10th year as senior minister of Memorial Drive United Methodist Church. He is recognized nationally as a dynamic minister, a dedicated pastor and respected leader among Methodists. He led the way at our church to reach out to the people of Louisiana who suffered as a result of the hurricane and helped rescue many, many lives and put many lives back on track after that devastating storm.

Dr. Simmons is a native of Louisiana, a graduate of Centenary College, who earned his master of divinity and doctor of ministry degrees from Emory University, and completed his further graduate study in Geneva, Switzerland, as a Methodist fellow. He has served in a variety of appointments, and his leadership has enriched the lives of our congregation and grown our church now to 7,000 members of Memorial Drive United Methodist Church.

We are very proud to have him here. His leadership has been instrumental in developing The Connection Center, an off-campus site serving as an outpost for ministry with state-of-the-art facilities for senior adult and youth programs. We have also founded, under Dr. Simmons' leadership, a third site at the former Shepherd Drive United Methodist Church which is now in operation as well.

Outside of our local congregation, Dr. Simmons also serves as chair of the Texas Conference Board of Ordained Ministry, a member of the Large Church Initiative Team, and is active in both the administrations of Centenary College and Emory University.

With deep appreciation for his leadership to Memorial Drive United Methodist Church, his devotion to its members and his beneficial efforts to the community at large, it is my privilege to welcome Dr. Simmons and his family to Washington. I am honored to have him here today as our guest chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain requests for up to 15 further 1-minute speeches on each side.

HONORING MARINE LANCE CORPORAL DEAN OPICKA

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, several days ago, Marine Lance Corporal Dean Opicka was killed in action while serving our Nation in Iraq. Dean was 29 years of age and is the third Luxemburg-Casco High School alumnus killed in Iraq.

David and Donna Opicka of Casco, Wisconsin, are the proud parents of Dean, who graduated from Luxemburg-Casco High School in 1997.

Dean joined the Marines in August of 2005 and graduated from boot camp at Camp Pendleton, California, in November. He was a brave member of the Milwaukee-based 2/24 Fox Company.

William Shakespeare, in his play, "Julius Caesar," wrote, "Cowards die many times before their deaths; the valiant never taste of death but once."

On behalf of every citizen in these United States I wish to express our sincerest gratitude to Marine Lance Corporal Dean Opicka. To his parents and family, this House of Representatives expresses our deepest regrets on his passing and thanks for his service.

MOMENT OF SILENCE

In honor of Dean Opicka, I respectfully request a moment of silence.

The SPEAKER pro tempore. All Members will stand and observe a moment of silence.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN APPRECIATION OF THE DRUG ENFORCEMENT ADMINISTRATION

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Madam Speaker, I rise today in appreciation of the brave men and women of the Drug Enforcement Administration.

Earlier this week, I had the opportunity to tour the DEA's anti-meth lab training facility as well as the chance to briefly speak to agent trainees. Meth leaves lives destroyed and communities shaken to the core. These agents have literally devoted their lives to protect our communities and deserve our thanks for their efforts to combat the scourge of illegal drugs.

Though the number of meth labs in America has decreased since 2006, Mexican drug cartels are creating super labs, which produce a huge percentage of the meth in our country. This is why I introduced the Meth Kingpin Elimination Act last year, which would increase penalties on drug manufacturers and smugglers.

Meth abuse and production knows no borders, and I thank the instructors and students at Quantico for taking time to show us how important it truly is to win the war on drugs.

IRAQ AND OUR TAXES

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, yesterday our constituents filed their tax returns, but I wonder how many American taxpayers realize that the average tax return will be consumed in less than half a second in the Iraq war. When we grant the President the additional $100 billion he is asking in emergency funding for Iraq, we will be spending $5,000 a minute and $12 billion a month in a lost cause.

The American taxpayer is still paying for Iraq's garbage collection, their schools, their health clinics and their roads. When the Iraqi people themselves are running a surplus. They have almost $70 billion in accumulated surplus now.

The last couple of years, they have had $100 billion come in from oil revenue, and they budgeted it at about $55 a barrel. It is now about $112 a barrel. They are generating an enormous surplus that they don't know what to do with, and a whole lot of it is being stolen.

And yet we are paying still to collect their garbage. There is something wrong with this picture and the American taxpayer needs to stand up and speak out about it with a full measure of outrage.

CRIME

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, according to the Department of Justice, one person is assaulted in the United States every 7.2 seconds, raped every 2.7 minutes and murdered every 31 minutes. That means that in the last hour, 500 Americans will have been assaulted, 22 raped and 2 murdered. Congress can and must do more to protect American families and keep our communities safe.

In this Congress, Republicans have introduced over 100 bills to help Federal, State and local law enforcement officials combat crime. To date, though, only three have been considered.

As we recognize National Crime Victims' Rights Week, Congress should do more than just honor the victims. Let's help law enforcement officials shield an innocent person from assault, protect a woman from rape and save a life.

TAXPAYER ASSISTANCE ACT, A GOOD GOVERNMENT TAX BILL

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, as millions of Members filled out their tax returns this week, many were concerned that their hard-earned tax dollars will be sent straight to Iraq. We have already spent $44 billion rebuilding Iraq, and the war costs our Nation about $12 billion a month.

We have families struggling here at home that can't pay their bills, are losing their homes, don't have health care, and the Bush administration is spending $12 billion a month on a war that shows no end in sight and no plans for success.

Our monthly investment in Iraq translated into approximately $339 million every single day. Taxpayers are probably wondering how could we better invest that money here in the United States. The $339 million we spend in Iraq a day could provide 48,000 homeless veterans with a place to live or we can assure 317,000 kids receive their vaccinations and live a healthy life.

House Democrats vow to fight to ensure that American tax dollars are used to rebuild America, not Iraq.

THE IMPORTANCE OF PRAYER IN AMERICAN LIFE AND HISTORY

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today as a member of the bipartisan Congressional Prayer Caucus to formally acknowledge the importance of prayer in American life and American history.

Today I am honored to launch the first of what I hope will be weekly reminders of our country's need for prayer. I do so by reading a proclamation given by President Ronald Reagan in 1983 when he said, "From the birth of our Republic, prayer has been vital to the whole fabric of American life."

As we crossed and settled the continent, built a Nation in freedom, endured war and critical struggles to become a sentinel of liberty, we repeatedly turned to our Maker for strength and guidance in achieving the awesome tasks before us.

Whether at the ordeal of the Revolutionary War, the stormy days of binding the 13 colonies into one country, the Civil War, or other moments of trial over the years, we have turned to God for His help. As we are told in II Chronicles 7:14: "If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and will heal their land."

□ 1015

CCDBG AND HEAD START FUNDING

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Madam Speaker, I rise today to speak about increasing support and funding for the Child Care and Development Block Grant and the Head Start programs. We know these two Federal programs provide critical resources to support our Nation's children, educators and working families.

At a time when almost 12 million children under age 5 are currently in child care, the resources for their care and early education continue to be stretched after 7 straight years of nearly flat funding. The stagnant support for these programs has caused thousands of children to lose child care assistance, and fewer children today attend Head Start programs than 6 years ago.

The Child Care and Development Block Grant and Head Start are proven programs that lead to increased cognitive and social development. The programs greatly improve the ability of children to succeed in school. Increased funding will also promote greater employment among parents through less time missed from work, higher incomes, and reduced rates of turnover.

In my State of Pennsylvania, over 522,000 children under age 6 need care because the parents are hard at work trying to provide their children with opportunities for success. That is why I support increased funding for the Child Care and Development Block Grant and the Head Start and Early Start programs. I urge my colleagues to do the same.

AMERICAN VICTIMS OF HAMAS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, yesterday SHELLEY BERKLEY and I, along with 55 of our Democratic and Republican colleagues, sent a bipartisan letter to President Carter calling on him to cancel his meeting with Hamas leader Khaled Meshal.

The State Department lists Hamas as a foreign terrorist organization, and Hamas terrorists are responsible for the murders of at least 26 American citizens, some of them teenagers, children and infants.

Here are two of the victims, 3-month-old Shmuel Taubenfeld and 3-year-old Tehilla Nathanson. They are the faces of American citizens with their light extinguished by Hamas terrorists.

If you live in Illinois, New York, New Jersey, Massachusetts, Ohio, California, North Carolina, Connecticut, Pennsylvania, or Florida, then Americans from your State have been murdered by Hamas.

President Carter, do not meet with the man who ordered the deaths of our fellow citizens.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

McCAIN DOESN'T UNDERSTAND

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Well, the presumptive Republican nominee for President, JOHN McCAIN, wasn't kidding when he said he didn't understand the economy. He has proposed a gas tax holiday. Now let's think about it for a minute. Gas today costs three times as much as it did in 1993, but the Federal gas tax hasn't changed since 1993. So what is the cause of the big run-up?

Well, it might be the $40 billion record profit at ExxonMobil and the $400 million exit given to their last CEO. That might be part of it.

It might be the OPEC cartel colluding to drive up the price of oil and restrict demand. Or it could be the hedge fund speculators and others on Wall Street driving up the cost unnecessarily so they can make money.

But the nominee of the Grand Oil Party, the GOP, he's not going to take on Big Oil. He's not going to take on Wall Street. He's not going to take on OPEC. What he is going to do is cut Federal investment in our crumbling infrastructure, put hundreds of thousands of construction workers out of jobs, and condemn even more Americans to being jammed on congested highways that need improvement and bridges that are collapsing where we don't have the money to rebuild.

HONORING HOMETOWN U.S.A. PROGRAM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I rise today to honor an organization in my district in Leesburg, Florida, that is making a difference for the people of Florida.

Florida's Hometown U.S.A. was formed to instill in Florida's youth the value of volunteer service. Students from across the State are selected each year to participate in the program. Each year five students are selected from elementary school to high school as participants. The volunteers' focus is on helping children and the elderly by providing food, clothes, personal care items, and assistance wherever it is needed.

Each year the organization holds its Florida Hometown U.S.A. pageant, which serves as its main fundraiser. Florida's Hometown U.S.A. program has received recognition for the positive impact and outcome it has achieved in the local communities.

I want to congratulate these fine young volunteers, especially the fine young students who are selected every year, and especially program director Linda Watts, for all she has done over the past 22 years. She has enhanced the community of Leesburg which I represent. Thank you, Linda, for all of your hard work. Keep up your hard work for the program, and God bless you.

SETBACKS FOR PEACE IN THE MIDDLE EAST

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Madam Speaker and ladies and gentlemen of the House, our bipartisan efforts to isolate terrorism and terrorists and to find a lasting and secure peace in the Middle East got two setbacks this week from sadly predictable sources.

First, the United Nations appointed a human rights inspector by the name of Richard Falk whom my hometown newspaper, the Daily News, correctly called "the nutty professor" because of his position, as he goes into this job of overseeing human rights, that the Israelis are like Nazis. This is who they appoint to try to come to a peaceful human rights conclusion in that part of the world.

And then, sadly, we had another chapter in how not to be a former President from Jimmy Carter who goes to the Middle East, and rather than trying to pursue peace, embraces Hamas, the organization responsible for hundreds of rockets falling in Israel.

It is hard to imagine two institutions or two people that could be more of a setback than these two. The United Nations once again shows that they are unfit for their role of trying to find a moderate and lasting peace in that part of world. And, sadly, Jimmy Carter continues to write a chapter about how not to be a former President.

HONORING THE MEINEKE COMPANY

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Madam Speaker, I would like to honor the Meineke Company today and their efforts to employ ex-offenders who have participated in the Second Chance Program.

Meineke is one if not the first national company to actively hire ex-offenders returning from prison while also promoting opportunity within the Federal Bureau of Prisons.

Through participation in this program, individuals are ready to not only enter but also contribute to the workforce once they have paid their debt to society. Meineke continues to promote participation in the Second Chance Program at all of its franchise meetings, in newsletters, and through a publication called Second Chance Profiles. This periodical is sent out company wide, and chronicles the personal story of employees who have truly exhibited the meaning of a life-changing experience.

I commend Meineke CEO Ken Walker, Director of National Accounts Dave Holland, and Cordell Riley, President of Tortal, which serves as Meineke's online trading portal. The tireless efforts of these individuals and the commitment of their ex-offenders has spawned an authentic modern day success story.

REPUBLICAN ECONOMIC POLICIES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, with bleak news about the economy continuing to mount, it is no surprise that 25 percent of Americans say their economic situation has not improved in the last 5 years, and 31 percent say they have fallen backward. These represent the highest numbers for the Pew

Research Center survey since the question was first asked in 1964.

Economic uncertainty within the middle class is a result of President Bush's economic policies. For 6 years, Republicans have offered tax cuts to the wealthy, refused to close corporate tax loopholes, and even defended multibillion dollar tax subsidies for big oil companies.

House Democrats reject an economic policy that showers billions of dollars on unnecessary tax breaks to corporate interests and to millionaires, while middle-class families are ignored. This year's Democratic budget makes middle class tax relief a priority by calling for the extension of middle-income tax cuts, such as the child tax credit and marriage penalty relief.

Democrats have also been working hard to close corporate tax loopholes and end costly waste, fraud and abuse. Madam Speaker, Democrats are fighting to put the Tax Code back on the side of the working family.

TAX DAY

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, yesterday millions of Americans responsibly filed their taxes with the IRS. At the same time, House Democrats pushed legislation for the largest tax increase in history.

While middle-income families are balancing tight budgets and bracing for an economic crunch, Congress is hastily increasing taxes to keep up with Federal spending.

Madam Speaker, we need to complete an overhaul of the tax-and-spend system in Washington. For taxpayers to keep more of their hard-earned money, the key is to tighten government spending overall now. Next, we need to implement a tax system to revive and stimulate the economy for the long term. This involves offering permanent tax relief for married couples, families with children, small businesses, and putting an end to the death tax.

Reforming the tax system through tax relief will boost the economy, increase revenues, and promote job growth.

American families are acting responsibly with their money. We need to do the same.

CRISIS OF LEADERSHIP

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, once again this misguided Democrat majority is looking to set a record. But like their tally for broken promises and historic tax increases, this isn't a record of which anyone should be proud. No, Madam Speaker, this Democrat leadership is overseeing the record price of gasoline.

Today, the national average for gas reached $3.44 a gallon, an all-time high. The American people want to know what Congress is going to do about it, but a crisis of leadership in this Congress continues to leave American families struggling to fill up their tank.

Under this leadership, the price at the pump has shot up more than a dollar a gallon in just 16 months. Now on the campaign trail, they talked about a commonsense plan to bring down gasoline prices. Yet instead of easing the pain at the pump, this majority offers only more gas taxes and less domestic production, and the gas bill only rises.

Madam Speaker, the American people demand relief, and their pleas are being ignored. That is the definition of leadership lacking.

WELCOMING POPE BENEDICT XVI

(Mr. DENT asked and was given permission to address the House for 1 minute.)

Mr. DENT. Madam Speaker, I rise today to welcome Pope Benedict to the United States for his first visit since becoming Pope in 2005. At this moment, the Pope is at the White House. This historic visit is a significant moment in history for our country, and an important opportunity for the 65 million American Catholics across the country to build a stronger rapport with their spiritual leader.

For one of my constituents, my friend and neighbor, Dr. Brennan Pursell, the Pontiff's visit is particularly special. Although Dr. Pursell has never met the Pope, he shares an intimate connection with him.

Dr. Pursell, a professor of history at DeSales University in the Lehigh Valley of Pennsylvania, has spent the past 3 years researching and writing about the upbringing, development, and motivations of Joseph Ratzinger, the man we know today as Pope Benedict.

Dr. Pursell's book, "Benedict of Bavaria, An Intimate Portrait of the Pope and his Homeland," tells the story of a gifted intellectual and spiritual man who has been shaped by the rich traditions of Bavarian culture and deep devotion to the Catholic faith.

The portrait that Dr. Pursell paints in his book will help us all understand more about who the Pope is and what informs his perspectives.

I commend my constituents, Dr. Pursell; his wife, Irmgard, who is a German national; their son, Benedict; and daughter, Elena, for their dedication and for Brennan's significant contribution to history and the Catholic faith in capturing the story of Benedict of Bavaria.

I join with my constituents in warmly welcoming the Pope to our great country. I encourage everybody to take a look at this wonderful work "Benedict of Bavaria" by Dr. Brennan Pursell, my good friend and neighbor.

SANCTUARY CITIES SHOULD LOSE FEDERAL FUNDING

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Madam Speaker, American taxpayers ought not be footing the bill for sanctuary cities to serve as safe havens for illegal immigrants, especially hardened criminals.

Sanctuary cities do not allow money or resources to be used to enforce Federal immigration laws. Police or other employees cannot inquire about immigration status. An example is San Francisco as a sanctuary city.

I support the CLEAR Act authored by MARSHA BLACKBURN. The act would empower local law enforcement agencies in the fight against illegal immigration. Under her bill, sanctuary cities would lose Federal crime funding unless local governments rescind the policies that prohibit local law enforcement from working with the Department of Homeland Security.

Illegal immigrants know they are safe from deportation. If these cities refuse to enforce the law, especially when it comes to criminals, it ought to cost them.

This is a first step, and I urge the House to move forward with this legislation. Americans deserve our full support.

H-2B IS A SUCCESSFUL PROGRAM

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, H-2B is a legal, temporary worker program that has been very successful in providing our Nation's small businesses with the workforce they need during peak business seasons. However, an important provision expired last September.

Many in Congress have acted in support of legislation that would have fixed this escalating problem. Bills, amendments, and discharge petitions have been introduced as early as last March; yet, no action.

Yesterday, the House passed an extension of the Religious Worker Visa Program while many of our Nation's small and seasonal businesses are still struggling to find workers, and Congress has responded with nothing but a hearing.

That hearing is today, Madam Speaker, nearly 7 months after the H-2B exemption expired. I can only hope that this Congress will give our small businesses a legal solution to their workforce needs.

☐ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

TEMPORARY EXTENSION OF FARM PROGRAMS

Mr. PETERSON of Minnesota. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5813) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2008 beyond April 18, 2008.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective as of April 18, 2008, section 1 of Public Law 110-196 (122 Stat. 653) is amended—

(1) in subsection (a), by striking "the Secretary of Agriculture shall carry out the authorities, until April 18, 2008" and inserting "the authorities shall be carried out, until April 25, 2008"; and

(2) in subsection (d), by striking "April 18, 2008" and inserting "April 25, 2008".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5813, a bill to temporarily extend the current farm programs until April 25, 2008.

Madam Speaker, since the House conferees were appointed last week, the conference committee has been meeting to try to work out the remaining unresolved issues between the House and Senate version of the farm bill. I'm pleased to report that on the core farm bill issues we have reached agreement, and there are only a few Member-level issues that must be resolved.

I want to take this moment right now to thank Chairman RANGEL, who has devoted a great deal of his time and his staff's time to helping us to come to resolution with the Senate about how to fund the additional $10 billion of new spending for farm bill priorities. Without his leadership and that of Speaker PELOSI and the leaders on the Republican side, we would not be so close to finalizing this bill.

The farm bill maintains and strengthens the safety net that helps farmers and ranchers stay productive and competitive. It also includes important new investments including $9.5 billion for nutrition programs that are even more important today as food prices continue to climb. It contains $4 billion for conservation programs that will help protect our land, even as crop reduction soars; $1.2 billion for renewable energy programs that will help us address the rising cost of gasoline and help us get independent of foreign oil; and $1.3 billion for new initiatives and programs to support fruit and vegetable producers, including new programs to help socially disadvantaged and beginning farmers and ranchers.

All these important investments will be lost if we don't have time to finish this conference. This short extension will allow us to finish our work and bring back to the House a conference report that meets the needs of all of American agriculture and the consumers.

Madam Speaker, I'm pleased to report that I've been in conversations with Chairman RANGEL and others that have been involved in the effort to identify the offsets, and can report that they have made significant progress, that we have been able to, apparently, convince the Senate to jettison the extraneous items, and so now we're talking about $10 billion instead of $12.5 billion, which is a major accomplishment and victory, and we are getting very close to being able to resolve the differences in the offsets because, where we've been at is the House has put out one set of offsets and the Senate has put out another, and we're trying to reconcile that.

I also, last night, had discussions with the Secretary of Agriculture, Mr. GOODLATTE and others, asking that the Secretary and the White House be brought into this negotiation to help us finish up. And from what I can tell, there appears to be an effort to get that engaged. So I think we're very close to having this offset issue resolved, hopefully, in a way that will have the bipartisan support in this body, as well as in the other body, and also hopefully have the support, at the end of the day, of the White House.

And that is what Mr. GOODLATTE and I have been struggling to accomplish since last July. We've made a lot of progress. We're not there yet, but we feel we've made huge progress in the last few days, enough to warrant another 1-week extension of the farm bill so that we can finish up our work.

I want to commend Congressman GOODLATTE for his outstanding leadership in this effort, his outstanding leadership when he was chairman of the committee last session, and getting this farm bill process started. And I can tell you that, without a doubt, that we would not be at this point without him being willing to work with us and help us make some tough decisions to get to where we are. So I just appreciate very much he and his staff and the leadership that they've shown because, over in the House, what we're trying to do here is not only have a bill that we can be proud of, but also have a bill we can pass. And I think we're heading in that direction.

Madam Speaker, I urge passage of the bill.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the temporary farm bill extension that will extend some provisions of the 2002 farm bill just a little while longer so that we may complete the work on this farm bill. I believe we've made good progress on coming to agreement on the funding which has been the biggest obstacle preventing any real movement on the completion of a farm bill to this point. While we're not there yet, I do believe we are getting close.

The House and Senate conferees have been meeting every day this week, and we intend to continue our work throughout the rest of the week. We are committed to putting together a reform-minded bill that we can bring before this body soon and earn the support of our Members here and in the other chamber, and then go on to the President for his approval.

We all recognize the need for a new farm bill. This process has already been delayed enough, and while it is a long time coming, we shouldn't halt the momentum that is finally getting this process moving to a positive direction.

I urge my colleagues to support this farm bill extension to give us a little more time to work out the rest of the funding issues and wrap up the policy differences so that we can produce a good farm bill.

I want to thank the chairman of the committee, Mr. PETERSON, for his kind words, and say that there is no doubt that no one, in this body or the other, I'll take the chance of saying that, has worked harder or longer in order to try to get to this point than Chairman PETERSON has. He has spoken to innumerable people in order to try to bring about the kind of consensus it takes to get here. He has been down many different avenues, and if one doesn't work, he comes back, starts over again and tries a different approach. And his persistence and his attention to the details in this farm bill and his knowledge of the wide range of issues that comprise the farm bill has enabled us to negotiate effectively with the Senate to negotiate effectively with Members in this body who have legitimate concerns that need to be addressed in the farm bill.

But with the limited resources and the differences of opinion that arise in any bill, particularly one of this complexity, he has done an outstanding job of listening to the concerns of many different people, and I am optimistic that we can move forward and reach a final farm bill to bring before this body and before the other body.

Madam Speaker, I yield back the balance of my time.

Mr. PETERSON of Minnesota. I thank Mr. GOODLATTE for his kind words. I would just make one final comment, that we are extending this bill for 1 week at this point because we feel that's sufficient time to come to resolution.

I do want to warn people that we fully expect to have these things wrapped up by the 25th in terms of having the policy differences in the Ag Committee and the funding differences resolved. But everybody needs to understand that after that, we're going to need an additional extension probably of 2 weeks in order, this is a very complex, huge bill. It's going to take us time to pull together to enroll to get passed through the House and the Senate and get to the President in time for him to read it before he signs it. So people can expect that we're going to have to have another couple of weeks after next Friday, provided we get everything resolved, which I expect we will.

Again I thank my good friend, the gentleman from Virginia (Mr. GOODLATTE), all the other people that have worked with us, and encourage my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 5813.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5813.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3221. An act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

PROVIDING FOR CONSIDERATION OF H.R. 5715, ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1107 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1107

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and contrilled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5715 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1045

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my colleague from the Rules Committee, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1107.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 1107 provides for consideration of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008, under a structured rule.

The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order four amendments in the Rules Committee report, each of which is debatable for 10 minutes. The rule also provides one motion to recommit, with or without instructions.

Madam Speaker, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008, and the underlying rule. Under this act, the Congress will ensure that low-interest student loans remain available for college students and their families even in the face of the credit crunch. In doing so, the Congress will build on the new commitment to college and university students and their hardworking families that this new Democratic majority has provided.

See, our action today comes on the heels of the historic College Cost Reduction and Access Act that was signed into law a few months ago that saves college students an average of $4,400 on student loan interest. We increased the Pell Grant, and we now will forgive student loans for students that commit to a 10-year career in public service.

This single largest investment in college financial assistance since the GI Bill in 1944 comes at no new cost to taxpayers. The new Congress promised to make college more affordable for all Americans, and we have delivered on that promise.

Our next step today is to ensure that families can continue to access the loans they need to pay for college. See, in today's economy, a college education is as important as a high school diploma was a generation ago. And with college costs growing by nearly 40 percent over the last 5 years, students are graduating from college with more debt than ever before. It is estimated that 200,000 students do not go to college every year because they simply cannot afford the costs. Well, our efforts today will restore the American dream for those families.

We know that many families across this great country are facing severe financial strains. The economic downturn, the cost of housing, the cost of health care, gas prices have hit our families especially hard. Middle class families are especially being squeezed in this unfortunate Bush economy.

In addition to these basic needs, the rising cost of a college education has left many families very concerned that a college education may not be within reach for their children. A recent press report noted that 70 percent of parents said that they are very concerned about how they're going to be able to afford the cost of a college education for their kids.

Families now are forced to pull from many different sources to pay for college and to simply make ends meet. They're drawing on their savings account, Federal loans, private loans, and the equity in their homes all at the same time to send their kids to college. And despite all of their hard work and the fact that they've set money aside, they're still unable to come up with the cost of tuition because these costs are rising. The costs of sending their child away to school or just down the street to the community college is simply out of reach for so many so they turn to the loans.

In 2007, families borrowed almost $60 billion in Federal student loans. Now, in this credit crunch, banks are tightening their loan requirements and raising rates. We want to make sure that families have access to the low-interest loans, that they remain available for these hardworking families so their kids can attend college.

Madam Speaker, this bill has a number of very significant improvements under our Federal college loan program. The best deal going in college loans these days is the Stafford loan. We are going to increase the annual loan limit for the Stafford loan by $2,000 for undergraduates and graduate students. These loans are the most affordable and available to students with the best interest rates.

Currently, there's a cap on the amount that a student can receive, so our legislation today will raise that cap. It increases the total loan limit, as well, over the course of a student's college education from $31,000 for dependent undergraduates to $57,500 for independent graduate students.

The other significant loan available to families these days is the Parent PLUS loan. The Parent PLUS loan, the primary benefit for the PLUS loan for parents is that they can borrow Federally guaranteed low-interest loans, not tied to the students, but that's a loan for the parents. The parents can borrow the total cost of undergraduate education including tuition, room and board, supplies, lab expenses, and travel, and other aids. It's a non-need-based loan. Well, we're going to give parents a little more flexibility under our actions today to pay off their PLUS loans.

Currently, those loans become due 60 days after the bill is sent to them. We're going to give them a little extra time and allow the student to complete their college education before that loan becomes due. We're going to help struggling homeowners pay for college because right now, it is not clear under the law that parents that are struggling with pending foreclosure or difficulty in paying their housing costs can also access the great PLUS loans to help their kids get through college. So we're going to allow for that today.

We're also going to give the Department of Education additional tools so that these, the cost of college and the access to student loans, remain available for America's hardworking families.

I would like to thank Chairman GEORGE MILLER of the Education and Labor Committee here in the House for his leadership on making sure that families continue to have access for student loans but for also being a champion for American families, colleges, and our entire educational system which is in better hands now that the Democrats are in charge here in the House.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentlewoman from Florida (Ms. CASTOR) for the time, and I yield myself such time as I may consume.

Madam Speaker, we've all heard about how the housing crisis is really creating a credit crisis as well. And the credit crisis is not limited to the mortgage industry but is spreading to the many sectors of our economy. And one sector that the credit crisis has hit hard is the student loan industry.

Companies that offer student loans are finding it difficult to have access to the capital needed to finance student loans. There's over $340 billion in outstanding Federal and non-Federal student loans currently funded through capital markets with another $130 billion waiting in the pipeline to be funded by the markets. Because of the current conditions, a good portion of that $130 billion may never make it through the process.

As a result of the credit situation, the difficulty in the credit market, 18 of the top 100 lenders have left the Federal Family Education Loan program, FFEL, while another 45 smaller lenders have suspended their participation or left the program. In total, those lenders account for about 12 percent of the total of Stafford and PLUS student loans. Another 11 lenders have left the non-Federal loan program.

So what does that instability in the credit markets mean for students and parents? Less competition and choice and higher costs through increased interest rates and reduction of repayment benefits and increased fees.

So the Congress should not stand by and let the credit crisis have a detrimental effect on student loan programs. Those programs open the door of higher education to millions of students. And that's why I'm very pleased that the Committee on Education and Labor has decided, in a bipartisan manner, to really try to prevent the credit market instability from producing a crisis in student loan programs. And the underlying legislation, called the Ensuring Continued Access to Student Loans Act of 2008, will help provide new protections and clarify those in current law that ensure students and families have continued access to Federal loans despite the challenges created by current conditions in the credit market.

Specifically, legislation will increase adding loan limits for unsubsidized Stafford loans by $2,000 for each year of undergraduate and graduate school and increase aggregate limits accordingly. It also permits the Secretary of Education to give an entire institution the authority to become a lender of last resort. This will ensure all students and parents will be eligible to receive lender-of-last-resort loans. The Secretary of Education will also be given temporary authority to negotiate with lenders to purchase new loans, thereby freeing up capital.

I think it's appropriate, and I am pleased to commend the chairman of the committee, Chairman MILLER, and also the ranking member, Mr. MCKEON, who have worked in a bipartisan fashion, very diligently, on this very important issue, and they are to be commended, as is the committee generally.

Although the Education and Labor Committee worked in a bipartisan manner to draft this important legislation, that bipartisan spirit did not make it past the doors of the Rules Committee. Yesterday, the majority in the Rules Committee hit a new record of 50 closed rules. They had the chance to offer an open rule today on the underlying legislation, but instead, by party-line vote, the majority voted against an open rule and also blocked a number of Republican amendments from being offered, including an amendment from the ranking member of the Education and Labor Committee, Mr. MCKEON.

So much for bipartisanship in the Rules Committee.

At this time I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank my colleague, the Member from Florida, and I also thank the chairman of the committee and the ranking member, Representative MILLER and Representative MCKEON.

This whole question of the affordability of higher education we know is a crushing burden on middle class families. And it has been made much worse, as many of the speakers have pointed out, by the credit crisis, innocent victims caught up in the consequences of credit-gone-wild in the subprime mortgage. So I really appreciate, and I think all of us appreciate, the quick work of the committee to provide flexibility in financing that's going to be beneficial to working families across this country.

One of the questions that has been on the mind of many of us, I think, on both sides of the aisle, however, is whether or not when we go to the well and ask taxpayers to put more money into student aid, as we've done and as we should do, and when we make loan eligibility more generous so families pinch themselves in order to take on additional debt and students take on additional debt, the question we're starting to ask is whether or not that becomes a way in which institutions of higher education simply increase tuition. And then at the end of the day, you find that the families are increasing their debt load. Their kids are going to school, but they're graduating with a mountain of debt that's equal to the mortgage on the house that many of us, when we first bought our home, is equal to.

□ 1100

So Representative CASTLE had an idea, and I joined with him, to ask for the first time to get a study from the General Services Administration to see what connection exists between tuition going up as student aid, both grants and loans, increases.

I am pleased that the committee has seen fit to support this amendment that Congressman CASTLE and I are offering because we have to do two things if we're going to make college affordable: One is, we've got to make grants and loans available to our students and the families. But two, we really have to ask the institutions of higher education to do something on the cost side. And that's the intent of this amendment, to start getting information that will be available to us to consider whether enough is being done on the cost side.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my privilege to yield 5 minutes to my distinguished friend from Texas (Mr. SESSIONS).

Mr. SESSIONS. I appreciate the gentleman from Florida, my good friend on the Rules Committee.

Madam Speaker, today we walk in to the floor to hear question after question after question. And I admire the gentlewoman from Florida for asking these questions that she asks and posing the issues, the issues of our time, energy policy, tax policy, men and women who are hardworking Americans trying to pay their bills. And yet I would say the conclusion that came out, which I agree with, "And this is why, thank goodness, we have a Democrat majority," the Democrat majority has now been in power for some 17 months, and yet we find the Democrat majority is simply coming to the floor asking questions, "Oh, my gosh, what's happening?" And the answer that I heard over and over was, we've got to make sure "we," meaning the government, provide these low-cost loans. We've got to make sure that the government has all these things available for people.

The government should not be the answer to the problem. The answer should be that this Democrat majority needs to understand that they've got to accept responsibility that gas prices have gone up 60 percent since they have taken over, that it is their agenda that this country now operates under; that we have seen and we understood now through not just two budgets, but through the policy that is being enunciated all around this country on behalf of the Democrat Party of raising taxes and making sure that we have an economic policy that is not based upon trying to grow more jobs, but rather, about fairness.

We have seen the tax policy from this new Democrat majority of 17 months, raising taxes, going to double the capital gains tax. Well, Madam Speaker, what I would say to you is, no wonder we're in economic problems. Seventeen months ago, the people who planned for jobs in this country—that are called employers—have understood that they're going to pay higher taxes. We already have the second highest corporate tax rate in the world, but now we're going to tax investors.

So the tax policy is very plain and simple. The tax policy is that we are going to bleed, soak investors for more money so that the government can get the money so that we can then do more from the government perspective. Well, Madam Speaker, I would have to say to you, this could be the death of the free enterprise system. When you tax people, they make decisions. And when you tax something, you get less of it. In this case, we are now seeing economic downturn. We are now seeing dollars that are investment dollars, rather than coming to the United States, they're going overseas. The tax policy does have an impact on the economic viability of this country.

Secondly, the energy policy. We have seen the answer from the Speaker. Speaker PELOSI put forth an energy bill that was really pretty good, but it had nothing to do with supply side. The supply of energy, of gasoline is what America needs today. And so we passed this big energy bill, and we see prices continuing to rise. We're told we're supposed to make this transition to this green environment, and all the jobs that will come as a result of that. But, in fact, what will happen is we will lose the jobs that we have today and wait for that to come.

Madam Speaker, we're almost to the point where a majority of the gasoline is no longer oil, it's gasoline, because the jobs that produce the oil to gasoline are overseas because we don't want those jobs in this country. Dubai is being built and has flourished as a result of Democratic Party policies. The money from American consumers are building Dubai. Since 1995, the Republican Party, in trying to work with President Clinton, we said, let us supply more energy here. What do we do? We get a veto.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 3 additional minutes to the gentleman from Texas.

Mr. SESSIONS. So, Madam Speaker, today we come to the floor now worried about college students and families trying to pay for college expenses, and what we get is question after question after question. This majority is not prepared, in my opinion, to deal with the things that will produce jobs, which will produce the ability for people to have money in their pocket to pay for their education. And that comes from the policies of tax and spend of the Democratic Party, where they are not in favor of a tax policy for investors to invest in America, but rather, for investors to pay an incredible increase in taxes to Uncle Sam. So what happens is that America no longer can look up and say we are the beacon of freedom, we are producing jobs.

The production of new jobs means that the free enterprise system is alive and well, which means that we don't have to come to government for our needs. It is the policy of the Democratic Party and of our Speaker to tax and spend America to the highest level in the history of our country and it is the policy of this House not to have supply side for our energy. And without a supply side, without a tax policy that allows investment dollars to be here, we will continue to see this Democrat majority come and ask questions and lament about all the problems that lie ahead of us, and we will continue to hear "and government is the answer."

Madam Speaker, I would suggest to you that the answer would be: The free enterprise system, lowering taxes, a supply side policy that helps get more energy available to consumers, and one where government is the backstop and not the first answer.

I will end by saying this: Without employers, we will not have employees, and that should be a challenge to the Democrat majority.

Ms. CASTOR. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Education and Labor Committee.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding. And I thank the Rules Committee for bringing this rule to the floor that will enable us to consider the Continued Access to Student Loans Act to help families and students who are struggling to pay for the cost of education.

One of the more successful programs in this country has been the system of student loans that we provide under Federal guarantees to families and to students to pay for those educations. That program now has been caught up in the decline and the seizing of the American credit markets, and therefore, we're worried that there will not be loans available to families and students who are applying for school this coming fall.

As a result of that, we have been working with the Secretary of Education and with the entire committee on the Republican side and the Democratic side of the aisle to make sure that we have in place a number of provisions that will allow, if necessary, the Federal Government to step in and assure those families that they will have access to those loans so they will not have to miss classes that they need, miss a semester that they need, and compound their problems by extending the time that they will have to remain in college before they graduate.

We have been meeting with the traditional lending community within the student loan community, and many of them have told us that they expect to participate in the student loans for the coming year, but they also believe that there will be a gap, that the supply of those loans will not meet the demands because of the seizing of the credit market, that the credit markets have failed to function over the last many weeks not only for student loans, but for the municipal bond market, for various joint agencies of the government that have very high credit ratings.

In the case of student loans, these are government-backed loans, but the markets are not purchasing the old loans as they were in the past. For that reason, we are seeking to activate and have on standby authority the lender of last resort authority that the Secretary of Education has under current law where if, in fact, the money is not available for those loans, she will be able to go to the Secretary of Treasury and make a demand to fund those loans.

There will also be available the direct lending program that currently exists. Many universities and students use that program today. We have been talking with them and making sure that they would be able to expand the capacity. Should the universities decide to direct a number of the students to the direct lending program, they have assured us they that could clearly double their capacity and in a short time be able to go beyond that.

So we have the lender of last resort program in place because there is not enough money in the banks to provide for student loans. We have the direct lending program in place for those who choose to go there so they can keep their eligibility for school.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. CASTOR. I yield the gentleman an additional 2 minutes.

Mr. GEORGE MILLER of California. And then we also, in this legislation, provide for the Secretary to purchase existing loans from those lenders so that they can recapitalize their liquidity situation and be able to make new loans to students and to families seeking those loans.

Those three tools should, in fact, provide a seamless system so if the private credit markets fail to provide the necessary resources, or the credit markets fail to provide the liquidity that's necessary, we will be able to stand in their place for a temporary period of time until the credit markets sort it out.

We also make provisions in this legislation to increase the amount of money that undergraduates can borrow in the program so that those students who have been using the private loan markets, which are in complete shambles, will be able to increase the amount of money that they may need to borrow for tuition and for school expenses and be able to continue their education.

I also want to acknowledge the fact that we've made provisions in here so that temporary problems that families may be having with home payments or with health care payments, those would be considered as exigent circumstances so that they can continue to be eligible for the loans under the government guaranteed program. Ms. CASTOR will be offering that amendment. And the gentleman from Vermont will be offering an amendment to really look at this link between increased tuition and increased resources made available to students.

This is an important package. It's a timely package. We hope that it won't be necessary to be used, but we need to have it in place so that we can backstop the failures of the credit market that are currently existing as an outflow of the subprime mortgage problem that is affecting the entire economy of this country and many other countries around the world.

I would urge my colleagues to support this legislation. Again, I want to thank the Rules Committee for recommending this bill to the floor.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, yesterday was a day commonly known as "Tax Day," a day that millions of Americans headed down to their local post office to send their hard-earned money to the Federal Government. It's not to be confused with Tax Freedom Day, which the Tax Freedom Foundation has defined the day on which the average American has finally earned enough to pay this year's tax obligations to the Federal, State and local governments, which unfortunately will not arrive this year until next week, April 23.

□ 1115

In recognition of those two important days on every taxpayer's calendar, today I will be asking my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider H.R. 2734, a bill offered by my friend the gentleman from Michigan (Mr. WALBERG). That legislation would repeal the sunset date of the 2001 Economic Growth and Tax Relief Reconciliation Act and make the tax reductions enacted by that law permanent. I'll say it again. It means that we will make the tax cuts permanent to make certain that all American taxpayers will not have to pay an increase in taxes.

So I will provide Members the opportunity to make those tax cuts permanent and to make certain that our Tax Code encourages economic growth and job creation. It also repeals the termination date for provisions of the 2003 Jobs and Growth Tax Relief Reconciliation Act, reducing income tax rates on dividends and capital gains. It amends the Internal Revenue Code to make permanent the tax deduction for State and local sales taxes, which is particularly important in States such as Florida that I'm honored to represent. It also includes a tax deduction for tuition and related expenses, the increased expensing allowance for small business assets and related provisions, and the tax credit for increasing research activities.

In summary, Madam Speaker, what it will do is to maintain, in a time of economic uncertainty, the ability for the Nation's economy to continue to create jobs and compete globally. On the other hand, if Members are for tax increases, if they want taxpayers to pay more in taxes, then they will simply vote with the majority.

Finally, it expresses the sense of the House of Representatives and the Committee on Ways and Means that they should report legislation on or before the end of the year to simplify the Federal income tax system.

Madam Speaker, I can think of no more fitting action for Congress during the week between Tax Day and Tax Freedom Day to provide this kind of certainty to the American taxpayer.

By voting "no" on the previous question, Members will not be voting to kill or delay the underlying student loan legislation. They will simply be voting to provide tax relief to Americans.

I encourage all of my colleagues on both sides of the aisle to vote "no" on the previous question on behalf of taxpayers who wish to continue economic growth.

Madam Speaker, I yield back the balance of my time.

Ms. CASTOR. Madam Speaker, today the Congress will build on the new commitment to college and university students and their hardworking families that this new Democratic majority in the Congress has provided. Our efforts to ensure continued access to low-cost student loans for families comes on the heels of the historic College Cost Reduction and Access Act that was signed into law a few months ago that will save college students an average of $4,400 on student loan interest, will increase the Pell Grant, and will forgive loans for those who provide 10 years of public service to their community.

This is the single largest investment in college financial assistance since the GI Bill in 1944 and comes at no new cost to taxpayers. The new Congress promised to make college more affordable for all Americans, and we have delivered on that promise.

Our next step today is to ensure that families can continue to access the loans they need to pay for college. And let me provide you with one example from my hometown in Tampa, Florida: a student at the University of South Florida, a large public university of over 40,000 students. This student is a communications major and is one semester away from graduation. But she has reached her loan limit. She can't access that Stafford Loan that provides the lowest interest rate available out there. She is the first in her family to ever attend college. She only lacks 11 credit hours to graduate, and she plans to graduate this summer, but she has been forced to apply for a higher interest rate, private loan, to cover the expenses of her summer tuition. Well, this legislation is ready-made for her and thousands of other students across America and their families. It gives them that extra-added flexibility to be able to put the money to good use and graduate on time rather than end up paying higher loans and interest rates.

You see, Madam Speaker, we're not just Members of Congress. We are also parents ourselves. And we are also concerned about the increasing cost of college, especially given the fact that college costs have been increasing more rapidly than available grant and financial aid, Federal loans, and families' ability to pay. Well, our efforts today will restore the American Dream for many families. And we know and appreciate that many families are facing extreme financial strains. The economic downturn, the cost of housing, the cost of health care, gas prices have hit our families hard. Families are really being squeezed in this unfortunate Bush economy.

But there is a reason to hope because we will continue to fight for a new direction for our country, a direction that values access to education, values better jobs, and values an opportunity for all Americans.

With that, Madam Speaker, I urge a "yes" vote on the previous question and on the rule.

Mr. MCKEON. Madam Speaker, this rule will allow consideration of a bill that takes a critical first step in addressing disturbances in the student loan financial markets brought on by broader market turmoil.

We've all read the headlines and spoken with our constituents about this difficult economy. Our economic confidence has been shaken, and people are nervous. But what may be overlooked is that students and families thinking about how to pay for college are in a particular bind.

It's hard enough to pay for college when tuition regularly rises at two or three times the rate of inflation and textbooks can run close to $1,000 each year. Add to that the idea that lenders are scaling back on student loans, and it's easy to see why Americans are nervous about paying for college.

Like most challenges to our economy, there's no easy answer to the difficulties in our student loan programs. We will need a combination of actions—maybe some legislatively, others through regulation—that will increase liquidity and restore confidence among investors and consumers.

This bill is a first step, and one that deserves bipartisan support. It signals our commitment to a strong Federal Family Education Loan program, and should help ease the minds of students and families. And it does these things without a cost to the taxpayer.

Madam Speaker, I am disappointed that the bill is not being brought up under an open rule. H.R. 5715 was developed on a bipartisan basis, and is stronger because of it. The idea that members will not be permitted to collaborate on this effort to protect college students and their families is disappointing, if not surprising given the track record of the 110th Congress.

I will oppose this rule because it limits the full participation of all members. But I will strongly support the underlying measure, H.R. 5715, when it is brought to the floor and I urge all my colleagues to join me in telling students and families that we are committed to college access.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1107, the Rule providing for consideration of H.R. 5715, "Ensuring Continued Access to Student Loans Act of 2008."

Every generation sets out to improve upon the previous generation. We teach our children that if they focus, are responsible, and work hard they can be anything. Yet we have provided a false truth for the majority of our children. Rising tuitions in higher education even at our community colleges are keeping a lot of our youth from attending college. For those that are able to attend, they are burdened by extensive loans just to buy books, attend class, and maintain housing.

Families are sending their children to school, trying to qualify for parent loans and wondering how they are going to make the payments when they are struggling to pay their mortgage and facing their own issues with possible unemployment.

In my home State of Texas, families are struggling to assist children with their education while they face an unemployment rate of 4.3 percent across the State. As of the end of last year, Texas was ranked as having the 20th highest unemployment rate (out of the 50 States). And we are not alone as States grapple with unemployment and a falling housing market.

H.R. 5715, "Ensuring Continued Access to Student Loans Act," provides much needed support to our families in a time when they most need it by specifically addressing the needs of parents, students, and even lenders. The Student Loans Act would:

INCREASE UNSUBSIDIZED LOAN LIMITS FOR STUDENTS

This bill will increase unsubsidized loan limits by $2,000 for each year of undergraduate and graduate school. It also increases the aggregate loan limits to $31,000 for dependent undergraduates and $57,500 for independent undergraduate students.

DELAY REPAYMENT OF PARENT PLUS LOANS

Currently PLUS loan borrowers—parents—go into repayment 60 days after disbursement of the loan. This bill would give families an option of not entering repayment for up to 6 months after a student leaves school.

PLUS LOAN ELIGIBILITY FOR STRUGGLING HOMEOWNERS

Under current law, parents with an adverse credit history are ineligible to receive a parent PLUS loan, except under extenuating circumstances. In light of the current housing market, the bill temporarily qualifies up to 180 day delinquency on home mortgages as an extenuating circumstance, therefore making it more possible for parents struggling with the current housing market to secure loans for their children.

LENDER OF LAST RESORT FLEXIBILITY

The bill makes clear in statute that the Secretary of Education has the mandatory authority to advance Federal funds to Guaranty Agencies in the case that they do not have sufficient capital. Further, the bill allows a Guaranty Agency to designate a school (rather than an individual student) as a "lender of last resort school," in accordance with guidelines set by the Secretary.

AUTHORITY FOR THE SECRETARY OF EDUCATION TO PURCHASE FFEL LOAN ASSETS

The bill gives the Secretary the temporary authority, upon a determination that there is inadequate availability to meet demand for loans, to purchase loans from FFEL lenders. Such purchases could only be made in the case they are revenue-neutral or beneficial to the Federal Government.

FEDERAL INSTITUTIONS' PARTICIPATION

The bill includes a Sense of the Congress that the Federal Financial Institutions and entities (including the Federal Financing Bank, the Federal Home Loan Banks, and the Federal Reserve) should consider using, in consultation with the Secretaries of Education and the

Treasury, available authorities, if needed, to assist in ensuring continued student loan access.

CONCLUSION

I urge my colleagues to support this Rule, so that we can come to floor and discuss the Continued Access to Student Loans Act. I remind my colleagues that many of their own employees, right in the Capitol, are affected by this bill. Let's support education by allowing for greater flexibility, eligibility, and participation for students and their families.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1107 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 2734) to make the Economic Growth and Tax Relief Reconciliation Act of 2001 and certain other tax benefits permanent law. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) an amendment in the nature of a substitute if offered by Representative Rangel of New York, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2634, JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1103 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1103

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2634 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks on House Resolution 1103.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, House Resolution 1103 provides for consideration of H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule also makes in order four amendments printed in the Rules Committee report, each of which is debatable for 10 minutes. The rule provides for one motion to recommit, with or without instructions.

Madam Speaker, structured, responsible debt relief has been proven to be one of the most effective methods of fighting global poverty. In 1996 the World Bank and the IMF, the International Monetary Fund, developed the Heavily Indebted Poor Countries, or HIPC, Initiative to provide debt relief to the world's most impoverished nations. The 28 countries that participated in this program have been spending the debt relief on good things in their country for the very poor people, on education and health. In the first 10 years of the program, the IMF and the World Bank provided $62 billion of debt relief, cutting the countries' debt by an average of two-thirds.

The results speak for themselves. The participating countries now spend four times as much on health, education, and social services as they do on paying back debt. Tanzania, for instance, has used its money from debt cancellation to eliminate school fees for elementary school education. Think about it. The poorest countries, their kids were having to pay fees to go to elementary school, something that's not even required here, while Zambia eliminated fees for health care in rural areas. Multilateral efforts in Niger reduced debt from 76 percent of their gross domestic product, and think about that, 76 percent of the gross domestic product was used in debt relief, in 2002 to 14 percent in 2006. With that savings Niger has been able to make investments in health and education. They've reduced the infant mortality rate, cut it in half. Primary school completion has increased from 16 to 28 percent, and access to drinkable water increased from 40 percent for the people in Niger to 69 percent.

The bill that this rule will bring to the floor today will build on this record of quantifiable success to expand efforts to reduce the debts owed by impoverished nations. This legislation makes debt forgiveness immediately possible for nine countries that meet the standards of the Jubilee Act. This is not a giveaway program.

□ 1130

These nations are among the poorest in the world with per capita incomes of less than $3 a day, $1,065 a year. Countries initially eligible under this legislation for debt relief would include Cape Verde, Georgia, Kenya, Mongolia and Vietnam.

But as I mentioned, the Jubilee Act does not give countries that borrowed money a free ride with debt forgiveness. It includes strict parameters to ensure that the participating countries: one, have transparent and effective budget processes; two, do not support terrorism; three, cooperate in international counternarcotic efforts; and, four, uphold human rights standards.

In addition, funds made available as a result of loan forgiveness must be directed toward antipoverty programs, and countries must publish an annual report to be accountable on how those funds were spent.

These criteria ensure the loan forgiveness funds are used wisely and well. They provide an incentive for noneligible countries to reduce corruption and improve human rights practices so they may, one day, become eligible for debt forgiveness.

Fifteen additional countries, including Bangladesh, Nigeria and Zimbabwe would be eligible for debt cancellation upon making required reforms.

This is the brand of leadership that America needs more of where we are doing our share, but we are working with our allies and where we are using the incentive of debt forgiveness. Many of these debts, incidentally, were taken by kleptocrats who formerly ruled in these countries, and now these countries are trying to free themselves of the yoke of this terrible leadership. This debt forgiveness program allows us, working with our allies, the IMF and the World Bank, to give them a boost.

Finally, Madam Speaker, it must be noted that because the international financial institutions like the World Bank and the IMF are expected to pay the bulk of the debt relief, the tremendous improvements that can be achieved under this bill come at a very reasonable cost to the U.S. taxpayer.

The cost of America canceling bilateral debt for the countries initially eligible is estimated to be $197 million. That is less than what we spend for 14 hours in Iraq, just to put it in perspective. However, this bill does not actually authorize any debt cancellation. It authorizes the Secretary of the Treasury to enter into negotiations to cancel debt. Any debt cancellation agreement reached by the Secretary returns to Congress for our approval. In fact, the Congressional Budget Office has scored this legislation at no cost to the taxpayers.

Debt reduction has been proven to be one of the most effective, both cost effective and socially effective, ways to achieve significant reductions in global poverty.

I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I want to thank my friend, the gentleman from Vermont, for the time that he is yielding me to discuss H.R. 2634, the Responsible Lending and Expanded Debt Collection Cancellation Act of 2007. This legislation follows on the heels of legislation passed just 2 weeks ago providing aid to mostly African and Caribbean countries to fight AIDS and promote development programs in underdeveloped countries, including programs to improve food, water, the treatment of other infectious diseases, poverty alleviation programs, microcredit, schools and teachers, legal aid, agricultural assistance and biomedical research.

Today's legislation would follow up on this enormous prior financial commitment by further reducing or eliminating the debt obligations of the world's poorest nations. It attempts to accomplish this goal by creating a framework to having the debts of low-income countries owed to the United States and to international financial institutions eliminated.

To do this, this bill authorizes the Secretary of the Treasury to negotiate the full cancellation of these countries' debts with the Paris Club, the IMF, and the World Bank, and to reach agreements on future creditor transparency and responsible lending.

It improves oversight by ensuring that countries receiving this debt relief have economies that are capable of redirecting their debt services payments, and requires a GAO audit of countries where illegal loans may have been made. Finally, it includes a sense of Congress that the U.S. should pay off $600 million worth of arrears to multilateral development banks.

Madam Speaker, no one in this body disputes the worthiness of this goal that is enshrined within this legislation. The reduction of global poverty and suffering around the world is a laudable goal, and it is certainly in our national interests to combat conditions that may breed the hopelessness and poverty that allows dictators and terrorists to thrive.

So it is doubtlessly important that the most heavily indebted poor countries be relieved of these kinds of crushing debt that prevents their future development, self-sufficiency and the improvement of their citizens' lives.

This policy should be implemented, along with other policies that increase public sector investment and decrease the barriers to trade with these countries, as well as ensuring that the countries eligible for this relief do not encourage terrorist activities or abuse human rights.

I am surprised, however, that Speaker PELOSI didn't see the irony in scheduling this step forward for developing nations on the first legislative week after handing them a serious defeat by turning off the fast track authority for the Colombia Free Trade Agreement. In other words, here we're trying to help poor countries and now the decision is made that we won't engage in trade with them that would help their countries also grow economically free.

While giving the most heavily indebted countries relief from crushing and unserviceable debt is necessary to increase their future development, it is simply not sufficient. The economies of these countries must be more integrated with the rest of the globe to provide their citizens with real choices and development alternatives for their future, and increased trade with America is a great way of accomplishing this.

So while I appreciate the Financial Services Committee's efforts on the issue of improving conditions for the world's poorest countries, I remind my colleagues that development does not occur in a vacuum, and that by postponing the Colombia Free Trade Agreement, we have effectively told all of these countries, people who should be our friends and we should be concerned about more than just their debt, but about their economic viability, we've said that Congress is less concerned about promoting trade with them and growing their economies than it is with complying with the demands of labor union bosses in an election year.

I encourage the Democrat leadership to take a long-term and more holistic view of global poverty, recognizing that these cycles of abject poverty cannot be broken without creating the conditions that encourage private sector investment, such as respect for contracts and rule of law and that it also encourages international trade.

Madam Speaker, I believe that a broader policy of understanding poverty and the United States' role in helping to make our world better would include trade and would include encouraging the private markets around the world.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the chairman of the Financial Services Committee.

Mr. FRANK of Massachusetts. Madam Speaker, I am pleased that we appear to have a very broad consensus in favor of this. My friend from Texas is right. There is no one single answer to the problems of poverty. But I am pleased that we have agreement that this is an important part of it.

We have some history here that argues for this bill. In the year, I think it was 2000, we in this House passed a bill on the floor over some objection from the administration at the time, the Clinton administration, and from some of the House leadership. But we passed a bill to begin the process known as the HIPC, the heavily indebted poor country debt relief, and it has worked very well. And for those who think that these enterprises are doomed to failure, we can point to many successes in HIPC. And we did this in a way so that countries that had not lived up to what should have been their part of the bargain didn't get the benefit.

The time has now come to do this again. And if this is done right, relieving countries of debt—debt that was often incurred by prior undemocratic and repressive regimes, and they will be primarily African but not entirely—relieving these countries of debt does as much to promote education and reduce poverty as anything else we can do.

I think it is particularly noteworthy on this day when His Holiness the Pope is in our city that we received a letter from the Most Reverend Thomas G. Wenski, the Bishop of Orlando, who is chairman of the Committee on International Policy of the United States Conference of Catholic Bishops. He strongly supports the bill, and I ask that that be introduced into the RECORD now, along with a letter from the Jubilee Coalition, the Jubilee Network, many religious and civic organizations, and the NAACP.

COMMITTEE ON INTERNATIONAL JUSTICE AND PEACE; DEPARTMENT OF JUSTICE, PEACE AND HUMAN DEVELOPMENT, U.S. CONFERENCE OF CATHOLIC BISHOPS,
Washington, DC, April 9, 2008.
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: As Chairman of the Committee on International Policy of the United States Conference of Catholic Bishops (USCCB), I urge you to support the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007 (HR 2634).

Inspired by the call of our late, beloved Pope John Paul II, USCCB has long been a strong advocate of lifting the heavy burden of debt from the backs of millions of people living in the world's poorest countries. As Pope Benedict XVI makes his first Apostolic Visit to the United States, it is fitting that Congress show support for this important initiative that would help alleviate the debt burden of some of our poorest brothers and sisters around the world.

As you know, since 1999 major new debt relief initiatives have been adopted by the international community. These initiatives have resulted in the reduction of the debt of 22 poor countries by over $60 billion. Another 19 countries are receiving, or are potentially eligible to receive, billions more in debt cancellation. These reductions are freeing up substantial funds each year for expenditures in education, health and other investments essential for improving the lives of poor people.

Despite this progress, a substantial number of needy countries are not eligible for the existing debt relief initiatives. HR 2634 represents a major new step towards correcting this deficiency and making debt cancellation a reality for virtually all very poor countries that have participatory processes and financial management systems sufficient to assure that debt cancellation savings will be used to benefit the poor. We urge you to complete the unfinished business of poor country debt relief and support HR 2634.

Sincerely yours,

THOMAS G. WENSKI,
Bishop of Orlando,
Chairman.

SEPTEMBER 4, 2007.

DEAR MEMBER OF CONGRESS: As organizations committed to ending global poverty, we write to urge you to co-sponsor the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007 (H.R. 2634). The Jubilee Act safeguards the gains made by debt cancellation to date and expands eligibility for cancellation to countries that need it to meet the Millennium Development Goals (MDGs).

Debt cancellation is a proven way to reduce poverty. The debt cancellation supported by Congress in 1999 and 2005 has reached more than two dozen countries in Africa and Latin America. This year, Zambia is using its savings of $23.8 million on agricultural projects and to eliminate fees for health care in rural areas. Uganda is using the $57.9 million freed by debt cancellation to increase spending on primary education, malaria control, health care and infrastructure.

But significant challenges remain. First, the IMF and World Bank continue to urge impoverished nations to adopt policies including privatization of essential services and liberalization of trade in sensitive sectors in exchange for debt cancellation or new aid, the net effect of which can be to limit spending on public services. Today, IMF/World Bank conditions are holding up much needed debt cancellation for eligible countries including Haiti, the Democratic Republic of Congo, and Liberia. These economic conditions are undermining the benefits of debt cancellation and hurting the poor; the Jubilee Act would prohibit them. Second, rogue lenders and so-called "vulture funds" threaten to compromise the benefits of debt cancellation. The Jubilee Act requires the Secretary of the Treasury to curtail the activity of vulture funds.

2007 marks the half way point to the MDGs, but we are far from halfway to meeting the goals, especially in Africa. Debt cancellation should be expanded to include countries that need it to meet the MDGs and to fight HIV/AIDS and other diseases. The Jubilee Act would make up to 27 additional low-income countries eligible for debt cancellation by the United States, the World Bank, and the International Monetary Fund provided that they demonstrate their ability to use the money to fight poverty and provide an annual report detailing the use of funds on poverty reduction.

In order to learn from past errors and ensure more responsible lending, we must address the problem of odious and unjust debts (debts accrued by undemocratic regimes or that did not benefit the population). The Jubilee Act does this by requiring the Comptroller General of the US to undertake audits of debt portfolios of previous regimes in countries such as the Democratic Republic of Congo and South Africa, where there is accepted evidence of odious loans.

In order to prevent a continual and wasteful debt/forgiveness cycle, it is essential to establish a framework for responsible and transparent lending in the future. The Jubilee Act calls for the development of responsible financing standards where creditors and aid/loan recipients alike adhere to standards to assure transparency and accountability to citizens, human rights, and the avoidance of odious debt, while encouraging the development of renewable energy and a transition away from dependence on oil.

The U.S. can lead the way to completing the good work already begun on debt cancellation. We urge you to cosponsor H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007.

Sincerely,
ActionAid International USA.
AFL-CIO.
Africa Action.
Ainsworth United Church of Christ, Portland, Oregon.
Alliance for Global Justice.
American Friends Service Committee.
American Jewish World Service.
Americans for Informed Democracy.
Bread for the World.
Capuchin Franciscans, Midwest Province.
The Capuchin Province of Mid-America.
Center of Concern.
Church World Service.
Citizens for Global Solutions.
Conference of Major Superiors of Men.
DATA—Debt AIDS Trade Africa.
The Episcopal Church.
Essential Action.
Evangelical Lutheran Church in America.
Friends of the Earth US.
Gender Action.
Institute for Justice and Democracy in Haiti.
Jubilee Justice Task Force of the United Church of Christ.
Jubilee National Capital Area.
Jubilee Northwest Coalition, Seattle, Washington.
Jubilee San Diego.
Jubilee USA Network.
Justice, Peace & Integrity of Creation Office of the Wheaton Franciscans.
Marianists International.
Maryknoll Office for Global Concerns.
Medical Mission Sisters' Alliance for Justice.
Mennonite Central Committee.
Metanoia Peace Community United Methodist Church, Portland, Oregon.
Missionary Oblates of Mary Immaculate, Justice, Peace/Integrity of Creation Office.
Missionary Society of St. Columban (US Region).
National Association for the Advancement of Colored People (NAACP).
Nicaragua Network.
Oil Change International.
The ONE Campaign.
Oxfam America.
Pax Christi USA: National Catholic Peace Movement.
Presbyterian Church, (USA), Washington Office.
Priority Africa Network.
RESULTS.
SHALOM Network, Dallas Unit of the School Sisters of Notre Dame.
School Sisters of Notre Dame, Mankato Province.
School Sisters of Notre Dame-St. Louis Mission Effectiveness Office.
Sisters of the Holy Cross, Notre Dame, IN.
Sojourners/Call to Renewal.
South Bay Jubilee Coalition.
St. Francis Xavier Jubilee parish, Missoula, MT.
TransAfrica Forum.
Union for Reform Judaism.
Unitarian Universalist Association of Congregations.
United Church of Christ, Justice and Witness Ministries.
United Methodist Church, General Board of Church and Society.
Washington Office on Africa.
Witness for Peace.
Women's Edge.

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, April 14, 2008.

Re Support for the Jubilee Act for Responsible Lending and Expanded Debt Cancellation Act of 2007, H.R. 2634.

Members,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I strongly urge you to support legislation to address the debilitating debt that many countries throughout the world face. While debt is often a necessary tool used for a plethora of economic reasons, unmanageable debt can cripple a country, preventing it from meeting the most basic human needs of its people. Specifically, I urge you to support H.R. 2634, the Jubilee Act, when it comes before you on the floor of the House tomorrow.

As a signatory to the Millennium Development Goals, the U.S. is charged with helping to alleviate poverty as well as promote education and health throughout the world. H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007, would make great strides in freeing resources to achieve these goals through the forgiveness of debts. This crucial piece of legislation would help ease the overwhelming debt burden many countries face while making available funds for these nations to use to provide their citizens with vital resources and services. For example, in countries such as Burundi, Ghana, Honduras, Tanzania and Zambia, money saved from debt relief has been used to improve infrastructure, education, and health care and to increase access to daily necessities of life such as food and clean drinking water.

While these reports are certainly encouraging, more needs to be done. For example, in Sub-Saharan Africa, the approximate number of people living on less than a dollar a day has actually increased since 1990. If current trends are not reversed, Africa will be the only region in the world where there will be more poor people in 2015 than in 1990.

Thank you in advance for your attention to the NAACP position. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463-2940.

Sincerely,
HILARY O. SHELTON,
Director.

Helping countries reduce the debt is a very effective way of giving them the tools to go forward with development.

One other important point here. We have been plagued in the past by the international financial community and the judgment of many of us, liberal, conservative, Democrat and Republican, unduly injecting itself into the decisions in particular countries. Democratic societies should not be told from the outside what the water rate should be, what the tax structure should be and what education fees should be. And very often in the past, these had a very negative effect from the standpoint of poverty alleviation.

Unanimously out of our committee, this bill includes a restriction on what is called conditionality of that sort. There will be no possibility of using debt relief as a lever for outsiders to impose on these Democratic societies choices that ought to be made within their society. We do say that the donors, and these are both the individual countries and the international financial institutions, should insist on a variety of procedural safeguards of democracy, of openness and negotiating with the minority.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WELCH of Vermont. I yield the gentleman 1 additional minute.

Mr. FRANK of Massachusetts. We have said that from the standpoint of the U.S., in order to be eligible for our help, they will have to cooperate with us against human trafficking, against terrorism and against illegal immigration. Those are the kind of conditions that is appropriate to impose.

Finally, we should note that this bill obviously does not, as it cannot itself, accomplish debt relief. It is a mandate to the United States executive branch to begin negotiations. And these negotiations must be multilateral, because we do not want to see America give debt relief when other countries don't do it and that nullifies the effect. And we also want to press the international financial institutions to do it using our influence there.

Today, we take a step widely hailed by particularly those who are concerned with the alleviation of poverty in other parts of the world. We take the step that does more than any other single step to reach that goal.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has again expired.

Mr. WELCH of Vermont. I yield the gentleman an additional 30 seconds.

Mr. FRANK of Massachusetts. We have had a problem in the world of economic growth occurring in ways that shut out a great majority of the people in various countries from the benefit. We need a coordinated strategy so that we can have growth, but we can have growth in an equitable way. Debt relief is an essential part of that overall strategy.

I thank the gentleman.

Mr. SESSIONS. Madam Speaker, if I could inquire of my friend of any remaining speakers that he has.

Mr. WELCH of Vermont. I am the last speaker on our side.

Mr. SESSIONS. I thank the gentleman very much.

The SPEAKER pro tempore. The gentleman from Texas is recognized to close.

Mr. SESSIONS. Madam Speaker, I would like to put into the RECORD a statement of administrative policy from the White House on this bill.

STATEMENT OF ADMINISTRATION POLICY, H.R. 2634—JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

(Rep. Waters (D) CA and 104 cosponsors.)

The Administration has provided strong international leadership on debt relief for the world's most heavily-indebted poor countries. Ongoing debt relief initiatives, including the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative and the Multilateral Debt Relief Initiative (MDRI), are expected to provide over $100 billion in debt reduction to 32 countries and another eight countries could eventually qualify under these initiatives. To ensure that gains from debt relief are available for the long term, the Administration led efforts in the multilateral development banks to use a debt sustainability framework to determine the appropriate mix of grants and lending. While the Administration believes the goals of this bill are laudable, the Administration does not support H.R 2634 for the reasons stated below.

The countries to be covered by the bill are managing their debt, and some of the countries that would be covered by this bill are now actively working towards expanded access to international capital markets. Providing debt relief to countries that can service their debt sends the wrong message, and undermines efforts to assist countries in developing sound debt management practices that will allow them to transition gradually toward access to private capital markets.

Any debt relief should be conditioned on the adoption of policies that promote sound economic practices. Policy conditionality is important and often necessary to ensure that debt relief is used in a manner that will promote economic growth and provide real benefits to the poor.

The budget impact of such a program would be significant, and would require trade-offs that could affect key foreign policy priorities. The Treasury Department estimates that the budget cost to forgive the $2.5 billion in nominal debt (including loan guarantees) owed to the United States by countries that do not currently qualify under the HIPC Initiative would be approximately $1 billion. This cost estimate assumes that all potentially eligible International Development Association countries would qualify for debt relief in FY 2008 and would change depending on the year that each country qualifies. These countries also owe the World Bank and IMF over $32 billion in nominal debt, in addition to other bilateral and multilateral debts. While the bill calls for international financial institutions to fund debt relief from internal resources, the availability of such resources is very likely to be limited, as recently demonstrated by the requirements for donor funding of the MDRI. Any additional debt relief from the international financial institutions is therefore likely to require substantial additional contributions from the U.S., in addition to the estimated $1 billion cost of the bilateral debt relief portion of the proposal. Rather than embarking on expanded debt relief, the United States must focus on fulfilling its current commitments.

The Responsible Lending Framework described by the bill could also hinder access by poor countries to private capital. The bill calls for the creation of a binding international legal framework for lending by all multilateral, bilateral, and private creditors. While we recognize the goals underlying such a framework—to encourage sustainable lending and borrowing levels—the prospects for such an agreement are doubtful. Given the wide range of international creditors, creation of such a framework would be very difficult and enforcement would be nearly impossible. Finally, the threat of sanctions based on such a framework would likely discourage legitimate creditors from lending to poor countries, further reducing these countries' access to financial markets.

Finally, H.R. 2634 contains several provisions raising constitutional concerns by purporting to limit the President's ability to conduct the Nation's foreign affairs.

Madam Speaker, as every American taxpayer is acutely aware, yesterday was Tax Day, or the final day for individuals and families to file taxes without incurring financial penalties. This is not to be confused with Tax Freedom Day, which the Tax Freedom Foundation has defined as the day on which the average American has finally earned enough money to pay this year's tax obligations at the federal, State and local level, which won't arrive this year until next week on April 23.

☐ 1145

In recognition of these two important days on every taxpayer's calendar, today I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make in order for the House to consider H.R. 2734, a comprehensive bill offered by my friend from Michigan, Congressman TIM WALBERG.

This legislation repeals the sunset date of the 2001 Economic Growth and Tax Relief Reconciliation Act and makes the tax reductions enacted by that act permanent. In other words, instead of increasing taxes, we would like to make these tax cuts permanent for economic growth and development in this country, which will encourage investment and thereby grow jobs in this country.

We have heard today several speakers from the Democrat majority question what is wrong with America today, and even blaming President Bush for the economic woes that exist. But today the Republican Party is saying if we want to do the things that President Bush wants, and I think that the American people want, let's make tax cuts permanent to ensure that we have job growth and development of companies and employers in America.

It also repeals the termination date for provisions of the 2003 Jobs and Growth Tax Relief Reconciliation Act of 2003, reducing income tax rates on dividends and capital gains, because that is how you grow jobs. The reverse is happening, which America understands right now, and that is the new Democratic majority wants to increase taxes, which causes the economy not to stimulate, but to contract, which is exactly what is happening now, which is exactly what we understand the new policies of the Democratic majority have been about for 17 months.

At some point, this Democratic majority is going to have to take responsibility for the things that happen under their watch, instead of just blaming President Bush. President Bush says let's make these tax cuts permanent. That is what has worked up to now, and we need to do it today.

We will also amend the Internal Revenue Code to make permanent a tax deduction for State and local sales tax. That needs to be done. We have done that each of the last 5 years. Also the tax deductions for tuition. Let me repeat that; the tax deduction for tuition. Here we are on the floor trying to do something for students, to get student loans, but yet we will not have a deduction for tuition and related expenses.

The increased expensing allowed for small businesses. Small business is the engine of our economy. That is why Republicans want to make the tax cuts permanent, so that we make sure that we allow small businesses to grow, not contract.

And the tax credit for increasing research and development. Research and development is how we are going to cure the ills and the problems of the world that we see today.

Instead, the new Democratic majority, now for 17 months, wants to increase taxes. They want to take away the deductions for tuition; they want to increase taxes on small business; they want to make investment very difficult in this country, doubling, if you listen to some of the candidates that are on the trail, doubling the capital gains rate. And certainly they won't be for increasing research and development. They want to tax that.

Finally, this opportunity today would express the sense of the House of Representatives that the Committee on Ways and Means should report legislation on or before the end of the year to simplify the Federal income tax system.

Madam Speaker, I can think of no more fitting action for Congress during this week between Tax Day and Tax Freedom Day than to provide this kind of certainty to the American taxpayer. That is what we should be about, is good policy that encourages the opportunity to grow our economy and have new jobs.

By voting "no" on the previous question, Members will not be voting to kill or delay this debt relief legislation. They will simply be voting to provide tax relief, so that we can grow our economy for Americans at the same time that we provide debt relief to the world's poorest countries. What a wonderful opportunity.

Madam Speaker, I encourage all my colleagues on both sides of the aisle to vote "no" on the previous question.

Madam Speaker, I would also like to ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Madam Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I want to point out a couple of things. Number one, this legislation comes to you with bipartisan support from the Financial Services Committee. There was a recognition on that committee between the members on the majority and the members on the minority that this Congress had an opportunity to do something concrete, something practical, to help the most impoverished countries in this world.

This legislation is practical. It is going to give relief that translates into higher literacy rates, lower infant mortality rates and better access to education, and it is done at very modest expense to the American taxpayer. It also is America working with other countries and with international institutions, the IMF and the World Bank, to have a positive influence in foreign policy. It makes sense. It is bipartisan. It should be done.

I have to say I disagree with the suggestion of my good friend from Texas that we essentially transform this into a debate about extending the Bush tax cuts. That is a refrain we are hearing constantly that is brought up as a way of taking attention off of the things that we can do immediately in the legislation that is before us.

The fact of the matter is that what we have seen in the past few years under the fiscal leadership of the Bush administration is we have gone from a record surplus to a record deficit. We have gone from a point of paying down our national debt to increasing it to close to $7 trillion.

The reality is that this legislation is about one thing and one thing only: It is about helping countries where the daily income of its citizens is on average $3 a day. That is what it is. We can decide that we are going to take concrete action to help those countries move ahead, or use this as an opportunity to engage in a debate about whether to extend tax cuts, as is being requested by the gentleman.

So, Madam Speaker, by passing this proposed rule and this bill for which it provides consideration, Congress can build on this immensely successful debt relief effort we have had on a bipartisan basis and started more than a decade ago to provide relief for the world's poorest countries. It is an essential tool in the fight on the war on poverty.

Incidentally, it is money well spent. Much less of our money and the money of our allies is spent than when we have to engage in military conflict. The legislation represents what I believe should be the face of American leadership around the globe. I believe the sponsors of this legislation believe it will make the world a better place and make the world safer and more stable.

This is a good bill, a bipartisan bill. It enjoys the support not only of Chairman FRANK and Chairwoman WATERS, but of their Republican counterparts on the committee, our colleagues Congressman BACHUS and Congresswoman BIGGERT. That is why I urge a "yes" vote on the previous question and on the rule.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1103—Rule providing for consideration of H.R. 2634—Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007. I also strongly support the underlying legislation, H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation, which I am proud to join over 100 of my colleagues in cosponsoring. I would like to thank my colleague, Congresswoman WATERS, for introducing this bill, as well as the Chairman of the Financial Services Committee, Congressman FRANK, for his leadership on this important issue.

This rule allows for the consideration of four amendments. I am proud to support the Manager's Amendment, introduced by Congressman FRANK, which adds additional conditions to the eligibility criteria for debt relief, including complying with minimum standards for eliminating human trafficking, cooperating with American efforts to stop illegal immigration, and being committed to free and fair elections.

I also support the amendment offered by my colleague Congressman HASTINGS of Florida. This amendment adds a Sense of Congress stating that, due to the current humanitarian and political instability in Haiti, including food shortages and political turmoil, the Secretary of the Treasury should use his influence to expedite the complete and immediate cancellation of Haiti's debts to all international financial institutions, or if such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement that Haiti make further debt service payments on debts owed to the institutions. After deadly food riots last week in Port-au-Prince, which resulted in the death of a Nigerian U.N. peacekeeper, I believe that this amendment is both crucial and timely.

I also support the amendment introduced by my colleague Mr. WEINER. This amendment modifies the qualification for "eligible low-income country" to include those countries that are eligible for both International Development Association loans and World Bank loans.

Countries throughout the world suffer from the heavy burden of debt. The inability of nations to escape from these financial commitments has profound impacts on any attempts they make at poverty reduction, health care, economic development, and sustainable growth. The Highly Indebted Poor Countries, HIPCs, the majority of which are located in Africa, are particularly crippled by debt. Nearly three years ago, we saw an outpouring of support for debt relief as G8 leaders met in Gleneagles, Scotland, to pursue a policy of poverty reduction. While some positive progress has been made since that meeting, it is absolutely undeniable that this is an issued on which a great deal remains to be done.

Today, we have an opportunity to take a positive and concrete step toward ending global poverty by helping needy and deserving low-income countries. The Jubilee Act expands existing debt relief programs for the world's poorest countries, and it includes measures to ensure that the benefits of debt relief are not eroded by future abusive lending.

Debt relief has, in the past, proved an effective tool to reduce poverty in some of the world's poorest countries. Debt relief initiatives passed in 1999 and 2005 are benefiting more than two dozen countries in Africa and Latin America. Uganda is using the $57.9 million it has saved from debt cancellation on primary education, to ensure a future for its children, as well as much needed improvements in malaria control, health care, and infrastructure. Zambia is using its savings of $23.8 million on agricultural projects, and to eliminate fees for health care in rural areas.

Debt cancellation has enabled programs in Uganda and Zambia to directly help the people of these nations. However, there are many impoverished and deserving countries that do not currently benefit from debt relief. The International Monetary Fund, IMF, and the World Bank continue to place restrictive conditions on debt cancellation, calling for policies requiring the privatization of essential services and the liberalization of trade in sensitive sectors in exchange for debt cancellation. These conditions are currently holding up desperately needed debt relief in several eligible countries, including Haiti, the Democratic Republic of Congo, and Liberia.

Madam Speaker, the legislation we are considering today will not only bring the benefits of debt cancellation to more countries than ever before, it will also ensure that these benefits are felt by all strata of society. This bill would direct the Secretary of the Treasury to negotiate an agreement with the IMF and World Bank, as well as other bilateral and multilateral creditors, to make up to 25 additional low-income countries eligible for complete debt cancellation. Governments of these countries will be required to allocate the money saved through debt cancellation to poverty reduction programs, such as initiatives to improve economic infrastructure, basic education, nutrition, health services, and programs to redress environmental degradation.

This legislation does not remove all conditions from debt relief programs. Countries still must demonstrate transparent and effective budget and financial management systems, and they can be excluded from debt relief if they do not. In addition, countries committing massive violations of human rights are not eligible, nor are countries that support international terrorism, have excessive levels of military expenditures, or fail to cooperate on international narcotics control. The Jubilee Act encourages the developing of responsible financing standards, and assures financial transparency and accountability.

Finally, but perhaps most importantly, the Jubilee Act calls for the development of a responsible financing framework for the future.

Debt forgiveness is a good short-term solution, but to be truly effective we must find a way to fix the broken system of international lending. Of particular concern to me has been the proliferation of vulture funds, which, like their avian namesake, seek to make a profit off of already weakened prey.

Madam Speaker, vulture funds purchase the debt of countries (or companies) in financial distress. They then hold out for the full value of the debt, plus any interest, which they pursue through litigation, much of which takes place in U.S. courts. The inability of nations to escape from these financial commitments has profound impacts on any attempts they make at poverty reduction, health care, economic development, and sustainable growth. The Highly Indebted Poor Countries, HIPCs, the majority of which are located in Africa, are particularly crippled by debt. Though these countries may not appear to be the most profitable prey for vulture funds, which in theory prefer to purchase debt that a country has, or may in the future develop, the ability to pay, according to reports there are numerous lawsuits currently pending against HIPC countries.

Vulture funds, together with other forms of irresponsible lending, undermine international efforts to provide much needed debt relief to the world's most indebted poor countries. The Jubilee Act directs the Secretary of the Treasury to develop and promote policies to prevent bilateral, multilateral, and private creditors from eroding the gains of debt relief through irresponsible or exploitive lending. I am particularly pleased that this legislation takes this important step toward fixing broken systems of international lending.

Madam Speaker, if we are serious about meeting the Millennium Development Goals, we must take concrete steps toward reducing poverty. Debt cancellation is a proven way to do this. This legislation has the support of numerous organizations doing excellent work around the world, including the AFL–CIO, American Jewish World Service, Church World Service, DATA—Debt AIDS Trade Africa—Jubilee USA Network, the ONE Campaign, Oxfam America, and RESULTS.

I strongly urge my colleagues to join me in supporting this rule, and the underlying legislation.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1103 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 2734) to make the Economic Growth and Tax Relief Reconciliation Act of 2001 and certain other tax benefits permanent law. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) an amendment in the nature of a substitute if offered by Representative Rangel of New York, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by the Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered; ordering the previous question on House Resolution 1107; and adopting House Resolution 1107, if ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 18, as follows:

[Roll No. 192]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard

Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bono Mack
Brady (PA)
Costa
DeLauro
Fattah
Ferguson
Harman
Mack
Markey
Meek (FL)
Nunes
Peterson (PA)
Roskam
Rothman
Rush
Slaughter
Wexler
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

☐ 1218

Mr. SAXTON and Mr. BARTON of Texas changed their vote from "yea" to "nay."

Ms. McCOLLUM of Minnesota and Ms. VELÁZQUEZ changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 192, had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 190, not voting 21, as follows:

[Roll No. 193]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Rohrabacher
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—190

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Aderholt
Brady (PA)
Costa
Cramer
DeLauro
Fattah
Ferguson
Harman
Mack
Markey
Meek (FL)
Nunes
Peterson (PA)
Reyes
Rogers (AL)
Rothman
Rush
Weldon (FL)
Wexler
Wilson (NM)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in this vote.

□ 1225

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5715, ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1107, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 198, not voting 15, as follows:

[Roll No. 194]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bilbray
Boswell
Brady (PA)
DeLauro
Fattah
Ferguson
Mack
Markey
Meek (FL)
Peterson (PA)
Rothman
Rush
Wexler
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1232

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 192, not voting 16, as follows:

[Roll No. 195]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bilbray
Brady (PA)
DeLauro
Fattah
Ferguson
Foxx
Holt
Mack
Meek (FL)
Peterson (PA)
Rothman
Rush
Schwartz
Wexler
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1240

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HOLT. Madam Speaker, on rollcall No. 195, I was detained and was not able to cast my vote. Had I been present, I would have voted "yea."

Stated against:

Ms. FOXX. Madam Speaker, on rollcall No. 195, on agreeing to the resolution, H. Res. 1107, a resolution providing for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. NUNES. Madam Speaker, on the legislative day of Wednesday, April 16, 2008, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: Rollcall 192—"no"; nay"; rollcall 193—"no"; nay rollcall 194—"no"; nay; rollcall 195—"no". "nay."

GENERAL LEAVE

Ms. WATERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2634 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 891

Mr. CONAWAY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 891.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1103 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2634.

☐ 1242

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from California (Ms. WATERS) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, according to the World Bank, more than 10 million children in developing countries die every year before the age of 5, most from preventable illnesses. More than 1 billion people in developing countries do not have access to save drinking water. And approximately 100 million school-age children do not attend school.

In sub-Saharan Africa, 41 percent of the population lives on less than $1 a day.

It was because of these injustices that I first got involved in the issue of debt relief, and I would like to thank many of my colleagues who have been working with me over the years on debt relief and who have joined with me to present this legislation.

First, I'd like to thank Chairman BARNEY FRANK, who's always been a big supporter and a fighter, and who's worked very hard in the past to ensure that we are on record doing the right thing for poor children and poor families all over the world.

And of course I've been very pleased to work with the ranking member of the Financial Services Committee, Mr. SPENCER BACHUS, who worked with me on Jubilee 2000, and who's been involved in debt relief for many, many years.

I'd like to thank the original cosponsors, Mr. EMANUEL CLEAVER, Mr. LUIS GUTIERREZ, Ms. CAROLYN MALONEY, Mr. DONALD PAYNE, Ms. BARBARA LEE, and others such as Ms. JUDY BIGGERT, who serves on our Financial Services Committee, and Ms. ILEANA ROS-LEHTINEN, who is the Ranking Member on Foreign Affairs, for all of the work and the assistance and the cosponsorship for this legislation.

☐ 1245

In 1999, I worked with my colleagues on the Financial Services Committee to pass legislation to provide debt relief to the world's poorest countries.

Our legislation provided complete debt cancellation for the bilateral debt that certain poor countries owed to the United States. Several other donor countries followed our example and cancelled the debts that were owed to them as well.

Our legislation also directed the Clinton administration to negotiate with other world leaders to significantly reduce poor countries' multilateral debts. The following year, the House passed my amendment to the fiscal year 2001 Foreign Operations appropriations bill, which increased funding for debt relief from $69 million to $225 million. This amendment proved that Congress supported full funding for the debt relief programs.

Since then, we have continued to work together in a bipartisan way to urge not only the Clinton administration but the Bush administration as well, the IMF, the World Bank, and other multilateral financial institutions to expand debt relief. As a result of our efforts, 23 heavily indebted poor countries have received complete cancellation of their debts.

Debt cancellation has proven to be effective in freeing up resources for poverty reduction. Cameroon is using its savings of $29.8 million from debt cancellation in 2006 for national poverty reduction priorities including infrastructure, social sector, and governance reforms. Uganda is using its savings of $57.9 million to improve energy infrastructure, to ease acute electricity shortages, as well as primary education, malaria control, health care, and water infrastructure. Zambia is using its savings of $23.8 million to increase spending on agricultural projects and to eliminate fees for health care in rural areas.

I'm proud to report that debt relief has made a real difference in the lives of millions of impoverished people. This came to pass because our country showed leadership, and our country showed leadership because this Congress showed leadership.

We are here today to continue our efforts. We are here today to enable additional needy and deserving poor countries to benefit from the cancellation of their debts. The Jubilee Act would make up to an additional 25 low-income countries eligible for debt relief, provided these countries meet strict criteria and use the savings for poverty reduction programs such as improvements to economic infrastructure, basic education, nutrition and health services, and programs to redress environmental degradation.

I would like to share with you a few of the observations and perhaps comments that I have learned about since I have been involved with debt cancellation.

Julius Nyerere, the former President of Tanzania, once asked, "Must we starve our children to pay our debts?" For Tanzania, the answer to this question is, "not anymore." That is because Tanzania is one of the lucky ones. It is one of the 23 countries that have already received complete debt cancellation. Tragically, many other countries are still starving their children in order to pay their debts.

Debt forgiveness is a moral imperative, and it is encouraged by many religious traditions. The Bible instructs the people of ancient Israel to cancel debts periodically through the celebration of a sabbath year every 7 years and a jubilee every 50 years.

Leviticus 25:10 says, "Proclaim liberty throughout the lands and to all the inhabitants thereof. It shall be a jubilee for you."

Let us once again proclaim a jubilee for millions of people in some of the poorest countries in the world.

I would ask my colleagues to join with me in support of this Jubilee Act.

Before yielding the balance of my time, I would like to thank Speaker NANCY PELOSI for urging us to get this bill up and get it on the floor so that we could go on record in support of debt cancellations for the poor countries of the world.

At this time, I would like to yield the balance of my time to Chairman FRANK, and I ask unanimous consent that he be permitted to control the time.

The CHAIRMAN. The gentleman from Massachusetts will be recognized.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I ask for such time as I may consume.

I speak in support of the legislation. First of all, let me thank Chairman FRANK and Subcommittee Chairman WATERS for the bipartisan cooperation they've shown in bringing this bill to the floor.

Mr. Chairman, this legislation is very good legislation. I would urge all Members to support it. What the legislation does, as Congresswoman WATERS said, it allows the administration to negotiate debt relief arrangements with the 25 poorest countries of the world. It does not require them to enter into any specific agreement. It simply gives them that authorization.

Once they have gone to those countries and negotiated debt relief, that agreement then has to come back to the Senate and the House for our approval. So we're not approving any specific action today. We're simply authorizing them to do what most of us in this body believe is the right thing to do, and that's debt relief for the poorest people of the world.

Alexander Solzhenitsyn said that a disaster is defined by magnitude and distance. We hear about a million and a half citizens of Darfur starving to death, and it is halfway around the world. It somehow does not grip us like seeing someone in our own community starve to death on the streets. But in reality, 1.5 million people have died in Darfur, and they're dying in Sub-Saharan Africa. They're dying in these 25 countries.

And people say, how do they die? You hear of 25,000, but what we're really talking about is one child at a time, one young person at a time, one older lady or grandmother that simply dies because there is nothing to eat or because there is no clean water or because there is no vaccinations.

Now, let me give you three reasons why we should support it. People say let me answer this first, and I'm going to answer it by submitting for the RECORD, and I would ask the Members, if you're trying to decide whether to support this legislation or not, I'm going to introduce the remarks of Ward Brehm, who is the chairman of the U.S. Africa Development Fund. He spoke at this year's prayer breakfast. I wish every Member could have been there.

REMARKS OF WARD BREHM, CHAIRMAN OF U.S. AFRICAN DEVELOPMENT BOARD, NATIONAL PRAYER BREAKFAST, THURSDAY, FEBRUARY 7, 2008

Thank you, Senator Enzi. I am deeply humbled by your introduction and proud to be able to call you my friend.

Most of you were probably surprised when you picked up the program and saw a speaker you've never heard of before. Me too . . . One month ago, I sent in my registration . . . and was just hoping for a good seat!

My thanks also to the members of the Senate group for this opportunity. A good friend emailed me last night and said that if God was going to speak through me I didn't need to be nervous. . . .

God is the one who should be nervous!

My wife read to me from Scripture last night that Jesus said when two or more gather in His name He will be there. That's good enough for me!

My work has given me the high privilege of serving you, Mr. President, the American people, and above all, the poor in Africa.

The best way to help the poor is to help them not be poor anymore. The only way I know how to do that is through job creation, and the very best form of sustainable development is a steady paycheck.

It's been said that if you give a man a fish, you feed him for a day; teach a man to fish, and you feed him for a lifetime. But that's not the full story. If you want to eat for a lifetime, you need to own the pond.

So a bit of background . . . Despite that eloquent introduction, I am a recovering Type-A controlling businessman. I've been described even by people who like me as someone who is often wrong but seldom in doubt. I was a bit of a problem child growing up. In fact, my pastor since childhood, Arthur Rouner, recently referred to me as a ministerial long shot!

They say that if God wants to get your attention He will toss a pebble into your life. If that doesn't work He'll throw a rock. As a last resort He'll heave a brick!

Africa was my brick.

In 1994, Africa was not on my personal radar screen.

In fact, the only thing on that radar screen was me.

In the Los Angeles Airport I bought a copy of Stephen Covey's book, The Seven Habits of Highly Effective People.

I didn't buy it to learn anything, but just wanted to make sure he got them all right!

I was intrigued by Covey's notion of paradigms: identical sets of facts can mean something totally different because of your world view.

Somalia was in the news at the time, and countless numbers of Africans were dying from starvation. I felt no real connection to this humanitarian crisis. My radar screen was full.

Paradigms usually change because of shock or trauma, but I wondered if it might be possible for someone to change their paradigm on purpose. I supposed that if I were to see people starving, it would change that paradigm and perhaps much more. The thought left me nearly as quickly as it came.

But God sent me a reminder . . . One week later, I made one of my occasional stops at church . . . My pastor, out of the blue, took me aside and said, "Ward, I'm going to Africa in two months, and I would like you to go with me."

I told him I couldn't believe the coincidence of his invitation given my recent reflections on Somalia. Then I said . . . "No!"

He looked at me in a strange way, and he said, "Would you at least pray about it?" I looked at him and said, "You're the pastor; you pray about it. I will think about it but suspect my answer will still be no."

He must have prayed hard . . . because two months later, I found myself in the Minneapolis airport with a ticket to Ethiopia in my hand. I was surrounded (for lack of a better word) by church ladies. And they were hugging me . . . Then someone suggested we pray before we departed, so I found myself outside Gate 8A, holding hands with a group of strangers. And as I stand here before the National Prayer Breakfast I can honestly say I uttered my first heartfelt and sincere prayer . . .

"Lord . . . Don't let any of my clients see me!"

And then we flew. 12,000 miles to Africa, and a million miles from my comfort zone. I had the high privilege of having my heart broken. I saw poverty on an obscene level.

Children with flies on their eyes and for the lack of a 50 cent medicine doomed to blindness, the emaciated faces of famine, families shattered by civil war. And in Masaka, Uganda, I held the hand of a 22-year-old Mother as she died of AIDS and then turned and looked directly into the eyes of four brand new orphans.

I was an eyewitness.

It put a face on the statistics. I always believed that those statistics were true, but now they were real. It got personal. . . .

More recently, I took a long walk with a warrior turned pastor friend deep into an unknown wilderness along the northern Rift Valley that divides Northwest Kenya with Uganda. He took me to where they had never seen a person with white skin. When they first spotted me, they thought I was a ghost . . . a dead man walking. For a while, I thought they'd be right.

I fasted for five days on this walk to experience real hunger, but had brought along protein bars in the case of (as Lodinyo put it) an "emergency". At the end of the walk, I collapsed in a borrowed sleeping hut; when I awoke 13 hours later, I saw a little boy peeking through the door. While he was initially terrified, curiosity eventually got the best of him, and I noticed he was concentrating more on my stash of power bars than he was on me. He succeeded in snatching a bar, and immediately ran away. "Kids are the same everywhere," I thought, until I stepped outside the hut, and found a little boy kneeling over his two-year-old sister with a terribly distended stomach, feeding her tiny pieces of protein. . . .

I found out 3 months later that she had died . . . another paradigm shift.

Now after more than 30 trips to Africa, the question I have been asked more than any other by my African friends is "What do you pray for?"

Most of us among the affluent have too many things. Too much food, multiple cars, great health care, retirement plans, insurance. . . .

It's only when things fall completely apart, and we're totally out of control that we feel totally dependent, and thus closest to God. Death, cancer, business failure, addiction, divorce, crises; these are the things that drop us to our knees.

All across the world including America things are continually falling apart for the truly poor . . . They are always out of control, constantly living in a crisis mode, and thus dependent and faithful to God's own commandment that we love Him with all our hearts. God is often all the poor have.

The leaders that God anoints are their only hope. And despite the often-horrific conditions they live in, the poor are thankful for their very existence.

Scripture asks, "Hasn't God chosen those who are poor in the eyes of the world to be rich in faith and inherit the Kingdom?" Yes, He has. I've seen it with my own eyes.

The question I'm asked the most by my American friends is, "Why cross an ocean to help people when you need only cross the street, to help your own?" It's a great question, and the answer is, of course, that we need to do both.

Solzhenitsyn said that disaster is defined by two things: magnitude and distance. So a small disaster close to home or a huge disaster faraway, results in what he describes as "bearable disasters of bearable proportions." We've become too good at "bearing." Our hearts should be broken by the things that break the heart of God.

Specifically in Africa, there are many faraway disasters of epic proportions. In 1994 . . . In Rwanda, a country the size of Maryland, the political genocide claimed over 800,000 lives. Nine thousand lives per day for 90 days. That's two World Trade Center disasters per day for 3 months.

Today . . . in Darfur, Sudan, 1.5 million homeless. Thousands terrorized, raped and killed. AIDS is killing 4,400 people per day in Africa, and even more are dying from curable malaria. Epic disasters of epic proportions, far from home for most of us. We have hundreds right here in this room from all around the world, our neighbors this morning . . . who experience these epic disasters close to home.

I do want to say this while I have the chance with the President sitting right here. Very few people are aware that due to President Bush's commitment and the resulting partnership with Congress there has been an absolutely historic four-fold increase in American assistance to fight poverty and AIDS in Africa.

In 2003 there were 50,000 Africans on Anti Viral medication and today there are over 1.5 million. I have not met a single person who hasn't agreed with this high calling.

Proverbs, the book of Wisdom says, "speak up for those who can't speak for themselves and defend the rights of the poor and destitute." You have been that voice and on behalf of the "least of these" in Africa as well as the collective American conscience, I want to say . . . "Thank you Mr. President."

Do you remember when Jesus was talking to His disciples, and asked them when He was hungry, why they didn't give Him any food, and when He was naked, why they didn't give Him any clothes? And the disciples said something like, "Lord, we never did any of those things to You." I always thought (like most folks) that Jesus replied "Whenever you did this to the least of these, you did this unto Me."

Except He didn't say that. What He said was, "Whenever you did this to one of the least of these, you did this unto Me."

How often do we forget the word "one."

It changes the meaning of what Jesus said completely. In our quest to be helpful, we can rob the poor of their dignity. In order to be of any help to the poor, we need to understand them, we need to know them, and we need to Love them. They are not a group. The poor is not a species. They are identical to us in their hopes and dreams. They love their families and long for a better life. The only difference is that they are poor.

And people don't stiffer and die in groups. It's one at a time. And each one of those deaths leaves an identical wake of agony to what you and I and our families would experience.

So what are we supposed to do with all of this? How does this fit with our own world, so different and so faraway? Frankly, I'm not sure, but we do have some clues . . . Jesus said, "The poor will always be with you." What an odd thing to say. . . . especially coming from Him!

Jesus also said, "To whom much has been given, much will be expected." So maybe This is a test of sorts. If so . . . how are we doing?

I have heard stories similar to mine of peoples' lives being changed: from orphanages in Russia to inner-city schools in Minneapolis, from the slums of Calcutta to remote medical clinics in the mountains of Afghanistan, from the streets of Washington, DC, to wretched prisons in East Asia. Indeed, all across the world people are answering Jesus' question, "Who is my neighbor?"

And these people are finding themselves changed, engaged, and discovering meaning and relevance by being involved in things much bigger than themselves. . . .

I believe that, deep down, most people would love to have God change their lives. Here's the thing: If asked, He will, every time, guaranteed. And while these changes may initially seem scary, they ultimately lay a foundation for a life lived on purpose rather than by default.

I will be forever indebted to Africa. Africa awakened me when I didn't even know I was asleep. I pray that everyone who seeks one will find a similar path.

I pray that each of you will find your own Africa. . . .

A few years ago my good friend, Gary Haugen, asked me the most important question of all. . . .

For those four orphans I was with in Uganda who watched their mother die of AIDS and were suddenly completely on their own . . . For a twelve year old girl kidnapped and sold into slavery in rural India . . . For a single mom evicted and homeless on the streets of DC . . . For each one of them:

What is God's strategy for letting them know that He is good?

The mother in Ethiopia sees her baby die of malnutrition. Why would she think God is good? And what is God's strategy For allowing her to know that He loves her?

The answer is astounding. The answer is . . . us.

> Even more astonishing . . . He has no plan B. . . .
>
> God bless you One and all.

And what he said is, and I'm going to quote him: "The question I have been asked by most of my American friends, 'Why cross an ocean to help people when you need only cross the street to help your own?' " He said, "It's a great question." And the answer is, of course, that we need to do both.

He goes on to quote many people that we look to for directions, many spiritual leaders of all different religions, including Christ Jesus. And that is the answer. Yes, we have an obligation to our nextdoor neighbor, but I do believe that we should have at least compassion and the desire to help people in other countries. We can do that easily and almost without effort, and when you say "almost without effort," aren't we talking about money?

The first round of debt relief for seven countries cost every American citizen 50 cents. Fifty cents. But what did that 50 cents do? It reduced infant mortality in those countries by 9 percent. Nine percent. What is 9 percent? Well, in some of those countries, it was literally hundreds of children surviving that wouldn't have survived. It also included many little girls, millions, millions of little girls that were able to go to school who were never afforded that opportunity before, all for a cost of 50 cents.

This next round of debt relief is estimated to cost $2 for every American citizen. Now, how often could you reach in your pocket, could you put $2 down, and could you see hundreds of thousands of children being given an opportunity to read and write? How many times could you reach in your pocket and offer $2 and know that thousands of people would survive the night?

There was a Catholic priest, a nun, Sister Trujillo in Nicaragua, and she was asked sometime, how do these people survive? How do they survive in such conditions? And she said, I came to say often they don't. They don't survive.

And whether we pass this legislation or not, all over the world in these poor countries, tens of thousands of people won't make it through the night tonight. They will die. They won't see another day. But if we pass this legislation, we can be assured, because we have a track record of success, we can be assured that hundreds of thousands will survive.

In some of these countries, and these are stories that are phenomenal to me, in many countries for special-needs children, people with Down Syndrome, people with severe physical limitations, there was absolutely no services, no services. They were basically born into total hopelessness. In those countries where we've afforded debt relief and their debt services have dropped, there are actually, today, services for those children, for handicapped children.

Anyone who has children, little boys or girls or grandchildren, don't you take pride when they start learning how to read, when they start learning how to write? If for almost nothing you could ensure that little children all over the world have that same right, would you do something? I think you would, and you would vote for this legislation.

Let me give you three reasons again why this is the right thing to do not from a moral standpoint but from even from a good government economic standpoint.

First, it's yielded results. Wherever we have done this, we have benefited. The United States of America has benefited, these countries have benefited, the citizens of these countries have benefited. As I said, the poverty rate in the Sub-Saharan African countries which we gave debt relief is down 6 percent. Over 1 million children a day are receiving health care that weren't receiving it, all for almost no cost to us.

□ 1300

Second, and I think this is essentially important and I want to try to find this. This is a quote from the 9/11 Commission. And if you don't hear anything else that I say today, you're concerned about our country, you're concerned about our security, then realize that debt relief is, I believe, dollar for dollar the most effective program in assuring our national security because it helps to combat poverty, and it is poverty that leads to instability and hopelessness. It creates terrorism and terrorist factions to breed and thrive.

The 9/11 Commission, in talking just about programs such as this, said, "Terrorism is not caused by poverty. Indeed, many terrorists come from relatively well-off backgrounds. Yet when people lose hope, when societies break down, when countries fragment, the breeding ground for terrorism is created." They go on to say, "Where there is not basic education, where the children are not afforded an education, those are the very countries that the next terrorist threat will come from."

It's no accident that the U.N. listed Afghanistan prior to the Taliban taking over as the country with the fewest number of children attending public education, or any education. Now, we have a choice that we can stand aside and let these children go to madrassas where they're taught to hate America, or we can help these countries help their own future generations by allowing them to go into public education systems which will not brainwash their children.

And the beneficiaries will not only be them, it will be us. It will be those of us who have had children in the military. I can tell you, as the father of a young marine, this bill is very important to me. I believe that this bill, as much as anything else, allows, long term, in our next generations, us to keep more of our children from having to go over and try to combat these terrorist activities.

Third, it's cost efficient. The U.S. share of the expected first round of debt relief under this act, as I said, will cost no more than 50 cents a piece for every man, woman and child in this country.

During the debate on this bill, we Republicans asked for and were readily joined by the Democrats in asking for some changes in this debt modification from the ones that went on in prior years. One, we asked the President not to grant debt relief to countries that are not moving in the direction of democracy, that are not committed to the rules of law which are committed to improving human rights and the constitutional rights and the fundamental rights of their citizens. Second, there are countries that engage in human trafficking. Under this legislation, they are not eligible for debt relief. They will either have to turn from those practices or they will be denied even an opportunity to negotiate. And third, they cannot harbor or promote terrorism.

Let me simply close by urging the Members; we all want a safer country, we want a freer America. And for America to be secure in the present global economy we really cannot ignore the rest of the world. We cannot just simply watch as these countries slip into chaos and discord.

This legislation, as much as anything we will bring forward this year, for almost no money, will, I believe, fundamentally improve lives all over this world, all over the globe, but will also be a very good investment for the United States of America, both economically, militarily and morally.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds by way of introducing our next speaker.

Last Tuesday, I was very pleased to go to a dinner of an organization called the Bank Information Center. And it was a gathering of representatives all of the groups fighting hard to relieve poverty in much of the rest of the world, especially Africa. And they particularly wanted to celebrate the anniversary of an amendment that was successfully authored by a then very junior Member of the House of Representatives that mandated that in international financial institutions due attention be paid to matters of the environment and human rights and decent standards for individuals. And we have come a long way there. That was then known as the Pelosi amendment, because the author of it is now the

Speaker, she has continued that leadership, and I yield her 1 minute.

Ms. PELOSI. I thank the gentleman for yielding, and I thank him for his kind words of recognition to the Pelosi amendment. And I thank him for his tremendous leadership on debt forgiveness, not only now, but for a number of years.

I remember watching the master at work to see Mr. FRANK work with the then Clinton administration in the year 2000 when we were trying to get the millennium debt forgiveness. He, along with Congresswoman MAXINE WATERS, have really made a tremendous difference in all this. And they have talked about some of the differences made in the countries, Congresswoman WATERS did earlier.

God bless us in this House to be able to serve with Congressman BACHUS. He has just been such a wonderful leader in the House; his value-based policies, sensitive to the needs of people in the world, and how that relates to the security of our country, and how this is important from the standpoint of security and compassion, but it makes good, practical economic sense as well. You're a wonderful leader in this regard, and it is an honor to call you colleague, SPENCER BACHUS, distinguished ranking member of the committee.

This has been a bipartisan initiative from the start. I appreciate the letter that was sent out by Chairman WATERS and SPENCER BACHUS, BARNEY FRANK, ILEANA ROS-LEHTINEN, JUDY BIGGERT, a senior member of the Financial Services Committee, as well as CAROLYN MALONEY from that committee, advocating for this Jubilee Act to be passed today and spelling out exactly what it does as Mr. BACHUS did so very clearly just a moment ago. And so with all the recognition to those on the committee and those who have worked on this issue, thank you for bringing us to this moment on this day.

And I was very pleased and accept Congresswoman WATERS' acknowledgment of our insisting that it be brought up today because today is the day we welcomed the Holy Father, Pope Benedict, to Washington, D.C. Many of us have just returned from the White House, where we were very proud of the welcoming ceremony presided over by President Bush and Mrs. Bush to welcome Pope Benedict and to be stirred by both of their words, the words of our President and also of the Holy Father.

In his remarks, the Holy Father talked about truth and justice and freedom. He talked about respecting the dignity and worth of every person, regarding each other as brothers and sisters, all God's children. He made a beautiful and inspiring speech. And really his speech was reflected in the remarks that SPENCER BACHUS made here in that same regard of what our responsibilities are to our brothers and sisters.

Today is the Holy Father's birthday. And as the President said, he is spending his birthday with friends. And in friendship, we bring this Jubilee Act to the floor today.

This is not the first resolution to welcome His Holiness to America. Last week, we all voted in strong support in a bipartisan way for Congressman MCCOTTER's resolution of welcome to the Holy Father. Yesterday, Congresswoman ZOE LOFGREN had legislation on the floor relating to religious workers' visas and their ability to work in the United States, which is an issue of importance to His Holiness. And now today, this very important resolution.

The former Holy Father, Pope Paul II, said, "If you want peace, work for justice." There has always been a connection here. With this debt forgiveness, it enables countries to do many more things to promote justice in their countries, whether it's the eradication of disease, the alleviation of poverty, eliminating some of the factors that contribute to the fury of despair that leads to violence that makes the world less safe.

Again, this was a high priority, this debt forgiveness, for John Paul II when he was Pope, and he led the Cardinals in America Conference of Bishops to advocate for this. But it has not just been a Catholic initiative, it has been an interfaith initiative in the country, in the world, and certainly in this Congress.

So it's very exciting, on this Holy Father's birthday, as we welcome him to America, we do so in a way, as Mr. BACHUS said, that just gives the authority to negotiate for these improvements in the forgiveness of debt so that we can, again, do what is right for respecting the spark of divinity that exists in every person in the world, that we can try to bring some justice to it, we, who have so much, for those who are also God's children need our help, and give them hope.

People say to me, where is hope? I say, hope; it's right where it's always been. Hope sits right there comfortably between faith and charity. We are people of faith who believe in the goodness of people. And we have faith that the charity that that will evoke or bring forth will help honor the hope that people have in the world.

So this is a great occasion, again, to welcome His Holiness, to stand up for all the people in the world, and to do what he called upon us to do this morning, he called upon us, he said, "we must have the courage."

Today, I hope that we have a unanimous bipartisan show of courage to do what is right. Again, I thank Mr. FRANK, Mr. BACHUS and Congresswoman WATERS for their relentlessness on this issue and the opportunity that they give us to give hope today.

Mr. BACHUS. Mr. Chairman, in a minute, I'm going to yield to the gentleman from California, but at this time I yield myself such additional time as I may use.

In recognizing the bipartisan nature of our efforts here on the floor today and in committee and over the past few years, this has been an issue that I think has brought the Congress together. That's not to say that Members are not concerned about certain parts. Members have expressed, will this work? This may not work, I'm not sure it will work. Well, it did work, it did work. We now have a proven track record of accomplishment.

Did we have failures? Yes. Did it work better in certain places than others? Yes. Were there places where perhaps it didn't work very well at all? Yes. Were there places that it amazed us as to how well it worked? And the answer again is yes.

Let me tell a story that completely blind-sided me. I was in Namibia with BOB GOODLATTE and STEVE KING, and we were on an agriculture mission. We met with the President. And Namibia, by the way, they were not accorded debt relief. They don't have that much debt, so they were not one of the countries that we extended debt relief to. So I was surprised when the President of that country sat down with us and one of the first things he said is, please express our country's gratitude. And this is one of the largest countries, geographically, and most strategic countries in Africa, right above South Africa. And he said, please express to the Congress and the people of the United States my thanks for debt relief and the blessings it has brought to this country. And I said, well, Mr. President, you didn't receive debt relief. He said no, but Namibia is much better off today because of debt relief because some of our neighbors did, and those neighbors were trying to destabilize our democracy. They were trying to send rebels into our country. And it stabilized our borders. And we've been able to take money from troops that we had positioned on the border, and also money that the United States had supported to help them do that, they no longer spend that money because their neighbors are more stable, and they are not sending rebels across the border.

So here is an ally of ours that we've not had to spend money on to help defend them from anti-democratic movements simply because the countries where those movements came from are more stable. So again, in places where we didn't even extend debt relief, we've seen tremendously beneficial things.

☐ 1315

I want to recognize Mrs. BIGGERT, the gentlewoman from Illinois. Mrs. BIGGERT, as ranking member of the subcommittee over the past few years, has really taken a leadership role in debt relief. She's knowledgeable on the issues. She has been a real asset, and I thank her.

Recently, she and I asked two members of the Republican Caucus who had been opposed to debt relief issues in the past to travel on a delegation to Africa. They did. They came back, and both of them immediately within a week called our office, and I think they expressed to Chairman FRANK, now I've seen with my own eyes many things that Members of this body had talked about. I've seen what a little bit of money can do and how far it can go. I see not only the great need, but I see the ability to address that need for what we in America call an almost inconsequential amount.

And I wish every Member, before they took this vote, could travel to Latin America, could travel to Africa, could travel to these countries in the Middle East or Asia, and they could witness for themselves many of the amazing success stories, countries whose people are better off today than they were yesterday. Not because we gave them money because this is not what debt relief is about. Debt relief is not about giving them foreign aid; it's about allowing them to help themselves, taking their money and spending it on their own people so that they won't be coming to us for a handout. This is about a hand up, a totally different approach, an approach that's working.

Mr. Chairman, at this time I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this basic legislation, which would instruct, of course, the Secretary of Treasury to negotiate debt relief for developing countries, especially those new democracies.

And let me note that much of the debt that we have heard about today that has had such a horrible impact on the way of living, on the standard of living of people throughout the developing world, that debt is basically a result of dictatorship. It is not a result of democratic governments making wrong decisions. By and large we're talking about governments that have been run by authoritarians and gangsters who are putting their own people in debt. I would suggest that anyone who lends money to a dictatorship should take notice and they are doing so at their own risk. However, these people who establish democratic government and replace dictatorships should not be forced to bear the burden of having massive debt. This is what keeps these countries down even once they've replaced their dictators.

For example, in the Soviet Union, once the Communist Party was displaced and they had free elections, we insisted that they not renounce their debt. We did not forgive their debt. That threw the Soviet Union into horrible economic chaos, which then democratic Russia that was paying for the sins of the Communist dictatorship that preceded it. We almost lost democracy in Russia because we were insisting on debt repayment and the people didn't have any moral reason to pay that back.

I will have an amendment, and I am very grateful to Barney Frank for backing my ability to propose the amendment, that suggests that it be a democratically elected government and not just someone who's suggesting they will be democratic in the future that gets this debt relief. This gives the right kind of incentive.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ROHRABACHER. I would ask for an additional 1 minute.

Mr. BACHUS. We don't actually have any additional time to yield.

Mr. ROHRABACHER. I would just say that Ethiopia is an example of a country that we should not be providing debt relief to until it has democratic elections.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield 3 minutes to a former member of our committee whose actions we only mildly begrudge, who has been a leader on the issue of trying to provide effective poverty relief throughout the world, particularly in Africa, who has been a cosponsor of this, the gentlewoman from California (Ms. LEE).

Mr. BACHUS. Mr. Chairman, I have been called away to an agricultural conference. I would ask unanimous consent to yield all time remaining to be managed by the gentleman from Connecticut (Mr. SHAYS).

The CHAIRMAN. The gentleman from Connecticut will be recognized.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, let me first just say how happy I am today to be able to speak on behalf and in support of H.R. 2634, and I have to first thank our Speaker for leading this House in doing the right thing on behalf of the poor and those yearning for a better life.

I also must thank my colleague Congresswoman MAXINE WATERS for introducing this important legislation. She is a true leader in the debt relief movement. The world truly owes her a debt of gratitude for her consistent work and for never letting up on finding ways to relieve the suffering of the poor.

Also, let me thank Chairman BARNEY FRANK for his leadership and for bringing this bill to the floor today in a bipartisan and timely manner and for his commitment to help those who need our help, and to SPENCER BACHUS, who has been committed to debt relief since I have been here, because they fundamentally believe that this is the morally right thing to do. And working together, they have shown the world, really, the best in elected leadership in this House.

So thank you, Chairman FRANK.

Mr. Chairman, as an original cosponsor of this bill, I feel very strongly in the power and the benefit of a simple act of forgiveness and what that can bring. In my travels to the developing world, I have witnessed what Mr. BACHUS and what Ms. WATERS so eloquently described today.

As a result of this legislation, an additional 27 countries could potentially be eligible for expanded debt relief. This speaks volumes to what can be done to alleviate poverty or help address crises in the developing world, especially in Sub-Saharan Africa, such as the devastating HIV/AIDS pandemic. These countries would have to meet strict criteria to guarantee transparency in their financial management systems and ensure that the savings are actually spent on alleviating poverty. The bill would also ensure the involvement of civil society organizations, so important, to help set priorities for how this money should be spent.

The action we take today is not only the right thing to do for countries facing a crushing debt burden, but it speaks volumes about our fundamental values as a nation and as a people. This bill does not give people fish but the means to catch their own fish, feed their families, and live their lives in the manner that all God's children deserve.

Is it any wonder that this bill has the support of over 60 groups led by the Jubilee U.S.A. network? Backing this effort, this coalition includes such a broad range of organizations from the faith community, environmentalists, labor, international development groups, and grassroots advocacy organizations.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the gentlewoman 1 additional minute.

Ms. LEE. Thank you very much, Mr. Chairman.

Let me just say these organizations should be saluted today. They deserve our support and thanks for their work in raising their voices and doing the hard work to help build this great bipartisan support for this bill.

Debt forgiveness is the right thing to do. It is consistent with our values as a Nation. And I urge my colleagues to support this bill and proclaim today as a day of jubilee.

Mr. SHAYS. Mr. Chairman, just before yielding, I would like to explain to my colleagues on the other side that we have 8 minutes left. We are going to yield 5 minutes to the gentlewoman from Illinois and then reserve our 3 minutes and you are going to have an opportunity to go through a number of speakers.

With that, I would yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation and applaud Chairman WATERS for her hard work on this legislation.

Mr. Chairman, I must admit that I wanted to cosponsor this bill for a very long time, but the bill as introduced had a number of problems for me. But I am pleased to say that they have been resolved, and I want to thank Chairman FRANK for offering in the Financial Services Committee a manager's amendment that addressed many of my concerns and allowed me to become a cosponsor and also for the manager's amendment that will be brought up today. So I am pleased to join him and Ranking Member BACHUS in offering a manager's amendment today that makes it an even better bill, addressing the most important concerns, including economic conditionality that the administration expressed in its statement of administration policy issued on Monday.

Mr. Chairman, over a decade of hard work and determination has produced results for the poorest countries in the world. Poverty has been reduced and living conditions are improving. Today's bill recognizes and builds upon the previous work of this body on debt and development issues, and I hope that this trend will continue.

When I served in 2004 and 2005 on the Domestic and International Monetary Policy Subcommittee as the Vice Chair, I was pleased to work with many members of the Financial Services Committee, the administration, and interested organizations to craft legislative language that eventually authorized funding for the Multilateral Debt Relief Initiative, or MDRI.

MDRI expanded the Heavily Indebted Poor Countries, HIPC, Initiative of 1999. In short, this historic, U.S.-led initiative called on the international community to provide up to 100 percent of debt relief and performance-based grants to the world's poorest countries. So Congress has since then appropriated about two-thirds of its financial obligation towards MDRI and HIPC. Unfortunately, I think we fall a little bit short on our commitment, but despite this shortfall, the program is working for 41 of the poorest countries in the world: 22 have graduated from the HIPC program, 10 are on their way, and 9 are beginning the process. So I'm pleased that the bill under consideration today, with both the committee and floor managers' amendments, recognizes these facts and seeks to preserve and build upon the impressive progress made under MDRI and HIPC.

So why do we need the Jubilee Act? Well, the fundamental purpose of today's legislation is to establish a plan for "phase two" of the U.S. debt relief initiative. And that's what we need. The bill sets out to forgive the debt and issue grants to the next group of the world's poorest countries, 24 in total, which do not currently qualify under HIPC self-sufficiency and sustainable debt initiatives. Importantly, it also seeks to prevent these countries from entering new lending post-relief debt so that they don't squander the economic and social progress achieved through the debt relief.

I would like to note that the statement of administration policy on this bill recognizes that debt relief should be tied to economic conditionality to ensure that it will promote economic growth and provide real benefits to the poor. In addition, the bill including the manager's amendment, would ensure that countries eligible for debt relief don't have excessive levels of military expenditures, don't support acts of international terrorism, are cooperating with the U.S. on international narcotics control matters, and are complying with the U.S. standards to eliminate human trafficking and are working with the U.S. to stop illegal immigration to the U.S.

I worked really closely with constituents from my district, and I really want to thank Sister Sheila Kinsey, Dan Driscoll-Shaw, Ron Durbin, and my other constituents too numerous to mention here for their guidance, their compassion, and encouragement of this bill. It's an honor to work with them.

As I close, I just want to say that the important part of our discussion today is to recognize that the ultimate goal of both "phase one" and now "phase two" of the U.S. international debt relief and poverty reduction initiatives is to improve the life of the people of impoverished countries around the world, and this is going to happen because of this bill.

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Mr. FRANK of Massachusetts. I now yield 3 minutes to another member of the Committee on Financial Services who has been a leader in our relationships with the multinational institutions, the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I would certainly like to thank Representative WATERS, Representative BACHUS, Chairman FRANK and Speaker PELOSI for their outstanding stewardship on debt relief and for bringing this important measure to the floor today.

When governments are burdened with overwhelming and unmanageable debt, it prevents them from providing rudimentary quality of life to their citizenry, and that is access to clean water, modest shelter, basic nutrition, education and health care. When citizens are living on less than $1 a day, civility, democratization of institutions and innovation are greatly compromised or made improbable.

Therefore, it is not only our moral obligation to relieve debt, but it is in our national interests to promote a sustainable world with cooperating partners in our efforts to address global problems such as pandemic diseases, climate change and the prevention of genocide and terrorism.

I would urge all my colleagues to support H.R. 2634 and join in this day of jubilee.

Mr. FRANK of Massachusetts. I believe the gentleman wants me to finish up, so I will yield to one of the congressional leaders on affairs on Africa from the Foreign Affairs Committee, the gentleman from New Jersey (Mr. PAYNE), for 3 minutes.

Mr. PAYNE. Mr. Chairman, let me begin by commending Chairman FRANK for bringing this very important legislation to the floor, and his ranking member, Mr. BACHUS, who has really been a real champion in these issues over the years. Let me give special congratulations to Congresswoman MAXINE WATERS for her tireless effort to bring H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation to the floor for consideration, and her long history of working to help the world's countries to elevate their people out of poverty.

While nonprofit organizations and Members of Congress initially fought for debt relief, many of us never imagined that we would still find ourselves here today. Unfortunately, with the likes of Debt Advisory International, Elliott Associates, the burdensome IMF and World Bank policies, we must redouble our efforts to prevent such policies and companies from pecking away at the hard-won gains that we have made and must continue to make.

As chairman of the Subcommittee on Africa and Global Health, I understand how the redirection of monies towards debt servicing and vulture funds has crippled African countries' attempts to improve upon development indicators. Sub-Saharan Africa receives approximately $13 billion in aid every year, yet spends $15 billion in servicing old and many times odious debts.

This type of deficit spending perpetuates the vicious cycle that prevents African governments from truly creating their own solutions to the challenges that they face.

Three billion people in nations around the world are living on less than $2 per day. For some of these nations, they are beholden to servicing debts instead of focusing their financial and human capital towards creating the necessary infrastructure to educate, feed, employ and care for their people. By eliminating many of the debts that are tying their hands, they will be able to direct the necessary energies to alleviating poverty in their countries.

Debt cancellation works. Zambia is a prime example as to how monies freed from servicing a country's debt can be used to better the lives of its people. It is using its savings of $23.8 million under the multilateral debt relief initiative to increase spending on agricultural projects on smallholder irrigation and livestock disease control, as well as eliminating fees for health care in rural areas.

The Jubilee Act will establish an agreement among the U.S., other countries and international financial institutions to provide debt cancellation for deserving, eligible low-income countries. It will also work to create a binding legal framework to ensure that entities, particularly unscrupulous vulture funds, will not be able to lie in wait in order to seize upon newly awarded debt relief.

I congratulate Congresswoman WATERS on getting this wonderful and timely bill to the floor of the House. I encourage other Members of Congress to support it.

Mr. FRANK of Massachusetts. I now yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Thank you, Mr. Chairman, for yielding me the time.

I rise in strong support of H.R. 2634 and am proud to recognize Chairman FRANK, his Ranking Member BACHUS, Congresswoman WATERS, Representative LEE and Representative PAYNE because they are leaders in this very, very necessary important issue of debt relief. And I want to tell you I admire their absolute stick-to-itiveness on this important issue, because 7 years ago, grass-roots groups asked Congress and the administration to release heavily indebted poor countries from their overwhelming debt. In many cases, the debt was acquired under dictatorships and despotic regimes. These emerging developing nations could not move forward while buried under seemingly crushing debt.

With bipartisan support, and this is bipartisan in the way it has come to the floor, it passed the first time. Now it is improved upon and going forward again. It is stronger than it was before. In so doing, we forgave debt owed by poor countries, countries that were spending vast sums on debt servicing while forgoing investment into education or health care, infrastructure and other social services so desperately needed in their small countries.

With this bill, we are putting a downpayment on the future of the developing world. We are getting more kids into classrooms. We are providing lifesaving health care. We are building the pathways for entrepreneurship.

And I thank you again, Mr. Chairman, for your leadership, and I honor one more time, as we all have, Congresswoman WATERS for her stick-to-itiveness in making these wonderful, important issues come forward and pass positively.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, this is a moving moment to come to the floor of the House. And I was moved by the words of our Speaker, quoting the Pope and saying that we must have courage. Then, of course, the ranking member from Alabama got up and said, Chairman FRANK, that there were those who came back and said, I have seen it with my own eyes.

And this is what this bill is about. It is about people understanding that extending the opportunity to teach individuals the ability to fish, to reduce the debt, gives them a lifelong opportunity of survival.

Let me thank Chairman FRANK, Congresswoman WATERS and the ranking member of the full committee, my subcommittee chair, Mr. PAYNE, and Ms. LEE for their stick-to-itiveness on a very important concept, reduce the debt on the continent of Africa, and you give the opportunity to children and others to survive.

This is not a give-away. It is an effective tool to reduce poverty in some of the world's poorest countries. I've had the privilege and honor of representing this nation in my visits to place like Zambia, Zimbabwe, South Africa, Ghana in those early days, Nigeria, Angola and places where you might not imagine the poverty, Lesotho. Debt relief initiatives passed in 1999 and 2005 are benefiting more than two dozen countries in Africa and Latin America, just to the south of us.

Uganda is using the $57.9 million it has saved from debt cancellation on primary education to ensure a future for its children as well as much-needed improvements in malaria control, health care and infrastructure.

Many of us take for granted our public school system. But are you aware that children stay out of school because they don't have the fees, they don't have the money for books, and they don't have the money for clothing? In most African countries, and maybe in Latin American countries, school is not free. There is no concept of "public school." Zambia, one of the poorest nations, is using its savings of $23.8 million on agricultural projects and to eliminate fees for health care in rural areas. Debt cancellations enable programs in Uganda and Zambia to directly help the people.

This is the face of America and the face of our faith, and it is saying that we care for the least of those. We are, in fact, a good Samaritan.

And so today, as we stand here, this is a time of jubilee, for this legislation not only reduces or excuses debt, but it also helps to restructure and finance new opportunities. This Act calls for the development of a responsible financing prime rate for the future. Debt forgiveness is a good short-term solution.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 additional minute.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman. Debt forgiveness is a good short-term solution, but to be truly effective, we must find a way to fix the broken system of international lending.

I am very grateful that our Financial Services Committee has been one of the most proactive in time of need. They are facing the economic crisis of Americans. They have not forgotten you. They are facing the economic crisis around the world. They are restructuring and looking at how we can unify our financial system here. We are, in fact, the keepers of our brothers and sisters as I started out by saying. We must have the courage that has been dictated to us and said to us today by the Pope who is visiting America. And it is good for our colleagues, who may doubt this legislation, to go and see it with their own eyes. Once they do so, they will understand that this is absolutely the right direction. And might I just thank the AFL–CIO, the American Jewish World Service, the Church World Service, the DATA organization and others for their support.

I ask my colleagues to support this.

Mr. Chairman, I rise today in strong support of H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation. I am proud to join over 100 of my colleagues in cosponsoring this timely legislation. I would like to thank my colleague, Congresswoman WATERS, for introducing this bill, as well as the Chairman of the Financial Services Committee, Congressman FRANK, for his leadership on this important issue.

Countries throughout the world suffer from the heavy burden of debt. The inability of nations to escape from these financial commitments has profound impacts on any attempts they make at poverty reduction, health care, economic development, and sustainable growth. The Highly Indebted Poor Countries, HIPCs, the majority of which are located in Africa, are particularly crippled by debt. Nearly three years ago, we saw an outpouring of support for debt relief as G8 leaders met in Gleneagles, Scotland, to pursue a policy of poverty reduction. While some positive progress has been made since that meeting, it is absolutely undeniable that this is an issue on which a great deal remains to be done.

Today, we have an opportunity to take a positive and concrete step toward ending global poverty by helping needy and deserving low-income countries. The Jubilee Act expands existing debt relief programs for the world's poorest countries, and it includes measures to ensure that the benefits of debt relief are not eroded by future abusive lending.

Debt relief has, in the past, proved an effective tool to reduce poverty in some of the world's poorest countries. Debt relief initiatives passed in 1999 and 2005 are benefiting more than two dozen countries in Africa and Latin America. Uganda is using the $57.9 million it has saved from debt cancellation on primary education, to ensure a future for its children, as well as much needed improvements in malaria control, healthcare, and infrastructure. Zambia is using its savings of $23.8 million on agricultural projects, and to eliminate fees for healthcare in rural areas.

Debt cancellation has enabled programs in Uganda and Zambia to directly help the people of these nations. However, there are many impoverished and deserving countries that do not currently benefit from debt relief. The International Monetary Fund, IMF, and the World Bank continue to place restrictive conditions on debt cancellation, calling for policies requiring the privatization of essential services and the liberalization of trade in sensitive sectors in exchange for debt cancellation. These conditions are currently holding up desperately needed debt relief in several eligible countries, including Haiti, the Democratic Republic of Congo, and Liberia.

Mr. Chairman, the legislation we are considering today will not only bring the benefits of debt cancellation to more countries than ever before, it will also ensure that these benefits are felt by all strata of society. This bill would direct the Secretary of the Treasury to negotiate an agreement with the IMF and World Bank, as well as other bilateral and multilateral creditors, to make up to 25 additional low-income countries eligible for complete debt cancellation. Governments of these countries will be required to allocate the money saved through debt cancellation to poverty reduction programs, such as initiatives to improve economic infrastructure, basic education, nutrition, health services, and programs to redress environmental degradation.

This legislation does not remove all conditions from debt relief programs. Countries still must demonstrate transparent and effective budget and financial management systems, and they can be excluded from debt relief if they do not. In addition, countries committing massive violations of human rights are not eligible, nor are countries that support international terrorism, have excessive levels of military expenditures, or fail to cooperate on international narcotics control. The Jubilee Act encourages the developing of responsible financing standards, and assures financial transparency and accountability.

Finally, but perhaps most importantly, the Jubilee Act calls for the development of a responsible financing framework for the future. Debt forgiveness is a good short-term solution, but to be truly effective we must find a way to fix the broken system of international lending. Of particular concern to me has been the proliferation of vulture funds, which, like their avian namesake, seek to make a profit off of already weakened prey.

Mr. Chairman, vulture funds purchase the debt of countries (or companies) in financial distress. They then hold out for the full value of the debt, plus any interest, which they pursue through litigation, much of which takes place in U.S. courts. The inability of nations to escape from these financial commitments has profound impacts on any attempts they make at poverty reduction, health care, economic development, and sustainable growth. The Highly Indebted Poor Countries, HIPCs, the majority of which are located in Africa, are particularly crippled by debt. Though these countries may not appear to be the most profitable prey for vulture funds, which in theory prefer to purchase debt that a country has, or may in the future develop, the ability to pay, according to reports there are numerous lawsuits currently pending against HIPC countries.

Vulture funds, together with other forms of irresponsible lending, undermine international efforts to provide much needed debt relief to the world's most indebted poor countries. The Jubilee Act directs the Secretary of the Treasury to develop and promote policies to prevent bilateral, multilateral, and private creditors from eroding the gains of debt relief through irresponsible or exploitive lending. I am particularly pleased that this legislation takes this important step toward fixing broken systems of international lending.

I am proud to support the Manager's Amendment to this legislation, introduced by Congressman FRANK, which adds additional conditions to the eligibility criteria for debt relief, including complying with minimum standards for eliminating human trafficking, cooperating with American efforts to stop illegal immigration, and being committed to free and fair elections.

I also support the amendment offered by my colleague Congressman HASTINGS of Florida. This amendment adds a Sense of Congress stating that, due to the current humanitarian and political instability in Haiti, including food shortages and political turmoil, the Secretary of the Treasury should use his influence to expedite the complete and immediate cancellation of Haiti's debts to all international financial institutions, or if such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement that Haiti make further debt service payments on debts owed to the institutions. After deadly food riots last week in Port-au-Prince, which resulted in the death of a Nigerian UN peacekeeper, I believe that this amendment is both crucial and timely.

I also support the amendment introduced by my colleague Mr. WEINER. This amendment modifies the qualification for "eligible low-income country" to include those countries that are eligible for both International Development Association loans and World Bank loans.

Mr. Chairman, if we are serious about meeting the Millennium Development Goals, we must take concrete steps toward reducing poverty. Debt cancellation is a proven way to do this. This legislation has the support of numerous organizations doing excellent work around the world, including the AFL–CIO, American Jewish World Service, Church World Service, DATA, Debt AIDS Trade Africa, Jubilee USA Network, the ONE Campaign, Oxfam America, and RESULTS.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. SHAYS. Let me ask my colleague, does he just have one last speaker?

Mr. FRANK of Massachusetts. Yes.

Mr. SHAYS. Thank you, Mr. Chairman.

I yield myself the remaining time. I appreciate first the work of Congresswoman MAXINE WATERS and Congressman SPENCER BACHUS to bring the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008 to the floor, and in particular, my chairman, BARNEY FRANK, who continues to be an American first and is an outstanding chairman of the Finance Committee and puts all the partisan stuff second. I appreciate that.

Debt cancellation has proven to reduce poverty and save lives. It sends a strong message that we care about the rest of the world. It is sound economics, and it is humane.

The debt cancellation support by Congress in 1999 and 2005 has reached more than 2,000 countries in Africa and Latin America as has been described already. When Uganda is using $57.9 million freed by debt cancellation to increase spending on primary education, malaria control, health care and infrastructure, that is good for every Ugandan citizen, its neighbors and the world at large.

Today's legislation, adopting an additional nine impoverished countries to the list of countries eligible for debt cancellation and making an additional 15 countries eligible for relief is a very positive step. The bill costs an estimated $197 million if all nine countries enter into the agreement, and $119 million if Vietnam decides not to participate.

This is reasonable expenditure, a wise investment and a significant effort of goodwill by our country towards the world community.

While I support this legislation, debt relief by itself will not lead to reforms that are needed in many of these countries. Investment in foreign policy programs that promote world stability is crucial, and that is why oversight is so important.

Many of us in this Chamber believe responsible debt relief is not only the right thing to do, but it is also in our national security interests, particularly when coupled with reforms that will lead to substantial development. Developing nations that improve economically and help their citizens out of poverty and despair are much less likely to develop in ways that make them a threat to their neighbors and the greater world.

I urge passage of H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008, and I again thank all those involved, the chairman of the full committee Mr. FRANK, Ms. WATERS and my ranking member, SPENCER BACHUS.

I yield back my time.

Mr. FRANK of Massachusetts. I yield myself the remaining time.

I join in thanking all those who participated. It may seem that this is an orgy of self-congratulations but it really is a celebration of an important point, namely that we are capable of disagreeing with each other strongly on very important public policy issues without that injuring our ability to cooperate in other areas where we can agree.

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The Committee on Financial Services has some very sharp divisions, for example, in the role of the Federal Government in helping to build affordable housing and the rules that should apply there on the restrictions that should apply. I am very proud that has not in any way hindered us from working together on these things which are both in the national interest and in the interests of humanity.

Talking about the committee, I do want to mention one other person who has played a very important role here, no longer a Member, but the former chairman of the committee, the gentleman from Iowa, Mr. Leach.

The initial effort to put through debt relief was over the objection of the leadership of the House and the administration, the Republican House leadership and the Clinton administration. They weren't opposed to it in principle, they were hesitant. A group of Members pushed it through, and among those was the then chairman of the Committee on Financial Services, Mr. Leach, and we are following in the footsteps of those actions.

There are just a couple of points about this that I want to stress. We have some amendments. I will be agreeing to all the amendments. One or two may need some little work later on. But there is an important principle here.

During the nineties in particular, we had a great deal of turmoil in the world because as the international institutions, the World Bank and the International Monetary Fund and the others, provided some financial assistance to low-income countries, they also provided some very intrusive prescriptions about public policy and decisions. If you are going to talk about democracy, Mr. Chairman, you have to honor it. You can't be for democracy only when you know you are going to agree with the outcome.

For the international institutions, with the backing of the American government all too often, and other governments, to have used the need of these countries for assistance, financial assistance, as a lever to dictate what should have been left to the democratic process, was harmful theoretically and practically. It led to decisions being imposed which undermined popular support for the governments and even for the concept of democracy.

So what we say in this legislation, and I know the President raised some concerns about it, there is a constitutional issue here, we think we are very clear, when the Congress of the United States authorizes activity that will reduce revenue to the government, not by an enormous amount, as the gentleman from Connecticut mentioned, but we are talking here about revenues, when we say we are willing to forgo some of these revenues because we think much more good will come from forgoing them than we could do with collecting them in this situation because of the need for stability and peace in the world, we have a right to set the terms under which it happens, and we say in here that there shall be no intrusion into the democratic processes.

We also say, and it is perfectly consistent, we do insist that there be democratic processes. This is not a bill that says no conditions. It sets conditions. The conditions are democracy. The conditions are no corruption, transparency and democracy in the sense of votes and democracy in the sense of free speech and democracy in the sense of people knowing what is happening.

We do say we want a framework of honesty and openness, which hasn't always been there. We will talk a little bit later about some of the differences about interpretation of that. Essentially it goes in the right direction.

I do want to note, this is a decision that it is not appropriate in the guise of providing financial assistance for international institutions or other governments to dictate to the recipient government issues that ought in a normal society be the subject of a democracy.

I repeat my gratitude that we have got broad support for this. I think there is an overwhelming consensus that reducing the debt of those countries which are trying to do the right thing for their people is, of course, primarily in the interest of the poor children and the other poor people in those countries, but also in our interest in trying to promote a stable and peaceful world.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, for over 20 years, creditor nations have been passing bilateral agreements to forgive debt in poor and developing countries.

Since 1991, the United States has waived roughly $23.9 billion in debt.

Now the House of Representatives is considering further debt relief for 23, possibly 24, nations under H.R. 2634. After two decades of making loans with taxpayer dollars to countries that clearly are unable to pay it back, we're asking Americans to do it again.

The U.S. national deficit is $9.4 trillion, and we're asking hardworking, taxpaying Americans, our children and grandchildren, to waive an additional $6.1 billion in loan assistance we've provided to developing countries.

This is simply illogical, which is why I offered my amendment to this bill in Rules on Monday. The amendment would prohibit the waiving of any debt owed to the United States if the United States carries a federal deficit.

Of course, the majority decided to shortchange the debate and to make my amendment not in order.

I feel for these poor, developing countries, and their people. But we have some real crises here in the United States with 223,000 homes in foreclosure in February, the unemployment rate at 4.8 percent, and more than 46.6 million Americans without health care insurance.

I know my constituents can think of a million things to do with $6.1 billion in debt cancellation for foreign nations. With this type of logic, it's no wonder Americans consider to question the mental stability of their Members of Congress.

Until the United States is in the black and no longer has a federal deficit, I urge Members to protect American taxpayer dollars. I urge Members to vote against this restrictive rule and oppose this ill-conceived bill.

Mr. STARK. Mr. Chairman, I rise today in strong support of legislation that will save thousands of lives around the world. By allowing poor countries to use scarce resources to provide for the health and well being of their citizens rather than to repay debt to wealthy nations, we are doing what is humane, right, and just.

Many nations struggling to escape the grip of poverty are imprisoned by debt that siphons off large portions of their budgets. In many cases, any type of debt relief is conditioned on adoption of policies that privatize large sections of the economy and primarily benefit international corporations. Such a "Hobbesian choice" undermines sovereignty and exacerbates poverty. There is another way that can lift up nations and allow them to invest in their own citizens rather than sending money to foreign capitols, while maintaining control of their own economies. The "Jubilee Act" before us today provides such an alternative.

This legislation will expand our existing debt relief program to cancel the debts of the world's 24 poorest countries and provide greater relief to many more without imposing harsh economic conditions. Even under the current limited relief program, numerous countries have made great strides:

Mozambique was able to vaccinate 500,000 additional children;

Uganda doubled enrollment in public schools;

Zambia hired 4,500 new teachers and eliminated health care fees.

Imagine the progress that can be made if we pass this bill and bring debt relief within reach of virtually all of the world's most impoverished nations.

Debt cancellation under this legislation is not simply a handout that could be used by corrupt regimes to enrich their cronies or build their militaries. This legislation makes eligibility contingent on using the savings to reduce poverty. Countries are ineligible if their government lacks transparency, violates human rights, or spends excessively on defense.

We have a moral obligation to help alleviate suffering in our own country and around the world. At a time when much of the world has lost faith in America as a beacon of freedom and compassion, it is also in our self-interest to restore this lost faith and lift countries out of poverty. I hope all of my colleagues will join me in voting for this legislation.

Mr. FARR. Mr. Chairman, I am very pleased to express my support for the Jubilee Act for Responsible Lending and Expanded Debt Cancellation Act.

This Jubilee Act is a vital piece of legislation that will liberate poor countries from the burden of heavy indebtedness. These countries simply cannot invest in their futures if they are tethered to the illegitimate debts of their past.

Today we have the opportunity to take a major step forward in our effort to combat global poverty and elevate our Nation's moral standing in the world. For that we should all feel a great sense of accomplishment.

By one simple act here in the U.S. House of Representatives, we have the ability to strike a blow against one of the great scourges of the world: poverty. I have spent a lifetime in public service fighting the root causes of poverty—from my time in Colombia as a Peace Corps volunteer, straight through to this vote today as a Member of Congress.

It has long been apparent to me that steady and adequate investments in health care, education, housing, and sanitation are absolute minimums to be able to eliminate poverty and hopelessness. And this bill makes those investments possible for a whole swath of the world where they would not be otherwise.

This bill lifts the burden of past debts off the backs of governments that are behaving responsibly and have a proven record of investing in their own people. This is important to note, because many of these indebted nations incurred their debt, not under their current democratically elected governments, but under past autocratic regimes that pilfered the money and left the people of these countries in utter poverty.

The Jubilee Act is a follow-on extension to a debt relief program with proven results. Since 1996, 30 countries have received nearly $80 billion in some form of debt relief. The money that these countries have saved in debt financing charges have gone directly into fighting poverty. By passing this bill, an additional 24 countries will have the opportunity to throw off the yoke of severe debt and begin anew to confront the conditions that perpetuate poverty with additional resources at their disposal.

I am pleased to join today with so many of my colleagues, from both political parties, to reinvigorate our effort to fight global poverty. I am pleased to join today with so many of my colleagues, from both political parties, to reinvigorate our effort to fight global poverty.

Mr. CARSON. Mr. Chairman, I rise in strong support of H.R. 2634, the Jubilee Act. This bill seeks to help those struggling under the most grievous economic circumstances abroad. It reflects a strong bipartisan effort to assist in full debt cancellation for 24 of the world's poorest countries.

Under this bill, introduced by Congresswoman WATERS, debt relief would be extended to countries not currently eligible under the IMF's Heavily Indebted Poor Countries program. Nine of these countries would receive immediate assistance under this act while the remaining countries would have to meet stringent standards in order to receive the forgiveness.

These standards would ensure countries receiving assistance do not acquire new debt or encourage bad actors within their government. Countries would not be eligible for assistance if they lack transparency in their budget, commit human rights violations, support international terrorism, have excessive levels of military funding, or fail to cooperate on international narcotics control issues. The bill further provides that external financing needs of these countries are met through grants rather than loans to prevent them from falling victim to exploitive lending in the future.

Debt relief for the most severely disadvantaged throughout the world concerns us all as global citizens and numerous constituents in my district have reached out to me expressing their overwhelming support for this compassionate bill. I am proud to be a member of the committee that passed this bill with a favorable recommendation and of this House which has moved this legislation today. H.R. 2634 helps our world's neediest individuals, many of which have suffered under repressive regimes, move forward and use their countries' future capital on important economic growth activities and health care.

Mr. RANGEL. Mr. Chairman, I rise today to express my full support for H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008. This is extremely important legislation that will have no budgetary impact on the United States Federal budget but stands to have a lasting and life changing impact for up to 24 additional poor countries. The Jubilee Act is one of the most humanitarian efforts this Congress could undertake.

Poverty is one of the greatest ills to plague mankind. We have recent evidence of the impact of poverty in the demonstration of desperately hungry people for food no longer affordable because of economic forces beyond their control. Those who survive in poverty are under constant threat of death. The debt forgiveness offered by the Jubilee Act will enable poor countries to address the issues of poverty, create opportunities for economic growth and establish sound governing practices. The Jubilee Act also promotes responsible development assistance by prioritizing grants over loans, which is an important measure to prevent these countries from falling back into debt.

It is inconceivable for the United States not to act immediately in passing this legislation; there are many poor countries desperately awaiting our assistance. By granting authorization for the U.S. Treasury Department to begin negotiations within the World Bank, the International Monetary Fund and other multilateral creditors is the first step towards improving the lives of so many impoverished people. Above all other reasons, we are morally obligated to help those less fortunate, therefore I urge my colleagues to support the Jubilee Act for Responsible Lending and Expanded Debt Cancellation Act.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Many low-income countries have been struggling under the burden of international debts for many years.

(2) Since 1996, when the Heavily Indebted Poor Countries Initiative (HIPC) was created, more than 30 nations have seen some form of debt relief totaling approximately $80,000,000,000.

(3) Congress has demonstrated its support for bilateral and multilateral debt relief through the enactment of comprehensive debt relief initiatives for heavily indebted low-income countries in—

(A) title V of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of the Act entitled "An Act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes", approved November 29, 1999 (Public Law 106–113; 113 Stat. 1501–311) and the amendments made by such title;

(B) title II of H.R. 5526 of the 106th Congress, as enacted into law by section 101(a) of the Act entitled "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes", approved November 6, 2000 (Public Law 106–429; 114 Stat. 1900A–5); and

(C) title V of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 117 Stat. 747) and the amendment made by such title.

(4) In 2005, the United States and other G–8 nations reached an agreement to provide cancellation of 100 percent of the debts owed by eligible poor nations to Paris Club members, the IMF, the World Bank, and the African Development Bank. The Inter-American Development Bank reached an agreement in early 2007 to provide similar treatment.

(5) The 2005 agreement led to the creation of the Multilateral Debt Relief Initiative (MDRI). As of April 2007, 22 nations have seen the majority of their debts to the IMF, World Bank, and African Development Bank cancelled under the terms of the MDRI. In March 2007, the Inter-American Development Bank announced it would provide full debt cancellation to 5 Latin American countries on MDRI terms.

(6) Resources released by debt relief efforts to date are reaching the poor. Cameroon is using the $29,800,000 of savings it will gain from the MDRI in 2006 for national poverty reduction priorities, including infrastructure, social sector and governance reforms. Uganda is using its $57,900,000 savings in 2006 on improving energy infrastructure to try to ease acute electricity shortages, as well as primary education, malaria control, healthcare and water infrastructure (specifically targeting the poor and underserved villages). Zambia is using its savings of $23,800,000 under the MDRI in 2006 to increase spending on agricultural projects, such as smallholder irrigation and livestock disease control, as well as to eliminate fees for healthcare in rural areas.

(7) While debt cancellation has a record of success, there remains an unfinished agenda on international debt. There are a number of challenges to both the effective reduction of poverty and inequality and the achievement of broader debt cancellation.

(8) 2007 is an important year to address the unfinished agenda on international debt as the global Jubilee debt campaign has declared 2007 a "Sabbath year", 7 years after the historic Jubilee 2000 campaign.

(9) A critical issue which needs to be addressed on debt is the way that non-concessional lenders stand to gain financially from lending to poor countries that have benefited from debt relief without having paid for past debt relief or facing the prospect of paying for the future relief of unsustainable and irresponsible new lending. In these cases, the gains of debt relief for poor debtor countries are at risk of being eroded. This takes the form of new lending to countries that have received debt cancellation from countries including China.

(10) It is also essential that all lenders and borrowers accept co-responsibility and learn from past mistakes—as evidenced by the debt crisis itself—by making more productive investment choices and engaging in more responsible lending and borrowing in the future. In October 2006, Norway became the first creditor to accept co-responsibility for past lending mistakes and cancelled the debt of 5 nations on the grounds that the loans reflected poor development policy.

(11) A growing number of governments and intergovernmental bodies, including the United Kingdom, the European Commission, and Norway, are raising concerns about the harmful impacts of economic policy conditionality. Many impoverished countries that have received debt cancellation under the HIPC and MDRI initiatives have done so at a high social cost, because they have had to implement economic policy conditions such as privatization of public utilities and other basic services, adhere to budget ceilings imposed by the IMF, and comply with other harmful requirements. Some of these policies have had the effect of limiting fiscal space for productive investment and threatening growth and human development. Several countries currently eligible for debt cancellation under the HIPC or MDRI programs are facing extended delays in receiving cancellation because they are struggling to comply with such requirements from the IMF and World Bank.

(12) There is also an urgent need to look beyond the constraints of current debt relief initiatives to address the need for expanded debt cancellation. The current initiatives allow countries to qualify for relief based on economic criteria rather than human needs. A January 2007 report by the United Nations Human Rights Council found that eligibility for debt cancellation should be expanded to cover all low-income countries.

(13) The Government of the United Kingdom has proposed that qualification for the MDRI be extended to the 67 nations which qualify for assistance exclusively from the International Development Association. To be eligible for cancellation, countries must meet requirements pertaining to public financial management, anti-corruption measures, and budget transparency.

(14) Since debt cancellation is an essential component of the United States development assistance strategy and the United States has been able to lead the debt cancellation efforts of the international community by example, the United States should continue to work to improve and expand initiatives in this area.

(15) The United States has been a leader in supporting debt relief efforts to date and should continue to work to improve and expand initiatives in this area.

SEC. 3. CANCELLATION OF DEBT OWED BY ELIGIBLE LOW-INCOME COUNTRIES.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p-8) is amended by adding at the end the following:

"SEC. 1626. CANCELLATION OF DEBT OWED BY ELIGIBLE LOW-INCOME COUNTRIES.

"(a) IN GENERAL.—The Secretary of the Treasury shall commence immediate efforts, within the Paris Club of Official Creditors, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and the other international financial institutions (as defined in section 1701(c)(2)), to negotiate an agreement to accomplish the following:

"(1) Cancellation by each international financial institution of all debts owed to the institution by eligible low-income countries, and, to the extent possible, financing the debt cancellation from the ongoing operations, procedures, and accounts of the institution.

"(2) Cancellation by the United States of all debts owed to it by eligible low-income countries.

"(3) Ensuring that any waiting period for the enhanced debt cancellation is not excessive.

"(4) Ensuring that the provision of debt cancellation to eligible low-income countries is not followed by a reduction in the provision of any other development assistance to the countries by international financial institutions and bilateral creditors.

"(5) Encouraging the government of each eligible low-income country to allocate at least 20 percent of its national budget towards poverty-alleviation programs such as the provision of basic health care services, education services, and clean water services to all individuals in the country.

This subsection shall not be interpreted to authorize the Secretary of the Treasury to enter into an agreement to accomplish any of the foregoing without express congressional authorization to do so.

"(b) ESTABLISHMENT OF FRAMEWORK FOR CREDITOR TRANSPARENCY.—The Secretary of the Treasury shall commence immediate efforts, within the Paris Club of Official Creditors, the International Monetary Fund, the World Bank, and the other international financial institutions (as so defined), to ensure that each of the institutions—

"(1) continues to make efforts to promote greater transparency regarding the activities of the institution, including credit, grant, guarantee, and technical assistance operations, following a policy of maximum disclosure; and

"(2) supports continued efforts to allow informed participation and input by affected communities, including translation of information on proposed projects, provision of information (including draft documents) through information technology application, oral briefings, and outreach to and dialogue with community organizations and institutions in affected areas.

"(c) ESTABLISHMENT OF FRAMEWORK FOR RESPONSIBLE LENDING.—The Secretary of the Treasury shall commence immediate efforts to—

"(1) develop and promote policies to ensure all creditors, with no distinction, will contribute to preserving the gains of debt relief for low-income debtor countries;

"(2) provide that the external financing needs of low-income countries are met primarily through grant financing rather than new lending;

"(3) seek the international adoption of a binding legal framework on new lending that—

"(A) guarantees that no creditor can take or expect to take financial advantage of acquired or newly awarded debt relief through the terms and rates of such lending to beneficiary countries;

"(B) is binding on all creditors, whether multilateral, bilateral or private;

"(C) foresees, as a sanction for creditors who violate it, an equitable share in the burden of the losses from any future debt relief needed by the sovereign debtor to whom lending was irresponsibly provided;

"(D) provides for decisions on irresponsible lending to be made by an entity independent from the creditors; and

"(E) enables fair opportunities for the people of the affected country to be heard; and

"(4) support the development of responsible financing standards where creditors and aid/loan recipients alike adhere to standards to assure transparency and accountability to citizens, human rights, and the avoidance of new odious debt, while encouraging the development of renewable energy and helping countries to transition away from dependence on oil.

"(d) GAO AUDIT OF DEBT PORTFOLIOS OF COUNTRIES WITH QUESTIONABLE LOANS.—

"(1) IN GENERAL.—The Comptroller General of the United States shall undertake an audit of the debt portfolios of previous governments in countries such as the Democratic Republic of Congo and South Africa, where there is significant evidence that odious, onerous, or illegal loans were made to the government. Each such audit shall—

"(A) consider debt owed to the World Bank, the IMF, and the other international financial institutions (as so defined), export credit debts owed to governments, and debts owed to commercial creditors, and assess whether or not past investments produced the intended results;

"(B) investigate the process by which the loans were contracted, how the funds were used, and determine whether United States or international laws were violated in the contraction of these loans, and whether any of the loans were odious or onerous; and

"(C) be planned and executed in a transparent and consultative manner, engaging congressional bodies and civil society groups in the countries.

"(2) REPORT.—Within 2 years after the date of the enactment of this section, the Comptroller General of the United States shall prepare and submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Foreign Relations of the Senate a report that contains the results of the audits undertaken under paragraph (1).

"(e) AVAILABILITY ON TREASURY DEPARTMENT WEBSITE OF REMARKS OF UNITED STATES EXECUTIVE DIRECTORS AT MEETINGS OF INTERNATIONAL FINANCIAL INSTITUTIONS' BOARDS OF DIRECTORS.—The Secretary of the Treasury shall make available on the website of the Department of the Treasury the full record of the remarks of the United States Executive Director at meetings of the boards of directors of the International Monetary Fund, the World Bank, and the other international financial institutions (as so defined), about cancellation or reduction of debts owed to the institution involved, with redaction by the Secretary of the Treasury of material deemed too sensitive for public distribution, but showing the topic, amount of material redacted, and reason for the redaction.

"(f) REPORT FROM THE COMPTROLLER GENERAL.—Within 1 year after the date of the enactment of this section, the Comptroller General of the United States shall prepare and submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Foreign Relations of the Senate a report on the availability of the ongoing operations, procedures, and accounts of the IMF, the World Bank, and the other international financial institutions (as so defined) for canceling the debt of eligible low-income countries.

"(g) ANNUAL REPORTS FROM THE PRESIDENT.—Not later than December 31 of each year, the President shall submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Foreign Relations and on Banking, Housing, and Urban Affairs of the Senate a report, which shall be made available to the public, on the activities undertaken under this section, and other

progress made in accomplishing the purposes of this section, for the prior fiscal year. The report shall include a list of the countries that have received debt cancellation, a list of the countries whose request for debt cancellation has been denied and the reasons therefor, and a list of the countries whose requests for debt cancellation are under consideration.

"(h) ELIGIBLE LOW-INCOME COUNTRY DEFINED.—In this section, the term 'eligible low-income country' means a country—

"(1) that is eligible for financing from the International Development Association but not the World Bank, and does not qualify for debt relief under the Enhanced HIPC Initiative (as defined in section 1625(e)(3)) and under the Multilateral Debt Relief Initiative;

"(2) that has transparent and effective budget execution and public financial management systems which ensure that the savings from debt relief are spent on reducing poverty;

"(3) the government of which does not have an excessive level of military expenditures;

"(4) the government of which has not repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

"(5) the government of which is cooperating on international narcotics control matters; and

"(6) the government of which (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.".

SEC. 4. LIMITATION ON CONDITIONALITY OF DEBT RELIEF FOR ELIGIBLE LOW-INCOME COUNTRIES.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p–8) is further amended by adding at the end the following:

"SEC. 1627. LIMITATION ON CONDITIONALITY OF DEBT RELIEF FOR ELIGIBLE LOW-INCOME COUNTRIES.

"(a) IN GENERAL.—The Secretary of the Treasury shall commence immediate efforts within the Paris Club of Official Creditors, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and the other international financial institutions (as defined in section 1701(c)(2)), to ensure that debt cancellation is provided to eligible low-income countries (as defined in section 1626(h)) without any conditions except requiring the government of such a country to—

"(1) take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

"(2) make policy decisions through transparent and participatory processes;

"(3) adopt an integrated development strategy to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

"(4) implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

"(5) broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance;

"(6) promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government; and

"(7) produce an annual report disclosing how the savings from debt cancellation were used, and make the report publicly available and easily accessible to all interested parties, including civil society groups and the media.

"(b) ANNUAL REPORTS TO THE CONGRESS.—Not later than December 31 of each year, the President shall submit to the Committees on Financial Services and on International Relations of the House of Representatives and the Committees on Foreign Relations and on Banking, Housing, and Urban Affairs of the Senate a report, which shall be made available to the public, on the activities undertaken under this section, and other progress made in accomplishing the purposes of this section, for the prior fiscal year.".

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that to further the goals of debt reduction for low-income countries, in addition to the efforts described in this Act, the United States should pay off outstanding arrearages of $595,800,000 to the International Development Association and regional development banks, and become current on all debt reduction efforts, including those carried out by the International Development Association and under the Enhanced Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 110–586. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–586.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer that amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 6, beginning on line 17, strike "economic policy conditionality" and insert "certain economic policy conditionalities".

Page 6, beginning on line 22, strike "economic" and all that follows through "IMF," on line 24 and insert "certain economic policy conditions, including the privatization of essential basic services such as water,".

Page 7, line 22, strike "requirements" and insert "economic criteria".

Page 9, line 5, insert ", without undermining the financial integrity of the institution" before the period.

Page 9, line 14, insert ", or to other countries eligible for assistance from the International Development Association" before the period.

Page 15, line 9, insert "from" before "the".

Page 15, line 20, strike "repeatedly".

Page 16, line 1, insert "with the United States" after "cooperating".

Page 16, line 2, strike "and".

Page 16, line 5, strike "consistent".

Page 16, line 6, strike "rights." and all that follows through the second period and insert "rights (as defined in section 116 of the Foreign Assistance Act of 1961 (Public Law 87–195));".

Page 16, after line 6, insert the following:

"(7) the government of which has not been identified in the most recent Trafficking in Persons Report issued by the Department of State as not fully complying with minimum standards for eliminating human trafficking and not making significant efforts to do so;

"(8) the government of which has been determined by the President to be cooperating with United States efforts to stop illegal immigration to the United States; and

"(9) the government of which has been determined by the President to be committed to free and fair elections.".

Page 16, beginning on line 21, strike "without any conditions except requiring the government of such a country to—" and inserting "only on the condition that the government of such a country—".

Mr. FRANK of Massachusetts. Mr. Chairman, In consultation with the minority, I ask unanimous consent that the amendment be amended.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 3, in the first undesignated line, strike "only on the condition that" and insert "subject to all and only the following conditions: That".

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 1103, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentlewoman from Illinois (Mrs. BIGGERT) alluded earlier to this amendment. We reject the kind of conditions that try to set tax policy or education policy or resource policy within a country, because if you go with democracy, you allow the countries to make them. But we did have a right, we thought, to set some conditions that affect us. We set forth some conditions involving democracy and openness, in consultation with the minority. We were reminded of some other conditions. So this adds to the conditionality.

If this amendment is adopted, there will be conditions requiring that people assuage terrorism, that they work with us on immigration, and that they avoid any participation in human smuggling.

I believe that these are agreed on, and in fact in some cases were put forward at the request of the minority. In some cases we thought they were clear. But one of the things I learned when you are legislating is never object to redundancy. It is better to say it twice than to have some ambiguity about whether you offered it at all.

So I offer this amendment I believe on behalf of the leadership and the membership of both sides of the committee.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bipartisan manager's amendment. I would like to thank Chairman FRANK, Mr. BACHUS and Mrs. BIGGERT for their work on the amendment, which addresses several concerns that Members had with the version of the bill reported by the Committee on Financial Services. With the adoption of this amendment, the Jubilee Act will be a better bill.

The manager's amendment clarifies the conditions for that relief. Specifically, it will ensure that countries receiving debt relief comply with specific outlined conditions. By doing do, these countries will be held accountable, and, as a result, the debt relief accorded them will be effective in alleviating poverty, establishing sustainable development and ensuring good governance.

Beyond clarifying the requirements for eligible countries, this amendment adds three more: Requiring greater cooperation with the U.S. on human trafficking, preventing illegal immigration to the U.S., and promoting Democratic standards within the country benefiting from debt relief. These additional measures will have a positive effect not only on the recipient nations, but on the U.S. as well.

Finally, the manager's amendment makes clear that countries that have engaged in human rights violations and aided terrorism are excluded from receiving debt relief.

This manager's amendment represents progress towards making this a more effective measure. I again commend the sponsors of the amendment, and urge its adoption.

Without objection from the chairman, I would like to yield 1 minute to my colleague, the gentleman from California (Mr. ROHRABACHER), who had wanted a minute when we didn't have time. I would like to give him a minute at this time.

Mr. ROHRABACHER. Let me congratulate and thank Congressman FRANK. BARNEY has been very fair. He backed my ability to have an amendment on the floor, and I will talk about that amendment next. But let me note when he stated that our goal is debt relief for these countries that are trying to do right for their people, I think that in the manager's amendment, and the Congressman did reach out to try to find language that was agreeable, but I don't think that we have reached that language.

I think there is still wiggle room in the language of the manager's amendment that would permit countries that are governed by authoritarian people who are claiming that they are going to have democratic elections is still there. Our State Department quite often supports those governments and would like to claim they are heading in that direction, like the government of Ethiopia, which in their last election threw everybody who won the elections in jail. But now they are our greatest ally in Africa. The State Department would love to have debt relief to a country like that. We shouldn't be doing that.

Mr. FRANK of Massachusetts. Mr. Chairman, I will finish by saying the gentleman from California was gracious and said I had been fair and he talked about my not being partisan. I want to congratulate him for his lack of partisanship, because having served the majority of his time here under Republican administrations, he retains a deep distrust of the State Department, including the current State Department, and apparently his point is he cannot trust the current State Department to enforce democracy.

I am inclined to appreciate his point. And while we have some differences, I did want to give him credit for his very bipartisan skepticism.

Mr. Chairman, I yield back the balance of my time.

Mr. SHAYS. I want to emphasize we support this amendment, and I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK), as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts, as modified, will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. ROHRABACHER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–586.

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ROHRABACHER:

In section 1626(h) of the International Financial Institutions Act, as proposed to be added by section 3 of the bill, strike "and" at the end of paragraph (5), strike the period at the end of paragraph (6) and insert "; and", and add at the end the following:

"(7) the government of which was chosen by and permits free and fair elections.".

The CHAIRMAN. Pursuant to House Resolution 1103, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, the amendment I am offering is easy to understand. It insists that if we provide debt relief, the recipient country's government must have a democratically elected government. The reason this is important is very clear. The dictators and kooks and gangsters who rule many Third World nations and developing countries will simply steal more if we give them the chance. Those who steal from their people will steal from us. Debt relief to dictators is a license to steal.

I understand there are those who believe that we should not set such a high standard of having a democratically elected government as a prerequisite to debt relief. If dictatorships are overthrown, it is postulated then that democratic reformers will need time to hold a free election. The monetary impact of that short time period in order to have a free election organized is minimal and the number of such cases are very, very few. But that is the worst case scenario. The price of debt relief will in fact prevent foot dragging so there will be free elections at a quicker pace.

On the other hand, a standard of requiring only a commitment to future and free elections opens the door to large scale manipulations and backtracking on democratic commitments by dictators or by those holding power after dictators have been overthrown. Give those in power in the Third World countries a chance to put off elections and they will just do that. Giving them the wrong incentives and opening up the door to false promises for future elections and giving them a benefit for it enables large scale theft.

The chances of this negative impact, of having a lower democratic standard, is great as compared to the number of minimal cases that we will have if we are just asking true democratic reformers to hold elections before we give debt forgiveness.

We have seen it over and over again in the Third World. Third World politicians claim they will hold elections, but never quite seem to get there.

☐ 1400

If we don't act to close it, this loophole will have a huge impact and allow debt relief to governments that have not instituted and have no real intent of instituting Democratic reform.

Yes, I have no faith in our State Department or this administration to enforce that rule to see if they are really intent on democracy. If our standard is that words are enough, the tough guys of the world who rule too many countries will lie and get their hands on the loot with our State Department's approval, surprise, surprise.

That's why my amendment is important. We should side with the Democratic reformers, not those who simply use the right words.

I urge my colleagues to support this amendment, which makes sense, and reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I seek recognition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I know I am taking the time in opposition. I am not so much in opposition, but I am about as close to it as anybody we are going to find here, so I think I qualify.

I agree very much. On a case-by-case basis, I believe the gentleman from California and I would agree at each instance. And so I hope the amendment is adopted.

I would make one point, as I thought about it. It does reinforce the point that we should not be imposing on the recipient government's policy choices that a democratic government ought to make. The flip side of a commitment to democracy is recognizing the validity of those decisions.

I also agree with the gentleman. His wording is better than the wording I put in here for the future, permits free and fair elections, although there is always, when you are talking about the future, some weasel word.

I will work with the gentleman going forward. I am going to suggest to him maybe later that we might empower them to do a moratorium for a short period of time on payments in the following situation. We have had cases where bad governments were overthrown by people who are democratic. East Timor is an example. There is Ghana, where Jerry Rawlings overthrew a government and then had an election. His party is now in the opposition. Uganda. The gentleman is right. Ordinarily it may not take that much time, but things could be so chaotic, like in Liberia, when the new government came in there with some bad people. Maybe a year would be too little.

I will be talking to him later. I hope this amendment is adopted. Perhaps we could provide a temporary moratorium for a government that took over in those circumstances for perhaps 6 months or a year. But that's something we might work out.

The gentleman seems to agree that that is something that, while no commitment is obviously made, that we could work on.

I hope the amendment is adopted.

Mr. Chairman, I yield back the balance of my time.

Mr. ROHRABACHER. I appreciate that thought very much.

Again, I appreciate the fairness that I have been treated with. I will show my bipartisanship a little more. I think that I have been treated more fairly and a number of my Republican colleagues have been treated more fairly since the Democrats have become the majority than I was treated by my own leadership.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. ROHRABACHER. Sure, I would yield.

Mr. FRANK of Massachusetts. I know the gentleman joins me in looking forward to continued years of such treatment.

Mr. ROHRABACHER. Well, I won't go that far, but I do appreciate the fact that there has been this effort to reach out and treat people fairly on our side of the aisle.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-586.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

At the end of the bill, add the following:

SEC. _____. SENSE OF THE CONGRESS.

(a) FINDING.—The Congress finds that Haiti is scheduled to send $48,700,000 in debt payments to multilateral financial institutions in 2008.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, due to the current humanitarian and political instability in Haiti, including food shortages and political turmoil, the Secretary of the Treasury should use his influence to expedite the complete and immediate cancellation of Haiti's debts to all international financial institutions, or if such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement that Haiti make further debt service payments on debts owed to the institutions.

The CHAIRMAN. Pursuant to House Resolution 1103, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment to the Jubilee Act which urges expedited international debt relief for Haiti. The current situation in Haiti, a nation that has been historically afflicted by violence and natural disasters, is increasingly desperate and volatile.

In recent days, thousands of Haitians have flooded the streets of Port-au-Prince and other cities throughout the country in desperation to decry rapidly escalating food prices in a nation where three-quarters of the population lives on under $2 a day. The cost of staple foods in Haiti has skyrocketed 50 percent within the last year.

Haiti is not only the poorest country in the Western Hemisphere, but it also ranks third behind Somalia and Afghanistan as the nation with the highest per capita daily deficit in calorie intake. Recent anger over food prices threatens the stability of this Caribbean nation already haunted by chronic hunger.

The humanitarian crisis in Haiti underscores the importance of quick and deliberate leadership by the United States. Haiti still is scheduled to pay almost $50 million in 2008 to unilateral financial institutions.

This amendment would put Congress on record encouraging the expedited cancellation of Haiti's international debt to help alleviate poverty and increased stability in Haiti. The United States government cannot and should not turn a blind eye again to the struggles of this undeveloped, underdeveloped, impoverished nation.

I applaud President Bush's recent announcement that he would release $200 million in U.S. emergency food aid to help alleviate food shortages in developing countries, including in Haiti, but these funds are not nearly enough to assist with the immediate or long-term humanitarian crisis. They fall far short of putting Haiti on a sustained path to development. I ask the President and all of us to do more.

This amendment is an initial step in the right direction. We could follow it up with giving temporary protective status, as President Preval of Haiti has requested and President Bush could grant. I ask for my colleagues to support this amendment and ask that they join us in supporting our Haitian friends.

Yesterday, 247 Haitians were sent back by the Coast Guard, and the Coast Guard has increased its vigilance in the area in light of this impending crisis. At a time of extreme instability and crisis, Congress must not turn its back on Haiti.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I claim time in opposition, although I am not in opposition.

The CHAIRMAN. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. SHAYS. Mr. Chairman, I don't want to be silent to the concerns that my colleague from Florida Mr. HASTINGS has expressed.

Haiti is a country that has tremendous poverty, and while his resolution speaks to the HIPIC package of the 43 nations who have already been authorized for debt forgiveness. I hope the folks in the administration are listening to his concern that is shared by so many.

While the legislation before us deals with countries to be added to the list, I think he is right in pointing out a concern that I know many on this side of the aisle share. Haiti is a country in desperate need of help, and it is a very close neighbor and friend and we need to do everything we can to help it.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Florida has 2 minutes remaining.

Mr. HASTINGS of Florida. At this time I am very pleased to yield 1 minute to the gentlelady from Texas, my colleague and good friend, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman and member of the Rules Committee, Mr. HASTINGS. I acknowledge, again, the members of the Financial Services Committee and Congresswoman MAXINE WATERS.

I salute the gentleman for this forthright and vital acknowledgment and sense of Congress in this bill.

Mr. Chairman, people are starving in Haiti. Haitians are starving, they are in the streets. They are crying out for relief. As was said earlier, this is the poorest country in the western hemisphere. President Preval has made a commitment to this Nation, and he has worked hard on political stability.

We have seen incarcerated persons who are held as political prisoners be released. But I think it is crucial that we join in a unified voice today to acknowledge that we stand against the starvation and the financial crisis that is in Haiti.

This is an important statement to cancel the debt to all international financial institutions and also such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement.

I thank the distinguished gentleman for yielding to me, and I join them also on the request for TPS. I support the Hastings amendment.

Mr. SHAYS. Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I wish to thank Chairman FRANK for the expeditious handling of this matter. In addition, I thank my good friend from Connecticut for his statement and his support of this amendment.

This is an important initial step toward finally freeing Haiti from its onerous debt. Not only our administration, but the institutional community has some responsibilities in this matter that they can discharge much.

My appeal goes way beyond just the American responsibility. I ask the international community to weigh in and deal with this subject in a meaningful way to give this opportunity the relief that it rightly deserves.

I ask for my colleagues' support.

Ms. LEE. Mr. Chairman, I rise today in support of the Hastings amendment to H.R. 2634 which expresses the sense of Congress that Haiti's debts should be immediately forgiven. This amendment seeks to empower a nation that has endured a turbulent past and has fought courageously to achieve a relative measure of stability.

As the world has experienced a 40 percent rise in global food prices since mid–2007, Haiti, the poorest country in the Western Hemisphere, has keenly felt this increase on a greater scale. Eighty percent of Haiti's population lives on less than $2 a day. The cost of staple foods which Haiti's economy depends on, such as rice, beans, fruit, and condensed milk, has gone up 50 percent in the past year.

The high cost of food in Haiti has led to anti-government protests and riots, in which at least 5 people have died and 40 people have been wounded. These extreme reactions to the humanitarian crisis will jeopardize Haiti's security and the capacity of its democratic institutions to govern effectively. To put it simply, Haiti's democracy cannot survive if it is unable to ensure that its people have access to basic food commodities at a reasonable price.

The Hastings amendment reinforces the point that Haiti is scheduled to send $48,700,000 in debt payments to multilateral financial institutions in 2008—money that could be better spent on providing for its people.

In light of this devastating global food crisis and the crisis in Haiti, we must urge the Secretary of the Treasury to do all that he can to expedite the complete and immediate cancelation of Haiti's debts to all international financial institutions.

This is a reasonable amendment that responds to an urgent need, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–586.

Mr. FRANK of Massachusetts. Mr. Chairman, it's my information that the author did not intend to offer it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–586 on which further proceedings were postponed, in the following order:

Amendment No. 1, as modified, by Mr. FRANK of Massachusetts.

Amendment No. 2 by Mr. ROHRABACHER of California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK), as modified, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 12, as follows:

[Roll No. 196]

AYES—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene

Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bachus
Brady (PA)
Brown, Corrine
Faleomavaega
Fattah
Gillibrand
Mack
Meek (FL)
Peterson (PA)
Rush
Wilson (NM)
Wynn

□ 1435

Messrs. KILDEE, WALSH of New York, CLEAVER and WELDON of Florida changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN (Mr. JACKSON of Illinois). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 382, noes 41, answered "present" 2, not voting 11, as follows:

[Roll No. 197]

AYES—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—41

Baldwin
Blumenauer
Butterfield
Capuano
Cleaver
Cohen
Gutierrez
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
McDermott
McGovern
McNulty

Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Obey
Olver
Ortiz
Payne
Price (NC)
Rahall
Richardson
Scott (GA)
Serrano
Snyder
Towns
Tsongas
Waters
Watt
Woolsey
Wynn

ANSWERED "PRESENT"—2

Clarke
Ellison

NOT VOTING—11

Brady (PA)
Brown, Corrine
Faleomavaega
Fattah
Harman
Mack
Meek (FL)
Moore (KS)
Peterson (PA)
Rush
Wilson (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that they have 2 minutes, approximately 2 minutes on this vote.

□ 1444

Messrs. JACKSON of Illinois, CLEAVER and GUTIERREZ changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. JACKSON of Illinois, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes, pursuant to House Resolution 1103, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MARIO DIAZ-BALART OF FLORIDA

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARIO DIAZ-BALART of Florida. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Mario Diaz-Balart of Florida moves to recommit the bill, H.R. 2634, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

Page 16, line 2, strike "and".

Page 16, line 6, strike the 1st period and all that follows and insert "; and".

Page 16, after line 6, insert the following:

"(7) the government of which does not have business interests with Iran.".

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this motion to recommit is frankly very simple. All it basically says is that countries that have business relationships with Iran are not eligible to be considered under this debt relief program. Let me repeat that.

This motion to recommit is frankly very, very simple. It just states the following, that countries that have a business relationship with Iran are not eligible to be considered under this debt relief program.

Now, the underlying bill in front of us today has a very noble goal, Madam Speaker. It is to work comprehensively to ensure that poor countries that have heavy international debt are able to relieve these debts through certain responsible actions. But the question is, should we separate these goals, these noble goals, from our broader foreign policy interests?

The Iranian regime, we all know, has a very active program to acquire weapons of mass destruction, and therefore, it makes it one of the most dangerous regimes in the entire world.

In addition, Madam Speaker, as we heard just recently, just last week from General Petraeus, we are increasingly concerned by the Iranian terrorist regime's efforts on behalf of terrorist elements in Iraq and elsewhere. The lives of our troops are at stake, and any country that assists Iran economically should not benefit from the bill in front of us today.

Our country, obviously the United States, does not have diplomatic or financial ties to Iran, and I don't think it's unreasonable to expect that countries that choose to participate in our debt relief program should shatter whatever economic ties they currently have with that terrorist regime. And if they don't have them now, if they don't have those ties now, they clearly should not develop them as long as they want or expect debt relief from us through this program.

Let's send the right message today, Madam Speaker. Americans are very generous and responsible in regard to the treatment of countries that owe us great debt. But we are also extremely concerned with the very dangerous actors abroad, around this world.

So that's why, Madam Speaker, I respectfully ask to pass this motion to recommit today and make sure that our friends abroad appreciate how seriously we take this matter.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I rise to claim the 5 minutes in opposition; although I'm open to persuasion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. First of all, let me ask, if I could, the gentleman says, the government of which does not have business interest with Iran. Would this wording cover the Government of Iraq?

I would yield if someone would tell me that, that they may not be eligible for debt relief. Although we give them a lot of money, I don't think we lent it to them. But would someone tell me if this would include the Government of Iraq as currently constituted?

I would yield for a response. I yield to anyone who would respond.

I yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Iraq is not eligible under this bill.

Mr. FRANK of Massachusetts. I understand that. Iraq is not currently there, but here's the deal. This is not just for now. It is conceivable to me that Iraq will end up owing us money. I hope it will, because we've sure given them a lot, and if they don't owe us any money, it's a big gift.

So the question is going forward, if in the future, because there is no current list of countries, we're talking about an eligibility criteria. Would this prevent debt relief from the United States or the International Monetary Fund, to the World Bank, to Iraq going forward?

I would yield to anyone who would answer.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman would yield.

Mr. FRANK of Massachusetts. Yes.

Mr. MARIO DIAZ-BALART of Florida. Again, your bill, as you know, specifically deals with countries that owe the United States right now. You're talking about a hypothetical, whether one country in the future.

Mr. FRANK of Massachusetts. I will take back my time because I'm trying to get an honest answer.

We are setting policy here, not just for this week. We are saying here that if you do business with the government, if your government has business interests with Iraq, you're ineligible. I think it is fair to ask whether Iraq, if it were to become eligible in other ways, would be covered. That's not a trick question. Would this have the effect of excluding Iraq from such a program in the future?

I yield for an answer.

Mr. MARIO DIAZ-BALART of Florida. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. MARIO DIAZ-BALART of Florida. And I will try to see if I can make this answer understood.

In the first place, obviously no country would benefit more from not having a nuclear Iran.

Mr. FRANK of Massachusetts. Reclaiming my time, we only get 5 minutes. You know, if the minority had wanted to put this forward as an amendment, we could have debated it. They did it this way. So we can debate all of the other things. It's a very straightforward question.

You limit eligibility under this program. Iraq might very well owe us money. The question isn't nuclear weapons. It is, would this prevent Iraq from being eligible, these criteria. And I would hope someone would answer that.

I will yield again for an answer.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman will yield again, and I will try to answer it again.

Your bill does not deal with Iraq. It does not affect Iraq. If you don't like the answer, that's one thing, but that's what the answer is.

Mr. FRANK of Massachusetts. No. The answer is, of course, one that leads me to suggest that the answer really is "yes." When people dance around and won't give you the answer, Madam Speaker, the answer is "yes."

Apparently, under the criteria set forward here, while Iraq is not now on the list for relief, it could not get it in the future. We will be setting policy that would have screwed you up because apparently, as this is defined, I infer that the Government of Iraq is covered because if the Government of Iraq wasn't covered by this, the answer would be "no." When I don't get "no," but when I get a discussion of nuclear weapons and what's currently in the bill and I don't get an answer to the question, then it is clear to me.

So Members, I guess, are free to vote on this.

Mr. MARIO DIAZ-BALART of Florida. Would the gentlemen yield?

Mr. FRANK of Massachusetts. No, I'm sorry.

Here's the response. The minority had the right to offer this in a way in which we could debate it. They didn't choose to do that. They chose to do it in this limited fashion.

So it does look to me like you are having problems here that does the Government of Iraq have business interests with Iran. I know there are close ties between the Governments of Iraq and Iran. There's interchangeability.

I think this is a pretty sketchy way to go forward. I'm not sure that there are any other countries. I think Iraq may be one of the few that doesn't. It's fairly narrowly drawn, but that's of great concern. And I couldn't get a direct answer, and I don't know if anybody really knows it.

Mr. MARIO DIAZ-BALART of Florida. Will the gentleman yield for a one-word answer?

Mr. FRANK of Massachusetts. Yes.

Mr. MARIO DIAZ-BALART of Florida. You're asking if it's "yes" or "no." The answer is "no."

Mr. FRANK of Massachusetts. So the gentleman is telling me that the Government of Iraq has no business interests in Iraq?

Mr. MARIO DIAZ-BALART of Florida. What I'm telling the gentleman—

Mr. FRANK of Massachusetts. No. I'm asking the question, does the government—

Mr. MARIO DIAZ-BALART of Florida. Not as it concerns with this bill.

Mr. FRANK of Massachusetts. No, I'm sorry. The gentleman does not seem to understand the rules. I'm giving you a lot more of my time. Well, I guess free speech that we put in is for other countries.

Look, I understand the thought. The minority thought they came up with a clever idea and they outsmarted themselves. They put language in here that I think would interfere with the ability to have economic relations with Iraq. And apparently what I'm being told is if you believe that the Government of Iraq has no business interests with Iran, then you can vote for this bill and not worry about Iraq.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 291, nays 130, answered "present" 1, not voting 9, as follows:

[Roll No. 198]

YEAS—291

Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—130

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Braley (IA)
Butterfield
Capps
Capuano
Castor
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Cummings
Davis (CA)
Delahunt
Dingell
Doggett
Doyle
Ellison
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gilchrest
Gonzalez
Grijalva
Gutierrez

Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kind
Kucinich
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Markey
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Thompson (MS)
Tierney
Tsongas
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn

ANSWERED “PRESENT”—1

Sherman

NOT VOTING—9

Brady (PA)
Brown, Corrine
Fattah
Harman
Mack
Meek (FL)
Peterson (PA)
Rush
Wilson (NM)

☐ 1521

Messrs. CONYERS, KUCINICH, PASTOR, and STARK changed their vote from “yea” to “nay.”

Messrs. CARSON of Indiana, DAVIS of Alabama, LAMBORN, COSTELLO, CRAMER, HOLDEN, CARDOZA, COSTA, YARMUTH, MELANCON, KENNEDY, WEXLER, BOUCHER, GORDON of Tennessee, FOSTER, COHEN, HODES, AL GREEN of Texas, HARE, KANJORSKI, DICKS, SALAZAR, KILDEE, ORTIZ, BACA, REYES, MOORE of Kansas, MURPHY of Connecticut, COURTNEY, DAVIS of Illinois, THOMPSON of California and Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Ms. HERSETH SANDLIN, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Ms. LORETTA SANCHEZ of California, Ms. HOOLEY, Mrs. BOYDA of Kansas, Ms. DELAURO, and Ms. MATSUI changed their vote from “nay” to “yea.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. FRANK of Massachusetts. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 2634 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts:

Page 16, line 2, strike “and”.

Page 16, line 6, strike the 1st period and all that follows and insert “; and”.

Page 16, after line 6, insert the following:

“(7) the government of which does not have business interests with Iran.”.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 285, noes 132, not voting 15, as follows:

[Roll No. 199]

AYES—285

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—132

Aderholt
Akin
Altmire
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Drake
Duncan
Ellsworth
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lampson
Latta
Lewis (KY)
Linder
LoBiondo
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Regula
Reynolds
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Young (FL)

NOT VOTING—15

Brady (PA)
Brown, Corrine
Carson
Fattah
Gordon
Hall (NY)
Harman
Mack
Meek (FL)
Melancon
Peterson (PA)
Rush
Slaughter
Waxman
Wilson (NM)

☐ 1529

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 199, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. HALL of New York. Madam Speaker, on rollcall No. 199, I was already on my way to question witnesses at the Transportation and Infrastructure hearing. Had I been present, I would have voted "aye."

Mr. FATTAH. Madam Speaker, had I been present for the vote on H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation Act, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2634, JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

Mr. WATT. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2634, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1107 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5715.

☐ 1532

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I yield myself 5 minutes.

Mr. Chairman, Members of the House, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. It was reported by the Committee on Education and Labor with unanimous bipartisan support, and I want to thank my colleagues on both sides of the aisle for all of the effort they put into this legislation. It is a very important piece of legislation.

At a time when the turmoil in the Nation's credit markets has made it difficult for some lenders to access the capital they need to finance their student lending activity, this bipartisan bill will ensure that students and parents are able to continue to access the federal loans they need to pay for college.

For quite some time now, the worsening economic downturn has made life more difficult for many of America's families. But this downturn has its root in the housing crisis, which has led to significant tightening in the credit markets. What began as a challenge for home loan borrowers has now become a challenge for other borrowers, like those with credit card debt and automobile loans.

And in recent months, we have now seen questions raised about the availability of student loans for the coming year, especially when those who finance their loans through the auction rate securities, that system has ceased to function.

As a result, some lenders are reducing their lending activity in the federally guaranteed student loan programs, while other lenders are anticipating increasing their market share.

And while the stress in the credit markets is taking a toll on some lenders, students so far have not encountered serious difficulties in getting federal loans they need to pay for college. That's the good news.

But as we have seen too often, the shocks in the financial markets come as a surprise leaving those affected with little time to react. There is emergency authority already built into the current law which would maintain access to federal loans for families in the event of any of these surprises.

It is critical to make sure that this authority is ready to be implemented to ensure America's families can continue to access the federal college loans they are eligible for, regardless of what's happening in the credit markets.

As we work with Secretary Spellings to make sure these safeguards are ready to become operational at a moment's notice, we must also take additional steps on behalf of students and their families.

This legislation provides new protections, in addition to those in current law, to ensure that families can continue to access the loans they need to pay for college.

The bill reduces borrowers' reliance on costlier private loans while encouraging responsible borrowing by increasing the annual student loan limits for federal student loans by $2,000 for all students. It also increases the total amount of Federal loans students can borrow to $31,000 for dependent undergraduates and to $57,500 for independent undergraduates.

H.R. 5715 gives parent borrowers more time to pay off their federal parent PLUS loans by allowing families to delay entering repayment for up to 6 months after a student leaves school. It helps struggling home owners pay for college by making sure that short-term delinquencies in mortgage payments don't prohibit otherwise eligible parents from being able to pay their PLUS loans.

It clarifies that existing law gives the Secretary of Education the authority to advance federal funds to guaranty agencies in the event that they do not have sufficient capital to originate new loans. It allows guaranty agencies to make lender-of-last-resort loans on a school-wide basis.

And the bill ensures that lenders can continue to access capital to originate new student loans by giving the Secretary of Education the temporary authority to purchase federally guaranteed student loans from lenders, if needed.

Finally, this legislation carries no new costs for taxpayers.

Especially in light of today's economic conditions, the high cost of a college education continues to be one of the primary worries facing American families. A recent poll conducted by the New York Times and CBS News found that 70 percent of the parents surveyed said they were "very concerned" about how they would finance their kids' college education.

Over the past year and a half, this Congress has worked vigorously to make college more affordable and accessible for students and families. Last year, we took the historic step towards this goal by providing more than $20 billion in financial assistance to low- and middle-income families over the next 5 years.

In February, the House passed bipartisan legislation to reauthorize the Higher Education Act, and we will soon be prepared to conclude the conference committee and bring that to the floor.

Now more than ever, families deserve every assurance that we are doing all that we can to make sure that they can continue to be able to finance their children's college education, regardless of what happens in the credit markets.

And I want to again thank Congressman BUCK MCKEON, Congressman RUBÉN HINOJOSA and Congressman RIC KELLER, the Chair and the ranking member of the subcommittee, and all of the staff for all of the work they have put into this legislation. This has been a very fast turnaround. It could not have happened without the bipartisan cooperation of all of those involved.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5715, a bill that will help ensure college students and their families are able to plan with confidence for the upcoming school year. On its own, this bill will not restore confidence and stability to the student loan programs, but it is an important first step.

For months, Members on both sides of the aisle have been warning the U.S. Departments of Education and the Treasury, the various federal financial institutions, and indeed anyone who will listen, about the potential risks to our student loan program. Many of us recognized early that it was only a matter of time before the turmoil in the broader credit markets would spill into the student loan programs.

Unfortunately, those warnings have become reality. I would like to share just a few of the headlines that have appeared in major papers over the last several weeks. The Wall Street Journal said, Credit Woes Hit Student Loans. The New York Times said, Fewer Options Open to Pay For Costs of College. The Washington Post said, Credit Crisis May Make College Loans More Costly: Some Firms Stop Lending to Students. USA Today said, Credit Woes May Hinder College-Bound.

Mr. Chairman, with this bill, we are acting to prevent a crisis before it develops. As these headlines demonstrate, the anxieties among students and families are very real. This bill is far from a complete solution. But it contains modest, yet meaningful, steps to restore investor confidence, begin to address liquidity shortages, and most importantly, provide assistance to student and parent borrowers.

The challenges in the student loan market are multifaceted. Last year, federal support for the loan program was slashed, forcing loan providers to scale back on benefits and reevaluate their future participation in the program. This year, disruptions in the capital markets have reduced liquidity and shaken investor and consumer confidence.

With enactment of the College Cost Reduction and Access Act last fall, we cut some $18 billion from the program over 5 years. Although we were able to reinvest some of those funds in Pell Grants, which I strongly support, it appears now that we may have done more harm along with that good. That's because we cut so deeply into the student loan program that many lenders have opted to stop offering federal loans altogether.

On the issue of liquidity, what we require is a two-pronged approach to reinstate the flawed capital into the program.

First, this bill authorizes the U.S. Department of Education to act as a secondary market by purchasing or agreeing to purchase student loans so that lenders and holders can make or purchase new loans in the upcoming school year. Although this plan will provide only a modest amount of liquidity, it sends an important signal that policymakers are committed to the program's long-term stability. And it does so with no cost to the taxpayer.

Second, to provide an even greater flow of capital into the program, we are taking steps to ensure other federal financing authorities are viewed as viable sources of liquidity. To that end, this legislation contains a sense of Congress, urging these authorities to exercise their existing authorities to inject liquidity into the marketplace.

We're not alone in recognizing that this market-based problem requires a marked-based solution. Just yesterday, the chairman of the Senate Banking Committee held a hearing on the impact of market disruptions on student loan access, and he called for intervention by the Federal Financing Bank. I welcome these types of creative and complementary approaches, which will work in concert to calm the market.

Taken together, the prospect of federal financial institutions and the U.S. Department of Education stand ready to take the necessary steps to invest in and commit to the future purchase of loans will begin to quell the market uncertainty and restore confidence among investors, as well as among students and families planning for the coming school year.

The troubles facing our financial markets and our economy as a whole are daunting. But we would do a real disservice to students and families if we dismissed the challenges in the student loan program as merely a symptom of a larger problem that is outside our control. The fact is, we can take steps to prevent a collapse in the student loan market. We can do so quickly, and without a cost to taxpayers, by focusing on our commitment to market stability.

I would also offer a word of caution to those who are wary of federal intervention: If we fail to act now, we may be forced to take on a much greater governmental role in the future. And surely we can all agree that it's better to preserve the private sector program now than to replace it with a federal program later.

We made a commitment more than four decades ago that there are national benefits to an affordable, accessible higher education system. What we are doing today is restating that commitment and sending a signal to students and families that we continue to believe in this program that has opened the doors of higher education to so many millions of aspiring young Americans.

Mr. Chairman, this is a good bill that deserves our support. I want to thank the chairman for moving so quickly on this issue.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the subcommittee Chair, the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008.

This is urgent legislation. I would like to thank our Education and Labor chairman, GEORGE MILLER, and our ranking member, HOWARD "BUCK" MCKEON, as well as my good friend and ranking member of the subcommittee, RIC KELLER, for working together to expedite consideration of this bill.

☐ 1545

Nothing is more important than reassuring students and families that there will be no disruption in the availability of Federal student loans, regardless of what happens in our financial markets. As of today, no student has been unable to find a lender for a Federal student loan. However, we are not going to wait until students and families are denied loans before putting safeguards in place. That is what we are doing here today.

Ensuring continued access to Federal student loans is of critical importance. In my congressional district, 40 percent of all student aid comes from the Federal Family Education Loan Program, and in my State of Texas 66 percent of all student aid comes through this program. The concerns that we are hearing from our constituents are real, and we need to address them.

Mr. Chairman, I include for the RECORD a letter dated April 7, 2008, from Texas State Senator Judith Zaffirini, Chair of the Higher Education Subcommittee, urging Congress to take action to avert any disruption in the Federal Family Education Loan Program.

SENATE HIGHER EDUCATION
SUBCOMMITTEE,
AUSTIN, TX, APRIL 7, 2008.

Hon. RUBÉN HINOJOSA,
Chair, Subcommittee on Higher Education, Lifelong Learning, & Competitiveness, House of Representatives, Washington, DC.

DEAR CHAIR HINOJOSA: Thank you for your leadership in addressing higher education. I am writing to you in my capacity as Chair of the Senate Higher Education Subcommittee, Chair of the Senate Finance Higher Education Subcommittee, and Vice Chair of the Senate Finance Committee about issues affecting higher education in Texas and to express my support for a viable Federal Family

Education Loan Program (FFELP). This is in response to the current turmoil in the capital markets, which appears to be affecting all areas of credit, including student loans.

The FFELP participants provide nearly two-thirds of the student financial aid awarded annually to Texas's postsecondary education students and parents (contrasted with 56 percent nationally). Last year alone, for example, the Texas Guaranteed Student Loan Corporation (TG) guaranteed more than $3.2 billion in FFELP loans in Texas. The Federal Direct Loan Program (FDLP) accounts for approximately five percent of the state's federal student loan volume.

These FFELP providers also have supplied essential resources to assist students and families obtain information about postsecondary education: how to apply for college, how to choose a college or university to attend, financial aid availability, and how to apply for financial aid. In addition to working with the Texas student financial aid community through regional workshops on various postsecondary education issues, FFELP providers assist the State of Texas with our CLOSING THE GAPS initiative and provide grants and scholarships to organizations to enhance access to college.

In Texas more than 300 lenders, including the four private non-profit higher education authorities organized under Chapter 53B of the Texas Education Code, compete with one another on the basis of providing the best customer service to borrowers. This has produced more than a 90 percent repayment rate through excellent loan servicing and generous borrower benefits in a state that, unfortunately, relies heavily on student debt as the primary financial vehicle to a finance postsecondary education.

The non-profit lenders and secondary markets organized under the state education code have played a key role within the FFELP delivery system by providing a continuous source of liquidity for FFELP loan originations in Texas as well as support for efforts to enroll more students in higher education from underrepresented populations.

Colleges and universities should continue to have a choice of student lenders and student loan programs. The alternatives to a weakened FFELP most often mentioned—the FDLP and Lender of Last-Resort program—are not viable options in Texas. FDLP has been rejected by Texas institutions, and LLR is untested and has been used only sporadically.

I strongly urge you, as Chair of the Subcommittee on Higher Education, and the Texas Congressional delegation to support efforts to provide financial liquidity that will enable non-profit FFELP providers to continue to finance their programs facilitating reliable, efficient, low-cost secondary market programs that meet the needs of Texas lenders and students.

Feel free to contact me if I can be of further assistance. May God bless you.

Very truly yours,

JUDITH ZAFFIRINI, PHD.

Mr. Chairman, the challenges facing the student loan marketplace are not the result of lax standards or poor judgment by borrowers or lenders. Student loans are a solid investment. For individuals, a college education means higher earnings, greater career opportunities and a better quality of life. For financial institutions, Federal student loans are a sure bet. They carry a 97 percent guarantee from the Federal Government and default rates remain at historic loans. It is the lack of liquidity in the financial markets that is threatening the ability of lenders in the student loan program to make loans.

H.R. 5715 focuses on two mechanisms to ensure that no student is denied a Federal student loan because of a lack of available lenders. First, the legislation clarifies that the Secretary may advance funding to guaranty agencies in the student loan program so that if called upon, they will be able to fulfill their role as lender of last resort as required under the Higher Education Act.

Secondly, the legislation gives the Secretary temporary authority to purchase student loans, providing an avenue for liquidity so that lenders can make no new loans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARE. I yield 30 additional seconds to the gentleman from Texas.

Mr. HINOJOSA. The manager's amendment clarifies that loans purchased by the Secretary may continue to be serviced by the original lender so the process remains seamless for students and families. These efforts represent the tools at the disposal of the Education and Labor Committee. However, more can and should be done.

I urge my colleagues to vote "yes" on H.R. 5715 so that there is no uncertainty for students and families about their ability to finance college education.

Mr. McKEON. Mr. Chairman, I yield 2½ minutes to the ranking member of the Subcommittee on Higher Education, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the Ensuring Continued Access to Student Loans Act. As the ranking member of the Higher Education Subcommittee, I am proud to be a cosponsor of this important legislation. I want to especially thank Chairman MILLER, Chairman HINOJOSA and Ranking Member McKEON for their hard work in the drafting of this legislation on a bipartisan basis.

The troubles that began in the subprime mortgage market have had a ripple effect on our economy, including all types of consumer credit. Unfortunately, that also includes student loans. As a result of these disruptions in the financial markets, students and families all across America are worrying about how they will pay for college this fall. Through no fault of their own, students may have a more difficult time getting the financing they need for college.

Well, at least when it comes to Federal loans, there are things we can do now to prevent that from happening. Today we are taking positive steps to make sure that students have access to low-interest student loans, despite the recent turmoil in the financial markets. This bill was developed on a bipartisan basis to take preliminary action to shore up the Federal Family Education Loan Program and to offer new flexibility and protections to students and their families.

There is no one-size-fits-all solution to the troubles facing our student loan program. I appreciate the fact that the Financial Services Committee is also looking at these issues and that we may be exploring additional action in the future that more directly addresses issues of liquidity.

At this time, however, this is a good bill that will have a positive impact, and I urge my colleagues to vote "yes" and support its passage.

Mr. HARE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today in support of the Ensuring Continued Access to Student Loans Act. Many students and families in my congressional district fear that in our struggling economy they will not be able to access the financial assistance they need to go to school. While we have not yet seen this, we know that there exists the potential for a real crisis.

I have often said in this House how frustrated I am that we wait for an emergency to occur before reacting, rather than working to prevent it in the first place. I am proud that today this body is proactively putting measures in place to ensure our students and lenders that they have the assistance that they need.

This legislation reduces borrowers' reliance on costlier private college loans; encourages responsible borrowing; gives parent borrowers more time to pay off their Federal PLUS loans; it guarantees eligibility for PLUS loans for struggling homeowners who otherwise have good credit; and it provides the Secretary of Education additional tools to safeguard access to student loans.

All these provisions are good steps forward and will keep our student loan industry strong, which is why I am an original cosponsor of the bill and was proud to support it when our committee marked it up just last week. However, more needs to be done. I look forward to working with my colleagues to continue to address our Nation's economic troubles.

I commend Chairman MILLER, Ranking Member McKEON and their staffs for putting together this legislation so that our students and lenders have a safety net during the time of economic insecurity. I urge all my colleagues to support the Ensuring Continued Access to Student Loans Act.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI), a senior member of the committee.

Mr. PETRI. Mr. Chairman, I want to thank Chairman MILLER and our ranking member, BUCK McKEON, for working together on this important legislation. As has been pointed out, the bill we are considering today will put in place additional measures to ensure continued access to Federal student loans.

During committee consideration I expressed concern with one provision in the bill that would permit an entire institution rather than the individual the authority to participate in the lender of last resort program. I urged the committee to consider clarifying the trigger mechanism for school eligibility in order to avoid a situation in which a guaranty agency is in essence the lender of first resort. I am pleased that the chairman included language in the manager's amendment that will be offered that requires the Secretary of Education, not the guaranty agency, to determine whether a school qualifies for institution-wide designation.

Furthermore, the manager's amendment requires institutions to demonstrate that a minimum number of students or percentage of students have been rejected by eligible lenders before receiving this designation.

These are two important changes, so I again thank Chairman MILLER for including them in the manager's amendment and appreciate Ranking Member McKEON's assistance on this issue.

While the focus of the bill we are considering today is making sure contingency plans are in place should turmoil in the credit markets affect the availability of Federal student loans and the Federal Family Education Loan Program, we do have another Federal student loan program that is immune to effects of the credit market, and that is the Direct Loan Program.

Just this year, over 100 schools have applied to participate in the Direct Loan Program. Penn State University stated that it is moving to the Direct Loan Program because it will "enable students to continue their education without worrying about whether and where their Federal student loans come from."

Currently, the Direct Loan Program accounts for about 20 percent of the student loan market. However, the Secretary of Education has stated on multiple occasions that the Direct Loan Program could easily double the amount of new loans it makes to students.

It is just commonsense that in times of market turmoil; instead of relying on untested fall-back measures in the FFEL Program, universities should also consider the Direct Loan Program.

I will conclude by emphasizing that to date, no student or college has reported problems accessing Federal student loans. Currently, the disruption is best described as forcing some students to switch lenders. The message from Congress to students and families should be that they should not panic and should continue to pursue Federal student aid in the upcoming school year. There are measures in place, and in this bill we are strengthening those measures, to ensure that students will always have access to Federal student loans.

Mr. HARE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE), a member of the House Education and Labor Committee.

Mr. ALTMIRE. Mr. Chairman, I rise in support of this legislation which I joined with Chairman MILLER in introducing to ensure that the nationwide credit crisis does not prevent students from attending college. Recent decisions to suspend the issuing of student loans by the Pennsylvania Higher Education Assistance Agency and other lenders demonstrates the need for this legislation.

This bill takes several proactive steps to make certain that students are able to access the financial aid they need to pay for college. It gives the Department of Education the temporary authority to purchase loans from lenders in the Federal Family Education Loan Program. This will provide additional liquidity to the market so that lenders can continue to make student loans. Furthermore, the bill increases Federal loan limits for students by $2,000 a year, which will reduce students' dependence on more expensive private loans.

I thank Chairman MILLER for his leadership on this issue, and urge all of my colleagues to support this critical legislation.

Mr. McKEON. Mr. Chairman, I yield 1½ minutes to a member of our leadership team, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise today in support of the Ensuring Student Access to Student Loans Act of 2008. This bill is designed to increase investor confidence in the marketplace by authorizing the Secretary of Education to purchase student loans. This will free up liquidity for new loans and show lenders that student loans are a safe and secure investment.

We are facing uncertain economic times. This bill will help ensure that loans will continue to be available to students. Every student should have the opportunity to attend college. But, unfortunately, the cost of college is increasing, which has become a barrier for students and families. This bill increases the loan limit for Stafford Loans in order to allow students to receive more Federal funding. Making more aid available to students will make college more accessible and affordable to students and families.

But it is not just the cost of college that is a challenge. The free application for Federal student aid form, or FAFSA, as it is known, is complicated and cumbersome for students and families to complete. The FAFSA form is so complicated that it has deterred many students and families from applying for aid.

As we consider this bill and other higher education bills we should work to simplify the FAFSA form to help ensure that students and families have access to the financial aid that they need in order to attend college.

I urge my colleagues to support H.R. 5715.

Mr. HARE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. EMANUEL), the chairman of our caucus.

☐ 1600

Mr. EMANUEL. Mr. Chairman, let me just say to the simplification of the student loan form—actually, it happened to be my first bill—which is to take the 106 questions, 8 pages long, down to commonsense English, cut it in half, and the good news is that, in fact, the Higher Ed Reauthorization Act will then, in short order—I have all the confidence in Chairman MILLER—be on the floor this month to pass.

This, like that act, is a second step that we take to make sure that we put a protective wall around the student loan market.

What we see today in the mortgage industry, what we see today happening in other parts of the marketplace, should not happen to those students and those families who are trying to send their kids to college.

We live in an era where you earn what you learn. A college education is a ticket to the middle class life and to greater economic security and greater economic opportunity. What has happened in the subprime market and what has happened in our marketplace in the financial sector should not migrate into the student loan industry.

This legislation ensures that it will not. It has two messages, one to parents and students, that says in this time of uncertainty, know that your government is there to ensure that you get a student loan coming up this fall.

It's also a message to the executive branch: Do not wait for a crisis. Do not act like you do not have this authority. You have this authority. The Congress, in a bipartisan vote, will make sure you know in no uncertain terms to have the authority to prevent any chaos, any disruption to the student loan marketplace.

This legislation, like the reauthorization of the higher ed bill, will build on the facts that we have extended this year and increase Pell Grants for the first time, pass the largest increase of student loans since the GI Bill in 1944. This Congressman knows that when middle class families look at their kids, look at the cost of college that has gone up by $7,500, knows that kids today, when they graduate, graduate with an average debt burden of $18,000 when they get their diploma.

This Congress makes sure that middle class families don't fall farther behind making sure their kids have a better and more opportunistic future than they had. A college education is the key to that future, and I am proud that we are taking this action speedily before there is any crisis in the student loan industry.

Mr. GEORGE MILLER of California. I thank the gentleman.

I want to thank all my colleagues who participated in the debate this evening. We will have some time for additional debate tomorrow, but I was also remiss in not thanking Amy Jones of Congressman MCKEON's staff for all of her hard work on this bill, and the individuals on my staff, Denise Forte, Gaby Gomez, Julie Radocchia, Jeff Appel, Stephanie Moore, Brian Kennedy, Joe Novotny, Lamont Ivey, and Margaret Young for all their assistance in bringing this bill to the floor.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 5715, "Ensuring Continued Access to Student Loans Act of 2008", introduced by Representative GEORGE MILLER of California. I want to thank the Committee on Education and Labor for its efforts in this important area.

Every generation sets out to improve upon the previous generation. We teach our children that if they focus, are responsible, and work hard they can be anything. Yet we have provided a false truth for the majority of our children. Rising tuitions in higher education even at our community colleges are keeping a lot of our youth from attending college. For those that are able to attend, they are burdened by extensive loans just to buy books, attend class, and maintain housing.

Families are sending their children to school, trying to qualify for parent loans and wondering how they are going to make the payments when they are struggling to pay their mortgage and facing their own issues with possible unemployment.

In my home state of Texas, families are struggling to assist children with their education while they face an unemployment rate of 4.3 percent across the state. As of the end of last year, Texas was ranked as having the 20th highest unemployment rate (out of the 50 states). And we are not alone as states grabble with unemployment and a falling housing market.

H.R. 5715, Ensuring Continued Access to Student Loans Act, provides much needed support to our families in a time when they most need it by specifically addressing the needs of parents, students, and even lenders. The Student loans Act would: Increase unsubsidized loan limits for students—This bill will increase unsubsidized loan limits by $2,000 for each year of undergraduate and graduate school. It also increases the aggregate loan limits to $31,000 for dependent undergraduates and $57,500 for independent undergraduate students.

Delayed repayment of parent PLUS loans—Currently PLUS loan borrowers—parents—go into repayment 60 days after disbursement of the loan. This bill would give families an option of not entering repayment for up to 6-months after a student leaves school.

PLUS loan eligibility for struggling homeowners—Under current law, parents with an adverse credit history are ineligible to receive a parent PLUS loan, except under extenuating circumstances. In light of the current housing market, the bill temporarily qualifies up to 180 day delinquency on home mortgages as an extenuating circumstance, therefore making it more possible for parents struggling with the current housing market to secure loans for their children.

Lender of Last Resort flexibility—The bill makes clear in statute that the Secretary of Education has the mandatory authority to advance Federal funds to Guaranty Agencies in the case that they do not have sufficient capital. Further, the bill allows a Guaranty Agency to designate a school (rather than an individual student) as a "lender of last resort school," in accordance with guidelines set by the Secretary.

Authority for the Secretary of Education to purchase FFEL loan assets—The bill gives the Secretary the temporary authority, upon a determination that there is inadequate availability to meet demand for loans, to purchase loans from FFEL lenders. Such purchases could only be made in the case they are revenue-neutral or beneficial to the Federal Government.

Federal Institutions' participation—The bill includes a Sense of the Congress that the Federal Financial Institutions and entities (including the Federal Financing Bank, the Federal Home Loan Banks, and the Federal Reserve) should consider using, in consultation with the Secretaries of Education and the Treasury, available authorities, if needed, to assist in ensuring continued student loan access.

CONCLUSION

I urge my colleagues to vote for H.R. 5715, Ensuring Continued Access to Student Loans Act. Let's support education by allowing for greater flexibility, eligibility, and participation for students and their families

Mr. GEORGE MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FOSSELLA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 1, not voting 40, as follows:

[Roll No. 200]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
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Cummings
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Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
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Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
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Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
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Garrett (NJ)
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Gonzalez
Goode
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Gordon
Granger
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Green, Al
Green, Gene
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Gutierrez
Hall (NY)
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Hastings (FL)
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Hooley
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Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
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Kilpatrick
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King (IA)
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Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
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Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
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Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
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Scott (GA)
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Sensenbrenner
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Sessions
Shadegg
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Shea-Porter
Sherman
Shimkus
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Smith (NE)
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Stearns
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Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
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Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

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Stark

NOT VOTING—40

Bachus
Berman
Berry
Bishop (UT)
Brady (PA)
Brown, Corrine
Christensen
Conyers
Davis (IL)
Dicks
Faleomavaega
Fattah
Feeney
Fortuño
Franks (AZ)
Harman
Hulshof
Linder
Mack
Markey
McCrery
Meek (FL)
Peterson (PA)
Pickering
Platts
Rahall
Renzi
Rush
Sestak
Simpson
Slaughter
Spratt
Sullivan
Tierney
Watt
Weiner
Weldon (FL)
Wilson (NM)
Wynn
Young (FL)

☐ 1628

Messrs. MARIO DIAZ-BALART of Florida, ROTHMAN, BARTLETT of Maryland and HOLT changed their vote from "no" to "aye."

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. JONES of Ohio) having assumed the chair, Mr. JACKSON of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, had come to no resolution thereon.

BEACH PROTECTION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 1083 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2537.

☐ 1631

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with Mr. JACKSON of Illinois (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, April 10, 2008, amendment No. 8 printed in the CONGRESSIONAL RECORD offered by the gentleman from Arizona (Mr. FLAKE) had been disposed of.

AMENDMENT NO. 4 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOSSELLA: Page 2, after line 2 insert the following:

TITLE I—BEACH PROTECTION ACT OF 2007

At the end of the bill, add the following new title:

TITLE II—FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AMENDMENTS ACT OF 2008

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008" or the "FISA Amendments Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 100. Short title; table of contents.

Subtitle A—Foreign Intelligence Surveillance

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.
Sec. 111. Technical and conforming amendments.

Subtitle B—Protections for Electronic Communication Service Providers

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

Subtitle C—Other Provisions

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

Subtitle A—Foreign Intelligence Surveillance

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

"Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

"SEC. 702. DEFINITIONS.

"(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

"(b) ADDITIONAL DEFINITIONS.—

"(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(A) the Select Committee on Intelligence of the Senate; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

"(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

"(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

"(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

"(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

"(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

"(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

"(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

"(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(ii) cease the acquisition authorized under subsection (a).

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

"(i) during the pendency of any rehearing of the order by the Court en banc; and

"(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

"(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

"(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

"(k) ASSESSMENTS AND REVIEWS.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

"(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and "(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

"(i) the Foreign Intelligence Surveillance Court;

"(ii) the Attorney General;

"(iii) the Director of National Intelligence; and

"(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

"(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

"(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(b) APPLICATION.—

"(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

"(A) the identity of the Federal officer making the application;

"(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

"(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

"(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

"(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

"(i) the certifying official deems the information sought to be foreign intelligence information;

"(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iii) such information cannot reasonably be obtained by normal investigative techniques;

"(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(v) includes a statement of the basis for the certification that—

"(I) the information sought is the type of foreign intelligence information designated; and

"(II) such information cannot reasonably be obtained by normal investigative techniques;

"(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

"(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

"(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

"(c) ORDER.—

"(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

"(A) the application has been made by a Federal officer and approved by the Attorney General;

"(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

"(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

"(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

"(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

"(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

"(E) the period of time during which the acquisition is approved.

"(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

"(A) that the minimization procedures be followed;

"(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

"(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

"(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

"(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

"(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

"(f) APPEAL.—

"(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION AND SCOPE.—

"(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

"(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

"(3) LIMITATIONS.—

"(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

"(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

"(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

"(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(A) a person reasonably believed to be located outside the United States; and

"(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

"(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

"(A) the certifying official deems the information sought to be foreign intelligence information; and

"(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(c) ORDER.—

"(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

"(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

"(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

"(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) APPEAL.—

"(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

"(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

"(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

"SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

"(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

"(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

"SEC. 708. CONGRESSIONAL OVERSIGHT.

"(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

"(b) CONTENT.—Each report made under subparagraph (a) shall include—

"(1) with respect to section 703—

"(A) any certifications made under subsection 703(f) during the reporting period;

"(B) any directives issued under subsection 703(g) during the reporting period;

"(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

"(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

"(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

"(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

"(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

"(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

"(G) any procedures implementing this section;

"(2) with respect to section 704—

"(A) the total number of applications made for orders under section 704(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

"(3) with respect to section 705—

"(A) the total number of applications made for orders under 705(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Limitation on definition of electronic surveillance.
"Sec. 702. Definitions.
"Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
"Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
"Sec. 705. Other acquisitions targeting United States persons outside the United States.
"Sec. 706. Joint applications and concurrent authorizations.
"Sec. 707. Use of information acquired under title VII.
"Sec. 708. Congressional oversight.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting "(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)" after "electronic surveillance".

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting "or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978" after "assistance".

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an "(a)" before "CIVIL ACTION",

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

"(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) pen registers under section 402;

"(D) access to records under section 501;

"(E) acquisitions under section 704; and

"(F) acquisitions under section 705;".

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.".

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking ", as defined in section 101 of such Act," and inserting "(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

"(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(e) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term "'Foreign Intelligence Surveillance Court'" means the court established by section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking “statement of” and inserting “summary statement of”;

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding “and” at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking “; and” and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking “or the Director of National Intelligence” and inserting “the Director of National Intelligence, or the Director of the Central Intelligence Agency”.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking “(a)(3)” and inserting “(a)(2)”;

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding “and” at the end;

(B) in subparagraph (E), by striking “; and” and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

“(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

“(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

“(B) resonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

“(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

“(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

“(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

“(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

“(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(6) The Attorney General shall assess compliance with the requirements of paragraph (5).”; and

(7) by adding at the end the following:

“(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).”.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking “radio communication” and inserting “communication”.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking “detailed”;

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting “or is about to be” before “owned”; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking “Affairs or” and inserting “Affairs,”; and

(ii) by striking “Senate—” and inserting “Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—”; and

(2) in subsection (d)(1)(A), by striking “or the Director of National Intelligence” and inserting “the Director of National Intelligence, or the Director of the Central Intelligence Agency”.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

“(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

“(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

“(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

“(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

“(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

“(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

“(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

“(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).”.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking “303(a)(7)(E)” and inserting “303(a)(6)(E)”; and

(2) in section 305(k)(2), by striking “303(a)(7)” and inserting “303(a)(6)”.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking “48 hours” and inserting “7 days”; and

(2) in subsection (c)(1)(C), by striking “48 hours” and inserting “7 days”.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

"(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

"(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).".

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting ", the international proliferation of weapons of mass destruction," after "international terrorism".

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking "or" at the end

(B) in subparagraph (C), by striking "or" at the end; and

(C) by adding at the end the following new subparagraphs:

"(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

"(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or".

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

"(p) 'Weapon of mass destruction' means—

"(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

"(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

"(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

"(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting "'weapon of mass destruction'," after "'person',".

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".

Subtitle B—Protections for Electronic Communication Service Providers

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

"In this title:

"(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

"(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(6) PERSON.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

"(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

"(D) the person did not provide the alleged assistance.

"(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

"(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

"(1) review such certification in camera and ex parte; and

"(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

"(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

"(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

"(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

"SEC. 803. PREEMPTION.

"(a) IN GENERAL.—No State shall have authority to—

"(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

"(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

"(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

"(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"Sec. 801. Definitions.
"Sec. 802. Procedures for implementing statutory defenses.
"Sec. 803. Preemption.".

Subtitle C—Other Provisions

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Chairman, I know the underlying legislation is very noble in the sense of its essence of cleaning and maintaining the wonder of our beaches and our coastal areas. And as someone who grew up and still has family in South Beach and Staten Island, New York, I'm very sensitive to the notion that our beaches are our Nation's jewels.

But I'm also very sensitive to the fact that there are terrorists among us who will use any way possible to destroy innocent life. I know all too full well that on September 11, 2001, when almost 300 of my constituents perished at the World Trade Center because of fanatics who flew two planes by now we know into the World Trade Center. So to me still the most important thing that this country can do is to protect innocent people. While we all enjoy the beaches, we know that the greatest threat we face in this country are those who want to kill us and do us harm.

We know that we've debated this FISA bill many times in this House, and the other body has passed, I think, a very effective bipartisan way that will keep this Nation safe. Here we are, another week going by where we bury our heads in the beach sand and not pass the appropriate legislation that will help to keep this Nation safe.

In the underlying legislation, it talks reasonably about monitoring and finding the source of the pathogens. Well, one of the biggest threats that we have, that any intelligence official will tell you, is bioterrorism that has its roots in the pathogens, whether it's waterborne or not. So I believe that the amendment is very germane to the underlying legislation.

Specifically, section 5, subsection A calls for the usage of rapid testing methods in the monitoring programs included in this legislation, which will create a means of assessing pathogen content in coastal waters and alerting the public to the possible health effects.

Additionally, section 2 provides for source tracking and identification programs to assess where these harmful pathogens originated from.

The legislation is concerned with pollution and monitoring of beach water quality, as well it should be, and to that end I am extremely alarmed that waste water treatment and pollution processing plants are becoming attractive targets for possible terrorist attacks.

The environmental damage to both the beaches and water quality of New York City would be catastrophic if such a threat were realized. Preventing such an attack, of course, is the greatest concern to me, and I would hope, all Members of Congress.

The amendment is clearly in order because it provides our Nation's intelligence community the tools to monitor foreign threats to our treatment facilities and prevent planned attacks on our environment.

The irony should not be lost here that today we are considering a bill that concerns beach monitoring and requires prompt Federal, State and local agency notification regarding water quality sampling, when we've yet to pass the long overdue legislation that updates our Nation's ability to indeed conduct foreign intelligence monitoring and requires prompt judicial notification requirements regarding foreign threats.

To that end, I call on the Chair today to recognize my amendment, which contains the bipartisan Senate-passed FISA language. It's time, as I mentioned before, that we stop burying our heads in the beach sand under the guise of doing what we think is noble.

At the end of the day, what we have to come together for in this body, whether it's this end of Pennsylvania Avenue or the other, is to keep this country safe. And as we know, intelligence officials tell us time and time again we're losing precious information that's intelligence that could ultimately lead to a prevention of a terrorist attack. One of those possible terrorist attacks is waterborne pathogens that would be covered under this legislation.

And with that, Mr. Chairman, I ask that you consider this amendment to the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, this is an important amendment brought to us by the gentleman from New York (Mr. FOSSELLA). It essentially would allow us to attach the FISA bill to the underlying bill.

And some would say, what connection could there possibly be?

Well, you have to understand the underlying bill, in at least four places, refers to the concern of pathogens, pathogens in our water.

And what are pathogens? According to greatlakes.net, pathos is Greek for suffering, and gen is a suffix meaning producer, also from the Greek. Thus, a waterborne pathogen is a disease maker that occurs in the water. These germs are living microscopic organisms, microorganisms or microbes that take in food, give off waste, grow, reproduce and die. And the most common types of waterborne pathogens are bacteria, but they're also viruses, protozoa and certain kinds of algae.

So why would the gentleman from New York's amendment be in order, from a germaneness standpoint, and why would it be important for us?

All you have to do is go to the INTERPOL Web site where it discusses the threat and prevention of bioterrorism. And therein, INTERPOL states, "an effective biological weapon is potentially devastating and much easier to make and transport than a nuclear weapon. Bio weapons are, however, relatively safe for the terrorists. Pathogens are virtually undetectable and can be brought reasonably easily into a country by an individual and can then be propagated in large quantities." INTERPOL says this.

"Recognizing the imminent dangers represented by this lethal form of crime is the first step in countering the threat. Thereafter, it is vital to put in place the tools which will enable society to take appropriate measures."

If you go to the CDC and you ask, what are the bioterrorism agents, they list 27 of them, waterborne bio agents: Anthrax, Brucellosis, Cholera, Botulism, Glanders, Plague, Q fever, smallpox, and it goes on and on and on.

Now, we have a bill before us which says we have to be concerned about our beaches. By the way, it's not just the coastline. Under this bill this includes the Great Lakes. And it says we should be concerned about pollution, and they define pollution by the number of pathogens per volume. And I see nothing in this bill which says we're only concerned about industrially produced pathogens or accidentally produced pathogens. And if that's the case, we ought to be concerned about terrorist produced and introduced pathogens. And that's why the gentleman's amendment is both germane and appropriate and ought to be supported, because what it says is that we need the intelligence to understand which pathogens that the terrorists are attempting to introduce here, where they might introduce it, and to make sure that our first responders, which are referred to in the underlying bill, understand what it is they're faced with, how they prevent it, and if they can't prevent it, how they deal with it.

So this is a serious amendment. It says that the only way we can protect our coastal waters and the people who live in them, swim in them, work in them, is if we know the information ahead of time. And we don't have that information. That information is held by the bad guys.

The only way we can find out what the bad guys intend to do is, frankly, by listening to them, capturing their communications. That's why this FISA bill is important generally, but it is important specifically to this bill, a bill which tells us we are trying to protect our coastal waterways, the coastline, the Great Lakes and our estuaries. And the only way we can do that is to know who intends to damage it, who intends to introduce these pathogens as a direct threat to us and how we respond to that.

So I would hope that the gentlelady's point of order is rejected, and I hope that we will be able to vote on this bill, support this bill. And if we can't have FISA for anything else, let's at least protect our coast lines, protect the Great Lakes, protect the estuaries and everybody therein.

Sounds like a silly argument that we would limit it to that, but we have, under the rules, not been allowed to bring the FISA bill to the floor. Let us add it to this bill, where it's germane, where it would go to the actual intention of the bill and, in fact, refers to the major parts of the bill, that is, how do we know what pathogens are introduced; how do we respond to them; how do we make sure our American citizens are protected from them; how do we close down those waterways and those beaches when they've been introduced, whether or not they've been introduced accidentally, by industrial pollution or, it seems to me, something we ought to be concerned about, by those who wish to kill you and me, our children, and our grandchildren.

I yield back the balance of my time.

POINT OF ORDER

Ms. EDDIE BERNICE JOHNSON of Texas. I insist upon my point of order regarding this amendment.

The Acting CHAIRMAN. The gentlelady will state her point of order.

Ms. EDDIE BERNICE JOHNSON of Texas. Germaneness. It is not germane. H.R. 2537, the Beach Protection Act, speaks only to beaches. It does not address the Foreign Intelligence Surveillance Act, or FISA, and is clearly on a subject different from the bill under consideration, the Beach Protection Act of 2007. FISA is an outside issue.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? Any other Member? If not, the Chair is prepared to rule.

For reasons stated by the gentlewoman from Texas, the amendment is not germane. The point of order is sustained.

Mr. FOSSELLA. Mr. Chairman, I appeal the ruling of the Chair.

The Acting CHAIRMAN. The question is, "Shall the decision of the Chair stand as the judgment of the Committee of the Whole?"

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 193, not voting 27, as follows:

[Roll No. 201]

AYES—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)

Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Berry
Brady (PA)
Brown, Corrine
Christensen
Faleomavaega
Fattah
Feeney
Filner
Fortuño
Harman
Mack
McHugh
Meek (FL)
Napolitano
Norton
Peterson (PA)
Pickering
Rangel
Rush
Schwartz
Sestak
Simpson
Slaughter
Tierney
Weiner
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1703

Mrs. McMORRIS RODGERS changed her vote from "aye" to "no."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No, 201, I was unavoidably detained with urgeant constiuent business. Had I been present, I would have voted "aye."

Mrs. NAPOLITANO. Mr. Chairman, on rollcall No. 201, had I been present, I would have voted "aye."

Stated against:

Mr. McHUGH. Mr. Chairman, on rollcall No. 201, I missed the vote due to a meeting in my office with the Chairman of the Joint Chiefs of Staff. Had I been present, I would have voted "no."

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Mr. JACKSON of Illinois, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, had come to no resolution thereon.

EXPRESSING SUPPORT FOR DESIGNATION OF APRIL 2008 AS NATIONAL CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1097, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1097, as amended.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 21, as follows:

[Roll No. 202]

YEAS—410

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill

Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Berry
Brady (PA)
Brown, Corrine
DeFazio
Fattah
Feeney
Harman
Mack
Marchant
Meek (FL)
Peterson (PA)
Pickering
Rangel
Rush
Schwartz
Sestak
Simpson
Tierney
Weiner
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 1½ minutes remaining in this vote.

☐ 1721

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2537 and include extraneous materials in the Record.

The SPEAKER pro tempore (Mr. Serrano). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

BEACH PROTECTION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 1083 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2537.

☐ 1723

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with Ms. Jackson-Lee of Texas (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 4 printed in the Congressional Record offered by the gentleman from New York (Mr. Fossella) had been disposed of.

AMENDMENT NO. 2 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. Eddie Bernice Johnson of Texas:

Page 2, line 5, strike "2007" and insert "2008".

Page 2, line 8, strike "1346" and insert "1346(b)".

Page 4, line 1, strike "304(a)(9)" and insert "304(a)(9)(A)".

Page 4, line 2, strike "1314(a)(9)" and insert "1314(a)(9)(A)".

Page 4, strike lines 4 through 16 and insert the following:

(c) Validation and Use of Rapid Testing Methods.—

(1) Validation of Rapid Testing Methods.—Not later than October 1, 2010, the Administrator of the Environmental Protection Agency shall complete an evaluation and validation of a rapid testing method for the water quality criteria and standards for pathogens and pathogen indicators described in section 303(i)(1)(A).

(2) Guidance for Use of Rapid Testing Methods.—

(A) In general.—Not later than 180 days after completion of the validation under paragraph (1), and after providing notice and an opportunity for public comment, the Administrator shall publish guidance for the use at coastal recreation waters adjacent to beaches or similar points of access that are used by the public of rapid testing methods that will enhance the protection of public health and safety through rapid public notification of any exceeding of applicable water quality standards for pathogens and pathogen indicators.

(B) Prioritization.—In developing such guidance, the Administrator shall prioritize the use of rapid testing methods at those beaches or similar points of access that are the most used by the public.

Page 6, strike lines 13 through 19 and insert the following:

"(9) the availability of a geographic information system database that such State or local government program shall use to inform the public about coastal recreation waters and that—

"(A) is publicly accessible and searchable on the Internet;

"(B) is organized by beach or similar point of access;

"(C) identifies applicable water quality standards, monitoring protocols, sampling plans and results, and the number and cause of coastal recreation water closures and advisory days; and

"(D) is updated within 24 hours of the availability of revised information;

Page 7, line 6, strike "meeting" and insert "meeting or are not expected to meet".

Page 8, line 8, strike "on" and insert "on the Internet on".

Page 8, strike lines 10 through 24 and insert the following:

"(3) Corrective action.—If a State or local government that the Administrator notifies under paragraph (2) is not in compliance with any requirement or grant condition described in paragraph (2) fails to take such action as may be necessary to comply with such requirement or condition within one year of the date of notification, any grants made under subsection (b) to the State or local government, after the last day of such one-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall have a Federal share of not to exceed 50 percent."

At the end of the bill, add the following:

SEC. 11. ADOPTION OF NEW OR REVISED CRITERIA AND STANDARDS.

Section 303(i)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1313(i)(2)(A)) is amended by striking "paragraph (1)(A)" each place it appears and inserting "paragraph (1)".

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, my amendment makes a few technical and clarifying changes to H.R. 2537, as reported by the Committee on Transportation and Infrastructure on December 12, 2007.

First, it makes a technical change to section 5(c)(2) of the bill, substituting the word "criteria" for "guidance" to remove any potential confusion on the intent of this language.

Second, it makes a technical change to section 8 to address potential constitutional concerns raised by the administration on requiring States and local governments to perform certain actions.

The manager's amendment shifts the focus from requiring States and local governments to take certain compliance actions to conditioning a percentage of their annual BEACH grant should they choose not to take such actions.

And, third, it puts in a statutory deadline of October 1, 2010, for the Environmental Protection Agency to complete its evaluation and validation of "rapid testing methods" for the existing coastal recreation water quality criteria. This significant improvement to the bill will ensure that same-day monitoring data will be available before the end of the decade.

Finally, the amendment changes the requirement of section 303(i)(2)(A) of the Clean Water Act to ensure uniformity among States in the implementation of water quality criteria and standards.

This amendment will ensure that should a State choose not to incorporate potentially new or revised coastal recreational water quality criteria into their own programs, the burden falls on the Environmental Protection Agency to propose regulations for such State setting forth the revised or new water quality standards. This was the structure of the original BEACH Act with respect to the first round of water quality criteria that should be carried forward to subsequent revisions to coastal recreational water quality criteria.

The manager's amendment was developed jointly by the majority and minority staffs of the Subcommittee on Water Resources and Environment. I am unaware of any opposition to this amendment, and I urge its adoption.

Mr. BOOZMAN. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Arkansas is recognized for 5 minutes.

Mr. BOOZMAN. Madam Chairman, I want to thank my colleague from Texas for offering this amendment.

While this amendment makes some technical and clarifying changes to H.R. 2537, the Beach Protection Act of 2007, it also makes some improvements to the bill since the Committee on Transportation and Infrastructure favorably reported the legislation in December.

This amendment will require the Environmental Protection Agency to validate and prioritize rapid testing methods by October, 2010; encourage local officials to make publicly available within 24 hours the results of water quality samples; reduces the amount a community may receive if it does not take corrective action when waters are out of compliance with water quality standards; and encourages State and local officials to adopt appropriate coastal and beach water quality standards.

I urge all Members to support the Johnson amendment.

Madam Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, I come to the floor in appreciation of the underlying intent of both the amendment and the underlying bill as well.

But I am mindful of the fact, as I come from the great State of New Jersey and as we think about the issue at hand, and that is our beaches and the shores generally, I was just talking with someone recently that due to the high cost of energy and the high cost of gasoline, a lot of my constituents, quite honestly, won't be able to even enjoy the Jersey shore this summer, to "go down below," as we call it, down to the Jersey shore to enjoy it and enjoy whatever improvements that this amendment, which I support, and the underlying bill, which I support, would bring to us.

So the point I just want to spend a moment on is the fact that while we debate these tertiary issues, the fundamental issue that folks back in my district are concerned about is how are we going to afford in the first place to get about our State of New Jersey, to get to the shore, to enjoy our vacation, to enjoy the beaches if Congress is not doing anything whatsoever to address the high cost of gasoline and to address the high cost of energy in the State of New Jersey and the rest of the country as well.

□ 1730

Here we are now in the ides of April, the middle of April. This is about, let's see, 12, 13, 14, 15, the 16th month now into this, the 110th Congress under the Democrat leadership. And we have to ask ourselves one seminal question, one basic question: What has the 16th month of Democrat leadership brought us in a whole host of areas? And I will get to the energy issue in a minute.

Well, we see in the area of food prices, my constituents also tell me that the price of food, when they go to the A&P or the grocery stores every day, whatever the store is, are going through the roof. The housing crisis. We will go to any committee here. I serve on the Financial Services Committee. We know we are in a terrible housing crisis right now, a subprime crisis affecting credit markets across the country. Fuel costs I have already mentioned. A recession. You know, for the first time in years, we're talking about an economic recession. For all the time that the Republicans were in control of this House and in control of this government, we saw that they were in booming economic times. Sixteen months now into the 110th Congress in a Democrat leadership, off the map on food costs, housing costs, into recession. If that has happened in 16 months, we wonder what will happen if they have another 16 months.

So I would ask whether this Congress could do what my constituents are asking us to do. Maybe address these issues such as beach issues and where we can go on vacation, but can we do those after we get to the more seminal issues, the more fundamental issues, issues that strike at the heart of where America is living right now, issues that strike at, well, their pocketbook and where their money is really going to right now, and that is energy costs.

The other day I just drove out in my driveway of my house. I went down to the main road. And there at the gas station, the price of a gallon of diesel fuel was $4 a gallon. Amazing. $4 a gallon. That means that truckers—those same truckers who have to get down to the Jersey Shore to bring supplies and what have you for vacationers who want to enjoy the beaches and what have you—truckers, I am told, have to spend upwards of $1,000 to fill up their diesel tanks in their trucks to get about our State.

New Jersey is a commuter State. New Jersey is a hub State, a transportation State. Unless Congress is ready to commit itself to really fundamentally look at the underlying causes of the high cost of energy, of the high cost of gasoline, of the high cost of diesel fuel, unless we are ready to work across both sides of the aisle on these issues, these other issues will come to naught, will be of little importance to my constituents if they are stranded at home, if their husbands or their wives don't have jobs because they can't afford to put gas into the car or diesel into the trucks.

So I just come to the floor to raise these issues now and ask that, as important as these beach issues are, can we not really begin to address what the constituents are addressing?

Later on in the evening, I would like to say that there are some solutions, there are some solutions that the American public would like us to begin to address. There are some answers to the fundamental reasons of why the price of gasoline and diesel fuel is going through the roof. There are some basic changes that Congress, this Congress, could be making right now to the energy supply in this country that would help to drive down the cost of energy in this country so that Americans, families in my district and in yours, will be able to address this problem and not have a problem of high energy cost anymore.

Mr. BILBRAY. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BILBRAY. Madam Chairman, I would like to thank and congratulate the gentlelady from the great State of Texas for this amendment. As she knows, it really reflects a strategy that has worked since 2000 when we did the original bill. And I want to thank her as the original author of this bill.

And with this amendment, it brings in that cooperative effort between the local government and the Federal Government. Both the gentlelady from Texas and my background show that that kind of cooperative effort has been essential for the success of the BEACH bill for these last 7 years, 8 years now.

The bill really does, with the amendment, talk about the fact that the best people to take care of the local environment are the local people, that Washington needs to be here supporting and encouraging local people to take control of their own environment.

I think of the old statement that we used back in the sixties and seventies of "acting locally." It was essential for any success that we're going to have with environmental activities. This bill actually builds on that success that we have had in the past.

A note of personal interest, Madam Chairman, is that you never know when and how your own legislation may affect you. And as the author of this bill from 2000, it was interesting to see that when my children were on the computer, they were not just checking out the water quality and if the beaches were open. They were also looking at real-time cameras to see how the surf was that day. How we would have loved to have had that in the sixties when we were growing up that you could actually look out on the water to see not only how good the surf was, but to also see how clean the water was. And with this bill, that is possible.

And so I appreciate the amendment by the gentlelady from Texas. I strongly support it. And hopefully we will be able to get this bill back to the President and get it signed as soon as possible.

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. I too want to thank the gentlelady for this commonsense amendment. I think it does put the responsibility, at least partially, back on those local governments to control themselves. But it is for the same reason that the gentleman from New Jersey got up. My constituents also are concerned about the ability to go to the beaches. No matter how clean we can make them, if they can't get there, then they can't enjoy them.

And we had demonstrations the other day, Madam Chairman. We saw truckers driving around the Capitol, at least along the highway here, protesting the price of diesel fuel. And diesel is over $4 a gallon. And it's costing some of these truckers, independent businesspeople, over $1,000 to fill their trucks up.

And we've had some promises. And those seem to be empty promises that we've had. And I wanted to come today because, as you know, the average price of gas today is about $3.44 a gallon. The price of a barrel of oil is $114 a barrel. And I wanted to just kind of remind some people, maybe we have forgotten that we have had some promises made to the American people to really bring about some change in our government.

I want to read a press release that was dated September 21, 2005 by Speaker PELOSI. "This is of the highest priority to our House Democratic Caucus because it is a high priority for America's working families. Some people have to work 2 more hours a day to cover the cost of gas that takes them to work, if they are making minimum wage."

Well, we raised the minimum wage, but gas has gone up well over $1 a gallon since the Democrats took control and since Ms. PELOSI became Speaker.

September 28, 2005, another press release by the then-Minority Leader Pelosi, "Democrats have been working for months to bring down the price of gas at the pump and home heating oil."

Well, you've been in charge for 16 months, and I don't see what we have done to bring down the price of gas or the price of oil, except we have had some hearings where we question the heads of the oil companies about the profits they are making.

The point is, is that gas has gotten so high that the average person is now having to look at exactly where and what meets the best needs of their family, if they can go to the grocery store or not. That is a consideration that it seems like the Democratic leadership wanted to have for the working family. So why are we doing that? We are spending a lot of time on other issues. But we need to be working on this, something that affects the everyday person.

April 18, 2006, in another press release, Ms. PELOSI said: "But the Republican bills clearly have done nothing to lower gas prices, as the price of a barrel of oil today has settled above $70 a barrel." Man, don't we wish for those days again? At the time it was the highest price in history.

Here is the quote that I think that we really need to get an answer to. "Democrats have a plan to lower gas prices, taking America in a new direction."

There is a new direction. And there is a song that goes with that direction. But I don't see a new direction. Or if we were going in a new direction, it's the wrong direction. Where is the Democratic plan for lower gas prices? Is it on the shelf somewhere? Are we saving it for a time when gas gets above $4 a gallon? Five dollars a gallon? What are we saving the plan for?

Let's bring the plan out tomorrow. Let's vote on it tomorrow. You can waive the rules. As we have seen in this Congress, we can change the rules at any time that it's convenient when we need it, and we really don't have to pay attention to the rules we adopted when you became the majority.

So why don't we bring out this plan? Why don't we have a plan that tomorrow we can tell the American people that the Democrats are going to finally unveil the plan?

Now the plan that we have heard so far from the Energy and Commerce chairman, Mr. DINGELL, is to raise the price of the motor fuel tax 50 cents a gallon. That just doesn't sound like a good plan. One of the other plans that we had was to buy 30 bicycles at a cost of $30,000. I don't know that that's the plan that the American hardworking family is looking for. I mean, I live in Grantville, Georgia, and I would love to ride a bicycle to work, but that would take me quite a bit of time. I don't know. It might take 24 hours for me to ride a bicycle to work. But I don't know how families are going to ride bicycles to work to get groceries, or to go to the store, or whatever they have to do. Riding bicycles to me is just not that new plan.

Now if that is the Democrats' plan, then let's go ahead and unveil it and let the American people see it. I think they want to know what it is.

Mr. OBERSTAR. Madam Chairman, I support the amendment offered by the Chairwoman of the Subcommittee on Water Resources and Environment.

This amendment makes several technical and clarifying changes to the Beach Protection Act, as reported by the Committee on Transportation and Infrastructure.

These changes further improve the underlying bill, and will greatly assist in providing the public with clearer, quicker, and hopefully, more accurate information on the quality of our Nation's coastal recreational waters.

Madam Chairman, I am pleased that we were able to reach agreement within the Committee on establishing a hard deadline for the Environmental Protection Agency to complete its evaluation and validation of a rapid testing methodology for testing coastal recreation waters.

As recognized by the sponsors of this legislation, we need to move away from two-to-three day delays in obtaining information on the quality of our waters, and towards real-time, same-day information. It does no one any good to know that the waters were unsafe for swimming yesterday—yesterday is too late.

We want to know what the conditions of waters are today—before we decide to take ourselves and our families to the beach for the day. This amendment will move us in the direction of providing same-day information on the condition of our recreational waters, and give our citizens the option of avoiding contact with waters that could be potentially harmful to their health.

The Manager's amendment was developed jointly by the majority and minority staffs of the Subcommittee on Water Resources and Environment.

I am unaware of any opposition to this amendment, and urge its adoption.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. BILBRAY

Mr. BILBRAY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BILBRAY:

At the end of the bill, add the following:

SEC. 11. USE OF MOLECULAR DIAGNOSTICS FOR MONITORING AND ASSESSING COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study to assess the benefits of using molecular diagnostics for monitoring and assessing the quality of coastal recreation waters adjacent to beaches and similar points of access that are used by the public.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) to the extent practicable, evaluate the full range of available rapid testing methods, as defined by section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362), and methods that meet prescribed performance standards, including—

(A) the amplified nucleic acid assay method; and

(B) the indicator organisms enterococci and E. coli; and

(2) compare the use of molecular diagnostics to culture testing of same source water, including the time for obtaining results, accuracy of results, and future applicability.

(c) PARTNERSHIPS.—Notwithstanding chapter 63 of title 31, United States Code, the Administrator may award a grant or cooperative agreement to a public or private organization to assist the Administrator in carrying out the study.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BILBRAY. Madam Chairman, this is an amendment that we've worked out with Chairman OBERSTAR and the gentlelady from Texas. It is really an implementation for the new step for the BEACH bill, and that is to go beyond the existing system we used in the last 7 years where public health officials have to wait 3 days to be able to know if a beach has a water quality problem or does not.

Scientists all over the world have been working on what is very close to a real-time response to this concern and be able to empower our local health officials to be able to know, within a few hours, rather than a few days, if it is safe for water contact activity along our beaches.

My amendment just simply allows the administration to do a study within the next 2 years to be able to develop the system that local governments can use to implement the BEACH bill so we don't have to wait 3 days in New Jersey or 3 days in California to know if our beaches are polluted or if they are clean.

With this study, with cooperation between the Federal Government, the local governments and the private sector, we can actually make this system effective so our children and our families know if it is safe to go in that day and not have to wait 3 days to find out if there is a problem.

So, Madam Chairman, my amendment 13 stands. I would ask for support for it. And I think in the spirit of bipartisan cooperation that this bill has carried since the year 2000, I think we can move forward with a system that keeps our families safe and our waters clean.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. I support this amendment offered by the gentleman from California.

First let me commend my colleague from California for working with us to address some of our concerns with the initial draft of this amendment.

□ 1745

The amendment calls for the Administrator of EPA to conduct a short-term study to assess the benefits of using molecular testing for monitoring and assessing the quality of coastal recreation waters.

This amendment is consistent with other changes made by this legislation to encourage EPA to quickly move on the adoption of rapid testing methodologies for pathogens and pathogen indicators. These studies and changes are essential for shortening the time period between when a water quality sample is taken and when the results of that testing can be made available to the public. As I have stated before, the goal of these changes is to move as close to the same day realtime information on the condition of the Nation's coastal recreation waters as possible. This amendment helps move us closer to our goal.

Again, I appreciate the willingness of the gentleman to work with us in crafting this amendment, and I urge its adoption.

Madam Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, I appreciate the comments by the sponsor, and I support the commonsense approach to this amendment as well.

Coming from the great State of New Jersey, who has had when it comes to beach issues over the last 20-some odd years, during which time I had the privilege of serving in the State legislature and had to deal with some of the same issues that are being dealt with right here and now, I appreciate what is being done this evening with regard to realtime recovering and realtime information coming in. New Jersey, I think, is literally on the cutting edge of this information right now. New Jersey is on the cutting edge, having addressed these issues over the last decade, and I appreciate what is being attempted to be done for the rest of the country as well.

That being said, I just want to reiterate my point that I made earlier this evening that here we are back in Congress again this week, and a lot of people are asking me back in the district, what are some of the major issues that you will be working on when you return to Washington this week?

At a town hall meeting and discussions back over the weekend, I gave them a breakdown, this being one of them. And they asked me, wait, you are going to be talking about beach issues? You are going to be talking about some of these other suspension bills we had earlier in the week and I anticipate having later on in the week?

But each time, no matter where I was, my constituents asked me the same question: Well, when is Congress going to begin the debate, when is Congress going to begin the discussion, whether it is in committees or on the floor or elsewhere, to try to address the problem that is really hitting us the hardest here back at home in the Fifth Congressional District, that is the top of the State of New Jersey, the issue that is hitting us the most in the pocketbook here in the great State of New Jersey? And, of course, what they were referring to is the price of energy.

We have just gone through a little bit of a cold snap in the State of New Jersey, as other parts of the country have as well, so for that reason we have seen the use of home fuel oil go up, naturally. It is a scary thing now when you see the delivery truck come to your house to deliver oil to fill up your oil tank, because you know as soon as that man is done delivering that 100 gallons or 250 gallons to your tank in your basement or in the ground or what have you, he is going to hand you a bill at the end of that delivery, and that bill can wipe out your savings for the week, wipe out the dollars that you may have planned to set aside to buy food, to buy medicine, to pay other expenses you were looking forward to have to spend that week.

So the people are asking, when are we going to be doing something? Unfortunately, we are still not doing it right now. Here we are, 16 months into a Democrat-controlled Congress, and still nothing has been done about it.

I refer back, just to give a little element of time to all this, to the chart I have right up here in front of us, to the fact that we do not have a Democrat energy policy to try to address these seminal issues, major issues that are affecting us. Take a look at what the prices are and the result of not having an energy policy to address this.

As this chart shows, the price of a barrel of crude oil when the Democrats came to power just 16 months ago was $58.31 cents a barrel. Fifty-eight bucks a barrel. Here we are less than 2 years later, a year-and-a-half later, and the price of a barrel of crude oil today is $113 a barrel. It is because of that huge increase in the price of the barrel that you and I have to pay so much when that man comes to deliver the fuel oil for our house or when we go down to the gas station as well.

Fifty-three cents on the dollar when you buy gas at the gas station or are buying fuel oil for your house is the price of crude oil. So when you wonder why it is that you are paying so much at the pump or you are paying so much for delivery to your house, it is because it has gone from 58 bucks to 113 bucks. Not over the last 10 years. Not over the last 6 years, or something like that. Not over the period of time when the Republicans were in control. No, not over that entire span of time. But just in the last 16 months under Democrat control we have seen the price of fuel oil spike and go through the roof.

The result of that has been what? The result has been, besides the fact that you now have to spend most of your money going to your fuel costs, the price also has translated into a ripple effect on the price of food, so when you go to the food store, those are through the roof. It has a ripple effect with regard to the overall economy, and so that is why Alan Greenspan was on TV just about 2 weeks ago now saying that he too is agreeing with other economists in this country saying we have entered into a recession.

So if you remember back how strong the economy was, how strong Wall Street was just about 18 months ago, now we see under the Pelosi premium of no energy policy, the result is what you see today.

Mr. WESTMORELAND. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Chairman, I need to continue with some of these quotes, because I think they are pretty interesting as to our energy policy that we have, I guess, or the lack of an energy policy that we have right now.

July 25, 2006, Mr. HOYER, then the Democratic whip, says: "Republicans' failure to craft a forward-looking strategy to deal with the rising costs of fuel over the last 5 years has helped ensure that my constituents would pay a very high price at the gasoline pump today and for at least the next several years."

Well, I guess he is trying to make that statement come true, because it is continuing to rise over the next years. But it is not under our watch. So, Mr. Leader, I want to tell you that the ball is in your court. You didn't think that we could do a very good job with it. And I am reading these quotes. Evidently the now-Speaker didn't think we could do a very good job with it. So the ball is in your court, and I don't see the ball going anywhere except in the wrong direction. The price continues to go up, and I just think we need to see that secret plan that the Democrats have for bringing down our gas prices.

August 16, 2005, a press release by Ms. WASSERMAN SCHULTZ: "The unacceptable rise that we have seen in gasoline prices over the past year can be linked in part to the lack of consumer-oriented energy policy in this country. Gas prices have remained at record levels for about 4 months at $2.25 per gallon nationwide."

Well, I don't know if I am the one that is going to break the news, but right now gas is at $3.44. And this lack of policy that evidently was in effect when gas was only $2.55 a gallon, where is your policy? I challenge you, where is the policy that you had that was supposed to bring these gas prices down that you continually talk about. If you could just get a chance to get your hands on the ball, that you could score. You could score for the American people and you could get gas prices down. You have got your opportunity. You have had your opportunity for 16 months.

September 29, 2005, in a letter to the Energy and Commerce Committee, Mr. TANNER said, "Gas prices in Tennessee and the rest of the country have literally skyrocketed. Our ever-growing dependence on foreign oil only guarantees that we will have to continue dealing with potentially unfriendly countries."

News flash, Mr. TANNER and Madam Chairman: I would like to say that there they are still skyrocketing, and we are still more dependent now on foreign oil than ever before, because the majority does not want us having domestic production. They don't want us drilling in our own territory, on our own Outer Shelf or in Alaska, anywhere, really, to get more dependent on our own oil and our own energy. They decided that riding bicycles was the way to go.

September 9, 2005, a press release, MARION BERRY: "We can barely afford to fill our gas tanks to get to and from work each day, and our farmers are spending everything they have on diesel fuel just to keep their crops alive. These people deserve some answers and a fair price for their gasoline."

You know, Mr. BERRY, I couldn't agree with you more. You made that statement not quite 3 years ago. Where is your answer? You have been in the majority party for the last 16 months, and I don't see any answers to the questions and the comments and the concerns that you brought up for your constituents or these farmers that were spending way too much money then when gas was $2.50 a gallon.

May 22, 2005, in a press release by Mr. PALLONE: "Republicans chose to commemorate the 35th anniversary of Earth Day by approving an energy bill yesterday that raises gas prices. The average price of a gallon of regular gas in New Jersey has increased 40 cents, from $1.66 to $2.06."

I wish we were back to those $2.06 days, don't you? And I don't know what we are going to do to celebrate Earth Day today, but gas, Mr. PALLONE, is at $3.44. So the celebration won't be near as sweet because of the promises that you made to the American people that you were going to bring gas prices down, and they continue to go up.

Mr. OBERSTAR. Madam Chairman, I rise in support of the amendment offered by the gentleman from California, Mr. BILBRAY.

This amendment builds upon the ongoing work of the Environmental Protection Agency to develop the next generation of testing methodologies for coastal recreation waters. These new standards, already well behind schedule, should represent significant improvement over the existing standards for pathogens and pathogen indicators both in terms of accuracy and delivery time.

The amendment of our colleague, Mr. BILBRAY, calls the Administrator of the Environmental Protection Agency to study the benefits of using a "molecular diagnostic for monitoring and assessing the quality of coastal recreation waters." This shift from culture-based testing to molecular diagnostics should significantly reduce the period of time necessary to produce accurate results on the condition of the nation's swimming beaches.

By some estimates, the amount of time that would be necessary under this new testing methodology could fall from 24–36 hours to 1–2 hours. This would represent a significant breakthrough in providing almost instantaneous information to the public on any potential human health risks that might result from coming into contact with contaminated waters.

I congratulate the gentleman for offering this amendment, today, and express my appreciation for his willingness to work with us to address some concerns raised with his initial amendment.

I urge adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. KUCINICH:

Page 3, line 3, strike "indicators" and insert "indicators. If, in carrying out such source identification and tracking program, a source of pathogenic contamination is identified by such State or local government, such State or local government shall make information on the existence of such source available to the public on the Internet within 24 hours of the identification of such source.".

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. KUCINICH. Madam Chairman, my amendment will allow the public to know if a State or local government receiving funds from this act has been successful in its efforts to identify the source of the pathogenic pollution.

The problems created by contaminated surface waters are real. The health risks of swimming in water contaminated with biological pathogens are now well studied. Several studies on surfers, for example, show that the closer the swimming spot is to a sewer or storm water outfall, the higher the risk for walking away with gastroenteritis, respiratory infection, ear infection, salmonellosis, dysentery, skin rashes and pink eye.

The risks are economic as well. Many coastal communities rely heavily on tourism for their local economies. Swimming, boating and fishing all generate significant revenues. Great Lakes boaters spend more than $2 billion per year. Fishing brought in $4.5 billion in 2002. Lake Erie alone generates $2.5 billion annually in tourism revenue.

With the discharges that cause elevated pathogen levels come more than just pathogens. Raw sewage also contains a host of other chemicals, like lead and unmetabolized prescription drugs.

When sewage makes its way into our waterways, it can affect us directly. Lake Erie provides drinking water for approximately 11 million people. According to the Natural Resources Defense Council, the samples taken at Cuyahoga County beaches on Lake Erie in 2006 exceeded standards between 7 percent and 50 percent of the time.

When the Government Accountability Office examined the implementation of the Beach Act of 2000 last year, they identified an important weakness. They found that the causes for the contamination are usually unidentified. The GAO said, "Local officials at 67 percent of Great Lakes beaches reported that when results of water quality testing indicated contamination, they did not know the source of the contamination. Only 14 percent reported that they had taken actions to address the source of contamination."

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Worse, they also found that State and local governments, as BEACH Act grantees, were not able to use their funds to get to the source of the problem. They weren't able to allow the funds to track down the source of the pathogenic contamination.

The Beach Protection Act under consideration today corrects that omission but stops when the pollution source is found. My amendment would spur action by letting the public know when a State or local government is able to identify the polluter. Since grantees are already required to notify the public when contamination is detected, the relevant infrastructure is already in place.

Communities deserve to know about the health risks that exist in their own backyard. With this information they not only avoid exposure to the hazard, but they can also bring pressure to bear to prevent the pollution from occurring.

Citizens should know where and when the contamination occurs so they can avoid it. They should also know where it is coming from so they can work to prevent it.

I urge my colleagues to vote "yes" on the Kucinich amendment.

Mr. SHIMKUS. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chairman, it's great to be down here to talk about healthy beaches again.

I spoke on the rule. The first colleague on the other side talked about oil wells and how they endanger healthy beaches, so it gave me an opportunity to continue to talk about the failed Democratic policies on energy and the continued increase in the cost of energy in this country and the continued future plan for energy increases in the decades to come.

It's a simple economic debate, supply and demand. We need more supply. The failed Democrat policies will not bring more supply to this debate.

How does it relate to healthy beaches? I will tell you how it relates to healthy beaches. What is the most damaging thing to a beach, an oil spill.

How do oil spills occur? They occur when we have these big super tankers traveling all around the world trying to feed the demand. We want to stop oil spills, and the best way to stop oil spills is to develop our own resources, redevelop our own oil wells. In southern Illinois, in Texas, on the Outer Continental Shelf, a lot of the places we have oil, the Democrat majority continues to put them off-limits.

What happens? Prices go up. Here is an example. We have seen this chart before, and I imagine we are going to see it a lot the rest of this year, except there is going to be a change. Every time we see it, the price of a barrel of crude oil is going to continue to go up.

When this majority, Speaker PELOSI, took the oath of office, swore us all in, the price of a barrel of crude oil was $58.31.

What is it today? Actually, this is wrong, they didn't update it. This was from a couple of days ago. I think it raised, got to $114, $114 a barrel. When you do not plan, you plan to fail. The Democrats have no plan. They said they had a plan, Speaker PELOSI is quoted, in a quote on April 24, 2006, "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

I have a plan. The only plan was to increase gas prices, not lower them.

Here is a quote from Majority Leader STENY HOYER on October 4, 2005: "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices." You are doing more for the people who are struggling with high gas prices, you are making it more difficult.

We have, as I have used the term before, bitter change. Why are folks bitter in America? Why are folks bitter in rural America? Because we are paying high gas prices because we can't get supply.

You bet we are bitter, because in rural America we drive the long distances to get to work. We are the folks who don't have buses, we don't have light rail. We have got a lot of rural Members here, and we need big vehicles to haul our beef and our pork and our corn to the refineries. We need trucks.

I brought down pictures yesterday of independent truckers going on strike. Why? Diesel oil is up over $4 a gallon.

When you don't have a plan, you plan to fail. What's the solution? Coal-to-liquid technologies. It's not imported. Coal field, U.S. refineries, U.S. jobs, lower price fuel. That's a solution.

What's another solution? These are all the areas Democrats have put off-limits for exploration. Look at it. You know what is even worse, what you all tried to do in the last energy bill, you tried to take a big chunk out of Colorado and say we are not going to explore there either.

Supply and demand, the simple basic economics. We have higher demand, you don't allow a supply, we get higher prices, over $1.02 a gallon for gas since the Democrats went into the majority. You know what?

It's going to continue to go up. You have no plan. How are we going to get these prices lower? "Oh, let's tax the oil companies." That's really going to bring prices down. You know what that's going to do? It's going to raise prices and you are hurting the people you say you support.

You are hurting the middle class, you are hurting the lower middle class. This also translates into electricity, translates here into your great debate on climate change. JOHN DINGELL said let's address climate change by adding an additional 50 cents a gallon for gas.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The gentleman is reminded that his remarks should be addressed to the Chair.

Mr. SHIMKUS. Madam Chairman, the Speaker of the House, NANCY PELOSI said, "Democrats have a commonsense plan to help bring down skyrocketing gas prices." We are calling it the Pelosi premium.

The Acting CHAIRMAN. The time of the gentleman from Illinois has expired.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. This amendment offers a significant improvement to the underlying bill by assuring that the public is made aware of identified sources of contamination to our Nation's coastal recreation waters. I support those efforts of the gentleman in offering this amendment, and I urge its adoption.

Mr. GARRETT of New Jersey. I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, the previous gentleman was most accurate in his portrayal of what the problem is. Let me just dig into it a little bit more.

Again, as I said before, I support the ideas of the amendment that we are discussing right now in the underlying legislation. My heart just goes out for my constituents at home who may not be able to enjoy the benefits of such, the beaches of the great State of New Jersey and others along the eastern seaboard, simply because, a very practical matter with the high price of energy, the high price of gas, they simply may not be able to afford to get there.

I think I saw it in some news report the other day, how it was characterized, the point that I made earlier and the previous gentleman just made, as the chart just shows, the lack of a plan to deal with the energy problem in this country by the Democrat majority has brought us in this 110th Congress, this huge spike, this huge increase in the price of oil.

As the gentleman explained, it went from $58 per barrel of oil now up to $113, almost $114 per barrel of oil. The paper I think I was reading the other day, I heard it someplace, was this can most appropriately be called, not a Democrat problem, a premium that we are paying for the price of oil. Perhaps, appropriately, the paper called it the Pelosi premium because it comes during the time of this Congress headed by the Democrats.

The previous gentleman from Georgia was saying that, and he laid out very eloquently, that the other side of the aisle had campaigned on, and the Speaker said frequently they had a plan. Well, would that it be that they actually had a plan and began to implement that was beneficial, that would be beneficial, but they have had some sort of a plan.

I have to point this out to the gentleman from Georgia. They have had some suggestions as to what we can be doing with the price of gasoline. Let me just run through a couple of them. One of their suggestions to deal with the price of gasoline was a 50-cent increase per gallon Federal gas tax, which was proposed by the Energy and Commerce chairman.

So we are already paying $3.50 or so for a gallon of gasoline at the pump. The Energy and Commerce chairman said how do we deal with that issue? Let's add a 50-cent increase per gallon Federal gas tax on top of that. That's one part of their plan.

The second plan the other side of the aisle, the Democrat majority proposed to deal with the high price of energy, was a $150 million war surtax. That was under a plan proposed by the Appropriations chairman, DAVID OBEY. We are already paying a high price for gasoline, we are already paying a high price for diesel, home heating fuel. Let's add insult to injury and add a $150 billion war surtax on top of that that you and I would have to pay.

Was that the end of their plan? No, they had a couple of other ideas. Defense Appropriations Chairman JOHN MURTHA and Representative JIM MCGOVERN said low- and middle-income taxpayers should have to pay 2 percent added to their tax bill while higher income taxpayers would take an additional 12 to 15 percent added tax as well. There again, how do you deal with this problem, higher taxes.

Finally, a final proposal to deal with this situation from the Democrat majority, a 5-cent increase per gallon gasoline gas tax was proposed by Representative JAMES OBERSTAR to pay for infrastructure. This proposal, as you may recall, would raise the Federal gas tax to 23.4 cents a gallon from the current 18.4 cents. This was made last summer.

So every proposal that they have had suggested, every proposal that we have heard from the Democrat side of the aisle to deal with the energy crisis in this country, to deal with the fact that energy costs for a barrel of oil going $58 up to $114, their solution to the fact that we are paying $3.25, $3.50, $4 for diesel, their solution so far has done nothing to lower the price. It has done everything to raise the price.

To add insult to injury, their proposal is to add even more by adding additional taxes and surtaxes on top of that.

Madam Chairman, I yield back the balance of my time.

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Chairman, I wanted to continue on to read some of these quotes about the outrage that the majority party had about the prices of gas and oil, and now, as to the outrage of the American people because evidently they felt like there could be a change and that there could be some solution to the price of higher fuel.

On September 9 of 2005 there was a press release sent out by Mr. DOYLE that said, "Supply and demand can't account for the spike in gas prices we've seen." "Americans want and deserve stable, affordable gas prices."

I agree, they do. There have been some broken promises given to the American people about who could produce, because at the time this press release was written, gas was about $2.25 a gallon. It's $3.44 a gallon now.

The party of Mr. DOYLE has been in charge for 16 months. Where is that accountability? Where is the stable, affordable gas prices that Mr. DOYLE said the American people deserved?

We haven't seen them. They are in that secret plan that we are waiting to see unveiled.

June 7, 2006, press release by Mr. DEFAZIO, "Americans deserve an effective, comprehensive solution to the problem of high gas prices and growing dependence on foreign oil. Unfortunately, all they get out of this Republican Congress is a lot of hot air."

Well, Mr. DEFAZIO, I think there's enough hot air to go around because evidently this press release was a lot of hot air.

Gas prices have done nothing but go up. The majority has changed. There is a new sheriff in town, so to speak, that I have heard when this takeover took place, but what is the sheriff doing?

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The sheriff must have lost his gun or something, because, Madam Chairman, there has been no action. There has been nothing. We have discussed a lot of things on this floor, but I don't think there has been anything about higher gas prices.

July 13, 2006, a press release by ROSA DELAURO: "The Bush administration and congressional Republicans have failed to bring up comprehensive energy reform, or any piece of legislation, for that matter, that would lower gas prices."

Well, here it is 2 years later, and I haven't seen anything from the new majority that does anything to lower gas prices or, to quote her, "or anything else."

It goes on, "Addressing these gas prices should be a priority for the congressional Republicans. I urge the Republican leadership to take action to reduce gas prices for consumers."

I want to do the same thing. I want to encourage the congressional Democrats, Madam Chairman, to do something about gas prices and oil prices. I want to see the magic plan.

April 8, 2005, a press release by Ms. DEGETTE: "Thanks to the shortsighted policies of the Republican Congress, our economy and the budgets of all Coloradoans are being hurt by skyrocketing gas prices. In Colorado, gas is up to $2.15 a gallon." Man, don't we wish we had those days when Republicans were in charge and gas was $2.15. Democrats have been in charge for 16 months, and it is $3.44 a gallon.

May 14, 2004, a press release by Mr. ETHERIDGE: "Gas prices in North Carolina and throughout the Nation are at record high levels.

"A major reason for these prices is the high price of crude oil, which has reached $40 a barrel."

Man, don't we wish we had $40 a barrel back.

"We need immediate action to lower gas prices."

Where is the outrage from these people that I am reading quotes from today demanding lower gas prices? I can't hear them. I haven't heard them. I haven't even seen them.

April 27, 2006, a press release from Ms. HERSETH: "We have heard strong words this week about rising gas prices, but words are not enough. Families across America are struggling to fill their gas tanks. They deserve answers and concrete actions, not just lip service."

Lip service, that's what we've got.

Mr. LINCOLN DAVIS of Tennessee. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LINCOLN DAVIS of Tennessee. Madam Chairman, I have listened to the debate on the floor, and I am somewhat puzzled. I have listened to the Republicans accuse Democrats of increasing gasoline prices. It reminds me of the fellow who said it would be like Roho the Rooster going to dinner with Colonel Sanders to imply that we are the ones that have caused this situation to occur this way.

I am looking at places like Dubai, United Arab Emirates, in the Middle East, who are being protected by our young men and women, our brave men and women in the Middle East, in the Middle Eastern war that we have with Iraq. And I watched them build these huge mansions and ski slopes, going out in the ocean and building whatever you would like to have, I guess. Are they selling sand?

I wonder if our President when he went over there realized that the most folks he was going to be protecting were the oil tycoons who are over there in the Middle East.

I wonder why Saudi Arabia is not spending more money to held rebuild Iraq. I wonder why United Arab Emirates and Dubai are building these palatial estates for their folks to have ski slopes in the desert. I wonder why they aren't helping Iraq rebuild. We are there protecting them.

And why isn't Kuwait, who is producing all of the oil, is not helping America, at least helping to defuse the situation in the Middle East?

Why is this President not calling on Saudi Arabia to increase their production so at least we can put maybe a glut of oil on the market that will be threatening and intimidating to the stock markets that choose to drive the price of oil the way that it is. There is no reason it should be inflated the way it is.

Why is this administration not doing something about this? Don't blame Democrats who came on this floor 16 months ago. How in the world can you in all honesty try to imply that it is the Democrats' fault that we are paying $3-plus a gallon for gas today. Look at the circumstances and the situations. Have the Democrats, who in the last few months have tried to say let's find some way to resolve the issue in Iraq, are we the ones who said we ought to stay forever over there, and to disrupt the oil markets, to make people throughout the world, including those in places like India and in China, who are using an increased amount of oil that we can't control in this country, but we can at least control our foreign policy that we have established.

So let's think about what we are being told here. The poorest countries in the world are paying $100-some for oil, just like we are in this country, considered to be one of the richest nations of the world.

India and China are paying the same price that we are paying in this country. I guess the Democrats forced the price up also in China and India. Maybe I'm missing something, but let's be honest in this debate and let's be honest with the American public and let's stop blaming folks for what is happening.

The turmoil and instability in the Middle East has brought about most of the situation that we have, and the economic growth, that may recede dramatically, may also drop it down. That might please you if that happens.

But I can tell you this much, the folks that I represent in my district came to the open meetings, and their concern was gasoline prices just like you're saying about your district.

They are also worried about health care costs and whether or not they will be able to survive. Small business folks are literally losing their business because they cannot afford to keep up the cost both of fuel and of health care costs.

We have a lot of problems we need to address, but blaming someone and saying the last 16 months we have brought to this Nation the high gasoline prices, Democrat leaders have, to me stretches the truth a little bit to where that rubber band breaks.

Mr. OBERSTAR. Madam Chairman, I rise in support of the amendment offered by the gentleman from Ohio, Mr. KUCINICH.

This amendment furthers the overall goals of the BEACH Act in providing the public with greater amounts of information on the quality of their favorite beach locations, including any potential sources of contamination that may make these beaches unsafe for swimming.

The gentleman's amendment would require States and local governments that choose to implement contaminant source identification and tracking programs to ensure that any information gathered on potential sources of contamination be made public. Since, I would surmise, that many potential sources of contamination of coastal recreation waters come from failing wastewater or stormwater infrastructure systems, this increased public awareness on their location and relevance in protecting water quality is important.

I have often heard it said that "out of sight" means "out of mind." This is especially true of the deplorable condition of our Nation's wastewater treatment infrastructure. By providing the public with direct links between the source of the contamination, and the real world implications of potential infrastructure failure, I only hope that we will rekindle interest in reinvesting in our Nation's infrastructure.

This amendment provides yet another avenue for increasing public awareness and pressure on improving our infrastructure, and in turn, improving our overall environment and safeguards for human health.

I urge adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT NO. 7, AS MODIFIED, OFFERED BY MR. KIRK

Mr. KIRK. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KIRK:

Redesignate sections 9 and 10 of the bill as sections 10 and 11, respectively.

After section 8 of the bill, insert the following:

SEC. 9. TREATMENT OF MERCURY AS PATHOGEN INDICATOR.

Section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) is amended by adding at the end the following:

"(j) TREATMENT OF MERCURY AS PATHOGEN INDICATOR.—For purposes of monitoring and notification programs under this section, mercury shall be treated as a pathogen indicator.".

Mr. KIRK. Madam Chairman, in conjunction with the majority and minority, I ask unanimous consent that we consider the modified amendment that I have at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 7 offered by Mr. KIRK:

Strike the text of the amendment and insert the following:

SEC. 11. MONITORING PROTOCOL FOR MERCURY.

(a) REVIEW AND UPDATE OF EXISTING MONITORING PROTOCOLS.—The Administrator of the Environmental Protection Agency shall review and update existing monitoring protocols as necessary for mercury affecting the coastal recreation waters of the Great Lakes.

(b) RECOMMENDATIONS ON TESTING.—In carrying out subsection (a), the Administrator shall develop updated recommendations on testing for the presence of mercury affecting the coastal recreation waters of the Great Lakes, including the presence of mercury in Great Lakes sediment and fish tissue.

(c) PUBLICATION OF WATER QUALITY CRITERIA.—Nothing in this section shall delay the schedule for publication of new or revised water quality criteria as required by section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

Mr. KIRK (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. KIRK. Madam Chairman, I rise in strong support of the Beach Protection Act because it is critical that we protect millions of Americans who use the public beaches each day, like the ones in my own congressional district. Unfortunately, many beaches go unmonitored or face severe delays and do not receive testing results in time to protect the public health. Without proper monitoring and notification, thousands of citizens risk illness due to growing contamination. This legislation provides authority for funding for rapid testing of recreational waters that can save millions from unnecessary beach closings or even hospital bills.

We must not ignore also far more dangerous toxins which have far-reaching effects on the most vulnerable members of our society—our children. Mercury pollution is a serious problem for my district in Northern Illinois, as well as nationwide.

I would like to present to the House a chart which shows mercury depositions for 2001. What it shows here is a picture of both the West Coast, the Midwest and the East as mercury hot spots where further monitoring should be used to protect the public health.

In my own area, the Chicago region, other data shows we could be one of the hottest mercury hot spots in the country. Today there are more than 700 bodies of water throughout the United States that are impaired by mercury. The Great Lakes are particularly vulnerable to this exposure as 36 percent of mercury emissions are generated in the Great Lakes region. In fact, there are currently no less than 18 separate fish advisories for mercury contamination in our region. And yet the Great Lakes remain a source of food, and especially drinking water, for 30 million Americans. This undoubtedly contributes to the recent estimate by the U.S. Government that more than 300,000 American babies are born each year with a risk of mercury pollution.

I will note in my own State of Illinois, pregnant women test 14 times above the background level for mercury in their blood.

We are just at the beginning of learning what mercury deposited in our waterways are doing from American coal plants and other industrial sources.

Some scientists estimate also that 36 percent of mercury settling into U.S. ground soil and waterways comes from Asia, particularly China. We know that China is home to 20 of the 30 most polluted cities on the planet, and their extensive use of coal affects their water and their air in their mercury pollution.

In light of the newly discovered data on global mercury sources and new atmospheric modeling methods, it is critical that we revise the outdated monitoring and testing procedures for this dangerous toxin.

My amendment would require the administrator of the Environmental Protection Agency to update existing monitoring protocols and develop updated testing recommendations for the existence of mercury in the Great Lakes coastal waters, sediments and fish. Funds for this effort would not come out of scarce resources set aside for beach monitoring and testing.

To the chairman and the ranking member who have helped me out with this, I want to thank you for your leadership on this and helping support this amendment in protecting the Great Lakes.

As we enter the summer months when mercury deposition is the highest, I urge my colleagues to support the amendment to help safeguard the future of our generations and the Midwest's most precious natural resource.

Mr. Chairman, I would seek to break up the partisan tone of this debate and offer this bipartisan amendment because I think looking at increased testing and protocols to monitor mercury pollution, making sure especially in the Great Lakes, the source of drinking water for 30 million Americans is safe, we should adopt this amendment.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN (Mr. LINCOLN DAVIS of Tennessee). The gentlewoman from California is recognized for 5 minutes.

MS. RICHARDSON. Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Illinois (Mr. KIRK). The substitute amendment directs the administrator of the Environmental Protection Agency to review existing monitoring protocols for mercury in the recreational waters of the Great Lakes and to make recommendations on their potential revision.

As the Subcommittee on Water Resources and Environment learned at a hearing early last year, mercury is a significant concern in a majority of the United States. For example, according to EPA, 44 States have fish consumption advisories for mercury. More telling, the entirety of the Great Lakes basin is currently under a fish advisory for toxic chemicals, including the presence of mercury.

I applaud the actions of the gentleman from Illinois to bring greater attention to the threat of mercury contamination. Given what we have known about the health impacts of mercury, a mercury advisory in today's day and age is wrong and it needs to be addressed.

This substitute amendment will require the administrator to review and where necessary revise and monitor protocols for detecting the presence of mercury. The amendment directs the administrator to pay particular attention to the presence of mercury in the sediment of the Great Lakes and the fish tissues.

In addition, this amendment provides an additional authorization of appropriations for this review and update. Funding for this study is not authorized from funds made available under section 406(i) for implementation of monitoring and notification programs by State and local governments, nor from EPA funding to implement the BEACH program.

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Finally, this amendment includes a savings clause that insures that this additional study will not delay EPA's ongoing efforts to publish new or revised water quality criteria as required by Section 304(a)(9) of the Clean Water Act.

I support the substitute amendment, and urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. GARRETT of New Jersey. I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. I thank the Chair. And I appreciate the gentleman from Tennessee having come to the floor a moment ago to address this energy and the like. To be honest, that's the only way that we are going to be able to find solutions to these major issues that we need to address, whether it is the Iraq war situation, or this major issue of energy costs in this country.

Obviously, we have been able to find common ground when it comes to, I would catch it, slightly less significant issues dealing with beach quality and what have you. Now if we can find that same comity when it comes to the Iraq war and energy, then we'll be moving in the right direction.

That being said, the gentleman can't disagree with some of the facts that have been set out here for the last evening, and this will probably be my last comment for the night; and that is that the Democrat majority, prior to becoming the majority, did point out some problems with regard to energy prices prior to coming into the majority.

And the gentleman from Georgia went through a litany of quotes from Democrat leadership citing the problem, and making a promise that the Democrat majority had a solution to those problems. I'm eager to see what those solutions are. I would like to extend a hand across the other side of the aisle to work with them, if those solutions were ever forthcoming.

As I indicated in my last comments, the only proposals that I've seen so far from the other side of the aisle have been restrictive or increasing to the cost of energy. They were the two or three tax increases that I ran through before, the 50 cent increase per gallon gasoline Federal gas hike proposed, the $150 billion war surtax or the 5 cent increase per gallon tax hike, all proposals from the other side of the aisle. None of those things will lower the cost of energy. All of those things will raise the price that you and I and everyone else have to pay at the pump.

What we may want to do is look to see what other countries are doing with regard to energy costs in general. Let me just run down real quickly some of these.

Over in China, three or four things. One, China has expanded its natural gas infrastructure by constructing pipe lines. Unfortunately, the Democrats have opposed natural gas production in this country and natural gas infrastructure improvements in the country in general. And the chart that we had up previously showed that as far as offshore.

Secondly, China is rapidly expanding its refining capacity. Unfortunately, Democrats have repeatedly voted against expanding America's refinery capacity. I don't think we've had any new refineries built in some several decades.

Thirdly, China is ambitiously developing its nuclear power energy which plans to spend $50 billion on 30 additional nuclear reactors within the next 15 years. Again, unfortunately, Democrats consider the notion of increasing nuclear power generation in the U.S. basically as off the table.

And finally, China's planning on constructing many new large scale hydro electric projects over the forecasted period, including an 18.2 gigawatt Three Gorges dam project which is expected to come in in 2009. Again, unfortunately, Democrats have actively opposed new hydro electric power plants here in the United States.

So I will end where I began. The gentleman said that we should be concerned about how much money is going to Saudi Arabia and Dubai and all of the things that they're able to build with that oil. I agree.

I wish all of our American tax dollars and American gasoline dollars that we pay at the pump weren't going overseas. But right now, 63 percent of our energy sources are dependent on foreign sources of energy and growing more every year.

What we need to do is make America more self-reliant when it comes to energy. You do that by what we've talked about all evening. Don't tax it, don't raise the cost of production, don't restrict the production here in the United States, don't restrict the ideas of new efficient energy alternatives and the like, but allow it to grow using ingenuity of Americans insight and entrepreneurs, so that we do not have to be more dependent every day on foreign, unreliable sources that are a threat to this country, are a threat to our national security, and put our young men and women in harm's way on the points with regard to war, as the gentleman from Tennessee was pointing out.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. RICHARDSON

Ms. RICHARDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. RICHARDSON:

At the end of the bill, add the following:

SEC. 11. NATIONAL LIST OF BEACHES.

Section 406(g)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1346(g)(3)) is amended by striking "The Administrator" and all that follows through the period and inserting "Within 12 months after the date of the enactment of the Beach Protection Act of 2008, and biennially thereafter, the Administrator shall update the list described in paragraph (1)."

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. Mr. Chairman, when Congress passed the BEACH Act in 2000, it took an important step towards keeping Americans, of which a large majority are ill-prepared children, away from polluted beaches. As a proud Californian, I understand how critical clean and safe beaches are to our State's health, identity and economy. As with airplanes or even drinking water, Americans trust our government to alert them in the event of a safety concern.

I thank Chairman OBERSTAR, and also our great subcommittee chairwoman, Ms. JOHNSON from Texas, for shepherding this important public health and safety bill to the House floor.

This is a vital reauthorization that includes an expansion of the BEACH program by increasing the authorization level by $10 million. This program is most effective when properly administered if the program maintains adequate funding levels and a product result that demonstrates that the resources are well utilized.

The Environmental Protection Agency reported that States significantly increased the number of beaches they monitored from approximately 1,000 in 1997 to more than 3,500 in 2004. There are over 6,099 beaches nationwide.

When the EPA became lenient in the beach monitoring back in 2006, the Natural Resources Defense Council filed a lawsuit against the EPA to protect our public health concerns. Ongoing or periodic monitoring is crucial to maintaining a safe environment.

In my area alone, in Los Angeles County, beach closings due to hazardous bacterial contamination dramatically jumped 15 percent in 2005. During the course of that year, beaches nationwide were closed or posted with health advisories 20,000 times.

Providing sufficient funding to the EPA for testing is only one part of this equation, however. To ensure the American public receives this beach quality information, Congress must compel the EPA to publish comprehensive results that are easily accessible on-line.

This amendment will reinstitute the requirement from the original BEACH Act that would enable the EPA to publish a complete list of every public beach, whether or not it is monitored or not. The EPA's 2004 "National List of Beaches" was an important resource for beachgoers, and this amendment will ensure that the EPA updates and maintains the list every 2 years for the safety of all Americans and visitors alike.

Families, fishermen and sports enthusiasts deserve to know whether the EPA is fulfilling its obligation to protect our community beaches. The Richardson amendment will make sure that this happens.

I urge all of my colleagues to support this nonpartisan amendment.

I yield back the balance of my time.

Mr. BOOZMAN. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Arkansas is recognized for 5 minutes.

Mr. BOOZMAN. I think that the gentlelady from California has a very good amendment. We certainly support it.

I think that requiring the EPA to update the national list of beaches program to alert the public to beaches that had occurrences of pollution is an excellent idea. I think it's a good tool in Congress' toolbox, as we exercise oversight over the EPA's BEACH program.

So I would urge Members to support the amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from California, Ms. RICHARDSON.

The Beaches Environmental Assessment and Coastal Health Act (BEACH Act) was signed into law on October 10, 2000, as a means to reduce the risk of illness to users of the Nation's recreational waters.

The BEACH Act requires states, tribes, and territories to identify their coastal recreation waters and to report on monitoring activities at those beaches. EPA compiled into a single list all of the information submitted by states and territories to EPA as of December 31, 2003.

This National List of Beaches provides the only nationwide assessment of the extent of beach monitoring across the country. The requirements for EPA to create and periodically maintain this list were included as part of the BEACH Act to help EPA determine how to better implement the Act, and minimize the potential human health effects from coming into contact with contaminated waters.

The National List of Beaches also provides information to the public about beaches in their state.

Unfortunately, this important list has only once been published by EPA—in March of 2004. Since that time, we have little information on whether progress is being made towards full implementation of the BEACH Act. No additional nationwide assessments have been conducted to determine whether individual states or local governments are making improvements in the number and quality of local beach monitoring and notification programs.

By requiring EPA to revise this list every two years, we will halve a better idea of the progress that is being made to safeguard public health, and ensure that a trip to the beach will not also result in a trip to the emergency room.

I applaud the efforts of our Committee colleague, Ms. RICHARDSON, for offering this amendment, and I strongly support its adoption.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. INSLEE:

At the end of the bill, add the following:

SEC. 11. IMPACT OF CLIMATE CHANGE ON POLLUTION OF COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the long-term impact of climate change on pollution of coastal recreation waters.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) INFORMATION ON POTENTIAL CONTAMINANT IMPACTS.—The report shall include information on potential contaminant impacts on ground and surface water resources as well as ecosystem and public health in coastal communities.

(3) MONITORING.—The report shall address monitoring required to document and assess changing conditions of coastal water resources, recreational waters, and ecosystems and review the current ability to assess and forecast impacts associated with long-term change.

(4) FEDERAL ACTIONS.—The report shall highlight necessary Federal actions to help advance the availability of information and tools to assess and mitigate these effects in order to protect public and ecosystem health.

(5) CONSULTATION.—In developing the report, the Administrator shall work in consultation with agencies active in the development of the National Water Quality Monitoring Network and the implementation of the Ocean Research Priorities Plan and Implementation Strategy.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. INSLEE. Mr. Chairman, I rise in support of an amendment I'm offering with Mr. VAN HOLLEN. The amendment is quite simple. It will simply direct the EPA to report to Congress on how to mitigate the effects of climate change on recreation at our Nation's beaches.

I'm particularly partial to islands and beaches. I live in one, Bainbridge Island, Washington. It's a great place.

And like others, I'm concerned about the impact of global climate change on rising sea levels that can impact the quality of our beaches. And we need to get to the bottom of what those impacts will be so that we can help local communities respond to rising beaches.

Scientists have agreed that sea level is already rising across our coast. In my neck of the woods, the University of Washington Climate Impacts Group has predicted that sea levels in Puget Sound could rise by as much as 50 inches by 2100. This could have a $1 billion impact on waterfront investment.

Rising sea levels intensify flooding, we know. They intensify storms and the erosion associated with them. And they can impact the water quality of our Nation's beaches as they impact sewage disposal systems.

Already, under BEACH Act programs, the EPA does collaborate with government agencies to predict where and when this pollution can occur. My amendment simply directs the EPA to report to Congress on how climate change may exacerbate those problems.

We know how important recreation is on our beaches. In fact, beaches are the leading tourist destination. I was surprised to learn 85 percent of all U.S. tourism is associated with beaches. They contribute over $700 billion each year to the GDP, and that's not just the Beach Boys.

In 2006, recreation brought in $948 million, just the Olympic and Kitsap Peninsulas where I live. So knowing about the problems we're going to have with climate change locally is a boost. You don't have to live on an island or near a beach to recognize that.

I want to thank the Chair, Mr. PALLONE, and the Chair for their help in drafting and accepting this amendment. And I hope you'll join me in supporting a very commonsense measure to help respond to these problems we know we're going to have. And I hope we can prevent them. But we're going to have some of them no matter what we do.

I yield back the balance of my time.

Mr. HOLT. I move to strike the requisite number of words.

The Acting CHAIRMAN (Ms. JACKSON-LEE of Texas). The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chairman, I rise in support of the amendment offered by my colleague from Washington (Mr. INSLEE) to the Beach Protection Act.

For the last 20 years, my colleagues in the scientific community have issued warnings that the release of greenhouse gases is altering the Earth's climate in ways that are both expensive and deadly. And nowhere is this change more evident than in the changing habitat of our world's oceans.

Science has demonstrated that global change is already causing the sea level to rise. It is predicted that in my home State of New Jersey, the sea level rise will cause a loss of 7 inches to 2 feet of our coastline by the end of the decade.

Of course, changes in the acidity of the ocean from increased carbon is another effect. And as the oceans continue to change, factors that are known to affect water quality along our coastline, such as flooding, storms and erosion, will, of course, occur.

The Inslee amendment simply requires the Environmental Protection Agency to study the effects of the global climate change on our Nation's coastlines. The amendment will help States, local communities and Congress better address the challenges, prepare for the changes, and it will call attention to the steps we need to take to prevent further damage. So I urge my colleagues to support this amendment.

I commend my colleague for preparing and introducing this amendment.

I yield back.

Ms. RICHARDSON. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. I rise in support of this amendment. Mr. INSLEE's amendment calls for the Environmental Protection Agency to conduct a study on the long-term impact of climate change on pollution of coastal recreational waters. The study would include information on the potential contaminant impacts on ground and surface water resources, as well as the impacts on ecosystems and public health in coastal communities like mine.

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The amendment also requires the report to highlight necessary Federal actions to help advance the availability of information and tools to assess and mitigate effects in order to protect our public and the ecosystem's health.

Our coastal waters are hubs of recreation and commerce for all of our Nation's individuals. It is with this in mind that the original BEACH Act was passed. We can expect many changes to occur in a warming world. Amongst these there will be, and it should be no surprise, that changes to our temperature and chemistry of our beaches in coastal waters have already gone into effect. Especially because so many children recreate in these waters, it is imperative to determine whether the contamination that already exists will become more hazardous to the health of our beach users.

I encourage my fellow Members to join with me in support of Mr. INSLEE's amendment.

I yield back the balance of my time.

Mr. SHIMKUS. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chairman, I'm glad we are talking about healthy beaches. As I said earlier, one of the most damaging aspects about healthy beaches is an oil spill, and one way to limit the risk of oil spills is to become more self-reliant, and I know my colleague would appreciate it because he does a lot of renewal, and it's great work, but renewable alone can't fill the future demand. In fact, it really only nibbles around the edges.

I'm also glad we're opening up the discussion to climate change because the reality is is that climate change will cost the American public, and it's going to cost us big bucks. And those of us on our side who are willing to go into debate just hope that there's some honest discussion on the real costs needed.

I'm not a big cap-and-trade guy. I think it's a game by which we're going to play with the consumers hiding the real cost. Chairman DINGELL, intellectually honest, said, let's add 50 cents a gallon to gasoline to help pay for the climate change cost. He's at least being intellectually honest because he's going to go and help the debate saying there is going to be a cost, we're going to have to pay for it, let's add 50 cents to a gallon of gas. Now, a gallon of gas is $3.50; that would make it $4. We know it's going to get to $4 this summer. That means a gallon of gas will be $4.50. That's the challenge.

The California Public Utility Commission on electricity generation said, let's add a 20 to 30 percent surcharge on our electricity bill. That's the cost we're going to incur to comply with climate change.

So, again, we're asking that there be a great debate on climate change, and as we're going to bring in money to help address this, that the people who are going to have to pay these costs know that there's going to be costs. And again, Chairman DINGELL is being intellectually honest. The Public Utility Commission of California is being intellectually honest. And we are going to address that.

Because here is the problem. When the Democrats took office, the price of a barrel of crude oil was $58 a barrel. Now what is it today? I think this is actually wrong. It's $114 a barrel. $114.

Now, I came down here on a 1-minute this week, got some clips. Here is a clip from my district, Independent Truckers Join Strike. Independent Truckers Join Strike. You want to know why the aviation industry is going bust, all of these low-cost airlines? High fuel costs.

So if we want healthy beaches, and we don't want oil spills, we have to develop the resources that we have. We have a solution. One that the Democrat majority is unwilling to bring to the floor; although if they did, we would pass it. I could guarantee we would pass it. And that's using great natural resources in the only coal basin, the high plains of Montana, Wyoming, West Virginia, Virginia, Kentucky, Ohio. We know we have coal under the ground, and we know that we can turn that coal into synthetic fuel. Low-cost fuel, abundant supply, and we know that we can refine this coal using biomass and carbon sequestration cleaner than current crude oil refineries.

And where are our crude oil refineries? They're on the coast. Most of them are in the gulf coast. That's a great place to protect our healthy beaches, by having all of these refineries on the coast. And we saw what Katrina did. Katrina caused a disruption in cost. Katrina caused obviously outages in these refineries. This would give us the opportunity to have refineries located in the heartland with the commodity product of coal right there.

Dig the coal, American jobs; build the refinery, American jobs; refine the oil into fuel, American jobs; put it in a pipeline to the aviation industry, American jobs. What is clearer than that? It's a great success. But we can't get that moved to the floor. So what do we have? No supply, $113 a barrel.

Now I have read the quotes from the Democratic leadership. They had a plan in 2006 to lower gas prices. I have read the quotes. No one has disputed them. And guess what? You have only raised gas prices. And guess what is going to happen this summer? Gas prices are only going to go up higher. When you have no plan, you plan to fail.

Mr. OBERSTAR. Madam Chairman, I rise in support of the Congressman INSLEE's amendment to H.R. 2537, reauthorization of the BEACH Act. This amendment calls for a study of the long-term impacts of climate change on the pollution of coastal waters.

At its center, the intent of the BEACH Act is to provide information and notification for the public with regard to the safety of the coastal waters they use for recreation. It is well-known that climate change may cause significant changes to ecosystems, hydrology, and water temperature. What we are unsure of, however, is the extent to which these changes will occur, and also—importantly—the effect this will have on public health.

For example, if coastal water temperatures increase and freshwater inflows decrease, does this result in a more hospitable environment for pathogens in our coastal waters? Because the public—including children—are in direct contact with these waters, it is of the utmost importance that we have a better understanding of what a warming environment means for public health.

The Transportation & Infrastructure Committee included a similar provision in last summer's energy bill. This program called for a National Academy of Science study to be conducted on the impacts of climate change on water quality, and subsequent ramifications of these changes on the Clean Water Act. While this provision did not survive conference, I am pleased that Mr. INSLEE's amendment picks up in a similar vein.

I call on other members to join me in supporting passage of this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Madam Chairman, I have an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. MCCARTHY of New York:

At the end of the bill, add the following:

SEC. 11. PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with appropriate government agencies (including the National Institute of Environmental Health Sciences), shall conduct a study of the presence of pharmaceuticals and personal care products (in this section referred to as "PPCPs") in coastal recreation waters .

(b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall—

(1) identify PPCPs that have been detected in the waters of the United States and the levels at which such PPCPs have been detected; and

(2) identify the sources of PPCPs in the waters of the United States.

(c) EXAMINATION OF WASTEWATER EFFLUENT AND RUN-OFF FROM AGRICULTURAL PRODUCTS.—In identifying sources of PPCPs under subsection (b)(2), the Administrator shall examine wastewater effluent and run-off from agricultural products.

(d) REPORT.—Not later than one year after the date of enactment of this Act, in order to provide a better understanding of the effects of PPCPs in the waters of the United States on human health, aquatic animal health, and aquatic wildlife, the Administrator shall submit to Congress a report on the results of the study conducted under this section.

(e) PHARMACEUTICALS AND PERSONAL CARE PRODUCTS DEFINED.—In this section, the terms "pharmaceuticals and personal care products" and "PPCPs" mean products used by individuals for personal health or cosmetic reasons or used by agribusiness to enhance growth or health of livestock.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Madam Chairman, I would first like to congratulate the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR; the subcommittee chairwoman, EDDIE BERNICE JOHNSON; and the sponsor of the bill, Mr. PALLONE, for bringing forth such important legislation. The bill will help ensure that our beaches are safe for swimming as we enter the summer months.

Today, I will be offering an amendment to H.R. 2537, the Beach Protection Act of 2007, in order to raise awareness of Congress about the presence of pharmaceuticals in our Nation's drinking water. We must begin to better understand this important issue.

At the end of the debate, I intend to withdraw this amendment.

A recent Associated Press study brought to life the fact that pharmaceutical products have been found in the drinking water supply of at least 41 million Americans. In my State of New York, health officials found heart medicine, infection fighters, estrogen, mood stabilizers and tranquilizers in Upstate water supply. Six pharmaceuticals were found in the drinking water right here in Washington, D.C.

We don't know how the pharmaceutical enters into the water supply. But it's likely that some medications that are not fully absorbed by the body may have passed into the water through human waste. In some other cases, unused pills may have simply been flushed down the toilet.

Additionally, some agricultural products and medications may have run off into the groundwater supply.

In addition to antibiotics and steroids, EPA has identified over 100 individual pharmaceuticals and personal care products in environmental samples and drinking water. Wastewater treatment plants appear to be unable to completely remove pharmaceuticals from the water. The presence of the pharmaceuticals in the water raises serious questions about the effects on human health and wildlife.

My amendment would require EPA to conduct a study on the presence and source of pharmaceuticals and personal care products in coastal recreation waters.

Pharmaceuticals and personal care products include prescription and over-the-counter therapeutical drugs, veterinary drugs, fragrances, lotions, and cosmetics, as well as products used to enhance growth or health of livestock. The report will be used as part of the government efforts to better understand the effects pharmaceuticals in our waters have on human health and aquatic wildlife.

Unfortunately, I recognize that this bill is not in the proper venue to adequately address safe drinking water. Therefore, I will withdraw the amendment shortly.

Instead, I am drafting a stand-alone legislation on this issue and will call for congressional hearings so that we can better understand the problems associated with pharmaceuticals in our Nation's drinking water supply.

We need to know how the pharmaceuticals are entering the water supply, how much is in the water, what are the effects of human health and adequate plant life, what is the best way to dispose of pharmaceuticals, and how should we treat water that has been contaminated with pharmaceuticals and personal care products.

It is vital that Congress take up and champion the cause of keeping our coastal recreation and drinking water safe. This is a public health issue. And we must act before the presence of pharmaceuticals reaches crisis levels.

Congresswoman RICHARDSON, will the committee work with me on legislation to address the presence of pharmaceuticals and other care products in our Nation's water supply and help further our understanding of the effects on the human health and wildlife?

Ms. RICHARDSON. Madam Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentlewoman from California.

Ms. RICHARDSON. Madam Chairman, I understand that the gentlewoman from New York (Mrs. MCCARTHY) will be withdrawing this amendment, but I commend her consideration of this very pressing matter. And it is one that I look forward to working with her on in the future.

Since at least 2002, we've known that a wide variety of chemicals, including pharmaceuticals, personal care products, and others such as fire retardants, are ending up in our Nation's water as you just expressed. More recently, the Associated Press found that the drinking water supplies of 24 of 28 municipalities tested had pharmaceuticals present. While the levels of these largely unregulated chemicals are low, their presence raises a number of troubling issues such as the long-term human health impacts on adults and any different impacts on children.

It is fair to ask how do these pollutants get into our streams and drinking water supplies in the first place. I understand that the Subcommittee on Water Resources and Environment may further this issue over the upcoming months and examine it in great detail with you.

I look forward to working with the gentlewoman from New York and other Members who have raised concerns about these reports on pharmaceuticals and other chemicals in our Nation's water.

Mrs. MCCARTHY of New York. I thank Congresswoman RICHARDSON for her assistance and again congratulate her on her leadership.

At this time, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ELLSWORTH) having assumed the chair, Ms. JACKSON-LEE of Texas, Acting Chairman of the Committee of the

Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, pursuant to House Resolution 1083, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2537, BEACH PROTECTION ACT OF 2007

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that in engrossment of H.R. 2537, the Clerk be authorized to correct section numbers, punctuation, cross-references and to make other technical and conforming changes as may be necessary to accurately reflect the actions of this House.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

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JUDGMENT DAY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, today, the Supreme Court declared that lethal injection is a constitutional form of execution under the eighth amendment. The unofficial moratorium on the death penalty across this Nation is now over.

Two death row killers argued that lethal injection was cruel and unusual punishment. I was present at the Supreme Court today when in a 7–2 opinion the Court rejected the challenges of these two outlaws. They are both from Kentucky. One is Ralph Baze. He murdered a sheriff and a deputy sheriff 16 years ago when they were trying to serve him a warrant. Sixteen years later, Baze is still living while the two officers' families wait for justice.

The other killer, Thomas Bowling, murdered Tina and Edward Early outside their dry cleaning business 17 years ago. Bowling also shot the Early's 2-year-old son, but he survived, although he is an orphan today.

Baze and Bowling argued that there were risks of pain from lethal injection. Of course neither one considered the pain that they inflicted on their victims or their victims' families.

The Supreme Court rightfully decided that lethal injection is constitutional. Baze and Bowling earned the punishment that the juries imposed. Justice can be delayed no longer. It's time for both of these killers to have their judgment day.

And that's just the way it is.

TURNING OUR BACKS ON COLOMBIA

(Mr. WELLER of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER of Illinois. Mr. Speaker, I rise to express my concern over an action taken by the majority in this House this past week when this House, the majority of the House, the Democratic majority, voted to turn its back on the Republic of Colombia.

You know, when you ask the question of all of Latin America, who is our Nation's best friend, America's best friend in Latin America, everyone says the democratically elected government of Colombia. And when people ask who is America's most reliable ally when it comes to counternarcotics and counterterrorism in Latin America, everyone says it is the democratically elected government of the Republic of Colombia.

Ladies and gentlemen, the damage that was done to the image of the United States is going to take us a long time to recover as a result of this House voting to turn its back on America's best friend in Latin America, the democratically elected Government of the Republic of Colombia.

HONORING DR. BERTRAM W. COFFER

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I rise today to honor and recognize a pillar in the medical community, as well as a friend, Dr. Bertram W. Coffer, who recently passed away.

Coffer's medical career began in 1975 when he joined Raleigh Anesthesia Associates. He was 34 years old and married to the former Jeanne Gardner, a registered nurse he had met in a Duke University Medical Center operating room while working as a scrub nurse to pay his way through NC State University.

He later served in the U.S. Navy as a Lieutenant Commander, had 2 years of surgery residency at Duke, and completed his residency in anesthesiology at UNC-Chapel Hill. Coffer went on to become not only a certified anesthesiologist, but someone who brought added value to the care of all patients.

Bert instituted many positive changes in the way his practice operated in the community hospital. Today, the American Society of Critical Care Anesthesiologists touts the Raleigh Practice Center/Critical Health Systems model, whose essence reflects one of Bert Coffer's philosophies, which was, "Act like a physician first, and always make yourself indispensable and worthwhile." Certainly, the redefinition of anesthesiology by Coffer and RPC/Critical Health Systems helped change the future of the specialty.

What a dear friend and wonderful human being. Our thoughts, prayers and sympathy go out to Jeanne, his wife, children Bert, Natalie and Holly, and all their families. We will miss you, Bert.

Mr. Speaker, I rise today to honor and recognize a pillar in the medical community as well as a friend, Dr. Bertram W. Coffer, '66, who passed away on Thursday, April 10, 2008, at Rex Hospital. He was a native of Sanford, and predeceased by his parents, Dalton and Virginia Coffer, and a sister, Carol Thompson.

Bert was a dedicated and caring physician for 43 years serving at Rex Hospital for the last 33 years. He was a graduate of NCSU in 1964, UNC Medical School in 1969. He completed a surgical residency at Duke from 1969 until 1971 as well as an anesthesia residency at UNC in 1975. He began practicing in 1975 when he joined Dr. Lewis Gaskins and Raleigh Anesthesia Associates, which he eventually incorporated and developed into Critical Health Systems. One of his guiding philosophies was "Act like a physician first and always make yourself indispensable and worthwhile". He had a vision for the advancement of anesthesiology into new areas such as intensive care, critical care, pain management, and total patient care. He served as CEO from 1975–1996. He was a member of numerous boards, including the Rex Hospital Executive Committee and the Ravenscroft Board of Directors. He was also president of the Royster Medical Society in 1983 and the president of the Wake County Medical Society in 1986. In addition, he was an active member of the American Society of Anesthesiologists for over 30 years, serving on many committees and receiving the North Carolina Society of Anesthesiology's Distinguished Service Award. In 1974 he worked with Project Hope at the University of West Indies in Jamaica. During the Vietnam war era he was commissioned as a Lt. Commander and stationed at Jacksonville Naval Air Station in Florida as an anesthesiologist. As an NCSU alumni he was still active and established the Caldwell-Coffer scholarship.

His strong commitment to his country led him to a very active role in politics and public policy.

RECOGNIZING THE SISTERS OF MERCY ON THEIR 150TH ANNIVERSARY

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise today asking you to join me in recognizing the 150th anniversary of the Sisters of Mercy of Buffalo, New York.

The Sisters of Mercy were founded in Dublin, Ireland, in 1831 by Catherine McAuley. The first order was formed in the United States in 1843 in the city of Pittsburgh.

The Sisters of Mercy came to Buffalo, New York in 1858. And since that time, from a small teaching order of Mercy nuns, they established a Catholic school system in Buffalo, New York, hospitals where they ministered to our sick, schools where they taught our children and provided an extraordinary example of compassion and love throughout the western New York community.

The Sisters of Mercy are also doing extraordinary humanitarian work throughout the entire world in very volatile places like Africa and the Middle East. And the Sisters of Mercy were represented here today in our Nation's Capital at the first papal visit of Pope Benedict to the United States.

Sister Margaret Ann Coughlin, a long-time friend and 50-year member of the Sisters of Mercy, was here today to join in the celebration that this Nation held in welcoming the new Pope to the United States.

The Sisters of Mercy have cared, not only in the United States, but throughout the world, for the despised and the dispossessed. And those who have been forsaken have never been forsaken by the Sisters of Mercy.

A lot of the institutions that they started, schools, hospitals, are now run by lay people and also administered by lay people, but what remains, Mr. Speaker, is the constant love and compassion, that principle that was established first and foremost and continues today by the Sisters of Mercy.

NATIONAL HEALTH CARE DECISIONS DAY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise on National Health Care Decisions Day in support of health organizations all over the country who are educating the public about what it means to have an advance directive, or a living will.

Mr. Speaker, advance directives allow individuals to maintain control of their health care decisions even at the end of their lives, regardless of the circumstances that they may face at that time. It is crucial for individuals to understand the options that presently exist so that they may convey their end-of-life medical wishes accurately and effectively. Accordingly, I have introduced a resolution, H. Con. Res 323, supporting the goals of the National Health Care Decisions Day, which has garnered broad bipartisan support in both the House and the Senate.

Mr. Speaker, this bill does not express what those end-of-life medical decisions should be, rather, it simply encourages Americans to educate themselves about these very difficult issues and to talk about them with their loved ones.

I want to thank the more than 100 Members of Congress who have already joined me in cosponsoring this resolution. And of course I look forward to it being considered on the floor very soon. And I encourage all Americans to set aside time to have what may very well be one of the most important conversations a family can have.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2833

Mr. COURTNEY. Mr. Speaker, I ask unanimous consent to remove MADELEINE BORDALLO, RON KLEIN and JOHN BARROW from H.R. 2833, the Preexisting Condition Exclusion Patient Protection Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

VETERANS CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, occasionally things happen when you're in Congress that make you so angry that you can't hardly stand it.

I got a call this past week, Mr. Speaker, from a friend of mine from my childhood. And her brother is a veteran who was in the veterans hospital, and he was assigned to a community residential care program. That's where they put one of these veterans into a home in a neighborhood with other veterans, and they're supposed to be cared for.

She told me that the place where he was being kept was not clean and that the room he was in had a window that was sealed shut. He took oxygen, and there were no signs or anything that dealt with the oxygen that he was taking. A dog in the house came into his room and chewed through his oxygen tube. He had to keep his door shut, so it virtually made him a prisoner in this house.

There were four veterans in this house. And the attitude of the person who ran this home was not anything that you would call conducive to good care. The two sisters of his were very, very upset and they thought that he shouldn't be kept in this place, and they asked me if I would check into it. So I called the caseworker, a lady named Pat Erp, and she told me that everything out there was fine. I said I wanted to see for myself. So I went out to the house. By the time I had arrived, they had contacted the woman who owned the house, and she was very hostile and said she wouldn't allow me, even though I was a Member of Congress, to take a look at the circumstances under which Mr. English was living, that's my buddy from childhood, Paul English. I didn't want to press the case, so I called the director of the Roudebush Hospital in Indianapolis. He wasn't in, but I did get his assistant director, who was very nice, and he agreed to have somebody come out there and take a look at the situation.

He came out with two ladies who were nurses there. And my childhood friend's sister went into the house with him to try to get his clothes and everything out of there so they could take him to her house until they found another place for him to be kept.

They were hostile, the two nurses from the Roudebush Hospital were hostile. They evidently changed the cord on his oxygen equipment, and they said that nothing like that happened, and yet his sister saw that it happened and they were very upset.

The room in the house was not clean. He had two towels in his room, both of which had holes in them, obviously older. And on the weekends, the caseworker said that the woman who took care of these veterans who were in her care would leave for the weekend and left a pot of food on the stove.

This isn't the way that our veterans ought to be taken care of when they're in a community residential care program, so I decided to pursue it further. And I got a call today and I returned the call of a lady named Phyllis Beamon, who is the head of the Extended Care Unit at the Indianapolis Veterans Affairs Medical Center, the Roudebush Hospital today. And she indicated that everything was fine and that they've used this house and this caregiver since 1983. And I could only imagine what other veterans had to live with who lived in this house since 1983 and were given this kind of "care."

I can't tell you how this affected me. I served on the Veterans Affairs Committee for 10 years. And I had heard stories like this before, but I always felt that the veterans were getting the quality of care that we were paying for as taxpayers, and they were being taken care of. And yet my friend from my childhood was being mistreated, in my opinion.

His sister finally got him out of there and took him to her house. And the day after she took him to her house, because of the stress he was under, he had a heart attack. He went to the hospital and they put two stints in him and he did survive.

Don't misunderstand, Mr. Speaker, I think the people that serve in our veterans hospitals for the most part do an outstanding job. The nurses and the doctors who serve our veterans do a good job, but there are occasions when the care is not just less than adequate, it's almost criminally inadequate.

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And this is one of the cases that really bothers me. And I'm going to call for a complete investigation of the Community Residential Care program and the people who provide it at the Indianapolis Roudebush Hospital, not because I don't think that most of the people who work at the hospital do a good job, because I think they do, but I think there's a dereliction of responsibility in this Community Residential Care program that needs to be corrected and it needs to be corrected very, very quickly.

We shouldn't have a veteran in a room in a house with the windows sealed so he can't get out in the event of an emergency. We shouldn't have him taking oxygen with a dog that's going to come in the room and chew on his oxygen tube. We shouldn't have people that are leaving the premises unattended with four veterans in there on a weekend and telling their relatives, well, you ought to take him someplace else because there won't be anybody here, and if they are here, they leave the food on the stove so they can get their own food. And these people, many of them, are mentally challenged, like my friend is. He's had some psychological problems.

Let me just say in closing, Mr. Speaker, this is something that needs to be addressed. There needs to be an investigation of the Community Residential Care program in Indianapolis, and if it's like this in other parts of the country, we need to have a national investigation.

JOSIAH AND KATHLEEN PIERCE, 2007 NATIONAL TREE FARMERS OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise this evening to congratulate two of my constituents, Josiah and Kathleen Pierce of Baldwin, Maine, for being selected as the 2007 National Outstanding Tree Farmers of the Year.

Jo and Kathy were selected by the American Tree Farm System for their sustainable management of approximately 2,000 acres of woodland in Southern Maine. Part of the property has been in Jo Pierce's family for six generations.

Jo describes his management philosophy as 100-year thinking about preserving the land's ability to pay for itself by periodic logging and yet maintaining the diversity of plant and animal life that can only be found in and around old forests.

Jo and Kathy's grandchildren represent one measure of long-term management. Jo wants them to marvel at rare and unusual plants and animals that are otherwise frequently lost to short-sighted harvesting. Jo and Kathy keep their property open to the public for hiking, hunting, and other traditional uses. They want other people to experience their own attachment to the land.

The award recognizes Jo and Kathy's civic contributions. In particular, Jo's service as president of the Small Woodland Owners Association of Maine, an influential State advocacy group, demonstrated his interest in sharing his knowledge of sustainable forest management with other owners.

The award is also a tribute to Rene Noel, the forester who advises Jo and Kathy about best practices with respect to management of their land.

Maine is a small State. I am particularly pleased to recognize Jo and Kathy's achievement because Jo and I have known each other for many years. Our fathers were friends. We share a similar perspective about our forest property, and we share the same forester.

In Maine and across the country, much of our forest land is in private hands and often in relatively small lots owned by individuals. The future quality of our forests, and the diversity of life they sustain, depends in large part on the knowledge and commitment of their owners, especially to their "100-year thinking" about sustainable management.

Jo and Kathy Pierce, National Outstanding Tree Farmers of 2007, are models for how other forest landowners can use, protect, and preserve for future generations the woodland habitat they own today.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 16, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,868 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Mr. Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Mr. Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

Mr. Speaker, let me conclude, in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,868 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 16, 2008—12,868 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of the free and the home of the brave.

FORMER PRESIDENT JIMMY CARTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker and my colleagues, I rise to condemn the fact that former President Jimmy Carter on Friday is going to Damascus to meet with the senior Hamas leader. This is really a disgrace, and, frankly, I think that Jimmy Carter embarrasses himself by doing so.

Hamas is a terrorist organization. It is designated a terrorist organization by both the United States and the European Union. Hamas has been responsible for the murders of 26 Americans, and I would like to read the names and I would like to submit into the RECORD this list of the 26 Americans that have been murdered by Hamas:

Yitzhak Weinstock of California, Nachshon Wachsman of New York, Sara Duker of New Jersey, Matthew Eisenfeld of Connecticut, Ira Weinstein of New York, David Boim of New York, Yael Botwin of California, Leah Stern of New Jersey, Malka Roth of New York, Judith Greenbaum of New Jersey, Marla Bennett of California, Benjamin Blutstein of Pennsylvania, Dina Carter of North Carolina, Janice Ruth Coulter of Massachusetts, David Gritz of Massachusetts, Rabbi Eli Horowitz of Illinois, Dina Horowitz of Florida, Alan Beer of Ohio, Tzvi Goldstein of New York, Goldie Taubenfeld of New York, Shmuel Taubenfeld of New York, Tehilla Nathanson of New York, Yitzhak Reinitz of New York, Mordechai Reinitz of New York, David Applebaum of Ohio, and Nava Applebaum of Ohio.

Twenty-six American citizens killed by Hamas, and yet Jimmy Carter would shake the hand of the leading Hamas terrorist with blood on his hands. Shame on Jimmy Carter.

Today Jimmy Carter was in the West Bank and met with another Hamas leader and laid a wreath at the grave of Yasser Arafat. Isn't that really something?

Hamas does not recognize Israel's right to exist, does not renounce violence and terrorism, and refuses to abide by all previous agreements signed by previous Palestinian Governments. And yet Jimmy Carter would shake the hands of murderers and terrorists with blood dripping from their hands. It's no wonder that the Daily Star in Lebanon has an article today saying "Jimmy Carter, a Fool on a Fool's Errand." It's surely disgraceful. This is a new low.

Jimmy Carter wrote a book, "Palestine: Peace not Apartheid," and fabricated portions in that book. I spoke with the former leader of the Carter Center, who said he was with Jimmy Carter on a number of these meetings and the accounts that Jimmy Carter wrote in his book were absolutely incorrect and falsified because he was in the meetings with Jimmy Carter and took notes.

So I just want to say that I think all freedom-loving people ought to condemn any kind of meetings with terrorists. To meet with terrorists only encourages them to do more terrorism so that they can be players. It's truly a sad day when a former President of the United States will shake hands and greet the leading terrorist, the leader of the leading terrorist organization, Hamas, a man who was responsible for the deaths of 26 Americans, countless more, with blood dripping from his hands. It is truly a shame. I believe that we should all condemn it.

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I want to commend the gentleman for the courage and the leadership that he is providing on the very important issue of standing up for Israel and the right of Israel to survive and how much I have enjoyed working with the gentleman from New York on this issue and for him to come to the floor and make these comments and voice my total agreement with the sentiments that he is stating here tonight.

This is a very, very important issue. Israel is a key ally of the United States in the war on terror. And now is the time for us to stand together with the people of Israel, and I want to commend the gentleman.

Mr. ENGEL. I thank my friend from Florida, and I want to return the compliment. It has been a pleasure working with him in doing everything we can to strengthen the U.S.-Israel relationship, two democracies with shared values and shared beliefs, and it's been a pleasure working with my friend from Florida.

BUDGET SCHOOL: THE RIGHT TO KNOW HOW WASHINGTON SPENDS YOUR MONEY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate that our majority has set up this Special Order hour and those of us in the minority have the opportunity to come to claim this time and to talk about issues that are of tremendous importance to us.

Over the past few weeks, some of my colleagues and I have come to the floor on a weekly basis, and we have talked about the Federal budget and what you find in the Federal budget. And, Mr. Speaker, we think that this is a very important thing to do because the budget that the majority has brought to us this year is a rather large budget and it contains the single largest tax increase in history.

So we have spent some time talking with our colleagues and with our constituents about what you actually find in this document. Now, we have called this "Budget School: The Right to Know How Washington Spends Your Money." And, of course, as each week we have talked about this, you can go to the whitehouse.gov Web site and go to OMB and pull down a copy of that budget. Then you can get the Republican response from budget.house.gov/republicans and see what we would do, how we would go about reducing the taxes that you pay and making certain that you, the taxpayer, are keeping more money in your budget.

Now, if you want to watch some of the sessions that we have had on Budget School, you can go to house.gov/blackburn, and there are some Budget School resources there. One of the resources that we have used is the Basics of the Budget Process briefing paper. You can go to the Budget Committee Web site, budget.house.gov/republicans, and be able to get a little bit of information about how we actually go through this, how you look at the different functions of the budget, where you find those, looking at the size of the budget, being able to follow it through, looking at the timeline of the budget and how it goes through the process of the President's presenting his budget, then its going to the committee, how the committee works through the process, brings it to the floor, and then this summer as we start through appropriations and through the earmarking process. And we're going to be back to talk about that part of the budget, the earmarks, as we get into the summer.

Tonight as we talk about process and what has actually happened, I want to welcome to the floor and to this session of Budget School the ranking member, and the ranking member of the Budget Committee is our number one Republican on the Budget Committee, and this is the gentleman from Wisconsin (Mr. RYAN), who is known for being one of the top fiscal conservatives in the U.S. Congress. And I am delighted that he has joined us for Budget School. He is a leader in the Republican Study Committee and a leader on the Budget Committee.

I yield to the gentleman.

Mr. RYAN of Wisconsin. I thank the gentlewoman for yielding. And I want to just thank you for all the leadership you've shown not only on this issue but that you've shown throughout your career. You fought the income tax in Tennessee. You're here fighting for lower taxes here in the U.S. Capital, and I want to thank you for all the leadership you have shown. And it's a pleasure for me to join you with this.

I thought, given the comments recently by our majority leader about this year's budget, it would be fitting to go through the budget that we're talking about.

The majority leader just said, in one of the publications printed here, that we don't need a budget conference report. Now, that's happened in the past. Under Republican leadership, when the Republicans ran the majority, there were a few times when the Republicans were unable to pass a budget. And you know what happens? No priorities are set. What happens when a budget is not passed, when a budget is not agreed to between the House and the Senate, is that only spending occurs or tax increases. And so there's no chance of fiscal discipline. There's no chance of putting us on a path to balancing the budget, to making sure we get rid of the deficit and pay down the debt. There's just spending. And 1 year into the majority, 1 year into the majority, they're now showing us that just 1 year in the majority they can't pass a budget.

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They don't have a plan to get us to a balanced budget. They don't have a map for the fiscal future of our country. But they can come to the floor with spending bills. They can come to the floor to spend more money. And in fact, they do have a plan. And this budget is not necessary to raise taxes.

So I would like to talk about exactly what it is that they have been proposing, what it is our partners on the other side of the aisle have proposed. And if you take a look at what they proposed this year, it is the largest tax increase in American history. The biggest tax increase before this was back in 1993. That was a $241 billion tax increase.

This tax increase that they're proposing now is a $683 billion tax increase. Now that is a big number. People probably want to know what does that number mean? It sounds big. It is going to do a lot.

Well, here is exactly what they mean when they are talking about a $683 billion tax increase. They want ordinary income taxes to go up across the board. So for people who got an income tax rate cut, that is every income taxpayer in 2003, they are going to go up across the board. We are now going to make small businesses who file their taxes as ordinary income taxpayers at about a 40 percent tax rate.

What is interesting is the people in the top tax bracket. We hear a lot of people running for President saying, we want the rich people to pay taxes. Guess what? Seventy-five percent of those who file in the top tax bracket are small businesses. They are not Warren Buffett and Bill Gates. They are small businesses who pay their taxes as individuals because that's the way small business taxation occurs in America.

What's more to the point is the fact that 70 percent of our jobs in America come from small businesses. So they're saying, not only do we propose to raise income taxes across the board for all income taxpayers, also on the engine of economic growth and job creation in America is small businesses. They're also saying, we want to raise taxes on capital gains and dividends. Those are the taxes that affect the value of our 401(k) plans, our IRAs and our pensions.

They also want to bring the death tax back into full force so that you pay taxes not once, not twice, not three times while you are living, but after you die as well. They also want to bring the marriage penalty back. We actually repealed the marriage penalty in 2003. They are proposing that it comes back in so they can spend that money on more government spending programs here in Washington. That hits taxpayers an average of $1,400 per married couple.

They are also proposing to cut the child tax credit in half from $1,000 down to $500. That means a tax increase of $500 per child. And they are also proposing to get rid of the lower income tax bracket, which is a 10 percent bracket, to a 15 percent bracket.

Mrs. BLACKBURN. If the gentleman would yield, I would like to go back to this poster for just one moment.

So what I am hearing you say is you all worked through this process in Budget Committee. And as the budget document came to you from the President, and then you worked it through committee, this is the resolution that the Democrat-led majority came to in that committee, that they didn't want to have a budget that stressed priorities. They didn't want to have a budget that was going to lessen the burden on the taxpayer. What they wanted to do was have a budget that was just going to keep the focus on spending and taking more out of the taxpayers' pocket.

And in order to get to their number, their desired number, the $683 billion tax increase that's going to take place over the next 5 years, what they are willing to do is to have those income tax rates go back up, the marginal rates go to 39.6 percent, which will affect so many of our small businesses.

And as you so rightly stated, 70 percent of all the jobs in the country come out of the small business sector. Capital gains, which are very important to our senior citizens, those that are living on retirement income, who have worked hard, who have built a nest egg, who have saved, we are going to see that go up to 20 percent. The death tax is one of those taxes that I think is so egregious because you acquire something, you pay tax. You earn the income and you pay tax. You make an acquisition and you pay tax. You maintain it and you are paying tax. Then if you have a capital gain, you pay tax. If you put that aside so that you're leaving something for your family, the government reaches in, the IRS reaches in one more time after you're gone and takes it again. And that is going to go to 55 percent.

For staying married, you are going to end up paying $1,400. You will go from zero back up to $1,400. Your child tax credit, in the meantime, is going to be cut in half. And then that 10 percent bracket, that lowest bracket for those that are working and need to have a break, the government needs to give them a break, they are going to raise that back up to 15 percent. And that is the resolution that the majority chose to move out of the Budget Committee.

Mr. RYAN of Wisconsin. That's right. And what the majority is basically proposing is they are going to deem this budget resolution. They are going to simply say that this is the resolution that we deem to be the case, and this is how we are going to manage the fiscal affairs of this Congress in this session. So we're planning on a big tax increase, and we're expecting it to happen because this is our plan, and now we're going to start spending the money.

And I want to be fair to my colleagues on the other side of the aisle. They did bring a budget to the floor that does balance the budget. It does reach a balanced budget by 2012. The way and the method that it reaches a balanced budget by 2012 is this $683 billion tax increase. They only increased spending by $280 billion. But they increased taxes by $683 billion. So by raising taxes even more than all their spending increases, they are actually hitting a balanced budget.

But take a look at who gets affected by this. I mentioned the actual tax policy that they're proposing with their big tax increase to fund some of their spending increases and to actually hit a balanced budget. But let me just say who is going to actually be affected in America by this. One hundred sixty million taxpayers will see an average increase of more than $1,800 per year, $3,000 per taxpayer in Wisconsin, more than 6 million low-income individuals and couples who currently pay no income taxes will no longer be exempt. A family of four earning $50,000 will see their taxes increase by $2,100. Approximately 48 million married couples will face this average tax increase of $3,000 per year. Low-income families with one or two children will no longer be eligible for the refundable tax credit. Roughly 12 million single women with children will see their taxes increase by $1,100 per year. About 18 million seniors will be subjected to tax increases of more than $2,100 per year. And the tax bill for an estimated 27 million small business owners will increase by more than $4,000 each. These are real people, real Americans, really hardworking people struggling to make ends meet.

And these are real tax increases at a time when people are having a hard time just to make ends meet right now because of all these high prices, you see the price of food going up, groceries, gasoline, health care premiums, across the board.

I just did a telephone townhall meeting the other night. So many constituents said, Congressman, my paycheck is not stretching as far. People's paychecks aren't going as far as they used to go. Inflation is before us. The consumer price index just reached a 4.3 percent increase. And so what we see happening right now is with all these price increases in gas, groceries and health care, people's paychecks are not going as far as they used to go. It is eroding the standard of living of people.

We are possibly going into a recession. And the last thing we ought to be doing right now is raising all these taxes on all these hardworking Americans. We shouldn't be raising taxes on seniors. We shouldn't be raising taxes on people who get married. We shouldn't be raising taxes on parents with children. We shouldn't be raising taxes on small businesses.

What we should be doing in Washington is controlling our spending appetite. And that's the problem. That's the problem with this budget that has passed the House. That's the problem with the budget that the other side of the aisle is planning. They don't want to control spending. They don't want to cut spending or even control it. They want to increase spending.

In order to hit their commitment of a balanced budget, they will increase taxes even more than that. My fear is that this will take this possible recession we are going into and make it even worse, because people are having a hard time making their paychecks stretch as it is today.

Take a look at what Republicans believe and at the budget we passed. This is just a simple graph. The red line is the line of revenues that the Democrats chose to pick on their way to a balanced budget. The green line is the path that we brought with our budget, the Republicans. What does that line do? It says that we are not going to raise taxes. We are not going to raise taxes on income, on families, on people with children, on seniors or on small businesses. And we're going to repeal this alternative minimum tax. And we're going to balance the budget faster and better by cutting and controlling spending. Because if you take a look at the real problem in our fiscal situation, it's really spending that drives our problems.

And if I could just mention this one thing before I yield back to the gentlelady because I think we ought to have a conversation here, take a look at where we are today. And this chart is fairly confusing, but if you take a look at it, the blue line is the line that we want to be on, which is not raising taxes. The red line is the line that the Democrats are trying to propose, which is all these tax increases, the $683 billion we just articulated. The green is the future trajectory of spending.

So even if you take all these Democrat tax increases, that will only give you a temporary balanced budget. Because if you don't address spending in Washington, if you don't address our entitlement programs, the spending path that we are on will swamp any level of taxes. We're going to go into permanent deficits and massive debt.

So this notion that we can have a lasting balanced budget by just raising taxes is wrong. This notion that we should just raise taxes and increase spending is dangerous. And the reason that notion is dangerous is because spending is already out of control. And it is on a path that is really dangerous.

If I could just briefly mention this, the budget resolution that the Democrats brought to the floor on just two programs increases the debt by $14 trillion on just two programs. By saying we are not interested in controlling spending, by saying we are not interested in controlling and reforming government or fixing our entitlement programs, just the debt to Social Security and Medicare goes up by $14 trillion under the Democrat's budget. That's just two programs.

Every year we don't do anything to fix, save and make solvent Social Security and Medicare, we go another $2 trillion in debt just in those two programs. Our friends on the other side of the aisle are saying, instead of taking care of this $39 trillion debt we have with these two programs, we're going to raise it to $53 trillion. And that's wrong.

We believe that the way to fix our fiscal problems is to let Americans keep more money in their paychecks. It's to protect their paychecks, stop the pork barrel spending, control spending, reform government and reform our entitlement programs. Because we owe it to the next generation to leave them better off than we were left off. That's what my mom and dad told me growing up, that the whole point of America, the legacy of this country, is that you leave the next generation safer and more prosperous with a better chance at a better standard of living.

But for the first time in the history of our country, we have a real serious chance of severing that legacy, of discontinuing that tradition. Because if we give our kids and our grandkids the kind of debt that they are right now slated to get, and if we say for the next 5 years, as our friends on the other side of the aisle are now saying, we're not going to do anything to help that, we're not going to do anything to fix that, we are, in fact, going to add to the problem. We are going to raise taxes, increase spending and make it even worse for our children and grandchildren. We are going to sever that legacy. And our kids and our grandkids will not have a higher standard of living. They will not have a better government. They will not have more freedom in their lives. And they will not have more money in their paychecks.

And if you want to just bring this point finally home, this is the chart that the General Accountability Office has given us. This shows us that what is unique about our budget and our fiscal history is that for the last 40 years, our government has been remarkably same in size. The Federal Government has had to take 18.3 cents out of every dollar earned in America. That is 18.3 percent of gross domestic product. So 18.3 cents on the dollar earned in America for the last 40 years is what Washington had to tax to pay for the Federal Government, to pay for everything, Medicare, Medicaid, Social Security, national defense, the Department of Education and the Department of Commerce.

But what is happening is the baby boom generation is retiring. And the first baby boomer retired just a few months ago. She was a retired school teacher in Maryland who started collecting her Social Security benefits. And behind her are 77 million more retirees. And so the problem for our country is with what we call a pay-as-you-go system, where current workers pay their current taxes to support current beneficiaries, that works out fine if you have an equal number of beneficiaries, retirees and workers. But we are doubling our retirees. We are going from 40 million retirees to actually 78 million retirees. But we are only increasing our workers in this country by 17 percent. So there is about 100 percent increase in the retirees in this country in one generation, but only a 17 percent increase in taxpayers.

So what does that do for our children? Well, I can tell you what it does for my children. My son, Sam, is 3 years old. My son, Charlie is 4. And my daughter, Liza, is 6. And by the time my three kids are exactly my age, exactly my age, they will have to pay 40 cents on the dollar just to keep today's Federal Government going for them at that time.

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That is exactly right. By the year 2040, today's Federal Government, which costs about 20 percent of GDP, 20 cents on the dollar, we are in deficit and raising about 18.8 percent, it is going to cost 40 percent. And that is if we do nothing.

That is what it is all about. If we do nothing and we let government go on as it is, add no new programs, take none away, our government will double in size within one generation. So my children, instead of sending, like we are, about 18.3 cents on the dollar to Washington to pay the bills, will have to send 40 cents on the dollar to Washington to pay the bills, the bills we are giving them, the debt we are giving them.

That is unsustainable. You can't win globalization. You can't compete with the likes of China and India. We are having a hard time doing that right now. You can't compete with the likes of China and India and Europe and Japan when you are taking 40 cents out of every dollar just for Washington, before you get to local government, State government, gas, groceries, healthcare. This is the future we are consigning our children and grandchildren to. And the budget that is before us today, the budget that the Democrats passed on the floor just this last moment, says, you know what? Here is our answer. Do more spending, more taxes. Make the problem worse. Increase the debt to two programs by just $14 trillion. It is irresponsible. It is wrong. It is going to sever this legacy to our children and grandchildren.

We need to leave them with a better country, a safer country, a more prosperous country, one where they can compete and thrive and survive. I don't want to just have my children survive globalization. I want America to win globalization, to shape globalization, to make sure that our kids can have careers that they like, that they love, that they enjoy, so they have a higher standard of living.

But in fact that is not what is going to happen if we don't get our fiscal house in order right now. If we sign on to these tax increases and these spending increases, what we will do in the short run is we will make the recession worse. We will take more money out of the paychecks of working Americans at a time when they are having a hard time staying afloat right now. We will put more debt on to the backs of our children by building up all the spending in the baseline around here.

We need to say no to spending sometimes around here. There is one little easy piece of spending that I think we could say no to, and that is earmarks. Earmarks are what we call pork-barrel spending. Our budget, the Republican budget, not only balanced the budget by controlling spending and kept taxes low, but our budget said for one year, let's just have Congress say no earmarks for a year. No more pork for one year. A pork-free diet in Congress for just one year.

Do you know what we can accomplish in our budget by saying no earmarks for one year and keep banking that money, carrying out those savings? We can make the per-child tax credit permanent, make it stay at $1,000. We can permanently repeal the marriage tax penalty and prevent that $1,400 average tax increase on married couples from happening, by just saying no pork for one year and saving that money. That is what our budget does.

So the question on just the earmarks is, is it pork for Members of Congress, or is it paychecks for working Americans? We chose paychecks. Our friends on the other side of the aisle are choosing pork. That is wrong. So when you take a look at the short run, more pork, less money for people's paychecks. Higher taxes, less economic growth, more job loss, higher taxes on small businesses, on seniors, on families, on married people, on children, on people with children.

What you are seeing is they are going to increase the debt. They are going to increase the already unsustainable path that we are on and this unsustainable debt we have today. This is why we take this seriously. This is why we come to the well of the House to say we need to get our fiscal house in order, and the other side is recklessly spending with abandon.

Now, I want to say this as a Republican: Our party did not do a good job on this either as well in many instances. There are ways in which we should have done better. And that is why it is important for those of us who see what is going wrong to fix it. That is why it is important for us to have proposals to fix these things.

So nobody is perfect in Washington. Republicans did too much spending, but Republicans look like fiscal scrooges compared to the Democrats today. They look like they are the austerity Congress compared to the Democrat Congress today, because the Democrat Congress today is putting no limits on anything. They are saying bring a budget to the floor and just bring up more spending, bring up the taxes, and let's just let our children and grandchildren pay the bill. That is wrong.

So I want to thank the gentlewoman from Tennessee for her courageous leadership on this. It is not easy to say no to all of the people that come looking for spending. Most people who come to visit their Congressmen and their Congresswomen say we need more money for this, we need more money for that. Every time you say yes to that, it is more money out of the paychecks of working men and women in America. This Congress chose less money for paychecks, more money for Washington.

I want to thank the gentlewoman from Tennessee for being strong and being a leader on this and for fighting those kinds of instincts, and being a voice in the wilderness for fiscal discipline. I appreciate that.

Mrs. BLACKBURN. I thank the gentleman for his leadership at the Budget Committee and for being there in the fight on this, to make certain that we bring forward these issues, to point out that we are focused not on immediate gratification when it comes to this, not on saying yes to pork-barrel projects. We are focused on the long-term, what is the legacy going to be.

As you pointed out in your charts, by the time we get to 2030, it is going to take every dollar of our existing tax base to cover Social Security, Medicare and Medicaid. That is it. I mean, it will just be the entitlements that get covered.

And for our children and grandchildren, if you were to take a dollar and extract 40 cents out of that, and there again, that is just the Federal Government portion, it is not your State, it is not your local communities, it is not your county, it is just the Federal Government. They have that right of first refusal on your paycheck. And now when you earn a dollar, before they give you any of it, then by the time we get to 2040, they are taking 40 cents out of that dollar and then giving you 60 cents for yourself, for your family, for your State, your county and your community.

That is a frightening, frightening thought for this next generation. That is not the legacy that we want to leave them. We should be about securing the blessings of this great Nation for our children and our grandchildren and future generations. It is truly indeed regrettable and even shameful that the focus would be only on the here and now and not on what is to come for generations to come.

I want to yield now to the gentleman from Texas (Mr. CONAWAY), who is a CPA. When we talk about fiscal responsibility, many times this is someone that we turn to and say, tell us what you know and give us your best insights. For that wisdom, I yield to the gentleman from Texas.

Mr. CONAWAY. I want to thank the gentlewoman from Tennessee for yielding me time. I always enjoy hearing the young whippersnapper from Wisconsin, who has been here for a long time, his thoughts, the ranking member of the Budget Committee and also serves on Ways and Means.

A couple of points that I would like to add on or pile on with what my good colleague from Wisconsin talked about. You will hear in these chambers over the next several weeks, months and years that the Democrats do not intend to raise taxes on everybody, as the charts have shown is going to happen if we do nothing. Their intentions are good. They don't intend to raise the lowest tax rate from 10 percent to 15 percent, or a 50 percent increase in tax rates. They don't intend to do that.

But by these budget proposals they brought in in the last 2 years, they commit all of the money that those increased taxes raise. So in order for them to make good on their promise of not raising, as example, the 10 percent rate to 15 percent, they have got to raise taxes somewhere else in the system to make up for those revenues.

So your chart says we have a right to know how Washington spends its money. We also have a right to know how Washington raises its money as well, and that is one of the categories that this one falls into.

I have seven grandkids, about the same age as PAUL's young children, and when I look at what we are doing in this Federal Government, I try to translate that into what impact it has on their lives, on their opportunities when they are in our positions.

We have built a world around the concept that let's take care of today's problems with tomorrow or the next day's money. As we look at the problems that face us, and they are daunting, no doubt about it, if they are worthy of being fixed, then they are worthy of taking our money to fix those problems and not taking money away from our kids and our grandchildren to do that fix.

When folks come to Washington from Texas to ask me what can we do, how can we help you do your job better, every single time I go through this speech about $53 trillion in unfunded promises that we made to each other, a process that we have to begin the renegotiation of those promises, and that they as community leaders have to begin self-assessing whether or not what they are asking Washington to do has a constitutional link to the Federal Government.

In other words, if they want money for a particular project in San Angelo, Texas, or Midland, Texas, is it right to take tax dollars away from somebody in El Paso to pay for that project, or is that a project that ought to be handled by the local folks? Because as Paul said, every time you ask the Federal Government for help in something, that means spending goes up, and we have a very terrible time of saying no.

So if we can get our community leaders, our mayors and county judges and others to do a better job of analyzing what they are asking us for so that it really does have a constitutional Federal nexus to what they are trying to get done, then that is a step in the right direction to make this happen.

I want to talk a little bit about the budget process, because that is really where the spending piece of this wreck occurs. I serve on the Budget Committee with Mr. RYAN, and that top line number is incredibly important, because whatever it is set at, whether it is on a vote between the two Houses or a vote in the House or then some sort of gentleman's agreement with the Senate, that amount of money is going to get spent, come hell or high water.

There is no way to stop it, because as the appropriations bills come to this floor, they have already allocated that top line number among each of the subcommittees. And if we on the floor are able to work to win an amendment to the appropriations bill that strips spending out in some fashion—now, we never win those, but we come down here and try every time—should lightning strike and we actually strip a program out of an appropriations bill, that money does not get saved. That money simply goes back to the committee to spend on something else. Our budgetary processes don't allow us to come down here and effectively drop that top line number.

So I have a bill in the hopper that says if we are successful in reducing the spending in a particular appropriations bill, that that money goes to offset the deficit, or that money does not get spent, which is how most folks in West Texas thought our system would work up here. If we won a fight on the floor on a vote of more than half the Members that the Appropriations Committee got it wrong and that they sent a priority that that money should not have gotten spent on, that is money we could save in the budget and not get spent. So working to try to correct that is awfully difficult.

Mrs. BLACKBURN. If the gentleman would yield, the bill that he just referenced I think is so important, because what it does is to redirect the funds as the budget works its way through the process. You mentioned the top line number, and that is the number that gets set in the Budget Committee, and then as we move through this process with the appropriations, and we are going to be back on this floor during that season talking about earmarks, but those are hard-fought battles.

But let's say that we eliminate a program and that program saves $50 million, eliminates $50 million in spending. Then that money is not used as a savings. It is not realized as a savings for the taxpayer. It goes back to the committee and the committee can choose to spend it another way. And your legislation, and they can go to your website and get more information on that legislation, would require that the Federal Government use that money to lower the deficit.

Mr. CONAWAY. Thank you. That is exactly right. It is the Savings in Appropriations bill. What it says is the Appropriations Committee, in all of the hard and worthy work they do, they get one bite at the apple of setting priorities. We give them the top line number. They get a bite at it. And if they bring that bite to the floor and more than half of us disagree with what they did, then that money should be saved to the taxpayer, go against the deficit or increase a surplus, should we ever get into it. That is not the way the mechanics of our system work today.

Mrs. BLACKBURN. I appreciate that explanation from the gentleman from Texas, and I yield to the gentleman from Wisconsin for a comment.

Mr. RYAN of Wisconsin. I have explained this to constituents at home in Wisconsin and they are just dumbfounded. They think that if you come to the floor and bring an amendment to eliminate wasteful spending, let's just say we did an amendment to get rid of the $50 million Rain Forest Museum that is being built in Iowa City, Iowa. You could come to the floor and say, you know what? We probably shouldn't be spending our taxpayer dollars on this $50 million Rain Forest Museum, this rainforest in a bubble in Iowa. Let's not do that. We could pass that amendment and that $50 million couldn't go to that Rain Forest Museum. But by the way the rulings of our Congress work today, that $50 million won't be saved. It will be spent somewhere else in the government.

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Most people think, if you actually go and eliminate wasteful spending, you actually save the money, but that's not the system. It gets spent somewhere else by the rules, somewhere else in the Federal Government.

Mr. CONAWAY. If the gentleman would yield.

If they think that more than half of us vote to say that's a bad priority set, I mean, that's just a bad piece of deal, that the majority would win in that circumstance. But under our rules, and they have been in place for a long, long time, it goes back to the Appropriations Committee. They get a second bite at the apple in setting priorities, it's just not the way most folks run their project.

Mr. RYAN of Wisconsin. If the gentleman would yield, because we can pass amendments eliminating programs or cutting back wasteful spending. By the practice and the rules of this Congress, that money just gets spent somewhere else.

I simply want to applaud the gentleman, I want to applaud him for coming up with a creative, innovative, idea to get these rules back to the world of common sense. Then we could actually go after wasteful spending, we actually save the money, and give it back to the taxpayer by lowering our deficit, than just finding other places to spend it, which is what happens today. I just want to thank him for taking on this very important fight.

Mr. CONAWAY. I thank the gentleman. I want to make one more point, and I will yield back and visit with the gentlelady from Tennessee, and that a third of the budget that we work on every year is annual discretionary spending. In other words, it's money that we should be deciding, can we afford this this year or can't we, a legitimate setting of priorities.

The other two-thirds of the $3.1 trillion that we spend is going to happen on autopilot. It will happen whether we do anything or not. We have to act aggressively and make hard decisions to go after that two-thirds.

This year's budget proposal took a pass on the hard work of addressing the two-thirds of the budget that we referred to as entitlements or mandatory spending or automatic spending—I won't offend some of my colleagues by using the word "entitlement"—but it takes courage in this body to go after those spending programs.

They are the ones that are on the charts, are driving us to bankruptcy under our current system of government if we don't have courage to begin to say we have to renegotiate those promises. We have made promises that we just can't pay for.

But a third of the budget that we can do something about, we ought to have rules on this floor that allow the majority's will to be reflected in whether that money gets spent. I yield back.

Mrs. BLACKBURN. I thank the gentleman.

I want to welcome another member of the Budget Committee to our discussion this evening. The gentleman from Florida (Mr. MARIO DIAZ-BALART) was a freshman with me in 2002, and we all worked together starting the Washington Waste Watchers. Waste, fraud and abuse, fighting waste, fraud, and abuse was our freshman class project.

We certainly have stayed at the forefront. The gentleman from Florida has stayed at the forefront of fighting wasteful spending and then seeking ways to reduce that, seeking ways to approach the budget process, changes, and also looking for ways to reduce the burden of taxation.

I yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the gentlewoman from Tennessee for your steadfast leadership on this issue, your leadership is really common sense to a system, a city that is, frankly, broken. Washington is broken.

You know, there are so many, many examples that we can show that Washington is, frankly, broken. It's stuck in this sort of like a perverse dance, frankly, of taking one step forward to help the taxpayer and 3 or 4 steps backwards in hurting the taxpayer.

I would like to give you an example, just one of those examples that when the American people see what is going on here, of course, they say Washington is broken. Of course, they say that there is no common sense in Washington.

Look, what are the good moments? One of the fine moments is when the economy starts slowing down, this Congress, on a bipartisan level, got together, and in a bipartisan level made the determination that the way to get the economy moving again was how, was how? It was to lower taxes.

That debate took place, and it was very clear, on a bipartisan level, Congress decided, House and the other party, the other body, both parties to lower taxes in order to incentivize the economy. It was actually a good moment for this Congress.

But then what happened just days after that? Just days after this Congress lowers taxes on the American people by $107 billion, because we understand that lowering taxes helps the economy, helps the American people, small businesses and families. Just days after that, the majority party comes to this floor with a budget that raises taxes, increases taxes by $683 billion over 5 years.

You don't have to be a rocket scientist or a mathematician to understand if everybody agrees, both parties, that lowering taxes by $103 billion is something that would help the economy, and that's what we did, doesn't it seem logical that days later coming back and passing a budget that increases taxes, not to the level of that, making up for that $103 billion, no, no, no, increases it by $683 billion over 5 years.

Of course people look at Washington and say what are you guys thinking? Don't tell me that you are helping the economy by lowering taxes by $100 billion and then, days later, think that we are going to be surprised, we are not going to understand that you then propose raising almost $700 billion on the same taxpayer, that you are lowering taxes because it helps the economy.

If there is an agreement, a bipartisan agreement, that lowering taxes by $100 billion helps the economy, which there is, is it that hard to understand that the flip side of that is that if you raise taxes by $700 billion it hurts the economy? Yet that's what this Congress did over the objections of those of us that are speaking here, and many others, but that's what the majority party did.

So, again, why is it that Congress has the lowest number, frankly, approval rating since probably these things have been counted? Because they must think we are nuts, because they must think we are totally, absolutely, insane and crazy and have absolutely no idea what we are doing.

Again, I may not be the smartest guy in the whole world, but it doesn't take the smartest guy in the whole world, as you know, to understand that if there is a bipartisan consensus that lowering taxes in a year, $100 billion helps the economy. There should be a consensus that raising taxes by $700 billion for 5 years would do just the opposite. Oh, no, because our desire, the majority's desire to just tax and spend and tax and spend, just, frankly, goes above and beyond any common sense, any logic, any sense of reality.

I just want to thank the gentlewoman from Tennessee for your leadership, because you have not stopped fighting for the taxpayer, for the small family, for families, for small businesses, for farmers, for the people, real life, not D.C. D.C. is broken. Again, thank you for your common sense. Thank you for your fight for the taxpayer.

I also need to add to that. One of the people that I frankly most admire in this process is Congressman RYAN of Wisconsin, who is the ranking member of the Budget Committee, who understands the budget better than, frankly, anybody else, and who has taught me so, so much. Mr. CONAWAY brings to this process something that is so greatly needed, which is common sense.

I thank the three of you. Look again, yes, frankly the American people have reason to be skeptical, when they see that we lower taxes on one side because we say it's in a healthy economy, and then, days later, the majority raises taxes way above that and pretends that it's not going to have an effect, hoping that people will not learn the truth. But the problem is that that truth is out there, and people's pocketbooks are going to be hit really, really hard.

Mr. RYAN of Wisconsin. Will the gentleman yield for a question?

Mr. MARIO DIAZ-BALART of Florida. Yes, absolutely.

Mr. RYAN of Wisconsin. Does the gentleman remember when we had a markup where the budget was written in the Budget Committee, and we had 36 amendments? Remember the different kinds of amendments we had, and the votes, we had votes on whether or not it's right to cut the child tax credit in half, whether it's right to bring back the marriage penalty, whether we should or should not raise income tax rates across the board for all income taxpayers. Vote after vote after vote, on all these taxes, and our friends on the other side of the aisle, the Democrats voted time over again to raise those taxes on individual tax rates.

They voted specifically to cut the child tax credit in half. They voted specifically to bring back the marriage tax penalty. They voted specifically to raise income tax rates across the board, to bring back death taxes, to raise capital gains and dividends taxes. They did this so they could pass a budget that increased spending.

I want to thank the gentleman from Florida, who has the most passion and who so well articulates the problems we have in America today. I want to thank you for your knowledge, your passion, and your understanding. I also want to just ask you if you recall all those votes and all those differences that we have seen here in just this Congress in this last short year.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman. If I may?

Mrs. BLACKBURN. I yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Frankly, that was one of the saddest days that I have experienced in this process, because, you know, there is so much rhetoric that's thrown around here. We hear the rhetoric, that, oh, no, these are tax cuts on the wealthy.

Then you and others came up with a specific amendment to say, no, no, let's just talk about the issue. Let's take rhetoric off the table for a second. Let's not be partisan. Let's just look at the issue. Let's see if there is something that we can agree on.

Those amendments were brought to the committee. Those amendments were, as you just mentioned, the per child tax credit, and then we kept hearing, but those are tax cuts on the wealthy. I remember the argument and the discussion, again, not only the wealthy get married.

Tax cuts, remember the 10 percent bracket.

Mr. RYAN of Wisconsin. Yes.

Mr. MARIO DIAZ-BALART of Florida. Individuals that are the working poor that now earn so little that they don't pay Federal income tax, and they should not, are now going to be required to start paying Federal income taxes. But they say those are tax cuts on the wealthy.

It's not the wealthy. When you cut to the chase, you get the most smoke and mirrors, and we were able to bring these individual amendments to the committee. The sad part, the reason I say that was really sad, is because those amendments are defeated on a partisan vote, on a partisan vote, amendments to keep the taxes low.

If you have children, amendments to make sure that people who are working poor, that have a hard time paying for gasoline and paying for groceries and don't pay Federal income tax, because they are so poor right now, still don't have to pay them. They voted against those amendments.

There is a reason why people are skeptical and people don't believe what comes out of Washington. Frankly, they have a very good reason to have that attitude.

Mr. CONAWAY. Will the gentleman yield?

Some of those amendments were cosponsored in regular legislation by Democrats. Yet when it came to the Budget Committee they voted against them. In their own bills on the floor over here, they voted against them, just partisan, partisan politics. It helped to add to that cynical attitude that you are referring to.

Mr. MARIO DIAZ-BALART of Florida. I agree, and I will conclude.

Mrs. BLACKBURN. If the gentleman will yield, I think that there was also an amendment presented that day in those 36 amendments that would have allowed your State of Florida and your State of Texas and my State of Tennessee to continue to deduct the sales tax deductibility that some of us worked very hard in 2003 to have that deduction restored for our States, where we did not have a State income tax. We have a sales tax. That is an issue of tax fairness, and it was a party-line vote to take that deduction away.

In my State of Tennessee, that is about a $1,600 deduction per family. That ends up being real money in the pockets of our families. This new $683 billion tax increase that the majority has brought forward and laid on the table here in this House and said we are for it, that is what they want, that is what they think should be the priority. That bill, their budget, will take another $2,668 per tax filer out of the pockets of my constituents and send it here.

I yield back to the gentleman from Florida.

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Mr. MARIO DIAZ-BALART of Florida. This is just not that complicated. The question is: Is government here to help serve the people? Or are the people here on this planet and in this country to help fund government exclusively? And that is the battle. We hear that time and time again when we try to reduce taxes on working people, working families, they say you are going to hurt government if you don't allow us to increase taxes. Hurt government? Excuse me, since when is the role of the government just to milk people as much as it possibly can.

Again, there is a reason why the rankings of this Congress are the lowest they have ever been. I guess some think nobody is watching; and, therefore, we can say we support tax cuts and even sometimes file legislation, and then vote against amendments on the budget to lower taxes, the per child tax credit, the death penalty and the marriage penalty so you don't have to pay more just because you are married. Even the death tax.

Quoting the gentleman from Florida (Mr. Feeney), as partisan as this process is, can we not at least agree that there should be no taxation without respiration? No, not in this process. In this process with the people in control now, they are going to milk the taxpayer and spend every penny, and when that is spent, they are going to look in the cushions of people's homes to see if there are loose quarters and take those as well because government knows best because there is no money we can't spent. And, frankly, the American people know better. They are wise.

I thank all of you, particularly the gentlewoman from Tennessee for your leadership and bringing commonsense to this process.

Mrs. BLACKBURN. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I hope the people of Tennessee realize a big reason they don't have an income tax imposed upon them is because of Marsha Blackburn. You led that antitax fight in Tennessee to prevent a new income tax from being imposed on the people of Tennessee. And now in Congress you have led the fight up here to see that they can have the same kind of deductibility of their sales taxes as those of us who come from States that have income taxes have that deductibility.

So I want to thank the gentlelady from Tennessee for being a champion of the Tennessee taxpayer. I am a Badger. I am a Wisconsin fan. I am a Packer fan. I am not a big Titan fan or a Volunteer fan, but I am a Marsha Blackburn fan because you fight for taxpayers. We need more people in Congress fighting for taxpayers, just like we have champions like the gentleman from Florida, Mr. Diaz-Balart, and Mr. Conaway from Texas. Texas has a lot of people who fight high taxes, but Mike Conaway is one of the guys leading here.

I am glad we got together to set the record straight on the budget and on the fiscal path that we are on in this country, and set the record straight for what future lies before our children and grandchildren if we don't take our responsibilities here seriously and change our course.

I want to thank the gentlelady for hosting this hour.

Mrs. BLACKBURN. I thank the gentleman from Wisconsin, and I yield to the gentleman from Texas.

Mr. CONAWAY. On policies we debate in this Chamber, we always have choices. And it seems as though recently with respect to spending, the choice is to spend more. With respect to taxes, the choice is to tax more. With energy, the choice is to raise energy costs. All of those things are not good for the American taxpayer. All of those things are not good for the health of this country. And in particular, the seven grandkids that I love the most, it is clearly not good for their financial health or well-being, and we clearly need to do something about it.

I thank the gentlelady for letting me participate tonight.

Mrs. BLACKBURN. The gentleman from Texas talks about his seven grandchildren and the gentleman from Wisconsin talks about his three children. I have two adult children, and I am going to have a grandbaby in just a few days, and it is so disappointing when you see what that child is going to be responsible for when they come on the face of this Earth.

This year alone, Washington is going to spend over $25,000 per household and that is going to be a heavy burden for every man, woman and child to bear.

Just as a reminder, our budget school, the right to know how you spend your money, if you want to see how the Republicans would have approached this budget this year and not raised taxes, how the Republicans fought a $683 billion tax increase, $683 billion, this is where you go: Budget.house.gov/Republicans, and you can pull that response down. To get more information on our Republican Study Committee, budget and school resources, go to House.gov/Blackburn. That is a great way to figure out how we think is the best way to approach fiscal responsibility, how to be a good steward, a wise steward of the taxpayer dollar.

Madam Speaker, I thank you for having yielded the time tonight.

IRAQ AND THE ECONOMY

The SPEAKER pro tempore (Ms. TSONGAS). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. KLEIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. KLEIN of Florida. Madam Speaker, good evening. It is a pleasure to be here tonight on behalf of the freshman class. It certainly has been an honor to serve here this last year, and to be joined by Mr. HALL of New York, and a number of other Members who are going to join us tonight.

What we are going to talk about tonight is something that I think is weighing very heavily on the minds of Americans right now, and that is the economy. We understand because the United States is the most resilient, optimistic, innovative country in the world, that we will persevere and we will work out the issues that have caused some of the problems in our economy right now.

But that being said, as we speak today, there are people all over the United States who are hurting. They are hurting because their jobs may be threatened or they have lost their jobs or lost confidence that their job may be here in the next weeks and months. They are hurting because their home may be threatened from foreclosure or difficult terms. They may be hurting because gas prices have shot up. If we think about what the cost of oil was not that long ago, literally back in 2002, it was $28 per barrel. And we know as of today, it hit $114 per barrel. Shame on all of us for allowing that to be the case today and for having this dependence on oil. We have leadership in this House that is working on that.

Americans may be hurting because their health care is a threat, preexisting conditions, things that are not covered by their policies, and the cost of insurance is just beyond their means.

There are a lot of things that people are thinking about that are weighing them down. At the same time, we have a war in Iraq and in Afghanistan. And a fight that we, as Americans, obviously understand that when America is challenged, we will fight back. But I think there is also a broad recognition that the war we are in, at least in Iraq right now, we may have gotten into for some of the wrong reasons, and without justification.

With that being said, I want to thank the men and women who serve this country and put their lives on the line every single day in Iraq and Afghanistan and around the world. And their families that are back home, persevering and doing the necessary things to carry on while their loved ones are gone. I know this Congress has taken upon itself to be certain and put all of the dollars on the table that have been promised in the past but not delivered, to make sure that every man and woman when they come home from service in the armed services, that they are given all the medical services, mental health services, physical health services, and a lifetime of care if necessary. We are committed to doing that as Congress.

But the question today is what should we be doing about Iraq, and how does this interplay with the economy. That is the subject of what we are going to talk about tonight. Are there things that we should be doing to help us as Americans, help us in our daily lives in the United States, help us make sure that we have the future, a better future, as our parents wished for us, that my children who are in college right now, that they will have a better opportunity than I did. That is something that is the American dream, and it has been around for generations. And yet people today are questioning if that is where we are going.

We have to say what do we have to do to make sure that Americans come first and also protect our national security and evaluate this foreign policy, this fight in Iraq and other places, yes, is it in fact making us safer at home and on our streets. Or is it a disastrous situation that has cost us $600 billion up to this point, over 4,000 lives of our brave men and women, and 30,000 to 40,000 brave men and women who have come back with severe injuries and will require lifetime care.

We are going to talk about those issues, engage each other on the floor, and we are going to continue to invite the American people to work with us and come up with some good solutions.

I am joined by the gentleman from New York (Mr. HALL) who has been a strong leader and very focused on the fact that our security is important, but our economy is equally important, and I turn the floor over to Mr. HALL.

Mr. HALL of New York. Madam Speaker, it is good to be here with Mr. KLEIN and Congressman BRALEY.

Before I talk about Iraq, I have to respond to a couple of things that were said a few minutes ago by our friends from the other side of the aisle who used the word "truth" frequently and talked about their children and grandchildren. And I am sure they are sincere, but to those of you Americans out there listening, I am sure you can remember that when President Bush took over with Republicans controlling both Houses of Congress in the year 2001, he had a surplus delivered to him by the Clinton administration.

In the years since then, these folks you just heard talking, who profess to know what is best for our economy, have delivered to the United States, from a surplus when we were paying down the national debt, now the biggest deficit in the history of our country, the biggest balance of trade deficit, the biggest individual debt by Americans that is held, whether it is credit card debt or home second mortgage debt, and now we have the housing crisis, the subprime crisis, and various big box stores I was reading today are getting ready to file for or have already filed for bankruptcy, including some that we have seen proliferating around the country and have assumed that they were on solid ground.

So I would take all the proclamations you just heard and the fancy charts that you just saw from the Republican hour before us with a grain of salt.

The tax increase that they claim we are voting for is actually something that they, when they installed their tax cuts early in the Bush years, they installed it by putting in a sunset provision that is their creation, not ours. So I stand here and say that we have not in fact voted for anything like this biggest tax increase in history. It is a theatrical and dramatic presentation, well acted, and possibly even believed by them, but it is not the truth.

As far as Iraq goes, we are spending $12 billion a week in Iraq, and I have started to look at the needs of our country and my district in particular in terms of how that money could be used here because we are basically running on fumes financially. I just visited 13 bridges that are on the dangerous faulty bridge list that came out after the I–35 bridge collapse in Minnesota, and the estimate of the New York

State Department of Transportation is that it will cost about $60 billion to fix all of the deficient bridges in the State of New York. That is 5 months in Iraq.

I just came back 2 weeks ago from visiting a Nogales, Arizona, checkpoint on the Mexican border. Congressman BRALEY was on that trip, along with Congressman ARCURI. And we asked at every step of the way the Customs and Border protection officials what they need from Congress and what would their wish list be.

They said basically if it was Christmas and they could have everything that they wanted in terms of infrastructure, primarily what they need is more loading docks to unload the bales of marijuana that are stacked in front of an 18-wheeler behind a load of watermelons, or more bandwidth for more computers so they can get 10 fingerprints processed faster to establish somebody's identity. All of it, northern border, southern border, all ports on both coasts, $500 million a year for 10 years. That is $5 billion.

□ 2030

That's a little bit less than 2 weeks in Iraq to secure both of our borders and all of our ports. That sounds to me like it would actually make our country more secure; not that we want to shut the borders down, but we'd like to know who's coming and who's going, what's coming in and what's going out in terms of drugs, in terms of agricultural products that might be infested, in terms of currency smuggling. So anyway, there's a real cost to all these things.

And I would just say, after hearing General Petraeus and Ambassador Crocker for the second time, it's clear that the goals in Iraq that we're spending this $12 billion a month on have been changing, that the goal posts have been moving, that 5 years after the initiation of this war and the death of 4,017 of our mothers, fathers, sons and daughters, brothers and sisters, I have a figure of 29,676 wounded, the estimate before the VA, Veterans Affairs Committee, last summer was that if the war stopped at that point we'd be looking at $1 trillion for the lifetime care of grievously wounded soldiers returning from Iraq. That's four injuries primarily, traumatic brain injury, PTSD, spinal cord injuries that cause paralysis, and amputations.

And these are, fortunately, men and women who we're able to save today in the battlefield because our battlefield medicine is so much better than it was in Vietnam, for instance. The ratio is about 16:1 wounded to killed where in Vietnam it was about 2½:1. That's the good news is that we're saving more of these mostly young lives of brave Americans who've gone over there and fought and carried out their mission.

But the bad news is that the American public has not been told yet that, on top of the figures you mentioned, there's at least $1 trillion lifetime care for the wounded from this war that we're already looking at being responsible for. And we have to take care of these wounded warriors. You can't pay for the war and forget about the warriors.

So I would just say that we need to look at this in terms of a broad view of national security and a realistic, clear-eyed view of where we are financially and whether we can afford it.

And with that, I yield back to Mr. KLEIN.

Mr. KLEIN of Florida. Thank you, Mr. HALL. And again, exceptionally well-stated. I think we all understand the costs of war. I think we all understand, as Americans, there are going to be times, historically, when we have to be prepared to fight and to make the necessary commitments.

There are also times when we recognize that, you know, we have to look and say, is this the right thing? Is it really achieving our national security interests?

I think we've heard over and over again, and I'm on the Foreign Affairs Committee. I know many of you are on the Armed Services Committee, we've heard about the fact that we have, the real problem, the terrorist threat is in Afghanistan or Pakistan or Iran. And unfortunately, the strategy that continues in Iraq is one that puts all of our resources and assets and our men and women in one location where al Qaeda was not a problem initially. There may be some al Qaeda there, but we don't have to deal with them necessarily with a 160,000 troop contingent.

I'd like to now just bring into our conversation another esteemed member of our freshman class, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I'd like to thank my friend from Florida and also my friend from New York. We did have a very enlightening trip to Nogales, Arizona, and the Border Patrol and Customs agents that we spoke to were all, I think, doing a fantastic job of trying to deal with a very difficult situation.

But one of the things that trip emphasized to me is we often talk in this body about the cost of providing border security, the cost of providing national and international security.

And what we know is that the Pentagon traditionally publishes reports that provide this body that we serve in their estimate of the cost of the war in Iraq and Afghanistan. And we've seen those figures. We've viewed some of those figures with skepticism. And we've talked about what the published costs of this war are.

But what we don't talk enough about is what we talked about in repeated hearings in the wake of the Walter Reed fiasco. And I was fortunate enough to be serving on the Government Oversight and Reform Committee, when we had that first hearing out at Walter Reed. We talked to the highest ranking Army and Department of Defense medical officers. We had a follow-up hearing after the independent review group chaired by General Togo West presented its recommendations for the wounded warriors project. And I repeatedly pressed the top ranking Army medical officers on that very question; what are the hidden costs of the war that the American people aren't hearing about?

And I'm glad my friend from New York brought this up, because there is so much going on beneath the surface that the American public doesn't hear about.

If you take the average life expectancy of a 19-year-old male, which is representative of who we're sending to Iraq right now, you will find that under the published U.S. life tables, those young men have a life expectancy of approximately 55 years.

Now, when they come back in unprecedented percentages with life-threatening injuries that we will be responsible for caring for the rest of their lives, there is an enormous economic cost that we aren't hearing about. And so I look forward to the opportunity to discuss with my colleagues tonight what some of those hidden costs are, and what the American people need to be thinking about as we look at the overall economic impact, not just throughout our economy, but on the long-term burden we're placing on our children and our grandchildren to provide these deserving veterans with the best possible medical care that we can.

Before I get to that though, I want to talk a little bit about what we're giving up right now, through the amount of funding that we are committing every year to the conflict in Iraq because, just for Fiscal Year 2007, we know that this war is costing, under the most conservative estimate, $137.6 billion. So the American people may wonder, well, what would that actually provide if it wasn't going to Iraq?

Well, for 40 million people in this country, that would provide comprehensive health care. Now, think about that. We know that right now there are nearly 47 million Americans without health insurance. So that cost alone would almost completely eliminate that gap.

We know that that cost that we're spending this year in Iraq would hire 2.2 million elementary school teachers, provide affordable housing for over a million different housing units, and provide 142 million homes in this country with renewable electricity.

And to break that down into a smaller level, I represent the First District of Iowa. The taxpayers I represent in the First District have paid, to date, $770 million in one congressional district alone, as their share of the cost of this war. What would that mean back in the First District of Iowa?

Well, it would hire almost 19,000 public safety officers. It would hire almost 17,000 music and art teachers. It would provide 126,000 full tuition university scholarships at public universities, and build 86 brand new elementary schools. So when we talk about the actual financial burden that we are facing every day because of the rising cost of this war, it is enormous.

And Congressman KLEIN, maybe you could talk a little bit about what you've heard from the people you represent in a different part of the country, where there are different needs, but also very similar problems that taxpayers you represent are facing.

Mr. KLEIN of Florida. I thank the gentleman from Iowa for explaining, not only the aggregate cost, but certainly what's happening in Iowa. I know one of our colleagues in our freshman class, Mr. SPACE from Ohio, he has explained to us the impact in his district in rural parts of Ohio and how important it is for him to help the local people get beyond this.

I'm going to explain it a slightly different way, because, again, I think it's the tangible side of this thing that people need to understand. The cost per day that we are currently spending, and this is independent information; there's no question that this is accurate. It comes from the Library of Congress Research Service.

The cost per day that the war is costing us, if you will, $339 million per day. That is a staggering amount of money.

Now, again, I'm not here to say that we don't have to fight wars, or don't have to do the necessary things to protect Americans. But when we come to the conclusion, as most Americans have, that the strategy of keeping the men and women in place the way they are is not advancing our national security, we should question whether that money is being well-spent.

But I've introduced something today in the House, which I'm going to begin to talk about more actively, and I'm sure the gentlemen here tonight will chime in on this as well, and that is, whether people support the war or not, and I know there's differences of opinion on this, I think every American understands that at $339 million per day, it's about time that the Iraqi government step up and pay its fair share.

And whether we're talking about the cost of fuel for our operations over there, whether we're talking about the cost of rebuilding, whether we're talking about the training of their military, after five full years and $600 billion, now coming out to $339 million more every single day, for all the reasons that Mr. BRALEY has already mentioned about the savings and what could be applied in the United States, or maybe dealing with reducing the deficit or dealing with taxes, any number of different strategies to make life better for Americans, it's about time the Iraqi people step up, and if they want us there, the government, pay their fair share.

And I'll just throw out a few facts as to why I believe this is so important. First of all, our President, Mr. Rumsfeld and others, when the war was presented to us in the first place, they told us that this was a war and a rebuilding effort that was going to be paid for by Iraqi oil money.

Iraq sits on the second largest quantity, second largest quantity of oil reserves in the world. They've got tens of billions of dollars in bank accounts, as we speak, that are not being applied toward the rebuilding effort. That is unacceptable.

As an American, as a taxpayer, I hope every American understands this and joins us. This is not a Democrat issue. This is not a Republican issue. This is an American taxpayer issue that we need to all band together and say, you know, whether or not you're for the war or not, absolutely, every American should say, enough is enough. We've paid our fair share. We've put our men and women on the line, and it's time for the Iraqis to pay for the cost of this continuing effort to the extent it continues into the future.

So I've offered House Resolution 1111, which was filed today, and I'm looking forward to discussing this with many of the Members. I've already spoken to a number of Members, and they're very interested. It's being offered in a bipartisan way in the Senate, and I think this has the opportunity of finding some common ground in changing the dynamics of who's paying for this, the American people or the Iraqi government, who wants us, for whatever reason, to continue this effort in this way.

And I would suggest to you, and rightfully so, that 1 day of the war could provide for 48,000 homeless vets to have a roof over their head, men and women who served in Vietnam and other wars.

2,000 new Border Patrol guards. And Mr. HALL just told us, and Mr. BRALEY, about how they were down on the border and saw what's going on. We have border patrol needs. And just again, just 1 day, 2000 more Border Patrol guards for a year.

We talked about health care. We can go on and on and on. But the bottom line is, it's time for a change. It's time for a change with the policy, it's time to re-look at this whole effort. But certainly, at a minimum, it's time for the Iraqi government to pay for the cost of this operation.

Mr. HALL, I know that you've got some thoughts on this as well, so please join us in this conversation.

Mr. HALL of New York. Well, in fact I do. And I thank the gentleman. You know, I saw 60 Minutes, I think this last Sunday, and they had an interview about the topic you just mentioned, the Iraqi windfall due to the price of oil, and how those tens of billions dollars are sitting in accounts. And the Iraqi officials interviewed on the TV show said they can't get at them to pay for their own reconstruction; and the American taxpayer has to keep paying the way we are because they don't yet have the systems in place or the infrastructure or the banking technology to be able to transfer the money.

Now, either that's a really lame excuse, or we've been missing the boat by not helping them set that up. Or both.

But you know, I have to just, not to be, not to carp on an old topic, but to hearken back to the previous hour and the other side of the aisle, our friends' presentation about budgetary truth. I would point out that the President's budget that he sent down to us this year shows no money for Iraq after the first of the year. So that's obviously not an honest document.

It also assumes the AMT, the Alternative Minimum Tax which was supposed to be a tax on the richest of the rich and has become instead a tax that's been digging deeper and deeper into the middle class, and we've been working to change that. Our budget does change that and pushes it back up to the wealthiest 4 percent or so of Americans.

But the President's budget assumes all the money that will be scooped out of the middle class, if nothing is done, will be available. So I just had to say those couple of things about that.

Mr. BRALEY of Iowa. Would the gentleman yield for a question?

Mr. HALL of New York. Yes, please.

Mr. BRALEY of Iowa. One of the things that we face every year is something called an emergency supplemental, which is a request from the President for billions of dollars of additional funding to fund the ongoing war in Iraq and Afghanistan.

Now, I would just ask my colleagues, and I'll pose this first to you, Mr. HALL. Where I come from in Iowa, an emergency is something that is unexpected and unanticipated that you can't plan for. But I am at a loss to understand why, after being in Iraq longer than we were engaged in the Civil War, after being in Iraq longer than we were engaged in World War II, we continue to face emergency supplemental funding requests for these wars, when the Department of Defense and the Pentagon and the President have to know how much they anticipate when they send their budget down for us to consider.

□ 2045

Mr. HALL of New York. Not only do they know, but the President, as we speak, is negotiating, or his representatives are negotiating a status of forces agreement to keep our troops in Iraq for some unknown time. So they obviously are planning on it. They're just not putting it in the budget.

And I agree with you that the first year you could call it an emergency, but after that, this should be on budget. We're building up enough debt that we're passing on to our children and grandchildren with interest anyway, and in order for the public to know what is really being done in their name, this should not be a supplemental; this should be in the budget.

I would also like to comment about my trip to Iraq last October. When I slept in the Green Zone in one of Saddam's pool houses next to one of his mansions, which, by the way, I think we should give back to the Iraqi people at this point. He was a tyrant, but he was their tyrant, and he built the mansion with their money and it might help us lose that image that some of them have of us as occupiers if we gave them back their property.

But at any rate, when I slept in the Green Zone, we were told, use the bottled water, don't drink the water out of the tap; if you hear a siren, there's a concrete bunker over there; go jump in it because we've had a few mortar rounds coming in. But that was basically all the warning we got.

Last week when the fighting was going at a higher level of intensity when the battle of Basra was on and the Green Zone took so many mortar and rocket rounds that we lost two soldiers dead and 17 wounded in the Green Zone, they were telling people then and since then to sleep in your body armor and your helmet. So October, we were not told that. Last week and the week before, they were telling our diplomats and our traveling Members of Congress that. That's not progress; that's backsliding.

And Albert Einstein, I think, was the guy who once defined insanity as trying the same thing over and over again expecting a different result. That's where we're at now.

There's a friend of mine who's a sheriff in one of the Upstate counties of New York who is a West Point graduate and a classmate of my brother-in-law, 1969 West Point grad, who told me a couple years back that one of the first things they learned at West Point in officer training class is never send a military force to do a job that is not militarily achievable.

And this is to say nothing critical or to overshadow the accomplishments of our forces. Our men and women in uniform have done an extraordinary job and we should all be extremely proud of them. They have been creative. They have been extremely loyal not just to our country but loyal to each other. They have been energetic and committed. They will do anything we ask of them and anything their commanders ask of them.

But our responsibility as a civilian government, the kind of government that our Constitution sets up where the civilian government and the President, ultimately, is Commander in Chief, but Congress as well has the right to not only declare war but also to fund Armies. And we need to be careful that we use them responsibly. These are not chattel. Our men and women in uniform are human beings that are stressed out with record rates right now of suicide, divorce, and bankruptcy among veterans that have returned from this war, as well as among veterans of previous conflicts.

And I think that it's time for us to reevaluate whether this is really making our Nation more secure and whether it is worth the $12 billion for nation building that we might better use for rebuilding the Nation of the United States.

Mr. KLEIN of Florida. And these are certainly the questions that our country is wrestling with right now, and as I turn it back over to Mr. BRALEY, I will just mention again that on the economy side of this thing, and I think about the people back home and what they're thinking about as they're looking towards the next election and just thinking about the next week's expenses. And one statistic jumped out at me when I was hearing about gas prices. Gas prices in the United States are about $3.39 per gallon, extraordinary, at a time when the oil companies are still going to be making historic profits.

The United States military is paying $3.23 a gallon in Iraq. That's $153 million per month. At the same time, Iraqis, when they can get gas, are paying $1.30 per gallon of gas. What is wrong with this picture? Our military is paying $3.23 to buy gas in Iraq on our dime, and Iraqis are getting it at $1.30.

So again, it's this question of as Americans, and being the great people that we are and trying to do what we can to help here and there, what can we do differently to help protect Americans deal with their daily lives and, at the same time, protect our country?

Mr. BRALEY of Iowa. Well, as our good friend and colleague from Arkansas MARION BERRY would say, That dog don't hunt. This is a classic example of what we've seen over and over and over again from procurement decisions that are being made that have an adverse effect on American taxpayers. And I think if you go back to the beginning when they set up the Coalition Provisional Authority in Iraq, that it was set up with the intent of using Iraqi assets to rebuild the country and to shift the dependency from the government or from the United States back to the Iraqi people through the oil revenues that we're talking about.

And we've seen in committee hearings here photographs of Ford trucks full of pallets that had $250 million in cash per pallet that were part of a $2.1 billion one-day transfer of cash to the Iraqi government, the largest single transfer of cash in U.S. history. And that was part of a transfer of cash that led to $9 billion of missing money that was supposed to be part of the initial reconstruction of Iraq.

Then the idea was to use those Iraqi oil revenues to pick up the responsibility and complete the work of rebuilding Iraq. And instead, we know that one of the big challenges the Iraqi government has faced is coming to some agreement on the division of oil revenues, and that's been a major obstacle to rebuilding the country and bringing about national reconciliation. And who is paying the tab for that? U.S. taxpayers.

That is why the issue we're talking about is so important. Because when U.S. taxpayers are bearing the burden of this war, it has an enormous ripple effect throughout our economy because one of the things we know is that when we have these ever-growing trade deficits with countries like China, which is our principal creditor, it makes it very difficult to keep the economy in this country rolling along providing the types of goods and services at a reasonable rate; and that has an enormous impact throughout the economy. And I'm sure as we get further into this, we will have some real examples of the enormous impact on various sectors of the U.S. economy from the burden that we are all responsible for.

But I have to tell you, the idea that you mentioned about shifting the burden in H. Res. 111, I can tell you this is an enormously popular bipartisan idea. In fact, last weekend in my home State of Iowa, the Des Moines Register interviewed every member of the Iowa congressional delegation, Republicans, Democrats, Senators, Representatives, and everyone was unanimous in their sentiment that is exactly the one you expressed in your resolution.

It is time for the Iraqis to pick up the tab for their own well-being and let the American taxpayers focus on the enormous economic problems we're dealing with at home: The bailout of Bear Stearns, the subprime mortgage crisis, all of the things that you work on every day in the Financial Services Committee. And because of that unique role that you play here in Congress, I think you have some special insights that probably would be very enlightening to the people watching tonight and the people of this country about what you're dealing with on a daily basis that's being impacted by this ongoing financial commitment.

Mr. KLEIN of Florida. I thank the gentleman, and being from Iowa, and obviously one of our farm States, you have a direct understanding of what the cost of food production is and for farmers, the cost of fuel and the cost that is just driving the inflation numbers in the United States. And most Americans aren't even aware of the fact that when you hear this inflation discussion that energy prices, that's gas prices at the pump, and food prices, are not even part of that discussion. That's not factored into these inflation numbers. It's everything else.

And the story we're given is, well, those fluctuate too much. That's not a reliable factor. Well, you know something? That's the bottom line. When people go to the grocery store every week, I know back in my town, and they see a dozen eggs cost this and all of a sudden they're up 80 cents for a dozen eggs or a gallon of milk or bread or vegetables, no matter what it is, there is a huge inflationary factor tied into the cost of food at a time when wages are not keeping up. So people are feeling stretched and pushed and stressed.

So it is important for us to focus on this, and again, I appreciate the gentleman's comments on our House resolution because I think it is going to be something that all of us, and everybody has been talking about this; this is certainly not my idea. I think we can all work together in changing the direction of how this is going to play out.

And yes, it will probably be a new President before there may be some major changes in the military strategy, and I would hope and I know I have heard a lot of good generals talk about some of the different ideas that they have on changing that. But at a minimum, I think most Americans would say that wow, I thought they were already paying for it, and if they're not, they should be. And that's something that I hope that we can find common ground. That's what Americans elected us for, not to be Democrats or Republicans, but to come together as Americans and say how do we solve this problem, just like we started the discussion tonight.

Mr. HALL maybe can share with us some of the economy and the economic issues that you're hearing from your neighbors and friends and how we can try to address some of these.

Mr. HALL of New York. Well, yes. I would just tell you that we are way behind on our infrastructure in this country in terms of keeping it maintained to a level of safety or efficiency just to keep traffic moving.

I had a construction worker tell me yesterday that he was working with some of his compatriots on the Tappan Zee Bridge which, as you know, crosses the Hudson River just north of New York and carries the New York State thruway and millions of cars a day commuting to and from the New York metro area.

Twelve years ago they were replacing and welding plates to repair potholes and damage that has been done by the salt and acid rain, and pigeon droppings, if you can believe it, are a major cause of corrosion on bridges. And at that time 12 years ago, he and his men that were working on the bridge said if they did not have to drive across it to go to work to feed their families, they would not drive across it because they felt it wasn't safe then. And they told their kids if they could help it, please don't drive across that bridge. 12 years ago.

Now we're finally getting down to the point where the thruway authority and the State of New York are looking at building a new Tappan Zee Bridge because the support pilings of the bridge are either being undercut by the tide or eaten by aquatic worms, if you can believe that, or both. There are so many kinds of damage that has happened in a bridge that only had a 30-year life span, and it was built more than 30 years ago, and nothing's been done to get ready to build its successor.

As I'm sure you both do, I'm approached in the district every week by town supervisors or mayors or what have you asking for help with a sewage treatment plant, for instance, in the town of New Windsor, New York, that's 60 years old. It's well beyond its design life, and when it breaks down, if there's a heavy storm rain event and it becomes overtaxed with capacity from the storm run-off, you get raw sewage running into the Hudson River, which we've been trying and pretty much succeeding in trying to clean up in terms of sewage. The river is much better. It's actually swimmable, and to some extent, some people eat fish out of it, but I think that disregards the PCBs, which is another issue.

But every one of these water treatments for drinking water, sewage treatment for disposing of wastewater, bridges, tunnels, roads, rail, which we are so far behind the rest of the world in, Japan, the European Nations in the EU have a so much more advanced rail system that it actually substitutes for a short hop air travel in this country, what we would consider to be flying from New York to Washington or New York to Boston. They do that by train on a high-speed train that takes virtually the same time or less because it delivers them from inner city to inner city. It eliminates the taxi ride out to the airport and back in from the airport at the other end.

☐ 2100

It eliminates the taxi ride out to the airport and back in from the airport at the other end. These are all things that cost money.

And you know what else? They hire people. They hire construction workers, they hire sheet metal workers, they hire engineers, they hire electrical workers, they hire plumbers. And just as FDR did back when we had the Great Depression and the Dust Bowl, and the incredible unemployment and deprivation when schools were closed across the country for lack of money to pay teachers, we saw really desperate times in this country which I hope we don't see again. And I hope we move fast enough to try to take the steps, not just to build assets here at home, but at the same time, to put money back into the economy by hiring people to build this infrastructure. That's the first place that I would start.

And I think that there's a lot of agreement, when I talk to Members on both sides of the aisle, and certainly when I talk to my constituents, that that's a good use of the money that we're—whether we're borrowing the money or not, and hopefully we will be able to pay as we go, as in this Congress, this House of Representatives, under PAYGO, we've been trying to do it, but wherever we come up with the money, putting it into our own infrastructure here at home is a really good place to jump-start the economy.

Mr. KLEIN of Florida. Mr. BRALEY, obviously a lot of things happening in Iowa and in the Midwest, and the economy and its impact on the communities that you represent. Why don't you share with us some of the experiences you're having and some of the things we're doing in Congress to address them.

Mr. BRALEY of Iowa. Sure. And I'm just going to pick up where Mr. HALL left off. We both have the pleasure of serving on the Transportation and Infrastructure Committee here in Congress. And one of the things that we hear about every day is not just the benefits of having, oh, $137 billion to invest in infrastructure—let's just pull that number out of the air—but what happens if you don't address your critical infrastructure needs. Because we hear, for example, that for every 1 minute delay that UPS drivers have in congested urban areas in New York, in Florida, maybe lesser in Iowa, but unique, different types of delays, it imposes enormous economic costs in shipping those goods, which is then passed on to consumers all over this country.

So when I fly into the airport in Moline and I have to cross the I–74 bridge, which is one of the functionally obsolete, structurally deficient bridges in my district, and they've got a lane closed down either for repair work or because an accident is there, it may take you half an hour to drive from one side of the Mississippi River to the other side. And all that does is slow down commerce, it slows down people. And at a time of rising fuel costs, it adds enormously to the prices that we pay to get where we need to go.

And each of us has unique transportation delay issues. Mr. KLEIN comes from an urban area in Florida where traffic congestion in many ways is a way of life. And you're sitting there waiting to move, your engine is running, and you don't get very high fuel efficiency from that expensive fuel you've got. A lot of my constituents live in rural parts of Iowa, and for them to get basic goods and services they have to drive to a county seat town or to a larger urban area to get what they need. And they have larger fuel costs simply to get what they need to buy to take care of their basic needs. And when we ignore these infrastructure needs that we've been talking about, all it does is have very large ripple effects.

But one of the other things that we talked about here is our whole energy policy. I am very proud of the fact that my State is, I believe, pretty much in the epicenter of the renewable energy explosion. Whether it's ethanol, biodiesel, wind energy, one of the things we're trying to do is create an environment where we can reduce our dependency on foreign oil and not have to worry so much about the impact of what's going on with the Iraqi oil fields on our domestic fuel availability.

And so it's very exciting to see the potential, but one of the things that's disturbing is when we miss opportunities to do more. So if you look at wind energy capacity, most people would be shocked, I think, to realize that the State of North Dakota has the highest wind energy capacity of any State in the country. So they are a prime location for us to sell these wind turbines we're producing in Iowa and start to reduce that dependency on foreign oil.

But they've got a problem. It's the exact same problem Mr. HALL and I saw with the border patrol down in Arizona, and that is, it's one thing to say we need to secure our borders, but if you don't have infrastructure in place to access the border, you can't do your job. They've got a problem in North Dakota because they don't have a grid right now that can handle the energy capacity they would generate and put onto the grid and send out to people in Florida and New York, who have high demand and don't have the ability to meet their energy needs.

So when we're talking about how this war and the funding for the war is impacting Americans, I think that the ripple effect is enormous. And we're really only scratching the surface.

Mr. KLEIN of Florida. Well, I would certainly pick up on that because one of the first things that this Congress did, with our freshman class encouraging the way, was to say that we were going to change the way Congress paid for and spent the American taxpayers' money, and we adopted something called "PAYGO," pay-as-you-go budgeting. In other words, we can't pass a bill without it having been paid for in the budget. You've got to find the money somewhere in the budget; you can't say, well, maybe we'll have more money next year. That's just the way everybody runs their business back home, that's just the way everybody runs their personal checkbook. I know that my wife and I operate that way, and I'm sure everybody else on the floor here does the same thing. You just can't keep spending without having the money to pay it back.

And the reality is that, if you think about that, if you think about that responsible budgeting and the fact that we're spending—the number I keep throwing out—$339 million per day, think about the opportunity of investing in new energy alternatives. And you hear, well, maybe with some of the types of energy alternatives, the renewable energies, they're not ready for prime time yet; there are pollution problems with this type or some type of hazard. I'm from Florida; we should be leading the world in solar power, but there is a battery storage capacity issue. Is there an answer? You bet there's an answer. It requires our scientists, our business entrepreneurs to sit down and figure it out. And with the kind of money that would be available to challenge our scientists, our business entrepreneurs to develop solar, wind, wave, any number of various alternatives, to make us energy independent and then get rid of this oil import of 60 percent of our oil from the Middle East and Venezuela every day, which I think every American understands is a national security problem and all the other things that go along with that, we would be in great shape.

And that is what we, as Americans, are all about. We think forward, we're visionary, and we need to recognize that these opportunities that are being presented to us on becoming energy independent over the next number of years, as many of us refer to it, the Apollo Project—Mr. HALL is a leader in our class on these issues—that this is where we need to be moving forward for our future on national security, for our jobs, and opportunities that will help us engage in a stronger future economy, and for an environment. It all ties together very nicely.

Mr. HALL, I know you are very interested in this as well, so please join us.

Mr. HALL of New York. I thank the gentleman from Florida.

And I am happy to tell you that there is a solution to the problem of what to do with that power while the battery is being developed, it's called "net metering." And most States, New York being one of them, I believe have net metering which enables you to, if you're a homeowner or a business and you put solar panels on your property or on your roof and you don't use all that power, it winds the meter backwards and puts the power back into the grid and uses the grid as a battery. So that's what most people are doing today who have solar panels.

In fact, I helped the Action Club at the Arlington High School in Dutchess County, New York recently acquire a grant from the Dyson Foundation of New York, who were very generous and came up with funding for them to put solar panels on the roof of the high school. This is leadership by high school students who went first. And NYSERDA, the New York State Energy and Research Development Authority, I got part of the funding from them, developed a design to produce a certain number of kilowatts from, I think it's 123 kilowatts or so, anyway, it's a substantial amount of power toward what their school uses.

And then they came to us. And knowing how the appropriation process here in Congress can take so long and it's not a sure thing—last year our appropriations were finally signed into law by the President in December—I didn't want them to have to wait that long, so I was able to find a private source of funding for them.

But the point is that, it not only works, but the school kids know about it and they want their school to be solar. And I told them after they get that installed, they should go get the school bus fleet to use 20 percent biodiesel.

I'm burning heating oil in my home in the northeast, where heating oil is a major expense, especially this last winter, the cost rising the way it has has been very harmful to many people, especially those on fixed incomes. And I just called up the local dealer for heating oil and said, do you have a biodiesel blend? And the guy on the other end of the phone said, sure, it's a 20 percent soy/biodiesel blend, and I own the company, I burn it at home myself. It burns cleaner than regular oil. And so I said, send it on over. And for the last two winters now my wife and I have been heating our home with a biodiesel blend. And that's 20 percent less that has to come from Saudi Arabia or some other unstable part of the world where we're funding governments that don't like us, that use that money to buy weapons or to fund madrassas that teach young people who don't have much opportunity in their country, by the way, to advance economically or educationally, they teach them to hate Americans or hate Israelis and to do harm to us. And then, as Tom Friedman likes to write in the New York Times, we have to pay for the other side of the war on terror by sending our troops over there to stabilize these unstable parts of the world.

So that's a lose-lose policy, the old policy that we've been stuck on of oil dependency. The win-win-win policy is the one that we're talking about, where we use wind, we use biofuels. I mean, Brazil did this 20 years ago. They decided that they were going to use sugar cane ethanol. And they converted their vehicle fleet in the entire country over so that now when they drill offshore for oil in Brazil, they sell it on the world market and make money off of it, but they don't use it in their own vehicles. I think they're a few steps ahead of us. But we can get there. We're the nation that put a man on the moon. We're the nation that has been able to lead the way in many areas of medicine and technology, and certainly computer and software and Internet technology. This is something we can do. And we, in government, can incentivize it and try to encourage private industry and encourage individuals to do it. And make it patriotic, make people know that it's patriotic to drive the most efficient vehicle you can in the most efficient way that you can. It's patriotic to carpool, it's patriotic to use mass transit when you can, and it's certainly patriotic to let your elected officials know at every level of government, whether it's snowplows in the winter, school buses or UPS fleets or the thruway trucks that drive up and down all the time from Albany to New York, governmental fleets of vehicles, if we can buy hybrids, as West Chester County has done with their bus fleet, they're running not just hybrids, but biodiesel hybrids, they're already pyramiding in West Chester County on the B line, as they call it, the county bus route, they're pyramiding one new technology on top of another. And the next step would be plug-in biodiesel hybrids.

But we can do this. The technologies are here and available. And the sooner we start getting on the program and using them, the sooner we will be able to tell some of the countries that we've, unfortunately, been beholden to, whether it's the Saudis to get the oil or whether it's the Chinese to borrow the money to pay for the oil, we will soon be able to tell them, we don't need you quite so badly, and by the way, we'd like to talk to you about human rights and some other things that right now we can't be honest about because, in effect, we've lost our sovereignty because of this dependency.

But at any rate, it's a lose-lose-lose policy on one hand and a win-win-win policy on the other, and I want to see us go for the win-win.

Mr. KLEIN of Florida. Well, as we begin to wind down, we started this discussion about the impact of Iraq and the economy, and the economy and Iraq. And I think we started it from the beginning saying this country, we Americans have spent $600 billion on this effort in Iraq. And at a minimum, as we've discussed tonight, what could we do, certainly in the future, in terms of Iraq, from the right standpoint, taking responsibility and making it stand up and step up for itself and paying for its reconstruction, its fuel needs that Americans are having to pay for right now, and the training of its military.

And those resources, those American dollars can certainly be applied in a way to make us safer in dealing with, as you express, national security interests by taking us away from the addiction to oil and coming up with wonderful new renewable energy sources. The technology is there, it's being developed, it's being refined. We can take the question of the jobs and our economy right now, and of course the environment.

And so, as we begin to wrap up, if you can give some final thoughts as to how the Iraq and the economy are tied together and how we can get beyond this point and do good things for this country.

Mr. BRALEY of Iowa. Well, I thank my friend for the opportunity, and also the opportunity to spend time with two of my good friends tonight talking about very, very important issues.

We've focused primarily on the impact of the war in Iraq and the cost of the war on the domestic economy here in the United States. But when I look at my friend from New York and I look at my friend from Florida, two States that really symbolize a growing connection between our domestic economy and the global economy, one of the things we know is a lot of the issues we've talked about tonight all come back to something we all are charged to do when we swore to represent this country, and that is to provide security.

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Now that may be security from harm, from foreign interests. It may be economic security. But it all comes together. And we know that many developing countries, the addiction to energy needs is what keeps them suppressed in reaching greater levels of economic stability, and that's why oil and the pursuit of oil has played such an important role in the last 100 years in the world economy.

By exporting our knowledge about renewable energy, about new emerging economies that can be shared and applied in the global economy, I think we can give a great gift to the American people in the return of a safer world, a more secure world, and a world where we have the ability to be able to predict with greater certainty what the current economic trends are going to be and set economic policies, with the assistance of the administration and the Federal Reserve, to address these crises before they become the full-blown crises that we have been talking about on the floor tonight.

So I look forward to working with my friends and my other colleagues here on both sides of the aisle in trying to provide some guidance and direction as we get our hands on this very important subject.

Mr. KLEIN of Florida. I thank the gentleman from Iowa for participating tonight on behalf of our freshmen class.

And if you would like to, Mr. HALL, take a minute to give a close.

Mr. HALL of New York. Quickly I would just add about Iraq two quotes, one from Ambassador Ryan Crocker. When I was over there with our Republican colleagues TOM COLE, RIC KELLER, DAVE LOEBSACK of Iowa, the four Members of Congress sat with the Ambassador, and he was asked by one of us, "What's the state of reconciliation and peace and resolving the conflicts between the tribes and the different religious sects?"

And I was sitting right next to him; so I wrote down his response to be sure I had it right. His response was, "The Maliki Government is somewhere between challenged and dysfunctional." Now, that was October.

In March General Petraeus stated on March 13, "No one feels that there has been sufficient progress by any means in the area of national reconciliation."

So it's my contention that not only do the Iraqis need to start paying for their own reconstruction, I think they need to take responsibility for their own security as well because as long as we are putting our men and women in a police role to try to police their civil war and their ethnic and tribal and religious differences, it's just going to let them continue to be dysfunctional. And when we phase out or pull out or whatever you want to call it and get back to the real business that this country faces, the real dangers that we face, which, as you said before, I believe, are Afghanistan and Pakistan certainly more in terms of terrorism, that they will be forced to come to terms with whether they want to be a country or whether they want to be three separate groups of Kurds and Sunnis and Shia or whatever it is. But that's one thing.

And the other thing is I am a firm believer that after 5 years and a least $600 billion spent and over $1 trillion in veterans' benefits that we have incurred that we will have to pay out of responsibility and the debt that we owe to the men and women who fought in this conflict that it's time for us to start looking at what those dollars could do at home for the things that we really need to take care of, not just for national security but for economic security, education security, health security, and all the other meanings of the word.

So I thank my friends both, and I thank the gentleman from Florida for chairing this session.

Mr. KLEIN of Florida. I thank the gentleman from New York and the gentleman from Iowa. It's been an honor and privilege to serve with you and all the rest of the Members of our freshmen class, both Democrats and Republicans.

I know the future of our country, the future of our families, our children, and I have got two kids in college right now and I know all of you have kids in high school and college, we think about that every day as we try to make decisions which will be the best for our country both from a national security and economic security point of view. And I know that we're going to work together in a collegial way to accomplish those.

So I thank you, wish you a good night, and look forward to seeing you next week at this time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEK of Florida (at the request of Mr. HOYER) for today.

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for today after 2 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COURTNEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 23.

Mr. TANCREDO, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 23.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

ADJOURNMENT

Mr. HALL of New York. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 17, 2008, at 8:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:–

6119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyroxsulam; Pesticide Tolerances [EPA-HQ-OPP-2006-0785; FRL-8349-9] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dibasic Esters (DBE); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0182; FRL-8341-4] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0857; FRL-8350-3] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6122. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities and Gasoline Dispensing Facilities; Correction [EPA-HQ-OAR-2006-0406, FRL-8540-2] (RIN: 2060-AM74) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6123. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emission Measurement Accuracy Margins for Portable Emission Measurement Systems and Program Revisions [EPA-HQ-OAR-2004-0072; FRL-8539-3] (RIN: 2060-A069) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6124. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Atlanta, Georgia 8-hour Ozone Nonattainment Area [EPA-R04-OAR-2007-0958-200802; FRL-8539-2] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6125. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Approval of Construction Permit Waiver [EPA-R05-OAR-2007-0717; FRL-8533-1] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6126. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference; Correction [MD201-3117; FRL-8536-3] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6127. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Open Burning Rule [EPA-R01-OAR-2005-ME-0008; A-1-FRL-8526-5] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6128. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Reasonably Available Control Technology [EPA-R03-OAR-2007-1169; FRL-8532-6] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6129. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Montana; Revisions to Administrative Rules of Montana, and Interstate Transport of Pollution [EPA-R08-OAR-2007-0646; FRL-8527-1] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6130. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston [EPA-R06-OAR-2005-TX-0015; FRL-8532-1] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6131. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Standards for the Administrative Collection of Claims [A.G. Order No. 2918-2007] (Treasury RIN: 1510-AA91) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6132. A letter from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting the Department's Fiscal Year 2009-2013 Future Years Homeland Security Program, pursuant to 6 U.S.C. 454 Public Law 107-296, section 874(c); to the Committee on Homeland Security.

6133. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Fiscal Year 2007 Defense Environmental Programs Annual Report, pursuant to 10 U.S.C. 2706; jointly to the Committees on Armed Services and Energy and Commerce.

6134. A letter from the Secretary, Department of Health and Human Services, transmitting the Medicare Beneficiary Ombudsman Annual Report for Calendar Years 2005-2006, pursuant to Public Law 108-173, section 923(a) (117 Stat. 2394); jointly to the Committees on Energy and Commerce and Ways and Means.

6135. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a legislative proposal to address the declining balance in the Inland Waterways Trust Fund (IWTF); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

6136. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's "March 2008 Report to the Congress: Medicare Payment Policy"; jointly to the Committees on Ways and Means and Energy and Commerce.

6137. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, "Federal Employees Short-term Disability Security Act of 2008"; jointly to the Committees on Oversight and Government Reform, House Administration, and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PETERSON of Minnesota:

H.R. 5813. A bill to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 5814. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 5815. A bill to amend the Public Health Service Act to establish a comprehensive national system for skilled construction workers to assist first responders in disasters; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself and Mr. BOEHNER):

H.R. 5816. A bill to prohibit assistance for the Carter Center located in Atlanta, Georgia; to the Committee on Foreign Affairs, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 5817. A bill to establish a new nonimmigrant category for Korean aliens seeking to enter the United States temporarily to perform services in a specialty occupation, and for other purposes; to the Committee on the Judiciary.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. WATT, Mr. MAHONEY of Florida, Ms. VELÁZQUEZ, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Mr. LYNCH, Mr. CARSON, Mr. ELLISON, and Mr. CLAY):

H.R. 5818. A bill to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself, Mr. GRAVES, and Mr. SESTAK):

H.R. 5819. A bill to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 5820. A bill to authorize the Forest Service to provide financial assistance to States for the acquisition of land to preserve and maintain such land for traditional use by the public, and for other purposes; to the Committee on Natural Resources.

By Mr. BROUN of Georgia (for himself, Mr. AKIN, Mr. CHABOT, Mr. FORBES, Mr. FORTENBERRY, Mr. GOODE, Mrs. MUSGRAVE, Mr. PITTS, Mr. SALI, Mr. SOUDER, Mr. BARTLETT of Maryland, Mr. ROSKAM, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. PENCE, and Mr. SMITH of New Jersey):

H.R. 5821. A bill to amend title 10, United States Code, to close loopholes in the prohibition on the sale or rental of sexually explicit material on military installations; to the Committee on Armed Services.

By Mr. CARDOZA:

H.R. 5822. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on withdrawals from qualified retirement plans upon receipt of notice of foreclosure on a principal residence; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. KING of New York, Mr. BISHOP of New York, and Mrs. GILLIBRAND):

H.R. 5823. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN:

H.R. 5824. A bill to require the Secretary of Defense to establish a mortgage foreclosure counseling program for members of the Armed Forces returning from service abroad; to the Committee on Armed Services.

By Mr. NUNES (for himself, Mr. COSTA, Mr. AKIN, Mr. ALEXANDER, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BARRETT of South Carolina, Mr. BARROW, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Ms. BEAN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOREN, Mr. BOSWELL, Mr. BOUSTANY, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARNEY, Mr. CARTER, Mr. CASTLE, Mr. CHABOT, Mr. CHANDLER, Mr. COBLE, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. COOPER, Mr. CRAMER, Mr. CRENSHAW, Mrs. CUBIN, Mr. CUMMINGS, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DENT, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DONNELLY, Mr. DOOLITTLE, Mr. DOYLE, Mrs. DRAKE, Mr. DREIER, Mr. EDWARDS, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FERGUSON, Mr. FILNER, Mr. FLAKE, Mr. FORBES, Mr. FORTENBERRY, Mr. FOSSELLA, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GERLACH, Mr. GINGREY, Mr. GOHMERT, Mr. GONZALEZ, Mr. GOODE, Mr. GORDON, Mr. GRAVES, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HALL of Texas, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HELLER, Mr. HERGER, Ms. HERSETH SANDLIN, Mr. HINOJOSA, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HUNTER, Mr. INSLEE, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY, Mr. KING of New York, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KUCINICH, Mr. KUHL of New York, Mr. LAHOOD, Mr. LAMBORN, Mr. LAMPSON, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. LYNCH, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MATHESON, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCCRERY, Mr. MCGOVERN, Mr. MCHENRY, Mr. MCHUGH, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. MELANCON, Mr. MICA, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mrs. MUSGRAVE, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEUGEBAUER, Ms. NORTON, Mr. ORTIZ, Mr. PASTOR, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. POMEROY, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REHBERG, Mr. REYES, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROHRABACHER, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SALAZAR, Mr. SALI, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Mr. SCHIFF, Mrs. SCHMIDT, Mr. SCOTT of Georgia, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SIRES, Mr. SMITH of Nebraska, Mr. SNYDER, Ms. SOLIS, Mr. SOUDER, Mr. SPACE, Mr. SPRATT, Mr. STEARNS, Mr. SULLIVAN, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR, Mr. TERRY, Mr. THOMPSON of California, Mr. THORNBERRY, Mr. TIBERI, Mr. TURNER, Mr. UDALL of Colorado, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALBERG, Mr. WALZ of Minnesota, Mr. WAMP, Ms. WATSON, Mr. WAXMAN, Mr. WELLER, Mr. WESTMORELAND, Mr. WHITFIELD of Kentucky, Mr. WILSON of Ohio, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WITTMAN of Virginia, Mr. WOLF, Mr. YARMUTH, Mr. YOUNG of Alaska, and Mr. MCNULTY):

H.R. 5825. A bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Mr. FILNER, Ms. BERKLEY, and Mr. HALL of New York):

H.R. 5826. A bill to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSKAM (for himself and Mr. KIRK):

H.R. 5827. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve food safety; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota:

H.J. Res. 80. A joint resolution proposing an amendment to the Constitution of the United States prohibiting the penalty of death; to the Committee on the Judiciary.

By Mr. SHUSTER:

H. Con. Res. 329. Concurrent resolution expressing the sense of Congress that former Presidents and high-ranking political figures should refrain from freelance diplomacy against the wishes of the current Government and stated United States foreign policy; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself, Ms. BERKLEY, Mr. BOEHNER, Mr. BLUNT, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. MCCOTTER, Mr. ENGEL, Mr. SHUSTER, Mr. BURTON of Indiana, Mr. WEINER, Mr. FRANKS of Arizona, Mr. SOUDER, Mr. KAGEN, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mrs. GILLIBRAND, Mr. FOSSELLA, Mr. LOBIONDO, Mr. MCNULTY, Mr. KUHL of New York, Mrs. MILLER of Michigan, Mr. SHAYS, Mr. BURGESS, Mr. GERLACH, Mr. PORTER, Mr. RAMSTAD, and Mr. POE):

H. Res. 1110. A resolution condemning Hamas as a foreign terrorist organization responsible for the murders of 26 United States citizens; to the Committee on Foreign Affairs.

By Mr. KLEIN of Florida:

H. Res. 1111. A resolution expressing the sense of the House of Representatives that any funding provided by the United States to the Government of Iraq for reconstruction, training for Iraqi security forces, and fuel for United States operations in Iraq should be provided in the form of loans; to the Committee on Foreign Affairs.

By Mr. BAIRD (for himself, Mr. KIRK, Mr. SERRANO, Mr. FALEOMAVAEGA, and Mr. SAXTON):

H. Res. 1112. A resolution recognizing 2008 as the International Year of the Reef; to the Committee on Science and Technology.

By Mr. FORTENBERRY:

H. Res. 1113. A resolution celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day; to the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY:

H. Res. 1114. A resolution supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day; to the Committee on Oversight and Government Reform.

By Mr. KLEIN of Florida (for himself, Mr. MICA, Ms. NORTON, Mr. BROWN of South Carolina, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. TANNER, Mr. FARR, Mr. PORTER, Mr. SIRES, Mr. DUNCAN, Mr. WILSON of South Carolina, Mr. COBLE, Mr. WAMP, and Mr. WALSH of New York):

H. Res. 1115. A resolution expressing support for designation of April 16, 2008, as "National Golf Day"; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. BUCHANAN, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. WEXLER, Mr. PUTNAM, Mr. MICA, Ms. CORRINE BROWN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mr. MILLER of Florida, Ms. WASSERMAN SCHULTZ, Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. BOYD of Florida, Mr. BILIRAKIS, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. WELDON of Florida, Mr. YOUNG of Florida, Ms. CASTOR, Mr. MAHONEY of Florida, and Mr. FEENEY):

H. Res. 1116. A resolution honoring the life of Claude Denson Pepper, distinguished former Senator and Representative from Florida; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. KINGSTON.

H.R. 333: Mr. YOUNG of Alaska and Mr. PERLMUTTER.

H.R. 406: Mr. GARRETT of New Jersey, Mr. KELLER, Mr. KLINE of Minnesota, Mr. LATOURETTE, Mr. MORAN of Kansas, Mr. WALDEN of Oregon, Mr. JOHNSON of Illinois, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. BROWN of South Carolina, Mr. CARTER, Mr. CONAWAY, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. GOODE, Mr. HENSARLING, Mr. JONES of North Carolina, Mr. LATTA, Mr. LEWIS of Kentucky, Mr. MCHENRY, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. SALI, Mr. STEARNS, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.

H.R. 579: Mr. WHITFIELD of Kentucky and Mr. GALLEGLY.

H.R. 615: Mr. KENNEDY and Mr. BURTON of Indiana.

H.R. 616: Mr. KENNEDY.

H.R. 618: Mr. ENGLISH of Pennsylvania.

H.R. 620: Mr. CARSON.

H.R. 642: Mr. TOWNS.

H.R. 643: Mr. WITTMAN of Virginia, Mr. ROSKAM, Mr. HOYER, Mr. PAYNE, Mr. KING of Iowa, and Mr. WALDEN of Oregon.

H.R. 1078: Mr. PUTNAM and Mr. HOLT.

H.R. 1110: Mr. HARE.

H.R. 1174: Mr. BURTON of Indiana.

H.R. 1246: Ms. RICHARDSON.

H.R. 1277: Mr. UDALL of Colorado.

H.R. 1343: Mr. SALI.

H.R. 1518: Mr. OLVER.

H.R. 1524: Mr. ALTMIRE.

H.R. 1532: Mr. STARK and Mr. BRADY of Texas.

H.R. 1542: Mr. GENE GREEN of Texas.

H.R. 1553: Mr. CARNEY.

H.R. 1643: Mr. BRALEY of Iowa.

H.R. 1655: Mr. BARTLETT of Maryland and Mr. PAYNE.

H.R. 1774: Mr. WU.

H.R. 1866: Mr. BOREN.

H.R. 1967: Mr. MCHENRY, Mr. KING of Iowa, Mr. CONAWAY, Mr. BROUN of Georgia, and Mr. BARTLETT of Maryland.

H.R. 2054: Mr. MATHESON.

H.R. 2158: Mr. CULBERSON.

H.R. 2188: Ms. SUTTON.

H.R. 2676: Ms. HOOLEY.

H.R. 2686: Mr. PETERSON of Minnesota.

H.R. 2703: Mr. KING of New York.

H.R. 2712: Mr. COHEN.

H.R. 2734: Mr. FRELINGHUYSEN.

H.R. 2851: Mr. BOUCHER, Mr. MATHESON, Mr. ARCURI, and Ms. HOOLEY.

H.R. 2964: Mr. SHAYS, Mr. HONDA, and Mr. BERMAN.

H.R. 2991: Mr. SCHIFF.

H.R. 3016: Mr. MCCOTTER.

H.R. 3036: Mrs. CAPPS.

H.R. 3041: Mr. DOYLE.

H.R. 3089: Mr. DAVID DAVIS of Tennessee.

H.R. 3098: Mr. BISHOP of Georgia.

H.R. 3202: Mr. WEXLER.

H.R. 3257: Mr. HOLT.

H.R. 3282: Mr. MCGOVERN.

H.R. 3334: Ms. CLARKE.

H.R. 3368: Mr. GOODE.

H.R. 3522: Mr. PEARCE.

H.R. 3622: Mr. BISHOP of Georgia.

H.R. 3658: Mr. ACKERMAN.

H.R. 3660: Mr. GONZALEZ and Mr. SESTAK.

H.R. 3689: Mr. FRELINGHUYSEN.

H.R. 3769: Mr. ORTIZ, Mr. REYES, Mr. MILLER of Florida, Mr. ELLSWORTH, Ms. SHEA-PORTER, and Mr. COURTNEY.

H.R. 3819: Mr. ROSS.

H.R. 3870: Ms. LINDA T. SÁNCHEZ of California and Mr. BLUMENAUER.

H.R. 3934: Mr. LATOURETTE.

H.R. 4053: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4054: Mr. UDALL of Colorado, Mr. ENGEL, and Mr. YOUNG of Alaska.

H.R. 4061: Mr. ROSKAM.

H.R. 4091: Mr. DAVIS of Illinois.

H.R. 4221: Mr. FILNER.

H.R. 4318: Mrs. SCHMIDT.

H.R. 4335: Mr. CARSON.

H.R. 4344: Mr. BROUN of Georgia.

H.R. 4651: Mr. PAUL and Mr. PAYNE.

H.R. 4652: Ms. CLARKE, Mrs. MALONEY of New York, and Mr. TOWNS.

H.R. 4926: Mr. SHAYS and Mr. CARNEY.

H.R. 4927: Mr. LAMBORN.

H.R. 4930: Mr. ROSS and Ms. SCHWARTZ.

H.R. 5131: Mr. BROWN of South Carolina and Mr. ENGLISH of Pennsylvania.

H.R. 5176: Mr. BRALEY of Iowa.

H.R. 5236: Mr. HERGER.

H.R. 5244: Mr. ORTIZ, Mrs. LOWEY, Mr. JEFFERSON, and Mr. BISHOP of Georgia.

H.R. 5266: Mr. VAN HOLLEN.

H.R. 5425: Mr. BONNER.

H.R. 5426: Mr. ENGLISH of Pennsylvania and Mr. PRICE of North Carolina.

H.R. 5440: Mr. GOHMERT, Mr. GERLACH, and Mr. SHAYS.

H.R. 5443: Mr. MANZULLO and Mr. FLAKE.

H.R. 5446: Mr. PLATTS.

H.R. 5534: Mr. COHEN, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. FORTENBERRY, Ms. FALLIN, Mr. ROYCE, Mrs. BONO MACK, Mr. BURTON of Indiana, and Mr. ROGERS of Kentucky.

H.R. 5536: Mr. FARR, Mr. GEORGE MILLER of California, and Mr. HINCHEY.

H.R. 5540: Mr. CASTLE.

H.R. 5541: Mr. SIMPSON, Mr. BERMAN, Mr. MURPHY of Connecticut, Ms. SOLIS, Mr. KENNEDY, Mr. FILNER, and Mr. SHERMAN.

H.R. 5590: Mrs. CAPPS, Mr. SIRES, Mr. SPRATT, Mr. ANDREWS, Ms. CLARKE, Mr. MILLER of Florida, and Mr. PAYNE.

H.R. 5596: Mr. GALLEGLY, Mr. ROHRABACHER, Mr. HUNTER, Mr. WAMP, Mrs. BLACKBURN, Mr. KINGSTON, and Mr. LEWIS of California.

H.R. 5603: Mr. COURTNEY, Mr. PETERSON of Minnesota, Mr. KAGEN, Mr. COBLE, Mr. BISHOP of Georgia, Mr. SHAYS, Mrs. MYRICK, Mr. BRALEY of Iowa, and Mr. ENGLISH of Pennsylvania.

H.R. 5606: Mr. REGULA and Ms. JACKSON-LEE of Texas.

H.R. 5613: Mr. KUCINICH, Mr. LIPINSKI, Mr. LARSON of Connecticut, Mr. RENZI, Mr. CARNEY, Mrs. BONO MACK, Mr. COSTELLO, Mr. COSTA, Mr. ORTIZ, and Mr. SCHIFF.

H.R. 5627: Mr. CROWLEY and Mr. WILSON of South Carolina.

H.R. 5633: Mr. MCDERMOTT.

H.R. 5635: Mr. FLAKE.

H.R. 5636: Mr. ENGLISH of Pennsylvania.

H.R. 5637: Mr. FALEOMAVAEGA.

H.R. 5656: Mr. WHITFIELD of Kentucky, Mr. CANNON, Mr. ISSA, Mr. PEARCE, Mr. LAMBORN, and Mr. SALI.

H.R. 5674: Mr. HALL of Texas, Mr. BLUNT, Ms. HERSETH Sandlin, Mr. MURTHA, Mr. HOLDEN, and Mr. BERRY.

H.R. 5684: Mr. BLUMENAUER, Mr. BARTLETT of Maryland, and Mr. MCNERNEY.

H.R. 5695: Mr. HUNTER.

H.R. 5709: Mr. ROSS.

H.R. 5731: Mr. TANCREDO, Mr. KINGSTON, Mr. MILLER of Florida, Mr. ROYCE, and Mr. ROHRABACHER.

H.R. 5737: Mr. ENGLISH of Pennsylvania and Mr. HOEKSTRA.

H.R. 5740: Mrs. EMERSON, Mr. CLYBURN, Mr. BISHOP of New York, Mr. AL GREEN of Texas, Mr. SMITH of Washington, Mr. SIMPSON, Mrs. WILSON of New Mexico, Mrs. GILLIBRAND, Mr. MACK, and Mr. NADLER.

H.R. 5752: Mrs. MYRICK.

H.R. 5757: Mr. KINGSTON.

H.R. 5769: Mr. GARY G. MILLER of California, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, and Mr. WITTMAN of Virginia.

H.R. 5780: Mr. PRICE of North Carolina.

H.R. 5782: Mr. HERGER and Ms. GRANGER.

H.R. 5793: Ms. ESHOO and Mr. KELLER.

H.R. 5794: Mr. BARTON of Texas, Mr. SIMPSON, Mr. MANZULLO, and Mr. MCHENRY.

H. Con. Res. 163: Mrs. MYRICK.

H. Con. Res. 253: Mr. WEXLER.

H. Con. Res. 314: Mr. MCCOTTER.

H. Con. Res. 315: Mr. REHBERG and Mr. HOBSON.

H. Con. Res. 317: Mr. FRANK of Massachusetts and Mr. WOLF.

H. Con. Res. 318: Mr. FALEOMAVAEGA, Mr. SNYDER, and Mr. BISHOP of Georgia.

H. Con. Res. 320: Mr. DAVIS of Illinois, Mr. RUSH, Mr. JEFFERSON, Mr. CLAY, Mr. GRIJALVA, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. HALL of New York, Mr. SAM JOHNSON of Texas, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mrs. BOYDA of Kansas, Mr. LOEBSACK, Mr. SESTAK, Mr. BISHOP of Utah, Ms. SHEA-PORTER, Mr. THORNBERRY, Mr. YOUNG of Alaska, Mr. UDALL of Colorado, Ms. CASTOR, Mr. MILLER of Florida, Mr. BARTON of Texas, Ms. GIFFORDS, Mr. BACA, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Ms. KILPATRICK, Mr. BUTTERFIELD, and Mr. MCNULTY.

H. Con. Res. 322: Mr. SHUSTER, Mrs. BLACKBURN, Mr. KIND, Mr. SPACE, Mr. FOSSELLA, Mr. JORDAN, Mr. ROGERS of Michigan, Mr. BOREN, Ms. MOORE of Wisconsin, Mr. LAMPSON, Mr. MITCHELL, Mr. MORAN of Virginia, Mr. HAYES, Mr. ETHERIDGE, Mr. HALL of New York, Mr. CARSON, Mr. INGLIS of South Carolina, Mr. SHADEGG, Mr. GERLACH, Mr. CASTLE, Mr. PLATTS, Mr. DOYLE, Mr. MCGOVERN, Mrs. LOWEY, Mr. CLAY, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. REYES, Mr. TOWNS, Mr. Lincoln Davis of Tennessee, Mrs. Gillibrand, and Mrs. JONES of Ohio.

H. Con. Res. 323: Mr. HALL of Texas, Mrs. MYRICK, Mr. SNYDER, Mr. HAYES, Mr. CONAWAY, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. COBLE, Mr. MORAN of Kansas, Mrs. BIGGERT, Mr. BACHUS, Mrs. MCMORRIS RODGERS, Mr. SAM JOHNSON of Texas, Ms. SCHAKOWSKY, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. KINGSTON, Mr. TERRY, Mr. BARTON of Texas, Mr. HOEKSTRA, Mr. ALEXANDER, Mr. REHBERG, Mr. SAXTON, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. BROWN of South Carolina, Mr. JONES of North Carolina, Mr. BOYD of Florida, Mr. TANNER, Mr. WAMP, Mr. TIAHRT, Mr. WU, Mr. DEAL of Georgia, Mr. GORDON, Mr. HENSARLING, Mr. PEARCE, Mr. SESSIONS, Mr. MCCAUL of Texas, Mr. WILSON of South Carolina, Mr. MARCHANT, Mr. GARRETT of New Jersey, Mr. KUHL of New York, Mr. EHLERS, Mr. BARROW, Mrs. DRAKE, Mr. RADANOVICH, Ms. GRANGER, Mr. TOWNS, Ms. GINNY BROWN-WAITE of Florida, Mr. WHITFIELD of Kentucky, Mr. ELLSWORTH, Mr. EVERETT, Mr. WALBERG, Mr. NUNES, Mr. SCOTT of Georgia, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. PORTER, Mr. FERGUSON, Mr. PENCE, Mr. SHADEGG, Mr. MELANCON, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. WALDEN of Oregon, Mr. GALLEGLY, Mr. WITTMAN of Virginia, Mrs. BONO MACK, Mr. SULLIVAN, Mr. BACA, Mr. BAIRD, Mr. BUYER, Mr. MCKEON, Ms. HARMAN, Mr. ROHRABACHER, Mr. PASTOR, Mr. MITCHELL, Mr. ENGEL, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. LIPINSKI, Mr. FOSSELLA, Mr. SKELTON, Mr. CARNAHAN, Mr. CRENSHAW, Mr. MARIO DIAZ-BALART of Florida, Mr. INGLIS of South Carolina, Mr. BISHOP of Georgia, Mr. LINDER, Mr. COHEN, Mr. NEUGEBAUER, Mr. RYAN of Wisconsin, and Mr. ISSA.

H. Res. 106: Ms. SPEIER.

H. Res. 565: Ms. FALLIN.

H. Res. 821: Ms. ROS-LEHTINEN.

H. Res. 896: Mr. CARSON.

H. Res. 925: Mrs. MYRICK and Mr. LIPINSKI.

H. Res. 952: Mr. FORBES.

H. Res. 987: Mr. WILSON of Ohio.

H. Res. 1003: Mr. GOODLATTE.

H. Res. 1011: Mr. COSTA and Ms. WATSON.

H. Res. 1022: Ms. WASSERMAN SCHULTZ.

H. Res. 1026: Mr. HARE.

H. Res. 1048: Mr. FILNER.

H. Res. 1055: Mr. COHEN and Mr. BRADY of Pennsylvania.

H. Res. 1062: Mr. SPRATT and Mr. PAYNE.

H. Res. 1069: Mr. ISRAEL, Mr. SAXTON, Mr. SHUSTER, and Mr. WEXLER.

H. Res. 1079: Mr. WATT, Mr. RAMSTAD, Mr. BERMAN, Mr. Carson, Mr. TOWNS, Mr. MEEK of Florida, and Ms. WATERS.

H. Res. 1080: Mr. BISHOP of Georgia.

H. Res. 1085: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. RUPPERSBERGER, Mr. BLUMENAUER, Mrs. NAPOLITANO, Ms. NORTON, Mr. CUMMINGS, Mr. BACHUS, Mr. SIRES, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTELLO, Mr. RODRIGUEZ, Mrs. JONES of Ohio, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr. MATHESON, Mr. FARR, Mr. COSTA, and Mr. LIPINSKI.

H. Res. 1093: Mr. WALSH of New York, Ms. ZOE LOFGREN of California, and Mr. PAYNE.

H. Res. 1097: Ms. BORDALLO, Mr. KLEIN of Florida, Mr. BARROW, Mr. MURPHY of Connecticut, and Ms. MATSUI.

H. Res. 1109: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mrs. TAUSCHER, Mr. BERMAN, Mr. ACKERMAN, Mr. WEXLER, Mr. MEEKS of New York, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. HINOJOSA, Mr. CROWLEY, Ms. Linda T. Sánchez of California, Mr. SCOTT of Georgia, Mr. COSTA, Mr. KLEIN of Florida, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. SPACE, Mr. MURPHY of Connecticut, Mr. ROTHMAN, Mr. HOLT, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. ROSS, Mr. BECERRA, Mr. WILSON of Ohio, Ms. CASTOR, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. SALAZAR, Mr. HOYER, Mr. PERLMUTTER, Mr. CUELLAR, Mr. JOHNSON of Georgia, Mr. Lincoln Davis of Tennessee, Mr. SHERMAN, Mr. SERRANO, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. REYES, Mr. SESTAK, Mr. HODES, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. COURTNEY, Ms. WASSERMAN SCHULTZ, Mr. MAHONEY of Florida, Mr. RYAN of Ohio, Mr. BARROW, Ms. MCCOLLUM of Minnesota, Mr. YARMUTH, Mr. COHEN, Mr. LAMPSON, Mr. SARBANES, Mr. TOWNS, and Mr. MCDERMOTT.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 891: Mr. CONAWAY.

H.R. 2833: Ms. BORDALLO, Mr. KLEIN of Florida, and Mr. BARROW.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in order to recognize the achievements of Cleveland's Council on American-Islamic Relations (CAIR) Chapter on the occasion of their sixth annual banquet. For the past 6 years, CAIR has played an instrumental role in bridging the divides between Greater Cleveland's diverse communities.

The Council on American-Islamic Relations is a nation wide nonprofit organization whose mission is to "enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding". The CAIR staff of Ohio has worked tirelessly to ensure that this vision becomes a reality and I thank every member of the organization for their commitment to improving the lives of the citizens of the Cleveland area.

Together with the organizers of CAIR's sixth annual banquet, titled "Let the Conversation Begin," I also stand in recognition of the distinguished speakers; Dr. Christopher Pyle of Mt. Holyoke College and Imam Johari Abdul Malik of the Dar Al-Hijrah Islamic Center. Dr. Christopher Pyle is currently a Professor of Politics at Mt. Holyoke College and an award winning investigative journalist, scholar, teacher and historian. Imam Johari Abdul Malik is the head of Muslim Chaplains in Higher Education, Government Relations Chair for the Muslim Alliance in North America and President of the Muslim Society of Washington, Inc. I commend their efforts and work in speaking out on important issues and promoting social justice.

Madam Speaker and colleagues, please join me in recognizing the Council on American-Islamic Relations for their truly outstanding achievements. The work of CAIR is vital in an ever changing, diversifying and growing community. May their efforts to promote dialogue and create a more inclusive world endure for years to come.

* * *

A PROCLAMATION HONORING MARJORIE SELLERS ON HER 75TH YEAR OF TEACHING DANCE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Marjorie Sellers has been teaching dance for 75 years with enthusiasm and joy; and

Whereas, this milestone is the result of dedication and love which began in 1924; and

Whereas, an occasion such as this illustrates that hard work and commitment truly represents an honest path to success as evidenced by Marjorie's receipt of several major dance awards including the 1998 Member of the Year for Dance Masters America; and

Whereas, Majorie's love of dance has fostered the education and careers of thousands of students, some of which have shared their talents as professional dancers under her guidance; and

Whereas, we wish Majorie many more years of joy in sharing her talents and love with us; therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Majorie Sellers, for her dedication to teaching dance for 75 years.

* * *

CALL UNITED STATES TO ASSIST WITH THE HAITIAN FOOD CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RANGEL. Madam Speaker, I rise today to bring to the attention of this Congress a matter of utmost importance—the current civil unrest in Haiti over rising food prices, and the inability of ordinary Haitians to afford to feed themselves and their families. Haiti is an impoverished nation and this current crisis will only push Haiti further into despair.

I am urging our great Nation to provide emergency food aid to Haiti. Food costs have risen on average 40 percent over last year's cost. The cost of staples such as rice, beans, fruit and milk has increased by 50 percent. The majority of Haitians live on approximately $2 a day. These extraordinary circumstances have caused wide spread rioting throughout Haiti and have even resulted in death. People should not have to die in pursuit of food to feed their families.

As a donor nation, the United States should have answered the World Food Program's (WFP) call for donor support earlier. The WFP appeal is for $96 million, and only 13 percent of the request has been provided. Our great Nation should be embarrassed for allowing our Caribbean neighbor to suffer this fate. I want to urge this Congress and the President to quickly answer the call of the WFP and provide critical food assistance to Haiti in its time of great need.

PERSONAL EXPLANATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 16, 2008

Mr. LoBIONDO. Madam Speaker, I was not present in the House chamber for votes on April 14, 2008, as well as for part of the day on April 15, 2008, as I was visiting American servicemen and women in Afghanistan. If I were present for votes on these days. I would have voted "yea" on rollcall No. 183, "yea" on rollcall No. 184, "yea" on rollcall No. 185, "nay" on rollcall No. 186, "nay" on rollcall No. 187, and "yea" on rollcall No. 188.

* * *

PERSONAL EXPLANATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GOHMERT. Madam Speaker, on Tuesday, April 15, 2008, I was in Tyler attending the funeral of the longest serving county judge in Smith County history: Judge Larry Craig of Tyler, Texas. Had I been present for the vote on the Motion to Recommit to H.R. 5719 regarding sanctuary cities, I would have voted "aye."

* * *

WELCOMING SOUTH KOREAN PRESIDENT LEE TO WASHINGTON

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. FOSSELLA. Madam Speaker, this week the President of the Republic of Korea, Lee Myung-Bak, arrives in Washington on his first official visit to the United States since his inauguration on February 25. Indeed, this is President Lee's first major overseas trip, underscoring the importance of the long-standing U.S.-Korea alliance.

The partnership between the United States and the Republic of Korea is multilayered; it has political, diplomatic, strategic, cultural, and economic components. It is historic: the friendship between the U.S. and South Korea is more than 125 years old. It is also familial: over the past century, hundreds of thousands of people emigrated from South Korea to settle in the United States, with the result that today comprises a vibrant and dynamic Korean American community with nearly 2 million constituents.

It has been my privilege to serve as cofounder and cochair of the Congressional Korea Caucus, and in that capacity I have had

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

many opportunities to learn about the Republic of Korea and U.S.-Korea relations. I recently stood side by side with South Korean Ambassador Lee Tae-sik at an event in my district commemorating the Korean war. I have met with numerous Korean war veterans—including many who live in Staten Island and Brooklyn—who served our Nation nobly and who lost comrades on the battlefield or who came home wounded with irreversible scars of that conflict. We will never forget their sacrifice and how their service paved the way for South Korea's enduring freedom today.

Madam Speaker, South Korean soldiers have fought alongside Americans not only in their own homeland but in Vietnam, Afghanistan, and Iraq. In fact, South Korea sent the third largest contingent of armed forces to Iraq among all the countries that have participated in that conflict and has pledged over $460 billion in reconstruction efforts.

The Republic of Korea has often been described as an "economic miracle." A little more than 50 years ago, South Korea was an impoverished nation perceived as having few prospects for survival, much less potential for affluence or influence. Today, it has the world's 11th largest economy and is the 7th largest trading partner of the United States.

It is no wonder, therefore, that last year negotiators for the United States and the Republic of Korea concluded a free trade agreement that now awaits approval by this Congress and the South Korean National Assembly before it is implemented.

The U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the U.S.-Korea Free Trade Agreement would increase the Gross Domestic Product, GDP, of the United States by over $10 billion annually. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by American farmers, manufacturers, and service providers to the South Korean market.

With growing uncertainty about the health of our economy, it is critically important that we make every effort to spur U.S. economic growth and create new American jobs through securing access to markets in which U.S. farmers and businesses can compete and succeed. The proposed U.S.-Korea Free Trade Agreement stands to further increase U.S. exports to Korea and will generate new jobs for Americans. This agreement will be a win-win-win situation—a win for workers, a win for businesses, and a win for consumers.

The visit of President Lee Myung-Bak to Washington offers an unprecedented opportunity to discuss the important issues that our two countries face, jointly and separately. It gives us a chance to celebrate a long and productive friendship. It provides us with a reason to welcome an ally to our country and our Nation's Capitol.

Madam Speaker, I hope our colleagues will join me in offering our best wishes to President Lee on the occasion of his first official visit to the United States.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. CAPUANO. Madam Speaker, on Monday, April 14, 2008 for the entire legislative day and Tuesday, April 15, 2008, for part of the day, I was unable to be in attendance and missed several rollcall votes due to CODEL to Afghanistan and Pakistan that I was leading. I wish to state for the record how I would have voted had I been present: rollcall No. 183—"yes"; rollcall No. 184—"yes"; rollcall No. 185—"yes"; rollcall No. 186—"yes"; rollcall No. 187—"yes"; and rollcall No. 188—"yes."

IN RECOGNITION OF CHARLES J. MITCHUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Charles J. Mitchum, for 30 years of outstanding public service at the Social Security Administration.

On March 26, 2008, Mr. Mitchum achieved the milestone of 30 years of exceptional service for the Social Security Administration (SSA). His leadership, care, and hard work over the past 30 years has been responsible for the great service residents of the northeastern Ohio community have come to expect from their local SSA offices. Mr. Mitchum began his career at the SSA offices in Ohio as a Contact Representative in the TeleService Center, connecting with constituents via telephone. He diligently worked his way up, holding positions as a Claims Representative, Operations Supervisor, Supplemental Security Income Program Specialist, Executive Assistant to the Regional Commissioner, Team Leader, Assistant District Manager and District Manager prior to being appointed as Area Director in 2004.

As Area Director for 29 northeastern Ohio Social Security Administration field offices, Mr. Mitchum ensures that the residents of northeast Ohio receive timely and courteous service. He also works closely with congressional offices to improve service to SSA beneficiaries. Mr. Mitchum's unwavering commitment to public service and ability to connect with SSA beneficiaries has been recognized in many Commissioner and Regional Commissioner Citations.

Madam Speaker and colleagues, please join me in recognizing Charles J. Mitchum for 30 years of exceptional public service and for continually striving to make a positive difference in the lives of SSA beneficiaries.

A PROCLAMATION HONORING METEOR SEALING SYSTEMS FOR THEIR PERFORMANCE IN THE U.S. DEPARTMENT OF ENERGY'S SAVE ENERGY NOW PROGRAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Meteor Sealing Systems has been a top performer in the U.S. Department of Energy's Save Energy Now Program; and

Whereas, Meteor Sealing Systems committed itself to creating a world class, energy efficient company; and

Whereas, since 2006, Meteor Sealing Systems has contributed to the conservation of over five metric tons of carbon emission; be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate Meteor Sealing Systems on its performance in the U.S. Department of Energy's Save Energy Now Program. With great appreciation and respect, we recognize the tremendous impact this facility has had in the community and the admirable example they have set.

PAYING TRIBUTE TO JOHNNY MANZANET

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RANGEL. Madam Speaker, I rise to ask my colleagues to take this time to remember the life of Puerto Rican boxing champ and a long-time community activist Johnny Manzanet.

Manzanet was a man whose life embodied the reverie of the American Dream, a man of distinction whose accomplishments were a testament to his great Puerto Rican heritage.

Born in the small fishing town of Salinas, Puerto Rico, Manzanet rose up to become a world class middleweight boxing champion and dedicated public servant. In 1968, he was called upon to lead the Olympic Team of the United States in Mexico's Summer Games of the XIX Olympiad. He was then called to serve once more, when Governor Nelson Rockefeller appointed him as the New York State Boxing Commissioner in 1970.

In the ensuing decades, Johnny continued to remain involved with the boxing world, training and developing young talent in every era. All-in-all, the list of those who learned from him include some of the sport's best, from Mike Tyson to the first Hispanic cruiserweight champion, Jose "Chegüí" Torres, to even Cassius Clay, the young upstart who would go on to become the great Muhammad Ali.

Yet no matter where he was or what he was doing, Johnny always managed to devote his time to the betterment of the Puerto Rican community. He contributed his time and talents to countless civic and charitable endeavors and has always given of himself unstintingly. Places like the Community Corporation of Loisaida and the Puerto Rican

Community Development Project were the recipients of Manzanet's fierce advocacy and protection. He continued to serve in his final years, as a community representative under Bronx Borough Presidents Fernando Ferrer and Adolfo Carrion, Jr.

Sadly, Manzanet passed away on January 22, 2008, a benevolent amalgamation of intellect, steadfastness, and vigor. Though he will be greatly missed, his family, his friends, and his community will never forget his lifetime of sacrifice and dedication to others. They and we should never forget that in and out of the ring, Johnny Manzanet had the heart of a champion.

COMMEMORATING THE ANNIVERSARY OF THE FAIR HOUSING ACT (H. RES. 1095)

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today to commemorate the 40th anniversary of the Fair Housing Act, H. Res. 1095. Signed into law in April 1968, the landmark Fair Housing Act includes broad prohibitions on discriminatory activity in the sale and rental of housing. Undoubtedly, this law has created significant change and progress in our Nation. Yet, the law has had a disappointing impact in deterring continued housing discrimination.

Racial discrimination in the real estate market, rental market, and in financing continues at high rates. According to the National Law Center on Homelessness and Poverty, every year, more than 1.7 million fair housing violations are committed solely against African-Americans. An annual report by the U.S. Department of Housing and Urban Development indicates that of the 10,328 housing-related complaints handled by the agency in 2006, race and disability made up the largest percentiles. In an earlier HUD study, the agency found that among Blacks, Asians, and Pacific Islanders, one in every five customers encountered discrimination by rental agents. The harmful effects of these discriminatory housing practices have led to hyper segregated communities and schools across the country.

In my congressional district in Cleveland, Ohio, fair housing organizations such as the Housing Research & Advocacy Center report that the number of housing discrimination complaints have doubled in the last 5 years. Of those reported in my district, 38 percent involved disability, 34 percent alleged race discrimination, and 13 percent were based on familial status. These unlawful practices perpetuate communities where schools go without adequate resources and residents have access to fewer health care facilities and other essential services. Unfortunately, ongoing housing discrimination has created communities across this Nation that do not reflect the neighborhoods envisioned by Dr. Martin Luther King 40 years ago.

Housing discrimination has also played an integral role in our Nation's subprime loan and foreclosure crisis. A report by Cleveland's Housing Research & Advocacy Center found that, "not only do African-Americans and Latinos have a harder time getting approved for a loan, but once they get a loan, they wind up with high-cost sub prime loans more often than whites, even when they have higher incomes." U.S. maps that highlight the high number of foreclosed homes in minority communities further demonstrate the critical importance of the protections provided by the Fair Housing Act. Our Nation's dignity and economic security depend on the enforcement of this important law.

I appreciate this opportunity to commemorate the 40th anniversary of the Fair Housing Act. I proudly join my colleagues and housing advocates across the country in advocating for increased efforts to achieve the "beloved community" incaptured in Dr. King's dream.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. ROTHMAN. Madam Speaker, on Thursday, April 16, I was unable to be present in the Capitol and missed rollcall votes Nos. 192 through 195. Had I been present, I would have voted in the following manner:

On rollcall votes Nos. 192 and 193, procedural votes on H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007, I would have voted "aye." On rollcall votes Nos. 194 and 195, procedural votes on H.R. 5715, Ensuring Continued Access to Student Loans Act, I would have voted "aye."

HONORING DR. MA YING-JEOU UPON HIS ELECTION AS PRESIDENT OF TAIWAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Dr. Ma Ying-jeou upon his recent election to the Presidency of Taiwan.

On March 22, 2008, Taiwan elected a new President, Dr. Ma Ying-jeou, former mayor of Taipei. As a long term observer of Taiwan, I have noticed that this island country has taken great strides toward full democracy. The latest presidential election proved that democracy is thriving in Taiwan. Regarding Taiwan-U.S. relations, President-elect Ma has also indicated the need to strengthen our informal ties with each other. After 9/11, Taiwan was one of the first countries to give its support to us and has been proactive in providing information and resources to us in combating global terrorism. In addition, Taiwan has been cooperative in reducing its trade surplus with us and promoting U.S. goods and services in its domestic market. In return, we must assure Taiwan that we will remain faithful to the letter and spirit of the Taiwan Relations Act.

Madam Speaker, Taiwan has come a long way from its authoritarian past and is today a beacon of democracy and freedom in the Far East. I wish to congratulate President-elect Ma and the Taiwanese people for their latest demonstration of democracy. A true democracy like Taiwan deserves friendship and support.

MORE COHERENT PLAN NEEDED FOR IRAQ WAR

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. UDALL of Colorado. Madam Speaker, as a committee member I had the opportunity last week to hear first-hand the testimony of General David Petraeus and Ambassador Ryan Crocker when they appeared before the Armed Services Committee to update us on the status of America's military and diplomatic involvement in Iraq.

There have been many comments on that testimony, but one of the best I have seen was a recent editorial in the Colorado Springs Gazette.

As the editorial noted, "One of the more striking aspects of our unfortunate occupation of Iraq is an everchanging description of who 'the enemy' is. At first it was the Saddam Hussein regime, and once that toppled it was covert regime loyalists. After a long period of denying that an insurgency had developed, insurgents became the enemy. Then it became al-Qaida in Iraq, although foreign and al-Qaida forces never made up more than about 10 percent of those fighting the U.S. occupation. Now it is 'special teams,' presumably supported by Iran."

In addition, the editorial commented on the speech to the Nation in which President Bush announced that although tours of duty would be reduced to 12 months, for the foreseeable future the number of troops deployed in Iraq would remain at the same level as before the "surge" and on the president's description of the desired outcome in Iraq.

The editorial's response was "The president spoke in broad generalities of 'a free Iraq that can protect its people, support itself economically, and take charge of its own political affairs.' Beyond holding on and hoping, however, there was no sense of how to get there from here."

Madam Speaker, I think that sums it up very well. And, as one who opposed the Bush Administration's rush to war in Iraq, I also must concur with the editorial's statement that "The length, cost and indecisiveness of this war should make Americans more skeptical the next time a political leader suggests war, against a country halfway around the world, without a clear objective."

For the benefit of our colleagues, here is the full text of the Gazette's editorial.

[From the Gazette, Apr. 13, 2008]

IRAQ: NO MORE HOLD AND PRAY

President Bush's speech Thursday, combined with the congressional appearances this week by Gen. David Petraeus and U.S. Ambassador to Iraq Ryan Crocker, suggest strongly that the U.S. strategy in Iraq until the end of this year is "hold on and pray."

Even the welcome news that Army combat tours will be reduced from 15 months to 12 months, no doubt welcome news to the top military chiefs who have expressed concerns publicly and privately about the military being "hollowed out" by the endless combat in Iraq and Afghanistan, has a whiff of unseriousness about the mission to it. Granted, as outgoing Army Chief of Staff Gen. Richard Cody told the House Armed Services Committee on Tuesday, the Army is "out of balance" because of the war. But if the president had a coherent strategy for turning the corner in Iraq, he might well have been willing to tolerate that for a while.

The president spoke in broad generalities of "a free Iraq that can protect its people, support itself economically, and take charge of its own political affairs." Beyond holding on and hoping, however, there was no sense of how to get there from here.

One of the more striking aspects of our unfortunate occupation of Iraq is an ever-changing description of who "the enemy" is. At first it was the Saddam Hussein regime, and once that toppled it was covert regime loyalists. After a long period of denying that an insurgency had developed, insurgents became the enemy. Then it became al-Qaida in Iraq, although foreign and al-Qaida forces never made up more than about 10 percent of those fighting the U.S. occupation. Now it is "special teams," presumably supported by Iran.

It's clear now: The longer we remain in Iraq the more enemies we make. Imagine if the Chinese army were occupying California. Opposition to that occupation would come from new quarters every week.

Perhaps the most encouraging development from this week's hearings is the growing number of Republican lawmakers beginning to question administration policy. "The people of the United States have paid an awful price," said Rep. DANA ROHRABACHER, R-Calif., noting that the Iraqi government had budget surpluses. "It's time for the Iraqis to pay that price for their own protection."

Republican Sen. Susan Collins of Maine, Reps. Tom Tancredo of Colorado, John McHugh of New York, Randy Forbes of Virginia, Jeff Flake of Arizona, Steve Chabot of Ohio and even Dan Burton of Indiana all expressed impatience with the pace at which the Iraqi government is assuming responsibility.

Republicans may simply be distancing themselves from an unpopular president as they face reelection bids in November. Whatever the reasons, it is encouraging to see them express the skepticism most Americans feel.

The length, cost and indecisiveness of this war should make Americans more skeptical the next time a political leader suggests war, against a country halfway around the world, without a clear objective.

IN RECOGNITION OF DANIEL WITKOWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today to recognize Daniel Witkowski, of Garfield Heights, Ohio, for 51 years of dedication and hard work for the Department of Public Utilities in Cleveland.

Mr. Witkowski began working at the age of nineteen in June of 1956 as a water serviceman aid. Mr. Witkowski diligently worked his way through the company rank. During his time at the Department of Public Utilities, he played an instrumental part in completing the Futuristic Trunk Main Study. This study measured flow rates and crating maps for the division trunk main system which is still in use today. In 2003, he was promoted to assistant superintendent of distribution in the engineering section. He was recently honored by Cleveland Mayor Frank Jackson as one of 70 employees that has worked at least 25 years in the department.

Mr. Witkowski, now 70 years old, oversees seven crews and remains active by doing daily operations for the division. For over 40 years, his knowledge and expertise has been vital to the services of the Department of Public Utilities.

Madam Speaker and colleagues, please join me in recognizing Daniel Witkowski for 51 years of public service to the city of Cleveland.

A PROCLAMATION HONORING 40TH ANNIVERSARY OF THE REXAM PRESCRIPTION MANUFACTURING FACILITY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Rexam Prescription celebrates the 40th anniversary with great joy; and

Whereas, Rexam Prescription has grown from a small manufacturing facility in 1968 through hard work and dedication; and

Whereas, the Rexam Prescription has become a world class facility as a testament to the committed Ohioians who work there; be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate Rexam Prescription on its 40th Anniversary. With great appreciation and respect, we recognize the tremendous impact this facility has had in the community and in the lives of those people you have touched.

WELCOMING THE POPE'S VISIT AND HOPING IT WILL FURTHER THE PROGRESSIVE AGENDA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RANGEL. Madam Speaker, I rise today to warmly and reverently welcome Pope Joseph Alois Ratzinger to the United States—making his stay at our esteemed capital, the District of Columbia, as well as my home State of New York. This country boasts a strong Catholic tradition, home to the third-largest Catholic population in the world at approximately 66 million followers, and has generated a fount of enthusiasm at this, his first visit to American soil as Pope. The 265th reigning Pope will hold mass at the Nationals and Yankee stadiums, meet with the President at the White House, address the United Nations, and pray at the Ground Zero site in lower Manhattan. May he enjoy a safe and spiritually fulfilling trip.

It is my wish that this Pope's commitment to progressive causes—prime among them the proliferation of peace and socioeconomic justice—ignites that noteworthy agenda in this country. He has called for peaceful resolutions to global conflicts, publicly expressing his conscientious opposition to the war in Iraq, and has bravely noted that all are entitled to at least the bare necessities of life: A roof overhead, food for nourishment, access to medicines. These are basic human rights and entitlements that ought to be made sacrosanct in our society.

MR. JIM STEMMLER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today, with my colleague Congressman JOE DONNELLY, to recognize the many accomplishments of Mr. Jim Stemmler. I have known Jim for many years, and he is one of the most involved citizens I have ever known, especially when it comes to his service to the IronWorkers Local 395. Jim has been a member of the IronWorkers Local 395 for an astounding 35 years, and his contributions to the organization are immeasurable. Although Jim has been a constant fixture within the organization, he will be retiring from the Local 395 at year's end. For his efforts and many contributions to the union, Jim will be honored at a retirement celebration on Saturday, April 19, 2008, at the Radisson Hotel in Merrillville, Indiana.

Jim Stemmler was born in Hegwisch, Illinois, on December 30, 1947. He lived there until he joined the Army, in which he served during the Vietnam conflict. Following his return from Vietnam in 1973, he began his apprenticeship and became a member of the IronWorkers Local 395. Jim's service as an elected member of the union began with the position of Trustee. His dedication to the union and its members continued as he was elected Recording Secretary, and later as he served as president of the IronWorkers Local 395. With Jim's commitment to serve, it is only fitting that Jim was elected the first-ever business manager of Local 395.

Aside from his elected service to the Local 395, Jim also served on several Local 395 boards, including the joint apprenticeship committee and the health and welfare board. The respect and trust of the union's members for Jim is apparent in his appointment as the chairman of the board of trustees for Mid-America Pension Plan and to the supplemental monthly annuity fund board. Jim is also currently the President of the LaPorte, Starke, and Pulaski Building and Construction Trades Council and holds several politically appointed positions throughout the State of Indiana.

When not engaged with the union, Jim spends his spare time with those closest to him, his family. A loving husband, father, and grandfather, Jim's commitment to the union and its members is surpassed only by his dedication to his family. Jim and his wife, Sandy, have shared many wonderful years together.

Madam Speaker, Jim Stemmler has given his time and efforts selflessly to the members of the IronWorkers Local 395 for the past 35 years. As a friend to Congressman DONNELLY and myself, his fellow members, and the larger community, I commend his work throughout northern Indiana. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication.

HONORING MOTHER LUCY SLADE LEE ON HER 106TH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Mother Lucy Slade Lee, who celebrated her 106th birthday with family and friends last Saturday at New Gethsemane Baptist Church in Crown Heights where she has been an usher for many years.

Mother Lee, whose official birthday was on April 9, was born in 1902 in New Bern, North Carolina, to the late Elijah and Mahalia Slade, and is succeeded by generations of Slade children. She continued to work well into what many consider retirement age, as an usher and a caretaker to the elderly.

Mother Lee and her family moved into a home on Fleet Street in Brooklyn in 1922, and recalls fondly a time in Brooklyn when there was no electric lighting in home or on the streets; when subway fare was a mere nickel and the Daily News 2 cents; when New York City streets were lined with stables where horses were kept; and when you used your windowsill as a refrigerator. Although these times were not easy, Mother Lee's faith inspired her to devote much of her time to New Gethsemane Baptist Church, where she began serving as an usher in 1966.

For inspiration on how to become better people, we must look to those amongst us who have mastered life's difficult challenges. With Mother Lee's longevity, she has established herself as an outstanding role model for the rest of us.

HONORING REDMOND HIGH SCHOOL—WINNING THE PRESIDENT'S ENVIRONMENTAL YOUTH AWARD

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. INSLEE. Madam Speaker, it's with great pleasure that I congratulate students from Redmond High School in my home state of Washington for winning a prestigious national honor, the President's Environmental Youth Award.

These outstanding students took it upon themselves to create and develop the "Cool School" campaign with the goal of reducing carbon emissions by 1,000 pounds per classroom. Their efforts went well beyond the initial goal and reduced their school's carbon footprint by 72 tons and saved the school $7,500 in its electric bill last year alone.

Led by science teacher Mike Towns, who is an inspiration to those committed to leading a zero-carbon lifestyle, these students exemplify the effort and ingenuity needed to launch a U.S. clean-energy revolution. I have no doubt that these bright minds will continue to be environmental leaders.

It's among the greatest honors as a member of the House of Representatives to meet and work with youth who are involved in their communities and deeply committed to making our world a better place. Our future depends on these young people who are making a real impact in the fight against climate change.

I commend the students and staff of Redmond High School for their efforts and look forward to working with them in the years ahead to beat global warming.

HONORING THE TEACHING CAREER OF MRS. ARLENE CORY OF PENN CHRISTIAN ACADEMY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor the 37 years of inspiring and motivational teaching of Mrs. Arlene Cory of Penn Christian Academy located in East Norriton Township, Montgomery County, Pennsylvania. Mrs. Cory will be honored with a well-deserved retirement dinner on April 29, 2008, at Presidential Caterers in the township.

Ms. Cory began her career at Penn Christian Academy in 1971 and she is now teaching a second generation of students. Alumni who have learned of Mrs. Cory's coming departure have expressed regret that she will not be their children's teacher one day. She is loved, admired and respected by many. Her friends will tell you that this is due to her kind heart and her willingness to always lend a helping hand.

In 1985, along with her long-time co-worker Linda Kuntz, Ms. Cory was dubbed a "teacher extraordinaire". I'm sure the thousands of children whose lives she has touched over the years could not agree more.

Madam Speaker, I ask that my colleagues join me today in thanking Mrs. Arlene Cory for her exemplary service to the children of Penn Christian Academy. May her teaching career be an inspiration to us all.

A PROCLAMATION HONORING JEANETTE VANBUSKIRK ON RECEIVING THE COLUMBUS WOMAN OF THE YEAR AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jeanette VanBuskirk has acted as a role model for her friends, family, community, and church; and

Whereas, Jeanette VanBuskirk has shown hard work and dedication as the Children's Ministry Director at Triumphant Church; and

Whereas, Jeanette VanBuskirk's compassion has provided opportunities and support for hundreds of women and children each year through summer camps and retreats; and

Whereas, Jeanette VanBuskirk has unselfishly given her time and money in support of those less fortunate; be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Jeanette VanBuskirk for her service, dedication, and receipt of the Columbus Woman of the Year Award.

BACKING FULL VOTING RIGHTS FOR THE DISTRICT OF COLUMBIA ON THIS, THE DAY ITS RESIDENTS PAY TAXES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RANGEL. Madam Speaker, I rise today—the day that hundreds of thousands of DC residents pay federal income taxes while denied today (and every other day) the full vote to decry disenfranchisement in our capital city. This country was founded on the notion that, at the very least, by contributing to the purse, a citizen and his district ought to be afforded an electoral voice. 'No taxation without representation!' they shouted then, and they (rightfully) still shout today. For too long, the District of Columbia has been robbed its voting seat in Congress. For too long, voices have been silenced and democracy has been severely hemorrhaged.

Granting Washington, DC a vote in Congress is of historical import. That's because the city is home to one of the largest percentages of African American residents nationwide. Alongside our many triumphs as a democracy were certain failures in our not-so-distant past that we must never forget or recommit. We once legally, routinely, and unabashedly kept the vote from our African American brothers and sisters, and it would be a powerful symbol if a region as diverse as this one were not similarly kept from exercising its right to be heard. Anything short of that represents an unnerving setback in civil rights, one that indisputably has a racially disparate effect, if not intent.

The District is in need. It has gradually given way to an unfortunate schism, where this country's well-to-do and politically powerful live and work side by side with communities, namely of color, plagued by overwhelming poverty, rundown schools, and unsafe streets. If any area is most deserving of partaking in the national conversation regarding the challenges this country faces, from the slumping economy to the campaign for affordable health care, it is this one. The needs of the District, however, are not endemic to itself—as the representative city for our democracy, its needs are of salience to us all. It is in our national interest that those needs be met with proper and full, electoral representation.

We are now at a place and point of decision with legislation to create a vote for the District having passed this House. We now urgently need that the Senate act to pass this legislation and affirm the intention of this Congress to right this historic wrong.

CONGRATULATING DR. JERRY W. ROY, RECIPIENT OF THE 2008 SILVER EAGLE AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Dr. Jerry W. Roy on receiving the Annual Silver Eagle Award. The award will be presented to Dr. Roy by the Longhorn Council, Boy Scouts of America, on April 29, 2008.

The Annual Silver Eagle Award is presented to individuals who exhibit excellence in their selected field and have embodied the Boy Scout Oath and Law in their personal and professional lives. Each year the honoree is someone who has shown dedication to improving their community, an important aspect of the morals and values of scouting.

Dr. Roy has served as the Superintendent of Schools for Lewisville Independent School District since June 2001. Prior to joining Lewisville ISD, Jerry served Goose Creek CISD in an array of positions ranging from teacher and coach to Superintendent over the course of 28 years.

Dr. Roy received his bachelor's and his master's degrees from Eastern New Mexico University and his doctorate from Baylor University. Among his many achievements, Jerry was named a Select Distinguished Alumnus by Baylor University in 1996 and is a recipient of the Texas Superintendent of the Year Award by the Texas Association of School Administrators.

Madam Speaker, today it is my honor to recognize the achievements of Dr. Jerry W. Roy. He has demonstrated a level of commitment and accomplishment that is truly extraordinary, and deserves our sincere appreciation and respect. It is a privilege to represent Dr. Roy in the 26th District of Texas. I look forward to observing the positive impact he will continue to have on our children's educations, both now and in the future.

PAYING TRIBUTE TO SISTER ANN SAKAC

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. HINCHEY. Madam Speaker, I rise today to honor Sister Ann Sakac, president of Mount Saint Mary College, in Newburgh, New York, as she prepares to retire on June 30 after 31 years as president, and nearly 40 years of service to this excellent college and to the Hudson Valley region of New York State.

Over the past four decades, Sister Ann has nurtured and enhanced the educational environment of Newburgh and the Hudson Valley. The Mount Saint Mary College board of trustees appointed her as the fourth president of the college in March 1977; she had been named acting president the previous August. When she became president, enrollment stood at 877; today some 2,600 men and women attend and benefit from the college.

Sister Ann is a member of the Dominican Sisters of Hope, formerly the Dominican Sisters of Newburgh, who founded the college in 1959. She came to the Mount Saint Mary College in 1969 to teach English. She also served as assistant dean of students.

During her presidency, the college has added programs in accounting, business management and administration, computer science and communication arts as well as graduate programs in education, nursing, and business. The Mount has incorporated technology into the classroom, its library and the operation of the college. Under her leadership, the college has engaged in an extensive building and renovation program for new academic, residential and recreational space, including a new Mathematics, Science and Technology Center, the William and Elaine Kaplan Recreation Center, the renovation of Guzman Hall and Founders Chapel, the construction of a mid-rise student residence and the renovation of the College Courts residence halls. Mount Saint Mary College has invested more than $75 million in its campus since 2002 and seen its annual operating budget expand from $3.5 million in 1977 to $54 million today.

Sister Ann has also made a tremendous impact off campus. Many organizations have absorbed her wisdom and expertise for their boards. She served as president of the Associated Colleges of the Mid-Hudson Region and is former chair of Pattern for Progress, Inc. She was a trustee of St. Luke's Cornwall Hospital from 1981–1999 and served on the board of trustees of the Commission of Independent Colleges and Universities. She has received many awards, including an honorary degree of Doctor of Humanities from Providence College in 2003. The New York State Senate named her a Woman of Distinction in 2006.

Madam Speaker, I am delighted to honor and thank Sister Ann for her distinguished career as president of Mount Saint Mary College and for her service to higher education and the community. I congratulate and salute Sister Ann, who has become synonymous with the identity of Mount Saint Mary College, on her dedication to teaching and her commitment to improving the lives of so many individuals.

PERSONAL EXPLANATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. WALDEN of Oregon. Madam Speaker, on April 10, 2008, I was not present to cast a recorded vote on Rollcall No. 182, an amendment offered by Representative JEFF FLAKE to H.R. 2537, the Beach Protection Act. As you know, in advance of debate on the Flake Amendment, House leadership announced that further consideration of H.R. 2537 would be postponed until the week of April 14th, 2008. Had I been present to vote on the Flake Amendment, I would have voted "aye."

I was scheduled to be in Medford, Oregon, for a series of events that began at 8 a.m. on Friday, April 11, 2008, including two economic stimulus tax clinics with senior citizens and a presentation at Jewett Elementary School. This schedule of events required that I travel from Washington, DC, to Medford on the evening of April 10, 2008, prior to the time that the House voted on the Flake Amendment.

RECOGNIZING THE SERVICE OF SUPERIOR COURT JUDGE ALAN KALKIN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SCHIFF. Madam Speaker, I rise today to recognize the 21 years of service of Superior Court Judge Alan Kalkin on the occasion of his recent retirement from the Superior Court of Los Angeles County.

Prior to his service on the bench, Judge Kalkin graduated from William and Mary College and the University of Richmond Law School in Virginia. After practicing briefly, he and his wife moved to southern California, where he served as a prosecutor in the city of Burbank for 11½ years.

Judge Kalkin was appointed to the Los Angeles County Municipal Court in 1987 by Governor George Deukmejian. In 2000, he was elevated to the Los Angeles Superior Court after the approved consolidation of the Los Angeles Municipal and Superior Courts.

The communities of Los Angeles County have benefited tremendously from his years of service as a judge and a prosecutor, where he earned a superb reputation as a fair, thoughtful, and ethical lawyer and jurist.

The Congress of the United States joins in thanking Judge Kalkin for his many years of valuable service.

A PROCLAMATION HONORING BUCKEYE HILLS-HOCKING VALLEY REGIONAL DEVELOPMENT DISTRICT FOR 40 YEARS OF SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Buckeye Hills-Hocking Valley Regional Development District has been enhancing the lives of Southeast Ohio residents for 40 years; and

Whereas, the nine rural counties of Athens, Hocking, Meigs, Monroe, Noble, Perry and Washington came together in 1968 to create a centralized planning effort for the entire region; and

Whereas, the Buckeye Hills-Hocking Valley Regional Development District serves over 255,000 residents by planning public works projects and social services that benefit the entire region; therefore, be it

Resolved that along with their friends, family, and the residents of the 18th Congressional District, I commend Buckeye Hills-Hocking Valley Regional Development District on their contributions and service to the people of Southeast Ohio. Congratulations to Buckeye Hills-Hocking Valley Regional Development District for 40 years of committed service.

50TH ANNIVERSARY OF THE SAN ANTONIO COLLEGE FOLK DANCE FESTIVAL

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GONZALEZ. Madam Speaker, as a San Antonio native, I'm personally familiar with the role our city's culture and diversity plays in the lives of our citizens, We proudly celebrate our heritage throughout the year and recognize the importance of our culture through various events and activities, The annual San Antonio College Folk Dance Festival is no exception,

This year's festival will celebrate its 50th year of providing entertainment and education to patrons. The festival provides a multitude of different enriching activities, ranging from craft shows to culture sessions and, of course, dance lessons with live music, The festival is not solely for adults either, as it caters to people of all ages with many exhibits specifically tailored for children.

Most importantly, the San Antonio College Folk Dance Festival benefits the San Antonio College's student scholarship fund. The festival's proceeds contribute to this fund which extends higher education opportunities to many students across our community, San Antonio College's generosity with this scholarship program, and for hosting the San Antonio College Folk Dance Festival, provides a great public service for our community through the students they help and the citizens they entertain.

I am honored and privileged to represent this great community and this institution that serves the people of San Antonio, and it is with great pleasure that I recognize their success during the last 50 years.

TRIBUTE TO DICK VITALE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. PASCRELL. Madam Speaker, I rise today to congratulate Dick Vitale for being inducted with the 2008 class to the Naismith Memorial Basketball Hall of Fame. In his long career as a teacher, coach, and commentator, Mr. Vitale has become known around the world for his unrelenting and unyielding passion for the game of college basketball.

Dick Vitale was born in Passaic, New Jersey, where his parents taught him to give "110 percent all of the time," a lesson that has stayed with him throughout his life. After graduating from Seton Hall University, Vitale took a job at Mark Twain Elementary School in Garfield, NJ, where he began his coaching career. After several years he returned to his alma mater, East Rutherford High School, and coached the basketball team to two state championships over the next 6 years.

In 1970, Dick Vitale burst onto the college basketball scene when he was brought on as an assistant coach for the Rutgers University Scarlet Knights basketball team. He was soon hired as the head coach of the University of Detroit, and led the Titans to a 78 and 30 record and a trip to the NCAA Tournament in 1977. His success at the college level caught the eye of another team in Detroit, and he was hired to coach the NBA' s Pistons in 1978. Although his professional coaching career wasn't as successful as he hoped, what was supposed to be a temporary job while waiting for another coaching opportunity ended up leading Mr. Vitale to his true calling. He signed up with the then fledgling ESPN network as a basketball analyst and the rest, they say, is history "baby!"

Since calling the first college basketball game in ESPN's history in 1979, Dick Vitale has been courtside for more than 1,000 contests. His pithy comments seem to keep even the most lackluster games interesting and colorful. Love him or hate him, Mr. Vitale's trademark catchphrases and endless enthusiasm have become a part of college basketball history. As he approaches his 30th year with ESPN, his election to the Basketball Hall of Fame as a contributor to the sport is well deserved.

I extend my most sincere congratulations to Mr. Vitale, and I thank him for the personality and passion he has brought to the game of college basketball.

THE NATIONAL CRITTENTON FOUNDATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. BLUMENAUER. Madam Speaker, it is an honor for me to recognize the National Florence Crittenton Foundation on its 125th year anniversary. As the first charitable organization created under a congressional charter, the Crittenton Foundation continues to perform good works for communities across the country.

The city of Portland, Oregon, was just over 40 years old when the Portland Crittenton Refuge Home was founded there in 1893, resulting from a donation made by the organization's founder. Charles Crittenton. Today, the headquarters of the National Crittenton Foundation is still located in the heart of Portland.

The work of the Crittenton foundation in reaching out to welcome and care for girls and young women seeking support during their unplanned pregnancy is well known. However many are less familiar with the extensive work of the national network of affiliated Crittenton agencies and how they have shaped the way social services are offered and the mentality of self-empowering the girls and young women they serve.

The unique relationship between the National Crittenton Foundation and the family of affiliated agencies continues to be based on the beliefs of co-founders Charles Crittenton and Dr. Kate Waller Barrett. They believed that the best way to address compelling social issues in the United States was through a network of independent, local agencies supported by a national body. This belief grew into a national movement encompassing, at one point, 76 agencies in 5 countries, and continues to guide thc organization today.

There are now over 23 Crittenton agencies across the country, which have provided valuable support and services to 5 million vulnerable girls, young women, and their families. Their success has come from over a century of providing forward-thinking and innovative services grounded in research, compassion, and a belief that change comes through empowerment. Crittenton programs address complex social issues, including teen pregnancy, mental health, substance abuse, and interpersonal violence, and they do so in ways that are gender and culturally specific.

Most importantly, Crittenton services build upon the individuality, resiliency and strength of this country's young women.

Please join me in wishing another successful 125 years to the National Crittenton Foundation and its family of agencies across the country.

A PROCLAMATION HONORING OHIO VALLEY REGIONAL DEVELOPMENT COMMISSION FOR 40 YEARS OF SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Ohio Valley Regional Development Commission has been enhancing the lives of Southern Ohio residents for 40 years; and

Whereas, the twelve rural counties of Adams, Brown, Clermont, Fayette, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto and Vinton came together in 1968 to create a centralized planning effort for the entire region; and

Whereas, the Ohio Valley Regional Development Commission serves these twelve counties by planning public works projects and social services that benefit the entire region; therefore, be it

Resolved that along with their friends, family, and the residents of the 18th Congressional District, I commend Ohio Valley Regional Development Commission on their contributions and service to the people of Southern Ohio. Congratulations to the Ohio Valley Regional Development Commission for 40 years of committed service.

TRIBUTE ON THE OCCASION OF THE 40TH ANNIVERSARY OF THE TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Ms. KAPTUR. Madam Speaker, I rise today, pleased to recognize a milestone anniversary for the Toledo Metropolitan Area Council of Governments, TMACOG, in northwestern Ohio and southeast Michigan. TMACOG celebrates its 40th anniversary this month.

When in the early 1960s Federal funds began to go to local governments directly, local leaders from communities in northwest Ohio and southeast Michigan had been meeting informally as the Area Cooperation Committee and building a regional organization. In 1968 the group formally adopted bylaws and elected leadership as TMACOG. Andy Devine, who was then a member of Toledo City Council, was elected to be the first chair. The newly formed executive committee held its first meeting in the council chambers in the city of Oregon, Ohio. In celebration of TMACOG's 40th year, the April 16, 2008, meeting of the TMACOG executive committee will also be held in the city of Oregon.

TMACOG's areas of concentration are transportation planning, environmental planning, and commuter services. Looking to the future, member concerns also include alternative energy and energy conservation measures, economic development, and more interest in freight transportation and logistics.

TMACOG's vision statement, adopted in 2002, states that "TMACOG will be the governmental partner of choice to coordinate regional assets, opportunities, and challenges." Over the course of four decades, local leaders have looked to the organization to lead the region forward. While we celebrate TMACOG's achievements the past 40 years. we join with the organization to promote a bright future of opportunity and growth.

ON THE ANNIVERSARY OF THE VIRGINIA TECH TRAGEDY

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. BOUCHER. Madam Speaker, I have the privilege of representing Virginia's Ninth Congressional District, of which Virginia Tech is a part.

One year ago, a tragedy of a scale and senselessness that defied explanation befell the university, and it came to a campus that is known across the Nation for its friendliness, peacefulness and close association among students and faculty.

In the year that has passed, an incredible spirit of cohesion and determination and a generous outpouring of support from across the Nation have benefited the campus, and much healing has occurred.

The university's proud traditions and its reputation as an exemplary institution of teaching, learning and research have carried on, and the resilience of students, faculty and the community has assured for Virginia Tech a strong recovery.

Today as we remember the enormous loss of young lives full of promise and mature lives of major contribution from a violent and inexplicable act, we also remember the poise and dignity with which the university's faculty and administration responded in a time of uncertainty;

The courage of the Virginia Tech, Montgomery County and Blacksburg first responders in a time of emergency;

The heroism of those who risked personal safety to prevent further loss of life;

The generosity of those who offered their support and financial contributions to the victims and their families in their time of greatest need;

And the remarkable spirit of the Virginia Tech community and resilience of our region when faced with great tragedy.

Today, as we remember an act of great violence, we also remember Virginia Tech's strong resurgence, and we look forward and are committed to its even greater future.

FIRST ANNIVERSARY OF THE TRAGIC LOSS OF LIFE AT VIRGINIA TECH

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GOODE. Madam Speaker, I rise today to honor the memory of the victims of the Virginia Tech shooting incident, which occurred one year ago today. On April 16, 2007, a great tragedy shocked and saddened the world, claiming the lives of 32 innocent members of the Virginia Tech community and injuring many others. I continue to pray for the families and friends of the victims as they cope with the pain this heartbreaking incident brought upon them. At the same time, I am moved and touched by how the world united over the past year to support the Virginia Tech community as it navigates the difficult recovery process.

In the days that followed the tragedy, citizens across America and around the world watched as the Virginia Tech community pulled together to demonstrate the power of "Hokie Spirit." The Nation also provided an outpouring of support, caring, and compassion for the students and families affected by this event. With the world's assistance, the Virginia Tech community exhibited its resilience, collective strength, and courage in the days, weeks, and months following the tragedy. Virginia Tech Professor Peggy Meszaros described this process by stating, "The reverberations around our campus, and the community, and the state and the nation, if not the world, this Hokie spirit, this belief that we will support one another, that we will survive this tragedy that we will, if we can, even become stronger—that's been a real unifying theme in all of this."

Moving forward, we should remember the victims for how they lived: as loving, caring scholars and citizens who wanted to make the world a better place. Today, the victims' families and friends carry on this legacy on behalf of those who lost their lives. For example, last year Virginia Tech created V.T.-Engage, a volunteer program for persons in the university community to perform public service in honor of the victims of the tragedy. The program volunteers have already completed more than 200,000 hours of service this year, paying tribute to the memory of those lives lost.

I ask Congress to honor and remember the victims of this tragedy and continue to show support for those affected by it. May God continue to bless the families and friends who lost loved ones and the entire Virginia Tech community on this day of solemn remembrance.

A PROCLAMATION HONORING STARLIGHT SCHOOL FOR THEIR SUPPORT OF THE TUSCARAWAS COUNTY ROCKETS SPECIAL OLYMPICS BASKETBALL TEAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Starlight School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Starlight School has been supportive of their athletes; and

Whereas, the Starlight School has broadened the abilities and skills of their athletes in the sport of basketball; and

Whereas, the Starlight School has always promoted sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Starlight School on supporting the Tuscarawas County Rockets Special Olympics Basketball team in winning the Ohio Division IV State Basketball Championship. We recognize the tremendous amount of support they have given to their athletes.

TRIBUTE TO THE NATIONAL CRITTENTON FOUNDATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. CLYBURN. Madam Speaker, I rise today to mark the 125th anniversary of The National Crittenton Foundation and its 23 member agencies. Among its distinguished agencies, is one that I particularly wish to honor, Florence Crittenton Programs of South Carolina.

South Carolina's Crittenton movement began when founder Charles Crittenton visited Charleston, South Carolina in 1897. Along with the pioneering female pediatrician, Dr. Kate Waller Barrett, Mr. Crittenton served as an early advocate of services for young, unmarried, and pregnant women.

Based in Charleston, Florence Crittenton Programs was the first historically-documented agency to respond to the needs of young women. Its establishment was spurred by local concern following the suicide of a young pregnant woman. In the early 1900s, the South Carolina movement consisted almost solely of volunteers who took these young women into their homes in order to keep mothers and children together.

In 1934, the first residential home to serve girls and young women was built in Charleston. Today, the building still serves as the core of the multifaceted agencies of the Florence Crittenton Programs of South Carolina.

Through its tireless work, Florence Crittenton helped to develop positive social change in the attitudes toward pregnant and parenting young women. The agency also focused on the specific social needs of the young women.

As such, in 1975, the agency hired master's level staff to develop a sophisticated clinical program to respond to the mental health needs of the young women.

In the 1980s, the agency's name was changed from the Florence Crittenton Home to Florence Crittenton Programs of South Carolina. The change reflected the growing development of multiple professional programs and services such as day programs for local clients and community education in local county schools.

Additionally, a family development program was created to provide off-site housing for mothers and children. The family development program was also created to provide educational instruction to help young mothers cultivate nurturing relationships with their children.

Florence Crittenton Programs of South Carolina is truly a beacon of light and hope to young, unmalTied mothers. Its service to the community of South Carolina has offered tremendous help and given even greater guidance to the young women it serves.

Madam Speaker, this organization is located in my District and I am proud to represent them in this August body, and ask that you and my colleagues join me in commending them for 125 years of national leadership.

TRIBUTE TO BRIAN MACDONALD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay special recognition to someone who has dedicated his adult working life to a career of helping people in Oregon's Second Congressional District, my chief of staff, Brian MacDonald.

Brian is one of those rare individuals in this process who puts the needs of others ahead of his own. For new staffers and interns he is the ultimate coach, helping them grow into their jobs, undertake their responsibilities with proper attitude and professionalism and prepare for future opportunities. In short, he cares deeply about the people he works with and works tirelessly to help them be the best they can be.

And when it comes to helping Oregonians, I've never worked with anyone who is more dedicated and effective. Forget time zone differences between the east coast and the west coast. Forget what day of the week or weekend it is. When Oregonians call for help, Brian is there, Blackberry in hand, ready to respond.

All of us who have the great privilege of serving in the Congress know that we cannot do it alone. Given the enormous volume of incoming requests for assistance, the extraordinary list of complicated issues to understand and vote on, and the sheer confusion of the schedules we keep, it takes a talented team of thoughtful and capable staff to make it all work. Over the course of nearly 10 years as my Chief of Staff, Brian has distinguished himself as one of the best at pulling everyone together and juggling it all successfully.

But Brian MacDonald is more than just one of Capitol Hill's finest. He is a caring husband to his wonderful and talented wife Poppy, and a very proud papa to his son Gill and daughter Marley. Before Gill arrived in the world, I remember Brian remarking about how he didn't think the addition of a child would significantly affect his time commitment to his work on the Hill. In fact, he said that because he requires less sleep than most, he didn't foresee many changes at all. To which I suggested the hours he usually set aside for sleep might not be the same ones that his yet-to-be-born son would choose. As the parent of a soon-to-be 18 year-old son, I remembered the days of bottles, diapers and sleepless nights all too well. And, of course, we all know "the rest of the story." Now, in addition to having to juggle the daily flurry of activities in a Congressional office, Brian and his wife have two wonderful children to raise.

Madam Speaker, on April 19, 2008, Brian will reach a milestone in his life. He will turn 40. And as much as he would not want anyone to know or celebrate such an occasion, those of us who consider him a dear friend and colleague cannot let this significant—well, historic—mark pass without notice.

Therefore, I rise today to both wish him the very best on the occasion of his 40th birthday and to thank him for his friendship, his leadership, and his thoughtfulness. He is truly a trusted friend, a terrific chief of staff, and the living definition of what "public service" is all about.

THE 1ST ANNIVERSARY OF THE SHOOTINGS AT VIRGINIA TECH

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GOODLATTE. Madam Speaker, an oasis. That is what so many of us are reminded of when we think of Virginia Tech. The Commonwealth of Virginia's land-grant university, it is located in a beautiful valley in southwest Virginia. Virginia Tech—home of the Hokies—is located just outside my congressional district, a short drive from the Roanoke metropolitan area. It is linked in so many ways to the Roanoke Valley and to the Commonwealth as a whole.

Those links were never more evident on this day a year ago—April 16, 2007. Whether direct—as a result of being a student, a faculty member, an administrator, an employee—or indirect—a family member, a contributor, a supporter, a friend—those links combined to form a chain a year ago today. That chain was formed almost instantaneously when shots rang out in a dormitory and an academic building. The chain formed from innumerable links in reaction to unspeakable horror, heroic response, shared grief, and what became an outpouring of worldwide support.

The day that led us to this one, 365 days later, broke like so many others on the campus in Blacksburg. Like any other university, Virginia Tech thrives on routine—dining hall lines and daily classes, instruction and research, service projects and athletic contests, friendships formed. None of those or a multitude of other routines have been the same since. For the first time in my nearly 16 years in Congress, I literally turned around halfway through my 4-hour drive to Washington. I knew that I couldn't continue that trip, with such events occurring a mere 40 miles away from my front door affecting my constituents, friends, and associates in Blacksburg.

But in the gathering that I attended the next day on campus, I saw a remarkable transformation. I saw a community touched by the deaths of 32 people—students and professors all—turned into a friendship community unlike anywhere else. And then the world began sharing its hopes that the Almighty would transmit healing to each and every person touched in some way by the heartbreak that had befallen Virginia Tech.

One cannot help but reach out to our fellow man at times such as those like April 16, 2007. The magnitude with which the globe embraced Virginia Tech in its ultimate time of need still amazes me. It does so because I see that embrace as visible evidence of the university's motto at work—"Ut Prosim"—"That I may serve." And we have seen that service in ways, shapes, and forms we could never have imagined being necessary on the Virginia Tech campus.

On that day and on each day since, we are reminded of the marvelous impact that comes from simply lending a hand. There are the first responders—the police officers and other emergency service officials who put their lives in harm's way in order to save the lives of those who did not fall, and bring an end to the chaos. There are the school officials—tested as if in a war zone, yet called back each day hence to preserve the integrity of a storied institution of higher learning. There are the thousands who gathered spontaneously on the Drillfield the evening of the shootings—one large force whose aim was to bring light to the deep darkness of the day just finished. There's the Hokie Spirit Memorial Fund—formed to serve as the clearinghouse for contributions, small and large, that began pouring in to help offset the untold costs associated with what beset the families of those who died and the university itself. There are the orange and maroon ribbons worn on our clothes, the visits by performers like Dave Matthews and athletic teams like the New York Yankees.

And so it has continued through the year since, almost unabated. The outpouring of support remains active. And so be it, for we should never forget the 32 lives taken. It is for them that we continue to grieve with and pray for their families and friends, that God may bring them comfort through the memories of the wonderful things their loved ones accomplished. It is for them that we are drawn to the memorial on the Drillfield, a part of the campus that will permanently serve as a destination for reflection. We remain steadfast in offering a kind ear to anyone who is touched in any way by the April 16, 2007 shootings at Virginia Tech and still requires reassurance. And we thank each person participating in today's remembrance events on campus, showing through their time and talents that they stand ready to help put the events behind us while maintaining recollections of lives lost.

We were all Hokies United a year ago. A year later, Virginia Tech has prevailed. It remains Virginia Tech. Today, let us pray to God for the men and women who passed into his embrace on April 16, 2007. Let us never forget the sacrifices, far and wide, made in service to the Virginia Tech community. And let us hope for healing, for it is through that healing that we can shape the lives of those yet to come who yearn to be able to proudly share in saying, "We are Virginia Tech."

A PROCLAMATION HONORING COACH LINDA HOBART FOR COACHING THE TUSCARAWAS COUNTY ROCKETS SPECIAL OLYMPICS BASKETBALL TEAM TO WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Linda Hobart showed hard work and dedication to the sport of basketball; and

Whereas, Linda Hobart was a leader and mentor for the Tuscarawas County Rockets Special Olympics Basketball Team; and

Whereas, Coach Hobart has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Coach Linda Hobart for leading the Tuscarawas County Rockets Special Olympics Basketball Team to winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and leadership she has demonstrated during the 2007–2008 Basketball season.

ONE YEAR ANNIVERSARY OF THE VIRGINIA TECH SHOOTINGS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. MORAN of Virginia. Madam Speaker, 1 year ago today, 32 students and faculty at Virginia Tech lost their lives when a deranged gunman, Seung-Hui Cho, opened fire on campus, indiscriminately killing and maiming everyone in his path. One of the most deadly school shootings in American history, the tragedy stunned the Nation and shook the school to its core. I cannot imagine how the parents and families of the victims dealt with the heartbreaking news that their loved ones, who they thought were in a safe learning environment, had become the victims of gun violence. On this one year anniversary, my thoughts and prayers go out to the victims, their families, and the entire Virginia Tech community as they continue to cope with the aftermath of that tragic day.

But it is also important to honor the courage displayed by the entire Virginia Tech community during the days and weeks following the shooting. Students, faculty, parents, alumni, and Blacksburg residents all came together to help each other cope with the physical and psychological damage of the shooting. The resolve demonstrated by the Hokie community was one of the most poignant acts of solidarity that I have ever witnessed.

Shortly after the tragedy, many of those affected chose to participate in initiatives to fix the laws that facilitated the perpetration of this crime. First among them was the deficient manner in which mental health records were added to the national background check system. Given his mental health history, had Seung-Hui Cho's information been handled properly he would have been prevented from purchasing the weapons used in the shooting. Responding to pressure from these citizen advocates, Congress passed the NICS Improvements Act, a law providing funding to States to insure that mental health records are added efficiently to the national background check system.

This week, I had the pleasure of meeting yesterday with a survivor of the Virginia Tech massacre. Her name is Lily Habtu. Lily was shot in the jaw and arm during the violent melee. She described how the events of that day have forever changed her life. That trauma could have left Lily a shell of her former self, afraid to face a world that no longer made sense. Instead, Lily has become an activist, joining the Alexandria, VA-based organization called ProtestEasyGuns.com to stand up against the gun lobby so that others might never experience the pain she was forced to bear one year ago today. Right now, she is participating in a demonstration outside the Supreme Court, calling for commonsense legislation to close loopholes that make the purchase and possession of illegal firearms and the violence they perpetrate prevalent in our society.

I am given strength by people like Lily. Rather than retreat from the world, they have channeled their experiences into a positive, fighting to prevent future acts of violence. But the sad fact is that not enough elected officials are willing to take a strong stand on gun safety issues.

The problem is not confusion over what laws need to be implemented. Requiring universal background checks, closing the gun show loophole, preventing terror suspects from purchasing firearms, tightening laws against straw purchases, and banning weapons like the .50 caliber sniper rifle and the rapid-fire assault rifle are all positive steps that would reduce violent crime yet do not restrict the lawful ownership of firearms. The lack of action on these measures is not due to uncertainty over policy, but rather a lack of political courage.

We will never forget the lives cut short on April 16, 2007, and the families and friends of the victims who continue to suffer today. But our sympathy for these victims is hollow unless it is matched with a determination to prevent gun violence. It is imperative Congress honor the memory of the Virginia Tech victims. As a body, we need to stand up before another tragedy occurs, by passing strong, responsible gun safety regulations.

HONORING AND REMEMBERING THE VIRGINIA TECH COMMUNITY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. WITTMAN. Madam Speaker, today we remember and honor the students and faculty who lost their lives a year ago at Virginia Tech. The entire community has made a valiant effort to move forward while still honoring those who were lost and injured on that fateful day. As a proud alumnus of Virginia Tech this day has very personal meaning to my family and me. My thoughts and prayers are with the families of the victims and the entire Hokie family today.

A PROCLAMATION HONORING COACH DAN McCAULEY FOR COACHING THE TUSCARAWAS COUNTY ROCKETS SPECIAL OLYMPICS BASKETBALL TEAM TO WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

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THE DAILY 45: CHAVEZ CLARKE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States. Sadly enough, one of the victims on March 29 was eighteen-year-old Chavez Clarke. This Chicago student was gunned down after Saturday classes at Simeon Career Academy, where Clarke was attending in hopes of graduating this summer.

One teenage gunman brought a gun to school because he knew security would be light, police said. Clarke's classmates were outraged. On April 1—instead of playing April Fool's Day pranks—three hundred anti-violence activists and Chicago Public Schools students joined local leaders in their fight for gun control.

If we, as adults, parents, and legislators don't hear the cries of our children, then, WE are the fools. Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

VIRGINIA TECH ONE-YEAR ANNIVERSARY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mrs. McCARTHY of New York. Madam Speaker, I rise today to recognize the 1-year anniversary of the tragic shooting at Virginia Tech University.

Madam Speaker, today, April 16, 2008, marks one of the darkest days in our Nation's history. A year ago today, 32 innocent lives were mercilessly cut short in their prime. A year ago today, families and friends lost their loved ones in a crime of unspeakable horror. A year ago today, we, the American people once again lost a piece of ourselves and our sense of security.

These poor people. Their poor families. These were real people that were killed. They were our sons and daughters. This was our American family that was impacted on April 16, 2007.

The shooting at Virginia Tech was the deadliest school shooting ever seen on our soil.

Far too many times we have stood here in this Chamber commemorating days like today. Days when we reflect on what evil can come to bear on good people and we make grand proclamations about how we will do everything we can to make sure that it will never happen again. Never again.

And here we are—again.

The cynics among us will no doubt throw their hands up in the air and claim that this is just the way things are. What can we do?

Can we ever stop these nightmares from happening in the first place, so we don't have to hear about another life needlessly lost? The answer is most likely an unsettling no.

The fact is that someday, somewhere, despite all of our best efforts, we will probably come together again sometime down the line and we will deliver similar speeches and we will once again feel the helpless confusion that we have become so uneasily and reluctantly accustomed to.

No, we can't say that there will never be another shooting of major proportions like the one at Virginia Tech, but we can say that we will do everything in our power to close any loophole we can find that would make it easier for another individual to commit such a heinous crime.

We have made strides in the right direction. In January, this Congress passed and the President signed into law the National Instant Criminal Background Check System Improvement Amendments Act.

This bill was a step in the right direction toward keeping guns out of the hands of the people who stand to do the most harm with them. In fact, based on his diagnosed mental illness, it is possible that the killer, Mr. Cho, might not have been able to acquire the weapons he used on his murderous rampage.

We can and will save lives as a result of the mechanisms put in place through the passage of this legislation. But in order for the Improvements to NICS to be truly effective, we must make sure that this Congress steps up to the plate and appropriately funds the legislation that we all supported. This measure is too important to play politics with, and I call on my colleagues to stand with me and do the right thing by fully funding the NICS Improvement Amendments Act.

But beyond keeping guns out of the wrong hands, we need to make sure that systems are in place that will keep our Nation's college campuses safe.

Last week I stood with the families of Virginia Tech victims and announced the introduction of the "Virginia Tech Victims Campus Emergency Response Policy and Notification Act," H.R. 5735, also know as the VTV Act.

The bill amends the Jean Clery Act and requires schools to provide warnings within 30 minutes after campus or local law enforcement officials have determined there is an emergency or dangerous situation on campus.

Had Virginia Tech quickly warned students that there was a gunman on campus when first two murders were confirmed, many of the victims may have sought shelter or stayed put. Instead, people went about their normal day with no knowledge of the danger they were about to encounter.

No notifications were sent until 9:26 a.m., when the school emailed students that there was a shooting, and to watch for suspicious behavior. At 9:45 a.m., the second round of shootings occurred. But by that time, students had already gone to their classes.

Many believe if the students had been notified earlier, they might not have gone to class and some might not have been exposed to the shooter.

If the warnings required by the VTV Act were in place on April 16, 2007, lives might have been saved.

Joe Samaha, father of Virginia Tech victim Reema Samaha said last week that, "If we do not learn the lesson, we will have lost our students for nothing."

Let's honor the memories of those students and work to be proactive and do anything necessary to make sure that we can deliver fewer and fewer statements commemorating tragedies like Virginia Tech.

This body has the duty to pass laws that protect Americans, and we can do just that, by supporting sensible legislation like the VTV Act to make sure that we do everything we can to avoid more gun violence.

So let's mark today's unfortunate anniversary by upholding the memory of those lost at Virginia Tech last year and promise to do better, work harder, learn the lessons and not let them be lost for nothing.

PERSONAL EXPLANATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. PALLONE. Madam Speaker, yesterday I was away from Washington attending to personal matters and missed several votes. I would have voted "yes" on H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008, "no" on the Motion to Recommit H.R. 5719, "yes" on H.R. 5719, the Taxpayer Assistance and Simplification Act of 2008, and "yes" on H.R. 5517, designating a post office in Humble, Texas.

WELCOMING POPE BENEDICT XVI TO THE UNITED STATES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SMITH of New Jersey. Madam Speaker, my wife Marie and I were among the thousands who joined President George W. Bush and Laura on the White House lawn today in welcoming Pope Benedict XVI to the United States.

It was among the most inspiring events of my 28 years in Congress.

Both men—extraordinary leaders for extraordinarily difficult times—spoke eloquently of the challenges, opportunities and duties of global citizenship. Both called us to work harder and more effectively for others, especially the disenfranchised, weak and vulnerable.

President Bush—speaking for us—said to the Pope:

> "Here in America you'll find a nation of compassion. Americans believe that the measure of a free society is how we treat the weakest and most vulnerable among us. . . . Here in America you'll find a nation that welcomes the role of faith in the public square. . . . Here in America, you'll find a nation that is fully modern, yet guided by ancient and eternal truths. . . . Most of all, Holy Father, you will find in America people whose hearts are open to your message of hope. And America and the world need this message."

Pope Benedict said "I come as a friend. a preacher of the Gospel, and one with great respect for this vast pluralistic society . . ."

He said he hoped his presence would he "a source of renewal and hope." He reminded us that "Freedom is not only a gift, but also a summons to personal responsibility." And the Pope urged us to greater action:

> "the need for global solidarity is as urgent as ever, if all people are to live in a way worthy of their dignity—as brothers and sisters dwelling in the same house and around that table which God's bounty has set for all his children. America has traditionally shown herself generous in meeting immediate human needs, fostering development and offering relief to the victims of natural catastrophes. I am confident that this concern for the greater human family will continue to find expression in support for the patient efforts of international diplomacy to resolve conflicts and promote progress. In this way, coming generations will be able to live in a world where truth, freedom and justice can flourish—a world where the God-given dignity and the rights of every man, women and child are cherished, protected and effectively advanced.

Madam Speaker, what follows are both the President and Pope's remarks in their entirety.

PRESIDENT BUSH WELCOMES HIS HOLINESS POPE BENEDICT XVI TO WHITE HOUSE

President Bush: Holy Father, Laura and I are privileged to have you here at the White House. We welcome you with the ancient words commended by Saint Augustine: "Pax Tecum." Peace be with you.

You've chosen to visit America on your birthday. Well, birthdays are traditionally spent with close friends, so our entire nation is moved and honored that you've decided to share this special day with us. We wish you much health and happiness—today and for many years to come.

This is your first trip to the United States since you ascended to the Chair of Saint Peter. You will visit two of our greatest cities and meet countless Americans, including many who have traveled from across the country to see you and to share in the joy of this visit. Here in America you'll find a nation of prayer. Each day millions of our citizens approach our Maker on bended knee, seeking His grace and giving thanks for the many blessings He bestows upon us. Millions of Americans have been praying for your visit, and millions look forward to praying with you this week.

Here in America you'll find a nation of compassion. Americans believe that the measure of a free society is how we treat the weakest and most vulnerable among us. So each day citizens across America answer the universal call to feed the hungry and comfort the sick and care for the infirm. Each day across the world the United States is working to eradicate disease, alleviate poverty, promote peace and bring the light of hope to places still mired in the darkness of tyranny and despair.

Here in America you'll find a nation that welcomes the role of faith in the public square. When our Founders declared our nation's independence, they rested their case on an appeal to the "laws of nature, and of nature's God." We believe in religious liberty. We also believe that a love for freedom and a common moral law are written into every human heart, and that these constitute the firm foundation on which any successful free society must be built.

Here in America. you'll find a nation that is fully modern, yet guided by ancient and eternal truths, The United States is the most innovative, creative and dynamic country on earth—it is also among the most religious. In our nation, faith and reason coexist in harmony. This is one of our country's greatest strengths, and one of the reasons that our land remains a beacon of hope and opportunity for millions across the world.

Most of all. Holy Father, you will find in America people whose hearts are open to your message of hope. And America and the world need this message. In a world where some invoke the name of God to justify acts of terror and murder and hate, we need your message that "God is love." And embracing this love is the surest way to save men from "falling prey to the teaching of fanaticism and terrorism."

In a world where some treat life as something to be debased and discarded, we need your message that all human life is sacred, and that "each of us is willed, each of us is loved" and your message that "each of us is willed, each of us is loved, and each of us is necessary."

In a world where some no longer believe that we can distinguish between simple right and wrong, we need your message to reject this "dictatorship of relativism," and embrace a culture of justice and truth.

In a world where some see freedom as simply the right to do as they wish, we need your message that true liberty requires us to live our freedom not just for ourselves, but "in a spirit of mutual support."

Holy Father, thank you for making this journey to America. Our nation welcomes you. We appreciate the example you set for the world, and we ask that you always keep us in your prayers.

Pope Benedict XVI: Mr. President, thank you for your gracious words of welcome on behalf of the people of the United States of America. I deeply appreciate your invitation to visit this great country. My visit coincides with an important moment in the life of the Catholic community in America: the celebration of the 200th anniversary of elevation of the country's first Diocese—Baltimore—to a metropolitan Archdiocese and the establishment of the Sees of New York, Boston, Philadelphia and Louisville.

Yet I am happy to be here as a guest of all Americans. I come as a friend, a preacher of the Gospel, and one with great respect for this vast pluralistic society. America's Catholics have made, and continue to make, an excellent contribution to the life of their country. As I begin my visit, I trust that my presence will be a source of renewal and hope for the Church in the United States, and strengthen the resolve of Catholics to contribute ever more responsibly to the life of this nation, of which they are proud to be citizens.

From the dawn of the Republic, America's quest for freedom has been guided by the conviction that the principles governing political and social life are intimately linked to a moral order based on the dominion of God the Creator. The framers of this nation's founding documents drew upon this conviction when they proclaimed the self-evident truth that all men are created equal and endowed with inalienable rights grounded in the laws of nature and of nature's God.

The course of American history demonstrates the difficulties, the struggles, and the great intellectual and moral resolve which were demanded to shape a society which faithfully embodied these noble principles. In that process, which forged the soul of the nation, religious beliefs were a constant inspiration and driving force, as for example in the struggle against slavery and in the civil rights movement. In our time, too, particularly in moments of crisis, Americans continue to find their strength in a commitment to this patrimony of shared ideas and aspirations.

In the next few days, I look forward to meeting not only with America's Catholic community, but with other Christian communities and representatives of the many religious traditions present in this country. Historically, not only Catholics, but all believers have found here the freedom to worship God in accordance with the dictates of their conscience, while at the same time being accepted as part of a commonwealth in which each individual group can make its voice heard.

As the nation faces the increasingly complex political and ethical issues of our time, I am confident that the American people will find in their religious beliefs a precious source of insight and an inspiration to pursue reasoned, responsible and respectful dialogue in the effort to build a more human and free society.

Freedom is not only a gift, but also a summons to personal responsibility. Americans know this from experience—almost every town in this country has its monuments honoring those who sacrificed their lives in defense of freedom, both at home and abroad. The preservation of freedom calls for the cultivation of virtue, self-discipline, sacrifice for the common good, and a sense of responsibility towards the less fortunate. It also demands the courage to engage in civic life and to bring one's deepest beliefs and values to reasoned public debate.

In a word, freedom is ever new. It is a challenge held out to each generation, and it must constantly be won over for the cause of good. Few have understood this as clearly as the late Pope John Paul II. In reflecting on the spiritual victory of freedom over totalitarianism in his native Poland and in Eastern Europe, he reminded us that history shows time and again that "in a world without truth, freedom loses its foundation," and a democracy without values can lose its very soul. Those prophetic words in some sense echo the conviction of President Washington, expressed in his Farewell Address, that religion and morality represent "indispensable supports" of political prosperity.

The Church, for her part, wishes to contribute to building a world ever more worthy of the human person, created in the image and likeness of God. She is convinced that faith sheds new light on all things, and that the Gospel reveals the noble vocation and sublime destiny of every man and woman. Faith also gives us the strength to respond to our high calling and to hope that inspires us to work for an ever more just and fraternal society. Democracy can only flourish, as your founding fathers realized, when political leaders and those whom they represent are guided by truth and bring the wisdom born of firm moral principle to decisions affecting the life and future of the nation.

For well over a century, the United States of America has played an important role in the international community. On Friday, God willing, I will have the honor of addressing the United Nations organization, where I hope to encourage the efforts underway to make that institution an ever more effective voice for the legitimate aspirations of all the world's peoples.

On this, the 60th anniversary of the Universal Declaration of Human Rights, the need for global solidarity is as urgent as ever, if all people are to live in a way worthy of their dignity—as brothers and sisters dwelling in the same house and around that table which God's bounty has set for all his children. America has traditionally shown herself generous in meeting immediate human needs, fostering development and offering relief to the victims of natural catastrophes. I am confident that this concern for the greater human family will continue to find expression in support for the patient efforts of international diplomacy to resolve conflicts and promote progress. In this way, coming generations will be able to live in a world where truth, freedom and justice can flourish—a world where the God-given dignity and the rights of every man, women and child are cherished, protected and effectively advanced.

Mr. President, dear friends, as I begin my visit to the United States, I express once more my gratitude for your invitation, my joy to be in your midst, and my fervent prayers that Almighty God will confirm this nation and its people in the ways of justice, prosperity and peace. God bless America.

RECOGNIZING NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. REICHERT. Madam Speaker, April 13–19 is National Public Safety Telecommunications Week—a week dedicated to public-safety telecommunicators who handle millions of calls every year with great efficiency. The selfless nature with which these public servants do their jobs is truly one of a kind. Since 1991, Congress has recognized their work. It gives me great pleasure to honor and personally say 'thank-you,' to the many men and women in my district and across Washington State that provide this valuable service to our communities each and every day.

As the former Sheriff of King County in Washington State, I worked alongside the men and women in our communications center, depending on them daily to provide me with the correct information in order to safely carry out my duties and keep our communities safe. I will never forget the great lengths the men and women at our communications center took to be sure I was okay after a head-on collision in 1991, and the care and compassion they showed me. After the collision, I was able to get out of my car and check on the others involved in the accident. I left my portable radio behind in the patrol car, not knowing that the men and women at the communications center were nearly in tears and beside themselves with worry, wondering if I was safe. It is a difficult and sometimes emotional duty they perform, not always knowing what's happening on the other end of the line because they can't see what's going on but can hear the cries for help and the commotion and confusion of the scene. I cannot adequately express how much it meant to me, knowing they cared so much about my well-being. The men and women at our communications centers are truly heroes to the law enforcement officers and citizens they serve.

A former Chief of Police in Colorado once wrote that dispatchers must possess, among other things, the humor of David Letterman, the endurance of the Energizer Bunny and the patience of Job. It is not often that such traits are found in one person. However, in my experience, to find such a person one need look no further than the telecommunications section of a local police, fire or Sheriff's office. These men and women work tirelessly with the heart of a servant; always ensuring the needs of the callers and the first responders they dispatch are met and placing their security above all else.

I encourage all my friends, colleagues, and neighbors to take a moment during this week to thank a telecommunications dispatcher—let them know their service is appreciated and encourage them to continue providing guidance and help to their fellow citizens when they're most in need.

HONORING THE VISIT OF POPE BENEDICT XVI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. EMANUEL. Madam Speaker, I rise today to honor the visit of the Holy Father, Pope Benedict the XVI, to the United States. In addition to commemorating this Pontiff's first visit to our Nation as the spiritual leader of the Roman Catholic Church, today also marks the 81st birthday for his Holiness. The theme for the Pope's U.S. visit is "On Christian Hope," and on behalf of the more than 200,000 Catholic residents of the Fifth Congressional District of Illinois, I would like to welcome Pope Benedict the XVI to Washington, DC and the United States.

Pope Benedict the XVI was elected the 265th Pope in August of 2005. Since that time he has traveled to nations all over the world spreading the beliefs of hope, peace, and justice. Throughout his life the Holy Father has touched the hearts of millions. From his humble beginnings in Germany through his current role as leader of the Roman Catholic Church, his religious doctrine and his belief in faith, hope, and kindness have guided his commitment to the Church and people around the world. He has connected with Catholics and non-Catholics alike through his dedication for advancement of human rights for all people.

The Holy Father has been honored throughout the world as a leader on issues that affect people of all races, religions, and creeds. He is an advocate for the poor and the needy, the hungry and the old, the sick and the tired. The belief that all citizens of the world should have rights is not simply a religious belief, but a human belief and one that we as Americans should honor.

Roman Catholics make up over 20 percent of the United States population and over one-sixth of the worlds population. The Roman Catholic Church in the United States operates schools, universities, shelters, and hospitals to help and educate people of this great nation.

Madam Speaker, the Holy Father is a dedicated servant to the Church and his followers, and we are proud to welcome him on his first visit to America. I wish him continued success in his efforts for human rights and spiritual advancement, as well as a very happy birthday.

HONORING THE PUBLIC SERVICE AND RETIREMENT OF KEITH D. McFARLAND, PH.D.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to honor a true public servant who has dedicated his entire life to higher education, Dr. Keith D. McFarland.

His teaching career began in 1966 while working on his doctoral degree, and since then, he has taught at both the undergraduate and graduate levels. Dr. McFarland has published books, reviews and numerous articles dealing with twentieth century military history, and has also made professional presentations dealing with his discipline and graduate studies.

In 1969, Dr. McFarland became an Assistant Professor of History at East Texas State University. This position would pave the way for him to become President of the institution, which in 1996 became part of The Texas A&M University System as Texas A&M University-Commerce.

During Dr. McFarland's tenure, he was able to take Texas A&M University-Commerce to new academic heights—twenty new programs were introduced at the bachelor's, master's and doctoral levels. With enrollment at its highest point in 25 years, the university remains one of Texas' top producers of teachers, principals, superintendents, school counselors and educational diagnosticians. The MBA program is considered the number three best buy in the Nation.

In the past 4 years, administrative costs have dropped from 11½ percent to 9½ percent, while external gifts and research funding has increased by over 200 percent.

Passionate about improving a deteriorating physical plant, Dr. McFarland pushed for the first new Campus Master Plan in 40 years. In 2001, he began the first campus construction project since 1977. This project lead to the demolition of forty-one defunct buildings, replacing them with modern and efficient classrooms and support facilities. Under construction today is the Sam Rayburn Student Center, named for one of my personal heroes.

Madam Speaker, I am proud to join the many graduates of Texas A&M University-Commerce, including my wife Mary Ellen, in congratulating Dr. McFarland upon his retirement. I can't think of a better testament to public service than educating tomorrow's leaders, and Dr. McFarland is to be commended for his commitment to the field of higher education. Please join me in honoring him on this prestigious occasion.

HONORING COMMANDER DANIEL K. BRIGGS FOR HIS CONTINUED SERVICE TO THE SONS OF AMVETS OF OHIO

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the distinguished service of Mr. Daniel K. Briggs to the Ohio Department of the Sons of AMVETS. A resident of Findlay, he will be recognized at a testimonial dinner this weekend for his outstanding work as Commander of the Ohio Department.

Born in Bucyrus, Ohio, Commander Briggs is a 1970 graduate of Bucyrus High School. His dedication to veterans' causes was evident from the start through his service to Bucyrus's Sons of the American Legion chapter.

Upon moving to Findlay in 1998, Commander Briggs continued this commitment to our nation's veterans, joining Findlay's Sons of AMVETS squadron. He has held many offices in Findlay's Squadron 21—and continues in the position of First Vice Commander of the Findlay squadron even as he leads the state organization.

During his time as First Vice Commander of Ohio, six new squadrons were established in the state and Ohio membership increased to more than 8,000 sons, grandsons, brothers, and husbands of veterans.

Commander Briggs is a longtime employee of the General Electric plant in Bucyrus. Combining his work with his passion to give back to veterans, he started a program to donate light bulbs to veterans' homes and other veterans' organizations in Ohio. So many have benefited from the thousands of light bulbs donated through this program and the money saved as a result.

Commander Briggs has received numerous honors from his peers in the organization, including the 2006 Lifetime Achievement Award and the Gil Garza Award: the highest award bestowed by the Sons of AMVETS. His commitment to fulfilling needs at the Ohio Veterans Home in Sandusky garnered him the Veterans Affairs Voluntary Services Leadership Award two years ago.

I am honored to join the chorus of well-wishers as the State of Ohio again recognizes his distinguished service to Ohio's veterans. He is a shining example of our mutual responsibility to serve those who devoted their lives to protecting the freedoms we enjoy.

SÖDERTÄLJE, SWEDEN ACCEPTS 5,000 IRAQI REFUGEES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission, I rise today to recognize the generosity of the people of Södertälje, Sweden, who have opened their doors to more than 5,000 Iraqi refugees. This small city has a population of 83,000 and has accepted more Iraqi refugees than the United States and Canada combined.

On April 10, the Mayor of Södertälje. Mr. Anders Lago, testified at a Helsinki Commission hearing entitled, "OSCE Partner States and Neighbors Overwhelmed by Iraqi Refugees: Band-aid Solutions to Implosion in the Middle East?" In his testimony, Mayor Lago noted, "The millions of refugees in the world must be a concern for us all, not just for those areas bordering on the breeding grounds of war, or for a small number of countries and cities such as Södertälje." In addition, he said, "Despite the fact that we need immigrants, Södertälje has become a town that must now say—STOP, STOP, STOP. Do not misunderstand me. We will always help others when we can. We must act when the lives of our brothers and sisters are in danger. It is imperative that we have a humane refugee policy world wide. Our common agreement that all people are equal, no matter what color, religion or gender, must become a reality."

Madam Speaker, the country of Sweden has accepted more than 30.000 Iraqi refugees since 2003. This is no doubt a commendable act of humanitarian kindness. I offer my heartfelt thanks and deep appreciation to the government of Sweden which is truly committed to assisting Iraqi refugees.

It must also be noted that, while Mayor Lago has opened the doors of his small city to so many Iraqi refugees, the strains on its infrastructure have been tremendous. Nonetheless, his generosity. and that of the people of Södertälje, put the United States to shame. The Mayor has clearly gone above and beyond the call of duty to help refugees from Iraq and he is nothing short of a "humanitarian ambassador."

Madam Speaker. I thank Mayor Anders Lago and the people of Södertälje, Sweden for their kindness and generosity, and I submit the Mayor's statement for inclusion in the CONGRESSIONAL RECORD.

TESTIMONY OF ANDERS LAGO—MAYOR OF SÖDERTÄLJE MUNICIPALITY AND CHAIRMAN OF THE EXECUTIVE COMMITTEE BEFORE HELSINKI COMMISSION, APRIL 10, 2008

Chairman Hastings, Members of the Congressional Commission, Distinguished Speakers and Guests, Ladies and Gentlemen.

First and foremost I would like to thank the Commission for your invitation. I appreciate the opportunity to speak to you about the difficult situation regarding the people now fleeing from Iraq.

Allow me to be totally frank. I am not the President, a Cabinet Minister, an Ambassador or even a Member of the Swedish Parliament. I am the Mayor of Södertälje, a small town with slightly more than eighty thousand inhabitants. I am here today as the representative from a small country on the northern edge of the European Union, but I can say with both pride and disappointment, that when it comes to refugees, I come from a great nation. The United States is the country in the western world that accepts the largest number of refugees. Directly thereafter comes Sweden, and according to census statistics, it is my hometown that receives most refugees in Sweden.

Many Iraqi refugees have sought shelter in Södertälje since the start of the war in Iraq. Almost all belong to the Christian minority. Sodertalje accepts approximately five percent of all the Iraqi refugees who come to Europe. To illustrate this even more dramatically, my little town alone, receives more Iraqi refugees than the United States and Canada together.

We did not start the war in Iraq, however we assume a huge responsibility for those people who are affected.

Last week I met with seven Iraqi pupils at a local school. Meena, a girl in fifth grade, had a tear in her eye when she said " It is nice here in Sweden, but I miss my father." Her father is still in Iraq. Another little girl, Meryem, said with an edge to her voice, " If the war continues, the doors must be open for the refugees." All the children I met have relatives left in Iraq. And those children live in homes tormented with fear.

When I asked these children what they wanted to be when they are older, they brightened up and competed with one another to tell me. Renza wanted to become an artist. Steve wanted to become a policeman. Meena said shyly that she wanted to be a doctor. These children, in spite of all they have been through, have not let circumstances diminish their ability to dream of the future.

In Södertälje we face three problems. Firstly our schools and preschools are full; of the town's eight thousand pupils, five hundred are enrolled in the special preparation classes we have for newly arrived refugees. We can not hire teachers or build schools fast enough to give all these, often highly motivated pupils a good start in their new country.

Secondly there is a lack of living accommodation. A great many of the refugees lodge with relatives or friends. We know of cases of fifteen people sleeping on mattresses in a two room apartment.

And last but not least we have a shortage of job opportunities. A small town can not possibly produce jobs for a thousand refugees each year. Here the United States could really help Södertälje. American companies looking to set up businesses or expand in Europe, are most welcome to visit my home town. We need all the job opportunities we can get.

I am in awe of the refugees' ambition and will to make new lives for themselves. Many of those who come to our town are well educated and motivated to start a new life in a new country. We need immigrants if we are to manage the demographic challenges we face, as the number of aging citizens in the western world rises.

Despite the fact that we need immigrants, Södertälje has become a town that must now say—STOP, STOP, STOP! Do not misunderstand me. We will always help others when we can. We must act when the lives of our brothers and sisters—are in danger. It is imperative—that we have a humane refugee policy world wide. Our common agreement, that all people are equal, no matter what color religion or gender must become a reality.

The millions of refugees in the world must be a concern for us all, not just for those areas bordering on the breeding grounds of war, or for a small number of countries and cities such as Södertälje.

Södertälje works hard to spread the reception of refugees equally over the whole of Sweden, to all cities and towns. Internationally, we must find a model for an equal and more responsible reception of refugees. We must also have special support for the refugees on site in Iraq, in Jordan and in Syria. Most of all, we must put an end to this and other ongoing wars.

The children I met last week have cousins and friends who are left behind in Iraq. Those children are trying to lead a normal childhood in a land where uneasiness and fear are always present.

I am not a President; I am not an Ambassador; but I know that we must create a new future for the children fleeing from war.

And I know there is no time to lose.

Thank you for your attention.

COMMENDING BILL AND PEGGY ZACK FOR DEVOTION TO THE POCKET FLAGS PROJECT

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. PEARCE. Madam Speaker, I rise today to recognize the patriotism and dedication of Bill and Peggy Zack. These two New Mexico residents have fully devoted their time and money to lifting the spirits of our troops deployed in Iraq.

Mr. and Mrs. Zack began the Pocket flag project in 2002 and have since sent out over 70,000 pocket flags. The pocket flags are small folded American flags that are enclosed with a message. On a small piece of paper reads "A flag for your pocket so you can always carry a little piece of home. We are praying for you. Thank you for defending our freedom." A heartfelt message that is sure to lift the spirits of our service men and women. Pocket flags have been sent to the 647 Support Group at Fort Bliss, Texas and all National Guard and special units being deployed through Ft. Bliss. Additional receipts of these flags include the Mountain Brigade in Fort Drum, NY and the AYN of the Alabama National Guard. The list goes on.

It should also be noted that Bill and Peggy don't accept any donations to help them with materials and shipping expenses. In fact the cost of shipping all 70,000 pocket flags has summed up to about $10,000 and over 7,000 hours. The only reimbursement the Zacks will accept are the letters written by soldiers currently deployed. While the letters vary, most say how thankful they are for Bill and Peggy taking the time to send them a little piece of home.

It is inspiring to know that citizens like Bill and Peggy Zack are trying to do all they can to lift the morale of our troops. On behalf of all servicemen and women I would like to thank Bill and Peggy Zack for all their efforts to comfort the troops in the Middle East.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. ANDREWS. Madam Speaker, I was unavoidably detained from voting on April 14, 2008. Had I been present I would have voted "yea" on the following rollcall votes: rollcall 183, rollcall 184, and rollcall 185.

TRIBUTE TO THE 125TH BIRTHDAY OF GRAND JUNCTION, COLORADO

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SALAZAR. Madam Speaker, I rise today to honor the occasion of Mesa County's 125th birthday. I would like to express my appreciation of this unique, diverse and vibrant county and all its citizens.

Since before the county was founded in the 1880's, the area's history has been remarkable. Dinosaurs that roamed this area left behind their tracks and bones to tantalize historians and geologists. The advent of the main line of the Denver and Rio Grande Railroads through this valley in 1887 brought the prospect of "civilization." The foresight of the founding fathers to build a major irrigation system, still used today, has helped create some of the best fruit crops in the country. As a farmer, I appreciate the importance of agriculture and the tremendous value it imparts to a community.

Mesa County is also a national leader in many industries and fields. Mesa County residents helped develop the New Deal, worked on the Manhattan Project and served in Congress.

The area is also blessed with a variety of natural resources, including uranium, natural gas and oil shale. In the 1980's the shale-dependent economy crashed after the withdrawal of Exxon Mobile, but with its typical determination, Mesa County is now a thriving economic power. In 2008, Mesa County was named the 9th fastest growing area in the country, a tribute to the resiliency and strength of this county.

On the 125th birthday of Mesa County, we pay tribute to a special area that embodies the best of Colorado. Its blend of rural and urban life has enhanced the life of its citizens. The past and traditions of this special place on the Western Slope are worth celebrating. It is an honor and a privilege to represent Mesa County as it commemorates its 125th birthday.

VIRGINIA TECH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. DAVIS of Virginia. Madam Speaker, one year ago, the idyllic calm of campus life at Virginia Tech, and eveywhere in America, was shattered forever. We mark this somber occasion in solemn memory of those too soon taken from us, and in prayerful sympathy with their still-grieving families and friends. Part of our State's future was lost that day. Immeasurable potential abruptly and cruelly cut short. Remembering hurts, but forgetting would be unforgivable.

It falls to us to make some sense of unthinkable tragedy and do our best, in their honor, to build the world they could only envision through bright, inquisitive eyes. At Virginia Tech, in Richmond, and throughout the Commonwealth, grief has given life to action, spurring positive steps to help and to heal. Campus security has been strengthened and sentinel systems to identify and confront potentially violent students have been made more sensitive, more vigilant. We do these things for them, and for the safety of the students who follow in their footsteps. And we work in their memory to mark our calendars from this day forward with memorials to youthful accomplishment and growth, not tragedy.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. PASCRELL. Mr. Speaker, I rise to offer a personal explanation. On Tuesday, April 15, I was unavoidably detained on rollcall votes 186, 187 and 188 due to an official congressional delegation to Afghanistan and Pakistan. Had I been present, I would have voted "yea" on rollcall vote 186 (Motion on Ordering the Previous Question on the Rule for H.R. 5719), "yea" on rollcall vote 187 (H. Res. 1102—Rule providing for H.R. 5719—Taxpayer Assistance and Simplification Act of 2008) and "yea" on rollcall vote 188 (H.R. 5036—Emergency Assistance for Secure Elections Act of 2008).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all

meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 17, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 22

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine U.S. credit markets, focusing on the role of the credit rating agencies.
SD–538
Commerce, Science, and Transportation
To hold hearings to examine the future of the Internet.
SR–253

10:30 a.m.
Foreign Relations
International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee
To hold hearings to examine international deforestation and climate change.
SD–419

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the National Surface Transportation Policy and Revenue Study Commission, focusing on a recent report on moving passengers and freight into the future.
SR–253
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 934 and H.R. 1374, bills to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, S. 2833, to provide for the management of certain public land in Owyhee County, Idaho, and S. 2834, to establish wilderness areas, promote conservation, and improve public land in Washington County, Utah.
SD–366

APRIL 23

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine an update on Department of Veterans Affairs and the Department of Defense cooperation and collaboration.
SR–418

10 a.m.
Judiciary
To hold hearings to examine National Security Letters, focusing on the need for greater accountability and oversight.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine phantom traffic.
SR–253
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission.
SD–342

3 p.m.
Energy and Natural Resources
To hold hearings to examine S. 662, to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, S. 827, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, S. 923 and H.R. 1528, bills to amend the National Trails System Act to designate the New England National Scenic Trail, S. 956, to establish the Land Between the Rivers National Heritage Area in the State of Illinois, S. 2073, to amend the National Trails System Act relating to the statute of limitations that applies to certain claims, S. 2513, to modify the boundary of the Minute Man National Historical Park, S. 2604, to establish the Baltimore National Heritage Area in the State of Maryland, S. 2804, to adjust the boundary of the Everglades National Park, H.R. 53, to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islandsto provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and H.R. 1483, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas.
SD–366

APRIL 24

9:30 a.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine addressing Iran's nuclear ambitions, focusing on policy options for the U.S. and its allies.
SD–342

10 a.m.
Judiciary
Business meeting to consider S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, S. 702, to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, and the nominations of Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota, and Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice.
SD–226
Appropriations
Military Construction and Veterans' Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for military construction.
SD–124

10:30 a.m.
Commerce, Science, and Transportation
Business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S. J.Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, and the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration.
SR–253

2 p.m.
Foreign Relations
To hold hearings to examine international debt, focusing on building relief initiatives.
SD–419

2:15 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 2680, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, S. 2814, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, H.R. 1803, to direct the Secretary of the Interior

to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund.

SD–366

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine national nanotechnology, focusing on charting the course for reauthorization.

SR–253

APRIL 29

9:30 a.m.

Armed Services

Personnel Subcommittee

Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

10:30 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine improving consumer protection in subprime home lending.

SR–253

2:30 p.m.

Armed Services

SeaPower Subcommittee

Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–232A

4 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

APRIL 30

9 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine secret law and the threat to democratic and accountable government.

SD–226

9:30 a.m.

Armed Services

Strategic Forces Subcommittee

Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–232A

10 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

2:30 p.m.

Armed Services

Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

MAY 1

9:30 a.m.

Armed Services

Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

Energy and Natural Resources

To hold hearings to examine military build-up on Guam, focusing on the impact on civilian community, planning, and response.

SD–366

MAY 2

9:30 a.m.

Armed Services

Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

MAY 7

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending benefits legislation.

SR–418

MAY 21

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR–418

CANCELLATIONS

APRIL 30

10 a.m.

Rules and Administration

To hold hearings to examine electronic voting systems, focusing on top-to-bottom inquiries by Secretaries of State.

SR–301

HOUSE OF REPRESENTATIVES—*Thursday, April 17, 2008*

The House met at 8:30 a.m. and was called to order by the Speaker pro tempore (Mr. HOYER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 17, 2008.

I hereby appoint the Honorable STENY H. HOYER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Dr. Alan N. Keiran, Chief of Staff, Office of the Senate Chaplain, offered the following prayer:

Lord God, creator of heaven and Earth, as we open this legislative day, we pause to consider the grandeur of Your creative genius. We are struck by the vastness of space and the countless heavenly bodies that light the night sky. Likewise, we observe with awe and wonder Your magnificent handiwork in the advent of springtime, often being moved to worship You for the botanic beauty we are privileged to enjoy. To You alone, O God most high, belong all praise and glory.

We pray for Your grace to guide the Members and former Members of this body on this very special day, as they serve those who have elected them to public office and the Nation we all love.

We also pray for all those who are attending the Pontiff's mass this morning, that they would sense Your presence in life-changing ways. May Your spirit empower people of faith to seek You with all their hearts and minds.

We pause as well to pray for those in harm's way and their families. Be with those wearing the cloth of our Nation in the long watches of the night in places far from home. Bring them solace in times of deep loneliness and hope for a joyous homecoming.

May we all know Your peace that passes understanding, Your hope that sustains us in times of trial, and Your love that fills the deepest recesses of our hearts.

We pray in the Name that is above every name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday April 10, 2008, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 8 o'clock and 35 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker pro tempore presided.

The SPEAKER pro tempore. On behalf of the House, I consider it a great honor on behalf of Speaker PELOSI, Leader BOEHNER and myself to welcome not only former colleagues but very good friends. I am particularly pleased to recognize the former Speaker of the House, Bob Michel. I know that's technically not accurate. I tried to get him the votes to get that office, but another person intervened. But we are certainly pleased to recognize and welcome back the distinguished minority leader to the House, a good friend. I, of course, somewhat parochial, particularly want to recognize my good friend, Senator Joe Tydings. When I first ran for the Maryland State Senate, I had a little tiny brochure. On the front page of that brochure were two people—Senator Tydings, who had been elected in 1964 and myself in 1966—both former Presidents of the Young Democrats of Maryland, walking down the street. So to that extent, if you're really upset with my being here, Senator Tydings has some responsibility for that. You can talk to him.

Also, the first Young Democrats convention I attended, the President of the Young Democrats of Maryland was a gentleman named Goodloe Byron. Goodloe E. Byron. He served with me in the State Senate. He came to Congress before me, tragically passed away at an extraordinarily young age, and his wife, as all of you know, succeeded him. A friend of mine for 40 years—she was 7 at the time when we first met—Beverly Byron. It's particularly good to recognize you and to welcome all of you back to the House.

The Chair will now recognize the Honorable Dennis Hertel. It's a particular pleasure for me to recognize Dennis Hertel because, as some of you know, he came to the Congress the same year I came to the Congress. He left the Congress not at the request of the citizens of Michigan but at the request of the citizens who served in the State legislature. They divided his district up not in three ways but in four ways, all that had Democratic incumbents. He chose not to take any of them on. They were all relieved by that. You have done well in choosing him as your leader for this year.

The chair is yours.

Mr. HERTEL (presiding). I want to thank Leader HOYER, not only for his very kind remarks today and for taking the time to be with us but the fact that he has always come to help us with our one day of session here as former Members of Congress. It's very, very much appreciated that Leader HOYER with his busy schedule always has time to come forward for us.

Mr. Jim Slattery from Kansas, the President of our Association, cannot be with us today because he has left our position as President of the Former Members Association to become a candidate for the United States Senate in Kansas for the Democratic nomination. And so because he is pursuing that worthy goal, we have Jay Rhodes, who has been our Vice President from Arizona and done such an excellent job. Jay will step up to become President of the Association and take on those duties today.

The Chair recognizes Jay Rhodes of Arizona, the acting President of the Association of Former Members of Congress.

Mr. RHODES. I apologize for a little delay in getting things going. There's been some confusion about the access to the floor of our international guests who have always been welcomed to the floor during this ceremony but for some reason that has not occurred, so they will be in the galleries. I'm sorry about that. That's not the way we wanted things to happen.

Mr. HOYER, thank you very much. And thank you for giving us access to

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Chamber. We have a very special event, if you will, which is to honor a very distinguished statesman, the former majority leader of the United States Senate, Senator George Mitchell of Maine. As far as I am concerned, that's the highest rank that you have achieved. You have achieved others, but being the majority leader of the Senate is something to behold and something to beholden to. We are proud that you are a member of our Association, the Former Members of Congress, and we are proud to recognize your service to our country as majority leader. As a peacekeeper. I think you had more success in making peace in Ireland than you have in baseball. But certainly your work in trying to uncover and rectify the use and misuse of performance-enhancing drugs, especially in professional baseball, is something that I know you're proud of and we're proud of. We believe that your work will have taken our national pastime and restored its luster. We are very pleased and happy that you have assisted the country again in a very important effort.

It's a great pleasure for me as the President of this Association to welcome you and to present to you our Distinguished Service Award and to ask you if you would say a few words to our group.

Mr. MITCHELL. Thank you very much, Congressman Rhodes. Thanks to Congressman HOYER and to all of our colleagues here. Let me say that I am grateful to you for the kind words, Congressman Rhodes, and grateful to all of the Members Association for the honor that you have bestowed upon me. I think it's fitting that this ceremony of former Members be held in the House Chamber.

I recall very clearly when I was elected majority leader of the Senate and I attended the first official function with the Speaker. Prior to the function, we met and I said, well, we have to decide who goes first. He said, yes. We can discuss that, he said, but I'd just like to call to your attention that the position of Speaker is mentioned in the Constitution and in the laws of the United States, but nowhere in either the Constitution or any law is there any reference to a majority leader of the United States Senate. He said, but I'm perfectly prepared to discuss who should go first.

I said, well, I think you've made it rather clear. Ever since then, I have deferred to every Speaker and, in fact, every Member of the House I ever met because it made such a powerful impression on me, about the primacy of the House of Representatives in our system of government.

Service in the Congress or in comparable bodies around the world like the Dail in Ireland, where I know there are many here today, and from Canada and other countries is, of course, a high honor and a great privilege. My service in the United States Senate, including my 6 years as Senate majority leader, was one of the highest honors of my life. I was fortunate thereafter to engage in other public service activities, including 5 years in Northern Ireland where I served as chairman of the peace negotiations and of other activities in bringing to a close the conflict in Northern Ireland. But nothing will ever for me exceed the honor of having been a Member of the United States Congress. I know that every former Member here, indeed all former Members, has shared that view. It was not very long ago, of course, that I served. Then as now, there were challenges facing our Nation. Then as now, there were differences between the parties. But I hope that now as then the current Members will rise to the challenge and be able to meet the very important problems and address the issues facing our great country and the world.

In conclusion, I thank everyone here very much. You know, for most human beings, life is in essence a never-ending search for respect. First and most important, self-respect and then the respect of others. There is no one certain route to gaining respect, but I have always felt that the best way was through service to others. And so I think that Members of Congress, despite the fact that in ours, as in every democratic society, there is a lot of criticism, a lot of complaint, nonetheless, I think every Member of Congress has earned and deserves the respect of the people for their dedication and their service to others.

Thank you all very much for this great honor.

Mr. RHODES. Senator, thank you very much for your comments. I think the significance of your comments is the fact that you and Members of the other body do recognize that it is one Congress composed of two separate and equal bodies. We appreciate that portion of your comments as much as anything else.

We do have a scrapbook with remembrances from your former colleagues, both in the House and the Senate, appreciating your service. And, of course, the plaque. Now I will read the plaque since I've got my glasses on. Actually I don't have my glasses on.

Senator, you've got a lot of these. It just says that we recognize your lifetime of service to this body, this body being the Congress, not the Senate, and to our country. And we appreciate it very, very much and we appreciate your being with us this morning.

And so I present to you, A, the scrapbook; and, B, the plaque—I hope that your wall space has room for it—again from a grateful Nation.

Thank you very, very much.

Mr. MITCHELL. I guarantee you my wall space will have room for this, a very prominent place on my wall. Thank you very much, Jay.

Mr. RHODES. Thank you, sir.

Mr. HERTEL. The Chair recognizes the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. RHODES. Do you want to recognize Mr. HOYER or do you want me to recognize Mr. HOYER?

Mr. HERTEL. We can both recognize Mr. HOYER.

Mr. RHODES. Mr. HOYER, you're recognized.

Mr. HOYER. May I use this podium?

Mr. RHODES. You may do whatever you wish, Mr. Majority Leader.

Mr. HOYER. Let me come over here.

I tell a story when I greet, as so many of you have, constituents to the floor of the House. I tell them the story that few Members of the House did I come with a more negative perception of than John Rousselot, as you can imagine. John Rousselot had quite a reputation around the country. And I say that to them for the purpose of saying that I ended up thinking John Rousselot was one of the really delightful human beings with whom I served, notwithstanding our deep disagreements. Some of you who served during his term will recall, as we know, John had a problem with his leg, but he used to delight, as you recall, going over to that rostrum and talking to you us. You remember that, Bob, I am sure, very well. He did it, however, not in a confrontational way but with a twinkle in his eye, as if to say, I'm coming over here and I'm going to tell you guys what you really ought to be doing. And I really always enjoyed it.

When Jay said, well, I'm not going to speak from that rostrum, I'm going to come over here, it reminded me of that.

Unfortunately, as all of you know through the years now, the aisle has become more a wall than an aisle. A division has grown. I lament, I really do, Bob Michel's loss from the House and from the country's service in this body—he still serves our country as all of you do as well—because he was, with Tip O'Neill, two unifying leaders who tried to bring us together, not agreeing necessarily but disagree in a sense of trying to get together to solve problems with our different perspectives being involved. As all of you know, I have a deep affection for Bob Michel for that reason. But I always come here—before I was majority leader I came here—because I want to thank all of you for the service you have given to our country, the friendship you have given to me and so many others in this body.

Some of you I see on a regular basis. The Historical Society obviously making such a continued contribution. I saw Ben Gilman 2 days ago at a breakfast at which I spoke. But I really wanted to reiterate the welcome of Speaker PELOSI to all of you back to the House.

I also want to recognize our friends, and I'm not sure which one of you are here, from Great Britain, from Ireland. As a matter of fact, I think there are 19 Irish Parliamentarians here. There are a couple from Greece and New Zealand; Great Britain, as I said; and Canada. So we have five nations represented who with the United States have something in common with one of them, Great Britain. And we have much in common with all of us. We welcome you to the House. You are friends and great allies at a time of challenge for the global community, both in terms of economics, in terms of terrorism, in terms of moving our international community towards a more peaceful resolution of its problems.

Senator Mitchell. Did he leave? I'm sorry. I should have said that at the beginning. I was going to invite Senator Mitchell, based upon his experience in Northern Ireland, if he might visit us here and see if he can resolve the differences between the Senate and the House. I thought that might be a very useful contribution to the country. We're having some problems. You may have noticed. The Senate is a strange body, Senator Tydings. We're trying to work with them, but it is very difficult.

In any event, I want to welcome all of you back and thank you for what you have done for our country on both sides of the aisle, as Americans, not as Republicans or as Democrats but as Americans, and say how honored I am to have the opportunity to join with you on this day when you return, to remember what you have done here, but to also remember the friendships that we have made here.

Good luck to you. Thank you very much.

Mr. HERTEL. I want to thank the majority leader. Let me say that it's very appropriate that my Republican friend Mr. Rhodes and I both introduced the majority leader because if there was an award for statesmanship for an incumbent, I think our majority leader would certainly achieve that.

It's something to always follow the model that Tip O'Neill set for us, of being bipartisan in the ways that affect our country. I remember the great affection that Tip O'Neill had for Bob Michel and how they worked together, even though they fought on issues on a daily and weekly basis of importance to our country. I remember Tip O'Neill telling me about the love he had for one of his very best friends, Jerry Ford, the President from Michigan, a Republican, who was as partisan as Tip when he was the minority leader here in the House. What I have seen in the distinguished majority leader is taking from the Speakers that I was honored to serve under, taking the intellectual abilities of Mr. Foley and the partisan aggressiveness of Mr. Wright and the wisdom and the common touch of Tip O'Neill, and that is embodied in our distinguished majority leader. He then carries forth the fact that you can be an active partisan on behalf of your party in your beliefs and at the same time reach over and work with the minority and understand their viewpoint even as you are strong and aggressive on the principles that you believe in. So we thank the distinguished majority leader again for taking the time to be with us and for his leadership on behalf of our country.

The Chair would like to also thank Mr. McNULTY from New York. Chairman McNULTY has always been very generous with his time, also, with the former Members and we appreciate his time today with such a busy schedule.

The Clerk will take the roll.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

FORMER MEMBERS OF CONGRESS PARTICIPATING IN 38TH ANNUAL SPRING MEETING THURSDAY, APRIL 17, 2008

Mr. Broyhill of North Carolina
Mr. Buechner of Missouri
Mrs. Byron of Maryland
Mr. DeNardis of Connecticut
Mr. DioGuardi of New York
Mr. Frey of Florida
Mr. Garcia of New York
Mr. Gilman of New York
Mr. Goodling of Pennsylvania
Mr. Hertel of Michigan
Mr. Hockbrueckner of New York
Mr. Hughes of New Jersey
Mrs. Kennelly of Connecticut
Mr. Konnyu of California
Mr. Kramer of Colorado
Mr. Kyros of Maine
Mrs. Long of Louisiana
Mr. McHugh of New York
Mr. Michel of Illinois
Mr. Nichols of Kansas
Mr. Parris of Virginia
Mr. Rhodes of Arizona
Mr. Sarasin of Connecticut
Mr. Shaw of Florida
Mr. Thomas of Georgia
Mr. Zeliff of New Hampshire

Mr. HERTEL. The Chair announces that 26 former Members of Congress have responded to their names.

The Chair recognizes the President of the Association, Mr. Rhodes, the distinguished gentleman from Arizona.

Mr. RHODES. Thank you, Mr. Hertel. For those of you who don't quite understand what the cast of characters is here, you would have expected that our friend Jim Slattery from Kansas would be standing here as President of the Association. Jim made a decision to return to Kansas and to run for the Senate. He also made the decision that that commitment of time and effort would not allow him to devote the time and effort that he had remaining on his term of office as President of the Association, so he did resign. The by-laws really don't say a lot about when an officer resigns to run for office again, but they do say when the President is not here, the Vice President shall act as President. And so I am technically the Vice President and I am here acting as the President. If anybody wants to challenge me, do so now or forever hold your peace. Within the ordinary course of events within the next few days or so, I will be elected to be President, and then you will have no challenge whatsoever. But I am here for Jim and I want to acknowledge Jim's service to the Association, to the Congress and to the country. He has served this Association extremely well. We have made great progress, building on progress that began about 6 years ago, or more, with Matt McHugh and then with Larry LaRocco and then with Jack Buechner. Your association has grown in stature and in numbers and in activities. We're going to outline a lot of that activity here for you today.

It is also a great pleasure for me to welcome to our meeting former Parliamentarians from Canada, from the United Kingdom, from Ireland, from Greece, and from Turkey. We are very, very honored to have you with us. We are very honored to have the kind of association that we have with your respective associations. We hope to continue to have those grow as well. And we will continue to carry out the activities that have made us, I think, a more vibrant and, I think, a more productive portion, quasi-governmental portion of the Government of the United States. We have accomplished a lot and we have a lot more to do.

I look forward very much to a 2-year term as President. I am going to be assisted very ably by Congressman Hertel, who will be the Vice President, and by Congressman Buechner, who has graciously agreed to continue in the post of Past President. I don't think Jack has a vote, but he does have a role to play because he has been extremely active in the growth of the organization and we need his experience and we need his advice and we appreciate the fact that he is going to continue in that role. That's the last nice thing I'm going to say about you.

But I'm going to introduce you, because I want you to tell the Association what you and we have been doing in the area of democracy building.

Jack, welcome back. It is good to see you.

Mr. BUECHNER. If the gentleman will yield, I am glad to be back. I want to thank everyone for participating in the programs that we've put together on the international end of it. In particular, something new for the association is its participation in the International Election Monitors Institute, the IEMI. It's a joint project of our association with our sister organizations in Ottawa and Brussels. I am pleased that some of our Canadian and European delegates, our colleagues active in the IEMI, have made the trip to D.C. to be with us today. Of course, joining the Prime Minister of Great Britain and also the Pope. What a great time to be in Washington, D.C., for the springtime.

The first goal of our institute is to take former legislators, and I am going to use the term "legislators" rather than Parliamentarians or Members of Congress. I happened to see something the other day that "parliament" comes from the French word which is basically parle, to talk. Congress comes from the Roman word which is a gathering of enemies. And I thought, I wonder if the Founding Fathers were playing a little joke when they called it a Congress. These legislators we have taken from the EU, from the United States and Canada and we have training sessions in proper election monitoring.

It's easy to think that because you've run for office and held office that you know something about elections. Well, you may know something about a ridings in Calgary or about a congressional district in South Carolina, but that doesn't mean you know what you're doing in Chad, and we're not talking about Florida chads, we're talking about the country of Chad or someplace that is having an ongoing uprising by a minority party or a different tribal distincts. The Orange Revolution taught us a whole lot about what election observations were all about. Sometimes it was just sitting and making sure that the guys in charge—sometimes gals in charge—were not manipulating the vote. So we have been able to put together these training sessions and we've hosted other meetings. We have gotten a 3-year grant from the Canadian International Development Agency. We've sent dozens of U.S., Canadian and European former legislators who have gone through this training and are now well-versed in an actual set of responsibilities and challenges that come with election observation. A part that's very significant is a code of conduct, to make sure that when our representatives are in these different election areas, that they know what they are supposed to be doing and what they are not supposed to be doing. This is an interesting thing, especially for United States politicians going someplace where the microscope is always on whatever it is we do. A mere stumble can sometimes, and I don't mean physically, but a turn of phrase.

One of the things that happens, you should know, is that sometimes the electoral mechanism, somebody in a country will look at one of our representatives and say, well, what do you think we should do? The inclination is, well, I'd throw that ballot out. Or I'd accept that ballot. One of the things we train our representatives to do is to be cool and to step back and to say, it's your election, not our election, and we're just here to make sure that the world knows what goes on here. Now you decide what to do with that ballot. It's a very, very powerful thing.

We have had an international delegation that went to the Morocco elections. We had 52 observers from 19 countries. We deployed to 12 regions in Morocco and visited 375 polling stations. In addition, observers participated in briefings and meetings before election day to ascertain the political and legal climate in which the Moroccan electorate could cast their votes. We saw a well-organized and transparent election on September 7. Moroccan authorities had trained polling officials well and ensured that voters were given the opportunity to cast a secret ballot without undue influence. There were reported irregularities, but the overall impression gathered by IEMI monitors was that the Government of Morocco should be congratulated on a free, fair, and transparent election process.

But one of the problems was participation. An awful lot of people said, you know, even though I've got the first opportunity to vote, I think that the King's going to influence it or the Islamic parties are going to be overrepresented, that they had the same kind of skepticism that we in the West frequently have to encounter, that low turnout of 37 percent, but a high number of protest votes. One vote we saw at the polling station said, I can't vote for any of these idiots, which is sort of the "none of the above" with a little more emphasis. But it showed there was an evidence for further political reform necessary in Morocco. Former Parliamentarians can play a crucial role in encouraging widespread engagement in the process. It is IEMI's hope that over the next few years leading up to Morocco's 2012 elections, former legislators will be invited to assist in developing reforms such as civic education or effective political leadership.

In addition to participating in those missions and conducting several training sessions, the IEMI has created a strategic plan which envisions its expansion over the next 5 years. Part of that vision is to become active not just in election observation missions but in democracy building work, now being carried out worldwide by U.S., Canadian and European NGOs. For example, former legislators could play a crucial role in aiding a peaceful transition of government following an election. We could work with newly elected legislators as they begin their work in a representative democracy. We could share our experience when it comes to the nuts and bolts—we all know about the nuts in the legislative branch—but, for example, the work of committees or relying on a professional staff. In many countries, there are no professional personnel to work with the legislators. I recall one of the first things that happened when I was a new member of the Association is we actually helped the Ukrainian Parliament train what were basically law students and political science students, train somebody to work with the Parliament because there was no one there. And in the Russian Duma in the early stages, if you wanted to introduce a bill, you had to actually bring enough paper to print copies for every member of the Duma. That was just one of those little things that starts a democracy rolling, but you have to deal with it. We believe that via the Institute, we are positioning ourselves to play an integral part in democracy building.

Before I yield back the floor, let me recognize Doug Rowland, if you would stand up. Doug is the President of our Canadian counterpart, our neighbor to the north, but is also the President currently of the IEMI. He deserves a round of recognition. Doug, thank you for your efforts and for all the members of the board.

With that, Mr. President, I thank you for giving me the opportunity to report on the IEMI.

Mr. RHODES. Jack, thank you very much.

Jack mentioned that the root meaning of the word "parliament" is talk. Jack demonstrates the fact that he really is a parliamentarian, because there's nothing about which he cannot talk at length. I wonder, though, if you know what the root meaning of the word Congress is. If you look up Congress in a dictionary, the first definition is sexual intercourse. Then it gets into what you said it was, which is conversation amongst others. Fortunately, I think that we mostly do the latter, I hope.

Another of our international programs is something that I would like to have our friend Beverly Byron from Maryland report on. We have done quite a number of external programs that Beverly is an expert on and will share her expertise with us, hopefully as a Congressman and not as a Parliamentarian.

Mr. HERTEL. The Chair recognizes the distinguished Congresswoman from Maryland, Beverly Byron.

Mrs. BYRON. I'm afraid to touch that podium after his remarks.

Mr. RHODES. I don't blame you.

Mrs. BYRON. Let me first of all thank our acting temporary President—until this afternoon.

Mr. RHODES. Are you going to challenge me?

Mrs. BYRON. Oh, I don't know. It's early in the day. I've got probably a couple of hours. You can never tell.

Let me say that I have been tasked to talk about a program that I think is one that the acting Members and the former Members have put together and have worked very hard—the Study Groups on Germany, Turkey, Japan and Mexico. I originally thought I was just going to be talking about the German Study Group which I have been interested in and have no problem with the pronunciation on the German names, but I have Turkey, Japan and Mexico. And so bear with me as we go along.

The Association serves as the secretariat for the Congressional Study Groups. Germany is the largest and most active exchange program. It is U.S. Members of Congress and Parliamentarians of Germany. It is a bipartisan organization, much as this one is, and they alternate the Chairs, Democrats and Republicans, on the U.S. side. The German group is celebrating its 25-year anniversary this year. The primary goal of the Study Group is to establish a dialogue between Members of Congress and their counterparts in the Bundestag. The group has a Distinguished Visitors Program where they bring high-ranking German elected officials to the Capitol. Last year, the Study Group on Germany organized events featuring political leaders such as Chancellor Angela Merkel; Dr. Norbert Lammert, President of the German Bundestag; and Minister Sigmar Gabriel, Federal Minister for the Environment. Every year, the Study Group brings approximately eight Members of Congress together with sometimes an equal number, sometimes more, of the German legislators for several days, focusing on discussions with a predetermined agenda. The Parliamentarians usually are joined by several former Members of Congress and former Members of the Bundestag. They also have officials of the two federal governments attending, think-tank and foundation representatives, and members of the German-American corporate community. In 2007, the annual Congress-Bundestag seminar took place in Hamburg, Germany. This year the Study Group is going to be in Utah for its 25th annual seminar and it will be taking place in the current U.S. president of that organization, Rob Bishop's, district. The upcoming program is going to discuss topics such as NATO, relations with China, and renewable energy. Our program this morning is on the energy issue. I think it's one that we all are very much interested in.

We need to thank the Study Group's supporters because it could not operate without financial support. Here comes the advertisement: Craig Kennedy and the German Marshall Fund are extremely active. The Marshall Fund has funded this program for many years. The Business Advisory Council also donates support on the administrative side of the Study Group and current companies such as Airbus, Allianz, BASF, Daimler, Deutsche Telekom, DHL Americas, EDS, Eli Lilly, Fresenius, Lufthansa, RGIT, SAP, Siemens, and Volkswagen, to name but a few.

Modeled after the Congressional Study Group on Germany, the Association has established other Study Groups. The Turkish group in 2005. Turkey as we all know is important for so many reasons: Peace in the greater Middle East, the expansion of the European Union, the transformation of NATO. The Study Group on Turkey brings current Members of Congress together with their legislative peers, government officials and business representatives in Turkey and serves currently as a platform for participants to learn about U.S.-Turkish relations firsthand. Thanks to funding from the Turkish Coalition of America, the Economic Policy Research Foundation of Turkey and TOBB, the German Marshall Fund also funds some of the work with the Turkish group, and a group of corporate sponsors, the Study Group on Turkey has brought important guests to Capitol Hill. That includes then Turkish Foreign Minister Abdullah Gul, who is now President of Turkey; Assistant Secretary of State Daniel Fried; and many delegations of Turkish Parliamentarians.

The Congressional Study Group on Turkey also conducts an annual U.S.-Turkey seminar. In 2007, that conference took place in Ankara and Istanbul. A congressional delegation met as we did when we were Members with high-level representatives, including Speaker of the Grand National Assembly of Turkey Arinc, as well as Turkish Prime Minister Erdogan. Discussions included Iraq and Turkey's bid to join the EU. This year's seminar will take place in May in Memphis in the district of Representative Steve Cohen. Members of Congress and their counterparts in the Turkish Grand National Assembly will discuss issues such as, once again, energy security, civil society, and the Middle East.

The Association also serves as the secretariat for the Congressional Study Group on Japan. This was founded in 1993 in cooperation with the East-West Center in Hawaii. The Congressional Study Group on Japan is a bipartisan group of 89 Members of the House and Senate. The Japanese Group arranges opportunities for Members of Congress to meet their counterparts in the Japanese Diet in addition to presentations by American and Japanese experts about various aspects of U.S.-Japanese relations. Recently featured guests have included Japanese Ambassador to the United States Ryozo Kato; then Foreign Minister Taro Aso; and Head of the U.S. Delegation to the Six-Party Talks, Ambassador Chris Hill. The Congressional Study Group on Japan is funded by the Japan-U.S. Friendship Commission.

Last but not least we have the Congressional Study Group on Mexico. It is a unique organization in that it serves as a bipartisan forum of legislators and congressional staffers to engage in issue-specific dialogue with Mexican elected officials and government representatives. By being involved in the group, the two countries' political decision-makers receive a comprehensive picture of the issues revolving around U.S.-Mexico relations. We are working closely with the Woodrow Wilson Center on the Mexico project.

These Study Groups are examples of how the Former Members Association can provide an educational service to current Members and working together furthering issues for our Nation. I look forward to being a part of the Study Groups. I think those of you that are not involved in it would get a great deal of satisfaction in having an opportunity to see that we are still continuing as former Members in many of the areas and issues that we have been involved in.

I thank you, the new acting-temporary-prospective President, for the time this morning.

Mr. RHODES. Thank you, Congresswoman Byron, very much not only for your remarks but for your participation. It's very valuable to all of us. As Beverly has said, the value of these Study Groups is bilateral. I think that we and our sitting Members whom we involve in these exchanges learn a lot and I think that the counterparts in the other countries also learn from us, and we learn basically that many of our problems are very, very similar. It's fascinating and it's a great experience.

I next want to have Matt McHugh come forward and report to you on our various student-based exchange programs which we loosely call Congress to Campus. Matt has been intimately involved in the expansion and growth of the Congress to Campus Program which has been dramatic and a very great reward to an awful lot of former Members of Congress and hopefully to some students out there in the world. But from time to time, Matt, I think we learn more than they do. Matt is a longtime, very, very valuable member of the Association and we appreciate very much everything that you do for us.

Mr. McHUGH. Thanks very much, Jay.

As he indicated, my role this morning is to present our report on the Congress to Campus Program which as many of you know is now run exclusively by our Association in cooperation with the Stennis Center. David Skaggs, who did such a great job for us for some years, is now the Secretary of Education in Colorado. But the transition from his organization, the Council on Excellence in Government, has been very smooth and successful. As most of you know, the Congress to Campus Program is the Association's flagship program for our members. It sends bipartisan teams of former Members to colleges, universities and high schools across the country to educate the next generation of leaders on the importance of civic engagement. The participating students benefit from the interaction with our Association members whose knowledge and experience, as we know, are a unique resource. But at the same time our members benefit, as Jay has said, through our continued involvement in public service and the ability to engage these young people on issues of importance to them.

During each visit, our bipartisan team conducts classes, meets individually with students and faculty, speaks to campus media, participates in both campus and community forums, and meets with local citizens. Institutions are encouraged to market our visits to the entire campus community, not just to those students who are majoring in political science, history or government. Over the course of 2½ days, hundreds of students are exposed to the former Members' message regarding the significance of public service. There is one more visit scheduled for this academic year, after which we begin recruiting schools for next year. The program has made both domestic and international visits this academic year, including a visit to campuses in the United Kingdom and Canada and, for the first time, two separate visits to campuses in Mexico. By the end of next week, the program will have made 26 campus visits in this academic year. More than 30 members of our Association have made visits this academic year, and I want to take the opportunity to thank all of you who have participated in the program and certainly encourage those of you who have not had the opportunity as yet to do so, it's a great experience for us.

I also want to extend our thanks to the campuses, the faculty and staff members and students who worked so diligently on each of these visits. Without their hard work, these visits would not have been possible. We rely heavily on the universities to take the lead in coordinating logistics relating to each visit and appreciate the time they devote to ensuring their students will receive the benefits of the program.

We have also continued, as I mentioned at the beginning, our relationship with the Stennis Center for Public Service in the administration of the program. Association and Stennis Center staff work very closely together on a day-by-day basis to make the program such a great success. We appreciate both the staff support and the steady financial contribution we get from the Stennis Center each area. We look forward to working with them in the years ahead as well.

I am also pleased to announce that in the next academic year for the first time we will be receiving a financial contribution and some support from the Joyce and Donald Rumsfeld Foundation. The Foundation's generous grant will enable our Association to reach out to more students and more schools, many of whom have not participated in the past. And so on behalf of our members, I want to thank Secretary Rumsfeld for recognizing the importance of our reaching out to the next generation of leaders.

We have also continued working with the People to People Ambassador Program that brings young people to our Nation's capital for a week of events centered on the concepts of character and leadership. These students are far younger than those who participate in the Congress to Campus activities, but they have already demonstrated a commitment to the ideals that the Congress to Campus Program seeks to promote. The Association's involvement in this program allows our members living in the Washington area to speak to these younger students on the importance of public service and to answer any questions they might have. A number of our members, as you know, are working full time still and the People to People engagements allow them to continue their public service in this particular way. The events are typically held in the early morning at suburban locations. Again, I want to thank all of our colleagues who have participated in this program. I want to mention in particular our colleague Orval Hansen of Idaho. I don't know if Orval is here this morning. If not, he deserves recognition, because he has made it to nine of these visits early in the morning to meet with these younger students, seven of those visits in the last month alone. That is enormous dedication, and we are grateful to him in particular.

I want to conclude by again expressing appreciation to all of those who have made the Congress to Campus Program such a great success and by encouraging all of my friends here to participate. As you know, a democracy can prosper only if its citizens are engaged, and as former legislators we have a particular responsibility, I think, to encourage others to do so, particularly our young people.

Thank you very much.

Mr. RHODES. Matt, thank you very much. I just want to echo what Matt says about the Person to Person program. I've participated in one, which started at 6:45 a.m. in far out Bethesda. This is all junior high school kids. At 6:45 they are up and dressed and scrubbed and raring to go. I'm standing there saying, what am I doing out here at 6:45 in the morning? It's worth it.

I want to emphasize what Matt emphasized, which is that the purpose of this kind of activity is not to say to a kid, this is how you prepare yourself to run for Congress, or to run for public office. The purpose is to say to them, a career in public service is a career worth pursuing. Public service encompasses a whole lot of things. Being a teacher, being a fireman, being a policeman, a garbage collector or, like a garbage collector, a Congressman. But the point is to emphasize to the young people that public service is not a career to be shunned, it's a career to be sought.

Matt, your leadership on this is greatly appreciated.

My next project is to try to introduce a real hero for the Association. It's difficult to do because he knows he's a hero and will tell you himself if I don't do it. Lou Frey has served as President of the Association, and for the last 11 years Lou has chaired our annual dinner which, as I think you probably all know, is the lifeblood of the Association. When it became clear, Beverly, that I was going to become President, I called Lou and I said to him, Lou, you've got to do it 2 more years. Lou said, I can't. I'm tired. I'm tired of the whole thing. I don't want to do it.

I said, Lou, please?

And he said, Okay, I'm in for 2 more.

Lou has not only done the dinner, he has started several other projects for us. I would call upon the Honorable Member from the State of Florida, Mr. Frey, to enlighten us as to what he has been doing. We would all like to know.

Mr. FREY. Thank you, Jay. Thank you very much, Mr. President.

I would first like to also acknowledge the tremendous work that your predecessor, Jim Slattery, did. He did an incredible job. He worked incredibly hard. You two worked together to give us great leadership as I'm sure that you and Dennis will do the same. I did start the Statesmanship Dinner 11 years ago and it was a good idea. The only bad one was not figuring out who was going to be the chairman of it. We still haven't done too good a job on that. This was our most successful dinner. We honored all the women who have served in the Congress and were serving in the Congress. Speaker PELOSI was kind enough to come and accept the award. And also Lindy Boggs was the honorary chairman whom we all dearly love. She and Cokie were there. It was a really, really nice event. Beverly Byron did a great deal of work; Nancy Johnson. Incredible group they had to help us raise money. It was the biggest crowd we've ever had, thanks to the efforts of many of the women who served in the Congress. As you know, that is our big fund-raising event and we use it for a lot of different activities.

One of the things that we have found in my State, and I'm sure it isn't true in your State, but basically we are civically illiterate. Forty percent of the adults in Florida cannot tell you the three branches of government. Seventy-three percent of the fourth graders in a multiple choice test can't pick out the Constitution as our leading document. I'm talking about my State. I happen to have seen the statistics, and I would suggest that maybe we're not alone in this area. But in Florida we don't teach civics. Many States in our country don't teach civics. One of the things that we have been trying to look at as an organization is how do we reach out to the students. How do we reach out to the teachers so that they'll have something to turn to if they're interested in teaching civics. Of course, one of the answers is the Internet. What we did last year is we experimented with programs that the former Members would do on key issues and used the Internet to get it out to high schools and colleges around the country. That worked pretty good. This year we're going to take it to another step. We're going to really put together a library, if you will, for teachers. We're working with the Presidential Classroom teachers, we're going to work with the institute that I have, and the former Members.

Let's take a subject like electoral college. We will have a 50-minute lesson plan for teachers, 30 minutes will be a discussion by the former Members on that issue, 20 minutes for the teachers themselves. We'll put maybe 50 of these together over the next 3 or 4 years so that the teachers all around the country can punch in for free, get that lesson plan, and teach civics. How in the world can you have a country that is as great as ours and the people don't know what they have? Thomas Jefferson said a country that's half ignorant never was and never will be free. We've probably lost a couple of generations. I'm not sure how we'll ever get those back. But we are not going to lose the younger generation. We're going to reach out to them as we're doing in these programs, the stuff that Matt is doing. I think we can make an incredible difference in terms of our young people, not preaching party but preaching what we have and what our country's about. So they'll make a decision. Whatever it will be, we may agree or disagree, but at least it will be a decision based on some facts and on some knowledge.

I want to thank many of you for help with the book we're writing, the second edition of the Former Members book. As you know, the first edition is used in many colleges. The second one, if you haven't sent your final ideas in on your rules of politics, please do. It will go to the publisher in August. We were honored about a month and a half before President Ford died, I had been trying to get him for really a couple of years to do it, he sent us five pages on what his political rules of life were, which will be really interesting. That book will be out certainly in August. We hope that it will add to what teachers can use, not necessarily from an academic style but as a supplement to what really goes on in this wonderful place.

I want you to know that, according to the Washington Post, we're back for an annual "schmoozefest" and it will get "boozy" tonight. I don't know where the reporter is to listen to all these things that this group is doing. I'm very proud to be part of this. I'm proud of how we continue to put back. This is not really a social organization anymore. It is really an organization of people who have given to the country and now can't give 100 percent but try and give as much as they can back to this country. It is certainly needed. I don't think there's any group of people who have more knowledge, who have more ability and don't have any skin in the game in terms of any personal involvement in what's going on.

I thank each and every one of you for what you're doing. I think it's great. I think, as the President said, there's a lot more we can do, and we will do. Thanks to this organization, a lot of young people and people not only here but with our colleagues, a lot of people around the world are going to have more idea of what's going on and why understanding what we've been given in this great country is really worthwhile.

Thank you very much, Mr. President.

Mr. RHODES. Lou, thank you.

I'm going to insert something into the script here that wasn't here, but I'm going to ask you to help us as far as the dinner is concerned because one of the greatest conundrums that we face is trying to identify somebody whom we, A, should honor; B, would like to honor; and, C, who will sell tables. If you have any thoughts and suggestions along those lines, we would greatly appreciate hearing them. Quickly.

A couple of other programs that we have going that you should know about. One is a golf tournament. We've had the golf tournament for quite a few years. It brings together sitting Members and former Members. This is generally not bipartisan. We generally pit each other against each other on a partisan basis. But it's fun. But this year we've changed the format slightly and it is going to be a charitable event, and we hope that that will expand it greatly. The charity is a fund for disabled veterans, especially veterans from Iraq and Afghanistan. The tournament is on July 14 at the Army/Navy Club. I encourage you, A, to participate; and, B, to encourage others to participate as well. I think it's a cause that we all would agree is well worthwhile.

I should tell you that the Association sponsors, on a sporadic basis but generally biennially, a study trip for our members abroad. Last fall we took about 40 of our members to Ireland. In retribution, the former members of the Irish Parliament have sent 30 of their members here this week. I don't know if that's because of the way we behaved or misbehaved in Ireland. I did not go. I have talked with many of our friends who did go and the one thing that's unanimous is that they had a good time. The other thing that's unanimous is they don't know exactly what they did that was so much fun, but they had a good time. We appreciate you all being here with us very, very much. And we're coming back.

I want to take a minute to thank Jim Slattery for his service as President of the Association. Jim and I had known each other pretty well when we were both Members, but we got to know each other a lot better over the course of the last couple of years. Jim and I did a Congress to Campus visit together to Baker University in Baldwin, Kansas. It was a very, very rewarding experience. I can't emphasize enough what Matt said to you, that if you haven't done a Congress to Campus, do it. You will profit from it and you will benefit from it. And hopefully somebody else will, too. But you definitely will. You will definitely come away with the feeling that the generation that's coming up is not all bad. There are some good people and there are some very, very enthusiastic and intelligent people who want to contribute. It's well worth the time.

We have a plaque for Jim. It will read just sort of like what I said the plaque for Mr. Mitchell read, which is: Thank you very much. We appreciate your participation, your association and your friendship, and we wish you the best.

Now this is a bipartisan organization and we don't take sides. I will say to you that I wish Jim Slattery physically the best. Not necessarily politically but physically. I know that he misses us and we miss him, and we're very, very supportive of his desire to return to public service.

I want to thank Dennis Hertel and Mike Parker and Jack Buechner for their service to the Association, both current and in the future. And I want to recognize our professional staff. As any bureaucracy as we have grown more successful, we've grown more staff. We currently have five permanent staff, led by Pete Weichlein, whom you all know; but joined by Whitney Novak, who is an Executive Assistant; and Tracy Fine, who is a Program Officer; and Rebecca Zylberman, who is a Senior Program Officer. It must mean she's older than Tracy. I'm not sure what that means. And Sudha David-Wilp who is without peer in terms of what she does for us in putting together the international programs. She is terrific. Once again our great welcome to our visitors from other countries, from other former Parliaments.

Before I do the sad thing, which I really am not enthusiastic about doing, I want to recognize one particular member of our Association, and that's our former Republican leader, Mr. Michel. We appreciate your continued support, your continued activity, your continued love of your country and all that you do for all of us. Thank you for being here with us this morning, Bob.

Now I need to read the list. It seems that this list gets longer and I'm not sure what that means about all of us, but this is the list of those of our Members who have passed in the course of the past year since our last annual meeting. They are:

Robin Beard of Tennessee
Daniel Baugh Brewster of Maryland
Frank Welsh Burke of Kentucky
Julia Carson of Indiana
Donald Clancy of Ohio
Jo Ann Davis of Virginia
Mendel Davis of South Carolina
Bill Dickinson of Alabama
Jennifer Dunn of Washington
John Flynt of Georgia
Paul Gillmor of Ohio
Gilbert Gude of Maryland
Augustus Hawkins of California
Peter Hoagland of Nebraska
William Hungate of Missouri
Henry Hyde of Illinois
Tom Lantos of California
John Mackie of Michigan
Wiley Mayne of Iowa
Thomas Meskill of Connecticut
Howard Metzenbaum of Ohio
Joseph G. Minish of New Jersey
Parren J. Mitchell of Maryland
George Sangmeister of Illinois
Robert Sweeney of Ohio
Craig Thomas of Wyoming
Guy Vander Jagt of Michigan
Charles Vanik of Ohio
Joseph Waggonner of Louisiana
Robert Young of Missouri.

I would like for you to stand up and let's have just a moment of silence for our fallen comrades.

Thank you.

Mr. HOYER mentioned that things aren't as friendly and as engaging as they were when we were here. That's all true. I have thought many times sitting out there where you are about the words that we see in front of us, Justice, Tolerance and Liberty. To the extent that we have liberty, and I believe that we do, and to the extent that we have justice and I believe that we do, we're lacking in tolerance. I would say to all of us that we might take it upon ourselves to talk to our sitting colleagues from time to time and say to them, we wish you guys would get along a little better and work harder on the business of the country rather than on your own reelections and your own egos. I think that probably is almost a duty for us, to remind them that this body doesn't exist for single individuals, it exists for the body and it exists for the institution and it exists to forward the business of the country.

I don't think that that's outside the purview of the charter of the former Members of Congress. That's not lobbying an issue. It's lobbying attitude and it's lobbying getting things done. There's only one way to get into this organization, and that's to get elected. There are only three ways to leave. Two of them are not pleasant. There's nobody sitting here now who took the way out with your boots on, but several of us who left because we were defeated in elections and several of us chose to resign, or retire, but we are former Members of this institution and I think that we ought to assert ourselves with our sitting colleagues when we feel that they are not forwarding the interests of the country as much as we would like for them to do and the country would like for them to do.

Mr. Speaker, that concludes the annual report of the Former Members of Congress. And we did it 5 minutes early.

I yield back the balance of my time.

Mr. HERTEL. I want to thank the President for his presentation and his leadership today and commend him, because this is a record time for our association. I think it's because our association has gone from having some retired people that were a bit long-winded to having more and more active people and go right to the point about, as we have seen this morning, reporting on the activities of the Association, how we have reached out to the Nation and the world as far as leadership for democracy and public service.

I want to take a moment just to thank Ken Kramer, a board member, for all his leadership, Ken from Colorado; and Barbara Kennelly for her leadership on the board and with our association across the board; Mr. Zeliff from New Hampshire for all he's done in support of our association. And to go through the list of the people that made the presentations today: Mr. Buechner, who's just done such an excellent job all these years of giving advice and counsel and leading our association. Mr. Matt McHugh from New York who was past President, also who continues to demonstrate and lead in the area of public service, especially for our young people now today. Lou Frey, who has been with us all these years as past President but chairman of our Dinner Committee and without his leadership we would not have the opportunity to do the things we are doing in our country and around the world with the finances that he has helped raise, especially for our Congress to Campus Program where we now reach over 60 campuses per year.

And, finally, to thank Doug Rowland from Canada, the past President there of their parliamentary association that we helped with in their infancy but now he has shown great leadership of the highest order in the IEMI and helping us with training election monitors not only for ourselves but for other former parliamentarians in an international organization with the European Union and the association of former Canadian parliamentarians.

Let me close by just summarizing what Jay, our President, said about our staff. We simply have the best staff in Washington, D.C. I think we can say that in one sentence.

The Chair again wishes to thank all the former Members of the House for their presence here today. Before terminating these proceedings, the Chair would like to invite those former Members who did not respond when the roll was taken to give their names to the Reading Clerks for inclusion in the roll. The Chair wishes to thank the other former Members of the House for their presence here today. Good luck to you all.

The Chair would advise that the House will reconvene at approximately 10:30 a.m. this morning.

Mr. GILMAN. Mr. Speaker, before we adjourn, could we identify and ask our distinguished visiting Parliamentarians to rise and make them a part of our CONGRESSIONAL RECORD today.

Mr. HERTEL. They are in the gallery. We recognize them now, Mr. Gilman, and we thank them all for coming.

Our proceedings are adjourned. Thank you.

Accordingly (at 9 o'clock and 58 minutes a.m.), the House continued in recess.

□ 1032

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 10 o'clock and 32 minutes a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. BRALEY of Iowa. Madam Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 1-minute requests per side.

A PLAN TO SUPPORT OUR ECONOMY AND OUR INFRASTRUCTURE NEEDS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, JOHN MCCAIN has famously said that he doesn't know much about economic issues. But it's paradoxical that the Republican presidential candidate's idea for helping a troubled economy is to put people out of work and make traffic congestion worse and freight movement harder.

His proposal to stop collecting the gas tax will cut critical funding that keeps commuters, freight and our economy running. And when the trust fund is moving into deficit for the first time in our history he will only make that problem worse.

It will also lead to the loss of over 300,000 highway-related jobs, while there's no evidence that huge oil companies will cut their prices when they get this gas tax "Holiday". It is the worst kind of pandering to mortgage the future to serve current political needs.

Instead, it's time for our presidential candidates to talk about their vision, their plan to support our economy and our infrastructure needs.

OLYMPIC TORCH THUGS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, with the Olympic torch traveling the world right now, we are seeing the Chinese Government's true repressive colors. Everywhere it stops, it is accompanied by a group of Chinese guards who have been called "thugs" in the press.

I am not surprised that Chinese leaders would send secret police along to protect the torch, but I am surprised the United States would be so complicit in putting down dissent that they would allow members of the Chinese secret police into the United States to ensure the security of the relay.

Are we so concerned with appeasing China that we could not ensure the security of the flame ourselves?

The group designated to protect the torch is from the paramilitary People's Armed Police, the same force that helped to violently quash the recent protests in Tibet, now using brute force to ensure that protestors in cities like Paris, London and San Francisco, will not interrupt the ceremonial relay.

Maybe the Chinese need to be reminded that repression and torture are not Olympic sports.

IT'S NOT NEARLY ENOUGH

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, as many as 2.8 million Americans could lose their homes in the next 5 years due to the subprime mortgage crisis, yet the Bush administration refuses to properly address the crisis.

Last month the administration was willing to bail out Bear Stearns, but when they announced their plans to overhaul the regulation of financial institutions, they failed to properly address any of the needs of families who face the loss of their homes in the coming months.

The housing crisis demands bold action, and this House has already responded by passing legislation that would expand affordable mortgage loans opportunities to families at risk of foreclosure.

We've also passed bills that would raise Fannie Mae and Freddie Mac loan limits to increase liquidity in the mortgage market and that would increase the supply of affordable housing. And now we have a plan that would help 1.5 million homeowners afford foreclosure.

Madam Speaker, we hope the administration will join us in supporting these important bills that will provide necessary relief to those families feeling the impact of the housing crisis.

LAST CURTAIN CALL FOR FREE SPEECH IN FRANCE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the curtain has dropped on the stage of free speech in Paris, France for actress Brigitte Bardot. The birthplace of enlightenment has now become home to conformity and political correctness, and rigid speech control.

In France, if speech is offensive, a person can be fined and imprisoned. That's what French prosecutors are trying to do to Brigitte Bardot, claiming she incited racial hatred toward the Muslim community.

Bardot wrote comments in a letter to Nicolas Sarkozy that offended Muslims. Bardot, an animal rights activist, denounced a Muslim festival that including slaughtering sheep by saying she was "fed up with being led by this population which is destroying us, and destroying France."

Now the French speech control police claim it's a crime to speak ill of Muslims. So much for freedom of speech in progressive France.

Speech control is a throwback to the Dark Ages when no one could say anything bad about the king. Gone is the citizen Voltaire's philosophy of "I may disapprove of what you say, but I will defend it to the death for you to say it."

But today French citizens that speak their mind may face the modern day Bastille if they offend Muslims or hurt their feelings. It looks like the last curtain call for actress Brigitte Bardot and free speech in France.

And that's just the way it is.

CONGRATULATING MARK SMITH ON HIS RETIREMENT AS PRESIDENT OF THE IOWA FEDERATION OF LABOR

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, I rise today to honor my friend and my hero, Mark Smith, and to congratulate Mark on his retirement as President of the Iowa Federation of Labor.

Over the past 34 years, Mark has been a fierce advocate for Iowa's working families. He started as an instructor at the University of Iowa Labor Center in 1974; was elected Secretary-Treasurer of the Iowa Fed in 1979, and served in that position until he was elected President of the Iowa Federation of Labor in 1997.

Mark has dedicated his life to the cause of working men and women in Iowa. Protecting the rights of workers has been a long and difficult struggle, and no one has given more time and energy to the cause than Mark Smith.

Mark is living proof that one person can make an enormous difference in the lives of thousands of individuals. Many of the people he helped never knew what he did for them and never had a chance to thank him personally. I stand here today on their behalf, because I want Mark to know that nameless people here are honoring his lifetime of heroic efforts. His lifetime of service leaves a legacy that challenges future generations of labor leaders to continue his efforts to further the cause of working families.

Mark may have retired from office, but he will never retire from his real passion, speaking out against injustice and pushing people to do more to take care of each other.

CONGRATULATIONS TO ITALIAN PRIME MINISTER SILVIO BERLUSCONI

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this week Silvio Berlusconi has been reelected as Prime Minister of Italy. His coalition won a strong majority in the Italian Parliament.

Prime Minister-elect Berlusconi, the conservative leader of the Forza Italia political party and the new People of Freedom party, had been a strong ally of the United States in his previous tenure as Prime Minister. No doubt his reelection will mean a strengthening of our partnership with the people of Italy who have so positively influenced American culture.

Berlusconi's election follows a growing line of European leaders, including Chancellor Angela Merkel of Germany and President Nicolas Sarkozy of France, who have run on a platform of greater support for a strong alliance with America. Additional presidents promoting improved friendship with America have recently been elected in Indonesia, Serbia, Liberia, Peru, Korea and Russia.

America has earned admiration of most nations in the world, as identified yesterday by Pope Benedict XVI at the White House as he indicated America is the beacon of liberty and freedom.

In conclusion, God bless our troops, and we will never forget September the 11th.

CHILDREN ARE A PRECIOUS RESOURCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, as the co-chair of the Congressional Children's Caucus, I have worked on issues dealing with child abuse and mentoring, questions of health care for children.

Today in Texas, a court will undertake one of the most challenging legal cases of child custody ever to have been witnessed in the United States. As a strong opponent of child abuse and misuse of our children and affirmation of how precious they are, I ask the Court to make the right and determined decisions based on individual cases. We should not judge the parental rights based upon our opposition to the views of the Fundamental Church of Jesus Christ of Latter Day Saints.

Just as I supported the return of Elian Gonzalez to his parents, I now support the concept that these parents and children should not be divided and separated because of our opposition to some of the legal practices of their parents.

We must respect the first amendment, but also the precious right of children and parents being together. There must not be a biased determination.

The children are still our precious resource, and if no harm has been done by their parents then the courts must act in the best interests of the children.

FREE FLOW OF INFORMATION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, 3 years ago, I authored H.R. 2102, the Free Flow of Information Act, with my colleague RICK BOUCHER from the State of Virginia.

As a conservative who believes in limited government, I believe the only check on government power in real time is a free and independent press. And the Free Flow of Information Act is not about protecting reporters, it's about protecting the public's right to know.

American people should know, Madam Speaker, we're at a unique moment in the history of this legislation. The overwhelming bipartisan House passage of the Free Flow of Information Act has now been joined with Senate action that includes the leadership of Senator RICHARD LUGAR, Senator ARLEN SPECTER, Senator PATRICK LEAHY and others. Senator BARACK OBAMA and Senator HILLARY CLINTON add themselves as cosponsors of the bill this week, and I heartily welcome the strong endorsement of Senator JOHN MCCAIN of this legislation.

I believe there's now a bipartisan majority in both the House and the Senate to support this vital legislation and ensure the vitality of a free and independent press for generations to come.

We just need one vote in the other body. And I believe we'll put a stitch in this tear in the first amendment freedom of the press.

THIS IS THE PEOPLE'S HOUSE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, I rise today because I'm very concerned about statements I've heard from all three Presidential candidates over the last few weeks. We hear constantly, I will do this, I will do that, I will do this, all referring to matters that have to be adopted by the United States Congress. And I would remind them that article I, section 1 of the Constitution says, all legislative powers herein granted shall be vested in a Congress of the United States.

So while we certainly look to the President as a partner in our policies, we know, as we've seen over the last couple of years, that this President, this White House ignores, the first article of the Constitution.

I would urge all three candidates, whoever is President, whoever he or she may be in 2009, re-read the Constitution, because this is the people's House. The founders' brilliance said that the people will speak as to the laws that they will obey through their representatives in Congress.

I again urge the President, the next President to re-read the Constitution and adhere to article I. Many of us wear this button because we're very concerned that people forget that this is their House.

ENOUGH IS ENOUGH

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute.)

Mr. KUHL of New York. Madam Speaker, it seems that every day we read about gas and diesel prices hitting a new record high as the pain at the pump continues to ravish hard-working Americans of their hard-earned money. The once nightmare scenario of $4 a gallon gasoline may soon become an even harsher reality.

While we have sat patiently and waited for Speaker PELOSI's commonsense solution, the cost of gas has soared $1.05 since the Democrats took the gavel. This increase represents more than a 43 percent jump in old prices. Enough is enough.

I'm sure that I'm not the only Member of Congress listening to their constituents worry about the consequences of the majority's inaction on energy legislation. And while our constituents cannot afford to drive to work or take their children to school, Democrats have voted four times to raise energy taxes in the 110th Congress.

Higher energy taxes mean higher gas prices, something that our constituents do not want or need.

It is time for Speaker PELOSI to fulfill her promise to the American people. Instead of voting to increase taxes again, Congress should immediately adopt legislation which will give America lower energy prices without raising taxes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to stand in the well or put documents on the podium when another Member is under recognition.

□ 1045

GIVE TAX RELIEF TO THE PEOPLE WHO REALLY NEED IT

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Madam Speaker, while many of us are standing up for tax cuts for working middle class families, there are some on the other side who want to continue to provide tax breaks to millionaires, billionaires, and even to big oil companies earning record profits. For the last 7 years, we've watched these record giveaways to the wealthiest people and corporations turn our budget surpluses into record deficits.

The administration's fiscal mess is so bad that President Bush has borrowed more money from foreign countries than all 42 of his predecessors combined leaving our children in debt to unfriendly foreign leaders. American taxpayers are paying Iraq's bill while we have serious needs at home.

Yesterday, in my home State, New Hampshire, gas prices hit record highs, and nearly 4,300 New Hampshire families may lose their homes to foreclosure. It's time to help middle class families caught in the economic squeeze.

Now, I'm committed to changing the way Washington does business by giving tax relief to the people who truly need it. We can't fix our economy with the same policies that led to the economic slide.

WE NEED TO SEE THE DEMOCRATS' NEW PLAN FOR LOWER GAS PRICES

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. Madam Speaker, April 28, 2006, a press release by Anita Lowe: These skyrocketing gas prices are a reflection of the Republican energy plan. We need a long-term strategy to lower gas prices and meet our energy needs. Yet Republicans passed up a golden opportunity in major energy bills last year. Democrats have a plan to give American families the relief they deserve. Democrats, Madam Speaker, have been in charge for 16 months and gas prices have gone up over $1.25 a gallon.

April 18, 2006, in a press release, then-Minority Leader NANCY PELOSI: But the Republicans' bills clearly have done nothing to lower gas prices as the price of a barrel of oil has settled above $70 a barrel, the highest price in our history.

Today, Madam Speaker, oil closed at $114 a barrel. Democrats have a plan to lower gas prices taking America in a new direction. We're ready to see this new plan. I don't understand why the Democratic leadership won't bring out the new plan, why there is not an outcry from their membership to see the new plan.

MR. PRESIDENT, REAL PEOPLE NEED YOUR HELP TO REDUCE OIL PRICES

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Madam Speaker, let's talk about what this House has done already without any participation from our Republican colleagues or from the President of the United States.

We've passed legislation cracking down on those who would take advantage of this situation by price gouging with little to no participation from the other side of the aisle and a President's threatened veto. We've passed legislation cracking down on the multinational oil cartels who would fix prices at much damage to American consumers without little to any help from the other side of the aisle and a threatened Presidential veto. And we've passed legislation rescinding the billions in tax giveaways that the prior Congress gave to the oil companies and turned them around to give them to tax benefits for homeowners and businesses who want to invest in renewable energy without any help from the other side of the aisle and with the President threatening a veto.

Madam Speaker, people are hurting, real people, not oil company executives, and we need both sides of the aisle and the President of the United States working to fix it.

RECOGNIZE WORLD HEMOPHILIA DAY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, I'm pleased to rise today in celebration of World Hemophilia Day in which we recognize the serious challenges of those worldwide who suffer from hemophilia, a day in which we raise awareness to fight for a cure.

Hemophilia is a rare genetic disorder in which the blood doesn't clot causing excessive bleeding and easy bruising. Without proper treatment, it can lead to organ damage, serious joint and muscle problems, and terrible pain. Those with hemophilia often live in a world unknown to others, anxious about even minor injuries or cuts because what is minor for most people can be a major problem for those with hemophilia.

As a physician, I'm confident that with attention, diligence, innovation, and scientific progress, we will improve the lives of those afflicted with this troubling disease and realize a cure.

Madam Speaker, hemophilia is a daunting condition requiring vigilant care, but we see a day where patients need not fear its pain or its consequences. I'm proud to stand today in support of World Hemophilia Day.

WITH ECONOMIC DOWNTURN, IRAQ MONEY CAN BE BETTER SPENT AT HOME

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as taxpayers filed their income tax this week, many were probably wondering just how much of their individual taxes would be invested in Iraq instead of here in the U.S. at home. Consider that every single second, the Bush administration is spending $4,000 in Iraq. That means that income taxes paid by the average taxpayer would not even cover the cost of one second of this war.

This country is already facing difficult economic times. We cannot afford to continue spending $339 million a day on a war that has no strategy for victory. If we invested one day of this sum in America instead, we could give 2.6 million American children access to medical and dental care, or we could hire more than 2,000 more border patrol agents to protect our borders. And we could send 18,000 more students to college.

Madam Speaker, at a time when Americans are getting squeezed at the pump and the supermarket and are suffering in the housing market, Washington Republicans need to realize that we should prioritize the needs of America over those of Iraq.

WHAT HAPPENED TO THE PROMISE OF CLEANING UP WASHINGTON?

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I come today to the floor to point out something that's really already been pointed out in the press, and that is, as they say, that the Democrats, unfortunately, have horrifically failed as the majority party getting most anything done. Now, they made promises after promises to help the American people, and maybe it's no surprise that most of those promises have come to naught and have been broken.

This is most evident by the recent Democrat budget. It includes a massive $683 billion tax increase which only further burdens our children, kills jobs, hurts small businesses, and basically just punishes the American family. And worst of all, this budget was created to finance wasteful spending and the special interests here in Washington.

So what happened to all of those promises of cleaning up Washington and cutting spending? Well, it seems they simply got lost in the shuffle of all of their spending taxpayers' dollars.

PASS A CAP-AND-TRADE SYSTEM

(Mr. INSLEE asked and was given permission to address the House for 1 minute.)

Mr. INSLEE. Madam Speaker, I want to share a little note of optimism we heard yesterday in our Global Warming and Energy Independence Committee. We had a group of venture capitalists and investors come before us, and they told us that they were supremely confident that America can create a clean-energy economy that is based on new types of technology so we can solve our global warming problem and wean ourselves off our addiction of Middle Eastern oil. It was very heartening. But they told us they need one thing to really open up the floodgates of technology. They need a cap-and-trade system to cap carbon dioxide and really spur investment.

The President yesterday gave short shrift to that. He was disappointing. We've got to provide leadership here to get this job done. His message was sort of a "can't-do" message for a "can-do" people, we Americans. Let's get this job done. Pass a cap-and-trade system. We will have a burst of new economic growth in this country.

MR. CARTER, RECONSIDER YOUR PLANS TO MEET WITH HAMAS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, on behalf of my constituents in Tennessee's Seventh District, I rise to protest President Jimmy Carter's decision to meet with the leadership of Hamas, a group designated by the U.S. State Department as international terrorists. They see this as an outrageous act, something that is a disgrace to the men and women who have protected this Nation.

Madam Speaker, Islamo-Fascist terrorism is the plague of our time. Every American official, past and present, should stand ready to help destroy it and to eradicate its philosophy of hate. My constituents feel that by meeting with Hamas, Mr. Carter a former President, undermines the critical goal and only goads the enemy further.

I urge Mr. Carter to reconsider his ill-conceived plan, join the rest of us in our collective to eradicate Islamo-Fascist terrorism and to halt any plan to prop up the enemy.

THE STATE DEPARTMENT SHOULD NOT HAVE RENEWED BLACKWATER'S CONTRACT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Madam Speaker, only a week after the State Department renewed Blackwater's contract, the Bush administration was at it again giving more praise to Blackwater, the private military contractors. Last Friday, Ambassador Crocker said contractors "like Blackwater are absolutely essential."

But was it absolutely essential for Blackwater to gun down 17 innocent Iraqis? Was it absolutely essential for a Blackwater employee to kill a guard to the Vice President of Iraq? Was it absolutely essential for a Blackwater helicopter to drop CS gas on a traffic jam in Baghdad?

It has been months, and some in cases years, since these incidents and we still don't have the results of those investigations. Instead, our government has ignored those abuses and renewed Blackwater's contract and then a week later said they are absolutely essential. What kind of country do we live in where it's acceptable for the United States government to praise and reward a company that kills innocent people?

The only thing that is absolutely essential is that we end this State Department's dependence on private military contractors now.

WE NEED CAPABILITY TO CREATE OUR NEW ENERGY

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Madam Speaker, the nexus between national security, energy, and the environment is one of the most important issues of our time. And on energy, I'm an all-of-the-above Republican. It is wise to conserve, and we need to promote conservation. It is wise to advance energy efficiency technologies. We need to invest. But new capacity, new energy sources are also sorely lacking. We need new national gas supplies in this country. We need refinery capacity. We need our own oil, albeit limited. But we've got to, number one, grow our capability to create energy in our country to be energy independent.

I want to talk about nuclear energy because the cars of the future are going to run off of lithium batteries, some form of electric. We've got to have new capacity. We need nuclear energy in this country to be self-sufficient even on transportation. If we're going to reduce our carbon footprint, don't leave nuclear off the table.

This is a time to come together for new energy technologies, to promote an in-tech agenda, to actually balance the budget again with a robust manufacturing economy. It's pro-American.

DEVELOPING NEW SOURCES OF FUEL

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Madam Speaker, I rise today to ask for us Americans to consider what is going to be best for the people of this country and stop pandering to the environmental wackos.

We have to develop alternative sources of fuel. We have to tap into our own energy sources. We have to make nuclear energy easier to put in place, to build reactors, and to make it less costly to do so. We need to tap into our own oil sources. If we're going to lower the cost of gasoline, we have to build more refineries. If we're going to lower the cost of diesel fuel, we're going to have to tap into ANWR and off the gulf coast. It's absolutely critical for our economy to do this.

We need to look for alternative sources of energy but we have energy sources here today. Let's go get them.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill, H.R. 5715, into the RECORD.

The SPEAKER pro tempore (Ms. SCHAKOWSKY). Is there objection to the request of the gentleman from California?

There was no objection.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1107 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5715.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, with Mrs. TAUSCHER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 16, 2008, 34 minutes remained in general debate.

The gentleman from California (Mr. MILLER) has 15½ minutes remaining and the gentleman from California (Mr. MCKEON) has 18½ minutes remaining.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, Members of the House, today we continue the consideration of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. This is legislation that was reported from the Committee on Education and Labor with unanimous bipartisan support. Once again today, I want to thank my colleagues on the committee on both sides of the aisle and the staff on both sides of the committee for working in a manner which allowed us to report this bill in very short order to the House for its consideration, and on working with the Department of Education, the Secretary of Education, Margaret Spellings, for her cooperation in helping us with this legislation so that we can assure the parents, families, and students of this country that there will be no interruption in their access to student loans.

As the lending season starts to progress now, as students are getting their letters of acceptance, thinking about the next semesters of education and next year's education, as that lending season comes into its fullness, we want to make sure that there is no disruption.

We are concerned about a disruption because of the general disruption that is taking place in the Nation's credit markets, and specifically, concern about whether or not there will be a spillover onto the student loan markets so that students will have difficulty finding those loans.

We have worked with the Department of Education, we have worked with the administration, we have worked with the Republican members of the committee and our own caucus to devise a system of relief that is available to the Secretary and to the administration in the event that that should happen. And really what we're doing is three things: One, we're making sure that the existing law and the existing program for such an emergency, the Lender of Last Resort program, is functioning, that agreements are reached between the Secretary of Education and the Secretary of Treasury, and we've been told by the Secretary of Education that she has informed the members of the committee that that has been done, that the Secretary meet with the guarantee agencies that might stand in the stead of those lenders that cannot make those loans to make sure that there is a smooth transition between them and the universities and colleges, and that that program is in place.

Also, that schools are aware that they can apply to qualify for the Direct Lending program. Many colleges and universities use that today. They may want to consider that so, again, there is smooth transition should the private lending market not be able to come forward with the student loans, they could direct their students to either of those two programs.

And, finally, to try and help the private sector credit markets for student loans, as this bill does, to give standby authority to the Secretary to purchase those government loans from the traditional lenders in the student loan field so that we might develop some liquidity in that market so that they can then take the money they receive from the Secretary and make a new tranche of student loans. If she purchases those loans, that money could only be used to provide a new set of student loans for the students for the coming year.

And we also raised the loan limit for students, for undergraduates, because we understand that the private student loan market is in very rough shape, and there are some students who use private loans to fill a small gap between the total cost of their education and what they were able to borrow. We think by raising the limit, we will be able to help most of those students in that situation.

So this is an important piece of legislation. It's legislation that we look to be acted upon in the Senate in a very timely fashion and then to be sent to the President, we believe, for his signature. And then we will have completed a series of standby authorities and a series of processes that we should be able to assure families and students that there will be no major interruption in the student lending for the remainder of this year and next year.

With that, I will reserve the balance of my time.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

Today we are continuing the debate on H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. This bill is a first step to prevent a crisis before it happens in the student loan program, and its consideration has come not a minute too soon. Peak lending season begins in July, and we cannot, we must not, wait until a student is denied a loan to put mechanisms in place to deal with the turmoil in the student loan market.

To date, 60 lenders have suspended their participation in all or part of the FFEL program. This includes 10 nonprofit State loan agencies affecting students in Pennsylvania, Texas, Colorado, Iowa, Indiana, Massachusetts, Michigan, Missouri, New Hampshire and Minnesota. These are not minor players exiting the program. Nine out of the top 10 consolidation lenders have stopped offering these loans, while 20 out of the top 100 originators have stopped making Stafford and PLUS loans. These 60 lenders account for 13 percent of the total Stafford and PLUS loan volume and 76 percent of total consolidation loan volume.

In fiscal year 2006, these lenders originated more than $6.5 billion in Stafford and PLUS loans to more than 800,000 students and parents, and more than $55 billion in consolidation loans to more than 1.8 million borrowers.

The bill before us includes necessary reforms to ensure the Department of Education can respond if students have access problems as lending season gets underway. First, it will allow students to receive additional financing that will help them stay in school if they are denied private, nonfederal loans. Second, the bill clarifies aspects of the Lender of Last Resort program, easing participation for students and schools and ensuring funds will be available should they become necessary. Third, the bill ensures that lenders have the authority to provide PLUS loans to struggling parents who are facing difficulties with their home mortgage. And, fourth, the bill grants new flexibility for parents with a new optional grace period that permits parents to defer PLUS loan payments until after the children graduate.

Finally, the bill authorizes the Department of Education to invest in or agree to the future purchase of outstanding loans which could free up capital and allow lenders to make new loans in the upcoming school year.

I want to thank the chairman for moving very rapidly on this situation. That's not our modus operandi around here; generally we wait until we're in the middle of a crisis to fix this. I hope that I'm wrong in thinking that there may be a crisis coming, but I think it is very appropriate to take these positive steps to ease or prevent a problem that could arise very shortly.

I again thank the chairman for his efforts. He has not been well this week, but you wouldn't notice it. He shows up at every meeting, and he has worked very hard. I hope he takes some time over the weekend to get some rest and gets feeling better for next week.

I strongly support this bill, and I encourage my colleagues to vote for it.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. If I might, I have one additional speaker, but the speaker is on his way to the floor. If you want to go ahead, then we will have that speaker, and I think we will yield back our time.

Mr. McKEON. Madam Chairman, I am happy to yield 3 minutes at this time to the gentleman from Pennsylvania, ranking member on our Subcommittee for Healthy Families, Mr. PLATTS.

Mr. PLATTS. I thank the ranking member for yielding me the time.

I rise in support of H.R. 5715, the Ensuring Access to Student Loans Act. While not a complete solution to the current credit crunch that exists in the student loan market, this bill is a very important and strong starting point to ensure that students can continue to obtain affordable loans for their education.

I am especially pleased that the manager's amendment included a provision that I was planning to offer as a standalone amendment to the underlying bill. Specifically, this provision will permit the Secretary of Education to enter into forward purchasing agreements with student loan lenders when purchasing loans through the newly established secondary market. This contractual agreement will provide the necessary confidence for lenders to not only participate in the market, but to continue to originate loans for students.

Some lenders, such as the Pennsylvania Higher Education Assistance Agency, PHEAA, in my home State, have recently announced that they will not be originating additional loans due to the unstable market conditions. This could result in difficulties for students in Pennsylvania, and elsewhere, in obtaining the loans they need.

It is imperative that Secretary Spellings at the Department of Education continue to work with Congress, as well as Secretary Paulson at the Department of Treasury and Chairman Bernanke at the Federal Reserve Bank, to provide access to capital sources for use in originating and purchasing loans.

Last month, I joined with the majority of my colleagues in the Pennsylvania delegation in sending a letter to

Secretaries Spellings and Paulson and Chairman Bernanke requesting that they adopt both a short-term strategy to inject revenue into the student loan market and a long-term strategy to prevent future capital market disruptions.

While H.R. 5715 is a very important step in the right direction, the actions of Secretaries Spellings and Paulson and Chairman Bernanke will continue to be critically important to getting the student loan market fully back on track.

I certainly commend Chairman MILLER and Ranking Member MCKEON for bringing forward this bipartisan piece of legislation—and, as the ranking member said, in such a quick fashion—the committee leadership and staff in getting this bill to the House floor aimed at providing relief to both students and lenders.

Again, I also thank the chairman for including language in his manager's amendment providing for forward purchasing agreements. Allowing these agreements with the Department of Education will help to stabilize market conditions and thereby encourage lenders to originate more loans.

I strongly support this legislation and encourage a "yes" vote.

Mr. MCKEON. Madam Chairman, I am happy to yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding. I appreciate the work on both sides of the aisle.

Madam Chairman, I rise today in support of H.R. 5715, the Ensuring Continued Access to Student Loans Act, because it is an important legislative step to addressing the liquidity shortage in the student loan market.

I would like to thank Chairman MILLER, Ranking Member MCKEON and the Education and Labor Committee in general for bringing this legislation to the floor today to ensure continued access to student loans in this time of financial strain.

This isn't a Democratic or Republican issue, this is an American issue, and I'm grateful we were able to work together to take this first step to protect our Nation's students.

The fallout of the subprime market and subsequent weakening of the credit market has destabilized what many consider to be sound investments, most notably, student loans. Investors are not hungry to invest, funds have dried up, and lenders have been unable to secure the capital they need to make new loans. All this in the aftermath of reductions in lender subsidies to the Federal Family Education Loan Program that were made in the past 3 years and have created the perfect storm in the student loan market. We should re-examine the effect of these cuts and affect swiftly if we have an over-cut in any area. What's more, lenders have backed out of the program before most students have even gone to secure their loans for next year.

We see the potential for a problem ahead, and I believe it is our job in Congress to find solutions and alternatives now, before we see a repeat of the subprime mortgage market meltdown.

When we considered the Higher Education Reauthorization bill back in February, I offered an amendment expressing a Sense of Congress that the Departments of Education and Treasury explore options within Federal financing institutions to ensure liquidity for the program providers. While I am pleased that Chairman MILLER and Ranking Member MCKEON have included this language in the bill before us today, I wonder if we would be in this situation had we worked to address this situation back in February.

Lenders who have exited the FFEL program account for 13 percent of total student loan volume in the FFEL program. What's worse, we have not entered the period of time when students will call their individual lenders for next year's loans. We need to act quickly to prevent students from being denied loans.

While I believe this bill is a good first step, we need to work with the Treasury Department to open access to Federal financing institutions like the Federal Home Loan Bank or the Federal Financing Bank.

Ultimately, this is a liquidity issue. While I am pleased the bill provides additional Federal assistance to students and their families, I am concerned that we are not getting to the heart of the matter.

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It is alarming to think in this period of economic uncertainty we would be willing to provide anything less than the highest quality education to citizens of our Nation. Access to higher education is critical to maintaining our global competitiveness.

And, again, let me thank both the chairman and ranking member.

Mr. MCKEON. Madam Chairman, I yield myself the balance of my time.

The Acting CHAIRMAN. The gentleman from California is recognized for 9½ minutes.

Mr. MCKEON. Our economy is struggling, families are dealing with a higher cost of living, rising fuel costs, a struggling mortgage market, and the threat of higher taxes. The cost of a college education continues to rise, only now students and families are wondering whether they'll be able to get the loans they need to pay their tuition bills.

Like most challenges to our economy, there's no easy answer to the difficulties in our student loan programs. We will need a combination of actions, maybe some legislatively, others through regulation, that will increase liquidity and restore confidence among investors and consumers.

This bill is a first step and one that deserves bipartisan support. It signals our commitment to a strong Federal family education loan program and should help ease the minds of students and families, and it does these things without a single cost to the taxpayer.

I want to again thank Chairman MILLER for his leadership and bipartisan cooperation on this legislation. I would also like to recognize Representatives RUBÉN HINOJOSA and RIC KELLER, the chairman and senior Republican on the Higher Education Subcommittee, for their role in making this legislation a reality.

The staff deserves special recognition for their efforts to bring this bill to the floor so quickly. On my staff I would like to thank Amy Jones along with Susan Ross and Sally Stroup; on Chairman MILLER's staff, Gaby Gomez, Julie Radocchia, and Jeff Appel.

Madam Chairman, this bill is a positive first step. It's good for students and families, it's good for taxpayers, and it's good for our economy. I urge my colleagues to vote "yes."

Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I want to thank Mr. MCKEON for mentioning my staff and to Julie Radocchia and also that I failed to mention her birthday yesterday when I recognized her service.

Mr. BACA. Madam Chairman, I rise today to voice my strong support for H.R. 5715, the Ensuring Student Access to Federal Student Loans Act.

Access to education and equality of opportunity are rights that every American deserves.

H.R. 5715 helps to protect these rights—by ensuring the turmoil in the U.S. financial markets does not keep students from accessing the federal loans they need to pay for college.

Because of the current stress in the U.S. credit markets, these protections are necessary now more than ever.

This responsible bill increases the loan limits on federal college loans by $2,000 for undergraduate students, and also increases the total loan limits available to students over the course of their education.

H.R. 5715 also gives parents more time to begin paying off their federal PLUS loans; and helps struggling home owners by making sure that short term delinquencies in mortgage payments don't prohibit eligible parents from taking federal loans; 225 thousand students in the state of California alone use need-based student loans.

It is critical that Congress takes every step necessary to ensure the credit crunch does not prevent even one of them from receiving the education they deserve.

I urge my colleagues to help keep America the land of opportunity, and to cast a vote in favor of H.R. 5715.

Mr. TIAHRT. Madam Chairman, I rise today to offer my support for H.R. 5715, the Ensuring Continued Access to Student Loans Act.

As many of my colleagues are, no doubt, aware, the rupture of the housing bubble in this nation has had a ripple effect across our economy. The student loan industry has not been immune to these economic difficulties. In fact, in recent months, 57 providers of student loans have announced that they will no longer offer loans to students. This legislation is a good effort on the part of Congress to address this situation.

We should delude ourselves by believing that this legislation is a panacea, bringing a complete solution to the circumstances we find ourselves in today. By and large, the lending market will need to take actions of its own to right the tottering ship. These efforts are things that Congress is not, and should not be, in the business of mandating. But this legislation does take steps to protect students and their families by providing assurances that the opportunities to finance a college education are not jeopardized while the lending market is in flux.

Presently, experts in the field are unsure that the situation is, in fact, a "crisis," pointing to a number of additional factors that may have contributed to the narrowing of the market. We will not know for several more months, when requests for student loans reach their peak, just how serious a problem we are facing. That is exactly the reason this legislation is the correct approach. It takes preventive steps to ensure that funding is available to students and their parents, if a crisis does arise. It does not create new mandates, but instead gives the Secretary of Education the authority to address potential problems.

Ensuring access to affordable student loans is of great importance to this nation, to our economy, and to our millions of students in college. I appreciate the efforts of Mr. McKEON and Mr. MILLER to bring this legislation to the floor in such a timely manner, and hope that this bill will be enough to stave off larger problems down the road.

Mr. COURTNEY. Madam Chairman, I want to commend Chairman MILLER for getting out ahead of the student lending issue before it becomes a full-fledged crisis. In March, the Education and Labor Committee heard testimony from the Secretary of Education, Margaret Spellings, and we urged her to take steps then to ensure student lending contingency plans were in place in the event of further troubles. Frankly, I was disappointed to learn that she and her team were only "monitoring the situation."

It is imperative that students have uninterrupted access to student loans in the event that the mortgage crisis and credit crunch further ripple through the economy. Just yesterday, Citibank's student lending division announced it was going to stop lending at many higher education institutions, though they wouldn't name which ones. This is troubling news since Citibank is the second largest originator of federal student loans.

I met with the Connecticut Commissioner of Higher Education and the Director of Financial Aid at the University of Connecticut last month and let me tell you—they are taking this issue seriously. Financial Aid offices across the state are communicating to students and families to finalize their education financing now. I have also personally taken part in getting the word out to my constituents as well.

Thankfully, Connecticut students also have backup from the state's own loan agency, the Connecticut Higher Education Supplemental Loan Authority, with $31 million to lend.

Right now, we don't know how deep the effects will be, but it is prudent that students and their parents are given some relief now. This bill will steer borrowers away from costlier private loans and give parents more time to pay off PLUS loans. And it is crucial that Secretary Spellings has the authority now to advance federal funds if necessary.

The federal government rushed in to bail out Bear Stearns. It is only right that we make sure that the federal government is ready to assist millions of students and families if the need arises.

Mr. CARNEY. Madam Chairman, I rise today in support of H.R. 5715, the "Ensuring Continued Access to Student Loans Act of 2008."

This legislation will go a long way in helping to ensure the continued availability of Federal student loans. But it is only a first step and more needs to be done so that any student anywhere in America can attend the college of his or her choice.

Today, 80 percent of all Federal student loans are made through the Federal Family Education Loan Program—commonly known as FFELP. According to the U.S. Department of Education, 6.8 million college students and their families will borrow nearly $60 billion from State, non-profit and private lenders who participate in the Federal student loan program.

Ninety-five percent of all student loans made in the Commonwealth of Pennsylvania and nearly all student loans made at schools in my district are made through the FFEL program. Unfortunately, earlier this year, the Pennsylvania Higher Education Assistance Agency—which was the second largest provider of Federal student loans in Pennsylvania last year—was forced to stop making Federal student loans. PHEAA's exit, along with others, from Pennsylvania's student loan market, means that nearly one-third of all borrowers in the Commonwealth must find new lenders for the upcoming academic year.

In responding to the student loan credit crunch, the Administration has said that there are 2,000 lenders. That was true, but over the past few weeks, 52 lenders, including 23 of the top 100 lenders have simply stopped making Federal student loans. This represents over 13 percent of all FFELP loans made last year.

Nineteen lenders have stopped making private education loans.

In just the days since the Education and Labor Committee approved this bill and sent it to the floor, five major participants in the FFEL program have either stopped making Federal student loans altogether or have announced plans to dramatically scale back their ability to offer Federal student loans.

In responding to the student loan credit crunch, some have said, we can make the State guaranty agencies "Lenders of Last Resort," but this system has never been implemented, let alone tested.

Others have said that if lenders stop making loans, students and schools can switch to Direct Lending. Yet Secretary Spellings recently testified that Direct Lending can only accommodate about one-third of the FFELP loan volume. If that is true, what will happen to the 4.5 million students who may find themselves unable to get a Federal student loan?

And still others have said that no students have been denied college loans yet so there is no need to act.

I think most of my colleagues agree that the best time to prepare for a hurricane is before the storm hits.

That is why the stated purpose of H.R. 5715 is to ensure continued, uninterrupted access to Federal student loans. One of its provisions would authorize the Secretary of Education, in consultation with the Treasury, to purchase student loans if there is not enough loan capital to meet the needs of students and their families.

While I am pleased that the manager's amendment includes a provision that will provide borrowers with a continuity of loan servicers, and thereby keep default rates down, I am concerned that the provision authorizing the Secretary to purchase loans does not provide enough information or certainty to the marketplace to help increase access to college. Without this information, lenders may be financially unable to make new loans to new students this fall.

During the consideration of this legislation by the Rules Committee, I offered an amendment that, had it been approved, would have defined the terms under which the Secretary of Education could exercise her temporary authority to both purchase student loans and maintain a continuity of servicing in order to minimize any disruption for students and schools.

As this bill makes it way through the legislative process I hope that we will incorporate this language to define the terms under which the Secretary can exercise her temporary authority to purchase student loans more clearly than what is before us today

Madam Chairman, I am supporting this important legislation today, but our work is not done. While we may not be in a student loan crisis today and we certainly do not want to be alarmist, the responsible thing for Congress to do is to give the Administration all of the tools necessary to head off a student loan crisis. If I am wrong about the direction of the student loan market, and we incorporate my amendment, we will have a very strong back-up plan for a rainy day. If I am right and we do nothing, millions of students could be unable to go to college.

Mr. GENE GREEN of Texas. Madam Chairman, I rise today in support of H.R. 5715, The Ensuring Continued Access to Student Loans Act of 2008.

I would also like to thank Chairman MILLER of the Education and Labor Committee and Chairman HINOJOSA of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness for their work on this important piece of legislation.

Getting a college education has never been more important, and this bill will help ensure that students will still have access to the Federal loans they need to pay for college in the coming months.

In recent months, uncertainty in the U.S. credit markets has made it difficult for some lenders in the federally guaranteed student loan program to secure the capital needed to finance college loans. Because of this, some lenders have scaled back their lending activity.

While no student or college has reported any problems accessing Federal student aid to date, it is important that the Federal Government take steps to ensure that students will continue to have access to funds regardless of what happens in the U.S. credit markets.

A viable Federal Family Education Loan Program is extremely important in my home state of Texas. The FFELP participants provide nearly two-thirds of the student financial aid awarded annually to Texas postsecondary education students and parents contrasted to only 56 percent nationally.

Our students can now breathe a sigh of relief knowing that there will be liquidity and continued, uninterrupted access to Federal loans thanks to this bill.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in support of H.R. 5715, "Ensuring Continued Access to Student Loans Act of 2008", introduced by Representative GEORGE MILLER of California. I want to thank the Committee on Education and Labor for its efforts in this important area.

Every generation sets out to improve upon the previous generation. We teach how children that if they focus, are responsible, and work hard they can be anything. Yet we have provided a false truth for the majority of our children. Rising tuitions in higher education even at our community colleges are keeping a lot of our youth from attending college. For those that are able to attend, they are burdened by extensive loans just to buy books, attend class, and maintain housing.

Families are sending their children to school, trying to qualify for parent loans and wondering how they are going to make the payments when they are struggling to pay their mortgage and facing their own issues with possible unemployment.

In my home State of Texas, families are struggling to assist children with their education while they face an unemployment rate of 4.3 percent across the State. As of the end of last year, Texas was ranked as having the 20th highest unemployment rate (out of the 50 States). And we are not alone as States grapple with unemployment and a falling housing market.

H.R. 5715, Ensuring Continued Access to Student Loans Act, provides much needed support to our families in a time when they most need it by specifically addressing the needs of parents, students, and even lenders. The Student loans Act would:

Increase unsubsidized loan limits for students: This bill will increase unsubsidized loan limits by $2,000 for each year of undergraduate and graduate school. It also increases the aggregate loan limits to $31,000 for dependent undergraduates and $57,500 for independent undergraduate students.

Delayed repayment of parent PLUS loans: Currently PLUS loan borrowers—parents—go into repayment 60 days after disbursement of the loan. This bill would give families an option of not entering repayment for up to 6 months after a student leaves school.

PLUS loan eligibility for struggling homeowners: Under current law, parents with an adverse credit history are ineligible to receive a parent PLUS loan, except under extenuating circumstances. In light of the current housing market, the bill temporarily qualifies up to 180-day delinquency on home mortgages as an extenuating circumstance, therefore making it more possible for parents struggling with the current housing market to secure loans for their children.

Lender of Last Resort flexibility: The bill makes clear in statute that the Secretary of Education has the mandatory authority to advance Federal funds to Guaranty Agencies in the case that they do not have sufficient capital. Further, the bill allows a Guaranty Agency to designate a school (rather than an individual student) as a "lender of last resort school," in accordance with guidelines set by the Secretary.

Authority for the Secretary of Education to purchase FFEL loan assets: The bill gives the Secretary the temporary authority, upon a determination that there is inadequate availability to meet demand for loans, to purchase loans from FFEL lenders. Such purchases could only be made in the case they are revenue-neutral or beneficial to the Federal Government.

Federal Institutions' participation: The bill includes a Sense of the Congress that the Federal Financial Institutions and entities (including the Federal Financing Bank, the Federal Home Loan Banks, and the Federal Reserve) should consider using, in consultation with the Secretaries of Education and the Treasury, available authorities, if needed, to assist in ensuring continued student loan access.

I urge my colleagues to vote for H.R. 5715, Ensuring Continued Access to Student Loans Act. Let's support education by allowing for greater flexibility, eligibility, and participation for students and their families.

Mr. KIND. Madam Chairman, I rise today in support of the Ensuring Continued Access to Student Loans Act of 2008, a bill to continue the promise Congress made in 1965 to provide all Americans, regardless of culture or socioeconomic status, greater opportunities to further their education. This bill recognizes the shared benefits to both individual Americans and to the country as a whole of ensuring future generations have the tools necessary to be successful in a vastly competitive 21st century workforce.

The opportunity for children to attend institutions of higher education is essential in preparing our future leaders. While the number of students with the academic knowledge, talent, and desire to attend and succeed in college has substantially increased over time, the necessary financial assistance has regrettably not kept pace. We must reverse this trend and uphold the Federal Government's commitment to America's schools and to all of our children.

The recent instability in financial markets has hurt more than just homeowners, and many individuals and their families are finding it difficult to secure student loans to attend college. The ensuring Continued Access to Student Loans Act assists future and current students by increasing unsubsidized loan limits for undergraduate and graduate students, giving parent borrowers more time before they begin paying off their Federal Plus loans and encouraging Federal financial institutions' participation in ensuring continued student loan access.

As a former member of the Education and Labor Committee, a representative of 12 institutions of higher education located in the Third Congressional District of Wisconsin, and a father of 2 school-aged boys, I recognize the importance of increased access to post-secondary education and ensuring that everyone who wishes to attend college can afford to do so. The ensuring Continued Access to Student Loans Act is a step in the right direction, and I encourage my colleagues to join me in supporting this important piece of legislation.

Ms. WOOLSEY. Madam Chairman, I rise today in support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. Everyone deserves access to the best possible opportunities, which include a college education. No student should be denied a college education because he or she can't afford it. That's why we must continue to find ways to increase student access to financial aid to ensure that students and their families have every possible opportunity to acquire a college education.

We can't let the current credit crisis limit any student's opportunities to receive a college education. This bill would give the Secretary of Education the tools to help schools in need find a lender and give students access to the money they need to attend school. To keep America competitive in the global market, we must continue to ensure that every student receives access to the best possible college education.

This bill serves as a preventative measure and goes a long way towards averting any possible crisis in July or August when our Nation's students and their families are looking for ways to pay for the next school year. I urge my colleagues to support H.R. 5715.

Mr. CONYERS. Madam Chairman, today I rise to support H.R. 5715, the Ensuring Continued Access to Federal Student Loans Act of 2008. As current turmoil in the U.S. financial markets make obtaining and affording student loans more and more difficult, today we take an affirmative step to relieve that pressure on students and families by providing greater access to Federal loans. This legislation: Reduces borrowers' reliance on costlier private college loans and encourage responsible borrowing; gives parent borrowers more time to begin paying off their Federal PLUS college loans; helps struggling homeowners pay for college; provides the U.S. Secretary of Education additional tools to safeguard access to student loans; and encourages Federal financial institutions to exercise their existing authorities to ensure borrowers have access to Federal loan funds in the upcoming academic year.

Here in Congress, we must ensure that access to higher education is as unfettered as possible. As our economy goes more and more global we have to assure that our future generation will be able to effectively compete on the world stage.

I strongly support this bi-partisan legislation that makes access to college more affordable thereby giving greater opportunities to many more to pursue the American dream. The Ensuring Continued Access to Federal Students Loans Act will achieve its goal at no additional cost to the government and with so much money being spent on building infrastructure in Iraq by the Executive branch it is encouraging to see the Congress show fiscal restraint and responsibility.

I would like to commend Chairman MILLER and Ranking Member MCKEON for their work and leadership in bringing this bill to the floor so families can receive relief before this coming August.

Mr. GEORGE MILLER of California. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in part A of House Report 110–590 is adopted and the bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 5715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "Ensuring Continued Access to Student Loans Act of 2008".

SEC. 2. INCREASING UNSUBSIDIZED STAFFORD LOAN LIMITS FOR UNDERGRADUATE AND GRADUATE STUDENTS.

(a) AMENDMENTS.—Subsection (d) of section 428H of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)) is amended to read as follows:

"(d) LOAN LIMITS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the annual and aggregate limits for loans under this section shall be the same as those established under section 428(b)(1), less any amount received by such student pursuant to the subsidized loan program established under section 428.

"(2) LIMITS FOR GRADUATE AND PROFESSIONAL STUDENTS.—

"(A) ANNUAL LIMITS.—The maximum annual amount of loans under this section a graduate or professional student may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the amount determined under paragraph (1), plus—

"(i) in the case of such a student who is a graduate or professional student attending an eligible institution, $14,000; and

"(ii) in the case of a graduate student enrolled in coursework specified in sections 484(b)(3)(B) and 484(b)(4)(B), $7,000;

except in cases where the Secretary determines, that a higher amount is warranted in order to carry out the purpose of this part with respect to students engaged in specialized training requiring exceptionally high costs of education, but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit.

"(B) AGGREGATE LIMIT.—The maximum aggregate amount of loans under this section a student described in subparagraph (A) may borrow shall be the amount described in paragraph (1), adjusted to reflect the increased annual limits described in subparagraph (A), as prescribed by the Secretary by regulation.

"(3) LIMITS FOR UNDERGRADUATE DEPENDENT STUDENTS.—

"(A) ANNUAL LIMITS.—The maximum annual amount of loans under this section an undergraduate dependent student (except an undergraduate dependent student whose parents are unable to borrow under section 428B or the Federal Direct PLUS Loan Program) may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the sum of the amount determined under paragraph (1), plus $2,000.

"(B) AGGREGATE LIMITS.—The maximum aggregate amount of loans under this section a student described in subparagraph (A) may borrow shall be $31,000.

"(4) LIMITS FOR UNDERGRADUATE INDEPENDENT STUDENTS.—

"(A) ANNUAL LIMITS.—The maximum annual amount of loans under this section an undergraduate independent student, or an undergraduate dependent student whose parents are unable to borrow under section 428B or the Federal Direct PLUS Loan Program, may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the sum of the amount determined under paragraph (1), plus—

"(i) in the case of such a student attending an eligible institution who has not completed such student's first 2 years of undergraduate study—

"(I) $6,000, if such student is enrolled in a program whose length is at least one academic year in length; or

"(II) if such student is enrolled in a program of undergraduate education which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in clause (i) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;

"(ii) in the case of such a student at an eligible institution who has successfully completed such first and second years but has not successfully completed the remainder of a program of undergraduate education—

"(I) $7,000; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year; and

"(iii) in the case of such a student enrolled in coursework specified in sections 484(b)(3)(B) and 484(b)(4)(B), $6,000 for coursework necessary for enrollment in an undergraduate degree or certificate program.

"(B) AGGREGATE LIMITS.—The maximum aggregate amount of loans under this section a student described in subparagraph (A) may borrow shall be $57,500.

"(5) CAPITALIZED INTEREST.—Interest capitalized shall not be deemed to exceed a maximum aggregate amount determined under subparagraph (B) of paragraph (2), (3), or (4).".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective for loans issued on or after July 1, 2008.

SEC. 3. GRACE PERIOD FOR PARENT PLUS LOANS.

(a) AMENDMENT.—Section 428B(d) (20 U.S.C. 1078–2(d)) is amended by amending paragraphs (1) and (2) to read as follows:

"(1) COMMENCEMENT OF REPAYMENT.—Repayment of principal on loans made under this section shall—

"(A) commence not later than—

"(i) 60 days after the date such loan is disbursed by the lender, except as provided in clause (ii); and

"(ii) if agreed upon by a parent borrower, the day after 6 months after the date the student for whom the loan is borrowed ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); and

"(B) be subject to deferral during any period during which the graduate or professional student or the parent meets the conditions required for a deferral under section 427(a)(2)(C) or 428(b)(1)(M).

"(2) CAPITALIZATION OF INTEREST.—

"(A) IN GENERAL.—Interest on loans made under this section—

"(i) which accrues prior to the beginning of repayment under paragraph (1)(A)(i), shall be added to the principal amount of the loan; and

"(ii) which accrues prior to the beginning of repayment under paragraph (1)(A)(ii) or during a period in which payments of principal are deferred pursuant to paragraph (1)(B) shall, if agreed upon by the borrower and the lender—

"(I) be paid monthly or quarterly; or

"(II) be added to the principal amount of the loan not more frequently than quarterly by the lender.

"(B) INSURABLE LIMITS.—Capitalization of interest under this paragraph shall not be deemed to exceed the annual insurable limit on account of the borrower.".

(b) CONFORMING AMENDMENT.—Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking ", 428B,".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for loans issued on or after July 1, 2008.

SEC. 4. SPECIAL RULES FOR PLUS LOANS.

Section 428B(a)(3) is amended to read as follows:

"(3) SPECIAL RULES.—

"(A) PARENT BORROWERS.—Whenever necessary to carry out the provisions of this section, the terms 'student' and 'borrower' as used in this part shall include a parent borrower under this section.

"(B) EXTENUATING CIRCUMSTANCES.—For loans made on or after July 1, 2008, and before July 1, 2009, a lender may determine that a borrower meets the extenuating circumstances requirement described in regulations promulgated by the Secretary to carry out this section or section 455 if the borrower is 180 or fewer days delinquent on their home mortgage payments.".

SEC. 5. LENDER-OF-LAST-RESORT.

(a) IN GENERAL.—Section 428(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(j)) is amended—

(1) in the first sentence of paragraph (1), by striking "students eligible to receive interest benefits paid on their behalf under subsection (a) of this section who are otherwise unable to obtain loans under this part" and inserting "students and parents who are otherwise unable to obtain loans under this part (except for consolidation loans under section 428C) or who attend an institution of higher education in the State that is designated under paragraph (4)";

(2) in paragraph (2)(B), by inserting ", in the case of students and parents applying for loans under this subsection because of an inability to otherwise obtain loans under this part (except for consolidation loans under section 428C)," after "lender, nor";

(3) in paragraph (3)(C)—

(A) in the first sentence, by inserting "or designates an institution of higher education for participation in the program under this subsection under paragraph (4)," after "under this part"; and

(B) in the third sentence, by inserting "or to eligible borrowers who attend an institution in the State that is designated under paragraph (4)" after "problems"; and

(4) by adding at the end the following:

"(4) INSTITUTION-WIDE STUDENT QUALIFICATION.—Upon the request of an institution of higher education and pursuant to standards developed by the Secretary, the guaranty agency designated for a State shall designate such institution for participation in the lender-of-last-resort program under this paragraph. If the guaranty agency designates an institution under this paragraph, such agency shall make loans, in the same manner as such loans are made under paragraph (1), to students and parent borrowers of the designated institution, regardless of whether the students or parent borrowers are otherwise unable to obtain loans under this part (other than a consolidation loan under section 428C).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 6. MANDATORY ADVANCES.

(a) IN GENERAL.—Section 421(b) of the Higher Education Act of 1965 (20 U.S.C. 1071(b)) is amended—

(1) in paragraph (4), by striking "programs, and" and inserting "programs,";

(2) in paragraph (5), by striking "agencies." and inserting "agencies, and"; and

(3) by adding at the end the following:

"(6) there is authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out section 422(c)(7).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 7. TEMPORARY AUTHORITY TO PURCHASE STUDENT LOANS.

(a) SPENDING AUTHORITY.—

(1) AUTHORITY GRANTED.—The first sentence of section 451(a) of the Higher Education Act of 1965 (20 U.S.C. 1087a(a)) is amended—

(A) by inserting "(1)" after "as may be necessary"; and

(B) by inserting before the period at the end of such sentence the following: "; and (2) for purchasing loans under section 459A".

(2) CONFORMING AMENDMENT.—Section 451(a) of such Act (20 U.S.C. 1087a(a)) is further amended by striking "Such loans shall" and inserting "Loans made under this part shall".

(b) TEMPORARY AUTHORITY.—Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended by inserting after section 459 the following new section:

"SEC. 459A. TEMPORARY AUTHORITY TO PURCHASE STUDENT LOANS.

"(a) AUTHORITY TO PURCHASE.—

"(1) AUTHORITY; DETERMINATION REQUIRED.—Upon a determination by the Secretary that there is an inadequate availability of loan capital to meet the demand for loans under sections 428, 428B, or 428H, whether as a result of inadequate liquidity for such loans or for other reasons, the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase from any eligible lender, as defined by section 435(d)(1), loans originated under sections 428, 428B, or 428H on or after October 1, 2003, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any purchase under this section shall not result in any net cost to the Federal Government, as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

"(2) REGULATIONS REQUIRED.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall jointly promulgate emergency regulations and publish such emergency regulations promptly in the Federal Register concerning the purchases authorized by paragraph (1).

"(3) METHODOLOGY AND FACTORS; JUSTIFICATION REQUIRED.—Such regulations shall outline the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall consider in evaluating the price at which to purchase loans under sections 428, 428B, or 428H, and shall include a justification of how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government.

"(b) PROCEEDS.—The Secretary shall require, as a condition of any purchase under subsection (a), that the funds paid by the Secretary to any eligible lender under this section shall be used in a manner consistent with ensuring continued participation of such lender in the Federal student loan programs authorized under part B of this title.

"(c) EXPIRATION OF AUTHORITY.—The Secretary's authority to purchase loans under this section shall expire on July 1, 2009.".

(c) CONTRACTING AUTHORITY.—Section 456(b) of the Higher Education Act of 1965 (20 U.S.C. 1087f(b)) is amended by inserting "or purchased" after "loans made" each place it appears in paragraphs (2) and (3).

SEC. 8. SENSE OF CONGRESS.

It is a sense of Congress that, at a time when our economy is fragile and higher education and retraining opportunities are more important than ever—

(1) the Federal financial institutions, such as the Federal Financing Bank and Federal Reserve, and federally chartered private entities such as the Federal Home Loan Banks and others, should consider, in consultation with the Secretary of Treasury and the Secretary of Education, using available authorities in a timely manner, if needed, to assist in ensuring that students and families can access Federal student loans for academic year 2008–2009, and if needed in the subsequent academic year, in a manner that results in no increased costs to taxpayers; and

(2) any action taken as a result of such consideration should in no way limit or delay the Secretary of Education's authority to operate the lender-of-last-resort provisions of section 428(j) of the Higher Education Act of 1965 (as amended by this Act), nor the authority to purchase Federal Family Education Loan Program loans, as authorized by section 459A of such Act (as added by this Act).

The Acting CHAIRMAN. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

PART B AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–590.

Mr. GEORGE MILLER of California. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. GEORGE MILLER of California:

In section 2 of the bill—

(1) redesignate subsection (b) as subsection (c); and

(2) after subsection (a) insert the following new subsection:

(b) STUDENT ELIGIBILITY.—Loan limit increases authorized by the amendments made by this section shall be available only to students who meet the requirements of section 484(a) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)).

In section 428H(d) of the Higher Education Act of 1965, as amended by section 2(a) of the bill—

(1) in clause (i) of paragraph (2)(A), strike "$14,000" and insert "$12,000"; and

(2) in subclause (II) of paragraph (4)(A)(i), strike "clause (i)" and insert "subclause (I)".

In section 3 of the bill—

(1) in subsection (a), insert "of the Higher Education Act of 1965" after "428B(d)"; and

(2) in subsection (b), insert "of such Act" after "428(b)(7)(C)".

In section 4 of the bill, insert "of the Higher Education Act of 1965 (20 U.S.C. 1078-2(a)(3))" after "428B(a)(3)".

In section 428B(a)(3) of the Higher Education Act of 1965, as amended by section 4 of the bill, strike subparagraph (B) and insert the following:

"(B)(i) EXTENUATING CIRCUMSTANCES.—For loans made on or after July 1, 2008, and before July 1, 2009, a lender may determine that extenuating circumstances exist under the regulations promulgated pursuant to paragraph (1)(A) if an applicant for a loan under this section is delinquent for 180 days or less on their home mortgage payments and is not more than 89 days delinquent on the repayment of any other debt.

"(ii) MASTER CALENDAR INAPPLICABLE.—Section 482 shall not apply to determinations made under clause (i).".

In section 5(a) of the bill—

(1) in paragraph (1), strike "students and parents" and insert "eligible students and parents";

(2) in paragraph (3)(A), strike the comma after "paragraph (4)"; and

(3) in paragraph (4), strike paragraph (4) of section 428(j) of the Higher Education Act of 1965 added by such paragraph of the bill and insert the following:

"(4) INSTITUTION-WIDE STUDENT QUALIFICATION.—Upon the request of an institution of higher education and pursuant to standards developed by the Secretary, the Secretary shall designate such institution for participation in the lender-of-last-resort program under this paragraph. If the Secretary designates an institution under this paragraph, the guaranty agency designated for the State in which the institution is located shall make loans, in the same manner as such loans are made under paragraph (1), to students and parent borrowers of the designated institution, regardless of whether the students or parent borrowers are otherwise unable to obtain loans under this part (other than a consolidation loan under section 428C).

"(5) STANDARDS DEVELOPED BY THE SECRETARY.—In developing standards with respect to paragraph (4), the Secretary may require—

"(A) an institution of higher education to demonstrate that, despite due diligence on the part of the institution, the institution has been unable to secure the commitment of lenders willing to make loans to a significant number of students attending the institution;

"(B) that, prior to making a request under such paragraph for designation for participation in the lender-of-last-resort program, an institution of higher education shall demonstrate that the institution has met a minimum threshold, as determined by the Secretary, for the number or percentage of students at such institution who have received rejections from eligible lenders for loans under this part; and

"(C) any other standards and guidelines the Secretary determines to be appropriate.".

In section 459A of the Higher Education Act of 1965, as added by section 7 of the bill—

(1) in subsection (a)(1), insert ", or enter into forward commitments to purchase," after "is authorized to purchase";

(2) in subsection (b)—

(A) strike "shall be used" and all that follows through the period and insert the following: "shall be used (1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title, and (2) to originate new Federal loans to students, as authorized under part B of this title.";

(3) redesignate subsection (c) as subsection (d); and

(4) after subsection (b), insert the following new subsection:

"(c) MAINTAINING SERVICING ARRANGEMENTS.—The Secretary may, if agreed upon by an eligible lender selling loans under this section, contract with such lender for the servicing of the loans purchased, provided that—

"(1) the cost of such servicing arrangement does not exceed the cost the Federal Government would otherwise incur for the servicing of loans purchased, as determined under subsection (a); and

"(2) such servicing arrangement is in the best interest of the borrowers whose loans are purchased.

The Acting CHAIRMAN. Pursuant to House Resolution 1107, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chairman, I rise in support of the manager's amendment to H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. The amendment was done on a bipartisan basis with the input of the senior Republican member, Mr. MCKEON. The manager's amendment we are considering here today makes various technical changes to the legislation and additional substantive changes to ensure continued access to Federal student loans.

Specifically, the amendment makes the following changes: It targets loan limit increases to undergraduate students and families. It clarifies that only eligible students as defined under section 435(a) may qualify for these loans as with all other Federal student aid. It clarifies that at the discretion of the Secretary, a loan may continue to be serviced by the current lender. And in regard to school-wide Lender of Last Resort eligibility, it specifies that the Secretary of Education shall determine whether a school qualifies and provides criteria for the Secretary to consider in making the determination. It specifies that funds received by lenders from loan sales will be used to originate new loans. And it clarifies that, at the discretion of the Secretary, a loan purchased by the Secretary may continue to be serviced by the current lender.

Now more than ever, families deserve every assurance that we are doing all that we can to make sure that they will continue to be able to access the low-cost loans they need to pay for college, regardless of what happens in the credit markets. I am confident that our efforts, coupled with the proper planning by the Federal Government, will provide them with that guarantee.

I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim time in opposition, but I will not be opposing the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

I want to thank Chairman MILLER for his work on this amendment. Like the underlying bill, this amendment was developed on a bipartisan basis to respond to some of the very specific challenges facing our student loan program. Although many of the challenges in this amendment are technical in nature, they will help to perfect the bill and ensure it has the impact we intend.

For instance, the purpose of this bill has never been to force a shift from the FFEL program to the Direct Loan program. That's why the amendment clarifies that if the Secretary of Education does purchase outstanding loans, she can keep those loans with their existing servicing arrangements. This will ensure a seamless transition for students while having the intended effect of freeing up capital to make new loans.

The amendment also ensures the bill will have no cost to taxpayers. From the outset Chairman MILLER and I agreed that it was important to move a bill that made meaningful reforms without driving up spending. H.R. 5715 does exactly that.

With regard to the Lender of Last Resort program, the amendment clarifies some of the steps that must be taken in order to designate school-wide participation in this program. These reforms will be enhanced even further by the amendment that will be offered shortly by Representative PETRI.

I appreciate Chairman MILLER's willingness to include language proposed by Representative PLATTS that adds greater clarity and flexibility within the Secretary's ability to purchase loans. Although it was always our intent that this new, temporary authority would include the concept of a "forward purchase agreement," this amendment makes it explicit that the Secretary can enter into agreements to purchase loans in the future. The amendment also clarifies that lenders must reinvest the proceeds from the sale of loans to the Secretary back into making new loans to students.

Once again, I want to thank Chairman MILLER for his work on this amendment and on the bill as a whole.

Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART B AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. PETRI

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110-590.

Mr. PETRI. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. PETRI:

At the end of section 5 of the bill, add the following new subsection:

(c) REVIEW OF INDUCEMENTS LIMITATIONS.—Within 90 days after the date of enactment of this Act, the Secretary of Education shall review, and as necessary revise, the Department of Education's regulations concerning prohibited guaranty agency inducements to eligible lenders (34 CFR 682.401(a)) to ensure that such agency's do not engage in improper inducements in the expansion of operations of the lender-of-last-resort program as authorized by the amendments made by this section. The Secretary shall submit a report on the review and revision required by this subsection to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate within 180 days after such date of enactment.

The Acting CHAIRMAN. Pursuant to House Resolution 1107, the gentleman from Wisconsin (Mr. PETRI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. Madam Chairman, I ask unanimous consent that the amendment be modified by the text that I have placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to part B amendment No. 2 offered by Mr. PETRI:

At the end of section 5 of the bill, add the following new subsection:

(c) REVIEW OF INDUCEMENTS LIMITATIONS.—Within 90 days after the date of enactment of this Act, the Secretary of Education shall review, and as necessary revise, the Department of Education's regulations concerning prohibited guaranty agency inducements to eligible lenders (34 CFR 682.401(e)) to ensure that such agency's do not engage in improper inducements in the expansion of operations of the lender-of-last-resort program as authorized by the amendments made by this section. The Secretary shall submit a report on the review and revision required by this subsection to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate within 180 days after such date of enactment.

The Acting CHAIRMAN (during the reading). Without objection, the reading of the modification is dispensed with.

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. Thank you, Madam Chairman.

Under current law, Federal Family Education Loan Program guaranty agencies are obligated to serve as lenders of last resort to borrowers who have been denied a Federal student loan by two lenders. The legislation we are considering today puts in place measures that will permit an entire higher education institution, rather than just individuals, to participate in the Lender of Last Resort program and also clarifies the Secretary of Education's authority to advance mandatory funds to guaranty agencies to serve as the lender of last resort.

The amendment I am offering today would simply require the Secretary of Education to review and revise as necessary the regulations concerning prohibited guaranty agency inducements to ensure that such agencies do not engage in improper inducements as lenders of last resort.

Currently, guaranty agencies are provided flexibility from the general lender prohibitions regarding inducements and exempted from others when they act as lenders of last resort. While this flexibility may be necessary, the bill before us would expand the role of guaranty agencies acting as lenders of last resort. And it's prudent to take another look at these regulations to be sure that students and taxpayers continue to be protected.

I ask my colleagues to vote "yes" on this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I claim the time in opposition to the amendment, although I do not expect to oppose the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I commend Mr. PETRI for this amendment. He addresses an oversight in the legislation in making sure that the Secretary has the ability to review and revise the regulations concerning prohibited guaranty agency inducements to ensure that agencies do not engage in improper inducements. We don't think this is a problem, but we had a problem in the past in the rest of the program, and we passed on a bipartisan basis, the Student Loan Sunshine Act, and I think this amendment is an important part of keeping the integrity of that act and the continuity within the student loan program so that all participants in that program understand that we cannot condone even an appearance of improper relationships. When students and families are borrowing money and making sacrifices for that money, we want to make sure that they get the best deal available and they get the best facts available to them.

I thank the gentleman for offering the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. PETRI. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding.

Madam Chairman, I rise in support of this commonsense amendment.

The Lender of Last Resort program was never intended to serve as a bailout for our student loan system as a whole. Rather, it was developed as a backstop for individual students on a case-by-case basis to be able to access a student loan if they encountered some rare circumstance in which they could not borrow through the standard channels.

I, for one, hope that the broad-based Lender of Last Resort authority in this bill will never be used. After all, the goal of this legislation is to prevent such a crisis within the loan program before it occurs. But I appreciate the steps being taken to ensure that if the Lender of Last Resort program ever needs to be deployed on a larger scale, we will have the infrastructure and processes in place to allow it.

However, because the program was simply never intended to be used on a school-wide basis, we should ensure that in implementing this authority, we are not unintentionally subverting current regulations. We also want to ensure that a guaranty agency is not unnecessarily punished for stepping in as a lender if needed. That is why this amendment requests that the Secretary review the regulations with the Lender of Last Resort program in mind. This program should be implemented in a manner that will be effective, efficient, and in the best interest of students.

I want to thank Representative PETRI for offering this amendment, which requires the Secretary to ensure that regulations are updated to reflect the new responsibilities that would be given to guaranty agencies operating as a lender of last resort for entire schools rather than individual students.

□ 1130

This amendment is consistent with our longstanding support for greater sunshine, transparency and consumer protections.

I support this amendment, and I urge its passage.

Mr. PETRI. I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI), as modified.

The amendment, as modified, was agreed to.

PART B AMENDMENT NO. 3 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-590.

Mr. CASTLE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. CASTLE:

At the end of the bill, add the following new section:

SEC. 9. GAO STUDY ON IMPACT OF INCREASED LOAN LIMITS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the impact of the increase in Federal loan limits provided for in section 2 of this Act and section 8005 of the Deficit Reduction Act of 2005 with respect to the impact on—

(1) tuition, fees, and room and board at institutions of higher education; and

(2) private loan borrowing by students and parents for attendance at institutions of higher education.

(b) STUDY COMPONENTS.—The study required under subsection (a) shall be conducted for each major sector of institutions of higher education over a 5-year time period. The report shall specifically analyze the following:

(1) Whether, on average, tuition, fees, and room and board increase, decrease, or remain unchanged in each such sector after the increases in Federal loan limits take effect.

(2) Whether the amount of private educational loans taken out by students (and their parents) at institutions in each such sector to pay tuition, fees, and room and board increase, decrease, or remain unchanged.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall provide an interim report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate including the initial results of the study conducted under this section. The Comptroller General shall follow up with such Committees after the third year and the fifth year after such date of enactment.

The Acting CHAIRMAN. Pursuant to House Resolution 1107, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. I yield myself such time as I may consume.

The amendment I have offered with Representative WELCH today is meant to complement the underlying legislation and help us better utilize the Federal student loan program. I am supportive of H.R. 5715, which I believe will help prevent instability in the student loan market and ensure students have access to funds for higher education. This amendment doesn't alter the base bill but can help us learn more about rising costs.

As you know, the committee has actively worked to identify causes of rising college costs while tuition rates continue to increase more rapidly than household incomes. This rate of increase continues to prove to be overly burdensome for both students and families as they save and borrow to pay for higher education.

Adding another layer of complexity is the existing slump in credit markets. For this reason, several lending institutions have recently announced that soaring lending costs have caused them to decrease availability of new loans to American students.

Today, I am pleased Congress has the opportunity to vote on this bipartisan legislation to protect students and families by ensuring disruptions in the financial markets do not prevent students from pursuing their higher education goals.

I believe this legislation can help restore investor confidence in the marketplace, provide additional flexibility for parents through a new, optional grace period for PLUS loan payments until after their children graduate, as well as ensure that parents struggling with mortgage payments are not automatically denied credit through PLUS loans.

Also, this bill expands loan availability through higher unsubsidized Stafford loan limits. This provision, along with a provision passed under the Deficit Reduction Act of 2005 which increased loan limits on federally subsidized loans, enables students to receive more Federal funding, reducing reliance on higher cost private loans.

Although I strongly support these provisions, I believe we have an opportunity here to determine what impact, if any, these changes have on tuition, fees, and room and board costs and private loan borrowing by students and parents.

The amendment I am offering today does just this. The amendment will provide for a review and evaluation by the Government Accountability Office, GAO, of these two aspects of higher education.

Specifically, the GAO study will examine institutions of higher education over a 5-year time period to look at whether tuition, fees, and room and board increase, decrease, or remain neutral after the increases in loan limits take effect, as well as whether the amount of private educational loans taken out by students and their families to pay tuition, fees, and room and board increase, decrease, or remain neutral.

I urge my colleagues to support this commonsense amendment to shine some light on possible causes of the rising cost of higher education and also urge support for the base bill to maintain access to the Federal student loan program.

I thank Mr. WELCH for working with me on this amendment and for speaking in favor of this bill yesterday before the House. And we would just like to say that I just think it is so important that we deal with the costs of higher education as well as the financing of higher education. Hopefully, by this add-on, we will be able to do at least a little bit of that.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I rise to claim the time in opposition, although I do not expect to oppose the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, Members of the House, this is an important amendment.

This committee, on a bipartisan basis, has struggled with trying to get a good handle, if you will, an understandable handle on the cost of education and the reasons for the increases in the cost of education, as we watched the cost spiral up in higher education much faster than the general inflation index. And it is a rising concern in families. As their budgets compete with fuel, food and mortgage payments, this obviously becomes a very serious matter.

Congressman McKEON and Congressman CASTLE have been on this watch for many years in this committee trying to help us come to grips with this problem and trying to carry on a positive conversation with the universities and colleges so that we can better define those costs that they control, the costs that they don't control, and certainly the actions of the States in their support for the public institutions. I think this amendment is very helpful.

Congressman WELCH has spoken to me about this during our deliberations of the higher education bill and of the college loan reduction bill that we passed last year.

This is an issue that continues to nag at us. I think providing some good guidance to GAO, with their expertise, we have an opportunity to really take a good look at a cross-section of institutions, what is properly driving the increases in cost and what maybe is improperly driving the increase in cost, and those things that can possibly be brought under control and be reduced by cooperative actions between the institutions, the States, and the Federal Government.

So I strongly support this amendment, and I want to thank Congressman CASTLE and Congressman WELCH for offering this amendment.

I yield back the balance of my time.

Mr. CASTLE. Madam Chairwoman, I want to thank Chairman MILLER for his kind words.

I think that all of us, including Mr. McKEON, on whom I will call in a moment, would all agree that we need to educate our young people as well as we can, and they need to be able to afford it. And anything we can do to help in that area is something that we should be doing.

I yield to the gentleman from California (Mr. McKEON) whatever time he may consume.

Mr. McKEON. Madam Chairman, I thank the gentleman for yielding and for his longstanding commitment to addressing the rising costs of college.

This amendment gets to the heart of the concern that many of us have harbored for a long time. It takes a hard look at whether or not an increase in Federal aid will lead to an increase in college tuition. Everyone recognizes that Federal student aid is a good investment. Pell Grants, together with campus-based aid programs, Federal student loans and other higher education benefits help make a college education accessible to every American student.

With enactment of the Higher Education Act in 1965, these financial aid programs truly did make college more affordable. But beginning in the eighties and in the decades since, college tuition has skyrocketed. Despite our best efforts to keep pace by investing in student aid, college is becoming less affordable for many families. Tuition goes up, so we increase financial aid. But when we increase financial aid, tuition goes up. It's a vicious cycle. And we are losing ground.

Unfortunately, this pattern has even led some of us to question whether an investment in financial aid is a wise one. After all, if we're driving tuition increases by, for instance, increasing loan limits, we may be doing more harm than good.

I think there's agreement that this bill will help borrowers by increasing unsubsidized borrowing limits. Particularly for borrowers who are unable to access higher-cost credit-based private loans, this additional Federal loan availability may be the difference between enrolling or not. But as we increase that type of financial aid, we need to very seriously review the consequences of that action. That's why this amendment calls on the Government Accountability Office to determine how the increase in borrowing limits impacts tuition.

I thank Representative CASTLE along with Representative WELCH for their leadership on this issue. It's a good amendment. It improves the bill. I urge a "yes" vote.

Mr. CASTLE. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

PART B AMENDMENT NO. 4 OFFERED BY MS. CASTOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–590.

Ms. CASTOR. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Ms. CASTOR:

In section 428B(a)(3)(B) of the Higher Education Act of 1965, as amended by section 4 of the bill, insert "or on medical bill payments" after "home mortgage payments".

The Acting CHAIRMAN. Pursuant to House Resolution 1107, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR. Madam Chairman, this amendment ensures that hardworking families who are feeling the strain of skyrocketing health care costs can still afford to send their children to college. The amendment applies to the Federal parent PLUS loans. PLUS loans are the non-need-based, federally guaranteed, low-interest loans available to parents for their children's undergraduate tuition, room and board and other expenses.

Our neighbors are really getting squeezed these days. They are socked with the rising cost of housing and health care. And many families are very concerned that a college education may be out of reach for their children due to these rising costs.

This amendment allows parents to continue to access low-interest PLUS loans even if they have fallen behind on medical bills only up to 180 days. This extenuating circumstance exemption is identical to the one already provided in the bill for mortgage payment delinquencies.

Housing and health care are the primary sources of financial hardship for families. Late mortgage payments and uncollected copayments for doctors' visits are among the primary reasons for bad debt. But these short-term and temporary extenuating circumstances should not bar parents from assisting their children with attending college.

By adding this amendment to section 4, special rules for PLUS loans, we ensure that hardworking families feeling the strain in this economy of skyrocketing health care costs can still afford to send their children to college.

I would like to thank Chairman MILLER, Ranking Member MCKEON, all of the members on the Education and Labor Committee and the professional staff for their work.

Mr. GEORGE MILLER of California. Will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I just want to thank the gentlewoman from Florida for introducing this amendment. She had talked to me about this early on, and it was an oversight. But she has raised the issue that for families that have engaged in serious medical encounters, the question of what the real bill is becomes a matter of serious negotiations that can take over a period of time.

You get your bill. It says you owe $65,000. And then it says, but the real cost was $45,000, and somebody will pay $20,000, and you owe whatever is in between. And then you find out that is really not true, that was the initial billing, and you back over a period of months. Those negotiations, because of an unexpected serious medical encounter within a family, should not bar, in these times, those individuals from being able to access student loans. It doesn't mean they've lost their incomes. It doesn't mean any of that at that point.

I think it is a very important addition to this legislation as we are trying to weave together a support system for families that must rely on loans for the education of their children.

I want to thank you very much for offering this amendment.

Ms. CASTOR. Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. I claim the time in opposition, although I am not opposed, Madam Chairman.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized 5 minutes.

There was no objection.

Mr. MCKEON. I rise in support of the gentlelady's amendment, and I yield myself such time as I may consume.

The purpose of this bill is to address the unique challenges facing students and families in this time of economic uncertainty. That is why the bill takes steps to ensure parents are not automatically denied a PLUS loan simply because they're struggling with the same mortgage troubles facing so many other families in the country.

This amendment is consistent with the spirit of our bill because it recognizes that families also may be grappling with medical bills. And as the chairman explained, sometimes you are hit with a bill, and that shows up as a liability which would put you out of reach of getting another loan, and, in fact, you may not have that liability. And until that is clarified, you are held in abeyance. And students can't wait.

So this is a very important amendment that the gentlelady has presented. I thank Representative CASTOR for her amendment. It makes the bill better.

I yield back the balance of my time.

Ms. CASTOR. I would like to thank, again, the gentlemen from California for their work on this legislation and their work on behalf of students and parents across this country.

I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

Mr. GEORGE MILLER of California. Madam Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. CASTOR) having assumed the chair, Mrs. TAUSCHER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 46 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1321

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CROWLEY) at 1 o'clock and 21 minutes p.m.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1107 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5715.

☐ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, with Mr. BLUMENAUER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 4 printed in part B of House Report 110–590 offered by the gentlewoman from Florida (Ms. CASTOR) had been disposed of.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA.

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 23, as follows:

[Roll No. 203]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Maloney (NY)
Manzullo
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—23

Berkley
Bishop (GA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cole (OK)
Faleomavaega
Fortuño
Hulshof
Lynch
Mack
Mahoney (FL)
Marchant
Markey
Pallone
Peterson (PA)
Rush
Scott (GA)
Shadegg
Towns
Wilson (NM)
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. There are 2 minutes left in this vote.

☐ 1345

Messrs. LINDER, GINGREY and TANCREDO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. COLE. Madam Chairman, on Thursday, April 17, 2008, I missed the first vote in a series of two votes. I missed rollcall vote No. 203.

Had I been present and voting, I would have voted as follows:

Rollcall vote No. 203: "aye" (On agreeing to the Miller, George amendment to H.R. 5715).

The Acting CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. BLUMENAUER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, pursuant to House Resolution 1107, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the

Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 383, nays 27, not voting 21, as follows:

[Roll No. 204]

YEAS—383

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—27

Akin
Barrett (SC)
Brady (TX)
Campbell (CA)
Cannon
Cubin
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Hensarling
Herger
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
McHenry
Miller (FL)
Paul
Pence
Poe
Price (GA)
Tancredo
Westmoreland

NOT VOTING—21

Berkley
Bishop (GA)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Hulshof
Mack
Mahoney (FL)
Marchant
Markey
Marshall
McHugh
Pallone
Peterson (PA)
Rush
Shadegg
Spratt
Wilson (NM)
Wynn
Young (AK)

☐ 1409

Mr. AKIN changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCHUGH. Madam Speaker, I was unavoidably detained and missed rollcall No. 204. At this time, I wish to note that had I been present, I would have voted "yea."

Stated against:

Mr. BROUN of Georgia. Madam Speaker, on rollcall No. 204, I was unavoidably detained. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MAHONEY of Florida. Madam Speaker, on April 17, 2008, I missed votes.

Listed below are the votes I missed and how I would have voted had I been present.

Miller of California Amendment to H.R. 5715, rollcall No. 203, I would have voted "aye."

Final Passage of H.R. 5715, rollcall No. 204, the Ensuring Continued Access to Student Loans Act of 2008, I would have voted "yea."

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill H.R. 5715, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

The SPEAKER pro tempore (Ms. TSONGAS). Is there objection to the request of the gentleman from California?

Mr. ROHRABACHER. Reserving my right to object, I am just not fully aware of this. I understand that a very important vote that was taken yesterday has been negated and that there is some objection to correcting the situation, which was a clerical error, apparently, by unanimous consent on our side.

I am just wondering where that stands in comparison to the unanimous consent objections that were being expected of us today.

Mr. GEORGE MILLER of California. Madam Speaker, I withdraw my unanimous consent request.

The SPEAKER pro tempore. The request is withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5813. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

ON THE PASSING OF LOU COSTANTINO

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, ladies and gentlemen of the House, we have some extraordinary people who work for us. At times this is a very stressful job. They remain even-tempered. They remain gentle and kind and good humored. We have lost one of those just recently. Maybe you did not know his name, but you saw him, usually through the center door, or sometimes other doors. His name was Lou Costantino.

As a member of the House security team for over 28 years, Lou Costantino has been a fixture at the House Chamber's front door and was beloved by Members and staff who were greeted by him every day. I never failed to come through that door that he did not have a kind and gentle world.

He was a "purveyor of pork," if you will. He loved sausage, and he allowed some of us to share in that sausage.

I am very sad to report to all of you that Lou died of a heart attack last Saturday. He was young, 71 years of age. Many of you will remember Lou for the homemade sausage he made for his friends and colleagues every day.

We will miss Lou. He made this institution a better place.

MOMENT OF SILENCE

I would ask you therefore to join me in a moment of silence in remembrance of a part of this institution who will be sorely missed, Lou Costantino.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, before I yield to my friend from Maryland, I would like to join him in his comments regarding Lou Costantino, who served us well and ably for a long time.

Lou Costantino was always proud of his job, he was proud of his family and proud of our country. To his wife, Doris; his daughter, Edie; and to his son, Louis, Jr., who we got relatively regular reports on, I am sure that the sympathy of the House goes out to them.

Madam Speaker, I yield to my friend from Maryland, the majority leader, for information about next week's schedule.

Mr. HOYER. I thank the gentleman for yielding, and I thank him for his words about Lou Costantino. All of us will miss Lou. He was a wonderful, good, human being who loved this institution and showed great affection to all of our Members. .

On Monday, the House is not in session. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules, including an important bill from the Oversight and Government Reform Committee, H.R. 5712, Close the Contractor Fraud Loophole Act. A final list of suspension bills will be announced by the close of business tomorrow.

In addition, Mr. Whip, we will consider H.R. 5819, a bill to improve the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and H.R. 2830, the Coast Guard authorization bill.

Mr. BLUNT. I thank the gentleman for that.

I have a couple of inquiries about other legislation. The 1974 Budget Act set a budget deadline of April 15. I am well aware that the Congress has seldom met that deadline, I think maybe four times. The latest three were in 1999, 2001 and 2003. But with that deadline in mind, I wonder if the gentleman has any sense when a budget might be on the floor.

I would yield.

☐ 1415

Mr. HOYER. I thank the gentleman for yielding.

My hope is sooner rather than later. However, as the gentleman knows, we are having, as is so often the case, difficulty reaching agreement with the Senate, mainly because the chairman of the Senate Budget Committee has a very close vote structure there, as you know, and so he is trying to figure out the votes in the Senate on a budget.

As is too often the case, one of the issues is whether we pay for things that we are doing. The House feels strongly about that issue, and I think the chairman of the Budget Committee in the Senate feels strongly about that issue, but he is not sure that he can get the votes. That is the discussion. There is some discrepancy, not much, between the figures, and we are hopeful that we can get a budget conference committee done. As soon as a conference committee is done, we will report it to the floor. If that is next week, it will be on the floor next week.

I am in regular communication with Mr. SPRATT, the chairman of the Budget Committee, and he is working at it.

Mr. BLUNT. I thank the gentleman for that information. Of course it is a challenge, but it is a challenge that we need to meet in some way usually before we can move with the appropriations process. But on appropriations on the supplemental, there were conflicting reports this week that there might be a supplemental for Afghanistan and another supplemental for Iraq, and then there were reports that no, the committee would report out one supplemental bill. I am wondering if the gentleman knows whether there will be one or two bills, and are we still anticipating a markup of that bill next week and then floor action following next week?

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I still anticipate that. With reference to the gentleman's question regarding the number of bills, based upon the comments of Mr. MURTHA, I have not talked to him personally but that have been reported, it is my understanding that he is thinking of one bill, not both an Afghanistan and an Iraq.

The problem is while there is, I think, pretty universal support for the effort in Afghanistan as being critical to our fight on terrorism, there is more disagreement on the Iraq component and what we ought to be doing there. But the way the budget is structured, it would be very difficult to consider them discretely, Afghanistan and Iraq. So it is my understanding that Mr. MURTHA has recommended and intends to pursue it as one bill.

Mr. BLUNT. I thank the gentleman for that. That bill needs to be out of the way, along with the budget, before we can get on with the other appropriating process. And thinking about that appropriations calendar, I know that the majority leader was quoted last week as saying that it is likely we won't have a lame duck session, a post-election session this year. I wonder if you can comment on that a little more. I know privately we have discussed this, but I saw you in print suggesting that we might not be back after the election. I am wondering what your thoughts are on that.

Mr. HOYER. Those are my thoughts; my thoughts and my hope. I think that lame duck sessions, in my experience, have not been particularly productive, particularly when you are going to have a change of administration. Whether it is Senator MCCAIN, Senator CLINTON or Senator OBAMA, we are going to have a change of administration. I expressed it as a hope, and we are going to work toward not having a lame duck session.

Let me go back and answer your question. I think we had a week delay on the supplemental, and I think the week of May 5 is the week we are looking at for the supplemental. As you know, I said the last week in April, the first week in May. That is the first full week in May, so I guess I am still accurate. We are on for that week hopefully on the supplemental, which will be timely in accomplishing the objective of getting dollars in time before the depletion of the funds that have already been appropriated.

With respect to the appropriations process, obviously I will be discussing with Mr. OBEY and with Mr. SPRATT, if we fail to pass a budget, we have to give the Appropriations Committee a figure to mark to. My thought would be that we will do as we have done in years past, deem that the House budget will be the numbers to which they will mark. But we have not made that decision at this point in time.

Mr. BLUNT. I thank the gentleman for that.

On the idea on a congressional year that will end before the election, I know last week we voted in an unusual way to put off the vote on the Colombia trade agreement, and I suppose that could mean to put it off indefinitely. Without a lame duck session, and that is one of the times when it was thought that we might get back to those trade bills. I'm not aware of any real discussion that has gone on this week on this Colombia agreement. I hope we are continuing to look for a way to get that important bill done.

I yield to my friend.

Mr. HOYER. I thank the gentleman for yielding.

The Speaker has focused on, as I think she has been quoted in the press as saying, we are still looking at TAA and discussing that with the administration. TAA, trade adjustment assistance, we think that is very important. There have been some positive discussions and indications from the administration. In addition, I know the Speaker has been discussing additional items with the leadership in the House and with Mr. REID, and I think as well with the White House. So I think discussions are ongoing. The Speaker has made it very clear that the action taken from her perception, certainly from my perception, was not the death knell of Colombia. I know that some have interpreted it that way, but I don't think that the Speaker or I interpreted it that way.

Mr. BLUNT. I hope we are continuing that.

Also, we are now entering the third month since the expiration of the Protect America Act. I know you and I were in a meeting a week or 10 days ago on this, and I still don't see any scheduled discussion of legislation on the floor that brings us back to that whole issue of foreign intelligence surveillance, and I hope we are moving toward a conclusion of that important issue.

I would yield.

Mr. HOYER. As you know because we have had an opportunity to discuss it, I have essentially been coordinating this issue on our side with Mr. REYES and Mr. CONYERS, and also working with Mr. ROCKEFELLER. And you and I had a meeting with Senator BOND, the ranking member on the Republican side.

I am hopeful that we can have a proposition passed through the House and hopefully by the Senate by the Memorial Day break. That is my time frame. I am working toward that. I have meetings tomorrow with respect to the Foreign Intelligence Surveillance Act. I am going to have meetings this afternoon, and I had meetings yesterday. I am giving it a lot of attention, with others as well. As you know, we met briefly. I would reiterate to you that when I have some better fix on where I think the Senate is willing to go or where we are willing to go and where we can reach agreement, I want to discuss it with you because I am hopeful that we can work together to try to make that happen.

Mr. BLUNT. I thank the gentleman. I think every day matters in this regard, and certainly going home for another work period at home without a conclusion here would be the wrong thing for us to do. I hope we can meet your goal and hopefully meet it earlier than the last day or two that we are here before the Memorial Day break.

Mr. HOYER. If the gentleman would yield, I share that hope. Again, I share the conviction, which I have expressed on numerous occasions, that the law that currently exists to my understanding, and when I say currently exists, and the authorizations that were given under the Protect America Act, are in place and in fact are continuing to provide opportunities to intercept those communications that the administration and the intelligence community feel are necessary to focus on. Having said that, we are trying, I'm trying to move ahead as quickly as we can come to agreement.

Mr. BLUNT. I want to say in response that I am not quite as confident, and maybe you're not confident either, that law doesn't meet all of the circumstances that occur. And even if it does, that law reaches an anniversary of those particular orders August 1. Again, coming back after Memorial Day, we are suddenly under a situation where even those things that we currently believe are covered, we will begin to have a problem in them expiring. And certainly the things that are not covered, there is no easy way in my view, which may be different than yours, there is no easy way to begin to listen to a new set of conversations that we just determined need to be listened to. That is what that whole debate is about. We don't need to have that debate here. But I have pledged to do everything that I can to bring this to a conclusion.

Mr. HOYER. If the gentleman would yield, I want to thank the gentleman because I believe he is absolutely sincere in that effort. He and I have had an opportunity to have discussions. We are going to continue those over the coming days, and hopefully we can get this done sooner rather than later. The chairman of the Judiciary Committee and the chairman of the Intelligence Committee have both expressed that objective.

Mr. BLUNT. I thank the gentleman.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

HOUSING CRISIS

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Madam Speaker, we are in a housing crisis in the United States, yet the Bush administration seems determined to ignore it.

Losing your home has a deep economic and emotional impact that can last for years. When the mortgage crisis broadens as wide as it has, entire communities, not just individuals, face dire consequences for the future.

In the Hudson Valley of New York, we have been especially hard hit. Over the last 3 months, foreclosures in Westchester County were up almost 40 percent from last year, and they've more than tripled since 2005. Putnam County, also in my district, has the single highest foreclosure rate of any county in New York State.

This crisis demands bold action. This Congress has already expanded the Federal loan limits to make Federal protections available to more home buyers, now we need to extend these Federal guarantees to more homeowners in need. This Congress will not only protect institutions like Bear Stearns, but will also protect American families who remain at great risk.

☐ 1430

WELCOMING POPE BENEDICT XVI

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to welcome Pope Benedict XVI to our Nation's Capital as part of his official papal visit to the United States. During this 6-day trip to Washington, D.C. and New York City, the Holy Father, who serves as a wondrous example of faith and leadership, will help Catholics and all Christians renew their faith by delivering mass to tens of thousands of people.

I was honored to have the opportunity to attend mass with the Holy Father at the new Nationals Stadium here in D.C. this morning. And, Madam Speaker, it was truly a blessed event.

Despite his relatively short tenure, Pope Benedict XVI has emerged as a vocal and effective leader for Catholics throughout the world. Over the past 3 years, His Holiness has stressed the need for a return to fundamental Christian values in response to what many see as the world's sloping trend toward secularism.

As Pope, he has focused on the importance and sanctity of human life, especially the life of the unborn, an issue that's very important to me, both as a member of the Catholic Church and as a Member of Congress. But every American, regardless of party affiliation or religious belief can find hope in his message of freedom and justice for all people.

Madam Speaker, as a member of St. Joseph's Catholic Church in Marietta, Georgia, I humbly welcome Pope Benedict XVI to the United States as he continues to spread his message of faith, love and service in Christ.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE BUSH ADMINISTRATION'S MIDDLE EAST POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise to bring to the House's attention a potentially, very dangerous new turn in the administration's policies in the Middle East. In recent weeks the administration has been stirring up the pot on Iran again, and that has caused many Americans to worry that the administration is getting ready to launch another attack in the region, this time in Tehran.

In fact, there's more than enough evidence to show that the administration may be laying the groundwork for military action. In an interview last month, the President said that the Iranians, and I quote him, he said, "the Iranians have declared they want to have a nuclear weapon to destroy people."

That would be troubling, Madam Speaker, if it were true. But the Iranians haven't said anything of the kind. It is shocking to me that our Commander-in-Chief would make unsubstantiated and misleading statements about a subject as important and as serious as nuclear weapons.

Another troubling sign came last month when Admiral William Fallon retired. Admiral Fallon was a bulwark against the Iran hawks in the administration, and his departure raised fears that he was, first, forced to retire, and that next, the rush to war was on.

And several weeks ago, Vice President CHENEY said that he has "high confidence" that the Iranians have an ongoing nuclear enrichment program. Of course, the most recent national intelligence estimate reported that the Iranians stopped working on a suspected nuclear weapons program 4 years ago.

And finally, General Petraeus told Congress last week that Iranian-backed special groups now pose the greatest long-term threat in Iraq.

For years, the administration told us that the main enemy was al Qaeda or Sunni insurgents, or Shiite militia. Now they tell us, forget them; it's Iran. In my mind, this raises legitimate concerns that the administration may be inventing new excuses to stay in Iraq by trying to convince the American people to support war against Iran.

Madam Speaker, I too am concerned about Iran. The Iranians should stay out of Iraq. They should not develop nuclear weapons. No country should develop nuclear weapons. But if we want Iran to behave well, we must stop threatening to attack them. Instead, our first line of defense must be engagement and aggressive diplomacy.

The absolutely essential first step in that process must be the redeployment of our troops out of Iraq. How can we expect Iraq's neighbors to cooperate in stabilizing the region while we insist on an open-ended foreign occupation with 140,000 troops and tens of thousands of military contractors?

Ending the occupation will allow us to launch a broad initiative to bring the nations in the region to the table, to address the relevant, the political, the economic and the security issues.

And Madam Speaker, when it comes to Iran's nuclear challenge, we must retake the high moral ground in the United States of America. When we turn our backs on nuclear nonproliferation, abandon the comprehensive test ban treaty and develop new nuclear weapons of our own, under what circumstances can we tell another nation to abandon their nuclear dreams?

The American people do not want a wider conflict in the Middle East. They want our leaders to spend every waking moment working to bring peace to the region. This is not the time for heated rhetoric, for bullying and new threats. It is time to try the one thing we haven't tried, diplomacy.

SERGEANT SHAUN PAUL TOUSHA: HULL, TEXAS HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, today the small town of Hull Texas, population 1,800, is mourning the loss of a native son who grew up to be a mighty warrior for the United States Army. He gave up everything he had to protect everyone else's freedom.

Army Sergeant Shaun Paul Tousha was killed in Baghdad, Iraq on April 9, 2008 when an improvised explosive device detonated near his vehicle.

Madam Speaker, the IED is the way our cowardly enemy fights this war. And in my Congressional district area, Shaun Paul is the 26th area resident that has been killed in Iraq or Afghanistan during these wars.

He was a man from small town Texas who had a playful heart, and he made a big impression on everybody that knew him growing up. He died as a war hero at the age of 30, and he will forever be recognized as how he lived, that being a loving husband, a caring father and a great friend to all those people in rural America.

Shaun Paul Tousha was born February 11, 1978 in Silsbee, Texas. He grew up in the town of Hull, Texas, and he was the son of the late Tommy Gene and Roberta Tousha. He was a husband to Christy Tousha, and loving father of the two children, Colton and Maycee.

As a teenager, Shaun played football, like most Texas rural boys do. He played at Hull-Daisetta High School. And he also liked to ride horses. And being a cowboy, he enjoyed bull riding.

His stepmother, Doris Tousha, was very proud of Shaun. She described him as outgoing and an individual who had a lot of friends. He was always cutting up, acting silly, and made friends easily. He liked to joke around, and his personality drew people toward him. She said that he may have been a handful growing up, but she was proud of the way he turned out.

And after graduating from Hull-Daisetta High School in May of 1996, Shaun got a job at a wire company in Dayton, Texas. He worked there for several years before he heard his Nation's call and joined the United States Army at the age of 22 in February of 2000.

His father, Tommy Gene Tousha, was extremely proud of his son's decision to serve in the Army, and even went with him to the local recruiting station when he joined up.

Madam Speaker, General Patton once said "we should live for something, rather than to die for nothing." Shaun sought to live his life in duty to this country.

Shaun attended basic training in Ft. Benning, Georgia and later was stationed at Ft. Hood, Texas. He was assigned as a Generator Equipment Repairman in the 1st Battalion, 66th Armored Regiment, 4th Infantry Division, in Ft. Hood, Texas.

General Patton reminded us that "wars may be fought with weapons but they are won by men." Shaun was a skillful soldier, and he and his comrades in arms are the ones with the boots on the ground that are winning this war. Shaun realized this, and during his first tour of duty in Iraq he decided to re-enlist in the United States Army and make the military his career. He served three tours of duty in Iraq.

When Shaun's father died in 2002, he helped his stepmother, Doris, through many difficult times. He took care of his family back home in America.

Doris said that she was impressed at Shaun's emotional strength during that painful ordeal of the family father's death. Doris said that she was proud that the Army really helped him become a mature individual.

George Washington once said that "discipline is the soul of the Army." And with Shaun's character, background and career in the Army, Shaun was able to overcome even the most trying circumstances because of that discipline.

One of Shaun's best friends, Johnny Fregia, described him as a "good ol' boy that died for his country." They became friends when they worked together in Dayton, Texas. Shaun was Johnny's helper, and he kept work interesting for Johnny with his humor, ever-present smile and his constant good mood. They enjoyed even shooting pool after work, and Johnny said that Shaun was pretty good at it.

Johnny described the high caliber of character and love for their country that his friend Shaun had and the rest of our military men and women possess.

Johnny went ahead and said, "freedom ain't free. And sometimes we take it for granted. There's a price to pay, and those guys like Shaun are willing to pay for it. They are willing to lose everything they've got to keep this country free."

Madam Speaker, this is a recent photograph of Shaun Paul Tousha right before he died. Shaun Tousha paid the ultimate price with his life, the price for freedom in our country.

Aristotle once wrote that "we make war so that we may live in peace." Shaun served in order that we may have freedom and have real peace in this country.

Americans, even in this chamber, cry peace, peace. But Madam Speaker, there can be no peace as long as there are people who are trying to kill Americans somewhere in the world. And Shaun Paul tried to protect us from that threat.

He had a heart as big as Texas, and we are proud of Sergeant Shaun Tousha. The light of his life has been extinguished, buy Shaun's joyful spirit will burn bright forever in the hearts and minds of his friends, his fellow soldiers, and the Texans that loved him.

And that's just the way it is.

□ 1445

HONORING THE LIFE OF LOU COSTANTINO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. I thank you, Madam Speaker, and I thank you for your leadership.

As I begin my special order this afternoon, I want to pay tribute to two great Americans. One is a friend to us all. We know him well as Lou Costantino. We thank him so very much, and we really know him as Lou. We thank him for his friendship. We thank him for his warmth. We thank him for taking care of this place, this House.

Lou, you see, was one of the distinguished men and women who stand outside of the House Chamber, works with the Sergeant of Arms, is in conjunction with the Clerk's Office. But really, Lou is part of our family.

He attended and was concerned about all of our guests that would come. He was concerned about the Members. He was equally concerned and passionate about America.

I consider him a great patriot, a great American. He loved this work because he was serving America.

Lou lost his battle just this past weekend, but we are reminded that Lou was with us last week. How truly valiant Lou is in life and in death, and I stand here today to offer my deepest sympathy to his wife, Doris; his daughter, Edie; his son, Lewis, Jr.; and to all of his family members. May he rest in peace and may God bless him.

I also take note to acknowledge the happy celebration of the birthday of Maya Angelou, poet laureate, teacher, mentor, resident of Winston-Salem, North Carolina, the author of the 1993 inaugural poem that suggested that those of us who live in the great land must come from underneath the rocks and shout out and be seen for justice. She also wrote the language or the words to a book, "I Know Why the Caged Bird Sings," to talk about what it's like to be isolated, to be contained, to be inhibited as a child growing up in the deep south.

Maya Angelou can be considered a great American, certainly a great poet, certainly a great mentor of men and women, college students, as she taught me at Yale University. I am honored today to be able to say "thank you" to Maya Angelou.

I now move, Madam Speaker, to something that has been continuing in this Nation, and very quickly I call upon the Secretary of State and the United States of America to reengage more actively in the negotiations between the Israelis and the Palestinians. I now believe fully that the only way that we will have success in recognizing and achieving peace in the Middle East is not through preemptive attacks, but through concern, negotiation, and firmness.

We must tell the negotiators what America wants to see and provide them the support. We must insist that we will continue to be a friend of Israel, we will never step away from her, and we stand by Israel's right to exist as a freedom-loving democratic people.

Let's say to the Palestinians if they are to move their people beyond the refugee camps, then they, too, must fight for democracy and two distinct separate states. The two-state theory must be put in action, but we can no longer stand by as an objective bystander. We must be engaged, we must roll up our sleeves, we must recognize that we are very much a part of the peace process in the Middle East.

I remember very well when the President came in and he said, That's their business. My good friends on the other side of the aisle got up and joined him, That's their business. It's our business.

And before the lights go out on this administration, it would do well for us in the name of Prime Minister Sharon, who began this process, to get engaged and to make sure that we can have peace in the Middle East, to have an ally in Israel, safe and secure, and to say to the Palestinian people that you can have good health, you can have housing, you can have education.

I think, Madam Speaker, that this is a challenge that the Secretary of State should accept; this is a challenge for the President to accept. America can do no less.

I did not say "battle." I said "engage," and be able to be part of the negotiation for peace. There is nothing wrong for being considered a peace-loving Nation that promotes peace.

May God bless this Nation and bless our soldiers, wherever they may be, as they stand on the front lines around the world asking us to promote our ideals and our values, and that is peacemakers.

WHERE IS THE LEADERSHIP?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, I note as I come to the well here that it's now 2:49 p.m. on a Thursday afternoon, a time when across this Nation the folks who worked the day shift are getting ready to complete their work; the folks who are working the afternoon or evening shift are getting ready to head off to work or on their way to work; and the folks who work the midnight shift across the Nation are probably just rubbing their eyes as they wake up and begin their day or bedding down as they begin their rest before they get back at it again this evening.

Where is the House of Representatives? Well, Madam Speaker, you look around the House of Representatives and they've gone home. They've all gone home. Now, why is that important? Well it's important, Madam Speaker, because I think it demonstrates another day demonstrating the crisis of leadership that we have in this House of Representatives.

Madam Speaker, I come to the well today at this time to document that we are now 62 days into a unilateral disarmament of the United States of America as it relates to folks who want to do us harm all across this world, 62 days in which we have not had in place the Protect America Act, 62 days in which we have not had in place the appropriate rules and protections for communication companies to allow our United States Government to listen and intercept electronic communication between a foreign individual in a foreign land who wishes to do America harm and another foreign individual in a foreign land who wishes to do us harm.

Did you get that, Madam Speaker? Non-U.S. citizen, not on U.S. soil, talking or communicating through electronic communication to another non-U.S. citizen, not on U.S. soil, about how to injure Americans either on the battlefield or here in our homeland.

It's called the Foreign Intelligence Surveillance Act. The bill was the Protect America Act. Sixty-two days ago, the leadership in this House of Representatives allowed that to expire. And why? For some reason, they believed that lawyers ought to be able to represent that foreign individual in a foreign land who want to do us harm with the same protections that you and I enjoy as American citizens.

Madam Speaker, when I go home to the Sixth District of Georgia and I tell people about this, they shake their head and say, what on earth is going on? Where is the leadership? And I agree. Where is the leadership?

Madam Speaker, there is a crisis of leadership in this House of Representatives, whether it is on the Foreign Intelligence Surveillance Act, or the Protect America Act, to allow our intelligence community the tools that they need to keep us protected. Whether it's on not doing anything positive about the price of gasoline all across this Nation, the only thing this House has done, this leadership has done is to increase the cost of domestic production of oil by increasing taxes. And who pays those ultimately? You got it, Madam Speaker. Americans.

Whether it is allowing the free and fair trade agreement with Colombia to not come to the floor, to change the rules so that it can't come to the floor so that we kick in the teeth the only real friend that we have in South America, one of the few friends we have in South America, a democratically elected government; or whether it is, again, not allowing our intelligence community to listen to a terrorist on foreign soil, talking to another terrorist on foreign soil so that we know what the bad guys are going to do before they do it.

Madam Speaker, that's a crisis of leadership.

REMARKING ON THE POPE'S VISIT AND ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, I rise today to also welcome Pope Benedict XVI to the United States and to Washington, D.C., and congratulate him for delivering an important message on the role that faith plays in the lives of every believer.

Over the years, the Vatican has been a strong voice for religious freedom, for human rights, and was an invaluable partner in defeating Communism during the Cold War. The Catholic Church has long been a source of charity and benevolence helping some of the world's most vulnerable people in some of the world's most dangerous places.

However, as President Bush welcomes Benedict XVI to Washington this week, Americans might be surprised to know that the Pope isn't here just to minister to his flock. He's here to lobby for amnesty for illegal aliens. According to news reports, the Pope met with President Bush yesterday to add his voice to the open border lobby by encouraging the President to give the 20 to 30 million illegal aliens in this country a free pass to stay here.

Now, I'm not taking issue with the Pope's moral authority. I respect his views on the threats of Islam, the sanctity of human life. But I don't think it's in his job description to engage in American political activities.

Worse yet, the Pope chided America, insinuating that immigrants are subject to "violence" and prevented from leading "dignified lives." Madam Speaker, I would like to know what part of our American lax immigration policy is "violent." I fail to see how accepting more refugees than any other Nation while providing free health care, free education, free housing and free social service benefits to millions of illegal aliens in this country is in any way degrading to them or undignified.

I would like to remind the Pope that America has long been dedicated to the principle of the rule of law, and there is absolutely nothing inhumane about American immigration statutes or the robust but civilized enforcement of it.

But perhaps the Pontiff has made these comments with a motive more broad than simply spreading the gospel. It's no secret that the Catholic Church has been having difficulty maintaining its membership levels and a growing number of religions are competing for parishioners.

Indeed, the Wall Street Journal recently reported that the "Catholic Church has long been losing members and as much as a third of the native-born Catholic population is diminished. Meanwhile it has gained members among foreign-born (mostly Hispanic) residents."

Madam Speaker, it's possible and unfortunate that the Pope's immigration comments may have had as much to do with spreading the gospel as it does recruiting new members to the Church.

I regret that the Pope used some of his time with the President to engage in faith-based marketing trying to attract new parishioners instead of preaching amnesty for illegal aliens to try and enlarge the size of the global Catholic congregation. I would urge the Pope to subscribe to the wisdom of one of his cardinals, Cardinal Biffi. A few years ago, the cardinal told The Times of London, "Countries can choose to let in whoever they want. There is no such thing as a right of invasion."

Madam Speaker, the United States already has a legal immigration system unparalleled in its generosity. In the meantime, we assist illegal aliens and those affected by them, by reimbursing hospitals for costly illegal emergency room hospital visits, providing free public education to illegal alien children. I would challenge the Pope to name any other country on Earth that demonstrates this kind of compassion on such a large scale.

I hope, Madam Speaker, that the American people will welcome the Pope with open hearts and open arms but that they will reject his demand to replace our efforts to achieve genuine border security with a faith-based immigration system.

ADJOURNMENT FROM FRIDAY, APRIL 18, 2008, TO TUESDAY, APRIL 22, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at 12:30 p.m. on Tuesday, April 22, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5715, ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5715 to include corrections in spelling, punctuation, section numbering, and cross-referencing, and insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

□ 1500

THOMAS JEFFERSON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. CULBERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. CULBERSON. Madam Speaker, this Sunday was the 265th birthday of Thomas Jefferson, one of our Nation's greatest Founding Fathers, and someone who we, I think, as a Nation do not pay enough attention to.

His birthday, unfortunately, went largely unnoticed. And I'm going to take this time on the floor today, Madam Speaker, to honor this great good man, recognize his genius and the application of his core principles as solutions to the core problems our Nation faces today, and in conclusion, to read his first Inaugural Address which was given in this Capitol on March 4, 1801 as a reminder of his genius and as a guideline to really lay out a path for the solutions that we really need as a Nation today.

The financial hole the United States finds itself in today is absolutely unprecedented. The Comptroller of the United States, David Walker, who just left office a few weeks ago, audited the books of the United States and concluded that we, as a Nation, are in a $54 trillion hole, that every living American would have to write a check for $175,000 in order to pay off the existing obligations of the Federal Government. That includes the $11 trillion national debt to pay off the obligations of Medicare, Social Security and Medicaid. All those existing obligations of all the Federal programs already on the books are so massive, with the retirement of the baby boomers, with the profligate Thelma-and-Louise spending of this Democrat Congress, existing financial obligations are so severe that we would, every one of us, have to write a check today for $175,000 just to pay off those existing obligations even if Congress didn't create a single new Federal program. It's an extraordinary number, one that is absolutely terrifying and that not enough Americans know about.

If we, as a Nation, would just adhere to the principles of Jeffersonian republicanism, if we would remember Mr. Jefferson's vision, his genius, his adherence to the core principles of republicanism, with a small "r" as he called them, we, as a Nation, can dig our way out of that financial hole, we as a Nation can return to the prosperity and freedom that the Nation has always enjoyed, the level of freedom that our founders enjoyed.

It's disturbing to me, as a Member of Congress, to see the ease with which programs like the funding for anyone in the world who has tuberculosis, AIDS or malaria, under a bill that this House passed last week, anyone in the world in a third world nation that has malaria, TB or AIDS is entitled, at U.S. taxpayer expense, to $1,200 a year worth of medication. Now, that bill passed at a time when we're in this $54 trillion hole, when we have an $11 trillion national debt, when every one of us owe $175,000 a piece. It's just unbelievable to me and utterly irresponsible, the continued expansion of the Federal Government, the continued creation of Federal programs like this by this Thelma-and-Louise Democrat Congress. To grow the Federal Government at a time of record debt and deficit is absolutely intolerable, and it just has to stop.

Mr. Jefferson's birthday is an appropriate time to remember the core principles that not only really created the Nation, but would serve us well, as a Congress, today to help dig out of that financial hole, to make sure that we live within our means.

Thomas Jefferson often said that if we, as a Nation, would only apply core Republican principles to any problem, the knot will always untie itself. He was absolutely right about that. Mr. Jefferson believed that we should trust the good hearts and the good judgment of individual Americans to make the right decision. Never entrust the solution to a problem to the Federal Government except as an absolute last resort. Washington, D.C. will usually foul it up. And Mr. Jefferson understood that. And it was not because there aren't good people here. The Nation's capital is full of wonderful, good people dedicated to representing their districts to the best of their ability and based on their core principles as they see them. We bring in, in District Seven, 25 young people, one junior from each of the high schools in my district, I have set up a program as a nonprofit 501(c)(3), the Bill Archer Student Intern Program, to bring one young person from each of the high schools in my district for a full week, all-expenses-paid trip to Washington, D.C. so they can see firsthand that the Nation's capital is full of people who have good hearts, they're doing the best they can to represent their districts from their perspective.

The young people in my district who participate in this program meet Members of Congress, they meet Members of the Senate, they meet administration officials, cabinet members, they meet judges on the Supreme Court, and they have an opportunity to see firsthand, Mr. Speaker, that the government is truly made up of good people doing the best they can. And it is just human nature that when decisions, as Mr. Jefferson said, are removed to Washington, D.C. where the people can't see them, can't not only see what's going on, but a real voice in what's going on, when those decisions are removed to Washington they become, by nature, less responsive, less effective in solving the problems of the American people.

This government has grown so far beyond what the founders intended that I'm not sure Mr. Jefferson would recognize the Federal Government today. And I know he would be as alarmed as I am, as my colleague, my good friend, Congressman ROSCOE BARTLETT, who will follow me, is with the continued growth of this government.

As fiscally conservative as I am, Mr. Speaker, I've found in the time that I've been here I've become even more fiscally conservative as I see the record growth of this government, as I read David Walker's report. And I encourage everyone out there to take the time, Mr. Speaker, to go to gao.gov and look at the Fiscal Wake Up Tour and carefully look at what David Walker has audited and certified as the immense scope and size of the financial hole that the United States finds itself in; $54 trillion hole that gets $3 to $4 trillion deeper every year.

Comptroller Walker says that the United States has about 5 to 10 years to get our financial house in order. That's an extremely important piece of information. We have, according to the Comptroller, 10 years tops, probably 5 years, to get our financial House in order, to begin to get control over these entitlement programs, to begin to get on a path to a balanced budget.

We need a constitutional amendment, ultimately, Mr. Speaker, to get the budget of the United States balanced. We have it in Texas, it works beautifully. We also have a "speed governor" in Texas in our State constitution, it's something we need here at the Federal level, where the growth in government cannot exceed natural growth in the economy, that there is essentially a speed governor on spending that prevents the legislative body from spending more money than is brought in by natural growth in the economy, it works well in Texas, along with a balanced budget amendment to the United States Constitution, would do a lot to get us back on the path that Comptroller Walker points out that we must do within the next 5 to 10 years, or else.

Comptroller Walker has certified that by 2020, 12 years—young people listening here today, Mr. Speaker, if you're 18 years old, by the year 2020, when you're 30 years old, Medicare is bankrupt. Social Security is on the brink of bankruptcy.

Treasury bonds, the safest investment in the world, according to the Comptroller, according to Moody's and Standard and Poor's, who have already formally notified the Treasury that they're beginning the process of downgrading U.S. Treasury bonds, Treasury bonds by the year 2020 will be graded as junk bonds if we do not stop growing the government and stop spending money on anything but the bare essentials. In our personal lives, Mr. Speaker, if we have run up too much debt, if we have a second mortgage on the home, if our credit cards are tapped out, in our personal lives we would all know what to do, you would quit spending money on anything except the bare essentials to keep a roof over your family's head, to pay the bills, to put groceries on the table, other than that, you would just quit spending money. But the Federal Government has the ability not only to print money, but to issue more Treasury bonds. And the money that we spend here in Congress that is beyond our means is paid for by debt passed on to our kids. It's just intolerable.

The Chinese, the foreign investors buy our Treasury bonds today and support this profligate spending, but it is not supportable, it cannot be sustained, and we simply must stop spending money that our kids cannot afford to pay. It's inexcusable, it's intolerable.

And it's important, on the 265th birthday of Thomas Jefferson, to remember the core principles that Mr. Jefferson lived his life by, that he governed this Nation by as our third President, to remember the genius of this great, good man and try to apply those principles to these massive problems we have today; to, first of all, live within our means; to restrict not only the size and power and cost of the Federal Government, but to roll it back within the boundaries that the founders originally intended, the narrow scope of responsibility as laid out in the Constitution so beautifully by our founders.

The whole idea of the Federal Government was that it would only have those powers expressly delegated to it in the Constitution, that, as the 10th Amendment says so well, that all power not specifically delegated to the Federal Government by the Constitution would be reserved to the States and the people.

I came out of the State legislature in Texas. And the idea behind the State constitutions, I think my friend, Congressman BARTLETT, served in the Maryland State legislature, the State constitutions give the State legislatures all power that State constitutions set aside for the legislatures. It's a broad grant of authority.

The Federal Government is delegated responsibility in a very narrow way by the Federal Constitution. And over the years, with the terrible War Between the States, the assassination of Abraham Lincoln, the Reconstruction Congress, The New Deal, the growth of the Federal Government with the rapid expansion of power under The New Deal, Congress passing laws in areas where they really don't have any business, as a result, the Federal Government has grown so far beyond anything that the founders envisioned that we today face, as David Walker has told us, a $54 trillion liability that equals $175,000 for every living American.

This obligation, Mr. Speaker, is so massive that if we were to confiscate all the private property of the United States and sell it off at auction, David Walker estimates that would only pay for about 90 percent of this $54 trillion obligation.

It's a terrifying number. And the number that we often see for the national debt of about $11 trillion working out to about $45,000 a person, that's not the real number, folks. The real number is you, Mr. Speaker, I, every living American has to write a check for $175,000 today to pay off that $54 trillion liability that we are now descending on a path like Argentina, the dollar becoming like the peso.

We, as a Nation, our Treasury bills, the safest investment in the history of the world, becoming junk bonds. It's intolerable, it's inexcusable. And it's a result of profligate spending by this Congress over far too many years. It's why I, as the congressman from District Seven, voted against the farm bill. No Child Left Behind is a violation of the 10th Amendment, spending money we didn't have. I voted against this AIDS in Africa program. I voted against the Medicare Prescription Drug bill. I voted against, frankly, every single one of the major spending initiatives that have been proposed since I got here in 2001 in recognition that I just simply will do everything in my power not to pass on this massive debt and deficit to my daughter and to her kids. It is just inexcusable and unacceptable.

I rise today, Mr. Speaker, to honor Mr. Jefferson and to read into the RECORD his magnificent first Inaugural Address, his great advice for the Nation today, for this Congress, for the Nation, for the executive branch, for all of us to just take a moment and contemplate carefully the genius of Thomas Jefferson, the wisdom of his core philosophy of republicanism, with a small "r," that was focused on the preservation of individual liberty and trusting individual Americans to control that which they could see with their own eye, as he often liked to say, shifting power away from Washington and back in the hands of locally elected officials and individual Americans.

Mr. Jefferson also spent much of his time fighting the expansion of power of the judiciary.

□ 1515

John Marshall, the Chief Justice of the Supreme Court at that time when he was President, and Mr. Jefferson locked horns repeatedly. And one of my favorite Jefferson quotes when it came to the judiciary was Mr. Jefferson often said that "The judiciary advances on noiseless steps like gravity, never yielding what they have gained."

And that is so true, Mr. Speaker. Not only has the Congress, passing laws we have no business passing that belong within the jurisdiction and control of State and local governments, not only has the Congress expanded the size, power, and cost to the Federal Government, but an aggressive judiciary has repeatedly expanded the scope of its power and responsibility.

Also, after the election of 1800 when the Republicans and he, as the leader of the Republican Party, took over the executive branch and won a majority in the United States House and in the United States Senate, Mr. Jefferson said that the Federalists, those who wanted to concentrate all power in Washington, had "retreated to the bunkers of the judiciary and turned their guns on the people of the United States."

And in so many ways, those judges that Mr. Jefferson was so concerned about have over time gradually expanded the scope of their power where in, for example, the State of Missouri, Mr. Speaker, a Federal judge in Missouri actually ordered a tax increase to pay for public education. Unbelievable, that a judge would take it upon himself to tax the people of Missouri to pay for public education. He ordered the State of Missouri to issue $100 million in bonds, raised property taxes, raised taxes on the people of Missouri to pay for improvements that that Federal judge believed in his ivory tower, in his wisdom as Zeus up on Mount Olympus, that the people of the city of St. Louis needed to improve their schools. And this judge had the idea that here's how we're going to do it and you're going to pay taxes to pay for it.

Time after time after time, when power is concentrated where the people can't see it, where they can't touch it, where it's in the hands of people that are unelected, unaccountable, and invisible to the public, bad decisions are made, Mr. Speaker. The Constitution suffers, this Nation suffers, and I think as a result of drifting too far from the core principles of Jeffersonian Republicanism, the Nation finds itself where it is today, in a $54 trillion hole where we are on a glide path to become like Argentina, where our treasury bills are junk, where our dollar is not valued, and we essentially could be within a decade on the brink of national bankruptcy. It's unacceptable. We can stop it just like a hurricane can be dealt with, Mr. Speaker. If we see the hurricane coming and know about it, we can deal with it.

It's important to remember that the people of Britain won the Battle of Britain because Winston Churchill was honest with them and told them how dangerous the Nazis were, how severe the threat was to their freedom, that the British people could indeed lose their island and fall under Hitler's control. But the people of Britain had to be told the truth. And Winston Churchill told them the truth. And I think we, as elected officials, owe our constituents the truth about the size and scope of the $54 trillion liability that has been created over the last 60 years of Democrat and Republican Congresses. Passing that liability on to our children and grandchildren is outrageous, it's unacceptable, it's immoral, it's fundamentally wrong. And I hope we will, all of us, as Members of Congress, take guidance from the genius, the wisdom of Thomas Jefferson as he addressed the Nation in his first inaugural address on March 4, 1801, after coming through a bitter election where the House of Representatives had to make the final decision as to who was to be President.

He, as leader of the Republican Party, was running against John Adams, the leader of the Federalist Party, the second President. They had become fast friends in Paris. Thomas Jefferson and John Adams and Abigail Adams had become just inseparable friends during their time together in Paris, in Europe. They had become friends, of course, during the time of the writing of the Declaration of Independence. It was John Adams who put Thomas Jefferson on the committee and insisted that Mr. Jefferson write the Declaration of Independence and John Adams who continued to support and encourage Thomas Jefferson. They were fast personal friends.

But in the election of 1800, they had a falling out because of their fundamental difference of opinion about the direction the Nation should go. Mr. Adams believed in a strong, powerful central government and the concentration of authority in Washington, D.C. Mr. Jefferson believed firmly in the preservation of our constitutional separation of powers and the preservation of the rights of the States and the people as the best and most responsible guardians of liberty. And that fundamental difference of opinion about where true power should lie led to their running against each other for President.

Aaron Burr was running also. And in the election of 1800, the electoral college wound up being deadlocked. It was a tie between Aaron Burr and Thomas Jefferson, and the House of Representatives had to make the final decision. Each State being given one vote, there was a deadlock, and I think it was 37 ballots that had to be cast before Mr. Jefferson was finally selected as President.

So they had come through a bitter election. The Nation had gone right to the brink of war with France. It was a bitter, bitter struggle over whether or not the Nation should go to war with France. John Adams signed the Alien and Sedition Acts. And by signing the Alien and Sedition Acts, the Federalists, led by John Adams, had essentially made it illegal for anyone to speak out against the President, to speak out in a way that would hold out the President or the Congress to ridicule, violating, of course, obviously, the first amendment, freedom of speech. And that, of course, also deepened the separation between Mr. Jefferson and Mr. Adams.

That election was especially bitter. So this inaugural address was given at a time of deep passionate differences between Federalists and Republicans. And that part of his speech, I think, is also very applicable today.

Mr. Speaker, you and I are good friends. We, all of us, work together in this House as best we can to advance the needs of the Nation. There are personal friendships, certainly among, for example, the Texas delegation. One of my very best friends in Congress, my good friend HENRY CUELLAR, and my good friend CIRO RODRIGUEZ, who represents the border counties, we were elected together in 1986 in the Texas legislature. We remain devoted friends, and all of us in the Texas delegation put Texas first. When it comes to the needs of our State, party labels don't matter. We're Texans first and do what we can to help the State of Texas. And I know that's true of other State delegations. It's especially true in Texas.

And in the inaugural address that Mr. Jefferson gave in 1801, he was speaking of the need to bring the Nation together and to not let party labels or party fights get in the way of doing the right thing for the Nation. So part of what you will hear Mr. Jefferson say to the Nation, I think, is especially appropriate today, that we do all that we can to put those partisan distinctions aside.

But as I read his inaugural address and as you hear his words, it's also important for the majority here to remember Mr. Jefferson's admonition that, although the will of the majority is in all cases to prevail, that will to be rightful must be reasonable and protect the rights of the minority. Because this majority, this Thelma and Louise Democrat majority in this Congress that's driving America right off a financial cliff, this Thelma and Louise Democrat majority doesn't often hold public hearings on bills. They drop bills out here on the floor without public hearings. There's no opportunity for amendment. There's very little opportunity for debate, just fundamentally destroying the whole purpose of this great deliberative body. And denying the minority our right to offer amendment, our right to be heard in this debate, is, as you will hear Mr. Jefferson say, oppression, a violation of the most fundamental principles of this great American Republic. We see it occur on a daily basis, and it's a tragic and terrible thing that the Thelma and Louise Democrat majority has imposed on this House, on this Nation, in denying the Republican minority our opportunity to offer amendments and be heard. So in that sense too, Mr. Jefferson's words have special meaning today.

I have probably read about 60 percent of Mr. Jefferson's works. He is my hero. Mr. Jefferson is my role model in all that I do. In representing District Seven, I do my very best, Mr. Speaker, to apply core Jeffersonian principles, and on every issue I have found no matter what the problem is, no matter what the issue is, Mr. Jefferson was right. If you apply core Republican principles, the knot always unties itself. I have yet to encounter a problem that Jeffersonian Republican principles won't solve. So, Mr. Speaker, I want to now read into the RECORD Thomas Jefferson's first inaugural address on March 4, 1801, at the conclusion of which I will yield back the remainder of my hour and turn it over to my good friend and colleague Roscoe Bartlett, a fellow dedicated conservative who is committed to the core principles of our Constitution. Mr. BARTLETT is someone I admire deeply, a fellow Jeffersonian.

And before reading Mr. Jefferson's inaugural address, his greatest speech perhaps, I think, and in the opinion of scholars, they believe Mr. Jefferson's first inaugural address is his greatest, let me also point out, Mr. Speaker, something else important. This good man, at the end of his life, wrote on his tombstone three things. If you visit Monticello and visit Mr. Jefferson's grave, it says on his tombstone that he was the author of the American independence, the author of the Virginia Statute of Religious Freedom, and the father of the University of Virginia. Mr. Jefferson listed those three things because in his mind those were his three greatest achievements. He wanted to list on his tombstone those things that he had done for the American people rather than those things that they had done for him. All the offices that he had held, the incredible array of honors that had been his throughout his life. In fact, Mr. Speaker, there was a wonderful letter that Mr. Jefferson wrote towards the end of his life in February of 1826. He died, of course, on July 4, 1826, 50 years to the minute after he presented the Declaration of Independence to the Continental Congress. Mr. Jefferson held on, although he was unconscious. He knew that he was close to the 4th. He actually breathed his last at about 1 p.m. on July 4, 1826, at almost the exact moment that 50 years earlier the committee, Mr. Adams, Dr. Franklin, and

Mr. Jefferson, had presented the Declaration to the Continental Congress.

Mr. Jefferson had, about 4 months earlier, wrote a letter justifying lotteries, because he couldn't balance his checkbook and Monticello was going to have to be sold to pay off his creditors, which broke his heart. And someone had come up with the idea of having a lottery to help pay for the debts that he had incurred. And, of course, a lottery, being gambling, it really worried Mr. Jefferson. And he wrote a long justification for this lottery that would sell tickets to save Monticello. And I recommend it to people to take a look at because in this long justification, called Thoughts on Lotteries and it's dated, I think, February of 1826, Mr. Jefferson lays out all of the great accomplishments in his life. After going through all the good things that lotteries have done in the past, he says that for no other reason people buy a lottery ticket, they should perhaps remember his services to the Nation, and he lists all that he had done with his incredible life: Secretary of State, Minister to France, Vice President, President of the United States, the author of the Declaration of Independence, this incredible list of accomplishments in his life.

□ 1530

And most revealingly, Mr. Speaker, Thomas Jefferson says at the end of it all, listing all of those accomplishments, Mr. Jefferson says, "Of all these things that I have done with my life, the most important thing that I have ever done was to be a partisan Republican, to head the Republican party."

Because Mr. Jefferson said "it was the Republicans that I, as the leader of the Republicans in the Senate, and Albert Gallatin, as the leader of the Republicans in the House, that essentially saved the Republic, that held on to the core principles of the Constitution at the time under the Alien and Sedition Act when the Adams administration was furiously concentrating power in the hands of the Federal Government, that the Republicans in the Congress, the Republicans in the State legislature, and the phalanx of the State legislatures," as Mr. Jefferson said, "it was the Republican party that truly saved the Republic," and that being partisan, being the leader of the Republican party, in Mr. Jefferson's mind, was his greatest accomplishment because it led to the election of 1800 and the salvation of the Nation.

Mr. Jefferson always thought of the election of 1800 as the revolution of 1800, and by electing a Republican majority to the House in 1800, a Republican majority to the Senate, a Republican President, Republicans had been elected in State legislatures across the Nation, that Mr. Jefferson believed that that election was decisive and allowed the core principles of the Constitution to be salvaged and to be preserved for future generations.

And with that in mind, Mr. Speaker, Mr. Jefferson stood up in the old Senate Chamber, just across the Rotunda, there is a plaque that people can see today in the old Senate Chamber. Mr. Jefferson was known for giving speeches. And he had a very soft voice. He was a little hard to hear. Eloquent and magnificent writer that he was, he was a little hard to hear in public speeches. And he stood up in the Senate Chamber. There was a lot of strong emotion in the room, a lot of anger. John Adams did not even attend the inauguration. He was so angry.

And as a quick side note, if you have not seen or not watched the magnificent HBO series on John Adams, you should. Having not subscribed to HBO before, we did subscribe for a couple of months just for the sole purpose of seeing that magnificent production of David McCullough's biography of John Adams that Tom Hanks is responsible for, and a great, good thing that Tom Hanks has done for the Nation in bringing David McCullough's book to the Nation. It is a magnificent series, and I recommend it to you.

And you will see in there that John Adams was so upset by his defeat that he didn't even attend the inauguration of Thomas Jefferson. And Mr. Jefferson therefore stood up and gave this speech in a very, very tense atmosphere in the old Senate Chamber. There were a lot of angry people in the room. The Nation, frankly, at one point, when the 34 ballots were being cast in that deadlock, there was even discussion of the militia in Virginia going to the old armory there in Williamsburg and taking out weapons, a militia marching on Washington to ensure Mr. Jefferson's election because of this deadlock.

So tensions were high. Partisan feelings were strong. Yet Mr. Jefferson stood up and gave his inaugural address, his greatest speech at a time when the Nation truly could have been split apart. New England even talked about leaving the Union.

In that atmosphere, Mr. Jefferson stood up on March 4, 1801, and gave the following speech.

"Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled to express my grateful thanks for the favor with which they have pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire.

"A rising Nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye—when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking.

"Utterly, indeed, should I despair did not the presence of many whom I see remind me that in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue and of zeal on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amidst the conflicting elements of a troubled world.

"During the contest of opinion through which we have passed the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think, but this being now decided by the voice of the Nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good:

"All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate will be oppression.

"Let us, then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions.

"During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be felt and feared by some and less by others, and should divide opinions as to measures of safety.

"But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its Republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a Republican government cannot be strong, that this government is not strong enough; but would the honest patriot in the full tide of successful experiment, abandon a government which has so far kept us free and firm on the theoretic and visionary fear that this government, the world's best hope, may by possibility want energy to preserve itself? I trust not. On the contrary, I believe this, the strongest government on Earth. I believe it is the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question.

"Let us, then, with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe; too high-minded to endure the degradations of others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter—with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

"About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations.

"Equal and exact justice to all men, of whatever state or persuasion, religious or political;

"Peace, commerce and honest friendship with all nations, entangling alliances with none;

"The support of the State governments in all their rights, as the most competent administrations of our domestic concerns and the surest bulwarks against anti-Republican tendencies;

"The preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad;

"A jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies were unprovided;

"Absolute acquiescence in the decisions of the majority, the vital principle of Republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism;

"A well-disciplined militia, our best reliance in peace and for the first moments of war till regulars may relieve them;

"The supremacy of the civil over the military authority;

"Economy in the public expense, that labor may be lightly burdened;

"The honest payment of our debts and sacred preservation of the public faith;

"Encouragement of agriculture, and of commerce as its handmaid;

"The diffusion of information and arraignment of all abuses at the bar of public reason;

"Freedom of religion;

"Freedom of the press;

"And freedom of person under the proceedings of habeas corpus, and trial by juries impartially selected.

"These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road with alone leads to peace, liberty and safety.

□ 1545

"I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulty of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and with the favor which bring him into it.

"Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose preeminent services had entitled him to first place in his country's love and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs.

"I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past, and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

"Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destiny of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity."

Mr. Speaker, Mr. Jefferson's first inaugural address holds so much wisdom for us today at the start of the 21st century, just as it did at the start of the 19th century, as surely his core principles are the touchstone by which I measure my work on behalf of the people of District 7. And in reading his magnificent speech today, I want to honor this great, good man, to celebrate his 265th birthday, to recognize Thomas Jefferson's genius, his contribution to this Nation, and to recommit myself in the service of the people of District 7 to the core principles of Jeffersonian Republicanism, through which I have absolutely no doubt we will dig ourselves out of this immense fiscal hole we find ourselves in and restore the hope that Mr. Jefferson had for the future.

After all, this is the greatest country ever created in the history of the world, and I have no doubt that the future is limitless for us as Americans.

I am proud to yield back the balance of my time and turn the floor over to my good friend, my colleague, someone I admire immensely, a fellow Jeffersonian, ROSCOE BARTLETT of Maryland.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

PEAK OIL

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, if Thomas Jefferson could be resurrected today, he would be surprised by many things that he found. As my good friend from Texas just indicated, he would be enormously surprised by the size of our Federal Government, because he had envisioned a country in which we had a very limited Federal Government.

But there is something else that I remember about Thomas Jefferson that would really surprise him today. What he wanted for his new country was a largely agrarian society, with just enough cities to provide the manufacturing necessary to sustain an agricultural economy. He wanted this, he said, because he didn't want his new country to be blighted by the decadence of cities, as were the countries of Europe and the British Isles that they came from. He really, really would be quite surprised if he could be resurrected and come to our country today, wouldn't he, where far, far more than half of our people live in cities far larger than any he could have imagined at that time.

Mr. Speaker, this, I believe, is the 42nd time that I have come here to the floor to talk about energy and primarily about oil. The first time I came here was a little over 3 years ago. Oil was just over $50 a barrel then, and I was talking about a history that, had we paid attention to it, would have told us that today, or sometime roughly near this, we would be here with oil at $115 a barrel, that is what it touched in Asia overnight, and with gasoline at the pump out there averaging somewhere near $3.50 a gallon.

It was absolutely inevitable that we would be here. It was predicted that we would be here. And with all of these warnings, we really should have been doing something about that, and why we weren't is a very interesting subject.

There were two speeches given on energy in the last century that I think will be increasingly recognized, one of them as the most important speech given, and the other one the most insightful speech given.

I have here a quote from what I think was perhaps the most insightful speech given on energy. It was a speech given by Admiral Hyman Rickover, the father of our nuclear submarine, to a group of physicians in St. Paul, Minnesota, on the 14th day of May, 1957.

He says, "In the 8,000 years from the beginning of history to the year 2000 A.D.," he was looking ahead, "world population will have grown from 10 million to 4 billion." He really missed that, didn't he? It is nearly 7 billion. He really had a pretty good concept of what energy was doing for us, but he had underestimated the contribution that energy would make to the growth of our population, because we are now somewhere near 7 billion people, with 90 percent of that growth, more than 90 percent, taking place during the last 5 percent of that period, in 400 years. It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the first doubling, but the next doubling will require only 50 years. And, of course, it required less than that, because we are now far more than doubled.

The next chart kind of depicts what Hyman Rickover was talking about. What this shows is the last part of that 8,000 years of recorded history. We have here only about 400 years of it. But if you went back the rest of the 8,000 years, the graph would look about the same. The production of energy was down there so near zero that it looked like it was on the zero line.

Here we see the beginning of the Industrial Revolution. It began with wood, of course. That is the brown line there. Then we discovered coal and we produced considerably more energy. Then we discovered gas and oil, and, boy, it shot up. Now, if I had a curve of the growth in population, it would just track almost precisely this curve in the increase in energy available.

This is an interesting curve, and I would like to spend just a moment looking at it. It is a very steep curve. Now, we can make this curve much less steep if we spread out the abscissa and compress the ordinate, and a little later we will have some curves that are that way. But you can still see the essentials of what this curve shows you.

Here is the oil price spike hikes of the seventies. You will see it resulted in a worldwide recession that actually reduced the use of oil. And now, after recovery from that recession, with a great deal more respect for efficiency, we are now increasing our use of energy at a very much lesser slope.

Now, in this chart where we have such a compressed abscissa, that is not as evident. It will be later. Later when we come to that I will point to the fact that this very steep curve, were it to have continued, we would be off the top of the chart and we would be in considerably more trouble relative to energy than we are today.

The next chart is another quote from this great speech that Hyman Rickover gave a little over 50 years ago. "There is nothing that man can do to rebuild exhausted fossil fuel reserves." When they are gone, they are gone. You can't recycle energy. When it is used, it is gone. They were created by solar energy a very long time ago, he says 50 million years ago. It took eons to grow to their present volume.

In the face of the basic fact that fossil fuel reserves are finite, the exact length of time—I want you to listen to this statement, so insightful—the exact length of time these reserves will last is important in only one respect. The longer they last, the more time that we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Fifty-one years ago. Tremendous advice. He recognized this. And he says we were living in a golden age. Exactly how long this golden age lasted would be only important in one regard. The longer it lasted, the more time we would have to shift to alternative sources of fuel, because fossil fuels, oil, gas and coal, are not infinite. They are finite. They will run out. The only question was not if, it was when will they run out. He said the longer they lasted, the more time we would have to invent ways of living off renewable or substitute energy sources.

The world has done essentially none of that in the 51 years since he made that statement and gave that counsel. We have behaved in our use of fossil fuels as if they were in fact infinite, as if they would always be there. Tomorrow there will be another huge find, and we can just go on using as much energy as we wish for as long as we wish.

The next chart is another quote from Hyman Rickover. "Whether this golden age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population." And oil is $115 a barrel and gas is $3.50 a gallon at the pump because we have not been able to keep energy supplies in balance with the needs of our growing population and our growing economies in this country and around the world, and we now have an imbalance between supply and demand. The demand is greater than the supply, and whenever that happens, of course, the price goes up, and the price has gone up.

The next chart is a quote from one of four studies that have been paid for by your government and have been pretty much ignored by your government. All four of these studies have said essentially the same thing, that peaking of oil is either present or imminent, with potentially devastating consequences, and we really need to be doing something about that.

The Corps of Engineers was one of those studies, the second one, in September of 2005. An earlier one, the Hirsch Report, was in February of 2005.

Then last year there were two more reports, one by the Government Accountability Office, and the other by the National Petroleum Council.

Oil, they said, is the most important form of energy in the world today. Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility and cost. It has been really cheap. One barrel of oil represents the work output of 12 people working all year, 25,000 man-hours of effort.

When I first saw that statistic, I said, gee, that can't be true. Then I thought about it, how far that gallon of gas, still cheaper than water in the grocery store, carries my Prius; about 47-48 miles.

☐ 1600

I know I could pull my Prius 47, 48 miles with a come-along and using guardrails and trees and so forth. How long would it take me to pull my Prius 47 miles?

Certainly it is true that historically no other energy resource equals oil's qualities. Its quality of energy and the quantity of energy in these fossil fuels, particularly, oil is just incredible. That's one of the big challenges we face in finding alternatives for these fossil fuels is something that has the quality and the quantity of the energy in these fossil fuels.

The next chart is a cartoon that asked the question "Just why is gas so expensive?" You can see here a tiny little supply and a huge demand, and that, of course, is why oil is so expensive. It's because the demand exceeds the supply.

This problem is an even more demanding problem than just a supply and demand, because as the next chart shows us, the major supplies of oil come, as the President said in one of his State of the Union messages from countries that don't even like us, this is a chart which shows what the world would look like if the size of the country was relative to how much oil it had in the ground.

You see here that Saudi Arabia dominates the landscape. Saudi Arabia represents about 22 percent of all the reserves of oil in the world, and you see how large the reserves are in countries like Iraq and tiny little Kuwait and the United Arab Emirates. You almost have to have a magnifying glass to see them, they are so small. Look how huge they are relative to oil, then Iran huge. Russia, just a couple of days ago, Russia had indicated that had they had reached a maximum capacity for producing oil.

The United States, we have 2 percent of the known reserves of oil in the world. We use a fourth of the world's oil. What I really would like to focus on is the size of India and China over their more than a third of the world's population, and they have less oil than we have, and we have only 2 percent of the known reserves of oil in the world.

The next chart has this in some numbers, and these numbers inspired 30 of our prominent Americans, Jim Woolsey, McFarland, Boyden Gray and 27 others to write several years ago a letter to the President saying, Mr. President, the fact that we have only 2 percent of the world's oil reserves, and we used 25 percent of the world's oil and import almost two-thirds of what we use is an almost totally unacceptable national security risk, and we really have got to do something about that. That's true that this represents a huge national security risk.

This was recognized in our next chart by the Secretary of State in a comment that she made before a Senate committee just a bit over 2 years, April 5, 2006. "We do have to do something about the energy problem—I can tell you that nothing has really taken me aback more as Secretary of State than the politics of the way energy is. I will use the word 'warping' diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply." In that all-out rush, China is scouring the world and buying up oil reserves wherever they can find them.

The next chart looks again at the geopolitical picture. Why is oil just so expensive? Many people believe that OPEC is gouging us. Others believe that our oil companies are gouging us.

The truth, of course, is that the price of oil is determined by the relationship between the supply of oil and the demand for oil.

Our large companies and the countries that are producing oil just happen to be happy recipients of this confluence of events which demands more oil than is available and so the price is up.

What this chart looks at is the top 10 of the oil and gas companies on the basis of how much oil they have. You see that 98 percent of these top 10 are all countries, they are not companies.

Most of the oil in the world is not owned by companies, it's own by countries. LUKOIL, which is kind of an independent oil company in Russia, is only 2 percent at the top of this bar.

The bar here looks at the top 10 oil and gas companies on the basis of production. Now, we have huge oil companies. ExxonMobil, the largest one in the world, Royal Dutch/Shell, BP, collectively, they produce only 22 percent of the oil, and these state-owned fields produce only 78 percent of the oil.

The next chart I mentioned, China's interest in scouring the world and looking for oil, wherever you see a dollar sign on this chart, we have bought some oil. Here I see a dollar sign here, I see a dollar sign, not very many of them. When you see this little Chinese symbol kind of a sign here that's where China has bought oil.

Here is one, they tried to buy Unocal in our country. You see their symbol all over the world. They are aggressively buying oil all over the world.

In today's world it really doesn't make any difference who owns the oil, the person who has the dollars. It's an auction, a bidding process. The person who has the dollars buys the oil.

Why would China be buying up oil if they simply come with the dollars and you buy all the oil they need on the world market? Well, it's hard to get inside another person's head, but it may just be that they are looking to the day when they will not be able to share their oil with the world.

Now, all the oil in all the world is shared with all of the world. It's all a huge auction pool and everybody contributes and everybody buys. That happy day may end.

The next chart. If you had only one chart to look at to inform yourself about where we are and what the challenge is, I think this would be the chart. This chart shows bars that represent the amount of oil that we discovered year by year. You see that we had huge, huge discoveries back in the 1960s and 1970s.

Then from about the 1980s, I am really starting about the 1970s on, we progressively found, choppy up and down, but less and less and less oil. That's in spite of ever-better techniques for finding oil.

The solid black line here represents the oil that we have used. Here is the 1970s, and notice the reduction in use there as a result of a worldwide recession brought on by the oil price spike hikes then.

Now, this is an expansion of the abscissa—and I indicated earlier we would have a chart where there is a huge difference in slope. Remember we had that red one just going straight up. If we could compress this abscissa we could make that one go almost straight up.

But notice how much less the slope is after the recession of the 1970s. That's because the world woke up and said, gee, oil is expensive, isn't it, and we can do better, and let's be more efficient.

The air conditioner you have today may be two or three more times more efficient, as is your refrigerator. We now have fluorescent lights, and they are very much more efficient than incandescent lights. So this lesser slope of the curve represents increased efficiency. Were it not for that, notice where we would be on the curve now, we would be off the top of the chart now, wouldn't we, if this kept going.

By the way, I want to just make one observation about exponential growth. This is, of course, exponential growth. Albert Einstein was asked, Dr. Einstein, what will be the next big force we find after nuclear energy? His response, the most powerful force in the universe is the power of compound interest.

Just 2 percent growth, that's so anemic, that our market doesn't like it. It really kind of teeters, it stutters a little and doesn't grow with 2 percent growth. Things tend to be pessimistic, but 2 percent growth doubles in 35 years, it's 4 times bigger in 70 years, it's 9 times bigger in 105 years and it's 16 times bigger in 140 years, just 2 percent growth, compound growth. So if this compound growth had continued, this will be off the top of the page.

That was kind of a trauma going through the 1970, but we really should look back on it and say how lucky we were that we had a wake-up call because look what happened? We got much more efficient, and so now we are in much less trouble than we would have been had we not had this chalk, and we would have continued along this curve.

The next chart, the next chart is one from the U.S. Corps of Engineers. In general, all nonrenewable resources follow a natural supply curve, production increases rapidly, slows, reaches a peak and then declines at a rapid pace similar to its initial increase.

The major question for petroleum is not whether production will peak, this is one of the four studies your government paid for and is now ignoring. It's not whether the production will peak but when. Oil is not infinite in its supply, it is finite. There is only so much.

One day we will reach our maximum capabilities for producing oil. There are many estimates of recoverable petroleum reserves giving rise to many estimates of when peak oil will occur and how high the peak will be. A careful review of all the estimates leads to the conclusion that world oil production may peak within a few short years, after which it will decline.

Once peak oil curves, then the historic patterns of world oil demand and price cycles will cease. They might have gone on to explain what that's going to do to our economy.

The next slide—and I have to go back more than 50 years to put this in context—on the 8th day of March in 1956, the most important speech, what I think will certainly recognize will be the most important speech of the last century was given, and this speech was given by a Shell Oil Company scientist, M. King Hubbert, to a group of physicians in St. Paul, Minnesota.

At that time, the United States was king of oil. We were producing more oil, consuming more oil and shipping more oil than any country in the world. What M. King Hubbert told them was that in 16 short years, 14 short years, you are going to reach your maximum production of oil. He made that prediction in 1956. And sure enough in 1970, the yellow symbols here we reached our maximum production.

Now, the actual maximum production was a little bit higher, it was the green squares there, and they tended to be a little bit higher going down the slope on the other side of Hubbert's peak. Some would have you believe the difference between M. King Hubbert's predictions the gold triangles and the oil that we actually pump indicate that he didn't really know what he was talking about.

Well, it did peak in 1970, and it did go down after that. If you aren't a statistician, I think the average person would look at that and say, gee, he really got it pretty right didn't he.

Now the red squares there on the other side represent the total amount of oil that we pump, because he had only predicted the lower 48, and we added huge amounts of oil from Alaska, a fourth of our total production for the last several years, and from the Gulf of Mexico. Even with those hugely large extra supplies, there was still just a blip in the slope down the other side of Hubbert's peak.

Now the same person that predicted that the United States would be peaking in 1970. In 1979, he predicted that the world would be peaking about now.

We have kind of blown, not kind of, we have blown the last 28 years, because by 1980, here we are in 1980, we looked back and, boy, M. King Hubbert was right about the United States. We did peak in 1970. In spite of drilling more oil wells than all the rest of the world put together, we have not been able to make a liar out of M. King Hubbert.

Today we produce about half of the oil we produced in 1970. In the lower 48 we produce way less than half of the oil that we produced then.

□ 1615

Now in 1979 he predicted that the world would be peaking about now.

The next chart has data from two entities in our world that are pretty good at tracking how much oil we pump and use. By the way, we use all we pump. There are no big reservoirs of oil waiting to be used. I would caution that I don't think these entities have the same fidelity in predicting how much more we will find in the future, but they do a very good job of tracking what we've used. This is the EIA and the IEA. The IEA is the International Energy Agency. You hear them referred to. They are the ones that are tracking what is going on in Iran with their nuclear thing. And the EIA is the Energy Information Administration and is a part of our own Department of Energy. Both of those have oil production plateauing; one of them for about 3 years, and the other for about a year and a half.

What happens when demand keeps going up and supply stagnates? This price curve shows you what happens. We had a comfortable dip here in prices less than a year ago, but now they are skyrocketing, and $115 is off the top of the chart. We need to make a new chart to show where 115.

The question I ask myself and audiences is: If M. King Hubbert was right about the United States, which is a microcosm of the world, we did peak in 1970, and it is clear every year after that we have less and less oil, why wouldn't the United States be a microcosm of the world, and he predicted the world would be peaking about now, why wouldn't we have done something about that? Why have we continued to behave as if gas and oil and coal were forever, that they would never run out? What we want to do now is to rush out to our public lands to offshore, to ANWR, and to drill. I asked them, if you can drill ANWR tomorrow, what will you do the day after tomorrow? And there will be a day after tomorrow.

I think about that. I have 10 kids and 16 grandkids and 2 great-grandkids. They are going to be here the day after tomorrow. We are leaving them a huge debt. Check my voting record, it is not my fault. We are leaving them a huge debt, and I asked them, Wouldn't it be nice if we left them a little oil. And they smile, and the next thing they are asking, Would you vote to drill in ANWR. No, I won't. Or on our public lands or offshore until you commit to me that you will use every bit of energy you get from those sites to invest in alternative energy because we have now run out of surplus energy. If we had any surplus oil, it wouldn't be $115 a barrel today, would it. So I will vote to drill there when I have a commitment that we will use all of the energy we get there and invest it in the development of alternatives.

The next chart is a detailed chart of our production and decline. Here is what M. King Hubbert predicted of Texas and the rest of the United States. And then we have learned to get some gas from natural gas liquids, a huge find in Alaska, a big find in the Gulf of Mexico, just a blip in the slide down the other side of Hubbert's peak.

The next chart shows some projections of what we will find in the future. Although with really good techniques and a lot of energy, we have gone out there, a lot of incentives, we have looked for the last remaining oil deposits and we have found less and less and less as time goes on. What this curve does is smooth out the big bars we saw before. Here we are at this point. They were projecting how much more we were going to find. We don't have time, but there is a really interesting metamorphosis that took place here.

The USGS, in trying to predict how much more oil we would find, has several computer models. They put different data into those models, and they get different results out. They have run many simulations, and they put all of those simulations on a chart and they get the mean of the simulations. They think that they are putting in good data and so they should be getting out good data. They take the mean of those, and they say this is the most probable amount of oil we will find.

Somehow that "F" for frequency, maybe it was a bad font, but somehow it showed up as a "P" or probability when it got to EIA. And then they make some bizarre applications of statistics.

They say that the 50 percent probability, the green one here, which they say is the mean, and of course 50 percent probability is not a mean, it is 50 percent probability. They say the 50 percent probability is more likely than the 95 percent probability. Of course that defies logic in that it obviously is not more probable because the actual data points have been following, as you expect they would follow, the 95 percent probability.

I will say again: These two agencies, the IEA and the EIA do a really good job of tracking what we produce and use. I would be careful about accepting their prognostications of what we are going to find.

The next chart is one from the first big study that I mentioned, one of the four that your government paid for and it is largely ignoring. This is called the Hirsch Report done by SAIC, a huge, international, very prestigious, scientific engineering organization.

I have highlighted this phrase because it is so shocking. "The world has never faced a problem like this. There is no precedent in history to guide us."

We have never faced a problem like this. You cannot go back in history and find any problem that will help you decide how you are going to get through this. The world has never faced a problem like this.

The next chart. They say that the peaking of world oil production presents the United States and the world with an unprecedented risk management problem. They say that the economic, social and political cost will be unprecedented. Wow, strong words. The world has never faced a problem like this, unprecedented risk management problem. Nothing like it in history. Nothing to guide you. The economic, social and political cost will be unprecedented.

The next chart is a schematic. This shows what we have been talking about, a 2 percent rate of growth, doubles in 35 years. The yellow there is 35 years. I think we are about here. Notice the shortfall occurs a little before peaking, although the IEA and the EIA both have oil peaking, so we may be about at that point.

Most people when they look at that chart say we have to fill that yellow space because we have to have all of the liquid fuels that we would like to use. I will submit, Mr. Speaker, that it is exceedingly unlikely that we will be able to fill that blank to make up for the deficit between what we would like to use and what will be available. Filling the gap, I think, is not feasible. And what Hyman Rickover cautioned 50 years ago, 51 years ago now, we should note today, and that is we need to plan in an orderly fashion to move from fossil fuels to sustainable renewables because geology will demand it. We will move when the oil is not there, when the gas is not there, and when the coal is not there. Then we will have moved to alternatives. Whether that is a bumpy ride or a really bumpy ride will depend on what we do now and in the immediate future.

The next chart is a really interesting one because it shows us again this rapidly accelerating use of oil, then the recession of the 1970s, and a lesser slope after that. This chart assumes that we may find as much more oil as all the recoverable oil we now know exists. Most experts believe that roughly, at the end of the day, there will have been roughly two trillion barrels of oil pumped. We have pumped about a trillion barrels now. Most experts believe we have another trillion barrels to pump. This assumes that we are going to have a total of three trillion barrels.

Now if we have one trillion barrels remaining of the two original, we have pumped one and if there is a total of three, that means that they are presuming that we are going to find another trillion barrels of oil. If we do that, by their own calculations it will simply move the peak out from around 2000 or a little after 2000 to 2016. That is not very far. That is the effect of exponential growth.

During the Carter years, every decade we used as much oil as had been used in all of previous history. That is a stunning statistic. Thank goodness for those oil price spike shocks and the efficiency that resulted from that or else we would be in a really troubled world today.

What that means is if you use as much each decade as you use in all of previous history, when you have used half of the world's oil, which is where we are, then you would have 10 years of oil remaining. We have slowed down so if you do those calculations, the 88 million barrels a day, a trillion barrels remaining, that comes out to roughly 30 years. It is not going to be 30 years of constant production and then fall off the cliff because it is going to be harder and harder to get, more and more expensive, and getting less and less each year no matter what we do.

The next chart is a quote, very recent quote, January 22 of this year, by the CEO of Shell Oil, Royal Dutch Shell. "By the year 2100, the world's energy system will be radically different from today's. The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth rate of energy demand and Shell estimates after 2015, supplies of easy-to-access oil and gas will no longer keep up with demand." That may have already happened, as we noted from that former chart and as we see with gas over $10 and oil over $115 a barrel.

"As a result" he says, "society has no choice but to add other energy sources."

Have you noticed society doing that at any aggressive clip?

The next chart, and I want to spend some meaningful amount of time looking at what are those alternatives. We are very much like the young couple whose grandparents have died and left them a big inheritance. The young couple has now established a really lavish life style. They are living it up. Eighty-five percent of all the money they spend comes from their grandparents' inheritance—coal, petroleum, natural gas—and only 15 percent of it comes from their income. Now they look at how old they are, they look at their grandparents' inheritance, and see it is going to run out before they retire. They have to spend less or make more. That's exactly where we are.

Eighty-five percent of all of the energy we use is the equivalent of our grandparents' inheritance. We inherited it. It is there in the ground, coal, oil and gas. And only 15 percent of the energy we use is something else.

Now this 85 percent is going away. We have reached the maximum production, and if the world is going to follow the model of the United States, no matter what we do, the production in the world is going to be less and less, harder and harder to get, more and more expensive. That has happened in our country. And in spite of drilling more oil wells than all of the rest of the world together, and in spite of having the best oil people in all of the world, we have not been able to make M. King Hubbert out to be a liar because we still today, with all of that technology, with 530,000 producing oil wells, we still are producing only about half of the oil that we produced in 1970.

□ 1630

Well, what are the alternatives? What will we be using at the end of this magnificent age of oil?

And Hyman Rickover didn't know how long it would last. They were about 100 years into the age of oil. Oil had not peaked then. It wouldn't peak for another 50 years, 51 years or so, so he had no idea how long it lasted. But he said how long it lasted was important in only one regard; that the longer it lasted, the more time we would have to plan a rational transition from oil to other sustainable renewable sources of fuel.

Well, here we are today, and what have we done?

The President said in one of his State of the Union addresses that we are hooked on oil. We are indeed. And I think that rushing out there to drill in public lands, to drill in ANWR, to drill offshore is exactly the equivalent of giving a dope addict another fix. As the President says, we really, really do have to wean ourselves from these fossil fuels.

By the way, there are three groups out there that want to do this for very different reasons. One of those groups is the national security group that I mentioned that is really concerned that we have only 2 percent of the oil, and use 25 percent of the oil, and import almost two-thirds of what we use. Our second largest importer now is Saudi Arabia. It was Mexico. They've fallen back. That really places us in a very precarious position.

The President has indicated that we really must transition from these fossil fuels to renewables. What will they be?

And here we have a brief listing, and I think that this subtends about all of the possible renewables. By the way, we get more than the non fossil fuel energy nuclear power. 8 percent of the 15 percent is nuclear. We get about 20 percent of our electricity from nuclear. It's down just a little. Now 19 something, roughly 20.

The French get about 75, 80 percent. But we still produce more nuclear than France because we have a whole lot bigger economy than France has. We're the largest nuclear power producers in the world. That could and probably should grow. Only 7 percent in other renewables.

The things that I'm very fond of are solar and wind. I have a place off-grid, and I have solar panels and I have wind machines and batteries for storage, and so I'm a huge fan of solar and wind.

But these were 1 percent of 7 percent in 2000. They're really growing, growing maybe 30, 40 percent a year. That's huge growth. So they're four or five times bigger. .28 percent, big deal because this is only .07 percent. So these things that will be important sources of energy in the future are now very small, growing; rapidly, but still very small.

Wood, this is the paper industry and the timber industry wisely using what would otherwise be a waste product, and there's not a huge potential for growth there without doing what North Korea, has done, for instance. They're just cutting down their forests.

Waste energy, that's very popular. And there's a great facility up here in Northern Montgomery County. I've been by. I would be proud to have it by my church. It looks really nice. The waste comes in in big containers and in railroad cars and I don't even see it. And they handle it very well. I didn't even smell it when I was there.

But I want to caution that this huge waste stream is the result, largely the result of profligate use of fossil fuels. Look at it. Almost everything in that waste stream was the result of using oil, gas or coal. It's a really great idea now. Recycle what you can, burn what's left, better than burying it in the ground somewhere. But that's not a silver bullet, not a solution to our problem because in an energy-deficient world, this is really going to shrink because the energy just isn't going to be there to create all this waste.

Conventional hydro. Huge. We've tapped out on that in our country. We've probably dammed up some rivers we shouldn't have dammed up. But some people believe we could get as much from micro hydro. There's some really good small pelt wheels and turbines and so forth.

Alcohol fuel. 1 percent back then. Now, we've had a huge push for alcohol fuel.

There have been two big bubbles that have broken, two big hopes. One of them was the hydrogen economy. You don't hear very many people talking about it anymore. I think it's probably sunk in that hydrogen is not free for the having. There's no place you can go, like you can go for coal or gas or oil and drill a hole and get hydrogen.

You get hydrogen by using one energy source, using another energy source to create the hydrogen. You split water, or you use electricity, or you get it from natural gas. But you will always use more energy getting the hydrogen than you will get out of the hydrogen. That's the second law of thermodynamics. And if we can violate that law, why we can set aside the law of gravity, and then we won't have the kind of problems that we have today with energy, will we? That's an inviolate law that won't change.

So why are we talking about hydrogen if you will never get as much energy out of the hydrogen as it took to make the hydrogen? For two reasons. One, when you finally burn it, the product you get is the oxide of hydrogen. It's burned hydrogen. We call it water. When you look at water, it's burned hydrogen is what it is. And it's really clean, isn't it?

And the second thing is it's a great candidate for a fuel cell, which is probably at least two decades off. So you don't hear much talk about hydrogen. It may 1 day be an important part of our energy economy, but that day must await, I think, the development of the fuel cell because if you're simply going to put hydrogen in a reciprocating engine, why wouldn't you put the fuel from which you made the hydrogen in your reciprocating engine and save that fuel loss in the transition?

The second big bubble that broke was the corn ethanol bubble. And I really had high hopes for this before I did some back of the envelope computations, because I saw our farmers who were getting too little for their crops, huge energy represented in these crops, and I think they will make a meaningful contribution to our energy future. But not in the dimensions that were anticipated for corn ethanol.

The National Academy of Sciences, and this isn't ROSCOE BARTLETT, this is National Academy of Sciences, although my back of the envelope computations came to the same conclusion. The National Academy of Sciences says if we use all of our corn for ethanol, every bit of it, use all of it for ethanol, and discounted it for the fossil fuel input, which is huge, in fact, some people believe if you really cost account all the fossil fuel energy that goes into producing ethanol, more energy goes in than you get out of this. They were using 80 percent, which is probably not bad; that that would displace 2.4 percent of our gasoline. That's all of our corn, displace 2.4 percent of our gasoline.

They noted wryly that you could save as much gas if you tuned up your car and put air in the tires. And by the way, you would save half your gas if there was two people in every vehicle out there instead of one which is in most vehicles. You would save half your gas if your vehicle got 40 miles per gallon, rather than 20 miles per gallon, both of which are very doable with a little planning and buying the right car, by the way.

I think was 2 or 3 days ago there was a major headline above the fold in the New York Times saying that Third World leaders were complaining to us that we were starving their people because the high price of corn incented our farmers to shift land from wheat and soybeans to corn. That drove up the price of wheat and soybeans. There have been some problems producing rice around the world and, anyway, these commodities tend to more together. So the four basic foods of the poorest people in the world, they said, have been driven up drastically, essentially doubled in price, because we're making corn ethanol.

Hyman Rickover, by the way, I don't have that quote here but please do a Google search for Rickover and energy speech, and it'll pop up. He cautioned that you probably shouldn't be eating your food. 51 years ago. Maybe we should have listened.

Geothermal. That's true geothermal. That's not hooking your heat pump to ground temperature, which is a really good idea. If you think about what you're asking that heat pump to do this winter, if it wasn't hooked to ground temperature, you were asking it to cool the outside air, which might have been 10 degrees, so that it could warm up your air in the house. That's what you're doing.

How much easier its job would have been if it had been looking at 56 degrees, rather than 10 degrees, because 56 degrees is what ground temperature in here, it's mean annual temperature, it's what the water is that comes out of the wells.

Now, this summer, if you have an air conditioner in your window, and it's not a heat pump tied to the ground, what that air conditioner is going to be trying to do is heating up the 100 degree air outside so it can cool your house inside. Pretty tough job.

But if you had tied that air conditioner to ground temperature, now it's looking at 56, which looks really cool, compared to 100, doesn't it?

I didn't understand this phenomenon as a 7-year old, and I grew up without electricity and an inside toilet on a farm, and we kept our food in a spring house. And I thought there was something magic in that spring house and I didn't understand it, but I knew it was magic because I went in that spring house in the summertime and it was so cool. And I went in that spring house in the winter time and it was so warm.

Of course, when it was 100 outside, that spring house, which was maybe 65, that was Pennsylvania, it'd be a little colder than here, maybe 60 or so, that really seemed cool. In the winter time 60 seemed really warm compared to the zero or 10 degrees outside, so I thought there was something magic in that spring house.

The next chart takes a little deeper look at some of our alternatives. Now, we do have some finite resources, and we can exploit those, and we will exploit those, and we should exploit those, but they are finite. Some of them are huge.

The first of these are the tar sands in Canada. They are huge. There's as much potential oil in those tar sands as there is in all of the known reserves of oil in the world, more actually.

So why aren't we euphoric over that? It's because it's very difficult to get.

The Canadians are now using natural gas, which will run out. They're pumping water, which will run out. They're creating a huge tailings pond, which is kind of an environmental disaster, and they're producing a million barrels a day. That's a lot. It's a little over 1 percent of what the world uses. We use about 88 million barrels a day.

But they know it's not sustainable because they're going to run out of gas, they're going to run out of water, and what they're now exploiting is kind of on the surface, and it will soon kind of duck under an overlay, so they have to develop it in situ, and they aren't quite sure how to do that.

So there's a huge amount of energy there, potential. But there's also a huge amount of potential energy in the tides. The moon lifts the whole darned ocean 2 or 3 feet. That's a huge amount of energy.

But, you know, getting that in your gas tank is quite another thing. Energy, to be effective, must be concentrated, and in the tides it certainly isn't concentrated.

Now in our west we have oil shales, and they are really huge, maybe even bigger than the tar sands in Canada. Nobody yet is commercially exploiting those. There are some vigorous attempts today, and there may be some exploitation of those. There's at least a trillion barrels, maybe a trillion and a half, two trillion barrels there. And different experts differ on how much of that may be recoverable. But, again, because it's there, it's not in your gas tank, we will recover some of that.

As oil goes up, Goldman Sachs says by the end of the year it could be 150, $200 a barrel. Who knows?

The more expensive oil gets, the more sources there are of oil because you can now use oil which would have been prohibitive in cost with oil at lower prices.

Coal. I know a lot of people who say, don't worry about the future; we have sure supplies of coal. We have 250 years of coal, at current usage rates.

Be very careful, calibrate what people say when they tell you at current use rates. Now, if we had 250 years of coal, and we don't, I'll come to that in a moment. But if we had 250 years of coal at current use rates, if you increase that use only 2 percent, that's not much, we will have to do more than that. But if you increase it only 2 percent it shrinks to 85 years. The power of compound growth.

And if you use some of the energy coal to make it a gas or a liquid, because you can't put coal in the trunk of your car and go down the road, it now shrinks to 50 years.

And when one other observation. We have no alternative but to share it with the world. Let me tell you why. Because if we get oil from coal, we're then not buying some Saudi oil, which somebody else can buy, so it has the exact effect of sharing it with the world. That is inescapable. There is no way to avoid that.

So now that 50 years, since we use a fourth of the world's supply, and that 250 years was at current use rates for us in this country, not the whole world, now that 50 years, divided by four, shrinks to 12½ years. So if we had 250 years of coal and we increased its use only 2 percent, converted it to a gas or a liquid and shared it with the world, and we have no alternative, it'll last 12½ years.

□ 1645

But the National Academy of Sciences says we haven't looked at the coal reserves since the 1970s and they believe there is more like 100 years at current use rates. So that 85 years and 50 years now shrink to something roughly half of that, and the 12½ years sharing it with the world may shrink to something like 5 or 6 or so years sharing it with the world.

The coal is there. It is huge. But our use of energy in the world is huge, huge. Eighty-eight million barrels a day, each barrel having the energy equivalent of 12 people working all year. That's an incredible amount of energy. Just look at the road you travel home on tonight and see the cars there, and that's replicated 1,000 times in our country and thousands of times around the world.

I was in Beijing a little while ago and they banned bicycles in parts of Beijing. There is no room for them. So many cars on the road. I was late to an appointment in Beijing because of traffic jams, late to an appointment in Moscow because of traffic jams there. I was there in 1973, and the streets were almost devoid of cars. You saw a military vehicle now and then. That's all you saw then. A whole different world now.

Well, there's nuclear, and we now get 8 percent of our total energy, almost 20 percent of our electricity from nuclear that could and probably should grow. But the nuclear we're now using, which is whitewater reactors using fissionable uranium is limited because there is a limited supply of fissionable uranium. That won't last forever.

There are breeder reactors. Nobody uses them for energy production. The breeder reactors, as the name implies, make more fuel than they use. You buy some problems with those, like you have to enrich the fuel and it's weapon's grade stuff and you have to move it around and there's challenges for terrorists getting it and such; but you get energy from it.

Then there is the only silver bullet that gets us home free, and that is nuclear fusion. I happily vote for the roughly $250 million a year that we spend developing that. We're joining with other countries in helping to develop that. I think the probability is low that we will ever be able to exploit that on a commercial scale.

Now, if you're sanguine believing that we're going to solve our energy problem with nuclear fusion, you probably think you can solve your personal financial problems by winning the lottery. You might do it. But the odds of you solving your personal financial problems by winning the lottery are about the same as our solving our energy problems by using fusion.

But because it is such an incredible source, the only thing that gets us home free, I happily support, and I would support more money if we had more skilled people out there who could be looking at this.

The next big bubble that we're talking about now is biomass, and I would caution, how much more energy you think that we can get from wastelands out there that aren't good enough to grow corn and soybeans on, that we could get from all of our corn and all of our soybeans?

I would like to take the last couple of minutes to note a couple of things that we have been doing.

I have a bill, and this is going to give a prize to the first farm that can be totally energy independent. If our farms can't be energy independent, we're really in trouble, aren't we?

The next chart is a bill, the Drive Act. That will encourage the development of vehicles that are more efficient that are flex-fuel. You can use any fuel. Not corn ethanol, but any of the alternative fuels.

I would just like to note that I find this whole challenge exhilarating. There is no exhilaration like meeting and overcoming a huge challenge. I spent some time going over these potential alternatives. I just want realistic expectations. There's no silver bullet out there. It's going to be a little of this and a little of that. And America is very good at that.

What we need in this country is a program that has a total commitment of World War II. I lived through that war. I'll be 82 years old on my next birthday, about 6 weeks from now. I lived through that war.

We need the technology commitment that we had when we put a man on the moon, that focus, and we need the urgency of the Manhattan Project. And I think that Americans are up to this challenge. I think we can lead the world in developing the technology to take us away from the fossil fuels to these other sources of energy.

The next chart I have already gone through. I will indulge for just a moment with the last chart. This is a great one to end on.

Mr. Speaker, this is a chart that shows how satisfied you are with life and how much energy you use. There are 22 countries, some of them using half the energy that we use that are happier with life than we are. There's lots and lots of opportunities out there to live really well using less energy, and that's our challenge, and with proper leadership, America is up to it.

EXTENDING LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRY BENEFITS TO THE SOLOMON ISLANDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–105)

The SPEAKER pro tempore (Mr. YARMUTH) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 502(f)(1)(B) of the Trade Act of 1974, as amended (the "Act"), I am providing notification of my intent to add the Solomon Islands to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP) program. In Executive Order 12302 of April 1, 1981, the Solomon Islands was designated as a beneficiary developing country for purposes of the GSP program. After considering the criteria set forth in sections 501 and 502 of the Act, I have determined that it is appropriate to extend least-developed beneficiary developing country benefits to the Solomon Islands.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 17, 2008.*

HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

January 7, 2008:

H.R. 660. An Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 3690. An Act to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

January 8, 2008:

H.R. 2640. An Act to improve the National Instant Criminal Background Check System, and for other purposes.

January 28, 2008:

H.R. 4986. An Act to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

January 31, 2008:

H.R. 5104. An Act to extend the Protect America Act of 2007 for 15 days.

February 5, 2008:

H.R. 3432. An Act to establish the Commission on the Abolition of the Transatlantic Slave Trade.

February 13, 2008:

H.R. 5140. An Act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

February 14, 2008:

H.R. 4253. An Act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

February 15, 2008:

H.R. 3541. An Act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

February 28, 2008:

H.R. 1216. An Act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

February 29, 2008:

H.R. 5264. An Act to extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478. An Act to provide for the continued minting and issuance of certain $1 coins in 2008.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

January 4, 2008:

S. 2436. An Act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

January 7, 2008:

S. 863. An Act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

February 6, 2008:

S. 2110. An Act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

March 6, 2008:

S. 2571. An Act to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

S. 781. An Act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

March 11, 2008:

S. 2478. To designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office".

March 12, 2008:

S. 2272. An Act to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

March 14, 2008:

S. 2745. An Act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

S.J. Res. 25. Joint Resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

March 24, 2008:

S. 2733. An Act to temporarily extend the programs under the Higher Education Act of 1965.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PALLONE (at the request of Mr. HOYER) for today.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today through April 24 on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. TANCREDO, for 5 minutes, today.

Mr. POE, for 5 minutes, April 24.

Mr. JONES of North Carolina, for 5 minutes, April 24.

Mr. PRICE of Georgia, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5813. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 793—An act to provide for the expansion and improvement of traumatic brain injury programs.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, April 18, 2008, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6138. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients: Denial of Pesticide Petitions 2E6491 (N-Acyl Sarcosines and Sodium N-Acyl Sarcosinates), 7E4810 (Crezasin), and 7E4811 (Mival) [EPA-HQ-OPP-2002-0201; FRL-8342-4] received February 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6139. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerance [EPA-HQ-OPP-2007-0280; FRL-8346-9] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6140. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — North Dakota: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference of Approved Hazardous Waste Program [EPA-R08-RCRA-2006-0501; FRL-8524-7] received February 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6141. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Kansas [EPA-R07-OAR-2007-0829; FRL-8526-2] received February 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6142. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Transportation Conformity [EPA-R01-OAR-2007-1054; A-1-FRL-8524-9] received February 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6143. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule; Ohio; Revised Oxides of Nitrogen (NO_X) Regulation, Phase II, and Revised NO_X Trading Rule [EPA-R05-OAR-2007-1085; FRL-8519-1] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6144. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule [EPA-R05-OAR-2007-0390; FRL-8519-6] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Nebraska Municipal Solid Waste Landfill Program [EPA-R07-RCRA-2006-0878; FRL-8523-2] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6146. A letter from the Executive Director, Office of Compliance, transmitting a copy of the 2007 Annual Report of the Office of Compliance, pursuant to Section 301(h) of the Congressional Accountability Act (CAA); jointly to the Committees on Education and Labor and House Administration.

6147. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a report on the proposed fiscal year 2009 budget; jointly to the Committees on Oversight and Government Reform and Agriculture.

6148. A letter from the Chief Counsel for Advocacy, Small Business Administration, transmitting the Administration's Report on the Regulatory Flexibility Act, FY 2007, pursuant to 5 U.S.C. 612(a) Public Law 96-354, section 3(a); jointly to the Committees on the Judiciary and Small Business.

6149. A letter from the Chair, Good Neighbor Environmental Board, transmitting the eleventh annual report of the Good Neighbor Environmental Board; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 3513. A bill to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes; with an amendment (Rept. 110–591). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 831. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; with an amendment (Rept. 110–592). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3734. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes (Rept. 110–593). Referred to the House Calendar.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 3928. A bill to require certain large government contractors that receive more than 80 percent of their annual gross revenue from Federal contracts to disclose the names and salaries of their most highly compensated officers, and for other purposes; with an amendment (Rept. 110–594). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself and Mr. SMITH of Washington):

H.R. 5828. A bill to enhance the reliability of information in the Automated Export System, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Mr. MEEK of Florida):

H.R. 5829. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mrs. MALONEY of New York, Mr. WATT, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CLAY, Mr. LYNCH, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Mr. LINCOLN DAVIS of Tennessee, Mr. HODES, Mr. WILSON of Ohio, Mr. PERLMUTTER, Mr. MURPHY of Connecticut, Mr. DONNELLY, Mr. WEXLER, Mr. SHAYS, Ms. GINNY BROWN-WAITE of Florida, Mr. DINGELL, Ms. SCHAKOWSKY, Mr. LEVIN, Mr. HINCHEY, Mr. FATTAH, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Ms. LEE, Mr. WU, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. BUTTERFIELD, Mr. COURTNEY, Mr. SESTAK, Mr. SIRES, and Ms. TSONGAS):

H.R. 5830. A bill to create a voluntary FHA program that provides mortgage refinancing assistance to allow families to stay in their homes, protect neighborhoods, and help stabilize the housing market; to the Committee on Financial Services.

By Mrs. GILLIBRAND:

H.R. 5831. A bill to amend the National Defense Authorization Act for Fiscal Year 2008 to provide injured members of the Armed Forces information concerning benefits; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

H.R. 5832. A bill to amend title 10, United States Code, to eliminate the requirement for dependents to reside with members of the Armed Forces to be eligible for TRICARE Prime Remote; to the Committee on Armed Services.

By Mr. DEFAZIO:

H.R. 5833. A bill to amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. INGLIS of South Carolina, and Mr. FORTUÑO):

H.R. 5834. A bill to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY (for herself, Mr. BURGESS, Ms. DEGETTE, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. GORDON, Mr. TERRY, Mr. HINOJOSA, Mr. FERGUSON, Ms. BORDALLO, Ms. SOLIS, and Mrs. CAPPS):

H.R. 5835. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. CARNAHAN:

H.R. 5836. A bill to amend the Foreign Assistance Act of 1961 to authorize the President to provide assistance to establish partnerships between businesses and postsecondary educational institutions in developing countries in Africa to increase economic freedom and competitiveness, promote civil society, and improve the quality of life in such countries; to the Committee on Foreign Affairs.

By Ms. ZOE LOFGREN of California (for herself, Mr. FORTENBERRY, Mr. CONYERS, Mr. SENSENBRENNER, Mr. SKELTON, Mr. HUNTER, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. BLUMENAUER, Mr. SMITH of New Jersey, Mr. PERLMUTTER, Mr. PENCE, and Ms. JACKSON-LEE of Texas):

H.R. 5837. A bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. GRIJALVA, Mr. TIERNEY, and Mr. ANDREWS):

H.R. 5838. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Education and Labor.

By Mr. BUYER (for himself, Mr. MATHESON, Mr. ROGERS of Michigan, and Mr. GENE GREEN of Texas):

H.R. 5839. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of drugs; to the Committee on Energy and Commerce.

By Mr. KANJORSKI (for himself, Ms. BEAN, Mr. ROYCE, Mr. MOORE of Kansas, and Ms. PRYCE of Ohio):

H.R. 5840. A bill to establish an Office of Insurance Information in the Department of the Treasury; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself and Mr. ROSKAM):

H.R. 5841. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. ROHRABACHER, Mr. FARR, and Mr. HINCHEY):

H.R. 5842. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself and Mr. PAUL):

H.R. 5843. A bill to eliminate most Federal penalties for possession of marijuana for personal use, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. ESHOO, Mr. FARR, Mr. HONDA, Ms. LEE, Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Mr. STARK, Mr. THOMPSON of California, and Ms. SPEIER):

H.R. 5844. A bill to provide for the transfer of the decommissioned Naval Security Group Activity, Skaggs Island, in Sonoma County, California, from the Department of the Navy to the Department of the Interior for conversion into a wildlife refuge for inclusion in the National Wildlife Refuge System; to the Committee on Armed Services.

By Mr. EMANUEL (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. NADLER, Mr. ACKERMAN, Mr. COSTA, and Mr. POE):

H.R. 5845. A bill to permit leave under the Family and Medical Leave Act of 1993 for victims of violent crime and domestic violence and immediate family members of victims of violent crime and domestic violence to attend court proceedings relating to such crimes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. CANNON, and Mr. MARKEY):

H.R. 5846. A bill to require the Federal Communications Commission to auction spectrum for a free and open access broadband service; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey (for himself, Mr. POE, Mr. MCCOTTER, Mr. MCHENRY, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. FEENEY, Mr. SHADEGG, Mr. WELDON of Florida, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Mr. KUHL of New York, Mr. LAMBORN, Mr. SHIMKUS, Mr. GOODE, and Mr. BISHOP of Utah):

H.R. 5847. A bill to prohibit United States funding for the 2009 United Nations Durban Review Conference ("Durban II Conference") or any other activity relating to the planning, preparation, or implementation of a follow-up meeting to the 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance ("Durban I Conference") in Durban, South Africa; to the Committee on Foreign Affairs.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, and Ms. MCCOLLUM of Minnesota):

H.R. 5848. A bill to amend the Higher Education Act of 1965 to authorize a program to prepare teachers for digital age learners; to the Committee on Education and Labor.

By Mr. MELANCON:

H.R. 5849. A bill to extend the returning worker exemption to the H-2B numerical limitation; to the Committee on the Judiciary.

By Mr. MILLER of Florida (for himself, Mr. BOYD of Florida, and Mr. BONNER):

H.R. 5850. A bill to amend the Act entitled "An Act authorizing associations of producers of aquatic products" to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

H.R. 5851. A bill to provide for orderly and balanced development of energy resources within the Roan Plateau Planning Area of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. TOWNS (for himself, Mr. ALLEN, Mr. BARTLETT of Maryland, Mr. BRALEY of Iowa, Mr. LANGEVIN, Mr. REICHERT, Mr. CAMPBELL of California, and Mrs. BONO MACK):

H.R. 5852. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TSONGAS:

H.R. 5853. A bill to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes; to the Committee on Natural Resources.

By Mr. VAN HOLLEN:

H.R. 5854. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ:

H.R. 5855. A bill to establish a program to provide grants to help homeowners who are facing foreclosure to receive professional counseling; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. POE, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. HOLDEN, Mr. ALLEN, Mr. WYNN, Mr. MCDERMOTT, Mr. ELLISON, Mr. NADLER, Ms. WASSERMAN SCHULTZ, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, Mrs. MALONEY of New York, Ms. MATSUI, Ms. DELAURO, Ms. SUTTON, Mr. LOEBSACK, Ms. LORETTA SANCHEZ of California, Mrs. NAPOLITANO, Mr. LEWIS of Georgia, and Mr. PETERSON of Minnesota):

H. Con. Res. 330. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CROWLEY, Mr. DELAHUNT, Mr. FARR, Ms. HOOLEY, Ms. KILPATRICK, Mrs. BONO MACK, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. NORTON, Ms. PRYCE of Ohio, Mr. SERRANO, Mr. SNYDER, and Ms. SUTTON):

H. Con. Res. 331. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H. Res. 1117. A resolution declaring the support of the House of Representatives for the goals and ideals of Earth Day and for developing the scientific and technological capabilities to achieve those goals; to the Committee on Science and Technology.

By Mr. FOSTER:

H. Res. 1118. A resolution honoring the life and achievements of John Archibald Wheeler and expressing condolences on his passing; to the Committee on Science and Technology.

By Mr. PLATTS (for himself, Mr. SHAYS, Ms. MATSUI, Mr. PRICE of North Carolina, and Mr. MCKEON):

H. Res. 1119. A resolution supporting the goals and ideals highlighted through National Volunteer Week; to the Committee on Education and Labor.

By Mr. ABERCROMBIE (for himself, Mr. WESTMORELAND, and Mr. SIMPSON):

H. Res. 1120. A resolution supports the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah:

H. Res. 1121. A resolution commending Miller Motorsports Park, the county of Tooele, and the State of Utah for hosting the Federation Internationale de Motocyclisme (FIM) Superbike World Championship May 29 through June 1, 2008; to the Committee on Foreign Affairs.

By Mrs. MUSGRAVE:

H. Res. 1122. A resolution recognizing Armed Forces Day; to the Committee on Oversight and Government Reform.

By Mr. ROHRABACHER (for himself, Mr. DELAHUNT, Mr. CHABOT, Mr. COBLE, Mr. COHEN, Mr. DUNCAN, Mr. JONES of North Carolina, Ms. KAPTUR, and Mr. ROYCE):

H. Res. 1123. A resolution calling on the President of the United States not to commit the United States to any status of forces agreement or any other bilateral agreement with the Republic of Iraq that involves the continued presence of the United States Armed Forces in Iraq unless the agreement includes a provision under which the Republic of Iraq agrees to reimburse the United States for all costs incurred by the United States related to the presence of United States Armed Forces in Iraq after the effective date of the agreement; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 406: Mr. ADERHOLT, Mr. BACHUS, Mr. FRELINGHUYSEN, Mr. GOODLATTE, Mr. KING of New York, Mr. KING of Iowa, Mr. LATHAM, Mr. SMITH of New Jersey, and Mr. WELLER.

H.R. 503: Mr. SCOTT of Virginia.

H.R. 510: Mr. BACHUS and Mr. MARCHANT.

H.R. 583: Ms. GIFFORDS.

H.R. 643: Ms. PRYCE of Ohio and Mr. DAVIS of Alabama.

H.R. 715: Ms. KILPATRICK.

H.R. 741: Mr. BOUCHER.

H.R. 821: Mr. LEVIN.

H.R. 826: Mr. WAMP.

H.R. 998: Ms. ZOE LOFGREN of California.

H.R. 1076: Mr. CARNEY.

H.R. 1108: Mr. MURTHA.

H.R. 1110: Mr. INSLEE.

H.R. 1113: Mr. COHEN and Mr. HOLT.

H.R. 1157: Mrs. CHRISTENSEN.

H.R. 1222: Mr. WITTMAN of Virginia.

H.R. 1228: Mr. HONDA.

H.R. 1232: Mr. BRALEY of Iowa.

H.R. 1245: Mr. TOWNS, Mr. ROSS, and Mr. DAVIS of Illinois.

H.R. 1283: Mr. HULSHOF.

H.R. 1295: Mr. MILLER of Florida.

H.R. 1363: Mr. RYAN of Ohio and Mr. SCOTT of Virginia.

H.R. 1395: Mr. LEVIN.

H.R. 1419: Mr. MCHUGH, Mr. MITCHELL, and Mr. HINCHEY.

H.R. 1431: Mrs. SCHMIDT.

H.R. 1552: Mr. WELCH of Vermont.

H.R. 1576: Mr. WITTMAN of Virginia.

H.R. 1609: Mr. LATTA, Mrs. BONO MACK, Mr. SCOTT of Virginia, and Mrs. MUSGRAVE.

H.R. 1610: Ms. WASSERMAN SCHULTZ and Mr. CRAMER.

H.R. 1621: Mr. RAHALL.

H.R. 1646: Mr. ISRAEL.

H.R. 1647: Mr. NEAL of Massachusetts, Mr. COHEN, Mr. HOLT, Mr. LIPINSKI, and Mr. COSTELLO.

H.R. 1655: Mr. COSTELLO and Mr. FILNER.

H.R. 1667: Mr. ISRAEL.

H.R. 1738: Ms. CASTOR and Mr. FOSSELLA.

H.R. 1783: Mr. HONDA.

H.R. 1827: Ms. FOXX and Mr. CAMPBELL of California.

H.R. 1881: Ms. SLAUGHTER.

H.R. 1889: Mr. BOREN.

H.R. 1890: Mr. BOREN.

H.R. 1930: Mrs. BACHMANN.

H.R. 1932: Mr. UDALL of New Mexico and Mr. PAYNE.

H.R. 1940: Mr. WITTMAN of Virginia.

H.R. 1967: Mr. PENCE, Mr. SMITH of Nebraska, Ms. FALLIN, Mr. WITTMAN of Virginia, Mr. MCKEON, Mr. TERRY, and Mr. LAMBORN.

H.R. 2032: Mr. JEFFERSON.

H.R. 2054: Ms. WASSERMAN SCHULTZ.

H.R. 2091: Mr. WU and Mr. LATHAM.

H.R. 2138: Mr. MCHENRY, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. WILSON of New Mexico, and Mr. GARY G. MILLER of California.

H.R. 2188: Ms. BALDWIN, Ms. ZOE LOFGREN of California, and Ms. ROS-LEHTINEN.

H.R. 2230: Mr. PEARCE.

H.R. 2241: Mr. PASTOR.

H.R. 2280: Mr. WALZ of Minnesota.

H.R. 2325: Mr. BOREN.

H.R. 2330: Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. POE.

H.R. 2370: Mr. BRALEY of Iowa.

H.R. 2611: Mr. ALTMIRE.

H.R. 2676: Mr. BOUCHER.

H.R. 2744: Ms. SLAUGHTER, Mrs. BONO MACK, Mr. ROSKAM, Mr. MEEKS of New York, Mr. RANGEL, Mr. BECERRA, and Ms. CASTOR.

H.R. 2802: Mr. TOWNS and Mr. KUCINICH.

H.R. 2833: Mr. DONNELLY.

H.R. 2878: Mrs. DAVIS of California.

H.R. 2892: Mr. GRIJALVA.

H.R. 2914: Mr. BOOZMAN.

H.R. 2941: Mr. GERLACH.

H.R. 3036: Mr. RUPPERSBERGER.

H.R. 3089: Ms. GRANGER, Mr. SHIMKUS, and Mr. COLE of Oklahoma.

H.R. 3098: Mr. RODRIGUEZ.

H.R. 3140: Mr. YOUNG of Alaska and Mr. GOODLATTE.

H.R. 3186: Mr. ALTMIRE, Mr. BONNER, Mr. PASTOR, Mr. MCNERNEY, Mr. GENE GREEN of Texas, and Mr. ARCURI.

H.R. 3202: Mr. MEEKS of New York.

H.R. 3229: Mr. BERMAN, Mr. ACKERMAN, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CHANDLER, Ms. DELAURO, Mr. DOYLE, Mr. EDWARDS, Mr. EMANUEL, Ms. ESHOO, Mr. FARR, Mr. FOSTER, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Ms. HERSETH SANDLIN, Mr. HOLDEN, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LOEBSACK, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MOLLOHAN, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. PATRICK MURPHY of Pennsylvania, Mr. MURTHA, Mr. NADLER, Mr. PALLONE, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. SCHIFF, Ms. SLAUGHTER, Mr. SNYDER, Mr. STARK, Mr. THOMPSON of California, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WU, Ms. BALDWIN, Ms. CASTOR, Mr. DINGELL, Mr. ENGEL, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HARE, Mr. INSLEE, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, Ms. SOLIS, Ms. SUTTON, and Mr. WAXMAN.

H.R. 3232: Mr. BRADY of Pennsylvania and Mr. HIGGINS.

H.R. 3341: Mr. BARTLETT of Maryland.

H.R. 3419: Mr. MCDERMOTT.

H.R. 3457: Mr. GONZALEZ and Mr. MCCOTTER.

H.R. 3544: Mr. WAXMAN and Mrs. MALONEY of New York.

H.R. 3622: Mr. ARCURI and Ms. HIRONO.

H.R. 3700: Mr. ALLEN.

H.R. 3800: Mr. DONNELLY.

H.R. 3865: Mr. COBLE, Mr. FARR, Mr. ELLISON, and Mr. BOUCHER.

H.R. 3976: Mr. BISHOP of New York.

H.R. 4008: Mr. KELLER.

H.R. 4020: Mr. JEFFERSON and Mr. CARSON.

H.R. 4107: Mr. BOUCHER.

H.R. 4114: Mr. DEFAZIO.

H.R. 4202: Mr. COSTELLO.

H.R. 4218: Mrs. CAPPS.

H.R. 4236: Mr. SCOTT of Virginia and Mr. CARNEY.

H.R. 4335: Mr. CAPUANO.

H.R. 4344: Mr. KUHL of New York.

H.R. 4450: Mr. BACA, Mr. CUMMINGS, Mr. BOUCHER, and Mr. MORAN of Virginia.

H.R. 4460: Mr. HUNTER and Mr. CONAWAY.

H.R. 4544: Mrs. DRAKE, Mr. SIMPSON, Mr. OBERSTAR, Mr. MILLER of Florida, and Mr. GALLEGLY.

H.R. 4688: Mr. PORTER and Mr. GRIJALVA.

H.R. 4879: Mr. BRADY of Pennsylvania.

H.R. 4900: Mr. SHUSTER, Mr. MCCRERY, Mr. HALL of Texas, Mr. KINGSTON, Mr. ORTIZ, Mr. BARROW, Mr. THORNBERRY, Mr. TIM MURPHY of Pennsylvania, Mr. BONNER, and Mr. TERRY.

H.R. 4930: Mr. BOUCHER and Ms. BALDWIN.

H.R. 4959: Mr. HARE and Mr. STARK.

H.R. 5131: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5180: Mr. DONNELLY and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5244: Mr. GENE GREEN of Texas and Mr. YARMUTH.

H.R. 5265: Mr. HOLT.

H.R. 5268: Mr. HARE, Mr. DAVIS of Illinois, Ms. ESHOO, and Mr. WEINER.

H.R. 5404: Mr. WITTMAN of Virginia.

H.R. 5448: Mrs. NAPOLITANO.

H.R. 5461: Ms. BALDWIN.

H.R. 5465: Mr. PETERSON of Minnesota and Ms. BALDWIN.

H.R. 5467: Mr. SHULER.

H.R. 5498: Mr. GERLACH.

H.R. 5510: Mr. HILL.

H.R. 5534: Mr. BERMAN, Mr. MORAN of Virginia, Ms. DELAURO, Mr. ROHRABACHER, Mr. BILBRAY, Mr. ALEXANDER, Mr. PALLONE, and Ms. MATSUI.

H.R. 5541: Mr. WALDEN of Oregon.

H.R. 5546: Mr. WAMP.

H.R. 5548: Mr. TOWNS.

H.R. 5552: Mr. GARRETT of New Jersey and Mr. KAGEN.

H.R. 5611: Ms. PRYCE of Ohio.

H.R. 5613: Ms. WATSON, Mrs. EMERSON, and Mr. HOBSON.

H.R. 5626: Mr. CARSON and Mr. MCDERMOTT.

H.R. 5648: Mr. WALDEN of Oregon.

H.R. 5656: Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. THORNBERRY, Mr. NEUGEBAUER, and Mr. BOUSTANY.

H.R. 5669: Ms. ROS-LEHTINEN, Mr. BISHOP of Georgia, and Ms. WASSERMAN SCHULTZ.

H.R. 5673: Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, Mr. YOUNG of Alaska, and Ms. FALLIN.

H.R. 5674: Mr. BOREN.

H.R. 5676: Mr. MACK, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 5681: Ms. ZOE LOFGREN of California.

H.R. 5700: Mr. CROWLEY.

H.R. 5716: Mr. GONZALEZ.

H.R. 5723: Mr. EDWARDS, Mr. NEUGEBAUER, and Mr. BOUSTANY.

H.R. 5728: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5731: Mr. JORDAN.

H.R. 5740: Mr. MCCAUL of Texas, Mr. WAXMAN, Mr. MCDERMOTT, Mr. KELLER, Mr. GERLACH, Mr. FOSTER, Mr. STEARNS, Ms. KILPATRICK, Mr. GUTIERREZ, Ms. NORTON, and Mr. FERGUSON.

H.R. 5752: Mr. BROUN of Georgia.

H.R. 5776: Mr. PENCE, Mr. WELDON of Florida, Mr. DOOLITTLE, Mr. KUHL of New York, Mr. CHABOT, Mr. SHIMKUS, Mr. WITTMAN of Virginia, and Ms. FALLIN.

H.R. 5782: Mr. BARRETT of South Carolina.

H.R. 5788: Ms. MATSUI and Ms. HIRONO.

H.R. 5794: Mr. BONNER and Mr. POE.

H.R. 5795: Mr. BROUN of Georgia.

H.R. 5818: Ms. CLARKE, Ms. MOORE of Wisconsin, and Mr. WILSON of Ohio.

H.R. 5825: Mrs. EMERSON, Mr. JOHNSON of Illinois, Mr. MACK, Mr. ROGERS of Michigan, Mr. DAVID DAVIS of Tennessee, Mr. RENZI, Mr. POE, Mr. DUNCAN, and Mr. KNOLLENBERG.

H. Con. Res. 249: Mr. MICA.

H. Con. Res. 257: Mr. SAXTON, Mr. BOREN, Mr. MANZULLO, and Mr. HUNTER.

H. Con. Res. 295: Ms. FALLIN, Mr. LAMBORN, and Mr. FORBES.

H. Con. Res. 317: Mr. CHABOT, Mr. WILSON of South Carolina, Ms. DELAURO, and Mr. PAYNE.

H. Con. Res. 318: Mr. INGLIS of South Carolina and Mr. Carson.

H. Con. Res. 320: Mr. FILNER, Ms. KAPTUR, Mr. FATTAH, and Mrs. NAPOLITANO.

H. Con. Res. 323: Mr. FORBES.

H. Con. Res. 328: Ms. DELAURO.

H. Con. Res. 329: Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. FEENEY, Mr. PLATTS, Mr. MCCOTTER, Mr. GOODE, Mr. BURTON of Indiana, and Mr. JONES of North Carolina.

H. Res. 37: Mr. COHEN.

H. Res. 373: Mr. TIM MURPHY of Pennsylvania and Ms. SLAUGHTER.

H. Res. 795: Mr. VAN HOLLEN.

H. Res. 821: Mr. MILLER of Florida.

H. Res. 881: Mr. CAMPBELL of California, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. DAVID DAVIS of Tennessee, Mr. CHABOT, Mr. BURTON of Indiana, Mr. TANCREDO, Mr. ROYCE, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. WALBERG, Mr. FLAKE, Mr. REYNOLDS, Mrs. MYRICK, and Mr. STEARNS.

H. Res. 923: Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. CAMPBELL of California, Mr. KUHL of New York, Mr. PRICE of Georgia, Mr. CLAY, Mr. ADERHOLT, Mr. DANIEL E. LUNGREN of California, Mr. DICKS, Mr. CARNEY, Mr. FOSTER, Mr. GARRETT of New Jersey, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. LEE, Mr. CLYBURN, Mr. ALTMIRE, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Mr. HOEKSTRA, Mr. GOHMERT, Mr. NEUGEBAUER, Ms. GINNY BROWN-WAITE of Florida, Mr. HASTINGS of Florida, Mr. FLAKE, Mr. WELCH of Vermont, Mr. PUTNAM, Mr. ROSKAM, Mr. HULSHOF, Mr. WILSON of South Carolina, Mr. TIM MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. COSTELLO, Mr. LATTA, Mr. SHIMKUS, Mr. FEENEY, Mr. CRENSHAW, Ms. PRYCE of Ohio, Mr. HENSARLING, Mr. COLE of Oklahoma, Mr. LEWIS of Kentucky, Mr. JONES of North Carolina, Mr. LOEBSACK, Mr. CAPUANO, Mr. CONYERS, Mr. SKELTON, Mr. SHULER, Mr. MITCHELL, Mr. TAYLOR, Mr. DONNELLY, Mr. ELLSWORTH, Mr. WILSON of Ohio, Mr. BILBRAY, Mrs. CUBIN, Mr. LAHOOD, Mrs. SCHMIDT, Mr. BROUN of Georgia, Ms. FOXX, Mr. WESTMORELAND, Mrs. DRAKE, Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. WAMP, Mrs. BLACKBURN, Mr. LAMBORN, Mr. MARCHANT, Mrs. MUSGRAVE, Mr. PITTS, Mr. HOBSON, Mr. BOUSTANY, Mr. AKIN, Mr. GINGREY, Mr. GOODE, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. BONO MACK, Mr. MACK, Mrs. CAPITO, Mr. MCCARTHY of California, Mr. JORDAN, Mr. SALI, Mr. FORTENBERRY, Mr. DEAL of Georgia, Mr. LINDER, Mr. PEARCE, Mr. HALL of New York, Mr. KELLER, Mr. MILLER of Florida, Mr. SNYDER, Mr. BURGESS, Mrs. MCMORRIS RODGERS, Mrs. EMERSON, Mr. LEWIS of California, Mr. MARKEY, Mr. CASTLE, Mr. PENCE, Mr. GILCHREST, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. KUCINICH, Mr. REICHERT, Mr. GERLACH, Mr. DENT, Mr. TOM DAVIS of Virginia, Mr. SAXTON, Mr. HAYES, Mr. MCHENRY, Mr. STEARNS, Ms. ROS-LEHTINEN, and Mr. ROGERS of Kentucky.

H. Res. 937: Ms. FALLIN and Mr. REYES.

H. Res. 981: Mr. MILLER of North Carolina.

H. Res. 984: Mr. PASTOR, Mr. DOOLITTLE, Mrs. DAVIS of California, Mr. BOYD of Florida, Mr. TANNER, Mr. ROSS, Mr. TAYLOR, Mr. SHULER, Mr. SPACE, Mr. CHANDLER, Mr. COOPER, Mr. MCINTYRE, Mr. HILL, Mr. PATRICK MURPHY of Pennsylvania, Mr. COSTA, Mr. BISHOP of Georgia, Mr. CRAMER, Mr. LINCOLN DAVIS of Tennessee, Mr. CARNEY, Mr. BARROW, Mr. KENNEDY, Ms. HERSETH SANDLIN, Mr. ELLSWORTH, Mr. ARCURI, and Mr. MAHONEY of Florida.

H. Res. 992: Mr. PETERSON of Minnesota.

H. Res. 1002: Mr. KLEIN of Florida, Mr. WYNN, Ms. BERKLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. CASTLE, Ms. WOOLSEY, Ms. CASTOR, Mr. THOMPSON of Mississippi, Mr. UPTON, and Mr. COSTELLO.

H. Res. 1008: Mr. FILNER and Mr. LATHAM.

H. Res. 1054: Mrs. BIGGERT.

H. Res. 1056: Mr. HARE and Mr. BRALEY of Iowa.

H. Res. 1062: Mr. FILNER.

H. Res. 1067: Mr. LOBIONDO and Mr. SALAZAR.

H. Res. 1070: Mr. CONAWAY.

H. Res. 1076: Mrs. CUBIN, Mr. SOUDER, Mr. PENCE, and Mr. JONES of North Carolina.

H. Res. 1079: Mr. ORTIZ, Ms. GINNY BROWN-WAITE of Florida, Mrs. BACHMANN, Ms. ZOE LOFGREN of California, and Ms. KILPATRICK.

H. Res. 1081: Mr. HINOJOSA.

H. Res. 1099: Mr. HINOJOSA.

H. Res. 1109: Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. LEE, and Mr. ENGEL.

H. Res. 1110: Ms. SCHWARTZ, Mr. TIBERI, Mr. REICHERT, Mrs. EMERSON, Mrs. TAUSCHER, Mr. SAXTON, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Mr. BONNER, and Mr. FEENEY.

H. Res. 1111: Mr. ENGEL, Mr. RUPPERSBERGER, Mr. TANNER, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. ALTMIRE, Mr. SIRES, Mr. HODES, Mr. BRALEY of Iowa, and Mr. INSLEE.

H. Res. 1115: Mr. RUPPERSBERGER, Mr. ARCURI, and Mr. WITTMAN of Virginia.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

236. The SPEAKER presented a petition of the National Legislative Commission of the American Legion, relative to Resolutions with legislative intent for the 110th Congress Second Session; to the Committee on Veterans' Affairs.

SENATE—*Thursday, April 17, 2008*

The Senate met at 12:45 p.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

PRAYER

Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who has given us this good land for our heritage, help us to be a people mindful of Your favor and glad to do Your will. Save us from violence, discord, and confusion, from pride and arrogance and from every evil way.

Lord, defend our liberties and fashion us into one united people. Empower our Senators with the spirit of wisdom that justice and peace may reign. May they serve You with such faithfulness that America will show forth Your praise among the nations of the Earth. In times of prosperity, fill their hearts with thankfulness, and in the day of trouble give them a robust faith in You. May they keep their attention on You as the only one they must please.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 17, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MCCASKILL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TEMPORARY EXTENSION OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5813.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5813) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; that there be no intervening action or debate; and that any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 5813) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Madam President, this farm bill has been extended for a short period of time. The conferees have worked extremely hard. I hope we can get the conference report to us early next week. It would be a real disappointment if we didn't get this bill done.

WELCOMING POPE BENEDICT XVI TO THE UNITED STATES

Mr. REID. Madam President, I ask unanimous consent that we now proceed to the consideration of S. Res. 519.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 519) welcoming Pope Benedict XVI to the United States and recognizing the unique insights his moral and spiritual reflections bring to the world stage.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 519) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 519

Whereas Pope Benedict XVI will travel to the United States for his first pastoral visit as Pope and will visit Washington, DC, and New York;

Whereas Pope Benedict XVI was elected as the 265th Bishop of Rome on April 19, 2005, succeeding the much beloved Pope John Paul II;

Whereas the visit of Pope Benedict XVI will mark the 9th visit of a pope to the United States, recognizing the historical importance of the Catholic Church in American life, the deep faith and charity of its members, and the responsibilities of the United States in world affairs;

Whereas Pope Benedict XVI has spoken approvingly of the vibrance of religious faith in the United States, a faith nourished by a constitutional commitment to religious liberty;

Whereas Pope Benedict XVI remains committed to ecumenical dialogue and, during his trip to the United States, will meet with leaders of world religions and representatives of other Christian denominations and will visit a synagogue in New York City, all demonstrating his commitment to sincere dialogue and unity among all members of the human family;

Whereas Pope Benedict XVI has authored 2 encyclical letters inviting the world to meditate on the virtues of love and hope, "Deus caritas est" and "Spe salvi";

Whereas millions of Americans have discovered in Pope Benedict's words a renewed faith in the power of hope over despair and love over hate;

Whereas Pope Benedict XVI has been a clear and courageous voice for the voiceless, working tirelessly for the recognition of human dignity and religious freedom across the globe;

Whereas Pope Benedict XVI has spoken out for the weak and vulnerable;

Whereas Pope Benedict XVI seeks to advance a "civilization of love" across our world; and

Whereas Catholics in parishes and schools across the Nation, and countless other Americans as well, eagerly await the visit of Pope Benedict XVI to the United States: Now, therefore, be it

Resolved, That the Senate welcomes Pope Benedict XVI on the occasion of his first pastoral visit to the United States and recognizes the unique insights his moral and spiritual reflections bring to the world stage.

SCHEDULE

Mr. REID. Madam President, we are going to resume consideration of the highway bill very soon. Yesterday, we filed cloture on the Boxer substitute amendment to the underlying bill.

Under the rule, Senators have until 1 p.m. today to file first-degree amendments. Senator MCCONNELL and I are going to have a consent agreement that we will present to the Senate in the immediate future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1195, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Pending:

Boxer amendment No. 4146, in the nature of a substitute.

Coburn amendment No. 4538 (to amendment No. 4146), to create a bipartisan, bicameral special committee to investigate the improper insertion of an earmark for Coconut Road into the conference report of the 2005 highway bill after both Chambers of Congress had approved identical versions of the conference report.

Boxer amendment No. 4539 (to the text of the committee substitute to be inserted), to call for a review by the Department of Justice of allegations of violations of Federal criminal law.

Coburn amendment No. 4540 (to amendment No. 4539), relative to the Coconut Road Investigation.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

Mrs. BOXER. Madam President, reserving the right to object, I wanted to have a minute before to explain the lay of the land.

Mr. CRAIG. I yield to the chairman and leader of the bill.

Mrs. BOXER. Madam President, for the interest of all Members, we have been working now since Monday to pass a technical corrections bill, which, it seems to me, should have been passed very quickly. It basically makes some corrections to the last big highway and transit bill so certain projects that have been held up for technical reasons can go forward, and others that weren't ready, pushed aside, and another can go forward. This will unleash about a billion dollars' worth of important programs for our Nation.

These projects have been vetted, and they have been posted on the Web page of the committee, as we must do according to our new ethics rules. We are very pleased it looks like we might be able to wrap this up in the next few hours.

As far as I am concerned, we are ready to vote. We have the Coburn amendment and the Boxer amendment, which deal with a real problem that occurred at some point during the SAFETEA–LU consideration years ago. We have corrected the problem in the bill. We want to now have some type of investigation to find out exactly what went wrong and if there were any crimes committed. There were two options. Senator COBURN is setting up a complicated select committee of the House and Senate. We believe strongly that it creates constitutional problems, and we think it might interfere with a Justice Department investigation.

And then Senator REID had recommended, I think a far better way to get at the problem, which is a Justice Department investigation. I have written an amendment to go along with that. We are hoping to vote on that and then, hopefully, get to a cloture vote and final passage.

So that is the lay of the land, as best I see it. I wish I had more control over this at the moment. If I did, we would be voting in 5 minutes on the whole package. Until then, I will see you as soon as we have an agreement and, hopefully, we will get this matter done today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

EXTENSION OF THE FARM BILL

Mr. CRAIG. Madam President, I am on the floor to speak about something the majority leader proposed and that we have accepted by unanimous consent; that is, a 1-week extension of existing farm policy, the existing farm bill.

I come to the floor to speak because last night I put a hold on that UC request. I, similar to many Senators—and especially American agriculture—am growing very frustrated and restless about the reality that we don't have a farm bill. As we know, across America and in central parts of our country—certainly in the South—spring is here and it is planting season. The farm bill that is current law, which we extended a few moments ago, actually expired on September 30 of 2007.

It was in July 2007 that the House passed their version, and on December 14 we passed ours. Now, we have offered several extensions so the principals—the House and Senate Ag committees—could work on their differences with the administration and solve these problems. Yet they have not been able to do it.

Is this symbolic of a dysfunctional Congress that we have been experiencing for the last several years, where we simply cannot grapple with the big and responsible basic public policy issues of our country? It appears to be that way. I will blame both sides on this issue. It is both sides that are at fault that they cannot come together and, if you will, split the difference and solve a problem that is the basic public policy for American agriculture. NANCY PELOSI, the Speaker of the House, opposes the tax provision within the bill. Why? She isn't a member of the Finance Committee or a member of the Agriculture Committee. Yes, she is the majority leader and, therefore, if she opposes it, she could certainly block it, and she can kill farm policy.

I have worked with Senator HARKIN and Senator SAXBY CHAMBLISS for the last month, and I know they have worked overtime. This is not a criticism of our colleagues; it is a criticism of a dysfunctional system that no longer can cut a deal and make basic and important public policy. So here we are, with one more extension. SAXBY CHAMBLISS called me this morning and said: LARRY, would you give us another week? I said I would give them 1 more week, but, frankly, this is it; I will not accept another extension next week on the farm bill, unless the deal has been cut, unless the agreement has been made and it is simply the procedure of putting it in writing and getting it to print and to the President.

The President, when he signed the extension last time, said: "Enough is enough." Even this week, he softly talked about vetoing an extension. So I guess the point I am trying to make is, what is at stake? Why are we bickering over the fine points, when the fundamental policy points are in place?

Let's look at what we have done, because we ought to be proud of the work of the new farm bill: Significant increases in conservation funding for our working farmlands, including conservation, stewardship, and environmental quality incentive programs. These are programs that encourage farmers and ranchers to incorporate better tillage practices, thereby sequestering more carbon and doing their part as it relates to reducing greenhouse gas emissions. We have added, for our dairies, better manure management practices to reduce methane gas emissions. Here we are talking about climate change. The President spoke to climate change yesterday. Yet we cannot come to an agreement on something that would allow American agriculture to advance their practices to make it work, in their instance, and allow a contribution to the climate change carbon emissions issue.

There is a provision within the new farm bill that I and Senator STABENOW have worked on—literally for 5 years—to get a new provision in the farm bill to recognize the near 50 percent of gross revenue coming out of agriculture today, known as specialty crops. For the first time, we have a new title on specialty crops. If I say at the end of the week—and their work is not done—I am not going to extend it any more, I am going to have to forgo this. I am going to forgo it and say to the farmers in Idaho and across America: Let's do a 2-year extension on existing policy, or at least 1-year extension so you know where you are when you get to planting season, instead of watching Congress fall all over itself because they cannot cut a deal.

Isn't it about time we settle our differences and show America we can function, that we can work the process? Have we truly become so dysfunctional and partisan on these fundamentally bipartisan issues that they simply cannot be resolved? On our side, there is a bipartisan effort. I cannot speak to the House side. I have not been in the negotiations. I can only see the results. The results simply don't exist. That is why this Senator is on the floor today speaking with considerable frustration over why we have a Congress that, months after the expiration of the law, simply cannot get its work done. Commodity programs maintain a safety net. Yes, commodity prices are high today and farmers are profiting. What goes up clearly can, and does, come down in the commodity markets. A property safety net for wheat and barley was in there. It is extremely important we do that.

There are nutritional program increases, making the school snack program nationwide to deal with better health, and fresh fruit availabilities for our schoolchildren. That is different and better. The disaster assistance program will help aid our farmers and ranchers in a more efficient fashion in periods of serious drought and fire and other whole farm types of disasters.

There is an issue in agriculture and beef production that has been an issue of considerable contention over time. It is called country-of-origin labeling. The American consumer today, when they go to the shelf and pick up a commodity and look at it, wants to know where it comes from. Is it a domestic U.S. product or was it produced somewhere else in the world?

We know we have concern today about certain types of products coming out of China and other areas, and the consumer's right to know the marketing certainly is important in country-of-origin labeling. We finally acquiesced to implement country-of-origin labeling by September of this year. I don't know if we can do it if we keep shoving the farm bill out, keep extending it and not allowing the operative language to come in place.

There are critical tax provisions within this bill. My colleague, Senator MIKE CRAPO, has an Endangered Species Act compliance in reduction and credits. There are wind energy credits and production tax credits for cellulosic ethanol. Once again, as a nation that has grown increasingly dependent on foreign energy sources, we are saying to American agriculture in this farm bill: Here are some incentives for increased production.

I was recently in Ottawa, Canada, looking at a cellulosic ethanol production plant, hoping it will be brought south of the border into the United States so we can begin to use agricultural residues for the purpose of making ethanol, lessening the pressure on some of our grain crops, especially our corn crops.

There are provisions in the bill to incentivize biodiesel. Yet those incentives are the kind Speaker PELOSI says are nonstarters, they are deal breakers. How can making our country energy independent, how can incentivizing the promotion of the Endangered Species Act within private lands and giving folks the benefit of doing that be a deal breaker? It simply demonstrates how this Congress cannot function today. We are basically on hold right now. We are not getting our work done in a variety of areas, and agriculture and the farm bill is simply a very tragic example of that type of effort, or lack thereof.

As I have said, September 30 of last year the policy expired. Current law was extended until March 15 and then again until tomorrow, and that is why the leader was on the floor today advancing it for 1 more week so that agriculture is not without policy in place.

This is the 17th. The work has not been done. This Monday, Chairman HARKIN said he was fed up. If he is fed up and he is a prime negotiator, what do we get? How do we deliver an ultimatum? I am not sure. But I am sure we will not, nor should we, allow American agriculture to be without policy.

All of the gains I have talked about, all of the gains that were negotiated inside the Senate Agriculture Committee and inside the House Agriculture Committee could simply be wiped away because there is no willingness or ability to come together and work together in behalf of American agriculture.

So I agreed on a 1-week extension. This is not an ultimatum, this is simply a statement of fact. I cannot agree any longer. American agriculture and Idaho's farmers need to know. They deserve to know. They should not be kept in limbo bouncing on the end of a string because the politicians in Washington cannot get their act together and simply cannot agree. We have always come to an agreement on agriculture. It has always been a bipartisan policy. I hope that practice of the past is a practice that ultimately can dominate the negotiations over this coming week.

I hope my colleagues will keep their lights on during the weekend. It is time we work a little overtime to get this done because I am one of several Senators who are simply at a point of saying: Can't go there anymore; time to finish it; time to tell American agriculture: Here is the new policy. And if we cannot, then let's extend the old policy and give them certainty for a minimum of at least 1 year.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. WICKER. I request permission to speak as in morning business for no more than 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TANKER REPLACEMENT PROGRAM

Mr. WICKER. Mr. President, on February 29, 2008, the U.S. Air Force announced its award of the KC-45A air refueling tanker program, a replacement to the aging KC-135 fleet. The two competitors in this process were Northrop Grumman-EADS on the one hand and the Boeing Company on the other. After a 13-month-long process, the Northrop Grumman proposal was selected as the better product for the American soldier and also the better value for the American taxpayer. It should come as no surprise that this decision amounted to a major disappointment for Boeing. Their employees and executives would understandably have appreciated the economic benefit such an award would have brought to them.

The award of the tanker program to Northrop Grumman was not the first setback to the Boeing Company in this regard.

In 2004, Congress intervened, in the fiscal year 2005 Defense bill, to terminate the Air Force tanker lease agreement. This agreement would have been costly and simply bad public policy. Afterward, the Air Force responded with one of the clearest and most transparent acquisition processes in history. The Air Force is now able to purchase and own 179 KC-45s for the same price it was going to spend to lease 100 Boeing 767s.

Compared to the reactions in States where Boeing has a presence, the selection of Northrop Grumman was greeted with enthusiasm in Mobile, AL, and along the gulf coast of my State of Mississippi, where thousands of jobs will be created locally. The tankers will be built in Mobile, but the economic impact will be felt throughout the gulf coast and, in reality, throughout the Nation. Such is the nature of the competitive process. One contestant is selected, and the other must deal with disappointing news.

It is important for Senators to understand that the Air Force and the Defense Department utilized an extremely fair and open acquisition process. The Government requested and received proposals for the tanker in early

2007 and then continued with an open review process until Northrop Grumman was announced as the winner in February of this year.

In winning this contract, Northrop Grumman simply did a better analysis and provided a better solution for the Air Force. The KC–45A carries more fuel, more passengers, and more cargo. It will also cost less to produce, passing along savings to the American taxpayers. By utilizing a broad base of suppliers in 49 of our 50 States, the Northrop Grumman tanker will create 48,000 direct and indirect jobs across our country.

Despite this, some want to stop this process from going forward. I have been disturbed by the words and actions of Boeing and its supporters. The level of misinformation injected into this process with the clear intent of derailing the award is troubling for many reasons—not the least of which is the precedent that would be set by Congress should it overturn this decision. The Air Force should be allowed to make this acquisition decision based solely on the facts and the merits of the two competing proposals, and that is exactly what it did in choosing the Northrop Grumman tanker.

Let's look at some of the claims made by Boeing and its supporters—first, that the competition was somehow unfair. The Air Force and the Defense Department testified recently to the Senate Armed Services Committee that the KC–45A tanker competition was perhaps the most rigorous, fair, and transparent acquisition in DOD history. This open process allowed for a significant amount of dialog among the Air Force, the Department of Defense, and the two bidders. This included weekly teleconferences with the Air Force, which, during the review process, sent Northrop Grumman 295 evaluation notices. They sent approximately 250 notices to Boeing.

Furthermore, following the formal request for proposals in January 2007, the Air Force received no complaints from Boeing or anyone else that the proposal request was somehow unfair. There were ample opportunities for those concerns to be aired, but no one said a word in this regard. Considering this, it is very hard to make a straight-faced claim that the process was not open or fair.

There has also been a high level of misinformation about the so-called exportation of American jobs. Some erroneously claim the Northrop Grumman award will outsource thousands of U.S. jobs to Europe. This is simply not true. No jobs are being exported to Europe. On the contrary, the KC–45A will create thousands of new jobs in America and will support a total of 48,000 direct and indirect jobs in 49 States, as I have said.

More than 230 suppliers across the United States helped make up the 60 percent U.S. content in the KC–45A tanker. This will truly be America's tanker, assembled in America by American workers and for the protection of the American military. The KC–45A will be fully assembled and militarized for U.S. Air Force operations by American workers in two separate facilities in Mobile.

No sensitive military technology will be exported to Europe in connection with this program. Instead, a new aerospace corridor will continue to grow and flourish along the gulf coast region.

The KC–45A tanker will join the Global Hawk, Fire Scout, joint cargo aircraft, and the light utility helicopter production facilities that are already successfully producing high-reliability defense systems for our Nation. The light utility helicopter, for example, is being built by EADS North America in Columbus, MS. It is a true success for the Army and for our economy. The Lakota, as the helicopter is known, was delivered to the Army 3 months ahead of schedule. To date, 24 Lakota helicopters have been delivered on or ahead of schedule. The Lakota has over 2,000 flight hours, with over a 90-percent full mission capable rate. In addition, EADS North America completed a 314,000-square-foot expansion to its Mississippi facility to manufacture this helicopter. Perhaps most importantly, the program is on budget and on schedule to deliver a critical platform to the American warfighter—just another example of EADS North America producing a product for our country's defense, using American workers.

There should be no doubt that the workforce in the gulf coast region is up to the task of building these complex systems. The results to date on the systems I just mentioned speak for themselves.

Our workforce is second to none in the Nation. So this debate, as much as some would make you believe otherwise, is not about American jobs versus European jobs. It is about where in the United States those jobs will be.

A recent full-page ad in newspapers across the country represented the worst of the misinformation. The ad claimed the Air Force selection "penalized the warfighter and the taxpayer."

The facts tell another story. The KC–45A was evaluated to be a superior product for the warfighter. It was also judged by the Air Force to be a better value for the taxpayer, providing superior military capability across the board at a lower total cost than the competing KC–767 aircraft.

The U.S. Air Force is not alone in choosing the KC–45A. Our friend and ally, the United Kingdom, recently announced the selection of this same aircraft frame as the best solution to meet their national security requirements. The U.K. selection is the fifth tanker competition in a row where the EADS platform was chosen as the winner over all other competitors. Australia, Saudi Arabia, and the United Arab Emirates have also recently placed orders for this tanker.

Some are calling for tighter restrictions on the level of international content in U.S. defense systems. That, to my mind, would be a mistake and would amount to changing the rules in the middle of the game. The U.S. economy is tightly integrated into the global economy, and the aerospace sector is no exception.

There are numerous examples of transatlantic cooperation on vital U.S. military programs where foreign suppliers do play essential roles. Some of the more visible programs include the F–35 Joint Strike Fighter produced by Lockheed Martin, Northrop Grumman, and British Aerospace; the VH–71 Presidential helicopter produced by Lockheed Martin and Augusta Westland, a European consortium; and the Joint Cargo Aircraft produced by L–3, Boeing, and Alenia, built in Florida from an Italian airframe.

I don't recall anyone in this Chamber or from Boeing expressing concern about the level of European participation in the Joint Cargo Aircraft, which has only about 60 percent U.S. content, nor did anyone complain about possible interruption of supplies of spare parts, which some have suggested would be a likely outcome of buying the KC–45A.

To repeat, Boeing's Joint Cargo Aircraft is 60 percent U.S. content and 40 percent international. When this contract was awarded, no one raised a single complaint about that. Now, when Boeing loses a competition to a partnership with a similar domestic-foreign ratio, they make it sound as if the world is coming to an end.

It seems to me the level of noise depends on whose ox is being gored. I must stress this point. Any further delay of this contract would put at risk the brave Americans flying the current Air Force fleet of KC–135 tankers. These aircraft, on average, are more than 45 years old. Replacement has been the Air Force's top modernization priority for several years.

If the GAO upholds the Air Force selection and denies Boeing's protest, that should be the end of it. At that point, no Member of this body should stand in the way of the program moving ahead. Any further efforts to delay the program would not only be harmful to our national security but would be viewed by many of our foreign partners and allies as a major shift in U.S. policy.

From an economic point of view, potential retaliation by our European allies could have a negative impact on the current $6 billion in annual purchases of defense systems from the United States.

In closing, I would like to acknowledge that Boeing has every right to protest this decision to the Government Accountability Office. Beyond that, however, if this decision is not overturned by GAO, any attempt to alter this decision through the appropriations process or any other legislative maneuver would be dangerously shortsighted, in my opinion.

It would set a damaging precedent that would destroy our contract process now and in the future. Frankly, I would view such a move as an attack on the competition process itself, not only this award.

The workers along the gulf coast in Alabama and Mississippi and this entire corridor are ready to proceed with this work for our national defense. We would all do well to step back and let the facts in this situation speak for themselves. That is what the Air Force did when choosing the Northrop Grumman tanker as the best option for our warfighters' terms and the American taxpayer and their decision should be allowed to stand.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that no further amendments be in order to H.R. 1195, and that at 3:30 p.m. today, the Senate proceed to vote in relation to Boxer amendment No. 4539, and that the amendment be modified to be to amendment No. 4146; to be followed by a vote in relation to Coburn amendment No. 4538, and that Coburn amendment No. 4540 be withdrawn once this agreement is entered; that each of those two amendments be subject to a 60 affirmative vote threshold, and that if neither achieves that threshold, then it be withdrawn; that if either or both achieve the 60-vote threshold, that it be agreed to and the motion to reconsider be laid upon the table; that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form, and upon disposition of these listed amendments, the Senate proceed to vote on the motion to invoke cloture on the Boxer substitute, amendment No. 4146; that if cloture is invoked on amendment No. 4146, then the substitute, as amended, if amended, be agreed to, the committee-reported substitute, as amended, be agreed to, and the bill then read a third time; and without further intervening action or debate the Senate proceed to vote on passage of H.R. 1195, as amended; that the cloture motion on the bill be withdrawn; provided further that after the first vote, all subsequent votes in the sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

GAS TAX RELIEF

Mr. KYL. Mr. President, about almost 24 hours ago I had asked the chairman of the committee about offering an amendment to this legislation. It is clear that as a result of the agreement that has been worked out and the filing of cloture and so on that it is not going to be possible to get a vote on the amendment I was speaking about.

But I would like to talk briefly about that amendment and indicate that it would be offered on behalf of Senator MCCAIN, my colleague from Arizona, as well as other Senators, some of whom may want to also speak to it briefly.

We all know gasoline prices have risen dramatically. And the amendment Senator MCCAIN and I and others would offer would provide a temporary tax holiday from Memorial Day to Labor Day, preventing the Federal Government from collecting the 18.4-percent tax, the gasoline tax, that otherwise motorists would pay.

I assure my colleagues that the highway trust fund, which that tax goes into, would be kept whole with Federal revenues from the General Treasury. So the money we use to build highways and bridges and so on would not be affected by this amendment.

Briefly, I think we all feel the pinch when we fill up our cars and trucks. But listen to these statistics. According to economy.com, gasoline prices at the pump have increased from $2.22 to $3.33 a gallon, up 50 percent since the start of 2006.

I checked in my home State of Arizona yesterday. It was $3.38. There is very little that Congress can do in the near term to reduce gas prices other than this gas tax holiday. In the long term, we know we have to add more production and refining capacity in our country and that we have to encourage supplies to increase. But for right now, the one thing that Congress can do, and do virtually immediately, is to provide this short-term relief from the Federal gas tax.

At $3.33 a gallon, prices are the highest on record. Nearly 50 cents of the cost of each gallon of gas is due to taxes. According to the Bureau of Labor Statics 2005 Consumer Expenditure Survey, families with two cars spent, on average, $2,013 on gasoline. Since that study was released prices have increased dramatically. Gasoline price increases imply families are now paying at least $3,065 on gasoline in a year.

A big chunk of that is Federal, State, and local taxes. In fact, the average family pays nearly $170 in Federal gas taxes. With the growing financial strains placed on so many Americans' rising food prices and falling home prices, the additional hit of rising fuel prices is becoming a breaking point.

That is why my colleague, Senator JOHN MCCAIN, talked about the need to do something, and do something quickly, and proposed this gas tax holiday in comments he made to the Nation a couple of days ago, and why he has asked this amendment be introduced on his behalf, as well as Senators WARNER, BURR, MARTINEZ, LIEBERMAN, and GRAHAM.

In an effort to ease some of the hardship caused by the higher fuel prices that I have indicated, the amendment would merely suspend the 18.4-percent-per-gallon tax on gas and the 24.4-percent tax on diesel fuel from Memorial Day to Labor Day.

As I said, the amendment would not deplete the highway trust fund balance. The amendment would offset any revenue loss from the suspension of this tax with Treasury revenues. So the highway trust found will remain whole.

We all agree that our roads and highways must be maintained to ensure the safety of the road-traveling public, and this amendment would in no way impact highway construction.

It is interesting, last Memorial Day alone, approximately 32 million Americans traveled by car 50 miles or more from home. So suspending the Federal excise tax during the summer when fuel prices have historically been at their highest level would allow millions of Americans to keep a few more of their hard-earned dollars and help them better make ends meet.

Two final comments: There is an argument that this loss should be offset somehow by programs raising taxes somewhere else. Of course, I have never understood why, if you are going to provide tax relief to Americans, you would want to provide the tax relief and then tax them in some other way.

The Congressional Budget Office, former Council of Economic Advisers, Chairman Martin Feldstein, and Clinton Treasury Secretary Robert Rubin are three of the entities or individuals who have said it is unnecessary to offset temporary tax cuts when an economy is slowing.

The $150 billion stimulus bill that passed the Senate by a vote of 81 to 16 in early February was not offset. The $15 billion-plus housing bill that passed the Senate 84 to 12 last week was not offset. Most of the revenue losses associated with the housing bill benefited companies and other businesses, not consumers. If offsets were not needed to offset the benefit to private firms, I ask why our amendment would need to be offset since it aids struggling American families.

Finally, I heard rumors that Senators would like to propose an alternative to what we have produced, a Democratic alternative that was developed yesterday afternoon, that would effectively raise corporate income taxes on oil and gas companies.

Now, I suppose everyone likes to pick on oil and gas companies, though we sure want to have some gasoline in the pumps when we decide we need to fill up our cars and trucks, but this proposal eliminates or curtails the so-called section 199 domestic production deduction for oil and gas companies.

What that means in regular English is effectively raising the corporate income tax rate by 3 percentage points. That is exactly the wrong medicine at a time when our economy is not doing well. Let me repeat that. The elimination of this tax incentive is designed to encourage oil and gas companies to produce oil and gas in the United States so we do not have to go abroad and buy it from somewhere else.

I don't agree with this approach. Rather than raising taxes on oil companies, we should be encouraging them to explore for oil and to produce oil and gas in the United States, to improve our energy security and, importantly, to reduce prices for American consumers. Why on Earth would anyone actually want to limit domestic production? Reducing domestic production would only make the United States more dependent on foreign oil imports and would likely cause consumers to pay even more at the pump. Besides, a tax increase of the type being proposed would have the effect of raising prices at the pump, as costs obviously would be passed on to consumers. That would obviously have a reverse impact, the exact opposite of what we are trying to do with a reduction of the gas tax on consumers of gasoline products.

Finally, there is a significant problem with the proposal to repeal section 199 for U.S. oil companies. A proposal to do this passed the House of Representatives earlier this year. But this very same provision that passed the House would have the effect of keeping the 199 tax incentive for CITGO, the oil company owned by the Venezuelan Government; obviously, not a good idea while we are repealing it for American companies, to leave that tax incentive for a competitor of our oil companies owned by the Venezuelan Government. I don't know whether that was unintentional, but that is the effect of the amendment. Clearly that is not something we would want to do. I don't think we want to hold consumer relief hostage to a tax increase.

AMENDMENT NO. 4540, WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 4540 is withdrawn.

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague, because we need to move this bill along. There are 500 important projects in it. I have colleagues who want to add more projects. I want to say, for the benefit of everyone, there are some very legitimate technical corrections that still need to be done. I have committed to my colleagues, both Democratic and Republican—I have spoken to Senator LINCOLN, Senator LANDRIEU, Senator BEN NELSON, Senator HUTCHISON, only a few moments ago—that our committee, myself working with Senator INHOFE and our colleagues, is going to come up with a follow-on technical corrections bill with the time to ensure it is put together right. We do have some different ethics rules these days. We want to make sure we vet everything and everything is put up on the Web site. We have a number of very important technical corrections still to be done, but we are going to do it in the next 3 weeks in committee. We look forward to it.

I read a very complex unanimous consent request, and I don't think anyone within the sound of my voice could possibly follow all of it. So I thought in plain English, for the good of myself as well as my colleagues, I would say where we are. We are going to have a couple of votes on the issue of Coconut Road, which is a real problem for us, and it has been straightened out in this bill. We fix the problem. But there are colleagues who want to have an investigation, and we have two alternatives. One is the Coburn amendment which sets up what I consider a very complicated special select committee with Members from both bodies. It will have public hearings. It will review things in public. It will do all of that. At the end of that time, what the committee will do is refer something to Justice, if they have found a problem. That is the whole point of the select committee.

The problem is, if you read the Constitution, you see the debate clause. We believe, from our constitutional scholars on this side, that that whole committee will fall. It will not be able to do its job. The House has told us they don't see how Senators can investigate House Members and House Members can investigate Senate Members. We think the best way to go, Senator REID and I and others, is to have the Justice Department get right in there. Ours is not a sense-of-the-Senate approach. We require the Justice Department to move forward. Instead of having a big Senate-House committee, with the press flashing pictures and all the rest, just get to it and ask Justice to investigate. We also worry, if there is a big committee—and there won't be, because the House won't accept it anyway—irony of all ironies, the Coconut Road fix will fall, because we fix it in this bill. If this bill falls because of this committee—because it is unconstitutional—there won't be a fix to Coconut Road. It is going to go back to the terrible change that somebody made in the dead of night. We don't want that to happen.

I hope my colleagues will reject that approach and support the Boxer-Reid approach which I believe is straightforward. It makes sense. It gets right to the heart. If there is a crime, let's find out about it.

On the McCain amendment, I actually was looking forward to debating it. I hope we will be able to, because there is a lot of dispute about how it would actually work in the real world. There is nothing in the McCain amendment that tells the oil companies they can't pocket the 18 cents that is going to come off. We have seen the oil companies. In California, in some places, we are over $4. This hurts our hearts. We see oil company profits soaring. If it were only the cost, they would be having the same profit and passing on the cost. But, no, their profits have gone up. We know about the CEO salaries and all the rest.

There is nothing in the McCain amendment—I would love to talk to JOHN about that—that would say to the oil companies: Don't use this as a moment to raise 18 cents. So where might we be?

We might do this, and we would have to now go to the general fund. All taxpayers would have to pay for this. Let's be clear. There is no pay-for in the McCain amendment—none at all. It goes to the Treasury. Who puts money in the Treasury? My taxpayers, your taxpayers, all taxpayers. So taxpayers are now going to pay for this one way or the other. We take it away from the users and the taxpayers pay, and there is nothing in it that will ensure that the cost won't be nabbed and grabbed by the oil companies. Then they get the extra 18 cents, and we have blown a $9 billion hole in the Federal budget. It is amazing how my colleagues could say, it is a time of stress. We have to do this. We need to be a little bit more responsible.

I am looking forward to this debate. I like to pay for things. Maybe I am old-fashioned. I am an old economics major. I think it is good to pay for things. I think we could figure out a way to pay for things. But to say nobody gets hurt when the tab in the McCain amendment is picked up by all taxpayers is faulty. We will have to make up that $9 billion. We Democrats think there is a way to do it. We see the profits of the oil companies. We say to the oil companies: Good for you, but there is a point at which, when Americans are suffering, you have to do a little bit more.

I, for one, look forward to debating the McCain amendment soon. We will have that debate. But it isn't going to be on this bill. For that, I am grateful for this reason: We are bringing this to a close, and this package is in many ways a ministimulus. It will unleash $1 billion into the economy. It will unleash some of these projects that are so important for our people who got stuck for technical reasons or had to have minor changes for other reasons. This $1 billion, when it is unleashed, will create tens of thousands of good jobs, jobs building highways, bridges, transit systems. We are very happy, and we expect to have this vote at 3:30. We will have first the Boxer amendment, then the Coburn amendment, then a cloture vote, and then a vote on final passage. We should be doing very well.

I ask unanimous consent that Senators GRAHAM, MARTINEZ, and WICKER be recognized for a total of up to 10 minutes and that following their remarks, Senator KENNEDY be recognized for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, there are a lot of things going on in Washington that people probably don't understand and wonder about. How could my Government not do better than it is doing. This is one of the areas where most people understand what we are trying to do and would appreciate any effort on their behalf to accomplish relieving the gas tax for a period of time when a lot of Americans are traveling. If you believe that a $600 check to Americans that comes from the Treasury, that is not offset, is a good thing to help the economy, like 81 of us do, this builds on that concept.

The Senator from California asks what we are trying to do. We are trying to build on some concepts that have already passed the body. We are injecting the economy with money so that people, consumers can buy more to help stimulate the economy. We have all agreed on that being a good idea. What is this doing? This is trying to take a Federal tax that affects every American who drives a car during a window of time when many Americans are going to be on the road doing a lot of things they have looked forward to and planned, to reduce the burden of traveling, to energize the economy, whether it is in terms of recreational travel or business dealings. That will build on the concept we have already agreed on. Now is the time to put money back into the pockets of consumers, and relieving the gas tax during this critical time and during this window of time makes perfect sense. I congratulate Senators MCCAIN and KYL. This will not be a hard sell to anybody out there who is paying taxes and driving a car. I hope we can find a way to make this happen. The public would appreciate it. They are going to appreciate the checks they get. The money will go to good use. If we could relieve the tax burden on traveling by 18.6 cents per gallon of Federal gas taxes during this window of time, people would appreciate it. They understand why we need to do it. It would be a good thing for the Congress, and I appreciate Senators MCCAIN and KYL putting this concept on the floor. It is sad we can't get it passed today, but I hope we do it sooner rather than later.

With that, being from South Carolina and Florida and Mississippi, where people travel to destinations that are attractive to come to, I hope we can pass this and help the American consumer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I am pleased to follow my colleague from South Carolina. I understand where we are. This amendment has been withdrawn. However, let me touch on this issue for a few moments, because it is so very important that we give this concept due consideration. In fact, at some point, the Senate should give it an up-or-down vote. A gas tax holiday from Memorial Day to Labor Day, which has a number of cosponsors, would allow American taxpayers to suspend the gas tax during that period of time. The fact is we are not in easy times in America today. We have rising gas prices, falling home prices, which is resulting in falling home equity opportunities for families to utilize their home as a means of defraying other costs in their family's life. As food prices go up, home prices are going down.

The price of gasoline has gone up tremendously. Unleaded regular has increased 53 cents per gallon this year. As a matter of fact, a tax holiday of 18 cents a gallon gas tax and 24 cents a gallon on diesel fuel from Memorial Day to Labor Day will help American families, will help those who make a living driving on the road, moving and hauling things through the trucking industry.

Why is it important to me as a Senator from Florida? We are a tourism State. A lot of tourists travel to Florida by car. In fact, the overwhelming majority of tourists come to Florida by car.

This is the average working family—the same people we are trying to help with this economic stimulus. This is allowing a family to throw their kids in the car and get on one of the interstate highways and come down to Florida and visit the attractions, visit the beaches this summer, and do what people do to bring families together, to be able to recreate, to be able to vacation as families together.

This is an economic stimulus to the State of Florida. The State of Florida is in hard times today because of the downdraft in the housing economy. So this would act as a tremendous boost, and it would help tremendously the families who are traveling in Florida and coming to Florida.

Gas is about $3.38 a gallon for regular in the State of Florida right now. It is a 51-cent increase from what it was a year ago. We get about 75 million tourists a year who come to the State of Florida. As a result of that, a great deal of economic activity is generated. Over the course of a year, about 25 million families are paying an additional $68 million in Federal gas tax for just one fill-up. That is on top of the fluctuating prices for a barrel of oil.

At the end of the day, we have to recognize this is an opportunity to provide a stimulus to our economy, to help the Florida economy, and to help the American family to be able to vacation this summer.

The Department of Treasury would transfer funds under this amendment to make the highway trust fund whole. So, in other words, it is not going to create a hole in the highway trust fund. It will not mean a diminution in our commitment to maintaining our infrastructure. It is simply going to give families a break between Memorial Day and Labor Day. What a great thing. What a great time of year. For the 4th of July we know millions of American families are going to set to the road—hopefully, set to the road—if they do not have to break to their kids the bad news because of the situation today. Because of difficult family budgets, that kitchen table conversation may also include saying: Children, guess what. We have to cancel our vacation to Florida this summer. We can't afford to take the family car. The price of gas is too high.

This would be a way to give the American family a break.

AMENDMENT NO. 4538

Mr. President, I want to take a moment and comment on something else. The distinguished Senator from California, Chairman BOXER, commented on the issue of Coconut Road. It is in my State of Florida. I am very concerned about what occurred in the situation there, which I think is well known to my colleagues in the Senate.

The fact is, what happened here is, at best, a questionable procedure. So the reason for Senator COBURN's amendment, which I have cosponsored, and Senator NELSON has cosponsored—so it is a bipartisan amendment—is to try to get at the bottom of it. It is not to try to create a Justice Department investigation. I do not know if there is any criminal wrongdoing that has taken place. These are congressional actions which are, frankly, in many ways reprehensible in my view but which may not rise to criminality.

So the issue is, why not just investigate? Let's find out: How did this happen? Because what I would hope we would all want to do is prevent this from happening in the future. Do we need to change rules, do we need to change procedures, or do we need to simply allow the public to know who did something like this and what their motivations were? I am not sure it rises to criminality. That is what the Justice Department does. They investigate criminal conduct. I do think it rises to the level of conduct that is not becoming to public officials that is not designed to enhance the public trust.

The people of southwest Florida, who have tremendous traffic problems—that I–75 is dramatically important to their lives, frankly, as to the cost of fuel, the cost of how much time they spend idling on the highways—want to know what occurred here.

All I want to do is allow, through this process, to provide some clarity so they can know some answers. I believe the Coburn amendment is appropriate. I do not want to see this be created into some inquisition by the Justice Department but simply to get some Members to come together around a table and say: How did this happen? What happened here?

Let's give the people of southwest Florida the kind of answers they deserve, they demand, and give confidence to the American people that the Congress is acting in the people's best interests and not at the behest of special interests.

With that, Mr. President, I appreciate the opportunity to comment on both of these items, and I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Mississippi.

Mr. WICKER. Mr. President, might I inquire, how much of the 10 minutes is remaining from the request of the Senator from California?

The PRESIDING OFFICER. A minute and a half.

Mr. WICKER. I will do my best.

Mr. President, I thank Senator MCCAIN and Senator KYL for putting forward this proposal. I was delighted to see it. I would, frankly, hope that Democrats and Republicans could come together on this issue in a bipartisan manner and provide this temporary relief for hard-pressed Americans during the summer months.

Many people ask us, why are gas prices so high? Why is this continuing to happen? As we know, there are many complex factors involved in that: worldwide demand, countries such as China and India increasing their demand for oil and gas at this point; also, unstable governments in oil-producing regions; and Americans' continued reliance on foreign sources of oil.

But, also, I must confess the problem being experienced by Americans, in large measure, is due to Federal policies. In the mid-1990s, President Clinton vetoed a proposal to drill in ANWR, even though the residents of the State of Alaska have asked us for permission to drill there and have told us they are satisfied it can be done in an environmentally friendly manner. Also, we have had the refusal to produce energy in America when we know it can be done in an environmentally safe way, whether that be the production of more crude oil, oil shale, or liquefied coal.

So the Federal Government and this Congress bear a good bit of the responsibility. In light of that, I think we have to ask ourselves—Mr. President, might I have an additional 1½ minutes?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WICKER. Thank you, Mr. President.

I think this Senate—Republicans and Democrats—needs to ask: We have a choice. Do we ask the Federal Government to tighten its belt a bit and adopt this summer-long Federal gasoline tax holiday or do we continue to require American families to tighten their belts and pay higher gasoline prices? Do we continue to require American farmers and small businesses, who have to use transportation to earn a living, to tighten their belts?

I think the better answer there is to provide 18 cents per gallon of relief for American families, 24 cents per gallon of relief to those who are required to use diesel to earn their livelihoods, and for the Federal Government to tighten its belt and absorb this $8 billion to $9 billion that the Senator from California talked about.

The Senator from South Carolina mentioned we have already passed a much more expensive economic stimulus measure because we are concerned about the economy. This economy could go either way. We can take action to prevent it from sliding into a recession. We have already adopted one a few months ago. The McCain plan is another one. I enthusiastically support the concept. I think it is time we give Americans a break at the pump. This would do so during an important period as our economy teeters on the edge.

I hope we continue to have this debate, as the Senator from California suggested, and adopt it on a bipartisan basis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

LILLY LEDBETTER FAIR PAY ACT

Mr. KENNEDY. Mr. President, the Senate must act to pass the Lilly Ledbetter Fair Pay Act, and we must do so now. The House has already acted on this bill to restore the basic protection against pay discrimination as part of our Nation's commitment to equal justice and full civil rights for all.

Protecting these fundamental rights and ending discrimination in all forms are essential to our success as a nation. Republicans and Democrats worked together to enact our civil rights laws, and the American people want and deserve these protections to be implemented in full.

The guarantee of equal pay was first enacted in 1963. When President Kennedy signed the Equal Pay Act in 1963, he emphasized that protection against pay discrimination is "basic to democracy," and those words are still true today.

In the years that followed, Congress passed other strong, bipartisan laws to strengthen the guarantee of equal pay for millions of Americans. Over the years, the Senate has gone on record time and again in favor of fairness and against discrimination.

The Civil Rights Act of 1964 was enacted after long, difficult, and contentious debate, but the cause of justice eventually prevailed. That landmark legislation included many important protections, including, for the first time, protection against pay discrimination on the job because of race, national origin, gender, and religion. That is title VII of the Civil Rights Act of 1964. Public accommodations is another very major part of that legislation. But title VII provided these kinds of protections against discrimination. That legislation passed 73 to 27.

We went on record again when the Age Discrimination in Employment Act was passed in 1967, with unanimous support in the Senate. Equal pay for those who are older; you are not going to be able to discriminate against the elderly. It was passed unanimously.

The consensus in favor of the Rehabilitation Act of 1973, which outlaws discrimination based on disability in federally funded programs and activities, was so strong it passed the Senate by a voice vote.

All of us are familiar with the fact that if there is going to be a dispute or major differences, people are going to call for a rollcall vote, even if there is going to be only a handful of people against it. In this situation, with regard to fair pay, equal pay, in the areas of those people who are working with the disabled, the guarantee was going to be fair pay. It, effectively, in the Rehabilitation Act of 1973, passed the Senate by a voice vote.

In 1990, the Senate passed the Americans with Disabilities Act 91 to 6, and it was signed into law by the first President Bush. The first President Bush has stated—and I have heard him eloquently say it was the most important piece of legislation that passed and he signed into law It had protections against discriminating against those who are disabled individuals.

We passed the Civil Rights Act of 1991 by an overwhelming margin of 93 to 5. That was a clear vote in favor of fairness. It too was signed into law by the current President's father.

On this chart is the list where the Senate has addressed this issue of equal pay for equal work. Going back to 1963, these are the different Presidents who signed legislation—including President Johnson, President Nixon, President Reagan, President Bush. Look at the overwhelming votes: a clear indication of what the intention has been by this Congress in terms of fairness and justice, and correctly so.

Each time we have considered the issue, the Senate has taken the high road. Once again, we must demonstrate that we mean what we say. These important laws established the bedrock principle of equal pay for equal work, and they have made our Nation a stronger and better and fairer land.

In these times of economic hardship, working people deserve more than ever the chance to earn a fair day's pay for an honest day's work. Yet, as a result of the Supreme Court's 5-to-4 decision—5 to 4: one vote—last May in Ledbetter v. Goodyear Tire & Rubber Company, more American workers will have to endure pay discrimination, without the means to stop it.

Let me show what is happening with regard to women at the present time. We have serious economic challenges we are facing today. But look at the overall economic challenges, the downturn in our economy, and how it is playing out in terms of women. Women's earnings are falling faster than men's. We all hear about the falling of purchasing power among working families across this country. We can see it is falling a good deal faster in terms of the decline in median wages in the year 2007 for women.

As I mentioned, this legislation also applies in terms of African Americans, the disability community, age discrimination, national origin quotas—all of them. Look what is happening with the current economic crisis. Minorities are hit hardest by the economic downturn. So we have the economic downturn going on, and we have this decision which said the employers are going to be able to discriminate against workers on the basis of race, gender, national origin. It is unbelievable that a Supreme Court of the United States, 5 to 4, would overturn 5 to 6 major pieces of legislation that were decided overwhelmingly by this body over a 30-year period which say we want equal pay for equal work.

The list goes on. We know, basically, women make 77 cents for every dollar paid to men. That is existing. These are the current data of the U.S. census in 2007. So this is the current situation, generally. What we are trying to do is change this; to get equal pay for equal work. But inherently, this is where we are in 2007, and unless we change this, it is going to continue or probably even grow worse.

It is reflected, as we would expect, in family income. This chart shows we are talking about equal pay for women, and this legislation also applies to African Americans and national origin. Here we have African-American men receiving 21 percent less pay than White men. We find the same for Latinos. They are affected by this decision as well. Latinos receive 72 cents for every dollar earned by White workers. This shows the distinction, the annual distinction, about $8,000 a year. This has been true.

So we know we are facing a difficult economic time. We also know the people who suffer the most are the people—whether it is women, whether it is African Americans, whether it is Latino, whether it is disability or whether it is elderly, all those groups are affected by the Ledbetter decision, and in the face of 30 years of this Congress saying time and time and time again, in a bipartisan way, we are going to insist on equality of pay for equal work. That is the issue. That had been the law. This legislation we are talking about with Ledbetter, we are trying to go back to what the law was.

This chart indicates—the light green is what we would go back to, and the dark green is where the EEOC held the same as we are proposing in this legislation. This had worked and worked effectively. That is why the CBO said this isn't any further additional burden on industry or business. We are going to hear that argument. We have the CBO study which says that, because basically most employers want to do the right thing. They understand it, they respect it, and they want to do the right thing. So they are not going to be penalized; it will be others who will be penalized.

On this final point, as I mentioned the different groups affected, this shows pay discrimination hurts all kinds of Americans. This orange depicts the disabled, this is national origin, 760. These are cases of pay discrimination charges, including 2,470 in terms of the gender; and on race, 2,352; on age discrimination, 978. So this is 7,000—these are the cases that are brought. Most estimates are it is in the hundreds of thousands of actual cases that are out there that people don't know about.

Lilly Ledbetter didn't know about the fact that she was being shortchanged for years and years and years because people keep the payroll secret. Finally, she hears from others who are working and who are doing comparable work, and she gradually puts it together that she has been shortchanged. Sure enough, she had been shortchanged for years and years and years. The local jury made the decision to pay the damages and the Supreme Court overruled it and said: You are out of luck, Lilly Ledbetter. You should have brought your case within 180 days of the time you were employed. Even though you didn't know about it, you still should have brought it. Even if you didn't know about it, tough luck. You have no remedies. No remedies. No remedies. It has been going on for years. None. That is fundamentally and basically wrong, and that is what we are changing.

We have very strong support for this legislation. We have the support of various groups, including the American Association of People With Disabilities; the AARP, obviously, because of discrimination of the elderly; Business and Professional Women, the NAACP, United Auto Workers, National Congress of Black Women, the Religious Action Center, U.S. Women's Chamber of Commerce. They understand it and see it. The list goes on. I will include a more complete list with my remarks for the RECORD.

Many people give speeches on fairness and the need to help people in these tough economic times. An important way we can do so is by proving we still stand strongly against pay discrimination, that we would not allow the rights workers thought they had to be undone by misguided court decisions. Fair treatment for all employees is especially important now. As I mentioned, our faltering economy is hitting working families hard. There were 230,000 jobs lost in the first 3 months of this year. Unemployment rates climbed. Over 1 million working men and women have joined the unemployed since this past year.

Few doubt that we are now in a serious recession. It has been particularly hard on women and minorities and on workers—particularly hard. Of the 80,000 jobs that were lost in this last month, 50,000 were construction workers. The unemployment rate among women has risen sharply in the past year. Minorities are suffering more. Unemployment for African Americans is now well over 9 percent, almost twice the national average.

The impact of unfair pay practices is staggering. Today, as I mentioned, women still earn 23 percent less than men; African Americans, 21 percent less than White men; and Latinos earn 72 cents for every dollar paid to White workers.

In fact, the financial security of all working men and women is undermined by this recession. Workers are suffering already, and millions increasingly find their paychecks do not go far enough. They don't deserve to bear the additional burden of discrimination in their pay. The cost of this discrimination becomes more and more intolerable over time. Lilly Ledbetter lost tens of thousands of dollars over the course of her career because every paycheck made the burden of the discrimination even greater.

There is no doubt that the Supreme Court's decision in the Ledbetter case has left employees without one of the fundamental protections against pay discrimination that Congress intended them to have. The Court decision undermined their ability to hold employers accountable for such discrimination by imposing serious and unnecessary obstacles to ending the discrimination against them.

Under the Ledbetter case, the time limit for filing of pay discrimination claim begins to run, as I mentioned, when an employer decides to discriminate—not when the worker finds out about the discriminatory paycheck. Employers who conceal their illegal action for 180 days are free to discriminate. They can pay women less than men. They can pay African Americans less than Whites. They can pay older Americans less than younger ones and pay religious minorities and persons with disabilities less than other workers. These employees can never, ever obtain relief. Paycheck after paycheck can keep implementing the discrimination, and workers have no way to hold employers accountable.

Clearly, the decision has opened up a flagrant loophole in our civil rights, and the Congress cannot let it stand. Under this bill, the 180-day clock restarts with every discriminatory paycheck, so employees can challenge ongoing discrimination, even if their employer successfully hides its true motives at first.

Lilly Ledbetter was one of the few women supervisors at the Goodyear Tire and Rubber Company in Gadsen, AL. She worked at the plant for almost two decades, constantly fighting to prove that women could do a job traditionally done by men. She endured insults from her male supervisors. She was told the plant didn't need women. Yet she persevered and gave the company a fair day's work. She had children and both she and her husband were working hard to support them. She had no idea Goodyear was not living up to its responsibility to pay her fairly.

For almost two decades, the company discriminated against her by using discriminatory evaluations to pay her less than her male colleagues who performed exactly the same duties. Many of those male colleagues had less seniority and experience than she had, but they were still paid more than she was for identical work.

The jury saw the injustice of Goodyear's mistreatment of Ms. Ledbetter and awarded her full damages. Five members of the Supreme Court ignored that injustice and ruled Ms. Ledbetter was entitled to nothing at all—nothing at all—because she filed her claim too late. The Court's decision gives countless employers a free hand to conceal and continue illegal discrimination and leaves workers powerless to stop it.

The bipartisan Fair Pay Restoration Act will restore the clear intent of Congress when we passed the important laws I mentioned earlier. It would restore the fair and reasonable rule that applied in the vast majority of the country until May 29 of last year. If we pass this bill, we can go back to the longstanding rule that the clock begins to run for filing a pay discrimination claim on the day a worker receives a discriminatory paycheck, rather than the day the employer first decides to discriminate.

By enacting this law, we will restore a rule that reflects how pay discrimination actually occurs in the workplace, and it will give all workers a fair means to stop ongoing discrimination and obtain fair compensation for the discrimination they have endured. By doing so, we will also be helping to prevent employers from engaging in such discrimination in the first place.

There is nothing radical about the changes this bill will make. It simply restores the law employers and workers had lived with for many years, until last May 29, the date of the Supreme Court's distressing decision.

I urge my colleagues to join me in restoring the full strength of the antipay discrimination laws we have enacted in the past. Let's take a clear stand for all working men and women and pass the Lilly Ledbetter Fair Pay Act.

Mr. President, I ask unanimous consent that this list of supporters be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

ORGANIZATIONS IN SUPPORT OF THE FAIR PAY RESTORATION ACT (S. 1843)

LCCR; 9to5, National Association of Working Women; Advocacy, Inc.; Alliance for Disabled in Action; Alliance for Justice; American Association of People with Disabilities (AAPD); AARP; American Association of University Women; American Civil Liberties Union; American Federation of Labor and Congress of Industrial Organizations (AFL–CIO); American Federation of State, County and Municipal Employees (AFSCME); American Federation of Teachers (AFT); American Humanist Association; American Library Association; Anti-Defamation League; Asian American Justice Center; Association for Women in Science; Bazelon Center for Mental Health Law; Business and Professional Women.

Center for Inquiry; Center on Women and Policy; Clearinghouse on Women's Issues; Coalition of Labor Union Women (CLUW); Consortium of Citizens with Disabilities Rights Task Force; Educational Foundation of America; Easter Seals; Equip for Equality; Equal Rights Advocates; Federally Employed Women; Feminist Majority; Healthy Teen Network; International Union, United Auto Workers (UAW); Jobs with Justice; Lawyers' Committee for Civil Rights Under Law; League of United Latin American Citizens (LULAC); Legal Momentum; Let Justice Roll Living Wage Campaign; MANA—A National Latina Organization; Mexican American Legal Defense and Educational Fund (MALDEF).

NAACP; NAACP Legal Defense & Educational Fund, Inc.; National Academy of Engineering; National Association for Girls and Women in Sports; National Association of Collegiate Women Athletic Administrators; National Associations of Commissions for Women; National Center for Lesbian Rights; National Center on Domestic and Sexual Violence; National Coalition for Disability Rights; National Committee on Pay Equity; National Congress of Black Women, Inc.; National Council of Jewish Women (NCJW); National Council of Women's Organizations; National Disability Rights Network; National Education Association; National Employment Lawyers Association; National Fair Housing Alliance; National Gay and Lesbian Task Force; National Organization for Women (NOW); National Partnership for Women & Families; National Senior Citizens Law Center.

National Women's Conference Committee; National Women's Law Center; National Women's Political Caucus; NETWORK, A National Catholic Social Justice Lobby; OWL—The Voice of Midlife and Older Women; Paralyzed Veterans of America; People For the American Way (PFAW); Religious Action Center; Sargent Shriver National Center on Poverty Law; Service Employees International Union (SEIU); The Disability Law Center of Massachusetts; The Impact Fund; The WAGE Project, Inc.

U.S. Women's Chamber of Commerce; USAction; Veteran Feminists of America; Wider Opportunities for Women; WIN Group International; Women Employed; Women Work! Women Work! The National Network for Women's Employment; Women's Institute for a Secure Retirement; Women's Law and Policy Project; Women's Law Project; Women's Research & Education Institute (WREI); Women's Sports Foundation; YWCA USA; 4ERA.org; 9to5 Atlanta; 9to5 Bay Area; 9to5 Colorado; 9to5 Los Angeles; 9to5 Poverty Network Initiative; ACLU Women's Rights Project; Adrian Middle School; ADA Watch; AFSCME; Alliance for Disabled in Action; Alliance for the Status of Missouri Women.

AAUW of Alabama; AAUW of Alaska; AAUW of Arizona; AAUW of Arkansas; AAUW of California; AAUW of Colorado; AAUW of Connecticut; AAUW of Delaware; AAUW of District of Columbia; AAUW of Florida; AAUW of Georgia; AAUW of Hawaii; AAUW of Idaho; AAUW of Illinois; AAUW of Indiana; AAUW of Iowa; AAUW of Kansas; AAUW of Kentucky; AAUW of Louisiana; AAUW of Maine; AAUW of Maryland.

AAUW of Massachusetts; AAUW of Michigan; AAUW of Minnesota; AAUW of Mississippi; AAUW of Missouri; AAUW of Montana; AAUW of Montgomery County; AAUW of Nebraska; AAUW of Nevada; AAUW of New Hampshire; AAUW of New Jersey; AAUW of New Mexico; AAUW of New York; AAUW of North Carolina; AAUW of North Dakota; AAUW of Ohio; AAUW of Oklahoma; AAUW of Oregon; AAUW of Pennsylvania; AAUW of Rhode Island.

AAUW of South Carolina; AAUW of South Dakota; AAUW of Tennessee; AAUW of Texas; AAUW of Utah; AAUW of Vermont; AAUW of Virginia; AAUW of Washington; AAUW of West Virginia; AAUW of Wisconsin; AAUW of Wyoming; Arizona Coalition Against Domestic Violence; Asian American Justice Center; Association for Women in Science; Black Women's Health Imperative; BPW/Alabama; BPW/Alaska; BPW/American Samoa; BPW/Arizona; BPW/Arkansas.

BPW/California; BPW/Colorado; BPW/Connecticut; BPW/Delaware; BPW/District of Columbia; BPW/Florida; BPW/Georgia; BPW/Hawaii; BW/Idaho; BPW/Illinois; BPW/Indiana; BPW/Iowa; BPW/Kansas; BPW/Kentucky; BPW/Louisiana; BPW/Maine; BPW/Maryland; BPW/Massachusetts; BPW/Michigan; BPW/Minnesota.

BPW/Mississippi; BPW/Missouri; BPW/Montana; BPW/Montgomery County; BPW/Nebraska; BPW/Nevada; BPW/New Hampshire; BPW/New Jersey; BPW/New Mexico; BPW/New York; BPW/North Carolina; BPW/North Dakota; BPW/Ohio; BPW/Oklahoma; BPW/Oregon; BPW/Pennsylvania; BPW/Puerto Rico; BPW/Rhode Island; BPW/South Carolina.

BPW/South Dakota; BPW/Tennessee; BPW/Texas; BPW/Utah; BPW/Vermont; BPW/Virgin Islands; BPW/Virginia; BPW/Washington; BPW/West Virginia; BPW/Wisconsin; BPW/Wyoming; Chicago Abortion Fund; Citizen Action of NY; Clearinghouse on Women's Issues; Philadelphia CLUW; Connecticut Permanent Commission on the Status of Women Crossrodes; Urban Center; Dads and Daughters; Georgia Coalition Against Domestic Violence; Georgia Rural Urban Summit.

Hard Hatted Women; Justice Jane; Las Animas County CSE; Legal Momentum; Let Justice Roll Living Wage Campaign; MANA A National Latina Organization; NETWORK, A National Catholic Social Justice Lobby; National Capital Area Union Retirees Club; National Center for Lesbian Rights; National

Coalition for Disability Rights; National Council of Jewish Women—California; National Council of Jewish Women—Connecticut; National Council of Jewish Women—Greater Detroit Section; National Council of Jewish Women—Greater New Orleans; National Council of Jewish Women—Minnesota; National Council of Jewish Women—Northern Virginia; National Council of Jewish Women—Ohio; National Council of Jewish Women—Pennsylvania; National Council of Jewish Women—Portland; National Council of Jewish Women—Rhode Island; National Council of Jewish Women—St. Louis.

National Council of Jewish Women—Virginia; National Council of Jewish Women—West Virginia; National Council of Women's Organizations; Alabama, NOW; California, NOW; Colorado, NOW; Connecticut, NOW; Fayetteville, NOW; Florida, NOW; Georgia, NOW; 1Illinois, NOW; Iowa, NOW; Kansas, NOW; Lawrence Chapter, NOW; Los Angeles, NOW; Maryland, NOW; Massachusetts, NOW; Minnesota, NOW; Missouri, NOW; Nevada, NOW.

New Hampshire, NOW; New Jersey, NOW; Oregon, NOW; Santa Fe, NOW; Treasure Valley, NOW; Utah, NOW; Virginia, NOW; West Pinellas, NOW; Missouri Women's Network; MomsRising.org; Montgomery County Commission for Women; National Women's Conference Committee; National Women's Law Center; National Women's Political Caucus; New Mexico Voices for Children; New York State Pay Equity Coalition; Ohio Domestic Violence Network; San Bernardino, OWL; PathWaysPA.

Pennsylvania NOW, Inc.; Pick Up the Pace; Planned Parenthood of Nassau County; Project IRENE; Silver & Brass Music; South Dakota Advocacy Network for Women; UAW 1853 Women's Committee; Veteran Feminist of America; USAction; West Virginia Women's Commission; Wisconsin Women's Network; Women Against Sexual Harassment; Women on the Job Task Force, NY; Women's Institute for a Secure Retirement; Women's Law Center of Maryland, Inc.; Women's Opportunity Link of Delaware, Inc.; Women's Research & Education Institute (WREI); YWCA Greensboro.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I believe I have an obligation to say a few things about the amendments offered by Senators COBURN and BOXER regarding the investigation of the Coconut Road controversy.

As most of my colleagues know, there are reports that a Member of the House of Representatives arranged to have the text of the 2005 highway bill changed during the enrolling process, which is quite unusual. This was after the bill had passed both Houses. Serious allegations have been made about the motives of this Member for doing this. The facts are not certain, but some say they are clear.

The junior Senator from Oklahoma has done an important service by shining public attention on this matter. The facts are not yet all known, as I have just said, but if these allegations—or some of them—are true, this is one more example of the corruption that permeated the Congress in recent years. We have two Members of Congress who have gone to prison. We have staff members who are in prison. Some are on probation and have pled guilty. So it is fair to say there was a lot of corruption in recent years.

Just last year, the new Democratic Congress passed S. 1, the most sweeping lobbying reform effort in the history of our country, in an effort to restore public trust in Congress. These reforms are already changing the way business is done in Washington. Lobbyists have less influence, and there is more transparency in the legislative process.

We all agree that any misconduct in the legislative process should be fully investigated. Specifically, we want to get to the bottom of this alleged misconduct involving the Coconut Road provision in the 2005 highway bill. The only disagreement between Senators COBURN and BOXER is how the investigation should be conducted.

Certainly, an investigation of the conduct of a Member of the House of Representatives should be done by the House. I think we get ourselves into a problem we should not, constitutionally or morally, by having the House tell us what we should do as far as our own Senators. We should not be telling them what they should be doing regarding House Members. Our Constitution does not provide the Senate with authority to direct a House committee to initiate any kind of action like that.

The Coburn amendment proposes a committee of Members from both the House and Senate conduct this investigation. But I believe Senators should not and cannot investigate a House Member any more than a House Member should or could investigate a Senator. Although Senator COBURN's goal of fully investigating the incident is worthy—and I think everyone shares his goal—the Senator's amendment is at odds with article I of the Constitution.

If we send this constitutionally dubious amendment to the House, it could jeopardize the entire highway technical corrections bill. Why do we want to mess with that? We should not. That is why Senator BOXER has proposed that the Justice Department review the allegations of criminal misconduct.

I would want everyone to recognize that in law, there is this saying: What are you trying to do, make a Federal case out of it? Why do we say that? Because it puts the fear into people because they know the Justice Department does a better job than anyone else investigating wrongdoing.

So what Senator BOXER proposed is to let the Department of Justice review the allegation of criminal conduct, which is the right way to go, and it is not an easy way to go.

According to public reports, the Justice Department and the FBI may already be investigating related matters, and who knows, maybe this precise matter.

If violations of Federal criminal law occur, it is in the province of the Justice Department and FBI to investigate and prosecute. The Boxer amendment simply calls on the Justice Department to review allegations of impropriety and find if Federal criminal laws have been broken.

The Boxer amendment asks the Justice Department to act in an appropriate manner. In fact, to be precise, it says the Department "shall act consistent with applicable standards and procedures." In effect, we are asking that this be made a Federal case. This phrase recognizes the importance of separation of powers that we have in our great country. The language incorporates the principles, privileges, and responsibilities that guide Congress's exercise of its constitutional authority to discipline itself. It also remains true to the principles of legislative autonomy and fair, neutral enforcement of the laws.

This amendment does not waive any legislative privileges of Members or committees of Congress. It does not seek to intrude upon the constitutional duty of each House of Congress to discipline its own Members, nor does it alter the duty of the executive branch to faithfully execute laws.

The amendment simply memorializes the reality that there are serious allegations that may rise, perhaps to the level of criminal violations.

Again, what we are trying to do is make a Federal case out of this. It is entirely appropriate for the Justice Department to assume this responsibility.

For these reasons, I urge my colleagues to support the Boxer amendment and oppose the Coburn amendment. I express my appreciation to Senator BOXER for her hard work on this bill and certainly on this amendment. Those of us who know Senator BOXER know how tenacious she is. We have had the good fortune to work together for almost 26 years in Congress. I have the greatest affection, admiration, and respect for her as a person and her legislative skills and abilities. They certainly have been made very apparent with the work done on this latest piece of work which we hope will be completed in an hour or so from right now.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from California is recognized.

Mrs. BOXER. Madam President, before the majority leader leaves the floor, I thank him very much because he helped me enormously in this whole matter of an investigation. What we all want to do is get to the bottom of what happened with this Coconut Road situation, where it appears as if there may have been some activity that merits punishment.

When we heard that Senator COBURN wanted to take on this issue, we welcomed that because we do believe we have a responsibility to regain the trust of our people. That is why under Senator REID's leadership we passed the most far-reaching ethics reforms ever.

I see my friend is in the chair. She is part of the new class of Senators who pushed very hard for that legislation. Therefore, when Senator COBURN came forward, we believed we certainly wanted to do something. But what Senator REID, because he is a distinguished attorney, taught me is, there is a speech and debate clause in the Constitution, and this investigation with a select committee, House Members and Senate Members investigating each other and staff, could fall.

Here is the point, before my friend leaves the floor. The irony of all ironies is, if, in fact, the Coburn solution were to be adopted today and it did go forward, although we think it will bring the whole bill down, it wouldn't. But let's say it is adopted. Nothing they do would really lead to anything until the end of their hearings. I call it kind of a circus atmosphere where colleagues would come, flashbulbs in everybody's face, and they take testimony. Nothing of consequence would occur, I say to my friend, until the end when they decide if there was something the Justice Department needed to look into.

Why have all that hoopla when you can get to the heart of the matter, which is saying to the Department of Justice: We want you—and this will require them. It doesn't say you "may," it says you "shall" look into this. If the bill did fall, here is the totally irony: The fix to Coconut Road would fall. In other words, in the technical corrections bill, we fix the problem. If this whole thing falls because of the Coburn amendment, then we go back to the real problem of somebody changing the route of this particular road or building, freeway, whatever it was that was going to increase somebody's property. That would be the worst of all worlds.

I thank my leader for his help on this matter. He knows when I heard about this amendment, I said to him: Yes, we need to look into this, and he wanted to do it in the right way. He and his staff have been so helpful in getting us to this point where we have a very good alternative. I hope everybody votes for it.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I hope everyone heard what the chairman of the Environment and Public Works Committee just said. If we are unable to pass this technical corrections bill, which we hope to do in an hour, an hour and a half, if we fail to do that, the fix that was put in the bill, the technical correction that was made to take care of the Coconut Road problem would not be taken care of. That would be a travesty and a circular road to nowhere.

I even hope my friend, Dr. Coburn, would withdraw his amendment. He perhaps will not do that, but I hope that everyone, Democrats and Republicans—this is not a partisan issue. It deals with housekeeping that we do. It is important.

I say to my friend, the chairman of the Environment and Public Works Committee, she also has another job that is extremely difficult and extremely important. She is chairman of the Ethics Committee. Having served on that Ethics Committee and having chaired that committee for a long time, I know it is a tough job. This gives me an opportunity publicly to say—and I think all Senators will extend this appreciation to her, Senator CORNYN and the other four Members who serve on that most important committee, for the dedication and the hours they spend away from the cameras. These are in closed hearings talking about allegations made against individual Senators. They have done, and they continue to do, a remarkably good job.

There is no one who is in a better position today to talk about what is going on in the Senate with matters of violations having been alleged than the Senator from California.

What I think the amendment does is focus attention on the Justice Department, just where it should be. I hope everyone will go along with that amendment, Democrats and Republicans.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. VITTER. Madam President, today I stand on the Senate floor and continue a very important discussion that I began with all of my Republican classmates in the Senate several weeks ago. It is about the need for dramatic, bold, health care reform in this country.

We adopted this as a class project, if you will. Again, I thank my colleagues Senators THUNE, BURR, DEMINT, MARTINEZ, ISAKSON, and COBURN for their hard work on this important debate, on this important discussion.

Again, the idea is very simple: to put forward our conservative, free-market principles and what vision that leads to in terms of necessary, bold, transformative health care reform, and also to provide a clear contrast between that vision and the alternative, which is clearly in our mind a big government solution, a one-size-fits all solution that has the government role in health care grow and grow and private individual choice lessened and lessened.

In the first week of this discussion on the Senate floor, I rose and laid out our broad principles and where we wanted this discussion to lead. Again, as I said that week, I believe there is great consensus in America, almost universal consensus that our health care delivery system is badly broken and that major reform needs to take place. But, of course, having said that, the hard part is figuring out what that change is and how it can work best for the American people.

As I said in those introductory comments, I believe the broad choices are clear. Our conservative, free-market vision is to empower the individual, to maximize choice, to help everyone get good private insurance that is accessible and affordable, to use taxpayer dollars where appropriate to help the truly poor afford that sort of good private insurance that stresses preventive care and other measures that will bring down health care costs. But that is a very different vision from one based on Government first and foremost, based on Government programs, one-size-fits-all, growing those programs and in the process lessening individual choice and responsibility and lessening the sanctity of the individual doctor-patient relationship.

In the second week of our discussion, our colleague JOHN THUNE came to the floor and elaborated on a very important component of this message, which is that we want to stress a choice of private health plans as a predominant factor in American health care versus Government programs, or the one-size-fits-all, pushing people more and more in that direction and increasing the dominance of Government in this very major sector of our economy.

Following up on that, I come to the Senate floor this week to talk about a closely related principle and closely related theme, which is, again, opting for individual choice and incentives versus forced enrollment or forcing action upon citizens by the Government. Again, this is a crucial element of our vision for the dramatic, bold health care reform we need.

We believe firmly and we believe strongly that individuals are capable of choosing their own health insurance plan and that we must continue to focus on individuals and empowering individuals with choices and with incentives, not forcing individuals in a certain direction. So we are opposed to forcing people to enroll in certain plans rather than providing incentives for individuals to make rational choices that fit their own circumstances.

Congress should be pushing reform that creates those incentives for individuals, for employers, for insurance companies, and for States to come up with innovative solutions. We shouldn't be forcing mandates down people's throats, forcing them to enroll in any particular big government or other program. The way we can most effectively maximize this choice and empower the individual is through the Tax Code, creating options for families and individuals through the Tax Code that help those families buy insurance, that create those incentives that make sure it is accessible and affordable for everyone.

Now, as I suggest, Madam President, I have some pretty fundamental philosophical objections to mandating action on people. But in addition to that, I have some very practical concerns. If we look at other jurisdictions—States, even other countries—that force these mandates on people, we find they really don't work in the end.

A few examples. Hawaii—obviously a State—has a mandate that all employers must provide their workers with health insurance. Well, they think that is a magic wand that just automatically solves the problem. But it doesn't. First of all, unfortunately, it creates a barrier in many instances to creating jobs, increasing employment, and growing business. So that is a problem. But even beyond that, it doesn't insure all workers. In fact, in Hawaii, 10 percent of workers—not unemployed people, not nonworkers, but 10 percent of workers— do not have health insurance. So there is the very practical issue of simply throwing out an edict, a mandate from the Government which doesn't accomplish the goal.

Another example is Canada. Canada requires everyone to be covered. Again, that creates significant challenges in actually making that happen and enforcing that rule. For instance, in the province of British Columbia alone, more than 40,000 people somehow slipped through the cracks or slipped through that mandate. It isn't a magic wand, and it doesn't get done.

So we believe there is a better way, and that is to maximize choice, empower the individual, and create incentives. That will get a great number of people enrolled and provide more affordability and access to health care.

We believe, as a part of that, that existing Government programs can be improved and modernized and made more efficient. And that is important. But we are opposed to attempts which often come up in this body and the other body of Congress that try to significantly expand these programs well beyond the bounds of how they were originally set up, well beyond the core constituencies or income levels for which they were established. We believe that is going down the path of big government, nationalizing health care, making government the dominant force by far, and we don't want to do that.

We also believe that encouraging competition in the marketplace is key to lowering health care costs. So we are opposed to price controls, profit ceilings, rigid expensive requirements, and mandates that usually end up doing exactly the opposite.

We believe in recognizing that seniors have increasingly turned to Medicare Advantage Plans because they offer a better value and in many cases a higher quality of care than traditional fee-for-service Medicare. So we are opposed to efforts to dismantle these programs and again lessen choice, lessen individual responsibility and choice, and push folks in one certain direction—back to a one-size-fits-all traditional Medicare fee-for-service.

We also believe that taxes should be as low as possible and that the Tax Code should be changed to put money back into families' hands, which would allow them to purchase their own health insurance. We are opposed to increasing taxes and using that money to pay for a big government one-size-fits-all model.

Madam President, I look forward, as do all of my Republican Senate classmates—Senators THUNE and BURR, DEMINT, MARTINEZ, ISAKSON, and COBURN—to continuing this discussion, continuing this debate. As I said at the beginning, I believe virtually all of America agrees that the American health care delivery system is badly broken, that we are in desperate need of not just tinkering around the edges but bold, dramatic reform. So we want to come forward and lay out those conservative and market-based principles that we believe are the right type of change, the type of reform Americans want, reform that empowers the individual, that respects that individual doctor-patient relationship, and that maximizes choice and creates incentives, and not the wrong choice that grows big government, that lessens choice, that increases mandates, that pushes individuals in a certain direction rather than allowing them to understand what best meets their needs.

Next week, Madam President, we will continue the discussion as another of my Republican Senate classmates takes to the floor to talk about another issue in this important debate, and I look forward to listening and participating in that discussion.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COBURN AND BOXER AMENDMENTS

Mr. COBURN. Madam President, I wish to spend a few minutes just to make some observations during this short debate we are going to have before the amendments are voted on.

We are going to have a vote on the Boxer amendment and then on the Coburn amendment, both trying to get to the bottom of a problem. We have agreed to a 60-vote margin on both of those, but I wonder what happens to this issue if neither of those amendments gets 60 votes, and why are we having a 60-vote margin? Everybody agrees that this amendment about a postenrollment change to a bill needs to be solved. The mystery surrounding how it happened, where it happened, and why it happened needs to be solved. But now we have before us a hurdle which, in all likelihood, will eliminate our ability to find out.

It is claimed, and understandably, that my amendment would look into a problem in the House. That assumption, however, is incorrect because nobody knows exactly where this enrollment change happened. Some may think they do, but we don't know that.

Second of all, and probably more importantly, is the fact that a bill agreed to by both Houses of Congress was changed before it got to the President without our knowledge.

There also is the claim that if, in fact, we would have a bipartisan committee, with Members of both Houses looking into this, it is somehow precedent setting. It is not. In 1992, the House and Senate did combine—not on this specific issue—so there is a precedent there that no one can deny, that we looked at rules and processes and procedures, and we did that without any difficulty.

On the other side of the aisle is the Boxer amendment, which says we are going to ask the Justice Department. We are not going to ask them, actually, we are going to tell them that they shall do this.

The argument has been made that the speech and debate clause is violated by my amendment. I don't think that is accurate, but I will take that as an argument. But for the Boxer amendment to pass, the separation of powers will be violated. These are not laws. These are rules of Congress. Yet we are going to now invite in the executive branch to handle what we refuse to handle? The cynicism in me says that maybe we don't want to know the answer to this question.

We very simply could have had a majority vote on both of these, and the one that got the most votes would have won. We don't have the parliamentary power to force that to happen, and we do have the concurrent agreement of the chairwoman of the EPW Committee to have a vote, which I appreciate. I would not tell her that I do not appreciate that. I do appreciate the opportunity to have a vote. But the question still remains: What happens if we don't get 60 votes? Will something happen on this?

What I want us to do is restore the integrity of the enrollment process. If we fail to do that, if we fail to do that and if we invite the executive branch into our Houses, we have failed—we have failed to live up to our own responsibility in the Senate and in the House, and we have failed to protect what is truly a separation between us and the executive branch in how we have gone about it.

So I thank the good nature and good humor of the chairman of the committee for the lively debate we had yesterday. But, someday, somebody will write about this issue, and I am not sure history is going to be very kind to us as we worry about partisan issues, who gets credit, who didn't, pointing fingers.

The fact is, we have a problem that should be solved by a joint group of Members of this body. To say we can't do that denies the fact that we have integrity. We do have integrity. We do have honor. We do have commitment. And most of all, we want to build the confidence of the American people in Congress. I believe that will happen under my amendment. I am not sure it will happen if we don't pass it. As a matter of fact, I am certain that if we don't have one of these that gets accepted in conference, we will not be able to claim that.

I have heard the statements of the chairwoman of the EPW Committee, and I believe her statements. So whatever happens here, it is my hope that she will encourage that to happen in conference. It won't be telling the House what to do; rather, it will be asking them to concur that we ought to look into this.

Washington has a problem, and the problem is this: We are not believable to the American public. More than 70 percent of the people in this country have no confidence in us, and we ought to be about repairing the institution and repairing that confidence.

With that, Madam President, I yield back.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my colleague for bringing this issue to our attention. I think he knows that in the beginning there were some voices that said: Let's not deal with this. But we worked together, and we did come up eventually with a way to deal with it.

I think some of our colleagues believe that where there is a constitutional issue and a precedent-setting issue here involving such a delicate matter, such a matter that could lead to a criminal investigation and punishment, we ought to have some type of consensus on it. But I share his concern.

Madam President, I ask unanimous consent for an additional minute before we go to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I think if neither amendment gets 60 votes—and I certainly hope the Boxer amendment does, and I expect it would, but I don't know, it might not—I am already working on an alternative I would talk to my friend about right now, which is for us to communicate in writing very strongly to the Justice Department and tell them how strongly we feel.

I also wish to make the point that my friend is right. Someday, somebody will write about this. People are already writing about it because of the work we are doing on this matter. The Senator and I have been quite forceful in the way we feel about this. People are writing about it. My hope is that what we do is not create a new kind of select committee. My friend said it has been done before, and he may be right. But why a committee when we can get right to the heart of the matter, which is: Was there a crime? If so, let's get to the bottom of it.

I do want to say, and I say this as chair of the Ethics Committee of the Senate, nothing is more important to me than having a fair Ethics Committee that works hard and is objective. Any Member of the Senate can make a complaint any day of the week and it automatically is looked at. I want to reiterate that. If people have an issue, please, let us know. That is why we are there.

For those of us who care a lot about this matter, we do need, if nobody gets 60—I hope we will, but if nobody does, this issue does not go away as far as I am concerned. It cannot go away.

I think it is very important, the way we deal with this, to understand that if we do something that the House has constitutional objections to and it brings down the technical corrections bill, the irony of ironies is the Coconut Road project doesn't get fixed, it goes back to the crooked way it was handled. We don't want that. We want to fix the Coconut Road problem and we want to have an investigation.

I yield the floor to get to the regular order at this time.

AMENDMENT NO. 4539, AS MODIFIED

The PRESIDING OFFICER. Under the regular order, there will be 2 minutes of debate prior to a vote on amendment No. 4539, offered by the Senator from California, as modified.

Mrs. BOXER. Madam President, we have a very simple amendment. Sometimes in simplicity is strength. Sometimes in simplicity is power. Sometimes in simplicity you get to the place you want to get.

I do not like a lot of words. I believe a few words will say it. Look at what we say here:

> Consistent with applicable standards and procedures—

which means everybody's rights are protected—

> the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109–59—

That is the Coconut Road project—

> to ascertain if a violation of Federal criminal law has occurred.

I think we know enough to warrant this kind of amendment. I think we know enough to be concerned. I think we know enough to say to the Justice Department: Please pay attention to this. Do your work. Make a determination and get on with it because this is very serious.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Oklahoma.

Mr. COBURN. Madam President, I will repeat the three points I think are important. No. 1 is we do not know enough. The next amendment relates to the Justice Department if we do know enough.

No. 2 is I am very hesitant to set a precedent that invites the Justice Department to come into the Senate and House to investigate us.

No. 3, and finally, the Justice Department does not have to do it even if we say they shall. They do not have to do it. There is no force of law that we can make the Justice Department come and investigate us. If we did, our forefathers would roll over in their graves. That is what the separation of powers is all about. When we go directly to the Justice Department, we shirk our responsibility to control our own house and bring our own Members under it.

I urge my colleagues to not support this new precedent setting seeking of the Justice Department, in violation of the separation of powers, to come into the Senate and the House to do an investigation before we have done our own investigation to find out the jot and tittles.

I yield the floor.

Mrs. BOXER. I ask for 10 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I want to make the point, if we pass the Boxer amendment today and this bill gets signed into law by the President and we are requiring the Justice Department to do this, then they will be breaking the law.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 28, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—64

Akaka
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Cantwell
Cardin
Carper
Casey
Chambliss
Coleman
Collins
Conrad
Corker
Dodd
Dole
Dorgan
Durbin
Feinstein
Harkin
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—28

Allard
Barrasso
Bennett
Burr
Byrd
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kyl
McCaskill
Murkowski
Sessions
Shelby
Stevens
Wicker

NOT VOTING—8

Alexander
Biden
Clinton
Hagel
Inouye
Lugar
McCain
Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Ms. LANDRIEU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. For the information of Senators, we have three more votes. We are going to be in session tomorrow, but there will be no votes. Because of the Passover holiday, on Monday, there will be no votes. We expect to have a full, heavy week next week.

I appreciate the cooperation of Senators this week. As indicated, we should be finished within the next hour.

AMENDMENT NO. 4538

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote on the Coburn amendment.

Mr. COBURN. Madam President, we have voted an invitation to the Justice Department to investigate a rules violation in either the House or the Senate. We have set an amazing precedent.

What we recommend is a bicameral committee made up of four members of each body, two from each party, that would report back to the appropriate ethics committee or to the Justice Department, if there is, in fact, an infraction of law.

My hope would be that we would take care of the problems in our own body. The House would take care of the problems in their body and that we would, in fact, give greater than 36 votes to this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. Colleagues, this is very important. I wish to commend my colleague for bringing this whole issue to the floor of the Senate. But I think we have done something important. We have taken his concerns to heart, and with a very big vote, we have stated that the Justice Department is now required to open an investigation.

What the Senator does is set up an elaborate commission of Senators, of House Members; it is political on its face. It will only put off the day until an investigation is done by Justice. Because after having this elaborate commission, Senators investigating House Members, House Members investigating Senators, it is unconstitutional on its face on the speech and debate clause.

That will bring down this entire bill. Here is the irony of ironies. If we bring this bill down, the fix of Coconut Road will fall. We fix the Coconut Road problem in this bill.

I urge you, please say no to this idea because I feel we have done the right thing on this matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 43, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—49

Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Cardin
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kyl
Martinez
McCaskill
McConnell
Murkowski
Nelson (FL)
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Warner
Wicker

NAYS—43

Akaka
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Carper
Casey
Conrad
Dodd
Dorgan
Durbin
Feinstein
Harkin
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—8

Alexander
Biden
Clinton
Hagel
Inouye
Lugar
McCain
Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mrs. BOXER. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to the cloture vote on the substitute amendment.

The Senator from California.

Mrs. BOXER. Madam President, we are ready.

Mr. INHOFE. We are ready.

Mrs. BOXER. All we want is an "aye" vote. Let's get this good bill passed. Let's unleash $1 billion worth of good, important projects into our communities and create tens of thousands of jobs.

We appreciate we have come this far. We thank you.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think we have talked enough on this bill. Everyone knows what it is. We have to get our road construction programs going. We cannot do it without an "aye" vote on this motion. I urge you to vote aye.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Boxer substitute amendment No. 4146 to H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.
>
> Barbara Boxer, Harry Reid, Charles E. Schumer, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller, IV, Jack Reed, Ron Wyden, Dianne Feinstein.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4146, offered by the Senator from California, to H.R. 1195, the highway technical corrections bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 2, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—90

Akaka
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—2

DeMint
Gregg

NOT VOTING—8

Alexander
Biden
Clinton
Hagel
Inouye
Lugar
McCain
Obama

The PRESIDING OFFICER. On this question, the yeas are 90, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. SPECTER. Madam President, I have sought recognition to speak to an amendment to the pending legislation by myself and Senator CASEY, which would authorize an addition of lane miles in Pennsylvania to the Appalachian Development Highway System so that a vital highway project can be constructed.

The Central Susquehanna Valley Thruway project is a proposed 13-mile, four-lane limited access highway extending from the Selinsgrove Bypass of U.S. Routes 11/15 to PA Route 147 in Northumberland. Because the project involves construction of a bridge across the Susquehanna River, the estimated cost to construct it is $370 million. The current conditions are a major impediment to north-south travel in Central Pennsylvania and this project is widely supported by State and local elected officials. In addition to the traffic problems it will address, the project is a major economic development initiative in the predominately rural region between Williamsport and Harrisburg. The Pennsylvania Department of Transportation, PENNDOT, has thus far not been able to identify the funds necessary to construct this project, and neither has the Federal Government. However, it has been suggested that if the 12-mile route were added to the Appalachian Development Highway System, ADHS, it would open up a new source of funds which PENNDOT could use to construct this project.

The ADHS encompasses 2,600 miles across the Appalachian States and is administered by the Appalachian Regional Commission. The intention of this highway system is to improve the connectivity of economically depressed Appalachian regions with metropolitan areas. Approximately 500 miles of the ADHS have yet to be completed, including 178 miles which need to be completed within Pennsylvania. Although the affected counties of Northumberland, Snyder, and Union are within the Appalachian region, this 12-mile route in question is not a part of the existing ADHS system and therefore does not qualify for ADHS funding.

This amendment would authorize Federal ADHS assistance for the 13-mile thruway project. For purposes of connectivity, it would also authorize a larger 52-mile segment from I-180 near Williamsport to the intersection of U.S. 11/15 and U.S. 22 near Duncannon as part of the ADHS. This will connect the 13-mile system to the rest of Pennsylvania's existing ADHS system, but the only segment of this 52-mile addition that would be eligible for funding under the amendment is the 13-mile thruway project. Further the amendment provides that this addition will not affect Pennsylvania's Federal ADHS apportionment. It is important to note that the amendment does not provide more funding to Pennsylvania. it simply gives PENNDOT the ability to use existing ADHS apportionment funding for this high-priority project.

Madam President, I also wish to speak to an amendment to the pending legislation by myself and Senator CASEY, regarding the use of "toll credits" by the Pennsylvania Department of Transportation, PENNDOT, with respect to construction of the U.S. Route 219 highway improvement project in Somerset County, PA.

The Somerset County Commissioners have identified the U.S. Route 219 improvement project as essential to improving north-south transportation mobility and safety in Somerset County. The project involves construction of a four-lane, limited access highway connecting the towns of Somerset and Meyersdale, PA. A 1999 study conducted by PENNDOT noted that this section of U.S. Route 219 has a number of deficiencies that cause traffic congestion and high accident rates. The project also promises economic benefits by linking motorists with a new business park. PENNDOT received approval to conduct environmental and engineering studies in 1999 and planned on using "toll credits" to match $45 million in Federal funds allocated to the project through the Appalachian Development Highway System, ADHS, program. However, the necessary land was not acquired until 2006, and in the meantime, the 2005 SAFETEA–LU bill prohibited the use of toll credits as a non-Federal match requirement to ADHS funds.

Toll credits are a "soft-match" that allow States to substitute previous, toll-financed transportation spending as a credit toward the match requirement. In doing so, it effectively increases the Federal share to 100 percent, thereby reducing the pot of available Federal funds. With the limited availability of Federal resources, I can understand why Congress would have an interest in ensuring that States contribute actual dollars toward highway construction projects rather than credits. That is why this amendment does not eliminate the prohibition on the use of toll credits to match ADHS dollars. This is something that we can debate as we consider the next highway and transit authorization bill.

This amendment provides for a narrow exception to that prohibition. It would allow PENNDOT, in the case of U.S. Route 219 only, to use toll credits so that this important transportation and economic development project can move forward. I believe this exception to the toll credit prohibition is warranted at this time because PENNDOT was planning on using them when it entered the environmental and engineering phase of this project. Without the ability to use credits, I am advised that PENNDOT has no matching funds available to finance this project.

Mr. DODD. Mr. President, the Senate is now debating the SAFETEA–LU technical corrections bill. It is regrettable that we had to file cloture on the motion to proceed to this bill in order to make progress on this legislation. This is a technical corrections bill. It fixes mistakes made in the heat of passage of SAFETEA–LU, a bill that was 835 pages long. These types of technical corrections bills are not at all uncommon, and almost always pass with little, if any debate, much less disagreement.

All of the relevant committees the Banking Committee, which has jurisdiction over the transit title of the bill, the EPW Committee, with highway jurisdiction, and the Commerce Committee, which oversees highway safety—have worked together in a bipartisan fashion to produce a corrections bill with broad support.

I thank my colleague and ranking member on the Banking Committee, Senator SHELBY, for his work in producing this title, which passed the Banking Committee unanimously in May of last year. I also want to commend EPW Chairman BOXER and Ranking Member INHOFE, as well as Commerce Chairman INOUYE and Ranking Member STEVENS, for their hard work on developing this highly technical bill.

Unfortunately, despite these efforts, we have been blocked from moving forward by a small handful of our colleagues. I want to thank the majority leader for making time in the Senate's schedule to debate this bill.

Although this is only a corrections bill, it will have a real impact for our local communities, which are struggling to keep up with the demands of crumbling infrastructure. There are funds that were authorized in SAFETEA–LU to help meet these demands, but for technical reasons, they have not been distributed. This bill will unlock those funds so that they can be used for the purpose for which they were intended, which is to shore up our transit systems, our roads and bridges—all of the vital components of the transportation network that we rely on every day for the safe and efficient movement of people and goods.

The funds that would be unlocked by passage of this bill will allow for critical maintenance and capital improvement projects to go forward on our roadways; they will allow for dangerous overpasses to be replaced; they will allow for transit systems to more efficiently meet the needs of their riders; and they will allow for a greater degree of safety on our roads and rails.

And it is important to understand, this bill does not cost a single penny. It allows funds that have already been authorized to be distributed as intended.

The Banking Committee reported the transit title of this bill last May. We worked closely with our colleagues here in the Senate as well as in the House to develop a bipartisan, consensus package. I want to again thank my ranking member, Senator SHELBY, for his efforts on this bill; he has worked hard to try to get this done since the last Congress.

The Banking Committee's title of this bill addresses the drafting errors contained in the transit title of SAFETEA–LU and makes necessary changes to various project authorizations so that funds can be released. In addition, I just want to note that this bill recognizes the hard work and leadership of our former colleague, and past chairman of the Banking Committee, Senator Paul Sarbanes, by naming the Transit in Parks program, which he authored, after him.

It is more important than ever that we invest in our Nation's transit systems. Safe, reliable, and efficient public transportation is essential if we are to tackle the growing problems of traffic congestion, rising gas prices, and global climate change. Transit systems provide significant benefits both to transit riders and to others in the community, including employers, property owners, and automobile drivers. For example, when people ride transit, the amount of time that transit riders and automobile drivers alike spend in traffic goes down; in fact, the Texas Transportation Institute has estimated that transit saves Americans over $18 billion a year by reducing the time they would otherwise waste sitting on clogged roadways.

And, in this era of high gasoline prices, public transportation provides an additional benefit: according to economists Robert Shapiro and Kevin Hassett, public transportation saves more than 855 million gallons of gasoline a year, helping to reduce our dependence on foreign oil and providing us with a cleaner, healthier environment.

Transit ridership is at the highest level in 40 years, and strong support for transit is essential in light of this increasing demand. In fact, I strongly believe that if we are to keep up with the demands of our growing economy, we must renew our commitment to our Nation's infrastructure, not just in transportation, but in water systems, housing, and other areas. Senator HAGEL and I have put forward a proposal to create a National Infrastructure Bank, which would leverage private investment through tax-credit bonds to fund large-scale, regionally or nationally significant infrastructure projects. I held a hearing on this proposal last month and I intend to hold another in the coming weeks.

We have an enormous challenge before us in meeting the infrastructure needs of our nation. The National Infrastructure Bank is not intended to be the only tool in our toolbox; neither is the technical corrections bill we are discussing today.

But passage of the bill now before the Senate would be an essential step forward in meeting that challenge. It would put an end to the technicalities that are holding up vital funding for road and transit improvements. There is no excuse for any further delay in getting these funds to the communities which need them.

Let me take just a moment to address the Administration's Statement of Administration Policy opposing one of the provisions in the transit title of this bill, related to the transit New Starts program. This program, which supports the development and construction of new transit systems, is widely recognized for its focus on performance measures and accountability. Each applicant for New Starts funds enters a rigorous review process based on statutory rating criteria, including factors such as mobility improvements, environmental benefits, and cost effectiveness. In order to more fully capture the impact that a major transit project has on communities, Congress in SAFETEA–LU added economic development and land use effects to the statutory list.

However, the Federal Transit Administration is not applying the statutory rating criteria as Congress intended. Instead, the FTA has assigned inordinate weight to a few statutory factors, while giving others, such as economic development and environmental benefits, only minimal weight.

The language in the technical corrections bill reiterates Congress's intent in SAFETEA–LU that each of the factors must be given comparable weight when evaluating New Starts grant applications. This language passed the House of Representatives last summer as part of their technical corrections package.

I say to my colleagues, I could not disagree more with the position the administration is taking on this point. The language in the transit title has broad bipartisan support, both from the Banking Committee and from the House Transportation and Infrastructure Committee. If the Administration does not agree with the criteria included in SAFETEA-LU for the evaluation of New Starts projects, I would be happy to consider their views in the context of the next reauthorization. I intend to begin that process later this year and I expect to proceed in an open and bipartisan way. In the meantime, the administration's responsibility is to implement the law, and unfortunately they have failed to do so in this case.

In conclusion, although it is technical, this is an important bill. It has broad bipartisan support on both sides of the Capitol and would allow urgently needed funds to be distributed to the States and local communities trying to address their transportation needs. I commend it to my colleagues and ask for their support.

Mr. BYRD. Madam President, I am proud to support H.R. 1195, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act, and the benefits that it will provide to West Virginia and the rest of the country. However, I must oppose the two amendments offered by Senators BOXER and COBURN. Both amendments have the good intention of ensuring open and honest government, but I must oppose them because of my concerns about their implications, particularly as they may impinge on the powers of the legislative branch.

I applaud the Senators for their attempts to eliminate any waste, fraud, and abuse that have plagued the Congress in previous years. As chairman of the Appropriations Committee, I have instituted on-line access to spending bills, so that the public may see where their tax money is being spent. But both of these amendments may inappropriately expose Congress to scrutiny by the executive branch by way of the Department of Justice.

Congress is fully capable of proceeding with its own internal investigations. Both Houses have bipartisan Ethics Committees that may undertake these investigations. If criminal activities are discovered in the course of a congressional inquiry, such crimes should then be investigated by the appropriate Federal authorities.

The PRESIDING OFFICER. Under the previous order, the Boxer substitute amendment No. 4146, as amended, is agreed to.

The committee substitute, as amended, is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. DORGAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. OBAMA), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Sentor from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 2, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—88

Akaka
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—2

DeMint
Gregg

NOT VOTING—10

Alexander
Biden
Clinton
Hagel
Inouye
Landrieu
Lugar
McCain
Obama
Sanders

The bill (H.R. 1195), as amended, was passed, as follows:

H.R. 1195

Resolved, That the bill from the House of Representatives (H.R. 1195) entitled "An Act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.", do pass with the following amendment:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "SAFETEA–LU Technical Corrections Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

Sec. 101. Surface transportation technical corrections.
Sec. 102. MAGLEV.
Sec. 103. Projects of national and regional significance and national corridor infrastructure improvement projects.
Sec. 104. Idling reduction facilities.
Sec. 105. Project authorizations.
Sec. 106. Nonmotorized transportation pilot program.
Sec. 107. Correction of Interstate and National Highway System designations.
Sec. 108. Budget justification; buy America.
Sec. 109. Transportation improvements.
Sec. 110. I–95/Contee Road interchange design.
Sec. 111. Highway research funding.
Sec. 112. Rescission.
Sec. 113. TEA–21 technical corrections.
Sec. 114. High priority corridor and innovative project technical corrections.
Sec. 115. Definition of repeat intoxicated driver law.
Sec. 116. Research technical correction.
Sec. 117. Buy America waiver notification and annual reports.
Sec. 118. Efficient use of existing highway capacity.
Sec. 119. Future interstate designation.
Sec. 120. Project flexibility.
Sec. 121. Effective date.

TITLE II--TRANSIT PROVISIONS

Sec. 201. Transit technical corrections.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

Sec. 301. Technical amendments relating to motor carrier safety.
Sec. 302. Technical amendments relating to hazardous materials transportation.
Sec. 303. Highway safety.
Sec. 304. Correction of study requirement regarding on-scene motor vehicle collision causation.
Sec. 305. Motor carrier transportation registration.
Sec. 306. Applicability of Fair Labor Standards Act requirements and limitation on liability.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Conveyance of GSA Fleet Management Center to Alaska Railroad Corporation.
Sec. 402. Conveyance of retained interest in St. Joseph Memorial Hall.

TITLE V—OTHER PROVISIONS

Sec. 501. De Soto County, Mississippi.
Sec. 502. Department of Justice review.

TITLE I—HIGHWAY PROVISIONS

SEC. 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking "paragraph (1)" each place it appears and inserting "paragraph (2)".

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe,

Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking "among the States".

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

"(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

"(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

"(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

"(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.".

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting "LA," after "TX,".

(e) CORRECTION OF HIGH PRIORITY DESIGNATIONS.—

(1) KENTUCKY HIGH PRIORITY CORRIDOR DESIGNATION.—Section 1105(c)(18)(E) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 189; 115 Stat. 872) is amended by inserting before the period at the end the following: ", follow Interstate Route 24 to the Wendell H. Ford Western Kentucky Parkway, then utilize the existing Wendell H. Ford Western Kentucky Parkway and Edward T. Breathitt (Pennyrile) Parkway to Henderson".

(2) INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION.—

(A) IN GENERAL.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking "and on United States Route 422".

(B) CONFORMING AMENDMENT.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking "and United States Route 422".

(f) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking "through 189 as sections 601 through 609, respectively" and inserting "through 190 as sections 601 through 610, respectively".

(g) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking "only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,"; and

(2) by striking "section 120(b)" and inserting "section 120".

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

"(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

"(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.".

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2007, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways".

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting "(112 Stat. 257)" after "21st Century"; and

(4) in subsection (a)(2)(B)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "SAFETEA–LU" and inserting "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)".

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking "purposes under this subsection" and inserting "highway safety improvement program purposes".

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking "**replacement and rehabilitation**";

(B) in subsections (b), (c)(1), and (e) by striking "Federal-aid system" each place it appears and inserting "Federal-aid highway";

(C) in subsections (c)(2) and (o) by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways";

(D) in the heading to paragraph (4) of subsection (d) by inserting "SYSTEMATIC" before "PREVENTIVE";

(E) in subsection (e) by striking "off-system bridges" each place it appears and inserting "bridges not on Federal-aid highways";

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (1)(A)(vi) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by inserting "and the removal of the Missisquoi Bay causeway" after "Bridge";

(I) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by striking the paragraph heading and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(J) in subsection (m) (as redesignated by subparagraph (G) of this paragraph) by striking the subsection heading and inserting "PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS"; and

(K) in subsection (n)(4)(B) (as redesignated by subparagraph (G) of this paragraph) by striking "State highway agency" and inserting "State transportation department".

(2) SPECIAL CONDITIONS.—Section 1114 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1172) is amended by adding at the end the following:

"(h) SPECIAL CONDITIONS.—Any unobligated or unexpended funds remaining on completion of the project carried out under section 144(f)(1)(A)(vi) of title 23, United States Code, shall be made available to carry out the project described in section 144(f)(1)(A)(vii) of that title after the date on which the Vermont Agency of Transportation certifies to the Federal Highway Administration the final determination of the agency regarding the removal of the Missisquoi Bay causeway.".

(3) CONFORMING AMENDMENTS.—

(A) METROPOLITAN PLANNING.—Section 104(f)(1) of title 23, United States Code, is amended by striking "replacement and rehabilitation".

(B) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking "replacement and rehabilitation" each place it appears.

(C) ANALYSIS.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking "replacement and rehabilitation".

(n) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

"(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this title and chapter 53 of title 49, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.";

(2) in subsection (j)(3)(D) by inserting "or the identified phase" after "the project" each place it appears; and

(3) in subsection (k)(2) by striking "a metropolitan planning area serving".

(o) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking "a National Scenic Byway under subparagraph (A)" and inserting "a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)"; and

(2) in subsection (c)(3) by striking "or All-American Road" each place it appears and inserting "All-American Road, or one of America's Byways".

(p) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United

States Code, is amended by striking "paragraph (3)" and inserting "paragraph (4)".

(q) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking "(B), (C), and (D)" and inserting "(B) and (C)".

(r) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting "bbb minus, BBB (low)," after "Baa3,".

(s) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting "tribal," after "local,".

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking "plan administer" and inserting "plan and administer".

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting "equity bonus," after "minimum guarantee,";

(B) by striking "freight intermodal connectors" and inserting "railway-highway crossings";

(C) by striking "high risk rural road,"; and

(D) by inserting after "highway safety improvement programs" the following: "(and separately the set aside for the high risk rural road program)".

SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking "Act—" and all that follows through the end of the paragraph and inserting "Act, $45,000,000 for each of fiscal years 2008 and 2009.".

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

"(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.".

(c) ALLOCATION.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by striking subsection (d) and inserting the following:

"(d) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall allocate—

"(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

"(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) PROJECT OF NATIONAL AND REGIONAL SIGNIFICANCE.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 4 by striking the project description and inserting "$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; $12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic";

(2) in item number 19 by striking the project description and inserting "For purposes of construction and other related transportation improvements associated with the rail yard relocation in the vicinity of Santa Teresa"; and

(3) in item number 22 by striking the project description and inserting "Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County".

(b) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting "Improvements to State Road 312, Hammond".

SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) PROJECT MODIFICATIONS.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting "Removal and Reconfiguration of Interstate ramps, I–40, Memphis";

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting "M–291 highway outer road improvement project";

(4) in item number 128 by striking "$2,400,000" and inserting "$4,800,000";

(5) in item number 154 by striking "Virginia" and inserting "Eveleth";

(6) in item number 193 by striking the project description and inserting "Improvements to or access to Route 108 to enhance access to the business park near Rumford";

(7) in item number 240 by striking "$800,000" and inserting "$2,400,000";

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting "Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan";

(10) in item number 277 by striking the project description and inserting "Construct connector road from Rushing Drive North to Grand Ave., Williamson County";

(11) in item number 395 by striking the project description and inserting "Plan and construct interchange at I–65, from existing SR–109 to I–65";

(12) in item number 463 by striking "Cookeville" and inserting "Putnam County";

(13) in item number 576 by striking the project description and inserting "Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129";

(14) in item number 595 by striking "Street Closure at" and inserting "Transportation improvement project near";

(15) in item number 649 by striking the project description and inserting "Construction and enhancement of the Fillmore Avenue Corridor, Buffalo";

(16) in item number 655 by inserting ", safety improvement construction," after "Environmental studies";

(17) in item number 676 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(18) in item number 770 by striking the project description and inserting "Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road";

(19) in item number 777 by striking the project description and inserting "Akutan Airport access";

(20) in item number 829 by striking the project description and inserting "$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road";

(21) in item number 881 by striking the project description and inserting "Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park";

(22) in item number 923 by striking the project description and inserting "Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County";

(23) in item number 947 by striking the project description and inserting "Third East/West River Crossing, St. Lucie River";

(24) in item numbers 959 and 3327 by striking "Northern Section," each place it appears;

(25) in item number 963 by striking the project description and inserting "For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53";

(26) in item number 983 by striking the project description and inserting "Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties";

(27) in item number 1039 by striking the project description and inserting "Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111";

(28) in item number 1047 by striking the project description and inserting "Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough";

(29) in item number 1124 by striking "bridge over Stillwater River, Orono" and inserting "routes";

(30) in item number 1206 by striking "Pleasantville" and inserting "Briarcliff Manor":

(31) in item number 1281 by striking the project description and inserting "Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County";

(32) in item number 1487 by striking "$800,000" and inserting "$1,600,000";

(33) in item number 1575 by striking the project description and inserting "Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities";

(34) in item number 1661 by striking the project description and inserting "Sheldon West Extension in Matanuska-Susitna Borough";

(35) in item number 1810 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(36) in item number 1852 by striking "Milepost 9.3" and inserting "Milepost 24.3";

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting "Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio";

(38) in item number 1933 by striking the project description and inserting "Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving";

(39) in item number 1975 by striking the project description and inserting "Point MacKenzie Access Road improvements in Matanuska-Susitna Borough";

(40) in item number 2015 by striking the project description and amount and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements" and "$2,000,000", respectively;

(41) in item number 2087 by striking the project description and inserting "Railroad crossing improvement on Illinois Route 82 in Geneseo";

(42) in item number 2211 by striking the project description and inserting "Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio";

(43) in item number 2234 by striking the project description and amount and inserting "North Atherton Signal Coordination Project in Centre County" and "$400,000", respectively;

(44) in item number 2316 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(45) in item number 2420 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(46) in item number 2482 by striking "Country" and inserting "County";

(47) in item number 2663 by striking the project description and inserting "Rosemead Boulevard safety enhancement and beautification, Temple City";

(48) in item number 2671 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George";

(49) in item number 2743 by striking the project description and inserting "Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County";

(50) by striking item number 2800;

(51) in item number 2826 by striking "State Street and Cajon Boulevard" and inserting "Palm Avenue";

(52) in item number 2931 by striking "Frazho Road" and inserting "Martin Road";

(53) in item number 3047 by inserting "and roadway improvements" after "safety project";

(54) in item number 3078 by striking the project description and inserting "U.S. 2/Sultan Basin Road improvements in Sultan";

(55) in item number 3174 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(56) in item number 3219 by striking "Forest" and inserting "Warren";

(57) in item number 3254 by striking the project description and inserting "Reconstruct PA Route 274/34 Corridor, Perry County";

(58) in item number 3260 by striking "Lake Shore Drive" and inserting "Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry";

(59) in item number 3368 by striking the project description and inserting "Plan, design, and engineering, Ludlam Trail, Miami";

(60) in item number 3410 by striking the project description and inserting "Design, purchase land, and construct sound walls along the west side of I–65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road";

(61) in item number 3537 by inserting "and the study of alternatives along the North South Corridor," after "Valley";

(62) in item number 3582 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(63) in item number 3604 by inserting "/Kane Creek Boulevard" after "500 West";

(64) in item number 3632 by striking the State, project description, and amount and inserting "FL", "Pine Island Road pedestrian overpass, city of Tamarac", and "$610,000", respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting "FL", "West Avenue Bridge, city of Miami Beach", and "$620,000", respectively;

(66) in item number 3673 by striking the project description and inserting "Improve marine dry-dock and facilities in Ketchikan";

(67) in item number 2942 by striking the project description and inserting "Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania";

(68) in item number 2781 by striking the project description and inserting "Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas";

(69) in item number 2430 by striking "200 South Interchange" and inserting "400 South Interchange";

(70) by striking item number 20;

(71) in item number 424 by striking "$264,000" and inserting "$644,000";

(72) in item number 1210 by striking the project description and inserting "Town of New Windsor—Riley Road, Shore Drive, and area road improvements";

(73) by striking item numbers 68, 905, and 1742;

(74) in item number 1059 by striking "$240,000" and inserting "$420,000";

(75) in item number 2974 by striking "$120,000" and inserting "$220,000";

(76) by striking item numbers 841, 960, and 2030;

(77) in item number 1278 by striking "$740,000" and inserting "$989,600";

(78) in item number 207 by striking "$13,600,000" and inserting "$13,200,000";

(79) in item number 2656 by striking "$12,228,000" and inserting "$8,970,000";

(80) in item number 1983 by striking "$1,600,000" and inserting "$1,000,000";

(81) in item number 753 by striking "$2,700,000" and inserting "$3,200,000";

(82) in item number 64 by striking "$6,560,000" and inserting "$8,480,000";

(83) in item number 2338 by striking "$1,600,000" and inserting "$1,800,000";

(84) in item number 1533 by striking "$392,000" and inserting "$490,000";

(85) in item number 1354 by striking "$40,000" and inserting "$50,000";

(86) in item number 3106 by striking "$400,000" and inserting "$500,000";

(87) in item number 799 by striking "$1,600,000" and inserting "$2,000,000";

(88) in item number 159—

(A) by striking "Construct interchange for 146th St. and I–69" and inserting "Upgrade 146th St. to I–69 Access"; and

(B) by striking "$2,400,000" and inserting "$3,200,000";

(89) by striking item number 2936;

(90) in item number 3138 by striking the project description and inserting "Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion";

(91) in item number 2274 by striking "between Farmington and Merriman" and inserting "between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road";

(92) in item number 52 by striking the project description and inserting "Pontiac Trail between E. Liberty and McHattie Street";

(93) in item number 1544 by striking "connector";

(94) in item number 2573 by striking the project description and inserting "Rehabilitation of Sugar Hill Road in North Salem, NY";

(95) in item number 1450 by striking "III–VI" and inserting "III–VII";

(96) in item number 2637 by striking the project description and inserting "Construction, road and safety improvements in Geauga County, OH";

(97) in item number 2342 by striking the project description and inserting "Streetscaping, bicycle trails, and related improvements to the I-90/SR-615 interchange and adjacent area and Heisley Road in Mentor, including acquisition of necessary right-of-way within the Newell Creek development to build future bicycle trails and bicycle staging areas that will connect into the existing bicycle trail system at I-90/SR-615, widening the Garfield Road Bridge over I–90 to provide connectivity to the existing bicycle trail system between the I–90/SR–615 interchange and Lakeland Community College, and acquisition of additional land needed for the preservation of the Lake Metroparks Greenspace Corridor with the Newell Creek development adjacent to the I–90/SR–615 interchange";

(98) in item number 161 by striking the project description and inserting "Construct False Pass causeway and road to the terminus of the south arm breakwater project";

(99) in item number 2002 by striking the project description and inserting "Dowling Road extension/reconstruction west from Minnesota Drive to Old Seward Highway, Anchorage";

(100) in item number 2023 by striking the project description and inserting "Biking and pedestrian trail construction, Kentland";

(101) in item number 2035 by striking "Replace" and inserting "Repair";

(102) in item number 2511 by striking "Replace" and inserting "Rehabilitate";

(103) in item number 2981 by striking the project description and inserting "Roadway improvements on Highway 262 on the Navajo Nation in Aneth";

(104) in item number 2068 by inserting "and approaches" after "capacity";

(105) in item number 98 by striking the project description and inserting "Right-of-way acquisition and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield";

(106) in item number 1783 by striking the project description and inserting "Clark Road access improvements, Jacksonville";

(107) in item number 2711 by striking the project description and inserting "Main Street Road Improvements through Springfield, Jacksonville";

(108) in item number 3485 by striking the project description and inserting "Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville";

(109) in item number 3486 by striking the project description and inserting "Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville";

(110) in item number 3487 by striking the project description and inserting "Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville";

(111) in item number 803 by striking "St. Clair County" and inserting "city of Madison";

(112) in item number 615 by striking the project description and inserting "Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue";

(113) by striking item number 889;

(114) in item number 324 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";

(115) in item number 301 by striking the project description and inserting "Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast";

(116) in item number 1519 by inserting "at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex" after "roadway redesign";

(117) in item number 2604 by inserting "on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane" after "roadway redesign";

(118) in item number 1157 by inserting "on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end" after "roadway redesign";

(119) in item number 805 by inserting "on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard" after "roadway redesign";

(120) in item number 2704 by inserting "on West Cemetery Street and Frederick Courts" after "roadway redesign";

(121) in item number 4599 by striking the project description and inserting "Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South";

(122) in item number 1363 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County";

(123) in item number 883 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County";

(124) in item number 625 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County";

(125) in item number 372 by inserting ", replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)" after "roadway redesign";

(126) in item number 2308 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County";

(127) in item number 967 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County";

(128) in item number 989 by inserting "on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street" after "roadway redesign";

(129) in item number 342 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County";

(130) in item number 2332 by striking "Monroe County" and inserting "Carbon, Monroe, Pike, and Wayne Counties";

(131) in item number 4914 by striking the project description and inserting "Roadway improvements on I–90 loop in Mitchell along Haven Street from near Burr Street to near Ohlman Street";

(132) by striking item number 2723;

(133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL", and "$250,000", respectively;

(134) in item number 314 by striking the project description and amount and inserting "Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority" and "$610,000", respectively;

(135) in item number 1639 by striking the project description and inserting "Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate";

(136) in item number 2860 by striking the project description and inserting "Roadway improvements from Halchita to Mexican Hat on the Navajo Nation";

(137) in item number 2549 by striking "on Navy Pier";

(138) in item number 2804 by striking "on Navy Pier";

(139) in item number 1328 by striking the project description and inserting "Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton";

(140) in item number 2559 by striking the project description and inserting "Construct sound walls on Route 164 at and near the Maersk interchange";

(141) in item number 1849 by striking the project description and inserting "Highway traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh";

(142) in item number 697 by striking the project description and inserting "Highway traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh";

(143) in item number 3597 by striking the project description and inserting "Road Alignment from IL Route 159 to Sullivan Drive, Swansea";

(144) in item number 2352 by striking the project description and inserting "Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley";

(145) in item number 3482 by striking the project description and inserting "Conduct a study to examine multi-modal improvements to the I–5 corridor between the Main Street Interchange and State Route 54";

(146) in item number 1275 by striking the project description and inserting "Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny";

(147) in item number 726 by striking the project description and inserting "Grade Separation at Vanowen and Clybourn, Burbank";

(148) in item number 1579 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(149) in item number 2690 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(150) in item number 2811 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(151) in item number 259 by striking the project description and inserting "Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County";

(152) in item number 3456 by striking the project description and inserting "Completion of Phase II/Part I of a project on Elizabeth Avenue in Coleraine to west of Itasca County State Aid Highway 15 in Itasca County";

(153) in item number 2329 by striking the project description and inserting "Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn";

(154) in item number 766 by striking the project description and inserting "Design and construction of the walking path at Ellis Pond, Norwood";

(155) in item number 3474 by striking the project description and inserting "Yellow River Trail, Newton County";

(156) in item number 3291 by striking the amount and inserting "$200,000";

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting "GA", "Access Road in Montezuma", and "$200,000", respectively;

(158) in item number 716 by striking the project description and inserting "Conduct a

project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region";

(159) in item number 1386 by striking the project description and amount and inserting "Pedestrian and bicycle facilities, and street lighting in Haddon Heights" and "$300,000", respectively;

(160) in item number 2720 by striking the project description and amount and inserting "Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington" and "$700,000", respectively;

(161) in item number 2523 by striking the project description and inserting "Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access or stabilization, Bangor and Brewer";

(162) in item number 545 by striking the project description and inserting "Planning, design, and construction of improvements to the highway systems connecting to Lewistown and Auburn downtowns";

(163) by striking item number 2168;

(164) by striking item number 170;

(165) in item number 2366 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township";

(166) in item number 826 by striking "and Interstate 81" and inserting "and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.";

(167) in item number 2144 by striking the project description and inserting "Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County";

(168) in item number 1765 by striking the project description and amount and inserting "Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity of and including Main, William, and Parsonage Streets in Pittston" and "$1,600,000", respectively;

(169) in item number 2957 by striking the project description and amount and inserting "Design, engineering, land acquisition, right-of-way acquisition, and construction of a parking garage, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre" and "$2,800,000", respectively;

(170) in item number 3283 by striking the project description and amount and inserting "Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York" and "$1,300,000", respectively;

(171) in item number 3556 by striking the project description and amount and inserting "Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County" and "$1,100,000", respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting "Design and Construct school safety projects in New York City" and "$2,500,000", respectively;

(182) in item number 2375 by striking the project description and amount and inserting "Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill" and "$100,000";

(183) in item number 221 by striking the project description and inserting "Study and Implement transportation improvements on Flatbush Ave. between Avenue U and the Marine Park Bridge in front of Gateway National Park in Kings County, New York";

(184) in item number 2732 striking the project description and inserting "Pedestrian safety improvements in the vicinity of LIRR stations";

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting "Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive";

(187) in item number 446 by striking the project description and inserting "Transportation improvements for development of the Williamsport-Pile Bay Road corridor";

(188) in item number 671 by striking "and Pedestrian Trail Expansion" and inserting ", including parking facilities and Pedestrian Trail Expansion";

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR–21) in Troy, AL", and "$300,000", respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR–6, CR–20, SH–7, James Street, and College Drive)", and "$300,000", respectively;

(191) in item number 746 by striking "Planning and construction of a bicycle trail adjacent to the I–90 and SR 615 Interchange in" and inserting "Planning, construction, and extension of bicycle trails adjacent to the I–90 and SR 615 Interchange, along the Greenway Corridor and throughout";

(192) in item number 749 by striking the matters in the State, project description, and amount columns and inserting "PA", "UPMC Heliport in Bedford", and "$750,000", respectively;

(193) in item number 813 by striking the project description and inserting "Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project";

(194) in item number 816 by striking "$800,000" and inserting "$880,000";

(195) in item number 852 by striking "Acquire Right-of-Way for Ludlam Trail, Miami, Florida" and inserting "Planning, design, and engineering, Ludlam Trail, Miami";

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne", and "$500,000", respectively;

(197) in item number 1015 by striking the project description and inserting "Mississippi River Crossing connecting I–94 and US 10 between US 160 and TH 101, MN";

(198) in item number 1101 by striking the project description and inserting "I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(199) in item number 1211 by striking the matters in the State, project description, and amount columns and inserting "PA", "Road improvements and upgrades related to the Pennsylvania State Baseball Stadium", and "$500,000", respectively;

(200) in item number 1345 by striking "to Stony Creek Park, 25 Mile Road in Shelby Township" and inserting "south to the city of Utica";

(201) in item number 1501 by striking the project description and inserting "Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael";

(202) in item number 1525 by striking "north of CSX RR Bridge" and inserting "US Highway 90";

(203) in item number 1847 by striking the project description and inserting "Improve roads, sidewalks, and road drainage, City of Seward";

(204) in item number 2031 by striking the project description and inserting "Construct and improve Westside Parkway in Fulton County";

(205) in item number 2103 by striking "$2,000,000" and inserting "$3,000,000";

(206) in item number 2219 by striking "SR 91 in City of Twinsburg, OH" and inserting "Center Valley Parkway in Twinsburg, OH";

(207) in item number 2302 by inserting "and other road improvements to Safford Street" after "crossings";

(208) in item number 2560 by striking the project description and inserting "I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(209) in item number 2563 by striking the project description and amount and inserting "Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County" and "$486,400", respectively;

(210) in item number 2698 by striking the project description and inserting "Interchanges at I–95/Ellis Road and between Grant Road and Micco Road, Brevard County";

(211) in item number 3141 by striking "$2,800,000" and inserting "$1,800,000";

(212) by striking item number 3160;

(213) in item number 3353 by inserting "and construction" after "mitigation";

(214) in item number 996 by striking "$2,000,000" and inserting "$687,000";

(215) in item number 2166 by striking the project description and inserting "Design, right-of-way acquisition, and construction for I–35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake";

(216) in item number 3251 by striking the project description and inserting "I–94 and Radio Drive Interchange and frontage road project, design, right-of-way acquisition, and construction, Woodbury";

(217) in item number 1488 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border";

(218) in item number 3240 by striking the project description and inserting "Railroad-highway crossings in Pierre";

(219) in item number 1738 by striking "Paving" and inserting "Planning, design, and construction";

(220) in item number 3672 by striking the project description and inserting "Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border";

(221) in item number 2424 by striking "Construction" and inserting "preconstruction (including survey and archeological clearances) and construction";

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting "PA", "For roadway construction improvements to Route 222 relocation, Lehigh County", and "$1,313,000", respectively;

(223) in item number 2956 by striking "$1,360,000" and inserting "$2,080,000";

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough", and "$700,000", respectively;

(225) in item number 1291 by striking the matters in the State, project description, and amount columns and inserting "PA", "Enhance parking facilities in Chester Springs, Historic Yellow Springs", and "$20,000", respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County", and "$250,000", respectively;

(227) in item number 1357 by striking the matters in the State, project description, and amount columns and inserting "PA", "Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County", and "$250,000", respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 29, Lehigh County", and "$220,000", respectively;

(229) in item number 80 by striking "$4,544,000" and inserting "$4,731,200";

(230) in item number 2096 by striking "$4,800,000" and inserting "$5,217,600";

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting "PA", "Study future needs of East-West road infrastructure in Adams County", and "$115,200", respectively;

(232) in item number 2193 by striking the project description and inserting "710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility";

(233) in item number 2445 by striking the project description and inserting "$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County";

(234) in item number .346 by striking the project description and inserting "Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue";

(235) by striking item number 449;

(236) in item number 3688 by striking "road" and inserting "trail";

(237) in item number 3695 by striking "in Soldotna" and inserting "in the Kenai River corridor";

(238) in item number 3699 by striking "to improve fish habitat";

(239) in item number 3700 by inserting "and ferry facilities" after "a ferry";

(240) in item number 3703 by inserting "or other roads" after "Cape Blossom Road";

(241) in item number 3704 by striking "Fairbanks" and inserting "Alaska Highway";

(242) in item number 3705 by striking "in Cook Inlet for the Westside development/Williamsport-Pile Bay Road" and inserting "for development of the Williamsport-Pile Bay Road corridor";

(243) in item number 3829 by striking the amount and inserting "$3,050,000";

(244) by inserting after item number 3829 the following:

"3829A	CO	U.S. 550, New Mexico State line to Durango	$950,000";

(245) in item number 4788 by striking the project description and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements";

(246) in item number 3861 by striking the project description and inserting "Creation of a greenway path along the Naugatuck River in Waterbury";

(247) in item number 3883 by striking the project description and inserting "Wilmington Riverfront Access and Street Grid Redesign";

(248) in item number 3892 by striking "$5,000,000" and inserting "$8,800,000";

(249) in item number 3894 by striking "$5,000,000" and inserting "$1,200,000";

(250) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91";

(251) in item number 3911 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(252) in item number 3916 by striking the project description and inserting "City of Hollywood for U.S. 1/Federal Highway, north of Young Circle";

(253) in item number 3937 by striking the project description and inserting "Kingsland bypass from CR 61 to I–95, Camden County";

(254) in item number 3945 by striking "CR 293 to CS 5231" and inserting "SR 371 to SR 400";

(255) in item number 3965 by striking "transportation projects" and inserting "and air quality projects";

(256) in item number 3986 by striking the project description and inserting "Extension of Sugarloaf Parkway, Gwinnett County";

(257) in item number 3999 by striking "Bridges" and inserting "Bridge and Corridor";

(258) in item number 4003 by striking the project description and inserting "City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project";

(259) in item number 4043 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(260) in item number 4050 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(261) in item number 4058 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(262) in each of item numbers 4062 and 4084 by striking the project description and inserting "Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park";

(263) in item number 4089 by inserting "and parking facility/entrance improvements serving the Museum of Science and Industry" after "Lakeshore Drive";

(264) in item number 4103 by inserting "and adjacent to the" before "Shawnee";

(265) in item number 4110 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(266) in item number 4120 by striking the matters in the project description and amount columns and inserting "Upgrade 146th Street to Improve I–69 Access" and "$800,000", respectively;

(267) in item number 4125 by striking "$250,000" and inserting "$1,650,000";

(268) by striking item number 4170;

(269) by striking item number 4179;

(270) in item number 4185 by striking the project description and inserting "Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne";

(271) in item number 4299 by striking the project description and inserting "Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(272) in item number 4313 by striking "Maryland Avenue" and all that follows through "Rd. corridor" and inserting "intermodal access, streetscape, and pedestrian safety improvements";

(273) in item number 4315 by striking "stormwater mitigation project" and inserting "environmental preservation project";

(274) in item number 4318 by striking the project description and inserting "Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns";

(275) in item number 4323 by striking the project description and inserting "MaineDOT Acadia intermodal passenger and maintenance facility";

(276) in item number 4338 by striking the project description and inserting "Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(277) in item number 4355 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(278) in item number 4357 by striking the project description and inserting "Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the city of St. Michael";

(279) in item number 4360 by striking the project description and inserting "Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul";

(280) in item number 4362 by striking the project description and inserting "I–494/U.S. 169 interchange reconstruction including U.S. 169/Valley View Road interchange, Twin Cities Metropolitan Area";

(281) in item number 4365 by striking the project description and inserting "34th Street realignment and 34th Street and I–94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I-94, and other transportation improvements for the city of Moorhead, including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program";

(282) in item number 4369 by striking the project description and inserting "Construction of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud";

(283) in item number 4371 by striking the project description and inserting "Construction and ROW of TH 241, CSAH 35 and associated streets in the city of St. Michael";

(284) in item number 4411 by striking "Southaven" and inserting "DeSoto County";

(285) in item number 4424 by striking the project description and inserting "U.S. 93 Evaro to Polson transportation improvement projects";

(286) in item number 4428 by striking the project description and inserting "US 76 improvements";

(287) in item number 4457 by striking the project description and inserting "Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County";

(288) in item number 4461 by striking the project description and inserting "Transportation and related improvements at Queens University of Charlotte, including the Queens Science Center and the Marion Diehl Center, Charlotte";

(289) in item number 4507 by striking the project description and inserting "Design, right-of-way acquisition, and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I-129";

(290) in item number 4555 by inserting "Canal Street and" after "Reconstruction of";

(291) in item number 4565 by striking the project description and inserting "Railroad Construction and Acquisition, Ely and White Pine County";

(292) in item number 4588 by inserting "Private Parking and" before "Transportation";

(293) in item number 4596 by striking the project description and inserting "Centerway Bridge and Bike Trail Project, Corning";

(294) in item number 4610 by striking the project description and inserting "Preparation, demolition, disposal, and site restoration of Alert Facility on Access Road to Plattsburgh International Airport";

(295) in item number 4649 by striking the project description and inserting "Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas";

(296) in item number 4651 by striking "for the transfer of rail to truck for the intermodal" and inserting ", and construction of an intermodal freight";

(297) in item number 4691 by striking the project description and inserting "Transportation improvements to Idabel Industrial Park Rail Spur, Idabel";

(298) in item number 4722 by striking the project description and inserting "Highway, traffic, pedestrian, and riverfront improvements, Pittsburgh";

(299) in item number 4749 by striking "study" and inserting "improvements";

(300) in item number 4821 by striking "highway grade crossing project, Clearfield and Clinton Counties" and inserting "Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties";

(301) in item number 4838 by striking "study" and inserting "improvements";

(302) in item number 4839 by striking "fuel-celled" and inserting "fueled";

(303) in item number 4866 by striking "$11,000,000" and inserting "$9,400,000";

(304) by inserting after item number 4866 the following:

"4866A	*RI*	*Repair and restore railroad bridge in Westerly*	*$1,600,000";*

(305) in item number 4892 by striking the project description and inserting "Construct a 4-lane highway between maverick Junction and the Nebraska border";

(306) in item number 4916 by striking "$1,000,000" and inserting "$328,000";

(307) in item number 4924 by striking "$3,450,000" and inserting "$4,122,000";

(308) in item number 4960 by inserting "of which $50,000 shall be used for a street paving project, Calhoun" after "County";

(309) in item number 4974 by striking ", Sevier County";

(310) in item number 5008 by inserting "/Kane Creek Boulevard" after "500 West";

(311) in each of item numbers 5011 and 5033 by striking "200 South Interchange" and inserting "400 South Interchange";

(312) in item number 5021 by striking "Pine View Dam,";

(313) in item number 5026 by striking the project description and inserting "Roadway improvements on Washington Fields Road/300 East, Washington";

(314) in item number 5027 by inserting "and roadway improvements" after "safety project";

(315) in item number 5028 by inserting "and roadway improvements" after "lighting";

(316) in item number 5029 by inserting "and roadway improvements" after "lights";

(317) in number 5032 by striking the project description and inserting "Expand Redhills Parkway, St. George";

(318) in item number 5132 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(319) in item number 5161 by striking the project description and inserting "Raleigh Street Extension Project in Martinsburg";

(320) in item number 1824 by striking the project description and inserting "U.S. Route 10 expansion in Wadena and Ottertail Counties";

(321) in item number 1194 by striking the project description and inserting "Roadway and pedestrian design and improvements for Pennsylvania Avenue, Brooklyn";

(322) in item number 2286 by striking the project description and inserting "Road improvements for Church Street between NY State Route 25A and Hilden Street in Kings Park";

(323) in item number 1724 by striking the project description and amount and inserting "For road resurfacing and upgrades to Old Nichols Road and road repairs in the Nissequogue River watershed in Smithtown" and "$1,500,000", respectively;

(324) in item number 3636 by striking the matters in the State, project description, and amount columns and inserting "NY", "Road repair and maintenance in the Town of Southampton", and "$500,000", respectively;

(325) in item number 3638 by striking the matters in the State, project description, and amount columns and inserting "NY", "Improve NY State Route 112 from Old Town Road to NY State Route 347", and "$6,000,000", respectively;

(326) in item number 3479 by striking the project description and inserting "Road improvements and utility relocations within the city of Jackson";

(327) in item number 141 by striking "construction of pedestrian and bicycle improvements" and inserting "transportation enhancement activities";

(328) in item number 1204 by striking "at SR 283";

(329) in item number 2896 by striking the project description and inserting "Improve streetscape and signage and pave roads in McMinn County, including $50,000 that may be used for paving local roads in the city of Calhoun";

(330) in item number 3017 by striking ", Pine View Dam";

(331) in item number 3188 insert after "Reconstruction" the following: "including U.S. 169/ Valley View Road Interchange,";

(332) in item number 1772 by striking the project description and inserting "Reconstruction of Historic Eastern Parkway";

(333) in item number 2610 by striking the project description and inserting "Reconstruction of Times and Duffy Squares in New York City";

(334) in item number 2462—

(A) by striking "of the New Jersey Turnpike, Carteret" and inserting "and the Tremley Point Connector Road of the New Jersey Turnpike"; and

(B) by striking "$1,200,000" and inserting "$450,000";

(335) in item number 2871 by striking the amount and inserting "$2,430,000";

(336) in item number 3381 by striking the project description and inserting "Determine scope, design, engineering, and construction of Western Boulevard Extension from Northern Boulevard to Route 9 in Ocean County, New Jersey";

(337) in item number 2703 by striking the project description and inserting "Upgrading existing railroad crossings with installation of active signals and gates and to study the feasibility and necessity of rail grade separation";

(338) in item number 1004 by inserting "SR 71 near" after "turn lane on";

(339) in item number 2824 by striking the project description and inserting the following: "Sevier County, TN, SR 35 near SR 449 intersection";

(340) in item number 373 by striking the project description and inserting "Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49";

(341) in item number 1486, by striking the project description and inserting "Bridge reconstruction and road widening on Route 252 and Route 30 in Tredyffrin Township, PA, in conjunction with the Paoli Transportation Center Project";

(342) in item number 4541 by striking "of the New Jersey Turnpike, Carteret" and inserting "and the Tremley Point Connector Road of the New Jersey Turnpike";

(343) in item number 4006 by striking the project description and inserting "Improvement to Alice's Road/105th Street Corridor including bridge, interchange, roadway, right-of-way, and enhancements";

(344) in item number 2901 by striking the project description and inserting "Purchase of land and conservation easements within U.S. 24 study area in Lucas, Henry, and Fulton Counties, Ohio";

(345) in item number 2619 by striking the project description and inserting "Improve access to I-55 between Bayless Avenue and Loughborough Avenue, including bridge 230.06";

(346) in item number 1687 by striking the project description and inserting "Construct an interchange at I-675 and Warren Avenue near downtown Saginaw";

(347) by striking item number 206;

(348) by striking item number 821;

(349) by striking item number 906;

(350) by striking item number 1144;

(351) in item number 1693 by striking the project description and amount and inserting "Plan and implement truck route improvements in the Maspeth neighborhood of Queens County" and "$500,000", respectively;

(352) in item number 3039 by striking the project description and inserting "Pittsfield greenways construction to connect Pittsfield to the Ann Arbor greenway system, Pittsfield Township";

(353) in item number 2922 by striking the project description and amount and inserting

"Detroit River International Wildlife Refuge for land acquisition adjacent to I–75 in Monroe County for wetland mitigation and habitat restoration, Fish and Wildlife Service" and "$1,800,000", respectively;

(354) in item number 3641 by striking the matters in the State, project description, and amount columns and inserting "MI", "River Raisin Battlefield for acquisition of historic battlefield land in Monroe County, Port of Monroe", and "$1,200,000"; respectively;

(355) in item number 3643 by striking the matters in the State, project description, and amount columns and inserting "MI", "Phase 1 of Monroe County greenway system construction, Monroe County", and "$940,000", respectively;

(356) in item number 3645 by striking the matters in the State, project description, and amount columns and inserting "MI", "East County fueling operations consolidation at the Monroe County Road Commission and enhancement of facilities to accommodate biodiesel fuel pumps, Monroe County", and "$1,000,000", respectively;

(357) in item number 3646 by striking the matters in the State, project description, and amount columns and inserting "MI", "Greenway trail construction from City of Monroe to Sterling State Park, City of Monroe", and "$100,000"; respectively;

(358) in item number 1883 by striking the project description and inserting "Planning for the Orangeline High Speed MAGLEV from Los Angeles County to Orange County";

(359) in item number 3757 by inserting ", including Van Asche Drive" after "Corridor";

(360) in item number 4347 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";

(361) in item number 4335 by striking the project description and inserting "Construct an interchange at I–675 and Warren Avenue near downtown Saginaw";

(362) in item number 4891 by striking the project description and inserting "Widening U.S. 17 in Charleston County from the Isle of Palms Connector to a point at or near Darrell Creek Trail";

(363) in item number 3647 by striking the matters in the State, project description, and amount columns and inserting "AL", "Drainage and infrastructure improvements on U.S. 11 in front of Springville Middle School in Springville", and "$1,000,000", respectively;

(364) in item number 3648 by striking the matters in the State, project description, and amount columns and inserting "AL", "Transportation enhancement projects for sidewalks and streetscaping along Cahaba Road between the Botanical Gardens and the Birmingham Zoo in the City of Birmingham", and "$1,075,000", respectively;

(365) in item number 3651 by striking the matters in the State, project description, and amount columns and inserting "AL", "Engineering and right-of-way acquisition for the McWrights Ferry Road extension between Rice Mine Road and New Watermelon Road in Tuscaloosa County", and "$1,075,000", respectively;

(366) in item number 562 by striking "a designated truck route through" and inserting "roadway and sidewalk improvements in";

(367) in item number 2836 by striking the project description and inserting "Traffic calming and safety improvements to Lido Boulevard, Town of Hampstead, Nassau County";

(368) in item number 1353 by striking the project description and inserting "Improve the flow of truck traffic in Orrville";

(369) in item number 1975 by striking the project description and inserting "Hatcher Pass Ski Development Road in Matanuska-Susitna Borough";

(370) in item number 1661 by striking the project description and inserting "Hatcher Pass Ski Development Road in Matanuska-Susitna Borough";

(371) in item number 1574 by striking the project description and inserting "Construct commuter parking structure in the central business district in the vicinity of La Grange Road, and for projects identified by the Village of La Grange as its highest priorities";

(372) in item number 3461 by striking the project description and inserting "Construct Leon Pass overpass, and for projects identified by the Village of Hodgkins as its highest priorities";

(373) in item numbers 1310 and 2265 by striking the project descriptions and inserting "To construct up to 2 interchanges on U.S. Alternate Highway 72/Alabama Highway 20 from Interstate 65 to U.S. Highway 31 in Decatur, Alabama, with additional lanes as necessary";

(374) in item number 4934 by striking "connection with Hermitage Avenue" and inserting "Hermitage Avenue and pedestrian connection";

(375) in item number 1227 by striking the project description and inserting "Construct road improvements near industrial park near SR 209 and CR 345 that improve access to the industrial park";

(376) in item number 2507 by striking the project description and inserting "Texas Department of Transportation: for those projects the Department has identified as its highest priorities";

(377) in item number 3903 by striking the project description and inserting "Planning, design, and engineering study to widen (4 lanes) SR 87 from the intersection of US 90 and SR 87 South to the Alabama State line";

(378) in item number 56 by striking the project description and inserting "Bicycle and pedestrian improvements, Oregon";

(379) in item number 604 by striking the amount and inserting "$11,800,000";

(380) in item number 1299 by striking the amount and inserting "$9,800,000";

(381) in item number 1506 by striking the amount and inserting "$5,100,000";

(382) in item number 1904 by striking the project description and inserting "Study and construct access to intermodal facility in Azusa";

(383) in item number 3653 by striking the matters in the State, project description, and amount columns and inserting "MI", "Bicycle and pedestrian trails in Harrison Township", and "$2,900,000", respectively;

(384) in item number 3447 by striking the project description and inserting "Carlton, 4th Street Railroad Crossing Improvement Project: Construct a safe, at grade crossing of the railroad and necessary bridge, connecting the community's educational and athletic facilities";

(385) in item number 2321 by striking the project description and inserting "Design and construct roadway and traffic signal improvements on Stella Street and Front Street, Wormleysburg, PA"; and

(386) in item number 370 by striking the project description and inserting "Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South".

(b) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940, commonly known as the "Truman-Hobbs Act", (33 U.S.C. 511 et seq.).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2008 and 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(e) PROJECT FEDERAL SHARE.—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

"(c) SPECIAL RULE.—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent.".

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking "Minneapolis-St. Paul, Minnesota" and inserting "Minneapolis, Minnesota".

SEC. 107. CORRECTION OF INTERSTATE AND NATIONAL HIGHWAY SYSTEM DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking "from the Arkansas State line" and inserting "from Interstate Route 540".

SEC. 108. BUDGET JUSTIFICATION; BUY AMERICA.

(a) BUDGET JUSTIFICATION.—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking "The Department" and inserting "Notwithstanding any other provision of law, the Department".

(b) BUY AMERICA.—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) the current application by the Federal Highway Administration of the Buy America test, that is only applied to components or parts of a bridge project and not the entire bridge project, is inconsistent with this sense of Congress;".

SEC. 109. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting ", Saole," after "Sua";

(2) in item number 448 by inserting "by removing asphalt and concrete and reinstalling blue cobblestones" after "streets";

(3) by striking item number 451;

(4) in item number 452 by striking "$2,000,000" and inserting "$3,000,000";

(5) in item number 12 by striking "Yukon River" and inserting "Kuskokwim River";

(6) in item number 18 by striking "Engineering and Construction in Merced County" and inserting "and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties";

(7) in item number 38 by striking the project description and inserting "Relocation of the Newark Train Station";

(8) in item number 57 by striking the project description and inserting "Kingsland bypass from CR 61 to I–95, Camden County";

(9) in item number 114 by striking "IA–32" and inserting "SW" after "Construct";

(10) in item number 122 by striking the project description and inserting "Design, right-of-way acquisition, and construction of the SW Arterial and connections to U.S. 20, Dubuque County";

(11) in item number 130 by striking the project description and inserting "Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad";

(12) in item number 133 by striking "IA–32";

(13) in item number 138 by striking the project description and inserting "West Spencer Beltway Project";

(14) in item number 142 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(15) in item number 161 by striking "Bridge replacement on Johnson Drive and Nall Ave." and inserting "Construction improvements";

(16) in item number 182 by striking the project description and inserting "Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(17) in item number 198 by striking the project description and inserting "Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(18) in item number 201 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";

(19) in item number 238 by striking the project description and inserting "Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage";

(20) in item number 329 by inserting ", Tulsa" after "technology";

(21) in item number 358 by striking "fuel-celled" and inserting "fueled";

(22) in item number 374 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border";

(23) in item number 402 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George";

(24) in item number 309 by striking the project description and inserting "Streetscape, roadway, pedestrian, and parking improvements at the intersection of Meadow Lane, Chestnut Lane, Willow Drive, and Liberty Avenue for the College of New Rochelle campus in New Rochelle"; and

(25) in item number 462 by striking the project description and inserting "I–75 widening and improvements in Collier and Lee Counties, Florida".

SEC. 110. I–95/CONTEE ROAD INTERCHANGE DESIGN.

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

(1) in the section heading by striking "study" and inserting "design";

(2) by striking subsections (a), (b), and (c) and inserting the following:

"(a) DESIGN.—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I–95/Contee Road interchange in Prince George's County, Maryland."; and

(3) by redesignating subsection (d) as subsection (b).

SEC. 111. HIGHWAY RESEARCH FUNDING.

(a) F-SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2008 and 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking "509, and 510" and inserting "and 509";

(B) in subsection (a)(4) by striking "$69,700,000" and all that follows through "2009" and inserting "$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009"; and

(C) in subsection (b) by inserting after "50 percent" the following "or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent".

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2008 and 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking "PROGRAM APPRECIATION.—" and inserting "PROGRAM APPLICATION.—".

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (c)(2)(B) by striking "tier" and inserting "Tier";

(B) in subsection (i)—

(i) by striking "In order to" and inserting the following:

"(1) IN GENERAL.—In order to"; and

(ii) by adding at the end the following:

"(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution."; and

(C) in subsection (k)(3) by striking "The Secretary" and all that follows through "to carry out this section" and inserting "For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section".

SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking "$8,593,000,000" each place it appears and inserting "$8,708,000,000".

SEC. 113. TEA–21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking "2003" and inserting "2009".

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of such Act (112 Stat. 257) is amended—

(1) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting ", and planning and construction to Heisley Road," before "in Mentor, Ohio";

(2) in item number 1646 by striking "and construction" and inserting "construction, reconstruction, resurfacing, restoration, rehabilitation, and repaving"; and

(3) in item number 614 by inserting "and for NJ Carteret, NJ Ferry Service Terminal" after "east".

SEC. 114. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking "and United States Routes 1, 3, 9, 17, and 46," and inserting "United States Routes 1, 9, and 46, and State Routes 3 and 17,"; and

(2) in paragraph (64)—

(A) by striking "United States Route 42" and inserting "State Route 42"; and

(B) by striking "Interstate Route 676" and inserting "Interstate Routes 76 and 676".

(b) INNOVATIVE PROJECTS.—Item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052) is amended in the matter under the column with the heading "INNOVATIVE PROJECTS" by inserting "and contiguous counties" after "Michigan".

SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) receive—

"(i) a driver's license suspension for not less than 1 year; or

"(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

"(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;".

SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking "$2,225,000" and inserting "$2,250,000".

SEC. 117. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) WAIVER NOTIFICATION.—

(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.

SEC. 118. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 119. FUTURE INTERSTATE DESIGNATION.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation shall designate, as a future Interstate Route 69 Spur, the Audubon Parkway and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky. Any segment of such routes shall become part of the Interstate System (as defined in section 101 of title 23, United States Code) at such time as the Secretary determines that the segment—

(1) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(2) connects to an existing Interstate System segment.

(b) SIGNS.—Section 103(c)(4)(B)(iv) of title 23, United States Code, shall apply to the designations under subsection (a); except that a State may install signs on the 2 parkways that are to be designated under subsection (a) indicating the approximate location of each of the future Interstate System highways.

(c) REMOVAL OF DESIGNATION.—The Secretary shall remove designation of a highway referred to in subsection (a) as a future Interstate System route if the Secretary, as of the last day of the 25-year period beginning on the date of enactment of this Act, has not made the determinations under paragraphs (1) and (2) of subsection (a) with respect to such highway.

SEC. 120. PROJECT FLEXIBILITY.

Section 1935(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1510) is amended by inserting "the project numbered 1322 and" before "the projects".

SEC. 121. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) shall be treated as not being enacted.

(c) CONFORMING AMENDMENT TO HIGHWAY TRUST FUND.—Subsections (c)(1) and (e)(3) of section 9503 of the Internal Revenue Code of 1986 are each amended by striking "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" and inserting "SAFETEA–LU Technical Corrections Act of 2008".

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking "charter," and inserting "charter, sightseeing,".

(b) SECTION 5303.—

(1) Section 5303(f)(3)(C)(ii) of such title is amended by striking subclause (II) and inserting the following:

"(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this chapter and title 23, prior to any allocation under section 202 of title 23, and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 of title 23, and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.".

(2) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting "or the identified phase" before "within the time"; and

(B) by inserting "or the identified phase" before the period at the end.

(3) Section 5303(k)(2) of such title is amended by striking "a metropolitan planning area serving".

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in the heading for paragraph (2) by striking "2007" and inserting "2009";

(2) in paragraph (2)(A)—

(A) by striking "2007" and inserting "2009"; and

(B) by striking "mass" and inserting "public";

(3) by adding at the end of paragraph (2) the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002."; and

(4) in paragraph (3) by striking "section 5305(a)" and inserting "section 5303(k)".

(d) SECTION 5309.—Section 5309 of such title is amended—

(1) in subsection (d)(5)(B) by striking "regulation." and inserting "this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.";

(2) in subsection (e)(6)(B) by striking "subsection." and inserting "subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.";

(3) in the heading for paragraph (2)(A) of subsection (m) by striking "MAJOR CAPITAL" and inserting "CAPITAL"; and

(4) in subsection (m)(7)(B) by striking "section 3039" and inserting "section 3045".

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking "for any purpose other than operating assistance" and inserting "for a capital project or project administrative expenses";

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking "capital" after "net"; and

(3) in subsection (i)(1) by striking "Sections 5323(a)(1)(D) and 5333(b) of this title apply" and inserting "Section 5333(b) applies".

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking "MASS TRANSPORTATION" and inserting "PUBLIC TRANSPORTATION".

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking "section 5323(a)(1)(D)" and inserting "section 5333(b)".

(h) SECTION 5319.—Section 5319 of such title is amended by striking "section 5307(k)" and inserting "section 5307(d)(1)(K)".

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking "intra—agency" and inserting "intraagency";

(2) in subsection (b)(5)(A) by striking "5302(a)(1)(A)" and inserting "5302(a)(1)";

(3) in subsection (d)(1) by inserting "to administer this section and" after "5338(b)(2)(J)";

(4) by adding at the end of subsection (d) the following:

"(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.";

(5) in subsection (k)(3) by striking "subsection (d)(1)" and inserting "subsection (e)(1)";

(6) by redesignating subsections (a) through (m) as subsections (b) through (n), respectively; and

(7) by inserting before subsection (b) (as so redesignated) the following:

"(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.".

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking "section 5336(e)(2)" and inserting "section 5336(d)(2)".

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end "adopted before August 10, 2005";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking "Of the amount" and all that follows before paragraph (1) and inserting "Of the amount apportioned under subsection (i)(2) to carry out section 5307—";

(B) in subsection (d)(1) by striking "subsections (a) and (h)(2) of section 5338" and inserting "subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338"; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking "paragraph (2)" and inserting "subsection (a)(2)".

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking "for each of fiscal years 1998 through 2003" and inserting "for each of fiscal years 2005 through 2009".

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking "section 5315(a)(16)" and inserting "section 5315(b)(2)(P)".

(o) SAFETEA-LU.—

(1) SECTION 3011.—Section 3011(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1589) is amended by adding to the end the following:

"(5) Central Florida Commuter Rail Transit Project.".

(2) SECTION 3037.—Section 3037(c) of such Act (119 Stat. 1636) is amended—

(A) in paragraph (3) by striking "Phase II"; and

(B) by striking paragraph (10).

(3) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking "$7,871,895,000" and inserting "$7,872,893,000".

(4) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting "/Milwaukie" after "Mall".

(B) LOS ANGELES.—

(i) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

"(13) Los Angeles—Exposition LRT (Phase 1).".

(ii) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

"(104A) Los Angeles—Exposition LRT (Phase 2).".

(C) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking "LOSSAN Del Mar-San Diego—Rail Corridor Improvements" and inserting "LOSSAN Rail Corridor Improvements".

(D) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking "San Diego" and inserting "San Diego Transit".

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking "Downtown".

(F) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

"(6) Boston-Silver Line Phase III, $20,000,000.".

(G) PROJECT·CONSTRUCTION GRANTS.—Section 3043(e) of such Act (119 Stat. 1651) is amended by adding at the end the following:

"(4) PROJECT CONSTRUCTION GRANTS.—Projects recommended by the Secretary for a project construction grant agreement under section 5309(e) of title 49, United States Code, or for funding under section 5309(m)(2)(A)(i) of such title during fiscal year 2008 and fiscal year 2009 are authorized for preliminary engineering, final design, and construction for fiscal years 2007 through 2009 upon the completion of the notification process for each such project under section 5309(g)(5).".

(H) LOS ANGELES AND SAN GABRIEL VALLEY.—Section 3043 of such Act (119 Stat. 1640) is amended by adding at the end the following:

"(k) LOS ANGELES EXTENSION.—In evaluating the local share of the project authorized by subsection (c)(104A) in the new starts rating process, the Secretary shall give consideration to project elements of the project authorized by subsection (b)(13) advanced with 100 percent non-Federal funds.

"(l) SAN GABRIEL VALLEY—GOLD LINE FOOTHILL EXTENSION PHASE II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by subsection (b)(33) in the new starts rating process, the Secretary shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.".

(5) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking "$217,360" and inserting "$167,360"; and

(II) by striking "$225,720" and inserting "$175,720";

(ii) in item number 36 by striking the project description and inserting "Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area";

(iii) in item number 71 by inserting "Metropolitan Bus Authority" after "Puerto Rico";

(iv) in item number 84 by striking the project description and inserting "Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)";

(v) in item number 94 by striking the project description and inserting "Pacific Transit, WA Vehicle Replacement";

(vi) in item number 120 by striking "Dayton Airport Intermodal Rail Feasibility Study" and inserting "Greater Dayton Regional Transit Authority buses and bus facilities";

(vii) in item number 152 by inserting "Metropolitan Bus Authority" after "Puerto Rico";

(viii) in item number 416 by striking "Improve marine intermodal" and inserting "Improve marine dry-dock and";

(ix) in item number 457—

(I) by striking "$65,000" and inserting "$0"; and

(II) by striking "$67,500" and inserting "$0"; and

(x) in item number 458—

(I) by striking "$65,000" and inserting "$130,000";

(II) by striking "$67,500" and inserting "$135,000"; and

(xi) in item number 57 by striking the project description and inserting "Wilmington, NC, maintenance and operations facilities and administration and transfer facilities";

(xii) in item number 460 by striking the matters in the project description, FY08 column, and FY09 column and inserting "460. Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and intermodal terminals in Albuquerque and Santa Fe", "$500,000", and "$500,000", respectively.

(xiii) in item number 138 by striking "Design" and inserting "Determine scope, engineering, design,";

(xiv) in item number 23 by striking "Construct" and inserting "Design, engineering, right-of-way acquisition, and construction";

(xv) in item number 439 by inserting before "Central" the following: "Design, engineering, right-of-way acquisition, and construction";

(xvi) in item number 453 by inserting before "Central" the following: "Design, engineering, right-of-way acquisition, and construction";

(xvii) in item number 371 by striking the project description and inserting "Regional Transportation Commission of Southern Nevada, Sunset Bus Maintenance Facility";

(xviii) in item number 487 by striking "Central Arkansas Transit Authority Facility Upgrades" and inserting "Central Arkansas Transit Authority Bus Acquisition";

(xix) in item number 491 by striking the project description and inserting "Pace, IL, Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis";

(xx) in item number 512 by striking "Corning, NY, Phase II Corning Preserve Transportation Enhancement Project" and inserting "Transportation Center Enhancements, Corning, NY";

(xxi) in item number 534 by striking "Community Buses" and inserting "Bus and Bus Facilities";

(xxii) in item number 570 by striking "Maine Department of Transportation-Acadia Intermodal Facility" and inserting "MaineDOT Acadia Intermodal Passenger and Maintenance Facility";

(xxiii) in item number 80 by striking the project description and amounts and inserting "Flagler County, Florida–buses and bus facility", "$57,684", "$60,192", "$65,208", and "$67,716" respectively;

(xxiv) in item number 135 by striking the project description and inserting "Pace Suburban Bus, IL–Purchase Vehicles";

(xxv) in item number 276 by striking the project description and amounts and inserting "Long Beach Transit, Long Beach, California, for the purchase of transit vehicles and enhancement of para-transit and senior transportation services", "$128,180", "$133,760", "$144,906", and "$150,480", respectively; and

(xxvi) by adding at the end—

(I)(aa) in the project description column "666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes"; and

(bb) in the FY08 column and the FY09 column "$50,000";

(II)(aa) in the project description column "667. St. Johns County Council on Aging buses and bus facilities, Florida"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "$57,684", "$60,192", "$65,208", and "$67,716", respectively;

(III)(aa) in the project description column "668. The City of Compton, California, for the replacement of buses and paratransit vehicles"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "$128,180", "$133,760", "$144,906", and "$150,480", respectively; and

(IV)(aa) in the project description column "669. City of Los Angeles, California, for the purchase of transit vehicles in Watts and enhancement of paratransit and senior transportation services"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "$128,200", "$133,760", "$144,908", and "$150,480", respectively.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting ", or other entity," after "State or local governmental authority"; and

(ii) by striking "projects numbered 258 and 347" and inserting "projects numbered 258, 347, and 411"; and

(iii) by striking the period at the end and inserting: ", and funds made available for fiscal year 2006 for the bus and bus-related facilities projects numbered 176 and 652 under subsection (a) shall remain available until September 30, 2009.".

(6) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking "hydrogen fuel cell vehicles" and inserting "hydrogen fueled vehicles";

(B) by striking "hydrogen fuel cell employee shuttle vans" and inserting "hydrogen fueled employee shuttle vans"; and

(C) by striking "in Allentown, Pennsylvania" and inserting "to the DaVinci Center in Allentown, Pennsylvania".

(7) SECTION 3050.—Section 3050(b) of such Act (119 Stat. 1713) is amended by inserting "by negotiating the extension of the existing agreement between mile post 191.13 and mile post 185.1 to mile post 165.9 in Rhode Island" before the period at the end.

(p) TRANSIT TUNNELS.—In carrying out section 5309(d)(3)(D) of title 49, United States Code, the Secretary of Transportation shall specifically analyze, evaluate, and consider—

(1) the congestion relief, improved mobility, and other benefits of transit tunnels in those projects which include a transit tunnel; and

(2) the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects which do not include a transit tunnel, but where a transit tunnel was one of the alternatives analyzed.

(q) KNOXVILLE, TENNESSEE, PROPERTY ACQUISITION.—The acquisition of property for the city of Knoxville, Tennessee, for the Knoxville, Tennessee, Central Station project shall be deemed to qualify as an acquisition of land for protective purposes pursuant to section 622.101 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary of Transportation may allow the costs of such acquisition to be credited toward the non-Federal share for the project.

(r) CALIFORNIA TRANSIT SERVICES.—The Secretary of Transportation shall use not more than $3,000,000 of the funds made available for use at the discretion of the Secretary for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities to reimburse the California State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services that were provided by the department of transportation as a temporary substitute for highway traffic service following the freeway collapse at the interchange connecting Interstate Routes 80, 580, and 880 near the San Francisco-Oakland Bay Bridge, on April 29, 2007, until the reopening of that facility on June 29, 2007. The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking "Section 31104" and inserting "Section 31144"; and

(B) in paragraph (1) by inserting "(c)" after "the second subsection".

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking "the second subsection (c)" and inserting "(f)".

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking "amendment made by subsection (a)" and inserting "amendments made by subsections (a) and (b)".

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "section".

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking "31139(f)(5)" and inserting "31139(g)(5)".

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking "license" and inserting "licenses".

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking "31318" and inserting "31313".

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting "of title 49, United States Code," after "31502".

(j) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(k) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended--

(1) in subsection (f)(2) by striking "Surface Transportation Safety Improvement Act of 2005", and inserting "Motor Carrier Safety Reauthorization Act of 2005"; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(l) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

"(e) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.".

(m) COMMERCIAL MOTOR VEHICLE DEFINITION.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking "a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier" and inserting "determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier".

(n) CLARIFICATION OF UNREASONABLE BURDEN.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking "interstate" the last place it appears and inserting "intrastate".

(o) CONTENTS OF AGREEMENT TYPO.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking "or" the last place it appears.

(p) OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking "the a" and inserting "a";

(2) in subsection (f)(1)(A)(i) by striking "in connection with the filing of proof of financial responsibility"; and

(3) in subsection (f)(1)(A)(ii) by striking "in connection with such a filing" and inserting "under the UCR agreement".

(q) IDENTIFICATION OF VEHICLES.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: "or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement".

(r) DRIVEAWAY SADDLEMOUNT VEHICLE.—

(1) DEFINITION.—Section 31111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking "DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT" and inserting "DRIVEAWAY SADDLEMOUNT";

(B) by striking "drive-away saddlemount with fullmount" and inserting "driveaway saddlemount"; and

(C) by inserting "Such combination may include one fullmount." after the period at the end.

(2) IN GENERAL.—Section 31111(b)(1)(D) of such title is amended by striking "a driveaway saddlemount with fullmount" and inserting "all driveaway saddlemount".

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) DEFINITION OF HAZMAT EMPLOYEES.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

(1) by striking "(3)(A)" and inserting "(3)";

(2) in subparagraph (A) by striking "clause (i)" and inserting "clause (i) of subparagraph (A)"; and

(3) in subparagraph (B) by striking "clause (ii)" and inserting "subparagraph (A)(ii)".

(b) TECHNICAL CORRECTION.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "subsection".

(c) PREEMPTION CORRECTION.—Section 5125 of title 49, United States Code, is amended—

(1) in subsection (d)(1) by striking "5119(e)" and inserting "5119(f)";

(2) in each of subsections (e) and (g) by striking "5119(b)" and inserting "5119(f)"; and

(3) in subsection (g) by striking "(b), (c)(1), or (d)" and inserting "(a), (b)(1), or (c)".

(d) RELATIONSHIP TO OTHER LAWS.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting "the first place it appears" before "and inserting".

(e) REPORT.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking "exemptions" and inserting "special permits"; and

(2) in paragraph (3) by striking "exemption" and inserting "special permit".

(f) SECTION HEADING.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

"§5128. Authorization of appropriations".

(g) CHAPTER ANALYSIS.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking "Transportation" and inserting "transportation".

(h) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting "(including delegations by the Secretary of Transportation)" after "All orders".

(i) SHIPPING PAPERS.—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking "SHIPPERS" and inserting "OFFERORS"; and

(2) by striking "shipper's" and inserting "offeror's".

(j) NTSB RECOMMENDATIONS.—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking "165" and inserting "1165".

SEC. 303. HIGHWAY SAFETY.

(a) STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking "The annual apportionment to each State shall not be less than one-half of 1 per centum" and inserting "The annual apportionment to each State shall not be less than three-quarters of 1 percent".

(b) CONSOLIDATION OF GRANT APPLICATIONS.—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking "through" and inserting "for which"; and

(2) by inserting "is appropriate" before the period at the end.

(c) TECHNICAL CORRECTIONS.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking "and" at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking "clause (i)" and inserting "clauses (i) and (ii)".

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

SEC. 304. CORRECTION OF STUDY REQUIREMENT REGARDING ON-SCENE MOTOR VEHICLE COLLISION CAUSATION.

Section 2003(c)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1522) is amended in the second sentence by striking "shall" and inserting "may".

SEC. 305. MOTOR CARRIER TRANSPORTATION REGISTRATION.

(a) GENERAL REQUIREMENTS.—Section 31138 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL REQUIREMENT.—

"(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

"(A) a place in another State;

"(B) another place in the same State through a place outside of that State; or

"(C) a place outside the United States.

"(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

"(A) a place in another State;

"(B) another place in the same State through a place outside of that State; or

"(C) a place outside the United States."; and

(2) by striking "commercial" each place it appears in subsection (c)(4).

(b) TRANSPORTATION OF PROPERTY.—Section 31139 of such title is amended—

(1) by striking "commercial motor vehicle" in subsection (b)(1) and inserting "motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)"; and

(2) by striking "commercial" in subsection (c).

(c) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6)(B), (7)(B), (14), and (15) of section 13102 of such title are each amended by striking "commercial motor vehicle (as defined in section 31132)" and inserting "motor vehicle".

(d) FREIGHT FORWARDERS.—Section 13903(a) of such title is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.".

(e) BROKERS.—Section 13904(a) of such title is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.".

SEC. 306. APPLICABILITY OF FAIR LABOR STANDARDS ACT REQUIREMENTS AND LIMITATION ON LIABILITY.

(a) APPLICABILITY FOLLOWING THIS ACT.—Beginning on the date of enactment of this Act, section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply to a covered employee notwithstanding section 13(b)(1) of that Act (29 U.S.C. 213(b)(1)).

(b) LIABILITY LIMITATION FOLLOWING SAFETEA–LU.—

(1) LIMITATION ON LIABILITY.—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if—

(A) the violation occurred in the 1-year period beginning on August 10, 2005; and

(B) as of the date of the violation, the employer did not have actual knowledge that the employer was subject to the requirements of such section with respect to the covered employee.

(2) ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid before the date

of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the 1-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) COVERED EMPLOYEE DEFINED.—In this section, the term "covered employee" means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SEC. 402. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL DEFINED.—In this section, the term "St. Joseph Memorial Hall" means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay $10,000 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

TITLE V—OTHER PROVISIONS

SEC. 501. DE SOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257) is amended by striking "$55,000,000" and inserting "$75,000,000".

SEC. 502. DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109–59 to ascertain if a violation of Federal criminal law has occurred.

Mrs. BOXER. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, this is a good day for the Senate. It took us a while to get here. I will thank staff in a moment—floor staff as well, and Senator REID's staff, Senator INHOFE's staff, and my own staff.

Before that, I have two unanimous-consent requests to make.

The PRESIDING OFFICER. The Senator will state the requests.

UNANIMOUS-CONSENT REQUEST—H.R. 2828

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 403, H.R. 2828, the Foreign Service Victims of Terrorism Act, which will provide compensation to relatives of U.S. citizens killed as a result of the bombing of United States Embassies in East Africa on August 7, 1998; that the bill be read the third time, and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 1595

Mrs. BOXER. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1595, the Guam World War II Loyalty Recognition Act; that the bill be read the third time, and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Madam President, we just heard objection, but we didn't get objection, finally, to the technical corrections bill. We are happy about that. You and I serve together on the Environment and Public Works Committee. We know our work is important because we know that no country can be great if it doesn't have an infrastructure that is up to par. The occupant of the chair knows more than most what it means when a bridge collapses. We know what that means. So what we are doing here is a matter of life and death, quite often.

This technical corrections bill will make it possible to continue work on over 500 projects that were stymied for various reasons. It is going to put a billion dollars into our economy, and it will provide tens of thousands of jobs. Senator INHOFE and I are very grateful that—even though this was not an easy week and this bill took so many twists and turns and we had to work our way through many issues—we have arrived at the point where it passed.

Let me say how much I enjoyed working with my staff and the staff of Senator INHOFE. I am going to read the names of those who deserve to be recognized and thanked. From my staff are Bettina Porier, Kathy Dedrick, Tyler Rushforth, Jeff Rosato, Erik Olsen, Paul Ordal, and the rest of my staff. We do work as a team.

I thank Senator INHOFE's staff, and I am sure there are more to be thanked, but the ones I worked with closely are, of course, Andy Wheeler, chief over there, Ruth Van Mark, James O'Keeffe, and Alex Herrgott. We are so grateful to you for being close to us, staying close to us, letting us know when there were problems. We appreciate that.

I say to the majority leader, Senator REID, how much I appreciated his interest in this bill. He really helped us. Bob Herbert, of his staff, Ron Wynch, and Mike Castellano—we had technical issues and legal issues and they were there.

If I am leaving anyone out, please know it is not my intention. So many others helped us.

Mr. CARPER. Will the Senator yield for a moment?

Mrs. BOXER. Yes.

Mr. CARPER. The Senator is leaving herself out and Senator INHOFE. On behalf of all of us who have been anxious for this day—to see this technical corrections bill put together and have the result we have had, I thank the Senator for dealing with the competing forces and getting the job done. Someone said it was ugly, but it is beautiful in the end. It is going to be good for the folks in all of our States. We worked together in a bipartisan way, and I am grateful for that.

Mrs. BOXER. I thank the Senator. Senator CARPER, from Delaware, is one of the senior members on the committee, whom we love working with. He is part of our team. We have a great committee. It is why I like to be a legislator.

I want to say, in closing, to floor staff, all of you here, thank you for your patience. You have to answer questions. The pages have to be available to us. You all let us know what is going on and whether we are doing it right or wrong. Of course, in particular, I thank Lula, Tim, and Dave. Without the three of you, we could not have gotten this done.

Yes, sometimes when you get to this point, it is a little like making sausage—that is what they say about how a bill becomes a law; it is not a pretty thing. But we got it done. The most important thing is all of the people who helped us from the outside groups—I thank them—such as the construction industry, the construction workers, the transit district operators, the sand and gravel people. You know who you are. You made the point that we should not bog this bill down, that we should get it going.

I am delighted we had a victory here with the Water Resources Development Act. We are pleased. Up and coming, we are going to have a markup in a couple of weeks, and then we will get to global warming. I don't know how that will end, but I know it is going to be very exciting. We hope everybody will participate in that debate.

Is the Senator from Virginia going to speak?

I will yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

(The remarks of Mr. WARNER are printed in today's RECORD under "Morning Business".)

Mr. WARNER. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

REPUBLICAN FILIBUSTERS

Mr. DURBIN. Mr. President, today the Senate had a historic moment. We passed a bill that has been long awaited across America—one that was read about and heard about. It finally passed this afternoon. It was a bill called the technical corrections bill.

It was a bill that changed and corrected the punctuation and references in a highway bill we enacted several years ago. It was not that historic. In fact, it is fairly routine. You see, after you pass a bill that affects the whole United States and billions of dollars, sometimes, on reflection, you find some of the facts were wrong, some of the words were wrong; and you have to clean it up. And so a technical corrections bill is very common around here. It happens to correct mistakes, to make sure things are done well and done accurately. It is the kind of bill that historically would pass without any debate whatsoever. Many times it would pass by a voice vote late at night when no one is here because there is so little controversy attached to it.

So despite what I said at the outset, it is not that historic. But what made this process historic, and we are researching this, but we believe for the first time in the history of the Senate, the Republicans initiated not one but two filibusters on our effort to pass this technical corrections bill.

We brought this bill to the floor a week ago today, asked that it pass, and then faced a filibuster from the Republicans. That filibuster was broken on Monday, with a 93-to-1 vote, and then a second filibuster had to be initiated by the Republicans before we could finally pass the bill today.

For those following this from the outside, I am afraid I might have lost some of them. But what it boiled down to was that the Republican minority was determined that we would burn 1 week of Senate activity on a bill that should have taken 5 minutes. They were determined that we would have a succession of rollcall votes on a bill which by and large had no controversy. There was one little issue that could have been resolved quickly, perhaps in an hour, in a good-faith debate with a vote. They stretched it out for a week.

Why are we in this stall? Why do the Republicans want to slow us down? It is part of a strategy. Republican filibusters this Congress, as of today, went up to 66; 66 Republican filibusters this Congress and still counting. Is that a lot? Historically, the Senate has never had more than 57 filibusters in any 2-year period. We have had 66 in a matter of a year and 3 or 4 months. So they are about to break all records with filibusters in an attempt to slow down the Senate. They can't even come to a bipartisan agreement on a technical corrections bill. The Republicans insist on these filibuster rollcalls on a technical corrections bill. Why?

First, they want to slow the Senate down as much as possible so we don't act on issues that really count. They don't want us to take up an energy bill to talk about energy tax credits so that we can expand renewable sources of energy. They don't want us to take up a bill to deal with children's health insurance, a bill vetoed twice by President Bush, which would provide health care protection for many children not poor enough to qualify for Medicaid, not fortunate enough to have parents with health insurance. They don't want us to take up important legislation dealing with the state of our economy, legislation to extend unemployment benefits to the millions of Americans who are out of work. Those numbers are reaching modern records. We know many of these families are struggling to find a job. We want to extend benefits so these people can feed their families while they are looking for work. Republicans don't want us to take up that legislation. So they keep throwing filibusters in our path, slowing down the Senate, making sure the Senate never gets to the issues that are critically important. Whether it is funding our schools or paying for health care, taking care of unemployed workers, providing money for medical research, trying to bring down the high cost of gasoline, the high cost of health care and college, they continue to throw filibusters in our path.

GOP is shorthand for the Republican Party. It technically used to stand for Grand Old Party. The Republicans in the Senate have created a new GOP. They want the Senate to be a "Graveyard of Progress." They don't want us to take up this legislation. They don't want us to take up these issues. They don't want to see any change. They don't want to see any progress. That is why their message at this point is so empty. All they can do is say no, no to the issues that really count with American families.

Eventually the American people will speak, in November, in an election. They will decide whether this Republican approach of filibusters and stopping progress and stopping change is what they want to see or whether they want to bring to the Senate new people who can start moving this country forward. Eventually the American people have the last word. I am sorry we have virtually wasted a week and the time of this great institution with more Republican filibusters. But it is their strategy; it is their plan. It is the way they address the serious issues facing America.

WORLD FOOD CRISIS

Mr. DURBIN. Mr. President, I fear we are on the brink of a major humanitarian crisis around the world. Food prices are rising beyond the reach of people in countries as disparate and far apart as Haiti, Egypt, and Thailand. Food prices and their increase have led to demonstrations, sometimes even violent demonstrations in many parts of the world, creating real threats to the stability of those countries. As many as 33 countries face a growing risk of hunger and social unrest that is caused when people are hungry and frightened about their future. Quite simply, I am concerned that we are steps away from a world food crisis, a crisis that could have a dramatic impact on some of the world's poorest nations.

The other week, World Bank President Robert Zoellick warned:

> For countries where food comprises about half to three-quarters of consumption, there is no margin for survival.

In the United States, the poorest 20 percent, the poorest one-fifth of our population, spends about 16 percent of their income on food. It is a lot compared to many of us. But in the poorest nations, those families spend more than half of what they earn to feed themselves. In Nigeria, families spend an average of 73 percent of the money they earn on food; in Vietnam, 65 percent. Even as food prices soar, humanitarian aid has been forced to scale back. In Cambodia, the World Food Program, which is largely sustained and supported by the United States, has suspended a feeding program for 500,000 schoolchildren because of food shortages. Rising food prices mean hunger, and with hunger and no real hope of ending it come panic, desperation, and, ultimately civil unrest.

At any given time, chronic hunger threatens the welfare of an estimated 850 million people in the world.

We talk a lot about the forces of extremists and terrorists and fundamentalists, how destabilizing they are with their acts of violence in countries where they kill innocent people. But I have to say, if this world food crisis continues unabated, the instability of terrorism may pale in comparison.

In Thailand, local farmers are reporting theft of their rice crops, as supplies from other countries are going down and prices are going up dramatically. Protests have turned violent in many places. In Yemen, food prices have doubled in recent months. Protests and riots there left at least 12 people dead. Protests in Cameroon earlier this year killed more than two dozen people and led to desperate attempts by the Government to raise wages and reduce customs duties on food products. Rioters in Burkina Faso looted stores and burned Government buildings. The Prime Minister of Haiti was forced to resign following days of deadly violence over rising food prices. Last weekend, a U.N. peacekeeper transporting food for his unit was dragged from his vehicle and shot execution style in the Haitian capital by protesters.

The risk of unrest is even more troubling in areas such as Darfur, where the World Food Program is feeding up to 3 million people a day. This is a humanitarian time bomb which threatens to explode at any moment.

I have seen food aid programs operate overseas, and they can make a big difference. I saw one program when I traveled to a slum in Nairobi, Kenya. It is a slum of lean-to homes where more than 600,000 people live. It is called Kibera. If you saw the movie "The Constant Gardener," much of it was filmed in the slum of Kibera in Nairobi, Kenya. Some people think up to 1 million people live there from time to time, some 600,000. Nobody even knows.

When you visit there, there are people as far as the eye can see—kids playing in the streets, in the filth, in railway yards, everywhere.

But when I visited there, there was a scene that was almost hard to believe. It was near the holiday season. The local schools were on vacation, but they asked the students to come back to greet this Senator who was coming from America. About 40 or 50 children put on their uniforms, left their vacation time at home, to come back to school. It wasn't to see me; believe me. It was because they promised them that if they would come back to school that day, they would feed them. The feeding program in that little school is part of what is known as the McGovern-Dole school feeding program, named after two former great Senators who served from South Dakota and Kansas.

I saw the way that food program worked. There was a noon lunch which consisted of a pot of boiling cereal. It looked a lot like oatmeal or some form of porridge. They ladled it into plastic cups. The kids stood in line like they were at Baskin Robbins in Springfield, IL, hoping to get a double-dip ice cream cone. They were so excited to get something to eat. It was the only meal they were going to have that day. They were willing to put up with this politician, wear their uniforms, come in from vacation, on the chance they could fill that cup. They stood there and waited, just to get one meal.

The World Food Program has issued an extraordinary emergency appeal because food programs like that one in Kenya may not last. There is a shortfall of some $500 million in food programs across the world. Considering the high cost of food and fuel prices to transport it, the shortfall is no surprise. But it requires immediate action. The U.S. contribution to the World Food Program is important because it doesn't just feed hungry kids. It tells the world who we are.

Right now there are people who are not our friends, who are in fact our enemies, who are advertising against the United States. On television sets and other places around the world, there is an image of America that is not even close to the truth. They suggest that we are warmongers and selfish people. We are not.

We have to prove to the world again that our values count, and we will stand behind them. This global food crisis is the kind of challenge that gives us our opportunity.

It also is important to quell the growing security concerns attached with a global food crisis. Senators JOHN KERRY and JOE BIDEN joined me today in sending a letter to President Bush urging him to support additional funding for food aid in the fiscal year 2008 supplemental appropriations bill. The President is going to come to us shortly and ask for $108 billion to continue the war in Iraq and in Afghanistan. He will tell us this is an emergency. The world food crisis is also an emergency. It is one we should deal with. If we are really focused on stability and peace in Iraq, we should not ignore the fact that the shortages of food and hunger around the world can lead to instability in many other places.

As a first step, the Department of Agriculture has committed to providing $200 million in emergency food assistance through the Bill Emerson humanitarian trust. Bill Emerson, former Republican Congressman from the Boothill area of Missouri, was a fine fellow. I got to know him when I served in the House. He really cared about children and feeding people. So $200 million in his name is certainly money well spent.

Moving forward, though, we have to understand that is not enough. We are going to need to add more to make sure this crisis doesn't occur.

We can share our bountiful harvest. We can help the poorest people in the world. We can demonstrate in that way the finest elements of the American spirit.

We recently had a hearing, in fact yesterday, before the Senate Appropriations Committee, where Jim Nussle, who is chairman of the Office of Management and Budget, spoke. Jim comes from the State of Iowa. He is a former Congressman, former chairman of the House Budget Committee.

I asked him about this. I asked him if the administration would consider, as part of their supplemental appropriations bill, including more money for this global food crisis. I am afraid Mr. Nussle was adamant in saying they would not. They would not consider adding any money to the $108 billion for the war in Iraq and Afghanistan. He said that is all the President has asked for.

I hope Mr. Nussle will reconsider. I certainly hope the President will reconsider. What is at issue is not a political fight. What is at issue is a fight for food so some of the poorest people on Earth can survive. The United States will have a chance to demonstrate to the world our values and what we stand for. I hope we can do that by adding to this supplemental funding bill enough money to provide assistance to people around the world who face deprivation and starvation because of the current global food crisis.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL THOMAS P. ECHOLS

Mr. McCONNELL. Mr. President, I rise today because a brave man from Kentucky has fallen in the far-away country of Iraq. LCpl Thomas P. Echols was tragically killed on December 4, 2006, during combat operations in the city of Ramadi. The Shepherdsville, KY, native was 20 years old.

Lance Corporal Echols was serving his second deployment in Iraq. For his valor as a U.S. Marine, he received several medals, awards, and decorations, including the National Defense Service Medal, the Navy and Marine Corps Commendation Medal, and the Purple Heart.

Raised in Shepherdsville, in Bullitt County, Tom was actually born in Mount Clemens, MI, and as a result Tom brought with him to Kentucky a fast and true love for his University of Michigan Wolverines. His grandfather, Don Wight, still recalls how his grandson once saved up money for weeks to buy tickets to a University of Michigan football game.

"I'm an MSU grad, he's a dyed-in-the-wool University of Michigan fan. Anything he could find that was U of M memorabilia, he had it," says Don. "He was just a good, fun-loving young man." Despite the longstanding rivalry between the University of Michigan and Michigan State, Tom and his grandfather went to that Wolverines football game together.

While Tom's eyes looked north to his beloved Wolverines, his feet were firmly planted in Kentucky. He attended Cedar Grove Elementary School, Bernheim Middle School, and Bullitt Central High School, all in Shepherdsville. He graduated from Riverview High School in Shepherdsville in 2004.

Growing up, Tom belonged to his school's football and track teams. He played video games and paintball. And in high school he participated in Junior ROTC and the drill team, perhaps preparing himself for the military life he hoped would lie ahead.

Tom chose to pursue service in uniform by the time high school graduation rolled around. His father, Kurt Echols, remembers his son thinking of a career in the Armed Forces as early as middle school. Perhaps Tom drew inspiration from his father, a veteran himself.

Tom "was a good kid, loved sports, a big Michigan fan," Kurt says of his son, and remembers him as someone who always enjoyed a good joke.

In the fall of 2004, Tom enlisted in the U.S. Marine Corps. He was a member of the 1st Battalion, 6th Marine Regiment, 2nd Marine Division from Camp Lejeune, NC, and during his deployment to Iraq, his regiment fell under the command of the First Marine Expeditionary Force, Forward.

Tom's longtime friend Tim Zamboroski was sorry to see the childhood buddy he had grown up with whisked away to the other side of the world. As kids Tom and Tim used to play baseball together in the backyard. As men, they would trade e-mails back and forth from America to Iraq.

"I think he was pretty happy with serving the country," Tim says. "I'm going to miss him." When he heard Tom had been killed, Tim says he felt as if he had lost a brother.

Lance Corporal Echols drove humvees during his first tour in Iraq, and by his second tour had become an infantryman.

While serving in the Marine Corps, he also became a husband, after asking Allyson Echols, whom he met in high school, to marry him.

Tom and Allyson married during the week of Thanksgiving in 2005. Allyson now raises the couple's young daughter, Julia, who sadly never got to meet her father.

Tom was buried at the Zachary Taylor National Cemetery in Louisville, KY, with full military honors. A large crowd of people came to pay their final respects. Sheriffs from both Bullitt County and neighboring Jefferson County were there, and Tom's father Kurt remembers with pride that members of a local fire department erected a large American flag in honor of his son.

Our prayers are with the family of Lance Corporal Echols today as God comforts them for their tragic loss. We are thinking of his wife Allyson; his daughter Julia; his parents Kurt and Rose; his sister Rebecca; his brother Alexander; his grandparents Jerry and Sharon Echols and Donald and Mary Wight; and many other beloved family members and friends.

This U.S. Senate expresses its deepest gratitude for LCpl Thomas P. Echols's life of service. And we express our deepest gratitude for the Echols family, for nurturing this man, patriot, and marine who answered the call in his country's time of need.

WEEK OF THE YOUNG CHILD

Mr. REID. Mr. President, I wish to recognize the Week of the Young Child, taking place this week, April 13 through 19.

Sponsored by the National Association for the Education of Young Children, the Week of the Young Child is held annually to honor young children and those who make a difference in their lives. This year's theme is "Bring Communities Together for Children—Children Bring Communities Together". This week presents an opportunity for us all to focus on the needs of the 20 million young children around the country. It shines a light on the importance of issues like affordable childcare for working families, access to quality early childhood educational programs, and the availability of adequate health care.

As a father and a grandfather, I am troubled by the fact that so many young children in this country live with the effects of poverty and inadequate health and child care every day. It is estimated that 24 percent of American children under the age of 6 live in poverty and 24 percent of those children are without health insurance. In addition, although nearly 50 percent of working families rely on outside childcare, fees for these programs are skyrocketing, leaving them out of reach for too many. The Week of the Young Child highlights the role of the Federal, State, and local governments, as well as private organizations and the general public, in alleviating these problems and working toward a stronger, healthier community.

The Week of the Young Child also gives us an opportunity to recognize and celebrate the programs and organizations that provide vital services to young children and their families. For example, the Head Start Program provides comprehensive early education and health services to almost 1 million low-income preschool children to help them prepare for and succeed in school.

Additionally, the Child Care and Development Block Grant, CCDBG, provides funding to States for childcare services for low-income families and activities intended to improve the overall quality and supply of childcare. For families transitioning to financial independence, CCDBG-funded services play an especially significant role.

Investing in America's young children is one of the best steps we can take to ensure the future success of our Nation. I am pleased to recognize the Week of the Young Child, and I extend my thanks to those in Nevada—and around the country—who provide for our young children on a daily basis.

Mr. KENNEDY. Mr. President, today I strongly support Senator SALAZAR's resolution designating this week, the third week in April, as the "Week of the Young Child." I hope the resolution represents a new commitment by all of us in Congress to strengthen the services young children need to become full and productive members of our society in the years ahead.

Last year's reauthorization of the Head Start Act was a significant step in the right direction to assure access to quality early childhood education. The act expanded coverage to families just above the poverty line and provided additional flexibility to assist more poor families as they make the transition to work and struggle to keep up with the rising cost of living in today's new economy. We also renewed our commitment to underserved populations, such as Native Americans and migrant and seasonal farm worker families, and worked to ensure that every teacher in every Head Start classroom is highly qualified.

In addition, the reauthorization established an Early Childhood Education Advisory Council to assess the needs children in of early childhood programs and develop a comprehensive plan for improving the quality of services provided. That effort will improve professional development, upgrade standards, enhance connections among programs, and improve data collection. States ready to take on the challenge of implementing these needed improvements qualify for inventive grants to get that work underway. Together these reforms strengthen our commitment to provide both quality childcare, and quality early learning opportunities for the Nation's youth. But there is still much more to be done.

The research is clear—high quality early education makes a profound difference in the lives of children, especially at-risk children. In fact, many experts believe that 85 percent of a child's intellect is established before a child reaches the age of five. Unless we begin to educate at-risk children before they reach kindergarten, we may lose them forever. Students who start school behind tend to stay behind, and early childhood education makes all the difference. Those who have access to high quality early childhood education are 30 percent more likely to graduate from high school, twice as likely to go on to college, and are 40 percent less likely to need expensive special education programs or be held back a grade.

But the positive benefits extend beyond the classroom. Early childhood education helps to break the devastating cycle of crime and poverty. Nobel Laureate James Heckman's study of at-risk boys who receive quality early education shows that less than 10 percent of the boys who participated would be convicted of a crime and less than 2 percent would end up on welfare—rates significantly lower than those who did not receive such education.

Quality early education programs are supportive of young children in ways that enable them to become productive members of society. By cultivating educated, law abiding members of society we help to guarantee our national competitiveness, the stability of our economy and the fabric of our communities for the years ahead. Early childhood education creates better students, better workers and better citizens.

We must invest in such education for sake of our students and our national well being. We know the best way to ensure that our students receive quality early education is by giving them a highly qualified teacher. Yet, early childhood educators continue to be overworked and undervalued in our society. Prekindergarten teachers get paid on average less than half what an elementary school teacher gets paid. The Bureau of Labor statistics estimates that the average salary of a preschool teacher is $21,730—closer to the salaries of school bus drivers, at $22,890, than any other group of educators, all with median salaries over $44,000.

Inadequate wages make it nearly impossible to recruit and retain qualified early childhood educators. The number of childcare providers with bachelor's degrees declines year after year, and neither their wages nor the high rates of turnover are acceptable. We must make it a national priority to guarantee that early childhood educators are paid and supported in a manner that reflects their valuable contributions to our Nation's future.

We have come a long way in assuring that our Nation's young children have access to the supports and services they need, but our mission is far from complete. This is no time for complaining. We must continue to expand our support for our nation's youngest children, for they truly are America's future. Let's use this "Week of the Young Child" to emphasize that vital point for communities across our great country.

COMMEMORATION OF THE 265TH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

Mr. WARNER. Mr. President, on April 13, 2008, America celebrated the 265th anniversary of the birth of Thomas Jefferson, who first served as Vice President and then subsequently was elected as the Nation's third President in 1801. He deemed his proudest achievement to be the "Father of the University of Virginia."

As part of the national celebration, President and Mrs. Bush invited distinguished scholars and others to pay tribute to the extraordinary achievements of this great American. I was privileged to attend along with John Casteen, current president of the University of Virginia, and many other invited guests from the Commonwealth of Virginia.

Given the importance of this occasion and the respectful tributes delivered by the President, the First Lady, and two eminent scholars, I wish to record this event for the American people.

Mr. President, I ask unanimous consent to have printed in today's RECORD a detailed speech. I was privileged to go to the White House on Monday, when the President celebrated with many others, the 265th anniversary of Thomas Jefferson. Those remarks are so prized, particularly in my State, but all across America, that I wish to put the content of those speeches in today's RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
April 14, 2008.

REMARKS BY THE PRESIDENT AND FIRST LADY IN HONOR OF THOMAS JEFFERSON'S 265TH BIRTHDAY

THE PRESIDENT: Thank you all. Thanks for coming. Please be seated. Welcome to the White House. Laura and I are so honored you are here. I welcome members of my Cabinet, members of the United States Senate, folks who work in the White House, the Governor of Virginia and Anne Holton. Thank you all for coming. We're really happy you're here.

We're here tonight to commemorate the 265th birthday of Thomas Jefferson, here in a room where he once walked and in a home where he once lived. In this house, President Jefferson spread the word that liberty was the right of every individual. In this house, Jefferson sent Lewis and Clark off on the mission that helped make America a continental nation. And in this house, Jefferson was known to receive guests in his bathrobe and slippers. (Laughter.) Laura said no. (Laughter.) I don't have a bathrobe. (Laughter.)

With a single sentence, Thomas Jefferson changed the history of the world. After countless centuries when the powerful and the privileged governed as they pleased, Jefferson proclaimed as a self-evident truth that liberty was a right given to all people by an Almighty.

Here in America, that truth was not fully realized in Jefferson's own lifetime. As he observed the condition of slaves in America, Jefferson said, "I tremble for my country when I reflect that God is just" and "that his justice cannot sleep forever." Less than 40 years after his death, justice was awakened in America and a new era of freedom dawned.

Today, on the banks of the Tidal Basin, a statue of Thomas Jefferson stands in a rotunda that is a memorial to both the man and the ideas that built this nation. There, on any day of the week, you will find men and women of all creeds, colors, races and religions. You will find scholars, schoolchildren and visitors from every part of our country. And you will find each of them looking upward in quiet reflection on the liturgy of freedom—the words of Thomas Jefferson inscribed on the memorial's walls.

The power of Jefferson's words do not stop at water's edge. They beckon the friends of liberty on even the most distant shores. They're a source of inspiration for people in young democracies like Afghanistan and Lebanon and Iraq. And they are a source of hope for people in nations like Belarus and Burma, Cuba, Venezuela, Iran, Syria, North Korea and Zimbabwe, where the struggle for freedom continues.

Thomas Jefferson left us on July 4, 1826—fifty years to the day after our Declaration of Independence was adopted. In one of the great harmonies of history, his friend and rival John Adams died on the very same day. Adams' last words were, "Thomas Jefferson survives." And he still does today. And he will live on forever, because the desire to live in freedom is the eternal hope of mankind.

And now it's my pleasure to welcome Wilfred McClay to the stage. (Applause.)

* * * * *

MRS. BUSH: Thank you very much, Mr. McClay and Mr. Wilson. Thank you so—for your reflections on Thomas Jefferson's life and his contributions to our nation, and thanks to each of you for joining us today so we can learn more about the legacy of one of America's most influential founding fathers.

Thomas Jefferson believed that education is the cornerstone of a free society, so it's therefore little surprise that he viewed the founding of the University of Virginia as one of his top achievements, as we know from both of your talks. He called the building of this school the last service he could render his country, saying, "Could I see it open? I would not ask an hour more of life."

But in fact Thomas Jefferson lived a little over a year after the University of Virginia opened its doors. During this time he was involved in the University activities, and he invited students, including a young Edgar Allan Poe, to dine with him each Sunday at nearby Monticello.

Today, Jefferson still shapes the lives of the students at the school he founded. The architecture of his academical village encourages free study in a collaborative environment, and UVA's philosophy of student self-governance epitomizes our third President's democratic ideals.

The 18 men I now introduce are heirs to this tradition. The Virginia Gentlemen are UVA's oldest a cappella vocal ensemble. They perform for distinguished audiences across the country and around the world. Tonight is their first performance at the White House, and we're happy to have them.

Here to perform a few musical selections, including the University of Virginia's school song, please welcome the Virginia Gentlemen. (Applause.)

RICHARD GUY WILSON,
COMMONWEALTH PROFESSOR,
ARCHITECTURAL HISTORY,
University of Virginia.

MR. PRESIDENT, MRS. BUSH, AND LADIES AND GENTLEMEN: Thank you—an honor to speak on Thomas Jefferson and his architectural accomplishments. Thomas Jefferson knew this house very well,—he was the first full time occupant—John Adams resided here for barely 4 months. The house remained unfinished, many rooms—such as this one, were large bare brick caverns, there was no grand staircase, and the floors were rough. Visitors recalled that Jefferson kept several tables of tools . . . one apparently in this room . . . described as "a long table" that contained hammers, chisels, and other implements, and the visitors remember him taking the tools to fix locks, pound in nails in window moldings as well as work in the garden.

Jefferson had offered his own designs for the Executive Mansion or President's house as it was known back in 1791–92, along with plans for the U.S. Capitol; this he projected as a great domed structure. But Washington, apparently, rejected his schemes and competitions were held. Jefferson served as secretary of state in the 1st Washington administration and that office—Secretary of State—was a bit different than today, since it included internal administration as well as foreign affairs. Jefferson also offered his scheme for laying out Washington, D.C., (remember this is a "new city" and created in the 1790s) and Jefferson's advice . . . not to mention his loan of maps . . . is fundamental to the plan along with the great mall developed by Major Pierre Charles L'Enfant.

To return here to this building—the White House—(officially so named in 1901), Jefferson while president designed a number of additions including wings, the gardens, and then he commissioned his close friend Benjamin Henry Latrobe—who he also appointed in 1803 as the Architect of the Capitol—to design both the north and south porticos; Latrobe's porticos are the most distinguishing external element of the building. It took many years to get the porticos built . . . things were not that different then as now on getting government projects underway, and finished.

I have outlined Thomas Jefferson's involvement in this building to make a point,—the buildings he lived in, their style, appearance, the furnishings—rugs, drapes, chairs—and gardens were critical to him. As he once said: "Architecture is my delight, and putting up and pulling down one of my favorite amusements." Jefferson was obsessed, wherever he lived, whether in Charlottesville, Williamsburg, or Poplar Forest, all in Virginia, or in Philadelphia during the 1770s, New York, 1790s, or Paris, 1784–89. When he was the American Ambassador to the Court of Louis XVI, he remodeled his quarters even though he didn't own them. Monticello was in a constant state of construction, and if any of you have lived through a house remodeling, you know how conducive that is to family harmony. Right? Jefferson lived in a construction zone his entire life.

What were Jefferson's architectural achievements? He wrote to his close friend James Madison (later an occupant of this building):

"But how is a taste in the beautiful art to be formed in our countrymen, unless we avail ourselves of every occasion when public buildings are to be erected, of presenting to them models for their study and imitation? . . . . You see I am an enthusiast on the subject of the arts. But it is an enthusiasm of which I am not ashamed, as its object is to improve the taste of my countrymen, to increase their reputation, to reconcile them to the rest of the world, and procure them its praise." TJ to James Madison, September 20, 1785.

This letter of 1785 was on the occasion of his design of the Virginia State Capitol in Richmond. I would argue the Virginia Capitol—or state house—is his most important building, a large Roman temple that stands on Shockoe Hill in Richmond—originally overlooking the James River. The Virginia Capitol is one of the first major public building constructed after the Revolution, and its classical ancestry helped to determine the look of American governmental architecture for the next several centuries. Instead of red brick and skimpy classical details Jefferson gave us a governmental image.

Thomas Jefferson is sometimes labeled a "gentleman" or an "amateur" architect but this is a misnomer. Yes, he was self-trained, but there were no architectural schools (they were not invented in this country until the 1860s), rather he learned from books and he had the largest architectural library in the young republic, and he did the drawings, he figured the specifications . . . How many bricks? How much timber? How much glass to order, and he superintended the construction. Jefferson designed houses, his own and those for friends, utilitarian buildings such as shops, farm structures, court houses, a jail (we think) and he frequently offered his wisdom to his colleagues (he was "Mr. Suggestion Box"). But . . . and this makes him an amateur . . . he was never paid, he did it all gratis.

Although the Virginia State Capitol is his most important building—because of its legacy. . .his greatest I would argue—is the "academical village," of the University of Virginia. It is totally his creation—yes . . . he did ask for suggestions and advice—as any wise person does—but it was or is his concept of what is the appropriate setting for education. Jefferson felt that one learned as much from your environment as from the professor gabbing away in a class room. The University is great lawn enclosed on 3 sides and open at the end. Pavilions for the professors and dormitory rooms for the students on the two long sides are tied together by colonnades of classical columns of various orders and sizes. Dominating the composition at one end is the Rotunda, a great domed building that housed the library. Based upon the Pantheon in Rome, considered one of the great and most perfect monuments of antiquity, Jefferson has taken an ancient symbol, the dome of the cosmos to the Romans, the dome of the heavens to Christianity, unity for our Capitol, and transformed it once again, it becomes the dome of enlightenment, of reason, it is the library, the mind of the university. In his hands the library became the central element—symbol of the modern university.

Jefferson saw his accomplishments in a very particular way, and he both designed his obelisk shaped tombstone at Monticello and ordered it would contain a very particular statement . . . (He was "Mr. Control" to the end). It contains nothing, nothing . . . about public offices he had occupied. What it does say is: "Here was buried Thomas Jefferson Author of the Declaration of American Independence of the Statute of Virginia for Religious Freedom and Father of the University of Virginia." Two writings which are fundamental to our American freedoms and the institution by which they would be carried out.

JEFFERSON BIRTHDAY CELEBRATION REMARKS

(By Wilfred M. McClay, Apr. 14, 2008)

Thank you, Mr. President, for your warm welcome, and for the great honor of taking part in this celebration of Thomas Jefferson's life.

It is always hard to know where to begin with Thomas Jefferson. His early biographer James Parton described Jefferson in 1775—one year before he wrote the Declaration of Independence—as "a gentleman of thirty-two, who could calculate an eclipse, survey an estate, tie an artery, plan an edifice, try a cause, break a horse, dance a minuet, and play the violin." And at that point in his life, he was just getting warmed up.

So how can we take his measure? Should we start by recounting his political accomplishments over four decades of public service, ranging from his entry into the Virginia House of Burgesses in 1769 to his retirement from public life in 1809, after two terms as the third President of the United States?

Or do we stress instead his influence in the world of ideas, through his powerful writings in support of American independence—the greatest of these being, of course, the Declaration of Independence itself, with its stirring invocation of the God-given rights of every individual human being—words that changed the course of human history, and continue to do so today?

Or Jefferson's keen and unflagging interest in natural science, as evidenced by his service as president of the American Philosophical Society from 1797 to 1815, years that overlap his entire tenure as President of the United States?

Or his love of architecture, as embodied in the graceful neoclassical home Monticello that he designed and built for himself near his Virginia birthplace on what was then the western edge of settlement?

Not to mention his overwhelming passion for gadgetry, which invariably impresses visitors to Monticello, who nearly always remember the revolving bookstand, the dumbwaiter, the copying machine, the automatic double doors, the Great Clock, the triple-sash window, and countless other gizmos that the ever-inventive Jefferson himself either designed or adapted.

And what about his founding of the University of Virginia in nearby Charlottesville, whose serenely beautiful central grounds he also designed? Or his great contributions to the cause of religious and intellectual liberty, which for him were essential to the dignity of the individual person, and central to the work of a great university?

You all probably know that Jefferson, that inveterate designer, even designed his own tombstone, and specified the only things it was to say about his life: that he wrote the Declaration and Virginia's Statute of Religious Freedom, and that he was Father of the University of Virginia. Of how many other men can it be said that their having served two full terms as President of the United States—which I think we all agree is no shabby achievement!—was in the second or third tier of their accomplishments?

Some will object that all this praise fails to do justice to the flaws in our subject. And that is true enough. Should we then begin, as is overwhelmingly the fashion today, by emphasizing Jefferson's complexity, his contradictions, his shortcomings? That might not seem very charitable, or in keeping with the spirit of the occasion. But it would have the Jeffersonian virtue of honesty. And there are negative aspects of Jefferson's life and career that simply cannot be denied.

No one can deny that although Jefferson opposed slavery in theory, he consistently failed to oppose it in practice, including notably in the conduct of his own life at Monticello.

No one can deny that Jefferson's racial views, particularly as expressed in his book Notes on the State of Virginia, are appalling by today's standards.

No one can deny that Jefferson often practiced a very harsh brand of politics. His famously conciliatory words "We are all Republicans, we are all Federalists" in his First Inaugural Address were quickly belied by his ferocious partisanship, which was relentlessly aimed at stigmatizing the Federalist party and driving it out of existence.

Nor can one deny that his greatest act as President, the Louisiana Purchase, and his worst, the Embargo Act, both represented a complete repudiation of his most basic principles about the dangers of big government and strong executive authority.

These are not small flaws, nor are they the only ones. We are not wrong to insist upon their being remembered, even on this day. Still, the compulsion to criticize Jefferson has gone too far. Jefferson is, I believe, one of the principal victims of our era's small-minded rage against the very idea that imperfect men can still be heroes—and that we badly need such heroes. We have been living through an era that feels compelled to cut the storied past down to the size of the tabloid present. Perhaps the time has come for that to change.

For when all is said and done, Thomas Jefferson deserves to be remembered and revered as a great intellect and great patriot, whose worldwide influence, from Beijing to Lhasa to Kiev to Prague, has been incalculable, and whose belief in the dignity and unrealized potential to be found in the minds and hearts of ordinary people is at the core of what is greatest in the American democratic experiment. It is in this sense that James Parton was absolutely correct in making the following proclamation: "If Jefferson is wrong, America is wrong. If America is right, Jefferson was right."

Of course, we want to know more than Jefferson's words; we want to feel that we know the man himself. But that is exceptionally hard with Jefferson. He eludes our grasp. He may well have been the shyest man ever to occupy the office of President, awkward and taciturn except in small and convivial settings, such as small dinner parties, where he could feel at his ease, and shed some of his reticence.

He loathed public speaking, giving only two major speeches while President, and none on the campaign trail. He often felt that the work of politics ran against his nature, and complained that the Presidency was an office of "splendid misery," which "brings nothing but increasing drudgery & daily loss of friends."

Add to that the fact that he had more than a little bit of the recluse in him. Twice he withdrew entirely from public life, first in the 1780s, after a disappointing term as governor of Virginia, then the second time at the conclusion of his presidency, when he left Washington disgusted and exhausted, anxious to be rid of the place. As he wrote a friend, "Never did a prisoner, released from his chains, feel such relief as I shall on shaking off the shackles of power." Never was he happier than when ensconced in his Monticello retreat, his "portico facing the wilderness" that he loved and found renewal in.

At bottom, I think Jefferson is best understood as a man of letters. Literally. Jefferson wrote almost 20,000 letters in his lifetime, and it is in these letters that he seems to have felt freest and most fully himself. Although he complained to John Adams that he suffered "under the persecution of letters," the opposite seems to have been the case. This was a man who lived much of his life inside his own head, and it is in these letters that he comes most fully alive for us. He seems to have needed the buffer of letters interposed between himself and the world, but with that buffer in place, the otherwise awkward and taciturn Jefferson became more open, wonderfully expressive and responsive to his correspondents.

It was in his letters to Maria Cosway that we glimpse his passionate nature, and the struggles between head and heart that preoccupied much of his inner life. It is in his letters to his nephew Peter Carr that we see his thoughts as a preceptor and wise guide to the world's ways. And it was in his magnificent correspondence with his old rival John Adams, a dialogue that spanned fifty years until their deaths in 1826, that Jefferson most fully explored the deeper meaning of the American experiment. He was constantly using his correspondence to organize and sharpen his thinking, and it is there that we see him most fully and vividly.

In any event, it is for his ideas, above all else, that we honor Jefferson; and for the cause of human freedom and human dignity that he so eloquently championed. His failings may weigh against the man, but not against the cause for which he labored so mightily. That should be a lesson to us today. Like Jefferson, we are carriers of meanings far larger than we know, meanings whose full realization cannot be achieved in our lifetime, or even be fully understood by us, but which we are nevertheless charged to carry forward as faithfully as we can.

But unlike Jefferson, we have the benefit of being able to stand on his shoulders, with his words to direct and inspire us. "We knew" about Jefferson's faults, said the civil rights leader, Representative John Lewis. "But we didn't put the emphasis there. We put the emphasis on what he wrote in the Declaration. . . . His words were so powerful. His words became the blueprint, the guideline for us to follow. From those words you have the fountain."

It is the same fountain that today, 265 years after Jefferson's birth, still nourishes our lives, and shows no sign of running dry. Today is a good day to drink from it anew.

125TH ANNIVERSARY OF THE NATIONAL CRITTENTON FOUNDATION

Mr. KENNEDY. Mr. President, today marks the 125th anniversary of The National Crittenton Foundation, the nationwide organization that supports empowerment, self-sufficiency, and an end to cycles of destructive behavior and relationships by at-risk girls and young women. The organization began as the National Florence Crittenton Mission, founded in 1883 by 19th century philanthropist Charles Crittenton of New York City a year after his daughter Florence died at the age of 5. His goal was to assist girls and young women in trouble, and in the years that followed, Florence Crittenton Homes became famous in communities across the United States and in foreign countries as well.

One of the leading members of the Foundation today is the Crittenton Women's Union in Boston, which began as a Florence Crittenton Home in the city in 1896. It was launched by a pioneering group of women activists who wanted it to be a “big sister” to “unfortunate New England girls” young unmarried mothers in need of shelter and moral guidance.

In the years that followed these two organizations joined forces and combined with other organizations to create the Crittenton Women's Union, which today empowers low-income women in our city by providing safe housing, caring support services, education, and workforce development programs.

In addition to using its on-the-ground experience to shape public policy and achieve social change, Crittenton Women's Union is also Massachusetts' largest provider of transitional housing for homeless mothers and their children and the founder of New England's first transitional home for victims of domestic violence. The organization continues its innovative approach to today's compelling social problems through its focus on workforce development and post-secondary school training to enable women to become economically self-sufficient.

Its services are further strengthened by its unique partnership with the National Crittenton Foundation, which gathers valuable insights from its nationwide network of frontline agencies and provides a forum to share best practices and shape national policies to benefit all young women and girls at risk.

Today, 125 years after Charles Crittenton began his historic work as a an agent for positive change for young women and girls, Crittenton Women's Union and the National Crittenton foundation remain true to his vision. I welcome this opportunity to commend the Foundation and its extraordinary members on this special anniversary for their continuing vision and commitment to their goals in Massachusetts and throughout the Nation.

TRIBUTE TO YVONNE BRATHWAITE BURKE

Mrs. FEINSTEIN. Mr. President, today I honor Yvonne Brathwaite Burke, who is retiring at the end of 2008, after a distinguished and illustrious career spanning 50 years as a public servant in the State of California.

I wish to extend to Mrs. Burke, who served as a Representative of California's 37th Congressional District from 1973 to 1979, my sincere congratulations for the decades of dedicated service that she has given to her Nation, her State, and her county.

She is currently serving as chair of the Los Angeles County Board of Supervisors and is in the final year of her fourth term on the board.

For the past 15 years, she has represented the Second Supervisorial District.

Supervisor Burke will be remembered as a devoted public servant who amassed numerous accomplishments and countless awards—in addition to inspiring women and minorities to pursue careers in public service.

As a product of the Los Angeles Unified School District, Mrs. Burke developed an interest in public speaking and participated in several citywide competitions during her high school years.

Her involvement in these events and many extracurricular activities helped her to obtain scholarships to the UC Berkeley and later at UCLA.

In 1956, Mrs. Burke received a law degree from the University of Southern California School of Law.

It was difficult for women, particularly African Americans, to practice law, because many private law firms showed little interest in hiring women as attorneys.

So Mrs. Burke opened her own law office in Los Angeles.

She specialized in immigration and civil rights and fought segregation in real estate law.

Mrs. Burke was active in the civil rights movement with memberships in various local and national organizations.

She subsequently landed a staff attorney position on the McCone Commission, which investigated the causes of the 1965 Watts riots in Los Angeles.

She became a spokesperson for the underrepresented and, through a grassroots campaign, won her first political office in 1966 as a California State assemblywoman.

It was a position she held for the next 6 years.

In 1972, Mrs. Burke became the first African American woman—west of the Mississippi River—to be elected to the U.S. House of Representatives.

She was selected to serve as vice chair of the 1972 Democratic National Convention in Miami and later on the House Select Committee on Assassinations.

She also was the first Congresswoman to give birth while in office.

Mrs. Burke did not seek re-election to Congress in 1978 but instead ran for attorney general of California.

She won the Democratic nomination, but subsequently was defeated in the general election.

In 1979, Mrs. Burke was appointed by the Governor of California to fill a vacancy in the Fourth Supervisorial District in Los Angeles County and served in that capacity until the end of 1980.

She also was appointed by the Governor to serve on the Board of Regents of the University of California in 1982.

Two years later, Mrs. Burke was selected to serve as vice chair of the 1984 U.S. Olympics Organizing Committee.

In 1992, she became the first African American elected to the Los Angeles County Board of Supervisors.

She played a significant role in the 2000 Democratic National Convention, hosting an event for hundreds of African American elected officials nationwide.

Supervisor Burke represents nearly 2.5 million residents in the Second District of the Nation's largest county.

Her efforts primarily have focused on improving the lives of children, encouraging economic development, and improving transportation throughout Los Angeles, as well as promoting public social services, health care for the uninsured, and affirmative action for women and the economically disadvantaged.

In addition, she has taken the lead in establishing a county archives system.

These are just some of Yvonne Brathwaite Burke's significant accomplishments.

On behalf of the U.S. Senate and the State of California, I extend my heartfelt gratitude for her immeasurable contributions throughout her renowned career.

With sincere best wishes, I congratulate Supervisor Burke upon her retirement from elective office.

And I am pleased to join her many coworkers; her family: her husband William, her daughter Autumn and stepdaughter Christine; friends; and associates in wishing her health, happiness, and continued good fortune in her future endeavors.

CONGRATULATING EASTER SEALS

Mr. BIDEN. Mr. President, I wish today to commend a standout chapter of a renowned organization, one that has been responsible for bringing light to the lives of countless Americans throughout its existence. Easter Seals Delaware and Maryland's Eastern Shore is celebrating its 60th year of providing critical help to those in need.

In 1948, the organization was started to meet the needs of children with disabilities, and it has grown exponentially since then. This chapter served 18,000 Delawareans last year through eight locations, and they now have an annual operating budget of $15 million.

The services provided by the staff and volunteers at Easter Seals are well known: speech and hearing therapy, assistive technology, and job training are just a few of the ways they help children and adults with disabilities lead independent lives in their communities.

As we embark on spring this year, it is appropriate to recall the symbol of Easter Seals: the lily. The lily makes us all think of rebirth and new life, which is exactly what Easter Seals provides to those they help. It is why the lily has appeared on every Easter "Seal" produced since the 1950s.

I would be remiss if I thanked Easter Seals Delaware and Maryland's Eastern Shore without recognizing its driving force for the last half century. Sandra Tuttle, who has been associated with the organization for nearly 50 years—including as its president and CEO since 1978—is stepping aside from her formal role. Her leadership has been the engine of this remarkable organization; her devotion, professionalism, and guidance are known to all associated with Easter Seals.

I wish her the best of luck in all her future endeavors and thank her from the bottom of my heart for what she has helped this organization become. The lives she has touched are without number. She truly is an angel walking among us.

I know I am not the first to thank Easter Seals in this Chamber, and I doubt I will be the last. This incredible organization, started by a few people trying to make a difference for disabled children, has blossomed into the model for all such groups in America. I thank my local chapter for its work, congratulate it on this momentous occasion, and hope that its influence will continue to grow for years to come.

CONGRATULATING THE STATE OF ISRAEL

Mrs. BOXER. Mr. President, it is a privilege to be able to offer my most sincere congratulations to the State of Israel as it celebrates its 60th anniversary of independence. I am so proud that Israel has not only survived, but has become one of the most prosperous and successful democracies anywhere in the world.

The Israeli National Anthem, Hatikvah, means, "The Hope." That is really what the modern State of Israel has been about over these 60 years. Founded after the horrors of the Holocaust, the Jewish people created a place where their faith and history could be secured and passed from generation to generation. In this place, never again would dictators or fanatics be able to systematically persecute, terrorize, and murder entire communities or an entire people.

Hope sustained the Jewish people through 3,000 years of persecution that culminated in the evils of the Holocaust. And for the last 60 years, that same sense of hope for the future has allowed the people of Israel to persevere in the face of continual assaults on its very existence, whether they are in the form of war, terrorism, or assassination.

As Israel celebrates this milestone, I am proud to say that the United States has been by its side, offering support and assistance, and watching it grow into an unparalleled partner in promoting the ideals of democracy, personal freedom, and human rights.

The United States has also tirelessly supported Israel as it continues to seek lasting peaceful coexistence with its neighbors to bring a permanent end to years of suffering and senseless violence. And we will continue to be there to support them in that effort.

When Yitzhak Rabin went before the Knesset in October 1995 to discuss the ratification of the Israeli-Palestinian interim agreement, he said the following:

"Here, in the land of Israel, we returned and built a nation. Here, in the land of Israel, we established a state. The land of the prophets, which bequeathed to the world the values of morality, law and justice, was, after two thousand years, restored to its lawful owners—the members of the Jewish people. On its land, we have built an exceptional national home and state."

Israel is indeed an exceptional nation state, and this milestone is a great testament to the hope, faith, and perseverance of the Jewish people. I offer my congratulations to Israel on the 60th anniversary of its founding.

ADDITIONAL STATEMENTS

TRIBUTE TO HARVEY WHITE WOMAN

● Mr. JOHNSON. Mr. President. I wish to recognize a distinguished member of the Oglala Sioux Tribe, Harvey White Woman. Harvey passed away on Monday, March 31, 2008 following a brave battle against a rare form of cancer. Though he was only 44, he carried the wisdom and insight of many elders and worked in a positive way to educate native and nonnative people on treaty and water rights. He was often asked to give presentations to adults and schoolchildren alike about the Fort Laramie Treaty of 1868 as a way to educate the public, not only about the history of this region of our country but also about the promises that were made to native people.

In his work as an assistant to the Oglala Sioux Tribe's Fifth Member's office, Harvey's voice could be heard reminding us as Members of Congress of our duties to uphold those treaty obligations. He also served on the board of the Lakota Fund in Kyle and most recently as the first director of the Wawokiye Business Institute. The Wawokiye Institute gives specialized assistance to entrepreneurs who are working toward realizing their goal of business success. Through his work and presentations on traditional entrepreneurship, many people around the world gained a better understanding of the business instincts of native people throughout history.

Harvey also led the newly formed Oglala Lakota Cancer Survivors, Inc., on Pine Ridge, which is an effort to bring together those survivors and their families to talk about cancer and the unique circumstances that native people face.

Harvey was taken from us too soon. I would like to extend my deepest condolences to his family and his friends in this time of great loss and encourage them to go forward with Harvey's efforts.●

THE LOUISIANA HONOR AIR

● Mr. VITTER. Mr. President, today I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC, free of charge. On April 26, 2008 a group of 99 veterans will reach Washington as part of this very special program.

I want to take a moment to thank all the brave veterans visiting our Capitol city this trip:

Richard S. Allain; Wilton J. Aucoin, Sr.; Henry E. Babineaux; Nolan P. Barras; James R. Bazet, Sr.; Raymond R. Beadle, Sr.; George Beaugh, Sr.; John S. Becnel, Jr.; Charles F. Berard; Dailey J. Berard; Cecile M. Beyt; Raymond L. Bienvenu; Dewey D. Billodeau; Nelson C. Boudreaux; Jules C. Bourgeois; Alby J. Bourque; Roy J. Boutte, Sr.; Adam T. Boyd; Gerald C. Braud; Minos J. Breaux.

Charles E. Broussard; Dennis J. Broussard; Taylor J. Broussard, Jr.; Earl H. Brown, Sr.; Leroy M. Burgess; Dracos D. Burke; Leroy J. Coulter; Perry J. Decuir; Alvy A. DeHart; Rogers DeHart, Sr.; Charles L. DeLahoussaye; Gustave A. Duhon; John N. Fernandez; William S. Flores; Guy J. Folse; Theresa D. Formeller; James T. Fulgham; Claby J. Gary; Raymond H. George; Joseph C. Glorioso.

Carlo J. Governale; Bert A. Guiberteau; Lloyd J. Guillory; James S. Hebert; Joseph V. Hebert; Julius M. Hebert; Oddie J. Hebert; Lawrence Lacy; Richard LaFleur; James W. Lancios; Alfred S. Landry; Walter J. Latiolais, Sr.; Harold P. LeBlanc; Malcolm F. LeCompte; Joseph H. LeGrand; Robert R. LeJeune; RosaMae Lopez; Ray A. Louviere; Charles T. Mahoney; Frank O. Maness, Jr.

Salvadore Marchese, Jr.; Edith L. Mazurek; Mahlen M. Meaux; Chelly P. Mendoza; Woodrow P. Mendoza; Leroy E. Miller; Leon J. Minvielle, Jr.; Louis P. Monte'; George P. Munson; Henry A. Myers, Sr.; Clifford D. Neal; James H. Newcomb, Sr.; Stewart L. Newman; Jewell D. Palmer; Gerald F. Patout; Jules G. Patout; Rene L. Patout; Jasper P. Pennington; George W. Perry; Irwin M. Pierron.

Thomas M. Randazzo; Griffin P. Reaux; Clyde R. Redmond; Donald A.J. Sanders; Joseph A. Sarradet, Jr.; Clifton O.

Schexnayder; Francis P. Schwing; George E. Schwing; Jerry E. Shea, Sr.; George C. Simar; Emile J. Tauzin; Paul A. Traywick; Daniel L. Verret, Sr.; Laines W. Vincent; RoseMary R. Walker; Johnnie A. Webb; Oliver A. Williams, Jr.; Robert L. Williams; Howard E. Winston.

While visiting Washington, DC, these veterans will tour Arlington National Cemetery, the Iwo Jima Memorial, the Vietnam Memorial, the Korean Memorial, and the World War II Memorial. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE ADMINISTRATION'S INTENT TO ADD THE SOLOMON ISLANDS TO THE LIST OF LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES UNDER THE GENERALIZED SYSTEM OF PREFERENCES PROGRAM—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 502(f)(1)(B) of the Trade Act of 1974, as amended (the "Act"), I am providing notification of my intent to add the Solomon Islands to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP) program. In Executive Order 12302 of April 1, 1981, the Solomon Islands was designated as a beneficiary developing country for purposes of the GSP program. After considering the criteria set forth in sections 501 and 502 of the Act, I have determined that it is appropriate to extend least-developed beneficiary developing country benefits to the Solomon Islands.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 17, 2008.*

MESSAGES FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2537. An act to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

ENROLLED BILL SIGNED

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5813. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

At 3:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 793. An act to provide for the expansion and improvement of traumatic brain injury programs.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2537. An act to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 17, 2008, she had presented to the President of the United States the following enrolled bill:

S. 793. An act to provide for the expansion and improvement of traumatic brain injury programs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5849. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's Annual Report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–5850. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Form S–11 to Permit Historical Incorporation by Reference" (RIN3235–AK02) received on April 15, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5851. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York" (FRL No. 8554–8) received on April 11, 2008; to the Committee on Environment and Public Works.

EC–5852. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead; Renovation, Repair, and Painting Program" ((RIN2070–AC83)(FRL No. 8355–7)) received on April 11, 2008; to the Committee on Environment and Public Works.

EC–5853. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Section 118—Characterization of Bioenergy Program Payments" (Docket No. LMSB–04–0308–019) received on April 15, 2008; to the Committee on Finance.

EC–5854. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Atomic Energy Agency's programs in Burma, Cuba, Iran, North Korea, and Syria; to the Committee on Foreign Relations.

EC–5855. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–44—2008–54); to the Committee on Foreign Relations.

EC–5856. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Suitability" (RIN3206–AL08) received on April 15, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5857. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report entitled, "2007 Annual Report and Sourcebook of Federal Sentencing Statistics"; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 2876. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mrs. CLINTON):

S. 2877. A bill to improve and enhance research and programs on cancer survivorship, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. ALEXANDER, Mr. BUNNING, Mr. DEMINT, Mrs. DOLE, Mr. GRAHAM, Mr. HATCH, Mr. MARTINEZ, Mr. ROBERTS, and Mr. SESSIONS):

S. 2878. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to provide for specified civil penalties for violations of that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR:

S. 2879. A bill to provide for orderly and balanced development of energy resources within the Roan Plateau Planning Area of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 2880. A bill to provide that funds made available for reconstruction assistance for Iraq may be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN:

S. 2881. A bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Ms. COLLINS, and Mr. ISAKSON):

S. 2882. A bill to amend title 10, United States Code, to provide for the presentation of a flag of the United States to the children of members of the Armed Forces who die in service; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2883. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself and Mr. HATCH):

S. 2884. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, and Mr. BROWN):

S. 2885. A bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. CRAPO, Mr. ROCKEFELLER, Mr. KYL, and Ms. SNOWE):

S. 2886. A bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. KERRY, and Mr. LIEBERMAN):

S. 2887. A bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national consensus standards and any barriers to achieving compliance with such standards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL (for himself, Ms. COLLINS, and Mrs. LINCOLN):

S. 2888. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (by request):

S. 2889. A bill to amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. BURR, Mr. GRAHAM, Mr. MARTINEZ, Mr. WARNER, Mr. CHAMBLISS, Mr. LIEBERMAN, and Mr. SUNUNU):

S. 2890. A bill to amend the Internal Revenue Code of 1986 to provide for a highway fuel tax holiday; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. OBAMA, Mr. BROWN, Mr. FEINGOLD, and Mr. SCHUMER):

S. 2891. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. CASEY, Mr. MCCAIN, Mr. COLEMAN, Mr. BURR, Ms. COLLINS, Mr. DOMENICI, Mrs. DOLE, Mrs. HUTCHISON, Mr. CRAIG, Ms. MURKOWSKI, Mr. THUNE, Mr. CHAMBLISS, Mr. ENZI, Ms. MIKULSKI, Mr. HATCH, Mr. ROBERTS, and Mr. ALLARD):

S. Res. 519. A resolution welcoming Pope Benedict XVI to the United States and recognizing the unique insights his moral and spiritual reflections bring to the world stage; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mrs. CLINTON, Mr. KERRY, Mr. BROWN, Ms. SNOWE, Mr. LEVIN, Mrs. BOXER, and Mr. FEINGOLD):

S. Res. 520. A resolution designating May 16, 2008, as "Endangered Species Day"; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 521. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 522. A resolution recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 911

At the request of Mr. REED, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1051

At the request of Mr. DODD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1051, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

S. 1445

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1556

At the request of Mr. SMITH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1693

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1779

At the request of Mr. TESTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1779, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2059

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2059, supra.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2465

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2569

At the request of Mrs. BOXER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2687

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2687, a bill to amend title XVIII of the Social Security Act to enhance beneficiary protections under parts C and D of the Medicare program.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2744

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2744, a bill to amend the Workforce Investment Act of 1998 to increase the Nation's competitiveness and enhance the workforce investment systems by authorizing the implementation of Workforce Innovation in Regional Economic Development plans, the integration of appropriate programs and resources as part of such plans, and the provision of supplementary grant assistance and additional related activities, and for other purposes.

S. 2755

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2755, a bill to provide funding for summer youth jobs.

S. 2770

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from

Michigan (Mr. LEVIN) were added as cosponsors of S. 2770, a bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. RES. 506

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 506, a resolution expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq.

S. RES. 515

At the request of Mr. WHITEHOUSE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. SANDERS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mrs. CLINTON):

S. 2877. A bill to improve and enhance research and programs on cancer survivorship, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise to introduce the Pediatric, Adolescent, and Young Adult Cancer Survivorship and Quality of Life Act, legislation introduced on the House side by Representatives SOLIS and BONO.

The National Cancer Institute estimates that there are more than 10 million cancer survivors in the United States. Advances in medical research have resulted in earlier diagnoses, more effective treatments, and improvements in medical outcomes for Americans with cancer.

These advances in cancer care are especially evident when examining our gains for pediatric cancers. The 5-year survival rate for children with cancer has improved markedly over the past decades, from 56 percent for those diagnosed in the mid-1970s to 79 percent for those diagnosed between 1995 and 2000. There are now more than 270,000 childhood cancer survivors in the U.S., and that number is expected to increase as we gain a better understanding of pediatric cancers and ways to treat them.

But in the years that we have made these gains in addressing cancer in children, we have also learned that many of these survivors experience what are known as "late effects" resulting from either the cancer or its treatment. These late effects include things like additional cancers, osteoporosis, heart problems and reduced lung capacity. As many as a quarter of childhood cancer survivors experience late effects that are serious or life-threatening. We must be doing more to ensure that the quality of life of children who have survived cancer is as high as possible, and that life-saving treatments result in as few long-term side effects as possible.

It is also important to note that health care disparities also impact pediatric cancer care and survivorship. African-Americans, Hispanics, and Asian/Pacific Islander children have higher rates of certain cancers than their white counterparts. In addition, due to disparities in access to care, these individuals may fail to receive adequate treatments for late effects of cancers. We need to improve our efforts to ensure that racial and ethnic disparities are eliminated from cancer care.

In a 2005 report, titled "From Cancer Patient to Cancer Survivor: Lost in Transition", the Institute of Medicine, IOM, recommended several measures we can take as a nation to improve the quality of life for children and young adults who are impacted by cancer. The legislation that I am introducing today will allow us to implement some of those recommendations, including expansion of cancer control and surveillance programs, increasing research in survivorship, and developing model systems of care and monitoring for cancer survivors. It will also create grants to establish childhood cancer survivorship clinics, and help childhood cancer organizations expand and improve their work in providing care and treatment.

I look forward to working with my colleagues in the Senate to ensure that we address the needs of cancer survivors throughout the lifespan, and help to improve the quality of life for the many children and families that struggle with a cancer diagnosis.

By Mr. SALAZAR:

S. 2879. A bill to provide for orderly and balanced development of energy resources within the Roan Plateau Planning Area of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise today to introduce legislation to ensure responsible development of the energy resources under Colorado's Roan Plateau in a manner that minimizes the adverse impacts on its unique ecological resources while maximizing the financial returns to the State of Colorado and to our country. This legislation was developed jointly with my colleagues Representative JOHN SALAZAR and Representative MARK UDALL, who plan to introduce the legislation today in the House.

The Roan Plateau, an area of pristine wilderness in northwestern Colorado, rises 3,500 feet out of the Colorado River Valley. It boasts native cutthroat trout streams and has some of the best winter elk and mule deer habitat left in the heavily developed Piceance Basin. The Roan has long been a favorite destination for hunters and anglers. The mule deer, elk, black bear, and native trout that find habitat on top and at the base of the Roan Plateau are an economic engine all their own, drawing tourism and recreation dollars to towns like Glenwood Springs, Rifle, Silt, and Parachute.

Recently the Department of Interior's Bureau of Land Management, which oversees the public lands on the Roan and the minerals beneath them, announced that it is opening these lands for energy development. Under the BLM plan, 67,000 acres of public lands on and around the Roan Plateau will be open for natural gas drilling as soon as this year. We in Colorado are blessed to be home to significant energy resources, and tapping these resources is important to sustain our Nation's energy needs and invigorate the Colorado State economy. But in its current form, the BLM plan lacks adequate protections for the Roan's land, water, and wildlife—the very things that support the outfitters, guides, hotels and restaurants in the area. And by proposing to lease all of the undeveloped public lands at once, the BLM plan would sell Colorado short.

Drilling is already happening on roughly half of the plateau that is either owned or leased by the natural gas industry. Without question, western Colorado is experiencing a boom in energy development. During the decade of the 1990s, the average number of completed gas wells per year in Garfield County—the home of the Roan—was 80. The number of completed wells has climbed rapidly since 2000, setting a new high each year. In 2006, 840 new wells were completed in Garfield County. This rapid expansion of activity has created new jobs in the region, but has also stoked new conflicts between the energy values and environmental, ecological, and recreation values of these lands. The impacts of this development are being felt by landowners and outdoor enthusiasts alike. Sportsmen have watched as public hunting areas, habitat, and important watersheds have been irreparably degraded as a result of widespread development.

With this level of development occurring we must ensure that the most pristine areas of the plateau that remain are protected, that oil and gas development in the region occurs with minimal disturbance, and that Colorado receives the best possible financial return on any oil and gas leases.

Our legislation has three main functions that work to address these issues. First, it requires phased leasing on top of the plateau to maximize state revenues and better protect wildlife habitat and the environment. Second, it ensures protection of critical cutthroat trout watersheds and other wildlife habitat on top and around the base of the Roan Plateau. Lastly, it contains a conforming amendment to the Transfer Act to ensure that Colorado receives its fair share of leasing revenues rather than directing this money, as the Transfer Act specifies, to the Anvil Points cleanup fund, which is in surplus.

The phased leasing provision requires BLM to lease less sensitive areas outside of cutthroat trout watersheds first, rather than leasing all available development areas at once. In selecting areas for leasing, BLM must take into consideration various factors designed to maximize leasing revenues and to minimize the environmental and ecological impacts of development. Phased leasing will generate higher per-lease bids from industry—and more money for the Treasury and Colorado—than the current BLM plan to lease the entire designated development areas at once.

The special protection provisions of the bill expand BLM's designated "Areas of Critical Environmental Concern," ACECs, to include the headwaters of Northwater Creek and the East Fork of Parachute Creek above the confluence with First Anvil Creek—both of which are critical native cutthroat trout watersheds. The bill also permits gas development activities on top of the plateau outside ACECs that are within development corridors along existing ridge-top roads on slopes not exceeding 20 percent. These measures will protect critical elk and mule deer habitat around the base of the plateau, while allowing development and recovery of the available natural gas under the Roan.

In 1907, President Teddy Roosevelt told a crowd that, "In utilizing and conserving the natural resources of the Nation the one characteristic more essential than any other is foresight. The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our national life." President Roosevelt's wisdom—over a century later—is as valuable as ever to a Nation committed to protecting its land and water, but that is in dire need of affordable, domestic sources of energy.

The Roan is a special place. Protecting our State's last few remaining wild spaces, maximizing oil and gas leasing revenues from these areas and supporting the communities that surround them need not be at odds. This bill will replace BLM's plan with a better, more balanced approach that will protect the most critical areas on the top of the Roan and provide the most benefit to the State of Colorado.

By Mr. DURBIN:

S. 2881. A bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, if I said there was an industry that generates millions of gallons of wastewater every day and that can dump that waste with virtually no oversight, you might think that I was recalling the days before the Clean Water Act. The truth is, though, that such an industry exists today. I am talking about cruise ships.

That is why I am introducing the Clean Cruise Ship Act of 2008. This bill will require cruise ships to upgrade their wastewater treatment systems to meet the standards of today's best available technology, which has been shown to significantly reduce the amount of pollutants discharged from ships. This technology is already being used successfully on cruise ships in Alaska, thanks to that State's forward-thinking regulations.

The problem is real. The number of cruise ship passengers has been growing nearly twice as fast as any other mode of travel. In the U.S. alone the numbers are approaching ten million passengers a year. Some of these ships can carry 3,000 passengers. That is the size of a small city. As cities do, these ships produce massive amounts of waste—over 200,000 gallons of sewage each week; a million gallons of graywater from galleys, laundry, and showers; and over 35,000 gallons of oily bilge water that collects in ship bottoms.

Wastewater from cities, of course, is highly regulated. America wouldn't tolerate anything less. A city cannot simply dump waste into our waterways. We've seen, of course, what happens when municipal wastewater treatment systems are poorly operated or break down. People fall ill, beaches are closed, and ecosystems are harmed.

So what's the story for waste from cruise ships? Let us start with "black water" sewage—human body wastes and other toilet waste. Within three miles of shore, vessels can discharge this waste provided that a "marine sanitation device" is installed. The Environmental Protection Agency released a draft report in December, however, that concluded that these systems simply don't work. These sewage treatment devices leave discharges that consistently exceed national effluent standards for fecal coliform and other pathogens and pollutants. In fact, fecal coliform levels in effluent are typically 20 to 200 times greater than in untreated domestic wastewater.

Beyond three miles from shore there are no restrictions on sewage discharge. Cruise ships are free to dump their sewage and foul U.S. waters with impunity.

The situation for graywater may be even more serious. Except in Alaska, cruise ship graywater requires no treatment whatsoever before being discharged, and there are no restrictions on where that dumping can be done. Yet graywater from sinks, tubs, and kitchens contains large amounts of pathogens and pollutants—amounts that would never be tolerated from a land-based business. Fecal coliform concentrations, for example, are ten to a thousand times greater than those in untreated domestic wastewater. These pollutants sicken our marine ecosystems, wash up onto our beaches, and contaminate food and shellfish that end up on our dinner plates.

The Clean Cruise Ship Act seeks to solve this oversight in the current regulations, just as Alaska State law has done. No discharges whatsoever would be allowed within 12 miles of shore. Beyond twelve miles, discharges of sewage, graywater, and bilge water would be allowed, provided that they meet national effluent limits consistent with the best available technology. That technology works and is commercially available now. The recent Environmental Protection Agency study found that these "advanced wastewater treatment" systems effectively remove pathogens, suspended solids, metals, and oil and grease.

Under this legislation, the release of raw, untreated sewage would be banned everywhere. No dumping would be allowed of sewage sludge and incinerator ash in U.S. waters. All cruise ships calling on U.S. ports would have to dispose of hazardous waste in accordance to the Resource Conservation and Recovery Act. The bill would establish inspection and enforcement mechanisms to ensure compliance.

There is one thing at this point I'd like to make clear. Many of us here have been working hard to stop aquatic invasive species that slip into our lakes and coastal waters in discharged ballast water. Alien species that have escaped into U.S. waters are causing massive harm. We have to do everything in our power to prevent new invasive species from getting loose.

With this in mind, many of us have been closely watching court cases surrounding the Environmental Protection Agency's responsibility for regulating ballast water under the Clean Water Act. That litigation may have implications for cruise ship wastewater pollution.

I have no intention of interfering with this court case. Likewise, I want to emphasize that this bill in no way undermines the provisions of the Clean Water Act that deal with discharges of pollution into the nation's waters. I have always supported the Clean Water Act. It will continue to be an important tool that, in conjunction with the Clean Cruise Ship Act, can significantly reduce wastewater pollution from cruise ships.

The protection of U.S. waters is vital to our Nation's health and economy. There are 4.5 million square miles of ocean in the U.S. territorial seas—23 percent larger than our Nation's landmass. That's more than any other country has. Cruise ship wastewater threatens the very environments that family vacationers want to visit. Current regulations and voluntary guidelines for the cruise ship industry just aren't good enough. No other industry is allowed to pollute our waters at will. The cruise ship industry is growing at nearly 5 percent each year, which means that the problem is growing, as well.

Uncontrolled dumping of cruise ship pollution must stop. We can achieve that goal with the Clean Cruise Ship Act. I recognize, though, that there may be other valid approaches. I encourage my colleagues to work with me to pass legislation this year that will put a stop to the dumping of hazardous pollutants along our coasts. Together we can clean up this major source of pollution that is harming our waters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Cruise Ship Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Prohibitions on the discharge of sewage, graywater, bilge water, sewage sludge, incinerator ash, and hazardous waste.
Sec. 5. Effluent limits for discharges of sewage, graywater, and bilge water.
Sec. 6. Alaskan cruise vessels.
Sec. 7. Inspection and sampling.
Sec. 8. Employee protection.
Sec. 9. Judicial review.
Sec. 10. Enforcement.
Sec. 11. Citizen suits.
Sec. 12. Sense of Congress on ballast water.
Sec. 13. Sense of Congress on air pollution.
Sec. 14. Funding.
Sec. 15. Effect on other law.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Cruise vessels carry millions of people through North American waters each year, showcase some of the most beautiful ocean areas in the United States, and provide opportunities for passengers to relax and enjoy the oceans and marine ecosystems.

(2) A single cruise vessel generates a tremendous amount of waste each week, including an estimated 140,000 to 210,000 gallons of blackwater (sewage) and 1,000,000 gallons of graywater (including wastewater from dishwashers, showers, laundry, baths, and washbasins). Onboard amenities such as photo-processing, dry-cleaning, and hairdressing also generate hazardous waste streams.

(3) In its final report, "An Ocean Blueprint for the 21st Century", released in 2004, the United States Commission on Ocean Policy found that these waste streams and the cumulative impacts caused when cruise vessels repeatedly visit the same environmentally sensitive areas, "if not properly disposed of and treated, can be a significant source of pathogens and nutrients with the potential to threaten human health and damage shellfish beds, coral reefs, and other aquatic life," thus threatening the very environments cruise vessel passengers seek to explore.

(4) The cruise industry has grown by more than 6 percent annually since 2003 and is projected to continue growing. Cruise vessel capacity is also expanding dramatically; today cruise vessels can transport 5,000 passengers and crew members, but the next generation of cruise vessels is expected to carry 7,000 passengers and crew members. As the total number of passengers increases and the number of passengers per ship increases, the volume of waste entering these ocean ecosystems and the impact of that waste on ocean ecosystems will also increase.

(5) In a 2005 report requested by the International Council of Cruise Lines, the Ocean Conservation and Tourism Alliance (OCTA) Science Panel recommended that "[a]ll blackwater should be treated", that discharging treated blackwater should be "avoided in ports, close to bathing beaches or water bodies with restricted circulation, flushing or inflow", and that blackwater should not be discharged within 4 nautical miles of shellfish beds, coral reefs, or other sensitive habitats.

(6) The OCTA Science Panel further recommended that graywater be treated in the same manner as blackwater and that sewage sludge be off-loaded to approved land-based facilities.

(7) The United States lacks a comprehensive wastewater management policy for large passenger vessels, and a new statutory regime for managing wastewater discharges from large passenger vessels that applies throughout the United States is needed to protect coastal and ocean areas from pollution generated by cruise vessels, to reduce and better regulate discharges from cruise vessels, and to improve monitoring, reporting, and enforcement of standards regarding discharges.

(b) PURPOSE.—The purpose of this Act is to protect the health and beauty of the marine and coastal ecosystems that cruise passengers enjoy, by—

(1) prohibiting the discharge of any untreated sewage, graywater, or bilge water from a cruise vessel calling on a port of the United States into the waters of the United States;

(2) prohibiting the discharge of any sewage sludge, incinerator ash, or hazardous waste from a cruise vessel calling on a port of the United States into the waters of the United States;

(3) establishing new national effluent limits for the discharge of treated sewage, treated graywater, and treated bilge water from cruise vessels not less than 12 miles from shore in any case in which the discharge is not within an area in which discharges are prohibited; and

(4) ensuring that cruise vessels calling on ports of the United States comply with all applicable environmental laws.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BILGE WATER.—The term "bilge water" means waste water that includes lubrication oils, transmission oils, oil sludge or slops, fuel or oil sludge, used oil, used fuel or fuel filters, or oily waste.

(3) CITIZEN.—The term "citizen" means a person that has an interest that is or may be adversely affected by any provision of this Act.

(4) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(5) CRUISE VESSEL.—The term "cruise vessel"—

(A) means a passenger vessel (as defined in section 2101(22) of title 46, United States Code), that—

(i) is authorized to carry at least 250 passengers; and

(ii) has onboard sleeping facilities for each passenger; and

(B) does not include—

(i) a vessel of the United States operated by the Federal Government; or

(ii) a vessel owned and operated by the government of a State.

(6) DISCHARGE.—The term "discharge"—

(A) means a release, however caused, of bilge water, graywater, hazardous waste, incinerator ash, sewage, or sewage sludge from a cruise vessel; and

(B) includes any escape, disposal, spilling, leaking, pumping, emitting, or emptying of a substance described in subparagraph (A).

(7) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" has the meaning given that term in section 107 of title 46, United States Code.

(8) GRAYWATER.—The term "graywater" means galley, dishwasher, bath, spa, pool, and laundry waste water.

(9) GREAT LAKE.—The term "Great Lake" means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario; or

(E) Lake Superior.

(10) HAZARDOUS WASTE.—The term "hazardous waste" has the meaning given that term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(11) INCINERATOR ASH.—The term "incinerator ash" means ash generated during the incineration of solid waste or sewage sludge.

(12) NO DISCHARGE ZONES.—The term "no discharge zones" means important ecological areas including marine sanctuaries, marine protected areas, marine reserves, marine national monuments, national parks, and national wildlife refuges.

(13) PASSENGER.—The term "passenger" means a paying passenger.

(14) PERSON.—The term "person" means—

(A) an individual;

(B) a corporation;

(C) a partnership;

(D) a limited liability company;

(E) an association;

(F) a State;

(G) a municipality;

(H) a commission or political subdivision of a State; or

(I) an Indian tribe.

(15) SEWAGE.—The term "sewage" means—

(A) human body wastes; and

(B) the wastes from toilets and other receptacles intended to receive or retain human body wastes.

(16) SEWAGE SLUDGE.—The term "sewage sludge"—

(A) means any solid, semi-solid, or liquid residue removed during the treatment of onboard sewage;

(B) includes—

(i) solids removed during primary, secondary, or advanced waste water treatment;

(ii) scum;

(iii) septage;

(iv) portable toilet pumpings;

(v) type III marine sanitation device pumpings (as defined in part 159 of title 33, Code of Federal Regulations); and

(vi) sewage sludge products; and

(C) does not include—

(i) grit or screenings; or

(ii) ash generated during the incineration of sewage sludge.

(17) TERRITORIAL SEA.—The term "territorial sea"—

(A) means the belt of the sea extending 12 nautical miles from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation number 5928, dated December 27, 1988; and

(B) includes the waters lying seaward of the line of ordinary low water and extending to the baseline of the United States, as determined under subparagraph (A).

(18) WATERS OF THE UNITED STATES.—The term "waters of the United States" means the waters of the territorial sea, the exclusive economic zone, and the Great Lakes.

SEC. 4. PROHIBITIONS ON THE DISCHARGE OF SEWAGE, GRAYWATER, BILGE WATER, SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.

(a) PROHIBITIONS ON DISCHARGE OF SEWAGE, GRAYWATER, AND BILGE WATER.—Except as provided in subsection (c) or section 6, no cruise vessel calling on a port of the United States may discharge sewage, graywater, or bilge water into the waters of the United States, unless—

(1) the effluent of treated sewage, treated graywater, or treated bilge water meets all applicable effluent limits established under this Act and is in accordance with all other applicable laws;

(2) the cruise vessel is underway and proceeding at a speed of not less than 6 knots;

(3) the cruise vessel is not less than 12 nautical miles from shore;

(4) the cruise vessel is not discharging in no discharge zones; and

(5) the cruise vessel complies with all applicable management standards established under this Act.

(b) PROHIBITION ON DISCHARGE OF SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.—No sewage sludge, incinerator ash, or hazardous waste may be discharged into the waters of the United States. Such sewage sludge, incinerator ash, and hazardous waste shall be off-loaded at an appropriate land-based facility.

(c) SAFETY EXCEPTION.—

(1) SCOPE OF EXCEPTION.—The provisions of subsections (a) and (b) shall not apply in any case in which—

(A) a discharge is made solely for the purpose of securing the safety of the cruise vessel or saving a human life at sea; and

(B) all reasonable precautions have been taken to prevent or minimize the discharge.

(2) NOTIFICATION OF COMMANDANT.—

(A) IN GENERAL.—If the owner, operator, master, or other individual in charge of a cruise vessel authorizes a discharge described in paragraph (1), such individual shall notify the Commandant of the decision to authorize the discharge as soon as practicable, but not later than 24 hours, after authorizing the discharge.

(B) REPORT.—Not later than 7 days after the date on which an individual described in subparagraph (A) notifies the Commandant of a decision to authorize a discharge under paragraph (1), the individual shall submit to the Commandant a report that includes—

(i) the quantity and composition of each discharge authorized under paragraph (1);

(ii) the reason for authorizing each such discharge;

(iii) the location of the vessel during the course of each such discharge; and

(iv) such other supporting information and data as are requested by the Commandant.

(C) DISCLOSURE OF REPORTS.—Upon receiving a report under subparagraph (B), the Commandant shall—

(i) transmit a copy of the report to the Administrator; and

(ii) make the report available to the public.

SEC. 5. EFFLUENT LIMITS FOR DISCHARGES OF SEWAGE, GRAYWATER, AND BILGE WATER.

(a) EFFLUENT LIMITS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall promulgate effluent limits for sewage, graywater, and bilge water discharges from cruise vessels calling on ports of the United States.

(2) REQUIREMENTS.—The effluent limits shall, at a minimum—

(A) be consistent with the capability of the best available technology to treat effluent;

(B) require compliance with all relevant State and Federal water quality standards; and

(C) take into account the best available scientific information on the environmental effects of sewage, graywater, and bilge water discharges, including levels of nutrients, total and dissolved metals, pathogen indicators, oils and grease, classical pollutants, and volatile and semivolatile organics.

(b) MINIMUM LIMITS.—The effluent limits promulgated under subsection (a) shall require, at a minimum, that treated sewage, treated graywater, and treated bilge water effluent discharges from cruise vessels, measured at the point of discharge, shall, not later than the date described in subsection (d), meet the following standards:

(1) IN GENERAL.—The discharge shall satisfy the minimum level of effluent quality specified in section 133.102 of title 40, Code of Federal Regulations (or a successor regulation).

(2) FECAL COLIFORM.—With respect to the samples from the discharge during any 30-day period—

(A) the geometric mean of the samples shall not exceed 20 fecal coliform per 100 milliliters; and

(B) not more than 10 percent of the samples shall exceed 40 fecal coliform per 100 milliliters.

(3) RESIDUAL CHLORINE.—Concentrations of total residual chlorine in samples shall not exceed 10 milligrams per liter.

(c) REVIEW AND REVISION OF EFFLUENT LIMITS.—The Administrator shall—

(1) review the effluent limits promulgated under subsection (a) at least once every 5 years; and

(2) revise the effluent limits as necessary to incorporate technology available at the time of the review in accordance with subsection (a)(2).

(d) COMPLIANCE DATE.—

(1) IN GENERAL.—The date described in this subsection is—

(A) with respect to new vessels put into water after the date of the enactment of this Act, 2 years after such date of enactment; and

(B) with respect to vessels in use as of such date of enactment, 5 years after such date of enactment.

(2) NEW VESSEL DEFINED.—In this subsection, the term "new vessel" means a vessel the keel of which is laid, or that is at a similar stage of construction, on or after the date of the enactment of this Act.

SEC. 6. ALASKAN CRUISE VESSELS.

(a) IN GENERAL.—An Alaskan cruise vessel shall not be subject to the provisions of this Act (including regulations promulgated under this Act) until the date that is 10 years after the date of the enactment of this Act.

(b) DEFINITION OF ALASKAN CRUISE VESSEL.—In this section, the term "Alaskan cruise vessel" means a cruise vessel—

(1) while the vessel is operating in waters of the State of Alaska, as defined in section 159.305 of title 33, Code of Federal Regulations; and

(2) that complies with all relevant laws and regulations of the State of Alaska while in transit from a port of call outside of the State of Alaska to the waters of the State of Alaska.

SEC. 7. INSPECTION AND SAMPLING.

(a) DEVELOPMENT AND IMPLEMENTATION OF INSPECTION PROGRAM.—

(1) IN GENERAL.—The Administrator shall promulgate regulations to implement a sampling and testing program, and the Commandant shall promulgate regulations to implement an inspection program, sufficient to verify that cruise vessels calling on ports of the United States are in compliance with—

(A) this Act (including regulations promulgated under this Act);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including regulations promulgated under that Act);

(C) other applicable Federal laws and regulations; and

(D) all applicable requirements of international agreements.

(2) INSPECTIONS.—The program shall require that—

(A) regular announced and unannounced inspections be conducted of any relevant aspect of cruise vessel operations, equipment, or discharges, including sampling and testing of cruise vessel discharges; and

(B) each cruise vessel that calls on a port of the United States be subject to an unannounced inspection at least once per year.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Administrator, shall promulgate regulations that, at a minimum—

(A) require the owner, operator, master, or other individual in charge of a cruise vessel to maintain and submit annually a logbook detailing the times, types, volumes, flow rates, origins, and specific locations of, and explanations for, any discharges from the cruise vessel;

(B) provide for routine announced and unannounced inspections of—

(i) cruise vessel environmental compliance records and procedures; and

(ii) the functionality and proper operation of installed equipment for abatement and control of any cruise vessel discharge, including equipment intended to treat sewage, graywater, or bilge water;

(C) require the sampling and testing of cruise vessel discharges that require the owner, operator, master, or other individual in charge of a cruise vessel—

(i) to conduct that sampling or testing at the point of discharge; and

(ii) to produce any records of the sampling or testing;

(D) require any owner, operator, master, or other individual in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of this Act (including regulations promulgated under this Act) to report immediately the discharge to the Commandant, who shall provide notification of the discharge to the Administrator; and

(E) require the owner, operator, master, or other individual in charge of a cruise vessel to provide to the Commandant and Administrator a blueprint of each cruise vessel that includes the location of every discharge pipe and valve.

(2) DISCLOSURE OF LOGBOOKS.—Upon receiving a logbook described in paragraph (1)(A), the Commandant shall—

(A) transmit a copy of the logbook to the Administrator; and

(B) make the logbook available to the public.

(c) EVIDENCE OF COMPLIANCE.—

(1) VESSEL OF THE UNITED STATES.—

(A) IN GENERAL.—A cruise vessel registered in the United States to which this Act applies shall have a certificate of inspection issued by the Commandant.

(B) ISSUANCE OF CERTIFICATE.—The Commandant may issue a certificate described in subparagraph (A) only after the cruise vessel has been examined and found to be in compliance with this Act, including prohibitions on discharges and requirements for effluent limits, as determined by the Commandant.

(C) VALIDITY OF CERTIFICATE.—A certificate issued under this paragraph—

(i) shall be valid for a period of not more than 5 years, beginning on the date of issuance of the certificate;

(ii) may be renewed as specified by the Commandant; and

(iii) shall be suspended or revoked if the Commandant determines that the cruise vessel for which the certificate was issued is not in compliance with the conditions under which the certificate was issued.

(D) SPECIAL CERTIFICATES.—The Commandant may issue special certificates to certain vessels that exhibit compliance with this Act and other best practices, as determined by the Commandant, after public notice and comment.

(2) FOREIGN VESSEL.—

(A) IN GENERAL.—A cruise vessel registered in a country other than the United States to which this Act applies may operate in the waters of the United States, or visit a port or place under the jurisdiction of the United States, only if the cruise vessel has been issued a certificate of compliance by the Commandant.

(B) ISSUANCE OF CERTIFICATE.—The Commandant may issue a certificate described in subparagraph (A) to a cruise vessel only after the cruise vessel has been examined and found to be in compliance with this Act, including prohibitions on discharges and requirements for effluent limits, as determined by the Commandant.

(C) ACCEPTANCE OF FOREIGN DOCUMENTATION.—The Commandant may consider a certificate, endorsement, or document issued by the government of a foreign country under a treaty, convention, or other international agreement to which the United States is a party, in issuing a certificate of compliance under this paragraph. Such a certificate, endorsement, or document shall not serve as a proxy for certification of compliance with this Act.

(D) VALIDITY OF CERTIFICATE.—A certificate issued under this section—

(i) shall be valid for a period of not more than 24 months, beginning on the date of issuance of the certificate;

(ii) may be renewed as specified by the Commandant; and

(iii) shall be suspended or revoked if the Commandant determines that the cruise vessel for which the certificate was issued is not in compliance with the conditions under which the certificate was issued.

(d) CRUISE OBSERVER PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall establish and carry out a program for the placement of 1 or more trained independent observers on each cruise vessel.

(2) PURPOSES.—The purposes of the cruise observer program established under paragraph (1) are to monitor and inspect cruise vessel operations, equipment, and discharges to ensure compliance with—

(A) this Act (including regulations promulgated under this Act); and

(B) all other relevant Federal laws, regulations, and international agreements.

(3) RESPONSIBILITIES.—An observer described in paragraph (1) shall—

(A) observe and inspect—

(i) onboard environmental treatment systems;

(ii) use of shore-based treatment and storage facilities;

(iii) discharges and discharge practices; and

(iv) blueprints, logbooks, and other relevant information, including fuel consumption and atmospheric emissions;

(B) have the authority to interview and otherwise query any crew member with knowledge of vessel operations;

(C) have access to all data and information made available to government officials under this section;

(D) immediately report any known or suspected violation of this Act or any other applicable Federal law or international agreement to—

(i) the Coast Guard; and

(ii) the Environmental Protection Agency; and

(E) maintain a logbook to be submitted to the Commandant and the Administrator annually and to be made available to the public.

(4) ADAPTIVE MANAGEMENT.—The program established and carried out by the Commandant under paragraph (1) shall also include—

(A) a method for collecting and reviewing data related to the efficiency and operation of the program; and

(B) periodic revisions to the program based on the data collected under subparagraph (A).

(5) REPORT.—Not later than 3 years after the establishment of the program described in paragraph (1), the Commandant shall submit to Congress a report describing—

(A) the results of the program;

(B) recommendations for optimal observer coverage; and

(C) other recommendations for improvement of the program.

(e) ONBOARD MONITORING SYSTEM PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator and the Commandant, shall establish, and for each of fiscal years 2008 through 2013, shall carry out, with industry partners as necessary, a pilot program to develop and promote commercialization of technologies to provide real-time data to Federal agencies regarding—

(A) discharges of sewage, graywater, and bilge water from cruise vessels; and

(B) functioning of cruise vessel components relating to fuel consumption and control of air and water pollution.

(2) TECHNOLOGY REQUIREMENTS.—Technologies developed under the program described in paragraph (1)—

(A) shall have the ability to record—

(i) the location and time of discharges from cruise vessels;

(ii) the source, content, and volume of the discharges; and

(iii) the state of components relating to pollution control at the time of the discharges, including whether the components are operating correctly; and

(B) shall be tested on not less than 10 percent of all cruise vessels operating in the territorial sea of the United States, including large and small vessels.

(3) PARTICIPATION OF INDUSTRY.—

(A) COMPETITIVE SELECTION PROCESS.—Industry partners willing to participate in the program may do so through a competitive selection process conducted by the Administrator of the National Oceanic and Atmospheric Administration.

(B) CONTRIBUTION.—A selected industry partner shall contribute not less than 20 percent of the cost of the project in which the industry partner participates.

(4) ADAPTIVE MANAGEMENT.—The program established and carried out by the Administrator of the National Oceanic and Atmospheric Administration pursuant to paragraph (1) shall also include—

(A) a method for collecting and reviewing data related to the efficiency and operation of the program; and

(B) periodic revisions to the program based on the data collected under subparagraph (A).

(5) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress a report describing—

(A) the results of the program;

(B) recommendations for continuing the program; and

(C) other recommendations for improving the program.

SEC. 8. EMPLOYEE PROTECTION.

(a) PROHIBITION OF DISCRIMINATION AGAINST PERSONS FILING, INSTITUTING, OR TESTIFYING IN PROCEEDINGS UNDER THIS ACT.—No person shall terminate the employment of, or in any other way discriminate against (or cause the termination of employment of or discrimination against), any employee or any authorized representative of employees by reason of the fact that the employee or representative—

(1) has filed, instituted, or caused to be filed or instituted any proceeding under this Act; or

(2) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) APPLICATION FOR REVIEW; INVESTIGATION; HEARINGS; REVIEW.—

(1) IN GENERAL.—An employee or a representative of an employee who believes that the termination of the employment of the employee has occurred, or that the employee has been discriminated against, as a result of the actions of any person in violation of subsection (a) may, not later than 30 days after the date on which the alleged violation occurred, apply to the Secretary of Labor for a review of the alleged termination of employment or discrimination.

(2) APPLICATION.—A copy of an application for review filed under paragraph (1) shall be sent to the respondent.

(3) INVESTIGATION.—

(A) IN GENERAL.—On receipt of an application for review under paragraph (1), the Secretary of Labor shall carry out an investigation of the alleged violation.

(B) REQUIREMENTS.—In carrying out this subsection, the Secretary of Labor shall—

(i) provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged violation;

(ii) ensure that, at least 5 days before the date of the hearing, each party to the hearing is provided written notice of the time and place of the hearing; and

(iii) ensure that the hearing is on the record and subject to section 554 of title 5, United States Code.

(C) FINDINGS OF SECRETARY.—On completion of an investigation under this paragraph, the Secretary of Labor shall—

(i) make findings of fact;

(ii) if the Secretary of Labor determines that a violation did occur, issue a decision, incorporating an order and the findings, requiring the person that committed the violation to take such action as is necessary to abate the violation, including the rehiring or reinstatement, with compensation, of an employee to the former position of the employee; and

(iii) if the Secretary of Labor determines that there was no violation, issue an order denying the application.

(D) ORDER.—An order issued by the Secretary of Labor under subparagraph (C) shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

(c) COSTS AND EXPENSES.—In any case in which an order is issued under this section to abate a violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of the proceedings, shall be assessed against the person committing the violation.

(d) DELIBERATE VIOLATIONS BY EMPLOYEES ACTING WITHOUT DIRECTION FROM EMPLOYER OR AGENT.—This section shall not apply to any employee who, without direction from the employer of the employee (or agent of the employer), deliberately violates any provision of this Act.

SEC. 9. JUDICIAL REVIEW.

(a) REVIEW OF ACTIONS BY ADMINISTRATOR OR COMMANDANT; SELECTION OF COURT; FEES.—

(1) REVIEW OF ACTIONS.—

(A) IN GENERAL.—Any interested person may petition for a review, in the United States court of appeals for the circuit in which the person resides or transacts business directly affected by the action of which review is requested—

(i) of an action of the Administrator in promulgating any effluent limit under section 5; or

(ii) of an action of the Commandant or the Administrator in carrying out an inspection, sampling, or testing under section 7.

(B) DEADLINE FOR REVIEW.—A petition for review under subparagraph (A) shall be made—

(i) not later than 120 days after the date of promulgation of the limit or standard with respect to which the review is sought; or

(ii) if the petition for review is based solely on grounds that arose after the date described in clause (i), as soon as practicable after that date.

(2) CIVIL AND CRIMINAL ENFORCEMENT PROCEEDINGS.—An action of the Commandant or Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any civil or criminal proceeding for enforcement of such action.

(3) AWARD OF FEES.—In any judicial proceeding under this subsection, a court may award costs of litigation (including reasonable attorneys' and expert witness fees) to any prevailing or substantially prevailing party in any case in which the court determines such an award to be appropriate.

(b) ADDITIONAL EVIDENCE.—

(1) IN GENERAL.—In any judicial proceeding instituted under subsection (a) in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to introduce additional evidence and demonstrates to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to introduce the evidence in the proceeding before the Commandant or Administrator, the court may order the additional evidence (and evidence in rebuttal of the additional evidence) to be taken before the Commandant or Administrator, in such manner and on such terms and conditions as the court determines to be appropriate.

(2) MODIFICATION OF FINDINGS.—On admission of additional evidence under paragraph (1), the Commandant or Administrator—

(A) may modify findings of fact of the Commandant or Administrator, as the case may be, relating to a judicial proceeding, or make new findings of fact, by reason of the additional evidence; and

(B) shall file with the return of the additional evidence any modified or new findings, and any related recommendations, for the modification or setting aside of any original determinations of the Commandant or Administrator.

SEC. 10. ENFORCEMENT.

(a) IN GENERAL.—Any person that violates a provision of section 4 or any regulation promulgated under this Act may be assessed—

(1) a class I or class II civil penalty described in subsection (b); or

(2) a civil penalty in a civil action under subsection (c).

(b) AMOUNT OF ADMINISTRATIVE PENALTY.—

(1) CLASS I.—The amount of a class I civil penalty under subsection (a)(1) may not exceed—

(A) $10,000 per violation; or

(B) $25,000 in the aggregate, in the case of multiple violations.

(2) CLASS II.—The amount of a class II civil penalty under subsection (a)(1) may not exceed—

(A) $10,000 per day for each day during which the violation continues; or

(B) $125,000 in the aggregate, in the case of multiple violations.

(3) SEPARATE VIOLATIONS.—Each day on which a violation continues shall constitute a separate violation.

(4) DETERMINATION OF AMOUNT.—In determining the amount of a civil penalty under subsection (a)(1), the Commandant or the court, as appropriate, shall consider—

(A) the seriousness of the violation;

(B) any economic benefit resulting from the violation;

(C) any history of violations;

(D) any good-faith efforts to comply with the applicable requirements;

(E) the economic impact of the penalty on the violator; and

(F) such other matters as justice may require.

(5) PROCEDURE FOR CLASS I CIVIL PENALTY.—

(A) IN GENERAL.—Before assessing a civil penalty under this subsection, the Commandant shall provide to the person to be assessed the penalty—

(i) written notice of the proposal of the Commandant to assess the penalty; and

(ii) the opportunity to request, not later than 30 days after the date on which the notice is received by the person, a hearing on the proposed penalty.

(B) HEARING.—A hearing described in subparagraph (A)(ii)—

(i) shall not be subject to section 554 or 556 of title 5, United States Code; but

(ii) shall provide a reasonable opportunity to be heard and to present evidence.

(6) PROCEDURE FOR CLASS II CIVIL PENALTY.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and an opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

(B) RULES.—The Commandant may promulgate rules for discovery procedures for hearings under this subsection.

(7) RIGHTS OF INTERESTED PERSONS.—

(A) PUBLIC NOTICE.—Before issuing an order assessing a class II civil penalty under this subsection, the Commandant shall provide public notice of, and reasonable opportunity to comment on, the proposed issuance of each order.

(B) PRESENTATION OF EVIDENCE.—

(i) IN GENERAL.—Any person that comments on a proposed assessment of a class II civil penalty under this subsection shall be given notice of—

(I) any hearing held under this subsection relating to such assessment; and

(II) any order assessing the penalty.

(ii) HEARING.—In any hearing described in clause (i)(I), a person described in clause (i) shall have a reasonable opportunity to be heard and to present evidence.

(C) RIGHTS OF INTERESTED PERSONS TO A HEARING.—

(i) IN GENERAL.—If no hearing is held under subparagraph (B) before the date of issuance of an order assessing a class II civil penalty under this subsection, any person that commented on the proposed assessment may, not later than 30 days after the date of issuance of the order, petition the Commandant—

(I) to set aside the order; and

(II) to provide a hearing on the penalty.

(ii) NEW EVIDENCE.—If any evidence presented by a petitioner in support of the petition under clause (i) is material and was not considered in the issuance of the order, as determined by the Commandant, the Commandant shall immediately—

(I) set aside the order; and

(II) provide a hearing in accordance with subparagraph (B)(ii).

(iii) DENIAL OF HEARING.—If the Commandant denies a hearing under this subparagraph, the Commandant shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for the denial.

(8) FINALITY OF ORDER.—

(A) IN GENERAL.—An order assessing a class II civil penalty under this subsection shall become final on the date that is 30 days after the date of issuance of the order unless, before that date—

(i) a petition for judicial review is filed under paragraph (10); or

(ii) a hearing is requested under paragraph (7)(C).

(B) DENIAL OF HEARING.—If a hearing is requested under paragraph (7)(C) and subsequently denied, an order assessing a class II civil penalty under this subsection shall become final on the date that is 30 days after the date of the denial.

(9) EFFECT OF ACTION ON COMPLIANCE.—No action by the Commandant under this subsection shall affect the obligation of any person to comply with any provision of this Act.

(10) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any person against which a civil penalty is assessed under this subsection, or that commented on the proposed assessment of such a penalty in accordance with paragraph (7), may obtain review of the assessment in a court described in subparagraph (B) by—

(i) filing a notice of appeal with the court within the 30-day period beginning on the date on which the civil penalty order is issued; and

(ii) simultaneously sending a copy of the notice by certified mail to the Commandant and the Attorney General.

(B) COURTS OF JURISDICTION.—Review of an assessment under subparagraph (A) may be obtained by a person—

(i) in the case of assessment of a class I civil penalty, in—

(I) the United States District Court for the District of Columbia; or

(II) the district court of the United States for the district in which the violation occurred; or

(ii) in the case of assessment of a class II civil penalty, in—

(I) the United States Court of Appeals for the District of Columbia Circuit; or

(II) the United States court of appeals for any other circuit in which the person resides or transacts business.

(C) COPY OF RECORD.—On receipt of notice under subparagraph (A)(ii), the Commandant shall promptly file with the appropriate court a certified copy of the record on which the order assessing a civil penalty that is the subject of the review was issued.

(D) SUBSTANTIAL EVIDENCE.—A court with jurisdiction over a review under this paragraph—

(i) shall not set aside or remand an order described in subparagraph (C) unless—

(I) there is not substantial evidence in the record, taken as a whole, to support the finding of a violation; or

(II) the assessment by the Commandant of the civil penalty constitutes an abuse of discretion; and

(ii) shall not impose additional civil penalties for the same violation unless the assessment by the Commandant of the civil penalty constitutes an abuse of discretion.

(11) COLLECTION.—

(A) IN GENERAL.—If any person fails to pay an assessment of a civil penalty after the assessment has become final, or after a court in a proceeding under paragraph (10) has entered a final judgment in favor of the Commandant, the Commandant shall request the Attorney General to bring a civil action in an appropriate district court to recover—

(i) the amount assessed; and

(ii) interest that has accrued on the amount assessed, as calculated at currently prevailing rates beginning on the date of the final order or the date of the final judgment, as the case may be.

(B) NONREVIEWABILITY.—In an action to recover an assessed civil penalty under subparagraph (A), the validity, amount, and appropriateness of the civil penalty shall not be subject to judicial review.

(C) FAILURE TO PAY PENALTY.—Any person that fails to pay, on a timely basis, the amount of an assessment of a civil penalty under subparagraph (A) shall be required to pay, in addition to the amount of the civil penalty and accrued interest—

(i) attorneys' fees and other costs for collection proceedings; and

(ii) for each quarter during which the failure to pay persists, a quarterly nonpayment penalty in an amount equal to 20 percent of the aggregate amount of the assessed civil penalties and nonpayment penalties of the person that are unpaid as of the beginning of the quarter.

(12) SUBPOENAS.—

(A) IN GENERAL.—The Commandant may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection.

(B) REFUSAL TO OBEY.—In case of contumacy or refusal to obey a subpoena issued under this paragraph and served on any person—

(i) the district court of the United States for any district in which the person is found, resides, or transacts business, on application by the United States and after notice to the person, shall have jurisdiction to issue an order requiring the person to appear and give testimony before the Commandant or to appear and produce documents before the Commandant; and

(ii) any failure to obey such an order of the court may be punished by the court as a contempt of the court.

(c) CIVIL ACTION.—The Commandant may commence, in the district court of the United States for the district in which the defendant is located, resides, or transacts business, a civil action to impose a civil penalty under this subsection in an amount not to exceed $25,000 for each day of violation.

(d) CRIMINAL PENALTIES.—

(1) NEGLIGENT VIOLATIONS.—A person that negligently violates section 4 or any regulation promulgated under this Act commits a Class A misdemeanor under title 18, United States Code.

(2) KNOWING VIOLATIONS.—Any person that knowingly violates section 4 or any regulation promulgated under this Act commits a Class D felony under title 18, United States Code.

(3) FALSE STATEMENTS.—Any person that knowingly makes any false statement, representation, or certification in any record, report, or other document filed or required to be maintained under this Act or any regulation promulgated under this Act, or that falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be maintained under this Act or any regulation promulgated under this Act, commits a Class D felony under title 18, United States Code.

(e) REWARDS.—

(1) PAYMENTS TO INDIVIDUALS.—

(A) IN GENERAL.—The Commandant or the court, as the case may be, may order payment, from a civil penalty or criminal fine collected under this section, of an amount not to exceed ½ of the civil penalty or fine, to any individual who furnishes information that leads to the payment of the civil penalty or criminal fine.

(B) MULTIPLE INDIVIDUALS.—If 2 or more individuals provide information described in subparagraph (A), the amount available for payment as a reward shall be divided equitably among the individuals.

(C) INELIGIBLE INDIVIDUALS.—No officer or employee of the United States, a State, or an Indian tribe who furnishes information or renders service in the performance of the official duties of the officer or employee shall be eligible for a reward payment under this subsection.

(2) PAYMENTS TO STATES OR INDIAN TRIBES.—The Commandant or the court, as the case may be, may order payment, from a civil penalty or criminal fine collected under this section, to a State or Indian tribe providing information or investigative assistance that leads to payment of the penalty or fine, of an amount that reflects the level of information or investigative assistance provided.

(3) PAYMENTS DIVIDED AMONG STATES, INDIAN TRIBES, AND INDIVIDUALS.—In a case in which a State or Indian tribe and an individual under paragraph (1) are eligible to receive a reward payment under this subsection, the Commandant or the court shall divide the amount available for the reward equitably among those recipients.

(f) LIABILITY IN REM.—A cruise vessel operated in violation of this Act or any regulation promulgated under this Act—

(1) shall be liable in rem for any civil penalty or criminal fine imposed under this section; and

(2) may be subject to a proceeding instituted in the district court of the United States for any district in which the cruise vessel may be found.

(g) COMPLIANCE ORDERS.—

(1) IN GENERAL.—If the Commandant determines that any person is in violation of section 4 or any regulation promulgated under this Act, the Commandant shall—

(A) issue an order requiring the person to comply with such section or requirement; or

(B) bring a civil action in accordance with subsection (c).

(2) COPIES OF ORDER; SERVICE.—

(A) CORPORATE ORDERS.—In any case in which an order under this subsection is issued to a corporation, a copy of the order shall be served on any appropriate corporate officer.

(B) METHOD OF SERVICE; SPECIFICATIONS.—An order issued under this subsection shall—

(i) be by personal service;

(ii) state with reasonable specificity the nature of the violation for which the order was issued; and

(iii) specify a deadline for compliance that is not later than—

(I) 30 days after the date of issuance of the order, in the case of a violation of an interim compliance schedule or operation and maintenance requirement; or

(II) such date as the Commandant, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements, determines to be reasonable, in the case of a violation of a final deadline.

(h) CIVIL ACTIONS.—

(1) IN GENERAL.—The Commandant may commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which the Commandant is authorized to issue a compliance order under this subsection.

(2) COURT OF JURISDICTION.—

(A) IN GENERAL.—A civil action under this subsection may be brought in the district court of the United States for the district in which the defendant is located, resides, or is doing business.

(B) JURISDICTION.—A court described in subparagraph (A) shall have jurisdiction to grant injunctive relief to address a violation and require compliance by the defendant.

SEC. 11. CITIZEN SUITS.

(a) AUTHORIZATION.—Except as provided in subsection (c), any citizen may commence a civil action on the citizen's own behalf—

(1) against any person (including the United States and any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution of the United States) that is alleged to be in violation of—

(A) the conditions imposed by section 4;

(B) an effluent limit or performance standard under this Act; or

(C) an order issued by the Administrator or Commandant with respect to such a condition, an effluent limit, or a performance standard; or

(2) against the Administrator or Commandant, in a case in which there is alleged a failure by the Administrator or Commandant to perform any nondiscretionary act or duty under this Act.

(b) JURISDICTION.—The district courts of the United States shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties—

(1) to enforce a condition, effluent limit, performance standard, or order described in subsection (a)(1);

(2) to order the Administrator or Commandant to perform a nondiscretionary act or duty described in subsection (a)(2); and

(3) to apply any appropriate civil penalties under section 10(b).

(c) NOTICE.—No action may be commenced under this section—

(1) before the date that is 60 days after the date on which the plaintiff gives notice of the alleged violation—

(A) to the Administrator or Commandant; and

(B) to any alleged violator of the condition, effluent limit, performance standard, or order described in subsection (a)(1); or

(2) if the Administrator or Commandant has commenced and is diligently prosecuting a civil or criminal action on the same matter in a court of the United States (but in any such action, a citizen may intervene as a matter of right).

(d) VENUE.—

(1) IN GENERAL.—Any civil action under this section shall be brought in—

(A) the United States District Court for the District of Columbia; or

(B) any other district court of the United States for any judicial district in which a cruise vessel or the owner or operator of a cruise vessel is located.

(2) INTERVENTION.—In a civil action under this section, the Administrator or the Commandant, if not a party, may intervene as a matter of right.

(3) PROCEDURES.—

(A) SERVICE.—In any case in which a civil action is brought under this section in a court of the United States, the plaintiff shall serve a copy of the complaint on—

(i) the Attorney General;

(ii) the Administrator; and

(iii) the Commandant.

(B) CONSENT JUDGMENTS.—No consent judgment shall be entered in a civil action under this section to which the United States is not a party before the date that is 45 days after the date of receipt of a copy of the proposed consent judgment by—

(i) the Attorney General;

(ii) the Administrator; and

(iii) the Commandant.

(e) LITIGATION COSTS.—

(1) IN GENERAL.—A court of jurisdiction, in issuing any final order in any civil action brought in accordance with this section, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any prevailing or substantially prevailing party, in any case in which the court determines that such an award is appropriate.

(2) SECURITY.—In any civil action under this section, the court of jurisdiction may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this section restricts the rights of any person (or class of persons) under any statute or common law to seek enforcement or other relief (including relief against the Administrator or Commandant).

(g) CIVIL ACTION BY STATE GOVERNORS.—A Governor of a State may commence a civil action under subsection (a), without regard to the limitation under subsection (c), against the Administrator or Commandant in any case in which there is alleged a failure of the Administrator or Commandant to enforce an effluent limit or performance standard under this Act, the violation of which is causing—

(1) an adverse effect on the public health or welfare in the State; or

(2) a violation of any water quality requirement in the State.

SEC. 12. SENSE OF CONGRESS ON BALLAST WATER.

It is the sense of Congress that action should be taken to enact legislation requiring strong, mandatory standards for ballast water to reduce the threat of aquatic invasive species.

SEC. 13. SENSE OF CONGRESS ON AIR POLLUTION.

It is the sense of Congress that action should be taken to enact legislation requiring strong, mandatory standards for air quality with respect to incineration and engine activities of cruise vessels to reduce the level of harmful chemical and particulate air pollutants.

SEC. 14. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant and the Administrator such sums as are necessary to carry out this Act for each of fiscal years 2009 through 2013.

(b) CRUISE VESSEL POLLUTION CONTROL FUND.—

(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account to be known as the "Cruise Vessel Pollution Control Fund" (referred to in this section as the "Fund").

(2) AMOUNTS.—The Fund shall consist of such amounts as are deposited in the Fund under subsection (c)(5).

(3) USE OF AMOUNTS IN FUND.—The Administrator and the Commandant may use amounts in the Fund, without further appropriation, to carry out this Act.

(c) FEES ON CRUISE VESSELS.—

(1) IN GENERAL.—The Commandant shall establish and collect from each cruise vessel a reasonable and appropriate fee for each paying passenger on a cruise vessel voyage, for use in carrying out this Act.

(2) ADJUSTMENT OF FEE.—

(A) IN GENERAL.—The Commandant shall biennially adjust the amount of the fee established under paragraph (1) to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor during each 2-year period.

(B) ROUNDING.—The Commandant may round the adjustment in subparagraph (A) to the nearest 1/10 of a dollar.

(3) FACTORS IN ESTABLISHING FEES.—

(A) IN GENERAL.—In establishing fees under paragraph (1), the Commandant may establish lower levels of fees and the maximum amount of fees for certain classes of cruise vessels based on—

(i) size;

(ii) economic share; and

(iii) such other factors as are determined to be appropriate by the Commandant and Administrator.

(B) FEE SCHEDULES.—Any fee schedule established under paragraph (1), including the level of fees and the maximum amount of fees, shall take into account—

(i) cruise vessel routes;

(ii) the frequency of stops at ports of call by cruise vessels; and

(iii) other relevant considerations.

(4) COLLECTION OF FEES.—A fee established under paragraph (1) shall be collected by the Commandant from the owner or operator of each cruise vessel to which this Act applies.

(5) DEPOSITS TO FUND.—Notwithstanding any other provision of law, all fees collected under this subsection, and all penalties and payments collected for violations of this Act, shall be deposited into the Fund.

SEC. 15. EFFECT ON OTHER LAW.

(a) UNITED STATES.—Nothing in this Act restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States.

(b) STATES AND INTERSTATE AGENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act precludes or denies the right of any State (including a political subdivision of a State) or interstate agency to adopt or enforce—

(A) any standard or limit relating to the discharge of pollutants by cruise vessels; or

(B) any requirement relating to the control or abatement of pollution.

(2) EXCEPTION.—If an effluent limit, performance standard, water quality standard, or any other prohibition or limitation is in effect under Federal law, a State (including a political subdivision of a State) or interstate agency may not adopt or enforce any effluent limit, performance standard, water quality standard, or any other prohibition that—

(A) is less stringent than the effluent limit, performance standard, water quality standard, or other prohibition or limitation under this Act; or

(B) impairs or in any manner affects any right or jurisdiction of the State with respect to the waters of the State.

By Ms. SNOWE (for herself, Ms. COLLINS, and Mr. ISAKSON):

S. 2882. A bill to amend title 10, United States Code, to provide for the presentation of a flag of the United States to the children of members of the Armed Forces who die in service; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today with my colleagues Senator COLLINS and Senator ISAKSON to introduce legislation that would provide the secretaries of the military departments the authority to pay the necessary expenses that would accompany the presentation of a flag to each child of a servicemember killed in the service of the Nation.

The presentation of a remembrance flag to the family of a deceased servicemember is a time-honored tradition for each of the services which commemorates and memorializes the service of our men and women in uniform who have made the ultimate sacrifice to protect the liberties and freedoms we cherish. The remembrance flag is a profound symbol of the enduring appreciation of a grateful Nation.

Regrettably, however, there is an oversight in current law affecting which family members of a deceased servicemember may receive a flag. At present, the statute authorizes the secretaries of the services to present only two remembrance flags—one to the parents of the deceased servicemember and one to the person authorized to direct disposition of the servicemember. In many instances, the person authorized to direct disposition is also a primary next of kin of the servicemember. However, in cases where the primary next of kin are the children of the deceased servicemember, which can occur in extended family situations, authorities do not exist for the secretaries of the services to provide a remembrance flag to the children of deceased servicemembers.

The legislation that my colleagues and I are introducing today will remedy this oversight. We believe that the children of deceased servicemembers should also be able to receive a remembrance flag in honor of the sacrifice made by their parent. Clearly, this is the right thing to do. I sincerely hope that my colleagues will join Senator COLLINS, Senator ISAKSON, and me in supporting this important legislation.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2883. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to the women of our Nation who have the cherished title of mother and grandmother. Whether through natural means, adoption or foster care, their patience and unending well-spring of love and affection make an incredible difference in the lives of children.

No treasure, no riches can ever compare with a profoundly reassuring hug, the kind words that soothe broken spirits, or that reminder, rooted in affection, that we're not living up to our full potential. They inspire, believe and ultimately profess enormous pride in us—no matter our successes or failures.

That is why it is not surprising that a young woman from Grafton, West Virginia, took to the streets of her hometown to honor her recently departed mother's love and life by passing out white carnations to all those who passed by. Anna Jarvis' one simple act of personal commemoration in May 1908, grew year after year. Eventually, Grafton's efforts would be recognized by the entire State of West Virginia in 1910. This was the first time a state recognized Mother's Day, and many more would soon follow.

In 1914, President Woodrow Wilson declared the first national Mother's Day, and from that day until now, mothers have been honored with flowers, breakfast in bed, and of course, those endearing homemade cards by little children that are steeped in sentiment—and often covered in glitter, macaroni and school paste.

My wife Sharon would tell you that there is nothing more important than these simple gifts—first from our children, and now our grandchildren. They are cherished touchstones.

At the same time, we think of our mothers as invincible. However, not even our mothers are immune to age or disease. For many families across the country, Mother's Day takes on even deeper meanings as parents get older.

In my own life, my mother was a tremendous force. Each Mother's Day was a celebration of her spirit, intellect and determination—and all this was put to the test in her battle with Alzheimer's disease. It's not easy seeing the woman who raised you struggle with an illness that robs her of her dignity and quality of life. I know that my family is not the only one that has been touched by this disease—and I am certainly not the only son who could talk in such a deeply personal way about losing a mother. But just like Anna Jarvis, my sisters and I sought to honor our mother—and perhaps in the process help another mother or grandmother or family—by opening the Blanchette Rockefeller Neurosciences Institute.

So it is altogether fitting and proper that as we prepare to commemorate that first, historic Mother's Day celebration in Grafton, that we as a Nation begin to reconnect with what Anna Jarvis was trying to achieve—community recognition of the role that women play in all our lives.

Today, I am introducing legislation that authorizes the U.S. Treasury to mint commemorative coins to celebrate the centennial of Grafton's celebration. I am proud to have Senator ROBERT C. BYRD as an original cosponsor. The companion bill also has been introduced in the House of Representatives by my West Virginia colleague, SHELLEY MOORE CAPITO. The proceeds from the sale of these coins won't go to the Government. Instead they will go to two organizations that are actively working to make a difference in the lives of our Nation's women who are battling breast cancer and osteoporosis—the Susan G. Komen for the Cure Foundation and the National Osteoporosis Foundation.

Every day can, and should be Mother's Day. Through this bill, Americans will now have the chance to show, with the purchase of these coins, the high regard we have for not only our mothers and grandmothers, but our sisters and nieces, and all the women who have made a difference in our lives. In the process, we can contribute to funding research that will improve the quality of their lives.

I urge my colleagues to support this legislation.

By Ms. COLLINS (for herself and Mr. HATCH):

S. 2884. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Research & Development Tax Credit Improvement Act of 2008, legislation which would extend the R&D tax credit for 5 years, phase-out the Basic Credit, and raise the rate of the Alternative Simplified Credit from 12 percent to 20 percent by 2010.

Those who have followed the ongoing discussions regarding the R&D tax credit will recognize that the legislation I am introducing shares the framework of a proposal already put forward by the senior Senator from the State of Utah, my good friend ORRIN HATCH. Senator HATCH has done a superb job building a consensus around the need to transition to the Alternative Simplified Credit, and to raise that credit to provide a real incentive to the many companies that are unable to benefit from the Basic Credit structure. I applaud his efforts in this regard, and I thank him for lending his support to the bill I am introducing today.

I also want to note the contribution of the distinguished Chairman of the Finance Committee, Senator BAUCUS.

who has worked side-by-side with Senator HATCH on the Research and Development tax credit.

The chief distinction between our two bills is the duration of the credit. The Hatch-Baucus bill proposes a permanent credit, while my bill would extend the R&D tax credit for five years. I certainly share the goal of providing a permanent R&D tax credit, but I fear that the cost of doing so puts it beyond our reach. Yet we simply cannot continue to play "stop-and-go" with this critical research incentive. Since the R&D tax credit was first enacted in 1981, Congress has had to extend it a dozen times, and it expired again at the end of last year. The constant uncertainty about the status of the credit has made it impossible for companies to plan their research investments, and has seriously diminished the credit's role as an incentive for research and development here in the U.S.

A 5-year extension would give companies enough time to plan their research investments with the credit in mind, restoring the incentive-effect the R&D credit has always been intended to provide. Just as important, the time frame I am proposing, coupled with the increase in the rate to 20 percent will allow for a smooth transition away from the Basic Credit to the Alternative Simplified Credit. The Basic Credit has served its purpose, but it has become hopelessly outmoded. Under the Basic Credit methodology, companies wishing to calculate their R&D credit must measure their current investments against a base that is stuck in the past—literally the tax years between 1984 and 1988. This period is simply not relevant to today's investment decisions, and because of that, fewer and fewer companies get any benefit at all from the Basic Credit.

By contrast, the Alternative Simplified Credit methodology allows companies to calculate their credit using a rolling average of their domestic investments over their three most-recent tax years.

The value of doing this is evidenced by the fact that most companies have already switched to the Alternative Simplified Credit, even though it has been on the books for less than a year-and-a-half, and even though the credit rate is only 12 percent compared to the Basic Credit rate of 20 percent.

The five-year extension I am proposing will allow for a smooth transition to the Alternative Simplified Credit, and will bring the R&D tax credit up-to-date. Companies which still rely on the Basic Credit will be allowed to continue that credit for another two years, just as is contemplated by the legislation that Senators HATCH and BAUCUS have worked so hard on.

Investment in research and development is critical to the breakthroughs we need to keep our economy competitive, and to create the good, high-paying jobs the American people deserve. The R&D tax credit provides an important incentive for this investment, but it needs to be updated so more companies can benefit from it. While making the credit permanent is a worthwhile goal, the 5-year extension I am proposing today is "do-able", and I urge my colleagues to support it.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, and Mr. BROWN):

S. 2885. A bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would provide State and local development finance authorities with greater flexibility in promoting economic growth that meets the changing realities of an ever more global economy. Specifically, my bill would expand the definition of "manufacturing" as it pertains to the small-issue Industrial Development Bond, IDB, program to include the creation of "intangible" property. I am pleased to be joined by colleagues from both sides of the aisle including Senators KERRY, SMITH, and BROWN, in introducing this critical legislation to promote economic development.

Our Nation's capacity to innovate is a key reason why our economy remains the envy of the world, even during these difficult economic times. Knowledge-based businesses have been at the forefront of this innovation that has bolstered the economy over the long-term. For example, science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs for a total of 750,000 jobs in North America.

It is clear that the promotion of knowledge-based industries can be a key economic tool for states and localities. This is especially true for states that have seen a loss in traditional manufacturing. In my home state of Maine, we lost 28 percent of our total manufacturing employment over the last decade. I believe that it critical that we provide states and localities with a wider range of options in promoting economic development. My legislation will do just that by expanding the availability small-issue IDBs to new economy industries, such as software and biotechnology, that have proven their ability to provide high-paying jobs.

These IDBs allow State and local development finance authorities, like the Finance Authority of Maine, to issue tax-exempt bonds for the purpose of raising capital to provide low-cost financing of manufacturing facilities. These bonds, therefore, provide local authorities with an invaluable tool to attract new employers and assist existing one's to grow. The result is a win-win situation for local communities providing them with much needed jobs. Consequently, it only makes since to ensure that these finance authorities have maximum flexibility in options to grow jobs.

In addition, my bill provides some technical clarity to distinguish between the phrases "functionally related and subordinate facilities" and "directly related and acillary facilities." Until 1988, there was little confusion based on Treasury regulations going back to 1972 that made it clear that "functionally related and subordinate facilities" were clearly eligible for financing through private activity tax-exempt bonds.

But, Congress enacted the Technical and Miscellaneous Revenue Bond Act of 1988 that imposed a limitation that not more than 25 percent of tax- exempt bond financing could be used on "directly related and ancillary facilities." While these two phrases appear to be very similar, they are indeed distinguishable from each other. Unfortunately, the Internal Revenue Service has blurred this distinction between the phrases which has had an adverse impact on the way facilities are able to utilize tax-exempt bond financing. My legislation would make it clear that "functionally related and subordinate facilities" are not susceptible to the 25 percent limitation.

We must continue to encourage all avenues of economic development if Americas to compete in a changing and increasingly global economy and my legislation is one small step in furtherance of that goal. I urge my colleagues to join me in supporting this bill.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF AVAILABILITY OF INDUSTRIAL DEVELOPMENT BONDS TO FACILITIES MANUFACTURING INTANGIBLE PROPERTY.

(a) EXPANSION TO INTANGIBLE PROPERTY.—

(1) IN GENERAL.—The first sentence of section 144(a)(12)(C) of the Internal Revenue Code of 1986 (defining manufacturing facility) is amended—

(A) by inserting ", creation," after "used in the manufacturing", and

(B) by inserting "or intangible property which is described in section 197(d)(1)(C)(iii)" before the period at the end.

(2) CLARIFICATION.—The last sentence of section 144(a)(12)(C) of such Code is amended to read as follows: "For purposes of the first sentence of this subparagraph, the term 'manufacturing facility' includes—

"(i) facilities which are functionally related and subordinate to a manufacturing facility (determined without regard to this clause), and

"(ii) facilities which are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

"(I) such facilities are located on the same site as the manufacturing facility, and

"(II) not more than 25 percent of the net proceeds of the issue are used to provide such facilities.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

Mr. KERRY. Mr. President, today, Senator SNOWE and I are introducing legislation that would expand the availability of the Industrial Development Bond, IDB, program. The small-issue IDB program has given State and local governments a low-cost source of financing to create and retain jobs in manufacturing plants.

Over the years, numerous technological advances have driven software and biotechnology to the forefront of our economy. According to the U.S. Census Bureau, there are more than 400 biotechnology companies in Massachusetts alone, employing more than 42,000 and paying more than $5 billion in annual salaries.

Currently, the small-issue IDB program is limited only to manufacturing facilities. As our economy continues to evolve, so must our policies. Our legislation would allow IDBs to be used for high-technology and biotechnology uses. The definition of manufacturing would be broadened to include the creation of intangible property—specifically, patents, copyrights, formulas, processes, designs, patterns, know-how and other similar items.

Expanding the current definition of manufacturing to include "knowledge based" companies would promote economic development in our local communities as well as nationwide. This legislation is supported by the Council of Development Finance Agencies.

In addition to expanding the definition of manufacturing, the legislation clarifies that a manufacturing facility includes functionally related and subordinate facilities as part of the facility.

This legislation will provide a boost to the economy by fostering development in technology. I urge my colleagues to support this common sense change.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. CRAPO, Mr. ROCKEFELLER, Mr. KYL, and Ms. SNOWE):

S. 2886. A bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing a tax package that would extend relief from the alternative minimum tax and extend other much-needed individual and business provisions.

When the economy is turning down, Americans need certainty about their taxes. Families and businesses need to know what the tax law is.

That is why my bill provides a one year patch for the AMT. The patch will hold the number of taxpayers subject to the AMT at 4.2 million. We will not let more taxpayers fall into the alternative minimum tax.

Last year, Congress did not put a patch in place until December. We must act sooner this year. Through this bill, Congress can act.

That is why my package contains a 2-year extension of provisions that expired at the end of last year.

These include the qualified tuition deduction to give families relief from high tuition costs.

My package also includes the teacher expense deduction. This deduction gives teachers some of the money that they spend on school supplies to educate our children.

The package also includes the State and local sales tax deduction for those States without an income tax.

The bill offers an extension of the research and development credit. This credit gives an incentive to businesses to invest in research. It helps to keep America competitive in the global economy.

My package will also extend provisions that expire this year for an additional year.

The bill extends much-needed energy provisions.

Public and private investment in the renewable energy sector was about $90 billion worldwide last year. That's a 27 percent increase over 2006.

Congress can direct this investment toward the U.S.—rather than overseas—by supporting clean energy tax incentives.

These incentives include tax credits for wind and solar power, efficient buildings and appliances, and clean renewable energy bonds.

These provisions are not only good energy policy. They also create jobs.

This package would also extend wind and solar provisions.

The American solar industry employs 20,000 Americans. With a long-term extension of the solar tax credit, that number would triple.

The American wind industry expanded by 45 percent in 2007. It contributed about 30 percent of the new power capacity in America last year.

These job-creating industries are growing fast. We should support them. We know what happens when we don't.

For example, the tax credit for production of renewable energy was enacted in 1992, starting the growth of renewable power in the U.S.

But since 1999, this credit has expired three times. And when it expires, clean energy suffers, leading to declines between 73 percent and 93 percent in wind energy investment.

We need to keep this credit going to ensure consistent investment in the wind power industry.

This package would also promote energy efficiency. Efficiency is the low-hanging fruit in the energy debate. We can make big strides toward energy independence and a clean environment by getting more for our energy buck.

For example, ENERGY STAR—a voluntary labeling program designed to promote energy-efficient products—saved businesses, organizations, and consumers an estimated $14 billion in 2006.

Efficiency also creates jobs. The American Solar Energy Society reported that in 2006, the efficiency industry created 8 million jobs, over half of them in manufacturing.

The government plays a key role in sustaining the efficiency industry, through tax incentives for efficient commercial buildings, homes, and appliances.

This package would also extend the clean renewable energy bonds, or CREBs.

CREBs passed in the Energy Policy Act of 2005. CREBs spurred more than 700 new wind, biomass, solar, and hydro projects. The number of projects far exceeded the funding available to pay for them.

But CREBs funding lapsed at the end of 2007. That halted development of new projects and the green-collar jobs that go with them. We must keep these projects going.

The CREBs provision was written for non-taxable entities like rural co-ops. Those non-taxable entities cannot use other tax incentives in this package.

I've listed just a few of the important energy items in this extenders bill. There are more. And I plan to build upon this package as it makes its way through the legislative process, with edits and additional items. The Finance Committee has been working to that end for the better part of a year.

Last June, the Finance Committee passed a roughly $30 billion energy-tax package, with a resounding bipartisan vote. A majority of the Senate voted for that bill.

But we were just shy of getting the required 60 votes.

We tried again in December, with a slimmer package. That time, we fell short of the required 60 by just one vote.

We then tried in February, as part of economic stimulus bill. We offered a package very similar to what passed last week. That amendment got 58 votes.

Last week, this body passed, by a solid 88–8 vote, a package of energy-tax extenders, similar to the package considered during the economic stimulus debate.

A vote of 88 to 8 might suggest that there is smooth sailing ahead on energy-tax legislation. But I'm afraid that's not the case.

The day before the Senate passed its housing bill, including the energy-tax package, the House Ways and Means Committee passed its own housing relief bill.

The Ways and Means bill restated the House's position on pay-go. The House requires that the most of the tax package be offset.

How did the Ways and Means Committee offset the bill? Largely with a provision called "basis reporting." President Bush included this in his 2009 budget proposal.

In other words, the House paid for a tax package with an item already supported, at least in principle, by the President.

While I believe that this Congress should have paid for energy-tax legislation with the offsets passed by Finance Committee last year, it's not clear that passing that package gets us any further to extending these important tax incentives.

That is why I have been working on offsets that can pass both bodies and be signed by the President. That is what I will continue to do to get these important energy items—as well as other vital extenders—passed.

By taking care of this now, we can spend more of our time on other things like tax reform.

I plan to hold several hearings and roundtables to cuss tax reform. We began this week. I'm serious about simplifying our tax code. I am serious about helping the American people.

Congress should do more than just extend legislation. Congress needs to work on new policy, new legislation, and new ideas. And by enacting this legislation, we can turn to those important goals. I urge my colleagues to support this package.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Alternative Minimum Tax and Extenders Tax Relief Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.

TITLE II—INDIVIDUAL TAX PROVISIONS

Sec. 201. Election to include combat pay as earned income for purposes of the earned income credit.
Sec. 202. Distributions from retirement plans to individuals called to active duty.
Sec. 203. Deduction for State and local sales taxes.
Sec. 204. Deduction of qualified tuition and related expenses.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Modification of mortgage revenue bonds for veterans.
Sec. 207. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 208. Treatment of certain dividends of regulated investment companies.
Sec. 209. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 210. Qualified investment entities.
Sec. 211. Qualified conservation contributions.

TITLE III—BUSINESS TAX PROVISIONS

Sec. 301. Extension and modification of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 306. Enhanced charitable deduction for contributions of food inventory.
Sec. 307. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 308. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 309. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 310. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 311. Parity in the application of certain limits to mental health benefits.
Sec. 312. Extension of economic development credit for American Samoa.
Sec. 313. Extension of mine rescue team training credit.
Sec. 314. Extension of election to expense advanced mine safety equipment.
Sec. 315. Extension of expensing rules for qualified film and television productions.
Sec. 316. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 317. Extension of qualified zone academy bonds.
Sec. 318. Indian employment credit.
Sec. 319. Accelerated depreciation for business property on Indian reservation.
Sec. 320. Railroad track maintenance.
Sec. 321. Seven-year cost recovery period for motorsports racing track facility.
Sec. 322. Expensing of environmental remediation costs.
Sec. 323. Extension of work opportunity tax credit for Hurricane Katrina employees.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

Sec. 401. Extension of credit for energy efficient appliances.
Sec. 402. Extension of credit for nonbusiness energy property.
Sec. 403. Extension of credit for residential energy efficient property.
Sec. 404. Extension of renewable electricity, refined coal, and Indian coal production credit.
Sec. 405. Extension of new energy efficient home credit.
Sec. 406. Extension of energy credit.
Sec. 407. Extension and modification of credit for clean renewable energy bonds.
Sec. 408. Extension of energy efficient commercial buildings deduction.

TITLE V—TAX ADMINISTRATION

Sec. 501. Permanent authority for undercover operations.
Sec. 502. Permanent disclosures of certain tax return information.
Sec. 503. Disclosure of information relating to terrorist activities.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking "or 2007" and inserting "2007, or 2008", and

(2) by striking "2007" in the heading thereof and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($66,250 in the case of taxable years beginning in 2007)" in subparagraph (A) and inserting "($69,950 in the case of taxable years beginning in 2008)", and

(2) by striking "($44,350 in the case of taxable years beginning in 2007)" in subparagraph (B) and inserting "($46,200 in the case of taxable years beginning in 2008)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—INDIVIDUAL TAX PROVISIONS

SEC. 201. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

"(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 202. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 203. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 204. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, 2008, or 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting "and after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2010" after "January 1, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 207. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 208. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 211. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

TITLE III—BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—Section 41(h) (relating to termination) is amended—

(1) by striking "December 31, 2007" and inserting "December 31, 2009" in paragraph (1)(B),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to amounts paid or incurred after December 31, 2007.".

(b) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended to read as follows:

"(A) IN GENERAL.—

"(i) CALCULATION OF CREDIT.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to the applicable percentage (as defined in clause (ii)) of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) APPLICABLE PERCENTAGE.—For purposes of the calculation under clause (i), the applicable percentage is—

"(I) 14 percent, in the case of taxable years ending before January 1, 2009, and

"(II) 16 percent, in the case of taxable years beginning after December 31, 2008.".

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "December 31, 2008" and inserting "December 31, 2009".

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting "of books" after "to any contribution".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 311. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and", and

(3) by adding at the end the following new paragraph:

"(4) after December 31, 2009.".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting ", and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2009" after "December 31, 2007".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by inserting ", and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2009" after "December 31, 2007".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 314. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 315. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 316. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 317. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking "and 2007" and inserting "2007, 2008, and 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 318. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 319. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 320. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 321. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

"(D) APPLICATION OF PARAGRAPH.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2010.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 322. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 323. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting " 4-year".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

SEC. 401. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking "calendar year 2006 or 2007" each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting "calendar year 2006, 2007, 2008, or 2009".

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting "beginning after December 31, 2007" after "for all prior taxable years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 402. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 403. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 404. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

Section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting "January 1, 2010".

SEC. 405. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 406. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 407. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by striking "$1,200,000,000" in paragraph (1) and inserting "$1,600,000,000", and

(2) by striking "$750,000,000" in paragraph (2) and inserting "$1,000,000,000".

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

"(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).".

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 408. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

TITLE V—TAX ADMINISTRATION

SEC. 501. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 502. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking "REPORTING" in the heading thereof and all that follows through "The Secretary" in subparagraph (A) and inserting "REPORTING.—The Secretary", and

(B) by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

SEC. 503. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

By Mr. KOHL (for himself, Ms. COLLINS, and Mrs. LINCOLN):

S. 2888. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. The legislation I have introduced with Senators COLLINS and LINCOLN attacks the growing problem of foreclosure rescue scams. I held a revealing hearing in the Aging committee that uncovered the ways scam artists prey on homeowners already in financial and emotional distress. These scams are another consequence of the mortgage crisis that is plaguing our country.

For most people, their home is their greatest asset. When a homeowner falls behind in their mortgage payments, it is a great emotion strain. Scam artists prey on an owner's desperation and give them a false sense of security, claiming they can help "save their home." The types of scams vary, but the end result is that the homeowner is left in a more desperate situation than before.

There are three types of prevalent scams. The first is "phantom help," where the "rescuer" claims that they call the homeowner's lender and re-negotiate the loan for a fee. Often the homeowner will pay the fee and the "rescuer," will abandon the homeowner without performing any intervention. The second is a "rent-to-own" scheme which is set up to fail. A homeowner will sign over the title of the house and make monthly payments to the scammer in order to help rebuild their credit. However, the monthly payments are extremely high and often result in the homeowner violating the contract and being evicted. Finally, a homeowner may be tricked into unknowingly signing over the title of their house and power of attorney to the scammer and the scammer will then sell the house to a third party. The scam artist might give the homeowner a small amount of money, but often only a fraction of the actual selling price.

As one can clearly see, these scams are well crafted and extremely complicated. Catie Doyle, the Chief attorney for Legal Aid Society of Milwaukee, testified before the Special Committee on Aging, describing the difficulties and problems lawyers are facing when trying to help victims of these scams. One major problem she pointed out was that lawyers have to piece together both state and federal laws to untangle these scams.

The Foreclosure Rescue Fraud Act that Senators COLLINS, LINCOLN and I are offering will remedy Ms. Doyle's concerns. While there are some states that have foreclosure rescue scam laws or are in the process of enacting them, many homeowners still go unprotected from these predators. This legislation will require that all contracts between a foreclosure consultant be in writing and fully disclose the nature of the services and the exact amount. Additionally, the bill prohibits up-front fees from being collected and prohibits a "consultant" from obtaining the power of attorney from a homeowner.

I also have a letter of support from a variety of consumer groups including the Center of Responsible Lending, Consumer Federation of America, National Community Reinvestment Coalition, and the National Council of La Raza.

The foreclosure crisis is real. Most communities across the country are experiencing both the primary and secondary effects. It is important that we address fraud at the front end of the lending process, as well, as for those who face foreclosure. I hope that we can work together to move this legislation forward.

By Mr. AKAKA (by request):

S. 2889. A bill to amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

This "by-request" bill would address a range of issues. On the health care side, it would allow VA to contract with community residential care programs for veterans with serious traumatic brain injury. It would also eliminate copayments for all hospice care. Further, it would expand continuing education benefits for physicians and dentists. Finally, it would allow the Secretary to disclose the names and addresses of certain VA patients without prior written consent to collect payment from third-party health plans.

On the benefits side, this legislation would permanently authorize VA to use data provided by the IRS and the Social Security Administration to verify the incomes of recipients of needs-based benefits from VA. VA uses this data to ensure that it does not disburse benefits and payments to individuals who do not legally qualify to receive them.

This legislation would also provide a cost-of-living increase for VA disability compensation for service-connected veterans and dependency and indemnity compensation for survivors.

I am introducing this bill for the review and consideration of my colleagues at the request of the Administration. As chairman of the Committee on Veterans' Affairs, I have not taken a position on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Care Act of 2008".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. SPECIALIZED RESIDENTIAL CARE AND REHABILITATION FOR CERTAIN VETERANS.

Section 1720 is amended by adding at the end the following new subsection:

"(g) The Secretary may contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operation Enduring Freedom or Operation Iraqi Freedom who the Secretary determines suffers from a traumatic brain injury, has an accumulation of deficits in activities of daily living and instrumental activities of daily living, and who, because of these deficits, would otherwise require admission to a nursing home even though such care would generally exceed the veteran's nursing needs.

SEC. 3. REIMBURSEMENT FOR CERTAIN CONTINUING EDUCATION.

Section 7411 is amended to read:

"The Secretary shall provide full-time board-certified physicians and dentists appointed under section 7401(1) of this title the opportunity to continue their professional education through VA sponsored continuing education programs. The Secretary may reimburse the physician or dentist up to $1,000 per year for continuing professional education not available through VA sources.".

SEC. 4. COPAYMENT EXEMPTION FOR HOSPICE CARE.

(a) Section 1710(f)(1) is amended by adding "(except if such care constitutes hospice care)" after "nursing home care";

(b) Section 1710(g)(1) is amended by adding "(except if such care constitutes hospice care)" after "medical services".

SEC. 5. UPDATE OF VOLUNTARY HIV TESTING POLICY.

Section 124 of the Veterans' Benefits and Services Act of 1988 (title I of Public Law 100-322, as amended; 38 U.S.C. 7333 note) is repealed.

SEC. 6. DISCLOSURE OF MEDICAL RECORDS.

(a) LIMITED EXCEPTION TO CONFIDENTIALITY OF MEDICAL RECORDS.—Section 5701 is amended by adding at the end of the following new subsection:

"(l) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name or address, or both, of any individual who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces, to a third party, as defined in section 1729(i)(3)(D) of this title, in order to enable the Secretary to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability."

(b) DISCLOSURES FROM CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) is amended by adding at the end the following new subparagraph: "(F) To a third party, as defined in section 1729(i)(3)(D) of this title, to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability."

SEC. 7. PERMANENT AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317 is amended by striking subsection (g).

SEC. 8. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2008, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code;

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title;

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title;

(4) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title;

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title;

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title;

(7) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under subsections (c) and (d) of section 1311 of such title;

(8) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2008.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law No. 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to subsection (a).

THE SECRETARY OF VETERANS AFFAIRS,
Washington, March 18, 2008.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We are transmitting a draft bill, "To amend title 38, United States Code, to improve veterans' health care benefits and for other purposes," We request that the bill be referred to the appropriate committee for prompt consideration and enactment. Enclosed with the bill is a sectional analysis that describes each provision, provides a rationale for the provision, and provides estimates of the costs, savings and revenues that would result from enactment. Our draft bill includes proposals contained in the President's FY 09 budget request, to include a cost-of living increase in rates of disability compensation and dependency and indemnity compensation. Two of the proposals are discussed in further detail below.

This Administration advocates focusing greater attention on the long-term residential rehabilitation needs of veterans with traumatic brain injuries who do not require nursing home care but are unable to live independently in their homes. In furtherance of that policy, our bill would authorize the Secretary, in carrying out the Department of Veterans Affairs (VA) community residential care program, to contract for specialized residential care and rehabilitation services for veterans of Operation Enduring Freedom and/or Operation Iraqi Freedom (OEF/OIF) who: (1) suffer from traumatic brain injury, (2) have an accumulation of deficits in activities of daily living and instrumental activities of daily living that affects their ability to care for themselves, and (3) would otherwise receive their care and rehabilitation in a nursing home, which exceeds their nursing needs. This authority would provide the Department with a far more appropriate treatment setting for the provision of long-term rehabilitation services. VA estimates the discretionary cost of this proposal to be $1,427,000 in fiscal year 2009 and $79,156,000 over a 10-year period.

In 2004, Congress amended the law to eliminate copayment requirements for hospice care furnished in a VA nursing home. The bill contains a provision to exempt all hospice care from copayments by amending 38 U.S.C. §1710 to eliminate co-payment requirements for veterans receiving VA hospice care either in a VA hospital or at home on an outpatient basis. The provision would provide equitable treatment for all veterans receiving such care and would also align VA with the Medicare program, which does not impose co-payments for hospice care (regardless of setting). There are no costs associated with enactment of this proposal. Projected discretionary revenue loss is estimated to be $149,000 in fiscal year 2009 and $1,400,000 over 10 years.

The Office of Management and Budget advises that the transmission of this legislative package is in accord with the President's program.

Sincerely yours,

JAMES B. PEAKE, M.D.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. BURR, Mr. GRAHAM, Mr. MARTINEZ, Mr. WARNER, Mr. CHAMBLISS, Mr. LIEBERMAN, and Mr. SUNUNU):

S. 2890. A bill to amend the Internal Revenue Code of 1986 to provide for a highway fuel tax holiday; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senators KYL, BURR, GRAHAM, MARTINEZ, WARNER, CHAMBLISS, LIEBERMAN, WICKER and SUNUNU in introducing legislation that would provide all Americans with a "gas tax holiday" this summer. This bill would suspend the 18.4 cents-per-gallon Federal tax on gasoline and the 24.4 cents-per-gallon tax on diesel fuel from Memorial Day to Labor Day.

Today, this legislation was put forward on the Senate floor as an amendment to the Highway Technical Corrections bill, but it was blocked from being considered. I now call on my colleagues on both sides of the aisle to come together to support this proposal that would provide immediate relief to all Americans suffering from the high price of gas.

Mr. President, hardworking American families are facing many difficult challenges due to the current economic realities facing our country. Now, more than ever, they find themselves having to choose between basic needs to provide for their families, and this is being greatly exacerbated by rising gasoline prices, which have risen by more than 58 percent in the last 14 months. That is why I am pleased to be joined by so many of my colleagues in offering a proposal to provide some needed relief for every person who will be filling their gas or diesel tanks this summer.

In the past year, the price of unleaded regular gas has increased 53 cents per gallon. Diesel fuel prices nationwide are now over $1.30 more per gallon more than this time last year. With the growing financial strains placed on so many Americans—rising food prices and falling home prices—the additional hit of rising fuel prices is becoming the breaking point.

In an effort to ease some of the hardship caused by the higher fuel prices, our bill would suspend the Federal tax on gas and the tax on diesel fuel from Memorial Day to Labor Day. Last Memorial Day, alone, approximately 32 million Americans traveled by car 50 miles or more from home. Suspending the federal excise tax during the summer, when fuel prices have historically been at the highest annually, would allow Americans to keep a few more of their hard-earned dollars.

Now, let me be clear: this bill would not harm the Highway Trust Fund. This bill would ensure that the Highway Trust Fund remains whole during this "gas tax holiday" by transferring monies from the General Treasury. We all agree that our roads and highways must be maintained and improved to ensure the safety of the road-traveling public, and this amendment would do nothing to impact highway construction.

So, my colleagues have an opportunity to take meaningful action to ease some of the financial burdens that are impacting all hardworking Americans every time they fill up their gas or diesel tanks. Let's put some acton behind the usual rhetoric around here and vote to ease their tax burden this summer.

By Mr. KENNEDY (for himself, Mrs. Clinton, Mr. Obama, Mr. Brown, Mr. Feingold, and Mr. Schumer):

S. 2891. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is important for Congress to do more to guarantee graduate students the right to organize and to bargain over their wages and working conditions as teaching and research assistants, so I am introducing legislation today to do so.

More than ever in modern education, teaching and research assistants are in classrooms every day, educating students in colleges and universities across the country. Their numbers are increasing as the number of full time faculty dwindles. Often, teaching and research assistants are now doing the same job as junior faculty members.

In fact, the classroom is a workplace for these scholars. It's where they earn the money they need to pay to put food on their tables and a roof over their heads. They deserve the right to stand together and make their voice heard in their workplace. Like other employees, they should have the right to join a union and improve their working conditions. Obviously, better wages and working conditions for them also means better education for their students.

In 2004, however, a decision by the National Labor Relations Board changed the law and denied fundamental workplace rights and protections for teaching and research assistants. This ruling stopped an active organizing movement in its tracks and deprived thousands of teaching and research assistants of their right to organize and bargain over their wages and working conditions.

It is hardly the only bad decision by the National Labor Relations Board under the Bush administration, which has been the most anti-worker, anti-labor, anti-union NLRB in history. The Board has let workers down at every turn. It has blocked efforts to gain union representation, undermined workers' attempts to improve their pay and benefits, and exposed them to penalties for seeking to improve their working conditions.

The National Labor Relations Board is supposed to protect the rights of American workers, but it is failing teaching and research assistants, just as it has failed so many others. By passing the Teaching and Research Assistants Collective Bargaining Rights Act, Congress will give these workers back the rights that the National Labor Relations Board has taken away. This legislation amends the definition of employee under the National Labor Relations Act to explicitly include teaching and research assistants at private universities and colleges and restores the law to where it was before the Bush board's anti-worker decision.

This bill is a significant step forward in restoring workers' rights, and I urge my colleagues to join in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 519—WELCOMING POPE BENEDICT XVI TO THE UNITED STATES AND RECOGNIZING THE UNIQUE INSIGHTS HIS MORAL AND SPIRITUAL REFLECTIONS BRING TO THE WORLD STAGE

Mr. BROWNBACK (for himself, Mr. Casey, Mr. McCain, Mr. Coleman, Mr. Burr, Ms. Collins, Mr. Domenici, Mrs. Dole, Mrs. Hutchison, Mr. Craig, Ms. Murkowski, Mr. Thune, Mr. Chambliss, Mr. Enzi, Ms. Mikulski, Mr. Hatch, Mr. Roberts, Mr. Allard, Mr. Akaka, Mr. Alexander, Mr. Barrasso, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brown, Mr. Bunning, Mr. Byrd, Ms. Cantwell, Mr. Cardin, Mr. Carper, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Conrad, Mr. Corker, Mr. Cornyn, Mr. Crapo, Mr. DeMint, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Klobuchar, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. Martinez, Mrs. McCaskill, Mr. McConnell, Mr. Menendez, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Obama, Mr. Pryor, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Salazar, Mr. Sanders, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Tester, Mr. Vitter, Mr. Voinovich, Mr. Warner, Mr. Webb, Mr. Whitehouse, Mr. Wicker, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 519

Whereas Pope Benedict XVI will travel to the United States for his first pastoral visit as Pope and will visit Washington, DC, and New York;

Whereas Pope Benedict XVI was elected as the 265th Bishop of Rome on April 19, 2005, succeeding the much beloved Pope John Paul II;

Whereas the visit of Pope Benedict XVI will mark the 9th visit of a pope to the United States, recognizing the historical importance of the Catholic Church in American life, the deep faith and charity of its members, and the responsibilities of the United States in world affairs;

Whereas Pope Benedict XVI has spoken approvingly of the vibrance of religious faith in the United States, a faith nourished by a constitutional commitment to religious liberty;

Whereas Pope Benedict XVI remains committed to ecumenical dialogue and, during his trip to the United States, will meet with leaders of world religions and representatives of other Christian denominations and will visit a synagogue in New York City, all demonstrating his commitment to sincere dialogue and unity among all members of the human family;

Whereas Pope Benedict XVI has authored 2 encyclical letters inviting the world to meditate on the virtues of love and hope, "Deus caritas est" and "Spe salvi";

Whereas millions of Americans have discovered in Pope Benedict 's words a renewed faith in the power of hope over despair and love over hate;

Whereas Pope Benedict XVI has been a clear and courageous voice for the voiceless, working tirelessly for the recognition of human dignity and religious freedom across the globe;

Whereas Pope Benedict XVI has spoken out for the weak and vulnerable;

Whereas Pope Benedict XVI seeks to advance a "civilization of love" across our world; and

Whereas Catholics in parishes and schools across the Nation, and countless other Americans as well, eagerly await the visit of Pope Benedict XVI to the United States: Now, therefore, be it

Resolved, That the Senate welcomes Pope Benedict XVI on the occasion of his first pastoral visit to the United States and recognizes the unique insights his moral and spiritual reflections bring to the world stage.

SENATE RESOLUTION 520—DESIGNATING MAY 16, 2008, AS "ENDANGERED SPECIES DAY"

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mrs. CLINTON, Mr. KERRY, Mr. BROWN, Ms. SNOWE, Mr. LEVIN, Mrs. BOXER, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 520

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas ⅔ of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 16, 2008, as "Endangered Species Day"; and

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species; and

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a resolution to establish the third annual Endangered Species Day on May 16, 2008. I am introducing this resolution with Senators COLLINS, CANTWELL, LIEBERMAN, CLINTON, KERRY, BROWN, SNOWE, LEVIN, BOXER, and FEINGOLD whose co-sponsorship I appreciate.

I want to commend my constituent, Mr. David Robinson, who first suggested the establishment of an Endangered Species Day. Mr. Robinson is an example of people who really do make a difference.

The designation of Endangered Species Day will provide many wonderful opportunities for the public to familiarize themselves with the status and recovery efforts of endangered species in our country and around the world.

Last year, more than 50 events were held across the country to highlight endangered species success stories. The Governor of Maine, and the cities and counties of Santa Barbara, San Diego, and San Francisco also declared state and local Endangered Species Days. Zoos and aquariums across the country, such as the Roger Williams Zoo and the San Diego Wild Animal Park, also held educational events.

Based on the success of last year, I am confident that the events of this year's Endangered Species Day will continue to foster increased communication and awareness about many of the most endangered species by encouraging such activities as school field trips to the zoo or attending a lecture at the local library. In my city of San Francisco, the Golden Gate National Recreation Area and the Farralones National Marine Sanctuary plan to hold special tours and viewings of endangered species to commemorate this special day.

Endangered Species recovery programs in California are examples of the conservation and management efforts that have helped significantly restore populations of California condor, the least Bell's vireo songbird, and the California gray whale. Over 300 species classified as either endangered or threatened currently call California home, and efforts to protect them will ensure that they continue to do so.

Despite these success stories, we need to be aware that more can be done. At this time, we have more than 5,000 threatened species in the U.S. and abroad, which receive protection. One small step is to increase awareness about the seriousness of the circumstances facing many of these endangered species and educating the public about them.

I am introducing this bill with the hope that Endangered Species Day can spark the wonder and interest in our youth to continue the conservation efforts we have begun, but still are far from finishing.

I urge my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 521—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 521

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, June 3, 2008, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

SENATE RESOLUTION 522—RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL AND REAFFIRMING THE BONDS OF CLOSE FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND ISRAEL

Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr.

DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 522

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine and create a Jewish state;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern State of Israel is an outgrowth of the existence of the historic kingdom of Israel established in the Land of Israel 3,000 years ago, with the city of Jerusalem as its capital;

Whereas for over 2,000 years, there has been continuous Jewish presence and residence in the land comprising the modern State of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jewish people followed the slaughter of more than 6,000,000 European Jews during the Holocaust;

Whereas since its establishment 60 years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic democratic society, and created a thriving economic, political, cultural, and intellectual life despite the heavy costs of war, terrorism, and unjustified diplomatic and economic boycotts against the people of Israel;

Whereas the people of Israel have established a vibrant, pluralistic, democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices;

Whereas Israel has developed some of the leading universities in the world, and 8 Israeli citizens have been awarded the Nobel Prize;

Whereas Israel has developed an advanced, entrepreneurial economy, is among the world's leaders in the high-tech industry, and is at the forefront of research and development in the field of renewable energy sources;

Whereas Israel regularly sends humanitarian aid, search-and-rescue teams, mobile hospitals, and other emergency supplies, to help victims of disasters around the world, including the 1994 Rwandan civil war, the 1998 bombing of the United States Embassy in Kenya, the 1999 earthquakes in Turkey, the 2004 Indian Ocean tsunami, the 2005 hurricanes along the southern coast of the United States, and the 2007 fires in Greece;

Whereas Israel has absorbed millions of Jews from countries throughout the world and fully integrated them into Israeli society;

Whereas Israel has bravely defended itself from repeated terrorist and military attacks since its independence;

Whereas successive leaders of Israel have sought to achieve peace with Israel's Arab neighbors;

Whereas Israel has established peaceful bilateral relations with neighboring Egypt and Jordan and has made its desire to establish peaceful relations with all Arab states abundantly clear;

Whereas for 6 decades, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect;

Whereas the American people feel a strong affinity for the Israeli people based on common values and shared cultural heritage; and

Whereas the United States continues to regard Israel as a strong and trusted ally and an important strategic partner: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the 60th anniversary of the reestablishment of the sovereign and independent State of Israel as a homeland for the Jewish people;

(2) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past 60 years, and commits to strengthening those bonds;

(3) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic, democratic society in the face of terrorism, as well as hostility, ostracism, and belligerence from many of their neighbors;

(4) reaffirms its support for Israel's right to defend itself against threats to its security and existence;

(5) reaffirms its enduring support for Israel as Israel pursues peace with its neighbors; and

(6) extends the warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

Mr. REID. Mr. President, I come to the floor today with the distinct honor of introducing a resolution with my friend Senator MCCONNELL commemorating the 60th anniversary of the founding of the modern State of Israel.

On this historic occasion, Jews and non-Jews from around the world will come together to celebrate 60 years of Israeli independence. Out of the dark shadows of the Holocaust, which claimed the lives of over 6 million Jews, and many others, the state of Israel was reborn on the very same lands where the Jewish people had maintained a continuous presence for more than 2 millennia.

As an American, I am so proud that the United States has stood by Israel, our closest of allies, from the very beginning of its modern existence. On May 14, 1948, the date on which the people of Israel proclaimed the establishment of the sovereign and independent state of Israel, the United States was right there to offer our unwavering support and establish full diplomatic ties with our new friend. Sixty years later, I want the new generations of Israelis and Jewish-Americans to know that America reaffirms its commitment to the U.S.-Israel alliance and pledges to strengthen the bonds we have forged throughout the decades.

Yom Ha'atzmaut, the Israeli Independence Day, falls on May 8th this year, the same day the world traditionally celebrates the Allied victory over Nazism. Because of America's commitment to defeating European fascism the histories of the United States and Israel will be forever linked. For it was from the ashes of World War II that our great country rose to become a global superpower at the same time a beacon of democracy and hope was established in the Holy Land.

Today, we face a new set of challenges to peace and freedom. As we have so many times before, the United States and Israel will stand together to combat those who seek to undermine the right of a Jewish state to exist. The Middle East remains an extremely volatile region with a series of ongoing violent conflicts, so it is a great comfort to know that we have a strong partner in such a strategically important part of the globe.

In a region long dominated by autocratic and monarchic traditions, Israel has been a paragon of democratic pluralism. Over the course of its modern existence, Israeli society has defended the principles we, as Americans, hold in such high esteem: freedom of speech, religion, and the press, an independent judiciary, and free market capitalism. Israel's strong democracy, despite being constantly under siege from neighboring states and terrorist entities, shows a remarkable commitment to the ideals of freedom and democracy.

Millions of Americans will undoubtedly commemorate this momentous anniversary, including thousands in my home State of Nevada. I am very fortunate to hail from a part ofthe country with such a dynamic Jewish community; one that is committed to promoting the interests of our great State in any way they can. I would like to offer special congratulations to all those folks in Nevada who have worked so hard to put on events to honor the 60th anniversary of Israeli independence.

In the spirit of continuing the tradition of strong U.S.-Israel relations, I urge this entire chamber to wish all those who choose to celebrate this occasion another 60 years of happiness and prosperity. My best wishes for a safe and peaceful anniversary celebration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4542. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table.

SA 4543. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4544. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4545. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4546. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4547. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4548. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4549. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4550. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4551. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4552. Mr. DODD (for himself, Mr. SHELBY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4553. Mrs. HUTCHISON (for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. STEVENS, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. MARTINEZ, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4554. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4555. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4556. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4557. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4558. Mr. KYL (for himself, Mr. MCCAIN, Mr. WARNER, Mr. BURR, Mr. MARTINEZ, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WICKER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4542. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, between lines 7 and 8, insert the following:

(s) DEFINITION.—Section 14504a(a)(5) of title 49, United States Code, is amended by striking "title." and inserting "title, except carriers that the unified carrier registration plan board of directors deems appropriate.".

SA 4543. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 15 and 16 and insert the following:
paving";

(3) in item number 1663 by inserting "and construct intermodal facilities and fixed guideways in Jersey City" after "right-of-way"; and

(4) in item number 614 by inserting "and for

SA 4544. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, after line 20, insert the following:

(e) PROJECT MODIFICATION.—The description for item 67 in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended to read as follows: "Union Passenger Terminal Planning and Master Plan and Infrastructure Improvements in Orleans Parish, Louisiana".

SA 4545. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 15 and 16 and insert the following:
paving";

(3) in item number 1483 by striking the project description and inserting "Lapalco Boulevard Improvements in Jefferson Parish"; and

(4) in item number 614 by inserting "and for

SA 4546. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 17 and 18, insert the following:

(1) USE OF TOLL CREDITS.—Section 120(j)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "A State" and inserting "Subject to subparagraph (D), a State"; and

(2) by adding at the end the following:

"(D) EXCEPTION.—Subparagraph (A) shall not apply to the use of Appalachian development highway system funds for any highway project relating to United States Route 219 (Corridor N) in Somerset County, Pennsylvania.".

SA 4547. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, after line 2, insert the following:

(s) PROJECT MODIFICATION.—The description for item 422 in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) in amended to read as follows: "People Mover Public Transportation System buses and bus facilities, Anchorage, Alaska".

SA 4548. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) MILEAGE EXTENSION.—Section 14501(a) of title 40, United States Code is amended by striking "three thousand and ninety miles" and inserting "3,142 miles".

(b) DEVELOPMENT OF MULTI-LANE HIGHWAY.—

(1) AUTHORIZATION.—A multi-lane highway, to be designated as Corridor P–1, shall be developed in Pennsylvania along the route described in paragraph (2) as an extension of the Appalachian development highway system, with intersections and interchanges at appropriate crossroad locations.

(2) DESCRIPTION.—Corridor P–1 shall—

(A) extend approximately 52 miles along the alignment of United States Route 15 from its intersection with United States Routes 22 and 322 near Duncannon, Pennsylvania;

(B) extend northward, crossing the Susquehanna River north of Shamokin Dam, Pennsylvania;

(C) merge onto Pennsylvania Route 147; and

(D) proceed northward to the connection with Interstates 80 and 180 north of Milton, Pennsylvania.

(3) EFFECT ON APPORTIONMENTS.—The mileage and the estimate of the costs to complete Corridor P–1 shall not affect apportionments made to Pennsylvania to complete the Appalachian development highway system.

(4) FEDERAL SHARE.—Federal assistance authorized under section 14501 of title 40, United States Code, shall not be more than 80 percent of the cost of developing a 13-mile segment of Corridor P–1 designated by the Secretary of Transportation.

SA 4549. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike lines 13 and 14 and insert the following:

(19) in item number 777 by striking the project description and amount and inserting "Akutan Airport access" and $3,500,000", respectively;

On page 31, strike lines 20 through 23 and insert the following:

(98) in item number 161 by striking the project description and amount and inserting "Construct False Pass causeway and road to the terminus of the south arm breakwater project" and "$1,000,000", respectively;

SA 4550. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 4, strike "and" and all that follows through line 5, and insert the following:

(B) by striking paragraph (10); and

(C) in paragraph (15), by striking "South Carolina Department of Transportation Light Rail study" and inserting "South Carolina Department of Transportation Corridor Study".

SA 4551. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert: "In item number 3544, by striking the project description and inserting 'Construction of access road including sidewalks, bike lanes, and railroad crossing from Highway 99W to Cascade View Industrial Properties and/or construction of transportation improvements for the Airport Industrial Park, Corvallis.'"

SA 4552. Mr. DODD (for himself, Mr. SHELBY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, after line 12, insert the following:

(8) MODIFICATION OF TERMS OF SECTION 5338(B)(2)(E) OF TITLE 49, UNITED STATES CODE.—Of the funds authorized for fiscal year 2007 in section 5338(b)(2)(E) of title 49, United States Code, $213,600,000 that is not otherwise designated for specific projects under section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (Public Law 109-59) shall be allocated by the Federal Transit Administration in accordance with the "Bus and Bus Facilities Discretionary Program Grants Notice of Availability and Solicitation of Grant Applications" published in the Federal Register on March 23, 2007 (FR 13968-13971). Such allocation shall be made within 90 days of enactment of this Act, and the Federal Transit Administration shall notify the appropriate Congressional committees of such allocation 3 days before publication of the Federal Register notice. Allocations of funds pursuant to this paragraph shall be published in the Federal Register not later than 90 days after enactment of this Act.

SA 4553. Mrs. HUTCHISON (for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. STEVENS, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. MARTINEZ, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 24 and 25, strike "in Clifton".

On page 49, line 18, strike "160" and insert "169".

On page 57, strike lines 8 through 11 and insert the following:

(250) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 90";

On page 78, strike lines 3 and 4 and insert the following:

(386) in item number 273, by striking the project description and inserting "Improvements to on/off ramp system from I–10 to Ryan Street (LA 385), including installation of an exit ramp for eastbound traffic on I–10, incorporating, as necessary, portions of Front Street and Ann Street, and including repair and realignment of Lakeshore Drive, and to include the expansion of Contraband Bayou Bridge";

(387) in item number 3735 by striking the project description and inserting "Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49";

(388) in item number 2406 by striking "in Fort Worth" and inserting ", or Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth"; and

(389) in item number 370 by striking the

On page 107, line 4, strike "and" and all that follows through line 5, and insert the following:

(B) by striking paragraph (10); and

(C) in paragraph (15), by striking "South Carolina Department of Transportation Light Rail study" and inserting "South Carolina Department of Transportation Corridor Study".

On page 114, line 21, strike "; and" and insert a semicolon.

On page 114, strike line 22 and insert the following:

(xxvi) in item number 422 by striking the project description and inserting "People Mover Public Transportation System buses and bus facilities, Anchorage, Alaska";

(xxvii) in project number 67 by striking the project description and inserting "Union Passenger Terminal Planning and Master Plan and Infrastructure Improvements in Orleans Parish, Louisiana"; and

(xxviii) by adding at the end—

SA 4554. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ___. NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2008.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the "National Capital Transportation Amendments Act of 2008".

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

"SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

"(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

"(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

"(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

"(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

"(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

"(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

"(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

"(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2008.

"(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

"(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

"(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

"(1) shall remain available until expended; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

"(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

"(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

"(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2008, in the 20 underground rail station platforms with the highest volume of passenger traffic.

"(B) Not later than 4 years after such date, throughout the rail system.

"(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

"(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

"(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2008, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

"(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.".

(c) WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.—

(1) ESTABLISHMENT OF OFFICE.—

(A) IN GENERAL.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the "Transit Authority") shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the "Office"), headed by the Inspector General of the Transit Authority (referred to in this subsection as the "Inspector General").

(B) DEFINITION.—In subparagraph (A), the "Washington Metropolitan Area Transit Authority" means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774).

(2) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DUTIES.—

(A) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) REPORTS.—

(i) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(i) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) POWERS.—

(A) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) STAFF.—

(i) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

SA 4555. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, beginning with line 13, strike through line 17 on page 13, and insert the following:

(1) LIMITATION ON LIABILITY.—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if the employer proves that—

(A) the violation occurred in the one-year period beginning on August 10, 2005;

(B) as of the date of the violation, the employer did not have actual knowledge that section 4142 of Public Law 109–59 changed the applicability of section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)); and

(C) the employer's primary reliance on section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)) led to the violation.

(2) ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid, or agreed to be paid, before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the one-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) COVERED EMPLOYEE DEFINED.—In this section, the term "covered employee" means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305 of this Act);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

SA 4556. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 18, insert "sediment control and" after "Boulder Creek".

SA 4557. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, line 14, strike the period at the end, insert a semicolon, and insert the following:

(26) by striking item number 234; and

(27) in item number 236, by striking "$10,000,000" and inserting "$17,000,000".

SA 4558. Mr. KYL (for himself, Mr. MCCAIN, Mr. WARNER, Mr. BURR, Mr. MARTINEZ, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WICKER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

_____. HIGHWAY FUEL TAX HOLIDAY.

(a) TEMPORARY SUSPENSION OF HIGHWAY FUEL TAXES ON GASOLINE AND DIESEL FUEL.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

"(f) TEMPORARY SUSPENSION OF TAXES ON GASOLINE AND DIESEL FUEL.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are—

"(A) the rate of tax otherwise applicable to gasoline under clause (i) of subsection (a)(2)(A), determined with regard to subsection (a)(2)(B) and without regard to subsection (a)(2)(C),

"(B) the rate of tax otherwise applicable to diesel fuel under clause (iii) of subsection (a)(2)(A), determined with regard to subsection (a)(2)(B) and without regard to subsection (a)(2)(C), and

"(C) the rate of tax otherwise applicable to diesel fuel under paragraph (1) of section 4041(a) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

"(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period beginning on May 26, 2008, and ending on September 1, 2008.

"(4) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 and to the Leaking Underground Storage Tank Trust Fund under 9508, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section or section 4041.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the tax suspension date, a tax referred to in section 4081(f)(2) of the Internal Revenue Code of 1986 has been imposed under such Code on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer"), against the taxpayer's subsequent semi-monthly deposit of such tax, an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax suspension date.

(2) TIME FOR FILING CLAIMS; CERTIFICATIONS NECESSARY TO FILE CLAIMS.—

(A) IN GENERAL.—No credit or refund shall be allowed or made under this subsection—

(i) unless claim therefor is filed with the Secretary before the date which is 6 months after the tax suspension date, and

(ii) in any case where liquid is held by a dealer (other than the taxpayer) on the tax suspension date, unless the taxpayer files with the Secretary—

(I) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax suspension date, and

(II) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax suspension date.

(B) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under subparagraph (A) shall include an additional certification that the claim for credit was reasonably based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(B) the term "tax suspension date" means May 26, 2008.

(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendment made by subsection (a), and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(3) DEFINITIONS.—For purposes of this subsection—

(A) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(B) GASOLINE AND DIESEL FUEL.—The terms "gasoline" and "diesel fuel" have the respective meanings given such terms by section 4083 of such Code.

(C) FLOOR STOCKS TAX DATE.—The term "floor stocks tax date" means September 2, 2008.

(D) APPLICABLE PERIOD.—The term "applicable period" means the period described in section 4081(f)(3) of such Code.

(4) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to gasoline or diesel fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(5) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by paragraph (1) on gasoline or diesel fuel held in the tank of a motor vehicle.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1)—

(i) on gasoline (other than aviation gasoline) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(ii) on diesel fuel held on such date by any person if the aggregate amount of diesel fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) CONTROLLED GROUPS.—For purposes of this paragraph—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(7) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this paragraph, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081.

(d) SECRETARY.—For purposes of this section, the term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(e) BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.—It is the policy of Congress that—

(1) consumers immediately receive the benefit of the reduction in taxes resulting from the amendment made by subsection (a), and

(2) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of subsection (b).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 3 p.m. to hold a working coffee meeting with His Excellency Ahmed Aboul Gheit, Foreign Minister of the Arab Republic of Egypt.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 17, 2008, at 10:30 a.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing on the National Indian Gaming Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 2 p.m. to conduct a hearing entitled, "Focus on Fusion Centers: A Progress Report."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 17, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate to conduct a hearing on Thursday, April 17, 2008, at 2 p.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I spoke to the minority leader last evening and indicated to him that I was going to move to the Veterans' Benefits Act. As a result of that, I have no alternative—not speaking to him but not having heard back—I have no alternative but to file cloture on this matter. Otherwise, of course, another day would be lost. So I am disappointed that I need to file this. This is a veterans' benefits enhancement bill. I would hope that on Monday, we could have Senator AKAKA and his ranking member be allowed to move to this legislation. We have already announced there will be no votes tomorrow or on Monday. It would sure be good if we could do that.

In view of the situation we have here, I have no alternative but to move to proceed to S. 1315, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 336, S. 1315, the Veterans' Benefits Enhancement Act.

Harry Reid, Daniel K. Akaka, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, April 22, following a period of morning business, the Senate resume consideration of the motion to proceed and the time until 12 noon be equally divided and controlled between the leaders or their designees; that at noon, the Senate proceed to a vote on a motion to invoke cloture on the motion to proceed to S. 1315; further, that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE SENATE CHAMBER

Mr. REID. Mr. President, there is a resolution at the desk, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 521) authorizing the taking of a photograph in the Chamber of the U.S. Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that there be no intervening action or debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 521) was agreed to, as follows:

S. RES. 521

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, June 3, 2008, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

ORDERS FOR FRIDAY, APRIL 18, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Friday, April 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, and that there then be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As previously announced, there will be no votes tomorrow or Monday because of the Passover holiday.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous that it stand in recess under the previous order.

There being no objection, the Senate, at 6:40 p.m., recessed until Friday, April 18, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

KELLY HARRISON RANKIN, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS, VICE MATTHEW HANSEN MEAD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PHILIP M. BREEDLOVE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) ROBERT S. HARWARD, JR.

EXTENSIONS OF REMARKS

RECOGNIZING ALISHA D. PRATHER FOR HER CONTRIBUTIONS AND SERVICE TO THE COMMITTEE ON SCIENCE AND TECHNOLOGY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize a talented individual who has been a dedicated member of our Committee staff—Alisha D. Prather.

Alisha came to the Committee as the communications director for the minority staff at the beginning of the 108th Congress. She filled a newly created position since the minority staff had functioned without a press person for some years.

Her degree in Telecommunications from Baylor University and a Master's in Communication Studies from the University of Louisiana at Lafayette meant Alisha was well prepared for the job. She also came to us with a great deal of work experience on Capitol Hill under her belt.

From the start, the challenge Alisha faced on the Committee was taking technical, scientific information and translating it into an interesting and informative message for the American public. She succeeded. With her quick intellect and some long hours, Alisha soon produced an organized press shop, building enormous credibility with our science constituencies, the public and the media.

One of her first projects as the new communications director was to shepherd the minority website through a top to bottom redesign. She did an outstanding job. The website received a Congressional Management Foundation Gold Mouse Award in 2006, recognizing the site as one of the best web sites on Capitol Hill. Alisha did it again in 2007 when our Committee website received another Gold Mouse Award and was judged to be the number one committee website in Congress.

With our move to the Majority in 2007, Alisha undertook the task of meeting the press needs of a growing staff and an increasingly busy Committee agenda, while assuring that my media needs and the needs of our active Membership were well attended.

Prior to her time with us, Alisha worked for 8 years as the communications director for Representative Chris John of Louisiana. For several years, Alisha also served as the communications coordinator for the Blue Dog Coalition.

Alisha leaves the Hill after 11½ years here, and she will be missed. She's heading to Texas which takes her that much closer to her home State of Louisiana. Although a huge fan of Capitol Hill and the Washington, DC area, Alisha has always had an interest in spending some time closer to home.

We wish her well as she takes on a new challenge—Director of Communications for the new Galveston National Laboratory projected to open in November of this year. As Alisha says, it's the opportunity to build something from the ground up.

We're quick to point out that she did just that with our press operation here at the Committee, and we extend our sincere thanks to her for a job well done.

IN HONOR OF THE 50TH ANNIVERSARY OF THE DELMAR LITTLE LEAGUE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the Delmar Little League, which will celebrate its opening day and 50th anniversary on April 19. For one half-century, the Delmar Little League has been providing the only organized summer activity open to all youths in the town of Delmar, Delaware.

The Delmar Little League was chartered in 1958 under the leadership of Epperson "Eppie" Culver, who also became the league's first president and one of the league's first coaches. The league was initially organized into four teams: the Vets, sponsored by the Delmar VFW Memorial Post 8276, the Moose, sponsored by Moose Lodge No. 582, the Firemen, sponsored by the Delmar Fire Department, and the Lions, sponsored by the Delmar Lions Club. The inaugural season was officially dedicated on August 15, and the first games were played on a corner lot provided by the Delmar Fire Department. That year, using equipment given to the league by the Delmar Kiwanis Club, the four teams only played against each other: they did not compete with any other teams outside of the league.

By the 1959 season, the Delmar Little League had grown to 60 boys, and the league had its own field on which to play. The league held a contest to decide on the name of the park. The winning entry was submitted by James Mills, and Pote Field was dedicated on June 19, 1959. The new location was named for Monroe Pote, or "Mr. Baseball", as he was known in Delmar. Mr. Pote is credited with establishing the first organized baseball team in Delmar in 1922, along with many other sports teams and organizations for the young men of his town. Mr. Pote became an inspiration and a father figure to many of the boys that he coached. 1959 proved to be a milestone year for the league in scoring, as well: the first home run was scored by Gary Wooten on May 30 and the first grand slam by John Ehrlich on June 23. The league formed its original First All-Star Team in 1960.

The league moved to its present facilities in 1962, when the park's namesake. William Gordy, Sr., donated the land for a new field. Today, there are 449 players registered in the Delmar Little League, with over half of the players hailing from Delaware. In addition, the league has hosted several state level tournaments. The Delmar Little League established a female softball division in 1982 and the baseball league is now open to young women, as well.

I acknowledge the Delmar Little League for 50 years of promoting physical fitness and community involvement amongst young people in the State of Delaware. I am confident that the league will continue to do so for many more years to come.

PACCAR: TRADER OF THE YEAR

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. REICHERT. Madam Speaker, I want to congratulate PACCAR, Inc. for earning the 2008 Governor's Trader of the Year Award in Washington State for expanding the State's international trade. PACCAR, headquartered in my congressional district, is a global leader in the design, manufacture and customer support of light-, medium- and heavy-duty trucks. In addition, PACCAR provides financial services and informational technology for the actual truck makers—all while conducting its business with the health and safety of the planet in mind.

With 22,000 employees worldwide and 2,500 in Washington State, PACCAR is a local business with a truly global reach. In 2007, PACCAR had $15.2 billion in net income, selling products and services in more than 100 countries, while setting record industry sales for commercial vehicles above 15 tons in Western and Central Europe.

I also want to recognize PACCAR for its leadership and innovation in energy independence and environmentally friendly business practices. The company truly represents the spirit of the Pacific Northwest region by conducting business within and very often exceeding regulatory environmental standards, harnessing the power and efficiency of solar energy and, perhaps most importantly, conserving energy utilizing breakthrough hybrid technology.

PACCAR is a leader in truck design and manufacture. It is an American company from the Pacific Northwest with a global impact. It is also a wonderful example of American business leading the way in energy independence and environmentally-friendly business practices and I offer its employees my sincere congratulations and appreciation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING THE ACHIEVEMENTS OF THE SOUTHERN ILLINOIS UNIVERSITY DEBATE TEAM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. COSTELLO. Madam Speaker, I rise today to acknowledge the outstanding accomplishments of the debate team at Southern Illinois University in Carbondale, Illinois. Directed by Dr. Todd Graham, the team of Kevin Calderwood, a junior in political science from Chesterfield, MO, and Kyle Dennis, a senior in economics from Blue Springs, MO, won the national championship in the 54-team National Parliamentary Tournament of Excellence.

It is important to note that this was a very select competition. A team must qualify for the national championship tournament by doing well throughout the year. While only 54 teams competed, more than 300 attempted to qualify.

The debate program also entered teams in the National Parliamentary Debate Association tournament. That tournament is held at the end of March at the United States Air Force Academy in Colorado Springs, CO, and includes over 250 universities and colleges. Among the 500 debaters competing, Kevin won the top spot in the individual awards, solidifying his position as one of the best debaters in the country. Kyle took home third place overall in the individual awards.

In addition, the team of Katie Thomas, from Fort Collins, CO, and Adam Testerman, from Springfield, MO, won fifth place as a team overall. Also participating in the debate program was Nicholas Deml of La Crosse, WI. Graduate students Benjamin Haas, from Poplar Bluff, MO, and Brian Norcross from San Diego, CA, assisted Dr. Graham with team preparation.

Not surprisingly, the debate program's successes throughout the season resulted in a great deal of recognition from peers at other universities. Ryan Lawrence, a debater from the University of California at Berkeley and the top debater last year, commented to Dr. Graham that he would still hold his head high if beaten by Southern Illinois because he and his teammates considered it "the smartest, hardest-working and best debate team in the country."

Madam Speaker, Southern Illinois University has a proud tradition in teaching, research and public service. It is widely recognized that graduates who are well prepared become leaders in their fields. I urge my colleagues to join me in congratulating the debate team, faculty and students at Southern Illinois University for their continuing commitment to excellence.

HONORING THE 50TH ANNIVERSARY OF BAYVIEW ELEMENTARY SCHOOL

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor Bayview Elementary School in Fort Lauderdale, FL on its 50th Anniversary. For the past 50 years, Bayview Elementary School has been providing students with the skills, knowledge, and preparation they need to succeed both inside and outside the classroom.

Instrumental to the success of Bayview Elementary is the hard work of the teachers, administrators, parents and other volunteers within the community who are committed to providing these children with a topnotch education. The faculty at Bayview truly cares for the well-being of their students, and their dedication to improving the quality of education in their classrooms will benefit these students for generations to come.

I would also like to recognize Ms. JoEllen Scott, the principal of Bayview Elementary School, whose hard work and excellent leadership have helped make this school the success it is today. I am confident that Bayview Elementary School will continue to produce well-rounded and motivated students for the next 50 years and beyond.

DEACON ASPINWALL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Deacon Aspinwall who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Deacon Aspinwall is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Deacon Aspinwall is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Deacon Aspinwall for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his high school career to his college career and future accomplishments.

VIRGINIA TECH MASSACRE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. POE. Madam Speaker, today marks the 1 year anniversary of the Virginia Tech massacre. One year ago, students on the campus woke up and went to class. It was another seemingly ordinary day. But a mentally-ill coward, hungry for control and infamy, followed through on his premeditated rampage.

On April 16, 2007, there were two separate attacks, 2 hours apart on the campus of Virginia Tech. The murderer, Seung-Hui Cho, killed 32 people and wounded many.

The first attack occurred at West Ambler Johnston Hall. Cho entered the co-ed dormitory, home to 894 students, at 7 a.m. Fifteen minutes later, he murdered two victims before returning to his dorm room. Nearly 2 hours later, Cho went to a post office to mail writings and video footage to NBC News. He was sure to inform the press because he wanted the infamy and power. This coward carried chains, locks, a hammer, a knife, two guns, nineteen 10- and 15-round magazines, and almost 400 rounds of ammunition. He was on a murderous mission.

Two hours after his first killings, Cho continued his murder spree at Norris Hall. He chained the three main entrance doors shut, placed a note on the doors that said if the door was opened a bomb would explode, and then went up to the second floor to begin the massacre. Cho peeked into the classroom twice, to view his prey. He entered Professor G.V. Loganathan's classroom, killing the professor and then killing 9 of the 13 students. Two other students were injured and only 2 students survived unharmed. Cho then walked across the hall to Christopher James Bishop's classroom where he killed Bishop and 4 other students. Cho wounded 6 others. Cho continued down Norris Hall, shooting students and professors. He returned to the classrooms several times. Cho's spree continued for 10 to 12 minutes. He fired at least 174 rounds.

The 2 hour murderous massacre taught us that universities must have a coordinated, quick system to notify students, staff, and the entire university community of a pending danger. I'm an original cosponsor on the Virginia Tech Victims Campus Emergency Response Policy and Notification Act, which would require universities to notify students and employees within 30 minutes after campus security or law enforcement determines that an emergency exists on campus. It is unfortunate that it took a tragedy to teach us this lesson.

This country continues to mourn the lives of the 32 victims from Virginia Tech. We will never forget them. And that's just the way it is.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Ms. GRANGER. Madam Speaker, on rollcall Nos. 147, 153, 154, 155, 164, 165, 174, 178, 179, and 181 I am not recorded because I was absent due to illness.

Had I been present, I would have voted "no."

IN HONOR OF THE SPELLING CHAMPIONS OF THE MULTI-REGIONAL STATE SPELLING BEE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mrs. BACHMANN. Madam Speaker, last month, students from all over Minnesota met at the St. Cloud Holiday Inn Hotel and Suites to compete for the honor of traveling to Washington in May for the Scripps National Spelling Bee. I commend all of the students who participated for their extraordinary commitment to academics and their brilliance and poise under pressure.

In particular, I share in all of Minnesota's pride in 8th Grader Catherine Cojocaru of Holy Spirit Catholic School in Rochester, Minnesota, who will be participating in the National Spelling Bee for the second year in a row.

I also wish to commend the winners of the Central Minnesota Regional Spelling Bee who competed amongst 56 students in grades 5 to 8 from 34 different school districts. These students earned a spot at the State Bee: Ali Fuller of Chisago Lakes, Christina Huling of Annandale, Matt Schultz of St. Michael-Albertville, and Peter Doyle of Rocori. The skill these young men and women showed is truly awe-inspiring. They are a real example for us all.

HONORING THE LONE STAR COLLEGE SYSTEM UNIVERSITY CENTER ON ITS 10TH ANNIVERSARY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today very proud to honor and congratulate the Lone Star College System University Center in The Woodlands, Texas, on its 10th anniversary.

The University Center broke ground in June of 1996 under the theme of "common ground for the common good." Partner universities, which include: Prairie View A&M University, Sam Houston State University, Texas A&M University, Texas Southern University, University of Houston and University of Houston-Downtown, began offering courses in September of 1997, and facilities were opened in January of the next year. Since that time, the University Center has indeed honored the vision of providing multi-level quality higher education instruction to a diverse population of citizens from north Houston, north Harris and Montgomery counties.

Over the past decade, the Center has experienced phenomenal growth. Student enrollment and the number of courses offered has grown four-fold. In 1997, the Center served 374 students in 65 classes. Today, over 2,300 students participate in 255 classes. Fifty-two thousand students have been served in ten years with no signs that growth will stop.

This unique partnership between the six Texas universities and the five colleges of the Lone Star College System has created amazing educational opportunities for the students of the region. Through this partnership, students at the University Center can complete baccalaureate degrees, master's degrees and continuing professional studies in over 65 programs without having to drive long distances. Having such programs right in their own backyard is an opportunity that the enrollment numbers clearly tell us is just too good to pass up.

The University Center is not only an asset to our community now, but the sky is the limit for its future impact. By offering convenient access to top quality instructors and innovative teaching, the opportunity for students to achieve their higher education goals in my district has never been so strong.

I consistently hear from employers that University Center students take their outstanding educations and make a mark in the workplace. Many careers have been started or enhanced through this unique educational resource. As the University Center moves beyond its first decade, the best is truly yet to come.

Madam Speaker, it is an honor to represent the University Center in the U.S. House of Representatives, and I urge you to join me in congratulating the Lone Star College System—University Center on this momentous occasion.

RECOGNIZING THE OPENING OF THE TREATY ROOM AND THE CROSSROADS OF DESTINY EXHIBIT AT THE GARST MUSEUM IN GREENVILLE, OHIO

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. BOEHNER. Madam Speaker, I rise to recognize the grand opening of the Treaty Room and the Crossroads of Destiny Exhibit at the Garst Museum in Greenville, Ohio

One of most significant historical moments in Darke County was the signing of the Treaty of Greene Ville, which ended forty years of conflict over the upper Ohio Valley and opened the door for western settlement, leading to Ohio's statehood. This exhibit tells the story of life on the frontier: war, resolution, loss, progress and the growth of a nation.

While Darke County is no longer the Western edge of the United States, its citizens retain the finest qualities of frontier settlers: generous hearts, a zeal for public service and the passionate patriotism that General Anthony Wayne, General William Henry Harrison, Meriwether Lewis and William Clark exhibited more than two centuries ago.

It is my pleasure to congratulate The Garst Museum, the Darke County Historical Society and the citizens of Darke County on the grand opening of this new exhibit.

CONGRATULATING ST. MARY OF VERNON ON THEIR 30TH ANNIVERSARY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. KIRK. Madam Speaker, I rise today to honor the 30th Anniversary of St. Mary of Vernon, a well-established church located in the 10th district of Illinois.

In 1978, Father John Finnegan went to Lake County to establish a new parish in the Vernon Hills area. The first Mass took place on August 15, 1978, in a rented space at Hawthorn Jr. High School. Three years later, in 1981, the church moved into their new Worship Center which doubled as a building for Mass as well as for social and community activities. In December of 2005, the church moved into a new church building, fulfilling their dream. Despite the acquisition, the congregation takes pride in the fact that it is the people inside the church's walls that make St. Mary of Vernon what it is.

The parishioners of St. Mary of Vernon are dedicated to the Catholic education for all ages. Their goal is for all activities and gatherings to have a spiritual dimension and regular participation in these programs helps develop a community within the church.

Going beyond themselves, St. Mary of Vernon believes in serving the needs of their surrounding community. Through outreach programs, people feel welcome in the church at all times. To maximize their impact, they also partner up with other congregations and community efforts.

This year we pause to celebrate the church's 30th Anniversary and their impact on our community. I commend St. Mary's for their accomplishments over the years and know they will continue to do great things in the years to come.

IN HONOR OF GERRET AND TATIANA COPELAND

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. and Mrs. Gerret and Tatiana Copeland for their momentous gift to Christiana Care Health System's Center for Heart and Vascular Health. The Copelands' gift will enable Christiana Care to purchase a Stereotaxis remote navigation system that can more effectively target problem areas in the heart while still preserving healthy tissue, thereby providing the people of Delaware with the best treatment available for a potentially fatal disorder.

Stereotaxis is used to treat Atrial Fibrillation, a common heart condition that occurs when the heart rhythm becomes irregular, possibly leading to blood clots and eventual stroke. The current procedure—which involves inserting a catheter through the artery, identifying the areas of the heart that trigger the irregular heartbeat, and destroying those areas—puts healthy tissue in the heart at risk, is time consuming, and has only a 50 percent success rate. The Stereotaxis equipment, which will be housed in a new surgical suite named for Gerret and Tatiana, uses computer technology to create three-dimensional images of the heart and veins, allowing the cardiologist to direct a magnetic catheter with greater precision and less chance of damaging the patient's heart. These features should increase procedure success rates to as high as 90 percent. In addition, the Stereotaxis procedure is shorter than the traditional procedure; thus, the patient should require less sedation, less post-surgery medication, and recover at a taster rate. This type of cutting-edge equipment is available in only 100 hospitals worldwide.

The Copelands are no strangers to philanthropy: they have been generously supporting various causes in Delaware for many years, most notably the arts. Their gift to Christiana Care, however, is very personal. In 2006, following a cardiac catheterization, Gerret underwent heart bypass surgery to treat blockage in six of his arteries. Due to the extraordinary skill of the dedicated team of doctors at Christiana Care, Gerret has since made a full recovery. He and Tatiana hope that their donation will help others benefit from the same exceptional care.

I thank and acknowledge Gerret and Tatiana Copeland for their commitment to aiding the fight against heart disease. Their gift grants Delaware residents access to the latest technology used to treat life-threatening heart problems, undeniably bettering countless lives and transforming cardiac care for the people of Delaware.

A PROCLAMATION HONORING JUSTIN McCAULEY FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, Justin McCauley showed hard work and dedication to the sport of basketball; and

Whereas, Justin McCauley was a supportive member of the team; and

Whereas, Justin McCauley always displayed dedication to the sport of basketball and the Tuscarawas County Rockets Special Olympics basketball team; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Justin McCauley on supporting the Tuscarawas County Rockets Special Olympics basketball team during their quest to win the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

INTRODUCTION OF NCAA FOOTBALL CHAMPIONSHIP EQUITY RESOLUTION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. ABERCROMBIE. Madam Speaker, today I have joined with my colleagues Congressman SIMPSON of Idaho and Congressman WESTMORELAND of Georgia in introducing a resolution to end disparity in college sports that is an unintended consequence of the Bowl Championship Series (BCS). This resolution declares the BCS an illegal restraint on trade, and demands that the US Department of Justice take the proper actions to investigate and end the unfair BCS system. It also encourages the National Collegiate Athletic Association (NCAA) to establish a true football playoff system to determine the national collegiate football champion in the interest of parity and sportsmanship.

The BCS is fundamentally unfair. Non-BCS schools, those in conferences not automatically qualified for the BCS bowls, are at a disadvantage prior to the first kickoff of the season. Non-BCS schools must basically have perfect seasons, and must be the best of over 50 schools to even be considered to play in a BCS bowl, while schools that belong to conferences that are automatically-qualified for BCS bowls (BCS schools) must only be the best of 8–12 schools, depending on the conference they compete in. Six of the ten schools that participate in the BCS bowls qualify by becoming the regular season champion of a BCS automatically-qualifying conference: the Atlantic Coast Conference (ACC), Big 10, Big 11, Big East, Pacific–10. and the Southeastern Conference (SEC). The four others are determined based on rankings, conference standings, and in some cases, selected by bowl officials. There is also a rule prohibiting more than one non-BCS school from competing in a single year.

These unfair eligibility requirements produce effects that go far beyond restricting access to playing for the national championship. The BCS generates hundreds of millions of dollars of revenue annually, and this money is disproportionately awarded to BCS conferences. Of the more than $217 million generated by the 2006–2007 post-season bowls, $185 million, or 85 percent went to the BCS schools, which represent 66, or 55 percent of Division I schools. Money generated by the post-season games help schools cover costs for their athletic departments, facilities, equipment, recruitment, and other sports programs. Non-BCS schools must use their general funds to cover costs of their athletic departments, which takes funding from academic and administrative needs.

The lopsided distribution of BCS revenue results in two tiers within the NCAA Football Bowl Subdivision (formerly Division 1), those with access to the BCS, and those without. Those without are unable to change their situation as the money and prestige associated with the BCS makes it highly unlikely that a non-BCS school will be able to compete for the same recruits, coaches, sponsorships, national television exposure, and the revenue it generates. This disparity keeps them in the second-class status and must be changed.

Questions about the legality of the BCS have also arisen. Legal scholars have analyzed the anti-trust aspects of the BCS, and some have concluded that the BCS violates the Sherman Anti-Trust Act under the Rule of Reason test. This requires that the competitive benefits of the system outweigh the anti-competitive effects. However, the anti-competitive effects of the financial gain and recruiting advantage of the BCS schools can easily outweigh the pro-competitive benefits of arranging for the top two ranking BCS teams to play for the national championship.

Many have called for the end of or change to the BCS, and the current system is only the latest reincarnation. The NCAA has, on multiple occasions, studied and considered moving to a playoff to determine the national champion. Successful BCS school football coaches and presidents have called for a playoff system, as have presidents of non-BCS schools. Congress has held multiple hearings questioning the fairness of the BCS and states have introduced and passed legislation calling for changes to the system.

NCAA football is the only college team sport without a playoff determining the national champion. While the NCAA Basketball Championship's format will not transfer perfectly to college football, it is an ideal system. All Division I schools start the season with an equal chance of making it to the playoffs. The championship is decided on the court by the players and their talent, not rankings and their schedule before the tournament. The basketball championship also allows for a nearly annual "Cinderella story," an underrated team that defies expectations, upsets traditionally strong opponents and competes deep into the tournament. This year it was Davidson College, a member of the Southern Conference, which was seeded tenth in its region and made it to the Elite Eight, beating former champion Georgetown University, the University of Wisconsin and Gonzaga University along the way. This scenario is highly unlikely in the BCS system, as there is little chance for a non-BCS school to even be offered an invitation to play. Non-BCS schools, the University of Hawaii in 2008 and Boise State University in 2007 were undefeated going into the BCS and were not even given the opportunity to play for the national championship.

Something must be done to ensure that money and opportunity are evenly distributed among all college football programs. Congress should act in the interest of all the athletes, coaches, staff and supporters to guarantee parity and competition in college football. The current system leaves much to be desired and I urge my colleagues to join me in support of this resolution calling for the NCAA Division I national champion to be determined by a playoff.

BRITTANY PADGETT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Brittany Padgett who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Brittany Padgett is a senior at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Brittany Padgett is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Brittany Padgett for winning the Arvada Wheat Ridge Service Ambassadors for

Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

RECOGNIZING FLORENCE CRITTENTON SERVICES ON THE 125TH ANNIVERSARY OF THE NATIONAL CRITTENTON FOUNDATION

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I am pleased today to recognize Florence Crittenton Services in Topeka, Kansas, on the occasion of the 125th Anniversary of The National Crittenton Foundation.

Florence Crittenton Services in Topeka, one of the 22 Crittenton agencies nationwide, is justifiably proud of their more than 100 years of service to the State of Kansas' most vulnerable girls and young women.

In 1900, this agency began in Topeka with a contribution of just $100, which was given to provide much-needed community services and shelter to young women in the community.

It is worth our time to take a moment and realize just how much that small $100 contribution has created.

Today, 100 years later, Florence Crittenton Services provides not just shelter, but cutting edge, comprehensive services to Kansas' most vulnerable girls and young women. Currently, Florence Crittenton is the only Psychiatric Residential Treatment Facility in Kansas that serves female clients only.

Many people who know the Crittenton name associate it with support for unwed mothers. While this is an important part of the Crittenton legacy. the program has evolved over time to meet the increasingly complex and acute needs of at-risk young women and their families all across Kansas.

Most importantly, this array of services to girls and young women in Kansas provides opportunities for growth and support that would not exist otherwise. I am proud to acknowledge Florence Crittenton Services of Kansas for their long-standing and worthwhile efforts that give girls the tools and skills to change the course of their lives.

On this historic occasion, I ask my colleagues to join me in honoring Florence Crittenton Services in Topeka for their ongoing commitment to at-risk girls, young women and their families.

HONORING THE 125TH ANNIVERSARY OF THE NATIONAL CRITTENTON FOUNDATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. DUNCAN. Madam Speaker, I rise today to celebrate the 125th anniversary of the National Crittenton Foundation, a national organization dedicated to supporting and empowering young women and girls at-risk.

More than a century ago, founder Charles Crittenton and his colleague, Dr. Kate Waller Barrett, began an international movement to help homeless, pregnant women and their babies. Today, the unique partnership between The National Crittenton Foundation and the Crittenton Family of Agencies carries on this mission through a national network of affiliated independent, local organizations.

As a leading member of the Crittenton Family of Agencies, the Florence Crittenton Agency in Knoxville, Tennessee has worked tirelessly to ensure that the children, families, and pregnant young women of East Tennessee have the best possible services. I am proud to have such an upstanding organization located in my congressional district.

Founded in 1896 under the proud leadership of Mrs. Annie McGhee McClung, the Knoxville organization experienced a period of decline during wars and the Great Depression, but the challenges facing young women and girls remained. Seeing the great need that still existed, seven Knoxville community leaders signed a second Charter of Incorporation on October 1, 1963, ushering in a new era of innovative services and support.

Through its active participation with The National Crittenton Foundation and the Crittenton Family of Agencies, the Florence Crittenton Agency in Knoxville continues to strengthen communities and have a positive impact on East Tennessee.

In closing, Madam Speaker, I ask that my colleagues join me in recognizing the National Crittenton Foundation and Knoxville's Florence Crittenton Agency on this historic occasion and thank them for their ongoing commitment to our communities and to our country.

TRIBUTE TO SAMMY GEORGE OF CHATTANOOGA, TENNESSEE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. WAMP. Madam Speaker, today I rise to honor Sammy George of my hometown of Chattanooga, Tennessee, as he departs the broadcasting industry at the height of his career with 35 years of service. Mr. George has been an outstanding leader at home, in the industry and within our community. Now that he will be spending more time with his family and friends, I want to take a moment to recognize his tremendous accomplishments and thank him for all he has done in Chattanooga.

Alter serving in the U.S. Marines in Vietnam, Sammy returned to his hometown of West Blocton, Alabama, where he worked as a disc jockey, DJ. He moved to Chattanooga in 1985 to become the general manager of the upstart radio station WUSY US–101 where he has remained for more than 22 years.

During his term, the station has won countless awards and has been recognized for its distinction and excellence These include nine Country Music Association Station of the Year awards, four R&R Station of the Year awards, one Academy of Country Music Station award, a National Association of Business, NAB, Marconi for Personality of the Year and the NAB Crystal award.

Most importantly, Sammy has focused his talent and energy on helping those in need. He has humbly led our community in raising millions of dollars for charitable causes, including $5 million for the St. Jude Children's Research Hospital and $800,000 of supplies for Hurricane Katrina victims.

Sammy retires as the market manager for Clear Channel/Chattanooga where he oversaw three popular radio stations: WUSY US–101, WLND 98.1 The Legend, and WRXR Rock 105. After taking some much deserved time off, he will bring his wealth of experience to Northwest Georgia Bank where he will be vice-president for new business.

Sammy George is a man of integrity, loyalty and outstanding leadership, and I am proud to recognize him today.

THE 2008 COOPERATIVE CONSERVATION AWARD

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. REICHERT. Madam Speaker, I want to congratulate Mount Rainier National Park, the Student Conservation Association, SCA, the Washington's Trails Association, WTA, the National Parks Conservation Association, NPCA, Washington's National Park Fund, and The Mountaineers for being awarded the 2008 Cooperative Conservation Award, CCA, from the Department of the Interior. The CCA is the Department of Interior's highest award presented to private citizens and organizational partners who support the agency's mission and demonstrate significant contributions to its programs.

The award was given to the coalition for their outstanding efforts in rebuilding damaged trails, campgrounds and other facilities at Mount Rainier following the disastrous floods and windstorms during the winter of 2006. The coalition named their efforts the Mount Rainier Recovery Initiative and enlisted the help of more than 700 people from all over the country to rebuild and solidify some of the most beautiful trails, campgrounds and habitats in the country. The work they did was truly remarkable. Their dedication is appreciated by residents of the Pacific Northwest and the residents of the Eighth District, the district I represent.

The work by the coalition, along with countless volunteers, will be enjoyed for years to come by the thousands of visitors to Mount Rainier. With all the coalition has accomplished, their efforts continue by expanding their reach outside Mount Rainier to other areas in Washington State affected by extreme weather utilizing the success of their Mount Rainier Model. Again, congratulations the SCA, the WTA, the NPCA, Washington's National Park Fund and The Mountaineers for their dedication to the natural wonders of the Pacific Northwest and urge them to continue in their efforts.

THE CITY OF ROCK PORT, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. GRAVES. Madam Speaker, I proudly rise to recognize, the City of Rock Port, Missouri, the first community in the United States of America whose energy source is totally wind powered.

Rock Port, where Lewis and Clark camped in 1804, the county seat of Atchison County—named after United States Senator David Atchison—and the home of the annual Atchison County Fair, has come a long way to be the undisputed leader of energy innovation by becoming the first community in our Nation to be totally energy independent of foreign resources.

Named for the soil that it is built on, Loess Hills Wind Farm is located on agricultural lands within the city limits of Rock Port. The four wind turbines that make up the Loess Hills Wind Farm will produce 16 million kilowatt hours of electricity per year. Rock Port will truly be the first community in America capable of meeting its entire annual electricity demands from wind power.

As a long standing supporter of wind energy, I am a proud to report the first 100 percent wind-powered community in the United States is in the Sixth Congressional District of Missouri.

Madam Speaker, I ask that you and the entire United States House of Representatives join me in celebrating with the City of Rock Port, Atchison County and the great State of Missouri in being the "true" leader for this Nation for energy independence.

DESIREE LAWRENCE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Desiree Lawrence who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Desiree Lawrence is a student at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Desiree Lawrence is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Desiree Lawrence for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

A PROCLAMATION HONORING RACHEL RUSSELL FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, Rachel Russell showed hard work and dedication to the sport of basketball; and

Whereas, Rachel Russell was a supportive team player; and

Whereas, Rachel Russell always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Rachel Russell on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

RECOGNIZING THE FLORENCE CRITTENTON HOME IN LEXINGTON, KENTUCKY

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. CHANDLER. Madam Speaker, it is with great pleasure that I recognize the 125th anniversary of the National Crittenton Foundation, an organization that supports empowerment and self-sufficiency for young women at risk. In particular, I want to celebrate the work of a leading member of the Crittenton Family of Agencies: The Florence Crittenton Home in Lexington, Kentucky.

Established in 1894, The Florence Crittenton Home in Lexington is a private nonprofit residential treatment facility that provides comprehensive services to girls who have been abused, neglected, abandoned or are experiencing pregnancy and parenting in the face of mental health and behavioral challenges. Every day, this dedicated organization strives to provide a stable, safe and nurturing atmosphere to help its clients achieve the personal growth and family stability necessary to thrive as adults.

Originally known as the Lexington House of Mercy, the Florence Crittenton Home opened its doors on September 3, 1894 in response to community concern about the lack of support for the city's girls. Over the years, with help from community partners including the Fayette County Board of Education, the University of Kentucky, the Keeneland Foundation, the Junior League of Lexington, numerous churches and dedicated volunteers, the Florence Crittenton Home has provided important social services to thousands of Kentucky's young women.

The National Crittenton Foundation and Lexington's own Florence Crittenton Home are to be commended as organizations that allow Kentucky's young women to believe in and empower themselves. It is with this ongoing contribution in mind that I recognize them both on this special occasion.

TRIBUTE TO JANET ELIZABETH THIESSEN

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. LARSEN of Washington. Madam Speaker, I rise today to pay tribute to a woman who spent more than 20 years working for the people of the 2nd District of Washington State. Janet Elizabeth Thiessen, who passed away last month at the age of 78, was at the side of former Congressman Al Swift, throughout the years he represented the 2nd District from 1978 until 1995.

Ms. Thiessen's service to the 2nd District didn't begin with Rep. Swift; she first worked for his predecessor, Congressman Lloyd Meeds, as a caseworker in the district office and later as a member of his DC staff.

After graduating from Western Washington State College, Ms. Thiessen started out her career as a teacher. When she and her husband moved to Skagit County, she turned her attention to raising sons Kyle and Scott and volunteering in the community. One of her volunteer projects she was most proud of was helping to bring childcare to migrant families in Skagit County so children wouldn't have to be in the fields while their parents were in the fields picking fruit and vegetables. It was during her years as a volunteer for the local Democratic Party that she met Lloyd Meeds. Her volunteer efforts for Rep. Meeds led to a job helping his constituents, first in the district office and then in Washington. DC. Ms. Thiessen and Swift both worked for Rep. Meeds and when Swift was elected, she became office manager and ultimately his Chief of Staff.

Ms. Thiessen was respected and admired by all who worked in the office. She set high standards and expected top-quality work from all staff in the Swift office. Her hand was in nearly every issue that Swift worked on throughout his tenure in Congress, from his Motor Voter bill, which eventually became law, to the various projects that he sponsored around the 2nd District, such as the 88th Street Interchange on I–5 and the return of passenger rail service between Seattle and Vancouver, BC. She knew the issues, she knew the district, and she made sure everything ran smoothly for Rep. Swift and his legislative staff.

Her writing and grammatical skills were the envy of the entire office. I've been told that both she and Rep. Swift were terrific editors, but her eagle eyes would rarely let a misspelled word or typo slip by in any of the correspondence that went out of the office. Outside of the office, her ability to work a crossword or any type of word puzzle was legendary!

She was one of the first to arrive in the office each day and usually the last to leave at night. She took young staffers under her wing and often pushed them to better themselves in their careers—whether that meant going back to school or taking another job. Many of Swift's former staffers whom Ms. Thiessen helped nurture have gone on to become state legislators, CEOs, judges, attorneys, public affairs officers, top congressional staff, archivists, and teachers. I am fortunate that my own district director for many years worked with and was mentored by Ms. Thiessen.

Janet Thiessen was an independent woman who made her way in a world that was, at that time, often dominated by men. She rose from an unpaid volunteer to the Chief of Staff for a veteran congressman, all on her own. Her intellect, political skills, loyalty, sense of humor and kindness served her well in her career on Capitol Hill and in life. She will be greatly missed.

HONORING THE GRAND OPENING OF THE LEWIS LIBRARY AND TECHNOLOGY CENTER

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. BACA. Madam Speaker, on April 19, 2008, the city of Fontana and neighboring cities in the region will gather to celebrate the grand opening of the Lewis Library and Technology Center located in Fontana, CA.

The idea for the Lewis Library and Technology Center was birthed out of the need to create a library that would house the needs of the growing community. City officials and local developers believed that a more technologically advanced library was necessary to enhance personal, professional, recreational and lifelong learning goals, a task that was unattainable through the already existing "Emerald Street" Library.

The Lewis Library and Technology Center is the first significant new building in the region. This library creates not only a new awareness for the city, but a newfound awareness and appreciation for the Inland Empire Region, specifically the San Bernardino County area.

In addition to representing a new image for the city and the region, the Lewis Library and Technology Center provides accessibility to surrounding cities like Rancho Cucamonga, Rialto, Colton, Ontario, Bloomington and San Bernardino.

Fontana is the 5th fastest growing city in the State and the 8th fastest growing city in the Nation—population 183,640 and growing. Fontana is also a melting pot with 12 percent Black, 60 percent Hispanic, 25 percent White, with a wide variety of cultures and languages. Roughly 41 percent of our 42,000 school-age children in the classrooms are designated "English Language Learners." That's 17,176 kids who need your help. The library will fulfill the community's desire for improved library services as well as establish an icon for a maturing and growing city.

The Lewis Library and Technology Center will for years to come be symbolic of the city's diversity and will be representative of the advancements that have been made in Fontana. The library will be a historic monument for the city and the region.

It is on behalf of the children of our community and our region that we recognize this great work and give tribute to the grand opening of the Lewis Library and Technology Center.

THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. BOYD of Florida. Madam Speaker, I want to commend the House and Senate leadership on their negotiations throughout the last year on the Foreign Intelligence Surveillance Act. They have worked diligently on this issue and I rise today to encourage them to finalize a version of the bill that protects the civil liberties of our citizens, provides comprehensive guidelines for our intelligence community and reaffirms the importance of private industry cooperation in government investigations.

The right to privacy has long been regarded as an inherent American value and it is our Government's responsibility to strike a balance between protecting that constitutionally protected right and securing the country against future terrorist attacks. I have been pleased to support the Democratic led efforts towards Foreign Intelligence Surveillance Act reauthorization that have made it clear that these rights are to be at the forefront of actions taken by Government officials.

In addition to this emphasis, I believe it imperative that a final bill exempts from liability the telecommunications companies who participated in the Bush administration's requests for information on customer records. I join the National Sheriffs' Association, the International Association of Chiefs of Police, the Fraternal Order of Police, members of the 9/11 Commission and the Florida State Attorney General Bill McCollum in urging this protection. A provision as such will ensure that the cooperative relationships that law enforcement and the private sector have will continue to facilitate critical information exchanges that protect this Nation and its citizens.

I am confident that Congress will continue the role intended by our forefathers to oversee the past, current and future actions of the executive branch, particularly in regard to these bedrock issues that make the United States the greatest country in the world. Our intelligence community deserves updated direction and guidance on these issues backed by the force of law, and I urge our leaders to continue their good work.

HONORING VOLUNTEERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, it is my privilege to bring before this Congress the following outstanding people who have voluntarily served orphans, public school children, college students, juvenile delinquents, and needy families under the official invitation and authority of government agencies in Austria, China, Indonesia, South Korea, Malaysia, Mexico, Mongolia, New Zealand, Peru, Philippines, Romania, Russia, Singapore, Taiwan and Ukraine. The excellent character demonstrated by these people, as well as their commitment to the principles upon which our Nation was founded, have not only attracted the attention of leaders, parents, the media, and students, but it has also brought honor to the United States of America and to the Lord Jesus Christ who they serve.

Bair, Aileen, IL; Bair, Robert, IL; Beiler, Krista, PA; Bisson, Hannah, OH; Bollinger, Lauren, OH; Brown, James, NY; Chen, Anna, NY; Chen, Faith, NY; Chen, Grace, NY; Chen, Karen, NY; Chen, Dr. Stephen, NY; Chen, Timothy, NY.

Christensen, Edith, GA; Christiansen, Alissa, OK; Christiansen, Chad, OK; Clawson, Laura, MN; Clayton, Philip, NC; Coffing, Dominique, NM; Connelly, Sarah, AZ; Conzatti, Dena, WA; Cook, Aaron, SC; Cook, Kristi, SC; Cooper, Gloria, TX; Cooper, Josiah, TX.

Copu, Carmen, IL; Copu, Joy, IL; Copu, Paul, IL; Copu, Peter, IL; Copu, Rebecca, IL; Copu, Stefana, IL; Copu, Valen, IL; Copu, Victor, IL; Copu, William, IL; Crisp, Heather, OH; Cyrus, Lauren, MI; Dalrymple, Hannah, GA.

DeBoer, Rachel, IL; DePriest, Amy, MO; Dornink, Melody, MN; Dudley, Juliana, PA; Dudley, Wesley, PA; Ehnis, Nathan, MI; Ehnis, Shannon, MI; Eng, Emily, NC; Eng, Michelle, NC; Estes, Autumn, FL; Estes, Curtis, FL; Estes, Daniel, FL.

Estes, Mildred, FL; Farr, Roger, TX; Farr, Sue, TX; Freehan, Benjamin, WA; Feig, Joel, WI; Feig, Zachary, WI; Fernandez, Jonathan, CA; Fields, Jonelle, TX; Forsman, Camille, MN; Fox, Elizabeth, CA; Frahm, Jonathan, GA; Frahm, Laura, GA.

Gamble, Allison, AL; Gay, Carissa, OR; Gilley, Rebekah, AL; Gillson, Kennan, MN; Gillson, Kirsten, MN; Greenwood, Karen, CT; Grier, Anna, GA; Grindall, Rachel, WA; Hanes, Austin, AL; Haueisen, Michelle, WA; Heath, Joshua, PA; Heath, Krystal, PA.

Hilton, Alex, VA; Hollinger, Seanna, NE; Hubbard, Micah, AR; Hug, Ruth, WA; Hung, Daniel, CA; Hung, Rachel, CA; Hung, Rebecca, CA; Hung, Sharon, CA; Hynes, Joy, IN; Jefferies, Megan, MI; Johnson, Amanda, WI; Johnson, Rebekah, IL.

Jorgensen, Andrew, PA; Jorgensen, Rachel, PA; Kallberg, Luke, IL; Kallberg, Naomi, IL; Krauter, Jocelyn, PA; Ku Isabelle, NJ; Kulp, Jarita, WI; LaLone, Douglas, PA; Langemann, Christy, CO; Lawrence, Ian, AL; Lehman, Regina, PA; Leskowat, Catherine, OK.

Leskowat, Naomi, OK; Levendusky, Angie, OK; Levendusky, Dr. Tim, OK; Lewis, Mai, WI; Lindley, Jessica, IL; Lindley, Sarah, IL; Little, Lauren, NJ; Llewellyn, Chad, MD; Lukachick, Anna, LA; Lukachick, David, LA; Lyons, Hannah, IL.

Lyons, Mary, IL; Lyons, Naomi, IL; Lyons, Roy, IL; Mally, Grace, IA; Mally, Harold, IA; Mally, Rebekah, IA; Mally, Sarah, IA; Mally, Stephen, IA; Malm, Ben, MN; Marshall, Dallas, OK; Marshall, Ezra, OK.

Marshall, James, OK; Marshall, Johnathan, OK; Marshall, Louanne, OK; Marshall, Thaddaeus, OK; Mason, Christina, AR;

Matchak, Jacob, CA; Mattix, George, IL; Mattix, Pattie, IL; McCray, Jo, AR; McCray, Dr. Kevin, AR.

Meng, Christine, NC; Meng, Ethen, NC; Meng, Grace, NC; Meng, Justin, NC; Meng, Stephen, NC; Neu, Daniel, KS; Newhook, Andrew, PA; Newhook, Trevor, PA; Newhook, Tyler, PA; Nicholson, Benjamin, TX; Noland, Katerine, MA.

O'Conner, Adam, LA; Payne, Ashia, MD; Payne, Nikolai, IA; Pennel, Corrie, DE; Peterson, Joy, FL; Phariss, Erik, TX; Phariss, Ken, TX; Phariss, Sacha, TX; Phariss, Susana, TX; Pierpont, Holly, MI; Plattner, Tessa, AZ.

Randall, Erin, TX; Richmond, Kristen, OH; Ross, Charles, GA; Ross, Mary, GA; Ross, Rebecca, GA; Sachse, Jennifer, TX; Samaha, James, SC; Sanborn, Diane, FL; Sanders, Charity, AL; Sater, Jonathan, ID.

Seale, Susanna, TX; Searle, Shawn, CA; Sellin, Tammy, KS; Shepherd, Gracie, GA; Sherrer, Katherine, NC; Shoemaker, Richard, OK; Simpson, Jerry, OH; Simpson, Nichole, OH; Snyder, Benjamin, MA; Staddon, Donald, WV; Steinbach, Jeff, CA.

Stewart, Andrew, OH; Stewart, Lucas, OH; Stonecypher, Esther, IN; Stonecypher, Caleb, IN; Stonecypher, Debra, IN; Stonecypher, Elizabeth, IN; Stonecypher, Leah, IN; Stonecypher, Maurice, IN; Straub, Nathan, WA; Straub, Teresa, WA; Strickler, Ruth, PA.

Sullivan, Andrei, NC; Sullivan, John David, NC; Sullivan, Roslyn, NC; Sullivan, Sarah, NC; Sullivan, Tom, NC; Taylor, Luisa, CA; Turner, Jane, GA; Vaccaro, Jeanette, MT; Van Ry, Sheralee, WA; Waller, Adam, IL.

Waller, Brian, IL; Waller, David, IL; Waller, Derrick, IL; Waller, Lydia, IL; Waller, Matthew, IL; Waller, Rachelle, IL; Waller, Rebecca, IL; Waller, Samuel, IL; Waller, Sarah, IL; Waller, Sue, IL; Waterman, Kaylan, MI; Wenstrom, Angela, FL; Wenstrom, Brittany, FL.

Wenstrom, Chris, FL; Wenstrom, James, FL; Wenstrom, Kimberly, FL; Wenstrom, Matthew, FL; Wenstrom, Michelle, FL; Whitten, Susannah, IN; Williams, Arnah, IN; Williams, Burton, CT; Williams, Sue, CT; Winkler, Kathryn, NY; Yaste, Alexander, IN; and Zaloum, Kristina, IN.

A PROCLAMATION HONORING ROBERT EASLICK FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, Robert Easlick showed hard work and dedication to the sport of basketball; and

Whereas, Robert Easlick was a supportive team player; and

Whereas, Robert Easlick always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Robert Easlick on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

GENEVIEVE MARTINEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Genevieve Martinez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Genevieve Martinez is a student at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Genevieve Martinez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Genevieve Martinez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

TRIBUTE TO PRINCIPAL JILL RAMSEY AND TEACHERS MR. PATRICK FINE, MS. LIESA HARTIN, MR. MIKE KAISER AND MR. STEVE MUSIAL

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. AKIN. Madam Speaker, I rise today to recognize and honor Principal Jill Ramsey and physical education teachers: Mr. Patrick Fine, Ms. Liesa Hartin, Mr. Mike Kaiser, and Mr. Steve Musial. Principal Jill Ramsey and the Chesterfield Elementary School has successfully renewed its STARS status. The criteria for STARS recognition is based on the National Standards for Physical Education, specifically, educationally and developmentally appropriate instructional strategies and teaching skills, adequate facilities and equipment that are safe and appropriate for the age and abilities of the students and that enable students to participate in the maximum amount of active time on task, and classes taught by certified physical educators.

A quality school physical education program is the foundation for helping all children develop the knowledge, skills, and confidence that promote lifelong physical activity. By improving the quality of school physical education programs across the country, we will have a direct effect on the health of America's children.

I want to thank the fine educators of Chesterfield Elementary School for their commitment to the health and education of our future generations and congratulate them on the successful renewal of their STARS status in 2008.

CONGRATULATING WANDA JENSEN FOR HER MANY YEARS OF SERVICE AS STICKNEY TOWNSHIP DEMOCRATIC COMMITTEEWOMAN

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. LIPINSKI. Madam Speaker, I rise today to honor Wanda Jensen as she retires from over 40 years of service as Stickney Township Democratic committeewoman. Throughout her tenure, Mrs. Jensen served her community commendably and I am pleased to recognize her for her long and admirable record of public service.

A longtime resident of the Third District, Mrs. Jensen has demonstrated true community spirit with an unwavering devotion to serving the public. Her service to Stickney as a Democratic committeewoman since 1966 is but one example of her deep community involvement. A true pillar of the community, Wanda has served as a Stickney Township trustee for more than 30 years, all the while devoting extra time to organizations such as the Boy Scouts and the Girl Scouts.

As a testament to her success at bringing the community together, Mrs. Jensen is the proud founder of a local fashion show that has been running for 41 years. Over time, this event has evolved into a popular community gathering that sells out every year.

Amidst her many commendable contributions to the Third District, Mrs. Jensen raised 4 children and now enjoys the pleasure of a large family, which has grown to include 14 grandchildren and 5 great-grandchildren. Mrs. Jensen is also a devoted member of St. Albert the Great Catholic Church.

I rise today, Madam Speaker, to commend the dedication and service of Wanda Jensen as she retires from her post as Stickney Township Democratic committeewoman. I am proud to have in the Third District such an exemplary model of a devoted public servant. I deeply appreciate her service and wish her and her loved ones a wonderful celebration as they commemorate her many years of service.

CONGRATULATING GIRL SCOUT GOLD AWARD RECIPIENTS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. LAHOOD. Madam Speaker, today I am proud to recognize seven outstanding young women who have earned the Girl Scout Gold Award. The Gold Award is the highest offered by the Girl Scouts.

I am honored to extend my congratulations to Ms. Kellie Poland, Ms. Marlene Smith, Ms. Andreanna Haun, Ms. Heather Graham, Ms. Nikita Garman, Ms. Mindy Merdian, and Ms. Alexis Moore, all Gold Award winners. These young women join an elite group of Girl Scouts, as last year only about 5 percent of eligible Scouts earned the prestigious Gold Award. Each of these young women's accomplishments demonstrates their ability to successfully meet a challenge and achieve a truly difficult goal. They have shown leadership in their communities and, through their efforts, have had a positive impact on the lives of others. The Girl Scouts can be proud today, as I am, of these fine young women, who, with character and confidence, have shown the courage to achieve the highest of honors available to them, the Gold Award.

I applaud their dedication and thank them for their service to our communities. I encourage them to continue to be positive examples for those around them, and, again, I offer my sincere congratulations.

FERNANDA MARTINEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Fernanda Martinez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Fernanda Martinez is a student at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Fernanda Martinez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Fernanda Martinez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

IN HONOR OF ELEANOR WASSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. FARR. Madam Speaker, I rise today, with my colleagues ANNA ESHOO and DENNIS KUCINICH to honor the memory of an optimistic, vivacious woman whose positive outlook and zeal for life inspired many. Eleanor Wasson, a driving force behind WomenRise for Global Peace, passed away peacefully on April 6, 2008. She was 100 years old.

Miss Wasson grew up in Los Angeles, California and was raised by a loving, supportive family. In her life she was always conscious of the importance of giving back to the community. She devoted her life to fighting for political and social causes in the United States and abroad. Miss Wasson was an active volunteer, working three decades as a coordinator of Volunteer Services for UCLA, and later, creating her own organization. Miss Wasson helped introduce volunteerism to the rest of the world through the creation of International Volunteer Education, which was designed to teach foreign countries to recruit and train large numbers of volunteers.

A feminist ahead of her time, Miss Wasson's activism and longevity was fueled by her uplifting outlook on life. Miss Wasson was noted for the ability to befriend people from all over the world and from diverse walks of life. Her warm heart led her to treat each individual with equal respect and friendliness; noting that having plenty of friends attributed to her own longevity. Above all, she led her life believing in the universal power of love, and that we all had power, providing that every action was motivated by love.

Later in her life, Miss Wasson was drawn to the beauty of California's Central Coast. She moved to Santa Cruz in 1989, where she continued to cultivate her spirit of volunteerism, contributing much to a local environmental organization. EarthSave. There, she continued to make friends and spread her contagious optimism with Santa Cruz locals. Old age could not stop Miss Wasson as she continued her activist lifestyle up until her recent passing. Her memories live on, along with her book "28,000 Martinis and Counting," which details her centenarian life of "living, learning, and loving."

Eleanor is survived by her daughters Joan Smith and Diane Wright; along with numerous beloved family members and friends.

Madam Speaker, I would like to extend our Nation's deep gratitude for Eleanor's service to the United States and her own local community. I know I speak for every Member of Congress in offering our condolences to Joan, Diane and the entire Wasson family for the loss of their beloved mother, grandmother and great-grandmother.

A PROCLAMATION HONORING TRAVIS GLASGOW FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, Travis Glasgow showed hard work and dedication to the sport of basketball; and

Whereas, Travis Glasgow was a supportive team player; and

Whereas, Travis Glasgow always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Travis Glasgow on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained and missed Rollcall votes 192, 199, 200, and 201. Had I been present, I would have voted "yea" on rollcall No. 192, "yea" on rollcall No. 199, "yea" on rollcall No. 200, and "yea" on rollcall No. 201.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Ms. GRANGER. Madam Speaker, on rollcall Nos. 148, 149, 150, 151, 152, 156, 157, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171, 172, 173, 175, 176, 177, 180, and 182 I am not recorded because I was absent due to illness.

Had I been present, I would have voted "aye."

HONORING MRS. PINKIE PARKER HARDY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Mrs. Pinkie Parker Hardy. We lost our beloved Mrs. Pinkie Hardy on April 3, 2008. She led a full and vibrant life during her 91 years on this earth, raising a loving family and mentoring many in her church and community.

On May, 19, 1916, Pinkie Parker was born in Washington, Louisiana to Alice White and John Parker. During Pinkie's life, she witnessed many of the Nation's most turbulent and controversial moments. Growing up in the south in the first quarter of the last century, Pinkie was self-educated and she devoted her energies to her community, her family, and her faith. She was a lifelong resident of Eunice, Louisiana.

In 1936, at the age of 20, Pinkie Parker married Herman Joseph Hardy. From this loving union, five sons and two daughters were born. In 1949, Mrs. Hardy became a parishioner at St. Mathilda Catholic Church. She remained a devout and extremely active member of this parish until she became ill just last year.

Mrs. Hardy contributed immeasurably to the growth and service of St. Mathilda Parish during her life. Bishop Flynn appointed her as the first Extraordinary Minister of the Eucharist at St. Mathilda. She also served as Lector and Parish Council President for several years. For 50 years, Mrs. Hardy was an active member of the Knights of Peter Claver (KPC) Council #92. Mrs. Hardy spent 26 of those years serving as the Grand Lady of KPC.

In 1987, Mrs. Hardy was the recipient of the Martin Luther King, Jr. Award from the Diocese of Lafayette. In 2002, she received the Bishop's Medal for devoted service to her church and society.

It is clear that Mrs. Hardy was an indispensable component of her community. She came of age and lived her adult life during the most tumultuous and influential political period in

American history. Mrs. Hardy's life exemplifies that of many African-Americans during this century, their struggle for human rights and civic freedom, and their strength and perseverance.

These important men and women are seldom recognized for their greatness. Mrs. Hardy's life is one to be remembered and admired as an example of the true work and inner fortitude that keeps this country together. These individuals dedicated their lives to the service of their God and community in the face of incredible odds. Each and every one of them had a unique story, a special impact, and a loving family. Mrs. Pinkie Parker Hardy was a member of mine.

On a very personal level, Mrs. Hardy was "family" to me. She shared her deep religious faith, her wonderful Creole cooking (especially her gumbo) and her insights as a strong, yet gentle African-American woman with me on several occasions. To know "Mrs. Pinkie" was to love her.

Mrs. Pinkie Parker Hardy will be sorely missed by all those who loved her and were honored to have her kindness and spirit touch their lives. Her memory and legacy will live on through her seven children, five daughters-in-law, 22 grandchildren, 34 great-grandchildren, and four great-great-grandchildren as well as innumerable relatives and friends.

Today, California's 9th Congressional District salutes and honors Mrs. Pinkie Parker Hardy. We extend our deepest condolences to her family and children. Thank you for sharing her great spirit with so many people over the last century. May her soul rest in peace.

A PROCLAMATION HONORING KERSHAL ZEHNDER FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, Kershal Zehnder showed hard work and dedication to the sport of basketball; and

Whereas, Kershal Zehnder was a supportive team player; and

Whereas, Kershal Zehnder always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Kershal Zehnder on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

QUIANNE HOLMES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Quianne Holmes, who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Quianne Holmes is a senior at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Quianne Holmes is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Quianne Holmes for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

THE 125TH ANNIVERSARY OF THE NATIONAL CRITTENTON FOUNDATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask my colleagues to join me today in celebrating the 125th Anniversary of the National Crittenton Foundation, an organization that supports empowerment, self-sufficiency, and an end to cycles of destructive behaviors and relationships for at-risk and system-involved girls, young women and their families.

On this historic occasion, I am particularly honored to recognize the ongoing contribution of one of the leading members of the Foundation's Family of Agencies, DePelchin Children's Center in Houston, which proudly serves my home district and other children and families from across Texas.

DePelchin Children's Center has strong roots in our community. More than 120 years ago, Charles Crittenton, the well-known American philanthropist, visited Houston and inspired a group of local activists to establish one of the country's first maternity homes, a refuge for young unmarried mothers. In response to changing community needs, the Crittenton Home significantly expanded its services over the years, merging with DePelchin Children's Center in 1983.

Recognizing that a child's needs are best met in a family environment, DePelchin Children's Center strives to strengthen the lives of children and families by providing a continuum of services to prevent and resolve social and emotional crises. Each year, the agency provides more than 30 programs for over 26,000 vulnerable children and families each year in multiple locations in Harris, Montgomery, Brazoria, Galveston, Fort Bend and Waller counties. In addition to teen parenting and independent living services, DePelchin offers foster care, adoption, prevention, residential, and an array of other services designed to meet its clients' complex needs.

The unique partnership between DePelchin Children's Center and The National Crittenton Foundation is an additional strength for Houston's children and families. This ongoing collaboration was and is based on Charles Crittenton's and Dr. Kate Waller Barrett's belief that the most effective way to address compelling national social issues was through a network of affiliated independent, local organizations supported by a national body.

I am proud of the work The National Crittenton Foundation and DePelchin Children's Center continue to do on behalf of vulnerable children and families across the state of Texas and across this nation. I thank them for their commitment and wish them a strong and continued partnership in the coming years.

HONORING THE NATIONAL CRITTENTON FOUNDATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PASTOR. Madam Speaker, I rise today to ask my colleagues to join me in commemorating the 125th anniversary of the National Crittenton Foundation and the Crittenton Family of Agencies. I do so because this network of organizations deserves recognition for the profound role they have played in allowing girls and young women to realize their full potential.

In particular, I would like to draw attention to the Florence Crittenton Services of Arizona in Phoenix. For more than a century, this organization has provided valuable services, education and community-based programs to help Arizona children and teens overcome the issues of abuse, neglect, teen pregnancy and mental health problems. Through its comprehensive network of services and support systems, this organization provides a refuge where vulnerable youth, ages 12 to 21, prosper from the assistance of a caring community and discover the possibility of a bright new future in spite of their challenging past experiences.

As society has experienced dramatic changes in the last 100 years, the Phoenix home has changed too, but its goal of giving every girl it serves safety, hope, and opportunity has remained constant. I commend the Florence Crittenton board members, staff and volunteers for their compassion and dedication to excellence, ensuring that their services continue to grow to meet the needs of the girls it serves, and for becoming one of the state's leading experts in gender-specific services.

It is with great pride that I congratulate the Florence Crittendon Services of Arizona and its nationwide community of Crittendon sister organizations on their successful efforts to empower at-risk girls to rise above the negative circumstances they have been exposed to and become productive and self-sufficient citizens who understand the value of always treating themselves and others with respect.

UPON INTRODUCTION OF THE WIRELESS INTERNET NATIONWIDE FOR FAMILIES ACT OF 2008

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Ms. ESHOO. Madam Speaker, today Rep. CHRISTOPHER CANNON and I introduced the Wireless Internet Nationwide for Families Act of 2008 (WIN) which, if enacted, would foster the deployment of a new nation-wide wireless broadband network.

By every measure, the U.S. is losing the international broadband race and our competitiveness as a nation is at stake. More than 100 million Americans do not have broadband at home. Seventy-one percent of Latinos do not have broadband at home. Sixty-nine percent of Americans living in rural areas do not have broadband. Sixty percent of African Americans do not have broadband at home.

The high cost of internet access is a barrier for too many families who want broadband. In just the last year, the average cost of a broadband connection has risen $2 per month, or nearly five percent. These troubling figures must change and that's why I've introduced the WIN Act. This legislation mandates that the Federal Communications Commission (FCC) auction certain spectrum that is currently lying fallow.

The winner of the auction would be required to build and complete a network within 10 years which must provide coverage to at least 95 percent of our country. The licensee would be required to provide service for free to consumers and public safety users. The WIN Act also requires the licensee to deny access to obscene and indecent material on the free service tier.

The results of the 700 MHz auction disappointed many of us who hoped that a new entrant would emerge. Seventy percent of the auctioned spectrum went to only two carriers. While the auction required under this legislation is open to anyone, it is my hope that the bold conditions of requiring free, family friendly service will encourage the entry of a new national broadband service provider.

The public airwaves are a national resource that should be utilized to benefit the public. For far too long our nation's carriers have stockpiled spectrum, gamed building-out requirements, and provided poor service to consumers. This bill attempts to remind licensees that they do not own the public waves in fee simple. As licensees, they hold spectrum in a public trust. This is an agreement that obligates them to utilize this spectrum in the public interest in exchange for their exclusive control.

The Innovation Agenda made a commitment to spur affordable access to broadband and this bill will go a long way to providing universal broadband access. I encourage my colleagues to join me and Rep. CANNON in support of this legislation.

IN MEMORY OF DOROTHY PRICE MOORE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Dorothy Moore of Arkansas City, Arkansas, who passed away April 9, 2008, at the age of 97.

Dorothy Moore, affectionately known as "Miss Dorothy" to all that knew her and throughout the state of Arkansas, was a tremendous woman and an inspiration to everyone who called her a friend. Raised on her family's farm in Southeast Arkansas during the Depression and the Great Flood of 1927, she learned the importance of small town values such as hard work, honesty, compassion for others, and reverence for all which she exemplified throughout her life and were evident in all she did.

Faithful to her community, Miss Dorothy returned home to Arkansas City after college to begin her lifelong career in public service. For over two decades Miss Dorothy served as the Deputy Collector in the Desha County Sheriff's Office while her husband, Robert S. Moore, held the post of Sheriff. During this time she was the backbone of her wonderful family as well as a trusted political advisor to her husband. After her husband's life was tragically cut short, it was Miss Dorothy who stepped in and completed the remainder of his term as Desha County Sheriff—a role that was only fitting for a person dedicated to her community and committed to public service.

After Miss Dorothy completed her time as Sheriff, her political journey in Arkansas continued as she was selected by then-Governor Bill Clinton to serve on his staff. Her friendly style and warm smile became so contagious around the office that she was asked to continue working for Arkansas's next two governors. Her numerous years spent working in the Governor's office established her as a legendary figure in Arkansas history.

Miss Dorothy was a great ambassador for Desha County and Southeast Arkansas as she worked tirelessly to create a strong sense of community in everything she did. I was truly honored and humbled to be able to speak at Miss Dorothy's funeral, and I will always cherish the fond memories I have of her. It is with great admiration and heartfelt respect that I will remember a lady who was a mother figure to an entire state, and whose class and dignity will always represent what Southern Hospitality should be.

I send my deepest condolences to her daughter Dorothy Lee Moore Paige and her husband David of Davis, California; her son State Representative Robert S. Moore Jr. and his wife Beverly of Arkansas City; and to her four grandchildren, six great-grandchildren and numerous friends across the state. Miss Dorothy will be greatly missed in Desha County and throughout the state of Arkansas, and I will continue to keep her family in my thoughts and prayers.

A PROCLAMATION HONORING JOHN CALSON FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, John Calson showed hard work and dedication to the sport of basketball; and

Whereas, John Calson was a supportive team player; and

Whereas, John Calson always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate John Calson on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

ALIA SHEYA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Alia Sheya, who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Alia Sheya is a student at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Alia Sheya is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Alia Sheya for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

IN RECOGNITION OF CARROLL SHELBY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to recognize Carroll Shelby, a true visionary in the automotive industry, to honor his receipt for the Automotive Industry Executive of the Year's Lifetime Achievement Award.

Born January 11, 1923 in Texas, Carroll Hall Shelby served admirably in the U.S. Air Force as a flight instructor and test pilot during World War II. After his service with the military, Shelby began what would become a decorated and distinguished career as a professional automobile racer. Named Sports Illustrated's Driver of the Year in 1956 and 1957. Carroll Shelby was also inducted into both the International MotorSports Hall of Fame and the Automobile Hall of Fame.

Mr. Shelby's influence on the racing world as a driver was only exceeded by his impact as an automotive designer, securing his legacy as an industry luminary through the many innovations and designs that have shaped and reshaped the cars we drive today. Some of the most beautiful and powerful cars ever made, including the Ford GT40, the Ford Shelby Mustangs, and the Dodge Viper, are the product of his vision and expertise.

Beyond his achievements in the automotive realm, Carroll Shelby has demonstrated his compassion through his commitment to the Carroll Shelby Children's Foundation, a charity he established to help children in need of heart and kidney transplants. His work with this foundation has helped many families and has fueled research that will help save even more lives throughout the future.

Madam Speaker, I am proud to recognize the achievements and service of Carroll Shelby. His many contributions to the automotive industry and the country represent his commitment to excellence, and I wish congratulations for receiving this prestigious award.

INTRODUCTION OF THE TEACHING AND RESEARCH ASSISTANT COLLECTIVE BARGAINING RIGHTS ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I am pleased to introduce the Teaching and Research Assistant Collective Bargaining Rights Act. This legislation will restore the right of graduate assistants to organize and bargain for better wages and working conditions under the National Labor Relations Act, NLRA.

Graduate assistants across this country have seen their workloads dramatically increase in recent years. As many colleges and universities try to cut costs they have relied on graduate students to take on a larger role and more responsibility: They teach classes, develop course curriculum, grade student papers, and provide counseling. One reason for this trend is simple—graduate student teachers are paid a fraction of what faculty earn. Confronted with this economic reality, graduate assistants, many of whom have families to support, have sought to exercise their right to organize and bargain collectively for a better deal.

Right on cue, as it has done with millions of other workers, the Bush NLRB quickly stripped away the right of graduate teaching students to join a union and have a voice at the bargaining table. The National Labor Relations Board's, NLRB, 2004 decision in Brown University overturned prior precedent and found that graduate assistants are not employees under the NLRA and therefore not afforded the rights and protections of the Act. This decision has stripped away the right of over 51,000 teaching assistants, research assistants and proctors to bargain for better wages and working conditions at 1.561 private universities.

Thousands of graduate assistants continue to light for the right to join a union. At public universities in 14 States, graduate assistants are already afforded the right to join unions. According to the Coalition of Graduate Employee Unions, there are approximately 23 unions on more than 60 campuses in the United States, including the University of Michigan, the University of Massachusetts, and the University of California.

The Teaching and Research Assistant Collective Bargaining Rights Act is simple. It will amend Section 2(3) of the NLRA to clarify that the term "employee" includes any graduate student who is performing work for compensation at the direction of the institution. As employees, these workers would have the right to organize and bargain collectively under the NLRA. This bill restores prior precedent. As the NLRA covers only private sector workers, State schools are not affected by the Brown University decision or this legislation.

The Teaching and Research Assistant Collective Bargaining Rights is about fundamental fairness and justice. It will restore the right to thousands of hardworking graduate employees to bargain for better wages and working conditions. I urge all of my colleagues to support this country's graduate teaching assistants and support this legislation.

HONORING 108 YEARS OF SILENT SERVICE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. COURTNEY. Madam Speaker, last week, I had the honor of participating in a wreath laying ceremony at the United States Navy Memorial to mark the 108th anniversary of the submarine force. The ceremony, held in front of the memorial's "Lone Soldier," was a moving tribute to the proud heritage of our submarine force and the dedicated submariners who have silently protected our Nation for more than 100 years. And, over the last weekend, I was proud to attend Naval Submarine Base New London's annual submarine birthday ball.

For over a century, sailors have embarked on dangerous service in a place where human life was never meant to exist in order to silently protect our Nation. There is an irony to the fact that while our Nation owes much of its security over the past century to the submarine force, most Americans will never truly know all that the "silent service" has done to protect us.

2008 is an especially important year in the history of the submarine force, as it marks the 50th anniversary of the USS *Nautilus'* (SSN–571) journey across the North Pole in 1958, an unprecedented achievement by our sailors at a critical time for our Nation. The men aboard her on her historic journey set the pace for all those who followed in their footsteps.

Much has changed about our submarine force and the role of our submariners since the USS *Holland* (SS–1) first set sail in 1900. In World War I and World War II, our submarines were not much more than surface ships that could submerge for a short period before surfacing. Yet, in very dangerous conditions and with high casualty rates, submariners sank an estimated 6 million tons of enemy merchant ships and sank nearly one-third of the Japanese Navy's warships. The cost of their efforts were high: 52 submarines and over 3,600 men, at a rate of nearly one in four, were lost in the war. But their sacrifice helped bring us to victory and proved the submarine's role in the defense of our Nation.

In the Cold War, submariners played a key role as a critical strategic deterrent in our protracted struggle with the Soviet Union. Silently patrolling in waters across the world, our attack and ballistic missile submarine crews helped to secure an uneasy peace by ensuring that we were ready to respond at any moment. There were no victory medals when it was over, no parades for the countless young men who served on these critical yet silent front lines, but there is no doubt our Nation is forever indebted to them and the era they helped us overcome.

And, as the Cold War ended and new challenges emerged, the modern attack submarine fleet, consisting of the *Los Angeles*- and *Virginia*-class, emerged as our Nation's front line defense Today, our submariners are no less critical than the eras preceding us. We use submarines extensively around the globe, using their stealth to covertly gather intelligence briefed at the highest levels of our government. They are adapting and growing to meeting the security challenges of the 21st century, and every day they remind us that submarines are, and will remain, at the core of our Nation's defense.

From the *Holland*, to the *Nautilus*, and to the newest boats in the fleet, the USS *North Carolina* (SSN–777) and USS *New Hampshire* (SSN–778), the capabilities and technologies on board may have changed dramatically, but one thing has always stayed the same: The strength of any submarine has always come down to those who command and serve aboard her.

In my travels over the past year, I have met countless commanding officers and sailors—many of them young men doing some of the most important work on behalf of our security—who selflessly dedicate their lives in dangerous service.

Our sailors serve in the harshest of conditions around the globe, on long tours away from their families literally stacked on top of their crewmates, often cut off from the rest of the world. They make up the smallest portion of our Navy and their achievements are most often secret. But, there is no doubt that each and every one of them loves what they do on behalf of the security of our Nation.

Every submariner today serves upon the foundation built by those that came before them. At the core of their service over the past century has been a legacy is one of devotion, bravery and innovation. Without a doubt, today's submarine force is living up to that legacy and building one of their own for those who come after them to follow.

This is an exciting time for the submarine force. It is a time of great possibility and of new challenges. But, after spending time with sailors in the mess hall of a submarine submerged below the ice to building relationships with officers at the top of the chain of command, I am confident that our submariners will continue the proud legacy built by those who came before them.

I ask all my colleagues to join with me in extending our deep appreciation to those who have, and continue to, silently serve our Nation, their families, and to all our Armed Forces serving today around the globe.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. CONYERS. Madam Speaker, I missed rollcall vote 200 yesterday, Wednesday, April 16, 2008, as I was attending to other business in the Capitol. Had I been present, I would have voted in the following manner: "Yes" on motion that the Committee rise, H.R. 5715, the Ensuring Continued Access to Student Loans Act.

IN SPECIAL RECOGNITION OF NORMAN M. WALKER IN CELEBRATION OF HIS RETIREMENT AS CHIEF OF POLICE, CITY OF DEFIANCE, OHIO

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. LATTA. Madam Speaker, I rise today to pay a very special tribute to one of the truly outstanding individuals from Ohio's Fifth Congressional District, Mr. Norman Walker. On Friday, April 18. 2008, Norman Walker will retire after thirty years of service on the City of Defiance's Police Department.

Over the last three decades, Norman Walker has certainly been an indispensible asset to the City of Defiance and to the northwest Ohio law enforcement community. His strong commitment to sound principles and honest leadership has guided his nearly fifteen years of service as Chief of Police. Mr. Walker's commitment to the law enforcement creed of "to serve and protect" was instilled in him as he worked his way through every rank in the Defiance Police Department. Without question, Mr. Walker has given unselfishly of his time and talents in order that the citizens of the City of Defiance might have a safe community in which to work and raise their families.

Norman Walker embodies the spirit of American public service and through his workman-style approach put his vision for a modern rural police department into action to establish the City of Defiance's police department as it model for the region. His dedication to community-oriented policing has empowered not only his fellow officers, but community residents as well, to play an active role in their own safety and have a voice in how their police department can continually provide better service to the residents of Defiance, Ohio.

Madam Speaker, it has often been said that America succeeds due to the remarkable accomplishments and contributions of her citizens. It is evident that Mr. Walker has devoted himself to the preservation of a free and just society where the rule of law is respected by all who call this great land their home. For that, we owe him a debt of gratitude that mere words cannot sufficiently express.

Madam Speaker, at this time, I would ask my colleagues of the 110th Congress to join me in honoring Norman Walker. On the occasion of his retirement as the City of Defiance's Chief of Police, we thank him for his dedicated service and we wish him well in all of his future endeavors.

SHUMET DEMIE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Shumet Demie who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Shumet Demie is a senior at Pomona High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Shumet Demie is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Shumet Demie for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

A PROCLAMATION HONORING ELIZABETH LIPPENCOTT FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, Elizabeth Lippencott showed hard work and dedication to the sport of basketball; and

Whereas, Elizabeth Lippencott was a supportive team player; and

Whereas, Elizabeth Lippencott always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Elizabeth Lippencott on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

PERSONAL EXPLANATION

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. MAHONEY of Florida. Madam Speaker, on April 17, 2008, I missed votes because I was attending my daughter Bailey's equestrian event. Bailey is competing today at the 2008 Varsity Equestrian National Championship in Waco, Texas. She is a senior at Oklahoma State University and has been a member of the OSU equestrian team since her freshman year.

TRACY KRAUSE: PHYSICAL EDUCATION TEACHER OF THE YEAR

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. REICHERT. Madam Speaker. I want to congratulate Mr. Tracy Krause being recognized as the National Physical Education Teacher of the Year. The award was presented on April 11, 2008, at the National Association for Sport and Physical Education (NASPE) Hall of Fame Banquet. The NASPE is a non-profit professional membership association that sets the standard for practice in physical education and sport.

Mr. Krause is a Physical Education teacher at Mount Tahoma Senior High School. He has taught Physical Education for 15 years. His contributions to physical education were recognized because of his innovative approach to physical education and wellness. Rather than just focusing on activities students can do on the track and in the gym during that particular school day, Mr. Krause exposed students to a lifetime of physical activity such as biking, hiking and climbing with positive results and ever-increasing interest from students and administrators. Mr. Krause takes responsibility for the lifetime fitness of his students, not just the years they are enrolled in his class.

Apart from his work at Tahoma High, Mr. Krause is a National Board Certified Teacher who has presented numerous workshops and conferences and supervises pre-service teachers at regional universities throughout Washington State. The work he is doing to better the fitness level and overall wellness of young people is a wonderful anecdote for relieving pressure on an increasingly expensive health care system.

I again congratulate Mr. Tracy Krause for the recognition he received from the NASPE, encourage him to continue in his important work and thank him for the lives he has already permanently changed for the better.

PERSONAL EXPLANATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. WITTMAN. Madam Speaker, I was not present in the House chamber for votes on April 3, 2008.

If I had been present, I would have voted "yes" on rollcall No. 159, a motion to recommit H.R. 4847, the United States Fire Administration Reauthorization Act, with instructions to amend the bill (forthwith) to provide liability protection to firemen that provide inspection services or advice on the use of child safety seats to their communities.

I would also have voted "yes" on rollcall No. 160, final passage of H.R. 4847, the United States Fire Administration Reauthorization Act.

THE PASSING OF RINCON CHAIRMAN VERNON WRIGHT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. ISSA. Madam Speaker, I rise today to honor the life of Rincon Band of Luiseno Indians Chairman Vernon Wright. Chairman Wright passed away on Thursday, April 10, 2008, of liver cancer at the age of 53—far too soon for a man that had so much left to give to his tribe and community.

Born in San Diego, California to Vernon Hollis Wright and Beverly Wright, Chairman Wright was a lifelong resident of the area. After graduating from San Diego High School and Palomar College, he studied at the Gemological Institute of America and operated a jewelry shop in Escondido, California until becoming politically active with the Rincon tribe in the 1990s.

In 2006, he was elected chairman of the 650-member tribe, after serving as a council member and vice-chairman for several years. As chairman, he did a number of good things for the tribe and surrounding community. He worked hard over the years to heal internal strife that dwelled within the tribe and helped to mend disagreements with the Bureau of Indian Affairs. He also brought the community together through his leadership and helped to usher in the tribe's current economic success.

Not long before his passing, some tribal members had begun calling him "Chief," a title that hadn't been used on the reservation for decades. This informal honor was appropriate for Chairman Wright, because he worked tirelessly for the benefit of his tribe. Months before his passing, he devoted countless hours and effort to helping tribal members recover from the Poomcha Fire, which devastated the Rincon reservation last year.

Chairman Wright was a good man, an honorable man, who was taken from the world too soon and with much left to accomplish. While his passing is a tragedy, he truly touched the lives of those around him, and the Rincon Tribe has been left much better because of his leadership and guidance. He will be remembered and missed.

CELEBRATING THE U.S.-KOREA FRIENDSHIP AND ALLIANCE

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Ms. WATSON. Madam Speaker, it has been my privilege to represent California's 33rd Congressional District with the largest number of Korean American constituents in the Nation. The Korean Americans who live in my district and other neighborhoods in Los Angeles—and, for that matter, across the country—have made incalculable contributions to American life and society.

My purpose in mentioning the Korean American community—which now numbers more than 2 million people nationwide—stems from the arrival this week of President Lee Myung-Bak of the Republic of Korea, who comes to Washington to meet with President Bush, our congressional leadership, senior government officials, business executives, and Korean American leaders. I wish to take this opportunity to welcome President Lee and wish him well as he makes his first official overseas trip.

The United States and the Republic of Korea have shared a long and successful alliance. South Korea is a key partner in the Six-Party Talks aimed at assuring that North Korea does not develop and deploy nuclear weapons that could create a strategic imbalance in northeast Asia. The people of South Korea know better than anyone what the consequences of a nuclear-armed North Korea could be.

South Korea and the United States have also been political, diplomatic, and economic partners since the founding of the alliance 125 years ago. While our two countries were brought dramatically together through the Korean War, which ended in an armistice 55 years ago, we have worked together consistently in a much less dramatic way since then.

For instance, South Korea and the United States are close business partners with over $80 billion in annual bilateral trade volume. In fact, South Korea is the seventh largest trading partner of the United States. Goods and services move between our two countries on a daily basis.

The pending U.S.-Korea Free Trade Agreement will not bring with it just economic benefits, many of which were described in a recent study released by the U.S. International Trade Commission, but also positive geopolitical and geostrategic consequences.

Approving the U.S.-Korea Free Trade Agreement will strengthen our relationship with one of our most important and indispensable allies in Asia and give the United States a permanent economic foothold in the most dynamic and fastest growing region in the world. This agreement will also provide a counterbalance to China's emergence as a dominant market player in that region and worldwide.

The Free Trade Agreement will complement the likely admission of the Republic of Korea into the Visa Waiver Program, making it easier for Korean travelers to visit the United States as tourists or as students, or for business or family purposes. I can attest that many of my constituents are looking forward eagerly to Korea's inclusion in the Visa Waiver Program which will bring with it many economic benefits aside from—and in addition to—those benefits that will accrue from the U.S.-Korea Free Trade Agreement.

Madam Speaker, I have just barely touched on the many important issues that will be discussed this week while President Lee is in Washington. The South Korean President's visit gives us a special reason to address these topics, but it does not mean that the conversation will end when he returns home. I know from experience that my colleagues on the Foreign Affairs Committee's Subcommittee on Asia, the Pacific, and the Global Environment will be exploring these issues in depth in the weeks and months to come.

We welcome the opportunity to hear directly from President Lee his own views and the views of his government on these matters that affect both South Korea and the United States.

XIA LANIEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Xia Laniel who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Xia Laniel is a student at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Xia Laniel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Xia Laniel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

CHARLES HITCHBORN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service and leadership of Chuck Hitchborn on the occasion of his retirement as Mayor of the City of Smithville, Missouri.

Chuck served four years as Mayor of Smithville. Before that, he served six years on the Smithville Board of Aldermen. In addition to his service in Smithville, Chuck also served eight years as a city council member in Arrowhead, Colorado. Chuck has been married to his wife, Joan, for 57 years. Together they have two children, five grandchildren, and ten grandchildren with two more on the way. In his spare time, he is an avid quilter and enjoys gardening. He gets his greatest enjoyment from working with kids and supporting Smithville's local student organizations and athletes.

Chuck has served the Smithville community in many other ways as well. He has been a member and past President of the Rotary Club and is also a current member of the Smithville R-II School District Foundation. Some of Chuck's accomplishments include the downtown sewer replacement project, the approval of Smithville Commons and the addition of the veterans memorial in downtown Smithville.

Madam Speaker, I ask my colleagues to join with me in commending Chuck Hitchborn for his dedicated service to the people of Smithville, Missouri. I know Chuck's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

A PROCLAMATION HONORING JENNY HOSTETLER FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jenny Hostetler showed hard work and dedication to the sport of basketball; and

Whereas, Jenny Hostetler was a supportive team player; and

Whereas, Jenny Hostetler always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Jenny Hostetler on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

IN HONOR OF LEONARD M. CALABRESE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Leonard M. Calabrese, who through his service to the Catholic Church of Cleveland has dedicated his life to serving as a community organizer on behalf of the poor, the vulnerable and the voiceless.

For over 20 years, Mr. Calabrese has served as executive director of the Commission on Catholic Community Action (CCCA), the Social Action Office for Catholic Charities Services, for the Diocese of Cleveland. Prior to his appointment as executive director, Len served as a volunteer board member for nine years. Founded in 1969, the CCCA works to protect and promote human dignity through empowering the poor and the often voiceless minority groups by promoting and ensuring their full participation in society. Through his leadership at the Commission, he is able to work with many other local organizations to educate, mobilize and raise the consciousness of the community, especially among Catholics.

Len Calabrese has a multifaceted background and a very impressive record in serving our community. He was an associate professor for several higher learning institutions such as John Carroll University, University of Akron, Northwestern University and St. Mary Seminary. He was also a consultant for several mayors and the Ohio Senate, and board member for several institutions such as Cuyahoga County Public Library, Immigrant Minority Business Alliance, The City Club of Cleveland and the greater Cleveland Round Table of Civic Leaders, Greater Cleveland Inter-Religious Task Force on Central America just to name a few.

I have had the opportunity and privilege to work closely with Len Calabrese in a number of capacities. In the aftermath of the tragedy of September 11, 2001, Len worked with the community at large to allay fears expressed against immigrants. He has helped many newcomers from abroad with his welcoming touch and his help with the necessary networking to succeed in business. He represented the CCCA in the Sustainable Communities Symposium and other collaborations with the inner city and suburbs of Cleveland.

Len's talent to mobilize the community and to advocate for the social welfare of others is manifested through his new position as president of Caritas Connection, a nonprofit organization that works to connect Catholic charities, health care, nursing homes and colleges. He will also serve as director of Ministering Together, a national umbrella of Catholic Charities USA, Catholic Health Care, the Association of Catholic Colleges and Universities, National Catholic Education Association and various organizations of the laity.

Madam Speaker and colleagues, please join me in recognition of Leonard M. Calabrese, who has dedicated his life to serving his church and the greater Cleveland community. Let his advocacy on behalf of the welfare of others serve as inspiration for all those in pursuit of social change.

ACKNOWLEDGING MARY KATE RIDGEWAY'S CONTRIBUTIONS TO TENNESSEE AGRICULTURE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. TANNER. Madam Speaker, I rise today to recognize the accomplishments of my friend Mary Kate Ridgeway, who recently began an exciting new opportunity as director of the Henry County office of the University of Tennessee Agriculture Extension Service. Her new position will allow Mary Kate to continue more than 30 years of service to family farmers in Henry County and across Tennessee.

Mary Kate is originally from Obion County. Her husband Don is deputy director of the Northwest Tennessee Economic Development Council. Don represented the 75th district in the Tennessee House of Representatives, where he served with distinction as the Democratic Caucus Chairman and Chairman of the House Transportation Committee. Their son, John Penn, who several years ago worked in our Washington office, and his wife Melissa have two children, Walker and Jackson.

With bachelor's and master's degrees in family and consumer science education from the University of Tennessee at Martin, Mary Kate is also active in other important organizations in our community, including as secretary of Helping Hand Incorporated and co-chair of the Lifeline blood board.

Madam Speaker, I appreciate you and our colleagues joining me as we thank Mary Kate Ridgeway for her long service to the agricultural community in west Tennessee and congratulate her on her new position as county director for the University of Tennessee Agriculture Extension program.

CELEBRATING THE 50TH ANNIVERSARY OF SKAGIT VALLEY HOSPITAL

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. LARSEN of Washington. Madam Speaker, on April 9th, 1958, Skagit Valley Hospital opened its doors and began a tradition of providing high-quality healthcare to the residents of Northwest Washington. I rise today to commend Skagit Valley Hospital on its 50th Anniversary and thank the more than 1,200 employees, 250 physicians, 450 volunteers and countless community supporters who continue to work to fulfill the hospital's goal of being "the best regional, community hospital in the Northwest."

Over the last fifty years, Skagit Valley Hospital has grown dramatically and expanded the services it offers to patients. After opening a 220,000 square foot expansion in June of 2007, the hospital now boasts 137 beds, a Level III Trauma Center, and cutting-edge Kidney, Diagnostic Imaging and Comprehensive Cancer Care Centers.

Most of Skagit Valley Hospital's facilities are located in Mount Vernon, Washington, but in recent years the hospital has expanded geographically to serve more families in rural and underserved areas. Its Community Health Centers in Stanwood, Washington and Camano Island, Washington bring healthcare services closer to patients who need them.

The fine work of Skagit Valley Hospital has been supported by the generosity of both the Skagit Valley Hospital Foundation and the Skagit Hospice Foundation. Together, these organizations have raised and donated over $9 million to improve Skagit Valley Hospital and support patients and their families.

For fifty years, Skagit Valley Hospital has been a pillar of our community and the Northwest Washington healthcare system. Please join me in celebrating the 50th Anniversary of the Skagit Valley Hospital and thanking its dedicated staff for their tireless efforts.

VALENTINA BROWN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Valentina Brown who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Valentina Brown is a student at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Valentina Brown is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Valentina Brown for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

PAYING TRIBUTE TO ALAN P. MINTZ, M.D.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. PORTER. Madam Speaker, I rise today to add to my tribute to Alan P. Mintz, whose life I honored on June 27, 2007. Dr. Mintz, M.D. passed away on June 3, 2007.

Born in Chicago, Alan P. Mintz graduated from the University of Chicago and earned a doctor of medicine degree from the University of Illinois—School of Medicine. Prior to his postgraduate training in radiology, in which he later specialized, Dr. Mintz served as a physician in the U.S. Navy. Dr. Mintz was a highly respected professional in the field of radiology and served as a Diplomate of the American Board of Radiology, was board certified in radiology, nuclear medicine and radiation therapy, and was also appointed chairman of the Department of Radiology for several Chicago-area hospitals.

Motivated by his passion for health and wellness, Dr. Mintz pioneered a new medical specialty with his work in age management medicine. He became famous within that field for his innovative ideas about the relationship between declining levels of certain hormones and chronic diseases associated with aging. Dr. Mintz pioneered the idea that maintaining certain hormones within physiological ranges in combination with exercise and a healthy diet can optimize wellness as people age.

Dr. Mintz cofounded and served as CEO and President of Medicon, Inc., the world's largest radiology management company. His inventive thinking stimulated the creation of Cenegenics Medical Institute, the largest age management medicine organization in the world. Although headquartered in Las Vegas, Cenegenics Medical Institute has offices in South Carolina, Florida, Hong Kong, and South Korea with service reaching more than 12,000 patients.

Madam Speaker, I am proud to honor the life and memory of Alan P. Mintz, M.D. Dr. Mintz lived his life according to his favorite maxim by Henry David Thoreau, "Go confidently in the direction of your dreams . . . Live the life you have imagined." Dr. Mintz clearly fulfilled this statement and will be missed by the many lives he touched.

CONGRATULATING THE STATE OF ISRAEL ON ITS UPCOMING 60TH ANNIVERSARY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. FOSSELLA. Madam Speaker, I rise today to congratulate the State of Israel on the upcoming 60th anniversary of its founding and condemn former President Carter's meetings with the terrorist leaders of Hamas.

It is odd that former President Carter would defend his meeting with this terrorist organization as an opportunity to measure their willingness to accept peace overtures. The founding charter of Hamas calls for the destruction of Israel; this should be answer enough for the former President. By acknowledging these leaders the former President provides legitimacy to the terrorist actions committed against the State of Israel.

For decades Israel and the United States have shared a strategic partnership in developing technologies that save lives both on the battlefield and in our hospitals.

Madam Speaker, for the past 60 years, Israel has been a bastion of democracy in a region dominated by authoritarian regimes. As the only country in the Middle East with free elections, free press, freedom of religion, and the protection of minority rights, Israel continues to uphold the values that make it a true Western-style democracy.

Madam Speaker, it gives me great pleasure to congratulate the State of Israel on its upcoming 60th anniversary and I look forward to the continued partnership between our two great nations. I hope our colleagues will join me in offering our best wishes to our ally in the Middle East for 60 more years of prosperity.

A PROCLAMATION HONORING ALLISON ROTH FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. SPACE. Madam Speaker:

Whereas, Allison Roth showed hard work and dedication to the sport of basketball; and

Whereas, Allison Roth was a supportive team player; and

Whereas, Allison Roth always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with her friends, family and the residents of the 18th Congressional District, I congratulate Allison Roth on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

CONGRATULATING DAWN DALLAIRE

HON. LYNN C. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to congratulate Dawn Dallaire from Georgia's 3rd Congressional District, the U.S. Small Business Administration's 2008 Small Business Person of the Year for Georgia.

Just five years ago, Dallaire started a specialty-soap business in the garage of her Fayetteville home and produced $47,000 in revenues. Today, her business, Clearly Fun Soap, has created local jobs and projects annual revenues to reach near $3 million.

Like many inventors, Dallaire didn't start out intending to become CEO of a company: she was simply making gifts for friends. She perfected her "goldfish in a bag"—which has become her signature product in the U.S. gift market—and then branched out with new designs.

Dallaire's fortunes took a fateful turn when she took her soap products to a gift show in Florida. There, she took $5,000 worth of orders and happy customers started coming back.

By 2005, Dallaire's soap business had bubbled beyond the garage. With the help of a Small Business Administration Community Express Loan, she opened a 5,000-square-foot facility in Griffin, another city in the 3rd District. But the growth continued. Two years later, Clearly Fun Soap upgraded to a 10,000-square-foot facility with 15 full-time employees, with up to 35 part-time employees.

Clearly Fun Soap now dots the shelves at Bath & Body Works. Linens N Things, Marshall's and TJ Maxx with accounts pending at other major retailers. Soon, Dallaire will publish her book "Being a Woman in Business in a Man's World" which chronicles both her business and personal accomplishments—including losing 120 pounds.

Our small businesses are the economic engine of our economy and they create over 75 percent of new jobs. Small business people such as Dallaire are helping others as they help themselves. I want to congratulate Dawn Dallaire on this distinguished award. It's truly a great honor that reflects her truly great accomplishments. Georgia's 3rd District is proud to call her one of our own.

Madam Speaker, on behalf of the House of Representatives, I again congratulate Dawn Dallaire, the Georgia Small Business Person of the Year for 2008, and wish her and Clearly Fun Soap continued success at "cleaning up."

HONORING THE LIFE AND SERVICE OF MR. ABE MUNFAKH

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Mr. Abe Munfakh upon his receipt of the Wayne 11th Congressional District Republican Committee's 2008 Lifetime Achievement Award.

Throughout his career, Mr. Munfakh has dedicated himself to bettering our community. He served on the Plymouth Township Board of Trustees for 12 years, Plymouth Community United Way Board for 8 years, and was a member of the Southeast Michigan Council of Governments for 8 years.

Since 1984, Abe has been actively involved in promoting the conservative principles of the Republican Party in Michigan. He represented the State of Michigan at the 1992 National Republican Convention as an Alternate Delegate. He has served on the Michigan Republican State Committee since 2005 and is a member of the Outreach and Diversity subcommittee and Budget subcommittee. He currently serves on the Eleventh District and Wayne 11th Republican Committees.

Madam Speaker, Mr. Munfakh's legendary dedication to the founding principles of our great democracy and his tireless efforts to perpetuate America's revolutionary experiment in human freedom are an inspiration to all. Today, I ask my colleagues to join me in honoring Mr. Abe Munfakh upon his receipt of the 2008 Lifetime Achievement Award and in recognizing his selfless service to our community and our country.

HOUSE OF REPRESENTATIVES—*Friday, April 18, 2008*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 18, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Here, Lord, God of heaven and earth, You find a Nation of prayer. Each day, millions of citizens approach You as our Maker and seek Your grace and give You thanks for many blessings. Each day in the sessions of this noble assembly, we pause and turn to You in prayer.

Help us to face boldly the increasingly complex political and ethical issues of our time. Guide American people to find in their religious beliefs a precious source of insight and an inspiration to pursue reasoned, responsible and respectful dialogue in their efforts to build a more human and free society.

And so give You greater glory—both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 9 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Tuesday, April 22, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6150. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Write-Your-Own Arrangement [Docket ID FEMA-2008-0001] (RIN: 1660-AA58) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6151. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Changes in Maximum Mortgage Limits for Multifamily Housing [Docket No. FR-5197-F-01] (RIN: 2502-A162) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6152. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—REVISIONS TO FORM S-11 TO PERMIT HISTORICAL INCORPORATION BY REFERENCE [RELEASE NO. 33-8909; FILE NO. S7-30-07] (RIN: 3235-AK02) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6153. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Premium Rates; Payment of Premiums; Variable-Rate Premium; Pension Protection Act of 2006 (RIN: 1212-AB11) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6154. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products [Docket No. 2003N-0342] (RIN: 0910-AC35) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6155. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2008," pursuant to DC Code section 47-117(d); to the Committee on Oversight and Government Reform.

6156. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Compliance with the Government Managers Accountability Amendment Act of 1995 Has Been Incomplete and Inconsistent," pursuant to DC Code section 47-117(d); to the Committee on Oversight and Government Reform.

6157. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting the Authority's Annual Report for 2007 entitled, "Investing in People and Communities," pursuant to Public Law 106-554, section 382L. (114 Stat. 2763A-280); to the Committee on Oversight and Government Reform.

6158. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6159. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal years 2006 and 2007; to the Committee on Oversight and Government Reform.

6160. A letter from the Equal Employment Opportunity Direction, Farm Credit System Insurance Corporation, transmitting the Corporation's annual report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

6161. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for Fiscal Year 2007 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

6162. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Seventh Financial Statement for the period October 1, 2006 to September 30, 2007, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

6163. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6164. A letter from the Director, Peace Corps, transmitting a copy of the Peace Corp's Fiscal Year 2007 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

6165. A letter from the ACTING ASSISTANT ADMINISTRATOR FOR FISHERIES, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Total Allowable Catches for Eastern Georges Bank Cod, Eastern Georges Bank Haddock, and Georges Bank Yellowtail

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Flounder in the U.S./Canada Management Area for Fishing Year 2008 [Docket No. 071004577-8124-02] (RIN: 0648-AW13) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6166. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG65) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6167. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Data Breaches (RIN: 2900-AM63) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6168. A communication from the President of the United States, transmitting notification of his intention to designate the Solomon Islands as a least-developed beneficiary developing country under the Generalized System of Preferences (GSP), pursuant to Public Law 104-188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 110-105); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 5819. A bill to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes; with an amendment (Rept. 110-595 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 3033. A bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Governmentwide suspension and debarment system; with an amendment (Rept. 110-596). Referred to the Committee of the Whole House on the State of the Union.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5816: Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. GOODE, Ms. GINNY BROWN-WAITE of Florida, Ms. FOXX, Mr. CANTOR, Mr. MCCOTTER, Mr. KIRK, and Mr. LINCOLN DIAZ-BALART of Florida.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 6 by Mr. BOUSTANY on House Resolution 1025: Howard Coble and Henry E. Brown, Jr.

SENATE—*Friday, April 18, 2008*

(Legislative day of Thursday, April 17, 2008)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Great is Your faithfulness, O God, our Father. We rejoice today because we know You are in control. We do not understand all of Your ways, but we know and trust You. Let that faith pervade all that we say and do today.

Guide and bless our Senators. Strengthen their courage and lead them to the right road. May they enact such laws as shall please You. Give them the courage to admit mistakes and the wisdom to trust Your mercy. May they faithfully serve You and promote the well-being of this great Nation.

Lord, we pray also today for all the men and women of our Armed Forces. Defend them day by day with Your Heavenly grace. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 18, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, after I speak, and if the Republican leader chooses to speak, we will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. No votes will occur today or on Monday. There will be no votes on Monday because of the Passover holiday. The next vote will occur at 12 noon on Tuesday on the motion to invoke cloture on the motion to proceed to S. 1315, the disabled veterans' benefits bill.

VETERANS BENEFITS

Mr. REID. Mr. President, it is hard to comprehend why we have to file cloture on a motion to proceed to a bill dealing with veterans, but that is what is happening. It has been heard on this floor on many occasions in recent weeks, but it is hard to comprehend what the Republicans are trying to do with the country, other than maintain the status quo.

We invoked cloture twice on a technical corrections bill, and now, on a veterans' benefits act, we have to invoke cloture on even being able to debate it. That is really too bad. There have been 4,039 Americans killed in Iraq; I read that in the newspaper this morning. The occupant of the chair indicated to me that he presented a flag to some Ohio people who lost a loved one. Tens of thousands of troops have been wounded. The morning papers report that 20 percent—one out of every five—of the Iraq veterans, our soldiers, coming home from Iraq have traumatic stress disorder.

Mr. President, we have talked about those who have been killed in Iraq, those who have been wounded, but there are also, as a result of this huge military presence there—earlier this year, about 175,000—people who are in the military who get hurt when trucks back over them by mistake or they may have falls—a lot of things happen to disable these veterans. We have been trying to bring this legislation to the floor since last August. In the height of the war, with soldiers being killed every day, being wounded every day, coming home from Iraq every day, we cannot even get to a bill to deal with their health. The Republicans are holding that up. We have been trying since August to bring it up.

This comprehensive, budget-neutral legislation will provide much needed benefits for veterans young and old. The legislation, among other things, would expand the number of individuals qualifying for traumatic injury insurance.

In the morning papers all over the country, there are headlines such as "VA Suicide Hotline Set Up Last Year Credited With Saving 726 Lives So Far." As I said, we have these stories appearing all over the country.

> Twenty-two-year-old Joshua Omvig shot himself in his truck outside his parents' home in Grundy Center, Iowa, on December 22, 2005. A local newspaper reported that he had talked to his mother shortly before killing himself. Among his final words: "I've been dead ever since I left Iraq."

As a result of this, and in paying tribute to him, we have created a suicide hotline for veterans. That is what this is all about. We have saved 726 lives. Veterans need help. This is a war like we have never had before. We have never fought a war in big cities, street to street, house to house.

Last night, I had a marine in my office, at about quarter to 7 last night. He came with his wife-to-be, his mother, and his father. They are from Illinois. He is a big, strong man. One of his ears was cauliflowered, as he had been a college wrestler. He was missing his right leg above the knee. He is going to be in and out of the hospital, and he will be able to go home soon. His problem is not with the leg he lost, it is with the leg he still has. He lifted up his pant leg and showed me the scars. He had major surgery and has scars. He is tough and said, "I am going to be just fine."

We are trying to help people such as him. They are all over America, coming home from Iraq and are hurt and need help. We cannot even debate this legislation because Republicans are stalling it. We are having a vote at noon on Tuesday. I hope we will be able to get 60 votes and proceed. You would think there would be nine Republicans who are caring enough to allow us to go forward on this most important issue.

We also extend eligibility for specially adapted housing benefits to individuals with severe burns. This war, which is within cities—I got carried away describing this man's injuries.

I said, "Tell me what happened."

He said, "We came out of the house, climbed in the vehicle, and it blew up."

I said, "How long were you in the truck?"

He said, "Maybe 20 seconds."

The road had been paved—a newly paved road. They put a bomb on it. When he drove over it, the compression caused it to blow up. He had burns—you could see them—on his face. The scars weren't bad, but there were burns.

A lot of the people, because of these explosive devices, have terrible burns. This legislation we want to try to pass extends eligibility for these people who were burned badly to have special housing benefits.

The legislation would extend and increase benefits for individuals trying to change what they do, with apprenticeships and on-the-job training programs.

Also, the legislation would restore veteran status to Filipino veterans who served under U.S. command in World War II. One only need watch Tom Hanks's World War II series that appeared on television. It talked about the valor and the absolute necessity for the Filipino soldiers who were there fighting under our command. We have been trying for decades to extend benefits to them. They are getting very old with each day that goes by, and more of them are dying. Their average age is well over 80. We want to allow them certain benefits. They fought alongside U.S. troops during World War II. It is the moral obligation of this Nation to provide for those Filipino veterans who fought under the U.S. flag during World War II.

After 8 months of obstruction by the Republicans, it is time to allow this bill to be debated. If there are people who don't like provisions in this bill, they can offer an amendment to try to take them out. Why hold up benefits for veterans?

This legislation provides much needed benefits and includes 8 titles, with 38 benefits. If there were ever a piece of legislation that should not be stalled, obstructed, and delayed, it is this one. We have waited 8 months to bring this up. With the Republicans, it is always tomorrow, we almost have it worked out, or how about tomorrow or next week or next month? We cannot wait any longer. People have to step up to the bar here, Mr. President, on Tuesday at noon and vote to find out if we can legislate for the veterans coming back from Iraq and those veterans who have, prior to Iraq, dedicated their lives to the service of their country, our country.

COMMEMORATING EARTH DAY

Mr. REID. Mr. President, 38 years ago, Senator Gaylord Nelson of Wisconsin founded Earth Day to celebrate the environment and to call attention to the major environmental issues of the time. Once again we celebrate the progress we have made to protect our environment, and are again called upon to address new challenges facing our planet.

Since Earth Day's conception in 1970 our Nation has worked to reduce pollution and clean up lakes, streams, and the air we breathe. These environmental accomplishments have made us healthier, our economy prosper, and have helped to make America even more beautiful.

Although we have made great strides to improve and protect our environment, it is clear that we are facing one of the gravest environmental challenges of our time. Global warming from man-made greenhouse gas emissions may be the most complicated crisis our world has ever faced. We must address it quickly and boldly in the United States and assert global leadership on this most important issue.

Rising temperatures threaten to devastate western landscapes, intensify drought, and magnify summer heat waves. Fortunately, if we act swiftly, we still have a narrow window of time and opportunity to reduce our greenhouse gas emissions and mitigate the impacts of climate change.

Over the next 15 years, I am confident that we can reduce emissions by at least 25 percent. We will establish a framework for capping greenhouse gas emissions without imposing economic hardship on Americans. We will also create a business environment that provides ample incentives to phase out rapidly our current outdated 19th century energy production and decisionmaking methods.

Global warming is an enormous opportunity wrapped in a complex challenge. On this Earth Day, I want Nevadans and all Americans to embrace and prepare for the challenge, and recognize the tremendous opportunity we have to improve our energy security, create hundreds of thousands of new jobs and develop the new, clean, efficiency and renewable energy economy of the future. With the right investments and political will, we can soon power all our cars, homes and industry with power from the Sun, the wind, and the Earth.

In a 100-mile-square area of Nevada and the Southwest's desert, we have enough solar energy resources to supply the entire United States with electricity. This might seem unreal today because our thinking is shaped most by those who profit from selling us fossil fuels. But, solar technologies at the utility-scale and in distributed applications are quickly becoming economical and have far far fewer of the hidden costs of coal, nuclear and other unsustainable resources.

In addition, we have vast wind and geothermal resources that America has only begun to tap. By expanding and improving transmission access to rural and undeveloped areas where solar, wind and geothermal are often most plentiful, our renewable energy resources can work in affordable harmony, improving our energy security and reliability, using cost-free fuel for ever.

In a speech I gave earlier this year, I established five policy goals to promote renewable energy. These principles will help launch Nevada and the nation in a new direction that chooses ingenuity over stagnation, progress over pollution. They include: consumer choice—allowing consumers to choose renewable energy to power their homes at reasonable cost; consumer empowerment—allowing homeowners to receive credit for generating their own renewable electricity; making space for renewables—setting aside federal land for renewable energy production; investment—providing incentives to utility companies to choose renewables and efficiency over fossil fuels; and electric cars—building a smart grid that can charge electric automobiles.

Achieving these policy goals could help make our nation more sustainable, both environmentally and economically. They are some of the necessary steps we must take toward a low-carbon economy.

Climate scientists tell us that the countries of the world have approximately 10–15 years to radically transform the way that energy is made and consumed because greenhouse gas concentrations in the atmosphere are verging on dangerous interference with the global climate system. This means making tremendous reductions quickly and ensuring that our energy decisions today do not warp the future for our children and generations to come.

As we celebrate Earth Day this year, I ask that you join me in thinking about the road ahead and how we will overcome this great environmental challenge that we face as Nevadans, Americans, and citizens of the world.

MORNING BUSINESS

ADDITIONAL STATEMENTS

NATIONAL WEEK OF THE YOUNG CHILD

• Mr. HARKIN. Mr. President, today I recognize the National Week of the Young Child. This week provides all of us here in Washington the opportunity to reflect on the ways in which we can better care for children in our communities and more effectively cooperate with teachers, parents, and other caregivers.

Critical to the success of many disadvantaged Iowa children is the Head Start program. If we really want to get kids ready for school, we must focus on early intervention. This means improving access to education and developmental services to help provide kids with a good start in life. Since 1965, Head Start has served more than 24 million low-income children and their families.

Head Start programs help Iowa families to meet young children's basic educational, health, nutritional and social needs with a goal of having these kids ready for the first day of kindergarten. I was pleased to recently help modernize and update Head Start by passing The Head Start for School Readiness Act, which allows more families access to programs, improves early childhood training for Head Start educators, and updates learning standards to reflect the latest research in child development. I also made sure that early learning programs do not ignore the importance of wellness and healthy behaviors by requiring training to integrate physical activity and good nutrition in the classroom.

I have heard tremendous stories from my State of children whose lives were improved through the social services Head Start provides. These children received eye glasses or necessary dental work thanks to the early intervention of our Head Start programs. Head Start educators and employees often connect parents in need to the outreach services which help give children safe and comfortable homes.

I was particularly touched by the story of Rebecca Navarro. She writes that her youngest son, Anthony, received help learning his letters and colors, and improved his social skills, through their local Head Start agency. At the same time, a Head Start social worker helped Ms. Navarro go back to school and receive her degree, pay for food and utilities and provide a better quality of life for Anthony and his four siblings. Anthony has now successfully graduated the 6th grade with math skills above his grade level, and plans on going to college and getting his master's degree in engineering and math.

Providing our Nation's youngest learners with the tools they need to succeed benefits not only those children and their families, but our Nation as well. While celebrating the victories of Head Start this week, we should also continue to work hard to ensure every child has the opportunity to reach his or her full potential.●

HONORING THE UNIVERSITY OF MICHIGAN GOSPEL CHORALE

● Mr. LEVIN. Mr. President, I would like to take this opportunity to highlight a memorable trip recently taken by a group of students from University of Michigan. Each spring, many students head for warmer climates during spring break. However, the University of Michigan's Gospel Chorale, comprised of 40 students, spent this year's spring break accompanying university president Mary Sue Coleman and other faculty and staff to the nation of Ghana.

During this trip, the Michigan Gospel Chorale performed at churches, schools, colleges and public forums, including the National Theatre and the Kofi Annan International Peacekeeping Training Center, where they were warmly received. In fact, they performed before an audience of more than 2,500 at Ghana's National Theatre. One of their most moving performances occurred when the chorale sang in the dungeons of the Elmina Castle, where slaves were once held captive before they were transported across the ocean.

The purpose of the University's trip to Ghana was to strengthen existing relationships the University of Michigan has in Africa and to explore opportunities for new research programs and for faculty and student cultural exchanges. Currently, more than 120 University of Michigan faculty members are involved in various projects in Ghana and South Africa, and numerous students are taking courses or are involved in research activities.

As you know, the United States has a long history with Ghana, and that partnership continues to grow. The people of Ghana will remember the efforts of the University of Michigan and the Michigan Gospel Chorale's visit for a long time. For the Michigan Gospel Chorale, the journey provided a significant global learning experience. Many of the students had never traveled by air or had been out of the country. I am sure my colleagues agree that it is important for our young people to have opportunities to explore, and to contribute to, our ever-expanding global community.

I know my colleagues join me in commending the University of Michigan and the Michigan Gospel Chorale for their outstanding efforts in fostering goodwill between the United States and the nation of Ghana.●

HOLD ON NOMINATION OF HARVEY E. JOHNSON

● Mr. WYDEN. Mr. President, more than 40 months ago, prior to his confirmation as Secretary of the Department of Homeland Security, Michael Chertoff told me in my office that if confirmed he would move expeditiously to implement the National Emergency Technology Guard—NET Guard—program. Unfortunately, Secretary Chertoff has so far failed to honor this pledge.

The idea of NET Guard was born in the aftermath of 9/11, when a number of communications and technology companies told me they wanted to help New York City when it was attacked—and there was no system for using their volunteers. Then-Senator George Allen and I moved on a bipartisan basis to support a program, called NET Guard, that would ensure that volunteers with technology expertise could be fully utilized in future crises. These teams of local volunteers with science and technology expertise would be vital in assisting our communities in responding to attacks on communications networks, or recovering from natural disasters. Congress authorized the establishment of NET Guard 5 years ago, in the Homeland Security Act of 2002.

However, DHS has delayed and delayed and so far failed to implement this critical program.

At times, Secretary Chertoff has appeared willing to move forward on NET Guard, but each time he stops short of action. On August 1, 2007, the Secretary pledged to me in a letter that he would be submitting a request to fund the NET Guard program in the President's fiscal year 2009 budget. I will ask that a copy of Secretary Chertoff's letter be printed in the RECORD. I thought this meant that the Secretary recognized NET Guard's potential and understood Congress's intention in authorizing the program. Unfortunately he failed to fulfill this promise and we again find ourselves at an impasse.

I feel that further delay is unacceptable. I reluctantly feel that I must put a hold on the nomination of Harvey E. Johnson who has been nominated by President Bush to serve as Deputy Administrator of the Federal Emergency Management Agency, until the NET Guard program is up and running.

I place this hold reluctantly, but see no other option in light of the Department's foot dragging. I am hopeful that the Department will soon be able to stand up a NET Guard program, and I will be able to withdraw my hold and Mr. Johnson's nomination can move through the Senate. In the meantime, I will object to any unanimous consent agreement to consider Mr. Johnson's nomination.

I ask that the letter to which I referred be printed in the RECORD.

The letter follows:

U.S. DEPARTMENT OF
HOMELAND SECURITY,
August 1, 2007.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for taking time this morning to discuss the Department of Homeland Security's plans for the National Emergency Technology Guard (NET Guard) program. Following my June 29, 2007 letter to you that outlined our program approach, and as a prelude to our discussion, members of the Department's NET Guard team briefed your staff on our proposed plan. The positive feedback from your staff, coupled with your positive feedback this morning and the positive feedback that we have received from State, local, and private sector stakeholders, gives us confidence that we are taking the right approach to implementing this important disaster response program.

Accordingly, the Department is moving forward with plans to implement 12-month NET Guard pilots beginning in September

2007. The recommendation to establish pilots in September is consistent with the NET Guard Scoping Initiative Report, which I will provide to you upon its completion this month. To fund our efforts in fiscal year 2007 and 2008, we will continue to work with Congressional appropriators. I will also submit a request to the White House Office of Management and Budget to fund the NET Guard program in fiscal year 2009. On these and other program matters, the Department's Office of Legislative Affairs will keep your staff apprised of our progress.

I appreciate your interest and support of the Department's disaster response mission and look forward to working with you on this and other issues.

Sincerely,

MICHAEL CHERTOFF.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2892. A bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. ROCKEFELLER):

S. 2893. A bill to designate the Ludlow Massacre National Historic Landmark in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 2770

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2770, a bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. RES. 518

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 518, a resolution designating the third week of April 2008 as "National Shaken Baby Syndrome Awareness Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2892. A bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this country recently marked the 5-year anniversary of the war in Iraq—a war that the Bush administration refuses to end. The losses in this war have been staggering. More than 4,000 American soldiers have been killed and nearly 30,000 wounded. Hundreds of billions in taxpayer dollars has been spent to fight this war, money which could have been—and should have been—used to help American needs here at home. Estimates for the cost of the President's adventure in Iraq are now into the trillions.

Through it all, the Bush administration has chosen essentially to ignore one of its primary obligations during wartime—to protect American taxpayers from losses due to fraud, waste, and abuse of military contracts. Sadly, these problems are all too common in times of war, and have been particularly pervasive in Iraq.

Over the past year, I have chaired hearings in the Appropriations and Judiciary Committees focused on the billions that have been lost to contracting fraud, waste, and abuse during this war. The testimony at those hearings has exposed the Bush administration's failure to take aggressive action to enforce and punish wartime fraud. It has also shown how difficult it can be for investigators to uncover and prosecute fraud amidst the chaotic environment of war.

These problems have been exacerbated time and time again by the Bush administration, as tens of billions of dollars in "no-bid" and "cost-plus" contracts have been awarded with little, if any, oversight or accountability. Billions in cash—physical, paper money—have been flown to Iraq and handed out in paper bags, often without records of who received what, and when. Billion dollar contracts for training services cannot be audited because the records are incomplete, lost, or in disarray. The Government has been billed for defective products, like faulty ammunition, unsafe bulletproof vests, and even unsanitary drinking water for the troops.

Too often we do not learn about serious fraud until years after the fact. What we do know is that tens of billions of dollars are unaccounted for, and potentially lost to fraud, and little has been done to hold anyone accountable and recover the lost money.

This problem is not entirely new. Our nation has faced challenges in past wars. During World War II, President Franklin Delano Roosevelt spoke out against "war millionaires" who made excessive profits exploiting the calamity of war. President Harry Truman, when he served in the Senate, held historic public hearings to expose gross fraud and waste by military contractors during the war.

Unlike the current President, however, Presidents Roosevelt and Truman took action to ensure that wartime fraud could be successfully investigated and prosecuted despite the difficulties presented by an ongoing war.

In 1942, President Roosevelt signed the Wartime Suspension of Limitations Act, which made it possible for criminal fraud offenses against the United States to be prosecuted after the war was over. President Truman signed a bill making that law permanent in 1948.

Everyone understood then that it was unrealistic to believe that all contracting fraud could be tracked down immediately in the midst of a war. The law provided for the suspension of the statute of limitations until the war was over. Congress supported this law overwhelmingly, as they had with a similar provision during World War I. President Roosevelt wrote: "The crisis of war should not be used as a means of avoiding just penalties for wrongdoing."

While the provision for post-war enforcement against fraud is still the law today, the ongoing conflicts in Iraq and Afghanistan are exempt from its requirements. This Roosevelt-era law only applies "when the United States is at war." The military operations in Iraq and Afghanistan were undertaken without Congressional declarations of war. In recent decades, Congress has considered authorizations for the use of the Armed Forces, rather than formal declarations of war. I voted for the authorization to strike back at Osama bin Laden in Afghanistan. I voted against the ill-conceived authorization to go into Iraq.

Today we introduce the Wartime Enforcement of Fraud Act of 2008, which updates President Roosevelt's law for our times. This will allow us better to protect American taxpayers from contracting fraud today, just as we did during World War II. I thank Senator GRASSLEY for his co-sponsorship of this important legislation. He has been a leader in Congress on efforts to investigate and combat fraud against the United States.

This bill would make current law suspending the statute of limitations during wartime applicable to the ongoing conflicts in Iraq and Afghanistan.

In doing so, we would allow investigators and auditors to continue their efforts to uncover criminal fraud and for those who commit fraud to be brought to justice after the conflicts end. If left unchanged, under the current statute of limitations, each passing day of the conflicts in Iraq and Afghanistan could amount to immunizing fraudulent conduct by war contractors that has gone undiscovered during the Bush Administration or during the conflicts.

This legislation would make three simple changes to current law. First, it would suspend the statute of limitations not only to when the United States is technically engaged in a declared war, but also when Congress has enacted a specific authorization for the use of the Armed Forces consistent with the War Powers Resolution. In doing so, this language would apply the existing World War II-era law to the ongoing conflicts in Iraq and Afghanistan, and to similar actions in the future. It would not apply, however, to international peacekeeping missions under the auspices of the United Nations or to military actions not specifically authorized by Congress.

Second, the legislation would extend the statute of limitations for five years after the end of the conflict. The statute of limitations today for criminal fraud offense is five years from the time of the offense, and this bill would just toll the running of the statute during the conflict itself and not a day longer.

Three, the bill would make clear that a Presidential proclamation ending hostilities, and thus ending the tolling of the statute of limitations period, must be a formal proclamation with notice to Congress. Secret proclamation by the President or a self-serving "mission accomplished" speech will not do the trick.

The statute of limitations is an important check on the proper use of government power, and we should not act to suspend it except in extraordinary circumstances. Wars provide exactly such circumstances, and current law recognizes this commonsense reality by suspending the statute of limitation for fraud offenses during wartime. It would be wrong to exempt the wars in Iraq and Afghanistan from this law and to allow war profiteers immunity for their illegal and unpatriotic conduct during wartime.

President Roosevelt called upon Congress to act on this important matter during World War II. Today, I echo his concerns and call upon the Senate to pass this legislation to protect the American taxpayers from war contracting fraud. This Congress should pass—and the President should sign—the Wartime Enforcement of Fraud Act of 2008 without delay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Enforcement of Fraud Act of 2008".

SEC. 2. SUSPENSION OF STATUTE OF LIMITATIONS WHEN CONGRESS HAS AUTHORIZED THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))," after "is at war";

(2) by inserting "or directly connected with or related to the authorized use of the Armed Forces" after "prosecution of the war";

(3) by striking "three years" and inserting "5 years";

(4) by striking "proclaimed by the President" and inserting "proclaimed by a Presidential proclamation, with notice to Congress,"; and

(5) by adding at the end the following: "For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).".

ORDERS FOR MONDAY, APRIL 21, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Monday, April 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business with Senators permitted to speak for up to 10 minutes each. I further ask that the RECORD remain open until 12 noon today, for the purpose of introducing bills, resolutions, cosponsors, and statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. As previously announced, there will be no votes on Monday because of the Passover holiday. The next vote will occur at 12 noon on Tuesday, April 22, on the motion to invoke cloture on the motion to proceed to S. 1315, the Disabled Veterans Act.

ADJOURNMENT UNTIL MONDAY, APRIL 21, 2008, AT 3 P.M.

Mr. REID. There being no further business to come before the Senate today, I move we stand adjourned under the previous order.

The motion was agreed to, and, at 10:19 a.m., the Senate adjourned until Monday, April 21, 2008, at 3 p.m.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF RANDALL "RANDY" SMITH

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 2008

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay great honor to Randall "Randy" Smith who passed away on April 14, 2008. A longtime sports editor and columnist for Manchester, Connecticut's Journal Inquirer, Mr. Smith was a community mainstay and will be sorely missed.

It seemed incomprehensible when I learned of the sudden passing of Randy. Manchester and the Journal Inquirer's gift to the world of sports journalism had a following far beyond its readership.

It seems like yesterday we honored him in the Senate Chamber at the State Capitol for a record seventh time being named Sportswriter of the Year.

I said at the time he was a combination of Red Smith, Jimmy Breslin, and F. Scott Fitzgerald rolled up into a regular guy's man of sports. He had great insight into the human condition, the spirit of competition and the heart required of its participation. He explained his stories in a way that those who regularly assembled at Auggie & Ray's or Cavey's appreciated and talked about.

His column was the column that was the one we talked about, with regular favorites like "Once around the Block" and "To You Wanna, Bet . . . " he held you captive. He provided us a credo, not only applicable to sports, but to life, a refrain he often used in his columns: "Honor the game and in return the game will honor you."

Madam Speaker, I ask that my colleagues join me in honoring the life of Randy Smith. Certainly, we pause today and reflect on his passing knowing that he honored his craft, and in return we honor him with a final thanks for a job well done. I only hope there's a Saratoga in heaven.

HONORING THE SAGINAW CHAPTER OF THE A. PHILIP RANDOLPH INSTITUTE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating the Saginaw Chapter of the A. Philip Randolph Institute as they mark 27 years of service to the community. A testimonial banquet will be held on Saturday, April 19th in Saginaw celebrating the anniversary.

A. Philip Randolph stands at the vanguard of 20th century labor leaders. Together with Bayard Rustin, a leading civil rights and labor organizer, they forged an alliance of the civil rights movement and the labor movement to fight for the rights, privileges and freedoms of all people. After the passage of the Voting Rights Act they joined together and founded the A. Philip Randolph Institute to continue this fight. From its founding in 1965 as an organization of black trade unionists, the A. Philip Randolph Institute has been at the forefront of the continuing struggle to bring equality and economic justice for workers throughout our country.

Madam Speaker, the Saginaw Chapter of the A. Philip Randolph Institute is the cornerstone of organizations and individuals dedicated to improving the lives of everyday citizens in the Saginaw area. They are steadfast in their resolve that we can achieve social, political and economic integrity for all persons no matter what their color or background. I commend them for their hard work and resolute spirit and wish them continued success for many, many years to come.

REGARDING THE NEED FOR MORE DIAGNOSIS AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 2008

Mr. McNERNEY. Madam Speaker, today we received more disturbing news about the tremendous strain that overseas deployments have put on our men and women in uniform. The RAND Corporation released a study that found roughly one in five U.S. troops is suffering from major depression or post-traumatic stress as a result of serving in the wars in Iraq and Afghanistan. The study also found that even more have suffered some form of traumatic brain injury, often considered the signature injury of the Iraq War.

While this trend is not new, this study confirms what we have known for some time: Extended tours and multiple deployments without sufficient down time contribute to post-traumatic stress disorder. What is perhaps most disturbing is the finding that only about half of those with PTSD or depression have sought treatment, and only half again received minimally adequate treatment.

This means that while one in five of our men and women are suffering, only a quarter of those who come home with these debilitating conditions are receiving the treatment they need.

I've heard from veterans in my district who never sought mental health treatment either because it wasn't available or because there was a stigma attached to it. Without treatment, these veterans are at risk of engaging in self-destructive behavior like drinking and using drugs, they may have marital problems, and some even contemplate suicide. This is why we must take this study seriously.

These brave men and women offered to lay down their lives in defense of our Nation. We owe them no less than an absolute commitment to provide them with the support and care they need to return to healthy and productive civilian lives.

IN RECOGNITION OF JOHN JOSEPH SOUZA

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 2008

Mr. CARDOZA. Madam Speaker, it is with the greatest respect and admiration that I rise today to honor the late Mr. John Joseph Souza. As a lifelong resident of Atwater, California, John was not only a beloved member of our community, but he was an endearing, personal friend of my family. At the age of 77, John Souza passed away on Thursday, April 10, 2008.

John was born in Atwater, California on August 8, 1930 to John and Palmira Souza. He attended Atwater Jordan Elementary School, and then Livingston High School where he graduated in 1948. In 1951 John served in the U.S. Army in Korea, and in the years following he married the love of his life, Madeline Perry. Upon beginning their life together, John and Madeline purchased the Souza family's ranch. John operated the Souza Dairy for 16 years, owned Souza's Automotive Service in Atwater for 8 years, and then founded Souza's Bailbonds Company, which has been open for the last 34 years. As his lifetime of service reflects, John was a true entrepreneur who happily wore a number of different hats on a daily basis. Not only an avid businessman in the community, John was also a devoted member of St. Anthony's Catholic Church, participated in a number of fraternal organizations, served as Director of the Merced Trade Club, was a member of the Winton V.F.W. and was a Director of the California Bailbond Association of America. In addition to his extensive community service, John was also a member of the U.S. Marshals Posse, the Merced County Sheriffs Posse and Merced County Search and Rescue. He thoroughly enjoyed being a member of the Sheriff's Posse with his horse Blaze, with whom he traveled to Washington, DC to ride in the Presidential Inauguration Parade for President Bush.

Throughout their lifetime together, John and Madeline traveled to every State in the country, as well as a number of international destinations including Portugal, Mexico, Italy, Canada, Greece and France. Traveling was a

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

favorite pastime for John and Madeline, often venturing down an unknown road just to see where it would take them. In addition to his passion for travel, John's Portuguese heritage meant the world to him. He was a true historian of Portuguese information surrounding the Valley and was fond of attending any Festa he could.

John was preceded in death by his son, John Joseph Souza, Jr. He is survived by his loving wife of 57 years, Madeline; his son Thomas and daughter-in-law Molly; his son Daniel and daughter-in-law Julia; his grandsons Thomas John Souza, Jr. and Timothy Manuel Souza; his brother David Souza and sister Mamie Angelo; and numerous nieces and nephews. Madam Speaker, it is my distinct honor and privilege to join the Souza family and my hometown of Atwater in remembering my dear friend, John Joseph Souza. His life was dedicated to his family, friends and service to his community, and in his passing we have lost greatly.

TRIBUTE TO GEORGE GERARD

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize the extraordinary contributions of George Gerard and his auto mechanic team at Madison Auto Body Shop in Madison, Connecticut. Over the past 5 months, the Madison Auto Body Shop donated time, talent and resources to refurbishing a historic 9/11 Red Cross Emergency Response Vehicle, EVR, #1054.

On September 11, 2001, the Red Cross' ERV #1054 was one of the first vehicles on the recovery scene. Following a six-month service period of laborious cleanup duties, the vehicle fell into disrepair and was retired to the American Red Cross of South Central Connecticut in New Haven. In the fall of 2007, the New Haven Register ran an article, outlining the New Haven Red Cross chapter's hope for restoring ERV #1054, to use for local disaster response. George and the Madison Auto Body Shop team responded to the article, volunteering countless hours and resources, to refurbish the historic ERV #1054. Today with new, polished parts, everything down to the smallest screw, the ERV #1054 stands in pristine condition.

The Madison Auto Body team that worked on the ERV #1054's reconstruction was led by George Gerard and included Amanda Wigham, Jeff Tuthill, Ryan Dudley, Carlos Reva, Robert Rich, Ernie Bozza, Juan Roque, Augie Cozaeatal, and Fernando Sambreo.

Madam Speaker, on September 11, 2001, our world changed. We witnessed the worst of mankind, incited by destructive hatred. The destruction of the day, however, was eclipsed by the continuity of our Nation led by all American communities, large and small, from all demographics, from coast to coast. Today, our Nation remains stronger than ever, and efforts like those of the Madison Auto Body Shop remind us of this. I ask my colleagues to join with me and my constituents in recognizing their contributions.

HONORING THE LIFE OF ROSEMARY MARGARET FORAN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 2008

Mr. LARSON of Connecticut. Madam Speaker, it is with great pride and honor that I submit for the RECORD comments on the life of a great citizen of East Hartford, Connecticut.

Rosemary Margaret Foran passed away on April 5, 2008. She was a remarkable lady and the matriarch of an even more remarkable family. I've known the Forans all my life. They exemplify everything that is rich in the human experience, and they learned that from their mother, Rosemary, and their father, Tom.

The Kennedy family is known for its compound in Hyannisport, Massachusetts. Its rival in Connecticut is the Foran compound on Goodwin Street. The family Rosemary raised is at the heart of what makes the community of East Hartford a great place to live. The truth is without the vaunted Foran Legion, the Little League, the school system and town athletics in general would suffer. Rosemary and Tom raised a family of nine who gave back to the community more than they have ever received. For the first time in their lives the Forans are orphans, but the love and devotion of their mother and father live on and the Foran Legion continues to grow, and continues to give to our hometown of East Hartford in a way that has enriched all of our lives. Their oldest son, Tony, wrote this obituary for his brothers and sisters, which says it all:

[From the Hartford Courant]

On Saturday evening (April 5, 2008), the day of the ancient Sabbath, Rosemary Margaret (Donlon) Foran (80) fulfilled her baptismal promise, turned her spirit ship to home and leapt to celestial joy. She was born, raised, lived and died in East Hartford. She was the living embodiment of the thought that treasure is measured not in personal wealth but in the warmth of a home.

In that home and around that round table a family shared the smell of fresh baked bread, the sounds of babies cooing, the laughter of the carefree young with friends, the tears and sorrows of all as the siege that is life went on. She welcomed any and all to the round table, providing sustenance for the body, mind or soul as each one needed. A cup of tea, a bite to eat, an ear to listen or a hand to help, our daunting obstacles shrank around that table. "Bonitam, et Disciplinian, et Scientian, Doce Me, Domine." Life is a home.

Her nurturing skills were taught to her by her beloved mother and father, Mary Ellen (Berry) and Thomas J. Donlon, Sr. She in turn passed those nurturing skills on to her daughters-in-law, Lynne Masiuk (who predeceased her), June Jaskulka, Nikki Samela, Christine Niziankiewicz, Mary Jo Quinn, Marie Mullaney, Evelyn Owens, Rachel Elder, and Mary Margaret Maleskis, all of whom she loved as her own and who loved her with tenderness as if she was their own mother. Rosemary had many monikers in life, Blondie, Mame, Liz, Big Lou, Bun Pumpkin, Gramma, but none so dear as Ma

Before efficiency became important in the workplace, Rosemary had perfected this skill. With a brood of children that numbered nine, Anthony, Joseph (who predeceased her), Patrick, Stephen, Michael, Thomas, Gregory, Nicholas and her best friend, constant companion and unwavering advocate and caregiver, Mary Ellen, she managed every minute of her daily double shift. Every movement during her day was with purpose and a daily task to complete. The tasks were many for such a large family. And yet, her efficiency allowed for three meals a day for all. Thomas R. Foran, Sr., her sweetheart and husband (who also predeceased her) had lunch at the round table with Rosemary every day of his healthy life. He praised and flattered her with this inscription on a pizza board he made in 1963: "Charm is deceptive, Beauty fleeting, A good cook lives in a man's memory, From one meal to the next. Love, Tom. El Gourmet."

A special blessing came to Rosemary's table in 1998, with the arrival of her new and only son-in-law, C. Gary Knell, with whom she shared her home. Gary's work ethic matched in every way his new mother-in-law's. As Rosemary's health began to fail over the last five years, Gary became a sentry for her every need. Rosemary's earthly remains will be lovingly enclosed in a casket made by her son, Tom, and her son-in-law, Gary, wrapping her in the same love which she gave to all of her family.

The precious jewels of Gramma's life number 25, each and every one of them nurtured at the round table and on her knee: Daniel and his wife Becky, Gregory and his wife Tricia, Stephanie and her husband Eric Barrett, Kathryn and her husband Steve Borla, Michael and his wife Malinda, Matthew, Danielle and her fiancé Matthew Currey, Nicholas, Emily, Will, James, Joseph, Rosemary, Mary Ellen, Laura, Annie, Thomas, Katherine, Rebecca, Benjamin, Lynne, Sarah, Patrick, Stephen and Luke. Rosemary's DNA of love also runs in the veins of 6½ great grandchildren: MaKayla, Dylan, Michael, Matthew, Gavin, Devin and one soon to be born. She was blessed with many nephews and nieces of the Foran and Donlon families.

Rosemary, born on December 26, 1927, and graduated from Mount Saint Joseph's Academy in 1946, was the youngest of five children: Thomas J. Donlon, Jr. and John P. Donlon predeceased her; her sister Ann Rita Thayer and her brother Joseph G. Donlon will cherish her memory in the deep recess of their hearts. She also leaves beloved brothers-in-law, Nicholas A. Foran, Jr. and his wife, Doris, and John Foran and his wife, Pat, sisters-in-law, Mary "Bette" (Meskell) Foran, Mary (Sauve) Foran, Elizabeth (Anderson) Foran, and cousins Richard, Walter and Jack Foran.

When her children or grandchildren asked Rosemary about what gift she might like for a birthday or Christmas, her answer was always, "The grace of God and a holy and happy death." The Good God answered her prayer on Saturday evening, as she was enveloped in the web of love she created.

SENATE—*Monday, April 21, 2008*

The Senate met at 3 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, help us to have the right attitude. Keep us from pride that makes us think more highly of ourselves than we should. Save us from false modesty that sometimes moves us in the direction of evading responsibility. Instead, help us to think of ourselves, to think of others, and to think of You as we ought.

Inspire the Members of this body. Let them not be content to wait and see what will happen but give them the determination to make the right things happen. Give them the humility to know that no one has a monopoly on Your truth and that they need each other to discover Your guidance together.

We pray in the Name of the Light of the World. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 21, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks, there will be a period for the transaction of morning business. Senators will be allowed to speak for up to 10 minutes each. There will be no rollcall votes today because of the Passover holiday. Tomorrow at 12 noon, the Senate will vote on the motion to invoke cloture on the motion to proceed to S. 1315, the Veterans' Benefits Enhancement Act.

Tomorrow, in addition to the usual recess for the caucus luncheons from 12:30 p.m. to 2:15 p.m., the Senate will recess from 3:30 p.m. to 4:30 p.m. for the unveiling of Majority Leader Daschle's portrait. This is very traditional. We have done this for each majority leader. That will be from 3:30 p.m. to 4:30 p.m. tomorrow afternoon. I invite all Senators who wish to attend to make themselves available.

On Wednesday, the Senate will recess from 11 a.m. to 12 p.m. for the Dr. DeBakey Gold Medal ceremony in the Rotunda. Also on that same day, Admiral Mullen will brief us from 4 p.m. to 5:30 p.m. We will be in recess from 4 p.m. to 5 p.m. on Wednesday. There will be a briefing in room 407.

Again, tomorrow afternoon, we are going to, hopefully, invoke cloture on the veterans' benefits matter, and we will also have the unveiling of Senator Daschle's portrait. From 3:30 p.m. to 4:30 p.m., we will be in recess. On Wednesday, we will be in recess from 11 a.m. to 12 p.m. for the Dr. DeBakey Gold Medal ceremony and will be in recess from 4 p.m. to 5 p.m. on Wednesday for a Senators-only briefing by Admiral Mullen in room S-407. I hope this has allowed staff in the various offices to follow what we are doing.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

Mr. REID. Mr. President, maybe an hour ago, my wonderful assistant Janice Shelton said: I have bad news. I said: What is it, Janice? Carol Chadburn worked for me for many years. She was my scheduler. She was a wonderful woman. She was so happy. She loved to have parties at her home for staff. She came from Nevada. She was a legal secretary to my friend who then was an attorney and later became a justice on the Nevada Supreme Court for many years, 18 years. She came back here. Her husband was a labor leader. They moved back here from Nevada. He died within 18 months. He was dead. He was a young man. He just dropped dead. Carol kept their home in Centreville. It was a long drive back and forth for a long time working for me. She was such a hard worker and was so happy.

Many years after her husband died and her daughter returned to Nevada—she raised the girl here—she met a retired colonel, and they were married and moved to Florida. She had a wonderful—I don't know how many years it has been, maybe 8 years. Time goes fast. I don't know how long it has been.

Janice said to me: I was going to tell you last week that she had breast cancer and you should give her a call. She said she died yesterday. I feel very bad about that. She was such a good woman and worked so hard and found happiness. She was not an old woman—maybe 58, 59. I don't really know how old she was.

Every year, hundreds of thousands of women just like Carol are diagnosed with breast cancer. Breast cancer will strike approximately one in eight American women, and a new case is diagnosed every 2 minutes. We have made progress in breast cancer diagnosis and treatment, but we still do not know the cause. We do not know the cause. I don't really know if Carol died from lung cancer or breast cancer, but I want to direct my attention today to breast cancer.

Scientists have identified some risk factors. Those risk factors explain fewer than 30 percent of the cases. The Breast Cancer and Environmental Research Act that I started with Lincoln Chafee, a former Senator from Rhode Island, to establish a national strategy to study the possible connection between breast cancer and the environment would authorize funding for research.

Many people believe these cases of breast cancer have something to do with the changing environment. The resulting discoveries of this research could be critical to improving our knowledge of this complex illness, which could lead to better prevention, treatment, and maybe even one day a cure.

Although we first introduced this legislation in 2000, despite strong bipartisan support, Congress has yet to act and send this bill to President Bush. In the last session of Congress, the bill was reported out of the Health, Education, Labor and Pensions Committee, but one of our colleagues prevented final passage. This session, we worked in good faith to address concerns that may have been raised about this legislation. As a result, this legislation, the Breast Cancer and Environmental Research Act, was once again reported

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out of the HELP Committee and cosponsored by two-thirds of the Senators, Democrats and Republicans.

It is long past time for the Senate to take up this broadly supported bipartisan legislation. Too many women and their families have waited for so long. I agree with them, they waited far too long.

There are examples we can all give, as I talked about Carol, who died yesterday of cancer. In January 2007, Nevada lost a lifelong resident, somebody who worked so hard on this issue. Her name was Deanna Wright Jensen. She was a lobbyist without pay. She just thought something should be done. She thought something in the environment was causing this illness. I don't know if she was right, but we should find out. Many people agree with her. Scientists agree with her. Even as she was enduring a grueling regimen of radiation and chemotherapy, she continued to remind me and my staff through e-mails and letters about the importance of this legislation. In Deanna's words, passing the Breast Cancer and Environmental Research Act is a real opportunity for Congress to "step up for women and breast cancer." For her, it is too late. She did not want others to have a similar fate.

One person, one Senator is holding up this legislation. That is why I will be asking unanimous consent—I am not going to do it now. We do not have a Republican on the floor. But I told staff I am going to come back at 3:30 p.m. or thereafter. The Republicans have had adequate notice. I cannot make the entire Senate schedule convenient for one Senator who is objecting, causing this problem for all the Senate.

It is time to offer more than words of encouragement to those affected by breast cancers. Our wives, sisters, mothers, daughters, and friends have waited far too long. I am going to come back maybe at 3:30 p.m., maybe at 3:45 p.m., but I am going to come back and ask unanimous consent to take up this bill, and the Republicans are going to have to object to it if they are going to follow the lead of one person holding up this legislation.

Why, Mr. President? Why can't we take up this bill? Why wouldn't the minority go along with this effort? That is my concern.

VETERANS' BENEFITS ENHANCEMENT ACT

Mr. REID. Mr. President, in a similar vein, 9 months ago, in August of last year, the Senate Veterans' Affairs Committee reported the Veterans' Benefits Enhancement Act to the Senate floor.

Today, there are about 150,000 young Americans serving, sacrificing, and suffering in Iraq. This legislation, which is on the Senate floor today—we are trying to get it so we can debate this bill—would provide much needed and long overdue benefits for veterans young and old.

This legislation on which we had to file cloture—here it is: Republican filibusters, 66 and still counting. They are going up, it seems, a couple times a week. It is hard to comprehend, but we have had to file cloture on allowing the Senate to proceed to debate on an issue of this importance. We should have gone to it Thursday night. No, we had to file cloture on it. We are going to vote on cloture tomorrow, and then, if we get cloture, they will make us use the 30 hours, waste the 30 hours, just eat up time.

This bill has 38 provisions and 8 titles, all extremely important. It expands eligibility for traumatic injury insurance, extends eligibility for specially adapted housing benefits to veterans who have been burned severely. As the Presiding Officer knows, those improvised explosive devices cause infernos, and people are burned often. The bill increases benefits for veterans pursuing apprenticeships or on-the-job training programs. It restores veteran status to Filipino veterans who served under U.S. command during World War II. As I mentioned last Friday, all one needs to do is watch the Tom Hanks World War II series, and you can see what the Filipinos did for us side by side in fighting the Japanese during World War II. We want them to have the benefits that are so long overdue.

We have had to file cloture and break filibusters 66 times. The prior record was 57 or 58 in a single Congress; that is 2 years. They broke that before Christmas last year. They did it in far less than a year. They broke the 2-year record.

America's commitment to the men and women who have served in uniform must never waver. At a time when one in five young men and women returns from Iraq and Afghanistan with post-traumatic stress disorders and other psychological problems, this legislation should have come to the Senate floor with no delay. At a time when tens of thousands of our troops are returning from war with wounds, many of them grievous, this legislation should have passed overwhelmingly, if not unanimously.

On many days, there is a tour guide in the Capitol who, when he spots a veteran in one of the tours, talks with them, and he has a little thing that we sign, and many times he brings them by my office.

I have seen, at Walter Reed and in my office, what this war has done to our troops' bodies. I have had a chance to visit with these young men and women, after they have been to war and come back, out of Walter Reed—sometimes temporarily, sometimes permanently. They are still teenagers. I have seen their scars. I have heard how their lives have been changed. I asked them, talked to them in detail: How did you get hurt?

The last one who was in, I said: How long were you in the vehicle?

He said: Twenty seconds. Went from the house, jumped in the vehicle—it blew up almost immediately.

He is hurt; lost his leg above his knee. He had scars that you could see on the one where he has a whole leg. He showed me the scars on that. He said it causes him more trouble than the one that is missing.

No matter what position we take on the war in Iraq, we should all agree on providing for these veterans and those who wore the uniform before them. That is a solemn responsibility we have now. This act we are trying to get on the Senate floor now helps fulfill the responsibility we have as Senators.

Every Senator has a right to oppose this legislation or try to change it. In my time as majority leader, I have tried to work with the Republican leader to reach consensus on legislation on which minority Members have objections. I have made repeated efforts to try to do so on the Veterans Benefits Enhancement Act. I am told my Republican counterparts—if the Republican side of the aisle doesn't like this, let's legislate it and take parts of it out. Unfortunately, the Republican leader has not responded positively. As a result, I was forced Thursday night to file cloture on the motion to proceed simply so we could start debating this legislation.

I would have preferred not to have had to file cloture. I wish we could just move forward on it, as we have wanted to do 65 other times. But when legislation to honor and care for our veterans languishes for 9 months because Republicans are unwilling to work with us or just simply legislate, I have no other choice. As dedicated Government watchers and C–SPAN watchers know, this is far from the first time the Republican minority has rejected our good-faith efforts on reaching compromise. Time and time again they have chosen obstruction over negotiation.

It seems to me what the Republicans want is a graveyard of no progress. We are going to continue to fight. We are going to do everything we can to get this legislation passed. We believe there should be progress; filing cloture as we have had to do is going to help us get progress. It is going to be slow, but we are going to continue doing it.

It seems in times like this our Republican friends would rather we accomplish nothing. Maybe they see political advantage in slow-walking. But the American people are left to suffer for their actions.

Some may not like provisions in the Veterans Benefits Enhancement Act. Let them move to change them. Some say: If it weren't for the Filipino veterans, we would allow you to move to this bill. Filipino veterans—they fought alongside U.S. troops during World War II. I do not think the valor of these Filipino troops should be questioned. These troops may have been born on foreign soil, but they served shoulder to shoulder under one flag, our flag, the American flag. It is our moral obligation to recognize the reward they are due. It is long past time we do so.

It is time for our Republican colleagues to choose. Will they stand in lockstep with an obstinate few, intent on dragging their heels on the care and support our veterans need? I hope not. We need just nine Republicans to join with us.

As you know, Mr. President, there are 51 of us. We need 9 of them to get to 60. I hope there are surely nine Republicans willing to stand on the side of our veterans, our troops. Tomorrow we will have a chance to pass the Veterans Benefits Extension Act. I extend my hand once more to the Republican leader and all my colleagues in the minority. If they would end their needless obstruction, we could get on this legislation today. We would deliver an important victory to the men and women who have served us—and will serve us today—with courage, valor, and distinction.

UNANIMOUS-CONSENT REQUEST—S. 579

Mr. REID. I know there are some of my Republican friends on the floor, so I am going to ask unanimous consent now on the request I made, the Breast Cancer and Environmental Research Act.

Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 628, S. 579, the Breast Cancer Environmental Research Act, the committee-reported substitute be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed at the appropriate place in the RECORD as if read, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Arizona is recognized.

Mr. KYL. Mr. President, on behalf of Senator COBURN, there is objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I now ask unanimous consent the Senate proceed to consideration of the same legislation, S. 579, the Breast Cancer and Environmental Research Act, at a time to be determined by the majority leader, following consultation with the Republican leader, and the bill be considered under the following limitations: that other than the committee-reported substitute, the only first-degree amendments be four amendments, two for each leader; these amendments be relevant to the provisions of the underlying bill and substitute, there be a time limit of 1 hour for general debate on the bill, and 1 hour on each amendment with all time equally divided and controlled between the leaders or their designees; that upon the disposition of all amendments, the use or yielding back of time, the substitute, as amended, if amended, be agreed to, and the bill, as amended, be read a third time with no further intervening action or debate, and the Senate proceed to vote on passage of the bill as amended, if amended.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, on behalf of Senator COBURN, there is an objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from North Carolina is recognized.

VETERANS BENEFITS ENHANCEMENT ACT

Mr. BURR. Mr. President, I would like to ask the majority leader before he leaves the floor—I know he has a very busy schedule—the majority leader alluded to a bill on which we will take up a cloture motion tomorrow. I want the majority leader to know before he leaves the floor that the only thing that is contentious in the veterans bill that he has referred to is a new special pension that has been created in this bill of $300 to Filipino veterans who live in the Philippines, who have no service-connected injuries. If that were stripped from the bill, then this bill is one that I believe we could pass by unanimous consent on the Senate floor.

In the absence of that——

Mr. REID. Will the Senator yield for a question?

Mr. BURR. I am happy to yield for a question.

Mr. REID. I say to my friend, the distinguished Senator from North Carolina, I understand. I mentioned that in my prepared remarks, that people have a problem with that. But I say to my friend, we should go on the bill. If people don't like that, offer an amendment, and we will debate that, vote on it, and go about our way. I think that would be such a good way to do this.

Some of us feel very strongly about these Filipino veterans, as you know. I have mentioned this before. They fought valiantly. All you need to do to prove that is to see what happened in the Tom Hanks movie.

I would also say to my friend that we need to do something about this. The average age of one of these Filipinos is about 84 years now. It is not as if we are breaking the bank to help these people who fought side by side with us. I understand the concern of my friend, but I suggest, let's move to the bill, offer an amendment, it can be the first amendment. We will have you offer the first amendment, or whoever wants to.

Mr. BURR. Let me assure the majority leader, as ranking member of the committee, I do not intend to vote against cloture. I intend to proceed to the bill. I intend to offer an amendment that strips out the provision of $300 of a special pension that I think prioritizes that group above our veterans who are coming back. My amendment would hold everything else in Senator AKAKA's bill in place, but we would also make additions by using that $21 million for additional funding for our troops who are coming out of Afghanistan and Iraq.

I hope the majority leader would at least consider voting for my amendment when it comes up. We have a rich history on this issue. It starts with the conclusion of the Second World War, when the United States made some very important gifts to the Philippines—the total of two hospitals, equipment, grants to rebuild the Philippines—to make sure those who served were in fact taken care of.

I might also add for the majority leader, incorporated into Senator AKAKA's bill, which is a very good bill on balance, there is only one area that we have any problems with. We hold intact those Filipino veterans who are in the United States receiving full VA benefits. Those who are outside the United States, living in the Philippines but with service-connected injuries, they receive compensation. It is those who live outside the United States, in the Philippines, with no service-connected injury whatsoever, that creating a special pension is not the right thing to do, as we have troops who are coming back at this time.

I pledge to the majority leader my willingness to move forward to consideration of the bill—to have a spirited debate, I am sure, but clearly to try to address what I think are the priorities, or should be the priorities, of this Senate, and that is to focus on our troops.

Mr. REID. Mr. President, if I could just say to my friend, I do not in any way question the seriousness of my friend's concern. The Senator asked me would I consider it? Sure, I will be happy to consider it. But let me just say this: Part of mine is basic frustration; that is, why in the world would we have to file cloture on a motion to proceed to this bill? It happens so many times. It is something that has not happened very much in the past, and now it happens on every piece of legislation.

Again, it sounds like we agree on this legislation. Why could we not just move to it and save the 30 hours and all the wasted time on filing this motion?

Understand, I am not at all upset at my friend for having a concern about this bill—not whatsoever. I just am frustrated with the need to have to file cloture to proceed to the bill.

Mr. BURR. I share the leader's frustration and do not think, in that case, cloture was necessary. But with the restrictions that are placed on me as ranking member, that I can only agree to a bill if there are no amendments and there is a limit set of debate time and I have to speak for 48 others who might not share that limited debate time or a set amount of amendments, I think the leader knows that is something that is impossible for me to do and impossible for me to suggest to my leadership.

Mr. REID. Mr. President, I would just go back and say what I said earlier. We have suggested over the 9 months there be limited amendments, there be relevant amendments. We are not there. We cannot go back where we want to be. We are where we are.

I hope we would not even need to do the vote tomorrow at 12 noon. I hope maybe you can talk to your folks and we can start legislating this bill in the morning. That would be the best thing to do because we have a lot to do. I ask my friend to check that out and maybe that is something we can do.

Anyway, I am glad you are here. I appreciate your concern for the bill—part of it. I know you are not the only person who is concerned about that. I know that. But I repeat, there is a thing we call offering an amendment. You have one ready to go, and I will look forward to debating that amendment.

Mr. BURR. I have had the amendment ready to go for months. I think it is a shame the majority in the committee was not willing to talk about any changes to the bill. Now I think we are to a point where it is healthy for the Senate in total to debate the merits and priorities of our country.

Were Filipino veterans promised a VA benefit? According to all the information I have researched and the information provided in 1998 at a congressional hearing with the Department of the Army—it examined its holdings of the Douglas MacArthur and President Franklin Roosevelt papers and found no references by either of those wartime leaders to postwar benefits for Filipino veterans.

Let me be very specific. This bill, S. 1315, does two things: No. 1, it enhances some benefits for our veterans. I think that receives unanimous support in the Senate. But, two, it diverts $221 million over the next 10 years to create a special pension for a very specific slice of Filipino veterans, those who live in the Philippines, those who had no service-connected injury, those who have gone post the war with the understanding that the United States stepped in by gifting two hospitals, by gifting medical equipment, by gifting everything, and rebuilding the Philippines.

At a time of war where we are fighting on two fronts, Afghanistan and Iraq, I believe the important thing and prudent thing is to take the $221 million, over 10 years, and devote it to our men and women who are coming out of combat. S. 1315 has the wrong priorities. So I put together a substitute proposal, S. 2640. I will offer that as an amendment at the appropriate point in the debate.

In that bill, we do one specific thing: We increase what is in S. 1315, minus the special pensions, and we propose increasing housing grants for profoundly disabled veterans who need their homes modified to accommodate their disabilities; we increase the auto grants for profoundly disabled veterans who need that freedom of the platform, the platform for mobility to live independently; it improves the education benefits for our Guard and Reserves; it increases the burial benefits to lessen the financial burden on families of deceased veterans.

I did not come over today to debate the merits of S. 1350. I see the chairman, Chairman AKAKA, is here. The chairman has known since last year that I had problems with that portion of the bill, and we have tried to work out the differences. But as I said earlier, for it to be communicated that we have reached this point because of stall and delay and because we are against things, it is flatly wrong. I am for 99 percent of the bill. Drop the part that prioritizes someone else in front of our veterans, and I am ready to go forward, I am ready to pass it by unanimous consent.

But by the same token, I believe when given the responsibility to make sure our veterans are taken care of, to make sure that those with severe disabilities are taken care of, to devote $221 million to a new special pension, I believe, is the wrong priority at this point in time.

I believe we should look at the history and find out: Did we make a commitment? Well, I cannot find that. I cannot find where we promised somebody something we have not fulfilled. Tomorrow, I will take the opportunity to go through a very indepth bit of research, not just done by me but done over the years that goes back to 1946 in great detail; looks at what the promises were that were made by the United States; but, more importantly, again, the generosity already displayed by this country to the Philippines to reward them for their participation, and by the way, our help to liberate their country from the siege of an enemy.

I am convinced the right thing to do is to prioritize that $221 million for our troops, for our kids from Afghanistan, for our kids from Iraq, to make sure that those who have paid a sacrifice, and in some cases the ultimate sacrifice, are the beneficiaries of this money.

I am committed to come to the floor and debate, as I have made a promise to the chairman. I am not going to block the motion to proceed. By the same token, I am not going to vote for limiting the amount of time Members want to spend on this because I think it is too important. Our veterans deserve as much time as it takes for us to debate where our priorities on money are. If at the end of the day this body votes we send it in the form of a special pension to Filipinos in the Philippines who have no service-connected injury, I will live with that.

But I will not live with it by agreeing to less than the amount of time that is needed to debate an issue about the future of our kids, our service personnel, the men and women who put on a uniform and risk their lives every day. I believe they should sit at the top of the list. And S. 1315 does not put them there. S. 1315 puts at the top of the list a new special pension program for people who have never had a service-connected injury.

I am as sympathetic to those who fall into the category of having helped us. I might mention again, the Filipinos who live in the United States who fought in the Philippines for us, we take care of; we have integrated them fully into the Veterans' Administration. They receive every service our veterans do. To those Filipinos who live in the Philippines who have service-connected injuries, we have made sure compensation is in this bill to take care of them.

But for those who do not have service-connected injuries, I cannot see where they fit at the top of the list of $221 million and our kids go below it, as it relates to what they need for the severely disabled injuries they have been faced with.

I have a number of soldiers in North Carolina, at least they are stationed in North Carolina, that fall into this category. When we see Eric Edmundson's family spend $47,000 on a van, and $14,000 of that comes out-of-pocket, I have to ask: Where are our priorities? Where are the priorities of the Congress in defense of these kids? Well, they are in $221 million getting ready to go to the Philippines. That is where they are. That is the debate we are going to have over the next several days. If it takes a week or if it takes a month, then we will have that debate.

At some point, we will take a vote. I believe the American people will see the advantage, the need, to make sure the No. 1 priority is our kids in uniform, our veterans who come back who will be serviced by this very important piece of legislation.

I am committed to Chairman AKAKA that once we can dispose of the issue of this special pension, I am more than willing to vote for the rest of the bill because it is a good bill. It brings some needed benefits to our veterans.

It never should have been locked up for the length of period this was. But make no mistake about it, no matter how good a bill is, if you want to structure it in a way that debate does not flourish in the Senate, then we have done an injustice to the American people. The most deliberative body in the world is supposed to be one that you are not corralled into agreeing to a certain amount of time to debate on an issue; it is where everybody's voice is heard, it is where every bit of information about an issue can be presented. It is where charts can display what words cannot explain.

That is what the next several days will be about with S. 1315. I am convinced that at the end of this process, not only will Members in this body be enlightened by what we are able to talk about, but the American people will be enlightened, and hopefully this body will vote, hopefully in the majority way, that the priority, the No. 1 priority is our men and women in uniform when they come home.

VETERANS BENEFITS ENHANCEMENT ACT OF 2007

Mr. AKAKA. Mr. President, I urge my colleagues to support consideration of S. 1315, as reported by the Committee on Veterans' Affairs, the proposed Veterans Benefits Enhancement Act of 2007. This is a comprehensive bill that would improve benefits and services for veterans, both young and old, and it should be debated and voted on.

I believe that a brief recap of how we came to seek cloture on this veterans bill would be helpful in assisting my colleagues in their deliberation on cloture.

Last June the committee held a markup during which the then-ranking member, the Senator from Idaho, offered an amendment that would have modified a provision of the bill relating to Filipino veterans of World War II. This amendment would have reduced the amount of pension that Filipino veterans residing in the Philippines would receive.

I stress that the amendment was not to eliminate pension benefits for these veterans from the bill entirely—it was merely to reduce the benefit in line with what the Senator from Idaho viewed as appropriate. I disagreed with his assessment and we debated the issue. Ultimately, his amendment was not adopted.

As that markup concluded, the Senator from Idaho noted that he intended to bring his amendment regarding the pension issue to the floor during consideration of S. 1315, a step I certainly understood and accepted.

The report on S. 1315 was filed in August and I expected that it would come to the floor in September. However, there was an unexpected change in the committee's Republican leadership in early September, with the Senator from Idaho being replaced by the Senator from North Carolina. I did not push for consideration of S. 1315 while the new ranking member took over the responsibilities of the position.

When in October, committee staff began, at my direction, to seek agreement for the bill to be brought to the floor, those efforts were not successful.

Later in the fall, despite his suggestion that there was need for debate, the former ranking member curiously objected to my attempt to gain unanimous consent to debate the bill. I wrote to my colleague in an attempt to find a middle ground between the level of pension benefits in the bill as reported, and the level that he had sought during the June markup.

On December 13, 2007, I received a letter from the former ranking member that indicated that he did not feel that we were far apart from finding a compromise on the bill, and that he looked forward to working with me to gain final passage.

However, my optimism was shortlived. On that same day, the majority staff received a counteroffer from the minority staff, on behalf of the committee's new ranking member, the Senator from North Carolina, which proposed to entirely eliminate pension benefits for Filipino veterans residing in the Philippines from the bill.

Shortly thereafter, I was surprised to learn that this counteroffer was embraced by the committee's former ranking member—rendering his offer to negotiate null and void.

Additional efforts earlier this year to find a compromise or, at a minimum, to enter into an agreement for debate, were again rejected.

Now, after over 7 months of obstruction in bringing this bill to the floor, we have to resort to a cloture vote on the motion to proceed to the bill, an action unprecedented in the history of the Veterans' Affairs Committee.

I am dismayed that, along with the Filipino veterans provisions included in the bill, a number of other worthy provisions have not been enacted because of obstruction by the minority.

Among other things, S. 1315, as reported, would: Establish a new program of insurance for service-connected veterans; expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program; increase the maximum amount of veterans mortgage life insurance that a service-connected disabled veteran may purchase; recognize that individuals with severe burn injuries need specially adapted housing benefits; and extend for 2 years the monthly educational assistance allowance for apprenticeship or other on-the-job training.

This is by no means a comprehensive recitation of the 8 titles and 38 provisions that are in this omnibus legislation. However, I hope it gives our colleagues an overview of the types of benefits that servicemembers and veterans stand to gain by passage of this legislation.

I ask our colleagues to vote in favor of cloture so as to bring this measure to the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

SADDAM HUSSEIN AND AL-QAIDA

Mr. KYL. Mr. President, it has been commonplace for critics of the war in Iraq to minimize, if not actually dismiss entirely, the links between Saddam Hussein and terrorists generally and al-Qaida specifically. This is part of a systematic effort by some, especially now that there are irrefutable signs of progress from the military surge in Iraq, to change the narrative on the war. Instead of debating the way forward, they prefer instead to relitigate the past. In fact, earlier this month the distinguished majority leader stated:

> Prior to the invasion of Iraq, there was not a terrorist in Iraq. And now, of course, there are lots of them.

It is true that there are a lot of terrorists in Iraq which, of course, is the reason why we are still there fighting them and need to stay there until they are defeated. But it is not true that there were no terrorists in Iraq prior to our invasion. In fact, Saddam's ties to terrorists are well known and were confirmed yet again in a recent report commissioned by the Pentagon's Joint Forces Command. This report found that Saddam Hussein actively supported and financed terrorist activities during the years he controlled Iraq. The report, entitled "Iraqi Perspectives Project: Saddam and Terrorism: Emerging Insights from Captured Iraqi Documents," was released on March 13. It was the product of the analysis of over 600,000 documents captured in Iraq since 2003. It concluded that Saddam's security forces and Osama bin Laden's terrorist network "operated with similar aims (at least in the short term)."

According to the report:

> Though the execution of Iraqi terror plots was not always successful, evidence shows that Saddam's use of terrorist tactics and his support for terrorist groups remained strong up until the collapse of his regime.

The report found that Saddam Hussein worked with several different terrorist groups, including groups with direct ties to al-Qaida. Many were engaged in a jihad against the United States and its allies. It wasn't necessary to read with excruciating detail the entire 1,600-page report to find proof of these links; all of the above was available for all to see in the brief abstract that accompanied the report.

Stephen Hayes offers extensive analysis of the entire report by the Joint Forces Command in the Weekly Standard magazine on March 24, 2008.

I ask unanimous consent to have his article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Weekly Standard, Mar. 24, 2008]

SADDAM'S DANGEROUS FRIENDS: WHAT A PENTAGON REVIEW OF 600,000 IRAQI DOCUMENTS TELLS US

(By Stephen F. Hayes)

This ought to be big news. Throughout the early and mid-1990s, Saddam Hussein actively supported an influential terrorist group headed by the man who is now al Qaeda's second-in-command, according to an exhaustive study issued last week by the Pentagon. "Saddam supported groups that either associated directly with al Qaeda (such as the Egyptian Islamic Jihad, led at one time by bin Laden's deputy, Ayman al-Zawahiri) or that generally shared al Qaeda's stated goals and objectives." According to the Pentagon study, Egyptian Islamic Jihad was one of many jihadist groups that Iraq's former dictator funded, trained, equipped, and armed.

The study was commissioned by the Joint Forces Command in Norfolk, Virginia, and produced by analysts at the Institute for Defense Analyses, a federally funded military think tank. It is entitled "Iraqi Perspectives Project: Saddam and Terrorism: Emerging Insights from Captured Iraqi Documents." The study is based on a review of some 600,000 documents captured in postwar Iraq. Those "documents" include letters, memos, computer files, audiotapes, and videotapes produced by Saddam Hussein's regime, especially his intelligence services. The analysis section of the study covers 59 pages. The appendices, which include copies of some of the captured documents and translations, put the entire study at approximately 1,600 pages.

An abstract that describes the study reads, in part:

> Because Saddam's security organizations and Osama bin Laden's terrorist network operated with similar aims (at least in the short term), considerable overlap was inevitable when monitoring, contacting, financing, and training the same outside groups. This created both the appearance of and, in some way, a 'de facto' link between the organizations. At times, these organizations would work together in pursuit of shared goals but still maintain their autonomy and independence because of innate caution and mutual distrust. Though the execution of Iraqi terror plots was not always successful, evidence shows that Saddam's use of terrorist tactics and his support for terrorist groups remained strong up until the collapse of the regime."

Among the study's other notable findings:

In 1993, as Osama bin Laden's fighters battled Americans in Somalia, Saddam Hussein personally ordered the formation of an Iraqi terrorist group to join the battle there.

For more than two decades, the Iraqi regime trained non-Iraqi jihadists in training camps throughout Iraq.

According to a 1993 internal Iraqi intelligence memo, the regime was supporting a secret Islamic Palestinian organization dedicated to "armed jihad against the Americans and Western interests."

In the 1990s, Iraq's military intelligence directorate trained and equipped "Sudanese fighters."

In 1998, the Iraqi regime offered "financial and moral support" to a new group of jihadists in Kurdish-controlled northern Iraq.

In 2002, the year before the war began, the Iraqi regime hosted in Iraq a series of 13 conferences for non-Iraqi jihadist groups.

That same year, a branch of the Iraqi Intelligence Service (IIS) issued hundreds of Iraqi passports for known terrorists.

There is much, much more. Documents reveal that the regime stockpiled bombmaking materials in Iraqi embassies around the world and targeted Western journalists for assassination. In July 2001, an Iraqi Intelligence agent described an al Qaeda affiliate in Bahrain, the Army of Muhammad, as "under the wings of bin Laden." Although the organization "is an offshoot of bin Laden," the fact that it has a different name "can be a way of camouflaging the organization." The agent is told to deal with the al Qaeda group according to "priorities previously established."

In describing the relations between the Army of Muhammad and the Iraqi regime, the authors of the Pentagon study come to this conclusion: "Captured documents reveal that the regime was willing to co-opt or support organizations it knew to be part of al Qaeda—as long as that organization's near-term goals supported Saddam's long-term vision."

As I said, this ought to be big news. And, in a way, it was. A headline in the New York Times, a cursory item in the Washington Post, and stories on NPR and ABC News reported that the study showed no links between al Qaeda and Saddam Hussein.

How can a study offering an unprecedented look into the closed regime of a brutal dictator, with over 1,600 pages of "strong evidence that links the regime of Saddam Hussein to regional and global terrorism," in the words of its authors, receive a wave-of-the-hand dismissal from America's most prestigious news outlets? All it took was a leak to a gullible reporter, one misleading line in the study's executive summary, a boneheaded Pentagon press office, an incompetent White House, and widespread journalistic negligence.

On Monday, March 10, 2008, Warren P. Strobel, a reporter from the McClatchy News Service first reported that the new Pentagon study was coming. "An exhaustive review of more than 600,000 Iraqi documents that were captured after the 2003 U.S. invasion has found no evidence that Saddam Hussein's regime had any operational links with Osama bin Laden's al Qaida terrorist network." McClatchy is a newspaper chain that serves many of America's largest cities. The national security reporters in its Washington bureau have earned a reputation as reliable outlets for anti-Bush administration spin on intelligence. Strobel quoted a "U.S. official familiar with the report" who told him that the search of Iraqi documents yielded no evidence of a "direct operational link" between Iraq and al Qaeda. Strobel used the rest of the article to attempt to demonstrate that this undermined the Bush administration's prewar claims with regard to Iraq and terrorism.

With the study not scheduled for release for two more days, this article shaped subsequent coverage, which was no doubt the leaker's purpose. Stories from other media outlets tracked McClatchy very closely but began to incorporate a highly misleading phrase taken from the executive summary: "This study found no 'smoking gun' (i.e. direct connection) between Saddam's Iraq and al Qaeda." This is how the Washington Post wrote it up:

> An examination of more than 600,000 Iraqi documents, audio and video records collected by U.S. forces since the March 2003 invasion has concluded that there is 'no smoking gun' supporting the Bush administration's prewar assertion of an 'operational relationship' between Saddam Hussein and the al-Qaeda terrorist network, sources familiar with the study said."

Much of the confusion might have been avoided if the Bush administration had done anything to promote the study. An early version of the Pentagon study was provided to National Security Adviser Steve Hadley more than a year ago, before November 2006. In recent weeks, as the Pentagon handled the rollout of the study, Hadley was tasked with briefing President Bush and Vice President Dick Cheney. It's unclear whether he shared the study with President Bush, and NSC officials did not respond to repeated requests for comment. But sources close to Cheney say the vice president was blindsided.

After the erroneous report from McClatchy, two officials involved with the study became very concerned about the misreporting of its contents. One of them said in an interview that he found the media coverage of the study "disappointing." Another, James Lacey, expressed his concern in an email to Karen Finn in the Pentagon press office, who was handling the rollout of the study. On Tuesday, the day before it was scheduled for release, Lacey wrote: "1. The story has been leaked. 2. ABC News is doing a story based on the executive summary tonight. 3. The Washington Post is doing a story based on rumors they heard from ABC News. The document is being misrepresented. I recommend we put [it] out and on a website immediately."

Finn declined, saying that members of Congress had not been told the study was coming. "Despite the leak, there are Congressional notifications and then an official public release. This should not be posted on the web until these actions are complete."

Still under the misimpression that the Pentagon study undermined the case for war, McClatchy's Warren Strobel saw this bureaucratic infighting as a conspiracy to suppress the study:

> The Pentagon on Wednesday canceled plans for broad public release of a study that found no pre-Iraq war link between late Iraqi President Saddam Hussein and the al Qaida terrorist network. . . . The reversal highlighted the politically sensitive nature of its conclusions, which were first reported Monday by McClatchy.
>
> In making their case for invading Iraq in 2002 and 2003, President Bush and his top national security aides claimed that Saddam's regime had ties to Osama bin Laden's al Qaida terrorist network.
>
> But the study, based on more than 600,000 captured documents, including audio and

video files, found that while Saddam sponsored terrorism, particularly against opponents of his regime and against Israel, there was no evidence of an al Qaida link.

An examination of the rest of the study makes the White House decision to ignore the Pentagon study even more curious. The first section explores "Terror as an Instrument of State Power" and describes documents detailing Fedayeen Saddam terrorist training camps in Iraq. Graduates of the terror training camps would be dispatched to sensitive sites to carry out their assassinations and bombings. In May 1999, the regime plotted an operation code named "Blessed July" in which the top graduates of the terrorist training courses would be sent to London, Iran, and Kurdistan to conduct assassinations and bombings.

A separate set of documents presents, according to the Pentagon study, "evidence of logistical preparation for terrorist operations in other nations, including those in the West." In one letter, a director of the Iraqi Intelligence Service (IIS) responds to a request from Saddam for an inventory of weapons stockpiled in Iraqi embassies throughout the world. The terrorist tools include missile launchers and missiles, "American missile launchers," explosive materials, TNT, plastic explosive charges, Kalashnikov rifles, and "booby-trapped suitcases."

The July 2002 Iraqi memo describes how these weapons were distributed to the operatives in embassies.

Between the year 2000 and 2002 explosive materials were transported to embassies outside Iraq for special work, upon the approval of the Director of the Iraqi Intelligence Service. The responsibility for these materials is in the hands of heads of stations. Some of these materials were transported in the political mail carriers [Diplomatic Pouch]. Some of these materials were transported by car in booby-trapped briefcases.

Saddam also recruited non-Iraqi jihadists to serve as suicide bombers on behalf of the Iraqi regime. According to the study, captured documents "indicate that as early as January 1998, the scheduling of suicide volunteers was routine enough to warrant not only a national-level policy letter but a formal schedule—during summer vacation—built around maximizing availability of Arab citizens in Iraq on Saddam-funded scholarships."

The second section of the Pentagon study concerns "State Relationships with Terrorist Groups." An IIS document dated March 18, 1993, lists nine terrorist "organizations that our agency [IIS] cooperates with and have relations with various elements in many parts of the Arab world and who also have the expertise to carry out assignments" on behalf of the regime. Several well-known Palestinian terrorist organizations make the list, including Abu Nidal's Fatah-Revolutionary Council and Abu Abbas's Palestinian Liberation Front. Another group, the secret "Renewal and Jihad Organization" is described this way in the Iraqi memo:

It believes in armed jihad against the Americans and Western interests. They also believe our leader [Saddam Hussein], may God protect him, is the true leader in the war against the infidels. The organization's leaders live in Jordan when they visited Iraq two months ago they demonstrated a willingness to carry out operations against American interests at any time."

Other groups listed in the Iraqi memo include the "Islamic Scholars Group" and the "Pakistan Scholars Group."

There are two terrorist organizations on the Iraqi Intelligence list that deserve special consideration: the Afghani Islamic Party of Gulbuddin Hekmatyar and the Egyptian Islamic Jihad of Ayman al Zawahiri.

This IIS document provides this description of the Afghani Islamic Party:

It was founded in 1974 when its leader [Gulbuddin Hekmatyar] escaped from Afghanistan to Pakistan. It is considered one of the extreme political religious movements against the West, and one of the strongest Sunni parties in Afghanistan. The organization relies on financial support from Iraq and we have had good relations with Hikmatyar since 1989.

In his book Holy War, Inc., Peter Bergen, a terrorism analyst who has long been skeptical of Iraq-al Qaeda connections, describes Hekmatyar as Osama bin Laden's "alter ego." Bergen writes: "Bin Laden and Hekmatyar worked closely together. During the early 1990s al-Qaeda's training camps in the Khost region of eastern Afghanistan were situated in an area controlled by Hekmatyar's party."

It's worth dwelling for a moment on that set of facts. An internal Iraqi Intelligence document reports that Iraqis have "good relations" with Hekmatyar and that his organization "relies on financial support from Iraq." At precisely the same time, Hekmatyar "worked closely" with Osama bin Laden and his Afghani Islamic Party hosted "al Qaeda's terrorist training camps" in eastern Afghanistan.

The IIS document also reveals that Saddam was funding another close ally of bin Laden, the EIJ organization of Ayman al Zawahiri.

In a meeting in the Sudan we agreed to renew our relations with the Islamic Jihad Organization in Egypt. Our information on the group is as follows:

It was established in 1979.

Its goal is to apply the Islamic shari'a law and establish Islamic rule.

It is considered one of the most brutal Egyptian organizations. It carried out numerous successful operations, including the assassination of [Egyptian President Anwar] Sadat.

We have previously met with the organization's representative and we agreed on a plan to carry out commando operations against the Egyptian regime.

Zawahiri arrived in Afghanistan in the mid-1980s, and "from the start he concentrated his efforts on getting close to bin Laden," according to Lawrence Wright, in The Looming Tower. The leaders of EIJ quickly became leaders of bin Laden's organizations. "He soon succeeded in placing trusted members of Islamic Jihad in key positions around bin Laden," Wright reported in the definitive profile of Zawahiri, published in the New Yorker in September 2002. "According to the Islamist attorney Montasser al-Zayat, 'Zawahiri completely controlled bin Laden. The largest share of bin Laden's financial support went to Zawahiri and the Jihad organization.''

Later, Wright describes the founding of al Qaeda.

Toward the end of 1989, a meeting took place in the Afghan town of Khost at a mujahideen camp. A Sudanese fighter named Jamal al-Fadl was among the participants, and he later testified about the event in a New York courtroom during one of the trials connected with the 1998 bombing of the American embassies in East Africa. According to Fadl, the meeting was attended by ten men—four or five of them Egyptians, including Zawahiri. Fadl told the court that the chairman of the meeting, an Iraqi known as Abu Ayoub, proposed the formation of a new organization that would wage jihad beyond the borders of Afghanistan. There was some dispute about the name, but ultimately the new organization came to be called Al Qaeda—the Base. The alliance was conceived as a loose affiliation among individual mujahideen and established groups, and was dominated by Egyptian Islamic Jihad. The ultimate boss, however, was Osama bin Laden, who held the checkbook.

Once again, it's worth dwelling on these facts for a moment. In 1989, Ayman al Zawahiri attended the founding meeting of al Qaeda. He was literally present at the creation, and his EIJ "dominated" the new organization headed by Osama bin Laden.

In the early 1990s, Zawahiri and bin Laden moved their operations to Sudan. After a fundraising trip to the United States in the spring of 1993, Zawahiri returned to Sudan where, again according to Wright, he "began working more closely with bin Laden, and most of the Egyptian members of Islamic Jihad went on the Al Qaeda payroll." Although some members of EIJ were skeptical of bin Laden and his global aspirations, Zawahiri sought a de facto merger with al Qaeda. One of his top assistants would later say Zawahiri had told him that "joining with bin Laden [was] the only solution to keeping the Jihad organization alive."

Again, at precisely the same time Zawahiri was "joining with bin Laden," the spring of 1993, he was being funded by Saddam Hussein's Iraq. As Zawahiri's jihadists trained in al Qaeda camps in Sudan, his representative to Iraq was planning "commando operations" against the Egyptian government with the IIS.

Another captured Iraqi document from early 1993 "reports on contact with a large number of terrorist groups in the region, including those that maintained an office or liaison in Iraq." In the same folder is a memo from Saddam Hussein to a member of his Revolutionary Council ordering the formation of "a group to start hunting Americans present on Arab soil, especially Somalia." A second memo to the director of the IIS, instructs him to revise the plan for "operations inside Somalia."

More recently, captured "annual reports" of the IIS reveal support for terrorist organizations in the months leading up the U.S. invasion in March 2003. According to the Pentagon study, "the IIS hosted thirteen conferences in 2002 for a number of Palestinian and other organizations, including delegations from the Islamic Jihad Movement and the Director General for the Popular Movement for the Liberation of al-Ahwaz." The same annual report "also notes that among the 699 passports, renewals and other official documentation that the IIS issued, many were issued to known members of terrorist organizations."

The Pentagon study goes on to describe captured documents that instruct the IIS to maintain contact with all manner of Arab movement and others that "reveal that later IIS activities went beyond just maintaining contact." Throughout the 1990s, the Iraqi regime's General Military Intelligence Directorate "was training Sudanese fighters inside Iraq."

The second section of the Pentagon study also discusses captured documents related to the Islamic Resistance organization in Kurdistan from 1998 and 1999. The documents show that the Iraqi regime provided "financial and moral support" to members of the group, which would later become part of the al Qaeda affiliate in the region, Ansar al Islam.

The third section of the Pentagon study is called "Iraq and Terrorism: Three Cases." One of the cases is that of the Army of Muhammad, the al Qaeda affiliate in Bahrain. A series of memoranda order an Iraqi Intelligence operative in Bahrain to explore a relationship with its leaders. On July 9, 2001, the agent reports back: "Information available to us is that the group is under the wings of bin Laden. They receive their directions from Yemen. Their objectives are the same as bin Laden." Later, he lists the organization's objectives.

Jihad in the name of God.

Striking the embassies and other Jewish and American interests anywhere in the world.

Attacking the American and British military bases in the Arab land.

Striking American embassies and interests unless the Americans pull out their forces from the Arab lands and discontinue their support for Israel.

Disrupting oil exports [to] the Americans from Arab countries and threatening tankers carrying oil to them.

A separate memo reveals that the Army of Muhammad has requested assistance from Iraq. The study authors summarize the response by writing, "the local IIS station has been told to deal with them in accordance with priorities previously established. The IIS agent goes on to inform the Director that this organization is an offshoot of bin Laden, but that their objectives are similar but with different names that can be a way of camouflaging the organization."

We never learn what those "previous priorities" were and thus what, if anything, came of these talks. But it is instructive that the operative in Bahrain understood the importance of disguising relations with al Qaeda and that the director of IIS, knowing that the group was affiliated with bin Laden and sought to attack Americans, seemed more interested in continuing the relationship than in ending it.

The fourth and final section of the Pentagon study is called "The Business of Terror." The authors write: "An example of indirect cooperation is the movement led by Osama bin Laden. During the 1990s, both Saddam and bin Laden wanted the West, particularly the United States, out of Muslim lands (or in the view of Saddam, the "Arab nation"). . . . In pursuit of their own separate but surprisingly 'parallel' visions, Saddam and bin Laden often found a common enemy in the United States."

They further note that Saddam's security organizations and bin Laden's network were recruiting within the same demographic, spouting much of the same rhetoric, and promoting a common historical narrative that promised a return to a glorious past. That these movements (pan-Arab and pan-Islamic) had many similarities and strategic parallels does not mean they saw themselves in that light. Nevertheless, these similarities created more than just the appearance of cooperation. Common interests, even without common cause, increased the aggregate terror threat.

As much as we have learned from this impressive collection of documents, it is only a fraction of what we will know in 10, 20, or 50 years. The authors themselves acknowledge the limits of their work.

In fact, there are several captured Iraqi documents that have been authenticated by the U.S. government that were not included in the study but add to the picture it sketches. One document, authenticated by the Defense Intelligence Agency and first reported on 60 Minutes, is dated March 28, 1992. It describes Osama bin Laden as an Iraqi intelligence asset "in good contact" with the IIS station in Syria.

Another Iraqi document, this one from the mid-1990s, was first reported in the New York Times on June 25, 2004. Authenticated by a Pentagon and intelligence working group, the document was titled "Iraqi Effort to Cooperate with Saudi Opposition Groups and Individuals." The working group concluded that it "corroborates and expands on previous reporting" on contacts between Iraq and al Qaeda. It revealed that a Sudanese government official met with Uday Hussein and the director of the IIS in 1994 and reported that bin Laden was willing to meet in Sudan. Bin Laden, according to the Iraqi document, was then "approached by our side" after "presidential approval" for the liaison was given. The former head of Iraqi Intelligence Directorate 4 met with bin Laden on February 19, 1995. The document further states that bin Laden "had some reservations about being labeled an Iraqi operative"—a comment that suggests the possibility had been discussed.

Bin Laden requested that Iraq's state-run television network broadcast anti-Saudi propaganda, and the document indicates that the Iraqis agreed to do this. The al Qaeda leader also proposed "joint operations against foreign forces" in Saudi Arabia. There is no Iraqi response provided in the documents. When bin Laden left Sudan for Afghanistan in May 1996, the Iraqis sought "other channels through which to handle the relationship, in light of his current location." The IIS memo directs that "cooperation between the two organizations should be allowed to develop freely through discussion and agreement."

In another instance, the new Pentagon study makes reference to captured documents detailing the Iraqi relationship with Abu Sayyaf, the al Qaeda affiliate in the Philippines founded by Osama bin Laden's brother-in-law. But the Pentagon study does not mention the most significant element of those documents, first reported in these pages. In a memo from Ambassador Salah Samarmad to the Secondary Policy Directorate of the Iraqi Foreign Ministry, we learn that the Iraqi regime had been funding and equipping Abu Sayyaf, which had been responsible for a series of high-profile kidnappings. The Iraqi operative informs Baghdad that such support had been suspended. "The kidnappers were formerly (from the previous year) receiving money and purchasing combat weapons. From now on we (IIS) are not giving them this opportunity and are not on speaking terms with them." That support would resume soon enough, and shortly before the war a high-ranking Iraqi diplomat named Hisham Hussein would be expelled from the Philippines after his cell phone number appeared on an Abu Sayyaf cell phone used to detonate a bomb.

What's happening here is obvious. Military historians and terrorism analysts are engaged in a good faith effort to review the captured documents from the Iraqi regime and provide a dispassionate, fact-based examination of Saddam Hussein's long support of jihadist terrorism. Most reporters don't care. They are trapped in a world where the Bush administration lied to the country about an Iraq-al Qaeda connection, and no amount of evidence to the contrary—not even the words of the fallen Iraqi regime itself—can convince them to reexamine their mistaken assumptions.

Bush administration officials, meanwhile, tell us that the Iraq war is the central front in the war on terror and that American national security depends on winning there. And yet they are too busy or too tired or too lazy to correct these fundamental misperceptions about the case for war, the most important decision of the Bush presidency.

What good is the truth if nobody knows it?

Mr. KYL. The Joint Forces Command report sheds light on the relationship between Saddam Hussein and Ayman al-Zawahiri, Osama bin Laden's second in command.

I quote:

> Saddam supported groups either associated directly with al Qaeda (such as the Egyptian Islamic Jihad (EIJ), led at one time by bin Laden's deputy Ayman al-Zawahiri) or that generally shared al Qaeda's stated goals and objectives.

Mr. Hayes notes in his article that Zawahiri's organization was being financed by Saddam Hussein at the very time Zawahiri was working almost exclusively with bin Laden. In fact, Zawahiri had been working with al-Qaida from its inception in late 1989. By 1993, Zawahiri, as the leader of the EIJ, sought to merge the organization with al-Qaida and, in fact, the two terrorist organizations eventually merged in 1998.

The Standard further reported that:

> Captured documents revealed that the regime was willing to co-opt support organizations it knew to be part of al Qaeda as long as that organization's near-term goals supported Saddam's long-term vision.

The more than 600,000 documents likely revealed only a fraction of what we will ultimately know of the true relationship between bin Laden, the global jihad, and Saddam Hussein. Given this information, it is a surprise that many in the mainstream media have concluded only that there was no smoking gun linking al-Qaida and Saddam Hussein, thus failing to report the key findings in the report to the American people.

I am not one who supports relitigating why it was necessary for the United States to remove Saddam Hussein from power. But for those who find themselves stuck in the past, the Iraqi Perspective Project provides yet another substantial body of evidence, adding to that which was before the Congress when we authorized the Iraq mission. I want to refer to one item in that body of evidence, a letter, dated October 7, 2002, from CIA Director George Tenet to the Honorable Bob Graham, then chairman of the Select Committee on intelligence. Among the things he writes in this letter, these are the items that were available to us before we authorized the invasion of Iraq. He refers to a question by Senator BAYH about Iraqi links to al-Qaida. He says Senators could draw the following points from unclassified documents. There was, of course, much more that was classified. I will quote this brief portion of his letter:

> Our understanding of relationship between Iraq and al-Qa'ida is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.
>
> We have solid reporting of senior level contacts between Iraq and al-Qa'ida going back a decade.
>
> Credible information indicates that Iraq and al-Qa'ida have discussed safe haven and reciprocal non-aggression.
>
> Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qa'ida members, including some that have been in Baghdad.
>
> We have credible reporting that al-Qa'ida leaders sought contacts in Iraq who could help them acquire WMD capabilities. The reporting also stated that Iraq has provided training to al-Qa'ida members in the areas of poisons and gases and making conventional bombs.
>
> Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship with al-Qa'ida, suggest that Baghdad's links to terrorists will increase, even absent US military action.

I commend the Joint Forces Command for its ongoing, exhaustive review of this record of intelligence collected in Iraq. I urge all colleagues to take the time to educate themselves on its findings. I urge the administration to undertake a serious effort to correct the misimpressions formed in recent years about this important issue.

There can be no doubt. Saddam Hussein was a threat. He actively supported terrorists both in and outside of Iraq, and the world is a safer place for him having been removed from power.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

EQUAL PAY DAY

Mr. HARKIN. Mr. President, tomorrow is Equal Pay Day. What is Equal Pay Day? That is the day that symbolizes how far into the year a woman must work from the previous year on average to earn as much as a man earned by December 31 of last year. It is unbelievable to me that more than four decades after passage of the Equal Pay Act and the Civil Rights Act, women are still making only 77 cents on the dollar to what a man makes. In Iowa, it is even worse. The Iowa Workforce Development Agency found that across all industries, women in my State make less than 62 percent of what men make.

Discrimination takes many forms. Sometimes it is brazen and in your face, like Jim Crow and apartheid. Sometimes discrimination is silent and insidious. That is what is happening in workplaces across America today. Millions of female-dominated jobs—social workers, teachers, childcare workers, nurses, so many more—are equivalent to male-dominated jobs, but they pay dramatically less. The Census Bureau has compiled data on hundreds of job categories, but it found only five job categories where women typically earn as much as a man. Defenders of this status quo offer all manner of bogus explanations on why women make less. How many times have you heard the fairy tale that women work for fulfillment and men work to support their families? Of course, this ignores the great majority of single women who work to support themselves and married women whose paycheck is all that allows their families to make ends meet, to put a little bit of money away for a rainy day or perhaps to send a child to college.

It ignores the harsh reality that so many women face in the workplace where they have to work twice as hard to be taken seriously or, say, get pushed into being a cashier when they had applied for a better paying sales job. These pervasive acts of discrimination deny women fair pay and they also deny women basic dignity.

Let me cite one example of the discrimination I am talking about. Last year in a hearing in our Health, Education, Labor, and Pensions Committee, we heard remarkable testimony from Dr. Philip Cohen of the University of North Carolina. Dr. Cohen compared nurses' aides, who are overwhelmingly women, and truck drivers who are overwhelmingly men. In both groups, the average age is 43. Both require "medium" amounts of strength. Nurses' aides on average have more education and training. But nurses' aides make less than 60 percent of what truck drivers make.

Given that this discrimination is so obvious and pervasive, you would expect that women would have no trouble at all obtaining simple justice in our court system. But in a major decision last June, in the case of Ledbetter v. Goodyear Tire & Rubber Company, the Supreme Court actually took us backward. In a 5-to-4 ruling, the Court made it extremely difficult for women to go to court to pursue claims of pay discrimination, even in cases where the discrimination is flagrant.

A jury acknowledged that Lilly Ledbetter, a former supervisor at Goodyear, had been paid $6,000 less than her lowest paid male counterpart. But the Supreme Court rejected her discrimination claim. Why? The Court held that women workers must file a discrimination claim within 180 days of their pay being set, even if they were not aware at the time that their pay was significantly lower than their male counterparts.

Justice Ginsburg said, in a forceful dissent, this is totally out of touch with the real world of the workplace. In the real world, pay scales are often kept secret and employees are in the dark about their coworkers' salaries. Lacking such information, it is difficult to determine when pay discrimination begins. Furthermore, vast discrepancies are often a function of time. If your original pay was a little bit lower than your colleague's pay, and then over 20 years you get smaller raises every year, you end up with a huge gap after 20 years. But if you can only sue for the most recent pay determination, this misses 20 years of discrimination. As a result, in Ms. Ledbetter's case, she is going to get a dramatically smaller pension for the rest of her life based upon that lower pay level.

Ms. Ledbetter, who testified before our committee last year, is injured twice: Over 20 years of flagrant discrimination in the workplace and getting paid less, and now for the remainder of her life, as a retired person, she will get less pension because of that discrimination. Twice she is injured.

What the Ledbetter decision means is that once the 180-day window for bringing a lawsuit is passed, the discrimination gets grandfathered in. This creates a free harbor for employers who have paid female workers less than men over a long period of time. Basically it gives the worst offenders a free pass to continue their gender discrimination.

Ledbetter was a bad decision, but there is one thing we can do with Supreme Court decisions. We can pass legislation to fix them. So I have joined with Senator KENNEDY and others to reverse the damage done by that decision. Our bill would establish that the "unlawful employment practice" under the Civil Rights Act is the payment of a discriminatory salary, not the original setting of the pay level.

Well, this is a good start, but it is not enough. It is not good enough to go back to the way the law worked last year because women, as I said, are still making less than 77 cents on the dollar as compared to men. That is intolerable. Moreover, if pay scales are still kept secret, if there is not transparency, how can women know if they are being discriminated against?

That is why we need to pass my Fair Pay Act, a bill which I have introduced in every Congress going back to 1996. I just keep introducing it every Congress. Here is what it does. It is very simple. In addition to requiring that employers provide equal pay for equivalent jobs, my bill would require disclosure of pay scales and rates for all job categories in a given company. Now, I did not say they had to disclose every single person's pay, I said pay scales for categories of jobs. Now, this would give women the information they need to identify discriminatory pay practices, and this could reduce the need for costly litigation in the first place.

When Lilly Ledbetter testified before our committee last year, I asked her—I told her about the bill; I told her what kind of information it would provide—I asked her if she had that information, could she have, 20 years ago, negotiated for better pay and avoided litigation? She answered: Of course.

Well, there are countless more Lilly Ledbetters out there who are paid less than their male coworkers, but they will never know about it unless we get them this information.

My Fair Pay Act amends the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on the basis of sex, race, or national origin. Most importantly, it requires each individual employer to provide equal pay for jobs that are comparable in skill, effort, responsibility, and working conditions—skill, effort, responsibility, and working conditions.

Now, you might say: Haven't we already passed the Equal Pay Act? Yes, but the Equal Pay Act only says you have to be paid the same if you are doing exactly the same job. Well, what about if you are doing a job like a nurse's aide, in which you require medium strength, in which you require training, and you compare it to what a truckdriver does? Why should a truckdriver get 60 percent more than someone who is taking care of you when you are ill or your mother or your grandmother or grandparents in assisted living or in a nursing home or in hospice care or a number of other things where nurses' aides are vitally important?

You might say: Well, has this ever been done? The fact is, 20 States—20 State governments—right now have fair pay laws and policies in place for their employees, including my State of Iowa. I point out that Iowa had a Republican legislature and Republican Governor in 1985 when this bill was passed into law. So ending wage discrimination against women should not be a partisan issue.

I am just saying let's take what 20 State governments have done and let's extend it to the private sector. Well, some would say we do not need any more laws; market forces will take care of the wage gap. Well, maybe so, but we all know from basic economics 101 that for a free market to work there has to be not only a number of players where they have equivalent purchasing power—not an employer-employee situation—secondly, what else is most important for a market to work? Transparency, knowledge, knowing what the game is, openness. But when pay scales are kept secret and you do not know what they are, how can market forces ever, ever close this wage gap?

Experience also shows there are some injustices market forces cannot rectify. That is why we passed the Equal Pay Act, the Civil Rights Acts, the Family Medical Leave Act, and here, in 1990, the Americans with Disabilities Act. Market forces did not break down the barriers of discrimination against people with disabilities in our country. But that is what we did with the Americans with Disabilities Act. We broke the barriers down and let people with disabilities not only get educated, not only travel—go out to restaurants and things—but also get jobs in which we can look not at their disabilities but at their abilities.

Mr. President, I would like to close with a story of a woman from my State named Angie. She was employed as a field office manager at a temp firm. The employees there were not allowed to talk about pay with their coworkers. Only inadvertently did she discover that a male office manager at a similar branch, who had less education and less experience, was earning more than she was. In this case, the story did end happily. She cited this information in negotiations with her employer, and she was able to get a raise.

But I think there is a twofold lesson in this story. The first lesson is that if we give women information about what their male colleagues are getting, they can negotiate a better deal for themselves in the workplace. The second lesson is that pay discrimination is a harsh reality in the workplace. It is not only unfair, but it is demeaning, it is demoralizing, and it is pervasive—pervasive—throughout our society. Individual women should not have to do battle in order to win equal pay. We need more inclusive national laws to make equal pay for equal work—equal pay for equivalent work—a basic standard and a legal right in the American workplace.

So it is time, after all these years, to pass the Fair Pay Act. Do not confuse it with the Paycheck Protection Act. I am also a cosponsor of the Paycheck Protection Act. That legislation will improve the enforcement of the laws we already have on the books. But we already know those laws are not sufficient, as the Ledbetter case shows us. So in order to really open the marketplace for women to earn what they should be earning and to make the equivalent of what their male counterparts are making, we need to pass the Fair Pay Act.

Tomorrow, when we recognize Equal Pay Day—just think about it: Equal Pay Day tomorrow, April 22. So it took women all the way from January, February, March, and April, on average, to earn as much as a man did by December 31 of last year. That is just grossly unfair. It is also time to start paying women equivalent pay to what their male counterparts are making, when their job requires the same skill, effort, responsibility, and working conditions.

When you take all those factors into account, there is no reason why we should not pass the Fair Pay Act. Let's do for the private sector what 20 States have already done in their governments. With that, maybe we will start getting some justice in the workplace for American women.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

EQUAL PAY FOR EQUAL WORK

Mr. KENNEDY. Mr. President, I welcome the opportunity to address the Senate on a matter of fundamental fairness to millions of our fellow citizens: to women, working women in our society, and to do it at a time when we know those who are working are hard pressed in the economy. We are all familiar with the anxiety among working families—working fathers and working mothers. Today I will address what underlies the efforts in which many of us are involved in what we call the Ledbetter case.

It is legislation to override a 5-to-4 Supreme Court decision named after Lilly Ledbetter, an extraordinary woman who had worked for a tire company for a number of years and had been discriminated against in her pay and had received judgments to make up for the damages she had experienced over a period of years. The Supreme Court then undermined the previous courts and effectively left her without any remedy at all, in effect saying unscrupulous employers could discriminate against an employee, and if they do not get caught within 100 days, they are free and clear and they can continue to discriminate against that individual.

That is not only against women, which is the Ledbetter case, but it is also true if they had done the same with regard to African Americans or Latino Americans or if they discriminated against the disabled or if they discriminated on the basis of religion or national origin—all of those cases with a simple 5-to-4 decision, the rights of those workers, people who are working, working hard, are virtually out the window.

I wish to take a few minutes to review what this Senate has done with regard to what we will call the equal pay issue over a period of time. It is an extraordinary record. It is a record of progress and fairness.

It will be amazing to me when my friends and colleagues on the other side rise to oppose this simple act of fairness and equity this situation demands. For over 40 years, this Senate has gone on record time and again saying that we will not discriminate against our fellow citizens on the basis of pay. Nonetheless, the Supreme Court has reached a different conclusion, and we will have the opportunity on Wednesday to change that conclusion and restore the record of the Senate to what it has been over the last 40 years.

This chart shows the different laws that have been passed in Congress to establish equal pay for equal work. The Equal Pay Act under President Kennedy was done by a voice vote. It was pointed out at that time that women were getting 60 cents on the dollar. That was wrong. We ought to strive for equal pay for equal work. That legislation was passed at that time.

We thought we had made progress on that legislative effort, but we had not made as much progress as we thought. So in 1964, the great Civil Rights Act, known because of the public accommodations provisions, included in title VII a provision that provided equal pay, nondiscrimination on the basis of race, religion, and national origin, signed by President Johnson. It passed 73 to 27.

Then we had the Age Discrimination in Employment Act because there were many forms of discrimination in our country on the basis of people's age. We wanted to free ourselves of discriminating against the elderly in our country, those who contributed so much to our Nation, so we passed the Age Discrimination Act. There was much support for that effort. It was passed under the Johnson administration by voice vote.

We had the Rehabilitation Act that dealt with the disabled. Make no mistake about it, under the current Supreme Court holding, if you have a disabled person who is able to perform a job as well as somebody who does not have that disability, if the employer discriminates against that individual, that individual will be covered by the existing Supreme Court decision, and we may very well see those individuals discriminated against because they are disabled, even though they are able to perform the work, and they are being denied a remedy.

We debated those issues back with the Rehabilitation Act of 1973 and said we were not going to permit that.

Then the Civil Rights Restoration Act of 1988 under President Reagan and the Americans with Disabilities Act restated those goals. Look at the votes: 92 to 6 and 93 to 5.

All of this legislation, from early 1963 all the way to 1991, provided the kinds of protections that we are including in this legislation that will be before the Senate on Wednesday, called the Ledbetter legislation, named after Lilly Ledbetter who was discriminated against.

Mr. President, I mentioned those pieces of legislation. Look at this chart. Pay discrimination hurts all kinds of American workers. In 2007, EEOC received more than 7,000 pay discrimination charges: on the basis of disability, 480 cases; on the basis of national origin, 760; on the basis of age discrimination, 978; on the basis of race, 2,352; and on the basis of gender, some 2,470.

These were individuals who were working hard but finally found out they were being discriminated against—7,000 cases. So we can ask: What had been the law previously when we had those kinds of situations? This chart reflects what the law was. The paycheck accrual rule was the law of the land. That meant if people discriminated against those individuals and the individuals found out about it and brought a case, they were able to gain damages or they were able to get remedies by the EEOC. This was under Republican and Democratic administrations alike. That has been the law of the land, with the exception of three States. That was the law of the land. That is what we want to return to, and we will have the opportunity to return to it.

Some will say if we return to it, it will mean a lot of burdensome bureaucracy and expenditures on the employers. Look what CBO says. CBO agrees that "the Fair Pay Restoration Act would not establish a new cause of action for claims of pay discrimination. . . . CBO expects that the bill would not significantly affect the number of filings with the Equal Employment Opportunity Commission."

So this argument that it is going to make it much more cumbersome and much more troublesome and much more expensive is not true. What it will do is provide protections.

What are we basically talking about with Lilly Ledbetter? She was a hardworking woman. Here is what Lilly Ledbetter received: $5,000 less than the lowest paid male coworker during her last year at Goodyear. That was $44,000. The lowest paid male was $51,000, and the highest paid male, who did virtually the same job, was paid $62,000. This is a year. She was doing exactly the same as this paid worker; the only difference was she was a woman.

What did the courts say, even though she was awarded the damages? You didn't bring the case in the first 180 days. You didn't bring the case and, therefore, you don't have the case at all.

How was Lilly Ledbetter supposed to know she had a case? The payroll was kept secret from all the workers. How was she supposed to know? How in the world was she supposed to know? She couldn't know; she didn't know. It took her years to find out that she was the subject of this kind of discrimination, and the Supreme Court says: We don't care; we don't mind if the employers are going to keep that payroll all locked up and keep it secret. Lilly Ledbetter should have known what was in that secret safe of that employer.

Come on. Come on. That is a system of justice in the United States of America? They were able to get five votes for that theory over in the Supreme Court of the United States? It defies common sense, of reasonableness and equity for people in this country, and that is what we are striving for.

This is all against an extraordinary background of what is happening to working women at the present time. Look at what is happening to working women now. For women who are employed now, their earnings are falling faster. Women who are working now are experiencing unemployment two or three times faster than men in our economy. Their earnings are going down faster than men in our economy. Incidents of foreclosure for women are a good deal higher than men in our economy, and they are, at the present time, still only earning, for the same job, 77 cents out of every dollar. So they are already facing an uphill battle in our economy, the difficult economy we are facing at the present time, and this Supreme Court decision is just going to make it all that more complicated and more difficult.

This issue, as I said, is one of fundamental fairness.

We have an extraordinary group supporting us in terms of the disability groups—the American Association of People with Disabilities; the elderly groups—the AARP, they know they can experience the same kinds of discrimination; Business and Professional Women; the NAACP—because of what this can mean in discriminating against minorities, Blacks; the auto workers, because we can see the discrimination that could be against other workers; the National Congress of Black Women; the Religious Action Center—there was an excellent letter they sent pointing out the moral issues raised about this; and then the U.S. Women's Chamber of Commerce—understanding this is plainly simply wrong. It is wrong in our society. It was wrong at any other time.

This is an issue that cries out for a remedy. It should not take the Ledbetter legislation—which passed overwhelmingly. It passed with Republican support in the House of Representatives and strong Democratic support. We have a number of our Republican friends and colleagues who are a part of this effort. This is a very simple and fundamental issue: Are we going to permit discrimination against women in the workplace to continue? That is what it is.

We have to understand, as a practical matter, employers are going to keep the payroll confidential and secret. They do that. They have done it and will do it in the future. What the Supreme Court says is that is too bad, too bad you don't know, but if you do not do it within 180 days you will lose your rights. They can effectively discriminate against you for the rest of your life if you are working in that company. They can go ahead, completely freely, without any threat of any kind of lawsuit, go ahead and discriminate for the rest of your life, if you are working there. Tell me what the common sense of that proposal is. Where is the justice on that issue? Where is it?

We have addressed that issue and similar issues over a long period of time under a variety of Presidents, under Democratic Presidents and Republican Presidents—President Nixon, President Reagan, the two Presidents Bush. Look at the vote on these, 91 to 6, and 93 to 5, with virtually similar issues that are presented here.

We should not have to spend the time other than having a rollcall on this issue, it is so compelling. We await eagerly those who support the current Supreme Court decision. We await them out here on the floor of the Senate. We awaited them last week to come out and tell us what their rationale is, what their excuse is, what their reasons are for denying fairness and equity in the workplace to millions of our fellow citizens who happen to be women. What is their right? What is their purpose? What is their justification—whether those individuals are disabled, whether they are elderly, whether they are being discriminated against on the basis of religion—we are going to continue to permit that here in the United States when we have the opportunity to overturn it? That is what is going to be before the Senate on Wednesday.

It is simple; it is fundamental; it is basic. It is a defining issue of fairness in this country and we will have more to say about this tomorrow and on Wednesday as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LILLY LEDBETTER FAIR PAY ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Madam President, I would move to Calendar No. 325, H.R. 2831. I indicated to the minority that I would do that now. As a result of their indicating they would not be in agreement to do that, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 325, H.R. 2831, the Fair Pay Act.

Harry Reid, Daniel K. Inouye, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. This is an important piece of legislation that we talked about moving to. It deals with fair pay. In the morning we are going to have the morning hour. We are going to have a number of Senators, and a lot of female Senators, come and speak on this issue because this is certainly an issue that is important to women all over America today. We are anxious to get to this. We hope the Republicans will let us proceed to it.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF PROPOSED RULEMAKING

Mr. BYRD. Madam President, I ask unanimous consent that the attached from the Office of Compliance be printed in the RECORD today, pursuant to section 304(b)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)(1)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

NOTICE OF PROPOSED RULEMAKING, AND REQUEST FOR COMMENTS FROM INTERESTED PARTIES

New proposed regulations implementing certain substantive employment rights and protections for veterans, as required by 2 U.S.C. 1316, The Congressional Accountability Act of 1995, as amended ("CAA").

BACKGROUND

The purpose of this Notice is to issue proposed substantive regulations which will implement Section 206 of the CAA which applies certain veterans' employment and reemployment rights and protections to employing offices and employees covered by the CAA.

What is the authority under the CAA for these proposed substantive regulations?

The authority under the CAA for these proposed substantive regulations is found in two sections of the CAA. Section 206 of the CAA, 2 U.S.C. §1316, applies certain provisions of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), Title 38, Chapter 43 of the United States Code. Section 1316 of the CAA provides protections to eligible employees in the uniformed services from discrimination, denial of reemployment rights, and denial of employee benefits. Subsection 1316(c) requires the Board not only to issue regulations to implement these protections, but to issue regulations which are "the same as the most relevant substantive regulations promulgated by the Secretary of Labor . . ." This section provides that the Board may only modify the Department of Labor regulations if it can establish good cause as to why a modification would be more effective for application of the protections to the legislative branch.

The second section that provides authority to the Board to propose these regulations is found in section 1384. Section 1384 provides procedures for the rulemaking process in general.

Will these regulations, if approved, apply to all employees otherwise covered by the CAA?

Yes. USERRA's provisions, as applied by Section 206 of the CAA, prohibit discrimination and retaliation against eligible employees, who are defined by the CAA as covered employees performing service in the uniformed services. Section 207(a) of the CAA prohibits retaliation against covered employees under the CAA, regardless of whether they have performed service in the uniformed services. The distinction between eligible employees and covered employees is the performance of service in the uniformed services: eligible employees have performed service in the uniformed services; covered employees have not.

Do other veterans' employment rights apply via the CAA to the legislative branch employing offices and covered employees?

No. However, another statutory scheme regarding uniformed service members' employment rights is incorporated, in part, through section 1316a of the CAA. Section 1316a applies sections 2108, 3309 through 3312 of the Veterans Employment Opportunities Act ("VEOA"), and subchapter I of chapter 35 of Title 5. These provisions accord certain hiring and retention rights to veterans of the uniformed services. The VEOA language of the CAA also requires the Board of Directors to issue substantive regulations patterned upon the most relevant substantive regulations (applicable with respect to the executive branch) which are promulgated to implement the provisions of VEOA. After engaging in extensive discussions with various stakeholders across Congress and the legislative branch to determine how best to address certain provisions within the regulations, the Board adopted the VEOA regulations and submitted them to Congress on March 21, 2008. Section 1316a of the CAA becomes effective once the regulations for this section are passed by Congress.

Which employment and reemployment protections are applied to eligible employees in 2 U.S.C. 1316?

USERRA was enacted in December 1994, and the Department of Labor final regulations for the executive branch became effective in 2006. USERRA's provisions ensure that entry and re-entry into the civilian workforce are not hindered by participation in military service. USERRA provides certain reemployment rights, protection from discrimination based on military service, denial of an employment benefit as a result of military service, and retaliation for enforcing USERRA protections.

The selected statutory provisions which Congress incorporated into the CAA and determined "shall apply" to eligible employees in the legislative branch include nine sections: sections 4303(13), 4304, 4311(a)(b), 4312, 4313, 4316, 4317, 4318, and paragraphs (1), (2)(A), and (3) of 4323(c) of title 38.

The first section, section 4303(13), provides a definition for "service in the uniformed services." This is the only definition in USERRA that Congress made applicable to the legislative branch. Section 4303(13) references Section 4304, which describes the "character of service" and illustrates situations which would terminate eligible employees' rights to USERRA benefits.

Congress applied section 4311 to the legislative branch in order to provide discrimination and retaliation protections, respectively to eligible and covered employees. Interestingly, although Congress adopted these protections, it did not adopt the legal standard by which to establish a violation of this section of the regulations.

Sections 4312 and 4313 outline the reemployment rights that are provided to eligible employees. These rights are automatic under the statute, and if an employee meets the eligibility requirements, he or she is entitled to the rights provided therein.

Sections 4316, 4317, and 4318 provide language on the benefits given to eligible employees. The language in these sections is largely statutory and has been altered very little by the Board.

Are there veterans' employment regulations already in force under the CAA?

No. The Board has issued to the Speaker of the House and the President Pro Tempore of the Senate its Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval for VEOA. The Board awaits Congressional approval of those regulations.

PROCEDURAL SUMMARY

How are substantive regulations proposed and approved under the CAA?

Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for proposing and approving such substantive regulations provides that:

(1) the Board of Directors propose substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record;

(2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking;

(3) after consideration of comments by the Board of Directors, the Board adopt regulations and transmit notice of such action (together with the regulations and a recommendation regarding the method for Congressional approval of the regulations) to the Speaker of the House and President [P]ro [T]empore of the Senate for publication in the Congressional Record;

(4) there be committee referral and action on the proposed regulations by resolution in each House, concurrent resolution, or by joint resolution; and

(5) final publication of the approved regulations in the Congressional Record, with an effective date prescribed in the final publication.

For more detail, please reference the text of 2 U.S.C. 1384. This Notice of Proposed Rulemaking is step (1) of the outline set forth above.

Are these proposed regulations also recommended by the Office of Compliance's Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives?

As required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations is also recommended by the Executive Director, the Deputy Executive Director for the Senate and the Deputy Executive Director for the House of Representatives.

Has the Board of Directors previously proposed substantive regulations implementing these veterans' employment rights and benefits pursuant to 2 U.S.C. 1316?

No.

What is the approach taken by these proposed substantive regulations?

The Board will follow the procedure as enumerated above and as required by statute. Once these regulations are proposed, the Board anticipates engaging in extensive discussion with stakeholders to ensure that the regulations contemplate and reflect the practices and policies particular to the legislative branch.

What responsibilities would employing offices have in effectively implementing these regulations?

The Board charges the employing offices with the responsibility to implement the applicable USERRA provisions, including the prohibitions on discrimination and retaliation, the obligation to reemploy service members who timely apply for reemployment, and to provide the eligible, covered employee with the employment benefits to which he or she is entitled under USERRA, as applied by the CAA.

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices?

No. The Board of Directors has identified no "good cause" for varying the text of these regulations. Therefore, if these regulations are approved as proposed, there will be one text applicable to all employing offices and covered employees.

Are these proposed substantive regulations available to persons with disabilities in an alternate format?

This Notice of Proposed Regulations is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Annie Leftwood, Executive Assistant, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9250; TDD: 202-426-1912; FAX: 202-426-1913.

30-DAY COMMENT PERIOD REGARDING THE PROPOSED REGULATIONS

How long do I have to submit comments regarding the proposed regulations?

Comments regarding the proposed regulations of the Office of Compliance set forth in this Notice are invited for a period of thirty (30) days following the date of the appearance of this Notice in the Congressional Record.

How do I submit comments?

Comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, S.E., Room LA-200, Washington, D.C. 20540-1999. It is requested, but not required, that an electronic version of any comments be provided either on an accompanying computer disk or e-mailed to the Office of Compliance via its web site. Comments may also be submitted by facsimile to the Executive Director at 202-426-1913 (a non-toll-free number). Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped post card with their submission.

Am I allowed to view copies of submitted comments by others?

Yes. Copies of submitted comments will be available for review on the Office's web site at www.compliance.gov, and at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540-1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information:

The Congressional Accountability Act of 1995, PL 104-1, was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of 12 federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Included among those rights are the protections provided, in Section 206 of the CAA, to employees performing service in the uniformed services. These protections are the subject of these regulations.

Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within the legislative branch.

MORE DETAILED DISCUSSION OF THE TEXT OF THE PROPOSED REGULATIONS

Please note in the accompanying regulations that USERRA is applied by the CAA almost in its entirety. The subparts on eligibility and reemployment rights (subparts C, D, and E) were applied with minimal, if any, changes by the Board. The Board relied heavily on Section 1316(c) of the CAA which requires that these regulations be the same as those promulgated by the Secretary of Labor unless the Board finds and demonstrates good cause as to why a modification is needed to be more effective for implementation in the legislative branch. Where the Board determined that good cause existed to require a modification, the Board so modified. Otherwise, pursuant to Section 1316(c) of the CAA, the Board made no changes to the Department of Labor regulations.

SUBPART A—INTRODUCTION TO THE REGULATIONS UNDER THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994 GENERAL PROVISIONS

The purpose of subpart A

This subpart gives an introduction to USERRA as applied by the CAA and clarifies the rights and benefits USERRA establishes for employees, and the duties it places on employing offices. USERRA affects employment, reemployment, and retention in employment, when employees serve or have served in the uniformed services.

It is noted that nothing in these regulations shall be construed to require an employing office to reduce any returning service members' employment and reemployment rights and protections that the office may currently afford to eligible employees. Nor does USERRA serve to place an eligible employee in a better position than he or she would have been in had he or she not performed service in the uniformed services.

It is also important to note that Section 1316(d)(2) of the CAA applies these protections to the Government Accountability Office and the Library of Congress. Should Congress extend Board jurisdiction over the Government Printing Office ("GPO") in the future, Congress should take GPO's existing veterans' preference policies into account, which may be based on independent statutory mandates.

USERRA is not new law

USERRA, as applied by the CAA, became effective as of January 23, 1996. Its purpose was to strengthen previous veterans' rights laws, such as the Veterans' Reemployment Rights Act ("VRRA"), which was enacted as section 404 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The Department of Labor issued its USERRA regulations, effective January 18, 2006.

Role of the Executive Director of the Office of Compliance

The role of the Executive Director of the Office of Compliance, under USERRA as applied by the CAA, differs from the role of the Secretary of Labor under the DOL regulations. The Executive Director provides a program of education and information to employees and employing offices regarding the application of the USERRA provisions and the Office of Compliance, and the Executive Director provides administrative procedures for the consideration of alleged violations. Because the Office of Compliance is an entity of the legislative branch, the Executive Director is not guided by Secretary's order 1–83, which allows the Secretary of Labor to delegate authority for the administration of the veterans reemployment rights program. (Memorandum of April 22, 2002 (67 FR 31827) Nor is the Executive Director responsible for carrying out the same functional authority vested in the Secretary of Labor, pursuant to USERRA. Similarly, unlike the Secretary of Labor, the Board of Directors of the Office of Compliance has rulemaking authority, not the Executive Director.

Applicable definitions

Section 206 of the CAA specifically makes applicable only one definition from USERRA to the CAA: service in the uniformed services. Rules of construction found in Section 225 (f)(1) of the CAA allow that except where inconsistent with definitions and exemptions provided elsewhere in the CAA, the definitions and exemptions found in USERRA will apply. Therefore, the definitions that are provided in these regulations are derived either from USERRA or from similar definitions under the CAA.

Types of service in the uniformed services that are covered by USERRA

Because the definition of "service in the uniformed services" was applied directly to the legislative branch as it was written in USERRA, the types of service which receive protection under the CAA are the same types of service which receive protection under DOL regulations: all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war; persons serving in the active components of the Armed Forces; and certain types of service specified in 42 U.S.C. 300hh–11 by members of the National Disaster Medical System. However, the CAA limits protections to covered employees who are deemed eligible under Section 206(a).

USERRA vis-a-vis other laws, public contracts, and employing office practices

This subpart underscores the fact that USERRA allows an employing office to provide rights and benefits that are greater than those required by USERRA, but not lesser. It clarifies that an employing office is not required to place an eligible employee in a better place than he/she would have been had he/she not served in the uniformed services. It clarifies that USERRA supersedes any State law, contract, agreement, policy, plan, practice, or other matter that reduces any right or benefit provided by USERRA. It does not, however, supersede, nullify, or diminish any Federal or State law, contract, agreement, policy, plan, practice, or other matter that establishes an employment right or benefit that is more beneficial than that provided under USERRA.

SUBPART B—ANTI-DISCRIMINATION AND ANTI-RETALIATION; PROTECTION FROM EMPLOYER DISCRIMINATION AND RETALIATION

This subpart provides protections for eligible employees against discrimination, as well as protections for both eligible and covered employees against retaliation. The Board has maintained the general application of this subpart and has determined that the prohibitions against discrimination and retaliation apply to all positions. Also consistent with DOL regulations, the Board maintains that reemployment rights and benefits do not apply to brief, nonrecurrent positions. The Board found good cause, however, to differentiate from the DOL regulations in certain sections of this subpart. Consequently, the Board has modified this subpart to be more effective for implementation in the legislative branch.

Unlike DOL, the Board makes a distinction between discrimination and retaliation. By not including in the CAA the USERRA standard to establish a violation of this subpart, Congress specifically excluded the "but for" standard which is applied in DOL's USERRA regulations. Notably, the Board chose a different standard for 207(a) retaliation in its decision in Britton v. Office of the Architect of the Capitol, 02–AC–20 (CV, RP). In Britton, the Board considered Congress' intentional exclusion of the "but for" standard in USERRA. As a result, the Board applied the McDonnell Douglas three-part standard, which it applies to 207 claims of retaliation.

Because Congress adopted a uniform remedy for most retaliation claims under the CAA, the Board has rejected an ad hoc approach and has chosen to apply this Britton standard to all claims of retaliation brought under Section 207(a) of the CAA. The Board also has chosen to apply the Britton standard for cases of retaliation brought under section 206. The Board does not propose a particular standard for claims of discrimination or retaliation brought by eligible employees under section 206.

As the Board has found good cause to make significant changes to this subpart, the numbering of the particular sections contained therein differs from those found in DOL's regulations. To aid in a comparative review of the two sets of regulations, the Board has included an index, comparing DOL's numbering and the Board's numbering within each subpart.

USERRA's discrimination protections

This subpart sets out that basic non-discrimination and non-retaliation protections of USERRA are applied to the legislative branch through these regulations. An employing office may not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

USERRA's retaliation protections

An employing office may not take any adverse employment action that is reasonably likely to deter future protected activity because of an eligible employee's service in the uniformed services or an eligible or covered employee's exercise of their rights under the statute. These protections are similar to those found in DOL's regulations, except that they are broadened to include retaliation protections as found in section 207(a) of the CAA.

USERRA's application to covered employees who do not actually perform service in the uniformed services

The CAA makes the protections under Section 206 of the CAA strictly applicable to "eligible employees." Such "eligible employees" are defined as those performing service in the uniformed services as defined by USERRA. Section 207 of the CAA provides protections against retaliation to those employees who are not eligible but who are otherwise covered by the CAA. So, there are three types of protection an "eligible employee" may receive under the CAA: Discrimination protection as provided by Section 206 of the CAA, retaliation protection as provided by Section 206 of the CAA, and retaliation protection as provided by Section 207 of the CAA. Those employees who are not eligible for protection under Section 206 because they have not performed service in the uniformed services, but who otherwise are covered by the CAA, receive retaliation protections as provided by Section 207 of the CAA.

SUBPART C—ELIGIBILITY FOR REEMPLOYMENT

This subpart closely follows the Department of Labor regulations, as well as Section 4316 of USERRA. The Board saw no good cause to modify the regulations from those promulgated by the Secretary of Labor.

One item to note, however, is the multi-employer language, The Board recognizes that it is possible for an employee to work for two employing offices of the legislative branch, although it is not permitted for an employee to work for a Member office and a Committee at the same time. However, Section 1002.101 was included to discuss the five-year service limit requirement.

SUBPART D—RIGHTS, BENEFITS, AND OBLIGATIONS OF PERSONS ABSENT FROM EMPLOYMENT DUE TO SERVICE IN THE UNIFORMED SERVICES

This subpart closely follows the Department of Labor regulations, as well as Section 4316 of USERRA. The Board saw no good cause to modify the regulations from those promulgated by the Secretary of Labor.

SUBPART E—REEMPLOYMENT RIGHTS AND BENEFITS

This subpart closely follows the Department of Labor regulations, as well as Section 4316 of USERRA. The Board saw no good cause to modify the regulations from those promulgated by the Secretary of Labor, with the exception of deleting language regarding assistance to employees from the Office of Personnel Management.

The DOL regulations explain that the Office of Personnel Management would assist an agency in obtaining suitable employment for a returning employee who was unable to qualify for the pre-service position or any other position. The corresponding statutory section is not one of the sections Congress applied to the legislative branch through Section 1316 of the CAA. Therefore, this language was removed from the text of the proposed regulations.

SUBPART F—COMPLIANCE ASSISTANCE, ENFORCEMENT AND REMEDIES

Compliance assistance

This section discusses the role of the Office of Compliance in providing assistance to the covered community regarding the rights and benefits under USERRA, as applied by the CAA. The Board found "good cause" to modify the regulations in this subpart. The DOL regulations delineate the responsibilities of the Veterans' Employment and Training Service ("VETS") in providing assistance to persons and entities regarding their rights and benefits under USERRA. The Board realizes that this service is available to all service members by virtue of their service in the uniformed services and section 225(d)(2) of the CAA specifies that eligible employees may utilize any provisions of chapter 43 of title 38, USERRA, that are applicable.

The CAA, however, limits the application of USERRA to certain provisions, and provides a unique enforcement mechanism for eligible covered employees to remedy violations of USERRA, as applied by the CAA. Section 301(h) of the CAA charges the Office with providing a program of education and information for covered employees and employing offices. This subpart clarifies that covered employees and employing offices may seek education and information on USERRA, as applied by the CAA, from the Office of Compliance pursuant to section 301(h) of the CAA.

Initiating a claim

The Board, in this subpart, sets out the procedures available for consideration of an allegation of a violation of USERRA brought under the CAA. The procedures are substantially the same as those followed by an employee who initiates a claim of discrimination under the CAA.

Enforcement of rights and benefits against an employing office

The Board makes clear that eligible covered employees must utilize the procedures outlined in the CAA to bring a USERRA claim against a covered employing office. The Board modified these regulations where the CAA gives standing to bring an action under section 206 only to "eligible employees." The Board makes clear that covered employees who are not also eligible, as defined in Subpart A, are protected from retaliation under section 207 of the CAA.

With respect to a necessary party in an action under CAA's USERRA provisions, the Board found that only a covered employing office may be a necessary party respondent and that the confidentiality requirements of the CAA provide good cause to modify the regulation to disallow interested parties to intervene in an action at the hearing stage. However, the hearing officer has authority to require the filing of briefs, memoranda of law and the presentation of oral argument, as well as order the production of evidence and the appearance of witnesses.

The Board found that DOL regulations permitting an award of fees and court costs for an individual who has obtained counsel and prevailed in their claim against their employer is consistent with Section 225(a) of the CAA that permits a prevailing covered employee to be awarded reasonable fees and costs. However, to be more fully consistent with the CAA, the Board modified the language removing the requirement that the individual retain private counsel as a condition of such an award. The Board saw no cause to modify the USERRA regulation that does not permit costs to be assessed against an individual who has made a claim under USERRA, regardless of whether or not they prevailed in their claim.

The Board clarifies that while USERRA does not have a statute of limitations, the procedures for bringing a claim under part A of subchapter II which incorporates USERRA, requires that an action be commenced by requesting counseling by the Office of Compliance not later than 180 days after the date of the alleged violation.

The Board found that the remedies available under USERRA, as applied by the CAA, are the same as those available to other claimants under USERRA because the CAA adopts USERRA's equitable and legal remedies and directs the hearing officer to award such remedies as are provided in the statute. In order to vest this authority in the hearing officer, the Board found that the authority of the hearing officer under the CAA is the same as the authority of the court under the DOL regulations in that the hearing officer, and not the Board, has the responsibility and authority to develop the record of proceedings and issue a decision that is the final agency decision, unless it is appealed to the Board. The Board's authority to review a hearing officer's decision is limited to a review of the record.

The Board deleted from its regulations the section on initiating actions in the name of the United States because such actions are not permissible under the CAA. And, in the final section of this subpart, the Board found no cause to modify the equity powers permitted under USERRA, as they are consistent with the authority permitted under the CAA, as stated above.

DOL'S SECTIONS

SUBPART A

Sec. 1002.1 What is the purpose of this subpart?

Sec. 1002.2 Is USERRA new law?

Sec. 1002.3 When did USERRA become effective?

Sec. 1002.4 What is the role of the Secretary of Labor under USERRA?

Sec. 1002.5 What definitions apply to USERRA?

Sec. 1002.6 What types of service in the uniformed services are covered by USERRA?

Sec. 1002.7 How does USERRA relate to other laws, public and private contracts, and employer practices?

SUBPART B

Sec. 1002.18 What status or activity is protected from employer discrimination by USERRA?

Sec. 1002.19 What activity is protected from employer retaliation by USERRA?

Sec. 1002.20 Does USERRA protect an individual who does not actually perform service in the uniformed services?

Sec. 1002.21 Do the Act's prohibitions against discrimination and retaliation apply to all employment positions?

Sec. 1002.22 Who has the burden of proving discrimination or retaliation in violation of USERRA?

Sec. 1002.23 What must the individual show to carry the burden of proving that the employer discriminated or retaliated against him or her?

SUBPART C

Sections 1002.34–1002.139 are the same in both sets of regulations.

SUBPART D

Sections 1002.149–171 are the same in both sets of regulations.

SUBPART E

Sections 1002.180–267 are the same in both sets of regulations.

SUBPART F

Section 1002.277 What assistance does the Department of Labor provide to employees and employers concerning employment, reemployment, or other rights and benefits under USERRA?

Section 1002.288 How does an individual file a USERRA complaint?

Section 1002.289 How will VETS investigate a USERRA complaint?

Section 1002.290 Does VETS have the authority to order compliance with USERRA?

Section 1002.291 What actions may an individual take if the complaint is not resolved by VETS?

Section 1002.292 What can the Attorney General do about the complaint?

Section 1002.303 Is an individual required to file his or her complaint with VETS?

Section 1002.304 If an individual files a complaint with VETS and VETS' efforts do not resolve the complaint, can the individual pursue the claim on his or her own?

Section 1002.305 What court has jurisdiction in an action against a State or private employer?

Section 1002.306 Is a National Guard civilian technician considered a State or Federal employee for purposes of USERRA?

Section 1002.307 What is the proper venue in an action against a State or private employer?

Section 1002.308 Who has legal standing to bring an action under USERRA?

Section 1002.309 Who is a necessary party in an action under USERRA?

Section 1002.310 How are fees and court costs charged or taxed in an action under USERRA?

Section 1002.311 Is there a statute of limitations in an action under USERRA?

Section 1002.312 What remedies may be awarded for a violation of USERRA?

Section 1002.313 Deleted by Board

Section 1002.314 May a court use its equity powers in an action or proceeding under the Act?

OOC'S SECTIONS

SUBPART A

Sec. 1002.1 What is the purpose of this subpart?

Sec. 1002.2 Is USERRA new law?

Sec. 1002.3 When did USERRA become effective?

Sec. 1002.4 What is the role of the Executive Director of the Office of Compliance under the USERRA provisions of the CAA?

Sec. 1002.5 What definitions apply to USERRA?

Sec. 1002.6 What types of service in the uniformed services are covered by USERRA?

Sec. 1002.7 How does USERRA relate to other laws, public and private contracts, and employer practices?

SUBPART B

Sec. 1002.18 What status or activity is protected from employer discrimination by USERRA?

Sec. 1002.19 What activity is protected from employer retaliation by USERRA?

Sec. 1002.20 Do the Act's prohibitions against discrimination and retaliation apply to all employment positions?

Sec. 1002.21 Does USERRA protect an individual who does not actually perform service in the uniformed services?

Sections 1002.22–23 deleted by Board.

SUBPART C

Sections 1002.34–1002.139 are the same in both sets of regulations.

SUBPART D

Sections 1002.149–171 are the same in both sets of regulations.

SUBPART E

Sections 1002.180–267 are the same in both sets of regulations.

SUBPART F

Section 1002.277 What assistance does the Office of Compliance provide to employees and employers concerning employment, reemployment, or other rights and benefits under USERRA?

Section 1002.288 How does a covered employee initiate a claim alleging a violation of USERRA under the CAA?

Sections 1002.289–292 deleted by Board.

Section 1002.303 Is a covered employee required to bring his or her claim to the Office of Compliance?

Sections 1002.24-.307 deleted by Board.

Section 1002.308 Who has legal standing to bring an action under USERRA?

Section 1002.309 Who is a necessary party in an action under USERRA?

Section 1002.310 How are fees and court costs charged or taxed in an action under USERRA?

Section 1002.311 Is there a statute of limitations in an action under USERRA?

Section 1002.312 What remedies may be awarded for a violation of USERRA?

Section 1002.313 Deleted by Board.

Section 1002.314 May a court use its equity powers in an action or proceeding under the Act?

TEXT OF PROPOSED UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT REGULATIONS

Subpart A—Introduction to the Regulations Under the Uniformed Services Employment and Reemployment Rights Act of 1994 General Provisions

§ 1002.1 What is the purpose of this part?

This part implements certain provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA" or "the Act"), as applied by the Congressional Accountability Act ("CAA"). 2 U.S.C. 1316. USERRA is a law that establishes certain rights and benefits for employees, and duties for employers. USERRA affects employment, reemployment, and retention in employment, when employees serve or have served in the uniformed services. There are five subparts to these regulations. Subpart A gives an introduction to the USERRA regulations. Subpart B describes USERRA's anti-discrimination and anti-retaliation provisions. Subpart C explains the steps that must be taken by a uniformed service member who wants to return to his or her previous civilian employment. Subpart D describes the rights, benefits, and obligations of persons absent from employment due to service in the uniformed services, including rights and obligations related to health plan coverage. Subpart E describes the rights, benefits, and obligations of the returning veteran or service member. Subpart F explains the role of the Office of Compliance in administering USERRA as applied by the CAA.

§ 1002.2 Is USERRA a new law?

USERRA is the latest in a series of laws protecting veterans' employment and reemployment rights going back to the Selective Training and Service Act of 1940. USERRA's immediate predecessor was commonly referred to as the Veterans' Reemployment Rights Act ("VRRA"), which was enacted as section 404 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974. In enacting USERRA, Congress emphasized USERRA's continuity with the VRRA and its intention to clarify and strengthen that law. Congress also emphasized that Federal laws protecting veterans' employment and reemployment rights for the past fifty years had been successful and that the large body of case law that had developed under those statutes remained in full force and effect, to the extent it is consistent with USERRA. USERRA authorized the Department of Labor to publish regulations implementing the Act for State, local government, and private employers. USERRA also authorized the Office of Personnel Management to issue regulations implementing the Act for Federal executive agencies, with the exception of certain Federal intelligence agencies. For those Federal intelligence agencies, USERRA established a separate program for employees. Section 206 of the CAA requires the Board of Directors of the Office of Compliance to issue regulations to implement the statutory provisions relating to employment and reemployment rights of members of the uniformed services. The regulations are required to be the same as substantive regulations promulgated by the Secretary of Labor, except where a modification of such regulations would be more effective for the implementation of the rights and protections of the Act. The Department of Labor issued its regulations, effective January 18, 2006. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated for the legislative branch, for the implementation of the USERRA provisions of the CAA. All references to USERAA in these regulations, means USERRA, as applied by the CAA.

§ 1002.3 When did USERRA become effective?

USERRA, as applied by the CAA, became effective for employing offices of the legislative branch on January 23, 1996. These regulations will become effective upon approval by Congress.

§ 1002.4 What is the role of the Executive Director of the Office of Compliance under the USERRA provisions of the CAA?

(a) As applied by the CAA, the Executive Director of the Office of Compliance is responsible for providing education and information to any covered employing office or employee with respect to their rights, benefits, and obligations under the USERRA provisions of the CAA.

(b) The Office of Compliance, under the direction of the Executive Director, is responsible for the processing of claims filed pursuant to these regulations. More information about the Office of Compliance's role is contained in Subpart F.

§ 1002.5 What definitions apply to these USERRA regulations?

(a) Act or USERRA means the Uniformed Services Employment and Reemployment Rights Act of 1994, as applied by the CAA.

(b) Benefit, benefit of employment, or rights and benefits means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues to the employee because of an employment contract, employment agreement, or employing office policy, plan, or practice. The term includes rights and benefits under a pension plan, health plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and, where applicable, the opportunity to select work hours or the location of employment.

(c) Board means Board of Directors of the Office of Compliance.

(d) CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C.§§ 301–1438).

(e) Covered employee means any employee, including an applicant for employment, of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Board or the Capitol Guide Service; (4) the Capitol Police Board or the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Government Accountability Office; (9) the Library of Congress; and (10) the Office of Compliance.

(f) Eligible employee means a covered employee performing service in the uniformed services, as defined in 1002.5 (u) of this subpart, whose service has not been terminated upon occurrence of any of the events enumerated in section 1002.135 of these regulations.

(g) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(h) Employee of the Capitol Police Board includes any member or officer of the Capitol Police.

(i) Employee of the House of Representatives includes an individual occupying a position for which the pay is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (2) through (10) of paragraph (e) above.

(j) Employee of the Senate includes an individual occupying a position for which the pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (1) and (3) through (10) of paragraph (e) above.

(k) Employing office means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives; (4) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (5) the Capitol Guide Board; (6) the Capitol Police Board; (7) the Congressional Budget Office; (8) the Office of the Architect of the Capitol; (9) the Office of the Attending Physician; (10) the Government Accountability Office; (11) the Library of Congress; (12) or the Office of Compliance.

(l) Health plan means an insurance policy, insurance contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

(m) Notice, when the employee is required to give advance notice of service, means any written or oral notification of an obligation or intention to perform service in the uniformed services provided to an employing office by the employee who will perform such service, or by the uniformed service in which the service is to be performed.

(n) Office means the Office of Compliance.

(o) Qualified, with respect to an employment position, means having the ability to perform the essential tasks of the position.

(p) Reasonable efforts, in the case of actions required of an employing office, means actions, including training provided by an employing office that do not place an undue hardship on the employing office.

(q) Seniority means longevity in employment together with any benefits of employment that accrue with, or are determined by, longevity in employment.

(r) Service in the uniformed services means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. Service in the uniformed services includes active duty, active and inactive duty for training, National Guard duty under Federal statute, and a period for which a person is absent from a position of employment for an examination to determine the fitness of the person to perform such duty. The term also includes a period for which a person is absent from employment to perform funeral honors duty as authorized by law (10 U.S.C. 12503 or 32 U.S.C. 115). The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107–188, provides that service as an intermittent disaster-response appointee upon activation of the National Disaster Medical System (NDMS) or as a participant in an authorized training program is deemed "service in the uniformed services." 42 U.S.C. 300hh–11(e)(3).

(s) Undue hardship, in the case of actions taken by an employing office, means an action requiring significant difficulty or expense, when considered in light of—

(1) The nature and cost of the action needed under USERRA and these regulations;

(2) The overall financial resources of the employing office; the overall size of the business of an employing office with respect to the number of its employees; the number, type, and location of its facilities; and,

(3) The type of operation or operations of the employing office, including the composition, structure, and functions of the work force of such employing office; the geographic separateness, administrative, or fiscal relationship of the State, District, or satellite office in question to the employing office.

(t) Uniformed services means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency. For purposes of USERRA coverage only, service as an intermittent disaster response appointee of the National Disaster Medical System (NDMS) when federally activated or attending authorized training in support of their Federal mission is deemed "service in the uniformed services," although such appointee is not a member of the "uniformed services" as defined by USERRA.

§1002.6 What types of service in the uniformed services are covered by USERRA?

The definition of "service in the uniformed services" covers all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war. Although most often understood as applying to National Guard and reserve military personnel, USERRA also applies to persons serving in the active components of the Armed Forces. Certain types of service specified in 42 U.S.C. 300hh–11 by members of the National Disaster Medical System are covered by USERRA.

§1002.7 How does USERRA, as applied by the Congressional Accountability Act, relate to other laws, public and private contracts, and employing office practices?

(a) USERRA establishes a floor, not a ceiling, for the employment and reemployment rights and benefits of those it protects. In other words, an employing office may provide greater rights and benefits than USERRA requires, but no employing office can refuse to provide any right or benefit guaranteed by USERRA, as applied by the CAA.

(b) USERRA supersedes any State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that reduces, limits, or eliminates in any manner any right or benefit provided by USERRA, including the establishment of additional prerequisites to the exercise of any USERRA right or the receipt of any USERRA benefit. For example, an office policy that determines seniority based only on actual days of work in the place of employment would be superseded by USERRA, which requires that seniority credit be given for periods of absence from work due to service in the uniformed services.

(c) USERRA does not supersede, nullify or diminish any Federal or State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit provided under the Act. For example, although USERRA does not require an employing office to pay an employee for time away from work performing service, an employing office policy, plan, or practice that provides such a benefit is permissible under USERRA.

(d) If an employing office provides a benefit that exceeds USERRA's requirements in one area, it cannot reduce or limit other rights or benefits provided by USERRA. For example, even though USERRA does not require it, an employing office may provide a fixed number of days of paid military leave per year to employees who are members of the National Guard or Reserve. The fact that it provides such a benefit, however, does not permit an employing office to refuse to provide an unpaid leave of absence to an employee to perform service in the uniformed services in excess of the number of days of paid military leave.

Subpart B—Anti-Discrimination and Anti-Retaliation

PROTECTION FROM EMPLOYER DISCRIMINATION AND RETALIATION

§1002.18 What status or activity is protected from employer discrimination by USERRA?

An employing office must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

§1002.19 What activity is protected from employer retaliation by USERRA?

An employing office must not retaliate against an individual by taking any adverse employment action against him or her because the individual has taken an action to enforce a protection afforded any person under USERRA; testified or otherwise made a statement in or in connection with a proceeding under USERRA; assisted or participated in a USERRA investigation; exercised a right provided for by USERRA; or is performing service in the uniformed services within the meaning of 1002.5 of Subpart A of these regulations.

§1002.20 Do the Act's prohibitions against discrimination and retaliation apply to all employment positions?

Under USERRA, as applied by the CAA, the prohibitions against discrimination and retaliation apply to all positions within covered employing offices, including those that are for a brief, nonrecurrent period, and for which there is no reasonable expectation that the employment position will continue indefinitely or for a significant period. However, USERRA's reemployment rights and benefits do not apply to such brief, non-recurrent positions of employment.

§1002.21 Does USERRA protect a covered employee who does not actually perform service in the uniformed services?

USERRA's provisions, as applied by Section 206 of the CAA, prohibit discrimination and retaliation against eligible employees. Section 207(a) of the CAA prohibits retaliation against those non-eligible, covered employees under the CAA who have not performed service in the uniformed services.

Subpart C—Eligibility For Reemployment

GENERAL ELIGIBILITY REQUIREMENTS FOR REEMPLOYMENT

§1002.32 What criteria must the employee meet to be eligible under USERRA for reemployment after service in the uniformed services?

(a) In general, if the employee has been absent from a position of civilian employment by reason of service in the uniformed services, he or she will be eligible for reemployment under USERRA by meeting the following criteria:

(1) The employer had advance notice of the employee's service;

(2) The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with a particular employer;

(3) The employee timely returns to work or applies for reemployment; and,

(4) The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

(b) These general eligibility requirements have important qualifications and exceptions, which are described in detail in §§1002.73 through 1002.138. If the employee meets these eligibility criteria, then he or she is eligible for reemployment unless the employer establishes one of the defenses described in §1002.139. The employment position to which the employee is entitled is described in §§1002.191 through 1002.199.

§1002.33 Does the covered employee have to prove that the employing office discriminated against him or her in order to be eligible for reemployment?

No. The covered employee is not required to prove that the employing office discriminated against him or her because of the employee's uniformed service in order to be eligible for reemployment.

COVERAGE OF EMPLOYERS AND POSITIONS

§1002.34 Which employing offices are covered by these regulations?

(a) USERRA applies to all covered employing offices of the legislative branch as defined in Subpart A, section 1002.5, subsection (e) of these regulations.

§1002.40 Does USERRA protect against discrimination in initial hiring decisions?

Yes. The definition of employer in the USERRA provision as applied by the CAA includes an employing office that has denied initial employment to an individual in violation of USERRA's anti-discrimination provisions. An employing office need not actually employ an individual to be his or her "employer" under the Act, if it has denied initial employment on the basis of the individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. Similarly, the employing office would be liable if it denied initial employment on the basis of the individual's action taken to enforce a protection afforded to any person under USERRA, his or her testimony or statement in connection with any USERRA proceeding, assistance or other participation in a USERRA investigation, or the exercise of any other right provided by the Act. For example, if the individual has been denied initial employment because of his or her obligations as a member of the National Guard or Reserves, the employing office denying employment is an employer for purposes of USERRA. Similarly, if an employing office withdraws an offer of employment because the individual is called upon to fulfill an obligation in the uniformed services, the employing office withdrawing the employment offer is an employer for purposes of USERRA.

§1002.41 Does an employee have rights under USERRA even though he or she holds a temporary, part-time, probationary, or seasonal employment position?

USERRA rights are not diminished because an employee holds a temporary, part-time, probationary, or seasonal employment position. However, an employing office is not required to reemploy an employee if the employment he or she left to serve in the uniformed services was for a brief, nonrecurrent period and there is no reasonable expectation that the employment would have continued indefinitely or for a significant period. The employing office bears the burden of proving this affirmative defense.

§1002.42 What rights does an employee have under USERRA if he or she is on layoff or on a leave of absence?

(a) If an employee is laid off with recall rights, or on a leave of absence, he or she is an employee for purposes of USERRA. If the employee is on layoff and begins service in the uniformed services, or is laid off while performing service, he or she may be entitled to reemployment on return if the employing office would have recalled the employee to employment during the period of service. Similar principles apply if the employee is on a leave of absence from work when he or she begins a period of service in the uniformed services.

(b) If the employee is sent a recall notice during a period of service in the uniformed services and cannot resume the position of employment because of the service, he or she still remains an employee for purposes of the Act. Therefore, if the employee is otherwise eligible, he or she is entitled to reemployment following the conclusion of the period of service, even if he or she did not respond to the recall notice.

(c) If the employee is laid off before or during service in the uniformed services, and the employing office would not have recalled him or her during that period of service, the employee is not entitled to reemployment following the period of service simply because he or she is a covered employee. Reemployment rights under USERRA cannot put the employee in a better position than if he or she had remained in the civilian employment position.

§1002.43 Does an individual have rights under USERRA even if he or she is an executive, managerial, or professional employee?

Yes. USERRA applies to all covered employees. There is no exclusion for executive, managerial, or professional employees.

§1002.44 Does USERRA cover an independent contractor?

(a) No. USERRA, as applied by the CAA, does not provide protections for an independent contractor.

COVERAGE OF SERVICE IN THE UNIFORMED SERVICES

§1002.54 Are all military fitness examinations considered "service in the uniformed services?"

Yes. USERRA's definition of "service in the uniformed services" includes a period for which an employee is absent from a position of employment for the purpose of an examination to determine his or her fitness to perform duty in the uniformed services. Military fitness examinations can address more than physical or medical fitness, and include evaluations for mental, educational, and other types of fitness. Any examination to determine an employee's fitness for service is covered, whether it is an initial or recurring examination. For example, a periodic medical examination required of a Reserve component member to determine fitness for continued service is covered.

§1002.55 Is all funeral honors duty considered "service in the uniformed services?"

(a) USERRA's definition of "service in the uniformed services" includes a period for which an employee is absent from employment for the purpose of performing authorized funeral honors duty under 10 U.S.C. 12503 (members of Reserve ordered to perform funeral honors duty) or 32 U.S.C. 115 (Member of Air or Army National Guard ordered to perform funeral honors duty).

(b) Funeral honors duty performed by persons who are not members of the uniformed services, such as members of veterans' service organizations, is not "service in the uniformed services."

§1002.56 What types of service in the National Disaster Medical System are considered "service in the uniformed services?"

Under a provision of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, 42 U.S.C. 300hh 11(e)(3), "service in the uniformed services" includes service performed as an intermittent disaster-response appointee upon activation of the National Disaster Medical System or participation in an authorized training program, even if the individual is not a member of the uniformed services.

§1002.57 Is all service as a member of the National Guard considered "service in the uniformed services?"

No. Only Federal National Guard service is considered "service in the uniformed services." The National Guard has a dual status. It is a Reserve component of the Army, or, in the case of the Air National Guard, of the Air Force. Simultaneously, it is a State military force subject to call-up by the State Governor for duty not subject to Federal control, such as emergency duty in cases of floods or riots. National Guard members may perform service under either Federal or State authority, but only Federal National Guard service is covered by USERRA.

(a) National Guard service under Federal authority is protected by USERRA. Service under Federal authority includes active duty performed under Title 10 of the United States Code. Service under Federal authority also includes duty under Title 32 of the United States Code, such as active duty for training, inactive duty training, or full-time National Guard duty.

(b) National Guard service under authority of State law is not protected by USERRA. However, many States have laws protecting the civilian job rights of National Guard members who serve under State orders. Enforcement of those State laws is not covered by USERRA or these regulations.

§1002.58 Is service in the commissioned corps of the Public Health Service considered "service in the uniformed services?"

Yes. Service in the commissioned corps of the Public Health Service (PHS) is "service in the uniformed services" under USERRA.

§1002.59 Are there any circumstances in which special categories of persons are considered to perform "service in the uniformed services?"

Yes. In time of war or national emergency, the President has authority to designate any category of persons as a "uniformed service" for purposes of USERRA. If the President exercises this authority, service as a member of that category of persons would be "service in the uniformed services" under USERRA.

§1002.60 Does USERRA cover an individual attending a military service academy?

Yes. Attending a military service academy is considered uniformed service for purposes of USERRA. There are four service academies: The United States Military Academy (West Point, New York), the United States Naval Academy (Annapolis, Maryland), the United States Air Force Academy (Colorado Springs, Colorado), and the United States Coast Guard Academy (New London, Connecticut).

§1002.61 Does USERRA cover a member of the Reserve Officers Training Corps?

Yes, under certain conditions:

(a) Membership in the Reserve Officers Training Corps (ROTC) or the Junior ROTC is not "service in the uniformed services." However, some Reserve and National Guard enlisted members use a college ROTC program as a means of qualifying for commissioned officer status. National Guard and Reserve members in an ROTC program may at times, while participating in that program, be receiving active duty and inactive duty training service credit with their unit. In these cases, participating in ROTC training sessions is considered "service in the uniformed services," and qualifies a person for protection under USERRA's reemployment and anti-discrimination provisions.

(b) Typically, an individual in a College ROTC program enters into an agreement with a particular military service that obligates such individual to either complete the ROTC program and accept a commission or, in case he or she does not successfully complete the ROTC program, to serve as an enlisted member. Although an individual does not qualify for reemployment protection, except as specified in (a) above, he or she is protected under USERRA's anti-discrimination provisions because, as a result of the agreement, he or she has applied to become a member of the uniformed services and has incurred an obligation to perform future service.

§1002.62 Does USERRA cover a member of the Commissioned Corps of the National Oceanic and Atmospheric Administration, the Civil Air Patrol, or the Coast Guard Auxiliary?

No. Although the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA) is a "uniformed service" for some purposes, it is not included in USERRA's definition of this term. Service in the Civil Air Patrol and the Coast Guard Auxiliary similarly is not considered "service in the uniformed services" for purposes of

USERRA. Consequently, service performed in the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), the Civil Air Patrol, and the Coast Guard Auxiliary is not protected by USERRA.

ABSENCE FROM A POSITION OF EMPLOYMENT NECESSITATED BY REASON OF SERVICE IN THE UNIFORMED SERVICES

§1002.73 Does service in the uniformed services have to be an employee's sole reason for leaving an employment position in order to have USERRA reemployment rights?

No. If absence from a position of employment is necessitated by service in the uniformed services, and the employee otherwise meets the Act's eligibility requirements, he or she has reemployment rights under USERRA, even if the employee uses the absence for other purposes as well. An employee is not required to leave the employment position for the sole purpose of performing service in the uniformed services, although such uniformed service must be the main reason for departure from employment. For example, if the employee is required to report to an out of State location for military training and he or she spends off-duty time during that assignment moonlighting as a security guard or visiting relatives who live in that State, the employee will not lose reemployment rights simply because he or she used some of the time away from the job to do something other than attend the military training. Also, if an employee receives advance notification of a mobilization order, and leaves his or her employment position in order to prepare for duty, but the mobilization is cancelled, the employee will not lose any reemployment rights.

§1002.74 Must the employee begin service in the uniformed services immediately after leaving his or her employment position in order to have USERRA reemployment rights?

No. At a minimum, an employee must have enough time after leaving the employment position to travel safely to the uniformed service site and arrive fit to perform the service. Depending on the specific circumstances, including the duration of service, the amount of notice received, and the location of the service, additional time to rest, or to arrange affairs and report to duty, may be necessitated by reason of service in the uniformed services. The following examples help to explain the issue of the period of time between leaving civilian employment and beginning service in the uniformed services:

(a) If the employee performs a full overnight shift for the civilian employer and travels directly from the work site to perform a full day of uniformed service, the employee would not be considered fit to perform the uniformed service. An absence from that work shift is necessitated so that the employee can report for uniformed service fit for duty.

(b) If the employee is ordered to perform an extended period of service in the uniformed services, he or she may require a reasonable period of time off from the civilian job to put his or her personal affairs in order, before beginning the service. Taking such time off is also necessitated by the uniformed service.

(c) If the employee leaves a position of employment in order to enlist or otherwise perform service in the uniformed services and, through no fault of his or her own, the beginning date of the service is delayed, this delay does not terminate any reemployment rights.

REQUIREMENT OF NOTICE

§1002.85 Must the employee give advance notice to the employing office of his or her service in the uniformed services?

(a) Yes. The employee, or an appropriate officer of the uniformed service in which his or her service is to be performed, must notify the employing office that the employee intends to leave the employment position to perform service in the uniformed services, with certain exceptions described below. In cases in which an employee is employed by more than one employing office, the employee, or an appropriate officer of the uniformed service in which his or her service is to be performed, must notify each employing office that the employee intends to leave the employment position to perform service in the uniformed services, with certain exceptions described below.

(b) The Department of Defense USERRA regulations at 32 CFR 104.3 provide that an "appropriate officer" can give notice on the employee's behalf. An "appropriate officer" is a commissioned, warrant, or non-commissioned officer authorized to give such notice by the military service concerned.

(c) The employee's notice to the employing office may be either oral or written. The notice may be informal and does not need to follow any particular format.

(d) Although USERRA does not specify how far in advance notice must be given to the employing office, an employee should provide notice as far in advance as is reasonable under the circumstances. In regulations promulgated by the Department of Defense under USERRA, 32 CFR 104.6(a)(2)(i)(B), the Defense Department "strongly recommends that advance notice to civilian employers be provided at least 30 days prior to departure for uniformed service when it is feasible to do so."

§1002.86 When is the employee excused from giving advance notice of service in the uniformed services?

The employee is required to give advance notice of pending service unless giving such notice is prevented by military necessity, or is otherwise impossible or unreasonable under all the circumstances.

(a) Only a designated authority can make a determination of "military necessity," and such a determination is not subject to judicial review. Guidelines for defining "military necessity" appear in regulations issued by the Department of Defense at 32 CFR 104.3. In general, these regulations cover situations where a mission, operation, exercise or requirement is classified, or could be compromised or otherwise adversely affected by public knowledge. In certain cases, the Secretary of Homeland Security, in consultation with the Secretary of Defense, can make a determination that giving of notice by intermittent disaster-response appointees of the National Disaster Medical System is precluded by "military necessity." See 42 U.S.C. 300hh-11(e)(3)(B).

(b) It may be impossible or unreasonable to give advance notice under certain circumstances. Such circumstances may include the unavailability of the employee's employing office or the employing office's representative, or a requirement that the employee report for uniformed service in an extremely short period of time.

§1002.87 Is the employee required to get permission from his or her employer before leaving to perform service in the uniformed services?

No. The employee is not required to ask for or get the employing office's permission to leave to perform service in the uniformed services. The employee is only required to give the employing office notice of pending service.

§1002.88 Is the employee required to tell the employing office that he or she intends to seek reemployment after completing uniformed service before the employee leaves to perform service in the uniformed services?

No. When the employee leaves the employment position to begin a period of service, he or she is not required to tell the employing office that he or she intends to seek reemployment after completing uniformed service. Even if the employee tells the employing office before entering or completing uniformed service that he or she does not intend to seek reemployment after completing the uniformed service, the employee does not forfeit the right to reemployment after completing service. The employee is not required to decide in advance of leaving the civilian employment position whether he or she will seek reemployment after completing uniformed service.

PERIOD OF SERVICE

§1002.99 Is there a limit on the total amount of service in the uniformed services that an employee may perform and still retain reemployment rights with the employer?

Yes. In general, the employee may perform service in the uniformed services for a cumulative period of up to five (5) years and retain reemployment rights with the employing office. The exceptions to this rule are described below.

§1002.100 Does the five-year service limit include all absences from an employment position that are related to service in the uniformed services?

No. The five-year period includes only the time the employee spends actually performing service in the uniformed services. A period of absence from employment before or after performing service in the uniformed services does not count against the five-year limit. For example, after the employee completes a period of service in the uniformed services, he or she is provided a certain amount of time, depending upon the length of service, to report back to work or submit an application for reemployment. The period between completing the uniformed service and reporting back to work or seeking reemployment does not count against the five-year limit.

§1002.101 Does the five-year service limit include periods of service that the employee performed when he or she worked for a previous employing office?

No. An employee is entitled to a leave of absence for uniformed service for up to five years with each employing office for whom he or she works or has worked. When the employee takes a position with a new employing office, the five-year period begins again regardless of how much service he or she performed while working in any previous employment relationship. If an employee is employed by more than one employing office, a separate five-year period runs as to each employing office independently, even if those employing offices share or co-determine the employee's terms and conditions of employment. For example, an employee of the legislative branch may work part-time for two employing offices. In this case, a separate five-year period would run as to the employee's employment with each respective employing office.

§1002.102 Does the five-year service limit include periods of service that the employee performed before USERRA was enacted?

It depends. Under the CAA, USERRA provides reemployment rights to which a covered employee may become entitled beginning on or after January 23, 1996, but any uniformed service performed before January 23, 1996, that was counted against the service limitations of the previous law (the Veterans Reemployment Rights Act), also counts against USERRA's five-year limit.

§1002.103 Are there any types of service in the uniformed services that an employee can perform that do not count against USERRA's five-year service limit?

(a) USERRA creates the following exceptions to the five-year limit on service in the uniformed services:

(1) Service that is required beyond five years to complete an initial period of obligated service. Some military specialties require an individual to serve more than five years because of the amount of time or expense involved in training. If the employee works in one of those specialties, he or she has reemployment rights when the initial period of obligated service is completed;

(2) If the employee was unable to obtain orders releasing him or her from service in the uniformed services before the expiration of the five-year period, and the inability was not the employee's fault;

(3)(i) Service performed to fulfill periodic National Guard and Reserve training requirements as prescribed by 10 U.S.C. 10147 and 32 U.S.C. 502(a) and 503; and, (ii) Service performed to fulfill additional training requirements determined and certified by a proper military authority as necessary for the employee's professional development, or to complete skill training or retraining;

(4) Service performed in a uniformed service if he or she was ordered to or retained on active duty under:

(i) 10 U.S.C. 688 (involuntary active duty by a military retiree);

(ii) 10 U.S.C. 12301(a) (involuntary active duty in wartime);

(iii) 10 U.S.C. 12301(g) (retention on active duty while in captive status);

(iv) 10 U.S.C. 12302 (involuntary active duty during a national emergency for up to 24 months);

(v) 10 U.S.C. 12304 (involuntary active duty for an operational mission for up to 270 days);

(vi) 10 U.S.C. 12305 (involuntary retention on active duty of a critical person during time of crisis or other specific conditions);

(vii) 14 U.S.C. 331 (involuntary active duty by retired Coast Guard officer);

(viii) 14 U.S.C. 332 (voluntary active duty by retired Coast Guard officer);

(ix) 14 U.S.C. 359 (involuntary active duty by retired Coast Guard enlisted member);

(x) 14 U.S.C. 360 (voluntary active duty by retired Coast Guard enlisted member);

(xi) 14 U.S.C. 367 (involuntary retention of Coast Guard enlisted member on active duty); and

(xii) 14 U.S.C. 712 (involuntary active duty by Coast Guard Reserve member for natural or man-made disasters).

(5) Service performed in a uniformed service if the employee was ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;

(6) Service performed in a uniformed service if the employee was ordered to active duty (other than for training) in support of an operational mission for which personnel have been ordered to active duty under 10 U.S.C. 12304, as determined by a proper military authority;

(7) Service performed in a uniformed service if the employee was ordered to active duty in support of a critical mission or requirement of the uniformed services as determined by the Secretary concerned; and,

(8) Service performed as a member of the National Guard if the employee was called to respond to an invasion, danger of invasion, rebellion, danger of rebellion, insurrection, or the inability of the President with regular forces to execute the laws of the United States.

(b) Service performed in a uniformed service to mitigate economic harm where the employee's employing office is in violation of its employment or reemployment obligations to him or her.

§1002.104 Is the employee required to accommodate his or her employer's needs as to the timing, frequency or duration of service?

No. The employee is not required to accommodate his or her employing office's interests or concerns regarding the timing, frequency, or duration of uniformed service. The employing office cannot refuse to reemploy the employee because it believes that the timing, frequency or duration of the service is unreasonable. However, the employing office is permitted to bring its concerns over the timing, frequency, or duration of the employee's service to the attention of the appropriate military authority. Regulations issued by the Department of Defense at 32 CFR 104.4 direct military authorities to provide assistance to an employer in addressing these types of employment issues. The military authorities are required to consider requests from employers of National Guard and Reserve members to adjust scheduled absences from civilian employment to perform service.

APPLICATION FOR REEMPLOYMENT

§1002.115 Is the employee required to report to or submit a timely application for reemployment to his or her pre-service employer upon completing the period of service in the uniformed services?

Yes. Upon completing service in the uniformed services, the employee must notify the pre-service employing office of his or her intent to return to the employment position by either reporting to work or submitting a timely application for reemployment. Whether the employee is required to report to work or submit a timely application for reemployment depends upon the length of service, as follows:

(a) Period of service less than 31 days or for a period of any length for the purpose of a fitness examination. If the period of service in the uniformed services was less than 31 days, or the employee was absent from a position of employment for a period of any length for the purpose of an examination to determine his or her fitness to perform service, the employee must report back to the employing office not later than the beginning of the first full regularly-scheduled work period on the first full calendar day following the completion of the period of service, and the expiration of eight hours after a period allowing for safe transportation from the place of that service to the employee's residence. For example, if the employee completes a period of service and travel home, arriving at ten o'clock in the evening, he or she cannot be required to report to the employing office until the beginning of the next full regularly-scheduled work period that begins at least eight hours after arriving home, i.e., no earlier than six o'clock the next morning. If it is impossible or unreasonable for the employee to report within such time period through no fault of his or her own, he or she must report to the employing office as soon as possible after the expiration of the eight-hour period.

(b) Period of service more than 30 days but less than 181 days. If the employee's period of service in the uniformed services was for more than 30 days but less than 181 days, he or she must submit an application for reemployment (written or oral) with the employing office not later than 14 days after completing service. If it is impossible or unreasonable for the employee to apply within 14 days through no fault of his or her own, he or she must submit the application not later than the next full calendar day after it becomes possible to do so.

(c) Period of service more than 180 days. If the employee's period of service in the uniformed services was for more than 180 days, he or she must submit an application for reemployment (written or oral) not later than 90 days after completing service.

§1002.116 Is the time period for reporting back to an employing office extended if the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service?

Yes. If the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service, he or she must report to or submit an application for reemployment to the employing office at the end of the period necessary for recovering from the illness or injury. This period may not exceed two years from the date of the completion of service, except that it must be extended by the minimum time necessary to accommodate circumstances beyond the employee's control that make reporting within the period impossible or unreasonable. This period for recuperation and recovery extends the time period for reporting to or submitting an application for reemployment to the employing office, and is not applicable following reemployment.

§1002.117 Are there any consequences if the employee fails to report for or submit a timely application for reemployment?

(a) If the employee fails to timely report for or apply for reemployment, he or she does not automatically forfeit entitlement to USERRA's reemployment and other rights and benefits. However, the employee does become subject to any conduct rules, established policy, and general practices of the employing office pertaining to an absence from scheduled work.

(b) If reporting or submitting an employment application to the employing office is impossible or unreasonable through no fault of the employee, he or she may report to the employing office as soon as possible (in the case of a period of service less than 31 days) or submit an application for reemployment to the employing office by the next full calendar day after it becomes possible to do so (in the case of a period of service from 31 to 180 days), and the employee will be considered to have timely reported or applied for reemployment.

§1002.118 Is an application for reemployment required to be in any particular form?

An application for reemployment need not follow any particular format. The employee may apply orally or in writing. The application should indicate that the employee is a former employee returning from service in the uniformed services and that he or she seeks reemployment with the pre-service employing office. The employee is permitted but not required to identify a particular reemployment position in which he or she is interested.

§1002.119 To whom must the employee submit the application for reemployment?

The application must be submitted to the pre-service employing office or to an agent or representative of the employing office who has apparent responsibility for receiving employment applications. Depending upon the circumstances, such a person could be a personnel or human resources officer, or a first-line supervisor.

§1002.120 If the employee seeks or obtains employment with an employer other than the pre-service employing office before the end of the period within which a reemployment application must be filed, will that jeopardize reemployment rights with the pre-service employing office?

No. The employee has reemployment rights with the pre-service employing office provided that he or she makes a timely reemployment application to that employing office. The employee may seek or obtain employment with an employer other than the pre-service employing office during the period of time within which a reemployment application must be made, without giving up reemployment rights with the pre-service employing office. However, such alternative employment during the application period should not be of a type that would constitute cause for the employing office to discipline or terminate the employee following reemployment. For instance, if the employing office forbids outside employment, violation of such a policy may constitute cause for discipline or even termination.

§1002.121 Is the employee required to submit documentation to the employing office in connection with the application for reemployment?

Yes, if the period of service exceeded 30 days and if requested by the employing office to do so. If the employee submits an application for reemployment after a period of service of more than 30 days, he or she must, upon the request of the employing office, provide documentation to establish that:

(a) The reemployment application is timely;

(b) The employee has not exceeded the five-year limit on the duration of service (subject to the exceptions listed at 1002.103); and,

(c) The employee's separation or dismissal from service was not disqualifying.

§1002.122 Is the employing office required to reemploy the employee if documentation establishing the employee's eligibility does not exist or is not readily available?

Yes. The employing office is not permitted to delay or deny reemployment by demanding documentation that does not exist or is not readily available. The employee is not liable for administrative delays in the issuance of military documentation. If the employee is re-employed after an absence from employment for more than 90 days, the employing office may require that he or she submit the documentation establishing entitlement to reemployment before treating the employee as not having had a break in service for pension purposes. If the documentation is received after reemployment and it shows that the employee is not entitled to reemployment, the employing office may terminate employment and any rights or benefits that the employee may have been granted.

§1002.123 What documents satisfy the requirement that the employee establish eligibility for reemployment after a period of service of more than thirty days?

(a) Documents that satisfy the requirements of USERRA include the following:

(1) DD (Department of Defense) 214 Certificate of Release or Discharge from Active Duty;

(2) Copy of duty orders prepared by the facility where the orders were fulfilled carrying an endorsement indicating completion of the described service;

(3) Letter from the commanding officer of a Personnel Support Activity or someone of comparable authority;

(4) Certificate of completion from military training school;

(5) Discharge certificate showing character of service; and,

(6) Copy of extracts from payroll documents showing periods of service;

(7) Letter from NDMS Team Leader or Administrative Officer verifying dates and times of NDMS training or Federal activation.

(b) The types of documents that are necessary to establish eligibility for reemployment will vary from case to case. Not all of these documents are available or necessary in every instance to establish reemployment eligibility.

CHARACTER OF SERVICE

§1002.134 What type of discharge or separation from service is required for an employee to be entitled to reemployment under USERRA?

USERRA does not require any particular form of discharge or separation from service. However, even if the employee is otherwise eligible for reemployment, he or she will be disqualified if the characterization of service falls within one of four categories. USERRA requires that the employee not have received one of these types of discharge.

§1002.135 What types of discharge or separation from uniformed service will make the employee ineligible for reemployment under USERRA?

REEMPLOYMENT RIGHTS ARE TERMINATED IF THE EMPLOYEE IS:

(a) Separated from uniformed service with a dishonorable or bad conduct discharge;

(b) Separated from uniformed service under other than honorable conditions, as characterized by regulations of the uniformed service;

(c) A commissioned officer dismissed as permitted under 10 U.S.C. 1161(a) by sentence of a general court-martial; in commutation of a sentence of a general court-martial; or, in time of war, by order of the President; or,

(d) A commissioned officer dropped from the rolls under 10 U.S.C. 1161(b) due to absence without authority for at least three months; separation by reason of a sentence to confinement adjudged by a court-martial; or, a sentence to confinement in a Federal or State penitentiary or correctional institution.

§1002.136 Who determines the characterization of service?

The branch of service in which the employee performs the tour of duty determines the characterization of service.

§1002.137 If the employee receives a disqualifying discharge or release from uniformed service and it is later upgraded, will reemployment rights be restored?

Yes. A military review board has the authority to prospectively or retroactively upgrade a disqualifying discharge or release. A retroactive upgrade would restore reemployment rights providing the employee otherwise meets the Act's eligibility criteria.

§1002.138 If the employee receives a retroactive upgrade in the characterization of service, will that entitle him or her to claim back wages and benefits lost as of the date of separation from service?

No. A retroactive upgrade allows the employee to obtain reinstatement with the former employing office, provided the employee otherwise meets the Act's eligibility criteria. Back pay and other benefits such as pension plan credits attributable to the time period between discharge and the retroactive upgrade are not required to be restored by the employing office in this situation.

EMPLOYER STATUTORY DEFENSES

§1002.139 Are there any circumstances in which the pre-service employing office is excused from its obligation to reemploy the employee following a period of uniformed service? What statutory defenses are available to the employing office in an action or proceeding for reemployment benefits?

(a) Even if the employee is otherwise eligible for reemployment benefits, the employing office is not required to reemploy him or her if the employing office establishes that its circumstances have so changed as to make reemployment impossible or unreasonable. For example, an employing office may be excused from re-employing the employee where there has been an intervening reduction in force that would have included that employee. The employing office may not, however, refuse to reemploy the employee on the basis that another employee was hired to fill the reemployment position during the employee's absence, even if reemployment might require the termination of that replacement employee;

(b) Even if the employee is otherwise eligible for reemployment benefits, the employing office is not required to reemploy him or her if it establishes that assisting the employee in becoming qualified for reemployment would impose an undue hardship, as defined in §1002.5(s) and discussed in §1002.198, on the employing office; or,

(c) Even if the employee is otherwise eligible for reemployment benefits, the employing office is not required to reemploy him or her if it establishes that the employment position vacated by the employee in order to perform service in the uniformed services was for a brief, nonrecurrent period and there was no reasonable expectation that the employment would continue indefinitely or for a significant period.

(d) The employing office defenses included in this section are affirmative ones, and the employing office carries the burden to prove by a preponderance of the evidence that any one or more of these defenses is applicable.

Subpart D—Rights, Benefits, and Obligations of Persons Absent from Employment Due to Service in the Uniformed Services

FURLOUGH AND LEAVE OF ABSENCE

§1002.149 What is the employee's status with the employing office while performing service in the uniformed services?

During a period of service in the uniformed services, the employee is deemed to be on leave of absence from the employing office. In this status, the employee is entitled to the non-seniority rights and benefits generally provided by the employing office to other employees with similar seniority, status, and pay that are on leave of absence. Entitlement to these non-seniority rights and benefits is not dependent on how the employing office characterizes the employee's status during a period of service. For example, if the employing office characterizes the employee as "terminated" during the period of uniformed service, this characterization cannot be used to avoid USERRA's requirement that the employee be deemed on leave of absence, and therefore, entitled to the non-seniority rights and benefits generally provided to employees on leave of absence.

§1002.150 Which non-seniority rights and benefits is the employee entitled to during a period of service?

(a) The non-seniority rights and benefits to which an employee is entitled during a period of service are those that the employing office provides to similarly situated employees by an agreement, policy, practice, or plan in effect at the employee's workplace. These rights and benefits include those in effect at the beginning of the employee's employment and those established after employment began. They also include those rights and benefits that become effective during the employee's period of service and that are provided to similarly situated employees on leave of absence.

(b) If the non-seniority benefits to which employees on leave of absence are entitled vary according to the type of leave, the employee must be given the most favorable treatment accorded to any comparable form of leave when he or she performs service in the uniformed services. In order to determine whether any two types of leave are comparable, the duration of the leave may be the most significant factor to compare. For instance, a two-day funeral leave will not be "comparable" to an extended leave for service in the uniformed service. In addition to comparing the duration of the absences, other factors such as the purpose of the leave and the ability of the employee to choose when to take the leave should also be considered.

(c) As a general matter, accrual of vacation leave is considered to be a non-seniority benefit that must be provided by an employing office to an employee on a military leave of absence only if the employing office provides that benefit to similarly situated employees on comparable leaves of absence.

(d) Nothing in this section gives the employee rights or benefits to which the employee otherwise would not be entitled if the employee had remained continuously employed with the employing office.

§1002.151 If the employing office provides full or partial pay to the employee while he or she is on military leave, is the employing office required to also provide the non-seniority rights and benefits ordinarily granted to similarly situated employees on furlough or leave of absence?

Yes. If the employing office provides additional benefits such as full or partial pay when the employee performs service, the employing office is not excused from providing other rights and benefits to which the employee is entitled under the Act.

§1002.152 If employment is interrupted by a period of service in the uniformed services, are there any circumstances under which the employee is not entitled to the non-seniority rights and benefits ordinarily granted to similarly situated employees on furlough or leave of absence?

If employment is interrupted by a period of service in the uniformed services and the employee knowingly provides written notice of intent not to return to the position of employment after service in the uniformed services, he or she is not entitled to those non-seniority rights and benefits. The employee's written notice does not waive entitlement to any other rights to which he or she is entitled under the Act, including the right to reemployment after service.

§1002.153 If employment is interrupted by a period of service in the uniformed services, is the employee permitted upon request to use accrued vacation, annual or similar leave with pay during the service? Can the employer require the employee to use accrued leave during a period of service?

(a) If employment is interrupted by a period of service, the employee must be permitted upon request to use any accrued vacation, annual, or similar leave with pay during the period of service, in order to continue his or her civilian pay. However, the employee is not entitled to use sick leave that accrued with the employing office during a period of service in the uniformed services, unless the employing office allows employees to use sick leave for any reason, or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave. Sick leave is usually not comparable to annual or vacation leave; it is generally intended to provide income when the employee or a family member is ill and the employee is unable to work.

(b) The employing office may not require the employee to use accrued vacation, annual, or similar leave during a period of service in the uniformed services.

HEALTH PLAN COVERAGE

§1002.163 What types of health plans are covered by USERRA?

(a) USERRA defines a health plan to include an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or arrangement under which the employee's health services are provided or the expenses of those services are paid.

(b) USERRA covers group health plans as defined in the Employee Retirement Income Security Act of 1974 (ERISA) at 29 U.S.C. 1191b(a). USERRA applies to group health plans that are subject to ERISA, and plans that are not subject to ERISA, such as those sponsored by State or local governments or religious organizations for their employees.

(c) USERRA covers multi-employer plans maintained pursuant to one or more collective bargaining agreements between employers and employee organizations. USERRA applies to multi-employer plans as they are defined in ERISA at 29 U.S.C. 1002(37). USERRA contains provisions that apply specifically to multi-employer plans in certain situations.

§1002.164 What health plan coverage must the employing office provide for the employee under USERRA?

If the employee has coverage under a health plan in connection with his or her employment, the plan must permit the employee to elect to continue the coverage for a certain period of time as described below:

(a) When the employee is performing service in the uniformed services, he or she is entitled to continuing coverage for himself or herself (and dependents if the plan offers dependent coverage) under a health plan provided in connection with the employment. The plan must allow the employee to elect to continue coverage for a period of time that is the lesser of:

(1) The 24-month period beginning on the date on which the employee's absence for the purpose of performing service begins; or,

(2) The period beginning on the date on which the employee's absence for the purpose of performing service begins, and ending on the date on which he or she fails to return from service or apply for a position of employment as provided under sections 1002.115 123 of these regulations.

(b) USERRA does not require the employing office to establish a health plan if there is no health plan coverage in connection with the employment, or, where there is a plan, to provide any particular type of coverage.

(c) USERRA does not require the employing office to permit the employee to initiate new health plan coverage at the beginning of a period of service if he or she did not previously have such coverage.

§1002.165 How does the employee elect continuing health plan coverage?

USERRA does not specify requirements for electing continuing coverage. Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and the Act's exceptions to the requirement that the employee give advance notice of service in the uniformed services. For example, the employee cannot be precluded from electing continuing health plan coverage under circumstances where it is impossible or unreasonable for him or her to make a timely election of coverage.

§1002.166 How much must the employee pay in order to continue health plan coverage?

(a) If the employee performs service in the uniformed service for fewer than 31 days, he or she cannot be required to pay more than the regular employee share, if any, for health plan coverage.

(b) If the employee performs service in the uniformed service for 31 or more days, he or she may be required to pay no more than 102% of the full premium under the plan, which represents the employing office's share plus the employee's share, plus 2% for administrative costs.

(c) USERRA does not specify requirements for methods of paying for continuing coverage. Health plan administrators may develop reasonable procedures for payment, consistent with the terms of the plan.

§1002.167 What actions may a plan administrator take if the employee does not elect or pay for continuing coverage in a timely manner?

The actions a plan administrator may take regarding the provision or cancellation of an employee's continuing coverage depend on whether the employee is excused from the requirement to give advance notice, whether the plan has established reasonable rules for election of continuation coverage, and whether the plan has established reasonable rules for the payment for continuation coverage.

(a) No notice of service and no election of continuation coverage:

If an employing office provides employment-based health coverage to an employee who leaves employment for uniformed service without giving advance notice of service, the plan administrator may cancel the employee's health plan coverage upon the employee's departure from employment for uniformed service. However, in cases in which an employee's failure to give advance notice of service was excused under the statute because it was impossible, unreasonable, or precluded by military necessity, the plan administrator must reinstate the employee's health coverage retroactively upon his or her election to continue coverage and payment of all unpaid amounts due, and the employee must incur no administrative reinstatement costs. In order to qualify for an exception to the requirement of timely election of continuing health care, an employee must first be excused from giving notice of service under the statute.

(b) Notice of service but no election of continuing coverage:

Plan administrators may develop reasonable requirements addressing how continuing coverage may be elected. Where health plans are also covered under the Consolidated Omnibus Budget Reconciliation Act of 1985, 26 U.S.C. 4980B (COBRA), it may be reasonable for a health plan administrator to adopt COBRA-compliant rules regarding election of continuing coverage, as long as those rules do not conflict with any provision of USERRA or this rule. If an employing office provides employment-based health coverage to an employee who leaves employment for uniformed service for a period of service in excess of 30 days after having given advance notice of service but without making an election regarding continuing coverage, the plan administrator may cancel the employee's health plan coverage upon the employee's departure from employment for uniformed service, but must reinstate coverage without the imposition of administrative reinstatement costs under the following conditions:

(1) Plan administrators who have developed reasonable rules regarding the period within which an employee may elect continuing coverage must permit retroactive reinstatement of uninterrupted coverage to the date of departure if the employee elects continuing coverage and pays all unpaid amounts due within the periods established by the plan;

(2) In cases in which plan administrators have not developed rules regarding the period within which an employee may elect continuing coverage, the plan must permit retroactive reinstatement of uninterrupted coverage to the date of departure upon the employee's election and payment of all unpaid amounts at any time during the period established in section 1002.164(a).

(c) Election of continuation coverage without timely payment:

Health plan administrators may adopt reasonable rules allowing cancellation of coverage if timely payment is not made. Where health plans are covered under COBRA, it may be reasonable for a health plan administrator to adopt COBRA-compliant rules regarding payment for continuing coverage, as long as those rules do not conflict with any provision of USERRA or this rule.

§1002.168 If the employee's coverage was terminated at the beginning of or during service, does his or her coverage have to be reinstated upon reemployment?

(a) If health plan coverage for the employee or a dependent was terminated by reason of service in the uniformed services, that coverage must be reinstated upon reemployment. An exclusion or waiting period may not be imposed in connection with the reinstatement of coverage upon reemployment, if an exclusion or waiting period would not have been imposed had coverage not been terminated by reason of such service.

(b) USERRA permits a health plan to impose an exclusion or waiting period as to illnesses or injuries determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during, performance of service in the uniformed services. The determination that the employee's illness or injury was incurred in, or aggravated during, the performance of service may only be made by the Secretary of Veterans Affairs or his or her representative. Other coverage, for injuries or illnesses that are not service-related (or for the employee's dependents, if he or she has dependent coverage), must be reinstated subject to paragraph (a) of this section.

§1002.169 Can the employee elect to delay reinstatement of health plan coverage until a date after the date he or she is reemployed?

USERRA requires the employing office to reinstate health plan coverage upon request at reemployment. USERRA permits but does not require the employing office to allow the employee to delay reinstatement of health plan coverage until a date that is later than the date of reemployment.

§1002.170 In a multi-employer health plan, how is liability allocated for employer contributions and benefits arising under USERRA's health plan provisions?

Liability under a multi-employer plan for employer contributions and benefits in connection with USERRA's health plan provisions must be allocated either as the plan sponsor provides, or, if the sponsor does not provide, to the employee's last employer before his or her service. If the last employer is no longer functional, liability for continuing coverage is allocated to the health plan.

§1002.171 How does the continuation of health plan benefits apply to a multi-employer plan that provides health plan coverage through a health benefits account system?

(a) Some employees receive health plan benefits provided pursuant to a multi-employer plan that utilizes a health benefits account system in which an employee accumulates prospective health benefit eligibility, also commonly referred to as "dollar bank," "credit bank," and "hour bank" plans. In such cases, where an employee with a positive health benefits account balance elects to continue the coverage, the employee may further elect either option below:

(1) The employee may expend his or her health account balance during an absence from employment due to service in the uniformed services in lieu of paying for the continuation of coverage as set out in §1002.166. If an employee's health account balance becomes depleted during the applicable period provided for in §1002.164(a), the employee must be permitted, at his or her option, to continue coverage pursuant to §1002.166. Upon reemployment, the plan must provide for immediate reinstatement of the employee as required by §1002.168, but may require the employee to pay the cost of the coverage until the employee earns the credits necessary to sustain continued coverage in the plan.

(2) The employee may pay for continuation coverage as set out in §1002.166, in order to maintain intact his or her account balance as of the beginning date of the absence from employment due to service in the uniformed services. This option permits the employee to resume usage of the account balance upon reemployment.

(b) Employers or plan administrators providing such plans should counsel employees of their options set out in this subsection.

Subpart E—Reemployment Rights and Benefits

PROMPT REEMPLOYMENT

§1002.180 When is an employee entitled to be reemployed by the employing office?

The employing office must promptly reemploy the employee when he or she returns from a period of service if the employee meets the Act's eligibility criteria as described in Subpart C of these regulations.

§1002.181 How is "prompt reemployment" defined?

"Prompt reemployment" means as soon as practicable under the circumstances of each case. Absent unusual circumstances, reemployment must occur within two weeks of the employee's application for reemployment. For example, prompt reinstatement after a weekend National Guard duty generally means the next regularly scheduled working day. On the other hand, prompt reinstatement following several years of active duty may require more time, because the employing office may have to reassign or give notice to another employee who occupied the returning employee's position.

REEMPLOYMENT POSITION

§1002.191 What position is the employee entitled to upon reemployment?

As a general rule, the employee is entitled to reemployment in the job position that he or she would have attained with reasonable certainty if not for the absence due to uniformed service. This position is known as the escalator position. The principle behind the escalator position is that, if not for the period of uniformed service, the employee could have been promoted (or, alternatively, demoted, transferred, or laid off) due to intervening events. The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job perquisites, that he or she would have attained if not for the period of service. Depending upon the specific circumstances, the employing office may have the option, or be required, to reemploy the employee in a position other than the escalator position.

§1002.192 How is the specific reemployment position determined?

In all cases, the starting point for determining the proper reemployment position is the escalator position, which is the job position that the employee would have attained if his or her continuous employment had not been interrupted due to uniformed service. Once this position is determined, the employing office may have to consider several factors before determining the appropriate reemployment position in any particular case. Such factors may include the employee's length of service, qualifications, and disability, if any. The actual reemployment position may be either the escalator position; the pre-service position; a position comparable to the escalator or pre-service position; or, the nearest approximation to one of these positions.

§1002.193 Does the reemployment position include elements such as seniority, status, and rate of pay?

(a) Yes. The reemployment position includes the seniority, status, and rate of pay that an employee would ordinarily have attained in that position given his or her job history, including prospects for future earnings and advancement. The employing office must determine the seniority rights, status, and rate of pay as though the employee had been continuously employed during the period of service. The seniority rights, status, and pay of an employment position include those established (or changed) by a collective bargaining agreement, employer policy, or employment practice. The sources of seniority rights, status, and pay include agreements, policies, and practices in effect at the beginning of the employee's service, and any changes that may have occurred during the period of service. In particular, the employee's status in the reemployment position could include opportunities for advancement, general working conditions, job location, shift assignment, rank, responsibility, and geographical location.

(b) If an opportunity for promotion, or eligibility for promotion, that the employee missed during service is based on a skills test or examination, then the employing office should give him or her a reasonable amount of time to adjust to the employment position and then give a skills test or examination. No fixed amount of time for permitting adjustment to reemployment will be deemed reasonable in all cases. However, in determining a reasonable amount of time to permit an employee to adjust to reemployment before scheduling a makeup test or examination, an employing office may take into account a variety of factors, including but not limited to the length of time the returning employee was absent from work, the level of difficulty of the test itself, the typical time necessary to prepare or study for the test, the duties and responsibilities of the reemployment position and the promotional position, and the nature and responsibilities of the service member while serving in the uniformed service. If the employee is successful on the makeup exam and, based on the results of that exam, there is a reasonable certainty that he or she would have been promoted, or made eligible for promotion, during the time that the employee served in the uniformed service, then the promotion or eligibility for promotion must be made effective as of the date it would have occurred had employment not been interrupted by uniformed service.

§1002.194 Can the application of the escalator principle result in adverse consequences when the employee is reemployed?

Yes. The Act does not prohibit lawful adverse job consequences that result from the employee's restoration on the seniority ladder. Depending on the circumstances, the escalator principle may cause an employee to be reemployed in a higher or lower position, laid off, or even terminated.

For example, if an employee's seniority or job classification would have resulted in the employee being laid off during the period of service, and the layoff continued after the date of reemployment, reemployment would reinstate the employee to layoff status. Similarly, the status of the reemployment position requires the employing office to assess what would have happened to such factors as the employee's opportunities for advancement, working conditions, job location, shift assignment, rank, responsibility, and geographical location, if he or she had remained continuously employed. The reemployment position may involve transfer to another shift or location, more or less strenuous working conditions, or changed opportunities for advancement, depending upon the application of the escalator principle.

§1002.195 What other factors can determine the reemployment position?

Once the employee's escalator position is determined, other factors may allow, or require, the employing office to reemploy the employee in a position other than the escalator position. These factors, which are explained in §§1002.196 through 1002.199, are:

(a) The length of the employee's most recent period of uniformed service;

(b) The employee's qualifications; and,

(c) Whether the employee has a disability incurred or aggravated during uniformed service.

§1002.196 What is the employee's reemployment position if the period of service was less than 91 days?

Following a period of service in the uniformed services of less than 91 days, the employee must be reemployed according to the following priority:

(a) The employee must be reemployed in the escalator position. He or she must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

(b) If the employee is not qualified to perform the duties of the escalator position after reasonable efforts by the employing office, the employee must be reemployed in the position in which he or she was employed on the date that the period of service began. The employee must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

(c) If the employee is not qualified to perform the duties of the escalator position or the pre-service position, after reasonable efforts by the employing office, he or she must be reemployed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position. The employee must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

§1002.197 What is the reemployment position if the employee's period of service in the uniformed services was more than 90 days?

Following a period of service of more than 90 days, the employee must be reemployed according to the following priority:

(a) The employee must be reemployed in the escalator position or a position of like seniority, status, and pay. He or she must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

(b) If the employee is not qualified to perform the duties of the escalator position or a like position after reasonable efforts by the employing office, the employee must be reemployed in the position in which he or she was employed on the date that the period of service began or in a position of like seniority, status, and pay. The employee must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

(c) If the employee is not qualified to perform the duties of the escalator position, the pre-service position, or a like position, after reasonable efforts by the employing office, he or she must be reemployed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position. The employee must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

§1002.198 What efforts must the employing office make to help the employee become qualified for the reemployment position?

The employee must be qualified for the reemployment position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position. The employing office is not required to reemploy the employee on his or her return from service if he or she cannot, after reasonable efforts by the employing office, qualify for the appropriate reemployment position.

(a)(1) "Qualified" means that the employee has the ability to perform the essential tasks of the position. The employee's inability to perform one or more non-essential tasks of a position does not make him or her unqualified.

(2) Whether a task is essential depends on several factors, and these factors include but are not limited to:

(i) The employing office's judgment as to which functions are essential;

(ii) Written job descriptions developed before the hiring process begins;

(iii) The amount of time on the job spent performing the function;

(iv) The consequences of not requiring the individual to perform the function;

(v) The terms of a collective bargaining agreement;

(vi) The work experience of past incumbents in the job; and/or

(vii) The current work experience of incumbents in similar jobs.

(b) Only after the employing office makes reasonable efforts, as defined in §1002.5(p), may it determine that the employee is not qualified for the reemployment position. These reasonable efforts must be made at no cost to the employee.

§1002.199 What priority must the employing office follow if two or more returning employees are entitled to reemployment in the same position?

If two or more employees are entitled to reemployment in the same position and more than one employee has reported or applied for employment in that position, the employee who first left the position for uniformed service has the first priority on reemployment in that position. The remaining employee (or employees) is entitled to be reemployed in a position similar to that in which the employee would have been re-employed according to the rules that normally determine a reemployment position, as set out in §§1002.196 and 1002.197.

SENIORITY RIGHTS AND BENEFITS

§1002.210 What seniority rights does an employee have when reemployed following a period of uniformed service?

The employee is entitled to the seniority and seniority-based rights and benefits that he or she had on the date the uniformed service began, plus any seniority and seniority-based rights and benefits that the employee would have attained if he or she had remained continuously employed. The employee is not entitled to any benefits to which he or she would not have been entitled had the employee been continuously employed with the employing office. In determining entitlement to seniority and seniority-based rights and benefits, the period of absence from employment due to or necessitated by uniformed service is not considered a break in employment. The rights and benefits protected by USERRA upon reemployment include those provided by the employing office and those required by statute.

For example, under USERRA, a reemployed service member would be eligible for leave under the Family and Medical Leave Act of 1993, 29 U.S.C. 2601–2654 (FMLA), if the number of months and the number of hours of work for which the service member was employed by the employing office, together with the number of months and the number of hours of work for which the service member would have been employed by the employing office during the period of uniformed service, meet FMLA's eligibility requirements. In the event that a service member is denied FMLA leave for failing to satisfy the FMLA's hours of work requirement due to absence from employment necessitated by uniformed service, the service member may have a cause of action under USERRA but not under the FMLA.

§1002.211 Does USERRA require the employing office to use a seniority system?

No. USERRA does not require the employing office to adopt a formal seniority system. USERRA defines seniority as longevity in employment together with any employment benefits that accrue with, or are determined by, longevity in employment. In the absence of a formal seniority system, such as one established through collective bargaining, USERRA looks to the custom and practice in the place of employment to determine the employee's entitlement to any employment benefits that accrue with, or are determined by, longevity in employment.

§1002.212 How does a person know whether a particular right or benefit is a seniority-based right or benefit?

A seniority-based right or benefit is one that accrues with, or is determined by, longevity in employment. Generally, whether a right or benefit is seniority-based depends on three factors:

(a) Whether the right or benefit is a reward for length of service rather than a form of short-term compensation for work performed;

(b) Whether it is reasonably certain that the employee would have received the right or benefit if he or she had remained continuously employed during the period of service; and,

(c) Whether it is the employing office's actual custom or practice to provide or withhold the right or benefit as a reward for length of service.

Provisions of an employment contract or policies in the employee handbook are not controlling if the employing office's actual custom or practice is different from what is written in the contract or handbook.

§1002.213 How can the employee demonstrate a reasonable certainty that he or she would have received the seniority right or benefit if he or she had remained continuously employed during the period of service?

A reasonable certainty is a high probability that the employee would have received the seniority or seniority-based right or benefit if he or she had been continuously employed. The employee does not have to establish that he or she would have received the benefit as an absolute certainty. The employee can demonstrate a reasonable certainty that he or she would have received the seniority right or benefit by showing that other employees with seniority similar to that which the employee would have had if he or she had remained continuously employed received the right or benefit. The employing office cannot withhold the right or benefit based on an assumption that a series of unlikely events could have prevented the employee from gaining the right or benefit.

DISABLED EMPLOYEES

§1002.225 Is the employee entitled to any specific reemployment benefits if he or she has a disability that was incurred in, or aggravated during, the period of service?

Yes. A disabled service member is entitled, to the same extent as any other individual, to the escalator position he or she would have attained but for uniformed service. If the employee has a disability incurred in, or aggravated during, the period of service in the uniformed services, the employing office must make reasonable efforts to accommodate that disability and to help the employee become qualified to perform the duties of his or her reemployment position. If the employee is not qualified for reemployment in the escalator position because of a disability after reasonable efforts by the employing office to accommodate the disability and to help the employee to become qualified, the employee must be reemployed in a position according to the following priority. The employing office must make reasonable efforts to accommodate the employee's disability and to help him or her to become qualified to perform the duties of one of these positions:

(a) A position that is equivalent in seniority, status, and pay to the escalator position; or,

(b) A position that is the nearest approximation to the equivalent position, consistent with the circumstances of the employee's case, in terms of seniority, status, and pay.

A position that is the nearest approximation to the equivalent position may be a higher or lower position, depending on the circumstances.

§1002.226 If the employee has a disability that was incurred in, or aggravated during, the period of service, what efforts must the employing office make to help him or her become qualified for the reemployment position?

(a) USERRA requires that the employee be qualified for the reemployment position regardless of any disability. The employing office must make reasonable efforts to help the employee to become qualified to perform the duties of this position. The employing office is not required to reemploy the employee on his or her return from service if he or she cannot, after reasonable efforts by the employing office, qualify for the appropriate reemployment position.

(b) "Qualified" has the same meaning here as in §1002.198.

RATE OF PAY

§1002.236 How is the employee's rate of pay determined when he or she returns from a period of service?

The employee's rate of pay is determined by applying the same escalator principles that are used to determine the reemployment position, as follows:

(a) If the employee is reemployed in the escalator position, the employing office must compensate him or her at the rate of pay associated with the escalator position. The rate of pay must be determined by taking into account any pay increases, differentials, step increases, merit increases, or periodic increases that the employee would have attained with reasonable certainty had he or she remained continuously employed during the period of service. In addition, when considering whether merit or performance increases would have been attained with reasonable certainty, an employing office may examine the returning employee's own work history, his or her history of merit increases, and the work and pay history of employees in the same or similar position.

For example, if the employee missed a merit pay increase while performing service, but qualified for previous merit pay increases, then the rate of pay should include the merit pay increase that was missed. If the merit pay increase that the employee missed during service is based on a skills test or examination, then the employing office should give the employee a reasonable amount of time to adjust to the reemployment position and then give him or her the skills test or examination. No fixed amount of time for permitting adjustment to reemployment will be deemed reasonable in all cases. However, in determining a reasonable amount of time to permit an employee to adjust to reemployment before scheduling a makeup test or examination, an employing office may take into account a variety of factors, including but not limited to the length of time the returning employee was absent from work, the level of difficulty of the test itself, the typical time necessary to prepare or study for the test, the duties and responsibilities of the reemployment position and the promotional position, and the nature and responsibilities of the service member while serving in the uniformed service. The escalator principle also applies in the event a pay reduction occurred in the reemployment position during the period of service. Any pay adjustment must be made effective as of the date it would have occurred had the employee's employment not been interrupted by uniformed service.

(b) If the employee is reemployed in the pre-service position or another position, the employing office must compensate him or her at the rate of pay associated with the position in which he or she is reemployed. As with the escalator position, the rate of pay must be determined by taking into account any pay increases, differentials, step increases, merit increases, or periodic increases that the employee would have attained with reasonable certainty had he or she remained continuously employed during the period of service.

PROTECTION AGAINST DISCHARGE

§1002.247 Does USERRA provide the employee with protection against discharge?

It depends. If the employee's most recent period of service in the uniformed services was more than 30 days, a discharge without cause may create a rebuttable presumption that there has been a violation of USERRA—

(a) For 180 days after the employee's date of reemployment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or,

(b) For one year after the date of reemployment if the employee's most recent period of uniformed service was more than 180 days.

§1002.248 What constitutes cause for discharge under USERRA?

The employee may be discharged for cause based either on conduct or, in some circumstances, because of the application of other legitimate nondiscriminatory reasons.

(a) In a discharge action based on conduct, the employing office bears the burden of proving that it is reasonable to discharge the employee for the conduct in question, and that he or she had notice, which was express or can be fairly implied, that the conduct would constitute cause for discharge.

(b) If, based on the application of other legitimate nondiscriminatory reasons, the employee's job position is eliminated, or the employee is placed on layoff status, either of these situations would constitute cause for purposes of USERRA. The employing office bears the burden of proving that the employee's job would have been eliminated or that he or she would have been laid off.

PENSION PLAN BENEFITS

§1002.259 How does USERRA protect an employee's pension benefits?

On reemployment, the employee is treated as not having a break in service with the employing office maintaining a pension plan, for purposes of participation, vesting and accrual of benefits, by reason of the period of absence from employment due to or necessitated by service in the uniformed services.

(a) Depending on the length of the employee's period of service, he or she is entitled to take from one to ninety days following service before reporting back to work or applying for reemployment (See §1002.115). This period of time must be treated as continuous service with the employing office for purposes of determining participation, vesting and accrual of pension benefits under the plan.

(b) If the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, service, he or she is entitled to report to or submit an application for reemployment at the end of the time period necessary for him or her to recover from the illness or injury. This period, which may not exceed two years from the date the employee completed service, except in circumstances beyond his or her control, must be treated as continuous service with the employing office for purposes of determining the participation, vesting and accrual of pension benefits under the plan.

§1002.260 What pension benefit plans are covered under USERRA?

(a) The Employee Retirement Income Security Act of 1974 (ERISA) defines an employee pension benefit plan as a plan that provides retirement income to employees, or defers employee income to a period extending to or beyond the termination of employment. Any such plan maintained by the employing office is covered under USERRA. USERRA also covers certain pension plans not covered by ERISA, such as those sponsored by a State, government entity, or church for its employees.

(b) USERRA does not cover pension benefits under the Federal Thrift Savings Plan; those benefits are covered under 5 U.S.C. 8432b.

§1002.261 Who is responsible for funding any plan obligation to provide the employee with pension benefits?

With the exception of multi-employer plans, which have separate rules discussed below, the employing office is liable to the pension benefit plan to fund any obligation of the plan to provide benefits that are attributable to the employee's period of service. In the case of a defined contribution plan, once the employee is reemployed, the employing office must allocate the amount of its make-up contribution for the employee, if any; the employee's make-up contributions, if any; and the employee's elective deferrals, if any; in the same manner and to the same extent that it allocates the amounts for other employees during the period of service. In the case of a defined benefit plan, the employee's accrued benefit will be increased for the period of service once he or she is reemployed and, if applicable, has repaid any amounts previously paid to him or her from the plan and made any employee contributions that may be required to be made under the plan.

§1002.262 When is the employing office required to make the plan contribution that is attributable to the employee's period of uniformed service?

(a) The employing office is not required to make its contribution until the employee is reemployed. For employer contributions to a plan in which the employee is not required or permitted to contribute, the employing office must make the contribution attributable to the employee's period of service no later than ninety days after the date of reemployment, or when plan contributions are normally due for the year in which the service in the uniformed services was performed, whichever is later. If it is impossible or unreasonable for the employing office to make the contribution within this time period, the employer must make the contribution as soon as practicable.

(b) If the employee is enrolled in a contributory plan, he or she is allowed (but not required) to make up his or her missed contributions or elective deferrals. These makeup contributions, or elective deferrals, must be made during a time period starting with the date of reemployment and continuing for up to three times the length of the employee's immediate past period of uniformed service, with the repayment period not to exceed five years. Makeup contributions or elective deferrals may only be made during this period and while the employee is employed with the post-service employing office.

(c) If the employee's plan is contributory and he or she does not make up his or her contributions or elective deferrals, he or she will not receive the employer match or the accrued benefit attributable to his or her contribution. This is true because the employing office is required to make contributions that are contingent on or attributable to the employee's contributions or elective deferrals only to the extent that the employee makes up his or her payments to the plan. Any employing office contributions that are contingent on or attributable to the employee's make-up contributions or elective deferrals must be made according to the plan's requirements for employer matching contributions.

(d) The employee is not required to make up the full amount of employee contributions or elective deferrals that he or she missed making during the period of service. If the employee does not make up all of the missed contributions or elective deferrals, his or her pension may be less than if he or she had done so.

(e) Any vested accrued benefit in the pension plan that the employee was entitled to prior to the period of uniformed service remains intact whether or not he or she chooses to be reemployed under the Act after leaving the uniformed service.

(f) An adjustment will be made to the amount of employee contributions or elective deferrals that the employee will be able to make to the pension plan for any employee contributions or elective deferrals he or she actually made to the plan during the period of service.

§1002.263 Does the employee pay interest when he or she makes up missed contributions or elective deferrals?

No. The employee is not required or permitted to make up a missed contribution in an amount that exceeds the amount he or she would have been permitted or required to contribute had he or she remained continuously employed during the period of service.

§1002.264 Is the employee allowed to repay a previous distribution from a pension benefits plan upon being reemployed?

Yes, provided the plan is a defined benefit plan. If the employee received a distribution of all or part of the accrued benefit from a defined benefit plan in connection with his or her service in the uniformed services before he or she became reemployed, he or she must be allowed to repay the withdrawn amounts when he or she is reemployed. The amount the employee must repay includes any interest that would have accrued had the monies not been withdrawn. The employee must be allowed to repay these amounts during a time period starting with the date of reemployment and continuing for up to three times the length of the employee's immediate past period of uniformed service, with the repayment period not to exceed five years (or such longer time as may be agreed to between the employing office and the employee), provided the employee is employed with the post-service employing office during this period.

§1002.265 If the employee is reemployed with his or her pre-service employing office, is the employee's pension benefit the same as if he or she had remained continuously employed?

The amount of the employee's pension benefit depends on the type of pension plan.

(a) In a non-contributory defined benefit plan, where the amount of the pension benefit is determined according to a specific formula, the employee's benefit will be the same as though he or she had remained continuously employed during the period of service.

(b) In a contributory defined benefit plan, the employee will need to make up contributions in order to have the same benefit as if he or she had remained continuously employed during the period of service.

(c) In a defined contribution plan, the benefit may not be the same as if the employee had remained continuously employed, even though the employee and the employing office make up any contributions or elective deferrals attributable to the period of service, because the employee is not entitled to forfeitures and earnings or required to experience losses that accrued during the period or periods of service.

§1002.266 What are the obligations of a multi-employer pension benefit plan under USERRA?

A multi-employer pension benefit plan is one to which more than one employer is required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer. The Act uses ERISA's definition of a multi-employer plan. In addition to the provisions of USERRA that apply to all pension benefit plans, there are provisions that apply specifically to multi-employer plans, as follows:

(a) The last employer that employed the employee before the period of service is responsible for making the employer contribution to the multi-employer plan, if the plan sponsor does not provide otherwise. If the last employer is no longer functional, the plan must nevertheless provide coverage to the employee.

(b) An employer that contributes to a multi-employer plan and that reemploys the employee pursuant to USERRA must provide written notice of reemployment to the plan administrator within 30 days after the date of reemployment. The returning service member should notify the reemploying employer that he or she has been reemployed pursuant to USERRA. The 30-day period within which the reemploying employer must provide written notice to the multi-employer plan pursuant to this subsection does not begin until the employer has knowledge that the employee was re-employed pursuant to USERRA.

(c) The employee is entitled to the same employer contribution whether he or she is reemployed by the pre-service employer or by a different employer contributing to the same multi-employer plan, provided that the pre-service employer and the post-service employer share a common means or practice of hiring the employee, such as common participation in a union hiring hall.

§1002.267 How is compensation during the period of service calculated in order to determine the employee's pension benefits, if benefits are based on compensation?

In many pension benefit plans, the employee's compensation determines the amount of his or her contribution or the retirement benefit to which he or she is entitled.

(a) Where the employee's rate of compensation must be calculated to determine pension entitlement, the calculation must be made using the rate of pay that the employee would have received but for the period of uniformed service.

(b)(1) Where the rate of pay the employee would have received is not reasonably certain, the average rate of compensation during the 12-month period prior to the period of uniformed service must be used.

(2) Where the rate of pay the employee would have received is not reasonably certain and he or she was employed for less than 12 months prior to the period of uniformed service, the average rate of compensation must be derived from this shorter period of employment that preceded service.

Subpart F—Compliance Assistance, Enforcement and Remedies

COMPLIANCE ASSISTANCE

§1002.277 What assistance does the Office of Compliance provide to employees and employers concerning employment, reemployment, or other rights and benefits under USERRA?

The Office of Compliance provides assistance to any person or entity who is covered by the CAA with respect to employment and reemployment rights and benefits under USERRA as applied by the CAA. This assistance includes responding to inquiries, and providing a program of education and information on matters relating to USERRA.

INVESTIGATION AND REFERRAL

§1002.288 How does a covered employee initiate a claim alleging a violation of USERRA under the CAA?

(a) If an individual is claiming entitlement to employment rights or benefits or reemployment rights or benefits and alleges that an employing office has failed or refused, or is about to fail or refuse, to comply with the Act, the individual may file a complaint with the Office of Compliance, after a required period of counseling and mediation.

(b) To commence a proceeding, a covered employee alleging a violation of the rights and protections of USERRA must request counseling by the Office of Compliance no later than 180 days after the date of the alleged violation. If a covered employee misses this deadline, the claim may be time barred under the CAA.

(c) The following procedures are available under subchapter IV of the CAA for covered employees who believe their rights under USERRA as made applicable by the CAA have been violated:

(1) counseling;

(2) mediation; and

(3) election of either—

(A) a formal complaint filed with the Office of Compliance (which must meet the requirements as set forth in the Office of Compliance Procedural Rules, Section 5.01(c)), and a hearing before a hearing officer, subject to review by the Board of Directors of the Office of Compliance, and judicial review in the United States Court of Appeals for the Federal Circuit; or

(B) a civil action in a district court of the United States.

(d) Regulations of the Office of Compliance describing and governing these procedures can be found at 141 Cong. Rec. H15645–H15655 (December 22, 1995) and 141 Cong. Rec. 19239, 143 Cong. Rec. H8316–H8317 (as amended, applying USERRA to the Government Accountability Office and the Library of Congress).

ENFORCEMENT OF RIGHTS AND BENEFITS AGAINST AN EMPLOYING OFFICE

§1002.303 Is a covered employee required to bring his or her claim to the Office of Compliance?

Yes. All covered employees who file claims under Part A of subchapter II of the CAA, which includes USERRA, are required to go through counseling and mediation before electing to file a civil action or a complaint with the Office of Compliance.

§1002.308 Who has legal standing to bring a USERRA claim under the CAA?

An action under Section 206 of the CAA may be brought by an eligible employee, as defined by Section 1002.5 (f) of Subpart A of these regulations. An action under 207(a) of the CAA may be brought by a covered employee, as defined by section 1002.5 (e) of Subpart A of these regulations. An employing office, prospective employing office or other similar entity may not bring an action under the Act.

§1002.309 Who is a necessary party in an action under USERRA?

In an action under USERRA, only the covered employing office or a potential covered employing office, as the case may be, is a necessary party respondent. Under the Office of Compliance Procedural Rules, a hearing officer has authority to require the filing of briefs, memoranda of law, and the presentation of oral argument. A hearing officer also may order the production of evidence and the appearance of witnesses.

§1002.310 How are fees and court costs charged or taxed in an action under USERRA?

No fees or court costs may be charged or taxed against an individual if he or she is claiming rights under the Act. If a covered employee is a prevailing party with respect to any claim under USERRA, the hearing officer, Board, or court may award reasonable attorney fees, expert witness fees, and other litigation expenses.

§1002.311 Is there a statute of limitations in an action under USERRA?

USERRA does not have a statute of limitations. However, Section 402 of the CAA requires an individual to bring a request for counseling alleging a violation of the CAA no later than 180 days after the date of the alleged violation. A claim alleging a USERRA violation as applied by the CAA would follow this requirement.

§1002.312 What remedies may be awarded for a violation of USERRA?

In any action or proceeding the following relief may be awarded:

(a) The court and/or hearing officer may require the employing office to comply with the provisions of the Act;

(b) The court and/or hearing officer may require the employing office to compensate the individual for any loss of wages or benefits suffered by reason of the employing office's failure to comply with the Act;

(c) The court and/or hearing officer may require the employing office to pay the individual an amount equal to the amount of lost wages and benefits as liquidated damages, if the court and/or hearing officer determines that the employing office's failure to comply with the Act was willful. A violation shall be considered to be willful if the employing office either knew or showed reckless disregard for whether its conduct was prohibited by the Act.

(d) Any wages, benefits, or liquidated damages awarded under paragraphs (b) and (c) of this section are in addition to, and must not diminish, any of the other rights and benefits provided by USERRA (such as, for example, the right to be employed or reemployed by the employing office).

§1002.314 May a court and/or hearing officer use its equity powers in an action or proceeding under the Act?

Yes. A court and/or hearing officer may use its full equity powers, including the issuance of temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate the rights or benefits guaranteed under the Act.

ADDITIONAL STATEMENTS

COMMEMORATING THE LIFE AND WORK OF ALDO LEOPOLD

• **Mr. BINGAMAN.** Madam President, today I commemorate the life and work of Aldo Leopold, who is remembered as a pivotal figure in the conservation movement of the early 20th century. Today marks the 60th anniversary of Leopold's death, and it offers us an opportunity to reflect on the lasting contributions that he made to our country.

Born in Burlington, IA, in 1887, Aldo Leopold was raised near the Mississippi River surrounded by a vibrant ecosystem that sustained abundant waterfowl and other wildlife. Early on, Leopold developed a keen interest in the natural world, devoting much of his spare time to cataloguing his observations. Graduating from Yale in 1909 with a master of forestry degree, he soon joined the nascent U.S. Forest Service with his first field assignments in the American Southwest. His career with the Forest Service brought him to my home State of New Mexico, spending time working in the Gila National Forest in the southwest part of the State before subsequently moving north to the Carson National Forest, where he reached the post of forest supervisor on the Carson.

Leopold felt that preservation had been neglected on the national forests. He foresaw the importance of preserving the biological diversity and natural systems giving way to development. He argued against the proposed expansion of a road system into the back country of the Gila National Forest. And in Albuquerque in 1922, he proposed instead that a large area be left roadless and preserved for wilderness recreation. He defined this new concept as "a continuous stretch of country preserved in its natural state, open to lawful hunting and fishing, big enough to absorb a 2 week's pack trip, and kept devoid of roads, artificial trails, cottages, or other works of man." On June 3, 1924, the Forest Service gave its final approval and designated 755,000 acres of national forest land as the Gila Wilderness. This unprecedented act took place 40 years prior to passage of the Wilderness Act and was the first such designation in the world.

Leopold once wrote that "a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community." Today the Gila Wilderness is inhabited by bear, wolf, deer, elk, beaver, bobcat, mountain lion, antelope, and wild turkey. It is a favorite destination for hikers, backpackers, hunters and anglers who enjoy its miles of fishing streams. The Gila Wilderness contains the cliff dwellings of the ancient Mogollon civilization as well as the campsites and battlegrounds of the Apache and the U.S. Cavalry. In fact, John Murray wrote in his book, "The Gila Wilderness: A Hiking Guide," that "no other wilderness area in the Southwest so much embodies and reflects this national history and natural philosophy as does the Gila."

Aldo Leopold's concept of wilderness evolved over time and heavily influenced policy makers and the growing conservation community. He wrote, "Wilderness is the raw material out of which man has hammered the artifact called civilization. . . . To the laborer in the sweat of his labor, the raw stuff on his anvil is an adversary to be conquered. So was wilderness an adversary to the pioneer. But to the laborer in repose, able for the moment to cast a philosophical eye on his world, that same raw stuff is something to be loved and cherished, because it gives definition and meaning to his life." One person who shared that definition and meaning with Aldo Leopold was former New Mexico Senator Clinton P. Anderson. In fact, due in large part to the conversations he had with Leopold 40 years earlier, Senator Anderson led the effort in Congress to pass the Wilderness Act of 1964.

On April 21, 1948, at the age of 61, Aldo Leopold died of a heart attack while helping his neighbors fight a brush fire near his farm. Just 1 week earlier, Leopold had received word that his book of essays had finally found a publisher. Published over a year after his death, "A Sand County Almanac" remains one of Aldo Leopold's greatest legacies to the conservation movement.

Leopold laments in "A Sand County Almanac" that progress in conservation is slow—a fact that hasn't changed much in modern times. "Despite nearly a century of propaganda," he wrote, "conservation still proceeds at a snail's pace; progress still consists largely of letterhead pieties and convention oratory. On the back forty we still slip two steps backward for each forward stride." On this anniversary of Aldo Leopold death, I am pleased that the Senate is once again making progress on protecting wilderness, through bills such as the Wild Sky Wilderness Act that passed last week, and upcoming bills that are making their way through the Committee on Energy and Natural Resources. These bills are effective steps to preserve our heritage for future generations, consistent with the values for which Leopold advocated so eloquently during his life, and I am pleased that so many Senators, on both sides of the aisle, have supported them.●

TRIBUTE TO GLENNA GOODACRE

● Mr. DOMENICI. Madam President, I wish to pay tribute to Glenna Goodacre, who was recently named the Notable New Mexican of 2008 by the Albuquerque Museum Foundation. Glenna is a nationally acclaimed sculptor whose works include designing the Sacagawea dollar coin and sculpting the Vietnam Women's Memorial here in Washington, DC.

A resident of New Mexico since 1983, Glenna was born in Lubbock, TX. She graduated from Colorado College in Colorado Springs, CO. While obtaining her undergraduate degree, Glenna first showed her strong ability to persevere in spite of defeatist-minded individuals. She pursued her dream to become a sculptor despite the discouragement she faced from her professor. At her graduation, she gave a commencement address titled, "Success Is the Greatest Revenge," a speech which reflected back on to the opposition she once faced.

Throughout her career, Glenna has created many awe-inspiring bronze sculptures. Her most ambitious piece, the Irish Memorial installed at Penn's Landing in Philadelphia, contains 35 life-size figures. She is also credited with the creation of two 8-foot standing figures of Ronald Reagan. One stands in the Reagan Library in California and the other at the National Cowboy and Western Heritage Museum in Oklahoma City.

Glenna's countless accomplishments have won her the recognition of the New Mexico Governor's Award for Excellence in the Arts and the Texas Medal of Arts. In addition to these honors, she has also been inducted into the Cowgirl Hall of Fame in Fort Worth. Although a fall in early 2007 threatened to end her dreams, Glenna bounced back to make excellent progress in her rehabilitation and recovery. Her experience even inspired her to dedicate her piece titled "Crossing the Prairie" to St. Vincent Regional Medical Center, a facility which was credited with saving her life.

The Notable New Mexican program celebrates the extraordinary accomplishments of people like Glenna. Every year since 2001, the Albuquerque Museum Foundation honors a Notable for his or her high achievements, strong ties to New Mexico, and contributions to the public good. This year, Glenna will join the ranks of former Notables such as artists Wilson Hurley and Georgia O'Keeffe, authors Tony Hillerman and Rudolfo Anaya and former Governor Bruce King.

It is with great honor that I speak before you today, Mr. President, to commemorate the countless accomplishments of Glenna Goodacre. Again, I congratulate her on being named the Notable New Mexican of 2008.●

RETIREMENT OF JOHN DRUMMOND

● Mr. GRAHAM. Madam President, today I ask the Senate to join me in recognizing State Senator John W. Drummond on the occasion of his retirement from the South Carolina State Senate. As a decorated military hero, a successful businessman, and a respected public figure, Senator Drummond has left an indelible mark on the Palmetto State. He is a true public servant, guided not by desire for recognition but by the desire to achieve great good for the state he serves.

Born in Greenwood, SC, John Drummond was the fourth of Jim and Fannie Drummond's seven children. His father worked for the Greenwood Cotton Mill for many years before moving his family to a new mill village in Ninety Six, where he excelled in academics and athletics. Eager to expand his horizons, he seized the opportunity to serve in the military by joining the 263rd South Carolina Coast Artillery Regiment based in Charleston.

Senator Drummond distinguished himself in his training and landed a post as a bomber-fighter pilot in the 405th Fighter Group. The group reported for duty in the European theater of the war in March 1944. In his initial months of service, Drummond provided air interdiction and close air support, including involvement in a successful attack on a SS mess hall identified by information from the French Resistance.

After attaining the rank of captain, Drummond led his squadron while providing air coverage for the Allied armada from German artillery positions on D-day and for ground troops in the months that followed.

On July 29, 1944, Drummond's plane was downed by antiaircraft fire. He was badly injured after parachuting out at a low level and was captured by Germans and imprisoned for 10 months in a POW camp in Barth, Germany.

Finally freed by the Russian army after V–E Day, Drummond's valor earned him the Distinguished Flying Cross, two Purple Hearts, nine Air Medals, three Battle Stars, and a Presidential Citation.

Following a jubilant homecoming, Drummond gradually transitioned to civilian life, marrying a hometown girl, Holly Self, and starting his young family which eventually included three sons.

After inheriting the Greenwood Petroleum Company, his aptitude for business led him to the establishment of the Drummond Oil Company. Senator Drummond still serves as president of both of these successful enterprises.

Senator Drummond and his wife, fondly known as "Ms. Holly," have long played a leading role in the civic affairs of Greenwood County and the town of Ninety Six. Both were devoted church members, and Ms. Holly is remembered for her dedication to the missions of the Ninety-Six Baptist Church as well as for her role as an enthusiastic advocate of town preservation.

Interested in the economic prosperity of Greenwood, Senator Drummond devoted his considerable talents as a respected business leader to the issues of business development and rural electrification affecting its citizens.

After serving 2 years in the South Carolina House of Representatives, Senator Drummond campaigned and won a seat in the State Senate, a position he has held for over forty years.

The longest serving State Senator in South Carolina history, his time in the legislature will be remembered for his ability to forge relationships across racial, gender, and political lines, and his sincere desire to provide excellent representation and service for the people of Greenwood County.

He has been widely described as a statesman, a position that is reflected by his current position as the senate's President Pro Tempore Emeritus.

As further proof of his remarkable leadership, he has been honored by the establishment of the Drummond Center, an institute at Erskine College dedicated to promoting civil discourse across party lines for the benefit of all South Carolinians.

Throughout his career, he has been the recipient of countless legislative achievement and appreciation awards from a wide range of groups and individuals, including the Order of the Palmetto, the highest civilian honor awarded by the Governor.

John Drummond has served his State and Nation. His legacy is one of unparalleled commitment to his fellow citizens, and his influence will be felt for many years to come.

I thank him sincerely for his service and leadership and wish him the very best in his retirement. I ask that the Senate join me in honoring my friend, Senator John W. Drummond.●

RECOGNIZING SHANNON RENAE VAUX

● Mr. THUNE. Madam President, today I recognize Shannon Renae Vaux, an intern in my Aberdeen, SD office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Shannon is a graduate of Central High School in Aberdeen, SD. Currently she is attending Northern State University, where she is majoring in biology. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Shannon for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING CATHERINE ALM

● Mr. THUNE. Madam President, today I recognize Catherine Alm, an intern in my Sioux Falls, SD office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Catherine is a graduate of Eastview High School in Apple Valley, MN. Currently she is attending Augustana College, where she is majoring in government and spanish. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Catherine for all of the fine work she has done and wish her continued success in the years to come.●

THANKING LOUISIANA VOLUNTEERS

● Mr. VITTER. Madam President, today I wish to acknowledge the volunteers of St. Francis Medical Center and St. Francis North Hospital in Monroe, LA. On Monday, April 28, they will hold their annual Volunteer Spring Banquet to honor its 120 active volunteers and recognize their hard work and dedication to helping others. I would like to spend a few moments highlighting their achievements.

The St. Francis Medical Center and St. Francis North Hospital volunteers combined for a total of 19,207.5 volunteer service hours for 2007. Several of these volunteers will be receiving individual awards highlighting their accomplishments and all that they do to improve their communities. I would like to recognize 11 women in particular who will receive the President's Call to Service Award for 4,000 hours or more of volunteer service in one's lifetime. These women are: Joy Beaver, Ruth Beavers, Bettye Bennett, Angie Bruscato, Lucille Calk, Ann Clayton, Ruby Coats, Eva Fowler, Talma Turrentine, Anita Tempalski, and Patsy Welch. These ladies have volunteered a total of 80,695 hours of service.

In addition, three St. Francis volunteers will receive the Daily Point of Light Award which is administered through the Points of Light Foundation on behalf of the White House. This award is designed to honor those who have made a commitment to connect Americans through service to help meet critical needs in their communities. This prestigious award is given each weekday in honor of recipients who exemplify the best in volunteerism. St. Francis is the only organization within the State of Louisiana to have three individuals honored with this award. They are: Angie Bruscato, Talma Turrentine, and Lucille Calk. These Daily Point of Light winners have been placed in the Presidential Greeter program for a possible visit from President George W. Bush in the near future.

I applaud all of the volunteers of St. Francis Medical Center and St. Francis North Hospital in Monroe for their continued service to the citizens of their community. Their hard work and dedication is something we all appreciate and celebrate as we recognize their success.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5858. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to acquisitions made by the agency from foreign entities during fiscal year 2007; to the Committee on Appropriations.

EC–5859. A communication from the Deputy Under Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report relative to the distribution of the Department's depot maintenance workloads; to the Committee on Armed Services.

EC–5860. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict and Interdependent Capabilities), transmitting, pursuant to law, a report relative to the training of the U.S. Special Operations Forces with friendly foreign forces during fiscal year 2007; to the Committee on Armed Services.

EC–5861. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Michael A. Hamel, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5862. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Claude V. Christianson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5863. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Personnel Authorized to Accompany U.S. Armed Forces" (DFARS Case 2005–D013) received on April 17, 2008; to the Committee on Armed Services.

EC-5864. A communication from the Senior Counsel for Regulatory Affairs, Office of Investment Security, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Pertaining to Mergers, Acquisitions and Takeovers" (31 CFR part 800) received on April 17, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5865. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-010)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5866. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 45 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-007)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5867. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-219)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5868. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-126)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EMBRAER Model EMB-135BJ Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-099)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5870. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-220)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5871. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EMBRAER Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-098)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5872. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Limited Model PC-12, PC-12/45, and PC-12/47 Airplanes" ((RIN2120-AA64)(Docket No. 2007-CE-082)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5873. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes" ((RIN2120-AA64)(Docket No. 2007-CE-078)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5874. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GARMIN International GSM 85 Servo Gearbox Units" ((RIN2120-AA64)(Docket No. 2007-CE-063)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5875. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes Equipped with Rolls-Royce RB211-TRENT 800 Series Engines" ((RIN2120-AA64)(Docket No. 2005-NM-263)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5876. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-050)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5877. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-50, -80A1/A3, and -80C2A Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 98-ANE-54)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5878. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-015)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5879. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-075)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-205)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company 172 and 182 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-CE-079)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-116)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400, -400D, and -400F Series Airplanes; Boeing Model 757 Airplanes; and Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-118)) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5884. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final 2008 Specifications for the Atlantic Bluefish Fishery" (RIN0648-XB94) received on April 17, 2008; to the Committee on Commerce , Science, and Transportation.

EC-5885. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amending the Halibut Individual Fishing Quota Program Processing Restrictions" (RIN0648-AU85) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5886. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulatory Amendment to Adjust the Seasonal Timing for Trip Limits for Migratory Group Spanish Mackerel" (RIN0648-AV17) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5887. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Annual Specifications for the 2007/2008 Pacific Mackerel Fishing Season" (RIN0648-XB01) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5888. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management" (RIN0648-AV96) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5889. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian

Islands Management Area" (RIN0648–XG59) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5890. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XG17) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5891. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program" (RIN0648–XF29) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5892. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Closure of the Commercial Fishery for Gulf Group King Mackerel in the Florida East Coast Subzone for the 2007–2008 Fishing Year" (RIN0648–XF68) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5893. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XF55) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5894. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648–XG28) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5895. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (RIN0648–XG19) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5896. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XF95) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5897. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648–XG09) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5898. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648–XG12) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5899. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf—Corrections and Amendments" (RIN1010–AD49) received on April 17, 2008; to the Committee on Energy and Natural Resources.

EC–5900. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf—Incorporate American Petroleum Institute Hurricane Bulletins" (RIN1010–AD48) received on April 17, 2008; to the Committee on Energy and Natural Resources.

EC–5901. A communication from the Director, Office of Enforcement, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines" (RIN1902–AD26) received on April 17, 2008; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2894. An original bill to establish requirements for private lenders to protect student borrowers receiving private educational loans, and for other purposes (Rept. No. 110–327).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1810. A bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 2894. An original bill to establish requirements for private lenders to protect student borrowers receiving private educational loans, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. BROWN, Mrs. MURRAY, Mr. SANDERS, and Mrs. CLINTON):

S. 2895. A bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 2896. A bill to amend the Internal Revenue Code of 1986 to provide for a temporary reduction in the tax imposed on diesel fuel; to the Committee on Finance.

By Mr. INOUYE:

S. 2897. A bill for the relief of Ross E. Lay of Haiku, Hawaii; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. LUGAR, Mrs. CLINTON, Mr. OBAMA, and Mr. MCCAIN):

S. Res. 523. A resolution expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance; to the Committee on Foreign Relations.

By Mr. CASEY (for himself and Mr. SPECTER):

S. Con. Res. 77. A concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 186

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 358

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 667

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 911

At the request of Mr. REED, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 979

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 979, a bill to establish a Vote by Mail grant program.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1361

At the request of Mr. CONRAD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1361, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements and to modify the depreciation rules relating to such leasehold improvements for purposes of computing earnings and profits.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1760

At the request of Mr. BROWN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2130

At the request of Mr. CASEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2130, a bill to express the sense of the Senate on the need for a comprehensive diplomatic offensive to help broker national reconciliation efforts in Iraq and lay the foundation for the eventual redeployment of United States combat forces.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2577

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2577, a bill to establish background check procedures for gun shows.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2668

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2723

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 2738

At the request of Mr. COBURN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2738, a bill to identify and remove criminal aliens incarcerated in correctional facilities in the United States and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2840

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2840, a bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 2867

At the request of Mr. BINGAMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2867, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. RES. 510

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 510, a resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

S. RES. 518

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 518, a resolution designating the third week of April 2008 as "National Shaken Baby Syndrome Awareness Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. KENNEDY, Mr. BROWN, Mrs. MURRAY, Mr. SANDERS, and Mrs. CLINTON):

S. 2895. A bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senator KENNEDY, Senator BROWN, Senator MURRAY, Senator SANDERS, and Senator CLINTON to introduce the PLUS Loan Borrower Protection Act of 2008. This bill is designed to ensure that students and parents can get access to PLUS Loans even if they have been caught up in the subprime mortgage crisis.

In recent months there have been indications that students may face a challenge getting access to some Federal Stafford loans and private education loans because of the growing credit crisis in the financial markets. While I am unaware of an instance to date when a student has been unable to secure a loan, the withdrawal of certain lenders, the ongoing turmoil in U.S. credit markets and the absence of liquidity in the student loan market have fueled concerns that a potential student loan credit crunch may be looming. One which could leave millions of students in a last-minute dash to secure the financial assistance they need to attend college this academic year.

Last week I held a hearing in the Senate Banking Committee to examine this issue and consider how to address this situation. Based on what I heard in that hearing I have contacted Treasury Secretary Paulson and Federal Reserve Board Chairman Bernanke to urge each of them to utilize all existing tools, including options allowing federally-backed and AAA-rated private student loans to be used as collateral at the Fed's temporary secured lending facility, TSLF, and using the Federal Financing Bank under Treasury to help prime the pump of liquidity, in order to help avert a funding crisis in the student loan market. I have also cosponsored the Strengthening Student Aid for All Act to bring stability and certainty to several Federal financial aid programs. Sen. KENNEDY took the lead in introducing that legislation and I am proud to support him.

But during the hearing another element of this issue came to my attention—Federal PLUS loans. PLUS loans are supposed to be available to individuals who do not meet the financial needs tests of other Federal financial aid programs. But current law and regulation prevent individuals who have been more than 90 days delinquent on a mortgage payment or who have gone through a foreclosure within the previous 5 years from getting a PLUS loan. Normally that is a good standard to have—it helps ensure that individuals do not get themselves so much into debt that they cannot get out. But with our recent history in the subprime mortgage market and the ensuing credit crisis, this requirement can have a much broader and more damaging result—denying college education to the next generation. Individuals who may need PLUS loans more than ever this fall because other sources of aid and lending may be unavailable, might be denied this aid because of the mismanagement of our housing market. This is unacceptable.

Ensuring that students have available and affordable access to a college education should be among our highest priorities. Our world is growing more complex by the day. Never has higher education been more crucial to the success of our people and our country. Today, 60 percent of the new jobs being created by our economy require at least some post-secondary education. Compare that to a half-century ago, when only 15 per cent of new jobs required some amount of college. If our children are to achieve their highest aspirations, and if our Nation's economic backbone is to continue to remain strong, then we must ensure that the doors of higher education remain open for all who have the desire and ability to walk through them.

That is why we are introducing the PLUS Loan Borrower Protection Act of 2008 today. It would eliminate delinquency and foreclosures during this tumultuous time from being a disqualifying factor in awarding PLUS loans. Lenders would still be able to make judgments about the credit of a PLUS loan borrower on the basis of other parts of their credit history. But if the only mark against a borrower is being caught up in the current mortgage crisis, the lender could not disqualify them. Given the current upheaval in our economy, this is a simple and necessary step to make sure our children can still get a needed education.

As the Congress moves to address access to student loans and the current credit crisis, I will work to include this bill in our response. I want to thank Senators KENNEDY, BROWN, MURRAY, SANDERS, and CLINTON for joining with me on this bill and I urge my other colleagues to cosponsor this important legislation and join me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "PLUS Loan Borrower Protection Act of 2008".

SEC. 2. SPECIAL RULES FOR FEDERAL PLUS LOANS.

Section 428B(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–2(a)(3)) is amended—

(1) by striking "Whenever" and inserting the following:

"(A) PARENT BORROWERS.—Whenever"; and

(2) by adding at the end the following:

"(B) EXTENUATING CIRCUMSTANCES.—

"(i) IN GENERAL.—For purposes of determining if a borrower has an adverse credit history under paragraph (1)(A) on the basis of a delinquency or foreclosure related to a mortgage loan, an extenuating circumstance exists if, during the period beginning January 1, 2007 and ending December 31, 2012, the borrower is 90 or more days delinquent on mortgage loan payments, or foreclosure proceedings have been initiated, with respect to the primary residence of the borrower.

"(ii) DEFINITION.—The term 'mortgage loan' means an extension of credit that is secured by the primary residence of the borrower.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 523—EXPRESSING THE STRONG SUPPORT OF THE SENATE FOR THE DECLARATION OF THE NORTH ATLANTIC TREATY ORGANIZATION AT THE BUCHAREST SUMMIT THAT UKRAINE AND GEORGIA WILL BECOME MEMBERS OF THE ALLIANCE

Mr. BIDEN (for himself, Mr. LUGAR, Mrs. CLINTON, Mr. OBAMA, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 523

Whereas, prior to the Bucharest Summit in April 2008, the Government of Georgia and the Government of Ukraine each expressed the desire to join the North Atlantic Treaty Organization (NATO), have committed their countries to programs of reforms consistent with membership in the Euro-Atlantic community, and have worked consistently for membership in NATO; and

Whereas, in April 2008 at the Bucharest Summit, the assembled leaders of NATO issued the following statement: "NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. We agreed today that these countries will become members of NATO. Both nations have made valuable contributions to Alliance operations. We welcome the democratic reforms in Ukraine and Georgia and look forward to free and fair parliamentary elections in Georgia in May. MAP is the next step for Ukraine and Georgia on their direct way to membership. Today we make clear that we support these countries' applications for MAP. Therefore we will now begin a period of intensive engagement with both at a high political level to address the questions still outstanding pertaining to their MAP applications. We have asked Foreign Ministers to make a first assessment of progress at their December 2008 meeting. Foreign Ministers have the authority to decide on the MAP applications of Ukraine and Georgia.": Now, therefore, be it

Resolved, That the Senate—

(1) supports the declaration of the Bucharest Summit, which stated that Ukraine and Georgia will become members of NATO;

(2) reiterates its support for the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership; and

(3) urges the foreign ministers of NATO member states at their meeting in December 2008 to consider favorably the applications of the governments of Ukraine and Georgia for Membership Action Plans.

SENATE CONCURRENT RESOLUTION 77—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH 2008

Mr. CASEY (for himself and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 77

Whereas, on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attacks to law enforcement agencies;

Whereas ⅔ of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas, because of recent advances in DNA technology, law enforcement agencies now have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as "National Sexual Assault Awareness and Prevention Month": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators;

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008.

Mr. CASEY. Mr. President, I rise today to speak about a resolution Senator SPECTER and I have introduced supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month, which occurs this month of April.

In the U.S. a person is sexually assaulted on average every two and a half minutes. One in six women and one in 33 men have been victims of rape or attempted rape. According to the Department of Justice, 191,670 people in the United States were sexually assaulted in 2005. These are disturbing statistics.

National Sexual Awareness and Prevention Month serves many valuable purposes. It provides a special opportunity to educate people about sexual violence and increase public awareness about the impact of this crime that changes many lives forever and sometimes irrevocably.

It pays tribute to the many survivors of sexual violence and honors their compassionate efforts to help others in the face of their own anguish. Many courageous individuals, themselves survivors of sexual assault, rise above their own suffering to help assuage the pain of others and assist in the prevention of sexual assault.

This resolution also recognizes and applauds the work of community organizations and other supporters who help survivors and promote prevention and awareness. These are important and vital services in the lives not only of those who have been assaulted but all of us. Increasing public awareness helps in the fight to prevent sexual assault and reduce the number of people who are sexually assaulted, saving those individuals from the nightmare others know all too well.

Sexual violence is a crime we must all work to eradicate. While women comprise the majority of victims, this crime is perpetrated against women, children, and men. It is my goal that this resolution helps us to understand our role in assisting these individuals and preventing this crime from happening in the future.

I ask all my colleagues to support this important resolution and encourage communities across our country to pay tribute to all those whose lives have been touched by sexual assault and those who have dedicated their lives to work to end it.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 20, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose is to formally receive the Territorial Energy Assessment as updated pursuant to EPACT 05.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie_Calabro @energy.senate.gov.

For further information, please contact Allen Stayman or Rosemarie Calabro.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, this is to advise you that a time change for the hearing scheduled before the Committee on Energy and Natural Resources, for Thursday, May 1, 2008, will begin at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the military buildup on Guam: impact on the civilian community, planning, and response.

For further information, please contact Allen Stayman or Rosemarie Calabro.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Chase Nordengren and Brittany Clement of my staff be granted the privileges of the floor for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, on behalf of Senator REID, I ask unanimous consent that Robert Bruce, a Marine Corps fellow in his office, be granted the privilege of the floor during consideration of S. 1315.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 518.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 518) designating the third week of April 2008, as "National Shaken Baby Syndrome Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table and that there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 518) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 518

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System figures reveal that more than 900,000 children were victims of abuse and neglect in the United States in 2006, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas more than 4 children die as a result of abuse or neglect in the United States each day;

Whereas children younger than 1 year old accounted for approximately 44 percent of all child abuse and neglect fatalities in 2006, and children younger than 3 years old accounted for approximately 78 percent of all child abuse and neglect fatalities in 2006;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas 20 States have enacted statutes related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or are undetected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death of an infant and may result in extraordinary costs for medical care in only the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been killed or injured by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas the Senate previously designated the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week"; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2008 as "National Shaken Baby Syndrome Awareness Week";

(2) commends hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

ORDERS FOR TUESDAY, APRIL 22, 2008

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow morning at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate resume the motion to proceed to S. 1315, the Veterans Benefits Enhancement Act, under the previous order; that the Senate stand in recess from 12:30 to 2:15 for the weekly caucus luncheons and from 3:30 to 4:30 for the unveiling of former Senate majority leader Tom Daschle's portrait.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Under the previous order, the Senate will vote tomorrow at 12 noon on the motion to invoke cloture on the motion to proceed to S. 1315.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Seeing no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:26 p.m., adjourned until Tuesday, April 22, 2008, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 22, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 23

9:30 a.m.

Foreign Relations

To hold hearings to examine the crisis in Darfur.

SD–419

Veterans' Affairs

To continue oversight hearings to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration.

SR–418

10 a.m.

Judiciary

To hold hearings to examine National Security Letters, focusing on the need for greater accountability and oversight.

SD–226

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Missile Defense Agency.

SD–192

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine phantom traffic.

SR–253

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the crisis in Tibet, focusing on a path to peace.

SD–419

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission.

SD–342

3 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 662, to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, S. 827, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, S. 923 and H.R. 1528, bills to amend the National Trails System Act to designate the New England National Scenic Trail, S. 956, to establish the Land Between the Rivers National Heritage Area in the State of Illinois, S. 2073, to amend the National Trails System Act relating to the statute of limitations that applies to certain claims, S. 2513, to modify the boundary of the Minute Man National Historical Park, S. 2604, to establish the Baltimore National Heritage Area in the State of Maryland, S. 2804, to adjust the boundary of the Everglades National Park, H.R. 53, to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and H.R. 1483, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas.

SD–366

APRIL 24

9 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine recommendations for improving the federal acknowledgment process.

SD–562

9:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine addressing Iran's nuclear ambitions, focusing on policy options for the U.S. and its allies.

SD–342

Foreign Relations

To hold hearings to examine implementing smart power, focusing on setting an agenda for national security reform.

SD–419

Health, Education, Labor, and Pensions

To hold hearings to examine the U.S. Food and Drug Administration, focusing on its ability to keep America's families safe.

SD–106

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine U.S. credit markets, focusing on the U.S. regulatory framework for assessing sovereign investments.

SD–538

Finance

To hold hearings to examine tax aspects of a cap-and-trade system.

SD–215

Judiciary

Business meeting to consider S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, S. 702, to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, S. 2840, to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications, S. Res. 511, recognizing that John Sidney McCain, III, is a natural born citizen, H. Con. Res. 292, honoring Margaret Truman Daniel and her lifetime of accomplishments, S. Res. 515, commemorating the life and work of Dith Pran, and the nominations of Michael G. McGinn, to be United States Marshal for the District of Minnesota, Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice, Mark S. Davis, to be United States District Judge for the Eastern District of Virginia, David Gregory Kays, to be United States District Judge for the Western District of Missouri, and Stephen N. Limbaugh, Jr., to be United States District Judge for the Eastern District of Missouri.

SD–226

Appropriations

Military Construction and Veterans' Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for military construction.

SD–124

Commission on Security and Cooperation in Europe

To hold hearings to examine women, migration and development in the OSCE region, focusing on the impact of migration on family and society, the special concerns of migrant women of color, and the economic contributions of women migrants to their home country through remittances.

B–318 RHOB

10:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S.J. Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, S. 2507, to address the digital television transition in border states, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, S. 2657, to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, S. 2482, to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida, the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and certain promotion lists in the U.S. Coast Guard.

SR-253

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Delta-Northwest airlines merger.

SD-226

Foreign Relations

To hold hearings to examine international debt, focusing on building relief initiatives.

SD-419

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine reforming export licensing agencies for national security and economic interests, focusing on the structure of the Federal government's agencies that are responsible for licensing controlled exports, the process in place for licensing, how the structures help or hinder their decision making for licenses, human capital challenges of the export control bureaucracy, and the recommendations for improving the export control processes and personal.

SD-342

2:15 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 2680, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, S. 2814, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military,and other uses from the Santa Margarita River, California, H.R. 1803, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray,and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund.

SD-366

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine national nanotechnology, focusing on charting the course for reauthorization.

SR-253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

APRIL 25

9 a.m.

Armed Services

To receive information relating to the treatment of detainees.

SR-222

APRIL 29

9:30 a.m.

Armed Services

Personnel Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR-222

10 a.m.

Judiciary

To hold hearings to examine living on the street, focusing on finding solutions to protect runaway and homeless youth.

SD-226

10:30 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine improving consumer protection in subprime home lending.

SR-253

2:30 p.m.

Armed Services

SeaPower Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR-222

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR-232A

4 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR-222

APRIL 30

9 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine secret law and the threat to democratic and accountable government.

SD-226

9:30 a.m.

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR-232A

10 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR-222

2:30 p.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.

SR-222

MAY 1

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.

SR-222

2:15 p.m.

Energy and Natural Resources

To hold hearings to examine the military build-up on Guam, focusing on the impact on civilian community, planning, and response.

SD-366

MAY 2

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.

SR-222

MAY 7

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending benefits legislation.

SR-418

MAY 20

10 a.m.
Energy and Natural Resources
To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109–58).
SD–366

MAY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending health care legislation.
SR–418

CANCELLATIONS

APRIL 30

10 a.m.
Rules and Administration
To hold hearings to examine electronic voting systems, focusing on top-to-bottom inquiries by Secretaries of State.
SR–301

SENATE—*Tuesday, April 22, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable BILL NELSON, a Senator from the State of Florida.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, You are our light and our salvation. Whom then shall we fear? We thank You for all of life's positive things. Help us to see them and to count them and to remember them, that our lives may flow in ceaseless praise.

Use our lawmakers. Control their minds that all of their thoughts will be guided by You. Shine Your light upon their path and strengthen them to walk according to Your will. Give them a sense of duty that they may leave nothing that they ought to do undone. Teach them to follow You, and lead them on the right path.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL NELSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL NELSON, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Florida thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, we will be in a period for the transaction of morning business for up to 1 hour, with the time controlled by the leaders or their designees and Senators permitted to speak for up to 10 minutes each. The Republicans will control the first half, and the majority will control the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 1315, the veterans' benefits bill. We are going to have that vote at noon today.

Today, the Senate will recess from 12:30 p.m. to 2:15 p.m., as we do every Tuesday, for our weekly caucus luncheons, and we will also recess from 3:30 p.m. to 4:30 p.m. for the unveiling of former Majority Leader Daschle's portrait.

Tomorrow, the Senate will be in recess from 11 a.m. to 12 noon for a Gold Medal ceremony in the Rotunda honoring Dr. DeBakey and from 4 p.m. to 5 p.m. tomorrow for a Senators-only briefing by Admiral Mullen, Chairman of the Joint Chiefs. That will take place in S-407.

VETERANS' BENEFITS ENHANCEMENT ACT

Mr. REID. Mr. President, yesterday I spoke on the floor indicating that I thought it was really too bad that the Republicans held up another bill, this one dealing with veterans health benefits. We have hundreds of thousands of veterans returning from Iraq. Twenty percent of them have severe problems as a result of post-traumatic stress syndrome, many of them caused by those terrifying explosions over there that occur all the time, around them and to them. We have 150,000 men and women now in Iraq serving our country bravely.

The veterans' benefits legislation was reported out of the committee 9 months ago, and we have been trying to get permission from the Republicans to bring it to the floor, and they have refused. It expands eligibility for traumatic injury insurance; extends eligibility for adapted housing for those who have been severely burned; it increases benefits for veterans pursuing apprenticeships or on-job training programs; and 80 other provisions that are very important. But we learned yesterday from the ranking member of the Veterans' Affairs Committee that the reason they have held this bill up and intend to continue holding it up is because this legislation restores veteran status to Filipino veterans who served under U.S. command during World War II.

This legislation is important. While our Republican friends are stalling for time, trying to maintain the status quo, our veterans—men and women, young and old—who served with distinction continue to wait for the support, care, and services they have earned. They are waiting for Congress to act.

As I have indicated, the Republicans have followed the lead of the ranking member of the committee and opposed the provision in the bill that provides pensions to Filipino veterans who fought by our side in World War II.

I say what I said yesterday: If you know nothing else about World War II, watch Tom Hanks' documentary of World War II, what went on in the Philippines. We depended on the Filipinos. They fought bravely, valiantly by our side. So I find this opposition baffling. With threats emerging from every corner of our complex world, America needs allies. We need to set an example that we stick by our friends. We should be sending a message to the world that we need you to stand with us. We cannot fight the global war on terror alone.

What kind of example does this set? What better message can we send to our global allies than we will honor the past service of men and women born on foreign soil who rallied around our flag and fought for our freedom?

My friend from North Carolina, distinguished Senator BURR, argues we should not be providing pensions for Filipino soldiers who served our country but who were not injured during World War II.

World War II was a different war from the war we are fighting now. In Iraq, everybody is fair game to the terrorists. It was not that way in World War II. Only 20 percent—one in five—served on front lines taking enemy fire. The other 80 percent provided support services and engaged in intelligence gathering. They transported and maintained equipment. They took care of the ammunition. They repaired combat vehicles. They were in the Quartermaster Corps making sure the uniforms and other equipment the soldiers needed got to where they were supposed to go. They cooked the food. They acted, as we know, as nurses. It cannot be argued those 80 percent were any less a part of that war. It cannot be argued that sacrifices do not count. It cannot be argued that these men and women are less entitled to the benefits of veteran status. This legislation would give them $300 a month. Don't they deserve that? Doesn't this country owe that to them?

I urge my Republican colleagues to break away from this foolishness and join us in providing a pension for the brave Filipino troops who stood with us, fought with us, and helped us win World War II. I hope the Republicans will support all components of this legislation. It is good legislation, but it should be known that I have reached out to Republicans on this issue on many occasions, with no takers.

As I said to Senator BURR on the floor yesterday, if he does not like this provision, why hold up the whole bill? We should have been on the bill Thursday night, Friday, Monday. It is Tuesday now. Offer an amendment. Say: I don't believe these people who were not front-line soldiers deserve anything. They are old. The average age is 84. They do not deserve anything. Let's strike that with an amendment.

Let's have a debate on it and vote on it, not hold up the whole bill. But that is what is being done. If a majority of the Senators vote for the amendment, the bill will be altered. That is how the legislative process is supposed to work. We should not have to invoke cloture on a motion to proceed simply to begin to legislate.

So I hope cloture will be invoked and, if it is, we do not have to use the postcloture 30 hours to sit around and do nothing. We should be able to start legislating on this bill. I am not even asking Republicans to support the bill at this point, just support allowing us to move to the bill so we can start legislating.

This is an example; almost 70 times in a little over a year, the Republicans have stopped us from moving legislation. Is it any wonder that today it is reported "Bush's disapproval rating worst of any president in 70 years"? That is no surprise. Holding up legislation, even legislation with which they agree, hold us up, just to stall, to maintain the status quo. What is the status quo giving the American people? Nothing. And that is how they feel about President Bush. That is why we see this headline in today's paper.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VETERANS' BENEFITS ENHANCEMENT ACT

Mr. McCONNELL. Mr. President, of course the bill is not being held up, and of course the majority does not need permission from us to take up the bill. Today we will, in fact, vote on the cloture motion to proceed to the Veterans' Benefits Enhancement Act of 2007. It is my belief cloture should be invoked and will be invoked.

There is actually much to commend in this bill. It will improve the lives of our veterans by supplementing the level of assistance for disabled veterans for the purchase of automobiles and increasing assistance for those veterans who need to modify their homes to accommodate their disabilities.

I wish to recognize with admiration my colleague from North Carolina, the ranking member of the Committee on Veterans' Affairs, and thank him for his hard work on this bill. Yesterday, he made clear that he will offer a substitute that seeks to correct the one glaring flaw contained within S. 1315, a provision that would divert $221 million over the next 10 years to create a special pension for Filipino veterans of the Second World War living in the Philippines who have no service-connected disability. That money, of course, would be diverted at the expense of American veterans living in America. The Senator from North Carolina spoke eloquently about the fact that diverting these resources from our veterans returning from Iraq and Afghanistan represents misplaced priorities, and I agree with him.

My expectation is the Senate will have a healthy debate concerning this provision. Senators on my side of the aisle will have ample opportunity to amend the committee bill so we can have a bill that will pass with bipartisan support and be signed into law. It is my hope we can work together on this bill and produce another strong, bipartisan achievement for our veterans. I expect that to happen certainly in the very near future. We will have an opportunity in our conference at noon to discuss going forward, but we anticipate moving forward with the Burr amendment early in the process. I think we are going to be able to get a strong, bipartisan accomplishment in the very near future in the Senate.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I want the world to hear what the Republican leader just said: We are not holding up the bill. That simply is without any basis of fact. That is why we are going to vote at noon on being able to move to the bill. In years past, it was done automatically. Rarely did we have to file a motion to invoke cloture on the motion to proceed. It is Orwellian, what my friend just said. Of course they are holding up the bill. And we have asked other times to move to this legislation, as far back as November 2007.

So, Mr. President, I now ask unanimous consent that following morning business, we move to the bill, we vitiate the need to invoke cloture on the motion to proceed, that all germane amendments would be in order—and certainly what Senator BURR said he wanted to do would be totally germane. It is a striking provision.

I ask unanimous consent that following morning business, the Senate move to the bill that is before the Senate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, I really think any observers will find all of this quite silly, really. We are going to discuss the measure at noon. Many in my conference are not on the Veterans' Affairs Committee and have not had an opportunity to hear from Senator BURR about this issue. Yesterday was a no-vote day. Members were not around. We are going to discuss the matter at noon.

I already indicated to my good friend the majority leader that we are going to be able to move forward, I think, with dispatch on this issue, and we are going to get a bipartisan accomplishment. No amount of trying to steamroll the minority into giving up its rights is going to work. Maybe that is one of the reasons this Congress has a lower approval than the President of the United States. My good friend the majority leader never misses an opportunity to talk about the President not being very popular. Every time in the future the majority leader wants to bring up the President's popularity, I will bring up the popularity of this new majority which makes the President's popularity look really good.

What I think the American people would like for us to do is to quit this silly sparring back and forth, and finger-pointing, and legislate. We have a very good chance to begin this week with a strong bipartisan accomplishment, and I think we ought to get about it. As soon as lunch is out of the way and Senator BURR has had an opportunity to brief our Members on this measure, with which many of them are not yet familiar, we will sit down, as we always do, the majority leader and I, with smiles on our faces, and figure out how to go forward. And I think we will be able to get there in the relatively near future.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. So that it is very clear, the statement of the Republican leader was untrue. He can talk all he wants about finger-pointing. All we want to do is legislate. That is what we want to do. And it would seem to me, as this legislation has been pending for 9 months—reported out of the committee 9 months ago—that since we are dealing with the veterans, the people for whom we want to do the very best we can because they deserve it, that in 9 months the Republican caucus would have been able to focus on veterans and health care and not wait until today, April 22—or whatever today is, 9 months after the legislation was reported out of the committee—to determine what is in the legislation. Senators need to be briefed on how to take care of our soldiers medically? I think that is without any foundation.

I will also say this, Mr. President: I feel very good about my job as a Senator. I am very grateful to the people of Nevada for allowing me to serve in the Senate. But I am never going to come to the floor and denigrate this body, as my Republican friend obviously wants to do. The rating of the Senate, over the history of the country, the rating of the Congress is tied to the President. If the President is unpopular, the Congress is unpopular, the city council is unpopular. If you have a popular President, everybody feels good about the Government itself. So I will never come to the Senate or anyplace else and denigrate my job and those of my 99 colleagues. I think we have important responsibilities, and I think we should live up to those in a manner that is best in keeping with the Senate tradition.

I came here this morning to state a fact. I want to legislate on behalf of the Senate on legislation dealing with the medical care of our veterans, and it is being held up by the Republicans. That is clear. That is what I said, and I stand on that.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. At the risk of prolonging this a little longer, I don't think, at the end of the day, anybody in the country is going to believe we are obstructing this bill. This is a serious effort to legislate. Senator BURR has taken it very seriously. He has an important amendment to be offered, which will be offered later today. The Senate will have an opportunity to consider it.

Look, the way you get things done in the Senate is on a bipartisan basis, and the rules around here give the minority an opportunity to be involved. This is not the House of Representatives. I wish we had been able to get more done last year, but one of the reasons we didn't is because we had 34 Iraq votes. Some of my friends in the other conference told me last year that any week they weren't voting on Iraq was a bad week. We spent an awful lot of time on sense-of-the-Senate resolutions on Iraq last year.

Floor time is at a premium in the Senate, as the majority leader used to say repeatedly when he was the leader of the Democratic Party and in the minority. The Senate is not the House. Things don't move as speedily. Most observers of the Senate understand that. By Senate standards, this bill is going to move forward in relatively rapid order after the rights of the minority to offer amendments have been protected.

So I don't know what this little back and forth this morning is all about because I do think we are going to have an opportunity to get a bipartisan accomplishment in the very near future.

I yield the floor.

Mr. REID. What this is all about is the truth. That is what it is all about. Senator DURBIN, assistant majority leader, on November 8, 2007, said this: This is Senator DURBIN speaking, Mr. President.

> I ask unanimous consent that the Senate may proceed to the consideration of calendar No. 336, S. 1315, at any time determined by the majority leader following consultation with the Republican leader; that when the bill is considered, the only amendments in order to the bill, other than the committee-reported amendment, be first-degree amendments that are relevant to the subject matter of the bill and that they be subject to relevant second-degree amendments; that upon disposition of all amendments, the committee-reported substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table.

The Presiding Officer asked: Is there objection?

The Republican side: Objection.

The objections to this go back months. So what is this about today, the Republican leader says? It is about the truth. It is about the Republicans stalling everything that comes up—everything—and then to have the audacity to come to the floor and say: We are not stalling anything.

We should have been on this bill a long time ago.

And during the period of time the Republican leader complains we were having numerous Iraq votes, we were trying to change the course in Iraq, Mr. President, because it needed changing, and it still does.

We have been here I don't know how many seconds this morning, but every second we have been here we have been spending $5,000 in Iraq—$5,000 a second or $12 billion a month. During the period of time he complains about our offering amendments related to the war in Iraq, our troops were getting killed at the rate of more than one a day. Tens of thousands have been wounded. A third of them are missing eyes. Their minds aren't good. One-fifth of them have brain problems—injuries to their brains. We have more than 3,000 double amputees and thousands and thousands of single amputees. We have an obligation to the American people to talk about the war in Iraq, and we are going to continue to do that.

So we don't apologize to anyone for the votes we took on Iraq. The first many years of this war—a 6-year war now—the war went along with the Republican leadership in the House and the Senate doing nothing about the war except patting the President on the back. We have not done that. We have been critical of the operation of the war in Iraq, but we have done everything we can to support our troops. We were the first to call for more body armor for the troops. We were the first to call for up-arming the vehicles so they wouldn't be killed as easily in those vehicles. We have done everything we can to support the troops. We have done everything we can to change the course of the war in Iraq.

The President has not allowed us to change the course of the war in Iraq, and we are here today for the truth. The truth is, we are trying to legislate for the American people and change the status quo. The Republicans want to maintain the status quo.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, with all due respect to my good friend, the majority leader, the American people are giving Congress such low approval ratings principally because of the rhetoric and the tone and the feeling that we can't accomplish anything.

I don't know why, on this particular Tuesday morning, at about the time we are going to go to a bill on which we could achieve an important bipartisan accomplishment, we want to engage in this kind of rancorous debate. We will have plenty of highly contentious issues to come before us. That is the nature of the legislative process. And certainly we have spirited debates in the Senate. But on the measure that we are about to go to later today, I think there will be very little difference of opinion, and at the end of the process we are likely to have a bipartisan accomplishment that we can all feel good about.

So I would hope we could improve our moods and attitudes this week as we go forward and see if we can't accomplish something important for the veterans of our country.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

IRAQ SUPPLEMENTAL

Mr. CORNYN. Mr. President, I, too, am confident that we will pass important legislation on a bipartisan basis this week to provide the benefits to veterans that they have earned and that they deserve, but we can't forget the unfinished business of this Congress last December when we wrapped up the fiscal year 2008 appropriations bill and we left a balance of more than $100 billion that the Department of Defense said it needed to fight the global war on terror.

In other words, it is important to support our veterans, but I would submit it is equally important to make sure we are supporting our troops currently in the fight and in harm's way, and this Congress has an unfortunate record of delaying that and playing political games with that money. It is time that should end.

In the Army alone, this shortfall amounts to $66 billion. As a result, the Army will run out of pay for Active Duty and National Guard soldiers in June unless Congress acts promptly.

At the same time, funding for extra vehicle armor, hospital construction and renovation, and new service vehicles will dry up. Our troops will not have the resources they need to carry out their mission unless we act soon to pass this emergency supplemental appropriation.

Provincial reconstruction teams will also run out of funding. These teams are an integral part of our strategy in Iraq and go a long way to fostering growth, freedom, and good ties to the Iraqi communities and ensuring we win the battle for hearts and minds as well.

We have also appropriated less than half of what the military leaders in Iraq tell us they need for the Commanders' Emergency Response Program, or CERP, which is essential for continued bottom-up reconciliation efforts. We should not hold this funding hostage to political gains, and it should not become a vessel for porkbarrel projects and bloated spending.

We should pass a clean emergency supplemental funding bill for our troops as soon as we possibly can, and I hope immediately following the passage of this legislation we are on today.

HONORING OUR ARMED FORCES

STAFF SERGEANT JUSTIN YOUNG

Mr. CORNYN. Mr. President, it is my honor to speak today about a young man whose courage and strength have earned him the Silver Star, and more importantly the respect and admiration of all those who have heard about his story.

SSG Justin Young was born in Mesquite, TX, just outside of Dallas. The son of John Young and Kathy Sutton, Justin was a swimmer for the Boerne High School Greyhounds. After graduating, he told his dad he needed to find his priorities and his focus in life. That level of maturity and insight is rare for someone so young, and it already tells you something about the character of Justin Young.

Justin decided what was best for him was to join the U.S. Army. I doubt anyone in this body would deny that the U.S. Army has a long and storied history of taking young men and women with strong character and transforming them into proven soldiers, and also into courageous leaders as well. Justin was no exception.

Just over a year ago, on March 24, Justin and the rest of the 82nd Airborne were conducting operations in Diyala Province in Iraq. As the squad leader with C Troop, Justin led his nine-soldier squad into a compound in Qubbah, Iraq, a location where known enemy fighters were entrenched.

Once inside the compound, Justin and his troops quickly encountered armed insurgents. Justin disarmed and detained a guard before pressing on. In the confusion of the initial entry, Sergeant Young was ambushed by a hidden fighter about 10 feet away. The enemy fired his AK-47 assault rifle, hitting Justin's rifle three times and striking Justin once in the chest. The force of these shots sprayed shrapnel up into Justin's neck and knocked him off his feet.

Injured, and with a broken weapon, Justin killed his attacker and got to his feet. Now, it is difficult for us here in the comfort of our Nation's Capitol to imagine what such a fight for one's life must be like. We can only try to imagine the chaos and confusion, the adrenaline, the pain, and the fear. You wouldn't blame anyone for pulling back after something like that. But, frankly, that is one thing that makes these young men and women so exceptional, and that is what makes them the U.S. Army.

Justin got up, took a confiscated enemy AK-47 and three magazines, and refusing medical attention, continued to lead his troops through 5 more days of fighting. That is, Mr. President, the kind of courage, strength, and selflessness that ought to leave all of us in awe.

Justin finished out his 15-month assignment in Iraq in August and came home, a hero to many—perhaps not the least of which being his father. Try as he might, his dad John simply could not put into words how proud he was and is of his son. After having dinner with Justin's unit at Fort Bragg, he said simply, "He's unbelievable and so are his friends." Both Justin and his father would be quick to remind us that even though Justin received this medal, it is all the men and women serving in our military who deserve our admiration and respect.

John told me that while "Justin was there for his buddies, they were there for him, too." Soldiers like Justin and his squadmates are a prime example of the great commitment all of our troops share, not only to each other but to our country as well. As such, they serve two of the most noble principles the world will ever know.

What is Justin doing now? Having found his focus and oriented his priorities, with an example of true courage and dedication, Justin reenlisted in the Army just before finishing his first tour. Despite his harrowing experience, Justin stood in the sands of Iraq and he raised his right hand and swore to continue his service to the defense of our great Nation. Recognizing his great courage and leadership, Justin is now training with the hopes of joining the special forces.

That is why I wanted to come to the floor today and honor Justin's exemplary service to our country. He is just one example of the bravery, courage, and strength of thousands of Texans, both past and present, who have served in the U.S. military.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. KYL. Mr. President, I appreciate my colleague from Texas putting a personal face on this war. Our young men and women are making tremendous sacrifices. We here in the Congress should be willing to do our part to ensure they succeed in their mission. Hearing a story like Justin's simply confirms that we should redouble our efforts to fund what they need to carry out their mission.

The majority leader talked a little bit earlier about delays with the legislation that is currently pending before the Senate. It is going to take us 2 or 3 days, presumably, to complete this legislation that is currently pending—2 or 3 days. That is not a big delay in the Senate. But 14 months is a big delay, and that is the time since the President first asked for the supplemental appropriations to help fund our troops fighting in Iraq and Afghanistan—14 months ago. That is a real delay. It is because I believe the majority party believed they could delay and delay and thereby apply pressure to accomplish one of two objectives—either put pressure on the administration to back off of the war effort or, knowing we are now really up against a funding crunch, put pressure on the President to accept a lot of unrelated spending, spending that has to do with our pet projects here at home. That is on the theory that the President would have to sign a bill because our troops are so desperate for the funding they need, even if that bill includes a lot of unrelated spending Members of Congress want for their folks back home. We should not submit to what I would refer to as legislative blackmail, to hold our troops hostage, in effect, for this domestic spending. Nothing else explains this 14-month delay.

We have already been told by the Secretary of Defense that it is critical that this supplemental funding be provided to the troops to prevent a slowdown in daily efforts in training and equipping, the halting of military operations and enabling us to replace lost or damaged equipment for ongoing operations. All of these are implicated by this delay.

General Petraeus, when he was back here, added another reason. He stressed the importance of this supplemental appropriations to further progress in Iraq. Here is what he said:

> The Commander's Emergency Response Program, the State Department's Quick Response Fund, and the USAID programs enable us to help Iraq deal with its challenges. To that end, I respectfully ask that you provide us by June the additional CERP funds requested in the supplemental. These funds have an enormous impact.

In other words, it is not just the funds to buy the equipment and support our troops for their mission there but also to enable our military to provide what is necessary to enable the Iraqi people and the Iraqi Government there to succeed.

All of these are reasons for acting with speed. Yet for 14 months Congress has delayed the supplemental funding.

The Director of the Office of Management and Budget, Jim Nussle, stated during his testimony last week to the Senate Appropriations Committee that if the supplemental request is not provided to the DOD by Memorial Day, then the Army and Marine Corps will be forced to take funding from other areas of their operations budget and will even have to start laying off civilians and contractor personnel. It will certainly force the Pentagon to use short-term expedients which are very costly. In other words, instead of having the ability to spread out their contracts over time, which is a much more economical way of acquiring services and equipment, the Pentagon is forced to pay a premium for short-term contracting, and it is forced to move funds from general accounts to support priority expenditures specifically related to the conflict in Iraq and Afghanistan. This is already adversely impacting the Department of Defense.

Clearly, military planners are leery of engaging in a new operation when they do not even know that the material assets they are going to need for that operation are going to be available or that what they have available today is not going to be replaced in the future because this supplemental funding has not been provided.

We have no more important obligation as Members of the Senate than funding our troops when they are in the middle of a battle. That is precisely the situation right now.

In fact, let me just quote something that was said just a couple of days ago by Ayman al-Zawahiri, currently the leader of al-Qaida. Here is what he said in a long audio message, among other things:

> Iraq today is now the most important arena in which our Muslim nation is waging the battle against the forces of the Crusader-Zionist campaign. Therefore, backing the Mujahidin in Iraq, led by the Islamic State of Iraq, is the most important task of the Islamic nation today.

We are in a war, and what Zawahiri said in one sense is right. This is the most important arena in which this conflict is currently playing itself out. We have a choice: to leave in defeat or to continue to assure victory.

We have sent our troops in harm's way to achieve their mission. They are accomplishing it. The surge General Petraeus has implemented is working. It is up to us to do our part in this effort. All we have to do is have a brief debate and a vote, and the vote is to send money the troops need to sustain their operation. We have known this now for 14 months, yet Congress continues to dither. Now we have run out of time.

There has been a suggestion that in this effort to fund our troops, we should combine all of the spending into one massive appropriations bill. It would be well over $100 billion. If all it does is fund the troops, then that is fine. But if it is used, as I said before, as a way for the majority to sneak through either unrequested defense spending or our favorite other domestic pet projects, that would be a grave injustice to our troops.

I note the distinguished chairman of one of the subcommittees in the House of Representatives on the Appropriations Committee has revealed that he is ready to move the particular bill here because he is going to use it as a way to add other items to the Pentagon, including additional Navy warships and the procurement of new C–17s and F–22 fighter planes beyond what the Defense Department has budgeted. Maybe those are good defense expenditures, maybe not, but the reality is that they should stand on their own two feet as part of a general authorization and appropriations process and not be put on the backs of this supplemental appropriations bill which is what is needed to fund our efforts in Iraq and Afghanistan.

Others have been looking at the supplemental as an opportunity to increase funding for their favorite nondefense programs. It has been suggested by members of the Senate Appropriations Committee last week that some $24 billion in nondefense spending might be added for that purpose.

As I said, Congress should not be extorted into supplying nonwar spending on this supplemental appropriations bill, the emergency bill to fund our war effort. Any effort to do that I suggest should be rejected—among other things, because we know the President has said he will veto a war supplemental funding bill that contains nonwar-related items or strings attached such as some kind of a timetable for troop withdrawal from Iraq. Knowing that is going to be vetoed, it would be irresponsible for the Congress to go ahead and send him a bill and take additional time to get the bill back and redo it in a way that will be not vetoed.

The bottom line is that we have to take care of our troops. We have to support them in the mission we have sent them to achieve. It is time that we get about that, and I urge my colleagues, when the war supplemental comes to this body—hopefully next week—to act with alacrity, we will pass it and not hold it hostage to our other spending priorities that do not relate to our efforts in Iraq and Afghanistan.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to spend a minute talking about what a supplemental is because oftentimes the words we use up here do not have the clarity for the American public as to what they really mean. A supplemental appropriation is an appropriation that is outside the budget. What does that mean and what does that mean to the average taxpayer? That means all the money that is used to pay for the supplemental will be borrowed. It is not coming from taxes today. It does not fit inside the pay-go rules. It purely and simply is borrowed from our children.

I have significant problems with that. If you look back at our history, President Roosevelt cut 29 percent out of his favorite domestic programs during World War II. President Truman cut 26 percent out of domestic programs to pay for the Korean war. We routinely, year after year, charge the war to our children.

I raise the issue for two points. No. 1 is that is the way the President has chosen to do it, and I fault him as well as the Congress. But No. 2 is this great propensity of "legislators" who add everything including the kitchen sink to it because it is a free pass and it is outside the budget.

The last appropriations bill that we did that was a supplemental had $17 billion added to it that did not have anything to do with the war, didn't have anything to do with priorities in this country, didn't have anything to do with that other than adding things on because it was outside the budget so they could spend more inside the budget.

I am in my fourth year in the Senate. One of the things we have done ever since I have been here is try to root out waste, fraud, and abuse. There is no question right now that in the Federal budget—almost $3 trillion—over $300 billion right now that is in the appropriated programs and in the mandatory programs is lost to fraud, waste, and abuse. So we are going to be bringing a bill to the floor for $120 or $107 billion, plus probably another $10 or $15 billion that the porkers will add to it and oink all the way, and nobody is going to offer anything to offset it out of the fraud, waste, and abuse—the waste we have because we are not paying attention to the running of the Government. We hear this big debate about earmarks, the prerogative to make sure that we point to things. The fact is, the way you point out things is to do oversight on the waste, fraud, and abuse.

If you think this is not accurate, let me give you a list of where the waste is. There is $90 billion worth of fraud in Medicare right now, and there is $10 billion that we pay that we inherently pay wrongly. So that comes to over $100 billion in Medicare alone that should not be going out the door. We are not doing a thing about it. Nobody is going to offer an amendment. It will not even be judged as in order with the rules, to get rid of the fraud in Medicare. Medicaid is same thing—$30 billion in fraud, $15 billion in overpayments for people that we just made a mistake in paying. No, there is not going to be anything offered during the supplemental to fix that, so right there you have $125, $130 billion that would pay—just in fixing Medicare and Medicaid fraud.

There will not be a rule that will allow us to vote on that. There will not be a way for us to do it because that is hard work, and we do not want to do the hard work.

Social Security disability fraud, $2.5 billion; the governmentwide overpayments, improper payments, overpayments for other things, $15 billion. These are not my numbers, these are documented numbers by either the GAO, the Congressional Budget Office or the IGs; $8 billion that the Defense Department pays out for bonuses for companies that did not earn the bonus or performance awards.

There is not going to be anything in this to fix that. It is not even going to be made in order. And $4 billion that we are being defrauded on a crop insurance modernization program, where we allow for crop insurance a higher rate of return than any other casualty or insurance company could earn.

No bid contracts, $5 billion. U.N. contributions that are purely waste, that get defrauded and wasted, $2 billion. We buy $64 billion worth of IT projects a year, and at least 20 percent of it is wasted. That is another $12.8 billion.

Nobody is going to fix that on this. No, we are going to borrow the money from our children. So I raise the issue that we are going to pass a supplemental, and the games are going to be played on it like they are every year. People are going to add things that are not a priority; they are going to add them in—they are not in the budget—knowing they are going to go straight to the debt. Is it in our interest for us to consider, as we do the supplemental, what we are spending right now per American family on different things?

Let me spend a minute to outline that every American family is paying $8,668 for Medicare and Social Security every year; every American family is paying over $5,000 a year to defend this country; we are spending $3,752 for antipoverty programs every year; we are spending $2,000 a family for interest on the national debt, which is going to be higher next year because we are going to borrow all the supplemental and add that to our debt.

Federal employee retirement benefits cost every family in this country $1,000 a year—$1,000 a year for every family. Veterans' benefits, $750 per family; health research and regulations, $692; education, $578; highway mass transit, $455; unemployment benefits, $320; international affairs, $300.

We have a deficit that is going to be $800 billion this year. While Congress sits on its heels and has debates about legislating or not legislating, we are going to continue the same bad habits of not holding agencies accountable, not being transparent about what we are doing, and we are going to say we funded the war, but we are not going to make any of the hard choices about it.

When this bill comes to the floor, it is going to have $17 to $20 billion that does not have anything to do with the war but has everything to do with political directives outside the budget so we can spend more money.

Washington does not need a raise, it needs a cut. It is time for us to pay for the war by getting rid of the waste, fraud, and abuse in this Federal Government. Unfortunately, there is not the character or the courage in either the House or the Senate to take on that fight because it might impact political careers.

So as you listen to the debate when we come up with the supplemental, we need to fund our troops, there is no question about it, but we should not be funding our troops on the backs of our children. We should be funding our troops on the backs of us, and we ought to be doing that every time.

So I am going to do all in my power to try to offer amendments to offset the funds in this war supplemental. I know the rules will prohibit me from doing many of them. But I am not going to stop talking. I am not going to stop talking about the $350 billion that goes down the drain and steals the future and opportunity from our children.

That is exactly what we are going to be doing. And we are going to be smiling all the way through and patting ourselves on the back that we funded the war. But we did it on the backs of those who do not have the same opportunities we were given. We are going to steal those opportunities from the next two generations.

It is time for Congress to start doing its job. That means tough, rigorous oversight and staying within the budget guidelines and spending the money like it was ours, not like we had an unending credit card that never comes due.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

FAIR PAY RESTORATION ACT

Ms. MIKULSKI. Mr. President, thank you very much. I too wish to speak as in morning business.

All over America today, people are celebrating Earth Day. But we, the women of the Senate, have another day we are commemorating, it is called Pay Equity Day. That means women should get paid equal pay for equal or comparable work.

You are going see the women of the Senate dressed in red today. We are going to be on the Senate floor, we are going to be in our committees, and we are going to be doing our job. But we wear the color red with solidarity for women all over who say: We are red in the face because of the way women have been treated in terms of our pay.

Right now, in the year 2008, women still make less money per hour than men for the same or comparable job. If that was not hard enough about the business practices, we actually have a Supreme Court that agreed with discrimination.

So today we come to the floor with legislation that has been developed, on a bipartisan basis, to reverse a Supreme Court decision called the Ledbetter decision.

You have to hear this. Last May, the Supreme Court made an outrageous decision that said women cannot get equal pay for equal work if they do not do it within the first 180 days that a discrimination occurs. The decision was sexist, it was biased, and it did not understand the reality of women's lives or the reality of the workplace.

Their decision was a step backward for women, and it hit women right in the pocketbook. It violates the American concept of fairness and justice and equal treatment under the law.

Let me tell you about Lilly Ledbetter, who brought the case to the Supreme Court. I met her in the HELP Committee—the Health, Education, Labor Committee—when we were listening to the testimony about it. I listened to her story. This is a woman now who is beyond middle-age, who has worked 19 years for the Goodyear Corporation.

Systematically, she was underpaid from the day she walked in that door. Not only did she get less pay for the work that she did, but she did not get comparable raises when the men got theirs.

What does that mean? Not only did she have less earnings in her work, though she worked as hard, received excellent ratings, and was promoted, but it also now will show up in her pension; she will get less Social Security and she will get less pension. So remember, when discrimination begins, it is compounded over a lifetime.

Now, Lilly Ledbetter is a real American. She fought the system on her own time and with great risk. She fought the discrimination and took it to the Equal Opportunity Commission, took it to the courts, and then took it all the way up to the Supreme Court. Along the way, she had to raise her own money to do this, while the big corporate interests at Goodyear had fat-cat, billable-hours lawyers against her.

She faced sexual harassment in the workplace because she dared to speak up and speak out. Well, Lilly Ledbetter would not give up. If she was the only case in America, it would be wrong, but this is a persistent pattern in the workplace. And also it has now been approved by the Supreme Court.

The Supreme Court said: Someone cannot sue their employer over unequal pay if that person does not file suit within 180 days after the pay was established.

Once again, the Supreme Court does not get it. How many women know the salary of their coworkers, especially in the first 6 months on the job? The reality of the workplace is that often people are forbidden to talk about their salaries. What if you were hired at an equal rate with your male counterpart, but he gets a raise every few months and you do not? The Supreme Court decision was outrageous. It was so bad that Justice Ruth Bader Ginsburg, God bless her, God bless Justice Ruth, she stood up and actually spoke from the bench to read her dissenting opinion.

That is unprecedented. Usually, they file it and let it go into the history books. But Justice Ginsburg wanted to put the world and this Congress on notice that we better act. Justice Ginsburg said in her dissenting opinion:

> In our view, the court does not comprehend or is indifferent to the insidious way in which women can be victims of pay discrimination.

She encouraged the Congress to fix it, and we will fix it. We will. Unfortunately, wage discrimination exists. Woman now earn 77 percent for every dollar our male counterpart makes. Women of color even get paid less. African-American women get paid 68 cents for every dollar a White man makes. That is almost a 40-percent difference.

The Supreme Court decision will make it almost impossible for women workers to close this wage gap and to get the remedy they deserve, and what they should get, under our doctrine of fairness, is equal pay for equal or comparable work.

From the bench, Justice Ginsburg did call on the Congress for action. She said, "Correct the mistake."

Well, when Justice Ruth speaks, and by the way, do we not miss our Justice Sandra Day O'Connor? Justice Alito wrote the primary assenting opinion. They told us the Court made a mistake and the Congress could fix it. Well, fix it we will. We will be soon voting on the legislative process in the bill itself to right this wrong. We will be voting on legislation that will correct this mistake.

This legislation was authored by our great Galahad in the Senate, Senator KENNEDY. He did it in consultation with we, the women in the Senate: Senator CLINTON, myself, Senator SNOWE, women on both sides of the aisle. He reached out to us. We reached out to the best legal thinking.

This bill will amend title VII of the Civil Rights Act of 1964. This bill will amend the Civil Rights Act of 1964, so the statute of limitations for an employee to file a wage discrimination suit runs from the date of the actual payment of the discriminatory wage, not from the hiring. So every time you get a paycheck, it will be an act of discrimination, which will reset the clock so you can file your case.

That means employees can sue employers based on each discriminating paycheck, and it does not limit the time a worker can get the remedy she deserves. This bill is about fairness, justice, and respect. Is it not time, is it not time? When we think about Lilly Ledbetter and all those wonderful women similar to her, a woman who worked for 19 years, she was not exactly sure when the disparity developed, she could not quite get to all that.

A jury found they had discriminated against her. They awarded her $400,000 in backpay. The Supreme Court took it away from her. Well, today, we are going to give it back to her. We are going to make sure she and her guts and her grit, in standing up for herself, has stood up for all women.

We who are the women of the Senate stand up as well, I believe also with the very good men who work with us. Men of quality never fear women who seek equality. We are doing that today. We believe in this country all people are created equal. We need to make sure it is in the Federal law books and in your personal checkbook.

All people are created equal in the Federal lawbook and in your personal checkbook. People should be judged by their skills, their competence, and by the job they do. Once you get that job because of your skills and talent, you should get equal pay for equal or comparable work.

Lilly Ledbetter was an honest and hard-working person for 19 years. She is entitled to every cent she worked for. Because Lilly Ledbetter stood up, we rise with her. We are going to correct the Supreme Court decision. We are going to pass this reform legislation that is called the Fair Pay Restoration Act. We ask the Presiding Officer to join with us today. For all of us who wear red, this is going to be a great victory.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to join my colleague from Maryland, the distinguished Senator MIKULSKI, who has always fought for women's rights because she knows that is what will make our country strong. I serve on the Health, Education, and Labor Committee with the Senator from Maryland. We saw Lilly Ledbetter come before our committee to speak about her experience in a factory where she was not given fair pay. Over time it went all the way to the Supreme Court, where she lost her right in her own lifetime to ever be compensated for the pay she lost because she wasn't treated fairly. She came before our committee, and she was such a woman of dignity and courage, not speaking for herself—anything we do on the floor won't help her personally—but speaking for all women who will come behind her for decades, to make sure they have the right to get equal pay when they are performing an equal job.

I thank Senator MIKULSKI for her leadership and urge our colleagues tomorrow to vote with us so we can go to the Lilly Ledbetter Fair Pay Act and once and for all assure that our daughters and future generations will have access to equal pay.

This Senate has a very proud history of working across the aisle to pass civil rights laws. Those historic laws ensure that all people have equal rights, regardless of race, religion, gender, or national origin. I am proud that they ensure that my daughter now has the right to work in the same jobs and achieve the same success as my son. But even though women are doing the same jobs as men and working as hard every day, they still are not equal on one important day. That is payday. On payday, women will take home 77 cents for every dollar paid to their male coworkers. That pay gap is even wider for African-American and Latino women. African-American women earn 67 cents on the dollar and Latino women earn 56 cents for every dollar a white man makes. I know some people out there say: That can't be true. It is true.

I rise on Equal Pay Day to recognize that we still have a lot of work to do to ensure fairness in society. Tomorrow is the day the Senate can go on record saying we in this country are going to stand behind the women and men and their children who rely on them to bring home a paycheck.

The pay gap that exists is true regardless of skill or education. It is so deeply engrained in society that many jobs dominated by women pay less than jobs dominated by men, even when the work they do is almost exactly the same. In my State of Washington, a woman with a college degree earns about $20,000 less than a man with the same education. According to a study by the American Association of University Women, the difference in pay starts as soon as that woman enters the workforce. That study found that within a year after graduating from college, a woman will already earn less than her male classmates in nearly every major. So that is a problem when one starts out. It is also a lifelong problem, because by the end of her career, a female worker will have lost an average of $250,000 in earnings.

It is just as important to make it clear that the pay gap is a problem for everyone. This disparity hurts millions of families. In almost 10 million households, mothers are the only breadwinners, and in many cases those women are also supporting parents and extended family members. In far too many of those households women have to struggle to pay for rent or heat or food or gas, especially today as prices are rising. Think of how much better off families would be if a woman were paid a wage equal to men, especially as the economic downturn grows worse and expenses rise.

If women and men made an equal wage, single working women would have 17 percent more income each and every year. Ensuring they earn a fair paycheck could cut the poverty rate in half. Wage disparity follows those women into retirement. Women today are twice as likely to live in poverty over the age of 65. Women are more dependent upon Social Security for a greater percentage of their retirement income. All of us are staring down the looming Social Security crisis. Think how much better off we would be if women could save a little more for retirement and contribute more to Social Security.

My colleagues and I should not have to be here talking about this today. I should not have to come to the floor in the year 2008 to make a case for equal pay. Not only is it a no-brainer, but fairness and equality are fundamental American values. We are not asking for special treatment. We are here because, despite all the work done to ensure equal rights, women haven't achieved equality. We are here because we run the risk that pay discrimination laws are growing weaker, not stronger, if we don't act.

As Senator MIKULSKI discussed, the Supreme Court last May took a big step backward with its decision on Ledbetter v. Goodyear. That decision went against Congress's intent and 40 years of EEOC practice. It made it almost impossible for workers who suffer pay discrimination to now seek justice.

Today on Equal Pay Day, we urge our colleagues to support legislation that would reverse that decision and ensure workers have a fair shot at fighting discrimination. The Ledbetter decision requires many workers to file a claim within 180 days after their employer discriminates against them, but it does not recognize that in many cases workers don't even know they have been discriminated against for years. It may take them much longer than 180 days to gather the proof. Frankly, for women in the workplace to be aggressive in finding out how much other people get paid in order to even file a case is very difficult. This sounds an awful lot like the Supreme Court is asking our workers to be mindreaders. That is unfair. It is not what Congress intended when we created that law in the first place.

The Ledbetter Fair Pay Act will allow workers to file a claim within 180 days of any discriminatory paycheck. It gives workers the ability to discover the facts and to challenge ongoing discrimination. Although the Ledbetter case involved gender discrimination, the decision applies to all kinds of discrimination, including religion, race, age, disability, and national origin.

Our Nation was founded on the principle that all of its citizens are created equal. We think they ought to be equal on payday as well. As a mother and grandmother, I want my children to live in a country where my daughter can earn as much as my son. Now is the time to ensure that that can be true by strengthening our pay discrimination laws. Now is the time to ensure the Senate's history of civil rights cannot be eroded.

Tomorrow is an important day for women and men. I urge my colleagues to vote with us to consider the Fair Pay Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I also rise to talk about Lilly Ledbetter and some practical realities regarding this issue. I had the honor of representing a number of people on discrimination cases during the time I practiced law in Kansas City. I represented people on age discrimination, race discrimination, and gender discrimination. I am familiar with the law before Ledbetter. The thing about this decision that is hardest for me is how unpractical it is. When I was a single mom with three small kids in a job with a lot of responsibility and long hours, I had to be very practical in the way I lived my life. Working women across this country are very practical people. They have to prioritize. They make multitasking a way of life.

I look at this decision from a practical standpoint. Here is what sticks in my craw. They are acting as if when you get a paycheck, immediately some switch is turned on in your head that says: My paycheck is discriminatory.

There is no way women in the workplace can look at their paycheck and immediately determine they have been discriminated against. They don't know what everybody else is making. If you are going to say that someone only has 180 days to file a complaint on discrimination from the date the decision is made to make that complaint, what you are saying is that everybody in the workplace, whether they are an elderly person, whether they are a minority, whether they are a woman, they are going to have to turn into a detective every time they get a paycheck. They are going to have to run around and interview their colleagues as to how much money they are making to make sure their paycheck is fair. That is dumb. That is just dumb.

First, you are not even supposed to talk about your paycheck in the workplace. In many places of employment, the boss says it is against policy to discuss with other people what their salary is or what your pay is. So what we are saying to the women and to the older workforce and to members of minorities is: Now you have to figure out what is in the head of your employer. And by the way, you have 6 months.

If I were an employer in America, I would say: Hey, talk about hurting productivity.

Instead, doesn't it make sense that we should be able to show a pattern of discrimination that is reflected in a series of paychecks? Of course, it does. Who has the best knowledge as to whether someone is being discriminated against? I will guarantee you, it is not the person receiving the check. I think about the cases I represented and what kind of incredibly high bar it would have been for each one of those individuals to figure out in 180 days whether their paycheck was fair.

It is funny how people around this place talk about activist judges. I have a feeling that when we debate this issue today and tomorrow, and as this vote occurs, we won't hear a word from the other side about activist judges. This was, in fact, a Supreme Court decision that radically changed the law as we knew it, as it has been practiced in this country, as it has, in fact, been embraced by this country. This Court, by the narrowest of margins, said 5 to 4 that they were going to upset all that law and make it very difficult for people in the workplace to have their day in the bright sunshine of justice.

I am tempted to call it an activist judiciary. They are out of control. We have to do something about the judiciary. Instead, what we need to do is what we have always done in our history. We have to correct it. By the way, that decision spoke to us in terms of asking us, in the dissent, to take the steps necessary to put the law back where it was before that fateful day last summer when the Supreme Court said to the people who have been discriminated against: We are going to make it really hard for you to hold your employer accountable.

This is not a twilight zone of liability for companies. This is a situation where all the damages that someone can receive is just 2 years, regardless of how long the discrimination has gone on. Mr. President, 180 days is a very short period of time in terms of filing a complaint—much shorter than any other statute of limitations that is out there for any wrong anyone suffers in our country.

I think people need to remember how Lilly found out about this. The jury found in her favor. The EEOC found in her favor. The law was in her favor—until the Supreme Court overturned it.

How did she find out she was being discriminated against? She had been there all these years. She had started out on an even keel with the colleagues who were men. Someone slipped her an anonymous note. There is not a tote board somewhere she could have checked. Someone slipped her an anonymous note in the workplace and said: Hey, do you realize what is happening to you? You need to start asking some questions about what is happening to your pay.

This is not just about women. This is also about the older workforce. By the way, with the economy the way it is right now, under this administration, people are having to work longer. People who used to think they could retire at 62—forget about that—they are working into their late sixties, into their seventies. In fact, we have many Members in this body who are working hard every day who are well beyond their early seventies who are contributing on a daily basis to this place. Should those people be discriminated against because they are older? Should they have to figure out in 180 days that a younger colleague is making a bigger paycheck?

What about the minorities in this country? This is not just about women. This is about discrimination. We need to send a very clear signal to the rest of the country that we understand we have to fix this and we have to fix it quickly.

This is not a bunch of whining over something that is not important. That 22 cents in Missouri that a woman makes less than a man is important. It is important to pay for the gas. It is important to pay for the daycare. It is important in order to make the bills come out even.

In Missouri, the figure is that women earn 78 cents for every $1 earned by men. The median annual income for a man with a college degree in Missouri, from the years 2004 to 2006, was $59,000. For a woman with the same amount of education, it was $46,000. The American Association of University Women did that study in the State of Missouri.

We need to unite behind this legislation. This is not going to be onerous for employers out there. It is fair. It is just fair. It is what we pledge allegiance to every day in this room: equal justice for all. Let's make sure we fix this. Let's make sure we move and pass this bill and send it to the President. I will tell you what, if this President has the nerve to veto this bill, I know a lot of women in America who are going to wake up and get busy before November.

Thank you, Mr. President.

I suggest the absence of a quorum.

Mr. DURBIN. Mr. President, I would like to be recognized, if I could. I ask to speak in morning business.

The PRESIDING OFFICER. Will the Senator withhold the suggestion?

Mrs. McCASKILL. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

VETERANS' BENEFITS ENHANCEMENT ACT

Mr. DURBIN. Mr. President, this morning on the floor of the Senate is a bill entitled the Veterans' Benefits Enhancement Act of 2007. Nine months ago, this bill came out of committee, and this bill is now on the floor and to be considered.

Back in November of last year, I asked for permission to bring this bill up for consideration in the Senate and have amendments. It is the orderly process of the Senate, a deliberative process: a debate—and one might expect that is what we do around here. But, sadly, at that point the Republican minority objected to bringing up the Veterans' Benefits Enhancement Act, even though it had passed out of the committee with an overwhelmingly positive vote.

What is included in this bill? A long list of important changes in the law, changes which will give to our veterans, especially those returning now disabled from combat, benefits they absolutely need: housing, education.

In addition, there is a provision in here which I support—was happy to join as a cosponsor—related to Filipino World War II veterans. I think it is long overdue that the U.S. Senate recognize the contribution made by so many Filipinos in World War II to the success of our war effort. They fought so gallantly and courageously and stood by our troops at a moment we desperately needed their help. Those who are not students of history may have forgotten or never read that our fight in the Philippines was a bitter, long, and tragic battle that ended well but only after great sacrifice by the Filipino people, by the Filipino soldiers, and by our American soldiers.

This provision in the bill related to veterans:

> would deem certain service before July 1, 1946, in the organized military forces of the Philippines and the Philippine Scouts as active military service for purposes of eligibility for veterans benefits.
>
> [It] would provide that the children of deceased or totally-disabled service-connected Filipino veterans who qualify for educational benefits would be paid at the same rate and under the same conditions as the children of other veterans.

Mr. President, this is long overdue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business is expired.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 10 minutes on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, would the clerk report the motion to proceed to the bill at this point, or should I proceed?

The PRESIDING OFFICER. It is appropriate to close morning business and then report the motion to proceed.

Morning business is closed.

VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume the motion to proceed to S. 1315, which the clerk will report.

The bill clerk read as follows:

> A motion to proceed to the bill (S. 1315) to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes.

Mr. DURBIN. Mr. President, I see Senator KLOBUCHAR on the floor. I think she was coming to speak in morning business, and I may have used the minute or two that was remaining for her. I wish to address the motion to proceed to the bill that is pending, but since she is on the floor, I would like to give her a chance to speak at this moment before I do. So I ask—if it meets with the approval of the Senator from North Carolina—unanimous consent that the Senator from Minnesota be recognized for——

Ms. KLOBUCHAR. Five minutes.

Mr. DURBIN. Five minutes, and that following her remarks, I be recognized for 10 minutes to speak on the pending motion to proceed.

Mr. BURR. Mr. President, reserving the right to object, and I do not plan on objecting, if the 5 minutes is to come out of the majority's time for the debate—which the time is split between now and 12 o'clock between the majority and minority—if Senator KLOBUCHAR's time comes out of the majority's time, fine.

Mr. DURBIN. Mr. President, it is my understanding Senator AKAKA wants to speak for up to 10 minutes. So I am trying to figure out—we have 38 minutes remaining before the vote, so that would allow 19 minutes per side. If Senator AKAKA needs 10 minutes, I would ask for 4 minutes and yield 5 minutes to Senator KLOBUCHAR, if that meets with the Senator's approval.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I say to my colleague from Illinois, thank you very much. I appreciate the time. If I go less than 5 minutes, I will give you back the rest of the time.

EQUAL PAY DAY

Mr. President, I am proud to join with my colleagues today, many of whom were here earlier—Senator MIKULSKI, Senator MURRAY, Senator BOXER, and Senator MCCASKILL—in support of Equal Pay Day.

In 1961, President John F. Kennedy appointed Eleanor Roosevelt as chairwoman of the President's Status on Women Commission.

In 1963, the Commission's findings enumerated rampant discrimination against women in the workplace: in hiring, in accommodations, and in pay. This was part of the larger catalyst to finally pass—that same year—the Equal Pay Act.

It is a sad reality that still, 88 years after the 19th amendment gave women equal voting power and 45 years after the passage of the Equal Pay Act, it takes women 16 months to earn what men can earn in 12 months. In other words, today, Equal Pay Day, marks the day it takes women to finally catch up to where men were back in January.

But Eleanor Roosevelt was a strong, wise woman, and she brought to that first Commission her personal philosophy that "It's better to light a candle than to curse the darkness." That is why it is so important that the Senate take up the Lilly Ledbetter Fair Pay Act on the floor this week. We must light a candle to the pay discrimination women continue to experience across the country.

This important legislation will reverse a 2007 Supreme Court ruling—Ledbetter v. Goodyear—that significantly limited the rights of individuals to sue for gender-based pay discrimination.

The facts that gave rise to Lilly Ledbetter's case are all too common today. Lilly Ledbetter was a hard worker, working at Goodyear Tire as a manager for 20 years. When she started at Goodyear, all the employees at the manager level started at the same pay. She knew she was getting the same pay as the men did. But early in her tenure as manager, the company went to another system. Payment records were kept confidential, and Lilly did not think to ask what her colleagues were making. She did not think to look at her pay raise and ask if men in the department were getting the same. As the years passed by, the pay differential between what she made and what the male managers were making just kept getting bigger. She only found out about it from an anonymous note from a coworker.

At trial, she was able to prove discrimination. But the company appealed the jury's finding, and the Supreme Court, in a five-to-four decision, decided that Lilly filed her charge too late. Essentially, they read the law to say that she would have had to file it within 180 days of Goodyear making its first discriminatory decision.

Although this decision completely ignores the realities of the workplace—that employee records are kept confidential and that there is no way to know when it starts unless we require women to start the embarrassing practice of asking what men make—we can do what Eleanor Roosevelt says. We can bring the realities to the light. We cannot expect women to challenge practices they do not know are happening, and by passing this law we can start to give women those 4 months back—those extra months it takes to allow them to catch up to their male colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the Veterans' Benefits Enhancement Act passed out of the committee 9 months ago, and 6 months ago I came to the floor and asked that we consider it. I could not imagine there would be any delay in wanting to bring critical help to our veterans.

This legislation expands eligibility for traumatic injury insurance under the Servicemembers' Group Life Insurance Program. It extends housing benefits to individuals—veterans—with severe burns. It increases benefits for veterans in apprenticeship or on-job training programs. And it restores veteran status to Filipino veterans.

The bill had a positive vote coming out of committee, and the Republican minority objected, 6 months ago, to bringing it up. Then, last week, when we tried to bring up this bill to help the veterans again, the Republicans initiated a filibuster trying to stop us from bringing this bill forward.

This morning, the Republican leader explained it was because the Republicans need to sit down at noon and talk about the bill so they understand it. The bill has been out of committee for 9 months. It is very clear what is in this bill. There was no need for a filibuster—except for the fact that is the strategy of the Republican minority.

So far, the Republicans have filed, during this legislative session, 66 filibusters—and continue to file them—66 filibusters, including a filibuster against this veterans' benefits enhancement bill. They continue to file these filibusters in an effort to slow down or stop the Senate from considering legislation.

Last week, they wanted to stop a technical corrections bill that made corrections in spelling and grammar and a few references in a bill passed years ago. It took us a full week to pass a bill, which should have taken no time at all, because the Republicans slowed us down.

This week is even worse—that they would force a filibuster on a bill to help veterans. Why? Why in the world would they do that? From the beginning, we said if they had an objection to any provision in this bill, they could offer an amendment. I know the Senator from North Carolina objects to giving Filipino war veterans—who served next to American soldiers, risked their lives and died on behalf of Americans—they object to the idea of giving $300 a month to the 18,000 surviving Filipino World War II veterans who would be eligible. They object to it but will not come to the floor and just offer a motion to strike. No. They will filibuster to drag this out for days at a time. This is not fair. It is not fair to the veterans who wait on this important legislation. It certainly is not fair to the Filipino veterans.

You have to understand that during World War II, President Franklin Delano Roosevelt issued a military order calling to service the Commonwealth Army of the Philippines to stand next to American soldiers to fight and die. This entitled—many believe—those who served beside U.S. troops to some recognition from the United States of America. My goodness, how many more years will we wait? Those 470,000 Filipino veterans risked their lives to save American lives and their homeland and to fight for the same values we treasure, and we have put them off that long. A cloture motion was filed, forcing a vote today at noon.

I can tell you that the continued efforts by the Republican minority to stop and stall any efforts for change and progress is being noted by the American people. We only have 51 Democrats. It takes 60 votes to overcome a Republican filibuster, which means we need nine of them to join us. Maybe they will at noon. But the obvious question is, Why did we have to go through this? Why did we have to wait when there was an objection last November? Why did we have to face a filibuster? It is critical to pass the Veterans Benefits Enhancement Act and do what is right for our veterans and the Filipinos who stood beside our troops and fought in World War II.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, let me say this. It is disingenuous to come to the floor and suggest that I, or any Member of the minority, have stood in the way. I have stood in the way when the conditions to move forward were such that it diluted the minority's ability to represent its Members but, more importantly, the American people, and to limit us in the time of debate and in the amount of amendments. Yes, sir, it was not offered to have a full and open debate. We are in the process—and, as I said, I urge my Members to vote for cloture. I am sorry we have to have the vote, but that is the only thing that assures us the ability to have the time to debate these issues.

I think what you will find is how much we are all in agreement, which is 98 percent, and there is 2 percent on which we have a difference. I respect the chairman and other Members who believe a special pension should be set up for Filipino veterans who live in the Philippines and have no service-connected injury. But I disagree with that as a priority over our guys.

So I plan to offer an amendment that I have never had an opportunity to offer which embraces 98 percent of what the chairman has in his bill, but it elects to prioritize our soldiers in enhanced benefits over the $221 million that is now devoted to Filipino veterans who live in the Philippines and have no service-connected injury.

I believe it is time for us to stand up for our guys versus that select group to whom there was never a promise made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I again urge my colleagues to vote for cloture and express their support for consideration of S. 1315, the proposed "Veterans' Benefits Enhancement Act of 2007." This comprehensive bill, reported by the Committee on Veterans' Affairs, would improve benefits and services for veterans, both young and old. We should be debating and voting on this bill now. It has been on the calendar since last August.

It is well past time for this body to address and resolve the differences of opinion on provisions in this bill—so active duty service members, veterans, and their survivors can receive improvements to benefits for which they may be entitled without further delay.

Mr. President, I respect the fact that Members have different points of view on parts of this bill, but I do not understand why there is an unwillingness to debate.

As I noted yesterday, for seven months, all I have asked for is debate on this bill. I reached out in October, November, and December of last year, in an effort to come to an agreement to hold that debate. This session, my efforts to reach a time agreement or to negotiate, including in February after the committee's ranking member introduced an alternate bill to S. 1315, have been rejected time and time again.

Mr. President, I am disappointed that members of the minority have continually stood in the way of veterans receiving the enhanced benefits they deserve. I am discouraged that they have not been willing to engage in debate—the business of the Senate. This is not the way that we should be conducting business on behalf of those who have served under the U.S. flag.

A number of things were mentioned yesterday by my colleague, the committee's ranking member, which seem to demonstrate significant confusion about the process that has brought us here.

For example, the ranking member spoke of being asked to agree to no amendments and limited debate time. That is simply not true. What I asked for was an agreement to limit amendments to the bill to only those that relate to the bill. After identifying such amendments, we would then seek to define the time needed to debate these amendments. This represents the way the Senate most often gets its business done and certainly is the process that the Veterans' Affairs Committee follows on those occasions when there is a need for floor debate.

It may be that my colleague does not believe there should be any limitation on amendments to this bill.

If there is no limitation on what amendments can be offered during debate of this bill, I anticipate that other Senators will bring forward a significant number of amendments. Some will be based on measures considered by the committee and not adopted. Some will be based on measures that were debated by the committee and included in other bills now pending on the calendar. Some will represent issues not yet considered by the committee and thus not subjected to the hearing and debate process. And lastly, I am certain that a number of amendments will represent issues not under this committee's jurisdiction.

That does not appear to me to be a desirable way to get our business done. However, if that is the ranking member's preference, let him say so.

Another misleading statement made by the ranking member was his suggestion that the committee was not willing to talk about changes to the bill. That statement cannot refer to the actual committee process last year—where the provision relating to Filipino veterans was noticed—and an amendment was offered—and debated.

After the bill was reported, I clearly expressed my willingness—on multiple occasions—to reach a compromise on the pension provision. As I noted yesterday, the only debate raised in the committee was on the amount of the pension for Filipino World War II veterans, not on eliminating the pension entirely.

The provision prevailed in committee. Now the ranking member offers one option: to give these elderly Filipino veterans nothing. That is not a compromise.

I am ready to debate the core issue—but I am not prepared to abandon a provision that I believe is right.

I believe it is the moral obligation of this Nation to provide for those Filipino veterans—who fought under the U.S. flag during World War II. We must act to ensure that these veterans are not left to live out their twilight years without acknowledgment that their service during World War II is valued. I am not going to abandon them without a fight.

Mr. President, I ask my colleagues to agree to begin the process of debating this bill. If cloture on the motion to proceed is achieved, I hope that the ranking member will join me and our party leaders to craft a workable agreement that allows for a full debate on this bill—and on his amendment to it—along with any other amendments to provisions in the bill. Once this bill is disposed of, our committee will be in a position to bring forward other bills, including whatever bills we report out of committee later this year.

I look forward to a spirited and in-depth debate on this bill. This is a debate we could have had two months ago or even late last year. Let us not waste any more time. Let us work together to join the issues and have the Senate do its business. I ask my colleagues to join in voting for cloture.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I have a deep respect for my chairman and friend, Senator AKAKA. I think the Senator has suggested that over the course of the last half year we have had some disagreements. I don't expect him to know everything that has been communicated to staff or that my staff communicated to his staff.

The reality is that we are here today, and we each respect each other. We are both honored to serve in the Senate. We both have the same responsibility to the same people—and that is the American taxpayers—to make sure we are fiscally responsible but, more importantly, that we are prudent, that we prioritize things where they are needed the most.

At noon today we will have a cloture vote on the motion to proceed to S. 1315. For one, I have mixed feelings about where we are in the process. I share the frustrations of Chairman AKAKA. The proud tradition of the Senate committee on Veterans' Affairs has been to write laws that improve benefits and services for our veterans. Those laws typically enjoy bipartisan support. As a result, the committee's bills have almost always passed by unanimous consent. In fact, I asked the Senate Library to confirm that for me.

Since 1990, there have been only two rollcall votes on bills reported from the Committee on Veterans' Affairs: the first in the 102d Congress which cleared by a vote of 99 to 0; the second was in the 105th Congress and cleared by a vote of 98 to 0. There were no amendments that received rollcall votes on either of those bills.

This tells me that Republicans and Democrats have always been able to reach a compromise on committee bills out of the Veterans' Affairs Committee. There has been no need for floor debate or rollcall votes when it comes to the veterans bills. The norm is to find a common agreement before moving forward, even on policy issues with which one side or the other may not agree.

This has changed during this Congress with the unprecedented vote on cloture that we will have today. The chairman, in the spirit of our relationship, sent me a letter on, I believe, the 10th of the month requesting that we work on this. The next day, the majority leader of the Senate filed cloture. I am not sure how quickly I am supposed to jump through the hoop for him, but I didn't do it fast enough. I say that with the knowledge that the chairman and I both have that we are not in charge. We don't always make the decisions on the course the Senate will follow.

Let me briefly outline for my colleagues the key disagreement that has held up this bill for so long; namely, the provision that seeks to use $221 million over the next 10 years to create a special pension for Filipino veterans who have no war injuries, are not U.S. citizens, and who reside in the Philippines.

There are four groups of Filipino veterans. Here is a chart. There are the old scouts, who enlisted in the U.S. Army. They are veterans of the U.S. Army through and through. You see in the benefits that is exactly what is displayed. We have the Commonwealth Army of the Philippines, Recognized Guerilla Forces, and new Filipino Scouts, individuals committed to the Armed Forces of the Philippines and, yes, at times were under U.S. command.

The important thing to notice is our disagreement is with the pension for nonservice-connected disability and the death pension for survivors. It is the $221 million that is suggested to create a special pension for 13,000 individuals whom I do not dislike. I do not want any Member of this Congress to think in any way that I devalue what they did. But I have researched this in history, which we will get into over this debate, that Congress never intended for something such as this to be extended.

I, again, have profound respect for the World War II service of Filipino veterans. Their contribution to victory in the Pacific is a matter of historical record. We honor them—I honor them—their service, their sacrifice. We have good friends in the Philippines. But the issue at hand is not the merit of the service rendered by Filipino veterans. The issue is whether creating a special pension for them in the Philippines is responsive to the following questions:

Is it the right priority in time of war when the needs of our men and women serving in Iraq and Afghanistan are so great?

Two, is it appropriate policy, given the purpose of VA pensions and the vast differences in the United States and Filipino economies?

And last, is it fair to U.S. pension recipients from whom this money is taken to pay for this special pension in the Philippines?

Let me ask that another chart be put up because I think it is absolutely crucial that we understand exactly what we are talking about in a $300, or $221 million, special pension.

For a U.S. veteran, if they qualify for a special pension, we are going to get their annual stipend to $11,181, which is 17 percent of U.S. median income. We are going to take American veterans slightly above the poverty level. If it is a married veteran couple, we are going to get them to $14,643, which is 22 percent of the median income in the United States and slightly above the level of poverty. Special pensions were designed to make sure a veteran was out of poverty. We were not putting them into the middle class in the United States, but we were getting them out of poverty because that was the right thing to do. If it is a surviving spouse in the United States, they get a payment of $7,498, which is 11 percent of the median income in the United States.

Today in the Philippines, the Filipino Government provides $120 a month pension for these 13,000 individuals Senator AKAKA is targeting. I am not taking into account the $120 a month that the Philippine Government is providing for each one of these 13,000. But if they are a single veteran in the Philippines with the stipend that Senator AKAKA's bill has, we will provide $3,600 a year, which will be 87 percent of the median income of the Philippine economy. If you add in to that number the $120, we see they far exceed the median income of the middle class of the Philippines. If, in fact, it is a married couple, the stipend from the United States in a special pension for a Filipino living in the Philippines with no service-connected injury is $4,500, 108 percent of the median income of a Philippine family; in the case of a surviving spouse, $2,400, or 58 percent of the median income.

It is important to understand that the VA pension is designed for veterans who have no service-related injuries and who are poor, according to the U.S. definition of poverty. The maximum VA pension payable to a U.S. veteran puts them 10 percent above the poverty threshold and 17 percent of median income.

The Philippine Government, as I said, already provides a monthly pension to Philippine veterans, putting them at roughly 400 percent over poverty with the $120 pension that the Philippine Government provides, and 35 percent of the average income of the household. Adding an additional VA pension on top, as considered in S. 1315, would put a single Filipino veteran at roughly 1,400 percent over the Philippine poverty level.

What are we talking about in simplistic terms? We are going to allow a U.S. veteran to get slightly over the poverty level. The percentage was 10 percent. But we are going to create a special pension for Filipinos who live in the Philippines and have no service-connected disability that is going to make their percentage over poverty 1,400 percent when U.S. veterans are at 10 percent over the poverty line and 21 percent above the average household income.

A VA pension benefit is not designed to put a veteran in the middle class. It certainly does not in the United States. I do not believe it is our responsibility to do it in the Philippines, and I do not believe in this time of war that it is a priority of this country.

It is meant to ensure that no wartime veterans suffer the indignity of poverty, whether you are in the Philippines or whether you are in the United States. We have defined that in the United States as 10 percent above the poverty line.

I can argue that is not good enough, but I can certainly make the case that going to 1,400 percent above the poverty line is not right. It is not the right policy, and it is certainly not the right priority. Creating any new pension benefits for Filipinos in an effort to rectify what some call an injustice would only serve to create a new injustice for U.S.-based veterans because of an enormous discrepancy in the two Nations' economies.

As I said, I have deep respect for Senator AKAKA. We will have a spirited debate, I am convinced, over the next 2 days, 3 days—whatever our leadership decides. That is where it gets out of our hands. I am willing to do it. I have done my homework. I am willing to get into the 1946 Senate hearings when the Senate debated an act where they took benefits away because they researched it to find out if we promised veterans' benefits be extended. And the court's interpretation was they extended it and, quite frankly, the Congress in 1946 legislatively took those benefits away that the court had awarded.

I have Senate hearings from 1948. And in the 1990s, I have the Clinton administration that came to this body and lobbied that this was not the right thing to do; they were not supportive of it. I am willing to share that information with all our colleagues, and over the next couple of days, I think everybody will get a great history lesson on what happened with our decisions and who has testified since 1944 to the Senate about this issue.

I do not expect any American who listens to be less than educated on whether this is the right move or the wrong move. But I also believe my colleagues will recognize the fact if we are establishing 10 percent above poverty for U.S. veterans and we are down here talking about a special pension to individuals who live in the Philippines who have no service-connected injury that is going to be 1,400 percent over poverty, this is the wrong thing for the Senate to do.

Mr. President, I am going to yield to my good friend and former ranking member of the committee. But I do want to say before I yield to him, I urge my colleagues to vote in favor of the cloture motion. I want to proceed. I want to debate this issue. I want to make sure every Member of the Senate has an opportunity to hear the full breadth of what has happened since 1946, and I am prepared to do exactly that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand we are under a unanimous consent agreement for a vote at 12 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. Mr. President, I will be brief, only to amplify what Senator BURR spoke to clearly and, I hope, understandably. First and foremost, understand that my relationship with the chairman of Veterans' Affairs Committee, DANNY AKAKA, is a personal one and one of great affection. Here is a man today attempting to do the right thing and probably, in all fairness, is leading with his heart, and that I respect greatly.

There is no question, there remain in the Philippines 13,000 veterans who fought gallantly to save their island from Japanese domination and fought with us and under our flag to do just that. They deserve to be compensated, and they have been compensated.

Immediately following the war, the United States Government put $620 million into the repairs of the Philippines. In today's dollars, that is $6.7 billion.

Then we left a VA hospital in place so that these veterans could receive first-class health care. And we did and they do and it is still there and it is still operating.

Then we added $22 million—and that is worth $196 million in today's dollars—for equipment and construction. America did its part then, and it does its part today. The question is what is reasonable and right compensation.

I stepped down as ranking member on the Veterans' Affairs Committee last September. In doing so, I was well aware of this bill, and the chairman knew at that time that I agreed with 99.9 percent of it. It is a good bill. It is an important bill for America's veterans, and it ought to be passed.

At that time, I thought I offered what was a reasonable compromise; that we would reduce the level of the proposed increase in compensation to nonservice-connected Filipino veterans living in the Philippines; that we would not lift them to the standard to which Senator BURR has just spoken; that they would deserve some help. The chairman had found an offset in a court ruling that took money away from our veterans, and it was sitting there.

I would have much preferred rewriting the law and reinstating that money to our veterans to abrogate the court decision, but we did not do that. So I offered a compromise at that time. It was roundly rejected by the committee. It simply did not fit where the chairman wanted to go. Therefore, from that point forward, I opposed the bill. It is a matter of fiscal responsibility. It is a near quarter of a billion dollars over the next 10 years, and it does exactly what the ranking member, Senator BURR, spoke to. It lifts these Filipino veterans above their poverty line into a middle-class status in Filipino society. Well, that is OK; none of us should deny that. But we don't do that for our veterans who live here. If you are a Filipino veteran living here legally, you get full compensation as a veteran living in this country.

We do tie a benefit to a poverty level and a cost-of-living standard, and we always have. I certainly wish we could do more, but this budget is nearing $100 billion. The overall VA budget is nearing $100 billion. Four years ago, 11 percent; 3 years ago, 12 percent; 2 years ago, 13 percent; last year, an 18-percent increase. No budget in America, other than defense, has increased that much. And why are we doing it? Because collectively this Senate and this Congress have always believed in fair and responsible compensation to America's veterans—America's veterans.

We also try to compensate those who support us and work in our behalf as the veterans of the Filipino society did what is right and what is reasonable.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, I believe what the Senator has offered in this Senate bill that is on the floor, S. 1315, is too much. There is a middle ground. I offered it once, and it was rejected. I hope we can revisit that as a reasonable amendment when we get to the amendment process.

I thank my colleagues, Senator AKAKA and Senator BURR, for their work on this legislation. It is good legislation. With a little fine-tuning, then it will be fair, and we ought to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I commend my ranking member and former ranking member for their comments. I look forward to a good debate. I thank them for joining in asking for Senators to vote for cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 336, S. 1315, the Veterans' Benefits Enhancement Act.

Harry Reid, Daniel K. Akaka, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1315, a bill to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 0, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Dorgan
Durbin
Ensign

Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—6

Clinton
Domenici
Landrieu
McCain
Obama
Vitter

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are zero. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, would the Chair advise me, was the last vote 94 to nothing?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I would like to say to the Chair and to all those following this debate, we wasted 4 days of the Senate's time, 4 days to come to a bill for veterans' benefits. We tried to bring this bill up last November. The Republicans objected. We tried to bring it up last Thursday, and they started a filibuster so we had to burn off 4 or 5 days.

Mr. DORGAN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DURBIN. We had to burn off 4 or 5 days of doing nothing because of another Republican filibuster. So far in this Congress the Republicans have initiated now 67 filibusters. The record in the Congress before this Republican minority was 57 filibusters over a 2-year period of time. They have now broken that record by 10, and we still have 8 months to go this year.

We are wasting more time. When I ask the Republicans why did you filibuster a bill for veterans' benefits, they said because when we have lunch today, we want to talk it over.

This bill was reported by the veterans committee 9 months ago. How many veterans have been created in 9 months? How many more have needed job training, health care benefits, and housing, and now our Republican minority wants to talk it over?

If we are going to do the people's business in this Chamber, this filibuster mentality on the Republican side has to come to an end. There are critically important issues. Wouldn't it be great if we had finished the veterans health bill last Thursday and could have started debating today the cost of gasoline across America; the impact of high diesel fuel prices on truckers; what the jet fuel costs are doing to the airline industry? But no, another Republican filibuster, the 67th filibuster in this session.

I hope the people of the United States understand what the problem is. To break a filibuster, it takes 60 votes. There are only 51 Democrats. The voters of America will have their chance to vote in November.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DURBIN. I yield for a question.

Mr. DORGAN. Isn't it the case the vote we had is on the motion to proceed? This is not on the issue, this is on the motion to proceed to an issue? So we have a filibuster on the question of shall we proceed. Time after time after time, isn't it the case that even on motions to proceed, we discover the other side demands 60 votes, then demands to have the full 30 hours elapse after the vote has taken place? This one was, I think, 94 to zero. There was a requirement that we go to a motion to proceed—94 to zero—so it was not controversial, it was a matter of bleeding time. It makes no sense, with all that we have to do.

Mr. DURBIN. Through the Chair I say in response to the Senator: That is exactly the case. I would like to make a unanimous consent request that we go to the bill immediately and entertain germane amendments to the bill. Let's start this bill right now. Let's get this done for the veterans. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I object.

Mrs. HUTCHISON. Parliamentary inquiry, Mr. President? I would like to ask the Senator from Illinois if germane amendments include a substitute amendment? I have heard the debate, or at least the statements of the two Senators. But the issue is not going to the bill. We have not filibustered the motion to proceed. It was unanimous. The question is are the minority rights going to be recognized? Will we be able to offer amendments, germane amendments, substitutes?

I would like to know, before we proceed further to the bill, if we are going to be able to have enough amendments so the minority rights are protected.

That would be my question.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Would the Chair identify the Senator who objected to the unanimous consent request to move to the bill immediately and consider all germane amendments?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I happened to be here for the vote. You know, this is a game that has been played by both sides, last year and this year too. The majority calls up a bill, they generally file cloture. And, frankly, that does not mean there is a filibuster. As you can easily see, the vote was basically unanimous to going ahead with the bill.

What bothers me is that time after time we have had situations where we were not able to even offer amendments, even a limited number of amendments. But generally we get to that point around here because we have to. And it is the only right the minority has. So that is one reason that occasionally the minority will require cloture.

But there is also too much of this filing cloture by the majority the minute the bill comes up. That, of course, is a game, frankly, with no intention on our side to filibuster the bill or stop the bill.

So these high numbers that are said are mythical, to be honest with you. And, frankly, I hope someday we can realize that this is a legislative body where both sides have certain rights and that one side cannot roll over the other side without at least giving them an opportunity to file amendments.

Frankly, the other side, the majority side, has been able to win on amendments anyway in many cases. I think to stand and say that the Republicans are causing all of this mixup is not quite as accurate, as I think the record will show.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL FOOD ASSISTANCE

Mr. KOHL. Last year, the World Health Organization reported that 25,000 people died every day from hunger-related causes. Let me repeat that number: 25,000 people who died every day last year.

The World Health Organization further reported that of that 25,000 people who died, 18,000 were children. That means that in the time it took me to say that last sentence, a child somewhere in the world has died. It also means before I finish this sentence, another child will have died from hunger. For lack of food, a child dies every 4.8 seconds.

As grim as these facts are, things have grown worse, much worse. We are witnessing what could be called a perfect storm of world hunger. The world's supply of food is down, food demand is up, the climate is changing, and crops are failing.

Food production resources are shifting every day to energy production, food costs are skyrocketing, and, indeed, entire societies are falling apart as a result. This is not another round of appeals for humanitarian food assistance. There is something new and very troubling occurring.

One of the greatest responsibilities of Government is to assure people the basic necessities of life. When that assurance fails, governments fail with it, and an already insecure world moves that much closer to chaos. The most basic need, of course, is the need for food. However, in recent events around the globe, 33 countries have experienced riots and violence because of a failed food supply, including countries in this hemisphere. In the face of hunger, order breaks down, and reason is lost. People are painfully realizing that food production is not keeping up with food demand, and this is a recipe for global disaster.

Last month, the Director of the World Food Program, Joesette Sheeran, wrote to President Bush on the immediate need for increased food assistance due to rising food and related costs. I met with Director Sheeran last week and got a firsthand appraisal of the dire situation.

Rising food and transportation costs have created a $750 million hole in the World Food Program budget which had assumed that the U.S. contribution this year would include a pending $350 million supplemental request for PL 480.

Unless this Congress acts, thousands of people will die, and an increasing number of societies and nations will be at risk. This is indeed a world crisis.

Last week, OMB Director Nussle appeared before the Senate Appropriations Committee, and when asked to state whether he thought there was a need to provide food assistance above the President's request of $350 million, he declined. He dodged the question.

There is no way to dodge this problem. This is a problem of world security. This is a problem of U.S. security and our place in the world. We must and we will respond.

As chairman of the Appropriations Subcommittee on Agriculture, I take the issue of international food assistance very seriously. Although the President's supplemental request of $350 million was predictable—after all, he has requested the exact same amount for 3 years in a row—it is totally blind as to what is happening in the world. It is therefore very dangerous.

If the United States wants to maintain its role as a world leader, there is no better way to do that than to step forward now, take full account of what is happening, and take meaningful steps to stop the suffering, to stop the hunger, stop the dying. In fact, it is time to be a leader.

So I will continue to work for food funding assistance at a level that does not turn a blind eye to the suffering in the world, nor the danger to the world community. So I ask other Senators to join me in stating support to fight this perfect storm of world hunger and to support action to do something about it.

Mrs. BOXER. Mr. President, tomorrow we will have a vote to proceed——

The PRESIDING OFFICER. The Senator has an order to recess.

Mrs. BOXER. I ask unanimous consent to speak for up to 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank you all for indulging me.

FAIR PAY ACT

Tomorrow we will have a vote to proceed to the Lilly Ledbetter Fair Pay Restoration Act. Four of my Democratic female colleagues spoke on this earlier today—four or five. I wanted to add my voice to their voices because, as I stand on the floor of the Senate some 45 years after passage of the Equal Pay Act, it is unfortunate that workers throughout the Nation will suffer pay discrimination based on gender, race, religion, national origin, disability, and age. They still suffer this.

We still have a long way to go on equal pay for equal work. It stuns some people to learn that women still earn 23 percent less than men, and the pay disparity is still so great that it takes a woman 16 months to earn what a man earns in 12 months.

In 2006, an average college-educated woman working full time earned $15,000 less than a college-educated male. According to the American Association of University Women, working families lose $200 billion in income per year due to the wage gap.

This is an important point because so many women now work. We know this. So families are struggling to make ends meet with higher gas prices, higher college tuition, higher food prices, higher health care, all of that. We know there is not an easy solution that will eliminate all pay discrimination, but the bill we hope to go to tomorrow, the Equal Pay Restoration Act, will ensure that when an employer discriminates based on gender or race or any other factor, the employee can take his or her case to court.

There was a very bad decision that was made by the Supreme Court which reversed decades of legal precedent, and this was the Ledbetter decision. With its decision, the Court imposed a serious obstacle for equality, equal pay, by requiring workers to file a pay discrimination claim within 180 days of when their employer first starts discriminating.

Now, that is an impossible standard to meet. You really do not know when that moment occurs. What was important about this decision is it threw out the law that had always worked well and would have protected people such as Lilly Ledbetter from discrimination.

Her story is not unfamiliar to many female employees. She was a female. she was a manager at an Alabama Goodyear Tire plant when she discovered, after 19 years of service, that she was earning 20 to 40 percent less than her male counterparts for doing the exact same job.

It took her a long time to ferret this information out. As Justice Ginsburg noted in her dissenting opinion, the pay discrepancy between Ledbetter and her 15 male counterparts was stark. In 1997, her last year of employment at Goodyear, after 19 years of service she earned $5,600 less than her lowest paid male coworkers, and she earned over $18,000 less than her highest paid male coworkers.

Evidence submitted at her trial showed that Mrs. Ledbetter was denied raises, despite receiving performance awards, and in some cases female supervisors at the plant were paid less than the male employees they supervised.

So when Ms. Ledbetter discovered this, she took Goodyear to court, and the jury awarded her full damages. But the company, Goodyear, appealed the jury's decision.

In 2007 the Supreme Court made this very bad decision and said she could not sue for back pay despite—and with which they agreed—the overwhelming evidence that her employer had intentionally discriminated against her because of her gender.

But, they said, it took Lilly Ledbetter longer than 6 months to determine she had been a victim of years of pay discrimination. So, in other words, because it took her more than 6 months to figure this out, she was denied any kind of help.

It does take a significant amount of time in many cases for the truth to be known. Here in the Capitol, if you work for the Government, everybody's pay is on record. And you can see it; it is a public document. But in a private sector plant there may be no way to find out.

As Justice Ginsburg pointed out: Compensation disparities are often hidden from sight for a number of reasons. Many employers do not publish their employees' salaries, and other employees are not anxious to discuss what they earn. So this controversial decision is having serious impacts.

In the 10 months since the decision was handed down, the Ledbetter precedent has been cited 207 times by Federal district courts and courts of appeal. So it means, it seems to me from what I gather, from that statistic alone, many people are being denied equal treatment under the law: equal pay, equal treatment.

So what does the bill do that we want to go to, we Democrats on Wednesday, tomorrow? It simply restores the law to what it was in almost every State in the country before the Ledbetter case was decided. It does so by helping to eliminate the unreasonable barrier created by the Supreme Court and allows workers to file a pay discrimination claim within 180 days of each discriminatory paycheck. That was the law before Ledbetter.

The Ledbetter decision was a giant step backward in the fight for equal opportunity and equal rights. Goodyear engaged in chronic discrimination against female employees, but because of the Ledbetter decision, the Court must treat intentional ongoing pay discrimination as lawful conduct.

Employers who can conceal their pay discrimination for 180 days can continue this practice, and there is no redress. We must ask ourselves: Is this the standard that Congress should be proud of? Is this the kind of standard that we should support, where somebody is treated in an unfair fashion, is paid less than somebody else simply because of their gender?

It is not right. It seems to me, if we are going to have fairness and justice in America today, the least we can do is overturn the Ledbetter decision. Justice Ginsburg told us: "Congress, the ball is in your court."

That is why I am so pleased that Senator REID is bringing this opportunity before us tomorrow. Today, as we reflect upon the importance of fairness and equity to our society with a celebration of Equal Pay Day, we must restore this important protection and return the law to its meaning. I hope tomorrow when we get a chance to move to this bill our colleagues will all vote aye because what is fair is fair and what is wrong is wrong. We need to fix this problem. Equal pay for equal work is a value that we should hold dear.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. DURBIN).

VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED—Continued

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIVER HEROES OF THE CHICAGO FIRE DEPARTMENT

Mr. DURBIN. Mr. President, I ask a few minutes of the Senate's time to tell you about four men and a little boy.

Last Friday, Stanko Bojanovic decided to take advantage of a warm, breezy spring afternoon to enjoy a walk with his 2-year-old grandson along Lake Michigan near Belmont Harbor in downtown Chicago.

Mr. Bojanovic was sitting on a park bench at Belmont Harbor with his grandson nearby strapped in a stroller at his side, when a strong gust of wind blew up. Witnesses said the wind sent soda cans sailing by. That wind also pushed the stroller into the harbor with the little boy still strapped in.

Mr. Bojanovic, the grandfather, immediately jumped into the harbor. Passersby saw him bobbing in the water, clinging to the side of the breakwall, and pleaded with him to try to swim to a nearby rescue ladder but the grandfather refused. In broken English, he kept yelling, "Boy! Boy!"

Those standing nearby grabbed their cell phones and called 9-1-1.

At the moment the call came in, a helicopter carrying Chicago Fire Department divers Brian Otto and Bill Davis was lifting off from nearby Midway Airport, where they had stopped for fuel. The men were already in scuba gear for a drill. Four minutes later, their helicopter landed at the harbor.

At almost the same moment, another crew of a dozen Chicago Fire Department rescue divers were finishing an underwater training exercise at a pool not far from the harbor. They changed into scuba gear and arrived at the harbor just seconds after the helicopter.

Divers Brian Otto, Bill Davis, Cedric Collins, and Bob Skwarek dove into the water near where the grandfather had pointed. There was zero visibility in the murky water so they searched in a grid pattern, feeling their way along the harbor's rocks.

Diver Cedric Collins told a Chicago Sun Times reporter that he prayed, "Let me find him."

Less than 3 minutes after the firefighters arrived, diver Brian Otto spotted the little boy's hair waving in the water.

As he tried to lift the toddler, Otto realized that the boy was still strapped into his stroller. He was going to have to lift the little boy and his stroller 10 feet to the water's surface.

Otto, who has a little 4-year-old son of his own, told the Sun Times: "You see this kid underwater, and you're a firefighter, you're a rescue diver, but you're also a father. I held nothing back." He told himself: "No matter what, we're going to get to the surface. And we're doing it now." He lifted the little boy, stroller and all, to paramedics waiting on the pier.

Three minutes passed between the time the firefighters arrived and the time they pulled the little boy, Lazar Ognjenovich from the water. His body was pale blue and icy cold. It is estimated that he was under water for 15 minutes.

Today, little Lazar Ognjenovich remains in critical condition at Children's Hospital in Chicago.

Medical researchers not involved in the case say there is reason to hope. They note that toddlers are sometimes able to survive long periods underwater better than adults and point to a Utah girl who was submerged in water for 66 minutes in 1986. Two years later, when an article about her appeared in a medical journal, she had made a full recovery.

Lazar's grandmother said Sunday that the little boy is showing signs of improvement. She notes that last Saturday—the day after his rescue—was "Lazarus Saturday," a special holiday for Serbian children. She told a Sun Times reporter that she believes God was watching over her grandson.

As for the brave men who rescued the little boy—Brian Otto, Bill Davis, Cedric Collins and Bob Skwarek, members of the Chicago Fire Department's Air Sea Rescue Unit and Scuba Team 687—they were all back at work the next day.

In a story in this morning's Sun Times, Bob Skwarek said that rescue divers train for moments like the one they experienced last Friday. Still, he said, "You really do feel 10 feet tall" after a rescue.

Bill Davis and Cedric Collins have both been with the Chicago Fire Department for 9 years and with the scuba team for about a year and a half. Brian Otto has been with the department for 18 years and a diver for 3½ years. And Bob Skwarek has been with the fire department for 28 years and a diver for about 2½ years.

They come from the neighborhoods of North and South Chicago: Mount Greenwood, Hegewisch, Roseland and Gage Park.

They have won praise from Chicago Fire Commissioner Ray Orozco and from people all over that great city who have read or heard about their heroism. They deserve every word of that praise.

In his great book Working, Studs Terkel, the legendary Chicago writer, and a great friend interviewed all kinds of everyday working people about their jobs.

Many of the jobs involved risk and backbreaking labor. Some of the people Studs spoke to disliked the work they did.

He also spoke to a firefighter, who said he liked his work very much because you can actually see what a firefighter produces. You see the results of firefighters' work and sacrifice in homes saved, families rescued. And sometimes you see the results of their heroism in little boys pulled miraculously from the waters of Lake Michigan.

On 9/11, we all received a poignant and painful reminder that the real heroes very often are not famous. Most are known only to their families and friends and the people with whom they work.

Many times since 9/11, we seem to have forgotten that basic truth.

Last Friday at Belmont Harbor, four firefighters from the great City of Chicago reminded us.

I ask that this Senate join me in saluting their courage and the courage of all the working men and women in this country who take risks and make sacrifices to rescue others, literally and figuratively. They are truly American heroes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

EQUAL PAY DAY

Mr. KENNEDY. Mr. President, I thank our majority leader and our leadership for scheduling a vote on what is known as the Ledbetter legislation tomorrow. We expect that we will have that vote tomorrow evening sometime. I think it is important that the membership understand that we will. It is appropriate today that we have a number of our colleagues speak about the importance of this legislation because today is Equal Pay Day. It has been designated Equal Pay Day. It has been Equal Pay Day for a number of years.

What do we mean by Equal Pay Day? We mean equal pay for equal work. That has been a goal of this country going back actually to 1963, when we passed the Equal Pay Act. At that time, the disparity between men and women for doing the same job was 60 cents to the dollar that the men were getting. We have seen that figure close over time, now to 77 cents, but still there is a disparity. As long as we have had a disparity, it has been and is wrong.

As a country, we have tried to remove forms of discrimination, bigotry, and prejudice that have existed in our society, and the bigotry and prejudice that exist in terms of pay has been there for some time. Since 1963, the Congress has taken action not only on pay for women but in terms of other groups as well. It has made progress in making sure that African Americans are not going to feel a disparity. We did that in 1964 with Title 7 of the Civil Rights Act under President Johnson. Look at the Senate vote, the ultimate vote, 73 to 27. Republicans and Democrats alike said—the Civil Rights Act was primarily focused on public accommodations provisions but also had another very important provision—we will not permit a disparity and discrimination on the basis of race, national origin, gender, or religion in terms of pay. African Americans and other workers were going to be able to get equal pay.

Then, we have the age discrimination. We said, under President Johnson, if individuals are going to be able to do the job, and they happen to be older but yet they have the competency and the skills and they are going to be able to do an equal job, we are going to make sure they are not going to be discriminated against. We have said women will not be discriminated against, minorities will not be discriminated against, and people will not be discriminated against by age.

In 1973, we said: Well, what about those who have some disability? We said we are not going to discriminate against those people either. Maybe they have a mental or a physical disability, but if they are able to do the job, and they are qualified to do the job, they ought to get paid for doing the job. That is what we said. We saw that vote was a voice vote, under President Nixon, supported by the administration.

Then, we had later provisions: the Americans with Disabilities Act, which was enacted to provide greater kinds of protections for the disabled; additional civil rights protections; and others; the Civil Rights Restoration Act. So the sum total, since 1963, has been a constant drumbeat, a constant march, a constant statement by the Congress and by the administrations by, as we have seen, Democrats and Republicans alike, that said: When it comes to equal pay, it is going to be equal pay for women and for men, it is going to be equal pay for people with disabilities, older workers, African-American workers, Hispanic workers, and others. This chart shows the various groups that, under the EEOC'd laws, have found out they have been discriminated against.

This chart shows, as of a year ago, in 2007, the EEOC had received more than 7,000 pay discrimination claims. Here it is for disability cases—as I mentioned earlier, we passed the Americans with Disabilities Act—and for national origin cases—we have protections for that group, those people who come from different kinds of ethnic backgrounds—for age, race, and gender discrimination as well.

We see that with regard to race, there have been 2,300 claims; with regard to gender, there have been some 2,400 claims. There are the cases for those with disabilities and the national origin cases. These are cases that were brought because we passed laws over the period of 40 years that said: If you are going to work, and work hard, in the United States of America, and you are going to do effectively the same job as someone else, you should be paid the same. We have not solved all the problems of comparability in this legislation. That is another issue which is enormously important and one we should address, and I hope we will address, in this Congress because it is extremely important. All we are trying to do is deal with the pieces of legislation that I have mentioned and restore a remedy. We can have a right and, as all of us understand, a right is not worth very much if we do not have a remedy. That is what this legislation is all about: to give a remedy to victims of pay discrimination, like Lilly Ledbetter. The remedy is that when workers are given unfair pay for doing effectively comparable work, that they are entitled as a matter of right and a matter of law to fair compensation.

It is interesting, in the dissent in the Ledbetter case, the dissent asks for congressional action. We are giving congressional action. That is why I am going to be interested in the arguments of those who are opposed to it. Here a Justice of the Supreme Court invites the Congress to take the action. We are taking the action. What we are effectively doing is restoring the law to what it was prior to the Supreme Court decision—nothing more than that.

I will review what exactly this law does here. What this legislation, the Ledbetter legislation, does, is it reverses the Supreme Court's unfair Ledbetter decision. It holds employers accountable for ongoing discrimination. As we pointed out, the Supreme Court held that Lilly Ledbetter should have known she was being discriminated against by her employer on pay, even though the employer controlled the books, controlled all the documents and was not sharing that information with the employees. Nonetheless, the Supreme Court said: Well, she should have found out in any event. If she did not, it is tough luck on her. Tough luck on you. Tough luck on you. Imagine, the Supreme Court of the United States, after all of the legislation and all of the congressional intent in the last 40 years, saying: Tough on you.

So the employer holds it in a safe, and Lilly Ledbetter cannot find it. Tough on her. Doesn't have a remedy. Too bad. Go ahead and continue to discriminate. In the United States of America, after what we have gone through in terms of civil rights—the battle to knock down the walls of discrimination over the period of these last 40 years? Tough on you.

Is that what we have come to? Is that what the Supreme Court is saying to a hard-working mother who has worked hard, tried to provide for her children, has demonstrated and won award after award for good performance? Tough on you. You could not find it in that sacred safe of the employer. Too bad. You lost your remedies. Too bad.

That is what this is all about. What we are doing is restoring congressional intent.

So what this legislation does not do: It does not encourage workers to delay the filing of claims. It does not eliminate the statute of limitations in the pay cases. It does not increase the litigation. We have the CBO's analysis. I have referred to it. It does not create new grounds for filing lawsuits. We answered all of these arguments. This is what it does not do. We have given the answers. They are not just my answers, they are the answers of the CBO's independent review.

What we are basically doing, and the reason why we are doing it, is to effectively restore the law to what it was previously. As this chart indicates: the lighter green being what the law was previously—that is what we are returning it to—the darker green being what the law was as interpreted by the EEOC, and the orange were the dissenting states. So this is going back to the previous rule.

This would be right to do at any time, but it is particularly important now. The reason it is particularly important now is because of the kind of economic conditions we are facing in this country at this time, where families are being squeezed. Working families are being squeezed. The middle class is being squeezed. In that squeeze, no one is getting squeezed harder than the women in our society, particularly working women. Their participation pension and retirement plans is falling. Look at what has happened to women's participation in pensions over the last 6 or 7 years. It has dropped, I think, close to 10 percent. We are finding out that their rates of unemployment are increasing faster than the unemployment figures in terms of men. Their savings are down. Women's savings are down. So they have a greater difficulty in dealing with the economic reversals we are facing at the present time. They have more home foreclosures because their savings have been down. So they are under an incredible squeeze.

This chart is an example of how adult women are seeing a sharper rise in their unemployment rate. Their rate is going up 21 percent as compared to 15 percent for men. On earnings, women's earnings are falling faster than men's. So their earnings are going down faster. We are finding out that their unemployment is going up faster and their earnings are going down faster.

If you take what happens to different women within the general group, look at women's net worth. Unmarried women have $13,000 less in net savings than unmarried men. Here it is, the difference, as shown on this chart. So in this time of recession and economic stress, these issues become much more acute. This is the right answer at any time, but it is particularly something that can be done now that can make a difference to these working women—something that can be done now: restore a right. That is what this is basically all about.

As I mentioned, this is targeted on women, but the application is across the board. It affects other groups in our society. It affects African Americans and Hispanics, and they have been hard hit by the economic downturn. If pay is discriminatory against African Americans and Hispanics—and we saw the pie chart, which shows it is, with thousands of claims every single year—they are going to be denied the remedy. This legislation applies to women. It applies to minorities. It applies to people discriminated against because of their religion. It applies to the disabled. It applies to older workers. Otherwise, they are going to get shortchanged. They are facing the economic realities in a much harsher way now.

We have an opportunity to do something about it. The House of Representatives has done something about it. Tomorrow we can do something about it. Show me something, anything, any piece of legislation that can have a better, more positive impact in terms of the income of working women than this vote tomorrow. That is what it is about.

Finally, let me give you these figures to demonstrate what this meant to Lilly Ledbetter. This is a reflection of what was actually in the Court's decision. She was making $44,000 a year. She received $5,600 less than the lowest paid male coworker during her last year at Goodyear. The highest paid male coworker was getting $62,000. She had the qualifications and was doing the job the same as her colleague who got $62,000. The lowest paid male worker—whose skills were much less than Lilly Ledbetter's—was still getting paid more. You cannot get it any clearer than this chart about what the facts are. These are not facts I am making up. These are the facts accepted by the courts, not questioned by the Supreme Court. There it is.

The most powerful is listening to Lilly Ledbetter herself. She has testified. Anyone who is interested ought to read her testimony, and can read through the hearings in our committee about this. She explains it in great detail: how she first heard about it, and how she was treated, and what the Supreme Court decided. She has taken a double whammy because not only has she suffered, and will not recover her wages. We have a 2-year limitation on back pay—you can only recover in terms of the 2 years. Her retirement was based upon what she earned and so that has also been lost during this period of time. That was lost, will be lost, continues to be lost. Imagine that. Imagine the unfairness of that. We are not addressing that. We are not dealing with that. We should be, but we are not. That is basically and fundamentally wrong.

I mentioned earlier the CBO. The Congressional Budget Office agrees that the Fair Pay Restoration Act will not increase the litigation. The Fair Pay Restoration Act will not establish a new cause of action for claims in pay discrimination. CBO experts said the bill would not significantly affect the number of filings with the Equal Employment Opportunity Commission. What they are basically saying is, what this will do is it will have the law enforced and people will pay attention to it.

Many employers are, obviously, good employers, and are playing by the rules. But not all of them are. Those who are not playing by the rules should not be able to exploit people in the workplace on the basis of their gender, race, national origin, religion, disabilities or age.

Finally, we have seen—and I have shown this chart previously of the various groups that support this legislation. These are only some of the groups. I have included a more complete list in the RECORD. We have the groups representing the disabilities community, the American Association of People with Disabilities; elderly people, the AARP feels very strongly about the discrimination against the elderly; the NAACP, for the obvious reasons, not only because of discrimination on the basis of race, but all the forms of discrimination they continue to fight and oppose. We have the auto workers, who see prejudice and discrimination and who are fighting for full rights and equality. We have the National Congress of Black Women and the Religious Action Center, because of the moral issues raised by this. And we have the U.S. Women's Chamber of Commerce.

We will have an opportunity to address this and speak more about it. I cannot think of an issue where it is more an issue of fundamental fairness. Americans try to understand some of the complex issues about which we deal here. They are not always easy to understand and to catch and find their way through. Probably one of the great mysteries is the ERISA law, which was put in by our old friend Jacob Javits. An amusing aspect of that was when Jacob Javits passed on to his eternal reward, he took all the knowledge about ERISA with him. All of us find complexities in trying to deal with that. It has important implications in terms of health and the job market.

This is simple. Everyone gets it. The American people understand it, because it is about fairness. If there is one issue Americans understand, it is fairness. They believe that when somebody works, they ought to be adequately paid. Americans don't believe one person ought to be paid a different rate for doing the same job as another person. They don't believe that because their skin is a different color, or because of gender, or because of disability, or because of sexual orientation they should be paid less. They don't believe it. If the person is qualified to do the job, and does the job, they ought to get equal pay. This Senate has gone on record time and time and time and time again over the last 40 years, by overwhelming votes, against pay discrimination. We have our chance tomorrow to restate that commitment. I hope the vote will be overwhelmingly in favor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGH ENERGY PRICES

Ms. COLLINS. Mr. President, our Nation faces record high energy prices, affecting almost every aspect of daily life. The price of gasoline, home heating oil, and diesel is creating tremendous hardships for American families, for truckdrivers, and for small businesses. High energy prices are a major cause of the current economic downturn.

It is clear we need a dramatic change in our energy policy to protect ourselves from rapid increases in oil prices, without sacrificing our environment for future generations. We must rally around a national effort to achieve energy independence for our economic, environmental, and national security.

I have recommended that we establish a national goal of energy independence by the year 2020. I don't know if we can get all the way to energy independence by that year, but I do know if we do not establish a goal, if we do not strive to achieve energy independence by a date certain, we will never get there. I believe that had our country embraced this goal in the 1970s, when we were reacting to the embargo, we would be nearly at energy independence right now.

I am proposing today a 10-point plan to get us started on this important effort. It is a plan that includes both actions that we can take in the short run to help mitigate the impact of high prices, as well as actions to achieve energy independence in the long term.

Many causes appear to be responsible for the skyrocketing increase in oil prices: the timing of Government purchases for the Strategic Petroleum Reserve; speculative trading on futures markets; increased global demand for crude oil; instability in the Middle East, Mexico, and Venezuela; supply decisions of the OPEC cartel; insufficient U.S. refining capacity; and the declining value of the dollar.

We will always use oil for part of our energy needs, but we need to decrease our reliance on foreign oil and be smarter about managing our supplies. It is appropriate that Senator LEVIN is in the chair as I discuss the first step that I believe we should take right now to help curb the increase in oil prices.

The administration's decision to fill the Strategic Petroleum Reserve when oil prices are at all-time highs defies common sense. As the Presiding Officer is well aware, the Strategic Petroleum Reserve is an emergency stockpile of oil that already contains some 700 million barrels. In 2005, the Presiding Officer, Senator CARL LEVIN of Michigan, and I joined forces on a bipartisan amendment that directed the Department of Energy to better manage the Strategic Petroleum Reserve by requiring the Department to avoid purchases when prices are high.

There are two reasons why that should be done. First, the Federal Government should not be removing oil from the marketplace at a time when there is a lot of pressure on supplies, as there is right now.

Second, it makes absolutely no sense for the Department of Energy to be buying oil at the height of the market. That is a bad deal for us as taxpayers. Unfortunately, I don't believe the Department of Energy is abiding by the Levin-Collins law. We questioned the Department at a recent hearing before the Permanent Subcommittee on Investigations, and there was no indication that the kind of analysis the law requires is being done. So I have called upon the President to stop filling the reserve until prices drop. It simply does not make sense for the administration to be making purchases right now.

The Energy Information Administration has estimated that the impact on gas prices of these purchases for the Strategic Petroleum Reserve is between 4 and 5 cents a gallon. Other experts believe it is considerably higher than that. At the hearing I mentioned, one energy expert said:

> DOE's actions added between 5 and 20 percent to the price of oil.

The Department of Energy should stop purchasing oil for the Strategic Petroleum Reserve, and it should stop immediately. There is simply no compelling homeland security or national security reason for these purchases to be made now.

No. 2, we need to extend Federal regulation to the oil futures markets. Excessive speculation on futures markets is likely another factor pushing up oil prices. Unfortunately, there is a lack of publicly available data to track the effect of speculation on prices, and manipulation can go undetected on certain electronic markets that are unregulated. Experts testifying before our Investigations Subcommittee all agreed that greater transparency and better reporting of trades could help prevent abuses such as were documented in the natural gas markets in 2006. One of the experts testified that he believed the current high oil prices are inflated by as much as 100 percent—driven by excessive speculation. Other experts think it is not that high. But shouldn't we know and the Commodity Futures Trading Commission, which oversees the trading of agricultural commodities on the futures markets and also oversees the regulation of the energy futures markets as well? That would not prevent these markets from performing their important risk-hedging functions, but it would allow regulators to spot and act quickly upon evidence of deliberate attempts to distort prices and excessive speculation.

No. 3, we should curtail the tax breaks for major oil industry companies and, instead, redirect those funds to consumers and to alternative energy.

With net profits of a single oil company reaching almost $10 billion in a single quarter, we simply should not expect taxpayers who are struggling to pay their energy bills to continue to subsidize the oil industry. Congress should act to repeal the needless tax breaks for big oil companies and instead use those billions of dollars to fund the remaining proposals that will move us toward energy independence.

During consideration of this year's budget resolution, the Senator from Michigan and I joined forces again to provide for the rescission of needless tax breaks for major oil companies. Our proposal would redirect the revenue to support renewable energy and energy efficiency initiatives. Our amendment was accepted as part of the Senate budget resolution. We need to build on that momentum and quickly take up legislation to enact this proposal once and for all.

The fourth step we can take in the short-term: One program with an immediate impact is the Low-Income Home Energy Assistance Program, better known as the LIHEAP program. It is the Federal grant program that provides vital funding to help our low-income and elderly citizens meet their home energy needs. Nationwide, over the last 4 years, the number of households receiving assistance under this program increased by 26 percent, but during that period, Federal funding increased by only 10 percent. So the obvious result is that, at a time of record high prices, the average benefit under the LIHEAP program actually dropped.

We need to fully fund this program. I tell my colleagues that while it is a glorious spring here in Washington, Maine and many other States are still struggling with temperatures that drop into the thirties at night. We need to fully fund the LIHEAP program at the authorized level of $5.1 billion. And for the long term, we should also restructure this program to make it more flexible so that States can take a reasonable approach to low-income energy issues and better balance energy bill assistance so we can provide some grants to winterize the homes of those who qualify for low-income heating assistance.

No. 5—and now I am getting into the long-term aspects of this plan—we need to improve energy efficiency.

Let me discuss the six steps toward the goal of energy independence. First is to make more efficient use of the energy to heat and power our homes, our offices, and our buildings.

I have introduced a comprehensive energy bill that would double funding for the Department of Energy's weatherization program. On average, weatherizing a home reduces heating bills by 31 percent, and overall energy bills by $358 per year.

The legislation would also provide predictable funding for the valuable Energy Star Program, which helps consumers buy energy-efficient appliances. It would extend the renewable energy tax credit through 2011 and the residential investment tax credit for solar and energy-efficient buildings through 2012.

It also includes an energy efficiency performance standard for utilities that would help them improve their efficiency. According to the Alliance to Save Energy, an energy efficient performance standard for utilities could save consumers $64 billion and avoid the need to build 400 powerplants, preventing 320 million metric tons of carbon dioxide emissions. Making buildings, appliances, and utilities more energy efficient would dramatically reduce our use of oil and save money for consumers at the same time.

No. 6, we need to implement a renewable electricity standard. Another component in my 10-point energy plan would revamp the way we produce electricity in this country. We need a national renewable electricity standard that would require the utilities to generate at least 15 percent of their electricity from environmentally sound, renewable energy sources by the year 2020. This would move us away from a reliance on coal and natural gas for electricity and diversify our energy supply to provide more price stability.

(Mr. SANDERS assumed the Chair.)

Ms. COLLINS. There are 28 States, including Maine, that already have a renewable electricity standard. We should follow their lead and establish a national renewable electricity standard.

I do wish to say, in enacting a standard, we need to make sure the benefits of renewable electricity reach rural areas, and that means building adequate transmission capabilities.

I know the new Presiding Officer, the Senator from Vermont, is also very committed to this goal.

No. 7, we should invest in cellulosic ethanol and renewable fuels. I want to distinguish between cellulosic ethanol versus corn-based ethanol. We have oversubsidized corn-based ethanol. It is causing tremendous distortions. It is causing shortages in food supplies. It is driving up the cost.

I have talked with a baker in Lewiston, ME, who cannot buy rye flour anymore because it has been displaced by farmers switching to grow corn. That is not what I am talking about. I am talking about the very promising development of cellulosic ethanol which could be made, for example, from switchgrass and from wood chips, waste wood, for example. That is why I am proposing to expand tax credits for cellulosic biomass. At the same time, those fuels have a much smaller life cycle environmental footprint than does corn-based ethanol and traditional fuels.

We can do so much in this area. I am proud researchers at the University of Maine have been at the forefront of developing commercially viable technologies to produce ethanol from cellulosic sources.

In addition to cellulosic ethanol, my 10-point energy plan calls for the expansion of other sources of clean renewable energy. During the height of the oil crisis in the 1970s, many Maine families turned to wood as an affordable way to heat their homes. With oil prices soaring, wood is once again the fuel of choice for an increasing number of consumers.

Unfortunately, many of the wood stoves that were purchased three decades ago are outdated, they are inefficient, they waste fuel, and they contribute to air pollution. The good news is the new style wood stoves emit 70 percent fewer emissions, and they produce as much energy with 30 percent less wood. This is a real breakthrough that allows consumers to get more energy out of their wood stoves and also to reduce the air pollution from wood stoves. In fact, I saw a demonstration where you could not see any emissions at all coming from these new clean-burning wood stoves because there is a second burn of the emissions so they are far more efficient.

Unfortunately, making that change from an old dirty, inefficient wood stove to a modern, clean, and safer wood stove or a wood pellet stove is expensive. That is especially difficult for many families today. That is why I have introduced legislation to provide a tax credit so consumers can afford to trade in to these better wood stoves, and I am delighted the authors of the housing bill we recently passed agreed to include, at my behest and at the urging of others, a $300 tax credit for consumers who purchase these new clean-burning wood or pellet stoves.

Wood is a renewable resource and its increased use for home heating is inevitable in these times of high oil prices. We now have the technology that makes their use better for the environment and for human health, as well as safer and more affordable.

No. 8, we need to promote tidal, geothermal, solar, and wind energy. Other clean renewable energy sources include the tide in our oceans and the moderate temperatures that can be tapped under our land.

The U.S. wave and tidal energy resource potential that could reasonably be harnessed is about 10 percent of national energy demands. We have to put all these sources together and look at the broader comprehensive picture.

Once again, I am very proud that a consortium of the University of Maine, the Maine Maritime Academy, and industry is poised to become a key test bed for improved tidal energy devices.

It still is more costly than traditional electricity production, and that is why we need to provide some tax incentives to spur this kind of alternative development in tidal, geothermal, solar, and wood energy.

No. 9, we need to improve vehicle efficiency and alternatives to gasoline. We must provide more efficient transportation options. Last year, we took a giant step forward because Congress enacted, and the President signed into law, a long overdue increase in fuel economy standards for automobiles, SUVs, and light trucks that will save a million barrels of oil a day. That is a great start, but we can do even more.

The amount of gasoline used in transportation amounts to 9.2 million barrels of oil a day. That is almost half our national consumption of 20 million barrels of oil each day. Currently, we import about 12 million barrels of oil a day. So if we reduce the consumption of oil products for transportation purposes, it goes a long way toward reducing our reliance on foreign oil and decreasing overall energy prices, or at least stabilizing them for consumers.

Flex-fuel vehicles and plug-in hybrid vehicles can help us meet the challenge of energy independence and lower prices. We should extend the existing tax credits for alternative fuel vehicles and consider providing a tax credit for consumers who modify their existing vehicles to be flex-fuel capable.

We need to put more money into research, into plug-in hybrid vehicles, and expand the tax credits in that area as well.

Plug-in hybrids hold great promise. If all the new vehicles that are added to the American fleet for the next 10 years were plug-in hybrids, an additional 80 billion gallons of gasoline could be saved each year. That translates into almost 2 billion barrels of oil. It is significant. It cannot happen overnight, but let's put in place the policy that will help us get there.

We also must do more to help existing vehicles be more energy efficient. The Energy bill I have introduced would direct the Department of Transportation to create a national tire fuel efficiency program that would include tire testing and labeling, energy-efficient tire promotions through incentives and information, and the creation of minimum fuel economy standards for tires. That makes a difference as well.

Heavy-duty vehicles also deserve our attention. They move our economy. The Energy bill I have introduced would help keep them on the move while helping to reduce both fuel consumption and emissions. It would require the Department of Transportation to develop a testing and assessment program to determine what is feasible to improve the efficiency of heavy-duty vehicles and then develop appropriate fuel economy standards.

Additionally, we should provide a Federal tax credit for the purchase of idling-reduction technology for heavy vehicles, such as big trucks. That could save a trucker almost $1,600 in fuel costs and $2,000 in maintenance costs each year. It seems almost every week I read or hear or talk with another trucker in Maine who has gone out of business because of the cost of diesel. Think if through these policies we could help those truckers save that kind of money in fuel costs and maintenance each year. It would make the difference for many truckers between staying in business or being forced out of business.

Finally, the 10th point of my plan involves public transportation. Public transportation is difficult in a State such as the Presiding Officer's and mine. There are only three cities in Maine that have regular public transportation. But it is important for the overall goal nationally of energy independence that we focus on public transportation for those areas where it is feasible.

It is one of the most efficient ways we can get more passenger miles per gallon of gasoline. The energy legislation I have introduced would promote the development of the use of public transportation by subsidizing fares, encouraging employers to assist their employees with fares, as we do in the Senate, where we subsidize the employees who use the subway, and by authorizing funding to build energy-efficient and environmentally friendly modes of transportation, such as clean buses and light rail.

The bill would direct the Department of Transportation to designate 20 transit-oriented developmental corridors in urban areas by the year 2015 and 50 by the year 2025. These corridors could be developed with the aid of grants to State and local governments to construct or improve facilities for motorized transit, bicycles, and pedestrians. We have to look at everything.

In these times of high energy prices, when American families are struggling with the costs of filling their gas tanks and heating their homes, we must act in the short term to provide them some relief, and we must embrace fervently a national effort to achieve energy independence.

This Nation has demonstrated time and time again throughout our history our ability to rise to the challenge. I remember when President Kennedy, in the 1960s, challenged our Nation to be the first to land a man on the Moon and how everyone rallied toward that challenge and we achieved the goal that the President set forth for us. Let's now establish another goal and embrace it as fervently. Let's establish the goal of energy independence by the year 2020. It is vital to our economic, our environmental, and our national security. If we embrace this goal, Mr. President, I am confident we can achieve it.

Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I am glad Senator AKAKA from Hawaii is on the Senate floor. As chairman of the Veterans' Affairs Committee, he has done terrific work on this bill. S. 1315 was reported out of committee 9 months ago—9 months ago. Senator AKAKA has worked on a bipartisan basis to come up with a new set of benefits for our veterans, benefits that are long overdue to help those veterans who are returning from war and faced with serious medical challenges—to help them with housing, with education, and job training, and to right a wrong.

Since World War II, we have realized those Filipinos who fought next to our soldiers in that war have not been treated fairly, and I want to thank Senator AKAKA and Senator INOUYE for their leadership in making certain the Filipinos who were there when we needed them in World War II have a chance in this bill to receive at least some benefit for that service.

There were some 470,000 who originally served. There may be only 20,000 left. Time has taken its toll. But for those remaining veterans, we owe them a debt of gratitude, and we should compensate them for service rendered on behalf of the United States. President Franklin Roosevelt called on the Army of the Philippines to stand with us, and they did. They fought and many were wounded. Some died in the process. If the United States is going to be known as a country that remembers its friends, we should remember our friends in the Philippines.

This provision is opposed by the Republican side—maybe not all, but some, and they object to it. They will have a chance to debate that, and I hope we can draw a conclusion soon and move this bill forward.

It is unfortunate that this bill, as important as it is for the veterans of the United States, has been subjected to a filibuster by the Republicans. They have done everything they can to stop this bill from coming to the floor. You would think that something as basic as veterans' benefits would be bipartisan. It certainly was in the committee. It should be on the floor of the Senate.

Last Thursday, Senator HARRY REID, the Democratic majority leader, tried to call up this bill, and he was told no; that he would have to file cloture. To put that in common terms, it means we would have to wait—wait over the weekend, not finish the bill last week—and have a vote, which we had earlier today. The vote was at 12 o'clock, a vote which the Republicans insisted on before going to the bill. The final total on that vote was 94 to nothing. There wasn't a single Senator of either political party who voted against proceeding to this bill.

So all we did was delay this bill for another 4 or 5 days, and we find ourselves at this very moment in the same position. The Republicans refuse to come forward and offer a plan for considering amendments under the bill. The time may come, and I hope it doesn't, when we face another cloture motion, another effort to stop this, a delay tactic from the Republican side of the aisle.

Last week, the Republicans used this delay tactic to stop a technical corrections bill, a bill which just cleaned up some mistaken language—poor grammar, poor spelling—in a bill passed years ago, and a bill that was important because it related to highway and bridge projects and that created good-paying jobs in the United States. The Republicans filibustered that bill. It went on for days and days and days. We thought, well, when it comes to a veterans bill, they are not going to use that filibuster again. But they did.

To date, the Republicans have engaged in 67 filibusters during this session of Congress. They have broken the record. I guess it is a source of pride within their Republican conference. The previous record was 57 filibusters over a 2-year period. They have broken that record in 16 months with 67 filibusters. Each and every time they engage in these delaying and stalling tactics, it is an effort to stop legislation that would move us forward either in creating jobs, which are important for an economy that is facing a recession, or creating veterans' benefits for the thousands of veterans who expect and need a helping hand.

The Republicans continue to use this strategy. I don't know, perhaps someone has inspired them to do this, but I wish they would think twice. This country's veterans and their families expect us to work in a bipartisan way to try to help them. We have many times. But in this bill, in this critically important bill on veterans' benefits, the Republicans have thrown every obstacle in our path that they can legally under the rules of the Senate. That still leaves us with a major responsibility. We owe it to the veterans to get this job done.

I am glad Senator AKAKA is here, keeping his lonely vigil on the Senate floor. I know in a minute we are going to recess and come back in about an hour, but I thank him for his leadership on this important bill. I am hopeful after the break we can come back to the floor and finally find an accommodation and agreement on both sides of the aisle.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent that during today's session, all time during any previous recess and any upcoming recess be charged postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4:30 p.m.

Thereupon, the Senate, at 3:30 p.m., recessed until 4:31 p.m. and reassembled when called to order by the Presiding Officer (Mr. KERRY).

VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Florida is recognized.

TRIBUTE TO JOHN LITTLE

Mr. MARTINEZ. Mr. President, I am honored today to pay tribute to an outstanding member of my staff. When I was elected to the Senate, one of the first things I had to do was to select and hire a chief of staff. It didn't take long for me to find John Little. He came to work for me in December 2004, even before I was sworn in as a Senator.

When I first met John, he was legislative director for the junior Senator from Alabama, my colleague JEFF SESSIONS. I asked JEFF if it would be all right if I approached John and hired away a key member of his staff. He was very gracious, and he told me that although he would be hard to replace, he thought it would be a great opportunity for John and wanted to make sure he didn't stand in his way in any way.

One of the reasons I came to Washington was to be engaged in the issues of the day and try to find solutions to the problems facing Floridians and all Americans. Having spent my entire public career in the executive side of Government, I didn't know the inner workings of the Congress and looked for someone with that skill and knowledge. John Little brought that legislative experience from day one to my office and has been an invaluable member of my staff and someone I have relied on and counted on every single day I have been in the Senate.

John's experience on the Hill started when he was a very young lawyer, fresh from passing the bar and eager to work in Government. He worked his way up from being a young staffer writing legislative correspondence to becoming a legislative aide handling policy in the areas of education and health care. John had the respect of his peers and would eventually become legislative director. He is known in the Hill community for being bright, aggressive, conservative and even-keeled. He knows the implications of both large and small shifts in public policy and the impact they might have on families and communities. He brought to the people of Florida a great amount of knowledge and experience and was a problem solver when we had problems we faced.

Through his work and in getting to know John personally, I have come to admire him greatly for his strength of character, a trait I greatly admire in him. In the face of challenges, John courageously rose to meet those challenges. He never wavered in his love of this institution or his love of this country, and he has served the people of Florida and the Senate, an institution that I know he loves, very well.

Over these last few years, John has demonstrated tireless dedication and loyalty to me and the people of Florida. We have successfully turned back attempts to breach Florida's ban on offshore drilling. We have sought and secured funds for restoring the Everglades. We have fought to ensure Florida's military people and bases have the resources they need to perform their duties. Throughout these and other achievements, John has remained humble and committed to ensuring the policies we have pursued were in the best interests of the people of Florida.

For those who know the life of a chief of staff for a Senator, it is not glamorous. The hours are long, the issues are complex and innumerable, and you rarely have the opportunity for an uninterrupted weekend. For these reasons, John has accepted a position in the private sector—a great opportunity for John. This speaks to his skill and knowledge as one of the great qualities he possesses as chief of staff in the Senate. I am sad to see him go, but I am confident he will continue to find ways to serve the public good. He will be missed.

I thank him for his service, and I wish him all the best in all his endeavors. John is truly a friend. I will miss my personal day-to-day contact with him, but he is someone with whom I hope to have a lasting, lifelong relationship.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Alaska is recognized.

TONY BLAIR

Mr. STEVENS. Madam President, last evening I had the honor of attending a dinner of the Atlantic Council, and at that dinner they honored the former Prime Minister of Great Britain, the Right Honorable Tony Blair. I want to quote from his speech, and I ask unanimous consent to have his whole speech printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. He said this:

> The transatlantic alliance is, of course, a product of historical connection, culture, language and tradition. But most of all it is an alliance of belief, of shared values, of a common outlook not just about nations and their common interest but about humanity and its common destiny. Out of the travails of the twentieth century, the alliance drew its history and its strength. In the fight against fascism, and communism, it confronted and defeated totalitarian ideology. Millions of our citizens died for the victory. Through their sacrifice, we gained our freedom.
>
> More than that, we came to a profound understanding about what it is to be free. We realized through the pain and suffering, the difference between deferring to those in power and deciding who they are; between the rule of law and the caprice of dictatorship; between the right to speak out and the silence of the fearful.
>
> Now with those twentieth century battles over, it is tempting to think that this alliance has served its purpose. But here is the important point about it. It was never, and is not now, an alliance only of interests. It was and is an alliance of conviction. We, in the West, don't own the idea of freedom. We didn't fight for it because of the happenstance of birth in Europe or America. It is there, in the DNA of humankind. It is universal in nature and appeal. We developed it, but we didn't invent it.
>
> Now is the time to stand up for it. If we want our values to govern the twenty-first century, we must combine hard and soft power. We must show unhesitating resolution in the face of threats to our security; and we must show that our values are indeed universal, that they encompass not only freedom but justice, and not for us alone but for the world as a whole. We must show these values are global. And build alliances accordingly, starting with the renewal of our own. And we need to do it with energy and urgency. In the Middle East this is time critical. We must act now.
>
> Two things I now perceive more clearly than in office. The first is: the fundamental shift of the centre of gravity, politically and economically, to the East, to China and of course India, but more broadly to the Middle and Far Eastern nations.
>
> This evening I will focus elsewhere, but suffice it to say that we are still, in the West, not in the state of comprehension or analysis we need to be, fully to grasp this shift. China and India together will over the coming decades industrialize on a scale, and at a pace, the world has never seen before. In China especially, the implications are huge. Whatever the present controversies, a strong strategic relationship with it is vital; as it is with India. We are so much better able to fashion the terms of such a relationship if we do it in unison. That alone would justify and re-justify our alliance.

This is a challenge of diplomacy and statesmanship of one kind.

The other challenge arises from the security threat that occupied so much of the last years of my premiership. Today, as we meet, our armed forces face the prospect of a continuing campaign in Afghanistan and Iraq. I hope one thing unites us all. Whatever the debate about the decisions that brought us to these countries, there should be no debate about the magnificent and sustained heroism of our armed forces. British and American troops and the forces of other allied nations deserve our full support and our gratitude.

But this struggle is not limited to those fields of conflict. Out in the Middle East, it is there in the activities of Hezbollah in Lebanon, of Hamas in Palestine; it is played out in the street of Arab opinion every day. It has spread across the world. More than a score of nations have suffered terror attacks in the last year, still more have foiled them. They do not include only the usual list, but Thailand, Nigeria, China itself.

In the Middle East, the ideology that drives the extremism is not abating. The Annual Arab Public Opinion survey published last week was not striking simply for its specific findings but for its overall picture. The basic ideological thrust of the extremists has an impact way beyond the small number of those prepared to engage in terror. In sum, it shows an alarming number of people who buy the view that Islam is under attack from the West; the leaders to support are those like Nasrallah and Ahmadinejad who are perceived to take on the West; and there is a contrast between Governments and their people that is stark.

The extremism is a tiny minority activity; the ideas, prejudices and sentiments that drive it, are not. The truth is that the roots of this global ideology are deep, far deeper than I first thought in the aftermath of September 11.

I believe the eventual outcome is not in doubt. But it is possible, dangerously, to underestimate the size of this challenge. And it is possible completely to misunderstand its origins.

This global ideology is based on a total perversion of the true faith of Islam. Its revolutionary rhetoric and attachment to so-called liberation movements is a sham designed to hide its profoundly reactionary and regressive character. It is totalitarian in nature and compromising with it will lead not to peace but to a ratcheting up of demands, none of which are remotely tolerable.

But it plays cleverly on the insecurities and uncertainty deep within Islam. It speaks to a sense that the reason for its problems is not to be found within, but as victims of outside aggression.

So today the issue hangs in the balance. The Middle East is without doubt a region in transition; but in which direction will it travel?

Like it or not, we are part of the struggle. Drawn into it, Europe and America must hold together and hold firm. Not simply for our own sake, but for that of our allies within Islam. If we do not show heart, why should they?

If they don't see our resolve, how much more fragile is theirs?

So how is this battle won?

We have to recognize that though the circumstances and conflicts of the twentieth century are very different from ours, nonetheless, one thing remains true in any time and for all time: That if under attack, there is no choice but to defend, with a vigour, determination and will, superior to those attacking us. Our opponents today think we lack this will. Indeed they are counting on it. They think that if they make the struggle long enough and savage enough, we will eventually lose heart, and our will fade. They are fanatics but they have, unfortunately, the dedication that accompanies fanaticism.

We cannot permit this to happen. Where we are confronted, we confront. We stand up. And we do so for as long as it takes. This ideology now has a nation, Iran, that seeks to put itself at the head of extreme Islam. They need to know what we say, we mean and, if necessary, will do. If we exhibit this attitude, peace is more likely; because they will not miscalculate or misread our character. But if they think us weak, they will fight all the harder and risk all the more.

They need to see our belief. We should not apologize for our values, but wear them with pride, proclaim their virtues loudly; show confidence; ridicule the notion that when people choose freedom this is somehow provocation to terror; and do so together, one alliance.

This struggle did not begin on September 11th 2001. It isn't the fault of President Bush, of Israel, or of Western policy. The idea that we suppress Muslims in the West is utterly absurd. There is more religious freedom for Islam in London than in many Muslim countries.

Madam President, I found his statement very convincing. I urge Senators to read it.

EXHIBIT 1

SPEECH BY THE RIGHT HONORABLE TONY BLAIR

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Two things I now perceive more clearly than in office. The first is: the fundamental shift of the centre of gravity, politically and economically, to the East; to China and of course India, but more broadly to the Middle and Far Eastern nations.

This evening I will focus elsewhere, but suffice it to say that we are still, in the West, not in the state of comprehension or analysis we need to be, fully to grasp this shift. China and India together will over the coming decades industrialise on a scale, and at a pace, the world has never seen before. In China especially, the implications are huge. Whatever the present controversies, a strong strategic relationship with it is vital; as it is with India. We are so much better able to fashion the terms of such a relationship if we do it in unison. That alone would justify and re-justify our alliance.

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This struggle did not begin on September 11th, 2001. It isn't the fault of George Bush, of Israel, or of Western policy. The idea that we suppress Muslims in the West is utterly absurd. There is more religious freedom for Islam in London than in many Muslim countries.

You can argue about the rights and wrongs of the military invasion of Iraq or Afghanistan, but to allow for a single instant that this action justifies not simply terrorism but the idea that the West is innately hostile to Islam, only has to be contemplated, rationally, momentarily, for its nonsense to be manifest. We get rid of two brutal dictatorships; put in place a U.N. led democratic process; plus billions of dollars in aid: Where exactly is the hostility to Islam? And the only reason our troops are forced to stay is because of terror attacks carried out by this ideology in defiance of the democratically expressed wishes of the Muslim people of both countries.

And if it is hard and bloody, how bizarre to blame the allied forces, there under a U.N. mandate and who are trying to keep the peace, rather than those using terror to disturb it.

Yet this paradigm that it is 'our' fault that this terror threat is with us, has infiltrated a large part of Middle Eastern public opinion and actually influences significantly a large part of our own. It has to be taken on.

And here is the good news. The same poll shows most Muslims want peace. Most support a two-state solution in Israel and Palestine. The modern minded rulers of the successful Arab economies are also admired. People in Iran don't hate America even if its leader does. Go beneath the surface and there are allies out in the region and within Islam; people who believe strongly in their faith, but know that the twenty-first century is not about civilisations in combat but in alliance. In other words people are open to persuasion.

And here is the point. To win this struggle, we must be prepared to confront; but we must also be prepared to persuade.

This is a battle that can take a military or security form. But it can't be won by military or security means alone. It is a baffle of ideas. To win, we must persuade people of what we stand for and why; and we must do so in a way that answers their concerns as well as our own.

We believe in freedom and democracy. We also believe in justice. We believe in equality. We believe in a fair chance for all, in opportunity that goes beyond an elite and stretches down into the core of society. That, after all, is the American dream; free not just in politics but free to achieve, to fulfil your ambition by your own efforts and hard work, to make something of yourself, to give your children a better start than you had.

To win this battle, we must demonstrate these values too. That is why the Middle East peace process matters. It is the litmus test of our sincerity. We should not in any way dilute our commitment to Israel's security. We simply have to show equal commitment to justice for the Palestinians.

In the coming months, we have a chance to put it on a path to peace. It will require Israel to do more to lift the burden of occupation and give the Palestinians a sense that a state is possible. It will require the Palestinians to do more to get the robust capability on security to give the Israelis a sense that a state is possible. It will require a different and better strategy for Gaza. And it will require a relentless, insistent focus on the issues, from the U.S. and the international community, macro- and micro-managing it as necessary, to get the job done. President Bush and Secretary Rice have made that commitment. This can be done. It has to be done. It is not optional. It is mandatory for success.

The origin of this extremism does not lie in this dispute; but a major part of defeating it, lies in its resolution.

Then, wider than this, we have to work with the modern and moderate voices within Islam to help them counter the extremism and show how faith in Islam is supremely consistent with engagement in the twenty first century, economically, politically, and culturally. There is a vast amount of toil and time and energy to be expended in building bridges, educating each other about the other, creating the civic and social networks of reconciliation.

I would go further still.

In Africa, we have a cause of justice which cries out to be pursued; one that is, at the same time, a moral imperative and a strategic investment; one that needs the attention of East and West. In climate change, we have an issue that demonstrates that justice is also part of the compact of responsibility between this generation and those of the future.

My argument is therefore this. The struggle can be won. But it can only be won by a strategy big enough and comprehensive enough to remove the roots as well as the branches. The battle will, in the end, be won within Islam. But only if we show that our values are theirs also.

The problem with so much of Western politics is that the argument is posed as one between the advocates of hard power and soft power, when the reality is, we need both.

This is where America and Europe, united, should act. America has to reach out. Europe has to stand up. Not a single one of the global challenges facing us today is more easily capable of solution, if we are apart; if we let the small irritants obscure the fundamental verities; if we allow ourselves to be assailed by doubt about the value of our partnership, rather than affirm, albeit self-critically, its strengths.

We need now a powerful revival of our alliance. In the world so rapidly changing around us, we cannot take a narrow view of our interests or a short-sighted view of our destiny. We can't afford to take fright at these changes and go back into isolationism. We can't avoid the challenges. But we can master them. Together.

The transatlantic partnership was never just the foundation of our security. It was the foundation of our way of life. It was forged in experience of the most bitter and anguished kind.

Out of it came a new Europe, a new world order, a new consensus as to how life should be lived.

Today times are different. Every era is different. What is necessary is to distinguish between what endures for one time and what endures for all time.

In our history, we discovered the values that endure. We learnt what really matters and what is worth fighting for.

And we learnt it together.

Today, the challenge to those values is different. But it is no less real. Our propensity to avow those values will shape the way the twenty first century is governed. Will these values become, as they should be, universal values, open over time to all human beings everywhere; or will they be falsely seen as the product of a bygone age? That is the question. It is fundamental. It is urgent. It is our duty to answer it.

Mr. STEVENS. I wish to address another matter, as I have a moment. I understand there is no time limit now; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Madam President, before the Senate now is a bill, the Veterans' Benefits Enhancement Act of 2007. It is a very important piece of legislation. It would expand a series of benefits to our veterans, including traumatic injury insurance, adapted housing grants, and burial allowances. As a veteran, I am delighted this bill is here, and I am pleased the Senate has invoked cloture so we may debate it and find a way to reach an accommodation on it with those who may find some fault with it or some matter they may wish to try to change.

What I wish to address is the provisions for the Filipino veterans legislation. In this part of this bill, as far as I am concerned, we are talking about honor, the honor of the United States. In 1941, on July 26, President Franklin Roosevelt ordered all military forces of the Philippines into the service of the United States to fight the Japanese.

They were a province of the United States at that time. They were not an independent nation right then. The President had the power to do that. He, in fact, conscripted all men 18 years of age and over into their military. He took them all, and they fought, they fought hard, they fought almost to the death as, really, I think any American knows who knows about the Long March and Corregidor and what it meant in terms of the time these people delayed the Japanese so we could find a way to rearm this Nation and find a way to eventually overthrow the threats of tyranny that existed as manifested in the attack of Japan on December 7, 1941.

After the war, these people were recognized as veterans by our U.S. Veterans' Administration. All of the Filipinos who went into the services were entitled to full VA benefits. In 1946, Congress changed that. They said that those veterans who came to the United States would get full benefits of being in the military service but those who stayed in the Philippines would not.

I think to deal with this you have to think about the fact that there were 470,000 Filipino World War II veterans still alive after the war. Millions died. Millions died in defense of our country. Yet here, today, there are 18,000 veterans still alive.

My distinguished friend from Hawaii, who is chairman of our Defense Subcommittee, and I went to the Philippines recently and visited with some of them. I am the oldest Member of the Senate on my side. My good friend is, I think, the second oldest on his side of the Senate. We found ourselves junior to these people who are still there. Those men who fought over there, who are still with us now, are very much in need of our help. They deserve what this bill would give them.

This benefit that this bill would extend to them is one-third the amount they would have received had they come to this country. That is what was intended to give them in the first place—one-third—taking into account really the cost of living and various other aspects of their life in the Philippines. They would get the benefits, one-third of the amount they would receive if they came to this country. If they came to this country, they would have been entitled to the veterans' benefits, to the GI bill, to all of the other benefits we gave the veterans after World War II.

Do you know why Congress gave that to those veterans? Because there were too many men seeking a job. They had to take the 16 million of us who survived and spread us out over the economy. They did so by giving us benefits—training as a pilot, we could build our own home and get the money to do that, we could go to school through the GI bill. These people thought they had that right, too, but Congress cut it off in 1946.

These people, who are the survivors now of that almost half-million people who survived as veterans, Filipino veterans of World War II, and who stayed in that country, those 18,000, have asked us for help, to finally be recognized once again for what they did.

The cost is really minimal. The Senate will hear all kinds of estimates on the amount. But 18,000 people—the youngest age involved is 82. They are just not going to be with us that long. Anyone who gives you some estimate of billions of dollars that it is going to cost to take care of these people and give them what they were entitled to long ago—I think it is overestimating it.

Again, I come back to my point. It is a matter of honor, the honor of the United States is at stake.

These people put on our uniform, wore our uniform, fought with our comrades, almost to the death, all the way to Corregidor, and the survivors were denied what they should have had.

If they came to the United States, they had the right to become citizens automatically. But if they stayed with their families and tried to reconstruct their country, we denied them that right, even though by staying at home they would have gotten one-third. If they got to come over here and be citizens they would have the benefits. There were no GI bills over there. If they came over here as citizens, became citizens, they had the full range of benefits.

Now, I do not get excited too many times on this floor. This one, this bill, excites me. There are very few of us left from World War II. When I came to the Senate, almost every person who was a Member had served in World War II. There are five of us left now. I hope the Senate will listen to the five of us because we are united. We say this is a wrong that has to be rectified. We urge the Senate not to change this bill, to support the bill that has been introduced by the distinguished Senator from Hawaii and his colleague with my cosponsorship.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I understand my distinguished colleague from Alabama has a colloquy with Senator MARTINEZ for 5 minutes or so. I ask unanimous consent that I be recognized after the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

TRIBUTE TO JOHN LITTLE

Mr. SESSIONS. Madam President, I thank my colleague, Senator MENENDEZ, for his courtesy. I will adhere to that timeframe. I ask to be notified in 4 minutes.

I would express my appreciation to Senator STEVENS for his service to his country during World War II, and Senator INOUYE, our decorated World War II veteran himself. Both served in harm's way for their country. We do value their opinions on so many important issues.

John Little, a native of my hometown of Mobile, AL, a product of UMS High School, a good high school in Mobile, graduated from Southern Methodist University with a BA in history, got his juris doctorate from Cumberland School of Law in Birmingham, AL, a fine law school.

He interviewed and then joined my staff 9 months into my term, just as I had come to Washington. We hired John, and we told him he would have to start at the bottom. And he did. He handled judiciary issues and correspondence with constituents back home. But within a year, using his excellent writing and research, it was obvious he was destined to take on more responsibility.

John had great talent, and we made him our legislative counsel and gave him the responsibility of several issues, including education, labor, drug caucus work, welfare, and campaign finance reform.

In 2000, John was promoted to legislative assistant and counsel and he dove right into the largest issues of our time, at that point the Elementary and Secondary Education Act debate. We were dealing with a very important issue in education, in particular, the special ed or IDEA reform, the need to create a thoughtful, disciplined standard and reform for students and teachers in the classroom. It was a big problem. We were hearing a lot about it. John spent countless hours of work on this project as my legislative assistant and helped foster the strong reform that eventually would be accepted in the IDEA reform bill which was signed into law that is affecting positively every school in America today.

After 2 years spent on education, labor, and welfare and judiciary issues, I promoted him to my deputy legislative director and counsel. His portfolio grew on a whole host of issues. He also became a key point man in my office on nominations issues.

So after the departure in 2003 of my legislative director, John was the obvious choice to take over and manage the day-to-day legislative operations of my office. He and I spent countless hours together working on IDEA reform and other issues that were so important.

He spearheaded my efforts to promote our plans for a strong national defense, lower taxes, less regulation, and the thoughtful application of commonsense conservative values to promote and pass good public policy.

After the elections of 2004, a new Senator, my good friend and colleague from Florida, Mr. MEL MARTINEZ, heard of the outstanding work of my young legislative director and counsel. I suppose he heard about that because he called me to ask if he could interview him. And I certainly agreed to that.

I think he sought out John's leadership, know-how, interpersonal skills, and a command of the inner workings of the Senate, and he eventually asked if he could bring John on as his chief of staff.

Although I would lose a strong counselor and a legislative leader and friend, my loss was indeed Senator MARTINEZ's gain. So it has been for the past 3 years that John has been at the helm with Senator MARTINEZ as his chief of staff.

He will leave the Senate family now but will be taking on another important challenge in the corporate world. I know John Little well and the values and high ideals he holds dear. He truly loves the Senate and respects her traditions. He loves America. The Senate was a better place with him here.

Thank you, John, for your friendship, your strong personal support, and your service to the Senate and our great country. It has been a pleasure and an honor to work with you. We wish you every success in your chosen endeavors.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

FAIR PAY RESTORATION ACT

Mr. MENENDEZ. Madam President, I am here today to stand up for equal pay for women. Now, that is something we have been working toward for a long time, but we are still falling short of the goal.

For decades we have come together across party lines to help men and women earn the same wage for the same work. The Senate voted overwhelming for equal pay when President Kennedy was in office. We gave our support to the Civil Rights Act under President Johnson. We renewed that support during President Reagan's term and during the term of the first President Bush.

So we have had this history of supporting this proposal, this rule of law, under both Democratic and Republican Presidents. Even after all the progress we have made, we still have a long way to go. But last year, five conservative Supreme Court Justices threw a roadblock against fair pay for women.

Here is what happened. A woman named Lilly Ledbetter was one of only a few supervisors at a tire plant. She worked 12-hour shifts and constantly had to endure insults from her male bosses just because she was a woman doing what was thought to be a man's job.

It was not until late in her career that she discovered her company was cheating her, paying her up to 40 percent less—40 percent less—than her male colleagues earned doing the same exact job.

Lilly filed a claim, and a jury awarded her full benefits, full damages. But the Supreme Court said she was entitled to nothing—to nothing—simply because she did not discover the pay discrimination early enough.

According to the Court, in the narrow 5 to 4 decision, if you do not discover that you are being discriminated against right after your employer starts doing it, you might have to suffer the consequences for your entire career, and not only for your career of being shortchanged fair pay for what, in fact, you were doing equal to anybody else, man or woman on that company's agenda, but at the same time having a consequence as it relates to your pension and your benefits and your Social Security because all of those were factored by the income you make.

So when your income is discriminated against, even though you are doing the same job as anyone else in the company in that category, not only do you not receive the income during your working life, but you have a consequence for the rest of your life, in your retirement.

It is a discrimination that keeps on discriminating. Today we have a chance to change that, to make things right. Discrimination is discrimination no matter when it happens. If someone breaks the law, they should be held accountable for it.

This body must make it clear that women should be treated the same as men. We must make it undeniably clear that every worker should be paid fairly for their labor. We must proclaim in a unified voice the same types of voices that have previously held together in this body almost unanimously: that discrimination will not be accepted in the workplace, discrimination will not be tolerated in America.

The idea behind the Fair Pay Restoration Act is simple. It would restate the rule that the clock for filing a wage discrimination claim starts running from the day a worker receives a discriminatory paycheck, not the day the employer first decides to discriminate. This is, in essence, what the law was before the Court decision. It was the law of the land for a long time. All we simply say is, the Court is wrong. And even one of the Justices from the bench in a dissenting opinion said: "This is something that Congress needs to change."

If a female worker sees her wages are continuously falling behind those of her male counterparts, she should be able to challenge her employer, even if the original decision to discriminate was made years ago. As long as the discrimination continues, the right of a worker to challenge it should continue as well.

This does not only benefit women, it helps all in our country if they are getting cheated in their paycheck on account of their age, or their race, a disability, their national origin, or what religion they belong to.

Now, as usual, there are those who are trying to defend the status quo and scare us into believing that this law would cause a flood of litigation and undercut corporations' bottom lines. Unfortunately for them, history is not on their side in terms of those false fears.

We know this legislation is workable and fair because it was the law of the land for decades, for decades before the Supreme Court made its ruling. All this bill would do is make the law what it was before it was widely interpreted to be only 1 year ago. We simply want to return the standard to be able to protect an individual at the workplace from discrimination simply as the law was for decades before.

And this is not exposing companies to unlimited damages either. The fact is, liability is still limited to 2 years of back pay following the standard set in the Civil Rights Act of 1964.

We will hear a lot of goblins here, but the reality is the legislation we are considering as it was limits a company's liability to 2 years of back pay. Now, some of my colleagues on the other side of the aisle will ask why workers often cannot file their claim within 180 days from the first instance of discrimination.

Well, there are good reasons. There are good reasons for that. To begin with, many workers have difficulty comparing their salaries to coworkers, with many businesses actually prohibiting it, prohibiting an employee from making or attempting to make these comparisons.

Why would a company be concerned about the comparisons among people doing the same job within the context of a company? Why? What is it that they have to fear? What is it they have to hide? Even if a worker sees their pay is lower than their coworkers, they may not recognize it was a result of discrimination.

If a worker does recognize it as discrimination, they often have to wait to contact the EEOC or decide not to due to feeling ashamed or, more often, they fear retaliation by their company, and that is a real fear.

They fear the consequences of rocking the boat and figure a job in which they are discriminated against is better than being fired and having no job at all. Certainly, in this economy today, an economy that does not work for working families, those who are fortunate enough to have a job have to think about that extra burden of raising their voice against discrimination because they might, in fact, lose a job. So when people ask: Why can't they within 180 days go ahead and file their complaints, it is because it simply doesn't always work that way. I would ask those who raise the question: What happened during the decades of the standard of the law that existed? No one raised those concerns then.

Here is what it comes down to. If you vote against this bill, you are going on record and telling an entire nation you want to make it harder for a woman to get paid the same as a man for the same work. It is not about working less. It is not about having a privileged role. It is about being able to achieve pay for doing the same exact job, with all the pressures, all the challenges, all the skills anyone else would have, male or female.

These are challenging economic times, and the challenges are especially tough for women. For every dollar a man gets paid, women get paid 77 cents. Women's earnings have fallen six times as much as men as our economy began sliding toward a recession last year. The truth is, the glass ceiling might be a little higher than it was, but it is still there.

I don't want my daughter, who is fortunate to have gone to a great university, graduated, incredibly smart, to realize less in her power to earn simply because she is a woman compared to those with whom she is competing. Yet if we let the law stand the way it is, that very well can be institutionalized as something that may happen.

It is our responsibility as legislators, as Americans, as human beings to make sure this country holds the same promise for women as it does for men and that in the future our daughters have the same opportunities as our sons. Restoring a woman's opportunity to fight for fair pay is a big part of that. It has to be part of a broader strategy to get our economy back on track. We have to bring down the cost of health care, create green-collar jobs, and help workers get the training and education they need to succeed in a global environment in which intellect is the greatest asset the Nation is going to have, a world that has been transformed, where the boundaries of mankind have largely been erased in the pursuit of human capital so an engineer's report is created in India and sent back to the United States for a fraction of the cost, a radiologist's report is done in Pakistan and read in a local hospital by your doctor for a fraction of cost or, if you have a problem with your credit card, as I recently did, you end up in a call center in South Africa. The reality is that for the delivery of services created by an individual, we are globally challenged. For America to continue to be the leader economically, it needs to be at the apex of the curve of intellect, the most highly educated generation of Americans we have ever had.

Even as we move toward achieving those educational goals, what is it worth if my daughter graduates from Harvard but still makes 77 cents on the dollar that a man makes? It is fundamentally wrong. If we are going to prosper as a nation, that prosperity must be shared. I have said it before and it is as true as it ever was: Only a society with no second-class citizens can be a first-class society. Today it is time to act on that principle. It is time to vote for fair pay and ease the way to prosperity and justice for all. That is our choice. That is our opportunity. That is the responsibility of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Hawaii.

Mr. INOUYE. Mr. President, when the Spanish-American War ended in 1898, the Philippines became a possession of the United States. It became a colony of the United States. We hate to use that word because we frown upon colonial powers, but we became a colonial power. As such, we exercised complete power over the people of the Philippines. Legally, we could arrest them. We could do anything we wanted. However, in 1934, we decided the status should change a little bit, and they became a commonwealth; however, not citizens of the United States.

Then in July of 1941, when war clouds began to appear in the Asia-Pacific area and the Japanese were invading other countries, the President of the United States issued an order forming the Commonwealth Army of the Philippines. The Commonwealth Army of the Philippines had 470 members. They were all Filipinos. They were assured, if combat should come about and they participated, they would be granted American citizenship, if they so desired. And they would receive all the benefits veterans of the United States would receive.

Well, December 7, 1941, became history. Two weeks later, the Congress passed a bill making it a very formal order of the day that if a Filipino came forward and volunteered to serve in the uniform of the United States and pledged to stand in harm's way on our behalf, at the end of the conflict, they would be granted citizenship, if they so desired, and receive all the benefits Americans received.

The Japanese invaded the Philippines. There were two great battles, the battle of Corregidor and the battle of Bataan. The battle of Bataan has been made part of the history of this Nation. We have seen countless movies on the Bataan Death March, one of the better known death marches in our history. In that death march, there were 75,000 prisoners of war. Of that number, 54,000 arrived at the prisoner of war camp; 15,000 died on that march. The distance wasn't too long. It was 75 miles. But they were given no medicine, no food, no water, and 15,000 died on the way. Six thousand escaped to become guerillas. Of the movies I have seen which show Americans being bayonetted, Americans being shot on the march, you never saw a Filipino on the march. Yet the record will show that of the 75,000 who participated in the death march, 15,000 were Americans and 60,000 were Filipinos.

Most of those who died before arriving at the prison camp were Filipinos. Strangely also, though they spent much time on the frontlines attacking Japanese, carrying out heroic acts, they received no medals, no Purple Hearts, no Bronze Stars, no Silver Stars, and no DSCs. They were serving under American command.

Well, we were victorious. But before we were victorious, General MacArthur left the Philippines and said: "I shall return." The men whom he left in the Philippines were Filipinos. They had the job of harassing the Japanese, keeping them occupied so they wouldn't be moving to other areas to cause havoc. The casualties mounted in the thousands. Thousands died in our defense.

So what happens? Surrender terms are signed on the USS *Missouri*, and law and order is restored in the Philippines. Happy day. About a month and a half later, Washington sent one man to serve in the Embassy, to take applications of those men who wanted to become citizens of the United States. But a month later, we called him back. That promise we made, if you want to become a citizen, you had to do it in some office in the United States, not in the Philippines. That is why they sent that man down there to represent us. When that man left Manila and returned to Washington, there was no one to take applications.

Then in mid-February of 1946, the Congress, our predecessors, passed a bill repealing that law they passed in December of 1941. They repealed it.

It is a matter of honor, as Senator STEVENS pointed out. Here was a promise, a solemn promise on the part of Americans. And by congressional action, we break that promise.

Here we have a bill before us that will restore this honor. It will say to the Filipinos, since your cost of living is not as great as ours, your pension will be one-third of ours. Well, one can say that is better than nothing. But if they want to become citizens, they can do it in Manila or in Honolulu or anywhere else.

There are 18,000 who want to become citizens. There are many others waiting. But as Senator STEVENS pointed out, the youngest surviving Filipino veteran is 82 years old.

As I speak, men are dying. By the time we consider this measure and pass it, there will be hundreds more who will die.

It is not a matter of money. It is a matter of honor. It is the American thing to do. If we make a solemn promise, we should be prepared to keep it. In this case, they were willing to stand in harm's way for us. The least we can do is to recognize this and to salute them as fellow Americans.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I have deep respect for Senator INOUYE, who just spoke. He is passionate. There is no American who can look at Senator INOUYE and not see an American war hero. He has committed so much, and his perspective on history is important for all of us to recognize. Before him, Senator STEVENS spoke, one of the foundations of the U.S. Senate. I find myself troubled to some degree that I am at odds with both of them on this issue.

I want Senator INOUYE to know how much I respect him and how much research I have done on this issue, and I will try to make my case for why I do not think this is a priority but to do it in the most respectful way I possibly can to individuals, such as Senator INOUYE, who have so much invested not just in their knowledge but in the commitment and sacrifices they have made.

Mr. President, we started debating S. 1315 earlier today. Where I ended off in that earlier debate was pointing out to my colleagues and the country how this special pension, a special pension we intend to provide to a very small group of Filipino veterans who were not enlisted in the U.S. Armed Forces but were under control of U.S. forces and command of U.S. forces—I just want to point this out to everybody: Currently, the Filipino Government provides a $120-per-month pension to this select group of individuals. That pension puts every veteran at 400 percent over the poverty line in the Philippines. What S. 1315 attempts to do is to create a new special pension funded by the American taxpayers that would take the average income of this select group of Filipino veterans to 1,400 percent above the poverty line in the Philippines.

Now, let me put that in direct comparison to the United States. We have special pensions in the United States that apply to our veterans because we believe it is important to say no veteran should live in poverty. Our commitment is such that it is roughly over $10,000 a year. Let me compute what that $10,000 means relative to the poverty line. It means they are 10 percent above the poverty line in the United States.

So with all due respect to my colleagues, I am supposed to come down here on behalf of my constituents, my taxpayers, my veterans, suggesting there is equity in providing a 1,400-percent pension stipend for Filipino veterans over the poverty level but only 10 percent for U.S. veterans? Well, I cannot do that. That is why I am at odds with some of the people whom I really love and respect in this institution.

As I said earlier today, I have done a tremendous amount of research on this issue because so many people have suggested with a high degree of certainty there was a promise that was made. Well, I cannot find that promise. According to information provided at a 1998 congressional hearing, the Department of the Army examined its holdings on GEN Douglas MacArthur and President Franklin Roosevelt and "found no reference by either of these wartime leaders to postwar benefits for Filipino veterans."

Now, I am going to ask that another chart be put up that displays the difference in Filipino veterans because I think most would believe there is one target we are after. What you see here is four different groups. You see Old Scouts. These are the Filipino soldiers who signed up with the U.S. Army, and they served side by side in the U.S. Army. Today, they receive every benefit, except for those living in the Philippines and outside of the United States. And medical care is only provided at a clinic that the VA has in the Philippines. Every other benefit they get. They are getting pensions. They are getting death pensions for their survivors. They are getting burial benefits. They are getting everything because they were part of the U.S. Armed Forces, even though they are Filipino.

The other three categories you see: the Commonwealth Army of the Philippines, recognized guerilla forces, New Philippine Scouts—yes, they were under the command of U.S. forces. Everybody in the Pacific was under U.S. force command. But they actually enlisted in the Filipino forces. We never solicited them. They could have joined the U.S. Army. They chose not to.

The reality is that just about every benefit, except for two, was extended to even the three groups that are the Filipino veterans. The two glaring exceptions are pensions for nonservice-related disabilities—nonservice-connected disabilities—and the death pension for survivors.

So what I want everybody to understand is, in a bill that totals over $900 million—that, I might add, we are funding. We are offsetting it because a court ruling took this away from U.S. veterans. We took money away in benefits from U.S. veterans. We are now using this $900 million the courts extracted to say we are going to enhance the benefits for our veterans here at home. As a matter of fact, over $300 million of it is life insurance changes we are making. And, yes, our veterans are benefiting from it. But $100 million of that $900 million is going in this category to beef up our commitment to Filipino veterans. But there is $221 million that is going to create a special pension, a pension for those Filipino troops who served as part of the Filipino military who were commanded by U.S. forces and never injured in combat. Let me say that again: Filipinos who live in the Philippines who were under U.S. command who served in the Filipino Army and have no service-connected disability.

This is not about disabilities. This is about a windfall. This is about a windfall that exceeds what our standard is here for our veterans, which is 10 percent above poverty, and currently the Filipino veterans are over 400 percent above poverty; and some in this institution suggest that the right thing for us to do is to raise their pension to 1,400 percent over the poverty level in the Philippines.

Some might say: Was it Congress's intent to grant full VA benefits to Filipino veterans? It is important to note that it was a 1942 VA legal opinion which concluded that Filipino veterans had served "in the active military or naval service of the United States" and on that basis were eligible for VA benefits.

Senator Carl Hayden, chairman of the subcommittee on appropriations, had this to say about the VA's legal determination regarding Philippine Army veterans during committee proceedings on March 25, 1946:

> There is nothing to indicate that there was any discussion of the meaning of that term, probably because it is generally well recognized and has been used in many statutes having to do with members or former members of the American armed forces. It would normally be construed to include persons regularly enlisted or inducted in the regular manner in the military and naval service of the United States.

I go on:

> But no one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted under . . . the GI bill of rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any of the laws enacted by Congress for the benefit of veterans to indicate such intent.

This is our colleague in 1946.

I go on:

> It is certainly unthinkable that the Congress would extend the normal meaning of the term to cover the large number of Filipinos to whom it has been suggested that the Servicemen's Readjustment Act of 1940 applies, at a cost running into billions of dollars, aside from other considerations, without some reference to it either in the debates in Congress or in the committee reports.

Now, I am quoting from the history of our congressional hearings, of our Senate hearings, in 1946, from the chairman of the subcommittee on appropriations.

Again, we have the Department of the Army examining the records of GEN Douglas MacArthur. We have the Department of the Army examining the papers of Franklin Roosevelt. They find no references by either of these wartime leaders to postwar benefits guaranteed to Filipinos. We have the records of the congressional hearing, and Senator Carl Hayden says: I have looked. There is nothing that suggests that this promise was ever made. Yet individuals come to the floor and they make this claim.

Now, I am convinced that—we are dealing with something 50 years later—it is very possible that memories are not exactly the same, that one person's recollection may be different today than it was in 1942 or 1944 or 1946. All the basis we have is to go back in history, to look at the documents, to see what the commitments were, and, more importantly, to try to get inside the heads of our colleagues then, to understand: If it was not in the letter of the law, what was the intent? Senator Hayden makes it very clear: It is not only not the letter of the law, it is not the intent of the Congress of the United States.

Now, what factors influenced Congress's decision to limit certain VA benefits to Filipino veterans in what is known as the Rescissions Act of 1946?

You see, in the United States we have the rule of law. When the courts determined, under their understanding, this set of benefits would apply, Congress actually passed legislation to rescind what the courts had awarded.

Again, quoting Senator Hayden:

> The GI bill of rights is intended to benefit an American who served in the armed forces and who, upon discharge from the service, returns to civil life in the United States, where American standards of living prevail. . . . Whenever any part of the GI bill of rights is extended to Filipino veterans, the cost of living in the Philippines and other economic factors must be given careful consideration.

Let me go back to the chart I referenced. That is all we are applying. That is the only standard I am asking my colleagues to look at: that when we apply what sounds in the United States like a meager amount—$120 a month—what we are talking about is 400 percent over the poverty level. When we talk about increasing by $300 a month the pension, what we are doing is we are taking potentially a Filipino veteran who is already 400 percent over poverty, or more—assuming they have no other income—and we are putting them at 1,400 percent over poverty, which puts them way above the middle class of the Philippines. This is a tremendous windfall when you look at it from the standpoint of the size of the Philippine economy.

Mr. President, in total, S. 1315 proposes about $900 million worth of spending over 10 years. I will ask that a chart be put up so everybody can see what S. 1315 does. I think many have construed that I am opposed to S. 1315. I am the ranking member. I only have one piece I am opposed to. I have been accused of holding the bill up since last August. I have tried to negotiate this one piece since last August. What you see there is the Filipino piece, which is No. 1 on the list—$332 million out of $900 million. The actual pension issue is $221 million. There is the term life insurance program, $326 million for our kids; the State approving agencies, $60 million; mortgage life insurance, $51 million. You can go down the list. It is $909 million worth of benefits. I am only addressing a small sliver. It is a quarter of it in dollars, but it is a small piece. I am for everything else.

If you take the Filipino special pension out, today I will propose to pass it under unanimous consent. I made the offer to the majority leader yesterday. This chart lists all of the provisions of S. 1315, from the most expensive provision to the least expensive provision. Again, you can see that the Filipino piece is the most expensive provision in S. 1315.

During a time of tight budgets, and when multiple commissions have recommended that Congress focus our resources to improve the benefits of our U.S. returning combat veterans, it is plain wrong to put the needs of Filipino veterans, with no service-related injuries, who are residing in the Philippines, ahead of our own service-injured men and women returning from war. I am not sure it is defensible to suggest that we are going to institute that special pension, which means we are not going to divert that $221 million to our men and women.

I will have a substitute amendment tomorrow. The only change in my substitute amendment is that it keeps intact everything but the special pension. It diverts the special pension and it enhances the ability for housing upgrades for our disabled troops to be made from $50,000 to $55,000. It provides additional grants for disabled veterans who need upgrades to their vehicles that they drive; it will up the special grants by $1,000. We are going to address additional burial benefits. We are going to address some discrepancies in education benefits for our Guard and Reserve. We are using the $221 million solely to divert it to our veterans.

Each of us has met with veterans organizations and constituents who have asked us to address the needs that exist in the veterans community, particularly the needs of soldiers, sailors, airmen, and marines who are defending us in the war on terror. The distinguished majority leader touched on this very point last Friday. Frankly, after reading his comments, I was hopeful he might support the amendment I am offering, the substitute amendment. On Friday, he talked about the number of Americans who died in Iraq. He talked about those who are coming home with physical and mental wounds. He made the following statement:

> At the height of this war, with soldiers being wounded every day and soldiers coming home from Iraq every day, we can't even get a bill to deal with their health to the Senate floor.

All I have ever asked for is a fair opportunity to amend the bill and a fair length of time to debate the bill. The majority leader has to make decisions as to whether he files cloture motions. He has filed 67 of them, because 67 times they tried to short the minority on our ability to exercise the rights we have as the minority, which are not many.

But 67 times it has been done, so 67 times he filed a cloture motion. That is part of leading; I am sorry.

But don't suggest that the No. 1 thing that you are for is our guys, when $221 million of this is going to set up a new special pension fund for Filipinos, who live in the Philippines, with no service-connected disability. It is disingenuous.

There is consensus in this body for everything else in S. 1315, except for one provision. We have tried for months to negotiate that one provision. For my colleagues who want to know why this bill has been at a standstill, it is because we have been trying to shift the money to our kids—our children and our grandchildren. At the committee markup last June, Senator CRAIG put forward an amendment to redirect the Filipino pension fund to other priorities. It was rejected on a straight party-line vote—another rarity in the Veterans' Committee. We don't have party-line votes in the Veterans' Committee. For some reason, this year we have now had them.

In December, shortly after the Dole-Shalala disability commission recommended we improve a host of benefits for war-injured veterans, I offered another proposal to redirect the spending on pensions for Filipinos to higher priorities. It too was rejected. Any claim that there has not been an attempt to try to negotiate what is in this bill is ludicrous. I put that proposal in the form of a bill, S. 2640. We cannot hide from it. We will vote on it. Members will be asked to choose between our veterans and a 1,400-percent pension over the poverty line in the Philippines. That will happen tomorrow.

This comes down to where our priorities are—the Senate and this Congress. I believe our priorities should be on increasing the benefits that apply to our guys. I believe that the substitute amendment I will offer that increases housing grants for profoundly disabled veterans who need their homes modified is important. It should be a priority. I believe the auto grants for profoundly disabled veterans who need the freedom of mobility to live independently is a priority. I believe improvements to the education benefits for returning Guard and Reservists is a priority. I am sad to say that we do increase the burial benefits. I am sorry it is a provision that people have to take advantage of. But burial benefit increase is a priority of this country. I believe all of these things are absolutely crucial.

I met a veteran from North Carolina last year, Eric Edmundson. He needed a vehicle because of his disabilities. An unbelievable soldier; an unbelievable American. He will never fully recover. He will only be mobile with the help of the aids we can make available to him. The Edmundsons found an accessible van to accommodate Eric's injuries for $45,000. They had to pay $14,000 out of pocket.

Can we put the need of that van for Eric Edmundson as a top priority? We can if, in fact, we shift the $221 million that is going to people who have no service-connected disability, don't live in the United States, aren't U.S. citizens, didn't serve in the U.S. Army, but were under U.S. command during World War II. We are not going to be able to do it if, in fact, we don't shift the money.

My amendment would increase the auto grant benefit to $16,000 and, more importantly, in the case of the housing benefit, the auto benefit, and the burial benefit, it would index it so that annually we don't have to go in and legislate an increase. It increases with inflation, so for the first time what Congress does is actually thinks about the future and makes sure our veterans receive a benefit that is reflective of the inflation in between times that we have legislated.

Creating a pension in the Philippines, I suggest, is simply bad policy. I will make a comment on why the Philippine pension is not only the wrong priority, it cannot be justified as a matter of fairness. It is important to understand that VA pensions are designed for veterans, as I said earlier, to stay out of poverty. When we left the Philippines, we made some commitments to the Filipino Government. We transferred to them multiple hospitals and all the equipment that was in those hospitals. As a matter of fact, we granted them, at the time, a tremendous amount of money. That money, in today's standards, would be well into the billions of dollars. We didn't walk away and leave anybody without. We made sure that we rebuilt the country, but we also left the infrastructure that was most needed.

Let me suggest to you that this pension creates a new inequity. There were a lot of troops in the Second World War under U.S. command. They might not have been a territory of the United States, but they signed up for their army, and they were under U.S. command. What is to keep them from claiming they are owed a special pension from the United States? They have never done it. These are the only ones who have. If you think of all of our global partners who could claim, based upon this precedent, quite frankly, it would be a difficult thing for this country to deal with.

As I said earlier, this new spending is paid for by reversing the effects of a U.S. Court of Appeals decision for veterans' claims decision that granted extra pension benefits to elderly and poor U.S. veterans in a manner that was never intended by Congress.

Let me explain in layman's terms what that means. The VA made enhanced payments to U.S. veterans—benefits that were never intended in the letter of the law or in the intent of Congress. When the courts determined that, they pulled back about a billion dollars from this country's veterans. It is that billion dollars that is used in the offset for the $909 million spending plan we have in front of us today. I may argue the court's decision, but to take money from veterans in the United States, who are slightly above the poverty threshold, and spend it on a new special pension for Filipino veterans, who are already 400 percent above poverty in the Philippines, is flat wrong.

Let me say that again. What the court exercised was to take money away from U.S. veterans who are slightly over poverty, and I have said constantly what we do with special pensions in the United States, we get about 10 percent over the poverty line. We have Filipinos today at 400 percent over the poverty line, and the debate we are having is whether we go to 1,400 percent over the poverty line.

One of the largest service organizations, the Veterans of Foreign Wars, agrees. It passed a resolution in August urging Congress to use funds from reversing the effects of the court decision on U.S. veterans and not to create new benefits for Filipino veterans. If my colleagues adopted that approach, as many of us have urged from the beginning, S. 1315 would have become law in August 2007.

The chairman of the Veterans' Affairs Committee is a good man. He is a friend. He sent me a letter on April 10, asking for my cooperation on a way forward with some of the contentious issues in S. 1315—primarily this—but on the very next day the majority leader was already talking about filing a cloture motion on the bill. I was perplexed a little. On the one hand, I had an offer to negotiate a way forward; but on the other hand, I have a cloture vote being proposed. I am not sure where the disconnect is. I don't like to look back. I believe we should look forward.

I am prepared to go to the bill. I believe it would be extremely healthy for this Congress and for the American people to be educated on exactly what this is about because this truly does beg where we place our priorities from the standpoint of the Senate. Are our priorities to fund our veterans, our kids with service-connected disabilities, or is our goal to set up a special pension for non-U.S. citizens who live in the Philippines, with no service-connected injuries, and to divert that money away from our kids?

The answer is pretty simple for me. I believe our priority is to make sure our troops get it. I believe our priority should be to make sure our soldiers get whatever they need, to make sure the Eric Edmundsons of the world have the van they need for their disabilities, to make sure those who need adaptive housing because of their severe disabilities from war have the money they need to upgrade their house so they can maneuver in it.

I daresay, a $1,000 increase on the auto grants and a $5,000 increase on the adaptive housing is not enough. I can tell my colleagues, we need to do more, and I am committed to say today I will do more. But how are we going to do more if we show something as irresponsible as a decision to spend $221 million that we have taken from U.S. veterans, away from people slightly over the poverty level, to allow it to go to individuals who are going to be above the middle class in the Philippines?

How can any veteran in America believe we are serious about prioritizing how we spend money in the future if, in fact, we display this type of judgment and willingness to extract money from our veterans to create new programs?

I am fairly confident we have a number of Members who would like to speak on this bill this evening. It is my hope we will have an opportunity to turn to consideration of the actual bill and to entertain any amendments our colleagues plan to offer on this bill.

When the majority leader left the floor earlier today, he said it was his request that we move as quickly to conclusion of this bill as we possibly can. I have given my colleagues a small snippet tonight of what the history I looked at says of our leaders at the time. There was no documentation, there was no hearsay, there was no intent of those leaders or the Congress to actually extend a benefit such as those that have been described by some of my colleagues.

Clearly, this Congress, as any Congress of the future, could elect to add a benefit. For 50 years, the Congress could have added this benefit. The further we get from the 1942 act and the interpretation by the Court and the further we get from the 1946 Senate hearings that initiated the Rescissions Act that took the Court's interpretation of what the Filipinos were due away, I am convinced it requires somebody to do their homework and come to the floor and remind us of where our priorities are in this country; that until we have more than our kids need, the right priority is to spend it on ours and not necessarily on somebody else's.

I reiterate the fact that our veterans and our VA pension is designed for veterans who have no service-related injuries and who are poor, according to the U.S. definition of poverty, and the maximum VA pension payable to a U.S.-based veteran puts him at 10 percent above poverty and at 17 percent of the median average household income.

Again, the Philippine Government currently provides a $120 pension to this brave group of Filipino veterans, putting them at roughly 400 percent of poverty in the Philippines and 35 percent of the average household income. Adding an additional VA pension today, adding the pension that is already in S. 1315, would put a single Filipino veteran at 1,400 percent of the Filipino poverty level and 21 percent above the average household income.

Think about that. Our special pension is going to put them 21 percent over what the average Filipino makes annually.

If the argument I have made is not credible from the standpoint of prioritizing our spending, that it should be our kids and not necessarily their veterans, then I ask my colleagues: Is this our responsibility? Our responsibility is to take individuals and to put them 21 percent over the average working Filipino? I do not believe so. I do not believe that is a good thing. I believe it is wrong. But that is what we are being asked to do.

I am not sure the VA was intended to take people and put them in the middle class or, in the case of the Philippines, to put them above the middle class. It was to make sure our soldiers and their soldiers do not live in poverty. Clearly, they are doing better than we are today, and I challenge us to do more about ours, or maybe it describes for us the choice we have before us, that this would be ill-advised for us to proceed forward.

Since World War II, the United States of America has provided a tremendous amount to Filipino veterans. Congress authorized the construction and equipping of a hospital for the care of Filipino veterans. The Filipino Memorial Hospital Center VMMC was dedicated in 1955 and turned over to the Filipino Government free of charge. Congress authorized the transfer of another hospital located at Fort McKinley in the Philippines, including all the equipment contained in the hospital, to the Republic of the Philippines. Congress provided that annual grants be made to the Philippines to purchase equipment and material for the operation of these hospitals. Congress also authorized disability compensation, survivor compensation, funeral and burial benefits, dependents' educational benefits at the rate of 50 cents on the dollar for individuals residing in the Philippines and full-dollar benefits for those residing in the United States. Full eligibility for VA health care was provided to Filipino veterans legally residing in the United States.

We have done a lot. I am sure it is not as much as some want. We are faced with a job where we have people come in and ask every day—there is something everybody needs. I learned very early in life that the toughest thing to learn in life is to say no because that means somebody is upset with you. But you cannot go through life without learning the word "no." You cannot do it in business, and you clearly cannot do it in politics. Maybe that is why Charles de Gaulle said politics is too serious a matter to leave up to politicians. It requires a participation level of the American people.

My hope is, over the next day, 2 days—whatever the leadership decides is the future of this bill—that we will have an opportunity to educate the American people and, at the same time, we will educate Members of the Senate that no matter how far you want to look back, no matter how much you want to try to speculate what went on, that when you stick with the written word, when you look at what President Roosevelt said, when you look at what General MacArthur said, when you look at what the Senate did and Senator Hayden—and they were there at the time and the Senate was charged with determining whether this benefit was appropriate—that from all the information in real time they looked at, their decision was the Rescissions Act, to take away what the courts had awarded.

Now, 50 years later, we are being asked not to apply what they thought was correct but to apply what we think today. Even if you use that standard, I daresay you cannot make a claim that a special pension that puts Filipino veterans who live in the Philippines, with no service-connected injury, 21 percent over the median income in the Philippines is the right thing for us to do.

I know there are several Members who are going to come over shortly. I expect Senator CHAMBLISS any minute.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

EARTH DAY AND GLOBAL WARMING

Ms. KLOBUCHAR. Mr. President, 38 years ago this week, Senator Gaylord Nelson of Wisconsin, a great environmentalist and a good friend of many of our colleagues who are still here, came to the Senate floor with a novel idea. He proposed one day each year to honor our planet, an occasion to rededicate ourselves to stewardship of the Earth and the fight against pollution. He called his idea Earth Day.

When Senator Nelson proposed the first Earth Day in 1970, our country's environmental outlook was grim. Smog choked the air of Los Angeles, New York, and other great American cities; many communities dumped raw sewage and untreated industrial waste in our greatest rivers, including the Mississippi and the Illinois and the Hudson. Polluted air and fouled water weren't the only challenges troubling our country. We had endured a series of tragic assassinations of great leaders, we were torn over a war in Vietnam, and we had seen civil rights riots and antiwar demonstrations in our streets. The Nation was divided and, frankly, losing the self-confidence for which Americans have always been known.

But Gaylord Nelson was an optimist. He believed that with imagination and dedication, despite all the problems going on in the world, we could attack at least one of our country's problems, and that was the problem of pollution. With the commitment of our people and the leadership from our Government, we could devise ways to clean up our rivers and our lakes and the air we breathe. He was right.

Since 1970, when Congress passed the Clean Air Act, we have greatly cut the amount of noxious substances in the air we breathe. Emissions of carbon monoxide have fallen by 50 percent since 1980, according to the Environmental Protection Agency, lead emissions are down 97 percent, and sulfur dioxide emissions have dropped by nearly 50 percent.

Since 1972, when the first clean water legislation passed, we have set high standards for water cleanliness and given our cities and towns the resources they need to stop dumping untreated waste. Our great rivers—the Mississippi, the Ohio, and the Hudson—are healthier today than they were 30 years ago.

Now, this doesn't mean we don't have challenges with the Clean Water Act and the Clean Air Act. As a member of the environmental committee, I know some of the problems we have seen with this administration in terms of rollbacks of some of these great strides. Nevertheless, we all know things have improved with the Clean Water Act and the Clean Air Act since Gaylord Nelson declared Earth Day.

On Earth Day 2008, however, we confront a new environmental challenge. It is a challenge of equal and perhaps greater magnitude. I am talking here about global climate change.

For several years, our country had a debate over whether climate change was real or some sort of hoax perpetuated by doomsayers. That debate is over. There is now an undeniable scientific consensus that the Earth is warming. Study after study demonstrates that global warming is real and that it is affecting us now.

Early last year, the Intergovernmental Panel on Climate Change issued its latest report on the science of climate change. This report was produced by some 600 authors from over 40 countries. Over 620 expert reviewers and a large number of government reviewers also participated. This is a very cautious group of scientists with a very conservative process for meticulously reviewing the evidence and reaching their conclusions through consensus. What did they conclude? Well, they concluded that changes in climate are now affecting physical and biological systems on every continent.

Last November, the IPCC issued a followup report. It concluded that "warming of the climate system is unequivocal," based on observations of increases in global average air and ocean temperatures. It said that evidence from every continent shows dramatic changes in physical and biological systems, including melting of the permafrost, rising water temperatures, and changes in the habitat range of migratory animals.

So how did this all come about? Well, certain types of gases—most notably carbon dioxide but also methane and nitrous oxide—accumulate in the atmosphere and then absorb or trap the sun's heat as it bounces off the Earth's surface. The problem is that carbon dioxide doesn't dissipate quickly; it stays in the atmosphere for five decades or more, causing the Earth's temperatures to rise. This means that most of the carbon dioxide produced in the 1950s, the 1960s, the 1970s, and the 1980s—as I look at our pages, Mr. President, I realize many of them were not even born when this carbon dioxide was released—well, that carbon dioxide is still in our atmosphere today. And it means that carbon dioxide produced today will still be in our atmosphere in 2050 and beyond. All of that carbon dioxide has been trapping heat in our atmosphere. Over time, it makes global temperatures rise. In turn, sea levels rise—both because the water expands as the oceans warm and because melting glaciers and icecaps add more water.

Global warming is real, with enormous consequences for our world and for our economy. For example, here is a chart which shows the rising temperatures. Mr. President, 2006 was the hottest year ever in this country, capping a 9-year streak unprecedented in the historical record. The winter of 2006 was the warmest on record worldwide. Almost every State in our country is seeing higher temperatures.

You can see what we have here, with the coldest being 1, the warmest being 112. And you can see for several of the States it was the record warmest, and for most of the States it was much above normal, as in the Presiding Officer's State of New Jersey. Maybe you remember the year of 2006—it wasn't that long ago—and you can see how hot it truly was when you look at it from a worldwide perspective. It doesn't mean you won't have a year here or there that won't be normal, but when you look at the actual trend over the last decades, you see an increasing warming temperature.

Worldwide, glaciers are rapidly melting. In fact, almost everything frozen on our Earth is melting. A few months ago, it was reported that glaciers in the European Alps will be all gone by the year 2050. Experts believe that in 25 years there won't be a single glacier left in Glacier National Park. So if people are planning a vacation to visit Glacier National Park to see the glaciers, they better do it soon because experts predict that in 125 years there won't be any left.

Globally, sea levels have risen 4 to 10 inches over the past century. The frequency of extremely heavy rainfalls has increased throughout much of the United States.

The impact is especially dire in Greenland and the Arctic region. The temperature changes there have been the greatest, resulting in widespread melting of glaciers, thinning of the polar icecap, and rising permafrost temperatures. You can see here in our picture that since 1979, more than 20 percent of the polar icecap has melted away. There is the North Pole, and you see the Arctic sea boundary that we had in 1979, and now we have 20 percent melting of this icecap.

Well, I saw this firsthand, Mr. President, when I visited Greenland last summer with my colleagues from the Environment and Public Works Committee. Greenland has been called the canary in the coal mine for climate change. They have seen vast changes. We talked to local residents, and there are still more dogs than residents—more sled dogs—but we talked to some of the local residents who said they can remember the days when there was ice in their front yards, and now they are growing potatoes.

Other changes, such as the recent increase in the severity of hurricanes and other extreme or destructive weather events, are consistent with the kinds of changes scientists expect to occur on a warming planet. They are early indicators of even more dramatic climate shifts and economic damage that await us if we don't reduce greenhouse gas emissions and attack the problem of global warming. So here you have related economic losses, and these are, of course, from increased storms and wildfires.

I think we all remember well the wildfires in California. I remember this well because during the same time the wildfires were raging in California, we had a hearing in our Environment Committee where we had the commission on disease control testify. We noticed, when we looked at the written testimony, it seemed kind of chopped up. It turned out it had been edited by the administration. Among other things, of the parts that were edited out was a part about the effect climate change would have on disease and the mortality rates in our country. There was actually a part edited out that said it would lead to more wildfires in the Western States, just as the wildfires were raging in California.

So this is an example of the increased economic loss we have seen that are weather related in this country. You can see that from 1960 to 1969, and then you go up to 1988 to 1997, and of course I am sure you are going to see more now.

We have had fires in Minnesota and floods in Minnesota, and the people of our State are starting to see this in a very different way. In our State, one economic loss that isn't one of these hurricanes or fires is the decreasing levels of Lake Superior. That will be surprising to people who think sea levels are rising because Greenland's ice sheet is melting. Why would the level of our Great Lakes be going lower? They are going lower because the ice is melting more quickly, so the water evaporates, and Lake Superior is now at its lowest level in 80 years.

Now, you might think: Oh, Lake Superior is so cold, hardly anyone can go swimming anyway. Who cares? Well, it affects our economy in Minnesota because the barges are not able to come in. We have shipped something like 300 tons less, by my memory—we will have to correct the record if I am wrong—300 tons less of traffic because these barges cannot carry as much because the water level of Lake Superior is so low.

By that example, this is truly an issue that has finally moved out of the science labs and the classrooms and the seminar rooms and has entered the everyday conversations of people in my State. I hear it from hunters across Minnesota, who notice how our valuable wetlands are changing. I have heard it from the heads of our snow mobile associations, who testified at a forum I had with our Governor on climate change in January, because they have seen decreasing snow levels. I hear about it from ice fisherman because they have seen it takes longer for the ice to freeze and they can't put their fish houses out as early as they would like.

Just yesterday, USAToday had a story about the shrinking number of moose in northern Minnesota. Biologists think that global warming is affecting the habitat of these moose and making them more vulnerable to parasites, causing an incredible reduction in the number of moose.

This is how real people in the real world are talking about this. They are worried about what is happening to their planet and the consequences that will have for all of us and our children and our grandchildren.

So the question is, How will we respond in Washington? I am actually going to give a talk on this every single week, Mr. President, up to our debate on this bill in June, and I figured a good day to start was with Earth Day. But just to summarize—and I will go into more detail in other floor remarks I will make—how will Washington respond?

In December, the Environment and Public Works Committee approved a landmark bipartisan bill to get our country moving in the fight against climate change. I thank my colleagues, Senators WARNER and LIEBERMAN, for their work on this legislation, and I thank Senator BOXER, the chairwoman of our committee, for her leadership in developing this bill and moving this bill through the committee.

This legislation is visionary, but it is also practical. The bill would, for the first time, set mandatory caps on carbon dioxide emissions, on greenhouse gas emissions. It would establish a cap-and-trade system to use market forces so that the private sector can reduce greenhouse gas pollution in the most efficient way possible.

And I can tell you, we have learned from experience. We did this with acid rain, and it was very successful. We have seen from what the European Union did what is good and bad, so we can learn from that experience and do, I would say, a better job in this country, if we can get this right.

This legislation, in its first title, also contains my proposal, the bill I introduced with Senator SNOWE, for a carbon counter, which is a national greenhouse gas registry, because you can't fix a problem if you can't measure it. Right now, we have 33 States off on their own starting a climate registry, which shows how absurd the situation is getting. They want to act because they are hearing from the people in their States. They know they can't wait, so they have started their own climate registry, instead of what makes sense, which is a Federal registry. And that is the first title of this bill.

In a few weeks, we are going to bring the Lieberman-Warner bill to the floor, and we will have a chance to take a historic step on behalf of our country—in fact, on behalf of the entire world. As we prepare to consider this important legislation, there is something else we need to remember, and that is that global warming is, of course, a huge challenge, but it also presents opportunities for our country. It gives us the opportunity to develop new technologies, new jobs, and new industries. It gives us the opportunity to reduce our dependence on foreign oil, which just hit another record of $117 per barrel this week. It gives us an opportunity to give consumers new, cheaper alternatives to fossil fuels. Whether it is an electric car, a hybrid car, or looking at what Brazil did with sugar cane, where they became energy independent, so they are not dependent on foreign oil, we know there are things we can do beyond what we are doing now with switchgrass, prairie grass, and all kinds of alternative technologies. But we have to set the standards as a government so we can encourage that kind of investment. We are not going to have a silver bullet here. As we like to say in Minnesota, we will have silver buckshot. We are going to have a number of proposals and alternatives, but we have to get moving by setting the standards.

This is an opportunity that we must seize now. I am proud to celebrate Earth Day today, to join with my colleagues and millions of Americans in honoring our planet. But in the decades since Gaylord Nelson sponsored the first Earth Day, the occasion has often turned into a symbolic event, a day for teach-ins at our schools and rallies at our State capitols. I participated in them myself.

But today, 38 years after its inception, we have the opportunity to return to the original spirit of Earth Day and celebrate the occasion with action, the action of investing in the farmers and the workers of this country instead of the oil cartels of the Mideast; the action of finally doing something to set that investment in place so we can develop the next generation of new technology, as we did when we said we were going to put a man on the Moon. It was great to put a man on the Moon and beat Russia—and look at what came out of that: the CAT scan and infrared technology. I remember in the 1970s my family went on camping trips with those little chocolate space sticks that came out of that trip to the Moon—hundreds and hundreds of new technological developments because our Nation put its mind on one goal.

This is another time to take action. We will have a chance to pass this climate change legislation that is forward looking, that is bipartisan, and that is pragmatic. We will have the chance to answer the call of the people in this country—the little kids with the penguin buttons, the hunters of Minnesota who see the changes of their wetlands. They see the urgency of this issue. We have a chance to regain world leadership on the most pressing environmental challenge of our day. We will have a chance to take our place in a great tradition of environmental stewardship in the Senate and to renew the promise that Americans made on the first Earth Day, 38 years ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, it is my understanding we are postcloture and I have up to 1 hour, is that correct?

The PRESIDING OFFICER. The Senator will suspend for a moment, please.

The Senator is correct.

Mr. CHAMBLISS. Mr. President, I rise in opposition to S. 1315, but to speak in favor of Senator BURR's alternative bill, S. 2640, the Veterans' Benefit Act of 2008. As we continue to prosecute the global war on terrorism and take care of our veterans who are returning from that effort, as well as take care of veterans from all our past conflicts, our Nation has an obligation to these veterans and their families who make the greatest sacrifices to defend our Nation and freedom across the world. This obligation extends to providing our brave young men and women with the optimal rehabilitation care, compensation packages, and long-term benefits for their service.

This is a very familiar issue to me, and I was pleased to offer several amendments with my Senate Armed Services Committee colleagues during last year's markup of the wounded warrior bill, which will go a long way to improving the treatment and benefits these wounded warriors will receive, both now and in the future. Both of the bills at issue today go a long way to further improving the care of our veterans and wounded warriors, and it is very clear that both Senator BURR and Senator AKAKA worked very hard to craft bills that will benefit our veterans and their families.

S. 1315 makes many significant changes in the area of insurance, housing, labor, and education benefits for our veterans. However, the bill pays for these increased entitlements by reversing a 2006 court decision, which would effectively take $2,000 annually from poor, elderly, disabled wartime U.S. veterans.

Also included in the bill's spending is $221 million to create a new pension benefit for Filipino veterans residing in the Philippines, all of whom are not U.S. citizens and none of whom have any disabilities relating to World War II service.

There are two significant problems with the new spending on Filipino veterans. First, it takes money from poor veterans in the United States, to in effect create a middle class of non-United States veterans residing in the Philippines. Second, it comes at the expense of benefit improvements that are needed for our returning combat veterans of the war on terror.

Under current law, a VA pension benefit paid to an individual U.S. veteran cannot exceed $11,181 a year, which is roughly 17 percent of the United States average household income. S. 1315 would create a new, special pension benefit for Filipino veterans in the Philippines that will put them at over 87 percent of average household income in the Philippines!

As Senator BURR stated on the floor earlier today, the contributions of Filipino veterans during World War II is a matter of public record and is without dispute. We do owe them a huge debt. They fought on the side of the allies and made a significant contribution to the war effort. However, it is not fair to fund a pension for these veterans at the expense of poor U.S. veterans, which this bill unfortunately does.

I hope the supporters of S. 1315 will hear me when I say that a vote against this bill is not a vote against the contribution that the Filipino veterans made to the effort in World War II. Rather, it is a vote against taking an existing benefit away from a U.S. veteran.

Senator BURR's alternative, S. 2640, will provide veterans with improved life insurance policies, enhance the veterans mortgage life insurance program, improve disabled veterans housing benefits by 10 percent, as well as index future housing benefits to inflation.

S. 2640 also provides for automatic annual increases in burial benefits for our veterans families as well as improved educational opportunities to our National Guardsmen and Reservists who serve for a total of 2 years in an active-duty status.

In relation to Filipino veterans, S. 2640 provides a pension plan to Filipino veterans who have resided in the United States and have not received any benefits from the Filipino Government. In addition, it provides for full disability compensation for Filipinos residing anywhere in the world.

Our Nation's commitment and number 1 priority must rest with taking care of our current veterans, particularly those who have disabilities resulting from their service, which 2640 provides. I encourage my colleagues to support S. 2640, which provides the right compensation and the right policies for the right servicemembers.

I yield the remainder of my time to Senator BURR.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. I thank my friend and colleague from Georgia.

I think my colleague put it very well. The big question is, has the U.S. Government met its obligation to Filipino veterans? I think that is at the heart of what some Members have raised with respect to this special pension. Let me say, Filipinos who fought under U.S. command in World War II were no doubt invaluable to the victory in the Pacific. Yes, they were U.S. nationals at the time, but they were also on a timetable to transition to a newly independent, sovereign Philippine Union. Thus, their welfare has always been a shared responsibility between the U.S. Government and the Philippine Government.

Here is what the U.S. taxpayer has already funded to meet United States commitments to the Filipino veterans. After the war the U.S. provided $620 million—that is $6.2 billion in today's dollars—for repair of public property, war damage claims, and assistance to the Philippine Government. VA compensation for service-related disabilities and survivor compensation was also provided, paid at a rate that reflected differences in the cost of living in the Philippines.

Let me suggest, about this cost of living consideration, the first time it has been raised is not today by me. It was actually applied in the 1940s, at the conclusion of the conflict, to the United States.

No. 2, the United States provided $22.5 million—$196 million in today's dollars—for the construction and equipping of a hospital in the Philippines for the care and treatment of Filipino veterans. In addition, the United States provided annual grants for operation of the hospital which was later donated to the Filipino Government. The grant assistance continues to this day.

Survivors of Philippine veterans who died as a result of service are eligible for educational assistance benefits, paid at a rate that reflects the differences in the cost of living.

All of a sudden we have second reference to payments being made in the Philippines at the conclusion of the conflict where the cost of living differential was considered in what the United States payment was.

Filipino veterans legally residing in the United States are entitled to a full rated compensation, full rate cash benefits, full access to the VA health clinics and medical centers, and burial in our Nation's national cemeteries.

In addition to that, I have mentioned another hospital at Fort McKinley that was donated to the Philippine Government.

The big question for Members of the Senate and members of the Roosevelt administration, the Secretary of War at the time, was how can we best help the Filipino people? How can we best help these veterans? It was to reconstruct the country. It was to create an infrastructure where health care could be delivered. It was to repair roads. It was to repair the infrastructure so the Philippines post war could have an economy, not dissimilar to the Marshall plan in Europe where the United States and others—primarily us—funded the reconstruction of much of Europe. That is because we knew a country without an economy, without the ability to manufacture something, without the ability for its people to earn something, probably would not survive.

We made the right decision. We pumped into the infrastructure billions of dollars by today's standards. We gave them hospitals. We built them hospitals. We gave them equipment. We bought them equipment. Today we still provide a grant assistance to the Philippines for the care of Filipino veterans.

Some might say if we had a different administration maybe things would be different. On July 25, 1997, the Senate Committee on Veterans' Affairs heard testimony of Stephen Lemons, Acting Under Secretary for Benefits, in opposition to the bill granting full VA benefits to Filipinos. It was not the Bush administration, it was the Clinton administration. This has spanned 50 years. Think of the numbers of administrations. The quote then was:

> Its enactment would upset decades-old policies which have authorized some but not all VA benefits based on this service.

I go on:

> History shows that the limitations on eligibility for U.S. benefits based on service in these Philippine forces were based on a carefully considered determination of the government's responsibility towards them.

I also continue:

> Current law appropriately recognizes our two nations' shared responsibility for well-being, and should not be changed as proposed by this bill.

The Clinton administration lobbied Congress not to do what we are considering doing in S. 1315. What is it? To extend a new, special pension to Filipino veterans who live in the Philippines, who have no service-connected disability, that, along with the Philippine pension that is currently in place, would put these individuals at 1,400 percent over the poverty line and 27 percent over the average median income of the Philippine people.

Now, I went a little bit further. I checked out this book from 1948. It is called House Committee Hearings. I want to turn to one section I think is pertinent to this debate. Because 1946 was the year we passed the Rescissions Act. The Rescissions Act revised the Court's interpretation of what were VA benefits. This sheds a tremendous amount of light on the difference between my understanding and what those who were charged with investigating U.S. obligations at the time were.

There was a Father Haggerty who testified in front of the committee. These are Father Haggerty's words:

> It was constantly promised that as the Ambassador mentioned in radio broadcasts, official American broadcasts to the Philippines during the war, it was definitely promised by General MacArthur, General Wainwright, and also it has been acknowledged, I believe, that Filipino groups recognized the guerillas, acting as members of the United States Armed Forces, were entitled at one time to the complete GI bill of rights; that is, they were included. I believe that is correct, and were later left out.

Mr. Allen, a member of the committee:

> May I say this, Father, I know you are sincere about it. But I think you are in error there because there are three or four of us

> here on the committee who were present when the GI bill was written. And I do not think this was ever entered into.
>
> The chairman: "It did not come up?"
>
> Mr. ALLEN: "The Filipinos never entered into it."
>
> Father Haggerty: "I am also speaking of the impression that they all had."
>
> Mr. ALLEN: "We are not responsible for impressions, of course."

I said earlier I have tremendous respect for my colleagues who are on the opposite side of this issue with me. I am sure their recollections—they served, I did not—are probably as accurate as Father Haggerty, who in 1948, voluntarily, I think, went in front of a House committee, probably the veterans committee, along with an ambassador, and the Ambassador swore: "This is what I understood."

Father Haggerty said:

> This was what I—I heard it, I heard the American Government say it. I heard General MacArthur say it, General Wainwright say it.

Well, I said earlier to those who were listening, we had testimony from the Army that said: We looked at General MacArthur's records. We looked at President Roosevelt's records. There was never an intent for this to be extended.

Now, what we find in the Congressional hearing in 1948 is those specific questions were asked by members, and Father Haggerty swears this was accurate, that we said this, that this was the intent of the GI bill.

And Mr. Allen, a member of the committee:

> May I say this, Father? I know you are sincere about it. But I think you are in error. You are in error because there are three or four of us on this committee who were present when the GI bill was written, and I do not think this was ever entered into.

I am sure as we go through this, we are going to find others who come to the floor and say: Listen, I know this was the intent of Congress. It is probably the way they envisioned it today. But when you go back to the actual records of the 1940s, when you go back to the 1948 testimony, when you go back to the 1946 rescissions bill, when you go back to 1944, and Senator Hayden, this has been explored over and over and over. In every case, with different members, they came to the same conclusion. Let me read from a more recent committee hearing, the committee hearing that took place last year with Senator CRAIG, who was then ranking member of the committee, as he talked to Mr. Ron Aument.

He said:

> Ron, let me take off from where the chairman has gone with a couple of questions. If the committee were to structure a pension benefit for those residing in the Philippines that had the same purchasing power that a pension recipient in the United States had, what would be the equivalent maximum pension benefit? Have you ever done any calculations based on S. 57?
>
> Mr. Aument: Yes, we have, Senator Craig. It has not been a simple calculation because some of the economic statistics that we would be turning to are not as readily available to us. Having said that, if we take a look at what today's pension rate for an American veteran is with one dependent, we mentioned it was around $14,000 annually, and contrast that to the average household income for the most recent census statistic we had at around $46,000 annually, it is around 30 percent of the average household income.
>
> If we were to compare that to the average household income in the Philippines of around $2,800, we are speaking around $820 annually in the form of a pension.

So last year, to bring on par with the United States, on what we do with special pensions for veterans, we made a commitment that they will not live in poverty. What Mr. Aument said was:

> If we calculated today the Filipino pension, that would be identical to the U.S. pension, it would be $820. The existing Filipino pension to the Filipino veterans is $120 a month, which equates to 400 percent above poverty.

Our own witness early last year basically said that the average household income in the Philippines was $2,800, and $820 annually would put a Filipino veteran on the same par with an American veteran receiving a special benefit, a special pension.

Yet what we are here to debate over the next several days is whether the Senate is going to extend to these Filipino veterans who live in the Philippines, who have no service-connected disability, a pension, in combination with the Philippine Government, that will equal 1,400 percent above poverty, that will equal 27 percent above the median income in the Philippines.

We base this all off the belief that we made a promise we are not keeping. I gave three specific instances before, I read from the committee hearing from last year, that dispel any belief that there was ever a promise. The 1948 account I read from the House committee hearing is not the only one; it is the 1946 Rescissions Act, it is the 1944 hearing with Senator Hayden. All of them point to the fact that those people who were involved in crafting, writing, and passing the GI bill had no intent for this benefit to ever be extended.

I am hopeful my colleagues will see the priorities we are faced with as it relates to our own veterans, that they will look at these severely disabled soldiers and sailors and airmen and marines who are coming back from Afghanistan and Iraq today, having given their all, injured in a way we cannot replace but with an opportunity to supplement their quality of life.

We can supplement that through a number of different fashions. We can supplement that by extending and raising the housing provisions for their ability to adapt their houses to their disability, $5,000 more dollars; we can raise the grant allowance for cars so individuals such as Eric Edmundson's family is not stuck with $14,000 out-of-pocket to make sure they have a van that his wheelchair can go into, that lifts him up, and gives him the ability to have some degree of mobility.

I think that is the priority. That is the choice tomorrow that Members of this body will be given in a substitute that I will propose, that still embraces the majority of what Senator AKAKA had in his bill but eliminates one glaring thing, it eliminates the special pension for Filipino veterans who live in the Philippines, with no service-connected disability.

It replaces it with an expansion of veterans' benefits for our soldiers or our airmen, our soldiers, our marines. I am convinced this is not only the right thing to do, that we have a historical blueprint that tells us that folks before us who held our jobs have already judged that this is not a promise that is broken; that when you look at the numbers, I am not sure you can be more compassionate. We are not this compassionate to our own troops, to our own veterans.

How can anybody come to the floor and make a claim that providing a pension 1,400 percent above the poverty rate, when our veterans are at 10 percent above poverty, is equitable or fair; that there should be one taxpayer who should be asked to contribute to something that does not affect increasing the quality of life of our veterans first and foremost.

I think America would hold a different compassion if the current Philippine pension did not provide a cushion between poverty and the stipend they get of 400 percent. I think we can make the case that it is not a big enough cushion to have American veterans only 10 percent above the poverty line.

But we have an opportunity not to grow it from 400 to 1,400 and to use that extra 1,000 percent to actually affect the lives of our service personnel who are severely disabled who are coming home every single day.

It is my hope and my belief that tomorrow my colleagues will understand the importance of my substitute amendment. It does not devalue the contribution the Filipino veterans made to the United States and to the war in World War II. What it does is recognize the commitment we already made to the Philippines, to its people, recognizing the fact that the group that we are talking about was part of the Commonwealth Army of the Philippines, not the Army of the United States; that even though they were commanded by Americans, they were part of a military that existed within the Philippines, and to suggest that being part of somebody else's Army but commanded by us would suggest that most everybody who was under U.S. command in World War II in the European theaters would now be eligible if this precedent went through for a special pension, that is not the intent of this Congress, it is not the intent of past Congresses, and certainly I do not think it is the intent of the American people.

I believe the responsible thing to do is to pass this package that has over $900 million worth of benefits, $800 million under the substitute that would go to our children and our grandchildren, and 100 million that would go still to Filipino veterans who live in the United States or live in the Philippines but have service-connected disabilities.

We are not an uncompassionate country. We do not believe our taxpayers should help to drive an income level of someone else to a point that we are not willing to commit to our own. When we have our veterans at 1,400 percent of poverty, I am willing to come to the floor and talk about putting their veterans to 1,400 percent of poverty.

But those who have held our job before us have already determined there is not a promise, there is not an obligation, there is not a piece of paper that said we were going to do this. A lot of people think there was. But there was not.

I look forward to the opportunity to debate the amendment and to debate in more depth the history of this benefit and this obligation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to be listed as a cosponsor of S. 1315.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I come to the floor this evening to speak on behalf of the Veterans' Benefits Enhancement Act embodied in S. 1315. This legislation passed the Veterans' Affairs Committee in August of 2007. I know the work that goes on in that committee because I served on that committee with Senator AKAKA and many Members. It is an important tradition that committee has worked in a bipartisan spirit to make sure the United States honors the debt we owe to our veterans, some 25 million veterans in America and 1.4 million, 1.5 million veterans of Operation Iraqi Freedom and Operation Enduring Freedom. It is through that committee that legislation emerges to make sure the promise this Nation makes to its veterans is a promise we keep.

In my view, the fact that so much time has passed since S. 1315 came out of the Veterans' Affairs Committee in August 2007 until we have it today on the floor is, frankly, inexcusable. At the end of the day, the committee worked to put together legislation to better serve the Nation's veterans.

The legislation before us does some very important things. It expands eligibility for traumatic injury insurance. That is very important, especially today when we see the kind of trauma and injuries our veterans are facing coming back from Iraq and Afghanistan. We have now over 30,000 veterans who have been grievously wounded in that war. I know most of my colleagues have been to Walter Reed or to veterans hospitals where they have seen the kind of wounds our veterans are experiencing because of explosions of IEDs and other kinds of attacks made on our troops. The expansion of traumatic injury insurance is important for our men and women who serve.

The bill also extends the eligibility for specially adapted housing units to veterans with severe burns. I know in my visits to those who have been wounded in Iraq and Afghanistan, I have seen many who are in burn units who have suffered the scars of this war. This benefit for housing units that are specially adapted for those who are suffering burn injuries is a very important provision in this legislation that will be part of our efforts to make sure we are providing support to our veterans who have served.

This legislation is also important because it increases benefits for veterans pursuing apprenticeships or on-the-job training programs. Across the country and in my State of Colorado, we know there are many veterans who are unemployed. In fact, in most States, about half of the homeless population comes from the veterans ranks. So providing on-the-job training opportunity for these veterans is important. This legislation does that.

For all of the good things this legislation does, we could have taken it through this Chamber, through the House of Representatives, and to the President's desk, and we could have had that legislation already in law. We could have the framework of a law now honoring the veterans of America in the way they should be honored. Yet because of one provision of this legislation, it has been held up not 1 month, 2 months, but since August of 2007, to the point where today it is already April of 2008, and we are on the floor of the Senate trying to break a filibuster over legislation that is supposed to provide a benefit to our veterans in important ways.

The provision which some on the other side have objected to—not all of them but some of them—has to do with the treatment of Filipino veterans during World War II. I join, proudly, my colleagues—Senator INOUYE and Senator STEVENS—in support of the legislation that would restore the benefits to Filipino veterans by granting them full veterans' status for the sacrifices they made during World War II.

Over the last half century, the treatment of Filipino World War II veterans, in my view, has been a stain on our national honor.

The Philippines became a possession of the United States in 1898, when it was ceded by Spain following the Spanish-American War. During that time period, and for the following 60-some years, the United States essentially controlled the territory and the people of the Philippines.

It was in 1934, then, that the Congress enacted the Philippine Independence Act. That provided a 10-year timeframe for the independence of the Philippines. But it was during that 10-year timeframe, when the Philippines essentially were in a commonwealth status relationship to the United States of America, that the clouds of war and the horrific war of World War II beset the entire globe.

Between 1934 and 1946, the United States retained powers over the Philippines, including the right as a government to call the military forces organized by the Commonwealth Government into the services of the Armed Forces of the United States.

On July 26, 1941, President Franklin Roosevelt issued a military order calling on the Commonwealth Army of the Philippines to serve with the Armed Forces of the United States in the Far East.

The Filipinos who served were entitled to full veterans' benefits by reason of their service under the command of our Armed Forces.

Of the 470,000—that is 470,000; that is nearly half a million—Filipino veterans who volunteered, approximately 200,000 served in the Philippine Commonwealth Army, the Philippine Army Air Corps, and the Philippine Army Offshore Patrol—all under the command of the United States of America and our military.

We, I believe, in America cannot forget the sacrifice of our Filipino friends who fought side by side with American soldiers in World War II.

They constituted the vast majority of the 80,000 soldiers who defended the Bataan Peninsula against the Japanese invasion.

They constituted the vast majority—the vast majority—of the soldiers who were forced on the Bataan Death March.

They fought side by side with American soldiers to defend Corregidor in 1942.

They fought as guerrillas after the Japanese captured the Philippines.

They worked behind enemy lines to provide intelligence to the American Army. More than half the battalion that was tasked with providing intelligence from the occupied Philippines later received the Bronze Star for their heroic service.

When President Roosevelt signed a bill for the Filipinos to enlist in the

U.S. Army, the Army stood up two entirely new regiments—the 1st and 2nd Filipino Infantry Regiments.

The 1st and 2nd Filipino Infantry Regiments participated in the bloody combat and mop-up operations at New Guinea, Leyte, Samar, Luzon, and other major battles in the Philippines.

Members of the 1st Regiment were also attached to the U.S. 6th Army, and they were working often behind enemy lines to help free the Allied prisoners from the death camps in 1945.

In my view, the Filipinos who served in World War II were entitled to full veterans' benefits by reason of their service with our Armed Forces. Despite all their sacrifices—despite all their sacrifices—after the war was over, after the Philippines gained officially their independence, the Congress passed the Rescissions Act of 1946, now codified in our U.S. law.

The 1946 act precluded most of the Filipino World War II veterans from receiving veterans' benefits that were available to them prior to 1946 and that are available to all other veterans of our Armed Forces today regardless of race, national origin or citizenship status.

S. 1315, today, would restore veterans status to those World War II heroes and, in particular, it would provide pension benefits to aid Filipino veterans residing in the Philippines during their twilight years.

The pension benefits under S. 1315 would amount to less than one-third—to less than one-third—of the basic pension amount provided to veterans living in the United States of America today. The average income of persons residing in the Philippines, however, is considerably lower than their counterparts in the United States. So the pension benefits under S. 1315 would provide a decent standard of living to these veterans.

Our Nation cannot abandon those who have served under our flag and who have served under our command. We must rally in support of these proven friends of America and act to redeem our Nation's debt in honor of their service.

I urge my colleagues to support S. 1315 in its entirety, and to support granting the benefits that the Filipino veterans from World War II, in my view, have earned.

Ms. MIKULSKI. Mr. President, I am proud to rise in support of the Veterans' Benefits Enhancement Act of 2007. This bill expands much needed and long overdue benefits for the men and women in uniform who have served overseas in difficult and dangerous circumstances to keep America safe.

We must honor our U.S. soldiers who have died in the name of their country. These service men and women are America's true heroes and on this day we pay tribute to their courage and sacrifice by bringing this bill to the Senate floor. Some have given their lives for our country. All have given their time and dedication to ensure our country remains the land of the free and the home of the brave. We owe a special debt of gratitude to each and every one of them.

Our Nation has a sacred commitment to honor the promises made to soldiers when they signed up to serve our country. As a member of the Senate Appropriations Committee, I fight hard each year to make sure promises made to our service men and women are promises kept. These promises include access to quality, affordable health care and a proper burial for our veterans.

That is why I am an enthusiastic supporter of the Veterans' Benefits Enhancement Act of 2007. This bill provides an increase in burial benefits for the families of our wounded or disabled veterans, which I have been fighting for since 2001. This means that service-connected burial benefits will increase by $2,100 for a total of $4,100; non service-connected burial benefits will increase by $900 for a total of $1,200; and, plot allowances will increase by $445 for a total of $745. These benefits will increase annually to keep up with inflation.

I am also proud to support this bill because it takes an important step in recognizing the sacrifices made by our men and women of the National Guard and Reserve by expanding the Department of Veterans Affairs, VA, outreach program. This program provides important information about benefits and services that veterans and their spouses, children and parents may be eligible for through the VA. By expanding this program we are ensuring that our citizen soldiers and their families have the resources and help they need to make a successful transition back to civilian life after answering our Nation's call.

This bill also recognizes the sacrifices of veterans who are suffering from the physical, permanent wounds of war. It expands eligibility for traumatic injury insurance and specially adapted housing benefits to veterans with severe burns. It also restores veteran status to Filipino veterans who served under United States command in World War II.

Whether fighting to defend democracy overseas or standing sentry on the home front, America's veterans have been there for us. We have a sacred commitment to honor all of the promises made to them when they signed up to fight for us. That's why I am fighting hard today and everyday in the U.S. Senate to ensure that the federal government maintains its commitment to veterans. Promises made must be promises kept.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—S. 1315 AND H.R. 2831

Mr. REID. Mr. President, here we are again not being able to go to the bill. I would hope we could go to this bill tomorrow and debate it all day. As everyone, I think, knows, we would like to have a vote tomorrow night at 6 o'clock on the reversal of the Ledbetter decision.

So I have conferred with the manager of the bill and told him I was going to ask consent that in the morning we have the opportunity to go to the bill and legislate—have people offer amendments on it tomorrow—that we would go at 6 o'clock tomorrow to the cloture vote—the motion has been filed—on the Ledbetter decision. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection?

Mr. BURR. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. REID. Mr. President, would my friend like me to be a little more specific?

Mr. BURR. I would love for that.

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, April 23, following a period of morning business, the motion to proceed to S. 1315 be agreed to; and that the vote on the motion to invoke cloture on H.R. 2831, the Lilly Ledbetter Fair Pay Act, occur at 6 p.m., with the time from 5 to 6 p.m. equally divided and controlled prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. BURR. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. We had a unanimous vote earlier today to proceed to the bill. I believe it has been a productive day. I believe Members have learned a lot in the debate, and I think it is important to get the history of the issue on the record for all Members.

Having said that, I am prepared to begin consideration of the bill and for the amendment process to begin as well. Under the rules, my understanding is the cloture vote on Ledbetter would proceed an hour after we convene.

Now, I am not in a position to delay the Ledbetter bill, but I am in a position to agree to go immediately in the morning to consideration of S. 1315. The way the majority leader has worded his unanimous consent request would push off the rules of the Senate, requiring that the Ledbetter vote be in the morning. So, therefore, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I think my friend may have misunderstood my consent request. I think it is appropriate—we would not have to have morning business in the morning. We could go directly to the bill in the morning. We could convene at 9:30, 10 o'clock—whatever would be convenient to the minority—and we would legislate on that all day tomorrow, offer amendments. My friend wants to, I am sure, offer an amendment to change the provision in the bill as it relates to Filipinos. That would be fine.

At 6 o'clock we would have a vote on a motion that has already been filed to invoke cloture on Ledbetter. That would take 20 minutes. That is all it would take. And then, if cloture, of course, is invoked, then we would be on Ledbetter. If it were not invoked, then we would be right back on S. 1315.

So again, I say to my friend, I think it is a good idea we go to the legislation in the morning. I wanted to do it Thursday night. We did not do it Thursday night. We did not do it Friday. We did not do it Monday. We have not done it today. So I would hope on Wednesday morning we could do that. That was my consent: We go to that, we take a brief pause at 6 o'clock tomorrow evening to vote on cloture on Ledbetter. It would take, as I said, no longer than 15 minutes, maybe 20 minutes if somebody is late for the vote, but that is how long it would take.

So that seems appropriate.

Mr. BURR. May I ask a question of the majority leader?

Mr. REID. Of course.

Mr. BURR. My understanding in the unanimous consent request is that as to the rule that would require us to vote on cloture on the Ledbetter issue 1 hour after we started business tomorrow, under the unanimous consent request, the majority leader has asked that to be postponed until 6:30 tomorrow night. Am I correct?

Mr. REID. Yes. What I did ask is that the vote on Ledbetter would be at 6 o'clock tomorrow.

Mr. BURR. Six o'clock. I apologize.

Mr. REID. The reason being—and it is certainly no secret to anyone—we have a number of Senators who want to vote on that matter, and we would ask that be the schedule.

I would say no one would be inconvenienced with that. If my friends do not accept the consent request I offer, then the only alternative we have is to waste another day because we are postcloture with 30 hours. That time expires at 6 o'clock tomorrow. That is what time it expires. That is why that arbitrary 6 o'clock time was chosen.

As I repeat, Thursday we could have been on the bill. Friday we could have been on the bill. Monday we could have been on the bill. Tuesday we could have been on the bill. As I have indicated—and I am certain my friend has heard some of the statements that have been made today about our not being able to legislate—we have had to invoke cloture so many different times it is difficult to comprehend, but it is approaching 70 times. It would seem to me it would not be a fruitful use of the time not to be in session until 5 o'clock tomorrow. Because under the rules—my friend is right—cloture happens automatically an hour after we come into session. So it is going to happen at 6 o'clock no matter what.

It would seem to me, as to this important piece of legislation, we should be legislating on it from 9:30, 10 o'clock in the morning—whatever time would be convenient to come in. This request I am making is certainly not an unusual request. We almost always, with rare exception, have cloture votes by consent because, as I have indicated, the rules call for cloture votes taking place 1 hour after we come into session.

Today, we set the cloture vote on the motion to proceed to S. 1315—that was by consent. We, with rare exception, do it by consent. It is not as if we are here suddenly trying to invent the wheel.

Simply stated again, Mr. President, I am saying, at 6 o'clock tomorrow, we are going to have a vote on the Ledbetter reversal. Preceding that, we can have a very productive day and work on this veterans bill. Or we can follow the rules and be out of session all day tomorrow and come in at 5 o'clock and have an hour of debate prior to the cloture vote. So it is established we are going to have a cloture vote at 6 o'clock. The question is, should we have a productive day? We want to have a productive day. We want to legislate over here on this important issue.

I agree with my friend, the distinguished Senator from North Carolina, we have had a good debate today. I was extremely impressed with Senator INOUYE's statement. For someone who is a Medal of Honor winner, I think it means a lot coming from him that we all have a misconception of a lot of things that went on in World War II, not the least of which is the Bataan Death March.

In all the movies and everything you see about the Bataan Death March, you see a bunch of White men being driven by the Japanese, many of them to their deaths. That death march had 15,000 Americans and 60,000 Filipinos. That was very educational for me. We have had a number of good statements here today. So I would renew my consent request.

Mr. BURR. Continuing my reservation, Mr. President, as I understand the leader, it is not the minority and it is certainly not me who is suggesting that tomorrow be unproductive; it is the majority leader's desire to change the Senate rules and to move a vote on cloture on the Ledbetter issue from 1 hour after we come into session to 6 o'clock tomorrow night to accommodate people who are not in Washington, supposedly when the Senate is in session.

I think the Senator makes some great observations about the debate today. I agree with him about the heroism of Senator INOUYE and others, Senator STEVENS, who performed bravely in the Pacific in World War II, and the debate we have had today. If we have learned anything, it is that we have brave Senators, but we also have the history to look at as to whether this benefit was intended for these individuals. That is why the debate was so important that Senator REID and I discussed earlier yesterday and we continue now. But with the insistence that we change the Senate rules and delay the vote on Ledbetter, I would have to be opposed to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Thank you, Mr. President. I appreciate the comments of my friend from North Carolina. The record is very clear. This is a continuation of my friends on the Republican side wanting to accomplish nothing rather than something. I understand that. I accept that. I have gotten used to it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATION OF EARTH DAY

Mr. DURBIN. Mr. President, Earth Day has been celebrated on April 22 every year since 1970. Much has changed since then. Americans have grown increasingly aware of importance of environmental stewardship for the wellbeing of our country. New challenges have emerged, though, that we didn't recognize in 1970. New sources of pollution threaten our air and water. In recent weeks, for instance, we have been reminded that there are chemicals and pharmaceuticals entering our waters whose effects on the environment are largely unknown.

Perhaps our most important challenge perhaps the greatest problem mankind has ever faced—is global warming. Disruptive climate change threatens our ecosystems, our national security, and our economy. Landmark laws such as the Clean Water Act and the Clean Air Act have done much to protect America. Now, though, our generation is being asked to step up to save our planet as a whole.

The science is unequivocal: global warming is real and manmade greenhouse gases are the root cause. The scientific debate is over, and the time for action is at hand.

Congress is taking this responsibility seriously. Several bills have been introduced in the 110th Congress that would attempt to reduce greenhouse gas emissions. Among them is America's Climate Security Act, the bill crafted by Senators Lieberman and Warner.

The Lieberman-Warner bill has the potential to reduce America's total greenhouse gas emissions by 25 percent by 2020 and 66 percent by 2050 compared to 2005 levels. These cuts would restore U.S. leadership in international climate change negotiations and help avoid the worst consequences of global warming.

There is no doubt. We need to start cutting greenhouse gases now. What have we heard from the White House on this? Last week, President Bush said America's goal should be to start to reduce the rate of greenhouse gas emissions by 2025. Representative EDWARD MARKEY, chairman of the House Select Committee on Energy Independence and Global Warming, described the plan this way. The President's short-term plan for global warming is: Do nothing. His intermediate plan is: Do nothing much. And his long-term plan is: Do nothing close to what is required to avoid global catastrophe.

The White House plan is not nearly good enough. As global warming progresses we can expect more coastal flooding, more inland droughts and wildfires, more severe storms, more global water and food crises, and more stress on species and habitats that are already at risk for survival. A White House policy of "business as usual"—of continuing to allow greenhouse gas emissions at an unchecked, accelerating pace—will sentence America to an increasing number of catastrophes—catastrophes that will be costly in terms of dollars and of human life and health.

We in Congress have another choice—the choice to honestly debate a rational plan for reducing greenhouse gas emissions and enacting laws that protect our planet and America's future.

The founders of Earth Day created a legacy that lives with us today. Americans recognize that our well-being is founded on a clean and healthy environment. We have seen much improvement in the environmental stewardship shown by our nation's citizens and industry. Congress can be proud of the role it has played, too. Today, on this Earth Day, America is faced with a new set of environmental challenges. I look forward to working with my Senate colleagues as we do what Congresses before us have done: set aside our personal and partisan differences to do what is right for our country.

Mrs. DOLE. Mr. President, I rise today in support of Earth Day. Thirty-eight years ago, 20 million people from across our country celebrated Earth Day for the first time. This has since become an important annual tradition, not only in America, but across the globe. What started as a day to voice concerns over smog, litter and dirty rivers is now a global movement to clean our air, land, and water for future generations.

I am pleased that we have found many commonsense solutions to difficult environmental problems since the first Earth Day in 1970. For example, in 1978 we banned chlorofluorocarbons in aerosol cans because of their devastating affect on the ozone layer. In 1990 we passed the Clean Air Act Amendments to stop acid rain. And in 2003 we passed the Clear Skies legislation to reduce sulfur dioxide and nitrogen oxide that pollute our air. Although all of these accomplishments make sense to us today, it wasn't always easy to convince leaders and even the public that these actions were essential to protect our environment.

Some folks had concerns about the actual effects of the legislation, while others had concerns about the economic costs. Their concerns are not unlike the concerns of some in the current debate about global climate change. A number of my colleagues and I support a cap and trade system. But no matter how we deal with climate change we know that this will be a complex and vigorous debate. The discussions about the impact and costs are legitimate debates to be had. But I firmly believe that inaction is not an answer to this growing crisis.

On this Earth Day, which is celebrated by our Federal, State, and local governments; grassroots organizations; citizens of North Carolina, the United States, and the rest of the world, we set out a vision of how things can be. We can be energy independent and secure, we can de-carbonize our electric generation, and we can wean ourselves off foreign oil. We can leave the cause of this day—the Earth—cleaner and more vibrant. It will not be easy, but we as a nation can and must lead the way.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On the night of March 7, 2008, Lance Neve was with his boyfriend at a bar in Spencerport, NY. Neve told police that a man at the bar had been yelling anti-gay slurs at him and his boyfriend and continued to harass them using derogatory comments throughout the night. The aggressor then allegedly asked to shake Neve's hand, explaining that he had never shaken hands with a gay man. When Neve refused, he says the man attacked him and continued to beat him after he had fallen to the ground, knocking him unconscious. Neve was hospitalized with a fractured skull, nose, left eye socket, and jaw as a result of the attack. Police have arrested 24-year-old Jesse D. Parsons of Spencerport, NY, and charged him with second-degree assault designated as a hate crime in connection with the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

MAJOR MARK E. ROSENBERG

Mr. SALAZAR. Mr. President, I rise today to honor the life of Major Mark E. Rosenberg—a father, a husband, and a soldier. Major Rosenberg was on his second tour in Iraq when a bomb exploded near the Humvee that was carrying him through the streets of Baghdad. The explosion tore through his vehicle, killing him. He was 32 years old.

Major Rosenberg was assigned to the 3rd Battalion, 29th Field Artillery Regiment, 3rd Brigade Combat Team, 4th Infantry Division, out of Fort Carson. The 3rd Brigade Combat team has lost 32 soldiers in Iraq, nine since deploying in November. Major Rosenberg was the 236th Fort Carson soldier killed in Iraq.

Words cannot begin to measure the magnitude of Major Rosenberg's sacrifice, or the void left by his loss. Those who knew Mark remember him as a dedicated and dutiful soldier full of jokes and smiles. "He was the life of the party,'' his sister recalls. ''Everybody wants to be around him.'' By all accounts, he was an extraordinary husband to his wife, Julie, and father to his two young sons, Joshua and Maxwell. Major Rosenberg was planning to come home on leave in June to celebrate Maxwell's second birthday.

Mark entered the Army in the footsteps of his father, Burton Rosenberg. He graduated from the New Mexico Military Institute in 1996 and received his commission shortly thereafter. He spent a year in Korea in 2001–2002 and a year in Iraq in 2004–2005. For his honorable service, he earned the Army Commendation Medal, the National Defense Service Medal, the Global War on Terror Service Medal, and the Humanitarian Service Ribbon.

Mark's second deployment, which began last November, was scheduled for 15 months. His unit was tasked with training the Iraqi military, a job in which Major Rosenberg was committed to making a difference. He carried the spirit of a peacemaker and understood the humanitarian mission that a soldier could fulfill.

Major Rosenberg was the type of 'great man' who the activist and humanitarian Jane Addams described in a 1903 address to the Union League Club in Chicago. In the remarks she offered in honor of George Washington's birthday, Addams argued that ''when we come to the study of great men it is easy to think only of their great deeds, and not to think enough of their spirit. What is a great man who has made his mark upon history? Every time, if we think far enough, he is a man who has looked through the confusion of the moment and has seen the moral issue involved; he is a man who has refused to have his sense of justice distorted; he has listened to his conscience until conscience becomes a trumpet call to like-minded men, so that they gather about him and together, with mutual purpose and mutual aid, they make a new period in history.''

Major Rosenberg, as Jane Addams describes, was able to see through the ''confusion of the moment'' and understand the moral dimensions of his work. He was able to inspire and lead his soldiers, and the Iraqis whom he was training, with his vision and his heart. He worked in one of the most dangerous places in the world, yet was able to lift those around him with his spirit and his optimism. Hope is at a premium in Iraq, and he will be sorely missed.

It is at home, of course, that Major Rosenberg's absence is most strongly felt. To Julie, Joshua, and Maxwell, to his mother Sheila, to his sister Lori, and to all his family and friends, our thoughts are with you. I know of no words that can assuage the grief and pain you feel. I pray that you will find some consolation in knowing that Mark will never be forgotten and that his country will always honor his sacrifice. He was among the noblest of our citizens—a great man committed to justice, humanity, and duty. May his legacy lift us all.

ADDITIONAL STATEMENTS

RETIREMENT OF DWIGHT WHITTAKER

• Mr. CRAPO. Mr. President, today I am proud to honor an Idahoan who has devoted his adult life to helping the disabled, and the past 37 years, doing this by leading the Development Workshop Incorporated, DWI, the largest community rehabilitation program in Idaho. DWI provides work and life skills and job training to those with disabilities, and helps them move into gainful employment. When Dwight founded DWI in 1971, it served 12 individuals; now, it's grown to a company that serves 700 to 800 people with locations in five eastern Idaho counties.

Dwight's steady leadership, renowned courtesy and high integrity led DWI to success and earned him the Milton ''Milt'' Cohen Leadership Award from the National Industries for the Severely Handicapped in 2006. Dwight led efforts over the years to preserve funding and promote legislation at both the State and national level for individuals with disabilities. In his position, he has consistently sought out commonsense solutions to service and funding challenges and has surely been most rewarded by seeing DWI grow into an organization of such esteem and reputation.

The face of community rehabilitation in southeast Idaho has undergone a significant transformation over the past four decades, and the citizens of Idaho Falls and the surrounding areas have Dwight to thank. I wish him well in his retirement and am certain that he will bring the same gifts of leadership, comity and energy to whatever path he chooses to walk next.•

175TH ANNIVERSARY OF KALAMAZOO COLLEGE

• Mr. LEVIN. Mr. President, it is my pleasure, along with that of my colleague from Michigan, Senator STABENOW, to recognize the 175th anniversary of Kalamazoo College. Kalamazoo College enjoys the distinction of being Michigan's oldest college and one of our Nation's 100 oldest colleges. This occasion will be marked by a series of celebrations this spring, beginning with the Founder's Convocation on April 24, 2008. It is with pride that Senator STABENOW and I bring this milestone to the attention of the Senate.

Since its inception in 1883, Kalamazoo College has made immeasurable contributions to the academic, economic, and cultural life of the Greater Kalamazoo area, the State of Michigan, and the world community. Founded by Baptists as the Michigan and Huron Institute, this institution was formally named Kalamazoo College in 1855.

Devoted to the study of liberal arts and sciences and with an enduring mission ''to prepare its graduates to better understand, live successfully within and provide enlightened leadership to a richly diverse and increasingly complex world,'' Kalamazoo College has earned a national reputation as a respected, private, 4-year coeducational college. Central to this mission is the Kalamazoo Plan, a program established in 1962 that integrates career development internships and study abroad experiences with a rigorous academic curriculum and an individualized senior project. The Kalamazoo Plan was initiated under president Weimer Hicks and seeks to create an academic community where students are engaged in leadership and connected to their global surroundings.

This year also marks the 50th anniversary of the college's study abroad program. Kalamazoo College offers over 50 study abroad programs on 6 continents, and more than 80 percent of its students participate in these programs, which is among the highest of any college in the Nation. In addition, Kalamazoo College ranks among the top 10 in the number of alumni participating in the Peace Corps. Guided by the concept of ''fellowship in learning,'' Kalamazoo College has continued to strive to meet the challenges presented by an ever changing and increasingly interdependent world.

Notably, Kalamazoo College ranks among the top 20 liberal arts colleges in the country for students receiving Fulbright awards and 19th nationally in the percentage of graduates who earn doctoral degrees. In addition, the college received the State of Michigan Governor's Service Award in 2006, with the Kalamazoo Public Schools, for the AMIGOS Program, a bilingual program for mentoring middle school students.

Kalamazoo College is an NCAA Division III school and offers eight intercollegiate sports for both men and women. An especially impressive athletic accomplishment is the tennis team's record of 69 successive MIAA championships, from 1936 to 2007, the longest streak by any athletic team at any level at any time. Kalamazoo College is also proud to have hosted the USTA Boys 18 & 16 national tennis championships since 1943.

We know our Senate colleagues will join us in congratulating the past and current faculty, staff, and students of Kalamazoo College as they celebrate the school's 175th anniversary. We wish them continued success in the years ahead.•

TRIBUTE TO PHIL BLADINE

• Mr. SMITH. Mr. President. “To live fully,” wrote Oliver Wendell Holmes, “is to be engaged in the passions of one’s time.” I rise today to pay tribute to Phil Bladine, a remarkable Oregonian, who passed away last week at the age of 89. There can be no doubt that Phil Bladine lived a very full life, as he devoted much of it to making a positive difference in the issues of his time.

A native of Iowa, Phil first arrived in McMinnville, OR, as a 14-year-old, when his father purchased a community newspaper. After graduating from high school and college, Phil did as did so many others of the “Greatest Generation”—he wore the uniform of our country. Phil joined the Navy in 1940, and eventually would become an Executive Officer of an LST, a 228-foot ship that carried U.S. Marines and landing crafts in the Pacific Theater.

After the war, Phil would return to McMinnville, where he would spend much of the next half century at the helm of the McMinnville News-Register. Under his commonsense leadership, the News-Register became a positive and respected force for progress in Yamhill County and all of Oregon.

Phil was a natural leader who lent his time and talent to countless organizations and worthy causes, including the Oregon Newspaper Publishers Association, the Republican Party, St. Barnabas Episcopal Church, the McMinnville Chamber of Commerce, Associated Oregon Industries, and the Oregon Economic Development Commission. I am just one of many elected officials who, over the years, counted on Phil for advise and counsel. I always knew that instead of telling me what I wanted to hear, he would tell me what I needed to hear.

Mr. President, I extend my condolences to Phil’s wife Margaret “Meg” Bladine; his daughter Pam; his son Jeb; and all the members of the Bladine family. May they find solace in the words of the Greek poet, Sophocles, who wrote, “One must wait until the evening to see how splendid the day has been.” I am confident that in the evening of his time on earth, Phil Bladine could look back at a life filled with family and friends, a life filled with making a difference for his country, his state, and his community, and he could say, “The day has indeed been splendid.”•

MESSAGE FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1119. An act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

H. J. Res. 70. Joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5902. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Source Rules Involving U.S. Possessions and Other Conforming Changes” ((RIN1545–BF85)(TD 9391)) received on April 17, 2008; to the Committee on Finance.

EC–5903. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data in support of the A400M Military Transport Aircraft; to the Committee on Foreign Relations.

EC–5904. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of a commercial communications satellite to Russia and Kazakhstan for launch; to the Committee on Foreign Relations.

EC–5905. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of the proposed transfer of eight Patriot missile systems from the Government of Germany to the Government of the Republic of Korea; to the Committee on Foreign Relations.

EC–5906. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to support the Portuguese Air Force P–3C Aircraft Program; to the Committee on Foreign Relations.

EC–5907. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-35—2008-43); to the Committee on Foreign Relations.

EC–5908. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products” ((RIN0910-AC35)(Docket No. 2003N–0342)) received on April 17, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5909. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary for Health, received on April 17, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5910. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled, “In Search of Highly Skilled Workers: A Study on the Hiring of Upper Level Employees from Outside the Federal Government”; to the Committee on Homeland Security and Governmental Affairs.

EC–5911. A communication from the White House Liaison, Community Relations Service, Department of Justice, transmitting, pursuant to law, the report of action on a nomination for the position of Director, received on April 17, 2008; to the Committee on the Judiciary.

EC–5912. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the steps taken by the Department to implement the Service-Disabled Veteran-Owned Small Business Program; to the Committee on Small Business and Entrepreneurship.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–303. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to require restaurants to post nutrition information; to the Committee on Agriculture, Nutrition, and Forestry.

POM–304. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Public Service Commission to adopt final rules that will encourage the use of consumer-owned solar and other renewable energy systems; to the Committee on Agriculture, Nutrition, and Forestry.

POM–305. A letter from a private citizen relative to the use of funds over the next 20 years; to the Committee on Armed Services.

POM–306. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to sign into law legislation reinstating a property tax exemption for solar energy systems; to the Committee on Energy and Natural Resources.

POM–307. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to provide matching funds for solar and other energy saving water heater installations for low-income homeowners; to the Committee on Energy and Natural Resources.

POM–308. A collection of petitions forwarded by the Benefit Security Coalition relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM-309. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to strengthen hate crime laws; to the Committee on the Judiciary.

POM-310. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to pass the Foreclosure Prevention Act of 2008; to the Committee on Banking, Housing, and Urban Affair.

HOUSE RESOLUTION NO. 306

Whereas, the cascading impact of houses that are lost to foreclosure for failure to pay the mortgage is becoming increasingly evident in many locations. The impact of the foreclosures over the past year is so great that it is estimated by some that as many as one homeowner in ten now owes more on their house's mortgage than the house is worth. All homes, even those without a mortgage, lose value quickly as houses stand empty. For many neighborhoods, the prospect of vacancy is accompanied by justifiable concerns over safety; and

Whereas, Congress is considering the Foreclosure Prevention Act of 2008 as a means of bringing a swift response to reverse the destructive trend of people walking away from homes because of loans they cannot possibly pay. This legislation offers a range of provisions, including allocations for foreclosure prevention counseling, expanding the capacity of governmental entities to redevelop properties, allowing housing finance agencies to help home buyers and issue refinancing bonds for owners with subprime loans, and empowering bankruptcy judges to change the terms of loans facing foreclosure. The bankruptcy adjustment provision would be consistent with the power bankruptcy judges already have for other kinds of debts, including those for vacation homes and rental properties; and

Whereas, clearly, the severity of the mortgage foreclosure crisis demands vigorous and swift action. Less comprehensive approaches and voluntary programs alone are not enough: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States pass and the President to sign the Foreclosure Prevention Act of 2008; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation. Adopted by the House of Representatives, March 20, 2008.

POM-311. A resolution adopted by the House of Representatives of the State of Kentucky urging Congress to act swiftly to renew the exemption of the Delta Queen from the Safety of Life at Sea Act of 1966; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 109

A Resolution urging the United States Congress to act swiftly to renew the exemption of the Delta Queen from the Safety of Life at Sea Act of 1966.

Whereas, the Delta Queen is an integral part of the culture and character of the Ohio River valley; and

Whereas, the Delta Queen has made a lasting impression as a beloved part of the past in the hearts of passengers and crew members; and

Whereas, the Delta Queen is a part of the National Register of Historic Places, a National Historic Landmark, and a jewel of the United States's inland navigable water system; and

Whereas, the Delta Queen is the last of its kind, a sternwheel overnight passenger steamboat like those that contributed to this nation's westward expansion; and

Whereas, the Delta Queen has been and continues to be a safe and reliable vessel; and

Whereas, the Delta Queen was constructed in 1926 to operate as a passenger vessel in northern California, during World War II was used in the United States Navy as a ferry for wounded being treated in San Francisco; and

Whereas, after being purchased in 1946 by Greene Line Steamers of Cincinnati, Ohio, the Delta Queen was carried from California, to and along the Mississippi and Ohio Rivers, to Pittsburgh, Pennsylvania for refurbishment in order to carry passengers on the nation's inland navigable water system; and

Whereas, the Safety of Life at Sea Act of 1966 (P.L. 89-777) mandates that all passenger vessels having berth or stateroom accommodations for 50 or more passengers obey safety requirements, particularly fire safety requirements; and

Whereas, after this act was passed, the wooden construct of the Delta Queen was treated with fire resistant materials and a modern sprinkler system, thereby making this vessel considerably more fire resistant; and

Whereas, the Delta Queen has historically been exempted from the Safety of Life at Sea Act; and

Whereas, the Delta Queen's safety records do not indicate that she is any less safe today then at any point since the passage of the act in 1966; and

Whereas, the current exemption for the Delta Queen is to expire in 2008, and the United States Congress has not acted to grant another exemption for the Delta Queen to allow her to continue operating: Now therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives of the Commonwealth of Kentucky hereby urges the United States Congress to act swiftly to continue the exemption of the Delta Queen from the Safety of Life at Sea Act of 1966.

Section 2. The Clerk of the House of Representatives shall forward a copy of this Resolution to the Clerk of the United States Senate, the Clerk of the United States House of Representatives, and all of the members of Kentucky's Congressional Delegation.

POM-312. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving the benefits from government retirement or pension plans; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 3

To memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds.

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a federal, state, or local retirement or pension benefit; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

Whereas, because of these calculation characteristics, the GPO and the WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, because the Social Security benefit statements do not calculate the GPO and the WEP, many public employees in Louisiana are unaware that their expected Social Security benefits shown on such statements will be significantly lower or nonexistent due to the service in public employment through which they are required to be members of a Louisiana public retirement or pension system, plan, or fund; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation and the longer life expectancy of women; and

Whereas, Louisiana is making every effort to improve the quality of life of her citizens and to encourage them to live here lifelong: Now therefore, be it

Resolved, that the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and the WEP Social Security benefit reductions and to consider eliminating or reducing them; and be it further

Resolved, that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-313. A joint resolution adopted by the Legislature of the State of Washington urging support for Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

SENATE JOINT MEMORIAL 8028

To The Honorable George W. Bush, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress Assembled, and to the United States Secretary of State, and to the United States Secretary of Health and Human Services, and to the United States Representative to the World Health Assembly, and to the Director-General of the World Health Organization, and to the representative of the Taipei Economic and Cultural Representative Office in the United States:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, Direct and unobstructed participation in international health cooperation forums and programs is crucial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS; and

Whereas, Taiwan's achievements in the field of health care are substantial, including life expectancy levels that are some of the highest in Asia, maternal and infant mortality rates that are comparable to those of western countries, free hepatitis B vaccinations for children and the eradication of polio, cholera, smallpox, and the plague; and

Whereas, The Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, In recent years Taiwan has expressed a willingness to assist financially and technically the international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's population of 23 million is larger than that of 75 percent of World Health Organization member states; and

Whereas, The United States, in its 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international Organizations; and

Whereas, Taiwan's participation in the World Health Organization could bring many benefits to the state of health not only in Taiwan but also regionally and globally: Now, therefore

Your Memorialists respectfully pray that Congress support the participation by Taiwan in a meaningful and appropriate way in the World Health Organization: Now, therefore, be it

Resolved, That copies of this memorial shall be immediately transmitted to the Honorable George W. Bush, President of the United States, the United States Secretary of State, the United States Secretary of Health and Human Services, the United States representative to the World Health Assembly, the Director-General of the World Health Organization, the representative of the Taipei Economic and Cultural Representative Office in the United States, the President of the United States Senate, the Speaker of the House of Representatives and each member of Congress from the State of Washington.

POM-314. A resolution adopted by the Senate of the State of Kansas urging Congress to amend the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 1831

A RESOLUTION urging the Congress of the United States to amend the No Child Left Behind Act so that states will be allowed to continue to work toward the goal of closing the achievement gap without overly prescriptive federal rules, unfunded mandates and the coercion of losing federal funds.

Whereas, The purpose of the No Child Left Behind Act (NCLB), which was enacted on a bipartisan basis and scheduled to be reauthorized in 2008, is to increase the academic achievement of all students in language arts, mathematics and science, and to close achievement gaps among various subgroups of students; and

Whereas, The NCLB sets expectations for all students to be 100% proficient by school year 2013–2014; however, the specific requirements are unreasonable for students with limited English proficiency and students with disabilities, making it impossible for all schools to comply with the law; and

Whereas, The NCLB requires highly qualified teachers in core academic areas, which conflicts with the process for certifying special education teachers and overlooks the fact that many categories of teachers, including special education teachers and middle school teachers in small rural schools, often teach several subjects; and

Whereas, The NCLB coerces participation by placing punitive financial consequences on states refusing to participate; and

Whereas, The NCLB is an under-funded mandate, with actual funding falling over $70 billion short of the authorized levels, placing the burden on states and school districts to spend their own limited resources to implement the NCLB; and

Whereas, States should be allowed to use multiple measures of student achievement and school effectiveness in their state accountability plan, and to use a student-growth approach in their state accountability plan; and

Whereas, States should have the flexibility to allow school districts to design appropriate instructional interventions and incorporate differentiated interventions for any school not making adequate yearly progress so that a school that falls short in only a small number of federal criteria is not treated in the same manner as a school that falls short on all such measures, and to allow a district not making adequate yearly progress to be the supplemental educational services provider; and

Whereas, States should be given sufficient time for improvement plans to take effect before applying sanctions, and sanctions should not be applied if they undermine existing effective reform efforts, or states should be permitted to replace sanctions that do not have a consistent record of success with interventions that enable schools to make changes that result in improved student achievement; and

Whereas, States and school districts should have the flexibility to determine the appropriate standards upon which to base assessments for students with disabilities and to utilize the results from assessments based on such standards in calculating adequate yearly progress without arbitrary federal limitation on the use of such assessments; and

Whereas, States and school districts should have the flexibility to exclude assessment results of newly arrived limited-English proficient students in adequate yearly progress calculations for an appropriate number of years to ensure that such tests are measuring students' academic content knowledge and not just their English-proficiency levels; and

Whereas, Funding for supplemental educational services and school choice transportation should be funded by the federal government, and not come from diverting up to 20% of school districts Title I funds for such purposes: Now, therefore, be it

Resolved by the Senate of the State of Kansas: That we memorialize the President and the United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing funding for the preauthorized version of the No Child Left Behind Act; and be it further

Resolved, That we urge the Congress of the United States to amend the No Child Left Behind Act so that states will be allowed to continue working toward the goal of closing the achievement gap without overly prescriptive federal rules, under-funded mandates and the coercion of losing federal funds; and be it further

Resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1046. A bill to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes (Rept. No. 110–328).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes (Rept. No. 110–329).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1853. A bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes (Rept. No. 110–330).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

H. Con. Res. 307. A concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers.

S. Res. 497. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 431. A bill to require convicted sex offenders to register online identifiers, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Mark Kimmitt, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

*Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Coordinator for the Asia-Pacific Economic Cooperation (APEC) Forum.

*Joxel Garcia, of Connecticut, to be Representative of the United States on the Executive Board of the World Health Organization.

*Samuel W. Speck, of Ohio, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

*Scot A. Marciel, of California, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for East Asian and Association of Southeast Asian Nations (ASEAN) Affairs.

*Yousif Boutrous Ghafari, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Nominee: Yousif B. Ghafari.

Post: Ambassador to the Republic of Slovenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: 2007—2,300.00, Team Sununu; 6,800.00, Robert A. Ficano Committee; 300.00, John B. O'Reilly Jr. Committee; 200.00, Committee to Elect Notte; 150.00, Committee to Elect Alan Lambert; 4,600.00, Mitt Romney for President; 80.00, Friends of Nancy A. Hubbard; 125.00, Diamond PAC/Jewel Ware; 250.00, Committee to Elect Mark Steenbergh; 65.00, Gary Woronchak for County Commissioner; 125.00, Laura Cox for Wayne County Commissioner; 100.00, Friends of Suzanne Sareini; 250.00, Health PAC; 2,500.00, Friends of Wayne State PAC; 150.00, Friends of Maureen Brosnan; 6,900.00, Mitt Romney for President; 1,000.00, McConnell Senate Committee; 4,600.00, Friends of Carl Levin; 150.00, Friends of Kevin McNamara; 250.00, Committee to Re-elect Donald Fracassi; 1,000.00, Friends of Michael Bouchard.

2006—1,000.00, Mike DeWine for US Senate; 100.00, Gary Woronchak for County Comm.; 200.00, Citizens for Jewel Ware; 125.00, Laura Cox for Wayne County Comm.; 1,000.00, Dave Camp for Congress; 250.00, Candice Miller for Congress; 500.00, Health PAC; 1,000.00, IMP-PAC; 200.00, Citizens for Sam Salamey; 150.00, The Committee to Re-elect Edward A. Boike, Jr.; 2,500.00, Friends of Wayne State PAC; 500.00, Kilpatrick for US Congress; 6,800.00, DeVos for Governor; 5,000.00, Robert A. Ficano PAC; 750.00, Michael A. Guido Committee; 2,100.00, C. Wakim for Congress; 100.00, Gary Woronchak for County Comm.; 1,000.00, Team Sununu; 250.00, Friends of Kevin McNamara; 1,000.00, Knollenberg for Congress; 5,000.00, Michigan Republican Party; 100.00, Charles Chambers for OCC Board of Trustees; 2,000.00, Santorum 2006; 2,100.00, Jeff Lamberti for Congress.

2005—6,800.00, DeVos for Governor; 1,000.00, Friends of Michael Bouchard; 150.00, Committee to Elect Alan Lambert; 200.00, Friends of Mark Steenbergh; 1,040.00, Michael A. Guido Committee; 750.00, Freman Hendrix for Mayor Committee; 100.00, The Committee to Elect Arthur F. Wright; 150.00, Committee to Elect Gregory Pitonialk; 7,300.00, Robert A. Ficano Committee; 70.00, Friends of Nancy A. Hubbard; 70.00, Friends of Suzanne Sareini; 250.00, Friends of Brenda Lawrence; 100.00, Sue Hall for Mayor; 300.00 Committee to Elect Joyce Hayes Giles; 150.00, Committee to re-Elect Edward A. Boike, Jr.; 100.00, Laura Cox for Wayne County Commiss.; 50,250.00, Republican National Committee; 25,000.00, Joint Candidate Committee; 1,000.00, Michigan Republican Party; 200.00, Committee to re-Elect Donald F. Fracassi; 100.00, Committee to Elect Notte; 8,400.00, Bouchard for US Senate. –

2004—25,000.00, Michigan Republican Party; 1,000.00, Marc Barron for District Judge; 1,500.00, Robert A. Ficano Committee; 2,500.00, Friends of L. Brooks Patterson; 1,500.00, Knollenberg for Congress Committee; 75.00, Committee to Re-elect Edward A. Boike, Jr.; 150.00, Spring event 2004; 1,000.00, Committee to Elect Myrah Kirkwood; 140.00, Friends of Nancy A. Hubbard; 250.00, Citizens to Elect Cheryl Matthews; 150.00, Gorcyca for Justice Fund; 40,000.00, Republican National Committee; 10,000.00, Republican National Committee; (8,000.00), Republican National Committee; 250.00, Friends for Bill Vollenweider; 140.00, Committee to Elect Alan Lambert; 1,000.00, Committee to Elect David Farhat; 1,000.00, Nancy Danhof for State Board; 500.00, Stephen Markman for Justice; 26,000.00, Joint Candidate Committee; 27,000.00, Joint State Victory Committee; 1,000.00, Terri Lynn Land for Secretary of State; 250.00, McCotter Congressional Committee; 200.00, Committee to Elect Notte; 500.00, Committee to re-elect Judge Wm. Whitbeck; 250.00, Melanie Foster for MSU Trustee; 500.00, Senate Republican Campaign Com; 5,000.00, IRL PAC; 125.00, Fall Event 2004; 2,500.00, Cox 5200 Club; 250.00, Rogers for Congress.

2003—200.00, Committee to Elect Notte; 150.00, Gorcyca for Prosecutor; 150.00, Spring Event 2003; 475.00, Michael A. Gudio Committee; 125.00, Sue Hall for Mayor Committee; 100.00, Committee to Elect Gil Hill; 140.00, Friends of Nancy A. Hubbard; 1,500.00, John D. Dingell for Congress; 100.00, Friends of Suzanne Sareini; 2,000.00, Bush-Cheney '04, Inc.; 1,000.00, Rogers for Congress; 2,000.00, Ros-Lehtinen for Congress; 500.00, Robert A. Ficano Committee; 200.00, Bankes for Livonia Mayor; 250.00, McCotter Congressional Committee; 25,000.00, Republican National Committee; 250.00, Committee to Keep Michael Duggan; 2,000.00, Engel for Congress.

Ghafari Family Members Political Contributions: Aida Ghafari, 2,300.00, 9/25/07, Mitt Romney; 1,000.00, 3/30/06, Michael J. Bouchard; Almaza Ghafari, 1,000.00, 9/11/07, Mitt Romney; 2,000.00, 6/30/03, George Bush; Georges Ghafari, 2,000.00, 3/31/06, Michael J. Bouchard; Louis Ghafari, 500.00, 6/27/06, Eliot Engel; 1,000.00, 3/21/06, Michael J. Bouchard; Sejaan Ghafari, 500.00, 6/27/06, Eliot Engel; 1,000.00, 4/7/06, Michael J. Bouchard; Vera Kalnins, 2,000.00, 12/4/03, George W. Bush.

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*Kurt Douglas Volker, of Pennsylvania, a Career Foreign Service Officer of Class One, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Kurt D. Volker.

Post: US-NATO.

Nominated: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Karen Volker, none.
3. Children and Spouses: Sonja Volker, none; Katja Volker, none.
4. Parents: Thelma Jane, $25, 8/01/2004, RNC; Volker, $16, 9/18/2004, RNC.
5. Grandparents.
6. Brothers and Spouses: Mark and Volker, $250, 9/29/2006, RNC; $250, 8/02/2004, Bush/Cheney; $250, 9/10/2004, RNC; and Craig and Volker, none.
7. Sisters and Spouses: N/A.

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*D. Kathleen Stephens, of Montana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Nominee: Doris Kathleen Stephens.

Post: Seoul, Korea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: N/A.
3. Children and Spouses: James Whong, none.
4. Parents: Doris R. Stephens, none; Kenneth L. Stephens (deceased).
5. Grandparents: Henry and Mabel Richburg; Harvey and Annie Pearl Stephens, all deceased.
6. Brothers and Spouses: Kenneth Stephens, none; Jeffrey W. Stephens, none; Margaret Stephens, none.
7. Sisters and Spouses: N/A.

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*Robert J. Callahan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Nominee: Robert J. Callahan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee.

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Andrew M. Callahan, none; Emmett B. Callahan, none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and Spouses: Thomas D. Callahan (spouse deceased), none; James M. Callahan, none.
7. Sisters and Spouses: John and Patricia Schultz, none; Robert and Kathleen Martin, none; John and Maureen Moore, none; James and Nancy Lamb, none.

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*Heather M. Hodges, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Heather M. Hodges.

Post: Ambassador to Ecuador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Aiden & Frances Hodges—Deceased.
5. Grandparents: Joseph & Effy Hodges—Deceased; Herman & Susana Ruppelt—Deceased.
6. Brothers and Spouses: Allan J. Hodges, none.
7. Sisters and Spouses: N/A.

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*Barbara J. Stephenson, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

Nominee: Barbara Stephenson.

Post: Ambassador to Panama.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: Barbara Stephenson, none.
2. Spouse: Matthew Furbush, none.
3. Children: Claire Furbush, none; Matthew Brewster Furbush, none.
4. Parents: Father, Robert Vernon Stephenson—deceased; Mother, Jacqueline Jean Stephenson, none.
5. Grandparents: All deceased.
6. Brothers and Spouses: Gary Lamar Stephenson, divorced, none.
7. Sisters and Spouses: N/A.

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*William Edward Todd, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Nominee: William Todd.

Post: Chief of Mission Brunei.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Wife; Patricia Buckingham, none.
3. Children: William Todd II, none; Christopher Todd, none, John Todd, none, Caitlyn Todd, none.
4. Parents: John Todd, none; Marie Todd, none.
5. Grandparents: Deceased.
6. Brothers and Spouses: John and Margaret Todd, $1000, 2004, Republican Party; Douglas and Leigh Anne Todd, none.
7. Sisters and Spouses: Jean Todd, none.

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*Hugo Llorens, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Nominee: Hugo Llorens.

Post: Honduras.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Son, Andrew Lee Llorens, none; Son, Dirk Alan Llorens, none.
4. Parents: Father, Fulvio Llorens, none; Mother, Hildelisa Llorens, none.
5. Grandparents: Efebo Llorens, (deceased); Francisca Garcia Llorens, (deceased); Amelio Acosta, (deceased); Obdulia Rodriguez Acosta, (deceased).
6. Brothers and Spouses: Jorge Llorens, none; Kim Llorens (spouse), none.
7. Sisters and Spouses: Elda Llorens (unmarried), none.

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*Nancy E. McEldowney, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Nominee: Nancy Eileen McEldowney.

Post: Sofia, Bulgaria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Jessica Kim Hayes, none; Alyssa Mai Hayes, none.
4. Parents: Patricia Schamber, none; Clarence McEldowney, deceased.
5. Grandparents: Anita Salyer, deceased; Clarence Salyer, deceased; Ruth McEldowney, deceased; Alva McEldowney, deceased.
6. Brothers and Spouses: Michael McEldowney, none; Charlotte Phillips, none; John McEldowney, none; Catherine Miller, none.
7. Sisters and Spouses: Ann McEldowney, none; Richard Hertle, none; Jane McEldowney, none; William Cannon, none.

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*Stephen George McFarland, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Nominee: Stephen George McFarland.

Post: COM Guatemala.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Christopher E. McFarland, none; Alexander G. McFarland, none; Andrew S. McFarland, none; Kevin S. McFarland, none.
4. Parents: George A. McFarland, $100, fall 2003, Cong. Sam Johnson; $100, fall 2004, Sen. John Kerry; Peggy N. Nash, $150, fall 2006, Van Johnson.
5. Grandparents: deceased.
6. Brothers and spouses: John F. McFarland, none; Yvonne McFarland, none.
7. Sisters and spouses: Anne M. Meyer, none; John Meyer, none; Maria McFarland, none; Christopher A. Smith, none.—

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*Peter E. Cianchette, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: Peter E. Cianchette.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, 500.00, 6/11/2007, Collins for Senator; 250.00, 11/6/2006, Snowe for Senate; 250.00, 7/18/2006, Maine Republican Party; 250.00, 6/30/2006, Curley for Congress; 75.00, 4/10/2006, Maine Republican Party; 25.00, 5/5/2006, Maine Republican Party; 500.00, 8/6/2004, Bush-Cheney '04; 100.00, 4/1/2004, Summers for Congress; 100.00, 4/6/2004, Brian Hamel for Congress; 80.00, 5/19/2004; Maine Republican Party; 100.00, 7/3/2003, Maine Republican Party.
2. Spouse: 250.00, 8/26/2006, Craig for Congress.
3. Children and spouses: Evan Cianchette, none; Maria Cianchette, none.
4. Parents: Ival Cianchette, 1000.00, 3/31/2007, Associated General Co Contractors of America PAC (AGC PAC); 1000.00, 05/31/2007, Collins for Senator; 1000.00, 2/28/2006, AGC PAC; 1000.00, 5/26/2005, Snowe for Senate; 1000.00, 9/1/2005, Snowe for Senate; 1000.00, 3/29/2005, AGC PAC; 1000.00, 3/15/2004, AGC PAC; 200.00, 8/10/2004, Summers for Congress; 800.00, 9/28/2004, Summers for Congress; 200.00, 10/23/2004, Summers for Congress; 250.00, 8/24/2004, Maine Republican Party; 500.00, 2/18/2004, Summers for Congress; 500.00, 6/29/2004, Summers for Congress; 1500.00, 11/17/2003, Bush-Cheney '04; 1000.00. 9/22/2003, AGC PAC; Priscilla Cianchette, 1500.00, 11/17/2003, Bush-Cheney '04.
5. Grandparents: Ralph Cianchette, deceased; Edna Cianchette, deceased, Earle Winslow, deceased, Mary Winslow, deceased.
6. Brothers and spouses: Thomas Cianchette, none; Bonita Cianchette, none; Earle Cianchette, 250.00, 8/3/2007, Maine Republican Party; Mary Ellen Cianchette, none; Mark Cianchette, none.
7. Sisters and spouses: Susan Koch, 250.00, 8/1/2007, Maine Republican Party; Joseph Koch, deceased, none.

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*Frank Charles Urbancic, Jr., of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Nominee: Frank C. Urbancic Jr.

Post: Cyprus

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Frank C. Urbancic, Jr., none.
2. Michelle M. Urbancic, none.
3. Frank C. Urbancic III, none; Arlette Nadine Urbancic, none.
4. Norma Jean Urbancic, none; Frank C. Urbancic Sr., none.

5. Grandparents: deceased.

6. Brothers and spouses: none; John Vincent Urbancic, none; Louis H. Urbancic, Marjorie Urbancic, none.

7. Sisters and spouses: Sherryl Cromer, none.

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*Barbara McConnell Barrett, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Nominee: Barbara McConnell Barrett.

Post: Ambassador to Finland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Donee, Date, Amount:

1. Self: John Shadegg's Friends, 12/18/2007, $4600; 8/24/2006, $4200; Huffman for Congress, 7/27/2006, $2100; Jon Kyl for U.S. Senate, 6/2/2006, $1350; 6/2/2006, $2100; 4/22/2005, $750; Ros-Lehtinen for Congress, 11/5/2007, $1000; 5/4/2006, $1000; Kolbe for Congress, 7/18/2005, $2000; 4/23/2006, $575; Jeff Flake for Congress, 3/16/2007, $2300; 3/16/2007, $2300; 3/15/2005, $4200; Heather Wilson for Congress, 8/15/2007, $200; 8/15/2007, $2300; 3/14/2007, $2100, 2/1/2005, $4000; 2004 Joint Candidate Committee, 10/8/2004, $20,000; Pete Coors for U.S. Senate, 10/7/2004, $2000; The Wish List, 5/12/2006, $1000; 8/1/2005, $1000; 7/26/2004, $1000; John Shadegg for Congress, 5/19/2004, $500; Hatch Election Committee, 5/15/2006, $2100; Bush, George W. (Bush-Cheney '04 Compliance Committee), 10/20/2004, $2000; Romney for President, 7/30/2007, $2300, 1/10/2008, $2300; Mitch McConnell Senate Committee '08, 9/05/2007, $2300; J.D. Hayworth for Congress, 10/17/2006, $2100; Jill Vogel for Senate, 8/7/2007, $25.

2. Spouse: Craig Radford Barrett, John Shadegg's Friends, 12/18/2007, $4600, 8/24/2006, $3200, 12/7/2005, $1000, 4/26/2004, $500; Huffman for Congress, 7/27/2006, $2100; Ros-Lehtinen for Congress, 5/4/2006, $1000; Jeff Flake for Congress, 3/16/2007, $4600, 3/15/2005, $4200, 3/3/2004, $2000; Heather Wilson for Congress, 8/15/2007, $200, 8/15/2007, $2300, 3/14/2007, $2100, 2/14/2005, $2000, 2/14/2005, $2000; 2004 Joint Candidate Committee, 10/8/2004, $4,000; Maria Cantwell, 3/3/2004, $1000; People for Pete Domenici, 5/25/2007, $1000, 6/3/2005, $1000; Hatch Election Committee, 5/15/2006, $4200, 5/15/2006, $2100; Mitch McConnell Senate Committee '08, 9/05/2007, $2300; Jon Kyl for US Senate, 9/26/2006, $1700; 6/5/2006, $350; 6/5/2006, $400; 1/9/2006, $1000; 4/28/2005, $750; David Dreier for Congress Committee, 8/8/2005, $1000; 2/6/2004, $2000; Friends of George Allen, 7/12/2006, $1000; 7/21/2005, $1000; Bush-Cheney '04 Compliance Committee, 10/20/2004, $2000; Friends of Gordon Smith, 11/9/2005, $1000; Nethercutt for Congress, 10/15/2004, $2000; Santorum 2006, 8/31/2004, $2000; Lisa Murkowski for Senate, 9/27/2004, $2000; Citizens for Hope, Responsibility, Independence and Service (ChrisPac), 4/20/2005, $2500; Romney for President, 1/10/2008, $2300; Intel Corporation Political Action Committee, 1/15/2004, $208.00; 1/30/2004, $208.00; 2/13/2004, $208.00; 2/27/2004, $208.00; 3/15/2004, $208.00; 3/31/2004, $208.00; 4/15/2004, $208.00; 4/30/2004, $208.00; 5/14/2004, $208.00; 5/28/2004, $208.00; 6/15/2004, $208.00; 6/30/2004, $208.00; 7/15/2004, $208.00; 7/30/2004, $208.00; 8/13/2004, $208.00; 8/27/2004, $208.00; 9/15/2004, $208.00; 9/30/2004, $208.00; 10/15/2004, $208.00; 10/29/2004, $208.00; 11/15/2004, $208.00; 11/30/2004, $208.00; 12/15/2004, $208.00; 12/31/2004, $208.00; 1/14/2005, $208.00; 1/31/2005, $208.00; 2/15/2005, $208.00; 2/28/2005, $208.00; 3/15/2005, $208.00; 3/31/2005, $208.00; 4/15/2005, $208.00; 4/29/2005, $208.00; 5/13/2005, $208.00; 5/31/2005, $208.00; 6/15/2005, $208.00; 6/30/2005, $208.00; 7/15/2005, $208.00; 7/29/2005, $208.00; 8/15/2005, $208.00; 8/31/2005, $208.00; 9/15/2005, $208.00; 9/30/2005, $208.00; 10/14/2005, $208.00; 10/31/2005, $208.00; 11/15/2005, $208.00; 11/30/2005, $208.00; 12/15/2005, $208.00; 12/30/2005, $208.00; 1/13/2006, $208.00; 1/31/2006, $208.00; 2/15/2006, $208.00; 2/28/2006, $208.00; 3/15/2006, $208.00; 3/31/2006, $208.00; 4/14/2006, $208.00; 4/28/2006, $208.00; 5/15/2006, $208.00; 5/31/2006, $208.00; 6/15/2006, $208.00; 6/30/2006, $208.00; 7/14/2006, $208.00; 7/31/2006, $208.00; 8/15/2006, $208.00; 8/31/2006, $208.00; 9/15/2006, $208.00; 9/29/2006, $208.00; 10/13/2006, $208.00; 10/31/2006, $208.00, 11/15/2006, $208.00, 11/30/2006, $208.00, 12/15/2006, $208.00, 12/29/2006, $208.00, 1/15/2007, $208.00, 1/31/2007, $208.00, 2/15/2007, $208.00, 2/28/2007, $208.00, 3/15/2007, $208.00, 3/30/2007, $208.00, 4/13/2007, $208.00, 4/30/2007, $208.00, 5/15/2007, $208.00, 5/31/2007, $208.00, 6/15/2007, $208.00, 6/29/2007, $208.00, 7/13/2007, $208.00, 7/31/2007, $208.00, 8/15/2007, $208.00, 8/31/2007, $208.00, 9/14/2007, $208.00, 9/28/2007, $208.00, 10/15/2007, $208.00, 10/31/2007, $208.00, 11/15/2007, $208.00, 11/30/2007 $208.00, 12/14/2007, $208.00, 12/28/2007, $208.00.

3. Children and spouses: No children.

4. Parents: Robert Harvey McConnell, (deceased); Betty Lou Dornheim McConnell, Heather Wilson for Congress, 10/28/2007, $25, 9/8/2007, $25, 7/9/2007, $20, 2/11/2007, $25, 3/24/2006, $25; Republican National Committee 12/10/2007, $25, 5/22/2007, $30, 4/11/2007, $25; National Republican Women 3/8/2007, $30, Pennsylvania GOP, 8/15/2007, $25; Republican Women, 10/31/2006, $25.

5. Grandparents: William Dornheim, deceased; Solamea Ambil Dornheim, deceased; William Day McConnell, deceased; Della McFeaters McConnell, deceased.

6. Brothers and spouses: Robert Harvey McConnell Jr., deceased; William Ansley McConnell and Leslie Hipp McConnell, Pat Toomey 1/13/2004, $100; John David McConnell and Lori McConnell McConnell, Heather Wilson,12/20/2007, $500.

7. Sisters and spouses: Jill Kathlene Kazmierczak: none; Patricia Lynn Minter and Richard G. Minter, none.

Mr. BIDEN. Mr. President, for the Committee on Foreign 'Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Andrew Townsend Wiener and ending with Troy A. Lindquist, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. 2898. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Aréa in the State of Nevada; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. FEINGOLD, and Mrs. MURRAY):

S. 2899. A bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 2900. A bill to provide States with the incentives, flexibility and resources to develop child welfare services that focus on improving circumstances for children, whether in foster care or in their own homes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Ms. SNOWE, Mr. LIEBERMAN, Mr. VITTER, Mr. CARDIN, Mrs. DOLE, Ms. LANDRIEU, Mr. THUNE, Ms. CANTWELL, Mr. ENZI, Mr. BAYH, Mr. ISAKSON, Mr. PRYOR, Mr. LEVIN, and Mr. TESTER):

S. Res. 524. A resolution honoring the entrepreneurial spirit of the owners of small business concerns in the United States during National Small Business Week, beginning April 21, 2008; to the Committee on Small Business and Entrepreneurship.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. Res. 525. A resolution recognizing the progress made by States Parties to the Chemical Weapons Convention on the occasion of the Second Review Conference; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. Res. 526. A resolution designating April 20 through 26, 2008, as "National Community Health Aide, Community Health Practitioner, and Dental Health Aide Week"; considered and agreed to.

By Mr. WEBB (for himself and Mr. WARNER):

S. Res. 527. A resolution designating April 23, 2008, as "National Adopt a Library Day"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. INOUYE, Mr. ISAKSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. SPECTER, Mr. STEVENS, and Mr. TESTER):

S. Res. 528. A resolution designating April 25, 2008, as "Global Youth Service Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 335

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 358

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 773

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from California (Mrs. BOXER), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. SNOWE), the Senator from Virginia (Mr. WEBB), the Senator from Colorado (Mr. SALAZAR), the Senator from Maryland (Mr. CARDIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. LEAHY), the Senator from Pennsylvania (Mr. CASEY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Hawaii (Mr. INOUYE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1315

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 1315, a bill to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1715

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1760

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1817

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1817, a bill to ensure proper administration of the discharge of members of the Armed Forces for personality disorder, and for other purposes.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2130

At the request of Mr. CASEY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2130, a bill to express the sense of the Senate on the need for a comprehensive diplomatic offensive to help broker national reconciliation efforts in Iraq and lay the foundation for the eventual redeployment of United States combat forces.

S. 2197

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2197, a bill to establish the Federal Labor-Management Partnership Council.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2401

At the request of Ms. CANTWELL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles.

S. 2426

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2585

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2630

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2632

At the request of Mr. BOND, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2632, a bill to ensure that the Sex Offender Registration and Notification Act is applied retroactively.

S. 2640

At the request of Mr. BURR, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2640, a bill to amend title 38, United States Code, to enhance and improve insurance, housing, labor and education, and other benefits for veterans, and for other purposes.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2667

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2672

At the request of Mr. CONRAD, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2672, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2684

At the request of Mr. DODD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2684, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

S. 2756

At the request of Mr. BIDEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2756, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2783

At the request of Mr. ENSIGN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2783, a bill to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. DODD) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2844

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2844, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 2848

At the request of Mr. BROWN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2848, a bill to provide for health care benefits for certain nuclear facility workers.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2875

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2875, a bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

S. 2886

At the request of Mr. BAUCUS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2886, a bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions.

S. 2888

At the request of Mr. KOHL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2888, a bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2892

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2892, a bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force.

S. 2893

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2893, a bill to designate the Ludlow Massacre National Historic Landmark in the State of Colorado, and for other purposes.

S. 2895

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2895, a bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence.

S. RES. 506

At the request of Mr. NELSON of Nebraska, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 506, a resolution expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq.

S. RES. 515

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

S. RES. 518

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Pennsylvania (Mr. CASEY), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. INHOFE), the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. HATCH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 518, a resolution designating the third week of April 2008 as "National Shaken Baby Syndrome Awareness Week".

S. RES. 520

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 520, a resolution designating May 16, 2008, as "Endangered Species Day".

S. RES. 523

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 523, a resolution expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 2898. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Orchard Detention Basin Flood Control Act for myself and Senator ENSIGN. This Act will release approximately 65 acres of land managed by the Bureau of Land Management in Clark County, NV, from the Sunrise Mountain Instant Study Area. The release will allow for the construction of an important flood control project.

The Orchard Detention Basin project is part of the Clark County Regional Flood Control District's Master Plan to protect the Las Vegas Valley. This comprehensive floodplain management program is designed to protect private and public lands from flood damage and to save lives in this rapidly growing metropolitan area. When completed, the Orchard Detention Basin project will protect approximately 1,200 acres of urban development from flooding, including 2,500 homes and three schools. The project will also reduce the magnitude of flooding further downstream.

The boundary change executed by this legislation is needed because a portion of the detention basin project lies within the boundaries of the Sunrise Mountain Instant Study Area. An "instant study area" designation places development restrictions on public lands similar to those on wilderness study areas. This designation currently prevents the construction of this important flood control project, leaving the land and residents living downstream vulnerable to flood damage.

Even though the Las Vegas Valley is a desert, flash flooding is an all too common problem affecting the people in Las Vegas. In just the last decade, Las Vegas Valley has been hit with five 100-year storm events. A severe thunderstorm in 1999 dropped over 3 inches of rain in 1½ hours, resulting in a disaster declaration. Along with property damage and deaths related to flooding, Clark County residents experience inconvenience resulting from impassable roads during flooding events. Support services such as police, fire and ambulance can also be delayed, creating life-threatening incidents.

The House of Representatives has already taken up and passed this legislation during the current Congress. The version that I am introducing today reflects the amendments that were adopted in the House. I look forward to working with the Energy Committee and my other distinguished friends to move this bill in a timely manner during the current session.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Orchard Detention Basin Flood Control Act".

SEC. 2. RELEASE OF CERTAIN LAND IN THE SUNRISE MOUNTAIN INSTANT STUDY AREA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 65 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is—

(1) known as the "Orchard Detention Basin"; and

(2) designated for release on the map titled "Orchard Detention Basin" and dated March 18, 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 524—HONORING THE ENTREPRENEURIAL SPIRIT OF THE OWNERS OF SMALL BUSINESS CONCERNS IN THE UNITED STATES DURING NATIONAL SMALL BUSINESS WEEK, BEGINNING APRIL 21, 2008

Mr. KERRY (for himself, Ms. SNOWE, Mr. LIEBERMAN, Mr. VITTER, Mr. CARDIN, Mrs. DOLE, Ms. LANDRIEU, Mr. THUNE, Ms. CANTWELL, Mr. ENZI, Mr. BAYH, Mr. ISAKSON, Mr. PRYOR, Mr. LEVIN, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on Small Business and Entrepreneurship:

S. RES. 524

Whereas the 26,800,000 small business concerns in the United States are the driving force behind the Nation's economy, creating more than ⅔ of all net new jobs and generating more than 50 percent of the Nation's nonfarm gross domestic product;

Whereas small business concerns represent 99.7 percent of all businesses and employ 50 percent of the Nation's workforce;

Whereas small business concerns represent 97 percent of all exporters and produce 28.6 percent of exported goods;

Whereas small business concerns are the Nation's innovators, advancing technology and productivity;

Whereas the resilience, vitality, and growth of small business concerns are critical to the Nation's competitiveness during a time of economic downturn;

Whereas Congress established the Small Business Administration in 1953, to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free competitive enterprise, to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Federal Government be placed with small business concerns, to ensure that a fair proportion of the total sales of Government property be made to such small business concerns, and to maintain and strengthen the overall economy of the Nation;

Whereas for over 50 years, the Small Business Administration has provided aid and assistance to millions of entrepreneurs who have succeeded in achieving the American dream of owning a small business concern, and thus has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning April 21, 2008, as National Small Business Week: Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of the owners of small business concerns in the United States during National Small Business Week, beginning April 21, 2008;

(2) honors the efforts and achievements of the owners and employees of small business concerns, whose hard work, commitment to

excellence, and willingness to take a risk, have made them a crucial part of the Nation's economy;

(3) recognizes that small business concerns are essential to restoring the Nation's economic health;

(4) recognizes the vital role of the programs of the Small Business Administration and the work of its employees and its resource partners in providing assistance to entrepreneurs and the owners of small business concerns;

(5) strongly urges the President to take steps to ensure that—

(A) reasonable rules relating to the procurement program for women-owned small business concerns under section 8(m) of the Small Business Act (15 U.S.C. 637(m)) are expeditiously implemented to give women business owners a fair opportunity to compete for Federal contracts;

(B) small business concerns have access to quality affordable health insurance;

(C) the needs of veterans and reservists who own their own businesses, who work for small business concerns, or want to start their own businesses, are met during deployment and upon their return from duty;

(D) proper measures are enacted to provide a stimulus for business lending during this economic downturn;

(E) the tax burdens of small business concerns are reduced, and that there is a reduction in regulatory and bureaucratic barriers;

(F) small minority owned businesses are supported in their efforts to access the Federal marketplace and gain access to capital;

(G) small business concerns have the tools to become more energy efficient to survive rising costs of energy, increase profits, and reduce the Nation's reliance on foreign oil;

(H) all Federal agencies adhere to the contracting goals for small business concerns, including the goals for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, small business concerns owned and controlled by socially and economically disadvantaged individuals, and HUBZone small business concerns;

(I) venture capital and small business loans, including microloans and guaranteed loans that are delivered through private lenders, for start-up firms and growing small business concerns are available to all qualified small business concerns; and

(J) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as small business development centers, women's business centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to do their jobs; and

(6) urges that the Administrator of the Small Business Administration have an active role as a member of the President's Cabinet.

Mr. KERRY. I am pleased to take this opportunity during National Small Business Week to introduce a bipartisan Senate resolution honoring the entrepreneurial spirit of small business owners and urging the federal government to continue to improve upon its efforts to provide the guidance and assistance that has proven so valuable to small businesses across the nation. As Chairman of the Senate Committee on Small Business and Entrepreneurship, I am privileged to have as my Ranking Member Senator OLYMPIA SNOWE from Maine, and other Committee members who provide a voice for small business concerns and who advocate for the efficient and effective implementation of small business programs.

Almost 27 million small businesses power this Nation's economy, representing 99.7 percent of all businesses, creating more than ⅔ of all new jobs, and producing more than a quarter of our exports. Additionally, America's entrepreneurs are the minds responsible for innovations and advancing technologies that make this country resilient and competitive in the global economy and keep us on the cutting edge of technology.

The marketplace can be a daunting arena for entrepreneurs to wade into, and, though they rise to the challenge with great ideas, inventive products, and thorough business plans, there remains a great deal of financial risk and uncertainty in running a small business. The support, guidance, and financial assistance offered by Small Business Administration programs have been of incredible importance to small businesses working to succeed.

Mr. Robert Delhome from Wilmington, Massachusetts, is being honored by the Small Business Administration as the Massachusetts 2008 Small Business Person of the Year for his work as President of Charter Environmental, Inc. This civil and environmental contracting firm is not only at the forefront of the emerging green collar industry, but is also an example of a tremendously successful business that was able to take advantage of the SBA's 8(a) Business Development Program and transform $300 in seed capital into a $30 million a year business. What began with two determined employees and a good idea has become a business of over 100 employees providing vital services and solutions to confront challenging environmental problems. The 8(a) program offers assistance to socially and economically disadvantaged small business owners competing for Federal contracts, and Robert is but one of many entrepreneurs to have benefitted from this program.

As we celebrate Earth Day today and discuss the necessity of acting quickly to find workable solutions to our environmental problems, Robert's business is both an inspiration and an indication of the economic and environmental success this industry promises. As we consider the gravity of our environmental challenges, I will continue to promote the essential role that small businesses must play in the process of turning America green, moving us away from our dependence on foreign oil, and creating the innovative industry that will help strengthen our economy. Already our Nation's entrepreneurs are leading the way to economically smart and environmentally sound business practices, and we need to ensure that the tools to become energy efficient are accessible to every small business in the country. Our rapidly rising energy costs only serve to underscore the urgency with which we must address these environmental challenges.

I also continue to be concerned about the lack of small business inclusion in Federal contracts. In an effort to level the playing field, Congress set forth specific procurement goals in law, including goals for women, veteran, and minority owned businesses, but the Bush administration has proven unwilling to work quickly to meet these goals. The Women's Procurement Program is a troublesome example of a larger trend. In 2000, this program was created to ensure the Federal Government sets aside at least 5 percent of all procurement opportunities for women-owned businesses. More than 7 years later, only 3.4 percent of Federal contracts are reaching those businesses.

Janet Ceddia, president of a security and fencing company in Hudson, Massachusetts, is just the type of business owner who would benefit if the Federal Government improved its efforts at reaching out to all types of small businesses.

A small, disadvantaged, 8(a) certified, woman-owned company, Security Construction Services, Inc. in Hudson, Massachusetts, has grown enormously in recent years, doubling its workforce and expanding its services as the company has received $15 million in government contracts. Today, Janet's business has completed contracts for the Air Force, Army Reserve, Coast Guard, and Veterans Administration, among other agencies, and Janet was honored as the 2008 Region I Prime Contractor of the Year for her success. As Janet has proven, when given the chance, small businesses prove to be excellent partners in Federal projects.

I would also like to highlight the work of Maria Gooch-Smith, who is being honored for her work as the Executive Director of the South Eastern Economic Development, SEED, Corporation in Taunton, Massachusetts. Over the last eight years, SEED has made an average of 150 loans each year, and has operated as the largest SBA 504 and Micro Lender in Massachusetts. Last year alone, SEED granted or leveraged over $105 million, which directly contributed to the creation of 637 new jobs, and, in doing so, demonstrated the vast capability of SBA 504 Certified Development Companies. It is imperative that these small business loan programs receive the necessary resources for them to maintain quality, effective programs and services to support small businesses and our local communities in a positive way.

I am proud of all of the hardworking Americans who face the challenges of opening and running a small business, and I encourage us all to take this week of special recognition to reflect on the possibilities for further improving the operating climate for small business owners and to reaffirm our resolve to fight for the necessary resources to assist small businesses. I applaud the dedication, innovation, and achievements of America's entrepreneurs, and I pledge to continue to advocate on their behalf.

Ms. SNOWE. Mr. President, as we celebrate National Small Business Week, which runs April 21 through April 25, 2008, I rise in support of a Senate Resolution—which I introduced along with Chairman KERRY, and other members of the Senate Committee on Small Business and Entrepreneurship—that honors the entrepreneurial spirit of our Nation's nearly 27 million small businesses and the tremendous contributions they make to our economy.

Small businesses are the driving force behind our nation's economic growth and job creation. Representing 99 percent of all employers, small businesses create nearly ⅗ of all net new jobs and generate more than 50 percent of the Nation's nonfarm gross domestic product. They are the foundation, the engine, the core of our economy. Clearly, the greatest source of jobs in this country are the small businesses that are constantly responding to new challenges with innovations and creativity.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have made it one of my top priorities to be an advocate for small businesses, and to help raise the needs and concerns of our countries' job creators. With more than 600,000 small businesses having opened in 2006, this is clearly a sector that deserves our accolades, recognition, and support.

Indeed, hope embodies the spirit of the 26.8 million small business owners. They are willing to take risks that others don't, they transform their ideas and dreams into realities, their hobbies become their professions, and their entrepreneurial spirit can be seen in the products and services that make up America. Frankly, this week as we celebrate our Nation's entrepreneurs, we will undoubtedly fall short of fully recognizing what our country's small businesses truly add to our economy.

Given the sluggish state of our economy, it is all the more imperative that we fully equip our small businesses, our true job generators, and provide them with the tools—not just to mitigate and stem this crisis—but to be a catalyst for helping to address and ultimately solve it. We must take advantage of the opportunities to help our small businesses thrive. We in Congress should reduce their tax burdens, ensure they receive the business counseling they deserve, and that they have affordable and reliable health insurance options for their employees.

One of our most valuable assets for ensuring the success of small businesses is the Small Business Administration, SBA. The SBA is pivotal in overseeing the delivery of financial and business development tools for millions of aspiring entrepreneurs and existing small businesses across the United States. With the SBA being the only Federal agency with the mandate to foster small business growth, we must work to provide the agency with the resources needed to help our nation's entrepreneurs right this economy.

So as we celebrate our Nation's small businesses, we must be mindful of Congress's responsibility to ensure that each business has the opportunity to flourish. When accounting for inflation the SBA has seen its core lending and business development program budget cut by 28 percent since 2001, and this trend must simply be reversed. While the SBA touts its "doing more with less," the agency's resources, programs, and employees are stretched too thin, which in the end negatively impacts our Nation's small business and the economy as a whole. As we look ahead, rest assured, I will not hesitate to take action and ensure that this vital sector continues to have the valuable resources it deserves.

The SBA has been, and will continue to be, a critical partner to millions of small enterprises as well as aspiring entrepreneurs as they embark on the path to prosperity and job creation. The least we can do is strengthen, not erode, the SBA's core loan and technical assistance programs that have proven time and again to be the keystone in aiding the efforts and dreams of America's entrepreneurs.

Today we celebrate our Nation's entrepreneurs and honor America's small businesses. I urge my colleagues to show their support for the small businesses in their states and support this resolution. We must remember that this country's future will be determined by today's small businesses, and the faster we can help them create more jobs, the quicker the economy will rebound, and the stronger its foundation will be.

SENATE RESOLUTION 525—RECOGNIZING THE PROGRESS MADE BY STATES PARTIES TO THE CHEMICAL WEAPONS CONVENTION ON THE OCCASION OF THE SECOND REVIEW CONFERENCE

Mr. BIDEN (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 525

Whereas, on April 24, 1997, the Senate gave its advice and consent to the ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with Annexes, done at Paris January 13, 1993 (commonly known as the "Chemical Weapons Convention" and the "CWC") (T. Doc. 103-21);

Whereas, the Chemical Weapons Convention entered into force on April 29, 1997;

Whereas, since the Chemical Weapons Convention entered into force, more than 27,000 metric tons of chemical weapons have been destroyed, representing over 35 percent of the declared chemical weapon stockpiles worldwide;

Whereas 11 chemical weapons destruction facilities are currently in operation in 5 countries;

Whereas none of the 65 chemical weapons production facilities declared by 12 States Parties are producing chemical weapons, and all but 4 of the facilities have been either verifiably destroyed or converted for peaceful purposes in accordance with the Chemical Weapons Convention;

Whereas, on July 11, 2007, Albania became the first State Party to completely eliminate its entire stockpile of chemical weapons, with assistance from the Nunn-Lugar Cooperative Threat Reduction Program;

Whereas membership in the Organization for the Prohibition of Chemical Weapons now stands at 183 states, encompassing 98 percent of the world's population, up from 87 States Parties when the Chemical Weapons Convention entered into force;

Whereas the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention was opened on April 28, 2003, and 113 States Parties participated in the First Review Conference; and

Whereas the Second Review Conference of the Chemical Weapons Convention opened on April 7, 2008, in The Hague, Netherlands: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its support for the purposes, operations, and undertakings of the Chemical Weapons Convention, which have served the interests of international peace and security and the national security interests of the United States;

(2) notes the progress that has been made by States Parties to the Chemical Weapons Convention toward the elimination of stockpiles of deadly chemical weapons in possessor states, and urges continued progress toward that goal;

(3) calls on all States Parties—

(A) to continue their compliance with their obligations under the Chemical Weapons Convention to permit the monitoring and verification of the inactivation, and later destruction or conversion, of all chemical weapons production facilities, as well as the destruction of chemical weapons stockpiles;

(B) to submit and allow verification of the consistency of industrial chemical declarations; and

(C) to allow the effective monitoring of the non-diversion of chemicals for activities prohibited under the Chemical Weapons Convention; and

(4) calls on all States Parties to adopt the necessary laws, regulations, and enforcement practices to ban chemical weapons activities, pursuant to Article VIII of the Chemical Weapons Convention and United Nations Security Council Resolution 1540 (2004), and to afford appropriate legal and regulatory assistance to other countries so as to achieve full implementation of the Chemical Weapons Convention.

Mr. BIDEN. Mr. President, 11 years ago this month, the Senate gave its advice and consent to U.S. ratification of the Chemical Weapons Convention, or CWC. Those of us who were here then remember all too well how contentious and difficult a task that was.

Eleven years later, I have no doubt in my mind that the Senate did the right thing. The CWC clearly serves the national security interests of the U.S. It continues to enhance international peace and security.

Since the CWC entered into force, 183 States have signed on to the treaty's commitment to forgo poison gas forever, and have subjected themselves to the treaty's verification procedures. States Parties to the CWC have destroyed over 27,000 tons of chemical weapons—over a third of the world's declared stockpiles—and 11 destruction facilities around the world are working to destroy even more. Sixty-five chemical weapons production facilities that, without a Chemical Weapons Convention, could have churned out still more poison gas are no longer carrying out that horrible work, and all but 4 of those former weapons production facilities have been verifiably destroyed or converted to peaceful purposes. Most importantly, there has been no use of chemical weapons by any country in the last 11 years, and no international support for the use of such weapons by terrorist groups.

Under the able leadership of its Director-General, Ambassador Rogelio Pfirter, the Organization for the Prevention of Chemical Weapons runs a tight ship. It works with all States Parties to improve national declarations, to mount effective inspections, and to secure the adoption of effective national laws, regulations and procedures that criminalize and guard against the production or stockpiling of chemical weapons.

The States Parties to the Chemical Weapons Convention are gathering over the next 2 weeks in The Netherlands for the Convention's Second Review Conference. Senator LUGAR and I have introduced this resolution during the Review Conference in order to reaffirm the Senate's commitment to the goals of the CWC. We are proud of the progress that has been made so far, and we call upon all States Parties to continue to meet their commitments under the CWC and to do all they can to further the noble aims of the Convention.

I urge all my colleagues to support this resolution.

SENATE RESOLUTION 526—DESIGNATING APRIL 20 THROUGH 26, 2008, AS "NATIONAL COMMUNITY HEALTH AIDE, COMMUNITY HEALTH PRACTITIONER, AND DENTAL HEALTH AIDE WEEK"

Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 526

Whereas Alaska experienced one of the most extreme tuberculosis epidemics in recorded history in the 1950s;

Whereas the Community Health Aide Program in Alaska was created during the 1950s, in response to the unique health care needs of remote Alaskan communities;

Whereas the Community Health Aide Program, which currently consists of 550 Community Health Aides and Community Health Practitioners and 40 Dental Health Aides, serves 178 isolated Alaskan communities to provide emergency, primary health care, and oral health care;

Whereas Community Health Aides, Community Health Practitioners, and Dental Health Aides have proven their dedication to serving Alaskans and their ability to work in some of the most challenging and diverse settings in the world;

Whereas the Community Health Aide Program is the only program of its kind in the United States, and other countries have modeled their delivery of rural health care after this program;

Whereas the Community Health Aide Program has proven to be effective, efficient, and essential in improving the health of the inhabitants of rural Alaska;

Whereas the Community Health Aide Program is a patient's first contact within the network of health care professionals in the Alaska Tribal Health Care System and is one of the most effective means of delivering health care services to Alaskan communities;

Whereas the Community Health Aide Program was created with a focus on tuberculosis, meningitis, and other infectious diseases, but now successfully cares for other common diseases such as diabetes and heart disease;

Whereas the Community Health Aide Program also serves the oral health needs of Alaskans, and is in the process of adding services to address the behavioral health needs of rural Alaska; and

Whereas the Community Health Aide Program has successfully adapted over the last 50 years to the ever-evolving health care landscape of Alaskan communities: Now, therefore, be it

Resolved, That the Senate designates April 20 through 26, 2008, as "National Community Health Aide, Community Health Practitioner, and Dental Health Aide Week".

SENATE RESOLUTION 527—DESIGNATING APRIL 23, 2008, AS "NATIONAL ADOPT A LIBRARY DAY"

Mr. WEBB (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 527

Whereas libraries are an essential part of our communities and our national system of education;

Whereas the citizens of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that those who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate donations of books to schools and libraries across the country to extend the joys of reading to millions of people in the United States and prevent used books from being thrown away; and

Whereas several States and Commonwealths that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as "Adopt A Library Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2008, as "National Adopt A Library Day";

(2) honors organizations that help facilitate donations to schools and libraries;

(3) urges all people in the United States who own unused books to donate those books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 528—DESIGNATING APRIL 25, 2008, AS "GLOBAL YOUTH SERVICE DAY"

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. INOUYE, Mr. ISAKSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. SPECTER, Mr. STEVENS, and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 528

Whereas Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities;

Whereas the goals of Global Youth Service Day are to—(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning; (2) support young people in embarking on a lifelong path of service and civic engagement; and (3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and in 2008 is being observed for the 20th consecutive year in the United States and for the 9th year globally in more than 100 countries;

Whereas young people in the United States and in many other countries are volunteering more than in any other generation in history;

Whereas children and youth not only represent the future of the world, but also are leaders and assets today;

Whereas children and youth should be valued for the idealism, energy, creativity, and unique perspectives that they use when addressing critical global issues such as poverty, hunger, illiteracy, education, gang activity, natural disasters, climate change, and myriad others;

Whereas a fundamental and conclusive correlation exists between youth service, lifelong adult volunteering, and philanthropy;

Whereas service-learning is a teaching and learning strategy that integrates meaningful community service with mastery of academic curricula by helping young people make important connections between what they are studying and the challenges that they see in their communities;

Whereas several private foundations and corporations in the United States support service-learning as a means for young people to build character and develop the leadership and career-preparedness skills that are necessary for the United States to be competitive in the 21st century, including time management, decision-making, teamwork, and problem solving;

Whereas a report by Civic Enterprises found that 47 percent of high school dropouts reported boredom as a primary reason for dropping out;

Whereas high quality, semester-long service-learning has been found to increase students' academic engagement and achievement, motivation to learn, school attendance, civic participation, character development, and career aspirations;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of 75 lead agencies, 45 international organizations, and 120 national partners;

Whereas a growing number of Global Youth Service Day projects involve youth working collaboratively across national and geographic boundaries, increasing intercultural understanding and promoting the sense that they are global citizens; and

Whereas both young people and their communities will benefit greatly from expanded opportunities for youth to engage in volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a civic bond among young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 25, 2008, as "Global Youth Service Day"; and

(3) calls on the citizens of the United States to—

(A) observe the day by encouraging youth to participate in civic and community service projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful learning and decision-making opportunities today as an investment in the future of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4559. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table.

SA 4560. Mr. BAUCUS (for himself, Mr. TESTER, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4561. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4562. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4563. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4564. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4565. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4566. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4567. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4568. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4569. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4559. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, after line 4, add the following:

SEC. 808. AUTHORITIES AND REQUIREMENTS FOR ENHANCEMENT OF OUTREACH OF ACTIVITIES DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—Chapter 5 is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—OUTREACH

"§ 561. Outreach activities: funding

"(a) Separate Account for Outreach Activities.—The Secretary shall establish a separate account for the funding of the outreach activities of the Department, and shall establish within such account a separate subaccount for the funding of the outreach activities of each element of the Department specified in subsection (c).

"(b) Budget Requirements.—In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested for such fiscal year for activities as follows:

"(1) For outreach activities of the Department in aggregate.

"(2) For outreach activities of each element of the Department specified in subsection (c).

"(c) Covered Elements.—The elements of the Department specified in this subsection are as follows:

"(1) The Veterans Health Administration.

"(2) The Veterans Benefits Administration.

"(3) The National Cemetery Administration.

"§ 562. Outreach activities: coordination of activities within Department

"(a) Procedures for Effective Coordination.—The Secretary shall establish and maintain procedures for ensuring the effective coordination of the outreach activities of the Department between and among the following:

"(1) The Office of the Secretary.

"(2) The Office of Public Affairs.

"(3) The Veterans Health Administration.

"(4) The Veterans Benefits Administration.

"(5) The National Cemetery Administration.

"(b) Review and Modification.—The Secretary shall—

"(1) periodically review the procedures maintained under subsection (a) for the purpose of ensuring that such procedures meet the requirement in that subsection; and

"(2) make such modifications to such procedures as the Secretary considers appropriate in light of such review in order to better achieve that purpose.

"§ 563. Outreach activities: cooperative activities with States; grants to States for improvement of outreach

"(a) Purpose.—It is the purpose of this section to assist States in carrying out programs that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive veterans' or veterans'-related benefits, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans' and veterans'-related benefits and programs (including under State veterans' programs).

"(b) Location of Provision of Outreach.—The Secretary shall ensure that outreach and assistance is provided under programs referred to in subsection (a) in locations proximate to populations of veterans and other individuals referred to in that subsection, as determined utilizing criteria for determining the proximity of such populations to veterans health care services.

"(c) Cooperative Agreements With States.—The Secretary may enter into cooperative agreements and arrangements with veterans agencies of the States in order to carry out, coordinate, improve, or otherwise enhance outreach by the Department and the States (including outreach with respect to State veterans' programs).

"(d) Grants.—(1) The Secretary may award grants to veterans agencies of States in order to achieve purposes as follows:

"(A) To carry out, coordinate, improve, or otherwise enhance outreach, including activities pursuant to cooperative agreements and arrangements under subsection (c).

"(B) To carry out, coordinate, improve, or otherwise enhance activities to assist in the development and submittal of claims for veterans' and veterans'-related benefits, including activities pursuant to cooperative agreements and arrangements under subsection (c).

"(2) A veterans agency of a State receiving a grant under this subsection—

"(A) may, except as provided in subparagraph (B)—

"(i) use the grant amount for purposes described in paragraph (1); and

"(ii) award all or any portion of such grant amount to nonprofit organizations of such State, for such purposes; and

"(B) if such State has a county or local government with a veterans agency, shall award all or any portion of such grant amount to not less than one veterans agency of a county or local government of such State, for such purposes.

"(e) FUNDING.—Amounts available for the Department for outreach in the account under section 561 of this title shall be available for activities under this section, including grants under subsection (d).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 is amended by adding at the end the following new items:

"SUBCHAPTER IV—OUTREACH

"561. Outreach activities: funding.
"562. Outreach activities: coordination of activities within Department.
"563. Outreach activities: cooperative activities with States; grants to States for improvement of outreach.".

SA 4560. Mr. BAUCUS (for himself, Mr. TESTER, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 604. REPORTS ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every year thereafter through 2012, the Secretary of Veterans Affairs shall submit to the congressional veterans affairs committees a report describing the progress of the Secretary in addressing the causes of variances in compensation payments for veterans for service-connected disabilities.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) A description of the efforts of the Veterans Benefits Administration to coordinate with the Veterans Health Administration to improve the quality of examinations of veterans with service-connected disabilities that are performed by the Veterans Health Administration and contract clinicians, including efforts relating to the use of approved templates for such examinations and of reports on such examinations that are based on such templates prepared in an easily-readable format.

(2) An assessment of the current personnel requirements of the Veterans Benefits Administration, including an assessment of the adequacy of the number of personnel assigned to each regional office of the Administration for each type of claim adjudication position.

(3) A description of the differences, if any, in current patterns of submittal rate of claims to the Secretary of Veterans Affairs regarding service-connected disabilities among various populations of veterans, including veterans living in rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and veterans who are retired from the Armed Forces military retirees, and a description and assessment of efforts undertaken to eliminate such differences.

(c) DEFINITIONS.—In this section:

(1) The term "congressional veterans affairs committees" means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) HIGHLY RURAL.—The term "highly rural", in the case of an area, means that the area consists of a county or counties having a population of less than seven persons per square mile.

SA 4561. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. PLOT ALLOWANCE FOR SPOUSES AND CHILDREN OF CERTAIN VETERANS WHO ARE BURIED IN STATE CEMETERIES.

(a) PLOT ALLOWANCE.—Section 2303 is amended by adding at the end the following new subsection:

"(c)(1) In the case of an individual described in paragraph (2) who is buried in a cemetery that is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of $300 as a plot or interment allowance for such individual.

"(2) An individual described in this paragraph is a spouse, surviving spouse (which for purposes of this chapter includes a surviving spouse who had a subsequent remarriage), minor child (which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution), or, in the discretion of the Secretary, unmarried adult child of any of person described in paragraph (1), (2), (3), (4), or (7) of section 2402 of this title.".

(b) EFFECTIVE DATE.—Subsection (c) of section 2303 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual who dies on or after the date of the enactment of this Act.

SA 4562. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 604. PAYMENT OF AMOUNTS OF ROUND DOWN OF RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION ROUNDED DOWN DURING COST-OF-LIVING ADJUSTMENTS BY THE SECRETARY OF VETERANS AFFAIRS.

(a) PAYMENT OF AMOUNTS OF ROUND DOWN.—In any month in which a rate of disability compensation or dependency and indemnity compensation specified in subsection (b) that is payable to an individual under the laws administered by the Secretary of Veterans Affairs is rounded down to the next lower whole dollar amount by reason of an Act requiring such a rounding down in the course of a cost-of-living adjustment to such rate by the Secretary authorized by such Act, the individual shall be paid for such month an additional amount equal to the rounded down amount of such rate.

(b) COVERED RATES OF COMPENSATION.—The rates of compensation specified in this subsection are the rates of compensation and other allowances as follows:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR DISABILITY.—The dollar mounts in effect under section 1311(c) and 1311(d) of such title.

(7) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under section 1313(a) and 1314 of such title.

(c) TREATMENT AS COMPENSATION.—Any amount paid an individual under subsection (a) shall be treated as disability compensation or dependency and indemnity compensation, as applicable, for all purposes.

SA 4563. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 802 and insert the following:

SEC. 802. AUTOMOBILE ASSISTANCE ALLOWANCE.

(a) INCREASE IN AMOUNT OF ALLOWANCE.—Subsection (a) of section 3902 is amended by striking "$11,000" and inserting "$22,500 (as adjusted from time to time under subsection (e))".

(b) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the dollar amount in effect under subsection (a) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

"(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SA 4564. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 205 and insert the following:

SEC. 205. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

Section 2102 is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000";

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000"; and

(3) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

SA 4565. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 701 and insert the following:

SEC. 701. FUNERAL AND BURIAL EXPENSES.

(a) DEATHS FROM SERVICE-CONNECTED DISABILITY.—Section 2307 is amended—

(1) by inserting "(a) FUNERAL AND BURIAL EXPENSES.—" before "In any case";

(2) in paragraph (1) of subsection (a), as designated by paragraph (1) of this subsection, by striking "$2,000" and inserting "$4,100 (as adjusted from time to time under subsection (b))"; and

(3) by adding at the end the following new subsection:

"(b) COST-OF-LIVING ADJUSTMENT.—With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount of benefits payable under subsection (a)(1) equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths occurring on or after that date.

(2) NO COLA ADJUSTMENT FOR FISCAL YEAR 2009.—The percentage increase required by subsection (b) of section 2307 of title 38, United States Code (as added by subsection (a) of this section), for fiscal year 2009 shall not be made.

SA 4566. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 702 and insert the following:

SEC. 702. PLOT ALLOWANCES.

(a) INCREASE IN PLOT ALLOWANCE.—Section 2303 is amended by striking "$300" each place it appears and inserting "$745 (as adjusted from time to time under subsection (c))".

(b) EXPANSION OF ELIGIBILITY.—Subsection (b)(2) of such section is amended by striking "such veteran is eligible" and all that follows through ", and".

(c) ANNUAL COST-OF-LIVING ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

"(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in each maximum amount of the plot allowance payable under this section equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

(2) NO COLA ADJUSTMENT FOR FISCAL YEAR 2009.—The percentage increase required by subsection (c) of section 2303 of title 38, United States Code (as added by subsection (c) of this section), for fiscal year 2009 shall not be made.

SA 4567. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, after line 21, add the following:

SEC. 604. AUTOMATIC ANNUAL INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) INDEXING TO SOCIAL SECURITY INCREASES.—Section 5312 is amended by adding at the end the following new subsection:

"(d)(1) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in paragraph (2), as such amounts were in effect immediately before the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

"(2) The dollar amounts to be increased pursuant to paragraph (1) are the following:

"(A) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of this title.

"(B) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of this title.

"(C) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of this title.

"(D) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of this title.

"(E) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of this title.

"(F) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of this title.

"(G) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under sections 1311(c) and 1311(d) of this title.

"(H) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of this title.

"(3) Whenever there is an increase under paragraph (1) in amounts in effect for the payment of disability compensation and dependency and indemnity compensation, the Secretary shall publish such amounts, as increased pursuant to such paragraph, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) is published by reason of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).".

(b) EFFECTIVE DATE.—Subsection (d) of section 5312 of title 38, United States Code, as added by subsection (a) of this section, shall take effect on the first day of the first calendar year that begins after the date of the enactment of this Act.

SA 4568. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 808. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

"(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

"(B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and

"(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and".

SA 4569. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 808. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly ensure that the center collaborates with the Department of Veterans Affairs, the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To carry out such other activities to improve and enhance the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 24, at 9 a.m. in Room 562 of the Dirksen Senate Office Building.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 1, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the adequacy of State and Federal regulatory structures for governing electric utility holding companies in light of the repeal of the Public Utility Holding Company Act in the Energy Policy Act of 2005, with particular attention to the report issued by the Government Accountability Office-GAO–08–289, Utility Oversight: Recent Changes in Law Call for Improved Vigilance by FERC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Leon Lowery at (202) 224–2209 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the Session of the Senate on April 22, 2008, at 10 a.m., to conduct a Committee Hearing entitled "Turmoil in U.S. Credit Markets: The Rule of Credit Rating Agencies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 22, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Tuesday, April 22, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 22, 2008, at 10:30 a.m. to hold a hearing on international deforestation and climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 22, 2008, at 2:15 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 22, 2008, at 4:30 p.m. to hold a briefing on U.S.-Turkey nuclear cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 22, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests, be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 22, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KOHL. Mr. President, on behalf of Senator KENNEDY, I ask unanimous consent that Laura Kwinn, a fellow in his office, be granted the privileges of the floor for the remainder of the legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that two members of my staff, Nina Fallenbaum and Petti Matila, be granted the privileges of the floor during the consideration of S. 1315.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. First, I ask unanimous consent that Jerry Acosta, a military legislative fellow in my office, be granted the privilege of the floor during the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 522.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 522) recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that Senators have until tomorrow at 5 o'clock to add their names as cosponsors of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and any statements relating to this matter be printed in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 522) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 522

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine and create a Jewish state;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern State of Israel is an outgrowth of the existence of the historic kingdom of Israel established in the Land of Israel 3,000 years ago, with the city of Jerusalem as its capital;

Whereas for over 2,000 years, there has been continuous Jewish presence and residence in the land comprising the modern State of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jewish people followed the slaughter of more than 6,000,000 European Jews during the Holocaust;

Whereas since its establishment 60 years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic democratic society, and created a thriving economic, political, cultural, and intellectual life despite the heavy costs of war, terrorism, and unjustified diplomatic and economic boycotts against the people of Israel;

Whereas the people of Israel have established a vibrant, pluralistic, democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices;

Whereas Israel has developed some of the leading universities in the world, and 8 Israeli citizens have been awarded the Nobel Prize;

Whereas Israel has developed an advanced, entrepreneurial economy, is among the world's leaders in the high-tech industry, and is at the forefront of research and development in the field of renewable energy sources;

Whereas Israel regularly sends humanitarian aid, search-and-rescue teams, mobile hospitals, and other emergency supplies, to help victims of disasters around the world, including the 1994 Rwandan civil war, the 1998 bombing of the United States Embassy in Kenya, the 1999 earthquakes in Turkey, the 2004 Indian Ocean tsunami, the 2005 hurricanes along the southern coast of the United States, and the 2007 fires in Greece;

Whereas Israel has absorbed millions of Jews from countries throughout the world and fully integrated them into Israeli society;

Whereas Israel has bravely defended itself from repeated terrorist and military attacks since its independence;

Whereas successive leaders of Israel have sought to achieve peace with Israel's Arab neighbors;

Whereas Israel has established peaceful bilateral relations with neighboring Egypt and Jordan and has made its desire to establish peaceful relations with all Arab states abundantly clear;

Whereas for 6 decades, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect;

Whereas the American people feel a strong affinity for the Israeli people based on common values and shared cultural heritage; and

Whereas the United States continues to regard Israel as a strong and trusted ally and an important strategic partner: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the 60th anniversary of the reestablishment of the sovereign and independent State of Israel as a homeland for the Jewish people;

(2) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past 60 years, and commits to strengthening those bonds;

(3) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic, democratic society in the face of terrorism, as well as hostility, ostracism, and belligerence from many of their neighbors;

(4) reaffirms its support for Israel's right to defend itself against threats to its security and existence;

(5) reaffirms its enduring support for Israel as Israel pursues peace with its neighbors; and

(6) extends the warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

NATIONAL COMMUNITY HEALTH AIDE, COMMUNITY HEALTH PRACTITIONER, AND DENTAL HEALTH AIDE WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 526.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 526) designating April 20 through 26, 2008, as "National Community Health Aide, Community Health Practitioner, and Dental Health Aide Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 526) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 526

Whereas Alaska experienced one of the most extreme tuberculosis epidemics in recorded history in the 1950s;

Whereas the Community Health Aide Program in Alaska was created during the 1950s, in response to the unique health care needs of remote Alaskan communities;

Whereas the Community Health Aide Program, which currently consists of 550 Community Health Aides and Community Health Practitioners and 40 Dental Health Aides, serves 178 isolated Alaskan communities to provide emergency, primary health care, and oral health care;

Whereas Community Health Aides, Community Health Practitioners, and Dental Health Aides have proven their dedication to serving Alaskans and their ability to work in some of the most challenging and diverse settings in the world;

Whereas the Community Health Aide Program is the only program of its kind in the United States, and other countries have modeled their delivery of rural health care after this program;

Whereas the Community Health Aide Program has proven to be effective, efficient, and essential in improving the health of the inhabitants of rural Alaska;

Whereas the Community Health Aide Program is a patient's first contact within the network of health care professionals in the Alaska Tribal Health Care System and is one of the most effective means of delivering health care services to Alaskan communities;

Whereas the Community Health Aide Program was created with a focus on tuberculosis, meningitis, and other infectious diseases, but now successfully cares for other common diseases such as diabetes and heart disease;

Whereas the Community Health Aide Program also serves the oral health needs of Alaskans, and is in the process of adding services to address the behavioral health needs of rural Alaska; and

Whereas the Community Health Aide Program has successfully adapted over the last 50 years to the ever-evolving health care landscape of Alaskan communities: Now, therefore, be it

Resolved, That the Senate designates April 20 through 26, 2008, as "National Community Health Aide, Community Health Practitioner, and Dental Health Aide Week".

NATIONAL ADOPT A LIBRARY DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 527.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 527) designating April 23, 2008, as National Adopt a Library Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, that the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 527) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 527

Whereas libraries are an essential part of our communities and our national system of education;

Whereas the citizens of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that those who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate donations of books to schools and libraries across the country to extend the joys of reading to millions of people in the United States and prevent used books from being thrown away; and

Whereas several States and Commonwealths that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as "Adopt A Library Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2008, as "National Adopt A Library Day";

(2) honors organizations that help facilitate donations to schools and libraries;

(3) urges all people in the United States who own unused books to donate those books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

GLOBAL YOUTH SERVICE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 528.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 528) designating April 25, 2008, as "Global Youth Service Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise in support of a resolution designating April 25, 2008, as "Global Youth Service Day." This resolution recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on April 25 and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts.

Over the weekend beginning this Friday, April 25, youth from across the United States and around the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

This event is not isolated to one weekend a year. Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year.

Mr. President, the participation of youth in community service is not just a "nice idea" for a way to spend a Saturday afternoon. Youth who are engaged in volunteer service and service-learning activities do better in school than their classmates who do not volunteer. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity. Service within the community also contributes positively to young people's character development, civic participation, and better understanding of the needs of their neighbors.

A recent survey by Civic Enterprises found that 47 percent of high school dropouts reported that boredom in school was a primary reason why they dropped out. High quality service-learning activities can, however, help young people make important connections between the curriculum and the challenges they see in their communities.

It is important, therefore, that the United States Senate encourage youth to engage in community service and to congratulate them for the service they provide.

In an effort to recognize and support youth volunteers in my State, I am proud to acknowledge some of the activities that will occur this year in Alaska in observance of National and Global Youth Service Day:

1. Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth, is again sponsoring the annual Kids' Day three-day events in Anchorage this year. Youth will provide significant service to their peers and to adults who attend Kids' Day activities: Students from King Career Center will serve as volunteer safety patrols. Students from the University of Alaska Anchorage will serve as greeters. Members of the West High School Junior ROTC will provide security. The youth members of the American Co-Ed Pageants will serve as entertainment directors. Students at Chugiak High School will help their younger peers with bicycle and seatbelt safety demonstrations. Youth volunteers at the Imaginiarium will help with displays and lead groups of visitors through the hands-on experiments. Youth docents at the Anchorage Museum will help youth visitors explore the museum. Youth will also organize a Book Give-Away and provide entertainment through song, dance, gymnastics, and karate.

In addition to the Kids' Day events, young people from every region of Alaska will serve their communities in the following ways:

2. Young members of the Kiwanis Key Club will, through the RYLA Youth Leadership program, perform various service projects from March through May.

3. Alaska Youth for Environmental Action will sponsor A Week Without Plastics activities in Anchorage, Palmer, Fairbanks, Juneau, Homer, Yakutat, and Sitka. Youth organizers will help educate their communities, through various outreach activities, on the effects of plastics on our environment.

4. Youth in the Anchorage School District will host a dance to raise funds for economically disadvantaged students who do not qualify for a free or reduced price school lunch; make daily checks for recyclable items, and hold a fundraiser for lymphoma and leukemia research.

5. In partnership with the Anchorage Municipal Libraries, youth will help organize the city's summer reading program and materials.

6. In partnership with Covenant House and Congregation Beth Shalom, young people in Anchorage will involve their peers in transforming old T-shirts into reusable grocery bags.

7. 4-H and other youth volunteers, in partnership with the Alaska Zoo in Anchorage, will provide plastics education information and participate in the planting of trees for Earth Day.

8. In Ketchikan, the Boys and Girls Club will sponsor a city-wide clean-up involving many elementary, middle schools and high school students.

9. From January through May, young people whose parents are stationed at Elmendorf Air Force Base have been involved in monthly service projects.

10. Members of Camp Fire at Highland Tech will sponsor a student contest between the advisory teams within the school to see who can bring in the most plastic to recycle. Each student who participates will receive a reusable shopping bag from Fred Meyer. Students will also hold a Safety Fair.

11. In Nome, Alaska, the student council will sponsor the annual food drive, open the local food bank, and go house to house to gather food for the needy in the community.

12. The Nome Junior ROTC will gather seeds for the school's greenhouse and prepare plantings in the old gold dredges around town.

13. In Juneau, youth members of the Ethics and Leadership program will make ceramic bowls that will be donated to the Glory Hole, Juneau's homeless shelter and soup kitchen.

14. From January through May, members of the Mayor's Youth Commission in Anchorage select a volunteer project that will impact the Municipality for the One Good Deed program.

15. Youth members of the Cook Inlet Tribal Council in Anchorage reach out to the community at large through the Native Games Community Outreach project.

16. The Mediak Video, Radio, and Magazine Clubs of Anchorage will sponsor a Spring Quarter Movie Night, create Public Service Announcements for radio station KNBA, and complete the 8th edition of Alaska Aloud, the only magazine written by and for Alaska Native students in the Anchorage area.

I am so proud of all of these young people. I value their idealism, energy, creativity, and unique perspectives as they volunteer to make their communities better and assist those in need.

Many similarly wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to visit the Youth Service America Web site—www.ysa.org—to find out about the selfless and creative youth who are contributing in their own States this year.

I thank my colleagues—Senators AKAKA, BAYH, BOXER, BROWN, BURR, CANTWELL, CARDIN, CASEY, CLINTON, COCHRAN, COLEMAN, COLLINS, CRAIG, DODD, DOLE, DURBIN, FEINGOLD, FEINSTEIN, GREGG, INOUYE, ISAKSON, KENNEDY, KERRY, LANDRIEU, LAUTENBERG, LEVIN, LIEBERMAN, LINCOLN, MARTINEZ, MENENDEZ, MIKULSKI, MURRAY, BEN NELSON, BILL NELSON, OBAMA, SPECTER, STEVENS, and TESTER—for standing with me as original co-sponsors of this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 528) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 528

Whereas Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities;

Whereas the goals of Global Youth Service Day are to—(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning; (2) support young people in embarking on a lifelong path of service and civic engagement; and (3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and in 2008 is being observed for the 20th consecutive year in the United States and for the 9th year globally in more than 100 countries;

Whereas young people in the United States and in many other countries are volunteering more than in any other generation in history;

Whereas children and youth not only represent the future of the world, but also are leaders and assets today;

Whereas children and youth should be valued for the idealism, energy, creativity, and unique perspectives that they use when addressing critical global issues such as poverty, hunger, illiteracy, education, gang activity, natural disasters, climate change, and myriad others;

Whereas a fundamental and conclusive correlation exists between youth service, lifelong adult volunteering, and philanthropy;

Whereas service-learning is a teaching and learning strategy that integrates meaningful community service with mastery of academic curricula by helping young people make important connections between what they are studying and the challenges that they see in their communities;

Whereas several private foundations and corporations in the United States support service-learning as a means for young people to build character and develop the leadership and career-preparedness skills that are necessary for the United States to be competitive in the 21st century, including time management, decision-making, teamwork, and problem solving;

Whereas a report by Civic Enterprises found that 47 percent of high school dropouts reported boredom as a primary reason for dropping out;

Whereas high quality, semester-long service-learning has been found to increase students' academic engagement and achievement, motivation to learn, school attendance, civic participation, character development, and career aspirations;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of 75 lead agencies, 45 international organizations, and 120 national partners;

Whereas a growing number of Global Youth Service Day projects involve youth working collaboratively across national and geographic boundaries, increasing intercultural understanding and promoting the sense that they are global citizens; and

Whereas both young people and their communities will benefit greatly from expanded opportunities for youth to engage in volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a civic bond among young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 25, 2008, as "Global Youth Service Day"; and

(3) calls on the citizens of the United States to—

(A) observe the day by encouraging youth to participate in civic and community service projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful learning and decision-making opportunities today as an investment in the future of the United States.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following items en bloc: Calendar Nos. 681 through 695, and two bills, which are at the desk, H.R. 5472 and H.R. 5489.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read the third time and passed en bloc; that the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bills.

E. ARTHUR GRAY POST OFFICE BUILDING

The bill (H.R. 3196) to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building," was ordered to a third reading, read the third time, and passed.

DR. CLIFFORD BELL JONES, SR. POST OFFICE

The bill (H.R. 3468) to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office," was ordered to a third reading, read the third time, and passed.

PRIVATE JOHNATHON MILLICAN LULA POST OFFICE

The bill (H.R. 3532) to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office," was ordered to a third reading, read the third time, and passed.

ARMY PFC JUAN ALONSO COVARRUBIAS POST OFFICE

The bill (H.R. 3720) to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building," was ordered to a third reading, read the third time, and passed.

JOHN HENRY WOOTEN, SR. POST OFFICE

The bill (H.R. 3803) to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building," was ordered to a third reading, read the third time, and passed.

SGT. JASON HARKINS POST OFFICE BUILDING

The bill (H.R. 3936) to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building," was ordered to a third reading, read the third time, and passed.

MASTER SERGEANT KENNETH N. MACK POST OFFICE BUILDING

The bill (H.R. 3988) to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building," was ordered to a third reading, read the third time, and passed.

STEVE W. ALLEE CARRIER ANNEX

The bill (H.R. 4166) to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex," was ordered to a third reading, read the third time, and passed.

SPECIALIST JAMAAL RASHARD ADDISON POST OFFICE BUILDING

The bill (H.R. 4203) to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building" was ordered to a third reading, read the third time, and passed.

JUDGE RICHARD B. ALLSBROOK POST OFFICE BUILDING

The bill (H.R. 4211) to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office," was ordered to a third reading, read the third time, and passed.

FELIX SPARKS POST OFFICE BUILDING

The bill (H.R. 4240) to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building," was ordered to a third reading, read the third time, and passed.

IRAQ AND AFGHANISTAN FALLEN MILITARY HEROES OF LOUISVILLE MEMORIAL POST OFFICE BUILDING

The bill (H.R. 4454) to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building" in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom, was ordered to a third reading, read the third time, and passed.

SERGEANT JAMIE O. MAUGANS POST OFFICE BUILDING

The bill (H.R. 5135) to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building," was ordered to a third reading, read the third time, and passed.

MAJOR ARTHUR CHIN POST OFFICE BUILDING

The bill (H.R. 5220) to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building", was ordered to a third reading, read the third time, and passed.

SGT. MICHAEL M. KASHKOUSH POST OFFICE BUILDING

The bill (H.R. 5400) to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building," was ordered to a third reading, read the third time, and passed.

JULIA M. CARSON POST OFFICE BUILDING

The bill (H.R. 5472) to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building," was ordered to a third reading, read the third time, and passed.

CONGRESSWOMAN JO ANN S. DAVIS POST OFFICE

The bill (H.R. 5489) to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office," was ordered to a third reading, read the third time, and passed.

Mr. WARNER. Mr. President, on October 6, 2007, the people of Virginia's First Congressional District lost one of its most respected and admired leaders, a dedicated Member of Congress and loyal friend, Representative Jo Ann Davis.

Today, as a small tribute to her, the Senate passed H.R. 5489, which designated the United States Post Office at 6892 Main Street in Gloucester, VA, as the "Congresswoman Jo Ann S. Davis Post Office." Last year, Senator WEBB and I introduced a companion bill, S. 2725.

Following a successful real estate career, Mrs. Davis decided to run for public office in 1997. After serving as a Delegate in the Virginia General Assembly for 4 years, Jo Ann Davis became the first Republican woman to serve Virginia in the U.S. Congress after winning her election in 2000.

From her first day in office, Congresswoman Davis was a relentless champion for the needs of the First District. It was my privilege to work with her on many matters, ranging from national defense to the environment. I always admired Representative Davis for her strong convictions and the tenacity that she brought to bear in acting on them. She fought a courageous struggle against cancer, and I will certainly miss her insights and her friendship in our Virginia Congressional Delegation.

Given her commendable public service at the Federal and State levels, I was pleased to offer this small token of recognition and gratitude for someone who had given so much to the Commonwealth and her country.

I join with my colleagues from the Commonwealth and from the entire U.S. Congress in expressing my deepest sympathies to her husband, her two sons, and her extended family. They continue to remain in our thoughts and prayers.

ORDERS FOR WEDNESDAY, APRIL 23, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 5 p.m. tomorrow, Wednesday, April 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the time until 6 p.m. be equally divided and controlled between the majority and Republican leaders or their designees; that at 6 p.m., the motion to proceed to S. 1315 be adopted, and the Senate then proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to H.R. 2831; further, that all time during any adjournment, recess, or morning business count against cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as I have indicated, it is too bad we will not be working tomorrow until late in the evening. Let the record be clear as to why that is happening. I ask Senators, though, to be aware that there will be a rollcall vote at 6 o'clock tomorrow on the motion to invoke cloture on the motion to proceed to H.R. 2831, the Lilly Ledbetter Fair Pay Act.

ADJOURNMENT UNTIL 5 P.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Wednesday, April 23, 2008, at 5 p.m.

HOUSE OF REPRESENTATIVES—*Tuesday, April 22, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. COHEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 22, 2008.

I hereby appoint the Honorable STEVE COHEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

HONORING THE ASHE COUNTY HIGH SCHOOL "CANS AND PANS" STEEL DRUM BAND

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Thank you, Mr. Speaker.

Yesterday, I was honored to join the Ashe County High School "Cans and Pans" Steel Drum Band at the Walter Reed Army Medical Center where these fine young people performed for our Nation's wounded warriors. It was a true privilege to give these student musicians, their committed parents and their band director, Scott Turnmyre, a tour of the Capitol before they played for our brave men and women in uniform.

Earlier in the morning while we shared breakfast together, I was struck with how unique this group of young people is. Their desire to perform for our Nation's brave men and women in uniform illustrated the depth of their character and the caliber of their families and of the communities that have raised them. Their music, no doubt, lifted the spirits of our troops at Walter Reed Medical Center. The fact that they would travel hundreds of miles was nothing short of inspiring for all who were in attendance.

I want to thank Band Director Scott Turnmyre for the long hours and hard work he put into getting this trip together and for rallying the people of Ashe County to this very worthy cause. Their generous donations helped make this trip a reality.

The people at the Liaison Capitol Hill Hotel also deserve praise. When they learned about the band's plans to play for the troops at Walter Reed, they graciously reduced the band's room rates during peak tourist season. Kenny Lincoln, Monica Rao and Lisa Schmitt at the hotel went the extra mile to help make this trip possible for the Ashe County Steel Drum Band.

Mike Asgedom at the Union Station parking garage also generously reduced the parking rate for the band's charter bus. Here on Capitol Hill, Stefan Bieret and Ted Daniel in the Sergeant at Arms Office provided on-site parking for the bus while Scott, the students and their parents joined me for breakfast in the Capitol and for a tour.

Of course, I don't want to forget the fine people serving at Walter Reed Army Medical Center. They took care of every detail from parking to setup to greeting the students. Nancy Popejoy, Dayna Jamison and Latanya Torrence dotted every "I" and crossed every "T," and I applaud them for a job well done.

I also want to thank Walter Reed Health Care System Commander, Colonel Patricia Horoho. Colonel Horoho took time out of her very busy schedule to thank personally each of the students, and she presented them each with her commander's coin in recognition of their outstanding performance. Colonel Horoho, who also is an Appalachian State University alumna, is a fine example of a dedicated leader who went above and beyond to welcome and to congratulate the students.

Yesterday's performance was an illustration of the generosity and kindness of the people of the Fifth District. It was a proud moment for Ashe County High School. The band members' director, Scott Turnmyre, and the parents are to be commended for their service to our wounded warriors at Walter Reed.

Mr. Speaker, the remarks made by President Bush and by Pope Benedict during the Pope's visit to the United States last week were profound and should be available widely. So I am offering them today to be included in the RECORD.

With that, Mr. Speaker, I yield back.

REMARKS OF PRESIDENT BUSH AND HIS HOLINESS POPE BENEDICT XVI AT THE WHITE HOUSE, APRIL 16, 2008

President Bush: Holy Father, Laura and I are privileged to have you here at the White House. We welcome you with the ancient words commended by Saint Augustine: "Pax Tecum." Peace be with you.

You've chosen to visit America on your birthday. Well, birthdays are traditionally spent with close friends, so our entire nation is moved and honored that you've decided to share this special day with us. We wish you much health and happiness—today and for many years to come.

This is your first trip to the United States since you ascended to the Chair of Saint Peter. You will visit two of our greatest cities and meet countless Americans, including many who have traveled from across the country to see with you and to share in the joy of this visit. Here in America you'll find a nation of prayer. Each day millions of our citizens approach our Maker on bended knee, seeking His grace and giving thanks for the many blessings He bestows upon us. Millions of Americans have been praying for your visit, and millions look forward to praying with you this week.

Here in America you'll find a nation of compassion. Americans believe that the measure of a free society is how we treat the weakest and most vulnerable among us. So each day citizens across America answer the universal call to feed the hungry and comfort the sick and care for the infirm. Each day across the world the United States is working to eradicate disease, alleviate poverty, promote peace and bring the light of hope to places still mired in the darkness of tyranny and despair.

Here in America you'll find a nation that welcomes the role of faith in the public square. When our Founders declared our nation's independence, they rested their case on an appeal to the "laws of nature, and of nature's God." We believe in religious liberty. We also believe that a love for freedom and a common moral law are written into every human heart, and that these constitute the firm foundation on which any successful free society must be built.

Here in America, you'll find a nation that is fully modern, yet guided by ancient and eternal truths. The United States is the most innovative, creative and dynamic country on earth—it is also among the most religious. In our nation, faith and reason coexist in harmony. This is one of our country's greatest strengths, and one of the reasons that our land remains a beacon of hope and opportunity for millions across the world.

Most of all, Holy Father, you will find in America people whose hearts are open to your message of hope. And America and the world need this message. In a world where some invoke the name of God to justify acts of terror and murder and hate, we need your message that "God is love." And embracing this love is the surest way to save men from "falling prey to the teaching of fanaticism and terrorism."

In a world where some treat life as something to be debased and discarded, we need your message that all human life is sacred, and that "each of us is willed, each of us is loved"—and your message that "each of us is willed, each of us is loved, and each of us is necessary."

In a world where some no longer believe that we can distinguish between simple right

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and wrong, we need your message to reject this "dictatorship of relativism," and embrace a culture of justice and truth.

In a world where some see freedom as simply the right to do as they wish, we need your message that true liberty requires us to live our freedom not just for ourselves, but "in a spirit of mutual support."

Holy Father, thank you for making this journey to America. Our nation welcomes you. We appreciate the example you set for the world, and we ask that you always keep us in your prayers.

Pope Benedict XVI: Mr. President, thank you for your gracious words of welcome on behalf of the people of the United States of America. I deeply appreciate your invitation to visit this great country. My visit coincides with an important moment in the life of the Catholic community in America: the celebration of the 200th anniversary of elevation of the country's first Diocese—Baltimore—to a metropolitan Archdiocese and the establishment of the Sees of New York, Boston, Philadelphia and Louisville.

Yet I am happy to be here as a guest of all Americans. I come as a friend, a preacher of the Gospel, and one with great respect for this vast pluralistic society. America's Catholics have made, and continue to make, an excellent contribution to the life of their country. As I begin my visit, I trust that my presence will be a source of renewal and hope for the Church in the United States, and strengthen the resolve of Catholics to contribute ever more responsibly to the life of this nation, of which they are proud to be citizens.

From the dawn of the Republic, America's quest for freedom has been guided by the conviction that the principles governing political and social life are intimately linked to a moral order based on the dominion of God the Creator. The framers of this nation's founding documents drew upon this conviction when they proclaimed the self-evident truth that all men are created equal and endowed with inalienable rights grounded in the laws of nature and of nature's God.

The course of American history demonstrates the difficulties, the struggles, and the great intellectual and moral resolve which were demanded to shape a society which faithfully embodied these noble principles. In that process, which forged the soul of the nation, religious beliefs were a constant inspiration and driving force, as for example in the struggle against slavery and in the civil rights movement. In our time, too, particularly in moments of crisis, Americans continue to find their strength in a commitment to this patrimony of shared ideas and aspirations.

In the next few days, I look forward to meeting not only with America's Catholic community, but with other Christian communities and representatives of the many religious traditions present in this country. Historically, not only Catholics, but all believers have found here the freedom to worship God in accordance with the dictates of their conscience, while at the same time being accepted as part of a commonwealth in which each individual group can make its voice heard.

As the nation faces the increasingly complex political and ethical issues of our time, I am confident that the American people will find in their religious beliefs a precious source of insight and an inspiration to pursue reasoned, responsible and respectful dialogue in the effort to build a more human and free society.

Freedom is not only a gift, but also a summons to personal responsibility. Americans know this from experience—almost every town in this country has its monuments honoring those who sacrificed their lives in defense of freedom, both at home and abroad. The preservation of freedom calls for the cultivation of virtue, self-discipline, sacrifice for the common good, and a sense of responsibility towards the less fortunate. It also demands the courage to engage in civic life and to bring one's deepest beliefs and values to reasoned public debate.

In a word, freedom is ever new. It is a challenge held out to each generation, and it must constantly be won over for the cause of good. Few have understood this as clearly as the late Pope John Paul II. In reflecting on the spiritual victory of freedom over totalitarianism in his native Poland and in Eastern Europe, he reminded us that history shows time and again that "in a world without truth, freedom loses its foundation," and a democracy without values can lose its very soul. Those prophetic words in some sense echo the conviction of President Washington, expressed in his Farewell Address, that religion and morality represent "indispensable supports" of political prosperity.

The Church, for her part, wishes to contribute to building a world ever more worthy of the human person, created in the image and likeness of God. She is convinced that faith sheds new light on all things, and that the Gospel reveals the noble vocation and sublime destiny of every man and woman. Faith also gives us the strength to respond to our high calling and to hope that inspires us to work for an ever more just and fraternal society. Democracy can only flourish, as your founding fathers realized, when political leaders and those whom they represent are guided by truth and bring the wisdom born of firm moral principle to decisions affecting the life and future of the nation.

For well over a century, the United States of America has played an important role in the international community. On Friday, God willing, I will have the honor of addressing the United Nations organization, where I hope to encourage the efforts underway to make that institution an ever more effective voice for the legitimate aspirations of all the world's peoples.

On this, the 60th anniversary of the Universal Declaration of Human Rights, the need for global solidarity is as urgent as ever, if all people are to live in a way worthy of their dignity—as brothers and sisters dwelling in the same house and around that table which God's bounty has set for all his children. America has traditionally shown herself generous in meeting immediate human needs, fostering development and offering relief to the victims of natural catastrophes. I am confident that this concern for the greater human family will continue to find expression in support for the patient efforts of international diplomacy to resolve conflicts and promote progress. In this way, coming generations will be able to live in a world where truth, freedom and justice can flourish—a world where the God-given dignity and the rights of every man, woman and child are cherished, protected and effectively advanced.

Mr. President, dear friends, as I begin my visit to the United States, I express once more my gratitude for your invitation, my joy to be in your midst, and my fervent prayers that Almighty God will confirm this nation and its people in the ways of justice, prosperity and peace. God bless America.

ENGINEERED INTELLIGENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Thank you.

Mr. Speaker, I come to the floor to focus on an issue that I have been discussing with my colleagues for almost a decade and that I have brought to this floor several times since the year 2000. That is an issue I call "engineered intelligence." By that, I mean the efforts of computer engineers to develop computers with intelligence that far exceeds that of the normal human being and, likewise, the efforts of biological engineers to create either intelligence enhanced forms of human beings, or new life forms that have intelligence far beyond that of the average human.

Mr. Speaker, I believe that science will have a greater impact on the coming century than it has had in the last several centuries, knowing full well of the enormous impact that science has had in the last 100 and 200 years.

As one futurist points out, if someone describes the future 40 years from now and paints a picture that looks like a science fiction movie, that picture may be wrong, but if someone is discussing the future 40 years from now and paints a picture that does not look like a science fiction movie, then you know they are wrong. We will be living in a science fiction movie. We just don't know which one.

I believe that the issue of engineered intelligence is one that will have a greater impact on humankind than even the development of nuclear weapons. Just a few years before nuclear weapons were first exploded, Albert Einstein wrote to Roosevelt, and explained that it was possible to create such a nuclear bomb. In fact, just a few years went by before it was a reality.

Now we have not a few years, but a few decades, to wrestle with the enormous ethical, theological and sociological impacts of the technologies that are out there—just 10, 20, 30 years away. My fear is that we will over the next 10 years do what we have done over the last 10 years: Basically, waste the time that we so urgently need to deal with issues that we have just begun, that we really have not begun, to think through.

Now, as we develop more intelligent computers, we will find them useful tools in creating even more intelligent computers, a positive feedback loop. I don't know whether we will create the maniacal Hal from 2001: A Space Odyssey or the earnest Data from Star Trek. My guess is that we will create them both. There are those who say don't worry because even the most intelligent or malevolent computer is in a box, and cannot affect the outside world. But I believe there are those of the human species who would give hands to the devil, in return for a good stock tip.

I do draw solace from the fact that because a computer is intelligent or even self-aware, that this does not mean that it is ambitious. That is, will it try to affect the outside world? Will it have a survival instinct?

My washing machine does not seem to care whether I turn it off or not. In contrast, my pet mouse does seem to care. We should be working on elements to implant in computers to prevent self-awareness, survival instinct and ambition. But I know no politician is supposed to say that, because it sounds wacky; it sounds like science fiction. But if we are not talking about things that sound like science fiction, then we are not talking about the real issues that will confront us in the generation to come.

We also should focus not only on computer engineering but on the engineering of DNA. Biological engineering starts with an inherently ambitious raw material. Virtually all life forms seem to seek to survive, seem to try to affect their environment to achieve that purpose. Most of them seem to care whether their progeny survive. Now, bioengineers could create a 1,000-pound mammal with a 100-pound brain that will beat your kids on the LSAT.

These are issues that deserve the attention of all of us in the public sphere but particularly those who are our best philosophers, theologians and sociologists.

I thank the Chair for giving me the time to, once again, bring these issues before the House, and I look forward to working with my colleagues to see that these issues are confronted long before science confronts us with new reality.

I believe that the impact of science on this century will be far greater than the enormous impact science had on the last century. As futurist Christine Peterson notes: If someone is describing the future 30 years from now and they paint a picture that seems like it is from a science fiction movie, then they might be wrong. But, if someone is describing the future a generation from now and they paint a picture that doesn't look like a science fiction movie, then you know they are wrong.

We are going to live in a science fiction movie, we just don't know which one.

There is one issue that I think is more explosive than even the spread of nuclear weapons: engineered intelligence. I have spent nine years focused on this issue[1] By "engineered intelligence" I mean the efforts of computer engineers and bio-engineers who may create intelligence beyond that of a human being. In testimony at the House Science Committee,[2] the consensus of experts testifying was that in roughly 25 years we would have a computer that passed the Turing Test,[3] and more importantly exceeded human intelligence.

As we develop more intelligent computers, we will find them useful tools in creating ever more intelligent computers, a positive feedback loop. I don't know whether we will be creating the maniacal Hal from 2001, or the earnest Data from Star Trek—or perhaps both.

There are those who say don't worry, even if a computer is intelligent and malevolent—it is in a box and it cannot affect the world. But I believe that there are those of our species who would give hands to the devil, in return for a good stock tip.

I do draw solace from the fact that just because a computer is intelligent, or even self-aware, this does not mean that it is ambitious. By ambitious, I mean possessing a survival instinct together with a desire to affect the environment so as to ensure survival, and usually a desire to propagate or expand.

My washing machine does not seem to care whether I turn it off or not. My pet mouse does seem to care. So even a computer possessing great intelligence may simply have no ambition, survival instinct, or interest in affecting the world.

DARPA[4] is the government agency on the cutting edge of supercomputer research. I have urged DARPA to develop computer systems designed to maximize the computer's utility, while avoiding self-awareness, or at least ambition.

I have spoken about computer engineering. But there is a whole different area of engineering: bio-engineering. Roughly 30 or 40 years from now bio-engineers should be able to start with human DNA and create a 2,000 pound mammal with a 300 pound brain designed to beat your grandkids on the LSAT. No less troubling, they might start with canine DNA and create a mammal with near-human intelligence, and no civil rights.

DNA is inherently ambitious. Those microbes which didn't seek to survive or replicate, didn't. Even birds seem to care whether they or their progeny survive, and they seek to affect their environment to achieve that survival.

In any case, you have the bio-engineers and the computer engineers both working toward new levels of intelligence. I believe in our lifetime we will see new species possessing intelligence which surpasses our own.

The last time a new higher level of intelligence arose on this planet was roughly 50,000 years ago. It was our own ancestors, who then said hello to the previously most intelligent species, Neanderthals. It did not work out so well for the Neanderthals.

I used to view this as a contest between the bio-engineers and the computer engineers (or if you use the cool new lingo, wet nanotechnology and dry nanotechnology), in an effort to develop a new species of superior intelligence. I felt that the last decision that humans would make is whether our successors are carbon-based or silicon- based:[5] the product of bio-engineering or of computer engineering.

Now I believe we are most likely to see combinations that will involve nature, computer engineering, and bio-engineering: humans with pharmaceutical intelligence boosters; DNA enhancements; computer-chip implants; or all three. First, this will be used to cure disease, then to enhance human capacity. The partially-human will precede the trans-human.

Now how should we react to all of this? It is important that we benefit from science even as we consider its more troubling implications. I chair the House Subcommittee on Nonproliferation which deals with the only other technologies that pose an existential threat to humankind, namely the proliferation of nuclear and biological weapons.

The history of nuclear technology is instructive. On August 2, 1939, Einstein sent Roosevelt a letter saying a nuclear weapon was possible; six years later, nuclear technology literally exploded onto the world scene. Only after society saw the negative effects of nuclear technology, did we see the prospects for nuclear power and nuclear medicine.

The future of engineered intelligence will be different. The undeniable benefits of computer and DNA research will arrive long before the problematic possibilities. Their introduction will be gradual, not explosive. And fortunately, we will have far more than six years to consider the implications—unless we choose to squander the next few decades. My fear is that our philosophers, ethicists and society at large, will ignore the issues that will inevitably present themselves until . . . they actually present themselves. And these issues require more than a few years of thought.[6]

I have been urged not to make this issue the centerpiece of my reelection campaign. One journalist has told me that he can guarantee that computers will not be self-aware or overly intelligent: "All we have to do is get them elected to Congress."

I am confident that if we plan ahead we can obtain the utility of supercomputers, and the medical treatments available from bio-engineering, without creating new levels of intelligence. We can then pause and decide whether we in fact wish to create a new intelligent species or two.

Finally, I would quote Oliver Wendell Holmes in 1913 when he said, "I think it not improbable that man, like the grub that prepares a chamber for the winged thing it never has seen but is to be—that man may have cosmic destinies that he does not understand."[7]

Likewise, it is possible that within the next 30 or 40 years, our children—or should I say "our successors"—will have less resemblance to us than a butterfly has to a caterpillar. I don't know whether to cry or rejoice, but I do know that our best minds in philosophy, science, ethics and even theology ought to be focused on this issue.

ENDNOTES

1. I gave my first speech on the House floor regarding engineered intelligence on May 17, 2000. For speech go to http://thomas.loc.gov/home/r106query.html on page H 3306.

2. On April 9, 2003, the U.S. House of Representatives, Committee on Science, held a hearing titled The Societal Implications of Nanotechnology. The transcript is available at http://commdocs.house.gov/committees/science/hsy86340.000/hsy86340_0f.htm

3. A test to determine whether computers are able to demonstrate intelligence matching a human's. In particular, a human sends text-only messages to communicate with both a computer and another human located in a different room. If the human sending the messages cannot determine if the response messages are composed by the computer or by the human, then the computer has passed the Turing Test. It should also be noted that one route to developing a computer with human intelligence is by reverse engineering the human brain perhaps using nanobots.

4. The Defense Advanced Research Projects Agency.

5. While I realize that supercomputers may not use chips with silicon substrate, I still prefer to call computer chips "silicon".

6. This issue is discussed in "Brave New World War" by Jamie Metzl. Published in Issue 8, Spring 2008, Democracy: A Journal of Ideas.

7. Oliver Wendell Holmes. "Law and the Court," speech at the Harvard Law School Association of New York, 15 February 1913.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal light, Who brightens our day, here in America You find a nation of compassion. We believe that You will measure us as a free society on how we treat the weakest and most vulnerable among us. Each day citizens across America answer the universal call to feed the hungry, comfort the sick, and care for the infirm.

May all citizens in this vast pluralistic society strengthen their resolve to contribute ever more responsibly to the life of this Nation, prove themselves proud of its goodness and generosity, and so reflect Your glory now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. JACKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JACKSON of Illinois led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CELEBRATING 60TH ANNIVERSARY OF ISRAEL

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, today I rise to join in those sponsoring H. Con. Res. 322, celebrating the 60th anniversary of Israel's independence.

On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel; and just minutes later in the White House, President Harry Truman signed the order so the U.S. would also recognize this new Jewish State of Israel.

Since then, the U.S. has had a close and special relationship with the State of Israel, shared democratic values and common strategic interests with the people of Israel and the United States.

The people of Israel have fought costs of war, have fought terrorism, and diplomatic and economic boycotts, and still they remain committed to peace and security in their country and the region.

I have had the privilege to visit the country twice and witness the strength and resilience of the people of Israel. They are committed to freedom of speech and freedom of religion. In this thriving democracy, we need to continue that support and the commitment to the peace process, and I congratulate Israel on the 60th anniversary of their independence.

FISA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Today marks the 66th day since this House allowed the Protect America Act that affects foreign intelligence surveillance to expire. For over 2 months now, we have needlessly hampered our intelligence agencies' ability to conduct surveillance on foreign terrorists because some in this Chamber would rather allow the trial lawyers to have an opportunity to sue telecommunications companies that assisted the government following the September 11 terrorist attack in some 50 frivolous lawsuits in the San Francisco courts.

Sixty-six days have passed while the House considers bills such as the Beach Protection Act, National Landscape Conservation System Act, Arts Require Timely Service Act, and the National Integrated Coastal and Ocean Observation Act. This body is failing in its responsibility to protect the American people by continuing to delay passage of a foreign intelligence surveillance bill that will provide our intelligence community with the tools they need to listen in on international phone calls from terrorists plotting to attack the United States.

No matter what my friends on the other side of the aisle say, this is an urgent matter.

WE NEED LEADERSHIP

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Democrat majority in this House has said they have a plan to lower gas prices and help make America more energy independent. Since January 2007, we have seen no plan but we have seen the price of gas go up over $1 per gallon.

Our outdated domestic refinery capacity, our dependence on foreign oil, and a growing global demand for oil are responsible for the increase in oil prices. So we need to target those issues. We need to build more refineries in the United States, promote all alternative energy sources, and tap unexplored oil and natural gas reserves, including ANWR. This majority wants to target the American taxpayer and raise taxes on American companies.

We need to stop turning our backs on the resources we have here at home and start reinvigorating our energy infrastructure. We need to start investing in American ingenuity and alternative fuels and stop trying to tax our way to energy independence while blaming American companies.

In conclusion, God bless our troops, and we will never forget September the 11th.

SAN JACINTO DAY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, April 21 is known as San Jacinto Day in Texas. In 1836, Texas was in a fight for independence from the dictator of Mexico, Santa Anna. On March 6, 1836, 186 volunteers from all races had fought and died at the Alamo trying to hold off the massive invading armies of Santa Anna. Meanwhile, General Sam Houston was forming an army of Texans and Tejanos—Tejanos were Texans of Mexican descent—to stand and fight the three invading armies of Mexico.

Finally, on the swampy, marshy plains of southeast Texas where the San Jacinto River meets Buffalo Bayou, General Sam and the boys took a stand. In broad daylight in midafternoon on April 21, 1836, the volunteers for Texas freedom charged a Mexican army over twice their number. This fierce bunch of frontiersmen from all the States overwhelmingly defeated the invaders.

In 18 minutes, Texas had won independence and the largest amount of land in North American history changed hands because of a single battle.

Texas remained a free and independent republic for 9 years, electing General Sam as its first president.

Then Texas was admitted to the U.S. by just one vote. And the rest, as they say, is Texas history.

And that's just the way it is.

HONORING ISRAEL ON ITS 60TH ANNIVERSARY

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I rise today also to honor the state of Israel which will celebrate its 60th anniversary in May. The relationship between the United States and Israel is indeed a special one. Israel has been our close friend and ally through the Cold War and now in the global war on terror. It is a relationship that will continue to strengthen in the years to come.

Even after 60 years, Israel continues to fight for its very survival against relentless attacks by Hamas and Hezbollah and other terrorist groups. The United States and Israel must always stand in complete solidarity against those nations and groups that seek to destroy Israel. We have stood together against anti-Semitism for the last 60 years, and we will continue to do so for many years to come.

I congratulate the Israeli government and the Israeli people on their special day. May God continue to bless the very close American relationship with Israel not only in this special year, but for all eternity.

OIL HITS $118 A BARREL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, oil has hit $118 a barrel. Gas is $3.50 to $4 a gallon. Fox News this morning said some experts say it will be $5 a gallon by later this summer.

Most environmental radicals and extremists seem to come from very wealthy or very upper-income families. They want gas to go even higher so people will drive less. Perhaps the wealthy leaders of the Sierra Club and some of these other environmental groups aren't being hurt, but they are really hurting the poor and the lower income and the working people of this country.

We don't need to produce all of our oil here domestically, but if we would just start producing a little bit more, then some of the OPEC countries and foreign energy producers would hold their prices down. We need to not let this country be sent into a deeper recession by environmental extremists and radicals.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. JACKSON of Illinois) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 18, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 18, 2008, at 10:00 a.m.:

That the Senate passed with an amendment H.R. 1195.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI, I am hereby resigning my position as the United States Representative for the 4th District of Maryland effective 11:59 p.m. EST, May 31, 2008.

I have chosen that date because it allows me the necessary time to complete several ongoing projects and allows Governor O'Malley sufficient time to call a special election to fill the remainder of my term and maintain the super delegate seat at this year's Democratic Convention.

It has been my honor to serve the constituents of the 4th Congressional District for the past 16 years. I will do everything in my power to assist my successor with the transition.

Sincerely,

ALBERT R. WYNN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 2008.

Hon. MARTIN O'MALLEY,
Governor, State of Maryland, Maryland State House, State Circle, Annapolis, MD.

DEAR GOVERNOR O'MALLEY, I am hereby resigning my position as the United States Representative for the 4th District of Maryland effective 11:59 p.m. EST, May 31, 2008.

I have chosen that date because it allows me the necessary time to complete several ongoing projects and allows you sufficient time to call a special election to fill the remainder of my term and maintain the super delegate seat at this year's Democratic Convention.

It has been my honor to serve the constituents of the 4th Congressional District for the past 16 years. I will do everything in my power to assist my successor with the transition.

Sincerely,

ALBERT R. WYNN,
Member of Congress.

□ 1415

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 17, 2008.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 605(a) of the Consolidated Appropriations Act, 2008 (P.L. 110–161), I am pleased to appoint Dr. David Schonfeld of Glendale, Ohio and Mr. Lawrence E. Tan of Newark, Delaware to the Commission on Children and Disasters.

Both Dr. Schonfeld and Mr. Lawrence Tan have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

COMMUNICATION FROM DISTRICT LIAISON, THE HONORABLE TODD TIAHRT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jill Craven, District Liaison, the Honorable TODD TIAHRT, Member of Congress:

WASHINGTON, DC,
April 15, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a preliminary hearing subpoena for testimony issued by the Court of the Eighteenth Judicial District of Kansas.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JILL CRAVEN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

COPPER SALMON WILDERNESS ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3513) to amend the Oregon Wilderness Act of 1984 to designate the

Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copper Salmon Wilderness Act of 2008".

SEC. 2. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328) is amended—

(1) in the matter preceding paragraph (1), by striking "eight hundred fifty-nine thousand six hundred acres" and inserting "871,593 acres";

(2) in paragraph (29), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(30) certain land in the Siskiyou National Forest, comprising approximately 11,922 acres, as generally depicted on the map entitled 'Copper Salmon Wilderness Proposal' and dated April 1, 2008, to be known as the 'Copper Salmon Wilderness'.".

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the "Secretary") shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 3. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking "19-mile segment" and inserting "28.2-mile segment";

(2) in subparagraph (A), by striking "; and" and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

"(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

"(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

"(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

"(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.".

SEC. 4. PROTECTION OF TRIBAL RIGHTS.

(a) IN GENERAL.—Nothing in this Act shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

SEC. 5. DESIGNATION OF POTENTIAL WILDERNESS AREA, SISKIYOU NATIONAL FOREST, OREGON.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain National Forest System land in the State of Oregon administered by the Forest Service as part of the Siskiyou National Forest and compromising approximately 1,708 acres, as generally depicted on the map entitled "Copper Salmon Wilderness Proposal" and dated April 1, 2008, are designated as a potential wilderness area for eventual inclusion in the Copper Salmon Wilderness designated by paragraph (30) of section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), as added by section 2.

(b) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of potential wilderness area designated by subsection (a). The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map, the map shall control. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary shall manage the potential wilderness area designated by subsection (a) as wilderness until its designated as wilderness under subsection (e).

(d) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For the purposes of implementing the planned ecological restoration approved by the Decision Notice and Finding of No Significant Impact for the Environmental Assessment for the Coastal Healthy Forest Treatments, dated May 25, 2007, the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until its designated as wilderness under subsection (e).

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration under paragraph (1) with the least amount of adverse impact on wilderness character and resources.

(e) EVENTUAL WILDERNESS DESIGNATION.—The potential wilderness area designated by subsection (a) shall be designated as wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 10 years after the date of the enactment of this Act.

(f) INCORPORATION INTO COPPER SALMON WILDERNESS; ADMINISTRATION.—On its designation as wilderness under subsection (e), the potential wilderness area designated by subsection (a) shall be—

(1) incorporated into the Copper Salmon Wilderness; and

(2) administered in accordance with the Wilderness Act, the Oregon Wilderness Act of 1984, and other laws applicable to the Copper Salmon Wilderness, except that, with respect to the potential wilderness area, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date on which the lands are designated as wilderness under subsection (e).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, today the House of Representatives starts our celebration of Earth Day with the consideration of two measures to designate wilderness on Federal lands in opposite ends of the country, Oregon, and in my home State of West Virginia.

As chairman of the Committee on Natural Resources, I think it appropriate to recognize that in many places of this great Nation of ours, there remain areas with special features, unique landscapes teeming with wildlife that deserve and command conservation.

The pending measure, introduced by our colleague, Representative PETER DEFAZIO, would designate portions of the National Forest System land in Oregon as wilderness and potential wilderness, and designate segments of the Elk River as wild and scenic.

These areas include some of the last remaining stands of Port Orford Cedars in the Elk River watershed. Furthermore, the fisheries of the Elk River are known as one of the best salmon and steelhead producers in the continental United States.

This bill has broad support from the Governor of Oregon, the Curry County Commission, the Mayor of Port Orford, the Port Orford Chamber of Commerce, the Friends of the Elk River, Trout Unlimited, and the American Fisheries Society, the Oregon Chapter.

I wish to commend our colleague, a member of our Natural Resources Committee and our Transportation and Infrastructure Committee, Representative DEFAZIO, for his outstanding work on this bill.

I support H.R. 3513.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume, and I will simply rise to say this: I believe that Chairman RAHALL has adequately described this bill.

I reserve the balance of my time.

Mr. RAHALL. I have no further requests for time. We're ready to yield back if the gentleman from Tennessee is.

Mr. DUNCAN. I have no further speakers, and I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, today I rise in strong support of H.R. 3513, the Copper Salmon Wilderness Act.

The Copper Salmon Wilderness Act would permanently protect nearly 13,000 acres in the headwaters of the Elk River on the southern coast of Oregon, and designate more than 11 additional miles of the river as either Wild or Scenic under the Wild and Scenic Rivers Act. This legislation would protect some of the last remaining stands of Port-Orford-cedar in the Elk River watershed, which has the distinction as one of the most productive salmon and steelhead rivers outside of Alaska. This is rugged, wild territory, and I am hopeful that it may finally become wilderness in the 110th Congress:

Renowned among fishermen, the Elk River watershed is one of the last intact watersheds on the southwest Oregon Coast and is widely regarded as Oregon's last, best coastal salmon and steelhead stream. Oregon State University researchers have concluded that the Elk River is one of the healthiest habitats in the lower 48 states for anadromous fish, and the stream is home to chinook salmon, winter steelhead, coho salmon, cutthroat trout, and rainbow trout.

One of the things about this legislation about which I am most proud is that diverse stakeholders have been working together for more than a decade to gain broad support for protecting the Copper Salmon area. H.R. 3513 enjoys backing from Curry County Commissioners, local elected officials, the local Chamber of Commerce, hunting and fishing groups, tribes, the timber industry, and all local conservation groups. This is a model for the community-based consensus approach to designating wilderness.

Copper Salmon is truly a rare coastal Oregon gem. It is almost entirely intact ancient forest, which supports healthy fish runs and great elk herds, blacktailed deer, bears, and other wildlife. It is adjacent to the existing Grassy Knob Wilderness, and combined, these two areas will be one of the largest intact areas of forest in the Coast Range. This is an area that deserves protection for the enjoyment of future generations.

I am a proud advocate of protecting the Copper Salmon area, and urge my colleagues to join me in the passage of H.R. 3513, the Copper Salmon Wilderness Act.

Mr. WU. Mr. Speaker, I rise today in support of H.R. 3513, the Copper Salmon Wilderness Act. This bill, introduced by my friend, colleague and Dean of the Oregon delegation, Mr. DEFAZIO, would set aside nearly 13,000 acres in the headwaters of the Elk River on the southern coast of Oregon, and designate more than 11 additional miles of the river as either wild or scenic under the Wild and Scenic Rivers Act.

The Copper Salmon area contains one of the Nation's largest remaining stands of low-elevation old-growth forest and in the north fork of the Elk, one of the healthiest salmon, steelhead, and cutthroat trout runs in the continental United States.

Mr. Speaker, I cannot talk about the health of this great river without calling attention to the fact that the Pacific Coast salmon fishermen face one of the largest salmon fishery closures ever recorded in the United States. It is legislation like this that makes us realize the importance of looking into the future and to move in a direction that not only protects the fish, but also the local economy by providing habitat for more fish to flourish and survive into adulthood.

Mr. Speaker, it was poor natural resource management that has helped to create our recent salmon disasters and this bill offers a chance to head in another direction. The Oregon delegation and their friends in California and Washington have worked hard, and worked collectively to make sure that both salmon and our fishermen are protected.

I would like to thank you, Mr. Speaker, for your assistance in the past for disaster relief funds for our 1,200 salmon fishermen. I ask that you keep a watchful eye this season as the salmon fishermen of the Pacific face another closed season, another disaster declaration, and lost revenue.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3513, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WILD MONONGAHELA ACT: A NATIONAL LEGACY FOR WEST VIRGINIA'S SPECIAL PLACES

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5151) to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wild Monongahela Act: A National Legacy for West Virginia's Special Places".

SEC. 2. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled "Big Draft Proposed Wilderness" and dated March 11, 2008, which shall be known as the "Big Draft Wilderness".

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled "Cranberry Expansion Proposed Wilderness" and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97-466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled "Dolly Sods Expansion Proposed Wilderness" and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93-622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled "Otter Creek Expansion Proposed Wilderness" and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93-622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled "Roaring Plains Proposed Wilderness" and dated March 11, 2008, which shall be known as the "Roaring Plains West Wilderness".

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled "Spice Run Proposed Wilderness" and dated March 11, 2008, which shall be known as the "Spice Run Wilderness".

(b) MAPS AND LEGAL DESCRIPTION.—

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

SEC. 3. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97–466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled "Monongahela National Forest Laurel Fork South Wilderness Boundary Modification" and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) MANAGEMENT.—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of Public Law 97–466 and this Act.

SEC. 4. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled "Monongahela National Forest Boundary Confirmation" and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

SEC. 5. ENHANCED TRAIL OPPORTUNITIES.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) NONMOTORIZED RECREATION TRAIL DEFINED.—For the purposes of this subsection, the term "nonmotorized recreation trail" means a trail designed for hiking, bicycling, and equestrian use.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Today, it is my privilege to bring to the floor of the House of Representatives the "Wild Monongahela Act: A National Legacy for West Virginia's Special Places."

This legislation is supported by the entire West Virginia delegation: In this body, my colleagues Representatives ALAN MOLLOHAN and SHELLEY MOORE CAPITO, and in the other body, our Senators, ROBERT C. BYRD and JAY ROCKEFELLER.

The pending measure would designate 37,771 acres of Federal land as wilderness within the Monongahela National Forest.

Included in this legislation is the expansion of three existing wilderness areas: Cranberry, Dolly Sods and Otter Creek. Additionally, three new wilderness areas would be established: The Big Draft, the Roaring Plains West, and Spice Run.

The issue of wilderness has captivated many Americans since the passage of the Wilderness Act in 1964. According to this landmark statute, these are places "where the Earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

To be in a wilderness area is, to me, truly a humbling experience. To be part of designating wilderness is even more humbling because wilderness is an effort to retain the landscape as God has created it.

As the Reverend Dennis Sparks, Executive Director of the West Virginia Council of Churches wrote to me, and I quote, "We believe that carefully protecting this wonderful national forest and its wilderness-quality lands not only has a sound biblical basis, but is also the best and most practical course of action for safeguarding the world which we will pass along to our children."

A great many people have worked to make this legislation possible: Matt Keller, Dave Saville, Mary Wimmer, Beth Little, Mayor John Manchester of Lewisburg, West Virginia, Bob Bittner, Jr., Mike Price, as well as the Reverend Sparks. And there are many others with whom I've hiked and with who I've worked on this legislation for which time will not allow me to name them all.

I would also like to express my appreciation to the Monongahela National Forest Supervisor, Clyde Thompson, as well as to Sammie Lammie, for his excellent map making.

And finally, to the Governor of West Virginia, Joe Manchin, and to the Division of our Natural Resources Director, Frank Jezioro. We have and will continue to work to ensure that appropriate wildlife management activities can take place in the areas designated by this bill.

Mr. Speaker, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, April 17, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On April 2, 2008 the Committee on Natural Resources favorably reported an amended version of H.R. 5151, the "Wild Monongahela Act: A National Legacy for West Virginia's Special Places." As you are aware, the bill was primarily referred to Committee of Natural Resources, while the Agriculture Committee received an additional referral.

H.R. 5151 seeks, among other policy objectives, to designate as "wilderness" certain Federal Lands within the Monongahela National Forest in the State of West Virginia. Clause 1(a) of Rule X confers upon the Agriculture Committee jurisdiction over bills relating to forestry in general and forests other than those created from the public domain. In the past, the Committee on Agriculture has worked cooperatively with the Committee on Natural Resources regarding matters that generally concern forestry.

It is my understanding that the Committee on Natural Resources wishes to have the House of Representatives consider the bill next week. Given the need to expedite this legislation, I will agree to discharge H.R. 5151 from further consideration by the Committee on Agriculture. I do so with the understanding that this action in no way waives the Committee on Agriculture's jurisdictional interests in the subject matter of the legislation or serves as a precedent for future referrals. Furthermore, in the event a House-Senate conference is requested on this matter, the Committee on Agriculture reserves the right to seek the appointment of conferees.

I ask that you insert a copy of our exchange letters into the Congressional Record during consideration of this measure on the House floor.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between the Committee on Natural Resources and the Committee on Agriculture as we deal with forestry issues in the future.

Sincerely,

COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, April 18, 2008.
Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture, Longworth H.O.B., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on April 18, 2008, indicating jurisdictional interests in H.R. 5151, the "Wild Monongahela Act: A National Legacy for West Virginia's Special Places." As you are aware, the Committee on Natural Resources favorably reported an amended version of the bill on April 2, 2008, and would like to have the House of Representatives consider the legislation next week.

I acknowledge your jurisdictional interests in the bill, and note that the Committee on Natural Resources and the Committee on Agriculture have had a history of working cooperatively on matters that generally concern forestry. I appreciate your willingness to discharge the bill without further consideration by the Agriculture Committee and understand that this action will in no way waive your Committee's jurisdictional interests in the subject matter of the legislation or serve as a precedent for future referrals.

Furthermore, in the event that a conference with the Senate is requested on this matter, I would support naming Agriculture Committee members to the conference committee. A copy of our exchange letters regarding this bill will be inserted into the Congressional Record during floor consideration.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective Committees as we deal with forestry issues in the future.

With warm regards, I am
Sincerely,
NICK J. RAHALL II,
Chairman.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, at this time I yield such time as she may consume to the gentlelady from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today on Earth Day in support of H.R. 5151, the Wild Monongahela Act: A National Legacy for West Virginia's Special Places, introduced by my colleague from West Virginia's Third District and the chairman of the Natural Resources Committee, Congressman NICK RAHALL.

I'm proud to be an original cosponsor of this important legislation, and I commend the chairman for all of his hard work on this bill.

In 1964, Congress enacted the Wilderness Act that permanently protected some of the most natural and undisturbed places in America. Today the U.S. Forest Service preserves the natural and cultural resources and values of the forest system, including those of the Monongahela National Forest for the enjoyment, education and inspiration of this and future generations.

West Virginia's wilderness is part of our history and heritage, and it is passed on as a legacy. This bipartisan bill will protect approximately 38,000 acres of the Mon Forest in West Virginia through the designation of three additional wilderness areas and expansion of three existing Federal wilderness areas including: Big Draft, Cranberry Expansion, Dolly Sods Expansion, Dry Fork Expansion, Roaring Plains West and Spice Run.

West Virginia's national forest provides an excellent outdoor experience with our State's majestic mountains, winding rivers and superb hunting, camping, fishing, backpacking and other activities. Protecting these additional acres of pristine forest will ensure that future generations will be able to enjoy the natural beauty of our home State of West Virginia.

Over the last several months I've engaged in discussion with many of my constituents, many whom are avid hunters, anglers, mountain bikers and outdoorsmen who have a unique and vested interest in the impact of the wilderness designation on their local community. The people of this area are well acquainted with wilderness, and H.R. 5151 reflects their desire to preserve their natural treasures, while maintaining important flexibility for the local residents.

Mr. Speaker, this bill is vitally important to guaranteeing that future generations of Americans can experience the natural wonder and beauty of West Virginia. I applaud Chairman RAHALL and his staff for all of their hard work on this bill and all those in West Virginia who have seen it come to this point.

I encourage my colleagues to support the legislation, and I encourage each of them to experience firsthand the pristine natural beauty of West Virginia and the Mon National Forest.

Mr. RAHALL. Mr. Speaker, I have no further requests for time. But, in conclusion, I want to commend the staff of our Natural Resources Committee as well, Mr. Jim Zoia, who's been with me for numerous years and knows our people in West Virginia, has been with this legislation almost daily.

Rick Healy, our chief counsel. And I wish as well to commend the ranking minority member on my committee, Mr. DON YOUNG, for his assistance and willingness to work with us on this as well, and today's acting ranking member, Mr. JIMMY DUNCAN, for his help on this legislation.

I have no further requests for time, and I'll reserve, pending any further requests that the ranking member has.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5151 will designate portions of the Monongahela National Forest in West Virginia as wilderness, and it is my understanding that Members of Congress whose districts are affected support the bill.

Although we should give considerable deference to those who have been elected to represent the people in the area, I do not necessarily agree that wilderness designation is always the wisest conservation decision we can make. Wilderness designation is the most restrictive policy we can impose on an area, and there are often far better, more creative ways to conserve our forests and other natural areas. In many instances, it is a mistake to foreclose active management options that can improve fish and game habitat, increase recreational access and lessen the severity of wildfires. And to protect our economic well-being, provide jobs for young people and protect our national security, our country is going to need continued access to the rich resources our own public lands provide.

We now have over 100 million acres in wilderness areas, and we keep adding to that at a record level. And we are very close to getting to the point where that's beginning to hurt us economically at a time when we don't need more blows to our economy.

Nevertheless, I do wish the people of West Virginia good luck living around these wilderness areas, and I know that they, like the people of my State, will in the long run prove to be better guardians of their mountains, rivers and wildlife than bureaucrats in Washington.

I yield back the balance of my time.

Mr. RAHALL. I yield back, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5151, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COFFMAN COVE ADMINISTRATIVE SITE CONVEYANCE ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 831) to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coffman Cove Administrative Site Conveyance Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in subsections (c) and (d), in and to the parcel of National Forest System land described in subsection (b).

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The parcel of National Forest System land referred to in subsection (a) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled "Subdivision of U.S. Survey No. 10099" and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(2) EXCLUDED LAND.—The parcel of National Forest System land conveyed under subsection (a) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(c) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under subsection (b)(2).

(d) REVERSION.—If any portion of the land conveyed under subsection (a) (other than a portion of land sold under subsection (e)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(e) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under subsection (a)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, the pending measure was introduced by the ranking member of the Natural Resources Committee, the gentleman from Alaska (Mr. YOUNG).

The bill would direct the U.S. Forest Service to convey a 12-acre administrative site in the middle of Coffman Cove, Alaska to that city.

□ 1430

The land under discussion is in the center of the town near a new ferry terminal. This conveyance will help the city's efforts to diversify its economic base.

Additionally, the location of the site has been difficult for the Forest Service to manage.

I support passage of H.R. 831.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 831 introduced by our distinguished colleague, DON YOUNG, conveys approximately 12 acres of National Forest System land to the City of Coffman Cove. The City of Coffman Cove, Alaska, is a small community with about 200 residents that developed around the Tongass National Forest logging camp and work site. The 12-acre Forest Service site is now in the middle of town, and a new ferry terminal is planned for an adjacent parcel. The location of most of the Forest Service site makes it difficult and inefficient for the Forest Service to manage and an obstacle to the future development and design of the city's downtown. Conveyance of the Forest Service site would benefit both the Forest Service and the city in this regard.

In short, this noncontroversial bill simply conveys to Coffman Cove a small parcel of Forest Service land for which the Forest Service has no use. I urge my colleagues to support the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I would like to thank Chairman RAHALL for scheduling this noncontroversial bill for floor consideration today.

H.R. 831 will provide for the conveyance of approximately 12 acres of surplus Forest Service land to the city of Coffman Cove, Alaska. The 12-acre parcel sits in the middle of town adjacent to the site of a new Inter-Island Ferry Terminal that the city hopes to use to help spur economic growth. In addition to being an obstacle to the ferry terminal and any new economic development in the city's downtown, the location of the parcel makes it difficult and inefficient for the Forest Service to manage. As such, the conveyance provided for in this bill would benefit both the city and the Forest Service, and according to the Congressional Budget Office, it will do so at little or no cost to the taxpayer.

To give you some background, Mr. Speaker, Coffman Cove is a small, isolated community with about 200 residents that developed around a Tongass National Forest logging camp and work site. While the timber industry and the jobs it once provided in the region have largely disappeared, the community remains, and opportunities for economic growth and expansion are limited by the fact that it is surrounded on all sides by the 17-million-acre Tongass National Forest. I don't expect to change that anytime soon, but I think it is more than reasonable to convey 12 acres of surplus Federal land located within the community's economic center.

Mr. Speaker, this bill provides a fair and commonsense solution to a problem. The tiny parcel of land is of no use to the Forest Service and it is an impediment to the growth and economic well-being of an isolated community surrounded by a National Forest larger than the State of West Virginia. I urge my colleagues to vote "yes" on H.R. 831.

Mr. DUNCAN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 831, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MORLEY NELSON SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3734) to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Morley Nelson Snake River Birds of Prey National Conservation Area Act".

SEC. 2. RENAMING OF SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting "Morley Nelson" before "Snake River Birds of Prey National Conservation Area"; and

(2) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by inserting "Morley Nelson" before "Snake River Birds of Prey National Conservation Area".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by striking "(hereafter referred to as the 'conservation area')"; and

(2) in section 4 (16 U.S.C. 460iii–3)—

(A) in subsection (a)(2), by striking "Conservation Area" and inserting "conservation area"; and

(B) in subsection (d), by striking "Visitors Center" and inserting "visitors center".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, the pending measure introduced by our colleague, MIKE SIMPSON, renames the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area.

Morley Nelson was an ardent advocate for birds of prey and was instrumental in establishing the Snake River Birds of Prey National Conservation Area. The National Conservation Area includes approximately 500 acres and is one of the densest known nesting populations of eagles, falcons, owls, hawks, and other birds of prey in North America.

I do commend our colleague, MIKE SIMPSON from Idaho, for his work on the bill. I support the passage of H.R. 3734.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it's appropriate that the Snake River Birds of Prey National Conservation Area be named after Morley Nelson. Morley Nelson demonstrated how private voluntary wildlife conservation efforts can be far more effective than big Federal programs and showed that punitive laws, like the Endangered Species Act, can inhibit and interfere with more creative approaches.

He worked with Idaho Power to redesign their towers and power lines so eagles would not be electrocuted when they landed on them. This not only saved the eagles; it saved Idaho Power the substantial cost of power disruptions.

He worked with private falconers to create a captive breeding and release program that was so successful, the peregrine falcon was one of the first species taken off the endangered species list. The Fish and Wildlife Service has yet to achieve a comparable recovery after more than 30 years.

I am pleased to see Morley Nelson recognized for his great conservation achievements.

Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3734.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL HEALTH CARE DECISIONS DAY

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 323) expressing Congressional support for the goals and ideals of National Health Care Decisions Day.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 323

Whereas National Health Care Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions related to end-of-life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important decisions;

Whereas the Patient Self-Determination Act (42 U.S.C. 1395cc(f) et seq.), guarantees patients the right to information about their rights under State law regarding accepting or refusing medical treatment;

Whereas it is estimated that only a minority of Americans have executed advance directives, including those who are terminally ill or living with life-threatening or life-limiting illnesses;

Whereas advance directives offer individuals the opportunity to discuss with loved ones in advance of a health care crisis and decide what measures would be appropriate for them when it comes to end-of-life care;

Whereas the preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care;

Whereas to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive;

Whereas the Conditions of Participation in Medicare and Medicaid, section 489.102 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this resolution), require all participating facilities to provide information to patients and the public on the topic of advance directives;

Whereas the Centers for Medicare and Medicaid Services has recognized that the use of advance directives is tied to quality health care and has included discussions of advance directives in the criteria of the Physician Quality Reporting Initiative;

Whereas establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives; and

Whereas as a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decision, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of National Health Care Decisions Day;

(2) supports the goals and ideals of advance care planning for all adult Americans;

(3) encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her loved ones, health care providers, and others as they honor his or her wishes;

(4) calls upon all members of this body to execute such documents and discussions for themselves; and

(5) encourages health care, civic, educational, religious, and for- and non-profit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to health care are protected.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, at this time, I reserve the balance of my time. My good friend from Georgia, I know, has some important comments.

Mr. GINGREY. Mr. Speaker, I rise today in support of H. Con. Res. 323, expressing congressional support for the goals and the ideals of National Health Care Decisions Day.

National Health Care Decisions Day was recognized by hundreds of organizations across the United States last Wednesday, April 16, and it is appropriate for this body to stand with those organizations in recognition of this important day.

Mr. Speaker, first of all, though, I want to thank the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, and his staff for their cooperation in helping us get this to the floor. I want to thank the ranking member, Mr. BARTON, and the minority staff and the 100 Members, many of them members of the Energy and Commerce Committee who are cosponsors of this resolution.

Mr. Speaker, the goals of the resolution are twofold. First, it aims to raise awareness of the importance for everyone at all stages of life to take the time to discuss important end-of-life medical decisions with their loved ones.

Second, this resolution recognizes the emphasis of over 450 organizations spanning all 50 States that worked together on April 16 to educate Americans about their options in preparing advanced medical directives and appointing medical powers of attorney.

Of these groups, 75 are national organizations, including AARP, the American Bar Association, the American Medical Association, National Right to Life, and an additional 370 State and community organizations participated in the National Health Care Decisions Day efforts.

Mr. Speaker, as a result of the National Health Care Decisions Day, thousands of people across the country have received information on advanced directives through newspaper articles, television, and radio broadcasts, all released last week on April 16. I want to thank and congratulate all those involved for their hard work on this important cause. I am also proud of the broad bipartisan support this resolution has garnered.

Companion legislation sponsored by Senators WYDEN and ENZI has already passed the Senate, and now over 100, as I mentioned earlier, of my fellow House Members of both sides of the aisle have signed on to this resolution.

Mr. Speaker, I want to urge the American people to invest time and effort into seeking out information on advanced directives. Advanced directives allow individuals to maintain control over their health care decisions even at the end of their lives, regardless of the circumstances they may face at that time. And I also encourage Americans to educate themselves on the options and details of the various types of advanced directives so that their wishes may be correctly documented and carried out.

Let me be very clear: This bill does not express what an individual's end-of-life decision should be. Those are the decisions that should be left to the individual undertaking this difficult but important step.

This resolution merely seeks to raise awareness about advanced directives themselves. And that's why this resolution is being supported by such a diverse range of organizations. Educating individuals and making them aware of their choices is a key to respecting and preserving life.

Mr. Speaker, as a physician, I cannot stress enough that these decisions should be made with the input of medical professionals and should be accessible to the patient's doctor in the time of greatest medical need. Too many times, families are left to guess what medical decisions their family member would have wanted. Think about the Terri Schiavo case a couple years ago. But physicians are sometimes left to guess as well.

A recent study by the U.S. Agency for Health Care Research and Quality found that 75 percent of physicians whose patients had advanced directives were not even aware that those directives existed. This is a problem, Mr. Speaker, and I hope that as we get electronic medical records and HIT, Health Information Technology, becomes more sophisticated and intraoperable, these advanced directives can be stored electronically and be made accessible to the medical staff in an instant, really, in a timely manner.

So, in conclusion, Mr. Speaker, I want to encourage all Americans to set aside time to have what may very will be one of the most vital conversations that any family can have.

I urge my fellow Members to vote in support of this resolution and to recognize the critical role of education in allowing Americans to effectively express their end-of-life wishes.

With that, Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. TOWNS) will control the time.

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 323, expressing congressional support for the goals and ideals of National Health Care Decisions Day.

As a cosponsor of this resolution, I understand the importance of making our health decisions clear to our family members and other loved ones through advanced directives. While it is very difficult for us to face the prospects of our own mortality, many of us write wills in order to ensure that our loved ones are adequately provided for in our absence. Unfortunately, we often do not take that care in making provisions regarding our end-of-life medical care.

Nobody can predict when disease, tragedy, or other medical conditions will render one unable to make medical decisions for ourselves. Accordingly, we must plan ahead in case of such a tragedy to ensure that our wishes are properly carried out.

Advanced directives are an integral part of any care-delivery plan. They are simply a statement by a competent person that articulates the medical, legal, and personal wishes regarding medical treatment in the event of future incapacity.

Where advanced directives are present, medical professionals, families, and loved ones are best able to make critical care decisions should a patient become unable to make sound judgments about their health care.

The resolution before us commemorates National Health Care Decisions Day on April 16, 2008. Although this specific day occurred last week, the goals and ideals of today should be recognized perpetually.

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This resolution encourages those 18 years of age and older to prepare advance directives. It also encourages medical, civic, educational, religious and other nonprofit organizations to promote advance directive preparation, particularly among their constituents.

I would like to thank my colleague on the other side of the aisle, Representative PHIL GINGREY, for his work in raising this important issue. Our colleagues in the Senate have already recognized the need to highlight advance directives, and I urge us here in the House to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I just want to thank my friend from New York for his support of this resolution. And again, I want to thank the chairman of the committee, Mr. DINGELL, for allowing this to be brought to the floor under suspension and for his support, and for the support of the majority staff, and also to my distinguished colleague, the ranking member of Energy and Commerce, Representative BARTON, and the minority staff.

I urge all of my colleagues to support the resolution, as Representative TOWNS just said.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 323, expressing Congressional support for the goals and ideals of National Health Care Decisions Day. I would first like to thank my distinguished colleague PHIL GINGREY of Georgia for introducing this important piece of legislation. This legislation recognizes an important initiative to encourage patients to express their wishes regarding healthcare and for providers and facilities to respect those wishes, whatever they may be.

National Health Care Decisions Day is designed to raise public awareness for the need to plan ahead for health care decisions related to end-of-life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important decisions. The Federal Patient Self-Determination Act requires that all Medicare-participating healthcare facilities inquire about and provide information to patients on Advance Directives; it also requires these facilities to provide community education on Advance Directives (42 C.F.R. §489.102). All healthcare facilities are required to: provide information about health care decision-making rights; ask all patients if they have an advance directive; educate their staff and community about advance directives; not discriminate against patients based on an advance directive status.

It is estimated that only a minority of Americans have executed advance directives, including those who are terminally ill or living with life-threatening or life-limiting illnesses. Advance directives offer individuals the opportunity to discuss with loved ones in advance of a health care crisis and decide what measures would be appropriate for them when it comes to end-of-life care. The preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care. Forty-two percent of Americans have had a friend or relative suffer from a terminal illness or coma in the last 5 years and for a majority of these people and 23 percent of the general public, the issue of withholding life sustaining treatment came up. An overwhelming majority of the public supports laws that give patients the right to decide whether they want to be kept alive through medical treatment. By more than eight-to-one (84 percent–10 percent), the public approves of laws that let terminally ill patients make decisions about whether to be kept alive through medical treatment. One of the most striking changes between 1990 and 2005 is the growth in the number of people who say they have a living will—up 17 points, from 12 percent in 1990 to 29 percent now.

Patients and families are often not fully informed of the relevant risks and potential benefits of artificial nutrition and hydration (ANH). In addition, financial incentives and regulatory concerns promote the use of ANH in a manner that may be inconsistent with medical evidence and with the preferences of patients and their families. Because ANH is associated with uncertain benefits and substantial risks, it is essential to ensure that decisions about its use are consistent with the patient's medical condition, prognosis, and goals for care. Therefore, decisions about ANH require careful consideration of its risks and potential benefits.

Establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives. As a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decision, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient.

I strongly urge my colleagues to join me in supporting this important piece of legislation.

Mr. TOWNS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 323.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5613) to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting the Medicaid Safety Net Act of 2008".

SEC. 2. MORATORIA ON CERTAIN MEDICAID REGULATIONS.

(a) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(1) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(2) in subparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)"; and

(3) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(b) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(1) by striking "June 30, 2008" and inserting "April 1, 2009";

(2) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(3) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(c) ADDITIONAL MORATORIA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (A), (B), or (C) of paragraph (2) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in paragraph (3) for such provision.

(2) PROVISIONS DESCRIBED.—

(A) PORTION OF INTERIM FINAL REGULATION RELATING TO MEDICAID TREATMENT OF OPTIONAL CASE MANAGEMENT SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the interim final regulation relating to optional State plan case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portion of such regulation as relates directly to implementing section 1915(g)(2)(A)(ii) of the Social Security Act, as amended by section 6052 of the Deficit Reduction Act of 2005 (Public Law 109–171), through the definition of case management services and targeted case management services contained in proposed section 440.169 of title 42, Code of Federal Regulations, but only to the extent that such portion is not more restrictive than the policies set forth in the Dear State Medicaid Director letter on case management issued on January 19, 2001 (SMDL #01–013), and with respect to community transition case management, the Dear State Medicaid Director letter issued on July 25, 2000 (Olmstead Update 3).

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(3) DATE SPECIFIED.—The date specified in this paragraph for the provision described in—

(A) subparagraph (A) of paragraph (2) is December 3, 2007;

(B) subparagraph (B) of such paragraph is September 27, 2007; or

(C) subparagraph (C) of such paragraph is February 21, 2008.

SEC. 3. FUNDS TO REDUCE MEDICAID FRAUD AND ABUSE.

(a) IN GENERAL.—For purposes of reducing fraud and abuse in the Medicaid program under title XIX of the Social Security Act, there is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $25,000,000, for each fiscal year (beginning with fiscal year 2009). Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to the Secretary for such purposes with respect to the Medicaid program.

(b) ANNUAL REPORT.—Not later than September 30 of 2009 and of each subsequent year, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the activities (and the results of such activities) funded under subsection (a) to reduce

waste, fraud, and abuse in the Medicaid program under title XIX of the Social Security Act during the previous 12 month period, including the amount of funds appropriated under such subsection (a) for each such activity and an estimate of the savings to the Medicaid program resulting from each such activity.

SEC. 4. STUDY AND REPORTS TO CONGRESS.

(a) SECRETARIAL REPORT IDENTIFYING PROBLEMS.—Not later than July 1, 2008, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) outlines the specific problems the Medicaid regulations referred to in the amendments made by subsections (a) and (b) of section 2 and in the provisions described in subsection (c)(2) of such section were intended to address;

(2) detailing how these regulations were designed to address these specific problems; and

(3) cites the legal authority for such regulations.

(b) INDEPENDENT COMPREHENSIVE STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2008, the Secretary of Health and Human Services shall enter into a contract with an independent organization for the purpose of—

(A) producing a comprehensive report on the prevalence of the problems outlined in the report submitted under subsection (a);

(B) identifying strategies in existence to address these problems; and

(C) assessing the impact of each regulation referred to in such subsection on each State and the District of Columbia.

(2) ADDITIONAL MATTER.—The report under paragraph (1) shall also include—

(A) an identification of which claims for items and services (including administrative activities) under title XIX of the Social Security Act are not processed through systems described in section 1903(r) of such Act;

(B) an examination of the reasons why these claims for such items and services are not processed through such systems; and

(C) recommendations on actions by the Federal government and the States that can make claims for such items and services more accurate and complete consistent with such title.

(3) DEADLINE.—The report under paragraph (1) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate not later than March 1, 2009.

(4) COOPERATION OF STATES.—If the Secretary of Health and Human Services determines that a State or the District of Columbia has not cooperated with the independent organization for purposes of the report under this subsection, the Secretary shall reduce the amount paid to the State or District under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) by $25,000 for each day on which the Secretary determines such State or District has not so cooperated. Such reduction shall be made through a process that permits the State or District to challenge the Secretary's determination.

(c) FUNDING.—

(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary without further appropriation, $5,000,000 to carry out this section.

(2) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to paragraph (1) shall—

(A) remain available until expended; and

(B) be in addition to any other amounts appropriated or made available to the Secretary of Health and Human Services with respect to the Medicaid program.

SEC. 5. ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

(a) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are material to the determination of the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title,

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the

same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(b) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69) by striking "and" at the end;

(2) in paragraph (70) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(c) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (22) by striking "or" at the end;

(2) in paragraph (23) by striking the period at the end and inserting "; or"; and

(3) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(d) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6. ADJUSTMENT TO PAQI FUND.

Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,790,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,690,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today in support of H.R. 5613, the Protecting the Medicaid Safety Net Act of 2008. This is a bipartisan bill, critically important to our Nation's safety net. The Committee on Energy and Commerce reported it favorably with a strong bipartisan vote of 46–0.

I want to commend and thank our subcommittee chairman, Mr. PALLONE, and our distinguished colleague and cosponsor of the legislation, Mr. MURPHY of Pennsylvania, for their leadership on this matter. And I want to express to my good friends and the ranking members on the committee and the subcommittee, Mr. BARTON and Mr. DEAL, for their superb cooperation.

I also want to thank my colleagues on the Committees on Ways and Means and Financial Services for the splendid cooperation and help they gave us in moving this legislation to the floor expeditiously. The support of Chairmen Rangel and Stark were both necessary and very much appreciated.

H.R. 5613 places a 1-year moratorium on seven regulations recently issued by the U.S. Department of Health and Human Services. The regulations would have restricted payments to critical safety net providers such as hospitals and nursing homes, as well as payments for graduate medical education training. The regulation would have reduced or eliminated payments that allow children with severe mental illness to remain in family settings, and payments to schools transporting poor children with disabilities. The Governors of all 50 States oppose these rules, as do the State Medicaid directors, State legislators, and the National Association of Counties.

More than 2,000 national and local groups such as the American Hospital Association, the American Federation of Teachers and the March of Dimes support this legislation. They know of the devastating effect these rules would have upon local communities, upon the hospitals, and upon vulnerable beneficiaries.

Without this moratorium, schools would be forced to lay off workers starting in June. Hospitals and nursing homes would be forced to cut off services and to lay off workers as well. In troublesome economic times, we cannot afford to lose good-paying jobs or to cut services that enable people with disabilities to be gainfully employed.

H.R. 5613 will postpone the implementation of these seven rules for 1 year, giving Congress time to evaluate the effect they would have on States, providers and beneficiaries.

I want to again commend my colleagues on both sides of the aisle, including my dear friend, Mr. BARTON, and Mr. DEAL for their leadership and hard work on this matter. I urge my colleagues to vote for H.R. 5613.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to join my good friend, Chairman JOHN DINGELL of the Energy and Commerce Committee, in support of H.R. 5613, the Protecting the Medicaid Safety Net Act of 2008.

Given the fact that Secretary Leavitt of Health and Human Services indicated that he would recommend to the President of the United States that he veto the bill before us in its current form, I do wish we could have brought the bill to the floor under a rule with several potential amendments and a motion to recommit so that we can have a little bit fuller debate rather than putting it on the suspension calendar. Having said that, I am very glad that it is coming to the floor as a stand-alone bill, and that Chairman DINGELL and Chairman PALLONE of the subcommittee have followed regular order in passing this legislation.

I want to thank Chairman DINGELL and Chairman PALLONE for holding a legislative hearing as well as a subcommittee markup and a full committee markup on the bill that's now before us. I also want to thank them for having an open process, where staff on both sides of the aisle could work together, amendments could be shared, and some of those amendments could be agreed upon and incorporated into the bill that's before us today. I would not have been able to support H.R. 5613 as originally introduced, but I can support the bill that's before us this afternoon. I'm proud that, on occasion, we do put good public policy ahead of partisan politics, and the bill before us, again, is an example of what I believe to be better public policy.

I do hope that we take this opportunity to take the issue before us, if this bill becomes law, and actually work on it for the year that the moratorium is in place. The bill before us would place a year-long moratorium on seven Medicaid rules. It does not mean that the suspended rules themselves are all bad and don't address a problem that needs to be addressed. It does mean that many of the interest groups and many of the States had significant problems with those rules, and so it was felt prudent to have a moratorium where we could hopefully, in the interim, determine how to fine tune and maybe change some of those rules.

We do need to save money in Medicaid. We do need to do something on this system of intergovernmental transfers. For those of you who don't understand what an intergovernmental transfer is, as used in Medicaid, a State will give money to the Federal Government that is then matched by the Federal Government and sent back to the State. The State will give some of that money to, in this case a hospital system, but then keep some of the money that it initially gave. So it's kind of a shell game where you put up some money to get it matched, and once you get the matched back, the money you put up you use for another purpose, not for a health purpose, but maybe for a different purpose, like building a highway or something like that. One of the suspended rules would have addressed this intergovernmental transfer, and I hope that in the next year, on a bipartisan basis, we can address the intergovernmental transfer issue itself.

Mr. DINGELL. Will the gentleman from Texas yield?

Mr. BARTON of Texas. I would be happy to yield.

Mr. DINGELL. I want to again commend my friend from Texas for his superb performance on this legislation. And I want to assure him that I share his concerns on the intergovernmental transfer matter, and that we will be going into it. I thank my friend.

Mr. BARTON of Texas. I thank the distinguished chairman.

We simply cannot pretend on a day that we're suspending these rules that there are not fundamental financial difficulties facing Medicaid. So while we agree to suspend the rules for the next year, I hope we can also agree, as the chairman just indicated that he did, that we're going to continue to work on the problems these rules were designed to address so that over time we can reach agreement on how to save money under Medicaid.

I do believe the bill before us is a good bill. It does have a pay-for. It is, on a net basis, a slight revenue increase to the Federal Treasury, so it is paid for. And if we spend the next year working together, if we implement some of the things in this bill, the bill gives $25 million a year to combat waste, fraud and abuse in Medicaid, if we use that money wisely, we will uncover some savings. And if we look at some of these suspended rules, we can perhaps work together to fine tune them so that a year from now, at the beginning of the next administration, we don't have to extend the moratorium.

In short, Mr. Speaker, while this is not a perfect bill, it's a good bill. Don't let the pursuit of perfection prevent the accomplishment of what is something that is good and possible.

I would urge a "yes" vote on H.R. 5613, especially on my side of the aisle, among the Republicans in the House of Representatives.

With that, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in strong support of the Dingell-Murphy bill, H.R. 5613, which would delay seven Medicaid regulations that would shift billions of dollars in costs from the Federal Government to States, counties, school districts, hospitals, and other medical providers. There is absolutely no justification for such a cost shift, especially at a time when many States are struggling to avoid budget cuts as their economies slow and revenues decline. The bill would delay the implementation of these regulations until April 1, 2009.

The Oversight Committee held hearings on this matter. We heard testimony from public and teaching hospital administrators, an emergency room physician, a child welfare worker and a school nurse. They explained how the regulations would shift costs to States and localities and what that cost would mean for access to services for beneficiaries. We also heard from a representative from the Centers for Medicare and Medicaid Services, which issued these regulations.

And since Medicaid is a Federal-State program, one would think that when the Federal Government changes the rules, as these regulations would do, it would first try to determine what the impact of these changes would be on the different States. Well, we followed up with the head of the CMS for Medicaid, and he told us that he had not done a State-by-State specific analysis of the impact and he had no plans to do such an analysis. So our committee made our own analysis. We did a survey of Medicaid directors for 43 States and the District of Columbia, and they told us that if CMS were allowed to implement all seven Medicaid regulations, their States would lose nearly $50 billion in Federal funds over the next 5 years. The result of these cost shifts would not be greater efficiency, it would not be a savings of money, it would simply come out of the reimbursements, and fewer eligible populations. They would disrupt the existing systems for care of fragile populations, such as adults with severe mental illness or children with special health care needs. They would undercut the financial stability of hospitals and emergency rooms that treat Americans without health insurance. They would impose large, new administrative burdens and costs on State Medicaid programs without any offsetting policy benefit.

In short, the best professional judgment was that the regulations would have harmful fiscal and programmatic consequences for their States and the people that look to the Medicaid program as the safety net for health care.

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The bill before us gives the department and the Congress the time to look into these issues in the detail they deserve without making fundamental changes in Federal Medicaid policy.

I urge support for this bipartisan legislation.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, it's an honor to serve under Chairman DINGELL on the Energy and Commerce Committee and to support this effort to keep the Medicaid safety net intact. That our chairman shepherded this must-pass bill through our committee with unanimous support is testament to his enormous legislative skill and bipartisanship.

Unless we pass this bill, Mr. Speaker, public hospitals and the essential services they provide will be at grave risk. A major public hospital in my district, Harbor-UCLA Medical Center, is among them. It is the only level 1 trauma center near top terror targets like LAX and the ports of Long Beach and L.A. In the event of an attack, Harbor would be on the front lines. As a teaching hospital, it helps train the next generation of doctors.

Mr. Speaker, if all seven Medicaid regulations are implemented, Los Angeles County will lose $240 million in annual funding, the equivalent of closing a public hospital like Harbor. Harbor is already overcrowded. It needs more help, not less. It needs to offer more services, not to close. H.R. 5613 will stop these catastrophic cuts, and it deserves our full support.

I urge our colleagues to vote "aye" and to join in overriding a White House veto should one occur.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

The distinguished gentleman from Pennsylvania (Mr. TIM MURPHY) worked very hard on this important legislation and is a cosponsor of it. Regrettably, he is detained, unfortunately, on an aircraft and is not able to be with us today to speak in favor of this bill on which he worked so hard. And I want the RECORD to show that the House owes the distinguished gentleman from Pennsylvania (Mr. TIM MURPHY) a real debt of thanks for his hard work here and for his remarkable leadership.

Mr. Speaker, I now yield 2 minutes to my dear friend the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Speaker, I rise to commend Chairman DINGELL and, of course, Congressman MURPHY and Congressman BARTON for placing this 1-year moratorium on the CMS Medicaid rules that would devastate patients, persons with disabilities, hospitals, States, and our entire safety net. Instead, these are the very entities and people that we should be helping, not hurting. CMS went well beyond the authority Congress allowed in enacting these rules.

Therefore, as a cosponsor, I urge my colleagues to vote in favor of this measure and support our Nation's Governors who have called for this moratorium and rightfully so. So I urge my colleagues to support this legislation.

Mr. BARTON of Texas. Mr. Speaker, I simply want to reiterate that as the ranking member on the Energy and Commerce Committee, I strongly support this piece of legislation. It did receive the votes of every Republican on the committee. It passed 46–0. I had wished it would not have been a suspension calendar bill, but I am happy it is a stand-alone bill, and I would encourage my colleagues to vote for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I want to thank again my colleague from Texas. He is always a gentleman.

I want to note that last night the Commerce Committee dedicated a picture hung in the committee in honor of our good friend Mr. BARTON. It is a fine-looking picture of a distinguished former chairman of the committee, and I would urge my colleagues, if they want to look at a distinguished Member of this body hanging on the wall in the committee and to look at a very fine piece of art, they should come over and see the excellent picture of our good friend Mr. BARTON hanging there in the committee.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 5613, the Protecting the Medicaid Safety Net Act of 2008. After unsuccessful attempts at S–CHIP over the last several months, over 33,000 children in my district are still uninsured.

Now the most vulnerable of beneficiaries of Medicaid, children and the disabled, are faced with a major crisis. This bill has bipartisan support, this is not about politics. It's about helping hardworking families and the poorest among us.

This bill includes a moratorium of 7 CMS regulations, preventing the stripping of over $20 billion in Federal Medicaid funding over the next 5 years to States for vital programs and services. These programs and services will only shrink and shrivel if they are put against the wall to eat up these costs.

Even school districts, like Rialto Unified School District from my district, will face difficult challenges in providing direct health services to the 30,000 students it currently serves.

Cutting these valuable services at a time when many States, including California are facing record budget deficits is not an option. The poorest amongst us on Medicaid are most affected. We cannot turn our backs during these troubling times of increasing foreclosures and rising gas prices.

Cancer does not distinguish between incomes, why should health care coverage?

I support H.R. 5613, and urge my colleagues to do the honorable thing and vote for this bill.

Mr. STARK. Mr. Speaker, I rise to express my strong support for H.R. 5613, the "Protecting the Medicaid Safety Net Act of 2008." This bill stops George Bush's draconian attempt to gut the Medicaid program, which provides medical care to millions of low-income children and families.

If we fail to enact this bill, more than $20 billion in vital Federal funding for States will disappear. This is $20 billion that helps schools provide transportation for physically disabled children, allows local governments to contribute to the State Medicaid share, and trains physicians.

This President has presided over the greatest transition from boom to bust since the 1920s. As families face foreclosure and rising food and gas costs, States see declining sales tax receipts and greater numbers in need of assistance. Our President would add insult to injury for working families by dismantling their safety net.

The seven regulations proposed by the Bush administration would undermine long-standing practices upon which States have built their Medicaid programs. The regulations are opposed by a bipartisan coalition of lawmakers; all the Nation's Governors from both sides of the aisle; and a host of public health, physician, and patient advocates. The bill passed unanimously out of the Energy and Commerce Committee. In this day and age, that is a remarkable phenomenon. I am proud to join colleagues from both sides of the aisle to vote in favor of this moratorium and to protect the health care safety net for America's working families.

Ms. MOORE of Wisconsin. Mr. Speaker, today I join a bipartisan House to stand up to the Bush administration to prevent it from irresponsibly slashing the Medicaid budget. States that work with the Federal government to run and fund Medicaid programs are already facing budgetary restraints, flat funding, and shortfalls. The administration's proposed cuts to Medicaid would exacerbate their budgetary crunch, and would directly affect the quality of care given to low-income kids, seniors, families and people living with disabilities.

The bill before us today, H.R. 5613, would place a 1-year moratorium on seven Medicaid regulations proposed by the administration. This 1-year moratorium would give Congress more time to evaluate the potential effects of his proposed cuts on State Medicaid programs and the individuals that they serve. Several groups have warned that the unexpected slashes in Federal Medicaid dollars could force States to shift their Medicaid costs to patients, who would be hard pressed to make up the differences in health care costs. At present, some 30 million low-income children depend on the Medicaid program.

The Government Accountability Office testified that it had not recommended the specific changes proposed by the administration, nor had officials there had time to adequately study the potential effects of these changes for 6 of the 7 regulations. Before the President starts tinkering with domestic programs upon which millions of our most vulnerable citizens rely, he owes it to them to do his homework. If he won't, then Congress owes it to the American people to investigate his proposed changes so we can fully understand their effect on poor and working families.

Nearly 2,000 groups from across the country, including school districts, hospitals, case management providers, and organizations serving people with disabilities and mental illnesses have joined us in support of the Protecting the Medicaid Safety Net Act. I am proud to be a cosponsor of this bill and urge my colleagues to cast their votes in favor of it.

Mr. UPTON. Mr. Speaker, I rise today in support of H.R. 5613 the Protecting the Medicaid Safety Net Act, and urge my colleagues to join me in voting for it.

Last week, my colleagues and I on the Energy and Commerce Committee unanimously approved H.R. 5613, the Protecting the Medicaid Safety Net Act. This bill places moratoria on seven regulations issued by the Center for Medicare and Medicaid Services, CMS. If allowed to go into effect as currently written, these regulations would seriously erode federal funding to the states for a range of Medicaid services, including rehabilitation and medical services for schoolchildren with disabilities, and would totally eliminate federal Medicaid matching funds for Graduate Medical Education at a time when my state is already in the grip of a growing physician shortage.

I am particularly concerned about the detrimental effect that these regulations would have on students and schools in my district and districts across the country. Under the Individuals with Disabilities Education Act, schools are required to provide medical and rehabilitation services that are necessary for children to enter and continue to attend school. If federal matching funds are reduced or eliminated, our schools will still be required pay for these services, meaning other vital services and programs would have to be significantly cut back or eliminated.

Another major concern of mine is the extent to which these regulations would reduce or eliminate federal matching payments for many of our community hospitals, seriously undermining access to care for poor and disabled women, children, and persons with disabilities. Our hospitals are already struggling under low Medicaid reimbursement rates and higher rates of uncompensated care as my State's economy has worsened. Like schools, hospitals are under a federal mandate—this one to examine and stabilize every patient who walks through their emergency room doors. These regulations could significantly increase hospitals' burden of uncompensated care.

I am also concerned about provisions in several of the regulations that could well undo the progress we have made over many years in enabling persons with mental and physical disabilities to live independently and participate as fully as they are able in the workforce and the life of their communities rather than being confined to institutional settings.

Because of all these factors, I again encourage my colleagues to join me in voting for this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 5613, the Protecting Medicaid Safety Net Act. The rules issued by CMS in August were said to be cost saving measures and a way to reduce waste, fraud, and abuse.

If these 7 regulations go into effect Texas would lose $3.4 billion in Federal Medicaid funding over the next 5 years and nationwide cuts to Medicaid funding could total around $50 billion. These regulations attack the core mission of Medicaid by eliminating much needed services for children, the elderly, and the poor.

These cuts will also have a devastating impact on state's Medicaid funds; consequently hurting the most vulnerable populations who are helped by the Medicaid safety net. This population accesses services and support care from Medicaid because they cannot access services elsewhere due to costs or restrictions on benefits.

If these regulations go into effect, I don't know where the states will find the funds to continue operating programs such as school administrative and transportation services, coverage for rehabilitative services, and outpatient hospital services. Especially since the lack of Medicaid funding will create budget crises in most states as they scramble to pay for services or eliminate them altogether.

This bill gives Congress enough time to understand the consequences of these regulations and come up with a solution we all can agree on rather than cutting these necessary services.

I am disappointed that the Administration has threatened to veto this bill. This piece of legislation is the result of a lot of hard work on both sides of the aisle.

I am particularly upset that the Administration seems to have forgotten once again about its Texas roots. Texas, along with California and New York stand to lose the largest amount of funding from these Medicaid cuts and this is money our states cannot afford to lose.

This bill has the support of 2,000 organizations and the National Governors Association. I urge my colleagues to support this bill and stop these cuts.

Mr. GRIJALVA. Mr. Speaker, over the past year, the Centers for Medicare and Medicaid Services, CMS, have introduced a series of Medicaid regulations that have caused grave concern to our States and beneficiaries. States are struggling as the economy sinks into recession, and these proposed regulations, if not suspended, will add billions in Medicaid costs to our States at a time when their tax revenues are falling and Medicaid caseloads are growing.

The seven regulations issued by CMS erode the foundation of the Medicaid system by preventing beneficiaries from accessing the care they need. These proposed regulations would endanger access to care by severely limiting payments to public hospitals, eliminate coverage for outpatient services that keep beneficiaries from unnecessary emergency room use, and by restricting support for transportation services for children with disabilities.

I would like to take this opportunity to thank Chairman DINGELL for his superb leadership on this issue and for introducing and garnering bipartisan support for this unfortunate but very necessary moratorium. This important legislation will help protect beneficiaries from harmful cuts and alleviate the immediate concerns that the Medicaid regulations cause for long term care patients, residents and providers alike. The bill also establishes an independent review of these regulations prior to the expiration of the moratorium next year. In addition, it provides $25 million to HHS each year, beginning in FY 2009, to fight fraud and abuse in the Medicaid program.

This moratorium is a temporary fix, allowing Congress an opportunity to review these regulations as thoroughly as possible before they are implemented and the burden is borne by our constituents.

While CMS argues that these changes will create efficiencies in the program, there is no evidence to support this claim. What is known is that these changes will cause extreme harm to our most vulnerable citizens—low-income children, the disabled, and the elderly. By utterly disregarding the immense public outcry surrounding the enactment of these rules, this administration is placing desperately needed services in jeopardy without thoroughly weighing the effects these regulations will have on States.

Now more than ever, in the face of major State budget deficits, we cannot allow the Federal Government to make major regulatory changes to Medicaid that will result in billions of additional costs to states.

I am a proud, original cosponsor of Chairman DINGELL's H.R. 5613, the Protecting the Medicaid Safety Net Act of 2008 and urge all my colleagues in this 110th Congress to stand with me and stop this Administration from implementing these foolish and potentially devastating regulations.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Protecting the Medicaid Safety Net Act of 2008.

Since its inception, Medicaid has been a joint State and Federal partnership to provide health care to the country's neediest and most vulnerable populations. Unfortunately, the Centers for Medicare and Medicaid Services, CMS, recently issued a series of Medicaid regulations that will significantly shift costs to States and restrict services to needy individuals. These regulations will force States to stop providing beneficiaries access to certain Medicaid services.

Among the damaging Medicaid regulations issued by CMS, I am especially concerned about the restrictive rules on targeted case management services that help people with disabilities remain in their community. Nearly 200,000 people in Maryland receive some type of Medicaid case management services, and these new rules will put more than $60 million in Federal funds for Maryland at risk. CMS also proposes to eliminate or severely restrict Federal Medicaid funding for rehabilitation services, graduate medical education, hospital outpatient services, safety net institutions, and school-based transportation and outreach programs. While CMS claims that the elimination of $20 billion in Federal Medicaid funding will create efficiencies in the program, it did not consult with Congress on these far reaching regulations.

With so many States, including Maryland, facing huge budget shortfalls and trying to figure out how to provide Medicaid services to their populations, now is not the time for the Federal Government to cut back on its share of funding. The legislation before us today would delay implementation of the regulations put forth by CMS so that Congress can examine their full impact.

Mr. Speaker, we have a responsibility and an obligation to our vulnerable citizens—low-income children, the disabled, and the elderly—to effectively provide access to adequate and quality health care services. I urge my colleagues to support this bipartisan bill.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in full support of H.R. 5613—the Medicaid Safety Net Act of 2008.

The millions of people who depend on this critical safety net and I thank and applaud Chairman DINGELL for once again protecting our Nation's critically important Medicaid program.

It is a shame that every year Democrats have to fight back at least one attempt to cut funding and provisions in this program that is so vital to the Nation's poor—the majority of which are people of color.

The administration and the Secretary's policies are going in the absolute wrong direction. Rather Medicaid and Children's Health Insurance funding needs to be increased to meet the needs of the increasing numbers of un- and under-insured which includes 9 million children. This administration's failed economic policies have left more people vulnerable.

Racial and ethnic minorities suffer worse morbidity and mortality because of lack of access. Caps on Medicaid in the territories don't even allow us to cover residents at 100 percent of poverty and per capita spending is a shamefully small fraction of that of our fellow Americans in the States.

This Nation's healthcare system as we all know has become a sick-care system and not only is it not doing a good job at that, it is in crisis and on the verge of catastrophe.

The proposed actions restricting payments for graduate medical education and blanket regulations against payment for certain services, threaten to not only make the healthcare situation in this country worse for the poor, but for everyone, and to threaten the competitiveness and security of our Nation.

I look forward to the new Democratic administration, who will work with Chairman DINGELL and others to transform health care in this country and reduce the skyrocketing costs through emphasis on prevention and equal access to quality, comprehensive culturally competent care for everyone who lives here. The foundation of this effort must be stronger Medicaid and SCHIP.

By stopping the assault on these two programs; by stopping payments to hard working providers and for the training of the healthcare workforce needed, we set the stage for that transformation to begin.

Thank you Mr. Chairman, for your continued leadership.

I urge passage of H.R. 5613 to protect this important safety net.

Mr. PAYNE. Mr. Speaker, I rise to express my strong support for the passage of H.R. 5613, the Protecting the Medicaid Safety Net Act. I commend my colleagues Representative DINGELL and Representative MURPHY for introducing this bill, which would extend until March 31, 2009 the moratorium on several Medicaid regulations that would strip an estimated $20 billion over 5 years from the Medicaid program.

Mr. Speaker, for more than 40 years, Medicaid has served as the Nation's health care safety net, providing access to health services for millions who cannot afford private insurance in a dynamic and changing economy.

Today, more than 57 million children, poor, disabled and elderly individuals rely on Medicaid for care. The program now serves more people than Medicare, and with the ranks of the uninsured growing, and the threat of an economic recession, the Medicaid program is more important than ever.

Mr. Speaker, hospitals are the backbone of America's health care safety net, providing care to all patients who come through their doors, regardless of their ability to pay. But, hospitals are experiencing severe payment shortfalls when treating Medicaid patients.

Despite these financial pressures, the Administration continues to call for further cuts in federal funds for the Medicaid program that will affect hospitals and the patients they serve.

Despite concerns raised by Congress, CMS continues to take steps to implement these regulations. These rules range from limiting payments for teaching hospitals, public hospitals and hospital outpatient services to reducing school-based services for children and case management for the disabled.

Last year, Congress imposed a year-long moratorium (P.L. 110–28) on two regulations the proposed and final cost-limit rule and the proposed graduate medical education (GME) rule. The moratorium on implementation of these rules expires May 25, 2008.

CMS's regulatory budget-cutting policies will have a devastating effect on my home State of New Jersey's Medicaid program, along with the hospitals and physicians serving our Nation's most vulnerable population—poor children and mothers, the disabled and elderly individuals. Much of Congress has expressed opposition to these rules.

This bill would delay implementation of regulations affecting: CPEs; IGTs; GME; coverage of rehab services for people with disabilities; outreach and enrollment in schools, in addition to specialized medical transportation to school for children covered by Medicaid; coverage of hospital outpatient services; case management services that allow people with disabilities to remain in the community; and state provider tax laws.

Mr. Speaker, there is no question that CMS's regulatory budget-cutting policies will have a devastating effect on my home State of New Jersey's Medicaid program, along with the hospitals and physicians serving our Nation's most vulnerable population—poor children and mothers, the disabled and elderly individuals.

Mr. Speaker, we need to pass H.R. 5613 today. I urge my colleagues to vote for this bill legislation.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H.R. 5613, the "Protecting the Medicaid Safety Net Act of 2008," a bill that I proudly cosponsored. The bill would place a 1-year moratorium on proposed Medicaid regulations by the Bush administration intended to save money.

Unfortunately, these cuts would take Federal funds from States at a time that many are struggling to meet obligations within Medicaid and other programmatic areas. By limiting access to rehabilitation and targeted case management services, the administration cynically attacks the poorest and weakest members of our society. Eliminating the reimbursement for transportation services for certain special needs students would deny them the basic right to an education. The regulations halt important payments to hospitals at a time that many across the Nation and within my home State of Hawaii are actually losing money.

Placing the 1-year moratorium would help us better asses the full impact of these disastrous cuts, and come up with a plan that controls the growing costs of Medicaid without harming quality, as these regulations seem to do. The extent of the unpopularity of these cuts is clearly shown by the expedited move by the Committee on Energy and Commerce to report the bill unanimously to the House floor, in contravention of the President's veto threat.

Medicaid provides medical coverage for the poorest and neediest of our country. It is the insurer of last resort for many who have either lost jobs or are barely subsisting. To take away these funds at this time is cruel and undermines the intent of the very program. I urge my colleagues to support this important piece of legislation.

Ms. ESHOO. Mr. Speaker, I'm proud to be a cosponsor of the Protecting the Medicaid Safety Net Act of 2008 and very pleased that a bipartisan agreement was reached to bring the bill up under suspension of the rules because it's essential for the House of Representatives to pass this legislation as soon as possible.

Over 2,100 organizations across the country have told Congress that we have to stop the seven regulations issued by the Centers for Medicare and Medicaid Services, CMS, over the last year because they threaten the loss of $50 billion in Federal funding for key healthcare services. California's Governor Schwarzenegger has estimated that the regulatory changes will place an additional $12.5 billion burden on California alone.

CMS has claimed these cuts are being imposed to eliminate waste from the Medicaid program. Far from addressing "inappropriate" payments, the seven regulations that CMS adopted will cut legitimate and necessary care for the most vulnerable in our society. Rather than using the power it already has to address waste, fraud, and abuse, CMS has taken the wrong turn by simply declaring that it will not pay for services.

CMS is saying "no" to rehabilitation services to help people with profound disabilities and medical conditions maintain or gain function.

CMS is saying "no" to case management services that help people get the medical care they need and are entitled to; this includes services for individuals with disabilities who are trying to move out of institutions and into the community.

CMS is saying "no" to specialized transportation to help children with disabilities get to and from school.

CMS is saying "no" to compensating safety-net hospitals for their critical services to the communities.

By adopting this bill, we will stop the implementation of these draconian regulations. The bill will require an HHS study and report on the regulations and their impacts on states, something CMS failed to do. For those concerned about waste, the bill provides additional funding for the Secretary to root out true fraud within the system. Finally, the costs of the bill are fully paid for by requiring electronic verification of assets for individuals applying for Medicaid.

With many of these regulations due to take effect very soon, it's critical that the House pass this bill today with a margin that will convince the President that a veto will not be sustained. I urge my colleagues to join me in voting for this important bill.

Mrs. MALONEY of New York. Mr. Speaker, I would like to express my strong support of H.R. 5613, the Medicaid Safety Net Act of 2008. This important legislation will prevent the implementation of seven Medicaid regulations before April 2009. Passage of H.R. 5613 is vitally important to my home state of New York. These regulations are estimated to cut Medicaid funding by nearly $20 billion over five years and will impact payments for safety net providers, hospital clinic services, rehabilitation services, graduate medical education and case management services. In my home district, the New York

City Health and Hospitals Corporation, HHC, the largest municipal hospital system in the country, would lose over $500 million a year, 10 percent of the HHC budget. To give perspective, HHC operates 11 acute care hospitals and more than 80 community clinics which serve 1.3 million patients, 400,000 of whom are uninsured.

Another of the proposed regulations would eliminate Medicaid funding for graduate medical education, GME. My district is a center for graduate medical education. If the GME proposed regulation goes into effect, the impact would be devastating to New York teaching hospitals which educate a disproportionate number of our nations doctors. New York trains one of every seven doctors in the country. The loss of Medicaid funding for physician training would be $590 million a year for all of the hospitals in New York City and $675 million a year for all of the hospitals in New York State. Reducing the GME would not only dramatically impact New York, it would negatively impact the entire country which relies on New York trained doctors.

We must not rush to cut services to beneficiaries. Instead, Congress must have the opportunity to thoughtfully and deliberately evaluate what is happening in the States and address any concerns.

Mr. PAUL. Mr. Speaker, I rise in reluctant opposition to H.R. 5613, legislation halting the implementation of a package of new Medicaid rules. The proponents of H.R. 5613 are correct that halting some of these rules will protect needed Medicaid reimbursements for health care providers. However, some of the rules that H.R. 5613 blocks address abuses of Federal Medicaid dollars that should be halted. Greater efforts to ensure Medicaid resources are properly spent will help those health care providers most in need of continued support from the Medicaid program, since a Medicaid dollar lost to fraud and abuse is a dollar that cannot be spent helping hospitals and physicians provide health care to the poor.

Had members been given the opportunity to offer amendments, we could have fashioned a bill that would have protected needed reimbursements for legitimate health care expenditures while addressing legitimate concerns about misuse of Medicaid funds. Unfortunately, the House leadership chose to deny members the ability to improve this bill, and have a meaningful debate on how to ensure Medicaid's financial stability without denying care to those dependent on the program, by putting this bill on the suspension calendar.

According to some estimates, failure to implement the proposed regulations could cost the already financially fragile Medicaid system as much as 10 billion over the next several years. Yet, the sponsors of this bill refuse to make a serious effort to address these costs. Mr. Speaker, instead of rushing H.R. 5613 into law, we should be looking for ways to shore up Medicaid by making cuts in other, lower priority programs, using those savings to ensure the short-term fiscal stability of federal entitlement programs while transitioning to a more stable means of providing health care for low-income Americans. I have been outspoken on the areas I believe should be subject to deep cuts in order to finance serious entitlement reform that protects those relying on these programs. I will not go into detail on these cuts, although I will observe that in recent weeks this Congress has authorized billions of new foreign aid spending, yet today we are told we cannot find the money to address Medicaid's long-term financial imbalances.

Mr. Speaker, H.R. 5613 may provide some short-term benefit to Medicaid providers, however, it does so by further jeopardizing the long-term fiscal soundness of the Medicaid program. Thus, this passage of this bill will ultimately damage the very low-income Americans the bill aims to help.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 5613, the Protecting the Medicaid Safety Net Act of 2008. By passing this bipartisan bill, we can help ensure that our respective States can continue to provide needed health care to citizens who are eligible for Medicaid.

I have heard from a number of health care providers, hospital administrators, public health officials, and constituents in my district in regards to seven Medicaid regulations issued by the Department of Health and Human Services. The message has been clear: these regulations have the potential to devastate the health care safety net in Colorado, pulling an extraordinary amount of funding away from the State's health care economy with the highest cost placed on the backs of the most vulnerable.

Though I think that all seven regulations deserve a great deal more scrutiny and discussion, there are two regulations in particular that give me serious concern. The first, a regulation that would alter the definition of "publicly-owned providers," would put 34 hospital providers in my State at risk of losing funding budgeted for serving low-income and indigent patients. The Colorado Department of Health Care Policy and Financing estimates that the State would lose $711 million over 5 years—a loss that the Department says would put "the financial stability of the entire safety-net provider community in Colorado at risk."

The second regulation with which I am concerned would completely eliminate Medicaid funding for the Graduate Medical Education program, pulling an estimated $60 million from Colorado's teaching hospitals over 5 years. Our teaching hospitals, which play a critical role in providing health care to underserved communities, cannot withstand this sort of hit to their budgets without severely curtailing important services.

Broadly speaking, I think that these seven regulations ought to be much more carefully scrutinized. Where some were intended to change Medicaid policy without Congressional authorization, others responded to Congressional action by altering policy beyond what Congress intended. A 1-year moratorium will enable Congress to thoroughly examine these regulations to ensure that States like mine are not devastated by rules that, frankly speaking, appear to undermine the very purpose for which Medicaid was established. I am proud to support this bill, and I look forward to working with my colleagues to ensure that our State Medicaid safety-nets remain strong and viable.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of H.R. 5613, Protecting the Medicaid Safety Net Act of 2008.

I believe that any society can be judged on how they treat the most vulnerable—namely seniors, children and the disabled.

This measure places a 1-year moratorium on Medicaid regulations and cuts put forward unilaterally by the administration that could have a devastating effect on each of those groups.

Some of these cuts would slash access to rehabilitation services, decrease services for foster care and abused children, limit services to the elderly, and persons with developmental disabilities.

In fact, these cuts could have a disastrous impact in Michigan on the 21,000 developmentally disabled and 27,000 children with medical conditions—the very people who need our help the most.

With Michigan's struggling economy, the high price of gas and home heating, and an overall increase in cost of living, many families need access to these services.

The proposed cuts to the Medicaid program have the potential to cost the State of Michigan over 15,000 jobs and the loss of $732 million dollars in Federal funding in the first year alone. And it's set to get worse over the next 5 years resulting in an estimated $3.9 billion in Federal cuts.

Delaying these draconian cuts for 1 year will give Congress the opportunity to work together on these issues so that we can better serve those in need across our Nation.

I urge my colleagues to support this measure.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 5613, the Protecting the Medicaid Safety Net Act. This important bill would place a moratorium on seven harmful medicaid regulations. Medicaid provides valuable services to some of our nation's neediest children and families and these regulations would severely impact state budgets and ability to continue to offer the same level of services. If these regulations are implemented, California could lose up to $12.5 billion in Federal Medicaid funds over the next 5 years. In a growing recession, this is the last thing we should be doing. Instead, we should be helping states help those who need access to the medicaid services.

To succeed, every child needs access to the best opportunities. A quality education can help these children succeed, but too many children come to school with other issues that need to be addressed: They haven't had breakfast or a meal since the before the weekend, they have been sick and need medication but lack health insurance, or they need some kind of additional help and therapy because of disabilities. These children depend upon the coordination of the state and schools to connect children to these services.

A school nurse can help connect a student and his or her family to Medicaid services and help him or her through the enrollment process to ensure that the student can receive asthma medication, eyeglasses, preventative care, or emergency healthcare to come to school and focus on learning. One of these regulations would cease the Federal Government's reimbursement to States for this service. Less outreach will mean fewer children will receive Medicaid services. As we move deeper into an economic recession, more families may lose jobs and health insurance. More children will need access to Medicaid, not less. Schools are a great place to find these children and walk their families through the process to enroll in Medicaid to ensure no child will go without important medical care.

Under the Individuals With Disability Act (IDEA), schools are required to provide specialized services to students with disabilities, such as speech and physical therapy. The schools have been allowed to be reimbursed by Medicaid for the cost in transporting the students to these various services. One of the new regulations would eliminate this reimbursement. This would be a terrible burden upon these schools that are already short on funds. We need to help schools get students the education and services they need, not make it more difficult for schools to help these students.

These are just two of the seven Medicaid regulations that will do more harm than good and two examples of why we need to pass H.R. 5613 and place a moratorium on these regulations for the time being. I urge my colleagues to support H.R. 5613.

Mr. CONYERS. Mr. Speaker, I rise to voice my strong support for H.R. 5613, the Protecting the Medicaid Safety Net Act. This important bipartisan bill extends a moratorium until April 1, 2009 on seven Administration-imposed Medicaid regulations that if implemented, would severely reduce Federal Medicaid funding.

Without the moratorium, Medicaid funding to States for vital programs and services would be cut by $18 billion over the next 5 years. These cuts include restrictions on Medicaid payments for graduate medical education (GME), rehabilitation services, and outpatient hospital services, among other services.

It would be irresponsible to think about cutting funding to academic medical centers and residency training programs when we currently face a shortage of physicians. If these cuts were allowed to go into effect, we would be unable to provide necessary medical services to many people who depend upon Medicaid. Constantly cutting funds to the very services which keep our fragmented, non-system of health care afloat is inhumane and nonsensical.

The tactic of underfunding Federal programs in an attempt to undermine their effectiveness demonstrates the Administration's lack of commitment to the programs that faithfully and effectively serve the American people.

Mr. Speaker, passage of H.R. 5613 is simply a necessity. We must halt the underfunding of important Medicaid programs. I wholeheartedly support the passage of H.R. 5613, the Protecting the Medicaid Safety Net Act.

Mrs. BACHMANN. Mr. Speaker, today, the House is considering H.R. 5613, Protecting the Medicaid Safety Net Act of 2008. This legislation would place a moratorium on certain rules promulgated by the Centers for Medicare and Medicaid Services, CMS. While I applaud CMS for looking for ways to reduce the burden on taxpayers and to root out fraud which is regrettably rampant in the Medicaid program, some of these proposed rules simply go too far. They shift too great a cost to the States and leave many vulnerable Americans more vulnerable still. And so I will support this temporary stay to give the administration time to consider ways to meet its goals in a less draconian manner.

To be sure, the Medicaid program has been abused. For instance, a CMS Inspector General report found $3.8 million in undocumented services in the targeted case management program, one which is impacted by these very rules. And CMS's regulations would certainly combat instances of waste and fraud. However, implementing a 1-year moratorium will give CMS an opportunity to review the regulations and give States and local providers an opportunity to prepare for pending implementation, each knowing that real reform is on the horizon. While I believe it is important to rein in entitlement spending, these rules, as currently formulated and immediately imposed, would jeopardize needed care for some of the most vulnerable populations of Americans.

That being said, I am pleased that to address abuses of the Medicaid program, H.R. 5613 provides for anti-fraud enforcement activity in the interim. The bill also provides for the Department of Health and Human Services to hire an independent contractor to produce a report by March 1, 2009, on the proposed regulations and their impact on States. Moreover, all of these costs, as well as the foregone savings resulting from this moratorium are fully offset, meaning H.R. 5613 will not increase the national debt.

The Medicaid program has helped millions of America's neediest individuals, including seniors, foster kids and the disabled, gain access to quality care, and while there have indeed been instances of misallocated funds, H.R. 5613 finds balance between regulatory restraint and financial flexibility, and it maintains a strong partnership with the States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5613, the "Protecting the Medicaid Safety Net Act of 2008." I would like to thank my colleagues Congressman JOHN D. DINGELL and Congressman TIM MURPHY for introducing this important legislation.

Mr. Speaker, this legislation will make vital strides toward expanding and improving access to healthcare to people in our communities who need it most.

The Protecting the Medicaid Safety Net Act of 2008 is critical to keeping the doors open for the patients who use the public hospital systems throughout the country. In my home State of Texas, there was statewide and national support from various stakeholders, the Physicians, Governors, County Judges, Mayors, and many others all encouraging passage of H.R. 5613.

Section 2 of H.R. 5613 amends the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 to extend until April 1, 2009, the moratorium on implementation of a proposed rule, "Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions to ensure the integrity of the Federal-State financial partnerships under Medicaid and State Children's Health Insurance Program, SCHIP, of the Social Security Act, SSA.

This Act will extend the moratorium until April 1, 2009, on any action by the Secretary of Health and Human Services, to restrict Medicaid payments for graduate medical education. It also, amends the Medicare, Medicaid, and SCHIP Extension Act of 2007 to extend until April 1, 2009, the moratorium on certain restrictions relating to Medicaid coverage or payment for rehabilitation services or school-based administration and school-based transportation.

This moratorium establishes additional moratoria until April 1, 2009, on specified regulatory actions concerning Medicaid: (1) treatment of optional case management services; (2) outpatient hospital services; and (3) allowable provider taxes.

Section 3 allows appropriated funds to go to the Secretary for the purpose of reducing fraud and abuse in the Medicaid program. It requires annual reports to specified congressional committees on activities funded by such appropriations, allowing for greater accountability to the people.

More importantly, this Act will direct the Secretary to contract with an independent organization to produce a comprehensive report for Congress on the prevalence of such problems: (1) identifying which claims for items and services under Medicaid are not processed through automated data systems; (2) examining the reasons why they are not so processed; and (3) recommending Federal and State actions that can make claims for such items and services more accurate and completely consistent with Medicaid requirements.

The administration has propagated Medicaid rules which would limit children's access to health care.

According to the Congressional Budget Office, CBO, President Bush and the Centers for Medicare and Medicaid Services, CMS, intend to implement seven separate Medicaid rules which would reduce Federal Medicaid spending by $20 billion over the next 5 years.

Specifically, the regulations would be:

1. Narrowing the range of rehabilitation services covered.
2. Narrowing the range of targeted case management services covered.
3. Limiting the outreach services provided by schools and ending reimbursement for transportation to and from school for children with disabilities.
4. Narrowing the range of allowable provider taxes.
5. Limiting the definition of outpatient hospital services provided.
6. Eliminating Federal Medicaid graduate medical education support
7. Limiting State funding mechanisms, including intergovernmental transfers, and capping public provider reimbursement.

The combined effect of these actions would be disastrous to the health of all children and children's hospitals.

1. Many of these regulations threaten the most vulnerable children—children who require the specialty services that Medicaid provides.
2. Children's hospitals care for the sickest and neediest children in our Nation. On average, half of the care children's hospitals provide is to children covered by Medicaid.
3. Because children's hospitals are so dependent on Medicaid funding, any decrease in Medicaid reimbursement would have a profound impact on children's hospitals' abilities to fulfill their core missions of clinical care, training, and research. By undermining the Medicaid safety net, these rules could threaten the ability of all children to access needed health care services.

H.R. 5613, the Protecting the Medicaid Safety Net Act of 2008, would place a moratorium until April 1, 2009 on all of these Medicaid regulations. I am proud to cosponsor legislation that will add service before self to our leaders of tomorrow. I urge my colleagues to join me in supporting this legislation.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 5613, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

WORLD GLAUCOMA DAY

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 981) recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States and worldwide, as amended.

The Clerk read the resolution.

The text of the resolution is as follows:

H. RES. 981

Whereas glaucoma is a progressive disease of the optic nerve, robbing individuals of both peripheral and central vision;

Whereas glaucoma affects all age groups, including infants, children, and the elderly;

Whereas glaucoma disproportionately affects underserved minority populations, with African-Americans having a three times greater risk of developing this disease than White Americans, and it is the leading cause of irreversible vision loss in African-Americans and Hispanics;

Whereas glaucoma is the second leading cause of preventable vision loss in the United States, afflicting 2,200,000 Americans, and it is the leading cause of permanent blindness worldwide, afflicting 67,000,000 persons;

Whereas awareness is absolutely crucial, as glaucoma often has no symptoms until vision loss occurs, and it is estimated that, in the United States, more than half of the individuals with glaucoma are unaware that they have it and, in developing countries, 90 percent of individuals with glaucoma are unaware that they have it;

Whereas with early diagnosis and ongoing treatment, 90 percent of the cases where blindness occurs can be avoided and awareness is crucial, so that individuals with known risk factors for glaucoma and those over the age of 40 should have regular, comprehensive eye examinations that include careful evaluation of the optic nerve and measurement of eye pressure;

Whereas the National Eye Institute ("NEI") within the National Institutes of Health ("NIH") has been a worldwide leader in glaucoma research, elucidating the genetic basis of different types of the disease (including risk factors) and the potential for gene therapy approaches, identifying factors that can protect the optic nerve from damage, evaluating the potential for optic nerve cell regeneration, and better understanding how elevated intraocular pressure leads to optic nerve damage and how pressure-reducing drugs ultimately developed from NEI-led research can reduce glaucoma progression;

Whereas it is the role of the NEI to support research to prevent, diagnose, and cure glaucoma-related vision impairment and blindness, which disproportionately affects underserved minority populations; and

Whereas the public needs to know the insidious nature of glaucoma, that there are means for detecting and treating it to save sight, and the importance of compliance associated with those treatments, and the first-ever World Glaucoma Day is an observance planned to increase global awareness in that regard: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the first-ever World Glaucoma Day;

(2) supports the efforts of the National Eye Institute within the National Institutes of Health to continue research on the causes of glaucoma, including genetic and environmental risk factors, glaucoma prevention, the relationships between damage to the optic nerve and loss of vision, societal and individual impacts, diagnostics, and treatment to save and potentially restore sight; and

(3) congratulates the American Glaucoma Society for its efforts to expand awareness of the prevalence and economic burden of glaucoma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 981, recognizing March 6, 2008, as the first-ever World Glaucoma Day. As a cosponsor of this resolution, I am proud to speak out in favor of greater support for glaucoma awareness and prevention.

Glaucoma is the second leading cause of preventable vision loss in the United States and the leading cause of permanent blindness worldwide. It afflicts 67 million people by some estimates. While glaucoma affects all age groups, it is of special concern to me because it disproportionately affects underserved minority populations, particularly African Americans over age 40 and Mexican Americans over 60.

The resolution before us supports the observance of World Glaucoma Day, which would raise awareness about glaucoma on a global scale. Awareness is especially important since nearly 90 percent of individuals with glaucoma are unaware that they have it. Moreover, regular comprehensive eye exams can lead to early diagnosis and treatment that can lessen the impact of this devastating disease.

The resolution also supports the efforts of the National Eye Institute and its commitment to continue research on the causes of glaucoma. By learning more about the causes of this insidious disease, we may one day find a cure.

The resolution also congratulates the American Glaucoma Society for its efforts to raise awareness about the prevalence of the disease. The American Glaucoma Society helps to preserve vision by supporting glaucoma specialists and scientists through the advancement of education and research.

I also wish to thank the Friends of the Congressional Glaucoma Caucus Foundation, a nonprofit foundation funded in part by the Centers For Disease Control and Prevention, for its outstanding contributions in providing free glaucoma screening for 200,000 people from 2001 to date, while administering the programs that include follow-up and treatment services across the country. Further, I must point out that I am a cosponsor of H.R. 3005, the Glaucoma Screening Act of 2007. This measure was introduced by Representatives SERRANO and BOOZMAN and Mr. MENENDEZ of the Senate. I urge my colleagues on the House Energy and Commerce Committee to hold a hearing on this bill soon.

Finally, I want to thank my colleague, Congresswoman TAMMY BALDWIN, for her leadership on H. Res. 981, which recognizes March 6, 2008, as the first-ever World Glaucoma Day. I urge my colleagues to join me in support of its adoption.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. SESSIONS) will control the time of the gentleman from Texas (Mr. BARTON).

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I would like to start by thanking my colleague Congresswoman BALDWIN for introducing this legislation along with 100-plus additional Members who have signed on as cosponsors to this important resolution. I would also like to praise the extensive grassroots effort made by numerous eye disease and prevention groups to ensure that this bill passes today in the House of Representatives.

It is an honor for me to speak in favor of this legislation today. This bill recognizes March 6, 2008, as the first-ever World Glaucoma Day. This day was established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States and worldwide. I can speak from personal experience regarding the importance of eye health and getting the appropriate screenings throughout a person's lifetime.

Glaucoma is a group of eye diseases that cause progressive damage of the optic nerve at the point where it leaves the eye to carry visual information to the brain. This disease robs individuals of both peripheral and central vision. If left untreated, many types of glaucoma progress towards gradually worsening visual damage and could and may lead to blindness. Once incurred, visual damage is irreversible.

It is estimated that glaucoma affects 2.2 million Americans and 67 million people worldwide, that 4.5 million people globally are blind due to glaucoma, and that number will rise to 11.2 million by 2020.

There are several types of glaucoma. Some may occur as a complication of other visual disorders, but the vast majority occurs without any known cause. Glaucoma affects all age groups, including infants and children. In most cases, however, glaucoma appears later in life, and its frequency increases with age.

There is no cure for glaucoma yet, and vision loss is irreversible. Therefore, early detection is essential to limiting visual impairment and preventing the progression towards severe visual handicap or blindness. With early diagnosis and treatment, 90 percent of cases where blindness occurs can be avoided.

My colleague from New York just said this important fact: This is a preventable disease. Individuals with numerous factors and those over the age of 40 should have a regular comprehensive eye exam. World Glaucoma Day is one of the many efforts to increase awareness of the importance of eye health. There are several ways to detect and treat glaucoma to save sight, and it is essential that the message reaches every single person.

I'm honored to support this legislation and to work for its passage. But today, Mr. Speaker, we have a message that is there for all Americans and the world to hear, and that is glaucoma is preventable. Awareness is something we should all have and be mindful that we can work towards a cure in the very near future.

Mr. Speaker, I reserve the balance of my time.

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Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

This is very important legislation to me. In the early part of my life, I worked for the Industrial Home for the Blind, which is now referred to as the Helen Keller Foundation. I had the opportunity to see and to talk to people, in many instances who were blind because they did not get the attention at an early stage and as a result they lost their vision.

So I think what we are doing here today is so important, that we pass this legislation which encourages people to seek treatment, encourages people to get eye exams. I think that is the thing we need to do. Because as my colleague indicated, early detection sometimes can prevent this.

On that note, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I too join my colleague from New York in talking about not only the importance of what we are doing here today, but also to thank the many groups from around the country that have taken time to touch base with their Member of Congress about the importance of not only treatments of glaucoma, but the awareness of glaucoma.

Today, we are on the floor for the first ever opportunity to say we are going to highlight this important effort and battle that we are doing, and we are going to make progress on that. It really comes about through awareness, where people who perhaps are hearing about glaucoma for the first time and understanding about the pressure that is put on the eye that can cause this blindness, but is preventable. I hope that the time that we spend today will find itself in messages to thousands of people who recognize that their time to come to Washington, DC to tell their story about this, really did matter, and paid off.

Mr. Speaker, at this time I would like to notify the gentleman that I do not have any additional speakers, and I will find out if he does. But I would encourage him to run through his speakers.

I reserve the balance of my time.

Mr. TOWNS. I do not have any additional speakers. I think we have the right to close.

Mr. SESSIONS. Mr. Speaker, I would like to thank the gentleman from New York, Mr. TOWNS, for taking the time to come in a little bit early today to work on behalf of the gentlewoman, Congresswoman BALDWIN, on this important effort. She and I joined together on this effort. We joined together and had the support from some 100 other Members of Congress, who have heard the message, who believe that it is important that we have this resolution on the floor today. We are proud that we have done this. It is a meaningful effort that this entire House of Representatives do this. I will be very proud of what the House does today to pass the bill.

I thank the Speaker for allowing this bill to come to the floor today.

With that, I yield back my time.

Mr. TOWNS. Mr. Speaker, I would like to commend my colleague for the outstanding work that he has done. I also would like to thank Congresswoman BALDWIN for her outstanding work as well, who has been detained and not able to get here. But she has worked real hard on this because she understands how important it is in terms of early detection.

Ms. BALDWIN, Mr. Speaker, I rise today in strong support of House Resolution 981, which recognizes March 6, 2008, as the first-ever World Glaucoma Day and I wish to thank my colleague, Mr. SESSIONS, for joining me in introducing this resolution.

Glaucoma is the second leading cause of preventable vision loss in the United States. It is a group of diseases that damages the optic nerve and leads to vision loss. An estimated 2.2 million Americans have glaucoma. An additional 2 million have glaucoma, but do not know it, as glaucoma often has no symptoms until vision loss occurs.

If left untreated, glaucoma leads to blindness, which has occurred in about 120,000 Americans. Worldwide, nearly 70 million people are affected by the disease.

Every American over the age of 60 is at risk of developing glaucoma, which also disproportionately affects minority populations. African Americans have a three times greater risk of developing this disease than white Americans, and it is the leading cause of irreversible vision loss in African Americans and Hispanics.

With early diagnosis and ongoing treatment, however, 90 percent of the cases where blindness occurs can be avoided. Awareness is crucial, so that individuals with known risk factors for glaucoma and those over the age of 40 should have regular, comprehensive eye examinations that include careful evaluation of the optic nerve and measurement of eye pressure.

So Mr. Speaker, I am happy today that the House of Representatives is considering this resolution, which seeks to expand global awareness about the incidence and burden of glaucoma.

In addition, Mr. Speaker, I also want to recognize the American Glaucoma Society for its efforts to expand awareness of the prevalence and economic burden of glaucoma. Their advocacy surrounding the first-ever World Glaucoma Day has been truly valuable in promoting eye health.

Mr. TOWNS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 981, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERNATIONAL YEAR OF THE REEF

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1112) recognizing 2008 as the International Year of the Reef.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1112

Whereas the International Coral Reef Initiative has designated 2008 as the International Year of the Reef;

Whereas the International Year of the Reef is a global effort to raise public awareness of the value of coral reefs and the significance of the threats faced by coral reef systems, and to mobilize action to develop and implement innovative solutions and strategies to protect and conserve these important natural resources;

Whereas over 225 organizations in 50 countries and territories participated during the first International Year of the Reef in 1997;

Whereas coral reef systems provide economic, environmental, and cultural benefits to millions of people around the world and are vital in protecting shorelines and supporting coastal economies;

Whereas coral reef systems are the most diverse ecosystem on earth, supporting at least 1,000,000 known species of plants and animals and 25 percent of all marine life;

Whereas coral reef systems contribute $375,000,000,000 each year to the worldwide economy;

Whereas over 50 percent of all federally managed fisheries species in the U.S. depend upon coral reefs for part of their life cycle;

Whereas coral reef systems provide for one-fourth of the total fish catch in the developing world;

Whereas coral reefs around the world are confronted by many grave threats, including destructive fishing methods, damage by marine vessels and divers, development, pollution, ocean acidification, increasing sea temperatures, bleaching, and invasive species; and

Whereas increased public awareness, as well as public and private investment, can prevent the further degradation of the world's coral reef systems in order to preserve this precious resource for future generations: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the International Year of the Reef;

(2) supports strong programs in environmental and marine research at the National Oceanic and Atmospheric Administration and other Federal agencies to better understand the threats faced by coral reef systems;

(3) supports the efforts of the International Coral Reef Initiative to promote public awareness and encourage public stewardship of the world's coral reefs; and

(4) encourages further research and development efforts to preserve coral reefs around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1112, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

I am very pleased to be here today to speak in support of H. Res. 1112, a resolution I have introduced with my friend from Illinois, MARK KIRK. The resolution expresses the support of the House of Representatives for the International Coral Reef Initiative designation of the year 2008 as the International Year of the Reef, and for strong environmental and marine research efforts that will allow us to better understand the threats facing the planet's coral reef systems.

From the Great Barrier Reef that spans over 1,600 miles just off Australia's northeast coast, to the coral reefs found within the Red Sea, to the coral reef system that began forming off the Florida coast nearly 7,000 years ago, coral reefs are among the most vibrant and diverse ecosystems on the planet. Known as the Rain Forest of the Sea, these important treasures are not only the source of food and shelter to millions of sea creatures, they also provide environmental, cultural, and economic value for people around the world.

However, coral reefs across the planet are in peril and face an uncertain future. Global estimates suggest that 10 percent of the earth's coral reefs have already been seriously degraded, and an even greater share of reefs face serious decline. Rising sea temperatures, damage by divers and marine vessels, pollution, and other manmade threats have raised the specter that over the next century, a vast number of the world's coral reef systems will cease to exist.

One of the most troubling threats facing coral reefs is ocean acidification, a phenomenon that occurs when the ocean becomes so acidic that corals and other shell-making organisms are unable to produce the calcium carbonate or to use the calcium carbonate that they need to form their shells. Another disturbing trend is the onset of coral bleaching, which results from rising sea temperatures causing corals to expel the algae that live within their tissues and provide the corals' different colors. Once the algae has been expelled, corals lose their color and, lacking the nourishment provided by photosynthesis that algae provides, the coral dies.

In 1994, recognizing the increasing degradation of the world reefs, the U.S. partnered with other countries to establish the International Coral Reef Initiative. Through its efforts, the International Coral Reef Initiative has mobilized regional and national governments to pursue science-based management of coral reef systems, spurred the establishment of coordinated coral reef protection efforts, and assembled organizations and stakeholders throughout the world to address pollution and other manmade threats that imperil the coral reefs of the world.

The International Coral Reef Initiative has declared 2008 the International Year of the Reef. The Initiative is leading an international effort to continue to bring the preservation of coral reefs into the global spotlight so that we can do what needs to be done to protect these vital national resources for generations to come.

I would like to commend the International Coral Reef Initiative for its efforts and express my enthusiasm for the level of interest, participation, and action that has been generated as a result of its work. I would also like to thank Chairman GORDON and Ranking Member HALL, as well as their staff, for bringing this resolution to the floor. I look forward to working with them further to ensure that the world's coral reefs are protected and preserved, and I urge passage of the resolution.

I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1112, recognizing 2008 as the International Year of the Reef. For almost 15 years, the United States has been an active participant in the protection of coral reefs around the world. In 1994, the U.S. was one of the founding governments of the International Coral Reef Initiative, ICRI. ICRI is a partnership among governments, international organizations, and nongovernmental organizations that strive to preserve coral reefs and related ecosystems. This year, the U.S. and Mexico share responsibilities for the joint secretariat of the ICRI.

The first International Year of the Reef was designated by ICRI in 1997, and this campaign proved to be very successful. Over 225 organizations in more than 50 countries participated and helped raise awareness of the importance of coral reef conservation and catalyzed international conversations and national level policy initiatives. This was certainly true in the U.S.A. when in 1998 an executive order established the U.S. Coral Reef Task Force that led to coordination and the strengthening of U.S. Government actions to preserve and protect coral reef ecosystems. In 2000, this task force developed the National Action Plan to Conserve Coral Reefs, a comprehensive strategy to conserve those coral reefs.

An example of the commitment of the U.S. Government to such coral reef conservation efforts included the establishment in 2006 of the Northwestern Hawaiian Islands Marine National Monument. President Bush set aside almost 140,000 square miles to receive the most extensive maritime environmental protection permitted under U.S. law. This national monument, which is, by the way, the largest in the U.S., includes a substantial number of coral reefs and related ecosystems.

The goals of the 2008 International Year of the Reef campaign include strengthening awareness about the ecology, economic and cultural value of coral reefs; improving understanding of critical threat to reefs and generating both innovative and practical solutions to reduce such threats; and action to develop and implement effective management strategies for conservation and sustainable use of coral reefs.

These worthwhile objectives will ensure the continued awareness of the American people in the environments that are not only beautiful, but provide substantial economic benefits. The National Oceanic and Atmospheric Administration will lead the U.S. effort on this campaign, and I applaud NOAA's hard work in preserving coral reefs for the enjoyment of future generations. Their dedication does not go unnoticed in this Chamber.

Mr. Speaker, I urge my colleagues to support House Resolution 1112.

And with that, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I want to thank the gentleman from Oklahoma. He and I have had the privilege firsthand of visiting some of the endangered reefs and hearing from some of the world's leading experts, and his eloquent comments about the leadership of our Nation in this regard are well put.

I have no speakers at this time, and would reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, the gentleman from Washington, it has indeed been a pleasure to work with, and we have accomplished many things.

With that, I would like to yield such time as he might consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank my colleague from Oklahoma, and appreciate the leadership, and especially my friend from Washington for bringing forward this legislation. It is a strong resolution that follows up on a congressional recognition of 2008 as the International Year of the Reef in support of research and development to preserve coral reefs around the world.

We all know that coral reef systems are vital to the ecology of our planet. They provide food and jobs and recreation to millions of people around the world. Most importantly, they provide key environmental benefits, including resistance to climate change and protection of shorelines from harmful erosion.

Coral reefs and their surrounding ecosystems are now under siege. They face damage from marine vessels, destructive fishing methods, development, and especially increased ocean pollution. Climate change has contributed to increasing sea temperatures, which also threaten these critical habitats. According to the National Oceanic and Atmospheric Administration, 60 percent of the world's coral reefs may be destroyed by the year 2050 if the present rate of destruction continues.

The International Coral Reef Initiative deemed 2008 as the International Year of the Reef. It established a global campaign to raise awareness about the value and importance of coral reefs and their threats to sustainability. The effort also aims to mobilize action to develop and implement innovative solutions and strategies to protect and preserve this important natural resource.

It's very important for the United States to lend its support and resources to this effort. I would also say it's very important for the Congress to complete its work on another piece of legislation that my friend and I backed, the Tropical Forest and Coral Reef Conservation Act, H.R. 2185. My colleague, Mr. BAIRD, and I supported this resolution, which is based on legislation coauthored by myself and Mr. HASTINGS of Florida. It would offer a key "debt for nature swaps" in developing countries to protect key coral reefs.

□ 1530

This legislation was based on work by my previous colleague, the former Member from Ohio, Rob Portman. We worked together since the late 1980s to pioneer a new strategy to support international ecology; that is, offering reductions for the debt of developing nations in return for investments in protecting key ecosystems. Using this technique, we created the largest park in the Western Hemisphere, the Beni Biosphere Reserve in Bolivia.

All combined, debt-for-nature swaps have now saved an area 50 times larger than Yellowstone National Park. The key addition of the Tropical Forest and Coral Conservation Act is to extend this debt-for-nature authority to the Department of the Treasury to protect coral reefs. This legislation passed the House overwhelmingly on October 9, 2007, but still remains pending in the Senate. Like so many other things, we would like to see the Senate complete the good work of the House of Representatives.

My hope is that by passing this legislation we continue to call attention on the attack of coral reefs across the world, on their critical role in preserving the biological diversity of the world, and especially the United States and its Caribbean coastline, and, most importantly, to pass the Tropical Forest and Coral Reef Conservation Act, so that we can offer more than just help on a resolution, that we can have visible support to developing nations so that they can protect their coral reefs, much as the United States should do on our own shores. I thank the gentleman from Washington.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend Mr. KIRK for his leadership on this and thank him for mentioning Representative Portman, who is really a champion of efforts to preserve the global environment.

Mr. Speaker, it is entirely appropriate that we do this today, on Earth Day. I wore a tie which my wife gave me for Christmas which has a picture of my twin 3-year-old boys on it. When we talk preserving rain forests or preserving coral reefs, I think all of us have this commitment, that our children and our grandchildren should one day be able to enjoy these. But if we do not act promptly, quite frankly, I fear that they will not be able to.

I have witnessed firsthand the degradation of some of what were the most the magnificent reefs on Earth. If you did not know what they are supposed to look like, you might not recognize the difference. But when you go underwater and things that are supposed to be there are not, species of fish, certain types of corals, gone; when you see corals that have been knocked over; when you see bleaching of almost every coral you see; when you see areas where marine anchors have been dragged across them; when you see areas where excessive human pressure in the form of divers and other things have damaged the reefs; when you see invasive species that are devouring some of the creatures that should be there; when you see runoff from nearby rivers; that is what is happening already. As populations grow, as temperatures increase, as ocean acidification worsens, it is a very, very real possibility that reefs which we are able to enjoy, that countless species depend on, that many nations depend on for their very survival, some of the coastal nations, our own areas in Florida and elsewhere on the coast depend on for security from storms, when you see these precious resources in peril, it is deeply moving and profoundly troubling.

By recognizing the International Year of the Reef, I hope we can follow what Mr. KIRK said and urge Congress to take more actions to protect these valuable resources. I am proud that we can cosponsor this in a bipartisan fashion, and I will urge passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BAIRD. I thank the gentleman from Oklahoma, I thank Mr. KIRK and all the cosponsors of this resolution. Again, this resolution is somewhat of a symbolic act. What we really need to do in addition to this is support the various efforts, both nationally and internationally, to preserve these magnificent resources for generations yet to come and for the entire world.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to express my support of H. Res. 1112, a resolution recognizing 2008 as the International Year of the Reef.

I have the great honor of representing the Florida Keys, an area rich in natural wonders including two national parks, four national wildlife refuges, and the Florida Keys National Marine Sanctuary—one of the most diverse marine ecosystems in the Nation. The natural and cultural resources and environmental setting of the area make it among the most diverse in North America. Within the surrounding waters are resources deserving of special consideration and protection, including America's only living barrier coral reef.

This designation is part of a global effort to raise public awareness of the value of coral reefs, the significance of the threats faced by coral reef systems, and to mobilize action to develop and implement innovative solutions and strategies to protect and conserve these important natural resources. Coral reef systems provide economic, environmental, and cultural benefits to millions of people around the world and are vital in protecting shorelines and supporting coastal economies. Coral reefs are some of the most valuable and spectacular places on earth. Covering less than 1 percent of the planet's surface, coral reefs and their associated mangrove, sea grass, and other habitats are the world's most biologically diverse marine ecosystems.

Last September, I had the distinct opportunity of participating in a dive to the Aquarius Undersea Laboratory in the Florida Keys. While in Aquarius, I participated in a live, underwater question and answer session with schoolchildren on topics such as coral reef conservation and the dangers of offshore drilling. This visit demonstrated how the Aquarius facility plays a direct role in improving our youngsters' understanding and appreciation of the marine environment.

As part of my passion for preserving the environment, I am proud to serve as co-Chair of the National Marine Sanctuary Caucus along with my colleague Congresswoman LOIS CAPPS. The National Marine Sanctuary Caucus is a bipartisan coalition of Members dedicated to increasing awareness and strengthening commitment to our Nation's cherished marine sanctuaries. The caucus promotes understanding of how national marine sanctuaries help to safeguard our natural heritage and economic well-being. It also serves to inform local communities about the importance of maintaining these ecosystems for future generations to enjoy, educates Members of Congress on the importance of sanctuary protection and management, and ensures that adequate resources are directed to foster and restore these vital habitats.

I would like to also take this time to recognize the incredible National Marine Sanctuary officials in my district, including Billy Causey and Commander Dave Score, as well as Sanctuary System Director Dan Basta, for all of their work on behalf of our underwater ecosystems.

Once again, I would like to express my support for designating 2008 as the International Year of the Reef. Through this designation, it is my hope that it will encourage further research and development efforts to preserve coral reefs around the world.

Mr. BAIRD. Mr. Speaker, I have no further requests for time and would yield back the balance of my time and urge a "yes" vote.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1112.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING 35 YEARS OF SPACE-BASED OBSERVATIONS OF THE EARTH BY THE LANDSAT SPACECRAFT

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 891) celebrating 35 years of space-based observations of the Earth by the Landsat spacecraft and looking forward to sustaining the longest unbroken record of civil Earth observations of the land, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 891

Whereas the year 2007 represents 35 years of continuous collection of space-based observations of the Earth's land cover by the United States Landsat satellites, which have enabled increased scientific understanding of the interrelationships of the Earth's land cover, energy balance, and biogeochemical processes as well as the realization of numerous societal benefits from the applied uses of the data;

Whereas on July 23, 1972, the National Aeronautics and Space Administration launched Landsat 1, originally called the Earth Resources Technology Satellite, as the first civilian Earth observation satellite to study the Earth's land cover and monitor natural resources;

Whereas since 1972, the United States Geological Survey has led the data archiving and distribution efforts for the Landsat program, which has continued to collect data without interruption through the successful launches of Landsats 2, 3, 4, 5, and 7, and has established the longest and most comprehensive record of global land surface data ever collected;

Whereas the National Aeronautics and Space Administration, the United States Geological Survey, the Department of Commerce, the Department of Defense, and the private sector have all played a role in Landsat's history;

Whereas Landsat greatly enhanced remote sensing science, helped give rise to a global change research plan and international initiatives to study the Earth system, and led to new types of careers in engineering and natural sciences;

Whereas Landsat data have been used for multiple scientific and applied purposes including cartography, land surveys and land use planning, agricultural forecasting, water resource management, forest management, mapping of sea ice movement, assessment of tropical deforestation, food security, mineral and oil exploration, and global change research;

Whereas Landsat data are being widely used by Federal, local, county, and State governments, and by foreign nations, nongovernmental organizations, private industry, and universities;

Whereas Landsat data are collected at a scale that enables the study of both natural and human-induced changes in land cover over time and their impacts on the Earth's ecosystems;

Whereas Landsat data illuminated for the first time how human decisions, such as the expansion of cities, led to large-scale impacts on the environment;

Whereas the U.S. Climate Change Science Program has recognized Landsat and its long-term data record as instrumental to the study of climate and environmental change, noting that "Landsat data are invaluable for studying the land surface and how it affects and is affected by climate"; and

Whereas the scientific and societal benefits of the Landsat program and its 35-year data record illustrate the significant return on the public investment in Earth observations and the need for continued support for this critical national asset: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation to all of the dedicated scientists, engineers, and program personnel who have contributed to the successful development and operation of the Landsat program over the past 35 years;

(2) looks forward to another 35 years of continuous Landsat-like observations of the Earth;

(3) urges the continuation of the Landsat program and data record so as to sustain Landsat's value to scientific research, especially the study of global and climate change, and to the myriad applied uses of the data for societal benefit; and

(4) believes that the Nation should continue to support the research, technological improvements, educational outreach, and development of decision making tools required to expand the use of Landsat data separately and as integrated with other Earth observations data.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 891, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise on this occasion, again I mention it is on Earth Day, to seek support for House Resolution 891, as amended, celebrating 35 years of space-based observation of the Earth by the Landsat spacecraft.

This resolution celebrates the world's longest unbroken record of civil Earth observations of the land beginning with the launch of the first Landsat satellite on July 23, 1972. The data collected from Landsat satellites have helped advance our scientific understanding of global change and fostered applications that benefit our private sector, as well as our State, local, regional and Federal Government activities.

Mr. Speaker, the scientific and applied uses of these space-based land observations are vast. Landsat data are used to monitor crop patterns, manage natural resources such as water and forests, assist in land use and urban growth planning, help protect wildlife habitats and support national security objectives, to name just a few examples. Landsat's 35 year data record has also been critical in helping to understand the interactions between land cover changes and variations in the Earth's climate.

The most recent report of the U.S. Climate Change Science Program Report references Landsat as one of two critical satellites. It states, "Without these satellite observations, the current pace of discovery and innovation in global land use and land cover change climate research would not be possible."

Mr. Speaker, this celebration of Landsat's continuous 35 years record of land observations provides a clear example of the societal benefits derived from our Nation's space program. But there is more to be gained from Landsat data. Increases in computing and communications capabilities are stimulating innovative approaches to using Earth observations data such as Landsat. One need only look to the Internet, where anyone can access images of neighborhoods, cities and regions to see firsthand the ways in which Landsat data are finding their ways into our lives.

Mr. Speaker, in reflecting on the contributions that Landsat has made over the past 35 years and the growing applications of these data, we must remember that the success of Landsat begins and continues with people. We owe our gratitude to the many talented and hard-working scientists, engineers and other professionals who have been involved in the Landsat program.

I urge my colleagues to support H. Res. 891. As we address the implications of climate change and the pressure on our environment and resources, it is important that we ensure the continuation of the Landsat program and ensure the research, technology and educational investments that are required to expand the use of Landsat data and the benefits they provide to science and society.

Mr. Speaker, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my colleague in support of H.R. 891, celebrating 35 years of continuous operation of the Federal Government's Earth observing Landsat satellite program. Generations of Landsat satellites have taken and continue to take an uninterrupted record of images of Earth's oceans and lands, enabling resource managers, geologists, climate researchers and scientists to closely monitor land use changes, water consumption, forestry, agricultural and the effects of climate change through the regular acquisition and cataloging of these photographs. This detailed and continuous record of observations offers an unambiguous insight into the changes that are occurring on a global, regional and local scale.

Landsat data and the research findings they enable would not be possible without the excellent cooperation and joint management between NASA, who designs, builds and launches the satellites, and the United States Geological Survey and the Department of Interior, who manage the archives of Landsat data at the National Satellite Land Remote Sensing Data Archives, what a title, located in Sioux Falls, South Dakota. Their data records extend back 33 years.

The early history of Landsat offers a remarkable insight into the events, culture, personalities and institutional jealousies of the 1960s and 1970s. When our earliest astronauts returned from the Mercury and Gemini missions with photographs of the Earth taken from their spacecraft, scientists and engineers quickly began to envision the value of using robotic spacecraft as a means of monitoring land use changes.

However, the Department of Defense initially objected to a space-based civilian reconnaissance satellite out of concern that it would compromise their own spy satellite programs. The Office of Management and Budget also objected, arguing that land use data could be more cheaply acquired by high-flying aircraft.

According to NASA historians, then Secretary of the Interior Stewart L. Udall, being convinced of the value of space-based civil reconnaissance satellites, announced in 1966 that his department was initiating its own Earth observing satellite program. His pronouncement apparently spurred NASA to take the initiative to proceed in an ambitious manner to build Landsat.

Today, Landsat 5 and Landsat 7 continue to operate in Earth orbit, although both are nearing the end of their operational lives and may not last long enough to overlap the launch of their successor in 2011, called the Landsat Data Continuity Mission. If they both fail, the 35 year record of continuous Landsat coverage will be interrupted, and though it will be disappointing, I am optimistic that other methods of data collection will be able to fill in most of the gaps during that interim.

The Landsat program's data records are an invaluable national resource. The tenacity and the brilliance of the men and women at NASA, at USGS, and the contractors who helped design, build and launch the satellites, as well as manage the huge volume of data generated by the family of Landsat satellites, have created a legacy that will continue to serve our Nation's needs for many, many years to come.

Mr. Speaker, I urge my colleagues to support House Resolution 891.

With that, I reserve the balance of my time.

Mr. BAIRD. I want to thank the gentleman from Oklahoma. It is an astonishing history, isn't it? The fact that we have now got a continuous record of changes at all sorts of levels, changes in ground cover, changes in agriculture, changes in the water resources, et cetera, is an extraordinary resource for a host of uses. Our agriculture community benefits from this, our national parks benefit from this, flood control managers benefit from this.

This Landsat satellite system, which was, as the gentleman from Oklahoma pointed out, once rather controversial, is now seen as something that would be very difficult to plan without. It has produced enormous economic benefits and economic savings.

Who would have thought many decades ago before the space program that one day we would be able to send up remote instruments to look back down on Earth, not from the 40,000 foot level, but much higher, to give us the broad sweep; but not only the temporary snapshot, but the vast look over time, so you can see changes, both constructive changes and the losses. Absolutely incredible and important.

I want to share the gentleman's concern. We need that continuity to continue. Let us hope that the good engineers of NASA have produced an instrument which can last much longer, as they have in many cases, as we see in the Mars rover system, for example. But we need that continuity in the data records so scientists can see what changes have occurred over time without interruption. We need to continue that not only with the proximate, the next Landsat satellite, but future generations as well.

Mr. Speaker, I thank the scientists and engineers, and thank the gentleman from Oklahoma for his support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BAIRD. Again, I want to commend my colleagues for introducing this legislation. I think this is absolutely appropriate, particularly on Earth Day. But it is helpful for us to remember down here on Earth that our lives on Earth are made better by the space program and the observing network that we have up in space that help us anticipate all kinds of potential disasters and avoid those, and also guide us in doing proactive things to improve the health of our great planet.

Mr. UDALL of Colorado. Mr. Speaker, I am pleased that the House yesterday passed my resolution, H. Res. 891, on Celebrating 35 Years of Space-Based Observations of the Earth by Landsat Spacecraft. I would like to thank my colleague, Representative REGULA from Ohio, who has joined me as an original cosponsor of this resolution.

It is only fitting that we celebrate Landsat and its thirty-five year record of space-based observations of the land at a time when we are beginning to address the current and future implications of climate change. The U.S. Climate Change Science Program recently recognized Landsat noting that "Landsat data are invaluable for studying the land surface and how it affects and is affected by climate." I thank my colleagues in Congress for continuing to support Landsat and for enabling the development of these long time-series data that are so important for research on climate variability.

The data collected by Landsat satellites are being used by almost all Federal agencies, by state, regional, and local governments, by researchers and private industry. I held a field hearing earlier this month in Colorado on the important ways in which remote sensing data, including Landsat imagery, can help our state and local officials carry out their responsibilities more effectively. The broad application of these data to provide scientific and societal benefits testifies to the nation's sound investment in space technology. We owe our thanks and appreciation to the talented and dedicated scientists, engineers, and professionals who have contributed to Landsat and its success.

Mr. Speaker, there is more to be gained from the data collected by Landsat satellites, and there are still issues to be resolved to ensure that the nation can get the best return on its investment in Landsat's capabilities. However, I have no doubt that through support for the research, technology, and education required to improve Landsat data collection and applications, the returns from this national investment will continue to multiply. I urge my colleagues to join me in ensuring that the benefits derived from this important record of civil observations of the land, as collected from Landsat satellites, continue to expand for another 35 years.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 891, celebrating 35 years of space-based observations of the earth by the Landsat spacecraft and looking forward to sustaining the longest unbroken record of civil earth observations of the land, introduced by my distinguished colleague from Colorado, Representative MARK UDALL. This important legislation recognizes the longest running enterprise for acquisition of imagery of Earth from space.

The program was initiated in 1966 as the Earth Resources Observation Satellites program but was later changed to Landsat in 1975. On July 23, 1972, the National Aeronautics and Space Administration launched Landsat 1, originally called the Earth Resources Technology Satellite, as the first civilian Earth observation satellite to study the Earth's land cover and monitor natural resources. Since 1972, the Landsat program has continued to collect data without interruption through the successful launches of Landsats 2, 3, 4, 5, and 7, and has established the longest and most comprehensive record of global land surface data ever collected.

The year 2007 represents 35 years of continuous collection of space-based observations of the Earth's land cover by the United States Landsat satellites, which have enabled increased scientific understanding of the interrelationships of the Earth's land cover, energy balance, and biogeochemical processes as well as the realization of numerous societal benefits from the applied uses of the data. The consistency of Landsat data over three decades of acquisition offers opportunities to compare land cover changes over time. Landsat greatly enhances remote sensing science that helps give rise to a global change research plan and international initiatives to study the Earth system. Landsat images are also invaluable for emergency response and disaster relief. Advances made in data reception and processing permit rapid access to imagery in times of natural or human-made disaster. Within hours of data acquisition, the USGS Center for Earth Resources Observation and Science provides relief organizations worldwide with satellite images for disaster response, as well as image-derived products that incorporate information on population density, elevation, and other relevant topics.

Landsat data illuminated for the first time how human decisions led to large-scale impacts on the environment. The U.S. Climate Change Science Program has recognized Landsat and its 3 long-term data record as instrumental to the study of climate and environmental change, noting that Landsat data are invaluable for studying the land surface and how it affects and is affected by climate. The scientific and societal benefits of the Landsat program and its 35-year data record illustrate the significant return on the public investment in Earth observations and the need for continued support for this critical national asset.

Mr. Speaker, I express my appreciation to all of the dedicated scientists, engineers, and program personnel who have contributed to the successful development and operation of the Landsat program over the past 35 years. I urge my fellow colleagues to join me and continue to support the Landsat program and data record so as to sustain Landsat's value to scientific research, especially, the study of global climate change, and to the myriad applied uses of the data for societal benefit.

Mr. BAIRD. Mr. Speaker, I yield back the balance of my time and urge a "yes" vote on this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 891, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

☐ 1545

JOHN ARCHIBALD WHEELER

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1118) honoring the life and achievements of John Archibald Wheeler and expressing condolences on his passing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1118

Whereas John Archibald Wheeler was born July 9, 1911, in Jacksonville, Florida;

Whereas John Wheeler graduated from high school at age 15 and earned a Ph.D. in physics from Johns Hopkins University at age 21;

Whereas Dr. Wheeler then moved to Copenhagen to work in the field of nuclear physics with pioneering physicist Niels Bohr;

Whereas, while still in his 20s, Dr. Wheeler, then a Professor of Physics at Princeton, along with Dr. Bohr in 1939 worked out the first explanation of how the newly discovered nuclear fission actually worked;

Whereas Dr. Wheeler spent the war years at Hanford, Washington working on the theoretical understanding of nuclear reactions that led to production of plutonium for the bomb dropped on Nagasaki and later worked on the development of the American hydrogen bomb under Project Matterhorn B;

Whereas Dr. Wheeler then returned to Princeton where, after discussion with Albert Einstein, he switched from the study of nuclear physics to working on extending the theory of general relativity, including in 1957 creating the concept of wormholes to describe tunnels in space-time and in 1967 coining the term black hole as part of the theory of gravitational collapse;

Whereas Dr. Wheeler was a visionary who could see farther on the horizon than most people by way of his physical intuition;

Whereas Dr. Wheeler was a beloved academic who trained some of the best minds in the next generation of physicists, a gifted communicator sometimes called a physics poet, and an active researcher for over 70 years; and

Whereas Dr. Wheeler was, in the words of Dr. Max Texmark, the last Titan, the only physics superhero still standing until the time of his death on April 13, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and accomplishments of Professor John Archibald Wheeler and expresses condolences on his passing; and

(2) recognizes the profound importance of Dr. Wheeler's record as a pioneer in nuclear and theoretical physics and a long-time contributor to advancing mankind's understanding of the nature and workings of the universe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 1118, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

I rise today to pay tribute to a great American scientist, Dr. John Archibald Wheeler. Dr. Wheeler passed away recently at the age of 96. He was a pioneer in the fields of nuclear and theoretical physics. Along with Niels Bohr, Dr. Wheeler worked out the first explanation of how nuclear fission actually worked. During the war years, Dr. Wheeler went to work on the Manhattan Project, helping to understand the theoretical basis for plutonium production. After the war, Dr. Wheeler continued his work for the country by helping to develop the American hydrogen bomb.

After returning to academia, Dr. Wheeler continued his contributions to the field of physics. In 1957, Dr. Wheeler created the concept of wormholes to describe tunnels in space-time, and in 1967 he coined the term "black hole," not to describe Congress, but as part of the theory of gravitational collapse.

John Wheeler also contributed greatly to the scientific community with his devotion to teaching and training the next generation of scientists. He was a devoted teacher and textbook author, and served as a professor for over 70 years. Some of his graduate students included Richard Feynman, Kip Thorne, and Hugh Everett, all renowned physicists in their own right.

Mr. Speaker, last week we lost one of the truly great scientific minds of the 20th century. I urge my colleagues to support this resolution honoring John Wheeler's achievements and expressing our profound condolences on his passing.

I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1118, honoring the life and achievements of John Archibald Wheeler and expressing condolences on his passing. Dr. John Archibald Wheeler, who was one of America's greatest physicists, passed away this last week at the age of 96. Dr. Wheeler's wife of over 70 years passed away in 2007; and he is survived by three children, eight grandchildren, 16 great-grandchildren, six step grandchildren, and 11 step great-grandchildren. What a fruitful life.

Dr. Wheeler was a man who was decades ahead of his time. He not only played a key role in the development of the theory of nuclear fission with Niels Bohr, but also became the first scientist to give black holes and wormholes a name.

Dr. Wheeler is described as a visionary physicist and teacher. His work on the Manhattan Project in 1941 helped build the atomic bomb. Always seeking answers to the larger questions of the universe, he would spend his time debating the meaning of the quantum theory and the nature of reality with Albert Einstein and Niels Bohr.

John Archibald Wheeler was born on July 9, 1911, in Jacksonville, Florida. Dr. Wheeler earned his Ph.D. in physics from Johns Hopkins University at the old age of 21 years.

Dr. Wheeler accomplished many things during his lifetime. Perhaps his greatest accomplishment was his ability to inspire generations of physicists and scientists through his teachings at Princeton and at the University of Texas, and his constant ambition to answer the greatest questions of the universe.

In 1981, Dr. Wheeler wrote: "We are no longer satisfied with insights only into particles, or fields of force, or geometry, or even space and time; today we demand of physics some understanding of existence itself." Think about that. It is for this constant quest for knowledge that inspired his life and will continue to inspire the American scientific community. Mr. Speaker, I urge my colleagues to support House Resolution 1118.

I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, at this moment it is a real pleasure to yield time to one of our distinguished new Members. We sometimes say in this body that it doesn't take a rocket scientist to do something. In this case, we actually do have a physicist, Dr. FOSTER, the gentleman from Illinois, and the author of this outstanding legislation. I yield to him such time as he may consume.

Mr. FOSTER. Mr. Speaker, earlier this month the United States lost a colossus within the science community, a visionary who advanced our understanding of the universe while inspiring generations of younger scientists. John Archibald Wheeler is perhaps best known to the public for coining the term "black hole," but throughout his career he also worked alongside the likes of Albert Einstein and Niels Bohr on theoretical physics' most puzzling questions, helped develop the hydrogen bomb, and, upon his death on April 13, was appropriately called: The last Titan, the only physics superhero still standing.

For 22 years, I was a particle physicist at Fermi National Laboratory, working with my colleagues on giant experiments to move beyond the horizons of current scientific understanding. As a graduate student at Harvard and as an undergraduate before that, I could not escape the mention of John Wheeler's name engraved on the promontories or floating on the delicate backwaters of what is now called modern physics.

As a member of the tribe of experimental physicists, that is, people like me who did real experiments in the real world, we were always surrounded by a wondrous shimmering cloud of theoretical physicists. These are men and women who spend their days bobbing and weaving through the world of what might be mathematically possible, of what might show up in experiments that have yet to be invented, or what might have shown up if we had just done the last experiment just a little more carefully. John Wheeler was one of the most luminous droplets in that shimmering cloud.

As young scientists, we studied the legacy of those great minds, physicists like Einstein, Bohr, Enrico Fermi, and John Archibald Wheeler. To a fellow physicist, the breadth of John Wheeler's achievements are staggering. Born in Jacksonville, Florida on July 9, 1911, he graduated from high school at 15, and earned his Ph.D. from Johns Hopkins University at the age of 21. He sailed to Copenhagen a year later to begin work with the eminent physicist Niels Bohr, and in 1939 the pair produced the first description of how nuclear fission works. During the Second World War, Dr. Wheeler joined with scientists working on the Manhattan Project to build the atomic bomb. He continued to work with the U.S. government well after the war, and was awarded the Enrico Fermi Award by President Johnson in 1968.

By the time he returned to academic life, Dr. Wheeler had become fascinated with Einstein's General Theory of Relativity. Studying gravitational collapse, he introduced not only the term black hole, but also the concept of the wormhole, a hypothetical tunnel in space-time. Dr. Wheeler was willing to passionately consider seemingly incomprehensible phenomena. In 1999, he wrote that the black hole "teaches us that space can be crumpled like a piece of paper into an infinitesimal dot, that time can be extinguished like a blown-out flame, and that the laws of physics that we regard as sacred, as immutable, are anything but." His work in the 1960s revived and transformed this field.

In the last years of his career, Dr. Wheeler considered the mysterious and sometimes bizarre world of quantum mechanics, seeking connections between science and philosophy to explain fundamental questions of existence.

Despite these high achievements, Dr. Wheeler remained committed to the nurturing of the next generation of scientists. He continued to teach introductory classes to undergraduates throughout his career, and he mentored some of the century's most noted theoretical physicists. Any physicist with the amount and color of the hair that I possess will also have indelible memories of "MTW," the big black book called Gravitation authored by Misner, Thorne, and John Archibald

Wheeler that describes in intuitive terms what is really going on in Einstein's general theory of relativity.

So at a time when the primacy of our Nation's science programs are in peril, John Wheeler's example should remind us of our own commitment to the next generation of American scientists and innovators.

Mr. Speaker, it is an honor to introduce this resolution, and I urge my colleagues to join me in honoring the life and achievements of John Wheeler. The power of his intellectual accomplishments and the memorable color of his phrases will grace physics textbooks forever.

Mr. LUCAS. Mr. Speaker, I yield back the balance of my time.

Mr. BAIRD. Mr. Speaker, I want to thank Dr. FOSTER for introducing this resolution, and for his eloquent description of an individual to whom we owe such a great debt in this country.

A recent survey asked citizens of the United States if they could name a single living United States scientist, and, sadly, many, many weren't. In this body it is not at all uncommon for us to bring up suspension bills honoring sports teams who may have won an NCAA championship or the Super Bowl or something like that. It is thoroughly appropriate that we do more to recognize outstanding scientists who did not just win a single sporting event, but changed the face of the Earth through their intellect, through their diligence, and through their discoveries. And I very much commend Dr. Foster for raising this, and I thank him. And, I hope it is not the last that he will enlighten us with his knowledge as a physicist. I know it won't be. But I would urge this body to see what we could do more through our actions here on the House Floor and in our districts to do more to honor and elevate the status of U.S. scientists so that we could provide role models for young people and rise above the gathering storm.

Our science committee, chaired by BART GORDON, has helped lead the effort in that. We are proud to have passed The America COMPETES Act. The America COMPETES Act is designed to produce many, many more John Wheelers. I want to express our thanks on behalf of the Congress to his family and our condolences for their loss.

Mr. HOLT. Mr. Speaker, on April 13, 2008, America lost one of its greatest scientific minds. Dr. John Archibald Wheeler influenced generations of scientists (including me) and his imprint on the field of physics and our collective understanding of the universe we inhabit cannot be overstated.

Wheeler began his career in the company of men whose names are well known to history—Niels Bohr and Albert Einstein. Wheeler, who earned his Ph.D. in physics at age 21, went to Denmark a year after earning his degree to study under Bohr, who at the time was on the cutting edge of nuclear research. It was only after Bohr fled Denmark in 1939—just months before the Nazi occupation of the country—that Wheeler learned of the research Bohr and others had been conducting into the possibilities and ramifications of nuclear fission.

Ultimately, Wheeler would join Robert Oppenheimer and others on the Manhattan Project, turning America into the world's first nuclear power. Later, Wheeler would play a key role the development of thermonuclear weapons and become an advocate of the war in Vietnam and of the creation of a ballistic missile defense system for the United States. But for all his work on weapons of war, his passion was trying to understand the workings of the universe.

We owe the term "black hole" to Wheeler, who initially resisted the idea of the existence of these stellar phenomena but was ultimately persuaded of their existence by the mathematical work of Dr. David Finklestein and others. In this, Wheeler demonstrated the traits of the best scientists: a willingness to challenge, and ultimately change, his views based on the facts and evidence.

When he reached Princeton University's mandatory retirement age in 1976, Wheeler was not ready to walk away from the profession he loved. He moved to Texas, taking up residence at the University of Texas at Austin and continued his investigation into the workings of the universe, seeking to understand "how everything fits together." He continued to teach, lecture, and write for many more years, and his influence on at least two generations of physicists will be felt for generations to come.

Dr. Wheeler's wife of 72 years, the late Janette Hegner Wheeler, passed away in October 2007 at age 99. The Wheelers are survived by their three children, Ms. Lahnston and Letitia Wheeler Ufford, both of Princeton; James English Wheeler of Ardmore, Pa.; 8 grandchildren, 16 great-grandchildren, 6 stepgrandchildren and 11 step-great grandchildren.

I am pleased to join my colleagues in honoring John Wheeler through H. Res. 1118. We can honor him best by recommitting ourselves to making America the world leader in scientific research and achievements, and I will certainly do all I can to make that another of Dr. Wheeler's lasting achievements.

Mr. BAIRD. I yield back the balance of my time and urge a "yes" vote on this outstanding resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1118.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1600

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 322) recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 322

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine and create a Jewish state;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern State of Israel is an outgrowth of the existence of the historic kingdom of Israel established in the Land of Israel 3,000 years ago, with the city of Jerusalem as its capital;

Whereas for over 2,000 years, there has been continuous Jewish presence and residence in the land comprising the modern State of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jewish people followed the slaughter of more than 6,000,000 European Jews during the Holocaust;

Whereas since its establishment 60 years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic democratic society, and created a thriving economic, political, cultural, and intellectual life despite the heavy costs of war, terrorism, and unjustified diplomatic and economic boycotts against the people of Israel;

Whereas the people of Israel have established a vibrant, pluralistic, democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices;

Whereas Israel has developed some of the leading universities in the world, and 8 Israeli citizens have been awarded the Nobel Prize;

Whereas Israel has developed an advanced, entrepreneurial economy, is among the world's leaders in the high-tech industry, and is at the forefront of research and development in the field of renewable energy sources;

Whereas Israel regularly sends humanitarian aid, search-and-rescue teams, mobile hospitals, and other emergency supplies, to help victims of disasters around the world, including the 1994 Rwandan civil war, the 1998 bombing of the United States Embassy in Kenya, the 1999 earthquakes in Turkey, the 2004 Indian Ocean tsunami, the 2005 hurricanes along the southern coast of the United States, and the 2007 fires in Greece;

Whereas Israel has absorbed millions of Jews from countries throughout the world and fully integrated them into Israeli society;

Whereas Israel has bravely defended itself from repeated terrorist and military attacks since its independence;

Whereas successive leaders of Israel have sought to achieve peace with Israel's Arab neighbors;

Whereas Israel has established peaceful bilateral relations with neighboring Egypt and Jordan and has made its desire to establish peaceful relations with all Arab states abundantly clear;

Whereas for 6 decades, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect;

Whereas the American people feel a strong affinity for the Israeli people based on common values and shared cultural heritage; and

Whereas the United States continues to regard Israel as a strong and trusted ally and an important strategic partner: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the historic significance of the 60th anniversary of the reestablishment of the sovereign and independent State of Israel as a homeland for the Jewish people;

(2) reaffirms its enduring support for Israel as Israel pursues peace with its neighbors;

(3) reaffirms its support for Israel's right to defend itself against threats to its security and existence;

(4) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic, democratic society in the face of terrorism, as well as hostility, ostracism, and belligerence from many of their neighbors;

(5) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past 60 years, and commits to strengthening those bonds; and

(6) extends the warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 15 seconds. I rise in strong support of H. Con. Res. 322 which recognizes the 60th anniversary of the founding of the modern State of Israel and reaffirms the bonds of close friendship and cooperation between the United States and Israel.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to join with this House today in commemorating a milestone that few would have once thought possible, and in celebrating one of America's most special bilateral relationships.

When the State of Israel was declared on May 14, 1948, some worried whether it would survive for even 6 months in the face of ruthless and relentless war from much of the Arab world. Naysayers worldwide fought against the establishment of a state for the Jewish people, and urged the United States not to recognize any such Jewish state. To our Nation's credit, the United States recognized Israel 11 minutes after it declared independence, leading the way for other responsible nations to follow.

And despite predictions of gloom and doom, and the strongest efforts of its enemies, Israel did not perish. Indeed, Israel has flourished. Israel won three wars of self-defense on multiple fronts. It has survived not merely for 6 months but for 60 extraordinary years. Through it all, Israel has endured. And as the only democracy in the region, Israel continues to be a beacon of hope and a model for her neighbors.

It has been said that the strength of a nation is determined by the caliber of its people. There is perhaps no better example of this truth than the State of Israel and the Israeli people, vivid examples of conviction, of courage, of faith. Indeed, through the blood and the toil and the creativity of its citizens, Israel has grown accustomed to dispelling established wisdom and exceeding expectations.

Israel has proven that democracy, liberty, prosperity and innovation can indeed thrive in the Middle East. Today, Israel is a vibrant democracy where unfettered free speech fills the airwaves, and where Arabs serve in government, and have excelled in business and science.

Israel has demonstrated that desolate areas of the Holy Land can be redeemed, and that the "land of milk and honey" can once again bloom and bear fruit.

Israel has given the world a first-rate high-tech industry that pioneered wi-fi and instant messaging, and a medical industry that pioneered microscopic cameras that can be swallowed in a pill. And Israel has shown that a 2,000-year-old dream, the creation of a state for the Jewish people in their historic homeland, can indeed come true.

Time and time again, Mr. Speaker, Israel has made the impossible a reality. Yet today, Israel once again finds itself besieged in every direction by dangerous regimes like Iran and Syria and by the rapidly arming and violent Islamic groups that those regimes sponsor like Hamas and Hezbollah.

Today, Israelis live in fear, fear of the threat of their very existence represented by the pariah states of Iran and Syria. Innocent blood in Tel Aviv, in Jerusalem, and in other communities is shed regularly as a result of the jihadists from Hezbollah, from Hamas, and other such militant organizations.

Palestinian suicide bombers have struck at crowded bus stops, at hotels and cafes and other civilian targets. And in a little town called Sderot, children play indoors because of Palestinian rockets, and ordinary people face the draining pressure that at any moment a rocket could be launched at them, killing or maiming them or their loved ones.

Mr. Speaker, Israel's existence is indispensable to advancing America's most basic interests and values. For decades, our two nations have successfully collaborated on everything from science and business to defense and homeland security. As America goes forward, fighting for a free and prosperous world and against violent extremist groups who seek our ruin, Israel once again stands with us. And America will and must continue to stand with Israel for the next 60 years and beyond.

I strongly urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 60 years since the founding of our ally Israel, the United States has had no greater friend in the Middle East. U.S.-Israeli friendship is based first and foremost on shared democratic values and our mutual pursuit of peace and stability in the Middle East, and it is buttressed by our Nation's unshakable commitment to Israel's security.

The remarkable story to Israel's foundation and survival is inspiring. Shortly after the decision by the United Nations to partition the British Mandate of Palestine into Jewish and Arab states, Israel declared its independence on May 14, 1948, in Tel Aviv. In response, Israel's Arab neighbors invaded the new and tiny Jewish state. And to the surprise of the so-called experts and pundits everywhere, the nascent Israel Defense Forces prevailed, defending the people of Israel and soundly defeating the Arab coalition.

French President Nicolas Sarkozy called the emergence of the State of Israel "a miracle of the 20th century." However, Golda Meier once remarked that there had been "too much self-sacrifice and too many lives lost for Israel's emergence to be considered a miracle."

But the establishment and the evolution of the State of Israel can be considered, without doubt, one of the dazzling human achievements of our times.

Hundreds of thousands of Jews and their descendants escaped oppression, or worse, because Israel exists. Spurning the authoritarian model that dominates its region, and persevering in a sea of enmity, Israel has built a world-class civilization, a vibrant democracy, a thriving economy, and a culturally and academically rich society.

The American people, and particularly the United States Congress, have contributed mightily to Israel's sustenance and security over the years. Of that we are justifiably proud.

But Israel's triumphant story is also tinged with tragedy. Each year just before its independence day, Israel honors soldiers who have fallen in its defense. A siren sounds all over the nation, and Israelis everywhere stop to remember. This minute of silence is a poignant memory for all who have witnessed it. But it is also, unfortunately, symbolic of Israel's wider regional reality for Israel has lived under the Damoclesian threat since its birth.

For years the Arab world sought to drive Israel into the sea. But eventually, after much death and destruction, the visionary Egyptian president, Anwar Sadat, and the wise Jordanian, King Hussein, recognized the value of peace and coexistence with Israel. And although much of the Arab world's economic, cultural and political boycott of Israel remains intact and terrorism has never ceased, the prospect of a collective military attack on Israel fortunately has faded in recent years.

Nevertheless, Israel today lives under potentially greater threats to its well-being and existence than ever before. The daily rocket assaults from Gaza, controlled by fundamentalist Hamas, have reaped vast physical and psychological damage on the people of Sderot, not to mention the fact that they have killed more than a dozen Israelis. And increasingly, sophisticated rockets are being used. They are more deadly accurate by the day, and they have greater range. In Israel's north, Hezbollah's replenished missile supply poses an even greater threat.

On the other end of the military spectrum, a theologically based state, the Islamic Republic of Iran whose president says Israel should be wiped off the map, is developing nuclear weapons and long-range missiles. Now is not the time to go into details about these threats. This body has spoken specifically to each of these dangers in the relatively recent past, and will do so again.

Now it is time to reaffirm our Nation's pledge to Israel that we will stand in solidarity with Israel against all violent assaults on its security and well-being. And most of all, it is time to say to our friend and ally, Israel, congratulations on your incredible social, political, economic, and technological achievements in the face of the most stupefying odds. We in the United States could not be prouder of our special relationship with you.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I continue to reserve the balance of my time and would be glad to allow Mr. BERMAN to recognize the Speaker.

Mr. BERMAN. Mr. Speaker, I am very proud to recognize the chief sponsor of this resolution, the Speaker of the House of Representatives, a stalwart supporter of the State of Israel for all of her political life that I have known her, for 1 minute.

Ms. PELOSI. I thank the gentleman for his kind words. I am pleased to join Mr. BOEHNER and other cosponsors of this legislation, and thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership in bringing this resolution to the floor, and for leading us in our strong friendship with the State of Israel.

I thank Mr. BERMAN for following so ably in the footsteps of Mr. Lantos as he follows the tradition of Chairman Lantos whose loss we feel every day.

Mr. Speaker, this weekend, families around the world, including my own grandchildren, gathered around the Seder table to retell the Biblical story of freedom and hope that is Passover.

The closing words of the Passover haggadah evoke the age-old yearning of the Jewish people to return to Zion. Today, in Congress, we mark the fulfillment of those aspirations in observing the founding of the modern State of Israel. By recognizing the 60th anniversary of Israel, we reaffirm the bonds of close friendship and cooperation between the United States and Israel.

Again I thank Chairman BERMAN and Congresswoman ROS-LEHTINEN for their leadership in giving us this opportunity today. I am pleased to join Republican Leader BOEHNER as lead cosponsors of this legislation, as I am pleased to join him in leading a delegation to Israel in a few weeks to be part of the 60th anniversary observance.

Mr. Speaker, the creation of the State of Israel, as Mr. BERMAN said so eloquently, stands out as one of the greatest achievements of the 20th century and as a beacon of hope to the world. President Truman's role in recognizing the new state just 11 minutes after its proclamation is a source of pride for all Americans. It is also a symbol of the strength of the friendship between our two countries.

I note that this congressional recognition is a little earlier than a month before Israel's independence day, but this allows us to get ready and to have a few weeks of festivities to bring in the May celebration.

In this body we sometimes have political differences, but today and every day we speak with one voice united with Israel. As we support Israel, we recognize that the national security of Israel is in our national interest.

☐ 1615

A week ago, Noam Shalit, father of Gilad Shalit, came to my office. Gilad was captured from his army base in Israel near the Gaza border on June 25, 2006. For almost 2 years, Gilad has been held in captivity. Our thoughts are with him and his family, as well as with all of the other missing Israeli soldiers, such as Ehud Goldwasser and Eldad Regev. We will continue to work for their release from captivity.

Mr. Speaker, every leader from the region who comes into my office, or just other people that I find worthy of knowing about this, I show the dog tags of Eldad, Ehud and Gilad as a constant reminder in the Speaker's Office of our commitment to them and to their freedom.

In America's partnership with Israel, we have both given support and we have drawn strength. We share a common history, nations founded to be beacons of democracy, forged by pioneers, and fulfilled by immigrants in search of a better tomorrow. We also share a common cause, a safe and secure Israel, living in peace with her neighbors.

Mr. Speaker, I urge our colleagues to speak with one voice and support this resolution recognizing the 60th anniversary of the State of Israel. In doing so, we not only commend Israel, we also bring luster to this House by associating ourselves with that great State of Israel.

Mr. Speaker, I thank the gentlelady from Florida for her generosity in allowing me, the Speaker, to speak out of turn.

Ms. ROS-LEHTINEN. Mr. Speaker, at this point I would like to yield 3 minutes to the gentleman from Texas (Mr. POE), an esteemed member of our Committee on Foreign Affairs.

Mr. POE. Mr. Speaker, the Nation of Israel has fought for 60 years for the right to exist, and I'm proud to be a cosponsor of H. Con. Res. 322, a measure before the House today. It recognizes the 60th anniversary of Israel's statehood, and reaffirms United States support for Israel as Israel continues to pursue peace with its neighbors and defend itself against constant threats to its security and its existence.

Sixty years ago, on May 14, in the aftermath of World War II, the people of Israel declared independence and claimed sovereignty of about 8,000 square miles of land that was between the Dead Sea and the Mediterranean Sea, the area about the size of New Jersey. That day was just the beginning of another chapter in Israel's long history of defending its right to exist.

Almost immediately after Israel announced independence in 1948, Egypt, Syria, Iraq, Lebanon, Jordan and Saudi Arabia all declared war on Israel, launching Israel's long fight for the mere right to exist. In that war, the newly created State of Israel defeated the Arab armies that invaded it, and even expanded some of its territory.

Then again, in 1967, Israel acted once more to defend itself against hostile invasion by its neighbors during the Six Day War. Once again, in 1972, Israel was targeted by Arab armies during the Yom Kippur war.

And recently Israel has been attacked in the north by terrorist hate groups Hezbollah, and in the south by Hamas terrorist group.

Also, Israel has been forced to defend itself against Palestinian aggression. And since January 1 of this year, Palestinians have fired more than 450 mortar shells into Israel. This rocket fire has intentionally targeted civilian communities in Israel, and made life for these people a nightmare. But Israel is resilient and continues to fly the flag of freedom.

I proudly join my colleagues in commending the people of Israel for building this democratic state in the face of terrorism, hostility, hate and war from their neighbors.

Israel and the United States are like family. Sometimes we disagree on things, but when someone attacks part of the family, it's an attack on the whole family. Let there be no mistake about it. The United States stand side by side with its friend, Israel, and with the concept of freedom.

And that's just the way it is.

Mr. BERMAN. Mr. Speaker, I'm privileged to recognize for 1 minute a gentleman who has probably done as much as anyone in this House to promote the U.S.-Israeli relationship, including his own personal missions that he leads there, the majority leader, Mr. HOYER of Maryland.

Mr. HOYER. I thank my friend of some 45 years for his observations. There are a lot of my very dear friends for a long time in this chamber.

Israel is America's friend for a very long time.

Mr. Speaker, it is fitting today that Members of both sides of the aisle, almost in unanimity, join to recognize the founding of our Nation's steadfast friend and ally, the State of Israel, to reconfirm the special bond that exists between our two Nations, and to reiterate that the support for Israel in this Congress is bipartisan, overwhelming, stronger than ever, and continuing to grow.

On May 14, 1948, the day on which the British mandate for Palestine expired, the people of Israel proclaimed the sovereign and independent State of Israel. And 11 minutes later the United States, at the direction of President Harry S. Truman, recognized the establishment of this new state.

President Truman observed, at that time, and I quote, "I had faith in Israel before it was established, I have faith in it now. I believe that it has a glorious future before it, not just another sovereign nation, but an embodiment of the great ideals of our civilization."

So said President Harry Truman, May 14, 1948, 11 minutes after the declaration of sovereignty of the State of Israel. An embodiment of the great ideals of our civilization. I believe that to be the fact, and because I believe that to be the fact, I believe it is absolutely essential that those who uphold those ideals pledge their support and defense of Israel against those who would undermine, not only the nation, but the idea of the civilization that Truman said it represents.

Mr. Speaker, over the ensuing 6 decades, it has become increasingly clear that Israel's success is not only a strategic imperative for the United States, but a moral imperative as well. Ours is a relationship of principle and conscience, of shared values and common aspirations, of peace and opportunity and a mutual commitment to freedom and democracy.

The United States and Israel are nations of immigrants. We are safe havens for the oppressed. The Statue of Liberty lifts her lamp beside the golden door, "Send these, the poor, the homeless, tempest tossed to me," it says. That is what Israel has said to millions of Jews, and others as well, black and white.

We are partners with Israel for peace, and we are united in fighting against terrorism. Few people on Earth have been subjected to more bigotry, violence and discrimination than have the Jewish people, and no people are more in need, in my view, of a sovereign, secure homeland to provide safe haven and to protect identity.

That is why the Balfour Resolution was passed in 1918. That is why, in 1948, the world looked on the creation of Israel as an imperative.

David Ben-Gurion once remarked: "The security of Israel is," he said, and I quote, "a question of the survival, not only of the people of Israel, but of the Jewish people the world over."

History has taught us that is true. Throughout the last 60 years, Israel has been an island of freedom in a sea of despair and an absence of democracy. It has been vilified, threatened and attacked. My colleagues have set forth those facts.

And yet, it has prevailed, indeed, prospered, just as it will prevail and prosper today and tomorrow and every day thereafter.

When we talk of Israel, we inevitably acknowledge her courage in the face of those who seek her destruction. But let us also acknowledge that over the last 60 years, the Israeli people have established a vibrant, pluralistic, democratic political system that includes freedom of speech, association, religion, a vigorous free press, free, fair and open elections, the rule of law, and an independent judiciary.

Furthermore, Israel has developed an advanced entrepreneurial economy, and is among the world's leaders in the high tech industry.

Mr. Speaker, as Mr. BERMAN observed, over the last 5 years I've had the opportunity to take a tenth of the Congress, actually more than a tenth of the Congress to Israel, congressional delegations, which have gone to see where we invest our money and where we have committed our security pledge. And what the Members saw was a reflection, really, in many respects, of America and themselves, people who love their country, people who want to live in peace and freedom, and people who want their children to have even greater opportunities and safety.

As our allies in Israel celebrate their 60th anniversary in just a few weeks, let us honor their determination to fulfill the vision of Zionism's founding father, Theodore Herzl. Through courage and will, Israel was born and the dream of generations was made real, and it will endure. It will endure with our support, with our encouragement, and with our commitment.

I want to congratulate the citizens of Israel and the entire Jewish community, not only in the United States, but throughout the world, who have enabled Israel to survive. Congratulations. Happy birthday.

We remain a loyal, steadfast and unswerving ally in your quest for a better life, not just for your people, but, as Truman observed, for civilization as well.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 2 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I'm so pleased to rise today to congratulate the State of Israel on its 60th anniversary as an independent and sovereign Nation. Our friends have realized this historic milestone in the face of innumerable challenges to their very existence.

Constant threats of terrorism and attacks have not defeated the hopes and dreams of the Israeli people. And with remarkable restraint, and despite great odds, the State of Israel proudly stands and has secured the creation of a new and enduring Jewish society in their ancestral homeland.

As a vibrant and strong democracy in the Middle East, Israel is a model for the region. A lack of natural resources has not prevented Israel from becoming home to one of the world's most dynamic economies. Its achievements in agriculture, solar energy, medical electronics and telecommunications have gained worldwide recognition. Each of these accomplishments can be directly attributed to Israel's greatest asset, her people.

Mr. Speaker, as we continue to promote peace and stability for the people of Israel and all in the region, let us congratulate Israel on the occasion of her 60th anniversary and reaffirm our steadfast support for one of America's greatest allies.

☐ 1630

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the majority whip for the House of Representatives, Representative CLYBURN of South Carolina.

Mr. CLYBURN. I thank my friend, Mr. BERMAN, for yielding me this time.

Mr. Speaker, I rise in strong support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the State of Israel. On May 14, 1948, when the world was still struggling with the aftermath of the Holocaust, Israel declared itself a Nation. Eleven minutes later, President Harry Truman made the bold decision to make the United States of America the first country in the world to recognize Israel as a sovereign state. That was the start of a strong allegiance between the United States and Israel, a close friendship that has grown and strengthened over the years, one that will never be broken.

As the only true democracy in the Middle East, we recognize Israel's struggle to protect its people, maintain peace with its neighbors, and defend the freedoms of a democratic society. As we join our friend and partner in celebration of this important milestone, we reaffirm the bonds of close friendship and cooperation that have been forged between our nations over these six decades.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE) who is the ranking member of our Subcommittee on the Middle East and South Asia.

Mr. PENCE. Mr. Speaker, 60 years ago next month, the State of Israel, under the leadership of a small band of courageous Zionists declared independence in its ancient homeland. It was promptly recognized by the United States, as the majority leader just eloquently described, and it was promptly attacked by its Arab neighbors. The more things change, the more they seem to stay the same.

Well, Israel has prevailed against long odds, and we celebrate 60 years of that on the floor today and around the United States and around the world next month. It was against those extraordinarily long odds. It was forced again in 1967, 1973, and on countless other times since.

It is important that we note through these trials and travails, Israel remains the only fully functioning democracy in the Middle East. It was founded by Holocaust survivors resolved to overcome the horrors of the mid-20th century Europe's atrocities.

Today, Israel's boasts a vibrant economy with a well-educated populace. Israel's GDP exceeded most major economies in 2007 and it's reached Organization for Economic Cooperation and Development candidate status.

Israel's 60 years on from that historic day next month is an extraordinary success. But Israel is still in the neighborhood of sworn enemies. In its 60th year of history, all of two Arab countries have seen fit to recognize Israel. And today's leader of Iran threatens with regularity to wipe Israel off the map.

That's why I rise today, Mr. Speaker, to say two things: Number one, I join my colleagues in both parties who rise to congratulate this historic accomplishment of 60 years hence. But I also say that as we commend Israel, we in this body in both parties should look for opportunities to recommit ourselves to her defense. We cannot stand idly by while a gathering menace grows in the region. We cannot stand quiet while some Americans travel overseas and associate themselves with the blood-soaked enemies of Israel.

So today we celebrate, and we celebrate in a spirit of bipartisanship. But I hope as this historic 60th anniversary approaches, we in this body in both parties will look for those opportunities upon which we can come together to rededicate ourselves to the preservation and the protection of Israel as a Jewish state and to Jerusalem as her eternal capital.

Mr. BERMAN. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the gentleman and the chairman of the Foreign Affairs Committee and congratulate him on his leadership along with the ranking member.

Mr. Speaker, this year on May 14 we will mark the 60th anniversary of the founding of the State of Israel. We will also celebrate the strong bonds of friendship and cooperation between the United States and Israel. Our country, under the leadership of President Harry Truman, was the first country to recognize the State of Israel. And he later said, "I had faith in Israel before it was established. I have faith in it now. I believe it has a glorious future before it, not just as another sovereign nation but as the embodiment of the great ideals of our civilization." We need to maintain the special relationship we have with Israel based on shared values, common strategic interests, and moral bonds of friendship. Today, we honor not only that country's independence but the significance of what Israel stands for.

It represents the centuries-long yearnings of the Jewish people for a homeland of their own in the land of their forebears. The pogroms in tsarist Russia in the late 19th and early 20th centuries and the Holocaust under the Nazi regime in the 1930s and 1940s made the idea of a Jewish people having a State of their own where they could feel secure and never again be subjected to such horrors and brutality even more compelling and necessary.

After many years of struggle, Israel emerged as an independent state. It gave refuge to tens of thousands of Holocaust survivors, many of whom had been languishing in temporary resettlement camps in Europe. The new State of Israel also became the home for Jews from scores of countries around the world. In a very short period of time, Israel developed a strong economy, became one of the leading countries within the world in terms of development, of scientific technology, and academic learning.

Since its creation, Israel has continually confronted hostile forces that threaten its existence, and the United States must remain steadfast in ensuring the security of Israel.

With the assistance of the United States, Israel was able to achieve peace treaties with Egypt and Jordan in the 1970s and 1990s, respectively. These agreements made Israel more secure and greatly lessened the chances for another Arab-Israeli war with those two countries. However, peace negotiations between the Israelis and Palestinians, and friendly relations with its other neighbors, have proved to be more difficult.

It is my sincere wish that such negotiations will succeed, and that the Israeli people and all peoples of that troubled region will be able to live in a lasting peace.

Mr. Speaker, I hope that all Americans will join me in congratulating the citizens of Israel and the entire Jewish community on the 60th anniversary of the establishment of the State of Israel.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey, a member of the Committee on Foreign Affairs, Mr. SIRES.

Mr. SIRES. Mr. Speaker, today I rise in support of H. Con. Res. 322, to recognize the 60th anniversary of the founding of the State of Israel and the bond of friendship between the United States and Israel. Like the United States, the State of Israel has stood as a beacon of democracy and hope for Jewish immigrants all over the world. As an immigrant myself, I understand the importance of the democratic freedoms and values that our Nation holds dear. The United States and Israel share and embrace those values as the cornerstones of a vibrant, democratic society.

Last August, I was fortunate enough to visit Israel for the first time, and I witnessed the importance of friendship that the United States and Israel share. We share the common goals of peace, freedom, security, and prosperity for our citizens and for the region.

I am pleased to help honor the State of Israel on its 60th birthday, and I would urge all of my colleagues to vote in favor of this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I continue to reserve my time.

Mr. BERMAN. Mr. Speaker, I am now pleased to yield 2 minutes to the vice chairman of the Foreign Affairs Subcommittee on the Middle East and South Asia, the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I rise today to honor the State of Israel on its 60th birthday. Since its inception in 1948, Israel has shared with the United States and the people of the United States an unbreakable bond of democratic freedom and a hope for security and stability in the Middle East. Sixty years later, in a region where fostering democracy and human rights is a top priority, Israel has continued to be a strategic partner to the United States and a beacon of light throughout the world.

The United States and Israel are natural allies who share democratic governments' belief in the rule of law and a commitment to protect the human rights of all people. My home State of Florida has a particular special relationship with Israel, and I have made bolstering Florida's economic ties with Israel one of my top priorities when I was in the Florida legislature. I worked with others on legislation that opened the State of Florida's Trade Office in Israel, and in my last visit to Israel, I visited our sister city in Israel, Kiryat Bialik, in order to reinforce that bond.

It is with great pleasure that we celebrate today, and coming up, Israel's 60th anniversary, and I join the American people in congratulating Israel on its myriad of accomplishments and achievements. I hope that the next 60 years will bring peace, prosperity, and security to the State of Israel.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the chairwoman of the Homeland Security Subcommittee on Intelligence Information Sharing and Terrorism Risk Assessment, the gentlelady from California (Ms. HARMAN).

Ms. HARMAN. Thank you Mr. Chairman for yielding.

The State of Israel and I are about the same age. And the connection has been deep and constant throughout my life. My late father, a refugee from Nazi Germany, spoke fluent Hebrew and fondly remembered his early visit to Israel, then under British mandate. He returned to Israel many times, though never to his childhood home in Germany.

I, too, make frequent visits to Israel, two in the past year, and am proud of many friendships and recognition as a passionate advocate for the U.S.-Israel security relationship. Many of our joint security programs with Israel, like the Arrow Missile Defense System, continue to be among my highest priorities in Congress. Just a week ago, Mr. Speaker, Congressman MARK KIRK and I urged full sharing of the U.S.-Israel early warning system to protect Israel from the possibility of incoming Iranian missiles.

Sixty years ago, as has been said, President Harry Truman was first to recognize the State of Israel. The United States and Israel have been democratic allies ever since in times of war and fragile peace.

Israel has become a technology and economic powerhouse, a beacon for the Jewish diaspora, a protector of the rights of women and its minority Arab population. And yet, according to an excellent State Department report, anti-Semitism and anti-Israel sentiment are growing. Most of Israel's neighbors do not recognize her right to exist, and Iran's leader actively threatens to destroy her.

Some of Israel's actions are provocative, to be sure. Halting new settlement construction and easing checkpoints could go a long way to ease tensions. Yet as a recent MiamiHerald.com article points out, a key piece of the Israeli dream remains a mirage. For all their successes, Israelis remain unsure that their country's presence is truly permanent. No other nation on earth faces that fear, and the fear is not unfounded. Israel distributes gas masks and practices bomb shelters drills. This is hardly birthday fare. But 60 years is a milestone and perhaps a miracle.

During Passover week, we retell and celebrate the story of the Jews' exile from Egypt and quest to return to Israel.

The SPEAKER pro tempore (Mr. CARNAHAN). The gentlewoman's time has expired.

Mr. BERMAN. I yield the gentlelady 2 additional minutes.

Ms. HARMAN. That quest continues. Dayenu. Peace remains illusive, but that for sure is what my father would wish and so do I.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am proud to yield 1 minute to the leader on our side of the aisle, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague from Florida for yielding.

Mr. Speaker, it's my honor to join Speaker PELOSI in celebrating the 60th anniversary of the State of Israel. This is just the first opportunity for us to honor the foundation of the Jewish State leading up to its anniversary on May 14.

After 60 years, Israel may not be our oldest ally, but there is no doubt that it's among our most treasured. Since its establishment 6 decades ago, Israel has been a pillar of strength, integrity, freedom and, above all else, friendship.

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They're not simply allies by chance. Our friendship has flourished over the last 60 years because we share the same values. First and foremost, we recognize that we would not exist if not for the grace and power of God.

Faith forms our Nation's very foundation and is reflected in everything we do. We value liberty, and recognize how precious it is in a world where it's not only rare, but often under attack. And we recognize the responsibility we have to defend our freedom. That's why we have stood beside our Israeli allies for the past six decades and why we are taking the fight to those committed to destroying the Jewish state and, for that matter, destroying us.

Mr. Speaker, the bonds of trust between Israel and America have never been stronger or more important than they are right now. Our Nation will stand firmly beside our Israeli friends over the next 60 years just as we've done over the last 60. And with a shared faith in God, a respect for liberty, and a commitment to its defense, our friendship will only grow deeper.

May God bless the Jewish State of Israel on this anniversary and all of those that will follow.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from New York, the chairman of the Foreign Operations Subcommittee and a very knowledgeable and supportive advocate for the U.S.-Israel relationship, Mrs. LOWEY.

Mrs. LOWEY. I thank the gentleman, the very distinguished, extraordinary Chair of the Foreign Affairs Committee.

Mr. Speaker, I rise today in strong support of H. Con. Res 322, which recognizes the 60th anniversary of the founding of the modern State of Israel.

For all of us who gathered around the Passover table this weekend to pledge ourselves, "next year in Jerusalem," the Jewish State of Israel is a commitment of both mind and heart. It is a homeland for the Jewish people persecuted, slaughtered and driven from their land for centuries, and it continues to be a safe haven for refugees from around the world.

One of the most compelling experiences of my life was greeting the Ethiopian Jews as they arrived in Ben Gurion Airport after their dramatic rescue as a part of Operation Solomon in the 1980s. I also will never forget visiting with the children of Yemin Orde in northern Israel. This youth village is home to orphaned, disadvantaged and at-risk children from over 20 countries, and it exemplifies Israel's humanitarian commitment. Israel has offered its technical expertise in search and rescue, medicine, and humanitarian aid in the aftermath of nearly every modern disaster, from Katrina to the tsunami.

Israel is also an intellectual and cultural hub: Eight Israeli citizens have received the Nobel Prize, and Israeli technology has helped countless farmers in dry-weather areas and provided low-cost, life-saving drugs to millions.

Moreover, Israel is a source of stability and a voice of reason in a neighborhood plagued by extremism and violent uprising. Its commitment to democracy and freedom of expression is unshakeable, and it is our most reliable partner in our efforts to combat terrorism, enhance human rights and basic freedoms, and encourage free institutions.

It is simply incredible that all of this has occurred while Israel is under constant threat. That is why I rise today to commend the State of Israel and the Israeli people on their commitment to democracy, peace and advancement. May the next 60 years bring continued prosperity and the realization of permanent peace for this great nation.

I urge my colleagues to support this resolution.

Mr. BERMAN. I yield myself the balance of my time.

As Speaker PELOSI indicated in her own comments, the person that I think all of us in this Chamber miss very much in not being able to manage this resolution because of his own background and his own deep love and commitment for the State of Israel was our late chairman, Tom Lantos. This would have been something that he would have been personally very gratified with, and certainly wanted to join in the trip that the Speaker will be leading to the State of Israel in the next couple of weeks to help celebrate this anniversary. And so I think it's fair to say that everyone in the Chamber wishes that things might have been different, that he might have been here himself to manage this resolution. And we are looking forward to a group that the Speaker will be taking to Israel to actually personally participate in that celebration.

Mr. ROTHMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 322, which celebrates the 60th anniversary of the Jewish State of Israel's independence and reaffirms the friendship between the U.S. and Israel. I want to thank the Speaker and the Minority Leader for sponsoring this legislation, as well as the Chairman and Ranking Member of the Foreign Affairs Committee for bringing it to the Floor so quickly.

On May 14, 2008, Israel will celebrate the 60th anniversary of Yom Ha'atzmaut, or the declaration of the State of Israel by David Ben-Gurion in Tel Aviv on May 14, 1948. While this date traditionally celebrates Israel's birth as a pluralistic democracy—the only one in the Middle East—this date also marks 60 years of strong and vibrant U.S.-Israel relations, 60 years of Israel's success as one of the most technologically advanced countries in the world, and 60 years of Israel struggling to find a peaceful solution to the ongoing Palestinian-Israeli conflict.

The U.S.-Israel relationship that we celebrate today is grounded in centuries-old American regard for Israel as the homeland of the Jewish people. This was so brilliantly discussed in Michael Oren's latest book "Power, Faith, and Fantasy," which describes American support for Israel as the homeland for the Jewish people starting before the American Revolution and being a strong element in U.S. foreign policy ever since.

But while this historic connection is true, Israel's value to the U.S. as a military and economic partner is also incredibly important. For the last 60 years, Israel has been America's number one ally in an extraordinarily strategic region for the United States—she is, in many ways, our "forward battleship of democracy" in a sea of totalitarians, terrorists, and murderous thugs. Just appreciate the fact that the United States spends $150 billion a year in Iraq in order to have 165,000 U.S. combat troops stationed there. Without Israel—God forbid—the United States might well need to have 100,000 or more troops stationed permanently in that part of the world to protect U.S. strategic interests.

There are literally hundreds more examples of how Israel has helped the United States since its founding in 1948 in matters of intelligence, improving American military equipment, capturing Soviet and Russian equipment, destroying the Iraqi nuclear reactor, obliterating the Syrian nuclear facility, and a thousand more classified instances where Israel provided literally invaluable assistance to the United States in ways that no other country on the planet could do or has done.

For myriad reasons, the United States could not ask for a better friend and ally in the region than the State of Israel. The Israeli people know they will always be able to count on the U.S. and the American people. Whether or not the Palestinians ever become a true partner for peace to the Israelis—and I certainly hope that they do—the United States will continue to stand by the Jewish State of Israel and make sure it has the qualitative military edge and superior force to defend itself against all enemies.

Once again, I extend my best wishes and congratulations to the people of the State of Israel on their 60th Independence Day and urge my colleagues to join with me in strong support of H. Con. Res. 322.

Mr. FARR. Mr. Speaker, I am proud to be able to speak in support of House Concurrent Resolution 322, to commemorate the 60th anniversary of the founding of the state of Israel.

For the past six decades, Israel has persevered in its quest to establish a free, open and democratic society—a society that reveres the same values that we do here in the United States. It is for that reason that we have been a stalwart ally of Israel. And it also for that reason that we will be allies for the next 60 years to come.

For as long as it has existed, Israel has been a beacon for the Jewish Diaspora and a lone democracy in the Middle East. It has given refuge to those in search of a homeland and provided a safe haven for people around the world who have fled from persecution.

While it has struggled with its neighbors to find a workable peace, Israel and its people have never ended its pursuit for a permanent solution. Over the years we have witnessed too much bloodshed and considerable sorrow, but we have also seen the enduring faith that peace will reign.

Israel has proven itself capable of monumental achievement and I see no reason to despair that peace with its neighbors will not be yet another of Israel's achievement.

I commend Israel on its 60th anniversary and believe its future is bright. And I continue to hope that its future will be free of the violence of much of its past.

Mr. DINGELL. Mr. Speaker, I rise today as a proud cosponsor of H. Con. Res. 322, recognizing the 60th anniversary of the State of Israel. Israel established itself as a sovereign nation on May 14, 1948. Since that time, it has been a close friend and ally to the United States.

Throughout the beginning of the 20th Century and in the aftermath of the Nazi Holocaust, millions of Jews from around the world found a home in Israel. Serving as the representative for Michigan's 15th Congressional District, my father, John D. Dingell, Sr., was an outspoken proponent for the establishment of a Jewish homeland and subsequent U.S. recognition of Israel's sovereignty. In my tenure in the House. I proudly followed his lead, encouraging close diplomatic, economic, and strategic ties with our fellow democratic nation.

Since its independence, Israel, the "keystone in the arch of peace" in the Middle East, as my father put it, has dealt with its share of crisis and wars. The United States stood by as its partner and friend and has served over the years as the chief broker in negotiations between Israel and its neighbors. It is imperative the United States continue in these efforts and continue to foster a close friendship with Israel, as a nation that shares our ideals and values. I urge my colleagues to support this resolution today, and honor the 60th anniversary of Israel's independence.

Mr. BACA. Mr. Speaker, I rise today in support of H. Con. Res. 322, honoring the 60th anniversary of the establishment of the modern State of Israel's independence.

After the horrible actions of the Holocaust, Israel was established as an independent nation. She has since blossomed into a successful, democratic, and booming nation.

In times of uncertainty over the last 60 years, Israel has been a friend and a strong ally to the United States. I stand here with my colleagues and reaffirm this bond of friendship and cooperation between the United States and Israel.

We support Israel and commend the progress made as she continues to work towards peace with her Arab neighbors.

I also commend all our Jewish friends in the United States whose tireless efforts contribute to Israel's success.

I urge my colleagues to support H. Con. Res. 322, reaffirm our friendship, and congratulate Israel on this memorable occasion.

Mr. REYES. Mr. Speaker, I rise today in support of House Concurrent Resolution 322, recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

Israel sets the example for the nations of the Middle East, as the only true democracy in that region. For the past 60 years, Israel has been a sanctuary of democracy and pluralism in a region dominated by authoritarian regimes. Israel is the only country in the Middle East with free elections, a free press, freedom of religion, protection for minority rights and other safeguards typical of a free society.

Like the United States, Israel is a country founded by immigrants. Since its founding, the tiny state has absorbed more than three million immigrants from more than 100 countries, including Jews from the former Soviet Union and those forced to flee from Arab countries. A haven for Jewish refugees from around the world, Israel has also reached out to assist Jews wherever they suffer from persecution and has made the successful absorption of new immigrants in society a top priority.

The United States and Israel have formed a unique strategic partnership to meet the growing dangers in one of the world's most volatile regions. To support the U.S. war on terror since September 11, 2001, the U.S. and Israel share vital intelligence on terrorism, weapons proliferation and other threats, at a level of sensitivity almost unparalleled among American allies. Thousands of U.S. armed forces personnel have utilized Israeli training facilities, and Israeli officials have shared "lessons learned" from their extensive combat experience with their counter-parts at the Department of Defense.

With U.S. help, Israel is able to maintain its qualitative military edge for deterring aggression by its potential enemies. By collaborating with Israel, the U.S. has a reliable, democratic and technologically advanced partner in securing American strategic interests. This partnership includes: bilateral strategic agreements on military planning; ballistic missile defense and counter-terrorism; joint development of weapons and technologies; intelligence sharing; and combined military exercises. The U.S. and Israel have established a cost-effective partnership in the research and development of military technologies and know-how, and in identifying solutions to some of the most challenging technical problems facing both countries' military planners.

Despite its small size, Israel is recognized as a world leader in the quality of its indigenously developed military technology. As such, the U.S. has incorporated Israeli equipment and technology into its armed forces.

It is also important to note that the ties between Israel and the Jewish Community in the Sixteenth Congressional District of Texas remain strong. Through many community based programs, the Jewish Federation of El Paso strives to strengthen this connection through education, through scholarships for trips to Israel, and through financial and spiritual support for their Israeli family. The Federation's upcoming celebration of Israel's independence (Yom Ha'atzmaut) will be a unifying experience that will also help teach our younger generation about the incredible story of Israel.

With my support of House Concurrent Resolution 322, I recognize the historic significance of the 60th anniversary of the reestablishment of the sovereign and independent State of Israel as a homeland for the Jewish people, and I extend my warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

Mr. RAHALL. Mr. Speaker, I rise today to recognize the 60th anniversary of the founding of the State of Israel. On May 14th, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel.

Over the last 60 years, Israel has built a nation, forged a new and democratic society, and created thriving economic, political, cultural and intellectual life. For six decades now, the United States and Israel have maintained a special relationship and the U.S. continues to regard Israel as a strong and trusted ally and an important strategic partner.

On the House floor today, H. Res. 322, reaffirms Congress's support for Israel and reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel and commits to strengthening those bonds. I too support Israel, its continued stability, democratic principles and its important role in the Middle East by extending the warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of this resolution to celebrate the 60th anniversary of the founding of the modern State of Israel.

Mr. Speaker, just 60 years after its establishment as a modern state, Israel has flourished as a democracy and has proven to be a close and trusted friend of the United States. I want to associate myself with the remarks of many of my colleagues, especially those of the Honorable Speaker of the House NANCY PELOSI and the Honorable Chairman of the Committee on Foreign Affairs HOWARD BERMAN.

The founding of Israel is a very emotional issue, Mr. Speaker, not just for those who are Jewish by religion and heritage, but for everyone who loves democracy, and who can empathize with the pain of exile, the horror of unfathomable hatred, repression and discrimination, and the yearning for home.

In preparing for this anniversary, I came across a copy of the letter signed by President Harry Truman on May 14, 1948 recognizing the new state of Israel. Its simple words reverberate even today: "This Government has been informed that a Jewish state has been proclaimed in Palestine, and recognition has been requested by the provisional government thereof. The United States recognizes the provisional government as the de facto authority of the new"—and here it scratches out Jewish state and written in by hand are the words—"State of Israel." Signed Harry Truman, Approved, May 14, 1948.

For the past 60 years, Israel has represented democracy in a region dominated by mainly authoritarian regimes. Despite a constant struggle for survival, Israel has flourished as a center of innovation in the fields of agriculture, medicine, technology and alternative energy.

Like the United States, Israel is a nation of immigrants. Since its inception in 1948, Israel's population has grown five-fold. Despite its small size, it has absorbed millions of immigrants from more than 100 countries. A haven for Jewish refugees from around the world, Israel has helped Jews wherever they suffer from persecution and welcomed them into Israeli society. In the 1990s, when the Soviet Union collapsed, Israel absorbed a massive wave of new immigrants. More than one million Jews from the former Soviet Union immigrated to Israel, changing the face of Israeli society.

Currently, Israel's 7.1 million residents represent a mosaic of people with varied ethnic backgrounds, lifestyles, religions, cultures and traditions. As we celebrate Israel's 60th anniversary, Jews now comprise 76 percent of the country's population, while the remainder, mostly Arabs, number about 24 percent. Over 90 percent of the population lives in the urban centers, many of which surround ancient historical sites. Only about 5 percent are members of Israel's unique rural cooperatives—the kibbutz and the moshav.

Mr. Speaker, in 2005, I had the privilege of traveling to Israel with then Minority Leader NANCY PELOSI. It's a visit I will never forget. We were there at Easter. We visited Bethlehem and the holy sites of Jews, Christians, and Muslims. We touched the same stones that had once been touched by David and Solomon. We walked on streets known to Joshua. We were able to walk freely, to talk to people of all stations and professions. We read a free press and heard a range of views, freely spoken, without fear of reprisal.

Mr. Speaker, I have been and always will be a friend of Israel. I celebrate this 60th anniversary of her founding. And I pledge to work with my colleagues to bring peace and security to this very special and unique nation.

Mr. CARSON of Indiana. Mr. Speaker, I rise in strong support of House Concurrent Resolution 322, a resolution recognizing the 60th anniversary of the founding of the State of Israel.

Mr. Speaker, beyond just being an influential world leader, the State of Israel has been a staunch and ardently loyal ally of the United States over the last several decades. This great nation's commitment to protecting it citizens and securing its homeland are simply unmatched.

Since the founding of the modern State of Israel in 1948, the bond between the United States and our Middle East partner has grown and remained strong. It is incumbent that we as Members of Congress do all we can to make sure that this relationship continue to flourish.

Mr. Speaker, the United States must make every effort possible to safeguard our relationship with the Middle East's only democracy, Israel. Now more than ever, we must diligently advance our shared interests and goals as it pertains to promoting peace and combating terrorism.

Mr. Speaker, in closing I would like to congratulate the State of Israel, the Israeli citizens, and the Jewish community on reaching this milestone. This great nation has much to celebrate and be proud of on its 60th birthday.

Mr. KUCINICH. Mr. Speaker, today I join my colleagues in Congress in celebrating Israel's accomplishments over the past 60 years. I am happy to be co-sponsor of this congratulatory resolution. However, like many Israelis and Palestinians, I have concerns about Israel's future, its stability, its security and the prospect for peaceful coexistence for both Palestinians and Israelis. One of those concerns relates to the ongoing lack of resolution on the dispossession of Palestinian property and the dislocation of Palestinians after Independence. It must be remembered that about 700,000 Palestinians became exiled. Much Arab property was appropriated. And about 500 Arab villages were destroyed. On December 11, 1948, the United Nations passed Resolution 194, affording Palestinian refugees the right to return to their homes in Israel, or to compensation for their property should they choose not to return. To this day, the mandate of U.N. Resolution 194 has not been fulfilled. Unfortunately, this failure remains as one of the most significant barriers to the realization of a two-state negotiated solution.

I am also concerned for those Palestinians who did not flee and who became Israeli citizens after Independence. According to the Legal Center for Arab Minority Rights in Israel, today there exist 20 Israeli laws which explicitly discriminate against the Palestinian minority in Israel, who constitute 20 percent of its population. In its 2005 Annual Report, the U.S. State Department said that "[There is] institutionalized legal and societal discrimination against Israel's [Arab] Christian, Muslim and Druze citizens. The government does not provide Israeli Arabs with the same quality of education, housing, employment and social services as Jews."

Finally, Israel has a right to security and a right to defend itself. Accordingly, I am concerned that the 40 year military occupation of the West Bank, the Gaza Strip, and East Jerusalem has been and continues to be brutal and unjust and undermines the security of Israel. It is a fact that the government of Israel continues to support the construction of settlements on Palestinian land, perpetuating the consequences of dispossession and exile. Additionally, I am concerned that the government of Israel has increased the number of checkpoints which destroy a viable Palestinian economy and a vibrant civil society. I am concerned that the Israeli government has erected a wall, often on Palestinian land, that divides Palestinians from Palestinians, rather than divide Israel from the West Bank. As stated by Judge Elaraby of the International Court of Justice in his 2004 Advisory Opinion on the legality of Israel's separation barrier, "The fact that occupation is met by armed resistance cannot be used as a pretext to disregard fundamental human rights in the occupied territory." This conundrum of a dialectic of conflict further separates Israelis and Palestinians alike from hopes for peace.

H. Con. Res. 322 eloquently states the many reasons why I celebrate Israel's accomplishments and I sincerely wish it a bright future. I only wish to add that, in my opinion, and in the opinion of many Israelis and Palestinians as well, Israel's future will be bright only if it includes an open dialogue with Palestinians, a respect for human rights and international law, and a society built on coexistence and tolerance. Israelis and Palestinians deserve to live in peace with justice and I encourage the United States government to help Israel achieve that so the joy of future anniversaries will be unalloyed.

I support the resolution in the spirit of reconciliation to which we must all inevitably turn, to achieve peace and justice with our brothers and sisters from whom we may be estranged.

Ms. TSONGAS. Mr. Speaker, I rise today in support of the bipartisan House Concurrent Resolution 322, celebrating Israel's 60th anniversary. In the winter of 1982–83, I traveled to Israel with my husband Paul when he served on the Senate Foreign Relations Committee. I had heard the passionate concern about Israel's tenuous geographic position from many in the Jewish community who were close to Paul and me—from my two brothers-in-law as well as from Paul's closest confidantes in his Senate office, his Chief of Staff and Legislative Director, among others. But hearing and empathizing are very different from seeing and experiencing. On the trip to Israel, I saw and experienced.

When one stands on the Golan Heights and looks out as I did at the slender strip of land that Israel occupies between her adversaries and the Mediterranean, the primacy of security as the overriding factor in Israel's relations with its neighbors is brought vividly home. The other impression I came away with from that trip was how diverse and democratic Israel is and how important it is for the United States to support this vital democracy, both for Israel's sake and our own. Israel is a model of the values we seek to promote around the world, including her recognition of her female citizens as full participants in all aspects of society. Beyond that, she is a critical ally and strategic partner. We must continue our commitment to the unique relationship we have with Israel in the years ahead.

Mr. SKELTON. Mr. Speaker, let me take this opportunity to share my strong support for Israel upon its 60th anniversary and to remind the House of Missouri's unique connection to the creation of Israel—a critical democratic ally of the United States.

President Harry S. Truman, Missouri's favorite son and the 33rd President of the United States, was a long-time supporter of establishing a Jewish homeland and worked as President to ensure Israel's creation.

A supporter of the Balfour Declaration, a British statement issued in 1917 that endorsed the establishment of a Jewish national homeland in Palestine, when Harry S. Truman became President of the United States in 1945, he made clear his sympathy for the Jewish people and his concern for the sufferings they had endured during the Nazi Holocaust.

In 1946, President Truman urged British Prime Minister Clement Attlee to allow a reasonable number of European Jews to immigrate to British-controlled Palestine. The governments of the United States and Great Britain created the Anglo-American Committee of Inquiry to study the situation. The Committee recommended that the United Nations establish a trusteeship over Palestine, with the goal of reconciling Jewish and Arab interests in the region. The Committee also agreed that 100,000 Jewish displaced persons should be admitted to Palestine. On the eve of Yom Kippur in 1946, President Truman issued a statement supporting these recommendations.

In response to a British request, the United Nations Special Committee on Palestine was created in May 1947. This Committee recommended that the British mandate over Palestine be terminated and that the area be partitioned into separate Jewish and Arab states. President Truman forced a reluctant U.S. State Department to support this plan. On November 29, 1947, the partition plan was approved by the U.N. General Assembly, thanks in large measure to vigorous American support. Palestinian Arabs and Arab governments remained strongly opposed to partition, and efforts to find a peaceful settlement disintegrated.

In February 1948, President Truman's close friend and former business partner, Eddie Jacobson, himself a Jewish person, sent Truman a telegram asking him to meet with Chaim Weizmann, the president of the Jewish Agency for Palestine and the World Zionist Organization. Angered by criticism from some American Jewish leaders, President Truman refused to meet with Mr. Weizmann. In March 1948, Mr. Jacobson walked into the White House without an appointment and pleaded with his old friend to meet with Weizmann. The President relented, and when Weizmann came to the White House a few days later, Truman assured him that the United States would continue to support the partition of Palestine and the creation of a Jewish state.

At midnight on May 14, 1948, the British mandate over Palestine expired and the new State of Israel was proclaimed. Eleven minutes later, by order of President Harry S. Truman, the United States granted diplomatic recognition to the new Provisional Government of Israel. Following Israel's declaration of independence, Arab armies invaded the new nation, and a long and continuing struggle for security began for Israel.

Mr Speaker, throughout the time I have been privileged to serve in Congress, I have worked to foster a strong alliance between the United States and Israel. I am proud that Missouri's favorite son, Harry S. Truman, was first to recognize Israel and that our Nation has stood shoulder-to-shoulder with that country for these 60 years.

Mr. LAMPSON. Mr. Speaker, I would like to extend my warmest congratulations and best wishes to the State of Israel and to her people on the occasion of the 60th anniversary of the founding of the modern State of Israel.

Last August, I had the honor of going on an enlightening and humbling visit to Israel.

As a child, I had heard the stories of Israel from my mother. I pictured busy markets and crowded streets, and men with yarmulkes in synagogues. Visiting the Holy Land was the experience of a lifetime, and I was entranced by the sheer beauty of the living history that surrounded me.

However, as I made my way through the striking juxtaposition of modern and ancient architecture, I worried that I might find a grim reminder of what this cherished place might become after years of fighting.

One mother with whom I spoke told me a sobering story. While driving in Israel with her family, as we do here everyday, a rocket exploded next to her family's car. Without thinking, she jumped over the front seat to cover her children from the shrapnel and smoke that filled the air around them. Protecting her children was all she could think to do—in Israel this is a conditioned response, a learned reflex.

Israelis want to live in peace. Foreign Minister Tzipi Livni told me that Israel is willing to make changes in the West Bank, release prisoners, or give up land if that means peace. Many Israeli leaders share Livni's optimism, as do I, that peace will come to the region.

We must begin to find ways to look beyond comfort zones to stem the tides that divide and find ties that bind. If we can take substantive steps to stop the violence and move towards peace and justice we will have moved mountains.

On May 14, 1948, Israel rose from the ashes of the Holocaust. Over these last 60 years, the American people have formed a profound and unshakable friendship with our democratic ally.

The United States must continue its commitment to Israeli sovereignty, security, and democracy. We face common threats, share common values and we must continue to work together to achieve our common goals.

I praise the miracle of Israel. The history of Israel and of her people is a story of freedom and rebirth that gives hope to oppressed peoples across the world and that will for millennia to come.

Mr. WAXMAN. Mr. Speaker, next month the State of Israel will celebrate its 60th anniversary. Indeed there are many reasons to be proud.

Despite a backdrop of conflicts, boycotts, and constant regional turmoil, Israel has managed to generate a vigorous economy, a vibrant democracy, and a robust military. It has emerged as the closest and strongest ally the United States has in the Middle East and perhaps in the entire world.

Some say Israel's success is a miracle. Maybe that comes as an easy explanation for a land steeped in Biblical history. The reality of course is that the Israeli people don't sit around waiting for miracles—they create them.

From the battlefield of hard-fought wars to the produce fields of flowering kibbutzim, Israelis have accomplished feats many deemed impossible. They built up strong democratic institutions in a region hostile to their values. They turned a chaotic influx of Jews from Europe, Africa, the Americas and the Middle East into a prospering Jewish homeland that reflects the most varied traditions and trajectories of Jewish history. Time and time again, with the support of the United States, Israelis have taken great risks to seek peaceful coexistence with their Arab neighbors.

One of the issues closest to my heart is Israeli ingenuity in environmental conservation. While Israel's commitment to the environment has moral and economic dimensions, it has also been a security imperative.

For much of its existence, Israel has been subjected to Arab oil embargoes. Today, soaring oil prices are enriching adversaries like Iran that are bent on its destruction. With the price of oil now reaching $100 a barrel, Iran is reaping more than $90 billion in revenue a year. Those profits are being passed on to a dangerous nuclear program and terrorist cells in Lebanon, Syria, Gaza and beyond.

The United States and Israel have built strong security ties to address these threats. But we need to explore energy-oriented solutions to help us overcome an addiction to oil that is driving prices even higher. I think Americans can learn a lot from Israel about water and energy conservation, and the use of solar power and other energy alternatives. Working together we can do even more to reduce carbon emissions and reverse climate changes that threaten our national interests.

For many, including my own parents and relatives, the idea of a Jewish state was a dream. Its creation was indeed a miracle. Since then, the U.S.-Israel alliance has only grown stronger. Today, we can look forward to many more decades of peaceful and prosperous partnership.

Congratulations to the Israeli government and the Israeli people on the 60th anniversary.

Mr. CROWLEY. Mr. Speaker, I rise today to congratulate the people of the State of Israel and the greater Jewish community on the 60th anniversary of their independence.

The United States supported the establishment of the Jewish State in 1948, and our two countries have been the closest of friends and strong allies ever since.

Our friendship is rooted in some deeply shared beliefs. We believe in freedom of religion, in freedom of the press, and in freedom of speech. We believe in free and fair elections. And we believe that extremism and terrorism have no place in the global community.

Since its Independence, Israel has endured unstable and troubling conditions in the Middle East. They have been subject to violence and unwarranted attacks. They have been asked to compromise their borders. They have had missile strikes threatening the lives of innocent citizens on an almost daily basis. Yet, the Israeli people remain united and strong—continuing to stand up for their beliefs and for their country.

Israel is a modern success story. It is the only Democracy in the Middle East. It is the only Middle Eastern country where Arabs have the right to vote for their elected officials and their political leaders. And, it is one of the only Middle Eastern nations without oil wealth that has transformed itself from an agrarian based economy to a high tech economic powerhouse.

Israel's detractors, and those who hide their anti-Semitism behind anti-Zionism, must not and will not denigrate the success of Israel. That is why I stand here today.

I believe the survival of the Jewish state is paramount. I believe her existence, while small in geographic size, is the one of largest symbols of humankind's continued faith in God, enduring spirit to survive, and belief in freedom and democracy.

And, I believe the United States must continue to stand with Israel and support her efforts to defend her citizens. I am proud to be one of Israel's strongest friends in Congress. And today, I want to join my colleagues in Congress in wishing Israel a hearty Mazel Tov on 60 years of Independence.

Ms. MATSUI. Mr. Speaker, I rise in strong support of H. Con. Res. 322, a resolution to recognize the 60th anniversary of one of our most steadfast and vital allies: Israel.

Although it was created at a time of great international uncertainty, from its inception Israel has been a determined ally of the United States. Its history is a prime example of the strength that a commitment to political liberalism and equality of opportunity can afford even the smallest and most vulnerable state.

Israel is a nation that has weathered constant threats from outside its borders, indeed, that was born out of war and conflict. But despite its harsh beginnings, this inspirational country along the River Jordan has, for over half a century, fended off threats to its sovereignty and to its survival. And it has done so even as it has built a pluralistic society grounded in the highest ideals of equality, representative government, and democratic principles.

Mr. Speaker, a nation as threatened as Israel could certainly be excused for turning inward on itself, focusing on defending its territory and citizens against terrorism, and withdrawing from an international community that has increasingly targeted it with unfair sanctions and biased political statements. It is a testament to the character and inner strength of the Israeli people that they have not allowed their country to do so.

Instead, Israel has repeatedly volunteered its resources, manpower, and experience to help victims of disasters around the world. It has sent humanitarian aid and emergency medical supplies to war zones in Rwanda; disaster areas in Turkey, the Indian Ocean, and along the Gulf Coast; and, to fire-scorched areas in Greece. Israel's national mission is a higher calling than mere survival or self-perpetuation. It is an example to the world of the power of a determined national spirit, a citizenry dedicated to justice, and a set of founding principles that cannot be corrupted even by the constant threat of terrorism.

Unfortunately, Mr. Speaker, terrorism is a serious and ever-present threat to Israel's sovereignty and menaces innocent Israeli citizens on a daily basis. As the number of rockets aimed at Israel by Hamas and other terrorist organizations has increased in recent days, the world has been reminded of the ugly intentions of those who refuse to discuss peace with the only democracy in the Middle East.

By contrast, Israel has demonstrated time and again that it is willing to make concessions to other countries in the name of peace. As a result, it now lives beside its Jordanian and Egyptian neighbors in relative calm.

However, organizations like Hamas and Hezbollah, along with countries like Syria and Iran, have refused to take meaningful steps to forge similar agreements that could begin to heal the regional divisions that restrict the Middle East from reaching its full potential. For the past six decades, Israel has been strengthening its ties to the land upon which the Jewish people have lived for over 2,000 years. It is the security and identity of this land which Israel has the inalienable right to defend against existential and tactical threats.

Mr. Speaker, I am pleased that H. Con. Res. 322 recognizes the many similarities between Israeli and American values, ideals, and interests. Our two peoples maintain an equal respect for the rule of law, democratic principles, and progressive ideals that have provided the foundations of our two societies for decades.

I join with many of my colleagues in the U.S. House of Representatives in highlighting my admiration for all that the nation of Israel has accomplished in the last 60 years. May this resolution before us today serve as the impetus for many more years of Israeli and American friendship, cooperation, and prosperity.

Mr. WEXLER. Mr. Speaker, it is an honor to join my colleagues in marking Israel's 60th anniversary. I want to express my strong support for House Concurrent Resolution 322, which recognizes the 60th anniversary of the founding of the modern State of Israel, and reaffirms the bonds of close friendship and cooperation between the United States and Israel.

On this historic day for Israelis and Jewish communities around the globe, it is imperative that Congress recognizes this important event and once again reaffirms America's ironclad commitment to and friendship with the State of Israel. Given the difficulties facing Israelis in their efforts to secure lasting peace and security, it is essential that the United States and the American people stand shoulder to shoulder with Israel.

Since 1948, Israelis have created a thriving Jewish homeland, overcoming numerous obstacles and challenges. They have also displayed enormous courage and fortitude in the face of unconscionable terrorism, violence and threats to their very existence. In six decades, a democratic and free state, Israel, has risen from the ashes of the Holocaust and developed into one of the most technologically advanced and innovative nations on Earth.

Through all of the hardships, Israel has persevered and joined the United States and our democratic allies by creating a nation based on freedom, justice and human rights. To that end, I join my colleagues in praising the Israeli people, whose nation has become a shinning bastion of democracy in a region rife with dictators, extremists and hate.

While Israelis celebrate 60 years of independence, their freedom and security continues to be challenged by terrorist groups such as Hamas and Hezbollah as well as by the leading state sponsors of terrorism Syria and Iran. Unfortunately, Israelis know intimately the challenges that come with protecting their people, understanding that terrorism knows no borders and cannot be justified, qualified or ignored.

As a Member of Congress deeply concerned about the threats posed to Israelis by terrorist attacks, I believe it is critical that the United States support Israel's right to self defense. In that vein, I cosponsored House Resolution 951, declaring America's solidarity with Israelis as they face continuous rocket attacks from Hamas in Gaza. These rocket attacks are a daily reminder to Israelis and their friends in America of the struggles Israel continues to face.

Mr. Speaker, there is no greater threat to the well-being of Israel and the United States than a nuclear Iran, and America must use every tool at its disposal to prevent Tehran from developing and acquiring these weapons. To that end, I will continue to be a staunch advocate for Congressional initiatives that enhance American-Israeli cooperation and strengthen Israel's defensive capabilities.

In the post-9/11 world, Americans and Israelis are forever linked by the common threats we face from terrorism and in our effort to confront extremists. More importantly, our two nations share a deep commitment to human rights, civil society, freedom and democracy.

These shared values have created an unbreakable bond of friendship, and I urge my colleagues to join me in pledging their commitment to further enhance American-Israeli relations for generations to come.

It is my most sincere wish that the vision of hope embodied in Israel's national anthem, Hatikva, may come to fruition and that Israel may soon find a genuine peace that will last l'dor v'dor, from one generation to the next. To that end, I urge my colleagues to join me in recognizing the 60th anniversary of Israel.

Mr. NADLER. Mr. Speaker, I rise today in support of the bipartisan House Leadership Resolution, H. Con. Res. 322, of which I am a cosponsor, to celebrate the 60th anniversary of the State of Israel.

In 1947, the year I was born, the area now known as Israel was about to go through a birth of its own. In 1948, with the founding of the only modern Jewish state to ever exist in history, Jews found that their new homeland was filled with sand and little water, but it was also filled with great hope and resolve. Following the murder of 6 million Jews in the Holocaust, this small country would soon become a homeland for another 6 million Jews, free to practice Judaism, but still targeted for their faith.

While Israel was formed, Jews all over the Middle East were facing a crisis of their own; Jewish refugees in Arab lands were expelled systematically, under an official regime policy which included anti-Jewish decrees, pogroms, murders and hangings, anti-Semitic incitement and ethnic cleansing. The Arab League's 1947 decree provided a formula for state-sanctioned discriminatory measures, replicated in many Arab countries, in a deliberate campaign to expel the Jewish refugees from their home countries. Unlike the Palestinians, the Jewish refugees were absorbed into their new host countries, mostly by Israel. About 600,000 stayed in Israel and the remaining 300,000 fled to other countries, such as France, Canada, Italy, and the United States. In Israel today, the Jewish refugees from Arab countries and their children comprise the majority of the Jewish population.

This House recently adopted my resolution, H. Res. 185, urging that the rights of Jewish refugees be recognized in any future comprehensive Middle East settlement. We are continually working to ensure that any Middle East peace agreement is just, fully just to all parties.

This is a continual process. From its first day, Israel has fought for its right to exist when it was attacked by its Arab neighbors. Since then, continuous wars have been waged, all aiming to destroy the Jewish state and its people. At times, mothers and fathers have had to buy gas masks for their children; young children have had to celebrate their birthdays in bomb shelters. Despite this, families have shared laughter on the beaches of the Mediterranean; young couples have danced on the rooftops of Jerusalem. That all of these times have been simultaneous is a testament to the strength and determination for not only the State of Israel, but for humanity.

Following their independence, Israel's people, driven to immigrate for fear of persecution and for their ideological dreams, struggled with basic life, rationing food and living in makeshift shelters. The early immigrants began building the land, irrigating, planting, and educating their children. Working in the sun, Israel's wrinkles began to show the stress, but the outcome can be seen today; flowers and olive trees on the hillsides and universities at full capacity. In cooperation with the United States and other countries, innovations by Israelis in science, energy, agriculture, technology, and medicine have been felt around the world.

Today, the country is flowing with milk and honey, as a nation of immigrants and a home for the persecuted. But it is also facing much hardship. Like the United States, Israel was founded by immigrants escaping persecution and wanting to live in peace. But while Israel remains a sanctuary for Judaism, it remains a dangerous place to be a Jew.

In its 60th year, Israel faces some of its greatest challenges and needs its allies and friends more than ever. The Middle East is still a very dangerous place, and scapegoating Israel is still a very convenient means of holding power for some very dangerous autocrats. Such tactics are deplorable, and we must do everything we can to stop them.

While some Arab states have been working with us to respond to Iran's vicious lies and rhetoric, we must also continue to demand that Israel, our democratic ally, be recognized by these very states. And we must call for the immediate and unconditional release of Israeli soldiers kidnapped and held captive by Hamas and Hezbollah, which is called for by H. Res. 107, a bill I cosponsored.

Indeed, Israel is now at a critical crossroads. We hope for the best, but we remain mindful that peace cannot be achieved unless sincere and substantive acts are forthcoming from the Palestinians. Terror must come to an end, as must incitement. At middle age, and I speak of personal experience, as I am also marking my 60th year, one must take stock of their past and look forward to the future. The Israeli State and its people continue to work to preserve its foundation as a Jewish state with Jewish values, while they live in a region where the very idea of the existence of a Jewish state continues to be challenged. As Israel looks toward the future, integrating its immigrants, expanding its economy, preserving its heritage, and providing foreign assistance and refuge to Jews throughout the world, the United States will stand alongside her in her quest for peace and prosperity.

We hope to learn from each other; Israel continues to fight terror alongside the United States and stands as an example of how to balance civil liberties and security, religious freedom and the expression of religious values in its economic and political structure. Like the United States, the Jewish democratic State has a robust freedom of press that serves to teach the public and government how to better itself, and an independent judiciary which seeks to preserve the liberties for which it has fought.

The relationship the United States has with Israel is special; we have more in common than we do apart, and we continue to work in cooperation to achieve the broader goals of a peaceful future for our children and grandchildren. As we grow together as democratic nations facing challenging times, I urge my colleagues to support this resolution acknowledging the special bonds of friendship the United States shares with our only democratic ally in the Middle East, Israel. I thank our leadership for sponsoring this resolution and I strongly urge its passage.

Mr. ENGEL. Mr. Speaker, I rise in very strong support of H. Con. Res. 322 and to offer my warmest congratulations on the 60th anniversary of the founding of the State of Israel.

On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel. Since this proud and historic day, Israel has proven itself to be a vibrant democracy and a true friend of freedom. Throughout, the United States and

Israel have had a special friendship; an unbreakable bond between nations whose relationship is much deeper than mere allies of convenience.

During its six decades of existence, the Israeli people have faced the most grave threats from hostile neighbors and have bravely defended themselves against repeated terrorist and military attacks. Yet, despite the years of war, terrorism, and diplomatic and economic isolation by enemies far and near, the Israeli people have never turned away from their vibrant, pluralistic democracy that guarantees freedom of speech, association and religion.

Indeed, the modern State of Israel has built a new and dynamic democratic society and created a thriving economic, political, cultural and intellectual life. It is a nation of immigrants, as is the United States, which has benefited from the diversity of its population.

Throughout my career in Congress, I have consistently made a strong and close relationship between the United States and Israel among my highest priorities. As the only true democracy in the Middle East and our closest ally in the region, I firmly believe that we must support Israel as it faces the many serious threats to its very existence. We must stand shoulder-to-shoulder with Israel when it is under attack and support its right of self-defense even when the rest of the world turns away.

As we approach the 60th anniversary of Israel's founding, I am reminded not only of the close strategic ties between our countries, but of how much our two nations have in common. Through Democratic and Republican Administrations, alike, the bonds between us have only grown stronger. As Israel enters its seventh decade, let us resolve ourselves to make security and prosperity of the State of Israel a key priority here in the House of Representatives while we continue to promote a warm and unshakable friendship between the U.S. and Israel.

Once again, I urge my colleagues to support H. Con. Res. 322 and offer my warmest congratulations to the Israeli people on the 60th anniversary of their independence.

Mr. BURTON of Indiana. Mr. Speaker, today the House of Representatives voted on H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the people of the United States and the people of Israel. I am proud to be a cosponsor and strong supporter of this legislation because it pays appropriate honor and respect to our truest partner and defender of freedom and democracy in the Middle East, Israel.

Since its establishment 60 years ago, the people of Israel have turned a desert into a new nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural, and intellectual life despite the heavy costs of seven wars, unrelenting terrorism, frequent international ostracism, and economic boycotts. Through it all, the people of Israel and the people of the United States have shared a special bond. Forged originally in Israel's fight for survival, for freedom and for democracy in a region dominated by authoritarian and military regimes; today that relationship encompasses broad, social, cultural and economic ties as well.

For 60 years, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect; most importantly, the people of the United States have a special affinity for the people of Israel, and regard Israel as a strong and trusted ally and an important strategic partner. To our ally, our partner, and our friend, I offer my prayers for peace and my congratulations on your 60th birthday.

Mr. WELDON of Florida. Mr. Speaker, I would like to congratulate the Nation of Israel on its 60th anniversary and add my support for H. Con. Res. 322.

The Nation of Israel holds a unique position in the history of Western Civilization, and is supported the world over by millions of Christians, Jews and people of other faiths.

I have had the pleasure to serve as the co-chair of the Israel Allies Caucus in the House and it has been my pleasure to work with members of the Knesset on important issues of concern to both United States and Israel.

During my years in Congress I have come to know and befriend numerous Israelis, and I am always moved by their sincere desire for peace. The vast majority of people in Israel hope for a day when their hostile neighbors recognize and embrace their presence in the Middle East. I am proud that America was by Israel's side in 1948, and I am proud today to highlight this relationship between our countries that is now 60 years strong.

Only two short years ago, the Jewish population in Israel surpassed the Jewish population in the United States, and soon there will be more Jewish people in Israel than perished in the Holocaust. While we will always remember the atrocities of the 20th century against the Jewish people, today we recognize and affirm this moment in history as a triumphant realization of the dream for a Jewish homeland.

Mr. MARKEY. Mr. Speaker, I rise in strong support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the State of Israel. And I would like to commend Speaker PELOSI for introducing this resolution and for bringing it to the floor.

This is a truly bipartisan resolution, introduced with the support of the leadership of both parties in the House. This bipartisanship is entirely appropriate, because Americans agree that the State of Israel is a great friend of the United States, and we all celebrate the anniversary of its founding today.

A century ago, Theodore Herzl dreamed of a Jewish homeland, and envisioned Israel as a "light unto the nations." Since 1948, Israel has been that light. I am pleased to join with my colleagues in supporting Israel as it continues to shine brilliantly as a force for progress and hope, not only in the Middle East, but throughout the entire world.

Prime Minister Golda Meir believed that one day there would be peace in Israel, because there are mothers and grandmothers—and let me add fathers and grandfathers—in Egypt, in Jordan, in Syria and the Palestinian territories who also want their children and grandchildren to live in peace. Today is an opportunity to be hopeful about the future of Israel and the prospects for peace—hopeful that we will soon reach the day when children will have to turn to the history books to learn that there ever was conflict in the Middle East.

Today, as we celebrate the founding of the State of Israel, our great ally and friend, we also know that independence is not enough without security. The Jewish homeland must be secure and must be surrounded by neighbors who respect its right to exist in peace and security. Through struggle and sacrifice, ingenuity and innovation, Israel has managed 60 years in a dangerous and unstable region of the world. Let us hope that the conflicts that have marked Israel's first 60 years will subside in the years to come.

Sixty years ago, Israel's pioneers began to revitalize an ancient land. Today, Israelis remain pioneers at heart—pioneers for peace, prosperity and progress. They are once again facing challenges in their homeland with determination and a vision for a better future for their children and for their country.

I congratulate the State of Israel on its 60th anniversary, and I urge adoption of this resolution.

Mr. MAHONEY of Florida. Mr. Speaker, I rise today in recognition of the 60th anniversary of the founding of the modern State of Israel and reaffirm the friendship and cooperation between the United States and Israel.

Since its establishment 60 years ago, the State of Israel has rebuilt a nation and developed a new and dynamic democratic society. The Israeli government and its people have created a thriving economic, political, cultural and intellectual life despite the heavy costs of war, terrorism, and unjustified diplomatic and economic boycotts against the country.

The Israeli people have established a nation of diverse cultures with a deep connection to their historical past while at the same time forging their place in today's global economy. Israel has proven its commitment to creating a better global community by becoming a world leader in technology.

On Israel's 60th anniversary it is important to recognize the achievements of the Israeli people and of the Jewish community whose faith and commitment to democracy is a beacon of hope for peace and stability. America's commitment to Israel reflects our support for those nations that share our values of liberty and equality.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

First and foremost, I want to commend Chairman HOWARD BERMAN of the Foreign Affairs Committee for his support and commitment to this important resolution. I also want to acknowledge the leadership of my good friend, Ranking Member ILEANA ROS-LEHTINEN for her spirit of cooperation on this bipartisan legislation. I especially want to thank Speaker PELOSI and the original cosponsors of this historical resolution.

I also want to congratulate the government and the people of Israel who will be celebrating the 60th anniversary of their great country. We must acknowledge the importance of the actions made by the United Nations during the 1940s to create the Jewish state soon after the horrific atrocities committed by the Nazis during World War II. During the Holocaust, the Nazis murdered some 6 million Jews and imprisoned many more in concentration camps.

Mr. Speaker, Israel has continued to thrive despite constant military attacks, threats of terrorism, and international boycotts that have been placed on such a young government. Being the only democracy in the Middle East, we must applaud their efforts in sustaining a democratic political system. Israel has continued to emphasize the importance of inalienable rights that are much like the U.S. Their protection of individual rights, freedom of the press, freedom of religion, fair and open elections and rule of law are examples of their unwavering commitment to democracy and they remain a model for neighboring countries in the region.

Israel is at the forefront of modern technology and they have taken the lead in research and development from everyday electronics to renewable energy resources. This is important given the global dependence on oil and the perpetual rise in the cost of fuel. Earlier this year, I visited Israel with Ambassadors of the Pacific Islands to the United Nations and we personally witnessed Israel's devotion to research and development for improving the lives of all. Their technological advancements in wind, water, and solar energy as well desalination and diabetes research are the tip of the iceberg for what Israel has contributed to the global community.

This resolution reaffirms the U.S. support for Israel as an ally and a strong partner in the region. Israel has a unique role to play in the Middle East and has a historical importance to Christians and Muslims throughout the world. We must continue to strengthen U.S.-Israel relations and support their efforts for peace in the Middle East.

Again, I want to take this opportunity to extend my personal congratulations to the people of Israel and their government for their 60th anniversary celebration. May they continue to succeed, and may their future be prosperous. I strongly urge my colleagues to support this resolution.

Mrs. BACHMANN. Mr. Speaker, I rise to support H. Con. Res. 322.

As Israel celebrates the 60th anniversary of the founding of its modern state, I rise to recognize the bonds of close friendship and cooperation forged over the years between the United States and Israel.

Since declaring its independence on May 14, 1948, Israel has been the shining symbol of freedom and democracy in an area historically rampant with violence and oppression. In just 60 short years, Israel has become the economic leader of the Middle East by proving to its people the rewards of capitalism, while also leading the region in other facets of a free society, including human rights and freedom of the press.

Israel has worked hard to develop friendly working relationships with its neighbors, Egypt and Jordan, setting an example of leadership and peace while other countries around them spread hatred and terror. As the Middle East comes to embrace the liberties and freedoms of democratic societies, the United States will stand steadfast in its commitment to a free Israel.

Mr. Speaker, it is my honor to recognize and congratulate the success of Israel on its 60th anniversary. It is vital the United States continue to develop its strong relationship with Israel so that many other countries around the world still oppressed and ruled by terror can see the true value of a free and democratic society.

Mrs. CAPPS. Mr. Speaker, I rise in support of H. Con. Res. 322 and join my colleagues in congratulating the people of the State of Israel on the 60th anniversary of their independence.

In its short 60 years as an independent nation, Israel has made remarkable achievements in all sectors of society.

Despite its tumultuous experiences, Israel is a vibrant democracy that embraces a free press and political dissent.

Israel has also contributed remarkably through miraculous breakthroughs in medicine, revolutionary technological advancements, cultural icons and an agricultural system that is a model for the entire world.

But the one thing Israel has yet been unable to achieve is a lasting peace with its neighbors.

Wouldn't the best way to celebrate Israel's 60th anniversary be a renewed commitment to peace?

We know that peace will only be achieved through a two-state solution.

The Palestinian people's legitimate political aspirations must be realized in order for the people of Israel to live safely and securely.

I have spent time with Israelis and Palestinians and the message they convey is universal.

They just want to live in peace knowing that the future for their children is brighter than the past they have experienced.

It is time for us to focus on our common goals rather than our differences.

It is time to foster the people-to-people programs that connect Israelis and Palestinians on more human levels.

Peace for Palestinians and Israelis is in the best interest of everyone in the region and also the United States.

The U.S. must be active participants in the peace process and direct more resources towards this goal.

Again, the best way to celebrate Israel's anniversary is to secure a safer future for her citizens.

I remain committed to this goal and urge my colleagues to do the same.

I wish Israel and all Israelis a "Yom Huledet Sameach" and look forward to the continued friendship enjoyed by the people of Israel and the United States.

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize the 60th anniversary of the founding of the modern State of Israel.

Israel has been a constant friend of the American people and a strong proponent for the spread of democracy.

In my travels, I saw the future for Israel and for the region: The children. It is our moral obligation to current and future generations to support a true path to peace and reconciliation. We must work towards a time free from conflict. The children of Israel and the region deserve the right to hope and dream of a world that is secure and stable.

Today, I join my colleagues in recognition of this important anniversary and look forward to a peaceful role for the U.S. throughout the region.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I am honored to rise today in support of H. Con. Res. 322, celebrating the 60th anniversary of the State of Israel.

Last summer, I was fortunate enough to visit Israel for the first time. For me as a practicing Catholic, it was a humbling experience to walk the same streets that Jesus walked over 2,000 years ago. Israel is a Jewish state, but Jerusalem is at the center of three world religions and when I was there, I felt like I was among friends.

I know first hand how badly America needs allies and friends in the Middle East. Having served in Iraq, I understand how important the Israeli-American relationship is. They are our most important ally and one of our great friends. They are our partners in peace and in war. And while we do not shrink from the fight against terrorism, we also recognize that this global battle is one that cannot be won without diplomacy.

The 60th anniversary of Israel's founding is a landmark moment. In her brief history, great soldiers, noble statesmen and women and inspiring leaders have made history by refusing to back down in the face of great adversity.

As we celebrate this historic day, we must also take time to remember those that have fallen in her defense. Brave men like my fellow paratrooper and fellow Pennsylvanian Michael Levin. Michael's story serves as an inspiration to me as he embodied and personified the values that America and Israel hold in common: Loyalty, honor and sacrifice. He left the comforts of America to serve in the Israeli Defense Force—and he died protecting the country and the people he loved. Americans and Israelis alike will always remember his courage and keep his memory in our hearts.

Today is also a day where we must pray for those Israeli soldiers being held captive by Israel's enemies. As a former soldier myself, my thoughts and prayers are with Gilad Shalit, Ehud Goldwasser and Eldad Regev and their families. We pray for their safety and hope for their swift return.

Mr. Speaker, this significant moment is a time where we should also pray for peace and understanding around the world—but especially in the Middle East. We pray that in the near future, Israel and her neighbors will live side-by-side in peace and that no more lives will be lost in this needless cycle of violence and hate.

I am proud to stand with my colleagues in Congress and all of the families in my district as we pledge to always support efforts to maintain Israel's identity as a Jewish state with secure borders. We also commit ourselves to work diligently towards the creation of a viable and independent Palestinian state, living in peace alongside of Israel.

Mr. Speaker, Israel is truly one of our greatest allies and most trusted friends. She stands as a beacon of democratic values in a region of the world where those values are largely absent. Today, we celebrate the friendship that exists between our two Nations and look forward to strengthening and expanding our bond in the future.

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in supporting this

Resolution celebrating the 60th anniversary of the State of Israel.

On May 14, 1948, the Jewish people proudly stood up and, for the first time in 2000 years, renewed for themselves a Jewish homeland. Today, Israel is the only real and stable democracy in the Middle East, and a true friend to the United States.

In the past 60 years, Israel has built a vibrant and pluralistic society, become a leader in the high tech and renewable energy sectors, produced 8 Nobel Prize laureates, freed and welcomed oppressed Jews from across the globe, and has continued to be a champion of humanitarian causes throughout the world.

Despite war and terrorism, Israel remains dedicated to a lasting peace with its neighbors. I pray for hatikva, the hope of the Jewish people, to continue to flourish in Israel, and I am honored to congratulate our friend, the State of Israel, on reaching this occasion. I join you in wishing for many more years of continued prosperity, friendship, and success.

Mr. RUPPERSBERGER. Mr. Speaker, I rise today in support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

Since its founding, Israel has been one of America's staunchest allies. As the only democracy in the Middle East, a close relationship between the United States and Israel helps ensure stability in that region.

The ongoing Palestinian/Israeli conflict is of great concern to me. The loss of innocent lives on both sides is troubling and tragic. The ultimate solution must come in the form of a true peace between these neighbors so they may live side-by-side. I support policies that promote a peaceful solution to the conflict. I have visited the region a half dozen times and met with leaders in several of the key countries. I am convinced that a path to peace is the only way to provide true security and prosperity for every nation.

Since Israel is our strongest ally in the Middle East, peace in this troubled area is of direct interest to our Nation. Our Nations' strong alliance will help create a lasting peace between the Palestinians and the Israelis and will diminish much of the tension and violence throughout the Middle East.

Born out of the tragedy of World War II and the Holocaust, Israel provides a safe and secure homeland for Jewish people from the entire world. I thank Israel for its friendship with the United States, and look forward to another 60 years of close cooperation between our Nations.

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize the 60th anniversary of the founding of the State of Israel and to reaffirm the bonds of close friendship and cooperation between the United States and Israel. The birth of the State of Israel gave the Jewish people a land to call their own and serves as a symbol of hope and freedom for all groups who have been oppressed.

The creation of the State of Israel followed the attempted extermination of the Jewish people in the Holocaust. Neighborhoods and Jewish communities were divided and families were shattered, but the identity of the Jewish people as a whole remained strong. The faith, hope, and belief in each other and their heritage kept the eternal flame of the Jewish people burning, even in those grave times of despair.

Following World War II, the Jewish people, having lost six million of their own, had nowhere to go—no land to call their own. On November 29, 1947, the United Nations general assembly voted to partition the British Mandate of Palestine and create a Jewish State. On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the United States Government established full diplomatic relations with Israel.

Not only has Israel provided so much to the Jewish people, absorbing millions of Jews from countries throughout the world and integrating them into Israeli society, it has also done much to assist other nations facing natural and manmade crises around the world. Israel regularly sends humanitarian aid, search-and-rescue teams, mobile hospitals, and other emergency supplies, to help victims of disasters around the world.

Just as our brave men and women fight to protect democratic values, Israel, too, fights for its right to exist and to protect its citizens. Every day, Israel bravely defends itself from repeated terrorist and military attacks. In addition, it has established peaceful bilateral relations with neighboring Egypt and Jordan and has made its desire to establish peaceful relations with all Arab states abundantly clear.

The American people feel a strong affinity for the Israeli people based on common values and shared cultural heritage and the United States continues to regard Israel as a strong and trusted ally and an important strategic partner. For 6 decades, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and the bonds of friendship and mutual respect.

At this time, I wish to congratulate the State of Israel on its 60th anniversary and reaffirm my commitment to maintaining the close friendship and cooperation between the United States and Israel.

Mr. UDALL of New Mexico. Mr. Speaker, roughly 60 years ago today, Harry Truman had a problem.

After 2,000 years as "strangers in a strange land," the Jewish people were about to establish a homeland in the land of their fathers. Many Americans believed that our Nation would support the aspirations of the Jewish people. However, President Truman's own Secretary of State threatened to vote against the President in the next election if Truman backed Israel.

At midnight on May 14, 1948, Israel declared independence. Eleven minutes later, America recognized the new state. Truman's act of courage created an essential and vital bond. Every American Government since that day has recognized America's special relationship with Israel.

Since 1948, Israel has shown the world true courage and perseverance. They have made the desert bloom, fended off countless acts of aggression and built a lasting testament to the potential for democracy and freedom in the Middle East. Today, Israeli citizens speak dozens of languages and come from hundreds of countries. They include war-scarred Holocaust survivors, refugees from the ghettos of the Eastern Bloc and young pioneers from the New World. What they share is a common love of their country and commitment to their people. Like America, Israel has turned its diversity into a source of strength and pride.

In New Mexico, we have a great deal of respect for those who make the desert bloom. Israel now ranks as New Mexico's 11th leading trade partner and since 1996, we have exported more than $490 million worth of goods to Israel. In 2006 alone, our State produced nearly $3 million in defense products for the Israeli military. Like those throughout New Mexico, I have consistently supported Israel's efforts to defend itself against terrorists and others who seek to harm her, and to seek peace with her neighbors.

As we pass this resolution honoring the 60th Anniversary of Israeli Independence, I want to express my congratulations, my support, and my hope that the next 60 years will bring peace and prosperity to Israel and the region.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Con. Res. 322.

Following the allied victory in World War II, the United Nations voted to partition the British Mandate of Palestine, leading the way for the people of the region to create, on May 14, 1948, the State of Israel. United States recognition of the State of Israel came within hours of Israel's creation. Since that historic day in 1948, the United States and Israel have remained steadfast allies and friends. On May 11, 1949, the Government of Israel was officially admitted as a member of the United Nations.

Since the creation of the State of Israel, enemies of freedom and peace have persistently attempted to undermine Israel's right to exist. The very day after the creation of Israel, rogue Arab forces from surrounding Middle Eastern countries invaded the land given to Israel based on the U.N. partition. Though less than 24 hours old, the nascent country staved off the invasion, and on June 7, 1949, a ceasefire was called, resulting in Israel acquiring western Galilee, a broad corridor through central Palestine to Jerusalem, and part of modern Jerusalem.

Subsequent attempts to undermine Israel's security have all failed, and Israel has become stronger at each turn. In 1956, 1967, 1973, and 1982, attacks on Israel by her neighbors in the region were met with fierce resistance and resounding defeat for Israel's enemies.

In 1988, Yasir Arafat, then leader of the Palestinian Liberation Organization—a group which had for decades fiercely opposed Israel's right to exist—officially acknowledged Israel's sovereign right, and announced his willingness to enter negotiations for peace. Although peace talks have yet to produce a lasting accord, discussions between the relevant parties have met with progress. It is my firm belief that peace can and will be achieved in the region. It is clear that Israel's right to exist is fully established. The United States will continue to stand shoulder-to-shoulder with her friend until and beyond that day when peace is established.

Israel is a shining example of the success that a democracy can produce. Because of the freedom that Israelis enjoy, Israel has been at the forefront of innovation. Israeli scientists have made significant contributions to genetics, medicine, electronics, engineering, and the high-tech world. Indeed, the very cell phones that the world over has become accustomed to using were first invented by Israeli entrepreneurs.

Mr. Speaker, it is my great pleasure to congratulate the State of Israel on her 60th Anniversary. I encourage my colleagues to support H. Con. Res. 322.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in strong support of H. Con. Res. 322, a resolution celebrating Israel's 60th anniversary. I am proud to have been a cosponsor of this resolution.

Israel proclaimed its statehood on May 14, 1948. On its first day of existence, the armies of five neighboring Arab countries declared war on Israel. The war for independence lasted about a year and resulted in armistice separate agreements, but not before 6,000 Israeli lives were lost.

Within 8 months of independence and before the war ended, Israel held its first national elections. Eighty-five percent of all eligible voters cast their ballots to create the first 120-seat Knesset or Parliament.

A state founded by refugees of and survivors of religious persecution, Israel has been and continues to be one of America's closest and most consistent allies.

This desert nation exists in a region that is, unfortunately, as steeped in violence as it is rich in history and tradition. We must do all that we can to ensure the security of the State of Israel and its people. Just as the United States is vital to the survival of Israel, I believe Israel is also vital to the survival of the United States. Our countries are linked together on so many levels.

Unfortunately, today, Israel has new and increasing threats to its security. Palestinian rockets have been fired from Gaza and hit Israeli communities on an almost daily basis. More than 200,000 Israeli citizens are within range of these Palestinian rockets. One of the saddest aspects of the terrorism situation in Israel is that it grabs the newspaper headlines and distracts the world from seeing the many advances made by Israel in democracy and human rights, science, agriculture, transportation, and so many other areas.

Despite nearly impossible odds, Israel's will to survive and her people's dogged determination have resulted in the development of a thriving democracy in one of the globe's least democratic regions. In fact, in only 60 years Israel has grown into a mature democracy that has produced some of the finest thinkers, scientists and entrepreneurs of the modem era.

We must never forget the conditions that, in many respects, laid the foundation for the creation of the State of Israel. After one of the most horrific atrocities in human history, the Holocaust, Israel was established as a home to a nearly decimated people. It is often said that we must "never forget" the horrors and the lessons of the Holocaust. And since April is Holocaust Remembrance month, this is an appropriate time to reaffirm our unyieldingly strong obligation to our friend and ally and vow to "never forget" our commitment to Israel.

The United States and the all of the nations of the world have a moral responsibility to ensure and support the existence of the State of Israel.

H. Con. Res. 322 recognizes the historical significance of Israel's 60th anniversary, supports Israel as it continues to pursue peace with its neighbors, commends the people of Israel for helping to create a thriving democracy, and acknowledges the strong bonds that exist between the two countries.

I urge all of my colleagues to join me in congratulating Israel on its 60th anniversary and wish her a safe and prosperous future. Support H. Con. Res. 322.

Mr. TANNER. Mr. Speaker, I rise today to express my strong support for H. Con. Res. 322, a resolution commemorating the 60th anniversary of the founding of the modern State of Israel. I am proud to be a cosponsor of this important resolution.

The movement to establish a modern homeland for the Jewish people launched in 1896 with the publication of Theodore Herzl's The Jewish State. Out of the atrocities and horrors of the Second World War, the long sought dream of re-establishing that homeland was finally realized. In 1948, Israel claimed its hard-fought independence.

Since Israel's beginnings, the United States has held a special bond with this important ally. As the only liberal democracy in the region, Israel knows all too well what it means to fight against violent agents of intolerance and religious extremism for the sake of personal freedom and fair government. From the birth of their modern state, the Israeli people have struggled to keep and maintain their homeland.

I have had the great privilege of traveling to Israel. It is only in visiting this great country, that one can appreciate the beauty, history and danger that dominate the lives of its everyday citizens. Nowhere in the world is there such a confluence of religion and faith. However, peaceful worship often gives way to violent conflict, and despite the holiness of the land, terrorism has become all too common in this region.

We have stood with Israel in its fight against terrorism, and we will continue to do so. For six decades, our shared commitments to democracy and freedom, as well as our shared cultural heritage, have kept the link between our two nations close, despite existing in very different parts of the world. With passage of this resolution, we honor that bond and look forward to our continued friendship.

Mr. ALLEN. Mr. Speaker, on this occasion, I would like to speak in celebration of the 60th anniversary of the founding of the modern State of Israel. Israel is our most important and strongest ally in the Middle East, and all Americans should congratulate the Israeli people on this important milestone.

From technological advances in the fields of agriculture and medicine to the acceptance of women as equals, Israel has managed to establish a modern democracy full of innovation. This achievement is only magnified by the fact that at 60, Israel is still a relatively young nation.

I support a two-state solution that provides for the existence of a self-governing Palestinian state with a separate national identity. However, Israel has the right to defend itself against attacks, and we must insist that the Palestinian Government recognize the State of Israel and act and speak out against suicide bombings and other acts of terror.

I believe that the United States should devote significant resources to promoting peace in the Middle East. History has shown that active and consistent U.S. diplomatic engagement can promote progress, while a passive U.S. role can lead to the opposite.

The pursuit of diplomacy with leaders in Israel, the Palestinian territories, and regional partner countries who recognize the inevitability and importance of coexistence and economic integration must continue to be a top U.S. foreign policy goal.

The active engagement of Congress in diplomacy with Israel and other countries in the Middle East is a welcome development. The international community must focus its energy on advancing prospects for a lasting, secure peace in the Middle East.

I congratulate the Israeli people on this important achievement. I am pleased to support this resolution and urge my colleagues to do so as well.

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of H. Con. Res. 322, I am glad to have the opportunity to vote for this important resolution today.

The United States recognized the State of Israel the day it was established on May 14, 1948. In the ensuing 60 years, the people of Israel have established a democratic society, developed an advanced economy, and created a thriving culture in the face of war, terrorism, and threats to its security.

H. Con. Res. 322 expresses "enduring support for Israel as Israel pursues peace with its neighbors." The importance of peace in the region cannot be overstated. Without it there can be no regional stability and no security for Israel. Over the decades, the United States has played a special role in helping facilitate the peace process in the region, and I believe we must continue to play that role.

For 60 years, the United States and Israel have shared strong bonds of friendship, common values, and strategic interests. Our support for the people of Israel has been a fundamental part of American foreign policy and remains so today. In the post-9/11 world and with American soldiers engaged in two wars on Islamic soil, I believe our historic alliance with the State of Israel has even greater significance.

So again, Mr. Speaker, I congratulate Israel on its 60th birthday and send my best wishes to the Israeli people for a peaceful and prosperous future.

Mr. CROWLEY. Mr. Speaker, I rise today to congratulate the people of the State of Israel and the greater Jewish community on the 60th anniversary of their independence.

The United States supported the establishment of the Jewish State in 1948, and our two countries have been the closest of friends and strong allies ever since.

Our friendship is rooted in some deeply shared beliefs. We believe in freedom of religion, in freedom of the press, and in freedom of speech. We believe in free and fair elections. And we believe that extremism and terrorism have no place in the global community.

Since its independence, Israel has endured unstable and troubling conditions in the Middle East. They have been subject to violence and unwarranted attacks. They have been asked to compromise their borders. They have had missile strikes threatening the lives of innocent citizens on an almost daily basis. Yet, the Israeli people remain united and strong—continuing to stand up for their beliefs and for their country.

Israel is a modern success story. It is the only democracy in the Middle East. It is the only Middle Eastern country where Arabs have the right to vote for their elected officials and their political leaders. And, it is one of the only Middle Eastern nations without oil wealth that has transformed itself from an agrarian-based economy to a high tech economic powerhouse.

Today, as Israel turns 60, it is important to remember what she stands for.

I believe Israel, while small in geographic size, is one of the largest symbols of humankind's continued faith in God.

I believe her enduring spirit to survive inspires.

And, I believe in her unwavering dedication to freedom and democracy.

I am proud to be a friend of Israel's and I believe we must continue to stand with her. And today, I want to join my colleagues in wishing Israel a hearty Mazel Tov on 60 years of Independence.

Ms. LEE. Mr. Speaker, I rise to recognize Israel and its people on the 60th anniversary of its founding and offer my sincere hope that the seventh decennial of its existence will usher in a period of lasting peace between it and its neighbors.

We all agree that Israel and the Israeli people have accomplished much during its 60 years. As this resolution points out, Israel has forged a politically diverse and dynamic society with a thriving economy and vibrant cultural and intellectual life. It has produced 8 Nobel Prize winners and has provided sanctuary for millions of Jews throughout the world.

I have visited Israel on more than one occasion and I was most impressed by its commitment to many of the democratic principles we cherish here in the United States. As the resolution points out, there are many common bonds between the United States and Israel.

So, Mr. Speaker, as a strong supporter of the Israeli people and Israel's right to exist, I agree we should take time to recognize Israel on this momentous occasion. I also believe, however, that we must take this opportunity to encourage Israel and all the parties involved to find a workable solution to the humanitarian crisis in Gaza and to redouble efforts on the path to peace.

For these reasons, Mr. Speaker, I support H. Con. Res. 322, which recognizes the 60th anniversary of the founding of the modern State of Israel.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in celebration of Israel's 60th anniversary of Statehood.

On May 14, 1948, David Ben-Gurion announced to the world that the State of Israel had been created. This declaration was made in accordance with the United Nations Resolution 181 which was passed in November 1947. The creation of two states was proposed, one Jewish and one Palestinian. The new State of Israel established an opportunity for Ben-Gurion and other Zionists to realize a return to the "promised land."

Although the new state would be tested immediately following its creation, its citizens, supporters and ideals would hold. Even at the conclusion of the first Arab-Israeli War, a constant barrage of state and non-state actors would seek to destroy this government. Sixty years later this battle continues, as the entire world copes with the challenging yet necessary task of respecting the beliefs of others and protecting the natural rights of all mankind.

The "land of milk and honey" is significant not only for its ability to offer refuge to a people who have been persecuted for the past two millennia, but to also demonstrate the global communities' determination to right wrongs and to help their fellow man. Today there are close to 7 million individuals who inhabit Israel. Although the vast majority of those persons happen to be Jewish, there are also people who follow the Christian and Arab faiths. While there happens to be conflict currently between the Jewish and Muslim populations, the possibility of Israelis and Palestinians coexisting in peace is still feasible.

As a Member of Congress, I have been blessed with the opportunity to visit Israel, to talk with those that live there and to see the success that it has become, There exists within the Eleventh Congressional District of Ohio and across the United States, a strong community of individuals who are committed to supporting our close ally. I am proud to consider myself a fellow advocate and look forward to supporting the State of Israel in the future.

May the people and the government of Israel continue to enjoy their statehood and be blessed with peace.

Mrs. MALONEY of New York. Mr. Speaker, today we recognize the 60th anniversary of the creation of Israel. On May 14, 1948, thousands of volunteer Yishuv fighters led by David Ben-Gurion celebrated as the Jewish Agency declared Israel an independent nation in accordance with the 1947 U.N. partition plan. The difficult months of fighting ahead were only eased by the knowledge that the volunteer army was fighting for its new and independent nation. U.S. President Harry S. Truman immediately recognized Israel as a sovereign and independent nation forging a bond between our two great democracies that has been one of mutual support and friendship ever since.

The people of Israel have, over the 60 years since Israel has become an independent state, established a vibrant democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices. Israel has developed an advanced, entrepreneurial economy, and is among the world's leaders in the high-tech industry. Israel has also bravely defended itself from numerous military attacks and acts of terrorism.

I stand with my colleagues and with my nation to celebrate the 60 years of a special relationship based on mutually shared democratic values, common strategic interests, and bonds of friendship and mutual respect. I am a cosponsor of H. Con. Res. 322 that was introduced by Speaker PELOSI to celebrate this important milestone. On this occasion I also want to highlight the efforts that Israel and its leaders have made to make a lasting peace with its neighbors. I would like to extend my warmest congratulations and best wishes to the Israeli people for a peaceful, prosperous, and successful future.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel. I would like to thank my distinguished colleague from California, Speaker of the House, Representative NANCY PELOSI and Chairman of the House Foreign Affairs Committee, Representative HOWARD BERMAN for their leadership on this important issue.

Today, Israel celebrates its 60th birthday, or its Day of Independence. This is a very special day for this country, where citizens live in a constant state of unknown, but are united for their love for the state. In addition to birthday greetings, I want to wish Israel the best of luck in its continued attempts to make peace this upcoming year.

Israel was created in 1948; it took President Truman only 11 minutes to recognize the new Jewish State. Since then, it has come to exist as the only true democracy in the Middle East. Israel and the United States have many of the same foundations of government: Freedom of religion, free speech, basic human rights, the rule of law and being a nation of immigration and diversity. Israel has provided a unique opportunity for Jews from all over the world to reestablish their ancient homeland. In addition, it is a home to many religious sites which are sacred to Judaism, Christianity, and Islam and attracts visitors every year.

Israel provided a refuge to Jews who survived the horrors of the Holocaust and the evils committed by the Nazis which were unprecedented in human history. The people of Israel have established a unique, pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed.

Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens.

I want to applaud the Government of Israel for successfully working with the neighboring Governments of Egypt and Jordan to establish peaceful, bilateral relations. I have had the privilege of visiting Israel, and hearing firsthand how the government is taking great strides to ensure peace for generations to come.

Mr. Speaker, this important legislation recognizes the 60th anniversary of the founding of the modern State of Israel and reaffirms the bonds of close friendship and cooperation between the United States and Israel. I am proud to join 201 of my colleagues in cosponsoring this important legislation. For these reasons, I support H. Con. Res. 322 and urge all Members to do the same. The United States and Israel enjoy a strategic partnership based on shared mutual democratic values, friendship, and respect. The people of the United States share affinity with the people of Israel and view Israel as a strong and trusted ally. I hope this friendship continues to grow and blossom for decades to come, as Israel settles itself in a firm place on our global map.

Mr. HIGGINS. Mr. Speaker, I rise in support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel on May 14th. Since its inception, Israel has been a close friend and ally of the United States, promoting democratic values in the Middle East. As we celebrate this anniversary, let us reflect upon the struggles that have come in the past and that are to come in the future. From them we can glean a sober hope for the continued peace and prosperity of Israel and the United States.

Israel's first Prime Minister, David Ben-Gurion, was aware of hostility to the goals of Zionism, but sought that Jews and Palestinians live in peaceful coexistence in his newly formed state. Unfortunately, radicalism and resistance for this peaceful goal only hardened. The many conflicts that ensued, from the Six Day War to the Second Infitada, has made life difficult for all Israelis.

Today, Israel is taking serious steps in hopes of reaching a peace agreement with the Palestinians. In the West Bank, Israel is removing roadblocks and evacuating outposts in order to strengthen Palestinian President Abbas so the Palestinian Authority is capable of implementing a treaty. Unfortunately, in Gaza the militant group Hamas is engaged in the broadest and most significant military buildup in its history with help from Syria and Iran. Hamas is restructuring more hierarchically and using more and more powerful weapons, such as longer-range rockets against Israel's southern communities.

The most serious threats that Israel faces are external. Two weeks ago, Iran announced that they had dramatically increased its capacity to enrich uranium with the installation of 6,000 new centrifuges. In doing so, Iran continued to defy not only the United States but the international community as well. The United States and Israel must continue to provide a united front against this regime, while still reaching out to its people, in order to protect the citizens of both countries and prevent the proliferation of nuclear weapons.

With the Arab population in Israel estimated to outnumber Jewish Israelis in the near future, building a lasting peace has never been more necessary to the continued existence of Israel. Fortunately, Israel's economy is strong and growing and the Israeli government is committed to a peaceful solution based upon political realities.

Our greatest hopes lay in the strength of the alliance between Israel and the Untied States and in the inherent rightness of the democratic values that both countries promote. That is why I am proud to stand in support of H. Con. Res. 322 and celebrate the 60th Anniversary of Israel, and I look forward to the continued role as an advocate for democracy in the Middle East.

Ms. SCHAKOWSKY. Mr. Speaker, I rise to honor the 60th anniversary of the founding of the State of Israel.

I am just a few years older than the State of Israel, and I remember, as a little Jewish girl, the pride and joy my family felt that a Jewish state was a reality. My parents expressed tremendous relief that there was now a place in the world safe for Holocaust survivors, and a haven for all Jewish people wherever we may live.

We watched with amazement as an arid land turned green as it was transformed into farms and towns. We ourselves planted trees in Israel by buying a tree certificate and gave it to our family friends on every special occasion, so we could participate in making the desert bloom. We all stood a bit taller, and every Passover, the holiday of freedom, was sweeter because Israel wasn't just a longing of our people, but a real country on the map.

That pride burns brightly today. Sixty years later, Israel has weathered war and terrorism and remains a strong, thriving democracy—the only democratic nation in the Middle East and America's closest friend and ally in the region. Israel has become a resource for the United States and the world because of her groundbreaking discoveries in the areas of medicine, energy, clean water, and security technologies.

On her 60th anniversary, the vibrant Jewish community in the Chicagoland area is proud of Israel's pioneering leadership and the strong United States-Israel bond, and works hard every day to strengthen and refresh that relationship.

I will always support the State of Israel, and I urge all of my colleagues to vote "aye" on H. Con. Res 322.

Mr. LEWIS of Georgia. Mr. Speaker, I join my colleagues as a proud original cosponsor of this important resolution.

I congratulate our brothers and sisters in Israel on this important milestone—the 60th anniversary of becoming an independent nation. From the first hour on that first day, Israel and the United States began a relationship based on democratic values, friendship and respect that continues to this day.

Over the years, Israel has developed into a thriving society, a world leader, and an active democracy. Welcoming people from Russia to Ethiopia, Israel has become a refuge for those persecuted for thousands of years.

In fact, many of my constituents have traveled or lived in Israel. In 2005, we made history when Atlanta became the first U.S. city in the Southeast to have non-stop direct flights to Tel Aviv.

I, too, have a personal connection with the people of Israel—like me, they are descended from survivors. The atrocities of the holocaust must never be forgotten. Every day, we must recommit ourselves to never allow this history to be repeated. We have overcome so many trials and hardships, but there is still so much farther to go.

It is my hope that one day, together we will be able to celebrate peaceful relationships and coexistence with all the countries in the Middle East. And I hope that this peace comes long before another 60 years.

Mr. Speaker, I extend my deepest congratulations to the Israeli people on this historic day.

Mr. MICHAUD. Mr. Speaker, I rise today in support of H. Con. Res. 322 recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

Today marks the 60th anniversary of the founding of the modern State of Israel. For the past six decades the United States and Israel have forged a special relationship based on our shared history of overcoming oppression, tyranny and hatred. This bond has strengthened over time through our common interest in peace, prosperity, and democracy.

As we commemorate this anniversary, we must also recognize the challenges that face Israel. Security and prosperity will only be reached when a resolution to the conflict between the Palestinian and Israeli peoples is achieved.

It is critical that we engage both Israel and the Palestinian leadership to find a way forward. It is also critical that we support initiatives that create greater dialogue, cooperation and economic development between Israelis and Palestinians. I have been a strong supporter of Seeds of Peace, which has a camp located in my district, which brings Arab and Israeli youth together to dispel stereotypes and build lasting trust within the regional leaders of tomorrow. I have also been a strong supporter of the Middle East Regional Cooperation program and other programs that create people-to-people reconciliation and coexistence in the Middle East.

Israel is friend and ally of the United States and it is my honor to recognize the 60th anniversary of its founding. True support for Israel lies in standing with our friend as its civilians face down indiscriminate rocket attacks and in pushing for a permanent peace that provides security and dignity to both Israelis and Palestinians.

On this special occasion it is important to commemorate the past, but also fo look toward the future. As our two Nations enter our seventh decade as allies, we must continue to actively pursue our common dream of peace, freedom and security—a dream that I believe is shared by all peoples of the world.

Mr. Speaker, I reiterate my firm support of H. Con. Res. 322.

Ms. FOXX. Mr. Speaker, as a proud cosponsor of House Concurrent Resolution 322, which recently passed the House of Representatives, on the occasion of the 60th anniversary of the modern State of Israel, I wish to take an opportunity to reflect on this truly monumental event. Since the time of its creation 60 years ago, Israel has served as an example of democracy and equal rights for her neighbors. Israel has also proved to be steadfast ally to the United States in a variety of ways, particularly within our country's diplomatic efforts in the Middle East.

Since its founding in 1948, the modern State of Israel has served as a democratic anchor in the Middle East. Like the United States, the Israeli Declaration of Independence protects freedom of speech, freedom of religion, a free press, free elections, and many other tenets of a free society. Israel established a democracy in the midst of a politically tumultuous region and by guaranteeing the basic rights of her citizens, sets herself apart from her authoritarian neighbors.

Israel prides herself on women's rights and equal pay for women in the workforce. The first female Prime Minister, Golda Meir, was elected in 1969, just 21 years after the formation of modern Israel. Women now serve as the foreign minister, speaker of the Knesset, and chief justice of the Israeli Supreme Court. Furthermore, Israel has recognized the necessity of providing equal rights regardless of gender or race and deserves to be commended.

Not only is Israel an example for her neighbors as a thriving democracy, where citizens' rights are protected through the rule of law, she has also been an avid supporter in the global war on terror. The U.S. and Israel are continually working together to develop sophisticated military technology and improve Israel's defense systems and soldier protection. In the interest of global freedom I hope, and am confident that, this friendship will continue in the future.

It is with great joy that I extend my best wishes for the 60th anniversary of the modern State of Israel and wish them a prosperous future.

Mr. SPACE. Mr. Speaker, I rise today to recognize the 60th anniversary of the Nation of Israel.

I join a bipartisan group of my colleagues in support for H. Con. Res. 322—a measure recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel. This measure passed the House of Representatives earlier this week by a vote of 417 to 0.

As a member of the Democratic Israel Working Group, I am proud to commend Israel and her people on the occasion of this significant milestone.

We and the international community are grateful to Israel for her contributions in the fields of agriculture, technology, and medicine to name a few. Furthermore, Israel is a true democracy in an unstable region of the world, and the nation has long been an ally of the U.S.

Again, I join my colleagues in commending Israel and in looking forward to a future of continued friendship.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to congratulate Israel as it celebrates its 60th anniversary. Israel is not only a close military ally and trade partner, it is also a true friend of the United States.

The United States shares Israel's commitment to peace and freedom. We share a commitment to democracy, the Rule of Law and we share a culture that honors life—not that glamorizes death. Perhaps more than any other people, Israel understands the insidiousness of evil and the need for good people to remain vigilant against it. We share a great deal, Mr. Speaker. It is no accident that the United States and Israel are such great friends.

Despite frequent and cowardly attacks, this young country has withstood every missile, every grenade, every car bomb, every suicide bomber. Israel has weathered the violence of terrorist groups such as Hamas and Hezbollah, which have vowed Israel's destruction and which receive copious funding from Iran and Syria. Israel must combat these constant and cowardly attacks, but rarely does the world acknowledge the restraint shown by Israel in defending itself, trying always to wage this war of survival with reverence for innocent life.

While rockets rain down on Israel from terrorists operating in Gaza, Israel continues to allow the delivery of food and medicines across the Gaza border. Although Hamas seizes humanitarian aid for its own nefarious uses and exploits humanitarian vehicles to smuggle weapons and explosives, Israel continues to allow aid to flow across its border with Gaza. While Israel's enemies purposely target the innocent, Israel responds with tactical strikes against terrorists, their weapons bases, and their command centers to protect the innocent. While the forces of extremism and terrorism continue to barrage freedom-loving people in Israel and around the globe, I am heartened to see that the forces of evil have failed to destroy the basic goodness of those who struggle against terror so that they may live in peace and freedom.

Mr. Speaker, on the occasion of Israel's 60th anniversary, I am honored to have this opportunity to congratulate Israel for its tremendous contributions to the world and to express my profound gratitude for Israel's unwavering friendship with the United States.

Mr. SCHIFF. Mr. Speaker, six decades ago, on May 14, 1948, David Ben-Gurion declared the independence of the modern State of Israel—the resurrection of a nation that had been scattered and persecuted for nearly two millennia.

Ben Gurion's declaration was followed, 11 minutes later, by American recognition of the new state. Within hours, five Arab armies attacked the nascent country. These two elements—the deep friendship with the United States and conflict with its Arab neighbors—would remain dominant threads in the saga of Israel from 1948 to today.

In many respects, modern Israel has fulfilled the early Zionists' goal of creating a "normal" nation—one that would take its place alongside the world's other states. The country's booming high-tech economy, its modern infrastructure, its global leadership in science and medicine, its laid-back Mediterranean lifestyle and its vibrant democracy are testament to more than a century of effort by Israelis and the Jewish pioneers who preceded them. Two of its Arab neighbors, Egypt and Jordan, have had the courage to sign peace treaties with Israel.

Unfortunately, Israel's successes have been undermined by the continued hostility of many of its Arab neighbors and by the unjustified vilification of Israel at the United Nations and in much of the world's media. The singling out of Israel for unjust condemnation has bolstered the hands of Israel's implacable foes and has been a tragic impediment to the realization of progress, prosperity and security for both Israelis and Palestinians.

America has long enjoyed a unique bond with Israel—in fact Americans were leading advocates for the reestablishment of Jewish sovereignty in the Holy Land as far back as the early 19th Century. American support was critical to Israel's survival in its early years and, following the 1967 Six-Day War, the two countries forged a strategic alliance that endures to this day.

Our bond with Israel is strong because it encompasses a number of dimensions: it is built on mutual security interests, shared values and a commitment to the rule of law. In its democracy and free press, Israel stands as a beacon to its neighbors, and its openness is all the more remarkable given the security threats that have shaped the country since its founding. As Americans, we should acknowledge these achievements and support Israel as it works toward a durable peace.

Mr. Speaker, in the spring of 1948, there were many who predicted that the State of Israel would not even survive a month, much less 60 years. That it has—with its values and vision intact—is a miracle and one worth celebrating.

Mr. AL GREEN of Texas. Mr. Speaker, I support H. Con. Res. 322, a resolution recognizing the 60th anniversary of the founding of the modern State of Israel, which occurred on May 14, 1948. On November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine and create a Jewish state. On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel. That date marked the success of a continuous struggle for a homeland for the world's Jewish population and laid the foundation for a free and independent state and a symbol of joy and protection for a people that have been—for too long—on the receiving end of oppression, discrimination, and injustice.

Since its independence, Israel has bravely defended itself from repeated attacks. Over the last 60 years, the modern State of Israel has built a nation, forged a new and dynamic democracy, and created a thriving economic, political, cultural and intellectual society. The people of Israel have established a pluralistic, democratic political system, including freedom of speech, association, and religion; a free press; free and open elections; the rule of law; and a fully independent judiciary. Their efforts and achievements have led the American people to feel a strong affinity for the Israeli people based on common values and shared cultural heritage.

This week, Jewish people around the world are celebrating the Jewish holiday of Passover. Passover commemorates the Exodus from Egypt and the liberation of the Israelites from slavery. It is traditional for a Jewish family to gather on the first night of Passover for a special dinner called a Seder. While many Jewish holidays revolve around the synagogue, the Seder is conducted in the family home. It is customary to invite guests, especially strangers and the needy to share with their fellow human beings the story of struggle, poverty, oppression, and survival. I had the pleasure of attending a Seder in Houston with Pastor Kirby John Caldwell and his wife Suzette.

The story of Passover should have a special meaning this year to those who seek to support individuals around the world who suffer from poverty, slavery, and injustice. Let the celebration of the founding of Israel be a symbol to the world of how a people who have experienced oppression and violence can rise to be strong, free and independent.

I am proud to support H. Con. Res. 322, a resolution recognizing the 60th anniversary of the founding of the modern State of Israel.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to recognize the 60th anniversary of the independence of the State of Israel and to reaffirm the steadfast relationship between our two strong democratic allies.

May 14, 2008, marks the 60th anniversary of the establishment of the sovereign and independent State of Israel. With little resources and seemingly insurmountable obstacles, Israel has become a thriving and prosperous democracy, and has made significant worldwide contributions in technology, medicine, agriculture, and environmental innovation. Additionally, eight Israelis have been awarded the Nobel Prize.

When we speak about Israel, too often we focus on Israel's troubles and don't focus enough attention on her beauty and her spirit. But what I want to focus on today is her resolve.

Since its independence in 1948, Israel has continually overcome every conceivable roadblock placed in her way. She has beaten back hostile neighbors during war and now she endures terrible economic hardship from terrorist cowards who perpetrate hideous violence against innocent victims.

As a critical partner in our fight against terror and as the only democracy in the region, Israel's strength and security is paramount. Therefore, I encourage this House to continue to pass bipartisan bills in support of Israel and her ability to protect herself from hostile neighbors.

The blossoming of a nation that grew from desert sand into a thriving example of democracy, economic progress, and cultural diversity is a magnificent achievement for this strong and vibrant country.

I want to congratulate Israel on all she has achieved in just 60 years, and I look forward to the future of this extraordinary Nation.

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of the contribution of the State of Israel as it celebrates its 60th anniversary as a vibrant and open democratic society.

Mr. Speaker, my colleagues have already gone into detail about the accomplishments of the State of Israel, and how Israel has gone through an astonishing evolution since 1948. I echo many of their remarks.

I had the great privilege to live and work in Israel in the mid-1960s and celebrated Israel's 22nd anniversary by taking part in a 3-day walk from the shores of Tel Aviv to the hills of Jerusalem. Now I marvel with every visit at the extraordinary changes that have taken place.

With every visit to Israel and each article I read about events on the ground, I am reminded of the enormous complexities and challenges Israel faces—internal as well as external. So we must ask ourselves, what will the future bring for Israel? How can Israel reconcile the great contradictions that its victories from the 1967 war delivered and address the occupation of Palestinian territories that now threatens Israel's very existence as a democratic state with a Jewish majority?

Israel has sought peace with its neighbors and made some progress toward peace with neighboring Arab states. Today, with Gaza controlled by HAMAS and the West Bank by the Palestinian Authority, Israel still lacks a real partner for peace. However, this does not mean efforts for peace should not continue. . . . and this does not mean that the United States should not play an active leadership role in the region.

We must continue our strong support for Israel's very right to exist while continuing to bring life to the peace process between Israel and its neighbors. Our assistance must be a sustained diplomatic effort, on the ground in both Israel and the territories, so we can maximize every effort for dialogue and concrete negotiations.

Addressing these concerns will not be easy, but I remain hopeful that Israel, her neighbors, and the U.S. can get the peace process back on track and that Israel will continue to thrive as a vibrant and open democratic society.

I join my colleagues in recognizing Israel's 60th Anniversary.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 322.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1722

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at 5 o'clock and 22 minutes p.m.

EARTH DAY

Mr. McNERNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1117) declaring the support of the House of Representatives for the goals and ideals of Earth Day and for developing the scientific and technological capabilities to achieve those goals.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1117

Whereas the need to educate Americans on the importance of stewardship of the environment led to the first Earth Day in 1970, the passage of a variety of environmental laws, and substantial environmental improvements over the intervening years;

Whereas substantial air quality and other environmental problems persist in many areas of our country;

Whereas today increasing numbers of Americans are concerned with the relatively rapid changes in our environment and decreasing biodiversity;

Whereas the need to improve our interaction with the environment has led to the need for more sophisticated environmental research and development of solutions to environmental problems;

Whereas today the importance of scientific evidence in making correct decisions about environmental problems has never been more important;

Whereas Earth Day activities increase our understanding of the environment and its relationship to our personal decisions regarding energy conservation, use of renewable energy, use of natural resources, and recycling; and

Whereas Earth Day has become the preeminent day of environmental celebrations, clean-ups, and educational events across the country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Earth Day and thanks the many organizers and participants across the country for their tireless efforts in support of the environment;

(2) encourages the Department of Energy to step up its efforts in research, development, and demonstration of renewable energy technology and energy conservation techniques; and

(3) encourages all segments of American society to work together in ensuring that the research and development necessary to uncover solutions to our major environmental problems occurs in a timely manner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McNERNEY) and the gentleman from Maryland (Mr. BARTLETT) will each control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. McNERNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 1117, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McNERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, all over the world, concerned citizens are coming together to celebrate the 38th annual anniversary of Earth Day. Since its inception in 1970, Earth Day has become an international call to action on behalf of the environment, and I am proud to offer this resolution in support of the goals and ideals of Earth Day.

We are constantly reminded of the serious environmental challenges that our country and our world are facing. The greatest challenge, global warming, continues to grab headlines, as it should. We are already feeling the effects of a heating planet, and it is long past time for our country to get serious about climate change.

Global warming is a serious threat, but also presents an opportunity and strong motivation to develop the clean energy economy of the future. I spent much of my career before entering Congress as a renewable energy engineer, and I have seen firsthand the development and evolution of the clean technologies that combat climate change. We have much of the scientific knowledge and technical capability to attack climate change head on, but there is still more progress to be made.

Today, Earth Day is an important opportunity to rededicate ourselves, both as individuals and as a Nation, to making the best use of the resources available to us. I want to commend the scientists, engineers, businesspeople, and educators who are working to develop the clean economy of the future, as well as the millions of Americans who are taking action to live greener lifestyles. I believe today is an important opportunity to honor the contributions toward a healthy planet.

Earth Day is also an important opportunity to look forward to a greener tomorrow. We should renew our efforts to push ahead with research and development of the cutting edge, environmentally friendly technologies of the future, as well as the many smart policies that will preserve our environment. Confronting great environmental challenges will require technological innovation, as well as a forward-thinking public policy. I believe we are up to the task.

As important as combating climate change is, Earth Day also reminds us of the other crucial environmental issues of our time. We need to preserve our precious natural resources, and to do that, we have to maintain our national lands, protect biodiversity, ensure clean air for everybody, and make smart investments in environmental cleanup efforts. These are important legislative opportunities before us, and I hope that we will embrace the chance to preserve our treasured landscapes. I am optimistic about our environmental future. Looking forward, I see an America that runs on clean sources of energy and supports a wide spectrum of family wage green energy jobs. I see an America where environmentally sustainable building practices are the norm, not the exception. And I see an America where our most beautiful landscapes are protected for our children and grandchildren.

I commend the organizers of Earth Day and the millions of people around the globe who are participating in Earth Day events today. Your dedication is admirable, and I am confident that environmental awareness and activism will continue to flourish. I am also inspired by the grassroots commitment to environmental protection that Earth Day embodies, and I look forward to celebrating many more Earth Days in the future.

Mr. Speaker, I ask all of my colleagues to join me in supporting the goals and ideals of Earth Day.

I reserve the balance of my time.

Mr. BARTLETT of Maryland. I rise in support of this resolution commemorating Earth Day and its goals and ideals. The first Earth Day was celebrated in 1970 by 20 million people. That same year, President Nixon created the Environmental Protection Agency to protect public health and the environment and Congress amended the Clean Air Act with the goals of improving the national air quality, reduce auto emissions, and create antipollution standards.

We have come a long way as a Nation since that first Earth Day. In 1972, when Congress passed the Clean Air Act, only 26 percent of the Nation's streams were safe for swimming and fishing. Today, about 60 percent of our streams are safe for such purposes. This day has a very special meaning for me because of my childhood experiences with streams. In the early thirties, I grew up in the coal mining country of western Pennsylvania, and every one of the streams that I could get to was called a sulfur creek because it contained waters that had leached the sulfur out of the mines. There was only one thing that lived in those creeks, and that was a little red wiggly worm. It must have been tough because nothing else lived there. The rocks were all covered by a slimy, orangish kind of a film. I am sure those streams weren't safe to swim in, but we swam in them anyway because we were too poor to go to the pool. I didn't know where a pool existed. So Earth Day has a very special meaning for me. Those streams now, I think, are all clear thanks to our attention to that.

A few years later, when Congress passed the Safe Drinking Water Act, ensuring EPA regulate the quality of our drinking water, today many Americans receive annual reports on the quality of their drinking water. In 1987, the United States joined other nations in signing the Montreal Protocol to phase out the production of chlorofluorocarbons, CFCs. As a result, the use of CFCs has been reduced drastically.

As a Nation, we also focused efforts on educating the public on the benefits of recycling and the clean up of hazardous materials from our lands and our waterways. In the 1990s, under President George Bush, we passed the Pollution Prevention Act and the National Environmental Education Act to emphasize the importance of preventing pollution, while educating the public on the potential effects their actions might have on the environment.

□ 1730

During the same period, the EPA established the Energy Star program to provide consumers with information on the availability of energy efficient appliances.

I would like to note, Mr. Speaker, that our efforts on efficiency have really been dramatic, and if it were not for the greatly increased efficiencies we have, we would be in even more trouble environmentally and with oil today than we are.

In 1993, President Clinton launched a program encouraging Federal Government agencies to buy recycled and environmentally friendly products. In recent years, President George W. Bush signed the Brownfields Revitalization Act to reclaim and restore thousands of abandoned properties and the Healthy Forest Restoration Act to prevent forest fires and preserve the Nation's forests.

Throughout the last three decades, efforts have been made to educate the public about the importance of conserving resources, preserving the environment and protecting the air we breathe and the water we drink. Americans have a better quality of life due to our own efforts to clean up the environment for ourselves and our children.

I support this resolution recognizing Earth Day and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MCNERNEY. Mr. Speaker, I have been all around this great Nation and I have seen the environment change from the 1970s until the present day. When Earth Day was first declared, we had lakes that were catching on fire and we had pollution running in our rivers. We have seen tremendous progress. Our lakes and rivers are much cleaner now and our air is breathable, although it still needs progress, we still need work.

The great thing about looking forward with the environment is that we can create jobs, we can make America prosperous. When we trash the environment, everyone gets poorer. We want an America that is prosperous. We want an America that we are proud to pass on to our next generation.

Earth Day has been a big part of this. It deserves to be commended and recognized. It is bipartisan. Everybody drinks the same water and breathes the same air. So it is an issue that I think we have broad support on both sides of the aisle. I certainly have support back home in California, and I know that as I go around the country, I see the same level of interest, both in the environment and creating clean jobs and ending our dependence on foreign oil. These are all national security issues. They are issues that are great for our

Nation. They are issues that we want to work for, and part of the reason I am here in Congress.

So, again, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I think that a tipping moment occurred for most Americans when in that spacecraft hurdling toward the Moon they looked back and took a picture of our Earth, how small it was from that vantage point, and we suddenly recognized that the more than 6 billion of us who occupy this Earth ride a rather, in the grand scheme of things, tiny spacecraft. It is our only home.

I am very appreciative of the emphasis today on Earth Day, because I think that it is more than appropriate that we focus on this tiny orb that we are privileged to occupy as we hurdle through space. I remember staying up until 2 o'clock in the morning for that first walk on the Moon, and I remember those early pictures, and, gee, this is our Earth, and it really isn't all that big, is it?

So I thank those who got this legislation together. I am in strong support of recognizing Earth Day and encourage all Americans to do so.

Mr. Speaker, I yield back the balance of my time.

Mr. McNERNEY. Mr. Speaker, I appreciate the words of the gentleman from Maryland. His concern is noted and appreciated.

Mr. COURTNEY. Mr. Speaker, today our Nation joins with countries from around the world to celebrate Earth Day. Today, communities large and small, collectively come together to recognize past progress and develop new strategies to improve future environmental health. On this day of global environmental reflection, I rise to recognize two outstanding schools in my district, Woodstock and Brooklyn Middle Schools, which have worked to make eastern Connecticut a cleaner and more environmentally conscious community.

Between March 20 and April 10, 2008, Woodstock and Brooklyn Middle Schools embarked on a project, the "Bad Bag Competition", which explored the prevalence of plastic bag use in our country as well as its environmental implications. Plastic bags are everywhere, from grocery to department stores, and every year Americans consume an average of 100 billion. In order to produce our annual demand for plastic bags, 12 million barrels of oil are used. Reducing national demand for plastic bags has clear environmental benefits.

Throughout the "Bad Bag Competition", students from Woodstock and Brooklyn Middle Schools collected and recycled used plastic bags and educated our neighbors on the importance of using reusable bags. At the end of the competition, when all the bags were counted, Woodstock and Brooklyn Middle Schools collected 43,836 and 66,100 bags respectively. The petroleum that was used to produce these bags, which collectively totaled 109,936, could have fueled a vehicle for 7,853 miles.

Mr. Speaker, these students have exemplified the spirit of Earth Day. These students not only modified their own choices to be more environmentally responsible, but encouraged our neighbors to do the same. The impact of this project on our eastern Connecticut community has been great, and the multiplier effects are even greater. I ask my colleagues to join with me and my constituents in recognizing these students' achievements and to choose reusable bags instead of the proverbial "paper or plastic."

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H. Res. 1117 to celebrate the 28" Anniversary of Earth Day, take stock of the progress that has already been made, and recommit ourselves with a sense of focus and urgency to the work that remains to be done.

We have come a long way since Senator Gaylord Nelson and Dennis Hayes organized their nationwide grassroots demonstration on behalf of the environment in the Spring of 1970. In the years that followed, Congress established the Environmental Protection Agency and the National Oceanic and Atmospheric Administration; enacted the Marine Mammal Protection Act and the Endangered Species Act; and strengthened the Clean Water and Clean Air Acts, among other critical initiatives.

To a large extent, these steps—and other like them—continue to form the foundation of our environmental laws in the United States. Unfortunately, recent years have witnessed an erosion to this foundation as regulatory agencies shirked their responsibility to enforce the law and existing statutes failed to keep pace with the magnitude of the environmental challenges we are confronting in the 25th century.

The New Direction Congress has now begun the necessary process of reversing that erosion and establishing a new baseline of federal commitment to stewardship from which the next chapter in American environmental leadership will be written. For the first time in over 30 years, the Energy Independence and Security Act of 2007 increased the corporate average fuel economy (CAFE) standard for automobiles to 35 mpg by 2020. In combination with the economy-wide energy efficiency standards in the legislation, this step will reduce oil consumption by 2.4 million barrels a day—for a more than 25 percent reduction over today's usage—and save 5.3 billion metric tons in energy-related CO_2 emissions by 2030. It's important. But it's just a start.

We must move decisively to enact an economy-wide cap-and-trade program that achieves dramatic reductions in our greenhouse gas emissions by the middle of the century—and work with other nations around the world to do the same. We must transition our economy away from its reliance on fossil fuels and towards the clean, green energy sources of the future, while making far more efficient use of the energy we currently use. We must update, strengthen and enforce bedrock laws like the Clean Water and Clean Air Acts. And we must act locally and individually in all of our communities to restore, protect and cherish ecosystems like the Chesapeake Bay on which all of life ultimately depends.

Mr. Speaker, the key decisions we make over the next several years will have a profound impact on the kind of America we leave to our children. I believe the vast majority of our constituents understand this and stand ready to do their part as we come together to build a more prosperous, healthier and greener nation.

Mr. LEWIS of Georgia. Mr. Speaker, in honor of the 38th celebration of Earth Day, I would like to take this time to reflect on the progress we are making for the health of our planet—and to challenge all Americans—each and every one of us—to re-dedicate ourselves to living in a sustainable manner.

Looking back, we can be proud that the New Direction Congress has made real progress toward a future of cleaner energy and healthier living.

Last year, Congress passed the historic Energy Independence and Security Act.

This legislation takes important steps to increase fuel efficiency, help promote alternative energy sources, and is set to dramatically reduce CO_2 emissions over the years to come. However, we can do more. We must do more. The time is now. We cannot wait any longer to address the countless environmental challenges we must confront.

Together, we can leave our planet a little greener and a little more peaceful. It is our duty to help spur the next generation of energy technology—solar, hydrogen, wind, and other sources of energy that create a sustainable environment.

The U.S. has the technology and know-how to lead the world in environmental solutions. I believe we can strengthen America's economy through environmentally sound policy and, in the process, create jobs here at home.

As we commemorate this Earth Day ask yourself, am I doing enough? Can I do more? What kind of planet will we leave for the next generation?

We all must share this planet. We all rely on its resources to survive. We must all do our part to pass along a healthy and sustainable living environment to our children and grandchildren.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H. Res. 1117, as it supports the goals and ideals of Earth Day.

Greenhouse gas emissions in Texas are the highest in the Nation. In fact, if Texas were its own separate country, it would rank seventh in the world in carbon dioxide emissions. Unless Texas significantly alters its fuel mix towards lower emitting fuels or renewable energy, greenhouse gas emissions are expected to continue to rise rapidly.

I am unhappy that the overall energy use in Texas is projected to increase by 36 percent over the next 20 years. We must act now to stop this trend. This pattern is bad for our environment. It is bad for the health of our children and grandchildren.

Mr. Speaker, let us not leave a legacy of waste and pollution for tomorrow's citizens. Let us act now to pass policies to protect our environment and be good stewards of the Earth.

Mr. CONYERS. Mr. Speaker, as Americans mark Earth Day, they can also mark the new direction Congress has begun to reverse the failed energy policies of the past, committing instead to clean, and renewable energy for the future. It may have taken the president almost 8 years to acknowledge global warming, but this is a problem that Congress did not wait to address.

Congress passed the historic and bipartisan Energy Independence and Security Act of 2007 to begin to reduce American dependence on foreign oil, respond to the global warming crisis, grow our economy, and lower energy costs. The Act will save 5.3 billion metric tons in energy-related CO_2 emissions from 2008–2030 and reduce oil consumption by 2.4 million barrels a day—almost a 25 percent reduction over today's usage.

The Congress has taken the steps the current Administration has failed to take. It pleases me that on this Earth Day in 2008 we can acknowledge and celebrate the positive direction we are taking in addressing our energy use, climate change, and its impact on our economy.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to recognize Earth Day.

On Earth Day, we celebrate the limitless gifts of our natural world—the incredible life-giving forces that sustain us through every single day of the year. It is all too easy to take the air we breathe, the water we drink, the earth we walk for granted. Today, we pause to recognize what precious gifts these are.

We need this reminder now more than ever. Our environment is fragile, threatened by global climate change, exploding demand for resources, and other serious challenges. Our future depends upon how we respond. Congress, the President, and every nation on the globe must commit to charting a new course toward sustainable and earth-renewing lives.

Earth Day reminds us that we must act to protect our environment not just out of obligation or self-preservation, but because it is simply the right thing to do for the next generation. We owe our children and grandchildren our strongest efforts to clean up pollution, preserve our wild spaces, and reduce the human footprint on our globe.

As Americans, we also owe a unique debt to Planet Earth. Our nation is responsible for 25% of the world's energy consumption—far more than our fair share. If we continue consuming at this rate as nations like India and China increase their resource demands, our planet will change forever in ways that will seriously impact all of our lives.

The United States must lead the urgent effort to find a different path. We must find ways to responsibly use the resources of our earth while simultaneously renewing our environment and making it stronger. We are more than up to the task—Americans have always been pioneers and innovators, and nature has always played a vital role in that frontier spirit. Our ancestors tamed the wilderness; now it is our challenge to sustain and preserve it.

In the 110th Congress, the House has passed historic legislation to protect our planet. We have acted to improve vehicle fuel efficiency, promote renewable sources of energy and invest in new energy-efficient technologies. In addition, we have proposed legislation to slow, stabilize and ultimately reverse greenhouse gas emissions. I urge the Bush Administration to partner with Congress and the American people to enact these bold proposals.

One of the greatest joys of my life has been sharing in the wonder of the natural world with my family, my friends, and especially my children. Whether a simple walk outside or a trek to the Alaska National Wildlife Refuge, these experiences have renewed my spirit.

Future generations deserve the same opportunity. This will only be possible if we fully embrace Earth Day's challenge to recognize the immense value of our environment and our planet. As we celebrate sprouting leaves, sunlight, spring, and all the splendor of nature, we also commit to ensuring that we can enthusiastically enjoy every Earth Day to come.

Mr. SHULER. Mr. Speaker, I rise today to support H. Res. 1117, supporting the goals and ideals of Earth Day. On this day we are reminded of the importance of protecting our environment for generations to come.

Established in 1970, Earth Day commemorates the birth of the modern environmental movement. Thirty eight years ago today, 200 million Americans from coast-to-coast took to the streets to demonstrate the importance of environmental stewardship and conservation. Their voices are still heard today, as we continue to celebrate Earth Day globally.

We must act responsibly and expediently to protect our environment by addressing global warming. Scientists worldwide agree that global warming is a reality and its consequences will be devastating and far-reaching.

Protecting our environment is not only crucial for this generation, but for the many generations to come. By implementing environmentally responsible policies today, we will ensure that our children and grandchildren will have clean water to drink and clear air to breathe.

We must focus on developing renewable energy, reducing our dependence on fossil fuels, expanding access to sustainable resources, and increasing environmental consciousness. This Congress has taken great strides to these ends, but there is still much work to be done.

I ask my colleagues to join me in supporting the goals and ideals of Earth Day. May we continue to make environmental issues a top priority of the 110th Congress.

Mr. MCNERNEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCNERNEY) that the House suspend the rules and agree to the resolution, H. Res. 1117.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 35 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DONNELLY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 981, by the yeas and nays;

H.R. 5151, by the yeas and nays;

H.R. 831, by the yeas and nays.

Proceedings on H.R. 5613 and H. Con. Res. 322 will resume on Wednesday.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WORLD GLAUCOMA DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 981, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) to suspend the rules and agree to the resolution, H. Res. 981, as amended.

The vote was taken by electronic device, and there were—yeas 387, nays 0, not voting 44, as follows:

[Roll No. 205]

YEAS—387

Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle

Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—44

Abercrombie
Alexander
Andrews
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carney
Castor
Cooper
Doggett
Engel
English (PA)
Fattah
Feeney
Grijalva
Gutierrez
Hall (TX)
Hulshof
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kingston
Maloney (NY)
Mollohan
Murphy, Patrick
Nadler
Peterson (PA)
Putnam
Renzi
Rohrabacher
Rush
Saxton
Schwartz
Sestak
Tiberi
Udall (CO)
Wasserman Schultz
Weiner
Weller
Whitfield (KY)
Young (AK)
Young (FL)

☐ 1903

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WILD MONONGAHELA ACT: A NATIONAL LEGACY FOR WEST VIRGINIA'S SPECIAL PLACES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5151, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5151, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 17, not voting 46, as follows:

[Roll No. 206]

YEAS—368

Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—17

Blackburn
Blunt
Broun (GA)
Coble
Duncan
Flake

Franks (AZ)
Goode
Goodlatte
King (IA)
Miller, Gary
Paul
Sensenbrenner
Shadegg
Shimkus
Stearns
Tancredo

NOT VOTING—46

Abercrombie
Alexander
Andrews
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carney
Castor
Cooper
Doggett
Engel
English (PA)
Fattah
Feeney
Granger
Grijalva
Gutierrez
Hall (TX)
Hulshof
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kingston
Maloney (NY)
Mollohan
Murphy, Patrick
Nadler
Peterson (PA)
Putnam
Renzi
Rohrabacher
Rush
Saxton
Schwartz
Sestak
Space
Tiberi
Udall (CO)
Wasserman Schultz
Weiner
Weller
Whitfield (KY)
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1910

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COFFMAN COVE ADMINISTRATIVE SITE CONVEYANCE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 831, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 831, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 49, as follows:

[Roll No. 207]

YEAS—382

Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—49

Abercrombie
Alexander
Andrews
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carney
Castor
Cole (OK)
Cooper
Doggett
Engel
English (PA)
Fattah
Feeney
Grijalva
Gutierrez
Hall (TX)
Hulshof
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kingston
Maloney (NY)
Mollohan
Murphy, Patrick
Murtha
Nadler
Napolitano
Peterson (PA)
Price (GA)
Putnam
Renzi
Rohrabacher
Rush
Saxton
Schwartz
Sestak
Sullivan
Tiberi
Udall (CO)
Wasserman Schultz
Weiner
Weller
Whitfield (KY)
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised there is less than 1 minute remaining in this vote.

☐ 1917

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. Had I been present, I would have voted "yea" on rollcall votes 205, 206, and 207.

IN MEMORY OF KIM HOA VERMEIRE LANG

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, I rise today to honor and remember one of my finest constituents, Kim Hoa Vermeire Lang. A native of South Vietnam, Kim arrived in the United States at just 6 months of age. She was adopted by loving parents and grew up to be one of her community's greatest volunteers, devoting limitless energy to Prairieview Elementary School, the Vietnamese Culture Camp, and numerous local charities.

I had the pleasure of working with Kim when she was an intern for my predecessor, Congressman Lane Evans. She was an outstanding source of support for our entire staff, and her dedication to the people of the 17th Congressional District was invaluable.

Sadly, Kim was diagnosed with melanoma in 1993. Throughout her ordeal, she never complained, and enthusiastically carried out her work. On March 28, Kim lost her battle to cancer, surrounded by loved ones at her parents' home. Kim's courage and determination to live life to the fullest is a model for all of us. My condolences and best wishes go out to her husband Joshua Lang, her parents, Ann and Joseph, and all of her family and friends.

THE PRICE OF A BARREL OF OIL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, from Congress Daily AM on Monday, 21 April, the heading was: Florida delight as talks intensify behind closed doors on several issues. Members negotiate behind the scenes to finish a farm bill conference and plan their maneuvers for moving a war supplemental bill and more possible tradeoffs to move a Colombia Free Trade Agreement. Funny. No talk about gasoline, no talk about the high energy prices. The number one issue affecting consumers today and the pocketbooks of mom and dad and driving kids to events is the high cost of gasoline.

When this majority took over, the price of a barrel of crude oil was $58.31. Today—actually, this is wrong—it was updated at $117. It did get to $118 a barrel. When you don't have a plan, you plan to fail. I would hope that the Democrat majority would, in their negotiations, talk about how they are going to address the high cost of energy in this country.

ADMINISTRATION DRIVING UP OIL PRICES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. I'd like to follow up on the comments of my good friend from Illinois. The high cost of gasoline is troubling all Americans. $3.50 a gallon, approaching $120 a barrel. Now I just would respectfully suggest that the administration has a lot to do with this. This administration, which has a great familiarity with the oil industry, has pursued policies, including the war in Iraq, that has led to the price of oil being driven up. Even the threats on attacking Iran have at one time or another helped to increase the cost of the price of a barrel of oil.

There is one thing that this Congress can do immediately to start to gain the American public some relief, and that is to bring a windfall profits tax forward. Enforce some discipline in the marketplace. Bring these oil companies to heel by using the power of Congress to tax the excess profits and take that money and put it into a fund that would enable Americans to get tax breaks for the purchase of energy efficient vehicles. This is the approach we ought to be taking.

CONGRESS MUST ACT ON ENERGY PRICES

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, my constituents are concerned about high gas prices. We are a commuter district in western North Carolina, and so when we move to go to the marketplace, if we go to take our kids to school, we have to get an automobile and pay for gasoline. My constituents are struggling under these high gas prices.

It's about time that this Congress acted so we have more refineries, that we have new exploration here at home so we don't have to be dependent on foreign oil. And we must invest in alternatives long term so we don't have to rely on foreign oil at all.

Mr. Speaker, it's about time this Congress acted, and tax increases are not the way to do it. It is to increase production. That will help get down these high gas prices.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, reforming health care in America is not nearly as hard as the special interests would like the American people to believe. The special interests want to protect their profits, but Congress should concern itself with protecting the health and well-being of the American people.

There are two major news stories today that should be viewed side-by-side. On their own, each story is powerful. Taken together, however, the stories offer compelling evidence of what happens when special initiates lobby against meaningful reform in the United States; while in France, people receive universal health care that is ranked number one in the world by the World Health Organization.

A new study conducted jointly by Harvard University and the University of Washington in my district has yielded a startling conclusion. Reporter Tom Paulson has the story in today's Seattle-Post Intelligencer. Let me read an excerpt, "One of every five American women and one of every 25 men are either dying at a younger age or seeing no improvement in life span. The lead authors told the PI, "It is what you would expect to see in a developing Nation, not here in the United States," according to Dr. Ezzati, a Harvard professor. Dr. Chris Murray from UW called it a complete surprise, and said, "It's remarkable in the history of the U.S."

We pay more for health care than any nation on Earth, yet life expectancy is declining for millions of Americans.

☐ 1930

At the same time, for about half the cost, every French citizen has access to universal health care, rated the best in the world.

ABC News Online carried the story of the French system. It includes data that shows that universal health care coverage works. In France, there is one doctor for every 430 people. In the United States, there is one doctor for every 1,230 people. The average life expectancy in France is 2 years longer than in the U.S. And the French system is one of the most expensive in the world at $3,500 per person, but it is nothing compared to the $6,100 we spend in the United States for every individual. And we have 47 million without any health care coverage, and millions more with less than adequate coverage because it is too expensive.

When the American people face soaring costs for health care, it is time to create an American universal health care system. When millions of Americans face a declining life expectancy, it is time to create an American universal health care system. When the U.S. health care system is ranked 37th in the world by the World Health Organization, it is time to do something.

We don't have one today; because special interests have used their influence to put profits ahead of people by perpetuating a broken-down system, and whenever someone tries to change it, they spend millions of dollars to try and scare people. They are not spending all that money to provide better health care; they are spending it to protect their profit margins. And they will try to scare us into thinking that the Americans can't develop a plan. That is not true.

An American universal system is not only possible, it is imperative. These two stories, which I will enter into the RECORD, are stark reminders of a crisis that is growing because it is not being treated.

In medicine, it would be as if all the tests showed that a tumor was growing inside a patient and we did nothing about it. It would be malpractice and it would needlessly endanger a patient. Without an American universal health care plan, that is exactly what we are doing to the American people. Ignoring the truth has never worked in medicine, and it won't work for health care in this country. We need an American universal health care system, and we need it now.

[From the Seattle Post-Intelligencer]

Lifespan Shorter in Parts of U.S.—Obesity, Smoking Cited; State Not Immune to Trend

(By Tom Paulson)

For the first time since the 1918 Spanish flu pandemic, life expectancy for a significant proportion of the United States is on the decline largely because of an increase in chronic diseases related to obesity, smoking and high blood pressure.

Although life expectancy for all other Western nations and for most of the U.S. has continued to improve over the past several decades, researchers at Harvard University and the University of Washington say many of the worst-off here are getting much worse.

One of every five American women, and one of every 25 men, are either dying at a younger age or seeing no improvement in life span. Although this deadly trend is mostly centered in the southern parts of the nation, several largely rural counties in Washington—Cowlitz, Lewis, Benton and Grays Harbor—are also on the verge of seeing a decline in overall life span.

"It is what you would expect to see in a developing country, not here," said Dr. Majid Ezzati, a Harvard professor and lead author of a study published in the open-access journal Public Library of Science Medicine.

"This was a complete surprise," said Dr. Chris Murray, co-author of the study and director of the UW's new Institute for Health Metrics and Evaluation in the Department of Global Health. "It's remarkable in the history of the U.S."

Between 1961 and 1999, life expectancy in the U.S. increased overall for men from 67 to 74 years and from 74 to 80 years for women.

Most of this improvement is attributed to a decline in deaths from heart disease and strokes.

Beginning in the early 1980s, however, life expectancy in some of the nation's "worst-off" counties (based on overall health indicators) either stayed the same or declined by 1.3 years for both sexes. For those living in those counties, men on average die about 11 years earlier and women die 7.5 years earlier than people in better-off counties.

Nothing like this trend has been observed in this country since the massive deaths caused by the 1918 flu pandemic, Murray said, and nothing like it appears to be happening in any of the other industrialized nations around the world.

"And I don't think you can take any comfort if you happen to be living in an area today without an overall decline," he said. "It appears to be a problem that is spreading."

Ezzati, Murray and their colleagues initially performed an exhaustive analysis of county mortality data between 1961 and 1999 (the latest year for which the data were available) looking for health disparities. They did not anticipate discovering that so many Americans, especially women, were dying at an earlier age.

"We started noticing this period, starting in the early 1980s, where the gaps between the best-off and worst-off were getting wider," Murray said. Not only were the disparities getting worse, he said, but those with the worst health indicators were dying earlier.

"It was pretty shocking to us," Ezzati said. And contrary to what might be expected, he said the observed declines in life expectancy did not seem to correlate with race or income. Ezzati emphasized this wasn't just a trend affecting poor minorities.

"This appears to be something beyond race and income," he said. Most of the worst-off counties were lower-income in comparison with other counties, Ezzati said, but the decline in life expectancies did not simply correlate with income. "For example, the data for low-income whites in northern Minnesota looked quite different than low-income whites in Appalachia," Ezzati said. "The geographical differences here are capturing something significant."

The researchers found that the diseases most closely associated with the observed declines in life spans appeared to be related to smoking, obesity and high blood pressure. Women probably have suffered more significant declines, Murray said, because of increased rates of smoking and obesity, compared with men.

"But that's still just speculation," he said. "We really don't know all the reasons for this."

Both Ezzati and Murray said it would be wrong to simply conclude these declines in life expectancy in certain regions are attributable to poor lifestyle choices—smoking, poor diet or lack of exercise.

"If this was just a matter of bad individual choices, you would expect to see these declines in life expectancy evenly distributed around the country," Ezzati said.

"I don't think it's as simple as lifestyle," Murray said. Having high blood pressure or diabetes isn't really a matter of choice or lifestyle decisions, he said.

In the 1960s, when traffic deaths were increasing, Murray said the nation launched a safe-driving campaign that failed to reduce deaths or accidents. When policymakers instead began treating that as an engineering and regulatory problem—requiring cars to have seat belts, later air bags and improving the safety of the roads themselves—"that's when the deaths started to go down," Murray said.

Likewise, he and Ezzati said they hoped their findings will spur policymakers to both improve chronic disease surveillance and explore methods aimed at curbing this disturbing, deadly trend.

IN WASHINGTON

Over the past four decades, life expectancy in the U.S. has increased overall for men from 67 to 74 years and from 74 to 80 years for women. But in certain locations, starting in the early 1980s, researchers say life expectancy began to stall or decline—especially for women. In Washington State, four counties (Lewis, Cowlitz, Benton and Grays Harbor) are among those places where life expectancy has not declined, but also has not improved much since the early 1980s.

The Health Care System I Want Is in France

(By Mary Cline)

PARIS, April 15, 2008.—Shortly after we moved to Paris, my son, Luke, cut his lip in a fall at school. I rushed him to the emergency room of a suburban Paris hospital, where a nurse asked my name and address and a doctor quickly stitched up his cut. When I tried to pay, the cashier asked me to call the following week because the "computer is slow." A bill eventually arrived in the mail for the equivalent of $60.

The same week I took Luke to have his stitches removed at a clinic where a doctor spent nearly an hour with him first softening a scab on the cut. This time, the clerk was apologetic as she handed me the bill, explaining she was sure my American health insurance would reimburse some of the cost. The total bill: $7.50.

As presidential candidates hammer out proposals to deal with the increasing millions of uninsured Americans, I know which health plan I'll choose: the French one.

The World Health Organization has named the French health care system the best in the world. (The U.S. ranked 37th). It's physician-rich, boasting one doctor for approximately every 430 people, compared with a doctor for every 1,230 residents in the U.S. (and French docs tend to charge significantly less). The average life expectancy is two years longer than the U.S. And while the system is one of the most expensive in the world, costing $3,500 per person, it's far less than the $6,100 spent per capita in the U.S.

I've had a unique opportunity to see both systems up close and personal: I had breast cancer in California nine years ago and a recurrence in Paris this year. I received excellent care in both places, though looking back now my California oncologist's office was a bit of a meat market—always packed with patients, from the seemingly not-so-sick to some a step from the grave—a time-consuming disadvantage of living in a much larger country with a lower doctor-to-patient ratio.

My French doctors and nurses have been sensitive, skillful, caring—and not so harried. But the biggest difference has been money.

My top-level health insurance paid for most of my U.S. care, but it was often a struggle to shake loose the money. I was frequently stuck in the middle of disputes between the company and my hospital and doctors over "agreed to fees."

Continually dunned by the hospital for fees and facing multiple complaining phone calls to my insurance company, I sometimes simply caved in and wrote checks to cover bills that I knew were the insurance company's responsibility—part of a wearing-down strategy I was convinced was deliberate.

Here in France I have a green carte vitale—literally a "life card" or social security card that provides entree to the system. It's funded by worker contributions and other taxes. My husband (and our family) is covered through his work with a French subsidiary of a U.S. company, and so is everyone else; coverage is universal. The French are responsible for co-pays, but some 80% of them have supplemental private insurance to cover the co-pay. People least able to pay and those with chronic or serious illnesses often have the best coverage. Because I'm being treated for cancer, I'm cent pour cent—100%—covered.

The effect of a system where hospitals and doctors don't worry about getting stiffed by a patient or an insurance company seems to be a far more relaxed, generous system. When my surgeon discussed breast surgery here, he suggested that I stay in the hospital five days. "Of course I can do it the American way, kind of an outpatient situation," he told me, apparently not wanting to sound unsophisticated. "But I don't like pain."

Maternity stays for a normal delivery are a minimum of five days, not the 48 hours mandated by U.S. federal legislation in 1998 after many insurance companies insisted stays be even shorter.

I've always had health insurance in the U.S. And yet the few times I'd had to walk into an American emergency room I've always felt a thief who seems to be expected to sign over all worldly goods before any medical care can begin, regardless of the state of agony someone might be in. French doctors address problems immediately and aren't constrained by approvals from some medical decision maker in a distant insurance office.

Years ago, my husband had to wait several hours in a Manhattan emergency room as administrators tracked down someone in our out-of-state insurance company who would approve (and therefore agree to cover the bill for) antibiotic treatment for a horrifying infection in his face that doctors were concerned could have been flesh-eating strep.

There's no question you'll be treated in France. Everyone is. The nation pays the bills and the hospitals don't get stiffed. It's an all-encompassing cradle-to-grave system. My fear now is that I won't be able to even get insurance when and if I return to the states, much less be able to afford it.

"The French health care system has a lot of lessons for the U.S.," said Northern Arizona University Professor Paul V. Dutton, who has studied both extensively for his book "Differential Diagnoses: A Comparative History of Health Care Problems and Solutions in the U.S. and France."

"There seems to be a feeling that Britain's socialized health system is the only one we can look at because it's English, it's the mother country. But in fact, the French share many of the same values that American consumers seek, like choice of physician and freedom from insurance company authorization of medical decisions. The French system is already far more similar to the American ideal," Dutton said.

Except it works.

COLOMBIAN DRUG CARTELS USING SUBMARINES TO BRING COCAINE INTO THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I want to bring to the House's attention a new innovative idea to import drugs into the United States. The drug cartels in South America, specifically in Colombia, continue to figure out ways to import cocaine at a profit into our country. Now they are doing it by sea, and they are using submarines that they make in the jungles where they make the cocaine that they bring into the United States.

I have here, Mr. Speaker, a photograph of a submarine. This photograph was taken by the United States Coast Guard as they were on patrol off the coast of Colombia with the United States Navy. This submarine is made out of fiberglass. It is about 100 feet long and it carries approximately $300 million worth of cocaine. It has a crew of five.

It is made in such a way that when intercepted by the United States Navy or the United States Coast Guard, they are able to pull certain levers and valves on this submarine and it is junked in the Gulf of Mexico or off the coast of Colombia. They scuttle these ships, because what happens is when they scuttle them, the five man crew jumps off the boat into a lifeboat, and then our United States Navy has to rescue them and save them, but they can't prosecute them for importation of drugs into the United States.

These submarines cost the drug cartels about $1 million apiece to manufacture. Intelligence sources tell us that the drug cartels will bring in approximately 90 more loads of drugs into the United States from Colombia using these submarines the rest of this calendar year.

They are made in such a way that they are highly mobile. They go about 14 knots apiece, and they are able to go all the way from Colombia into the United States without refueling. It is a constant problem for our Navy and our United States Coast Guard to track these individuals and to catch them with the cocaine.

Only one situation where we, I say we, the United States Navy and the Coast Guard, were able to capture one of these vessels before it was scuttled and prosecute the crew was when they tried to sink it off the coast of Colombia after seeing the United States Navy. But what happened was after they scuttled the submarine, a load of cocaine, a bundle of cocaine, if you will, came to the surface. Once it came to the surface it was confiscated by our Navy. The five member crew was captured and they have been taken to Tampa, Florida, and they are on trial for importation of narcotics into the United States.

I bring this to the House's attention, Mr. Speaker, because of the fact that Congress needs to deal with this issue. These submarines carry no flag. They are not registered to any nation or foreign government. The crew members come from all over the world, mostly from Colombia. They claim no citizenship from any nation. And they don't claim, of course, possession of the vessel.

So Congress can deal with this issue by making it a Federal offense to use a submarine within international waters that carries no flag, carries no registration of another nation, and if a person is caught operating one of these vessels, they could be prosecuted as if they had drugs. The drug cartels are smart. They know if they can destroy the evidence they can't be prosecuted. We need to make a law that being in possession of this submarine is enough to prosecute them for crimes on the high seas.

Mr. Speaker, I might add that these vessels are so manufactured that they are not just able to carry cocaine into the United States worth $300 million, or 12 tons, that is how much cocaine, but that same vessel can go into any of our ports in the United States as a submarine carrying weapons, explosives, weapons of mass destruction, and used as some type of suicide submarine, similar to what was used against the USS Cole some years ago in the Middle East.

So the United States Coast Guard and Navy is to be complimented for tracking these vessels and doing everything they can to interdict the individuals that bring that cancer into the United States, and Congress needs to deal with the issue, to have these submarines that are basically at war with the United States bringing in these narcotics, have it be a crime to be in possession as a crew member of one of these vessels. It is things like this where we have to keep constant diligence in fighting the war on drugs.

Just to be clear, Mr. Speaker, intelligence tells us that these submarines are made by the Revolutionary Armed Forces of Colombia, or FARC. That is the military wing of the Colombian communist party. Of course, that is how they finance their revolution and the revolutionary ideas in South America.

And that's just the way it is.

PRESIDENT'S COMPASSIONATE CONSERVATISM A FAILURE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last week when Pope Benedict XVI visited our Nation's Capital and then the United Nations, he inspired America and the world by invoking the moral imperatives of peace, justice and human rights. In greeting the Pope to America, President Bush dusted off his message of "compassionate conservatism," which has lain dormant for 8 years since the Bush-Cheney campaigns of 2000.

President Bush said as the Pope sat there, "Here in America, you will find a Nation of compassion. Americans believe that the measure of a free society is how we treat the weakest and most vulnerable among us." The President said, "So each day citizens across America answer the universal call to feed the hungry and comfort the sick and care for the infirm."

The President might be correct that American citizens try to fulfill these moral obligations of feeding the hungry and comforting the sick, but they are doing it with no help from his administration. Surely his administration has been conservative, but not compassionate.

The United States Government under George W. Bush has turned its back on the hungry. Ask any person who handles a food bank in this Nation. They took one program, the Commodity Supplemental Food Program, and totally eliminated it, a program that feeds our Nation's hungriest. And while food pantries across our Nation are short and donations way down, the President turns a blind eye and utters those false words before the Pope.

The United States Government under George W. Bush has turned its back on the sick and the infirm. It was he who vetoed the children's health program and has since failed to provide health care for so many millions of our Nation's children whose families are working but still have no health insurance.

If the measure of a President is how his administration has treated the weakest and most vulnerable among us, then George W. Bush has failed the test of that leadership.

Here at home we have people converging on food pantries that are not able to cope with the demand. We have young people unable to find summer jobs, find it difficult to get student loans, and even more difficult to get a job to pay them off. We have families that lack health insurance. We have 10 seniors waiting for every one available affordable housing unit. And we have veterans in dilapidated facilities without the proper health care and support they need to rebuild their lives when they return home. This in a land where President Bush says, "Each of us is willed and each of us is loved."

Mortgage foreclosures have a death grip on our economy, yet Washington continues to drag its feet on a solution with real bite. An estimated 1.6 million foreclosures occurred in 2007, and as of December, 2.9 million loans were past due, signaling that the worst is in front of us. This means that more than 40 million homeowners are at risk of seeing their property values decline as a result. And by early 2009 as many as 12.5 million homeowners will have no equity in their homes or will owe more than their homes are worth. In fact, America today is experiencing something it never has before, negative net equity in home mortgages. The value of the home is less than what people owe.

Where is the Bush administration? I invite the President to Ohio. Help us get these mortgage servicers to a table so we can do workouts. Where is HUD? Where is the Federal Reserve? Where are all these regulatory agencies? Where are they? Where is the President?

States and localities are struggling because of the Federal Government's absence in this area of workouts, and municipalities' tax bases may drop as much as $356 billion over the next 2 years, further undermining their ability to provide vital services for strapped residents because their tax bases are going down as a result of declining property values.

We have had the largest home equity washout in U.S. history. And what is the Bush response? To transfer $29 billion to bail out Bear Stearns, a Wall Street fast buck operation which is a Federal Reserve favorite and a primary dealer of U.S. Government securities. Yet nothing is done to help the States where these foreclosure crises are going on every day, to help America's families reposition so that they don't lose their major asset.

Yes, the Bush administration is conservative, but it is not compassionate.

In the Middle East, the Bush invasion of Iraq has yielded over 5 million refugees. The President has done nothing to help those displaced refugees have some semblance of a decent life. A million and a half Iraqis have fled to Syria alone.

Mr. Speaker, justice demands more than individual charity. It demands justice of us as a rich and powerful Nation.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–603) on the resolution (H. Res. 1125) providing for consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–604) on the resolution (H. Res. 1126) providing for consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MEMPHIS MUSIC

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I rise today to honor Memphis Music. This summer, my district will play host to a tradition that has evolved with the city for more than 70 years, Carnival Memphis. Every year, Carnival Memphis lifts up the best of our city and asks it to help those Memphians who are most in need. Leaders of an honored industry roll up their sleeves to help special Memphis charities, charities that are often otherwise ignored. This year, the honored industry, Memphis Music, is at the very foundations of our beloved city.

Mr. Speaker, so much of the music that is identified as iconic American music came from Memphis. It rose up from the heat of the Mississippi Delta and drifted into the city where it was stamped on vinyl in studios like Stax and Sun. From there, the sounds of Elvis, Mavis Staples, Al Green, Booker T. and the MGs, and Isaac Hayes became part of the fabric of American culture.

This summer, Memphis Music and Carnival Memphis will turn their hands and their hearts to the Emanuel Episcopal Center Neighborhood School, and United Cerebral Palsy of the Mid South. They will be joined by the King and Queen of Carnival, the Royal Court and all of the mystic societies. The economic, cultural, and spiritual engine that is the entertainment of industry in Memphis will turn their efforts to lift the spirits and circumstances of those in need in Memphis.

I am proud to represent a city that has left such an indelible mark on American culture. I congratulate Carnival Memphis on their 77th year and all their hard work to enrich Memphis. And I encourage all of my colleagues, the next time they hear Sitting on the Dock of the Bay, Green Onions, or Heartbreak Hotel, to join me and do what I do, and think of Memphis.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand before this body tonight with what I have started to call a sunset memorial. It is April 22, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That is just today. That is more than the number of innocent American lives that were lost on September 11, Mr. Speaker, only it happens every day.

It has now been exactly 12,874 days since the travesty called Roe versus Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of more than 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

And all of them had at least four things in common: First, they were each just little babies who had done nothing wrong to anyone. And, each one of them had a nameless and lonely death. And, each of their mothers, whether she realizes it immediately or not, will never be the same. And all of the gifts that these children might have brought to humanity, Mr. Speaker, are now lost forever.

And yet even in the full glare of such tragedy, this generation still clings to a blind invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Mr. Speaker, perhaps it is important for those of us in this chamber to remind ourselves again of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness, and not its destruction, is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty, or property without due process of law."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath, Mr. Speaker.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty, and the pursuit of happiness. And every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And, yet, Mr. Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should given them.

So, Mr. Speaker, let me just conclude in the hope that perhaps someone new who has heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,874 days spent killing nearly 50 million unborn children in America is enough. And, that the America that rejected human slavery, and marched into Europe to arrest Nazi Holocaust, is still courageous and compassionate enough as a Nation to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered, and that all too soon each of us will walk from these chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn children, and may that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

Mr. Speaker, this is April 22, 2008, 12,874 days since Roe versus Wade first stained the very foundations of this Nation with the blood of its own children, and this in the land of the free and the home of the brave.

ZIMBABWE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, there is an issue of critical concern to the human rights movement around the world and a critical concern to the continent of Africa. And it is because tonight, I just want to report, that the country of Zimbabwe is in very, very grim and dire shape. President Robert Mugabe has plundered his country, driving it to ruin. And you know a little bit about the violence that you have seen on television over the last 72 hours. A once prosperous economy has been devastated by misrule; inflation is running at 200,000 percent per year, and life expectancy there has been driven down to a mere 34 years.

This was once a major agricultural exporter to the rest of Africa, but many Zimbabweans are now facing starvation because Mugabe has kicked productive farmers off his land. His regime has used food as a weapon; he rewards backers; he starves and punishes opponents. As Karl Marx said: Those who will not obey will not eat.

Today, after 28 years of misrule, Mugabe is trying to steal the election, cracking heads to extend his reign. Defeated at the ballot box, the regime has simply refused to release official election results. And, instead, what has it done? It has stepped up its violence against the people across the countryside. It has arrested and killed its political opponents. 3,000 families have been forced from their homes. The torture chambers are full. Human rights groups report on those dead and those tortured to death. Ominously, the regime has charged the opposition presidential candidate with treason, and we know what that means, a charge that could signal the beginning of massive violence against the majority that supported the movement for democratic change.

We should remember that this is the same Robert Mugabe that engineered a massacre in Southern Zimbabwe in Matabeleland in the early 1980s, and he used North Korean troops, North Korean trained troops. Those in the countryside can show you the wells, as they showed us, where those North Korean troops of the fifth brigade directed the local villagers be thrown down alive down those wells and be killed. And that spate of killing took thousands and thousands of lives across the country. So, this is an autocrat who has stopped at nothing. And he has allies.

As we speak, a Chinese freighter is adrift somewhere off the western coast of Africa looking for a friendly port to unload a shipment destined for Zimbabwe. And in the hull of that ship is 3 million rounds of AK-47 ammo, 1,500 rounds of 40 millimeter rockets, 2,703 rounds of 60 millimeter mortar bombs. This cargo could quickly turn Zimbabwe into a killing field.

China has played a similar role elsewhere, fueling other African violence, showing contempt for African lives. It provided the machetes to the Hutu militia to carry out its 1994 genocide. Beijing is arming the government in Sudan, which is committing genocide in Darfur with those weapons. It does this for political influence and Beijing does it for economic gain, especially oil and mineral wealth. China is currently Zimbabwe's largest investor and second largest trading partner, where it secures much needed natural resources for China. But it is also its armory.

But the thing I have to reported tonight is that China is running into roadblocks, because last week South African port and truck workers refused to move this 70-ton weapons shipment to Zimbabwe. They were made aware of it by an investigative journalist. Their strike was backed by the South African union movement which said: South Africa cannot be seen to be facilitating the flow of weapons into Zimbabwe at a time when there is a political dispute and a volatile situation.

The spokesman was being diplomatic. South African labor has been one of the few to pointedly and vocally criticize Mugabe's tyranny. They despise the tyrant to their north and they called for an international boycott of this ship. And this is an inspiring event.

In the early 1970s, a labor leader at a Polish port stood up as well. Lech Walesa faced off against Soviet tyranny, demanding democracy and freedom for his native Poland.

This week, South African port workers said they weren't going to play any role in Mugabe's next slaughter. Their action hasn't brought down a tyranny, but it may have been the beginning of one's fall. For years, Mr. Speaker, neighboring countries have set back applauding Mugabe despite the many Zimbabweans he has beaten and killed. The South African government has been an offender in this. It has even given Mugabe means of cover. President Thabo Mbeki recently called the election normal, and denied the crisis in Zimbabwe. His government would have allowed the Chinese armed shipment to transit South Africa, but China decided to avoid the hassle at South African ports. This diplomatic support from South Africa and others has bolstered Mugabe at home. But, in the meantime, the neighbors have taken their lead. Their opposition has snowballed: Mozambique has said no. Namibia has said no. We hope tomorrow Angola says no, and sends this ship laden with its weapons back to China.

□ 2000

IN MEMORY OF SERGEANT WILLIAM ALLMON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, today the residents of Floyd County, Georgia are saying goodbye to a native son who died while bravely serving his Nation in Iraq. Sergeant William Elliot Allmon was killed in action on April 12, 2008 outside of Baghdad, after his vehicle encountered an IED, an improvised explosive device.

Last night, I joined Sergeant Will Allmon's family, friends, and supporters at his visitation to honor the life of this brave soldier. He was remembered as a man of the highest character whose receipt of two Army commendation medals, an Army achievement medal, a combat action badge are testament to the supreme sense of duty he felt to his country and to his brothers in arms, his comrades. Most importantly, he was remembered as a first-born son, a father, and grandson whose contagious smile brought a sense of warmth to those in his presence.

Born and raised in Floyd County, Georgia, Will joined the National Guard at age 17 before going full active duty in 2003. After serving one tour in Iraq, and even being wounded, Sergeant Allmon selflessly decided to return to the war zone for a second tour, from which his unit will return home this summer.

His whole mission in Iraq centered on keeping his fellow soldiers safe, risking his life for the sake of others. Sergeant Allmon served as a combat engineer for the Army, where he specialized in building protective structures for friendly forces and destroying protective structures for the enemy.

I think his mom put it best when she said, "He was a leader who was looked up to by other soldiers. He was a loyal soldier who went beyond the call of duty."

Sergeant Allmon leaves behind his wife, Jennifer; his 3-year-old son, Damien; an 11-year-old stepson, Jason Luke Johnson; his mother, Donna Fortune; his father, William Allmon; his grandfather, Leonard Allmon; and grandparents, Billy and Joann Phillips.

Mr. Speaker, my prayers go out to his family and my deepest gratitude goes out to Sergeant Allmon for his selfless sacrifice for this Nation, and I ask all Members, and I know they will, join me in honoring the distinguished memory of Sergeant William Allmon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5515

Mr. GOODE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 5515.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

UNIVERSAL HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. LANGEVIN. Mr. Speaker, tonight I am honored to be able to speak this evening about the issue of universal health care, one of the biggest domestic challenges that is facing our country at the present time. I am also pleased to be joined this evening and who will be speaking in just a few minutes, by the gentleman from Connecticut (Mr. SHAYS) on the issue of universal health care.

Mr. Speaker, again I am very pleased to have this time to speak on a topic that remains of paramount concern to individuals and families across the country, and that is again the issue of health care in America.

Health care costs, Mr. Speaker, are rising in the United States at an alarming, alarming rate. Yet despite the fact that we spend more per capita on health care than any other industrialized country, we produce very disappointing outcomes by a number of important measures. One major attributable factor is the high level of uninsured in America.

Furthermore, the U.S. remains the only developed nation that does not guarantee health coverage as a right to all of its citizens. Today, there are nearly 47 million Americans who lack health insurance coverage, leaving one in six without access to proper medical care. What makes these figures more shocking is that over 80 percent of the uninsured come from working families. As the cost of health care continues to rise, it is clearly burdening our families and placing American employers at more and more of a competitive disadvantage. Therefore, I believe it is our duty as policymakers to offer a new vision and new solutions to fix our ailing health care system.

Providing quality, affordable health care to every American has been a long-time priority of mine. And it is in this spirit of furthering the national dialogue on this important issue that my colleague from Connecticut, Congressman CHRIS SHAYS and I have worked together to introduce H.R. 5348, the American Health Benefits Program Act of 2008.

This bipartisan universal health care proposal is based on a tried-and-true program that has stood the test of time, and that is the Federal Employees Health Benefits Program or FEHBP as it is called. Currently over 8 million Federal employees, retirees and their dependents receive health insurance coverage under FEHBP. This includes Members of Congress.

This program uses a system of managed competition between private insurance carriers and provides enrollees with a large menu of coverage options. Its use of bulk purchasing power helps contain costs and brings stability to the system. In 2007, this resulted in an average premium increase of just 1.8 percent compared to the private market average of 6.1 percent. And by the way, I have yet to come across an employer, at least in my home district, or anywhere in the country, for that matter, who has only realized a 6.1 percent increase in their health care costs. Generally it is in the double digits and sometimes you can be talking about 20 or 30 percent or more increases to a given health care plan in any given year. Our proposal basically would use that successful model to provide similar benefits to all Americans, establishing the first ever American health benefits program or AHBP.

Now the development of AHBP will be guided by eight fundamental principles, and they are on this chart to my right: choice, shared responsibility, affordability, portability, continuity, preventive care, and health care reinvestment. I believe these are the types of principles that we have to have in any type of system and they are certainly the core tenets of our universal health care proposal.

Now under AHBP, employers who wish to continue negotiating with private insurance carriers may do so as long as the coverage they offer meets a basic standard set by AHBP. However, employer-sponsored coverage is proving to be more and more cost-prohibitive for businesses as health care costs continue to outpace inflation and insurance options drastically fluctuate from plan to plan. That's why AHBP allows companies to choose to pay a fixed predictable payroll tax according to their size and average employee earnings.

We have a chart here which says that depending on the average number of employees that a company has, as well as according to their average salary, they would pay a certain percentage of their payroll tax. For example, on the very lower end where you have the small businesses that have the lowest average earnings, that company would only pay a maximum of 4 percent of payroll.

On the higher end, you would have the companies that at the very highest end would pay no more than 10 percent of payroll. There would be a certain cap on the average earning itself.

So my point is that there is a range of options here. There is a range of plans to choose from, but this is also an affordable way for employees to have health care coverage.

Basically we are separating out the coverage from the workplace itself. We need to get away from the issue of just employer-sponsored coverage. I think it is the best way to go, and it is a sensible proposal.

For many businesses this may cost less than they currently spend on premium contributions and health care and health plan administration. Payroll tax revenue under the system we are proposing will basically create a funding stream to allow for a fixed government contribution of 72 percent toward health care premiums of every participating American.

Individuals in AHBP will have the responsibility to pay for the remaining share of their premiums, to the extent that they can afford it, again with the lowest income earners receiving subsidies to ensure affordability.

This new program is not a single-payer system. It is not one size fits all, and it does not reinvent the wheel. Medicare, Medicaid and veteran services and other public programs that are tailored to specific populations will remain intact. Additionally, no one will be denied coverage or discriminated against based on their health status or preexisting condition. That is a very important tenet of this proposal.

AHBP will use basically an expanded system of managed competition to ensure that private insurance carriers compete for enrollees on the basis of benefits as well as efficiency, service and price. It will offer portable and continuous coverage and incentivize investment in disease preventive and long-term preventive care which decrease the costs of care over time.

Investments in health information technology will also lower costs while increasing quality and efficiency.

Mr. Speaker, instituting meaningful systemic reforms will require a fundamental shift in how we view employer-provided coverage and health care delivery. While it is critical that businesses maintain a role, I believe it is essential that we change our perspective of health insurance as a privilege or benefit tied to employment. Instead, we must look at it as a right and a responsibility to be shared by the community. Individuals and employers, health care providers and the government, all have key roles to play in reaching a truly inclusive and efficient health care model.

The unsettling truth is that society already pays for the uninsured. Some think that there is no cost associated with the uninsured. That is completely not true. Society already pays for the uninsured, but it does so at tremendous cost and with staggering inefficiencies. Individuals without health insurance are most often forced to seek care from doctors and hospital emergency rooms only after their illnesses reach catastrophic levels, drastically increasing the risk of complications and the cost of treatment.

Our most recent estimates place total uninsured medical expenses at nearly $125 billion a year. That is staggering. Approximately $41 billion of this total comes in the form of uncompensated care which is predominantly borne by the government and financed by the taxpayer. Beyond this, the cost is also reflected in the form of higher health insurance premiums that everyone pays. This cost is only compounded by the lost income due to reduced employment and job productivity. However, Mr. Speaker, the most disturbing costs are not the monetary costs in nature, but the immeasurable price that we pay in human lives each year as a result of inequitable, inadequate care.

A recently released analysis estimated that 22,000 deaths nationwide occurred last year resulting from adults not having health insurance, averaging one death every 24 minutes. This is simply an unacceptable price to pay for delaying necessary reforms to our health care system, and we need to change it.

The challenges we face in fixing our ailing health care system are great. However, the costs of inaction are even greater.

Mr. Speaker, the time has come for policymakers at all levels and across the ideological spectrum to take action toward developing a health care system that really works for our Nation, one that offers Americans choice, calls for shared responsibility, and is affordable to all.

□ 2015

I believe our proposal introduces a practical model for universal health care while leaving room for further discussion on this very complex issue. And, Mr. Speaker, I believe this is not a Democratic or a Republican issue. It's not a conservative or a liberal issue. It's an issue that matters most to the American people.

And on that note, I am pleased to yield this evening to the gentleman from Connecticut, my partner in this bipartisan universal health care bill and this effort to finally, once and for all, solve our Nation's health care crisis, the gentleman from Connecticut, Mr. CHRIS SHAYS.

Mr. SHAYS. I thank the gentleman for yielding and I appreciate his launching this bill.

Let me say, first and foremost, that you have worked on this legislation for over 4 years, and you have done what many of us in Congress said we wanted to do. We said we wanted Americans to have the same health care that Members of Congress have. And that's what I said, the same health care that Federal employees have, because that's the program that Members of Congress are a part of. It's a program that in my State, and in most States, we have, like, 18 different choices.

And so what I'd like to do, I'd like to start out, if you wouldn't mind putting the American health benefit guiding principles back up on the chart there, because I think that's a good way to start out.

And, again, let me say, Congressman LANGEVIN, it's a privilege to work with you. You have done incredible work to bring forward a plan that Congress can consider seriously. And what you've done is what all of us said we wanted to do, and you've given me the privilege of not having to write it, but I got to edit it. And that's a lot of fun.

So this is a partnership, and what a great partnership, to be able to first argue, as you have, that chart in front of you, universal coverage. So there's 85 percent of the Americans have coverage and 15 percent don't. 90 percent have it in Connecticut. But there are about 45 million Americans that don't have health coverage.

What that does, as you've pointed out so well, it means that you have a distortion in the marketplace because those 45 million are going to get covered when they are really sick in a hospital, and it's going to be the uncompensated care.

So you've written a bill that says, universal coverage. You've written a bill that says, Americans will have choice, which is really important to me. You've written a bill that said there'll be shared responsibility, that individuals, employers, the government, hospitals, insurers, all have a responsibility. That's what you've done.

You and I are seeking to have this be affordable, so we are going to talk about a commission that we've established that would be established under this bill.

But you want it to be portable. You want it to be that if an employee moves somewhere else they're going to have that same coverage. And if the employee wants to upgrade, they can upgrade every year, or reduce it, because Federal employees pay 28 percent of the cost. The government pays the employer, in this case, 72 percent. So 28 and 72 on the part of the government.

The continuity concept, that if employers have worked out a really good program with their employees then they can keep it. But eventually I think they will ultimately want to be part of the American health benefit plan.

And I particularly like the aspect that no insurer is going to be allowed to participate unless they have a strong preventative care program. And we can get into that.

And then the health care re-investment. Insurers take 20 percent out and 80 percent goes to health care. The way you've drafted the bill, and we are promoting this bill, there's going to be, our expectation, and this is our goal, is that 90 percent be reinvested into health care.

Now, it's pretty amazing when you look at the differences in cost. And maybe you want to comment on this. You have a pretty good view of it.

But we're looking at statistics in 2004. And you can see that the Gross Domestic Product in the United States, in 2004, was 15 percent. And yet, it was 11 percent, and in 1980 it was 8.8. But the significant thing is Canada's is at 10, just slightly under 10, where ours is at 15. The United Kingdom is at 8 percent of Gross Domestic Product. Japan is at 8. And Germany slightly over 10. There's a big difference in the cost here compared to our cost. I have a sense that part of that is just the uncompensated care, and that's, you know, we've had information that says that. But I think this is one that just gets you to have to wake up.

If we do nothing, if we do nothing, we are going to be spending, by the year 2016, it's estimated, over $4 trillion a year in health care. And it still means that a good number of Americans don't get the coverage.

So we have to do something. And let me just make this last point, and then I know that you'll have things that you want to say as well.

But our bill, the bill that you wrote, and the bill that I'm now a part of, is going to give Americans choice. And there are going to be some other bills presented. There's a bill that says you have a single payer system. There's another bill that says the individual pays and not the employer in a tax to, and as you've designed the bill, pays into a tax, in which we have 300 million people in one pool. So you don't have this problem of a single employer.

But, no, I just want to make this point before yielding back. The point I want to make is that we all know we're going to get to universal coverage. And the question is not if, but when.

The other question is what is it going to look like? We have the perfect model, a system that the employer pays, that the individual pays, a system now where the hospitals, because they won't have such uncompensated care, will be contributing a bit, and where the insurers are going to be making sure that more goes into health care.

And there's the other plan that will come out here, Mr. WYDEN's bill, that deserves to be looked at, where the individual is going to pay. There's again, the single payer plan. And then there's the other groups that say, well, let's just kind of work on the edges and keep covering more and more of the uninsured and then see what it looks like when we're done.

So maybe we could have more back and forth dialogue, but this is something I deeply believe in. And I appreciate the work that's gone in by you and your staff. And now, my staff as well.

And this is a debate that Congress needs to say, let's begin it. Let's have a hearing in the House and in the Senate on this legislation, on the other legislation. Let's understand the impact on individuals and on employers.

So this is a lot of fun for me to be out here with you.

Mr. LANGEVIN. I thank the gentleman for his words and also his passion and support on this bipartisan universal health care bill. Your input has been invaluable in crafting this bipartisan bill and bringing it to where it is today, and we hope that this, now, continues, where we begin the process of fixing our health care system, bringing it to the top of the public policy agenda. It is clearly long overdue.

The American people are asking, they're demanding that we fix our health care crisis, and that we cover the uninsured, not only cover the uninsured, but making health care affordable. This is something that's long overdue.

I think it's a national disgrace that we have 47 million people in this country without health insurance. And as we have both pointed out, that because of that, it's a major contributing factor in that we have the highest cost and the worst outcomes in comparison to other industrialized nations. Again, the high number of uninsured is a major contributing factor to that statistic.

So the fact that we have a bill now is exciting because it's based on a template, a tried and true program that's already working.

When I first came to this debate, I said, this is one of the most, the biggest challenges facing our country right now. And I said, why can't we solve it? And is there anything out there that is working now that serves as an example of what we could base a universal health care system on?

And after studying it and looking at it, I said it's really right before us, and that's the Federal employees health benefits program. Right now, we have, the Federal Government, as mentioned earlier, negotiates a variety of different health care plans for more than 8 million Federal employees, dependents and retirees. You've got everything, and the choices of options that are available, from the very basic plan with the small premium and the small copay, up to the more classic comprehensive Blue Cross-type plans and everything in between.

Mr. SHAYS. And if I could just jump in. The key that you make is that there are 8 million individuals, either actively working for the government or retired, who are part of the same pool, and so the purchasing power becomes more powerful.

Mr. LANGEVIN. That's right. Using bulk purchasing power is the thing, by getting more people into one insurance pool, we spread risk around, and it achieves cost containment and stability in the system.

Mr. SHAYS. And the exciting part, I think, or the very sensible part of what we have as Federal employees, because as Congressmen, we have that same plan that all Federal employees have, is that we can choose to upgrade our plan and spend 28 percent on the more expensive plan, or we can choose to lower it each year. But we never have a problem of there being a pre-existing condition.

And thinking how it would work in the private sector, you move to another job and you will be able to keep the same plan. Or you are unemployed. You lost your job. And you have this huge fear of buying COBRA and having to pay all of the cost, and you can't. You're not working. In this case, you would be part of the government coverage, and it would be paid for almost entirely by the government, in that instance, until you were back working.

And what's hugely important about that is to recognize though, that that individual wouldn't, then, be able to get the most expensive plan, they'd have the basic plan. But the basic plan is a good plan.

Mr. LANGEVIN. That's right. Absolutely. And it's equally important to recognize that this is not a big government-run plan. We're not creating another big government bureaucracy. It's government negotiated but it's private competition. It's managed competition. Private insurers would be able to compete for now enrollees based on benefits, efficiency service and price. So the insurance companies have an incentive now to economize, find efficiencies. They would have to deliver on what has been negotiated in the various plans, and that would be clearly spelled out, but they would now be challenged to find ways to do things like invest in preventative and early care, which there really isn't necessarily the incentive, I believe, right now for insurers to do that, because, for example, when it's tied to employment, you know, we all, people change jobs several times throughout their careers. There's no guarantee that an enrollee that starts with an insurance company today is going it would be Insurance Company B, you know, wouldn't be with the Insurance Company A years down the road. They would be with potentially another insurance company, which means, you know, why should Insurance Company A invest in all this early preventative care, when, down the road, when someone gets older and we all become greater consumers of health care, that, why would they, that company wouldn't benefit from the investment that they made, where under this system they would. You may change plans within a particular company, but you may very well be with the same insurance company or plan throughout most of your life.

□ 2030

Mr. SHAYS. I love to talk about this and just delve into the preventative care part even more.

The insurance company isn't guaranteed that that individual will be with them for life. But they are aware that the insurance company's part of the American Health Benefit Plan and that all of the other insurers, as well, have to focus on preventative care. And that's going to be hugely important how people take care of themselves; are they having physical checkups, but more importantly, how do they take care of themselves? Are they smoking? Are they overweight?

You are going to have insurance companies that are going to provide incentives for people, one, to not smoke; to provide incentives for them to lose weight; and this is going to also include a health savings account for those who want it. And the significance of that will be that it becomes a high deductible.

So they would have to put in for the first few thousand dollars, but it comes out of what they put into a savings account. And if they don't spend it, then it stays in that savings account. And then there has been no cost to the insurer and, in this case, it will be a less expensive plan to the government as well.

Mr. LANGEVIN. Right.

Mr. SHAYS. I would love to, if you wouldn't mind, just point out that what we have done in this legislation is that when the bill passes, it will take 2 years to be implemented so that as we vote out the legislation with whatever changes are in there, it may be that the amount that an employer has to put into the system may be higher or lower in certain numbers of employees and so on; and we can go back to that chart in a second. But we want to have time to write the legislation but then to examine it during the course of the 2 years.

And one of the things that we've done is that we require there to be a health benefits commission. And the significance of that is that we don't want the United States to be spending so much more than other countries. So much of our wealth and our income is going into health care, and we would like it to be less.

Mr. LANGEVIN. Right.

And I think that is an important point, if I could just interject. The high costs of health care now are putting not only a tremendous burden on our individuals and families, but it's putting our companies at a significant competitive disadvantage in terms of those companies overseas whose nations have universal health care. And so it is not particularly burdening in individual business itself in foreign countries where it is here where companies bear much of the costs of providing universal health care.

So we're helping to change the dynamic, if you would, of how health care is provided in America. And, again, we're changing it from an employer kind of run system, a sponsor system, to now a universal health care model that everybody is participating in, and it's not necessarily tied to employment. Again, businesses still have an important role to play, we all do. Businesses, government, health care providers.

Mr. SHAYS. But they won't have to negotiate a plan every year, and it won't be unique to that business. It will be a plan that will have been negotiated by the American Health Benefits Plan.

You know, I look at this trend line, and I see that we're looking that in the year 2016, we would be spending $4 trillion. But what will we be spending in the year 2020? And this is without doing what we need to do, which is to reform the system.

And so what we have done is we have established a commission, and the commission will be of nine members, the chair and vice chair, as well as two other members who will be chosen by the comptroller general. The President, the majority leader, the minority leaders of the Senate and Speaker, the minority leader of the House will choose one representative. And the commission shall examine and make recommendations regarding the major issues and cost drivers affecting the delivery of health services as it pertains to the American Health Benefit Program.

Within the legislation, we specifically are directing the commission to examine a comparison of the American Health Benefit Plan to other public health insurance programs, the proper implementation and utilization of electronic medical records and other health information technologies, including privacy and interoperability issues. We're directing them to look at the effects of medical malpractice insurance and defensive medicine on the delivery and cost of health care, and that's something that needs to be looked at.

The patterns and effects of overutilization. When do people overutilize care? Why do they overutilize it, and what steps can an overall plan do to encourage all of the insurance companies to have some of the basic same practices that would discourage overutilization?

We are having them look at the cost and implementation factor of retiree health coverage under the American Health Benefit Plan. What is the impact of retirees? And candidly, what is the impact of the last few months of someone's life when we see a huge amount of money spent?

A comparison of prescription drug prices under the American Health Benefit Plan to other public health programs, and the effects of insurance monopolies on health care costs and delivery, we need to look at that.

Now, what this commission will do, it has 18 months to file its findings, which is 6 months before the law actually goes into effect. But we're asking them to give us a preliminary finding 12 months in, a final version 18 months, but one 12 months.

So the legislation passes 2 years before it's implemented. The commission comes back in a year and says, You need to make these changes to help control costs, to help discourage overutilization, to help with preventative care. That would help save costs in the long run. We will come back 18 months later.

Now, one of the last points I would make, and I know that you have comments that you need to make as well, we are willing to amend this legislation as we get data. And, for instance, I hope that sometime again we can look at the chart that you had where you talked about employer contributions because we're asking employers to say, okay, what do you pay now and how would this legislation impact you. And even if now they would be paying a little bit more, I suspect that in the long run, because their costs are going up significantly without a plan, but if I could just point out how this chart works. It's rather small. But we look at an average wage earner of $21,000 or less, and then we say okay, there's 10 employees to 25 employees. There are 200 to 500 employees. That's on the left column. And in an average wage of $21,000 or less, even with 500 employees, they would only be paying about $1,000, slightly over $1,000 a year.

Now, when you go and look at someone who is making $83,000-plus, the amount that they would be contributing would ultimately max out, potentially, at a much higher rate, more than $10,000. But the question is, what do they pay now?

Did I get that right? Yeah.

But the point is, employers are going to say, I have 26 employees, their average salary is $42,000. They will know that they're going to be paying approximately $6,600 an employee. So that's what they would pay under this plan. What do they pay now, and are there employees having the same choices that now—do they have the same choices under their private plan as they would under this plan?

Mr. LANGEVIN. Right. And that's an important point to make.

There are some employers that, though they offer health insurance, the company may only offer one plan, and it may not fit the needs of all of the employees. It may be good for some but, again, not everyone.

Under this plan, there would be a variety of plans to choose from: again, a very basic plan with a small premium, a small copay, up to the more comprehensive-type programs, and several options in between. And it's basically bringing everyone into one insurance pool.

So you're bringing a younger, healthier population into the program;

you're spreading risk, which leads to more stable costs; and we talked about the fact that the Federal Employees Health Benefit Program under last year only had a 1.8 percent increase in its health care plans on average and the private sector had about a 6.1 percent increase. And I think that's even modest.

So, again, a good model here.

I'm glad that you raised the issue of the commission because it is important to look at the reasons for the rising costs of health care and then look at what options we can employ to achieve cost containment and bring stability to the system. Things like employing health information technology, the electronic medical records that we're talking more and more about these days, the cost of prescription drugs and how that system is run, and how we pay for prescription drugs. I'm looking at performance-based outcomes that the commission would look at. Again, all important tenets of achieving cost containment.

And you rightly pointed out that employers, in determining whether they like the system or not, are going to look at the range of costs or percentage of payroll that they would contribute based on the size of their company. Employers, I suspect right now, hopefully this will encourage them to ask, what are we paying as a percentage of payroll right now, and that figure will determine, in many ways, whether this system works better or worse for them. I suspect that in many cases it will be better.

And we pointed out that the smaller companies with the lowest average salaries would pay no more than 4 percent of their payroll toward this payroll tax. And the larger companies with the highest salaries would pay no more than 10 percent of payroll and not to exceed more than $12,000 per employee.

Mr. SHAYS. Right. Because what we do is we cap the payroll at $120,000. And so it ends up being $12,000 an employer would pay.

But when I was speaking of someone with 500 employees, they would pay $21,000 salary, they pay 5.25, 5¼ percent of payroll. It gets up to, if they're making $83,000 on average, and that would be quite a company, then they would be paying the 10 percent rate. And the key is that when we drafted this legislation, we had the input of private foundations and experts. But in the end, this still is an estimate of what we think brings in the revenue needed to provide the services.

And the challenges you just don't know until you get more into it. That's why the hearings are so necessary.

Mr. LANGEVIN. Absolutely.

Mr. SHAYS. We have to draft legislation that we think is as accurate as can be, and then we present it to those who would be impacted: Employers, government individuals, and say tell us how it impacts your life. I have committee meetings, and I had individuals say, well, for a period of time I lost my job. This plan would have meant I would have had health care.

□ 2045

I had someone else who said, you know, I had a condition. I was insured. I couldn't hold my COBRA. I couldn't keep my insurance for a while. It stopped. And then I got insurance later and they said, you had a preexisting condition, and they weren't covered.

I had business men and women who said, I only have five people in my office, and we're paying an exorbitant amount. I mean, under our legislation, someone who had less than 10 would be paying, if their salary was $21,000, 4 percent of payroll. If their salary was 83, they would be paying 6 percent of payroll, far less than what they're paying now, far less. And so, it's a debate that we need to have. Now, I'm waiting for the employer who comes to me and says, guess what? Under your plan, I'm going to have to pay more. I want him or her to tell us why and how much. So we need to make sure that people get on your web page or our web page and take a look at this legislation and give us feedback.

We're going to literally tour the country to argue that we need to begin, first, a debate on health care that our bill, the bill presented by Mr. WYDEN, the bill of the single payer, all of that should be brought forward for really a terrific debate.

Mr. LANGEVIN. I couldn't agree more. This is one of the most challenging issues facing us in our time right now. It's going to take time and effort to get the message out and hopefully encourage support for our plan.

I'm glad that you and I have made a commitment to travel the country so that we can help to bring the plan before people, hopefully to educate the American people about what we're proposing, and offering this as a viable solution to our Nation's health care crisis. It's clearly long overdue. And in my home State of Rhode Island, it's the number one domestic issue that I hear most about. It is directly tied in many ways to the health of our economy and making sure that our companies can be competitive in this global market. It's important to individuals and families.

And no person should have to worry if they're going to lose their home because they come down with a catastrophic illness or a family member comes down with a catastrophic illness, but that happens every day across this country right now because of the present health care system. And again, it's not that there is no cost associated with the uninsured. If someone is that sick and they need to be treated, they're going to go, very often, to the hospital, to the emergency room where they're going to be seen. But usually by then it's at the end stage of an illness where a person is so sick that they have to be likely hospitalized, or the cost of treating them is far more expensive than it otherwise would have been at the earlier stages when early intervention, early care would have made all the difference if it were with a prescription or some other treatment. Now we're offering a system to change that.

Mr. SHAYS. See, that's, I think, one of the key points. You could make an assumption that 15 percent are not covered and you're now going to cover them, that it means it's going to be more expensive for everyone. And there are arguments that we might have to phase the legislation in to make sure that we get more doctors and nurses and so on because we're looking at potential shortages. But the key thing is that those that don't have insurance have extreme measures taken, and by extreme, more services, more costly services. And so we have this artificially inflated cost, and that clearly will have an impact if everyone is, in fact, covered.

Before we end, I'd love to make sure we just go right through the simple parts of this legislation. If I could just start by saying you've written a bill that says all Americans should have the same health care benefits and opportunities that Federal employees have. Federal employees, Members of Congress who are Federal employees, we pay 28 percent of the cost, the government pays 72 percent of the cost. We can get a more expensive plan or we can get a less expensive plan.

What your plan does is it puts everyone in a pool, one pool, 300 million people. It spreads out the cost. It gives all Americans at least, probably—we have now 18 choices, there will probably be more, and they have choice. Your plan says that you will never lose your insurance, ever. Your plan says it doesn't matter if you're an employer with five employees or one with a thousand. Your plan recognizes whether you're one person or 500, you're going to get covered and be part of the same pool.

And ultimately it means that we're going to do something that we've talked about for 50 years, and that is, this great country of ours, the United States of America, will have a universal plan, all Americans. And when we do it, I think you're going to find that we're going to say, what took us so long?

So it's just a real pleasure and an honor to work with you and your staff. And I look forward to our having some impact on this hugely important issue.

Mr. LANGEVIN. I thank the gentleman from Connecticut again for his words and his support in helping to craft this bipartisan universal health care bill.

Like you, I believe that the American people deserve the same kind of health care coverage as Members of Congress. And this is a bill that achieves that goal. It's something that is long overdue. It's something that is vitally important to every family across America, making sure that our families are taken care of, our businesses can stay competitive, and that we're offering something that is affordable, not only for the short term, but for the long term.

In closing, for individuals, the American Health Benefits Program offers choice, affordability, and portability. You can take the coverage with you if you change jobs. And on the side of how we provide this coverage, it's managed competition whereby insurers would now have to compete for enrollees based on benefits, efficiency, service and price; again, a good model for guaranteeing coverage, but making sure that it's affordable, with an important component of cost containment, making sure that we're looking at using the most innovative technologies out there, such as health IT records, and other things that would make sure that we're providing the most efficient and affordable care possible, but comprehensive care.

I think my friend has some other comments that you would like to make as we close?

Mr. SHAYS. We just have to insert different names here, but our web page is www.house.gov/shays. If someone goes to www.house.gov/shays, they will see this plan, as we've been talking about, on our main page. And I'm assuming that your web page would be www.house.gov/langevin. So they can go on either of our web pages and see the plan.

We would love for people to respond, tell us what they like about it, how they would benefit. And then we would like their help in contacting their Member of Congress and saying we would like you to support the Langevin bill, and get on it. We need to start getting cosponsors. We need to encourage Congress to have hearings on this legislation, begin that process.

So again, that's www.house.gov/langevin or www.house.gov/shays.

Mr. LANGEVIN. I thank my colleague. And I couldn't agree more. We want people to look at this plan, tell us what part of it they like, what they don't, what works, what doesn't, so that we can improve upon it. And certainly it's important for people to get educated because this is an issue that is clearly confronting our country. It is serious, it is challenging, but the time to solve it is now.

We're beginning the process. We invite the American people to be partners with us in this effort. I look forward to traveling the country with you as we talk to groups across the country and hopefully enlisting their support, and ultimately the support of all the Members of this House and the Senate.

I look forward to the day where we can pass this bill in both Chambers and put it on the President's desk for the President's signature, and again, truly make a difference for the people that we serve. I think it's the right thing to do.

With that, I thank my colleague from Connecticut for his friendship, his valuable input and support on this bipartisan universal health care bill. And I also want to take a minute just to thank the Speaker for giving us time to discuss this very important issue.

Mr. SHAYS. If I could thank the Speaker as well. And thank you again and your staff, and my staff as well. It's a great opportunity to work on this legislation with you. Thank you.

Mr. LANGEVIN. Thank you. I thank my staff as well. It is something that often gets overlooked, and I want to make sure that it's not because your staff and my staff have worked so closely on this, as well as the effort that you and I have put in. A lot of great work has come from this collaborative effort. And I thank you again for your support and your input.

TAXPAYER FREEDOM DAY

The SPEAKER pro tempore (Mr. ELLSWORTH). Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. WALBERG) is recognized for 60 minutes as the designee of the minority leader.

Mr. WALBERG. Mr. Speaker, I appreciate the opportunity tonight to be on this floor to speak on an issue that is near and dear to a lot of our hearts, and certainly a lot of our constituents' hearts, because tomorrow, April 23, is Taxpayer Freedom Day. It's an opportunity, for the first time this year, for taxpayers to start working for themselves and not simply for their government to pay taxes.

On April 15 we paid our taxes. On April 23, days beyond that, we come to a point where it is no longer an issue of working to pay just the taxes that each taxpayer needs to pay, but now we go on to do for ourselves what we can and should do that would allow us to do things for others that we would like to do as well, to benefit them, to meet needs that cannot simply be met by government, that can be met in special ways by ourselves.

This morning I had the privilege of being at a Big Brothers, Big Sisters breakfast fundraiser and hearing an outstanding speaker who was from business and industry, a leader in her own right with a major corporation in my district, and yet appealing to the fact that in the private sector, in charities and special functions, that there is a place for finding ways to do it better, quicker, faster, more efficiently and cheaper in the process, that there needs to be ways to collaborate in such a way that organizations that sometimes are redundant and overlap come together, if not to join forces as the same group, but to join forces in providing resources to each other that they don't have to duplicate. I said to the speaker afterwards, you know, that's, indeed, what government ought to be doing as well.

The only way we will do that, though, is by forcing ourselves to do things appropriately to allow the engine of our economy, that being the private sector, individual worker, entrepreneur, risk taker, business person, industry, to do for themselves only what they can do. And to do that, they certainly need to have the resources in place that will enable them to function successfully.

☐ 2100

By having to work until April 23 just to pay taxes, that's not the right approach to accomplish that.

I recently was hooked on the HBO mini-series "John Adams," a mini-series on the take-off on the book written by David McCullough, a noted historian on the Framers of our way of life here in the United States, our governmental system, the Constitution, Bill of Rights, and all that makes this country great. And I was again impressed by the character of the Framers of our system of government who saw freedom and liberty as the ultimate priority and saw that freedom and liberty ultimately flowing from individual property rights, individual rights to use resources that they had, and the opportunity ultimately in the Revolution to break away from the King and be able to control more of one's own largesse, limited or great as it might be.

I was impressed by the character of these gentlemen and those behind them, the men and women who supported them. I was impressed with the fact that they believed in people, in individuals, in their ability to make good decisions, their ability to choose well, their ability to spend their resources more wisely, more efficiently, and better, certainly, than a larger body known as the government.

They were also appreciative, Mr. Speaker, of the fact that these individuals, in greatness of their own hearts, could reach out and meet the medical needs, meet the security needs, meet the housing and care needs of individuals, and go beyond just themselves because they had ability to do that, if their government allowed them the liberty and freedom of choice because they had resources to do that as well.

I believe that our Framers never ever would have envisioned what we've come to today. They would have never envisioned that we, as individual taxpayers, would work until April 23, after paying taxes on April 15, just to pay the taxes that we paid on April 15. That is what they revolted for, that lack of liberty and choice in using their own resources.

Someone far more significant than I once said, "The ability to tax is the ability to destroy." I can't talk about other States, and I'm delighted to have another Member with me on the floor tonight to discuss this issue as well, my friend and colleague and the freshman class president, of which I'm part, BILL SALI from Idaho. I can't talk, Congressman, about your State, but I can talk about Michigan, a great State, a great State of natural resources, surrounded on three sides by the Great Lakes if we count our upper peninsula, and I would not forget the Upers, surrounded on three and a half sides by the Great Lakes, with natural resources in the ground, growing on top of the ground, and with natural resources known as human resources that would be second to none. A State that has a history of producing things, of manufacturing, leading in manufacturing, developing the auto industry. The district of which I represent, right in the heart of it was where Henry Ford developed the whole process that has become the assembly line approach to the auto industry.

And yet this great State at this point in time sits at, sadly, the number one worst unemployment rate in the Nation. According to CEO Magazine last week, we rank the 49th worst business climate in the United States. We have people moving out of the State to find jobs. We have our friends in Indiana recruiting jobs from Michigan and doing it far more easily because of what we have done in our State. A State that truly is being destroyed by the ability to tax.

Most recently, the State legislature and our Governor went the wrong direction and frustrated any type of turnaround by increasing income tax, by putting a tax on services for the first time, and then putting a new business tax in place. And then having the cry come up from the taxpayer about the service tax, they rescinded that and put a surcharge on top of the business tax. And then we have the chutzpah in ads and otherwise that say that we are open for business.

I love my State. I love the people of my State. And I think we are Wolverines because we're tenacious, as de Tocqueville said. But we are frustrating the engine of the economy by the excessive taxation that we have put on.

I want to talk more about it, but I know Congressman SALI has much to say on this as well because, Congressman, you are known, first and foremost, as a man of principle, but a friend of the taxpayer, a man who came to Congress because of that agenda to provide less frustration and more opportunity for taxpayers. And I know that tomorrow you will rejoice that we have reached Taxpayer Freedom Day. But I know as well, my friend, that you wish it was far sooner than April 23.

I yield to my friend from Idaho.

Mr. SALI. I would like to thank the good gentleman for yielding to share a few thoughts.

Now that the April 15 deadline for filing tax returns has passed, I would actually like to ask everyone to consider a few things.

In 1900 most Americans only had to work until January 22 to fully meet all of their tax obligations to the Federal, State, and local governments. At that time the percentage of a worker's income needed to pay their taxes was just 6 percent. Imagine how much easier life would be today if we were done working for the government by the end of January.

And today, Tax Freedom Day, for most Americans doesn't come until tomorrow, April 23, as my good friend has pointed out. The deadline to fill out your tax forms, it comes and goes, and yet you're still working for the government, not for yourself, not for your business, not for your family. A third of your income goes to pay the taxes that you owe government.

Government has demonstrated an insatiable appetite to grow. In fact, Federal spending has more than tripled since 1965. Almost every week in Congress, we are asked to vote to create new programs and expand existing ones. Unless there is some urgent need, and there usually isn't, I vote "no." Americans just can't afford it anymore. Congress is not being careful enough with our hard-earned tax dollars.

The majority recently passed a budget plan that would raise taxes by $683 billion in the next 5 years. That's the largest tax increase in American history. It requires higher taxes on married couples and small businesses. Their plan also includes no permanent fix for the alternative minimum tax that threatens unsuspecting middle income Americans to the tune of $70 billion in new taxes.

And on the horizon are even more tax increases if Congress fails to act. Higher income tax rates and higher capital gains tax rates will hit virtually everyone. Higher dividend taxes will hit every investor. The death tax will be back, as will the marriage tax penalty. The tax credit for every child will be cut in half.

I think Congress needs to recognize that Americans are taxed too much, and that is why I am a proud cosponsor of my friend Congressman WALBERG's Tax Increase Prevention Act of 2007, which would prevent this unprecedented tax increase. Congress must make a priority of finding ways to lower the tax burden on Americans instead of increasing it. If we don't, Tax Freedom Day will soon be delayed until May or June and we will reminisce about the "good old days" when our tax debts were paid in full by April. Well, let's hope and pray that that never happens.

As a kind of a bookend here on your comments earlier about what's happening in your State, I want to let you know, Congressman WALBERG, in the State of Idaho, we're actually going the other way. This year our legislature cut the tax on personal property for businesses. We had a tax that was imposed upon the personal property that businesses owned, and that's being phased out at least at the bottom, and there will be a floor so that if you have less than $100,000, I think was the number they settled on, worth of business property, you won't pay any property tax on that. It's not just for business, though. It's for individuals as well. And I will let you know that in Idaho we have been paying tax on the food that we buy, sales tax. This year the legislature passed a plan that would increase the deduction that's allowed against your State taxes. We call it the "Grocery Tax Credit." It will increase that significantly and will reduce the taxes that people pay on food.

This is an important concept because I have kind of a principle that I use as a test here, and it's this: If you had a dollar to put wherever you thought it would do the most good and you could pick your favorite government program or anywhere in the private sector, where do you think it would do the most good? What the legislature in the State of Idaho has said is we think it will do the most good if we leave it in the hands of individuals. It comports with the Founding Fathers, as you were referencing earlier. Unfortunately, I don't understand the thinking of your State legislature where they are going the other direction.

And I guess this represents the battle that exists within this country today. Many people say we live in a divided country. And I think that's true. And it's divided, I think, into two main categories, the first one being those who believe in the vision of the Founding Fathers, that want a government that is there to serve the people, that we will have a government that allows people to have the freedom to determine what's going to happen in their own lives, allows them the freedom to use their personal property, the wealth that they create because of that personal property to do as they see fit.

And that's opposed to the other vision, which is one that says government must do more for people. We hear that phrase on this floor regularly or some iteration of it: Government must do more. That's not what the Founding Fathers thought. This vision that government needs to do more, that somehow if the government takes control of a problem, that it will be solved. How many times have we looked at a program and said why won't this thing work? And the answer, I think, is because generally government doesn't work. That was the whole point that the Founding Fathers brought to light.

And I think there are two places where we can see kind of the underlying principles that get at these two very different visions for our country. The Founding Fathers relied on that vision that was set out in the Declaration of Independence; that when they said these words, "We hold these truths to be self-evident, that all men are created equal" and "endowed by their Creator with certain unalienable Rights" and then later said "Governments are instituted among men" to protect those rights, that's one vision that says our rights come from God and it's government job to protect and respect those rights.

When Franklin Delano Roosevelt was, I think, addressing a press club here in Washington, DC, he described it quite differently. He described government as a contract where the people give power to the government and then the government dispenses benefits to the people. We call those things entitlements today. The vision of the Founding Fathers didn't rest at all on entitlements. They rested on rights. That vision that wants to see bigger government, government's securing a solution for every problem—

Mr. WALBERG. Reclaiming my time, if I could just pose a question on that, why would you say that government should not be flexible and mobile enough in order to deal with the changing of times? The right to life, liberty, and the pursuit of happiness was the envisionment of the Framers of this wonderful country, this wonderful system of government as well. But as time went on and problems developed with a much larger country, what would you answer to the person who says we should be mobile and we should be flexible to meet the needs of people as it develops? I pose that to you knowing, I think, what your answer will be.

I yield to the gentleman.

□ 2115

Mr. SALI. Well, again, I thank the gentleman. It begins with your vision of the principles that underlie your vision for how you want government in this country to exist. If you have a vision that says the principles can change over time, essentially that the truth can be molded over time, that there is not absolute truth, then you don't have to have that vision of the Founding Fathers. Everything can change. Up can be down if you go far enough with that.

The principles over time that change will lead you to a point where you can move from that vision of the Founding Fathers, where they said that freedom is the thing that matters the most, where liberty is the thing that matters the most. That those rights that are given by God, it is the obligation of government, and the reason that government exists is to protect those rights. If you can change those principles, you can end up with a government that will take care of you and do everything for you, and your rights don't matter at that point. It's not the government's job to protect your rights that are God-given, it's government's job to give you those rights. Again, we call those entitlements.

At the end of the day, when I talk to people who live in my State, what they want is they want a future for their kids and their grand kids, where they will have freedom and security and prosperity. Freedom comes when you make fewer laws. Prosperity comes when you take less money out of my pocket and give it to government, when Tax Freedom Day comes earlier in the year. Security comes when we have things like a strong national defense, when we allow our government to do those things that are needed to protect the security of the people who live here, and of our country itself.

When I talk to Idahoans, that is what they tell me that they want. That can't exist under a government where the people give power to the government, and the government distributes entitlements. Whoever became free living on entitlements? Whoever became prosperous living on entitlements? Who was ever secure living on entitlements that at any moment can be changed by the 535 Members that serve in Congress.

With that, I would yield back to the gentleman.

Mr. WALBERG. I appreciate those thoughts. I think you got to the nub of the question. It's not the fact that we don't want people to have those entitlements, we don't want them to achieve, we don't want them to have the opportunity that is afforded to all of us here in the United States. But it's based upon the fact, first and foremost, that there is liberty for us to choose, there's liberty for us to be responsible, there's liberty for us to fail, even. And that is quite a liberty, when you think about it. But when we succeed, the liberty to keep and benefit from what we have, and in order to not only care for ourselves, but then voluntarily assist others, and what a liberty that is.

It was said of the Athenians, I read one place, that they desired most freedom, security, and prosperity. And in the end, they lost all of them because they weren't willing to keep liberty first and foremost.

So I appreciate your comments tonight on this eve of Taxpayer Freedom Day, where government often times says why celebrate that? It's your duty to pay the taxes, it's your privilege to pay taxes. Well, I do thank God that I have the opportunity to live in America and I have the opportunity to earn and I have the opportunity to pay a certain level of tax to support a certain level of government that is needed. But I am frustrated that we have gone way beyond that and lost liberty in the process.

I'd like to turn over now some time to another good friend and colleague from Tennessee. DAVID DAVIS has been an outspoken friend of the taxpayer, and I think evidenced by his willingness to battle for the taxpayer and to continue to support prosperity that has blessed his State of Tennessee, and continues to, and sadly, has become home to a number of my Michiganders as well, who have gone for places of employment, and have benefited there. Congressman DAVIS, we hope to bring some of those back to Michigan.

In the meantime, I appreciate you taking the opportunity to talk about the issue of taxes, Tax Freedom Day, and your concerns with it.

Mr. DAVID DAVIS of Tennessee. Thank you, Mr. WALBERG. Thank you for your friendship, thank you for leadership. You're doing a great job. Thank you for your foresight and understanding that you can't tax and regulate yourself into prosperity. Never could, can't now, and never will. It's that simple.

I do come from the Volunteer State of Tennessee, and thankfully our Tax Freedom Day is not tomorrow. It was actually about 3 weeks ago. The reason it was 3 weeks ago in the Volunteer State is because we keep our taxes low, and people in Tennessee are actually spending their money on their families now and not sending it to the government. I am happy for that. I'd like to see that move even back up in the year a little more.

There are mothers and fathers all across east Tennessee. I have the opportunity to represent the beautiful mountains of northeast Tennessee and there are mothers and fathers sitting back home in east Tennessee and all across America. They sit around their kitchen table and they have to work out a budget. It's that simple.

I can remember my wife and I when we first started our family, having to do that, knowing how much money came in and how much money went out. We had to make some decisions. You can't spend more than you bring in. If you do, you get in a credit crunch. It's amazing that we have a Congress that sometimes don't sit around that kitchen table. That is exactly what we need to be doing.

Those families back in east Tennessee, they are having to choose between buying gasoline, and it costs over $50 to fill up their pickup truck, and buying their food. They're seeing the price of milk and bread go up. They are having to worry about paying their house payments or making sure they provide health care for their children. Those are the things that moms and dads across America are having to deal with and we have got people right here in Washington that think if we can just tax them a little bit more and spend a little bit more, we can take care of them.

Now where I grew up, I never came to the conclusion if government could just take care of us, things will be okay. Actually, the way we believe back in the mountains in east Tennessee, if government will just get out of our way and keep taxes and regulations low, we have actually been able to take care of ourselves pretty well. We have done it well in America for over 200 years, and why we think we need to change now, I just don't understand it.

Especially when you look at gas prices. My goodness, we passed an energy bill, so-called energy bill back in December on this House floor. It had new taxes, new regulations. You know what it didn't have? New energy. Now how you can call a bill an energy bill with no energy, I don't get it. Sometimes we just need some common sense. The American people get it. They understand that common sense.

And then you look at the budget. The two things that are facing Americans today are their family budget, their small business budget, and then that cost of energy. Those are the two things that are on peoples' minds across America. And you look at the Democrats' budget resolution, it fails the test of fiscal responsibility miserably. Instead of exercising fiscal restraint in lowering our taxes, the Democrat budget raises taxes by $683 billion over the course of the next 5 years. You heard me correctly: $683 billion.

Now I go home to my district every weekend, talk to a lot of people about a lot of issues, and I can tell you not once do I hear somebody say, If you could just raise the budget by $683 billion and take a little bit more of my tax dollars, my family is going to be better off. I don't hear, If you can just pass an energy bill with no energy and just put a little more tax on top of the energy and regulate them just a little bit more, then my family is going to be better off. That is not what the American people are looking for.

If you look at $683 billion, that is the largest tax increase in American history. It blows away the previous largest tax increase in history, which was passed in 1993, and that was over $443 billion. These are real tax hikes on real people.

Here are some staggering statistics for families living in northeast Tennessee. According to the Heritage Foundation, because of the Democrat budget, the average taxpayer in my district will be forced to pay an increase in $1,596. This will result in almost 2,000 jobs lost and a loss of $188 million in the First District's economy.

When I go home every weekend, I don't hear people say, Please raise my taxes so we can lose 2,000 jobs. We are actually seeing jobs move to Tennessee because we keep taxes low and keep regulations low. We are a good work State. We have a good work ethic. We certainly don't need the Federal Government to come in and help us to move us in the wrong direction.

By reimposing the marriage penalty tax, roughly 23 million taxpayers will see their taxes increase by $466 a year simply because they are married. Now in east Tennessee I don't go home every weekend and hear people say, I want you to raise my taxes just because I did what is biblically correct and I did the right thing.

We have choices. We have choices between a bigger economy or a bigger government. Taxing spending is not the road we need to head down. Ronald Reagan once said we don't have a trillion-dollar debt because we haven't taxed enough, we have a trillion-dollar debt because we spend too much. That is common sense. That is the type of logic I hear when I go home to east Tennessee every weekend.

I think we as Members of Congress need to be more concerned about the budgets of mothers and fathers that they have to put together sitting around kitchen tables every month rather than growing the Federal budget and taking money from those very mothers and fathers that have to sit around the kitchen table every month.

Mr. WALBERG. That is common sense, I would submit to my good friend, isn't it?

Mr. DAVID DAVIS of Tennessee. That is the common sense that the American people are looking for.

Mr. WALBERG. And not status quo government.

Mr. DAVID DAVIS of Tennessee. I hear a lot about hope and change. Really, the hope that people are looking for is just the hope that they can fill up their gas tank, the hope they can buy a gallon of milk, the hope they can buy a loaf of bread, the hope they don't have to spend all their money to take care of government, the hope that the government will let them go out and have that life, liberty, and pursuit of happiness that you were talking about earlier with our good friend, Mr. SALI from Idaho. That is the hope that the Americans are looking for, and the change they are looking for is just to get back to some common sense principles that worked over 200 years very well.

The Founding Fathers knew exactly what America needs. I look around this beautiful room and I look behind you and it actually says: In God We Trust. That is the type of change we need in America. We need to get back to some of those bedrock principles where we allow people to go out and pursue happiness.

You know, one of my favorite quotes is from Henry Ford. Henry Ford once said: If you think you can or you think you can't, you're right. The American people think they can. But they think they can't if they see government continue to get bigger and go bigger and bigger. We talk about taxing and spending. The reality is you spend, then you tax. So it should really say spending and taxing.

So we have got to keep the spending low, regulations low, taxes low, and the American people will go out and succeed. There's no better people anywhere in the world than right here in America. We have a great work ethic, we have great values, we have great morals, and we can take care of our families if we will just allow families to take care of families.

I would like to see if you have any comments.

Mr. WALBERG. Well, I have a lot of comments on that, but you said it so well. I appreciate the commonsense approach from a place where Davy Crockett roamed. I know that for a fact.

Again, we are talking about, Congressman DAVIS, we are talking liberty. We are talking about people who say I am not asking for anything except the opportunities. I am willing to be responsible. Generally speaking, I am willing to be held accountable. If I have the resources to use, the resources to spend, if I have the resources to save, to invest, and take the risks as necessary, if I have a job that I can produce those resources and move further, all it says is that I get more liberty and I get full use of it. If I am tied to April 23 as my time when I can say I finished paying taxes for this year to the Federal Government, now I can buy for myself, but I have got to start thinking about paying taxes next year April 15 as well, it ties me back.

None of us here on the floor aren't saying there is some tax base that is necessary. But what we are saying is we have gone way overboard. When you pointed out that if the majority proposal Democrat budget goes through and it's paid for as they intend with a $683 billion tax increase, which was passed, which does away with all of those tax relief issues that we had in 2001 and 2003, and have benefited this great country since that time, and then it adds other things to it like the marriage penalty back into it, does away with the ending of the AMT, alternative minimum tax, an onerous regressive tax that's strapping down more of our taxpayers than ever were assumed to be in it. If we put all that in place, we see less liberty, less freedom, more opportunity for abuse by government that doesn't know how to say no.

□ 2130

We end up frustrating ourselves again, don't we.

Mr. DAVID DAVIS of Tennessee. I wanted to thank you for your leadership in introducing the Tax Increase

Prevention Act. That is exactly the type of leadership we need. You are a great leader in your State. You are a great leader here on the floor of Congress and in America. Thank you for the opportunity to be a sponsor of this legislation. Together we will make some changes. God bless you.

Mr. WALBERG. I thank my friend. I only have to think about the fact that to the taxpayer in my State, that if this $680 billion tax increase goes through to pay for additional spending, deficit spending, in a budget that goes way beyond what is necessary, it means that on top of the burden that my State government has given to the hard-working taxpayers of Michigan, it gives a $3,000 per taxpayer increase on January 1, 2011, automatically. And, like you, my taxpayers that I meet with each weekend back in the district and in the 140 town hall type meetings I have held since January 4th, they are not saying, Mr. Congressman, please give us more taxes. Please give us more gas tax. Please raise the cost of our fuels. They are not saying that at all. They are saying, give us some freedom. Give us some liberty. Give us some relief. Let us do for ourselves what we can and should do, if we have the resources to do it. So you hit it right on the head.

I am privileged tonight as well to have another good friend and colleague, a member of our freshman class, an outstanding spokesperson for the taxpayer, for all things that people like John Adams and Jefferson and Washington and others spoke for when they framed all that we are pleased with in the United States, the Congresswoman from Minnesota, Michele Bachmann.

I am sure you have significant things to say about this great event we have tomorrow, Tax Freedom Day. But looking on the other side of the picture, why in the world we have to have that type of a day so late in the year?

I yield to the Congresswoman from Minnesota.

Mrs. BACHMANN. Congressman WALBERG, I want to thank you for your leadership during this special hour that we are enjoying this evening, talking to the American people about Tax Freedom Day. For a lot of people, they just can't believe it when they find out what the definition is.

I can't thank you enough for your leadership, not only for this special hour to talk about this very special day that is coming tomorrow with Tax Freedom Day eve, you might say this evening, but also with your leadership on the Tax Increase Prevention Act. I can't thank you enough for the work that you are doing, not just on behalf of the great constituents that you have in Michigan, but on behalf of all Americans, because the last thing Americans need right now is a tax increase. So we all thank you, and I thank you that I have had the opportunity to sign onto your legislation as well.

I couldn't help but think when Congressman SALI, our fellow freshman, was standing here earlier, he is a gentleman who fought for years in his own State assembly in Idaho for tax cuts and for fiscal sanity in Idaho. I think that is why the people in Idaho sent him here, because they knew they could trust BILL SALI. They could trust him to come to the floor and make the case for fiscal sanity in our country.

When we see tax increases around every corner, what was it, maybe 6 weeks ago we saw that the majority passed I believe it was a $683 billion tax increase for the budget, the largest tax increase in American history. I know I was flabbergasted when I saw that. Could it be possible that the Congress, in a time of a weakened economy, would come here to this Chamber, to this floor, and make a decision like that, that they would heap burden upon burden upon burden upon our constituents? I didn't think it would be possible.

Then when I listened to our fellow colleague, Congressman DAVID DAVIS from the State of Tennessee, who has said so well so many times about the average American family, who sits around their kitchen table wondering are they going to be able to fill up their gas tank tomorrow morning when they get up and go to work? What about buying that gallon of milk? You go to the grocery store and you see that grocery store prices have gone up 64 percent since the beginning of the year.

Mr. WALBERG. If I could break in, didn't we hear at the beginning of this year, January 4th and prior to that, that if the majority party had control we would see the prices go down on gas and other things? Didn't we hear that? Have we seen that take place?

Mrs. BACHMANN. Well, I think the gentleman already knows the answer before he is asking the question, because it has been now hundreds and hundreds and hundreds of days since the majority said to the American people that they had a commonsense plan, they had a commonsense plan for reducing the price of gasoline. And as of today, the average price of gasoline across America is now a whopping $3.51.

I went with our family this weekend, we went to visit my father-in-law. It was his 84th birthday on Sunday. So we had my daughter's car, because it had the best gas mileage of any car that we had in our family, so we took her car. On the way back, we were in Baldwin, Wisconsin. We pulled up to a gas station. We put gas in. I could not believe it. It was $45 that I put in her little gas tank. Just a few years ago, that is what we spent on our big conversion van, our high-top conversion van. We are not alone. We are here as Members of Congress, but we hear this every day from people back home.

Let me give you just one example. You remember Art Linkletter and the show that he had years ago called House Party? He had a little segment called "Kids Say the Darndest Things." I loved that segment.

I thought about that, because just recently I went to speak to Minnesota Pheasants Forever. It is a wonderful outdoor heritage group. I love to do that. That is one marvelous thing about being a Member of Congress, you can go to speak to great groups about things.

So I went to go speak to them. So I laid my notes, Congressman WALBERG, on the island in our kitchen, and it said "Minnesota Pheasants Forever." Our little daughter Caroline came, and she picked up the notes and she said, "Mom, what is Minnesota peasants forever?" And I said, "Well, Caroline, that would be the taxpayers of the State of Minnesota."

The reason I say that is because tomorrow will be Tax Freedom Day, and in Minnesota, we are a little bit worse off. Our Tax Freedom Day won't occur until next Sunday.

What that means for people across America that might be listening to our repartee as we go back and forth tonight, Tax Freedom Day is the first day the American people stop working for Uncle Sam and start working for themselves. When you average all your Federal, State and local taxes together, the American taxpayer spends the first 113 days of the year as a Federal employee. Basically, that is what it comes down to. We are all Federal employees because we are working for the man. We are not working for ourselves.

Mr. WALBERG. And that is not the idea that the framers of our Constitution had in mind.

Mrs. BACHMANN. That is exactly right. You talked about Adams and Jefferson. We have the wonderful privilege, you and I and Congressman DAVIS, we have the wonderful privilege of being a part of that great cloud of witnesses that went before. They laid down the freedom.

Just think, it was a stamp tax that our founders were willing to lay down their lives for, their fortune, their sacred honor. They were willing to give up everything, just to throw off a stamp tax. My goodness, we do that just in the morning before we have even gotten to lunch yet around here. I can't believe the level of tax increases we have seen, can you?

Weren't you floored coming here as a new Member of Congress? I know if there is one thing that I have learned, Congressman WALBERG, in the time I have been in Congress, what has been now maybe 15 or 16 months, it has been how easy it is to spend somebody else's money. How easy it is. I know it isn't for me. It is really hard for me to spend my own money, and it is really hard for me to spend other people's money. I am not there yet. I haven't drank that Kool-Aid. But I am floored when I see how easy it is for Members of this body to spend other people's money. What is your reaction to that?

Mr. WALBERG. Well, it is very similar, if I might add, to see how large expenditures go out with so little oversight, and so much statement that, oh, well, it has to be done. If we don't do it, who will? And there are so many needs.

Well, there are. I mentioned earlier this evening I had the opportunity to attend a breakfast fundraiser for Boys and Girls Clubs in my area. They do a great work, and they are doing it on the basis of individual contributions, corporate entities that give not only financial support, but also human support as well.

The speaker, a president of a major industry in my area, she said it so eloquently, that it has come to a point in time where we have to find ways to reduce the cost by drawing together and not having redundancies that add cost, but become more efficient and more effective doing not only the same work, but more work for less cost as a result of the effort that is shared.

In government we have to get that concept. We have to understand that there is a person called the taxpayer, and a taxpayer that is not of unlimited resources, especially if we want to keep freedom around so that our children and grandchildren and great grandchildren will enjoy the benefits we have. If we are to pass it on to them in such a way that they will have equal or better freedoms than we had, we have to get on the stick.

So, absolutely, I have been floored since coming here that it is so easy to spend money in this Chamber without thought of actually who will generate those resources, and we frustrate the engine of the economy.

Mrs. BACHMANN. If the gentleman will yield further, that has been my impression as well. It strikes me to think that the serfs in the Middle Ages paid over about 25 percent of what they earned in the year to a nobleman. We could only wish, many of us, that 25 percent was our total tax burden. We haven't seen that in this country for many, many years. It is almost unthinkable that the serfs in the Middle Ages would be better off from a tax point of view than the average American taxpayer today. We are far beyond 25 percent of our income.

As a matter of fact, don't you agree, Congressman, that it would be I think very enlightening for most Americans to learn that they spend more on their tax bill, they pay more on their tax bill, than they do for food, clothing and housing combined?

The average American works 108 days to pay for their food, their clothing and their housing. They work on average 113 days to pay their tax bill. Just think of that. Those are necessities that Americans can't do without. You have to have food, you have to have clothing, you have to have housing. But the one thing that will happen is that you will go to jail if you don't pay your tax bill.

I am a former Federal tax litigation attorney. I tried a lot of cases in Federal Tax Court. The reason why people showed up when it was time for their court date was because if they didn't show up, the judgment may be that they go to jail. Because in this country if you don't pay your tax bill, you have the potential of going to jail. So that is the first bill you have to pay, because if you don't pay it, you may end up in a place you don't want to be, so a lot of sacrifices have to be made by a lot of people.

I will tell you one thing, and I think you would agree as well, Congressman. You have probably seen a lot of waste, a lot of fraud and a lot of abuse in legislation that has gone through this body. We will be taking up legislation tomorrow that is trying to squeeze waste, fraud and abuse out of the Medicare system.

Don't you agree, Congressman, that is something that the American people have been looking for for a long time? I know you are a reformer. I know you came here because you did not want to be part of the status quo. You are an outsider, and you came here because you wanted to change the way that Washington does business. I feel the same way. I know that Congressman SALI shares that opinion and Congressman DAVIS shares that opinion. We are not about continuing the levels of waste, fraud and abuse.

Mr. WALBERG. It can't continue. If it does, we have lost it all. Jefferson said the government that governs best governs least. And it wasn't simply govern least to allow people less opportunity, but it is to give them more freedom; to give them more of their own resources to make better decisions for themselves, making better decisions on basic needs.

That was the genius of what we had here in a capitalistic system, a system that said we will offer freedom and opportunity. You make your choices, you determine your lifestyle. And, in turn, as we also encouraged through supplementing what went on in the home, what went on in the school, what went on in the church and making it a common theme that we are our brother's keeper, but it is with our own resources, with our own choices, the opportunity that we have to expand and meet needs of others.

Ultimately in doing that ourselves, we are also blessed. We also felt the warmth of saying I lifted someone up that was falling, and I also know that there are plenty of others who would come to my aid, individuals who are family members, who are community members right from my own area that would reach out, and, at last resort, if necessary, maybe there was something in the government.

But it is reversed now, where the first place we go is the government. Of course, that causes the ramp-up of costs that now results in the largest tax increase in the history of the United States being offered and passed just recently.

☐ 2145

And, if allowed to be completed and my legislation isn't put in place to make permanent those tax relief issues of 2001 and 2003, we will have a $683 billion tax increase over the next 5 years, and on January 1, 2011, the taxpayers in my State and across the country, generally speaking, will pay upwards of $3,000 more the day after December 31 than the day before. That is not the way to go. We have to stop it. The taxpayers out there, whether they be in Tennessee, Minnesota, Michigan, Ohio, or Indiana, are all saying the same thing; they just want us to hear an answer.

Mrs. BACHMANN. That is right. And if the gentleman would yield, I would absolutely agree. And that is why it is important and imperative, I believe, that we shout it from the rooftops. This is not a hypothetical we are talking about, this is reality that we are talking about tonight, the fact that these tax cuts right now are on automatic pilot. They are going away. They are the engines that have propelled the growth in this economy, both with the cuts on capital gains and on dividends, that has provided the jobs, the growth, the unparalleled level of prosperity that we have enjoyed. It is all going away if we don't stop that.

That is why I thank you again, Congressman WALBERG, for being willing to sponsor this important legislation. It is why I am on it, it is why Congressman DAVIS and so many of our colleagues are on it. As a matter of fact, there is a piece of legislation that I believe you signed on recently as well as I signed on; this is one that our colleague JOHN CAMPBELL came up with, and that is putting a spending ceiling on what Congress can spend. Because I think that Congressman DAVIS said it very well earlier: We have a spending problem. That is what leads to our taxing program. And JOHN CAMPBELL came forward, the Congressman from California, and he said, let's put a ceiling on government spending, and let's make sure it is not more than one-fifth of GDP.

What is GDP? Gross domestic product. Well, what is that? That is basically everything that we produce in this country every year. Just think of that. Government eats up one-fifth, almost one-fifth, 20 percent, of everything that is produced in this country just to run the machine. Sometimes I think that government is just a big money eating machine, and we are all the people that are working to stoke that furnace to keep it going. But this legislation that we signed says that there is a limit. We are going to draw a line in the sand, and no more. And that is what your great legislation does as well, the Tax Increase Prevention Act, it draws a line in the sand and it says we are going to keep this prosperity going, and the way we do it is by cutting those taxes.

Mr. WALBERG. And I appreciate that fact. There are good pieces of legislation, whether it be setting a cap on spending or setting a moratorium on earmarks, and looking at a way to get control of that so we are not wasting dollars. These are common-sense issues that taxpayers generally look at and say, what is the problem? This ought to be just common sense, to have a line item veto, to have a balanced budget amendment. All of the above speaks to the common taxpayer, which I am one and you are one and all of us who have spoken tonight are one. It speaks common sense to the taxpayer saying, this just ought to be the way it is, because we are willing to do for ourselves if you leave us the opportunity.

So I certainly appreciate your passion on this issue and the fact of your awareness of tax issues having been a tax attorney and understanding that, while there are taxes necessary, that we have gone way beyond the limit. We have gone beyond reality.

There is little debate right now on Capitol Hill about whether the American economy is struggling. That is just there. We recognize the fact. And some of us who are in States that are struggling even more so, like my own wonderful State of Michigan that has all of the resources available, and yet we are frustrated. The real conversation in living rooms across the country is about how to get our economy moving again.

Essentially, this debate boils down to one question, the question that I was asked in conversations in town hall meetings that I have in various ways, and that question is: Should America promote economic growth and job creation, or raise taxes to destroy jobs and economic opportunity?

Right now, Republicans, our colleagues are asking all House Members to decide which side of this debate they are on by forcing votes on a bill that I introduced that we have referred to tonight, that is the Tax Increase Prevention Act, House Resolution 2734. House Members have to choose whether they support Speaker PELOSI's budget proposal that in total is the largest single tax increase ever promoted in the history of the United States, a $3,000 per taxpayer tax increase overnight.

With so much money already being wasted in Washington, I believe it is wrong for Congress to try and take more money out of the paychecks of hard-working Americans. My bill, to make more point about it, would make permanent the tax relief of 2001 and 2003, and stop tax increases on raising children, earning money, saving and investing, operating a small business, adopting a child, paying off college loans, and even dying.

Consider the implications of the Democrat's proposed $680 billion tax increase in 2011 alone. Marginal income tax rates will increase by anywhere from 9 percent to 50 percent, with the lowest tax bracket receiving the highest tax rate increase. That is not talking to the rich and wealthy, that is talking again of the lowest tax bracket. Capital gains rates for individuals will increase dramatically, punishing saving and investing. Restoration of the marriage penalty tax, that is a punitive tax that thankfully we got rid of, and now they want to put it back. The child tax credit will be slashed 50 percent, raising taxes by $500 per child. The death tax will go from 0 percent to 55 percent.

I have always held the conviction that the American citizen should keep as much as their hard-earned money as possible. With Americans facing rising health care costs, high energy prices, and economic instability, the last thing families need is to be hit with a massive job killing tax increase.

Every week in my home State, I meet with Michiganders, as I did this weekend, who are working harder than ever before and at best breaking even. Michigan families and businesses have, unfortunately, felt firsthand the powerful negative impact of tax increases. These working families' wages have been slashed by higher taxes on income and on small businesses. During our Governor Jennifer Granholm's administration, Michigan has experienced job losses, declining personal incomes, diminishing home values, and the highest unemployment rate in the Nation, sadly. By proposing a massive $3,000 per taxpayer tax increase, Democrats in this Congress are following the same failed blueprint that has threatened to ditch our economy in Michigan and destroy Michigan jobs.

Instead of working on tax hikes that ultimately make America less competitive, I believe Congress should stop this $683 billion money grab from taxpayers. Congress could better spend time eliminating ineffective and inefficient government programs, making health care more affordable, and passing any energy legislation to move America toward energy independence and reduce energy prices.

The debate over whether to raise taxes is just the beginning of a long battle over America's economic future. By making tax relief permanent and continuing to grow our economy, Congress can go an awful long way to restore the trust of the American people, build a better and brighter future for our country, and avoid the economic suffering now felt in States like Michigan.

It doesn't have to be that way. And I certainly appreciate the fact that there are those of us who are fighting for taxpayers' interests. I know the 13 of us who came in as freshmen came in for a reason. That is the smallest freshman class in the history of the United States, probably. But we came in resolute that the taxpayer was to be served; that taxpayers were paying too much, not too little; that we were regulating too much, not too little; that we were destroying the incentives of private hard-working citizens, risk takers, entrepreneurs to do the job that they can only do. Government doesn't do that. And that is why 13 of us came while others lost and weren't sent back because of overspending and overtaxing.

And it is sure a privilege to join with the both of you here in the room tonight. I guess I would offer opportunity for any final comments before we are forced to close this interesting conversation this evening, hopefully of benefit to the taxpayers out there on this eve of tax freedom day. Hopefully it has been interesting, but more than that, it has been something that would stir them into action as well to say: Enough is enough, and we stand for freedom.

Mrs. BACHMANN. If the gentleman would yield. I want to thank you for your wonderful words and your eloquent statement and your deep passion that you have stated. And you are again to be commended for the Tax Increase Prevention Act. Thank you for doing that, and for putting this evening together to let the American taxpayer know that tomorrow is a day of freedom, but it is also a day of reality to realize, finally, that we are going to be able to take off our ball and chain and be unshackled and finally breathe again and be able to work for ourselves.

But when Americans go to the pump tomorrow, I just want to remind them, Congressman WALBERG, when they go to the pump and they put $1 worth of gasoline in their vehicle, over 60 cents of that dollar will go to taxes in one form or another. Just think about that. We hear a lot about oil companies and about profits, but when you have $1 of gasoline, over 60 cents of that dollar goes to taxes. That is something we really need to think about here in Congress. We need to consider it. It is just a microcosm, just a picture of the heavy tax burden every day that impacts the average American. I can't thank you enough for putting this together this evening.

Mr. WALBERG. I thank my friend from Minnesota, and appreciate your passion as well in fighting this good fight.

I would yield now to the Congressman from Tennessee, DAVID DAVIS.

Mr. DAVID DAVIS of Tennessee. Thank you, Mr. WALBERG. Thank you for your leadership. I would like to thank Mrs. BACHMANN for your interest in this, your hard work here in Congress.

I really appreciate your leadership in this and understanding that you can't tax and spend and regulate yourself into prosperity. The American people understand it. It is a simple principle. We need to start thinking outside the Beltway, not inside the Beltway. And if we do those things with lower taxes, lower spending, we will actually start to produce energy in America again, start to use American oil and American coal, safe nuclear, those things to bring down the energy costs. If we bring those taxes, those regulations down, then the American people will go out there and have those jobs. The best economic stimulus package in America is a good paycheck. And thank you for your leadership.

Mr. WALBERG. I thank the gentleman from Tennessee. And, again, I trust this has been helpful for taxpayers to hear at least some that will defend. And there are others in this Congress. It has been said that we are red state, blue state, totally divided in this country. When you get to the common-sense issues, the virtues that people see as common sense, we are not divided, we are not red state, blue state. We are a common based unified people that believe in common sense things.

Jonathan Witherspoon, one of the signers of the Declaration of Independence, said: A Republic once equally poised must either preserve its virtue or lose its liberty. Virtue of hard work, the virtue of risk taking and entrepreneurial spirit, the virtue of accountability, of responsibility, of honesty, of integrity, those are virtues. And they go all into what makes our country great and what our taxpayers generally commit themselves to on a common base. And when we break down those virtues and give those away, we destroy ourselves and our liberty in the process.

So let's fight together to stop this $683 billion tax grab that will frustrate this country and take it back as opposed to pressing it forward. I thank my colleagues for spending this time with me tonight.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today.

Mr. CARNEY (at the request of Mr. HOYER) for today on account of Pennsylvania primary.

Mr. DOGGETT (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for today.

Mr. CLYBURN (at the request of Mr. HOYER) for April 23 on account of two funerals in his district.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of attending the funeral of a soldier who died in Operation Enduring Freedom.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and April 23 and 24.

Mr. FRANKS of Arizona, for 5 minutes, today and April 23 and 24.

Mr. POE, for 5 minutes, April 29.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, April 29.

Mr. ROYCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 29.

Mr. DENT, for 5 minutes, April 23.

Mr. GINGREY, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 1119. An act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

H.J. Res. 70. Joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on April 17, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 5813. To amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 23, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6169. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Export-Controlled Information and Technology (DFARS Case 2004-D010) (RIN: 0750-AF13) received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6170. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA-8017] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6171. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6172. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6173. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA-8019] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6174. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule—Determination of Nonattainment and Reclassification of the Imperial County, 8-hour Ozone Nonattainment Area [EPA-R09-2007-OAR-1109; FRL-8528-4] received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6175. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Louisiana's Petition to Relax the Summer Gasoline Volatility Standard for the Grant Parish Area [EPA-HQ-OAR-2007-0002; FRL-8529-2] received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6176. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule—Approval and Promulgation of Implementation Plans for Air Quality Planning Purposes; Georgia: Early Progress Plan for the Atlanta 8-Hour Ozone Nonattainment Area [EPA-R04-OAR-2007-0150-200711(a); FRL-8528-8] received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6177. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District. [EPA-R01-OAR-2006-0641; A-1-FRL-8527-5] received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6178. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6179. A letter from the Secretary, Department of Energy, transmitting a copy of proposed legislation to authorize the Secretary of Energy to accept funds, contributed pursuant to agreements entered into with foreign governments, international organizations, or others, for use in Russia's plutonium disposition program; to the Committee on Foreign Affairs.

6180. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a report on the Oversight Information Pertaining to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, pursuant to Public Law 110-97; to the Committee on Foreign Affairs.

6181. A letter from the Acting Assistant Secretary, Department of State, transmitting the Department's report on Emergency Refugee and Migration Assistance for Fiscal Year 2009; to the Committee on Foreign Affairs.

6182. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting the Commission's Federal Employee Antidiscrimination Retaliation Act of 2002 (No FEAR Act) Report for FY 2007; to the Committee on Oversight and Government Reform.

6183. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6184. A letter from the Administrator, General Services Administration, transmitting the Administration's Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report for fiscal year 2007; to the Committee on Oversight and Government Reform.

6185. A letter from the President, Inter-American Foundation, transmitting the Foundation's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6186. A letter from the Director, Equal Employment Opportunity, National Endowment for the Humanities, transmitting the Endowment's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6187. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for FY 2007 prepared in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6188. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Fiscal Year 2007 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6189. A letter from the Associate Special Counsel/EEO Director, Office of Special Counsel, transmitting the Office's FY 2007 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6190. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG58) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6191. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG70) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6192. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG52) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6193. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XG34) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6194. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Cargo Carrying Capacity [DOT Docket No. NHTSA-2007-0040] (RIN: 2127-AJ57) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6195. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Information Returns by Donees Relating to Qualified Intellectual Property Contributions [TD 9392] (RIN: 1545-BE11) received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6196. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Section 807.—Rules for Certain Reserves (Rev. Rul. 2008-19) received March 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6197. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use "no year" IMET funds to provide Center for Civil Military Relations/Defense Institute for International Legal Studies (CCMR/DIILS) training in Sri Lanka; jointly to the Committees on Foreign Affairs and Appropriations.

6198. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Authorized Sources of Narcotic Raw Materials [Docket No. DEA-282F] (RIN: 1117-AB03) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 900. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; with an amendment (Rept. 110-597). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5151. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; with an amendment (Rept. 110-598, Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5712. A bill to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; with an amendment (Rept. 110-599). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5613. A bill to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through

April 1, 2009; with amendments (Rept. 110–600). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 5522. A bill to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes; with an amendment (Rept. 110–601). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3032. A bill to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; with an amendment (Rept. 110—602). Referred to the Committee of the Whole House on the State of the Union.

Mr. WELCH: Committee on Rules. House Resolution 1125. Resolution providing for consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes (Rept. 110–603). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1126. Resolution providing for the consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes (Rept. 110–604). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[Omitted from the Record of April 18, 2008]

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 5819 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on April 22, 2008]

Pursuant to clause 2 of rule XIII the Committee on Agriculture discharged from further consideration. H.R. 5151 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICHAUD:

H.R. 5856. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BACHUS (for himself, Mrs. BIGGERT, Mrs. CAPITO, Mr. BOEHNER, Mr. BLUNT, Mr. PUTNAM, Ms. GRANGER, Mr. MCCOTTER, Ms. PRYCE of Ohio, Mr. ROSKAM, Mr. SHAYS, Mr. NEUGEBAUER, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. CASTLE, Ms. GINNY BROWN-WAITE of Florida, Mr. HELLER, Mr. SESSIONS, Mr. LUCAS, Mr. DAVIS of Kentucky, Mr. BONNER, Mr. ROGERS of Alabama, Mr. LATHAM, Mr. TURNER, Mr. CHABOT, Mr. MARIO DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. GALLEGLY, Mr. KIRK, Mr. TERRY, Mr. MANZULLO, Mr. BOOZMAN, and Mr. CARTER):

H.R. 5857. A bill to establish licensing and registration requirements for residential mortgage originators, improve mortgage disclosures, create an Office of Housing Counseling, to provide incentives to facilitate loan modifications, reform the regulation of the Government Sponsored Enterprises, modernize the Federal Housing Administration, improve home ownership for veterans, reform appraisal activities, and combat mortgage fraud, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Armed Services, Veterans' Affairs, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H.R. 5858. A bill to amend the Internal Revenue Code of 1986 to provide incentives for carbon sequestration; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5859. A bill to amend the Clean Air Act to provide that State grants under that Act shall be given to States having consumer beverage container deposit laws on a priority basis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 5860. A bill to increase the average fuel economy of light-duty vehicles in the Federal fleet; to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR:

H.R. 5861. A bill to amend the Outer Continental Shelf Lands Act to prohibit oil and gas preleasing, leasing, and related activities in certain areas of the Outer Continental Shelf off the coast of Florida, and for other purposes; to the Committee on Natural Resources.

By Mr. CHABOT:

H.R. 5862. A bill to amend title 18, United States Code, to require the reading of crime victims' rights in open court in criminal cases; to the Committee on the Judiciary.

By Mr. CUELLAR:

H.R. 5863. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 5864. A bill to designate Puerto Mosquito Bay National Marine Sanctuary in Puerto Rico, and for other purposes; to the Committee on Natural Resources.

By Mr. GOODE (for himself and Mrs. MUSGRAVE):

H.R. 5865. A bill to amend chapter 44 of title 18, United States Code, to require a court adjudication before certain veterans may be denied the right to possess a firearm, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAVES:

H.R. 5866. A bill to expedite the increased supply and availability of energy to our Nation; to the Committee on Energy and Commerce.

By Ms. MATSUI:

H.R. 5867. A bill to establish a grant program to assist retail power providers with the establishment and operation of energy conservation programs using targeted residential tree-planting, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PEARCE (for himself, Mr. KUHL of New York, Mr. NUNES, and Mr. MILLER of Florida):

H.R. 5868. A bill to amend title 10, United States Code, to provide for the retention of members of the Armed Forces on active service or in an active status who would otherwise be retired or separated for a combat-related disability, but who are still medically able to perform noncombat-related military occupational specialties or duties; to the Committee on Armed Services.

By Mr. RODRIGUEZ (for himself, Mr. ENGEL, and Mr. REYES):

H.R. 5869. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself and Mr. WILSON of Ohio):

H.R. 5870. A bill to authorize the Secretary of Housing and Urban Development to make grants to assist local governments with vacant housing problems, and for other purposes; to the Committee on Financial Services.

By Mr. SALAZAR:

H.R. 5871. A bill to designate the Ludlow Massacre National Historic Landmark in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. SESSIONS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mrs. BACHMANN, Mr. BACHUS, Mr. BAIRD, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BECERRA, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOREN, Mr. BOUSTANY, Mr. BOYD of Florida, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. BUYER, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASTLE, Mr. CHABOT, Mr. CHANDLER, Mr. CLAY, Mr. COBLE, Mr. CONAWAY, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CRENSHAW, Mr. CROWLEY, Mrs. CUBIN, Mr. CULBERSON, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DICKS, Mr. DINGELL, Mr.

DONNELLY, Mr. DOOLITTLE, Mr. DOYLE, Mrs. DRAKE, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Mr. ELLSWORTH, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FERGUSON, Mr. FLAKE, Mr. FORBES, Mr. FORTENBERRY, Mr. FORTUÑO, Mr. FOSSELLA, Mr. FOSTER, Ms. FOXX, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GILCHREST, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HAYES, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HILL, Ms. HIRONO, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HOLT, Mr. HULSHOF, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. ISRAEL, Mr. ISSA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. JORDAN, Mr. KANJORSKI, Mr. KELLER, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KNOLLENBERG, Mr. KUHL of New York, Mr. LAHOOD, Mr. LAMBORN, Mr. LAMPSON, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LATHAM, Mr. LATOURETTE, Mr. LATTA, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. LYNCH, Mr. MACK, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHESON, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCCRERY, Mr. MCHENRY, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mrs. MUSGRAVE, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NEUGEBAUER, Mr. NUNES, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. PASCRELL, Mr. PASTOR, Mr. PAUL, Mr. PEARCE, Mr. PENCE, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Mr. POE, Mr. POMEROY, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REGULA, Mr. REHBERG, Mr. REICHERT, Mr. RENZI, Mr. REYES, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. ROHRABACHER, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROYCE, Mr. RUPPERSBERGER, Mr. RYAN of Wisconsin, Mr. RYAN of Ohio, Mr. SALI, Ms. LINDA T. SÁNCHEZ of California, Ms. HERSETH SANDLIN, Mr. SAXTON, Mr. SCHIFF, Mrs. SCHMIDT, Mr. SENSENBRENNER, Mr. SERRANO, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Nebraska, Mr. SNYDER, Mr. SOUDER, Mr. SPRATT, Mr. STEARNS, Mr. STUPAK, Mr. SULLIVAN, Ms. SUTTON, Mr. TANCREDO, Mr. TAYLOR, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. THORNBERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALBERG, Mr. WALDEN of Oregon, Mr. WALSH of New York, Mr. WALZ of Minnesota, Mr. WAMP, Mr. WEINER, Mr. WELCH of Vermont, Mr. WELDON of Florida, Mr. WELLER, Mr. WESTMORELAND, Mr. WHITFIELD of Kentucky, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WITTMAN of Virginia, Mr. WOLF, Mr. WU, Mr. WYNN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.R. 5872. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes; to the Committee on Financial Services.

By Mr. STARK (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mrs. MALONEY of New York):

H.R. 5873. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself and Mr. CARNAHAN):

H.R. 5874. A bill to amend the Public Health Service Act to provide for the establishment of a permanent Multiple Sclerosis National Surveillance System; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself and Mr. ROSKAM):

H. Res. 1124. A resolution expressing the sense of the House of Representatives that there should be established a National Brain Tumor Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN (for himself, Mr. PENCE, Mr. FORTUÑO, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. ENGEL, and Mr. POE):

H. Res. 1127. A resolution condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press; to the Committee on Foreign Affairs.

By Mr. DAVID DAVIS of Tennessee (for himself, Mr. GORDON, and Mr. SHULER):

H. Res. 1128. A resolution expressing support of the goals and ideals of National Carriage Driving Month; to the Committee on Oversight and Government Reform.

By Mr. FORBES (for himself, Mr. SAXTON, Mr. WILSON of South Carolina, and Mr. HAYES):

H. Res. 1129. A resolution regarding the readiness of the Armed Forces of the United States, and the implications for national security; to the Committee on Armed Services.

By Mr. GRAVES (for himself, Mr. BLUNT, Mr. BRADY of Texas, Mr. THOMPSON of California, Mr. FORTENBERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SNYDER, Mr. LOBIONDO, Mr. TOWNS, Mr. KIND, Mr. ROSS, Mr. ETHERIDGE, Mr. POE, Mr. ENGEL, Mrs. BOYDA of Kansas, Mr. KIRK, Mr. GORDON, Ms. GINNY BROWN-WAITE of Florida, Mr. MCGOVERN, Mr. PETERSON of Minnesota, Mrs. MYRICK, Mr. ABERCROMBIE, Mrs. MILLER of Michigan, Ms. JACKSON-LEE of Texas, Mr. WOLF, Mr. GUTIERREZ, Mr. MARSHALL, Mr. BURGESS, Mr. HONDA, Mr. SIMPSON, Mr. HAYES, Mr. SAXTON, Mr. DREIER, Mr. MCCAUL of Texas, Mr. EHLERS, Mr. RAMSTAD, Mr. WALSH of New York, Mr. HALL of Texas, Mr. GINGREY, Mr. YOUNG of Alaska, Mr. FERGUSON, Mr. PORTER, Mr. MARKEY, Mr. HOLDEN, Mr. WU, Mr. SHAYS, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. ARCURI, Mr. BOOZMAN, Mr. BARROW, Mr. WHITFIELD of Kentucky, Mr. CLAY, Mr. CARTER, Ms. SUTTON, Mr. SMITH of Washington, Mr. MORAN of Virginia, Mr. PERLMUTTER, and Mr. KUHL of New York):

H. Res. 1130. A resolution recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well being; to the Committee on Education and Labor.

By Mrs. JONES of Ohio (for herself, Mr. ACKERMAN, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARSON, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. COHEN, Mr. CONAWAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ELLISON, Mr. ELLSWORTH, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. HARE, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. LEWIS of Georgia, Mr. LYNCH, Mr. MARKEY, Mr. MARSHALL, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCNULTY, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mr. GEORGE MILLER of California, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. POMEROY, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WALZ of Minnesota, Mr. HIGGINS, Mr. BARROW, Mr. COOPER, Ms. KILPATRICK, and Mr. SHERMAN):

H. Res. 1131. A resolution recognizing that the Centers for Disease Control and Prevention observes the month of April as National STD Awareness Month and urging the House of Representatives to focus greater attention on activities related to the prevention of STDs and screening and treatment for STDs; to the Committee on Energy and Commerce.

By Mr. POE:

H. Res. 1132. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Oversight and Government Reform.

By Mr. WALZ of Minnesota (for himself, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mrs. BACHMANN, Mr. KLINE of Minnesota, Mr. KIND, Mr. OBEY, Mr.

ALTMIRE, Mr. KENNEDY, and Mr. TOWNS):

H. Res. 1133. A resolution congratulating Winona State University on winning the 2008 Division II men's basketball championships; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. TIAHRT.

H.R. 154: Mr. PAUL and Mr. HINCHEY.

H.R. 211: Mr. CLEAVER.

H.R. 241: Mr. CALVERT and Mr. JONES of North Carolina.

H.R. 248: Mr. ROYCE.

H.R. 383: Mr. LAMBORN.

H.R. 579: Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Mr. PICKERING, Mr. GILCHREST, and Mr. PALLONE.

H.R. 594: Mr. INSLEE and Mr. KAGEN.

H.R. 623: Mr. ELLISON.

H.R. 643: Mr. SIRES, Mr. RENZI, and Mr. NUNES.

H.R. 676: Mr. CLEAVER.

H.R. 685: Mr. BOOZMAN.

H.R. 728: Mr. HIGGINS.

H.R. 758: Mr. WITTMAN of Virginia.

H.R. 818: Mr. ELLISON.

H.R. 840: Ms. HERSETH SANDLIN

H.R. 895: Mr. ROGERS of Michigan.

H.R. 943: Mr. MILLER of North Carolina.

H.R. 971: Mr. KINGSTON.

H.R. 989: Mr. LATTA.

H.R. 1038: Ms. SPEIER.

H.R. 1050: Mr. STARK.

H.R. 1078: Mr. MILLER of North Carolina.

H.R. 1194: Mrs. BLACKBURN.

H.R. 1228: Mr. HINOJOSA.

H.R. 1264: Mr. HERGER and Mr. ALEXANDER.

H.R. 1283: Mrs. EMERSON.

H.R. 1295: Mr. PEARCE.

H.R. 1306: Mr. CRENSHAW and Mr. CONAWAY.

H.R. 1338: Ms. SPEIER.

H.R. 1343: Mr. POE.

H.R. 1353: Mr. JEFFERSON.

H.R. 1392: Mr. SHAYS and Mr. BURTON of Indiana.

H.R. 1409: Mr. BRADY of Pennsylvania.

H.R. 1420: Mr. BOUCHER.

H.R. 1422: Mrs. BACHMANN and Mr. KIRK.

H.R. 1475: Mr. BRALEY of Iowa and Mr. LEWIS of Georgia.

H.R. 1553: Mr. WILSON of Ohio and Mr. TIM MURPHY of Pennsylvania.

H.R. 1589: Mr. GOHMERT and Mr. PICKERING.

H.R. 1606: Mr. FILNER.

H.R. 1609: Mr. CARNEY and Mr. FEENEY.

H.R. 1616: Mr. HONDA.

H.R. 1621: Mr. ALTMIRE.

H.R. 1665: Mr. WU.

H.R. 1673: Mr. OLVER.

H.R. 1746: Mr. CROWLEY.

H.R. 1776: Mr. LEWIS of Georgia and Ms. SPEIER.

H.R. 1783: Mr. CONYERS and Mr. SCOTT of Virginia.

H.R. 1926: Ms. SCHWARTZ and Ms. LEE.

H.R. 1927: Mr. BERMAN and Mr. GOHMERT.

H.R. 1930: Mr. FRANKS of Arizona.

H.R. 1932: Mr. PLATTS and Mrs. BLACKBURN.

H.R. 1967: Mr. WELLER and Mr. LATTA.

H.R. 1983: Mr. SMITH of Nebraska and Mr. SALAZAR.

H.R. 2021: Ms. SHEA-PORTER, Mr. WEINER, and Mr. UDALL of Colorado.

H.R. 2032: Ms. SUTTON, Mr. FARR, and Mr. DAVIS of Illinois.

H.R. 2049: Mr. BRADY of Pennsylvania.

H.R. 2131: Mr. SCHIFF.

H.R. 2159: Mr. PASTOR.

H.R. 2169: Mr. SMITH of New Jersey, Ms. WASSERMAN SCHULTZ, and Mr. MURPHY of Connecticut.

H.R. 2188: Ms. JACKSON-LEE of Texas and Mr. LEWIS of Georgia.

H.R. 2267: Mr. BOYD of Florida and Mr. MURTHA.

H.R. 2303: Mr. SCOTT of Georgia.

H.R. 2352: Mr. CONYERS.

H.R. 2371: Mr. ARCURI, Mr. BOUCHER, Mrs. BOYDA of Kansas, and Mr. RUSH.

H.R. 2449: Mr. BRALEY of Iowa.

H.R. 2472: Mr. FILNER.

H.R. 2552: Ms. BERKLEY and Mr. ELLISON.

H.R. 2593: Mr. MCGOVERN, Ms. Speier, and Mr. GUTIERREZ.

H.R. 2676: Ms. BALDWIN and Mr. PASTOR.

H.R. 2686: Mr. MARSHALL.

H.R. 2694: Mr. SHULER.

H.R. 2744: Mr. HALL of New York and Mr. COSTA.

H.R. 2914: Mrs. BONO Mack.

H.R. 2933: Mr. BOREN.

H.R. 3010: Mr. MILLER of North Carolina, Mr. PASTOR, Mr. SERRANO, Ms. TSONGAS, and Mr. THOMPSON of Mississippi.

H.R. 3089: Mr. MCCOTTER, Ms. FOXX, Mrs. EMERSON, and Mr. BOUSTANY.

H.R. 3142: Mr. CARTER.

H.R. 3175: Mr. CARNAHAN.

H.R. 3197: Mr. CARNAHAN.

H.R. 3257: Mr. CUMMINGS.

H.R. 3289: Mr. PASTOR, Mr. SARBANES, and Mr. DAVIS of Illinois.

H.R. 3334: Mr. TOWNS.

H.R. 3434: Mrs. BACHMANN.

H.R. 3480: Mr. MAHONEY of Florida, Mrs. MYRICK, and Mr. Latta.

H.R. 3544: Mr. KUCINICH, Mr. ARCURI, Ms. CASTOR, Mr. BARROW, Mr. BRALEY of Iowa, Mr. MELANCON, Mr. ROSS, and Mr. DONNELLY.

H.R. 3652: Mr. MILLER of North Carolina and Mr. CAPUANO.

H.R. 3658: Mr. POE.

H.R. 3660: Mr. DONNELLY.

H.R. 3665: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3750: Mr. COHEN and Mr. RUSH.

H.R. 3769: Mr. ABERCROMBIE.

H.R. 3846: Mr. Carson.

H.R. 3852: Mr. PICKERING.

H.R. 3861: Mr. WALBERG.

H.R. 3865: Mr. ROTHMAN.

H.R. 3870: Mr. MCGOVERN and Mr. STARK.

H.R. 3892: Mr. STARK and Mr. HIGGINS.

H.R. 3926: Mr. ALTMIRE.

H.R. 3934: Ms. CORRINE BROWN of Florida and Mr. TURNER.

H.R. 3955: Mr. SCHIFF.

H.R. 3968: Mr. CAMP of Michigan.

H.R. 3981: Mr. GUTIERREZ.

H.R. 4010: Mr. TAYLOR and Mr. PICKERING.

H.R. 4055: Mr. GUTIERREZ.

H.R. 4061: Mr. DAVIS of Kentucky.

H.R. 4105: Mr. DAVID DAVIS of Tennessee, Mr. BRADY of Pennsylvania, Mr. PASTOR, Mr. MCGOVERN, Ms. RICHARDSON, Mr. LEWIS of California, and Ms. BALDWIN.

H.R. 4122: Mr. COHEN.

H.R. 4123: Mr. COHEN.

H.R. 4133: Mr. MARCHANT, Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, and Mr. CARTER.

H.R. 4173: Mr. CLAY.

H.R. 4204: Mr. STARK.

H.R. 4265: Mr. HONDA.

H.R. 4279: Ms. WASSERMAN SCHULTZ.

H.R. 4318: Mr. JONES of North Carolina and Mr. SHAYS.

H.R. 4335: Mr. FARR.

H.R. 4344: Mr. ALEXANDER and Mr. WILSON of South Carolina.

H.R. 4449: Mr. PASTOR.

H.R. 4453: Mr. HARE.

H.R. 4461: Mr. PASTOR.

H.R. 4544: Mr. MILLER of North Carolina and Mr. KANJORSKI.

H.R. 4790: Ms. RICHARDSON.

H.R. 4836: Ms. BALDWIN, Mr. ROSS, and Mr. MCINTYRE.

H.R. 4900: Mr. HASTINGS of Washington and Mr. PICKERING.

H.R. 4990: Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, and Mr. BERMAN.

H.R. 5130: Mr. COHEN.

H.R. 5131: Mr. LOBIONDO, Mr. CONAWAY, Mr. ALEXANDER, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5155: Mr. HALL of New York.

H.R. 5176: Mr. DOGGETT.

H.R. 5223: Ms. ROYBAL-ALLARD and Mr. HINOJOSA.

H.R. 5265: Mr. DONNELLY, Ms. HARMAN, and Mr. SMITH of New Jersey.

H.R. 5404: Ms. ESHOO.

H.R. 5440: Mr. MARIO DIAZ-BALART of Florida.

H.R. 5442: Mr. MCGOVERN, Mr. BRADY of Pennsylvania, and Ms. JACKSON-LEE of Texas.

H.R. 5443: Mr. HONDA, Ms. ROS-LEHTINEN, Mr. MEEKS of New York, and Mr. GENE GREEN of Texas.

H.R. 5444: Ms. SOLIS.

H.R. 5447: Ms. DELAURO, Mr. MCINTYRE, Ms. WATSON, Mr. SCHIFF, Mr. MORAN of Virginia, and Mr. HARE.

H.R. 5466: Mr. MCGOVERN.

H.R. 5481: Mr. GOHMERT and Mr. PICKERING.

H.R. 5509: Mr. BROWN of South Carolina.

H.R. 5522: Mr. LOEBSACK, Mr. TIERNEY, Mr. WU, Mr. ALTMIRE, and Mr. SESTAK.

H.R. 5532: Mr. SESSIONS.

H.R. 5534: Mr. CARNAHAN, Mr. NADLER, Mr. ROTHMAN, and Mr. CASTLE.

H.R. 5545: Ms. JACKSON-LEE of Texas.

H.R. 5546: Mr. TIBERI, Mr. PORTER, Mr. CARNAHAN, and Mr. MARSHALL.

H.R. 5549: Mrs. BOYDA of Kansas.

H.R. 5554: Ms. BERKLEY.

H.R. 5561: Mr. MILLER of North Carolina.

H.R. 5571: Mr. MORAN of Kansas.

H.R. 5590: Mr. FILNER, Mr. GRIJALVA, and Mr. GERLACH.

H.R. 5594: Mr. JONES of North Carolina.

H.R. 5595: Mr. SARBANES, Mr. REGULA, Mr. BISHOP of Georgia, and Mr. BILIRAKIS.

H.R. 5611: Mr. MURPHY of Connecticut.

H.R. 5613: Mr. ROTHMAN, Mr. WELLER, Mr. CARNAHAN, Ms. SHEA-PORTER, Mr. PORTER, Mr. GRAVES, Mr. LARSEN of Washington, Mr. KANJORSKI, Mrs. CHRISTENSEN, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. ANDREWS, Ms. KILPATRICK, Mr. MOORE of Kansas, and Mr. ETHERIDGE.

H.R. 5627: Mr. MARSHALL and Mr. BACA.

H.R. 5637: Mr. BRADY of Pennsylvania and Mr. GUTIERREZ.

H.R. 5638: Ms. JACKSON-LEE of Texas.

H.R. 5640: Mr. WOLF.

H.R. 5646: Mr. GOODLATTE.

H.R. 5668: Ms. SPEIER.

H.R. 5669: Ms. CASTOR, Mr. MCGOVERN, Mr. WAXMAN, Mr. EMANUEL, Mr. WEXLER, Mr. SHAYS, and Mr. MORAN of Virginia.

H.R. 5672: Mr. PICKERING and Mrs. CHRISTENSEN.

H.R. 5673: Mr. ROGERS of Alabama, Mr. POE, Mr. LATTA, Mr. BONNER, Mr. BURTON of Indiana, Mrs. MYRICK, and Mr. BOOZMAN.

H.R. 5676: Mr. YOUNG of Florida.

H.R. 5683: Mr. FATTAH, Mr. WYNN, Mrs. JONES of Ohio, Mr. HASTINGS of Florida, and Mrs. CHRISTENSEN.

H.R. 5684: Mr. BOYD of Florida.

H.R. 5686: Mr. GUTIERREZ and Mr. TURNER.

H.R. 5695: Mr. BURTON of Indiana.

H.R. 5699: Mr. REHBERG.

H.R. 5712: Mr. SHERMAN.

H.R. 5721: Mr. YOUNG of Alaska.

H.R. 5731: Mr. DANIEL E. LUNGREN of California and Mr. ALEXANDER.

H.R. 5734: Mr. PEARCE, Mr. FORTUÑO, Mr. YOUNG of Alaska, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, and Ms. BORDALLO.

H.R. 5737: Mr. ALEXANDER, Mr. LATTA, and Mr. LOBIONDO.

H.R. 5740: Mr. PERLMUTTER, Mr. ROSS, Ms. FOXX, Mr. SMITH of New Jersey, Mr. PEARCE, Mr. ANDREWS, Mr. GONZALEZ, Mr. BARROW, Mr. BILBRAY, Mr. FATTAH, Mr. LANGEVIN, Mr. FARR, and Mr. GENE GREEN of Texas.

H.R. 5746: Mr. CARNAHAN.

H.R. 5749: Mr. LOBIONDO, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. ROGERS of Michigan, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. WALBERG, Mr. TIM MURPHY of Pennsylvania, Ms. WATSON, and Mr. AL GREEN of Texas.

H.R. 5753: Mr. TOWNS.

H.R. 5755: Mr. WAXMAN.

H.R. 5759: Mr. MILLER of Florida and Mr. ALEXANDER.

H.R. 5770: Mr. SCHIFF.

H.R. 5771: Mr. DENT.

H.R. 5775: Mr. HENSARLING and Mr. COLE of Oklahoma.

H.R. 5784: Mr. BURTON of Indiana.

H.R. 5787: Mrs. BOYDA of Kansas, Mr. BURTON of Indiana, Mr. SHAYS, Mr. TOWNS, and Mr. WAXMAN.

H.R. 5791: Mr. BRADY of Pennsylvania, Mr. ISRAEL, and Mr. MCGOVERN.

H.R. 5793: Ms. SPEIER and Mr. JORDAN.

H.R. 5796: Mr. TOWNS.

H.R. 5802: Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mr. PAYNE, Mr. JACKSON of Illinois, Ms. CLARKE, Mr. CLAY, Mr. RANGEL, Ms. KILPATRICK, Mrs. CHRISTENSEN, Ms. NORTON, Mr. WATT, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Mr. SERRANO, Ms. VELÁZQUEZ, Mrs. JONES of Ohio, Ms. SOLIS, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. REYES, Mr. CROWLEY, Mr. WEINER, Ms. WATSON, Mr. CLYBURN, Mr. TOWNS, and Ms. WATERS.

H.R. 5804: Mr. SHERMAN.

H.R. 5806: Mr. MCGOVERN, Mr. TOWNS, Mrs. CHRISTENSEN, and Mr. MORAN of Virginia.

H.R. 5815: Mr. SHERMAN.

H.R. 5825: Mr. TIAHRT, Mr. YOUNG of Florida, Mrs. CAPPS, Mr. SMITH of New Jersey, Mr. REICHERT, Mr. ALTMIRE, Mr. SMITH of Washington, Mr. FRELINGHUYSEN, Mrs. BACHMANN, Mr. FORTUÑO, Mr. KAGEN, Mr. TANCREDO, and Mr. ELLSWORTH.

H.R. 5830: Mr. MAHONEY of Florida, Mr. CARSON, and Mr. CROWLEY.

H.R. 5833: Ms. HOOLEY and Mr. DAVIS of Illinois.

H.R. 5838: Ms. LINDA T. SÁNCHEZ of California.

H.R. 5841: Mr. MARSHALL and Mr. BOREN.

H.R. 5844: Mrs. TAUSCHER.

H.R. 5845: Ms. SPEIER.

H. J. Res. 23: Mr. YOUNG of Alaska.

H. J. Res. 67: Mr. CONAWAY.

H. J. Res. 80: Ms. LEE.

H. Con. Res. 28: Mrs. MCMORRIS RODGERS and Mr. KENNEDY.

H. Con. Res. 81: Mr. DOGGETT.

H. Con. Res. 134: Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. RANGEL, and Mr. MCGOVERN.

H. Con. Res. 257: Mr. ROGERS of Alabama and Mr. MILLER of Florida.

H. Con. Res. 294: Mr. COHEN.

H. Con. Res. 299: Mr. MARSHALL, Mr. HINOJOSA, Ms. ESHOO, Mr. SHAYS, Mr. BOUCHER, Mr. MCGOVERN, Mr. VAN HOLLEN, and Mr. TIBERI.

H. Con. Res. 305: Mr. LIPINSKI and Ms. SHEA-PORTER.

H. Con. Res. 318: Ms. SPEIER.

H. Con. Res. 320: Mr. MCGOVERN, Ms. BORDALLO, and Mr. TURNER.

H. Con. Res. 322: Mrs. SCHMIDT, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Ms. CLARKE, Mr. FILNER, Mr. ELLSWORTH, Ms. BORDALLO, Mr. WITTMAN of Virginia, Mr. RANGEL, Mr. WU, Mr. LATHAM, Mr. WELCH of Vermont, Ms. ZOE LOFGREN of California, Mr. SARBANES, Mr. PRICE of Georgia, Mr. JACKSON of Illinois, Mr. RYAN of Wisconsin, Mr. MILLER of North Carolina, Mr. FATTAH, Mr. CARNAHAN, Mr. GOHMERT, Mr. ROYCE, Mr. TOM DAVIS of Virginia, Mr. CARNEY, Mrs. CAPPS, Mr. DAVIS of Kentucky, Mr. SMITH of Nebraska, Mr. SERRANO, Mr. RADANOVICH, Mrs. BACHMANN, Mr. HASTINGS of Washington, Ms. SLAUGHTER, Mr. KLINE of Minnesota, Mr. BARTLETT of Maryland, Mr. WOLF, Mr. CAPUANO, Mr. BOYD of Florida, Mr. ROGERS of Kentucky, Mr. WALZ of Minnesota, Mrs. BONO MACK, Mr. CANNON, Mr. WAMP, Mr. BISHOP of Utah, Ms. CASTOR, Mr. FALEOMAVAEGA, Mr. LATTA, Ms. GRANGER, Mrs. MCMORRIS RODGERS, Mr. KENNEDY, Mr. CLEAVER, Ms. SOLIS, Mr. WALDEN of Oregon, Mr. JOHNSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, Mr. KUCINICH, Mr. BRADY of Texas, Mr. FARR, Mr. SCOTT of Virginia, Mr. LEWIS of California, Mr. FLAKE, Mr. MCCOTTER, Mr. FEENEY, Mr. MARCHANT, Mr. DOOLITTLE, Mr. BUCHANAN, Mr. HERGER, Mr. STEARNS, Mr. LYNCH, Mr. TIM MURPHY of Pennsylvania, Mr. KING of Iowa, Ms. LORETTA SANCHEZ of California, Mr. DANIEL E. LUNGREN of California, Mr. GUTIERREZ, Mr. ALLEN, and Mr. THOMPSON of California.

H. Con. Res. 323: Mr. MARKEY.

H. Con. Res. 329: Mr. DENT and Mr. MCHENRY.

H. Res. 68: Mr. ELLISON.

H. Res. 76: Mr. CLEAVER.

H. Res. 102: Mr. MURPHY of Connecticut.

H. Res. 111: Mr. SIMPSON and Mr. LATTA.

H. Res. 127: Ms. BORDALLO.

H. Res. 353: Mr. MITCHELL, Ms. CORRINE BROWN of Florida, and Mr. SCOTT of Virginia.

H. Res. 620: Mrs. MUSGRAVE and Mr. ROYCE.

H. Res. 653: Mr. FALEOMAVAEGA, Mr. MEEKS of New York, Mr. SMITH of Washington, Ms. WATSON, Mr. ACKERMAN, Mr. SCOTT of Georgia, and Ms. LEE.

H. Res. 679: Mr. ARCURI and Ms. SLAUGHTER.

H. Res. 863: Mr. MCCOTTER.

H. Res. 888: Mr. LUCAS.

H. Res. 891: Mr. Fortuño and Mr. LAMPSON.

H. Res. 925: Mr. TURNER and Ms. SPEIER.

H. Res. 937: Mr. MARSHALL, Ms. KAPTUR, Mr. MCCAUL of Texas, Mr. ROGERS of Michigan, Mr. MILLER of Florida, and Mrs. SCHMIDT.

H. Res. 987: Mr. ACKERMAN.

H. Res. 1019: Mrs. CHRISTENSEN.

H. Res. 1058: Mr. CUELLAR.

H. Res. 1069: Mr. WOLF, Mr. CANTOR, Mrs. NAPOLITANO, Mr. BOSWELL, Mr. MARSHALL, Mr. SHAYS, and Mr. HONDA.

H. Res. 1079: Mr. KUHL of New York, Mrs. DRAKE, Mr. KANJORSKI, Mr. BILBRAY, Mr. MCGOVERN, Mr. JOHNSON of Illinois, Mr. SHAYS, Mr. ROSKAM, Mr. DREIER, and Mr. MCCARTHY of California.

H. Res. 1086: Mr. SNYDER, Mr. SARBANES, Mr. SPRATT, Mr. BOSWELL, Ms. LEE, Mr. HINOJOSA, Ms. SCHAKOWSKY, Mr. WU, Mr. KLEIN of Florida, Mr. SKELTON, Mr. ROSS, Mrs. DAVIS of California, Mr. CARNEY, Mr. ENGLISH of Pennsylvania, Mr. SHAYS, Ms. SUTTON, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Ms. BORDALLO, Mr. WYNN, Mr. PASTOR, Mr. MARKEY, Mr. GENE GREEN of Texas, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. MCGOVERN, Mr. BURTON of Indiana, and Ms. ROYBAL-ALLARD.

H. Res. 1091: Mr. BOUCHER and Mrs. DRAKE.

H. Res. 1109: Ms. SUTTON and Mr. MILLER of North Carolina.

H. Res. 1110: Mr. ANDREWS, Mr. FRELINGHUYSEN, Mr. BOYD of Florida, Mr. SIRES, Mr. KNOLLENBERG, Mr. GOHMERT, Mr. HAYES, Mr. HOEKSTRA, Mr. PRICE of Georgia, Mr. MANZULLO, Mr. WELLER, Ms. GIFFORDS, Mrs. BACHMANN, Mr. MARIO DIAZ-BALART of Florida, Mr. HENSARLING, Mr. BUCHANAN, Mr. MITCHELL, Mr. CULBERSON, Mr. HONDA, and Mr. LINDER.

H. Res. 1111: Mrs. GILLIBRAND, Ms. GIFFORDS, and Ms. JACKSON-LEE of Texas.

H. Res. 1112: Ms. BORDALLO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 5515: Mr. GOODE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY JAMES L. OBERSTAR

The amendment to be offered by Mr. OBERSTAR or his designee to the Amendment in the Nature of a Substitute to H.R. 2830, the "Coast Guard Authorization Act of 2007", does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

RECOGNIZING KELSEY TEMPLE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Kelsey Temple on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Temple's leadership, citizenship, and service to her community.

For her Gold Award project, Kelsey Temple educated elementary aged children about bicycle safety. Miss Temple stressed the importance of wearing a helmet, learning and obeying traffic rules regarding cyclists, and bicycle maintenance.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Kelsey Temple in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

KAILEY FORD

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kailey Ford who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kailey Ford is a student at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kailey Ford is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kailey Ford for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HAZEL BUCKLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Hazel Buckley, of Tarkio, Missouri. On April 8, 2008, after 20 years of service, Hazel retired as the Tarkio City Collector.

Hazel began her city collector position when the city had just started doing taxes on the computer instead of on paper. Through the 20 years that Hazel has been the city collector, she has worked under four mayors. Hazel is also the treasurer of the Tarkio Business and Professional Women, and is a member of the Atchison County Health Board and the Tarkio Community Garden Club.

Madam Speaker, I proudly ask you to join me in recognizing Hazel Buckley, whose service to the Tarkio community has been truly exceptional. I wish Hazel the best in her retirement and it is an honor to serve her in the United States Congress.

TRIBUTE TO DAN LONG

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. SALI. Madam Speaker, I rise today to recognize Dan Long of Boise, Idaho. Dan will be representing Idaho in the 2008 National Small Businessman of the Year competition.

The Small Business person of the Year Award is given annually by the United States Small Business Administration, SBA. Any individual who owns and operates or who bears principal responsibility for operating a small business may be nominated. A winner from each State has been selected and they will gather in Washington, DC, this week for the announcement of National Small Business Person of the Year. This event coincides with National Small Business Week.

Criteria for selecting the Small Business Persons of the Year include substantiated history as an established business, growth in the number of employees, increase in sales and response to adversity, among other factors.

Dan is an ideal candidate to represent Idaho for this award. He started A–1 Plumbing Service, Inc., in 1984 with one truck and one employee, himself. Dan had a vision of adding one truck per year for the first 10 years and using them to deliver exceptional service.

Dan's vision has become reality. A–1 Plumbing has grown from one truck and one employee to offices in Boise and Nampa, 25 trucks and 36 employees. In addition, the company has enjoyed a booming rate in sales and profits of 10 to 20 percent annually since its inception. Particularly impressive is the repeat customer percentage of 87 percent.

I also commend Dan for his practice of donating a minimum of one percent of revenues to local charities. His actions are exemplary. He is much deserving of the title National Small Businessman of the Year.

Thank you, Dan, for your quality work. It is my honor to recognize you today.

HONORING YVONNE BRATHWAITE BURKE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. CAPPS. Madam Speaker, I rise today on behalf of the Congressional Caucus for Women's Issues to honor Yvonne Brathwaite Burke, who served as a Representative of California's 37th Congressional District from 1973 to 1979, and is retiring at the end of this year, after an impressive five-decade career as a public servant in the State of California.

On the occasion of Mrs. Burke's retirement from public office, we wish to extend to her, sincere congratulations for the decades of dedicated service that she has given to her Nation, her State, and her county, most recently as chair of the county of Los Angeles Board of Supervisors, the largest county in the Nation with a population of over 10 million. For the past 15 years, she has served with distinction as the supervisor of the second district, representing nearly 2.5 million residents.

During her tenure, Mrs. Burke has focused on improving the lives of children, encouraging economic development, and improving transportation throughout Los Angeles, as well as promoting public social services, health care for the uninsured, and affirmative action for women and the economically disadvantaged.

While Mrs. Burke has innumerable accomplishments over the past 15 years, these are some significant highlights of her service in the Second Supervisorial District of Los Angeles County:

Currently chairs the Los Angeles County Children's Planning Council that is regarded as the most influential forum for advocating reform of children's service systems in a major metropolitan area.

Helped to establish the Los Angeles County Department of Children and Family Services "Family to Family" program, which advocates the placement of foster children in homes near their original communities.

Established the Second District Education and Policy Foundation that awards scholarships to deserving local students.

Encouraged private businesses and organizations to make computer laboratories available in areas such as public housing, and encouraged constituents to make use of computer research facilities in the county library system.

Promoted the establishment of businesses in areas of the county that have been underserved, providing on-going services to small businesses and establishing the county's website that lists available contracts for small businesses.

Pushed for the establishment of a multimodal public transportation system, as a member of the Metropolitan Transportation

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Authority Board, and continues to labor for the development of the Crenshaw Corridor and for a light and heavy rail system.

Served as Past President and currently serves as a Board member of the Southern California Association of Governments (SCAG), where she focused on major regional concerns, including the establishment of a multi-modal public transportation system for the Los Angeles area.

Implemented the La Brea Green Belt as a major transportation artery in Los Angeles, as well as providing fire, flood, and landslide abatement.

Led on many environmental issues, including joining the City of San Francisco, calling on residents to turn off lights for an hour to conserve energy; urged the use of paper, rather than plastic bags; and pushed for the observance of America Recycle Day in Los Angeles County.

Spearheaded an effort in the County that resulted in a voluntary program for restaurants to eliminate trans fat.

On behalf of the Congressional Caucus for Women's Issues, the State of California, and the County of Los Angeles, I want to thank Yvonne Brathwaite Burke for sharing her tremendous gifts with us for so many years. We believe Mrs. Burke is an impeccable inspiration to all young women who aspire to posts of leadership and public service. We offer our sincere gratitude to Mrs. Burke for her countless contributions throughout her phenomenal career. We join with her many co-workers, family, friends, and associates in wishing her health, happiness, and continued good fortune.

HONORING LENAPE MIDDLE SCHOOL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker. I rise today to honor the 50th anniversary of Lenape Middle School in Doylestown, Pennsylvania. This school has a long and notable history of educating Bucks County's youth as well as helping the greater community.

Lenape Middle School began its service to Bucks County when it opened on September 4, 1957. Originally serving all of Central Bucks School District, Lenape Middle School now educates students living in Doylestown, Doylestown Township, and parts of New Britain Township. Despite being the smallest of the Central Bucks School District's middle schools, Lenape Middle School is proudly one of the most diverse schools in the district.

Lenape Middle School is also home to several important scholastic programs. Lenape serves as the regional school for various district special education programs as well as serving as the host school for all English as a Second Language students. In honor of its notable academic work, Lenape Middle School was named a "School to Watch" by the National Forum to Accelerate Middle-Grades Reform in April 2007.

In addition, Lenape Middle School boasts distinguished participation in community service and outreach. Lenape is deeply involved in the 40 Assets project. This program seeks to recognize students for making a difference in the lives of one of their peers, teachers, or neighbors. Also, Lenape students actively participate in various community service organizations such as Ponds for Kids, the Relay for Life, and Recycle 4 Relay Campaign.

Lenape Middle School is an exceptional example of an outstanding academic institution. The outstanding work of both Lenape's students and teachers significantly improves the Bucks County community. Madam Speaker, I am proud to represent Lenape Middle School and grateful for the opportunity to recognize Lenape's 50th anniversary.

RECOGNIZING SYDNEY SHRUM

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Sydney Shrum on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Shrum's leadership, citizenship, and service to her community.

For her Gold Award project, Sydney Shrum designed and painted a map of the United State of America on the sidewalk of Rockenbaugh Elementary School in Southlake, Texas.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Sydney Shrum in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

A PROCLAMATION HONORING THE HARLEM COMMONWEALTH COUNCIL AS THEY CELEBRATE 41 YEARS OF SERVICE TO THE HARLEM COMMUNITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. RANGEL. Madam Speaker:

Whereas, Since 1967, The Harlem Commonwealth Council has been dedicated to empowering the Harlem community through job creation and ownership of local commerce, industry and real estate. From the time of its humble beginnings, they have embarked in a mission to stimulate the overall economic development of Harlem through the creation of enterprises, generation of jobs, and improvement of services; and

Whereas, Today, The Harlem Commonwealth Council has continued to hold firm on its pledge to serve the Harlem community by implementing successful ventures and programs through the years that promote self-sufficiency amongst its citizenry and create stability in Harlem through economic development projects, academic empowerment, and entrepreneurial support; and

Whereas, Harlem Commonwealth Council has the distinction of having made historically significant contributions to its vibrant multicultural community in many instances without the financial support of governmental agencies or outside entities. Through a team of Harlem professionals, community and business leaders, it continues to engineer new initiatives that will foster and sustain economic prosperity to Harlem's residents and businesses; and

Whereas, Leading the way towards the future of the Harlem Commonwealth Council is none other than the distinguished Harlem veterinarian Dr. Joseph L. Tait. While pursuing Veterinary goals, he became a Director in the Commonwealth Holding Company, Inc. Board. Through hard work and perseverance he gained the confidence of his peers who elevated him to the position of Chairman of The Council and ultimately the President and CEO. As President, Dr. Tait has shifted the focus to include reaching out to the young people of our community to offer opportunities for growth professionally and educationally; and

Whereas, As the Harlem Commonwealth Council celebrates forty-one years of service to the Harlem community, it is important to note that when the world had given up on Harlem and urban communities like it nationwide, HCC and other community based organizations, business owners and residents did not. They continue to serve as a shining example of what people can accomplish when they are dedicated to a vision and work together to realize it; and

Resolved, That along with all the residents in the 15th Congressional District of New York, I congratulate The Harlem Commonwealth Council on their forty-first anniversary. Through their unwavering efforts to secure the future of the Harlem community, The Harlem Commonwealth Council has contributed to the effervescent Harlem of today.

TRIBUTE TO ANZELLA K. NELMS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to recognize and honor a dedicated public servant, Anzella K. Nelms who is retiring from the position of State District Deputy Superintendent of the Newark Public Schools. Ms. Nelms' journey to this post encompassed many levels including classroom teacher, vice principal and principal. As a result of these experiences. Ms. Nelms was definitely in a position to make a difference in the lives of our most precious resources, our children.

An accomplished student herself, having attended school in her native Raleigh, North Carolina, Anzella Nelms sought to ensure that Newark's school children received a quality education. Her dramatic influence can be seen at Camden Middle School where she served as principal from 1979 to 1989 and helped to develop a national model for school effectiveness. It can also be seen in the 16 "Theme Schools" she began within her School Leadership Team while serving as Assistant Superintendent. Fortunately, for those who had the opportunity to work with her, Ms. Nelms was generous with sharing her knowledge and her significant leadership skills.

As Ms. Nelms retires, she will be remembered for her belief in the needs of the total child along with her other accomplishments. She started a tennis program and encouraged fine arts within the schools. She is an excellent role model as well as the consummate professional. Her elegance and charm are as integral to her being as her love for learning. Ms. Nelms has touched the lives of countless students, parents and administrators.

Quite appropriately, Ms. Nelms has received many awards, accolades and honors for her work in the Newark Public School System. I am truly grateful that she chose Newark as her system of choice because I know she had other options. As a former teacher, I know that to be in an educational environment is to serve with one's heart. Ms. Anzella Nelms has served with her heart since 1964 and in the process has created a memorable legacy.

Madam Speaker, I am sure my colleagues agree that Ms. Anzella Nelms deserves to be feted at a party in her honor on Friday, April 18, 2008, for her many years of dedicated service to the Newark community. I am proud to have had her in my Congressional district and wish her never-ending success in her future endeavors.

HONORING CHRISTIAN ALBERT McGRAIN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. ANDREWS. Madam Speaker, I rise today to honor Christian Albert McGrain, the first baby born in New Jersey in 2008. Christian was born 26 seconds after midnight on January 1, 2008 at St. Peters University Hospital in New Brunswick. NJ to proud parents Jacqueline Dempsey McGrain and Michael McGrain. Christian is the pride and joy of his grandparents Albert and Carol McGrain, Thomas K. and Gail Dempsey, and great-grandparents, Tom and Phyllis Dempsey.

Madam Speaker, the birth of Christian Albert McGrain, mere seconds after midnight on New Year's Day, is a cause for celebration. With Christian's timely birth, this is a year his family will always remember. I wish Christian and his family the very best in 2008.

RECOGNIZING SHANNON MICHAEL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Shannon Michael on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Michael's leadership, citizenship, and service to her community.

For her Gold Award project, Shannon Michael organized volunteers from her church, Girl Scouts, and a senior center to donate baby supplies and materials to make baby blankets. Miss Michael then taught younger girls how to sew and knit the blankets which were given to Metrocrest Social Services to distribute to needy families with babies.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Shannon Michael in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

JARED BRYAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jared Bryan who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jared Bryan is a student at North Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jared Bryan is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jared Bryan for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

HONORING TARAN RAY WINNIE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Taran Ray Winnie of Kearney, Missouri. Taran is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Taran has been very active with his troop, participating in many scout activities. Over the many years Taran has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Taran Ray Winnie for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO SERGEANT MICHAEL T. LILLY

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. SALI. Madam Speaker, I rise today to recognize Sergeant Michael T. Lilly of Boise, Idaho. Sergeant Lilly was killed on April 7, 2008 in Sadr City, Iraq in support of Operation Iraqi Freedom when a rocket propelled grenade caused an explosion near Sergeant Lilly's position.

While serving the United States, Sergeant Lilly distinguished himself amongst fellow soldiers as an enthusiastic, patriotic soldier, passionately dedicated to serving his country and defending freedom abroad. Sgt. Lilly embodied high caliber leadership in keeping with the highest traditions and customs of the United States Army, and his guidance will be sorely missed by all of those with whom he served.

Sgt. Lilly was a graduate of Borah High School, a "Borah Lion." At the memorial service held in his honor, one of the speakers, former Boise Airport police chief and Borah grad Mike Johnson said, "Lilly had the heart of a Lion. Tonight, the Lion sleeps." There can be no finer tribute to this sterling young man.

I extend to his wonderful family my most sincere condolences and express my heartfelt appreciation for the brave men and women like Sgt. Lilly who have borne the hardships of battle and perished in the line of fire.

EQUAL PAY DAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. CAPPS. Madam Speaker, I rise to call attention to Equal Pay Day.

This is the day when the average wages of a female worker catch up to the average wages of a male worker during the previous year.

That's right, the Equal Pay Act was signed into law by President Kennedy in 1963, yet here we are in 2008 and women still earn only 77 cents to every dollar a man earns.

When women earn less, their entire family suffers. When we allow women to be paid unequal wages for equal work, we as a society are tolerating discrimination. That is why we must take action to close the wage gap, and treat all workers equally.

Further compounding the difficulties that are faced by women and their families due to pay inequity, is the Supreme Court decision last year in Ledbetter v. Goodyear. The Court rules that a worker must file a charge of pay discrimination within 180 days of an employer's initial decision to pay someone less for discriminatory reasons. This clearly went against the intent of the Civil Rights Act and I was so proud that the House acted quickly to pass the Lilly Ledbetter Fair Pay Act, which provides more effective remedies to women who are not being paid equal wages for doing equal work.

This week, the Senate will consider this important legislation—how fitting that it occurs during the same week as Equal Pay Day?

I urge my colleagues in the Senate to pass the Lilly Ledbetter Fair Pay Act immediately and urge the President to sign it into law.

HONORING THE NOTTINGHAM FIRE DEPARTMENT

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the 50th anniversary of the Nottingham Fire Department in Bensalem, Pennsylvania. This fire department has a long and notable history of protecting the residents of Bucks County.

In 1956, sensing the need for another fire company in Bensalem Township, a group of concerned Bensalem residents filed an application with the Bucks County Courthouse to establish an additional fire department. Despite facing strong opposition, the Nottingham Fire Department was formally established on April 25, 1958, following a lengthy legal battle. The original members of the Nottingham Fire Department were instrumental in setting up the company and creating the framework the department still maintains today. At personal cost and sacrifice, the founding members established the department's first station, purchased its first tanker, and elected officers to run the company's business.

Since its beginning, the Nottingham Fire Department has used cutting edge technology and practices to improve its service to the community. The fire department was the first in the county to initiate pre-designated fire fighter bucket assignments. To accommodate the growing demands on its firefighters, the department also took the initiative to start an organized bunk-in-program, a live-in-program and duty crew nights. In addition, the fire department was the first to establish formal Standard Operating Procedures and have them compiled into a training manual, and the first in the area to institute a first responders unit.

The Nottingham Fire Department is proof that a group of concerned citizens can truly make a difference in the lives of those in their community. Madam Speaker, I am proud to represent the Nottingham Fire Department and grateful for the opportunity to recognize their significant 50th anniversary.

CONGRATULATING COLUMBIA UNIVERSITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. RANGEL. Madam Speaker, I rise today to congratulate Columbia University on its newly announced initiatives to restructure their financial aid policies, in order to provide those students from lower- and middle-income families with an affordable solution to skyrocketing tuition costs.

Columbia University has long held the reputation of inclusion, attracting the most socioeconomically diverse undergraduate student populations among Ivy League universities. The University has recently gone a step further announcing that the College will replace loans for students qualifying for financial aid with University grants. The University is expected to spend upwards of $1 million annually to ensure that income disparities do not prevent capable students from attending a top university. As the price of college increases more and more every year, Columbia's actions display their understanding of the importance of a good education to underprivileged children in escaping poverty and opening the door to opportunities in life.

It is my sincere hope that other colleges and universities across the Nation will join Columbia in providing those students from lower- and middle-income families with a feasible way to pay for college.

A TRIBUTE TO THE LEADERSHIP OF DR. LYN BEHRENS OF LOMA LINDA UNIVERSITY AND MEDICAL CENTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. LEWIS of California. Madam Speaker, I rise today to pay tribute to my good friend Dr. B. Lyn Behrens, who is retiring after nearly two decades of guiding Loma Linda University Medical Center into a regional, national and international role in modern medical technology, trauma care and cancer research.

An innovator and pioneer throughout her career, Dr. Behrens became the first pediatric resident at Loma Linda University Medical Center in 1966, just 2 years after completing her medical degree at the Sydney University School of Medicine. She became the first female dean of the medical school in 1986, and in 1990 she became the university's first female president.

Over the next 10 years, Dr. Behrens became the CEO of Adventist Health System, and then president of Loma Linda University Medical Center, making her the top leader of all of the institutions affiliated with the university in San Bernardino County. Loma Linda now has a staff of 13,000, with 4,000 students from 80 countries.

I first became closely acquainted with Dr. Behrens when we joined Dr. James Slater of Loma Linda in the quest to create the Nation's first proton beam treatment center in the late 1980s. That facility, which has treated more than 12,000 cancer patients, has become a model for Federal/local cooperation in research and medical technology. Although Dr. Slater was the driving force behind this medical breakthrough, Dr. Behrens marshaled the resources and staff of the medical center to provide crucial support for the effort.

Following her first love of pediatrics, Dr. Behrens led the creation of the Loma Linda University Children's Hospital, the only dedicated children's hospital in the Inland Empire—one of the fastest growing major urban areas in the United States. As with all of Loma Linda's institutions, this is a true teaching hospital, and will soon have a state-of-the-art pediatric and maternal health sciences campus.

As an outgrowth of the children's hospital, Dr. Behrens led Loma Linda in creating the Rehabilitation, Orthopedic and Neurosciences Institute, which provides innovative rehabilitation for those who have lost limps, and is an international leader in research on the development of longer lasting artificial joints. The institute includes a park and playground with 26 different play features designed for interaction between able-bodied children and disabled children.

Growing in many other ways under Dr. Behrens' leadership, the university has added a Behavioral Medicine Center, a school of pharmacy and a school of science and technology. The university and medical school have reached out to the community and region in many ways, creating clinics to serve low-income patients and counseling programs for after-school children and at-risk teenagers.

Loma Linda has also established an international reputation for excellence under Dr. Behrens' leadership. Adventist Health International provides administrative support to hospitals and clinics in 12 developing nations, and provides medical support in 48 other countries. The most prominent efforts are in Kabul, Afghanistan, where Loma Linda provides direct support for that nation's only teaching hospital, and in Hangzhou. China, where the Sir Run Run Shaw Hospital is the first in China to receive endorsement of quality care by the Joint Commission for International Accreditation.

It goes without saying that Dr. Behrens has taken a leadership role in many medical societies in California and across the nation. Her accomplishments have recently been recognized by the California Hospital Association. which awarded her the Ritz E. Heerman Memorial Award for outstanding contribution in the improvement of patient care in California.

Madam Speaker, after more than 40 years as a leader in medicine and health education, Dr. Behrens is retiring next month. Please join me in thanking her for a lifetime of public service and congratulating her on the many accomplishments that have helped make Loma Linda University Medical Center one of the nation's finest institutions of medical research and education.

ENERGY CONSERVATION THROUGH TREES ACT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. MATSUI. Madam Speaker, today I am proud to introduce the Energy Conservation through Trees Act. On this Earth Day in 2008, my legislation builds on an innovative program developed in my hometown of Sacramento that will help Americans lower their energy bills while increasing energy conservation and reducing greenhouse gas emissions. Through the targeted and strategic planting of specific species of shade trees around residences, homeowners and utilities can conserve significant amounts of energy.

Planting shade trees in strategic locations is a proven method to help homeowners manage the amount of electricity they need to run their air conditioners and heaters. For more than a decade, the Sacramento Municipal Utility District has partnered with the Sacramento Tree Foundation to offer their customers free shade trees to help reduce energy consumption.

This program has succeeded in planting more than 400,000 trees, which will help conserve enough energy to cool 9,000 homes in Sacramento. In addition, these trees will contribute to the fight against global warming by absorbing an estimated 2 billion pounds of carbon dioxide. They will absorb 5 billion gallons of rainwater as well, and will eliminate or avoid the production of about 61 million pounds of air pollutants. Most important, they will save my constituents millions of dollars in energy costs, and will relieve SMUD from having to purchase expensive and dirty power during periods when demand is at its peak.

Madam Speaker, the benefits of strategically planted trees to the environment, to energy conservation, and even to public health are many, and the Federal Government certainly has a role to play in helping to encourage more utilities to utilize them. With this in mind, the Energy Conservation through Trees Act creates a grant program at the Department of Energy to help residential power providers institute targeted tree-planting initiatives dedicated to reducing residential energy consumption.

In order to qualify for financial assistance under this legislation, utilities must partner with local tree-planting organizations to serve as experts in the siting, planting, and care of the shade trees provided to homeowners. These tree-planting organizations must employ science-based guidelines to ensure that planted trees do not interfere with pre-existing solar panels, wind turbines, septic systems, building foundations, and other essential infrastructure. These guidelines are also meant to ensure that ecologically appropriate trees are distributed to homeowners.

Madam Speaker, the American people are concerned about our Nation's energy policy. They want us to take action to combat global warming. They are demanding relief from energy bills that continually rise year after year. Utilizing strategic planting of trees to increase energy conservation is a proven and reliable way for Congress to take action to address these concerns. I urge my colleagues to join me in supporting the Energy Conservation through Trees Act. Doing so will send a strong signal to our constituents that we are taking steps today to create a more affordable and energy-conscious future for them.

RECOGNIZING SARAI INGRAM

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Sarai Ingram on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Ingram's leadership, citizenship, and service to her community.

For her Gold Award project, Sarai Ingram designed and provided a library of books for the Children's Room at the Battered Women's Foundation in Hurst, Texas. In addition, Miss Ingram helped care for the children while their mothers were receiving support at the center for themselves and their families.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Sarai Ingram in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

MADDIE HOLMES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Maddie Holmes who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Maddie Holmes is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Maddie Holmes is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Maddie Holmes for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING ANDREW FORTIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Fortin of Kansas City, Missouri. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew Fortin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE EFFORTS OF THE BIBLE CHRISTIAN CHURCH OF GARDEN CITY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MORAN of Kansas. Madam Speaker, I rise today to share an inspirational story about a community coming together in a time of need. Like Americans across the country, Kansas families are burdened with the rising cost of fuel, healthcare, and other basic needs.

The Bible Christian Church of Garden City raised funds to help reduce the pain many Kansas families are facing at the pump by lowering the price $0.40 a gallon at a local Shell gas station. They allowed as many residents to participate in the event in 1 hour as possible. The turnout was so great that the hour was extended for those who waited in line throughout the hour and didn't make it through.

In addition to giving a discount on gas, Bible Christian Church held its third annual Community Day of Service. Many free services were provided in the church's Family Life Center, such as hair cuts for children; hearing, dental, and vision screenings; cancer screenings and bone marrow registry, along with free clothing.

I would like to recognize members of the Bible Christian Church, community physicians, and local residents for their time and efforts in their act of services to the Garden City community.

While Washington remains divided on ways to help the needy, it is small acts of generosity like this that our Nation can be proud of and encourage. Even the smallest deeds are a step in the right direction.

HONORING NORMAN MOORHEAD

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the extraordinary achievements of Mr. Norman Moorhead. Mr. Moorhead is being recognized by the Newtown Township Police Department, honoring his retirement from the force after 40 years of hard work and dedication to his community.

A longtime resident of Bucks County, Mr. Moorhead began his exceptional service to others in 1963. After graduating from Council Rock High School, Mr. Moorhead enlisted in the Air Force and began basic training that following September. During his time in the United States Air Force. Mr. Moorhead was trained as a Power Production Specialist. He used his specialized skills and knowledge and served for 18 months as part of a Vietnam support base in Okinawa, Japan.

Mr. Moorhead was honorably discharged from the Air Force in 1967. After, he returned to Bucks County he continued his work on behalf of our community. Mr. Moorhead joined the Newtown Township Police Department in 1968, beginning his decades-long commitment to improving the safety of Bucks County. Over the years, Mr. Moorhead established himself as an outstanding public servant, undertaking various special tasks necessary to keep the police department running.

Years later, as a sergeant for the Newtown Township Police, lie worked to establish the Newtown Youth Aid Panel. The Youth Aid Panel is a volunteer organization established to help police officers with juvenile offenders and other related problems. In 1989, Mr. Moorhead was promoted to Captain and, in addition to his other responsibilities, he undertook the duties of planning various special events in Newtown, such as First Night. First Fourth, and local parades.

As his outstanding work and achievements show. Norman Moorhead dedicated his life to helping those in his community and beyond. Through his extensive efforts. Mr. Moorhead has worked hard to make Bucks County a safer place. Madam Speaker, I am proud to recognize Mr. Moorhead for his extraordinary accomplishments and outstanding service to his community.

HONORING OUR NATION'S IMMIGRANTS WITH MORE THAN JUST WORDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. RANGEL. Madam Speaker, this week New York City does what many in our country should be doing everyday. Across 7 days and more than 100 events, the Big Apple celebrates the culture and achievements of the countless numbers of immigrants—past and present—who have come to our great country.

They come from numerous continents, and countries, in a variety of hues, each with their own distinct histories, descendants of cultures that pre-date our society sometimes four or five times over. Despite the obstacles, they manage to quickly prove themselves and contribute to their communities in a number of ways. They and their children, their lives now woven into the fabric of this Nation, find success and across a number of fields including academia, business, law, music, sports and politics.

Contrary to the hateful and divisive anti-immigration rhetoric that so open poisons our public discussion of the issue, the vast majority of immigrants are not a drain on our government or on our economy. They are in our military, in the reserves and on the battlefront, some even paying the ultimate price for their sacrifice of service. They more than hold their own weight economically by paying, according to the non-partisan Immigration Policy Center (IPC), more than 300 billion in federal, state and local taxes. They fuel our economy as both laborers and employers, locally generating more than 229 billion in New York State alone. That is a figure that represents more than 22 percent of the State's overall GDP, even though they represent a small percentage of the overall population.

I see it every time I walk in my district, every day I am visiting another town or city in our vast land. That their contributions have and continue to positively shape our lives should not come as a surprise. What should are the ways that we continue to treat them, many of them like second-class citizens.

Congress must lead the way in honoring this country's immigrant history by rewarding their hard efforts and their faith in the American Dream. The fact that it can take up to 20 years for a mother to see her brother or her child of more than 21 years is shameful. It's disrespectful to the generations who laid the foundation for American democracy at home and abroad that you could have more than a quarter million people shut out from voting this November, despite increased fees and promises of improved service. And it's an outrage that those who work hard to provide a stepping stone for their children to succeed can be easily deported because notices to appear in court get lost in the mail or because of a long ago misdemeanor that wouldn't even land a citizen behind bars.

The debate over the millions of undocumented immigrants who reside here should not confuse our support of those that we have agreed to welcome with open arms. If we can't do right by those who follow the current broken system, what expectation should we have that anyone would or should follow a reformed one, no matter how liberal or conservative a plan that is devised?

Soaring food prices, unattainable affordable housing, stagnant job opportunities, substandard and unaffordable education—these are issues that every family living in this Nation is facing. Whether they have been here for five generations or one, whether they speak one language or two, or whether it was man's cruelty or economic misfortune that forced them here in the first place.

There are no easy answers or perfect solutions. Yet, if we can remember our past and remember the values that bind us all together, we can overcome these challenges and position this Nation for renewed success. The strength of any nation lies not just in the might of its military, but in the spirit and ingenuity of its people. All of its people.

RECOGNIZING THE 100TH ANNIVERSARY OF THE SMITHTOWN FIRE DEPARTMENT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. BISHOP of New York. Madam Speaker, I am delighted to rise in honor of a proud and long-serving institution of my district—on the occasion of the 100th anniversary of the Smithtown Fire Department.

I am privileged to represent the Town of Smithtown, along the western part of New York's first congressional district. Since 1908, this historic town was home to a small but very effective fire department, "The Smithtown Volunteer Hook and Ladder Company". Toward the end of its first year in service, it acquired two fire trucks, a chemical engine, and a hook and ladder truck. This began a century of protecting the people of Smithtown during which their outstanding service record has been defined time and again by bravery and efficiency.

From those humble beginnings grew a proud volunteer fire department that has expanded to its current 168 committed members. The single old firehouse on Bellemeade Avenue has expanded to a much larger main fire station headquarters on Elm Avenue and two satellite stations located on Plymouth Boulevard and Plaisted Avenue that respond to emergencies and keep the township safe.

During the fire department's century of service, Long Island's booming population has intensified the demands on the Smithtown Fire Department members. Still, they remain an all-volunteer and highly skilled force which frequently proves itself capable of heroism and selfless dedication to our community.

Madam Speaker, I encourage my colleagues to join me once again in thanking those firefighters who continue to protect our families and communities and to extend our deepest gratitude to volunteers, like those intrepid men and women of the Smithtown Fire Department, on its 100th anniversary.

HONORING MR. DALE JIEH

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to Mr. Dale Jieh the Congressional affairs chief at Taiwan's Embassy here in Washington.

Dale, like so many others at Taiwan's missions around the world, is among the hardest working diplomats in the world. Given Taiwan's unique position in the international community and the relentless efforts of China to shrink Taipei's diplomatic space, Taiwan's public officials face challenges that their counterparts from other countries do not, making their jobs more difficult.

Dale has been serving his country for nearly 20 years. His service has taken him to Belgium, Thailand, Chicago, and here to Washington, DC. And he will be leaving Washington soon for Taiwan's consulate in Kansas City.

Madam Speaker, I wish Dale and his family the best of luck in Kansas City.

IN RECOGNITION OF THE BLUE SHOE PROJECT UPON ITS GRAMMY AWARD

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to honor the Blue Shoe Project, which recently won the best traditional blues album at the 50th Annual Grammy Awards Ceremony held on February 10, 2008. The Blue Shoe Project, dedicated to the preservation and advocacy of jazz music in the schools, deserves our congratulations for the Grammy Award and also for passing on the rich history of blues music to future generations.

A Colleyville, Texas based non-profit; the Blue Shoe Project was founded in 2005 by Jeff Dyson and his son, Michael Dyson. The Dyson's shared credit for recording the winning Grammy record, Last of the Great Mississippi Delta Bluesman: Live in Dallas, performed by four legendary blues musicians: Henry James Townsend, Joe Willie "Pinetop" Perkins, Robert Lockwood, Jr. and David "Honeyboy" Edwards. The album was distributed by the Blue Shoe Project and Jeff and Michael served as executive producers.

The Blue Shoe Project helps spread the history, message and enjoyment of jazz to the schools and community at large. Jeff and Michael have dedicated themselves to the distribution of this uniquely American art form. To date, more than 20,000 students have experienced Blue Shoe Project presentations thus gaining countless followers of jazz music.

Madam Speaker and Colleagues, please join me in honor and recognition of the Blue Shoe Project. It is with great pride I offer my congratulations to the Blue Shoe Project for its deserved award and preservation of our nation's heritage and culture.

AMBER JOHNSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Amber Johnson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Amber Johnson is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Amber Johnson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Amber Johnson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING ZACHARY WEBSTER GLAZER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary Webster Glazer of Kansas City, Missouri. Zachary is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many scout activities. Over the many years Zachary has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary Webster Glazer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF T.C. MARSH MIDDLE SCHOOL'S JUNIOR RESERVE OFFICER TRAINING CORPS AND DAVID BATES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. SESSIONS. Madam Speaker, I rise today to congratulate T.C. Marsh Middle School's Army Junior Reserve Officer Training Corps (JROTC) and Corporal David Bates on their winning the title of National Champions for the second consecutive year.

Led by teacher David Bates, the students competed against units from all over the country on March 29, 2008 at Forrester Field in Dallas, Texas. These students' hard work and dedication was evident in the skill and precision they demonstrated in order to capture the national championship. Under Bates leadership and guidance, the members of the JROTC have developed a strong sense of teamwork and their coordination shows in their drills.

Members of the JROTC include Hayden Adair, Abigail Aguilar, Rocio Aguilera, Maridenia Ambrocio, Yomira Cardenas, Adrian Casados, Madeline Cedilla, Victor Celestino, Manuel Cervantez, Austin Christensen, Truy Duelm, Karen Fonseca, Juliana Garcia, Luis Garcia, Yessica Garcia, Domini Gomez, Juan Guevara, Christopher Hernandez, Jennifer Hernandez, James Herrada, Haley Hubler, Karen Irigoyen, Yoni Luviano, Miles Mcnutt, Marvin Melendez, Lilian Moz, Mayra Moz, Arely Oaxaca, Jesus Otero, Artura Perez, David Perez, Randy Portillo, Antonio Ramirez, Andres Reyes, Jose Reyes, Ruben Rios, Ulysses Rodriguez, Andrew Royalty, Evelyn Sanchez, Brenda Segovia, Ashley Valle, Jose Vallejo, Colin Wagner, and Austin Wortham.

Madam Speaker, I ask my esteemed colleagues to join me in recognizing the well deserved victory of the members of the JROTC and David Bates.

BICENTENNIAL CELEBRATION OF LIVERPOOL, PENNSYLVANIA

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. SHUSTER. Madam Speaker, I rise today to recognize the bicentennial celebration of the town of Liverpool, Pennsylvania. Founded in 1808, Liverpool is a beautiful town which resides along the Susquehanna River and possesses a rich and colorful history.

In 1808, Mr. John Staily warranted the plot of land upon which the foundation of Liverpool was originally set. The land was later deeded to John Huggins, who surveyed, plotted and extended Liverpool over time. On May 4, 1832 through acts of legislature, Liverpool became incorporated, and soon flourished into a bustling, vibrant town. An 1894 Liverpool Business Directory, supplied by the Liverpool Historians, holds a description of a town of thirty-seven businesses which supplied the bustling towns along the canal route. Liverpool continued to thrive over the past hundred years and continues to be an important place of commerce and community for the people of western and central Pennsylvania.

A celebration in honor of the town's history will be held between May 16, 2008 through May 18, 2008. The events will begin with a banquet at the Liverpool Legion Banquet Hall. Saturday morning the lively history of Liverpool will be retold by historic reenactors. There will be a multitude of arts and crafts, along with a presentation given by the 47th Regiment Band. It is a celebration which is certain to bring the strong community of Liverpool together. Led by dedicated elected officials, including President Walter S. Teats III, Vice President Stephen Drew, and Mayor John Mark, and the Liverpool Historians, adults and children who have made their homes in Liverpool are eager to celebrate the birth of the community which has supported and uplifted them throughout their lives. It is a town which is always willing to offer as much as they can to their community and whose community in turn gives back.

The town of Liverpool, Pennsylvania has provided a trustworthy atmosphere which has worked to help generations of men, women, and children throughout its history. I look forward to celebrating the 200th anniversary of such a wonderful town, as it has brought a greater appreciation to our area and has surely been an asset to the state of Pennsylvania. I would like to wish all residents of Liverpool all the best in their future endeavors.

IN HONOR OF DR. AND MRS. THOMAS AND KAREN LOOME'S WORK WITH THE CATHOLIC WORKER MOVEMENT OF STILLWATER

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Dr. and Mrs. Thomas and Karen Loome of Stillwater, Minnesota for their steadfast and selfless sacrifices in honoring the God-given dignity of every human person. Through their work with the Catholic Worker Movement, Dr. and Mrs. Loome are symbols of Christ's love and devotion for all of God's children.

Founded in 1933 by Dorothy Day and Peter Maurin, the Catholic Worker Movement is rooted in a firm commitment to nonviolence, voluntary poverty, prayer, and hospitality for the downtrodden. In seeing Christ's face in all human beings, Catholic Worker communities value lives above all else by serving Christ through works of mercy.

Working as a Catholic theologian and antiquarian bookseller, Dr. Loome is co-founder of the Stillwater Catholic Worker Community, with three "houses of hospitality" for women and children. Along with his wife, Karen, who works as a nurse manager of Stillwater's crisis pregnancy center, the Loomes' faith in Christ is exemplified best through their righteous service and countless good deeds.

Madam Speaker, I rise today to recognize Dr. and Mrs. Thomas and Karen Loome's unwavering faith in service of Christ and constant commitment to their fellow man. To quote Charles Dickens, "Ours is the old firm, going about business with the old way." The Catholic Worker Movement is a steady hand in a society swept up in selfishness, and Dr. and Mrs. Loome provide great inspiration to us all by asking for nothing in return.

CONGRATULATING THE DILLARD HIGH SCHOOL BOY'S BASKETBALL TEAM FOR WINNING THE CLASS 5A FLORIDA STATE CHAMPIONSHIP

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. HASTINGS of Florida. Madam Speaker, it is with great pride that I rise today to congratulate the Dillard High School Boy's Basketball Team for winning the Class 5A Florida State Championship. The Panthers won a hard fought victory against St. Petersburg's Lakewood High School. I would like to call the attention of my distinguished colleagues to this historic win for Fort Lauderdale's Dillard High School, located in my Congressional District.

Few would have expected the championship game to be won easily. But with determination and grit, Dillard prevailed. With the score tied 26–26 at the half, it really was anyone's game. Dillard fell behind in the third quarter. In the fourth quarter, through the leadership of their coach, Darryl Burrows, they were able to stage a comeback to win the game 61–55.

No one can deny the accomplishments of these young men, and they should not go unnoticed. It is a testament to their character that they were able to overcome such stiff competition. Only through countless hours of practice, both on and off the court, could they have gained such a victory. Prior to Dillard's State Championship win, no Broward County high school had won a class 5A state title since 2001.

Certainly, the Panthers can be proud of the prestige they brought to their high school. Similarly, Dillard High School can be proud that it produced such outstanding young men. The school's faculty helped cultivate and instill within the players the values of determination and sportsmanship that sharpened their skills. The names of the players, coaches, assistants, and administrators are: Kore White, Nigel Spikes, Xiandger Reliford, Ben Dinkins, Fred Landers, Javier Frazier, Sherman Gammage, Alen Hardy, Robert Burger, Rubyne Burrows, Courtney Ojeda, Jabari Caldwell, Jarrett Dieudonne, Eric Francis, Derek Foster, John Jackson, Clarence Doe, Darryl Burrows, Kanshea Jackson, Jamal DuBose, Junior Wade, DeAna'e DeSadier, Dwayne Nelson, Louis Wright, William Heastie, Marty Seidlin, Fred Battle, Juan Urbina, Zeb Wright, Quinton Williams, Tracie Latimer, Mr. Harrison, and Willie Kelly.

At this time of the year when America's basketball frenzy is at a fever pitch, it is easy to focus only on the accomplishments of college and professional players. However, we must remember the contributions of young people to our society. Certainly, as the Panthers' victory proves, young people can, and often do, accomplish great things. This victory belongs not only to the players, but also to their coaches, family, and friends. We need to continue to invest in our local communities to support the institutions that improve the lives of our Nation's youth. In doing this, we will see winning results that will lead our young people to accomplish great things.

Madam Speaker, we in Congress can learn a lot from the young men of Dillard High School. We need only recall their state championship victory to remind us of the value of investing in our Nation's educational system and youth programs. The Panther's commitment should be honored within the halls of Congress, and these young men should know how much pride their victory has given to their school, Florida's 23rd Congressional District, and this institution.

RECOGNIZING MOLLY JARREL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Molly Jarrell on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Jarrell's leadership, citizenship, and service to her community.

For her Gold Award project, Molly Jarrell made 30 fleece blankets for the Project Linus Foundation to distribute to sick and traumatized children. These blankets give children comfort and help them cope with difficult situations.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Molly Jarrell in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

MISHA TRUJILLO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Misha Trujillo who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Misha Trujillo is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Misha Trujillo is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Misha Trujillo for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING DERICK BONNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Derick Ray Bonner of Kearney, Missouri. Derick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Derick has been very active with his troop, participating in many scout activities. Over the many years Derick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Derick Ray Bonner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO LES CLARK

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. McCARTHY of California. Madam Speaker, I rise today to honor Mr. Les Clark, a resident and community leader from Kern County, California, for his exemplary leadership and commitment to the oil patch in Kern County and on receiving the 2008 Ray Bradley/Tom Woodward Lifetime Achievement Award from the Independent Oil Producers' Agency, IOPA.

Les has been a resident of Taft, California, which I represent, for most of his life. He attended local schools and then graduated from Fresno State University. While at Fresno State, he worked for the Atlantic Richfield Oil Company and Petrotherm, Inc., which provided Les his first experience working in the oil industry. After graduating from college, he worked at Belridge Oil Company and Shell Oil Company, thereby continuing his lifelong commitment to the oil patch. Today, Les is the Executive Vice President at IOPA, which is an association comprised of independent oil companies that operate mainly in the San Joaquin Valley. At IOPA, with his industry knowledge and depth of experience, Les is responsible for analyzing all regulatory issues impacting San Joaquin independent oil producers, as well as being their principal contact with various government officials and regulators in the Valley. Les served as vice president of IOPA from 1980 to 1999 prior to serving there in his current capacity.

Active on the state and national level, Les is a board member on the American Petroleum Institute API, and has been honored with API's 2004 Oil Baron Award, the Desk & Derrick 1994 Oil Man of the Year Award, and the U.S. Bureau of Land Management's Annual 1991 State Director's Award—Oil & Gas Program. Les has also been inducted into the Hall of Fame for the Kern County Officials Association in 1993.

Les also is a leading proponent and catalyst for oil industry innovation, spurring technological advances. In addition, recognizing the importance of keeping our environment clean for future generations to enjoy, he has devoted much time and taken leadership roles on many important environmental issues, particularly air quality; Les always takes a compelling and all-inclusive approach to addressing environmental issues. To that end, he has been active in various Cal-EPA and San Joaquin Valley air pollution control initiatives.

In addition to his service in the Kern oil patch, Les is an active member of the communities in Bakersfield, Taft, and Kern County. To mention just a few of his endeavors, Les is a past president of the Taft Chamber of Commerce, past trustee of the Taft Union High School District, and a past chairman of the Water Association of Kern County and the West Side District Hospital Foundation. He is currently a member of the Board of Directors of the Bakersfield Chamber of Commerce and the Petroleum Club of Bakersfield, a trustee of the Kern County Museum Foundation, and a member of the Greater Valley Center/Regional Economic Alliance for Leadership, the San Joaquin Valley Air Study Policy Committee, and of Governor Schwarzenegger's California Partnership for the San Joaquin Valley.

Les and his wife, June, have been married for 41 years and have raised two daughters, Tessa and Kerrie, and one son, Les III. They have nine grandchildren: Tanisha, Ayana, Darius, Arizona, Keelan, Sierra, Logun, Willow and Cash.

Receiving the IOPA 2008 Ray Bradley/Tom Woodward Lifetime Achievement Award is a fitting recognition of Les' lifelong commitment to advancing innovation and environmental issues among oil producers. With his dedication and larger-than-life personality, I know that Les will continue to be an effective leader in the Kern oil patch and a prominent community leader in my district. I commend his leadership and hope that Kern County continues to benefit from his experience and wisdom.

HONORING LYDIA PORUBSKY AND PORUBSKY GROCERY AND MEATS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MORAN of Kansas. Madam Speaker, I rise before you today in remembrance of the late Lydia Porubsky who passed away February 11th at the age of 83. Mrs. Porubsky was known across Topeka, Kansas, for a chili recipe and her 6-day-a-week presence at Porubsky's Grocery and Meats.

Lydia, alongside her husband of 49 years, Charles, Sr., operated Porubsky's until Charles' death in 1998. Lydia, however, continued to be a fixture in the deli. She was the person every customer remembered thanks to her positions behind the counter and at the cash register. An amazing thing about Lydia is that she remembered you as well. The conversations and the small-talk she would engage in only enhanced the experience of eating at Porubsky's.

Porubsky's is also known for their great food. Not the least of which is the chili. Porubsky's developed a reputation over the years as having some of the most delicious chili in the area. According The Topeka Capital-Journal, Porubsky's was featured in Gourmet Magazine. This publication's editors discovered what the people of Kansas had been enjoying for over 60 years. Gourmet Magazine summed it up as well as anyone when it stated, "Porubsky's is not just a place to eat. It is a destination in itself." While the magazine was referring specifically to the food, people familiar with Porubsky's knew that Lydia was also a star attraction.

My personal experience with the Porubskys dates back to my time in the Kansas legislature. Several of my fellow legislators and I would make the trip to Porubsky's during our breaks. Meeting from January through June meant that we had at least 3 full months to truly enjoy Porubsky's hot chili and spicy pickles. With meat and cheese trays displayed, the restaurant was a warm respite from the cold and a welcome break from our political and governmental dealings.

But in a city with many dining options, it was Lydia's genuine interest in us that kept us coming back. Even today, as I travel Kansas, I will alter my plans so that I can have a ham salad sandwich at Porubsky's and enjoy this family's warm welcome and hospitality.

While Porubsky's and many family-owned establishments like it lack the bells and whistles of nationwide chains, the underlying quality that truly matters is the collection of people it takes to make it work. Charles Sr. and Lydia provided us with a model of small business ownership. My home State of Kansas is no stranger to family-owned and -operated undertakings. Our economy was built by people like the Porubskys, who knew that if they did not work for it, it was not going to be given to them. Their love of family and the city of Topeka will never be forgotten.

This staple of Topeka enterprise will continue through the efforts of the Porubskys' sons, Matthew, Charlie, Jr., Mark, alongside the Porubsky's daughters Cecelia Pierson and Teresa Thomas who have all made their homes in Topeka. This restaurant, this way of life must be remembered and admired, Madam Speaker. We all know a "Lydia Porubsky" in our lives. Every one of us has someone who reminds us of what is really important as our lives and our jobs continue to speed up. I am sorry that my Lydia Porubsky has passed on. I am thankful for having had the chance to know her and her family. This woman, this business, will remain a part of our greater Kansas community and will enjoy a special place in my heart.

Madam Speaker, please join me in celebrating the life of Lydia Porubsky, offering our sympathy to her family, and praying for the continued success of Porubsky's Grocery and Meats.

IN SUPPORT OF EQUAL PAY FOR EQUAL WORK

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. MOORE of Wisconsin. Madam Speaker, in 1963, when the Equal Pay Act was signed into law to grant the right to equal pay to women who worked full-time, year-round, women made 59 cents on average for every dollar earned by men doing the same level of work. In 2006, women earned 77 cents for every dollar earned by men. While that is progress, it is slow progress and it means that the wage gap between men and women has narrowed by less than half a cent per year since passage of that law. At the same time, African-American women today earn only 63 cents and Hispanic women bring home just 52 cents for each dollar earned by men.

In my State of Wisconsin, women with a college degree still make considerably less than men with the same amount of education. With rising gas prices, higher health insurance, and a disproportionate amount of single-family homes headed by women, it is of the utmost importance that workers receive fair and equal pay for equal work. This is not just a civil rights issue: it's a survival issue for women workers providing for their family's food, rent, and heat.

But a right to equal pay is no right at all unless it can be enforced.

Madam Speaker, I am a proud cosponsor of H.R. 1338, the Paycheck Fairness Act, which would strengthen the Equal Pay Act of 1963 by providing more effective remedies to women who are not being paid equal wages for doing equal work. For example women would be able to seek full compensatory and punitive damages because the bill would put gender-based discrimination on an equal footing with wage discrimination based on race or ethnicity for which full compensation is already available. The bill would also prohibit employers from retaliating against employees who share salary information with their coworkers, require the Department of Labor to enhance outreach and training efforts to work with employers to eliminate pay disparities, and create a new grant program to help strengthen the negotiation skills of girls and women.

This week, in honor of Equal Pay Day, the Senate plans to consider another bill, H.R. 2831, the Lilly Ledbetter Fair Pay Act, which is necessary to ensure that victims of workforce discrimination can seek effective remedies. A recent Supreme Court decision last spring made it extremely difficult for workers who suffer from workplace wage discrimination to seek justice in court. Instead of allowing workers who suffer wage discrimination to bring a case within 180 days of the last time they were illegally underpaid, the Supreme Court decision would require that the case be brought within 180 days of the first time that an employer first started to discriminate by paying lower wages.

This decision overturned precedent and made it much more difficult for workers to pursue pay discrimination claims. H.R. 2831 would simply restore the longstanding interpretation of title VII and other discrimination statutes, thereby protecting women and other workers.

Madam Speaker, equal work deserves equal pay, no matter your gender, skin color, national origin, age or disability. That's the law of the land. But we need to make sure that we have the measures in place to ensure that these rights can be strongly enforced.

THE IMPORTANCE OF CREDIT UNIONS

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. CLARKE. Madam Speaker, I rise today to recognize the importance of credit unions. As a member of a credit union, I am a true believer that people should help people; which are the credit unions' mission. Members know that during the economic downturn that we are currently facing right now, credit unions will always be there to serve their members to the best of their ability.

Members who have accounts in a credit union are owners of the financial institution and they elect the board of directors in a one person-one vote system regardless of the amount of money invested in the institution. That means that credit unions are in fact an economic democracy; every customer is both a member and a shareholder.

While this Nation is painfully suffering the current mortgage crisis, credit unions have displayed an outstanding record of service to both minority and low- to moderate-income mortgage applicants and have a long history of responsible mortgage lending. What is impressive to me, Madam Speaker, is that in 2006, credit unions approved an overwhelming 71 percent of applications from low- to moderate-income mortgage applicants.

Furthermore, as a member of the House Committee on Small Business, these nonprofit, member-owned banking alternatives are attractive to many entrepreneurs because of the great lending rates and services they provide to them. For individual members, credit unions generally pay higher interest rates on deposits and charge lower interest rates on loans than banks while offering the same services such as savings accounts, checking accounts, credit cards, certificates of deposits, and online banking. So the fact that they provide competitive interest rates, fewer or no fees, and convenience makes so many members hold credit unions in such a high regard.

Madam Speaker, credit unions are extremely vital to my hometown, New York City. Credit unions serve more New Yorkers living in low-income and underserved areas that are continually being abandoned by big corporate banks. I must point out that there are about 43,697 credit union members living in my district. In fact, there are 6 credit unions in the New York 11th Congressional District, which has 3,662 members and an asset value totaling more then $13 million dollars.

Madam Speaker, I must note that what many people do not know is that more than ⅓ of all credit union CEOs nationwide are women.

Therefore Madam Speaker, I urge my colleagues to join me in recognizing the tremendous contributions credit unions provide to so many communities throughout the country and provide any continued support to these financial institutions.

RECOGNIZING ALEXA POLASKI

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Alexa Polaski on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Polaski's leadership, citizenship, and service to her community.

For her Gold Award project, Alexa Polaski cleared and redesigned a garden courtyard at the Mimosa Manor Nursing Home in Keller, Texas. Miss Polaski secured donations from various companies, individuals and garden clubs so she could plant new perennials, annuals and trees. She also provided benches, bird feeders, and garden art. This transformation now allows the nursing home residents an outdoor area to enjoy.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Alexa Polaski in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

SASHA VANHEESCH

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sasha VanHeesch, who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Sasha VanHeesch is a senior at Arvada West High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sasha VanHeesch is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING IAN MICAH WRIGHT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ian Micah Wright of Kearney, Missouri. Ian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Ian has been very active with his troop, participating in many scout activities. Over the many years Ian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ian Micah Wright for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING BRENDA VERNATTI

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a heroic educator who saved the life of one of her students a few weeks ago.

In the blink of an eye, a moment of levity and fun became a moment of terror, as fifth grader Kelci Ottwell, who had been at the lunch table, laughing at a friend's joke, suddenly found herself choking and unable to breathe. Gasping for air, Kelci moved toward her principal, Brenda Vernatti for help. Unable to speak, Kelci reached out for Ms. Vernatti's arm to get her attention.

Immediately sensing Kelci's distress, Ms. Vernatti swung into action and began to perform the Heimlich maneuver, trying in vain four times to dislodge the small piece of pizza that was by now causing Kelci's face to turn purple. Finally, on her fifth attempt, Kelci coughed up the pizza and began to breathe again.

Kelci's mother, Melissa, told the local newspaper, "She's my hero. I want the world to know she saved my baby's life."

Brenda Vernatti has served the Alton School District for 22 years, touching hundreds if not thousands of young lives. But just a few weeks ago, she went above and beyond the already lofty call of duty of an educator to become a life-saving hero.

Every day, our Nation is blessed to have heroic citizens ready to spring into action to help another in distress. Today, I have the honor of recognizing Brenda Vernatti, who has dedicated her life to helping others attain their goals through education, and who, in that blink of an eye, reminded us all of the heroes in our midst.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 5819

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. VELÁZQUEZ. Madam Speaker, I submit the following CBO cost estimate for the bill H.R. 5819.

H.R. 5819—SBIR/STTR Reauthorization Act

Summary: H.R. 5819 would extend programs that require certain agencies to set aside portions of their research and development budgets for small businesses. The bill also would authorize appropriations to improve efforts to develop products funded through those programs that can be sold commercially. Finally, the bill would require participating agencies to develop new databases for program evaluation and business development.

Based on information from the Small Business Administration (SBA) and other agencies, CBO estimates that implementing H.R. 5819 would cost $263 million over the 2009–2013 period, subject to appropriation of the specified and necessary amounts. Enacting the bill would not affect direct spending or revenues.

H.R. 5819 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact is shown in the following table. The costs of this legislation fall within budget functions 050 (national defense), 250 (general science, space, and technology), 270 (energy), 300 (natural resources and environment), 350 (agriculture), 370 (commerce and housing credit), 400 (transportation), 500 (education, training, employment, and social services), 550 (health), and 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2008	2009	2010	2011	2012	2013
SPENDING SUBJECT TO APPROPRIATION						
SBIR/STTR Spending Under Current Law:						
Estimated Budget Authority[a]	30	0	0	0	0	0
Estimated Outlays	23	5	2	0	0	0
Proposed Changes:						
Reauthorize SBIR/STTR Programs:						
Estimated Authorization Level	0	27	33	25	13	13
Estimated Outlays	0	21	30	27	16	14
Increase R&D Budget Set-asides:						
Estimated Authorization Level	0	8	9	7	3	3
Estimated Outlays	0	7	8	7	4	3
Commercialization Program:						
Budget Authority	0	28	28	28	28	28
Estimated Outlays	0	4	16	24	28	28
FAST Program Reauthorization:						
Budget Authority	0	10	10	0	0	0
Estimated Outlays	0	2	5	7	5	1
Additional Agency Activities:						
Estimated Authorization Level	0	6	0	0	0	0
Estimated Outlays	0	3	3	0	0	0
Total Proposed Changes:						
Estimated Authorization Level	0	79	80	60	44	44
Estimated Outlays	0	37	62	65	53	46
Total SBIR/STTR Spending Under H.R. 5819:						
Estimated Authorization Level[a]	30	79	80	60	44	44
Estimated Outlays	23	42	64	65	53	46

[a] The 2008 level is the total amount CBO estimates was appropriated for that year for the SBIR and STIR programs.

Notes: SBIR = Small Business Innovation Research. STTR = Small Business Technology Transfer; FAST = Federal and State Technology Partnership.

Basis of estimate: Under current law, the Small Business Innovation Research (SBIR) program requires federal agencies with extramural budgets for research and development (R&D) that exceed $100 million to set aside 2.5 percent of that budget for contracts with small businesses. (Extramural expenditures are expenditures for activities not performed by agency employees.) Likewise, the Small Business Technology Transfer (STTR) program requires federal agencies with extramural budgets for research and development that exceed $1 billion to set aside 0.3 percent of that budget for cooperative research between small businesses and a federal laboratory or nonprofit research institution. SBA is authorized to coordinate and monitor activities under both programs. Eleven agencies currently participate in one or both programs, including the Department of Defense, the Department of Health and Human Services, the Department of Energy, the Department of Agriculture, the National Aeronautics and Space Administration, the National Science Foundation, and the Environmental Protection Agency.

The cost of these programs to the participating agencies consists primarily of personnel and associated overhead costs to solicit applications, prepare reports, and track outcomes. The organizational structures of such program offices vary. Some agencies have a full-time staff member devoted to the SBIR and STIR programs, with other staff assisting as part of their other duties; some have employees working part-time on the program.

Under current law, the SBIR program is scheduled to terminate at the end of fiscal year 2008, and the STIR program is scheduled to terminate at the end of fiscal year 2009.

Based on information from SBA and participating agencies, CBO estimates that implementing H.R. 5819 would cost $41 million in 2009 and $263 million over the 2009–2013 period, assuming appropriation of the specified and necessary amounts.

Reauthorization of the SBIR and STTR programs

The bill would extend both the SBIR and the STTR programs through fiscal year 2010. Based on information from SBA and participating agencies, CBO estimates that administering the two programs will cost about $30 million this year (about $2 million of that amount will be for SBA). CBO expects that federal agencies would continue to make extramural research expenditures under current law regardless of the SBIR and STTR programs and that participating agencies would continue to incur costs to administer existing contracts with small businesses for several years after the programs expire. CBO estimates that extending the current SBIR and STTR programs through 2010 would cost $108 million over the 2009–2013 period, assuming appropriation of the necessary amounts.

Increase in R&D budget set-asides for small businesses

The bill also would increase the amount of each agency's R&D budget to be set aside for the programs starting in fiscal year 2009: for SBIR, the set-aside would be increased to 3 percent; for STTR, the amount reserved for small businesses would be increased to 0.6 percent. Based on information from SBA and participating agencies, CBO expects that the expansion would lead to an increase in the number of applications received under both programs by more than a third. Assuming appropriation of the necessary amounts, CBO estimates that processing the additional applications would cost $29 million over the 2009-2013 period.

Commercialization program

H.R. 5819 would authorize appropriations of $28 million a year for a program to support agency efforts to assist small businesses participating in the SBIR program in developing products or services that could be sold to the government or in commercial markets. SBA would oversee this commercialization program—each agency participating in the SBIR program would be required to request funds from SBA to support its commercialization activities. Based on information from SBA and participating agencies, CBO estimates that implementing this provision would cost $100 million over the 2009-2013 period, subject to appropriation of the specified amounts.

FAST program reauthorization

H.R. 5819 would reauthorize the Federal and State Technology (FAST) Partnership program to conduct outreach and provide technical assistance so as to increase the number small businesses participating in the SBIR program. The outreach activities would be directed to geographic areas that are under-represented in the SBIR program and to small businesses owned by women, veterans, and minorities. The bill would authorize the appropriation of $10 million for each of fiscal years 2009 and 2010 to implement the program. Based on historical spending patterns of SBA's other business assistance programs, CBO estimates that implementing this provision would cost $20 million over the 2009-2013 period, assuming appropriation of the specified amounts.

Additional agency activities

H.R. 5819 would require each agency participating in the SBIR or STTR program to develop two databases, one to be used by the agency for program evaluation, the other, which would be available to the public, to be used to help businesses participating in the SBIR or STTR program to attract customers for the products or services created under the program. Based on information from the participating agencies, CBO estimates that developing new databases for each participating agency would cost about $6 million over the 2009-2013 period.

Intergovernmental and private-sector impact: H.R. 5819 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would reauthorize the FAST program, a matching-grant program to encourage states to assist in the development of high-technology small businesses. Any costs to state governments of providing matching funds to participate in the FAST program would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susan Willie; Impact on State, Local, and Tribal Governments: Elizabeth Cove; and Impact on the Private Sector: Jacob Kuipers.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

APRIL 22, 2008.

Hon. NYDIA M. VELÁZQUEZ,
Chairwoman, Committee on Small Business,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5819, the SBIR/STTR Reauthorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susan Willie.

Sincerely,

PETER R. ORSZAG.

Enclosure.

INTRODUCING THE "FAMILY LEAVE INSURANCE ACT OF 2008"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. STARK. Madam Speaker, I rise today with Representatives GEORGE MILLER, LYNN WOOLSEY, and CAROLYN MALONEY to introduce a bill that will bring our Nation up to date with the rest of the world. One hundred and sixty-nine countries guarantee some form of paid family leave. The U.S. is part of an illustrious four-member club of nations—including Liberia, Papua New Guinea, and Swaziland—that fail to provide security for new parents or those caring for a loved one. The "Family Leave Insurance Act" will guarantee that workers will no longer have to choose between their jobs and their families.

Since becoming law 15 years ago, the landmark Family and Medical Leave Act, FMLA, has provided job protection and guaranteed leave for millions of workers. Unfortunately, the FMLA is limited to workers employed by large employers—only 45 percent of the private sector workforce—and, because the leave is unpaid, lower income workers can seldom afford to take it. Recent studies have found that 78 percent of FMLA eligible workers who wanted to take leave did not do so because they could not afford it. At a time of recession and tightening family budgets, this predicament is only getting worse.

A few years ago, my home State of California enacted the first paid family leave law in the country. The law has proven to be wildly popular. Despite the protests of business groups at the time the law was passed, most employers have come to embrace the law and realize that it facilitates continuity, productivity, and job satisfaction. Paid leave helps workers to strike a balance between work and family. Such a balance has real benefits for children. A Harvard School of Public Health study found that the education and health of children improves substantially when parents have work flexibility and paid leave. When parents are able to act as caregivers for a sick child, hospital stays are reduced by 31 percent. Parental involvement is also associated with higher achievement in language and math, improved behavior, and lower dropout rates.

The "Family Leave Insurance Act" takes the next logical and necessary step by implementing a comprehensive paid leave program that will cover all workers. The middle class is getting squeezed: hours are longer, job security is lower, and families have less time together. A report by the President's Council of Economic Advisers found that between 1969 and 1999 children lost 22 hours per week with their parents. Workers and their families need greater flexibility and support. Yet, according to the Department of Labor, only 8 percent of private employers provide paid leave. Clearly, there is room for improvement. This bill will:

Provide all workers with 12 weeks of paid leave over a 12-month period to care for a new child, provide for an ill family member, treat their own illness, or deal with an exigency caused by the deployment of a member of the military;

Provide these benefits through a new trust fund that is financed equally by employers and employees, who will each contribute 0.2 percent of the employee's pay;

Progressively tier the benefits so that a low-wage worker (earning less than $30,000) will receive full or near full salary replacement, middle-income workers ($30,000–$60,000) receive 55 percent wage replacement, and higher earners (over $60,000) receive 40–45 percent, with the benefit capped at approximately $800 per week;

Administer the program through the Department of Labor which will contract with states to administer the program (similar to how the Unemployment Insurance program is run);

Allow states and businesses with materially equivalent or better benefits to opt-out of the program.

The "Family Leave Insurance Act" is endorsed by the National Partnership for Women and Families, the AFL–CIO, the California Labor Federation, Voices for America's Children, First Focus, and the National Employment Law Project.

Members of Congress are constantly talking about family values. Let's go beyond talk and take action that families will actually value. I urge my colleagues to cosponsor the "Family Leave Insurance Act." We can strengthen families, make business more competitive, and create a better future for our country. The time to act is now.

IN RECOGNITION OF GLORIA K. BELL ON HER RETIREMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize Ms. Gloria K. Bell.

Saturday, March 29, marked the retirement of Gloria K. Bell, a dedicated employee of the Department of Health and Human Services, HHS. Ms. Bell's Federal service spans 40 plus years, and her retirement provides a golden opportunity to reflect upon her service to her agency and to Capitol Hill as a liaison between HHS and congressional staffs.

Gloria Bell entered public service while working on her bachelors of science degree at American University in Washington, DC. Upon graduation, she joined HHS as a program analyst in the Office of the Assistant Secretary for Planning and Evaluation where her portfolio included the Head Start and Developmental Disabilities programs.

In January 1987, Gloria continued her illustrious career at HHS in the Office of the Assistant Secretary for Resources and Technology, Office of Budget, as a budget analyst. For over 20 years since, she has worked tirelessly through all phases of the process to develop and present the Department's budget and has progressed to an effective team leader in the office. She managed one of the largest budget databases in the Department, consisting of over 1,300 programs, project activities, and historical budget numbers from FY 1981 through FY 2005. Gloria also created a database that is used to produce the current All Purpose Tables, APTs. She wrote the operations manual and trained other staff in the APT system's operation

Along with the budget and APT databases, Gloria's legacy encompasses years of service as the Budget Office's Congressional Liaison, ensuring that the myriad Senate and House reports requested of HHS are responsive, complete, and received on Capitol Hill in a timely manner. Through the years, Gloria's industrious service has been commended by 20 Excellent Performance, 9 Outstanding Performance, 4 Special Act of Service, and 2 Employee of the Month Awards.

I ask that you join me in applauding Gloria Bell as she closes a chapter on many years of excellent service to her agency and the Federal Government.

RECOGNIZING NICOLE GAITHER

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Nicole Gaither on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Gaither's leadership, citizenship, and service to her community.

For her Gold Award project, Nicole Gaither developed an outdoor volunteer program for children ages 11–14 called Outdoor Action Kids. O.A.K.S. provides children the opportunity to perform basic outdoor conservation tasks while helping the staff and adult volunteers maintain Bob Jones Nature Center, a 76-acre park. Miss Gaither developed a coordinator's manual, application, training manual, and training video to ensure her program will continue well into the future.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Nicole Gaither in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

HONORING THOMAS EDWARD PRICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Thomas Edward Price of Kearney, Missouri. Thomas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many scout activities. Over the many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Thomas Edward Price for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. WOOLSEY. Madam Speaker, on April 8, 2008, I was unavoidably detained and was not able to record my vote for rollcall No. 193.

Had I been present I would have voted:

Rollcall No. 193—"yes"—Providing for consideration of H.R. 2634, Jubilee Act for Responsible Lending and Expanded Debt Collection Act.

GONZAGA UNIVERSITY SENDS TEAM TO SUSTAINABLE DESIGN EXPO

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize the efforts of a team of college students making a difference in Africa. A student team from Gonzaga University has been selected to present their project, "West African Technology, Education, and Reciprocity, WATER, for Benin," at the 4th Annual National Sustainable Design Expo on April 20–22, 2008.

The goal of the WATER for Benin project is to address the clean water shortage that many developing nations are currently facing. Through their participation, students learn about contemporary health problems in Africa and their contributing factors; the relationship between water, sanitation, and causes of morbidity and mortality in Africa; and communication skills for providing culturally appropriate health education.

In August of 2007, 17 students from eight academic programs, and three faculty members, traveled to Benin. At the Songhai Center in Porto-Novo, this group trained staff to make inexpensive, effective drinking water filters. Through leadership, community building, and personal sacrifice, these students created innovative ways to solve the water crisis. Their exhibit, on display at the National Sustainable Design Expo, chronicles the research and development the students implemented in order to find the best technology to provide clean water to the people of Benin.

Madam Speaker, many of us take something as simple as having clean water every day for granted. I commend these students for responding to the needs of the developing world and helping them to move toward sustainability. I invite my colleagues to join me in congratulating Gonzaga University team on this great accomplishment, and for being chosen to compete for the EPA's prestigious P^3—People, Prosperity, and Planet—Award.

HONORING CAROLDYNE AND HERSHEL SWEDLOVE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. BACA. Madam Speaker, on June 14th, 2008, the Congregation Emanu El of San Bernardino, California, will present to Caroldyne and Hershel Swedlove the prestigious Rabbi Norman F. Feldheym Award. The Rabbi Norman Feldheym award was established in 1983 to pay tribute to those members of the Congregation Emanu El that reflect the Rabbi's qualities of love and loyalty to the synagogue, service to their community, and the personal traits of humility and kindness.

The Swedloves have been members of the Congregation Emanu El since 1966. They have long been active in supporting the congregation's endeavors, most notably their annual sponsorship of the Rosh Hashanah congregational luncheon. Caroldyne has been especially active in the community, as a member of the Sisterhood of Congregation Emanu El. She has taught in the Religious School there, while also volunteering in the Sisterhood Gift Shop. Hershel was a regular volunteer in the congregation's major fund raising activities, an effort that enabled the synagogue to pay off its mortgage.

I am sure that the Swedloves are most proud of their family's involvement in the synagogue as well. Their four sons Jerome, Sheldon, Randall, and David all attended the religious school, were Bar Mitzvahed and confirmed in the synagogue and are now all active members of the Congregation as well.

The Swedloves have been an important part of the Jewish community in the Inland Empire for years, as members of Paradise B'Nai B'rith and the Redlands Jewish Club, and as supporters of Jewish homes for the Aging and the Western States Jewish Historical Society. As owner-operators of Morris Automotive Supply in Fontana since 1962, they have been prominent members of the business community as well. Well known for their family traditions and unquestioned integrity, the Swedloves have been honored by the Fontana Chamber of Commerce for their excellence.

I am honored to recognize Caroldyne and Hershel Swedlove for their commitment to our community. I congratulate them on an honor well deserved on the 117th anniversary of the chartering of the congregation in San Bernardino. May both the Congregation Emanu El and the Swedloves continue to serve San Bernardino for years to come.

A TRIBUTE TO RODNEY D. HUDSON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Rodney D. Hudson, founder and president of QuickSilver Analytics. Graduating with a bachelors degree in chemistry from Cameron University in 1974, Rodney went on to earn a master's degree in chemistry from the University of Delaware in 1982. QuickSilver Analytics is a registered service-disabled veteran-owned small business, specializing in chemical and biological warfare-related services and products. Rodney Hudson has been named the SBA's Veteran Small Business Champion of the Year for 2008.

Mr. Hudson was an Army Chemical Officer for over 21 years. He managed numerous chemical warfare materials (CWM) sampling and analysis (S&A) projects. Mr. Hudson has been directly involved with all aspects of chemical warfare agents for over twenty years, including CWM storage, laboratory procedures for environmental S&A, the operation of equipment for air monitoring, quality assurance/control, and major project management.

Mr. Hudson is a veteran of Operations Desert Shield and Desert Storm. While in the Middle East during Operation Desert Storm, Mr. Hudson evaluated and briefed the Army Headquarters Staff on the potential chemical downwind hazards from destroyed Iraqi chemical storage igloos. He managed the collection, reporting and deployment of the only remote chemical monitoring and biological detection teams in the theater of operation and coordinated the transportation of all suspect chemical and biological samples to U.S. laboratories.

President of the Maryland Chapter of Elite Service-Disabled Veteran-Owned Business (SDVOB) Network, Rodney is also a member of the American Chemical Society, the Association of the United States Army, the National Defense Industrial Association, and the Society of American Military Engineers. Rodney has been a strong advocate for service-disabled veterans, lobbying the Maryland State Legislature to award three percent of all Maryland state contracts to service-disabled veterans. He has counseled several business owners on techniques and opportunities currently available to SDVOB owners and on ways to improve their business volume.

Mr. Hudson has worked tirelessly taking from his personal time to offer counsel to veterans who are considering starting a business. He has garnered the support of the MD Secretary of Veterans Affairs for his efforts and has provided a conduit for information flow to state legislators and the governor on issues important to Maryland SDVOB owners. Mr. Hudson has reached out to county government procurement personnel and introduced the Maryland Chapter of the Elite SDVOB network at last year's Maryland Association of Counties Conference.

Madam Speaker, I ask that you join with me today to honor Rodney Hudson. His legacy as a successful business owner in the defense industry is surpassed only by his tireless advocacy for service disabled veterans. It is with great pride that I congratulate Rodney Hudson on his being awarded the SBA's Veteran Small Business Champion of the Year.

RECOGNIZING REBECCA SIMPSON

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Rebecca Simpson on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Simpson's leadership, citizenship, and service to her community.

For her Gold Award project, Rebecca Simpson assisted 400 families from Gainesville, Texas who were displaced by the floods in the summer of 2007. Miss Simpson collected necessary household items and personal toiletries and delivered them to the Gainesville Relief Center for distribution. The local Girl Scout Council had specifically called for Girl Scouts to help in this crisis, and Miss Simpson responded wholeheartedly. Additionally, Miss Simpson painted cabinets for Angel's Attic, a resale and outreach ministy of the Whites Chapel United Methodist Church.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Rebecca Simpson in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

HONORING JASON BAUR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jason Michael Baur of Kearney, Missouri. Jason is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Jason has been very active with his troop, participating in many scout activities. Over the many years Jason has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jason Michael Baur for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EQUAL PAY DAY

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. RODRIGUEZ. Madam Speaker, I am honored to rise here today to recognize Tuesday, April 22, 2008, as Equal Pay Day. National and community organizations alike make this a national day of action to promote equal pay for women and minorities. It is a day to recognize the wage gap that exists between men and women and offer solutions that will address and remedy this economic injustice.

It is no accident that a Tuesday in April is chosen as the day in which we recognize income inequality. April symbolizes the month when women's wages catch up to men's wages from the previous year and Tuesday represents the day on which women's wages equal men's wages from the previous week. According to 2007 statistics by the United States Census Bureau, on average women are paid 77 cents for every dollar that their male counterparts earn. For a country where 46 percent of its workforce is female, this is unacceptable.

It is clear that we are not moving fast enough in promoting pay equality. Some reports estimate that if we continue at the current pace, the wage gap will not be closed until 2057. That is far too long for this discrimination to continue. We must promote all efforts to encourage employers to pay women fairly, educate women on negotiating appropriate salaries, and enforce current equal pay legislation.

It is imperative that we protect every American's right to earn a fair wage based solely on qualifications and performance. There is no room in the American workforce for perpetuating gender and race stereotypes. By eliminating pay discrimination we will be ensuring that we will have the best and most productive workforce.

I applaud all Americans who participate in and support Equal Pay Day. The first step in correcting this inequity is by alerting others it exists. It is my hope that together we can do this and ultimately be the catalyst for change.

PERSONAL EXPLANATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 2008

Mr. MARKEY. Madam Speaker, on April 16th and 17th, 2008, I was unavoidably absent from the House due to an injury, and missed rollcall votes 192, 193, 194, 200, 203, and 204. Had I been present, I would have voted "yea" on rollcalls 192, 193, 194, 200, 203, and 204.

RECOGNIZING CAROLYN KULIG

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Carolyn Kulig on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Kulig's leadership, citizenship, and service to her community.

For her Gold Award project, Carolyn Kulig decorated the library at the Easter Seals facility in Carrollton, Texas. Miss Temple painted book shelves in lively colors and added color to the walls. She also collected books and videos through donations that will be given to low-income families that have children being treated at the facility. Her efforts will liven the spirit of all that use the library at Easter Seals.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Carolyn Kulig in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

RECOGNIZING MAYA ANGELOU ON HER 80TH BIRTHDAY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to recognize the 80th birthday of Dr. Maya Angelou, one of the great voices of contemporary literature and a remarkable Renaissance woman.

I had the pleasure of meeting Dr. Angelou when I attended Yale University. She was a mentor to me then, not for her literary works, which were inspiring, but for her love for the least of us. She maintains a passion for all people regardless of race, gender, or class.

Dr. Angelou was born in St. Louis, Missouri, on April 4, 1928, and attended public schools in Arkansas and California. Dr. Angelou is truly a woman of great vision, grace, and intellect. She speaks French, Spanish, Italian, Arabic, West African Fanti, and English.

In addition to written and spoken word, for which she is most known, she has other accomplishments that have not received as much attention. She taught modern dance at the Rome Opera House and the Hambina Theatre in Tel Aviv. She was has been a civil and human rights activist for many years, and in fact was the northern coordinator for the Southern Christian Leadership Conference, SCLC, in 1959, appointed at the request of Dr. Martin Luther King, Jr.

HONORARY DEGREES AND AWARDS

Maya Angelou has been honored by several universities, Howard University to Spellman College, from Columbia University to the University of Southern California giving her over 30 honorary degrees.

She has received Tony Awards, Grammy Awards, Woman of the Year Awards, a Congressional Tribute by Former Congressman Kweisi Mfume, and even a Presidential Medal of Arts from President Bill Clinton.

BOOKS, POEMS, AND SHORT STORIES

Maya Angelou is known for her stirring poems and storytelling abilities. "On the Pulse of the Morning" and "Phenomenal Women" were two of the poems that helped her become only the second poet in U.S. history to have the honor of writing and reciting original work at the Presidential inauguration.

Dr. Angelou has authored 12 bestselling books including "I Know Why the Caged Bird Sings," "A Song Flung Up to Heaven," and "Even the Stars Look Lonesome." She has the unique ability to shatter the opaque prisms of race, class, and gender between the reader and the subject. She captivates her audience, be they children in Tel Aviv, Civil Rights Leaders, or even Presidents.

CONCLUSION

I would have had us sing to Maya Angelou on her 80th birthday, but I would rather say thank you. Thank you, Dr. Angelou, for your dedication to civil and human rights, thank you for your activism, your perceptive stories and poems, thank you for your wisdom, and thank you for reminding us how powerful language can be. For Maya Angelou has moved hearts and minds with her lyric and prose.

I thank Maya Angelou for being a Phenomenal Woman, for now we understand "Just why [your] head is not bowed. Why you don't shout or jump about, or have to talk real loud. Why when we see you pass by, we are so proud, Some say, It's in the click of your heels, the bend of your hair, the palm of your hand, the need of your care, But its because you are a woman, Phenomenally. Phenomenal woman . . . that, Dr. Angelou, is you.

Happy 80th Birthday, Maya Angelou.

PHENOMENAL WOMAN

(By Maya Angelou)

Pretty women wonder where my secret lies.
I'm not cute or built to suit a fashion model's size
But when I start to tell them,
They think I'm telling lies.
I say,
It's in the reach of my arms
The span of my hips,
The stride of my step,
The curl of my lips.
I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

I walk into a room
Just as cool as you please,
And to a man,
The fellows stand or
Fall down on their knees.
Then they swarm around me,
A hive of honey bees.
I say,
It's the fire in my eyes,
And the flash of my teeth,
The swing in my waist,
And the joy in my feet.
I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

Men themselves have wondered
What they see in me.
They try so much
But they can't touch
My inner mystery.
When I try to show them
They say they still can't see.
I say,
It's in the arch of my back,
The sun of my smile,
The ride of my breasts,
The grace of my style.
I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

Now you understand
Just why my head's not bowed.
I don't shout or jump about
Or have to talk real loud.
When you see me passing
It ought to make you proud.
I say,
It's in the click of my heels,
The bend of my hair,
The palm of my hand,
The need of my care,
'Cause I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

IN CELEBRATION OF THE RETIREMENT OF LEROY R. CLINK

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. NEAL of Massachusetts. Madam Speaker, I wish to celebrate the accomplishments of Mr. Leroy R. Clink, Sr. for his 30 years of service. Below is a brief description of his accomplishments.

Leroy Clink comes from humble origins, attending a two room schoolhouse in West Granville, MA. After graduating from Westfield High School, he went on to New England College to receive his Bachelors of Science in Civil Engineering. He also obtained a Master of Science in Engineering Management from Western New England College.

Mr. Clink was an impressively well-rounded college student. During his time at New England College, Mr. Clink ascended to the presidency of the Sigma Alpha Beta Fraternity, in addition to becoming Chairman of the Inter-Fraternity Council, Mr. Clink displayed his leadership skills in the Student Senate. He was also the First New England college student to be a voting member of the College Admissions Committee. Mr. Clink was able to find time in his busy schedule to become a student guide, dormitory proctor, and a student member of ASCE.

Mr. Clink began his professional career in 1978 at Westover Air Reserve Base as a Pavements Engineer. From there he became the Project Engineer in the U.S. Army Corps of Engineers. He served as a Base Civil Engineer at the Westover ARB, where he coordinated construction projects. Mr. Clink has played an imperative role in runway overlays, east ramp improvements, water distribution, and base operations. He also played an active role as a security police officer. In addition, he was involved in control tower, base civil engineering, and Marines site support element.

Before his retirement, he was working on the New BRAC projects Armed Forces Reserve Center and the Navy Sea Bee Battalion

Facility. On this occasion, I am proud to mark 30 years of Mr. Clink's service and to congratulate him on his well-deserved retirement.

TRIBUTE TO JUDGE DAVID BRELAND

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. CRAMER. Madam Speaker, I rise today to honor the outstanding career of Judge David Breland.

On April 12, Judge Breland was honored with the Newton B. Powell Loyalty Award by the Democratic Party of Morgan County, AL.

Judge Breland has served the people of the State of Alabama for over 25 years as a District Judge in Morgan County. Judge Breland is best known as a tireless advocate for the children of the Tennessee Valley. During his judicial career, Judge Breland established over 35 programs throughout the State of Alabama designed to assist at-risk youth.

Additionally, Judge Breland was the Chairman of Northwest Alabama Corrections for Youth, the Co-Chairman of the Morgan County Children's Policy Council, and a member of the President's Summit on Youth. His efforts have helped countless young people throughout Alabama become successful and responsible adults.

Judge Breland's civic involvement has inspired many in North Alabama. He has received commendations from organizations such as the Boys and Girls Club, the NAACP, and the Rotary Club. In 2008, Judge Breland was named as the Citizen of the Year by the Decatur-Morgan County Chamber of Commerce.

I commend Judge David Breland's work on behalf of North Alabama and, on behalf of the United States House of Representatives, I congratulate him on a distinguished career.

CONGRATULATING ROBERT AND CAROLYN CRAWFORD FOR RECEIVING THE MOTHERS AGAINST DRUNK DRIVING (MADD) HERO AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Robert and Carolyn Crawford for receiving the Mothers Against Drunk Driving (MADD) Hero Award. The Lewisville couple received the award on Saturday April 19th, 2008, for their commitment to educating others about the dangers of drunken driving while volunteering for MADD.

The Crawfords' mission began back in 1993 when their daughter, son-in-law, granddaughter and another unborn grandchild were killed in a car wreck by a drunken driver. From that moment the couple has made it a priority to inform others of the dangers involved with drunk driving.

Since 2007, Robert Crawford has traveled all across the country participating in the MADD speaker's tour. He has spoken to over 10,000 people, and in these first few months of 2008, Robert has talked to almost 400 convicted drunk drivers at Victim Impact Panel meetings at the Denton County courthouse. Robert has also attended court trials to provide moral support to victims' families affected by drunk driving.

MADD was founded in 1980 and has more than 2 million members and supporters nationwide. Like Robert and Carolyn, the organization's goal is to stop drunken driving. The Crawfords' avid participation in MADD can be attributed to their passionate aspiration of trying to ensure that no other families endure the pain and devastation they suffered as a result of a drunken driver's poor decision.

Madam Speaker, I proudly rise today to honor two worthy citizens who strive every day to make this world a better place. Robert and Carolyn Crawford are truly deserving of the honor MADD has bestowed upon them. I am proud to represent them in the 26th District of Texas and greatly appreciative for their ongoing service to their local community and the Nation. Their passion and devotion to such a worthy cause is admirable.

CONGRATULATING DENNIS KAVANAUGH, RECIPIENT OF 2008 SHELLEY ARTS ADVOCACY AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Dennis Kavanaugh, recipient of 2008 Shelley Arts Advocacy Award from the Arizona Citizens Action of the Arts. As a member of the Mesa City Council and a leader within numerous boards and organizations, Dennis has been a tireless advocate for the arts in Arizona. Dennis recognizes the importance that the arts have on strengthening communities and enhancing our quality of life.

Dennis currently serves as Chair of both the Mesa Arts Center Foundation board and the Development Committee of the National Association of State Arts Assemblies. Through his work on the National Association of the State Arts Assemblies, Dennis has been a champion for efforts to increase federal funding for the National Endowment of the Arts.

Dennis was also instrumental in building the new Mesa Arts Center which has become a point of pride for the entire community. Dennis served for more than 6 years on the Center's Architect Selection and Design Committee. The center now serves as a place to showcase world-class performances and exhibits but also houses studio space for art education.

I commend the Arizona Action of the Art's for selecting such a deserving arts advocate. Dennis truly understands the tremendous impact that the arts have in achieving educational excellence and a greater sense of community. Dennis was recently elected to the Mesa City Council where he has displayed his leadership skills previously and where I am sure he will continue to support public policy that will advance the arts in Arizona.

Madam Speaker, please join me in recognizing Dennis Kavanaugh's continued work and advocacy for the arts in Arizona.

JUAN SEGUIN—TEXAS FREEDOM FIGHTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. POE. Madam Speaker, as Texans we are proud of our fight for independence. We often celebrate the courage and sacrifice made by the Alamo defenders. We boast of the cunning and valor displayed by the victorious troops at the Battle of San Jacinto. When celebrating these two historic events, I would be remiss not to mention the vital role that Juan Seguin played in both of those battles.

Juan Seguin was born in 1806 at San Antonio, in what was then Mexico. He soon grew tired of President Santa Anna's policies and in 1835, he responded to a call for support by raising a company of Tejanos, Texans of Hispanic descent, to aid in the revolution. In October of 1835, following a battle in Bexar, Stephen F. Austin granted a captain's commission to Seguin.

Seguin's company would soon arrive at the Alamo with other Revolutionary heroes such as, Jim Bowie, Davy Crockett, and William Barrett Travis, who were taking shelter as General Santa Anna's army was advancing on San Antonio.

As the Alamo came under constant bombardment, Colonel Travis sent out messengers to get help. The last messenger sent out was Juan Seguin on a mission to seek reinforcements from Colonel James Fannin to send troops from nearby Goliad to help the defenders at the Alamo. After his failed attempts to persuade Fannin, he journeyed to the ranches along the Guadalupe and San Antonio Rivers to recruit more Tejanos.

His company then met up with General Sam Houston at the town of Gonzales. There, the tragic news that the Alamo had fallen was delivered. A decision was made to burn the town of Gonzales in order to deny shelter to Santa Anna's troops.

As General Houston's armies retreated, he gave Seguin's company the task of riding into the frontier and warning the settlers of the coming danger. Because of this great service to the Texas Revolution, he has been dubbed "The Paul Revere of Texas."

Later, Seguin commanded the only Tejano unit to fight in the Battle of San Jacinto. None of the Texians at San Jacinto wore uniforms on the battlefield. In order to distinguish themselves from the Mexican soldiers, only Mexican officers wore uniforms, Seguin's Tejanos wore playing cards in their hats to avoid friendly fire. After the battle, Seguin personally accepted the surrender of a number of Mexican officers. After his company's valiant effort in the battle, Seguin was promoted to Lt. Colonel. Texas liberty would not be secure without the help of the native Tejanos in this and other battles during the fight for Texas independence.

Each year, approximately 220,000 people visit the World's tallest war memorial, The San Jacinto Monument. The monument, which stands 15 feet taller then the Washington Monument, has two roads leading to the park. In honor of the contributions made by Seguin and his Tejanos one of those roads is named Juan Seguin Boulevard.

One of the oldest towns in Texas, Seguin was originally founded in 1838 near the Guadalupe River. In 1853, it was incorporated and named Walnut Springs. Six months later the name was permanently changed to Seguin. Today, the city nicknamed the "Pecan Capital of Texas" is home to the Texas Lutheran University. In October of 2000, the city of Seguin unveiled a 17-foot statue of its namesake in the town square. The statue depicts this Texas hero valiantly leading the charge atop a horse with his saber in hand. As I stand here one day after we celebrated the historic battle of San Jacinto that gave Texas its independence, I want to acknowledge this Texas legend that played such an instrumental role in the victory.

And that's just the way it is.

HONOR THE TRUTH OF THE PAST: COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. McGOVERN. Madam Speaker, I rise today to honor the survivors and their descendants of the Armenian Genocide. On Sunday, April 20th, a service in remembrance of the 93rd Commemoration of the Armenian Genocide took place at the Armenian Church of Our Savior in Worcester, Massachusetts. The message of the generations gathered there is simple: "Honor the truth of the past because denial makes it more likely that genocide will happen again."

Each year we mark the anniversary of the cataclysmic events that occurred in the Ottoman Empire from 1915–1923, when 1.5 million Armenians were killed and over half a million survivors were exiled.

I would like to enter into the RECORD the letter I sent to the parishioners of the Armenian Church of Our Savior on this solemn and special occasion, as well as the April 21st article that appeared in the Worcester Telegram & Gazette describing the commemorative event.

Memory is a precious commodity. I urge all my colleagues to support passage of the Armenian Genocide Resolution before we lose the last survivors of this terrible period of genocide against the Armenian people.

OPEN LETTER FROM REP. JAMES P. MCGOVERN TO THE PARISHIONERS OF THE ARMENIAN CHURCH OF OUR SAVIOR

APRIL 20, 2008.

DEAR FRIENDS: As you know, this year marks the 93rd anniversary of the first genocide of the 20th Century, the Armenian Genocide. Carried out between 1915 and 1923, the Armenian Genocide was a systematic and deliberate campaign by the Turkish Ottoman Empire to destroy its Armenian minority, which resulted in 1.5 million Armenian deaths and the exile of nearly all Armenians from their ancestral homeland.

The Armenian Genocide is officially recognized and commemorated in 40 States, including the Commonwealth of Massachusetts, and by nearly two dozen nations, including 11 of our NATO allies. The federal government must follow suit.

I believe adopting the Armenian Genocide Resolution is the right thing to do:

As a matter of morality—and in the name of humanity—the United States should recognize and condemn all genocides.

In the name of historic truth—and in honor of the historic role so many American diplomatic personnel and humanitarian and relief workers played in saving lives and condemning the genocide as it was taking place—the U.S. especially should recognize the Armenian Genocide.

And in the hope of preventing future genocides—we have to recognize and honor the truth of the past. Denial of the Armenian Genocide—just like denial of the Holocaust—makes future genocides more likely, not less.

No nation, not Turkey, or any other country, should be allowed to block the official recognition or commemoration or the teaching of historic truth about the Armenian Genocide.

I am disappointed that the Federal government has not yet taken the necessary and courageous steps to recognize the Armenian Genocide. I will continue to work to change that reality.

It's ironic that the current Turkish government doesn't seem to realize that the more it denies the Armenian Genocide, the more people begin to think that there really is a connection between the Turks who carried out the Armenian Genocide at the beginning of the 20th Century and today's 21st Century democratic government.

By denying the truth, Turkey undermines its own standing throughout the world, blocks its own acceptance into the European family, and increases regional tensions, especially with neighboring Armenia. Turkey's recognition of the Genocide, its reconciliation with the past, would widely be viewed as the act of a mature democracy, which the world would rush to embrace and reward.

This is why America must also officially recognize the Armenian Genocide.

Some will always argue that the timing is not right to act on this bill. But when will the timing be right? After the last surviving witnesses of the Armenian Genocide are gone?

In April of last year, I was in eastern Chad. And the reality of genocide was right before my eyes. There are over 250,000 refugees from Darfur, Sudan living in camps just inside Chad. I met with individuals and families who had been forced to flee their villages in Darfur. Each had a story about loved ones murdered, homes destroyed, people and family left behind. Many didn't know if some of their family or children were even alive.

So 93 years after the Armenian Genocide, I struggle to find meaning in the words, "Never Again."

I am thankful I can turn to Worcester's Armenian-American community for inspiration, one of the oldest in the United States and the first to establish a church in America. They have worked tirelessly for nearly a century to keep alive the historic memory of the Armenian Genocide and to speak out, condemn and organize against the genocides—too many—that mark the past nine decades of human history. They were among the very first to bring to my attention the events unfolding in Darfur.

The least we can do is honor and recognize this selfless community by passing the Armenian Genocide Resolution, so that their history and heritage will be remembered for all time, even after the last survivor passes away.

With warmest respect and friendship,

CONGRESSMAN JIM MCGOVERN.

[From the Telegram & Gazette, Worcester, MA, Apr. 21, 2008].

ARMENIAN GENOCIDE REMEMBERED

(By Lisa D. Welsh)

WORCESTER.—Three generations of Armenians—a 99-year-old woman, a three time—Pulitzer Prize-winning journalist and a high school essayist—spoke from differing perspectives but shared one message during the 93rd anniversary of the Armenian genocide recognition yesterday at the Armenian Church of Our Saviour: "Honor the truth of the past because denial makes it more likely that genocide will happen again."

Heghine Minassian was 6 years old the day Turkish soldiers went house to house and emptied all the buildings in her village. She said most Armenians were marched into the desert, where they were left to starve to death; but some of the women, like her aunt, were kept as slaves.

"My grandparents were in the attic hiding," Mrs. Minassian said in Armenian through an English interpreter, Van Aroian. "My grandmother's sister yelled, 'Don't open the door. Don't go out.' But the (soldiers) gave the order to come down and they came down."

Within three years Mrs. Minassian would be an orphan, the same age of many of the children in church who participated in a candle-lighting ceremony in honor of their family members who had died in the genocide. Looking out at the young faces in the front pews, Mrs. Minassian said, "Don't forget our struggle."

Stephen A. Kurkjian, a reporter for the Boston Globe for 38 years, has written about many high-profile events. However, sharing the story of his father's family was not one of them.

"I was not an appreciating Armenian until 1992, when I accompanied my 83-year-old father to the village where he was born," Mr. Kurkjian said at the Martyrs' Day commemoration. "The sadness hit me like a sledgehammer. I started asking, 'How could this happen?' "

"I came back and wrote an article called 'Roots of Sorrow.' But now I'd add to that title, 'Seeds of Hope.' "

Mr. Kurkjian's father lost his father, brother and sister in the genocide of 1915; he survived after making the 300-mile trek to Syria with his mother, and later to America.

"My father would say out of tragedy there was opportunity for liberty and religious freedom. There was education and economic opportunity in America. I would have never had the successes I've had. Instead I would have worked at a small weekly in a mountain village."

"I asked my Der Hayr (priest), 'How this could happen?' " Mr. Kurkjian said. "He said, 'God would not have allowed the first Christian church to not have survived.' That's as good an answer as you are going to get."

With the internal awakening about his heritage Mr. Kurkjian has traveled to Turkey and watched pressure build on the Turkish government to reassess its position that downplays references to the genocide.

Robin Garabedian, a junior at Doherty Memorial High School whose family has been with the Armenian Church of Our Saviour since her grandmother's family immigrated to Worcester, said she was 7 years old when her father told her about the genocide. In reading her award-winning essay, "Why Remembrance of the Genocide is Important," she quoted Adolf Hitler as saying. "Who today remembers the extermination of the Armenians?" as rationalization for the Holocaust.

"How does someone hate someone else so much?" Robin asked in anger. "If the world had stood up (against) the Armenian genocide, there wouldn't have been genocide of the Jews, or in Cambodia in the '70s, or in Darfur today."

H.R. 1374—FLORIDA NATIONAL FOREST LAND

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. CRENSHAW. Madam Speaker, today the U.S. Senate Energy and Natural Resources Committee considered S. 934, a companion bill to H.R. 1374, which passed the House of Representatives on December 17, 2007. This legislation provides the Forestry Service the flexibility they need to properly manage their assets. This legislation modifies the Florida National Forest Land Management Act in two simple ways which will provide the Forest Service essential authority to manage the national forests in Florida effectively.

The first provision simply adds an unmanageable tract of land located in Tallahassee, FL to the list of lands the Secretary of Agriculture is currently authorized to sell. This specific property, tract W–1979, is approximately 114 acres of land that has evolved into an unmanageable, problem area for the Apalachicola National Forest. Due to the configuration and surrounding development, the vegetation cannot be managed through prescribed fire. Although a very valuable tract from a real estate/commercial aspect, this tract has lost its national forest character. The sale of this land will allow the Forest Service to purchase other lands located within the Forest that are more manageable and will enhance national forests in Florida.

Secondly, this legislation would allow the Forest Service to use proceeds from the sale of other "non-green land" to be used for construction and improvements to administrative facilities essential to the proper management of the Forest. These "non-green land" tracts of land are owned by the Forest Service, but have urban improvements like fairgrounds or sporting complexes and are not conducive to the overall purpose of protecting our national forests.

This legislation would allow the Service to use the proceeds from the sale of improved lands to build critical infrastructure they need to manage the forests in Florida, while allowing the forest service to continue its practice of using receipts from all non-developed "green land" tracts for the acquisition of other "green land" tracts to enhance the national forests in Florida. I am pleased that this legislation is moving forward and the Forest Service will have the ability to efficiently and effectively manage our Nation's precious resources.

IN RECOGNITION OF THE EARTH DAY COALITION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Earth Day Coalition of Cleveland, as they celebrate EarthFest 2008 on April 20, 2008—a date that also commemorates the 19th annual celebration of EarthFest in Cleveland, Ohio.

Cleveland's Earth Day Coalition was formed in 1990 to celebrate the 20th anniversary of Earth Day in Ohio. EarthFest is now Ohio's largest environmental educational event and one of the most successful Earth Day events in the country. I stand in recognition of the staff and volunteers of the Earth Day Coalition for all their effort and dedication in creating such an innovative, exciting and educational event for the Great Cleveland community to enjoy. This year, EarthFest 2008 will be entirely wind powered, signifying the ability of the Earth Day Coalition in effectively demonstrating the need and possibilities of alternative forms of energy. The event features over 160 environmental exhibits and displays, all focused on educating the community about sustainability efforts and solutions to climate change. EarthFest is just one of Earth Day Coalition's many nationally-recognized programs and promises once again to be a significant aspect of the world celebration of Earth Day.

Madam Speaker and colleagues, please join me in honor and recognitions of the staff, volunteer and members of the Earth Day Coalition as we celebrate EarthFest 2008 on April 20, 2008. EarthFest 2008 promises to educate, inspire and motivate all of us to join together as a community and work toward maintaining a more healthy earth for future generations.

TRIBUTE TO MORLEY NELSON

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. SALI. Madam Speaker, I rise today to pay tribute to a remarkable Idahoan and a place in my beautiful home State.

Today, the House is voting on renaming the Snake River Birds of Prey National Conservation Area—right outside my hometown of Kuna, ID—after a man named Morley Nelson. Morlan W. Nelson—everyone called him "Morley"—was born in North Dakota. Morley was fascinated by raptors from a young age as he grew up on a ranch in his native State. He earned a degree in soil science, engineering and nuclear chemistry from North Dakota State in 1938 and went on to serve with great valor as a captain in the 10th Mountain Division during the Second World War, the same outfit where our esteemed former colleague Bob Dole served with such distinction. Morley won a Bronze Star, a Purple Heart, and a Silver Star for his courage and indomitable spirit.

Morley moved to Idaho after the War. In 1948, he made his home in Boise and began serving as the Columbia Basin's Snow Survey Supervisor and pursued his groundbreaking work with such raptors as the golden eagle.

To give a fuller account of Morley's remarkable life, allow me to quote from a biography of Morley drafted for the Morley Nelson Elementary School in Boise:

> Morley continued his work with raptors and, after relocating to Idaho, became interested in the golden eagle. In 1958 he influenced the State Legislature to enact a law protecting raptors in Idaho. In the early 1960s Morley began working for Walt Disney Production's True Life Adventure Series training falcons, eagles, and hawks. He worked on numerous films with Walt Disney and Paramount Pictures as well as working with Marlin Perkins on the Wild Kingdom television series, and television programs for PBS and other networks. In the 1980s and 1990s Morley participated in many documentaries and videos featuring his birds. In the 1970s and 1980s Morley was instrumental in recognizing the importance of the Snake River Canyon as a haven for birds of prey and with the help of Governor Cecil Andrus, who was then Secretary of the Interior, and others, they establishing the Snake River Birds of Prey National Conservation Area. He also influenced the establishment of the World Center for Birds of Prey in Boise. Morley had a long and productive association with the Idaho Power Company and the Edison Electric Institute to help solve the electrocution of eagles problem. He designed nesting platforms that attach to large transmission lines which have helped to expand the nesting areas of Raptors. His power line corrections and nesting platform designs are now used worldwide.

Idaho's rich natural heritage is exemplified by the raptors that make their homes in the Gem State. Thanks largely to Morley's efforts, "Idaho hosts the densest population of nesting raptors in North America, and possibly on planet Earth," according to writer Lee Foster.

Madam Speaker, on behalf of my great home State, let me say that we will remember this wonderful man, exemplary patriot and outstanding naturalist.

I also commend and thank my friend and colleague, MIKE SIMPSON, for introducing H.R. 3651, which renames the Snake River Birds of Prey National Conservation Area the "Morley Nelson Snake River Birds of Prey National Conservation Area." It's a fitting tribute to a great Idahoan and a great American.

TRIBUTE TO KATIE EDWARDS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to recognize Katie Edwards who will be inducted into the Dade County Farm Bureau's distinguished Hall of Fame on Saturday April 26, 2008.

For more than four years, Katie has served as the Executive Director of the Dade County Farm Bureau. In that capacity, she has been a solid and steady voice advocating for the more than 4,000 members she represents. Under Katie's exceptional leadership, the Dade County Farm Bureau received the President's Award from the Florida Farm Bureau Federation in 2004 and 2007.

Katie has focused her efforts on a variety of issues facing South Florida's diverse agricultural industry. She has consistently promoted and supported the economic viability of agriculture, the competitiveness for specialty crops, the need for agricultural disaster following numerous hurricanes, and increased funding for mitigating the risks associated with invasive pests and diseases.

This fall, Katie will start law school at Florida International University, where she plans to stay true to her passion and concentrate on agricultural law. Though her shoes will be difficult to fill, I know she has a made a lasting impact on the Dade County Farm Bureau.

I urge all my colleagues to join me in congratulating Katie Edwards on her induction into the Hall of Fame.

RECOGNIZING THE 175TH ANNIVERSARY OF THE TOWNSHIP OF WEST BLOOMFIELD, MICHIGAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the Township of West Bloomfield, in Oakland County, MI, which is celebrating its 175th Anniversary on April 22, 2008. The township's many beautiful lakes show why it continues to rank among Michigan's loveliest communities.

In the early 19th century, a group of mainly Scottish Presbyterian settlers migrated to Bloomfield Township from New York, New England, and the United Kingdom. These settlers were attracted to the picturesque lakes that covered nearly 20 percent of the area, and many settled in and built sheep farms. By 1850, sheep by far outnumbered residents, with over 16,000 sheep contributing to the booming farm industry compared to only 940 people.

On April 22, 1833, West Bloomfield Township was formally established as a General Law Township by an act of the legislative council which carved out 30 square miles from the western part of Bloomfield Township. Then on April I, 1982, the council passed a resolution establishing West Bloomfield as a Charter Township.

Today, West Bloomfield, known as the "lake township of Oakland County," is one of the most ethnically and religiously diverse townships in the country. Home to a large and active Jewish community, West Bloomfield opened the first Holocaust Memorial Center of its kind in 1981. It has since expanded and been moved to Farmington Hills, something I was proud to assist and support, but its roots are firmly planted with the residents of West Bloomfield. In addition, there is a growing Chaldean community that has worked to integrate fellow Arab immigrants into life in the United States.

Madam Speaker, today West Bloomfield is a vibrant, diverse community in Oakland County that is home to over 64,000 residents and 25 beautiful lakes. I congratulate them on their 175th anniversary and wish the residents many more years of prosperity.

IN RECOGNITION OF EUGENE STARKS ROBERTS, SR. AND HIS RUN ACROSS AMERICA FOR JESUS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to honor and welcome to our nation's capital a special guest and great American hero named Eugene Starks Roberts, Sr. A former Marine, Vietnam veteran, and double amputee, Mr. Roberts joins us near the conclusion of his long and inspiring mission to run across America for Jesus. Mr. Roberts has run over 3,500 miles during the last nine months—miles that represent his commitment to Jesus Christ and the ideals central to his strong Christian faith.

Throughout his journey, Mr. Roberts has sought to raise awareness and money for the less fortunate and for medical research for diseases such as cancer and diabetes. Making the cross-country trek on prosthetic legs, Mr. Roberts has also made it his goal to inspire wounded warriors in their recoveries. Indeed, his endurance of both body and spirit should be an inspiration to us all.

Mr. Roberts has run through more than 80 different U.S. cities, including two in my district—Shallotte and Wilmington, North Carolina. Southeastern North Carolina is honored to have been included along the way. Mr. Roberts has reminded my constituents and countless other Americans, both those with and without disabilities, of the importance of perseverance. He serves as a testament to the phenomenal strengths and great characters of our men and women in uniform. Finally, he has reminded us of what it means to give of oneself in order to help others in need.

His wife of 40 years, Marian Alicia, his three daughters, one son, and 11 grandchildren should be extremely proud of the man they call husband, father, and "Poppop".

Madam Speaker, I stand today to honor Mr. Roberts' achievements not only over the last nine months, but also over his entire life, as he approaches the end of his run across our great Nation.

PERSONAL EXPLANATION

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. GILLIBRAND. Madam Speaker, I missed one vote on April 15, 2008. Had I been present, I would have voted the following way:

(1) Frank Amendment to H.R. 2634, rollcall No. 196—I would have voted "yea."

HONORING E. YVONNE LEWIS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to E. Yvonne Lewis as she is elevated to Supervisor of Women for the Michigan Southeast Jurisdiction of the Churches of God in Christ. A banquet will be held in her honor on April 28th in Flint Michigan.

E. Yvonne Lewis grew up in Saginaw Michigan. Her parents, the late Drs. Hurley J. and Martha Coleman founded the Coleman Temple Church of God in Christ in Saginaw. As the 5th of 11 children, she earned a Bachelor of Science in Business Administration degree from Ferris State University, and from the University of Michigan-Flint a Bachelor of Science in Clinical Community Psychology degree and a Masters of Health Education degree. She is the mother of 3: Tiffanie, Tanya and Maurice.

She is now a member of the Greater Holy Temple Church of God in Christ. After receiving her license as an Evangelist of the Church of God in Christ in 1978, E. Yvonne became the Coordinator of the National Church of God in Christ Young Ladies for Scholastic Motivations, of the Auxiliaries in Ministry Convention. She also served as an active member of the Second Ecclesiastical Jurisdiction of Southwest Michigan under the leadership of Bishop Earl J. Wright Sr. and Mother Francis Curtis.

Bishop Roger L. Jones selected her in 2007 to become the Supervisor-Elect for Women in the Michigan Southeast Jurisdiction. In this role she will serve as the leader of women and work closely with Bishop Jones guiding the Church through the coming year.

E. Yvonne Lewis is the Executive Director of Faith Access to Community Economic Development. She serves on the boards of the Greater Flint Health Coalition, the Michigan Cancer Consortium, Co-Founder and Past Chair of the National Community Committee for the Centers for Disease Control and Prevention, Prevention Research Centers, founding member and Past Chair of the Caucus of Public Health and the Faith Community of the American Public Health Association, and the Advisory Board for the Sickle Cell Disease Association of America.

Madam Speaker, I ask the House of Representatives to join me in congratulating E. Yvonne Lewis as she is elevated to the position of Supervisor of Women. May Christ continue to bless her in her work and leadership for many, many years to come.

IN HONOR OF THE AAA STATE CHAMPION KENDRICK LADY CHEROKEES BASKETBALL TEAM

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the first girls' State championship basketball team from the city of Columbus, Georgia, the Kendrick High School Lady Cherokees.

On Saturday, March 8, 2008, the Lady Cherokees finished a perfect season with a 79–67 win over Carrolton High School. The victory followed three years of close calls for the Lady Cherokees—in 2005, 2006, and again last year in 2007—during which they found themselves in the finals or semifinals of the state basketball tournament, only to lose by slight margins.

However, 2008 proved to be the year of the Lady Cherokees. Their victory in this year's AAA State championship embodied 3 years of frustration, hard work, and determination bursting forth into a singular moment of athletic perfection and teamwork.

With a 32–0 record, the Lady Cherokees became only the third girls' basketball team in the last decade to complete a perfect season. Additionally, the team's seniors completed their high school career with an astonishing 121–5 record.

I cannot put into words the amount of pride that everyone in Columbus, and indeed in the Second Congressional District, has in being able to call this outstanding group of young women its own. They have accomplished a special goal, one that could not have been possible without the unrelenting support and encouragement from their coach, Sterling Hicks, as well as their families, schoolmates, and everyone in the community who believed in their ability to bring home a State championship trophy.

Madam Speaker, these special young women have worked hard, persevered, made sacrifices, and developed the character that will help them to succeed in other aspects of life.

I am proud to represent them and once again congratulate them on their history-making achievement.

EQUAL PAY DAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. GEORGE MILLER of California. Madam Speaker, today, on Equal Pay Day, Americans are reminded of how far we have to go in order to eliminate pay inequity between men and women in the United States. While our Nation has made many strides in the fight against discrimination, the struggle for equal pay for equal work continues. On this day, we remind ourselves that much more work needs to be done.

Women have seen recent success shattering a number of glass ceilings within the ranks of corporate and government leadership. Yet the fact is that American women are still only being paid 77 cents for every dollar that their male counterparts earn with the same education, training, and experience. Any wage gap based on sex is unacceptable. The current one is staggering. As pay equity advocate Evelyn Murphy has calculated, the current wage gap means a woman with a high school education will lose $700,000 over her lifetime. A woman with a college education will lose $1.2 million over her lifetime. And a woman with a professional degree will lose $2 million over her lifetime.

But unequal pay not only surfaces in workers' weekly paychecks, it also harms workers' retirement and health care security. Its sheer irrationality hinders the American economy as a whole. In the new global economy, those who stand in the way of equal pay are tying one hand behind America's back. Holding women back not only hurts workers, it's bad for business.

And even where progress is made on the most insidious forms of intentional discrimination, reactionaries are still trying to roll back these protections. Just last year, the Supreme Court did precisely that in the case of Ledbetter v. Goodyear. Lilly Ledbetter worked for nearly two decades at the Goodyear Tire and Rubber Company plant in Alabama. She sued the company soon after learning that she was paid less than her male counterparts. A jury found that her employer had unlawfully discriminated against her on the basis of sex.

But, five members of the United States Supreme Court rejected longstanding law and said that Lilly Ledbetter did not file a complaint quickly enough, nullifying the jury's verdict. In fact, Ms. Ledbetter filed her complaint as soon as she learned of the pay discrepancy through an anonymous note in her mailbox.

However, the Supreme Court ruled that the clock on filing started to run when the employer made its discriminatory pay decisions, decisions which the employer effectively hid by explicitly forbidding anyone to discuss their pay. So despite finding that Ms. Ledbetter was unlawfully paid less than her male counterparts, she could not recover anything. The company that paid her less just because she was a woman owed her nothing. A slim majority of the Supreme Court shunned reason in order to satisfy its own narrow ideological agenda.

I am proud to say that just months after the ruling the House of Representatives repudiated the Supreme Court's decision by passing the Lilly Ledbetter Fair Pay Act, which would restore workers' right to challenge discriminatory paychecks.

Today should serve as a call to action to end the pay inequity that half of our country's workforce continues to endure. The Senate should pass and the President should sign the Lilly Ledbetter Fair Pay Act. And the Congress should take up additional legislation to strengthen the Equal Pay Act.

I urge my colleagues to recommit themselves to the fight for equal pay. The wage gap between men and women must disappear. And the Congress has a very clear role to play in that effort.

TRIBUTE TO CHIEF JUSTICE SUE BELL COBB

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. CRAMER. Madam Speaker, I rise today to honor the distinguished career of Chief Justice Sue Bell Cobb.

On April 12th, Justice Cobb was honored with the Albert P. Brewer Award for outstanding public service to the State of Alabama.

Chief Justice Cobb has dedicated over 27 years of her life to serving the people of the State of Alabama. She began her service as Chief Justice of the Alabama Supreme Court in 2007.

Throughout her career, Justice Cobb has made protecting our Nation's children one of her highest priorities. She has served as the President of the Alabama Council of Juvenile and Family Court Judges and the Chairwoman of the Children First Foundation. For her efforts, Justice Cobb has been recognized by the Child Welfare League of America and the National Juvenile Detention Association.

Additionally, Justice Cobb has been an advocate for the American Cancer Society. She has served as the Chairwoman of the Alabama Division of the American Cancer Society and has been named as the Volunteer of the Year by that organization. Additionally, she has been awarded the St. George Medal, the highest national award given by the American Cancer Society.

I applaud Justice Sue Bell Cobb on her outstanding judicial career and I thank her for her tireless efforts on behalf of the men and women of the State of Alabama.

RECOGNIZING THE TEXAS WOMAN'S UNIVERSITY GYMNASTICS TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Texas Woman's University Pioneers gymnastics team on winning first place at the 2008 USA Gymnastics Women's Collegiate National Championship in Shreveport, Louisiana. Through a show of dedication, passion and solidarity, the Pioneers secured the USAG National Title on Friday, April 18, 2008.

The Texas Woman's University Pioneers rallied dramatically to come from behind and win the National Title. Their score of 194.700 was not only sufficient to clinch first place, but was also the team's highest score of the season. Additionally, many members of the team met or exceeded their personal best scores in the individual events.

The Pioneers seized their first USAG National Title in 1993, with additional wins in 1994, 1995, 1996, 1998, 2000, 2003, and 2006. Their success at the 2008 USA Gymnastics Women's Collegiate National Championship gives them a total of nine National Titles in the last 16 years.

Many titles and awards have been awarded to the team as a result of their hard work and dedication, as well as the support and guidance of head coach Frank Kudlac, Assistant Coaches Lisa Klein and Tim Rivera, Graduate Assistant Gretchen Goerlitz, and Trainer Kris Ring.

TWU team members Courtney Arno-Templet, Jennifer Kingsbury, Nicole Poling, Michelle Graves, Alexa Brennan, Keri Miller, Leslie Pladson, Amie Boles, Amy Hulbert, Brista Michael, Kelsey Nixon, Brittany Parker, Tonya Pipkorn, Abbi Thomas, Mollie Blessing, Kristie Costa, Caroline Hilpisch, Jennifer Liberato, Lauren Sizemore, and Amanda Walker have carried on the Pioneer's legacy of excellence, and are outstanding representatives of their school and the community.

Madam Speaker, I rise today to heartily applaud the efforts and success of the Texas Woman's University gymnastics team. Their legacy of hard work and excellence shall continue to inspire others to go after their dreams. I am extremely honored to represent these fine young individuals in the 26th District of Texas, and I am confident that they will continue to achieve greatness in future endeavors.

OBSERVANCE OF EQUAL PAY DAY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. SPEIER. Madam Speaker, today, as we observe Equal Pay Day, I rise with my colleagues and professional women everywhere to say: Women are the face of pay equity.

The Census Bureau reports that, on average, a woman earns 77 cents for every dollar earned by a man. More simply, I would have been working since the beginning of the year to earn the same annual salary as a man who started today, April 22.

Equal pay is not solely a women's issue, it's a family issue; when women aren't paid equally, their families pay the price. There are long-term consequences too: lower pay means less Social Security and less saved for retirement.

We have talked for years about closing the wage gap, now we must act. Today I was added as the 227th cosponsor of the Paycheck Fairness Act, joining more than half of this body who believes it is time to eliminate gender-based wage discrimination once and for all.

Congresswoman DELAURO's bill, which she has introduced for the last eight years, strengthens enforcement of the Equal Pay Act while providing businesses with training and resources to ensure they're in compliance.

Madam Speaker, since the Equal Pay Act was passed in 1963, we have made great strides. Wages for women are up, and the pay gap has narrowed, but the gap is still far too wide, and women and their families are paying a terrible price.

This is my first year, and my first Equal Pay Day, as a member of this House. I genuinely look forward to a time when I don't need to remind Americans that Women are the face of pay equity.

SENATE—*Wednesday, April 23, 2008*

The Senate met at 5 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Only You, Lord, are a mighty rock. Be our strong refuge, for we trust Your loving providence.

Guide our Senators. Show them the tasks that need to be done, enabling them to order their priorities with Your wisdom. Direct them to common ground so that united they can accomplish Your purposes. Inspire them to serve You with passion, for You are the author and finisher of their destinies. Strengthen them with the zest, verve, and vitality of authentic hope.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

ORDER OF PROCEDURE

Mr. REID. Mr. President, under the rules of the Senate, 1 hour after we come in there is an automatic cloture vote. Tonight, it is on H.R. 2831, the Lilly Ledbetter Fair Pay Act. I ask unanimous consent that both sides have a full half hour. I designate Senator KENNEDY to appropriate the time however he feels appropriate. Following the usage of that 1 hour, I ask unanimous consent that Senator MCCONNELL, if he wishes to speak, be recognized using leader time and following his remarks, that I be recognized in leader time prior to the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to all Senators within the sound of my voice, after we complete work on this legislation, Senator MCCONNELL and I are trying to work to inform everyone what the schedule will be in the future—that is, this evening, tomorrow, Friday, and the beginning of next week. We do not have that worked out yet, but we are getting very close.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

LILLY LEDBETTER FAIR PAY ACT OF 2007—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. is equally divided and controlled between the two leaders or their designees. Each side will have a full 30 minutes.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, our Nation was founded on the basic principle of fairness, justice, and equality. Over the years, a continuing march of progress has brought these shared ideals to ever more Americans. The "Whites only" signs that were a stain on America are a thing of the past. We have opened the door of opportunity to African Americans, Latinos, Asians, and Native Americans. Glass ceilings that limited the opportunities of women and persons with disabilities are shattered. We have improved protections for persons of faith who suffer discrimination and intolerance because of their beliefs. Opportunities for older workers are greater now than perhaps at any previous time in our history. The march of progress represents America at its best. It has brought us ever closer to the ideal of Dr. Martin Luther King that Americans will one day be measured not by the color of their skin, their gender, their national origin, their race, their religion, or their disability, but by the content of their character.

The Senate has been an important part of the progress in guaranteeing fairness and opportunity. We passed strong bipartisan laws to protect basic civil rights, and we must not turn back the clock again. Time and again, the Senate has gone on record in favor of fairness and against discrimination, and we have done so by overwhelming majorities. We will have an opportunity in a few moments to do so again.

This chart shows the record of the Senate in ensuring pay equity for those whose skin is a different color, on the basis of age, disability, gender, religion, or national origin. Here it is: The Equal Pay Act was passed on a voice vote. An overwhelming majority in the Senate, Democrats and Republicans, said equal pay, equal work should be the law of the land. It was passed in 1963.

The Civil Rights Act of 1964, title VII, equal pay for equal work, passed 73 to 27.

Age discrimination that says you will not discriminate on the basis of age passed the Senate under President Johnson by a voice vote.

The Rehabilitation Act of 1973 provided the same kind of protections for disabled individuals, individuals who have some disability but are otherwise qualified to do work. You cannot discriminate against them. That was passed on a voice vote under President Nixon. And this was repeated in the Civil Rights Restoration Act of 1988, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991.

Look at the Presidents: Kennedy, Johnson, Johnson, Nixon, Reagan, Bush, Bush. And now in the Senate our Republican friends want to say: Oh, no, we are going to permit discrimination against women because they did not have adequate notice that the discrimination was taking place because the employer did not give them that notice when they gave them a paycheck that was unequal to their male counterparts. That was a 5-to-4 decision.

We have an opportunity to go back on the right track that Republican and Democratic Presidents and Congress led us down. Let's restore the fairness, the equity, the decency, and the humanity this Senate of the United States has gone on record with regard to equal pay for women, disabled, and the elderly in our society. Let's do

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that. We have a chance to do so in just 45 minutes.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask that I be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, the distinguished Senator from Massachusetts makes an eloquent and passionate statement, but everyone within the sound of my voice needs to understand something. This debate today is not about allowing, favoring, or supporting discrimination. It is about preserving the Civil Rights Act to which the distinguished Senator just referred, because the Civil Rights Act stated clearly that if a complaint was filed, it needed to be filed within 180 days of the act of discrimination, or as, as current EEOC practice allows, 180 days from the date which a reasonable person should have known.

Let's make sure everyone understands all this. Since 1964, 44 years ago, that has been the provision in the statute. No one is trying to keep that from happening.

Secondly, everybody needs to understand this: It is very important to people, regardless of whether they are a woman, a man, a Methodist, African American, Latino, whatever, if they are discriminated against, we need to make sure there is timely evidence so the handling of these claims can be completed thoroughly and completely.

The Ledbetter Fair Pay Act changes the civil rights law provisions from 180 days from the time a discriminatory act was made or a reasonable person should have known they had been discriminated against to 180 days from any "economic effect." This means that someone can work for a company for 30 years, go on retirement and pension, get a pension check, declare the 180 days just started, and file a complaint from 30 years ago.

We are about having integrity in the system so we have timely complaints, we have timely evidence, and the parties who are there can quickly be remedied.

I would like my staff to put up a chart because I would like to review the history of the Ledbetter case.

In 1982, Mrs. Ledbetter filed a complaint for sexual harassment against her supervisor. That complaint was settled between her and the company, Goodyear, in a timely fashion, and she was satisfied.

In 1992, Mrs. Ledbetter, under testimony, testified that she became aware she was being paid less than her peers, but she filed no complaint.

In 1993, she did not file a complaint.

In 1994, she did not file a complaint.

In 1995, Mrs. Ledbetter said:

> I told him at that time that I knew definitely that they were all making a thousand at least more per month than I was and that I would like to get in line.

But she did not file a complaint.

In 1996, she did not file a complaint.

In 1997, she did not file a complaint.

And then on July 21, 1998, a complaint was filed, shortly after her supervisor died. That is the reason for the statute of limitations on the complaint to begin with—to ensure you have contemporary and timely information and the parties who might have committed the act of discrimination are alive and can be held accountable.

No less than Justice John Paul Stevens, the first time this particular provision of statute of limitations was taken to the Court, in a 7-to-2 decision in 1977 said the following:

> A discrimination act which has not made the basis for a time charge is merely an unfortunate event in history which has no present legal consequence.

Some will argue—and I am sure Senator KENNEDY will—about hidden, or concealed, discrimination, whereby a person might not become aware they are being victimized. Essentially, you can rope-a-dope someone and fool them. Current EEOC practice clearly states that it is 180 days from the time a reasonable person should have known or would have known they were discriminated against.

It is very important for us to understand that we have a case, the Ledbetter case, where the individual testified under oath in deposition that she was aware she was being underpaid and did not file. We also have a person in 1982, a decade before the alleged act, who did file a case for sex discrimination. So it was not ignorance of the system, ignorance of the law, or ignorance of the court; it was violation of the time provided.

Just to make sure the record is clear, in a deposition of Mrs. Ledbetter on July 18, 2000:

> Question: So you had this conversation with Mike Tucker about the 1995 evaluation. You told him then that you wanted to try to get your pay more in line with your peers?
>
> Mrs. Ledbetter: That is correct.
>
> Question: How did you know that your peers were earning more?
>
> Mrs. Ledbetter: Different people I worked for along the way had always told me my pay was extremely low.

Again in a deposition later on:

> Question: And so you knew in 1992 that you were paid less than your peers.
>
> Mrs. Ledbetter: Yes, sir.

Mr. President, I abhor discrimination. I share the reverence of the quote of Martin Luther King, a citizen of my home State, quoted by Senator KENNEDY, that we all yearn for the day that a man will be judged by the content of his character and not the color of his skin. We respect that today. That is why the Civil Rights Act we discuss today was passed. That is why, when they passed the Civil Rights Act, Congress put in a standard of 180 days from the date of discrimination to ensure the evidence was there, the supervisors were there. That way an aggrieved person could take action to remedy quickly this situation could. The Lilly Ledbetter Fair Pay Act changes that to a distant time in the future when people could have passed away, records could have been destroyed, and the ability to prove the allegation would be impossible.

I submit, in an environment in 2008 in the United States of America where equity, nondiscrimination, and freedom are available to all Americans, that it is this timeliness is important so that anybody who is injured and anybody who is aggrieved gets a swift and just action in the courts of the United States of America.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take 30 seconds.

We are attempting to restore the law prior to the Supreme Court decision. That is all we are trying to do. The law before the Supreme Court's decision is that when the paycheck reflects discrimination the time to file starts.

Here is a chart. All light green and dark green. That was the law of the land. That was the law of the land, Mr. President. That is what our bill does. Let's not confuse the facts. We want to go back to what the law of the land was—that and only that.

Mr. President, I yield 3 minutes to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank Senator KENNEDY for his brilliant leadership on this and so many other issues.

First, I have to say that I sat and listened to my good friend from Georgia, and I noted that Lilly Ledbetter is in the gallery, and I was just thinking of having her listen to all of this talk, a lot of it sort of legalese and parsing hairs. Just think of who she is—a hardworking woman from Gadsden, AL, a supervisor in a tire plant working just as hard as the men alongside her and every day and every week and every year not getting paid the same as they simply because she was a woman. It was not because she did a worse job, not because of any other reason. She has had to listen first to the Supreme Court and then to some of my colleagues parse hairs, and it is just not fair, it is not right, and it is un-American.

Now, let me say this: As a male, this is something that is very difficult for men to understand, and yet women, whether they make $20,000 or $70,000 or $200,000, they know it and live with it every single day. It is not a surprise that Ruth Bader Ginsburg was so upset at this decision—a mean decision, a decision that makes people dislike the law—that she read her entire dissent from the bench, a highly unusual practice on the U.S. Supreme Court.

Equal pay for equal work is as American as it comes. Equal pay for equal work is as American as apple pie. And to have a bunch of lawyers, whether they are Senators or Supreme Court Justices, parse hairs and deny simple, plain justice is as un-American as can be as well.

So I hope this body will rise to the occasion. This is not a decision where you need a Harvard law degree to understand how backward it is. All you have to do is know who Mrs. Ledbetter is and who the millions of other American women are who are put in the same position as she is, and you know the cry for justice, justice, justice should ring from these Halls.

So I hope we in this body, again, will rise to the occasion. I hope this body will do right by Mrs. Ledbetter in her long struggle to right this wrong, and to the millions of American women, our wives, our daughters, our friends, our relatives, and the many others we all do not know who are working hard, by the sweat of their brow, trying to support their family, trying to move up the ladder of decency and honor and success so that they, too, when they work, will be treated like their male counterpart.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I yield myself 30 seconds.

The distinguished Senator from Massachusetts referred to restoring the law to pre-2002. The Supreme Court, in 1977, through John Paul Stevens' majority opinion, 7 to 2; 1980 and 1986, in all three of those rulings they upheld the 180-day provision of the Civil Rights Act of the United States of America. That was the law prior to Ledbetter, and that is what the court reaffirmed in Ledbetter.

Mr. President, I yield up to 10 minutes to the distinguished Senator from Wyoming, Mr. ENZI.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. I thank the Senator from Georgia.

Mr. President, I rise today to voice my strong opposition to both the substance of H.R. 2831, the so-called Ledbetter Fair Pay Act, as well as the process—or more accurately, the lack of process—that has brought this matter to the Senate floor today.

Welcome to "gotcha politics 2008." When we really are intending to pass a bill, particularly with our Health, Education, Labor and Pension Committee, this is not the way we do it. We sit down, we talk about the principle, we list the mechanisms for solving that principle, and we work together to come up with a solution. That is not the case on this one. There has been a lack of any meaningful legislative process regarding this bill.

Earlier in this session, the Supreme Court upheld a Circuit Court decision regarding the limitations period for filing claims under the discrimination statutes I have noted. In my view, this decision was unquestionably correct and completely consistent with the intent of those statutes. However, even for those who might ultimately disagree with that view, there can be no debate Congress's subsequent action was a slapdash response and a transparent attempt to score political points at the expense of responsible legislating.

No sooner was the ink dry on the decision from the Supreme Court, than this legislation was introduced in the House. It was rushed through committee without change and rammed through the House on an essentially party-line vote just 5 days later. The bill was debated under a rule that allowed only 1 hour of debate and no amendments. Does that seem a little familiar? Yesterday, we heard a diatribe on the Senate floor about how Republicans are holding up everything and insisting on these motions to proceed being brought up. Then, after cloture was approved 94 to 0 on a veterans bill, we weren't allowed to vote on it again anytime that day, and we didn't even go into session until 5 o'clock tonight. That was to keep any discussion or any votes from happening and to limit any debate on this issue.

That is not the way the Senate is supposed to operate, but it is the way we are operating on this bill, just as they did in the House—not going through the normal process of making sure that concerns were being solved. That is the only way anything ever makes it through this body. A look at the House vote reveals this was not the result of any groundswell of unanimity in that body. The margin was razor thin. The bill was then sent to the Senate, where by regular order it is supposed to come before the appropriate committee for debate and amendments, but that hasn't happened. This body has consistently and rightfully taken pride in the care and thorough negotiation of its deliberative process.

Now, despite the deceptive name, this legislation doesn't restore anything. Quite to the contrary, it completely destroys a vital provision of title VII of the Civil Rights Act that was intentionally included by the drafters of that legislation. Employment discrimination based on race, sex, age, national origin, religion, or disability is intolerable, and the drafters wanted to ensure any claims of sex discrimination could be promptly addressed.

Beyond this consideration, the drafters of those laws also recognized two practical realities: First, in the employment context, unaddressed claims of discrimination are particularly corrosive. Federal discrimination policy must ensure that bias is rooted out and remedied as quickly as possible. And, second, it is virtually impossible to discover the truth with respect to such claims based on events in the distant past. With the passage of time, memories fade, critical witnesses become unavailable for one reason or another, and records, documents, and other physical evidence are destroyed or otherwise not available. Under this bill, that claim can go until the time of retirement and then be claimed back to the time of whenever this supposed discrimination was, where the witnesses aren't available. But, most importantly, the accounting records aren't available anymore. How can you go back and figure that amount without the records?

It is for these reasons that all statutes granting the right to take legal action contain a limitation period for commencing such actions. These general considerations of discrimination in the workplace led the drafters of title VII to intentionally establish a relatively short period with respect to such claims. They selected a period of 180 days from the discriminatory act, a period that, depending upon the State where the claim arises, could extend to 300 days.

This bill doesn't restore this well-reasoned and plainly intended limitation period and policy; it would eliminate it in virtually all employment discrimination cases. Under this bill, an individual could file a timely charge of discrimination based on an event or act that occurred years, even decades before.

We are told, however, that such a change is necessary because employees may not know they are being discriminated against, or that employers will hide the fact from employees in order to prevent the timely filing of a claim. These appear on their face to be appealing arguments; however, they ignore and they misrepresent the actual state of the law. The law already provides remedies in these instances. The limitations period for filing employment discrimination claims is not nearly as inflexible as the proponents of this bill would lead people to believe.

What about individuals who simply don't know the facts that would lead a reasonable person to conclude they have been discriminated against? Would they be barred from bringing a claim with the Equal Employment Opportunity Commission? If an employee doesn't know the facts, wouldn't their employer just get a free pass on discrimination? The EEOC has addressed this directly. Here is what the EEOC's own compliance manual says:

> Sometimes a charging party will be unaware of a possible EEO claim at the time of the alleged violation. Under such circumstances, the filing period should be

> tolled until the individual has, or should have, enough information to support a reasonable suspicion of discrimination.

Under the well-recognized doctrine of a continuing violation, all that the law requires is that there be a single act of discrimination within the applicable filing period, and the other context is properly swept into the charge from the reasonable time of knowing it.

Now, this flawed legislation also hides another vast expansion of workplace discrimination laws that must not go unmentioned. Since 1968, the law has been that the individual who is discriminated against is the person with the standing to file a lawsuit. But under this bill, any individual affected by application of a discriminatory compensation decision or other practice has standing to sue. So now it isn't just at retirement or death when the person can bring this up, it is other family members or other dependents who can bring it up, long after the last paycheck.

Practitioners we have consulted agree that this incredibly broad language would easily cover dependents, such as spouses and children benefiting from pension payments and family health care coverage. It could also be construed by courts to extend liability long after pension payments are completed, if the money is invested in an annuity, for example. This is a huge expansion that we have never talked about in committee.

And, before I close, I want to mention my greatest concern in dealing with the legislation. If we were really concerned about helping the greatest number of workers, we wouldn't be focused on changing the law to help improve their chances of a successful lawsuit. Instead, we would be extending a helping hand and providing a source for them to obtain the training they need to keep their current jobs and work toward better ones—the flexibility to move.

Such a change would come if we were able to convince the majority to finish the job we started on the Workforce Investment Act. It is 5 years overdue for reauthorization, and we passed it through the Senate twice, but we have never been able to have a conference committee. This legislation would mean 900,000 people a year could have better job training. So our inability to get this bill signed into law is a shame.

Again, I say this has not gone through the proper process here in the Senate and it was rushed through the House. I guess some think it is always easy to be able to catch a little publicity based on some articles in the paper and try to push something along, but if you actually want to pass a bill it doesn't work. It has to go through a normal process to pass the Senate, and that is what I am sure will happen on this bill.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I take this opportunity to thank the Senator from Massachusetts, Mr. KENNEDY, for his leadership on this issue and for the way his staff worked with the women in the Senate to overcome what we thought was a flagrant abuse of power.

In May of last year, the Supreme Court issued a decision called the Ledbetter case that was basically sexist and biased. It didn't reflect the spirit of the civil rights law on discrimination. It didn't reflect the reality of the workplace or the reality of women's lives. The Supreme Court overturned the opinions that had been given by the appellate court, by precedent, by history, and so on.

What did the Supreme Court say? That it was OK to discriminate, unless you knew 180 days from the time you were discriminated against and brought an action or brought this to the attention of your employer. Well, it just doesn't work that way. Anyone who knows the reality of the workplace knows that you don't know if you are being discriminated against.

What is the reality of the workplace? You can talk about sex at the water cooler, you can talk about religion by your computer, you can talk politics in the lunchroom, but if you open your mouth about your pay and whether you have gotten a raise, you are in trouble. If a woman begins to go and ask: Hey, George, what do you get paid, mum's the word.

If, then, Bill gets a raise, the guys are sitting around at the ball game downing a few beers and they say: Hey, George, you have done a great job, we are going to give you a promotion, how do you know about this? The only way you know about it is over time.

What we are doing in this legislation, led by Senator KENNEDY—we have a bipartisan bill—is to right the Supreme Court decision. We are doing this at the urging of Justice Ginsburg. The Supreme Court decision was so bad that Ruth Bader Ginsburg, the only woman on the Supreme Court, took the unusual step of reading her dissent from the bench, and she said:

> In our view the Court does not comprehend or is indifferent to the insidious way in which women can be victims of pay discrimination.

She said this needed to be fixed by Congress, and Congress has a remedy we are voting on today.

I was appalled to read that not only was the Supreme Court decision bad, but now the President has issued a veto threat. He said this bill is going to "impede justice." That is baloney. This bill doesn't impede justice, it restores justice. It reinstates a fair rule for both workers and employers. He said it is going to mess up the process. This bill does not slow down the process, it gives people a way of getting into the process if you can't bring a claim in more than 6 months after you have been hired.

President Bush also says he wants to veto this because this bill would eliminate the statute of limitation in wage discrimination cases. That is not true. This bill does not change the 180-day time limit. It only changes when the clock starts to run. The bill restarts the clock with each time you get a paycheck that discriminates, so each time you get a paycheck that discriminates, the 180-day clock starts to run again. This is critical. How many people, as I said, know the salary of their coworkers? If you are hired at an equal rate with your male counterpart but he gets a raise in a few months and you don't, what should you do?

This is what Lilly Ledbetter found. She was a faithful employee at the Goodyear Company, Over time and with great risk she had to fight in her workplace, she had to fight in her courtroom.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Ms. MIKULSKI. Now it is time to fight for Lilly Ledbetter and the 150 million women in her position. The CBS poll on women says the No. 1 issue they face is equal pay for equal or comparable work. If in fact this is not a problem, why does every woman in every poll make this a No. 1 issue?

I ask that we make it a No. 1 issue in the Senate. We are now on a vote, as we faced with Anita Hill. I have a terrible feeling that tonight the Senate will not get it, but the women will get it and we are going to start a revolution as Abigail Adams asked us to do.

Mr. KENNEDY. I yield 2 minutes to the Senator from Washington.

Ms. CANTWELL. Mr. President, I am surprised that my colleagues say this is all about publicity. How can it be about publicity when, in reality, women make less than men in their everyday jobs? Last week in Pittsburg I attended an equal pay forum and found young children carrying handmade signs about justice: Gussie, a young girl, said, "I will work for justice;" Sofia, another young girl, said, "I will work for justice;" Leo, who wanted to join in with these young ladies, said, "I will work for change and for justice." The children planned to walk around and collect 23 cents on street corners, begging for an amount of change that represents the difference between what men and women get paid.

This young generation of Americans wants to know that they are going to grow up in a world where they are going to get equal pay for equal work.

Women, on average, make 77 cents per every dollar their male counterparts make and stand to lose $250,000 dollars in income over their lifetime.

We are talking about real dollars. The pay gap follows women into retirement. A single woman in retirement, making less pay in her career, could receive $8,000 dollars less in retirement income annually than a man—this is an issue of justice.

I appreciate that the Senator from Massachusetts has led the charge on this. I want to remind my colleagues that we had a similar Supreme Court decision on identity theft, which passed by a 9-0 vote, that limited a victim's ability to recover when it is held that the statute of limitations begins at the time of the initial violation, rather than when the victim discovers the injury. It was the same issue. You did not know that your identity had been stolen, but the courts maintained a very narrow definition of how long you had to recover. What did we do? We acted. Congress extended the statute of limitations to two years after the individual knew their identity had been stolen or 5 years after the violation. That is what Congress did. We corrected that. That is what we need to do to give equal justice to women so they can have equal pay.

The ACTING PRESIDENT pro tempore. The Senator has used 2 minutes.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

If I could have the attention of the Senator from Maryland, can the Senator explain to me why there would be reluctance in this body to vote for equal pay for equal work? We voted on this now more than five times in a 40-year period, to knock down the prejudice and discrimination to women, to minorities, to the disabled, and to the elderly. Under the Supreme Court decision, that discrimination can take place in the United States of America today. This legislation can halt it. Can the Senator possibly think about why we should hesitate in taking the action to restore the law to what it was prior to the Supreme Court decision?

Ms. MIKULSKI. First, I believe in this matter the Senate would be out of touch with the American people. The American people want fairness, they want justice, and they believe women should be paid equal pay for equal or comparable work.

I also believe, though, there is opposition to the bill because people make profits off of discrimination. If you pay women less, you make more.

Also I believe when they talk about when the law was passed—the workplace has changed. There are now more women in the workplace than there were when the original laws were passed. But as the Senator from Washington State said, my gosh, this adds up to real money. You know, 20 cents an hour that we make less than the guy next to us—unless we are in the Senate; we do have equal pay here—this, over a lifetime, adds up to over a quarter of a million or a million dollars. When we look at its impact on Social Security, it is tremendous. Then if we look at its impact on a 401(k), if you have one, it adds up.

I believe discrimination is profitable, but I think it is time that justice is done.

Mr. KENNEDY. I yield myself 1 minute.

If I can ask the Senator from Washington, in this downturn in our economy we find that women have less savings, they are participating less in pension plans, they are subject to more foreclosures in housing. At a time when women are under more pressure, can the Senator possibly explain why there should be reluctance in this body to restore fairness?

Ms. CANTWELL. It is quite simple to correct this issue today. We are asking that more women be a part of the math and science and engineering workforce, be part of the information technology age. But if they cannot ask how much their male counterparts are making and find out later that they are only making 77 cents per every dollar their male counterparts make, that is not fair.

We could correct that by now by not only allowing people to come forward at the first instance of unequal pay—but every instance.

It is critical that we address this simple correction. This body has corrected other Supreme Court decisions on these same statute of limitations issues. This is the least we can do.

I see my colleague from New York has come to the floor. We ought to get this bill passed and get on to her legislation that is even more robust—to make sure that employers are treating women fairly and giving them information. This is basic. We should pass it and make sure we send this to the President's desk.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I owe the distinguished Senator from Massachusetts an answer to the rhetorical questions he has asked. Everybody within the sound of my voice should understand we are not debating whether anybody in here believes in discrimination. We have voted over and over in this body for 44 years. We have the Equal Pay Act, as the Senator had on his chart there. That passed the Senate on voice vote. That is not the issue. The issue in this case is the tolling provisions of the 1967 Civil Rights Act, Title VII, which dealt with discrimination in wages based on race, religion, sex, or national origin. I will debate what tolling period is appropriate, but I am not going to stand here and allow this to be described as a debate over one side being for discrimination and another being against it. We are for the timely reporting of claimants and the ability of people to be remedied expeditiously if they have been discriminated against.

How much time is left on our side?

The ACTING PRESIDENT pro tempore. There is 13 minutes.

Mr. ISAKSON. I yield the distinguished Senator from Utah, Senator HATCH, 11 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today in opposition to the bill that would overturn the Supreme Court's ruling in Ledbetter v. Goodyear Tire. At the outset, let me be perfectly clear about the basis for my opposition to the so-called Fair Pay Restoration Act. I know of no one on either side of the aisle in this Senate who condones any form of unlawful employment discrimination, including pay discrimination.

Indeed, all forms of unlawful employment discrimination under Title VII of the 1964 Civil Rights Act, including pay discrimination, should be confronted promptly, efficiently, fairly and forthrightly, consistent with the enforcement scheme provided for by the Congress which enacted that law.

Yet, once again we open debate on another of the magnificently misnamed and misleading bills—the so-called Fair Pay Act which its proponents claim will "restore" the intent of Congress in enacting the 1964 Civil Rights Act.

In fact, this bill does not restore anything, certainly not the rights of individuals under the Civil Rights Act and clearly not the statute of limitations set by Congress for the timely filing of unlawful employment discrimination charges, including pay discrimination charges, with the U.S. Equal Employment Opportunity Commission, the EEOC, or similar State agencies.

In fact, Congress fully intended the charge-filing period to be 180 days, or 300 days where there are similar State agencies, so as to encourage prompt, effective investigation, conciliation, and resolution of pay discrimination charges and charges of other forms of unlawful employment discrimination.

It was for that reason that Congress carefully chose and designed the current enforcement scheme, which has been consistently upheld by the Supreme Court for over 40 years.

Over that time, Congress and the courts have wisely and consistently encouraged cooperation and voluntary compliance, in the first instance, by the parties themselves and with the timely assistance of the EEOC or similar State agencies, as the preferred method for addressing alleged unlawful employment discrimination.

Where voluntary compliance and conciliation are unsuccessful, title VII provides for vigorous enforcement by the private parties and the EEOC through litigation.

In other words, voluntary compliance and conciliation first, litigation thereafter whenever necessary.

So, in fact, the so-called Fair Pay Act does not restore the intent of Congress or the original statute of limitations for the filing of pay discrimination charges, and neither does it restore lost rights under the 1964 Civil Rights Act.

In fact, this bill dramatically expands the charge filing beyond all recognition and expectations of the Congress which passed the 1964 Civil Rights Act. If this bill were to become law there would be no statute of limitations, no time limit for the filing of alleged pay discrimination charges. Not 180 days, not 300 days, not years or even decades, as in the Ledbetter case, or even after the employee has long since retired and is receiving pension checks.

This bill not only expands the statute of limitations for filing charges of alleged unlawful pay discrimination, it also expands the class of individuals who can file such charges. And, beyond reversing the Supreme Court's Ledbetter decision, which was an intentional discrimination case, this bill expands the time for filing the type of unintentional, disparate impact, or adverse impact, charges involving pay practices which are facially neutral but could have some type of unintended consequences adverse to women or other protected groups.

As to the expansion of charge filing under the 1964 Civil Rights Act to individuals outside the protected groups, the so-called Fair Pay Act would eliminate the existing requirement that to have standing there must be an employer-employee or employer-applicant relationship. This bill expands the standing to sue requirements to include individuals affected by application of a discriminatory compensation decision or other practice. This language would appear to include spouse and other relatives, as well as anyone else affected indirectly.

I am not imagining this. In fact, when questioned about whether such a radical expansion of the law's standing requirements was intended by the bill's proponents, they responded that it was their intention to do so.

Thus, under this bill, not only could employees and retirees file charges of pay discrimination at any time, years or decades after the current statute of limitations, but so too could anyone affected by alleged pay discrimination file charges, presumably even after the employee is dead since the relatives or others were affected.

Let's also be candid about the type of pay discrimination alleged. The Ledbetter case involved only claims of intentional discrimination or disparate treatment of individuals in a protected group. This bill would apply also to unintentional discrimination—so-called disparate impact, or adverse impact, discrimination. Those are cases where the pay practices are neural and nondiscriminatory on their face, but through statistical analysis such pay practices may have an unintended, attenuated disparate impact on a protected group, such as women. Indeed, the challenged pay practices may not have been intentionally discriminatory treatment, or even have had a disparate impact at the time of their enactment, but sometime later a social scientist or statistician may assert that the pay practices subsequently may have had an adverse impact on one group or another.

Thus, in fact this bill goes well beyond simply reversing the Supreme Court's decision in Ledbetter as its proponents claim.

I am also convinced that the so-called Fair Pay Act which we are debating today would turn the system of enforcement established by Congress in 1964 on its head in a way that is most unfair.

At the heart of title VII and every other employment nondiscrimination statute—indeed, at the heart of every civil law enacted in this country—there is a statute of limitations within which claims and charges must be brought. Actions brought outside those statutory time periods are time barred.

The Supreme Court has consistently held in a long line of well-settled and well-recognized case law that under title VII the statutory period for filing a charge begins to run when the alleged discriminatory decision is made and communicated, not when the complaining party feels the consequences of that decision.

Proponents of this act are, in essence, permitting an open-ended period for filing charges of pay discrimination with every paycheck and every decision that contributed to current pay, or even with receipt of pension or other retirement checks. The so-called Fair Pay Act would result in a litigation "gotcha" strategy, or a "litigation first and ask questions later" enforcement scheme which is directly contrary to congressional intent in enacting title VII.

The current statutory charge-filing period for allegations of employment discrimination, including pay discrimination, did not suddenly pop up under the current Supreme Court's Ledbetter decision.

In fact, the Supreme Court has long upheld that the current statute of limitations for filing charges under title VII. In an often quoted passage from the 1974 Supreme Court decision American Pipe v. Utah, the title VII statutory limitation on the filing of charges beyond the 180- or 300-day period "promote(s) justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared."

In its 1979 decision in United States v. Kubrick, the Supreme Court said that the charge-filing period under title VII is "balanced" and "fair" to both employers and employees.

The current 180- or 300-day charge filing period allows the employer and the EEOC (1) to investigate the pay discrimination charge: (2) to seek compromise, conciliation, settlement and fair resolution of the charge; and (3) to allow both parties to prepare for litigation, if necessary, by gathering and preserving evidence for trial where resolution is not possible outside of litigation.

Now let's look at how the current system would change under the so-called Fair Pay Act.

The plaintiff's charges of pay discrimination could be brought years, decades, or even after the plaintiff's retirement from the company, or as I have stated earlier, by charges filed by relatives or other affected parties even after the employee's death. The employer's ability to defend its actions or decisions will have dissipated. Managers and decision-makers may no longer be available. Business units may have been reorganized, dissolved, or sold, and operations may have changed or been eliminated. Relevant documents and records which are not required to be preserved by law might have been disposed of, or are otherwise unavailable. In effect, as the Supreme Court stated in defending the current charge-filing period under title VII, unless an employer receives prompt notice of allegations of employment discrimination it will have no "opportunity to gather and preserve the evidence with which to sustain (itself). . . ."

I am convinced that the only beneficiaries of the so-called Fair Pay Act—the only ones who will see an increase in pay—are the trial lawyers.

So, if the so-called Fair Pay Act:

(1) does not restore lost rights under the 1964 Civil Rights Act and other employment non-discrimination statutes it amends, but greatly expands them;

(2) does not restore the statute of limitations under title VII but eliminates any statute of limitations creating open-ended, unlimited liability;

(3) does not further the intent of Congress in title VII of the 1964 Civil Rights Act to encourage prompt investigation, conciliation and resolution of unlawful discriminatory pay practices; and

(4) does not result in increased pay except for the plaintiff's trial lawyers who will gain an unfair advantage when the employer's witnesses are unavailable, memories have faded, records are long gone, and the jury trial becomes a "he said, she said" based solely on the word of a corporation against that of an individual plaintiff;

Then what does the bill do?

I believe this bill undermines one of the bedrock principles of all Judeo-Christian jurisprudence—the statute of limitations. Frankly, I may be mistaken, but I know of no other civil statute that allows an unlimited, open-ended time for filing an action. Criminal statutes, of course, may be open-ended in bringing indictments for such felony crimes as murder, but even criminal misdemeanors generally have a statutory period within which prosecutions must be brought.

For all these reasons, I suggest that this largely political vote on this misnamed and misunderstood bill is one that is designed to place opponents of the bill in a false light of being unsympathetic to victims of pay discrimination. That is simply untrue.

I urge a "no" vote on cloture on the motion to proceed to this bill.

Mrs. HUTCHISON. Mr. President, I have always supported efforts to ensure fair pay and fair process. I would support a longer statute of limitation for gender discrimination in the workplace, but the bill before us eliminates any statute of limitation. A reasonable statute might be 1 or 2 years after the discovery of the inequity. The purpose of statutes of limitation is to ensure that witnesses are available and defendants have records to defend themselves fairly. That is the reason that statutes of limitation are an integral part of our legal system.

Mr. TESTER. Mr. President, I rise today to offer my support for protecting American workers from willful pay discrimination. To show my support, I will support cloture on the Lilly Ledbetter Fair Pay Act of 2007, H.R. 2831. I appreciate Chairman KENNEDY and the bipartisan coalition he has built around this legislation to ensure equal pay for equal work.

Every employee deserves to earn the same pay for doing the same work.

Our country was founded on the principle that all men and women are created equal.

Our workers should be paid equally for doing the same job.

As President Kennedy stated when he signed the original Equal Pay Act in 1963, protecting American workers against pay discrimination is "basic to democracy". We owe our workers the same protection today that President Kennedy did in the 1960s.

Despite our obligation to this issue, our work is far from complete. Forty-five years after he signed that historic piece of bipartisan legislation, American women still only make 77 cents for every dollar a man makes for doing the same work. African-American workers make 18 percent less than white workers for doing the same work and Latinos make 28 percent less for doing the same work. Unfortunately for all of us, American Indians make even less for doing the same work.

Congress cannot ignore this kind of discrimination. We have a duty to support this bill and speak out against pay discrimination.

This bill will merely restore the law to what it was before the Supreme Court's decision in Ledbetter. This bill merely states that a pay discrimination claim accrues when a pay decision is made, when an employee is subject to that decision, or at any time they are injured by it.

Lilly Ledbetter had worked at Goodyear for 19 years when she discovered she was being paid significantly less than her male counterparts for doing the exact same work. A jury agreed and awarded her $223,776 in back pay, and over $3 million in punitive damages. The United States Supreme Court however, interpreted the law to take away her jury award, saying that the 180-day filing limit had begun way back when her very first paycheck showed lesser pay, nearly 18 years earlier. So because too much time had elapsed the Court said, her claim was invalid. Despite Goodyear's willful wage discrimination, the Court offered her no protection. In fact, it reversed the protection the jury awarded her.

We are here today to undo this wrongheaded decision and clarify this law to make it fair to American workers.

Opponents will argue that this bill will lead to a flood of litigation, benefiting nobody but trial attorneys. They forget, however, that this bill merely returns the law to how the vast majority of States, including the great State of Montana, interpreted it before the Ledbetter decision. This bill will only change the way courts interpret the law in 7 States.

Opponents will also argue that this bill will punish businesses for acts of discrimination in some cases, decades ago, before management and corporate culture changed. The argument is hollow, however, because the bill contains a provision to limit claims filed to a 2-year maximum. In the spirit of negotiation, proponents had to limit potential awards. Take Lilly Ledbetter's case, for example. If this law would have been in effect for her, 16 out of the 18 years that she suffered pay discrimination would still go unpunished.

This bill is not perfect. We still have a long ways to go to protect American workers from pay discrimination. But this bill is a step in the right direction and the time is now. The House of Representatives passed this important bill last July, and It is time for this body to do the same. President Kennedy was absolutely right to support the Equal Pay Act in 1963. Forty-five years later, this bill will ensure that we turn the clock forward, not backward, on pay discrimination.

I hope my colleagues will join me in supporting this important legislation.

Mr. AKAKA. Mr. President, yesterday was Equal Pay Day in America. It is befitting that it was on a Tuesday because Tuesday is the day on which women's wages catch up to men's wages from the previous week. It is most unfortunate that women continue to be discriminated against by employers, in particular those who routinely pay lower wages for jobs that are dominated by women.

However, today my colleagues in the Senate will have an opportunity to begin the process to restore the intent of Congress as it relates to the fundamental fairness to millions of workers. We will have a chance to override a decision by the Supreme Court last June, in the case of Ledbetter v. Goodyear Tire & Rubber Company. In this case, the Court, in a 5-to-4 ruling, reversed a longstanding interpretation, used by nine Federal circuits and the Equal Employment Opportunity Commission, EEOC, under which the statute of limitations for pay discrimination begins to run each time an employee receives a paycheck or other form of compensation. Instead, the Court ruled that the 180-day statute of limitations on filing a discrimination claim with the EEOC begins to run when the original discriminatory decision is made and conveyed to the employee, regardless of whether the pay discrimination continues beyond the 180-day period. This is an unfair and unjust ruling. For employees who are prohibited from having access to data reflecting the wages of other employees, it is impossible for them to ascertain whether they have been a victim of wage discrimination—let alone, to know from the original time of the discriminatory act. In many cases, employees may not know until years later that they have been discriminated against on the basis of pay.

I urge my colleagues to support cloture on the motion to proceed to this important legislation, and to support enactment of this bill. The Lilly Ledbetter Fair Pay Act of 2007 will restore the interpretation that the statute of limitations begins to run each time an employee receives a paycheck or other form of compensation reflecting the discrimination, otherwise known as the "paycheck accrual" rule. It would ensure that employees who can prove pay discrimination based on race, color, religion, sex, national origin, age, or disability will not be forever barred from seeking redress because they did not learn that they were victims of pay discrimination within 6 months after the discrimination first occurred.

Although women still only earn 77 cents for every $1 earned by men, we should not be moving backwards. It is simple, this legislation will restore an employee's right to seek restitution against wage discrimination at the time the employee discovers it. In addition, it is important to note that this legislation is not just about gender pay discrimination. In 2007, EEOC received more than 7,000 pay discrimination charges. While some are on the basis of gender, others are on the basis of race, disability, national origin, and age.

Mr. President, I urge my colleagues to do what is right and support cloture and passage of the Lilly Ledbetter Fair Pay Act.

Mr. BINGAMAN. Mr. President, I rise today in support of the Fair Pay Restoration Act, which is currently before the Senate.

On May 29, 2007, the Supreme Court handed down a decision in the case of Ledbetter v. Goodyear Tire & Rubber Co., Inc. After her retirement from Goodyear in 1998, Lilly Ledbetter filed a sex discrimination case against her employer. Ms. Ledbetter claimed that she had been paid significantly less than her male counterparts during her work as one of the few female supervisors at Goodyear. Unfortunately, due to a company policy that prohibited employees from discussing their pay, Ms. Ledbetter couldn't confirm the discrimination until she received an anonymous note that detailed the salaries of three of the male managers. This note confirmed that Ms. Ledbetter had been paid 20 +percent to 40 percent less than the male managers throughout her employment with Goodyear. A jury found that this pay discrepancy was based, at least in part, on sex discrimination.

Ms. Ledbetter is an example of an employee who has done all that is expected of her. By all reports, she performed her job admirably, the same work being performed by her male counterparts. She raised concerns about her pay level and eventually brought suit against her employer.

Through this process came the Supreme Court decision which limits an employee's right to collect backpay to 180 days after the issuance of a discriminatory paycheck. This is true even if the employee was unaware of the discrimination or, as in the case of Ms. Ledbetter, was unable to discover proof of such discrimination through the deliberate efforts of her employer.

The Fair Pay Restoration Act is a return to the rational, reasonable approach that had been applied by Federal circuit courts in most States, including my home State of New Mexico, prior to the Ledbetter decision. Under the previous rule, an employee could bring a claim within 180 days of the last discriminatory paycheck. This bill would also implement a limitation on backpay claims to 2 years, providing businesses a protection against claims that are allowed to accumulate over years and encouraging employees to act with all due diligence in pursuing discrimination claims. The Congressional Budget Office has determined that the Fair Pay Act is unlikely to increase the number of claims brought in discrimination cases.

We must work to ensure that the courts remain a source of redress for employees many of whom are fighting much larger and better financed employers. Employees should not face unreasonable obstacles in their efforts to pursue a discrimination claim and to seek appropriate remedies. By placing an undue burden on employees to quickly prove discrimination, the Ledbetter decision has negatively altered the use of the courts as a remedy for discriminatory conduct by employers. Employers who are more successful at hampering their employees' efforts to prove discrimination and delay are now afforded more protection than those employers who treat their employees justly under the law. The Fair Pay Restoration Act seeks to restore this equity and to ensure that employees and employers have full and equal access to the courts.

Mr. FEINGOLD. Mr. President, I am a cosponsor of the Fair Pay Restoration Act, legislation that protects American workers from pay discrimination, and I am glad the Senate is debating it.

This bill is designed to overrule an incorrect court decision that cut off one woman's efforts to seek recourse for pay discrimination she experienced at the hands of her employer. As one of the few female supervisors at her company's plant, Lilly Ledbetter was paid substantially less than male employees in the same position who performed the same duties. This information about unequal pay was kept confidential. It was only after Ms. Ledbetter received an anonymous note revealing the higher salaries of other managers who were male that Ms. Ledbetter recognized that she was being paid less because she was a woman. Ms. Ledbetter's case went to trial and a jury awarded her full damages and back pay.

Last year, in a sharply divided opinion, the Supreme Court ruled that Ms. Ledbetter had filed her lawsuit too long after her employer originally decided to give her unequal pay. Under title VII of the Civil Rights Act of 1964, an individual must file a complaint of wage discrimination within 180 days of the alleged unlawful employment practice. Before the Ledbetter decision, each time an employee received a new paycheck, the 180-day clock was restarted because every paycheck was considered a new unlawful practice.

The Supreme Court changed this longstanding rule. It held that an employee must file a complaint within 180 days from when the original pay decision was made. Ms. Ledbetter found out about the decision to pay her less than her male colleagues well after 180 days from when the company had made the decision. Under the Supreme Court's decision, Ms. Ledbetter was just too late to get back what she had worked for. It did not matter that she only discovered that she was being paid less than her male counterparts many years after the inequality in pay had begun. And it did not matter that there was no way for her to find out she was being paid less until someone told her that was the case.

Mr. President, to put it simply, the Supreme Court got it wrong. It ignored the position of the Equal Employment Opportunity Commission and the decisions of the vast majority of lower courts that the issuance of each new paycheck constitutes a new act of discrimination. It ignored the fact that Congress had not sought to change this longstanding interpretation of the law.

The decision also ignores the workplace reality for millions of American workers just like Ms. Ledbetter. Workers often have no idea when they are not being compensated fairly because their companies do not disclose their employee's salaries. Because of the secrecy surrounding salaries, pay discrimination is one of the most difficult forms of discrimination to identify. Unlike a decision not to promote or hire, discrimination on the basis of pay can remain hidden for years. The Supreme Court's decision leaves victims of pay discrimination who do not learn about the discrimination within 6 months of its occurrence with no ability to seek justice. In the wake of this decision, employers can discriminate against employees by unfairly paying them less than what they are due, and as long as the employee does not learn about the discrimination and file a complaint within 6 months, the employer gets off scot free.

The financial impact of a late filing is felt for years, even into retirement. Even a small disparity in pay can add up to thousands of dollars over multiple years. This is because other forms of compensation such as raises, overtime payments, retirement benefits, and even Social Security payments are calculated according to an employee's base pay. Thus, the Supreme Court's decision harms American workers even after their careers are over.

The Fair Pay Restoration Act reestablishes a reasonable timeframe for filing pay discrimination claims. It returns us to where we were before the Court's decision, with the time limit for filing pay discrimination claims beginning when a new paycheck is received, rather than when an employer first decides to discriminate. Under this legislation, as long as workers file their claims within 180 days of a discriminatory paycheck, their complaints will be considered.

This bill also maintains the current limits on the amount employers owe once they have been found to have committed a discriminatory act. Current law limits backpay awards to 2 years before the worker filed a job discrimination claim. This bill retains this 2-year limit, and therefore does not make employers pay for salary inequalities that occurred many years ago. Workers thus have no reason to delay filing a claim. Doing so would only make proving their cases harder, especially because the burden of proof is on the employee, not the employer.

Opponents say that this bill will burden employers by requiring them to defend themselves in costly litigation. This is simply not the case. Most employers want to do right by their employees, and most employers pay their employees fair and equal wages. This legislation will only affect those employers who underpay and discriminate against their workers, hoping that employees, like Ms. Ledbetter, won't find out in time. The Congressional Budget Office has also reported that restoring the law to where it was before the Ledbetter decision will not significantly affect the number of filings made with the EEOC, nor will it significantly increase the costs to the Commission or to the Federal courts.

Yesterday, individuals from across the country observed Equal Pay Day, a day which reminds us as a nation that a woman is still paid 77 cents for every dollar earned by a man. This disparity is all too real. Ending it will require commitment, and we can show that commitment by passing this bill. The last thing American women need is a Supreme Court decision that prevents them from seeking compensation from employers who have engaged in outright discrimination.

In addition to passing the Fair Pay Restoration Act, Congress needs to do more to ensure all of America's citizens receive equal pay for equal work. Wage discrimination costs families thousands of dollars each year. This is hard-earned money that working women and men simply cannot afford to lose. We should pass the Fair Pay Act introduced by Senator TOM HARKIN and the Paycheck Fairness Act introduced by Senator HILLARY RODHAM CLINTON. Senator HARKIN's legislation would amend the Fair Labor Standards Act to prohibit wage discrimination on account of sex, race, or national origin. Senator CLINTON's legislation would strengthen penalties for employers who violate the Equal Pay Act and require the Department of Labor to provide training to employers to help eliminate pay disparities. I can think of no better way to commemorate Equal Pay Day than to pass these three pieces of legislation now.

Wage discrimination is not just a women's issue. Individuals and organizations from every part of our country, of different political beliefs and racial backgrounds, men and women, older Americans, religious groups, and individuals with disabilities have come out in support of the Fair Pay Restoration Act. These supporters understand that this legislation not only assists female workers who are trying to fight discrimination based on their sex. Because the Ledbetter decision established a general rule for all title VII employment discrimination claims, they know that this legislation is needed to restore the ability of employees across the Nation to redress discrimination based on factors such as race, national origin, age, religion, and disability.

Congress has repeatedly passed landmark bipartisan legislation to eliminate discrimination in the workplace. These laws include the Equal Pay Act of 1963, title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991. Indeed, we have made great progress in securing equal pay rights, but we must continue to defend these rights. Justice Ginsburg, in her sharply worded dissent in the Ledbetter decision, called on Congress to do something to rectify the inequity that the Supreme Court's decision left to our country. The Fair Pay Restoration Act is our answer to Justice Ginsburg's call.

Lilly Ledbetter turned 70 years old this month. For almost two decades, Ms. Ledbetter worked hard for a company that discriminated against her by not paying her what it was legally required to pay. The Supreme Court, in its decision last year, ended Ms. Ledbetter's long quest for justice. She can no longer recover what was rightfully hers. Since the Ledbetter decision, other workers have already had their cases dismissed. These unjust outcomes will continue to mount until Congress acts. Each case is a new injustice, and it is an avoidable injustice because Congress can take steps right now to reverse the Supreme Court's erroneous decision.

Passing the Fair Pay Restoration Act is an essential step in the right direction—a step toward the day when the basic right of American workers to equal pay for equal work will be realized. I urge my colleagues to stand up for the rights of women and all American workers by voting for this vital legislation.

Mr. BROWN. Mr. President, our country has lost 230,000 jobs in just the first 3 months of this year. The unemployment rate has gone up to 5.1 percent. In Ohio, unemployment hovers around 6 percent.

Women are also disproportionately at risk in the current foreclosure crisis, since women are 32 percent more likely than men to have subprime mortgages. Existing pay disparities for women exacerbate the economic strain on women and on households run by women, since women earn only 77 cents for every dollar earned by men. Women have significantly fewer savings to fall back on in a time of economic hardship. Nonmarried women have a net worth 48 percent lower than nonmarried men, and women are less likely than men to participate in employer-sponsored retirement savings programs.

These facts make this bill—the Lilly Ledbetter Fair Pay Restoration Act—all the more timely. Lilly Ledbetter was one of just a handful of female supervisors in the Goodyear tire plant in Gadsden, AL. For years, she endured insults from her male bosses because she was a woman in a traditionally male job. She worked 12-hour shifts—which often stretched to 18 hours or more when another supervisor was absent. But she did not know she was being paid less than men until later in her career. She had no way of knowing how much her coworkers made.

Late in her career with the company, Lilly got an anonymous note in her mailbox informing her that Goodyear paid her male counterparts 20 to 40 percent more than she earned for doing the same job. She then filed a complaint with the Equal Employment Opportunity Commission. She also filed a lawsuit. In court, a jury found that Goodyear discriminated against Lilly Ledbetter. The jury awarded Ms. Ledbetter full damages, but the Supreme Court said she was entitled to nothing because she was too late in filing her claim.

The Court's Ledbetter decision reversed decades of precedent in the courts of appeals. It also overturned the policy of the EEOC under both Democratic and Republican administrations. The Bush EEOC was on the side of Lilly Ledbetter until the Solicitor General took over for the Bush administration. The Ledbetter decision leaves workers powerless to hold their employers accountable for their unlawful, unjust conduct. Employers who can hide discrimination from their workers for just 180 days get free rein to continue to discriminate.

The Fair Pay Act, of which I am a proud cosponsor, will allow workers to file a pay discrimination claim within 180 days of a discriminatory paycheck. It only makes sense that as long as the discrimination continues, a worker's ability to challenge it should continue also. This legislation would simply restore the law to what it was in almost every State in the country the day before the Ledbetter decision. We know it is workable and fair—it was the law of the land for decades.

Now, some in this Chamber will say this will result in more litigation. That is wrong. The Fair Pay Act restores the law to what it was before the Supreme Court decision. In fact, the Congressional Budget Office says the bill will not establish a new cause of action for claims of pay discrimination. Restore the Fair Pay Act. I urge my colleagues to support this bill.

Mr. LAUTENBERG. Mr. President, I want to express my strong support for the Lilly Ledbetter Fair Pay Act of 2007. I want to thank Senator KENNEDY for his leadership on this issue and on so many civil rights issues throughout his Senate career.

Earlier this week, we observed Equal Pay Day. Equal Pay Day is the day up until which a woman had to work past the end of 2007 to make as much money as a man made in 2007 alone. That means that a woman has to work almost 16 months to make what a man makes in 12.

Every day in this country, women get up and go to work, just like men. Women—who make up nearly 50 percent of the American workforce—put in 8, 10, 12 or more hours every day. And just like men, women go home each night to families that rely on the money they earn. In the millions of households led by single mothers, these women's paychecks are the only source of income.

But there is one day that looks very different for men and women—payday.

A woman makes only 77 cents for every dollar that a man makes. These inequalities cut across educational divides. In my State of New Jersey, a college-educated woman makes only 72 cents for every dollar a college-educated man makes.

This wage gap costs working families $200 billion in income every year. And the strain on working families is only getting worse in today's struggling economy, which is hitting women especially hard. In 2007, women's wages fell 3 percent, while men's wages fell one-half of 1 percent. Unemployment for women also rose faster than for men during the past year.

Yet last year, the Supreme Court reached a decision that made it even harder for women.

After spending almost 20 years working long hours as a supervisor at a Goodyear plant in Alabama, Lilly Ledbetter discovered that she was making 20 percent less than the lowest paid male supervisor.

A jury awarded her back pay and damages, but the Supreme Court said that she filed her lawsuit against her employer too late. The Supreme Court said that she could not sue her employer more than 180 days after the discrimination first began.

That simply does not make sense. Every time a worker receives a discriminatory paycheck, the employer is discriminating against the worker. So every paycheck should start a new clock for challenging that discrimination.

That was the rule in all but four States up until the day that Ledbetter was decided. I am proud to say it was the rule in New Jersey. And it should be the rule again.

It is important to recognize that, although Ledbetter involved gender discrimination, its implications are much more far-reaching. The Ledbetter decision will have the same effect on cases brought for discrimination based on race, national origin, religion, disability, and age. In all of these cases, victims of pay discrimination will be without recourse as long as their employers can get away with it for 180 days.

The Lilly Ledbetter Fair Pay Act would simply restore the pre-Ledbetter rule that every paycheck is an act of ongoing discrimination. It would not create any new right or remedy.

I am proud to be a cosponsor of the Senate version of this bill, and I support it wholeheartedly. I hope that my colleagues will join me in voting for this important civil rights law. It is the right thing to do for America's working families.

Mr. SANDERS. Mr. President, yesterday was Equal Pay Day. Equal Pay Day is the day that marks the extra months into the next year that a woman needs to work in order to receive pay equal to what a man would make for the equivalent job in only 12 months. Yes, Mr. President, as astonishing as it is, in the year 2008, it takes nearly 4 extra months for a woman to bring home the same amount of money as her male counterpart. According to the U.S. Census Bureau and Bureau of Labor Statistics, women earn, on average, only 77 cents for every dollar earned by men in comparable jobs. What a truly unthinkable, and frankly disgraceful, circumstance—one that we must do everything within our power to change.

And today we can take a small but very significant step to make sure that Americans have the legal opportunity to challenge pay discrimination by supporting the Lilly Ledbetter Fair Pay Act. Before I begin, let me thank Senator KENNEDY for his efforts to ensure that we don't just stand by doing nothing, following an ill-advised Supreme Court ruling that takes us a step back in time by making it extraordinarily difficult for victims of pay discrimination to sue their employers.

This Congress must not stand by while the Court forces an unreasonable reading of the law. Through this decision, it tosses aside its own precedent and weakens protection provided by the Civil Rights Act to rule in favor of an employer that had underpaid a female employee for years. That is why I call on all of my colleagues, on a bipartisan basis, to stand together today to send a clear signal that pay discrimination is unacceptable and will not be tolerated by voting to move forward to debate the Lilly Ledbetter Fair Pay Act.

This legislation overturns the Court's decision in Ledbetter v. Goodyear Tire. The Court held employees who are subjected to pay discrimination must bring a complaint within 6 months of the discriminatory compensation decision, meaning the day the employer decides to pay her less, and that each paycheck that is lower because of such discrimination does not restart the clock. Under this decision it doesn't matter if the discrimination is still ongoing today or if the worker initially had no way of knowing that others were being paid more for the same work just because of age, race, gender or disability. Most inexplicably, the majority insisted it did not matter that Goodyear was still paying her far less than her male counterparts when she filed her complaint. Mr. President, if you asked anyone on the street, they would tell you that this decision simply defies common sense. In fact, it is so clearly contrary to Americans' sense of right and wrong that everyone should be outraged.

Lilly Ledbetter, a loyal employee for 19 years, discovered she was being paid significantly less than the men in her same job. At first, her salary was in line with that of her male colleagues, but over time she got smaller raises creating a significant pay gap. How was she to know that this discrimination was happening? Hardworking Americans do not have the time to sit around talking about their salaries. It is clearly not her fault she didn't discover this inequity sooner.

In closing, it is disturbing that the Court chose to gut a key part of the Civil Rights Act that has protected hardworking Americans from pay discrimination for the past 40 years. It is our duty to send a message to employers that this type of discrimination is unacceptable. Fortunately, Congress can amend the law to undo this damaging decision. And, it should do so without delay.

Mr. REED. Mr. President, I strongly support passage of H.R. 2831, the Lilly Ledbetter Fair Pay Act. We must continue to ensure that workers are protected from pay discrimination and treated fairly in the workplace.

As an original cosponsor of the Senate companion of this legislation, I am pleased that this bipartisan bill seeks to address and correct the Supreme Court's Ledbetter decision from last spring that required employees to file a pay discrimination claim within 180 days of when their employer initially decided to discriminate, even if the discrimination continues after the 180-day period. The Ledbetter decision overturned longstanding precedent in courts of appeals across the country and the policy of the Equal Employment Opportunity Commission under both Democratic and Republican administrations.

H.R. 2831 returns the law to the pre-Ledbetter precedent and would make clear that each discriminatory paycheck, not just the first pay-setting decision, will restart the 180-day period. This allows workers to demonstrate and detect a pattern or cumulative series of employer decisions or acts showing ongoing pay discrimination. As Justice Ginsburg noted in her Ledbetter dissent, such a law is "more in tune with the realities of the workplace." The Supreme Court majority failed to recognize these realties, including that pay disparities typically occur incrementally and develop slowly over time, and they are not easily identifiable and are often kept hidden by employers. Many employees generally do not have knowledge of their fellow coworkers' salaries or how decisions on pay are made.

Yesterday was Equal Pay Day, an opportunity to recognize the progress we have made as a nation on ensuring fairness, justice, and equality in the workplace. But there are barriers still to be overcome to close the pay gap and make certain that an individual's gender, race, and age are not an impediment to their economic and employment growth. The Lilly Ledbetter Fair Pay Act is one step forward in the direction of ensuring this growth and I urge my colleagues to support it.

Mr. KERRY. Mr. President, Lilly Ledbetter was the only female manager working alongside 15 men at a Goodyear tire plant in Gadsden, AL. One day, she learned that, for no good reason, she had been receiving hundreds of dollars less per month than her male colleagues—even those with far less seniority.

Unfortunately, the wrongs done to Lilly Ledbetter are familiar to far too many women who work every bit as hard as men do but take home a smaller paycheck.

We must continue to fight to guarantee equal pay for women everywhere and justice for those women who are discriminated against.

It is disgraceful that women still make just 77 cents for every dollar earned by men. In fact, yesterday marked Equal Pay Day—the symbolic day on which a woman's average pay catches up to a man's average earnings from the previous year. Think of all the hours of work done since January 1—those are hours that women have worked just to bring home the same amount of money as a man. It is equivalent to months of working with no pay—something I am sure the bosses doling out unequal paychecks wouldn't stand.

Unequal pay for women is an injustice whose poison works on multiple levels. Women aren't just paid less for doing the same work—they are also given a none-too-subtle message that their thoughts and efforts are less valued just because of their gender.

I have two wonderful daughters, Alex and Vanessa. Alex is a filmmaker and Vanessa is a doctor. If it weren't for the women who came and marched before them, they wouldn't have had the access to high school and college sports that made such a difference in their development. But that cause isn't yet complete. The progress isn't yet perfected. We are fighting today so that they are never told that a man deserves a penny more for doing the same hard work they have done.

In the face of injustice, Lilly Ledbetter and many women like her have had the courage to stand up to sexist bosses, demand her legal right to equal pay for equal work, and say "enough is enough." The trial was difficult, but Lilly stood strong—and the jury awarded her a large legal settlement.

Then Lilly's case ran head-on into a group of men—and one woman—above whose heads she could not appeal: the U.S. Supreme Court. The Court's 5-to-4 ruling went against common sense and most people's sense of basic fairness. They ruled that the Equal Rights Act of 1964 requires an employee to file a discrimination claim within 180 days of a boss's decision to discriminate—rather than 180 days from the last discriminatory paycheck. Amazingly, Lilly Ledbetter didn't just lose her settlement and her standing to seek justice—she also lost future retirement benefits which will now be awarded according to decades of discriminatory pay.

The ruling goes against common sense and the practical realities of the workplace. It goes against our basic sense of fairness. People often don't know what their colleagues are being paid and thus don't find out for some time that they are being discriminated against. Many never find out at all that they have been discriminated against for a lifetime&mdash;and many who do choose to stay quiet rather than rock the boat, confront their bosses, or be perceived as angry when they have every right to be.

As Justice Ruth Bader Ginsburg wrote, "In our view, the court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination." The Court's only woman took the rare and defiant step of delivering her eloquent dissent out loud.

Five male Justices denied justice to thousands of women who could now be denied legal standing in similar cases, not because these women hadn't been discriminated against but because too much time had passed between the moment when their bosses started discriminating against them and the moment they either found out about it or took action to stop it. In effect, it rewards bosses for stringing out their deceit.

One of these five male Justices was Samuel Alito—against whose hasty confirmation I waged a lonely filibuster battle for which I was widely criticized back in 2006. Back then, I worried and warned that Alito would create a 5-to-4 majority to deny hard-working Americans their day in court. Which is exactly what happened to Lilly Ledbetter. I don't regret my filibuster one bit—it was an important statement drawing a line in the sand against this administration's radical judicial nominees. I just wish we could have won that fight.

Would Sandra Day O'Connor, the woman Alito replaced, have voted this way? I strongly suspect not. And so, with Sam Alito's decisive vote, our judicial branch struck a major blow against justice, against fair treatment for all, and against women's rights. The good news is that Congress still makes the laws—and we have the opportunity to make clear the intent of our fair pay laws and ensure that female victims of pay discrimination have their day in court.

The Lilly Ledbetter Fair Pay Act clarifies what the Court ought to have known—that the laws against pay discrimination apply to every paycheck a worker receives—not to the moment a boss begins discriminating. A person only gets 180 days to file a discrimination claim—and the clock should be reset to zero every time a discriminatory paycheck goes out. We should make it easier for discrimination to be rooted out not harder.

Businesses have nothing to fear from this bill—unless they are acting disgracefully, in which case they should be afraid—they should be very afraid. But employers will not be asked to make up for salary difference from decades ago—current law, rightly or wrongly, limits backpay awards to 2 years before the worker filed a job discrimination claim. This bill wouldn't change that limit.

We should and must do whatever we can to chip away at discrepancies that still exist in pay between men and women. When the Equal Pay Act of 1963 passed, women were making 59 cents a dollar. Forty five years later, that number is 77 cents. In other words, women are narrowing the gap by less than half a penny a year. We must do better.

If I am lucky enough to have them, I don't want my future granddaughters and great-granddaughters to wait another 45 years for equal wages.

In so many ways, discriminatory pay contributes to our worst shortcomings as a society. It discriminates against children in poverty—who are far more likely than other children to be raised by single mothers. It also discriminates against women of color—who are more likely to live in households without a male income-earner.

Each paycheck and each discriminatory raise compounds injustice upon injustice. Unfortunately, the pay gap runs across industries and education levels. This isn't something that fixes itself at higher levels of income. Comparing men and women with comparable education, work title, and experience, over the course of their lives, women with a high school diploma earn $700,000 less. Women with a college diploma earn $1.2 million less. And women with advanced degrees earn $2 million less over time.

To our enduring shame, it was once true that American slaves were treated as three-fifths of a human being. But it remains true today that women are paid as just three-quarters of a man.

We can't unravel or erase hateful attitudes toward women in a single day or with a single vote. But we have a bill before us today that will restore women's right to seek equal justice under the law. We should pass the Lilly Ledbetter Fair Pay Act today and do all that we can to live according to the truth that, while self-evident to Thomas Jefferson, remains elusive to employers everywhere: that all of us are created equal.

Mr. BIDEN. Mr. President, America has come a long way in addressing discrimination in the workplace since the days my ancestors faced "No Irish Need Apply" signs. Yet discrimination today still exists. Even now, women still earn on average 77 cents for every dollar a man earns performing the same work. This is not fair. And with a record 70.2 million women in the workforce, this wage discrimination hurts American families across the country.

Since passage of title VII of the Civil Rights Act of 1964, working women have been able to challenge discriminatory pay. Most appellate courts, including the Third Circuit that incorporates Delaware, and the Equal Employment Opportunity Commission operated under a rule that gives workers a reasonable time limit to file complaints and receive a fair hearing in our country's courtrooms.

Last year, the Supreme Court in Ledbetter v. Goodyear Tire and Rubber Co., ignored the basic reality of how—and indeed, when—workers discover that they have been the victim of paycheck discrimination. The Court ruled that employees must sue within 180 days of the employer's pay decision. That Supreme Court's ruling, in the words of Justice Ginsberg, is at best a "cramped interpretation" of title VII and at worst reverses the hard-won gains women have made in the workplace.

As a practical matter, employees often do not know what their peers earn, the amount of annual raises, or how wages are determined. Given the typical confidentiality rules covering pay issues, the Supreme Court's ruling means that women will in many instances be shut out from recovering what they are owed after years of unfair pay. This interpretation makes title VII of the Civil Rights Act an empty promise.

The Supreme Court's decision will hurt Americans from all walks of life. It perpetuates inequality by allowing workers to receive lower pay because of their age, gender, religion, ethnicity, or disability. It threatens to stop and reverse the steady progress we have made toward job equality by letting employers off the hook for prolonged discrimination. The House took the first step toward correcting this injustice when it passed the Lilly Ledbetter Fair Pay Act of 2007. The Senate now has the opportunity, and an obligation, to do the same. I am a cosponsor and strong supporter of this bill, which would simply clarify and restore the rule the country operated under before the Supreme Court's decision. That rule was strong and simple—each separate paycheck based on a previous discriminatory decision is itself an unlawful employment practice.

Mr. President, this Fair Pay Restoration Act isn't a radical change of direction. It is really nothing new. We know the consequences of the act because for years American businesses and their workers operated under the standards it restores. It will not open the floodgates for litigation or force employers to fork out exorbitant sums of money—it will just restore the rules of the game before the Court changed them. It gives Americans who are doing the same job as someone else—but for lower pay—access to courts and equality.

In today's economy, coping with a recession and a housing crisis, American workers need our help. The basic social compact that built our economy, that created our middle class, that provided opportunities for millions—that compact is breaking down. This is one small step to restore some fairness.

Mr. President, equal work should mean equal pay. I urge my colleagues to join me and restore that principle.

Mr. LEAHY. Mr. President, the Supreme Court's recent decision in Ledbetter v. Goodyear Tire struck a severe blow to the rights of working women in our country. More than 40 years ago, Congress acted to prevent discrimination in the workplace based on an employee's sex, race, color, national origin or religion. The Ledbetter decision is yet another example of the Supreme Court misinterpreting congressional intent and denying justice to a victim of discrimination.

For nearly two decades, Lilly Ledbetter, a supervisor at Goodyear Tire, was paid significantly less than her male counterparts. Nonetheless, a thin majority of Justices on the Supreme Court found that she was ineligible for title VII protection against discriminatory pay because she did not file her claim within 180 days of Goodyear's repeatedly discriminatory pay decisions.

The Supreme Court's ruling sent the message to employers that wage discrimination cannot be punished as long as it is kept under wraps. At a time when one third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed. Ms. Ledbetter only found out that she was earning as much as $15,000 less per year than a male coworker with the same job and seniority when an anonymous letter appeared on her desk weeks before her retirement. By the time she retired in 1997, Ms. Ledbetter's monthly salary, despite receiving several performance based awards, was almost $600 less than the lowest paid male manager and $1,500 less than the highest paid male manager.

Congress passed title VII of the Civil Rights Act to protect employees like Lilly Ledbetter from discrimination because of their sex, race, color, national origin or religion—however the Supreme Court's cramped interpretation guts the purpose and intent of the bipartisan and historic effort to root out discrimination. Ms. Ledbetter argued that her claim fell within the 180 day window provided under title VII for filing claims because she suffered continuing effects from her employer's discrimination. After filing a complaint with the Equal Employment Opportunity Commission, a Federal jury found that she was owed almost $225,000 in back pay. However, five Justices of the Supreme Court overturned the jury's decision, holding that Ms. Ledbetter was not protected under the law because she filed suit more than 180 days after her employer's discriminatory act.

This Supreme Court decision contradicts both the spirit and clear intent of title VII of the Civil Rights Act, which was created to protect workers from discriminatory pay. The Court's 5-to-4 decision undercuts enforcement against discrimination based on sex, race, color, religion, and national origin. In Justice Ginsburg's dissent, she wrote that the Court's decision "is totally at odds with the robust protection against workplace discrimination Congress intended Title VII to secure."

This October, my wife Marcelle and I will host Vermont's 12th annual Women's Economic Opportunity Conference, a chance for women to come together to learn new career skills. Thousands of women in my State have used these skills to advance their careers. It is a shame that despite such initiatives and years of hard work, women continue to suffer pay discrimination. I commend the Vermont Legislature for passing laws requiring equal pay for equal work and barring employers from retaliating against employees for disclosing the amount of their wages. Unfortunately, not all States offer these protections.

For all of the gains that women have made in the past century, there remains a troubling constant—women continue to earn less than men—on average, only 77 cents on the dollar. Discriminatory pay not only affects women it affects their children, their families, and all of us who believe in the words inscribed on the Vermont marble of the Supreme Court building "Equal Justice Under Law."

The Lilly Ledbetter Fair Pay Act would correct the unfortunate and cramped ruling of the Supreme Court which denied Ms. Ledbetter equal justice. It would amend the Civil Rights Act of 1964 to clarify that an unlawful employment practice occurs not only when that discriminatory decision first goes into effect but each time an individual is affected by it, such as each time compensation is paid.

The House of Representatives passed this bill in a bipartisan vote last summer. It also has bipartisan support here in the Senate, but unfortunately some Republicans have objected to even considering the bill. I hope their filibuster can be broken so that we can clarify that discrimination against hard-working men and women in their own workplaces is not the American way. The law and our justice system should protect working people when it happens. Our bill underscores this vital American principle against efforts to devalue it.

Mr. DODD. Mr. President, I wish to speak about an issue of economic fairness that affects the very dignity and the security of millions of Americans: the right to equal pay for equal work. Before I begin, let me thank the chairman of the HELP Committee for his leadership on this important issue. The Fair Pay Restoration Act goes a long way toward ensuring that right. In a perfect world, of course, we could take that right for granted; we could take it for granted that the value of work lies in a job well done, not in the race or gender of the person who is doing it. But we don't live in that world. We know that, even now, employers can cheat their employees out of equal pay, and equal work.

That is what happened to Lilly Ledbetter. For almost two decades, from 1979 to 1998, she was a hard-working supervisor at a Goodyear tire plant in Gadsden, AL. And it is telling that she suffered from two types of discrimination at the same time. On the one hand, there was sexual harassment, from the manager who said to her face that women shouldn't work in a tire factory, to the supervisor who tried to use performance evaluations to extort sex. And on the other hand, there was pay discrimination: by the end of her career, as the salaries of her male coworkers were raised higher and faster than hers, she was making some $6,700 less per year than the lowest paid man in the same position.

Now, the two kinds of discrimination faced by Ms. Ledbetter have a good deal in common. Morally, they both amount to a kind of theft: the theft of dignity in work and the theft of the wages she fairly earned. Both send a clear message: that women don't belong in the workplace. But there is a clear difference between sexual harassment and pay discrimination. The former is blatant. The latter far too often stays insidiously hidden.

In fact, Lilly Ledbetter didn't even know she was being paid unfairly until long after the discrimination began, when an anonymous coworker gave her proof. Otherwise, she might be in the dark to this very day. And that is hardly surprising. How many of you know exactly how much your coworkers make? What would happen if you asked? At some companies, you could be fired.

Armed with proof of pay discrimination, Ms. Ledbetter asked the courts for her fair share. And they agreed with her: she had been discriminated against; she had been cheated; and she was entitled to her back pay.

Regrettably, the Supreme Court ruled against her, and took it all away. Yes, she had been discriminated against—but she had missed a very important technicality. She only had 180 days—6 months—to file her lawsuit. And the clock started running on the day Goodyear chose to discriminate against her. Never mind that she had no idea she was even the victim of pay discrimination until years later—figure it out in 180 days, or you are out of luck for a lifetime.

One can clearly see how this ruling harms so many Americans beyond Ms. Ledbetter. In setting an extremely difficult, arbitrary, and unfair hurdle, it stands in the way of many Americans fighting against discrimination. It flatly contradicts standard practice of the Equal Employment Opportunity Commission and flies in the face of years of legal precedent and clear congressional intent. As Justice Ginsburg put it in her strong dissent, the Court's Ledbetter ruling ignores the facts of discrimination in the real world: "Pay disparities often occur in small increments; cause to suspect that discrimination is at work develops only over time. Comparative pay information, moreover, is often hidden from the employee's view . . . Small initial discrepancies may not be seen as meet for a federal case, particularly when the employee, trying to succeed in a nontraditional environment, is averse to making waves."

"The ball," Ginsburg concluded, "is in Congress's court . . . The legislature may act to correct this Court's parsimonious reading."

That is precisely what we are here to do today. If the Fair Pay Restoration Act passes, employees will have a fair time limit to sue for pay discrimination. They will still have 180 days, but the clock will start with each discriminatory paycheck, not with the original decision to discriminate. After all, each unfair paycheck is in itself a decision to discriminate—it is ongoing discrimination. And if this legislation passes, employees like Ms. Ledbetter will no longer be blocked from seeking redress, through no fault of their own, except a failure to be more suspicious.

Mr. President, millions of Americans depend on the right to equal pay for equal work: to earn a livelihood, to feed their families, and to secure the dignity of their labor. We ought to make it easier for Americans to exercise that right, not harder. We ought to get unfair roadblocks, hurdles, and technicalities out of their way. We ought to pass this bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. I yield 4 minutes to the Senator from New York.

Mrs. CLINTON. Mr. President, I think it is important we go back to the facts and remind ourselves in this Chamber about the person, the real live woman, for whom this legislation is named, Lilly Ledbetter.

She was a supervisor at a Goodyear Tire and Rubber plant in Gadsden, AL, from 1979 until her retirement in 1998. For most of those years, she worked as an area manager, a position normally occupied by men.

Now, initially, Lilly Ledbetter's salary was in line with the salaries of men performing substantially similar work. Over time, however, her pay slipped in comparison. And it was slipping in comparison with men who had equal or less seniority. By the end of 1997, Lilly Ledbetter was the only woman working as an area manager, and the pay discrepancies between her and her 15 male counterparts were stark.

She was paid $3,727 a month. The lowest paid male area manager received $4,286 a month and the highest $5,236. In other words, Goodyear paid her male counterparts 25 to 40 percent more than she earned for doing the same job.

Now, when she discovered this, which she had not for years, because it is somewhat difficult, if not impossible, to obtain information about the salaries of your counterparts—and lots of times why would you ask? You are doing the same job; you show up at the same time; you have the same duties. Who would imagine that you would be paid less than the younger man who came on the job a year or two before, or the older man with whom you had worked for years?

So when she discovered that, she rightly sought to enforce her rights, and a jury agreed, a jury of her peers, that she had suffered discrimination on the basis of her gender.

And the district court awarded her $220,000 in backpay, and more than $3 million in punitive damages. The court of appeals reversed that, claiming she had not filed her charge of discrimination in a timely manner. The Supreme Court agreed.

Now Lilly Ledbetter is retired from her job. Nothing we do today will have any impact on her, but she has tirelessly campaigned across this country for basic fairness. We thought we had ended discrimination in the workplace against women when the Equal Pay Act was passed all those years ago.

In fact, yesterday was the day we commemorated the passage of the

Equal Pay Act, but clearly we have not finished the business of guaranteeing equality in the workplace; fair and equal pay to those who do the same job. Nearly a century after women earned the right to vote, women still make 77 cents to every man's dollar.

The affect of the recession we are in right now in many parts of our country is affecting women worse than their male counterparts. This is not about the women themselves, it is about their families. I came from Indianapolis, where I was introduced at an event by a young single mom. I meet young single moms all over America who work hard for themselves and their children. So when they are discriminated against in the workplace, they bring less home to take care of those children whom they are responsible for. We can talk about what needs to be done, and there are, I am sure, all kinds of legal reasons it does not make sense to end discrimination; that it does not make sense finally to have our laws enforced. But this is the law we had until the Supreme Court changed it. Until the Supreme Court said: No, wait a minute, you are supposed to actually know you are being discriminated against to dispute the conditions in the workplace, and file whatever action, make whatever complaint you can at that moment.

Well, Lilly Ledbetter acted as soon as she knew. She did not know until that information was made available to her. I am hoping this Chamber will stand up for fundamental fairness for women in the workplace. I am hoping you will stand up and vote to make it clear that women who get up every single day and go to work deserve to be paid equally to their male counterparts.

That is all Lilly Ledbetter wanted. That is what we should deliver today.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, I believe there is 5 minutes 45 seconds remaining?

The ACTING PRESIDENT pro tempore. There is 4 minutes 45 seconds remaining.

Mr. KENNEDY. I yield 4 minutes to the assistant majority leader.

Mr. DURBIN. I thank Senator KENNEDY, Senator MIKULSKI, and many others for bringing this measure before the Senate.

You remember when we debated Supreme Court Justices, and do you recall their testimony; you saw it on television. I can recall Justice Roberts, the Chief Justice, he told us he was similar to an umpire in baseball; all he did was call balls and strikes. He was not going to write the law or change the law, he was going to apply the law to the facts. Well, lo and behold, as soon as Justice Roberts and Justice Alito, the new Justices on the Supreme Court, arrived, they took a precedent, a law that had been followed for years by the Supreme Court and turned it upside down.

Lilly Ledbetter, 19 years serving as a manager in this Goodyear Tire facility in Gadsden, AL, was the only female manager in a group of 15; all the rest were men. It was not until she was about to retire that someone said to her: Incidentally, you are not being paid as much as the men who are doing the same job.

She did not realize it. How would she? Employers do not go around publishing how much they pay their employees in the newspaper, and they certainly do not post it on the bulletin board. So she had no way of knowing until the last minute. She filed a discrimination claim and said: I did the work, I deserve the pay.

It went all the way up to the Supreme Court, to new Supreme Court Chief Justice Roberts and Justice Alito. You know what they said? Your problem, Lilly Ledbetter, is you should have discovered how much they were paying the other employees at the time the initial discrimination began. That is physically impossible. They held her to a standard she could not live up to. They knew what they were doing. They were throwing out her case of wage discrimination and thousands of others. Those Justices were not calling balls and strikes, they were making new rules; and the rules were fundamentally unfair.

We have a chance today to straighten that out. I hope we have bipartisan support for it. We should be against pay discrimination for women, men, disabled, minorities. Every American deserves to be treated fairly.

The Chicago Tribune, not always a paragon of liberal ideas, said this about the Ledbetter decision by the Supreme Court:

> The majority's sterile reading of the statute ignores the realities on the ground. A woman who is fired on the basis of sex knows she has been fired. But a woman who suffers pay discrimination may not discover it until years later, because employers often keep pay scales confidential. The consequences of the ruling will be to let a lot of discrimination go unpunished.

Those who vote against this effort to bring the bill to the floor will allow a lot of discrimination to go unpunished in America.

We owe the workers of America, the women of America, all workers a lot more. I encourage colleagues to support Senator KENNEDY and the motion to invoke cloture.

I reserve the remainder of my time.

Mr. ISAKSON. How much time remains on our side?

The PRESIDING OFFICER (Ms. CANTWELL). There is 2 minutes 5 seconds.

Mr. ISAKSON. I yield myself the remainder of the time.

Madam President, with all due respect to the Senator from Illinois, as was said earlier, in this case, in each and every year from 1992 to 1997, Ms. Ledbetter testified that she knew she was being discriminated against but didn't file a claim.

Secondly, this is not about restoring the Civil Rights Act to its state before Ledbetter was decided last year. This is about amending title VII of the Civil Rights Act passed in 1964 in terms of its statute of limitations.

The fact is that every one of us in this body is for precisely the same thing: Discrimination against no one for race, sex, color, creed, national origin; equal pay for everyone. As the distinguished Senator from Massachusetts showed in his chart, we have over and over again reaffirmed this. This is not about the issue of discrimination. This is about the rule of law, the Civil Rights Act as it was passed in 1964 and amended in 1967, and its statute of limitations that has been upheld by the Supreme Court—not once, not twice, not three times, but four separate opinions in 1977, 1980, 1989, and 2002. Ledbetter simply reaffirmed these cases.

If we have a problem, let's address it in committee. Let's fix it after open debate. Let's not eviscerate the committee process and bring a flawed bill to the floor of the Senate.

I urge my colleagues to vote against the motion to invoke cloture on the motion to proceed and yield back the remainder of my time.

Mr. KENNEDY. Madam President, I yield the remainder of my time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute 30 seconds.

Mr. OBAMA. Madam President, today too many women are still earning less than men for doing the same work, making it harder not just for those women but for the families they help support to make ends meet. It is harder for single moms to climb out of poverty, harder for elderly women to afford their retirement. That kind of pay discrimination is wrong and has no place in the United States of America.

This evening, we have a chance to do something about it. Passing this bill is an important step in closing the pay gap, something I helped to do in Illinois and something I have fought to do since I arrived in the Senate. I have cosponsored legislation to ensure women receive equal pay for equal work and to require employers to disclose their pay scales for various kinds of jobs. It is this information which will allow women to determine whether they are being discriminated against, information they often lack now.

In addition to passing this bill, we need to strengthen enforcement of existing laws. In the end, closing the pay gap is essential, but it is not going to be enough to make sure that women and girls have an equal shot at the American dream, which is why we are also going to have to work on issues such as sick leave and prohibiting discrimination against caregivers. If you work hard and do a good job, you should be rewarded, no matter what you look like, where you come from, or what gender you are. That is what this bill is about. That is why I am supporting this legislation and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. All time has expired under time reserved for Senators ISAKSON and KENNEDY.

The Republican leader.

Mr. McCONNELL. I yield myself leader time.

The PRESIDING OFFICER. The Senator has that right.

Mr. McCONNELL. Madam President, I remind my colleagues that if we invoke cloture on this bill, we will actually be moving off the veterans bill. Let me repeat that. A vote to proceed to the Ledbetter bill is a vote to proceed away from the veterans bill. This is really highly ironic because my side was taking a pounding Monday and Tuesday for allegedly holding up, if you will, the veterans bill. Of course, that was not the case. We have ended up, in order to accommodate the schedules of those who are frequently not here—and understandably not here because they are running for President—we had the Senate, in effect, not in session until 5 o'clock this afternoon. While Americans are waiting for Congress to do something about the economy, jobs, and gas prices, our friends on the other side decided to close shop in order to accommodate the uncertainties of the campaign trail. Finding solutions for the concerns of all our constituents should be our top priority, not just accommodating the travel schedules of two of our Members.

The proper course of action is clear. We should vote to stay on the veterans bill and finish our work on behalf of American veterans. The best way to do that is to vote against cloture on the motion to proceed to the matter before us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, first of all, for all Members, we are close to having agreement on the veterans bill when we get to it. Let me just say initially, I really like my counterpart, the Republican leader. But I have trouble understanding how he could stand on the floor and say that when we have been trying to do legislation on the veterans bill since last Thursday and we have been prevented from doing that.

Understand, there is nothing we could do, unless by unanimous consent, to change this vote. It occurs automatically an hour after we come in. There is no secret. We have two Senators running for President of the United States—three, as a matter of fact. I am only concerned about two of them. Their schedules were very difficult recently. They could be here at 6 o'clock. So I made the suggestion, which I thought was reasonable—we haven't been able to legislate on the veterans bill since last Thursday; how about doing it on Wednesday, until 5 o'clock. That would be 6 hours more than we have done since last Thursday. There was a refusal to allow us to do that. To have my friend, the Republican leader, come here and say we haven't done anything today because we had a vote scheduled at their convenience—he didn't use the names, but Senators CLINTON and OBAMA—that is absolutely without any foundation. I have trouble understanding how my friend would have the gall to stand on the floor and make the comment he did, but he did.

Now to the issue at hand, Lilly Ledbetter. Put your mind to this. We have a woman who is working. She has worked for 20 years and worked hard, very hard, and after 20 years she comes to the realization that people are making a lot more money than she. They are men, and they are doing the same work as she is. That is what this is all about. As a foundation, understand that for a woman to make the same amount of money as a man in our country—that is, how much a man makes in our country for 1 year—for similar work, she must work not only that whole year but an additional 113 days. In fact, women who work full time earn about 77 cents for every dollar earned by a man who does the same work.

That is why yesterday, April 23, which was the 113th day of the year, was Equal Pay Day, to illustrate how women are treated unfairly in the workplace in America. I can think of no better way for us to honor Equal Pay Day than to pass the Lilly Ledbetter Fair Pay Act.

She was a manager at a Goodyear factory in Gadsden, AL. She worked there for 20 years. She was the only woman among 16 men at her same management level. She was paid at various times 20 percent less than some of her male colleagues doing the same work and as much as 40 percent less than other colleagues doing the same work. That included fellow workers who had a lot less seniority than she had. They got paid more because they were men.

At most jobsites, especially office work, salary is not a topic that you discuss. It is private. It wasn't until Ledbetter had been with the company for 20 years, as I have indicated, that Mrs. Ledbetter became aware of the disparity in her paycheck, and only then because someone anonymously tipped her off.

After she learned, after 20 years, that people were being paid more money than she was for doing the same work. she became concerned, and she did what we should do in a situation like that. She went to talk to a lawyer. She had been cheated for 20 years. A jury that was called in that court listened to what she had to say. They found she had been discriminated against. Why? Because she was a woman. The jury awarded her appropriate damages.

Her employer appealed all the way to the Supreme Court. No way are we going to let this happen. They overturned the lower court's verdict, claiming she was entitled to nothing because she waited too long. The statute of limitations had run. The Supreme Court upheld that decision. They upheld the reversal of the decision that she had gotten, the award by the jury that she had gotten. The Supreme Court held that the 180-day filing deadline for discrimination cases like hers should be calculated from the day of Ms. Ledbetter's first discriminatory paycheck. So using that faulty logic, this woman is only protected if, after the first 6 months, she had filed a lawsuit. Well, she didn't know. The ruling reversed the position that most courts had previously held—contrary to what my good friend Senator ISAKSON said—that each discriminatory paycheck represents a new case of discrimination and therefore the 180-day filing period applies to each subsequent paycheck.

The practical result of the Supreme Court decision is that women like Lilly Ledbetter must sue for discrimination no later than 6 months after their employment begins, 6 months after her first paycheck. The Supreme Court's ruling puts unfair conditions on legitimate discrimination claims, and it applies not only to millions of women in the workforce but also to those discriminated against on the basis of race, religion, age, or disability.

As Justice Ginsburg said—and rarely from the Supreme Court does one of the Justices read their opinion; she did that—she noted in her strong and compelling dissent that the Supreme Court's ruling is wrong because it overlooks the realities of the workplace and the realities of the world. Think about that. She had worked there 20 years. She had been cheated for 20 years. They are telling her she should have filed her lawsuit 19½ years ago.

Many employers explicitly or implicitly prohibit employees from discussing their salary with coworkers. Could Ms. Ledbetter be expected to have known the salaries of her male colleagues after just 6 months on the job? Of course not. And even if a new employee is aware of a discrepancy in pay, many choose not to make waves, preferring to hang on to their job, preferring to quietly build job security. But over the years, these initial discrepancies, which may start out small, will often widen considerably—in her case, to as much as 40 percent when compared to a man.

The Supreme Court's ruling ignores basic facts. As long as discrimination continues, an employee's right to challenge discrimination should continue as well. That is why the legislation now before us is so important. We can talk about court cases and hearings before the committee and doing things in regular order. Let's have some regular order of fairness. That is what this legislation is all about.

This legislation would restore the previously accepted interpretation of law: that each and every discriminatory paycheck constitutes a new act of discrimination and that restarts the 180-day clock.

By supporting this motion to proceed and voting in favor of this legislation, we have the opportunity to correct this important injustice for millions of women and millions of others who work hard but are unfairly deprived of compensation they deserve.

Some on the Republican side argue that this legislation would lead to a flood of litigation. Obviously, we know the Republicans are not excited about trial lawyers. We know their first attack to take care of the housing crisis was to lower taxes and do something about litigation. So it is no surprise they are concerned about litigation, even though they are wrong.

That argument has no basis in fact. The Congressional Budget Office has researched this issue and found no reason—no reason—to believe it would increase the number of discrimination cases.

Furthermore, this legislation maintains the current law's 2-year limit on back pay. Employers would not be liable for salary differences that occurred in years past. In her case, Ledbetter could sue, but she could only get 2 of the 20 years she had been cheated. That is what this legislation does. How much fairer could it be?

The U.S. Supreme Court is the highest Court in our country. But in this case, they simply got it wrong. I am sad to report, in my opinion, many times they have done the same thing since Justices Roberts and Alito have joined that Court.

Many of us have spoken against recent Supreme Court nominees for fear they would not uphold our Nation's proud tradition of civil rights and equal rights in law. This faulty judgment on the part of the Court, in a 5-to-4 decision, lends credence to our concerns that we must support judges with a reliable history of support for the values of equality that we cherish.

There is no reason for the Fair Pay Act to be a partisan issue.

I urge my Republican colleagues to join us in sending a strong and powerful message that in America, discrimination will never be tolerated and justice will always be blind. But no matter the result today, that message—and our commitment to those enduring values—will continue.

VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 1315 is agreed to.

LILLY LEDBETTER FAIR PAY ACT OF 2007—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 325, H.R. 2831, the Fair Pay Act.

Harry Reid, Daniel K. Inouye, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2831, the Fair Pay Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Reid
Roberts
Sessions
Shelby
Stevens
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—2

Hagel
McCain

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. REID. Madam President, I move to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 2831.

Madam President, we are within minutes of working out something to complete tomorrow's work. There will be no more votes tonight. We should have several votes tomorrow. Probably, if things work out right, we will have three votes tomorrow. We should finish before 2:30 tomorrow afternoon.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I am deeply disappointed we were not able to get the required 60 votes. With the majority leader's vote, we would have had 57 votes—57 votes. There is virtually unanimous opposition on the other side of the aisle to restore what had been fairness and decency and equity in our fair pay laws.

I think most of us who have been around this institution for some time and who have been involved in the civil rights issue understand if you don't have a remedy, you don't have a right. This debate was about restoring a right to Lilly Ledbetter, her right to be treated fairly in the workplace and the rights of millions of others too. Those who are disabled, elderly, people in our society of various national origins, those of particular religious faiths, and women all are threatened by the underlying Supreme Court decision. That has to be altered. It has to be changed.

I welcome the fact that our majority leader has sent a powerful signal by indicating that we will come back and revisit this issue. This issue is about fairness. It is about equity. If we are going to permit discrimination in the workplace, we shouldn't permit it to pay, and the best way to make sure it does not pay is to provide the remedy to ensure it will not.

This is an early skirmish in this battle toward true fairness and equity and equitable pay for women and all others in our society. I look forward to working with our colleagues in the ongoing battle. I am very hopeful and optimistic that the next time we will get the votes that are necessary to permit us to take final action on this legislation.

Again, I thank the majority leader for his addressing this issue and for his willingness to bring this back to the floor so we can have further debate and discussion on it.

And I would like to thank my staff—Charlotte Burrows, Sharon Block, and Portia Wu, who worked very hard on this important legislation. I would also like to thank Michael Myers, Scott Fay, and Kate Dowling from my staff for all of their help.

VETERANS' BENEFITS ENHANCEMENT ACT OF 2007

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1315) to amend Title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Enhancement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.

TITLE I—INSURANCE MATTERS

Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.
Sec. 102. Administrative costs of service disabled veterans' insurance.
Sec. 103. Modification of servicemembers' group life insurance coverage.
Sec. 104. Supplemental insurance for totally disabled veterans.
Sec. 105. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 106. Consideration of loss dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.
Sec. 107. Designation of fiduciary for traumatic injury protection coverage under Servicemembers' Group Life Insurance in case of lost mental capacity or extended loss of consciousness.
Sec. 108. Enhancement of veterans' mortgage life insurance.

TITLE II—HOUSING MATTERS

Sec. 201. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 202. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 203. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 204. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 205. Supplemental specially adapted housing benefits for disabled veterans.
Sec. 206. Report on specially adapted housing for disabled individuals.
Sec. 207. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

Sec. 301. Coordination of approval activities in the administration of education benefits.
Sec. 302. Modification of rate of reimbursement of State and local agencies administering veterans education benefits.
Sec. 303. Waiver of residency requirement for Directors for Veterans' Employment and Training.
Sec. 304. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.
Sec. 305. Extension of increase in benefit for individuals pursuing apprenticeship or on-job training.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

Sec. 401. Expansion of eligibility for benefits provided by Department of Veterans Affairs for certain service in the organized military forces of the Commonwealth of the Philippines and the Philippine Scouts.
Sec. 402. Eligibility of children of certain Philippine veterans for educational assistance.

TITLE V—COURT MATTERS

Sec. 501. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 502. Additional discretion in imposition of practice and registration fees.
Sec. 503. Annual reports on workload of United States Court of Appeals for Veterans Claims.
Sec. 504. Report on expansion of facilities for United States Court of Appeals for Veterans Claims.

TITLE VI—COMPENSATION AND PENSION MATTERS

Sec. 601. Addition of osteoporosis to disabilities presumed to be service-connected in former prisoners of war with post-traumatic stress disorder.
Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
Sec. 603. Clarification of eligibility of veterans 65 years of age or older for service pension for a period of war.

TITLE VII—BURIAL AND MEMORIAL MATTERS

Sec. 701. Supplemental benefits for veterans for funeral and burial expenses.
Sec. 702. Supplemental plot allowances.

TITLE VIII—OTHER MATTERS

Sec. 801. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.
Sec. 802. Supplemental assistance for providing automobiles or other conveyances to certain disabled veterans.
Sec. 803. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.
Sec. 804. Termination or suspension of contracts for cellular telephone service for servicemembers undergoing deployment outside the United States.
Sec. 805. Maintenance, management, and availability for research of assets of Air Force Health Study.
Sec. 806. National Academies study on risk of developing multiple sclerosis as a result of certain service in the Persian Gulf War and Post 9/11 Global Operations theaters.
Sec. 807. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE MATTERS

SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Chapter 19 is amended by inserting after section 1922A the following new section:

"§ 1922B. Level-premium term life insurance for veterans with service-connected disabilities

"(a) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

"(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

"(c) AMOUNT OF INSURANCE.—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be $50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by $10,000.

"(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed $50,000.

"(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

"(e) PREMIUMS.—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

"(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

"(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

"(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

"(B) A veteran who is 70 years of age or older.

"(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

"(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

"(f) Application Required.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

"(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

"(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 19 is amended by inserting after the item related to section 1922A the following new item:

"1922B. Level-premium term life insurance for veterans with service-connected disabilities.".

(c) Exchange of Service Disabled Veterans' Insurance.—During the one-year period beginning on the effective date of this section under subsection (d), any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of such title (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

(d) Effective Date.—This section, and the amendments made by this section, shall take effect on June 1, 2008.

SEC. 102. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) is amended by striking "directly from such fund" and inserting "directly from such fund; and (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund".

SEC. 103. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) Expansion of Servicemembers' Group Life Insurance To Include Certain Members of Individual Ready Reserve.—

(1) In general.—Paragraph (1)(C) of section 1967(a) is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

(2) Conforming amendment.—Paragraph (5)(C) of such section 1967(a) is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

(b) Reduction in Period of Coverage for Dependents After Member Separates.—Section 1968(a)(5)(B)(ii) is amended by striking "120 days after".

SEC. 104. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) In General.—Section 1922A(a) is amended by striking "$20,000" and inserting "$30,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 105. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) In General.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking ", if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom".

(b) Conforming Amendment.—The heading of such section is amended by striking "In Operation Enduring Freedom and Operation Iraqi Freedom".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2008.

SEC. 106. CONSIDERATION OF LOSS DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) In General.—Section 1980A(d) is amended—

(1) by striking "Payments under" and inserting "(1) Payments under"; and

(2) by adding at the end the following new paragraph:

"(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a non-dominant hand.".

(b) Payments for Qualifying Losses Incurred Before Date of Enactment.—

(1) In general.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as amended by subsection (a)(2) of this section).

(2) Qualifying loss defined.—In this subsection, the term "qualifying loss" means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

SEC. 107. DESIGNATION OF FIDUCIARY FOR TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE IN CASE OF LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.

(a) In General.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is mentally incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) Elements.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) Completion and Update.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 108. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) is amended by striking "$90,000" and inserting "$150,000, or $200,000 after January 1, 2012,".

TITLE II—HOUSING MATTERS

SEC. 201. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

SEC. 202. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) Eligibility.—Chapter 21 is amended by inserting after section 2101 the following new section:

"§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

"(a) Members With Service-Connected Disabilities.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

"(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

"(b) Benefits and Assistance for Individuals Residing Outside the United States.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

"(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

"(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or

acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

"(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

"(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 is amended—

(A) in subsection (a)—

(i) by striking "veteran" each place it appears and inserting "individual"; and

(ii) in paragraph (3), by striking "veteran's" and inserting "individual's";

(B) in subsection (b)(1), by striking "a veteran" and inserting "an individual";

(C) in subsection (c)—

(i) by striking "a veteran" and inserting "an individual"; and

(ii) by striking "the veteran" each place it appears and inserting "the individual"; and

(D) in subsection (d), by striking "a veteran" each place it appears and inserting "an individual".

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A is amended—

(A) by striking "veteran" each place it appears (other than in subsection (b)) and inserting "individual";

(B) in subsection (a), by striking "veteran's" each place it appears and inserting "individual's"; and

(C) in subsection (b), by striking "a veteran" each place it appears and inserting "an individual".

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 is amended by striking "veterans" both places it appears and inserting "individuals".

(5) CONSTRUCTION OF BENEFITS.—Section 2104 is amended—

(A) in subsection (a), by striking "veteran" each place it appears and inserting "individual"; and

(B) in subsection (b)—

(i) in the first sentence, by striking "A veteran" and inserting "An individual";

(ii) in the second sentence, by striking "a veteran" and inserting "an individual"; and

(iii) by striking "such veteran" each place it appears and inserting "such individual".

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 is amended—

(A) in subsection (a)—

(i) by striking "any eligible veteran" and inserting "any eligible individual"; and

(ii) by striking "the veterans'" and inserting "the individual's";

(B) in subsection (b), by striking "an eligible veteran" and inserting "an eligible individual";

(C) in subsection (e), by striking "an eligible veteran" and inserting "an individual";

(D) in subsection (h), by striking "each veteran" and inserting "each individual";

(E) in subsection (i), by striking "the veteran's" each place it appears and inserting "the individual's";

(F) by striking "the veteran" each place it appears and inserting "the individual"; and

(G) by striking "a veteran" each place it appears and inserting "an individual".

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 is amended to read as follows:

"§2101. Acquisition and adaptation of housing: eligible veterans".

(B) The heading of section 2102A is amended to read as follows:

"§2102A. Assistance for individuals residing temporarily in housing owned by a family member".

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

"2101. Acquisition and adaptation of housing: eligible veterans.";

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

"2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.";

and

(C) by striking the item relating to section 2102A and inserting the following new item:

"2102A. Assistance for individuals residing temporarily in housing owned by a family member.".

SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

SEC. 204. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) is amended by striking "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006" and inserting "after December 31, 2011".

SEC. 205. SUPPLEMENTAL SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Chapter 21 is amended by inserting after section 2102A the following new section:

"§2102B. Supplemental assistance

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment in accordance with section 2102 of this title to an individual authorized to receive such assistance under section 2101 of this title for the acquisition of housing with special features or for special adaptations to a residence, the Secretary is also authorized and directed to pay such individual supplemental assistance under this section for such acquisition or adaptation.

"(2) No supplemental assistance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT OF SUPPLEMENTAL ASSISTANCE.—(1) In the case of a payment made in accordance with section 2102(a) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

"(A) the payment which would be determined under section 2102(a) of this title, and 2102A of this title if applicable, if the amount described in section 2102(d)(1) of this title were increased to the adjusted amount described in subsection (c)(1), over

"(B) the payment determined without regard to this section.

"(2) In the case of a payment made in accordance with section 2102(b) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

"(A) the payment which would be determined under section 2102(b) of this title, and 2102A of this title if applicable, if the amount described in section 2102(b)(2) of this title and section 2102(d)(2) of this title were increased to the adjusted amount described in subsection (c)(2), over

"(B) the payment determined without regard to this section.

"(c) ADJUSTED AMOUNT.—(1) In the case of a payment made in accordance with section 2102(a) of this title, the adjusted amount is $60,000 (as adjusted from time to time under subsection (d)).

"(2) In the case of a payment made in accordance with section 2102(b) of this title, the adjusted amount is $12,000 (as adjusted from time to time under subsection (d)).

"(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amounts described in subsection (c) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residential home cost-of-construction index for the year preceding that year.

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.

"(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental assistance under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental assistance under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2102A the following new item:

"2102B. Supplemental assistance.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2102B of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 206. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 202(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 207. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 202(a) of this Act), who reside with family members on a permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

SEC. 301. COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS.

(a) COORDINATION.—

(1) IN GENERAL.—Section 3673 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.".

(2) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended to read as follows:

"§3673. Approval activities: cooperation and coordination of activities".

(B) The table of sections at the beginning of chapter 36 is amended by striking the item relating to section 3673 and inserting the following new item:

"3673. Approval activities: cooperation and coordination of activities.".

(3) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting "COOPERATION IN ACTIVITIES.—" after "(a)"; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting "AVAILABILITY OF INFORMATION MATERIAL.—" after "(c)".

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the following:

(1) The actions taken to establish outcome-oriented performance standards for State approving agencies created or designated under section 3671 of title 38, United States Code, including a description of any plans for, and the status of the implementation of, such standards as part of the evaluations of State approving agencies required by section 3674A of title 38, United States Code.

(2) The actions taken to implement a tracking and reporting system for resources expended for approval and outreach activities by such agencies.

(3) Any recommendations for legislative action that the Secretary considers appropriate to achieve the complete implementation of the standards described in paragraph (1).

SEC. 302. MODIFICATION OF RATE OF REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) is amended by striking "$13,000,000" and all that follows through "fiscal year 2007,".

SEC. 303. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 4103(a)(2) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.".

SEC. 304. MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS.

(a) MODIFICATION OF STUDY.—Subsection (a)(1) of section 4110A is amended—

(1) in the matter before subparagraph (A), by striking "a study every two years" and inserting "an annual study";

(2) by redesignating subparagraph (A) as subparagraph (F);

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

"(A) Veterans who were called to active duty while members of the National Guard or a Reserve Component.

"(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters."; and

(4) in subparagraph (C)—

(A) by striking "Vietnam era" and inserting "Post 9/11 Global Operations period"; and

(B) by striking "the Vietnam theater of operations" and inserting "the Post 9/11 Global Operations theaters".

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(c) In this section:

"(1) The term 'Post 9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or law.

"(2) The term 'Post 9/11 Global Operations theaters' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.".

SEC. 305. EXTENSION OF INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING.

Section 103 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3600) is amended by striking "2008" each place it appears and inserting "2010".

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

"§107. Certain service with Philippine forces deemed to be active service

"(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

"(b) SERVICE DESCRIBED.—Service described in this subsection is service—

"(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

"(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

"(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of $0.50 for each dollar authorized.

"(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

"(d) MODIFIED PENSION AND DEATH PENSION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Any pension provided under subchapter II or III of chapter 15 of this title to an individual described in paragraph (2) shall be made only as specified in section 1514 of this title.

"(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to a pension provided under subchapter II or III of chapter 15 of

this title based on service described in subsection (b).

"(e) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

"107. Certain service with Philippine forces deemed to be active service.".

(3) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to the payment or provision of benefits on or after the date of the enactment of this Act. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION FOR CERTAIN SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 15 is amended by adding at the end the following new section:

"§ 1514. Certain recipients residing outside the United States

"(a) SPECIAL RATES FOR PENSION BENEFITS FOR INDIVIDUALS SERVING WITH PHILIPPINE FORCES AND SURVIVORS.—(1) Payment under this subchapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made as follows:

"(A) For such an individual who is married, at a rate of $4,500 per year (as increased from time to time under section 5312 of this title).

"(B) For such an individual who is not married, at a rate of $3,600 per year (as increased from time to time under section 5312 of this title).

"(2) Payment under subchapter III of this chapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made at a rate of $2,400 per year (as increased from time to time under section 5312 of this title).

"(3) An individual who is otherwise entitled to benefits under this chapter and resides outside the United States, and receives or would otherwise be eligible to receive a monetary benefit from a foreign government, may not receive benefits under this chapter for service described in section 107(b) of this title if receipt of such benefits under this chapter would reduce such monetary benefit from such foreign government.

"(4) The provisions of sections 1503(a), 1506, 1522, and 1543 of this title shall not apply to benefits paid under this section.

"(b) INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS INELIGIBLE.—An individual residing outside the United States who is receiving or is eligible to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) may not receive benefits under this chapter.

"(c) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 15 is amended by inserting after the item related to section 1513 the following new item:

"1514. Certain recipients residing outside the United States.".

(3) FREQUENCY OF PAYMENT.—Section 1508 is amended by inserting "1514," before "1521," each place it appears.

(4) ROUNDING DOWN OF RATES.—Section 5123 is amended by inserting "1514," before "1521".

(5) ANNUAL ADJUSTMENT OF BENEFIT RATES.—Section 5312 is amended—

(A) in subsection (a), by inserting "1514," before "1521," the first place it appears; and

(B) in subsection (c)(1), by inserting "1514," before "1521,".

(6) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to applications for benefits filed on or after May 1, 2008. The amendments made by paragraphs (3), (4), and (5) shall take effect on May 1, 2008.

(c) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of the date of the enactment of this Act, or a survivor of such veteran who is receiving such benefits as of the date of the enactment of this Act, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

SEC. 402. ELIGIBILITY OF CHILDREN OF CERTAIN PHILIPPINE VETERANS FOR EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (b) of section 3565 is amended by striking "except that—" and all that follows and inserting "except that a reference to a State approving agency shall be deemed to refer to the Secretary.".

(b) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (c).

TITLE V—COURT MATTERS

SEC. 501. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking "or for more than a total of 180 days (or the equivalent) during any calendar year".

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Enhancement Act of 2007 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

"(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

"(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

"(B) A judge who retired before the date of the enactment of the Veterans' Benefits Enhancement Act of 2007 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

"(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

"(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

"(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.".

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking "paragraph (2) of subsection (c)" and inserting "paragraph (1)(A)(i) or (2) of subsection (c)".

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

"(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

"(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.".

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: "Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.".

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: "This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.".

SEC. 502. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) is amended—

(1) in the first sentence, by inserting "reasonable" after "impose a";

(2) in the second sentence, by striking ", except that such amount may not exceed $30 per year"; and

(3) in the third sentence, by inserting "reasonable" after "impose a".

SEC. 503. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

"§ 7288. Annual report

"(a) IN GENERAL.—The chief judge of the Court shall submit annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

"(1) The number of appeals filed.

"(2) The number of petitions filed.

"(3) The number of applications filed under section 2412 of title 28.

"(4) The number and type of dispositions.

"(5) The median time from filing to disposition.

"(6) The number of oral arguments.

"(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

"(8) A summary of any service performed by recalled retired judges during the fiscal year.

"(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

"7288. Annual report.".

SEC. 504. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the "most cost-effective alternative appears to be leasing substantial additional space in the current location", which would "require relocating other current government tenants" from that building.

(4) The February 2006 feasibility report of the General Services Administration does not include an analysis of whether it would be feasible or desirable to locate a Veterans Courthouse and Justice Center at the current location of the Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

(2) in providing that space, Congress should avoid undue disruption, inconvenience, or cost to other Federal entities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility of—

(A) leasing additional space for the United States Court of Appeals for Veterans Claims within the building where the Court was located on the date of the enactment of this Act; and

(B) using the entirety of such building as a Veterans Courthouse and Justice Center.

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

(A) The impact that the matter analyzed in accordance with paragraph (1) would have on Federal tenants of the building used by the Court.

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should be taken to convert the building into a Veterans Courthouse and Justice Center and a timeline for such conversion.

(3) COMMENT PERIOD.—The Administrator shall provide an opportunity to such Federal tenants—

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

TITLE VI—COMPENSATION AND PENSION MATTERS

SEC. 601. ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER.

Section 1112(b)(2) is amended by adding at the end the following new subparagraph:

"(F) Osteoporosis, if the Secretary determines that the veteran was diagnosed with post-traumatic stress disorder (PTSD).".

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended by adding at the end the following new paragraph:

"(5) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.".

SEC. 603. CLARIFICATION OF ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

Section 1513 is amended—

(1) in subsection (a), by striking "by section 1521" and all that follows and inserting "by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.".

TITLE VII—BURIAL AND MEMORIAL MATTERS

SEC. 701. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

"§2302A. Funeral expenses: supplemental benefits

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $900 (as adjusted from time to time under subsection (c)).

"(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

"2302A. Funeral expenses: supplemental benefits.".

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

"§2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $2,100 (as adjusted from time to time under subsection (c)).

"(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

"2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.".

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to deaths occurring on or after that date.

SEC. 702. SUPPLEMENTAL PLOT ALLOWANCES.

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

"§2303A. Supplemental plot allowance

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

"(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $445 (as adjusted from time to time under subsection (c)).

"(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

"2303A. Supplemental plot allowance.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

TITLE VIII—OTHER MATTERS

SEC. 801. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "or (iii) below" and inserting "(iii), or (iv)"; and

(B) by adding at the end the following new clause:

"(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subparagraph (B), by striking "or (iii)" and inserting "(iii), or (iv)".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking "chapter—" and inserting "chapter:";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "means—" and inserting "means the following:";

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "any veteran" and inserting "Any veteran";

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking "or" and inserting a period; and

(C) in subparagraph (B), by striking "any member" and inserting "Any member".

SEC. 802. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Chapter 39 is amended by inserting after section 3902 the following new section:

"§3902A. Supplemental assistance for providing automobiles or other conveyances

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the purchase of an automobile or other conveyance for an eligible person under section 3902 of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such purchase.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Supplemental payment required by subsection (a) is equal to the excess of—

"(1) the payment which would be determined under section 3902 of this title if the amount described in section 3902 of this title were increased to the adjusted amount described in subsection (c), over

"(2) the payment determined under section 3902 of this title without regard to this section.

"(c) ADJUSTED AMOUNT.—The adjusted amount is $22,484 (as adjusted from time to time under subsection (d)).

"(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amount described in subsection (c) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

"(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.

"(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payment under this section for every eligible person for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide every eligible person with supplemental payment under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 3902 the following new item:

"3902A. Supplemental assistance for providing automobiles or other conveyances.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 3902A of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

SEC. 803. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 is amended by inserting ", or from the National Guard or Reserve," after "active military, naval, or air service".

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;".

SEC. 804. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

"SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

"(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. The request shall include a copy of the servicemember's military orders.

"(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall, at the election of the contractor—

"(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

"(2) permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

"Sec. 305A. Termination or suspension of contracts for cellular telephone service.".

SEC. 805. MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY.

(a) PURPOSE.—The purpose of this section is to ensure that the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

(b) ASSETS FROM AIR FORCE HEALTH STUDY.—For purposes of this section, the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are the assets of the Air Force Health Study transferred to the Medical Follow-Up Agency under section 714 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2290), including electronic data files and biological specimens on all participants in the study (including control subjects).

(c) MAINTENANCE AND MANAGEMENT OF TRANSFERRED ASSETS.—The Medical Follow-Up Agency shall maintain and manage the assets transferred to the Agency from the Air Force Health Study.

(d) ADDITIONAL NEAR-TERM RESEARCH.—

(1) IN GENERAL.—The Medical Follow-Up Agency may, during the period beginning on October 1, 2007, and ending on September 30, 2011, conduct such additional research on the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate toward the goal of understanding the determinants of health, and promoting wellness, in veterans.

(2) RESEARCH.—In carrying out research authorized by this subsection, the Medical Follow-Up Agency may, utilizing amounts available under subsection (f)(1)(B), make grants for such pilot studies for or in connection with such research as the Agency considers appropriate.

(e) ADDITIONAL MEDIUM-TERM RESEARCH.—

(1) REPORT.—Not later than March 31, 2011, the Medical Follow-Up Agency shall submit to Congress a report assessing the feasability and advisability of conducting additional research on the assets transferred to the Agency from the Air Force Health Study after September 30, 2011.

(2) DISPOSITION OF ASSETS.—If the report required by paragraph (1) includes an assessment that the research described in that paragraph would be feasible and advisable, the Agency shall, utilizing amounts available under subsection (f)(2), make any disposition of the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate in preparation for such research.

(f) FUNDING.—

(1) IN GENERAL.—From amounts available for each of fiscal years 2008 through 2011 for the Department of Veterans Affairs for Medical and Prosthetic Research, amounts shall be available as follows:

(A) $1,200,000 shall be available in each such fiscal year for maintenance, management, and operation (including maintenance of biological specimens) of the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study.

(B) $250,000 shall be available in each such fiscal year for the conduct of additional research authorized by subsection (d), including the funding of pilot studies authorized by paragraph (2) of that subsection.

(2) MEDIUM-TERM RESEARCH.—From amounts available for fiscal year 2011 for the Department of Veterans Affairs for Medical and Prosthetic Research, $200,000 shall be available for the preparation of the report required by subsection (e)(1) and for the disposition, if any, of assets authorized by subsection (e)(2).

SEC. 806. NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive epidemiological study for purposes of identifying any increased risk of developing multiple sclerosis as a result of service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Institute of Medicine shall do the following:

(1) Determine whether service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, increased the risk of developing multiple sclerosis.

(2) Identify the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, amyotrophic lateral sclerosis, and brain cancers, as well as central nervous system abnormalities that are difficult to precisely diagnose, in each group as follows:

(A) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(B) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(C) A non-deployed comparison group for those who served in the Persian Gulf War in the Southwest Asia theater of operations and the Post 9/11 Global Operations theaters.

(3) Compare the incidence and prevalence of the named diagnosed neurological diseases and undiagnosed central nervous system abnormalities among veterans who served during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, in various locations during such periods, as determined by the Institute of Medicine.

(4) Collect information on risk factors, such as pesticide and other toxic exposures, to which veterans were exposed while serving during the Persian Gulf War in the Southwest Asia theater of operations or the Post 9/11 Global Operations theaters, or thereafter.

(c) REPORTS.—

(1) INTERIM REPORT.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, interim progress reports on the study required under subsection (a). Such reports shall not be required to include a description of interim results on the work under the study.

(2) FINAL REPORT.—The contract shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, a final report on the study by not later than December 31, 2010. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the study.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the study required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

(3) The term "Post 9/11 Global Operations theaters" means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

SEC. 807. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran's income.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in subsection (a), including a statement of the rates of such compensation so payable;

(2) an assessment of the adequacy of such payments in replacing the deceased veteran's income; and

(3) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in replacing the deceased veteran's income.

Amend the title so as to read: "To amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.".

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 493

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 125, H.R. 493, the Genetic Nondiscrimination Act, on tomorrow, Thursday, April 24, and that when the bill is considered, the only amendment in order be a substitute amendment offered by Senators SNOWE, KENNEDY, and ENZI; that there be a total of 2 hours for debate on the bill and substitute amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of all time, the substitute amendment be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, it has taken a long time to get where we are now. I express my appreciation to Senator KENNEDY and Senator ENZI and others who worked very hard on this. We have said it before, but you can't say it enough: Senator KENNEDY and Senator ENZI have different political philosophies, but there are no two Senators who work better together on the committee than they do. They always act as gentlemen. They work very hard. But for their good work, we would not be where we are on this issue. I extend my appreciation to them and others who worked hard, but especially those two fine Senators.

VETERANS' BENEFITS ENHANCEMENT ACT—Continued

Mr. REID. Madam President, I ask unanimous consent that when the Senate begins consideration of S. 1315 today, the Burr amendment relating to a striking provision be the only amendment in order, other than the committee-reported substitute, the title amendment, and a managers' technical amendment that has been cleared by the managers and leaders; that there be a time limit of 60 minutes for debate with respect to the Burr amendment on tomorrow, Thursday, with the time equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Burr amendment; that upon disposition of the Burr amendment and a managers' technical amendment, if cleared, the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill; that upon passage, the title amendment be agreed to and the motion to reconsider laid upon the table; that upon passage of S. 1315, the Senate then proceed to Calendar No. 125, H.R. 493, and consider it under the parameters of a previous order which was entered a few minutes ago.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, reluctantly, I ask the Senator to withhold. We want to lay down the amendment pursuant to the order. The Senator can regain the floor.

Ms. MIKULSKI. I am happy to do that.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 4572

Mr. BURR. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR], for himself, Mr. VITTER, Mr. ISAKSON, and Mr. CRAIG, proposes an amendment numbered 4572.

Mr. BURR. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase benefits for disabled U.S. veterans and provide a fair benefit to World War II Filipino Veterans for their service to U.S.)

Strike section 401 and insert the following:

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

"§107. Certain service with Philippine forces deemed to be active service

"(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

"(b) Service Described.—Service described in this subsection is service—

"(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

"(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

"(c) Dependency and Indemnity Compensation for Certain Recipients Residing Outside the United States.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of $0.50 for each dollar authorized.

"(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

"(d) Exception on Pension and Death Pension for Individuals Residing Outside the United States.—An individual who resides outside the United States shall not, while so residing, be entitled to a pension under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

"(e) United States Defined.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

"107. Certain service with Philippine forces deemed to be active service.".

(3) Effective date.—The amendments made by this subsection shall apply with respect to the payment or provision of benefits on or April 1, 2009. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) Pension and Death Pension Benefit Protection.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of April 1, 2009, or a survivor of such veteran who is receiving such benefits as that date, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

(c) Increase in Specially Adapted Housing Benefits for Disabled Veterans.—

(1) In general.—Section 2102 is amended—

(A) in subsection (b)(2), by striking "$10,000" and inserting "$11,000";

(B) in subsection (d)—

(i) in paragraph (1), by striking "$50,000" and inserting "$55,000"; and

(ii) in paragraph (2), by striking "$10,000" and inserting "$11,000"; and

(C) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(2) Effective date.—The amendments made by this subsection shall take effect on April 1, 2009, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

(d) Annual Adjustment of Amount of Burial and Funeral Expenses for Deaths From Service-Connected Disability.—Section 2307 is amended—

(1) by inserting "(a)" before "In any case"; and

(2) by adding at the end the following new subsection:

"(b) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount authorized by subsection (a)(1) by the amount equal to the percentage of such amount by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(e) Increase in Assistance for Providing Automobiles or Other Conveyances to Certain Disabled Veterans.—

(1) In general.—Section 3902 is amended—

(A) in subsection (a), by striking "$11,000" and inserting "$15,000"; and

(B) by adding at the end the following new subsection:

"(e) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amount described in subsection (a) by a percentage of such amount equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(2) Effective date.—The amendments made by this subsection shall take effect on April 1, 2009, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

Mr. BURR. Madam President, I will wait until tomorrow during the 1 hour of debate to take up the amendment.

MORNING BUSINESS

Mr. REID. Madam President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each, and that Senator Mikulski be the first to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

FAIR PAY RESTORATION ACT

Ms. MIKULSKI. Madam President, I am deeply disappointed about the fact that we did not get the necessary votes to move the Fair Pay Restoration Act forward. We fell three votes short of what we needed to do to get the job done. This fight for equal pay for equal comparable work, however, will go on.

As the senior woman in the Senate, I take the floor tonight to say we will fight on. This was the first step forward. It will not be the only step we will take. But what we will not tolerate is another step backward.

We are going to continue to bring this fight. We will look for opportunities to bring this legislation back to the Senate floor. What is it we want to do? It is to end discrimination against women in their personal paychecks. In order to end that, we need to change the lawbooks so they can experience fairness in their personal checkbook.

This is the year 2008. You would think that in the year 2008, on the 40th anniversary of the passage of so many historic civil rights bills, we would finally have legislation that would guarantee fairness in terms of pay.

So we regret we didn't get the votes, but we will move on. Many people have been mesmerized by the John Adams miniseries. I like John Adams, but I really liked Abigail. While John Adams was down in Philadelphia with Thomas Jefferson, Benjamin Franklin, and a bunch of the other guys writing the Declaration of Independence and laying the groundwork for the Constitution and inventing America, Abigail Adams wrote her husband from the farm—while raising the four children and keeping the family going. She said: As you write those documents, do not forget the ladies, for we will foment a revolution of our own.

I stand here today to say: Do not forget the ladies because we will foment a revolution of our own. I was here in

1992 when we didn't get it on Anita Hill. I am here in 2008 when we didn't get it in pay equity.

In 1992, we had a revolution that went on. We got six new women in the Senate. There are now 16 of us. The majority of us voted for this bill. I am telling you we are ready for an "Abigail Adams" effort here. If they don't want to put us in the lawbooks so we can have fairness in the checkbooks, we will do a revolution. What do I mean by that? We will take it out to the voting booths. We will go on the Internet. We are going to go on TV, on the blogs. And we are going to tell everybody about this ignominious vote that occurred. When we tell it, we are going to say: Call to arms, women of America, put your lipstick on, square your shoulders, suit up, we have a hell of a fight coming, but, boy, are we ready. The revolution starts tonight.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIPINO VETERANS

Mr. SALAZAR. Madam President, I come to the floor this afternoon to speak again on behalf of S. 1315, the Veterans' Benefits Enhancement Act.

At the outset, I wish to commend Senator AKAKA for his leadership in the Committee on Veterans' Affairs, as well as the ranking member, Senator BURR, for having brought together a package, which is a good one, which is now on the floor of the Senate. I hope our colleagues come together tomorrow to pass this important legislation for the veterans of America.

The bill expands eligibility for traumatic injury insurance; extends eligibility for specially adapted housing benefits for veterans with severe burns; increases benefits for veterans pursuing apprenticeships or on-job training programs; and a whole host of other benefits that are needed for the veterans of America. It is especially crucial at this time because of the fact that we have so many returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

This is legislation that will help not only those veterans but the 25 million veterans we have here in America. I am proud to be a cosponsor of this legislation. I urge my colleagues to fully support it.

The issue of debate, which has, frankly, kept this legislation from receiving a unanimous consent vote in the Senate has been the issue of the treatment for veterans benefits of the Filipino warriors from World War II. I wish to remind our colleagues there were 470,000 Filipino veterans that volunteered and served to preserve the freedoms of the world during World War II; that approximately 200,000 of them were with the Philippine Commonwealth Army, with the Philippine Army Air Corps, and the Philippine Army Offshore Patrol.

Today, there are about 18,000 of those warriors who now live in the United States of America. In my view, we cannot forget the sacrifices these Filipino warriors made as they fought side by side with American troops in World War II. They constituted the vast majority of the 80,000 soldiers who defended the Bataan Peninsula during the Japanese invasion. They constituted the vast majority of the soldiers who were forced on the Bataan Death March. The provisions in this legislation that deal with the benefits for Filipino veterans—and most of them are in their late seventies and eighties—are provisions we should support in the Senate.

I ask unanimous consent to have printed in the RECORD the order from President Franklin Roosevelt, dated July 26, 1941, concerning his order placing the Philippine Army under the control of the United States Department of Defense.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PUBLIC PAPERS AND ADDRESSES OF FRANKLIN D. ROOSEVELT

Military Order Placing Land and Sea Forces of Philippines Under United States Commands, July 26, 1941

Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2(a)(12) of the Philippine Independence Act of March 24, 1934 (48 Stat. 457), and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines, and as Commander in Chief of the Army and Navy of the United States, I hereby call and order into the service of the armed forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines: *Provided*, that all naval components thereof shall be placed under the command of the Commandant of the Sixteenth Naval District, United States Navy.

This order shall take effect with relation to all units and personnel of the organized military forces of the Government of the Commonwealth of the Philippines, from and after the dates and hours, respectively, indicated in orders to be issued from time to time by the General Officer, United States Army, designated by the Secretary of War.

Mr. SALAZAR. Madam President, in that statement and order by President Roosevelt, this is what he said, on July 26, 1941:

> Under and by virtue of the authority vested in me by the Constitution of the United States, [by the corresponding laws concerning the Constitution] . . . of the Commonwealth of the Philippines, and as Commander in Chief of the Army and the Navy of the United States, I hereby call and order into the service of the Armed Forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army . . . all of the organized military forces of the Government of the Commonwealth of the Philippines . . .
>
> This order shall take effect with relation to all units and personnel of the organized military forces of the Government of the Commonwealth of the Philippines. . . .

By this order, President Roosevelt harnessed the men and women of the Philippines, who served in the Armed Forces and helped our forces during that great conflict, to be part of our warrior force that defended and preserved the freedoms of America during that great world war.

So I honor and I appreciate the leadership of Senator AKAKA and Senator INOUYE and Senator STEVENS, who have come to the floor and have spoken, from their unique historical perspective, about this being a matter of justice for the Filipino veterans who so helped secure the place of America across the world as a beacon of hope and freedom for generations to come.

I think we, as a Senate body, can do no less than to honor the sacrifice of these great veterans—part of the greatest generation—by making sure we adopt the provisions of this bill as they have been presented by Senator AKAKA in his bill.

Mr. CARDIN. Madam President, I speak today in support of S. 1315, the Veterans' Benefits Enhancement Act of 2007.

Our service men and women as well as their families make enormous sacrifices for our freedom. In return, Congress has an obligation to spend the money and create the programs necessary to provide quality, comprehensive health care services, mental health counseling, disability compensation, pay increases, better education benefits, and more. That responsibility grows daily with so many of our troops fighting overseas.

I am proud of what this Congress has accomplished to date. We passed a Defense authorization bill that will enhance wounded soldiers' health care and rehabilitation benefits as well as streamline the physical evaluation process. Last year, this Congress provided the largest increase in veterans' spending in this country's history. This February, the Senate passed and President Bush signed the economic stimulus package that would provide stimulus checks to more than 250,000 disabled veterans and to the survivors of disabled veterans. We passed a housing stimulus package on April 10 that had several benefits for veterans including increased limits on the VA Home Loan program and authorization for the VA to provide increased adapted housing grants to disabled veterans.

As a member of the Budget Committee, I am happy to report that this year's budget puts us on track to provide our veterans adequate support in the coming fiscal year. The resolution would provide $48.2 billion to help ensure that the Veterans Health Administration within the Department of Veterans Affairs can provide the highest quality care for all veterans.

But our work is far from done. S. 1315 contains several critical benefits improvements to ensure that veterans young and old have what they need to provide for their families and lead full, productive lives. Provisions in S. 1315 would improve life insurance programs for disabled veterans, expand the traumatic injury protection program for active duty servicemembers, extend for 2 years the monthly educational assistance allowance for apprenticeship or other on-the-job training, and provide individuals with severe burns specially adapted housing benefits. These are important benefits and services that mean a great deal to the nearly 500,000 veterans living in Maryland and to veterans around this country.

But, for 8 months now, members of the minority party have kept the Senate from even debating S. 1315 because they oppose a provision in the bill that would extend certain VA benefits to elderly Filipino veterans, residing in the Philippines, who fought alongside U.S. troops during World War II. Drafted by our Government, hundreds of thousands of Filipino soldiers served with honor in some of the most dire circumstances of the war. These Filipino veterans were promised veterans' status and were even considered United States veterans until that status was taken from them by Congress in 1946. Restoration of that status rights a wrong committed decades ago. And it is a correction we don't have many more years to make. We should grant these former soldiers full status and the limited pension rights contained in this bill so that they can live out their remaining years in dignity and peace.

I know that some Senators may disagree with me on this issue. That is their right. But I regret that they have made it so hard for us to consider this important bill. I hope the Senate will be able to vote on final passage soon. We owe that much and so much more to this Nation's veterans.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Wyoming is recognized.

EQUAL PAY

Mr. ENZI. A few minutes ago, we concluded the vote on H.R. 2831 that came after a very short debate. It was a clever use of the rules by the majority, I have to hand them that. There is a requirement that there can be only 1 hour of debate before the cloture vote. So we didn't have any session today until 5 p.m. The Senate was closed. That is an interesting way to limit debate. As I noted in my earlier remarks, the bill we voted on also didn't come to committee and follow the regular order.

I am very proud of the fact that Senator KENNEDY and I are able to work out a lot of things on a lot of bills. In fact, I think we hold the record for major bill passage. The way we were able to do that is to work in a very bipartisan way. We have worked out difficulties and sometimes we have compromised and sometimes we have left things out so things could get done. On this bill, we never had that opportunity. We never had that courtesy. We never got to debate this for 1 minute in committee mark-up, let alone on the floor.

The debate was kind of fascinating to listen to because there is equal pay, which all of us are in favor of; and there is the pay gap, which all of us want to close. But the discussion ranged between the two, making them sound like they were the same thing. I want people to be clear that they are not. When we talk about women as a whole in the United States getting 23 cents per hour less than men do, we are not talking about equal pay for equal jobs; we are talking about pay for jobs that are not equal. We have held some hearings in our committee on this, and they have been very enlightening. If a person takes what is considered a traditional job—if a woman takes a traditional job—the jobs don't pay very well. If a woman takes a nontraditional job, they pay very well, just like the men who are doing that job. But they are not traditional jobs for women. Somehow, we have to move women from those traditional jobs, where there is overemployment, to some of the nontraditional jobs where there is underemployment.

One of the fascinating people who spoke at our committee was a young lady who became a mason. She puts rocks on buildings, and she was proud of the work she does, and she should be. She started out paving, then later adding some marble steps, then adding pieces to buildings, and then doing high-altitude work. And I want to tell you, she makes more than I do because she does something different than most people do, and it pays well.

We have this thing in America where we say there is this kind of job, and these are the people who ought to take those; and there are these other jobs, and you are probably not qualified for those. Well, when does that qualification happen? Throughout life. We have to be training people and encouraging people to do better things.

In order to encourage that kind of training we had the America COMPETES Act which we passed last year. It puts an emphasis on science, technology, engineering and math so that people can become doctors and engineers, and other high-paying jobs. We ought to get more people into these fields, but what we are getting now is fewer and fewer people into them. We are facing a shortage in those fields, except for the fact that we can bring people in from other countries who can do those because they are turning out a lot of people with the necessary skills.

I have asked the reason for that, and the answer is that they do some things we are never going to do in this country. I went to India recently and learned a lot about their education system. They promise that every kid gets an education through sixth grade, but they do not follow that promise. Only 20 percent of the girls get an education at all. They also have this little review at fourth grade to see if people are interested in education, and if they determine that you aren't they kick you out of school. Now, that is before sixth grade. That is fourth grade. They kick them out of school. Those people will make $1 a day for the rest of their lives. At sixth grade, they have another purge and even more people are kicked out of school. We would never stand for that. Those people will make $2 a day the rest of their lives. Now, in most of the world, poverty is $1 a day, so they are above the poverty line, although they wouldn't be in the United States. So India only lets 7 percent of the kids go to college—just 7 percent. Again, we would never stand for that. We keep trying to figure out how to get more and more people into post-high school education, and that includes career and vocational education. And we need to do that. But in India, part of people's incentive to get into science, technology, engineering, and math is that those are the jobs that pay well. One person in India told me: We don't have professional sports teams, so there aren't any kids out there who are bouncing a basketball or throwing a pass or doing any of the other things that a lot of American kids are doing and thinking they are going to get to go pro. Some American kids think they are going to go pro and think they will make about $18 million a year. It is not going to happen for most of them.

I really appreciate the NCAA's ads running now that show a whole bunch of people in different professional sports, and they say there are 380,000 young people who are in college sports, and every one of them will go pro but not in their sport. That is the important line on it: not in their sport.

Somehow, we have to get more people involved in the sciences so they have the basic knowledge in grade school, which will allow them to excel in high school, which will allow them to do well in college and then allow them to get into the higher paying jobs. Men and women have equal talent in all of those areas. What we have to do is encourage that equal talent equally.

I have been trying to get the Workforce Investment Act through here, and I have gotten it through the Senate twice unanimously, but there hasn't been a willingness to go to conference committee with the House. I asked why, and I was told: Well, we are afraid of where the conference committee might go. There is no reason for that fear right now because the same people who were afraid of where it might go would be in charge of the conference committee now. If they are in charge of it, they could make sure it doesn't go anywhere they do not want it to go.

If we can pass that bill, it will provide the flexibility that will allow 900,000 people a year to train for higher skilled jobs. For many women, that will narrow the pay gap. They can go into other kinds of jobs that they may have been precluded by other events in their lives from ever getting into. If we want to narrow the wage gap, there are a number of ways to do that, but it means we have to get women into areas they haven't been traditionally working in before. That is the best solution to the wage gap argument.

Part of the difficulty in passing a bill around here is having a chance to work on the bill. The bill that came before us earlier today passed the House after being allowed only one hour of debate. Using their rules, the majority made sure no one was allowed to amend it. Now, it comes over here and bypasses the committee. The way we usually work a bill is for the chairman of the committee and the ranking member, Senator KENNEDY and myself, to sit down and list out some principles that we have to check with the rest of the committee to see if they match the problem we are trying to solve. After we have those principles, we plug in details and see if we have the details right. Then we call in the stakeholders, which is really anybody interested in that issue, and we see if they agree with it.

We have found that when we can get agreements with the people on the committee and the stakeholders, we have the answer right. And most people in this body agree we have it right because most of the bills that get worked out this way get passed unanimously. A long debate for a bill that comes out of our committee is probably 2 hours.

We are going to have one of those tomorrow. It will be genetic nondiscrimination, a very important bill which, first of all, allows people to take advantage of the Genome Project. For example, if you are having your blood checked you can find out your genetic framework, which can tell you things that could happen to you in the future. And if you know they could happen to you in the future, you can take actions to keep them from ever happening.

This bill requires that if you have a genetic marker indicating that something could happen to you, your insurer is not allowed to make it a preexisting condition and your employer is not allowed to fire you over it. The bill will offer real protection that can ultimately help people live healthier longer.

The Genetic Non-Discrimination bill went through the whole process that I have described. It has even been preconferenced with the House side. So we are pretty sure that once it finishes here it will go right over to the House and the House will take care of it too. That doesn't mean we left the House and the House committee out of the process. We let them into the process. We let them into the process early so that everybody would know what was happening. But that hasn't been the case on H.R. 2831.

I am disappointed that there wasn't the need, the courage, the desire to see what the principles are on this issue and see if we could actually solve the problem. We can build a good case for equal employment because we have always voted for equal employment. We will all vote for equal employment. We all want to close the pay gap. That is a bit tougher to do, but we can do it if we work together. If we don't work together and use issues like this to score political points, it will be like so many bills that come over here and get debated for long periods of time and nothing ever happens to address the issue. The most productive place to address tough issues is the committee. In the committee, you can have a couple of people interested in one part of the issue go off by themselves and come up with a solution. Quite often, it isn't the polarized one the Republicans have or the polarized one the Democrats had. What it becomes is the third way, and that eliminates the clash of the two polarized sides.

There are so many things around here that have been debated so long that if you mention a term from that issue, you get instant rebellion from both sides. I have watched that so many times, people hear a word and jump into the weeds arguing about the broader application of that word and keeping the discussion from actually getting to the principle that is trying to be solved.

So there is a way to get these bills done, but it isn't through "gotcha" politics. It isn't by just bringing things here without consulting the other side to see if there are any small corrections or maybe even big corrections that can be made. And, as I said before, I happen to be disappointed that after all the cooperation we have had in the committee on other difficult issues, that there wasn't even an opportunity for cooperation in the committee on this one.

I believe there are some solutions out there, but they are not going to be arrived at on the floor of the Senate. What happens here on the floor is that both sides bring a series of amendments that we think will put the other side in a bad light if they vote against it. It isn't just one side that will do it, both sides will do it. So we need to have a little more civil way of solving this problem, and I have confidence it can be done.

I thank the Chair, and I yield the floor.

COCONUT ROAD INVESTIGATION

Mr. KYL. Mr. President, I rise today to comment on the competing Coburn and Boxer amendments that were offered last Thursday to the highway technical corrections bill. I voted in favor of the Coburn amendment. That amendment would establish a bipartisan, bicameral committee of Congress to investigate the circumstances surrounding the changes that were made to the provisions of the 2005 highway bill relating to the Coconut Road project between the time that the bill passed the House and Senate and the time that it was enrolled.

However, I voted against the Boxer amendment, which purports to command the Justice Department to commence a criminal investigation of this same matter. Whether to initiate a criminal investigation is a decision that our Constitution vests exclusively in the executive branch. It is not a decision that the Constitution allows to be made through legislative enactments. Although the Boxer amendment's mandate to the executive was modified to state that the criminal investigation shall only commence "under applicable standards and procedures," this change does not cure the amendment's constitutional infirmity. There are no "applicable standards and procedures" for a legislative mandate to the executive to initiate a criminal investigation. Whether to initiate such an investigation is a matter of prosecutorial discretion and is a decision entrusted firmly and solely to the executive branch. To the extent that the Boxer amendment purports to commandeer this function, it is a dead letter and will surely be ignored as unconstitutional legislative interference in an executive function.

I would finally note that by insisting on replacing Senator COBURN's amendment with a me-too amendment of their own, the Democratic majority has undercut the likelihood that there will be any investigation of the Coconut Road matter. Senator COBURN's proposal to create a committee of Congress to investigate this matter was perfectly constitutional and would have gotten to the bottom of this issue. The Boxer amendment is an unconstitutional nullity. And even if that amendment weren't unconstitutional, or if the Justice Department undertook an investigation of this affair on its own initiative, such an investigation would only answer whether a Federal crime has been committed. Congress and the people deserve to know the circumstances and potential ethical violations raised by this matter regardless of whether a criminal offense occurred.

I regret that the Coburn amendment was not adopted and was replaced by the Boxer amendment. By taking these actions, the Senate has crossed a constitutional line and has reduced the likelihood that the underlying matter will be adequately investigated.

ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, I take this opportunity today to solemnly observe the 93rd anniversary of the Armenian Genocide.

The Armenian genocide was the first genocide of the 20th century. From 1915 until 1923, 1.5 million Armenians were brutally killed by the Ottoman Turks in a systematic effort to eradicate the Armenian people. There were unbearable acts of torture; men were separated from their families and murdered; women and children were put on a forced march across the Syrian desert without food or water.

Henry Morgenthau, the U.S. Ambassador to the Ottoman Empire from 1913 to 1916, recalled:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

Tragically, 1915 was just the beginning. We saw the horrors of genocide in World War II when Jews were subjected to systematic extermination at the hands of Adolf Hitler and his followers. Indeed, Hitler remarked at the outset of this unbridled evil, "Who, after all, speaks today of the annihilation of the Armenians?" Unfortunately, the phrase "never again" turned out to be a hollow slogan. In the later half of the last century, countries like Cambodia and Rwanda were ravaged while the world was silent. And even now, in this new century, Darfur is the latest place to experience such brutality and inhumanity as the world stands idly by, either incapable or unwilling to do what is necessary to stop the devastation and murder.

Today, the Turkish Government denies what happened in the dying days of the Ottoman Empire and thus this scar on history cannot be healed until history is accurately spoken, written, and recalled. These are lessons that must be told and repeated to each and every generation.

In order for democracy and human rights to flourish, we must not support efforts to rewrite and deny history. In the United States, we strive to make human rights a fundamental component of our democracy. It is long overdue for our Nation to demand that the truth be told. We must recognize the Armenian genocide in the name of democracy, fairness, and human rights.

To that end, I am proud to be an original cosponsor of Senator RICHARD DURBIN's S. Res. 106, calling on the President to accurately characterize the Armenian Genocide in his annual message around April 24 and to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

It is important that we recognize the Armenian Genocide while its survivors are still with us to tell their stories. We must recognize the genocide for the survivors. We must recognize the genocide because it's the right thing to do. We must recognize the Armenian Genocide to help shed light on the darkness and move toward a more humane world.

ADDITIONAL STATEMENTS

TRIBUTE TO ROY E. JUNE

• Mr. BAUCUS. Mr. President, I wish to recognize a distinguished and decorated World War II U.S. Army Air Corps veteran from my home State of Montana. Born in the small, humble town of Forsyth, 1LT Roy E. June comes as an inspiration to those who wish to lead a life of service to their country and their communities.

From the tragedy of Pearl Harbor on December 7, 1941, came America's greatest generation responding to the certain urgency of that era. Like many young men of that generation, Roy and his buddies enlisted in the Armed Forces to defend their country and to advance the just cause of freedom. In the U.S. Army Air Corps, Roy's bravery and skills as a fighter pilot set him above the rest. As a P-51 Mustang fighter pilot, Roy escorted B-29 bombers to Japan, strafed and dive-bombed strategic military installations on Chi Chi Jima. For his heroism in the Pacific Theater, Roy earned an Air Medal with Oak Leaf Cluster and the Distinguished Flying Cross. His 15th Fighter Group, the 47th Fighter Squadron was awarded a Distinguished Unit Citation.

A fellow returning from Hawaii brought news about the end of the war. "Atomic Bomb Dropped On Japan" read the headline of the Honolulu Daily Advertiser. After 11 missions over Japan and more than 500 combat hours in the P-51s, Roy returned home to Missoula in January 1946.

Having grown up in the great State of Montana, Roy could recall many fond memories from his youth in his hometown of Forsyth. Roy was a Boy Scout and played center on the high school football team. Summers meant Huck Finn adventures and odd jobs; winters, though harsh, saw skating parties on the Yellowstone and ice hockey using sticks and tin cans. Before he joined the Air Corps, Roy studied engineering at the Montana State College in Bozeman.

And like all Montanans who believe a good education is a lifelong process, Roy went back to school after his return from war. With degrees in journalism and business administration from the University of Montana in Missoula, Roy entered law school in 1949. There he met his wife Laura Jane Brautigam, also a native of Montana.

Receiving his law degree in 1952, Roy went on to practice law in Helena where he helped to draft bills for State senators during the 1953 session. In Billings, he became an associate in the law firm of Sanders, Cresap and Koch representing groups such as the National Beef Council and the National Livestock Auction Markets. A few years later, Roy moved to California to serve as the city attorney for Costa Mesa. He took with him the spirit of Montana generosity and incorporated several nonprofit companies pro bono as his contribution to his community.

Even after his retirement in December 1996, Roy continues to give back to his community by volunteering at the Palm Springs Air Museum. Armed with firsthand knowledge of World War II aviation and the conflicts in the Pacific Theater, Roy shares his vivid experience with all, much to the delight of visitors, young and old.

Mr. President, 1LT Roy June is a testament to the Montana spirit. We believe in courage, sacrifice, and service. From Montana to the Japanese Islands of Iwo Jima and Chi Chi Jima, wherever Roy was, he put up his best for his community and more importantly, his country. My fellow Montanans and I are extremely proud of Roy and his contributions to our State and Nation. A son of Montana from America's greatest generation, Roy reminds all of us that commitment and service to this country never end.•

COMMEMORATION OF THE ARMY RESERVE CENTENNIAL

• Mr. BINGAMAN. Mr. President, today I join the citizens of New Mexico and the United States in celebrating the 100th anniversary of the United States Army Reserve. In 1916 Congress passed the National Defense Act, creating the Officers' Reserve Corps, later named the Organized Reserve Corps, all of which are forerunners of the current Army Reserve.

The Army Reserve has been an integral part of numerous conflicts. In both

World Wars, Army Reserve soldiers answered the call of duty. In World War I, 89,500 reserve officers were mobilized and during World War II, 200,000 members of the Organized Reserve Corps served, with reserve officers providing 29 percent of the Army's officers. More than 70 Army Reserve units were deployed to the Korean Peninsula providing combat support and combat service. Army Reserve members have also participated in Operation Desert Shield/Storm, Somalia, Haiti, Bosnia, Kosovo, Operation Enduring Freedom, and Operation Iraqi Freedom.

The Army Reserve mission has changed over time. Today, the Army Reserve has partnered with FEMA, State, and local agencies in defending the American homeland against terrorist attacks, providing resources and training to "first responder" organizations across the Nation.

New Mexico started deploying Army Reserve soldiers after September 11, 2001; in fact, as early as December 2001, in support of Operation Enduring Freedom, OEF. New Mexico Army Reserve soldiers are currently deployed in Operation Iraqi Freedom, OIF. Over 50 percent of New Mexico's Army Reserve force have deployed in support of both campaigns.

Once again I would like to congratulate the Army Reserve on their centennial. I wish them continued success as they help protect our Nation.●

TRIBUTE TO DR. MICHAEL DeBAKEY

● Mr. CORNYN. Mr. President, today I wish to acknowledge the accomplishments of a Texan—Dr. Michael DeBakey—who changed the world. I am proud we are honoring Dr. DeBakey with the Congressional Gold Medal.

Dr. DeBakey's accomplishments are legendary. His lifelong commitment to the medical field and helping others has impacted the lives of countless Texans and, indeed, people around the world.

Dr. DeBakey, now 99 years old, is the son of Lebanese immigrants. He was born and educated in Louisiana, but has been a Texan for nearly 60 years. His accomplishments as a researcher, surgeon, and teacher have impacted the entire world, and may never be duplicated.

As Dr. DeBakey once said: "I take pride in the outstanding surgeons I've trained who have returned to their homes throughout the world to provide the best available health care for their patients."

He is especially recognized for his revolutionary contributions to cardiovascular medicine. Including two important inventions, the roller pump—an essential component of the heart-lung machine—and the DeBakey Ventricular Assist Device, an apparatus implanted into the heart to increase blood flow. Dr. DeBakey also designed countless medical devices now considered basic tools, such as specialty clamps, and wrote the book on numerous surgical procedures that have become standard practice in the operating room.

Dr. DeBakey was an innovator from the start of his medical career. During World War II, he helped develop the concept of the Mobile Army Surgical Hospital M.A.S.H. units, a concept that saved thousands of lives during the Korean and Vietnam wars. Dr. DeBakey later helped create a medical and surgical center system for the Veterans Administration and improved the care of thousands of returning service personnel.

But Dr. DeBakey will always be best known as a pioneer in cardiovascular surgery. He became head of surgery at the Baylor University College of Medicine in Houston in 1948, and helped lead the Texas Medical Center to the position of international prominence it enjoys today.

He was one of the first surgeons to undertake coronary artery bypass surgery. And the first to successfully perform a carotid endarterectomy. And although generations have passed, his medical students, inspired by his example, have made countless additional breakthroughs.

In 1996, Russian President Boris Yeltsin had a heart attack during his re-election campaign. His doctors told him he could not survive surgery. But Yeltsin called in Dr. DeBakey for a consultation and later asked him to oversee his coronary bypass, which proved successful. It was a tacit acknowledgment of U.S. medical leadership and Dr. DeBakey's international reputation.

Dr. DeBakey's worldwide fame has even translated into a few humorous medical anecdotes. It seems that an auto mechanic, working on a car, good-naturedly compared his job to DeBakey's: "I also take valves out, grind them and put in new parts. So how come you get the big bucks?"

According to the tale, Dr. DeBakey quietly replied, "Yes, but I do it with the engine running."

On the last day of 2005, a sharp pain in his upper torso told Dr. DeBakey he was suffering an aortic aneurysm—the very condition that his research had addressed years before. Initially, Dr. DeBakey chose to wait out the situation in hopes that it would heal itself.

It didn't. After a 7-hour surgery and 9 months of touch-and-go recuperation, Dr. DeBakey went back to work.

Over the years, as he helped establish Houston as an internationally known center of medical excellence, Dr. DeBakey would always be best remembered for the broader humanitarian aspects of his work. He dedicated countless hours to advising developing nations, and training doctors and medical authorities to establish stronger and more efficient health care systems.

Dr. DeBakey has been honored by a multitude of organizations, governments and medical institutions. He has received the Library of Congress Living Legends Award, the American Heart Association Gold Heart Award, the National Medal of Science and the Presidential Medal of Freedom, to name a few. Today, Dr. DeBakey will be awarded the Congressional Gold Medal—the highest civilian award Congress can bestow.

Dr. Michael DeBakey has helped millions of people to live longer and more productive lives. He is a Texan who has helped change the world, and a Texan worthy of this honor.●

TRIBUTE TO LOUISIANA WORLD WAR II VETERANS

● Ms. LANDRIEU. Mr. President, I am proud to honor a group of 99 World War II veterans from Louisiana who are traveling to Washington, DC, this weekend to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, is sponsoring this Saturday's trip to the Nation's Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans will visit the World War II, Korea, Vietnam, and Iwo Jima memorials. They will also travel to Arlington National Cemetery to lay a wreath on the Tomb of the Unknowns.

This is the seventh flight Louisiana HonorAir has made to Washington, DC, and there will be two additional flights this spring.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen, and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 40,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. Veterans in this HonorAir group began their service in 1938, before the bombing of Pearl Harbor, and served in the European and Pacific theaters, as well as stateside. Some members of this group served as late as 1970. They served in various branches of the military—28 members in the Army; 18 in the Army Air Corps; 37 in the Navy, including three Sea-Bees; three in the Naval Reserves; eight in the Marines; one in the Merchant Marines; and four nurses from various branches.

Several of our heroes fought at Iwo Jima and others at Guadalcanal. Many of these veterans earned Purple Hearts, Bronze Star Medals, and Silver Stars. Some participated in the Battle of the Bulge and the D-day invasion of France at Omaha Beach. Others defended the Atlantic, Pacific, and Asiatic-Pacific Seas. As a soldier with the Army 1st Calvary Division, one of our heroes was part of the liberation of Santo Tomas Prison Camp in Manila.

I ask the Senate to join me in honoring these 99 veterans, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.●

SMALL BUSINESS WEEK

● Mr. REED. Mr. President, this week we celebrate the 45th annual Small Business Week organized by the U.S. Small Business Administration. I would like to recognize the accomplishments of a small business owner who is a leader in his field and a contributor to Rhode Island's vital hospitality and tourism industry.

Today, the SBA will present the 2008 National Jeffrey H. Butland Family-Owned Business of the Year award to Robert Antignano of Angelo's Civita Farnese in Providence. This national award, which will go to a Rhode Islander for the first time, honors a family owned and operated business that has passed from one generation to another.

Angelo's Restaurant opened in 1924 and has become a landmark on Providence's Federal Hill as the State's longest operating family-owned restaurant. The founder and namesake of the restaurant, Angelo Mastrodicasa, envisioned a place where the working people of the neighborhood could find good food at affordable prices. Mr. Antignano, who is the third generation of his family to run the restaurant, has continued to pursue this mission with great success. Since assuming ownership of Angelo's in 1988, Mr. Antignano has tripled the number of employees and increased revenues by more than 300 percent.

From Hollywood stars, New England sports legends, and national political figures to the family who comes in for Sunday dinner, Angelo's is the backdrop for so many memorable occasions. This restaurant is more than a place to eat; it is a slice of Americana where people from all walks of life sit elbow to elbow at the same white marble tables their grandparents and other family members may have shared over the years. The Butland award recognizes Angelo's legacy and its prominent place in our hearts.

I am proud of Mr. Antignano, his hard-working, committed staff, and all small business owners in Rhode Island, who together form an essential part of Rhode Island's economy. According to the SBA, small businesses comprise 96 percent of all businesses in the State. Time and again, small businesses, by virtue of their size, have proven their ability to be innovative and flexible, meeting emerging needs for new products and services and improving on those that already exist.

Once again, I congratulate Mr. Antignano and his family on their success and wish them many more generations of good customers, food, and spirits.●

COMMENDING MORRISON CHEVROLET

● Ms. SNOWE. Mr. President, today during National Small Business Week I wish to commend a local auto dealership from Downeast Maine that recently won the Top Drawer Award from the Ellsworth Area Chamber of Commerce. Morrison Chevrolet of Ellsworth has been selling automobiles in Hancock County for nearly 80 years, and it shows no signs of slowing down.

The Top Drawer Award is presented annually to either a business or person that makes a lasting contribution to the development and improvement of the greater Ellsworth region. The award was founded in 1980 to commemorate the late Tom Caruso, who established Bar Harbor Airlines to "Link Maine With The World." It is clear that, through Morrison's solid and intelligent commitment to the customer and the community, it is highly worthy of this recognition.

Founded in 1930 by the present co-owner Bud Morrison's grandfather, Harry, Morrison Chevrolet began its storied history in Winter Harbor, about 25 miles east of its present location. The dealership has moved over time first to Bar Harbor and then to several locations in Ellsworth, finally settling on a new 23,000-square-foot facility on Route 1 in Ellsworth in 2005. Although it may have relocated, the company has always been owned and run by a member of the Morrison family. Morrison Chevrolet has always stayed on the cutting edge, positioning itself to best survive in a competitive industry.

To keep current in providing the best possible service to their customers, Morrison's technicians attend training and certification classes, frequently via the Internet. Workers often use the company's conference room to link in to classes online. Morrison's also makes use of technology to augment its sales by continually increasing its Internet advertising. In fact, Mr. Morrison says that roughly one-third of his sales leads come from the Internet, and the firm ships cars—even Corvettes—across the country. Additionally, the dealership's Web site is a handy tool for the consumer, allowing clients to search available new and used automobiles, schedule service and maintenance requests, prequalify for purchasing a car, and calculate whether it is wiser for them to buy or lease a vehicle.

In addition to providing their customers with convenient options and caring service, Morrison's employees always find time for community involvement. Dave Keep, the used car sales manager, serves as an officer of the Ellsworth Masons, and P.J. Davis, who works in the sales department, is a member of the chamber of commerce's board. And Morrison's general manager Clyde Lewis is a member of the board of directors of the James Russell Wiggins Downeast Family YMCA, which has been assisting Ellsworth area families since 1961.

A staple of the local business scene for decades, Morrison Chevrolet is most deserving of the immense honor of the Top Drawer Award. By serving the customer and the community at the same time, Morrison's 47 employees exhibit the generosity and kindness of Downeast Mainers. Furthermore, by continuing to innovate its business practices, Morrison Chevrolet is well-positioned for future success and additional accolades. I commend Bud Morrison and everyone at Morrison Chevrolet for their accomplishments and wish them well in their continuing endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 831. An act to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

H.R. 3513. An act to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

H.R. 3734. An act to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

H.R. 5151. An act to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 323. Concurrent resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5151. An act to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 831. An act to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

H.R. 3513. An act to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

H.R. 3734. An act to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 323. Concurrent resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 494. A resolution expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 523. A resolution expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

S. Con. Res. 74. A concurrent resolution honoring the Prime Minister of Ireland, Bertie Ahern, for his service to the people of Ireland and to the world and welcoming the Prime Minister to the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2901. A bill to encourage residential mortgage loan modifications and workout plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 2902. A bill to ensure the independent operation of the Office of Advocacy of the Small Business Administration, ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 529. A resolution commemorating the 110th anniversary of the founding of the Greater Philadelphia Association of Realtors; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 351

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 351, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 582

At the request of Mr. SMITH, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 605

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 605, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 771

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 911

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 989

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 989, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1694

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1694, a bill to authorize resources for sustained research and analysis to address colony collapse disorder and the decline of North American pollinators.

S. 1760

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 2069

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2444

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2444, a bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability.

S. 2523

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2702

At the request of Mr. SALAZAR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2715

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2715, a bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2775

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2775, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits.

S. 2786

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2786, a bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. OBAMA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2829

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2829, a bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 2840

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2840, a bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 2844

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2844, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 2860

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2860, a bill to diminish predatory lending by enhancing appraisal quality and standards, to improve appraisal oversight, to ensure mortgage appraiser independence, to provide for enhanced remedies and enforcement, and for other purposes.

S. 2871

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2871, a bill to amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code, to enhance the program of educational assistance under that chapter, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Vermont (Mr. SANDERS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2890

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2890, a bill to amend the Internal Revenue Code of 1986 to provide for a highway fuel tax holiday.

S. 2892

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2892, a bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force.

S. 2895

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2895, a bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence.

S. 2899

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. RES. 482

At the request of Mr. ENZI, the names of the Senator from Montana (Mr. TESTER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 482, a resolution designating July 26, 2008, as "National Day of the American Cowboy".

S. RES. 515

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

S. RES. 524

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 524, a resolution honoring the entrepreneurial spirit of the owners of small business concerns in the United States during National Small Business Week, beginning April 21, 2008.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2901. A bill to encourage residential mortgage loan modifications and workout plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill to give mortgage servicers an incentive to work out new loan terms with struggling homeowners who are falling behind in their mortgage payments. It is possible to avoid foreclosure in some cases by reworking the payment terms on mortgages. Investors, however, would have to accept a smaller return on their investment than they otherwise may have expected. As a result, businesses that service mortgage loans may fear litigation from investors who are the direct or indirect holders of those mortgages. This concern may be slowing the pace of or stopping loan modifications. In testimony on December 6, 2007, before the House Committee on Financial Services, Mark Pearce, speaking on behalf of the Conference of State Bank Supervisors, testified that at a meeting with the top 20 subprime servicers "many of them brought up fear of investor lawsuits" as a hurdle to voluntary loan modification efforts.

The loan servicers have a legal duty to the investors to maximize the return on their investments. But in light of the current and changing economic environment, and the new and complex financial vehicles that hold mortgages, this "duty" is not simple or clear. This bill clarifies matters by stating that, absent contract provisions to the contrary, the duty is owed to the investor group as a whole, and not to individual investors or classes of investors. In addition, the bill clarifies that the servicer satisfies that duty by ensuring that the return from a mortgage, as modified, exceeds the return that would be expected from foreclosure. This may include agreeing to mortgage modifications or workout plans when a homeowner is in payment default, or when default or foreclosure appears imminent. Although some investors may get a smaller return than they may have expected, in the long run, taking these actions will be in the best interest of all investors.

This bill is not a bailout. The bill honors contract provisions that may be contrary to provisions in the bill. This bill would not solve all of the problems we face today, but it is an important step in removing barriers that may slow progress as we work to solve the home mortgage crisis.

This bill is necessary because regulation has not kept pace with innovation. Years ago, a homeowner would obtain a mortgage from a local bank. If he couldn't make the mortgage payment, the bank often would be willing and able to offer a workout, modifying the loan's terms to make it affordable. The bank would do this because whatever amount the borrower could pay would be worth more to the bank than foreclosure. Foreclosure has its costs, sometimes as much as half the value of the mortgage, and banks did not want to have to resell the home, so the calculation was often simple. Today, however, many mortgages are often bundled together with others mortgages and are sold to investment banks, who in turn slice and dice the bundles to produce securities that are rated by rating agencies and sold to investors all over the world.

Investment banks that issue securities backed by mortgages typically divide the securities into tranches, with some tranches having claims that are senior to other more junior tranches. None of this, of course, is transparent to the homeowner, and servicers face a complex situation. Servicers should not have to first determine precisely how a loan modification will affect the various tranches of investors and then make choices among the groups. If the servicer reasonably believes that a modification increases the net present value of the investment as a whole, it should be able to agree to the modification.

This month, Federal Reserve Chairman Ben Bernanke encouraged the nation's bankers to write down the principle on millions of mortgages. He said banks have not made nearly enough modifications to stop foreclosures. But there has been some progress. Treasury Secretary Paulson reported this month that "since July more than one million struggling homeowners received a workout—either a loan modification or a repayment plan that helped them avoid foreclosure." In January alone, there were 167,000 such modifications, with the number of borrowers receiving help rising faster than the number of foreclosures. Congress needs to ensure that these modifications continue, and that they continue at a rapid pace.

We are faced with a crisis caused by mortgage brokers who pushed risky loans on homeowners, homeowners who assumed the value of their home would always increase, conflicts of interest at credit rating agencies, bond underwriters who loosened standards, lax regulators, and financial institutions that ignored the risks in the instruments they were buying and selling. There is plenty of blame to go around but Congress must now take steps to prevent similar problems in the future. Right now, we must do what we can to keep families in their homes by encouraging the companies that service mortgages to modify mortgages where it will prevent foreclosure. This bill will encourage servicers to make such modifications and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Encouraging Mortgage Modifications Act of 2008".

SEC. 2. FINDINGS.

Congress finds that—

(1) mortgage modifications often afford the best opportunity to avoid foreclosures and provide long term, sustainable solutions for American homeowners;

(2) reaching mortgage modification agreements with homeowners has been unacceptably slow and foreclosure rates continue to rise, with the number of homeowners forced into foreclosure double the number who receive modifications or repayment plans;

(3) servicers have an obligation to protect the interests of investors when determining whether to offer a modification or repayment plan;

(4) the best course of action for the investor pool as a whole may disadvantage the interests of individual classes of investors;

(5) servicers have expressed concern that investor classes that are disproportionately disadvantaged by a modification or repayment plan may seek to hold the servicer liable;

(6) without liability protection, many servicers will not be willing to take on the risk associated with approving a mortgage modification or repayment plan, and instead, they will eventually pursue foreclosure even though foreclosure costs can equal 50 percent or more of mortgage value; and

(7) the net present value of a modified mortgage loan will almost always exceed the amount recouped by allowing the home to go into foreclosure.

SEC. 3. LEGAL SAFE HARBOR FOR ENTERING INTO CERTAIN LOAN MODIFICATIONS OR WORKOUT PLANS.

Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

"(i) DUTY OF SERVICERS REGARDING CERTAIN LOAN MODIFICATIONS OR WORKOUT PLANS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, absent specific contractual provisions to the contrary, a servicer of pooled qualified residential mortgages—

"(A) owes any duty to determine if the net present value of the payments on the loan, as modified, is likely to be greater than the anticipated net recovery that would result from foreclosure to all investors and parties having a direct or indirect interest in the pooled loans or securitization vehicle, but not to any individual party or group of parties; and

"(B) acts in the best interests of all such investors and parties, if the servicer agrees to or implements a qualified loan modification or workout plan for a qualified residential mortgage, or if, and only if, such efforts are unsuccessful or infeasible, takes other reasonable loss mitigation actions, including accepting partial payments or short sale of the property; and

"(C) if the servicer acts in a manner consistent with the duty set forth in subparagraphs (A) and (B), shall not be liable under any law or regulation of the United States, any State or any political subdivision of any State, for entering into a qualified loan modification or workout plan in any action filed by or on behalf of any person—

"(i) based on the person's ownership of any interest in a residential mortgage, a pool of residential mortgage loans, or a securitization vehicle, that distributes payments out of the principal, interest, or other payment on loans in the pool;

"(ii) based on the person's obligation to make payments determined in reference to any loan or interest referred to in clause (i); or

"(iii) based on the person's obligation to insure any loan or any interest referred to in clause (i).

"(2) DEFINITIONS.—As used in this subsection—

"(A) the term 'qualified loan modification or workout plan' means a contract, modification, or plan relating to a qualified residential mortgage loan consummated on or after January 1, 2004, with respect to which—

"(i) payment default on the loan or loans has occurred, is imminent, or is reasonably foreseeable;

"(ii) the dwelling securing the loan or loans is the primary residence of the owner;

"(iii) the servicer reasonably believes that the anticipated recovery under the loan modification or workout plan will exceed the anticipated recovery through foreclosure, on a net present value basis;

"(iv) the effective period runs for at least 5 years from the date of adoption of the plan, or until the borrower sells or refinances the property, if that occurs earlier; and

"(v) the borrower is not required to pay additional fees to the servicer;

"(B) the term 'qualified residential mortgage' means a consumer credit transaction or loan that is secured by the consumer's principal dwelling;

"(C) the term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

"(D) the term 'servicer'—

"(i) means the person responsible for servicing of a loan (including the person who makes or holds a loan, if such person also services the loan); and

"(ii) includes the entities listed in subparagraphs (A) and (B) of subsection (j)(2).

"(3) EFFECTIVE PERIOD.—This subsection shall apply only with respect to qualified loan modification or workout plans initiated during the 6-month period beginning on the date of enactment of this subsection.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the ability of a servicer to enter into a loan modification or workout plan other than a qualified loan modification or workout plan covered by this subsection.".

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 2902. A bill to ensure the independent operation of the Office of Advocacy of the Small Business Administration, ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today with my colleague Senator PRYOR, during National Small Business Week, to introduce the Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008. This bipartisan measure would ensure the independence of the Small Business Administration, SBA, Office of Advocacy, and provide targeted small business regulatory reforms that would strengthen the Office of Advocacy's voice in protecting our small businesses. Our bill is supported by the SBA Office of Advocacy and National Ombudsman, as well as the National Federation of Independent Business and the U.S. Chamber of Commerce.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I recognize that the SBA Office of Advocacy is, regrettably, one of our Government's best kept secrets, and in many cases, the best hope for small businesses faced with overly burdensome Federal regulations.

Established in 1976, the Office of Advocacy, headed by the Chief Counsel for Advocacy, is a unique office within the Federal Government. First, the Office of Advocacy is the "Regulatory Watchdog" for small businesses. In this capacity, it represents small businesses before the Federal Government in regulatory matters—taking advantage of its statutorily granted independence to argue against Federal regulatory actions that impose too great a burden on small businesses for too little benefit—and to encourage Federal agencies to consider less costly regulatory alternatives. Second, it conducts valuable research to further our understanding of the importance of small businesses to our economy and the forces that have an effect on them.

The SBA Office of Advocacy is part of the SBA, and the Chief Counsel for Advocacy is nominated by the President and confirmed by the Senate. At the same time, the office is also intended to be the "independent" voice for small business within the Federal Government. It is charged with the duty of representing the views and interests of small businesses before other Federal agencies, and developing proposals for changing government policies to help small businesses. These roles can sometimes come into conflict.

The Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008 resolves such conflicts in favor of the small businesses that rely on the Chief Counsel and the Office of Advocacy to be a fully independent advocate within the executive branch. The bill would help to reinforce a clear mandate that the Office of Advocacy must fight on behalf of small businesses, regardless of the position taken on critical issues by the administration.

Funding for the Office of Advocacy currently comes from the "Salaries and Expense Account" of the SBA's budget. Staffing is allocated by the SBA administrator to the Office of Advocacy from the overall staff allocation for the Agency. In 1990, there were 70 full-time employees working on behalf of small businesses in the Office of Advocacy. The current allocation of staff is 48. The independence and effectiveness of the office is potentially diminished when the Office of Advocacy staff is reduced, at the discretion of the administrator.

To address this problem, the Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008 builds a firewall to minimize political intrusion into the management of day-to-day operations of the Office of Advocacy similar to the one that protects Inspectors General in other agencies. The bill would require the Federal budget to include a separate account for the Office of Advocacy drawn directly from General Fund of the Treasury. No longer would its funds come from the general operating account of the SBA. This will free the Chief Counsel for Advocacy from having to seek approval from the SBA administrator to hire staff for the Office of Advocacy.

The bill would leave unchanged current law that allows the Chief Counsel to hire individuals critical to the mission of the Office of Advocacy without going through the normal competitive procedures directed by Federal law and the Office of Personnel Management, OPM. This long-standing special hiring authority, which is limited only to employees within the Office of Advocacy, is beneficial because it allows the Chief Counsel to hire quickly those persons who can best assist the Office in responding to changing issues and problems confronting small businesses.

In addition to protecting the Office of Advocacy's independence, this bill also provides targeted small business regulatory reform. As the Ranking Member of the Small Business Committee, I have long fought to ensure that small businesses across the country are treated fairly by the Federal Government. Unfortunately, in far too many cases, Federal agencies promulgate rules and regulations without adequately addressing the economic impacts on small businesses.

The disproportionate burden that Federal regulations often place on our small businesses cannot be overemphasized. Research published by the Office of Advocacy indicates that small businesses spend an astounding 8 billion hours each year complying with government rules and regulations. More specifically, the smallest firms with fewer than 20 employees, spend approximately 45 percent more per employee than larger firms to comply with Federal regulations.

The Regulatory Flexibility Act (RFA) recognizes this situation, as it requires Federal Government agencies to propose rules that keep the regulatory burden at a minimum on small businesses. Enacted in 1980, the RFA requires Federal agencies to analyze the economic impact of proposed regulations when there is likely to be a significant economic impact on a substantial number of small entities. In 1996, I was pleased to support, along with all of my colleagues, the Small Business Regulatory Enforcement Fairness Act, (SBREFA), which amended the RFA. The intent of SBREFA was to further curb the impact of burdensome or duplicative regulations on small businesses, by clarifying key RFA requirements.

The Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008 would further improve the Regulatory Flexibility Act by requiring Federal agencies to consider and specifically respond to comments provided by Office of Advocacy. This critical change would ensure that agencies give the proper deference to the Office of Advocacy, and to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

Finally, our proposal would also clarify that Federal agencies are required to provide pertinent information to the SBA Ombudsman upon request.

This noncontroversial, bipartisan legislation is absolutely necessary. I urge my colleagues to support this bill so we can ensure the complete independence of the Office of Advocacy in all matters, and provide our Nation's small businesses and their employees with much needed targeted regulatory relief.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to ensure that the Office of Advocacy of the Small Business Administration (referred to in this section as the "Office") has adequate financial resources to advocate for and on behalf of small business concerns;

(2) to provide a separate authorization of appropriations for the Office; and

(3) to enhance the role of the Office pursuant to chapter 6 of title 5, United States Code.

SEC. 3. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.".

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94-305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

"SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

"(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

"(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.".

SEC. 4. REGULATORY FLEXIBILITY REFORM FOR SMALL BUSINESSES.

(a) REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended by adding at the end the following:

"(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

"(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and

Budget under Executive Order 12866, if that order requires such submission; or

"(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.".

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(A) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Section 604(a)(2) of title 5, United States Code, is amended by inserting "(or certification of the proposed rule under section 605(b))" after "initial regulatory flexibility analysis".

(B) INCLUSION OF RESPONSE TO COMMENTS FILED BY CHIEF COUNSEL FOR ADVOCACY.—Section 604(a) of title 5, United States Code, is amended—

(i) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(ii) by inserting after paragraph (2) the following:

"(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any changes made to the proposed rule in the final rule as a result of such comments;".

(C) PUBLICATION OF ANALYSES ON WEBSITE.—

(i) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

"(e) An agency shall publish any initial regulatory flexibility analysis required under this section on the website of the agency.".

(ii) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604(b) of title 5, United States Code, is amended to read as follows:

"(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof that includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.".

(3) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

"(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis that is required by any other law and which satisfies such requirement.".

(4) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by inserting "detailed" before "statement".

(5) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

"§607. Quantification requirements

"In complying with sections 603 and 604, an agency shall provide—

"(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

"(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

"§605. Incorporations by reference and certifications".

(2) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(A) by striking the item relating to section 605 and inserting the following:

"605. Incorporations by reference and certifications."; and

(B) by striking the item relating to section 607 and inserting the following:

"607. Quantification requirements.".

SEC. 5. OVERSIGHT OF REGULATORY ENFORCEMENT.

Section 30 of the Small Business Act (15 U.S.C. 657) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "(A)" before "Not later than";

(ii) by striking "Nothing in this section is intended to replace" and inserting the following:

"(B) Nothing in this section—

"(i) is intended to replace";

(iii) by striking the period at the end and inserting "; or"; and

(iv) by adding at the end the following:

"(ii) may be construed to exempt an agency from providing relevant information to the Ombudsman upon request.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "(i)" before "work with each agency";

(II) by inserting "fine, forfeiture," before "or other enforcement related"; and

(III) by adding at the end the following: "or

"(ii) refer any substantiated comment to the affected agency for response to the Ombudsman;"; and

(ii) by amending subparagraph (C) to read as follows:

"(C) based on cases that are substantiated by the Ombudsman, annually submit to Congress and affected agencies a report evaluating the enforcement activities of agency personnel, including—

"(i) ratings of the responsiveness to small business concerns; and

"(ii) a description of the policies, actions, and activities impacting small business concerns described in subparagraph (A), for each Federal agency and regional or program office of each Federal agency, as determined appropriate by the Ombudsman.";

(2) in subsection (d)(1), by inserting ", in coordination with the Ombudsman," after "hold such hearings"; and

(3) by adding at the end the following:

"(e) The Board shall coordinate with the Ombudsman regarding any official correspondence to be sent by the Board.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 529—COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE GREATER PHILADELPHIA ASSOCIATION OF REALTORS

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 529

Whereas the Greater Philadelphia Association of Realtors, which was 1 of the 3 original chapters of the National Association of Realtors, was founded January 10, 1908, in the City of Philadelphia;

Whereas the Greater Philadelphia Association of Realtors has worked to improve the neighborhoods, business communities, and real estate markets in the City of Philadelphia and its suburbs; and

Whereas the members of the Greater Philadelphia Association of Realtors continue to do excellent work in strengthening the economy of the United States and making the American dream of homeownership a reality: Now, therefore, be it

Resolved, That the Senate commemorates the 100th Anniversary of the founding of the Greater Philadelphia Association of Realtors.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a Senate resolution congratulating the Greater Philadelphia Association of Realtors on its 100th anniversary.

The Greater Philadelphia Association of Realtors was founded on January 10, 1908, as the Philadelphia Real Estate Brokers Association, when loosely knit neighborhood broker groups joined together and brought order to Philadelphia's real estate market. It was one of the three original chapters of the National Association of Realtors. Since that time, the Association has become the most influential professional real estate association in the Philadelphia region.

Over its 100 year existence, the Greater Philadelphia Association of Realtors has sought to improve the neighborhoods, business communities, and real estate markets in Philadelphia and its suburbs. I commend the Association for its work to improve Philadelphia's communities by helping individuals and families achieve the American Dream of homeownership.

I urge my colleagues to join me in congratulating the Greater Philadelphia Association of Realtors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4570. Mr. VITTER (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table.

SA 4571. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4572. Mr. BURR (for himself, Mr. VITTER, Mr. ISAKSON, and Mr. CRAIG) proposed an amendment to the bill S. 1315, supra.

SA 4573. Ms. SNOWE (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; which was ordered to lie on the table.

SA 4574. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S.

1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table.

SA 4575. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 2324, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

TEXT OF AMENDMENTS

SA 4570. Mr. VITTER (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965 is amended—

(1) in paragraph (10), by adding at the end the following new subparagraph:

"(C) The member's stillborn natural child."; and

(2) by adding at the end the following new paragraph:

"(11)(A) Except as provided in subparagraph (B), the term 'stillborn natural child' means a natural child—

"(i) whose death occurs before expulsion, extraction, or delivery; and

"(ii) whose—

"(I) fetal weight is greater than 500 grams;

"(II) in the event fetal weight is unknown, duration in utero exceeds 22 completed weeks of gestation; or

"(III) in the event neither fetal weight nor duration in utero is known, body length (crown-to-heel) is 25 centimeters or more.

"(B) The term does not include any fetus or child extracted for purposes of an abortion.".

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking "section 1965(10)(B)" in the matter preceding clause (i) and inserting "subparagraph (B) or (C) of section 1965(10)".

SA 4571. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 604. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) ESTABLISHMENT .OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 532. Merchant Mariner Equity Compensation Fund

"(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the 'Merchant Mariner Equity Compensation Fund' (in this section referred to as the 'compensation fund').

"(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

"(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

"(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

"(B) has not received benefits under the Servicemen's Readjustment Act of 1944 (Public Law 78–346); and

"(C) has engaged in qualified service.

"(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

"(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

"(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

"(iii) under contract or charter to, or property of, the Government of the United States; and

"(iv) serving the Armed Forces; and

"(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of $1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

"(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

"(A) For fiscal year 2009, $120,000,000.

"(B) For fiscal year 2010, $108,000,000.

"(C) For fiscal year 2011, $97,000,000.

"(D) For fiscal year 2012, $85,000,000.

"(E) For fiscal year 2013, $75,000,000.

"(2) Funds appropriated to carry out this section shall remain available until expended.

"(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.".

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 531 the following new item:

"532. Merchant Mariner Equity Compensation Fund.".

SA 4572. Mr. BURR (for himself, Mr. VITTER, Mr. ISAKSON, and Mr. CRAIG) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; as follows:

Strike section 401 and insert the following:

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

"§ 107. Certain service with Philippine forces deemed to be active service

"(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

"(b) SERVICE DESCRIBED.—Service described in this subsection is service—

"(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

"(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

"(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of $0.50 for each dollar authorized.

"(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

"(d) EXCEPTION ON PENSION AND DEATH PENSION FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—An individual who resides outside the United States shall not, while so residing, be entitled to a pension under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

"(e) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

"107. Certain service with Philippine forces deemed to be active service.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to the payment or provision of benefits on or April 1, 2009. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of April 1, 2009, or a survivor of such veteran who is receiving such benefits as that date, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

(c) INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.—

(1) IN GENERAL.—Section 2102 is amended—

(A) in subsection (b)(2), by striking "$10,000" and inserting "$11,000";

(B) in subsection (d)—

(i) in paragraph (1), by striking "$50,000" and inserting "$55,000"; and

(ii) in paragraph (2), by striking "$10,000" and inserting "$11,000"; and

(C) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

(d) ANNUAL ADJUSTMENT OF AMOUNT OF BURIAL AND FUNERAL EXPENSES FOR DEATHS FROM SERVICE-CONNECTED DISABILITY.—Section 2307 is amended—

(1) by inserting "(a)" before "In any case"; and

(2) by adding at the end the following new subsection:

"(b) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount authorized by subsection (a)(1) by the amount equal to the percentage of such amount by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(e) INCREASE IN ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.—

(1) IN GENERAL.—Section 3902 is amended—

(A) in subsection (a), by striking "$11,000" and inserting "$15,000"; and

(B) by adding at the end the following new subsection:

"(e) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amount described in subsection (a) by a percentage of such amount equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

SA 4573. Ms. SNOWE (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Genetic Information Nondiscrimination Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.
Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.
Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Severability.
Sec. 302. Child labor protections.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic "defects" such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to "correct" apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case Norman-Bloodsaw v. Lawrence Berkeley Laboratory (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws

vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(2) by adding at the end the following:

"(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

"(A) IN GENERAL.—For purposes of this section, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering health insurance coverage in connection with a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.".

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

"(A) The request is made, in writing, pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 733).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d), and subsection (b)(1) and section 701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 732(a).".

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

"(A) a dependent (as such term is used for purposes of section 701(f)(2)) of such individual, and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(6) GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) the manifestation of a disease or disorder in family members of such individual.

"(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

"(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(7) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(8) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(9) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(e) ERISA ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking "(7), or (8)" and inserting "(7), (8), or (9)";

(2) in subsection (b)(3), by striking "The Secretary" and inserting "Except as provided in subsections (c)(9) and (a)(6) (with respect to collecting civil penalties under subsection (c)(9)), the Secretary"; and

(3) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following new paragraph:

"(9) SECRETARIAL ENFORCEMENT AUTHORITY RELATING TO USE OF GENETIC INFORMATION.—

"(A) GENERAL RULE.—The Secretary may impose a penalty against any plan sponsor of a group health plan, or any health insurance issuer offering health insurance coverage in connection with the plan, for any failure by such sponsor or issuer to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information, in connection with the plan.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date the failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to a participant or beneficiary—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such participant or beneficiary shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the plan sponsor (or predecessor plan sponsor) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.

"(F) DEFINITIONS.—Terms used in this paragraph which are defined in section 733 shall have the meanings provided such terms in such section.".

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of Labor shall issue final regulations not later than 12 months after the date of enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg–1(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(B) by adding at the end the following:

"(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

"(A) IN GENERAL.—For purposes of this section, a group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering health insurance coverage in connection with a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.".

(2) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c) , and (d) and subsection (b)(1) and section 2701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 2721(a).".

(3) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(4) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

"(15) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

"(A) a dependent (as such term is used for purposes of section 2701(f)(2)) of such individual; and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(16) GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) the manifestation of a disease or disorder in family members of such individual.

"(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

"(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(17) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(18) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(19) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(5) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg-22(b)) is amended by adding at the end the following:

"(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

"(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the succeeding subparagraphs of this paragraph shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 2702 or section 2701 or 2702(b)(1) with respect to genetic information in connection with the plan.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date the failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

"(a) PROHIBITION ON GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from establishing rules for eligibility for an individual to enroll in individual health insurance coverage based on the manifestation of a disease or disorder in that individual, or in a family member of such individual where such family member is covered under the policy that covers such individual.

"(b) PROHIBITION ON GENETIC INFORMATION IN SETTING PREMIUM RATES.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from adjusting premium or contribution amounts for an individual on the basis of a manifestation of a disease or disorder in that individual, or in a family member of such individual where such family member is covered under the policy that covers such individual. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other individuals covered under the policy issued to such individual and to further increase premiums or contribution amounts.

"(c) PROHIBITION ON GENETIC INFORMATION AS PREEXISTING CONDITION.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market may not, on the basis of genetic information, impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from imposing any preexisting condition exclusion for an individual with respect to health insurance coverage on the basis of a manifestation of a disease or disorder in that individual.

"(d) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a health insurance issuer offering health insurance coverage in the individual market from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a) and (c).

"(B) LIMITATION.—For purposes of subparagraph (A), a health insurance issuer offering health insurance coverage in the individual market may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(e) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a health insurance issuer offering health insurance coverage in the individual market obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(2) REMEDIES AND ENFORCEMENT.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg-61(b)) is amended to read as follows:

"(b) SECRETARIAL ENFORCEMENT AUTHORITY.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.".

(c) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)) is amended—

(1) in subparagraph (A), by striking "If the plan sponsor" and inserting "Except as provided in subparagraph (D), if the plan sponsor"; and

(2) by adding at the end the following:

"(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (b)(3), (c), and (d) of section 2702 and the provisions of sections 2701 and 2702(b) to the extent that such provisions apply to genetic information.".

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 1 year after the date of enactment of this Act; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 1 year after the date of enactment of this Act.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Subsection (b) of section 9802 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(2) by adding at the end the following:

"(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

"(A) IN GENERAL.—For purposes of this section, a group health plan may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.".

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 9802 of such Code is amended by redesignating subsection (c) as subsection (f) and by inserting after subsection (b) the following new subsections:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan may not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) LIMITATION.—For purposes of subparagraph (A), a group health plan may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan notifies the Secretary in writing that the plan is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A group health plan shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 9832).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a group health plan obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d) and subsection (b)(1) and section 9801 with respect to genetic information, shall apply to group health plans without regard to section 9831(a)(2).".

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this chapter to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(d) DEFINITIONS.—Subsection (d) of section 9832 of such Code is amended by adding at the end the following:

"(6) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

"(A) a dependent (as such term is used for purposes of section 9801(f)(2)) of such individual, and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(7) GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) the manifestation of a disease or disorder in family members of such individual.

"(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

"(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(8) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes, or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(9) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(10) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan ,or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(e) ENFORCEMENT.—

(1) IN GENERAL.—Subchapter C of chapter 100 of the Internal Revenue Code of 1986 (relating to general provisions) is amended by adding at the end the following new section:

"SEC. 9834. ENFORCEMENT.

"For the imposition of tax on any failure of a group health plan to meet the requirements of this chapter, see section 4980D.".

(2) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 100 of such Code is amended by adding at the end the following new item:

"Sec. 9834. Enforcement.".

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of the Treasury shall issue final regulations or other guidance not later than 12 months after the date of the enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of the enactment of this Act.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) NONDISCRIMINATION.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

"(E) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

"(F) RULE OF CONSTRUCTION.—Nothing in subparagraph (E) or in subparagraphs (A) or (B) of subsection (x)(2) shall be construed to limit the ability of an issuer of a medicare supplemental policy from, to the extent otherwise permitted under this title—

"(i) denying or conditioning the issuance or effectiveness of the policy or increasing the premium for an employer based on the manifestation of a disease or disorder of an individual who is covered under the policy; or

"(ii) increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer).".

(b) LIMITATIONS ON GENETIC TESTING AND GENETIC INFORMATION.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

"(x) LIMITATIONS ON GENETIC TESTING AND INFORMATION.—

"(1) GENETIC TESTING.—

"(A) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

“(C) RULE OF CONSTRUCTION REGARDING PAYMENT.—

“(i) IN GENERAL.—Nothing in subparagraph (A) shall be construed to preclude an issuer of a medicare supplemental policy from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (s)(2)(E).

“(ii) LIMITATION.—For purposes of clause (i), an issuer of a medicare supplemental policy may request only the minimum amount of information necessary to accomplish the intended purpose.

“(D) RESEARCH EXCEPTION.—Notwithstanding subparagraph (A), an issuer of a medicare supplemental policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

“(i) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

“(ii) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

“(I) compliance with the request is voluntary; and

“(II) non-compliance will have no effect on enrollment status or premium or contribution amounts.

“(iii) No genetic information collected or acquired under this subparagraph shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rating, or the creation, renewal, or replacement of a plan, contract, or coverage for health insurance or health benefits.

“(iv) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subparagraph, including a description of the activities conducted.

“(v) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subparagraph.

“(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

“(A) IN GENERAL.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information for underwriting purposes (as defined in paragraph (3)).

“(B) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

“(C) INCIDENTAL COLLECTION.—If an issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of subparagraph (B) if such request, requirement, or purchase is not in violation of subparagraph (A).

“(3) DEFINITIONS.—In this subsection:

“(A) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

“(B) GENETIC INFORMATION.—

“(i) IN GENERAL.—The term ‘genetic information’ means, with respect to any individual, information about—

“(I) such individual's genetic tests,

“(II) the genetic tests of family members of such individual, and

“(III) subject to clause (iv), the manifestation of a disease or disorder in family members of such individual.

“(ii) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

“(iii) EXCLUSIONS.—The term ‘genetic information’ shall not include information about the sex or age of any individual.

“(C) GENETIC TEST.—

“(i) IN GENERAL.—The term ‘genetic test’ means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

“(ii) EXCEPTIONS.—The term ‘genetic test’ does not mean—

“(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

“(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

“(D) GENETIC SERVICES.—The term ‘genetic services’ means—

“(i) a genetic test;

“(ii) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

“(iii) genetic education.

“(E) UNDERWRITING PURPOSES.—The term ‘underwriting purposes’ means, with respect to a medicare supplemental policy—

“(i) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

“(ii) the computation of premium or contribution amounts under the policy;

“(iii) the application of any pre-existing condition exclusion under the policy; and

“(iv) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

“(F) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term ‘issuer of a medicare supplemental policy’ includes a third-party administrator or other person acting for or on behalf of such issuer.”.

(2) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Section 1882(x) of such Act, as added by paragraph (1), is further amended by adding at the end the following:

“(4) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this section to genetic information concerning an individual or family member of an individual shall—

“(A) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

“(B) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.”.

(3) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

“(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (x).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 1 year after the date of enactment of this Act.

(d) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2008, the National Association of Insurance Commissioners (in this subsection referred to as the “NAIC”) modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2008, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2008.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2008 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2008. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) IN GENERAL.—Part C of title XI of the Social Security Act is amended by adding at the end the following new section:

"APPLICATION OF HIPAA REGULATIONS TO GENETIC INFORMATION

"SEC. 1180. (a) IN GENERAL.—The Secretary shall revise the HIPAA privacy regulation (as defined in subsection (b)) so it is consistent with the following:

"(1) Genetic information shall be treated as health information described in section 1171(4)(B).

"(2) The use or disclosure by a covered entity that is a group health plan, health insurance issuer that issues health insurance coverage, or issuer of a medicare supplemental policy of protected health information that is genetic information about an individual for underwriting purposes under the group health plan, health insurance coverage, or medicare supplemental policy shall not be a permitted use or disclosure.

"(b) DEFINITIONS.—For purposes of this section:

"(1) GENETIC INFORMATION; GENETIC TEST; FAMILY MEMBER.—The terms 'genetic information', 'genetic test', and 'family member' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), as amended by the Genetic Information Nondiscrimination Act of 2007.

"(2) GROUP HEALTH PLAN; HEALTH INSURANCE COVERAGE; MEDICARE SUPPLEMENTAL POLICY.—The terms 'group health plan' and 'health insurance coverage' have the meanings given such terms under section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), and the term 'medicare supplemental policy' has the meaning given such term in section 1882(g).

"(3) HIPAA PRIVACY REGULATION.—The term 'HIPAA privacy regulation' means the regulations promulgated by the Secretary under this part and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

"(4) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a group health plan, health insurance coverage, or a medicare supplemental policy—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for, or determination of, benefits under the plan, coverage, or policy;

"(B) the computation of premium or contribution amounts under the plan, coverage, or policy;

"(C) the application of any pre-existing condition exclusion under the plan, coverage, or policy; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

"(c) PROCEDURE.—The revisions under subsection (a) shall be made by notice in the Federal Register published not later than 60 days after the date of the enactment of this section and shall be effective upon publication, without opportunity for any prior public comment, but may be revised, consistent with this section, after opportunity for public comment.

"(d) ENFORCEMENT.—In addition to any other sanctions or remedies that may be available under law, a covered entity that is a group health plan, health insurance issuer, or issuer of a medicare supplemental policy and that violates the HIPAA privacy regulation (as revised under subsection (a) or otherwise) with respect to the use or disclosure of genetic information shall be subject to the penalties described in sections 1176 and 1177 in the same manner and to the same extent that such penalties apply to violations of this part.".

(b) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the revision required by section 1180(a) of the Social Security Act, as added by subsection (a). The Secretary has the sole authority to promulgate such regulations, but shall promulgate such regulations in consultation with the Secretaries of Labor and the Treasury.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 106. ASSURING COORDINATION.

Except as provided in section 105(b)(1), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

(2) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—

(A) IN GENERAL.—The term "employee" means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EMPLOYER.—The term "employer" means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms "employment agency" and "labor organization" have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) MEMBER.—The term "member", with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) FAMILY MEMBER.—The term "family member" means, with respect to an individual—

(A) a dependent (as such term is used for purposes of section 701(f)(2) of the Employee Retirement Income Security Act of 1974) of such individual, and

(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

(4) GENETIC INFORMATION.—

(A) IN GENERAL.—The term "genetic information" means, with respect to any individual, information about—

(i) such individual's genetic tests,

(ii) the genetic tests of family members of such individual, and

(iii) the manifestation of a disease or disorder in family members of such individual.

(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

(C) EXCLUSIONS.—The term "genetic information" shall not include information about the sex or age of any individual.

(5) GENETIC MONITORING.—The term "genetic monitoring" means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) GENETIC SERVICES.—The term "genetic services" means—

(A) a genetic test;

(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

(C) genetic education.

(7) GENETIC TEST.—

(A) IN GENERAL.—The term "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) EXCEPTIONS.—The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire, or to discharge, any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee; or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, and such analysis is included in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's employees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual;

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member; or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification

provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, and such analysis is included in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's apprentices or trainees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) TREATMENT OF INFORMATION AS PART OF CONFIDENTIAL MEDICAL RECORD.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member, such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member. An employer, employment agency, labor organization, or joint labor-management committee shall be considered to be in compliance with the maintenance of information requirements of this subsection with respect to genetic information subject to this subsection that is maintained with and treated as a confidential medical record under section 102(d)(3)(B) of the Americans With Disabilities Act (42 U.S.C. 12112(d)(3)(B)).

(b) LIMITATION ON DISCLOSURE.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member except—

(1) to the employee or member of a labor organization (or family member if the family member is receiving the genetic services) at the written request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall inform the employee or member of the court order and any genetic information that was disclosed pursuant to such order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation;

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws; or

(6) to a Federal, State, or local public health agency only with regard to information that is described in section 201(4)(A)(iii)

and that concerns a contagious disease that presents an imminent hazard of death or life-threatening illness, and that the employee whose family member or family members is or are the subject of a disclosure under this paragraph is notified of such disclosure.

(c) RELATIONSHIP TO HIPAA REGULATIONS.—With respect to the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note), this title does not prohibit a covered entity under such regulations from any use or disclosure of health information that is authorized for the covered entity under such regulations. The previous sentence does not affect the authority of such Secretary to modify such regulations.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, procedures, and remedies provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, procedures, and remedies this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(b) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b, 2000e–16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(f) PROHIBITION AGAINST RETALIATION.—No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this title or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title. The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) DEFINITION.—In this section, the term "Commission" means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, "disparate impact", as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the "Commission") to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and Labor of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title, including the protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112)), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) provide for enforcement of, or penalties for violation of, any requirement or prohibition applicable to any employer, employment agency, labor organization, or joint labor-management committee subject to enforcement for a violation under—

(i) the amendments made by title I of this Act;

(ii)(I) subsection (a) of section 701 of the Employee Retirement Income Security Act of 1974 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 702(a)(1)(F) of such Act; or

(III) section 702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(iii)(I) subsection (a) of section 2701 of the Public Health Service Act as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 2702(a)(1)(F) of such Act; or

(III) section 2702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor; or

(iv)(I) subsection (a) of section 9801 of the Internal Revenue Code of 1986 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 9802(a)(1)(F) of such Act; or

(III) section 9802(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(3) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(4) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(5) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule);

(6) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations; or

(7) require any specific benefit for an employee or member or a family member of an employee or member under any group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan.

(b) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this title to genetic information concerning an individual or family member of an individual shall—

(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.

(c) RELATION TO AUTHORITIES UNDER TITLE I.—With respect to a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, this title does not prohibit any activity of such plan or issuer that is authorized for the plan or issuer under any provision of law referred to in clauses (i) through (iv) of subsection (a)(2)(B).

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

SEC. 302. CHILD LABOR PROTECTIONS.

(a) IN GENERAL.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended to read as follows:

"(e)(1)(A) Any person who violates the provisions of sections 12 or 13(c), relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty not to exceed—

"(i) $11,000 for each employee who was the subject of such a violation; or

"(ii) $50,000 with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation.

"(B) For purposes of subparagraph (A), the term 'serious injury' means—

"(i) permanent loss or substantial impairment of one of the senses (sight, hearing, taste, smell, tactile sensation);

"(ii) permanent loss or substantial impairment of the function of a bodily member, organ, or mental faculty, including the loss of all or part of an arm, leg, foot, hand or other body part; or

"(iii) permanent paralysis or substantial impairment that causes loss of movement or mobility of an arm, leg, foot, hand or other body part.

"(2) Any person who repeatedly or willfully violates section 6 or 7, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation.

"(3) In determining the amount of any penalty under this subsection, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of any penalty under this subsection, when finally determined, may be—

"(A) deducted from any sums owing by the United States to the person charged;

"(B) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

"(C) ordered by the court, in an action brought for a violation of section 15(a)(4) or a repeated or willful violation of section 15(a)(2), to be paid to the Secretary.

"(4) Any administrative determination by the Secretary of the amount of any penalty under this subsection shall be final, unless within 15 days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary.

"(5) Except for civil penalties collected for violations of section 12, sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provision of section 2 of the Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof and for other purposes' (29 U.S.C. 9a). Civil penalties collected for violations of section 12 shall be deposited in the general fund of the Treasury.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 4574. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 306. EXPANSION OF PROGRAMS OF EDUCATION ELIGIBLE FOR ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—Subsection (b) of section 3014A is amended by striking paragraph (1) and inserting the following new paragraph (1):

"(1) enrolled in—

"(A) an approved program of education that leads to employment in a high technology occupation in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); or

"(B) during the period beginning on October 1, 2008, and ending on September 30, 2012, an approved program of education lasting less than two years that (as so determined) leads to employment in—

"(i) the transportation sector of the economy;

"(ii) the construction sector of the economy;

"(iii) the hospitality sector of the economy; or

"(iv) the energy sector of the economy; and".

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§3014A. Accelerated payment of basic educational assistance".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 30 is amended to read as follows:

"3014A. Accelerated payment of basic educational assistance.".

SA 4575. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 2324, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; as follows:

On page 2, line 21, insert before the quotation marks "Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 2, line 26, insert a period before the quotation marks.

On page 3, line 3, insert before the quotation marks ". Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 3, line 14, insert before the quotation marks "Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 4, line 7, insert before the quotation marks "Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 4, line 17, insert before the quotation marks "Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 10, after line 24, add the following:

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity.

On page 32, strike lines 14 through 19 and insert the following:

"(E) if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office, any comments of the affected Inspector General with respect to the proposal.".

On page 40, strike lines 1 through 20.

On page 40, line 21, strike "15" and insert "14".

On page 42, line 4, strike "16" and insert "15".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, April 30, 2008, at 3:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

The PRESIDING OFFICER. The majority leader.

INSPECTOR GENERAL REFORM ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 578, S. 2324.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2324) to amend the Inspector General Act of 1978, (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inspector General Reform Act of **[**2007**]***2008*".

SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPECTORS GENERAL.

Section 8G(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end "Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.".

SEC. 3. REMOVAL OF INSPECTORS GENERAL.

(a) ESTABLISHMENTS.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking the second sentence and inserting "If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.".

(b) DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress" and inserting "shall communicate in writing the reasons for any such removal or transfer to both

Houses of Congress, not later than 30 days before the removal or transfer".

(c) LEGISLATIVE AGENCIES.—

(1) LIBRARY OF CONGRESS.—Section 1307(c)(2) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(c)(2)) is amended by striking the second sentence and inserting "If the Inspector General is removed from office or is transferred to another position or location within the Library of Congress, the Librarian of Congress shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.".

(2) CAPITOL POLICE.—Section 1004(b) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 1909(b)) is amended by striking paragraph (3) and inserting the following:

"(3) REMOVAL.—The Inspector General may be removed or transferred from office before the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board. If an Inspector General is removed from office or is transferred to another position or location within the Capitol Police, the Capitol Police Board shall communicate in writing the reasons for any such removal or transfer to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, not later than 30 days before the removal or transfer.".

(3) GOVERNMENT PRINTING OFFICE.—Section 3902(b)(2) of title 44, United States Code, is amended by striking the second sentence and inserting "If the Inspector General is removed from office or is transferred to another position or location within the Government Printing Office, the Public Printer shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.".

SEC. 4. PAY OF INSPECTORS GENERAL.

(a) INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), is amended by adding at the end the following:

"(e) The annual rate of basic pay for an Inspector General (as defined under section 11(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall be not less than the average total compensation of the senior level executives of that designated Federal entity *calculated on an annual basis*.

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms "performance awards" and "awarding of ranks" in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(d) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section as an Inspector General of—

(1) an establishment as defined under section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(2) a designated Federal entity as defined under section 8G(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(3) a legislative agency *for which the position of Inspector General is established by statute*; or

(4) any other entity of the Government *for which the position of Inspector General is established by statute.*

SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 4 of this Act) is further amended by adding at the end the following:

"(f) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.".

SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS GENERAL.

(a) COUNSELS TO INSPECTORS GENERAL OF ESTABLISHMENT.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by sections 4 and 5 of this Act) is further amended by adding at the end the following:

"(g) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.".

(b) COUNSELS TO INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(4) Each Inspector General shall, in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General or obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.".

SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 the following:

"SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

"(a) ESTABLISHMENT AND MISSION.—

"(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the 'Council').

"(2) MISSION.—The mission of the Council shall be to—

"(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

"(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall consist of the following members:

"(A) All Inspectors General whose offices are established under—

"(i) section 2; or

"(ii) section 8G.

"(B) The Inspectors General of the Office of the Director of National Intelligence and the Central Intelligence Agency.

"(C) The Controller of the Office of Federal Financial Management.

"(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

"(E) The Director of the Office of Government Ethics.

"(F) The Special Counsel of the Office of Special Counsel.

"(G) The Deputy Director of the Office of Personnel Management.

"(H) The Deputy Director for Management of the Office of Management and Budget.

"(I) The Office of Inspectors General of the Library of Congress, Capitol Police, and the Government Printing Office.

"(J) Any other members designated by the President.

"(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

"(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

"(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

"(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

"(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

"(i) preside over meetings of the Council;

"(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

"(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

"(B) CHAIRPERSON.—The Chairperson shall—

"(i) convene meetings of the Council—

"(I) at least 6 times each year;

"(II) monthly to the extent possible; and

"(III) more frequently at the discretion of the Chairperson;

"(ii) exercise the functions and duties of the Council under subsection (c);

"(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

"(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

"(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the availability of appropriations and the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

"(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

"(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

"(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

"(c) FUNCTIONS AND DUTIES OF COUNCIL.—

"(1) IN GENERAL.—The Council shall—

"(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

"(B) develop plans for coordinated, governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

"(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

"(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

"(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

"(F) submit recommendations of 3 individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

"(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

"(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

"(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council shall adhere to professional standards developed by the Council and participate in the plans, programs, and projects of the Council, as appropriate.

"(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

"(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause **[**(I) or (II)**]** *(I), (II), or (III)* of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

"(i) the Executive Chairperson may authorize the use of interagency funding for—

"(I) Governmentwide training of employees of the Offices of the Inspectors General;

"(II) the functions of the Integrity Committee of the Council; and

"(III) any other authorized purpose determined by the Council; and

"(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the **[**United States Government**]** *executive branch which has a member on the Council* shall fund or participate in the funding of such activities.

"(B) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede the authority under paragraph (1), unless such provision makes specific reference to the authority in that paragraph.

"(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

"(A) the role of the Department of Justice in law enforcement and litigation;

"(B) the authority or responsibilities of any Government agency or entity; and

"(C) the authority or responsibilities of individual members of the Council.

"(d) INTEGRITY COMMITTEE.—

"(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and **[**certain**]** staff members of the various Offices of Inspector General *described under paragraph (4)(C).*

"(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

"(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee.

"(B) Three or more Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

"(C) The Special Counsel of the Office of Special Counsel.

"(D) The Director of the Office of Government Ethics.

"(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

"(4) REFERRAL OF ALLEGATIONS.—

"(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

"(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

"(ii) the Inspector General determines that—

"(I) an objective internal investigation of the allegation is not feasible; or

"(II) an internal investigation of the allegation may appear not to be objective.

"(B) DEFINITION.—In this paragraph the term 'staff member' means—

"(i) any employee of an Office of Inspector General who reports directly to an Inspector General; or

"(ii) who is designated by an Inspector General under subparagraph (C).

"(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

"(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

"(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against **[**an employee**]** *a staff member* of an Office of Inspector General *described under paragraph (4)(C);*

"(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

"(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee *under subparagraph (A)* to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

"(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

"(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

"(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

"(i) may provide resources necessary to the Integrity Committee; and

"(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

"(7) PROCEDURES FOR INVESTIGATIONS.—

"(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

"(B) ADDITIONAL POLICIES AND PROCEDURES.—

"(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

"(I) determining whether to initiate an investigation;

"(II) conducting investigations;

"(III) reporting the results of an investigation; and

"(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

"(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

"(C) REPORTS.—

"(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations **[**referred to**]** *described* under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

"(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to *an agency* under paragraph (5)(B), the head of **[**an**]** *that* agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

"(8) ASSESSMENT AND FINAL DISPOSITION.—

"(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

"(i) assess the report;

"(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within **[**180**]** *30* days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

"(iii) submit to the congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

"(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

"(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

"(A) The number of allegations received.

"(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

"(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

"(D) The number of allegations closed without referral.

"(E) The date each allegation was received and the date each allegation was finally disposed of.

"(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

"(G) Other matters that the Council considers appropriate.

"(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any of the following:

"(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

"(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

"(C) The chairperson or ranking member of the congressional committees of jurisdiction.

"(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.".

(b) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(1) DEFINITIONS.—In this section—

(A) the term "Integrity Committee" means the Integrity Committee established under section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act; and

(B) the term "Special Counsel" refers to the Special Counsel appointed under section 1211(b) of title 5, United States Code.

(2) AUTHORITY OF INTEGRITY COMMITTEE.—

(A) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

(B) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This subsection does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

(3) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this subsection, subject to such consultation or other requirements as might otherwise apply.

[(b)**]***(c)* EXISTING EXECUTIVE ORDERS.—Executive Order 12805, dated May 11, 1992, and Executive Order 12993, dated March 21, 1996, shall have no force or effect.

[(c)**]***(d)* TECHNICAL AND CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking "section 11(2)" each place it appears and inserting "section 12(2)"; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking "section 11" and inserting "section 12".

(2) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

"(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.".

SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(f)(1) For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the **[**agency, board, or commission**]** *establishment or designated Federal entity* to which the Inspector General reports. The budget request shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training **[**requirements**]** *needs*, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General's office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

"(2) In transmitting a proposed budget to the President for approval, the head of each **[**agency, board or commission**]** *establishment or designated Federal entity* shall include—

"(A) an aggregate request for the Inspector General;

"(B) amounts for Inspector General training;

"(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

"(D) any comments of the affected Inspector General with respect to the proposal.

"(3) The President shall include in each budget of the United States Government submitted to Congress—

"(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

"(B) the amount requested by the President for each Inspector General;

"(C) *the amount requested by the President for* training of Inspectors General;

"(D) *the amount requested by the President for* support for the Council of the Inspectors General on Integrity and Efficiency; and

"(E) any comments of the affected Inspector General with respect to the proposal, including whether the budget request submitted by the head of the establishment *or designated Federal entity* would substantially inhibit the Inspector General from performing the duties of the office.".

SEC. 9. SUBPOENA POWER.

Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting "in any medium (including electronically stored information, as well as any tangible thing)" after "other data"; and

(2) by striking "subpena" and inserting "subpoena".

SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended—

(1) in subparagraph [(C)] *(D)*, by striking "and" after the semicolon;

(2) in subparagraph [(D)] *(E)*, by adding "and" after the semicolon; and

(3) by adding at the end the following:

"[(E)]*(F)* a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978).".

SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.

Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking "appointed under section 3"; and

(2) by adding at the end the following:

"(9) In this subsection the term 'Inspector General' means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.".

SEC. 12. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in each of subsections (a)(6), (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting ", inspection reports, and evaluation reports" after "audit reports" the first place it appears; and

(B) by striking "audit" the second place it appears; and

(2) in subsection (a)(10) by inserting ", inspection reports, and evaluation reports" after "audit reports".

[SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

[(a) DEFINITION.—In this section the term "agency" means a Federal agency as defined under section 11(5) of the Inspector General Act of 1978 (5 U.S.C. App.).

[(b) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

[(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

[(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

[(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

[(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

[(A) in accordance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act), not later than 3 working days after any report or audit (or portion of any report or audit), that is subject to release under section 552 of that title (commonly referred to as the Freedom of Information Act), is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

[(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

[(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

[(ii) includes a summary of the findings of the Inspector General; and

[(iii) is in a format that—

[(I) is searchable and downloadable; and

[(II) facilitates printing by individuals of the public accessing the website.

[(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

[(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

[(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.

[(d) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement this section.]

SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

"SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

"(a) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

"(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

"(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

"(b) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

"(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

"(A) in accordance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act), not later than 3 working days after any report or audit (or portion of any report or audit), that is subject to release under section 552 of that title (commonly referred to as the Freedom of Information Act), is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

"(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

"(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

"(ii) includes a summary of the findings of the Inspector General; and

"(iii) is in a format that—

"(I) is searchable and downloadable; and

"(II) facilitates printing by individuals of the public accessing the website.

"(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

"(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

"(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.".

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement the amendment made by this section.

SEC. 14. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

(a) AMENDMENT TO REQUIREMENT RELATING TO CERTAIN REFERRALS.—Section 8E(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is further amended—

(1) in subsection (b)—

(A) by striking "and paragraph (3)" in paragraph (2);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraph (5) as paragraph (4) and in that paragraph by striking "(4)" and inserting "(3)"; and

(2) in subsection (d), by striking ", except with respect to allegations described in subsection (b)(3),".

SEC. 15. OTHER ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

"(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

"(i) each Office of Inspector General shall be considered to be a separate agency; and

"(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

"(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

"(i) Subchapter II of chapter 35.

"(ii) Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b).

"(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

"(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting 'the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act) shall' for 'the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office,'.".

(b) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION [To] *To* PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "and the providing of physical security".

SEC. 16. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(a) IN GENERAL.—

(1) SUBMISSION.—Not later than 360 days after the date of enactment of this Act, the Government Accountability Office shall submit a report examining the adequacy of mechanisms to ensure accountability of the Offices of Inspector General to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall examine—

(A) the practices, policies, and procedures of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (and its predecessor committee); and

(B) the practices, policies, and procedures of the Offices of Inspector General with respect to complaints by and about employees of any Office of Inspector General that are not within the jurisdiction of the Integrity Committee.

(b) PAY OF INSPECTORS GENERAL.—Not later than 270 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the congressional committees of jurisdiction on the implementation of section 4.

Mr. KYL. Mr. President, I rise today to say a few words about S. 2324, the Inspector General Reform Act, which is expected to pass the Senate today with an amendment of mine. The amendment makes several reforms and clarifying changes to the bill.

Section 3 of the bill requires the President to give Congress 30 days' notice before removing or transferring an inspector general from his position. My amendment clarifies that the President may still take other actions against an inspector general without providing 30 days' notice, such as suspending him or otherwise preventing him from taking official actions. While section 3 appears to be designed to allow Congress to respond to a situation where an inspector general is fired in order to impede his discovery of wrongdoing or for other improper reasons, my amendment is intended to address another kind of scenario, one where an inspector general is fired for very good reasons.

We should not assume that inspectors general will be immune to human failings. If an inspector general is fired because he has been indicted or is under investigation for corruption or has otherwise abused the powers of his office, it should be clear that the President can prevent the inspector general from launching new investigations in retaliation or taking other official actions, and that he can be denied access to his office space. My amendment ensures that this is so.

Section 6 of the bill authorizes inspectors general to obtain legal advice from the attorneys working for them. While this provision strengthens the independence of inspectors general, it creates a potential ambiguity as to who has ultimate authority to resolve legal questions within an agency. Agency employees should not face a division of authority if an inspector general were to reach a different conclusion on a legal matter previously resolved by the agency counsel.

My amendment clarifies that the agency or department's chief legal officer remains the ultimate legal authority within the agency. While an inspector general may obtain his own legal advice, his review does not constitute an appeal or review of the general counsel's decisions and judgments. The chief legal officer's views are what is final within the agency, and they are subject to review within the executive branch only by the head of the agency and the Justice Department.

Section 8 of the bill as reported by the committee allowed inspectors general to include their own budget comments with respect to their offices in the President's budget proposal to Congress. I would first note that the generous growth of inspectors generals' budgets during this administration leaves little reason to fear that these offices are being starved of resources. More fundamentally, as a general matter, all agencies and departments should be subject to the Office of Management and Budget's budgeting process, to ensure that the President's budget proposal reflects and balances competing priorities. Rules such as that in section 8 should generally be disfavored. An exception is tolerable here only because of the unique status and role of the inspectors general. And even in their case, we should not assume that every disagreement between the Office of Management and Budget and an inspector general about the size of his budget reflects some effort to suppress an investigation.

All bureaucrats love to see their budgets grow and to build their little empires. We should not assume that inspectors general are immune from this tendency. To mitigate its effects, my amendment would require that an inspector general assert that he would be inhibited in the performance of his duties before he may submit a separate budget request.

The amendment serves two purposes. First, it should rein in requests for ever-expanding budgets, and ensure that inspectors general generally remain subject to budget discipline. And secondly, it ensures that if an administration is retaliating against an inspector general or otherwise reducing his budget in order to prevent him from doing his job, then Congress will be alerted to the fact. If separate budget requests were routine, the submission of such requests would provide little notice to congressional overseers. And if an inspector general believes that an administration is starving him of resources with the intent to undermine his ability to do his job, Congress not only should have before it his separate budget request, it should also be made aware that the inspector general believes that he is being treated that way.

Finally, section 14 of the committee-reported bill would have given the Justice Department's inspector general the authority to conduct legal ethics reviews. I found this provision strongly objectionable. An attorney's decision to investigate, litigate, or provide legal advice is a sensitive one and should be reviewed with great deference. There can be a wide range of legitimate disagreement as to how such issues should be decided. Justice Department reviews of such decisions are equivalent to the attorney discipline proceedings conducted by state bar associations. They are currently conducted within the Justice Department by the Office of Professional Responsibility, and there is no evidence that this Office's reviews are anything less than adequate.

Indeed, recently the Office of Professional Responsibility has taken upon itself the role of reviewing the merits of the Office of Legal Counsel's legal analyses. The Office of Legal Counsel's lawyers are recognized to be among the very best in the executive branch. They are assigned to resolve the most difficult legal questions that confront an administration. I find it dubious that an OPR lawyer would be in any position to assess whether an Office of Legal Counsel opinion is legally correct or not.

Absent at least some evidence that such an opinion was the product of bribery or other improper external influences, I question the basis on which OPR even assumes for itself the authority to initiate such a review. I fear that OPR's actions are influenced more by the toxic style of opposition attacks on the Justice Department in recent years, in which legitimate policy and legal disputes are recast as ethical lapses, rather than by a sound concern for the integrity of the Department.

While some of the Office of Professional Responsibilities' recent actions are debatable, the notion of extending that Office's authority to the inspector general is totally unacceptable. Inspectors general investigate waste, fraud, and abuse. They are suited neither by temperament nor experience to second guess whether a Justice Department lawyer should have investigated a matter, prosecuted a case, or offered a legal opinion. It is at my insistence that the original section 14 has been removed from this bill.

I commend Senators LIEBERMAN and COLLINS for their devotion to overseeing and improving the operations of the inspectors general and, with the changes made by my amendment, I will raise no objection to the passage of this bill.

Mr. REID. Mr. President, I ask unanimous consent that a Kyl amendment, which is at the desk, be agreed to; the committee amendments, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4575) was agreed to, as follows:

(Purpose: To modify provisions relating to transfers and removals, duties of counsel, and comments on budget submissions, and for other purposes)

On page 2, line 21, insert before the quotation marks "Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 2, line 26, insert a period before the quotation marks.

On page 3, line 3, insert before the quotation marks ". Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 3, line 14, insert before the quotation marks "Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 4, line 7, insert before the quotation marks "Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 4, line 17, insert before the quotation marks "Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

On page 10, after line 24, add the following:

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity.

On page 32, strike lines 14 through 19 and insert the following:

"(E) if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office, any comments of the affected Inspector General with respect to the proposal.".

On page 40, strike lines 1 through 20.

On page 40, line 21, strike "15" and insert "14".

On page 42, line 4, strike "16" and insert "15".

The committee amendments were agreed to.

The bill (S. 2324), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inspector General Reform Act of 2008".

SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPECTORS GENERAL.

Section 8G(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end "Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.".

SEC. 3. REMOVAL OF INSPECTORS GENERAL.

(a) ESTABLISHMENTS.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking the second sentence and inserting "If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

(b) DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress." and inserting "shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

(c) LEGISLATIVE AGENCIES.—

(1) LIBRARY OF CONGRESS.—Section 1307(c)(2) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(c)(2)) is amended by striking the second sentence and inserting "If the Inspector General is removed from office or is transferred to another position or location within the Library of Congress, the Librarian of Congress shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

(2) CAPITOL POLICE.—Section 1004(b) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 1909(b)) is amended by striking paragraph (3) and inserting the following:

"(3) REMOVAL.—The Inspector General may be removed or transferred from office before the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board. If an Inspector General is removed from office or is transferred to another position or location within the Capitol Police, the Capitol Police Board shall communicate in writing the reasons for any such removal or transfer to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, not later than 30 days before the removal or transfer. Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

(3) GOVERNMENT PRINTING OFFICE.—Section 3902(b)(2) of title 44, United States Code, is amended by striking the second sentence and inserting "If the Inspector General is removed from office or is transferred to another position or location within the Government Printing Office, the Public Printer shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.".

SEC. 4. PAY OF INSPECTORS GENERAL.

(a) INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), is amended by adding at the end the following:

"(e) The annual rate of basic pay for an Inspector General (as defined under section 11(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENT.—Section 194(b) of the National

and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall be not less than the average total compensation of the senior level executives of that designated Federal entity calculated on an annual basis.

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms "performance awards" and "awarding of ranks" in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(d) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section as an Inspector General of—

(1) an establishment as defined under section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(2) a designated Federal entity as defined under section 8G(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(3) a legislative agency for which the position of Inspector General is established by statute; or

(4) any other entity of the Government for which the position of Inspector General is established by statute.

SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 4 of this Act) is further amended by adding at the end the following:

"(f) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.".

SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS GENERAL.

(a) COUNSELS TO INSPECTORS GENERAL OF ESTABLISHMENT.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by sections 4 and 5 of this Act) is further amended by adding at the end the following:

"(g) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.".

(b) COUNSELS TO INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(4) Each Inspector General shall, in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General or obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.".

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity.

SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 the following:

"SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

"(a) ESTABLISHMENT AND MISSION.—

"(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the 'Council').

"(2) MISSION.—The mission of the Council shall be to—

"(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

"(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall consist of the following members:

"(A) All Inspectors General whose offices are established under—

"(i) section 2; or

"(ii) section 8G.

"(B) The Inspectors General of the Office of the Director of National Intelligence and the Central Intelligence Agency.

"(C) The Controller of the Office of Federal Financial Management.

"(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

"(E) The Director of the Office of Government Ethics.

"(F) The Special Counsel of the Office of Special Counsel.

"(G) The Deputy Director of the Office of Personnel Management.

"(H) The Deputy Director for Management of the Office of Management and Budget.

"(I) The Office of Inspectors General of the Library of Congress, Capitol Police, and the Government Printing Office.

"(J) Any other members designated by the President.

"(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

"(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

"(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

"(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

"(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

"(i) preside over meetings of the Council;

"(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

"(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

"(B) CHAIRPERSON.—The Chairperson shall—

"(i) convene meetings of the Council—

"(I) at least 6 times each year;

"(II) monthly to the extent possible; and

"(III) more frequently at the discretion of the Chairperson;

"(ii) exercise the functions and duties of the Council under subsection (c);

"(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

"(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

"(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the availability of appropriations and the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

"(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

"(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

"(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

"(c) FUNCTIONS AND DUTIES OF COUNCIL.—

"(1) IN GENERAL.—The Council shall—

"(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

"(B) develop plans for coordinated, governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

"(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

"(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

"(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

"(F) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

"(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

"(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

"(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council shall adhere to professional standards developed by the Council and participate in the plans, programs, and projects of the Council, as appropriate.

"(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

"(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause (I), (II), or (III) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

"(i) the Executive Chairperson may authorize the use of interagency funding for—

"(I) Governmentwide training of employees of the Offices of the Inspectors General;

"(II) the functions of the Integrity Committee of the Council; and

"(III) any other authorized purpose determined by the Council; and

"(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the executive branch which has a member on the Council shall fund or participate in the funding of such activities.

"(B) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede the authority under paragraph (1), unless such provision makes specific reference to the authority in that paragraph.

"(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

"(A) the role of the Department of Justice in law enforcement and litigation;

"(B) the authority or responsibilities of any Government agency or entity; and

"(C) the authority or responsibilities of individual members of the Council.

"(d) INTEGRITY COMMITTEE.—

"(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

"(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

"(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee.

"(B) Three or more Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

"(C) The Special Counsel of the Office of Special Counsel.

"(D) The Director of the Office of Government Ethics.

"(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

"(4) REFERRAL OF ALLEGATIONS.—

"(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

"(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

"(ii) the Inspector General determines that—

"(I) an objective internal investigation of the allegation is not feasible; or

"(II) an internal investigation of the allegation may appear not to be objective.

"(B) DEFINITION.—In this paragraph the term 'staff member' means—

"(i) any employee of an Office of Inspector General who reports directly to an Inspector General; or

"(ii) who is designated by an Inspector General under subparagraph (C).

"(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

"(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

"(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against a staff member of an Office of Inspector General described under paragraph (4)(C);

"(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

"(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee under subparagraph (A) to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

"(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

"(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

"(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

"(i) may provide resources necessary to the Integrity Committee; and

"(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

"(7) PROCEDURES FOR INVESTIGATIONS.—

"(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

"(B) ADDITIONAL POLICIES AND PROCEDURES.—

"(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

"(I) determining whether to initiate an investigation;

"(II) conducting investigations;

"(III) reporting the results of an investigation; and

"(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

"(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

"(C) REPORTS.—

"(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations described under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

"(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to an agency under paragraph (5)(B), the head of that agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

"(8) ASSESSMENT AND FINAL DISPOSITION.—

"(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

"(i) assess the report;

"(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

"(iii) submit to the congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

"(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

"(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

"(A) The number of allegations received.

"(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

"(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

"(D) The number of allegations closed without referral.

"(E) The date each allegation was received and the date each allegation was finally disposed of.

"(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

"(G) Other matters that the Council considers appropriate.

"(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the

Council shall provide more detailed information about specific allegations upon request from any of the following:

"(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

"(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

"(C) The chairperson or ranking member of the congressional committees of jurisdiction.

"(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.".

(b) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(1) DEFINITIONS.—In this section—

(A) the term "Integrity Committee" means the Integrity Committee established under section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App), as amended by this Act; and

(B) the term "Special Counsel" refers to the Special Counsel appointed under section 1211(b) of title 5, United States Code.

(2) AUTHORITY OF INTEGRITY COMMITTEE.—

(A) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

(B) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This subsection does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

(3) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this subsection, subject to such consultation or other requirements as might otherwise apply.

(c) EXISTING EXECUTIVE ORDERS.—Executive Order 12805, dated May 11, 1992, and Executive Order 12993, dated March 21, 1996, shall have no force or effect.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking "section 11(2)" each place it appears and inserting "section 12(2)"; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking "section 11" and inserting "section 12".

(2) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

"(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.".

SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(f)(1) For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the establishment or designated Federal entity to which the Inspector General reports. The budget request shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training needs, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General's office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

"(2) In transmitting a proposed budget to the President for approval, the head of each establishment or designated Federal entity shall include—

"(A) an aggregate request for the Inspector General;

"(B) amounts for Inspector General training;

"(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

"(D) any comments of the affected Inspector General with respect to the proposal.

"(3) The President shall include in each budget of the United States Government submitted to Congress—

"(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

"(B) the amount requested by the President for each Inspector General;

"(C) the amount requested by the President for training of Inspectors General;

"(D) the amount requested by the President for support for the Council of the Inspectors General on Integrity and Efficiency; and

"(E) if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office, any comments of the affected Inspector General with respect to the proposal.".

SEC. 9. SUBPOENA POWER.

Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting "in any medium (including electronically stored information, as well as any tangible thing)" after "other data"; and

(2) by striking "subpena" and inserting "subpoena".

SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended—

(1) in subparagraph (D), by striking "and" after the semicolon;

(2) in subparagraph (E), by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(F) a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978).".

SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.

Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking "appointed under section 3"; and

(2) by adding at the end the following:

"(9) In this subsection the term 'Inspector General' means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.".

SEC. 12. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in each of subsections (a)(6), (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting ", inspection reports, and evaluation reports" after "audit reports" the first place it appears; and

(B) by striking "audit" the second place it appears; and

(2) in subsection (a)(10) by inserting ", inspection reports, and evaluation reports" after "audit reports".

SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

"SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

"(a) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

"(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

"(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

"(b) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

"(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

"(A) in accordance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act), not later than 3 working days after any report or audit (or portion of any report or audit), that is subject to release under section 552 of that title (commonly referred to as the Freedom of Information Act), is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

"(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

"(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

"(ii) includes a summary of the findings of the Inspector General; and

"(iii) is in a format that—

"(I) is searchable and downloadable; and

"(II) facilitates printing by individuals of the public accessing the website.

"(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

"(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

"(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.".

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement the amendment made by this section.

SEC. 14. OTHER ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

"(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

"(i) each Office of Inspector General shall be considered to be a separate agency; and

"(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

"(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

"(i) Subchapter II of chapter 35.

"(ii) Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b).

"(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

"(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting 'the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act) shall' for 'the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office,'.".

(b) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "and the providing of physical security".

SEC. 15. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(a) IN GENERAL.—

(1) SUBMISSION.—Not later than 360 days after the date of enactment of this Act, the Government Accountability Office shall submit a report examining the adequacy of mechanisms to ensure accountability of the Offices of Inspector General to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall examine—

(A) the practices, policies, and procedures of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (and its predecessor committee); and

(B) the practices, policies, and procedures of the Offices of Inspector General with respect to complaints by and about employees of any Office of Inspector General that are not within the jurisdiction of the Integrity Committee.

(b) PAY OF INSPECTORS GENERAL.—Not later than 270 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the congressional committees of jurisdiction on the implementation of section 4.

NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH 2008

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 77 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 77) supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 77) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 77

Whereas on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attacks to law enforcement agencies;

Whereas ⅔ of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies now have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as "National Sexual Assault Awareness and Prevention Month": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008.

ORDERS FOR THURSDAY, APRIL 24, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., tomorrow morning, Thursday, April 24; following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for up to 60 minutes with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1315, the Veterans' Benefits Enhancement Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

NOMINATION OF KATHLEEN STEPHENS AS U.S. AMBASSADOR TO THE REPUBLIC OF SOUTH KOREA

Mr. BROWNBACK. Mr. President, I thank the majority leader for recognizing me and allowing me to speak this evening before we close down.

I want to put before the body a situation that is happening right now in North Korea. I put a hold on our nominee to be the Ambassador to the Republic of South Korea. I want to explain why I am doing that. I want to show why I am doing that. Then I want to raise some issues on human rights and why we need to be a lot more involved and pushy about what is taking place in North Korea.

I was encouraged last week in a meeting I had with the new President of South Korea, Mr. Lee Myung Bak, at a meeting hosted by the Senate leadership. I was encouraged to hear his interest in dealing with the human rights situation—or lack thereof, of human rights—in North Korea. He is going to be more willing to work with us than the last Korean administration in South Korea.

I was pleased to see his willingness to work with us and support us on the nuclear negotiations in which the Korean Peninsula would be a nuclear-free zone—although that is not the case. We have seen what North Korea has done in their willingness to proliferate. I told the President of South Korea—and he agreed—we must see real and verified results with the North Korean regime, not only on nuclear activities but also on the issue of human rights.

We are not seeing either. We are not seeing real and verifiable results on what they are doing in the nuclear development category. We are certainly not seeing it in the human rights category.

Without transparent improvement in human rights, and I believe the same on the nuclear issues as well, I told him the establishment of diplomatic relations would condone crimes against humanity on a massive scale. Without transparent distribution of humanitarian aid from the United States and outside world into North Korea, this aid would be used as a weapon of oppression and diverted from those in greatest need to those elites who get the most under the system.

These statements I made to him were well received, which is a change from the prior administration which sought a different policy toward North Korea, one they wanted to engage but certainly not address on these human rights and nuclear issues.

I met with our nominee to be the Ambassador to South Korea. I met with her twice. In two meetings with Ms. Stephens, the nominee, I gave her every opportunity to explain to me why she should be our next Ambassador to the Republic of South Korea and how she would address the human rights issues. She is certainly a qualified individual, spending her adult career in the State Department and international work. She is a highly qualified individual. Yet on how we are going to and if we are going to positively address the human rights concern and address it on a high scale—to where it is one of the top issues we are dealing with, not just one that, well, once we deal with these others we will talk about human rights or we might bring it up—I did not get satisfactory answers from her, nor did I get those even from Secretary Rice, for whom I have great admiration, a week later, after my meetings with the nominee.

I asked her in the Senate Foreign Operations Appropriations hearing what specific "asks" we are making of North Korea on the human rights agenda. She didn't say that we had particular items. Now maybe there are ones she is willing to identify. One I asked her specifically about is why don't we ask the North Koreans to shut down the gulags, the political prisoner camps which I am going to showcase here. Why don't we ask them to shut those down as an "ask," putting those on the table? I didn't get a response.

We are now approaching 4 years since the passage of the North Korean Human Rights Act of 2004. I was willing to give the State Department and other agencies time to implement the act. I was willing to give those implementing the law, which included Ms. Stephens, our nominee to be the Ambassador to South Korea, the benefit of the doubt. I was willing to wait to see if the Department of State negotiators would be willing to confront the North Koreans regarding their human rights abuses. I wanted to see how much priority they would give to addressing the trafficking along the border between North Korea and China.

Today I met with a number of refugees from North Korea. If a woman crosses over that border looking for food in China, 100 percent are trafficked—they are caught and sold. That is taking place on that border today. I wanted to see if we would give priority to the trafficking issues or gain accession to the gulags that dot the country or ensure the food aid would be strictly monitored. I am still waiting, as are many other individuals and groups working on North Korean issues, but my wait is not significant, nor is their wait. The 23 million North Koreans who are waiting are the ones who are dying. Many are desperately waiting in the gulags. I would like to show you these pictures today.

These pictures are from Google Earth. Google has made a witness of all of us, to no longer deny that these things exist and say they are classified photographs. You can go on Google Earth and look these up. The existence of these camps and the specific details have been confirmed by North Korean defectors living in South Korea.

Some are guards, others former prisoners in some camps that they were able to get out of. I would like to thank, in particular, Rev. Chun Ki Won for his assistance.

We now have no excuse for ignoring the truth of what many believe is a holocaust that is occurring in North Korea today. The U.S. Committee for Human Rights in North Korea believes that 400,000 have already died in these camps alone—400,000 have died in these camps alone according to the U.S. Committee for Human Rights in North Korea.

If you listen to the defectors' stories, as I have done on several occasions, the scale and depravity of the crimes that are committed in these camps rival those done by Pol Pot in Cambodia and even by the Nazis.

Too many of us refuse to confront this issue. Maybe we are afraid that confronting the atrocities of these camps would also require us to confront its urgent moral imperatives.

The first photo here is of Camp 22 where chemical experiments are alleged to have occurred. Camp 22 is in this picture. It is a huge concentration camp. It is over 400 square miles in size, a concentration camp.

No known prisoner has ever left the camp. The information we have has been from guards who have defected. No prisoner has been known to get out of this camp alive. The guards we contacted were able to identify its electric fences and moats. They were able to point out the huts where its prisoners live, the coal mines where men are worked to death, and the forests and fields where the dead are not buried, they are discarded.

Former guard Kwon Hyuk claims the fences around Camp 22 are about 2.5 meters high and electrified with 3,300 volts of electricity. He also says the camp is surrounded by land mines and spiked moats.

If you look carefully at the center of this next picture, of the courtyard at the middle of the guard station, you will see what appears to be a group of people coming in. This is the entry gate—a group of people going in to whatever fate we do not know.

Outside the gates, life for North Koreans, such as it is, goes on. This year is said to be an especially difficult one in this part of North Korea, but the farmers outside the gate are still luckier than those inside.

Farmers cannot pretend not to know what goes on beyond the fence. One recent defector who lived just outside Camp 22 told his American English teacher how the guards from his camp would come to his house and search for scarce food and alcohol, and how drunken guards would confess remorsefully to the cruelties they inflicted on the prisoners.

The teacher published his recollection in the Washington Post last year, which I ask unanimous consent be made part of the RECORD and printed at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. BROWNBACK. This next picture is the Chungbong Coal Mine in Camp 22. I described Camp 22. It is over 400 square miles. Its main features are coal and forest mining. Ahn Myong Chol, a former guard and driver at Camp 22, described the working conditions in this mine. Prisoners work two shifts a day on meager rations. They are organized into five-person teams and are encouraged to earn rewards and supplement the starvation rations by informing on each other. Prisoners are beaten frequently, sometimes to death, and often for no reason at all. This is according to a former guard in Camp 22.

They work in cramped, narrow shafts. Accidents and cave-ins kill many prisoners. Those who are injured are sent to a hospital without qualified staff or medical supplies, and they are essentially left to die. Others die of exhaustion as they try to meet daily quotas. Those who fail to meet the quotas are not fed.

Now, there are dozens of these camps all over North Korea. I want to show you some locations of the various gulags that are known throughout North Korea. We now have corroborated reports from multiple sources of the kind of depravity that continues in these camps to this day.

Why not, in our Six Party negotiations and talks that we have going on today, that one of our primary "asks," along with dealing with the nuclear issue, be to shut the gulag system down? It is a very clear, a very specific "ask." We have evidence from Google Earth. I believe we have much better satellite photographs that go into this in even more detail.

There are hundreds of North Koreans who have fled now into South Korea, a few into this country, with evidence, who are speaking about this issue. So they know and can corroborate what we are seeing in the pictures.

Why not confront the North Koreas with it on an equal par with the nuclear negotiations? I think to do this advances our cause overall.

In the Soviet Union, when we were dealing with them on nuclear disarmament, one of the key things we asked for is, well, with the human rights agenda, put it up right there beside it. People are saying: Do not do that. You are going to upset the balance. But when you talk with the people who were in the prison system, and you hear their statements about it, they were saying that what gave them heart was they knew someone on the outside world was paying attention to them.

It also delegitimized the Soviet Union because as long as you are going at the nuclear issue, the Government in North Korea says, "They are just trying to disarm us." And "They have got it, this is something that we as North Koreans deserve."

But when you say: What about the Chungbong Coal Mine and the people dying there every day; what about Camp 22 where you are having people going into this all of the time but nobody ever comes out; if you raise that, it delegitimizes the regime, it makes them confront their own people about what they are doing. And that is a more powerful tool. Why would we not raise that? This was my question to our nominee. Why are we not raising that?

It seems as if the desire to get something on the nuclear side is so much greater than that on the human rights side, that this one is set: OK, when we get the nuclear one dealt with, we will deal with this. But in the meantime, people are dying, a lot of them. And this goes on. It continues at a time when we would look at those things and say: My goodness, this is 2008. This does not go on in the world today. You have pictures. You can go on Google Earth and see it.

I think we have to raise this issue. I think it is important in our negotiations for us to raise this issue. We have expressed our horror at what has taken place in various places around the world and said, "never again." We have said it about concentration camps. Yet it is going on here and we have a negotiation and we are not even making it a major issue. So I believe we need to step up and we need to push this issue.

The final point I would like to make about this is that the Chinese are complicit in this as well. They are the ones who could put the most pressure of any country in the world outside of Korea on the North Koreans. They are the ones who have the economic relations. They are the ones who are the protector of North Korea. When people escape out of one of these camps or try looking for food in China, they are caught by the Chinese and repatriated to an uncertain fate, likely death, often imprisonment, and they are sent back against the Chinese requirements of what they had signed in the U.N. Human Rights Commission Agreement in 1951, an agreement that China is a signatory of that says they will not send people back into a death camp situation or where their health would be challenged or would be likely harmed or that they would be killed.

Clearly, that is taking place over there, and China continues to do it. So on top of what they are doing in Tibet and what they are doing in North Korea, on top of what they are doing in Sudan, enabling the Sudanese Government to continue this in Darfur and buying oil out of Sudan and backing reform in the United Nations, on top of that and pursuing resources out of the Congo, regardless of what sorts of abuses are taking place by the groups or the militias stealing the resources to take them out through China, regardless of what is taking place in Burma where the Chinese are blocking and supporting the Burmese and then they are pushing people out, the Korean people are being pushed into Thailand, but they are not citizens of Thailand so they are being trafficked from that point. The Chinese are the ones who are complicit in all of this. They are the great enabler of human rights abuses around the world today, in their own country and externally. They bear a huge responsibility for what is taking place today in North Korea.

I hope this continues to be expressed and brought up—I plan to do so—prior to the Olympics this year, which should be a celebration of great athleticism. I believe it will be. But as China seeks to exploit this as a presentation of their coming forward in the world, I hope the world notices what else they are doing. They are hosting a grand Olympics, but they are hosting a greater catastrophe of human rights abuses in their country and around the world. Whether it is Tibetans or people in the house church movement, Falun Gong members being arrested, North Koreans, Burmese, Sudanese, Congolese, they lay at the doorstep of the Chinese.

I think we need to confront this. I am hopeful the administration will address this. I know the President personally cares very deeply about human rights abuses in North Korea. He has met individually with people who have come out of North Korea. I talked directly with him about it. I don't think we are seeing the administration meet the President's greatest desires on addressing this issue. That is why I put a hold on Kathleen Stephens being Ambassador to the Republic of Korea until we begin to address these issues.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Apr. 1, 2007]

ESCAPE FROM DEAR LEADER TO MY CLASSROOM IN SEOUL

(By Samuel Songhoon Lee)

SEOUL.— At a small restaurant in late February, my student and I ate spicy noodle soup and stared at a huge TV showing the extravagant celebration of Kim Jong Il's 65th birthday in Pyongyang. Thousands of smiling people paraded across the North Korean capital and saluted their Dear Leader.

"I was once there," my student said. "But even as I danced and smiled, I knew of a better life outside." She said this matter-of-factly and turned to stir her tea. Her search for that better life had brought her here, at age 13, to Seoul, and to my English class at a special school for young North Korean defectors.

The school has more than two dozen students, members of a growing contingent of North Koreans who have deserted that communist country since famines in the mid-1990s killed more than 2 million people. According to South Korea's Ministry of Unification, 41 North Korean defectors arrived in South Korea in 1995. The number increased to 312 in 2000, and to 1,383 in 2005, many of them young people.

It isn't easy for these young defectors to fit into South Korean schools and fill the gaps in their education. Most schools here don't offer transition courses on the differences in language and culture. But catching up with schoolwork is only one problem they face.

In South Korea, a country that withstood centuries of invasions from its Chinese and Japanese neighbors, unity defines survival. And without ethnic diversity or a history of immigration, unity means conformity. When something becomes fashionable here, it can have significant consequences. For example, South Korea has the world's highest ratio of cosmetic surgeons to citizens, catering to the legions of girls who receive eyelid surgery as a present for their 16th birthday. This culture of unity and conformity is vastly different from the one I experienced growing up Korean American in New York, Denver and Seattle. The lack of diversity at school makes the young defectors instant standouts—subject to 15 minutes of fame and adulation, then an enduring period of isolation. When their peers ask about their accent—noticeably different from what's common in Seoul—most students say they're from Gangwon Province, in the northeastern part of the country.

Facing ostracism from South Korean students, many young North Korean defectors drop out of school. According to a ministry report in 2005, 43 percent of young defectors were attending school, and 29 percent had dropped out of middle and high schools. Almost half of the 198 young defectors still attending school said that they hid their background from classmates, according to a survey by the National Human Rights Commission.

"Don't expect them to be like us just because they look Korean and speak Korean," the principal told me on the orientation day for volunteer teachers at School 34, an independent school for defectors. "Treat them like foreigners, but with respect."

I was assigned to teach two English classes to students ages 15 to 27. When I introduced myself, they were as puzzled and curious about me as I was about them. An oversized Korean American with big Sony headphones—was I really one of them?

Taking the principal's advice, I made it clear from the start that I was not, and that I probably could not understand the obstacles they had to overcome to reach the free world. Many feel deeply betrayed by Kim and the propaganda they were forced to learn. But they have achieved a surprising distance from their painful past. They share memories—which include watching public executions and boiling grass to eat in times of famine—as if they were reciting folk tales with a sense of wonder and humor.

Among my students, one young man stood out because of his motivation to learn English. His family is still in North Korea, and he wants to earn the $15,000 in payoffs it would take to get them to Seoul. Numerous underground railroads established by brokers in China make rescuing family members from North Korea possible, he told me—if one has the money. "I can work hard for two years and make that money. But I will lag behind in my study. Then what can I do even if my family were to come here?" he said.

In North Korea, he knew exactly what he wanted to do: become an officer in the North Korean army. He dreamed of killing as many Americans and South Koreans as he could. In his childhood home, a framed photo of his grandfather and Kim was prominently displayed on the living room wall. His family was part of North Korea's small and reclusive elite society, and he would have marched off as an army lieutenant if he hadn't received a black-market Sony Walkman for his 15th birthday and listened to forbidden South Korean radio frequencies.

Late at night, muffling the scratchy signal so as not to get caught, he tuned in to the news, learning that much of what he was taught all day in school was a lie. "We learned that the Americans were constantly trying to invade us. But from the South Korean news, I learned that it was the other way around. But my classmates truly believed in what we were learning. They were like robots."

When he graduated from high school and was ordered to serve 13 years in the military, he decided to defect. His father bribed the North Korean border patrolmen, who took him to China. Because the Chinese government regularly repatriated North Korean refugees, South Korean missionaries took him to Myanmar, where Seoul's consulate prepared the papers for his final journey to South Korea.

Soon after arriving in Seoul, he found School 34 and a community of others like him. Most students were too poor to have bribed their way out. Instead, they had braved often frigid waters to swim across the Tumen River to China.

Another student, a good-humored young woman, lost her parents to starvation before she turned 11. To survive, she said, she crossed the Tumen many times to obtain food and other goods in China that she could sell on North Korea's widespread black market. When she defected, she went as far as Xinyang, in China's southeastern Henan Province. Discovered by Chinese agents, she was repatriated and served six months in prison. She was 13 at the time. After being released, she swam across the river again and this time she stayed in China, begging for food. Eventually, missionaries helped her get to Seoul.

One recent School 34 graduate is now studying at Sungkyunkwan University, one of the nation's top colleges. He grew up a few minutes away from one of North Korea's most notorious political prisons, Prison 22 in Hyeryung, Ham-Kyung Province, at the northern tip of North Korea. Because food and alcohol are scarce in the countryside, the prison guards went to his house for libations. "They always drank heavily," he told me. "And when they got drunk, they would mumble about how sorry they felt for what they did to prisoners."

Despite his rare glimpse of the prison guards and knowledge of what they did, my student says he finds it difficult to raise awareness about the little-known gulags of North Korea among his classmates in Seoul. Most do not care, he says. Or worse, they take a pro-North Korea stance. President Roh Moo Hyun has been passionately calling for the ouster of the 37,000 U.S. troops in South Korea, and a wave of anti-American sentiment is sweeping across college campuses. After eight years of the dubious "sunshine policy," which advocated engagement with rather than containment of the communist north, South Korean public sentiment favors neglecting thousands of North Korean refugees in China and pouring cash and aid into Pyongyang, even with Kim's apparent nuclear ambitions.

"Back in North Korea, we learned to hate and fear America," a 17-year-old student who attended middle school in North Korea told me one recent afternoon over sodas at McDonald's. His father was once responsible for importing and distributing Soviet arms to the North Korean army. But he defected to South Korea two years ago after his father was purged. "Now, I've realized that all I learned was a series of lies," he said, taking a bite of his Big Mac. "I wish my friends back in North Korea could eat this one day."

We left McDonald's shortly and went back to School 34 to study English.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, April 24, 2008.

Thereupon, the Senate, at 7:32 p.m., adjourned until Thursday, April 24, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

C. STEVEN MCGANN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI.

T. VANCE MCMAHAN, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

CARMINE G. D'ALOISIO, OF NEW JERSEY
JOHN J. FOGARASI, OF TEXAS

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

ROBERT L. FARRIS, OF FLORIDA
MARGARET A. HANSON-MUSE, OF MARYLAND
JOSEPH B. KAESSHAEFER, JR., OF FLORIDA
RICHARD C. REED, OF VIRGINIA
JUDY R. REINKE, OF VIRGINIA

DEPARTMENT OF JUSTICE

JEFFREY LEIGH SEDGWICK, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE REGINA B. SCHOFIELD, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

CHRISTINE O. HILL, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE THOMAS E. HARVEY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM M. FRASER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DONALD J. HOFFMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL J. SELVA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF AIR FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8038:

To be lieutenant general

MAJ. GEN. CHARLES E. STENNER, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM E. GORTNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MELVIN G. WILLIAMS, JR.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHERYL AMYX

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DEBORAH K. SIRRATT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MARK A. CANNON
MICHAEL J. MILLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

GENE KAHN
JAMES D. TOWNSEND

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LOZAY FOOTS III

To be major

MICHAEL A. CLARK
RONALD J. GAY
LAURA W. PIERRE
BRIDGETTE Y. POLK
BRET G. WITT
MARGARET L. YOUNG

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PHILLIP J. CARAVELLA
DANIEL O. IZON
CURTIS A. PREJEAN

To be major

LORRAINE O. HARRISDAVIS
PAUL S. LAJOS

HOUSE OF REPRESENTATIVES—*Wednesday, April 23, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. BALDWIN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 23, 2008.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rabbi Akiva Males, Kesher Israel Congregation, Harrisburg, Pennsylvania, offered the following prayer:

Merciful Father in heaven, as a new day begins in this great Chamber, we thank You for the many blessings You have bestowed upon us.

Please strengthen these Representatives of the United States of America to act with justice, to love mercy, and to walk humbly with You.

Endow them with wisdom, understanding, and courage, as they address the diverse needs of the citizens of our great country.

Bless these Representatives with the patience and spirit of cooperation needed to solve the many challenges they face.

Grant to these hardworking men and women of the House of Representatives the wisdom and understanding needed to lead the United States of America with righteousness and integrity so that our great country will continue to be a beacon of light and inspiration unto the world.

May this be Your will, and let us all say, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. WALDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. WALDEN of Oregon led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI AKIVA MALES

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. HOLDEN) is recognized for 1 minute.

There was no objection.

Mr. HOLDEN. Madam Speaker, I rise today to recognize and thank Rabbi Akiva Males for providing today's prayer and blessing for both the House and for our country.

Rabbi Males is a native of Cleveland, Ohio, which he left to pursue his ordainment by attending rabbinical schools in Milwaukee, Wisconsin; Jerusalem, Israel; and Queens, New York. He was eventually ordained as a rabbi by the Rabbinical Seminary of America in Queens, New York.

Rabbi Males is a member of the Rabbinical Council of America. He and his wife Lynn reside in Harrisburg, Pennsylvania, located in my congressional district. He is now assisting Rabbi Dr. Chaim Schertz at Kesher Israel Congregation, a synagogue comprised of close to 200 members that has been an enhancing force in Harrisburg for over 100 years.

Rabbi Males is a pillar of faith, service, and commitment in the Harrisburg community, and I welcome him and his family to our Nation's Capital.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

NATIONAL DAY OF SILENCE

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Madam Speaker, I rise today in observance of a National Day of Silence, and in strong support of House Concurrent Resolution 328.

This Friday marks the 12th National Day of Silence, a day in which students remain silent for a day to highlight the discrimination some of their peers endure when they speak out about their sexual orientation and their personal gender identity.

Though the United States has made great progress toward ensuring civil rights for all of its citizens, lesbian, gay, bisexual and transgender individuals still face persecution, often violent, from teachers, school officials, and their classmates in our schools.

This year the National Day of Silence will be held in memory of Lawrence King, an 8th-grade student in California who was shot and killed by one of his classmates because of his sexual orientation.

Our country was founded on the ideal of equality for all, with the self-evident right of life, liberty, and the pursuit of happiness. We must always be mindful that our Nation's history is a chronicle of the blending of many formerly separate cultures and languages, ideas and lifestyles, into one American identity that celebrates its diversity. I look forward to a day when we can all be tolerant.

The National Day of Silence recognizes that diversity is a cornerstone of American democracy—that all people are individuals and have a right to be treated with dignity and respect.

I look forward to a time where anti-GLBT harassment is no longer a problem in our schools. But until that happens, I am pleased to celebrate those students who recognize and appreciate the diversity of their classmates. I urge my colleagues to do the same and support H. Con. Res. 328.

PUR DRINKING WATER

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, the World Health Organization estimates that more than 1 billion people across the globe do not have access to clean, safe drinking water. The lack of clean water means that more than 4,000 children die every day because of the diseases they acquire due to unsafe water. These deaths are preventable, and I am proud to call attention to the work that the Procter & Gamble Company, one of my constituents, is doing to prevent these deaths.

P&G teamed with over 30 partners to provide safe drinking water to 40 countries and has provided safe drinking water during the global crises such as the tsunami in Asia, hurricanes in the Caribbean, and floods in the Philippines and Bangladesh. On Monday, former P&G CEO John Pepper delivered the one billionth liter of safe drinking water at a rural clinic near Lagos, Nigeria.

The billionth liter of safe drinking water was delivered through PUR Purifier of Water. PUR is a powdered water

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

clarification and disinfectant that comes in small, easy-to-use packets. One packet has the same ingredients as a municipal water system to remove pollutants and cysts and kill bacteria and viruses in a liter of polluted water.

Mr. Speaker, I am proud of what Procter & Gamble does. Their philanthropy extends far beyond this. They are committed to doing this for another 5 years and creating two more billion liters of safe drinking water.

NATIONAL DAY OF SILENCE

(Ms. BALDWIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALDWIN. Mr. Speaker, I rise today with my colleagues to honor the hundreds of thousands of American students across the country who will participate in the National Day of Silence this Friday to call attention to anti-LGBT name-calling, bullying, and harassment in their schools.

By taking a vow of silence, students from more than 5,000 middle and high schools will call attention to hate-motivated harassment faced by individuals in school and in work, and they will work toward improving their school climate.

This year's event will be held in memory of Lawrence King, an 8th-grade student who was shot and killed on February 12 by a classmate because of his sexual orientation and gender expression. Larry's death is an unnecessary reminder of what we already know: lesbian, gay, bisexual, and transgender students continue to face pervasive harassment and victimization in schools.

As students use their silence to demand schools are safe for all students, it is my hope we in Congress use our voices to ensure that it will be so.

DIPLOMATIC PRESENCE IN LHASA, TIBET

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the United States has no permanent diplomatic presence in Tibet. Our closest consulate is located in Chengdu—1,500 miles away from Tibet's capital of Lhasa.

During the recent violence, the Chinese government sealed off the Tibetan Autonomous Region to U.S. diplomats and foreign journalists. America has no permanent office to monitor the situation and to assist U.S. citizens.

Last week, I authored appropriation language to establish a permanent diplomatic presence in Lhasa, Tibet. The language is supported by the Dalai Lama's special envoy, Lodi Gyari. The U.S. State Department has no opposition to it, and the Chinese ambassador to Washington has welcomed its discussion.

I urge my colleagues to support this initiative to demonstrate our bipartisan commitment to the people of Tibet and the expanding diplomatic presence of the United States.

HONORING PHILIP INGEGNERI

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, it is my privilege to speak in honor of the life of Philip Ingegneri, who was a dedicated public servant, a true friend of Maine, and a loving husband and father.

For over 30 years, Phil served his country as a special investigator for the IRS. When the opportunity arose in the 1950s, Phil moved his beloved wife, Rosslyn, and their two young children, Philip and Lois, to Bangor, Maine.

After a long and dedicated career serving his country, Phil was elected to the Maine House of Representatives where he dedicated his efforts to improving public education for all of Maine's citizens.

I am sad to announce that Phil passed away this past Saturday at the age of 97. It is a privilege to recognize on the floor of the House of Representatives his service and contribution to our Nation and the great State of Maine. His dedication and love for his family, community, and country is a fine example for all of us.

DRILL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, gasoline prices keep going up, and Americans want some answers and some action.

One reason gasoline is rising is because the U.S. dollar continues to get weaker. The weaker it gets, the more it costs to buy that crude oil from the OPEC monopoly and the dictator of Venezuela.

Another reason is the U.S. is the only major nation that ignores its own natural resources. This stubborn, hardheaded Congress refuses to let American oil companies drill offshore. Plus, subsidizing the corn industry to make ethanol has driven world food prices to an all-time high; and now, African nations are even going hungry.

Mr. Speaker, we have crude oil in all of these red zones outside the United States. But environmental intimidation and fear tactics prevent drilling in this gold mine of crude.

We only drill off Texas, Louisiana, Mississippi and Alabama. The rest of these red zones don't have a problem taking that crude oil and gasoline, but they say "No!" to drilling off their shore.

Unless we drill offshore and in ANWR, we are all going to be walking to work, and come winter, freezing in the dark.

And that's just the way it is.

☐ 1015

ONE VOICE FROM KENTUCKY'S THIRD DISTRICT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, this story comes from Kathryn French in my hometown of Louisville, Kentucky:

"John, I am a 51-year-old female. I was released from my third job in the past 9 years 8 months ago. I have a business degree from U of L. I have held management and sales positions for over 25 years, making about $50,000 a year. I also have a husband of 25 years who, thankfully, has always worked hard, and we are getting by, but we have a mortgage and two sons in college at U of L, not to mention telephone, cell phones, cable, heating, air conditioning, car payments, insurance, et cetera. I'm not getting many interviews; too qualified, or too old. And it's hard to start over again. Then I hear Republicans say things like "if you extend unemployment then they won't look for a job." I already had to cash out my 401(k)—and suffer a 10 percent penalty on top of taxes and losses in the stock market. If I'm having a hard time, what are others doing without the support I have from family and friends?"

That was Kathryn French, one voice from Kentucky's Third District.

COUNTY TIMBER PAYMENTS: JACKSON COUNTY, OREGON

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. WALDEN of Oregon. Mr. Speaker, more than a year ago I warned this Congress in a series of speeches how its failure to reauthorize and fund county timber payments would hurt the counties of Oregon's Second Congressional District, and that even a 1-year extension in last year's emergency supplemental, while helpful, was not enough to stave off dramatic impacts.

Jackson County closed all of its libraries. Some of these libraries now have reopened, but with decreased operating hours at limited locations.

During an already difficult economic time, the County has eliminated 117 jobs in roads, parks, human services, public safety and planning. Real services have been cut.

Meanwhile, the Natural Resources and Agriculture Committees have discharged H.R. 3058, which is a 4-year reauthorization of county timber payments. But the Democratic leadership in this House has yet to schedule it for a vote. Why?

Since January 15, this bill has been eligible for a vote on the House floor. The leadership has found time to name Post Offices and roads and many other things, but not to schedule this important legislation for a vote and keep the Federal Government's commitment to timbered counties.

Today I, once again, call on the leadership to schedule a vote on H.R. 3058.

DEMOCRATS ARE WORKING TO REDUCE THE PRICE OF OIL AT THE PUMP BUT FACE RESISTANCE FROM PRESIDENT BUSH

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Mr. Speaker, American families and businesses are paying a heavy price for the Bush administration's failure to enact a comprehensive energy strategy. Families are now paying an all-time record high of $3.50 for regular gasoline, and that's more than double the cost when President Bush took office in 2001.

Last year Democrats worked in a bipartisan fashion to pass the Energy Independence and Security Act, which is expected to save American families between $700 and $1,000 per year at the pump. But there's still much more that needs to be done.

Last month the House passed legislation that would take billions in taxpayer subsidies to Big Oil and instead give them to renewable energy companies who are investing in the energy solutions of the future. This makes sense. After all, the big five oil companies continue to reap record profits. Why do they need handouts from this government?

Mr. Speaker, if President Bush and my friends across the aisle are serious about providing some relief to the American consumer, they should reconsider their opposition to this legislation.

LET'S TAKE ACTION ON ENERGY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, truckers from Tennessee are visiting me this week, many of whom are operating at a net loss because of oil and gas prices. Gas prices are at historic highs. Residents of Clarksville, Tennessee are paying $51 for a 15-gallon tank of gas. That's a difference of $18.45 since January 2007 when Speaker PELOSI and the Democrat leadership gained control of Congress and began making promises.

They continue to wax eloquent about the future of energy. Their words sound promising, but the reality is, they're as empty as a lot of our gas tanks.

So what have they been doing? They have not encouraged domestic production, but have sought to remove exploration incentives that would promote energy independence.

Mr. Speaker, the American people are calling on this Congress for action. So let's take some action. Let's invest, explore and provide opportunities for American innovation to develop reliable, affordable energy for years to come.

COAST GUARD AUTHORIZATION ACT

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, as the House prepares to take up H.R. 2830, the Coast Guard Authorization Act, I call attention to Coast Guard policy affecting repairs of its vessels. There is a loophole in current law that I seek to close with an amendment that will come to the floor tomorrow.

The law does not recognize Guam as a U.S. port for the purposes of repairs, overhaul and maintenance of Coast Guard vessels. My amendment would correct this loophole and would not allow the Coast Guard to seek repairs of vessels home ported in Guam at foreign shipyards.

This amendment is needed to protect vital American jobs. Outsourcing repair, overhaul and maintenance of national security vessels is a dangerous proposition. The case in point, the Coast Guard wants to take the cutter *Sequoia*, home ported in Guam, and one of its newest in the fleet, to have its first major repairs done at a foreign shipyard by foreign workers. This move jeopardizes American jobs and critical ship repair capability on Guam.

It is in our national security interest to maintain a viable ship repair capability on Guam. The Coast Guard's actions are contrary to our national security. And this is even more serious because we have U.S. shipyard workers who are being laid off while the *Sequoia* leaves Guam.

DEMOCRATS' BROKEN PROMISES

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Well, it's been reported in the press that the Democrats have horrifically failed as the majority in Congress of getting almost anything done. You know, they made promise after promise to try to help the American people and, to no surprise really, most of those promises are now broken.

This is evident by the fact that there's been a dramatic increase in the price of oil that we all have had to suffer and go through. Some people now call that the "Pelosi Premium."

Before taking the majority, the Democrats vowed that they would address this issue and, more importantly, that they had a plan. Well, here we are 16 months into this administration of this Congress, where's the plan?

Now I was on the floor just last week. At that time the cost of oil was about $115 a barrel. This week it's approaching $120 a barrel. $5 increase in just 1 week. Where is it going to be a week from now or a month from now or the summertime? I can only guess.

I can also guess as to when are the Democrats going to make the American people and their family budget a priority, as opposed to these other things we've been doing on the floor?

We really can't afford to keep on paying these skyrocketing energy prices and gas prices. If only the majority weren't so occupied with their special interest spending and earmarks, we would be able to focus on the energy problem.

PAYCHECK FAIRNESS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 1338, the Paycheck Fairness Act. The author has introduced this legislation for the last 10 years. It's time that we stand together for the fair payments act.

It is 2008, and yet our wives, daughters, sisters still face gender-based wage discrimination.

I am proud to advocate for equal pay because this is not a women's issue. This is an American issue. Discrimination on wages based on gender is unacceptable. Congress has a duty to tackle this issue.

The wage gap hurts families' ability to pay for basics like groceries, child care, health care. Today 41 percent of women are heads of households and are sole income earners. We're in a recession. People have lost their homes right now. The gap continues to be there. Gas prices continue to go up.

I urge my colleagues to support H.R. 1338, and allow for all women to receive fair treatment and equal opportunity.

DOMESTIC ENERGY PRODUCTION

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Mr. Speaker, the United States is at a crucial point in terms of domestic energy production. With estimates that China and India combined will consume more energy than the United States by 2015, we must take a serious look at our domestic energy production and continue to reduce our dependence on Middle Eastern oil.

China's increasing offshore energy production to reduce its own dependence on foreign oil, growing their production an average of 15.3 percent per year with plans to make offshore production China's largest source of oil by doubling production by 2010.

The current congressional leadership opposes domestic offshore energy exploration and production, making America the only developed nation in the world to restrict access to offshore energy supplies.

China has invested $24 billion in coal liquefaction technology, while current congressional leadership continues to exclude coal from their energy policy, even though it is the most abundant and efficient fuel source found in the United States.

Mr. Speaker, I could go on and on about our energy crisis, but it's time for this Congress to get serious about our domestic energy production.

PAYCHECK FAIRNESS ACT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise today in support of every working woman who faces pay discrimination in the workplace. Last year the Supreme Court ruled 5–4 to drastically limit women's access to seek justice for pay discrimination based on gender, requiring workers to file a pay discriminate claim within a 6-month period only, regardless of how long the pay inequity goes on.

The House has passed legislation to right this wrong, and the other body will follow this week. While a weakening economy weighs heavily on women and families across America, and when women are still only earning 77 percent of what men earn, this is not the time to curtail women's access to fair pay.

That is why this Congress must pass into law the Paycheck Fairness Act. With the support of more than 227 cosponsors, my bill would help women confront discrimination in the workplace, give teeth to the Equal Pay Act by prohibiting employers from retaliating against employees who share salary information with their coworkers, allow women to sue for punitive damages and the recovery of back pay and create a new grant program to help strength the negotiation skills of girls and women.

I call on the House to pass the Paycheck Fairness Act because every woman deserves equal pay for equal work.

MEDICAID SAFETY NET ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I urge my colleagues today to support H.R. 5613, the Medicaid Safety Net Act. There's a lot of misinformation about what this bill does. Here are the facts.

When CMS put forth regulations to cut Medicaid service to save money, Mr. BARTON's and Mr. DINGELL's leadership not only prevented its cuts, but we actually saved more money than the cuts did.

We can't keep doing business in Washington the same way. Cutting services to save money the easy way, but not always the right way. We cannot cut programs for seniors on fixed incomes, for disabled children, for the medically needy.

Without this bill, North Carolina loses $2.5 billion, Missouri $1.4 billion, Florida $665 million. But with this bill we provide health care and cut waste, fraud and abuse.

I encourage the President to look past the rhetoric, withdraw his veto threat and encourage my colleagues to support this bill and support families in need.

NOVEMBER IS THE ANSWER

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this morning I had a group of students from Hawkins Mill Elementary School in Memphis tour the Capitol, inner city young children. And I thought about what type of future they'll have and how Congress is affecting it.

I thought of the children's health plan that would give six million more children around this country health care, and the fact that the President vetoed their opportunity to have health care.

I thought about No Child Left Behind to help them in education. But that bill has been $50 billion underfunded, and basically teaches teachers to teach a test and not to teach these children.

I thought about the war in Iraq and JOHN MCCAIN's thought that it's going to be a hundred-year war, and how many of them might have to go to Iraq and maybe lose their lives and continue to suck moneys out of our economy and hinder their future with a budget that is out of balance and that they'll have to pay for.

Mr. Speaker, I'm concerned about the children at Hawkins Mill Elementary and all the other children and the future we leave them.

Mr. Speaker, November's the answer. We need to have a new Senate and a new President that think about the children and the future.

MICHIGAN STUDENTS FLEX INNOVATIVE MUSCLE

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, since the time of Thomas Edison and Henry Ford, the people from the great State of Michigan have been at the forefront of technical innovation, and that tradition continues today, this time led by the Thunder Chickens.

And you might ask, who are the Thunder Chickens? Well, they're a great group of students from the Utica Community Schools in my district who were part of a winning team at the First National Robotics Championship held this past weekend at the Georgia Dome in Atlanta.

Out of 340 competitors, the Thunder Chickens team built a robot that won a race, ran around a track, knocked plastic balls off a 6-foot overpass, picked the balls up and threw them back over an overpass. This was a robot that they designed.

The Thunder Chickens victory proves once again that the innovative spirit is in the State of Michigan. My congratulations to the mentor, the team's lead engineer, and to the entire team for a job well done. And I have no doubt that in the future we will see some of these Thunder Chickens grow up to be engineers who invent the fuel efficient vehicles of the future.

So when you think of Michigan innovators in the future, remember Henry Ford and Thomas Edison, and now think of the Thunder Chickens from Utica Community Schools.

☐ 1030

REGULATING THE DISTRIBUTION OF HANDGUNS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, there's entirely too much violence in our country perpetrated by the use of handguns. I come from a rather large city with about 3 million people, but I can tell you there were 22 shootings in Chicago over the weekend. Six individuals were actually killed because of the presence of handguns.

We must find a better way to regulate the distribution of handguns so that kids growing up can learn to practice peace and not war.

IN MEMORY OF KYLE WILKS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, one of America's finest, Kyle Wilks from the Third District of Arkansas.

Kyle, a marine from Rogers, Arkansas, serving with the II Marine Expeditionary Force stationed at Camp Lejeune, North Carolina, died last week. He was in a convoy of 36 vehicles in the Kandahar province of Afghanistan when his vehicle was struck by an IED.

In 2004, Kyle entered the Marine Corps to help others. His devotion to his friends, his family, and his unit was selfless. The commitment Kyle showed his fellow soldiers and his country is something we can all be proud of.

Mr. Speaker, Kyle Wilks is a true American hero who made the ultimate sacrifice for his country. I ask my colleagues to keep the Wilks' family and his friends in their thoughts and prayers during this very difficult time.

WE NEED TO SUPPORT CHAIRMAN FRANK'S COMMITTEE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I rise to recognize the Banking Committee under the leadership of Chairman BARNEY FRANK who, this week, will take us in the direction that this Congress needs to lead the country. They will mark up a bill that will establish a substantial pool of funds that will enable local governments to be able to purchase foreclosed properties and turn them into affordable housing for families desperately in need of housing they can afford in this economy. They will also help families that are on the cusp of losing their homes to be able to keep their homes. This is so important.

Mr. Speaker, as many as 7 million families will lose their homes by the end of this year. In fact, mortgage defaults are up by 72 percent. Local governments will lose $7 billion in property tax revenue that they desperately need for public safety and roads and all of the other municipal services that are so important.

We are on the cusp of a recession. We need to act quickly and comprehensively to do the right thing. Chairman FRANK's committee is doing the right thing. We need to support them.

WHAT ARE THE DEMOCRATS' SOLUTIONS TO HIGH GAS PRICES?

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, I want to read a few floor comments, if I could.

This one is made July 28, 2005, in a floor statement by Congressman JIM MCDERMOTT:

"Republicans have written a bill that favors corporate America over mainstream America. Sixty dollars for a barrel of oil that breaks the backs and the budgets of mainstream Americans is a scandal."

Mr. Speaker, I wonder what Mr. MCDERMOTT thinks about $119 a barrel of oil.

Mr. Speaker, on April 20, 2005, in a floor statement, then minority leader NANCY PELOSI said this:

"The Republican energy bill is warmed-over stew of old provisions and outdated policies. Democrats have better ideas."

Mr. Speaker, I challenge the Democrats to bring forth these better ideas because since the Democrats have taken control, gas prices are up over $1.25 a gallon.

Mr. Speaker, May 23, 2006, in a floor statement by Mr. FRANK PALLONE:

"As Americans prepare to travel this weekend for the Memorial Day holiday, they should know that Democrats are offering real solutions."

Mr. PALLONE, we need to see those solutions.

TIME TO ACT ON THE HIGH PRICE OF OIL

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, it's time for the President to act. Record high prices for gasoline and diesel fuels are crippling our economy and taking our hard-earned money and putting it into the bank accounts of Big Oil and market speculators. The President must take action today to provide relief for small businesses and ordinary people who are fighting just to keep their heads above water.

With the price of diesel fuel hitting $4 per gallon and the strategic petroleum reserve at 95 percent full, it's time for action. The petroleum reserve has 695 million gallons within it, approximately the same in August of 2005 when the President released, due to Katrina and due to Hurricane Rita, the oil supplies. According to independent analysts, if we suspend purchasing additional oil into the reserve, it will lower gas prices by 25 cents per gallon. Whose side is this administration on?

Times are tough, and the two things the President can do right now is to cut the cost of fuel at the pump and also to reduce health care costs. Today, I ask the President, again, to join me in working together to put more money in the pockets of ordinary taxpayers instead of Big Oil.

HONORING NORM "JACK" SNOW

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Mr. Speaker, for the past 30 year, Norm "Jack" Snow has been a familiar face in the town of Milo, Yates County, New York, serving as councilman for 12 years before moving into the supervisor position for the last 18 years. Jack has offered his strength, his courage, his convictions to the town of Milo. He announced his retirement at the beginning of this year, much to the dismay of the people he represents.

A native of upstate New York, Jack grew up on a dairy farm walking one mile to a one-room schoolhouse, in which he jokes was "uphill both ways." Jack didn't grow up dreaming of politics but decided he could make a difference in the community that he loved. Besides his 30 years of public service, Jack is an active member in the community serving as the President of the Shrine Club, which enables 700 school children from around the State to attend the Shrine Circus each year.

Jack cites that the reason he stayed in politics for 30 years was because of the terrific people he worked with every day. But it was us who were blessed to work with Jack, and more importantly, blessed to know him. I wish him the best of luck in his future endeavors.

RISING GAS PRICES ARE NOT THE SOLUTION AMERICANS WANT FROM THE DEMOCRATS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, in a press release on April 24, 2006, then Leader PELOSI, now Speaker PELOSI said, Democrats have a commonsense plan to help bring down the skyrocketing cost of gasoline. In an op-ed penned by my friend from Illinois (Mr. EMANUEL), he claimed that their success is because Democrats realize the anxiety of stagnating wages, the cost of health care, education, and even gasoline and vowed to address their concerns.

Well, they addressed their concerns. Gas prices are up. When the Democrats took over, gas prices were $2.33. Now they are $3.53. We call this the Pelosi Premium. Add the 50 cent gas tax for climate change, consumers would be paying $4.03. And when gas prices reach $4 this summer, add 50 cents for climate change; we will be paying $4.53 for a gallon of gas.

That's not the type of change that the suburbs in America bargained for when they allowed Democrats to get this Chamber.

CORRECTING THE ENGROSSMENT OF H.R. 2634, JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2634 the Clerk be directed to execute the second instruction in the amendment conveyed by the motion to recommit as though it read "all that follows on that line" rather than "all that follows."

The SPEAKER pro tempore (Mr. HOLDEN). Is there objection to the request of the gentleman from Alabama?

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, it is important for the membership to understand what we have here, a need for the House to correct sloppy legislation, a use of the legislative process to score political points rather than to achieve public policy goals.

This is not a problem caused by the ranking member of the full committee, the gentleman Alabama. If you want to look at this as one big circus, today is the day that the gentleman from Alabama gets to clean up after the elephants. And I mean elephants.

What we have here, Members may have read this a week ago, there are people who specialize in writing recommittal motions that are not, in my judgment, constructive contributions to the legislative process but are "gotchas." And what happens is we work in committee, as we did on this bill to provide debt relief to poor countries, the gentleman from Alabama has been a stand-out advocate for debt relief for poor countries when his party was in the majority and now.

We worked together and came up with a very good bill. In fact, a large number of the groups that support fair treatment for the poorest in the world are going to celebrate that bill tonight. Fortunately, because we were able to fix this, they have something to celebrate. We almost ruined their celebration.

Because what happened was after all of the collaborative efforts in the Committee on Financial Services, as we finished the legislative process, after we adopted several amendments, including a manager's amendment that was predominantly constructed for the Republicans' concern, a Republican amendment offered by the gentleman from California (Mr. ROHRABACHER), one offered by the gentleman from Florida (Mr. HASTINGS), we got a recommittal motion.

Now the way things have unfortunately worked around here, no one got to see, on our side, the recommittal motion until minutes before we had to debate it, and we have only 10 minutes. It was a policy statement that said no debt relief should go to anyone whose government has business interests with Iran.

By the way, Condoleezza Rice just came back from meeting with the Gulf Council, in which she was urging them to give debt relief to Iraq; and they don't want to give debt relief to Iraq apparently for a number of reasons, but one of them, you can read it in today's Washington Post and yesterday's New York Times, is Iraq has too many dealings with Iran. Now they weren't technically covered by our bill, but if you are going to set forward the principle for the United States Congress that you don't give debt relief to people who do business with Iran and other people apply that principle, you won't get debt relief for Iraq because they have those relations given their proximity, the religious commonality, et cetera.

But to go back to this request and the need for it, the recommittal motion was so badly drafted that it knocked out many parts of the bill. In fact, the House took three votes last week: Two to adopt the Republican amendments and then one to adopt a Republican recommittal that killed the two Republican amendments.

I thought, well, maybe they didn't notice that we had amendments, but as the Parliamentarian had pointed out to us, this amendment was so sloppily drafted in the urge to score political points and not consult with anybody, I think, on either side in terms of committees, that it also killed some parts of the bill. It didn't simply do the amendment. You might say, well, they drafted to the bill and didn't look at the amendments. It killed parts of the bill.

I am going to withdraw my reservation, Mr. Speaker, because this is an important bill. But will no one learn from this? Can we not stop this process of ambush and last-minute recommittal motions that are not part of a constructive legislative process but are drafted purely to make political points and drafted badly and drafted not in consultation with any substantive knowledge?

So we are here today to undo much of the effects of a recommittal motion. We are here today because of "gotcha" politics that the minority leadership played, not the committee leadership, but the minority leadership.

□ 1045

And so I would hope that they might have learned from this. And let me be clear, Mr. Speaker, my original intention was not to agree to this because I thought they just killed the Republican amendments. Luckily for them, they were even more incompetent in proposing that than I had thought they were, and they killed vital parts of this bill that we both need. So I am constrained to help them undo their own mistake.

And I would express the hope, probably in vain, that instead of continuing to use the recommittal motion in a way that has no constructive legislative purpose, but is truly to try and advance partisan agendas, that we can get a collaborative effort. That doesn't mean the recommittal motion shouldn't really put issues into play, of course they should; that's partly what it's for. There's no need to hold it until the last minute. If we had had an hour's notice, we could have found that error. I found the error, but by the time I found it it was too late, we had already wrote it. So I hope out of this—I don't have a lot of hope, but I do hope—that those who have sort of taken the legislative process hostage by their need to politicize recommittal will learn from this. And I hope this is the last time we have to come here and correct this.

And I will just as I close predict again, it wasn't just badly drafted in the technical sense, I will predict that we will hear that if the United States Congress adopts as a principle that no debt relief goes to a country that has business with Iran, it will undercut Secretary Rice's efforts to get the Gulf Cooperation Council to give debt relief to Iraq. And I believe that we will not only have to correct this procedurally, we will have to correct it substantively.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BACHUS. Mr. Speaker, in closing, let me thank the chairman for his willingness to allow this unanimous consent request.

The SPEAKER pro tempore. Without objection, the gentleman from Alabama is recognized.

There was no objection.

Mr. BACHUS. Mr. Speaker, as I said, in closing, I want to thank Chairman FRANK of the full committee for his willingness to allow this unanimous consent request to be adopted. And as he would agree, this allows this very important piece of legislation to go to the Senate.

He and I and this body are joined, I think, in a bipartisan way to see that these 24 countries, heavily indebted poor countries, that hopefully this legislation will make its way through the Senate to the President, where he will sign it.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. I would yield.

Mr. FRANK of Massachusetts. Well, I hope that's the case. The gentleman mentioned the 24 countries. But if any of those countries emulates Iraq and perhaps buys oil from Iran, they won't get the debt relief under this recommittal. So I hope we can also correct that error.

Mr. BACHUS. Absolutely. And as the chairman knows, if this becomes legislation, then the Treasury Department would negotiate with these countries individually and come back to the Congress on an individual basis for approval. But it has, in the past, these efforts by the Congress, our legislation has had tremendously beneficial effects in alleviating poverty and suffering in these very poor countries. And I know that is the goal that both the chairman and I share.

Mr. FRANK of Massachusetts. If the gentleman would yield one more time. And I appreciate, as I said, we had a bipartisan approach at the committee level. Partisanship took over at the recommittal process. I was glad to cooperate with the gentleman in correcting that. And I would just say to the gentleman, in the words of the song, "It's his party and he can cry if he wants to."

Mr. BACHUS. Well, I'm a great believer in quoting Psalms.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ALONZO WOODRUFF POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5479) to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALONZO WOODRUFF POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, shall be known and designated as the "Alonzo Woodruff Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Alonzo Woodruff Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I stand for the purpose to move H.R. 5479, which seeks to pay tribute to a Civil War veteran and hero, Mr. Alonzo Woodruff, by designating the North Kidd Street Post Office Building in Ionia, Michigan, after this forgotten soldier.

H.R. 5479's introduction came on February 25, 2008, introduced by Representative VERNON EHLERS of the great State of Michigan and is cosponsored by the State's entire congressional delegation. The measure was considered and approved by the Oversight and Government Reform committee on March 13, 2008, which brings us to this morning's discussion on the measure.

History reveals that Alonzo Woodruff was a Union soldier during our country's Civil War and received the Medal of Honor for his courageous acts of service at the 1864 Civil War Battle of Hatcher's Run in Virginia.

Mr. Woodruff's story of heroism and service provides an interesting glimpse into 19th century history. According to legend, Alonzo Woodruff was only 22 years old and recently married when the Michigan farmer joined the Union cause at the end of 1861. Two years later, Woodruff risked his life in hand-to-hand combat when he charged into Confederate lines to rescue a fellow soldier.

Mr. Speaker, in honor of Mr. Woodruff's heroism and dedication to preserving the United States, I would urge that we pass H.R. 5479 without reservation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I would recognize the author of this resolution, the gentleman from Michigan (Mr. EHLERS), for as much time as he may consume.

Mr. EHLERS. I thank the gentleman for yielding.

Perhaps the best part about this particular bill and our action on it is to inform us once again how important it is to remember those who have served this country well and have passed on, and to not forget them, because in this case, an entire community, after a period of 145 years, forgot the significance of this individual.

I rise today in support of this bill to designate the Ionia, Michigan, Post Office, located in my district, as the "Alonzo Woodruff Post Office Building."

Earlier this year, students from Ms. Maureen Powell's eighth grade American social studies class at Ionia Middle School heard about Alonzo Woodruff and the fact that the community had neglected him. They raised private funds, with the assistance of VFW member Commander Denny Craycraft, to place a monument honoring Alonzo Woodruff in front of the Ionia Courthouse. I attended that ceremony and learned a great deal about Alonzo Woodruff, a sergeant on the Union side during the Civil War, who was an amazing man and did much for his country.

A Michigan native, Sergeant Woodruff was born near Detroit in 1839 and was married to Harriet Hill in 1859 in Ionia County. Alonzo Woodruff was 22 years old when he joined the Union cause in 1861. At the Battle of Hatcher's Run in Virginia, Sergeant Woodruff fought, in hand-to-hand battle, to save and free a fellow soldier. He did this again on the same day by charging Confederate lines single-handedly to rescue another comrade held by a Confederate soldier. Sergeant Woodruff even made the Confederate soldier his prisoner. For these actions, he was awarded the Congressional Medal of Honor.

Both Patricia Provot and Sandra Provot Elmer, great-great-granddaughters of Alonzo Woodruff, support this initiative, as does Mayor Dan Belice of the city of Ionia.

It is most appropriate to honor Sergeant Woodruff by naming this post office building in his honor. We must remember the sacrifices made not only during the Civil War, but in every war, by prominently displaying Sergeant Woodruff's name in the Ionia Post Office. It is my hope that more people will remember and honor the bravery of all our young men and women who are fighting for our country.

I urge all Members to support this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this bill to designate the facility of the U.S. Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building."

Born near Detroit in March of 1839, Alonzo Woodruff was a simple man. He was a farmer by trade, but the recently married Woodruff decided to join the Union Army when tensions flared between the North and the South. He was 22 years of age at the time. In March of 1862, he was assigned to the 1st U.S. Regiment of Sharpshooters.

In October of 1864, Union forces continued their advance on Confederate lines at Hatcher's Run, Virginia. It was on October 27, 1864 that this simple farmer earned a place as an American hero. Posted on the extreme left of the Union line, Sergeant Woodruff and his comrade in arms, Corporal John Howard, encountered Confederate forces flanking their position. After discharging their weapons and being unable to reload, Corporal Howard engaged the Confederate leader in hand-to-hand combat, only to be overwhelmed and severely wounded in both legs. Unloaded rifle in hand, Sergeant Woodruff fell upon the Confederate soldiers and through desperate hand-to-hand combat rescued Corporal Howard and facilitated their escape.

Additional accounts claim that later that same day, upon witnessing a wounded private from his company being marched away as a prisoner by a rebel soldier, Woodruff again took decisive and brave action. Though he was severely wounded in the struggle, Woodruff succeeded in freeing his comrade, and in turn made the Confederate soldier his prisoner.

On January 29, 1896, Sergeant Alonzo Woodruff was awarded the Medal of Honor. His citation reads, "Went to the assistance of a wounded and overpowered comrade, and in a hand-to-hand encounter effected his rescue."

After the war, Woodruff settled in Lake County, Michigan, where he and his wife raised their three children. Alonzo Woodruff passed away in 1917, a true American hero.

I would urge my colleagues to support this bill honoring the life and actions of a simple man who answered the call to fight for the sound future of his country. In a violent and difficult time, his bravery embodies a commitment not only to his comrades, but also to his country.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5479.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ROCKY MARCIANO POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5528) to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROCKY MARCIANO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, shall be known and designated as the "Rocky Marciano Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Rocky Marciano Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman who introduced this legislation, Representative LYNCH from Massachusetts.

Mr. LYNCH. Thank you, Chairman DAVIS, for yielding me this time.

Mr. Speaker, H.R. 5528 will designate the United States Postal Service facility located at 120 Commercial Street in the city of Brockton, Massachusetts, as the "Rocky Marciano Post Office Building."

At the outset, I would like to thank the members of the Marciano family and the public officials and the residents in the city of Brockton for their dedication in honoring Rocky Marciano, who was a remarkable champion and citizen, through the naming of this Commercial Street post office.

In particular, I would like to note the contributions made by Rocky Marciano's younger brother, Peter Marciano, Sr., also Brockton Mayor Jim Harrington, my good friend, his staff assistant, Donna Daily, Senator Bob Creedon, Representative Tom Kennedy, Chris Canavan and Gerry Creedon, as well as the city council, led by City Councilman Mike Brady.

□ 1100

In addition, I would like to note the support of the Brockton High School's legendary football coach, Armond Columbo; Brockton resident Mark Casieri, who owns Rocky Marciano's boyhood home on Dover Street; Goody Petronelli, the iconic fight trainer and owner of downtown Brockton's renowned Petronelli Brothers Gym; and last but not least, Charlie Tartaglia, who is the owner of the historic George's Cafe on Belmont Street and whose walls and whose institution there serves as a pictorial shrine to the sport of boxing and also to the life of Rocky Marciano and the city of Brockton.

Mr. Speaker, Rocco Francis Marchegiano, better known as Rocky Marciano, was born and raised in a working class family in the city of Brockton, Massachusetts. He attended Brockton High School, and from his induction in 1943 to his discharge in 1946, he served this country proudly as a United States Army private with the 150th Combat Engineers. It was during his Army service that Rocky Marciano first discovered his love for boxing.

And as noted in Mr. Marciano's official biography, "There were those who didn't think much would become of the 190 pound heavyweight from Brockton in the early days." Nevertheless, during his subsequent professional heavyweight boxing career, Rocky Marciano, nicknamed the "Brockton Blockbuster," amassed a professional record of 49 wins, no draws, and no losses, with 43 knockouts. Rocky Marciano held boxing's heavyweight title from 1952 until 1956, and, notably, he remains the only heavyweight champion in boxing history to retire undefeated.

However, Rocky Marciano's legacy extends beyond the boxing ring. His achievements, his skill, and relentless work ethic and determination made Rocky Marciano the personification of what is best and proudest in the city of Brockton and in this country.

As noted by sportswriter Ed Fitzgerald in a January, 1953, SPORT magazine article, "All Brockton came to love him and always will . . . He put the city on the map; he gave its citizens a new interest in life."

In his honor Brockton is commonly referred to as the "City of Champions," and in his footsteps, the city has borne other great champions, including former boxing middleweight champion Marvin Hagler and also the celebrated Brockton High School Boxers football team, who won back-to-back State championships in 2004 and 2005.

Mr. Speaker, I would like to thank Chairman DAVIS and his subcommittee staff, as well as Denise Wilson of the full committee, for their assistance with this bill.

I urge my colleagues to join me in supporting H.R. 5528.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5528, Representative LYNCH's legislation to name a post office in Brockton, Massachusetts, on behalf its favorite son, Rocky Marciano.

Mr. Speaker, the men who occupied the opposite corner for Rocky Marciano's 49 professional fights probably would agree on only one thing about him: that he was a magnificent fighter. In a career that lasted a little more than 8 years, he won all 49 of his pro fights. He still to this day is the only heavyweight to finish undefeated. He won 43 by knockouts, 9 of those in the first round. None of his first 16 fights lasted even five rounds. Only once did he win on a split decision, and only once did he have to go the full 15 rounds to subdue an opponent.

His nose looked like a piece of cork, his eyes like black stilettos angrily firing out at his foes. His hands were like hammers, pounding relentlessly on the hapless men who opposed him. At 5′10″, 185 pounds, he was smaller and slower than most heavyweights. But what he lacked in size and speed, he made up for in his desire and toughness. And that's why the crowd loved him.

It was said that a Marciano knockout blow packed as much punch as an armor-piercing bullet; that it equaled the force required to lift a 1,000 pound block 1 foot off the ground. It was enough, literally, to turn heads.

But what is not well known is that this hardscrabble Italian, who fought just twice outside the Eastern seaboard, was a genuinely good guy. He served in the Army, lent much of his winnings to friends, and worked for charitable endeavors. Ultimately, he died in the plane crash en route to give a speech for the son of a friend.

Rocky Marciano was a self-made man. He grew strong on homemade weightlifting equipment and tough on a heavy bag made out of an old mail sack that hung from a tree in his backyard. As his plaque says at the International Boxing Hall of Fame: To define Rocky Marciano's career, one only needs to know 49–0, 49 fights, 49 wins.

With that, Mr. Speaker, I urge passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to present for consideration H.R. 5528, which seeks to commemorate the life of Rocky Marciano, the undefeated boxer from Brockton, Massachusetts, by naming a United States Post Office in his honor.

Rocky Marciano's story serves as a testament to the American Dream and the endless possibilities that line every street in our great country. His accomplishments remind us of the fact that the United States of America is a place where a poor and disadvantaged young man growing up in the rough neighborhoods of Brockton, Massachusetts, can aspire and achieve greatness.

H.R. 5528 was introduced by Representative STEPHEN LYNCH of Massachusetts on March 4, 2008, and was considered by and reported from the Oversight Committee on March 13, 2008, by voice vote. The measure has the support of the nine members of the Massachusetts congressional delegation and upon passage will pay tribute to a man who demonstrated the limitless potential that lies within each human being. The obstacles Rocky Marciano had to overcome in life, whether they were physical, financial, or spiritual, provide inspiration to us all.

Rocco Francis Marchegiano was born in Brockton, Massachusetts, on September 1, 1923. Weighing 12 pounds and sporting a robust frame, it was obvious, even as a newborn, that Rocky Marciano was not a pushover. Yet his luck was not as healthy as his physique. At 18 months Rocky contracted pneumonia and would have perished were it not for his remarkably strong constitution. Thus starting from a tender age, Rocky learned how to fight back to overcome daunting odds.

His first introduction to boxing came when he and some friends set up a stuffed mail sack in Marchegiano's backyard to serve as a boxing bag. Now, as chairman of the Federal Workforce, D.C., and Postal Service Subcommittee, I wouldn't normally approve of using mail sacks in such an abusive way. But in Rocky's case, I must say that his resourcefulness is quite admirable.

At age 20 Rocky was drafted into the U.S. Army to fight overseas in the European theater. After only 8 months, he was flown back to the States where he awaited transfer to the Pacific in Fort Lewis, Washington. While stationed at Fort Lewis, he volunteered to represent his unit in a ring of amateur fights and eventually won the boxing tournament in 1946. From that point onward, sports history would be forever changed and Rocky Marciano would begin his long career as world champion until he announced retirement in April of 1956.

On the eve of his 46th birthday in 1969, Marciano was aboard a small private plane that went down on its way to Des Moines, Iowa. In memory of Rocky Marciano and in honor of his accomplishment, I urge swift passage of H.R. 5528.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5528.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRIVATE FIRST CLASS DAVID H. SHARRETT II POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5483) to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the "Private First Class David H. Sharrett II Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATE FIRST CLASS DAVID H. SHARRETT II POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, shall be known and designated as the "Private First Class David H. Sharrett II Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Private First Class David H. Sharrett II Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I join my colleagues in consideration of H.R. 5483, which renames a post office building in Oakton, Virginia, after one of our country's fallen soldiers: Private First Class David H. Sharrett II.

H.R. 5483 was introduced on February 25, 2008, by Congressman TOM DAVIS, our committee's ranking member, and has the support of the entire Virginia delegation, which is only fitting as the measure honors one of the State's native sons and heroes. H.R. 5483 was considered by the Oversight and Government Reform Committee on March 13, 2008, where it was passed without objection by voice vote.

A longtime resident of the Northern Virginia community of Fairfax, Private First Class David H. Sharrett II was tragically killed on Wednesday, January 16, 2008, along with two other soldiers from his command, when they were attacked by grenade and small-arms fire during a combat operation in Balad, Iraq.

Known throughout the area as a star defensive end for the Oakton High School football team, Private Sharrett elected to enlist in the U.S. military in the summer of 2006 and was assigned to the 101st Airborne Division in Fort Campbell, Kentucky. According to Private Sharrett's father, David's tour of duty in Iraq was scheduled to end in

October of 2009 and he planned to return to Northern Virginia to earn a degree in education and possibly become a history teacher, which I must say is another noble and honorable profession. Although Private Sharrett's dream must now go unaccomplished, let the record show that his valiant service to our country and the world will undoubtedly live on for generations to come.

So, Mr. Speaker, I ask that we join with Representative TOM DAVIS, our colleague from Virginia, in acknowledging the life and sacrifices of Private First Class David H. Sharrett II and pass H.R. 5483.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5483, a bill to rename the post office located at 10449 White Granite Drive in Oakton, Virginia, after an American hero: Private First Class David Sharrett II, a proud son of Fairfax County, Virginia.

PFC Sharrett grew up in Oakton, Virginia, where he attended Oakton Elementary School, Cooper Intermediate School, and Oakton High School, where he starred as a defensive end on the Cougars' regional championship football team. His high school football coach, Peter Bendorff, said, "He wasn't the biggest kid, but he was fearless. He was a kid that sticks out in your mind."

So it was not surprising when in 2006 he decided to enlist in the Army, where he was assigned to the 1st Squadron, 32nd Calvary Regiment of the 101st Airborne Division, 1st Brigade Combat Team, based in Fort Campbell, Kentucky. Before long he was deployed to Iraq.

During his time overseas, PFC Sharrett missed his family and called home often. His father, David Sharrett Sr., a teacher in Northern Virginia, said during those calls, his son downplayed the dangers he encountered and talked mainly about the pride of serving his country.

But one day, while Mr. Sharrett was teaching, he got the call no parent should ever receive. His son had been killed in action on January 16 of this year in a grenade attack in Baghdad. He was 27 years old.

Private Sharrett left behind a proud family and friends, who will always remember his bravery on behalf of his country. They will look to his decorations, which include the National Defense Medal, the Global War on Terrorism Medal, the Army Service Ribbon, and the Expert Weapons Qualification Badge. They will comfort his family, his father; his wife; and his mother, Kimberly Drummond. And they will know that we owe PFC Sharrett and his family a debt of gratitude we can never repay.

This small token of our appreciation, the renaming of a post office in the town he called home, is an appropriate tribute. Therefore, I ask that my colleagues join me in doing what we can to honor this brave man and support H.R. 5483. Further, I ask that we continue to honor all of our men and women in uniform who serve this great Nation with distinction.

☐ 1115

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of H.R. 5483, and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5483.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MARISOL HEREDIA POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4185) to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARISOL HEREDIA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, shall be known and designated as the "Marisol Heredia Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Marisol Heredia Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues from the State of California in the consideration of H.R. 4185, which names the postal facility in El Monte after Specialist Marisol Heredia, a distinguished and heroic American servicewoman.

H.R. 4185, which was introduced by Representative SOLIS of California on November 11, 2007, was considered by and reported from the Oversight Committee on March 13, 2008, by a voice vote. The measure has the support of the California delegation, and provides us with yet another opportunity to pay tribute to a member of our country's Armed Services.

Specialist Marisol Heredia was only 19 years old when, on September 7, 2007, she died at Brooke Army Medical Center in San Antonio as a result of complications suffered from a noncombat-related injury she received on July 18 in Baghdad, Iraq. Specialist Heredia was assigned to the 15th Brigade Support Battalion, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas.

Described as a strong-willed and perceptive young woman, Specialist Heredia held the rank of Specialist 4, and had served for months in war-torn Iraq before being badly burned on July 18 while refilling a generator. Although this special young lady was only 19 years old when she lost her life, her service and faithful commitment to preserving the liberties and freedoms for which our Nation is built upon are sure to live on forever.

And so, Mr. Speaker, let us remember and pay tribute to the ultimate sacrifice made by Specialist Marisol Heredia and pass this measure at hand.

I urge passage and reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge passage of H.R. 4185, to designate the facility of the United States Postal Service located in El Monte, California, as the Marisol Heredia Post Office Building.

Mr. Speaker, Army Specialist Marisol Heredia of the 15th Brigade Support Battalion, 2nd Brigade Combat Team, 1st Calvary Division, Fort Hood, Texas, was a young woman with a promising future. Specialist Heredia's life was tragically taken from her at the age of 19, while dutifully serving in the United States Army. She was deployed in Baghdad, Iraq, where she sustained noncombat-related injuries, which eventually led to her passing. Her injuries were sustained on July 18, 2007, during the performance of a routine duty, the refueling of a generator. After a long and hard-fought battle, she ultimately succumbed to those injuries on September 7.

Before enlisting, this young lady was a gifted student, who graduated from

Mountain View High School with a GPA in the 3.5 range. During her time in high school, she developed an affinity for the French language and culture, becoming the vice-president of the school's French club. Joining the Army shortly after her high school graduation, she wanted to follow in her sister Claudia's footsteps.

Enlisting to serve our great Nation is a selfless and brave vocational choice. Specialist Heredia served as an example of how military service is inherently dangerous and that those dangers are not limited solely to those in the battlefield. She's survived by her sisters, Claudia and Carolina; her mother, Rosa Heredia; her stepfather, Jose Dominguez; and her fiance, Travis Beaumont, a fellow United States Army soldier.

With gratitude for her bravery and sacrifice to her country, I ask all Members to join me in supporting H.R. 4185, which will rename the post office in El Monte, California, in her honor.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time, and urge passage of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4185.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILLIAM F. BUCKLEY, JR.

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1016) expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr., as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1016

Whereas William F. Buckley, Jr., was born on November 24, 1925, in New York City, the sixth of 10 children in a devoutly Catholic family;

Whereas William Buckley studied at the University of Mexico before serving his country in the Army and then later graduating with a Bachelor of Arts (in political science, economics, and history) with honors from Yale University in 1950;

Whereas William Buckley worked briefly for the Central Intelligence Agency;

Whereas at the young age of 25, William Buckley published his first popular book, entitled "God and Man at Yale";

Whereas William Buckley went on to write more than 55 books and edit 5 more, including "Let Us Talk of Many Things: the Collected Speeches"; the novel, "Elvis in the Morning"; and his literary autobiography, "Miles Gone By";

Whereas William Buckley wrote more than 4,500,000 words in his more than 5,600 biweekly newspaper columns, entitled "On the Right";

Whereas William Buckley founded the popular and influential National Review magazine in 1955, a respected journal of conservative thought and opinion;

Whereas William Buckley wrote in the first issue of National Review that, in founding the magazine, it "stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it";

Whereas William Buckley served as editor of National Review for 35 years, from its founding in 1955 until his announced retirement in 1990, and as editor-at-large until his death;

Whereas in 1965, William Buckley ran for mayor of New York City and received 13.4 percent of the votes on the Conservative Party ticket;

Whereas William Buckley was host of the Emmy Award-winning and long-running "Firing Line", a weekly television debate program with such notable guests as Barry Goldwater, Margaret Thatcher, Jimmy Carter, Ronald Reagan, and George H.W. Bush;

Whereas the New York Times noted that "Mr. Buckley's greatest achievement was making conservatism—not just electoral Republicanism, but conservatism as a system of ideas—respectable in liberal post-World War II America. He mobilized the young enthusiasts who helped nominate Barry Goldwater in 1964, and saw his dreams fulfilled when Reagan and the Bushes captured the Oval Office";

Whereas as well-known columnist George Will once said, "before there was Ronald Reagan there was Barry Goldwater, before there was Goldwater there was National Review, and before there was National Review there was William F. Buckley";

Whereas William Buckley's consistent efforts facilitated the rise of Senator Barry Goldwater and, ultimately, the presidency of Ronald Reagan;

Whereas William Buckley received the Presidential Medal of Freedom in 1991;

Whereas William Buckley received numerous other awards, including Best Columnist of the Year, 1967; Television Emmy for Outstanding Achievement, 1969; the American Book Award for Best Mystery (paperback) for "Stained Glass", 1980; the Lowell Thomas Travel Journalism Award, 1989; the Adam Smith Award, Hillsdale College, 1996; and the Heritage Foundation's Clare Booth Luce Award, 1999;

Whereas William Buckley spent over 56 years married to the former Patricia Alden Austin Taylor, a devoted homemaker, mother, wife, and philanthropist, before her passing in April 2007;

Whereas William Buckley passed away on February 27, 2008, and is survived by his son, Christopher, of Washington, DC; his sisters, Priscilla L. Buckley, of Sharon, Connecticut, Patricia Buckley Bozell, of Washington, DC, and Carol Buckley, of Columbia, South Carolina; his brothers, James L. Buckley, of Sharon, Connecticut, and F. Reid Buckley, of Camden, South Carolina; and a granddaughter and a grandson;

Whereas William Buckley, by virtue of his distinct personality, talents, good humor, and goodwill, led in a manner that earned the respect and friendship even of his adversaries; and

Whereas William Buckley was recognized as a towering intellect, a man who, in the words of Ronald Reagan, "gave the world something different", and, most of all, a true gentleman who encountered everything he did with grace, dignity, optimism, and good humor: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life of William F. Buckley, Jr., for his lifetime commitment to journalism, his devotion to the free exchange of ideas, and his gentlemanly and well-respected contributions to political discourse; and

(2) mourns the loss of William F. Buckley, Jr., and expresses its condolences to his family, his friends, and his colleagues.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand to present H. Res. 1016, which was introduced by Representative TOM FEENEY of Florida on March 4 of this year, and enjoys the cosponsorship of over 90 Members of Congress. The measure was considered by and voted out of the Oversight and Government Reform Committee on March 13, 2008, after having been amended.

William F. Buckley was born on November 24, 1925, in New York City, and even as a young child he displayed a remarkable level of intelligence and awareness. Along with English, Mr. Buckley was fluent in Spanish and French, and was an avid musician and outdoorsman.

After attending the National Autonomous University in Mexico in 1943. Buckley was commissioned as a Second Lieutenant in the United States Army. During his tenure, he served as a member of Franklin Roosevelt's Honor Guard until the President passed away. After his military service, Buckley went on to attend Yale, where he was a member of the Skull and Bones Society, a master debater, and editor in chief of the Yale Daily News. He studied political science, history, and economics, graduating with honors in 1950.

In 1950, Buckley married Patricia Alden Austin Taylor, and as a major proponent of marriage, Mr. Buckley practiced what he preached, having been married himself for 57 years. In 1951, he was recruited by the CIA while publishing his first book, God and Man at Yale. He would later go on to write a volume of novels, over 50 more, featuring topics ranging from history to sailing. Most everyone knows him for his hosting of the PBS show, Firing Line, where he displayed a scholarly, light-hearted style.

In February of 2008, Bill Buckley was found dead at his home in Stamford, Connecticut. Let us remember him for his great oratory skills, his admirable journalism, and his overall commitment to social activism. Mr. Buckley is known for a number of views, ranging from drug legalization to opposition of the Iraq war, and whether you agreed or disagreed with him, you must recognize him for being a spirited man, well thought in his opinions, and loyal to his country.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1016, to honor the life of William F. Buckley, Jr. Where do you start? By the age of 25, Buckley had written God and Man at Yale, a stinging critique of the onslaught of secularism in a great American university. By the age of 30, he had founded National Review, a safe harbor for conservative intellectuals at a time most of the world thought those terms were mutually exclusive. His fascination with the written word continued literally until the moment he died, at his typewriter, in February at his home in Connecticut.

He spoke three languages. English came third to him, after Spanish and French. He played the harpsichord and the piano. He hosted more than 1,400 episodes of his political talk show, Firing Line, and banged out a twice-weekly column. He claimed he could do this in 20 minutes, as long as he lived. He sailed, he skied, he hunted, he rode horses, he loved the Catholic Church, and Johann Sebastian Bach, in that order, barely.

The world was his couch, as anyone who saw Buckley on his TV shows knows. He sat perpetually at a 45-degree angle as he sparred with the thinkers and newsmakers of his day in an accent just British enough to sound patrician. He was, mostly for our purposes, a true public intellectual.

On his television program, which ran for nearly 30 years, as well as on other programs, in writing and elsewhere, he tested his ideas in a uniquely public sphere. The Cold War was, for him, America's defining struggle, and he tolerated nothing less than the profligate use of all weapons at our disposal. His writings gave rise to what we now know as the modern American conservative movement. He not only helped to birth it, he helped to raise it to maturity.

His was not the reflexive and unreflective rhetoric that government could do nothing competent. His was a message that government, even so-called Big Government, was not only here to stay, but indispensable to a society that wished to protect itself from the malevolent forces beyond and within its borders. The role of conservatives, he said, was not to propose programs that expanded government's reach; it was to propose the rules for those programs to ensure that they work with minimal government intrusion.

As rapidly as ideas burbled to the surface of Buckley's mind, it should come as no surprise that some required rethinking, which he did with unflinching grace and determination. National Review opposed the civil rights legislation in the mid sixties. But less than 5 years later, he was opposing the presidential candidacy of segregationist George Wallace and growing to admire the Reverend Martin Luther King, Jr. Later, he would advocate for making King's birthday a national holiday.

He was an inspiration to millions of young conservatives. I remember being a young college student at Amherst College in the late sixties, eagerly awaiting each new edition of National Review, as kind of an antidote to the liberal orthodoxy that was taught in the classrooms.

Through politics, he became friends with the conservative giants of our age: Ronald Reagan, Milton Friedman, Henry Kissinger, and Barry Goldwater, before and above them all. But through his magazine and other pursuits, he built another network of friends. The lowliest staffer at National Review was as likely a member of this network as the most powerful cabinet secretary or Member of Congress.

William F. Buckley, Jr., spent a lifetime engaging minds, expressing his, and trying to make his world better. Many of us have much to thank him for. All of us can admire this active mind, this kindly, life-loving man, his formidable legacy.

I would urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. DAVIS of Virginia. I would yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank my former chairman for yielding, and now ranking member of the Government Oversight Committee.

I wanted to speak today because I have tremendous admiration for William Buckley, Jr. He lived in many places. He had a wonderful home in New York City, he had a wonderful home on the water in Stamford, Connecticut, in the Fourth Congressional District, and a family compound in Sharon, Connecticut, as well.

Bill Buckley was an absolute delight to interact with. On occasion, not often, I would be invited to have dinner at his home, and he would have people of great notoriety. I would participate in the dialog, but a lot of the time I felt it was best to listen more than talk. I loved the twinkle in Bill Buckley's eyes as he debated people, and me, on occasion.

There was nothing mean or angry ever in the way he spoke to people. He had strong views, but he clearly liked the interaction that took place. He loved debating ideas, he loved drawing you out. But I never once ever heard him be nasty about anyone. He was a conservative with strong views but he listened kindly to those with other views.

I would like to place in the RECORD, A Eulogy for My Father, St. Patrick's Cathedral, April 4, 2008, and that is by his only son, Christopher Buckley. I will just read a slight part of it. This was delivered on the occasion of the memorial mass for his dad at St. Patrick's Cathedral.

Christopher began by saying, "We talked about this day, he and I, a few years ago. He said to me, 'If I'm still famous, try to convince the cardinal to do the service at St. Patrick's. If I'm not, just tuck me away in Stamford.'" Then Christopher went on to say, "Well, Pup, I guess you're famous."

Further on he said, "Pope Benedict will be saying mass here in 2 weeks. I was told that the music at this mass for my father would in effect be the dress rehearsal for the Pope's. I think that would have pleased him, though doubtless he would have preferred it to be the other way around."

It was a magnificent service. It was a service where great joy and admiration was expressed and with people from all political persuasions, from the most liberal, to the most conservative. We were saluting a man, the likes of which we may never see again, sadly.

With that, let me say thank goodness for William Buckley, for his magnificent family, and for the grace which embodied everything he did.

EULOGY FOR MY FATHER

Delivered on the Occasion of the Memorial Mass for the Repose of the Soul of William F. Buckley Jr. on April 4, 2008, at St. Patrick's Cathedral

(By Christopher Buckley)

We talked about this day, he and I, a few years ago. He said to me, "If I'm still famous, try to convince the Cardinal to do the service at St. Patrick's. If I'm not, just tuck me away in Stamford."

Well, Pup, I guess you're still famous.

I'd like to thank Cardinal Egan and Msgr. Ritchie of the archdiocese for their celestial hospitality, and Fr. Rutter for his typically gracious words. I'd also like to thank Dr. Jennifer Pascual, musical director of St. Patrick's, as well as the St. Patrick's Cathedral Choir, and organists Donald Dumler and Rick Tripodi for such beautiful music.

Pope Benedict will be saying Mass here in two weeks. I was told that the music at this Mass for my father would, in effect, be the dress rehearsal for the Pope's. I think that would have pleased him, though doubtless he'd have preferred it to be the other way around.

I do know he'd have been pleased, amidst the many obituaries and tributes, by the number of editorial cartoons that depicted him at the Pearly Gates. One showed St. Peter groaning, "I'm going to need a bigger dictionary." If I disposed of the cartoonist's skills, I might draw one showing a weary St. Peter greeting the Fed Ex man, "Let me guess—another cover story on Mr. Buckley?"

My mother is no longer with us, so we can only speculate as to how she might react to these depictions of her husband of 56 years arriving in Paradise so briskly. My sense is that she would be vastly amused. On the day he retired from Firing Line after a 33-year-long run, Nightline (no relation) did a show to mark the occasion. At the end, Ted Koppel said, "Bill, we have one minute left. Would you care to sum up your 33-years in television?" To which my father replied, "No."

Taking his cue, I won't attempt to sum him up in my few minutes here. A great deal has been written and said about him in the month since he died, at his desk, in his study in Stamford. After I'd absorbed the news, I sat down to compose an e-mail. My inner English major ineluctably asserted itself and I found myself quoting (misquoting, slightly) a line from Hamlet, He was a man, Horatio, take him for all in all, I shall not look upon his like again.

One of my first memories of him was of driving up to Sharon, Connecticut for Thanksgiving. It would have been about 1957. He had on the seat between us an enormous reel-to-reel tape recorder. For a conservative, my old man was always on the cutting edge of the latest gadgetry—despite the fact that at his death, he was almost certainly the only human being left on the planet who still used Word Star.

It was a recording of MacBeth. My five-year-old brain couldn't make much sense of it. I asked him finally, "What's eating the queen?" He explained about the out-out-damned spot business. I replied, "Why doesn't she try Palmolive?" So began my tutelage with the world's coolest mentor. It was on those drives to Sharon that we had some of our best talks. This afternoon, I'll make one last drive up there to bury him, alongside with his sisters in the little cemetery by the brook. When we held the wake for him some days after he died, I placed inside his casket a few items to see him across the River Styx: his favorite rosary, the TV remote control—private joke—a jar of peanut butter, and my mother's ashes. I can hear her saying, "Bill—what is that disgusting substance leaking all over me?" No pharaoh went off to the afterlife better equipped than he does.

The last time I was with him in Sharon was last October. It was a fundraiser for the local library, billed as "A Bevy of Buckleys"—my dad, Uncle Jim, Aunt Pitts, Aunt Carol, me—reading from the aggregate Buckley oeuvre—a word I first heard from his lips many years ago, along with other exotic, multi-lingual bon mots: mutatis mutandis; pari passu; quod licet Jove, non licet bovi.

An article had appeared in the local paper a few days before, alerting the community to this gala event. As I perused the clipping, my eyes alighted on the sentence: "The Buckleys are a well-known American family, William F. Buckley being arguably the best known."

I kept my amusement to myself, and handed Pup the clipping and waited silently for the reaction I knew would come. Sure enough, within seconds, he looked up with what I would describe as only faintly bemused indignation and said, "Ar-guably?"

He was—inarguably—a great man. This is, from a son's perspective, a mixed blessing, because it means having to share him with the wide world. It was often a very mixed blessing when you were out sailing with him. Great men always have too much canvas up. And great men set out from port in conditions that keep lesser men—such as myself—safe and snug on shore. One October day in 1997, I arrived from Washington in Stamford for a long-planned overnight sail. As the train pulled into the station, I looked out and saw people hanging onto lampposts at 90-degree angles, trying not to be blown away by the northeast gale that was raging. Indeed, it resembled a scene from The Wizard of Oz. When the train doors opened, I was blown back into the carriage by the 50-mile-an-hour wind. I managed to crawl out onto the platform, practically on all fours, whereupon my father greeted me with a chipper, "We'll have a brisk sail."

I looked up at him incredulously and said, "We're going out in this?" Indeed we did go out in it. We always went out in it. Some of my earliest memories are of my mother, shrieking at him as the water broke over the cockpit and the boat pitched furiously in boiling seas, "Bill—Bill! Why are you trying to kill us?"

But the cries of timorous souls never phased him. He had been going out in it for years, ever since he published his first book, God and Man At Yale. Nor did he need a sailboat to roil the waters. His Royal typewriter—and later, Word Star—would do.

How many words flowed from those keyboards. I went up to Yale recently to inspect his archive of papers. They total 550 linear feet. To put it in perspective, the spire of St. Patrick's rises 300 feet above us. By some scholarly estimates, he may have written more letters than any other American in history. Add to that prodigal output: 6,000 columns, 1,500 Firing Line episodes, countless articles, over 50 books. He was working on one the day he died.

Jose Martí famously said that a man must do three things in life: write a book, plant a tree, have a son. I don't know that my father ever planted a tree. Surely whole forests, whole eco-systems, were put to the axe on his account. But he did plant a lot of seeds and many of them, grown to fruition, are here today. Quite a harvest, that.

It's not easy coming up with an epitaph for such a man. I was tempted by something Mark Twain once said, "Homer's dead, Shakespeare's dead, and I myself am not feeling at all well."

Years ago, he gave an interview to Playboy Magazine. Asked why he did this, he couldn't resist saying, "In order to communicate with my 16-year-old son." At the end of the interview, he was asked what he would like for an epitaph and he replied, "'I know that my Redeemer liveth.'" Only Pup could manage to work the Book of Job into a Hugh Hefner publication. I finally settled on one, and I'll say the words over his grave at sunset today in Sharon, as we lay him to rest. They're from a poem he knew well—Robert Louis Stevenson's Requiem—each line of which, indeed, seemed to have been written just for him:

Under the wide and starry sky
Dig the grave and let me lie.
Glad did I live, and gladly die.
And I lay me down with a will.
This be the verse you grave for me:
Here he lies where he longed to be.
Home is the sailor, home from sea,
And the hunter home from the hill.

Mr. DAVIS of Virginia. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 12 minutes remaining.

Mr. DAVIS of Virginia. I would yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

□ 1130

Mr. PENCE. I thank the gentleman for yielding and for the privilege of having the opportunity to speak in favor of this important resolution expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr. I also want to thank the Democratic leadership of the Congress for scheduling this bill and giving this Congress and this country an opportunity to express appreciation for an extraordinary American life.

This resolution was introduced by Congressman TOM FEENEY. I am proud to be an original cosponsor of the bill. I want to thank Congressman TOM FEENEY for his leadership and his compassionate attentiveness in bringing this legislation before the Congress. Congressman FEENEY cannot be with us today. He is on a congressional delegation trip to China. But I know that were he here, he would regale this floor and those watching in with his deep affection and appreciation for the life and work of William F. Buckley, Jr.

As this resolution attests, William F. Buckley, Jr., was an American hero and an intellectual leader of the conservative movement for more than five decades. As the previous speaker just alluded, he led in a manner that earned both the respect and the friendship of his political adversaries.

William F. Buckley, from his many years on television, the program, Firing Line, which was the longest running political television program in the history of American television, he demonstrated that wit and sharpness and civility can all go together, and it is a lesson that I suspect many of us on an ongoing basis can continue to learn and apply in the institutions of our government.

By virtue of his distinct personality, his talents, his humor and his goodwill, William F. Buckley has been recognized as the premier conservative intellectual in post-World War II America. He once commented that he would "rather live in a society governed by the first 2,000 names in the Boston phone directory than in one governed by the 2,000 members of the Harvard faculty." It was that kind of rapier wit, beginning with the publication of his book "God and Man at Yale," that ended up resulting in the publication of thousands of books, thousands of columns, and thousands of debates that turned him into a force of nature in the American public debate.

We also recognize him as a man who played a critical role in helping this Nation understand the great calling of his generation, which inasmuch as the calling of the greatest generation, was to confront Nazism and fascism.

William F. Buckley and his intellect and his capacity for elocution managed to help focus the Nation on the threat of Soviet communism and the realities of the Soviet Union, and I believe that history will record that it was William F. Buckley, Jr., perhaps more than any other American, who outside of government influenced the leadership in the 1980s that led to the collapse of Soviet communism and the Soviet Union.

Upon the election of Ronald Reagan, it was reported to me once that William F. Buckley was asked what position he would like to have in the new Reagan Administration, to which he apparently put his hand in his jacket pocket and replied with a twinkle in his eye, "ventriloquist." And in many respects William F. Buckley was a ventriloquist for so many of us in public life, reading his columns, reading his books, having from time to time the privilege of watching him long distance or in person as he made the case for limited government. He made the case for traditional values. He made the case for the American ideal of freedom, here at home and on a global basis. We, all of us, were happy to have that extraordinary intellect and heart filled with goodwill pull the strings on our careers and guide us and direct us.

So, I join my colleagues, and especially Congressman TOM FEENEY, in taking this moment to give honor and thanks to William F. Buckley, Jr., for all he did to advance the vision for America and a capitalist democratic vision for the world and to express the profound sorrow this Nation feels upon his death.

The Bible says if you owe debts, pay debts; if honor, then honor; if respect, then respect. Today, thanks to the leadership in the minority and the generosity of the majority, Congress and the American people will have the opportunity once more to pay a debt of gratitude to this great American, who was William F. Buckley, Jr.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve my time.

Mr. DAVIS of Virginia. Mr. Speaker, let me just thank Chairman WAXMAN and Chairman DAVIS for allowing this bill to come to the floor. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would urge adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1016, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

MARINE GUNNERY SGT. JOHN D. FRY POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3721) to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARINE GUNNERY SGT. JOHN D. FRY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, shall be known and designated as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Marine Gunnery Sgt. John D. Fry Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative dates in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I join with Representative CHET EDWARDS and his fellow colleagues from the State of Texas in considering H.R. 3721, which renames the postal facility in Lorena, Texas, after Marine Gunnery Sergeant John D. Fry.

As stated, the measure at hand was first introduced by Congressman CHET EDWARDS on October 2, 2007, and is cosponsored by all members of the Texas congressional delegation. The measure was referred to the Committee on Oversight and Government Reform, where it was passed by voice vote on December 12, 2007.

H.R. 3721 would help to remember the life, service and legacy of Marine Gunnery Sergeant John D. Fry by renaming the Lorena Post Office on Lorena Road in his honor. Assigned to the 8th Engineer Support Battalion, 2nd Marine Logistics Group from Camp Lejeune, North Carolina, Marine Gunnery Sergeant Fry was working to disarm an improvised explosive device in the Anbar Province of Iraq when he was killed at the young age of 28.

A graduate of Waco Christian Academy, Sergeant Fry will always be remembered by his family, friends, fellow marines, and, of course, by his country, for his bravery and unselfish service in Iraq.

Mr. Speaker, I ask that we pay tribute to the sacrifice made by this great American hero and pass H.R. 3721.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Marine Gunnery Sergeant John D. Fry was a proud and loyal American who served his country in fighting the war on terror. He made the ultimate sacrifice defending freedom when he lost his life on March 8, 2006, in Iraq.

Only 7 days before returning home to his family, Sergeant Fry volunteered for a mission to defuse bombs along a road in Al Anbar. After successfully defusing three bombs, a fourth, hidden under the third bomb, exploded, ultimately resulting in his death. Sergeant Fry was aware of this incredibly risky procedure, but with his dedication to making a difference in life, he felt it was his duty to undertake this mission.

He was remarkably generous and had a passion for helping others in Iraq, not just fellow marines, but Iraqi citizens as well. Throughout his deployment overseas he disarmed 73 explosives, including one of the biggest car bombs in Fallujah, and saved the life of an Iraqi boy who had been beaten and chained to the wall with explosives strapped to his chest. In this and many other instances, Sergeant Fry proved that he truly could make a difference.

Not only was Sergeant Fry a hero to his country, but he was a husband, a father and a son. He was proud to serve his Nation, and with gratitude and bravery for his sacrifice, I ask all Members to support H.R. 3721.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as he may consume to the sponsor of this resolution, the distinguished gentleman from Texas, Representative CHET EDWARDS.

Mr. EDWARDS. Mr. Speaker, I want to begin by thanking Mr. DAVIS of Illinois and Mr. DAVIS of Virginia for their very eloquent comments in respect to a great American who gave his all for the American family.

I rise today in support of H.R. 3721, which salutes the service and sacrifice of Marine Gunnery Sergeant John David Fry by naming a Post Office in my district in Lorena, Texas, in his honor.

For generations to come, Mr. Speaker, citizens in his hometown of Lorena will be reminded that Sergeant Fry gave, in the words of Lincoln, his "last full measure of devotion" to country. In doing so, Sergeant Fry joined the heroes who, throughout our Nation's history, have given their lives to our country.

John David Fry was born in Lorena, Texas, in 1977. He joined the Marines in 1995 and became an explosive ordnance disposal technician, EOD. As an EOD, he was stationed in Japan from 2002 to 2005 and was deployed to Iraq in September of 2005 with the 8th Engineer Support Battalion, 2nd Marine Logistics Group, 2nd Marine Expeditionary Force out of Camp Lejeune.

While in Iraq, Sergeant Fry saved countless lives by rendering safe hundreds of bombs, including one of the largest car bombs found in Fallujah. He once went into a home, as Mr. DAVIS of Virginia mentioned, to find a bomb strapped to a mentally retarded young Iraqi boy who had been beaten and chained to a wall. Sergeant Fry disarmed the bomb and saved that child's life.

Sergeant Fry turned down a Bronze Star and a ticket out of Iraq after a serious wound. Why did this great American do it? He said because he just wanted to do what he was supposed to do. He was proud to be a marine and proud to be serving his country.

□ 1145

Mr. Speaker, sometimes I wonder where we Americans find such magnificent citizens with such spirit and soul.

Seven short days before this 28-year-old marine with a wife and young children was to be sent back home, he volunteered, he volunteered when he didn't have to, to defuse one more explosive device, this time in Al Anbar province. Sergeant Fry found three bombs that night and defused all of them. But the insurgents had hidden a fourth bomb under that third bomb. It blew up and killed him. This brave Marine, who had saved hundreds of lives, finally gave his own life.

He leaves behind his mother, Beth, his wife Malia, and their three young children, Kathryn, Gideon, and C.L. As the father of two young sons, Mr. Speaker, I would like to say to the Sergeant Fry children that when my two young sons, who are now 10 and 12, grow up some day, if they had a right to be one-tenth of proud as me as these children have a right to be proud of their father, this great American, I would consider my life a success.

Sergeant Fry earned the Purple Heart and many other decorations for his outstanding military service. With full military honors, he was buried at Rosemound Cemetery in Waco, Texas, on March 23, 2006. I want to thank President Bush for coming to the Veterans Day ceremony this past year in Waco, Texas, to honor the Fry family.

While Sergeant Fry's final resting place may be in a cemetery in Waco, I have faith that his spirit will touch the lives of others who will be inspired by this young man's devotion to country.

John David Fry is an American hero who gave his life defending our country in Iraq. We humbly recognize that we can never fully repay this citizen or his family for their deep loss, but I hope and pray that honoring him in this way here in Congress and at the post office back in his hometown of Lorena will celebrate his dedicated service and always preserve his memory.

Mr. Speaker, with honor and respect to the life of John David Fry, I urge my colleagues to support H.R. 3721.

Mr. DAVIS of Illinois. Mr. Speaker, I commend Representative EDWARDS for the introduction of this resolution and for his eloquent, passionate statement. I am pleased to join with him in urging passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3721.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONTRACTORS AND FEDERAL SPENDING ACCOUNTABILITY ACT OF 2008

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3033) to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contractors and Federal Spending Accountability Act of 2008".

SEC. 2. DATABASE FOR CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish and maintain a database of information regarding integrity and performance of persons awarded Federal contracts and grants for use by Federal officials having authority over contracts and grants.

(b) PERSONS COVERED.—The database shall cover any person awarded a Federal contract or grant if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Federal contract or grant, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding—

(1) any civil or criminal proceeding, or any administrative proceeding to the extent that such proceeding results in both a finding of fault on the part of the person and the payment of restitution to a government of $5,000 or more, concluded by the Federal Government or any State government against the person, and any amount paid by the person to the Federal Government or a State government;

(2) all Federal contracts and grants awarded to the person that were terminated in such period due to default;

(3) all Federal suspensions and debarments of the person in that period;

(4) all Federal administrative agreements entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, agreements involving a suspension or debarment proceeding entered into by the person and a State government in that period; and

(5) all final findings by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate officials of each Federal agency to directly input and update in the database information relating to actions it has taken with regard to contractors or grant recipients.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to append comments to information about such person in the database.

(e) AVAILABILITY.—

(1) AVAILABILITY TO ALL FEDERAL AGENCIES.—The Administrator shall make the database available to all Federal agencies.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the database available to the public by posting the database on the General Services Administration website.

(3) LIMITATION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

SEC. 3. REVIEW OF DATABASE.

(a) REQUIREMENT TO REVIEW DATABASE.—Prior to the award of a contract or grant, an official responsible for awarding a contract or grant shall review the database established under section 2.

(b) REQUIREMENT TO DOCUMENT PRESENT RESPONSIBILITY.—In the case of a prospective awardee of a contract or grant against which a judgment or conviction has been rendered more than once within any 3-year period for the same or similar offences, if each judgment or conviction is a cause for debarment, the official responsible for awarding the contract or grant shall document why the prospective awardee is considered presently responsible.

SEC. 4. DISCLOSURE IN APPLICATIONS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, Federal regulations shall be amended to require that in applying for any Federal grant or submitting a proposal or bid for any Federal contract a person shall disclose in writing information described in section 2(c).

(b) COVERED CONTRACTS AND GRANTS.—This section shall apply only to contracts and grants in an amount greater than the simplified acquisition threshold, as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)).

SEC. 5. ROLE OF INTERAGENCY COMMITTEE.

(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

(2) coordinate actions among interested agencies with respect to such action;

(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

(4) recommend to the Office of Management and Budget changes to Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

(7) submit to the Congress an annual report on—

(A) the progress and efforts to improve the suspension and debarment system;

(B) member agencies' active participation in the committee's work; and

(C) a summary of each agency's activities and accomplishments in the Governmentwide debarment system.

(b) DEFINITION.—The term "Interagency Committee on Debarment and Suspension" means such committee constituted under sections 4 and 5 and of Executive Order 12549.

SEC. 6. AUTHORIZATION OF INDEPENDENT AGENCIES.

Any agency, commission, or organization of the Federal Government to which Executive Order 12549 does not apply is authorized to participate in the Governmentwide suspension and debarment system and may recognize the suspension or debarment issued by an executive branch agency in its own procurement or assistance activities.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of General Services such funds as may be necessary to establish the database described in section 2.

SEC. 8. REPORT TO CONGRESS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report.

(b) CONTENTS OF REPORT.—The report shall contain the following:

(1) A list of all databases that include information about Federal contracting and Federal grants.

(2) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a centralized, comprehensive Federal contracting and Federal grant database.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3033, the Contractors and Federal Spending Accountability Act of 2008, will help give Federal contracting officials the information they need to award contracts to most deserving companies. The Federal Government must spend taxpayer dollars as efficiently and responsibly as possible, and it is our job to make sure that happens. This bill will help Federal officials to decide whether or not a company bidding for a contract is responsible enough to get it.

If someone has to spend a lot of money on something, like a car, the responsible thing to do is to make sure that the person or dealership you will be doing business with is responsible and won't rip you off. You would want to find all the information that you can about how they do business.

The Federal Government must spend taxpayer dollars as efficiently and responsibly as possible, and it is our job to make sure that happens. This bill will help Federal officials to decide whether or not a company bidding for a contract is responsible enough to get it.

H.R. 3033 mandates the creation of a database that will record legal proceedings brought by the Federal Government and State governments against contractors. It will also record suspensions and debarments, whether previous contracts have been terminated for cause, and any previous finding by contracting officials that a company does not have a satisfactory record of integrity and business ethics. All Federal officials who award contracts will have access to this data, and it will go a long way to help them make informed decisions about the companies they are considering.

The bill also requires that if the database shows that someone is a repeat offender, two or more serious convictions or judgments for the same issue within 3 years, then the contracting officer has to explain in writing why they believe the contractor is currently responsible before a new contract can be awarded. This is another commonsense idea that will save money for the taxpayers.

I want to thank my friend and colleague from New York, CAROLYN MALONEY, for sponsoring this bill and for putting so much work into it. When she was on the New York City Council, she passed a similar law. The New York City database, called Vendex, has been a great success, and it is the model of the Federal database that this bill creates.

I also want to thank the chairman of our full committee, Congressman WAXMAN. Of course, I want to thank Ranking Member DAVIS, and I want to thank the ranking member of the subcommittee, Mr. BILBRAY, for his support as well.

Mr. Speaker, H.R. 3033 will be an important tool to help Federal officials make the best use of taxpayer dollars when awarding contracts. I am proud to be a cosponsor of the bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we rise to take up H.R. 3033, the Contractors and Federal Spending Accountability Act. This legislation would provide Federal contracting officials with information about contractors' performance and ethics.

Maintaining an ethical contractor base is critical to the integrity of the procurement system and to our Nation's governance. This bill would make a number of changes to the procurement laws in an attempt to ensure that government only contracts with responsible firms. It will require the General Services Administration to establish a publicly accessible Web site database containing information on contractors' performance and ethics.

Specifically the database would be required to include civil, criminal and administrative proceedings concluded by Federal and State Governments against Federal contractors or grant assistance recipients which result both in a finding of fault and a payment of $5,000 or more to the government within the most recent 5-year period.

The database would also include Federal suspensions and debarments against a contractor and related administrative agreements, contract terminations for default by the contractor, and final determinations that a prospective contractor is not a "responsible" source because of performance, integrity, or ethics concerns.

Further, the bill would require the contracting or grant official to review the database to determine if, during any 3-year period, a potential awardee has had, more than once, a judgment or conviction for an offense which would constitute a cause for debarment. And if so, the official must document why a prospective awardee is eligible for award—why the prospective awardee is "presently responsible."

Additionally, the bill would require any entity seeking a Federal contract or grant to disclose all of the information required to be included in the database. Since H.R. 3033 was introduced, it has been much improved. The original version would have created a draconian enforcement measure, establishing a "blacklist" which would defame and degrade firms merely accused of wrongdoing, not necessarily convicted or adjudicated but simply accused.

The Chamber of Commerce sent out a letter to Members dated April 22 opposing this legislation. They urged Members to oppose H.R. 3033. While I appreciate the Chamber's efforts on these issues, and I agree with the concerns that they raise, the version of the bill discussed in their letter is the version that was reported by the committee, a bill which I also did not support. But it is precisely for the reason described in the Chamber's letter that the bill was modified before we agreed to bring this bill to the House floor on suspension today. I want to note for the RECORD that the issues that we raised, the minority raised in committee and raised by the Chamber, have been fully addressed. I fully support this legislation now.

It was unclear to me what beneficial purpose would have been served by the collection of the information originally. But the chairman and the sponsor were open to our suggestions to revise the bill to include only concluded proceedings as opposed to mere allegations.

However, the most problematic section of H.R. 3033, as introduced, was the "two strikes and you're out" provision. That section would have mandated the automatic initiation of debarment proceedings against firms convicted of two offenses which otherwise would be a cause for debarment. It is appropriate to use the debarment process to prevent bad actors from getting Federal contracts, but there is no need to limit the discretion of the government's debarment officials in bringing these actions at the appropriate time. It smacks of punishment, and punishment is not what has long been and should remain the intent of the suspension debarment process. That process is to protect the government, not to punish wrongdoers.

I appreciate the opportunity to work with Chairman WAXMAN and the author of this legislation, Mrs. MALONEY, to delete what I felt was a misguided concept and replace it with the provisions in the bill we are considering today, which requires officials to take a careful look at firms with multiple convictions to determine their present responsibility.

As I pointed out during the markup of the bill, under the original "two strikes and you're out" provision, many contractors relied upon by the government, for example the Boeing company, would have debarment proceedings initiated against them. In the relevant time period, for example, Boeing had been involved in the following incidents which could have resulted in the initiation of debarment proceedings:

In 2007, a $1.1 million settlement for alleged over billing for aircraft parts.

In 2006, a $30 million payment to settle claims that the nearly 100 neighbors of the Santa Susana Field nuclear research facility were sickened by decades of radioactive and toxic contamination. The settlement, which ended an 8-year legal battle, was supposed to remain confidential, but one of the plaintiffs divulged the terms to the local media.

In 2004, a $615 million settlement to resolve the Darleen Druyun scandal and other pending investigations.

In 2003, an $18 million settlement for alleged violations of the Arms Export Control Act and the International Traffic in Arms Regulation, a settlement to the Boeing company.

In 2003, a $6 million settlement for violations of the Arms Export Control Act, involving further transfer of data to China.

In 2003, a $4 million fine for violations of the Arms Export Control Act and the International Traffic in Arms Regulation.

In 2003, a $2.5 million settlement for alleged defective pricing.

In 2003, a $490,000 settlement for a qui tam action for alleged false claims.

Additionally, Boeing business units were suspended from receiving new Federal contracts from July 24, 2003, to March 4, 2005. The suspensions were based on a pending criminal investigation into Boeing's unlawful possession and use of a competitor's proprietary documents in connection with the competition for a U.S. Air Force contract. Under the bill as introduced, this involvement would have resulted in automatic debarment proceedings.

I was certain my colleagues would not have wanted that, and after I pointed this out, they realized it was not realistic. But not only would Boeing be affected, other Federal contractors with comparable records of involvement with the legal and administrative remedies available to the government would have been similarly impacted. This is not a sign contractors are all corrupt, it is a sign the system is working and bad behavior is being rooted out.

It is difficult to argue against contracting officers having available to them information concerning concluded State and Federal civil, criminal and administrative proceedings resulting in findings of fault and fines as well as Federal suspensions, debarments, and default terminations. The value of placing such information on a public Web site isn't clear unless it would be to punish or intimidate firms, so I continue to believe our time would have been better spent on legislation to improve our acquisition system.

This bill, while much improved, and while I support it, will do little to improve the government's ability to get the best value goods and services it needs at fair and reasonable prices.

With that said, I thank Chairman WAXMAN, Mrs. MALONEY and the staff for their willingness to work with us and the Armed Services Committee to make this a better bill.

I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY) who is the person who sponsored the bill and has done some tremendous work.

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Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his hard work on so many important issues to the great city of New York and our country.

I rise in strong support of H.R. 3033, the Contractor and Federal Spending Accountability Act, legislation I have authored to help bring integrity and accountability to the Federal procurement system. I want to thank Chairman WAXMAN and Ranking Member DAVIS, Chairman TOWNS and their staffs, and my own staff, for working so hard on this legislation.

The bill before us today has been modified from the version reported out by the committee to address concerns raised by some Members, including Ranking Member DAVIS. I want to thank him for his positive efforts on this bill, and for many positive efforts he has given to this committee in working in a collaborative way, and express my regret that he is retiring this year from this body.

Also, the concerns of the Chamber of Commerce have been addressed in the underlying bill. H.R. 3033, as amended, will fortify the current Federal suspension and debarment system by establishing a centralized and comprehensive database on actions taken against Federal contractors and assist participants requiring a description of each of these actions.

While the government has several separate information systems, currently there is no centralized comprehensive database for contracting officers to review prior performance and to review information on contractors before making an award or an additional contract award to contractors.

It requires the contracting officer to document why a prospective awardee is deemed responsible if that awardee has two or more offenses which would be cause for debarment within a 3-year period. H.R. 3033, as amended, specifies and clarifies that a "concluded" proceeding is one in which there is a finding of fault on the part of the person and the payment of restitution to a Federal or State government of $5,000 or more.

Additionally, it improves and clarifies the role of the Interagency Committee on Debarments and Suspension, and requires the administrator of General Services to report to Congress within 180 days with recommendations for further action to create the database.

This legislation has been strongly and consistently supported by the Campaign for Quality Construction and the Project on Government Oversight.

Currently the Federal Government's watchdogs, the Federal suspension and debarment officials, lack the information that they need to protect our business interests and taxpayers' dollars.

This system will give government procurement officers who are making these decisions more information about the qualifications and track records of the contractors. Beyond a listing of currently debarred or suspended persons, officials are now limited to their individual agency's knowledge of an entity's track record. This bill will make it easier for these procurement officers to prevent them giving contracts to those who repeatedly violate Federal laws or have poor performance, and it will prevent them from receiving future dollars from the Federal Government.

As a New York City councilwoman, I successfully led an effort to reform the contracting system of New York City. Included in that effort was a Vendex system which checked the backgrounds and the work of the contractors before awarding contracts. It has been credited with saving the city of New York hundreds of millions of dollars.

The United States is the largest purchaser of goods and services in the world, spending more than $419 billion on procurement awards in 2006, and over $440 billion on grants in 2005. It is Congress's responsibility to ensure that taxpayer dollars are used wisely and not wasted, certainly not wasted in our contracting system, and we should not be giving awards to contractors who have poor performance records.

I believe by improving the system for awarding contracts, I believe that this is critical for boosting the public's faith in our government and it will save taxpayers' dollars. I urge my colleagues to support this reform bill.

Mr. DAVIS of Virginia. I reserve the balance of my time.

Mr. TOWNS. I yield 5 minutes to the chairman of the full committee, the Honorable HENRY WAXMAN from the great State of California.

Mr. WAXMAN. I thank the gentleman from the great State of New York, the able chairman of the subcommittee, for yielding to me.

H.R. 3033, as amended, would create a centralized governmentwide database of information to more effectively monitor the award of Federal tax dollars. It would include not only information on companies and grantees that have been debarred by the Federal Government, but also information on civil, criminal, and administrative proceedings that have been concluded against contractors and grant recipients.

No such comprehensive database currently exists, and creating one would allow more efficient monitoring of Federal procurement and assistance programs.

This is a commonsense initiative that would allow the Federal Government to track fraudulent contractors and grantees and stop them from moving from agency to agency if they are debarred.

The bill was introduced by Representative MALONEY, and it is modeled on legislation that she passed for the city of New York when she was a city council member. That law has been very effective for the city.

The ranking member of the Oversight Committee, Representative TOM DAVIS, raised a number of concerns with the bill as originally drafted, and we worked with Representative DAVIS and his staff to try to address these concerns, and I thank him for his willingness to work with us on this matter.

We have also made changes reflected in the bill before us today to address concerns raised by other committees with certain provisions in the bill. As I understand it, some letters have been sent out in opposition to the bill without knowing that those changes have been made to address the concerns that were raised. The result that we have before us today is a measure that enjoys bipartisan support. I urge Members to support H.R. 3033, as amended.

Mr. DAVIS of Virginia. Let me just say again to Chairman WAXMAN and to the gentlelady from New York, we appreciate you working with us. We have a bill now that enhances the system, and we have met the objections of some of the groups like the U.S. Chamber and that had been raised on our side of the aisle. I appreciate it, and urge its adoption.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 3033, the "Contractors and Federal Spending Accountability Act of 2008." H.R. 3033 mandates the establishment of a database that includes detailed information on civil, criminal, and administrative proceedings concluded against contractors and grant recipients by State and Federal governments; a listing, by contractor or grant recipient, of all contracts or grants that were terminated; any suspensions or debarments, or any agreement to resolve a suspension or debarment; any findings that the contractor or recipient is not a "responsible" source for Federal contracts.

As the great justice Louis Brandeis famously wrote, "sunlight is said to be the best of disinfectants." H.R. 3033 will shed some sunlight on the contracting world.

This database will have myriad uses. Governments at all levels can turn to it when considering whether to award a contract or grant. Citizens can look to see how their tax dollars are being spent—and what steps are being taken to prevent waste, fraud, and abuse. Job seekers can look up prospective employers to find out what kind of company they might work for. Companies can do a little due diligence about prospective customers or vendors. In this information age, there is simply no reason information such as this should not be available to all of us.

My committee oversees the Department of Homeland Security. It is still young, as are many of its contracting professionals. But even the "old pros" of the Department are new to homeland security contracting—because homeland security contracting itself is new. A database like this—that allows these officials to quickly examine the history of prospective, contractors—might have helped the Department avoid some of the contracting fiascos that have plagued it to date. I am hopeful it will help the Department pick the best contractors in the future.

I encourage all of my colleagues to support this important legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 3033, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLOSE THE CONTRACTOR FRAUD LOOPHOLE ACT

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5712) to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Close the Contractor Fraud Loophole Act".

SEC. 2. REVISION OF THE FEDERAL ACQUISITION REGULATION.

The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection *with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.*

SEC. 3. DEFINITION.

In this Act, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5712, the Close the Contractor Fraud Loophole Act, is a commonsense solution to a problem that we never should have had in the first place. When the administration wrote a new rule requiring Federal contractors to report fraud and over billing on government contracts, for some reason contracts performed overseas and commercial item contracts were exempted from that requirement.

That didn't make sense to my colleague on the Subcommittee on Government Management, Congressman WELCH, because so much contract fraud and waste has been seen on contracts in Iraq and Afghanistan. He introduced this bill which will close these loopholes, and I salute him for that.

The Justice Department believes the new rule is necessary because few government contractors voluntarily disclose suspected instances of fraud. But the exemptions in the rule as written would leave out contractors like those in Iraq and Afghanistan, where we have spent billions on reconstruction contracts over the past 5 years. Over that period, the Justice Department has uncovered at least $14 million in contract bribes in those two countries alone. Contractors must be held to the same standards no matter where they perform their work.

Since Congressman WELCH brought attention to this loophole, introduced this bill, and called for the hearing our subcommittee held last week, the administration has said it is leaning toward including overseas and commercial item contracts in the final fraud reporting rule. I am happy to hear that, but we cannot get them to guarantee that these loopholes would be closed. That is why Mr. WELCH's bill is necessary, to make sure that loopholes are closed for good. Another way to put it, this legislation will help them deal with a problem that should not have occurred.

I want to thank Congressman WELCH for bringing this problem to the attention of the subcommittee. I would also like to thank the chairman of our full committee, Congressman WAXMAN, and also thank the ranking member of the full committee, Congressman DAVIS. And I would like to thank the ranking member of the subcommittee, Congressman BILBRAY, for helping us bring this bill to the floor.

Mr. Speaker, at a time when our national security is of paramount concern, criminals who cheat the government must be identified, stopped and punished. H.R. 5712 will help make sure that taxpayer dollars are used for their intended purpose, and not to line the pockets of corrupt individuals or companies. So I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the Honorable HENRY WAXMAN, the chairman of the full committee.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 5712, the Close the Contractor Fraud Loophole Act. This bill would create a mandatory requirement for Federal contractors to disclose violations of Federal criminal law or significant overcharges discovered with relationship to a Federal contract. It would replace our current system of voluntary disclosure.

Moving to mandatory disclosure has been recommended by the Justice Department for good reason, the voluntary disclosure system is simply not working. In fiscal year 2007, only three contractors participated in the Defense Department's voluntary disclosure program.

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Congressman WELCH introduced this bill after the administration exempted contracts performed in Iraq and Afghanistan from a proposal to make fraud reporting mandatory. This exemption made no sense. As this committee's oversight has shown, fraud and over-billing are widespread in Iraq.

The administration testified at a hearing before the Government Management Subcommittee that these exemptions were included inadvertently, and they said they made a mistake. This is a mistake that needs to be corrected, and that's why I commend Congressman WELCH for pressing this issue and introducing this legislation. If we pass this bill, the real winners will be the Federal taxpayers.

Prior to our committee markup on the bill, we worked with Ranking Member DAVIS to address certain concerns he raised with the way the bill was originally drafted. And I want to thank Mr. DAVIS for working with us in a constructive manner to ensure passage of this bill.

The bill before us, H.R. 5712, as amended, would preserve Representative WELCH's original intent while at the same time preserving the legitimate role of the regulatory process. The bill requires that the Federal Acquisition Regulation be amended within 180 days to require disclosure of fraud for both domestic and overseas contracts, and for commercial item contracts.

I urge Members to support H.R. 5712, as amended. It has been approved by a bipartisan vote in our committee, and it ought to be overwhelmingly approved in the House as well.

Mr. DAVIS of Virginia. I yield myself such time as I may consume.

Mr. Speaker, I had serious concerns about this legislation when it was originally introduced. The original version would have required a Federal contractor to self-report to the agency's IG if the contractor had reasonable grounds to suspect a violation of criminal law or if a significant overpayment occurred on a contract held by the contractor. A knowing failure to make such a report would have been a cause for debarment or a suspension for all firms, including those holding contracts performed overseas and contracts for commercial items.

This original version, in my judgment, was an ill-considered attempt to strengthen an ethics compliance program that's currently being developed by the administration.

The concept of mandatory self-reporting by contractors of possible criminal violations, based on reasonable grounds, would have been unprecedented and obviously controversial. The rule proposed in the Federal Register was the subject of more than 70 comments. As expected, many of the firms subject to the rule expressed serious legitimate concerns about the proposal.

In actuality, the bill as introduced didn't make as significant change as intended to the substance of the proposed revisions. The problem was the bill leapfrogged the statutorily designated process for writing acquisition regulations, and would have encased in statute draft language establishing a new reporting scheme yet to be thoroughly vetted.

The subcommittee received testimony that the so-called loophole which was alleged to have been snuck in at the 11th hour, was really an inadvertent administrative error made by an overworked acquisition policy staff.

None of the agencies providing testimony to the subcommittee, including the Department of Justice, nor the contractor community, supported this bill as it was introduced.

But I will say this to the author of the legislation and the subcommittee chairman, we ended up working together, and the language before us today was offered in his amendment at mark-up by Chairman WAXMAN and myself. This will ensure that the Federal acquisition regulation is revised to include a requirement that Federal contractors notify the government of violations of Federal, criminal law or overpayments in connection with the award or performance of contracts or subcontracts.

In doing so, it will ensure the regulation is applicable to all contracts, including those performed overseas and those for commercial items.

The stated purpose was ultimately accomplished by this language but accomplished through a more appropriate statutory acquisition rulemaking process.

Again, as with the other contractor bills we're considering today, I think that we would be better served if we would address some of the underlying problems in the acquisition system, and that is getting in good acquisition officials; whether they're contract managers, contracting officers, contracting officers technical representatives, trying to get more into government, educating them, training them and making sure they have the tools appropriate to get the best value for the tax dollars. That's where the real waste of government lies with having good acquisition officials.

I think this version of the bill today is an adequate solution. I want to thank again Chairman WAXMAN and Mr. WELCH for working with us to revise the language. I urge its adoption.

Mr. Speaker, today we rise to take up H.R. 5712, the Close the Contractor Fraud Loophole Act. This legislation would revise an administration-proposed contractor ethics and reporting program.

I had serious concerns about this legislation as it was originally introduced. The original version of the bill would have required a Federal contractor to self-report to the agency's Inspector General if the contractor had "reasonable grounds" to suspect a violation of criminal law or if a significant overpayment occurred on a contract held by the contractor. A knowing failure to make such a report would have been a cause for debarment or suspension for all firms, including those holding contracts performed overseas and contracts for commercial items.

This original version of the legislation was an ill-considered attempt to "strengthen" an ethics compliance program currently under development by the administration.

The concept of mandatory self-reporting by contractors of possible criminal violations based on "reasonable grounds" is unprecedented and controversial. The rule proposed in the Federal Register was the subject of more than 70 comments. As expected, many of the firms subject to the rule expressed serious and legitimate concerns about the proposal.

In actuality, the bill as introduced did not make as significant a change as intended to the substance of the proposed revisions to the acquisition regulations. The problem was the bill leapfrogged the statutorily designated process for writing acquisition regulations and would have encased in statute draft language establishing a new reporting scheme yet to be thoroughly vetted.

The Subcommittee on Government Management, Organization and Procurement received testimony that the so-called "loophole"—which was alleged to have been "snuck in at the eleventh hour"—was really an inadvertent administrative error made by an overworked acquisition policy workforce.

None of the agencies providing testimony to the Subcommittee, including the Department of Justice, nor the contractor community, supported H.R. 5712 as introduced. Instead, the stakeholders suggested the well-established regulatory drafting process should be allowed to continue to completion. They favored this rulemaking approach because it would allow all interested parties the opportunity to submit comments and have those comments considered in the deliberative process.

Nevertheless, the Committee moved forward with the legislation. Fortunately, Chairman WAXMAN, the bill's sponsor and I were able to work out language which addressed some of the concerns raised at the one hearing on the bill.

The language before us today, offered as an amendment at markup by Chairman WAXMAN and me, would ensure the Federal Acquisition Regulation is revised to include a requirement that Federal contractors notify the Government of violations of Federal criminal law or overpayments in connection with the award or performance of contracts or subcontracts. In doing so, it would ensure the regulation is applicable to all contracts, including those performed overseas and those for commercial items.

The stated purposes of the introduced version of H.R. 5712 are ultimately accomplished by this language, but accomplished through the more appropriate statutory acquisition rulemaking process.

Again, as with the other so-called "contractor bills" we are considering today, I continue to believe all would be better served if we had spent our time trying to improve the operation of our acquisition system—in order to better acquire the best value goods and services our Government so desperately needs.

And in this case, I am certain we would have been be better off had we allowed the regulatory process to go forward without any interference at all from us.

Nonetheless, under the circumstances, I believe this version of the bill we are considering today is an adequate solution, and I thank Chairman WAXMAN and Mr. WELCH for working with me on the revised language.

Mr. TOWNS. Mr. Speaker, I would like to yield 5 minutes to the author of this legislation, a person that has worked real hard and has done a magnificent job, the gentleman from Vermont, Congressman WELCH.

Mr. WELCH of Vermont. Mr. Speaker, one of the fundamental responsibilities that this Congress has is to protect taxpayer dollars. That has become an enormous challenge, as many of the taxpayer dollars that are appropriated are paid to private contractors.

The growth in contracting in the past 6 or 7 years has exploded. Procurement spending in 2000 was $213 billion. Procurement spending is when we enter into a contract with a private company to deliver goods or services. That amount exploded last year to $412 billion. Much of that is going to Iraq and Afghanistan. Much of this is being subject to waste, fraud and abuse.

The Oversight Committee under Mr. WAXMAN and Mr. DAVIS has done vigorous oversight and identified in 2006 that there were 118 contracts valued at $745 billion that were found by government auditors to include a significant component of fraud, abuse and mismanagement. And, in fact, it got worse.

In 2008, that report identified 187 contracts valued at $1.1 trillion, where they were plagued by waste, fraud and abuse.

The bottom line is, will we, as a Congress, Republicans and Democrats, be vigilant in protecting taxpayer dollars? We have to do that, especially when there is documented evidence of rip-offs, wicked rip-offs that have occurred with taxpayer dollars in Afghanistan and in Iraq.

There's two goals that we have. The first that we widely share is that every taxpayer dollar will be accounted for, and that the taxpayers who were working hard to support this government and our troops will see that their money is spent on proper things that are in the contract. We have to protect the taxpayer.

The second is we've got to protect the troops. If we are spending money in Iraq and Afghanistan for the intended purpose of bringing our troops home and improving our national security, any dollar that's wasted that results in any additional injury, or one day prolonged in the conflicts, is a dollar that is improperly wasted. We cannot do that.

So I believe that this loophole, however it got there, by mistake or by sleight of hand, however it got there, it's got to be closed. Obviously, if you have a regulation, as it was written, that says we will report fraud when it is a rip-off on a domestic contract, but we won't when it's on a foreign contract, we're sending a very unambiguous message. There's a green light to rip off taxpayers if the money is being spent abroad. That's not a defensible position. And that's why we're closing this loophole to make it absolutely clear that's unacceptable.

Now I think it does make sense. What Congressman DAVIS proposed as a new way of proceeding is fine with me. And here's why. The bottom line is protecting the taxpayers and protecting our troops. And if we can accomplish that better by finding a way that has bipartisan support, we can all have more confidence that we'll be successful.

So I'm glad to work with Chairman DAVIS in order to have this get done in a bipartisan way. I want to thank very much Chairman WAXMAN and the great work of my chairman of the subcommittee, Mr. TOWNS, for bringing this forward so quickly and so effectively.

Mr. DAVIS of Virginia. Well, let me thank my friend for calling me Chairman DAVIS. It's with nostalgia that I use the terminology, but I guess once a chairman, always a chairman. But I now recognize Mr. WAXMAN as my chairman and a counterpart in a number of these issues.

I again enjoyed working with you on this legislation to bring it. I would urge its adoption.

I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I want to thank Chairman WAXMAN; I want to thank Ranking Member DAVIS; and, of course, Ranking Member BILBRAY for his work; and, of course, Congressman WELCH. This legislation is really needed, and I was happy that we were able to move it to the floor very quickly, because any time we can save money, and I think that this is what this does, it saves the taxpayers money, and I just think we need to salute Congressman WELCH for his insight in being able to do just that.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5712, the "Close the Contractor Fraud Loophole Act."

The name of this bill really says it all. Today, as I speak, there is a loophole in Government procurement regulations that allows some contractors to avoid reporting violations of Federal law or overpayments.

The privilege—and, yes, it's a privilege—of earning Federal dollars carries with it certain responsibilities. One of those responsibilities is to do your utmost to avoid fraud, violations of law, and overpayments. Now, I understand that many large contractors have thousands of employees, and sometimes there can be a bad apple. But when a contractor learns of such a bad apple, it is its responsibility to report what it learns to the Government, and to make the Government whole for any loss.

Today, most contractors working in the United States are required by regulation to do just this. But contractors working overseas, and a few here in the U.S., fall outside this simple, commonsense reporting requirement.

This is not right—contractors accepting Federal dollars should be treated the same, whether they are performing the work in the United States or overseas, and regardless of whether they are selling "commercial items."

I want to commend Mr. WELCH and Chairman WAXMAN for recognizing this problem, and for doing something about it. Now that they have acted, the administration says that this loophole was a "bureaucratic mistake" and should be closed. Yet, before Congress moved, the administration was curiously slow to do anything to address this "mistake."

My committee has devoted a lot of time and energy to examining the Department of Homeland Security's contracting practices. What we have found is not always pretty. The Department is young, and has made some poor contracting decisions. But poor decisionmaking and the occasional inexperienced contracting officer is not a license for abuse, and it is incumbent on any contractor who discovers such abuse to report it.

I hope the administration makes good on its word and closes this loophole, but I'm mindful that it took congressional oversight and action to stir them into action. This is oversight at it best, and make no mistake, our oversight—of both the Government and the contractors themselves—will continue. I encourage all of my colleagues to support this legislation.

Mr. TOWNS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 5712, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GOVERNMENT FUNDING TRANSPARENCY ACT OF 2008

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3928) to require certain large government contractors that receive more than 80 percent of their annual gross revenue from Federal contracts to disclose the names and salaries of their most highly compensated officers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Funding Transparency Act of 2008".

SEC. 2. FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS.

(a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this Act. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to Chairman WAXMAN, the gentleman from California.

Mr. WAXMAN. Mr. Speaker, my colleagues, this is the third of the three bills we had before us out of the Oversight and Government Reform Committee dealing with contracting issues. And I rise in strong support of this bill, H.R. 3928, the Government Funding Transparency Act. This bill requires contractors and other entities that are dependent on taxpayers funds for more than 80 percent of their annual gross revenue to disclose the names and salaries of their most highly compensated officials.

This requirement is similar to requirements that already apply to publicly traded companies under the rules of the Security and Exchange Commission and to nonprofit organizations through the Tax Code. It is based on a very simple principle. If you receive the vast amount of your revenue from the public, then the public has a right to know how that money is being spent.

The need for this bill became evident when the head of Blackwater, the private security military company, refused to tell Congress how much it earns, how much he earns. Blackwater gets almost all of its revenue from contracts with the Federal Government, yet Eric Prince, the head of the company, refused to answer Congressman MURPHY when Mr. MURPHY asked how much he earned.

As originally introduced by Representative MURPHY last October, H.R. 3928 would have applied only to government contractors. Some felt that this approach unfairly singled out those entities, and we worked with the ranking member of the committee, Representative TOM DAVIS, to address this concern. And I believe that the result is a much stronger bill.

The measure before us today applies to any entity that receives government funding, whether through a contract, grant, cooperative agreement, subsidy or any other form of Federal funding. The measure will bring much needed sunshine to how tax dollars are spent, including on contracts. Under the bill, companies that are privately held that receive the vast majority of their revenues from taxpayers' dollars would be required to disclose the salaries of their top officers.

I want to congratulate and express my appreciation to Congressman MURPHY for introducing this commonsense bill. American taxpayers have a right to know where their hard earned dollars are going.

I commend the sponsor and those who have worked on this bill on both sides of the aisle. And I urge my colleagues to support this bipartisan piece of legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Let me thank Chairman WAXMAN and the author of this bill, Mr. MURPHY of Connecticut, for reaching out. I think we have a pretty good work product at the end of this. I think what started as a germination of one idea going in one direction, as we sat and discussed and talked about it, we have a more inclusive bill that I think gets the gentleman the information that he thought should be public. But I think is even more encompassing and shines even more sunshine on government. And I'm happy to get up here today and speak for this legislation.

□ 1230

Specifically, H.R. 3928 will require any nonpublic company receiving more than $25 million from the Federal sources, whether it is grants, loans, cooperative agreements, contracts, and other forms of financial assistance and earning 80 percent of its revenue from those sources, to disclose the names and total compensation of the organization's five most highly compensated officers. The mandatory disclosure of this type of information on a public Web site is what will ensue.

As introduced, the bill would have accomplished, I think, a much more limited scope, but in working with the author of this bill, we now expand the Federal Funding Accountability and Transparency Act that was authored last year by myself and Mr. BLUNT and in the Senate by Mr. COBURN and Mr. OBAMA, to include compensation disclosures for all entities receiving more than $25 million a year.

This isn't a contracting reform bill in the strictest sense of the word, but it is a disclosure bill that I think will shed much sunlight on government. And transparency in government is very fundamental. Sunshine is the best disinfectant.

I want to again thank Chairman WAXMAN and Mr. MURPHY and their staff for a willingness to work to make an open-government bill, one that I think will have good ramifications in the years ahead.

Today we rise to take up H.R. 3928, the Government Funding Transparency Act. This legislation would expand the Federal spending database created by the Federal Funding Accountability and Transparency Act of 2006 to include information about the compensation of management officials of private entities receiving most of their revenues from the Federal Government.

Specifically, H.R. 3928 would require any non-public company receiving more than $25 million from Federal sources—such as grants, loans, cooperative agreements, contracts, and other forms of financial assistance, and earning 80 percent of its revenue from those sources—to disclose the names and total compensation of the organization's five most highly compensated officers.

As introduced, the bill would have set the threshold at $5 million from Federal sources instead of the $25 million threshold in the bill we are considering today; focused exclusively on "contracts" rather than all recipients of Federal funds; required a contract certification regarding the percentage of revenues received from the Federal Government; and placed the salary information on the Federal Procurement Data System, which is only for information on Government acquisitions.

The mandatory disclosure of this type of information—on a public Web site—would have had no useful purpose for contracting officials.

Information regarding salaries of top company officials can be useful under certain cost-type contracts where the Government reimburses a firm for its reasonable and allowable costs plus a fee. Under current acquisition regulations governing such contracts, this information is already available to Government contracting officials. In fact, procurement regulations place a ceiling on executive compensation costs which can be reimbursed under such cost-type contracts.

Moreover, this information is also available to contracting officials—to the extent it is relevant—during the negotiations leading up to the award of a fixed-priced contract.

As introduced, H.R. 3928 would have accomplished nothing other than to discourage the participation of privately held firms in the Government market—which would decrease competition and, ultimately, increase Government costs.

I am pleased to say I have been able to work with Chairman WAXMAN and the bill's sponsor, Mr. MURPHY of Connecticut, to bring to the floor today a bill which has matured into an "open government" bill.

The bill now expands the Federal Funding Accountability and Transparency Act of 2006, authored by Mr. BLUNT and me last Congress, to include compensation disclosure for all entities receiving more than $25 million a year in Government funds from such sources as contracts, grants, loans, cooperative agreements and other forms of financial assistance—as long as these Federal funds make up 80 percent or more of their income.

But again I must say, this bill, while much improved, is not a "contracting reform" bill and will do little to improve the ability of the Federal Government to get the best value goods and services it needs at fair and reasonable prices.

But, transparency in Government is fundamental—as I've always said, "Sunshine is the best disinfectant." So I thank Chairman WAXMAN and Mr. MURPHY and the staff for their willingness to work with us to make this an "open government" bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to Congressman MURPHY who is the author of the bill who has done a fantastic job. I think the people in this country should be very proud of him and his work.

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to speak in support of this very important commonsense legislation, the Government Funding Transparency Act 2008. I would like to thank, of course, Chairman TOWNS for his work on the subcommittee, Chairman WAXMAN for his early and active support on this legislation, and especially to the ranking member, former chairman, Mr. DAVIS, who we were able to work directly together with over the past days and weeks to make this, as he states, I think a much stronger bill and one that answers many of the concerns that were raised by Mr. DAVIS, his office, and members of the minority of the committee.

Mr. Speaker, as described, the Government Funding Transparency Act will require that companies who receive more than 80 percent of their income in annual gross revenue from the Federal Government and more than $25 million worth of Federal work in any given fiscal year disclose the salaries of their most highly compensated employees.

This disclosure would be, as Representative DAVIS noted, posted on an existing OMB Web site, www.USAspending.gov, which was authorized as part of the Federal Funding, Accountability, and Transparency Act, a bipartisan measure passed by the 109th Congress.

As pointed out in a recent GAO report, buying services accounted for 60 percent of the total 2006 procurement dollars. And expenditures on security services, due to our engagement in the wars in Iraq and Afghanistan, have forced those service expenditures to increase substantially.

In addition, according to that same Web site, we have seen an increasing number of contracts that weren't competed at all. In fact, in 2000, the amount of contracts not competed was $48 billion, just north of there; and in 2007, 7 years later, that number had ballooned to $112 billion.

And yet with such a substantial increase in government funding going to companies through no-bid processes, these companies are virtually subsidiaries of the United States government taking in 80 to 90, perhaps 100 percent of their revenues from U.S. taxpayers. We don't know enough about these tax companies. We don't know their management practices, their financial statements, or their employment policies. They are often highly and tightly held secrets not subject to public scrutiny.

So it is not surprising, as Chairman WAXMAN mentioned in October 2007 when the full Oversight and Government Reform Committee brought the CEO of Blackwater before us, one of the largest government contractors, taking in nearly 90 percent of their revenue contracts from Federal contracts, the CEO of that company, Eric Prince, refused to disclose to Congress the amount of profit that company makes or the amount of salary that he took in; yet despite the fact that 90 percent of that salary, 90 percent of the company's revenues, come from the United States' taxpayers.

It's our money. We deserve to know how it's being used. Regardless of your position on this war or any other war, we deserve to know whether or not public funds are being used to unjustly enrich government contractors.

But this principle, as Representative DAVIS and others pointed out, shouldn't just be applied to these types of private security or service contracts. It should be required of all entities that make the vast amount of their earnings, over 80 percent, from U.S. taxpayer dollars. And I would especially like to thank Representative DAVIS and Representative FOXX for their advocacy for this principle.

Importantly, it's important to note that this bill will actually only affect a limited number of companies, only those entities that subsist almost entirely on Federal money and only those that are not publicly traded, since public companies who do the lion's share, frankly, of Federal contracting, already disclose executive compensation information.

Mr. Speaker, profit is clearly a powerful motive, and this legislation does nothing to remove this incentive from our Federal contracting structure. But when it comes to private companies like Blackwater and others that would not exist if it wasn't for United States taxpayer dollars, the taxpayers and this Congress should have the information necessary to decide whether we've gone too far in padding the personal pockets of those who feed at the government trough.

As the late Supreme Court Justice Brandeis said, sunlight is the best disinfectant. I believe this legislation will apply a little bit more sunlight to the Federal funding process.

Again, I thank the chairman and the ranking member for their assistance on this legislation. And I know that this body will agree that as stewards of the people's treasure, we must do everything in our power to make sure it's being spent justly and responsibly. Again, I thank the chairman.

Mr. DAVIS of Virginia. I would yield back the balance of my time, Mr. Speaker.

Mr. TOWNS. Mr. Speaker, I yield 1 minute to Congressman WELCH.

Mr. WELCH of Vermont. As a cosponsor, I strongly support this legislation.

It was pretty shocking what we heard when this came up. Mr. Eric Prince of Blackwater was in before our committee, and the question was, how did your contracting go from $75 million to over $1 billion. And then in the course of it, what was your salary. He admitted to about $1 million in salary but then also disclosed there's about a 10 percent profit, which would mean, just by doing plain math, $100 million just in the bottom-line profit to the sole owner. We don't know exactly whether that's the case, but that's certainly the way it looks.

Mr. MURPHY's legislation will let the taxpayers know how much they are spending that goes to the bottom-line profit of an individual in this war when our soldiers are working so hard in such danger and getting so little pay for it.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, H.R. 3928, the Government Funding Transparency Act of 2008, will provide more information about executive pay at large organizations that get almost all of their revenue from Federal taxpayers' dollars. It closes a loophole in the current law.

Right now, the salaries of most people who are paid from Federal funds are public information. The salaries of every Member of Congress is public information. However, large private companies that draw most of their revenue from Federal funds have no such requirements. As a result, nobody knows if the taxpayers are funding enormous executive pay packages.

This bill is intended to apply the same standards of transparency to these large companies that apply to other people and groups that benefit from Federal expenditures. For example, each year the Federal Government spends hundreds of billions of dollars on contracts. In 2006 alone, the Federal Government spent over $400 billion.

This increase in spending has enriched Federal contractors by way of record-breaking profits and escalating executive compensation. Yet, although the government spends billions of dollars on private contractors, the American taxpayers and Congress know very little about the financial and compensation policies of these firms.

This bill is very narrowly targeted. It requires disclosure of executive pay only from private companies that bring in more than $25 million a year in Federal funds and only if those Federal funds are more than 80 percent of the company's revenue.

The executives of companies falling into that category are basically being paid by the taxpayers, and the taxpayers have a right to know where their money is going. I don't have a problem with people making money. That's okay. That is not what this bill is about. It is about getting the information needed to see if taxpayers' dollars are being well spent. That is important.

If a company whose revenue is primarily from government funds can pay its executives millions of dollars, it raises questions about whether the government is getting a good bargain. It suggests the government could spend its money more efficiently through more competition or more different requirements. Enormous taxpayer-funded pay packages should be a trigger for more oversight of the programs involved.

The sponsor of this bill, Mr. MURPHY from Connecticut, has put in a lot of work on this bill because he recognizes the importance of greater transparency and the need of safeguarding tax bill dollars from waste, fraud, and abuse.

Mr. Speaker, this bill is an important step towards our goal of improving accountability and transparency in Federal spending. We should know whether taxpayers are footing the bill for high salaries paid to executives. I fully support its passage, and I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 3928, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purpose."

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5819 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during the consideration of this rule is for debate only.

I yield myself such time as I may consume, and I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

☐ 1245

Mr. WELCH of Vermont. Mr. Speaker, House Resolution 1125 provides for the consideration of H.R. 5819, the Small Business Innovation Research Program and the Small Business Technology Transfer Program Reauthorization Act, under a structured rule.

The rule provides for 1 hour of general debate, with 40 minutes controlled by the Committee on Small Business and 20 minutes controlled by the Committee on Science and Technology. The rule makes in order 17 amendments printed in the Rules Committee report. The amendments are each debatable for 10 minutes. The rule also provides one motion to recommit with or without instructions.

Since its inception in 1982, SBIR has assisted small businesses to compete for Federal research and development awards. It does that by reserving a percentage of the Federal R&D funds for qualifying small firms which would not otherwise be able to compete in the Nation's R&D arena with larger companies.

SBIR is a unique collaboration that allows Federal agencies to fund projects to meet specific agency needs while expanding opportunities for small businesses, including women and minority-owned businesses. SBIR has enhanced the role of innovative small businesses and higher education research institutions in federally funded research and development while fostering competition and productivity in economic growth.

SBIR, Mr. Speaker, targets the entrepreneurial sector because that's where the innovators thrive. The risk and expense of conducting serious R&D efforts are often beyond the means of small businesses, so SBIR funds are a critical start-up in development stages, encourage the commercialization of technology, product or service, which in turn obviously helps the United States economy.

And the results, by the way, speak for themselves. Not only are 85 percent of the businesses competing in SBIR small firms employing 20 or fewer persons, but the program has generated 50,000 patents over 25 years. SBIR has helped thousands of small businesses drive enhancements in our Nation's defense, new protections for our environment, and advances in health care.

The National Research Council and the National Academies' report, in assessment of the Small Business Innovation Research Program, states, "The SBIR program is sound in concept and effective in practice. The SBIR program has created a competitive entrepreneurial environment upon which small, independently owned businesses can compete to strengthen America's high technology economy. Many consider SBIR to be one of our most successful technology development programs."

This rule allows for consideration of a welcomed reauthorization of the SBIR and STTR programs. Just very briefly, what it's going to do is increase the existing set-aside for SBIR to 3 percent, and for STTR to six-tenths of a percent, increase SBIR and STTR grant award levels, increase congressional oversight and evaluation of programs, make changes to shorten the application review periods, and create an outreach development program for underrepresented States, regions, types of businesses, and numbers in the workforce.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend, the gentleman from Vermont (Mr. WELCH), for yielding me the customary 30 minutes.

I yield myself such time as I may consume.

Mr. Speaker, the small business programs covered by this bill are almost totally without their critics; they enjoy widespread bipartisan support. But, Mr. Speaker, there is controversy and opposition to this legislation because of the manner in which Democrats have chosen to conduct the business of this House.

First, there are concerns expressed about the increased set-aside for these two programs, which will come at the cost of other important research. Concern and opposition of this bill has come from the head of the Small Business Administration, from the White House, and from the Association of American Universities, among others, which represents 60 leading research universities across the country.

Typically, there would be an opportunity to address these types of concerns through committee action before any bill comes to the House floor. But the Democrats have chosen to skip past a hearing of the full House Science Committee on this scientific research legislation. They're just bypassing that step and sending it here to the House floor, where the Democrat-controlled Rules Committee decided to further restrict action on the legislation by limiting the number of House Members who can offer amendments, and they just limited it, Mr. Speaker, to just 17 out of 432 Members in the House.

Now it is true that my Democrat friends on the Rules Committee have allowed some amendments to be offered on this bill, but they have certainly treated themselves very well. Under this rule, Democrat members of the Rules Committee get to offer one-third of the amendments allowed to the entire House. Out of the 17 amendments that would be made in order under this rule, the Rules Committee Democrats get six of them. But under the rules that the Rules Committee wrote, 415 Members will not be allowed to offer even one amendment.

Restricting debate on the House floor is really becoming an old habit for the new Democrat majority, the new Democrat majority that pledged to run a more open, bipartisan House when they won the election in 2006. The Democrat majority has not kept their promise to the American people and have instead passed more closed rules denying all amendments on the House floor than any Congress in history, and they did it in record time.

Despite this record of shutting down debate in the House, the new majority has failed to complete its work and address matters critical to American families, small businesses and the economy. They failed to meet last week's April 5 deadline to write a budget for the next fiscal year, for example. The current farm bill ended last September, and our farmers are still waiting for that bill to be finished.

House Democrats have refused to pass the Senate's bipartisan bill to modernize FISA and to protect our country. Vital tax relief is set to expire while Democrats propose the largest tax increase in American history. Families, workers and small businesses don't need a record tax increase, Mr. Speaker, and they can't afford the plans to cut the child tax credit in half, reinstate the marriage penalty, and raise rates on every single taxpayer.

While Democrats plot these record-breaking tax increases, they sit by while the price of gasoline rises to record levels. Since Democrats took control of Congress in January of last year, the cost of a gallon of unleaded gas has gone up by 50 percent. According to the AAA, the national average for regular unleaded gasoline has gone up $1.18. The cost of gas has gone up more in 15 months, Mr. Speaker, than it had gone up in the prior 6 years.

Two years ago tomorrow, on April 24, 2006, House Speaker NANCY PELOSI, then the Democrat minority leader, issued a press release claiming that House Democrats "have a commonsense plan to bring down skyrocketing gas prices." This was 2 years ago tomorrow, Mr. Speaker. Two weeks after that press release, then minority leader Pelosi said that Democrats have "real solutions" that would "lower the price at the pump." That was 2 years ago, Mr. Speaker, just less than 2 years ago. But now they've controlled the House for over a year, yet the "real solutions" and the "commonsense plan" promised by Democrats are nowhere to be seen. They pledged to lower gas prices, and they've done nothing; gas prices keep climbing.

Mr. Speaker, I think it's time for Speaker PELOSI to reveal the Democrat plan and for this House to be allowed to consider ways to address the rising price of gasoline. Therefore, Mr. Speaker, I will be asking my colleagues to defeat the previous question so that I can amend the rule to make in order any amendment to the underlying bill that would "have the effect of lowering national average gas price per gallon of regular unleaded gas." This House can then debate the rising cost of gas and we can have that debate, Mr. Speaker, by defeating the previous question.

Mr. Speaker, at this time I will insert into the RECORD both Speaker PELOSI's 2006 press release and a letter sent yesterday from Republican leaders to Speaker PELOSI asking for the Democrats to put forward the commonsense plan that they had promised.

PELOSI: 'WITH SKYROCKETING GAS PRICES, AMERICANS CAN NO LONGER AFFORD RUBBER STAMP CONGRESS'

WASHINGTON, DC.—House Democratic Leader Nancy Pelosi released the following statement today on President Bush's, Speaker Hastert's, and the Republican Congress' empty rhetoric on gas prices. Key facts on the Majority's failure to address gas prices follows Pelosi's statement.

With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican Rubber Stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying $2.91 a gallon on average for regular gasoline—33 cents higher than last month, and double the price than when President Bush first came to office.

"With record gas prices, record CEO pay packages, and record oil company profits, Speaker Hastert and the Majority Congress continue to give the American people empty rhetoric rather than join Democrats who are working to lower gas prices now.

"Democrats have a commonsense plan to help bring down skyrocketing gas prices by cracking down on price gouging, rolling back the billions of dollars in taxpayer subsidies, tax breaks and royalty relief given to big oil and gas companies, and increasing production of alternative fuels."

Key Facts on the Majority's Failure to Address Gas Prices:

President Bush, Speaker Hastert and the Majority Congress wrote and passed a Republican energy bill that President Bush's own Energy Department said would raise gas prices on American consumers. Big oil and gas companies wrote the Republican energy bill, and the American people paid the price.

The Majority rejected imposing tough penalties on price gouging companies three times in the past year, since that time, gas prices increased by another 11 cents a gallon.

Speaker Hastert and the Majority have been blocking action on Congressman Stupak's Federal Response to Energy Emergencies Act (H.R. 3936) since last September, which would protect American consumers from high gas prices by empowering the FTC and the DOJ to investigate and prosecute oil companies engaged in price gouging at each stage of the energy production and distribution chain and outlaws market manipulation.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 22, 2008.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Two years ago this week, you stated that House Democrats had a "commonsense plan" to "lower gas prices." In light of the skyrocketing gasoline prices affecting working families and every sector of our struggling economy, we are writing today to respectfully request that you reveal this "commonsense plan" so we can begin work on responsible solutions to help ease this strain.

Today, the national average for regular unleaded now stands at $3.51 per gallon, according to AAA, which is $1.18 higher than it was at the start of the 110th Congress—a more than 50 percent increase. In fact, gas prices rose more in the last 15 months than they did in the six years prior to Democrats taking control of both Houses of Congress in January 2007.

In the midst of a slowing economy, falling home values and soaring costs of living, this is a heavy premium for working families to bear.

Americans, particularly those in suburban and rural communities, are paying more simply to commute to work each day. America's truckers, faced with the prospect of paying $1,200 to fill up a tank that just a few years ago cost $600, must now consider taking less work or going out of business altogether. We have seen reports of school districts where filling up buses is already costing as much as $70,000 more than originally budgeted.

Once a nightmare scenario, $4 gasoline is now a very real possibility of becoming a summer staple. In some cities, including San Francisco and Chicago, it is already a startling reality.

We noted with great interest, then, that on several occasions you have announced the existence of a Democratic plan to lower gas prices. In fact, it was two years ago this week, on April 24, 2006, when you pledged that "Democrats have a commonsense plan to help bring down skyrocketing gas prices." Just two weeks after that, you stated that Democrats had "real solutions" that would "lower the price at the pump."

Yet 15 months into the 110th Congress, you have yet to reveal this "commonsense plan."

House Republicans stand ready to work with you and our Democratic colleagues in a bipartisan fashion to address America's energy crisis. As part of that effort, we respectfully request that you reveal the "commonsense plan" to lower gas prices you promised two years ago. The ability to fully consider its provisions, details and costs—including any proposed new taxes on gasoline or energy as we have seen in the past—is critical if we are to effectively serve our constituents facing ever-increasing prices at the pump.

We appreciate your timely reply to this request.

Sincerely,

John Boehner, Republican Leader; Roy Blunt, Republican Whip; Adam Putnam, Conference Chairman; Thaddeus McCotter, Policy Committee Chairman; Kay Granger, Conference Vice-Chair; John Carter, Conference Secretary; Tom Cole, Chairman, National Republican Congressional Committee; Eric Cantor, Chief Deputy Whip; David Dreier, Rules Committee Ranking Republican.

Mr. Speaker, I will be asking my colleagues to defeat the previous question at the appropriate time so we can consider ideas for lowering prices at the pump.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), chairman of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman for the time.

Let me simply say this bill is intended to increase the small business set-aside for these research programs. That does no harm for a large agency whose budget has been rising, such as the Department of Defense, but it can do immeasurable harm to the crown jewel of our research agencies in this country, the National Institutes of Health.

If we were to do what this bill does to NIH, it would result in $187 million less being available for traditional medical research grants at medical research centers and universities. I think that that is not a good idea. The President's budget has already reduced the number of grants that NIH will be able to provide by almost 500 grants. This will add about another 500 grant reduction to the President's budget. That would mean that we would be supporting a grant level for the traditional NIH grants at about 1,100 grants fewer than was the case in 2007. I think that is a very bad idea. Therefore, when the bill comes before us, I would urge support of the Ehlers amendment, which will correct the problem with respect to the National Institutes of Health.

I know that some people will say, "Well, we're not reducing the number of grants, we're simply shifting the nature of grants from traditional grants to small business grants." But the fact is that the success rate for small business grants under this bill is expected to rise to 52 percent whereas the success rate for applications for traditional NIH grants is expected to decline to 18 percent. That is a disparity that the scientific community and the country at large simply cannot afford.

NIH believes that there will not be sufficient high-quality grants under the small business set-aside to pass peer review over time, and that means they would simply have to lapse back precious research money that could be used for heart disease, for Parkinson's, for cancer, things like that.

So I would strongly urge, when this bill comes before us, to vote for the Ehlers amendment as a way to address that balance.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER of California.

Mr. DREIER. I thank my friend for yielding.

"A commonsense plan to bring down skyrocketing gasoline prices." That's what my friend from Pasco just quoted my California colleague, our distinguished Speaker, as having said 2 years ago tomorrow.

Mr. Speaker, if we look at what has taken place over that 2-year period of time, we know, and I will tell you that as a driver and a representative of people who drive the freeways of southern California, we've seen gas prices skyrocket over the past 2 years.

□ 1300

There's no plan put forward.

We're very proud of the fact that we have a plan. I just had the privilege of talking to my friend from Illinois (Mr. SHIMKUS) about some of the challenges that we face. Obviously, I believe that environmentally sound exploration in ANWR, the Arctic National Wildlife Reserve, is the responsible thing for us to do. The Outer Continental Shelf is what we need to pursue. There's this potential of a great new shale find in North Dakota.

And then one of the interesting things that Mr. SHIMKUS and I were just discussing is the fact that it, of course, has been three decades, three decades, since we have seen the construction of any new refinery in this country and, of course, three decades since we have seen the construction of any nuclear power facility. We all know that nuclear power is the cleanest, safest, most cost-effective energy source around.

These are the kinds of responsible things that we are proposing, Mr. Speaker. Unfortunately, our colleagues on the other side of the aisle have consistently stood in the way of every single one of those very responsible measures.

And pursuing alternative sources is something else that we strongly support. Coal to liquid, those are the kinds of things that we need to be doing.

Now, what is it that we are doing here with this rule? We are, of course, talking about small business issues, but we know the overwhelming concern of our constituents today is this problem of skyrocketing gasoline prices.

So when we move to defeat the previous question, Mr. HASTINGS, my friend from Pasco, is going to seek to offer an amendment to this rule. The amendment will simply say that any Member, any Member, who has a proposal that will deal with providing a commonsense plan to address the problem of skyrocketing gas prices will be able to offer that amendment here on the House floor. So all we're asking our colleagues to do is to amend this rule by defeating the previous question so that we will be able to deal with one of the most pressing concerns that our constituents are asking us to address.

I urge my colleagues to vote "no" on the previous question so that we will allow our Members to step up to the plate and offer these very, very thoughtful solutions or anything that our friends on the other side of the aisle might seek to offer as an amendment that would, in fact, allow this to happen.

I thank, again, my friend for yielding.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. WU), the Chair of the Subcommittee on Research.

Mr. WU. I thank the gentleman for yielding.

Mr. Speaker, I don't know how we got on the subject of gasoline prices because we're here to talk about SBIR and STTR. But if we want to talk about the price of gasoline, I think that the reason why we have $4-a-gallon gasoline is because this administration got us into an unnecessary war in Iraq and that drove up the price of gasoline at least $2 a gallon. So if you want to talk about gasoline, let's talk about the war in Iraq.

Now let's return to the subject of SBIR and STTR. The last time that we authorized either one of these problems, the SBIR program, was in the 106th Congress. The bill was marked up by the Small Business Committee and discharged by the Science Committee. I would note that the bill was not even referred to a subcommittee of the Science Committee. The bill then proceeded to the floor under a suspension of the rules. And we all know that as a suspension bill, there was absolutely no opportunity to offer an amendment to the underlying legislation.

Again, the last time that we authorized STTR, which was in the 107th Congress, the bill was marked up by the full Small Business Committee and discharged by both the Subcommittee on Environment, Technology, and Standards and by the full Science Committee without any Science Committee markup. The bill then proceeded to the floor under a suspension of the rules, and again there was absolutely no opportunity to amend the bill.

What do we have today? We have 17 amendments on the floor. We have 17 amendments made in order by the Rules Committee here on the floor.

Who's running an open process?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. WU. I would be happy to yield.

Mr. HASTINGS of Washington. I appreciate the gentleman for yielding.

Two points: 415 Members of this House are denied an opportunity to offer an amendment because this is a structured rule, number one.

Number two, I would hope that my friend from Oregon would join me in voting to defeat the previous question because he has a view on why gas prices are high. If we have an open debate on that, he'll have his opportunity to make that argument and perhaps offer legislation that would lower the price of gasoline. That is precisely what I'm going to be asking my colleagues to do in defeating the previous question so they'll have that opportunity. I hope the gentleman will join with me in that regard.

Mr. WU. Reclaiming my time, Mr. Speaker, with 17 amendments made in order under this structured rule, which I support, I think the gentleman and I will have plenty of time to share on the floor today.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. WU. I would be happy to yield.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

But my point is that when the gentleman was talking about the rising price of gas, he has an opinion as to why gasoline prices have risen. We haven't had a debate on this.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 additional minute on this issue.

Mr. Speaker, I just simply want to say that we haven't had a debate, and this is an opportunity to debate this issue. And I hope the gentleman will join with me in voting to defeat the previous question so we can have his ideas on what would lower the price of gasoline, along with other ideas being debated.

That would not take away, would not take away at all, the ability to debate only those 17 amendments that you said were made in order. But the fact still remains 415 Members of this body do not have a chance to perfect this bill as they see fit.

Mr. WU. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I am happy to yield to my friend.

Mr. WU. Seventeen amendments is obviously 17 times any one amendment to the SBIR bill. Now last time there were zero amendments; so it's infinitely better than what happened last time.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, under suspension of the rules, there is generally agreement between both the minority and the majority. If the gentleman was upset then, he could have very easily have defeated the bill and brought it up under a special rule.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Seventeen amendments were ruled in order. But I can tell you one that wasn't: It was one that I offered. It would have been simple to do it. If we are going to make seventeen amendments in order, why not make this one?

I offered an amendment that would simply have prevented any funds appropriated to the Federal agencies that must participate in these grant programs from being used for earmarks.

Now last week we had a bill called the Beach bill. It came under an open rule; so I couldn't be blocked from offering a similar amendment saying no funds authorized in this bill could be used for earmarks. I offered that amendment and it received overwhelming support. It passed by a 2–1 margin. I believe more than half of the Democrats voted for it and an overwhelming number of Republicans. Why wouldn't we allow that amendment to be offered here?

We have programs here, grant programs, and it's conceivable there could be 5,000 or 6,000 grants offered under this program. The temptation is going to be, as it is with all of the other accounts that we have earmarked in this place, to earmark it, for Members to simply set it aside and say I want this grant to go to one of my constituents or somebody else. And for those who say we haven't traditionally done that with this program, well, we didn't traditionally do it with the Homeland Security bill either. For the first 3 years that it came to the floor, some $32 billion, none of it was earmarked. But last year about $750 million was earmarked, more than 600 earmarks, nearly all of them air-dropped in at the last moment. So we have a habit around here of discovering a pot of money that can be earmarked for our own political purposes.

I know that the overwhelming majority of rank-and-file Members in this body don't want this to happen because it's typically those Members in a leadership position or a committee Chair position or some Member of seniority that typically benefits more than other Members. But I was denied that ability to bring that amendment to the floor today, and I would submit that the more we allow bills like this to come to the floor without amendments being offered like this, the more we're going to suffer.

The SPEAKER pro tempore. The time of the gentleman from Arizona has expired.

Mr. HASTINGS of Washington. I yield 1 additional minute to the gentleman.

Mr. FLAKE. I thank the gentleman.

Mr. Speaker, as we allow authorization bills to come to the floor and we don't have a prohibition about the money being appropriated later from being earmarked, we are going to see them earmarked. That has been the trend around this place in recent years. That trend is not just continuing; it is accelerating, with the Homeland Security bill, as I mentioned.

So I would appeal to everyone to vote down this rule. Let's bring back a rule that allows a broader scope of amendments, ones that will actually preclude all of the grants authorized in this bill from being earmarked for political purposes.

And with that, I would urge a "no" vote on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, this is a small business bill. Let me tell you why this is relevant. The biggest challenge to small businesses in America today is the high cost of energy. Let me say that again. The biggest challenge to America's small businesses today is the high cost of energy.

Here's an article from a paper: "Independent Truckers," they're small businessmen, "Join Strike." Why? Over $4 a barrel for diesel, $4 a gallon for diesel fuel. They can't operate. You wonder why food prices are going up? Gas prices are too high.

What has the Democrat majority done? Nothing.

This is a great opportunity to bring all our collective ideas, put legislation in front of the American people, and say let's vote on bills that will affect and lower the cost of gasoline.

Now, the Democrats should be happy about this because Speaker PELOSI promised in April of 2006 that the Democrats have a commonsense plan to help bring down skyrocketing gas prices. In 2006. We're still waiting for the plan.

In fact, there is a plan. The plan is this: The plan is for the barrel of crude oil to go up. When the Democrats took the majority, it was $58 a barrel. What is it today? It's $117.36. When you have no plan, you plan to fail.

You want to help small businesses? Bring an energy bill to the floor that brings on more supply.

Look at what it has done at the gas pump. You've heard the terminology: "Pelosi premium." The price of a gallon of gasoline when the Democrats took over: $2.33. What is it today? It's $3.53. Add to that climate change legislation, Chairman DINGELL wants to bring to the floor 50 cents in additional cost to a gallon of gas. Right now that would be $4 a gallon. And we know when we get to the summer driving season, it's going to be $4. Add 50 cents: $4.50 a gallon. What do the Democrats bring to the floor? They bring nothing to the floor. Nothing.

Do we have plans? Actually, we have a bipartisan majority if the leadership would bring a bill to the floor. We have a bipartisan majority, most of the Republicans would vote for it, we'd get 40 or 50 Democrats, to move more supply, more supply like opening up the Outer Continental Shelf, more supply like coal-to-liquid technology, more supply like expanding nuclear power, more supply by going after the oil shale, more supply by going after our marginal oil wells. We can bring more supply.

We're the only industrialized nation in the world that doesn't use its resources. That's why we import all this crude oil. We don't use our resources. Coal to liquid, in Illinois alone, 250 years worth of fossil fuel. We could turn that into liquid fuel.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. SHIMKUS. I know the liberal left and the environmentalists don't like coal. I know that. And they tout Kyoto. I know that. They tout our European friends.

The New York Times today: "Europe Turns to Coal Again." Europe turns to coal.

When is this body going to turn to coal to solve our energy prices?

☐ 1315

Mr. WELCH of Vermont. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I certainly come to the floor today in support of the Small Business Innovative Research Act, and if some of the amendments, particularly the one offered by my friend on the other side, Mr. WELCH, is approved, and maybe a couple of other amendments, I definitely plan to support this bill.

But in regard to this rule, Mr. Speaker, I am fully supportive of my colleague from Pasco, my former colleague on the Rules Committee, that says we want to defeat this previous question to give Members an opportunity to come to this floor and talk about something that indeed is more of a crisis than what we do with our Small Business Innovative Research Grants, although that is important. So that is the reason why I will vote in favor of defeating the previous question.

Mr. Speaker, the promises that were made, and I just want to show, if my colleagues will look at this chart, the day George Bush was sworn into office as President, the price of regular gasoline was $1.49. Two years ago, about 2 years ago, the day that NANCY PELOSI was sworn in as Speaker, the price of a gallon of regular gasoline was $2.33, and today, 15 months into her leadership, gas prices have spiked at $3.50 a gallon for regular, a $1.30 increase in my home State of Georgia.

Mr. Speaker, this is really unacceptable, it's downright deplorable, especially when the new Democratic majority and the new Speaker of the House campaigned and made a pledge that they would bring down the price of gasoline. Instead of bringing it down, Mr. Speaker, look what has happened. This is not a linear growth, this is an unbelievable exponential growth.

So as part of this changing of the rule if we defeat the previous question, it would require, Madam Speaker, within 5 days, she's had 15 months, but it would require her within 5 days to bring a bill to provide a commonsense plan to help bring down skyrocketing gas prices.

The previous gentleman from Illinois had some great ideas; the gentleman from Pennsylvania (Mr. PETERSON) had some great ideas. There are so many Members that could come to this floor on both sides of the aisle and give some amendments and some ideas that would truly bring down our dependence on foreign oil. Right now, 60 percent of our usage comes from either the Middle East or from Venezuela.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. GINGREY. I thank the gentleman for yielding. My good friend, my subcommittee Chair on the Science Committee, made a comment. He said, the reason for the skyrocketing price of gasoline is because of what is going on in the Middle East; this war that we are waging in Iraq.

Well, I would like to point out to him that the production of oil from Iraq today is exactly what it was prior to the war 5 years ago commencing. And that is about 2.5 million gallons a day from Iraq. So the price of oil has nothing to do with that. It absolutely has nothing to do with it. We are going to control this with some of the ideas, the coal-to-liquid idea that Mr. SHIMKUS, the gentleman from Illinois, just talked about. We are going to help solve this problem by licensing some new nuclear power plants.

As the former chairman of the Rules Committee, Mr. DREIER, the gentleman from California, talked about, yes, we are going to look at solar, we are going to look at wind. We certainly, as our minority party, now former majority party, have tried so hard to get us to explore for more oil and gas in this country. ANWR could produce another 1.5 million barrels of oil a day, and drilling on the Outer Continental Shelf, why are those things blocked?

It's time for us to do something about it, and I am glad that the gentleman from Washington is going to ask all Members to vote against the previous question and let's give an opportunity for Members to come down and give their ideas.

Mr. WELCH of Vermont. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman has 9 minutes. The gentleman from Vermont has 22 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

I rise to raise an issue about Small Business Innovation Research funding and also Small Business Technology Transfer Research funding. This bill which is coming up before us increases SBIR by 20 percent and increases STTR by 100 percent. These increases seem totally out of line to me, particularly since that money comes out of the research budgets of the other agencies of the Federal Government. I have offered an amendment, which I am very grateful to the Rules Committee for making in order, which would remove those increases.

Let me explain why it is important to remove those increases. It is because the money for those is taken away from the current fundamental research programs of the Federal Government. In fact, these increases will remove $650 million from the other research funds at various agencies. Just to give an example that we are talking about real money here, note that just for NIH alone, at a time when agency funding increases are below inflation level and we are simply not putting enough money into health research, this particular change in SBIR and STTR will reduce the NIH budget by $185 million.

Now we would not think if a proposal came to the floor to directly reduce NIH and NSF funding, we would not even think about bringing it to the floor or even bringing it up for a vote. Yet this particular provision was put in the Small Business bill without the full consent of the Science Committee. It was presented to us in such a short time span, we couldn't even have a meeting of or mark-up by the full Science Committee, which happens to have jurisdiction over this particular payment. We managed to have a hearing before a subcommittee, and that was the extent of the Science Committee's involvement.

I think this was done without full thought and I don't believe any of my colleagues are interested in reducing the funding for the National Science Foundation, or the Department of Defense, or the NIH at a time like this.

So I thank the Rules Committee again for putting this motion in order. I also wanted to say my amendment is supported by the Association of American Universities, the American Association of Medical Colleges, the Federation of American Societies for Experimental Biology, the National Association of State Land-Grant Colleges, and also the National Academy of Sciences. I urge my colleagues to support my amendment.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I believe it's April Fools Day here on the floor of the House. To hear the members of the GOP, the Grand Old Oil Party, talking about how they are there for the consumers, they want to do something to help American consumers, the same party that benefits disproportionately from massive campaign contributions from the oil and gas and coal industries, the same party that holds the White House, with two oil men in the White House, the same party that on the Senate side defeated our energy provisions because they would have, God forbid, made the oil and gas companies pay taxes like other members of the corporate community. It would have taken away subsidies.

They are crying crocodile tears about the massive profits their buddies are making. They are campaign contributors, they are sponsors, and the President, the oil man, the Vice-President, the oil man supply services company.

Now there's a few things we could do. The President is a big free trader. He is trying to push us into more free trade agreements. He says they work great. He wants rules-based trade. Well, we are in the WTO. They have rules. The rules say you cannot restrict the supply of a commodity simply to drive up the price. That is what OPEC is doing. Now five members of OPEC are in the WTO.

Will this President, the oil man, the friend of the Saudis and the others, will he file a complaint with the World Trade Organization against OPEC? No. I wrote to him 3 years ago asking him to do that. The answer was no. The Saudis and the OPEC countries want to get together to collude and drive up the price of oil. That is just fine with George Bush. He is all for free trade and rules-based trade, except when the rules might hurt some of his buddies, and then the oil industry just piggybacks on top of that.

Now there is another thing they could do. They could help us with the provision we put in the farm bill, which is stalled in the Senate, which would close the Enron loophole. Remember Enron? Ken boy, the President's favorite guy. He just died before he went to jail. Well, the Enron boys convinced the Republican Congress to give them a special loophole, to deregulate energy commodities to allow for massive speculation. And there is widespread agreement in the financial community that about 50 cents of the price that is being paid at the pump today is being paid purely because of speculation brought about by the Enron loophole.

You really want to do something about the high price of oil? Help us close the Enron loophole. Get your President to file a complaint against OPEC for colluding to drive up the price of oil. Help strip out the taxpayer subsidies to the oil, coal, and gas industry. You're taking it out of their wallets while you take it out of their pockets at the pump.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas, a member of the Rules Committee, Mr. SESSIONS.

Mr. SESSIONS. Mr. Speaker, we just heard an argument. That is okay. I can understand that people want to blame President Bush for things. But the fact of the matter is that the pressure on this issue comes directly to the Democratic Party, the Democratic Party that absolutely cuts America off from being energy independent. They are the people, not OPEC, that have caused America to have to go to OPEC to get our oil. And in the time when there is competition for this oil because we don't produce our own here in the United States, of course you're going to pay more money.

To blame this on George Bush, when in fact it is the Democratic Party that has shut off America from energy independence, from the ability that it has to go, just one case, to the Arctic Wildlife Reserve to be able to get millions and millions of barrels of oil that reside within our own United States. We are the ones, as a result of the Democratic Party, that have to go to OPEC to buy the fuel we need.

It is an absolutely ridiculous argument to blame George Bush when in fact it was Bill Clinton as President who vetoed the bill which would have given us millions of barrels of oil back in 1995, available to consumers today. It is the Democratic Party and the ability from the Speaker, the current Speaker of the House, Ms. PELOSI, to follow what we have with their public policy to make sure that Americans are paying more at the pump today. But you can't blame George Bush.

Let's put the blame where it really is, and that is America is not energy independent. We have to go to other places, we have to get oil, and the world wants the same thing from that marketplace. So rather than throwing insults at each other, why don't we do something about it.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. SESSIONS. I thank the gentleman.

What we need to do is have a real live debate on this floor where we figure out that America should become energy independent. That means we would be able to not only produce the oil and the energy from this country, but we would be able to have the jobs that come from that.

I believe the charge that is equally fair today is to say that it is Ms. PELOSI's public policy that built Dubai. We should quit building Dubai.

□ 1330

Mr. WELCH of Vermont. Mr. Speaker, I recognize the gentleman from Massachusetts (Mr. MARKEY) for 3 minutes.

Mr. MARKEY. I thank the gentleman from Vermont very much.

We welcome this debate. We welcome a debate on the Bush-Republican energy policy. Let's begin with a brief review of where the price of oil was back when President Bush was sworn in as President. It was $27 a barrel. That is what President Clinton, that is what Vice President Gore, handed over to President Bush, $27 a barrel oil. Now let's look at what the price of a barrel of oil was yesterday: $119 a barrel for oil. So President Bush and Vice President CHENEY, they might not know a lot about other issues, but you would think oil policy they would understand.

Well, this is what you get after 8 years of a Bush-Cheney Presidency, abetted and aided for 6 of those years by a Republican Congress.

Let's even take it further. Let's take it to the next step. Let's look at oil company profits. Let's just take the big five oil companies in the United States, led by ExxonMobil. Well, the cumulative profits of all five companies in 2001 was $37 billion. All five of the big oil companies cumulatively made $37 billion.

Now let's look at last year. Last year, those five oil companies made $123 billion in profits. And ExxonMobil alone made $42 billion, the largest profit of any corporation in American history, exceeding the total amount of all of those oil companies' profits in 2001.

So what has happened after 8 years of the Bush-Cheney administration is that they have allowed Big Oil and OPEC to take the American consumer and tip him upside down at the gasoline pump every single day, shaking money out of their pockets.

And looking over at this strategic asset that was built by the American people, the Strategic Petroleum Reserve, which now has 700 million barrels of oil in it, as the American people say to the President, please deploy this weapon which the American people have to protect the American economy and the American consumer.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman.

The Bush administration continues to purchase 70,000 barrels of oil a day from Big Oil and OPEC. They are doing it today, buying it at $119 a barrel, buying it today, even though it makes no economic sense. We shouldn't be contributing to this speculation, which is driving up the price of oil. Instead, what the Bush administration should be doing is taking some of that Strategic Petroleum Reserve, the 700 million barrel asset, and beginning to deploy it as a weapon against the speculators who are driving the price of oil up and driving our economy into the ground.

The Bush administration won't do either. They won't stop buying oil at $119 a barrel and they won't at the same time use this asset now that is supposed to be there to protect the health of the American economy and deploying it in a way which, I will tell you, it will prick the speculative bubble almost immediately and begin to drive down the price of oil. That is only something that the President can do, if he determines that there is an economic emergency in our country, if he believes that our country is being adversely affected by high energy prices. That is a decision that can only be made in the Oval Office.

Obviously, the Bush administration, having seen the price rise from $27 a barrel to $119 a barrel, still does not believe that we are absent any energy policy, still believes that it is a free market and that OPEC and big oil are operating in a free market and that is just the natural price of oil.

But here is the interesting testimony before the Select Committee on Energy Independence last week.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. WELCH of Vermont. I yield 1 additional minute to the gentleman from Massachusetts.

Mr. MARKEY. When I asked the number two executive at ExxonMobil what he was doing with his $42 billion worth of profits last year in terms of investing in renewable energy resources, the CEO said that he was going to invest $10 million in renewable energy resources. $42 billion worth of profit, $10 million going into renewable energy resources.

When I said to him, you know, the Bush administration and the Republican Congress gave you $18 billion worth of additional tax breaks 3 years ago and now at $119 a barrel you don't need them anymore, can we take those and give them as tax breaks for renewable energy resources, all of the oil executives said, no, we want the tax breaks. We don't want that to go over to renewables. And, secondly, we love our profits, and we are not going to invest them in renewables.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. WELCH of Vermont. I yield 30 additional seconds to the gentleman from Massachusetts.

Mr. MARKEY. That is a recipe for continued abject subservience to this oil industry and to OPEC. The President has to get aggressive on deploying the Strategic Petroleum Reserve, stopping his policy of buying $119 barrel oil, 70,000 barrels a day from OPEC and Big Oil. Secondly, we need a new policy on getting aggressive on renewable energy, which the Republican majority for 12 years and the Bush White House has turned a blind eye to. And that is why we are in the mess that we are in today.

The SPEAKER pro tempore. The Chair will note that the gentleman from Washington has 3½ minutes remaining and the gentleman from Vermont has 12½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the gentleman from Vermont.

I am here as a new Member of Congress because my constituents, like millions of others around the country, figured out what was happening here in the United States Congress for the last 12 years, that the priority was to pad the pockets of the oil companies at the detriment of American consumers.

They have also figured out what has been happening here on the floor of the House of Representatives for the last year-and-a-half. As this Democratic majority has passed legislation cracking down on price gougers, as this Democratic majority has passed legislation going after the multinational oil cartels, as this Democratic Congress has passed legislation repealing the billions of dollars in subsidies for the oil companies and turning them around into ordinary subsidies for ordinary Americans to try to put renewable resources and energy in their home, we have done it all without help from the President, we have done it all without almost any help from the Republicans.

That is why there are so many new Members of Congress ready to set a new direction on energy policy, and that is why it is time for the Republican minority to join the Democrat in setting a new energy policy for this country.

Mr. HASTINGS of Washington. Mr. Speaker I yield myself 30 seconds.

Mr. Speaker, I find this debate of the last three Members absolutely incredible. All we have heard from the last three speakers is the problems, but we have heard no solutions.

So I want to repeat, Mr. Speaker, by defeating the previous question, we can debate solutions on the floor of this House. I would hope that all of those, especially the last three speakers on the other side, would join me in voting "no" on the previous question so they can offer their solutions so we can debate them on the floor of the House. That is the sum and total of defeating the previous question.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I want to thank the gentleman for yielding.

I am proud to come to the floor to talk about solutions that the Democratic Party has put forth and this House has tackled in the last year. But let's not try to rewrite history, as we see being done on the other side.

Let's remember when President Bush came to office in 2001, crude oil sold at $25.88 a barrel. When the Iraq war began, that terrible, misguided war, crude oil was $35 a barrel. Gas was approximately $1.56. In my district today, gas is $3.56. Crude oil is over $119. That is what the Republican policies have brought us, a bad war and gas and oil that we cannot afford.

The Energy Information Agency says gas will be $4 this summer. Diesel is already $4. So what have the GOP and this President said they are going to do? Remember? He is going to jawbone his friends the Saudis to produce more oil so we would have it here in this country.

Oh, he jawboned all right. He jawboned all the way up to record prices, record profits, where ExxonMobil can pay its CEO a $400 million pension with $44 billion in profits last year. Oh, boy, they jawboned all right. Their jawbone is chewing on our pocketbook and is hurting the middle class in this country.

What have we done? The energy price gouging bill, H.R. 1252, which we passed last May 284–141. One hundred forty-one on the other side wouldn't even vote for us to stop the gouging of prices that we see day in and day out. This legislation would have provided the Federal Trade Commission with the authority to investigate and prosecute those who engage in price gouging, predatory pricing and other unfair practices.

I don't know about you, but I am tired of seeing gas go up 30 cents like it did earlier this month in my district. One day, 30 cents. Now, if that is not excessive pricing, predatory price gouging, I don't know what it is.

Let's take a look at the PUMP Act, a piece of legislation we have been working on since April of 2006, and we have plenty of cosponsors. We had a hearing last December, December 12. What did they say? Pass the PUMP Act to prevent the unfair manipulation of prices. Professor Greenberg said we could save $30 a barrel. For every barrel of oil that comes into this country, we can save $30 by getting the speculators out of the market.

Why do we continue to allow speculators to run this country? They sure did a good job with mortgages, didn't they, with the subprime mortgages. That is why the values of our properties have gone down. Now the speculators are in the oil field, in the energy field. And why is that? Because of a little thing when the Republicans were in charge called the Enron loophole. The Enron loophole in 2005 allowed the speculators to come into the energy field, and therefore they have run up the price. What did the hearings show?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WELCH of Vermont. I yield 1 additional minute to the gentleman from Michigan.

Mr. STUPAK. Ninety-five to 98 percent of those playing in this market have no intentions of taking possession of oil or providing a product. They are there for one reason, to rake all the profits off the American people that they can through their excessive speculations.

This Democratic Congress has also passed a Renewable Energy Tax Act to help lessen our dependence on foreign energy sources.

Look. Since this war started in Iraq, everything has doubled and tripled. We have heard nothing from the other side. This Democratic Congress continues to do things to try to curb the abuses we find in the energy field, that we find in manipulation of prices and speculation. We will continue to work towards that.

To come down here and somehow try to rewrite history, it is just not going to work. It is important to note that tax breaks that are eliminated in the Renewable Energy Tax Act are equivalent to less than 1 percent of the oil companies' net income, but yet they complain.

☐ 1345

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, my friend from Michigan just made the case for me one more time to defeat the previous question so that the gentleman could offer some solutions.

I just want to remind everybody, Mr. Speaker. Two years ago tomorrow, then Democrat minority leader NANCY PELOSI said: We have a commonsense plan to help bring down skyrocketing gas prices. We have real solutions to lower the price at the pump.

When the Democrats took over, the price at the pump was $2.33. Now, it is $3.51.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield myself another 15 seconds.

Mr. Speaker, by defeating the previous question we can discuss and debate those solutions. That is all I am asking Members to do. I am not taking sides, I am not saying their ideas are bad. I am just saying we have an opportunity to debate those solutions.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I just had a meeting I think is relevant to this conversation. I just met with the leaders of the Phoenix Motor Car Company of Ontario, California. They hope to bring out an all-electric car that will go 120 miles on one charge. You can charge your car for $3 and not use a drop of gasoline.

Now they could use a little assistance from Uncle Sam to bring these products to market as quickly as possible, and we on this side of the aisle proposed some bills to do that because we wanted to take the 21 billions of dollars that this side of the aisle wants to give to the oil and gas companies in tax breaks and give those tax breaks to consumers and companies so that we can get all-electric cars, so we can break our addiction to Middle Eastern oil. That is a solution. You want solutions? You can't handle solutions. We gave you a solution: Let's get electric cars on the road. We have a bill to do that. And if we can get some help there from the other side of the aisle, then the President will make this happen.

I will give you another company, the Astro Solar Energy Company. They can produce electricity just by solar thermal power. We wanted to give them some help to do that, this side of the aisle blocked it because they wanted to help some friends in the oil and gas industry.

So those are the long-term solutions. But I wanted to mention a short-term solution. Tell me why on this green earth we do not have the oil and gas industry futures market protected and governed by the Commodities Futures Trading Commission? We want them to put them under the regulation of that, have transparency. We regulate the orange, wheat, and soybean futures market; this market ought to be regulated as well. This side of the aisle stands to do that; 36 Democrats are on the bill to do that, Mr. STUPAK's bill. We have only got two Republicans. We welcome Republicans to get in the solutions business. Help us pass this bill.

I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate my friend for yielding. I just simply want to say, and you make my case. If you have these solutions, defeat the previous question and we can have a debate on that.

Mr. INSLEE. We have solutions. What we don't have is a President in the White House who will sign these bills or the Republicans who will break a filibuster in the Senate. You have got a Presidential candidate running this year who didn't vote to break the filibuster to give these tax breaks to these all-electric and solar thermal companies. That is what we need and we will get this job done.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. INSLEE. I don't have any more time. I will yield on your time if you like, Mr. HASTINGS. I will be happy to yield on your time.

Mr. HASTINGS of Washington. Mr. Speaker, I took all of my time because I was advised there were no speakers on the other side, so I can't yield time right now.

Mr. INSLEE. Thank you.

Mr. HASTINGS of Washington. Mr. Speaker, I inquire once again of my friend from Vermont if he has any more speakers.

Mr. WELCH of Vermont. I am the last speaker.

The SPEAKER pro tempore. The gentleman from Vermont has 5 minutes. The gentleman from Washington has 2¼ minutes.

Mr. HASTINGS of Washington. Thank you for being so precise, Mr. Speaker. I do appreciate that.

With that, Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to reiterate, we have had a debate on the problems. We haven't had a debate on the solutions. My motion then would allow that to happen. So let me repeat, Mr. Speaker.

Two years ago, Speaker PELOSI promised Americans a Democrat plan to lower gas prices at the pump. They have controlled Congress for 15 months, but we still have not seen this plan. Meanwhile, the cost of gas is setting record highs.

Under their leadership, the national average price of gas has increased by $1.18. It is time for the House to debate ideas for lowering gas prices. It is time for the Democrats to reveal their plans.

Mr. Speaker, by defeating the previous question, I will move to amend the rule to allow any amendment be made in order on the underlying bill that would, quote, have the effect of lowering the national average price per gallon of regular unleaded gas.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to defeat the previous question so that we can have this debate, so that we can consider these vitally important issues that America's families, workers, truckers, small businesses, and our entire economy face with these rising prices of gasoline.

Mr. Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I have mainly listened as this debate has unfolded, and I have an observation. This is a sad spectacle. The Congress of the United States has before it now a bill that is intended to address an urgent need to provide research funding for our small businesses.

Small business is the backbone of our economy, it is where most jobs are created, it is where some of the best innovations occur, and where our small businesses need some assistance to put together the financing package required to explore innovative research and development ideas. Our small businesses don't have the funds that are available oftentimes through big venture capital operations. And what we are hearing in this debate is a complete and utter disregard for the content of this bill and, instead, turning it into a political debate that veers wildly away from any truth about what the history of this whole gas crisis is.

Number one, the basic question before us is, are we going to help the research and development needs of our small businesses? We believe it is urgent that we do so, and we won't be deterred by what is now a political argument.

Second, since our friends on the other side have made an accusation that there has been Democratic culpability, almost a conspiracy, in raising gas prices, I want to respond to the absurdity of that.

We have heard from our speakers how the price of a barrel of oil when President Bush took over was $25, it is now $119. We know that the war in Iraq, when it started, that catastrophic war, the price was $35, it is now $119. But what we also know is that under the leadership of the Republican Congress, we turned a blind eye on the Government's responsibility to look out for the middle class. Why? We destroyed regulatory oversight that is necessary to help folks pulling up with their pickup truck to fill up their gas tank.

This Enron loophole, snuck in, in the middle of the night with the complicity of a Republican Congress is, Mr. Speaker, and I say this intentionally, unconscionable, unconscionable to meeting the needs of average Americans who are trying to work hard and pay their bills. Fifty cents at least in the price of a gallon of gasoline is because the speculators, the hedge fund managers, are singing every day as they make wire transfers to their bank accounts at the expense of everyday Americans.

And my question is, why will not those who are expressing concern about the cost of gasoline and how that impacts small business and impacts our families, why will they not get behind Congressman STUPAK and support The PUMP Act, get rid of the Enron loophole? Why will they not join with many of us who have sent letters to the President imploring him to release the strategic petroleum reserve or at least stop buying. One action would reduce, according to Goldman Sachs, the cost of a gallon of gasoline by 25 cents. And then there is the legislation that we passed that the Republicans voted against.

So what we have is an accusation made by people who every time they have had an opportunity to take a concrete specific action that would help, have said no, have said no to the Enron loophole reform, have said no to The PUMP Act, have said no to stop buying in the strategic petroleum reserves.

So it leaves me with a question. Is what we are hearing about politics, or is it about policy? I have come to my own conclusion. But we are here on a bill that is going to help small business. That is our job. And our job in this rule should be to make that bill a better bill, not to hijack what is a good bill and turn it into a political food fight.

We have got two issues here that have been injected. One is, are we going to help small business or not? There is broad bipartisan support. The two committees of jurisdiction have done an excellent job.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WELCH of Vermont. I urge a "yes" vote on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1125 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the option of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall he considered as read, shall he debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

SEC. 4. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: "A bill to provide a common sense plan to help bring down skyrocketing gas prices." Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause 1 of rule X.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1126

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on Transportation and Infrastructure, Homeland Security, and the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 2830, the Clerk shall—

(a) add the text of H.R. 2399, as passed by the House, as new matter at the end of H.R. 2830;

(b) conform the title of H.R. 2830 to reflect the addition to the engrossment of H.R. 2399;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 3. During consideration in the House of H.R. 2830 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 4. The chairman of the Committee on the Judiciary is authorized, on behalf of the Committee, to file a supplemental report to accompany H.R. 2830.

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The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1126 provides for consideration of H.R. 2830, the Coast Guard Authorization Act of 2008, under a structured rule. The rule provides 1 hour of general debate, with 40 minutes controlled by the Committee on Transportation and Infrastructure and 20 minutes controlled by the Committee on Homeland Security. The rule makes in order 15 of the amendments that were submitted to the Rules Committee.

This rule also takes steps to prevent terrorist acts against our Nation by allowing for the text of H.R. 2399, the Alien Smuggling and Terrorism Prevention Act, to be added upon House passage of the Coast Guard Reauthorization Act, and for the whole package to be sent over to our colleagues in the Senate. The Alien Smuggling and Terrorism Prevention Act, which passed the House on May 22, 2007, by an overwhelming, bipartisan vote of 412–0, provides strong new enforcement tools at the border, including increased criminal penalties for alien smuggling, human trafficking and slavery, drug trafficking, and terrorism or espionage.

It also subjects smugglers and traffickers to even higher penalties for transporting persons under inhumane conditions, such as in an engine or storage compartment, or for causing serious bodily injury.

It directs the Department of Homeland Security to check against all available terrorist watch lists, alien smugglers, and smuggled individuals who are interdicted at the U.S. land, air and sea borders.

And it tightens proof requirements for distinguishing covert transportation of family members or others for humanitarian reasons for which the penalties are less severe.

Since the September 11, 2001, terrorists attacks, the Coast Guard has served as the primary agency responsible for our Nation's maritime security. The fact that the Coast Guard has risen to meet this heightened responsibility, while at the same time continuing to fulfill its nonsecurity missions, is a testament to the commitment and honor to the service men and women of the Coast Guard.

The bill that this rule provides for consideration will ensure that the Coast Guard can continue to perform all facets of its mission in an uncompromising way. H.R. 2830 provides the necessary resources by authorizing 1,500 additional Coast Guard personnel and increasing the funding to the Coast Guard by $8.4 billion, $200 billion over the President's request.

The underlying legislation sets requirements for security around vessels that transport, and facilities that process, liquefied natural gas, giving the Coast Guard the responsibility for enforcing security zones and requiring it to certify that State or local governments have the necessary resources before they can assist in security patrols around facilities. It also directs the Department of Homeland Security to analyze the threat of a terrorist attack on gasoline and chemical shipments and report to Congress.

H.R. 2830 will bolster port security and immigration enforcement by establishing an Assistant Commandant for Port and Waterways Security, authorizing additional maritime security teams and by establishing the Waterway Watch Program whereby civilian boaters can notify the Coast Guard of suspicious activity.

The Coast Guard Authorization Act enhances safety standards in one of America's most dangerous occupations—the one portrayed on the popular television series "The Deadliest Catch"—by increasing safety equipment requirements on fishing vessels, requiring training for vessel operations, and by changing the appeals process for suspending and revoking a mariner's license.

The bill also addresses one of the Coast Guard's Integrated Deepwater Systems Program, which has been beleaguered by several well-publicized delays, cost overruns, and problems with the designs of certain replacement assets. The bill increases accountability for the Deepwater Program by addressing systemic contract management problems and establishing a civilian chief acquisition officer reporting directly to the Coast Guard commandant.

H.R. 2830 also requires ships to begin installing water treatment systems to reduce the spread of invasive species in ballast water carried by the ships. These requirements are a step in the right direction because they will protect the waterways of every State and territory of the United States, and the industries and communities that rely upon them, from aquatic invasive species that enter the waters of the United States via the ballast water systems of commercial vessels. The bill also addresses other environmental concerns by requiring double hulls for U.S. ships carrying over 600 cubic meters of oil and providing for implementation of an international agreement on maritime pollution.

Mr. Speaker, the legislation this rule provides for consideration is the product of extensive hearings and consideration by the Transportation and Infrastructure Committee, Homeland Security Committee and the Judiciary Committee. I commend the chairmen and ranking members of those committees for their commitment to addressing the needs of the Coast Guard and our Nation's maritime security.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend from New York for yielding me the time for this important proposed rule for consideration of H.R. 2830, the Coast Guard Reauthorization Act of 2008.

Unlike my colleague, I rise in opposition to the structured rule, and I would like to quote a colleague whose opinions on these matters I respect to explain why.

On September 15, 2005, my Democrat Rules Committee colleague from Florida, Congressman ALCEE HASTINGS, correctly stated that the modified open rule under which the Coast Guard was last reauthorized was insufficient in living up to how this House should be run.

While that Republican rule permitted Members who preprinted their amendments in the CONGRESSIONAL RECORD to offer those amendments, he noted his disappointment "that the preprinting of amendments was even required. Despite the majority's claim, this legislative process which they call open is actually restricted. It is not an open rule because every Member is not permitted to offer any germane amendment."

Mr. Speaker, as imperfect and insufficient as that rule may have been to Mr. HASTINGS in 2005 and his minority Democrat colleagues, today's rule pales and fails in comparison—despite the often-repeated Democrat promises to run the most open, honest and ethical House in history.

This rule, which is even more restrictive, makes in order a majority of Democrat amendments and strips every Member with a new, good and germane idea of how to improve this legislation of the ability to come to the floor and even to offer it.

While the Democrats on the Rules Committee may have been following the wishes of their committee chairman by reporting out this rule, they have once again directly contradicted their campaign promises of their own leadership to run an open House of Representatives, instead choosing to become the most closed Congress in history.

Mr. Speaker, while this rule and this standard of recurring policy of closing down the legislative process is bad for the House, the effect of this legislation is even worse for American consumers. It continues the same flawed "no-energy energy policy" that Democrats have followed blindly for the last 17 months.

A provision included in this legislation would essentially shut down the development of new LNG plants which seem counterintuitive given today's energy crisis. Natural gas is one of the most clean-burning fossil fuels, and passing this provision would only further reduce our energy supply while moving us further from energy independence for which Republicans have consistently advocated.

Time and time again this Democrat leadership has consistently promised to deliver a "commonsense" energy plan to reduce the cost of gasoline. However, since my friends on the other side of the aisle have taken control of Congress, the average price of a gallon of gasoline has risen more than a dollar, from $2.33 in January 2007 to just over $3.51 this week.

I have supported a number of this Congress's bipartisan efforts to reduce demand—like legislation to increase CAFE standards. But Americans literally cannot afford for Congress to continue to ignore the supply-side issues and problems associated with this overall issue. Specifically, that this Democrat majority continues to pursue a national energy policy that does absolutely nothing to increase our ability to produce more energy. Without a supply-side response, prices will continue to rise.

It is a fact that enough oil exists in deep waters off America's coasts and in our Federal lands to power 60 million cars for 60 years. Yet these domestic resources remain off-limits to exploration because of the Democrat policies that pervade this House.

In 1995, the Clinton administration vetoed the bill that would have allowed environmentally sound domestic exploration in Alaska. During this debate, opponents of the legislation argued that the benefits would be at least 10 years away and would not be worth it. Well, it is now more than 10 years later and the cost of crude oil has gone from just under $20 a barrel to nearly $120 a barrel and we are no closer to energy independence than we were 13 years ago.

Mr. Speaker, I hope for the sake of American consumers, and for the sake of their paychecks, that it does not take this Democrat majority another 10 years to realize that now is the time that we should focus on ways to utilize our own energy resources. It is called energy independence.

For prices to fall, Congress should be considering legislation that increases supply and reduces demand, not legislation like today's, that simply reduces the supply of one of the planet's cleanest fossil fuels.

These are basic commonsense economic principles that should be part of a commonsense plan. I encourage all of my colleagues to recognize that now is the time to stop ignoring our untapped domestic supply. I oppose this rule.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would like to compliment my friend from Dallas for his very thoughtful statement. He has made the case that we want to defeat the previous question on this so that any Member, Democrat or Republican alike, would have the opportunity to offer their thoughtful proposals as to how we would deal with this issue of skyrocketing gasoline prices.

I represent Southern California, and I will tell you that it is a major concern of my constituents. And I know my colleagues on both sides of the aisle, as we have seen this dramatic increase take place over the past year plus, year and a half, agree it is very, very troubling.

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And I was struck. I've had the benefit of looking at the advance copy of Mr. SESSIONS' closing remarks. His thoughtful staff has coined actually a very, very apropos phrase here in describing what we have as the Pelosi Petroleum Price Increase—PPPI. And I think that really does coin it very well, because we know that 2 years ago tomorrow, Speaker PELOSI made this statement: "The Democrats have a commonsense plan to deal with skyrocketing gasoline prices."

Now since that period of time, and I just was struck, I saw a cartoon in today's USA Today in which they go through this litany of proposals. We're telling Big Oil to make sure that they bring prices down, and proposals are thrown out in this cartoon, saying, Why don't we deal with the question of nuclear energy? Absolutely not.

Why don't we look at clean coal? Absolutely not.

Why don't we look at possibly responsible, environmentally sound exploration in ANWR? Absolutely not.

Why don't we look at using the cleanest, safest, most cost effective energy source, that being nuclear? We haven't built a nuclear power plant in 30 years. Absolutely not.

Why don't we increase our refinery capacity? There has not been a single new refinery built in 30 years.

Now, Mr. Speaker, these are the kinds of proposals that we very much hope we will be allowed to offer. The way to do that is to defeat the previous question on this rule so that we can say to our constituents, we are going to take firm, bold, dramatic steps to decrease the cost of the gasoline that they are putting in their cars every single day.

I thank my colleague for yielding. I thank him for his very thoughtful comments.

Mr. SESSIONS. I thank the gentleman. I believe that what the gentleman from California is saying is this: Is that we need supply-side answers to a problem when America needs the energy the most right now. And supply-side answers is what we would get if we defeat this rule.

We reserve the balance of our time.

Mr. ARCURI. I thank my friend from Texas for his comments.

I would just like to make two points in that regard. The first point is that he mentioned that this bill doesn't deal with the LNG issue. And I would beg to differ. This bill ensures that the Coast Guard will be there to ensure and protect the safety of our liquefied natural gas facilities that are built out in the deep water or out in the ocean. It's critical. Security is absolutely critical to these facilities, and that's exactly what this bill insures.

Secondly, my friend mentions that we have not done anything about energy. Well, I would respectfully say that anyone who says that, I would have to ask them where have they been for the past 16 months. We have done a great deal with respect to energy. The difference is that we haven't done anything to help large oil companies because we believe that they are part of the problem. We have done things to help develop alternative energy, because that is the future of America. It's about making America less dependent on foreign oil and less dependent on the large oil companies. That's what we have done. That's what Democrats believe in, and that's what we will continue to do.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding, and I would like to associate myself with his opening comments in regards to both the previous question as well as the rule. However, I'd like to speak to the underlying bill.

Mr. Speaker, I rise today in support of H.R. 2830, the Coast Guard Authorization Act. I believe this legislation is of tremendous importance for our magnificent Great Lakes actually because of title V which at long last provides for Federal regulations of ballast water in the lakes.

And why is this important? Because since the Great Lakes were opened to international shipping in the fifties and the sixties, many invasive species have entered the lakes through the untreated ballast water of the oceangoing freighters, also known as salties.

Let me just share with you some of these species and the problems that they have caused on the very delicate ecosystem of our Great Lakes.

The round goby was introduced to the Great Lakes in the late eighties through untreated ballast water. This fish is an aggressive and voracious feeder that can forage in total darkness. They can take over prime spawning grounds for native fish and upset the ecosystem. These unwanted invaders are flourishing in the Great Lakes and they are causing great damage, Mr. Speaker.

The ruffe entered the lakes in 1986 through untreated ballast water from Eurasia. This spiny perch is capable of explosive population growth that threatens native fish like walleye and pike, and their spiny gills make them very difficult for native predators to eat.

Another species, the spiny water flea, also entered the lakes around 1986 from its home in Great Britain and Northern Europe from untreated ballast water. These are actually not insects, but they're tiny crustaceans that have resource managers very worried because they compete for food directly with young native perch and other small fish. It also makes it very difficult for small fish to consume, so only larger fish can actually feed on them, again leading to explosive growth of this invasive species.

Another species, the zebra mussel, which was first discovered in 1988 and introduced into Lake St. Clair actually by the Caspian Sea, again from untreated ballast water. These species have had a tremendously negative impact on recreational watercraft and drinking water intake pipes throughout Southeast Michigan, and now have spread throughout the entire Great Lakes.

In addition, they have filtered the water to such a degree that when combined with the historic low lake levels that we are currently experiencing, and increased nutrients in the water, it's led to very destructive and dangerous algae blooms throughout the lakes, which are causing beach closures and all kinds of other problems.

These unwanted species have cost State and local governments tens if not hundreds of millions of dollars to combat the damage that they have caused. And all of this is why I have been fighting for ballast water regulation since I came to the Congress, and why I worked very hard to see that it was included in this important legislation.

The passage of this legislation will place new requirements on oceangoing vessels entering the Great Lakes. Vessels operating in United States waters will be required to operate ballast water treatment systems that meet interim standards beginning next year, and more stringent standards will take effect in the year 2012.

Until ballast water treatment systems are installed, vessels bound for United States ports must exchange their ballast water and perform salt water flushing.

And States like my State of Michigan, which have grown tired of waiting for Federal action, and have actually initiated their own ballast requirements, will be able to operate our own programs until the final Federal standards do take effect.

I certainly want to thank Chairman OBERSTAR and Ranking Member MICA for their leadership on this issue. Again, I oppose this rule; however, I do support the underlying legislation. I think it is long past time to act on this issue. I urge my colleagues to support the Coast Guard Authorization piece of legislation that will greatly assist in protection of a great national treasure, our magnificent Great Lakes.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from New York, a member of the Transportation and Infrastructure Committee, Mr. HALL.

Mr. HALL of New York. Mr. Speaker, I would like to agree with and concur with the comments of my colleague, the gentlelady from Michigan, regarding the merits of the bill. I'm pleased to serve on Transportation and Infrastructure, and I'm happy to say that Chairman OBERSTAR always goes the extra mile to incorporate everybody's opinions from both sides. And I believe this is a good bill that deserves all of our support.

Regarding the allegations or the comments that are being made about this Congress not being interested in or producing bills that will produce energy, I beg to differ.

H.R. 2264, holding OPEC accountable for oil price fixing, we call it the NOPEC Act, which was passed on May 27 of last year, with 220 Democrats voting for it, and 125 Republicans voting against it.

Cracking down on gas price gouging, H.R. 1252, passed May 23 of last year, opposed by 140 Republicans, including all of the Republican leadership, 228 Democrats voting in favor of it.

Repealing those subsidies that were given to profit-rich big oil companies. We're talking about ExxonMobil and the other big oil companies that have made the biggest profits of the history of any industry in the world. And, by the way, the five CEOs of the five biggest oil companies testified a couple of weeks ago before the Select Committee on Energy Independence and Global Warming. I sat there while all five of them talked about how they couldn't help it they were making so much money. One of my colleagues from the Republican side during his 5 minutes of questioning, Representative WALDEN, said, "I'm a small businessman"—and if I can paraphrase because I don't know if this is an exact quote—"I'm a capitalist," said Representative WALDEN. "And when I had a very good year where my profit is so high that it's better than I even could have imagined, I start to ask whether I can lower the prices to my consumers."

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Mr. HALL of New York. "I start to think," said Representative WALDEN to the oil company executives, "about whether I might be able to lower the price at the pump and lower the price to my consumers. Have you ever thought about doing that, now that you're making such a big profit?"

And one by one, all five of them said, "Oh, we don't control the price at the pump."

I think that's as good a case as one needs to hear for government regulation and possible legislation to make sure that there are not excess profits or gouging going on in this current state of the economy, and especially the oil economy.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the ranking member, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from Texas for yielding.

It's unfortunate that we're here today to consider an important piece of legislation, our Coast Guard reauthorization, and it's also unfortunate we're discussing the rule under which that legislation will be brought to the floor, and that's a closed rule.

Unfortunately, this is the first time in at least 20 years that this Coast Guard reauthorization has been considered under a closed rule, not an open rule. I think it's particularly unfortunate that this year, when the Democrat leadership has chosen to restrict debate on this important legislation that has a number of important provisions, including a provision to provide a transportation worker identification card and straighten out some of the problems we've had in trying to get a single transportation worker identification card at our ports and other facilities that we can use.

I had an amendment that would have allowed my State of Florida, and other States, a simpler method of obtaining an FBI background check on port workers than is currently available. It would also have saved port workers the cost of paying for the same background check twice.

I brought here the TWIC card. We've been waiting since 2002 for this TWIC card, Federal card. We still don't have this card. In fact, the irony of this is they allowed several amendments; one to allow any identification, there's going to be an amendment that's put in order. I can use my driver's license in the interim.

Then there's another amendment that they allowed to allow them to enroll for a TWIC card 24/7. The ironies of not allowing something to have a State, again, work with the Federal Government and even go beyond the requirements like Florida does in trying to look at the background, the criminal background of the individual. So that's been eliminated, and my opportunity to present that, from this rule and consideration of this legislation.

Also, I'm going to take great exception with this bill because of some other restrictions they put on. Bringing in liquefied natural gas. Natural gas prices are soaring. Prices are high, and this bill creates more red tape, more impediments, and actually will reduce the supply and increase the cost to the consumer out there who's trying to pay those expensive bills for energy.

So this bill does nothing for energy. And it takes a trusted port worker, transportation worker card and makes a continual farce out of the whole process, and not allowing a reasonable relationship between the State and Federal Government.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi, the chairman of the Homeland Security Committee, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of this rule. Every day the valiant men and women of the United States Coast Guard save lives and protect the welfare of our great country. And every day the Coast Guard lives its motto and stands always ready to help those in need.

☐ 1430

Since the devastating attacks of September 11, 2001, the Coast Guard has taken on the enhancement role in homeland security. Yet the President has consistently submitted budgets that fail to give the Coast Guard adequate resources to execute all its missions. Now it's our turn to help them.

The legislation to be considered today, H.R. 2830, funds the Coast Guard at $8.4 billion, $200 million over the President's budget. It also increases the Coast Guard in strength to 47,000 by adding 1,500 new members. The bill authorizes additional maritime security response teams to provide anti-terrorism protection for strategic shipping, high-interest vessels, and other critical infrastructure. These teams are the Coast Guard's quick response force. They can be deployed rapidly anywhere in the Nation via air, ground, or sea to respond to changing threat conditions.

H.R. 2830, Mr. Speaker, also authorizes additional K–9 detection teams to detect explosives, drugs, and smuggled persons.

Additionally, this bill authorizes the Waterway Watch program, a nationwide initiative modeled after Neighborhood Watch programs, to allow fishermen, recreational boaters, and others who work or play on American waterways to notify the Coast Guard of suspicious activities.

Since 9/11, the Coast Guard has struggled to develop much-needed port security regulations, including those mandated by the Safe Ports Act, such as long-range vessel tracking and enhanced crew member identification. H.R. 2830 address this critical gap and others by creating a dedicated assistant commandant for port and waterway security to oversee port security measures.

With respect to liquefied gas terminals, the bill requires the Coast Guard to protect and enforce the security zones around all existing LNG facilities. Admiral Allen himself has acknowledged, Mr. Speaker, to Congress that when it comes to the proliferation of LNG facilities, he doesn't have the resources necessary to fulfill the Coast Guard's port security responsibilities.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Mr. THOMPSON of Mississippi. That allows, Mr. Speaker, the Coast Guard to partner with the State and local entities to protect the security zones around LNG facilities.

Last, and certainly not least, Mr. Speaker, the improvements that the bill makes in the Deepwater program. In the future, there will be contract managers at the Coast Guard that know their job and never again will the Coast Guard be in the absurd position of accepting boats that don't float.

I urge a "yes" on the rule and on the underlying bill.

Mr. SESSIONS. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Michigan, the ranking member, Mr. EHLERS.

Mr. EHLERS. Mr. Speaker, as an environmentalist and a protector of our Great Lakes, I rise today in strong support of H.R. 2830's ballast water management requirements and its stated goal of eliminating aquatic invasive species from our waters.

Ballast water management and the broader issue of aquatic invasive species is a matter that has received far too little attention, given its dramatic impact on the economy and the environment.

For several years, I have strongly supported a comprehensive approach to stopping the influx of aquatic invasive species, and this bill provides a very, very good start.

Although aquatic invasive species enter into ecosystems through many different pathways, such as natural migration, attaching themselves to ships, and aquaculture, the most common pathway is through ballast water. Ballast water is pumped on board a ship to control its stability at sea. Ships often take on ballast water at an initial port and discharge it at their destination port. When a ship pumps harbor water into its ballast tanks, it usually also sucks up aquatic species from that harbor. When those ballast tanks are emptied, those aquatic species are introduced into a new ecosystem and they become invasive species.

Since some ships are capable of holding millions of gallons of ballast water, the potential for spreading invasive species is large. Once an invasive species takes hold in a new environment, it has the ability to disrupt the balance of an ecosystem and cause significant environmental and economic harm.

In the United States, invasive species cost tens of billion of dollars each year. For example, Zebra mussels have cost the various entities in the Great Lake's basin an estimated $5 billion for expenses relating to cleaning water intake pipes, purchasing filtration equipment and so forth. Sea lamprey control measures in the Great Lakes cost approximately $10 million to $15 million annually. And on top of these expenses, there is the cost of lost fisheries due to these invaders. For these reasons, combating aquatic invasive species is a central element of the Great Lakes Regional Collaboration strategy to protect and restore the Great Lakes.

However, invasive species are not just a problem in the Great Lakes. Invasive species also affect coastal regions throughout the United States. From the Chinese mitten crabs in the North Pacific, to Asian sea squirts in New England, to New Zealand boring pill bugs in the Pacific Northwest, to Asian carp in the Mississippi River, to Zebra mussels across the United States, these foreign invaders cause significant economic and ecological damage throughout North America.

If we do not pass this bill into law, we are just opening the door for many more invasive species to arrive via ballast water. The goal of H.R. 2830 is to eliminate invasive species in ballast water by 2015. To meet this goal, the bill requires vessels operating in U.S. waters to be outfitted with ballast water treatment systems that meet interim standards starting in 2009, with more stringent standards starting in 2012.

This is an excellent bill. I urge everyone to support it and vote for it.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland, the chairman of the Coast Guard Subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. I want to thank the gentleman for yielding.

Mr. Speaker, as chairman of the Coast Guard Subcommittee, I rise today in strong support of H. Res. 1126 which provides a rule for the consideration of H.R. 2830 and makes in order an amendment in the nature of a substitute.

The base text of H.R. 2830, which was ordered to be reported by the Committee on Transportation and Infrastructure in June 2007, already includes many significant provisions to strengthen the Coast Guard and respond to challenges we face in maritime transportation. For example, the bill, as reported, includes standards to prevent the continued introduction of invasive species in U.S. waters through ballast water. The bill creates an ombudsman in each Coast Guard district to serve as a liaison between the Coast Guard and the port community. And the bill introduces critical measures to improve the safety of the United States fishing industry, one of our Nation's deadliest professions.

The amendment in the nature of a substitute adds critical titles that address specific issues considered by the Committee on Transportation and the Coast Guard Subcommittee after the bill was reported. Specifically, the amendment includes titles that strengthen both the Coast Guard's homeland security functions and its maritime safety missions. The amendment in the nature of a substitute also transfers the appeals of cases in which the Coast Guard decides to spend or revoke a mariner's credential to a neutral agency, the National Transportation Safety Board.

Further, the amendment includes the text of H.R. 2722, the Integrated Deepwater Program Reform Act which previously passed the House by a vote of 426–0 and which would strengthen the Coast Guard's ability to manage the $24 billion, 25-year Deepwater procurements.

Similarly, the amendment includes the text of the Maritime Pollution Prevent Act to reduce emissions from ships. This measure also previously passed the House. Adoption of H. Res. 1126 would enable the House to consider long-overdue legislation to authorize the Coast Guard and to strengthen our U.S. maritime industry, and I urge its adoption.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the favorite son from North Carolina, the gentleman, Mr. COBLE.

Mr. COBLE. I thank my friend from Texas.

Mr. Speaker, I rise in opposition to the rule and the underlying bill. We in the Congress cannot lose sight of the purpose of Deepwater, which is to provide the men and women of the Coast Guard with the necessary tools to protect our homeland. I applaud actions undertaken to move this program in the right direction and support this language. I remain concerned, however, that some provisions in H.R. 2830 may create undue burdens and delays, which will, in turn, delay the desperately needed modernization and may ultimately add to the overall costs.

The marine safety components of the underlying bill also cause me concern. Previously, the Commandant announced a number of changes he had directed the Coast Guard to implement regarding marine safety. Under his leadership, his able leadership, I might add, the men and women of the Coast Guard continue to examine and improve upon the Coast Guard's marine safety role.

Having served in the Coast Guard and the Coast Guard Reserve, I know this armed service is unique because of its structure and flexibility. On a daily basis, Coast Guard men and women focus on drug interdiction, environmental protection, migrant interdiction, port security, search and rescue, homeland security, maritime safety, and aids to navigation. The list is almost endless. Each of these roles complements the other.

I continue to support efforts to provide stakeholders an opportunity to voice their concerns, provide constructive feedback, and work together to improve the marine safety aspect of the Coast Guard. At the same time, however, I firmly believe that we should give the Coast Guard the time, opportunity, and resources to improve and expand on its marine safety efforts prior to congressional intervention.

I'm equally concerned regarding the underlying bill which lacks provisions that would provide the Coast Guard the authority to protect seafarers who facilitate the government's ability to investigate and prosecute environmental crimes. This is another example where current law impedes our ability to prosecute criminals.

I would also like to express my concern with section 720 of the underlying bill which addresses security at liquefied natural gas facilities. Consistently, I have cast votes in favor of legislation which I believe will help to make our Nation energy independent. While there has not been focused attention on LNG, it remains a viable energy alternative. Therefore, I'm concerned by provisions that would designate the Coast Guard as the sole agency responsible for LNG security.

Mr. Speaker, I reluctantly rise in opposition to H.R. 2830, the Coast Guard Authorization Act of 2007.

I'd like to first comment on provisions in the underlying bill which affect the Deepwater program. We in Congress cannot lose sight of the purpose of Deepwater, which is to provide the men and women of the Coast Guard with the necessary tools to protect our homeland. I applaud actions undertaken to move this program in the right direction and support this language. I remain concerned, however, that some provisions in H.R. 2830 may create undue burdens and delays which in turn will delay this desperately needed modernization and may ultimately add to the overall costs.

The marine safety components of the underlying bill also cause me concern. Previously, the Commandant announced a number of changes he had directed the Coast Guard to implement regarding marine safety. Under his leadership, the men and women of the Coast Guard continue to examine and improve upon the Coast Guard's marine safety role.

Having served in the Coast Guard and Reserve, I know the armed service is unique because of its structure and flexibility. On a daily basis, Coast Guard men and women focus on drug interdiction, environmental protection, migrant interdiction, port security, search and rescue, homeland security, and maritime safety. Each of these roles, in my opinion, complements the others.

I continue to support efforts to provide stakeholders an opportunity to voice their concerns, provide constructive feedback, and work together to improve the marine safety aspect of the Coast Guard. At the same time, I firmly believe that we should give the Coast Guard the time, opportunity, and resources to improve and expand upon its marine safety efforts prior to congressional intervention.

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Finally, I'd like to address the inclusion of H.R. 2399, the Alien Smuggling and Terrorism Prevention Act. It is my understanding that upon engrossment of H.R. 2830, this language will be included in the underlying bill. I support this action as maritime alien smuggling has become a business where smugglers game the system and have little to lose under the current law. The Coast Guard confronts smugglers on a routine basis who know they can use a lack of authority to their advantage. These kinds of cases are dangerous to our Coast Guard men and women and dangerous to the smuggled aliens and occur at increasing frequency.

This measure is necessary because it provides a tool for the Coast Guard and Department of Justice to ensure the integrity of our maritime borders. Currently, there are enormous procedural and jurisdictional hurdles that protect and actually embolden alien smugglers. It will begin to deter unsafe and inhumane sea-based smuggling by delivering enhanced consequences to those who flee from or lie to our Federal law enforcement officers. Later today or tomorrow, the ranking member of the Judiciary Committee, Representative LAMAR SMITH, will offer an amendment to clarify this authority. While I support the underlying measure, I believe the Smith amendment augments this provision and merits adoption.

It is my hope that during the amendment process some of my concerns in the underlying bill will be alleviated, but as we speak I cannot support passage of H.R. 2830. That said, I look forward to working with my colleagues as this process moves forward.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, chairman of the Subcommittee on Energy Independence, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman.

Mr. Speaker, from 1995 until 2006, the Republican Party controlled the House of Representatives, and since January of 2001, they've controlled the White House as well. During this period, the leadership of the Republican Party in the Congress and in the White House have pumped literally billions of dollars of unnecessary subsidies into the pockets of Big Oil, tens of billions of dollars.

They voted for royalty-free drilling for the biggest oil companies on offshore public lands. They've opposed all efforts to repeal billions in tax breaks for Big Oil. And in the 12 years they controlled the Congress up until the beginning of last year, they opposed high fuel economy standards for the vehicles which we drive in America so we could back out that oil that we import from the Persian Gulf.

GOP used to stand for "Grand Old Party," but now it stands for "Gas and Oil Party."

□ 1445

Here's what the President said about giving incentives to Big Oil in 2005. He said, "I will tell you, with $55 oil, we don't need incentives for the oil and gas companies to explore. There are plenty of incentives for the oil industry." That's George Bush, April 2005 at $55 a barrel. Today, it's at $119 a barrel. But the Republicans, you know, they just can't kick a bad habit. Offering subsidies to Big Oil to drill is like subsidizing fish to swim, you just don't need to do it. They have all the incentives which they need right now. So the Democratic Party, assuming office just a year ago, under the leadership of NANCY PELOSI, she said, we're going to put a stop-payment order on these unnecessary subsidies to Big Oil.

Last December, we passed the first increase in fuel efficiency standards in 35 years, increasing it to 35 miles per gallon by 2020. We increased the renewable fuel standard to 36 billion gallons, but the Republican opposition made it impossible for us to take the $18 billion in excessive and unnecessary tax breaks away from the oil company and to transfer it to the solar and to the wind and to the renewable energy industry. So we're taking that bill up again this year. The Republicans oppose it. They're saying, keep the tax breaks for Big Oil. Keep them away from the wind and the solar industry.

They have no solutions for the 21st century. They have no plan to wean America off of this increased oil dependency. We have gone up from 27 percent dependency to 61 percent dependency upon imported oil in just the last 20 years. This Republican policy is going to make us less secure, more financially dependent upon the Middle East, and it is going to cause an economic and national security catastrophe for our country.

The SPEAKER pro tempore. The gentleman from New York has 11½ minutes remaining. The gentleman from Texas has 8 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I think the gentleman made his point: Since the Democrat Party has taken over, prices at the pump have skyrocketed.

Mr. Speaker, at this time I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. This has been an interesting discussion. Oil prices record high, $119, gas prices, $11. And is Congress acting? What is on the table here to help Americans for affordable energy? Very little, folks. We're about restricting supply.

Consumers are paying the highest prices. The people in my district, and I'm sure in yours, are struggling to drive long distances. I come from a rural district. People are paying $20 and $30 a day to drive to work. They can't afford that. They're struggling now to catch up with their winter heating bills, which were unreasonably high.

Well, who's the bad guy? Who's causing this price rise? Mr. MARKEY from Massachusetts said it's Big Oil because they just charge too much. He also says it's because we're putting 70,000 barrels a day in the SPR. Well, why are oil prices high, folks? It's because this Congress, three decades ago, locked up supply. Look at the red on the map. That's the Outer Continental Shelf. We're the only country in the world who doesn't produce gas and oil there. The only country in the world. There are huge reserves in the Midwest.

This body and the Democrat Party have been talking about locking up the shale rock, there's been legislation to do that, the Roan Plateau, the best gas reserve in the Midwest, locking them up.

They talk about us not being dependent on foreign energy, but everything they're doing makes us dependent on foreign energy, where we have no control. Yes, prices for energy are set on Wall Street. Right or wrong, that's the system. They set the prices. When you lock up supply, if we stopped growing as much corn, prices go up. If you stop making as much steel in this country, if you limit, steel prices are going to go up. We're limiting the production of energy.

Are we against wind and solar? Absolutely not. Look at the chart here. Here's the renewables. They think that's going to be an instant answer. I want all the wind we can get, all the solar we can get, all the geothermal. We're promoting biofuels. On the biofuels issue, we mandated 35.5 billion gallons a year by 2030. We had 6.5 billion gallons last year.

Corn prices have tripled. Wheat prices have tripled. Food prices are getting so people now are struggling to go to the grocery store after they've been to the gas station. If we have a bad crop failure down the road, not only are food prices going to go crazy, but ethanol prices. Folks, I think we better be very careful about the biofuels. I'm not opposing them, I never have, but I would be surprised if biofuels can increase the use of gasoline we need in growth. Energy prices, folks, are dependent on supply. If we double wind and solar tomorrow, we're at less than three-quarters of 1 percent of our energy supply. I hope we can do it.

Folks, we need to produce energy so Americans can afford to live.

Mr. ARCURI. Mr. Speaker, one point that I would like to make at this time is that the gentleman talks about oil and talks about energy, but the thing that he fails to point out is that gas and oil are limited, they are not going to be there forever. We need to stop our reliance upon fossil fuels, upon gas and oil, and start to focus on renewable alternative energy and become less dependent on foreign oil, less reliant upon fossil fuels.

I yield 3 minutes to the gentleman from Michigan, a member of the Energy and Commerce Committee, Mr. STUPAK.

Mr. STUPAK. I thank the gentleman for yielding.

First of all, I would like to associate myself with the comments of Mrs. MILLER and Mr. EHLERS from the other side as they talked about this very important Coast Guard bill. I am from the Great Lakes State. In fact, I have more shoreline than any other congressional district in the continental United States. I have over 1,600 miles of shoreline on the Great Lakes. It is critically important that we pass this Coast Guard bill.

But on this point, my colleagues on the other side use a very important bill like the Coast Guard bill to talk about energy, that somehow Democrats are not doing enough and somehow the Speaker is responsible for high oil prices. If you take a look, the Republicans have been in charge, until last year, for the last 12 years. What was their policy? Their policy has been no policy, do nothing, let the oil companies get away with it, record profits, record pensions to their CEO. Remember the $400 million pension for ExxonMobil?

I guess I agree with Mr. PETERSON, the last speaker, maybe we ought to lock them up. We ought to lock them up when you see oil prices, when President Bush comes in, at $27 a barrel, we're up to $119. And where is it going to stop? Why do you see this rapid increase? Well, an ill-advised war where everybody said when you get involved in a war in the Middle East, the longer you're there, the prices are going to go up. When you have no policy, sure oil prices are going to go up. When you pass, as the Republican Party did, the Enron loophole which allowed speculators to come into the market and drive up the price of oil, you're going to get these criminal record prices we're paying. So Mr. PETERSON is right, we should lock them up. We should lock them all up.

What have the Democrats done? Well, we've passed price gouging legislation, not once, but twice. And most of my friends on this side of the aisle, like Mr. SESSIONS and others who spoke here today, voted against it. How about the PUMP Act, Prevent the Unfair Manipulation of Prices. We have that legislation, all sponsored mostly by Democrats. I think we had two brave Republicans who came forward to help sponsor it.

So what do we have here? You talk about refinery capacity. I'm chairman of Oversight and Investigations. A 1995 memo from the American Petroleum Institute to all the big oil companies was to say, shut down the refineries. You want record prices? Shut down the refineries. We have those memos. They're part of the CONGRESSIONAL RECORD. And what did they do? Between 1995 and 2002 they shut down over 30 refineries, including one just outside my district in Alma, Michigan, which used to refine 51,000 barrels a day, that's over 1 million gallons of gas, because there's 33 gallons of gas in every barrel of oil, they shut it down to increase the price so they could have their record profits, so they can pay their CEO a $400 million pension plan, so they can have $40 billion in profits, as we saw with ExxonMobil just last year.

Democrats have been in charge now for, what, 16 months? What have we done?

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. STUPAK. We've passed energy price gouging legislation. We have a PUMP Act to take the speculators and close the Enron loophole. We've passed the renewable portfolio standard.

We are moving forward. And we ask our friends on this side of the aisle to join us, not use a good bill like the Coast Guard bill to somehow say the Speaker is responsible. It was the President of the United States who said he would jawbone the Saudis to produce more oil to bring down our prices. He jawboned them all right, they jawboned right through to our pocketbook, with record prices at the pump, record prices of oil coming into this country.

Pass the PUMP Act. We can reduce the price of oil by $30 a barrel, as testified on December 12, 2007 by experts before our committee, the Energy and Commerce Committee. Stop the unfair manipulation of prices. Lower the price of oil. Give the American taxpayers relief. And pass the Coast Guard bill to clean up our environment.

Mr. SESSIONS. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. I would like to thank my friend from Texas for recognizing me.

I would like to thank my colleague down on the floor, who is just taking the chart down now. His chart actually makes a very good point, the price of oil has doubled in the last year. I hope they use that chart often.

The issue that's facing the American people right now is our dependence on foreign oil and our gas prices. Energy is the foundation and the lifeblood of the American economy, creating the conditions that help us support good-paying jobs here in the United States and allowing our industrial base to compete with the rest of the world.

We all know that middle class families, such as those that I represent in northeast Tennessee, are feeling significant pain at the pump. But the American family isn't the only place where the strains of spiking fuel prices can be felt. According to the recent news reports, local schools, law enforcement agencies and other community services are paying the price of these record-high oil prices.

Unfortunately, Democrats in the House have been consistent in offering so-called energy legislation that weakens our ability to compete with emerging titans such as China, India and Russia. In the United States today, we're 63 percent dependent on foreign sources of oil, and that percentage is growing ever year. Gasoline prices have increased more than $1 per gallon since the majority took control of the House last year, as the last chart indicated, increasing from a nationwide average of $2.33 per gallon on the first day of the 110th Congress to now well over $3.50 per gallon.

Not only has the majority party failed to end our reliance on Middle Eastern oil for essential energy, they have actually helped grow our independence to historic and dangerous new levels all because of their refusal to allow for responsible energy production here at home. We need to use American energy.

What we need is no more excuses. We need an energy policy that allows for the use of American energy now. We need to drill for oil in ANWR and off the Outer Continental Shelf. We need to use our abundant coal supplies through clean coal technology. We need to create safe nuclear power plants. We need to build new refineries. And we need to expand green energy, yes, green energy initiatives, like switch grass, wind power, solar power, hydroelectric power.

We cannot tax and regulate ourselves into prosperity, and that's exactly the energy policies that have come out of this Congress. You cannot tax and regulate yourself into prosperity. We have to have an energy policy that actually has energy.

The American middle class deserves better. They deserve an energy policy that is dependent on American energy, not foreign energy. Therefore, I recommend a "no" vote on the rule on the floor today so we can continue to talk about what is important to the American people, lowering the cost of energy.

Mr. ARCURI. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Texas.

While I associate myself positively with the remarks on energy, I rise for a different reason in opposition to this rule.

We have been battling with the Coast Guard and their budget submissions from OMB as to why narcotics are not considered part of their terrorism mission. We have made some progress with that, but I had an amendment submitted to reflect that drug interdiction is a homeland security mission as required under the Homeland Security Act. I do not understand why jurisdictional disputes would have stopped this. Both committees, Transportation and Homeland Security, should agree that it's part of terrorism, and both committees need to work on narcotics and make sure, because smugglers are smugglers, whether they're smuggling people or whether they're smuggling contraband. And if we get this mission separated, since every single person in the Coast Guard says their first concern is homeland security, what we wind up is neglecting the narcotics mission.

My friend from Maryland (Mr. CUMMINGS) and I have worked on the narcotics issue for a long time. And I would hope that petty jurisdictions in the House wouldn't stop us from moving ahead in a bipartisan way to make sure that narcotics are part of the terrorism mission. I hope this is fixed in any conference report.

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Mr. ARCURI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, it is my understanding that the gentleman from New York does not have any additional speakers at this time. We have no further speakers on our side.

Mr. ARCURI. That is correct. I do not have any additional speakers.

The SPEAKER pro tempore. The gentleman from Texas has 1 minute remaining. The gentleman from New York has 7 minutes remaining.

MOTION TO ADJOURN

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 57, nays 345, not voting 29, as follows:

[Roll No. 208]

YEAS—57

Akin
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Cardoza
Chandler
Conaway
Cubin
Davis, David
Davis, Lincoln
Deal (GA)
Doolittle
Duncan
Emerson
Fallin
Gingrey
Goode
Hobson
Hoekstra
Johnson (IL)
Johnson, Sam
Keller
King (IA)
LaHood
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McIntyre
Mica
Miller, Gary
Murphy, Patrick
Pearce
Petri
Regula
Rehberg
Renzi
Schwartz
Sensenbrenner
Sessions
Souder
Stearns
Sullivan
Tancredo
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Young (AK)

NAYS—345

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Coble
Cohen
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Everett
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—29

Andrews
Blunt
Boehner
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carter
Clyburn
Cole (OK)
Cooper

Cramer
Doggett
Etheridge
Farr
Feeney
Granger
Hall (TX)
Hulshof
Jones (OH)
Lewis (GA)
McCotter
McCrery
McHenry
Nadler
Putnam
Rush
Shimkus
Walsh (NY)
Weller

☐ 1524

Ms. BALDWIN, Ms. McCOLLUM of Minnesota, Ms. DELAURO, Messrs. HASTINGS of Florida, BARROW, CLEAVER, BONNER, HILL, ELLSWORTH, SMITH of Washington, TERRY, CARSON of Indiana, GEORGE MILLER of California, JOHNSON of Georgia, BOYD of Florida, and HINOJOSA changed their vote from "yea" to "nay."

Mr. TANCREDO changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) has 7 minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 1 minute remaining.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, back on April 24, 2006, almost 2 years ago to the day, now Speaker PELOSI released a statement, which I quote, "Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price when President Bush first came into office."

Speaker PELOSI went on to claim, and I quote again, that "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

☐ 1530

Mr. Speaker, the Pelosi petroleum price increase continues to rise, with the average price over $3.50, hitting consumers at the pump every time they fill up their car.

By voting "no" on the previous question, Members can take a stand against these high prices and demand to see the secret plan that Speaker PELOSI has to reduce gas prices that Democrats have been hiding from the American people since taking control of Congress 17 months ago. I for one would love to see it, but I am afraid that, much like their promises to run the most honest, open and ethical Congress in history, it simply does not exist.

I submit for the RECORD the Statement of Administration Policy on H.R. 2830.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2830—COAST GUARD AUTHORIZATION ACT OF 2008

The Administration strongly opposes House passage of H.R. 2830 in its current form because it would adversely affect homeland security, protection of the marine environment, and maritime safety and would unreasonably intrude upon the Commandant's authority and discretion to command and control the Coast Guard. Cumulatively, these provisions would compromise the organizational efficiency and operational effectiveness of the Coast Guard; ultimately, they could diminish its effectiveness in carrying out its safety, security, and stewardship missions. Notwithstanding the other provisions of the measure that would enhance Coast Guard operations, the Administration strongly opposes House passage of H.R. 2830.

The Administration urges the House to modify the problematic parts of the bill, including the following:

First, the section of the bill that would require the Coast Guard to provide security around liquefied natural gas terminals and vessels should be eliminated because it provides an unwarranted and unnecessary subsidy to the owners of private infrastructure that is contrary to the existing assistance framework and would divert finite Coast Guard assets from other high-priority missions, as determined by the Commandant. If H.R. 2830 were presented to the President with this provision, his senior advisors would recommend that he veto the bill.

Second, the Administration strongly urges the House to adopt the Administration's proposal to introduce organizational flexibility into the Coast Guard command structure and alignment with the other armed forces, rather than the language of Section 210. This section as currently worded would exchange one statutorily-mandated command structure for another, thus defeating the purpose of the Administration's initiative.

Third, the Administration urges the House to substitute the Administration's recently transmitted proposal for the regulation of ballast water treatment for the existing language of title V. The Administration's substitute language would provide for the effective and efficient implementation of ballast water treatment standards and for the development of enforceable national uniform standards to control discharges incidental to the normal operation of vessels without the use of a National Pollutant Discharge Elimination System (NPDES) permit. Absent such language (or a decision of the 9th Circuit Court of Appeals), as of September 30, 2008, discharges incidental to the normal operation of upwards of 13 million vessels—including recreational vessels, towboat vessels, commercial fishing boats, barges, and large ocean-going vessels—will be prohibited by the Clean Water Act unless NPDES permits covering such discharges are in place.

As well, the Administration urges the House to delete those provisions of the bill that would adversely affect Coast Guard missions. Specifically, the Administration urges the House to delete those provisions that would: (1) diminish the authority of the Secretary of Homeland Security or the Commandant concerning how leadership positions within the Service will be graded or placed; (2) reduce or eliminate the Coast Guard's capacity or authority to carry out and adjudicate its merchant mariner licensing mission and support other vital security adjudications of the Department of Homeland Security; (3) establish an interim work authority for a newly hired seaman on an offshore supply vessel or towing vessel, as such authority would open a dangerous security loophole and undermine the security objectives of the Transportation Worker Identification Credential; and (4) prescribe contracting and acquisition practices for the Deepwater program, as these practices would increase the costs of, and add delay to, the Deepwater acquisition process and circumvent review and approval authority of Coast Guard technical authorities. Similarly, while the provision that would alter admission procedures for the U.S. Coast Guard Academy may ultimately be acceptable, this provision has not previously been shared, or even discussed, with the Administration. The Administration, therefore, urges the House to delete this provision.

Finally, the Administration strongly urges the House to adopt the Administration's proposal to protect seafarers who participate in investigations and adjudication of environmental crimes or who have been abandoned in the United States, and thus facilitate the Government's ability to investigate and prosecute environmental crimes. Similarly, the Administration strongly urges the House to restore the much-needed authority to prosecute those who would smuggle undocumented aliens into the United States by sea (Maritime Alien Smuggling Law Enforcement Act).

The Administration looks forward to working with Congress to address these concerns and other problems with the bill previously identified in letters from the Department of Homeland Security.

Mr. Speaker, I ask unanimous consent to place the text of the amendment and extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, we have sat here for the past hour and listened to so many speakers talk about energy, when the underlying bill is actually the Coast Guard reauthorization bill. But if our colleagues want to talk about energy, then I think we should point out some very obvious facts to them.

First of all, when the Clinton administration finished in the White House, oil was at $27 a barrel. It is now at $119 a barrel, a significant increase. Yet they try to point the finger at this Congress, this Democratic Congress that has been in the majority for 16 months. Yet on every bill that we bring up, every bill that the Democrats bring before this Congress that attempts in any way, shape, fashion or form to reduce the price of oil, we get nothing but "no" votes from the other side of the aisle. That is their response to high energy costs. That is what they want to do to the American people in terms of the energy costs.

I said earlier in the debate a point that I think is very important. They want to talk about priorities as what we do for the big energy companies, what we do for the big oil companies. Well, that is not the priority of this side of the aisle. We want to talk about alternative energy. We want to talk about reducing the dependence on foreign oil, reducing the dependence on gas and on fossil fuels, thereby making our country stronger, both domestically and internationally. If they want to talk about gas and oil, that is the debate. But this debate is about the Coast Guard bill.

Mr. Speaker, the men and women of the Coast Guard are to be commended for their service to our country and their commitment to the multifaceted mission of the Coast Guard. They serve their country, they risk their lives, just to keep us safe, safe along our coasts, safe along our inland waterways; not thousands of miles away, but right here in the United States. We need to ensure that they have the tools and the support to do the job in the best way that they can. The Coast Guard deserves and needs this bill. The American people deserve and need this bill.

Mr. Speaker, after extensive consideration by three House committees, it is time to bring the Coast Guard authorization bill to the floor.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1126 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

SEC. 6. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: "A bill to provide a common sense plan to help bring down skyrocketing gas prices." Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause I of rule X.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1126, the Rule providing for consideration of H.R. 2830, the Coast Guard Authorization Act of 2007. I also strongly support the underlying legislation, which will provide our Nation's Coast Guard with the resources it needs in order to successfully execute all of its missions.

I would like to thank my colleagues, Congressmen OBERSTAR and CUMMINGS, for introducing this bill, as well as the Chairman of the Homeland Security Committee, Congressman THOMPSON, for his leadership on this important issue. Mr. Speaker, I was pleased to work with Chairman THOMPSON and offer an amendment during our Homeland Security Committee markup to this important legislation, which I felt improved the bill. My amendment mandated the creation of a strategic plan to utilize assistance programs to assist ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measures. I am also offering an amendment on the House floor today calling on the Secretary of Homeland Security to examine the challenges and delays faced by transportation workers seeking to obtain TWIC cards at enrollment sites and mandates the development of timelines and benchmarks for implementing the findings of this assessment.

As a member of the Homeland Security Committee, I believe protecting our Nation by air, land, and sea to be critical to our national security interests. This bill, the Coast Guard Authorization Act of 2007, sets forth various provisions that will be beneficial to our maritime interests, and consequently to our national security. Included in the provisions are the establishments of grants for international maritime organizations, the establishment of the Merchant Mariner Medical Advisory Committee, and codified various provisions relating to Coast Guard personnel matters.

For some years now, I have been concerned about the diversion of Coast Guard resources from their historic missions of search and rescue and marine safety, to homeland security missions. Since the creation of the Department of Homeland Security, and the Coast Guard's inclusion in the Department, one of the greatest challenges has been ensuring that the funds that the Coast Guard have traditionally received in order to perform there duties remain intact so that they can fulfill the responsibilities that American citizens rely on them to perform, namely ensuring the safety of our nations seas, lakes, rivers, and ports.

We have to ensure that the Coast Guard will get their full funding needed to carry out their responsibilities, and that is precisely what this legislation does. This act authorizes appropriations for FY2008 for the Coast Guard. Furthermore, this act also authorizes the FY2008 levels of Coast Guard active duty military personnel and average military training student loans, allowing for sufficient human resources for the Coast Guard to achieve its designated goals. This bill explicitly authorizes end-strength by 1,500 members to 47,000 and increasing Coast Guard funding to $8.4 billion which has not been done since the 1970's.

The act also includes provisions regarding shipping and navigation, vessel size limits, maritime drug law enforcement, fishing vessel safety, liability limits for natural gas deepwater ports, claims against the Oil Spill Liability Trust Fund, dry bulk cargo residue, merchant mariner matter, and security.

Mr. Speaker, every year, 95 percent of the goods coming into the United States arrive at our nation's seaports. These goods are shipped from ports around the world, some from developed countries and others from developing countries. I am particularly concerned about ports in developing countries. Developing countries have limited resources which means their ability to maintain effective anti-terrorism measures is limited.

We can not allow terrorists to exploit this limitation. Rather, we should work with developing countries and others to build up their anti-terrorism measures. This assistance will benefit all of us. The developing countries will gain the support they need, and we will close a potential gap in our own supply chain. Every gap we close is one less gap that can be exploited by terrorists. I am pleased that this bill requires the Department of Homeland Security to develop a strategic plan to utilize existing assistance programs to assist foreign ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measures. This bill furthermore authorizes the Coast Guard to lend, lease, and donate equipment and provide technical training to non-compliant foreign ports or facilities. The multiple layers of security enhancement authorized in this legislation will minimize the ability of terrorists to target to maritime commerce and negatively impact the global supply chain.

I am pleased that the Coast Guard Authorization Act of 2007 includes specific provisions relating to Minority Serving Institutions (MSIs). Within this legislation, MSIs are defined as a historically Black college or university, a Hispanic serving institution, a Tribal College or University, a Predominantly Black institution, or a Native American-serving institution. Section 901 of this important legislation states that the Commandant shall establish a management internship program for students at MSIs, enabling them to intern at Coast Guard headquarters or Coast Guard regional offices in an effort to support the development of civilian, career-midlevel, and senior managers for the service. This legislation furthermore instructs the Coast Guard to work with the National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium to create this internship program and authorizes $2 million to be appropriated to this program.

Mr. Speaker, I have long stressed the importance of including this nation's MSIs in the effort to secure our nation. Section 903 of this legislation states that the Commandant shall establish a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery. It also calls on the Commandant to encourage collaboration among the minority serving institutions selected to participate in the cooperative technology program and institutions of higher education with institutional research and academic program resources and experience. These and other measures included within this bill are absolutely imperative as the Office of Workforce Planning has recently revealed that only 5 percent of the officer corps is African American and only 12 percent of the officer corps is comprised of ethnic minorities, while in the last 3 years the numbers of minority ascensions have actually decreased.

The Coast Guard Authorization Act of 2007 also increases oversight and efficiency of the TWIC program, which was originally mandated six years ago, yet continues to flounder. To date only 230,000 out of an estimated 845,000 applicants have enrolled in the TWIC program, while the deadline for enrollment is September 25, 2008. While this provision of the Coast Guard Authorization is both timely and important, there is still more which must be done in order to ensure that the program is both effective and efficient, which is why I have offered an amendment.

I would like to reiterate only few of the obstacles that workers have faced in my state of Texas as well in my district of Houston. For example, a marine worker enrolled at the Houston Port enrolled on December 13, 2007. To this date, he still does not yet have a TWIC card. He remained on hold for 4 hours and 10 minutes and was finally told by the operator that he would have to return to Houston to be fingerprinted again after APR. Incidentally, a representative of Higman Marine Services, Inc., asked the same question about their employee, and she was told that he should not return until June. This blatant inconsistency in service and information is simply unacceptable. Furthermore, another transportation worker went to the Beaumont center about 3 weeks ago to pick up his TWIC after being notified it was ready. He traveled from Hemphill, TX (117 miles), and was told that the card was accidentally shipped to Houston and he could drive there (85 miles) to pick it up. He presently does not have his card. The list of incidences in which workers have to continually overcome structural impediments is too long for me to name. It is from my concern for these workers that I have introduced my amendment.

My amendment calls for the Secretary of Homeland Security to compile an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code within 30 days of enactment. The assessment should, at minimum, examine: The feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle the large number of applicants for such cards; the feasibility of keeping those enrollment sites open after September 25, 2008; and the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

My amendment furthermore calls on the Secretary of Homeland Security to develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary. By identifying the areas in which enrollment sites for homeland security cards are ineffective and inefficient and creating a timeline through which to implement necessary changes and benchmarks to ensure their progress and accountability, we will make this Nation a safer place accessible to labor and operations alike.

Long before the horrific events of September 11, 2001, citizens of America relied upon the Coast Guard to ensure the safety of our waterways, and we depend on them still. Therefore, I urge my fellow members of Congress to also support the Coast Guard Authorization Act of 2007 and ensure this rich and necessary tradition remains a thriving and useful part of not only our national defense strategy but also to protect us and the environment from those threats by sea.

I strongly urge my colleagues to join me in supporting this rule and the underlying legislation.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motion to suspend on H.R. 5613;

Motion to suspend on H. Con. Res. 322;

Ordering the previous question on H. Res. 1125; and

Adopting H. Res. 1125, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building".

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office".

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office".

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex".

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building".

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B, Allsbrook Post Office".

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building".

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office".

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5613, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 5613, as amended.

The vote was taken by electronic device, and there were—yeas 349, nays 62, not voting 20, as follows:

[Roll No. 209]

YEAS—349

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—62

Akin
Alexander
Barrett (SC)
Bartlett (MD)
Blackburn
Blunt
Boehner
Broun (GA)
Burton (IN)
Cannon
Carter
Chabot
Conaway
Cubin
Davis, David
Deal (GA)
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latta
Mack
Manzullo
Marchant
McCrery
McKeon
Mica
Miller (FL)
Musgrave
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Tancredo
Thornberry
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—20

Andrews
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cooper
Cramer
Doggett
Etheridge
Feeney
Hulshof
Lewis (GA)
Linder
Nadler
Ortiz
Royce
Rush
Souder
Waters
Weller
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are approximately 2 minutes remaining in this vote.

□ 1552

Mr. PEARCE changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. ORTIZ. Mr. Speaker, on rollcall No. 209, I was meeting with the Chief of Staff of the Army, Gen. Casey. Had I been present, I would have voted "yea."

Ms. WATERS, Mr. Speaker, on rollcall No. 209, I was called off the floor for an emergency telephone call. I was unaware that a vote was taking place. Had I been present, I would have voted "yea."

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 322, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 322.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 210]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cappe
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Alexander
Andrews
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cooper
Cramer
Doggett
Etheridge
Feeney
Hulshof
Jackson-Lee (TX)
Nadler
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have approximately 2 minutes remaining in this vote.

□ 1601

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING HILL'S ANGELS

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.)

Mrs. JONES of Ohio. Mr. Speaker, Members of Congress, good news. Last Wednesday, after 10 or 12 years of having the opportunity to play the Georgetown law faculty to raise money for the homeless, the congressional basketball team helped Georgetown raise $334,000 for the homeless. We are very pleased about that.

But more importantly, after two overtimes and sudden death, the House of Representatives won the game. We are very pleased that we have such star players. With just 2.8 seconds left in regular time, our Member, TIM RYAN, got fouled on a three-pointer. The game was 39-36, he made all three shots, and we went into overtime. We went into another overtime; and finally the referee said, you are now going into sudden death. I am pleased to report that my son, Mervyn Jones, made the last shot in sudden death.

Once again, the Hill's Angels beat the Georgetown Hoyas. And 40 members of the page crew came along to cheer for us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1125, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 15, as follows:

[Roll No. 211]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley

Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Andrews
Berman
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cooper
Cramer
Doggett
Feeney
Hall (NY)
Hulshof
McCaul (TX)
Nadler
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1612

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. HALL of New York. Madam Speaker, on rollcall No. 211, I was unavoidably detained and was unable to vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 190, not voting 20, as follows:

[Roll No. 212]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach

Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Andrews
Braley (IA)
Brown-Waite, Ginny
Campbell (CA)
Cleaver
Clyburn
Cooper
Cramer
Doggett
Feeney
Ferguson
Hulshof
Jones (NC)
Kagen
Nadler
Obey
Rush
Tancredo
Waxman
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

☐ 1620

Mr. TERRY changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Speaker, on H.R. 5613 and House Concurrent Resolution 322, I was unavoidably detained. Had I been present, I would have voted "yes."

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2830 pursuant to House Resolution 1126, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentlewoman from New York?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 5819 pursuant to House Resolution 1125, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 5819.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

SBIR/STTR REAUTHORIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1125 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5819.

☐ 1625

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes, and the gentleman from Oregon (Mr. WU) and the gentleman from Michigan (Mr. EHLERS) each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELAZQUEZ. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, this year, we celebrate Small Business Week in the face of harsh realities that come with an economic downturn. But it is important to remember that the Nation's 26 million entrepreneurs have always led America's way to economic recovery and sustained growth. That was the case during the last slowdown, when the technology sector—led by small startups—provided the foundation for the booming economy of the 1990s. It can be true again today.

Over the past decades, research conducted by entrepreneurs in the Small Business Innovation Research and the Small Business Technology Transfer programs has bolstered every area of American life. The important contributions of these small research firms span such varied disciplines as national security, energy efficiency, and public health infrastructure.

The measure that is before the House today reauthorizes SBIR and STTR. Together, the programs make up the largest government-wide R&D initiative, and they can help us emerge from weak economic times yet again. Just as importantly, the reauthorization will ensure these successful programs continue to spur innovation and job growth, while keeping America at the forefront of the global marketplace.

The last time these programs were reauthorized, the Internet was in its infancy, and the term "Google" was an obscure mathematical concept. Today, the Internet is a part of everyday life, and Google is one of the best known and largest companies on the planet.

Our legislation modernizes SBIR/STTR. It ensures small firms can contribute to our country's most pressing research and development challenges. The bill recognizes that, while many good ideas come from large companies and universities, it is American small businesses who are our primary source of innovation. These entrepreneurs, not just Boeing or MIT, develop the type of products and services that meet the needs of the new economy.

H.R. 5819 allows small businesses to continue bringing their critically important ideas from the laboratory to the marketplace. The bill also offers targeted resources for technical assistance and ensures small firms are not discriminated against because of their business model or type of financing.

Last, but not least, H.R. 5819 increases the number of SBIR and STTR applications from rural areas. It also promotes participation by small businesses that are owned by women, service disabled veterans and minorities.

Moreover, this reauthorization enables a greater number of small research companies to advance the sort of innovation that saves lives. As a result, dozens of patient groups support the bill. They include the ALS and Alpha-1 Associations, the Caring Voice Coalition, the Coalition of Heritable Disorders of Connective Tissue, the Cystic Fibrosis Foundation, the National Organization for Rare Disorders, Parent Project Muscular Dystrophy and the Tuberous Sclerosis Alliance.

The same holds true for a broad array of business groups, representing everything from the agricultural sector to energy and technology organizations. This diverse group of supporters includes the American Electronic Association, the Biotechnology Industry Organization, the Association for Manufacturing Technology, the U.S. Hispanic Chamber of Commerce, and the U.S. Women's Chamber of Commerce.

☐ 1630

Madam Chairman, in passing this legislation, we will ensure the SBIR and STTR awards remain competitive from top-notch research and continue to produce cutting-edge breakthroughs.

There is no better way to celebrate Small Business Week than to support the work of entrepreneurs. That is especially true when it means saving lives, creating high-paying jobs for Americans, reducing our trade deficit, and getting our economy back on track.

I urge my colleagues to join with me and Mr. CHABOT in celebrating Small Business Week by voting for this important measure.

Madam Chairman, I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, I rise in support of H.R. 5819, the Small Business Innovation Research and Small Business Technology Transfer Programs Reauthorization Act.

These two programs are highly successful Federal initiatives designed to encourage economic growth and innovation within the small business community by assisting with the funding that is critical at the startup and developmental stages of a small company. Not only do they spur growth in individual companies, the programs stress the importance of the Small Business Committee's and the entire Federal Government's commitment to expand and diversify research opportunities for small businesses.

Created in 1982, the SBIR program offers competition-based awards to stimulate technological innovation among small private sector businesses while providing government agencies with new, cost-effective, technical and scientific solutions to meet their diverse needs. This program is not only critical to the unique needs of each of the participating Federal agencies but also to our national economy. Small businesses renew the U.S. economy by introducing new products and lower cost methods of doing business, sometimes with substantial economic benefits. They play a key role in introducing technologies to the market, often responding quickly to new market opportunities. Some of our Nation's greatest technological innovations were originated by small business owners tinkering in their workshops, including two very famous Ohioans, the Wright brothers.

Our committee worked very hard to produce the legislation we have before us today. We held several hearings on this topic over the last few months inviting the Small Business Administration, SBIR and STTR program managers from Federal agencies, various small businesses, and academics to discuss this program's successes and consider amendments that would improve it. I am happy to say that a great many of the ideas presented to the committee have found their way into this legislation.

For example, the bill requires agencies with an annual SBIR program of $50 million or more a year to create an SBIR advisory board to review the program quarterly and recommend improvements. We found throughout the course of our work that there is simply not enough hard evidence available to effectively measure the success or failure of the programs. Several of our witnesses touched on this subject, and the National Academy of Sciences mentioned it in its congressionally mandated study of the SBIR program.

The bill also states that agencies required to have an SBIR advisory board must complete an evaluation of the competitive SBIR proposals within specific time frames. This is important to ensure that potential awardees are reviewed promptly and effectively. Given the complexity and time-consuming nature of awarding an SBIR grant award application, it can be very difficult to plan your business' future without knowing its fate for months at a time.

The legislation also increases the size of maximum awards to allow grant winners greater ability to develop their new technologies and provides agencies even greater flexibility to administer the programs. The award levels have not been raised or adjusted for inflation in 16 years. Several of our witnesses commented that the levels, particularly for phase I, offer very little wiggle room.

Additionally, I believe this legislation finds an appropriate balance on the issues of venture capital companies' funding of SBIR participants. I would like to thank the gentleman from Missouri (Mr. GRAVES) for all of his hard work on this issue. Mr. GRAVES has been a champion on this matter for years and has consistently worked to find a solution that balances funding the best science with maintaining the integrity of the program's goals of helping small businesses. I understand Mr. GRAVES will be offering a perfecting amendment during this proceeding that effectively strikes this balance, and I would urge Members on both sides of this aisle to support the amendment.

I would also like to thank the gentlelady from New York and chairwoman of our committee, Ms. VELÁZQUEZ, and her staff for working in such a strong bipartisan manner with me and other members of our committee and with our staff on this legislation. But this is nothing new. The gentlelady has consistently sought my input and Republican members on the committee's input on various bills that we reported out of the committee and how they should be crafted. Although we may not always agree on every issue or there may be philosophical undertones, the spirit of working together in an effort to produce legislation that truly helps American small businesses always prevails, and I congratulate and commend the gentlelady for doing that.

Again, I urge my colleagues to vote for this legislation.

I reserve the balance of my time.

Mr. WU. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 5819, this SBIR/STTR Reauthorization Act. I want to commend Chairwoman VELÁZQUEZ and the gentleman from Ohio for their fine work in the Small Business Committee to bring a strong bill to the floor. I also want to recognize Drs. EHLERS and GINGREY and Chairman GORDON of our Science and Technology Committee for their leadership on this issue.

SBIR and STTR are integral to our innovation agenda. Small companies are where a lot of innovation happens, and we need to support these companies to remain successful in the competitive global economy. At more than $2.3 billion a year, SBIR and STTR comprise the largest single source of Federal funding for private sector technological innovation. These funds help fund companies to turn federally funded research into new jobs, products, and services. However, SBIR and STTR were created more than 20 years ago, and we need to restructure both programs to respond to the new global innovation environment.

Last week, the Technology and Innovation Subcommittee marked up H.R. 5789, the Science and Technology Innovation Act of 2008, which also reauthorized SBIR and STTR. I am glad to see that many of the provisions from H.R. 5789 were included in the subject bill, H.R. 5819.

I thank Chairwoman VELÁZQUEZ for working to include provisions that the Science Committee thought were critical to the continued success of SBIR and STTR.

Prior to coming to Congress, I practiced technology law for a number of years, and I helped a number of applicants through the SBIR application process. I can tell you that it is a long and arduous process and that frequently, grant sizes were not adequate. The bill we are considering today includes many updates which can fix some of the problems that I saw in the private sector, such as increasing the set-aside by one-half percent, increasing the award sizes, allowing for agency flexibility and granting awards, and addressing venture capital participation in the SBIR program.

Again, I want to thank the chairwoman for introducing this good legislation which improves upon existing programs that are vital to the development of innovative technologies. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. EHLERS. Madam Chairman, I yield myself such time as I may consume.

The Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program both were created to stimulate technological innovation, encourage the use of small businesses to meet Federal research and development needs, and increase private sector commercialization of innovations developed from Federal research and development. I believe both programs have been very successful and should be continued, and, on that basis, I support the legislation before us, although I disagree with some aspects of it.

The Science and Technology Committee has a long standing interest in promoting innovation and development by small businesses. Through these two competitive programs, the Small Business Administration is charged with ensuring that the Nation's small innovative businesses are a significant part of the Federal Government's research and development efforts. Currently, 11 Federal departments participate in the SBIR program, including the Departments of Agriculture, Defense, Commerce, Education, Energy, Health and Human Services, Homeland Security, and Transportation, as well as the Environmental Protection Agency, the National Aeronautics Space Administration, and the National Science Foundation. Of these 11, five departments also participate in the STTR program, awarding $200 billion to small high-tech businesses.

The original legislation for SBIR was developed based on the Small Business Innovation Research program of the National Science Foundation. The NSF program was designed to encourage proposals from small science and technology firms in NSF program areas. The current Federal-wide program mirrors the original NSF program, which was also organized in three phases to ensure the most efficient use of resources.

Phase I was an opportunity to develop research on important scientific and engineering problems. Projects that were found to be promising after the phase I research stage were given phase II awards to further develop the research project. Phase III is a transition phase that involves commercialization of the products or processes developed in the first phases.

Similar to SBIR, STTR is also a highly competitive three-phase program that reserves a specific percentage of Federal research and development funding for small businesses to work in partnership with nonprofit research institutions to help move ideas from the laboratory to the marketplace, to foster high-tech economic development in the United States, and to help to meet the technological needs of the Federal Government. Since the implementation of this program in 1983 through fiscal year 2006, over $20.7 billion has been given in awards for more than 94,660 projects. The Government Accountability Office, which has been charged with assessing this program, has generally found that these programs have achieved the goal of enhanced participation of a small business in research and development fields.

Given the interest of the Committee on Science and Technology on the research and development of new technology, our committee has a unique interest in this bill. We have long been concerned about how America competes with the rest of the world in these areas. Many initiatives that have been passed by our committee in this Congress have focused on the need to improve our competitiveness in the world through funding of science education programs and public outreach efforts. I view this legislation as one more way we can reach out to the public to assist American innovation.

My only regret with regard to this legislation is that I do not believe it was able to receive the proper attention it warranted by the Committee on Science and Technology. Our committee shares jurisdiction on this legislation, primarily concentrated on the areas of science itself and the amount of science funding.

However, the full committee was not given the opportunity to consider this legislation and have its voice heard with regard to its continuation, primarily because there was a great hurry to bring this bill to the floor. Had regular order been provided, I believe we would be bringing a different bill to the floor today. And in view of that, I have offered an amendment that I believe will strengthen the bill, make it sounder in funding, preserve the funding of other resources and other research in the Federal Government, and also provide an opportunity to increase the funding for SBIR and STTR in the future by bringing up the funding for the other agencies of which these two organizations receive a percentage.

But I believe the approach in the bill of simply arbitrarily increasing the funding for SBIR and STTR hurts our research efforts in the Nation, and I will speak later on that topic when my amendment reaches the floor.

The second reservation is voiced by Mr. GINGREY of Georgia and, if we have time, we will enter into that discussion later and I will give him an opportunity to speak.

I reserve the balance of my time.

Ms. VELÁZQUEZ. I yield to the gentleman from Texas (Mr. CUELLAR), a member of the Small Business Committee, for 3 minutes.

□ 1645

Mr. CUELLAR. I thank the gentlewoman for yielding.

Madam Chairman, I rise in support of H.R. 5819, the SBIR/STTR Reauthorization Act.

The creation of the Small Business Innovation Research program has benefited small businesses across the United States. Through the SBIR program, small businesses have been given the opportunity to provide innovative solutions that benefit the Federal Government through the research and development of new products.

I applaud the chairwoman's efforts. NYDIA VELÁZQUEZ has worked extremely hard with all members of the committee to make sure that we properly make the changes to the SBIR program. I commend the chairwoman, and the ranking member, also, for their diligence in protecting and encouraging the participation of small business concerns owned by women, veterans and minorities, all businesses.

I would like to thank the chairwoman and the committee staff for working with me to add a provision that I brought forward to make sure that Congress has a clear picture of how exactly involved these underrepresented small business concerns have been in the SBIR and the STTR program.

I believe Congress can best make improvements to valuable programs and initiatives if we have an effective reporting requirement. This legislation will require that annual reports on the SBIR program include information regarding the SBIR program involvement of small business concerns that are owned by women, minorities and veterans, and again, I emphasize, all the small businesses that we have. By evaluating what SBIR awards have been distributed to these underrepresented businesses, my opinion is that Congress can best determine how to further involve businesses owned by women, minorities and veterans.

Again, I thank the chairwoman for the effort, and the ranking member. I support this legislation and I ask Members to support it.

Mr. CHABOT. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend for yielding. And I want to thank the chairwoman, Ms. VELÁZQUEZ, for the job that she has done and for what Ranking Member CHABOT has done, and the true bipartisan work and the good things that we have been able to do in the committee this year for small business.

But while we're talking about that, you know, we need to talk about the one threat that all small business people have come up to me in the last couple of weeks to talk about, and that is the price of fuel. Madam Chairman, I want to tell you that some of them feel like they have been lied to or maybe misled, because in 2006, the Democratic Congressional Campaign Committee sent out a memo that said, "To Assist the Candidates." "Demonstrate your dedication to fighting for middle class families by clearly explaining how you will work to keep down the price of gas if elected to Congress. Hold an event at a gas station or other logical locations where you call for a real commitment to bringing down gas prices, and pledge that as a Member of Congress you will fight for families in your district, not for oil and gas executives that the Republican Congress has fought for." And so they went out.

And maybe some people were misled because if you look at April 11, 2006, one of the candidates, JASON ALTMIRE, who is on our committee, had a campaign that said, "rising fuel costs" that got JASON ALTMIRE, the Democratic nominee for the Fourth Congressional District, calling for alternative fuel sources. "ALTMIRE made four stops Thursday in the district at gas stations all at prices for regular unleaded teetering at around $3 per gallon. The Democrat blames his opponent and President Bush for the rising fuel costs." The price for a barrel of fuel at this time, a barrel of oil is $57. You know, it's $119 today.

Small business people have been misled to think that the new majority was going to do something about fuel costs. It's time we have a public outcry that we do do something. If this secret plan is released, if the Pelosi premium is brought down, gas prices are at a record at this time of $3.50 a gallon.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CHABOT. Madam Chairman, I yield the gentleman an additional minute.

Mr. WESTMORELAND. I think that small businesses deserve an answer. I think they deserve to see what this program is. I think they deserve to see what this plan is, what they were promised.

The fact that gas at the time that they were told this was $2.06 a gallon, oil was at $76 a barrel, today oil is at $119 a barrel, average price of gas is $3.50, they've been misled. And so what we want to do is see that commonsense plan brought to the floor, laid out, that we can all look at and maybe we can work towards.

And it's not just raising taxes, it's not buying or riding bicycles, it's not windmills, it's not solar panels, it's got to be less dependence on foreign oil. And we can only do that by using our natural resources to provide energy for this country.

Mr. WU. Madam Chairman, I yield 2 minutes to the gentleman from Washington, the chairman of the Research and Education Subcommittee of the Science Committee, Mr. BAIRD.

Mr. BAIRD. Madam Chairman, I would like to thank my dear friend from Oregon, my colleague and neighbor across the river, and also the gentlelady from New York (Ms. VELÁZQUEZ) for her leadership, and my friend, Mr. EHLERS from Michigan, and Mr. CHABOT from Ohio.

I am particularly pleased about the aspect of this legislation that will eliminate what I feel are counterproductive barriers to participation by firms that receive venture capital in the SBIR program. This issue was brought to my attention by a local firm, nLight Photonics, which is leading the world in high-capacity semiconductor lasers.

Many of our top high-tech companies demand startup venture capital in order to build the infrastructure they need to produce the products which save us money, save us lives, and help stimulate our economy. These successful companies, however, often would like to branch out into a parallel area, perhaps not their primary pursuit, but a parallel area for which SBIR funds would be fully appropriate and advantageous. Unfortunately, under current rules, that is prohibited. In other words, the very companies that have proven successful and have been able to demonstrate to venture capital that they have a process, personnel, and products that are worth supporting are then precluded from Federal support. This bill corrects that. I commend the gentlelady and Mr. WU for recognizing that.

I want to thank Mr. GRAVES, who worked on this with me several years ago, and again thank my colleagues from both sides of the aisle. It is a good bill. It will help, by the way, address some of those energy challenges that the gentleman who just spoke alluded to.

Mr. EHLERS. Madam Chairman, I am very pleased to yield 4 minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. I thank the gentleman for yielding.

Madam Chairman, both the Small Business Innovation Research and the Small Business Technology Transfer programs have proven to be extremely successful since the their implementation in 1982. These are both grant programs that have been effective in providing government assistance to small businesses to help more people in our country achieve the American Dream.

Although I do have some concerns about the underlying bill, H.R. 5819, small business is still the cornerstone of the economy and job growth in this country, and I am happy that we're addressing these important programs on the House floor.

Madam Chairman, small business drives United States economic growth and innovation. These companies make up 99.7 percent of all United States employers and employ nearly half of all Americans who are not working for the government. In addition, small businesses employ 39 percent of high-tech workers, such as scientists and engineers, and they produce 13 to 14 times more patents per employee than do the larger firms. The SBIR and STTR programs were created to provide critical funding to these companies so they could conduct R&D that they otherwise would not be able to afford. These programs also provide further funding to commercialized promising technology resulting from that R&D.

Since their inception in 1982, these programs provide over $2 billion in grants and contracts each year, and they have provided the start-up funding for hundreds of small businesses in the United States. In my own State of Georgia, Georgia Tech, my alma mater, provides assistance to small business initiatives across the State, and as a result, companies have received $15 million in SBIR and STTR grants. Specifically in my district in northwest Georgia, the 11th, eight companies have received $8.3 million in SBIR awards since 2005. So, Madam Chairman, it is vital that these programs are reauthorized so we can continue to foster small business development in the emerging technology-based global economy.

While I am generally supportive of H.R. 5819, I do, as I said, have some concerns with sections relating to venture capital and phase one and two grant eligibility.

Venture capital helps small business entrepreneurs gain credibility on solid ideas that have the potential for commercialization. However, while venture capital serves as an important component in facilitating small business success, it must also be closely monitored and scrutinized. We must ensure small business interests are at the heart of SBIR and STTR programs. After all, that's why they were created back in 1982.

Through H.R. 5819, small business companies who utilize SBIR and STTR programs have the latitude to incorporate venture capital funding into their operation, but section 201 in the bill provides safeguards so that small businesses are not merely conduits for venture capital interests, and I want to thank Chairwoman VELÁZQUEZ for this. While I believe this section of the bill is a very good step in the direction of protecting small business interests, I believe that this language could be even stronger to specifically reinforce the integrity of these two programs.

Madam Chairman, I do support the mission and the intent of SBIR and STTR programs. I urge all my colleagues to support H.R. 5819.

Ms. VELÁZQUEZ. Madam Chairman, I am very pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SESTAK), vice president of the Small Business Committee.

Mr. SESTAK. Madam Chairman, I rise today also in support of H.R. 5819, a bill to improve and modernize the Small Business Innovation Research program and the Small Business Technology Transfer program.

Small businesses, the backbone of our economy, bring innovation, creativity, competition and lower costs to our economy. As elsewhere in America, 70 percent of all the new jobs in my district in Pennsylvania come from small businesses, and I strongly believe our economic security is dependent upon our ability to provide these businesses with the tools and the resources they need to grow.

In 1982, as has been mentioned, Congress recognized the importance of retaining and increasing the innovation and research of small business by creating the Small Business Innovation Research program to stimulate technological innovations, meet Federal research and development needs, and increase the commercial success of innovation.

The bill we will be voting on improves the Small Business Innovation Research program and the Small Business Technology Transfer program to ensure that small businesses receive the resources they need to continue to innovate, grow and succeed.

Madam Chairman, this bill will make the necessary changes to modernize these two programs. This bill will increase funding available for grants, simplify the application process, broaden technical assistance, and create a more flexible process for the 11 participating Federal agencies. It also focuses agencies on granting funding to projects with commercial viability and promising research, and it requires agencies to establish databases to collect best practices information.

I strongly believe that innovation is essential to the economic well-being of our Nation, and the Small Business Innovation Research program and the Small Business Technology Transfer program make a significant contribution to our economy. I therefore urge my colleagues to vote in support of this timely reauthorization.

Mr. CHABOT. Madam Chairman, we will reserve the balance of our time.

Mr. WU. Madam Chairman, at this time, I am pleased to yield 1 minute to the gentleman from Ohio, a member of the committee, a leader in the field of nanotechnology, Mr. WILSON.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of H.R. 5819, the Small Business Innovation Research and Small Business Technical Transfer reauthorization bill. Established in 1982, these highly competitive programs have a well-deserved reputation for success.

In today's economy, small businesses are critical to U.S. innovation. In my home State of Ohio, the SBIR and the STTR programs have played an important role in improving the regional economy through science, technology and innovation.

The SBIR and the STTR programs work to create jobs and increase our Nation's capacity for technological innovation. And funding these programs has been critical to the success of many businesses throughout my district. It is clear that the SBIR and the STTR programs are critical in promoting the science and technology research that drives our innovation-based economy.

I urge my colleagues to vote "yes" on this important bill.

Mr. EHLERS. May I inquire as to how much time I have remaining.

The CHAIRMAN. The gentleman from Michigan is advised he has 30 seconds remaining.

Mr. EHLERS. Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, I would like to inquire how much time is remaining on each side, each committee.

The CHAIRMAN. The gentlewoman from New York has 11 minutes remaining. The gentleman from Ohio has 12 minutes remaining. The gentleman from Oregon has 5 minutes remaining.

□ 1700

Ms. VELÁZQUEZ. Madam Chairman, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE), who is the chairman of the Subcommittee on Investigations and Oversight.

Mr. ALTMIRE. I thank the chairwoman for yielding.

Madam Chairman, I rise today in support of the Small Business Innovation Research Program Reauthorization Act.

Since its inception in 1983, SBIR has been key to American competitiveness, providing quality research for the U.S. Government and spurring technology innovation. SBIR has been a catalyst for some of today's most successful enterprises. For over 25 years, SBIR has allowed innovative small businesses to partner with the government for the development of today's most cutting-edge goods and services. SBIR is a program designed to stimulate American competitiveness.

This legislation we consider today will ensure that SBIR will keep pace with the technological changes and advancements in today's ever-changing, high-tech world to keep our Nation's small businesses competitive in the global economy.

The region I represent in western Pennsylvania has produced a number of SBIR success stories, ranging from new medical therapies to advanced computer technology. The area is an emerging medical- and technology-based community that is home to some of the top research and development in the entire country.

Reauthorization of SBIR will allow us to continue to foster research and innovation that will translate into a wealth of new employment opportunities and economic growth for western Pennsylvania and the entire country.

Mr. CHABOT. Madam Chairman, I reserve the balance of my time.

Mr. WU. Madam Chairman, I reserve the balance of my time.

Mr. EHLERS. Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, I would like to yield to the gentlewoman from Ohio (Mrs. JONES) for 2 minutes.

Mrs. JONES of Ohio. I would like to thank the Chair of this wonderful committee for yielding time to me today.

Madam Chairman, I used to serve on the Small Business Committee and am pleased every chance I have to take the opportunity to come back and salute all the members of the committee, my colleague from Ohio as well, for the work that they do.

I come to the floor today in support of H.R. 5819 to amend the Small Business Innovation Research program and the Small Business Technology Transfer program because this will bring an opportunity for small businesses in my congressional district to have an opportunity to work on some of the innovative technology that they have been planning over the years.

Within my congressional district, I have more than five medical institutions, and the work that these medical institutions have been able to do with small businesses that have been spawned from much of the research is very, very exciting. And we think that the area of Cleveland and northeast Ohio will be a place where we will have an opportunity to put to work some of the opportunities that are presented in this particular legislation.

I'm particularly pleased that the legislation includes an annual $10 million competitive grant program that will support and assist women-, veteran-, and minority-owned businesses. In today's fast-paced economy, minority businesses are steadily expanding their presence and are increasingly a driving force in the economy. But, more importantly, we all know the importance of small business. Unlike my father and my mother and many of our fathers and mothers who worked for companies for 40 years, it does not happen anymore that you're working for that same company. And we need opportunity to expand business so that young people coming out of high school and college have a place to work.

I'm so pleased to join my colleagues in supporting the expansion of these programs.

I rise today in support of H.R. 5819, a bill that will reauthorize the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs through 2010.

I support these programs because they provide a much needed boost in business innovation and job creation throughout the country. These programs address the needs of our current struggling economy by providing funds to small businesses that work with universities or perform cutting-edge research related to the missions of our different federal agencies.

According to the House Science and Technology Committee, these two programs provide the most federal support—about $2.3 billion annually—for private-sector technology innovation by small businesses. In these tough economic times, small business innovation becomes an increasingly vital asset to our economy. In my home state of Ohio, the SBIR program has made a significant contribution to the economy by providing $83 million in awards to small businesses in 2005 and 2006.

As a representative of a congressional district that is home to more than five major medical institutions, I am keenly aware of the role the SBIR program has played in fostering medical breakthroughs. I am very interested in promoting the ability of our researchers to explore and pursue cutting-edge medical advancements and believe that the SBIR program is critical to ensuring that promising medical innovations can move forward.

I am particularly pleased that this legislation includes an annual $10 million competitive grant program that will provide support and assistance for women, veterans, and minority-owned businesses. In today's fast paced economy, minority businesses are steadily expanding their presence and are increasingly a driving force in the economy.

Today, minorities own over four million firms, generating nearly $700 billion in yearly revenue and employing over 7 million workers. People of color across the country have embraced business ownership and this legislation will allow more of these firms to participate in Federal research and development activities.

I urge my colleagues to support the passage of H.R. 5819.

The CHAIRMAN. Are the Members now prepared to close?

Mr. EHLERS. I am prepared to close, Madam Chairman.

Mr. CHABOT. Madam Chairman, we have been told we have DON YOUNG, who is on his way here; so we're not prepared to close. But if time runs out, then it runs out.

Ms. VELÁZQUEZ. Madam Chairman, I have no further requests for time.

Mr. WU. Madam Chairman, we have one further speaker, who, we are told, is on her way.

The CHAIRMAN. The gentleman from Michigan is recognized to close.

Mr. EHLERS. Madam Chairman, the substance of the bill is good. I support the general intent of it.

I am very concerned about several aspects. One of those is the size of the increase of the allocation, which is going to hurt our Nation's research effort in its totality. Secondly, the issues raised by Dr. GINGREY which involve giving perhaps too much control and power to the venture capitalists. And, third, the issues relating to the other issues that Dr. GINGREY brought forth regarding category I and category II funding, and the interplay between the two.

If we can solve these problems I would hope to support the bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. WU. Madam Chairman, I am ready to close.

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. WU. This is a finely crafted bill, which a lot of Members have worked on for quite some time. I want to especially thank those staffers who normally do not get recognition: Dennis Worden of my personal staff, Barb Jones, a detailee from the National Institute of Standards and Technology; Mike Quear from the Science Committee staff; and also Piper Largent of the Republican side on the committee staff.

I think that I would just close by saying that this is a good bill. It is a compromise bill. No one is getting everything that they want. But I think that on balance this is a bill which is good for innovation in America.

Madam Chairman, I yield back the balance of my time.

Mr. CHABOT. Madam Chairman, I yield myself such time as I may consume.

Obviously we are still waiting for Mr. YOUNG to speak. If he gets here, he gets here; if he doesn't, he doesn't.

I would like to, first of all, again commend the gentlewoman from New York for her cooperation and once again putting together a bipartisan effort here. And we both agree that both of these programs should be continued and have great value; so I would encourage my colleagues to support it.

Without Mr. YOUNG's being here and not having spoken to him ahead of time and knowing exactly what he wanted to talk about, I would guess what he wanted to talk about had to do with the fact that energy is a huge problem in this country and some of it is because we have handcuffed ourselves and we are far too reliant upon foreign sources of energy from the Middle East, from some of the most unstable parts of the world, from Nigeria, from Venezuela. And for that reason, we're seeing gas prices at all-time highs, approximately $3.50 per gallon, and it's hurting an awful lot of our constituents, my constituents in Cincinnati and other members of the driving public all over this country. And one of the principal reasons is we are too reliant upon foreign sources of energy. We also haven't built an oil refinery.

Mr. WU. Madam Chairman, will the gentleman yield?

Mr. CHABOT. I would be happy to yield to the gentleman.

Mr. WU. It has been delightful to be working with the majority on the SBIR/STTR bill.

The minority has chosen to make this into a debate about energy prices. A professor at Stanford University estimates that oil prices should be at about $60 a barrel. The chairman of Exxon, I understand, says that oil should be at about $55 a barrel. And I think the only reason why oil is at twice that price is because of an unnecessary war and a Republican Congress which permitted Exxon to speculate in the energy market.

Mr. CHABOT. Reclaiming my time, I thank the gentleman for interposing his points of view.

But as I was saying, Madam Chairman, I think one of the principal reasons we are seeing these high energy prices is because we are far too reliant upon foreign sources of energy. We have put off-limits an area which is in Mr. YOUNG's State, in Alaska, ANWR. It's an area that not many people go to, although the photographs that you see of it make it look like it's nothing but flowers and animals and that it's a very lovely area, and I'm sure it is lovely in certain parts of the year. But the bottom line is by putting that 16 to 18 billion barrels of oil off-limits, we have to buy more oil from other countries, and that's one of the things that drives up the cost.

Another part of considerable oil reserves that we have put off-limits is in the Outer Continental Shelf. Now compared to 16 to 18 billion barrels of oil in ANWR, we have, we think, 83 to 86 billion barrels of oil and huge amounts of natural gas. And as long as we put those areas off-limits, it means we have to buy oil from somewhere else. It puts OPEC in a position where they can turn the spigot down somewhat or not increase it to take care of not only our needs but the needs of a growing environment in India and in China and those areas; so the price goes up as a result of that.

The other problem is we haven't built an oil refinery in this country since 1976. We make it virtually impossible for that to happen. We had over 300 oil refineries 30 years ago. We're down to 148, so fewer than half the number of oil refineries. That's another big problem. And I think those are the types of problems that Mr. YOUNG would have in all likelihood spoken about.

Madam Chairman, I see that Mr. YOUNG has entered, so I will at this point yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding because we're talking about innovating small business and helping small business in this country. And that's well and good, and I congratulate the chairman and, of course, the ranking members on this legislation.

But, Madam Chairman, it's all for naught, it's all for naught, unless we address this issue of energy. Small business can't run on hot air. Small business can't even survive in this Nation or progress unless we solve this energy problem of fossil fuels.

And you may have heard me last week saying it's not your fault other than the fact you're in the wheelhouse now. You're in the wheelhouse. We were there for 12 years, and we didn't solve it either. But you said you would do that. You would lower the cost of energy for small business and the consumers of this Nation. That has not happened.

Realistically, this Congress cannot do it unless we address the issue of production. Not pie in the sky but production.

There's no shortage of fossil fuels in the United States of America. There's a shortage of the will to develop it. We just had a sale in Alaska in the Chukchi Sea, $2.6 billion. And they tell me, the geologists, there's more oil there than there is in the Gulf of Mexico. But we can't, in fact, develop it because of a lawsuit by certain interest groups in this Nation who do not want that developed. We have the Beaufort Sea. We have the Aleutian chain. That's just Alaska.

And for those of you in California, you have more oil off your shores than we do in Alaska if you'll develop it. But you have not done so. We have not done so.

We have the Gulf of Florida. We can't do it. We have the Rocky Mountains, Virginia, North Carolina, South Carolina, and we have not done so. We have not passed one piece of energy legislation in this body that produces any energy that runs these small businesses.

So I ask you, my colleagues, how can you stand here on the floor and sit on this floor and talk about innovation for small business without addressing the energy problem?

Each man, woman, and child this year will pay a $2,000 tax to foreign countries, each man, woman and child in the United States of America, for buying fossil fuels overseas and not developing those fossil fuels within our borders. That's $2,000 a year, the largest tax of any one family, a family of five, a $10,000 tax, to the Saudi Arabians or Venezuela or Kuwait or Iran or Iraq.

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Seventy percent of our fossil fuels today are being imported because this body has not solved this problem, and should do so. Some of you on that side, some on this side voted to open the Arctic Wildlife Range in Alaska 12 times in this House. We did get it out of the Senate once, and Bill Clinton vetoed it. He vetoed it. We passed it 12 times here, 11 times; couldn't get the votes in the Senate. If we had it developed today, we would be producing enough energy so they couldn't raise the prices they are doing now.

By the way, everybody says, Get the oil companies. They say, Get those dirty oil companies. We are not the only buyer on the market any more. China is now burning more barrels of fuel today than we are, and it's going to go up. Look at their automobile consumption. India is right behind them.

Now some people say, Well, we don't need fossil fuels. We will use wind power and solar power, et cetera. I agree with all those things. But our economy is run on power that moves objects. Your product that comes and goes, comes on a vessel that is driven by fossil fuels. The plane, the train, the ship, and the automobile that delivers to the consumer is driven by fossil fuels. There is no quick solution with hydrogen, et cetera.

If you want the economy to go forth and you want these small businesses to succeed, this Congress, and I ask the Congress on both sides to address this issue. Madam Chairman, let's solve the problem. Let's not have any more pie in the sky. Let's open these areas that have been put on restriction, because the oil is there, Mr. and Mrs. America. It's just that you have not asked us to open it. You preferred us not doing so as long as we can buy it cheap from a foreign country. And those days are over.

Now this is my prediction. Oil now is at $120 a barrel. That means gasoline for this summer is going to be around $5 a gallon. But more than that, that means the power to run small businesses will not be available because we have not kept up the power in other areas. We don't develop the nuclear, which we should. We haven't had any hydro, which we should. Yes, we have a little bit of wind and solar. But more than that, we have not addressed the fossil fuel issue.

So as we talk about small businesses, how we are going to encourage them, we are going to give them incentives, and have new imagination, that is well and good, but you can't do it without reasonable price power.

So I charge this body, the leadership on that side, and I charge this side in the minority, to truly come to grips and address each area that has fossil fuels that we know where they are, lift the restrictions, and develop it for the future of this Nation, the youth of this Nation, and the businesses of this Nation. If we don't do that, we are neglectful of our duty.

Mr. CHABOT. Madam Chairman, I yield back the balance of my time.

Ms. VELAZQUEZ. I yield myself the balance of my time.

Madam Chairman, the gentleman from Alaska comes here and laments about high energy prices. But when he had a chance to vote against price gouging, he voted "no." When he had a chance to vote about long-term alternative energy and conservation, he voted "no." So don't come to the floor and tell us the need to deal with the energy crisis in this Nation, because I can tell you that talk is fine. But when it comes to real solutions, you vote "no."

So, Madam Chairman, let's go to the issue at hand. It's just really sad that the minority decided to make SBIR and STTR an innocent bystander on this debate. Let me say that there is no other nation on Earth where a person's dreams of service and innovation can be translated so effectively into a brand of success that yields both wealth and concrete benefits to society. That distinctly American tradition of entrepreneurship, of cutting edge and ideas and service to society, is what Small Business Week is all about. It is also the core of H.R. 5819.

I want to thank Chairman GORDON and Ranking Member HALL, Mr. WU and Mr. EHLERS from the Science and Technology Committee, as well as my own ranking member, Mr. CHABOT, for their work on this important legislation. I am particularly grateful for Mr. CHABOT's input on this legislation, and I think that our collaboration has produced a better product for our Nation's small businesses.

I also want to recognize the staff members on both committees for their tireless work. A special thank you goes to Bill Maguire on Small Business Committee Democratic staff; Michael Day, and to Joe Hartz on Mr. CHABOT's side of the aisle, and Kevin Fitzpatrick. I also would like to acknowledge Melissa Shannon from the Speaker's office. On the Science and Technology Committee I would like to recognize the Democratic staff, Mike Quear; from Mr. WU's staff, Dennis Worden; and from Mr. GRAVES' personal office, Paul Sass.

Most of all, I would like to thank the men and women of America's small business. It is their efforts that continue to make our Nation great. They keep us moving forward, no matter what challenges arise, and they deserve our support and respect.

Once again, I urge my colleagues to join me in celebrating Small Business Week by voting "yes" on this important legislation.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in support of H.R. 5819, to reauthorize the "SBIR/STTR Reauthorization Act." This legislation extends the federal government's largest small business research and development programs for two years, increases funding for small research firms by half a billion dollars, and modernizes the Small Business Innovation Research (SBIR) Program so that it is better aligned with the needs of small research firms. I would like to thank my colleague Congresswoman VELÁZQUEZ for introducing this legislation, as well as for her ongoing leadership as Chairwoman of the Committee on Small Business.

Madam Chairman, this legislation is very important to the constituents of my community and the nation as a whole because it will continue to provide funding for small business innovation research and small business technology transfer programs by extending these programs until FY2010. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Minority businesses are also crucial to our communities and our country. According to statistics published by the United States Census Bureau, in 2002 nearly 2 in 5 black-owned firms operated in health care and social assistance. Black entrepreneurs owned 9.7 percent of all such businesses in the United States. Statistics gathered between 1997 and 2002 show substantial increases in the number of black owned firms with receipts of $1 million or more, as well as the number of black owned firms with 100 employees or more. Black-owned firms accounted for 5 percent of all non-farm business in the United States in 2002.

In my home city of Houston, small businesses are vital to our economy. In 2002, Harris County ranked 6th in the nation for counties with the largest number of black-owned firms, with 27,770 firms with receipts totaling 1,817 million dollars. I have worked to introduce minority, women, and small business owners to contracting officials at NASA to help promote and develop Houston small businesses. I was proud to support H.R. 1873, the Small Business Fairness in Contracting Act, which passed the House in May of last year, and to introduce two amendments, both of which were accepted to the bill. The first amendment brings transparency, accountability and responsiveness to the process of procuring federal contracts. I also successfully introduced an amendment mandating that whenever there is a disagreement between the SBA and the contracting procurement agency, the appropriate House and Senate committees with jurisdiction over the matter are informed.

Small Business Innovation Research (SBIR) Program and the Small Business Technology Transfer (STIR) Program are two crucial research and development programs. Through these two competitive initiatives, the Small Business Administration, SBA, ensures that the nation's small, high-tech, innovative businesses are a significant part of the federal government's research and development efforts. Created by Congress in 1982, SBIR is the largest government-wide research and development initiative in existence. According to SBA, eleven federal departments participate in the SBIR program, and five departments participate in the STIR program, awarding $2billion to small high-tech businesses.

The legislation that we are considering today updates the SBIR program, bringing into step with today's technologically-driven world. It will both increase access to SBIR funding, and work to leverage the advances made by small businesses to benefit the competitiveness of the U.S. economy.

Madam Chairman, this legislation includes provisions designed to encourage more small firms to apply for SBIR and STIR awards. It doubles the size of SBIR and STIR awards for Phase I and Phase II grants, and provides access to technical assistance. This legislation also places an emphasis on areas where further research is particularly needed, providing incentives for small business innovation research on alternative fuels and orphan diseases. Through these provisions, this legislation speaks both to the needs of small businesses and of the broader American population.

Madam Chairman, I am particularly pleased that this legislation establishes an initiative to diversify participation in these important programs. This legislation aims to increase participation by small businesses located in underrepresented geographic areas, as well as those owned and controlled by women, veterans, and minorities. I believe this provision will both diversify the program and increase competition for the important awards.

Further, the act increases partnerships between SBIR awardees and prime contractors, venture capital operating companies, and larger businesses. This act has laudable goals and will ensure that small businesses have at their disposal more advanced technology that can be used for the development of our local communities. This act ensures that the technology and innovation would be used to further small businesses and local economic development.

Madam Chairman, over the past 25 years the SBIR program has supported many of our nation's most successful entrepreneurial enterprises. Many of these small, innovative businesses have grown into powerful technical companies that have kept the United States on the cutting edge of technological enterprise. Today, by voting for this legislation, we are making sure that this important program is of the maximum benefit both to American entrepreneurs and to all the citizens of this nation.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. MANZULLO. Madam Chairman, I rise in reluctant opposition to the SBIR/STTR Reauthorization Act (H.R. 5819). I am a long-time supporter of the Small Business Innovative Research, SBIR, and the Small Business Technology Transfer, STTR, program because it requires federal agencies with at least a $100 million research and development, R&D, budget to set aside a certain percentage of awards for small firms. The SBIR program was created in 1982 because small businesses—the most innovative sector of our economy—received very few R&D awards. Almost the entire federal R&D budget back then went to large firms and academic institutions.

There are many good provisions in H.R. 5819. Section 102 increases the small business set-aside in the SBIR program from 2.5 percent to 3 percent. The SBIR awards come in three phases—Phase 1 is for start-ups; Phase II is for follow-on work; and Phase III is for commercialization of the product either in the form of government procurement or for sale in the marketplace. Section 103 increases the maximum award in Phase I from $100,000 to $750;000. For Phase II awards, the maximum award goes up from $300,000 to $2.2 million. There are no grant dollars for the Phase III or commercialization phase. In the past, few federal agencies had any interest in Phase III. However, H.R. 5819 contains several provisions, most particularly in Title IV, to encourage commercialization of products developed with SBIR awards.

However, Section 201 of H.R. 5819 opens up more of the SBIR program to small firms that have significant investments from venture capital (VC) companies. For the purposes of the SBIR program, a small firm would be considered to be independently owned and operated even with a majority share owned by VC firms. VC investments, unlike a bank loan, make the "owner" of the company no longer the true leader of the firm if venture capitalists own more than 50 percent of the firm. In other words, he or she doesn't control the ultimate destiny or direction of the company—the "owner" has to take ultimate direction from the VC firms. The small business is no longer independently owned and operated. Thus, if a small company receives venture capital even from multiple sources to pursue Vaccine A but then sees the research going in a different direction to develop Vaccine B, the "owner" of the company will be compelled to complete the research on Vaccine A for which he or she received funding unless the "owner" receives permission from the venture capitalists to pursue Vaccine B.

The only limitations on VC investments in Section 201 for SBIR firms are that (1) no one single VC firm can own a majority of the tech company applying for a SBIR grant; (2) the VC firm does not control a majority of the seats on the tech company's board of directors; (3) only "small" VCs, as defined in the bill as those VC firms employing 500 employees or less, can participate; and (4) a "corporate-owned" VC firm can only own up to 10 percent of a SBIR tech company and that a SBIR tech company can only have one investment from a corporate VC. My concerns are that the first two limitations can be easily evadable by creative VCs that set up multiple firms. The third limitation dealing with a small business definition of a VC encompasses almost every VC in the nation. The Small Business Administration (SBA) currently defines small venture capital firms as those with less than $6.5 million in annual receipts. There is no need to change the small business definition of a VC.

In Section 110, H.R. 5819 also allows firms to apply directly for Phase II awards, bypassing the Phase I process. In my opinion, combining three key elements of H.R. 5819—dramatically higher awards (Section 103), allowing almost every VC in the nation to own more than a majority of a SBIR firm (Section 201), and bypassing Phase I (Section 110)—sets up a stage where VC-owned "small" firms will gobble up most of the money in the SBIR program. Then, there would be a dramatic dropoff in the number of truly very small and independently-owned companies in the SBIR program, particularly those looking for Phase 1 start-up funding.

During my tenure as Chairman of the House Small Business Committee, I spent a lot of time and effort trying to solve the specific problem of the eligibility of some small businesses with venture capital investments to participate in the SBIR program at the National Institutes of Health (NIH). After the Defense Department, the NIH is the second-largest spender of R&D funding in the federal government. This issue of the role of VC investment in SBIR companies seems primarily confined to NIH.

Section 201 in H.R. 5819 tries to solve a problem that is grossly exaggerated. It is a myth that small businesses with VC investments are unable to participate in the SBIR program at NIH because of a misinterpretation of the law by the SBA. In an impartial Government Accountability Office (GAO) study that was released in 2006, the GAO discovered that 17 percent of NIH SBIR awards, accounting for 18 percent of the dollar value, went to small businesses with VC investments in Fiscal Year 2004. These small firms had no problem in complying with SBA guidelines. Nevertheless, I tried to proffer a compromise to establish a two-year pilot SBIR-like program to set-aside 0.5 percent of NIH R&D funding for smaller firms that receive a preponderance of their funding from VCs and do not own or control their company. Unfortunately, my compromise was rejected by NIH and by the biotech and VC industries. However, the solution contained in Section 201 is a dramatic overreach in the effort to solve this specific problem with NIH.

Finally, the Bush Administration shares my concern on this issue. According to the Statement of Administration Policy issued on April 22, 2008, "the Administration believes that H.R. 5819 goes too far in relaxing constraints on venture capital ownership of firms receiving SBIR and STTR funds, which could lead to inappropriate subsidization of well-capitalized businesses that do not warrant funding through a set-aside program. The Administration is reviewing whether venture capital funding of businesses receiving SBIR and STTR funds could be expanded through reforms of SBA regulations without inappropriately providing Federal commercialization subsidies to well-capitalized businesses."

Thus, for these reasons, I urge my colleagues to oppose H.R. 5819.

Ms. ESHOO. Madam Chairman, I rise today in support of H.R. 5819, the SBIR/STTR Reauthorization Act.

The Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs are important sources of Federal support to facilitate the commercialization of research. Updating these programs will ensure the continuation of the central role they play in maintaining the preeminence of the U.S. research enterprise.

The importance of fostering public-private partnerships cannot be underestimated. I see firsthand all the aspects of the innovation process, because my Congressional district contains basic research institutions, hundreds of current and former SBIR- and STTR-awarded companies, and venture capital firms. The SBIR and STTR programs facilitate the transition of technologies to the market. The important changes made by this reauthorization include increasing the award guideline levels, establishing advisory boards to improve program effectiveness and outcomes, and emphasizing the importance of energy-related research proposals.

A key aspect of the debate surrounding this reauthorization has been whether or not venture capital-backed companies should be eligible to participate in the SBIR program. Small businesses with a proven ability to attract venture funding should not be excluded.

The original legislation which created the program stated that no federal funds could be used for the Phase 3 commercialization state of an SBIR award, requiring award recipients to seek venture capital and other private sector funding. Preventing those companies from returning to the program for a different project undermines its very objective of bringing more technologies to the market. A small business that wins an SBIR and then attracts VC funds has a proven ability to succeed, yet may have insufficient resources to pursue new research projects. These companies should be eligible to continue to participate in the program and I'm pleased to see that the reauthorization before us today maintains this position.

Let me remind my colleagues that Congress did not authorize a policy change to prohibit venture-backed companies from participating in the program. A ruling by an SBA administrative law judge made this interpretation and seriously damaged the program by disqualifying many good companies. Today we clarify the language and get the SBIR program back on the right track, without excluding small businesses which have successfully obtained venture capital funding for other technologies.

I know there are concerns that this bill's increase in the percentage of research funds that are directed to the SBIR and STTR programs will detract from the core research missions of the agencies. This is a particular concern for the NIH which has been working under a constrained budget over the last several years. We need to continue to increase funding at the NIH and other research agencies, and we should consider the impact of increasing the SBIR and STTR set-aside as the bill moves forward in the legislative process.

I hope the House will demonstrate strong bipartisan support for this bill to ensure that the innovators and entrepreneurs of our country continue to have Federal assistance to transition their research and ideas out of the labs and into the marketplace. I urge the entire House to support this important legislation.

Mrs. TAUSCHER, Madam Chairman, I rise today in support of H.R. 5819, the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, SBTT, Reauthorization Act.

I thank my colleague from New York, Ms. VELÁZQUEZ, for bringing this bill to the floor today. This legislation would ensure that innovative small businesses in my district and across the country have access to the Federal support they need to conduct research and development and to transform their work into commercially viable products.

Helping small businesses stimulates our economy. Small businesses account for 99 percent of all employers in the United States and are responsible for generating more than half of all new jobs. In particular, the East Bay area of California has hosted countless small business success stories. Throughout my time in Congress, I have been committed to helping these entrepreneurs thrive. This is why I formed a Small Business Advisory Group, which keeps me personally connected with issues affecting small businesses in my district.

Frequently, small business owners need assistance obtaining Federal contracts and grants. To this end, I regularly host seminars to teach small business owners how to apply for grants and contracts, and I work with the Small Business Administration to ensure that underrepresented entrepreneurs like women and minorities are helped to be competitive.

Likewise, I am proud to support this bill, which would encourage greater participation in STTR and SBIR—programs that help small business innovators connect with research institutions and explore their own technological potential, contribute to the marketplace, and profit from commercialization.

This bill would also expand SBIR eligibility to include venture-backed businesses like biomedical firms, whose advances have been critical to the ongoing competitiveness of America's economy. Finally, the bill proposes a $10,000,000 Federal grants program to reach out to small firms owned and controlled by women and minorities and small businesses located in areas that are underrepresented in the SBIR program.

Madam Chairman, this bill would give small businesses access to resources that will facilitate discoveries, create jobs, and energize our economy. I commend Ms. VELÁZQUEZ for her leadership on this issue, and I urge my colleagues to join me in supporting the bill.

Mr. JOHNSON of Georgia. Madam Chairman, I rise today in support of H.R. 5819. The Small Business Innovation and Research and Small Business Technology Transfer programs are a critical means of supporting small businesses' research and innovative competitiveness and their technology training and technology exchange.

This bill will increase the number of small firms that can take advantage of these valuable programs by requiring federal agencies to spend at least 3 percent of their annual research and development budgets on these programs. In addition, it will increase the maximum research and technology transfer awards so that these funds are adjusted for inflation and other changes in the economy. These changes will make SBIR and STTR programs available to more businesses and increase the impact they will have on those firms. I am extremely supportive of these provisions and strongly endorse the inclusion of them in this bill.

I think it is important, however, to raise concerns about another section of the bill. Section 201 changes the definition of a small business. It clarifies that businesses that receive the backing of venture capital firms can still be considered small for the purposes of the SBIR and STTR programs. Specifically, the bill permits a small firm that is 100 percent backed by venture capital to be defined as long as not one venture capital firm owns more than 49 percent of the business and those venture capital companies have fewer than 100 employees. In addition, the bill permits large venture capital firms to have up to a 10 percent stake in the small business without jeopardizing the small company's SBIR and STTR eligibility.

These changes to the definition of a small business are disconcerting. Although in this bill they are limited to the SBIR and STTR programs, these provisions establish a dangerous precedent that could pave the way for further alteration of the small business definition. Expanding the eligibility of small business programs to large or venture-capital-funded small businesses puts at risk the success and support of those companies that are truly independently owned and operated. I support H.R. 5819, but because of Section 201, I do so with reservations.

Mr. BRALEY of Iowa. Madam Chairman, I rise today in strong support of H.R. 5919, the SBIR/STTR Reauthorization Act. It is essential to reauthorize this program before it expires on October 1, 2008 and to implement the updates to this program included in the bill. As the Chairman of the Small Business Subcommittee on Contracting and Technology, I understand the importance of this program to small businesses who want to turn their raw ideas into innovative solutions.

I want to thank Small Business Chairwoman NYDIA VELÁZQUEZ and Ranking Member CHABOT for their work on this legislation. I am continually impressed by the ability of the Small Business Committee to work in a bipartisan manner on legislation that benefits U.S. small businesses. Based on their track record, it is no surprise this bill passed the Small Business Full Committee by a vote of 22–0.

The SBIR Program provides grants to help small businesses through the critical initial stages of product development. The SBIR/STTR Reauthorization Act will address national security priorities and economic development. It will also help in the development of life-saving medical technologies, therapies, and products.

Small Businesses are a primary source of innovation and they can keep us on the forefront of technological advances. I am pleased this bill includes language that will increase participation of small businesses from rural areas, and from minority- and women-owned businesses.

Increased participation will also increase competition. It is important to ensure that taxpayer money is being used to fund the best opportunities for advances in technology. Funding the research we're trying to create is a key objective of this program.

I am also pleased this bill increases the size of maximum awards for the SBIR Program. The current limits have not been raised in 16 years. The SBIR Program is a critical source of funding for early stage research and development and the awards need to be realistic for developments in science and technology.

The SBIR/STTR Reauthorization Act will provide small businesses with the funding and guidance they need to succeed. These small businesses are a big part of the solution for helping us emerge from the difficult economic conditions we face today.

It will also ensure these businesses remain competitive in the global environment they must now compete in. We must give these businesses the support they need to grow. I encourage my colleagues to support this important legislation.

Mr. UDALL of Colorado. Madam Chairman, I rise in support of H.R. 5819, the SBIR/STTR Reauthorization Act. Enactment of this bill will extend important programs that improve American competitiveness in the world, and I urge its adoption.

The State of Colorado houses a strong and vibrant collection of cutting-edge small businesses, and businesses in my own district employ SBIR awards to promote advanced research in aeronautic, biotechnology, and other important industries. This bill will ensure that small businesses and research firms will continue to have access to the capital that enables them to compete with large firms both at home and abroad. Ultimately, this bill is about increasing competition and ensuring that good ideas are not lost for a lack of resources.

This bill also modernizes the SBIR and STTR programs in order to better suit the needs of small businesses, ensuring that small businesses that receive funding from venture capital firms are allowed to receive SBIR grants. Though some suggest that this policy undermines the spirit of the program, the reality for many small businesses is that their most consistent sources of funding are from venture capital firms and the SBIR program. This bill proposes sensible limits on the participation of venture capital firms so that small businesses can continue to rely on these two important sources of funds.

As co-chair of the House Science, Technology, Engineering, and Mathematics (STEM) Education Caucus and a representative of a district with a major research institution, I support this legislation because it will help keep America more technologically and economically competitive. I commend the committees for their hard work on this legislation, and I look forward to its enactment.

Mr. KUCINICH. Madam Chairman, I rise today in opposition to H.R. 5819, the Small Business Innovation Research & Technology Transfer Reauthorization Act. This legislation squanders a unique opportunity to provide stimulus to our country's small business community.

Congress created the Small Business Innovation Research program after acknowledging that small businesses could not compete with their larger, better-funded corporate competitors in the federal grantmaking arena. With the enactment of the SBIR program, Congress made the clear statement that the innovation and ingenuity of the entrepreneurial spirit of small businesses must be encouraged.

Title II of H.R. 5819 would relax the venture capital investment standards for SBIR grant eligibility, allowing venture capital firms and venture capital subsidiaries of large businesses to increase their ownership in and financial stake of small businesses applying for these grants. This would cause the research priorities of these small businesses to be driven by the short-term profit motives of the venture capital firms. Moreover, these changes would effectively kill the spirit of the SBIR and STTR grant programs, granting access to corporations and other entities whose disproportionate competitive advantages these programs were designed to mitigate.

The small business community in this country deserves better. For decades, small business has been the spark that lights our economy and the energy that fuels it. Let us not undermine their contributions to our economy by weakening the very programs that drive their success.

Mr. WAXMAN. Madam Chairman. It is with some reservation that I rise in favor of H.R. 5819, a bill to reauthorize the SBIR and STTR program.

I strongly support these programs which give seed money to help small businesses advance innovative research ideas. They are engines of job growth and entrepreneurship that have produced dynamic inventions with a broad array of commercial applications. I am pleased that this measure adds energy, climate change, and rare diseases as eligible topics for projects funded through SBIR awards. These additions demonstrate the broad horizon of challenges that dynamic small businesses around the country can help tackle.

I do have concerns, however, about a change made by this bill to allow small businesses that are majority-owned by venture capital investors to participate in the program. While I recognize the value in expanding the number and quality of applicants to the SBIR and STTR grant programs, I would not want to see these changes have the unintended result of skewing the grant programs toward companies with venture capital support.

There are many companies that do valuable R&D work, but have not been attractive to or interested in venture capitalist investment. In fact, it is often these companies that are a particularly good fit for the SBIR and STTR programs, which provide grants in the early conceptual stages to help small businesses get their products off the ground. Although the increased funding authorized for the programs will hopefully see more projects funded overall, it would be troubling to see favoritism for projects because they have a venture capital "stamp of approval".

It is important that this bill only authorizes the program for 2 years so that Congress will be able to closely examine how these changes are implemented. If necessary, we will have the opportunity to make further adjustments to prevent deserving applicants without venture capital funding from being marginalized in the SBIR and STTR application process.

Ms. VELÁZAQUEZ. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 5819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "SBIR/STTR Reauthorization Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MODERNIZING THE SBIR AND STTR PROGRAMS

Sec. 101. Extension of termination dates.
Sec. 102. Increased SBIR and STTR set-asides.
Sec. 103. Increased SBIR and STTR award levels.
Sec. 104. Establishment of SBIR advisory boards.
Sec. 105. Increase in amount of technical assistance funds and option to purchase technical assistance directly.
Sec. 106. Increased number of research topic solicitations annually and shortened period for final decisions on applications.
Sec. 107. Inclusion of energy-related research topics and rare-disease-related research topics as deserving "special consideration" as SBIR research topics.
Sec. 108. Agencies should fund vital R&D projects with the potential for commercialization.
Sec. 109. Federal agency engagement with SBIR awardees that have been awarded multiple Phase One awards but have not been awarded Phase Two awards.
Sec. 110. Limitation on certain awards.
Sec. 111. Comptroller General audit of how Federal agencies calculate extramural research budgets.

TITLE II—VENTURE CAPITAL INVESTMENT STANDARDS

Sec. 201. Ensuring that innovative small businesses with substantial investment from venture capital operating companies are able to participate in the SBIR program.

TITLE III—SBIR AND ECONOMIC DEVELOPMENT

Sec. 301. Reauthorization and modernization of Federal and State Technology Partnership Program (FAST).
Sec. 302. Obtaining SBIR applicant's consent to release contact information to economic development organizations.

TITLE IV—ADVANCING COMMERCIALIZATION OF SBIR-FUNDED RESEARCH

Sec. 401. Clarifying the definition of "Phase Three".
Sec. 402. Agency research goals.
Sec. 403. Express authority for an agency to award sequential Phase Two awards for SBIR-funded projects.
Sec. 404. Increased partnerships between SBIR awardees and prime contractors, venture capital investment companies, and larger businesses.
Sec. 405. Express authority to "fast-track" Phase Two awards for promising Phase One research.
Sec. 406. Commercialization programs.
Sec. 407. Report on efforts to enhance manufacturing activities.

TITLE V—SUPPORTING PROGRAM UTILIZATION

Sec. 501. Agency databases to support program evaluation.
Sec. 502. Agency databases to support technology utilization.
Sec. 503. Interagency Policy Committee.
Sec. 504. Nanotechnology-related research topics.
Sec. 505. Rural preference.

TITLE VI—IMPLEMENTATION

Sec. 601. Conforming amendments to the SBIR and STTR policy directives.
Sec. 602. National Research Council SBIR Study.

TITLE I—MODERNIZING THE SBIR AND STTR PROGRAMS

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "2008" and inserting "2010".

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking "2009" and inserting "2010".

SEC. 102. INCREASED SBIR AND STTR SET-ASIDES.

(a) SBIR.—Section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) is amended—

(1) in subparagraph (B) by striking "and" at the end;

(2) in subparagraph (C) by striking "in each fiscal year thereafter," and inserting "in each of fiscal years 1997 through 2008; and" and

(3) by adding after subparagraph (C) the following:

"(D) not less than 3.0 percent of such budget in each fiscal year thereafter,".

(b) STTR.—Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking "fiscal year 2004 and each fiscal year thereafter." and inserting "each of fiscal years 2004 through 2008; and"; and

(3) by adding after clause (ii) the following new clause:

"(iii) 0.6 percent for fiscal year 2009 and each fiscal year thereafter.".

SEC. 103. INCREASED SBIR AND STTR AWARD LEVELS.

(a) SBIR Award Level.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended by striking "$100,000" and "$750,000" and inserting "$300,000" and "$2,200,000", respectively.

(b) STTR Award Level.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended by striking "$100,000" and "$750,000" and inserting "$300,000" and "$2,200,000", respectively.

(c) Annual Adjustments.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking "and an adjustment of such amounts once every 5 years to reflect economic adjustments and programmatic considerations" and inserting "and a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations"; and

(2) in subsection (p)(2)(B)(ix), by striking "greater or lesser amounts" and inserting "with a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations, and with lesser amounts".

(d) Limitation on Certain Awards.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(z) Limitation on Phase I and II Awards.—

"(1) In general.—No Federal agency shall issue an award under the SBIR program or the STTR program if the size of the award exceeds the amounts established under subsections (j)(2)(D) and (p)(2)(B)(ix), except as provided in paragraph (2).

"(2) Exception.—The prohibition in paragraph (1) does not apply to an agency for a fiscal year if the head of the agency—

"(A) notifies the Administrator that the agency intends to issue awards in that fiscal year without regard to the prohibition in paragaph (1); and

"(B) reports to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate at least annually the number of instances in which the agency issued an award that exceeds the amounts referred to in paragraph (1) and the justification for each such instance.".

SEC. 104. ESTABLISHMENT OF SBIR ADVISORY BOARDS.

(a) In General.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (z) the following:

"(aa) SBIR Advisory Boards.—

"(1) Advisory boards required.—Each Federal agency that is required by this section to conduct an SBIR program and that administers annually $50,000,000 or more in SBIR grants shall have an SBIR advisory board.

"(2) Members.—For each advisory board required by paragraph (1), the members of the advisory board shall include—

"(A) at least two individuals who are employees of the agency;

"(B) at least two representatives of private sector technology firms; and

"(C) such other individuals as the agency considers appropriate.

"(3) Security clearances.—Where it is appropriate to the work of an advisory board required by paragraph (1) that the members and staff of the advisory board have a security clearance, the appropriate departments and agencies of the executive branch shall cooperate with the advisory board to expeditiously provide members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements.

"(4) Meetings.—Each advisory board required by paragraph (1) shall meet at least two times per year.

"(5) Duties.—Each advisory board required by paragraph (1) shall—

"(A) review the quarterly reports submitted under subsection (g)(8);

"(B) make recommendations to the agency about potential modifications to the agency's SBIR program that are intended to—

"(i) encourage applications, particularly applications from small business concerns owned and controlled by women, small business concerns owned and controlled by minorities, and small business concerns in States and regions that historically receive few SBIR awards; and

"(ii) support commercialization of Federal research funded by SBIR awards; and

"(C) submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate an annual report on the SBIR program conducted by the agency.

"(6) Contents of annual report.—The annual report required by paragraph (5)(C) shall include a description of how that agency's SBIR program is functioning and any recommendations of the advisory board for strengthening that agency's SBIR program. The annual report shall also state the number and dollar amount of awards under the agency's SBIR program, and under the agency's STTR program, that were made to small business concerns owned and controlled by women, small business concerns owned and controlled by minorities, small business concerns owned and controlled by veterans, and small business concerns in States and regions that historically receive few SBIR awards.

"(7) Non-applicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an advisory board required by paragraph (1).".

(b) Agency Reports to SBIR Advisory Boards.—Section 9(g)(8) of the Small Business Act (15 U.S.C. 638(g)(8)) is amended by inserting before the semicolon at the end the following: "and, if the agency is required by subsection (aa) to have an SBIR advisory board, submit a quarterly report on the SBIR program to that SBIR advisory board".

SEC. 105. INCREASE IN AMOUNT OF TECHNICAL ASSISTANCE FUNDS AND OPTION TO PURCHASE TECHNICAL ASSISTANCE DIRECTLY.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by striking "paragraph (2)" and inserting "paragraph (2)(A), or another Federal agency under paragraph (2)(B),";

(B) by striking "and" at the end of subparagraph (C);

(C) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) implementing manufacturing processes and production strategies for utilization.";

(2) by amending paragraph (2) to read as follows:

"(2) ASSISTANCE PROVIDERS.—

"(A) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1) for a term not to exceed 3 years. Such selection shall be competitive and shall utilize merit-based criteria.

"(B) INTERAGENCY COLLABORATION.—In addition, each agency may enter into a collaborative agreement with the technical extension or assistance programs of other Federal agencies in order to provide the assistance described in paragraph (1)."; and

(3) in paragraph (3)—

(A) in subparagraph (A) by striking "$4,000" and inserting "$5,000";

(B) by amending subparagraph (B) to read as follows:

"(B) SECOND PHASE.—Each agency referred to in paragraph (1) may provide directly, or authorize any second phase SBIR award recipient to purchase with funds available from their SBIR awards, services described in paragraph (1), in an amount equal to not more than $8,000 per year, per award."; and

(C) by adding at the end the following:

"(C) AUTHORITY TO OPT OUT.—The Administrator shall establish guidelines under which an award recipient eligible to receive services under subparagraph (A) may decline those services and receive instead an amount equal to not more than $2,500, which shall be in addition to the amount of the recipient's award and which shall be used to purchase services described in paragraph (1).".

SEC. 106. INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY AND SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.

(a) INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS.—Section 9(g)(2) of the Small Business Act (15 U.S.C. 638(g)(2)) is amended by inserting before the semicolon at the end the following: ", but not less often than twice per year".

(b) SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.—Section 9(g)(4) of that Act (15 U.S.C. 638(g)(4)) is amended—

(1) by inserting before the semicolon at the end the following: ": Provided, That if the agency is required by subsection (aa) to have an SBIR advisory board—"; and

(2) by adding at the end the following:

"(A) a final decision on each proposal shall be rendered not later than 90 days after the date on which the solicitation closes;

"(B) the SBIR advisory board may, on a case by case basis, extend the 90 days to 180 days; and

"(C) the SBIR advisory board shall include in each annual report to Congress under subsection (aa) a statement identifying how many times a decision was not rendered in 90 days, how many times an extension was granted, and how many times a decision was not rendered in 180 days;".

SEC. 107. INCLUSION OF ENERGY-RELATED RESEARCH TOPICS AND RARE-DISEASE-RELATED RESEARCH TOPICS AS DESERVING "SPECIAL CONSIDERATION" AS SBIR RESEARCH TOPICS.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after "critical technologies" the following: "or pressing research priorities";

(2) at the end of subparagraph (A) by striking "or"; and

(3) by adding at the end the following:

"(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in subsequent reports issued by the National Academy of Sciences on sustainability, energy, and alternative fuels;

"(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in subsequent reports issued by the National Institutes of Health on rare diseases research activities; or".

SEC. 108. AGENCIES SHOULD FUND VITAL R&D PROJECTS WITH THE POTENTIAL FOR COMMERCIALIZATION.

Section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)), as amended by section 103, is further amended—

(1) in subparagraph (H) by striking "and" at the end;

(2) in subparagraph (I) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(J) procedures to ensure that the Administrator, on an annual basis, submits to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a list identifying each small business concern that, for the period covered by the preceding 5 fiscal years, received 15 or more first phase SBIR awards and no second phase SBIR awards.".

SEC. 109. FEDERAL AGENCY ENGAGEMENT WITH SBIR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE ONE AWARDS BUT HAVE NOT BEEN AWARDED PHASE TWO AWARDS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(4) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN FIRST PHASE SBIR AWARDEES.—The Administrator shall modify the policy directives issued pursuant to this subsection to provide for each Federal agency required by this section to conduct an SBIR program to engage with SBIR awardees that have been awarded multiple first phase SBIR awards but have not been awarded any second phase SBIR awards and to develop performance metrics to measure awardee progression in the SBIR program.".

SEC. 110. LIMITATION ON CERTAIN AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(bb) SUBSEQUENT PHASES.—

"(1) IN GENERAL.—A small business concern which received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency makes a written determination that the topics of the relevant awards are the same.

"(2) CROSSOVER BETWEEN PROGRAMS.—A small business concern which received an award under this section under the SBIR program or the STTR program may, at the discretion of the granting agency, receive an award under this section for a subsequent phase in either the SBIR program or the STTR program.

"(3) PHASE II SBIR APPLICATIONS.—An agency may permit an applicant to apply directly for a Phase II award, as described in subsection (e)(4)(B), without first completing a Phase I award, as described in subsection (e)(4)(A), if the applicant can demonstrate that project feasibility was achieved without SBIR or other Federal funding.

"(4) PHASE II STTR APPLICATIONS.—An agency may permit an applicant to submit proposals for Phase II awards, as described in subsection (e)(6)(B), without first completing a Phase I award, as described in subsection (e)(6)(A), if the applicant can demonstrate it has accomplished Phase I through cooperative research and development achieved without STTR or other Federal funding.

"(cc) WAIVER OF MINIMUM WORK REQUIREMENT.—A Federal agency making an SBIR or STTR award under this section may waive the minimum small business concern or research institution work requirements under subsection (e)(7) if the agency determines that to provide such waiver would be consistent with the purposes of this section and consistent with achieving the objectives of the award proposal.".

SEC. 111. COMPTROLLER GENERAL AUDIT OF HOW FEDERAL AGENCIES CALCULATE EXTRAMURAL RESEARCH BUDGETS.

The Comptroller General of the United States shall carry out a detailed audit of how Federal agencies calculate extramural research budgets for purposes of calculating the size of the agencies' Small Business Innovation Research and Small Business Technology Transfer budgets. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the results of the audit.

TITLE II—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 201. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR PROGRAM.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended by striking "and" at the end of paragraph (8), striking the period at the end of paragraph (9) and inserting "; and", and adding at the end the following:

"(10) effective only for the SBIR and STTR programs, and notwithstanding any provision in section 3 to the contrary, the following shall apply:

"(A) A business concern that has more than 500 employees shall not qualify as a small business concern.

"(B) In determining whether a small business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards instituted under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

"(i) the venture capital operating company does not own 50 percent or more of the business concern; and

"(ii) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

"(C) A business concern shall be deemed to be 'independently owned and operated' if—

"(i) it is owned in majority part by one or more natural persons or venture capital operating companies;

"(ii) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

"(iii) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

"(D) To be eligible to receive an award under the SBIR or STTR program, a small business concern may not have an ownership interest by more than one venture capital operating company controlled by a business with more than 500 employees, and that venture capital operating company may not own more than 10 percent of that small business concern.

"(E) The term 'venture capital operating company' means a business concern—

"(i) that—

"(I) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

"(II) is an entity that—

"(aa) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.); or

"(bb) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

"(ii) that is itself organized or incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.".

TITLE III—SBIR AND ECONOMIC DEVELOPMENT

SEC. 301. REAUTHORIZATION AND MODERNIZATION OF FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM (FAST).

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

"(s) OUTREACH AND SUPPORT ACTIVITIES.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, the Administrator shall make grants on a competitive basis to organizations, to be used by the organizations to do one or both of the following:

"(A) To conduct outreach efforts to increase participation in the programs under this section.

"(B) To provide application support and entrepreneurial and business skills support to prospective participants in the programs under this section.

"(2) PROGRAM AUTHORITY.—Of the amounts made available to carry out this section for each of fiscal years 2009 through 2010, the Administrator may expend not more than $10,000,000 in each such fiscal year to carry out paragraph (1).

"(3) AMOUNT OF ASSISTANCE.—For each of subparagraphs (A) and (B) of paragraph (1), the amount of assistance provided to an organization under that subparagraph in any fiscal year—

"(A) shall be equal to the total amount of matching funds from non-Federal sources provided by the organization; and

"(B) shall not exceed $250,000.

"(4) DIRECTION.—An organization receiving funds under paragraph (1) shall, in using those funds, direct its activities at one or both of the following:

"(A) Small business concerns located in geographic areas that are underrepresented in the programs under this section.

"(B) Small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by minorities.

"(5) ADVISORY BOARD.—

"(A) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Administrator shall establish an advisory board for the activities carried out under this subsection.

"(B) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

"(C) MEMBERS.—The members of the advisory board shall include the following:

"(i) The Administrator (or the Administrator's designee).

"(ii) For each Federal agency required by this section to conduct an SBIR program, the head of the agency (or the designee of the head of the agency).

"(iii) Representatives of small business concerns that are current or former recipients of SBIR awards, or representatives of organizations of such concerns.

"(iv) Representatives of service providers of SBIR outreach and assistance, or representatives of organizations of such service providers.

"(D) DUTIES.—The advisory board shall have the following duties:

"(i) To develop guidelines for awards under paragraph (1)(A), including guidelines relating to award sizes, proposal requirements, metrics for monitoring awardee performance, and metrics for measuring overall value of the activities carried out by the awardees.

"(ii) To identify opportunities for coordinated outreach, technical assistance, and commercialization activities among Federal agencies, the recipients of the awards under paragraph (1)(A), and applicants and recipients of SBIR awards, including opportunities such as—

"(I) podcasting or webcasting for conferences, training workshops, and other events;

"(II) shared online resources to match prospective applicants with the network of paragraph (1)(A) recipients; and

"(III) venture capital conferences tied to technologies and sectors that cross agencies.

"(iii) To review and recommend revisions to activities under paragraph (1)(A).

"(iv) To submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science and Technology of the House of Representatives an annual report on the activities carried out under paragraph (1)(A) and the effectiveness and impact of those activities.

"(6) SELECTION CRITERIA.—In awarding grants under this subsection, the Administrator shall use selection criteria developed by the advisory board established under paragraph (5). The criteria shall include—

"(A) criteria designed to give preference to applicants who propose to carry out activities that will reach either an underperforming geographic area or an underrepresented population group (as measured by the number of SBIR applicants);

"(B) criteria designed to give preference to applicants who propose to carry out activities that complement, and are integrated into, the existing public-private innovation support system for the targeted region or population; and

"(C) criteria designed to give preference to applicants who propose to measure the effectiveness of the proposed activities.

"(7) PEER REVIEW.—In awarding grants under this subsection, the Administrator shall use a peer review process. Reviewers shall include—

"(A) SBIR program managers for agencies required by this section to conduct SBIR programs; and

"(B) private individuals and organizations that are knowledgeable about SBIR, the innovation process, technology commercialization, and State and regional technology-based economic development programs.

"(8) PER-STATE LIMITATIONS.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the applicant must have the written endorsement of the Governor of the State where the targeted regions or populations are located (if the regions or populations are located in more than one State, the applicant must have the written endorsement of the Governor of each such State). Such an endorsement must indicate that the Governor will ensure that the activities to be carried out under the grant will be integrated with the balance of the State's portfolio of investments to help small business concerns commercialize technology.

"(B) LIMITATION.—Each fiscal year, a Governor may have in effect not more than one written endorsement for a grant under paragraph (1)(A), and not more than one written endorsement for a grant under paragraph (1)(B).

"(9) SPECIFIC REQUIREMENTS FOR FAST AWARDS.—In making awards under paragraph (1)(A) (to be known as 'FAST' awards) the Administrator shall ensure the following:

"(A) GOALS.—Priority shall be given applications that address one or more of the following goals:

"(i) Increasing the number of SBIR applications from underperforming geographic areas (as measured by the number of SBIR applicants).

"(ii) Increasing the number of SBIR applications from underrepresented population groups (as measured by the number of SBIR applicants).

"(B) DURATION.—Each award shall be for a period of 2 fiscal years. The Administrator shall establish rules and performance goals for the disbursement of funds for the second fiscal year, and funds shall not be disbursed to a recipient for such a fiscal year until after the advisory board established under this subsection has determined that the recipient is in compliance with the rules and performance goals.".

SEC. 302. OBTAINING SBIR APPLICANT'S CONSENT TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsection (s) (as added by this title) by adding at the end the following:

"(5) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

"(A) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program shall enable a small business concern that is an SBIR applicant to indicate to the agency whether the agency has its consent to—

"(i) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant; and

"(ii) release the concern's contact information to such organizations.

"(B) RULES.—The Administrator shall establish rules to implement this paragraph. The rules shall include a requirement that the agency include in its SBIR application forms a provision through which the applicant can indicate consent for purposes of subparagraph (A).".

TITLE IV—ADVANCING COMMERCIALIZATION OF SBIR-FUNDED RESEARCH

SEC. 401. CLARIFYING THE DEFINITION OF "PHASE THREE".

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C)—

(A) in the matter preceding clause (i) by inserting after "a third phase" the following: ", which shall consist of work that derives from, extends, or logically concludes efforts performed under prior SBIR funding agreements (which may be referred to as 'Phase III')"; and

(B) in clause (i) by inserting after "non-SBIR Federal funding awards" the following: ": Provided, That for purposes of this clause, such

sources of capital and such funding awards include private investment, private research, development, testing, and evaluation (RDT&E) awards, private sales or licenses, government RDT&E contracts and awards, and government sales";

(2) in paragraph (8) by striking "and" at the end;

(3) in paragraph (9) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(10) the term 'commercialization' means the process of developing marketable products or services and producing and delivering products or services for sale (whether by the originating party or by others) to government or commercial markets.".

SEC. 402. AGENCY RESEARCH GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking subsection (h) and inserting the following:

"(h) AGENCY RESEARCH GOALS.—

"(1) IN GENERAL.—In addition to the requirements of subsection (f), each Federal agency that is required by this section to have an SBIR program and that awards annually $5,000,000,000 or more in procurement contracts shall, effective for fiscal year 2009 and each fiscal year thereafter, establish annual goals for commercialization of projects funded by SBIR awards.

"(2) SPECIFIC GOALS.—The goals required by paragraph (1) shall include specific goals for each of the following:

"(A) The percentage of SBIR projects that receive funding for the third phase (as defined in subsection (e)(4)(C)).

"(B) The percentage of SBIR projects that are successfully integrated into a program of record.

"(C) The amount of Federal dollars received by SBIR projects through Federal contracts, not including dollars received through the SBIR program.

"(3) SUBMISSION TO ADVISORY BOARD.—For each fiscal year for which goals are required by paragraph (1), the agency shall submit to the agency's SBIR advisory board—

"(A) not later than 60 days after the beginning of the fiscal year, the goals; and

"(B) not later than 90 days after the end of the fiscal year, data on the extent to which the goals were met and a description of the methodology used to collect that data.".

SEC. 403. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE TWO AWARDS FOR SBIR-FUNDED PROJECTS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (4) (as added by section 109) the following:

"(5) REQUIREMENTS RELATING TO ADDITIONAL SECOND PHASE SBIR AWARDS.—The Administrator shall modify the policy directives issued pursuant to this subsection to provide the following:

"(A) A small business concern that receives a second phase SBIR award for a project remains eligible to receive additional second phase SBIR awards.

"(B) Agencies are expressly authorized to provide additional second phase SBIR awards for testing and evaluation assistance for the insertion of SBIR technologies into technical or weapons systems.

"(C) Each agency that is required by subsection (aa) to have an SBIR advisory board shall include in the quarterly reports submitted under subsection (g)(8) the number of projects that have received additional second phase SBIR awards and the total dollar amount of those additional second phase SBIR awards.".

SEC. 404. INCREASED PARTNERSHIPS BETWEEN SBIR AWARDEES AND PRIME CONTRACTORS, VENTURE CAPITAL INVESTMENT COMPANIES, AND LARGER BUSINESSES.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (5) (as added by section 403) the following:

"(6) INCREASED PARTNERSHIPS.—Each agency required by this section to conduct an SBIR program shall establish initiatives by which the agency encourages partnerships between SBIR awardees and prime contractors, venture capital investment companies, and larger businesses, for the purpose of facilitating the progress of the SBIR awardees to the third phase. If the agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report submitted under subsection (aa) a description of the initiatives established and an assessment of the effectiveness of such initiatives.".

SEC. 405. EXPRESS AUTHORITY TO "FAST-TRACK" PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.

Section 9(j)(2)(G) of the Small Business Act (15 U.S.C. 638(j)(2)(G)) is amended by inserting before the semicolon at the end the following: ", and to encourage agencies to develop 'fast-track' programs to eliminate that delay by issuing second phase SBIR awards as soon as practicable, including in appropriate cases simultaneously with the issuance of the first phase SBIR award".

SEC. 406. COMMERCIALIZATION PROGRAMS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (6) (as added by section 404) the following:

"(7) COMMERCIALIZATION PROGRAMS.—Each agency required by this section to conduct an SBIR program shall establish a commercialization program that supports the progress of SBIR awardees to the third phase. The commercialization program may include activities such as partnership databases, partnership conferences, multiple second phases, mentoring between prime contractors and SBIR awardees, multiple second phases with matching private investment requirements, jumbo awards, SBIR helpdesks, and transition assistance programs. The agency shall include in its annual report an analysis of the various activities considered for inclusion in the commercialization program and a statement of the reasons why each activity considered was included or not included, as the case may be. If the agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report under subsection (aa) a statement identifying the number of SBIR awardees that successfully progressed to the third phase.

"(8) FUNDING FOR COMMERCIALIZATION PROGRAMS.—

"(A) IN GENERAL.—From amounts made available to carry out this paragraph, the Administrator may, on petition by agencies required by this section to conduct an SBIR program, transfer funds to such agencies to support the commercialization programs of such agencies.

"(B) PETITIONS.—The Administrator shall establish rules for making transfers under subparagraph (A). The initial set of rules shall be promulgated not later than 90 days after the date of the enactment of this paragraph.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this paragraph $27,500,000 for fiscal year 2009 and each fiscal year thereafter.

"(9) FUNDING LIMITATION.—For payment of expenses incurred to administer the commercialization programs described in paragraphs (7) and (8), the head of the agency may use not more than an amount equal to 1 percent of the funds available to the agency pursuant to the Small Business Innovation Research program. Such funds—

"(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

"(B) shall not be used for the purpose of funding costs associated with salaries and expenses of employees of the United States Government.".

SEC. 407. REPORT ON EFFORTS TO ENHANCE MANUFACTURING ACTIVITIES.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (9) (as added by section 406) the following:

"(10) EFFORTS TO ENHANCE MANUFACTURING ACTIVITIES.—If an agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report under subsection (aa) a part relating to efforts to enhance manufacturing activities, which shall include—

"(A) a comprehensive description of the actions undertaken each year by the SBIR and STTR programs of that agency in support of Executive Order 13329;

"(B) an assessment of the effectiveness of such actions toward enhancing the research and development of manufacturing technologies and processes; and

"(C) any recommendations that the program managers of the SBIR and STTR programs consider appropriate for additional actions to be undertaken in order to increase the effectiveness toward enhancing manufacturing activities within the defense industrial base.".

TITLE V—SUPPORTING PROGRAM UTILIZATION

SEC. 501. AGENCY DATABASES TO SUPPORT PROGRAM EVALUATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)(A)—

(A) by striking "and" at the end of clause (ii);

(B) by inserting "and" at the end of clause (iii); and

(C) by adding at the end the following new clause:

"(iv) information on the ownership structure of award recipients, both at the time of receipt of the award and upon completion of the award period;";

(2) by amending paragraph (3) to read as follows:

"(3) UPDATING INFORMATION FOR DATABASE.—

"(A) IN GENERAL.—A Federal agency shall not make a Phase I or Phase II payment to a small business concern under this section unless the small business concern has provided all information required under this subsection with respect to the award under which the payment is made, and with respect to any other award under this section previously received by the small business concern or a predecessor in interest to the small business concern.

"(B) APPORTIONMENT.—In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

"(C) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving an award under this section shall—

"(i) in the case of a second phase award, update information in the databases required under paragraphs (2) and (6) concerning that award at the termination of the award period;

"(ii) in the case of award recipients not described in clause (iii), be requested to voluntarily update such information annually thereafter for a period of 5 years; and

"(iii) in the case of a small business concern applying for a subsequent first phase or second

phase award, be required to update such information annually thereafter for a period of 5 years."; and

(3) by adding at the end the following new paragraph:

"(6) AGENCY PROGRAM EVALUATION DATABASES.—Each Federal agency required to establish an SBIR or STTR program under this section shall develop and maintain, for the purpose of evaluating such programs, a database containing information required to be contained in the database under paragraph (2). Each such database shall be designed to be accessible to other agencies that are required to maintain a database under this paragraph.".

SEC. 502. AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(7) AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.—Each Federal agency with an SBIR or STTR program shall create and maintain a technology utilization database, which shall be available to the public and shall contain data supplied by the award recipients specifically to help them attract customers for the products and services generated under the SBIR or STTR project, and to attract additional investors and business partners. Each database created under this paragraph shall include information on the other databases created under this paragraph by other Federal agencies. Participation in a database under this paragraph shall be voluntary, except that such participation is required of all award recipients who received supplemental payments from SBIR and STTR program funds above their initial Phase II award.".

SEC. 503. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee comprised of one representative from each Federal agency with an SBIR program.

(b) COCHAIRS.—The Director of the Office of Science and Technology Policy and the Director of the National Institute of Standards and Technology shall jointly chair the Interagency Policy Committee.

(c) DUTIES.—The Interagency Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and government databases described in section 9(k)(1) and (2) of the Small Business Act (15 U.S.C. 638(k)(1) and (2)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, and appropriate criteria to exercise such flexibility.

(3) Commercialization assistance best practices in Federal agencies with significant potential to be employed by other agencies, and the appropriate steps to achieve that leverage, as well as proposals for new initiatives to address funding gaps business concerns face after Phase II but before commercialization.

(d) REPORTS.—The Interagency Policy Committee shall transmit to the Committee on Science and Technology and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 504. NANOTECHNOLOGY-RELATED RESEARCH TOPICS.

(a) SBIR.—Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended by section 107, is further amended by adding at the end the following new subparagraph:

"(E) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;".

(b) STTR.—Section 9(o)(1) of the Small Business Act (15 U.S.C. 638(o)(1)) is amended by inserting ", giving special consideration to topics that further 1 or more critical technologies, as identified by the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan" after "its STTR program".

SEC. 505. RURAL PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

"(dd) RURAL PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from rural areas.".

TITLE VI—IMPLEMENTATION

SEC. 601. CONFORMING AMENDMENTS TO THE SBIR AND STTR POLICY DIRECTIVES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate amendments to the SBIR and the STTR Policy Directives to conform such directives to this Act and the amendments made by this Act.

SEC. 602. NATIONAL RESEARCH COUNCIL SBIR STUDY.

Section 108(d) of the Small Business Reauthorization Act of 2000 is amended—

(1) by striking "of the Senate" and all that follows through "not later than 3" and inserting "of the Senate, not later than 3"; and

(2) by striking "; and" and all that follows through "update of such report".

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–603. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BOSWELL

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–603.

Mr. BOSWELL. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOSWELL:

In title V of the bill, add at the end the following (and conform the table of contents accordingly):

SEC. 506. PRIORITY FOR AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(ee) PRIORITY FOR AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.—In making awards under this section, Federal agencies shall give priority to applications from companies located in geographic areas that, as determined by the Administrator, have lost a major source of employment. Not later than 90 days after the date of the enactment of this subsection, the Administrator shall promulgate rules for making the determination required by this subsection.".

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BOSWELL. Thank you, Madam Chairman. I will yield myself such time as I may consume.

This amendment offered by myself and the gentlelady from Ohio (Ms. SUTTON) will give applicants from regions that have lost a major source of employment priority for SBIR and STTR funding. The Boswell-Sutton amendment would help to revitalize distressed economies that have lost major employers, such as factories and manufacturing plants.

SBIR and STTR funds would help small businesses in these areas create new, high-quality jobs in areas hard hit with the pressures of globalization and current trade policies. This is particularly important to me because I have witnessed the devastating impact of losing a major employer and what it can have on the community.

For 113 years, the Maytag Corporation was the largest employer in Newton, Iowa. At its peak, Maytag employed over 3,000 Newton residents at the headquarters and manufacturing plants. In 2006, Maytag was purchased by Whirlpool. On October 25, 2007, the last Maytag washing machine rolled off the line and the Newton plant and the corporate headquarters closed. The loss of so many good-paying, quality jobs had a distressing effect on Newton, and the local economy has yet to recover from this tragedy.

Investing in these communities so they are able to create new jobs by attracting companies is essential to many towns in America. I am pleased to report that in Newton, part of the former Maytag facility is in the process of being occupied by a new company that makes components for wind turbines, and the company expects to employ 140 hardworking Iowans. This is a step toward more energy, in response to the gentleman from Alaska. This amendment will help revitalize communities like Newton, and thousands of others across the United States.

I would like to thank Congresswoman SUTTON for working with me on this important initiative, and I thank

Chairwoman VELÁZQUEZ and Ranking Member CHABOT for their leadership on this bill. Thank you for consideration. I hope you will accept this amendment that I believe is so important for so many communities across our Nation.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank Congressman BOSWELL and Congresswoman SUTTON for their amendment and their efforts to improve the bill. This amendment encourages applications from economically distressed areas and helps ensure the competitive research proposal submitted from companies in this area will receive valuable early stage funding. The amendment will strengthen the SBIR program, and has the potential to spur entrepreneurship and create jobs in distressed areas.

Now, Madam Chairman, I will yield to the gentlewoman from Ohio (Ms. SUTTON), a cosponsor of the amendment, such time as she may consume.

Ms. SUTTON. Madam Chairman, I rise in strong support of this amendment. I am fortunate and thankful to have had the opportunity to work with Representative BOSWELL to offer this important amendment, which would require that areas that have lost a major source of employment be given priority when applying for Small Business Innovation Research and Small Business Technology Transfer awards.

Representative BOSWELL, as he described, and I both know firsthand the devastating effects that massive job losses can have on a community when a major employer closes shop. The loss of good-paying jobs can really hurt when a major employer leaves a community. It's estimated that for every manufacturing job in the United States, it creates as many as four related jobs. So when those jobs pack up and leave, it's a problem.

Focusing funds and awards in areas that have suffered the most, to the areas that have endured major job losses, such as those in my district or Representative BOSWELL's district, will ensure that the money is helping the people in the communities that need it most. These programs will help keep our communities self-sustaining as we work to revitalize our economies.

Ohio has lost over 200,000 manufacturing jobs since 2001, and unfortunately, Representative BOSWELL's district in the home State of Iowa have also lost thousands of jobs. With this amendment, applicants from our areas around our country that have suffered from similar circumstances will be considered a priority when applying for funding through these important programs. New, green industries will be able to grow in areas like Lorain and Akron, Ohio, and in Newton, Iowa, as resources are directed where they are needed most.

I urge a "yes" vote on the amendment.

Ms. VELÁZQUEZ. Madam Chairman, I will yield to the gentleman from Ohio for any comments that he may have.

Mr. CHABOT. I thank the chairwoman for yielding.

We have no objection to the gentleman's amendment and would commend him for offering it.

Ms. VELÁZQUEZ. Madam Chairman, if the gentleman from Iowa is prepared to yield back, we are prepared to accept the amendment.

Mr. BOSWELL. I am prepared to yield back my time. I thank the gentlewoman for the support, and the ranking member, thank you very much. Ms. SUTTON, thank you for your support. We encourage passage of the amendment.

And we yield back.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentleman from Iowa and the gentlewoman from Ohio for their work on this legislation. I urge adoption of the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. EHLERS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–603.

Mr. EHLERS. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. EHLERS:

Page 3, line 10, through page 4, line 17, strike section 102, and redesignate the subsequent sections accordingly.

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Michigan (Mr. EHLERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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Mr. EHLERS. Thank you, Madam Chairman. I appreciate the recognition.

This amendment is very important in terms of the total research effort of our Nation. H.R. 5819 would increase the Small Business Innovation Research program set-aside from 2.5 percent to 3 percent, a 20 percent increase. It would also increase the Small Business Technology Transfer program set-aside from 0.3 percent to 0.6 percent, a 100 percent increase. My amendment would remove these increases and keep the current set-asides in place at 2.5 percent for SBIR and 0.3 percent for STTR.

This is an extremely important issue. The Science and Technology Committee has worked very hard during the last few years to get the America COMPETES authorization bill signed into law. It has now been signed into law. It establishes a funding doubling path for several agencies under Science Committee jurisdiction, several of which are SBIR and STTR funding agencies. However, finding the money to fund these authorizations has not been so easy, and in fact these increased authorizations have not been appropriated.

Several of my colleagues have expressed the opinion that an increase in the set-aside for these two programs was justified by the authorized funding increases in the COMPETES Act. However, as I said, these have not been appropriated.

My concern and my purpose behind my amendment is to make sure that we are not robbing Peter to pay Paul. If we increase the SBIR and STTR program percentages while other agency's funding remains flat, we begin to severely erode our fundamental research base. I would much rather see us fight over extra funding for our basic research programs, our fundamental research programs, of which a percentage would then transfer into SBIR and STTR.

I should point out that my amendment is supported, first of all, by Mr. OBEY, who is chairman of the House Appropriations Committee. He has spoken to me about it, and asked me to specifically mention that he supports my amendment.

I believe it is also supported by a large number of Members, as well as the Association of American Universities, the American Association of Medical Colleges, the Biophysical Society, the Campaign for Medical Research, the Federation of American Societies for Experimental Biology, the National Association of State and Land Grant Colleges and the Small Business Administration.

To quote the President of the Association of American Universities, the change "would translate directly into cuts in both nominal and real terms in the budgets of most Federal research agencies."

In real terms, the proposed changes would remove approximately $650 million that is currently provided to researchers, especially those at universities around the country. At the National Institutes of Health, which I believe everyone in this body supports very strongly, if we do not adopt this amendment, the NIH budget would be reduced by $185 million. That is a severe cut.

So I urge the adoption of my amendment. I think it actually will improve things. I hope that in the next few years we will get substantial increases in the amount of funding for the various research agencies and SBIR and

STTR would receive substantial increases to the percentage that they will continue to receive.

Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. VELÁZQUEZ. I appreciate the gentleman's tireless leadership with respect to Federal funding for research and development. It was the gentleman's bill that reauthorized the SBIR program 8 years ago, and he is, therefore, well aware that the amount of Federal research budgets that go to America's small research companies is extremely limited. The fact that innovative small firms have such limited access to Federal research dollars is a problem for our country, and I want to work with the gentleman from Michigan to find a solution that will address this problem.

That said, I understand the gentleman's point of view, and I am going to accept the amendment. As the reauthorization process goes forward, I trust that just as we work in a collaborative, bipartisan manner on the Small Business Committee, that you and I can work together to increase the amount of Federal research dollars available to small firms without raising concerns about the country's critical research priorities.

I would now like to yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the gentlewoman for yielding.

I would just comment that we appreciate the chairwoman's willingness to work with the gentleman in accepting his amendment. We would be happy to be part of that conversation. We appreciate your cooperation.

Ms. VELÁZQUEZ. Madam Chairman, if the gentleman is prepared to yield back, we are prepared to accept the amendment.

Mr. EHLERS. I would just like to offer a few closing comments.

First of all, I thank you for your offer to work on this problem together. As you know from working with me on this so often, I totally support research in all areas. My concern in this case is that we would be giving some money to one agency and taking it from others. I think we should work together to increase the funding for both, and all boats will rise. If we manage to give the appropriate amount of money to the research institutions, then SBIR and STTR will automatically increase because of that. So if we work together from that standpoint, I think we will be in total agreement.

Madam Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, I just would like to thank Mr. EHLERS for his commitment. I look forward to our working together to address the issue of the limited resources.

With that, I am prepared to accept the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SESTAK

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-603.

Mr. SESTAK. Madam Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SESTAK:

At the end of title I of the bill, insert the following:

SEC. 1_____. PROVIDING EXPLANATIONS TO UNSUCCESSFUL APPLICANTS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(dd) PROVIDING EXPLANATIONS TO UNSUCCESSFUL APPLICANTS.—Whenever an entity applies for, but does not receive, an award under an SBIR or STTR program under this section, the Federal agency conducting the program shall—

"(1) in a plain and conspicuous manner, notify that entity that it can request an explanation (which must be of a constructive nature) of the reasons why the entity did not receive the award; and

"(2) provide such an explanation to that entity, if the entity so requests.".

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Madam Chairman, I yield myself such time as I may consume.

This amendment mandates that an agency must specify in their notification that unsuccessful applicants are entitled to constructive feedback, potentially opening up the breadth of SBIR grant recipients. This is a very simple and valuable measure to increase the transparency of our Federal agencies. It would allow firms insight into a rejected application and would increase their competitiveness in the future.

On more than one occasion, firms in my district have voiced their concern that the SBIR program awards grants to a relatively small group of businesses. A GAO study actually reported that the 25 most frequent winners of SBIR grants, which represents fewer than 1 percent of the companies in the program, received about 11 percent of the program's awards. Further, there are many qualified applicants that apply for these programs who are unsuccessful each year, but may not know that they are entitled to feedback and an explanation on the decision.

Therefore, by mandating that an agency must specify in the notification that unsuccessful applicants are entitled to constructive feedback, I believe that this will allow firms insight so that they might increase their competitiveness in the future. Furthermore, this amendment will ensure accountability in our Federal agencies.

I therefore urge my colleagues to vote to support this simple amendment to promote transparency and future competitiveness within the SBIR and STTR programs.

Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentleman for his amendment and his effort to improve this bill. The amendment requires Federal agencies to notify unsuccessful applicants to the SBIR program that they can request an explanation of the reasons their application was not funded. This amendment is likely to be a useful clarification to those small firms who are applying to revise their proposals in order to reapply.

I would now yield to the gentleman from Ohio (Mr. CHABOT) for any comments that he might have.

Mr. CHABOT. I thank the chairwoman for yielding.

We have no opposition to the gentleman's amendment. We appreciate his effort to add to the positive things which we need to do to move towards solving this energy crisis we find ourselves in.

Ms. VELÁZQUEZ. Madam Chairman, if the gentleman from Pennsylvania is prepared to yield back, we are prepared to accept the amendment.

The CHAIRMAN. The Chair would advise the gentlewoman from New York that since she claimed the time in opposition to the amendment, the gentleman from Pennsylvania has the right to close.

Ms. VELÁZQUEZ. I yield back the balance of my time.

Mr. SESTAK. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-603.

Mr. MATHESON. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MATHESON:

At the end of title V of the bill, add the following (and conform the table of contents accordingly):

SEC. ___. PREFERENCE FOR ORGANIZATIONS THAT ARE MAKING SIGNIFICANT CONTRIBUTIONS TOWARDS ENERGY EFFICIENCY.

Section 9 of the Small Business Act (15 U.S.C. 638) is further amended by adding at the end the following:

"(ff) PREFERENCE FOR ORGANIZATIONS THAT ARE MAKING SIGNIFICANT CONTRIBUTIONS TOWARDS ENERGY EFFICIENCY.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR, STTR, and FAST award recipients from organizations that are making significant contributions towards energy efficiency, including organizations that are making efforts to reduce their carbon footprint or are carbon neutral.".

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Thank you, Madam Chairman.

First I would like to commend Chairwoman VELÁZQUEZ, Ranking Member CHABOT and the Small Business Committee, as well as Chairman GORDON and Ranking Member HALL and the Science and Technology Committee, for all their hard work in bringing this important bill to the floor today.

I think we all agree that the U.S. economy is built on the growth and success of small businesses and we in Congress should continue to look for ways that we can support small business so it can succeed. That is why I am offering an amendment to H.R. 5819 today.

My amendment helps incentivize energy efficient practices for small businesses by rewarding business that seek to reduce their costs through a reduced carbon footprint. This amendment gives priorities to applicants of SBIR, STTR and FAST grants that have demonstrated an ability to reduce their carbon footprint.

Many small businesses have already developed practices to reduce their carbon footprint. By adopting energy efficient practices, they are reducing costs for themselves in the long run and making themselves more competitive with other businesses.

A number of companies in my home State of Utah have benefited from SBIR grants. One such company is TechniScan, which has developed a technology intended to aid physicians in diagnosing breast cancer. It has already adopted certain practices to reduce its energy usage and hence reduce its carbon footprint.

Many other small businesses across the country have likewise reduced their carbon footprint and would therefore be given priority for receiving these grants under my amendment.

I have worked to help government and private entities alike conserve energy. As cochair of the Green Schools Caucus, I have worked with schools to become more energy efficient, which reduces their costs. Small businesses that also seek to reduce their carbon footprint should be rewarded for their efforts as well.

This amendment will help position small businesses better as they continue to grow and expand while reducing their energy costs.

Again, thank you to Chairwoman VELÁZQUEZ, Ranking Member CHABOT, Chairman GORDON and Ranking Member HALL.

Madam Chairman, I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, although I am not opposed to the gentleman's amendment, I would like to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Madam Chairman, I would like to yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

☐ 1745

Mr. HAYES. I thank the gentleman for yielding.

First let me thank Congresswoman VELÁZQUEZ, SAM GRAVES, and others for bringing an excellent bill to the floor.

I rise today in support of the bill and support of Mr. MATHESON's amendment. But I think a picture in this case is worth a thousand words, because as we look at the small businesses, the men and women that make up the small business core of our communities, the one item that is on their minds is the price of gas.

In the Washington paper last week was a political cartoon. Unfortunately, there was nothing funny about it. If you would follow me for just a moment: Very obvious in the picture, the Capitol is there. And in the first frame it says: We demand that you energy companies do something about high gas prices.

Well, if you move with me to the second frame the question is asking, you have heard it here today: Can we drill in ANWR? Can we explore off our coastal regions while the Chinese are drilling off the coast of Cuba? The answer: Forget it. Forget it. We can't do that. So we take that off the table. Now the second frame it talks offshore.

The third frame, clean coal. We have more coal resources than Saudi Arabia has oil. We have technology that can be improved even more to allow us to burn coal cleanly, but we also must be able to turn coal into gas for fuel in airplanes for the Air Force. This is something that we must do.

Conservation is critical, and I applaud the new majority for their emphasis on conservation. We are all sensitive to that and we are working in our own ways to conserve as much as we can.

Alternate sources of energy, vitally important. But as a livestock and agriculture member, our food supplies, our food prices are being driven up by a lack of balance on alternative fuels like ethanol.

So back to the picture. Nuclear power. It is clean, it is safe. We are making progress every day in the effort to use spent fuel in positive ways. But, no, that is not on the table.

Last but not least: You're joking. Why don't you do something?

Well, folks, we can do something. The Small Business bill is critical. The last Congress that met on this floor passed the legislation that is referred to. The only thing not mentioned in this political cartoon that is not funny is the expansion of our refinery capacity.

So, again, I thank the gentlelady, Mr. MATHESON, and others for their important efforts to strengthen small businesses. But I would remind everyone here, because you have the same experience that I have, whether you are talking about BRAC, agriculture, economic development, the research campus in Kannapolis, Fort Bragg, North Carolina, gas prices strike you in the face like somebody shaking you by the shirt walking around the room when you see that price going up every day on the sign at the gas station.

So, ladies and gentlemen, I would simply ask that we Members of Congress join together in a bipartisan way as we are handling these amendments and put forth a resolution that says to the foreign oil exporters who are gouging us for prices; we say to the rest of the world we will explore, not exploit, we will use nuclear energy, we will use our coal resources, we will expand our refineries so that we become competitive while developing vitally important alternative sources of energy that will ensure the future, the independence opportunity for everyone in this country.

I thank the gentleman for yielding time.

Mr. CHABOT. Reclaiming my time, do I have any time remaining, Madam Chairman?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. CHABOT. I yield my remaining time to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding, and would like to comment on this amendment.

I have no great objection to it, but I am not terribly excited about it, either. Let me comment.

I personally would prefer, if we are going to show preferences here and use the money for that purpose, I would really prefer that we use those funds to give preference to those organizations that submit proposals for doing research and developing areas that will reduce carbon emissions. I think in the long run that might be better for the Nation than simply rewarding those who have taken steps within the organization rather than developing new ideas and inventions that can apply to everyone in the Nation.

So, as I said, I will not oppose it, but I did want to make that suggestion.

Mr. CHABOT. Madam Chairman, I yield back the balance of my time.

Mr. MATHESON. Madam Chairman, I yield the balance of my time to the distinguished Chair of the Small Business Committee, Congresswoman VELÁZQUEZ.

Ms. VELÁZQUEZ. I want to thank the gentleman from Utah for yielding and for his amendment and his efforts to improve the bill. Since the Republicans today are so concerned about energy crisis and gasoline prices, this is an opportunity to start addressing this issue.

With gasoline at $4 a gallon and the evidence concerning global climate change mounting, the importance of research in the area of clean energy sources is increasingly clear. The amendment recognizes that technologies which can improve energy efficiency and reduce carbon emissions are a critical national research priority. As such, the amendment will give priority to SBIR and STTR applications that address clean energy research topics. I support this amendment and I urge adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MATHESON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. GIFFORDS

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–603.

Ms. GIFFORDS. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. GIFFORDS:

At the end of the bill, insert the following (and amend the table of contents accordingly):

SEC. ____. SBIR AWARDEE BUSINESS OPERATIONS.

Section 9 of the Small Business Act is further amended by adding at the end the following:

"(ee) SBIR AWARDEE BUSINESS OPERATIONS.—

"(1) IN GENERAL.—To be eligible to receive an SBIR award, an awardee must have its primary business operations in the United States.

"(2) DEFINITION.—In this subsection, the term 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.".

The CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. GIFFORDS. Madam Chairman, in this period of economic downturn, we must ensure that we are doing everything we can to support American small businesses. We also have to protect our hard-working taxpayers.

American small businesses still to this day remain the backbone of our economy, and that is why I am offering this amendment today to H.R. 5819, the SBIR Reauthorization Act.

Madam Chairman, this amendment will guarantee that businesses that are awarded funding from the small business research and development programs in this bill have their primary business operations located in the United States. The amendment ensures that we continue to provide support to American-owned businesses and reiterate our commitment to protecting American jobs.

Since its inception in 1982, the Small Business Innovation Research program, SBIR, has helped small businesses compete for Federal research and development awards. Eighty-five percent of businesses competing in SBIR are small firms employing 20 or fewer persons. And the program has generated an impressive 50,000 patents over these 25 years.

I have seen the success of SBIR awards in my district at the high-tech, highly creative Breault Research Organization in Tucson, Arizona.

As we expand this program, we must keep responsible taxpaying, job-creating organizations like Breault Research in mind. We have to ensure that truly American-owned companies are winning these valuable awards. We should not be funding R&D for businesses that will develop their U.S. taxpayer financed ideas here, then those ideas turn into jobs overseas. The goal of this reauthorization bill is to boost U.S. small business innovation and competitiveness and thereby boost U.S. competitiveness.

As a former president and CEO of a small business, I know how difficult it is to compete in today's environment, I know how hard it is to grow a business. And that is why I am offering this amendment, to protect hard-working, ambitious American businesses to fulfill the underlying bill's goal to foster American competitiveness.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentlewoman from Arizona for her amendment and for her efforts to improve this bill.

Small businesses awarded SBIR grants from the Federal Government should create jobs and pay appropriate and applicable taxes in the United States. This amendment will ensure this is the case. It is an important clarification for Federal agencies providing SBIR funds.

I would yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the chairwoman for yielding.

We have no objection to the gentlewoman's amendment.

Ms. VELÁZQUEZ. We are going to accept the amendment and support the amendment.

I yield back the balance of my time.

Ms. GIFFORDS. Madam Chairman, I now yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise to support this amendment. I commend Congresswoman GIFFORDS for her tireless work on this issue, and commend both the Chair and ranking member for accepting the amendment.

The Small Business Innovative Research program increases small businesses' participation in federally funded research and development. It is a proven program. It is an effective program.

Since 1983, more than 94,000 projects have received more than $20 billion in awards, keeping our Nation competitive in the global marketplace and helping our small businesses thrive. But in order for this program to have its full impact, there must be that level playing field, and those who try and cheat the system must not be allowed to reap the benefits.

This amendment simply says that to receive a Small Business Innovation Research award, a small business must be domiciled in the United States. You must play by the rules. Today, even contractors supporting our own military in Iraq continue to filter Federal dollars through offshore shell companies to avoid paying taxes here. Every year, offshore tax shelters cost taxpayers nearly $100 billion. No one, contractors, small businesses or otherwise, no one who looks for special privileges under our tax system should be able to take advantage of the opportunities offered by the Federal Government.

I thank my colleague and the committee for offering this well thought-out and necessary amendment to the bill, and urge its adoption and appreciate its being accepted by the Chair and ranking member.

Ms. GIFFORDS. Madam Chairman, I would like to thank Chairwoman VELÁZQUEZ and Ranking Member CHABOT for all of their hard work on the SBIR bill. I also appreciate their support for my amendment.

This amendment will protect American small businesses and help ensure that they remain competitive in this global environment. It prevents foreign companies from reaping the benefits of hard-earned U.S. tax dollars and undermining this bill's goal to foster American innovation, create U.S. job opportunities, and uphold our commitment to American taxpayers. I urge my colleagues to support my amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. GRAVES

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-603.

Mr. GRAVES. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. GRAVES:

Strike title II of the bill and insert the following:

TITLE II—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 201. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR PROGRAM.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended by striking "and" at the end of paragraph (8), striking the period at the end of paragraph (9) and inserting "; and", and adding at the end the following:

"(10) effective only for the SBIR and STTR programs, notwithstanding any other amendment made by the SBIR/STTR Reauthorization Act, the following shall apply:

"(A) A business concern that has more than 500 employees shall not qualify as a small business concern.

"(B) In determining whether a small business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards instituted under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

"(i) the venture capital operating company does not own 50 percent or more of the business concern; and

"(ii) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

"(C) A business concern shall be deemed to be 'independently owned and operated' if—

"(i) it is owned in majority part by one or more natural persons or venture capital operating companies;

"(ii) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

"(iii) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

"(D) If a venture capital operating company controlled by a business with more than 500 employees (in this subparagraph referred to as a 'VCOC under large business control') has an ownership interest in a small business concern that is owned in majority part by venture capital operating companies, the small business concern is eligible to receive an award under the SBIR or STTR program only if—

"(i) not more than two VCOCs under large business control have an ownership interest in the small business concern;

"(ii) the VCOCs under large business control do not collectively own more than 20 percent of the small business concern; and

"(iii) the VCOCs under large business control do not collaborate with each other to exercise more control over the small business concern than they could otherwise exercise individually.

"(E) The term 'venture capital operating company' means a business concern—

"(i) that—

"(I) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

"(II) is an entity that—

"(aa) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-51 et seq.); or

"(bb) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a-3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

"(ii) that is itself organized or incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.".

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would first like to thank Chairwoman VELÁZQUEZ and Ranking Member CHABOT from the Small Business Committee for moving forward with this bill. This bill is critically important to small businesses and innovation in this country.

The SBA provides startup funding to small businesses in a variety of ways. One such program is the Small Business Innovative Research program, or SBIR, which allocates a specific percentage of Federal research and development grant monies to small business applicants. This program allows for cutting-edge innovative research that may not, in its earliest stages, attract funding from other sources. I strongly believe in the SBIR program and what it does for small businesses.

American innovation is what drives this country and economy. As Members of Congress, we need to create an environment that will keep American innovation at the forefront of the global market.

As a member of the Small Business Committee, I work to advocate on behalf of small businesses, and the passage of my amendment will have a tremendous impact on the success of those small firms.

My amendment addresses a problem that began in 2003. The Small Business Administration reversed a 20-year-old policy by ruling that small business companies that are majority venture capital backed could no longer compete for small business grants, regardless of how few employees a company may have. As a result, small businesses are finding it increasingly difficult to acquire the investment capital necessary to start or grow their businesses. This jeopardizes the development of innovative treatments, therapies, and technologies.

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Venture capital funding is critical to capital intensive industries. They provide the needed seed money to help get some of those innovative ideas off the ground. Without this investment, some of our most innovative ideas would never develop.

My amendment will restore majority venture capital backed small companies' eligibility so they can compete for SBIR grants and receive other small business assistance.

Small businesses are providing this country with the ideas and innovation that has become the identity of the United States. Without these thoughts and ideas, the United States will fall behind the rest of the world in innovations and breakthroughs.

Creating an environment that will keep American innovation in the forefront of the global market is a priority of this body, and I am very confident this amendment and bill will help us meet those goals.

My amendment simply makes a couple of technical corrections in title II of the bill which has the support of both the chairwoman and the ranking member of the Small Business Committee. Simply put, this amendment helps remove barriers to participation in the SBIR program.

I would like to thank the staffs of Chairwoman VELÁZQUEZ and Ranking Member CHABOT for all of their hard work on this issue. This bill and amendment have been a work in progress for over 3 years, and I appreciate all of the work they have done on my behalf. This is a very important issue to me, my constituents, and small businesses everywhere, and I am glad to see it before the House today.

Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Ms. BERKLEY). Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentleman from Missouri for his amendment and his efforts to improve the bill. Mr. GRAVES has been a leader in our committee on many issues, and I appreciate his efforts to improve this legislation.

This amendment clarifies the availability of venture capital to small companies. It makes sure that we do not end up disqualifying any current participant in the SBIR program.

Madam Chairman, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the chairwoman.

I would like to inquire of the proponent of the amendment to clarify that his amendment, the net effect is to permit two corporate owned venture capital firms each to own 10 percent of an applicant as opposed to what is currently in the bill of one corporate owned venture capital firm owning 10 percent of an applicant.

Ms. VELÁZQUEZ. I yield to the gentleman from Missouri for an answer.

Mr. GRAVES. I thank the chairman; and that is correct.

Mr. WU. If the chairwoman would yield for a moment, I would support the gentleman from Missouri's amendment.

Ms. VELÁZQUEZ. Madam Chairman, I reserve the balance of my time.

Mr. GRAVES. Madam Chairman, I yield 1 minute to the ranking member of the Small Business Committee, Mr. CHABOT.

Mr. CHABOT. I thank the gentleman for yielding, and I rise in support of the amendment offered by the gentleman from Missouri (Mr. GRAVES). This is a good amendment that I feel strikes the appropriate balance on the issue of venture capital companies' funding of SBIR participants.

One of the guiding principles that we focused on as we worked on the legislation was the premise that we ought to be funding the best science. By allowing the amounts of venture capital investment in SBIR applicants that are prescribed by this amendment, we are not only ensuring that we are funding the best science, but also maintaining the program's goal of helping small businesses.

The gentleman from Missouri has been a leader on this issue for years, and I applaud his efforts on our committee and throughout the House to find a solution for this issue. And it is a balance here. You can make arguments on both sides, but I think what he has tried to do is to do something that is fair to small businesses and also have the best science.

I thank the gentleman for yielding, and thank him for his leadership on this issue.

Ms. VELÁZQUEZ. Madam Chairman, I am prepared to accept the amendment.

Mr. EHLERS. Madam Chairman, would the gentlelady yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Michigan.

Mr. EHLERS. I am not necessarily in opposition to this amendment, but I just have to express a concern, and that is that we have been going round and round on this issue for a couple of years on venture capital getting involved. I always like the emphasis in this to be on the "S," the Small Business Innovation Research Program, and I worry about getting two venture capital companies involved together on a project. With 500 employees each, you are talking about the equivalent of a company with a thousand employees. How many will fit in this category? For example, even though I have an industrial community, there is no company in my district that would be considered funded by venture capital and that would have that number of employees.

Does this then disadvantage smaller communities like mine? Mine is not that small, a few hundred thousand. But nevertheless, we wouldn't qualify at all in this category.

My concern, if I may express it, and perhaps you can reassure me on this, my concern would be that the money would tend to flow to those areas of the country that have the large venture capital companies, and areas such as Michigan, which as you know is in a one-State repression, would not be able to put together programs that would fit this particular part of it. I am really concerned about keeping all small businesses in every part of the country fully involved in this. I wonder if the gentleman can give me some reassurances or an explanation on this.

Ms. VELÁZQUEZ. Reclaiming my time, Mr. EHLERS, I understand your concern. But I will say that at a time when we are facing an economic crisis in our country where so many small businesses have been impacted because of the lack of access to capital and the credit crunch, this is the time when this amendment makes sense.

We are allowing for small businesses and SBIR companies across the country to have the ability to secure venture capital so they can continue to provide innovation and the new technologies that are so needed in our economy.

I reserve the balance of my time.

Mr. GRAVES. Does the gentlewoman have any more speakers?

Ms. VELÁZQUEZ. We are prepared to accept the amendment, and I yield back the balance of my time.

Mr. GRAVES. Madam Chairman, I would just like to say to Ranking Member EHLERS that this is about small businesses, and we want to make sure that small businesses have the ability to compete, especially when it comes to highly technical fields. In many cases it is extraordinarily hard to get the capital that they need, and allowing small businesses to take advantage of venture capital companies is the way. But it is my every intention to direct this completely to small businesses.

Again, I appreciate the concerns and I very much thank the chairwoman and Ranking Member CHABOT for working with me, and encourage my colleagues to support the amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–603.

Ms. MATSUI. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. MATSUI:

Page 33, line 13, insert "(A)" before "Each".

Page 33, line 17, after "venture capital investment companies," insert "business incubators,".

Page 33, after line 24, insert the following:

"(B) DEFINITION.—In this paragraph, the term 'business incubator' means an entity that provides coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phases, including providing services such as shared office space and office services, access to equipment, access to telecommunications and technology services, flexible leases, specialized management assistance, access to financing, mentoring and training services, or other coordinated business or technical support services designed to provide business development assistance to entrepreneurial businesses during these businesses' startup phases.".

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the bill before us today is a good one. I would like to commend Chairwoman VELÁZQUEZ, Chairman GORDON and Chairman WU for their hard work on this timely legislation.

Madam Chairman, in many cities and towns across the country, business incubators provide a valuable service.

They help young businesses survive and grow.

They provide guidance, business tools, space, contacts, and the know-how to run a company. Incubators can dramatically increase the success of new companies. Across the United States, incubators have already nurtured tens of thousands of new companies to great success. Their efforts have helped grow our economy and create both jobs and profit.

In these challenging economic times, a good idea is often not enough to guarantee success. Many young companies need further business expertise in order to avoid failing.

In my hometown of Sacramento, the CleanStart incubator is helping grow a whole suite of clean energy companies. These businesses are developing the cutting-edge technologies that will power our economy and protect our environment in the future.

However, many businesses receiving SBIR grants devote most of their capital to research. This leaves little left over for business development. These are the type of businesses that can benefit most from the services provided by incubators.

My amendment ensures that SBIR dollars will continue to work with incubators across the country to drive economic development. It will allow incubators to do what they do best, translate good research conducted by small businesses into commercial technologies that create jobs and economic growth. I urge all Members to support this commonsense amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentlewoman from California for her amendment and her efforts to improve this bill. H.R. 5819 directs Federal agencies to establish initiatives by which agencies encourage partnerships between SBIR awardees and prime contractors, venture capital firms and larger businesses. The purpose of these partnerships is to help awardees progress toward phase III of the SBIR program.

The amendment highlights the significant role that business incubators can play for small firms as they work to commercialize their research. It is completely appropriate for Federal agencies to acknowledge business incubators as valuable partners with SBIR awardees.

I yield to the gentleman from Missouri for any comments he may have.

Mr. GRAVES. Madam Chairman, we don't have any problems with the amendment. I urge my colleagues to support it.

Ms. VELÁZQUEZ. Madam Chairman, we are prepared to accept the amendment, and I yield back the balance of my time.

Ms. MATSUI. Madam Chairman, my amendment complements the goals of today's legislation by helping to ensure that taxpayer-funded research is maximized. I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. SUTTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–603.

Ms. SUTTON. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. SUTTON:

At the end of title V of the bill, insert the following (and conform the table of contents accordingly):

SEC. ____. VETERANS PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638) is further amended by adding at the end the following:

"(ff) VETERANS PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications from veterans, as defined in section 101(2) of title 38, United States Code, so as to increase the number of SBIR and STTR award recipients who are veterans.".

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Madam Chairman, I want to begin by thanking Chairman VELÁZQUEZ, Chairman GORDON, and Chairman WU for their leadership on this bill, as well as the ranking members for their leadership.

This amendment would require agencies that administer Small Business Innovation Research Programs to give special consideration to pressing transportation and infrastructure research activities when reviewing grant applications.

The devastating state of this Nation's crumbling infrastructure was demonstrated in dramatic fashion last August when the I–35 bridge in Minneapolis collapsed into the Mississippi River. And it is also demonstrated every day as people drive over potholes in their neighborhoods and sit in traffic jams on our crowded highways as they travel to and from work.

Tackling the repair of our Nation's infrastructure is not a glamorous task, but it is absolutely essential to our Nation's long-term success.

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Investments in infrastructure are critical for public safety and boost local economies by providing more Americans with good-paying jobs. Building our Nation's infrastructure for a new economy and a new century is vital to revamping our work force and revitalizing our communities.

It is also crucial that as we rebuild our roads and mass transit systems, we act as stewards of the environment and seek greener and cleaner technologies for fueling our economy.

America's working families deserve creative and innovative thinking and policies from us as their representatives. This amendment will ensure that as agencies review small business innovation applications they place a premium on projects that focus on transportation and infrastructure, the building blocks of our economy.

I urge a "yes" vote on the amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I really thank the gentlewoman for her amendment and her efforts to improve this bill.

The amendment requires Federal agencies to give priority to SBIR and STTR applications submitted by veterans. During a time when our country is at war, it is particularly appropriate to prioritize SBIR applications submitted by our veterans. And I support this amendment.

I would like to yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Madam Chairman, I don't have any opposition.

Mr. EHLERS. Will the gentlewoman please yield?

Ms. VELÁZQUEZ. Yes, I will.

Mr. EHLERS. Thank you for yielding.

I just have to express some concern. We already had a preference earlier for organizations that have exhibited concern about their carbon footprint. And I don't object to the one about veterans, but I worry about getting too many preferences involved here. And Uncle Joe, who's trying to build a widget in his barn, may just fall in the cracks because he doesn't meet any of these preference categories.

I don't particularly oppose this one about transportation. Everyone knows we need improvements in that. But there are so many different areas, I don't want to bog down the SBA in dealing with these requests by having to worry about preference after preference.

So basically I'm issuing a warning here. Let's watch it in the future, and let's make sure we don't add too many preference requirements or it becomes very, very cumbersome.

Ms. VELÁZQUEZ. Madam Chairman, I yield back the balance of my time, and I accept the amendment.

Ms. SUTTON. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. SUTTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–603.

Ms. SUTTON. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. SUTTON:

In section 107(3) of the bill, in the quoted matter, strike "or" at the end of subparagraph (D), and insert after subparagraph (D) the following:

(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the United States Department of Transportation Research and Innovative Technology Administration, and in subsequent reports issued by the National Academy of Sciences and United States Department of Transportation on transportation and infrastructure; or

In section 504(a) of the bill, in the quoted matter, redesignate (E) as (F).

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Madam Chairman, I want to thank Chairwoman VELÁZQUEZ for her support of this amendment; that would require that we recognize our veterans in this bill.

We ask our veterans to sacrifice years of their lives to protect our country and our loved ones. In return, we have made a commitment to honor their service.

And last year this Congress provided the largest increase in funding for the VA in history. And this year I am proud that in this bill we will continue to reaffirm our support for the men and women who have chosen to serve their country in uniform.

It's our responsibility to ensure our veterans receive the care they deserve. Our veterans also deserve to receive, as I have proposed in this amendment, priority status when applying for awards through the Small Business Innovation Research and Small Business Technology Transfer programs.

This amendment will grant a preference for the brave men and women who have sacrificed for all of us. As they return home and restart their lives, it's essential that the number of veterans who receive SBIR and STTR awards increases. The underlying bill includes a preference as was discussed, for applicants from rural areas and veterans deserve the same consideration.

Madam Chairman, 3 million veteran business owners responded to the 2002 survey of business owners administered through the U.S. Census Bureau. This survey revealed that veterans tend to be better educated and slightly older before starting or acquiring their businesses. This trend can undoubtedly be attributed to their time in the service and their use of one of the most important and successful pieces of legislation this body has ever passed, the GI bill.

Madam Chairman, our veterans will continue to make us proud as they make good use of the funding available through these important small business programs. As I have often said, it is not enough to simply pay tribute to our veterans with words; we must show them our appreciation with our actions.

I appreciate the support that has been expressed for this amendment, and I urge a "yes" vote.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to this amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I just simply want to say thank you to the gentlelady from Ohio for her sensitivity and commitment to our veterans at a time of war, and for working to perfect this legislation.

I have no opposition to this amendment. I am prepared to accept the amendment.

I yield to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Chairman, we have no opposition.

Ms. VELÁZQUEZ. I yield back the balance of my time.

Ms. SUTTON. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BARROW

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–603.

Mr. BARROW. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BARROW:

Page 36, after line 2, insert the following:

(D) MINORITY INSTITUTION PILOT PROGRAM.—

(i) ESTABLISHMENT.—From amounts made available to carry out this subparagraph, the Administrator shall establish and carry out a pilot program to make grants to minority institutions that partner with nonprofit organizations that have experience developing relationships between industry, minority institutions, and other entities, for the purpose of increasing the number of SBIR and STTR program applications by minority-owned small businesses.

(ii) APPLICATION.—To be eligible to receive a grant under the pilot program established in clause (i), a minority institution shall submit an application to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require.

(iii) MATCHING REQUIREMENT.—As a condition of a grant under the pilot program, the Administrator shall require that a matching amount be provided from a source other than the Federal Government that is equal to the amount of the grant.

(iv) MINORITY INSTITUTION.—In this subparagraph, the term "minority institution" has the meaning given that term in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

(v) FUNDING.—For each of fiscal years 2009 through 2012, of the amounts appropriated pursuant to the authorization of appropriations in subparagraph (C), up to $4,000,000 shall be available to carry out this subparagraph.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Georgia (Mr. BARROW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BARROW. I thank the Chair and I yield myself such time as I may consume.

Madam Chairman, the whole purpose of the SBIR and STTR programs is a generally recognized acknowledgement of the fact that in the bidding wars with the big guys for Federal contracting, small businesses are just generally outgunned. And while that is true for small businesses generally, it's even more true for a subset of small businesses. Minority-owned small businesses are at even a greater disparity and disadvantage when it comes to competing for government contracts, research and development.

Less than 10 percent of the SBIR grants are made to minority-owned small businesses. Now if SBIR and STTR are at the forefront of ensuring that American small businesses remain competitive, we've got to make sure that minority-owned businesses have an opportunity to participate. But too often, minority and disadvantaged small businesses don't even know about these grants. If they don't know about them, they can't compete for them.

My amendment seeks to address this in a carefully drawn and constructive manner. It does this by authorizing grants to partnerships between minority institutions, as that term is defined in the amendment, and nonprofit organizations that have experience in linking up minority-owned businesses with government contracting.

There are limits, carefully drawn limits drawn into the amendment. One of those is that the administrator of the SBA gets to set the terms and conditions for submitting and applying for these grants.

Second, it requires these grants can only be made to partnerships with experienced partners. Minority institutions, as defined by the amendment, consist of colleges that serve a minority, 51 percent or more of minority students. This is basically HBCUs, but not exclusively HBCUs, and also requires they be in partnership with nonprofits that have experience in linking small businesses with government contracts.

Finally, what the bill does is it doesn't create any authorization for spending new money. It doesn't appropriate any new money. What it does is it directs the administrator to set up a pilot program that authorizes him to spend up to $4 million in money that is already authorized and appropriated for such purposes.

HBCUs and local nonprofits, they have the experience in connecting small businesses with government contracts. My amendment allows them to work together to increase minority-owned business participation in government contracting. That's good for the government when it's the customer, it's good for the taxpayers, and it's good for the economy.

With that, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentleman from Georgia for his amendment and his efforts to improve this bill.

The amendment establishes a grant program for minority institution with the purpose of increasing the number of SBIR and STTR applications submitted by companies owned by minorities. The participation of women-owned and minority-owned companies in the SBIR program continues to be at unacceptably low levels. The Barrow amendment—along with the provisions of H.R. 5819, that reauthorize the FAST program—seeks to address this challenge. It does this by funding outreach efforts to encourage and support more applicants by companies owned by minorities.

I now will yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the gentlelady for yielding. We have no opposition to the gentleman's amendment.

Ms. VELÁZQUEZ. With that, I will accept the amendment.

I yield back the balance of my time.

Mr. BARROW. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–603.

Mrs. CAPITO. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 11 offered by Mrs. CAPITO:
>
> Page 8, line 10, after "minorities," insert the following: "small business concerns owned and controlled by service-disabled veterans,".

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Thank you, Madam Chairman. I also want to thank the chairman of the Small Business Committee and the ranking member of the Small Business Committee for their good hard work on this piece of legislation. I would also like to thank the Rules Committee, of which I was formerly a member, for making my amendment in order.

I rise today to offer a very simple amendment that adds service disabled veterans to the list of targeted groups to receive consideration from the SBIR bill and SBIR board. Currently in the bill, the board, which is authorized to make recommendations to the grant awarding authorities, is directed to develop a means of how to encourage more applications from small business owners who are minorities or women. My amendment will direct the board to include service disabled veterans owners of small businesses to those who will be encouraged to make more applications from a grant pool of over $50 million.

We have a lot of our servicemen and women returning with injuries. But we want to encourage them that they can move forward with their lives and invest and prosper in a small business, and this opens up more opportunity for them.

Madam Chairman, recent studies have shown that returning veterans face unemployment rates that are nearly four times as high as that of nonmilitary laborers.

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Our returning veterans should have post-military opportunities that inspire confidence and don't disappoint them.

This amendment will extend to service-disabled veterans more opportunities to succeed after serving our Nation so bravely.

Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I want to take the opportunity to thank the gentlewoman from West Virginia for her efforts to improve this bill. The amendment directs the SBIR advisory boards established under H.R. 5819 to include in their annual report to Congress the number and the dollar amount of SBIR awards made to small businesses and controlled by service-disabled veterans. This is valuable data that Congress should have. Moreover, the collection of this data is likely to encourage Federal agencies to redouble their efforts to publicize the SBIR programs to service-disabled veterans.

I now would like to yield to the gentleman from Ohio (Mr. CHABOT) for any comments he might have.

Mr. CHABOT. I thank the gentlelady for yielding.

I support the gentlelady's amendment, and I would commend her for looking out for the interest of service-disabled veterans in this country, a group of people who have clearly earned the respect and the gratitude that they are entitled to. Thank you for offering the amendment.

Ms. VELÁZQUEZ. Madam Chairman, we're prepared to accept the amendment, and I urge adoption of the amendment.

I yield back the balance of my time.

Mrs. CAPITO. Madam Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. CAPITO. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

AMENDMENT NO. 12 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–603.

Ms. VELÁZQUEZ. Madam Chairman, as the designee of Mr. CARNEY of Pennsylvania, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. VELÁZQUEZ:

Page 26, line 2, strike "and" at the end.

Page 26, line 5, strike the period at the end and insert "; and".

Page 26, after line 5, insert the following:

"(D) criteria designed to give preference to applicants who include an SBDC program that is accredited for its technology services.".

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Chairman, small business development centers, which are accredited for their technology services, are particularly well-positioned to provide support for companies preparing SBIR applications. It is appropriate that FAST grant applications that incorporate the services of those SBDCs that are accredited for technology services should be viewed favorably by the SBA.

The amendment will ensure that the Small Business Administration includes this preference in the grant selection criteria it develops for the FAST program.

I support this amendment.

I yield time to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Tonight I urge my colleagues to support the amendment that I am offering to H.R. 5819, the SBIR/STTR reauthorization bill.

The amendment is good for America's small businesses and will increase our technological competitiveness in the global marketplace. Specifically, the amendment would allow the administrator of the SBA to view favorably FAST grant applicants that utilize small business development centers that are accredited for their technology commercialization in determining the award of a FAST grant.

My amendment acts as a catalyst that will encourage and enable 41 State SBDC programs to develop the capacity to deliver technology commercialization services. The result will be an increase of new technology and technological products introduced into the marketplace improving America's competitiveness, as it strengthens America's small business community.

Moreover, and perhaps more importantly, my amendment furthers the SBA's goal of increasing the number of SBDC programs that offer technological commercialization service as it becomes credited.

I urge you all to support America's small businesses by supporting this amendment.

Ms. VELÁZQUEZ. Madam Chairman, I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, although I am not in opposition, I will claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. Madam Chairman, I won't take that time. I just want to commend the gentleman for offering the amendment. We have no opposition.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I am prepared to accept the amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MRS. GILLIBRAND

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 110–603.

Mrs. GILLIBRAND. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mrs. GILLIBRAND:

Page 7, line 9, strike "and".

Page 7, after line 9, insert the following:

(C) at least one individual who is a veteran who owns a small business concern owned and controlled by veterans; and

Page 7, line 10, redesignate (C) as (D).

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. GILLIBRAND. Madam Chairman, my amendment is very simple. It provides a voice to veteran-owned small businessmen on the newly created Small Business Innovation Research Board.

The advisory board will oversee the design and award process for SBIR grants. By including a veteran-owned small businessman or -woman on the board, we will ensure that the criteria used towards small business grants will include areas for which our veterans specialize, areas such as weapons development and destruction, communications networking, and many more skills that have been uniquely acquired through their military service.

When I was first elected last year, I formed a constituent-based Veterans Advisory Board in my district. Over the past year, I have worked very closely with these men and women to find new ways to better serve them and the veterans of our district throughout our Nation who have sacrificed so much for this great country. It is for this reason that I strongly believe that veterans need advice on the SBIR advisory board and why I have been working with the board to draft legislation to address the problems of homeless vets and to ease the transition from active duty to civilian life.

When our soldiers, sailors, airmen, and marines leave service after multiple deployments abroad and a tremendous sacrifice by them and their families, the least we can do is to ease their transition and help them get their businesses off the ground.

I, therefore, urge my colleagues to support my amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentlewoman from New York for her amendment and for her efforts to improve the legislation. The amendment requires that at least one veteran small business owner must serve on the SBIR Advisory Board that H.R. 5819 establishes in section 104. These boards are meant to provide small firms with an avenue to communicate with Federal agencies about the SBIR program.

The intention of the amendment is to help ensure that agencies are as responsive as possible to the unique needs of small research companies and to veteran-owned small firms in particular.

I support this intention.

I would yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the chairwoman for yielding, and I want to commend the gentlelady for offering her amendment, and we support it.

Ms. VELÁZQUEZ. Madam Chairman, I urge the adoption of the amendment.

I yield back the balance of my time.

Mrs. GILLIBRAND. Madam Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. GILLIBRAND).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110–603.

Ms. VELÁZQUEZ. Madam Chairman, as the designee of Mr. WALZ of Minnesota, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. VELÁZQUEZ:

At the end of title V of the bill, add the following (and conform the table of contents accordingly):

SEC. 506. INITIATIVE TO PUBLICIZE THE SBIR PROGRAM TO VETERANS.

The Administrator of the Small Business Administration, in consultation with the

Secretary of Veterans Affairs, shall develop an initiative to publicize the SBIR program to veterans returning from service and encourage those veterans with applicable technical skills to apply for SBIR grants.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Chairman, the amendment directs the administrator of the Small Business Administration to consult with the Secretary of Veterans Affairs to develop an initiative that publicizes the SBIR programs to veterans returning from service. The amendment will direct the SBA and the VA to work together to encourage veterans to apply for SBIR grants.

Many of the veterans returning from service are highly skilled and highly trained in technical fields. The amendment will draw on this pool of talent and increase the number of veterans applying for SBIR awards. Our efforts such as this will strengthen the SBIR program, especially the Department of Defense's SBIR program.

I urge adoption of this amendment.

I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, I rise to claim the time in opposition, even though we're not opposed to the amendment.

The Acting CHAIRWOMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. We would commend the gentleman for offering the amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, I yield to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Madam Chairman, I would like to engage the distinguished Chair of the Small Business Committee in a colloquy.

First of all, I would like to thank you. Your committee has done extraordinary work throughout the year, probably produced more good legislation than any other.

I want to thank you for working with me on this issue that is raised on this bill regarding the ability of small businesses to continue to use the SBIR program. Specifically, I want to thank you for agreeing to work with me to monitor agency actions to ensure that smaller firms are not represented in the agency's distribution of SBIR awards.

Also, I want to say that I am pleased that you agree to work with me and in Congress and that this matter needs vigorous study, and we will work to ensure that a National Institute for Standards and Technology study, which I would like to place in the RECORD, is included in the conference.

☐ 1845

Ms. VELÁZQUEZ. Reclaiming my time, you have my commitment to monitor Federal agencies' efforts to award grants to small firms. And as this legislation moves forward, we will work with you to identify ways that agencies are properly studying and making available opportunities for small businesses.

Mr. WELCH of Vermont. Thank you.

Ms. VELÁZQUEZ. Madam Chairman, I urge adoption of the Walz amendment I am offering on his behalf.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. FOSTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110-603.

Mr. FOSTER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. FOSTER:

At the end of the bill, add the following (and amend the table of contents accordingly):

SEC. ___. PROHIBITION OF AWARDS TO ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

Section 9 of the Small Business Act is amended by adding at the end the following:

"(ee) PROHIBITION OF AWARDS TO ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—A concern is not eligible to receive an award under this section if an individual who is an alien unlawfully present in the United States—

"(1) has an ownership interest in that concern; or

"(2) has an ownership interest in another concern that itself has an ownership interest in that concern.".

SEC. ___. PROHIBITION ON AWARDS TO FIRMS IN VIOLATION OF IMMIGRATION LAWS.

Any applicant found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien shall not be eligible for the receipt of future awards under section 9 of the Small Business Act.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Illinois (Mr. FOSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. FOSTER. Madam Chairman, I am offering this amendment along with my colleagues, Representatives ELLSWORTH and ALTMIRE, to H.R. 5819, the Small Business Innovation Research and Small Business Technology Transfer Reauthorization Act.

As a physicist with a long career at a Federal laboratory that supported and benefited from the SBIR program, I am committed to reauthorizing these innovative and worthwhile programs. The SBIR program is designed to increase the participation of small high technology firms in the Federal R&D endeavor.

The program was established upon the belief that while high technology-based companies under 500 employees tended to be highly innovative, and innovation is essential to our economic well-being and the high standard of living that we enjoy, that small businesses are, unfortunately, underrepresented in government R&D activities.

Our amendment is simple. Similar to other amendments that have been offered on various pieces of legislation, it is codifying current regulations and makes absolutely clear that illegal immigrants are not eligible for these programs. Legal permanent residents would be eligible; however, illegal immigrants would not. Moreover, a firm found to be in violation of this provision would be barred from receiving future awards.

If this language looks familiar, it should. As I just alluded to, similar language was adopted last year during consideration of H.R. 3867, the Small Business Contracting Program Improvements Act.

I urge my colleagues to support this amendment. The American taxpayer must have confidence that their hard-earned dollars are being spent properly, and this amendment, by making crystal clear that illegal immigrants are not eligible for these programs, helps accomplish this.

Upon passage of comprehensive immigration reform, the path to eligibility for these programs will be the path to citizenship under the rule of law.

Again, I urge my colleagues to support this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentlemen for their amendment and their efforts to improve the bill. It is only appropriate that the recipients of Federal grants like the SBIR and STTR programs should be majority owned and controlled by individuals who are citizens of or permanent resident aliens in the United States. The amendment would clarify this requirement.

I support this amendment, but it is important to recognize that we cannot solve our country's immigration challenges on a piecemeal basis. This is an important amendment and reminds us that comprehensive immigration reform is good for America's national and economic security.

I now yield to the gentleman from Ohio for any comments that he may have.

Mr. CHABOT. I thank the chairwoman for yielding.

We have no objections.

Ms. VELÁZQUEZ. Madam Chairman, I reserve the balance of my time.

Mr. FOSTER. Madam Chairman, I yield to the gentleman from Pennsylvania, Representative ALTMIRE.

Mr. ALTMIRE. Madam Chairman, I would like to thank Congressman ELLSWORTH and Congressman FOSTER for their leadership in joining me today in offering this amendment.

Our amendment clearly states that any small business that is either owned by or employs illegal immigrants will not qualify for SBIR funding. By adding this language, we clarify that Congress will not reward those small businesses who fail to play by the rules.

As we know, SBIR awards are critical to assisting our Nation's small businesses compete, and Congress must ensure that those monetary awards paid for by the American taxpayer are not provided to those small businesses that purposefully contribute to our Nation's ongoing illegal immigration problem.

This amendment is absolutely necessary because of those bad actors who choose to ignore the law and hire individuals who are not in this country legally.

I urge adoption of our amendment to guarantee protections for American small businesses.

Ms. VELÁZQUEZ. Madam Chairman, I am prepared to accept the amendment.

I yield back the balance of my time.

Mr. FOSTER. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FOSTER. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair understands that amendments 16 and 17 will not be offered.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–603 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. MATHESON of Utah.

Amendment No. 11 by Mrs. CAPITO of West Virginia.

Amendment No. 15 by Mr. FOSTER of Illinois.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 4 OFFERED BY MR. MATHESON

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. MATHESON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 355, noes 48, not voting 33, as follows:

[Roll No. 213]

AYES—355

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—48

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Carter
Conaway
Cubin
Davis (KY)
Davis, David
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Jordan
King (IA)
Kingston
Lamborn
Linder
Lungren, Daniel E.
Marchant
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Pence
Petri
Poe
Rogers (MI)
Rohrabacher
Ryan (WI)
Sali
Sensenbrenner
Shimkus
Stearns
Sullivan
Tancredo
Thornberry
Wilson (NM)
Wilson (SC)

NOT VOTING—33

Alexander
Andrews
Blumenauer
Blunt
Braley (IA)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
DeFazio
Dicks
Doggett
Everett
Feeney
Fortuño
Goodlatte
Higgins
Hulshof
Hunter
LaHood
Moran (VA)
Nadler
Peterson (PA)
Ruppersberger
Rush
Saxton
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)

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Mrs. WILSON of New Mexico, Mrs. BACHMANN, Messrs. PETRI, DAVID DAVIS of Tennessee, BARTON of Texas, ROHRABACHER, and KINGSTON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GOODLATTE. Madam Chairman, on rollcall No. 213, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. RUPPERSBERGER. Madam Chairman, on rollcall No. 213, I was at Bethesda Naval Hospital getting a CT scan. Had I been present, I would have voted "aye."

AMENDMENT NO. 11 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 0, not voting 31, as follows:

[Roll No. 214]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—31

Alexander
Andrews
Blumenauer
Blunt
Braley (IA)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Fortuño
Grijalva
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Pickering
Regula
Ruppersberger
Rush
Saxton
Weller
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Two minutes remain in the vote.

☐ 1926

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Madam Chairman, on rollcall No. 214, I was at Bethesda Naval Hospital getting a CT scan. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Chairman, on rollcall Nos. 213 and 214, had I been present, I would have voted "aye."

AMENDMENT NO. 15 OFFERED BY MR. FOSTER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. FOSTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 0, answered "present" 3, not voting 27, as follows:

[Roll No. 215]

AYES—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)

Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Becerra
Kucinich
Stark

NOT VOTING—27

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Fortuño
Higgins
Hulshof
LaHood
Lamborn
Moran (VA)
Nadler
Peterson (PA)
Rush
Saxton
Slaughter
Weller
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Two minutes remain in the vote.

□ 1933

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Ms. BERKLEY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes, pursuant to House Resolution 1125, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HELLER OF NEVADA

Mr. HELLER of Nevada. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HELLER of Nevada. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Heller of Nevada moves to recommit the bill to the Committee on Small Business with instructions to report the bill back to the House promptly in the form to which it may be perfected at the time of this motion with the following amendment:

Page 14, line 3, strike "and alternative fuels" and insert "alternative fuels, and projects that have the potential to lower gasoline and diesel prices".

Ms. VELÁZQUEZ. Mr. Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. The gentlewoman reserves a point of order against the motion.

The gentleman from Nevada is recognized for 5 minutes.

Mr. HELLER of Nevada. Mr. Speaker, I rise today to address the concerns American workers and small businesses have with fuel prices. The majority party in Congress has offered the American people no real solutions to lower fuel costs. Speaker PELOSI said, "Democrats have a comprehensive plan to help bring down skyrocketing gas prices," and the American people want to know, where is that plan?

Gas prices have risen 50 percent since Democrats took control. Was it the comprehensive energy bill passed last December?

Mr. PRICE of Georgia. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman may proceed.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Nevada yield for that purpose?

Mr. HELLER of Nevada. I would yield.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Is it the role of the Speaker to make certain that the House is in order prior to Members speaking so that the gentleman can be heard? Isn't that appropriate?

The SPEAKER pro tempore. It is the role of the Chair to determine whether or not there is order in the House and to allow the gentleman to proceed with his comments.

Mr. PRICE of Georgia. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HELLER of Nevada. Gas prices have risen 50 percent——

Mr. PRICE of Georgia. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman's colleagues will help bring the

House to order. Please take your comments off the floor of the House so the gentleman from Nevada may be heard.

The gentleman may proceed.

Mr. HELLER of Nevada. Gas prices have risen 50 percent——

Mr. PRICE of Georgia. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman may proceed.

Mr. HELLER of Nevada. Thank you, Mr. Speaker.

Gas prices have risen 50 percent since Democrats took control. Was it the comprehensive energy bill passed last December? Gas prices have risen 7.6 percent and diesel has risen 16 percent since December's highly touted energy bill passed.

Earlier today, I heard on this floor one member of the majority blame others for the increases of the last 16 months. We would hate to take responsibility around here, wouldn't we? To make matters worse, Democrats are actually rallying behind a plan to increase the gas tax by 50 cents per gallon.

Mr. Speaker, in my home State of Nevada, gasoline is already on average $3.60 a gallon. This is well over $1 per gallon over what it was when the current majority party took control of Congress.

In the course of holding a number of town hall meetings over the last 16 months, I have spoken to small business owners and more than 100,000 households across my district. During these town hall meetings, I have asked the question, do you support the proposed 50 cent per gallon gasoline tax? Roughly 82 percent of Nevadans asked about this proposal oppose this tax increase. If passed, this gas tax would be devastating for each of the 204,000 small businesses in my home State.

High gasoline and diesel prices are affecting everything and have contributed in part to the rising costs of food and commodities. Increased food prices this year have resulted in a financial burden for many, including small businesses, seniors on Social Security or fixed incomes, and other low-income families. Prices for beef, bakery products and eggs are up sharply.

Several factors have affected food prices, Mr. Speaker, but the most damaging are the gasoline and diesel prices for the operation of equipment and transportation of food to the market.

Our solution to this problem is economics, supply and demand. We need to increase supply, and to that end exploration and production must be increased, including domestically. Refineries need to be built and energy sources expanded, including alternative fuel technology.

Mr. Speaker, in this light I offer my motion to recommit, which will help research ways to lower the price of fuel for Americans and small businesses. This motion simply states that the energy-related research topics in this bill should also include projects that have potential to lower gas and diesel costs.

It is critical that Congress act on this issue of high fuel prices now, not only to help American workers have a better way of life, but to help our struggling small businesses.

Mr. Speaker, on that note, I yield back.

The SPEAKER pro tempore. Does the gentlewoman from New York continue to reserve her point of order?

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the motion be amended to report back to the House forthwith.

The SPEAKER pro tempore. Does the gentleman from Nevada yield for that request?

Mr. HELLER of Nevada. Yes, I do.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, I appreciate the offer of the gentleman, although I would suggest that if the unanimous consent request would also include the bill that has been included by Mr. FOSSELLA in the Senate-passed FISA bill that we have, the Foreign Intelligence Surveillance Act that we have under a discharge petition, then I believe our side would be pleased to accept the unanimous consent.

Mr. HOYER. Will the gentleman yield?

Mr. PRICE of Georgia. I would be happy to.

Mr. HOYER. I am only going to play the game just so far.

Mr. PRICE of Georgia. We would be happy to accept the unanimous consent request if the Foreign Intelligence Surveillance Act will be allowed to come to the floor.

The SPEAKER pro tempore. Does the gentleman object?

Mr. PRICE of Georgia. I object.

The SPEAKER pro tempore. Objection is heard.

Ms. VELÁZQUEZ. Mr. Speaker, I withdraw my reservation on the point of order, and I rise in opposition to the motion.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, the motion we are considering today will do nothing to lower gas prices. But what this bill does is it will provide for small businesses to afford the resources that would allow for them to bring prices down by promoting new technologies.

My question to the author of the motion to recommit is, where is your outrage when the President refuses to implement H.R. 6, which would allow for small businesses to lower gas prices?

When the Republicans had a chance to vote on price gouging, you voted "no." When you had a chance to have America invest in alternative energy, you voted "no." When you had a chance to invest in conservation, you voted "no." This is the height of hypocrisy. This motion does nothing to lower gas prices in the country.

□ 1945

In the country, it will kill the bill that we allow for small businesses in this country to have the tools and resources to deal with the issue of energy conservation and gas prices in this Nation.

Vote "no" on this motion to recommit.

I yield to the majority leader.

Mr. HOYER. Ladies and gentlemen of the House, the American public know this game. The gentlelady, the chairman of the Small Business Committee, has just made it clear. Gas prices were $1.46 when President Bush took over the White House, when the Republicans took over the House, when the Senate was taken over by the Republicans. Gas prices are now $3.51. Two oil men reside in the White House and in the vice presidency.

Nothing, of course, is your fault, because we have been here, after all, for 14 months. We, of course, have had most of that which we have wanted to pass on economics vetoed by the President. But what we wanted to pass on energy, we agreed with the President and worked on an energy package to get us to independence.

Now I want to talk to my side. We know this is a game. We know this is pure politics. We know there wants to be a 30-second ad to say somehow we voted against bringing gas prices down. That is patently absurd, and the American people are too smart for that. The American people are too smart.

I urge my colleagues on my side; I don't know that I will get any votes on this side, but this is a game, and it is a game that has gone on for too long. I asked for unanimous consent, but Mr. PRICE knows this is a game so he wouldn't give me unanimous consent to include this in the bill and pass it this very night. That is not what you want to do. You want a political ad.

So I am asking everybody on my side—the House wanted to be in order, I heard from over there. I am asking everybody on my side not to play this game, because it will never end. Don't play this game. Don't fool the American public. This is about sending this bill back to committee. It will take weeks to bring it back. The small business community deserves this bill. Support this bill. Reject this cynical political maneuver on this floor tonight.

Ms. VELÁZQUEZ. Mr. Speaker, I yield the remainder of my time to the gentleman from Oregon (Mr. WU).

Mr. WU. Instead of grandstanding on gas issues, instead of taking "yes" for an answer, the minority would want to kill a bill that has funded NEI Corporation of Somerset, New Jersey that enables the development of batteries for hybrid vehicles; a program that funded Eltron Research for coal gasification that establishes energy independence; that funded Mohawk Innovative Technology of Albany, New York to enable the hydrogen economy.

You want energy independence? Vote for this bill. Stop the political grandstanding.

Ms. VELÁZQUEZ. Mr. Speaker, I urge a "no" vote on the motion to recommit.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to please direct their remarks to the Chair.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that if indeed this motion to recommit passed, that this bill could be referred back to the two committees from which it came and that it could be back on this floor as soon as tomorrow?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Mr. WESTMORELAND. I thank the Chair.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HELLER of Nevada. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 1126; and adoption of House Resolution 1126, if ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 215, not voting 21, as follows:

[Roll No. 216]

AYES—195

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—215

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—21

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Higgins
Hulshof
King (IA)
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left to record their vote.

☐ 2008

Messrs. BONNER, McINTYRE and MITCHELL changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 368, noes 43, not voting 20, as follows:

[Roll No. 217]

AYES—368

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack

Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—43

Barton (TX)
Boehner
Broun (GA)
Burgess
Carter
Cubin
Culberson
Davis (KY)
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Hensarling
Herger
Herseth Sandlin
Hodes
Jordan
Kucinich
Kuhl (NY)
Linder
Manzullo
Marchant
Markey
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Poe
Radanovich
Rohrabacher
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Stearns
Tancredo
Thornberry
Tsongas
Westmoreland

NOT VOTING—20

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 2015

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1126, on which a recorded vote was ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 187, not voting 24, as follows:

[Roll No. 218]

AYES—220

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—187

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Clay
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra

Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Edwards
Everett
Feeney
Ferguson
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rangel
Rush
Schwartz
Weller

☐ 2023

Mr. KING of New York changed his vote from "aye" to "no."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 218, had I been present, I would have voted "aye."

Stated against:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 218, I inadvertently voted "yes" and had intended to vote "no."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 183, not voting 25, as follows:

[Roll No. 219]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—183

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Clay
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—25

Alexander
Andrews
Blunt
Boren
Brown-Waite, Ginny
Campbell (CA)
Cardoza
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Edwards
Everett
Feeney
Ferguson
Higgins
Hulshof
LaHood
Marshall
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain to vote.

☐ 2030

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5819, to include corrections in spelling, punctuation, section numbering and cross-referencing, the insertion of appropriate headings, and to conform the table of contents.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

100TH ANNIVERSARY OF THE ARMY RESERVE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today marks the 100th anniversary of the establishment of the United States Army Reserve. On this date, we should take a moment to honor their proud tradition of service and sacrifice.

The Reserve was first established by President Theodore Roosevelt on April 23, 1908, when he signed into law the Medical Reserve Corps. Four years later, the Regular Army Reserve was established, and they have gone on to duty and served in every major conflict operation of the last century. America's Army Reserve has served in both world wars, the Cold War, Korea, Vietnam, the Persian Gulf, and in Iraq and Afghanistan as the central fronts of the global war on terrorism.

As a veteran of the Army Reserve, the 460th Replacement Detachment of Florence, South Carolina, and the 815th Personnel Service Company of Orangeburg, South Carolina, I wish to express my immense gratitude for the hard work and dedication of our Reserve soldiers. Our Nation is safer because of their sacrifice. The best way to protect American families is to defeat terrorism overseas.

In conclusion, God bless our troops, and we will never forget September the 11th.

NATIONAL DAY OF SILENCE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of the National Day of Silence. On April 25, hundreds of thousands of students around our country will observe a day of silence in memory of Lawrence King. Lawrence was a 15-year-old attending E.O. Greene Junior High in Oxnard, California, my district. He liked to draw, study bugs, crochet, and sing.

He was also repeatedly harassed in school because of his sexual orientation and gender expression. He endured anti-gay taunts, slurs, and other forms of bullying. This harassment culminated in his death when on February 1, 2008, he was shot in the head by his 14-year-old classmate.

Larry's death is incredibly tragic. It is also a sad reminder that pleas for help from our young lesbian, gay, bisexual, and transgender population are often met with silence.

I commend the courage of every student participating in the Day of Silence. I know that their efforts will bring much-needed attention to the plight that students like Larry face every single day.

CONGRATULATING THE ARMY RESERVE ON ITS CENTENNIAL

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, Public Law 101 was signed into law by President Theodore Roosevelt 100 years ago today on April 23, 1908. Accordingly, I rise to congratulate the Army Reserve on its centennial.

First conceived by President Roosevelt and senior military leaders as a means to increase the efficiency of the Army's Medical Corps by establishing a reserve force of specially trained personnel, the mission of the Army Reserve has since been expanded to include additional military occupational specialties. Indeed, it is testament to the stature of the Reserve that it now provides nearly 40 percent of the mission-essential combat support and combat service support forces of the Army.

Moreover, Mr. Speaker, since September 11, 2001, 98 percent of Army Reserve units have either deployed or provided mobilized soldiers, and more than 180,000 individual soldiers have been mobilized or deployed in support of this global war on terrorism.

As we honor the Army Reserve on its centennial, I would like to pay tribute to all of our citizen soldiers, past and present, whose personal courage, contributions, and sacrifices have helped preserve the freedom and advance the national security and homeland defense of the United States.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DONNELLY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RELEASE THE BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it has been 16 months since two of America's border protectors have been locked up in Federal prison in solitary confinement. Ramos and Compean tonight are in two different places in the United States but both are in a Federal penitentiary for enforcing the law that we have entrusted them to enforce on the Texas-Mexico border.

Now, we understand that in this case, the case that was based upon the testimony of a drug smuggler that brought drugs worth $750,000 into the United States, the entire Federal Government's case was based upon his testimony. His testimony, when the Federal Government gave him a back-room deal, promised not to prosecute him, let him go back and forth across the Texas-Mexico border, all for his testimony to testify against two border agents, claiming in his testimony that he was unarmed when he was shot fleeing the two border agents a couple of years ago when he brought drugs into the United States.

Now, we know that while he was waiting to testify, this star witness, this back-room deal witness, he brought another load of drugs into the United States, and the U.S. Attorney's Office kept that from the jury that was hearing the case against Ramos and Compean. The U.S. Attorney's Office denied for months that that ever occurred, and finally, the truth came out when Members of Congress found out about it.

And last week, the drug smuggler, the back-room deal witness, the witness whose testimony was bought at a price of freedom, was convicted in Federal prison for bringing in that load of drugs the U.S. Attorney's Office denied ever occurred.

Mr. Speaker, Ramos and Compean were convicted on tainted testimony, testimony that, as the U.S. Attorney's Office admitted before Congress, had some lies in it said by this star, back-room witness. And it's time that these two individuals be pardoned, that their case be reversed, that the next year we find out the truth that the U.S. Attorney's Office hid that second deal. All the while, let's leave the drug dealer in the Federal penitentiary where drug dealers belong.

And that's just the way it is.

CELEBRATING THE 60TH ANNIVERSARY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Earlier today, this House passed the concurrent resolution recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

I was not yet born in 1948 when the State of Israel declared its independence, but I grew up and was born into a family where the fact that Israel had been created meant everything to us, and I want to share with you why that is.

I am the granddaughter of immigrants to this country that couldn't speak English. My mother's side of the family comes from Salonica, Greece. Prior to World War II, there was a vibrant Jewish community in Salonica. Over half the population, 80,000 people, were Jewish. By the time the Nazis finished with the Jews of Salonica, there were only 1,000 out of the 80,000 Jews left.

On my father's side of the family, we who come from the Russian-Poland border, the entire culture, a vibrant culture that had existed for over 1,000 years, was exterminated along with most of the Jewish population of Poland.

I grew up hearing stories from my grandmothers about what it was like in the countries that they came from and how happy they were to be Americans, to be Jewish Americans. My family had a profound sense of patriotism and pride in being Americans, but they also, and we also, are Jewish.

And the fact that there is a country uniquely belonging to the Jewish people said something to us about the ability of surviving so that anything like what happened in World War II never happened again.

A couple of years ago, I had the privilege of attending the 60th anniversary of the liberation of Auschwitz. I had never wanted to go to Auschwitz before because of all of the horrors that took place there during World War II: People systematically slaughtered for the very mere fact they were Jewish; starved, killed, exterminated, gassed.

But I did go to this commemoration. And I was told by the late Tom Lantos, my dear friend, a story while we were sitting there. Two weeks before this commemoration of the liberation of Auschwitz, the Israel Defense Force had their own commemoration. And the head of the Israel Defense Force got up at Auschwitz, and he said the following words. He said to the members of the Israel Defense Force who were there participating in this ceremony, We are 60 years too late, but we are here now; and with that, four Israeli jets buzzed over Auschwitz.

That symbolism was not lost on anybody sitting there. If Israel had existed 60 years ago, perhaps hundreds of thousands of Jews could have been saved and kept from the gas chambers.

If I wasn't Jewish and Israel didn't mean so much to me in a highly personal way, as an American, I would celebrate the birth of Israel and its existence. The modern State of Israel has rebuilt a nation, forged a new and dynamic democratic society, created a thriving economic, political, cultural, and intellectual life despite the pain of war and almost constant terrorist attacks, attacked in 1948, 1956, 1967 and 1973, and all the time moving forward and expanding their economy, expanding their way of life, living in a thriving and vibrant democracy.

□ 2045

Our strongest ally, America's strongest ally on the planet is that little State of Israel; votes with us all the time in the United Nations, supports us, and we, in turn, support it because it is mutually beneficial to both the United States and to the State of Israel.

It would be my fervent dream that before the next anniversary of Israel, that there would be a Jewish State of Israel living side by side in peace with a Palestinian state that was also democratic, with a free press, free speech, and a vibrant economy and a way of life where people could reach across those divides and live a better life together.

And with that, I yield back the balance of my time with great pride in the 60th anniversary of the creation of the State of Israel.

MARTIN GUITAR COMPANY CELEBRATES ITS 175TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, while the music of Tom Petty, Sheryl Crow and Jimmy Buffett represent dramatically different styles, these three famous musicians and countless others throughout the world share one unique characteristic, they all play a Martin guitar.

Founded in 1833, Martin Guitar Company is celebrating its 175th anniversary in 2008. Headquartered in beautiful Nazareth, Pennsylvania, I'm very proud to have this remarkable business located in my district.

The fascinating origins of Martin Guitar date back to the late 18th century, when the company's founder and namesake, Christian Frederick Martin, Sr., was born in Germany. The son of a prominent local cabinet maker, Martin traveled to Vienna, Austria at the age of 15 to apprentice with Johann Stauffer, a renowned guitar maker.

After honing his craft in Austria, Martin returned to his native Germany to open his first shop, but became entangled in a bitter dispute between the local Cabinet Makers Guild and Violin Makers' Guild. This clash ultimately drove Martin to emigrate to the United States in 1833, where he opened a shop in New York City's lower West Side.

Six years after arriving in New York City, Martin moved his family and business to Nazareth, Pennsylvania, where the shop flourished and evolved from a one-man operation into a company that employed over a dozen skilled craftsmen. In 1859, a plant was constructed on Maine and North Streets in the heart of Nazareth. Having undergone numerous expansions and modifications over time, this facility is still used by the company for shipping and storage. It also houses a retail supply store for instrument crafting and repair.

In its 175-year existence, Martin Guitar Company has used innovation and foresight to survive many tumultuous periods of American history. The company actually flourished during the Civil War due, in part, to the simple fact that many guitars were destroyed during fighting and needed to be replaced.

Later, in the 1890s, business boomed when Martin began producing mandolins that were widely popular among the growing number of Italian immigrants arriving in the United States from Europe. The company struck gold in the 1920s when the American public suddenly became captivated by the tiny ukulele. Spurred by the overwhelming sales of ukuleles, which at the time were being produced at nearly double the rate of traditional guitars, Martin was forced to expand the capacity of its Nazareth plant and substantially increase its workforce.

The advent of the Great Depression in 1929 imposed incredible hardships on American households. While every industry in the Nation was impacted by the economic downturn, Martin found it exceptionally difficult to sell guitars and musical supplies to a public desperately trying to make ends meet.

During the Depression, the company reluctantly abandoned aspirations for increasing sales and focused exclusively on economic survival. To avoid scaling back the already reeling workforce, Martin diversified its production and began manufacturing violin components and even wooden jewelry. Desperate for a concept to reinvigorate sales, the company explored numerous product modifications which ultimately led to two important developments, the creation of the now famous "Dreadnought" guitar, and the invention of the 14-Fret Guitar Neck, which today is an industry standard.

From 1948 to 1970, the company experienced unprecedented growth due to post-war prosperity and the rise in popularity of American folk music. In 1955, a new, larger plant was built in Nazareth to help meet increasing demand, but by the early 1960s Martin guitars were back-ordered as much as 3 years.

In 1990, the company formalized its long-standing ecological policy which embraced the responsible use of natural materials and promoted the use of sustainable yield, alternative wood varieties.

Adopting such a progressive policy nearly 20 years ago has helped broaden the use of sustainable materials within the guitar industry over the last two decades and illustrates Martin's admirable dedication to responsible production. Martin's amazing longevity in a constantly changing industry is a true testament to the strength of the company's management and its commitment to crafting guitars of the highest quality.

Mr. Speaker, the Martin Guitar Company has been a source of tremendous pride in the Lehigh Valley of Pennsylvania for generations. Today, I rise to congratulate the Martin family and their many employees on 175 years of achievement. I wish them many, many more years of incredible success. We are extraordinarily proud of them.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, those who support our occupation of Iraq often justify it by saying that there will be a terrible humanitarian crisis if our troops leave. They must have missed the memo about the humanitarian crisis that already exists in Iraq. And they must be blind to the humanitarian crisis that goes on every day right here in America because of the occupation.

Last week, the Rand Corporation issued a shocking report which measured the crisis at home. The report found that 300,000 troops who have returned from Iraq and Afghanistan suffer from post-traumatic stress disorder or major depression; that's about 20 percent of all the troops who have been deployed. The numbers are truly staggering, but when you add all the family members who are affected, you realize that we will never be able to calculate the full human toll of the Iraq invasion.

Mr. Speaker, the study was the first complete analysis of PTSD and depression problems. It should have been conducted by our government, our government, which, by the way, has the greatest responsibility for the care of our veterans, but it wasn't. It was conducted by the Rand Corporation, a private, nonprofit organization. The codirector of the report said one of the reasons that RAND did the study was because the Pentagon didn't, and they wanted to have the numbers. It is outrageous that our own Department of Defense didn't know how many of our veterans were suffering from PTSD and from major depression. How did our government expect to address this health crises if it didn't know the full extent of it?

This is another example, Mr. Speaker, of the administration failing our troops. But it's hardly the only example. Over 125,000 veterans of the fighting in Iraq and Afghanistan are on disability for hearing loss and other hearing problems. One of the chief reasons is the Pentagon's failure to fully anticipate the problem of road-side bombs. The blasts from these bombs cause violent changes in air pressure that can rupture the eardrum and break bones inside the ear.

And most tragically, we are learning that the government may be trying to cover up the problem of suicide among veterans. In a trial that opened yesterday, two organizations are suing the Department of Veterans Affairs for failing to provide adequate care to prevent suicides among veterans. An e-mail written by the head of the Mental Health Services for the VA was shown at that very trial. The e-mail referred to approximately 1,000 veterans under the VA's care who attempt suicide every month. And the memo said, "Shhhh! Is this something we should carefully address ourselves in some order of press release before someone stumbles on it?" This is incredible. The Veterans Administration is trying to figure out whether to hide the truth from the American people about the extent of the suicide problem among our veterans. What a disgrace.

Mr. Speaker, we have a solemn duty to care for our veterans, to honor them for their sacrifice, and the best way to honor those who have been injured is to make certain that more aren't injured. That means we must responsibly redeploy our troops out of Iraq. And it means we must get on with the task of helping the people of Iraq to rebuild their lives and their country, and healing the wounds of our veterans right here at home. The administration will not do it. It is up to Congress to do it.

We owe it to our veterans, to the American people, to the Iraqi people. And Mr. Speaker, we owe it to ourselves.

THE DRUG CONVICTION QUESTION AND FEDERAL STUDENT FINANCIAL AID

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. CLARKE) is recognized for 5 minutes.

Ms. CLARKE. Mr. Speaker, yesterday, both the Washington Post and the New York Times reported that under the Bush administration the military has increasingly granted so-called "conduct waivers" to allow more people with criminal records, including drug convictions, to serve in the Armed Forces. As a matter of fact, conduct waivers granted for felonies and other crimes constitute the majority of all waivers, about 60 percent for the Army, and 75 percent for the Marine Corps.

It is important to note that the vast majority of such convictions stem from juvenile offenses, but at the same time, a provision of the Higher Education Act, which Congress is currently in the process of reauthorizing, bars young people with drug convictions from receiving Federal financial aid to go to college. I find it absolutely alarming that the Bush administration seems to think that youth who are prone to youthful indiscretions and get into trouble with drug use are, on the one hand, not worthy of Federal support to obtain a college education, but on the other hand, are perfectly fit to go and to fight the war in Iraq and Afghanistan.

Because of what many have termed the "Drug War Draft," countless students with minor drug convictions are turned away from the university financial aid office only to be funneled across the street to the military recruiting office. While there is absolutely nothing wrong with giving young people with past drug convictions an opportunity to redeem themselves in service to our country by joining the armed services, it is a moral outrage that current law blocks redemption through educational opportunities to these same individuals.

When asked about the conduct waivers, the Army's Operations Chief Lieutenant General James Thurman stated, "You've got to give people an opportunity to serve." Well, I thoroughly agree with the general, people should be able to contribute to this society in whatever way they best can, whether by enlisting in the military or by enrolling in school and obtaining the skills needed to become productive members of our workforce, our communities, and by extension, our Nation.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is April 23, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,875 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems too sad to me, Mr. Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,875 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is April 23, 2008, 12,875 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

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IN SUPPORT OF H. CON. RES. 322, RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

The SPEAKER pro tempore (Mr. SPACE). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise now to honor an ally who has stood with us in the global war on terrorism. An ally who knows what it's like to fight for peace and for freedom. An ally that continues to pursue liberty even amid increased threats. That ally is Israel.

A millennia ago the Israelites providentially escaped from captivity in Egypt. That event is remembered this week as Jews around the world celebrate Passover. Yet their struggles, of course, did not end after Moses' leadership.

Less than 10 decades ago, Israel was one of the most violent spots on the planet as various governments sought to destroy the fledgling nation. Today, just 60 years after its establishment, Israel has prospered and contributed to the economic, scientific, medical, and agricultural success of nations both in the Middle East and around the world.

I am a proud cosponsor of House Concurrent Resolution 322, which recognizes the 60th anniversary of the founding of the modern State of Israel, and it reaffirms the bonds of close friendship and cooperation between the United States and Israel.

Tonight I also want to recognize Israel's achievement in one particular area as well, and that is agriculture. And maybe it's fitting, with Earth Day here, this topic is especially relevant.

Israel is 60 percent desert, and yet scientists have found innovative farming methods that have allowed the desert there to bloom. Not only has Israel shared its newfound knowledge with the United States, but they have also shared technology and techniques with other nations which contain desert regions.

For example, the world's first surface drip irrigation system was developed in a Kibbutz near Beersheba in the 1960s. It was after an Israeli water engineer noticed a hedge that was noticeably different, healthier and taller. The man, Simcha Blass, used his discovery to create an irrigation device that uses friction and water pressure loss to leak drops of water at regular intervals. So today fruits and vegetable growers in many dry areas around the world use this drip irrigation method thanks to Israel.

In addition, scientists in Israel have developed genetically modified, disease-resistant fruits like bananas and peppers and other crops. These fruits and vegetables help expand the world's supply of food and maintain low prices at grocery stores here and abroad.

Since the 1970s Israel has partnered with the U.S. in several joint scientific ventures, including the Bi-national Agricultural Research Development Fund, BARD. This group basically focuses on enhancing agricultural productivity.

Israel has also pioneered advances in desalination. It was in Eilat, an arid city located at the intersection of the desert and the Red Sea, and it used to be a really barren settlement due to shortages in the water supply. Back then visitors had to bring their own water and wash their laundry in buckets. But today residents own swimming pools, plant flower gardens, and relax in shaded, grassy yards. It is due to desalination, and now the city is self-sufficient in maintaining its own water supply.

Desalination, which turns seawater into freshwater by separating salty compounds from water molecules, is now being considered here in the U.S. in places like Georgia and Texas and Florida. And according to the International Desalination Association, desalination makes up more than half of the freshwater used in the Middle East and North Africa, again thanks to Israel.

Clearly, Israel has demonstrated expertise in agricultural innovation. And as representative of the great State of New Jersey's Fifth District, which is home to many small farms, and New Jersey is called the Garden State, I appreciate Israel's agricultural developments and its willingness to disseminate research and to share that across international boundaries.

So I conclude simply by saying I salute Israel on its anniversary and its many achievements, and I thank that nation for making that nation what it is and for making the United States a better country as well.

FORECLOSURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the housing foreclosure crisis in America is getting worse. Last February alone brought another quarter of a million foreclosures, 223,561 families. Last year, in 2007, our Nation suffered 1.6 million foreclosures, the largest equity washout in our history. That's 1.6 million families, probably between 4 and 5 million people, who have destroyed credit and who lost their homes. Their lives have been thrown into chaos.

Despite the death grip that mortgage foreclosures are having in this country, Washington has yet to offer a credible solution. Back home my constituents are demanding to know what is taking so long. The huge jumps in foreclosures were becoming evident in 2006. Experts have forecast an even larger increase based on loan resets on adjustable rate mortgages. Still no credible action from the Bush administration or this Congress. One has to wonder why Washington has not moved more decisively to enact legislation when no congressional district has gone unaffected by this crisis. In whose interest is it to have so many Americans, by the millions, falling off the edge of the mortgage cliff?

The Bush administration should take real action. It isn't. This Congress should take real effective action. It hasn't. It is clear what will happen if we don't. Another 2.9 million loans were past due last December, signaling high rates of foreclosure to come. Another 40 million homeowners are at risk of seeing their property values decline, and 12.5 million will have either zero or negative net equity in their home. In fact, America has reached a very dangerous position. For the first time in our history, people owe more on their homes than their homes are worth. People owe more on their homes than their homes are worth. Net negative home equity.

Despite the great fanfare associated with government compacts and rescue hotlines, many servicers and investment banks are still refusing to come to the table. I've received a long list of servicers who can't be reached or who refuse to pursue workouts, including the banks that hold the mortgages that were serviced, when housing counselors and homeowners try to reach out to them at the local level. They used to call that "taking the lamb." They've disappeared, and, therefore, there is no one to work it out with.

Counseling services at the local level are overrun with desperate homeowners, many of whom could be helped if they weren't on long waiting lists for counseling assistance and could find with whom they should work out that mortgage. What good is the $180 million in housing counseling funds we passed in Congress last year if the majority of servicers are still refusing those workouts and if that 180 million wasn't targeted to the districts that are most in need? And it wasn't.

Of those who are willing to engage in workouts, most only offer repayment plans, giving homeowners additional time to catch up with their payments. But this begs the question if homeowners cannot keep up with their regular payments, what good does it do them to offer them a chance to catch up by making double and triple payments?

One of my constituents was offered such a "deal." He tells me that the bank will allow him to save his home if he just comes up with $40,000 by October. This gentleman, who has lived in his home for more than two decades, has a low fixed income with no hope of coming up with such a large sum. His lender is offering concessions in name only.

A few servicers who are engaging in workouts are moving toward modifying the terms of the loans, reducing principal, lowering interest rates, extending the terms of the loan, to make them more affordable. We need much more of that. But the relatively small segment of the industry that is willing to do so, coupled with the painfully slow pace of working out individual plans, only drives America into deeper crisis.

More effective solutions should be forthcoming from this Congress, including bankruptcy bills like that of Congresswoman MAXINE WATERS and Congressman BRAD MILLER, which would allow judges now the flexibility to modify the terms of mortgage loans in bankruptcy court proceedings by lowering interest rates, forgiving penalties, reducing principal, and getting those servicers and banks to the table. Of course they don't want that. Too bad. The crisis is an American crisis and it needs an American solution.

To tread water while this disaster unfolds is wrong. It's not just about helping homeowners. It's about helping our Nation's economy and trying to rebuild the economic strength that we have lost through this deepening crisis.

EDUCATION: THE QUALITY OF OUR NATION'S SCHOOLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. MCKEON) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I am grateful to have this opportunity to discuss an issue that's important to every single American family: the quality of our Nation's schools.

Twenty-five years ago this week, the National Commission on Excellence in Education issued its landmark report entitled "A Nation at Risk: The Imperative for Educational Reform." I would like to read an excerpt from the opening of that report:

"Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world . . . While we can take justifiable pride in what our schools and colleges have historically accomplished, the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people. What was unimaginable a generation ago has begun to occur. Others are matching and surpassing our educational attainments."

Again, this report was written 25 years ago. And some of the things we're going to talk about tonight are about what little improvement we have made in that 25 years.

When this report was released, it sent shock waves through our educational system. For the first time, we recognized the threat of educational failure as a threat to our national security. And to be frank, I don't think that was overstating the case. I have personally traveled to China with other Members of Congress and seen the progress they are making scientifically, technologically, and, yes, educationally. And China is not alone. All around the world, nations are realizing that educational excellence today will mean competitive dominance tomorrow.

"A Nation at Risk" was issued nearly two decades after enactment of the Elementary and Secondary Education Act. The ESEA, which was the precursor of No Child Left Behind, dramatically increased Federal funding for education. Unfortunately, it didn't link that funding to a demand for results. From 1965 until enactment of No Child Left Behind in 2002, the Federal Government spent more than $227 billion on the Elementary and Secondary Education Act. Yet despite that considerable investment, academic achievement flatlined during that time period.

As you can see here, the graph shows the amount of money appropriated year by year, and the blue flat line is the test results during that period.

This is unacceptable. It's unacceptable to the taxpayers, being asked to fork over their hard-earned dollars to a bloated Federal bureaucracy that fails to produce results. It is unacceptable to parents, who should be empowered to seek out a quality educational experience for their children. And it is unacceptable to our citizenry as a whole, who deserve an educational system that strengthens our prospects for the future.

"A Nation at Risk" outlined dire consequences if we, as a nation, failed to improve our schools. In the quarter century since that report was issued, we have seen a number of positive education reform movements, each of which, if allowed to succeed, could make a real difference to students.

□ 2115

I would like to discuss just a few of those reform movements now. First, A Nation at Risk energized those who support educational freedom. There are many that believe a lack of competition in our public schools is a major force behind their stubborn lack of improvement. Rather than permitting the educational establishment to maintain its stranglehold on educational options, we need to give parents the right to decide how their children will best be educated.

Another key education reform principle that emerged in the wake of A Nation at Risk was the drive to improve teacher quality. In fact, an entire section of the report was dedicated to improving teacher quality. In 1983, the report highlighted a shortage in highly qualified teachers of key subjects like math, science, and key foreign languages. It also called for innovative strategies like performance-based pay to recruit and retain effective teachers. Twenty-five years later, we are still facing a shortage of teachers in these critical subjects, and we are still fighting to be able to treat teachers as the professionals that they are by rewarding them for their performance.

Perhaps the most fundamental education reform movement that has come about in the years since A Nation at Risk is the No Child Left Behind Act. That is because NCLB sought to change the expectations at the very core of our education system. Instead of accepting mediocrity, NCLB demands that every child in America be given the opportunity to succeed.

You know, it's a real indictment of the educational system of the past that it was considered radical to expect every child to merely be able to read and do basic math. But that is the mentality that NCLB is trying to change. Unfortunately, despite these and many other efforts to improve our Nation's schools, we are still a long way from educational excellence. And so I would submit that our Nation is still at risk.

We have an education establishment that puts preservation of the system above elevation of the student. We have children trapped in chronically under-performing schools and parents with little or no ability to send them elsewhere. We have teachers leaving the profession because they are frustrated with a system that fails to recognize and reward success. And we have a majority in Congress that has refused to take the next step toward education reform by making much needed reforms to No Child Left Behind.

Tonight, some of my friends and I on the Education Committee are going to take a look at A Nation at Risk: 25 Years Later. From where I sit, the education landscape in this country is often disappointing, yet hopeful as well. Reformers from all ideological perspectives continue to push for better schools, greater education reform, and a commitment to competitiveness that will allow us to thrive in the 21st century and beyond. Education reform is a daunting challenge, but one that cannot be ignored.

I would like to give the time now to a good friend from Delaware, the ranking member over the Subcommittee on Elementary and Secondary Education, Mr. CASTLE.

Mr. CASTLE. I thank the distinguished ranking member of the education committee for yielding time to me, and I would like to share in his message which we have tonight. I remember 25 years ago when Secretary Bell issued The Nation at Risk and we had the whole discussion about the fact that America perhaps is not doing as well educationally as were other countries. I am not sure before that time that anybody had ever really tried to point the finger at that and to really reach that conclusion. We looked at our fine schools, our excellent colleges and universities, and we didn't look at some of the problems behind, and we didn't look perhaps at the fact the economy was growing on us in a way that demanded education of all children, not just of the kids that could go to the very best schools in the United States of America. But from that point on, I think there has been a focus on this.

The Congress has essentially done its job. There has been a great increase in funding of education, not as much on the local and State level, but at the congressional level there has been a great deal of funding increases. But we have seen many studies now which have indicated that the funding increases do not necessarily end up with a bottom line of our young students being educated better.

The bottom line is that we need a tremendous commitment from anybody who touches on their lives. Obviously, their parents, the teachers, the administrators in the school, the other personnel in the schools, elected officials both here in Congress and throughout the United States of America, and I think a broader understanding among all Americans, perhaps even the media, of the significance of education and how that ties in economically to what children may do in the future and to the entire future of America.

We have for many years now here in Congress under the leadership of Mr. MCKEON and other leaders looked at education and made efforts to try to improve our educational status in our country. There is a distinct recognition of we need to do more in math and science, perhaps in geography and other areas as well, but that has not happened at the levels which we would like it to happen. The Elementary and Secondary Education Act, which has been with us for some time, has worked to help in that area somewhat, but it wasn't really until No Child Left Behind came along some I guess 6 years ago now that we really started to make a difference as far as education is concerned.

All of a sudden, now our test scores are going up in various parts of the country. In addition, some schools who are educating their best students very well are being exposed as not doing as good a job with some of their lesser students. We now have to examine these students by various categories and we have various numbers and achievement levels that have to be met for schools to make adequate yearly progress, and that has shown that in some areas of the country and in some certain school districts, that is simply not happening. In others, it is.

I can tell you that in my State of Delaware that I have visited many of our schools. In fact, at one time or another I visited every school in our State. It's a small State. I will tell you that some of those districts have done just a wonderful job of grabbing hold of the need to make improvements in education, of getting commitment, of getting parents involved, making sure the courses are laid out in such a way that those kids could improve. As a result, we have seen test scores grow, particularly in our elementary and middle school levels, and these kids are now doing considerably better than they had been doing before, simply because they have made that commitment.

It does involve standards, it does involve assessments. Some people don't like that, and we hear some concerns about it. But the bottom line is that we are making the progress that we felt that we had to make in order to improve our schools. This must continue, and I believe strongly that we have to do a variety of things to do this. We have to strengthen the parental options which are out there, make sure they understand what they can do in terms of helping education.

We still have State and local flexibility. That is another area that we have to continue to work on, and we have passed legislation to do that. No Child Left Behind is very demanding in terms of teacher quality, and some of the aspects of teaching, which is important as well. We have encouraged the establishment of more charter schools. That is not just to establish charter schools, it is so that they can perhaps show us the way or set an example for our other schools. For that reason, the charter school movement has had a beneficial effect on education in ways beyond just the charter schools themselves.

We need to be careful with our dollars, obviously. We know that is important. The whole business of standards and assessments and growth models is important too. We need to be able to measure how we are making progress. I am not sure that we do that quite as we should. We need to do better with reading. We have learned that if we do not teach these children how to read early on, it is going to be problematic in terms of their future education. So that is extraordinarily important.

We just had a call for more effective measurement of graduation rates by the Secretary of Education. And I have actually introduced legislation along those lines previous to that. I am a strong believer that we need to be able to measure graduation equally throughout all of our State so we can determine what the graduation measures truly are.

I believe that dealing with No Child Left Behind has not been easy. There is opposition to it. There are those that believe it is too demanding. They are reluctant to try to undertake to meet the standards that are there. Many of us who will speak tonight believe we can make improvement in No Child Left Behind. As I indicated, Secretary Spellings just in the last 2 days has issued a series of regulatory changes which she believes she can make, and she has already made some, in order to improve No Child Left Behind.

I believe that we in Congress should assume that responsibility too. That we should not just say we don't like it, we are not going to change it, because if we don't like it and we are not changing it, it's going to stay the same. We should look at the various things that we can do in order to make No Child Left Behind more meaningful if indeed there are problems as far as that is concerned.

I mentioned a growth model. That is a significant aspect of this. If we measure growth, we don't have to measure that everyone has achieved the way we would like them to, but how much they have grown, which could be a factor. I mentioned the graduation rate, which is important. A clarification of multiple assessments might be important as well.

Obviously, information to parents is also vitally important at all times to make sure that they are involved and engaged in terms of what is happening in our schools. I have seen a program in schools just the last couple of days in Delaware, and I have seen what one person in a school can do in terms of communication between the school, the parents, and the outside. I think it makes all the difference in the world, and that is something that we should be pursuing. Supplemental education services is included in No Child Left Behind, and that is another area in which we can provide services to those kids who need it the most.

These are the kinds of things we need to boost. We don't need to dismiss them or throw them out because we feel that perhaps they don't work as well as they should. They do work. They make a difference as the education of our young children is concerned.

I would call on the media to get involved with this. I think we need to look at the comparisons with other countries, we need to look at the significance of education as it applies to the economics of what kids are going to be doing in the future. There just needs to be a greater understanding among our young people that with good education, their opportunities explode in terms of what they might be able to do.

So these are all things that I think we all have a responsibility for, Republicans and Democrats alike, in Congress. I believe the Secretary of Education is doing all that she can. I believe we are still at risk 25 years later. I don't want to be at risk 25 years from now. Hopefully, together we can continue to work to make sure that American education is improved to the point that we can look at everybody else and say we have without a doubt the best education system in the world.

I thank the gentleman for yielding time. I yield back to him.

Mr. McKEON. The gentleman didn't mention that he used to be Governor of Delaware and had occasion to visit every school. I have had the opportunity to visit his district a couple of times and it's always a real pleasure. It's interesting to be able to drive across the whole State in less time than it takes me to get from one part of my district to another.

Mrs. BIGGERT, a member of the committee from the State of Illinois, I yield time to you.

Mrs. BIGGERT. Thank you. I thank the gentleman from California, Mr. McKEON, for facilitating this discussion on the 25th anniversary of President Reagan's A Nation at Risk report and the importance of education to our economic future. I appreciate your leadership on the Education and Labor Committee. I can't think of a more appropriate event than the 25th anniversary of the report, A Nation at Risk, to review our education system and our global competitiveness. I think this report outlined the dire consequences if we as a Nation fail to improve our schools. In the 25 years since that warning, a number of things have changed. But we still face many of the same concerns raised by the report.

I remember well when this report came out. In fact, I was president of my local high school board at the time, and I know how devastated we were to find out how badly we were doing. People asked me why I wanted to be on the school board. I wanted to be on the school board because I wanted to make sure that my children got the best education available, and I wanted to work to make sure that that happened. So I was concerned about this.

I thought back on my family, and the thing that was always so important to our family was education. In fact, my father told all of us, there were four of us, that education was the most important thing, and if you got a good education, you could do most anything that you wanted. I don't think I would be here if it hadn't been for that. But he also was a very great man, and he said, And I will pay for it.

Now when you look back at that time, it wasn't as expensive, and we think of all of our kids and grandchildren in schools now.

□ 2130

But my older sister went to medical school, I went to law school and became an attorney, my brother went to law school and became a judge, and my little sister got her master's in Latin and Greek. Now, she doesn't use that too much anymore, but I think the point is that is how important education is and how it remains.

I really do worry, because it is at a time now when we have to compete on a global scale. Americans have shown their entrepreneurial skills and leadership, making the U.S. the largest and most robust economy in the world. However, we are seeing that Asia and Europe, our economic competitors, are making significant new investments in their infrastructure and human capital.

In a recent report, "The Gathering Storm," in looking at what is happening, this report shows that our competitors' investments are beginning to pay off and they are challenging the U.S. leadership in sciences, no matter how it is measured: By the number of patents, they are having more and more patents they are gaining; articles written in the scientific journals; Nobel Prizes won; percentage of the gross domestic product dedicated to research and development; and even the number of degrees.

We all know that our graduate schools have been filled with graduate students who have come from foreign countries. In the past they have been staying in our country. Now we are seeing the brain drain with them leaving.

So despite the evidence that science and education is responsible for America's preeminence in so many areas today, the 2000 Hart-Rudman Report on National Security found that "the U.S. Government has seriously underfunded basic scientific research in recent years. The quality of the U.S. education system too has fallen well below the scores of other nations." In fact, in one of the reports, we find that with other countries, we rank number 28, that is 28 under all of these other countries for our educational system.

I believe that now, more than any time in our history, we are at a crossroads. The economic prosperity of this country is the product of our well-trained workforce, and if the United States is going to be able to continue as the economic leader and have the creativity and the innovation that we need in technology, we have to ensure that our current and future workers have the tools necessary to compete.

There is not a quick fix to this problem, but there is no question that by providing the quality education to the next generation of workers, that we are going to ensure the success of our country, and without a well-trained workforce, we could see employers moving the best jobs to other countries where workers have the skills necessary to perform that work. So we can't allow this to happen.

We have the building blocks necessary for the best education system in the world, but when we compare American students to other students, there is no question that there is room for improvement. Just ask the employers in our districts or area colleges and universities where employers are finding it more difficult to find skilled workers and where college students are having to take remedial classes when they go in as freshmen because they are not at the point where they can really do the first level of college education.

I think that certainly Congress has recognized the importance of addressing this issue. In 2001, along came No Child Left Behind. Our intention was to address the achievement gap that exists in our country between the disadvantaged children and their more affluent peers by holding the States and schools accountable for the education of all students. This law also gives parents and taxpayers information on the education that their children receive compared to other schools. So I believe that this goal continues to be supported in Congress and in the schools and communities across the country.

Now, 7 years after the passage of No Child Left Behind, I think we are now reflecting on where things are working and how we can improve the law.

I know, Mr. Chairman, you have spent so much time on this issue, and we have had numerous, numerous hearings in the last few years and this session of Congress, but also in the 109th and the 108th, and always working, and even before that since 2001, to make sure how we can improve the law. But I had thought that we would be reauthorizing this system last year, and, unfortunately, it has been held up. But it has given us time.

I remember we had one hearing with 46 people that came in to testify. It was kind of the last hearing before we thought we were going to get this bill out. I think I sat through the whole thing. But also I have and a lot of the other Members have held roundtables in our districts to talk to superintendents, to talk to teachers, to talk to parents, to talk to businesses, to talk to Chambers of Commerce, to talk to students as well, and the community, because that is what it takes to make our schools the best that we can have.

So I think that this discussion tonight will demonstrate the need to reauthorize No Child Left Behind sooner rather than later. I guarantee that our international competitors are not waiting for the U.S. to catch up. I think that we need to really proceed, really with the hope that everyone will realize that education is the basis of everything that evolves for our children and our grandchildren to be a success and have a very successful life and really contribute to our country in moving ahead.

I would like to thank you for hosting this discussion tonight. With that, I will yield back so some of our other Members have an opportunity.

Mr. McKEON. Thank you very much. I really learned from your remarks. I knew you were an attorney, but I didn't know how the rest of your family had been benefited from education. It is good to learn about each other, and, again, as you said, the importance of education, to get on the ladder to climb to achieve the American dream. We here tonight, all of us, want to see that every child in America has the full opportunity to achieve their full potential.

Now let's hear from Mr. DAVIS, the gentleman from Tennessee. I am glad to have you with us.

Mr. DAVID DAVIS of Tennessee. Thank you, Mr. McKEON. Thank you for your leadership in the committee.

No Child Left Behind was signed into law before I was elected to Congress. It was signed into law in 2002 with the intent of increasing the overall achievement of students in elementary and secondary schools.

As written, the law requires the following: Annual assessments in math and reading in grades 3 through 8 and once in high school; reports on overall achievement and progress made by different groups of students; school accountability; high quality teachers in every classroom; increased parent information and choice; and State achievement standards and testing.

This law has far-reaching implications. I wanted to hear from the people both directly and indirectly involved with No Child Left Behind, also known as NCLB, so last year I held a roundtable discussion on NCLB in my district. Participants included parents, teachers, school superintendents, school board members, members of the business community and Chamber of Commerce, and representatives from the House Education and Labor Committee and the State and Federal departments of education. Most people agreed that No Child Left Behind is working, but reforms are necessary.

As I came to Washington, I found Washington is the only place where when something is supposed to expire, it doesn't expire. It just continues to move on. No Child Left Behind should have been reauthorized last year. It has not come up for reauthorization yet, and I think that should happen.

Many important issues were raised during my town hall meetings. A few of the main concerns were schools and school districts making adequate yearly progress, or AYP; meeting the teacher qualifications as set forth by No Child Left Behind; and the impact that special education students and Limited English Proficient students are having on local schools and school districts.

There are a lot of people with a lot of common sense back in the mountains of East Tennessee. Most teachers in my district believe they should be held accountable. That is just common sense. But it is like a three-legged stool. You can't only hold a teacher accountable and expect to get good results. It is like a three-legged stool. Teachers need to be held accountable, but also you need moms and dads to be involved in the education of their students, and also you need the students to become involved and work hard to make a difference. It really doesn't matter how good the teacher is. If you don't have moms and dads and the student involved, you will still get poor results. Teachers need to teach, not parent.

Ideally you will have a good teacher, you will have parents that are involved, and a student who is willing to work hard. While this isn't always the case, we must do everything we can in our power to see that it is there for most children. We need to continue to move every child forward, and bring those in the lower end of the percentile forward, but without holding those at the higher end back.

Students must be challenged and encouraged to learn. Students should not be counted in several subgroups. For instance, one child may be in both the English as a second language and children with special needs categories. Every student should be moving forward, but not every child can get to the same point. Most students can get from point A to point Z, but there are some students, special needs students come to mind, that may only go from A to B to C. They all should be moving forward, but you have to use some common sense when you pass legislation.

Also the way graduation rates are calculated need to be reviewed. People who decide to make the effort to go back to school and get their GED should be included in the graduation rates.

Let me give you an example. I have a school in my district in Hawkins County, Tennessee, that only had eight graduating students, eight students in their 12th grade. Four of those students received college scholarships. Doesn't that sound amazing? You have 50 percent of your students receiving college scholarships. However, one student dropped out, so now you have seven students and four students out of seven receiving college scholarships. So fully half of that class received scholarships. But one student didn't graduate, and because of that and the small number of students in Clinch School back in Hawkins County, Tennessee, that school is considered a failing school.

We need to reauthorize No Child Left Behind, and we need to fix some of these problems that I have mentioned tonight. Graduation rates, GED, English as a second language, those are some of the things that I hear that need to be fixed as we move forward into reauthorizing No Child Left Behind. These problems are fixable, and we need to fix them soon. We need to address these problems and reauthorize No Child Left Behind quickly.

Thank you for yielding your time, and I yield back.

Mr. McKEON. Thank you. Now I am happy to yield to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I want to thank my colleague and friend and ranking member from California (Mr. McKEON) for allowing this discussion tonight, and to start off I think by portraying reality here of the billions of dollars that have been invested. And I certainly wouldn't say wasted, but the investment of billions of dollars into education certainly has not, according to this chart, and I think reality, shown the impact we would have dreamed of, expected and desired.

I think that is why the discussion that we are having tonight is so good, especially centered around reauthorizing a major component that there has been a lot of hopes and dreams about, No Child Left Behind, producing in this country a greater quality and achievement in education.

I don't pride myself in being a contrarian, but on this issue, I am somewhat of a contrarian.

□ 2145

I hearken back to the Northwest Ordinance, that great statement that is included in many of our State Constitutions that says religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

And I think that last section, where it says schools and the means of education shall forever be encouraged, is where we are interested in tonight. It is our concern. It is our desire to encourage schools and the means of education.

That statement, that directive from the Northwest Ordinance is found, as I said, in many State Constitutions including that of my own State of Michigan.

The fact of the matter is that as a result of many redundant programs, well meaning though they may be, and yet programs and mandates that are put on our system, we have encumbered education to the point that it is very difficult on the ground in the unique classrooms that we have in every school district, with every student in the classroom who is a different student than the student sitting next to them.

Having three children and having gone through the public education system, the private education, and alternative system at some point in time in their educational experience, I know that even those three children from the same family learned in different ways and thankfully had the options available to them that met their needs at each step along the way, at least as much as possible, allowing achievement.

So, frankly, as we come to reauthorizing No Child Left Behind, it would be my preference that we would not; that we would end No Child Left Behind and turn it back to the States, turn our dollars and our interests toward giving opportunities for higher education, which in this country sets the standard for the rest of the world. Industry and business technology, working hand in hand with higher education, then to be an assist to establish patterns for our elementary and secondary education to bring them to the point of a completion, at least to that point, so that they can go on into higher education, trade schools, or in industry and business, and achieve, knowing reality and to a point as well, I understand that No Child Left Behind will most likely be reauthorized in some form. So, for that reason I would certainly plead for flexibility.

Having done that, I have cosponsored legislation that has been given the name A–PLUS, which would allow that flexibility for States to be brought forward, that would allow States that had taken a purpose statement to produce schools and the means of education that would foster growth in our government, in our society, in our educational classrooms, that would give opportunities for States to opt out of No Child Left Behind having proven that they had in place a plan for providing data that was good, evaluation that was quality, and an educational program that was moving toward excellence.

For example, I was the product of public education all the way through and even entering into university. My mother and three aunts were public school educators, beginning most of them in one-room schools teaching, and then moving into the Chicago public school system.

My daughter-in-law is a public school teacher on the south side of Chicago, a gifted teacher, a teacher who her first year taught as a full-time substitute because of the need in a special needs classroom where the teacher, out of frustration one day, got up, walked out of the class, and never came back. My daughter-in-law was given the opportunity to work with these young people who needed an education, needed someone who would invest themselves in their little lives, a fourth grade classroom.

My daughter-in-law Erin absolutely loved her first year of teaching as a substitute, a full-time substitute. She had the freedom without some of the paperwork, some of the criteria, both of the Illinois and Chicago public school systems, but also No Child Left Behind. She saw achievement with the opportunity to meet with parents, to provide expectations, but also the opportunity to work in partnership with them and working with these special needs students to see improvement along the way.

Thankfully, she received a full-time appointment to that same classroom the next year as a full-time teacher, and soon found out that, with the weight of paperwork and regulation that was redundant upon each other coming from the Federal on down through the State and through the Chicago system as well, she was greatly frustrated to the point of wondering whether she was cut out to be a teacher. Fortunately, with good counsel from her administration and, I must admit, from my wife and myself as well, she continued and saw impact. And yet, the frustrations of not having the flexibility to deal with individual needs almost scuttled her attempt at teaching.

One final point I would make, Mr. McKEON, is from my own experience in going through seven No Child Left Behind hearings across my district in each of the seven counties, and having teachers, administrators, school board members and parents speak to the issue of No Child Left Behind and reauthorization; speak to the issue of highly qualified teachers and the frustration that that produces in some of our smaller school districts, rural school districts in trying to deal with that, yet having qualified teachers who are achieving well in the classroom, and yet because of the requirement for highly qualified that No Child Left Behind puts in place, the frustration that comes.

I stood in a special needs classroom at a local intermediate school district, and I watched a young man who, as I understand it, had no mental difficulties but great physical difficulties to the point that the only way that he could be administered a test was by verbal administration of that test from his teacher. And with his blinking of his eye once for yes, two for no, he took the test. But then I watched as the teacher went through that same test a second time to make sure that she had achieved answering right according to what he had indicated. Now, that adds time. And when you add redundancies and lack of flexibility all the way from the Federal Government on down, it frustrates education and it takes away the opportunity of some of these great teachers out there and committed parents, school boards, and students to meet the needs of their students, in their classrooms, in their communities.

So my friend from California, I would applaud you in pushing further that, not only would we most likely reauthorize, but that we would produce the flexibility that allows creativity to abound in our classrooms, parents to be involved, teachers who want to teach and not just be social workers or mother confessors at times, but to be in the role of teaching and working side by side with parents and the flexibility that can only come by understanding that schools and the means of education shall forever be encouraged.

Mr. McKEON. I thank the gentleman. And as Mr. DAVIS said earlier, in the meetings that he held with his people in his district he heard some of these same problems, some of the same complaints. And that is why we really need to reauthorize the bill to fix those problems.

I have been here now almost 16 years, and I have yet to see a perfect bill. And when a bill is passed, by the time it goes through the process here and finally is passed and signed into law, and then the regulators get their shot at it, write the regulations, and then by the time it is implemented throughout 50 States across this great country, it doesn't necessarily finish up the way you started out or even to achieve the goals that you had.

And so we have a process where every 5 years on our committee we look at the bill again and we go through a reauthorization process, and say, what did we do wrong? What can we do to fix this? What can we do to make it better?

And you brought up the point, special needs students. Definitely something needs to be done there. I remember visiting a school in my district and going into a special needs class and seeing a student there that was carried in on a gurney. And the teachers, the caregivers there that day spent their time just making sure that the child is given the things that are needed for life; they fed him through a tube. There wasn't much education going on there. I think that was a very important program, but maybe it should be considered a help program to give the parents a little relief at that time. But, to say that that child is going to learn to read, common sense would dictate that is not the fact. So, we have a 3 percent waiver for some of those students. Maybe that should have been larger. But that is what we addressed through the reauthorization, and that is why it is very important we get that done.

I would like to yield now to the gentlelady, Ms. FOXX, who has been a teacher, been a college administrator, and done a lot of things in education.

Ms. FOXX. I want to thank the gentleman from California for his leadership on this special order tonight, and thank him for his leadership on the Education Committee as chairman and now as ranking member.

I grew up in the mountains of North Carolina in a house with no electricity and no running water, with parents with a sixth grade and ninth grade education. My husband grew up in a similar situation, both his parents totally illiterate. But we both give credit for the success that we have had in life to public school teachers and principals who took an interest in us when we were in school and encouraged us to utilize our talents by staying in school and by going on to college. So I in no way disparage the role of teachers or the role of education in our society. In fact, I trumpet it because it has been so important to me. And I spent most of my life working in education, as the gentleman from California said, and it has been a wonderful opportunity for me.

However, I have great concerns about the role of the Federal Government in education in our country, and I will continue to express those concerns because I remember very well my own excellent education in a county that had very little money. The school buildings weren't wonderful, we had almost no science lab, but we had excellent teachers again who cared about the students. And I would put up that education against anything that is happening in the country today.

Now, I am happy to serve on the Education and Labor Committee. And last year, when talks began in the committee on the reauthorization of No Child Left Behind, I did what I often do, and that is to look at the genesis and the history of the legislation. And it was a real revelation to me at the time that No Child Left Behind legislation is simply the latest reauthorization of the Elementary and Secondary Education Act, called ESEA by people in education, which was created in 1965 by President Johnson in the midst of the war on poverty. Most folks are unaware that the No Child Left Behind Act of 2001 was in fact the seventh reauthorization of this 1965 legislation. So when you hear it talked about, very few people ever make that connection.

Now, I heard a lot of criticism of No Child Left Behind before I was elected and after I was elected. And so one of the things that I did last year in my district was to have a forum with parents, teachers, and administrators about their concerns with No Child Left Behind; and the people who came to that forum gave me a lot of information that has been very helpful to me in helping to formulate what I think we ought to be doing with No Child Left Behind.

Part of the very important feedback that I received is that teachers and principals welcome appropriate accountability for Federal education funding. Teachers and administrators don't want to do away with accountability. What they are concerned about is having appropriate accountability.

Now, I want to talk a little bit about title I, and I know some of my colleagues have mentioned this before. Title I of No Child Left Behind, or the ESEA Act as it used to be called, is the largest single grant program in the U.S. Department of Education. It has been around since 1965. But between 1965 and 2002, American taxpayers funded almost $200 billion through title I spending with little or no discernible effect in improving the educational opportunities for disadvantaged children, which was the original intent of the law.

I think most of us realize that it is not just funding that improves academic performance or gets anything out of programs. But, many of the Federal programs and regulations have simply not improved the performance of disadvantaged children as a group.

My long-standing position has been, and continues to be, that the education of America's youth would be better served if Washington bureaucrats were removed from the equation. Control and accountability should be returned to local communities, where they can effectively make changes in the areas they know need it most.

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So I am disappointed in what looks like the direction that the majority is taking in Congress now, which is to eliminate much of the accountability that was put into No Child Left Behind, or the ESEA, when it was reauthorized in 2001, but simply put more funding into it. I think that is going in the wrong direction. We know that 9-year-olds have made more reading progress in the last 5 years than in the previous 28 years combined.

We can achieve excellence in education by encouraging the kind of accountability that promotes locally focused education and ultimately well educated young people. Parents, students and educators need more choices in the way No Child Left Behind is administered. The current my-way-or-the-highway approach to the Federal funding of education is broken, and imposing a top-down mechanism shortchanges millions of students and parents.

A good system will have more flexibility and will put the best decision makers in the driver's seat. Those are the parents and local educators who know what works best for students and should have the greater control and input.

We know in almost every program that a Federal Government one-size-fits-all approach does not work. It doesn't allow for tailor-made solutions to the unique situations facing school systems in every single district in America. What works in one State doesn't work in another one.

Reducing the role of the Federal Government makes sense for students who are not served by cookie-cutter policies promulgated by Washington bureaucrats.

There are many of us who believe that education is not the province of the Federal Government at all. However, we also know that efforts to remove the Federal Government from education have not passed and they are not going to pass. So the best thing that we can do is to make sure that we have accountability for the money that is spent in education, as we should have accountability in every program that takes Federal dollars.

Mr. Ranking Member, I am going to yield back to you.

Mr. McKEON. Thank you very much, and I would like to yield now to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the ranking member for all of your work in the area of education.

I think the chart at my left points out the dilemma that the previous speakers have been making. This chart shows the involvement of the Federal Government with regard to dollars, and it also reflects the issue with regard to their involvement with regulation and the like.

From 1966 up to 2000, as the Federal Government became more involved, dollars spent increased. And as the years have gone on, what is the result of that, basically a flat or no increase in education.

Two points, one point on the issue of accountability, and the other on new approaches. In the area of accountability, the question we have to ask is accountable to whom? The gentlewoman from Illinois made my case for me when she said that she was concerned about her kids and therefore she decided to run for the local school board.

I would suggest that the best place to get accountability is just as she did, locally, from the local school board, teachers, principals and the like. If you ask most parents who is a local teacher, they will know. If you ask who is the local principal, they will know. Ask most parents who is the Secretary of Education in Washington or the bureaucrats down here making the rules, they unfortunately will not have a clue. And yet what we have been doing over the last several decades is having them have greater accountability and responsibility than the teacher and the principal.

The second point is the approaches. I agree with the ranking member on this in that it is great that we have so many new approaches tried in schools across the country. The problem is when you get to a Federal level, two things happen. Sometimes you potentially nationalize some of these, and that is good if you pick out the good ones. But if you happen to pick out some of the bad ones, such as whole language in California, and that had a dismal track record and result, you can end up having a terrible effect on the entire national education system.

My second point is, and the ranking member made a good point on this, Washington doesn't move as quickly as local school boards. Sometimes it takes 5 years or more to reauthorization and even more years to get something done in the district. We can move more quickly at the end of the day.

I conclude with this. Accountability to whom, it should be accountable to the local teachers and the principals, not to somebody in Washington.

New approaches, it is better to be done locally. And as we move forward and move to reauthorize No Child Left Behind, I just throw out a modest, simple proposal, allow those States who need the Federal Government to tell them and dictate to them how to run their schools and so forth to stay in No Child Left Behind. But allow those States who have parents or community leaders or principals who feel that they can get it done by themselves without the Federal Government, allow those States to opt out, but also to keep their own tax dollars in that State so they can decide how their education money will be spent.

Mr. McKEON. I am happy to yield to another member of the committee, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the ranking member, and I just wanted to share a few thoughts.

Many of us on the Republican side have been involved with education for many years. It was my first choice when I was elected in 1994 to go on the Education Committee, much to the shock of everybody on our side. And it has been a challenge because I believe education is the responsibility of the States and local; and yet I passionately believe in the importance of education.

I don't know how we are going to compete in the international marketplace if we don't compete on math and science, and if we don't have everybody at basic reading levels where they have an opportunity to blossom. If they don't know how to read, they will not be able to learn how to compete in a worldwide marketplace.

And frankly we are not going to do it with cheap labor. We have to do it with value-added labor. We have to have education at the core of any system that we have. The challenge we have in the Federal Government is that the State and local seem to not want to raise their taxes. They don't want to do the funding. They want to come to the Federal Government for the money, and then they don't want any strings with the money.

If you ask the Federal Government for money, you are going to get strings. Many of us want to minimize those strings where the thousands flowers bloom, but we are still going to have measurement.

I was one who didn't like the national testing idea because I am afraid that a national curriculum is going to be abused by either side to try to drive their ideological agendas. Nevertheless, there has to be some kind of measurement. We need some measurement. If we keep increasing Federal aid to education, then we need to increase accountability.

In the parts of No Child Left Behind that are difficult, I know the administration likes to ask, Well, which child would you leave behind? But the problem is if your goal is just to focus on those who are going to be at the lower echelons, we have diverted money to minimal gains in some cases at that level, and backed off in our math and science and in our upper and middle end to the net result that we haven't really moved the system.

Nobody argues that No Child Left Behind hasn't made tremendous progress at the lower echelons. Part of the question that schools are legitimately asking right now with the special needs kids, with English as a second language kids, how can they meet continually higher standards? At some point we are more likely to get slower progress or hit a wall, and we are trying to work that through with any new bill.

But there are going to be measurements, and measurements are never completely fair. But he who pays the piper picks the tune. To this degree, you want more money from the Federal Government, you are going to get more regulation. We need to be responsible.

I hear people say, My daughter is a teacher. She gets frustrated with this because they have to teach to the test. That is partly why I have a concern about the test. I went to an amazing school in New Orleans that got hit by Hurricane Katrina. It is a 100 percent school lunch program, and nobody is failing to pass the test.

I asked, Do you teach to the test? She said, No, these are principles that we should have been teaching anyway. So if we teach the principles, they will pass the test.

What we are really commenting on, is the test measuring what we want to have, and is that the skill. And if the test is in fact measuring that, then you aren't teaching to the test. But it needs to be fair. Schools with high ESL, schools with high special needs kids are going to need accountability.

I thank you for your time and your leadership.

Mr. McKEON. Let me just say No Child Left Behind I think has made a good improvement for the purpose that it was originally passed for. The Elementary and Secondary Education Act was passed in 1965 to help, as was stated earlier, the have-nots, to help them get up to where the haves are.

The test scores show that since No Child Left Behind has been put in, we have the highest testing for African American and Hispanic children in the history of the testing. A lot of things have been misunderstood about NCLB. What it was was a law that said we want kids to learn basic math and we want them to learn to read, and the States set the standards and implement the bills. Some States went much further, and the Federal Government got blamed for what we actually did. The important thing is that we get it reauthorized, that we fix the problems that have been mentioned many times here tonight.

I thank the Speaker for his patience, and those who have been listening, I thank them and I think we will follow up with another one of these because there is much more to be said about education and the reauthorization of the ESEA, better known recently as No Child Left Behind.

Mr. REGULA. Mr. Speaker, with the enactment of the No Child Left Behind Act, NCLB, our nation made a commitment to closing the achievement gap between disadvantaged and minority students and their peers and to changing the culture of America's schools so that all students receive the support and high-quality instruction they need to meet higher expectations.

The critical part of this challenge, at the high school level, is reducing the number of young people who disengage and drop out of school and, conversely, increasing the number of students who graduate from high school and go on to higher education or get a job in the workforce.

Because of the importance of improving high school performance, NCLB requires secondary schools to meet reading and math targets for all of its students that are established by the State—just like all public schools. However, secondary schools must also meet State-established graduation rate targets in order to meet the requirements of the law. The law also authorizes the School Dropout Prevention Program whose purpose is to provide grants to States and school districts to assist in the dropout prevention and school re-entry activities.

As several national studies have found, a staggering number of youth fail to graduate on time. For example:

About one-third of our students—approximately 1.23 million each year—leave high school without a diploma.

Black and Hispanic youth are more likely than non-Hispanic whites to drop out of high school. In 2005, 6 percent of non-Hispanic whites ages 16 to 24 were not enrolled in school and had not completed high school, compared with 11 percent of blacks and 23 percent of Hispanics.

A student's decision to drop out of school has long-term consequences that not only affect the individuals themselves, but the society at large:

Dropouts from the class of 2006 cost the nation more than $309 billion in lost wages, taxes and productivity over their lifetimes.

If the nation's likely dropouts from the class of 2006 graduated, we could save more than $17 billion in Medicaid and expenditures for uninsured care over the course of those young people's lifetimes.

If high schools and colleges raise the graduation rates of Hispanic, African-American and Native American students to the levels of white students by 2020, the potential increase in personal income would add more than $320 billion to the U.S. economy.

Increasing the graduation rate and college matriculation of male students in the U.S. by just 5 percent could lead to combined savings and revenue of almost $8 billion each year by reducing crime-related costs.

A high school diploma and further postsecondary education or training is critical in today's global economy. Dropouts are unlikely to have the minimum skills necessary to function in today's increasingly complex and technological workforce.

Graduation rates are a fundamental indicator that our nation's public schools are doing what they are intended to do: Enroll, engage and educate youth to be productive members of society.

However, there have been some concerns raised over the availability and quality of data on graduation and dropout rates and how they differ from State to State. This is based largely on whether the individual State has developed strong standards for its high schools. For example, even though NCLB has improved the reporting of data, a few States continue to have wide gaps in their data and can not accurately calculate graduation or dropout rates from 1993 to 2002.

To deal with this problem, yesterday, Secretary Spellings issued proposed federal regulations to establish a uniform formula to calculate graduation rates. In particular, States would be required to adopt the formula, largely based on a rate agreed to by the National Governors Association, NGA, by 2012.

I agree with the Secretary that this must be done. Only by knowing how well or how poorly States, schools, and school districts are educating students can we ensure that every student receives an excellent education.

Mr. McKEON. Mr. Speaker, I yield back the balance of my time.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, on behalf of the 30-Something Working Group which the Speaker is a member of and I know will join us down here for an hour in the future, we hope to be joined later this evening by one of the senior members of the 30-Something Working Group, the gentleman from Florida (Mr. MEEK).

We come down to the House floor as some of the younger Members of the Democratic Caucus, and we try to do it every week to really focus in on how the issues affecting this Congress are specifically challenging younger families in this country. How the neglect of the past 12 years trying to be remedied by the new Democratic majority here are affecting those families that are just starting out, those issues maybe can be best talked about and best addressed by those of us who are the younger members of the House represented by the 30-Something Working Group.

We thank the Speaker for constituting the working group and allowing us to come down and share our thoughts.

It is remarkable as a first-term Member, Mr. Speaker, to see the transition of views and transformation of priorities and issues that you hear about as a first-term Member, going out and holding office hours as I do at supermarkets throughout my district, holding town hall meetings every week or 2 weeks throughout the district.

I remember back in February of 2007 when I held my first big, large town hall. It was a nerve-racking occasion as a first-term Member of Congress, and I remember thinking there was only one subject to hold that town hall meeting on, and that was the war in Iraq, dominating the conversation as it seemed to here on the floor of the House and in the halls of the United States Congress.

The President had proposed his new strategy to introduce 35,000 to 40,000 new troops into Iraq, clearly working against the will of the majority of the American people who had said all across this Nation in November 2006 that they wanted a new direction in Iraq.

And now fast forward a year later to town halls that I am holding, as well as other members of the 30-Something Working Group and Members on both sides of the aisle, and you hear a very different tune.

People are still talking about Iraq. The situation hasn't gotten any better, and you can make the very plausible argument that things have gotten worse in Iraq over the last year. Even as the surge has moved forward, the political willingness of the Iraqis to take control of their own country has moved backwards.

But what we are hearing very clearly from the mouths of our constituents in town hall meetings and office hours across this Nation is that there is economic trouble. There is trepidation on behalf of families throughout this country as to the economic future that they face as families and that our communities face going forward.

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And it's real. The numbers are getting worse. The amount of homes facing foreclosures, the number of workers being laid off, even those people who have jobs finding that the salary increases they thought were coming are being postponed, the amount of overtime hours that they used to rely on, cut back, many more part time workers, more temporary workers.

I don't know, Mr. Speaker, whether we're in a recession or not. I'm not an economist. But I know that people are facing real trouble back in Connecticut, as they are throughout the rest of this country.

And I don't think it takes a rocket scientist on this floor or anywhere else in the country to figure out how we got here. You know, this isn't just about the jobs that are being lost. This isn't just about the themes are being foreclosed upon. This is about the fact that thousands of families, millions of families around this country and in the Fifth District of Connecticut have no more room in their budget to take any more hits.

Energy costs going up at a pace that families and seniors can't sustain; health care costs going up to the point where businesses celebrate when they hear that their premiums are only going to increase by 10 percent in a given year. You add that all together with an economic slowdown, and you put millions of families at risk throughout this country.

And it should be no surprise that we've gotten to the place that we are today because for 12 years, while our friends on the other side of the aisle controlled this House, while President Bush staked his claim to the White House, we have had absolute neglect when it comes to energy policy.

So the families throughout this country today are hurting, while oil companies are making record profits, record profits; not just for the oil industry, but for any company in the history of capitalism in this country, record profits for the oil companies, while we have families hurting, paying more at the pump, paying more to heat their homes.

Health care policy is the same story. I mean, how long has it been that this Congress has been listening to the cries, to the pleas of families and businesses throughout this Nation to do something about the rising cost of health care?

And for 12 years of this Republican Congress, for 8 years now, almost 8 years of this Bush presidency, no relief on health care costs. While yet, at the same time, those that are making profits off the health care system, the insurance companies, the drug companies, continue to make enormous profits. Salaries for the CEOs of these companies spiral to new heights.

So people are doing pretty well when it comes to energy prices, people are doing pretty well when it comes to health care prices. It's just not consumers. It's just not our neighbors and our friends and our relatives. It's that lucky few who got to run the oil company, who got to run the drug company, who got to run the insurance company.

And we're trying to change things. But we're finding that it isn't easy without partners. It isn't easy without a Republican minority who actually wants to actually do something to change our economy. It's not so easy without a President who wants to come to the table and help us with health care policy.

And so we are in difficult economic times today. But we need a Congress working together. We need a President who's willing to come to the table.

Mr. Speaker, the facts speak for themselves here. On January 22, 2001, when the President was sworn into office, the price of a gallon of gasoline was about $1.47. Today, 7 years later that price stands at $3.53. In Connecticut you might be lucky today to find a gallon of gasoline at $3.53. I think when I filled up my car this weekend, if I remember, it was up around the $3.70 mark.

This is what you get, this is what you get when you give away $16 billion of tax breaks to the oil companies. This is what you get when you refuse to make any investments in the types of alternative renewable energy sources that could wean this country off of gasoline. And this is what you get when, year after year after year, you perpetuate a foreign policy that destabilizes international oil markets in the Middle East and elsewhere.

It's no secret, it's no surprise that we're standing where we are today. This Democratic majority has inherited an utterly bankrupt national energy policy, and it is leading to the trouble that we have seen in American families today.

And the same thing goes for health care policy, Mr. Speaker. Again, I find it painfully humorous that 10 percent increases in premiums are to be celebrated around this country in our business community. And what it has led to is too many businesses who want to do the right thing, who want to give health care to their employees, cutting them off, or forcing more of the cost on those employees; putting yet another economic burden on families all around this country.

This economic slowdown, once again, is not just about the subprime crisis. It's also about energy prices, it's also about health care costs. And for 12 years of this Congress, for 7 years of this presidency, no action on health care.

With one minor exception, right? You remember the 2003 Medicare Modernization Act. Well, it did a couple of things. First, it foisted a Medicare prescription drug benefit seniors, which drove millions of seniors around this country through the roof trying to figure out, amongst 40 or 60 or 80 different plans, which one they should sign up for; drove them through the roof even more once they got to the end of the year and realized that their coverage was going to run out on them when they entered that dreaded donut hole; and all the while, made another nice health profit for the insurance companies and drug companies that were in the room writing the bill with the Republican majority at the time.

That was our approach to health care, was to give a little bit to people in an utterly confusing and cruel program, which gives a lot to the folks that didn't need any more. That's pretty much the sum total of health care reform in this Congress before the Democrats took control.

And as we've tried to extend out health care, we have been met with almost uniform resistance from the Republicans and from the President, most significantly in our effort to try to extend health care to poor kids. Four million kids we could have covered with the health care State insurance bill that we tried to pass. We came, you know, depending on anybody's estimates, about six votes short here in the House of Representatives, to overturn the President's repeated vetoes.

That kind of health care coverage, reaching out and extending to a lot of working families out there. Remember, you're talking about ¾, maybe more of the 46 million uninsured out there are members of families in which you have a full-time worker. People are playing by the rules. They're doing everything we ask them to do, trying to make do in a tough economy, and yet they don't have any health care insurance. And that children's health care insurance bill that we tried to pass here as Democrats, and couldn't get cooperation from our friends across the aisle, that would have extended out benefits to four million more kids and, more importantly, four million more families, families that are doing everything we ask, playing by the rules, trying to survive and simply can't get health care to their kids.

Now, we know that they do get health care to their kids, because if their child is sick, they might postpone getting them to the doctor, but compassionate parents all across this country will end up bringing their child down to the emergency room, will end up finding a doctor that will treat them. But they pay for all of that out of their pocket.

More bankruptcies in this country are caused by health care costs than any other cause that you can dream up. And so this economic slowdown is exacerbated by the increasing amount of health care costs that are pushed and burdened on families across this country.

Doing something about health care is doing something about the economy, just like doing something about energy prices is also about doing something for this economy.

But the other thing that I'm finding out, Mr. Speaker, as I'm walking around talking to constituents in the northwest section of Connecticut, is that the gig is up on the Republican and the President's ability to separate the war from the economy, because people are figuring out that they are totally linked together.

The fact that we are spending $339 million a day, let me say that again, $339 million a day on this war is taking food right out of the mouths of families here in this country, taking jobs effectively right out of the hands of American families.

Why is that? Imagine what we could have done if we could have taken the nearly $1 trillion that we have spent on this war over the past 5 years, and invested it in growing new economies in this country, invested it in building new worker training programs so that individuals being phased out of old economy jobs could be transitioned into new economy jobs.

What if we took that money that we've been spending, $330 million a day, and put that into new tax incentives for small businesses to grow their operations?

All of the things that we could have done with that money could have prevented the economic slowdown that we face today. They are absolutely linked together, the spending on this war, and the economic slowdown that we see today.

And part of this whole puzzle, and now you're getting into sort of high-minded economics that a non economist like me probably shouldn't be talking about. But we know also that the dollar is falling fast across this world, and is jeopardizing even further the soundness of our economy as our dollar gets weaker and weaker and weaker.

And part of that equation is the fact that every dollar of this war, virtually every dollar for this war has been borrowed from foreign countries, countries that we're trying to sit across the table from and negotiate better trade deals, trying to negotiate on foreign policy. We can't do that on a fair and level playing field because we owe them money; not just a little bit of money, but billions upon billions of dollars that we owe foreign countries. Because for this war, we haven't paid for it ourselves. We put it on somebody else's tab, our kids' tab, our grandkids' tab. And for now that money is being held, those promissory notes are being held by foreign governments, further undermining the American economy.

So the chickens are coming home to roost here on energy policy, on health care policy and on the policy of the war that has sucked money out of this country that could have gone to sustain our economy.

Well, we can do things about it. We can do things about it. We can make strides, we can take steps to strengthen our economy, once again.

I want to talk for just a brief moment, Mr. Speaker, about one small bill that we passed today that'll start to get us on the road to fiscal and economic sanity once again.

Regardless of what you think about this war, we have spent wildly and out of control. Now, I'm talking about the $340 million that we spend every day in Iraq.

Now, I think that had we not gone into Iraq in the first place, had we not stepped foot into this quagmire, we could have spent all of that money here at home to educate our own kids, to build our own schools, to retain our own workers.

But even if we had gone into Iraq, if we had just been paying more attention, as a Congress, as to how money was being spent, we could have had a lot more money to do those things that is now being wasted on the battlefield of Iraq and the battlefield of Afghanistan.

One of the ways in which we are wasting money was that we were making and still are, Mr. Speaker, making people rich off of this war. War profiteering is what it's called, people making their fortunes off of the misery of others. That's happening right here and now in the war in Iraq and the war in Afghanistan.

In the Government Oversight Committee that I sit on as a freshman member, we had one of the most egregious examples of this practice, Blackwater Security before us back in the fall. The CEO of Blackwater Security who's got a billion dollar contract to basically do the work that the U.S. military should be doing in Iraq, Blackwater is basically a paramilitary citizen army setting up camp in Iraq.

They got a huge contract with the United States Government. 90 percent of Blackwater's profits, excuse me. 90 percent of Blackwater's revenue comes from U.S. taxpayers. I mean, they are, essentially, a quasi-government agency. 90 percent of their money comes from the U.S. taxpayers.

So I asked what I thought was a commonsense question at this hearing. I asked Eric Prince, the CEO of Blackwater, I said, listen. You know what? I think it'd be useful for us to know as a Congress, and for the American public to know how much profit you make, how much salary do you take as a quasi-public government employee?

Mr. Prince said to us, very clearly, it's none of your business. I'm a private company. It seemed outrageous to me. It seemed outrageous to many of my colleagues on the committee.

We pay your salary. We pay 90 percent of all the money that your company takes in, and you're not going to tell us whether you make $1 million?

Well, he did tell us that; he did tell us that he made over $1 million, but he wouldn't tell us how much more.

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$2 million? $3 million? $10 million? $20 million?

So I put in a bill, a really simple bill that passed on the floor of the House of Representatives today that said for those private companies that are out there making 80 percent or more of their money from the Federal Government, that have $25 million or more in contracts, you need to tell the American public how much you are taking out in profit. Tell us how much your most highly compensated officials make. Put some sunlight on how much profit you are making off of this war. Seems like a commonsense measure. In fact, it passed unanimously on the House floor this afternoon.

But it says something about how important the change was that was made in control of this House that it took 5 years of this war for that commonsense, simple bill to make it to the House floor, because when it got here, it resulted in a unanimous vote. But it took Democrats taking control of the House in order for these types of bills, cracking down on war profiteering, to even find the light of day here.

And so, yes, so many of us believe that part of bringing us out of this economic mess, this downturn, this recession, whatever you want to call it, is getting us out of this mess that we have gotten ourselves into in Iraq, turning that money around and spending it right here in the United States of America. But until we do that, one of the most important things we can do for our economy is to make sure that to the extent that we are spending money in Iraq that we're spending it wisely, the right way.

That's part of our responsibility as a Congress. At least when I grew up reading the Constitution, learning about the three branches of government, I was told that the House of Representatives was supposed to be a place that oversaw the executive branch, that made sure that the money of the people that they represented was being spent in the right way. Well, that didn't happen here for a long time.

That oversight role that the Congress was supposed to have on the war, on the policies of the President, kind of vanished for about 7 years. Conveniently, they were there for the years in which there was a Republican Congress and a Democratic President; a record number of subpoenas were flying out of this place when there was a Democratic President. But when there was a Republican Congress and a Republican President, it wasn't happening so much. I would like to think it was a coincidence, but it probably wasn't.

Now we've got oversight again. And a reasonable amount of oversight. Not overreaching. Not politicizing, not grandstanding. The right amount of oversight. And we passed a bill that was part of that process today.

I couldn't be more pleased, tickled, frankly, to be joined on the House floor by one of the originators of the 30-Something Working Group, Representative MEEK.

Mr. MEEK of Florida. Well, I want to thank you so very much. When you say "originators," it makes me feel a little old.

But, Mr. Speaker, I'm glad to be joining my great colleague here. He had a wonderful bill on today on the floor. I'm so glad that the Members voted in a unanimous way in making sure we bring about the kind of accountability that the American people have been calling for for a very long time now.

I think Mr. MURPHY has stepped on something, like they say in the country, of being able to bring to light, exactly what are you making? Why are you motivated to be a part of this ongoing war, this kind of the quiet storm that's going on, special interests supporting with commercials and all, the war in Iraq and Afghanistan?

So we do know that the war in Afghanistan is all about 9/11, but the war in Iraq, after 5 years, is about something else.

Former President Bill Clinton puts it this way: If a family next door had a fire, any good neighbor would allow their neighbor to come over and stay at their home and let them sleep on the couch or the extra room for a couple of weeks; and maybe that neighbor may ask, well, can I stay for 2 or 3 months? And nine times out of ten, a good neighbor would allow that person to stay 3 or 4 months. But when it's 5 years later, it's no longer about the fire.

I think that it's important that we look at it from that standpoint, especially as we look at some of these companies that are tenfold going along with, let's keep this war going, let's keep the American people scared about what may happen to them if we were to withdraw the majority of our troops from Iraq.

Mr. Speaker, I think it's important, and I want to share this with the Members because there was a great debate on this floor today when we talked about this issue of gas prices.

Now it's very ironic that our Republican colleagues on the other side tried to do what we call here on this floor a procedural maneuver, a motion to recommit saying that what are you doing about gas prices in America. Now, this is very interesting, and I wish I had my chart down here as it relates to profits that Big Oil has made on the Republican watch.

When President Bush became President, Dick Cheney had a special meeting in 2001 with oil companies, and all of a sudden, these oil companies started making these profits that were really unconscionable, unprecedented, never happened before in the history of the Republic. But then again we have Republicans on the floor saying, what is up with these oil prices?

Well, you know, it's very interesting. I want to point the Members, too, because it's nothing about fact versus fiction. Republican leadership wrote the Speaker a letter saying, well, what are you doing about the fuel issue and the price of gas in the United States of America? And me knowing the Speaker and all of us knowing the Speaker, that she sleeps with her fists balled up, especially fighting on behalf of the American people.

And I think it's very, very important, and we realize that this is very serious business, when folks have to pay $4 out of their pocket to pay for a gallon of gas, I think it's something that we should be paying close attention to.

The Speaker wrote the Republican leadership back in this House and said, It's interesting. We have H.R. 2264 that we put forth on the floor in asking the Department of Justice to take legal action against OPEC-controlled entities for participating in oil cartels that are driving up the price of oil. That's H.R. 2264. How about the Energy Price Gouging Act, which is H.R. 1252, legislation that will reduce the burden of rising gas prices on American families, providing immediate relief to consumers by giving the Federal Trade Commission authority to investigate and punish those that are artificially inflating fuel prices? How about H.R. 5351 with ExxonMobil ranked as the most profitable company in 2007? It's unnecessary for taxpayers to subsidize Big Oil. It goes on and on.

I will pull one more bill out. How about the marketing manipulation provision that was in the Energy Independence Security Act of 2007? It talks about some of the very things that I mentioned.

But this is not the kicker, Mr. Speaker and Members. It's interesting that the Republican leadership would write the Speaker trying to do a Potomac two-step when we're here about the business.

See, the reason why we're in the majority is because Republicans, Independents, Democrats, people that voted for the first time wanted to vote for change, so they voted for the Democrats to take control of this House of Representatives; Republicans who are frustrated, Republican voters who are frustrated with the fact that Republicans were saying one thing and doing another in the back halls of Congress. We have opened this process up when we took the majority here, and that's what they were looking for, and we will continue.

But the irony of the whole issue is that the Republicans will write a letter to the Speaker as though "we got you on black-and-white paper," and she's not paying enough attention to say, Wait a minute. Let me call you out since you wanted to call me out.

As a matter of fact, the top of the Republican leadership here voted against the issue as it relates to OPEC price gouging, voted against the Price Gouging Act that we passed, the House bill that I called out just a few minutes ago; voted against renewable energy so that we can drive the cost down and compete with petroleum and OPEC companies and other folks that want to raise the price of gas in the United States, and voted against the Energy Security Act.

So I think it's very important for us to look at the hypocrisy of the democracy on the other side of the Republican aisle. Now I won't generalize all of the Republicans in this House because some of them voted with the Democrats on it because they see the light.

Many of their colleagues that were lockstep with the philosophy of the letter that the Republican leadership wrote to the Speaker are now watching me at home on C-SPAN because they made a career decision not to follow the will of the American people and bring about the kind of change that they woke up early one Tuesday morning looking for. This great democracy of ours calls for representation. Not representation of special interests.

And so I'm very pleased with my Democratic colleagues that have voted for our Democratic leadership to be in the leadership to lead us in this new direction that we share with the American people. We didn't just share it with Democrats; we shared it with Republicans, we shared it with the Independents, and we shared it with the American people. We shared it with those that are yet unborn, those that cannot vote right now to give them hope in this government that we're here fighting on behalf of them.

There are veterans right now that are in the sound of my voice, that can hear my voice right now, that have fought for this country and allowed us to salute one flag. And I think it's very, very important, Mr. Speaker, very, very important, Members, very, very important, those congressional staffers, that we do the things that we have to do to make this country better.

These kind of letters, writing back and forth for the sake that I wrote a letter, motions to recommit to say that we're going to call the Democrats out on not doing anything about gas prices; we don't have oil on our hands. They need to go down to 1600 Pennsylvania and check that out. They had the first meeting. They sat down with oil executives. They're the individuals that have the oil background.

And we have a better reason of why we need to change what is going on right now through using alternative fuel versus telling American people that they're addicted to oil.

So we've got a lot of work to do, and I'm hoping that this bipartisan vote that we took on Mr. MURPHY's bill today is something that's blowing through the air ducts here in Washington, D.C. that Republicans and Democrats can vote together when it makes sense. It makes sense for us to look for alternative fuels.

It makes sense for us to be greener. It makes sense for us to do what we're doing here, Mr. MURPHY and Mr. Speaker, of greening the Capitol.

Greening the Capitol, we just started that when the Democrats took control. Mr. MURPHY talked about the fact that this made sense, but it never would have seen the light of day, Mr. Speaker, if it wasn't for Democratic leadership here in this House allowing Mr. MURPHY's bill to make it to the floor so Members can vote in a unanimous way.

Some of my friends on the other side of the aisle, Republicans, they're people, too. And it's very important that we give them the opportunity to vote on good pieces of legislation. And I think it's important that we don't allow anyone to stand in the school house door or the policy door of this Congress and not allow legislation to come to the floor.

Case in point, Mr. MURPHY, if I may. All of the 9/11 recommendations were held back by the Republicans when they were in control. We passed them here in the House of Representatives. To be able to cut student loan interest rates in half on behalf of all of the American people; those that drive Ford, Chevy trucks that are paying somewhere in the neighborhood of $95 to fill their tank up, to those individuals that are catching the bus that have been green all their lives because they have no alternatives; those individuals that wake up early in the morning that snap, pop these sheets over here in Washington, D.C. and throughout America in these hotels that know what it means to punch in and punch out every day with a 15-minute break in the morning, if they get it, and a 30-minute lunch break, if they get it, those kind of individuals. Those kind of individuals that come home and take off steel-toed boots and sit down and try to recover from the day that they had of working a solid 8 or 12 hours. Those individuals.

Those are the kind of people that we talk to here in this Democratic Congress. Those are the kind of individuals that we allow Republicans to vote on good legislation like Mr. MURPHY brought to the floor today because he just got here and he wants to show his constituents and the American people since they federalized him to come to this floor to represent them, that they will have the opportunity to vote for good legislation. Not only for him to go home but for him to sleep right at night.

So I think it's important, Mr. Speaker. I have no problem with Members bringing amendments to the floor. I have no problems with Republicans raising the point of how we can make legislation better. But it's one thing, Mr. Speaker, and Members, when you come to the floor and you're the pot calling the kettle black, it's one thing for that to happen.

And one thing that I do like, Mr. MURPHY, about our 30-Something Working Group is that we're in the business of fact and not fiction, that we're in the business of carrying out the will of the American people, because we stood on this floor some 4, 6 hard years saying that if you give us the opportunity to lead, this is what we will do. Democrats, Republicans, Independents, American people, and those yet unborn will appreciate our efforts.

□ 2245

So I think it is important. I'm not upset. If someone says, well, Congressman sounds kind of upset, that guy from Miami. I thought he was kind of easy going, you know, folks from Florida get all excited about things, Sunshine State and all. I'm just glad that God provided me an opportunity to stand upright to be on this floor. And folks in the 17th Congressional District in Florida on one Tuesday morning voted for me to be here to be able to state what I'm saying right now. And so this is not propaganda, it's fact.

I want to thank the Speaker for responding to the Republican leadership on this issue. And I want to thank those Republicans that voted on your very good piece of legislation. I'm glad, because I look forward—I actually sent something out to a couple of friends talking about this today, and I think it's important that we do that.

Mr. MURPHY, I want to thank you for your leadership. I'm glad that we have the opportunity to do the things that we have to do. I know the American people are paying attention to what the presidential candidates are saying. I'm hoping that in the President's closing days, that he has an opportunity to sign and be a part of the good legislation that we're trying to pass here. And I want folks to stay engaged.

Before I close on this segment, I just want to say, because I never hit the floor unless I share with the Members what's happening in Iraq right now, that as of today, April 23, 4,046 Americans have died in Iraq; total number of wounded in action and returned to duty is 6,520; and total number of wounded in action not returning to duty is 3,309. Mr. Speaker, I think every day that should be read into the CONGRESSIONAL RECORD so that Members understand their responsibilities and what they have to do.

Mr. MURPHY of Connecticut. Well said, Mr. MEEK. And if we can get the legislation that we passed through the House today through the Senate, what will make those numbers even starker is to partner them with the numbers reflecting the millions of dollars that some people out there are making off this war. Or those numbers of troops that don't come home, or come home with their lives altered permanently, for many of us, I think for all of us, it doesn't seem right that off of that misery someone is making their fortune out there. And that's what the legislation today on the floor sought to do.

Mr. MEEK, you talked about the fact that on a lot of the pieces of legislation that we've been talking about, especially with respect to our efforts here in this New Direction Congress to try to do something about the legacy of rising oil prices that the President has left us, we've had folks on the other side of the aisle join us. I'm just looking at a couple of bills here on our legislation to finally go after these multinational oil cartels that have been price fixing, have been immune from the actions of prosecutors and U.S. courts. Well, we've decided to put them under the jurisdiction of the United States court system and try to go after them for price fixing. And you know what? We did. It looks like we got about 125 Members of the Republican side of the aisle to join us.

When we went after price gougers, we said, let's make it a Federal crime, let's give the Federal Trade Commission the ability to go after those people who would take advantage of rising prices to gouge consumers, to try to get much more than the market would command. We had over 50 Republicans who joined us on that legislation; we wish we had more. We wish we had a greater bipartisan majority for these pieces of legislation that are going forward. But the fact is is that we are working together as much as we can. It's not easy to take on these big interests that are making record profits in the oil industry.

The real problem is down the street. The real problem is that we have empowered and entrusted with the reins of the White House and the entire executive branch two oil company executives, two people who made their own fortunes taking profits off of oil prices, taking money out of the pockets of consumers. And those relationships in this administration with the oil industry, I think more so than the relationships that certain Members of this House might have, have really led us to the point where we have trouble advancing good consumer legislation through the full process because the President's threatened vetoes on the anti-oil cartel bill. The President's threatened veto of the price gouging legislation is what holds it up from moving further through the process.

So Mr. MEEK, this is, I think, a building bipartisan majority here in the House. I think we are having some success convincing some of our friends on the other side of the aisle, despite their procedural tricks and maneuvers, that, you know what, these prices don't discriminate based on what party you went down and registered at the town hall and you're getting killed by gas prices and home heating oil prices whether you're a Republican or whether you're a Democrat. So I think that may account for why we have been able to build some collective support here for these pieces of legislation.

It's really down the road, as you ended your remarks, Mr. MEEK, by suggesting that we've still got time left.

right? I mean, everybody's looking at this presidential election saying, you know what, that's where our focus is. Everybody's concerned about this primary and that primary, and the cable news networks don't cover what we do here, they just cover what's said on the campaign trail. Come on, we've got 9 months left of this administration. We've got 9 months more, potentially, of $3.53 gasoline prices, of similarly high prices to heat your home in the northeast as the winter starts to come around again. We've still got time to do something if we've got a President to come and join us here and make some of the changes we need to make, Mr. MEEK.

There is still time left. We say to our colleagues, don't pay attention to this presidential election at the detriment of the good work that we still can do. Now that the people have got back control of their House, taking it back from the oil companies that have controlled this agenda for so long, we can still make progress. We can still do something about these prices between now and the end of the year, Mr. MEEK.

Mr. MEEK of Florida. If I can, Mr. MURPHY, I think it's important, and I'm going to have to come in for a close because I have to run, but I think that it's important, Mr. Speaker and Members, that we look at it for what it is.

I tell you, a friend of mine from Miami always says, "it is what it is," and I always smile when my friend shares that with me. But I can tell you this, you know, here's President Bush walking with the Saudi king in April of 2005 right here, Mr. Speaker. And I want the Members to make sure that they focus in on that, the very meeting that I was talking about. The White House energy plan was submitted, and individuals had a meeting, and here it is. If you look at the future prices with respect to gasoline, they appear to be headed down. This is what Vice President DICK CHENEY said on 5/20/2001. And as you look at this chart, it started getting worse for the American people, Mr. Speaker and Members, and better for the oil companies. Now, I'm not a Member of Congress with a conspiracy theory, but I'm just saying that it's important that we pay attention to what people are saying and what they are doing.

I want to get that other chart and just kind of talk about what happened to the American people. Let me tell you something, I have to fill up my tank, too. My constituents are feeling this pinch, too. And I just want to make sure that folks understand that this is serious business. When you have folks on fixed incomes and they're not receiving cost-of-living adjustments or whatever the case may be, because the super majority of Americans—the boss man, like they say in the country—they don't necessarily care about your personal problems, about the fact that you can't fill your tank up, about the fact that your child couldn't pay his or her student loans back and you had to stand in for your student loans. My mother always said in the old school—they used to call a guy in Tallahassee, Florida that owned Lewis State Bank, Mr. Speaker, they called him "Banker Lewis." And back in the old school, some of the grandparents and some of the folks that are probably in their 50s and 60s understand, they say co-sign now, they used to have to go down to the bank and credit union and stand for the person that's looking for the loan. Those days are over. And individuals that are looking to make money in a capitalist society, some care about their employees' personal problems, but some don't. And there's nothing wrong with capitalism, I think profits are a good thing, but I also believe that individuals that went to vote for representation here in this U.S. Congress deserve it. And this is what's happening here.

Look at the per barrel price, 2001. Remember that other chart that I talked about at Mr. CHENEY's meeting—who has a past history in oil, and I guarantee you will have a future in oil—it started off at $25.88. And you can follow over here. And this is not fiction, this is fact. You start going up, up, up, and now we're at $119.37 a barrel.

Now, Mr. Speaker, if I start saying that unleaded gas is $3.70 or $3.60, there will be many of your constituents and your constituents, Mr. MURPHY, and many constituents of Members of Congress here that will say the Congressman is incorrect. No, it's actually $3.80 and $3.90 in some places. And so I think it's important, when we start looking at what small businesses have to pay, what American people have to pay, you know, we have parents that are trying to carpool, get their kids to school. I mean, I live in the urban area. God forbid if I was in a rural area. What happens if I have to drive my soon-to-be 11-year-old son and my 13-year-old daughter 25, 30 miles to school under these circumstances?

And we have four pieces of legislation that this Democratic House has passed and waiting for our Republican colleagues, in many cases, to join us. And especially over in the Senate, Mr. Speaker and Members, where they have the 60-vote rule, you can't even bring things up. So you have oil executives going there saying, stand in the door of the Senate or stand in the door of the House and make sure that this doesn't pass or this amendment doesn't go on. It may be counterproductive to your constituents, but stand in that door. That's the kind of stuff we saw in the 108th Congress. That's the kind of stuff that I witnessed in the 109th Congress. But in the 110th Congress, it's a new day, and the people are looking for the kind of representation that they voted for.

And I just want to share, and Mr. Speaker, this is not a threat or anything like that because I'm not in that business; I mean, I consider myself a nice guy and I get along with a number of the Members here. As a matter of fact, I don't know of a Member that I'm not on speaking terms with, Democrat or Republican. We all get along. We're colleagues. It's just like you go to work every day, you punch in. There are some people that work in some areas of the office or out on the construction field, but you all say hello to one another, I mean, why don't you? But the only time we separate is when Republican leadership may say, well, we can't be with that because a certain interest doesn't want us to be with that issue; or we have to show the difference between us and the Democrats, even if they're right. Well, back home, for those Americans that know what it means to sit at the dining room table and spread your bills out and figure out how you're going to pay them, those kind of individuals are looking for representation. Those kind of individuals are looking for relief. And they're not necessarily looking for relief for the people that they're paying the bills to, they're looking for the relief for them to help them figure out their dining room problem.

And so when we talk about rolling blackouts, when folks' lights go out, or whatever the case may be, I was in Haiti on Sunday evening and Monday, and I could sit and watch the different parts of Port-au-Price, Haiti go into the dark because the country is running through economic problems. That happens in America. There are houses on every block in America—not every block, but some blocks in America that the lights are out, not because they went to bed early, it's that they can't afford the dog-gone bill.

And so when we sit here and start playing these games like our Republican leadership tried to do tonight with this whole motion to recommit, saying what are you all doing about gas prices, when turn around three-quarters of them didn't even vote for four of the bills that this Democratic House put forth to give the American people the relief that they called for, and then we're trying to do something about it, and then they try to hijack a good bill and trying to force the Members by saying, well, this Member voted—and we may see this this November, I don't know. Some Members, their motion to recommit, we voted it down, a very bad motion to recommit, ill-advised motion to recommit that some Member that voted for the last four bills to give the American people the relief that they deserve may find it in a political ad sometime soon in their district saying that they voted against some Republican motion to recommit that could not come to reality if it wanted to because it wasn't drafted right, it didn't fit into the bill. But they had the right to be able to put the motion to recommit. So I think it's important that we break this argument down for the American people so that they understand what's going on here. That will not be rewarded.

Mr. Speaker, I stood here, as sure as my name is KENDRICK MEEK, Mr. RYAN and Ms. WASSERMAN SCHULTZ and others, we stood here on this floor and we told the Members, listen, if you play with the American people, you're going to get stung and it's going to be bad and you're not going to recover from it. Some of you will not be here. Some of you will make career decisions. Check the CONGRESSIONAL RECORD, I said it. And guess what? We took the majority. And guess what will happen this time around? Those individuals that know what it means when they sit down to the dining room table and try to figure out how they're going to make ends meet when they put their kids to bed, how are they going to meet the bottom line of their situation. And then we have individuals that are standing in here, that are standing in the policy door of this House and not allowing good legislation to pass to give the American people the relief or trying to stop good legislation from passing to give the American people relief.

□ 2300

They're not going to think if they're Democrat or Republican or Independent. They're going to vote for the people that are fighting for them, and that's us.

So I say to my Republican colleagues respectfully, those individuals that decide to follow leadership, that the track record's not good because I asked them to call some 25 or 30 Members that are now sitting at home reading the actions of Congress in the newspaper when it's dropped in front of their door in the morning. I don't want to be part of that group. I want to be here and have the distinct opportunity to be here in this U.S. House of Representatives that few in this country have had an opportunity to serve in. And I'm proud to be here, and I think every Member should be proud to be here. And I think that should be their first priority when they stand upright and they walk in here and they put this congressional pin on and they walk through the doors because the people expect it and deserve.

So, Mr. MURPHY, your bill today, like they say in some parts of the country, they had no other choice than to vote for it. But I'm glad that we had the leadership in place, Mr. Speaker, to allow that bill to come to the floor because I can tell you a great bill like that never would have seen the day, never would have under the lights, and never would there have been an opportunity for Members to take out their voting card and vote for it because it wouldn't have been allowed to come to the floor because that was something that we didn't do or they didn't do or they didn't allow us to do. When I say "they," I mean the Republican leadership.

So I don't speak with a silver tongue. I just speak of the truth and reality. And if anyone wants to contradict what I say, you know something, this is a free country. We salute one flag. Folks can get out and say what they want to say. But the CONGRESSIONAL RECORD is on the side of the Democratic leadership, and the CONGRESSIONAL RECORD is on the side of what happened and what did not happen.

So, Mr. MURPHY, I don't feel that we need to even come close to apologizing for anything, and I don't even think that we should be overly offended by the attempts of the past Republican majority to try to push motions to recommit on good pieces of legislation that we are trying to bring to the floor. If I'm thinking politically, I say continue to do those things because we will continue to be in the majority for years and years to come. But the sad part is that the American people lose, and that's the reason why I don't want to promote that. I want us to work together. I want us to work together in a bipartisan way.

So, Mr. MURPHY, I'm so glad to be here to join you here tonight. I'm glad that you anchored the 30-Something tonight. I'm proud to be a part of it. Your constituents should be very proud of the action that you took today, including our entire country. And the good thing about this institution is that historians will look back on this time and will reflect and read about those that were part of the solution and those individuals that were part of just continuing the political madness that many have written about and many Americans have read about. So congratulations.

Mr. MURPHY of Connecticut. Mr. MEEK, when you stand on behalf of the people, you can't lose.

Mr. MEEK of Florida. Absolutely.

Mr. MURPHY of Connecticut. You can't lose. And I wish it was more complicated. I wish legislating involved a little bit more mystery, but it doesn't. When you've got a choice to stand with regular, average, everyday folks who go to work every day trying to make a living and are playing by the rules or you stand with oil companies who make more money than they ever have, it's not a hard choice. You stand with regular, average, everyday people and the troubles they're going through. If you do that every time, you'll win every time.

Mr. MEEK, it has been a pleasure to share the floor with you today on behalf of the 30-Something Working Group. We thank Speaker PELOSI for giving us once again the opportunity to share some of our thoughts with our colleagues.

ENERGY

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 28 minutes, one half of the time remaining.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here on the floor.

I would ask, as a point of information, do you anticipate Democrats coming to the floor for the next hour?

The SPEAKER pro tempore. There is one group following the gentleman.

Mr. KING of Iowa. I appreciate being recognized to address you on the floor of the House, Mr. Speaker.

In the 28 minutes that I have been allocated, I think it's important to address some of the issues that were raised by the gentlemen in the previous hour, the 30-Something Group. That is that, gentlemen, you simply cannot suspend the laws of gravity or the laws of nature, and what goes up must come down. Water runs downhill. And supply and demand control the prices in the marketplace.

I have fought this energy issue on this floor of Congress for some years now. And the lamentations that I'm hearing that come from the gentleman from Florida, his concerns about motions to recommit used to be concerns about the Republican majority. They still remain concerns about President Bush, and they still remain allegations about why we have high gas prices, why it is people can't pay their bills. But the PELOSI majority would suspend the law of supply and demand. There wasn't any discussion about that. It was all about profiteering of the corporations.

Well, the first point I will make is that we have got to have some people producing energy. And let's just say, for example, if Exxon makes $10 billion a quarter, and that adds up to 40 some billion dollars a year, and if this Congress steps in and says we have a different deal, we want to change the deal, we want to put some windfall profit tax on you and every other American corporation that is now making some profits off their investment in the oil fields, and as this leadership on the Speaker's side has done through the farm bill in particular, which is push to change the deal on our oil leases and renegotiate them because of their belief that the people who signed those contracts, those companies that are providing oil and gas and diesel fuel for us are making too much money, Mr. Speaker, a deal is a deal. And when the Federal Government signs a deal for oil leases and those companies agree to pay royalties on the oil they pump out on a per barrel basis, if the value of that barrel goes up, the Federal Government's deal can't change, just as if the value of the oil goes down. If it costs more to explore and find the oil and more to get it on the market, Uncle Sam is not standing there. Speaker PELOSI is not standing there with her checkbook saying, well, it didn't work out so well for you; so we want to fill in the hole of the loss that you had. No. A deal is a deal. And when you shake hands on it or you just say, yes, that's what I agreed to, that is by definition a contract. And when you have a congressional piece of legislation, when you have the Federal Government negotiating a lease, you don't change that deal.

And this Congress steps in and makes noises about windfall profits tax. And there are people sitting on the board of directors of these energy-producing companies, these companies where the more energy they produce, the cheaper gas gets for the American people because the law of supply and demand commands the price. Gas gets cheaper when you have more of it produced. And when companies make money, they invest that profit into research and development and exploration. When they do that, that puts more gas and more diesel fuel and more oil on the market, not less. And that keeps the price from inflating or it lowers the price. So if this Congress, led by this Speaker, steps in to change the deal, the people on the board of the directors of those oil-producing companies, if they're logical, rational people and they control capital; so by definition they are logical and rational in my book, some of them are going to start to discuss how they can take those profits out of their oil company and invest them in someplace else where they might not be so vulnerable to a windfall profits tax or so vulnerable to a Congress that has shifted to evermore class envy, evermore resentful about capital returning to the stockholders, and when that happens—the mutual funds, the retirement funds, the 401(K)s, the investment funds of America that are our pension funds that supplement Social Security are many times invested in oil stocks and reserves and futures. The portfolio of America's retirement is what's being attacked by this Congress. And we have to let people and have to let companies make a profit when they invest and take the risk. You cannot suspend the law of supply and demand. But this Congress has. And I think you're off in Pah-la-la-losi Land thinking that you can suspend the law of supply and demand. You cannot.

If we have more energy on the market, the price increase will either slow or it will diminish and be reduced. If we have less energy on the market, the price will go up if the demand also goes up. That is the equation that works here.

So we have high gas prices, and it's pretty easy to figure out why. The American people that are awake tonight, Mr. Speaker, and especially those out on the west coast and in the mountain States, they will understand this equation, I think, fairly simply. There are three reasons that the gas price has been increasing. One of them is the world demand on gas and diesel fuel, on oil. That's why the per barrel crude oil price has gone up. By any measure it has gone up. The world demand has increased. We see the Chinese increase their demand, and as the Chinese demand increases, that puts more demand on the supply, and when the supply gets tighter, the price goes up. U.S. consumption has not diminished. It has marginally increased over the last few years. That uses up more.

The oil reserves are being diminished some. And we're finding also oil in other places where we thought we couldn't produce it. There was an announcement here last week. USGS had announced what I believe was 3.4 billion barrels of oil in an oil shale a couple of miles down, most of it in North Dakota and some of it in Montana. That's a huge oil find. The tar sands in Northern Alberta have a massive amount of oil, and we're preparing to bring a pipeline down from there and build a refinery in the Midwest if local people are willing. And if we can do that, we can keep the gas and diesel fuel prices in America from inflating out of sight. And, in fact, if we can bring enough supply in, we can cause those prices to go back down. Supply and demand is one component of this, and it's a pretty important component.

The use and consumption of more energy globally is another component of it.

And a third component of the high gas price is a cheap dollar. This dollar has been diminished in its price. And the commodities across the world, it takes more American dollars to buy things overseas to purchase into the Euro environment, the European Union, for example. It takes more dollars to purchase in Asia. But their currency buys more. So because their currency buys more, it takes more American dollars to compete against that. So perhaps 35 percent of the value of this crude oil on the marketplace is because the value of the dollar has been diminished. If you could take 35 percent or roughly a third out of the gas price today, you're down there near $2 a gallon.

But the point that I want to make about this in this poster, Mr. Speaker, is this: The remarks made by the previous presenters are not consistent with this factual information that I have in this chart. And it works this way: On the day that George Bush was inaugurated as President, and I mean the first day, January 20 of 2001, the average gas price on the street was $1.49 a gallon, Mr. Speaker. That price stayed fairly flat. It appreciated some. And by the time we got out to 2007, January of 2007, when this new Democrat majority in Congress was sworn in and Speaker PELOSI took the gavel where you're seated, Mr. Speaker, the gas on that day was $2.33.

Now it's been about 15 months perhaps, perhaps 15 months of this Pelosi Congress, and gas has appreciated, gone up in price, from $2.33 a gallon to $3.51 a gallon. That's a 50 percent increase in the price of gasoline in America in 15 months. And that isn't because President Bush has done something to increase the price of gas. It isn't because he hasn't been helpful and supportive and worked to try to get us more domestic energy supplies. It's because the people on that side of the aisle, Mr. Speaker, the people on the Democrat side of the aisle, have blocked everything since I've been in this Congress that put more energy on the market. They blocked everything.

And we fought this on this floor to open up ANWR for drilling, a massive amount of oil up there. There's no environmental concern in ANWR. We were successful in drilling the North Slope. And I will submit that there is not an environmental spill in that part of the country that has a lasting and damaging effect. There was a tanker, the *Valdez*, that did run ashore and have a spill. But that was a matter of transport. It wasn't a matter of drilling, and it wasn't a matter of processing or pipelining it out of Alaska. It was after it left Alaska that that happened. But there was not a measurable spill up north that caused a problem. There is no environmental impact that's been a negative up there in Alaska, and there is no rational reason to prohibit drilling in ANWR. Yet the vast majority of the Democrats blocked the drilling in ANWR. When we were close, when we were within a handful of votes of being able to punch those holes up there and have that oil flowing down in here into the domestic United States, that would have been back when gas was, let's say, about $1.80.

□ 2315

Today, it's $3.51 and rising because of the barrier that was put in place by environmental extremists that do not have a rational argument that they can put up. All they do is put a green label on a bill, and as soon as it's green, the chicken littles on that side will run and vote for a green bill. I had people come to me and they said, We had the bill to drill in ANWR that allowed for, out of those millions acres, and I think it's 19.2 or 19.2 million acres, 2,000 of them to be used to punch holes down into the oil field. Two thousand acres. As the vote went up on the board, Mr. Speaker, people came to me and said, You are from Iowa; you know what an acre is. You have farms there. How much is an acre? I said, Well, 43,560 square feet. That didn't mean a thing to them, that is the size of a country school house lot. That didn't mean a thing to them. How about the size of a football field? Oh. Okay. Two thousand football fields. I think I will be a no because, after all, it's green. It's labeled green.

Environmentalists don't want to punch holes up there. It's the best place God could have put oil, that I can imagine. You go up there and do it in the permafrost and you drive out on the ice. And when the frost melts in the summertime, there's no sign that there was any traffic there at all. The most extreme environmentalists you could come with on that side, Mr. Speaker, I could fly them over ANWR and they couldn't point down to an oil well. I will fly them over the north slope. I will fly them over at 2,000 feet and they can't eyeball an oil well in the north slope of Alaska because it's not what they imagine and it's not drilling up there in a pristine alpine forest.

I am here to tell you there's not a single tree up there, Mr. Speaker. Not one. Even though the Sierra Club ran adds that said we can't disturb—well, the images on the screen were pristine alpine forests. There's not a native caribou herd. But the one on the north slope of Alaska, where we did drill successfully, went from 7,000 head to 28,000 head, for those of you out there in Rio Linda. That is 28,000 caribou where there was 7,000 before because now they don't drop the calves into the cold water on top of the permafrost, but get next to the nice warm pipeline and have their calves and they get nice and fresh then they gallop across the tundra.

It's been a good thing for the environment, a good thing for the oil supply. Drilling in ANWR is a good thing. Drilling in the Outer Continental Shelf, especially around Florida, is a good thing. These prices would not be this high if we had been successful in those efforts, if there hadn't been a Democrat green coalition that blocked every effort to try to put more energy on the market, more Btus on the market. Because the equation is this, all of our energy is all wrapped up together. British Thermal Units ties it all together, whether gas, diesel fuel, ethanol, biodiesel, solar, hydroelectric, whether it's nuclear, whether it's wind energy, whether it's clean burning coal, whether it's latent solar heat, all of those things put energy out of the market. They are all part of the overall energy pie chart. The more energy we can put there, the cheaper it's going to get. And the more things that you do to take energy off the market, the more expensive it's going to get. And your thoughts are either denying the law of supply and demand, or the thing that I heard many of you voice, this thing you have convinced me now is that you want to see more expensive energy. That is what I believe. Because I hear the dialog, I hear the debate. You want more expensive energy because somebody will park their car and get on their bicycle and ride that instead of driving their car. Doesn't work for grandma out there in Iowa that has got ten miles in January to go to town. But it might work for somebody in Florida to get on their bicycle.

More expensive energy why? Because we get more quality of life? No. Because you have this myopic vision that you can somehow save the planet if we had $6, $8, $10 gas. That is why you're taken by every energy action of this Congress since NANCY PELOSI took the gavel that has taken Btus off the market, shortened the supply, tightened this thing up. The demand has gone up, the supply has gone down. The price has gone up 50 percent in the 15 months that NANCY PELOSI has been Speaker of the House. And I have to listen to the drivel that says there is some other reason because what, we didn't go after the windfall profits of the oil companies? I don't think so. That means everybody delivering oil is a crook and everybody is fixing prices and going along with it. It is supply and demand. That is the bottom line on this energy piece.

As I look at my colleague from Michigan, who actually comes to the floor with a significant amount of expertise, I would be very pleased to yield such time as the gentleman may consume. Mr. McCOTTER from Michigan.

Mr. McCOTTER. I appreciate that. Thank you. We have a fundamental agreement and yet a disagreement. I think that everyone can see that there are three key elements to America's energy situation: Production, conservation, and innovation. We all agree on conservation. We'd like to see America more energy efficient, and we differ on whether or not what the extreme would be in terms of conservation. Republicans generally would hope that they would be community-oriented conservation, recognizing these tiny ripples of hope, citizen engagement in protecting their local environment would be the most efficacious way to deal with this situation rather than pass an overarching bill in Washington, with no citizen participation and only hope and more regulation, taxation, and burden upon America's industry and upon the American people.

In the area of innovation it is a very stark difference. Our side of the aisle believes that the free market and the genius of the American people will come up with the innovative solutions necessary to move us toward green fuels and a cleaner environment. The other side of the aisle believes the government knows best, and if they just capture enough revenues from the hardworking American people, they will then determine what ideas will work and will not work and force them upon the market.

But it is most noticeable in the area of production where the two sides differ. We believe production is essential. The gentleman from Iowa has properly laid out we live in a global economy. Supply and demand are the keys to the crisis today. If America does not produce more energy from its own sources, the cost will continue to go up because the supply will remain constricted, if not finite, and the demand will continue to grow from developing countries such as Communist China, India, and others.

What we believe is necessary is a declaration of energy independence which, like our own country's Declaration of Independence, recognizes that it would not happen overnight, it would not be easy; it would require sacrifice, and yet together we would get there.

We need to continue to produce domestic energy as we transition through a free market-based approach to innovations that will get us to a green energy policy and through the community-based conservation that will help foster and perpetuate energy efficiencies within our communities, within our homes.

Now the difference between these two policies is clear in the chart that the gentleman from Iowa has put before us. As someone who does not come from Iowa, but from Michigan, once known as the arsenal of democracy, a proud manufacturing State, the State that put the world on wheels, we see what the cost of energy does. It is not an abstract number, it is a situation which causes an intense amount of pain and anxiety to the constituents of my district and the constituents of my State.

Manufacturing requires energy. We know the manufacturing sector has been decimated by unfair trade competition and other unfortunate policies. Yet, when you take the cost of energy on top of it, you are almost signaling the death knell of the manufacturing base as we know it and as we would like to preserve it, because that cost of energy, as it rises is put into everything the manufacturer must do. And in the age of global competition, it becomes increasingly difficult for the manufacturer to keep his costs down, his fixed overhead rising, and in the end, there comes the push, especially from the tier one and tier two suppliers, the push comes from above to either eat the cost or send it offshore.

We also are starting to see what the government dictates in terms of innovation with the emphasis on ethanol and others is we are beginning to hear stories about food shortages in the United States, we are now beginning to hear about how the cost of basic staple commodities is rising. Again, in our economy today, which is slowing down, the cost of energy, the cost of gasoline in particular is the cause. In my mind, this is the cause. Because it is one important commodity that is continuing to go up in price without any relief in sight, and it also has spillover costs to all of the other commodities related to it.

There is nothing that does not wind up on your kitchen table that does not require energy to produce and transport. There is nothing in your home that you turn on, your Internet, or anywhere else, that does not require energy. As the cost of energy goes up, the cost of everything goes up. If we do not help increase the supply of energy, the costs will continue to rise, the American people will continue to suffer.

Now there will be an attempt, because evidently production conservation and innovation in a sound way is not palatable to some in this chamber, indeed a majority, there would be the attempt to shift the blame for the rising costs of energy to the producers. I am no fan of any multinational corporation. But then, again, I am not their executioner either. Because I remember what Ronald Reagan once said, Corporations are not taxpayers, corporations are tax collectors.

You want a windfall profits tax, you want a punitive tax on oil companies, energy producers, you can do it. And where are these energy producers and oil companies going to get that revenue from? They are going to pass the cost right onto the American people at their pumps, because Americans right now cannot survive without driving their cars to work. They cannot survive without energy. It would seem to me that these are simple lessons that we should have learned in our youth.

Then it occurred to me as I watch my children grow up, we have an entire generation of voters that were not alive in the 1970s. They did not live through the OPEC oil crisis, they did not live through taxation upon energy producers, they did not live through the syn fuels, where government raised taxes, put money in a fund, handed it out and we were going to be energy independent, or when Jimmy Carter went on TV and declared that by turning down the thermostat to 68, this was the moral equivalent to war.

The gentleman from Iowa and I have in the past talked about our love of history and its need to be taught in the schools. Because anyone with a remote understanding of the 1970s would understand that the failed policies of the 1970s are inadequate to meet the pressing energy needs of today. What we need is a 21st century energy strategy, not a failed 1970s Jimmy Carter policy that actually helped pave the way toward more energy dependence in America.

So I thank the gentleman for what he is doing today, and I would encourage my colleagues to go back and look at what was tried before and failed and then perhaps they would be more amenable to coming across the aisle in joining with us to try to take concrete steps to alleviate not only the rising cost of energy but the rising cost of everyday life that is associated with it.

I yield back to the gentleman from Iowa.

Mr. KING. I thank the gentleman from Michigan for coming down to the floor and adding to this dialog.

Mr. Speaker, as I listen to Mr. McCOTTER and reflect upon his remarks that corporations are tax collectors, that they actually don't pay taxes, it's Ronald Reagan's position, my position, Mr. McCOTTER's position. They will pass those costs along to the consumer because in the end it's the last stop of the retail that pays the taxes. That is the people in the end. The consumers in the end will pay the price. If they raise the taxes, we will see the prices go up. If we make energy more scarce, the price will go up. If we are punitive towards companies that are producing this energy and risking their capital, their capital will go elsewhere.

If that happens, then there will be less oil on the market, not more. The price will be higher, not lower. The energy will be more scarce, not less. Because of these policies that have come forth in the beginning of this 110th Congress, we see the action that has taken place here. We see what has happened from the very first day, Mr. Speaker, of the new 110th Congress, the day that NANCY PELOSI took the gavel, and it became clear that there was going to be an energy scarcity policy. Gas went from $2.33 over 15 months to over $3.51 a gallon, perhaps more than that today. That is a 50 percent increase in just 15 months. I have stipulated the reasons for that. Energy is more scarce, it's less certain. This economy is also in a decline.

It's interesting to me that I don't hear a lot of discussion about the real reasons for that, Mr. Speaker. I look at it this way. When the new hands took over and picked up the gavels here to be chairs of the committees in Congress, in the House and the Senate, and we had the chairman of the Ways and Means Committee, Mr. RANGEL, from New York, who a long time had waited to become chairman of the Ways and Means Committee, we had pushed pretty hard to make the Bush tax cuts permanent, those tax cuts that slowly the authorization expires and will automatically kick in as dramatic tax increases in the next couple of years. I watched as the chairman of the Ways and Means Committee went on the talk show circuit all over television, and I presume radio too, and he was constantly asked by the pundits, What will you do with the Bush tax cuts? Will you make them permanent?

□ 2330

Are there some there that you will commit right now that you will want to save and protect of those tax cuts, or will you just simply want to see them all expire and have that automatic, huge, unprecedented record tax increase?

Well, the chairman didn't address that subject matter, by my recollection, one at a time or in groups. But eventually as he did enough of the talk show circuits, the talk hosts would ask the question, and by a process of elimination, the capital investment in America pretty much concluded that no part of the May 28, 2003, Bush tax cuts would the chairman of the Ways and Means Committee want to see made permanent.

Capital saw that and realized that by about late January-early February of 2007, just about the time gas prices started to shoot up here, Mr. Speaker. That is the time that the capital investment of America understood that capital was going to be more expensive, because the Bush tax cuts were not going to stay or be made permanent.

When capital gets more expensive and it is looking down the line, it tightened things up. And you can go back and look at the record, Mr. Speaker. You saw industrial investment decline indexed directly to the period of time that NANCY PELOSI became Speaker, CHARLIE RANGEL became the chairman of the Ways and Means Committee, and that gas began to shoot almost straight up here on this chart, going on to its 50 percent increase in prices over a 15-month period of time.

At that same time, capital got more expensive, and because of that more expensive capital, industrial investment declined. That was the first indicator that we were going to have an economic problem on our hands. That was the lack of investment in industry that led all of this. Along behind it came the subprime mortgage component of it, which in the grand scheme of things isn't as big a hit on our economy as the higher gas prices.

Then, as ADAM SMITH said, there are two components to the price of everything. One is the cost of the labor and the other is the cost of the capital. The capital price went up, then the cost of goods and services went up, and capital investment went down.

We can expect this decline in our economy because of a number of things: Energy prices are skyrocketing because the policies that are coming out of this Congress are taking energy off the market, and capital prices are going up because the tax cuts are unlikely to be made permanent between now and 2010. So automatically those tax increases will kick in, and the investment markets see that.

Those are the reasons that are watching this economy decline today.

The subprime is a small part of it. But it is such a small part of it, when you think of what the subprime really is, it is about a $150 billion loss. We will burn about 142 billion gallons of gasoline. Those 142 billion gallons of gasoline, $1 a gallon for one year would pay for the subprime.

So let's keep our rules straight. Let's understand we can't suspend the laws of supply and demand. Let's put some energy on the market. That includes conservation.

REASONS FOR ENERGY AND FOOD CRISES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALZ) is recognized for 28 minutes.

Mr. WALZ of Minnesota. Thank you for this opportunity to speak on the floor and to give this Chamber a demonstration of what is so great about this country. The previous gentleman's district actually borders mine, but you may not find a more diametrically opposed view of what is happening in this country than you may get in the next 28 minutes.

You hear a lot of statistics and you hear a lot things thrown out. You hear a lot of economists talking about different things. The one thing I have found, and I think maybe it comes from being new to this business of politics, coming from a high school classroom, coming out of what most middle class Americans are experiencing is, is that many of those things do not matter to people.

What matters to them is the reality in their everyday lives. And that reality doesn't take a whole lot of background from them. It doesn't take a whole lot of statistics. It doesn't take a whole lot of anything, other than for them to make some simple judgments.

One of those judgments that the American public is going to ask themselves, and they are going to get to ask themselves in November, after 12 straight years of Republican control of the House of Representatives, after 6 years of total control of both branches of the legislative procession, the American people got a chance to see by the fall of 2006 the direction that those policies had taken us in.

In watching that, they made a decision come November. They chose about 45 new Members of this body, many of them without elected office experience, but many of them who came from the ranks of middle class working people, many of them like myself that never had a salary over $50,000. Teaching for 18 years, my salary when I left my teaching position was $48,000 a year. My insurance costs coming off the top of that were $7,200 a year, and then the taxes that came after that.

One of the things the American public will ask is, were they better off before that time when President Bush and the Republican-controlled Congress took over, or were things going in the wrong direction? Were decisions made that were affecting their lives negatively, and what were those decisions doing to them?

What was happening, as you saw the previous speaker talk about, what was happening to the price of fuel? Why was gas going up and who was benefiting from it? Why was the cost of their produce, why was the cost of groceries going up, and who was benefiting from that? What was happening to the cost of tuition? What was happening to their paycheck? What was happening to insurance costs?

Those were questions that they don't get to stand here and theoretically talk about and come up with some cute alliteration that I always hear. My colleagues are wonderful at the alliteration, and somewhat weak on the policy that impacts people's lives.

So as I listened this week and I watched a concerted effort, and one of the magazines on Capitol Hill wrote about that our friends in the minority have decided they are going to try and pin the energy policies on the new majority, understanding that President Bush will veto any attempt we make to change policy.

The policies that we are operating under in this economy are the ones that were put into place by the minority and put into law by the President. The changes that have been attempted and those that have been made, such as CAFE standards, the fuel efficiency standards and improving them for the first time in 35 years, are so overwhelmingly accepted by the American public, those could not be ignored.

The ideology being expressed by the previous speaker I think is reflected in some. You don't need the polls when you go out and talk to people, but if you want to get to the data you are hearing them talking about, 72 percent of the American people disagree. Twenty-eight percent of the American people agree that President Bush's economic policies are the right direction for this country.

So when I hear talk about supply and demand, as if it is gravity, as if there have not been decisions made to influence either the supply chain or the demand by interests, by the growth, the astronomical growth of lobbyists, especially energy lobbyists at this place, it is bordering on the ridiculous. And when I hear about ADAM SMITH being talked about, the only "invisible hand" that is operating in our energy markets is that invisible handshake that happened in the White House between the oil company executives when they created this current energy policy.

I would like to take a chance here to illustrate what has happened on energy as it impacts the economy.

Now, again, speaking to the American people, when they are going and filling up, they are rightfully disturbed. They are rightfully concerned, and many of those people are understanding a larger portion of their disposable income is being eaten up in fuel costs, transportation costs.

The policy that was put into place that has driven this upward climb and that was so conveniently taken out here, about right in here and shown, has been a steady upward trajectory. And they are right. Several things are happening here.

There is no doubt that supply, world supply for fuels, especially with the rise of China and India, is having an impact in this. The only question I would ask on that is, who didn't know that back here? Who couldn't anticipate those changes and start planning ahead, instead of being reactive to everything that has happened?

This administration has been wrong on almost every single indicator economically around the world, socially, and they have not gotten any of it correct since they have come to office. So the trajectory is pretty steady, almost exactly what could have been expected on that.

But there are several other things at work here. One of the things is about this energy policy. I would love to show you and read from that energy policy to tell the Speaker, my colleagues and anyone in America that would like to know what that energy policy is. But the problem is, the White House claimed executive privilege, and in 2004 the Supreme Court upheld that executive privilege.

So that meeting that took place, we do have some reports on who was there, by the way. One of the first visitors on February 14, 2001, just 2 weeks after the inauguration and the President took office, was James Rouse, the vice president of ExxonMobil. He was also the major donor to all of the festivities that happened here with the inauguration of President Bush.

A week later was a long-time friend of President Bush and a supporter, Kenneth Lay, then, of course, head of Enron. They had two meetings. By March 5, the country's biggest utilities, Duke Energy and Constellation Energy, were in the White House. Then British Petroleum came on March 22. And that was followed by 20 oil and drilling companies to get meetings. At this point, to this day, none of that documentation is public. None of it has been out there. None of it has shown what happened. And what we saw was a steady increase and a policy that put this entire Nation's energy needs in the hands of oil company executives.

Now, I could almost get lucky in my district out in southern Minnesota. There is somebody who was in the room, somebody who knows. That somebody now lives in my district—well, temporarily. That someone is the vice president of Enron, Jeff Skilling.

He is in the Federal Penitentiary in Waseca, Minnesota, in my district. He was with Enron. He understood what happened here, and he ended up, after going to court, in Federal prison for 24 years.

The policies here have nothing to do with supply and demand. They have everything to do with special interests and corporate interests over the national interests of this country.

So as you hear the previous speakers speak, and they talk about us trying to take energy off the market, the fact of the matter is, as I said, the previous speaker's district borders mine, I am very proud that in southern Minnesota my district is one of the Nation's top four producers of wind energy. We have beautiful wind generators going up and down the district. We have small towns, like Minnesota Lake, that are taking their town's energy and deriving over 75 percent of the energy for the town through the use of clean, renewable wind generation.

We are also one of the leading producers of alternative fuels and biofuels. And let me be very clear about this. As people talk about, well, biofuels are driving up the cost of food products, of commodities, there is a definite moral argument to be made of the idea of taking food, such as corn or soybeans, and turning it into fuel. The fact of the matter is, most economists agree that the impact on that is negligible, compared to the impact of the price of oil.

There is something I would like to quote here, and I would like you to see a couple of things here. When President Bush was asked prior to the election during the campaign back in 2000, he was asked what he would do to help control energy costs, he said, "What I think the President ought to do when gas prices spike is he ought to get on the phone with the OPEC cartel and say I expect you to open your spigots, and the President of the United States starts jawboning with OPEC members to lower the price."

Well, in April 2005 there is a pretty famous picture here of the President holding hands with that. That is about the point where oil went up. This is from an ally who has promised to help us pay for the war in Iraq and has yet to pay 7 percent of their total cost.

Now, if they can't make it on $118 a barrel, it makes it pretty difficult for me to understand when they are ever going to get jawboned into doing something about this.

The next thing that I think is a bit of a fallacy here in this whole free market thing and this supply and demand, as if it is going to come down and drop upon us and be in perfect order, is why in the world did my colleagues on the other side of the aisle continue to vote for $18.6 billion in subsidies to the oil companies? At $40 billion in profits for one oil company alone last year, over $100 billion in profits for the three major oil companies, they haven't got it figured out how to run their business to make a profit without the subsidies?

And what is at stake here is this isn't about class warfare. This isn't about, as the previous speaker from Michigan talked about, not being a friend of the oil companies or being their enemies. The fact of the matter is they have an unfair advantage on a unlevel playing field. If my wind generation and my cellulosic ethanol producers could get the same amount of subsidies driven back into research and development that we are putting into oil and natural gas exploration, I guarantee you we would compete on that.

I guarantee you we would have renewable energy sources that would take several things away. One is the dependence on foreign oil. That driver or that magnet of conflict around the world would be taken out of the equation. We would also start to create rural jobs and rural green collar jobs that would respur the economy.

This President and this energy policy that has created these prices that have been on a steady upward climb also took an economy that went from a manufacturing base and a base of middle class workers, who could figure it out. And this is all they are asking for. They go to work, they work hard at their job, they make the right decisions, they work 40 hours a week, maybe a little overtime.

Here is what they are asking for. All they want in return is the ability to have a home, the ability to have transportation to get to and from their job and maybe partake in their recreational activities. They would like to have health care for themselves and their children that is affordable and they can go when it is needed. And they would like to get to the point where perhaps they could save enough money to send their children to college to ensure their future.

□ 2345

The American people aren't demanding a lot. They are not asking for a lot. But let me give you a couple statistics.

Since President Bush has come to office, guess what has happened. We have lost 1.4 million jobs. We need to be creating jobs. We need to be creating about 180,000 jobs a month to keep pace with population growth. Manufacturing jobs have increased by 3.4 million.

Income is down on an average, so the person going to work 40 hours a week, the person making the right decisions, the person trying to fulfill the American dream is getting further behind no matter how hard they are working.

The number without health care insurance has increased 8.6 percent. We now have 50 million American people without health care insurance.

And I guess the debate can be supply and demand: There is a big supply, there is big demand for it, not quite enough to pay for it, so your child doesn't get to go to the doctor.

If that is the type of country we are choosing to live in, then go ahead and follow the policies that have been put in place the last 8 years. If we think there is a better way to do this, perhaps we can start having a vision that extends to the next generation, not the next election.

Of course, we hear about gas prices doubling. College costs have gone up 36 percent. Foreclosure rates have hit an all-time high.

This President created an economy totally predicated on consumer spending. He drove that spending by the only way people could do it under the economy that was dropping their wages, by borrowing on their homes. And then they were given risky loans, and those risky loans—here is the thing in my district. I trust the bankers in my district; I trust those people to make loans. And do you know what? There used to be a contract in this country. As a borrower, you were expected to repay. I still believe that is true. But there is another part of that equation: As a lender, you actually used to want to get repaid. We have people now who are speculating, who are giving loans with no intention of ever caring what happened to the loan, selling it off into speculation, put in some exotic investment vehicle outside of any regulation, because we can have no regulation.

This economy predicated itself on consumer spending, on consumer borrowing. And the driver here was, if we regulate companies, how could they make money? If we ask them to take lead out of toys for children, that would cut into profit. And how dare we think we would do that. If we actually asked that our food be safe before we fed it to our children, we were overregulating and messing with that invisible hand.

Well, that is not the way the world works. It is not the way the people of America want things to work. What they want is a sense of fairness. They want that chance to be able to work hard, save a little money, get a house, take care of their family, and let their children have an attempt at living a life equal to or better than their own.

There are statistics out there now, for the first time in American history after 7½ years of this Presidency, that the majority of Americans do not believe their children will live the type of life that they had, that they themselves had a chance to live. That is absolutely criminal. It is absolutely immoral. It is absolutely not the principles this country was founded on. And those that would say by us asking for alternative energy sources, by us asking to try and improve the ability of efficiencies in our automobiles and our building designs, that those of us who are asking oil companies to not be able to take $18 billion, and to think that you are going to drill your way out of this—they just tell us world demand is up. How in the world is drilling going to be a long-term solution? It is beyond me. With those things happening, though, the American people can be glad to know that is the minority opinion.

The majority in this House of Representatives is representative of the majority of the American people. Fully 72 percent disagree with the past policies we are on. Only 28 percent of the American people would espouse to believe that the policies you heard from the previous speakers are the direction that we should go in.

We should have a civil debate on this House Floor, we should talk about the implications of our policies, but we should also realize what we are talking about is the livelihood and the quality of life of the American public, and we have got work to do in that regard.

I wanted to just talk about a couple of things here, too. One of the things that is most striking to me is, is the President's and the rhetoric that happens on this House floor, that disconnect again with the American public, that disconnect of what a person is going through. And you can tell them all of these facts, all of these figures, all of the things that are out there, and they will still come back to the reality as it affects their life.

And I want to talk to you, as many of us saw, just for a minute, Mr. Speaker, as many of us were predicting for several years, they felt the fragileness in this economy, they felt they were saving less, they felt costs were going up, they saw that the ability to get their children to college getting further and further out of their reach. We saw policies that when those people of my generation had the opportunity to go to college, fully 80 percent was on the idea of Pell Grants and different types of grants, 20 percent in the forms of loans. We have almost exactly reversed that. And then we took those loans from being low-interest government guaranteed loans to being government guaranteed loans to private lenders with high interest rates. We have absolutely not made an investment in the future a priority.

And when you hear people talk about the so-called tax cuts, I ask everyone out there to see if, since 2001 and President Bush's tax cuts, are you better off? Have they fulfilled their promise? Have they filled your pockets with wealth? Have your streets gotten better? Have your schools become more productive? Has everything gone exactly the way they told you they would do? Because the bottom line in this country is, we have seen the single largest shift of wealth to the smallest percentage at the top than we have seen since the 1920s. We have the greatest disparity from those in the middle class and those in the top 1 percent than we have seen in the past 100 years.

The policies that were put into place did exactly what they were supposed to do: They shifted that wealth. And in the ideology, and I don't deny that my friends across the aisle believe this, those people in their benevolence were going to reinvest it all, creating great jobs here, and spurring the American dream.

The problem was this: They found out that they could invest in manufacturing jobs in places that didn't have worker standards, that didn't have environmental standards, that didn't care if there was lead in the toys. And, as they invested in those countries, their profits rose, and the jobs in America, according to I guess Adam Smith, the invisible hand pulled them and grabbed them to China. And when they couldn't do it in China anymore, they pulled them and grabbed them to Vietnam. And when they couldn't do it in Vietnam, they pulled them to Bangladesh.

I am unsure where they will go next, but I can tell you this, there is a lot of people sitting throughout the Midwest through Ohio and Michigan that sure wish some of those jobs were here. And they are not asking for a fortune, they are asking for a living wage. Well, that living wage, and every time we ask for it: That is going to hurt business, that is going to hurt the profits.

The bottom line on this is, this country was founded and predicated and was so successful because the middle class was successful. We are the most productive people in the world. Our productivity of workers in America is at an all-time high.

Now, the question I ask is, how can that be and real wages are decreasing? How that can be when their buying power has decreased? Unless something is fundamentally wrong with the economy? But if you ask President Bush, all is peachy clean. There are a couple quotes here, I don't know if it would be fair, but it sounds an awful lot like Hoover in the 1930s.

But here he was on October 17. Here was the economic news: The Commerce Department reports that housing starts in September fell to the lowest levels in over a decade and a half.

Here are President Bush's words: When you got more houses than you got more buyers, the prices tend to go down and we are just going to have to work through the issue. I am not a forecaster, but I can tell people that I feel good about many of the economic indicators here in the United States.

The subprime crisis was right on top of our heads, and yet we are hearing this type of rhetoric. It is not based in reality, it is not based on the people who were already behind in their mortgage payments. It is not based and behind some of those exotic investment vehicles that were going to come crashing down. It is not that we didn't see that the Bear Stearns thing was on the horizon. Most people did, including his former Fed Secretary in Alan Greenspan. But, nope, it didn't bother the President. It doesn't matter the people here who for 6 years rubber-stamped every single piece of legislation written by K Street by the lobbyists and sent down here. Everything that was done behind closed door by Ken Lay, by Jeff Skilling, by the rest of them, sent down here, voted on against the objection by the minority party, our party at that time, that, you are heading for disaster, do not do this. Oh, no, no. We will create jobs, we will create wealth, we will create energy.

Now, all of a sudden, we have a slim majority in the House, we are equal over in the Senate, and the President vetoes anything that we utter over here. Now all of a sudden all of this is the responsibility here.

Well, I have one thing to say. The American people, come November, don't care what side of the aisle you are on, they care about, what are you going to do about it?

Here are a couple more from the President.

December 17, former Fed Chairman Greenspan, as I was just saying, suggested a tax break or other government help for home owners facing the mortgage crunch.

Here is what the President said: This economy is pretty good. There are definitely some storm clouds and concerns, but the underpinnings are good, just fine.

February 28, reports show that new home sales in January fell to the lowest level in 13 years, and orders for big ticket items such as cars and refrigerators slumped dramatically.

Well, I don't think we are headed into a recession, but no question we are in a slowdown.

And then, just yesterday: No recession. No recession.

The bottom line on this is, you have got your head stuck in the sand for so long, you tell yourself for so long that these policies are going to work. The American public again, as I said, doesn't care what the economists say. The American public and the average person that is out there, middle-class worker, doesn't care what the exact number of foreclosed homes are. They don't care about the derivatives in these exotic vehicles that were created on the subprime. They don't necessarily care where the oil is coming from or where the energy is coming from. What they know is they have got to get to work in the morning, and that takes gas. And that job is not paying any more. It might not be there tomorrow. They are not saving enough.

And I heard the person before me speaking on this floor talking about how great this oil investment is in the 401(K). Well, I should probably get some of his advice, because mine like many others in this country showed a downturn last year because of all of the other drops in stocks and investment vehicles.

So, Mr. Speaker, we have opportunities, there is no doubt. This country does, as the President said, have the underpinnings to perform better than any economy in the world. But the one thing the President fails to realize is the most important underpinning of that economy is middle-class American workers, the ones who for 12 years of Republican rule, 6 years of total rule by this ideology have suffered and seen their quality of life decrease dramatically.

The good news is, it is starting to change. College is becoming more affordable under the new Democratic Congress, gas prices will start to be adjusted as we start to put research dollars in to moving towards cellulosic ethanol, fast growing poplar trees, switch grass, things that are out there that we can get to. These are the types of things that are going to happen. Our manufacturers in Detroit have already caught on. We are seeing hybrid vehicles now that you can actually buy. We are starting to see Detroit want to compete again. And, guess what? Where was that invisible hand? Where was that market when we were creating cars that got 15 miles to the gallon? When they start competing with everybody else in the world, we will start being able to get to where we need to go.

This is an economy that can come back from this, but it will not come back with special interest policies that care nothing about what happens to the middle class, care nothing about the everyday things that people are going through.

And the last thing I would say on this is, when I listen to what President Bush says, it reminds me of the time, and I think about this, when his father went to the supermarket about 2 decades ago. And I remember this very clearly, I was in high school, and it was a big story on the news because the first President Bush was fascinated that they had scanners to scan the price. Now, every American in the country had seen that since the early 1970s. They had seen them in their local supermarkets for a long time. But the President was flabbergasted that that would happen.

My suggestion would be, there is a Safeway not far, the one I shop at down here, that the President get out there. He can take some security down there and he can go through there, and he can start to see what people are going through. On the way back, he needs to fill up. And then he might want to swing by and check the tuition costs at a university, even a State-run school. And then he would start to understand, saying things like: This economy is fine and that it is a little bit bumpy.

Losing your home is not bumpy. Not being able to go to college is not bumpy. Not having a retirement account that you can retire with dignity is not bumpy. That is a fundamental failure of leadership. It is a fundamental failure to have a national economic policy that benefits the vast majority. And, as Justice Brandeis so clearly told us at one point is, you can have a wonderfully strong democracy or you can have the concentration of wealth in the hands of few, but you cannot have both. Well, we tried their way. I would like to go back to having the wonderful democracy.

With that, Mr. Speaker, I thank you for the opportunity to speak on this great floor. I thank you to give a different interpretation of what is happening in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. BOEHNER) for today after 4:30 p.m. and for the balance of the week on account of medical reasons.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. BERKLEY, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Ms. CLARKE, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. WALBERG) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 30.
Mr. GARRETT of New Jersey, for 5 minutes, today and April 24.
Mr. JONES of North Carolina, for 5 minutes, April 30.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on April 22, 2008 she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 70. Congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

H.R. 1119. To amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

ADJOURNMENT

Mr. WALZ of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, April 24, 2008, at 10 a.m.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JANICE C. McKINNEY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 28 AND MAR. 4, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice C. McKinney	2/28	3/01	El Salvador		538.00		(3)				538.00
	3/1	3/4	Costa Rica		711.00		(3)				711.00
Committee total					1,249.00						1,249.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
(3) Military air transportation.

JANICE C. McKINNEY, Apr. 4, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Arcuri	3/3	3/3	Germany (Iraq CODEL)		316.00				50.00		366.00
James McGovern	1/11	1/15	Colombia		1,999.50		1,856.30				3,855.80
Cindy Buhl	1/11	1/15	Colombia		1,999.50		1,476.30				3,475.80
Keith Stern	1/3	1/7	Republic of Georgia		1,702.47		10,744.08				12,446.55
Committee total					5,387.47		14,076.68		50.00		20,144.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE McINTOSH SLAUGHTER, Chairperson, Apr. 7, 2008

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR 31, 2008.

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. STEPHANIE TUBBS JONES, Chairman, Apr. 8, 2008

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert E. (Bud) Cramer, Jr.	2/8	2/11	Latin America		179.00		(3)				179.00
Hon. Elton Gallegly	2/15	2/17	Middle East		540.00		(3)				
	2/18	2/19	Middle East		339.00		(3)				
	2/20	2/21	Middle East		370.00		(3)				1,209.00
Kathleen Reilly	2/15	2/17	Middle East		540.00		(3)				
	2/18	2/19	Middle East		339.00		(3)				
	2/20	2/21	Middle East		370.00		(3)				1,209.00
Hon. Robert E. (Bud) Cramer, Jr.	2/17	2/18	Europe		462.00						
	2/18	2/21	Europe		1,422.00						
	2/22	2/24	Europe		524.00						
Commercial Aircraft							1,436.46				3,845.06
Hon. Mike Thompson	3/15	3/17	Middle East		939.77						
	3/17	3/18	Middle East		348.00						
	3/18	3/21	Middle East		873.00						
Commercial Aircraft							12,168.80				14,329.57
Wyndee Parker	3/15	3/17	Middle East		939.77						
	3/17	3/18	Middle East		348.00						
	3/18	3/21	Middle East		873.00						
Commercial Aircraft							12,772.06				14,932.83
Linda Cohen	3/15	3/17	Middle East		939.77						
	3/17	3/18	Middle East		348.00						
	3/18	3/21	Middle East		873.00						
Commercial Aircraft							9,059.22				11,219.99
Kathleen Reidy	3/15	3/17	Middle East		939.77						
	3/17	3/18	Middle East		348.00						
	3/18	3/21	Middle East		873.00						
Commercial Aircraft							12,147.22				14,307.99
Hon. Robert E. (Bud) Cramer, Jr.	3/18		Africa		623.00						
			S. America		1,237.95						
Commercial Aircraft							7,222.40				9,083.35
Hon. Peter Hoekstra	3/21	3/23	Middle East		528.00		(3)				
	3/24	3/25	Africa		312.00		(3)				
	3/27	3/30	Africa		549.37		(3)				1,389.37
James Lewis	3/21	3/23	Middle East		528.00						
	3/24	3/25	Africa		312.00						
Military and Commercial Aircraft							4,507.00				5,347.00
Hon. Silvestre Reyes	3/24	3/27	Europe		503.00						
	3/27	3/29	Europe		1,524.00						
Commercial Aircraft							6,923.11				8,950.11
Michael Delaney	3/24	3/27	Europe		503.00						
	3/27	3/29	Europe		1,524.00						
Commercial Aircraft							10,422.08				12,449.08
Jeremy Bash	3/24	3/27	Europe		503.00						
	3/27	3/29	Europe		1,524.00						
Commercial Aircraft							10,782.08				12,809.08
Donald Vieira	2/16	2/18	Europe		1,118.00						
	2/19	2/21	Europe		693.00						
	2/22	2/24	Middle East		698.00						
Commercial Aircraft							10,908.37				13,417.37
Eric Greenwald	2/16	2/18	Europe		1,118.00						
	2/19	2/21	Europe		693.00						
	2/22	2/24	Middle East		698.00						
Commercial Aircraft							10,908.37				13,417.37
Brian Morrison	2/16	2/18	Europe		1,118.00						
	2/19	2/21	Europe		693.00						
	2/22	2/23	Middle East		698.00						
Commercial Aircraft							9,845.37				12,354.37
John Heath	2/16	2/18	Europe		1,118.00						
	2/19	2/21	Europe		693.00						
	2/22	2/24	Middle East		698.00						
Commercial Aircraft							10,908.37				13,417.37

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Laurence Hanauer	2/16	2/19	Asia		1,608.00						
	2/20	2/22	Asia		686.00						
Commercial Aircraft							8,540.31				10,834.31
Iram Ali	2/16	2/19	Asia		1,608.00						
	2/20	2/22	Asia		686.00						
Commercial Aircraft							10,247.67				12,541.67
Iamers Lewis	2/16	2/19	Asia		1,608.00						
	2/20	2/22	Asia		686.00						
Commercial Aircraft							8,880.68				11,174.68
Chelsey Campbell	2/16	2/19	Asia		1,608.00						
	2/20	2/22	Asia		686.00						
Commercial Aircraft							8,403.68				10,697.68
Mark Young	3/23	3/24	Africa		341.94						
	3/24	3/26	Africa		556.00						
	3/27	3/30	Africa		636.00						
Commercial Aircraft							9,587.18				11,121.12
Iamal Ware	3/23	3/24	Africa		341.94						
	3/24	3/26	Africa		556.00						
	3/27	3/30	Africa		636.00						
Commercial Aircraft							9,587.18				11,121.12
Hon. Silvestre Reyes	1/18	1/20	Latin America		196.00		(3)				196.00
Michael Delaney	1/18	1/20	Latin America		196.00		(3)				196.00
Committee total											231,829.40

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HON. SILVESTRE REYES, Chairman, Mar. 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO OSCE PA WINTER MEETING IN PRAGUE, CZECH REPUBLIC AND VIENNA, AUSTRIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 18 AND FEB. 23, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/22	Austria		776.16		3,623.68				4,399.84
Hon. Louise McIntosh Slaughter	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/23	Austria		1,173.12		960.92				2,134.04
Hon. Michael McNulty	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/22	Austria		782.08		3,476.92				4,259.00
Hon. Hilda Solis	2/20	2/23	Austria		1,173.12		5,724.61				6,897.73
Fred Turner	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/22	Austria		776.16		2,894.32				3,670.48
Lale Mamaux	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/23	Austria		1,173.12		960.92				2,134.04
Erika Schlager	2/18	2/20	Czech Republic		786.85		(3)				786.85
	2/20	2/21	Austria		391.04		2,868.73				3,259.77
Alex Johnson	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/23	Austria		1,173.12		960.92				2,134.04
Daniel Redfield	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/23	Austria		1,173.12		960.92				2,134.04
Shelly Han	2/20	2/23	Austria		1,173.12		3,436.53				4,609.65
Robert Hand	2/20	2/23	Austria		708.32		1,027.53				1,753.85
Committee total					16,817.33		26,896.00				43,731.33

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HON. ALCEE L. HASTINGS, Chairman, Mar. 14, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY WINTER MEETING IN BRUSSELS, BELGIUM, OECD MEETING IN PARIS, FRANCE, AND BILATERAL MEETINGS IN ZAGREB, CROATIA, SKOPJE, MACEDONIA, AND TIRANA, ALBANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 and FEB. 24, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Tanner	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Ben Chandler	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Jo Ann Emerson	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Carolyn McCarthy	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Jeff Miller	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Dennis Moore	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Mike Ross	2/16	2/19	Belgium		675.00		(3)				1,606.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY WINTER MEETING IN BRUSSELS, BELGIUM, OECD MEETING IN PARIS, FRANCE, AND BILATERAL MEETINGS IN ZAGREB, CROATIA, SKOPJE, MACEDONIA, AND TIRANA, ALBANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 and FEB. 24, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Ellen Tauscher	2/16	2/17	Belgium		225.00		(3)				4,179.96
Melissa Adamson	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Kathy Becker	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Gene Gurevich	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Dr. Amanda Sloat	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Dr. Paul Gallis	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Delegation Expenses:											
Representational Funds									12,550.14		12,550.14
Miscellaneous									615.08		615.08
Committee total					19,497.00		3,954.96		13,165.22		36,617.18

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] No separate per diem was issued in Macedonia or Albania.

HON. JOHN S. TANNER, Chairman, March 20, 2008

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerance [EPA-HQ-OPP-2007-0331; FRL-8351-7] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6200. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's Annual Report for FY 2007 regarding the training, and its associated expenses, of U.S. Special Operations Forces (SOF) with friendly foreign forces, pursuant to 10 U.S.C. 2011; to the Committee on Armed Services.

6201. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral (lower half) Douglas J. McAneny to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6202. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention (CWC) deadline of April 29, 2012 and not later than December 31, 2017, pursuant to Public Law 110-181, section 922; to the Committee on Armed Services.

6203. A letter from the Secretary of the Army, Department of Defense, transmitting the Department's Report on the Recruiter Incentive Pay Pilot Program, pursuant to Section 681 of the National Defense Authorization Act for 2006; to the Committee on Armed Services.

6204. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's STARBASE Program 2007 Annual Report, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

6205. A letter from the Secretary, Department of Health and Human Services, transmitting the 2007 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control and Prevention, pursuant to 42 U.S.C. 242m(a)(1)(c); to the Committee on Energy and Commerce.

6206. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report on protecting market sensitive data and needs related to upgrading computer facilities; to the Committee on Energy and Commerce.

6207. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Hazardous Air Pollutants From Mobile Sources: Early Credit Technology Requirement Revision [EPA-HQ-2005-0036; FRL-8542-1] (RIN: 2060-AO89) received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2006-0382 FRL-8541-5] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Affirmation of Determination of Attainment for the San Joaquin Valley Nonattainment Area [EPA-R09-OAR-2006-0583, FRL-8542-6] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2007-0907; FRL-8541-3] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6211. A letter from the President and CEO, National Association of Broadcasters, transmitting the Association's 2007 Annual Report; to the Committee on Energy and Commerce.

6212. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-358, "Dedication of Land for Street Purposes, the Establishment of a Building Restriction Line, S.O. 06-9108, and the Removal of a Portion of a 50-foot Right-of-Way from the Highway Plan of Lot 822, in Square 1346, S.O. 06-9107, Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-357, "Procurement of Natural Gas and Electricity Exemption Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6214. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-356, "Vending Regulation Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6215. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-345, "Retirement Incentive Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6216. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-344, "Performance Parking Pilot Zone Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the

Committee on Oversight and Government Reform.

6217. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-343, "Ballpark Public Safety Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6218. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-342, "Loretta Carter Hanes Pesticide Consumer Notification Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6219. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-341, "East of the River Hospital Revitalization Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6220. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-340, "Clinical Trials Insurance Coverage Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6221. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-339, "Telecommunications Competition Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6222. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-338, "Transit Operator Protection and Enhanced Penalty Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6223. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Suitability (RIN: 3206-AL08) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6224. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2008 through March 31, 2008 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. —106); to the Committee on House Administration and ordered to be printed.

6225. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on Federal actions from flood control operations at Grand Lake, Oklahoma, pursuant to Public Law 106-541, section 449(a)(2); to the Committee on Transportation and Infrastructure.

6226. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on a navigation improvement project for Port Lions, Alaska; to the Committee on Transportation and Infrastructure.

6227. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — ENTRY OF SOFTWOOD LUMBER PRODUCTS FROM CANADA [[CBP Dec. 08-10] USCBP-2006-0108] (RIN: 1505-AB73) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. Supplemental report on H.R. 2830. A bill to authorize appropriations for the Coast Guard for fiscal year 208, and for other purposes (Rept. 110-338, Pt. 4).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COURTNEY (for himself, Mr. BRADY of Pennsylvania, Ms. DELAURO, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HILL, Mr. HINCHEY, Mr. KLEIN of Florida, Mr. LARSON of Connecticut, Mr. MCGOVERN, Mrs. TAUSCHER, Ms. SHEA-PORTER, Mr. HOLT, Mr. MURPHY of Connecticut, Mr. SHAYS, and Mr. SPRATT):

H.R. 5875. A bill to amend title 10, United States Code, to ensure that personal protective equipment undergoes survivability testing before full-scale production; to the Committee on Armed Services.

By Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. HARE, Mr. HINOJOSA, Mr. SCOTT of Virginia, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. KILDEE, Ms. WOOLSEY, and Mr. KUCINICH):

H.R. 5876. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and Labor.

By Ms. HIRONO (for herself, Mr. WAXMAN, Ms. DEGETTE, Ms. SLAUGHTER, Mrs. CAPPS, Mr. ENGEL, Ms. SOLIS, Ms. HOOLEY, Mr. POMEROY, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. FORTUÑO, Mr. MCNULTY, Mr. KILDEE, Mr. KAGEN, Mr. HONDA, Mr. HINOJOSA, Mr. TAYLOR, Mr. COHEN, Mr. KUCINICH, Mr. PASTOR, Mr. PRICE of North Carolina, Ms. VELÁZQUEZ, Mr. OBERSTAR, Mr. BAIRD, Mr. GRIJALVA, Ms. WATSON, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Mr. AL GREEN of Texas, Ms. CLARKE, Mr. HARE, Mr. HINCHEY, Mr. WEXLER, and Mrs. BOYDA of Kansas):

H.R. 5877. A bill to amend part B of title XVIII of the Social Security Act to provide coverage for the shingles vaccine under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. LATOURETTE):

H.R. 5878. A bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 5879. A bill to authorize Federal payment to first responders for costs associated with providing emergency services at the international borders of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5880. A bill to require the Administrator of the Federal Aviation Administration to initiate a rulemaking proceeding to establish procedures to limit for a period of one year flight standards inspectors from accepting certain employment positions or responsibilities with an air carrier; to the Committee on Transportation and Infrastructure.

By Ms. LEE (for herself, Mr. GRIJALVA, and Mr. HONDA):

H.R. 5881. A bill to direct the President to enter into an arrangement with the National Academy of Sciences to evaluate certain Federal rules and regulations for potentially harmful impacts on public health, air quality, water quality, plant and animal wildlife, global climate, or the environment; and to direct Federal departments and agencies to create plans to reverse those impacts that are determined to be harmful by the National Academy of Sciences; to the Committee on Science and Technology, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself and Mr. SENSENBRENNER):

H.R. 5882. A bill to recapture employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself and Mr. MICA):

H.R. 5883. A bill to amend the Export Enhancement Act of 1988 to establish the Office of Trade Promotion in the Executive Office of the President, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEXLER (for himself and Mr. NADLER):

H.R. 5884. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mrs. NAPOLITANO (for herself, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Ms. BORDALLO, Mr. CARSON, Mr. COSTELLO, Mr. DOYLE, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Ms. LEE, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCNULTY, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. PAYNE, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. STARK, Mr. VAN HOLLEN, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. BRALEY of Iowa, Mr. CRENSHAW, Ms. DEGETTE, Mr. MURPHY of Connecticut, Mr. RANGEL, Mr. SIRES, Mr. TOWNS, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. DREIER, Mr. FORTUÑO, Mr. HILL, Mr. MOORE of Kansas, Mr. SHERMAN, and Ms. WATSON):

H. Res. 1134. A resolution supporting the goals and ideals of Mental Health Month; to the Committee on Energy and Commerce.

By Mr. HELLER:

H. Res. 1135. A resolution expressing support for Speaker Nancy Pelosi (D-CA) to reveal her commonsense plan to lower gasoline prices; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia:

H. Res. 1136. A resolution honoring and expressing gratitude to the 555th Parachute Infantry Battalion ("Triple Nickles") of the United States Army; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. MATSUI, Mrs. NAPOLITANO, Mr. SPACE, Mr. SIRES, Ms. HIRONO, Mrs. TAUSCHER, Mr. CUMMINGS, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. FILNER, Mr. ARCURI, Mr. LIPINSKI, Mr. DEFAZIO, Mr. CARNAHAN, Mr. BISHOP of New York, Ms. RICHARDSON, Mr. HALL of New York, Mr. ALTMIRE, Mr. BAIRD, Mr. BOSWELL, Mr. COSTELLO, and Mr. CAPUANO):

H. Res. 1137. A resolution supporting the goals and ideals of National Public Works Week, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN:

H. Res. 1138. A resolution recognizing Carnival Memphis for its promotion of the commercial interests and economic development of Memphis, Shelby County, and the greater mid-southern region for 77 years; to the Committee on Oversight and Government Reform.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H. Res. 1139. A resolution recognizing the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulating the men and women who provide exceptional service to our military and keep our Pacific Fleet "fit to fight"; to the Committee on Armed Services.

By Mr. FRANKS of Arizona (for himself, Mr. WOLF, Mr. CLEAVER, Mr. PITTS, Mr. MCINTYRE, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. TOWNS, Mr. WAMP, Mr. DUNCAN, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. PENCE, Mr. KING of Iowa, Mr. HERGER, Mr. AKIN, Mr. BARTLETT of Maryland, and Mr. TIAHRT):

H. Res. 1140. A resolution recognizing the 10th Anniversary of the International Religious Freedom Act of 1998; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Ms. SUTTON, Mr. ELLISON, Mr. ALLEN, Ms. NORTON, Mr. HARE, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. PAYNE, Mr. JEFFERSON, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Ms. WOOLSEY, and Mr. LANGEVIN):

H. Res. 1141. A resolution supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON (for himself, Mr. DOGGETT, Mr. HARE, Mr. BRALEY of Iowa, Mr. MCNERNEY, Mr. MATHESON, Mr. ROSS, Mr. MICHAUD, Ms. BALDWIN, Mr. HALL of New York, Mr. CHANDLER, Mr. ARCURI, Mr. DONNELLY, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. HINOJOSA, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHWARTZ, Mrs. CAPPS, Mr. LARSON of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Ms. WOOLSEY, Ms. HOOLEY, Mrs. BOYDA of Kansas, Mr. ALTMIRE, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. REYES, Mr. FOSTER, Mr. SIRES, Mr. HIGGINS, Mr. HODES, Mr. HONDA, Ms. HIRONO, Ms. CASTOR, Ms. VELÁZQUEZ, Mr. GONZALEZ, Mr. ORTIZ, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. CHABOT, and Mrs. BIGGERT):

H. Res. 1142. A resolution recognizing May 25, 2008, as National Missing Children's Day; to the Committee on Education and Labor.

By Mr. PLATTS:

H. Res. 1143. A resolution supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry; to the Committee on Oversight and Government Reform.

By Mr. SERRANO:

H. Res. 1144. A resolution expressing support for designation of a "Frank Sinatra Day" on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp; to the Committee on Oversight and Government Reform.

By Ms. SHEA-PORTER (for herself and Mr. HODES):

H. Res. 1145. A resolution recognizing the 100 year anniversary of the establishment of St. Mary's Cooperative Credit Association, the "Bank of the People", and the birth of the American credit union; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. KLINE of Minnesota.

H.R. 241: Mr. TIAHRT.

H.R. 406: Mr. BUCHANAN, Mr. BURGESS, Mr. KUHL of New York, Mr. MCCAUL of Texas, and Mr. TIM MURPHY of Pennsylvania.

H.R. 471: Mr. BOREN and Mr. CARSON.

H.R. 503: Mr. HARE.

H.R. 539: Mr. CARSON.

H.R. 550: Mr. CARSON.

H.R. 579: Mrs. WILSON of New Mexico.

H.R. 741: Mr. TERRY.

H.R. 760: Ms. SPEIER.

H.R. 826: Mr. WESTMORELAND.

H.R. 989: Mrs. BACHMANN.

H.R. 1032: Ms. BALDWIN.

H.R. 1072: Mr. BOUCHER.

H.R. 1194: Mr. CARSON.

H.R. 1359: Mr. SMITH of Texas.

H.R. 1392: Mr. TERRY.

H.R. 1431: Mr. HOEKSTRA.

H.R. 1439: Mr. WITTMAN of Virginia.

H.R. 1471: Ms. BERKLEY.

H.R. 1475: Mr. TOWNS and Mr. NADLER.

H.R. 1491: Mr. CARSON.

H.R. 1537: Mr. AKIN.

H.R. 1540: Mr. WU.

H.R. 1588: Mrs. NAPOLITANO.

H.R. 1621: Mr. FILNER.

H.R. 1653: Mr. CUMMINGS.

H.R. 1655: Mr. TURNER.

H.R. 1742: Mrs. MUSGRAVE, Mr. WALZ of Minnesota, Mr. MCNERNEY, Mr. WALBERG, Mr. TIERNEY, Mr. CARDOZA, and Mr. CARSON.

H.R. 1748: Mr. CAMP of Michigan.

H.R. 1845: Mr. WILSON of Ohio.

H.R. 1937: Mr. OBERSTAR.

H.R. 1967: Mr. FLAKE.

H.R. 1992: Mr. COOPER and Mr. GONZALEZ.

H.R. 2032: Mr. HALL of New York, Ms. SOLIS, and Mr. HINCHEY.

H.R. 2042: Mr. BAIRD.

H.R. 2140: Ms. BALDWIN.

H.R. 2329: Ms. ESHOO.

H.R. 2549: Mr. COHEN.

H.R. 2550: Mr. ALLEN, Mr. SHADEGG, Mr. CARNEY, and Mr. WITTMAN of Virginia.

H.R. 2578: Ms. TSONGAS and Mr. CARSON.

H.R. 2593: Ms. CLARKE.

H.R. 2611: Mr. HINOJOSA and Ms. DELAURO.

H.R. 2648: Mr. FARR.

H.R. 2676: Mr. WOLF.

H.R. 2734: Mrs. BIGGERT, Mr. DEAL of Georgia, and Mr. WITTMAN of Virginia.

H.R. 2894: Mr. COSTA, Mr. ROGERS of Alabama, and Ms. RICHARDSON.

H.R. 2909: Mr. FARR.

H.R. 2944: Mr. BISHOP of Georgia.

H.R. 2953: Mr. WITTMAN of Virginia.

H.R. 2964: Mr. PALLONE.

H.R. 3036: Mr. ALTMIRE and Mr. MARSHALL.

H.R. 3054: Mr. CARSON and Mr. MILLER of North Carolina.

H.R. 3066: Mr. PAUL.

H R. 3089: Mr. WALBERG, Mr. DAVIS of Kentucky, and Mrs. BACHMANN.

H.R. 3094: Mr. PASTOR.

H.R. 3132: Mr. YOUNG of Alaska.

H.R. 3202: Ms. JACKSON-LEE of Texas.

H.R. 3229: Mrs. CAPITO.

H.R. 3232: Mr. MCCRERY, Mr. CLYBURN, Ms. HARMAN, and Mr. CARTER.

H.R. 3289: Mr. SCOTT of Virginia, Mr. KUCINICH, Mr. WU, Mrs. MCCARTHY of New York, and Ms. WOOLSEY.

H.R. 3298: Mr. KAGEN.

H.R. 3366: Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Ms. LEE.

H.R. 3438: Mr. TOWNS.

H.R. 3439: Ms. ESHOO.

H.R. 3463: Mr. MEEKS of New York.

H.R. 3480: Mr. WITTMAN of Virginia, Mr. HOLDEN, Mr. POE, and Mr. PLATTS.

H.R. 3543: Mr. WAXMAN, Mr. PAYNE, and Mr. SARBANES.

H.R. 3544: Mr. KAGEN, Mr. ELLSWORTH, Mr. JEFFERSON, Mr. LAMPSON, and Mr. GONZALEZ.

H.R. 3622: Ms. VELÁZQUEZ and Mr. FRANKS of Arizona.

H.R. 3642: Mr. CARSON.

H.R. 3663: Mr. OBEY.

H.R. 3670: Mr. BAIRD.

H.R. 3726: Mr. ISRAEL.

H.R. 3750: Mr. SCOTT of Georgia.

H.R. 3819: Mr. WATT.

H.R. 3865: Mr. ROSS.

H.R. 3934: Mr. MAHONEY of Florida and Mr. GRIJALVA.

H.R. 3944: Mr. ABERCROMBIE.

H.R. 4053: Mr. ELLISON and Mr. BERMAN.

H.R. 4061: Mr. EMANUEL.

H.R. 4089: Mr. STARK and Mr. PALLONE.

H.R. 4105: Mr. HIGGINS and Mr. MAHONEY of Florida.

H.R. 4157: Mr. MILLER of Florida.

H.R. 4188: Mr. FARR.

H.R. 4221: Mr. GONZALEZ.

H.R. 4248: Mrs. CUBIN, Mrs. MALONEY of New York, and Ms. ZOE LOFGREN of California.

H.R. 4449: Mr. HARE.

H.R. 4450: Mr. WOLF, Mr. TOWNS, and Mr. HALL of New York.

H.R. 4611: Mr. RAHALL.

H.R. 4836: Ms. BEAN.

H.R. 4883: Ms. HERSETH SANDLIN.

H.R. 4884: Ms. HERSETH SANDLIN.

H.R. 4900: Mr. REYNOLDS, Mr. ELLSWORTH, Ms. FALLIN, Mr. BARTLETT of Maryland, Mr. CUELLAR, and Mrs. MYRICK.

H.R. 4926: Mr. BISHOP of Georgia.

H.R. 4930: Mr. ELLISON.

H.R. 5106: Mr. FALEOMAVAEGA.

H.R. 5131: Mr. SENSENBRENNER and Mr. YOUNG of Alaska.

H.R. 5244: Mr. WAXMAN, Mr. CARNAHAN, Mr. JOHNSON of Georgia, Mr. STUPAK, and Ms. TSONGAS.

H.R. 5263: Mr. WALDEN of Oregon.

H.R. 5312: Mr. SHERMAN.

H.R. 5315: Mr. FILNER.

H.R. 5352: Mr. CONYERS and Mr. SCOTT of Virginia.

H.R. 5405: Mr. DEAL of Georgia.

H.R. 5440: Mr. BOEHNER, Mrs. BACHMANN, and Mr. DAVIS of Kentucky.

H.R. 5443: Mr. AKIN, Mr. MILLER of Florida, and Mr. INGLIS of South Carolina.

H.R. 5446: Mr. TERRY.

H.R. 5449: Mr. JACKSON of Illinois.

H.R. 5469: Mr. CARNAHAN.

H.R. 5473: Mr. FOSTER, Mr. ELLSWORTH, Mr. COURTNEY, Mr. UDALL of Colorado, Ms. TSONGAS, Mr. LEVIN, Mr. KENNEDY, Mr. KAGEN, Mr. OLVER, Mr. LOEBSACK, Mr. SHULER, Mr. ALTMIRE, Mr. HALL of New York, Mr. SARBANES, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mrs. GILLIBRAND, and Mr. ENGEL.

H.R. 5488: Mr. MORAN of Virginia, Mr. CLAY, Mr. CUMMINGS, Mr. OLVER, Mr. STARK, and Mr. LEWIS of Georgia.

H.R. 5510: Mr. SCHIFF.

H.R. 5515: Mr. HALL of Texas, Mr. MCCAUL of Texas, and Mr. KLINE of Minnesota.

H.R. 5519: Ms. CLARKE.

H.R. 5532: Mr. MORAN of Virginia.

H.R. 5534: Mr. MCDERMOTT, Mr. BRALEY OF IOWA, Mr. TOWNS, Mr. INSLEE, and Mr. PRICE of North Carolina.

H.R. 5543: Mr. COHEN.

H.R. 5552: Ms. TSONGAS AND MR. BRALEY of Iowa.

H.R. 5554: Mr. KENNEDY.

H.R. 5579: Mr. SHERMAN.

H.R. 5595: Mr. HODES.

H.R. 5596: Ms. GINNY BROWN-WAITE of Florida, Mr. BLUNT, Mr. ALEXANDER, and Mr. SHULER.

H.R. 5609: Mr. STARK.

H.R. 5627: Mr. TERRY.

H.R. 5629: Mr. THOMPSON of California and Mr. BILBRAY.

H.R. 5632: Mr. MOORE of Kansas.

H.R. 5635: Mr. MEEKS of New York.

H.R. 5646: Mr. TERRY.

H.R. 5656: Mr. LATTA and Mr. JONES of North Carolina.

H.R. 5669: Mr. HAYES.

H.R. 5672: Mrs. LOWEY.

H.R. 5674: Mr. CARNEY, Mr. POE, Mr. ALEXANDER, Mr. SMITH of Washington, Mr. ROSS, Mr. TIAHRT, and Mr. GENE GREEN of Texas.

H.R. 5684: Mr. KLINE of Minnesota and Mr. MOORE of Kansas.

H.R. 5692: Mr. MCGOVERN and Mr. DAVIS of Illinois.

H.R. 5696: Mr. TERRY.

H.R. 5699: Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. ISSA, Mrs. MYRICK, and Mr. PITTS.

H.R. 5716: Mr. LEWIS of Georgia.

H.R. 5723: Mr. SHAYS and Mr. RAMSTAD.

H.R. 5731: Mr. SHULER, Mrs. BOYDA of Kansas, and Mr. SAM JOHNSON of Texas.

H.R. 5737: Mr. TERRY and Mr. WITTMAN of Virginia.

H.R. 5740: Mr. KLINE of Minnesota, Mr. RENZI, Mr. HODES, and Mr. ARCURI.

H.R. 5747: Mrs. NAPOLITANO.

H.R. 5749: Mr. ANDREWS and Ms. LEE.

H.R. 5761: Mrs. BLACKBURN, Mr. ENGLISH of Pennsylvania, and Mrs. MYRICK.

H.R. 5771: Mr. UPTON.

H.R. 5774: Mr. MICHAUD, Mr. HARE, Mr. WEXLER, Mr. WYNN, Mr. FATTAH, and Mr. HINOJOSA.

H.R. 5780: Mr. BERRY.

H.R. 5782: Mr. GOODE and Mrs. MUSGRAVE.

H.R. 5787: Mr. BOYD of Florida, Ms. HARMAN, and Mr. HILL.

H.R. 5793: Mr. DAVIS of Alabama and Mr. GALLEGLY.

H.R. 5794: Mr. BISHOP of Utah, Mr. KLINE of Minnesota, and Mr. UPTON.

H.R. 5797: Mrs. MYRICK.

H.R. 5805: Mrs. MCMORRIS RODGERS, Mrs. MUSGRAVE, and Mr. HELLER.

H.R. 5816: Mr. PORTER, Mrs. MYRICK, Mr. CULBERSON, Mrs. MUSGRAVE, Mr. LOBIONDO, Mr. BONNER, and Mr. YOUNG of Alaska.

H.R. 5818: Ms. TSONGAS and Mr. SHERMAN.

H.R. 5821: Mr. WITTMAN of Virginia.

H.R. 5825: Mr. GOODLATTE, Mr. FOSTER, Mr. GENE GREEN of Texas, Mr. MARCHANT, Mr. HENSARLING, Mr. HOBSON, Mr. MANZULLO, Mr. REGULA, and Mr. INGLIS of South Carolina.

H.R. 5829: Ms. CLARKE.

H.R. 5833: Mr. HALL of New York.

H.R. 5846: Mr. DOYLE.

H.R. 5857: Mr. KLINE of Minnesota, Mr. HASTINGS of Washington, Mrs. DRAKE, Mr. MCCAUL of Texas, Mr. WITTMAN of Virginia, Mr. DREIER, Mr. YOUNG of Alaska, and Mr. KING of New York.

H.R. 5868: Mr. YOUNG of Alaska and Mr. WHITFIELD of Kentucky.

H.J. Res. 68: Mrs. CHRISTENSEN and Ms. BORDALLO.

H.J. Res. 80: Mr. HONDA and Mr. STARK.

H. Con. Res. 134: Mr. CARSON.

H. Con. Res. 163: Mr. SCHIFF.

H. Con. Res. 195: Mr. HALL of Texas.

H. Con. Res. 216: Mr. HALL of Texas, Mr. YOUNG of Alaska, Mr. WILSON of South Carolina, Mr. SHUSTER, Mrs. BLACKBURN, Mr. BARTON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCARTHY of California, Mr. SHIMKUS, Mr. GOHMERT, Mr. THORNBERRY, Mr. CALVERT, Mr. FEENEY, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. NUNES, Mr. KUHL of New York, Mr. BROWN of South Carolina, Mr. BOUSTANY, Mr. BARTLETT of Maryland, Mr. GONZALEZ, Mr. ROSKAM, Mr. TERRY, Ms. FOXX, Mr. BILBRAY, Mr. GARY G. MILLER of California, Mr. TIAHRT, Mr. KELLER, Mr. DAVIS of Kentucky, and Mr. POMEROY.

H. Con. Res. 241: Mr. WYNN.

H. Con. Res. 263: Mr. HULSHOF.

H. Con. Res. 317: Mr. MARSHALL and Mr. LANGEVIN.

H. Con. Res. 318: Mr. SPRATT.

H. Con. Res. 320: Mrs. MCMORRIS RODGERS and Mr. SPRATT.

H. Con. Res. 321: Ms. MCCOLLUM of Minnesota and Mr. MCDERMOTT.

H. Con. Res. 322: Mr. PRICE of North Carolina and Mr. MCDERMOTT.

H. Con. Res. 331: Ms. WASSERMAN SCHULTZ, Mr. TOWNS, Ms. MCCOLLUM of Minnesota, Ms. BORDALLO, Mr. MCGOVERN, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, and Mr. MORAN of Virginia.

H. Res. 258: Mr. STARK and Mr. SHAYS.

H. Res. 282: Mr. SCOTT of Virginia.

H. Res. 792: Mr. OLVER.

H. Res. 881: Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. GINGREY, Mr. HENSARLING, Mr. PITTS, Mr. HERGER, Mr. LINDER, Mr. COBLE, and Mr. MILLER of Florida.

H. Res. 937: Mr. JOHNSON of Georgia.

H. Res. 977: Mr. BARROW, Mr. FORTENBERRY, Mr. CARDOZA, Ms. CLARKE, Mrs. NAPOLITANO, and Mr. OBERSTAR.

H. Res. 985: Mr. LEWIS of Georgia.

H. Res. 1008: Ms. ZOE LOFGREN of California and Mr. PLATTS.

H. Res. 1011: Mr. CLAY.

H. Res. 1019: Ms. CLARKE.

H. Res. 1022: Mr. FARR, Ms. HERSETH SANDLIN, Ms. SCHWARTZ, and Mr. GRIJALVA.

H. Res. 1029: Mr. STARK.

H. Res. 1037: Mrs. BOYDA of Kansas.

H. Res. 1054: Mr. COURTNEY.

H. Res. 1056: Mr. MEEKS of New York.

H. Res. 1062: Mr. GERLACH.

H. Res. 1067: Mr. LARSEN of Washington.

H. Res. 1069: Mr. LARSEN of Washington.

H. Res. 1079: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, and Mr. LYNCH.

H. Res. 1093: Mr. STARK.

H. Res. 1104: Mrs. DAVIS of California, Mr. WILSON of Ohio, Mr. HONDA, Ms. MATSUI, Ms. ESHOO, and Mr. GONZALEZ.

H. Res. 1109: Ms. TSONGAS, Ms. NORTON, Ms. BORDALLO, Mr. WALZ of Minnesota, and Mr. FATTAH.

H. Res. 1110: Mr. HERGER, Mr. PLATTS, and Mr. PENCE.

H. Res. 1111: Mr. KAGEN, Mr. HILL, Mr. BOREN, Mr. SERRANO, Ms. CLARKE, Mr. HARE, Mr. SHULER, Mr. COURTNEY, Mr. YARMUTH, Mr. WILSON of Ohio, Ms. KAPTUR, Ms. SUTTON, Mr. JOHNSON of Georgia, and Mr. BARROW.

H. Res. 1115: Mr. MITCHELL.

H. Res. 1124: Mr. ALTMIRE, Ms. BALDWIN, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CASTOR, Ms. DEGETTE, Mr. ELLISON, Mr. GENE GREEN of Texas, Mr. HARE, Mr. HILL, Mr. HOLDEN, Mr. ISSA, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MCGOVERN, Mr. MITCHELL, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. RANGEL, Mr. SESTAK, Ms. SUTTON, Mr. WALZ of Minnesota, Mr. WYNN, Mr. BAIRD, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. BRALEY of Iowa, Mr. COHEN, Mr. DAVIS of Illinois, Mr. EDWARDS, Mr. EMANUEL, Mr. GRIJALVA, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY, Ms. LEE, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. PAYNE, Mr. REYES, Mr. RYAN of Ohio, Mr. SPACE, Mr. TOWNS, Mr. WOLF, Mrs. NAPOLITANO, and Mr. BISHOP of Georgia.

H. Res. 1130: Ms. BORDALLO, Mr. BISHOP of Georgia, Mr. FOSSELLA, Mr. TIAHRT, Mrs. MCCARTHY of New York, Mr. WITTMAN of Virginia, Mr. TERRY, Mr. GERLACH, Mrs. CAPITO, Mr. BARTON of Texas, Mr. CUMMINGS, Mr. REGULA, Mr. RADANOVICH, Mr. WALDEN of Oregon, and Mr. UDALL of Colorado.

H. Res. 1132: Mr. FOSSELLA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RAMSTAD, Mr. CHABOT, Mr. DREIER, Mr. TOWNS, Mr. WALDEN of Oregon, Mr. WALSH of New York, Mr. FERGUSON, Mr. KING of New York, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BISHOP of Georgia, and Mr. KUHL of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. TOM COLE OF OKLAHOMA

Bill Number: S. 2739.

Provision: Section 516.

Legal Name of Requesting Entity: Central Oklahoma Master Conservancy District.

Address of Requesting Entity: 12500 E. Alameda, Norman, Oklahoma, 73026.

Description of Request: A feasibility study is needed to investigate importation of water into Lake Thunderbird to increase the available supply of water for Norman, Del City, and Midwest City and all other areas serviced by the Central Oklahoma Master Conservancy District. Economic forecasts conducted by local and regional entities indicate that the rate of growth for the area has been and should remain strong. In FY 2005, Bureau of Reclamation completed an appraisal investigation of augmenting the yield to meet the additional demands of the District's member cities through 2040. The investigation found that there is a need for water in the future. The Bureau of Reclamation currently does not have authority to continue the investigation at feasibility level. The total cost of the project is $1.8 million; Section 516 authorizes a maximum of $900,000 from the federal government to be allocated within three years of enactment. Central Oklahoma Master Conservancy District will provide a 50/50 cost share. The federal dollars will be allocated in the following manner: $495,000 for NEPA Compliance, $160,000 for Engineering and Hydrology, $55,000 for Alternative Formulation and Criteria Assessment, $47,500 for Review and QA / QC, $63,500 for Project Management, $32,500 for Technical Writing, $41,500 for Economics and Recreation, and $5,000 for Real Estate.

OFFERED BY MR. RAY LAHOOD

Bill Number: S. 2739, Consolidated Natural Resources Act of 2008.

Provisions: Title VI, Subtitle C. Abraham Lincoln National Heritage Area.

Legal Name of Requesting Entity: Looking for Lincoln Heritage Coalition, Springfield, IL.

Address of Requesting Entity: Looking for Lincoln Heritage Coalition, #1 Old State Capitol Plaza, Springfield, IL 62701.

Description of Request: To establish and provide the authorization for the Abraham Lincoln National Heritage Area to become eligible to receive federal funding at the level of $1,000,000 per year for 15 years. The managing entity of the Looking for Lincoln Heritage Coalition will be responsible for managing the economic viability of the heritage area by using matching funding sources, on a 50/50 basis, including state, local, private, foundation dollars and in kind services, where applicable. The Looking for Lincoln Heritage Coalition is a not-for-profit entity that has, for 9 years, helped to preserve and interpret many of the sites of the 42 county area of central Illinois where Lincoln lived, worked, raised his family, and pursued his passions for the law and politics, en route to the White House. The purpose of the Abraham Lincoln National Heritage Area is to allow more stories to be preserved, interpreted, developed, promoted and managed for today's visitors and tomorrow's generation. As a national heritage area, the full array of cultural, historic, scenic and natural resources can be more fully developed for the educational and inspirational benefit, as well as the economic benefit from increased tourism.

OFFERED BY MR. JAMES L. OBERSTAR

The amendment to be offered by Mr. Oberstar, or his designee, to H.R. 2830, the "Coast Guard Authorization Act of 2007," contains the following congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives:

Sec.—(p. 11); Legislative provision: Newtown Creek, New York City, New York; Requested by: Anthony D. Weiner.

OFFERED BY MR. DON YOUNG OF ALASKA

Bill Number: S. 2739 (H.R. 1114).

Account: Department of the Interior, Bureau of Reclamation and Department of the Interior, U.S. Geological Survey/Water Resources Division.

Legal Name of Requesting Entity: State of Alaska.

Address of Requesting Entity: n/a.

Description of Request: This provides an authorization of appropriations to the Secretary of the Interior of "such sums as are necessary" to conduct a study to: (1) survey accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough; (2) survey water treatment needs and technologies, including desalination, applicable to the water resources of the State of Alaska; and (3) review the need for enhancement of streamflow information collected by the U.S. Geological Survey in the State of Alaska relating to critical water needs in areas such as infrastructure risks to State transportation, flood forecasting, resources extraction and fire management. Assuming appropriation of the necessary funds, the Congressional Budget Office estimates that conducting those studies would cost $8 million over the 2008-2012 period. Enacting H.R. 1114 would not affect direct spending or revenues.

Due to harsh climate and wild terrain, Alaska has unique water needs. There is little information on size or recharge capabilities of groundwater aquifers, or water treatment needs and technologies in Alaska. The Secretary of the Interior is to produce a report for the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources within two years of the date of enactment. The Committees can then determine whether to authorize any water projects or practices as supported by the report. The authority of the Secretary to conduct this study expires in 10 years after the date of enactment. The project will be subject to a 50% match from the State of Alaska, an affected local community or other nonfederal source.

EXTENSIONS OF REMARKS

HONORING LOUISIANA TECH UNIVERSITY PROFESSOR, DR. LAJEANE THOMAS

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to honor Dr. Lajeane Thomas, a professor of education at Louisiana Tech University in Ruston, LA., who was recently named to eSchool News' "Ten Who've Made a Difference" in educational technology.

Thoma's designation to this list put her alongside world-renowned technology dynamo Microsoft Chairman Bill Gates as well as One Laptop Per Child Chairman Nicholas Negroponte and Linda Roberts, former special White House advisor to educational technology.

According to its Web site, eSchool News is a marketing solutions company whose purpose is to serve the education technology industry. The company released its Top 10 list in honor of its 10th anniversary as a way to recognize people who have made a significant impact on educational technology in the last decade.

As the chair of the accreditation standards committee with the International Society for Technology in Education, Thomas has consistently kept Louisiana Tech University on the cutting edge of educational technology. In fact, it was her leadership in creating the nation's first set of national standards in this area in 1998—the National Education Technology Standards—which earned her the eSchool News' designation as one of our country's most notable "ed-tech movers and shakers."

Madam Speaker, I ask my colleagues to join me in celebrating the accomplishments of Dr. Lajeane Thomas and her commitment to advancing educational technology for college students in the 5th Congressional District of Louisiana and throughout our Nation.

CONGRATULATING ST. JOHN'S EVANGELICAL LUTHERAN CHURCH ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate St. John's Evangelical Lutheran Church of Ambler on an important milestone—its 100th anniversary. Over the past 100 years, St. John's, known by many as "the little church with the big heart," has served the people of my district. I am honored to represent the St. John's community in Congress.

In 1907, Samuel F. Tholan, a young Lutheran pastor from Upper Dublin Lutheran Church, began holding worship services for Ambler residents who were unable to travel to Upper Dublin. On April 26, 1908, Pastor Tholan's 28 member congregation was organized officially as St. John's Lutheran Church. St. John's was housed in the Ambler opera house until 1913, when it moved to the congregation's current home at the corner of Race and Ridge Streets in the heart of downtown Ambler.

Over the tumultuous past century, St. John's has embraced music as the fabric and heart of the congregation. On Sunday mornings, passersby are greeted with the swells of jazz, gospel, or Bach's cello suites emanating from within the chapel. In recent years, as a result of committed service to the Nation at large, St. John's has earned a new nickname: "the little church with big ideas."

In 2005, following Hurricane Katrina, St. John's held concerts to raise money for those who were displaced by the storm and sent a group of volunteers to Biloxi to aid in reconstruction efforts. St. John's also donated hundreds of musical instruments to replace those that were lost in the hurricane.

In 2007, St. John's turned their attention to the Ethiopian orphans of the HIV/AIDS epidemic. Harnessing the power of their musical congregation, St. John's held concerts that raised funds for the Fountain of Life Child Sponsorship Project, which will provide support for 300 of these orphans.

Madam Speaker, once again I congratulate St. John's Lutheran Evangelical Church, and all of the men, women, and children of the congregation for their dedication to religious and community service. This "little church with big ideas" has had a remarkable impact on our local, regional, national, and international community. I ask that my colleagues join me in celebrating the 100th anniversary milestone of St. John's Evangelical Lutheran Church, and wish the St. John's family many more years of community enrichment and service.

HONORING THE 15TH ANNIVERSARY OF THE CREATION OF SEPCHE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and celebrate the 15th anniversary of the creation of the Southeastern Pennsylvania Consortium for Higher Education (SEPCHE) of the greater Philadelphia area. Together, the institutions that make up SEPCHE enroll more than 20,000 students and represent the third largest provider of higher education services in the Delaware Valley. Collectively, the consortium awards more master degrees in education than any other institution in the Commonwealth and is the largest provider of teaching credentials.

Throughout the past 15 years, the eight colleges that comprise SEPCHE—Arcadia University, Cabrini College, Chestnut Hill College, Gwynedd-Mercy College, Holy Family University, Immaculata University, Neumann College and Rosemont College—have engaged in a collaborative approach to the challenges of higher education. Through a range of activities, services, technology and information, the consortium institutions have worked together to promote quality and efficiency of academic programming, student access, faculty development, institutional operations and community outreach.

In addition to its work at the collegiate level, the collaborative efforts of SEPCHE have had many positive outcomes for the member schools and the surrounding communities. With its development of the Mathematics & Science Institute, which offers ongoing education and training to hundreds of K–12 teachers in the Philadelphia area, the institute has been a valuable resource in curriculum development for use in classrooms.

Madam Speaker, I ask that my colleagues join me today in thanking the Southeastern Pennsylvania Consortium for Higher Education for its exemplary service and commitment to its students and region's communities. May its continued excellence be an inspiration to us all.

PAYING TRIBUTE TO DR. DONALD C. MOYER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Dr. Donald C. Moyer by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I honor the life of Dr. Donald C. Moyer.

Dr. Moyer was the first official president of the institution called Nevada Southern University which is now the University of Nevada Las Vegas (UNLV). Dr. Moyer served first as chancellor, and then as president from 1964 to 1968. Moyer spent much of his time working with students to elevate the campus experience, and he remained active in the university throughout his life, attending school ceremonies and functions.

During his tenure, the first on-campus housing facility, Tonopah Hall, was built. He also secured funds for other buildings, including the original Student Union, which was later dedicated to him. Dr. Moyer is credited for establishing the College of Hotel Administration. He

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

raised money for the Performing Arts Center, and laid the groundwork for intercollegiate football. Additionally, Dr. Moyer worked to create the Nevada Southern Land Foundation, which used State funds to buy much of the 334-acre campus that UNLV has today. The UNLV Alumni Association was also created under his guide.

Donald was married to his wife, Jewel, for 65 years. He had two daughters, seven grandchildren, and nine great grandchildren.

Madam Speaker, I am proud to honor the "Original UNLV Rebel" Dr. Donald Moyer for his contributions to higher education and to the southern Nevada community.

IN CELEBRATION OF KINGS COUNTY FARM BUREAU'S 90TH ANNIVERSARY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. COSTA. Madam Speaker, I rise today to recognize a significant milestone in the history of Kings County, California; the 90th anniversary of the Kings County Farm Bureau.

My district is fortunate to be represented by three County Farm Bureaus. On April 24, 2008, one of those districts, Kings County Farm Bureau, will celebrate their 90th anniversary during their annual banquet in Hanford, California. It is appropriate at this time to recognize the crucial role that the Farm Bureau has played in Kings County and to underscore their many contributions, not only to agriculture in the region, but also to the greater communities of the county, State, and Nation.

Unlike other parts of the country, agriculture continues to be one of the major economic engines in California, providing the country with California's finest farm products. Kings County, continues to set the pace for the rest of the State by remaining one of the State's largest agricultural producers. Farmland constitutes 84 percent of the County's total land acreage and this acreage supports approximately 350 different crops; many of which are grown nowhere else in the Nation. These crops are generating over $1 billion annually to the economy of Kings County and are shipped throughout the United States as well as foreign markets.

Kings County Farm Bureau has persevered in promoting and protecting the family farm, maintaining the treasured natural resources that are so important to California and this Nation's vitality and lifestyle. Through local determination and active participation in the legislative process, Kings County Farm Bureau is helping local agricultural producers maintain a viable system of production and delivery of abundant, safe supplies of wholesome food and fiber to our local, national and export citizens.

Kings County Farm Bureau has been recognized for its work in partnering with and promoting community service. With approximately 25 percent of the workforce in Kings County either directly or indirectly related to the agricultural industry, Kings County Farm Bureau has been a leader in addressing local issues such as air quality, water supply, water quality, conservation, property rights and animal welfare in the local communities.

More than ever today, the role of the Farm Bureaus must be preserved, honored and strengthened. As agriculture evolves, it is essential that our policies be based on current needs of this vital industry. As a farmer myself, I am proud that my family and I represent two generations of membership in Farm Bureau both in Kings County as well as Tulare and Fresno Counties. I commend Kings County Farm Bureau to my colleagues for its presence, dedication and professionalism in serving as the voice of agriculture in Kings County. Congratulations to the Kings County Farm Bureau on its historic 90th year serving Kings County agriculture.

THE DAILY 45: 37 WEEKEND

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. In Chicago, just this past weekend, some 37 people were shot—seven of them fatally. More than three dozen people were victims of incidents that included gang-related drive-bys, an attempted robbery and other flashes of violence.

During this weekend of violence, a 26-year-old was killed in his home, two teens on the same South Side street, and another man as he sat in the office of his plumbing business.

There must be a public outcry. We must do all we can to stop the senseless violence and death. We must all band together to stop the culture of violence and replace it with a culture of peace, respect and love.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

IN REMEMBRANCE OF HONORABLE TIMOTHY COTNER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. KUCINICH. Madam Speaker, I ask that you join me in remembering the Honorable Timothy Cotner who passed away on April 13, 2008.

Judge Timothy Cotner was a lawyer and judge who believed strongly in public service and whose commitment to service was developed from an early age. His parents, George and Mercedes, served as great examples for him in their commitment to public service. Mercedes Cotner was a Cleveland City Councilwoman and Clerk of Council when I served as Councilman and Mayor in Cleveland. She was a mentor and an inspiration to me as I know she was to Timothy and his late brother Gerald Cotner.

Judge Cotner was a graduate of St. Ignatius High School and John Carroll University before starting his career with International Harvester and later the Cleveland Fire Department. While with the Fire Department, he attended Cleveland Marshall Law School and graduated with his law degree in 1968. He worked for the Cleveland Law Department upon his graduation and later served as Assistant Cuyahoga County Prosecutor and as Northeast Ohio Supervisor for the Ohio Attorney General. In 1982 he went into private practice but soon returned to public service upon his election as Juvenile Court Judge for the Cuyahoga County Court of Common Pleas. He retired from the bench in 1992.

Judge Cotner was active in civic life in the Greater Cleveland community. He was a past president of the Lakewood Democratic Club, was an usher at St. Patrick's Church, and was active in the Knights of Columbus and the Holy Name Society. Judge Cotner was active in his local bar associations and served his country in the Naval Reserve.

Judge Cotner is survived by his sons James and Thomas and daughters Joan and Caroline, all of whom live in or near their father's city of residence, Westlake, Ohio. He is also survived by eight grandchildren.

Madam Speaker and colleagues, please join me in remembering the life and career of the Honorable Timothy Cotner, lawyer, judge, and community leader, who will be greatly missed by his family and many friends.

H.R. 1338—THE PAYCHECK FAIRNESS ACT 2008

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. LEE. Madam Speaker, today is Equal Pay Day. As a cosponsor and strong supporter of H.R. 1338, the Paycheck Fairness Act, I rise to join my colleague, Congresswoman DELAURO in calling for passage of this important bill. This legislation strengthens the current Equal Pay Act of 1963 and represents another important step in our Nation's efforts to end gender based wage discrimination.

Since the Equal Pay Act was signed into law over 45 years ago, the wage gap has narrowed less than half a cent per year. African American women earn just 63 cents on the dollar, and Hispanic American women fare worse, at 52 cents. As women grow older, the wage gap widens: women aged 45 to 64, who are preparing for retirement, earn only 71 percent of what men do. At the current rate the wage gap is closing, the Institute for Women's Policy Research estimates equity will not be achieved until 2057.

Given that 41 percent of women provide the sole source of income for their families, lower incomes affect their ability to pay for essentials like groceries, doctor's visits, and child care. Current increases in gas prices, rising foods costs, and a stagnant job market are especially impacting women during these difficult economic times.

The Paycheck Fairness Act will enhance enforcement of equal pay requirements by allowing women to sue for compensatory and punitive damages if wage discrimination is proven.

This measure alone will compensate women for years of discrimination, and send a clear signal to employers that wage discrimination will not be tolerated.

Moreover, H.R. 1338 enhances training and community outreach programs that will educate employees, labor organizations, and the general public on ways to effectively negotiate salaries and benefits. These programs will develop a new generation of self-reliant women in the workforce.

Finally this bill recognizes employers who proactively adjust their wage scales to ensure that women are paid fairly in comparison to men. The Paycheck Fairness Act outlines measurable actions; and furthermore, it ensures that nationally we are addressing and working to rectify years of gender based wage discrimination.

In my home State of California, women earn only $55,000 compared to their male counterparts who earn $72,000 with an equivalent education level. While I am disappointed that California has one of the largest disparities in pay rates between men and women, this is a national problem that we must rectify.

Ensuring that women receive equal pay for equal work is a matter of basic fairness that affects all working women and their families. I urge all of my colleagues to support this very critical piece of legislation, and I applaud Congresswoman DELAURO for continuing to highlight the importance of passing this bill.

A TRIBUTE TO COMMISSIONER R.E. "GENE" BROWN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Pender County Commissioner R.E. Brown of Burgaw, North Carolina, who recently passed away at the age of 85. Affectionately referred to as "Gene" by those who knew him and those he served, Commissioner Brown had been a commissioner in the town of Burgaw for over 20 years, and was serving as mayor pro-tempore. As a native of southeastern North Carolina and as a public servant, he offered an unwavering service to everything he did and to everyone who knew him, and he had admirable commitment to his responsibilities as an elected official.

Truly an asset to his community, Commissioner Brown understood the people he represented and cared deeply about making a positive difference in their lives. Over his lifetime, Brown dedicated himself to both government and public service. He was a member of the U.S. Army during World War II, and afterward he served for 42 years as the postmaster in the towns of Burgaw and Wallace. He was active in several community organizations, including the Burgaw Jaycees, the Burgaw Lions, the King Solomon #138 Masonic Lodge, and was an original member of the Pender County Rescue Squad. He was chairman of the Pender Adult Services executive board. A man of faith, he was also a member of Burgaw Baptist Church, where he served as a deacon and Sunday school teacher. In honor of his extensive involvement and giving spirit, Brown was awarded the North Carolina Governor's Award for Volunteerism and Community Service in 2004. A father of three and grandfather of five, Brown leaves behind his wife of 57 years.

Commissioner Brown's dedication to the town of Burgaw, both as a citizen and as an elected official, is an inspiration to us all. His record of service is a strong representation of what can be accomplished through devotion to a community and its people. May God bless his family, and may we always remember the leadership and life of Commissioner Gene Brown.

HONORING PHILIP A. INGEGNERI OF BANGOR, MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MICHAUD. Madam Speaker, it is my privilege to speak in honor of the life and times of Philip Ingegneri, who was a dedicated public servant, a true friend of Maine, and a loving husband and father.

For over 30 years, Phil Ingegneri served his country as a special investigator for the Internal Revenue Service. His work in special investigations took him to cities across the eastern seaboard and even to postwar Europe, where he was stationed in Paris, France.

When the opportunity arose in the 1950s, Phil jumped at the chance to move his beloved wife, Roslyn, and two young children, Philip and Lois, to Bangor, Maine, where they quickly integrated into that vibrant community.

After a long and distinguished career serving his country, Phil Ingegneri was elected to the Maine House of Representatives, where he dedicated his efforts to improving public education for all of Maine's citizens.

I am sad to announce Philip Ingegneri passed away this Saturday evening at the age of 97. However, it is a privilege to recognize on the floor of the U.S. House of Representatives his service and contributions to our Nation and the great State of Maine. His dedication and love for his family, community, and country is a fine example for all of us.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mrs. JONES of Ohio. Madam Speaker, on Tuesday, April 22, 2008, I missed recorded votes due to unforeseen circumstances. Had I been present, the record would reflect the following votes:

H. Res. 981: Recognizing March 6, 2008, as the first-ever World Glaucoma Day, "yes";

H.R. 5151: Wild Monongahela Act: A National Legacy for West Virginia's Special Places, "yes"; and

H.R. 831: Coffman Cove Administration Site Conveyance Act, "yes."

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mrs. MALONEY of New York. Madam Speaker, on April 22, 2008, I missed rollcall votes numbered 205, 206, and 207. Had I been present, I would have voted "yea" on rollcall votes 205, 206, and 207.

URGING PRESIDENT BUSH TO SIGN INTO LAW H.R. 1922, A RESOLUTION DESIGNATING THE JUPITER INLET LIGHTHOUSE AND THE SURROUNDING FEDERAL LAND IN THE STATE OF FLORIDA AS AN OUTSTANDING NATURAL AREA AND AS A UNIT OF THE NATIONAL LANDSCAPE SYSTEM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to express my deep appreciation for the House and Senate for passing H.R. 1922 and S. 1143, resolutions which designate the Jupiter Inlet Lighthouse and surrounding areas as an Outstanding National Area. As a proud cosponsor of this legislation, I would like to express my deep appreciation to the efforts of my good friend from Florida, Congressman TIM MAHONEY, for introducing this important legislation and for the House leadership for bringing it to the floor for a vote on March 4, 2008. The Senate version of the bill, S. 1143, was introduced by Senator BILL NELSON and was passed by the Senate on April 10, 2008.

This legislation helps to promote the environmental and historic preservation of this important site and is a valuable step toward promoting these ideals throughout America. The historic significance attached to this lighthouse is truly remarkable. Besides guiding sailors through the nearby waters, it has also served as a symbol of local history and, indeed, our Nation's history as a whole.

The need for a lighthouse in Jupiter arose because of coastal reefs which made nautical activity very dangerous in the region. The lighthouse was designed by then Army Lieutenant George Mead, who would later lead the Union Army to victory as a general at the Battle of Gettysburg. Not only did its designer win a decisive Civil War battle, but the lighthouse was also later used extensively by Union sailors, further aiding the fight against secession. However, preliminary construction of the lighthouse proved to be an arduous task, with malaria, other diseases, and raids from some of the local populations taking a significant toll.

This lighthouse has served not only as a beacon for Florida's sailors but also as a reminder of the importance of our history. We must always remember the special circumstances concerning the history of the lands around the lighthouse. For centuries, Native Americans lived and flourished in that area. On numerous occasions, they quartered runaway slaves and welcomed them into their communities. Today, the influence of these native peoples can still be felt. In fact, both Jupiter and Hobe Sounds' names were derived from the Hobe Indians who once lived in the region.

I would be remiss to not mention the natural beauty of the region. We are lucky to have such a pristine example of what Florida can offer to our nation's environmental diversity. The river itself is home to countless species of plant and animal life which live together in harmony and help to define the entire region. We have a duty to work toward preserving this land and all the species that thrive there.

The lighthouse at Jupiter Inlet and the surrounding area have a deep historical connection to our country and are a testament to the necessity of conservation efforts in our nation's varied habitats. Madam Speaker, I thank my colleagues in the House and Senate for passing this bill, and I urge the President to sign this into law and designate the Jupiter Inlet Lighthouse as a National Landscape System.

FREEDOM FOR VICTOR YUNIER FERNANDEZ MARTINEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak on behalf of Victor Yunier Fernandez Martinez, a prisoner of conscience in totalitarian Cuba.

Mr. Fernandez Martinez, a young man of only 24 years of age and a member of the Popular Republican Party, was not even charged with committing any crime, even by the Orwellian standards and whims that make up the "legal system" in that enslaved island. Instead, he was hauled away to the gulag simply under the pretext of being a "pre-criminal social danger."

Agents of the tyranny's secret police said that they suspected Mr. Fernandez Martinez was involved in a graffiti campaign in Havana to promote freedom of expression. In fact, there was no link between Mr. Fernandez Martinez and these actions, but that did not stop the oppressive forces from detaining him and testing him for paint residue, which they did not find. This incident was cited 2 years later when he was sentenced to 3 years in the gulag because of the paranoiac perception of the dictatorship that Mr. Fernandez Martinez, a peaceful dissident, is a "dangerous man."

Madam Speaker, Mr. Fernandez Martinez's mother has visited him in prison and has reported that even though conscious of the profound injustice of his incarceration he was in good spirits, a true testament of the spirit and drive of the heroes who are confined in the Cuban totalitarian gulag.

It is unconscionable that the world simply stands by, in the 21st century, and silently acquiesces to the torture, oppression and denigration of a noble people only 90 miles from the United States of America.

Madam Speaker, Victor Fernandez represents the best of the new generation in Cuba; a generation that has known only oppression and misery but that will play a central role in the transformation of Cuba from a totalitarian nightmare to a representative democracy with the rule of law for all of its citizens. We must demand the release of all those who are persecuted for their democratic ideals. My colleagues, we must demand the immediate and unconditional release of Victor Yunier Fernandez Martinez and every political prisoner in totalitarian Cuba.

IN REMEMBRANCE OF THE VICTIMS OF THE VIRGINIA TECH TRAGEDY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CANTOR. Madam Speaker, when an act of random cruelty bewilders us and pulls us down, exceptional displays of generosity, courage and heroism can serve as a potent counterforce. They comfort and replenish the bereaved, and they remind us of the extraordinary selflessness our people are capable of. Nowhere has this been truer than in the aftermath of the Virginia Tech tragedy.

Today, we are faced with the memory of the horrific events that occurred one year ago at Virginia Tech. It is no easier today, than it was then, to find the words to express the pain and sorrow that was felt across the Hokie nation.

Once again I stand here with a heavy heart and extend my deepest sympathies to the families and friends of all the victims; especially those of Emily Hilscher and Rachel Hill, two victims from the Seventh District of Virginia. We will always be left with their spirit, energy and enthusiasm that will never die, but rather will live on in our memories forever.

A TRIBUTE TO STAFF SERGEANT EMANUEL PICKETT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Staff Sergeant Emanuel Pickett of Wallace, North Carolina, who lost his life while defending our Nation on April 6 during a mortar attack in Baghdad. In addition to his service in the North Carolina National Guard, Emanuel served as a captain with the Wallace, North Carolina, Police Department. He shall be remembered by all those whose lives he touched as the finest example of bravery, honor, and public service.

Emanuel lived in Wallace his entire life, and throughout his 34 years, worked selflessly to make a positive difference in his community. Besides working as a captain with the Wallace Police Department, he also worked as a reserve deputy for the Duplin County Sheriff's office, where he led undercover drug investigations in several surrounding counties. Emanuel's giving spirit found many outlets. He also started a crime watch in his own neighborhood, helped to found a program to mentor kids without fathers, and coached youth basketball.

Emanuel will be missed by his family and friends. He was the son of Harry and Merlese Pickett, the youngest of six children. He was the loving father of three children—two daughters, ages 17 and 10, and a 14-year-old son. Over his lifetime, Emanuel earned countless friends. Because of his thirteen years of service with the police department and his stint of more than 20 years employed at a local butcher shop, Emanuel owned one of the most recognizable faces in his community. He was so admired within his community, in fact, that his family has received condolences from thousands of people, including some that Emanuel helped send to prison.

Emanuel Pickett was serving his second tour of duty in Iraq when his life was taken. His courage will continue to be an inspiration to us all. His life is a strong representation of what can be accomplished through devotion to a community and its people. May God bless his family, and may we always remember the life of Staff Sergeant Emanuel Pickett.

HONORING MARIAN BOLTON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today to congratulate Marian Bolton, of Albuquerque, New Mexico, upon her upcoming retirement from the YMCA. Marian has devoted 38 years of extraordinary service to the "Y."

Marian, a nationally-recognized leader among her peers, built her career on a foundation of high principles and character. Currently the President and CEO of the YMCA of Central New Mexico, Marian has always been committed to incorporating the virtues of Character Counts, a national organization, into all programs and activities of the "Y." Because of her commitment to instilling trustworthiness, respect, caring, fairness, responsibility and citizenship into her staff, youth and their families, Marian is credited to a large extent with the success—personally, academically and professionally—of countless New Mexicans.

Marian also has been involved on the international stage with many non-profit agencies. A true champion for equal opportunities for all, regardless of race, culture or background, she has volunteered her time and unwavering efforts to conducting workshops in such areas as agency management, financial development, volunteerism, values and balancing personal and professional lives, to name only a few. Marian has also traveled to many countries whose youth are affected by such tragic conditions as poverty, hunger, slavery and lack of education and medical care. She has labored tirelessly to help improve their lives through the vital resources of the YMCA.

Marian Bolton is the consummate successful executive, who passionately cares about the lives of others. She has devoted her life to bringing as much motivation, education, training, tools for success, a positive attitude and, perhaps most importantly, hope for those striving for a better and brighter future. Her wisdom, experience and expertise is known across the globe, and she is highly sought after for consultation and training for those seeking to follow in her successful footsteps.

I invite all my colleagues to join me in congratulating Marian Bolton for her enormous contributions and accomplishments. Her shoes will be difficult to fill. On behalf of all New Mexicans, I extend our very best wishes to Marian for much happiness, success and fulfillment during the next stage of her life.

NATIONAL SOVEREIGNTY AND CHILDREN'S DAY IN TURKEY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. FOXX. Madam Speaker, April 23rd of every year is celebrated in Turkey as National Sovereignty and Children's Day. The genesis of these celebrations is this date in 1920. On April 23, 1920 during Turkey's War of Independence, the Grand National Assembly met in Ankara to lay the foundation for modern parliamentary democracy in the form of an emerging liberal and secular Republic.

Mustafa Kemal Ataturk, the founder and later the first President of the Republic of Turkey, designated April 23 as National Sovereignty and Children's Day, in recognition of the importance of children to the country's future. This was the first time that a world leader designated a day for children.

In Turkey this day is recognized as an official public holiday. Schools participate in week-long ceremonies marked by performances by children in large stadiums that draw the attention of the entire nation. On this day children also send their own "representatives" to replace state officials and high ranking bureaucrats in their offices. The President, the Prime Minister, the Cabinet Ministers, and provincial governors all turn over their positions to children's representatives. This symbolic gesture is intended to show children that they are the future leaders of Turkey and to remind current leaders that they are serving these children and the nation that they will inherit. These children, in turn, sign executive orders relating to educational and environmental policies. Children also replace the parliamentarians in the Grand National Assembly and hold a special session to discuss children's issues.

It is inspiring to know that this tradition of celebrating children's day has been adopted internationally. World Children's Day was the idea of two classmates, Funda Karagozler and Engin Ustundag (9 and 11 years old) from Ataturk School in New York. In April 1986, in response to an assignment to comment on the nationally celebrated Children's Day in Turkey, these two friends wrote a letter addressed to the "Kids of the World", inviting them to come together with the common objective of peace and friendship.

The school principal was so impressed with the letter that she sent it to UNICEF, a United Nations body dedicated to children's issues. Through UNICEF's assistance, a copy of the letter was sent to the permanent missions of the United Nations. The response was overwhelming. Everyone wanted to participate. On April 27, 1986, the UN General Assembly was opened to children for the first celebration of World Children's Day. Later that same year, the World Children's Day Foundation (WCDF) was established to oversee World Children's Day activities. In addition to the annual celebration in New York, WCDF sponsored programs and community service projects in 140 countries around the world.

The program's goals were: (1) To equip children to make a difference in their own lives and the future of their communities and nations; (2) To bring children of different nationalities, races, religions, and socio-economic backgrounds together and to show them that, in spite of these factors, all people have much in common; (3) To establish the Fourth Sunday in April as the internationally celebrated World Children's Day to recognize the capability and potential of children everywhere to shape the future.

More than 5,300 children from 140 countries have participated in World Children's Day celebrations in the UN General Assembly. About four million children have participated in WCDF community service projects around the world. These projects have touched millions of lives worldwide.

I stand to commemorate this important date dedicated to the children of the world and remember its origins in Turkey in 1920.

IN MEMORY OF DAN ROSS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. WILSON of South Carolina. Madam Speaker, last week, South Carolina honored a favorite son and patriot, Daniel Iradell Ross, Jr., of Blackville, South Carolina.

As a World War II veteran of the China-Burma-India Theatre, he championed a strong military to promote peace as State Commander of the American Legion. He courageously worked as a pioneer in the modem Republican Party establishing not only a two-party system in South Carolina but also the rise of Republicans from virtually no elected positions to majority status across the state.

In 1970, Mr. Ross chaired the campaign of legendary Greenville advertising executive Jim Henderson for Lieutenant Governor. Mr. Henderson was only the second Republican to run for the position in the 20th century.

In 1974, Mr. Ross co-chaired the campaign of oral surgeon Jim Edwards of Mount Pleasant for Governor with Julia Ravenel Dougherty of Charleston and William B. "Rusty" DePass, Jr., of Columbia as manager. Governor Edwards became the first Republican governor since 1876.

In 1980, as State Party Chairman, Mr. Ross was the Father of the First in the South Republican Presidential Primary. With the leadership of Executive Director Wayne Adams, the primary produced lists of new Republican recruits which fueled the Reagan Revolution with California Governor Ronald Reagan's victory in the primary, victory in the general election, and ultimate victory in the Cold War.

The following is the obituary as published by "The State", of Columbia, South Carolina on April 17, 2008:

> BLACKVILLE.—Daniel Iradell Ross Jr., 84, died Tuesday, April 15, 2008. Services will be held 11 a.m. Saturday, April 19, 2008, in the Folk Funeral Home Chapel, Williston. Interment will follow in Blackville Cemetery with military honors accorded. The family will receive friends from 6 to 8 p.m. Friday, April 18 at the funeral home. Memorials may be sent to American Legion Post #91, 5130 Reedy Branch Road, Blackville, SC 29817; Blackville Cemetery Fund, P.O. Box 365, Blackville, SC 29817; University Library, Thomas Cooper Library, USC, Columbia, SC 29208; or Ashleigh Place, 4435 Ashleigh Road, Blackville, SC 29817.
>
> Born in Blackville, he was the son of the late Mr. and Mrs. Daniel I Ross Sr. His wife, Jeanniene Prater Ross of Johnsonville, preceded him in death. Ross graduated from the University of South Carolina in 1943 with a degree in geology and later achieved a master's degree from the University of Texas. Ross was a proud American veteran, having honorably served in the U.S. Army during WW II. He was devoted to public service, serving in various political capacities in both local and statewide positions for many years including state commander and state chairman of the Republican Party. He was also campaign chairman for former Governor James B. Edwards. Ross is most remembered for his patriotism, his service to others, and his generous spirit.
>
> Survivors include: Helen Halford Barnes Ross, Dawn Ross Hollingsworth, Lauren Hollingsworth, Jessa Hollingsworth, Michael Hollingsworth; stepchildren: Bettis Richister, Charlene Barrett, and Maree Shay; 9 stepgrandchildren, 22 stepgreat-grandchildren, and 6 stepgreat-great-grandchildren.

HONORING MS. JENNIFER HANSON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor Ms. Jennifer Hanson for her service to our community.

Jennifer Hanson, an educator with the Boulder Valley School District, has been an instrumental leader in the development of online safety protocols for our local schools and communities. Ms. Hanson has played an active role in uniting our educators, business leaders, law enforcement officials and parents in a collaborative effort to protect our youth from online predators. Jennifer Hanson should be commended for her leadership and commitment to enriching our children's educational opportunities in a safe and dynamic online environment.

Jennifer Hanson was recently presented with The Spirit of Online Safety Award in appreciation of her work as the President of the Internet Safety Foundation. The Internet Safety Foundation mentored nine youths in their creation of a cutting-edge public awareness campaign about safe online practices. The culmination of their hard work will have a positive impact on our communities for years to come.

Upon graduation summa cum laude from the Metropolitan State College of Denver, Jennifer taught in the Cherry Creek Public Schools for seven years. She completed her master's degree work at Adams State College in educational technology leadership and would lend her expertise as an active participant for Project Safe Childhood and Qwest's Online Safety Coalition. Ms. Hanson has also played a vital role in the establishment of the Internet Safety Summit; a statewide assembly focused on giving our communities the knowledge and tools necessary to protect our children from the dangers of the World Wide Web.

Our nation owes a debt of gratitude to Jennifer Hanson for her willingness to devote herself for the betterment of our children's education and safety.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. ANDREWS. Madam Speaker, I was not present on April 22, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: Rollcall No. 205, Rollcall No. 206, Rollcall No. 207.

A TRIBUTE TO SAM HILL

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Sam Hill of Wilmington, North Carolina, for his 51 years of service on the Wilmington Fire Department.

Since Hill joined the Wilmington Department in February 1957, he has improved and strengthened the department, which has nearly doubled in size. Hill has overseen construction of numerous new stations, and even helped to design new facilities. Most importantly, he has protected and served his community, often putting his own life on the line to save others. Many are impressed by his dedication and courage, and his strong religious faith; Hill is an also an ordained Advent minister. In recognition of his dedication to public service, Hill was recently inducted into the Order of the Long Leaf Pine, North Carolina's highest civilian honor.

Madam Speaker, let us honor Sam Hill's inspirational commitment to his fellow citizens as his tenure as Fire Chief comes to a close. May his 51 years of enduring service remind us of what it means to be dedicated to one's community.

CONGRATULATING LOYOLA UNIVERSITY WINNER OF THE EPA'S 2008 P3 STUDENT DESIGN COMPETITION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. SCHAKOWSKY. Madam Speaker, I would like to offer my sincere congratulations to the Loyola University of Chicago team for being chosen as a winner of the EPA's 2008 "People, Prosperity and the Planet" Student Design Competition at this year's National Sustainable Design Expo. I am proud to represent Loyola University in Congress, and I am looking forward to sharing the news with my colleagues that students in my district are addressing the significant problems that climate change, greenhouse gas emissions, and rising energy costs present.

The importance of energy independence can't be overstated. Your project, "Innovative Biodiesel Production: A Solution to the Scientific, Technical, and Educational Challenges of Sustainability," to convert vegetable oil waste from the cafeteria into fuel that will power campus shuttle buses, is an innovative and creative way to approach it. I believe that this is a model for the entire country to learn from and hopefully adopt.

I hope that during your time at the P3 Expo you have had the chance to interact with other students, professional scientists, engineers, and business leaders from around the country. Your work to advance economic growth while reducing environmental impact should be shared.

It is for that reason that I was glad to hear that your project has an educational component that will advance P3 concepts to students in the university, in preschool, elementary school, and secondary school, and to the general public. I hope that I will be able to stop in on the Solutions to Environmental Problems course so I can see for myself how to produce and use biodiesel fuel.

Again, I salute and congratulate Luke Beasley, Pamela Geddes, Dan Larkin, Shane Lishawa, and Professor Nancy Tuchman, and will look forward to hearing about your work addressing our most pressing problems well into the future.

HONORING THE ACHIEVEMENTS OF EDWARD JAMES OLMOS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. SOLIS. Madam Speaker, I rise today to recognize the achievements of Edward James Olmos, winner of the 2008 CINE Lifetime Achievement Award. The CINE Lifetime Achievement Award recognizes the few pinnacle leaders in the film and video industry whose lifetime contributions have left a profound impact on our culture.

A native of East Los Angeles, Edward James Olmos has been a trailblazer in the film industry as an actor, producer, and director. The son of Mexican parents, he made his way to the big screen at a time when very few Latino actors were cast in leading roles, thus breaking the mold and setting the stage for future Latino actors to come. In his roles in movies such as "Zoot Suit," "The Ballad of Gregorio Cortez," and "Mi Familia," Mr. Olmos portrayed the daily realities of the Latino experience in the United States.

Mr. Olmos transcended cultural barriers, and inspired a generation of teachers and students to overcome adversities and achieve academic success through his portrayal of math teacher Jaime Escalante in "Stand and Deliver." Mr. Olmos' work has won critical acclaim and garnered him prestigious awards such as an LA Drama Circle Award, an Emmy, two Golden Globe Awards, and an Academy Award nomination.

Mr. Olmos is extremely active in the community and is a spokesperson for organizations such as the Southwest Voter Registration Project and the Juvenile Diabetes Foundation. He is also a United States Goodwill Ambassador for the United Nation's Children's Fund, UNICEF. As the chairman of Latino Public Broadcasting, Mr. Olmos continues to advocate for diverse perspectives in public television.

I applaud Edward James Olmos for his achievements and the important contributions he has made to the Latino community. Congratulations on receiving the 2008 CINE Lifetime Achievement Award.

OBSERVING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. DINGELL. Madam Speaker, I rise today in observance of the 93rd anniversary of the Armenian genocide. On April 24, 1915, the Ottoman government detained hundreds of clergymen, professionals, intellectuals, and other political and community leaders. This marked the opening of a campaign of genocide that over the next 2 years would lead to the deaths of a million and a half Armenians.

It is important to both remember this event, and to acknowledge it as genocide. Not only does it allow us to pay proper respect to those who lost their lives in Armenia at the hands of the Ottoman Empire, but it also helps us to comprehend the malevolent and inhumane events that take place in our global community today. Ethnic conflict and sectarian fighting remain an urgent issue for both the U.S. and the international community to address. The historical lessons and the exchange of ideas that flow from an honest discussion about the genocide that took place in Armenia can help us take steps to prevent further atrocities from occurring in our time.

It is my hope that today's observation and reflection on the genocide in Armenia is part of a renewed effort of focusing our efforts towards the goal of understanding and eliminating the circumstances under which genocide can exist.

COMMERORATION OF APRIL 22, 2008 AS EQUAL PAY DAY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mrs. JONES of Ohio. Madam Speakear, I rise today to commemorate Equal Pay Day in order to address the need for equal pay for hardworking women across America. According to the United States Census Bureau, women are paid on average about 77 cents for every dollar earned by a man. For women of color, the gap is even wider. It is not acceptable that these wage gaps remain despite the passage of the Equal Pay Act more than 40 years ago in addition to a variety of related legislation prohibiting employment discrimination.

Equal Pay Day marks the time of the year in which the average median income paid to American women equals the earnings of males from the previous year. On this day various groups and organizations hold events across the Nation in order to highlight the detrimental effects of continuing inequity that are felt in the form of gender segregation in the work force, the undervaluation of the types of jobs held predominately by women, and gender discrimination built into the pay system.

In the State of Ohio, the median annual earnings of men with a college degree or more education is $65,000. In contrast, the median annual earnings of women with a college degree or more is $47,000, nearly $20,000 less per year. This statistic in my home state of Ohio is alarming. It is even more disturbing to know that this is a trend that exists nationwide that is not just affecting women, but also their families and children who rely upon their wages for basic everyday needs such as health care or groceries. I am proud to say that I supported the passage of H.R. 2831, the Lily Ledbetter Fair Pay Act and that I am a co-sponsor of H.R. 1338, the Paycheck Fairness Act, two of the key bills in the 110th Congress that will help to close the pay gap between men and women.

African-American women have a long history of working out of their homes and have the highest labor force participation rate among all women at 63.4 percent. However, many African-American women are concentrated in low paying service jobs. African-American women comprise 6 percent of the entire country's workforce, but make up 14 percent of workers earning between $15,000 and $30,000 per year and are less than 1 percent of workers earning over $100,000 per year. Not only do African-American women earn less, the growth in their earnings has lagged behind that of white women, 19 percent and 29 percent respectively. At the upper end of the earnings distribution, disparities in the labor market impact approximately 1 percent of African-American women in corporate officer positions whose earnings are on average $229,000 compared to $250,000 for Caucasian women.

Over the last 60 years, the labor force participation of women has more than doubled, which means nearly one out every two workers is a woman. Not only are more women working, but more of these working women are mothers as well. In 1963, when President John F. Kennedy signed the Equal Pay Act into law, full-time working women were paid 59 cents to every dollar received by men. Meanwhile, 45 years later in 2008, women are still only paid 77 cents for every dollar received by men. To state this more clearly, the wage gap has only narrowed by less than half of a penny per year.

According to the National Organization for Women, "If women received the same wages as men who work the same number of hours, have the same education and union status, are the same age, and live in the same region of the country, then these women's annual income would rise by $4,000 and poverty rates would be cut in half. Working families would gain an astounding $200 billion in family income annually."

I applaud my colleagues for passing H.R. 2831, the Lily Ledbetter Fair Pay Act last year. I now urge my colleagues to support H.R. 1338, the Paycheck Fairness Act, which seeks to eliminate the gender wage gap in our Nation. These two bills are a beginning towards an end to a societal ill that has hurt our country's hardworking families for too long. I look forward to continuing to work with the people of the 11th Congressional district of Ohio and across this country to address this long withstanding inequity in our Country.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. ABERCROMBIE. Madam Speaker, I regret that I was ill and missed rollcall vote No. 205 through 207. Had I been present, I would have voted "yea" on all votes.

HONORING DR. MICHAEL E. DEBAKEY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. AL GREEN of Texas. Madam Speaker, Senate Majority Leader REID, Senate Republican Leader MCCONNELL, House Republican Leader BOEHNER, Senator HUTCHISON, the Honorable Dr. Michael Ellis DeBakey and Mrs. DeBakey:

Please allow me to thank Senator HUTCHISON for her leadership; Representatives BURGESS and CULBERSON for helping to acquire the 290 signatures needed to bring this bill to the floor; Speaker PELOSI, Majority Leader REID, and the leadership for considering the legislation expeditiously; the President for signing it; and I especially want to thank God for the Honorable Dr. Michael E. DeBakey.

On September 7th his life will measure 100 years. However, the most meaningful measure of life is not how long one lives, but rather what one does with the time God gives. Dr. DeBakey, your living has made it possible for others to have better lives.

You have promulgated over 1,600 publications and operated on over 60,000 patients. You have either established or helped establish: the field of stroke surgery; the coronary bypass; the mobile army surgical hospital; the National Library of Medicine; the multiple transplantation procedure; and health care systems around the world

You epitomize the truest measure of life. As Ruth Smeltzer proclaimed, "Some measure their lives by days and years, others by heart throbs, passion and tears; But the surest measure under the sun, is what in your lifetime for others you have done."

You have proven that one person can not only impact the world but that one person can change the world for the good of all. If we did not have a Congressional Gold Medal, we would have to create one just for you.

THANKING DALTON YANCEY FOR OVER 35 YEARS OF SERVICE TO AMERICAN AGRICULTURE AND CONGRATULATING HIM ON HIS RECENT RETIREMENT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. HASTINGS of Florida. Madam Speaker, it is with both enthusiasm and heavy heart that I rise today to congratulate Mr. Dalton Yancey on his recent retirement from the Florida, Texas, and Hawaii Sugar Cane Growers.

For over 35 years, Dalton has represented and advocated on behalf of American agriculture. An expert in U.S. agriculture policy, Dalton has specialized in sugar, citrus and trade policy, ensuring that American growers and farmers are always given a level playing field on which to compete with foreign growers. He is the past President of the Commodity Club of Washington, DC, and the former Board Chair of the American Sugar Alliance. A true testament to his knowledge, Dalton has been appointed by three American Presidents to serve on the Agricultural Trade Advisory Committee for Sweeteners.

In addition to his professional duties, Dalton is extensively involved in many activities throughout his community. As an officer in the U.S. Army, Dalton served in Germany and Vietnam, receiving the Bronze Star for Meritorious Service. In 1969, he was a key member of Operation Holy Task Force, which brought Bob Hope to Southeast Asia.

Dalton has been active with the University of Florida Alumni Association, the Boy Scouts of America, and the Florida State Society. I have seen Dalton in action with all of these organizations, as well as the Faith and Politics Institute since its inception 16 years ago. The two of us have been together at more prayer breakfasts and meetings organized by the Institute than I can even begin to count. As a member of Aldersgate United Methodist Church in Northern Virginia, Dalton and his wife of 33 years, Barbara—known by many of us as Barbie—are as committed to their church as they are to everything that they do.

Madam Speaker, I have had the privilege and honor of knowing Dalton throughout my career in the House of Representatives. It goes without saying that the people of Florida are losing a tremendous advocate with Dalton's retirement. He is not only an exceptional advocate on behalf of the people in my district, but a real friend to me.

I have often sought Dalton's advice and counsel not only on agricultural issues, but on so many other things that we consider here in the halls of Congress. He is, under every definition in the book, a true Southern gentleman. I thank Dalton for his service, wish him luck in this new and exciting chapter in his life, and implore him that he not stray too far from those of us who will miss him most.

A TRIBUTE TO DAVID SANDIFER

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to the Chairman of the Brunswick County Commissioners, David Sandifer, of Holden Beach, North Carolina, for his commitment to his community and as a dedicated man of public service. Sandifer proved himself a devoted and effective public servant and a man of good character. He was also a devoted family man and dear friend. Sandifer passed away on April 4, 2008, and he will be dearly missed.

Sandifer, who had been a Brunswick County commissioner since 1996 and chairman since 1998, also served on the board of health, the criminal justice advisory board, the Communities in Schools advisory board, the board of directors of Hope Harbor Home, the Brunswick County Jail Population Management Committee, the Lower Cape Fear Water and Sewer Authority, and many other committees. Driven by love for his community and its people, he was instrumental in implementing different programs and services throughout Brunswick County. He oversaw development projects in one of the fastest-growing communities in our Nation and helped it cope with growing pains along the way. In recognition of his devotion to public service, Sandifer was recently inducted into the Order of the Long Leaf Pine, North Carolina's highest civilian honor. Sadly, he passed away just hours after this induction ceremony, as the result of complications brought about by cancer.

Madam Speaker, may we never forget the goodness, humility, service, and character that defined the life of David Sandifer. May God continue to bless his beloved wife, Pat, and all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. UDALL of Colorado. Madam Speaker, I was not able to be present for three rollcall votes on Tuesday, April 22.

If I had been present I would have voted as follows: rollcall No. 205, on passage of H. Res. 981—Recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States and worldwide, Representative BALDWIN—Energy and Commerce—I would have voted "yea."

Rollcall No. 206, on passage of H.R. 5151—Wild Monongahela Act: A National Legacy for West Virginia's Special Places—I would have voted "yea."

Rollcall No. 207, on passage of H.R. 831—Coffman Cove Administrative Site Conveyance Act—I would have voted "yea."

PAYING TRIBUTE TO GLADY E. LAUGHLIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. PORTER. Madam Speaker, I rise today to honor the life of Glady E. Laughlin, who passed away on February 23, 2008.

Glady E. Laughlin played an integral role throughout the Laughlin, Nevada community where she was an outstanding civic leader and dedicated community advocate. Glady was an educator with the Clark County School District for over twenty years, where she was a dedicated advocate for the children of Laughlin, expanding education programs and social services. Her efforts have inspired generations of students to achieve academic excellence. Among her many community achievements and honors, Glady was most proud of her service to her community as the principal of the William G. Bennett Elementary School from 1993–2005.

Glady was also a member on the Laughlin Town Advisory Board and served on the Board of Directors for the United Way of the Colorado River, the Laughlin Family Resource Center, and the Boys and Girls Clubs of the Colorado River. Glady was also actively involved with the Laughlin Community Church. She volunteered with the church's choir, praise-worship teams, and served as a spiritual leader and mentor.

Madam Speaker, I am proud to honor the life and legacy of Glady E. Laughlin for her many years of leadership and community service to the Laughlin community. Those who have worked with her on a professional and personal level agree that Glady has done profound work throughout the community. Glady was a wonderful individual and a great force on behalf of the people of Laughlin. She is survived by her husband of over 40 years, Pat Laughlin and her two sons Rob and Jim Laughlin. She will be profoundly missed.

DEREK RIEMER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Derek Riemer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Derek Riemer is a student at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Derek Riemer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Derek Riemer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

RECOGNIZING FARAH JOOMA

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Farah Jooma on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Jooma's leadership, citizenship, and service to her community.

For her Gold Award project, Farah Jooma worked with Parkland Hospital and researched alternatives more medical insurance. She created a brochure that she distributed to healthcare clinics throughout the Dallas Fort-Worth area. She also held seminars discussing ways of trying to improve medical insurance.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Farah Jooma in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

ALFERD WILLIAMS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alferd Williams, of St. Joseph, Missouri. Mr. Williams, a sharecropper's son, who never got the chance to go to school, is now learning to read. Alferd is an inspiration to his teacher and classmates, and a prime example of someone setting their mind to accomplish a goal and then achieving success.

In 2006, Alferd joined a first-grade class at Edison Elementary School, to fulfill a promise he made to his mother and himself. That promise was that he would learn how to read. Mr. Williams is now in his second year at Edison Elementary School, and plans to stay in Ms. Alesia Hamilton's first-grade class until he completes his GED.

Madam Speaker, I proudly ask you to join me in recognizing Alferd Williams, who is a true inspiration for all that know him, and all that have had the opportunity to hear of his inspirational story. Mr. Williams is living proof that with faith and persistence, you can achieve any goal. It is truly an honor to serve Mr. Williams in the United States Congress.

TRIBUTE TO THE HONORABLE YVONNE BRAITHWAITE BURKE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. WAXMAN. Madam Speaker, I rise to pay tribute to Los Angeles County Supervisor Chair Yvonne Braithwaite Burke, who is retiring this year after an exceptional fifty years in public service.

As an African American and a woman, Supervisor Burke has broken through professional barriers her entire career. She was the first African American woman elected to the California State Assembly, where she served from 1966 to 1972. She was the first African American woman from California elected to the U.S. House of Representatives, where she represented California's 37th Congressional District from 1972 to 1978. She was the first African American woman appointed to the House Appropriations Committee, the first woman to chair the Congressional Black Caucus, and the first Member of Congress to give birth while in office. She was the first female and African American to serve on the Los Angeles County Board of Supervisors.

I had the pleasure of serving with Supervisor Burke in both the California State Assembly and the House of Representatives. When my wife Janet and I visited Washington the year I decided to run for Congress, Supervisor Burke, who had been elected just 2 years before, went out of her way to make us both feel welcome. Supervisor Burke and I served 4 years together in Congress, and it was my good fortune to be able to continue to work with her when she left to be a member of the Los Angeles County Board of Supervisors. I have greatly valued our many years of friendship, the experience, wisdom, and grace she brings to every problem, and her strong commitment to public service.

I ask my colleagues to join me in recognizing Supervisor Burke's extraordinary 50-year career and extensive record of accomplishments. Janet and I wish her and her family the very best for the future.

WIND FARMS IN THE WATERS OF THE GULF COAST

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. POE. Madam Speaker, Texas is now the number one wind energy state in the country, producing more power from wind than any other state. Texas is also the first state to allow wind energy production offshore, energy, which could not only power our homes and businesses, but also pay for the education of our children.

The Gulf Coast currently has unused oil equipment in its waters. Those structures now have a new purpose, as wind turbines utilize oil and gas platforms off the Texas-Louisiana coast in the first U.S. offshore wind energy farm. The shallow waters of the Gulf make economic sense for wind farms. Wind farms consist of turbines that harness clean energy and offer another option outside of natural gas. The coastline has a far-reaching continental shelf, in some areas extending 80 miles, while having water depths less than 150 feet. Texas, long a major player in the oil and gas industry, is now a major player in wind energy. In this region, the best wind for generating energy blows mid-day, when electricity demand is the highest. Therefore, the electricity generated from wind farms off the Texas coast will be highly valued by utility companies.

Wind Energy Systems Technology (WEST), conceived by Herman Schellstede and Harold Schoefller, will be lining nearly 74,000 acres of water with wind farms, which includes part of my district, in the waters off of Jefferson County, on state owned land. Construction of the wind farms should begin in 2009. Once completed, the offshore wind farm will produce enough electricity to provide power to about 40,000 homes. By comparison, an equal amount of electricity would require about 20.7 million barrels of oil, or 6.5 tons of coal to produce. By not burning these fossil fuels to create this amount of energy, the wind farm will displace approximately 2.7 million tons of carbon dioxide each year.

It is in our best interest to research and develop alternative energy sources to reduce our dependence on foreign oil, in order to become more energy independent. With natural gas depleting, wind farms should become more abundant in the coming years, as wind power becomes more competitive and the technology more efficient. Wind is a clean energy resource with substantial environmental benefits and offers one of the lowest marginal costs of production. This renewable energy means renewable revenue. Some have reported that wind energy provides more jobs per dollar invested or per kilowatt-hour generated, than most conventional resource options. With total installed U.S. wind power capacity now over 16,800 megawatts or enough to serve the equivalent of 4.5 million average households, wind was the second largest source of new electrical capacity in the Nation, behind only natural gas, for the past 3 years.

Wind power is part of our country's sustainable energy solution, and I applaud WEST for their foresight and innovation.

TRIBUTE TO MUJES DE ECELENCIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CUELLAR. Madam Speaker, I rise today to commend Mujes de Ecelencia, one of the most prominent women's organizations in my congressional district, for embarking upon a remarkable educational campaign outreach on health care issues to women in Roma, Texas. The informational campaign outreach, which finished on April 18, 2008, is a mixture of private-public partnerships with local businesses, organizations, and agencies that all strive to bring awareness to important issues that affect women and their families.

Mujes de Ecelencia has consistently worked to provide the latest information about drug and alcohol treatment, family counseling, tobacco awareness, and other health care matters to women in south Texas since 2002. I applaud Mujes de Ecelencia for bringing together businesses, organizations, and local agencies in the informational campaign marketed towards women's health care issues, and for their continued work in advocating for women in south Texas.

EQUAL PAY DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CONYERS. Madam Speaker, I rise in recognition of Equal Pay Day, which was yesterday, April 22, 2008. Equal Pay Day was originated by the National Committee on Pay Equity in 1996 as a public awareness event to illustrate the gap between men's and women's wages. The day, observed on a Tuesday in April, symbolizes how far into the year a woman must work, on average, to earn as much as a man earned the previous year. Because women earn less, on average, than men, they must work longer for the same amount of pay. In other words, the average American woman must work 16 months to earn what a man did in 12. The wage gap is even greater for most women of color.

President John F. Kennedy signed the Equal Pay Act into law in 1963, but the wage gap between men and women has been closing at a very slow rate. In 1963, women who worked full-time, year-round made 59 cents on average for every dollar earned by men. In 2006, women earned 77 cents to the dollar.

The wage gap exists, in part, because many women and people of color are still segregated into a few low-paying occupations. More than half of all women workers hold sales, clerical and service jobs. Studies show that the more an occupation is dominated by women or people of color, the less it pays. Part of the wage gap results from differences in education, experience or time in the workforce. But a significant portion cannot be explained by any of those factors; it is attributable to discrimination. In other words, certain jobs pay less because they are held by women and people of color.

Democrats are taking action to address the wage gap. The House has already passed the Lilly Ledbetter Fair Pay Act, which restores basic protections against pay discrimination by rectifying the May 2007 Ledbetter v. Goodyear Supreme Court decision that overturned precedent and made it much more difficult for workers to pursue pay discrimination claims. The Senate is scheduled to consider this legislation this week. The House is also considering the Paycheck Fairness Act, which would strengthen the Equal Pay Act of 1963 by providing more effective remedies to women who are not being paid equal wages for doing equal work. I strongly support both of these measures.

Equal pay is not simply a women's issue, but a family issue. The wage gap hurts everyone—husbands, wives, children, and parents—because it lowers family incomes that pay for essentials: groceries, energy bills, doctors' visits and child care. Furthermore, 41 percent of women supply their families' sole source of income.

It is estimated that if we do nothing, it will take until 2057 to close the pay gap. To force women and their families to wait nearly another 50 years to receive equal pay for equal work is absolutely unacceptable. I pledge to continue the fight for pay equity until all Americans, regardless of gender or race, receive equal pay for equal work.

HONORING THE DISTINGUISHED SERVICE OF REVEREND WALT PARRY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished public service of Reverend Walt Parry, of Fresno, California. After nearly 25 years with the non-profit organization Fresno Metro Ministry where Reverend Parry succeeded in serving the needs of the local community, he retired this past January.

During his tenure at the Fresno Metro Ministry, Reverend Parry aided thousands of deserving local residents with his passion for excellence and strong ethical drive. I have had the pleasure of working with him frequently and his dedication to the community is to be commended, especially in the areas of public health, cultural diversity and disadvantaged advocacy.

Reverend Parry was instrumental in the creation of the Community Food Bank, an organization that helps distribute food to people in need throughout California's Central Valley. Healthy nutrition was a paramount concern for the Reverend, who both fought against the obesity epidemic as well as the lack of nourishment in the area. Other notable achievements of Reverend Parry include better access to healthcare, clean air, improved nutrition, and a deep respect for multiculturalism in our Valley communities.

Throughout his career in the area, Reverend Walt Parry has proven to be a highly effective administrator who was always committed to excellence in public service. As he gets ready to spend much more time enjoying retirement as well as supporting the social causes he is passionate about on a more personal level, I wish him continued success and best of luck for the future.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC WORKS WEEK

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. OBERSTAR. Madam Speaker, I support the goals and ideals of National Public Works Week. National Public Works Week is celebrated for a full week each May to celebrate our public works professionals and the important work they do to keep our country running smoothly.

May 18 through 24, 2008 will recognize the many duties that public works professionals—those who design, build, operate, maintain and protect transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities—perform to enhance communities and our Nation.

Public works keep our society functioning: providing buildings that house vital government offices, and giving our country rail, highways, airports, and public transit to move goods and passengers.

Similarly, public works help maintain public health: Providing systems for waste and sewage disposal, while supplying us with crucial water for our homes, businesses, and agriculture. Pipelines safely transport natural gas and hazardous liquids through 2,300,000 miles of pipelines throughout the country.

Many people take for granted our public works, recognizing their importance only when problems are encountered. When water supply is not efficient, when infrastructure crumbles, and when accidents in moving transportation occur, we are then forced to reflect on what needs to be invested in the larger public works sector of our economy.

The "2006 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance" report by the Department of Transportation confirms that investment in the Nation's highway, bridge, and transit infrastructure has not kept up with the growing demands of the system.

Likewise, our country is in need of critical investment in water infrastructure. It was more than 1 year ago, at the beginning of the 110th Congress, that the Committee on Transportation and Infrastructure passed three key water infrastructure bills: H.R. 569, the Water Quality Financing Act of 2007; H.R. 700, the Health Communities Water Supply Act of 2007; and H.R. 720, the Water Quality Financing Act of 2007. These bills later overwhelmingly passed the House, and we continue to wait for our counterparts in the Senate to take similar action.

I strongly support investment in our Nation's infrastructure, as well as the men and women who keep our public works, quite simply, working.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On April 26, 2008 a group of 100 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home state of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our Nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

IN RECOGNITION OF JOHN "JACK" J. WALSH, JR. FOR OVER 35 YEARS OF DEDICATED SERVICE TO THE GLAZIERS AND GLASSWORKERS LOCAL 1044 OF BOSTON

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. LYNCH. Madam Speaker, I rise today in honor of a man whose professional life has been dedicated to the skill of his trade and commitment to his fellow union members. John "Jack" J. Walsh, Jr. is a remarkable individual with a long and illustrious career in the Glaziers and Glassworkers Local 1044 of Boston, Massachusetts.

Jack joined the Glaziers and Glassworkers Union on March 12, 1973. Throughout his tenure with Local 1044, Jack always exhibited a commitment to excellence in his trade and dedication to ensuring the welfare of his fellow union members.

Jack has been equally dedicated to serving his local community. Notably, Jack served as a Boy Scout Troop Leader and is currently a member of both the Weymouth Fraternal Order of Eagles Aerie 2899 and the Loyal Order of Moose in Braintree.

Despite his various accomplishments, Jack has always taken the greatest pride in his roles as a devoted husband and father. For the past 32 years, Jack has had the enormous pleasure and tremendous good fortune of being married to his beloved wife, Patty, and together, they are the proud and loving parents of Jonathan and Gregory.

Madam Speaker, it is my distinct honor to take the Floor of the House today to join with Jack Walsh's family, friends and Brothers and Sisters of Labor to thank him for over 35 years of remarkable service to the American Labor Movement. I hope my colleagues will join me in celebrating Jack's distinguished career and wishing him good health and God's blessing in all his future endeavors.

THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. LANGEVIN. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian Genocide. Our voices, as well as those of Armenian-Americans across the nation, are essential in the effort to bring needed attention to such a historic tragedy. The Armenian-American community has made tremendous contributions to our country, and their efforts and passion will help ensure that those who lost their lives will not be forgotten.

Today, we pay tribute to the memory of those who died, reflect on all those who have suffered from such prejudice, and vow to raise awareness so that such an atrocity never occurs again. As a member of the Armenian Caucus and a cosponsor of the genocide resolution, I will keep fighting to ensure that the Armenian Genocide is appropriately recognized.

It is a shame that we have not learned from our mistakes in the past regarding genocide, but it is not too late to heal these wounds and also help end atrocities occurring as we speak. With the Olympics taking place this year, it is my hope that all nations can come together and play a constructive role in ending violence in places like Darfur. In the spirit of the Olympics, we must come together as one and make clear that we all stand with the world against genocide and human rights abuses. It is our duty to end this human suffering, and I will continue to work with my colleagues in Washington, DC, to promote healing and peace throughout the world.

I am also very proud that my fellow Rhode Islanders have been actively involved in calling attention to this issue, and I urge them to continue to make their voices heard. As an ardent supporter of Rhode Island's Armenian-American community throughout my public service career, I join my colleagues today in honoring the victims of the genocide by paying tribute to their memory, showing compassion for those who have suffered from such prejudice, and never forgetting the pain that they have endured.

TRIBUTE TO MR. TEYRAN "TY" PATTERSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Teyran "Ty" Patterson, an American hero, who recently passed away on May 30, 2007, in the line of duty as Texas Game Warden for Johnston County.

Ty was born on November 18, 1978, to Joe and ViAnn Patterson in the City of Seguin in Texas. He was a devout Christian and lived the values of his faith through his work as a Texas Game Warden. Ty was a 1998 graduate of Seguin High School and earned a criminal justice degree in 2004 from Southwest Texas State University in San Marcos.

After graduating from Southwest Texas State University, Ty began work as a Texas Game Warden. He was committed to law enforcement and to the community by providing public service. Ty was a young, ambitious, caring man—no one was a stranger to him. On May 30, 2007, Ty answered the call of duty, without regard to his personal safety or well-being, to assist his fellow officers and a family in their hour of need. It was during this call that he lost his life.

Ty is survived by his parents, Joe and ViAnn Patterson, his sister, Crystal Patterson, his brothers Joe Patterson, Jr. and Demetrius Hall, and his grandmothers Thelma Smith and Katie Smith. He will be greatly missed by his family and by those who had the great fortune to know Teyran "Ty" Patterson.

Madam Speaker, I am honored to have had this time to recognize Mr. Teyran "Ty" Patterson, and I thank you for this time.

TRIBUTE TO JOE SHELL

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. McCARTHY of California. Madam Speaker, I rise today along with my colleague from California, Congressman JIM COSTA, to honor Joseph Claude Shell, a longtime Bakersfield political and community leader, who passed away on Monday, April 7, 2008, at the age of 89.

Joe was born in La Conner, Washington in 1918 and moved with his family to San Diego at the age of 2. Joe attended the University of Southern California and played 3 years of varsity football, which included two trips to the Rose Bowl, and being the captain of the undefeated 1939 team. While Joe was studying law at USC, he served his country during World War II as a civilian flight instructor (having learned to fly at the age of 14) for the U.S. Army Air Corps at Cal Aero and Lancaster from 1942–1943, and eventually joined the Navy in 1944 serving as a senior pilot in the air transport service.

After the war, Joe lived in Los Angeles and worked in the Kern County oil fields as an independent oil producer and drilled many of the wells around Bakersfield. In 1953, Joe won election to the California State Assembly, representing the 58th District, which covered the Wilshire district of Los Angeles. A major political figure in California politics, he served for a decade in the State legislature, 4 of those years as the Assembly Republican Leader, fighting for free enterprise, low taxes, and limited government. During his time in the Assembly, Joe authored the State Scholarship Act, which gave thousands of young people educational opportunities at public and private universities. While in the Assembly, he met Mary K. Husking, who he married in 1970. In 1962, Joe ran for governor and though he did not win the Republican nomination, he remained active in State and local politics. Joe and Mary K. returned to the oil business and drilled wells in the Deer Creek area, near Porterville. In 1989, Governor George Deukmejian appointed Joe to the California Agricultural Labor Relations Board, where he served for several years before stepping down.

Joe's death is a great loss for the Bakersfield community, but he will always be remembered for his years of service in the U.S. Armed Forces and California State Assembly, always leading by principle rather than rhetoric, and for his integrity and interest in seeing government perform honestly and with accountability at all levels. Joe is survived by his wife, of 38 years, Mary K. who currently resides in Bakersfield, and his children, grandchildren, and great-grandchildren Barbara, Joe, Jr., David, Harold, Diane, Lynn, Geoffrey, Robert, Steven, Stacey, Brian, Dana, Ryan, Nicole, Emily, Jennifer, Matthew, Mark, Justin, Ellie, and Thomas.

TRIBUTE TO JOE SHELL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. COSTA. Madam Speaker, I rise today along with my colleague from California, Congressman KEVIN McCARTHY, to honor Joseph Claude Shell, a longtime Bakersfield political and community leader, who passed away on Monday, April 7, 2008, at the age of 89.

Joe was born in La Conner, Washington in 1918 and moved with his family to San Diego at the age of 2. Joe attended the University of Southern California and played 3 years of varsity football, which included two trips to the Rose Bowl, and being the captain of the undefeated 1939 team. While Joe was studying law at USC, he served his country during World War II as a civilian flight instructor (having learned to fly at the age of 14) for the U.S. Army Air Corps at Cal Aero and Lancaster from 1942–1943, and eventually joined the Navy in 1944 serving as a senior pilot in the air transport service.

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CONGRATULATING ART MONK AND DARRELL GREEN UPON THEIR INDUCTION INTO THE PRO FOOTBALL HALL OF FAME AND COMMENDING THEM FOR THEIR EXEMPLARY COMMUNITY SERVICE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. NORTON. Madam Speaker, I rise to congratulate two of the Nation's beloved icons of professional athletics. On the same day, Art Monk and Darrell Green were inducted into the Pro Football Hall of Fame. To say that Washingtonians and regional residents are serious about their football would be a classic understatement. This region's strong tradition and love of football owes much to Art Monk and Darrell Green. Along with the Nation, we love and respect them not only for their world class excellence as athletes, but for the way they played the game. Both men are revered, not only as athletic greats, but because of their work out of the limelight.

Art Monk was a wide receiver drafted in the first round by the Washington football team, the Redskins, in 1980. Monk's quickness and strength despite his size made him a top notch wide receiver. He wasted no time distinguishing himself, even in his first season, setting a team rookie record with 58 receptions and becoming a unanimous all-rookie selection. For nine seasons throughout his 16-season career, 14 of which he spent with Washington, Art Monk had 50 or more receptions. Monk became the first receiver for our home team to produce three consecutive 1,000 yard seasons, going on to have five 1,000 yard seasons in his career. Monk set the then league record for catches in a season with 106 catches, the most consecutive games, with at least one reception with 164 games, and the most career receptions with 820. Along the way, he also became the first Washington team player to catch 70 or more passes in three consecutive seasons, finishing his career with 940 catches. Monk was twice named All-Pro and All-NFC, selected three times to play in the Pro Bowl. He was a major part of the Redskins' dominance in the 1980s, and boasts three Super Bowl victories.

Darrell Green, an All-Pro cornerback, was one of the greatest cornerbacks of all time. Over his 20-season career with the Washington football team, Green set many standards. He was a first-round draft pick in 1983 and made an immediate impact, scoring the very first time he touched the football on a 61-yard punt return in a preseason game, starting in all 16 regular season games, and being honored as runner-up for the Associated Press NFL Rookie of the Year Award. Known for his great speed, Green achieved a high level of success as a cornerback, recording an interception in a record 19 straight seasons, a career-best of five interceptions in each of three seasons, and a club record 54 interceptions, which translated into 621 yards and six touchdowns. Green was also a formidable punt returner, averaging nearly 12 yards a return as he recorded 51 career returns for 611 yards, in addition to the team record longest fumble return of 78 yards. Darrell Green is a member of the NFL's All-Decade Team of the 1990s, boasts two of the team's Super Bowl victories, was named All-Pro four times and was voted to seven Pro Bowls.

Beyond their star-quality football careers, I have come to know both men as exemplary citizens through their excellent work in the community. Art Monk helped found The Good Samaritan Foundation on MLK Avenue, SE with his Redskins teammates Charles Mann, Tim Johnson and Earnest Byner to "Prepare Youth for Leadership in the Community and the Workplace." Their center for youth most in need of service is under construction in the city's lowest income ward. He has also lent his expertise and testimony to my own Commission on Black Men and Boys. Darrell Green started the Darrell Green Youth Life Foundation that helps youth to maximize their own potentials, focusing on four core principles: values, education, home, and community.

Art Monk and Darrell Green have led exemplary lives as men and as athletes. I ask my colleagues to join me in congratulating both of these role models for reaching the height of their professional careers by being inducted into the Pro Football Hall of Fame.

SUPPORT FOR FAIR PAY FOR WOMEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. RANGEL. Madam Speaker, I rise today to support fair pay for women.

Women are an integral and vital part of the United States workforce. However, there exists a wage gap between men and women. Forty-one percent of women are the sole breadwinners in their families. April 22, 2008 is Equal Pay Day, which highlights the need for equal pay for American women. Equal Pay Day began in 1996 as a public awareness event by the Committee on Pay Equity (NCPE). The purpose of this day is to illustrate the gap between men's and women's wages. Equal Pay Day is observed on a Tuesday in April to represent how far into the year a woman must work, on average, to earn as much as a man earned the previous year.

It is preposterous that, in 2008, women earn less money than men for doing the same work. This wage gap is even greater for women of color. In this age of rising fuel costs, which impact what we pay for food, clothing, utilities, etc., women should receive the same pay as their male counterparts for doing the same job. In 2006, women earned 77 cents to the dollar. However, when women shop at the supermarket, they do not receive a 23-percent discount on food nor do they receive a discount on their utilities, medical care copayments or any other of life's necessities.

Something must be done to close this gap. I support the Lilly Ledbetter Fair Pay Act of 2007 and hope my Senate colleagues will support equal pay for all American women.

50TH ANNIVERSARY OF THE AMERICAN SOCIETY OF HEMATOLOGY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CASTLE. Madam Speaker, I rise today to offer my congratulations to the American Society of Hematology (ASH) on its 50th anniversary and to recognize some of the many contributions made by hematology researchers.

I have had the opportunity to work closely with ASH researchers over the past several years while seeking to expand federally funded stem cell research. Highlighting the significance of embryonic stem cell research will remain one of my top issues as millions of Americans continue to suffer from debilitating diseases that could potentially be helped through this live-saving research.

Hematologists have pioneered the field of stem cell research for over 40 years with innovative discoveries about adult bone marrow stem cells and how they could be used to cure human diseases. Today, hematopoietic stem cell transplantation (HSCT) is an important approach for treating blood and bone marrow disorders as well as certain types of cancer. The earliest work with HSCT began in the 1950s. By the 1960s this treatment was successfully used in patients with end-stage leukemia. Subsequent research in this area has led to improved transplantation techniques and improved survival rates for a number of diseases.

ASH was one of the first professional medical or scientific organizations to issue a statement in support of all avenues of stem cell research. Today, ASH members are poised to contribute to research on embryonic stem cells that has the potential to lead to the next generation of important therapies for a broad range of diseases.

I look forward to continuing to work with ASH and its members in the future and congratulate the Society again on its 50 years of research contributions.

A TRIBUTE TO GERTRUDE "TRUDY" LEONE McSHANE CATTERMOLE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor the life of Trudy Cattermole, who was a loving wife, a great mother, an adored grandmother, tireless and faith-filled community leader and devoted and treasured friend to me and countless others. "Trudy" Leone McShane Cattermole was born April 12, 1927 and she passed away peacefully two days after her birthday on April 14th in Atherton, California surrounded by her loving family. She is survived by John, her husband of 54 years; her children, Gregory, Jay, and Theresa (Nani); her niece, Joanne McShane Costa; ten grandchildren, Kyle, Drew, and Michael Cattermole, Emily and Abigail Cattermole, Christina, Chase, Taylor, Tovac and Cael Daniels; and her great niece and nephew, Claire and John Costa.

Above all else, Trudy cherished her family. She was totally devoted to her husband and to her children and grandchildren. She was graceful, generous and had a terrific sense of humor. As Trudy's family attests, she shared her trust in God with all her children, from the grace said at each meal, to her attendance at every baptism and first communion and to her devotion to the Sisters at Oakwood. She taught all of them about faith in action and she lived her faith by being a friend and to giving back to her community.

Trudy served as chairperson of the Flower Ball. She gave to her children's schools serving in many capacities, including chairman of the Bellarmine Fashion Show, board member of the Bellarmine Woman's Mother's Guild. She served as president and board member of the Oakwood Auxiliary, and board member and officer of the Serra Club, volunteered at the St. Francis Center, St. Anthony's Dining Hall and helped found Sandwiches on Sundays at St. Pius Church. She was a Eucharistic minister at St. Pius Church where she was married and attended services for over 60 years. She was recognized as a member of the Equestrian Order of the Holy Sepulchre. She was a second generation San Franciscan. She attended Sacred Heart High School in Menlo Park, and Lone Mountain College in San Francisco.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Gertrude "Trudy" Leone McShane Cattermole. Through her many contributions to her family, friends, church, and community she has left a lasting legacy of love, faith and social consciousness which will never be forgotten and for which will live forever with all of us blessed to have had her in our lives.

GEORGE BAYLESS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize George Bayless, of St. Joseph, Missouri. Mr. Bayless was recently recognized by the National Fresh Water Fishing Hall of Fame, for his innovation in developing fishing products.

George developed ENVIO-WEIGHTS material for fishing tackle and other weights out of a desire to reduce lead in the environment. This innovative product earned Mr. Bayless the recognition from the National Fresh Water Fishing Hall of Fame. Mr. Bayless is involved in many other endeavors, including efforts to provide a fishing experience to disabled veterans.

Madam Speaker, I proudly ask you to join me in recognizing George Bayless, whose innovations in fishing equipment have been truly exceptional. It is truly an honor to serve Mr. Bayless in the United States Congress.

DAVID G. BURNET: FIRST PRESIDENT OF THE REPUBLIC OF TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. POE. Madam Speaker, often referred to as the birthplace of Texas, the communities of Lynchburg and Highlands in east Harris County stand as a constant reminder of the rich history which has shaped the State. Initiatives such as "Project Star" now labor throughout the area to enlighten Texans of their past by highlighting historically significant locations. On March 15, 2008 the culmination of more than 175 years of progress, came to fruition with the opening of the David G. Burnet Park.

Serving as the first President of the Republic of Texas, David G. Burnet was selected to his position by the Revolutionary Convention of 1836. Before his presidency, he purchased 3.7 acres of land from the Lynch family just off of what is now called Burnet Bay, in south Harris County.

This area from 1830 became the first president's Texas homestead. Prior to Harris County Commissioner Sylvia Garcia taking on the project to renovate the park, all that existed to mark David G. Burnet's homestead was a small stone Plaque. More than two million dollars were raised to develop David G. Burnet's homestead, including research for archeological authentication of the area.

Thanks to these much needed improvements, visitors to the historical park will find amongst the playground equipment and future ballpark, educational storyboards illustrating the locations past. These storyboards include information ranging from historical facts about Burnet to recounting life in the 1830's. In the near future "Project Star" and Commissioner Garcia plan to reconstruct, at the park, the first president of Texas' home.

Although David G. Burnet called his 3.7 acres almost 170 years ago home, Texans can still find a connection with him and others of his time from the park. The educational opportunities offered by a visit to David G. Burnet Park are invaluable to all and will serve as a reminder. of the areas past for generations to come.

And that's just the way it is.

H. CON. RES. 328, SUPPORTING THE GOALS AND IDEALS OF THE NATIONAL DAY OF SILENCE WITH RESPECT TO ANTI-LESBIAN, GAY, BISEXUAL, AND TRANSGENDER NAME-CALLING, BULLYING, AND HARASSMENT FACED BY INDIVIDUALS IN SCHOOLS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCGOVERN. Madam Speaker, on April 25, 2008, the 12th annual National Day of Silence will be observed. I am proud to be an original cosponsor of H. Con. Res. 328, which supports the goals and ideals of the National Day of Silence.

Despite many misperceptions out there, the reason this day exists is to bring attention to the harassment, bullying, and outright abuse towards lesbian, gay, bisexual, and transsexual (LGBT) students at schools and campuses across our country.

Four out of five LGBT students experience harassment at schools. Recent studies show that two of the top three reasons students are harassed in school are actual or perceived sexual orientation and gender expression.

The goal of the National Day of Silence is to make schools safer and supportive for every student, regardless of sexual orientation or gender expression. It's important to recognize that hundreds of thousands of students of all beliefs, backgrounds, and sexual orientations participate in this day.

Harassment and abuse affects all students, and hopefully through this inclusive, collective effort can this hatred be quieted, and eventually silenced.

100TH ANNIVERSARY OF THE U.S. ARMY RESERVE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. LAMBORN. Madam Speaker, I rise today to recognize 100th anniversary of U.S. Army Reserve. As we celebrate the 100th anniversary of the United States Army Reserve, we are afforded the opportunity to recognize the honorable men and women who currently serve and those who have served our Nation in the past.

The origins of the Army Reserve began in 1908 when Congress established a group of 360 doctors, the Medical Reserve Corps, to provide our Nation with a band of trained medical officers during a time of war. From that moment forward, the Army Reserve has played a critical role in securing the safety of our troops and the advancement of our military's missions during World War I, World War II, Korea, Vietnam, Persian Gulf, the Iraq war, the global war on Jihadist terror, and other tumultuous times in our Nation's history.

More than 190,000 soldiers have been mobilized to support the war in Iraq and the war in Afghanistan. Currently, there are more than 26,000 soldiers serving on active duty in support of military operations.

Today, Army Reserve soldiers continue to answer their patriotic call of duty in a variety of ways these include defending our Nation against terrorist attacks, providing humanitarian support and relief operations during national disasters, providing combat service support to warfighting brigade combat teams, and offering unparalleled support to countries around the world as they strive to establish the freedom we often take for granted. The list goes on, and so does the Army Reserve's devotion to our Nation.

Army Reserve soldiers, or citizen soldiers, make up more than half the Army's combat support, and a quarter of its mobilization base expansion capability. The assistance they provide includes combat support, combat service support, peacekeeping, nation-building, and civil support, and is instrumental in the progress that our military makes each day.

The Army Reserve forms the backbone of our Nation's military. During today's ceremony commemorating the U.S. Army Reserve's 100th anniversary, two young men from the Colorado's Fifth District, Sergeant Erice J. Dwelle and Sergeant Otto Earl Searan Jr., reenlisted to once again serve our Nation. It is an honor to recognize the 100th anniversary of the Army Reserve today. I want to thank every single Army Reserve soldier, both past and present, for the patriotism they have displayed through the years and down to today.

INTRODUCING THE SHINGLES PREVENTION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. HIRONO. Madam Speaker, I rise today to introduce the Shingles Prevention Act.

Many of us have had shingles or know of others, especially over the age of 60, who have. In 2006 a new vaccine was created that prevents occurrence of shingles or dramatically reduces the symptoms and pain of shingles. Experts agree that adults over the age of 60 should receive this immunization.

Half of us will experience shingles by the time we are 80. Shingles is a painful skin rash often accompanied by fever, headache, chills, and upset stomach. What is more pressing is that one in five shingles patients will endure post-herpetic neuralgia—severe pain lasting much longer than the rash itself. The pain can be so intolerable that patients are housebound, and there have been cases of suicide from the disease. Shingles is most common among seniors because the immune system wanes with age, making Medicare beneficiaries the best candidates for the vaccine.

Since its development in 2006, the shingles vaccine has been recommended for adults 60 years or older by the Centers for Disease Control. However, current Medicare Part D coverage of the vaccine is insufficient. Not all beneficiaries are enrolled in Part D or another drug prescription plan. More important, seniors are facing high out-of-pocket costs due to a lack of coordination among doctors, pharmacies, and Part D plans. For example, there is no established direct billing method between doctors and plans for Part D vaccines. Because of this, beneficiaries typically must pay the full price up front, which results in out-of-pocket costs that limit access to those that need the vaccine the most—our seniors.

The billing problem, the resulting low utilization of the vaccine, and costly storage requirements are enough to keep many doctors from stocking the vaccine. When doctors do not stock, beneficiaries' only alternative is to obtain the vaccine from pharmacists. But many states do not allow pharmacies to administer Part D vaccines, so the beneficiary has to take the vial from the pharmacy back to the physician office. Thus, a senior who is thinking about getting vaccinated would have to go first to the doctor's office for a consult, then to the pharmacist, then back to the doctor for the shot.

Not surprisingly, many seniors are not getting immunized against shingles. This low utilization rate contributes to the half a billion dollars of treatment costs per year and, for hundreds of thousands of seniors, many weeks spent suffering from a disease that could have been prevented.

The Shingles Prevention Act will move shingles vaccine coverage to Part B—thus treating it in the same manner as the flu vaccine under Medicare, simplifying the process for physicians and beneficiaries, and lessening the cost burden for our seniors. This is a common sense and cost effective way to increase access to high quality health care for our seniors, and I look forward to working with my colleagues to ensure its passage.

PRESS FORCES A RETREAT IN THE WAR ON TERROR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. POE. Madam Speaker, recently coalition forces were forced to retreat in their campaign against insurgents in Afghanistan when the British Ministry of Defense extracted Prince Harry from his front line duties. As third line in line to the British throne, Harry carries a certain amount of importance about him, especially when he is risking his life to make the lives of the British people and their allies safer. Military service is not something new for the Royal Family, as they have a long tradition of serving in the armed forces, including direct combat duties. But why did the British military, one of the most disciplined and well respected organizations in the world, have to pull back? The answer was that it was betrayed by friendly fire in the press.

An Australian magazine entitled New Idea leaked Harry's mission in Afghanistan in late February. While the magazine has apologized, it broke an informal agreement with the British Ministry of Defense that called for a global media blackout on the story. Harry had been successfully calling in coalition air-strikes against Taliban insurgents. But with his identity and location compromised, Harry's security became jeopardized because of the possibility that he and his command would become specifically targeted.

Here is a "New Idea" for the press: exercise some common sense. While it is important that we as a democracy stay abreast of what is occurring in the military, there is a fine line where we have to stop and let the military do its job. This example involving the Prince of Wales shows the great security issue involving the press and the military. Not all information can be given to the general public, and when supplied with details, the press needs to be responsible and exercise basic common sense.

Here is some advice for the press to follow when given military information. Ask the question, "Will this information possibly endanger lives and missions?" If the answer is even close to being "yes," then it is probably not best to publish it. What would happen if our high ranking generals and civilian leaders had their locations and missions revealed? We would have to completely rethink our strategy and decisions. Missions and lives would become compromised, just as they did for the British with Prince Harry. We need to let the military do its job without interference.

And that's just the way it is.

REMARKS ON THE OBSERVANCE OF THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. SPEIER. Madam Speaker, today, as we observe the 93rd Anniversary of the Armenian Genocide, I stand with the millions around the world who have called for greater recognition of this atrocious event in world history.

Madam Speaker, my mother, now 92 years old and still working outside the home, is a first generation Armenian-American who lost much of her family in the atrocities of 1915. She and many of my Armenian brothers and sisters have long waited for validation from our country and the international community of simply acknowledging the events that took place and were well documented at the time. Growing up, I heard stories about our relatives who were lost. As I got older, I read the telegram sent by our Ambassador Henry Morgenthau to the Secretary of State on July 16, 1915:

"Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

We are told by some to forget the Armenian Genocide, to get over it. But to forget any incident like this is tantamount to allowing it to happen again.

The facts before us are not in dispute. The reason we still debate this is not to determine if a genocide took place but rather, to determine if we have the political backbone to stand up for the truth.

Madam Speaker, the Members of this House disagree on many things in the course of our work. But it is the things we agree on that bind us together. Freedom. Democracy. Opportunity. And the repudiation of any act of genocide, ethnic cleansing or subjugation.

We condemn the Nazi concentration camps, the Soviet gulags, the Khmer Rouge's killing fields and the current and lasting tragedy in Darfur. We wouldn't think of excusing or ignoring any of these. To do so would be unconscionable. Why then, do we allow our nation's official reaction to the Armenian genocide to be little more than a shrug?

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 24, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9 a.m.

Armed Services

To receive information relating to the treatment of detainees.

SR–222

APRIL 28

4 p.m.

Foreign Relations

To hold hearings to examine the nominations of William J. Burns, of the District of Columbia, to be an Under Secretary of State (Political Affairs), Janice L. Jacobs, of Virginia, to be an Assistant Secretary of State (Bureau of Consular Affairs), and T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

SD–419

APRIL 29

9:30 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the REAL ID Act and the Western Hemisphere Travel Initiative, focusing on the impact of implementation.

SD–342

Armed Services

Personnel Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

10 a.m.

Environment and Public Works

To hold an oversight hearing to examine the Environmental Protection Agency's toxic chemical policies.

SD–406

Finance

To hold an oversight hearing to examine trade functions, focusing on customs and other trade agencies.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine the Occupational Safety and Health Administration, focusing on penalties related to workplace safety.

SD–430

Judiciary

To hold hearings to examine living on the street, focusing on finding solutions to protect runaway and homeless youth.

SD–226

Commission on Security and Cooperation in Europe

To hold hearings to examine challenges and opportunities of Europe's Black population, focusing on hate crimes and discrimination, anti-immigration and national identity debates, and growing security concerns.

B318, Rayburn Building

10:30 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine improving consumer protection in subprime home lending.

SR–253

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Robert Stephen Beecroft, of California, to be Ambassador to the Hashemite Kingdom of Jordan, James B. Cunningham, of New York, to be Ambassador to Israel, Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Kazakhstan, George A. Krol, of New Jersey, to be Ambassador to Turkmenistan, and Joseph Evan LeBaron, of Oregon, to be Ambassador to the State of Qatar, all of the Department of State.

SD–419

Armed Services

SeaPower Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–232A

4 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

APRIL 30

9 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine secret law and the threat to democratic and accountable government.

SD–226

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy and the U.S. nuclear weapon non-proliferation efforts.

SD–192

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–232A

10 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

Appropriations

Defense Subcommittee

To hold closed hearings to examine the National Reconnaissance Office (NRO)/Space Programs.

S–407, Capitol

2:30 p.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

3 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Consumer Product Safety Commission.

SD–192

Aging
To hold hearings to examine making government a model for hiring and retaining elderly workers.
SH–216

3:30 p.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior, and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.
SD–366

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Office of the Architect of the Capitol, the United States Capitol Police, and the Library of Congress.
SD–138

MAY 1

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

Energy and Natural Resources
To hold hearings to examine the adequacy of state and federal regulatory structures for governing electric utility holding companies relating to the repeal of the Public Utility Holding Company Act in the Energy Policy Act of 2005.
SD–366

10 a.m.
Judiciary
To hold hearings to examine the nominations of G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit, William T. Lawrence, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, to be United States District Judge for the District of Arizona.
SD–226

2:15 p.m.
Energy and Natural Resources
To hold hearings to examine the military build-up on Guam, focusing on the impact on civilian community, planning, and response.
SD–366

MAY 2

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

MAY 7

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending benefits legislation.
SR–418

2:30 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine the state of the airline industry, focusing on the impact of the Delta/Northwest airlines merger.
SR–253

MAY 20

10 a.m.
Energy and Natural Resources
To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109–58).
SD–366

MAY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending health care legislation.
SR–418

CANCELLATIONS

APRIL 30

10 a.m.
Rules and Administration
To hold hearings to examine electronic voting systems, focusing on top-to-bottom inquiries by Secretaries of State.
SR–301

SENATE—*Thursday, April 24, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Don Davidson of First Baptist Church, Alexandria, VA.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Dear God, our Heavenly Father, creator of this vast universe and lover of all mankind, we begin our day with the recognition that You are sovereign Lord and that we are accountable to You above all other allegiances.

Thank You for this rich and diverse country, the United States of America, and for this great deliberative body and the role each Member plays in leading our Nation. Grant that these Members of the Senate will have wisdom as they wrestle with issues large and larger. Show them what is right, and may they find the courage to act according to their convictions and not the whims of ever-changing culture.

As the prophet Jeremiah said: When they stand at the crossroads and look, may they ask for the ancient paths and where the good way is and walk in it. Then our Nation can have rest for her soul.

We ask You to pour out Your blessings on America. But we are weak, Lord, prone to wander, and we feel it; prone to leave the God we love. Yet You are gracious, compassionate, full of mercy, and eager to forgive. We turn to You for grace and hope and health.

May this be a day when all of us, inside and outside this Chamber, wherever we be, seek the fulfillment of Jesus's words: "Thy kingdom come, Thy will be done, on Earth as it is in Heaven."

I pray this in His precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 24, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period for the transaction of morning business this morning for 1 hour. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of S. 1315, the Veterans' Benefits Enhancement Act. There will be up to 60 minutes for debate on the Burr amendment prior to a vote in relation to the amendment, to be followed by a vote on passage of the bill.

Upon disposition of the veterans bill, the Senate will consider H.R. 493, the Genetic Nondiscrimination Act. The only amendment in order to the bill is a Snowe-Kennedy-Enzi substitute. There will be up to 2 hours for debate on the substitute and on the bill prior to a vote on passage of this legislation. We expect the first vote to occur around noon today, Mr. President.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Washington.

VETERANS' BENEFITS ENHANCEMENT ACT

Mrs. MURRAY. Mr. President, we are now 5½ years into the war in Iraq. We have been at war longer now than we fought in World War II, and we are creating hundreds of new veterans each and every year. Yet, too often, what we have seen is that this administration has failed to acknowledge the price our veterans and their families are paying in service. From the shameful conditions at Walter Reed Hospital a year ago, and VA facilities across the country, to a lack of mental health counselors, to a benefit claims backlog of months and sometimes years for our veterans, our veterans have had to struggle to get the basic care they were promised. And now, just this week, in the last few days, we got more evidence that this administration has been covering up the extent of the toll this war has taken on our troops.

Internal e-mails that became public in a court hearing showed that the VA has vastly downplayed the number of suicides and suicide attempts by veterans in the last several years.

Last November, an analysis by CBS News found that over 6,200 veterans had, sadly, committed suicide in 2005. That is an average of 17 a day. When they were confronted then, the VA said: Oh, no, no, no, those numbers are much lower than that. Now we find that according to internal e-mails from the VA's head of mental health, Dr. Ira Katz, 6,570 veterans actually committed suicide in 2005, an average of 18 a day. Those e-mails also revealed that VA officials also knew that another 1,000 veterans who are receiving care at our VA medical facilities attempt suicide each month. Those numbers offer tragic evidence that our Nation is failing thousands of veterans every year, and they reflect an administration that has failed to own up to its responsibilities and failed even to own up to the true impact of the war on our veterans.

What is most appalling to me is that this is not the first time the VA has covered up the problems facing our veterans who have sacrificed for our country. Time and again, this VA told us one thing in public while saying something completely different in private. It is outrageous to me that our VA officials would put public appearance ahead of people's lives. Yet it appears that is what is happening again and again.

When we as Members of Congress sit down to try to determine what resources we need to give to the VA, we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

have to truly understand what is going on. If there is a problem, we have to act. It is our duty and the duty of this administration to care for our veterans. By covering up the true extent of the problem, the VA has actually hindered our ability to get those resources to the veterans who need them. That is irresponsible, and it is wrong.

I have come to the floor today because we now have an opportunity to extend benefits to our veterans. These benefits that are in the bill that is before the Senate today will help them with job training, insurance, housing, and other matters. The bill that is before us offers veterans peace of mind and will help them to readjust as they come home to civilian life.

The Veterans' Benefits Enhancement Act the Senate is currently considering expands traumatic injury insurance. It increases job training—vital to many of our veterans who are coming home. It extends housing benefits to veterans with severe burns, something we have to do. And critically, it restores limited pension benefits to Filipino veterans who fought for our country in World War II.

This is a bill that we have done in our VA Committee that normally would come to the floor and pass straight through this body by unanimous consent. It is budget neutral, and it works to provide long overdue care for some of our Nation's heroes. But, instead, this bill has languished for 9 months. Why? Because the Republicans chose obstruction over our veterans. The majority leader and our chairman, Senator AKAKA, have worked since last August to try to come to an agreement. They have tried to come to the floor and work out amendments and figure out a way to move this bill forward. But for 9 months the Republicans preferred to play political games and block this critically important bill. It is just part of an overall pattern we have seen on this floor with numerous bills we have been trying to bring forward.

Today, finally we have come to an agreement—late, but finally have come to an agreement—and the Republicans have agreed to move this bill forward.

Later this morning, we are going to have the opportunity to vote for legislation that extends important benefits to help our veterans transition back into civilian life. It expands home-improvement benefits to completely disabled servicemembers before they enter the VA system to help them adapt to their new homes. This will prevent months or even years of delays while they transition from the military into the VA care. The bill we are considering extends monthly educational assistance for veterans who are pursuing an apprenticeship or on-the-job training, and it requires the National Academy of Sciences to study the risk of developing multiple sclerosis as a result of serving in conflicts since the gulf war. This last piece is one I have worked on extensively, as I have worked with gulf war veterans in my State from the early nineties who are now coming in with high rates of multiple sclerosis, to find out if there is a connection. It is a critical piece of legislation.

But I am disappointed that the Republicans object to the provision in the bill before us that extends VA benefits to Filipino World War II veterans. Those now very elderly Filipino veterans were called to service by our country and by President Roosevelt in 1941. They served right alongside our U.S. troops. They fought to protect our interests as they were asked to in the Pacific. They consider themselves to be American troops, and we consider them to be part of our military.

We have a moral duty to repay their sacrifice by providing them with the care they have earned, just as we should do with all of our veterans. But in 1946, when the war was over, our Nation turned its back on them and stripped away their rights to their veterans benefits. That act of Congress denied those men the access to health care and limited compensation to half of what their U.S. counterparts received. I believe that act of Congress was wrong, but I believe it is just as wrong that 62 years later we still have not corrected that injustice.

Some on the other side are saying those benefits are too generous. Those veterans have been denied benefits for over 60 years. How can we say giving them a few hundred dollars in the last remaining months of their lives is too much? Sixty-two years later, those veterans are in their twilight years. They need and they deserve the care this country ought to give them. We cannot make up for lost time for these veterans, but certainly we can right this injustice. We have the opportunity today to do what is honorable, what is moral, and treat our Filipino veterans as the heroes they are, and it is long past time that we did.

I urge my colleagues to support this bill later this morning when we vote on it and to oppose the Burr substitute amendment which would remove those provisions for our Filipino veterans.

Our veterans have waited 9 months for this bill to come before the Senate. Our Filipino veterans have waited more than six decades. Our veterans have all earned these benefits by sacrificing for us. They should not be forced to wait any longer.

To our VA which has continually hidden the facts from us, we need them to be honest and forthright. This country wants to be there to support our veterans, and we cannot do that if we are being given misinformation.

So my message to the VA is: We stand beside you as a country to work to make sure our veterans get the care and support they need. We expect you to do the same.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I yield myself whatever leader time I may use.

The ACTING PRESIDENT pro tempore. The Senator has that right.

208TH ANNIVERSARY OF LIBRARY OF CONGRESS

Mr. McCONNELL. Mr. President, the Library of Congress celebrates today its 208th anniversary. On this day in 1800, President John Adams approved the appropriation of $5,000 for the purchase of such books as may be necessary for the use of Congress.

The original collection included just 740 volumes and 3 maps, which are stored right here in the Capitol. In fact, what is now the reception area of the Republican leader's office was the Library's very first home. When British troops burned the Capitol building in 1814, they used the books and maps of the Library to ignite the flames, and all 3,000 volumes in the collection were destroyed.

Several years ago, when British Prime Minister Tony Blair addressed a joint session of Congress, he visited the leader's suite and told then-majority leader Bill Frist that although it was coming a bit late, he was sorry for the fire incident.

Today, the Library of Congress is the largest library in the world. There are more than 138 million items, including books, recordings, photographs, maps, sheet music, and manuscripts. At the Library of Congress, access to this wonderful resource is no longer limited to Members of Congress. Today, the general public can browse everything from Presidential papers to books in over 470 languages, dating as far back as the 15th century.

Two hundred eight years after its launch, the Library is renowned for its original mission of making resources available and useful to the Congress and the American people and sustaining and preserving a universal collection of knowledge and creativity for future generations. Over 3,500 staff members work for the Library, and we thank them for doing so much to keep our rich history and heritage alive.

LOWER GAS PRICES

Mr. McCONNELL. Mr. President, on another issue, 2 years ago today, Democrats announced they had a commonsense plan to lower gas prices. When Democrats took over control of Congress last January, the average price of a gallon of gas was $2.32. Today, it is $3.53, according to AAA. Apparently, their commonsense plan is not working as intended.

In fact, since taking control of Congress last year, Democrats not only failed to deliver on their promise to lower gas prices, they have repeatedly pushed for policies that in fact would raise, not lower, prices at the pump. Every week, I hear from Kentuckians who are feeling the squeeze each time they fill up their tanks. High gas prices hurt families, hurt commuters, hurt truckers, who are paying record prices for diesel, and drive up the prices of daily necessities, including food. Yet some of our friends, reverting to form, appear to have no plan except to increase taxes on energy companies, which of course will raise prices for consumers, not lower them.

At a time of record-high gas prices, Democrats want to tax them to even higher levels. The reality is high gas prices are the result of misguided policies that have been in place for many years and will take time to bring down. For example, for too long we have kept too much of America's oil and gas resources locked up, literally off limits and unavailable to help America's families meet their energy needs. This has left us 60 percent dependent on foreign sources of oil and vulnerable to price hikes and the whims of foreign governments.

We took a small step last Congress when we opened an area in the Gulf of Mexico to energy production, but there is much more we can and should do if we want to have a meaningful impact on supplies and prices in the long term. Back in 1995, when President Clinton vetoed a bill opening a very small portion of the Alaskan National Wildlife Refuge to exploration, the price of oil was $19 a barrel. Over a decade later, when a million barrels a day from ANWR would have been flowing to U.S. consumers, oil is $118 a barrel. While there is not much Government can do to lower gas prices overnight, this was a policy that, had it not been vetoed 13 years ago, could be making a difference today.

Democrats have also blocked proposals to increase refining capacity, which would lead to additional supplies and lower prices. We have had some successes when we have acted in a reasonable, bipartisan way, as we did when we raised the fuel economy standards and increased the use of renewable fuels in last year's Energy bill. But we will not have a balanced, effective, sensible energy policy until we also address the issue of making more of America's energy here at home available to American customers.

So we want to know what is the Democrats' commonsense plan to lower gas prices? It was announced 2 years ago. What is it? We haven't seen it yet. What is taking them so long to unveil it? The American people are waiting and paying more at the pump each day they wait.

HONORING OUR ARMED FORCES

CORPORAL CHRISTOPHER TYLER WARNDORF

Mr. McCONNELL. Mr. President, I rise today in honor of a young man from Kentucky who was lost in the performance of his duty. CPL Christopher Tyler Warndorf, of Burlington, KY, was tragically killed on August 29, 2006, in Iraq's Al Anbar Province, after an explosion set by terrorists went off.

A U.S. marine, he was 23 years old. Corporal Warndorf's mother Tina explains the circumstances of her son's death and how he died a hero.

> The suicide bomber's plan was to come through the gates of their base. Tyler stopped him before that happened.

For his bravery in uniform, Corporal Warndorf received several medals, awards, and decorations, including the National Defense Service Medal, the Navy Unit Commendation Ribbon, and the Purple Heart.

Looking back, it is clear Tyler's service to his country, and indeed his entire life, was a gift. Tina remembers how she and Tyler's father Christopher Joseph Warndorf were once told they could not expect to have children.

> A month before we were to be married, the doctors told us children would not be possible. We were ecstatic when we found out we were going to have a baby. It was a pretty high-risk pregnancy and a tough delivery. Tyler came in fighting and left fighting.

Tina and Christopher went on to have three children in all—Nicholas and Katelyn soon joined eldest son Tyler, who went by his middle name because Tina didn't want to hear her son called Little Chris.

As a child, Tyler had to wear braces to straighten his legs. But that didn't stop him from going on to play sports and becoming a leader of other kids both on and off the playing field.

Tina remembers:

> Tyler was often teased for being so small. When he went out for football, he was so small none of the gear would fit him. The coach got gear from the peewee football league and told me he was on the team because of his heart, his soul, and his determination.

In addition to playing football and soccer as a kid, Tyler was active in his church, the First Church of Christ in Burlington. He convinced his family to join as well and made friends through the church's youth group.

Tina remembers how little trouble Tyler gave her growing up.

> He always told me where he was going to be. I wish all parents could have that relationship with their kids. Tyler set the bar with Katelyn and Nick because they saw how I trusted him. There was never a reason to worry.

Tyler was interested in bridges and architecture and for a while set his sights on becoming a structural engineer. After a family visit to California, he thought about going to school there. But then came the terrorist attacks of September 11, 2001, and those plans changed.

Tina said:

> When 9/11 happened, he came and told me he was going to join. He loved the Marines. He excelled at it.

Tyler enlisted in the Marine Corps in the fall of 2003, a few months after graduating from Conner High School. He spent the whole summer beforehand running and getting in shape. He was assigned to Lima Company, 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, based in Camp Lejeune, NC, and was eventually sent to Iraq under the First Marine Expeditionary Force, Forward.

As a marine, Tyler deployed once to Haiti and twice to Iraq. While serving in Haiti, Tyler was appalled to see children forced to scavenge for food and eat out of garbage cans. He sent to his family a list of food to send, which he passed out to the neediest kids.

Tyler did not let the thousands of miles between Iraq and Kentucky weaken the bonds between him and his family. His little sister Katelyn received a special birthday present when she turned 13. Tyler had 13 white roses delivered to her class at Conner Middle School, while over the intercom a tape of Tyler singing "Happy Birthday" played. It was a touching gift from a big brother who, had he been there, would surely be looking over Katelyn's report card, as he had in the past. "He made sure we got good grades," Katelyn remembers of Tyler. "If not, he would give us a talking-to."

Tyler's family was blessed to receive a phone call from him in Iraq before his tragic death, on the happy occasion of a new niece born into the family. "My daughter and I got to talk to him 45 minutes before he was killed," Tina recalls. "If anything, it was comforting, because if it had been weeks, it would have been really hard."

The support the Warndorf family received during Tyler's funeral was of tremendous solace.

Tina said:

> I didn't expect what we received. Streets were lined the entire way to the funeral. I had no idea. For the visitation, the people gave me strength. Over 4,000 people visited. They will never know how much their support and kindness meant.

One of those supporters was Tyler's captain, who used to invite Tyler to his house for dinner on weekends. He told the Warndorfs that Tyler was such a wonderful person, he was as proud of him as if he had been his own son.

My prayers go out to the Warndorf family for the loss of this fine young man. We are thinking today of his mother Tina; his brother Nicholas; his sister Katelyn; and many other beloved family members and friends. Tyler was predeceased by his father Christopher Joseph Warndorf.

Tyler leaves behind many grateful people who were happy to have known him and felt his presence in their lives. His mother Tina expresses this feeling best of all, so I will leave my colleagues with her words:

> Many soldiers commented on how amazing he was. This made me very proud. He was my confidant, my son, and my best friend. At least we got to have him at all.

The Senate salutes Christopher Tyler Warndorf for his service to his country. He reminded those who knew him what it was to be a hero, and we will forever honor his noble sacrifice.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TEMPORARY EXTENSION OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2903 introduced earlier today by myself.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 2903) to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

Mr. HARKIN. Mr. President, I ask unanimous consent to modify the bill at the desk to insert the date May 9, 2008, in both paragraph 1 and paragraph 2, in lieu of May 2.

The ACTING PRESIDENT pro tempore. Is there objection to the modification?

Mr. CRAIG. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. CRAIG. Mr. President, I am inclined to object. This is no reflection at all on the chairman of the Agriculture Committee and the ranking member. We are now 6 months into working on a new farm bill. In 2 weeks, we will probably start grain harvest in the panhandle of Texas. Last week, I came to the floor in a sense of frustration and urgency for American agriculture, for the Congress to complete its work. I am told by the chairman and the ranking member that a great deal has been accomplished this week and a sense of urgency is beginning to build. I would be willing to extend current farm policy for another week while the principals work on the finalization of a new farm bill because their work product is a good one. I am not here to destroy it. I am here to say, on behalf of American agriculture, they are sensing urgency—it is time Congress senses urgency. Six months negotiating a bill in most people's minds is about long enough.

So for a full 2-week extension, I will object. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. HARKIN. Mr. President, I say to my colleague from Idaho that in 1996 when that farm bill came up, it was 6 months late. It was signed into law April 4, 6 months past due. I do not recall the Senator from Idaho raising any objections. He was here at that time. And that was an easy farm bill. This is a very tough one. It is tough because there are tax measures that have come into it—not of my doing, not of the doing of my ranking member. But the Finance Committee and others got involved in this, so we have tax measures that have been a long, drawn-out process. This has sort of been out of our jurisdiction.

Senator CHAMBLISS and I have been dogged in getting the work done on the Agriculture bill, and we have. I say to my friend from Idaho, if this were only the Agriculture bill, we would have had this done a long time ago. This has to do with tax measures. As such, neither Senator CHAMBLISS nor I have control of that; we are not chairman or ranking member of the Finance Committee or Ways and Means.

I say to my friend from Idaho, so they were 6 months overdue in 1996. So we are over 6 months overdue right now. We are very close to getting this agreement done. We worked today, worked yesterday, and things are coming together. We made real progress. It has been slow, but it has been real. We have reached a number of agreements, and we are very close to putting this together.

Why would we want a 2-week extension? The House is not even in tomorrow, for one thing. Then we have to finish this. We have to go back into full conference. There are some items that are going to require a little bit of debate and some votes. Even if we were to finish this bill by next Wednesday, which I think is possible, it is going to take another week just to do the paperwork and get everything together. It is humanly impossible—humanly impossible—legislatively impossible to get everything done in 1 week. That is why I asked for 2 weeks, because that is realistic. It is unrealistic, at this point in time, on Thursday, to say we can get everything done by next Thursday. It is just impossible. I want to be realistic.

I do not want to play any games around here. Frankly, we could finish our work, we can get the stuff done, but we can't get it all nailed down, the paperwork done, all that stuff that has to be done to clean up everything to get it to this body and get it to the House for a vote by next week—legislatively impossible.

I say to my friend from Idaho, you can either be realistic or unrealistic, you can help us out and be supportive of a process that has taken a lot of time and effort by both Senator CHAMBLISS and me, by Republicans and Democrats. We have been working very hard on this, and we are very close to getting it done. To put on just a 1-week extension is just unrealistic.

Mr. CRAIG. Will the Chairman yield?

Mr. HARKIN. I yield to my friend from Idaho.

Mr. CRAIG. In everything I say, it is not a reflection on the work of the Senate, it is a reflection of reality, and 1996 doesn't have anything to do with it. This is 2008, and agriculture today is considerably different than it was in 1996.

Today on the news you are actually hearing some supermarkets talk about the shortage of a food supply. I don't know if we have ever talked food supply shortages—ever in my lifetime—for American consumers.

If what the Chairman tells me is accurate, and I have no reason to doubt him—and Senator CHAMBLISS has done a wonderful job of keeping me and our colleagues informed—but collectively you have told this Senate more in the last 10 minutes than we have heard in a month from the collective principals on where we are with the progress. If by next week you have completed your work and we are simply ready to ink it and get it into a final package—I told Senator CHAMBLISS I wouldn't be on the floor today if that had happened this week. But it has not happened.

You have made progress. What is wrong, Mr. Chairman, with coming back here at the end of next week, reporting your work product and saying: Give us another extension and we will put it in final. That is a report to American agriculture, the kind they now deserve, more than they did 6 months ago. This is the fourth extension you have asked for, and I am simply saying I will give you one more, but you said it—the House is going out tomorrow. Is that a sense of urgency, that they are not staying here and working and completing the work? Give them 2 weeks and they will go out another 3 days.

America's farming community senses urgency at this moment. I hope we do. I know you do, and I know the ranking member did. In no way is this a criticism of your work product and your work effort. You have done a marvelous job. But I think it is time collectively Congress get their work finished.

I thank the Senator for yielding.

Mr. HARKIN. We just have a disagreement on this issue. I guess, due to the objection—I guess we will be back here probably again next week asking for another extension.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Let me say by way of reporting where we are on this bill to all of our colleagues that we have 13 titles on the farm bill. We have now closed six of those titles. I think by the end of the day there is the opportunity for us to close at least a couple more of those titles, maybe even more. Despite the fact that the House is going out today and we are still going to be here, the principals involved in this from the conference standpoint as well as staff are going to continue to work through this all through the weekend, as all of our staff have done for all of these 6 months. Staff has been unbelievable, trying to wade through this.

But here is our practical problem. We have never had this problem with the farm bill. This is the third one I have been involved in as a Member of Congress—I have also been participating in several others—and I have never seen this situation before; that is, we had to go to the Finance Committee and Ways and Means Committee to ask them for some spending savings and some revenue measures to allow us to write a farm bill that is truly a meaningful safety net for our farmers and ranchers.

But just as important, because 66 percent of the funding in this farm bill is going to our nutrition programs—our food stamps, our school lunches, our food banks, all of which are so integrally important and all of which are within the jurisdiction of the Agriculture Committee—we have had to look to Ways and Means to finance like we never had to before.

Second, the Senate had a tax package that is $7 billion on our bill that did not appear in the House bill. We had a lot of disagreement, a lot of argument about that. But as of last night, I think we made some real progress. As I have already told my friend from Idaho, I think his coming to the floor last week and trying to tighten the screw and saying he would object to another extension has had an impact on that, and I am not unappreciative of the efforts of Senator CRAIG.

But here we are today on the very verge, I think, based upon a meeting Senator HARKIN and I were in this morning. As soon as we leave here, we go back into another meeting. We are going to stay there until we get some of these key issues resolved. We are now getting to the point where, I think, within a short term—I hope it is Monday, I hope it is no later than that—it may be, but I hope we can come back in and stand on this floor and say that we have reached an accord and that we are going to be writing that bill over the course of the next 10 days, 2 weeks, whatever it may be that it takes to physically get the job done from the committee paper standpoint. But we are very close. And I think there is an opportunity to get this done. It is not going to be done, completed, in the next week, but I have no problem with a 1-week extension because I do think it will keep the pressure on. It will require us to ultimately get something done.

Another factor in here is the White House. The White House has to be involved because the President has to sign whatever product we send to him.

Another problem is, if it were up to Senator HARKIN and me, we would have had this bill done long ago. We had the shortest session in the Senate Agriculture Committee when we reported this bill out of the committee under your leadership. We got it done in a day and a half. We went into conference, and we appointed our conferees fairly quickly. It took the House almost 6 months to appoint their conferees. We have 11 conferees, the House has 49 conferees, all of whom have to be available to be in 1 room at the same time and all of whom had the opportunity to discuss their particular part of this bill. It has been a nightmare from that standpoint, but we are getting closer.

I appreciate the Senator from Idaho being reasonable with us as far as us getting a 1-week extension, and I would implore that we move forward with it, send it to the House, and hopefully get this concluded.

I yield the floor.

Mr. HARKIN. Mr. President, I wish to echo a little bit what my friend from Georgia just said. I will say in all candor to my friend from Idaho that his action last week had an effect. I will be very frank about that. It did not go unnoticed in our deliberations. Frankly, I think it caused us to do a lot of things in the last week. So I give that to my friend from Idaho.

I guess the only reason I was a little upset, I think sometimes when we try to do some things that are unrealistic—I think the specter of what you said last week was pretty realistic, and that caused us to do some things. I guess my only problem with this is that I think everyone recognizes that even though we are very close, we can get this done before next week, it cannot get done legislatively, the paperwork. Sometimes if you hold something out that is unrealistic, people tend to pooh-pooh it and say: Oh well, we will get another extension and we can dribble along. But if you know the curtain is coming down, then things happen. That is why I asked for 2 weeks. People know that is realistic. We have to get it done. It has to be done. But if it is 1 week, then, well, we will come back next week, and hopefully we can get whatever extension is necessary to get the paperwork done and everything.

I want to say again, Senator CHAMBLISS and I—all of us on the Agriculture Committee worked very hard. The groundwork was laid when Senator CHAMBLISS was chairman of the committee. When it changed hands after the last election and I was privileged to take over as chairman, we worked together. We passed a great farm bill in the Senate, something I was very proud of, and I think Senator CHAMBLISS—all of us were. We passed a farm bill with 79 votes.

Now, a lot of times people around the country—you hear them say: Can't you people quit your bickering and get things done? Well, I thought we did that on the farm bill. You can't get much better than 79 votes. That is the most votes the farm bill has ever had on the Senate floor. So Republicans, Democrats, East, West, North, South—different regions all were supporting it. So you would think the administration might have said: Well, gee, with that, maybe we ought to work with them and get it done. But we got a veto threat right away.

So, again, I thought we had a good product here when we passed it in the Senate. But, understanding that the House did not have the same views as we did, we had to go to conference. But I can say this again, that I hope in another farm bill that will come up 5 years from now, this is not going to happen again, that this is not going to happen again with the Finance Committee and the Ways and Means Committee basically controlling our agenda. They are good people. I do not want to cast aspersions on any committee or anything like that. But they have their agenda, they have what they want to do.

The Agriculture Committee did its work. As Senator CHAMBLISS said, if it had been just our bill, the Agriculture bill, we would have been done with this a long time ago. Our differences, whatever they are, are minor. We had basic agreements on different parameters and things such as that. So we had a good bill, and we have made good progress.

The other thing I wanted to say as long as I have the floor is that the President is not doing us any favors by the White House issuing the statement that we should have a 1-year extension. For some of the reasons that I think the Senator from Idaho pointed out, prices going up and things like that, people expect us to do something. And one of the big parts of this whole farm bill—in fact, the biggest part of this farm bill is nutrition. Over 60 percent of this farm bill is nutrition; it is food stamps, it is the TEFAP program, the Temporary Emergency Food Assistance Program, WIC, it is all of these programs that help low-income people put food on their table. Yet we know, with the increasing prices of food, people are hurting, low-income people are hurting in this country.

Well, with a 1-year extension, we give no relief at all to low-income families.

In this bill, what we have agreed upon so far is roughly about $10 billion more—not base—$10 billion more in nutrition programs. Now, if we have a 1-year extension, that is gone. So I think we have an obligation here to help people who are low-income, who maybe had a job and lost it, who need to go on food stamps for a short period of time to be able to help their families. Well, if we have an extension, that will not happen.

Energy. We hear a lot of talk—I think it is misguided—about some of the food going for ethanol and that is causing a lot of problems. That is not it at all. That is not it at all. A lot of people have the mistaken idea that the corn that is being made into ethanol is the corn people eat. That is not so. People do not eat that. It is not the kind of corn you buy and you eat on your plate at night. This is the corn which is fed to chickens and cows and hogs. Most of the hungry people in the world are not hungry because they are not getting meat; they are hungry because of subsistence diets. So the ethanol thing is kind of a bugaboo; that is a phony issue out there. But we recognize the limits, and we recognized that in the Energy bill we passed where we mandated a renewable fuels standard, but we said that, of that, no more than 15 billion gallons a year from present sources, corn. So therefore we want to move aggressively into cellulosic ethanol, using wood products and waste products and things such as those for making ethanol. This bill pushes us in that direction, moves us aggressively in that direction. Well, if we have a 1-year extension, we will lose yet another year or two on that.

Lastly, let me mention conservation. Millions and millions of acres are coming out to be used for crop production. You cannot stop it. These are contracts that farmers had to set aside land. The contracts are up. Because of the high prices of wheat and corn and beans and other commodities, farmers now see they can make money by planting row crops. That is fine. That is good. That will help keep the prices of food down. We need that productive capacity.

That is what was so good about the Conservation Reserve Program. It was like a reservoir, that if we needed it at some time, we could use it. Well, now is the time. We are going to use it. And more crops will be planted on this land. But some of these lands are fragile, they are hilly, they are highly erodable. So therefore we need to put some incentives in there for farmers to do it right, to put in grass waterways, to put in buffer strips, to do minimum tillage, to do all that is necessary to conserve our soil and clean up our water. We can have production, and we can have good conservation. This bill puts a lot more money into the very conservation programs that will allow farmers to go out and plant and grow and yet be good conservationists. Yet, if we have a 1-year extension, we do not have that.

So for that and for a lot of other reasons, I wish the White House would quit talking about that and say: Look, you have a good bill. You have done a lot of work. We will work with you. We will get this bill done, and the President will sign it into law. That is the kind of cooperation we need from the White House right now and not the veiled threats of a year extension, things like that.

I think the Senator from Idaho is right, we have been so locked up in meetings on this that perhaps Senators and their staffs and others have not really been brought up to speed on what we are doing. I want to take this opportunity to bring them up to speed as to where we are in all of these negotiations.

We are very close. We are meeting right now again at 10:30 and will proceed on today, tomorrow, through the weekend if necessary to get this done.

I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRAIG. Mr. President, no objection, but this was the original at the desk, not the one amended by the Chair?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CRAIG. I thank the Chair.

Mr. Chairman, let me thank you for that report. I do not know if there is anyone here in ag country who does not want your work product to become policy as soon as possible.

I think the colloquy this morning has been extremely valuable. Please go back to work.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2903) was ordered to a third reading, was read the third time, and passed, as follows:

S. 2903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110–196 (122 Stat. 653) (as amended by Public Law 110–200 (122 Stat. 695)) is amended—

(1) in subsection (a), by striking "April 25, 2008" and inserting "May 2, 2008"; and

(2) in subsection (d), by striking "April 25, 2008" and inserting "May 2, 2008".

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent that the time used in the colloquy we just heard not be charged to either side and that the remaining Democratic time be equally divided between Senator WEBB and myself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, exactly how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 16 minutes on the Democratic side.

Mr. KERRY. I thank the Chair.

NATIONAL SMALL BUSINESS WEEK

Mr. KERRY. Mr. President, this is National Small Business Week. This country has nearly 27 million small businesses in total, and their contributions to the country are remarkable. They create the majority—the vast majority—of jobs, they drive the economy, and they are part of the solution to lead us out of economic downturns. But if we are going to really pay appropriate tribute to small business during Small Business Week, we frankly need to do more than simply provide lip service; we need to promote policies that work for small businesses, not policies that favor large businesses under the guise of helping small ones.

In the Committee on Small Business and Entrepreneurship, we have worked on behalf of small business on a bipartisan basis. Senator SNOWE, the ranking member, and I and the entire committee passed unanimously three bills to improve small business services that help America's job creators expand their payrolls. Unfortunately, these bills have been blocked for a full year by some in the Senate: S. 1256, the Small Business Lending Reauthorization and Improvements Act of 2007; S. 1662, the Small Business Venture Capital Act of 2007; and S. 1671, the Entrepreneurial Development Act.

S. 1256, the Small Business Lending Reauthorization Improvements Act, passed the Small Business Committee 19 to 0 on May 16, 2007, almost a year ago. This legislation authorizes the Small Business Administration's major lending programs which are the largest source of long-term capital for small businesses in the country. The bill also strengthens the microloan program, a concept that has proven unbelievably effective around the world in helping men and women lift themselves and their families out of poverty by accumulating assets, building wealth, and creating jobs. That is very important because the income gap, the economic gap, is growing year by year. When an average White family's net worth is $67,000 but an average African-American family's income is only $6,100, we have a long way to go in terms of creating wealth and fairness. The SBA loans fill a gap left by traditional bankers and play a significant role in meeting the capital needs of business owners in underserved areas. If S. 1256 is enacted, we will be able to leverage $87 billion in loans to more than 100,000 small businesses and reduce redtape for borrowers and lenders.

S. 1662, the Small Business Venture Capital Act of 2007, passed the Small Business Committee 19 to 0 on June 26, 2007, 10 months ago. This bill would simplify the Small Business Investment Company Debenture Program so it is more attractive to investors and allow the SBA to stabilize losses in the SBIC Participating Securities Program. The version of the bill we are trying to pass does not reauthorize the SBIC Participating Securities Program, as some in the past have suggested in public debate. They used that as one of the justifications for opposing efforts to pass the bill last December. The bill focuses on improving the SBIC debenture program, which is an initiative that has actually given us extraordinary job creators, such as FedEx, Intel, Calaway Golf. They have more than repaid the cost of anything to the Federal Government through taxes paid and jobs created.

In addition, S. 1662 reauthorizes the New Markets Venture Capital Program. This program addresses the market gap in venture capital for companies located in low- and moderate-income, rural, and urban areas—i.e., high unemployment areas—as well as the need for smaller deals that neither traditional venture funds nor the SBIC Program will make. It has proven successful so far, and we need more community development venture capital to create sustainable, high-quality, local jobs. This bill would allow the SBA to start anywhere from 10 to 20 more funds. Without this Government partnership, these investments are not going to be done. So at a time when our economy is pressured and hurting, when we need to create jobs, it doesn't make sense for the Senate to be blocking something that came out of committee 19 to 0, in a totally bipartisan effort. The bill also aligns the New Markets Venture Capital Program with the New Markets Tax Credit Program, which is exactly what Congress intended.

S. 1671, the Entrepreneurial Development Act, passed the Small Business Committee 19 to 0 on June 26, 2007, also 10 months ago. This act reauthorizes and improves the Small Business Administration's entrepreneurial development programs such as small business development centers, women's business centers, and SCORE. Poor management decisions are the No. 1 reason businesses declare bankruptcy. In a shaky economy, the topnotch counseling provided by these services is critical to ensuring that small businesses survive the economic downturn and continue to provide jobs and income to families and communities.

This bill also increases assistance for small businesses wishing to conduct trade. Small businesses are 97 percent of all exporters, and for each additional $70,000 in exports generated, one additional U.S. job is created. These jobs pay 18 percent more on average than nontrade-related jobs. So small business success helps the economy and creates jobs.

Lastly, this bill creates a number of pilot programs to help small businesses deal with rising health care costs and regulatory burdens, all of which hinder small business success. It creates new programs in support of Native American entrepreneurship and takes steps to improve small business ownership by minorities in highly skilled fields such as engineering, manufacturing, science, and technology, and it guides them toward entrepreneurship as a career option.

These bills I have described have the ability to help more than 1 million small businesses. They would help with credit, with venture capital or with counseling. It makes no sense at all to have one or two folks in the Senate holding up the ability to move forward on these when our economy needs innovation and, frankly, the job creation these businesses create. With 80,000 jobs lost in March alone and almost 300,000 jobs lost since January, there is no time to waste.

I hope we can get these bills done and do so shortly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

VETERANS COMMUNITY ISSUES

Mr. WEBB. Mr. President, I rise to talk about two issues with respect to our veterans community. First, I express my strong support for S. 1315, as reported by the committee, and my thanks, as a member of the veterans committee, to Chairman AKAKA for all the work that went into this legislation.

I wish to spend a little time talking about the provision of the bill that is in question. As someone who began working on veterans law as a committee counsel in the late 1970s, I understand the concerns of the Senator from North Carolina about the provision with respect to Filipino veterans who are living in the Philippines who would receive pension benefits from this bill. I emphasize that I believe the chairman has done a great job in trying to balance a list of powerful competing considerations that go to the aspect of basic fairness to those who served.

This issue has been around a long time. People have struggled with a way to resolve it. The fairness aspect cuts both ways. As Senator INOUYE and others have been so clear in pointing out, the question of assisting Filipino veterans for their service in World War II is complicated by the notion of the political status of the Philippine Islands at the time. They were, in fact, a territory of the United States politically, and they served under the command, in many cases, of American commanders and not simply in affiliated allied status as, for instance, the veterans of the South Vietnamese Army during the Vietnam war.

This situation is unique. It is complex, and it does create a series of obligations by our Government toward these people.

There is precedent of sorts for this activity. I go back to 1976, when President Ford signed into law a provision that gave limited veterans' status to Polish and Czechoslovakian freedom fighters who served during World War II, not with the United States military at all but had migrated to the United States. The logic was given at the time that since Poland and Czechoslovakia had fallen under Communist rule, they had lost the government that would have been able to give them veterans' benefits, and our Government did provide limited veterans' benefits to those people.

What we are talking about in this bill is the notion of according veterans pension rights to Filipino veterans of World War II living in the Philippines. It is important to emphasize to my colleagues that under veterans law, pension is not a gratis benefit such as, for instance, a Social Security pension that is given no matter one's economic status. In veterans law, pension is given based on need. This has been the focus of the debate for more than 30 years, as to how do you define, under American law, the cutoff in terms of standards of living inside the Philippines.

This is where Chairman AKAKA and his staff have worked so assiduously to come up with something that is fair. In order to apply for a veterans pension, you have to be in financial need. And the amount you receive is basically to get you to a certain level that gets you above the poverty level. So the average annual pension in the United States for an American veteran is just under $10,000 a year. You can get up to nearly $15,000 a year in the United States in your veterans pension program, and under some extremely unusual cases, you can get up to $18,000. What we are talking about, the way the committee staff has worked this out in terms of equity, is giving the Filipino veterans living in the Philippines a $3,600-a-year pension based on need, once they go into the U.S. formula. It is not a perfect solution, but I do believe it is an equitable solution. I intend to support it.

The second issue I would like to discuss relates to a piece of legislation that was introduced a couple days ago by Senator BURR, with Senators GRAHAM and McCAIN as cosponsors. It is apparently designed to be an alternative to S. 22, the comprehensive GI bill I introduced nearly 16 months ago, which was recently modified and reintroduced to reflect the collective view of a wide range of experts, both inside Government and in the veterans community. S. 22, the bill I originally introduced, now enjoys strong bipartisan support. We have 57 cosponsors in the Senate. That includes 11 Republicans. Among the cosponsors on this bill are the Senator from Missouri; Senator WARNER, former chairman of the Armed Services Committee; and many others, Senator HAGEL, who, along with myself, is the only ground combat veteran from the Vietnam war. A majority of the House is cosponsoring the exact version of S. 22 that we reintroduced. Most, if not all, of our leading veterans organizations have endorsed S. 22. In fact, it is important to note that the major pieces in this legislation were specifically endorsed in the recent Independent Budget submitted by a consortium of our top veterans organizations.

The proponents of this newly introduced legislation, Senators BURR, McCAIN, and GRAHAM, maintain S. 22 would be too generous to today's veterans of Iraq and Afghanistan, would be too difficult to administer, and would unduly harm the retention of our active duty military people. I emphasize that these assertions are incorrect. I would say to all those Senators, whom I deeply respect—and I enjoy a long friendship with Senator McCAIN that goes back 30 years—we have a lot of issues to debate in this Senate. We have a lot of issues to debate in the campaign this year. But this should not be one of them.

S. 22 is hardly too generous, unless people are prepared to say that the World War II GI bill was too generous. To the contrary, we have taken 15 months, with daily cooperation with all the major veterans groups and with many Members of the Congress. We have listened to them. We have refined this legislation in many important ways, and it is our best collective, bipartisan effort to mirror the types of benefits that were given to those who served in World War II.

Nor would this bill be too difficult to administer. There was a list of concerns about our bill when they introduced this other version, which is the reason that compels me to explain this. We worked closely with the Department of Veterans Affairs and with committee staff on the Senate Committee on Veterans' Affairs. We have addressed every major concern. For these reasons, Chairman AKAKA of the Veterans' Affairs Committee and Chairman LEVIN of the Armed Services Committee have cosponsored this bill.

Finally, there is no indication this bill would unduly harm active duty retention. Recent statistics from the Army and Marine Corps show that 70 to 75 percent of soldiers and marines who enlist return to civilian life at, or before, the end of their first enlistment. This is the pool that is having readjustment difficulties, and this is the pool we are trying to assist with this legislation. The military is already doing a very good job of managing its career force. It is not doing a very good job of assisting this large group of people as they attempt to readjust to civilian life, and this is the primary focus of S. 22. With respect to active duty retention, a good GI bill will increase the pool of people interested in serving, lower first-term attrition, and would have a negligible impact on retention itself.

I see my time is about to be called by the Presiding Officer.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

GAS PRICES

Mr. BOND. Mr. President, I come to the floor today to note an anniversary. Although you may have noticed there has been no gift giving, no celebration, no remembrances of the day, the promise was made. That is because the people who made the promise failed to keep their promise. They failed to bring the change they promised.

Now, to what promise am I referring? I am referring to the day, 2 years ago today—April 24, 2006—when then-House minority leader NANCY PELOSI announced "Democrats have a commonsense plan to help bring down skyrocketing gas prices." She told the American people that if they put Democrats in charge of the House and the Senate, we would all see lower gas prices. The then-minority leader, the senior Senator from Nevada, said, on that same day, that it was just "about priorities."

Well, it is time to get real about energy. Democrats running for office across the Nation in 2006 said change would come with a Democratic Congress. Well, we certainly got change all right. Since the Democrats have come to power in the House and Senate, pain at the pump has increased by 50 percent. Americans who paid, on average, $2.33 a gallon in January 2007 now pay $3.53 a gallon, on average—hardly a change any of us bargained for. However, $3.53 is just the national average. Some are paying much more. To just take a few States, in California, it is $3.87; in Nevada, it is 3.60; in Illinois, it is $3.67; in New York, it is $3.67. Mr. President, $1.30 more for a gallon of gas is certainly not the kind of change I would believe in or support.

What is this doing to hardworking families struggling just to get by? "With gas hitting record highs, drivers [are] feeling squeezed," as my home State Kansas City Star reported this week. For example, Carol Licata, a 75-year-old retiree, told in the story of how a larger part of her fixed income is now going toward gas. She said that "to get to the doctors . . . it's an awful lot of money . . . I don't drive that often, but I have to take necessary trips . . . and [gas] takes a big chunk out of our budget."

Fixed-income seniors, though, are not the only ones suffering record pain at the pump. Consider the plight of low-income workers struggling to get to work. Their affordable housing is a great distance, maybe, from where they have a good-paying job. Maybe they are driving from the inner city out to a suburban job or from a distant suburb, where housing prices are lower, to the city. Either way, modest-income folks with the least ability to pay higher gas prices are hit especially hard.

What about truckers? For all the hard work they put in on the open roads, they never seem to make more than a modest living. Now they are being hit with even higher diesel prices. At $4.20 a gallon, diesel prices are 40 percent higher than they were a year ago.

Unfortunately, this pain at the pump is just one more burden families and workers are bearing at the same time as a housing meltdown, higher food prices, higher health care prices, higher power bills, higher heating bills, and I expect, this summer, higher air-conditioning bills.

So what is the Democrats' "commonsense plan" to lower gas prices and help working families? With record-high gas prices, it is clear we are still waiting for the "commonsense" part of the solution. About the only thing we have heard proposed from the other side is to increase taxes on oil companies. Since when does raising taxes on something increase its supply or lower its price? Never. Again, that is all we hear.

What is so sad is the fact that we are sitting on top of a big part of the solution. We can lower the prices by tapping the millions of barrels of oil just waiting for us here in America.

In Alaska, above the barren Arctic Circle, Democrats refuse to allow us to tap millions of barrels of oil in an environmentally safe manner. They say drilling in an area smaller than the size of Dulles Airport would have too great an impact on an area the size of the State of South Carolina. Congress, in 1996, passed a budget resolution which would have allowed the opening of ANWR. However, President Clinton vetoed that resolution, pointing out that he opposed and would not support opening ANWR. Had ANWR been opened, there would be a million more barrels of oil a day flowing into the United States.

Now, speaking of South Carolina, Democrats refused to let us get at millions of barrels of oil and natural gas a safe distance off our coastal shores, literally unseen because it is over the horizon. Some say this is another example of "not in my backyard," or "NIMBY," but this is really a case of not in "your" backyard because the people, for example, of Alaska and Virginia are happy with and want to tap the oil and gas on their lands and off their shores.

But Democrats still refuse to unlock the vast untapped natural resources here at home. Our dependence on foreign sources of energy grows greater, and families continue to suffer. Is it any wonder Americans are fed up? Democrats are looking at thirsty Americans and saying: You should drink less or drive less. Now, do not get me wrong, I support and have supported aggressive but achievable automobile fuel efficiency increases, incentivizing low-emission vehicles such as hybrids and plug-ins, and more fuels from renewable sources, but these are long-range solutions that will not pay dividends for years.

Some say opening our reserves would not pay dividends for years. While it will take time for the oil to start flowing, there would be a message. Right now, the market is factoring in the present U.S. attitude which says we will do nothing to increase our supplies of oil. A change in our attitude would change their attitude for the future. Saying we are going to increase supply and cut demand would help relieve the pressure. I think we need to support it.

Another pressure I support relieving is continuing to add to the strategic petroleum reserves during times of record-high prices. We need to stop supplying these strategic petroleum reserves when gas hits $3 a gallon.

Unfortunately, my friends on the other side, predominantly, support legislation that will send gas prices even higher. I am referring to the Warner-Lieberman climate bill the majority plans to bring to the floor in early June. In pushing forward that bill, Democrats are willing to say that $3.53 a gallon gas is not enough. They will be telling the American people that gas prices should be even higher.

The Environmental Protection Agency recently estimated that Lieberman-Warner will force gasoline prices to rise $1.44 per gallon higher. For those of you keeping score at home, that would mean $5-a-gallon gasoline. It boggles the mind, the majority advocating $5-a-gallon gas in just over a month, but that is what they would be doing supporting that bill. That is not the kind of change our families and workers need. That is not common sense. That is why there are no flowers today, no fancy dinner tonight. On this anniversary, there will only be more pain at the pump.

Mr. President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the distinguished Senator from Missouri for making enormous common sense on a subject where, frankly, the Congress can only be characterized as having a schizophrenic approach to our energy crisis today. Congress always seems to talk a good game, but when it comes to actually doing something about it, the solutions seem to be few and far between.

I, too, think it is important to remember that since Speaker PELOSI made that promise 2 years ago, we have not had anything happen in the Congress that would indicate that this "commonsense plan to help bring down skyrocketing gas prices" is any closer today than it was 2 years ago. You would think, if any party has a commonsense solution to help reduce the pain at the pump, they would be eager to unveil it and to debate it on the floor, to show it off. But, of course, as we finished out the 2006 session of Congress, we got no such bill.

So again, as elections are heating up, and, as we all know, our constituents back home are feeling the pain at the pump—and whereas there is a lot of concern today about food prices—a lot of the increase in food prices is caused because of increased costs of production on the farm, primarily energy costs. Again, we see that as it becomes a political football, it has become something to talk about in election season. But when it comes to the fact that now our Democratic friends have control of both Houses of Congress, we have seen no action—zero action—taken to reduce the price of gas.

The price of gas, as we know, has continued to go up. Here is a chart that indicates—right here on Capitol Hill—that back in, I guess we can call it, the good old days, unleaded regular was $3.09 a gallon. Today, in April 2008, it is $3.49 a gallon, right here in Washington, DC. In some parts of the country, it is approaching $4 a gallon.

While $3.09 is certainly not a low price by anybody's reckoning, it certainly looks pretty good today. But, frankly, we have not seen our colleagues on the other side of the aisle work with us to support any legislation that would be calculated to bring down the price of gas at the pump. As a matter of fact, this is calculated into the inaction as a result of the energy policies by the majority, and you see it costs the average American family $1,400 a year in additional energy costs, additional gasoline costs.

So while the majority, which really runs the Congress, is quick to blame others for high oil prices, it is, in fact, their inaction that continues to raise gas prices. I wonder how long it will be before our friends on the other side of the aisle—who won the last election, who claimed a mandate as a result of that election—are actually going to act like the majority that they now are and help work with us to bring down prices at the pump. How long will it be before they stop pointing the finger of blame and start looking in the mirror for the solutions?

The only way we are going to resolve this schizophrenia when it comes to our energy policy is by Republicans and Democrats working together to pass commonsense legislation which will have the effect of bringing down the price of gasoline at the pump. I will talk about some of those in a minute.

The simple truth is, those who have been entrusted with the majority in the Senate and the House have failed to act to lower energy prices at all. Rather than show us their commonsense solution, as Speaker PELOSI talked about, they have opted to pursue political posturing, which has done nothing to deal with the problem. So, as we see, the problem just gets worse and worse and worse.

Now, our side does not have all the answers, but we have proposed some good solutions, I think, which would help address America's growing energy crisis that we should and could act upon to start bringing the price of gas down.

Let me say, first of all, there are several reasons why the price of gasoline is so high today. First and foremost is skyrocketing consumption in other parts of the world. This commodity is in great demand, and we are competing literally with the entire world for this scarce commodity known as oil that is then refined to make gasoline. Of course, we know there remains political unrest in producing countries as well.

Every one of these problems could be mitigated, if not solved outright, by promoting and investing in America's natural resources rather than continuing to be so dependent on imported oil and gas from dangerous parts of the world and from our enemies such as Hugo Chavez in Venezuela.

We are a politically stable nation with the resources to invest in maintaining our infrastructure and to add production that would greatly increase the available oil and gas supply. All of that adds up to lower costs at the pump and more money in the pockets of American citizens.

There is a lot Congress can do that would be positive, but the one thing we can't do is to repeal the law of supply and demand. When you have a fixed supply and the demand goes up, the price invariably goes up. I don't know why Congress refuses to acknowledge that simple law of economics of supply and demand, and add to the supply.

First and foremost, we need to increase American energy production right here at home. Unfortunately, we see time after time and, again, our colleagues on the other side of the aisle block commonsense energy policies that would give American companies access to valuable resources such as oil deposits in the Arctic, in Alaska, the Outer Continental Shelf, on Government lands, and shale oil sites that have great promise in terms of the volume of oil that can be produced, the major component of gasoline. Of all of the cost drivers in gasoline, it is the price of oil that causes the greatest increase. If we could increase the supply of oil by increasing America's supply of oil by developing the resources we have in our country, it would vastly improve the situation we are in now.

In addition to lowering prices at the pump and increasing domestic energy production, it would also create more jobs in America. At a time when Congress is passing economic stimulus programs, spending enormous sums of taxpayer money, one of the best things we could simply do is to change the policies that would allow us to explore and develop our own natural resources rather than depend on imported oil from foreign sources. Personally, I have always liked to see the "Made in America" label when I buy a product. Wouldn't it be nice to see that on the side of a gas pump here at home? Think of the thousands of jobs that could help kick-start our economy if we actually encouraged American energy production and less dependence on foreign sources.

Beyond increasing the supply of oil, we also need to increase our refinery capacity, the place where that oil is then made into gasoline. We haven't built any new refineries in this country since the 1970s because of restrictive policies of the Federal Government. One of the most costly steps in producing gasoline is refining oil to make it usable in vehicles. Since we have limited refining capacity—again, the law of supply and demand—a fixed supply and increasing demand is driving up the cost of gasoline because we don't have the refinery capacity to make the gasoline out of the oil. So prices continue to go up.

Finally, any American energy policy must, of course, include alternative sources of energy. We need to look to technology in our American legacy of innovation and research to help reduce our need on oil and gas, whether domestic or foreign. But that is not going to happen overnight. It is not going to happen even in the near term. But long term, clean coal technology, nuclear energy, even biofuels and wind energy can help reduce the strain on our gas supply by taking some of the energy load off of oil.

We need to be careful not to cherry-pick a few politically correct solutions. We have already seen the increase in the cost of food, in significant part because of food being used for fuel. Even with the best of intentions of an ethanol policy, it has created an impending crisis when it comes to using food for fuel.

I think it is time for us to take definitive steps to help reduce the cost of gasoline at the pump. We have some solutions, if we would get some cooperation on the other side of the aisle. Since the Democrats are now in charge, we would expect them to lead, to keep the promise that Speaker PELOSI made 2 years ago. We wish to help them come up with a commonsense plan to help bring down skyrocketing gas prices. But continued obstruction, continued schizophrenia, and continued reliance on politically correct solutions which sometimes end up backfiring is not the way forward. The American people are looking to us for a solution and it is high time we deliver.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I want to follow my colleague from Texas in pursuing that very same discussion on the issue of energy. I was here before the Presiding Officer joined the Senate and I remember daily diatribes about how Republicans being in charge was leading Americans to have higher gas prices. In fact, I recall a great deal being made about what the gas prices were then, when they reached $3 a gallon in April of 2006, and I recall a big show up here at the gas station on the corner, right here on Capitol Hill, about how if Democrats were in charge, this wouldn't be happening; it was only because Republicans were in charge that gas prices had reached $3 a gallon. Now we are looking at a situation where they are $3.69 in April of 2008, 2 years later.

The Democrats, as my colleague from Texas said, the House and the Senate leadership, with great enthusiasm, took control of both Houses of the Congress and promised the American people they would lower gas prices, they would change the dynamics, and they would deliver. We were promised an alternative to paying $3 a gallon. I don't think what they meant was to pay $4 a gallon, but it was an alternative to pay less.

American families are hurting. AAA reports that today's price of $3.50 a gallon is the highest average price they have ever had on record. Families are paying record high gas prices and we still haven't passed a sensible energy policy that gets to the heart of this matter. Until that policy is passed, we ought to do what we can to offer Americans who are frustrated with the current prices some much needed relief.

Currently, oil is nearly $120 a barrel. High fuel prices are translating into higher prices for groceries. What families need is relief. We need to do what we can to stem the rise of gasoline prices at the pump.

One of the ways I think we could do that and benefit our economy at the same time is a summer holiday from the 18-cent-a-gallon Federal gas tax. I have joined with several of my colleagues in supporting a gas tax holiday from Memorial Day to Labor Day. What a concept. Wouldn't it be nice. By suspending the gas tax 18 cents a gallon on gas and 24 cents on diesel, it would be putting money back into the pockets of American families. This would help those who have to drive great distances for work.

Many people in Florida who want to find affordable housing have to be a long ways from work. Florida doesn't have the kind of mass transit system many places in the Northeast and other parts of the country have. They have no option but to get in a car. When they do, they get hammered at the gas pump. People in the trucking industry are finding increasing problems in meeting their needs because diesel fuel costs are so high, so the cost of transporting goods is also going up. One of the things that benefits my State greatly is when the American family jumps in their car and goes for a summer vacation. As the gas prices begin to hurt the pocketbook of the American family, fewer and fewer of them will have the joy of enjoying a vacation and more and more Floridians, already threatened by a weak economy, would have an additional problem of seeing vacationers not come to our attractions and beaches and maybe hurt our tourism economy as well.

Something else we can do is to seriously consider suspending the production of so-called boutique fuels. This is a requirement by States that mandate the use of different fuel blends to meet clean air standards. As States develop more and more requirements, the blends of fuel increase in number and now there are dozens of these fuel blends. Each one of them puts a strain on oil refineries which already are stretched to the max. States need to work to reduce the number of boutique fuels and increase their cooperation with oil refineries to harmonize fuel blend requirements. In other words, we all want clean air, but every State's version of how we get there ought to not be an individual act, but ought to be harmonized so we can then shorten or lessen the number of additional fuel blends that have to be made.

In addition, we need to expand refinery capacity in this country. We haven't built a new refinery in 30 years, yet we keep saddling our fuel system with more and more mandates. We do need to find a way where we can create more avenues for refining fuel. Our industry refines approximately 18 million barrels a day, but we use over 20 million barrels a day. That means we have a shortfall between what we can refine, what we can actually do in that regard, and what must be imported from other parts of the world. So as unthinkable as it is, the United States has to import refined fuel. We shouldn't be in that fix; we should be able to stay ahead of the demand.

We need long-term solutions to our energy problems. There are alternative sources of fuel, such as cellulosic ethanol, where it is synthesized using agricultural waste, biomass, and other byproducts that are renewable sources of energy and that do not compete with the food chain, which is an increasing problem we are finding. Florida could play a huge role in developing these fuels of the future and fuel technologies.

I was pleased that our energy bill last year included a very robust focus on these new emerging technologies that will require 21 billion gallons of cellulosic ethanol by the year 2022. Florida has a real potential to be a leader in biomass production, and we are quickly becoming leaders in this field.

So for the long term, we have taken some steps necessary to provide Americans with more alternatives to paying high gas prices at the pump, but more must be done. We must increase, where possible, more domestic production. We need to also continue to expand avenues of research and opportunities for new fuel breakthroughs. I continue to believe that America's ingenuity is our greatest strength and we can look to ways in which we can utilize that ingenuity to find ways so we might conquer this addiction, as it might be called, to refined fuel. We must do better. We also have to help the American family to get away from $3 and $4 a gallon for gasoline. It is time we find a way to help the American family.

Beyond that, I think there is one thing every American can do today, and that is to conserve. If we were to conserve fuel and do that in a significant way, I know we would lower the prices of gas, not only of fuel in the barrel but also at the pump. I think all Americans have an interest in conservation and we should seek and lead our people to do more and more conservation, because until we have alternative fuels available, this may be the very best way in which we can lower our fuel prices.

We need leadership. We look for leadership from the majority party, and we hope part of that will include opening additional sources of exploration in America, where possible and where prudent, in compatibility with our environment; creating more options for fewer fuel blends, and more refining capacity; also, looking to cellulosic, but also conserving more energy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I yield back any morning business time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

VETERANS' BENEFITS ENHANCEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1315, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1315) to amend Title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes.

Pending:

Burr amendment No. 4572, to increase benefits for disabled United States veterans and provide a fair benefit to World War II Filipino veterans for their service to the United States.

AMENDMENT NO. 4572

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, there is 60 minutes of debate equally divided on the Burr amendment. Who yields time?

The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I see that my colleague is here, Senator INOUYE of Hawaii. Before I make my statement on S. 1315, I yield time to the senior Senator from Hawaii, Mr. INOUYE.

The PRESIDING OFFICER. The senior Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, in 1898, when the United States defeated Spain in the Spanish-American War, we found ourselves suddenly becoming a colonial power. In opposition was the Philippines. Until the end of the war, World War II, we exercised jurisdiction over the Philippines like a colonial power.

However, in July of 1941, when we noted the presence of war clouds over the Pacific and Asia, we called upon the Filipinos to consider volunteering to serve the United States under American command. Thirteen days after December 7, we issued a command order inviting Filipinos to volunteer—it was a crucial time—and 470,000 Filipinos volunteered. From that number, we developed the Commonwealth Army of the Philippines—200,000. We set aside 200,000 of them to serve as guerrilla fighters and about 50,000 to serve as guards and patrols on the shore and along the borders.

History now shows us the Japanese attack, and as a result we had two tragic battles, Corregidor and Bataan. Before these battles were determined and ended, General MacArthur, the commander, was ordered to leave the Philippines, and he left with his staff and arrived in Australia. The Filipinos were left to do their part without proper armament, proper medicine, and with inadequate food. But they fought.

I think all of us remember the Bataan Death March when 75,000 were ordered to march 65 miles without food, medicine, or water. Along that trip, only 54,000 survived—the rest died. I think all of us recall the heroic movies that were filmed as a result of that march. The Bataan Death March became part of the vocabulary of the United States.

We saw Americans being bayoneted, hit, and killed. But the facts show that of the over 75,000 who had to undergo and suffer the Bataan Death March, 15,000 were Americans and 60,000 were Filipinos. They are the ones who got bayoneted. They are the ones who were slaughtered and killed.

Well, these Filipinos were willing to fight for the United States, to stand in harm's way on our behalf. They fought throughout the war as guerilla fighters. They suffered thousands of casualties. Those who were fighting for America's cause and fighting under the command of American officers, strangely, could not receive American medals.

Now, if one should go to Baghdad, if he is wounded, he gets a Purple Heart. If he does something heroic, he gets a Bronze Star or Silver Star or DSC. Once in a while, someone gets a Medal of Honor. Well, in this case, these matters were not recognized.

The war ended on September 2, 1945, when the Japanese signed the surrender on the deck of the USS *Missouri*. At that moment, we did not have an ambassador nor an embassy, but we had a high commissioner who was not authorized to accept applications for citizenship. Remember, one of the promises was citizenship.

So about December, Washington sent an official of the Immigration and Naturalization Service to receive applications from Filipinos. Well, he had no staff; he had to do it all on his own. But within a month, Washington decided to recall him. So here we had line upon line of Filipinos waiting to submit their application but no one to receive it.

Then, in early February of 1946, the Congress of the United States passed a measure signed by the President repealing and rescinding the act that we passed in July of 1941, and the Executive order that was issued right after December 7, in which we promised Filipinos if they fought for us, shed their blood, risked their lives and limbs, if they wished they could become citizens of the United States and get all of the veterans' benefits.

Keep in mind Manila was the most devastated city in World War II, so there were no veterans hospitals. That came later.

Well, this veterans bill has a provision in it—a provision of honor—in which, finally, after over 65 years, we will restore our honor and tell the Filipinos: It is late, but please forgive us. There are few remaining of the hundreds of thousands of Filipinos who volunteered and risked their lives. At this moment, I think there are about 18,000 left. As I speak, I am certain some are on their deathbed and dying.

This provision has some rather insulting provisions, but the Filipinos are willing to take it. Some of my colleagues have suggested that the cost of living in the Philippines is less than the cost of living here, so their pension should be one-third of an American GI's, who did the same thing, with the same injury—but one-third. That is all right. But to suggest only those who were in combat, I don't know what that means.

For example, in Iraq, whether you are out on the street or on the boulevard in a truck or in the so-called Green Zone, you are on the front line. Bombs can hit you anywhere. It is the same thing with a guerrilla fighter. Where is the front line for a guerrilla fighter? Is it the jungle? Is it the city? Is it his home?

My colleagues, I hope we will take this opportunity today to restore the honor of the United States and undo the broken promise and make it good. There are a few Filipino World War II veterans left. At least we can face them and say: Yes, it took us a little while, but we are going to carry out our promise. Let's do that.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Hawaii has 20 minutes remaining.

Mr. AKAKA. Mr. President, I am very pleased that S. 1315, as reported by the Veterans' Affairs Committee, the proposed Veterans' Benefits Enhancement Act of 2007, is finally before the Senate for consideration and action.

I want to express my huge gratitude to the majority leader, also the minority leader, and especially to my friend, the ranking member, for coming to an agreement for our offering today.

This comprehensive legislation would improve benefits and services for veterans both old and young.

The Veterans' Affairs Committee reported S. 1315 to the full Senate in August of last year. At that time, my belief was that debate and consideration of this legislation by the full Senate, would take place during September. That did not happen. Now we have a good agreement.

As I have described in detail this week, further action on the bill has been blocked because of opposition from the other side of the aisle to certain benefits for Filipinos who fought under U.S. command during World War II.

Mr. President, the people of the Philippines did not shy from the call to fight during World War II. They were true brothers in arms who fought valiantly under U.S. command in World War II. This bill, at long last, recognizes the valor of all Filipino veterans in sacrifice to this noble cause and loyalty to their American commanders.

On July 26, 1941, President Franklin D. Roosevelt issued an Executive order ordering all military forces of the Commonwealth of the Philippines into the service of the Armed Forces of the United States under the command of a newly created command structure called the U.S. Armed Forces of the Far East.

According to orders from General MacArthur, Philippine units once mustered into U.S. service would be paid and supplied from American sources.

The unique relationship between the Philippines and the United States made the Philippine islands particularly susceptible to Japanese aggression during the war.

Historians agree that the Japanese strategy was based upon a plan to destroy or neutralize the U.S. Pacific Fleet at Pearl Harbor, and to deprive the United States of its base in the Philippines. Were it not for the U.S. presence, the Philippines would not have presented the Japanese with a strategic threat and turned into a battlefield.

The Philippine forces under U.S. command suffered heavy casualties as a result of the Japanese invasion. It is estimated that 10,000 Filipinos died during the Bataan Death March, along with 3,000 U.S. soldiers. The Philippines, throughout the war, suffered great loss of life and tremendous physical damage.

By the end of the war, the capital city of Manila was in ruins and up to one million Filipinos had been killed.

In October 1945, General Omar Bradley, then Director of the Veterans' Administration, affirmed that all Filipinos who served under U.S. command were entitled to all benefits under laws administered by that agency.

However, in 1946, the U.S. Congress, through the Rescissions Act of 1946, withdrew veteran status from certain Filipino veterans of World War II.

Upon passage of the Rescissions Act, President Harry Truman expressed his disapproval of the withdrawal of benefits from Filipino veterans. He stated:

> There can be no question, but that the Philippine veteran who is entitled to benefits bearing a reasonable relation to those received by the American veteran, with whom he fought side by side.

The action by Congress in 1946 to strip Filipino veterans who served under the American flag during World War II of the recognition and benefits that were their due was a grave injustice. It is especially regrettable that this injustice has existed for so many years.

I wish to speak briefly about the purpose of pension benefits and more specifically about the pension benefit in the pending bill.

Veterans' pension benefits are provided to allow veterans to live in dignity and meet their basic needs. The amounts proposed in this legislation would permit Filipino veterans who have been denied their rightful status as United States veterans for too long to finally live in dignity.

Unlike other World War II veterans, these veterans have been denied pension benefits for over 60 years. It is also important to note that these benefits are not retroactive.

The amounts proposed are sufficient to give aged Filipino veterans a payment that would allow them to meet their basic needs for adequate nutrition and medicine.

The pension proposed for Filipino veterans is less than one-third of the basic amount provided to veterans living in the United States, in recognition of the lower cost of living in the Philippines. Measured against the aid and attendance standard, the proposed benefit is about one-sixth of the amount provided to veterans in the United States.

Because the income and asset verification procedures used in the United States are not available in the Philippines, and it is not feasible to develop an administratively efficient system in the Philippines to monitor the income and assets of pension recipients, the bill provides a flat benefit amount substantially lower than that paid in the United States.

I believe firmly that the proposed amount is a reasonable benefit taking into account all of these factors.

As I have said time and time again, this legislation would correct an injustice that has existed for over 60 years. I, like President Truman, believe it is the obligation of the United States to care for those who have fought under the U.S. flag. It is past time to right that wrong.

As my fellow World War II veteran, the senior Senator from Alaska, said only yesterday, this is about honor. I believe it is the moral obligation of this Nation to provide for those who served under the U.S. flag and alongside the U.S. troops during World War II.

The soldier's creed is to leave no fellow warrior behind. I believe in that creed. I believe it is important to acknowledge the valiant service of those Filipino veterans of World War II who served under U.S. command.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, will the Senator yield me time, please?

Mr. BURR. Mr. President, I yield the Senator what time he may use.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Veterans Benefits Enhancement Act of 2007 would recognize the service and sacrifice of Filipino veterans who fought under our flag in World War II. I join my good friends and fellow World War II veterans, Senator INOUYE and Senator AKAKA, in supporting the restoration of veterans benefits to these heroic individuals.

Filipino troops fought as American nationals, under the American flag, alongside American soldiers, and under the command of American GEN Douglas MacArthur, earning themselves the status of U.S. veterans.

Like most American troops, Filipino soldiers were effectively drafted into the U.S. military.

When war with Japan became imminent, President Franklin Roosevelt ordered the military forces of the Philippines into the service of the U.S. Armed Forces. The President held this authority because the Philippine Islands were a U.S. possession and the power was written into our law.

The position of these Filipino soldiers was similar to the thousands of courageous Alaskans who volunteered to serve in the Alaska Territorial Guard and protect Alaska before it became a state.

Nearly 60 years later, in 2000, Congress determined that the service of the Alaska Territorial Guard was "active duty" service, making them eligible for the same veterans benefits Filipino veterans now seek.

Just 10 hours after the attack on the U.S. at Pearl Harbor, Japan invaded the Philippines. In the years of war that followed, Filipino soldiers fought alongside American troops with uncommon valor and loyalty to the United States.

Stories of their heroism and sacrifice are abundant. Outnumbered by the Japanese and forced out of Manila, Filipino soldiers and U.S. troops held their ground for months before being forced to surrender on the Bataan Peninsula and in Corregidor.

Nearly 80,000 Filipino and U.S. soldiers were taken prisoner and forced to walk to a prison camp over 65 miles away in what became known as the infamous "Death March." As many as one in three of these men, weakened by disease and malnutrition and tortured by their captors, died before reaching their destination.

After their American leader, GEN Douglas MacArthur, was ordered to Australia, thousands of Filipino guerrilla soldiers continued resisting Japanese occupation for nearly 3 years. When MacArthur and allied forces returned, Filipino soldiers fought fiercely until Japan's surrender.

One million Filipino combatants and noncombatants died in World War II. In comparison, approximately 400,000 U.S. troops lost their lives in all theaters of the war.

As President Truman would later say of the Filipino troops: "Their assignment was as bloody and difficult as any in which our American soldiers engaged."

Congress should remember the vital contributions of Filipino veterans to the success of the allied forces. Their resistance distracted the Japanese in the Islands, preventing them from deploying elsewhere and possibly reaching the U.S. mainland.

These soldiers bought precious time for General MacArthur to mount a successful counterstrike.

After the war, the U.S. Veterans' Administration determined these service members met the definition of "active Service" in the U.S. Armed Forces and were eligible for full VA benefits.

Under the Rescission Acts of 1946, however, many Filipino veterans' World War II service no longer qualified as 'active duty' service. Congress stripped these soldiers of the benefits they had earned. Filipino veterans and their advocates have fought for the Restoration of these benefits for more than 60 years.

This bill contains provisions that would restore U.S. veteran status to all Filipino World War II Veterans, increase service-connected disability compensation, and provide a reduced flat rate pension to many Filipino veterans residing in the Philippines.

Nonservice-connected pension and death pension benefits are available to all qualifying U.S. veterans regardless of race, national origin, or citizenship status.

Many Filipino World War II veterans and their survivors have been excluded from receiving these benefits. This bill proposes a reasonable and fair way to assist to these veterans.

The expense of this reduced benefit is justified by the contribution of Filipino veterans to this country. If not for their service, the fate of the United States could have been very different. For this, they should be treated as American veterans.

The proposed benefit would cost only a fraction of what it would have if pensions were made available to alL Filipino veterans who were entitled. The Embassy of the Philippines claims there were 470,000 Filipino veterans after the war.

Today only about 18,000 of these veterans—most in their eighties—still survive.

Filipino World War II veterans residing in the Philippines have been denied eligibility for pension benefits for more than 60 years. A pension benefit about one third the size of that available to veterans in the United States is not overly generous.

I hope Congress will recognize the service of all our Filipino World War II Veterans just as we have for the Alaska Territorial Guard.

It is time we show our Nation's gratitude for the role Filipino World War II veterans played in our history, fighting alongside soldiers from the U.S. and helping us secure victory over tyranny.

Mr. President, I am grateful to the Senator from Hawaii, Mr. AKAKA, for the comments he made. I do believe this is a matter of honor. I understand how some of the younger Senators might view this as being costly, but I wish to put it in perspective.

As I pointed out, there were approximately 1 million Filipinos killed in action in the defense of our country in World War II. Approximately a half a million survived. Actually, during the war, as I have also pointed out, President Roosevelt said all Filipinos were subject to service in our Armed Forces; in effect, he conscripted the Filipinos to serve.

Those who survived were treated at first as our veterans on the mainland. Subsequently, it was determined that those who came to our country, to the mainland, would be treated fully as veterans of all types in the country were treated. We have to remember, this was an all-male military, primarily a draftee Army of over 16 million men.

First the VA determined all Filipino veterans were subject to the same laws as in the United States. If a person came to the United States as a veteran from the Philippines, he was automatically given citizenship and entitled to full benefits of all the veterans laws, including the GI bill, the right to have money to build a home, and a lot of other benefits were involved in those actions taken by Congress to try and deal with the returning veterans and help them regain their lives.

Later, it was determined that those benefits would not be paid to many of those who stayed in the Philippines. We have been trying for many years to restore those payments. I commend the Senators from Hawaii for trying to do so.

Actually, we had a parallel situation in the Alaska Guard. The Alaska Guard was primarily made up of Eskimos and Alaska Native people who patrolled the borders of Alaska. I remind the Senate that we have half the coastline of the United States. Those people who were in the Alaska Guard patrolled with their dogsleds without any uniforms being issued to them. It took us a period of time until we were able to recognize them, and we did so. We finally awarded those people in the National Guard their rights as veterans of the United States military forces.

This is something we have to do, as far as I am concerned. The provision in this bill restores the benefits these Filipino veterans have earned. I do believe, as I pointed out the other night on the floor, the Senate should know that Senator INOUYE and I went to the Philippines this year and met with some of these people. I am 85 this year and my friend is 84, and we were the youngsters at the meeting. These Filipino veterans who are surviving are our age or older. Most of them are infirm. There are 18,000 left out of the 470,000 plus, almost half a million survivors. This bill restores their benefits.

How long can they last? People who have talked about the cost of this benefit I think misunderstand the situation. This is not a cost of today's economy. This is not a cost for today's taxpayers. This is a burden that should have been borne before.

These people have not had these benefits during all of these years, and they have asked us now, as a matter of honor, to restore their rights before they leave this planet.

I, for one, appeal to the Senate. As I said, there are now only five of us from World War II left in the Senate. When I came here, there were more than 70. There would be no question—I didn't know this actually happened, I have to tell you. We discovered a year ago, when Senator AKAKA raised it, that this situation exists in the Philippines. I do believe it is an action that must be taken. These people not only now are our allies, but they have warmly supported our efforts throughout the world. I do believe to recognize the service and sacrifice of these Filipino veterans who fought under our flag in World War II is absolutely essential. These benefits are going to the heroes of the Philippines who are now surviving.

Lastly, I again point out to the Senate, those who lived through that time know if they had not made this sacrifice, if they had not lost two-thirds of their men in World War II, we would not have had the time to rebuild America. We would not have had the time to bring in the forces, to train the people who finally carried the war throughout the world to two tyrants, to Hitler and to the Japanese.

We have not had a world war since that time, and I do hope the world will never see another world war. But these people were the keys to the Pacific. Without them, we would have certainly been at war another couple of years at least and certainly would have seen an exchange of atomic weapons by that time. They gave us the time to survive, and I think we ought to give them their rights before they leave this planet.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. BURR. Mr. President, I yield myself as much time as I may consume.

Chairman AKAKA is a good man and a fair man. He is a wonderful chairman. He has produced a bill which has a tremendous amount of good. I am in deep respect of Senator INOUYE and Senator STEVENS. This country owes both, as well as all World War II veterans, a tremendous thanks for their commitment.

As Senator STEVENS mentioned ages, it made me think, on Monday my dad turned 87. He fought in the Pacific. He did it because it was the right thing to do. I believe protection of our veterans is the right thing to do.

Let me, if I may, focus everybody on what S. 1315 is. I ask a chart be put up. One might hear this debate and think this is all about a special pension for Philippine veterans who live in the Philippines who have no service-connected disability. There is a difference. This bill is so much more.

It is $332 million in Philippine benefits, of which $221 million is devoted to a new special pension that does not exist. There is a term life insurance program for our veterans of $83 million over 5 years and $326 million over 10 years; state approving agencies, $60 million; mortgage life insurance for our veterans, $51 million, retroactive traumatic injury, on-the-job training benefits, supplemental insurance, housing grants for burned injured, auto grants for burned injured, COLA for surviving spouses, and much more.

I wanted to highlight those items that are mandatory spending in the bill.

This is a good bill. Regardless of the outcome of my amendment, I want my colleagues to support final passage of this bill.

Having said that, I highlight the fact that we do have a difference as it relates to the pensions. Before I get into the specifics of why I believe, not as some have portrayed it that I believe it is too costly, I believe that, one, there was not a promise made. We did not imply it. It was not an impression that people had; that, in fact, when we look back at those individuals who served in this Chamber who made the decision on the Rescissions Act, they looked at the history very well. They looked at what Franklin Roosevelt said and the documents that backed it up. They looked at what General MacArthur said and the documents that backed it up. And they felt this was not the way for us to go.

Mr. President, I wish to yield a short period of time to my colleague, Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate Senator BURR's leadership on this issue. I, too, express my appreciation, and I have to say our two Senators from Hawaii are beloved by all Members of this Senate and people whom we respect enormously, as well as the Senator from Alaska.

My father was a veteran of World War II, and the service each of these veterans has provided for our country and for our freedom and security is something we can never thank them for enough.

I agree with Senator BURR that this bill is largely a very good bill, and I am proud to have contributed some provisions that helped enhance veterans' benefits, primarily by cutting redtape that would allow disabled Active-Duty Military personnel to get housing benefits before they officially retire from Active Duty; making family members eligible for housing grants if they are caring for a wounded warrior—and I especially want to recognize the good work of Rosie Babin, the mother of Alan Babin, of Round Rock, TX, who brought this to my attention, and so now we have this provision—and ensuring that burn victims are eligible for housing grants—and this is an area where I want to recognize the work of Christy Patten, the wife of Everett Patten, from Kentucky, who was hospitalized at the Brooke Army Medical Center with burns he received from an IED, and I thank them for the help they provided me in working with the Veterans' Affairs Committee to make sure they were provided for here.

I appreciate the good work our Filipino allies contributed to our effort in the Far East, but I have to say that the problem I have with this bill, and the reason why I agree with Senator BURR, is that the U.S. Treasury is not bottomless, and the funding that is being provided to create this new pension for these Filipino allies, which were of course fighting not only with us but for themselves and for the freedom of their country, is that it would literally be at the expense of U.S. veterans.

The $221 million that is addressed by Senator BURR's amendment would actually go back in to supplement benefits for United States veterans. And while we appreciate and honor and do nothing but show our respect to all of our allies who fought alongside of us in World War II, certainly that doesn't mean we are going to grant pension benefits to all of our allies, starting with the Filipino veterans, or the British, or the Australians, and all the other allies that fought with us in defeating Hitler and the threat in Japan.

Frankly, I can't see our priorities are correct if we do this at the expense of American veterans. That is why I support the amendment by Senator BURR, and I hope our colleagues will vote for it, because certainly our American veterans should be our priority.

I yield the floor.

Mr. BURR. Mr. President, I thank the Senator from Texas.

Let me highlight one area from these 11 points of the substance of Senator AKAKA's bill, and it is the creation of a new special pension of $300 a month to Filipino veterans who live in the Philippines who have no service-connected disability and who did not serve in the United States services.

Now, the reason I want to draw that distinction—and I will ask for the next chart—is there are four groups of Filipino veterans. It is important to understand that the group we refer to as Old Scouts enlisted in the U.S. Army. Because they enlisted in the U.S. Army, they are extended every benefit a U.S. veteran has. We had three other groups, though, the Commonwealth Army of the Philippines, Recognized Guerilla Forces, and New Philippine Scouts. Of those three categories, none were enlisted in the U.S. service.

Senator INOUYE was correct, they were under U.S. command. There were a lot of people in the Second World War who were under the U.S. command. But the official account lists this as the Commonwealth Army of the Philippines. Now, the question that is at the heart of the matter here is: Were Filipino veterans promised VA benefits? According to the information provided in a 1998 congressional hearing, the Department of the Army examined its holdings on General McArthur and President Roosevelt and found no reference by either of these wartime leaders to post-war benefits for Filipino veterans.

Let me draw a distinction. For any Philippine veteran who has a service-connected disability, they are compensated today, whether they live in the United States or whether they live in the Philippines. For the soldier in the Commonwealth Army of the Philippines, those whom Senator STEVENS referred to from the Bataan Death March or side by side in the foxhole, and who had a service-connected disability, they receive compensation from the U.S. Government today, and have continually. The reference that they only got part of what the U.S. vet gets is, in fact, accurate. Because of the difference in the two economies, it was structured to recognize their economy and not to provide more than an equal share to U.S. veterans.

In this bill, we make a change, and that is why, when I alluded to the fact there is $320 some million designated for Filipinos but only $221 million designated to the special new pension, the other $100 million Senator AKAKA has recognized that 50 cents on the dollar is very difficult to substantiate. What he does is he raises it dollar for dollar with U.S. veterans.

Let me put that in perspective. For a 100-percent disabled veteran in the Philippines today, it means today they get $1,200 a month. After this bill passes, they will get $2,400 a month, in an economy where the average annual income is $2,800 a month. We will take every servicemember, regardless of which of those three branches of the commonwealth army they served in, and they will be in the elite class from a standpoint of income. I support that. I support Senator AKAKA's change in the law.

But the root issue raised is: They were promised something more. Was it Congress's intent to grant full VA benefits to Filipino veterans? First, it is important to note that it was a 1942 VA legal opinion which concluded that Filipino veterans had served "in the active military or naval service of the United States" and on that basis were eligible for VA benefits. Senator Carl Hayden, who in 1946 was the chairman of the Subcommittee on Appropriations, had this to say about VA's legal determination regarding Philippine Army veterans during the committee proceedings in March of that year:

> There is nothing to indicate that there was any discussion of the meaning of that term, probably because it is generally well recognized and has been used in many statutes having to do with members or former members of the American armed forces. It would normally be construed to include persons regularly enlisted or inducted in the regular manner in the military and naval service of the United States.

He goes on to say:

> But no one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted—under the GI Bill of Rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any of the laws enacted by Congress for the benefit of veterans to indicate such intent.

He goes further to say:

> It is certainly unthinkable that Congress would extend the normal meaning of the term to cover the large number of Filipinos to whom it has been suggested that the Servicemen's Readjustment Act of 1940 applies, at a cost running into billions of dollars, aside from other considerations, without some reference to it either in the debates in Congress or in the committee reports.

Maybe this is the debate in Congress.

This issue was raised in 1997, and in June of that year, when the Clinton administration was asked to testify on this, Stephen Lemons, Acting Under Secretary for Benefits, was quoted in the hearing as saying this:

> History shows that the limitations on eligibility for U.S. benefits based on service in these Philippine forces were based on a carefully considered determination of the government's responsibilities toward them.

They testified against extending that benefit.

In 1948, there was a House hearing, and in that House hearing there was an exchange between witnesses and Members of the House. There was a Father Haggarty who came to testify, and I read from the official accounts of that hearing. This is Father Haggarty:

> It was constantly promised, as the ambassador mentioned, in radio broadcasts, official American broadcasts to the Philippines in the war. It was definitely promised by General McArthur, General Wainwright, and also it has been acknowledged, I believe, that the Philippine groups recognized the guerrillas, acting as members of the United States Armed Forces, were entitled at one time to complete GI bill of rights. That is, they were included. I believe that is correct, and were later left out.

Mr. Allen, Member:

> May I say there, Father, I know you are sincere about it, but I think you are in error. Because there are three or four of us here on the committee who were present when the GI bill was written, and I don't think that ever entered into it.

So the individuals who wrote the GI bill in a committee hearing are verifying that was not even discussed, much less their intent.

There are a number of documents that have existed as committees have held hearings over a period of time from the Department of the Army, from the Roosevelt library. There have been searches everywhere to try to find any documentation that would lead one to believe that there was a promise, that there was an insinuation, and the fact is, whether it is Roosevelt documents, whether it is Army documents, whether it is General MacArthur's personal documents, no one can find anything, other than "we believe this existed."

What factors influenced Congress's decision to limit certain VA benefits to Philippine veterans in what is known as the Rescissions Act of 1946, where it was made perfectly clear in legislation that this was going to happen? Well, you have heard it from the authors of the GI bill. "We never intended this to be extended." The Congressional Research Service testimony in April of 2007 provided the following conclusion based on its review of the congressional history.

> It seems clear that Congress considered the Rescissions Act in the context of providing for the comprehensive economic development of the soon to be sovereign Republic of the Philippines.

President Truman, in signing the Rescissions Act, reminded everyone in the United States that we shared responsibility with the Philippine Government for the welfare of Philippine veterans, but recognized that certain practical difficulties exist in applying the GI bill of rights to the Philippines.

Again, the second President in the line suggesting that this was not the intent.

As I said earlier, we extend disability compensation to any Filipino veteran, regardless of Commonwealth Army or of the U.S. Army, who was injured in service or disabled because of service. Now, what have we done? What specifically has the United States done since we left the Philippines?

After the war, the U.S. provided $620 million—in today's dollars that is $6.7 billion—for repair of public property and war damage claims and assistance to the Philippine Government. VA compensation for service-related disabilities, as I said, and survivor compensation was also provided, and again paid at a rate that reflected differences in the cost of living.

We are changing that. We are raising it to 100 percent. The United States provided $22.5 million—$196 million in today's dollars—for the construction and equipping of a hospital in the Philippines for the care of Filipino veterans. In addition, the U.S. Government provides annual grants to support the operation of the hospital, which was later donated to the Philippine Government. The grants continue to exist today.

Survivors of the Filipino veterans who died as a result of service are eligible for educational assistance benefits. Filipino veterans legally residing in the United States are eligible for full-rate disability compensation, full-rate cash burial benefits, full access to the VA health care clinics, medical centers, and burial in our national cemeteries.

I am not sure anybody can leave this debate and say we have not done our share. So we are back to one issue: the special pension. We are back to the creation of a special pension for some number of Filipinos who served or were affiliated with the Commonwealth Army of the Philippines that would place them in a pension category of $300 a month.

I will ask for the last chart to go up. I made this case 2 days ago extremely hard, and I want my colleagues to listen. The proposal to raise $300 is on top of what is currently paid by the Filipino Government to every veteran. That is $120 a month. That $120 a month in the Philippines puts every veteran 400 percent above the poverty line in the Philippines. Let me put it in perspective to the United States. For our veterans who receive a special pension because of income, that pension equates to 10 percent above the poverty line. Today, the $120 a month equates to 400 percent above the poverty line.

What we are being asked to do in 1315, and what I am cutting from 1315 and allocating to our veterans, is $300 a month, which would raise the Filipino veterans to 1400 percent over poverty.

Mr. President, that is 27 percent over the median annual income of a Filipino.

I might once again say, for U.S. veterans under special pensions, they are 10 percent above poverty; they are at 21 percent of median income—under, not over. This one change, this one creation of a new program, puts the whole group at 1400 percent over the poverty line and 27 percent over the median income. This is on top of the $1,200, if they are fully disabled, that they are currently getting each month. What Senator AKAKA will do in his bill, and I support, raises that to $2,400 if they are 100 percent disabled.

I say to my colleagues, we are not here to create another class in the Philippines. I hold Senator INOUYE's and Senator STEVENS' belief that we owe these individuals so much—but so do we to our veterans, to my dad who just turned 87 who fought in the Pacific. Senator CRAIG, in the committee markup, attempted to reach a compromise. He offered $100 versus $300. It was rejected. The chairman knows I do not have any ill will over that; a decision was made, and it was rejected on a party-line vote.

I hope—and I say this to the chairman today—I hope this is the last time while I am here when the Veterans' Affairs Committee brings a bill to the floor that does not have the bipartisan consensus that history has proven, and I think he and I can accomplish that.

We inherited something on which we were incapable of coming to some compromise, so we have a tough decision to make. That decision today is about, frankly, our veterans or their veterans. Are we going to enhance the benefits for housing grants and for car grants or are we going to create a new special pension for Filipino veterans who live in the Philippines who have no service-connected disability? It is an issue of, Is it equitable?

What my amendment does is simple. It eliminates this new special pension and takes the $221 million and increases the grants that we have in adaptive housing for our burned veterans and for car grants.

We respect and we are grateful for the brave Filipino fighters, but this is about today, not yesterday. It is about the needs of our veterans, the equity of our generosity. It is not about broken promises, it is about recognizing priorities. It is not about young Members looking and saying that is too much money. No, it is about young Members looking and saying: You know what, when you can't fund everything you have to prioritize.

I urge my colleagues, I implore my colleagues, support my amendment and make sure we put our priorities in the right place. Then vote for passage. Support the chairman in his efforts for passage and know that each one of us will have upheld our responsibilities to our warriors, those individuals who protect us every day we are here.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The time of the Senator has expired. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I yield 5 minutes to the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Mr. President, the Veterans' Benefit Enhancement Act we are debating contains a number of important benefits to provide for our veterans. It would expand eligibility for traumatic injury insurance, provide job training, and help disabled veterans make their homes more accessible. That is all worthy.

There is also another issue. In 1941, President Roosevelt called on the people of the Philippines to fight for their freedom and ours, and thousands of brave Filipinos answered the call. They carried out operations to liberate their homeland and joined us in support of our efforts in the Pacific theater. They fought and died at Corregidor, they were with us on the beaches of Bataan, and in the death marches. They were there when General MacArthur promised he would return, they fought using guerrilla tactics to tie down the Japanese, and they fought under General MacArthur when he came back and said, "I have returned."

Throughout the war, Filipino soldiers fought under the American flag, serving with valor, strength, and dignity. President Roosevelt guaranteed those brave soldiers that the United States would come to their aid in times of peace, just as they had come to our aid during times of war.

He guaranteed them equal veterans' benefits—a fair promise, considering their service and considering the law of the land, as they were full members of the U.S. military.

But in 1946 in one of the most misguided legislative actions at the time, Congress took away the benefits that the President of the United States had promised them, benefits they had rightfully earned.

Of the approximately 250,000 Filipino veterans who fought for us in America, only 18,000 are still alive today. Many of them are searching for ways to pay for health care and struggling in ways they never should. These veterans have more yesterdays than tomorrows. They are well into their eighties, and in terms of our budget, what this bill would cost over the next 10 years we are spending in Iraq every 18 hours. Those who say it will cost too much are the same voices who said it would cost too much to do what Democrats did under the leadership of Senator AKAKA when, for the first time, we fully funded the veterans independent budget.

When we bring this bill to a vote, we will be answering a very simple but powerful question: Does our Nation keep its promises? We need to right an injustice of the past and show our allies, for future purposes as well, when we tell people to join us in our fight against terrorism, to join us in our fight against other challenges in the world, that America honors its obligations to those who fight for the values and principles we collectively share.

This is a critical time to send a message to friends of freedom across the world that we remember our allies, and we pay our debts.

Our distinguished colleagues in this Senate who have served during World War II have said this is not simply a question of budget, this is a question of honor. These individuals of honor put their lives on the line for our Nation, and now the honor of our Nation is on the line.

Let's just show a fraction of the bravery they did and vote to restore to them what they were promised, what was the law, and what they rightfully earned.

Now, like lawyers, there are some who are picking on points here or there to build a case against these benefits. In my mind it is a case made of sand. Let's vote to bring an honorable ending to this story and in however small a way let us pledge now to give them dignity in the twilight of their lives.

I urge my colleagues to support Senator AKAKA's bill as it is to be able to keep our word in the world.

Mr. President, to reiterate, the Veterans' Benefits Enhancement Act that we are debating contains a number of important measures to provide for our veterans. It would expand eligibility for traumatic injury insurance, provide job training, help disabled veterans make their homes more accessible. And that is all worthy. But there is also another issue.

In 1941, President Roosevelt called on the people of the Philippines to fight for their freedom and ours, and thousands of brave Filipinos answered the call. They carried out operations to liberate their homeland, and joined us in support of our efforts in the Pacific Theater. They fought and died at Corregidor. They were with us on the beaches at Bataan, and in the death marches. They were there when General MacArthur promised he would return, they fought using guerilla tactics to tie down the Japanese, and they fought under General MacArthur when he came back and said, "I have returned."

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But in 1946, in one of the most misguided legislative actions of the time, Congress took away the benefits that the President of the United States had promised them—benefits they had rightfully earned. Of the approximately 250,000 Filipino veterans who fought for us in America, only about 18,000 are still alive today. Many of them are searching for ways to pay for health care, and are struggling in ways they never should.

These veterans have more yesterdays than tomorrows. They are all well into their eighties. In terms of our budget, what this bill would cost over the course of 10 years, we are spending in Iraq every 18 hours.

So those who say it costs too much are the same voices who said that it would cost too much to do what Democrats did under the leadership of Senator AKAKA, when for the first time we fully funded the veterans independent budget. When we bring this bill to a vote, we will be answering a very simple but powerful question: Does our Nation keep its promises?

We need to right an injustice of the past and show our allies for future purposes as well; when we tell people join us in our fight against terrorism, join us in our fight against other challenges in the world that America honors its obligation to those who fight for the values and our principles that we collectively share. This is a critical time to send a message to friends of freedom across the world: we remember our allies and we pay our debts.

Our distinguished colleagues in the Senate who have served during World War II have said, this is not simply a question of budget. This is a question of honor. These individuals of honor put their lives on the line for our Nation, and now the honor of our Nation is on the line. Let us show them just a fraction of the bravery they did, and vote to restore them what they were promised, what was the law and what they rightfully earned.

Now, like lawyers there are some who are picking on points here and there to build a case against these benefits, in my mind is a case made of sand. Let us vote to bring an honorable ending to this story and in however small a way, let us pledge now to give them dignity in the twilight of their life. I really urge my colleagues to support Senator AKAKA's bill as it is, and be able to keep our word in the world.

If I have any remaining time, I yield it back to Senator AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I would like to yield 5 minutes to the Senator from Florida, Mr. NELSON.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, the underlying bill that the Senators from Hawaii and North Carolina have put together is a step in the right direction: increasing life insurance benefits, increasing disability benefits—particularly for traumatic brain injury—and doing that retroactively.

There is another portion in here that makes a lot of sense. If under current law a veteran who is deployed to a war zone can get out of his apartment rental contract, why should not he be able to get out of his cell phone lease contract? That provision is in here. That is in the underlying bill.

Let me tell you what is not in here—I am going to have to take this up on the Defense authorization bill—taking care of the widows and the orphans in the offset between survivor benefits plans and dependents' indemnity compensation—SVPDIC. The veterans' survivors, the widows and orphans, are entitled under both by law—but by law they offset each other. Thus widows and orphans are suffering. We will address that in the Defense authorization bill.

I want to expand on what the two Senators from Hawaii have said. There is one thing that America should never do, and that is break her word. When we have allies who are side by side with us in war, and they are depending on our word that we are going to take care of them, it is the obligation of America to do that.

I yield the floor.

Mrs. CLINTON. Mr. President, I rise today in support of providing benefits to Filipino veterans who served our Nation during World War II. S. 1315, the Veterans' Benefits Enhancement Act of 2007 introduced by Senator AKAKA, specifically includes a provision that would restore health and pension benefits to Filipino veterans who fought for the United States during World War II. This provision is based on S.57, the Filipino Veterans Equity Act of 2007 originally introduced by Senator INOUYE and which I am proud to cosponsor. I have supported rectifying this injustice since I entered the Senate in 2001.

Senator BURR's amendment would strip the provision benefitting Filipino veterans from S. 1315. I strongly oppose this amendment.

In 1942, President Roosevelt issued an order conscripting Filipino soldiers into the U.S. Armed Forces. More than 250,000 Filipino soldiers joined the U.S. Armed Forces in the months before and days following the attack on Pearl Harbor. These men served on the battlefield and fought courageously alongside American soldiers throughout World War II, took part in the guerilla resistance, and suffered in prisoner-of-war camps including the infamous Bataan Death March in which untold numbers of Americans and Filipinos soldiers suffered and died under brutal conditions.

The United States promised these Filipino veterans the same health and pension benefits as those of American servicemembers, but after World War II ended, Congress passed the Rescission Act of 1946, rescinding benefits that the Filipino soldiers were entitled to receive as U.S. veterans. Since then, these veterans have been fighting for these benefits which were unjustly revoked by the 1946 Rescission Act.

I reiterate the statements I made recently in honor of the 66th anniversary of the Bataan Death March that this is a matter of restoring the honor and dignity of these courageous veterans. I will continue to support and fight for the Filipino veterans equity bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, how much time do we in the majority have?

The PRESIDING OFFICER. Five minutes. The time of the Senator from North Carolina has expired.

Mr. AKAKA. Mr. President, I thank the Senator from Florida for his remarks.

Mr. President, on July 26, 1941, President Roosevelt issued an Executive

Order ordering all military forces of the Commonwealth of the Philippines into service of the Armed Forces of the United States. This happened after a bit of history.

In 1898 the Philippines became a colony of the United States. It was on March 24, 1934, that the Tydings-McDuffie Act passed Congress. That provided for independence for the Philippines. It was mandated in that bill that there would be a 10-year period—that is to 1944—when the Philippines would formalize and shape and develop its entity. But what was mandated was that the United States would provide the control and supervision of the national defense of the Philippines, and also of its foreign affairs.

This was in that bill in 1934. The 10-year period ended in 1944. So the United States was very much a part of the Philippines. In 1941, under the declaration and Executive Order of President Roosevelt, they served in the U.S. Armed Forces of the Far East. All of the military forces of the Commonwealth of the Philippines remained under the command of the U.S. Armed Forces of the Far East throughout World War II and until the Philippines was granted independence on July 4, 1946.

Our Nation has a long history of caring for aging veterans, particularly those who served the country during a time of war. Philippine veterans of the Second World War are now in their twilight years, and many are struggling to make ends meet, especially with global food prices on the rise. Now, perhaps more than ever, the modest pension benefits that are in S. 1315 are of the greatest value to veterans who earned them on the battlefield so many years ago.

I urge my colleagues to stand with me, with my World War II colleagues, Senators Inouye and Stevens, and a majority of the Veterans' Affairs Committee and not accept the amendment of the Senator from North Carolina.

AMENDMENT NO. 4576

Mr. AKAKA. Mr. President, under the agreement entered yesterday, I now call up the managers' technicals package and ask unanimous consent that the amendment be considered and agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4576) was agreed to, as follows:

On page 12, beginning on line 8, strike "June 1, 2008" and insert "April 1, 2009".

On page 13, line 17, strike "January 1, 2008" and insert "January 1, 2009".

On page 14, line 9, strike "January 1, 2008" and insert "January 1, 2009"

On page 29, line 7, strike "October 1, 2007" and insert "October 1, 2008".

On page 29, line 12, strike "December 31, 2008" and insert "December 31, 2009".

On page 30, line 19, strike "December 31, 2008" and insert "December 31, 2009".

On page 35, line 22, add after the period the following: "The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010.".

On page 38, beginning on line 21, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 41, line 16, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 18, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 24, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 42, line 1, strike "the date of the enactment of this Act" and insert "that date".

On page 59, line 17, strike "October 1, 2007" and insert "October 1, 2008".

On page 62, line 22, strike "October 1, 2007" and insert "October 1, 2008".

On page 67, line 23, strike "October 1, 2007" and insert "October 1, 2008".

On page 71, beginning on line 9, strike "October 1, 2007, and ending on September 30, 2011" and insert "October 1, 2008, and ending on September 30, 2012".

On page 71, line 23, strike "March 31, 2011" and insert "March 31, 2012".

On page 72, line 3, strike "September 30, 2011" and insert "September 30, 2012".

On page 72, line 14, strike "fiscal years 2008 through 2011" and inserting "fiscal years 2009 through 2012".

On page 73, line 4, strike "fiscal year 2011" and insert "fiscal year 2012".

On page 75, beginning on line 22, strike "December 31, 2010" and insert "December 31, 2011".

Mr. AKAKA. Mr. President, I yield back the remaining time and I ask for the vote.

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4572.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—41

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Martinez
McConnell
Roberts
Sessions
Shelby
Smith
Snowe
Sununu
Thune
Vitter
Wicker

NAYS—56

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

DeMint
McCain
Obama

The amendment (No. 4572) was rejected.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I would like to offer my support for S. 1315, the Veterans' Benefits Enhancement Act of 2007. This is a tremendously important piece of legislation, and I commend Senator AKAKA and the Veterans' Affairs Committee for their work.

This bill says to the men and women who have served and suffered horrible injuries and paid the price of war, "We have not forgotten you. You and your families deserve the respect and care of a grateful Nation, and we will do all that we can to see to it that you live lives of dignity." Among other things, this legislation enhances life insurance benefits to disabled servicemembers, improves benefits for veterans who need to renovate their homes to accommodate their injuries, and increases education benefits so our veterans will have an easier time going back to school and getting good jobs when they finish military service.

But just as important as taking care of our newest generation of veterans, this bill also takes care of some of the oldest veterans who were a part of the "greatest generation."

In 1941, President Roosevelt issued an order that directed the Commonwealth Army of the Philippines to fight alongside our Armed Forces, as he was authorized to do under the Philippine Independence Act of 1934. Some 250,000 Filipinos would swear allegiance to the United States of America in the months before and the days after Pearl Harbor.

Under our flag, they went on to fight and die on the same battlefields as U.S. troops. They gathered intelligence, organized a guerilla resistance against the Japanese invasion of their island home, and assisted in rescue operations of American prisoners of war.

When the fighting stopped, the members of the Filipino Army were to have been eligible for full veterans' benefits, just like American veterans. In October of 1945 GEN Omar Bradley, who at the time was the head of the Veterans' Administration, affirmed that the Filipino soldiers would be treated no differently and were to receive all the benefits that they rightly deserved.

Unfortunately, the Rescission Act of 1946 changed all that. It stated that the Filipinos who fought alongside Americans had not performed "active service" and that they had no standing or claim to any "rights, privileges, or benefits."

Mr. President, there are now only about 18,000 of these heroic Filipinos left. About 13,000 of them are still in the Philippines, where they have waited over 60 years for the United States Government to provide the benefits they were promised and are owed for serving our Nation and defending the cause of freedom. That is what this legislation does. It also extends the benefits available to all U.S. servicemembers to the 5,000 Filipino veterans living here in the United States.

Unfortunately, for the past 9 months, the other side of the aisle has balked at allowing this legislation to come up for a vote. I am certainly thankful that they have no problem with extending full benefits to Filipino veterans living here. But sadly they feel that $300 a month for a single person and $375 for a married person is too high a pension for someone who lives in the Philippines but fought for the United States 60 years ago and hasn't received a penny since. Instead they are insisting on no pension at all for these veterans.

However, I am glad that we have now moved to the bill, and we can debate the merits of this vital legislation that will address the needs of those who have paid the price of war.

Senator INOUYE, who has so faithfully lead this effort for the past 16 years and knows what it means to have fought under our flag in World War II, recently stated, "What happened 61 years ago was not right; it was shameful and disgraceful. . . . The legislation is about fairness and dignity—core American values. It is also about correcting an injustice that has stood for way too long."

I could not agree more, and I urge my colleagues to support this bill and bring these well-deserved and urgently needed benefits to those veterans—both young and old—who have fought on our behalf.

The PRESIDING OFFICER. Under the previous order, the amendment in the nature of a substitute, as amended, is agreed to.

The clerk will read the bill for the third and final time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. AKAKA. Mr. President, I ask for the yeas and nays on final passage and urge my colleagues to support the pending measure.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—96

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—1

Vitter

NOT VOTING—3

DeMint
McCain
Obama

The bill (S. 1315), as amended, was passed, as follows:

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Enhancement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.

TITLE I—INSURANCE MATTERS

Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.
Sec. 102. Administrative costs of service disabled veterans' insurance.
Sec. 103. Modification of servicemembers' group life insurance coverage.
Sec. 104. Supplemental insurance for totally disabled veterans.
Sec. 105. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 106. Consideration of loss dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.
Sec. 107. Designation of fiduciary for traumatic injury protection coverage under Servicemembers' Group Life Insurance in case of lost mental capacity or extended loss of consciousness.
Sec. 108. Enhancement of veterans' mortgage life insurance.

TITLE II—HOUSING MATTERS

Sec. 201. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 202. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 203. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 204. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 205. Supplemental specially adapted housing benefits for disabled veterans.
Sec. 206. Report on specially adapted housing for disabled individuals.
Sec. 207. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

Sec. 301. Coordination of approval activities in the administration of education benefits.
Sec. 302. Modification of rate of reimbursement of State and local agencies administering veterans education benefits.
Sec. 303. Waiver of residency requirement for Directors for Veterans' Employment and Training.
Sec. 304. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.
Sec. 305. Extension of increase in benefit for individuals pursuing apprenticeship or on-job training.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

Sec. 401. Expansion of eligibility for benefits provided by Department of Veterans Affairs for certain service in the organized military forces of the Commonwealth of the Philippines and the Philippine Scouts.

Sec. 402. Eligibility of children of certain Philippine veterans for educational assistance.

TITLE V—COURT MATTERS

Sec. 501. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 502. Additional discretion in imposition of practice and registration fees.
Sec. 503. Annual reports on workload of United States Court of Appeals for Veterans Claims.
Sec. 504. Report on expansion of facilities for United States Court of Appeals for Veterans Claims.

TITLE VI—COMPENSATION AND PENSION MATTERS

Sec. 601. Addition of osteoporosis to disabilities presumed to be service-connected in former prisoners of war with post-traumatic stress disorder.
Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
Sec. 603. Clarification of eligibility of veterans 65 years of age or older for service pension for a period of war.

TITLE VII—BURIAL AND MEMORIAL MATTERS

Sec. 701. Supplemental benefits for veterans for funeral and burial expenses.
Sec. 702. Supplemental plot allowances.

TITLE VIII—OTHER MATTERS

Sec. 801. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.
Sec. 802. Supplemental assistance for providing automobiles or other conveyances to certain disabled veterans.
Sec. 803. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.
Sec. 804. Termination or suspension of contracts for cellular telephone service for servicemembers undergoing deployment outside the United States.
Sec. 805. Maintenance, management, and availability for research of assets of Air Force Health Study.
Sec. 806. National Academies study on risk of developing multiple sclerosis as a result of certain service in the Persian Gulf War and Post 9/11 Global Operations theaters.
Sec. 807. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE MATTERS

SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Chapter 19 is amended by inserting after section 1922A the following new section:

"§1922B. Level-premium term life insurance for veterans with service-connected disabilities

"(a) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

"(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

"(c) AMOUNT OF INSURANCE.—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be $50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by $10,000.

"(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed $50,000.

"(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

"(e) PREMIUMS.—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

"(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

"(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

"(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

"(B) A veteran who is 70 years of age or older.

"(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

"(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

"(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

"(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

"(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item related to section 1922A the following new item:

"1922B. Level-premium term life insurance for veterans with service-connected disabilities.".

(c) EXCHANGE OF SERVICE DISABLED VETERANS' INSURANCE.—During the one-year period beginning on the effective date of this section under subsection (d), any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of such title (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on April 1, 2009.

SEC. 102. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) is amended by striking "directly from such fund" and inserting "directly from such fund; and (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund".

SEC. 103. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Paragraph (1)(C) of section 1967(a) is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

(2) CONFORMING AMENDMENT.—Paragraph (5)(C) of such section 1967(a) is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

(b) REDUCTION IN PERIOD OF COVERAGE FOR DEPENDENTS AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking "120 days after".

SEC. 104. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 1922A(a) is amended by striking "$20,000" and inserting "$30,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2009.

SEC. 106. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking ", if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom".

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SEC. 106. CONSIDERATION OF LOSS DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking "Payments under" and inserting "(1) Payments under"; and

(2) by adding at the end the following new paragraph:

"(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a non-dominant hand.".

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as amended by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term "qualifying loss" means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

SEC. 107. DESIGNATION OF FIDUCIARY FOR TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE IN CASE OF LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is mentally incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 108. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) is amended by striking "$90,000" and inserting "$150,000, or $200,000 after January 1, 2012,".

TITLE II—HOUSING MATTERS

SEC. 201. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

SEC. 202. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 is amended by inserting after section 2101 the following new section:

"§ 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

"(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

"(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

"(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

"(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

"(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

"(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

"(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 is amended—

(A) in subsection (a)—

(i) by striking "veteran" each place it appears and inserting "individual"; and

(ii) in paragraph (3), by striking "veteran's" and inserting "individual's";

(B) in subsection (b)(1), by striking "a veteran" and inserting "an individual";

(C) in subsection (c)—

(i) by striking "a veteran" and inserting "an individual"; and

(ii) by striking "the veteran" each place it appears and inserting "the individual"; and

(D) in subsection (d), by striking "a veteran" each place it appears and inserting "an individual".

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A is amended—

(A) by striking "veteran" each place it appears (other than in subsection (b)) and inserting "individual";

(B) in subsection (a), by striking "veteran's" each place it appears and inserting "individual's"; and

(C) in subsection (b), by striking "a veteran" each place it appears and inserting "an individual".

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 is amended by striking "veterans" both places it appears and inserting "individuals".

(5) CONSTRUCTION OF BENEFITS.—Section 2104 is amended—

(A) in subsection (a), by striking "veteran" each place it appears and inserting "individual"; and

(B) in subsection (b)—

(i) in the first sentence, by striking "A veteran" and inserting "An individual";

(ii) in the second sentence, by striking "a veteran" and inserting "an individual"; and

(iii) by striking "such veteran" each place it appears and inserting "such individual".

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 is amended—

(A) in subsection (a)—

(i) by striking "any eligible veteran" and inserting "any eligible individual"; and

(ii) by striking "the veterans'" and inserting "the individual's";

(B) in subsection (b), by striking "an eligible veteran" and inserting "an eligible individual";

(C) in subsection (e), by striking "an eligible veteran" and inserting "an individual";

(D) in subsection (h), by striking "each veteran" and inserting "each individual";

(E) in subsection (i), by striking "the veteran's" each place it appears and inserting "the individual's";

(F) by striking "the veteran" each place it appears and inserting "the individual"; and

(G) by striking "a veteran" each place it appears and inserting "an individual".

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 is amended to read as follows:

"§ 2101. Acquisition and adaptation of housing: eligible veterans".

(B) The heading of section 2102A is amended to read as follows:

"§ 2102A. Assistance for individuals residing temporarily in housing owned by a family member".

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

"2101. Acquisition and adaptation of housing: eligible veterans.";

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

"2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States."; and

(C) by striking the item relating to section 2102A and inserting the following new item:

"2102A. Assistance for individuals residing temporarily in housing owned by a family member.".

SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

SEC. 204. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) is amended by striking "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006" and inserting "after December 31, 2011".

SEC. 205. SUPPLEMENTAL SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Chapter 21 is amended by inserting after section 2102A the following new section:

"§ 2102B. Supplemental assistance

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment in accordance with section 2102 of this title to an individual authorized to receive such assistance under section 2101 of this title for the acquisition of housing with special features or for special adaptations to a residence, the Secretary is also authorized and directed to pay such individual supplemental assistance under this section for such acquisition or adaptation.

"(2) No supplemental assistance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT OF SUPPLEMENTAL ASSISTANCE.—(1) In the case of a payment made in accordance with section 2102(a) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

"(A) the payment which would be determined under section 2102(a) of this title, and 2102A of this title if applicable, if the amount described in section 2102(d)(1) of this title were increased to the adjusted amount described in subsection (c)(1), over

"(B) the payment determined without regard to this section.

"(2) In the case of a payment made in accordance with section 2102(b) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

"(A) the payment which would be determined under section 2102(b) of this title, and 2102A of this title if applicable, if the amount described in section 2102(b)(2) of this title and section 2102(d)(2) of this title were increased to the adjusted amount described in subsection (c)(2), over

"(B) the payment determined without regard to this section.

"(c) ADJUSTED AMOUNT.—(1) In the case of a payment made in accordance with section 2102(a) of this title, the adjusted amount is $60,000 (as adjusted from time to time under subsection (d)).

"(2) In the case of a payment made in accordance with section 2102(b) of this title, the adjusted amount is $12,000 (as adjusted from time to time under subsection (d)).

"(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amounts described in subsection (c) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residential home cost-of-construction index for the year preceding that year.

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.

"(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental assistance under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental assistance under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2102A the following new item:

"2102B. Supplemental assistance.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2102B of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 206. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 202(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 207. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 202(a) of this Act), who reside with family members on a permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

SEC. 301. COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS.

(a) COORDINATION.—

(1) IN GENERAL.—Section 3673 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.".

(2) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended to read as follows:

"§3673. Approval activities: cooperation and coordination of activities".

(B) The table of sections at the beginning of chapter 36 is amended by striking the item relating to section 3673 and inserting the following new item:

"3673. Approval activities: cooperation and coordination of activities.".

(3) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting "COOPERATION IN ACTIVITIES.—" after "(a)"; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting "AVAILABILITY OF INFORMATION MATERIAL.—" after "(c)".

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the following:

(1) The actions taken to establish outcome-oriented performance standards for State approving agencies created or designated under section 3671 of title 38, United States Code, including a description of any plans for, and the status of the implementation of, such standards as part of the evaluations of State approving agencies required by section 3674A of title 38, United States Code.

(2) The actions taken to implement a tracking and reporting system for resources expended for approval and outreach activities by such agencies.

(3) Any recommendations for legislative action that the Secretary considers appropriate to achieve the complete implementation of the standards described in paragraph (1).

SEC. 302. MODIFICATION OF RATE OF REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) is amended by striking "$13,000,000" and all that follows through "fiscal year 2007,".

SEC. 303. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 4103(a)(2) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.".

SEC. 304. MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS.

(a) MODIFICATION OF STUDY.—Subsection (a)(1) of section 4110A is amended—

(1) in the matter before subparagraph (A), by striking "a study every two years" and inserting "an annual study";

(2) by redesignating subparagraph (A) as subparagraph (F);

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

"(A) Veterans who were called to active duty while members of the National Guard or a Reserve Component.

"(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters."; and

(4) in subparagraph (C)—

(A) by striking "Vietnam era" and inserting "Post 9/11 Global Operations period"; and

(B) by striking "the Vietnam theater of operations" and inserting "the Post 9/11 Global Operations theaters".

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(c) In this section:

"(1) The term 'Post 9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or law.

"(2) The term 'Post 9/11 Global Operations theaters' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.".

SEC. 305. EXTENSION OF INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING.

Section 103 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3600) is amended by striking "2008" each place it appears and inserting "2010". The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

"§107. Certain service with Philippine forces deemed to be active service

"(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

"(b) SERVICE DESCRIBED.—Service described in this subsection is service—

"(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

"(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

"(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of $0.50 for each dollar authorized.

"(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

"(d) MODIFIED PENSION AND DEATH PENSION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Any pension provided under subchapter II or III of chapter 15 of this title to an individual described in paragraph (2) shall be made only as specified in section 1514 of this title.

"(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to a pension provided under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

"(e) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

"107. Certain service with Philippine forces deemed to be active service.".

(3) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to the payment or provision of benefits on or after April 1, 2009. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION FOR CERTAIN SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 15 is amended by adding at the end the following new section:

"§1514. Certain recipients residing outside the United States

"(a) SPECIAL RATES FOR PENSION BENEFITS FOR INDIVIDUALS SERVING WITH PHILIPPINE FORCES AND SURVIVORS.—(1) Payment under this subchapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made as follows:

"(A) For such an individual who is married, at a rate of $4,500 per year (as increased from time to time under section 5312 of this title).

"(B) For such an individual who is not married, at a rate of $3,600 per year (as increased from time to time under section 5312 of this title).

"(2) Payment under subchapter III of this chapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made at a rate of $2,400 per year (as increased from time to time under section 5312 of this title).

"(3) An individual who is otherwise entitled to benefits under this chapter and resides outside the United States, and receives or would otherwise be eligible to receive a monetary benefit from a foreign government, may not receive benefits under this chapter for service described in section 107(b) of this title if receipt of such benefits under this chapter would reduce such monetary benefit from such foreign government.

"(4) The provisions of sections 1503(a), 1506, 1522, and 1543 of this title shall not apply to benefits paid under this section.

"(b) INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS INELIGIBLE.—An individual residing outside the United States who is receiving or is eligible to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) may not receive benefits under this chapter.

"(c) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 15 is amended by inserting after the item related to section 1513 the following new item:

"1514. Certain recipients residing outside the United States.".

(3) FREQUENCY OF PAYMENT.—Section 1508 is amended by inserting "1514," before "1521," each place it appears.

(4) ROUNDING DOWN OF RATES.—Section 5123 is amended by inserting "1514," before "1521".

(5) ANNUAL ADJUSTMENT OF BENEFIT RATES.—Section 5312 is amended—

(A) in subsection (a), by inserting "1514," before "1521," the first place it appears; and

(B) in subsection (c)(1), by inserting "1514," before "1521,".

(6) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to applications for benefits filed on or after April 1, 2009. The amendments made by paragraphs (3), (4), and (5) shall take effect on April 1, 2009.

(c) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of April 1, 2009, or a survivor of such veteran who is receiving such benefits as of that date, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

SEC. 402. ELIGIBILITY OF CHILDREN OF CERTAIN PHILIPPINE VETERANS FOR EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (b) of section 3565 is amended by striking "except that—" and all that follows and inserting "except that a reference to a State approving agency shall be deemed to refer to the Secretary.".

(b) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (c).

TITLE V—COURT MATTERS

SEC. 501. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking "or for more than a total of 180 days (or the equivalent) during any calendar year".

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Enhancement Act of 2007 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

"(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

"(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

"(B) A judge who retired before the date of the enactment of the Veterans' Benefits Enhancement Act of 2007 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

"(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

"(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

"(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.".

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking "paragraph (2) of subsection (c)" and inserting "paragraph (1)(A)(i) or (2) of subsection (c)".

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

"(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

"(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.".

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: "Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.".

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: "This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.".

SEC. 502. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) is amended—

(1) in the first sentence, by inserting "reasonable" after "impose a";

(2) in the second sentence, by striking ", except that such amount may not exceed $30 per year"; and

(3) in the third sentence, by inserting "reasonable" after "impose a".

SEC. 503. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

"§ 7288. Annual report

"(a) IN GENERAL.—The chief judge of the Court shall submit annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

"(1) The number of appeals filed.

"(2) The number of petitions filed.

"(3) The number of applications filed under section 2412 of title 28.

"(4) The number and type of dispositions.

"(5) The median time from filing to disposition.

"(6) The number of oral arguments.

"(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

"(8) A summary of any service performed by recalled retired judges during the fiscal year.

"(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

"7288. Annual report.".

SEC. 504. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the "most cost-effective alternative appears to be leasing substantial additional space in the current location", which would "require relocating other current government tenants" from that building.

(4) The February 2006 feasibility report of the General Services Administration does not include an analysis of whether it would be feasible or desirable to locate a Veterans Courthouse and Justice Center at the current location of the Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

(2) in providing that space, Congress should avoid undue disruption, inconvenience, or cost to other Federal entities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility of—

(A) leasing additional space for the United States Court of Appeals for Veterans Claims within the building where the Court was located on the date of the enactment of this Act; and

(B) using the entirety of such building as a Veterans Courthouse and Justice Center.

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

(A) The impact that the matter analyzed in accordance with paragraph (1) would have on Federal tenants of the building used by the Court.

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should be taken to convert the building into a Veterans Courthouse and Justice Center and a timeline for such conversion.

(3) COMMENT PERIOD.—The Administrator shall provide an opportunity to such Federal tenants—

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

TITLE VI—COMPENSATION AND PENSION MATTERS

SEC. 601. ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER.

Section 1112(b)(2) is amended by adding at the end the following new subparagraph:

"(F) Osteoporosis, if the Secretary determines that the veteran was diagnosed with post-traumatic stress disorder (PTSD).".

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended by adding at the end the following new paragraph:

"(5) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.".

SEC. 603. CLARIFICATION OF ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

Section 1513 is amended—

(1) in subsection (a), by striking "by section 1521" and all that follows and inserting "by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.".

TITLE VII—BURIAL AND MEMORIAL MATTERS

SEC. 701. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

"§2302A. Funeral expenses: supplemental benefits

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $900 (as adjusted from time to time under subsection (c)).

"(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

"2302A. Funeral expenses: supplemental benefits.".

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

"§2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $2,100 (as adjusted from time to time under subsection (c)).

"(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

"2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.".

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

SEC. 702. SUPPLEMENTAL PLOT ALLOWANCES.

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

"§ 2303A. Supplemental plot allowance

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

"(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $445 (as adjusted from time to time under subsection (c)).

"(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

"2303A. Supplemental plot allowance.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

TITLE VIII—OTHER MATTERS

SEC. 801. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "or (iii) below" and inserting "(iii), or (iv)"; and

(B) by adding at the end the following new clause:

"(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subparagraph (B), by striking "or (iii)" and inserting "(iii), or (iv)".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking "chapter—" and inserting "chapter:";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "means—" and inserting "means the following:";

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "any veteran" and inserting "Any veteran";

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking "or" and inserting a period; and

(C) in subparagraph (B), by striking "any member" and inserting "Any member".

SEC. 802. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Chapter 39 is amended by inserting after section 3902 the following new section:

"§ 3902A. Supplemental assistance for providing automobiles or other conveyances

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the purchase of an automobile or other conveyance for an eligible person under section 3902 of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such purchase.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Supplemental payment required by subsection (a) is equal to the excess of—

"(1) the payment which would be determined under section 3902 of this title if the amount described in section 3902 of this title were increased to the adjusted amount described in subsection (c), over

"(2) the payment determined under section 3902 of this title without regard to this section.

"(c) ADJUSTED AMOUNT.—The adjusted amount is $22,484 (as adjusted from time to time under subsection (d)).

"(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amount described in subsection (c) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

"(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.

"(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payment under this section for every eligible person for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide every eligible person with supplemental payment under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 3902 the following new item:

"3902A. Supplemental assistance for providing automobiles or other conveyances.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 3902A of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

SEC. 803. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 is amended by inserting ", or from the National Guard or Reserve," after "active military, naval, or air service".

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;".

SEC. 804. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

"SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

"(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. The request shall include a copy of the servicemember's military orders.

"(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall, at the election of the contractor—

"(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

"(2) permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

"Sec. 305A. Termination or suspension of contracts for cellular telephone service.".

SEC. 805. MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY.

(a) PURPOSE.—The purpose of this section is to ensure that the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

(b) ASSETS FROM AIR FORCE HEALTH STUDY.—For purposes of this section, the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are the assets of the Air Force Health Study transferred to the Medical Follow-Up Agency under section 714 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2290), including electronic data files and biological specimens on all participants in the study (including control subjects).

(c) MAINTENANCE AND MANAGEMENT OF TRANSFERRED ASSETS.—The Medical Follow-Up Agency shall maintain and manage the assets transferred to the Agency from the Air Force Health Study.

(d) ADDITIONAL NEAR-TERM RESEARCH.—

(1) IN GENERAL.—The Medical Follow-Up Agency may, during the period beginning on October 1, 2008, and ending on September 30, 2012, conduct such additional research on the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate toward the goal of understanding the determinants of health, and promoting wellness, in veterans.

(2) RESEARCH.—In carrying out research authorized by this subsection, the Medical Follow-Up Agency may, utilizing amounts available under subsection (f)(1)(B), make grants for such pilot studies for or in connection with such research as the Agency considers appropriate.

(e) ADDITIONAL MEDIUM-TERM RESEARCH.—

(1) REPORT.—Not later than March 31, 2012, the Medical Follow-Up Agency shall submit to Congress a report assessing the feasability and advisability of conducting additional research on the assets transferred to the Agency from the Air Force Health Study after September 30, 2012.

(2) DISPOSITION OF ASSETS.—If the report required by paragraph (1) includes an assessment that the research described in that paragraph would be feasible and advisable, the Agency shall, utilizing amounts available under subsection (f)(2), make any disposition of the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate in preparation for such research.

(f) FUNDING.—

(1) IN GENERAL.—From amounts available for each of fiscal years 2009 through 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, amounts shall be available as follows:

(A) $1,200,000 shall be available in each such fiscal year for maintenance, management, and operation (including maintenance of biological specimens) of the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study.

(B) $250,000 shall be available in each such fiscal year for the conduct of additional research authorized by subsection (d), including the funding of pilot studies authorized by paragraph (2) of that subsection.

(2) MEDIUM-TERM RESEARCH.—From amounts available for fiscal year 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, $200,000 shall be available for the preparation of the report required by subsection (e)(1) and for the disposition, if any, of assets authorized by subsection (e)(2).

SEC. 806. NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive epidemiological study for purposes of identifying any increased risk of developing multiple sclerosis as a result of service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Institute of Medicine shall do the following:

(1) Determine whether service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, increased the risk of developing multiple sclerosis.

(2) Identify the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, amyotrophic lateral sclerosis, and brain cancers, as well as central nervous system abnormalities that are difficult to precisely diagnose, in each group as follows:

(A) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(B) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(C) A non-deployed comparison group for those who served in the Persian Gulf War in the Southwest Asia theater of operations and the Post 9/11 Global Operations theaters.

(3) Compare the incidence and prevalence of the named diagnosed neurological diseases and undiagnosed central nervous system abnormalities among veterans who served during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, in various locations during such periods, as determined by the Institute of Medicine.

(4) Collect information on risk factors, such as pesticide and other toxic exposures, to which veterans were exposed while serving during the Persian Gulf War in the Southwest Asia theater of operations or the Post 9/11 Global Operations theaters, or thereafter.

(c) REPORTS.—

(1) INTERIM REPORT.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, interim progress reports on the study required under subsection (a). Such reports shall not be required to include a description of interim results on the work under the study.

(2) FINAL REPORT.—The contract shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, a final report on the study by not later than December 31, 2011. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the study.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the study required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

(3) The term "Post 9/11 Global Operations theaters" means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

SEC. 807. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran's income.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in subsection (a), including a statement of the rates of such compensation so payable;

(2) an assessment of the adequacy of such payments in replacing the deceased veteran's income; and

(3) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in replacing the deceased veteran's income.

The PRESIDING OFFICER. Under the previous order, the title amendment is agreed to.

The title was amended so as to read: "To amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.".

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Mr. AKAKA. Mr. President, I am pleased that S. 1315, as reported by the Veterans' Affairs Committee, the proposed Veterans Benefits Enhancement Act of 2007, finally passed in the Senate. This comprehensive legislation would improve benefits and services for veterans both young and old.

The Veterans' Affairs Committee reported S. 1315 to the full Senate in August of last year. At that time, my belief was that debate and consideration of this legislation by the full Senate, would take place during September. That did not happen. As I described in detail yesterday, further action on the bill has been blocked because of opposition from the other side of the aisle to certain benefits for Filipinos who fought under U.S. command during World War II.

I will first describe some of the provisions in the bill and then will discuss in more detail my views on the provisions relating to Filipino veterans.

This legislation, as reported by the committee, would make several important improvements in insurance programs for disabled veterans. It would establish a new program of insurance for service-connected disabled veterans that would provide up to a maximum of $50,000 in level premium term life insurance coverage.

This legislation would also expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program. This insurance program went into effect on December 1, 2005. All insured servicemembers under SGLI from that point forward are covered by traumatic injury protection regardless of where their injuries occur. However, individuals sustaining traumatic injuries between October 7, 2001 and November 30, 2005, that were not incurred as a direct result of Operations Enduring or Iraqi Freedom, are not eligible for a retroactive payment under the traumatic injury protection program. This legislation would expand eligibility to these individuals.

This legislation would also increase the maximum amount of Veterans' Mortgage Life Insurance so that a service-connected disabled veteran may purchase from the current maximum of $90,000 to $200,000. In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased. The need for this increase is obvious in today's housing market.

In addition, S. 1315, as reported, would also increase the amount of supplemental life insurance available to totally disabled veterans from $20,000 to $30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. These are the veterans we are trying to help with this legislation by providing them with a reasonable amount of life insurance coverage.

S. 1315, as reported, would also make small but necessary changes in existing laws relating to education and employment. First, it would restore the funding cap on the amount of support available to State Approving Agencies to the fiscal year 2007 level of $19 million. Without this restoration, these entities that assist VA in approving programs of education would be facing a reduction of more than 30 percent beginning in this fiscal year. It is particularly important as more veterans return to civilian life and begin to use their educational benefits that SAAs have adequate resources.

Second, the pending legislation would update the Special Unemployment Study required to be submitted by the Secretary of Labor to the Congress by mandating that it cover veterans of post-9/11 global operations. It would also require the report to be submitted on an annual, rather than a biennial, basis. By updating this report, Congress will have more data available on more recent groups of veterans—those who served and are serving in the gulf war and post-9/11 global operations. This will help with assessments of the needs of current veterans entering the work force and develop appropriate responses.

Third, the bill would extend for 2 years a temporary increase in the monthly educational assistance allowance for apprenticeship or other on-the-job training. The current temporary increase expired on January 1, 2008, and this provision would benefit the 34,000 veterans who are suffering through the first benefit rate reduction in the history of the G.I. bill. Allowing the temporary increase to be eliminated would mean a monthly benefit rate cut for veterans enrolled in this type of training and would remove marketable incentive to encourage individuals to accept trainee positions they might not otherwise consider.

S. 1315, as reported, would also improve a variety of housing benefits for servicemembers and veterans. I note that title II of this legislation was recently passed as part of H.R. 3221, the housing reform bill. It is my intent to include these provisions in S. 1315 until they have become law through another vehicle.

This legislation would also amend the Servicemembers Civil Relief Act to help servicemembers get relief from cell phone contracts when deployed overseas. Servicemembers, with all of their responsibilities abroad, should not have to worry about being released from cell phone contracts.

Finally, this legislation gives Congress an opportunity to rectify a wrong done to Filipino World War II veterans over 60 years ago. In the years since the end of the Second World War, Filipino veterans and their advocates, especially my distinguished colleague, the senior Senator from Hawaii, have worked tirelessly to secure these veterans the status they were promised when they agreed to fight under U.S. command in defense of their homeland and to protect U.S. interests in the region. Today, I am proud to say, many Filipino veterans enjoy eligibility for benefits and health care services as U.S. veterans. However, there remains a distinction in law between certain groups of Filipino veterans. I hope that Congress will take another step toward removing that unjust distinction. This Nation has a moral obligation to care for those who have served under its flag.

Although I view veterans' benefits as a continuing cost of war and should be funded as such, the provisions in S. 1315 would be paid for by an offset that restores the original intent of Congress, which was wrongly interpreted in a recent court decision, to provide certain VA benefits on the basis of disability and not age. Some of the opposition to S. 1315 has centered on a misunderstanding of this provision. Aged veterans who are seriously disabled would not be deprived of special benefits, but would continue to be eligible for them under the same conditions as applied to younger veterans.

This is not a comprehensive recitation of all the provisions within this important veterans' legislation. However, I hope that I have provided an appropriate overview of the benefits this legislation would provide for America's veterans and servicemembers.

The sole point of controversy in S. 1315 is a pension benefit for Filipino veterans who served under U.S. command during World War II and who live in the Philippines. I wish to give my colleagues my perspective on why this benefit should be paid.

The United States has had a relationship with the Philippines since 1898, when it was acquired as a result of the Spanish American War. In 1934, Congress passed the Philippine Independence Act, which set a 10-year timetable for the independence of the Philippines. In the interim, the U.S. established a Commonwealth of the Philippines vested with certain powers over its own internal affairs. The granting of full independence was delayed until 1946 because of the Japanese occupation of the Philippines from 1942 to 1945.

On July 26, 1941, President Franklin D. Roosevelt issued an Executive Order ordering all military forces of the Commonwealth of the Philippines into the service of the Armed Forces of the United States under the command of a newly created command structure called the United States Armed Forces of the Far East. According to orders from General MacArthur, Philippine units once mustered into U.S. service would be paid and supplied from American sources.

The unique relationship between the Philippines and the United States made the Philippine islands particularly susceptible to Japanese aggression during the war. Historians agree that the Japanese strategy was based upon a plan to destroy or neutralize the U.S. Pacific Fleet at Pearl Harbor, and to deprive the United States of its base in the Philippines. Were it not for the U.S. presence, the Philippines would not have presented the Japanese with a strategic threat and turned into a battlefield.

The Philippine forces under U.S. command suffered heavy casualties as a result of the Japanese invasion. It is estimated that 10,000 Filipinos died during the Bataan Death March, along with 3,000 U.S. soldiers. The Philippines throughout the war suffered great loss of life and tremendous physical damage. By the end of the war, the capital city of Manila was in ruins and up to 1 million Filipinos had been killed.

All of the military forces of the Commonwealth of the Philippines remained under the command of the U.S. Armed Forces of the Far East throughout World War II, and until the Philippines was granted independence on July 4, 1946.

In October 1945, Gen. Omar Bradley, then Director of the Veterans' Administration, affirmed that all Filipinos who served under U.S. command were entitled to all benefits under laws administered by that agency.

However, in 1946, the U.S. Congress, through the Rescission Acts of 1946, withdrew veterans' status from certain Filipino veterans of World War II.

Upon passage of the Rescission Acts, President Harry Truman expressed his disapproval of the withdrawal of benefits from Filipino veterans. He stated, "There can be no question, but that the Philippine veteran is entitled to benefits bearing a reasonable relation to those received by the American veteran, with whom he fought side by side."

Our Nation has a long history of caring for aging veterans, particularly those who served the country during a time of war.

The sole purpose of the VA pension program is to assist older, low-income, war-time veterans, so that those who experienced the horror of war are not forgotten in their old age.

Philippine veterans of the Second World War are now in their twilight years and many are struggling to make ends meet, especially with global food prices on the rise. Now, perhaps more than ever, the modest pension benefits that are in S. 1315 are of the greatest value to veterans who earned them on the battlefield so many years ago.

The action by Congress in 1946 to strip Filipino veterans who served under the American Flag during World War II of the recognition and benefits that were their due was a grave injustice. It is especially regrettable that this injustice has existed for so many years. The inaction of prior Congresses to correct this wrong does not excuse us from the responsibility to take remedial action now.

The United States has a moral obligation to care for Filipino veterans who served under U.S. command in World War II and we must not fail in fulfilling that obligation.

I would like to speak briefly about the purpose of pension benefits and more specifically about the pension benefit in the pending bill. Veterans pension benefits are provided to allow wartime veterans to live in dignity and meet their basic needs.

The amounts proposed in this legislation would permit Filipino veterans, who have been denied their rightful status as United States veterans for too long, to finally live in dignity.

Unlike other World War II veterans, these veterans have been denied pension benefits for over 60 years. It is also important to note that these benefits are not retroactive.

The amounts proposed are sufficient to give aged Filipino veterans a payment that would allow them to meet their basic needs for adequate nutrition and medicine.

The flat rate benefit also takes into account the likelihood that many of these aged veterans, if living in the United States, would qualify for additional benefits based on disability due to their status as being housebound or in need of aid and attendance. No additional benefits for housebound status or aid and attendance are provided.

The pension proposed for Filipino veterans is less than one-third of the basic amount provided to veterans living in the United States, in recognition of the lower cost of living in the Philippines. Measured against the aid and attendance standard, the proposed benefit is about one-sixth of the amount provided to veterans in the United States.

The cost of items, such as food and medicine in Manila are about half of the cost in the United States, while the cost of housing is considerably less expensive.

For example, a bottle of 100 aspirin tablets costs about $4 in Manila, about twice as much in the United States.

Because the income and asset verification procedures used in the United States are not available in the Philippines, and it is not feasible to develop an administratively efficient system in the Philippines to monitor the income and assets of pension recipients, the bill provides a flat benefit amount substantially lower than that paid in the United States.

I believe firmly that the proposed amount is a reasonable benefit taking into account all of these factors.

The people of the Philippines did not shy from the call to fight during World War II. They were true brothers in arms who fought valiantly under U.S. command in the global struggle against totalitarianism. This bill at long last recognizes the valor of all Filipino veterans in sacrifice to this noble cause and loyalty to their American commanders.

The proposal put forward by the ranking member fails to honor these veterans by denying pension benefits to those who live in the Philippines. I understand that there may be different perspectives on what pension amounts would be appropriate given the difference in the cost-of-living between this country and the Philippines. I am not, however, willing to yield on the principle that Filipino veterans living in the Philippines deserve to receive veterans benefits in the same manner as those living in the U.S. or anywhere else. I reject the notion that two veterans, who fought side-by-side and endured the same hardships of war, should be treated unequally based solely on their place of residence.

The soldier's creed is to leave no fellow warrior behind. I believe in that, and believe that it is important to acknowledge the valiant service of those Filipino veterans of World War II who served under U.S. command.

I would like to end my comments tonight by again sharing the thoughts of the 33rd President of the United States—Harry S. Truman. In 1946, President Truman made a statement concerning provisions in a bill affecting Philippine Army veterans—At issue was a legislative rider attached to the transfer of $200 million for the pay of the Army of the Philippines.

President Truman said, "The effect of this rider is to bar Philippine Army veterans from all the benefits under the G.I. Bill of Rights with the exception of disability and death benefits which are made payable on the basis of one peso for every dollar of eligible benefits. I realize, however, that certain practical difficulties exist in applying the G.I. Bill of Rights to the Philippines."

President Truman went on to state, "the passage and approval of this legislation does not release the United States from its moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war . . . I consider it a moral obligation of the United States to look after the welfare of the Philippine Army veterans."

I agree with the words of President Truman from 60 years ago.

As I have said time and time again, this legislation would correct an injustice that has existed for over 60 years. I, like President Truman, believe that it is the obligation of the United States to care for those who have fought under the U.S. flag.

It is past time to right that wrong. As my fellow World War II veteran, the Senior Senator from Alaska said yesterday, this is about "honor." I believe it is the moral obligation of this Nation to provide for those who served under the U.S. flag and alongside U.S. troops during World War II.

I thank my colleagues for standing with me, my World War II colleagues Senators INOUYE and STEVENS, and a majority of the Veterans' Affairs Committee, and not accepting the amendment of the Senator from North Carolina.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 493, which the clerk will report by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previous order with respect to H.R. 493 be modified to provide that following disposition of S. 1315, the time until 2:15 p.m. be equally divided and controlled, as previously ordered, and the Senate proceed to vote on passage of H.R. 493, with the remaining provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, for the information of our membership, we will be having a rollcall vote, then, at 2:15 p.m., and the time, now, will be divided between Senator ENZI and myself on the issue of the genetic nondiscrimination legislation.

Mr. President, I yield myself such time as I might use.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today, the Senate is considering the first major new civil rights bill of the new century. Five years ago this week, we celebrated a milestone that once seemed unimaginable: the completion of the Human Genome Project, which sequenced and mapped all the genes in the human body. This Friday is DNA Day, when we pay tribute to this amazing accomplishment, which was the dawn of a new era in the life sciences. Mapping the human genome has provided extraordinary insights for modern medicine, and it has opened the door to immense new opportunities to prevent, diagnosis, treat, and cure disease. Its discovery may well affect the 21st century as profoundly as the invention of the computer or the splitting of the atom affected the 20th century.

But with this invaluable new information comes a tremendous responsibility. A person's unique genetic code contains the most personal aspects of their identity. As we begin to decipher this information, Americans have legitimate fears about how this deeply private information will be used. Surveys show that people are already declining to take medically valuable tests out of fear that they will face discrimination or invasion of their personal privacy. These fears are not unwarranted. As Francis Collins, the leader of the NIH project to sequence the human genome, has said:

> Genetic information and genetic technology can be used in ways that are fundamentally unjust. Already, people have lost their jobs, lost their health insurance, and lost their economic well-being because of the misuse of genetic information.

The remarkable medical advances of the genetic age will be valuable only if people are not afraid to take advantage of them. The promise of this new science will be in jeopardy if our laws fail to contain adequate protections against abuse and misuse of genetic information.

The bipartisan bill now before the Senate takes a substantial step to preserve the value of new genetic technology and to protect the basic rights of every American. The Genetic Information Nondiscrimination Act recognizes that discrimination based on a person's genetic identity is just as unacceptable as discrimination on the basis of race or religion. No American should be denied health insurance or be fired from a job because of genetic testing.

The bill before us provides comprehensive protections. It prohibits health insurers from using a patient's genetic information to deny health insurance coverage or raise premiums. It bars employers from using genetic information to make employment-related decisions. It prohibits insurers and employers from seeking genetic information or requiring individuals to take genetic tests. It bars disclosure of genetic information by insurers or employers, and it contains effective remedies so that anyone who has suffered genetic discrimination can obtain relief. By granting these protections, the bill gives the American people the opportunity to reap the rewards of improved health care through genetics without fear of unjust use of their personal genetic makeup.

This bill has been the product of a decade of dedicated effort by Members on both sides of the aisle. My sincere thanks go to Senator SNOWE and Senator ENZI for helping to lead this bipartisan effort with me, and to Senator REID, our majority leader, and the Senate leadership, for their commitment to moving this bill forward. Thanks to Senator GREGG and Senator DODD and Senator HARKIN, who also made important contributions through their leadership and expertise. I commend our House colleagues—Speaker PELOSI, Representative SLAUGHTER, Representative BIGGERT, Chairman MILLER, Chairman RANGEL, and Chairman DINGELL—for their strong support, and also our former colleague, Senator Daschle, who was a leader in his term here in the Senate. It is a remarkable achievement to get this bill to the President's desk. The administration cooperated with us throughout the process, and we are grateful for its support on this important legislation.

We stand today on the threshold of a major new breakthrough in medical technology. With personalized medicine that genetic science makes possible, patients can receive therapy precisely tailored to their own genetic makeup with reduced side effects and greater potency. But the effectiveness of these new technologies is undercut by people's legitimate fears and the lack of strong protections.

Just this week, doctors announced important findings on the genetic factors that may contribute to Parkinson's disease. There are new discoveries in genetic variations that may confer a reduced risk of heart failure and new insights into the genetic switches that may one day control cancer. But one great barrier stands in the way of these extraordinary advances that are possible in this new field of discovery: the reluctance of patients to receive the benefit of this new science and the fear that is already keeping patients from volunteering for this research.

Even the crown jewel of our Federal research enterprise, the National Institutes of Health, has been affected by this fear. The threat of genetic discrimination is so real that it is even listed on the informed consent document that the NIH provides to patients considering enrolling in the clinical trials of the new genetic medicines. This is what the chart says:

> We will not release any information about you or your family to your insurance company or employer without your permission. However, instances are known in which genetic information has been obtained through legal means by third parties. This may affect you or your family's ability to get health insurance and/or a job.

Can you imagine individuals going out to the NIH and saying: I will volunteer in order to be a part of a research program, only to find out that their genetic information could be leaked? What happens if it is leaked? The insurance companies will say: Look, this individual has a better chance of getting breast cancer, diabetes, bipolar disorder, or a whole series of different types of cancer, so why are we going to go ahead and insure that individual? Or if we are going to insure him, we are going to charge a good deal more.

Some of this genetic information is valuable to know for medical history. For example, if mothers have certain types of genetic markers, the daughters might want to find out whether they have the same kind of proclivity. Yet if they go out and have the test so that they know whether to start thinking about treating that particular health challenge, they know they will be discriminated against. They won't be able to get a job because an employer will say: Why should I hire that person when they may very well develop breast cancer, and why should I hire that person because if they develop breast cancer, then it will cost my company a good deal more to pay for that individual's health insurance. That is the reality today. That is happening today.

There has been an explosion of progress in terms of genetic research. New opportunities for personalized medicine are opening, which is really going to be the pathway in the future. With personalized medicine, patients will no longer have to receive treatments that work for the average person—but may not work for them. Instead, they will receive therapies precisely tailored to their own genetic makeup, with reduced side effects and far greater potency.

Individualized medicine is the way of the future. With that, there is going to be a great deal more information about an individual's health, but also the attendant challenge and problem that this information could be used to adversely impact that individual. That is what we want to avoid, and that is what we want to protect against.

We know there are numerous barriers to new discoveries that Congress can do little about: the complexities of disease, the uncertainties of science, and the rarity of true inspiration. But this is one major problem which is entirely within our power to solve. We can make a difference, and we can do it today. With effective protections against the misuse of genetic information, this amazing new technology can realize its potential and bring better health care to all people throughout our world. I hope all of our colleagues will join in advancing the potential of genetic research by supporting the Genetic Information Nondiscrimination Act.

I want to show on the chart all of the different groups that are supporting this legislation. It gives us a very clear idea of the overwhelming support of the medical profession. Family physicians, pediatricians, the American Cancer Society, the American Diabetes Association, the American Heart Association—virtually the whole health community strongly supports this bill. The National Partnership For Women and Families and other women's groups and civil rights groups are supportive, as are the many specialized medical groups that know about genetic diseases.

Genetic discrimination issues are often tied to national origin. We have the Tay-Sachs disease that affects many members of the Jewish community; sickle cell anemia, which affects many African Americans; Cooley's disease, which affects many of those who come from Mediterranean countries, and a host of others. These are genetic diseases. That is why a number of the different groups are so concerned about this, because they have seen the discrimination.

I will just give ease to our colleagues. This chart shows when we have considered the legislation at other times. We considered it in 2003—the Senate did—and in 2005, and look at the overwhelming votes, Republicans and Democrats, even in the House in 2007. But we haven't been able to get the House and Senate together at the same time. So this has been going on since 2003, and we are in 2008. We have the opportunity with this legislation to get the job done, and the President has indicated he is going to sign it so we can achieve this extremely important undertaking.

Let me just review some of the other statements about why this is so important. We remarked here just a few moments ago about the dangers that are out there in terms of people being concerned about the violation of their privacy based on genetic information. Is this really a problem? This is a chart which shows that 72 percent of Americans think laws are needed to protect genetic privacy. The American people are really way ahead of us in the Congress on this issue. They understand that their genetic privacy is enormously important. They have an inner sense, which is well-founded, that their genetic privacy can be abused. We have 72 percent of Americans who think we need laws.

This chart shows that Americans want their genetic information kept private. Ninety-two percent of Americans think their employer should not have access to their genetic information for the reasons I have outlined. If you don't have these protections and employers are able to find out that certain individuals they are employing have a greater proclivity to develop disease, there is a very good chance they will discriminate against those individuals. That has been the case.

Eighty percent of Americans think their health insurer should not have access to their genetic information. The reason for that is a very sound reason, which is they believe if the insurer has that kind of information, the cost for the health insurance, which is extraordinarily high today, will go up even further. So the American people are way ahead of the Congress in getting this. With this, Mr. President, we will be meeting their particular needs.

I want to show this chart. Francis Collins, for many of us in this body—and I think for the health community—is one of the great giants in health research. He is the person who has been at the heart and soul of the research on the Human Genome Project and in understanding the power of genes. He has made an absolutely extraordinary contribution in terms of science and public policy. He is a tireless advocate and a wonderful asset for all of us here in the Senate, on both sides of the aisle, in strong support for this legislation.

As he points out:

> Discrimination in health insurance, and the fear of potential discrimination, threaten both society's ability to use new genetic technologies to improve human health and the ability to conduct the very research we need to understand, treat, and prevent genetic disease.

That says it all. It talks about the danger, in terms of discrimination, and also about the ability to do the research. You could be discriminated against in terms of your job or in terms of the increased costs in your health insurance, or if you were involved in research, volunteering for research—the dangers that this kind of information would be out there and could be used against you.

Mr. President, I remember—and it wasn't that long ago—when we listened to Dr. Collins. He was talking about the progress made in genetic research. They were talking about markers at that time. I think some of the earliest progress was made in terms of developing information about breast cancer and who had the proclivity to develop breast cancer. That was truly remarkable. Since that time—and it has only been a few years—we have seen that expand to prostate cancer, diabetes, bipolar, Alzheimer's, schizophrenia, and Parkinson's. Think of that. That list is growing virtually every day. We are eventually going to be getting health care systems that will say: If you have these kinds of diseases, we have the particular targeted kind of personalized medicine to help you either recover or to protect you in terms of the future. That is going to happen, Mr. President. It is going to happen sooner rather than later.

This gives you an idea of how rapidly this kind of research is moving along and how this kind of research, in the hands of top-rated physicians and researchers who know how to treat these illnesses and sicknesses, will make a difference in terms of improving the quality of health care on the one hand. It is so dramatic, as is the danger of abuse by unscrupulous employers or health insurance companies on the other hand. That is what this legislation is really all about. That is why this is so important and why it has strong bipartisan support.

In many respects, this is going to be one of the most important pieces of health legislation we pass in this Congress. We have other very important health proposals, but this will make an enormous difference in terms of the march for progress for good health care. We look forward to a strong vote.

I yield the floor.

Mr. ENZI. Mr. President, this is an exciting day. We are going to make a difference in health care for this country—not sick care; health care—and this will unlock a door that will allow people to get the kind of genetic testing where they can tell if something down the road might happen to them and prevent it, or at least weaken the effect of it.

As time goes on, we will find more causes that will relate back to the genome and people will be able to immediately check if that new problem could relate to them and they can solve it before it happens to them. That is health care. That gets us away from sick care.

I finished a tour in Wyoming. I called it the 10 stops for 10 steps of health care. I collected ideas from across this body on ways we could solve health care problems in America. It is 10 steps. They can be done separately. If they are done separately, each step will get us closer to lower costs and better access. If all of them are done, we will have every American insured.

We need to get into prevention, particularly of chronic illnesses, and this bill will do it. Right now, people are afraid to get their blood tested. Sometimes they are forced to have their blood tested. Insurance companies sometimes want a blood test. That blood test will tell far more than it ever did in the history of the world, and that can have some dire consequences, except for this bill. This bill will protect people. This bill, first of all, ensures that if an insurance company takes that test and they find out anything, the person whose blood it was gets to find out everything. A lot of times they learn nothing. That is not fair. This will assure that doesn't happen.

Another thing that happens is sometimes there is a little clause—usually there is a clause—which says if it is a preexisting condition, the insurance company doesn't have to cover it. Well, this keeps that information of what could possibly happen to you from becoming a preexisting condition until it actually happens. That gives the individual the chance to do something about it first. If it doesn't happen, it isn't a preexisting condition. That is what this bill will do.

Now, another bill we need to be working on, of course, that I cover in my 10 steps, is health information technology. That fits with this genome project. I have asked many times: How many of you have your medical records with you? You know, I have yet to have anybody say they do. With the technology we have in this country, everybody ought to be able to have all their health care and their genome on a card such as this, that they can carry with them everywhere.

If the health IT bill passed, you could be on vacation from Wyoming out here in DC, and if something happened, that card would be readable out here. So a doctor here could know everything he needs to know to fix you as well as possible. That is a step we have to have in health care. We are very close to getting it.

The old privacy issue crops up every once in a while. It isn't a matter of privacy. Your privacy needs to be protected and it is protected. There is always a problem of data security. Right now, records are in hospital files and in doctors' offices, and hundreds of people can come through there. Yes, the records are kind of protected, but people can look at them, and you would never know. If it is in health information technology and somebody gets to look at it, you will know. In order to sell health information technology, companies need to be working on a daily basis to make sure that information is secured. They are out of business if it is not.

So that is not a problem, and that is a bill we need to put through in a process such as this. I think there is near unanimous agreement on both sides of the aisle that needs to be passed, and we ought to have the hour or hour and a half or 2 hours of debate on that and get that one done. Then people truly could have their information on a card they carry with them all the time. They could even add their own comments and the things they learn about themselves on their card.

There is a better reason for passing it than that, though, and that is there are a lot of duplication tests these days. You go to one provider and he says: I have to do that test. It is an expensive test. He says: Because of this test, I need to send you to a specialist, and the specialist says: It is going to take so long to get that record over here, we are going to do the test over again. Some of these tests are $3,000, $5,000 or $10,000. The RAND Corporation says if we could eliminate the duplication of tests, we could save $140 billion a year. Even in this body, that is real money.

We need to do that. That would be another step. It is just as close as this genetic nondiscrimination has been for a long time.

Of course, one of the rules around here is the first 90 percent of a bill takes 90 percent of the time, and the other 10 percent takes 90 percent too. That is where we have been on this. But we have finally bridged the last hurdle. We have gotten understanding among all the people in this body—no small task—so everybody has been speaking favorably on this bill and with good reason. It has been a long time coming.

I should mention that is another thing we kind of do that is a little unusual. We preconferenced with the other side. We have already talked to the people over there who will manage any debate on that side, and this bill is going to pass the House the same way it is passing the Senate. We have already checked with the White House, and it is going to be signed. So I wish to congratulate the chairman of the committee for the way he has been working on this bill. This is the way bills are supposed to be done, in my opinion.

We have worked together on a lot of bills, and the ones that go through committee and we work out these details, wind up going through here in a hurry. We have learned something from being in a hurry. Previously, a lot of bills that have gone through here, we have let them go by unanimous voice vote. We didn't have the benefit of having that opportunity to explain this, consequently we haven't gotten much publicity. If the publicity doesn't go out on it, the people don't know about it. We are not interested in publicity for the publicity, but we are interested in people knowing what this bill does that will help them and that will encourage them to use the genome. That is why we need this.

I congratulate Senator KENNEDY for all of his work on this—kind of following the 80-percent rule. He and I are able to agree on 80 percent of everything. Then we pick out one issue and we can usually agree on 80 percent of that and, more importantly, we can get the groups that are interested in that to agree with that same part. If you have groups out there that are opposing something, the bill probably doesn't have a lot of chance of getting through here. We covered quite a range of base between the two of us, and that makes it possible to bring a lot of people along.

I thank Senator KENNEDY, Senator GREGG, and Senator SNOWE for their efforts to reach a bipartisan agreement on this bill. I particularly thank Senator COBURN for working hard to make this historic bill better. He did some important work, working with the business community, and his knowledge as a doctor, to make it better. I appreciate all of that effort. I appreciate the effort of the Senators, the effort of their staffs.

I especially recognize the efforts of my HELP Committee staff director, Ilyse Schuman. The first job she had when she came to work for me 6 years ago was to work on this bill. I said it often takes 6 years to get an idea through the Senate. I never believed that until I figured out that she has been working on it 6 years. It should not take us that long to get some of these ideas to stick.

I also thank Andrew Patzman, who is my former health insurance staffer, who also played a major role in the development and forward progress of this bill.

I thank Shana Christrup, Keith Flanagan, Brian Hayes, and Kyle Hicks of my staff for their hard work on this bill. In addition, I wish to thank some of Senator KENNEDY's staff: Michael Myers, David Bowen, Lauren McGarity, and Portia Wu; also Stephanie Carlton of Senator COBURN's staff, who was absolutely essential; Bill Pewen of Senator SNOWE's staff; Meg Hauck of Leader MCCONNELL's staff; Jen Romans of Senator KYL's staff, and Jay Khosla and David Fisher of Senator GREGG's staff, for their hard work.

We get to come in and take the credit. They work on these for hours, days, even through weekends sometimes.

I also thank Kim Monk, formerly of Senator GREGG's staff, and David Thompson, formerly of Senator GREGG's and my own staff; and lastly special thanks to Bill Baird of the Senate's Office of Legislative Counsel, and Pete Goodloe, formerly of the House Office of Legislative Counsel and now with Chairman DINGELL's staff, because their extraordinary legal drafting and problem-solving skills and their years of hard work helped to make this bill possible.

I thank everybody for their work on this.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I yield myself such time as I may consume.

It certainly has been an exceptionally long journey to reach this point where we are today in the Senate. We are at least in sight of enactment of this watershed legislation to prevent genetic discrimination. In fact, it will open an entirely new universe of infinite possibilities for Americans for years to come.

I commend the majority leader for making this legislation a high priority for the Senate's consideration today, as well as the minority leader, Senator MCCONNELL, for his concurrence and support, and my colleague, Senator KENNEDY, the lead Democratic cosponsor and chairman of the HELP Committee. He has labored passionately and tirelessly so that every American can realize the protections embodied in the legislation. He marshaled this bill through committee, and we have endeavored to work together throughout this Congress on both sides of the aisle, in both bodies, to ensure that we would be able to be in a position in the Senate to vote on this legislation.

Senator ENZI has been absolutely crucial, as well, to our success. He is the former chairman of the HELP Committee and is now the ranking member. He helped to obtain an array of support from so many Americans across this country, as well as organizations that include health providers, businesses, and health plans, which are central to providing a strong coalition for support.

Similarly, Senator GREGG, former HELP Committee chairman in 2003, has worked to further the cause of defending Americans from genetic discrimination as well.

Together, these colleagues—and more—helped the Senate on two separate occasions to overwhelmingly pass this legislation, in both 2003 and 2005. It has been a long effort to realize this fruition today.

It was a dozen years ago when I first introduced this legislation to protect individuals from discrimination in health insurance based on genetic information. At that time, there were several of us who recognized the tremendous threat posed by this practice, including those I have mentioned and former Senate majority leader, Senator Frist, and former minority leader, Senator Daschle, who at the time certainly foresaw that the misuse of genetic information would create a new form of discrimination.

Yesterday, we attended the unveiling of the portrait of Senator Daschle. One of his former staffers indicated that it is appropriate that the time of that unveiling coincides with this legislation pending before the Senate. It was so important to him.

Today, I am certain many colleagues, past and present, are delighted that we are in a position today to pass this legislation. We are on the brink of forestalling this discrimination before it becomes firmly entrenched.

It is also important, as Senator KENNEDY cited yesterday, given that this Friday is National DNA Day, which will mark the 55th anniversary of the publication of the landmark paper describing the structure of DNA. Since that breakthrough, our understanding of genetics has expanded exponentially. Over the past decade, our progress in understanding genetics has been moving at a dizzying pace, particularly following the completion of the Human Genome Project in 2003. That knowledge can work either for the benefit or harm to individuals, as we know.

Today, my colleagues are dedicated to ensuring the meaning of the words of the Hippocratic Oath to "do no harm." Today, the Senate will, for the third time, ban discrimination based on genetics.

Passage of this legislation by the House of Representatives was 1 year ago, where Representative SLAUGHTER and others worked to shepherd this legislation through three committee markups to an overwhelming House passage of 420 to 3. The President has called for enactment of the legislation to prevent this discrimination. Ninety percent of Americans believe insurers and employers should not be allowed to discriminate based on genetic information. Now it is the Senate's turn.

We now have an agreement between the Senate, the House, and the President. Indeed, this bill represents a triumph of bipartisan collaboration and truth. Although there was broad agreement in principle to protect individuals from discrimination, some debated the language in our bill, taking issue with whether it would affect the policy that was intended. We have listened to the concerns, and we worked with them and responded. I thank, in particular, Senator COBURN for working with us in a collaborative fashion to resolve these issues and to allow the debate to proceed and finally vote on final enactment of the legislation.

Too much is at stake to create uncertainty and ambiguity. The protections we enact must be effective. Having worked closely with both House and Senate colleagues, the legislation is nearly identical to the legislation passed in the House. We have addressed the remaining concerns that were raised by many, including the administration. I think it did not change in any way. The fundamentals of this legislation, in fact, probably acted to improve it in some categories. We have clarified that entities could communicate genetic information consistent with the HIPAA privacy regulations, the Health Insurance Portability Accountability Act. We worked to ensure that health plans may continue to utilize the presence of actual manifested diseases and issue rating coverages. That is the case today. We don't change that.

We are at the threshold of a new era, without question. For the first time, we act to prevent discrimination before it has taken firm hold. That is why this legislation is unique and groundbreaking. In the past, Congress has acted to address discrimination, but with this bill we are making a statement and taking a stand and saying that we look to the future, and genetic discrimination will not be allowed to flourish, take root, and stand between Americans and the vast potential that genetic information can provide for the greater quality of life.

Genetic discrimination is based on the unchangeable. By its nature, the basis on which one discriminates, with respect to genetics, is not readily apparent. In fact, the individual discriminating must search for information on which to act. So there is no question that it is a deliberate and willful effort. For example, if you see the breast cancer gene information on women, in order to deny women health insurance or raise the cost of that coverage, the question of your intent seems indisputably clear. It is not inadvertent but a willful discrimination against women with greater risk of breast cancer—women who should benefit from that knowledge and intervention, they should not be punished for it. Because these data must be available for such discrimination to take place, it is clear why this legislation not only prohibits the act of discrimination but rightly respects circumstances in which one may request a genetics test or possess an individual's genetic information. That is all the more critical today because there is an ever-expanding universe of such genetic data, information which could be utilized to improve health, reduce costs, and to extend lives. But it is absolutely useless if it, instead, discourages individuals from either participating in vital research or realizing the remarkable benefits that research is producing.

Just a few years ago, it was virtually impossible to find genetic information on which to discriminate. You might be asked if you had a family history of a disorder. Today, the medical and scientific landscape has changed dramatically, and our laws must change with it. We have long known about a small number of genes that play a role in some diseases, such as Huntington's disease and the early onset of Alzheimer's. Yet the progress of discovery and study was maddeningly slow and tedious. The Human Genome Project changed all of that.

Today, with new technology, we are witnessing an explosive increase in our understanding of genetics and human health. That growing genetics knowledge offers the historic potential of cures and customized therapies. Even more promising, genetic advances will enable us to actually prevent the development of diseases. But this potential and the billions spent in discovering genetic relationships and the development of treatments and preventive agents will certainly be in vain if Americans don't choose to access these advances. To do so, Americans must agree to undergo genetic testing. There are more than 1,100 genetic tests today. So that only tells you the exponential growth that will be created and occur in the future. Would you undergo that testing if you knew the information about your genetic makeup could be used against you to deny you employment or health coverage?

Mr. President, some say that kind of discrimination is but a future possibility, that we can afford to wait until genetic discrimination becomes manifest. But it already has done so. We have a veritable litany of examples of heartbreaking circumstances where individuals chose not to seek and utilize genetic information for fear of discrimination.

I learned this from the real-life experience of one of my constituents more than 10 years ago. Her name is Bonnie Lee Tucker. Bonnie Lee wrote me about her fear of having the BRAC test for breast cancer, even though she has nine women in her immediate family who were diagnosed with breast cancer and she herself is a survivor. She wrote to me about her fear of having the BRAC test because she worried it would ruin her daughter's ability to obtain insurance in the future.

Bonnie's experience certainly demonstrated how our expanding knowledge of genetics could truly be both beneficial and harmful. I recognize we simply must act to prevent the latter.

Bonnie Lee is not the only one who has had that fear, as we all learned. Most disturbingly, when the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer declined to participate, citing concerns about health insurance discrimination. That is a sad commentary today when we cannot maximize the value of scientific progress, we cannot apply it to those who would benefit most.

We have documented cases where some attempted to mandate genetic testing. Even when this is designed to improve the delivery of health care, it must be recognized that once that information is disclosed and is unprotected, a future employer or insurer may not necessarily apply that information in such a benign way, as we have all learned.

Yet we have recognized that if an individual accepts a genetic test, they may be able to take action as a result—preventing disease or premature death in the process or also reducing the burden of high health care costs.

I recall the testimony before Congress, as Senator KENNEDY, of Dr. Francis Collins, the Director of the National Human Genome Institute. He has been such an extraordinary leader in helping us realize the critical role genomics will play in human health and the arena beyond.

In speaking of the next step for those involved in the genome project, he explained that the project scientists were engaged in a major endeavor "to uncover the connections between particular genes and particular diseases to apply the knowledge they had just unlocked."

In order to accomplish this, Dr. Collins said:

> We need a vigorous research enterprise with an involvement of a large number of individuals so we can draw the most precise connections between a particular spelling of a gene and a particular outcome.

It is undeniably evident that this effort cannot be successful if people are fearful of possible repercussions from their participation in genetic testing. The bottom line that given the advances in science, there are two separate issues at hand.

The first is to restrict discrimination by health insurers. The second is to prevent employment discrimination based simply on an individual's genetic information. Some of us saw this danger and the harm it can pose to millions of Americans, and that is why more than a decade ago, Representative LOUISE SLAUGHTER and I introduced legislation in our respective bodies to ban discrimination in health insurance. At that time, the completion of the human genome seemed to be in the very distant future. But the science has certainly outpaced congressional action. As we know and as mentioned in the Senate on two different occasions, we passed this legislation unanimously on the floor of the Senate. Unfortunately, we could not get it beyond. So here we are today on the verge of doing it once again. This legislation does reflect the bipartisan bicameral efforts we are entering into: a new era of human health, that we have engaged in this process mightily over the last 16 months to forge an even stronger consensus on the fundamental agreements of genome.

Since the time of the introduction of our first bipartisan bill in the Senate, we have worked to reiterate the agreements on which this legislation is based and to build an even stronger foundation for this legislation, for fundamental to this bill is establishing strong protections, both in health coverage and in employment, without unraveling established law.

With regard to health insurance, the issues are clear and familiar. The Senate debated them previously in the context of consideration of larger privacy issues. Indeed, as Congress considered what is now the Health Insurance Accountability and Portability Act of 1996, we also addressed the issues of privacy of medical information.

Moreover, any legislation that seeks to fully address genetic discrimination must consider the interaction and new protections with HIPAA. In fact, our legislation uses the exact same framework. As this bill makes clear, we do not create an onerous burden in recordkeeping. Specifically, we clarify the protection of genetic information, as well as information on the request or receipt of genetic tests from being used by an insurer against an individual. That is key because we must recognize that genetic information only detects the potential for genetically linked disease or disorder and does not equal a diagnosis of a disease.

At the same time, it is also credible that this data be available to doctors and other health care professionals when necessary to diagnose or treat an illness. This is a distinction that begs our acknowledgment as we discuss protecting patients from potential discriminatory practices by insurers.

On the subject of employment discrimination, unlike our legislative history on debating privacy health matters, the record regarding protecting genetic information from workplace discrimination is not as extensive. To that end, our bipartisan bill creates these protections in the workplace, and there should be no question that great harm can occur when genetic information is used inappropriately.

As demonstrated by the Burlington Northern case, the threat of employment discrimination was very real and, therefore, it was essential that we take this information out of the realm of employers' reach before the use of this information becomes more widespread. In that instance, employees were tested without their knowledge of what the testing was going to be used for. Ultimately, it turned out it was for carpal tunnel syndrome. But there was no way they were required, mandated by the employer to undergo that testing.

In this aspect, the Congress has to provide the protections to ensure that these discriminatory actions do not become widespread. On this aspect, the Congress has substantial employment case law and legislative history on which to build. Indeed, as we consider the remarkable growth in genomics and the harm which could result with its use, we agree we must extend current law discrimination protections to genetic information.

We reviewed the current employment discrimination code and decided what remedies would be available for instances of genetic discriminations and if they would differ for those available in other instances under current law, such as the Americans with Disabilities Act, which are enforced by the Equal Employment Opportunity Commission.

As a result, the pending legislation creates new protections by paralleling current law and clarifying the recent remedies available to victims of discrimination. Ensuring that regardless of whether a person is discriminated against because of their religion, their race, or their DNA, individuals will all receive the same protections under the law, as they should.

Some have been concerned that despite clear prohibitions and reasonable remedies and penalties in disputes, there will be incentives to seek greater or lesser penalties justified under statute, and the legislation defines those boundaries. It will be the presence of these prohibitions and penalties which will ensure we do not see a growth in genetic discrimination. Indeed, I believe some who have questioned the necessity of this legislation may continue to do so, pointing to no overwhelming problem before us, that it is essentially a solution in search of a problem.

The bottom line is this legislation will prevent and preempt harm. They will recognize in the final analysis, given the open-ended, infinite possibilities that will be created by genetics, that if we provide these protections, individuals will have the incentive to increasingly avail themselves of medical knowledge which will not only improve their health, but actually reduce health care costs.

The fact is, for employers who have had concerns about this legislation, they should also recognize how it will significantly reduce health care costs. Isn't it essential to utilize our investments in advancing medical knowledge to prevent disease, disability, or even death? To the contrary. The fact is we need the incentives to ensure individuals will use genetic testing. So to that end, IBM pledged a few years ago not to use genetic information in hiring practices and deciding eligibility for health insurance coverage. This, again, demonstrated admirable understanding of how such discrimination can harm both the individual and business, and IBM has found that policy works.

It has been more than 6 years since the completion of the working draft of the human genome. Like a book which is never opened, the potential of our expanding genetic knowledge will not be realized unless individuals can take advantage of it without adverse consequences.

The pending legislation is a shining example of what we can accomplish when we set aside our partisan differences. In fact, we achieved remarkable success in this endeavor. I stated this earlier. The House of Representatives passed it by 420 to 3. That is an extraordinary tally reflecting, I think, the broad-based support this legislation enjoys.

Today 46 Members of the Senate—Republicans, Democrats, and Independents—are sponsors of this legislation and a broad coalition of the Genetic Alliance that includes more than 600 member organizations.

We are at a historic crossroads on a paramount issue that can make the difference between life and death for countless Americans. People deserve to have protections from genetic discrimination, and this legislation deserves swift enactment in the Senate.

As science and medicine hurl headlong into the 21st century, we have a responsibility to ensure our laws keep pace to ensure the benefits of this extraordinary era of advancements that can be realized by everyone without penalty.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Connecticut.

Mr. DODD. Mr. President, I rise to address this issue as well. Before she leaves the floor, I commend the Senator from Maine who has been long involved, going back more than 10 years on this issue. I had the privilege joining with her 10 years ago as a cosponsor of legislation in 1997. This is a colleague who has been deeply involved in this issue for a long time. I recognize her early contribution to this debate. I thank her for her comments.

I rise today to express my strong support for the Genetic Information Nondiscrimination Act—better known as GINA—to urge its speedy passage by this body. When I first joined Senator SNOWE in the fight for passage of this legislation, our Nation was at the dawn of a burgeoning genetic age, a time when we could only dream of the technologies that would exist 10 years later. Those genetic technologies are here now and here to stay.

Genetic testing and genomic services are being advertised directly to consumers even as we speak.

These ads are hard to read, but I am going to try to hold them up for people to see. Maybe others have put up similar ads. Here are some of the advertisements that appear in local newspapers that advertise services. One is for $99. I don't know what the cost is on this one. It is a BRAC analysis dealing with breast cancer. These are a few ads to show what is happening across the country.

This is good news, but also dangerous in some ways because people are making decisions about their conditions and their futures sometimes based on very shoddy information. It is troubling to me people are being drawn into this situation without understanding the full implications.

Genetic testing and genomic services are being advertised, as I said, to consumers. So the need for this legislation has never been greater. This is a very important moment for us to act.

I also wish to take a moment to commend the leadership of Senator SNOWE who, as I said earlier, was involved in this issue early on. Also, Senator PETE DOMENICI. He and I were involved with a bill in 1997 as well, about the time I joined Senator SNOWE on her legislation. Senator DOMENICI was very interested in this subject. And, obviously, I commend the work of Senator KENNEDY and Senator ENZI. Their leadership and skillful negotiations have allowed for passage of this legislation. I commend Senator HARRY REID, the majority leader, as well for his support and commitment to the passage of this legislation. While he is no longer a Member of this body, I commend Senator Tom Daschle, who was very interested in this subject matter and offered legislation as a Senator, also as leader. While we recognized his contributions a day or so ago with the hanging of his portrait as a former leader of this body, he was deeply involved in this issue, and I would be remiss if I did not recognize his contribution as well, as a former Member of this body whose work enabled the Senate to achieve passage of this legislation in previous Congresses.

Many of us on both sides of the aisle saw the need years ago for legally enforceable rules to maximize the potential benefits of genetic information and to minimize its potential dangers. But despite passage of the legislation in the Senate twice and the House once, it is still not the law of the land. Up until today, passage of this legislation has been blocked by one Senator. While I am heartened that efforts to obstruct passage of a bill so widely supported in the House and the Senate have been overcome, I am disappointed that the valuable protections provided by this legislation were denied to the American people until now.

In the decade that has passed while this legislation has been pending, the sequencing of the human genome was completed, yielding a dizzying number of discoveries about genes associated with diseases and accelerating genetic research. Scientists are finding that nearly all diseases, including common diseases, such as diabetes and heart disease, have a genetic component. Determining the underlying genetic components of disease is fueling the development of new treatments and cures.

As an aside, years ago, at Yale Medical School, I attended a briefing by the professionals there. They were doing studies on young girls, determining in twins the ability to detect very early on a genetic predisposition to breast cancer. A remarkable breakthrough was occurring with the wonderful news that we could possibly moderate lifestyles and improve them accordingly to avoid the onslaught of that dreaded disease. Obviously, there were concerns as well about such information becoming available without adequate protections with respect to insurance and employment opportunities as well as the conclusions people might make as a result of that information. But, nonetheless, I was very impressed with the work being done years ago in this whole area of identifying the genetic components of diseases.

Additionally, genetic tests for hundreds of disorders are already available, with many more in the pipeline. Some of these tests predict the likelihood of developing a disease or condition, providing unique opportunities for interventions that may delay the onset or wholly prevent that disease from occurring. In the not-so-distant future, routine use of genetic information is going to give doctors an unprecedented ability to tailor treatments to the individual patient.

However, the potential benefits of such advances in medicine will not be realized if people refuse genetic testing or do not participate in genetic research because they fear discrimination by an employer or by an insurance company. Indeed, surveys have repeatedly shown that Americans do fear the possibility of genetic discrimination. They are afraid of losing their jobs or health insurance coverage because their employer or insurance company learns of a genetic risk for a disease, a disease they do not currently have or may never get at all. The fact you have a predisposition does not in any way guarantee it is going to happen. It is merely a predisposition. Yet that information, obviously, could affect the cost of insurance available to you if insurance is available at all or whether you were going to get that job you would like to have. Many people are also afraid of affecting their children's ability to get jobs or obtain insurance.

So without adequate protections against discrimination, people may forgo genetic testing, even in cases where the results have the potential to save their lives or the lives of their family.

Our genetic code is the most personal of all information. We do not yet fully understand what it can reveal about us as individuals and about whom we may or may not become. All Americans have the right to use this information to make better health care decisions and not fear for its misuse.

The potential for misuse, of course, is very real. State laws provide only a mixed bag of safeguards, leaving inadequate or no protection at all against discrimination for many of our fellow citizens. Existing Federal protections against genetic discrimination under the Health Insurance Portability and Accountability Act or the Americans with Disability Act are inadequate to comprehensively protect against misuse of genetic information.

That is why this bill is so important, and why, again, the authors of it, the early sponsors of it, deserve great commendation by all. It would provide significant protections against the misuse of genetic information by health care providers and employers, ensuring that all Americans will not lose or be denied health insurance, jobs or promotions based on their genetic makeup.

Specifically, it prohibits enrollment restriction and premium adjustment on the basis of genetic information or genetic services. It prevents health plans and insurers from requesting or requiring an individual take a genetic test. With respect to employment discrimination, the legislation prohibits discrimination in hiring, compensation and other personnel processes and prohibits the collection of genetic information. The legislation protects each and every one of us because we all potentially have a genetic makeup that makes us more susceptible to some kind of an ailment, and that possibility should not be an obstruction to an insurance policy or a job.

While this legislation represents an enormous step forward and is a vast improvement over current law, many remain concerned about the measure's privacy protections, and we intend to continue monitoring them over time. Specifically, the legislation imposes important limitations on the collection of personal genetic information by insurance companies, but it would still allow them to collect such information without consent once an individual is enrolled in a health plan. While insurance companies are expressly prohibited from using this information for the purposes of underwriting, frankly, I remain concerned, once this information is collected, it may be difficult to control how it is used and who has access to it. As we have seen with numerous high-profile data breaches at the Veterans' Administration and the National Institutes of Health, the greater the number of people who have access to information, the greater the challenge of protecting that information.

As this bill becomes law—and I genuinely hope it will and am confident it will—all of us will be following the implementation and the extent to which it ensures privacy is protected. We will not hesitate to revisit the issue in the future, as I suspect we may have to.

I am the author of the Newborn Screening Saves Lives Act, along with my colleague Senator HATCH of Utah, which the Senate passed unanimously last December and is expected to be signed into law by the President in the coming days. In fact, I am told that might occur today. This legislation would expand and improve the number and quality of screening tests for genetic and metabolic conditions offered to newborns, which I feel so strongly about, throughout our country. These tests are critical because if a newborn tests positive for one of these rare conditions, treatment must begin immediately to prevent a lifetime of disability or even death. Because many of these conditions are genetic, the protections guaranteed under this bill are critical to preventing discrimination against these infants and their families by insurers or employers.

The newborn screening legislation authored by Senator HATCH and myself, possibly signed into law today, will be enhanced tremendously by the adoption of this legislation because several of those tests, as I said, are genetic. So it is my strong hope GINA will be sent to the President for his signature.

Again, my compliments to Senators KENNEDY and ENZI and their staff for the work they have done on this, and, of course, to Senator SNOWE for being a pioneer years ago in this area.

With that, I yield the floor.

Mr. COBURN, Mr, President, I am pleased that we have finally reached an agreement on the Genetic Information Non-discrimination Act, GINA, and that it will soon become law.

April 2003 marked a scientific discovery significant enough to transform both science and society. April 2003 brought the announcement that a vast team of scientists had determined the exact sequence of the human genetic code and placed that information in public databases. This is an achievement the last generation could only dream about.

Scientific understanding of the links between genes and disease will soon give rise to a flood of new answers and cures for those that suffer from disease. We are on the cusp of a new, unprecedented era of personalized medicine.

As a practicing physician, I look forward to the better care and cures that I'll be able to give my patients with new technology developed from the use of genetic information.

While there have been very few documented cases of genetic discrimination, GINA will eliminate the fear of genetic information. All Americans need to know that their predictive genetic information—that they have no ability to change or control—will not be used against them in health care and employment decisions.

These protections will finally be enacted with the passage of GINA today in the Senate, House passage to follow, and then finally a bill that can be signed by President Bush.

Appropriately drafted legislation is an important key to unlocking the tremendous potential to save and improve lives through the exciting field of medical genomics. GINA has long been a bipartisan vision.

I want to be crystal clear that I have supported the vision of GINA in the past, and I will support it again today.

While I did place a hold on GINA for a while, that hold meant we weren't finished crafting the legislative language on GINA. I reserved my right to debate and perfect it—after taking the time to read and understand the language of GINA and the House action on GINA.

It is like working on an appropriations bill—I support funding the government but that doesn't mean I support throwing $3.1 trillion into it. There is some work that has to be done before we send a bill to the President. As lawmakers, we have the responsibility to make sure we write laws that do exactly what we're telling the American people they do. I feel confident that today's version of GINA does that.

I would note that when we finally started negotiating the substance of my concerns with GINA, we were able to get them resolved in 2 weeks. That was a much faster and more effective way of getting GINA done than what we've seen over the last year—slandering my reputation in the media and trying to slip the unfinished version of GINA into last minute appropriations bills.

I am pleased that Senators KENNEDY and ENZI recognized this and exercised leadership in bringing everyone to the table to get a solution that everyone could support. That's the kind of transparency and debate that the American people deserve.

Today's Senate passage of GINA marks a significant step forward so that the American people may fully benefit from the promise of genomics and personalized medicine. GINA removes the barriers to the full potential of personalized medicine.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague, Senator ENZI, for his work, the chairman for his work, and I particularly recognize Senator SNOWE. I know Dr. Francis Collins, head of our Human Genome Project, and the key thing he has talked about from the outset of it was the need for this type of legislation which Senator SNOWE has championed for a long time. I am delighted to see it passing here. There is strong support for it.

I want to particularly point out a provision in the bill that was added on the House side by Representative BART STUPAK from Michigan, that would prevent the use of genetic information from unborn children and children in the process of being adopted. We can see a situation where somebody would apply for work, a lady who is pregnant, the child has Down syndrome, and that information being used against her in being able to get employment. That is built within the bill and I am delighted that is in there so we do not have that type of discrimination taking place as well.

I have spoken previously about the very real pressure that exists in these types of situations, where people get a Down syndrome designation and then the pressure in the system to abort the child. Senator KENNEDY and I have a bill that I am hopeful we will be able to get passed on nondiscrimination taking place in these situations, getting more information out to the parents and an adoption registry of people who want to adopt Down syndrome children, who want to adopt children who have these difficulties.

At the same time, I think we need to know that today there is a real tragedy on a massive scale going on in the country of genetic discrimination. That is happening today in this country. We know that, today, 90 percent of the women who are pregnant with Down syndrome children, once they get that genetic designation of the child, the child will not be allowed to live—90 percent is the level that is taking place there, of that genetic information and its use. The numbers are similarly high for prenatally diagnosed children with spina bifida, cystic fibrosis, and dwarfism. It has all been well documented by the American Journal of Medical Genetics and the journal Prenatal Diagnosis. So we have an increase in genetic testing, up to 120 different tests, and then a number of these children in this situation not being allowed to live.

It is a bit personal with one of my staff members. Stacey Cervenka is here with me, who was born blind and is concerned that in the future our children are going to be prenatally diagnosed as being blind, deaf, and not allowed to get here. I do not think that is the kind of country we want to be in.

That is why I am so happy this bill is passing, so we do not have genetic discrimination of people. I think it should extend to the full range of a lifetime of genetic discrimination. That is why I have offered a bill with Senator KENNEDY to partially address this issue, the Prenatally and Postnatally Diagnosed Conditions Awareness Act, to ensure families get the necessary information in these situations and also the connection to the help and support services they need. It also provides for national registry for those willing to adopt children with these conditions.

We all should be concerned when one's genetic information is being used for discrimination. We know we are better than that as a society. The real question is whether every life at every stage and every place has that value and is worth protecting and fighting for. I think it is. I think we as a body believe that. One's genetic composition does not determine one's value. Those with disabilities have the same inherent human dignity and value as everyone else. Genetic discrimination against anyone is unacceptable, particularly those who are next generation, our children.

I might add, as a close, that as reported this week, the Governor of Alaska, Governor Sarah Palin, gave birth to a child named Trig, who happens to be a Down syndrome child. I wish to share what she said on this occasion:

> Trig is beautiful and already adored by us. We knew through early testings he would face special challenges, and we feel privileged that God would entrust us with this gift and allow us unspeakable joy as he entered our lives. We have faith that every baby is created for good purpose and has potential to make this world a better place. We are truly blessed.

What a great thought for all of us.

I yield the floor.

Mr. CARDIN. Mr. President, today is a groundbreaking day for millions of Americans and for the future of health care. I am pleased to strongly support the Genetic Information Nondiscrimination Act of 2007, a bill that I am proud to be an original cosponsor of.

I also want to recognize the outstanding leadership of Senator SNOWE and Congresswoman LOUISE SLAUGHTER, who have been working on this bill for many years. The House passed its bill last year by an overwhelming margin of 420 to 3. Tomorrow will mark 1 year since that House vote. It is my hope that today, the Senate will pass this bill by a substantial margin as well.

Years ago medical researchers began to discover the vast array of personal health information that could be determined through genetic testing, with the discovery of the human genome. By decoding the human genome, scientists have identified many of the gene sequences associated with disease, leading to new knowledge about the underlying causes of illnesses.

Last November, Duke University researchers announced the discovery of 200 "silenced genes," a unique group of genes that they believe play a profound role in health status. These are genes that may increase the likelihood that a person will develop mental illness, cancer, diabetes, or other major diseases, or they may serve to prevent the development of certain diseases. There are approximately 1,000 different tests available now, and private insurers are beginning to include some clinical genetic tests as part of their health insurance benefits packages.

Genetic testing holds extraordinary promise for individuals and for the doctors who treat them. It allows us to identify the predisposition to develop a certain disease. It allows us to decide which medical specialists to seek out, which preventive screenings to begin earlier than standards may recommend for the general population, which signs and symptoms of illness to be particularly alert to, and which diagnostic or predictive testing to pursue even when symptoms may not be present. It can be extremely helpful in cases, such as Huntington Disease, where gene testing is necessary to make a certain diagnosis. It also allows health care practitioners to make informed decisions about the optimal medical care to provide a patient with an inherited disease. And beyond the patients themselves, genetic testing can help predict the risk of disease to parents, siblings, and children.

Over the years, Americans have come to realize what these developments would mean for them. Unfortunately, at the same time we also began to realize that genetic testing can be used against us in the workplace and by health insurers. For example, the results of the BRCA–1 test for breast cancer can be used to deny employment to a woman or to refuse to issue her comprehensive health insurance coverage. And so it is completely understandable that patients decline tests that could provide them life-saving information because they fear discrimination.

What a waste of resources and medical information if, after all the work done by biomedical research and supported by billions of our dollars, the people who can benefit most from these discoveries do not take advantage of them.

Just this week, a new report revealed the poor health status of Americans. Our health status is worse than it should be, and our health care costs are far higher than they need to be because we are not taking advantage of the technology available to us to fight disease. Passage of GINA will help change that.

The Health Insurance Portability and Accountability Act of 1996 took some important first steps to protect employees and health consumers from discrimination along these lines, but current law does not go far enough. For example, now, employers may require clinical genetic tests as a qualifier for employment. Passage of GINA will change that also.

Most State legislatures have taken action to prevent health insurers from discriminating based on genetic testing. My State of Maryland, for example, prevents individual and group health insurance policies from establishing rules for eligibility based on genetic information. Insurance companies are not permitted to require applicants or enrollees to take genetic tests or provide genetic information, or can they use genetic information for risk selection or for determining health insurance rates. Maryland law also prohibits insurance companies from disclosing information without the informed consent of subscribers. Many other States have passed similar laws.

But because of ERISA pre-emption, millions of other Americans who are not protected by State laws still need our help. ERISA plans—those that are not fully insured but are instead self-insured and regulated by the Federal Government—are not covered by State laws. In Maryland, nearly 40 percent of insured workers have health insurance coverage that is not protected against genetic discrimination.

Nationwide, the numbers are even larger. According to the Employee Benefit Research Institute, nearly 55 percent of all workers are covered by a self-insured health plan, and in larger firms, those with 5,000 or more employees, 89 percent of workers are covered by self-insured arrangements in 2006, up from 62 percent in 1999. So just in the last 8 years, we have seen substantial increases in the number of workers who are subject to genetic discrimination in health insurance, even though the States where they live and work have taken steps to outlaw it. That is another of many reasons why passage of this bill today is necessary.

We know that the medical technology exists to help us defeat deadly and debilitating illnesses. It is time for Federal law to change so that Americans are free to use this technology

In the 109th Congress, while I was still a Member of the House of Representatives, the Senate passed this legislation unanimously. I urge my colleagues to join me in strong support of this bill today and provide the American people with the protections they need to receive the quality health care they deserve.

Mr. LEVIN. Mr. President, I support the Genetic Information Nondiscrimination Act. Medical science has made amazing progress over the past century and a half, and I hope that we can pass this legislation, which will allow our nation to harness the promise of personalized medicine through an understanding of individual genomes, while ensuring that Americans are protected against the misuse of such powerful knowledge.

The past 140 years have marked an increasingly frequent series of scientific breakthroughs regarding that intricate and vital component of life called deoxyribonucleic acid, or DNA.

In 1869, Friedrich Miescher found the microscopic substance that would come to be called DNA within the nuclei of cells. In 1952, Alfred Hershey and Martha Chase confirmed that DNA plays a role in heredity. The following year, James Watson and Francis Crick used images produced by Rosalind Franklin to propose what many believe to be the first accurate model of the structure of DNA, the now-familiar double helix. In 1977, Fred Sanger boosted the "phi X" bacteriophage into the limelight by making it the first organism to have its genome sequenced.

With the advent of genome sequencing came the need for a common location to store all that information. Efforts to develop the Los Alamos Sequence Database, which was established in 1979, led to the establishment in 1982 of the GenBank to store genome sequences, which was jointly funded by the National Institutes of Health, NIH, the National Science Foundation, NSF, and the Departments of Defense and Energy.

In 1990, the Human Genome Project, a bold new international collaboration, was established. While there is more work to be done, by about February of 2003, approximately 92 percent of the human genome had been sequenced. As scientists discover more about the human genome, we learn more about disease and illness. Understanding the relationship between our genes and disease has already led to improvements in screening, diagnosis, treatment, and even prevention where possible. In 2006, George Church announced the Personal Genome Project, which seeks to record the complete genome of each volunteer. The ability to unlock an individual's genome could, combined with the knowledge developed through genetic research, allow for personalized medicine to a degree that would have been unheard of only years ago.

Though there are many diseases we do not yet fully understand and though much additional research is needed, we have at our grasp the ability to make stunning breakthroughs in medicine by looking inside ourselves, to our own genes. With the incredible advances in modern medicine resulting from our new understanding of, and ability to analyze, our own genes comes great responsibility.

Genetic information about an individual could be used for great good: it could hold the keys to identifying the best way to treat each person for their illnesses. However, we must be careful to guard against the use of this information to discriminate against those of differing genetic compositions. It would be absolutely unacceptable, for example, for an employer to use genetic information in making hiring decisions or determining pay. Likewise, it would be unconscionable to allow insurance companies, whose business combines both health and risk assessment, to utilize genetic information for the purpose of denying coverage for, or charging higher rates to, an individual merely because of that person's unalterable building blocks of life, their DNA.

Probabilities and statistical measures derived from analysis of the human genome may be able to help us to be proactive and preventive in caring for patients. However, we must not allow discrimination on the basis of that information. There is always the chance that an individual will never develop a particular disease and, therefore, never incur the cost of treating the disease that never developed. It would be unjust to force an additional burden upon an individual as a result of the potential, as opposed to the fact, of developing a particular disease.

Unfortunately, the risk of discrimination is real. Our history has shown us that some employers have discriminated on the basis of a range of impermissible categories. As a result, Congress has passed laws such as the Civil Rights Act, CRA, the Americans with Disabilities Act, ADA, and the Age Discrimination in Employment Act, ADEA. These laws have made significant steps in reducing discrimination in employment, but problems remain and Congress continues to work to pass additional antidiscrimination legislation to expand those protections.

Likewise, the economics of the health insurance industry, in its current form, demand that Congress act to pass legislation to protect individuals from being discriminated against, perhaps because their DNA indicates a possible disease or disorder that the insurance provider would rather not cover. Or perhaps merely because people with certain genetic markers might require more attention and care—and therefore represent a higher cost to the insurer—than others. I believe we have a moral obligation as a Nation to ensure that all Americans have access to quality, affordable health care. Part of that obligation includes ensuring that no American is denied health care because of their DNA.

We do not determine our own DNA. We are born with it. We cannot allow discrimination on the basis of such a fundamental aspect of life and one in which we had no choice. Beyond the genes that set the backdrop for our physical existence, we are, each of us, unique beings with the freedom to choose our paths in life. We must not allow the use of genetic information to constrain our freedoms.

The Genetic Information Nondiscrimination Act provides essential protections to preserve our individual freedom and protect our rights. I support this bill and I hope that it will receive speedy passage in the House of Representatives and that the President will act quickly to sign this critical legislation.

Mr. REID. Mr. President, passage of the Genetic Information Nondiscrimination Act, GINA, is the culmination of many years of work. This effort began over a dozen years ago and would not be possible without the work of many Members on both sides of the aisle.

Senator Daschle worked tirelessly on this legislation during his time as Democratic leader. Senator Jeffords was also a dedicated champion of this bill. Passage of this legislation today would not be possible without the perseverance of the bill's sponsors, Health, Education, Labor and Pensions, HELP, Committee Chairman KENNEDY, HELP Committee Ranking Member ENZI, and Senator SNOWE. Senators DODD and HARKIN have also been central to this effort. Congresswomen SLAUGHTER and BIGGERT along with Congressmen MILLER, DINGELL, and RANGEL have been leaders on this issue in the House. Thanks to their collective commitment to GINA, this crucial piece of legislation is finally on the verge of becoming law.

I also want to acknowledge the Coalition for Genetic Fairness and the many other organizations representing patient groups, medical professionals, scientists, researchers, families, and employees who advocated tirelessly on behalf of the protections offered by this legislation. They never let us forget about the urgent need to enact GINA and the dire consequences of neglecting this issue.

There are too many individuals and groups to mention by name, but I do want to single out one individual in particular. Dr. Francis Collins, Director of the National Human Genome Research Institute, has been an important voice in this debate. Dr. Collins' groundbreaking work in advancing the science of genomics has led us to powerful new insights into the links between genes and common diseases such as diabetes, cancer, multiple sclerosis, and Crohn's disease. He has dedicated himself to securing Federal protection against genetic discrimination so that the American people do not have to fear discrimination because they have had genetic tests or participated in genetic research.

Every one of us stands to benefit from this landmark legislation. Genetic research is advancing at a remarkable pace. The sequencing of the human genetic code has already allowed doctors to develop better ways to diagnose, prevent, or treat some of the most dreaded diseases known to man. In 2007 alone, researchers discovered more than 70 gene variants associated with common diseases such as diabetes, cardiovascular disease, and cancer. Each of these discoveries suggests new options for both the treatment and prevention of these diseases. However, these exciting advances are being threatened by fears of genetic discrimination.

This concern has been communicated to me in hundreds of meetings, letters, and phone calls from constituents.

For example, a woman from Las Vegas who is affected by pulmonary hypertension, a continuous high blood pressure in the arteries that supply the lungs, wrote the following:

> Life expectancy for PH patients who do not receive treatment averages 2.5 years, but with early, appropriate treatment, some patients are now able to manage their PH for twenty years or more. . . . GINA will allow patients with a family history of PH to pursue genetic testing and receive life-saving treatment without fear of related discrimination.

And a man from Las Vegas, who suffers from Polycystic Kidney Disease, PKD, a life-threatening genetic disease affecting the kidneys, wrote:

> Fear of genetic discrimination keeps many PKD families from testing for the presence of the disease or seeking treatments that could prolong their kidney function. In addition, fear of genetic discrimination has adversely affected many clinical drug trials now underway in the PKD research field. These clinical trials desperately need volunteers to participate, but many with PKD are fearful their participation in such trials will be used against them by their insurers and/or employers.

For genetic research to fulfill its true potential, patients need strong protections against genetic discrimination. GINA will establish strong protections against discrimination based on genetic information in health insurance and employment. As a result, patients can receive the best possible medical treatments without having to fear that genetic information will be used against them by their insurers or by their employers. The bill will also allow researchers to pursue the promise of genetic research by ensuring the confidentiality of genetic information by participants in clinical trials. GINA will enable all Americans to take full advantage of potentially life-saving genetic testing, and will pave the way for full realization of the promise of personalized medicine.

The House will soon take up and pass this legislation, and I urge President Bush to sign this bill into law.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Will the Chair let me know when I have 30 seconds left? I yield myself the remaining time.

Mr. President, I thank Senator BROWNBACK for reminding us about our bill dealing with Down's syndrome. It is a very worthwhile effort and one that is enormously compelling. I give him the assurance we want to work very closely with him. We are trying to get a counterpart in the House of Representatives and trying to get this done during this session. We thank him for his strong leadership in that area. He has been working on it for a long time.

Mr. President, we are in a new era of the life sciences, and the truth of that statement can be seen in fields from medical imaging, to new biologic drugs and even to the use of DNA technology to improve our environment and reduce greenhouse gasses. But in no area of research is the promise greater than in the field of personalized medicine.

With personalized medicine, patients will no longer have to receive treatments that work for the average person—but may not work for them. Instead, they will receive therapies precisely tailored to their own genetic makeup, with reduced side effects and far greater potency.

The cost of developing new drugs is likely to be significantly reduced. No longer will a potentially promising drug be consigned to a dusty warehouse because it fails to work well on average, if it has the potential to treat patients with a particular genetic condition.

A main barrier in the way of such extraordinary advances is the reluctance of patients to seek the benefits of this new science and the fear volunteering for this research.

Three stories recounted to the advisory committee on genetic issues at the Department of Health and Human Services make the point.

Tonia Phillips has the BRCA–1 mutation. He told the committee that based on her genetic risk for ovarian and breast cancer, she elected to have a hysterectomy and a prophylactic double mastectomy. Ms. Phillips works for a small company of just four people. After her surgery, the health insurance premium for the company increased by $13,000 year. Her employers asked her to switch to her husband's health insurance policy, and even offered to increase her salary if she would switch policies. She refused. The company then adopted a policy requiring employees to pay half their insurance costs. If GINA is passed, changing the terms of employment based on genetic information would be illegal.

Paula Funk, a 33-year-old mother from Arkansas, told the committee that of her 24 female relatives, 13 have developed breast cancer. She decided to pay out-of-pocket and be tested for BRCA–1 anonymously. She tested positive, had a prophylactic double mastectomy, and plans to have her ovaries removed in the near future. Paula and her husband opened their own computer business but were prepared to abandon their plans unless they could get a group health plan for their two-person company, because they knew she wouldn't qualify for individual insurance based on her BRCA–1 status. Her concern now is for protection against discrimination for her two young daughters, Audrey and Anna, who will someday have to make the difficult decision about being tested. If GINA is passed, Audrey and Anna would not have to fear losing their health insurance based on a BRCA–1 test result.

Judith Berman Carlyle, a 48-year-old woman with a family history of ovarian cancer, was afraid that she wouldn't be able to obtain health insurance if she tested positive for the variant of the BRCA–1 gene that is related to breast and ovarian cancer. Instead of being tested, she decided to have prophylactic surgery to remove her ovaries, believing that the surgery would be less likely to cause her to be dropped by her insurer. Later, having obtained health insurance, Judith decided to be tested for BRCA–1 before having a prophylactic double mastectomy. Her test was negative. If she had known this information, she might not have chosen to have her ovaries removed and might have opted for increased screening measures.

Earlier this year, the Pulitzer Prize was awarded for an extraordinary series of articles on the promise and challenge of this new science. One article dealt with the fears of discrimination faced by those who undergo genetic tests, and the measures they take to protect themselves. Those articles included new revelations about the harm caused by the fear of discrimination.

Victoria Grove, of Woodbury, MN, told how she concealed crucial information about her genetic tests from her doctor, for fear it would be used to deny coverage. As a result, she did not receive proper treatment for her lung condition.

Kathy Anderson's parents refused to let her be tested for a genetic condition that affects blood clotting, for fear of discrimination. When Kathy was prescribed a common birth control pill, she developed massive clots—a life threatening illness that could have been avoided if she had had the genetic tests.

For Judith Carlisle, the consequences of not taking a genetic test were tragic. She has a strong family history of breast cancer, but was afraid that a genetic test to detect a particular gene mutation would provide proof to insurance companies and employers that she was a health risk. So she refused to take the test.

Still, she worried about the risks of cancer, so she had a hysterectomy to prevent that risk. Only later, when she took the gene test, did she discover that her fears had been misplaced. The test showed that she had no elevated risk of cancer.

We've also heard other stories in the years of debate on this bill.

Phil Hardt is a grandfather in Arizona with hemophilia B, a bleeding disorder, and Huntington's disease. His human resources manager told him to withhold that information from his employer, or he would never be promoted or trained. In addition, his grandchildren would be denied health insurance because the genes they might have inherited.

Rebecca Fisher is a mother and early onset breast cancer survivor with a family history of the disease. She recounted how her employer, a small, self-insured community hospital, was more concerned that the cost of her bone marrow transplantation and other health care had exceeded the cap for that year, than with her health or productivity as a worker.

Thousands of other patients who refuse to receive the benefits of this new technology have similar stories. The time for delay is over—and I urge my colleagues to pass this needed legislation.

I again acknowledge the great work and effort of my colleague and friend, Senator ENZI, the work he and his strong staff have provided. We know we would not be here without his strong commitment to this legislation.

This legislation was stuck for a time in the legislative cauldron of good works, but it was never lost. Through his efforts we had the good opportunity to work out some of the final differences and we have the opportunity to get it passed today. I am very grateful to him.

Senator SNOWE has been a long-time leader in this. Her leadership has been referred to and all of us who have been interested in this thank her for her long-time dedication and commitment to it.

I want to mention some of the other people and say a final word. Dr. Collins, who has been the leader of the Human Genome Project, has been such a strong voice in passing this legislation; Sharon Terry, the Director of the Genetic Alliance; Kathy Hudson, who works at NIH and gave us excellent technical assistance; Representative LOUISE SLAUGHTER, who has a long-time commitment to this program—I thank her and Michelle Adams, who has worked with her; Representative JUDY BIGGERT and her staffer Brian Peterson; Shana Christrup, Keith Flanagan, and Ilyse Schuman—all have worked with Senator ENZI, and I thank them personally for their strong help working with me and with our staff; Kim Monk and David Thompson with Senator GREGG, who was a strong supporter of this bill when he chaired the HELP Committee—I thank him; Pete Goodloe from Congressman DINGELL, Michelle Varnhagan from Congressman MILLER; Cybele Bjorklund, who worked with CHARLIE RANGEL and previously worked with us on our staff when we were fortunate to have her efforts here in the Senate; Kate Leone and Jennifer Duck had worked for Senator Daschle—they are not now here, but we acknowledge their work at an important time in this bill's history; Stephanie Carlton for Senator COBURN staff, her efforts are appreciated as well.

On my staff I thank Portia Wu, Lauren McFerran, Holly Fechner, Michael Myers, Laura Kwinn, and especially David Bowen. All have been invaluable.

This bill opens a new frontier in medicine, in which can read the genetic makeup of patients to stop diseases before they ever happen. This legislation opens the door to modern medical progress for millions and millions of Americans. It means that people whose genetic profiles put them at risk of cancer and other serious conditions can get tested and seek treatment without fear of losing their privacy, their jobs, or their health insurance.

It is the first civil rights bill of the new century of the life sciences. This is the era of life science, with extraordinary possibility over these next years.

With the passage of this legislation we take a quantum leap forward in preserving the values of new genetic technology and protecting the basic rights of every American. We will ensure that our laws reflect the advances we are making each and every day in medical science. The promise of new science will be in jeopardy if our laws fail to maintain adequate protections against abuse and misuse of private genetic information.

It was a hard-fought battle to get here. This bill has been the product of a decade of dedicated efforts by Members of both sides of the aisle. I am honored to work with many of my colleagues, particularly Senator ENZI, Senator SNOWE, and Congresswoman SLAUGHTER on this bill. I hope it will get overwhelming support.

AMENDMENT NO. 4573

(Purpose: In the nature of a substitute)

Mr. President, I call up the Snowe-Kennedy-Enzi substitute, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for Ms. SNOWE, for herself, Mr. KENNEDY, and Mr. ENZI, proposes an amendment numbered 4573.

(The amendment is printed in the RECORD of Wednesday, April 23, 2008, under "Text of Amendments.")

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I yield any time that remains.

Mr. ENZI. I also yield back any time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the substitute amendment is agreed to.

The amendment (No. 4573) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—95

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter

Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—5

Clinton
DeMint
Gregg
McCain
Obama

The bill, H.R. 493, as amended, was passed.

Mr. KENNEDY. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President I wish today to applaud the passage of the Genetic Information Nondiscrimination Act. I am proud to be an original cosponsor of this legislation that prohibits health insurance companies and employers from discriminating against individuals based on their genetic information. I would also like to take this opportunity to commend Hadassah for their relentless advocacy over the past 11 years on this important civil rights issue. Hadassah is a founding member of the Coalition on Genetic Fairness and has been a leader fighting to outlaw genetic discrimination.

As a Senator from Maryland, the home of the National Institutes of Health and cutting edge companies like Celera Genomic, genetic testing and its implications for Marylanders and all Americans is especially important to me. This bill provides necessary protections so that people will take advantage of the potential that genetic testing can offer, without losing their job or their health insurance. Montgomery County in Maryland was the first county in the Nation to pass genetic nondiscrimination legislation. It has been a longer road for Congress. The Genetic Information Nondiscrimination Act was the first bill passed out of the Senate Health, Education, Labor, and Pensions, HELP, Committee in this Congress. I sit on the HELP Committee and we have worked on this bill since 1996. We have conducted five hearings on genetic discrimination and this bill has passed out of our committee three times. The Senate unanimously passed this bill in 2003 and 2005. It is time that this bill is signed into law.

Thirty years ago, the idea of mapping the entire human genome seemed liked science fiction. But we now have a map of it. Fifteen years ago, the thought of testing individuals for a genetic predisposition to an illness seemed decades away, but here we are in 2008 with the technology and knowledge to do that. Someone with a genetic predisposition for a disease could begin preventive measures in diet and lifestyle, years before symptoms even appear.

But with this new technology comes responsibility—the responsibility to protect the people that these theologies seek to help. What good is knowing that you have a genetic predisposition for diabetes if you lose your health insurance because of it? How does knowing that you may be more likely to develop breast cancer help if you can't get a job because of this information? Individuals should also have the information they need to make informed decisions about whether to get a genetic test.

A person must not be denied insurance coverage or employment based on their predictive genetic information. That is why I support this strong, enforceable genetic nondiscrimination legislation that establishes meaningful remedies for individuals and their families—remedies which act as powerful disincentives for insurance providers and employers to discriminate. I am proud the Senate has acted to help ensure that individuals can choose to get genetic tests that could help save or prolong their lives, without fear of discrimination in the workplace or by health insurance providers. We need to make sure the information from genetic testing reaches its true potential: that a woman can be screened for a genetic predisposition to breast cancer or a man can be screened for his risk for a heart attack without fear of their health insurance premiums rising or losing their jobs.

Again, I want to thank Hadassah for all of their hard work on preventing genetic discrimination and I also want to thank Senator SNOWE for her leadership on this bill.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Ms. STABENOW. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each and that the following Senators be recognized in the order listed: myself for 15 minutes, Senator HATCH for 10 minutes, Senator TESTER for 7 minutes, Senator ISAKSON for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

REPUBLICAN FILIBUSTERS

Ms. STABENOW. Mr. President, I rise to express my deep disappointment and concern about last night's vote on the Lilly Ledbetter Fair Pay Act. Unfortunately, colleagues across the aisle voted to block us from considering what is an important bill that relates to fairness, fair pay, equality, and recognition of the hard work of women all across this country. We weren't even allowed to bring this to the floor of the Senate to begin the debate. It wasn't only about pay discrimination; it was about fundamental fairness for working families, as so many of those working families are headed by women. The vote last night sends the wrong message to families who are struggling to stretch their paychecks to pay for higher gas prices, groceries, health care costs, all of the things they need to survive and care for their families, childcare costs, on and on and on. Voting to block this bill from even coming up for consideration says to these women and their families that this body does not understand and is not on their side when they have been treated unfairly or taken advantage of on the job.

I am proud of the fact that Senator REID, our majority leader, saw fit to bring this bill forward as a priority in the crush of time we have to consider legislation in the Senate. I am proud of Senator KENNEDY for his passion and leadership in bringing this bill out of committee and fighting so vigorously, and all of my women colleagues who came to the floor to stand up for women across America. Unfortunately, we were stopped from even proceeding to the bill. I am hopeful at some point we can come back and colleagues on the other side of the aisle will decide, rather than turning their backs on millions of women across the country, that they will join us in doing what is right to guarantee that if a woman is working hard every day, putting in the same amount of hours, lifting the same boxes and doing the same kind of work, she will know she is protected and feel confident the law is on her side that she will receive equal pay.

Unfortunately, this is not an isolated vote. This has been a pattern. We have spoken many times about what has been happening in the last year and a half. We now have seen 68 Republican filibusters. We had a filibuster that stopped us from proceeding. We have a fancy title for it, called a cloture vote on a motion to proceed. But the reality is, Republican colleagues on the other side of the aisle have filibustered our ability to move forward on equal pay for women in the workplace. This is one of 68 different times in the last year and a half that we have brought forward something critically important to families, from extending unemployment insurance to addressing health care, education, and economic issues, focusing on those things that directly affect families every day.

We know around here the way the rules work. You can filibuster and you can stop something if you don't have 60 votes. Unfortunately, we don't at this time have 60 votes to stop filibusters. There have been so many that we have put this on a board with Velcro so we can change it. We have to change it way too many times, because this number goes up every week. We are now at 68. This is an historic record in the Senate that we would see this many filibusters to block moving forward an agenda for change that the American people are desperately asking for.

We will continue to bring these issues forward that are absolutely critical. We will continue to bring forward areas of investment in the future and creating jobs and tackling health care costs and access and children's health insurance and quality education and tax fairness and all of these other things that are so critical for the American people—fair trade, so that we are exporting products and not jobs.

We are going to continue to bring this forward. But we are going to continue—unfortunately—to see this number go up. It is important the American people understand what is happening.

Now, we also, earlier today, saw something else happen—it did not quite come to the point of blocking in terms of a motion to proceed but efforts of delay, waiting, obstructing, over and over again. Earlier today, we passed a bill to help our Nation's veterans by almost a unanimous vote. We should be proud of having done that on a bipartisan basis. But this bill was reported out of committee last year. It was blocked for 7 months—7 months—by colleagues on the other side of the aisle. Then we had to spend a week trying to get this bill done. There was the procedural motion, again, to force us to vote on whether to even consider the bill, and then that vote was unanimous—unanimous. Yet that vote was forced so the time would run so we would slow-walk a bill we have been waiting to take up for veterans and their families for 7 months.

People expect better from us. I am very hopeful we will come together and begin to see the change the American people want to have happen and be the focus of this body.

Mr. President, I will speak for a moment about the Lilly Ledbetter Fair Pay Act because this issue of equal pay, of fairness in the workplace, is not going to go away. We are going to come back and we are going to come back until we get this Court decision fixed.

Lilly Ledbetter was one of the few female supervisors in a Goodyear tire plant in Gadsen, AL. She got up early in the morning. She sweated throughout long shifts, which often stretched to 18 hours or more when another supervisor was absent, just like her male counterparts. For years she endured insults from her male bosses because she was a woman in a traditionally male job.

Late in her career with the company, Lilly discovered that Goodyear paid her male counterparts 20 percent to 40 percent more than what she earned for doing the very same job for all of those years. She filed a lawsuit, just as she should have, and the jury awarded her full damages.

She was right. This was against the law. This was unfair. We need to value work and value equal work. The court sided with her.

However, the Roberts Supreme Court overruled the jury, stating that Ms. Ledbetter was not entitled to anything because she waited too long to file her claim. The Supreme Court ruled that victims of discrimination have only 180 days of the last discriminatory raise to file a lawsuit for discrimination—even if they did not know about it, even if they knew nothing about it.

So in Lilly Ledbetter's case, it did not matter that her employer discriminated against her for years and that she had been, for years, paid less than her male counterparts. Instead, the Roberts Supreme Court reversed decades—decades—of precedent and the intent of the law. It also overturned the policy of the EEOC under both Democratic and Republican administrations.

After the Ledbetter case—until we fix this—workers are powerless to hold their employers accountable for unlawful, unjust, unfair, unequal conduct. It creates an incentive for employers to discriminate against workers because now if they can hide the discrimination for just 180 days, then they are home free and the worker can do nothing about it.

The Lilly Ledbetter Fair Pay Act will fix this injustice and put Federal law in the same place it was the day before the Court decision. This has been American law. It has been American law about fairness and equal pay. All we are trying to do is reverse this extreme decision of the Supreme Court and put it back in current law.

The economic impact of unfair pay practices on working families is staggering. Today, women still make 77 cents for every $1 men make. In Michigan, it is even lower: 70 cents for every $1.

The current job climate has been particularly hard on women and people of color all across America. The unemployment rate for women has risen sharply, and their wages are falling faster than men's. For people of color, the unemployment rate is even higher. African Americans' unemployment rate is almost twice the national average. The Lilly Ledbetter Fair Pay Act would help correct this unfairness, this disparity.

Just as important as upholding the rights of women, the Fair Pay Act is needed because the Ledbetter case would affect all kinds of discrimination cases. At the end of the day, it simply puts the law back where it was and creates the opportunity for fairness and equality.

Let me say that when a woman goes to the store in Michigan, she does not pay less for milk. When she goes to the gas station, she does not pay less for gas. She does not pay less for the food or the electric bill. She does not pay less in any area. Yet until we fix this outrageous Supreme Court decision, she can be paid less for the very same job.

Mr. President, let me also say a few words about the bill we passed earlier today for veterans. That bill was almost unanimously passed, despite being held up for 7 months.

For too many of our servicemembers, that last day on Active Duty is just the first day of a difficult transition back to civilian life.

Our veterans deserve every benefit they get, and more. But too often our veterans return home to find out their insurance is inadequate or it is very hard to figure out their educational benefits because they are spread out over numerous different agencies.

Perhaps most important, under current law, our permanently disabled veterans who are recovering from injuries cannot even count on the Federal Government to help them finance necessities such as wheelchairs or wheelchair ramps for their homes.

When the men and women of our Armed Services put on the uniform, they are making a promise to defend America. In return, we promise them that a grateful nation will be there for them when they come home. What they do need—and what we owe them—is a system that works for them, not against them.

That is why the Veterans' Benefits Enhancement Act that was just passed today is so critically important. It addresses many of the problems that plague this difficult transition to stateside life and provides necessary improvements to education and health care and insurance programs.

This bill would expand the number of individuals qualifying for retroactive benefits for traumatic injury protection coverage. This is important for all of our veterans because we are now learning that this kind of injury is happening more often than we thought, and it can have a devastating impact.

Just last week, a new veterans center was opened in Saginaw, MI. This center will not only assist our veterans returning from combat but will also serve our veterans from as far back as World War II—the war my father fought in. These veterans should also be eligible for benefits if they are victims of traumatic brain injury.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Ms. STABENOW. Thank you, Mr. President.

The act would expand eligibility for home improvement and structural alteration assistance. It would also improve survivor benefits for the surviving children of our service men and women and a number of other things.

I am glad we passed this legislation. I am sorry it was held up for 7 months, and then all this week there was obstructionism and delay before we could get to it. But I am glad we got it done.

I am deeply disappointed that earlier this week we saw another filibuster that stopped us from proceeding to an equally important bill, and that is a bill that relates to equal pay and protection under the law, when women are working hard every single day and find themselves in a situation where they are receiving less than male counterparts for the same job. It is wrong. It needs to be fixed for the women of America and their families.

The PRESIDING OFFICER. The Senator's time is expired.

Ms. STABENOW. Thank you, Mr. President. I look forward to the opportunity to bring this to the floor again, and, hopefully, we will be able to get it done.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be granted up to 15 minutes for my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLEGED FILIBUSTERS

Mr. HATCH. Mr. President, I have a great deal of appreciation for the distinguished Senator from Michigan. I know how sincere she is, and I know she feels very deeply about what she has just spoken. But this business of 68 clotures is hitting below the belt.

Time after time, the majority leader has filed bills—many of which have not even gone through committee, have not had 1 day of hearing, some of which have been filed for political purposes just to create tough votes—and then filed cloture immediately.

In the old days—I have been here almost 32 years—nobody did that. Then they call it a filibuster when they are the ones who filed cloture just for the purpose of being able to say there is a filibuster.

Almost invariably the bills that are good go through. Republicans will object sometimes because we want to be able to offer at least germane amendments. In this body, we have, in the past, even been able to offer nongermane amendments. But that is a no-no right now because the majority is concerned some will bring up amendments that might be embarrassing to the majority.

Well, having talked about "embarrassing to the majority," why do you think the Ledbetter case was brought up through this statute? First of all, it did not have 1 day of hearings, as far as I know. It certainly was not put through a committee. It was brought up under rule XIV—which is a right to do—and then the bill itself was classically poorly written.

The fact is, this bill would have done away with the statute of limitations and made it almost impossible for any business to defend itself even in class action lawsuits. But it was brought primarily because the friends in some areas of the plaintiffs' bar wanted it brought so they could bring more suits in our society.

But to basically do away with the statute of limitations so that you could bring suits 10, 15, 25 years later, when all of the documentation is gone, the witnesses are gone, there is no way the company can defend itself, and it is an automatic slam dunk for plaintiffs' lawyers—some plaintiffs' lawyers, because most great plaintiffs' lawyers are not going to play this game—and then call that a good bill, there is something wrong with it.

With regard to the veterans bill—my goodness gracious. Let's think about this. With regard to the veterans bill, we are all for veterans—every last one of us. But, again, cloture was immediately filed. We were not able to bring up amendments. Finally, in the end, what did we do? We spent all day yesterday doing nothing in order to accommodate two Presidential candidates on the Democratic side. Now, I have no problem with that, with that accommodation, but we could have worked all day yesterday on the veterans bill and scheduled that vote the same time at the end of the day, as we did. But it was basically a wasted day in the Senate, other than hearings that might have gone on. To waste a whole day and then blame us for it, that is not right.

We all know why the Ledbetter bill was brought up. In many respects, it is just to score political points or it would have gone through the committee. Had it gone through the committee, had we done a good statute of limitations change, had we made some other changes that make sense in the law, I think we would have passed a bill that would have made Lilly Ledbetter at least realize that her actions were not in vain. But the way it was done looks to me as if it was done for political purposes and to score political points. We could have worked it out. At least I think we could have worked it out. But there was not even a chance to do that.

Let me just say this: I believe we have too much of this business that every time the majority files a bill and then files a cloture motion, they then call us filibusterers. That is not right, and it is not true. Frankly, we all know it is not true.

(Ms. STABENOW assumed the chair.)

AIR FORCE LEADERSHIP

Mr. HATCH. Madam President, we live in cynical times, and today I want to address that cynicism; namely, a small number of media reports that, some have suggested, call into question the command abilities of the senior leadership of the U.S. Air Force.

In addition, I was dismayed to learn that a Member of the Senate has compounded these misrepresentations by recently authoring a letter that makes inaccurate assertions about matters that have already been dealt with by the proper military authorities and investigated by the inspector general of the Department of Defense.

Let me address the underlying matter directly. It has been my privilege and honor to represent the people of Utah in this august body for now more than 31 years. During that time, I have had the pleasure to meet many of our Nation's military leaders, their families, and, of course, military period. However, I can say without reservation the current generation of Air Force leaders is among the finest I have ever known in all my years in the Senate.

Under the steadfast and capable leadership of Secretary Michael Wynne and GEN Michael Moseley, the leaders of our Air Force are resolute in the defense of this country, tenacious in their support and care for the young men and women who serve under them, and dedicated to modernizing the ancient—or should I say aging—equipment of their force.

These are leaders to be proud of, not criticized the way they have been. They are leaders to have confidence in. They exemplify the Air Force's unofficial motto: "Nothing Comes Close." They are the rightful heirs to the title: "The Right Stuff."

This does not mean errors do not occur. In any organization, especially one with more than 350,000 servicemembers, some will make mistakes, a few will veer from the straight and narrow; and, sadly, a tiny minority might even betray the public trust. That said, I believe the true measure of military leadership is not to wipe away every possible temptation and sin of mankind; it is to create a culture where malfeasance, once identified, is dealt with firmly, swiftly, and justly.

For example, the current Air Force leadership met this standard when it was recently tested by the wrongdoing of a civilian official during an initial attempt to replace our Nation's aerial tankers that are, on average, 47 years old. Once Senator McCAIN brought this malfeasance to the attention of the Air Force, the service responded by holding accountable those responsible. These individuals were prosecuted to the full extent of the law. Yet from that troubled time, the current Air Force leadership rallied and conducted one of the most transparent, open, and fair procurement competitions in recent memory. That is stuff of which real leaders are made.

I was also disappointed to read the characterizations of some press reports regarding the speech given by Secretary of Defense Robert Gates during his trip on Monday to the Air War College. When one reads some of these reports, one could only conclude that Secretary Gates was issuing a rebuke to the Air Force's leadership. This is most perplexing. Although I have not spoken to Secretary Gates about his speech, I have read the official transcript. My impression of his address was that Secretary Gates was not issuing an admonishment—not at all. In fact, I believe the Secretary was seeking to do what all good Secretaries of Defense strive to obtain: a more effective and efficient force through new and creative thinking.

Now, this conclusion is ironically bolstered by later reports from the same news service that published the initial reports I find so puzzling. These later reports quote the Pentagon press secretary as saying one of the major alleged reproaches was not directed at the Air Force as a service, but to "the military as a whole."

As I said earlier, we live in cynical times. Unfortunately, it has become customary for many in political circles to hurl unfair and even untrue criticisms at one another. One could argue this is the price of a vibrant democracy. However, this sort of behavior is unbecoming when it wrongly distracts our military leaders, especially during a time of war.

The Air Force leadership, under Secretary Wynne and General Moseley, has done an extraordinary job of protecting our Nation and supporting our other armed services in this war on terror. I, for one, am thankful we have such leaders in positions with such heavy responsibility. So today I rise to thank them. I thank Secretary Wynne. I thank General Moseley. They are thanks I believe they deserve from the entire Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator would withhold.

Mr. HATCH. I withdraw that.

The PRESIDING OFFICER. The Senator from Montana is recognized.

VETERANS' BENEFITS ENHANCEMENT ACT

Mr. TESTER. Madam President, I wish to commend Chairman AKAKA on the legislation that was passed in the Senate earlier today, S. 1315.

This bill makes a number of commonsense improvements to the benefits packages we offer America's veterans. I am pleased to have voted for this bill as it came out of the Veterans' Affairs Committee. I am also pleased to have supported it on the floor today. It is long past due to give our disabled veterans the ability to purchase affordable life insurance. That is what this bill does. It provides up to $50,000 in life insurance for any veteran younger than the age of 65 who has a service-connected disability.

The bill also adds a host of new benefits to help critically injured service men and women get their households refurbished if they become disabled. That can mean putting in wheelchair ramps, remodeling a kitchen or a bathroom, and countless other chores. Again, it is a small measure, but for a soldier who has lost an arm or a leg or a marine who has suffered severe burns, it means the world.

It is long past time to increase burial benefits to help families deal with the growing costs of providing a final resting place for their veteran loved ones. This bill does that by authorizing double the current allowance for the burial of a veteran who dies from a service-connected disability to $4,000. It also triples the $300 benefit for nonservice connected disabilities. With the average funeral cost now around $6,000, this is a small gesture to the loved ones of our veterans, but it matters a great deal.

At a time of record national debt and chronic annual budget deficits, I am particularly pleased this bill is deficit-neutral. It does not increase taxes.

With all the good in the bill, it is little wonder the Veterans' Benefit Enhancement Act is supported by every major veterans service organization. This bill passed out of the VA Committee unanimously last summer, and I am pleased by the bipartisan support it got today. We now need to turn our attention to the veterans health care legislation that I am told will follow this bill. Our Nation's veterans deserve nothing less.

When our children sign up for military service, whether they do it at a local recruiting office or by going to a service academy or anything in-between, we make a deal with them. We ask them to put their lives on the line. We ask them to serve and to sacrifice at an increasingly difficult pace. We ask them to fight wars. We ask them to keep peace and to keep our Nation free and they go. They go and they do a better job than any other military in the world. In return, we promise that when their service is over, we will care for them and compensate them if they have been injured in their service to our country. With our Nation now at war, we have a great moral obligation to do right by the men and women who serve our country in harm's way. This legislation helps keep the promise to our veterans.

One other point I wish to add that relates to what the senator from Michigan and the Senator from Utah talked about. I have only been here for 15 or 16 months, but I will tell my colleagues that one thing I have noticed and one thing that has surprised me over the last year and a quarter is we debate whether to debate all too much. The fact is, whether we agree or disagree on an issue, what is important is we have an opportunity to vote on an issue—to make our stand and vote on an issue.

What happened last week was a prime example, where we had a transportation bill—corrections to a transportation bill—and we spent all week because it was being delayed and delayed. I sat in the chair last Thursday night when the majority leader, the Democratic leader, came down to the floor and said: I have to file cloture on this veterans' bill—the one we passed—because I have approached the minority and they have not gotten back to me and I do not want to take the chance of wasting a day.

We have work to do here. We have done some good work today, and I hope we can have many more days such as today, where we can vote on legislation that impacts the people of this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. ISAKSON. Madam President, I rise this afternoon to talk for a few minutes about health care in America—the cost of health care in America, the access to health care in America, and to talk prospectively about the first 4 years of the next President of the United States. It is pretty obvious, because of the complexity of health issues and because of a political campaign year, we are not going to get to a resolution this year.

It is obvious our country has a crisis. It is obvious we have to move forward. It is obvious to me that whoever the next President of the United States is, the very first thing they are going to have to tackle is affordable, accessible, and quality health care.

The health care issue is one that has a million angles to it. I am not going to talk about all those angles today. Secondly, I am not going to stand up here and tell my colleagues that I think I have all the answers. However, I do think it is time that all of us who have said: Well, I am not for government-provided health care—that is not good enough. If you are not for it, you have to be for something. You can't have the easy way out. There have been a lot of people who say: I don't want single-payer health care; I don't want the Government to do to health care what they did at the IRS, but I don't have any good ideas.

It is time we came up with some goods ideas. We are going to have to do what is maybe different and philosophically and politically challenging to Republicans and to Democrats. But first what we ought to do is look to successes around the country that have solved some of the cornerstone issues in terms of the costs of health care.

One of those is the cost of medical malpractice and what is commonly called tort reform. The minute a politician mentions tort reform, they get everybody's attention, but in particular, a trial lawyer's. I am not a trial lawyer basher. Some of my best friends are trial lawyers. I always tell people: Everybody hates lawyers, but they love their lawyer. When you need a lawyer, you want a good one. I wish to bring a perspective to the tort issue as it deals with medical malpractice to try and point out there have been solutions found—solutions that do not prohibit an injured person from being compensated for the damages that were caused to them, while at the same time quantifying and capping at a predictable amount for those actuaries the cost of what these runaway awards have been doing to us.

We have tried on the floor of the Senate, on more than one occasion, to address this, in part. We tried with legislation in the 109th Congress to limit or to cap noneconomic damages in OB/GYN cases. The reason we targeted OB/GYN and obstetrics cases was because they consistently have runaway insurance premiums; we consistently have problems in our States where there are not enough doctors to deliver the babies for families in our communities because there are not enough doctors who can afford the medical malpractice insurance as it rises.

Unfortunately, we never passed that in the Senate, although in two different amendments we tried. In my judgment, it would have helped with the situation. Today, I want to talk about a good example from my State of Georgia and about some things I think we can do in the Congress.

In 2005, our State Senate in Georgia passed a Senate Bill 3, by a vote of 39 to 15, and it went to the house and passed by a vote of 136 to 34. Obviously, it was bipartisan. We have had 2 years' experience with that bill. The experience has demonstrated what we had hoped it would: No injured person was aggrieved or denied coverage or recovery, but the cost of health care on medical malpractice became more predictable and rates stabilized.

The points in that bill that passed in Georgia are precisely the points we ought to look at in terms of the Federal court system. Point No. 1, eliminate joint and several liability in a medical malpractice case. For those who may not know what that is, it means if somebody is injured, or alleges they have been injured, and they file suit against the person who injured them, in the normal course of our litigious society, they also sue everybody else who is even remotely related to that particular situation. I was a real estate broker in Georgia. If we sold a new house to a family and the first time it rained after they moved in the basement leaked, they sued the builder, but they sued me, too, so they had a wide sweep to try to recover. I understand that. There are times when joint and several is appropriate, because sometimes more than one party in an injured class situation is involved in the injury and should be held accountable. But to summarily make joint and several apply without any conditions is wrong.

What we put in the Georgia law was that the plaintiff must identify a single defendant in the suit, unless he proved clearly and convincingly that the hospital or the physician and others in the system were also negligent. That is not unreasonable. We want to make sure that if somebody is injured by a doctor, they can recover. But then to hold the hospital, or the hospital authority, or the county health authority liable, when they were not part of the procedure, we don't think that is right. That is one of the reasons you have a tremendous cost of malpractice insurance.

Second, to strengthen expert witnesses, who are critical in any court situation where you are trying to prove damages. But experts ought to be experts. For example, if you have a traumatic brain injury, the expert testifying on behalf of the plaintiff and the expert testifying on behalf of the defense ought to both have neurological training. It is not right for a dentist, who happens to be an MD, to testify in a neurological case. So by putting in requirements in terms of witnesses, you establish a situation where you have clear, responsible testimony, and you cannot use a "quasi" person to give you irresponsible testimony.

Third, limit liability for emergency department physicians and personnel. I want to talk about this for a minute. Talking about Georgia again, we have Grady Memorial Hospital in Atlanta, one of the largest public hospitals in the United States. It was on the verge 6 months ago of closing because almost everybody who goes there is indigent or a nonpaying customer. They may be on Medicare or Medicaid, but in every accident that happens on the freeway system there, they take the injured to that trauma center. It is the largest burn center in the Southeast. Grady Memorial Hospital is losing so much money that it was on the verge of bankruptcy. The community has come together, with volunteer citizens such as Pete Corell and Tom Bell in our city, who deserve tremendous credit. They created a nonprofit organization to take over the organization of the hospital and raise capital, and I believe we are going to save that great trauma center and that great hospital.

Frankly, they operate under terrible circumstances in that trauma center. To have the type of liability in a trauma center that people want to hold you accountable for today with medical malpractice liability, with no Good Samaritan laws for those people isn't right. If somebody is brought in after a tragic wreck and there are not qualified exceptions for a physician to treat that person, you are never going to have the type of immediate response care that you need. You don't have the time to practice defensive medicine in a trauma situation, which, by the way, I will get to defensive medicine next. It is one of the contributing causes to the cost of health care. Defensive medicine is practiced primarily because of the court system.

I had a problem a few years ago. I went to the doctor and they said, well—they gave me this and it didn't work, so they gave me that and it didn't work. So they gave me a full-body CT scan. I had a swallowing problem. I wondered why they did a full-body CT scan. He said he wanted to be sure he had done everything he could. He had to practice defensive medicine, when a scan from the chest up would have been fine. That is one of the reasons you have runaway malpractice awards and the litigious nature of our society. It is a skewed system and you have costs running through the roof.

We need to elevate the burden of proof from the "preponderance of the evidence" to "clear and convincing evidence." We did that in Georgia 2 years ago. I don't know about you, but if I am accused of something, I don't want somebody to decide because the preponderance of the evidence said I was wrong; I want it to be clear and convincing. That is the way it ought to be, in terms of medical malpractice as well.

Then the real hot potato—the one everybody goes ballistic on—is talking about capping noneconomic damages. Georgia did something unique. They capped noneconomic damages at $350,000. That is the pain and suffering. Noneconomic means if you were injured, all the costs of that injury, the costs of the treatment and the corrective treatment, and all the economic losses you have, you get all of that. Noneconomic is when they add on another penalty to the guilty person for the pain and suffering. Georgia capped it at $350,000. They gave an overall cap of $1.050 million, allowing the judge to lift the $350,000 if the evidence in the court case proved a higher damage was necessary. That is the point I want to address in the Federal court law.

I have three children. My second son, Kevin, in 1998 was in a terrible automobile accident in rural Georgia. He was on a camping trip with a 16-year-old buddy. They were going down a country road in Greene County, 2 a.m. in the morning—which is another subject I will get to as a father later on—and a deer crossed the road. A deer will stop in the headlights. The deer took off. My son was a passenger, and the driver decided to follow the deer rather than the road, hit a ditch, and my son went through the front windshield. He had four operations. He had to get grafts, bone marrow treatments, and he had internal infections. He has more metal in his right leg than I have in my automobile. The doctors put him back together. Making the case about litigation, I have to tell you that was a case where my son was hurt and there was negligence. I was angry. In Georgia, we have something called no-fault insurance, which means you have $15,000 in coverage, which covered the emergency room, and there is no more coverage. Everybody is on their own. But we had obvious negligence. In that case, fortunately, the young man who was driving, who was negligent—his father, although he had minimum coverage for the accident, had a general liability policy. He said: My son was wrong and your son is going through terrible pain. Let's sit down and go to my insurance company and negotiate, through a professional arbitrator, what is the right general liability award for your son. We did that. We negotiated it and used an index of nationally approved negotiators, in terms of what damage would have been right. We agreed to it and my son still has that reserve in case he has further complications from the damage done. No liability responsibility, but a cost that was appropriate for the injury, rather than gained through a court case and a litigious action.

It is my personal opinion that we should cap noneconomic damages in the Federal court and medical malpractice in the following way: Change the current law. The current law allows a judge to reduce the amount of the award if he doesn't think it was right. The judge can reduce it. I think we ought to cap liability on medical malpractice at a million dollars for the noneconomic damages, but then say the judge can lift that cap if the evidence in court proves gross negligence. That changes the dynamics of litigation. Instead of suing and going for big bucks because you can, you will realize that the burden of proof is to justify the big bucks based on your circumstances and the facts of the case, and you don't intimidate people into negotiating high settlements. Instead, you put the burden on clear and convincing evidence, which, in my case, as I have said, is the only way to go.

Medical malpractice is certainly not the only cause of the higher costs of health care in America. Solving medical malpractice costs doesn't address all of the other factors, but it is a component part. I am willing to sit with others and talk about all those other things we beat our gums about but never do anything about that are components of the cost of health care.

I will talk about what we need to do in terms of Medicare eligibility. When somebody signs up for Medicare when they are 65 years old—you are supposed to go in 90 days before your 65th birthday; I am getting close, so I am looking at these things—I think you ought to be required to execute a durable power of attorney when you become eligible. Eighty percent of the cost of health care to me, to you, and to anybody else happens in the last 60 days of life. More often than not, people are not in a condition to make a decision for themselves. Because of laws, and because we are a compassionate nation, the physician will keep you alive as long as he can. If you had a chance, you might rather say if I am being hydrated and given nutrition but will never become conscious again, I give the doctors the authority to make the appropriate medical decision. The money that would save is in the "gazillions" of dollars—if there is such a number. It would help us to manage that cost.

Secondly, we need accountability on the part of the American policyholders, and wellness and disease management. My second son's father-in-law is a Swede. He came to America and now lives here full time. He bought a medical insurance policy independently, because he is retired. About 6 months ago, he called me and we went out to dinner. He ordered a salad, broccoli, and asparagus, and he didn't put any sugar in his tea. I said: What are you doing? What kind of a diet are you on? He said: It is my health insurance, not my diet. My policy will go up to $500 a month if I don't get my cholesterol below 200. His vital signs are a component of health care and, if he wasn't taking care of himself, he would pay a higher premium for the benefits he needed. We need to look at disease management and wellness and accountability.

I came to the floor to talk about what is going to be the biggest issue in the first term of the next President, the biggest crisis. If I am fortunate enough to win reelection in 2010, the Nation's Medicare system is going to be broke before I leave the Senate. This is not an issue we need to talk about in the future. The time is now. It is time for good men and women of both political parties to put all of the issues on the table and not just talk about what they are not for but start talking about the solutions that can make a difference in the quality, accessibility, affordability, and health care for the people of the United States of America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORLD FOOD CRISIS

Mr. DURBIN. Mr. President, the world is facing a global food crisis, and it is growing worse by the day. Each morning, we see a new front-page headline reminding us of the urgency of the situation. It threatens not only the health and survival of millions of poor people around the globe, many of them children, but it also threatens the stability of governments in some parts of the world where hunger and food shortages are most acute. It threatens global security and even our own national security.

The world food crisis is a human catastrophe. Families are suffering. Mothers and fathers are struggling to feed their children. A recent New York Times story described a father in Haiti's capital city, Port-au-Prince, whose children had recently eaten only two spoonfuls of rice apiece one day and nothing the next day. The father said in this interview:

> They look at me and say, "Papa, I'm hungry," and I have to look away. It is humiliating. It makes you angry.

Three-quarters of the people in Haiti live on less than $2 a day, and one in five children is chronically malnourished. People are desperate for nourishment of any kind.

The New York Times story went on to say that one booming business amid all the gloom is the selling of patties made of mud, oil, and sugar, typically eaten by the most destitute.

One Haitian man said:

> It's salty and it has butter, and you don't know you are eating dirt. It makes your stomach quiet down.

Mr. President, I said last week that we were on the brink of a humanitarian crisis, and I am afraid we have crossed that threshold. We are now witnessing that humanitarian crisis. World Bank data shows global food prices have jumped 83 percent in the last 3 years. These are the average commodity prices paid by the nongovernmental organization CARE.

CARE is known around the world. CARE packages, after World War II, became a symbol of American caring and a symbol of international compassion. CARE is paying more and more for the food they buy. In just a brief period of time—from December 2007 to April 2008—the costs have gone up dramatically in sorghum, in wheat, rice, peas, lentils, and vegetable oil. This chart really tells the story of what has happened in just 4 months. Other data shows wheat prices have tripled in the last 3 years. Poor families in Yemen are spending more than a quarter of their income just to buy bread for their children.

The price of rice has tripled in just the last 18 months. There is even rationing of the sale of rice in the United States. You may have seen the papers this morning. Some major warehouse-type operations are limiting the amount of rice Americans can buy. In Bangladesh, a 2-kilogram bag of rice—a little over 4 pounds—which might feed a small family for a couple of days now consumes about half the daily income of a poor family. In the Philippines, hoarding rice is now punishable by life in prison. In rural El Salvador, the World Food Program estimates that rising food prices have cut the caloric intake of the average meal 40 percent from 2 years ago.

The World Food Program is the food aid branch of the United Nations and the world's largest humanitarian agency. It operates in about 80 nations, providing food to about 90 million poor people a year. Two-thirds of them are kids. Because of rising food prices, the World Food Program can afford to buy only 50 percent of the food for schoolchildren that it could purchase a year ago.

This is the worst global food crisis in more than 30 years, since the Arab oil embargo in the early 1970s caused sharp spikes in world food prices. The blue shaded areas on this map show 36 nations on four continents now facing a growing risk of hunger and the social unrest that comes with it. The flames indicate places where riots or protests are already taking place. It may not be easy for those following this to see, but if you can imagine, almost one-fifth of the world's countries are facing a food crisis, and many more are facing protests and demonstrations. In Africa, 21 countries are unable, for a variety of reasons, to meet their own food needs. In Asia, nine countries are facing food shortages; four Latin American nations; and in Europe, food shortages in Moldova and Chechnya. The list of these countries is here, and it is a long list. It shows you how this is stretching across the world, particularly in the poorer sections.

Aid organizations are seeing these effects on the ground. CARE staff with 20 years' experience in the field say they have never seen a situation this bad, and there are no immediate prospects for relief.

Last week, U.N. Secretary General Ban Ki-moon described the world food situation as having reached emergency proportions. He and World Bank President Robert Zoellick have warned that the food crisis "could mean 7 lost years in the fight against worldwide poverty."

We spend a lot of time on the Senate floor talking about security, especially in the context of Iraq. But security is not won or lost only on the streets of Baghdad or on the battlefields of Afghanistan. Security is at stake in the bread lines of Egypt, the rice markets in Thailand, and the withering cornfields in Zimbabwe. The global food crisis is also a looming security crisis, one that threatens the stability of many already fragile governments. Pockets of fierce protest could trigger outbreaks of sustained violence, even war.

Referring to the same chart, the flames on this map show what has been experienced over the last 16 months in terms of riots and demonstrations.

Haiti and Egypt, two nations where food prices have doubled in the last 2 years, have already seen violent unrest linked to these soaring food prices. Here are photographs of recent food riots, one in Haiti, another in Egypt.

Just a word. I went to Haiti a few years ago with former Senator Mike DeWine of Ohio—my first visit. I had been prodded into going there because I traveled to Asia and Africa, and someone finally said: Why do you travel so far looking for the worst poverty in the world when it is in your backyard, on the island of Haiti? So I went there, to the island of Hispaniola, which has Haiti and the Dominican Republic, and they were right. I had never seen worse poverty anywhere in the world, and it is in our backyard. And now these people are digging through a dump trying to find something to eat in Haiti.

Here, in Egypt, they have two lines of troops holding back a food riot that occurred there.

Haiti recently ousted its Prime Minister after days of violent protest over soaring food prices. Nine thousand U.N. peacekeepers were ordered recently not to fire on civilians as widespread looting and shooting continued.

In Egypt, the Government has had to dispatch riot police to break up food protests. The military has even been put to work baking bread in an effort to prevent even more anger over soaring food prices.

Senegal is regarded as one of Africa's most stable democracies, but even there, rising anger over food prices is directed at the Government. Recent demonstrations in Senegal turned violent as police in riot gear struck and used tear gas against protestors who were protesting for food.

Parts of India were enduring riots over the high cost of rice as far back as 6 months ago.

Recent history reminds us how closely our security is linked to the security of these farflung places. Sending help in the form of food aid to these countries whose people are starving is clearly the right thing to do, but it is also the smart thing to do. If we stand by and watch these violent uprisings cause governments to fall, this growing crisis will pose a threat to the security of the United States of America.

Surveys by Pew Research show favorable opinions of America suffered steep declines since 2000, and not just among old enemies but among recent allies: in Great Britain, from 83 percent favorable toward the United States down to 56 percent in 2006; in Germany, from 67 percent to 37 percent; in Indonesia, from 75 percent to 30 percent; in Turkey, from 52 percent to 12 percent; and in Jordan, which we consider to be an ally and friend, only 15 percent of the people have a favorable opinion of our Nation. Yet amid these troubling numbers, the study also showed moments of improved attitudes toward America, generated by U.S. aid for tsunami victims in Indonesia and elsewhere.

We need to take heed that some countries in the world that share our values and have common goals in life think little of our country. They are wrong. They don't understand our values. They don't understand who we are. We have a chance to help them understand by coming to the aid of those living in poverty and those facing starvation and depravation around the world.

The causes of today's soaring global food prices and food shortages are many, they are complicated, and they are interrelated. For the sake of world security, more work is needed to understand these causes and develop long-term solutions to feed a hungry world. But we cannot wait for comprehensive solutions to start dealing with today's crises. We need to focus on what we can do at this moment. We need to put an end to this emergency.

The Department of Agriculture announced last week that it will release $200 million in commodities from the Bill Emerson Humanitarian Trust. Bill was a friend of mine. He always had a soft spot in his heart for these programs, and I am glad this one is named after him. Mr. President, $200 million is an important step that will help, but it is not enough.

Last week, I met with Josette Sheeran. She runs the World Food Program. What a tough assignment at this moment in history. She says they are at least $755 million short of what is needed to respond to this global crisis. Beginning next month, for lack of money, the World Food Program may be forced to suspend its school feeding programs in Cambodia. This last chart shows women in a small village in India reaching out desperately for rice sold by Government officials. "The world's misery index is rising" as a result of the food crisis, Josette Sheeran of the World Food Program said last week.

Senators BIDEN and KERRY have joined me in asking the White House for $550 million for this global food crisis. I have joined Senator BOB CASEY and others in asking the Appropriations Committee in the Senate to provide this help in the supplemental funding bill which we will be considering very soon.

Other countries are rising to the challenge. Last week, France announced an additional $100 million; the UK pledged $60 million; and Norway, $20 million. Such contributions are important.

Another important step would be for the United States and donor nations to allow a percentage of food aid to be purchased in local food products. It may be that the food is there and if purchased can be given to the people rather than delaying the delivery by shipping things from faraway destinations. I urge my colleagues to support this request.

For those who say $550 million is just too much to spend to avoid global shortages and unrest, I remind them that is just about what we spend in 1 day in the war in Iraq—1 day. We are talking about the amount of money needed to try to avert a global food crisis.

A little over a week ago, the world's economic ministers met here in Washington to discuss the state of the world economy. They declared that food shortages and skyrocketing prices posed potentially greater threats to economic stability than the turmoil in capital markets. They called on wealthier nations to help prevent starvation and disorder.

We have a choice. We can stand back and watch this disaster unfold or we can demonstrate to the world what we stand for. We can show the world that we understand hunger and violent unrest are also forms of tyranny and terrorism and we are committed, the United States, to doing our part to help end them.

This is not charity. International food assistance in the face of the global food crisis is the right thing to do, the smart thing to do, and the American thing to do.

Mr. President, I ask unanimous consent that following my remarks, the April 18, 2008, article from the New York Times as well as the April 22, 2008, article from the Irish Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 2008]

ACROSS GLOBE, EMPTY BELLIES BRING RISING ANGER

(By Marc Lacey)

PORT-AU-PRINCE, HAITI.—Hunger bashed in the front gate of Haiti's presidential palace. Hunger poured onto the streets, burning tires and taking on soldiers and the police. Hunger sent the country's prime minister packing.

Haiti's hunger, that burn in the belly that so many here feel, has become fiercer than ever in recent days as global food prices spiral out of reach, spiking as much as 45 percent since the end of 2006 and turning Haitian staples like beans, corn and rice into closely guarded treasures.

Saint Louis Meriska's children ate two spoonfuls of rice apiece as their only meal recently and then went without any food the following day. His eyes downcast, his own stomach empty, the unemployed father said forlornly, "They look at me and say, 'Papa, I'm hungry,' and I have to look away. It's humiliating and it makes you angry."

That anger is palpable across the globe. The food crisis is not only being felt among the poor but is also eroding the gains of the working and middle classes, sowing volatile levels of discontent and putting new pressures on fragile governments.

In Cairo, the military is being put to work baking bread as rising food prices threaten to become the spark that ignites wider anger at a repressive government. In Burkina Faso and other parts of sub-Saharan Africa, food riots are breaking out as never before. In reasonably prosperous Malaysia, the ruling coalition was nearly ousted by voters who cited food and fuel price increases as their main concerns.

"It's the worst crisis of its kind in more than 30 years," said Jeffrey D. Sachs, the economist and special adviser to the United Nations secretary general, Ban Ki-moon. "It's a big deal and it's obviously threatening a lot of governments. There are a number of governments on the ropes, and I think there's more political fallout to come."

Indeed, as it roils developing nations, the spike in commodity prices—the biggest since the Nixon administration—has pitted the globe's poorer south against the relatively wealthy north, adding to demands for reform of rich nations' farm and environmental policies. But experts say there are few quick fixes to a crisis tied to so many factors, from strong demand for food from emerging economies like China's to rising oil prices to the diversion of food resources to make biofuels.

There are no scripts on how to handle the crisis, either. In Asia, governments are putting in place measures to limit hoarding of rice after some shoppers panicked at price increases and bought up everything they could.

Even in Thailand, which produces 10 million more tons of rice than it consumes and is the world's largest rice exporter, supermarkets have placed signs limiting the amount of rice shoppers are allowed to purchase.

But there is also plenty of nervousness and confusion about how best to proceed and just how bad the impact may ultimately be, particularly as already strapped governments struggle to keep up their food subsidies.

SCANDALOUS STORM

"This is a perfect storm," President Elías Antonio Saca of El Salvador said Wednesday at the World Economic Forum on Latin America in Cancún, Mexico. "How long can we withstand the situation? We have to feed our people, and commodities are becoming scarce. This scandalous storm might become a hurricane that could upset not only our economies but also the stability of our countries."

In Asia, if Prime Minister Abdullah Ahmad Badawi of Malaysia steps down, which is looking increasingly likely amid post-election turmoil within his party, he may be that region's first high-profile political casualty of fuel and food price inflation.

In Indonesia, fearing protests, the government recently revised its 2008 budget, increasing the amount it will spend on food subsidies by about $280 million.

"The biggest concern is food riots," said H.S. Dillon, a former adviser to Indonesia's Ministry of Agriculture. Referring to small but widespread protests touched off by a rise in soybean prices in January, he said, "It has happened in the past and can happen again."

Last month in Senegal, one of Africa's oldest and most stable democracies, police in riot gear beat and used tear gas against people protesting high food prices and later raided a television station that broadcast images of the event. Many Senegalese have expressed anger at President Abdoulaye Wade for spending lavishly on roads and five-star hotels for an Islamic summit meeting last month while many people are unable to afford rice or fish.

"Why are these riots happening?" asked Arif Husain, senior food security analyst at the World Food Program, which has issued urgent appeals for donations. "The human instinct is to survive, and people are going to do no matter what to survive. And if you're hungry you get angry quicker."

Leaders who ignore the rage do so at their own risk. President René Préval of Haiti appeared to taunt the populace as the chorus of complaints about la vie chére—the expensive life—grew. He said if Haitians could afford cellphones, which many do carry, they should be able to feed their families. "If there is a protest against the rising prices," he said, "come get me at the palace and I will demonstrate with you."

When they came, filled with rage and by the thousands, he huddled inside and his presidential guards, with United Nations peacekeeping troops, rebuffed them. Within days, opposition lawmakers had voted out Mr. Préval's prime minister, Jacques-Édouard Alexis, forcing him to reconstitute his government. Fragile in even the best of times, Haiti's population and politics are now both simmering.

"Why were we surprised?" asked Patrick Élie, a Haitian political activist who followed the food riots in Africa earlier in the year and feared they might come to Haiti. "When something is coming your way all the way from Burkina Faso you should see it coming. What we had was like a can of gasoline that the government left for someone to light a match to it."

DWINDLING MENUS

The rising prices are altering menus, and not for the better. In India, people are scrimping on milk for their children. Daily bowls of dal are getting thinner, as a bag of lentils is stretched across a few more meals.

Maninder Chand, an auto-rickshaw driver in New Delhi, said his family had given up eating meat altogether for the last several weeks.

Another rickshaw driver, Ravinder Kumar Gupta, said his wife had stopped seasoning their daily lentils, their chief source of protein, with the usual onion and spices because the price of cooking oil was now out of reach. These days, they eat bowls of watery, tasteless dal, seasoned only with salt.

Down Cairo's Hafziyah Street, peddlers selling food from behind wood carts bark out their prices. But few customers can afford their fish or chicken, which bake in the hot sun. Food prices have doubled in two months.

Ahmed Abul Gheit, 25, sat on a cheap, stained wooden chair by his own pile of rotting tomatoes. "We can't even find food," he said, looking over at his friend Sobhy Abdullah, 50. Then raising his hands toward the sky, as if in prayer, he said, "May God take the guy I have in mind."

Mr. Abdullah nodded, knowing full well that the "guy" was President Hosni Mubarak.

The government's ability to address the crisis is limited, however. It already spends more on subsidies, including gasoline and bread, than on education and health combined.

"If all the people rise, then the government will resolve this," said Raisa Fikry, 50, whose husband receives a pension equal to about $83 a month, as she shopped for vegetables. "But everyone has to rise together. People get scared. But we will all have to rise together."

It is the kind of talk that has prompted the government to treat its economic woes as a security threat, dispatching riot forces with a strict warning that anyone who takes to the streets will be dealt with harshly.

Niger does not need to be reminded that hungry citizens overthrow governments. The country's first postcolonial president, Hamani Diori, was toppled amid allegations of rampant corruption in 1974 as millions starved during a drought.

More recently, in 2005, it was mass protests in Niamey, the Nigerien capital, that made the government sit up and take notice of that year's food crisis, which was caused by a complex mix of poor rains, locust infestation and market manipulation by traders.

"As a result of that experience the government created a cabinet-level ministry to deal with the high cost of living," said Moustapha Kadi, an activist who helped organize marches in 2005. "So when prices went up this year the government acted quickly to remove tariffs on rice, which everyone eats. That quick action has kept people from taking to the streets."

THE POOR EAT MUD

In Haiti, where three-quarters of the population earns less than $2 a day and one in five children is chronically malnourished, the one business booming amid all the gloom is the selling of patties made of mud, oil and sugar, typically consumed only by the most destitute.

"It's salty and it has butter and you don't know you're eating dirt," said Olwich Louis Jeune, 24, who has taken to eating them more often in recent months. "It makes your stomach quiet down."

But the grumbling in Haiti these days is no longer confined to the stomach. It is now spray-painted on walls of the capital and shouted by demonstrators.

In recent days, Mr. Préval has patched together a response, using international aid money and price reductions by importers to cut the price of a sack of rice by about 15 percent. He has also trimmed the salaries of some top officials. But those are considered temporary measures.

Real solutions will take years. Haiti, its agriculture industry in shambles, needs to better feed itself. Outside investment is the key, although that requires stability, not the sort of widespread looting and violence that the Haitian food riots have fostered.

Meanwhile, most of the poorest of the poor suffer silently, too weak for activism or too busy raising the next generation of hungry. In the sprawling slum of Haiti's Cité Soleil, Placide Simone, 29, offered one of her five offspring to a stranger. "Take one," she said, cradling a listless baby and motioning toward four rail-thin toddlers, none of whom had eaten that day. "You pick. Just feed them."

[From the Irish Times, Apr. 22, 2008]

CLIMATE CHANGE DEVASTATION GIVES FOOD FOR THOUGHT ON EARTH DAY

(By Fr. Seán McDonagh)

Tuesday, April 22nd, is Earth Day. Unfortunately, there is very little to celebrate this year, as the devastation of the Earth is increasing at an extraordinary rate and, in many countries, the poor are feeling the pain of hunger and starvation.

The major culprit this year is climate change. Droughts in various parts of the world, especially Australia, have cut food supplies and the rush to grow biofuels leaves less land on which to grow food. As a result food prices have jumped dramatically during the year. Maize is up 31 per cent, rice has increased by 74 per cent, soya is up 87 per cent, and wheat is now 130 per cent dearer than it was last year.

In recent years, concerns about global warming and the end of the oil era convinced many people that growing energy crops might be a good idea. In the U.S. the production of ethanol from plant matter increased by a factor of five in the past decade. Policy decisions taken this year will lead to a further five-fold increase. Europe is also boosting biofuel production and attempting to source it from various parts of the world.

The speed at which these changes are taking place can be seen from a glance at investment in biofuels. In 1995 it was a mere $5 billion. A decade later it had jumped to $38 billion, and is expected to top $100 billion (€63 billion) by 2010.

Sorry to say the biofuel boom is a classic example of the paradox of conscious purpose. This means that we often achieve the very opposite result to the one we intended. In both southeast Asia and South America, growing biofuel crops has led to massive destruction of the rainforest. In Brazil, for example, more than 302,514 hectares were destroyed in the second half of 2007. One of the main reasons for this is the pressure to grow more soya.

In Malaysia and Indonesia producing biofuels from palm oil will increase the amount of carbon dioxide released into the atmosphere, because the preferred way of clearing the forest is by burning it. This final destruction of the forest will lead to the extinction of countless species of plant, animal, reptile and bird life.

Global food supplies are also at a very low ebb. The last time the U.S.'s grain silos were so empty was in the early 1970s when President Richard Nixon sold the wheat surplus to the USSR because crop failures there were leading to starvation. The U.S. recently told the World Food Programme to expect a 40 per cent increase in the price of food in 2008.

Less food and dearer food has led to riots around the world. In Morocco, 34 people were arrested in January 2008 for taking part in riots over food prices. The situation in Egypt is worse. In a 12–month period up to March 2008, the price of cereals and bread had increased in Egypt by 48.1 per cent, according to Egypt's Central Agency for Public Mobilisation and Statistics. The price of cooking oil rose by 45.2 per cent. Because of these increases, the Egyptian government has relaxed the rules on who is eligible for food aid. This has led to tensions and, if the situation continues, could destabilise the government.

The same is true in Pakistan. Meanwhile, at least four people were killed and 20 wounded when demonstrations against rising food prices turned into riots in southern Haiti.

My colleagues in the Philippines tell me that both the price of rice and insecure supplies of the cereal could do much more to destabilise the government of President Gloria Macapagal Arroyo than coup plotters or even charges of gross corruption. All in all there is little to celebrate on Earth Day, 2008.

Mr. DURBIN. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

GLOBAL YOUTH SERVICE DAY

Mrs. DOLE. Madam President, I rise today in support of the 20th Annual Global Youth Service Day. This event, the largest service event in the world, celebrates the contributions of young people to better their community, country and world through voluntarism. The day also celebrates contributions by the community, including the public, private, and nonprofit sectors, to empower young people.

Like the youth who participate in the Global Youth Service Day, I gravitated towards public service at a young age. After graduating from law school, I worked for the Department of Health, Education and Welfare on the rights and potential contributions of disabled Americans. We all have a contribution to make, and for me, the greatest joy in life has come from public service, which has enabled me to touch countless lives. My mother, Mary Hanford, who passed away just shy of 103 years old, taught me at a very young age the importance of giving back to your community and helping those around you. She taught me that the best thing you can leave behind is not found on a résumé or in a bank account; it is found in your character, making a difference, a positive difference, the lives of others.

During Global Youth Service Day, millions of young people across the globe will participate in thousands of community improvement projects. Although we commemorate this event only once a year, Global Youth Service Day is a celebration of contributions made every day by dedicated young people who desire to change the world one good deed at a time, and by the communities that empower them to do so. True service is not giving 1 day or even 1 week a year; it is truly a way of life.

The projects carried out for Global Youth Service Day focus on issues ranging from increasing literacy to protecting the environment and ending hunger. One can see the diversity of the projects and the dedication of the participants by looking at those carried out in my home state of North Carolina during last year's Global Youth Service Day. One such project, the Pfeiffer University Relay for Life, was held a few miles from my hometown of Salisbury. This 24-hour relay was held to support cancer research and to raise awareness. Another project, in Charlotte, involved a group doing their own part to protect the environment by picking up litter and cleaning a creek in their neighborhood.

Looking back over the years, my belief is it won't be the cars you drove or the titles you held or the awards you were given that will matter. No, it is character, integrity, a caring heart and compassionate concern and love for your fellow man that will count for so much more. So let me assure you, that just one individual, one person like those who participate in this important day, can make a world of difference . . . even, I might say, a different world. Volunteers are a powerful force, and our future depends on people like these youth, who will motivate and challenge others and make that positive difference.

No one is ever too young or too old to be involved in shaping our world. I encourage all youth to be inspired on this day to use their talents to find ways to make a positive difference in the lives of others. I am proud to be an original cosponsor of legislation designating April 25, 2008, as Global Youth Service Day.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL PRICES

Mr. SANDERS. Madam President, this country faces many problems. All over this country people are worried about decent-paying jobs, the high cost of college education, and a disintegrating health care system. They are worried about the growing gap between the very rich and everybody else. But on Saturday, I held three town meetings around the State of Vermont: one in Norwich in the morning, one in Radford in the afternoon, and one in a small town in northern Vermont in Danville in the evening.

To nobody's surprise, the issue that is paramount on people's minds today is the outrageously high price of gas and home heating oil. Vermont is a rural State, which means people very often have to travel long distances to work. When they pay $3.50 for a gallon of gas, it essentially means in most cases that any wage increase they might have gotten over the last year goes right into that gas pump. People are hurting. Wages, in fact, are often not going up. So the end result is that people are working longer hours for lower wages.

I have talked to many people who say: We used to go places. We used to travel. We can't afford to do that anymore. Also, obviously, in a State such as Vermont, where the weather gets very cold in the wintertime, the cost of home heating oil is a real burden. There are many people in my State and all over the country who are worried about how they are going to be able to heat their homes next winter.

We have a national crisis. It is a crisis that is not only impacting on gas prices at the pump or home heating oil prices. It impacts food and every other product we purchase because as oil prices go up, prices on so many of the products we buy are going to go up as well. This is a national crisis.

The time is long overdue for the White House and for Congress to begin to move forward in a comprehensive way. I would be less than honest if I told you I have a lot of confidence that the Bush-Cheney administration is going to do what is right. Just a month ago, President Bush, when asked about the high price of gas at the pump, was very surprised to learn, in fact, that it was going up.

Vice President CHENEY, who was the former CEO of Halliburton, deeply involved in the oil industry when they first came into power, met with representatives of the oil industry. They are representing, unfortunately, the oil industry. They are not representing the consumers of this country or working families. So it is incumbent on the Congress now in a comprehensive way to start moving forward.

This is a complicated issue. I don't think anyone believes there is one single cause for the rapid increase in oil prices, nor does anybody believe there is one single solution. But we do know some of the causes and what we have to do to lower the price of oil. If we are going to protect middle-class Americans, working Americans, that is exactly what we have to do.

While oil prices are soaring, what we should acknowledge is that the profits of huge oil companies are also soaring to recordbreaking levels. We know hedge fund managers make billions speculating on oil futures, and we know OPEC continues to function as a price-fixing cartel in violation of the World Trade Organization.

The average price for a gallon of gas recently hit a recordbreaking $3.53 a gallon, which has more than doubled since George W. Bush has been President. The price of diesel fuel is now averaging over $4 a gallon, and the price of oil is hovering at close to $120 a barrel. These prices say it all. We have a national emergency on our hands. The time is now for this Congress, this Senate, to act boldly to protect consumers.

Recordbreaking oil and gas prices at the pump are posing a crisis not only to commuters going to work, especially in rural areas, but family farmers, consumers, small businesses, truckers, airlines, grocery stores, restaurants, hotels, tourists, and every sector of our economy.

High oil prices are one of the reasons we are moving toward a serious recession which will impact not just this country but the entire world.

The national oil emergency we are currently experiencing demands both a short-term and a long-term solution. Long term, we must reduce our dependency on fossil fuel, we must move to energy efficiency, we must move to sustainable energy—and the potential there is enormous. It is enormous. We can save huge amounts of energy when we have a transportation system that enables us to drive hybrid cars, to get cars that get 70, 80 miles per gallon, where we have a mass transportation system. There is enormous potential in terms of solar thermal plants, which produce huge amounts of electricity. There is enormous potential in terms of wind, other forms of solar. We have to focus and invest in those technologies.

But over the short term, today, we have to understand that while we move forward in transforming our energy system, we must respond to the pain and the distress and the fear Americans are feeling today as gas prices soar.

While this is a complicated issue, there are a number of ways I believe Congress can act to lower the price of oil. Let me mention a few ideas I believe we should be pursuing.

First, we need to impose a windfall profits tax on the oil and gas industry. The American people do not understand—I do not understand—why they are paying recordbreaking prices at the gas pump, while ExxonMobil has made more profits than any other company in the history of the world for the past 2 consecutive years. The price at the pump: $3.50 a gallon; ExxonMobil making more profits than any company in the history of the world.

Last year alone, ExxonMobil made $40 billion in profits, and rewarded its CEO, Rex Tillerson, with $21 million in total compensation. Now, you may think that is a lot of money. But a few years ago, they rewarded their former CEO, Lee Raymond, with a $400 million compensation package when he retired.

Outrageously high prices for oil and gas and CEOs at ExxonMobil with huge compensation packages. But ExxonMobil is clearly not alone. Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. In fact, the five largest oil companies in this country have made over $595 billion in profits since George W. Bush has been President.

Let me be very clear. I believe oil companies should be allowed to make a reasonable profit, but they should not be allowed to rip off the American people. Enacting a true windfall profits tax would not raise a dime in revenue but would lead to significantly lower gas prices at the pump—something we need to do today. The reason for that is quite simple. There would no longer be an incentive for the big oil companies to gouge consumers at the pump because they would not be able to keep any of their windfall profits.

Imposing a windfall profits tax will not be easy. Since 1998, the oil and gas industry has spent—this is quite amazing—over $600 million on lobbying. Since 1998, a 10-year period, they have spent over $600 million on lobbying. They own the law firms. They are former Republican leaders, former Democratic leaders, besieging Congress to do everything we can to protect the big oil companies rather than people who are getting ripped off at the gas pump.

Since 1990, these very same oil and gas companies have made over $213 million in campaign contributions. So the folks back home may get an understanding of why we are not as a body aggressively standing up to these people, that has to do with huge amounts of money in lobbying, huge amounts of money in campaign contributions.

But the time is now for the Congress to have the courage and for the President of the United States to say no to the oil and gas lobbyists and their outrageous campaign contributions and yes to consumers who simply cannot afford to pay these outrageously high prices for gas and oil.

While it is true oil companies and their executives are making out like bandits, it is also true that is not the only cause of the problem. What we are seeing today is that wealthy speculators and hedge fund managers have also been making obscene profits—billions and billions of dollars, in some cases going to individuals—by driving up the price of oil in unregulated energy markets with no Government oversight.

That is why Congress must act to rein in these greedy speculators who often have nothing to do with oil at all. They do not care what they are speculating on. They are just making money by driving up profits, and we must act by closing what has been referred to as the "Enron loophole," the loophole that enabled Enron to do disastrous things in California some years ago and on the West Coast.

This loophole was created in 2000 as part of the Commodity Futures Modernization Act. At the behest of Enron lobbyists, a provision in this bill was inserted in the dark of night and with no congressional oversight, no congressional hearings. Specifically, the Enron loophole exempts electronic energy trading from Federal commodities laws. Virtually overnight, the loophole freed over-the-counter energy trading from Federal oversight requirements, opening the door to excessive speculation and energy price manipulation.

Since the Enron loophole has been in effect, crude oil prices have jumped from $33.39 a barrel, in 2000, after adjusting for inflation, to over $117 a barrel today.

Last January, a veteran oil analyst at Oppenheimer has estimated there is as much as a $57 a barrel "speculative premium" on the price of oil. Others have estimated that speculators are driving up the price of oil by about 20 to 30 percent.

Closing the Enron loophole would subject electronic energy markets to proper regulatory oversight by the Commodity Futures Trading Commission to prevent price manipulation and excessive speculation.

I would like to thank Senators LEVIN and FEINSTEIN for introducing legislation to close this loophole. It should be passed and signed into law as soon as possible.

In addition, the Bush administration must stop the flow of oil into the Strategic Petroleum Reserve and immediately release oil from this Federal stockpile to reduce gas prices.

At a time of record-high prices, it simply makes no sense to continue to take oil off the market and put it into the SPR. But do not take my word for it. Even the staff at the Strategic Petroleum Reserve recommended against buying more oil for SPR in the spring of 2002. Let me quote from what they had to say about this 6 years ago:

> Commercial inventories are low, retail prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.

If that advice was relevant in the spring of 2002, it is even more relevant today. Yet that is exactly the policy the administration is following. Even though there are over 700 million barrels of oil in the Reserve, the administration has plans of putting an additional 13 million barrels of oil into our Nation's stockpile.

There is another issue out there that we must address, and that is beginning to understand that OPEC is a cartel whose function in life is to control oil production and artificially drive up the price. It is my view that OPEC is operating in violation of World Trade Organization rules.

The President of the United States should begin action to break up OPEC. Yesterday, I signed a letter, as I believe the Presiding Officer did, demanding that Saudi Arabia—one of the key OPEC nations; the largest oil-producing country in the world—increase their production.

Amazingly, Saudi Arabia is producing less oil today than they were several years ago. There are experts who believe they can be producing 1.8 million barrels a day more, which would have a significant impact on driving oil prices down. We have to remind Saudi Arabia that in 1991, when Saddam Hussein's army was going to overrun that country and take their oil, soldiers from the United States of America put their lives on the line—died—defending Kuwait, defending Saudi Arabia. That was their time of need. Today it is our time of need. It is the world economy's time of need.

Saudi Arabia wants to buy sophisticated aircraft from the United States of America. Well, I say to them, as many of my colleagues say: Friendship is a two-way street. Increase your production. Drive down the prices of oil.

Lastly, we must give the President the power to impose temporary price caps to stabilize oil prices when markets are being manipulated.

Today, the Federal Energy Regulatory Commission, FERC, has the authority to impose temporary price caps on electricity. When it used this authority to deal with the California energy crisis created by Enron, electricity prices fell dramatically. The President should have similar authority over gas prices.

These are a few of the ideas that are out there. Other people have good ideas. My view is we should bring these ideas together in a comprehensive way. If we do that, and if we stand together in a bipartisan way—if the President of the United States decides to represent the consumers of this country rather than just the oil companies—we can keep faith with the American people. We can lower prices. We can deal with the very severe national crisis this country is now facing.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I thank the Senator from Vermont for his comments about what is a growing national crisis: the price of oil and the price of gasoline at the pump. I congratulate him for making many important points relating to this issue and where the Senate needs to go in trying to address it. So I look forward to working with him on his ideas and many of the other ideas my colleagues have to try to give consumers some relief at the pump.

I think many consumers already have either turned on their televisions or seen through the impact of going to the gas station themselves that at $118 a barrel for oil, they are paying at least $3.56 a gallon for gasoline and more for diesel.

But what is important to understand about this is that oil futures—which is an indication of the price of oil and impacts the physical market's price of oil—are going to be over $100 for several years, including probably until 2015. That is, the marketplace has already decided it is buying oil at over $100 until 2015. So that is going to keep the price of oil high at over $100 and it is going to continue to have a significant impact and it is something we need to take into consideration.

Now, we have heard a lot of debate on the floor this morning about this issue and what the cause of it was. There have been a lot of accusations by a lot of different people saying: Here is what we think the problem is.

Well, I wish to go through a couple things I want to make sure our colleagues understand is not the problem or not the solution.

First of all, we had people talking about how this was all about more supply, and that if Democrats had not opposed drilling in the Arctic Wildlife Refuge, somehow today we would not have this problem, we would be sitting here without any kind of oil problem.

Well, I wish to remind people that the Energy Information Administration—our own Federal Government agency—did an analysis of drilling in the Arctic National Wildlife Refuge and said that:

> Drilling in the Arctic National Wildlife Refuge would only reduce gasoline prices by a penny per gallon, and only in twenty years when drilling is at or near peak production.

That would be when it was at peak capacity. So hardly where we are today—at $118 a barrel—would that have had a significant impact on the prices we have today.

We also heard people say this was about environmental regulations, that somehow environmental regulations had caused this problem.

Well, let's hear from the oil company executives themselves. This one, Shell's CEO, said:

> We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery.

So here are oil company executives saying they do not know of any environmental regulations. I think this was testimony before the Senate—one of our committees. So, obviously, their oil company executives are saying that is not what the problem is.

They also said environmental regulations are not stopping refinery expansions. So they were clear, testifying, again, before the Senate:

> At this time, we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation.

So you cannot stand on the floor of the Senate and blame regulations or environmental issues for not doing something that would impact the price of oil today. It is not true. These are CEOs, these are people in the business, and they are basically saying: No, that is not the effect.

We have one more from BP who said that it also was not stopping them from doing anything:

> We do not believe that any Federal or State environmental regulations have prevented us from expanding refinery capacity or siting a new refinery.

So here is the oil industry itself saying that is not what the issue is, that is not what the problem is. They have not been back since this time period to claim any kind of Federal regulation or environmental issue.

So let's look at the other issue people talk about: inventory. Oh, there must be inventories related to that issue of the fact that you wouldn't allow us to drill in the Arctic Wildlife Refuge or that it is about these environmental restrictions and we couldn't build refineries.

Here is someone who is an oil analyst who on March 10 had this to say about inventories:

> Gasoline inventories are higher than the historical average at this time of the year, so there is really no need to worry about supply being too tight.

So this is an oil analyst talking about the marketplace and basically saying: You can't say this is about tight supply as it relates to the fundamentals of supply and demand.

So is this just about supply and demand? Is it about that? Well, one individual from the Truckers Association basically just said a few weeks ago:

> The oil market is no longer functioning on supply-and-demand fundamentals.

I don't blame the Truckers Association for saying that because they are on the front line of out-of-control diesel prices. When they see $4 a gallon for their diesel, it takes over $1,000 to fill up a typical tractor trailer, and they can't make enough money when they are paying that kind of a price. This year, they will pay $22 billion more—$22 billion more—for diesel fuel than last year's high prices. So don't think it is not costing Americans and costing industries that are based on transportation and profit margins that are very low.

We know there is more to this issue than what people have talked about here on the floor this morning. But let's look at what is really going on and whether this price is justified. Let's look at that.

Again, I think a great source to understand whether this price is justified—that is, whether there is something else going on in the marketplace—is the oil company executives themselves because if they are saying oil shouldn't be at $100 a barrel, then why should it be at $100 a barrel? If those in the industry are even claiming it shouldn't be at this price, then something must be wrong and we should act to correct it.

But here is the CEO of Marathon Oil who basically said:

> $100 oil isn't justified by the physical demand in the market.

That is an oil company executive owning up to that, just saying right upfront that it is not about the fact that oil should be at $100 a barrel.

Let's look at what some other CEO said, this one the CEO of Royal Dutch Shell, who just recently, on the 11th of this month, basically said that oil fundamentals are no problem, meaning that is not what the issue is. It isn't basically supply and demand. They are the same as they were when oil was selling for $60 a barrel. What he is saying is that the fundamentals in the market are the same as when they were $60 a barrel, so there is no problem with supply and demand.

Let's look at another executive from an energy company. I like this because he actually just recently testified before the House of Representatives and just spit it right out. He just said it plain and simple. He said that the price of oil should be about $50 to $55 per barrel. That is an oil company executive this month testifying before a House committee saying that is what the price of oil should be.

Now, I ask my colleagues, what are we going to do about this situation when even the oil company executives are testifying—in this case, under oath before Congress—and basically saying there is no justification for this price? What are we going to do? Are we going to just sit by and do nothing? We have people in the marketplace who are urging us to do something.

This is from an energy analyst who basically was just quoted as saying: Unless the U.S. Government—the U.S. Government—steps in to rein in speculators' power in the market, prices will just keep going up. That is an oil industry analyst. That is what he is saying.

Everybody wants a functioning market. Functioning markets mean there is transparency, there is not manipulation, it is working well, people can trust the outcome, and people can make investments knowing that someone isn't gaming the system. That is what a functioning market is. It is clear that this individual is saying they are not sure there is a functioning market, and they are basically saying that unless the U.S. Government steps in to rein it in, we are going to have a problem.

We have seen this before. We saw this with the Western energy crisis in electricity. We saw the market go crazy and people stand by and say: Oh, you know what, you didn't build enough capacity; the environmentalists stopped it; this and this was wrong, and that is what the problem was. Well, during that time period, guess what happened. We lost nearly 600,000 jobs, and there was a $35 billion drop in economic product. For us in the Northwest, it cost our economy billions of dollars, and we are still recovering from it. So now is not the time to sit and point fingers that this is about some PAC environmental problem or regulation or ANWR; this is about taking testimony from individuals and standing up and deciding what we are going to do to protect our consumers.

My colleague from Vermont mentioned a few things, and I wish to mention a few things, also, because I think there are four or five things we should be doing right now to help consumers. This is a crisis. It demands a response by the Federal Government. Some of these powers exist within the Federal Government now, some of them we are working on, but we need to be aggressive about protecting our consumers.

The first one my colleague from Vermont mentioned was closing the Enron loophole. Now, many people may not understand what closing the Enron loophole is, but just to give my colleagues a little refresher, this debate has been going on basically since shortly after 2000 when Congress gave a loophole to electronic trading of energy. Basically, what that loophole meant is they didn't have to have the same kind of transparency; that is, we don't have the ability to look at the books and see whether somebody manipulated the price or was doing something untoward in the marketplace. We gave them an exemption.

Since that time, Senator FEINSTEIN and then more recently Senator LEVIN, myself, and others have been trying to close that Enron loophole. We have been trying to close that Enron loophole for over 4 years now. If anybody wants to say there is any responsibility here about what Congress hasn't done and it has impacted the price of energy, then people ought to look at their voting record and see whether they voted to close the Enron loophole because that is part of this problem.

In addition, we should require oversight of all oil futures; that is, why are we saying oil futures somehow are less important than any other commodity we trade on the futures market for NYMEX or for the Chicago Mercantile Exchange? They have reporting requirements. Federal investigators can go and look at their books and see whether somebody can manipulate the market. They have that. But, no, we are letting some of these oil futures which impact the price of today's oil—as I said, from now until 2015, people are purchasing oil futures at over $100 a barrel, which means that is going to be a market indicator for what the physical price will be. We need to be having oversight of oil futures.

We had a very interesting hearing about a year ago where a professor from American University, I think, came to testify, and he said: Is hamburger any more important than oil in America? Because he said that when you look at beef and how it is regulated and beef futures, there are things they have to report. There are transparencies in the marketplace. We require all of this of them, but oil, which is essential to our economy, we basically have given exemptions to. So we need to require oversight of all oil futures.

The third thing we need to do is have the Federal Trade Commission write rules for a law that we passed in 2007. This body did something. That is what people should be holding up today—holding up the fact that we did something to protect consumers. We wrote a new Federal statute basically which said that manipulation of oil markets was a Federal crime, that you couldn't have any manipulative devices or contrivances that manipulated the price of oil. Now we are sitting around waiting for the FTC to implement that rule.

Now, some people think: Well, maybe there is not manipulation in the marketplace. I want to give three examples which have happened recently, all in the last few years. They have been the result of having new statutes on the books, but we certainly need to have this regulation implemented. One of those examples was British Petroleum. The company must now pay approximately $373 million in part for conspiring to corner the market and manipulate the price of propane carried through the Texas pipeline. So there is an example of where regulators got on the job. Similarly, in 2006, a manipulative scheme to game a natural gas market by a now defunct hedge fund cost consumers upwards of $9 billion, and in July of last year, Marathon Oil agreed to pay a $1 million fine to settle charges that Marathon Petroleum Company, a subsidiary, attempted to manipulate the crude oil prices in 2003.

So these are incidents of manipulation happening. We have an industry that is saying it is not about supply and demand and the price should really be anywhere from $50 to $60 a barrel; it shouldn't be at this price. We need the Federal regulators to do their job.

The fourth thing we need to do: Having gone through this with the incredible crisis of electricity, we learned we have various agencies with various oversight, and the Department of Justice did something very wise during that time period. It created the Enron Task Force. It created an Enron Task Force to coordinate all the agencies that could help them in the investigation of the manipulation and corruption and fraud that was perpetrated by that company. It worked well. That President's corporate task force on fraud exists within the Department of Justice today.

My colleague from Washington, Congressman INSLEE, and myself wrote to the Department of Justice and President Bush on Monday calling for a Department of Justice oil market fraud task force. We believe it is time to bring DOJ into the picture to be aggressive in working with the CFTC, the FTC, the SEC, the Federal Energy Regulatory Commission, and any other Federal agency to be the policeman on this beat and make sure oil markets are not being further manipulated.

The last thing we need to do is to make sure price gouging is also not occurring. Now, we had language in the 2007 Energy bill on this issue. I like this language because it is based on language that 28 States have now that in the case of an emergency, when prices have gone out of control, it gives the President the ability to declare an emergency and to deal with those prices. We may be getting to that point. We may be getting to the point where we listen to these oil analysts who are saying these prices are going to just keep going up unless the Federal Government does something, and then I think we are going to have to do more than this. But at least we need to do these four things—and I say hopefully pass this fifth one as well—to make sure we are giving all the tools to the administration to protect consumers.

My colleague from Vermont said it well. This is about what are we going to do to protect consumers. There are a lot of things that have been happening since our economy took this more significant downturn. I would say it is a significant downturn because no one can sustain these oil price impacts across our economy. Yes, there are other things such as housing, but this is having a significant impact. But if you look at some of the solutions we have done so far, whether we are talking about housing or in the banking industry, we have done a lot for the big organizations. This is about doing something to protect consumers on price.

I hope my colleagues will take this list seriously as we propose legislation, and I hope all of my colleagues will join in the Department of Justice starting this investigation. If you look at their Web site, they will tell you when they started the President's corporate task force on fraud, particularly relating to Enron, and they started making sure traders and others knew they were going to lose their livelihood and their profession if they manipulated the market, people started getting serious about their actions.

At $118 a barrel, we have to send a message by the enforcement agencies of the Federal Government that we are going to get serious about challenging manipulative activity as it relates to oil prices and that we are going to do our job and we are going to demand that the Federal Government have a cop on the beat when it comes to high oil prices.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Mississippi is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. COCHRAN. Mr. President. whatever one's point of view on the war in Iraq, on whether we should be involved or not in the competition for influence in that region, the incontrovertible fact is, there are men and women in the U.S. Armed Forces who are there trying to protect our interests, carry out the orders of their superiors, and safeguard and defend the United States against all enemies, foreign and domestic. And they are in danger of running short of equipment and supplies and the other means necessary to succeed in this conflict because requests for supplemental appropriations are languishing in the House and Senate Appropriations Committees, with no certain schedule for reporting out the bills that must be passed, the bills that must be passed to support our troops and replenish the accounts that have been depleted in this conflict.

Mr. President, I am growing increasingly concerned about the status of the President's fiscal year 2008 request to provide supplemental funding to support our ongoing efforts in Afghanistan and Iraq. The President submitted the bulk of his request in February of 2007 in conjunction with his regular fiscal year 2008 budget submission. He did so largely because Congress clearly expressed its desire for a full year estimate of war costs. Yet Congress did not appropriate a full year's funding.

At the end of last year, Congress approved only a $70 billion "bridge fund" to support our operations in Iraq and Afghanistan until this spring. Enacting even that amount required a protracted struggle between the House, the Senate, and the President. As a result, the Department of Defense had to issue furlough notices, make a series of inefficient transfers and reprogrammings, and generally function in ways that could only detract from its primary duties.

We find ourselves today facing a very similar situation, more than 14 months after the submission of the President's request. We have not appropriated, approved, or otherwise acted on some $108 billion of the President's request. The personnel, operations, and maintenance accounts that support our activities in Iraq and Afghanistan are running low. And by May or June, those accounts will run out of money. Soon the Department of Defense will once again have to issue furlough notices, initiate transfers and reprogrammings, and take other inefficient and demoralizing actions that simply should not be necessary.

I have no doubt that Congress will someday approve a funding bill. While individual Senators have different views about what our policies should be in Iraq and Afghanistan, I am confident that each of my colleagues wants ultimately to provide our Armed Forces and our diplomatic corps with the resources they need to implement the policies of the U.S. Government.

My concern is, when will we act? And how will we act? Every day, I read stories speculating about action on the supplemental. Last week, the Appropriations Committee held a hearing on the supplemental with Office of Management and Budget Director Nussle as the witness from the administration. It seemed as though we might mark up the bill this week, but that has not occurred. I had hoped that by now a markup would be definitely scheduled for next week. But that hasn't occurred either. Hopefully, a markup will occur before we lose yet another week.

But I grow more concerned with each passing day. In the other body, it appears the majority will bypass the committee altogether and take a bill straight to the House floor. Why they would choose to forfeit the detailed knowledge and expertise of the relevant committee of jurisdiction is beyond me, but that is their decision to make. In the Senate, I am not entirely comfortable that a similar procedure isn't under consideration. I know very well that it would not be Chairman BYRD's preference, but I recognize that such decisions are sometimes made by leadership and not by the chairman.

I am also concerned that the process by which Congress will consider the supplemental will again be through a series of messages between the House and the Senate. The House will neither hold a committee markup nor generate an original bill for consideration. As such, it appears there will be no conference committee to reconcile differences between the House and Senate. Rather, the committee leadership, as well as the majority leadership in the House and Senate, will retire behind closed doors to produce a final product for our consideration. The minority will be part of the discussion to varying degrees, but there will be no conference meeting to attend, there will be no conference votes to decide items of disagreement, and there will be no conference report for Members to sign or not to sign.

None of these procedures are without precedent. The Republican majority at times employed similar tactics to move legislation. But I fear that in the appropriations realm, we are making a habit of these procedures—a bad habit. Processing bills by exchanging messages with the House is becoming the norm rather than the exception. Formal conference committees are becoming rare. It seems that committee markups may be the next part of the regular order to go by the boards. This trend should be of concern to all Members of the Senate, not just the members of the Appropriations Committee.

I get the sense that the majority is struggling mightily to develop a unified, bicameral course of parliamentary action that is most advantageous for their party and which minimizes the chances of unexpected legislative outcomes. I can understand that desire. It is extraordinarily difficult to guide a bill as significant as this supplemental through the legislative process, particularly in an election year.

But in meeting and striving to engineer all uncertainty out of the process, the majority is losing valuable time—time that, in my view, would be better spent marking up the bill, moving it to the floor, and processing amendments in the regular order. Let's not forget those who are depending upon the outcome for their livelihood, their ability to defend themselves and protect the security interests of our great country. They are the ones who are awaiting our action.

Let the Congress work its will. Let the President make a decision whether to sign the bill, and let Congress respond, if necessary. Not to make light of the Senate schedule over the past 2 weeks, but we should be using this window of time that appears to be available to us. In the increasingly political atmosphere in which Congress operates, sometimes we have to remind ourselves of our core responsibilities as Members of this body. In the context of this war supplemental, I think our core responsibility is to give the men and women of our Armed Forces and diplomatic corps the resources they need to succeed in the mission they have been assigned by their Government, and to do so without undue delay

We have had the President's request for 14 months—14 months. We have held hearings. Members and staff have had numerous meetings with administration officials and other interested parties to discuss the details of the need. We have received an updated report from General Petraeus and Ambassador Crocker.

Mr. President, it is time to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL AND GAS PRICES

Mr. DORGAN. Mr. President, I want to discuss several areas this afternoon. One is the excessive market speculation with respect to the price of oil and gas. My colleagues have done so, and I will weigh in on that.

I think what is happening is not only unfair to the American consumer but damaging to this country's economy. So I will talk about that in a bit. I want to mention that, on Monday of next week, at 2 p.m., I intend to chair a hearing of the Democratic Policy Committee, in which we will hear from three additional whistleblowers on the issue of waste, fraud, and abuse in contracting in Iraq.

I have held a lot of hearings over a number of years with respect to contracting in Iraq. It is the most unbelievable waste, fraud, and abuse in the history of this country. On Monday, we will hear from whistleblowers who will tell us about the infamous burn pits in Iraq, where in many cases valuable equipment is taken to be burned. In other cases, equipment has been pilfered and taken into the black market. It is an unbelievable tale. But it just fits in with the other things we have heard.

I will not go through all the examples. I have spoken about them at great length. Presumably, some are under criminal investigation. One would expect and hope that the Defense Department would begin to debar some contractors that are, in my judgment, cheating the American taxpayers.

Let me give a few examples. A contractor is charging for 42,000 meals a day they are serving to U.S. soldiers. It is discovered they are only serving 14,000 meals, overcharging by 28,000 meals a day. I don't know, maybe you can miss a cheeseburger or two on the bill someplace. But how do you overcharge for 28,000 meals a day?

An American contractor is paid to rehabilitate 140 Iraqi health clinics and gets paid over $100 million, paid for with American dollars. The money is gone, but there are no health clinics. I guess there are maybe 20 of them with shoddy construction.

An Iraqi doctor who knows that an American contractor was paid to rehabilitate health clinics in rural areas goes to the Iraqi Health Minister and says: I would like to tour these clinics that the American taxpayers paid to rehabilitate because health is such an important need. The Interior Minister of Iraq said: You don't understand, most of these are imaginary clinics.

I had a guy come to a hearing I held, and he saw $85,000 trucks being burned on the side of the road, left on the side of the road because they didn't have a wrench to fix a flat tire. The road was safe, the only reason they left the trucks by the side of the road was because they could make a profit by buying another one. Mr. President, $85,000 trucks torched because they had a plugged fuel pump. What is the big deal about that? The contractor will simply reorder new trucks because the American taxpayers are going to be stuck with that bill. It is a cost-plus contract.

How about $7,600 a month for leasing SUVs? How about $45 for a case of Coca-Cola? How long do we have to come to the floor of the Senate and talk about this unbelievable, utter waste of the American taxpayers' dollars?

We had a man named Judge Radhi come to testify. I asked that he be allowed to testify before the Senate Appropriations Committee. He came. He was appointed by Paul Bremer to be the head of a Commission on Public Integrity in Iraq. They tried to kill him three times because the folks over there didn't like somebody looking over their shoulders.

He said they pursued thousands of cases of corruption; $18 billion had been pilfered and wasted, most of it American money. He talked about $3 billion spent by the former Defense Ministry of Iraq ordering airplanes that never arrived in Iraq because it is likely the money ended up in a Swiss bank account.

Judge Radhi said, $18 billion he estimated was wasted, most of it American money.

Does that surprise anybody? We lifted C-130 cargo loads of one-hundred-dollar bills out of this country to fly them to Iraq. In a war zone, you are distributing one-hundred-dollar bills out of the back of pickup trucks. Is it any wonder this is the most waste, fraud, and abuse we have ever seen?

In 1940, at the start of the Second World War, Harry Truman, then serving in this body, helped create a bipartisan committee. It became known as the Truman Committee. It cost $15,000 and saved $15 billion. They did 60 hearings a year for 7 years—60 hearings a year for 7 years. They issued subpoenas. When they saw waste, fraud, and abuse, they stopped it. They were serious. It was a bipartisan investigative committee right here in this Chamber.

This war in Iraq has gone on 5 years. I have held hearing after hearing chronicling the waste, fraud, and abuse. And it is unbelievable.

We read that one of the largest contractors we have engaged in Iraq, the Halliburton Corporation, has been paying 10,000 of their U.S. employees through a subsidiary in the Cayman Islands that has no staffing at all, just an office address. Why would they do that? Why would they hire Americans and run their payroll through the Cayman Islands? So they don't have to pay payroll taxes to the U.S. Government.

When this supplemental comes to the floor of the Senate in the next week or two, I am going to offer an amendment that says any contractor doing that should not be getting any more contracts.

At some point, does anybody have the nerve to stand up and say this has to stop? Is there at least a small group of people, perhaps a quorum, who would say this has to stop? What we should do and what I have tried and I say with the support of Senator REID—and I appreciate his support—we have tried very hard to create a Truman-type committee on behalf of the American taxpayers to say: Stop this waste, stop this fraud, stop this abuse.

We have been unable to do that in three votes in the Senate. I regret that because the American taxpayer is being fleeced and American soldiers are being disserved by this waste, fraud, and abuse.

Let me mention one additional example, which may seem like a small matter, but is symptomatic of a larger problem. Henry Bunting, a wonderful man who worked in Kuwait as a buyer for Halliburton Corporation, brought a towel to a hearing. He held it up. He said: We were buying towels for American soldiers. Here is a towel I was supposed to buy, a white towel. So I ordered white towels.

My supervisor said: You can't buy that white towel. You need to buy a towel that has the logo of our company, embroidered in silk.

I said it will triple, quadruple the cost. The supervisor said: It doesn't matter, it is a cost-plus contract. We will earn more money.

Unbelievable.

Bunnatine Greenhouse came to testify. The price of her testimony was her job. She was the highest civilian official in the U.S. Army Corps of Engineers. She said this awarding of the LOGCAP Rio contracts was the most blatant abuse of contracting authority she had seen in her entire career. For that it cost her job.

I have told my colleagues before. I called the general at home at night who has since retired, who hired Bunnatine Greenhouse, who was judged to be one of the best contracting officials we ever had. I called him at home at night.

I said: General Ballard, tell me about Bunnatine Greenhouse. He said she was tops and what happened to her was wrong, dreadfully wrong.

She blew the whistle on the good old boys network, and now her case is behind a shroud in the Defense Department like all the rest of these issues—under investigation, they say. When will the investigation be done? When will it end?

Halliburton KBR was contracted to provide water to the military bases in Iraq. That was their job. A man named Ben who was in Iraq working for Halliburton came and said: We were providing water but were not checking the—were not testing the water.

It turns out the nonpotable water was more contaminated than raw water from the Euphrates River. That is what our soldiers were showering in, shaving with, and often brushing their teeth with.

Then I got hold of an internal Halliburton document—I believe it was 21 pages—written by Will Granger, the man in charge of water quality in Iraq for Halliburton. He said this was a near miss. It could have caused mass sickness and death. This was an internal document leaked to me from inside Halliburton, written by a man in charge of water in Iraq: A near miss, could have caused sickness and death.

We had whistleblowers from inside the company say this is what happened: Water more contaminated than raw water from the Euphrates River being sent to these camps. Halliburton said it didn't happen—despite the fact I had the evidence—didn't happen, never happened, not true. The U.S. Army said: Didn't happen, never happened. I did not understand that. I would have thought the U.S. Army would have been apoplectic on behalf of the health of its troops.

So I asked the inspector general: Do an investigation, will you, and tell me what the facts are.

The inspector general did the investigation and just finished a month and a half ago. Guess what? The whistleblowers were right. So why did the U.S. Army declare to us it didn't? I understand the company deciding it will not admit to anything. What about the

U.S. Army? In fact, they sent a general to this Congress, to the Armed Services Committee, to say these incidents never happened. Now we have an inspector general report that not only demonstrates that the general testified inappropriately, was wrong, deceived the Congress, but that the inspector general had provided that information to the Pentagon prior to them sending the general up here to tell us information that was not accurate.

It just goes on and on.

Mr. President, we need to have a Truman committee. I know my message is tiresome to some, but it doesn't matter much to me. This Congress owes it to the American people to do what previous Congresses have done during wartime, and that is properly investigate the waste, the fraud, and the abuse on the most significant expenditure of taxpayers' money that has ever occurred ever in the history of this country for contractors. We shoveled money out this door. It is unbelievable. And almost no oversight.

I brought to the floor of the Senate many times a picture of a man who testified with bricks of one-hundred-dollar bills wrapped in Saran Wrap. He said it was the Wild West. We told contractors: Come to this building and bring a bag because we pay in cash.

I described that in the context of a company called Custer Battles. Two guys who had virtually no contracting experience in a very short time got many millions of dollars worth of contracts. And they were then found to have defrauded the Coalition Provisional Authority.

I came to the floor a week or two ago and said the New York Times did some enterprising reporting—good for them, and I say to those reporters: You did some great work, work that probably could have and should have been done by the Congress in the recent past.

I showed a picture of a man named Ephraim, 22 years old, and his 25-year-old vice president who was a massage therapist—a 22-year-old CEO of a company and a 25-year-old massage therapist as the vice president. They ran a company that was a shell corporation set up by the 22-year-old's dad some years ago out of an unmarked office in Miami Beach. They got $300 million in contracts from the U.S. Department of the Army to provide munitions and weapons to the Afghan army and police.

What ended up in Afghanistan was, in many cases, ammunition from the mid-1960s, manufactured by the Chinese in boxes that were taped and coming apart. This was a company that got over $300 million.

Should somebody ask the U.S. Department of the Army and the Sustainment Command of the Department of the Army in Illinois how on Earth did this happen? How did you think you would get by with this? How are you going to explain this to the American taxpayers?

We desperately need to establish a Truman committee to investigate this issue. The American taxpayers deserve no less, in my judgment.

MEDIA MARKET CONCENTRATION

Mr. DORGAN. Mr. President, I wish to mention, this morning out of the Senate Commerce Committee, thanks to Senator INOUYE'S and Senator STEVENS' support of my legislation, we passed legislation that will veto a rule that was passed by the Federal Communications Commission that allows for more consolidation in America's media.

The Federal Communications Commission decided they want more concentration in the media, despite the fact that most of what Americans hear, see, and read every single day is directed by about five or six major corporations in America. They think we need more concentration. So they passed a rule that says it is going to be OK to allow newspapers to buy television stations in the same city.

We have had a prohibition against that action for a while. It is called cross-ownership. They did their rule. The Chairman of the Federal Communications Commission was very anxious to get this rule done and serve whatever master he was serving. They did their rule, but today we passed a veto resolution out of the Commerce Committee, a disapproval of the rule by the Federal Communications Commission that would allow greater concentration in the media.

The last thing we need is more concentration in the media. We have all these supporters that come to the Senate floor who say: What are you talking about? We have all these new outlets. Go to the Internet. See how many sites there are. Go to cable television. See how many channels there are. I say: Yes, a lot of new choices but from the same ventriloquist, the same source.

One guy testified before the Commerce Committee and said, for example, on cable television in my office, 48 channels are on basic tier and 42 of those channels belong to the same five or six major companies. That bill will come to the floor of the Senate because it is a privileged piece of legislation. My resolution of disapproval, passed by the Commerce Committee today, will come to the Senate as a privileged resolution. It will be on the calendar now. I am going to consult with Senator REID, and I will visit with the minority, and find a time to bring it up and have a vote to disapprove the rule that was enacted by the Federal Communications Commission, which, in my judgment, stands logic on its head.

OIL MARKET SPECULATION

Mr. DORGAN. Mr. President, the final matter I want to talk about today is this issue of the price of oil and the price of gasoline and excessive speculation. There has been some discussion today about this, and I want to make this point.

We have seen a dramatic runup in the price of oil and, therefore, the price of gasoline. There is no justification with respect to the fundamentals of oil and supply and demand for that. There is no justification for it at all, but something has changed in this country. What has changed is the futures market has become an orgy of speculation.

Let me quote a man named Mr. Fadel Gheit, a top analyst from Oppenheimer and Co. He has been in this business for 30 years. He said this a couple of months ago.

> There is absolutely no shortage of oil. I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. Oil speculators include the largest financial institutions in the world. I call it the world's largest gambling hall. It's open 24/7. It's totally unregulated. This is like a highway with no cops and no speed limit and everybody's going 120 miles per hour."

This is happening in the futures market. You need a futures market to hedge. You need it for liquidity. I understand that. What has happened to the futures market is pretty bizarre. We now see on the futures market 20 times the amount of oil bought and sold every day than is used every day. Twenty times more is bought and sold than is used. For the first time, we see hedge funds up to their neck in the futures market. Is it because hedge funds love oil? No, they don't know anything about oil. Do they want oil delivered to their offices? Do they want oil delivered to their homes? No. They never want to own any oil. They want to buy things they will never get from people who never had it. That is the way the futures market works. These people are speculating. Hedge funds are neck deep speculating in oil futures, and for the first time investment banks have joined them. So you now have big investment banks and big hedge funds with a presence in the futures market like never before. They have all these commodity corners in their company now, and they are hiring more, and they are speculating at an unbelievable rate.

I am told, and I have read, that investment banks for the first time are even buying oil storage capability to buy oil and take it off the market. Why? To wait until it increases. So now we have oil upwards to $120 a barrel because we have so much rampant speculation or outright gambling in these markets.

What does that mean for the folks driving a Chevrolet down the road, getting low on gas and trying to figure out how to get to a gas pump, and how to pay the bill when they get there? Well, the folks in the hedge funds, these folks in the investment banks on these commodity markets that are engaged in the 24/7 casinos, are going to the bank. Man, they are going to the bank big time. I am talking billions and billions of dollars. It is pretty unbelievable. When you have a person drive up to the gas pump and fill that car with gas, a portion of that money now goes to this carnival of speculation in the futures market to reward the speculators. A portion of it, of course, goes to the OPEC cartel too. These are folks who sit around in a closed room with a locked door and make decisions about price and about production.

I might add, while I am at it, that Saudi Arabia, by the way, has 800,000 barrels a day less production on the market than they did 2 years ago—800,000 barrels a day, every day. That means a lot in terms of what might happen in that market.

So we have a lot of things going on here. What should we do about it? Well, in addition to all of that, the Bush administration is deciding they want to stick, and they are sticking, 60,000 to 70,000 barrels of oil underground every single day in something called the Strategic Petroleum Reserve. We have an SPR to save for a national emergency. Well, they are buying oil at $118 a barrel coming off the Gulf of Mexico as a royalty in kind transfers. They are taking $118-a-barrel oil and putting it in the ground, 60,000 to 70,000 barrels a day.

With oil at record highs, it is Byzantine to see this administration saying we have to do more to fill the SPR. This is at a time when the Strategic Reserve is 97 percent filled. So they take oil out of the supply, which puts upward pressure on oil and gas.

When the supplemental appropriations bill comes to the floor of the Senate, I intend to offer that amendment as well, to stop putting oil underground in SPR when oil is above $75 a barrel. I mean, this doesn't take a reservoir of common sense. It just takes a few grains of common sense from somebody who might actually help to fix this problem.

What I also want to do is to increase the margin requirements on the exchange. If you buy stock on margin, you pay a 50-percent margin requirement to buy stock. If you want to control oil by going into the futures market for oil, you pay 5 to 7 percent. You pay a 50-percent margin for stock, but 5 to 7 percent for oil. If you want to control $100,000 worth of oil, it will cost you $5,000 to $7,000. That doesn't make any sense.

That encourages speculation. That encourages the speculation that pushes the runup of these prices. I believe the margin requirement ought to be at least 25 percent at this point, during this period of aggressive speculation. So I am putting together a piece of legislation on that as well.

You know, I want this country to develop an energy policy that makes us much less dependent on foreign sources of oil, engages in much more conservation, and much more efficiency. We should produce more. I am one of the four Senators who helped pass the legislation finally that opened up Lease 181 in the Gulf of Mexico in 2006. So I believe in additional production. I believe we ought to conserve more. I believe we need more efficiency, and I believe we need to pay much more attention to renewable energy.

All those things are important. All of them are important. But right at the moment we have a circumstance where we have an administration sticking oil under the ground at the wrong time, which puts upward pressure on oil and gas. We also have hedge funds and investment banks hip deep in the futures market speculating and making billions of dollars on speculating. At the same time, they are driving up the price of oil and gas for American families and doing great damage to this country's economy.

It is not just the family, and it is not just the business. It is not just the truckers and not just the airlines that are hurt. This country is experiencing significant economic damage as a result of the runup in these prices. I think there are reasons for us to come to the floor on an urgent basis and take obvious steps to deal with it. I have mentioned several, and there are more. But I only want to make the point that this is not some passing fancy that is going to be a magnet for a lot of discussion. This is a very serious, real problem that is doing significant damage to this country's economy.

There is a lot to do next week and the week after, and I will be introducing some additional legislation. I will be anxiously awaiting the appropriations supplemental legislation. When the emergency supplemental appropriations bill comes to this floor, either in the Appropriations Committee or on this floor, we must be given the opportunity—and will be given the opportunity—to offer the kind of amendments I have suggested. This will include an amendment that stops the putting of oil underground in the SPR at a time when oil is priced at $118 a barrel. This is just one of the obvious things we can do to stop penalizing American consumers and damaging this country's economy.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLORIDA PRESIDENTIAL PRIMARY

Mr. NELSON of Florida. Mr. President, I want to address the Senate on two subjects. I will be brief.

The task has fallen to this Senator from Florida to continue to try to press the chairman of my party and its executive committee, in the form of the Democratic National Committee, to recognize the votes of 1.75 million Florida Democrats who went to the polls on January 29, a turnout of twice any previous turnout in a Presidential primary, to express their preference for the nominee of our party. They did so in those huge numbers, they did so in a duly called election by Florida law, which caused all of the rhubarb in the first place because the legislature of the State of Florida moved ahead of the date set by the two parties after which they would then be punished by the party rules.

Both party rules provided that the two parties would be punished if they moved earlier than the date of February 5 for their primary. The party rules in both parties said that half of the delegates would be taken away. Indeed, that is what the Republican National Committee did. But not so the Democratic National Committee, for they decided to take a full pound of flesh and take away all the delegates and say the election didn't count.

There are some people who are thinking, even though they felt passionately about it at the time, the way all this worked out, since we don't have a nominee yet at an early day like the Republican nominee, I think some people are thinking maybe this should have been worked out a long time ago, such as last summer, before this ever came to a head.

But it is what it is, and all the attempts at finding a compromise that can seat the Florida delegation at the convention have all come to naught because of the inability of the two candidacies to come to a conclusion as to what they would be able to accept.

The bottom line is that seating Florida, whether you seat them according to the DNC rules, taking away half the delegates, or seating the whole delegation, advantages one candidacy and it disadvantages the other candidacy. As a practical matter, I think it is going to be difficult to get an accommodation and agreement to do it.

But I want everybody to understand that the Democratic National Committee can take away delegates—they have that authority. But the Democratic National Committee cannot deny the certification of a legal election by Florida voters. You can't deny that. It is a fact. It is a certified election under Florida law. That was a legal election under Florida law and it was a clean election under Florida law. The Democratic National Committee cannot deny that certification of that legal election.

Sadly, one of the byproducts of all this is that in listening to what the latest Gallup poll says, one-half of all the Democrats in the United States think all of this fracas is hurting the party—one-half of all the Democrats in the country. When you combine that latest Gallup Poll with the fact that months ago a poll in Florida showed that 22 percent of Independent Florida voters, 22 percent of Independents in Florida, would be less likely to vote for the Democratic nominee in November because of the way that Florida is being treated by the Democratic National Committee: Democratic National Committee, you better wake up. We have a problem on our hands.

What we ought to be doing is looking at November. As the old colloquialism says, we better watch out or we are going to be cutting off our nose to spite our face.

EQUAL PAY

Mr. NELSON of Florida. Mr. President, it is hard for me to understand how the Senate cannot support equal pay for equal work, the same for women as for men. That happened yesterday, on a vote of 56 in favor of proceeding to the bill on equal pay for equal work and 43 against. I do not understand that.

What is worse is my wife and many other spouses of Senators cannot understand that. I assure you, they are letting their husbands and spouses know how they feel—that they cannot understand how the Senate cannot proceed to a bill for equal pay for equal work for women.

I hope the next time we try to move to a bill for which we have to hit the 60-vote threshold to get over the filibuster to get to the bill—we need 4 more votes—I hope somewhere over there we are going to be able to get them when we bring up equal pay for equal work for women.

I yield the floor.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REID. Mr. President, I rise today, on the 93rd anniversary of the onset of the Armenian genocide, to honor the victims of this terrible tragedy and to reiterate my unwavering support for the United States Government to officially recognize as genocide the series of atrocities carried out against the Armenian population by the Ottoman Empire beginning on April 24, 1915.

It truly saddens me that after 93 years, the United States has failed to acknowledge the Armenian genocide for what it was. Between 1915 and 1923, the Ottoman Empire forcibly deported around 2 million Armenians, of whom 1.5 million men, women, and children were killed. Those fortunate enough to survive the massacres, forced marches, and deliberate starvation, were ejected from their homeland.

In response to reports of these horrific events, U.S. Ambassador to the Ottoman Empire Henry Morgenthau, Sr. explicitly condemned the policy of the Government of the Ottoman Empire as "a campaign of race extermination." Moreover, Ambassador Morgenthau was praised by U.S. Secretary of State Robert Lansing for his efforts "to stop Armenian persecution."

Perhaps more significant to the Chamber in which I stand today was the passage of S. Con. Res. 12 on February 9, 1916. This prescient piece of legislation not only acknowledged that a colossal tragedy had ensued in the midst of the Great War, but also resolved that the President of the United States "designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians," who, at that time, were enduring "starvation, disease, and untold suffering" at the hands of the Ottoman leadership.

Less than 4 years later, while the Armenian genocide continued, the Senate would also pass S. Res. 359, which stated, in part, that recent congressional testimony "clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered."

I say to my friends in the Senate, given how our esteemed colleagues of the past reflected on this terrible tragedy, I cannot help but think that they would have surely labeled these atrocities as genocide if only the word had been coined. The United States has a rich history of defending human rights, standing up for the oppressed, and speaking the truth about genocide. However, in spite of support from Members of Congress and leaders in the Armenian community, the official policy of the executive branch of the United States still does not recognize the Armenian genocide.

I am so proud that my home state of Nevada, with its vibrant Armenian-American community, and 40 other U.S. States have, by legislation or proclamation, already recognized the Armenian Genocide. In fact, on April 11, 2000, former Nevada Governor Kenny Guinn proclaimed April 24, 2000, as a day of remembrance of "The First Genocide of the 20th Century."

I would also like to congratulate the Armenian-Americans of southern Nevada for planning yet another successful Armenian Genocide Commemoration event on the campus of the University of Nevada-Las Vegas. It is so wonderful to see this community from my home county come together each year to honor the survivors and their deceased brethren, and I wish my Armenian friends in Nevada the best of luck with this year's commemoration and those for years to come. May God bless them and all of those who fight on their behalf.

Mr. BIDEN. Mr. President, I rise today to commemorate the 93rd anniversary of the Armenian genocide.

On April 24, 1915, an ancient nation faced extermination when officials of the Ottoman Government initiated a series of raids in which hundreds of Armenians were arrested and subsequently deported or killed. Isolated incidents of brutality had occurred before, but sadly this event marked the beginning of a campaign of murder, deportation, and forced starvation. When the violence ultimately ended, as many as 1.5 million Armenians had died and 500,000 were exiled. Armenians all but disappeared from land their people had occupied for centuries.

The American Ambassador to the Ottoman Empire at the time was the distinguished Henry Morgenthau who described the horrors perpetrated against the Armenians as the "murder of a nation."

Just this week, the Senate Foreign Relations Committee, which I have the honor to chair, had a hearing on the systematic murder of innocents in Darfur. The incident serves as an important reminder that an open discussion of the Armenian genocide is critical. Since the 1915 ethnic cleansing, the murder by a government of its own citizens has occurred again and again.

It is depressing to think that human beings have not learned their lesson. The whole world is diminished, wounded, and made poorer by such tragedies and we must not forget them if we hope to prevent them. The commemoration of this act of brutality and systematic murder 93 years ago is important and relevant not only for the survivors and their descendents, but for humanity as a whole.

TRIBUTE TO DAN CHERRY

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a good friend, Dan Cherry. A retired U.S. Air Force brigadier general, Dan Cherry is a respected Kentuckian and a man of character.

During his time in the Air Force, General Cherry volunteered for combat duty in 1966 and 1971, flying over 295 missions, most of them over North Vietnam. On one of those missions in April 1972, General Cherry shot down the plane of a Vietnamese soldier, Nguyen Hong My.

General Cherry always wondered what happened to the pilot that he shot down, and he recently was given the chance to meet him. General Cherry and Hong My met face to face in Vietnam almost 36 years to the day of General Cherry's shooting down Hong My's MiG–21 fighter.

Mr. President, I ask my colleagues to join me in honoring Brigadier General Dan Cherry, who through his actions of patronage and reconciliation has shown us what it means to be a true American, and Kentuckian. Recently the Bowling Green Daily Newspaper published a story about General Cherry and the remarkable story of his journey to Vietnam. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bowling Green Daily News, Apr. 13, 2008]

VIETNAM VET REUNITES WITH PILOT HE SHOT DOWN IN '72

(By Jim Gaines)

BOWLING GREEN, KY.—On April 6, Dan Cherry and Nguyen Hong My were back in the air near Hanoi, capital of Vietnam.

Almost 36 years before—on April 16, 1972—Cherry shot down My's MiG–21 fighter in the same area.

My parachuted as his plane crashed, breaking his arms in the process; and now Cherry's plane, an F4D Phantom II, is restored to its wartime colors and parked in the Aviation Heritage Park on Three Springs Road.

Last week, the two men flew together past the scene of their earlier encounter, chatting in the comfortable seats of a jetliner on their way to My's home.

"It was, I guess, the most amazing experience I've ever had in my lifetime," Cherry said.

Cherry volunteered for combat duty in Southeast Asia in 1966, then for a second tour in 1971. He flew 295 missions, most of them over North Vietnam. He retired as a brigadier general in the U.S. Air Force and went on to a career in Kentucky state government and managing the Kentucky TriModal Transpark.

But, Cherry said, he often wondered what happened to the pilot he shot down. When the Aviation Heritage Park was in its planning stages 2½ years ago, one of its local backers half-jokingly suggested trying to find the MiG pilot.

Cherry worked through friends to contact a reunion show on Vietnamese TV, which worked through the Ministry of Defense to identify Nguyen Hung My.

In December, a producer of the show—called "As If We Never Parted"—e-mailed Cherry with the news and asked if he'd appear on the show.

After flying to Vietnam for his first visit since the war, he went to the TV studio April 5. According to Cherry, the show's host introduced him and told the audience about his life. After showing pictures of Cherry's family, she introduced My.

Cherry said he was nervous, wondering how he'd be received. But My smiled as he came out and shook Cherry's hand. Through an interpreter, My said he was glad to meet Cherry. The anchor told about My's life, his four years of flight training in the Soviet Union and his war service.

Thanh Nien News, a major newspaper in Ho Chi Minh City which publishes in Vietnamese and English, reported on the pilots' meeting. According to that story, My said he'd never thought about looking for the pilot who once shot him down. After the war, he studied English and finance, and worked for an insurance company, the paper said.

My flew for two more years after recovering from his bail-out injuries, speaks Chinese and Russian, has a great sense of humor, and is obviously highly respected by friends and family, Cherry said.

After the show, the two sat down backstage and talked about flying and their respective families.

"We hit it off really well," Cherry said.

Later, they and the TV staff went to a rooftop restaurant in downtown Ho Chi Minh City. Over dinner, My asked if Cherry would visit his home in Hanoi. Cherry—already planning to go to Hanoi the next day as a tourist—thought My meant some indefinite time in the future; it turned out he meant the next day. When Cherry agreed, My changed his own travel schedule so they could be on the same flight.

My's house, it turned out, was within walking distance of Cherry's hotel. That night he and his friends Larry Bailey and John Fleck made their way to My's house along streets teeming with motor scooters, Cherry said.

They had dinner with My's family, and Cherry got to hold his former opponent's 1-year-old grandson, he said.

"It was just a tremendous experience to be welcomed so completely," Cherry said. "I've made a good friend in Mr. Hong My."

In return, he gave My a bottle of bourbon and invited him to visit Bowling Green, perhaps later this year, he said.

My offered to guide them around the city the next day, showing up at 8 a.m. in a car with his son-in-law and friend. He took them to one site after another, including a number of military museums that ordinary tourists wouldn't get to see, Cherry said. They saw past displays of Soviet-built fighter planes, including MiG–21s like the one My flew in 1972, he said.

Cherry also visited the "Hanoi Hilton"—the building made notorious as a prison for American pilots shot down over North Vietnam. It's now a museum. Most of the exhibits, though, are devoted to the Vietnamese who were held there during the decades of French rule, Cherry said; there's only one small room describing its time as a prison for Americans.

The overall impression he had of Vietnam is that what the Vietnamese call the "American War" has been put far behind them, he said.

"They're moving on to the future. They don't hold any grudges," Cherry said.

My also asked for help with one task: He shot down an American plane, too, but believes that pilot was killed, Cherry said. So he asked if Cherry could help him find that pilot's family. He would like to express his respect and condolences, Cherry said.

NATIONAL TAKE YOUR DAUGHTER AND SON TO WORK DAY

Mr. DURBIN. Mr. President, April 24 is Take Your Daughters and Sons to Work Day, which is a great opportunity for people who are in a position to do so to give their kids a better idea of what they do for a living. In my office, we had a short social time this morning to allow the children of staff members to gather and talk about their experience. Participation in Take Your Daughters and Sons to Work Day can be fun for the parents and the children. But at its heart, this day is a part of a broad effort to reach pay equity for women.

On Tuesday, we marked Equal Pay Day, the point in 2008 when the average woman's wages finally catch up with what the average man earned in 2007. The numbers are sobering.

Equal pay has been the law since 1963. But today, 45 years later, women are still paid less than men—even when women have similar education, skills, and experience. While women's wages have risen in all States, in inflation-adjusted dollars, since 1989, the typical full-time woman worker does not make as much as the typical man in any State. At the present rate of progress, it will take 50 years to close the wage gap nationwide.

In 2007, women were paid 77 cents for every dollar men received. That is $23 less for every $100 worth of work women do—$23 less to spend on groceries, housing, child care, and other expenses. Nationwide, working families lose $200 billion of income annually to the wage gap.

Over a lifetime of work, the 23 cents on the dollar women are losing adds up. The average 25-year-old working woman will lose more than $523,000 to unequal pay during her working life. These figures are even worse for women of color. And because women are paid less now, they have less money to set aside for retirement, and they will earn lower pensions than men.

Part of the motivation behind Take Your Daughters and Sons to Work Day is to expose children of both genders to professional fields that historically have been dominated by men. This day is one of many initiatives developed to encourage girls and young women in their education and professional journeys. Professional and student organizations, such as the Society of Women Engineers, offer a support network for those young women who are making their mark in professions that historically have not seen many women.

Take Your Daughters and Sons to Work Day can help both girls and boys see the career opportunities that may be open to them if they stay in school, set goals, and study. I commend the employers and employees who are able to participate today. I would also like to congratulate and encourage the children who are sizing up options for their future careers. Let us keep in mind today that we need to keep working to enable every child to achieve his or her full potential, and we need to ensure that women are fully and fairly compensated for all the work they do.

Mr. PRYOR. Mr. President, I rise in honor of today's Take Our Daughters and Sons to Work Day when, over the past 15 years, individuals, families and workplaces have joined in expanding opportunities and transforming the lives of millions of girls and boys both nationally and internationally. I want to take this opportunity to discuss the importance of family in creating an active and resourceful citizenship and workforce for the future. As our Nation continues in its historical role as a melting pot, the importance of international adoption in the fabric of American families continues to grow. Mr. PAUL Hanly Furfey stated that "The first, the most fundamental right of childhood is the right to be loved. The child comes into the world alone, defenseless, without resource. Only love can stand between his helplessness and the savagery of a harsh world." Families created or expanded by international adoption are unique and special, open to cultural differences and sharing in the common elements of mankind, compassion and love.

The United Nations Population Division gathered data from more than 100 countries and found that in a world of 2.2 billion children under the age of 18, fewer than 12 per 100,000 are being adopted. In other words, in a total global population of 6.5 billion, there are only about 260,000 adoptions of all kinds annually including those within countries, across borders and of step children. In the United States we have seen an upward trend in international adoptions from 7,083 in 1990 to 17,718 in 2000 and over 20,000 international adoptions in 2007.

I have received several letters of concern from many Arkansans inquiring as to what the U.S. Government is doing to help these children find their way to loving homes in Arkansas. In fact, the United States has taken several important steps to protect the rights of the child and to assist families in the international adoption process. From a global level, the Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption—Hague Adoption Convention—a broad multilateral treaty, was signed by the United States in March of 1994. In 2000, the Senate and the House passed the Intercountry Adoption Act of 2000 to implement the Convention. In 2006, the Department of State issued the final rule on the Accreditation and Approval of Agencies and Persons to implement the Convention and the Intercountry Adoption Act.

Legislation to help adoptive families pay for expenses associated with adoption procedures was signed by President Bill Clinton in 1996 to make improvements to the Internal Revenue Code to add a two-part adoption assistance tax relief program. The tax relief for adoption expenses has helped many families to be able to afford the financial costs of the actual adoption process. The Department of Homeland Security now issues immigrant visas to children entering the United States with adoptive parents who are U.S. citizens under the I-800 Visa Program, making them U.S. citizens when they reach U.S. soil.

On my part, I have signed several letters to international leaders concerning the importance of transparency in the adoption process in all countries, particularly in the signatories of the Hague Adoption Convention.

Our recognition of today's Take Our Daughters and Sons to Work Day provides us with a great opportunity to recognize the unique role and contributions of adoptive families in our country. Families created through adoption are special. They go through so much time and energy to find each other. We must celebrate these families who through perseverance and determination become whole and provide a loving environment for our next generation.

EXPANDED DNA COLLECTION

Mr. LEAHY. Mr. President, I was concerned to learn from the newspapers last week that the Federal Government is getting ready to publish a rule sanctioning the collection of DNA samples from all citizens arrested for Federal crimes and from many people detained as illegal immigrants. These samples may even be kept permanently as part of the Government's DNA database even if a person is ultimately exonerated.

I have long supported the analysis of DNA evidence to catch the guilty and exonerate the innocent. In 2000, I introduced the Innocence Protection Act, which included the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program for defendants. This program, where appropriate, gave defendants access to the postconviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong. As a former prosecutor, I was acutely aware that DNA testing could help prevent both the conviction of innocent defendants, and the criminal justice nightmare of the real wrongdoer remaining undiscovered and possibly at large.

In 2004, Congress passed the Innocence Protection Act as an important part of the Justice for All Act. Congress recognized the need for important changes in criminal justice forensics despite resistance from the current administration. The Justice for All Act authorized several other important programs to encourage the use of DNA evidence, which I strongly supported, notably including the Debbie Smith DNA Backlog Grant Program to eliminate the nationwide backlog of rape kits and other evidence awaiting DNA testing in crime labs around the country. That important program has helped law enforcement to find the perpetrators of terrible crimes throughout the country and to ease the ordeal that crime victims go through.

But DNA testing, like any powerful tool—and particularly any powerful tool in the hands of the government must be used carefully. If abused, it can infringe on the privacy and civil liberties of Americans while doing little to prevent crime. I am concerned that the policy just announced may do exactly that.

When Senator KYL proposed the legislation that formed the basis for this policy, I said that it raised serious privacy concerns. Right now, a person's DNA can be collected immediately upon arrest, and it can be used immediately to search the DNA indexes for a possible "hit." But it cannot be added to the Federal index unless and until the person has been formally charged with a crime. This new policy allows DNA to be entered for those who have been arrested but not charged.

This change adds little or no value for law enforcement, while intruding on the privacy rights of people who are, in our system, presumed innocent. It creates an incentive for pretextual arrests and will likely have a disproportionate impact on minorities and the poor. This policy may also make it harder for innocent people to have their DNA expunged from government databases.

Since I first spoke out against this provision in 2005, we have only seen more examples of abuses of power by this administration, including the Justice Department's improper firing of prosecutors for political reasons and the FBI's abuse of national security letter power given in the PATRIOT Act. In this light, the added power to collect and keep DNA information from potentially innocent people gives even more cause for concern.

I will study the proposed rules and policy carefully, and the Judiciary Committee will perform careful oversight of its implementation. We must ensure that DNA evidence is used aggressively and efficiently to make us safer, but also that it is used in a careful and appropriate way that secures our rights and increases our confidence in our justice system.

NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. KENNEDY. Mr. President, I strongly support a resolution by Senator MENENDEZ supporting National Child Care Worthy Wage Day. I hope that it will shine a brighter light on the many challenges facing the early childhood education and care community and the importance of attracting and retaining excellent childcare workers.

Across the country today, nearly two-thirds of children under the age of 5 are in some form of nonparental care while their parents are at work and more and more research emphasizes that learning begins at birth. The quality of early care that children receive has a profound impact on the rest of their lives.

Children in high-quality early care and education programs are 30 percent more likely to graduate from high school and twice as likely to go to college. They are also 40 percent less likely to be held back a grade or need expensive special education programs.

Childcare is particularly effective for at-risk students. Important studies, including the research of both Nobel Laureate Economist James Heckman and Chairman of the Federal Reserve Ben Bernanke, show that quality early care and education can break the cycle of poverty and crime. Heckman's survey of at-risk boys who receive quality early education found that less than 10 percent of boys who participate will be convicted of a crime and less than 2 percent will end up on welfare—rates significantly lower than for those who do not receive such support.

The key to assuring quality early childhood education and care for our youth is access to a highly qualified educator or caregiver. Despite the obvious importance of their work, however, child care providers are underpaid, unsupported and undervalued.

These providers are responsible for the social, emotional and mental development of the children in their care. They teach skills that young children need in order to be ready to read and learn when they go to school. They help young children learn about the world around them and how to interact with others. Yet the average salary of an early care and education workers is $18,820, and less than a third of them have health insurance.

In Massachusetts, those numbers are only marginally better—childcare workers are paid a little over $10 an hour and earn $22,760 annually. By comparison, registered nurses make $37,511 a year, police officers earn $37,078, and K through 12 teachers earn $32,306.

The story of Melvina Vandross is typical. She has spent the last 20 years caring for children in poor families in New York City. Due to the lack of sufficient Federal subsidies, she makes less than $19,000 a year in one of the world's most expensive cities. She has no health insurance, and could not afford to get her son the tutor he needed to succeed in school. Her commitment to the futures of some of the Nation's least fortunate children has made it nearly impossible for her to provide for herself and her family.

Melvina's story is unacceptable. It is unacceptable that Head Start teachers in Montana qualify for Habitat for Humanity homes. The men and women who shape the lives of our Nation's children deserve fair wages and benefits. The sacrifice we are asking of them for their indispensible work is too high.

Inadequate wages and benefits have made it difficult to recruit and retain qualified childcare providers. Turnover rates are going through the roof. Almost 30 percent of child care providers leave the field every year. Neither their wages nor their turnaround rates are acceptable. If we want our children to be cared for by qualified providers who have a good education and sound understanding of child development, we must see that they are fairly compensated and supported, commensurate with their contribution to our national, civic and economic well-being. They are indeed deserving of a worthy wage for their worthy work that is so important for the Nation's future. I urge my colleagues to support this important resolution. We owe it to the Nation's childcare providers, and we owe it to our Nation's children and their families.

WORLD MALARIA DAY

Mr. BIDEN. Mr. President, April 25 is World Malaria Day. That is the day that the world pauses to acknowledge that over a million people a year die of a disease borne by mosquitoes, a disease that we know how to prevent, a disease that we know how to treat. The most vulnerable are children under the age of 5; every 30 seconds a child dies of malaria. Pregnant women are also at high risk; 10,000 expectant mothers perish each year from the disease. Malaria exacts an enormous economic and social toll as well, costing the poorest countries in the world billions of dollars each year in lost productivity, working days, revenue, and investment. With global weather patterns changing, malaria is spreading further, reaching areas that were previously unaffected.

Last month, the Foreign Relations Committee approved a bipartisan bill that could, over the course of time, help to save millions of lives by providing people with the means to prevent and treat malaria. I am proud to have sponsored this bill, along with Senator LUGAR and our other colleagues. This legislation, S. 2731, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, authorizes up to $5 billion over the next 5 years to combat malaria, a dramatic increase in resources. It also formally establishes the position of a global malaria coordinator to oversee U.S. programs and strengthens U.S. participation in the multilateral global fund to fight AIDS, tuberculosis, and malaria. These efforts will build on the dramatic early success of the President's malaria initiative, which was launched 3 years ago by President Bush. Already, under this initiative, the island of Zanzibar has witnessed a 95 percent reduction in infection rates among children. Through bednets, spraying of homes, and providing drugs, we can replicate that success on a much broader scale.

Similar legislation has passed the House of Representatives, and our bill received a strong vote of support in committee here. It is my hope that the Senate will soon take up S. 2731, that we will debate whatever differences we may have and vote on it, and that the President will be able to sign it into law well in advance of the G-8 meeting in July. If so, he will be in an excellent position to help convince other countries to undertake similar commitments. Even more important, we will let the people of Africa and other hard-hit areas of the globe know that the United States is sustaining the commitments that it first made in 2003 when Congress passed the original United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act.

DENIM DAY

Mr. LAUTENBERG. Mr. President, I rise today to recognize April 28, 2008, as the first annual "Denim Day" in New Jersey.

Each year, Denim Day is observed in communities across the country to raise awareness and educate the public about rape and sexual assault. The observance was created in response to an appalling 1998 decision of the Italian Supreme Court. In that decision, the court overturned a rape conviction because the victim was wearing tight jeans at the time of the attack and must have helped her rapist remove them. Women and men around the world were rightly outraged by the verdict, and wearing jeans on Denim Day has become an international symbol of protest, calling attention to the horrible crime of rape and the destructive attitudes that prevent sexual assault victims from receiving justice.

Every 2 minutes, someone in the United States is sexually assaulted. Despite its prevalence, sexual assault is one of the most underreported crimes in the world, meaning many attackers never spend a day in prison for their offenses. Denim Day in New Jersey will send a strong and powerful message that sexual assault is always wrong.

I hope this observance will encourage more sexual assault victims to come forward and hold their attacker accountable, as well as provide some comfort to the victims of sexual assault, who will know that they are not alone.

Once again, I would like to recognize April 28, 2008, as "Denim Day" in New Jersey and reiterate my strong support for observing this important day.

HONORING OUR ARMED FORCES

CORPORAL KYLE WESTON WILKS

Mr. PRYOR. Mr. President, I join Arkansans today in mourning the loss of Cpl Kyle Weston Wilks of Rogers, AR. He paid the ultimate sacrifice to stand up for democracy and peace. We are grateful for Corporal Wilks' service to our Nation and we will honor his memory. I know his family and friends will remember this fallen hero's great smile and penchant for life, including playing sports and watching Razorback football and NASCAR.

A marine with the 24th Marine Expeditionary Unit since September 2004, Corporal Wilks helped with the evacuation of Beirut in 2006 and most recently served in Afghanistan. During this time, Corporal Wilks was awarded the Good Conduct Medal, Humanitarian Service Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal, National Defense Service Medal, and the Sea Service Deployment Ribbon.

Before his second deployment, Corporal Wilks visited New York to see Ground Zero, which reaffirmed his commitment to military service and his country. He was a true patriot who planned to use his training as a military policeman to begin a career in law enforcement.

Mr. President, Arkansas has now lost over 70 soldiers in the wars in Iraq and Afghanistan. As long as I serve in public office, I will work to honor their service, live up to their courage, and protect the principles they fought to preserve.

Corporal Wilks has said his parents, Randy and Kathy Wilks, were his heroes. My prayers are with them, as well as his sister Makayla, during this difficult time.

LILLY LEDBETTER FAIR PAY ACT

Mr. SALAZAR. Mr. President, I wish today to strongly support the Lilly Ledbetter Fair Pay Act, which would clarify the laws against pay discrimination. I would like to thank Senator KENNEDY, chairman of the Health, Employment, Labor and Pensions Committee, for his leadership on the bill. He has been a tireless champion for civil rights and I applaud his work.

Mr. President, we as Americans are bound by a powerful idea—a revolutionary idea—that our nation is a work in progress. It is an idea etched in the words of the Constitution: "to form a more perfect union." It is an idea that has inspired some of our Nation's greatest achievements—abolishing slavery, banning segregation, and expanding voting rights. It is an idea that brings the best out of our public service.

This week in the Senate we have an opportunity to take another important step along our path of progress—to make our union more perfect.

It is no secret that pay gaps exist in our country. Gender, race, national origin, age, disability, or religion should not have any effect on a worker's pay. But, sadly, they do. Nationally, women earn 77 cents for every dollar that men earn. In Colorado, women earn 79 cents for every dollar that men earn. The inequities are even clearer when you break the numbers in Colorado down by ethnicity. On average, African-American women earn 61.2 percent of what White men earn. Asian-American women earn 68.4 percent; Hispanic women earn 52.4 percent; and Native American/Alaskan Native women only earn 54.7 percent of what White men earn.

These pay disparities persist partly because women still occupy fewer high-paying jobs than men. But they also persist because of continued pay discrimination in the workplace. We have laws on the books to make pay discrimination illegal, but those laws can be improved.

Lilly Ledbetter's case is a classic, and tragic, example. Ms. Ledbetter worked for the Goodyear Tire and Rubber Company in Gadsden, AL, for 19 years. She was a manager, a position predominately occupied by men at the company. After early retirement, Ms. Ledbetter learned, from an anonymous note, that male managers at the company were making 20 to 40 percent more than she was making in the same job.

So Ms. Ledbetter took Goodyear to court. The jury found that the company violated her rights under title VII of the Civil Rights Act of 1964. They awarded her back pay and damages.

The Court of Appeals for the Eleventh Circuit, however, reversed the district court decision. They said that Ms. Ledbetter filed her case too late. They said she needed to file her complaint within 180 days after the alleged unlawful employment practice occurred.

Rightly, Ms. Ledbetter appealed to the U.S. Supreme Court. In its 5-to-4 decision, the Supreme Court held that the 180-day statute of limitations begins when the original discriminatory act occurs. Whether the worker even knew that the discriminatory decision was made is of no consequence. Whether they were discriminated against for 1 or 20 years is also insignificant under the Court's majority decision.

It is critical to understand the profound impact of the Court's decision. If an employee cannot challenge a discriminatory paycheck beyond the 180 days that the employer made the discriminatory decision, companies that discriminate cannot be held accountable for their actions. Six months after a discriminatory action, the bad actor is in the clear. This was certainly not the intent of Congress when it enacted the Civil Rights Act of 1964.

In her dissenting opinion, Justice Ginsburg raised a good question and a matter of common sense. How was Ms. Ledbetter supposed to know, and therefore complain, when she was first given a lower raise than her male counterparts? Goodyear, like many employers, kept salaries and raises confidential.

The Lilly Ledbetter Fair Pay Act would correct this injustice. The bill would amend title VII of the Civil Rights Act of 1964 and other civil rights laws to make clear that the 180-day statute of limitations on a pay discrimination claim, based on gender, race, national origin, religion, age or disability, would restart every time an employee receives any wages or benefits affected by the discriminatory act. This was the law of the land for decades, with the exception of three States, until the U.S. Supreme Court decision, Ledbetter v. Goodyear.

The Lilly Ledbetter Fair Pay Act should receive the unanimous support of this body. We should all agree on the principle of 'equal pay for equal work.' We should all agree that pay discrimination has no place in a 21st century America. And we should all agree that when there is a clear problem with the existing law, we should correct it.

We have come a long way over the last 2½ centuries toward opening the doors of opportunity to every American. But ours is a nation still in progress, and our Union can still be perfected.

I urge my colleagues to support this bill.

Ms. SNOWE. Mr. President, I rise today to speak in strong support of the Fair Pay Restoration Act, S. 1843,—and I am proud to be an original cosponsor of this bipartisan measure, introduced by Senator KENNEDY and supported by 40 of my colleagues in the Senate. This bill would rightly provide victims of workplace gender discrimination with the reasonable timeframe they deserve to file discrimination suits under Federal law—while restoring longstanding precedent that was regrettably reversed by the U.S. Supreme Court last year.

I firmly believe that America should be a global leader on issues related to gender discrimination and equal pay, but with its decision in Ledbetter v. Goodyear Tire & Rubber Co., the Supreme Court telegraphed entirely the wrong message to the rest of the world about the value of equal pay for equal work—and ignored the realities of pay discrimination. Furthermore, with the economy in crisis, gas prices sky-high, and housing values falling, it is all the more critical we not lose vital ground on fair pay.

It is no secret that women play a substantial leadership role in our Nation—we are business leaders, entrepreneurs, politicians, mothers, and much more. But regrettably, wage discrimination still exists and has remained constant for many years. In 1963, the year of the Equal Pay Act's passage, full-time working women were paid 59 cents on average to the dollar received by men. In 2004, more than 40 years later, women were only paid 77 cents for every dollar earned by men.

What is even more troubling is that, according to a National Academy of

Sciences report, between one-third and one-half of the wage disparities between men and women cannot adequately be explained by differences in experience, education, or other legitimate qualifications. And notably, this wage discrimination exists despite the passage of the Equal Pay Act that made it illegal to pay women less than men for performing equal work.

Wage discrimination also continues to exist despite the 1964 Civil Rights Act, which outlawed discrimination in employment and wages on the basis of sex, race, color, religion, and national origin. This pernicious injustice continues despite Congress passing the 1991 Civil Rights Act, which I strongly supported, along with most of my colleagues on both sides of the political aisle.

As a former cochair of the Congressional Caucus for Women's Issues, I have been a longtime advocate in the pay equity debate. As some of my colleagues may remember, in 1984, Representative Claudine Schneider, R-RI, Representative Nancy Johnson R-CT, and I wrote to the Reagan administration asking that it prevent the Justice Department from weighing in against AFSCME v. Washington, which supported the concept of pay equity. And as a Member of the House of Representatives, I repeatedly introduced bipartisan resolutions that would have established a commission to study compensation practices in Congress from 1984 to 1993. It is therefore simply unconscionable to imagine that in this day and age, wage-setting practices are still being affected by historical gender biases resulting in the undervaluation of work and low pay for women.

Sadly, the Supreme Court's decision in Ledbetter will make it virtually impossible for women workers to close the wage gap and to receive the remedies they deserve when they are discriminated against. This decision represents an enormous step backward for women and for any person alleging pay discrimination.

Lilly Ledbetter's story poignantly coupled with this unfortunate ruling reminds us that wage discrimination persists across our Nation. It is therefore long past time we reversed the Supreme Court's decision in Ledbetter and clarified that laws against pay discrimination apply to every paycheck or other compensation a worker receives. And Senator KENNEDY's Fair Pay Restoration Act would reestablish a fair rule for filing claims of pay discrimination based on race, national origin, gender, religion, age or disability.

This bipartisan measure would also impose a reasonable time limit for filing pay discrimination claims and would start the clock for filing pay discrimination claims when compensation is received, rather than when the employer decides to discriminate. Each discriminatory paycheck would restart the clock for filing a pay discrimination claim and as long as workers file their claims within 180 days of a discriminatory paycheck, their charges will be considered timely. This measure would restore the precedent applied by nine courts of appeals and the Equal Employment Opportunity Commission in pay discrimination cases until the Supreme Court's May 29, 2007. It would also maintain the current limits on the amount employers owe.

The bill would also restore congressional intent, by mirroring language prohibiting discriminatory seniority systems, which was included in the landmark Civil Rights Act of 1991. The bill was signed by President George H. W. Bush in 1991, and I was pleased to support this measure which passed with overwhelmingly bipartisan support.

Some contend this bill would "exacerbate the existing heavy burden on the courts by encouraging the filing of stale claims" . . . that it would allow employees to bring a claim of pay or other employment-related discrimination years or even decades after the alleged discrimination occurred. That is simply an exaggeration. The fact is—employers would not have to adjust for salary differences that occurred decades ago. Current law limits back pay awards to 2 years before the worker filed a job discrimination claim under title VII of the Civil Rights Act of 1964, and this bill would not change this 2-year limit on back pay.

I cannot overstate my support for the Fair Pay Restoration Act, and I encourage my colleagues in the Senate to vote for this legislation tomorrow to ensure equal pay for women and minorities in the workforce. Discrimination of any kind in the workplace should not be tolerated. It is time the law reflected that.

Thank you. Mr. President, I request unanimous consent that a copy of my remarks be included in the CONGRESSIONAL RECORD.

ADDITIONAL STATEMENTS

HONORING RETIRED MAJOR D. BROCK FOSTER

• Mr. BROWN. Mr. President, I wish to honor the service of a great American—U.S. Air Force retired MAJ D. Brock Foster.

A native of Ohio who served his country in World War II, Korea, and Vietnam, Major Foster demonstrated uncommon courage while flying as an A-1 Skyraider during a rescue mission near the Ho Chi Minh Trail on June 28, 1968. At great risk to his personal safety, Major Foster remained in the rescue area amid heavy antiaircraft artillery and enemy fire to make repeated passes to protect the rescue helicopter. Major Foster's selfless heroism enabled the successful rescue of the Navy pilot who had been encircled by hostile forces for more than 39 hours.

Nearly 40 years later, Major Foster is receiving long overdue recognition for his sacrifice and valor and will be awarded the Distinguished Flying Cross. Given to those who distinguish themselves in aerial flight by taking heroic actions above and beyond the call of duty, the Distinguished Flying Cross is a fitting recognition of Major Foster's unwavering dedication to the service of the United States.

I am proud to honor this great Ohioan. His heroic actions and dedication to the U.S. Air Force and his fellow servicemen are an inspiration to all Americans.•

WORKER EDUCATION

• Mr. SMITH. Mr. President, today I highlight the importance of acknowledging and celebrating extraordinary efforts by Americans who have led the way in protecting and preserving America's natural resources. I am honored to congratulate three educational institutions in my State of Oregon, Columbia Gorge Community College, Lane Community College and the Oregon Institute of Technology.

Recently, Columbia Gorge Community College received $1.6 million to support the college's community-based job training program to develop skilled technicians for renewable energy facilities such as wind, solar, hydropower and biofuels production. The funding is part of the Department of Labor's Community-Based Job Training Grant Initiative to help community colleges provide area students and workers with the skills needed to stay competitive in up-and-coming industries. The program is the only one of its kind on the west coast. Just in the Pacific Northwest, developers of wind energy facilities will need 300–500 additional workers in the next decade. Since the fall of 2007, Columbia Gorge Community College has offered a 1-year Certificate and a 2-year Associate of Applied Science Degree in Renewable Energy Technology.

Lane Community College in Eugene, OR was recently commended for their certificate and 2-year degree programs which train students in energy management and renewable energy. Graduates of the program are in high demand by renewable energy companies. Lane Community College is quickly gaining recognition as a national leader in sustainability and has won five awards in the past 2 years, including the Campus Sustainability Leadership Award from the Association for the Advancement of Sustainability in Higher Education, and the Outstanding College Recycling Program Award from the National Recycling Coalition.

The Oregon Institute of Technology, OIT, also has earned distinction for offering the Nation's first 4-year undergraduate degree program in renewable energy. The Institute is on track to graduate the first class of students this year. Graduating students can seek employment in variety of fields including design, engineering, installation, auditing and programming within the renewable energy sector. Additionally, OIT is working to become the only college campus in the world to be completely powered by geothermal energy.

I believe that we have a responsibility to encourage efforts to increase the availability of renewable energy and conserve our natural resources. Oregon continues to build on a long history of innovation in environmental policy and practice. These community colleges are leading the way in educating these workers and providing highly skilled workers to the rapidly expanding renewable energy sector in our State and the Nation. I commend them for their efforts and pledge my full support as they move forward.●

COMMENDING WAUKESHA HOME DESIGN CENTER

● Ms SNOWE. Mr. President, this week is National Small Business Week, a time to celebrate the critical role small businesses play in powering our economy. Indeed, as ranking member of the U.S. Senate Committee on Small Business and Entrepreneurship, I am constantly reminded of how crucial small businesses are to maintaining our economic vitality. Nationally, small firms represent 99.7 percent of all businesses and have generated 60 to 80 percent of net new jobs over the past decade. On occasion, one of these small businesses goes above and beyond the call of social responsibility with an act of true thoughtfulness and generosity. Michael Costigan and the employees of the Waukesha Home Design Center in southeastern Wisconsin recently answered this call to action and made a difference in their community.

The story begins several weeks ago, when a selfish individual posing as a worker stole a television from the Zablocki Veterans Affairs Medical Center in Milwaukee, WI. This was a cowardly and despicable act, and I hope that the perpetrator is brought to justice. After the theft, elderly and sick veterans at the center were preparing to adjust to watching their favorite movies, TV shows, and Milwaukee Brewers games on an older and smaller television, until a local businessman heard what had happened on the radio.

Michael Costigan, the general manager of the Waukesha Home Design Center and a veteran himself, was incensed by this incident, and decided to take action. He and the company's 25 employees, many of whom are also veterans, immediately made arrangements to donate a 52-inch flat-panel high-definition television to the Veterans Center. Just this morning, Mr. Costigan and other employees personally delivered the television to a group of ecstatic veterans, who will no longer suffer because of the inconsideration of another. I am pleased to hear that the residents have already set up their Nintendo Wii to play bowling.

I am highlighting this compelling story on the Senate floor today because of the example it sets for each and every one of us. The company has only been in business since November of last year, but they have already made a lasting impression on their local area. While we in Congress must do all that we can to support our nation's heroic and patriotic veterans, it is good to see that there are individuals and businesses caring for those who have given so much to defend our country's freedoms. My heartfelt gratitude and appreciation goes out to Michael Costigan and the Waukesha Home Design Center's employees for their work of selflessness and charity, and I wish them a bright future in all of their endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2634. An act to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

H.R. 3033. An act to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the government-wide suspension and debarment system.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

H.R. 3928. An act to amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purposes.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building".

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building".

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the "Private First Class David H. Sharrett II Post Office Building".

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building".

H.R. 5613. An act to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

H.R. 5712. An act to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts.

H.R. 5819. An act to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2903. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 322. Concurrent resolution recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

ENROLLED BILL SIGNED

At 6:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2903. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2634. An act to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 3033. An act to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3928. To amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purpose; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the "Private First Class David H. Sharrett II Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5819. An act to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5613. To extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

S. 2920. A bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 24, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2903. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5913. A communication from the Under Secretary of Agriculture (Natural Resources and Environment), transmitting, pursuant to law, a report relative to the Department's proposal to accept a 160-acre donation from the Wilderness Land Trust; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5914. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metconazole; Pesticide Tolerances" (FRL No. 8360–5) received on April 23, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5915. A communication from the Deputy General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of action on a nomination for the position of Secretary of Agriculture, received on April 23, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5916. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerance for Emergency Exemptions" (FRL No. 8359–7) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5917. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyazofamid; Pesticide Tolerances" (FRL No. 8360–4) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5918. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL No. 8359–9) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5919. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, a report relative to acquisitions made from foreign entities; to the Committee on Appropriations.

EC–5920. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs report for fiscal year 2007; to the Committee on Armed Services.

EC–5921. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5922. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a document recently issued by the Agency entitled, "Lead Hazard Information Pamphlet; Notice of Availability"; to the Committee on Banking, Housing, and Urban Affairs.

EC–5923. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Changes in Maximum Mortgage Limits for Multifamily Housing" (RIN2502–AI62) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5924. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 18189) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5925. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 18197) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5926. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (73 FR 18188) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5927. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Procedures for Debt Collection" (Docket No. 47535–01-U) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5928. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (73 FR 17926) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5929. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–5930. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Transportation for Policy, received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5931. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Trip Limit Reduction for the Hook-and-Line Commercial Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone" (RIN0648–XG54) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5932. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (RIN0648–XG08) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5933. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers" (FCC 08–78) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5934. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Ash Fork and Paulden, Arizona" (MB Docket No. 07-220) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5935. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Clayton, Oklahoma" (MB Docket No. 07–227) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5936. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Various Rules Affecting Wireless Services" (WT Docket No. 03–264) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5937. A communication from the Attorney Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Universal Service Support for Health Care Providers—Eligibility" (FCC 08–47) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5938. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500–2690 MHz Bands; Reviewing of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands" (FCC 08–83) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5939. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2008 Fishing Year" (RIN0648–XG34) received on April 23, 2008; to the Committee on Commerce , Science, and Transportation.

EC–5940. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and the Bering Sea Subarea for Vessels Participating in the BSAI Trawl Limited Access Fishery" (RIN0648–XG52) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5941. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XG70) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5942. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648–XG73) received on April 23, 2008; to the Committee on Commerce , Science, and Transportation.

EC–5943. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Specification of Fiscal Year 2008 Total Allowable Catches for Eastern Georges Bank Cod, Eastern GB Haddock, and GB Yellowtail Flounder in the U.S./Canada Management Area" (RIN0648–AW13) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5944. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law., the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XG65) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5945. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648–XG62) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5946. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Ft. LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XG58) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5947. A communication from the Secretary of Energy, transmitting a legislative proposal intended to give the Department the authority to share Restricted Data in certain situations with persons not in possession of specific security clearances; to the Committee on Energy and Natural Resources.

EC–5948. A communication from the Chief Human Capital Officer, Office of the Secretary, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Secretary, received on April 23, 2008; to the Committee on Energy and Natural Resources.

EC–5949. A communication from the Associate Deputy Secretary of the Interior, transmitting a draft bill entitled, "Pick-Sloan Missouri Basin Program Cost Reallocation Act of 2008"; to the Committee on Energy and Natural Resources.

EC–5950. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Programs" (Docket No. VA–124–FOR) received on April 23, 2008; to the Committee on Energy and Natural Resources.

EC–5951. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Revisions to Particulate Matter Rules" (FRL No. 8559–7) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5952. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Whitefish PM10 Nonattainment Area Control Plan" (FRL No. 8552–4) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5953. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a)(1) 8-Hour Ozone Maintenance Plan for the White Top Mountain, Smyth County, Virginia 1-Hour Ozone Nonattainment Area" (FRL No. 8559–6) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5954. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Redesignation of the Forest County Potawatomi Community Reservation to a PSD Class I Area" (FRL No. 8557–6) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5955. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions" (FRL No. 8559–5) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5956. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky: Tennessee Valley Authority Paradise Facility State Implementation Plan Revision" (FRL No. 8559–1) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5957. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Organic Liquids Distribution" ((RIN2060–AO99)(FRL No. 8557–1)) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5958. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 8542–3) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5959. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska" ((RIN2060–AN94)(FRL No. 8557–8)) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5960. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Statement of Policy on Conduct of New Reactor Licensing Proceedings" (7590–01–P) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5961. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Significant New Use Rules on Certain Chemical Substances" ((RIN2070–AB27)(FRL No. 8358–4)) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5962. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Transportation Conformity Regulations" (FRL No. 8555–4) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5963. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Incorporation of On-Board Diagnostic Testing and Other Amendments to the Motor Vehicle Emission Inspection Program for the Northern Virginia Program Area" (FRL No. 8555–5) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5964. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Petition for Reconsideration and Withdrawal of Findings of Significant Contribution and Rulemaking for Georgia and for Purposes of Reducing Ozone Interstate Transport" ((RIN2060–AN12)(FRL No. 8556–2)) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5965. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States" (FRL No. 8556–1) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5966. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employer Comparable Contributions to Health Savings Accounts under Section 4980G" ((RIN1545–BF97)(TD 9393)) received on April 17, 2008; to the Committee on Finance.

EC–5967. A communication from the Assistant Director of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Leasing Arrangements" (Rev. Rul. 2008–23) received on April 17, 2008; to the Committee on Finance.

EC–5968. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2008" (Rev. Rul. 2008–24) received on April 23, 2008; to the Committee on Finance.

EC–5969. A communication from the Administrator, National Aeronautics and Space Administration, transmitting proposed legislation intended to permit the Administration to continue to procure Russian support for the International Space Station until suitable U.S. capabilities are in place; to the Committee on Foreign Relations.

EC–5970. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Millennium Challenge Corporation's activities during fiscal year 2007; to the Committee on Foreign Relations.

EC–5971. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Japan relative to the JCSAT–12 Commercial Communications Satellite; to the Committee on Foreign Relations.

EC–5972. A communication from the Secretary of Labor, transmitting proposed legislation intended to improve enforcement of the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Health, Education, Labor, and Pensions.

EC–5973. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002: Fiscal 2007 (March 2008)"; to the Committee on Homeland Security and Governmental Affairs.

EC–5974. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Compliance with the Government Managers Accountability Amendment Act of 1995 Has Been Incomplete and Inconsistent"; to the Committee on Homeland Security and Governmental Affairs.

EC–5975. A communication from the Director, U.S. Office of Government Ethics, transmitting a legislative proposal intended to modernize the financial disclosure process for Federal personnel; to the Committee on Homeland Security and Governmental Affairs.

EC–5976. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Performance Measurement System Needs Long-Term Stability and Commitment to Maximize Effectiveness"; to the Committee on Homeland Security and Governmental Affairs.

EC–5977. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC–5978. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2001 and 2002"; to the Committee on Indian Affairs.

EC–5979. A communication from the White House Liaison, National Institute of Justice, Department of Justice, transmitting, pursuant to law, the report of action on a nomination for the position of Director, received on April 23, 2008; to the Committee on the Judiciary.

EC–5980. A communication from the Secretary of Labor, transmitting, a draft bill intended to enhance the Department's ability to administer the H–2A foreign labor certification program; to the Committee on the Judiciary.

EC–5981. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting draft legislation intended to provide for the continued performance of the functions of the U.S. Parole Commission; to the Committee on the Judiciary.

EC–5982. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Bankruptcy Procedure that were adopted by the Court; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with amendments and an amendment to the title:

S. 2433. A bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day (Rept. No. 110–331).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

H. Con. Res. 292. A concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments.

S. Res. 511. A resolution recognizing that John Sidney McCain, III, is a natural born citizen.

S. Res. 515. A resolution commemorating the life and work of Dith Pran.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Bruce A. Litchfield, to be Brigadier General.

Air Force nominations beginning with Brigadier General C. D. Alston and ending with Brigadier General Mark S. Solo, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2008.

Air Force nomination of Maj. Gen. Dana T. Atkins, to be Lieutenant General.

Army nomination of Brig. Gen. Scott G. West, to be Major General.

Army nomination of Lt. Gen. Walter L. Sharp, to be General.

Army nomination of Lt. Gen. Ann E. Dunwoody, to be Lieutenant General.

Army nomination of Gen. David D. McKiernan, to be General.

Army nomination of Brig. Gen. Robert L. Caslen, Jr., to be Major General.

Army nomination of Maj. Gen. Mitchell H. Stevenson, to be Lieutenant General.

Army nomination of Maj. Gen. Frank G. Helmick, to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Randolph D. Alles and ending with Brigadier General Michael R. Regner, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008. (minus 1 nominee: Brigadier General Melvin G. Spiese)

Marine Corps nomination of Brig. Gen. Darrell L. Moore, to be Major General.

Marine Corps nomination of Lt. Gen. Keith J. Stalder, to be Lieutenant General.

Marine Corps nominations beginning with Col. James M. Lariviere and ending with Col. Kenneth J. Lee, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.

Marine Corps nomination of Brig. Gen. Joseph F. Dunford, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. John M. Paxton, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Dennis J. Hejlik, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Richard F. Natonski, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Duane D. Thiessen, to be Lieutenant General.

Navy nomination of Rear Adm. John M. Bird, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Victor C. See, Jr., to be Rear Admiral.

Navy nominations beginning with Captain Douglass T. Biesel and ending with Captain Douglas J. Venlet, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008. (minus 1 nominee: Captain Terry B. Kraft).

Navy nomination of Rear Adm. (lh) Carol I. Turner, to be Rear Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with David M. Abel and ending with Michael M. Zwalve, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Air Force nominations beginning with Susan S. Baker and ending with Jon C. Welch, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with David A. Bargatze and ending with Aaron E. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Mark E. Allen and ending with Charles E. Wiedie, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Kerry M. Abbott and ending with William F. Ziegler III, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Richard T. Broyer and ending with Brian K. Wyrick, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with John T. Aalborg, Jr. and ending with Michael A. Zrostlik, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with David L. Babcock and ending with Wayne A. Zimmet, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Air Force nomination of Howard P. Blount III, to be Lieutenant Colonel.

Air Force nomination of Errill C. Avecilla, to be Major.

Air Force nomination of Mark Y. Liu, to be Major.

Air Force nominations beginning with Bryce G. Whisler and ending with Timothy M. French, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2008.

Air Force nominations beginning with Phiet T. Bui and ending with Michael J. Morris, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2008.

Army nominations beginning with Mario Aguirre III and ending with Scott B. Zima, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Barry L. Adams and ending with Timothy M. Zegers, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Kevin S. Anderson and ending with Rufus Woods III, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Robert B. Allman III and ending with Richard F. Winchester, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nomination of Barry L. Shoop, to be Colonel.

Army nomination of Brian J. Chapuran, to be Major.

Army nomination of Gregory T. Reppas, to be Major.

Army nomination of Vanessa M. Meyer, to be Major.

Army nominations beginning with Thomas E. Durham and ending with Daniel P. Massey, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nominations beginning with Charles L. Garbarino and ending with Juan Garrastegui, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nominations beginning with Milton M. Ong and ending with Matthew S. Mower, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nomination of Craig A. Myatt, to be Lieutenant Colonel.

Army nomination of John C. Kolb, to be Colonel.

Army nomination of Kenneth D. Smith, to be Major.

Army nomination of John M. Hoppmann, to be Lieutenant Colonel.

Army nominations beginning with Amy M. Bajus and ending with Robert P. Vasquez, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Marine Corps nominations beginning with David G. Mcculloh and ending with Paul W. Voss, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nomination of Thomas M. Cashman, to be Captain.

Navy nomination of Kelly R. Middleton, to be Lieutenant Commander.

Navy nomination of Theresa A. Fraser, to be Lieutenant Commander.

Navy nominations beginning with Lee R. Ras and ending with Elizabeth M. Solze, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008. (minus 6 nominees beginning with John M. Marmolejo)

Navy nomination of Aaron J. Beattie IV, to be Lieutenant Commander.

Navy nominations beginning with Kristian E. Lewis and ending with Luther P. Martin, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Samuel G. Espiritu and ending with Paul G. Scanlan, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Terry L. Buckman and ending with Thomas M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Trevor M. Hare, to be Lieutenant.

Coast Guard nomination of Susan M. Maitre, to be Lieutenant Commander.

By Mr. DORGAN for the Committee on Indian Affairs.

*Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

By Mr. LEAHY for the Committee on the Judiciary.

Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2010.

Mark S. Davis, of Virginia, to be United States District Judge for the Eastern District of Virginia.

David Gregory Kays, of Missouri, to be United States District Judge for the Western District of Missouri.

Stephen N. Limbaugh, Jr., of Missouri, to be United States District Judge for the Eastern District of Missouri.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 2903. A bill to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008; considered and passed.

By Mrs. McCASKILL:

S. 2904. A bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. McCASKILL:

S. 2905. A bill to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 2906. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2907. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself and Mr. COBURN):

S. 2908. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2909. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. BROWN):

S. 2910. A bill to require brokers to disclose and pay independent truckers for any fuel surcharges received from shippers that relate to fuel costs paid for by the truckers; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mrs. MURRAY):

S. 2911. A bill to improve vaccination rates among children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, and Mr. MENENDEZ):

S. 2912. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2913. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

By Mr. VITTER:

S. 2914. A bill to ensure the safety of seafood and seafood products being imported into the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2915. A bill to require the Commissioner of Social Security to issue uniform standards for the method for truncation of social security account numbers in order to protect such numbers from being used in the perpetration of fraud or identity theft and to provide for a prohibition on the display to the general public on the Internet of social security account numbers by State and local governments, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 2916. A bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 2917. A bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. DURBIN, and Mr. LAUTENBERG):

S. 2918. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. SMITH, Mr. DORGAN, Mr. THUNE, Mr. PRYOR, and Ms. SNOWE):

S. 2919. A bill to promote the accurate transmission of network traffic identification information; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 2920. A bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. CRAPO):

S. Res. 530. A resolution designating the week beginning October 5, 2008, as "National Sudden Cardiac Arrest Awareness Week"; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. BOXER, Mr. LEVIN, Mr. DURBIN, Mr. INOUYE, Mr. SANDERS, Mr. DODD, Mr. CASEY, Mr. LAUTENBERG, Mr. AKAKA, and Mr. JOHNSON):

S. Res. 531. A resolution supporting the goals and ideals of a National Child Care Worthy Wage Day; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. Res. 532. A resolution recommending that the Langston Golf Course, located in northeast Washington, DC, and owned by the National Park Service, be recognized for its important legacy and contributions to African-American golf history, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. OBAMA, and Mr. ISAKSON):

S. Res. 533. A resolution expressing the sense of the Senate regarding the political situation in Zimbabwe; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 34

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 34, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1311

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1311, a bill to permanently prohibit oil and gas leasing in the North Aleutian Basin Planning Area, and for other purposes.

S. 1882

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1882, a bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2059

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2254

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2254, a bill to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2512

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2512, a bill to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2689

At the request of Mr. SMITH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2702

At the request of Mr. SALAZAR, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2753

At the request of Mr. MENENDEZ, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2753, a bill to protect consumers, and especially young consumers, from skyrocketing credit card debt, unfair credit card practices, and deceptive credit offers.

S. 2760

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. KOHL) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2775

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2775, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2878

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2878, a bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to provide for specified civil penalties for violations of that Act, and for other purposes.

S. 2895

At the request of Mr. DODD, the names of the Senator from Montana (Mr. TESTER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2895, a bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence.

S. RES. 482

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 482, a resolution designating July 26, 2008, as "National Day of the American Cowboy".

S. RES. 515

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

S. RES. 523

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 523, a resolution expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself and Ms. STABENOW):

S. 2906. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to introduce the Agriculture Smart Trade Act along with my colleague Senator STABENOW. The goal of this legislation is to ensure that, as we consider the various free trade agreements that come before the Senate, we are taking a look at the big picture, including the increased risk of accidently importing invasive pests or diseases and the ability for American agricultural producers to access new export markets once trade agreements are in effect. Our bill is supported by United Fresh, the national association of fruit and vegetable growers and processors, and the U.S. Apple Association.

The bill has two main components. First, it requires the Administration to send a report to Congress prior to the start of formal trade negotiations with a foreign nation detailing potential invasive pests and disease that could pose a risk to U.S. agriculture. Furthermore, this report must identify what additional agricultural inspectors and other personnel are needed to prevent these pests and diseases from being brought into the United States.

Second, the bill requires the Administration to disclose in the same report all sanitary and photosanitary, or SPS, trade barriers that could unduly restrict export markets for American commodities. What we've seen in the past is that a trading partner will raise SPS barriers to prevent American products from entering their country. Some of these SPS barriers are not grounded in science are simply non-tariff trade barriers. As the Administration begins negotiations for a trade agreement, we all need to take a look at what kinds of SPS issues we have with potential trading partners. Are their SPS concerns based in science? We need to be sure that once an agreement is in effect, we will have access to those foreign markets as stipulated in the trade agreement.

I want to make clear that this bill does not in any way limit the President's authority to negotiate trade agreements under Fast-Track, nor does it prevent trade legislation from being considered by the Congress. What this bill does is provide the Senate and the House of Representatives with a more complete picture of what potential trade agreements involve beyond the obvious import and export quotas.

Regardless of how any senator feels about the free trade agreements that we review and debate, I think all of my colleagues will agree with me that increased international trade means an increased risk of importing bugs and diseases that have the potential to devastate our food sources, jeopardize the livelihoods of our farmers, and cost our states a fortune. We need to acknowledge the risk and put in place the best safeguards we can to prevent the accidental introduction of these harmful pests.

I am not merely speculating about the risk of invasive pests and disease. It is a fact that all of our States are battling insects and crop diseases and dreading the next outbreak. Most recently in Pennsylvania we discovered that the western part of our state is infested with the Emerald Ash Borer, an invasive beetle that was accidently imported to the U.S. through Detroit via wooden shipping pallets from China. This beetle is costing our commercial nursery growers millions of dollars in lost stock. Senator STABENOW knows better than anyone how much money, time and other resources the Ash Borer has cost the States of Michigan, Illinois, Indiana, Ohio, and Pennsylvania. But that's just one example. Orange growers in Florida have spent the past decade fighting to contain and eradicate citrus canker, an invasive disease that causes citrus trees to produce less and less fruit until they prematurely die. And California and Texas have dealt with expensive eradication programs to deal with the Mediterranean fruit fly or "Med fly."

The list goes on and on. And there isn't a single State that has not been impacted by invasive pests or diseases. So I hope that my colleagues will support the Agriculture Smart Trade Act, and help us make smart decisions that will protect our growers and our economy while opening new export markets. Because that is what this bill is about—smart trade.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agriculture Smart Trade Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) FREE TRADE AGREEMENT.—The term "free trade agreement" means a trade agreement entered into with a foreign country that provides for—

(A) the reduction or elimination of duties, import restrictions, or other barriers to or distortions of trade between the United States and the foreign country; or

(B) the prohibition of or limitation on the imposition of such barriers or distortions.

(2) INVASIVE AGRICULTURAL PESTS AND DISEASES.—The term "invasive agricultural pests and diseases" means agricultural pests and diseases, as determined by the Secretary of Agriculture—

(A) that are not native to ecosystems in the United States; and

(B) the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

(3) SANITARY AND PHYTOSANITARY MEASURE.—The term "sanitary and phytosanitary measure" has the meaning given that term in the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)).

SEC. 3. REQUIREMENT FOR REPORTS BEFORE INITIATING NEGOTIATIONS TO ENTER INTO FREE TRADE AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days before the date on which the President initiates formal negotiations with a foreign country to enter into a free trade agreement with that country, the President shall submit to Congress a report on—

(1) invasive agricultural pests or diseases in that country; and

(2) sanitary or phytosanitary measures imposed by the government of that country on goods imported into that country.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) INVASIVE AGRICULTURAL PESTS AND DISEASES.—With respect to any invasive agricultural pests or diseases in the country with which the President intends to negotiate a free trade agreement—

(A) a list of all invasive agricultural pests and diseases in that country;

(B) a list of agricultural commodities produced in the United States that might be affected by the introduction of such pests or diseases into the United States; and

(C) a plan for preventing the introduction into the United States of such pests and diseases, including an estimate of—

(i) the number of additional inspectors, officials, and other personnel necessary to prevent such introduction and the ports of entry at which the additional inspectors, officials, and other personnel will be needed; and

(ii) the total cost of preventing such introduction.

(2) SANITARY AND PHYTOSANITARY MEASURES.—With respect to sanitary or phytosanitary measures imposed by the government of the country with which the President intends to negotiate a free trade agreement on goods imported into that country—

(A) a list of any such sanitary and phytosanitary measures that may affect the exportation of agricultural commodities from the United States to that country;

(B) an assessment of the status of any petitions filed by the United States with the government of that country requesting that that country allow the importation into that country of agricultural commodities produced in the United States;

(C) an estimate of the economic potential for the exportation of agricultural commodities produced in the United States to that country if the free trade agreement enters into force; and

(D) an assessment of the effect of sanitary and phytosanitary measures imposed or proposed to be imposed by the government of that country on the economic potential described in subparagraph (C).

By Ms. SNOWE (for herself and Mr. BROWN):

S. 2910. A bill to require brokers to disclose and pay independent truckers for any fuel surcharges received from shippers that relate to fuel costs paid for by the truckers; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise to introduce legislation that I believe is vital to the survival and competitiveness of our nation's trucking industry. For too long, our small business motor freight carriers, who struggle every day to make ends meet, have had their concerns ignored and neglected. Today, as the entire trucking industry faces monumental economic challenges spurred by skyrocketing, record-breaking oil prices and exorbitant and volatile fuel costs, not to mention a detrimental slow-down in the hiring of new drivers, our independent operators are having to contend with a devastating economic downturn and enduring business failures—the likes of which this country has not seen since 2000.

During the first quarter of 2008, nearly one thousand motor carriers failed, and they were not just trucking companies with two or three trucks, but the average number of vehicles numbered 45 trucks! As you can imagine, the financial impact is enormous, especially given that the Bureau of Transportation Statistics projects freight to grow by more than 70 percent by 2020. Forestalling action is not an option if we are to sustain our trucking industry which is an undeniable, economic lifeline of this nation.

That is why I have taken this opportunity to join with Senator BROWN in introducing the Trust in Reliable Understanding of Consumer Costs (TRUCC) Act which would provide our small business operators and carriers with the long-denied fairness that is owed to them. It is time that these hard-working men and women free from stranglehold of unscrupulous brokers and middle-men who charge shippers for fuel costs, but refuse to pass on those costs to operators who actually pay for the fuel. Our bill would provide not only a clear line-item delineating the fuel surcharge in the contracts provided to our small business carriers, but also would guarantee that the entity in the transaction—whether a shipper, broker, or driver—who absorbs the consistently-rising cost of fuel will become the recipient of the fuel surcharge.

To our measure's detractors who mischaracterize it, calling it among other things—outrageous, I want to remind them that our focus is on small business motor carriers which comprise more than 90 percent of the truck industry, and that these individuals continue to traverse the country, carrying consumer goods and propelling our economy forward in the process. And they do so, despite the constant challenges that are part and parcel of this occupation . . . brokers who obfuscate the amount or even existence of fuel surcharges to the benefit of their own coffers, the escalation of fuel prices, maintenance costs for their vehicles, the long days or weeks of travel—sacrificing time away from their families in order to make a living, feed their families, and finance the education of their children. And so, Mr. President, I ask, how can we afford to turn a blind eye to the plight of these Americans whose livelihood is so integral to commerce in the great country? Merely wishing the problem away or simply keeping it out of sight and out of mind is neither tenable nor acceptable.

Make no mistake, not all brokers are bad actors, nor are all small business operators being exploited. That is precisely why the legislation Senator BROWN and I are offering today does not place onerous burdens on the logistics industry. We merely seek to ensure that an industry under siege on several fronts receives what its purveyors are rightfully entitled to—equitable treatment and a modicum of transparency. Is it too much to ask that they may see for themselves in a transaction who, if anyone, is receiving a fuel surcharge, and how much is being paid out for the cost of fuel? Is it too much to ask for an assurance that, if the motor carrier is willing to pay the high cost of fuel at the pump while transporting goods across this nation, that carrier will be reimbursed? The answer to both questions is a resounding, "No!" The solution to addressing this regrettable situation is our common-sense legislation the consideration of which is long overdue.

I urge all my colleagues who have small business motor carriers in their state to consider seriously this issue and lend their strong support to this welcomed legislation.

By Ms. MURKOWSKI (for herself and Mrs. MURRAY):

S. 2911. A bill to improve vaccination rates among children; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, today, I join with my colleague Senator MURRAY in introducing legislation that will help bolster childhood immunization in those parts of our country where immunization rates are much too low. Since the beginning of the 20th century, vaccines have completely eradicated the once frequent killer smallpox and almost eradicated polio. Vaccines save lives, avert communicable diseases and reduce health care spending for preventable diseases. We must continue in our efforts to achieve childhood immunization rates of 90 percent by 2010 and with passage of this bill, we can do just that.

Vaccines are one of the most effective tools for prevention of disease. According to the Centers for Disease Control and Prevention, for every $1 spent on vaccines, America saves $18.60 in both medical costs and societal costs. But more important than the cost saving is the weight and value we must place on ensuring that children are fully vaccinated. We must not lose one more child to a vaccine preventable disease. Childhood vaccines prevent over 10 million cases of infectious illness and nearly 34,000 childhood deaths in America every year. Clearly, vaccines are a tried and true way to not only reduce health care costs, but also to keep our children healthy.

The legislation Senator MURRAY and I are introducing today authorizes funding for effective interventions recommended by the Task Force on Community Preventive Services and helps to achieve childhood immunization rates of 90 percent by 2010. First, the legislation authorizes additional funding for a demonstration program allowing Women, Infant and Children clinics, also known as "WIC" to play a greater role in childhood immunizations. This is achieved by recommending vaccines to WIC recipients, coordinating care or immunization services, or employing an immunization coordinator. More than 45 percent of U.S. infants receive benefits through WIC clinics. A 2002 study by the National Foundation for Infectious Diseases recommended coordinating government benefits to keep children up-to-date with their immunizations and noted that WIC programs have successfully accomplished this in numerous communities. Our legislation would enhance such efforts and would even go a step further to require that any grantee using these funds have access to the State Immunization Information System to better coordinate immunization screenings and services.

Second, this legislation authorizes additional funding for the Centers for Disease Control and Prevention to conduct public, age appropriate immunization awareness campaigns and immunization education and outreach activities. Research shows that outreach, coupled with the coordination of immunization and WIC clinics, can increase childhood immunization rates by of approximately 12 percent.

Lastly, this legislation establishes a sense of the Senate concerning the importance of electronic record coordination by both the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, CDC, and that these leaders should work together to improve the integration of immunization information systems with electronic medical records, health information systems, and health information exchanges.

Vaccine preventable diseases will continue to be a threat to our Nation's most vulnerable population if we do not ensure proper vaccination among infants. Through this legislation, we can work to achieve the Healthy People 2010 objective of vaccinating 90 percent of all children by age two. To take a quote from a former First Lady of the United States and a cofounder of the organization Every Child by Two "No child in America should have to get sick from a vaccine preventable disease. It's time for us to redouble efforts to protect the 20 percent of preschoolers who are routinely not being immunized on time." The Infant Immunization Improvement Act will be a vital first step to increasing vaccination rates and will serve as an important safeguard against the spread of communicable diseases. I would like to thank the Partnership for Prevention for their input on this legislation and the 156 members of the 317 Coalition for endorsing the Infant Immunization Improvement Act. I urge my colleagues to cosponsor this legislation—because leaving a single child unprotected is one too many.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2913. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I join once again with Senator HATCH to introduce a bill that will have a significant and positive impact on our cultural heritage. Hundreds of thousands of so-called "orphan works"—works that may be protected by copyright, but whose owners cannot be identified or located—are collecting dust. Despite tremendous interest in using these orphan works in new collections and new creations, they often languish unseen, because those who would like to bring them to light, and to the attention of the world, fear the prospect of prohibitively expensive statutory damages. In other instances, the copyright in an orphan work may have expired, but potential users lack the information to be certain of the propriety of going forward with its use.

The Shawn Bentley Orphan Works Act of 2008 will remedy this situation. It will help potential users of orphan works find the owners of those works, and it will help the owners to receive compensation. The works will no longer be orphans; their owners will reap the financial benefits of their use, while the public reaps the creative benefits. More creative works will be used, contributing to our cultural and artistic heritage, and more creators will receive compensation for use of their work.

Our legislation permits the use of an orphan work only if the potential user performs and documents a good faith search for the copyright owner. If users cannot locate and contact copyright owners, they may use the orphan work. But if copyright owners later make themselves known, and if users have performed a search that qualifies under this legislation, owners are entitled to reasonable compensation. The user will not be liable for full statutory damages in those circumstances, but if a user does not perform that good faith search, the user will face up to $150,000 in statutory damages.

In practical terms, then, what does this mean? It means that a woman in Vermont can restore a wedding photograph of her grandparents, even if she cannot locate the photographer to get permission to do so. It means that a library can display letters of American soldiers wrote during World War II, even if the library cannot contact the soldiers or their descendents. It means that museums can exhibit Depression-era photographs, even if they cannot determine the name of the photographer.

What this bill does not do is create a "license to infringe." In any of the above instances, if the users do not conduct a good faith search for the copyright owner, those users are in the same boat they are in now when it comes to infringement. This bill does not change the basic premise of copyright law: If you use the copyrighted works of others, you must compensate them for it. As an avid photographer, I understand what it means to devote oneself to creative expression, and I applaud anyone with the talent and commitment to make a living doing so. Orphan works are too important to our families, our communities, and our culture to go left unseen and unused.

I thank Senator HATCH for his help in developing this legislation, and I look forward to working with him to ensure that this bill becomes law. I am especially pleased to name this bill for Shawn Bentley. Several years ago, Shawn died, tragically young, but he left behind a legacy of affection and regard for all of us who knew him. He served Senator HATCH as a counsel for intellectual property, and it was he who first inspired this effort on orphan works. Naming this bill for him is a testament to his dedication to the issue, and his value to the Judiciary Committee.

I ask unanimous consent that the full bill text be included in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shawn Bentley Orphan Works Act of 2008".

SEC. 2. LIMITATION ON REMEDIES IN CASES INVOLVING ORPHAN WORKS.

(a) LIMITATION ON REMEDIES.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"§ 514. Limitation on remedies in cases involving orphan works

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) MATERIALS AND STANDARDS.—The term 'materials and standards' includes—

"(A) the records of the Copyright Office that are relevant to identifying and locating copyright owners;

"(B) sources of copyright ownership information reasonably available to users, including private databases;

"(C) industry practices and guidelines of associations and organizations;

"(D) technology tools and expert assistance, including resources for which a charge or subscription fee is imposed, to the extent that the use of such resources is reasonable for, and relevant to, the scope of the intended use; and

"(E) electronic databases, including databases that are available to the public through the Internet, that allow for searches of copyrighted works and for the copyright owners of works, including through text, sound, and image recognition tools.

"(2) NOTICE OF CLAIM FOR INFRINGEMENT.—The term 'notice of the claim for infringement' means, with respect to a claim for copyright infringement, a written notice that includes at a minimum the following:

"(A) The name of the owner of the infringed copyright.

"(B) The title of the infringed work, any alternative titles of the infringed work known to the owner of the infringed copyright, or if the work has no title, a description in detail sufficient to identify it.

"(C) An address and telephone number at which the owner of the infringed copyright may be contacted.

"(D) Information from which a reasonable person could conclude that the owner of the infringed copyright's claims of ownership and infringement are valid.

"(3) OWNER OF THE INFRINGED COPYRIGHT.—The 'owner of the infringed copyright' is the legal owner of the exclusive right under section 106, or any party with the authority to grant or license such right, that is applicable to the infringement.

"(4) REASONABLE COMPENSATION.—The term 'reasonable compensation' means, with respect to a claim for infringement, the amount on which a willing buyer and willing seller in the positions of the infringer and the owner of the infringed copyright would have agreed with respect to the infringing use of the work immediately before the infringement began.

"(b) CONDITIONS FOR ELIGIBILITY.—

"(1) CONDITIONS.—

"(A) IN GENERAL.—Notwithstanding sections 502 through 505, and subject to subparagraph (B), in a civil action brought under this title for infringement of copyright in a work, the remedies for infringement shall be limited in accordance with subsection (c) if the infringer—

"(i) proves by a preponderance of the evidence that before the infringement began, the infringer, a person acting on behalf of the infringer, or any person jointly and severally liable with the infringer for the infringement—

"(I) performed and documented a qualifying search, in good faith, for the owner of the infringed copyright; and

"(II) was unable to locate the owner of the infringed copyright;

"(ii) provided attribution, in a manner that is reasonable under the circumstances, to the owner of the infringed copyright, if such owner was known with a reasonable degree of certainty, based on information obtained in performing the qualifying search;

"(iii) included with the use of the infringing work a symbol or other notice of the use of the infringing work, in a manner prescribed by the Register of Copyrights;

"(iv) asserts in the initial pleading to the civil action the right to claim such limitations;

"(v) consents to the jurisdiction of United States district court, or such court holds that the infringer is within the jurisdiction of the court; and

"(vi) at the time of making the initial discovery disclosures required under Rule 26 of the Federal Rules of Civil Procedure, states with particularity the basis for the right to claim the limitations, including a detailed description and documentation of the search undertaken in accordance with paragraph (2)(A).

"(B) EXCEPTION.—Subparagraph (A) does not apply if, after receiving notice of the claim for infringement and having an opportunity to conduct an expeditious good faith investigation of the claim, the infringer—

"(i) fails to negotiate reasonable compensation in good faith with the owner of the infringed copyright; or

"(ii) fails to render payment of reasonable compensation in a reasonably timely manner.

"(2) REQUIREMENTS FOR SEARCHES.—

"(A) REQUIREMENTS FOR QUALIFYING SEARCHES.—

"(i) IN GENERAL.—For purposes of paragraph (1)(A)(i)(I), a search is qualifying if the infringer undertakes a diligent effort to locate the owner of the infringed copyright.

"(ii) DETERMINATION OF DILIGENT EFFORT.—In determining whether a search is diligent under this subparagraph, a court shall consider whether—

"(I) the actions taken in performing that search are reasonable and appropriate under the facts relevant to that search, including whether the infringer took actions based on facts uncovered by the search itself;

"(II) the infringer employed the applicable best practices maintained by the Register of Copyrights under subparagraph (B); and

"(III) the infringer performed the search before using the work and at a time that was reasonably proximate to the commencement of the infringement.

"(iii) LACK OF IDENTIFYING INFORMATION.—The fact that a particular copy or phonorecord lacks identifying information pertaining to the owner of the infringed copyright is not sufficient to meet the conditions under paragraph (1)(A)(i)(I).

"(B) INFORMATION TO GUIDE SEARCHES; BEST PRACTICES.—

"(i) STATEMENTS OF BEST PRACTICES.—The Register of Copyrights shall maintain and make available to the public, including through the Internet, current statements of best practices for conducting and documenting a search under this subsection.

"(ii) CONSIDERATION OF RELEVANT MATERIALS AND STANDARDS.—In maintaining the statements of best practices required under clause (i), the Register of Copyrights shall, from time to time, consider materials and standards that may be relevant to the requirements for a qualifying search under subparagraph (A).

"(3) PENALTY FOR FAILURE TO COMPLY.—If an infringer fails to comply with any requirement under this subsection, the infringer is subject to all the remedies provided in section 502 through 505, subject to section 412.

"(c) LIMITATIONS ON REMEDIES.—The limitations on remedies in a civil action for infringement of a copyright to which this section applies are the following:

"(1) MONETARY RELIEF.—

"(A) GENERAL RULE.—Subject to subparagraph (B), an award for monetary relief (including actual damages, statutory damages, costs, and attorney's fees) may not be made other than an order requiring the infringer to pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright for the use of the infringed work.

"(B) FURTHER LIMITATIONS.—An order requiring the infringer to pay reasonable compensation for the use of the infringed work may not be made under subparagraph (A) if the infringer is a nonprofit educational institution, museum, library, or archives, or a public broadcasting entity (as defined in subsection (f) of section 118) and the infringer proves by a preponderance of the evidence that—

"(i) the infringement was performed without any purpose of direct or indirect commercial advantage;

"(ii) the infringement was primarily educational, religious, or charitable in nature; and

"(iii) after receiving notice of the claim for infringement, and after conducting an expeditious good faith investigation of the claim, the infringer promptly ceased the infringement.

"(C) EXCEPTION TO FURTHER LIMITATION.—Notwithstanding the limitation established under subparagraph (B), if the owner of an infringed copyright proves, and a court finds, that the infringer has earned proceeds directly attributable to the use of the infringed work by the infringer, the portion of such proceeds attributable to such infringement may be awarded to the owner.

"(2) INJUNCTIVE RELIEF.—

"(A) GENERAL RULE.—Subject to subparagraph (B), the court may impose injunctive relief to prevent or restrain any infringement alleged in the civil action.

"(B) EXCEPTION.—In a case in which the infringer has prepared or commenced preparation of a work that recasts, transforms, adapts, or integrates the infringed work with a significant amount of the infringer's original expression, any injunctive relief ordered by the court—

"(i) may not restrain the infringer's continued preparation or use of that new work;

"(ii) shall require that the infringer pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright for the use of the infringed work; and

"(iii) shall require that the infringer provide attribution, in a manner that is reasonable under the circumstances, to the owner of the infringed copyright, if requested by such owner.

"(C) LIMITATIONS.—The limitations on injunctive relief under subparagraphs (A) and (B) shall not be available to an infringer if the infringer asserts in the civil action that neither the infringer or any representative of the infringer acting in an official capacity is subject to suit in the courts of the United States for an award of damages to the legal or beneficial owner of the exclusive right under the infringed copyright under section 106, unless the court finds that the infringer—

"(i) has complied with the requirements of subsection (b); and

"(ii) has made an enforceable promise to pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright.

"(D) RULE OF CONSTRUCTION.—Nothing in subparagraph (C) shall be construed to authorize or require, and no action taken under such subparagraph shall be deemed to constitute, either an award of damages by the court against the infringer or an authorization to sue a State.

"(E) RIGHTS AND PRIVILEGES NOT WAIVED.—No action taken by an infringer under subparagraph (C) shall be deemed to waive any right or privilege that, as a matter of law, protects the infringer from being subject to suit in the courts of the United States for an award of damages to the legal or beneficial owner of the exclusive right under the infringed copyright under section 106.

"(d) PRESERVATION OF OTHER RIGHTS, LIMITATIONS, AND DEFENSES.—This section does not affect any right, limitation, or defense to copyright infringement, including fair use, under this title. If another provision of this title provides for a statutory license that would permit the infringement contemplated by the infringer if the owner of the infringed copyright cannot be located, that provision applies instead of this section.

"(e) Copyright for Derivative Works and Compilations.—Notwithstanding section 103(a), an infringer who qualifies for the limitation on remedies afforded by this section with respect to the use of a copyrighted work shall not be denied copyright protection in a compilation or derivative work on the basis that such compilation or derivative work employs preexisting material that has been used unlawfully under this section.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"514. Limitation on remedies in cases involving orphan works.".

SEC. 3. DATABASE OF PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS.

(a) Establishment of Database.—

(1) In general.—The Register of Copyrights shall undertake a certification process for the establishment of an electronic database that facilitates the search for pictorial, graphic, and sculptural works that are subject to copyright protection under title 17, United States Code.

(2) Process and standards for certification.—The process and standards for certification of the electronic database required under paragraph (1) shall be established by the Register of Copyrights, except that certification may not be granted if the electronic database does not contain—

(A) the name of all authors of the work, if known, and contact information for any author if the information is readily available;

(B) the name of the copyright owner if different from the author, and contact information of the copyright owner;

(C) the title of the copyrighted work, if such work has a title;

(D) with respect to a copyrighted work that includes a visual image, a visual image of the work, or, if such a visual image is not available, a description sufficient to identify the work;

(E) one or more mechanisms that allow for the search and identification of a work by both text and image; and

(F) security measures that reasonably protect against unauthorized access to, or copying of, the information and content of the electronic database.

(b) Public Availability.—The Register of Copyrights—

(1) shall make available to the public through the Internet a list of all electronic databases that are certified in accordance with this section; and

(2) may include any database so certified in a statement of best practices established under section 514(b)(5)(B) of title 17, United States Code.

SEC. 4. EFFECTIVE DATE.

(a) In General.—With respect to works other than pictorial, graphic, and sculptural works, the amendments made by section 2 shall apply to infringements that commence on or after January 1, 2009.

(b) Pictorial, Graphic, and Sculptural Works.—With respect to pictorial, graphic, and sculptural works, the amendments made by section 2 shall—

(1) take effect on the earlier of—

(A) the date on which the Copyright Office certifies under section 3 at least 2 separate and independent searchable, comprehensive, electronic databases, that allow for searches of copyrighted works that are pictorial, graphic, and sculptural works, and are available to the public through the Internet; or

(B) January 1, 2011; and

(2) apply to infringing uses that commence on or after that effective date.

(c) Publication in Federal Register.—The Register of Copyrights shall publish the effective date described in subsection (b)(1) in the Federal Register, together with a notice that the amendments made by section 2 take effect on that date with respect to pictorial, graphic, and sculptural works.

(d) Definition.—In this section, the term "pictorial, graphic, and sculptural works" has the meaning given that term in section 101 of title 17, United States Code.

SEC. 5. REPORT TO CONGRESS.

Not later than December 12, 2014, the Register of Copyrights shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the implementation and effects of the amendments made by section 2, including any recommendations for legislative changes that the Register considers appropriate.

SEC. 6. STUDY ON REMEDIES FOR SMALL COPYRIGHT CLAIMS.

(a) In General.—The Register of Copyrights shall conduct a study with respect to remedies for copyright infringement claims by an individual copyright owner or a related group of copyright owners seeking small amounts of monetary relief, including consideration of alternative means of resolving disputes currently heard in the United States district courts. The study shall cover the infringement claims to which section 514 of title 17, United States Code, apply, and other infringement claims under such title 17.

(b) Procedures.—The Register of Copyrights shall publish notice of the study required under subsection (a), providing a period during which interested persons may submit comments on the study, and an opportunity for interested persons to participate in public roundtables on the study. The Register shall hold any such public roundtables at such times as the Register considers appropriate.

(c) Report to Congress.—Not later than 2 years after the date of the enactment of this Act, the Register of Copyrights shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the study conducted under this section, including such administrative, regulatory, or legislative recommendations that the Register considers appropriate.

SEC. 7. STUDY ON COPYRIGHT DEPOSITS.

(a) In General.—The Comptroller General of the United States shall conduct a study examining the function of the deposit requirement in the copyright registration system under section 408 of title 17, United States Code, including—

(1) the historical purpose of the deposit requirement;

(2) the degree to which deposits are made available to the public currently;

(3) the feasibility of making deposits, particularly visual arts deposits, electronically searchable by the public for the purpose of locating copyright owners; and

(4) the impact any change in the deposit requirement would have on the collection of the Library of Congress.

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the study conducted under this section, including such administrative, regulatory, or legislative recommendations that the Comptroller General considers appropriate.

By Mr. STEVENS (for himself, Mr. Inouye, Mr. Smith, Mr. Dorgan, Mr. Thune, Mr. Pryor, and Ms. Snowe):

S. 2919. A bill to promote the accurate transmission of network traffic identification information; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, to help end the growing problem of phantom traffic, today I introduce the "Signaling Modernization Act of 2008." Senators Inouye, Smith, Dorgan, Thune, Pryor, and Snowe cosponsored this bill. Phantom traffic is a phone call sent over the telephone network without the identifying information carriers use to bill each other.

When I call home to Alaska, that call is transmitted over several different carriers. Phone companies charge each other for the use of their networks. The funds generated by these charges are particularly important to carriers in Alaska and throughout rural America. Phantom traffic prevents carriers from collecting the funds they are owed, impacting universal service and raising rates for rural customers.

It's time Congress pulled back the mask on phantom traffic to discover who or what is behind this problem that has plagued carriers for several years. The Federal Communications Commission is actively analyzing the issue, but it is time we find a solution.

Yesterday the Commerce Committee heard from a member of the National Telecommunications Cooperative Association from rural Missouri. He told us that 11 percent of their traffic did not have sufficient information for billing, causing them to lose about $37 per line per year. This loss of revenue makes it more difficult for rural carriers to deploy broadband.

Our bill will require all calls from voice communications service providers to contain enough information to allow carriers to bill each other, including voice over internet protocol providers offering 2-way service and providers transiting the traffic between originating and terminating providers. Our bill also directs the FCC to establish rules implementing this requirement within 12 months of enactment, and gives it the authority to adopt enforcement provisions. Phantom traffic steals from rural carriers and customers. I hope Congress and the FCC will look at this issue closely and put an end to phantom traffic.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 530—DESIGNATING THE WEEK BEGINNING OCTOBER 5, 2008, AS "NATIONAL SUDDEN CARDIAC ARREST AWARENESS WEEK"

Mr. DORGAN (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 530

Whereas sudden cardiac arrest is a leading cause of death in the United States;

Whereas sudden cardiac takes the lives of more than 250,000 people in the United States each year, according to the Heart Rhythm Society;

Whereas anyone can experience sudden cardiac arrest, including infants, high school athletes, and people in their 30s and 40s who have no sign of heart disease;

Whereas sudden cardiac arrest is extremely deadly, with the National Heart, Lung, and Blood Institute giving it a mortality rate of approximately 95 percent;

Whereas, to have a chance of surviving an attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack;

Whereas, for every minute that passes without a shock from an automated external defibrillator, the chance of survival decreases by approximately 10 percent;

Whereas lifesaving treatments for sudden cardiac arrest are effective if they can be administered in time;

Whereas, according to joint research by the American College of Cardiology and the American Heart Association, implantable cardioverter defibrillators are 98 percent effective at protecting those at risk for sudden cardiac arrest;

Whereas, according to the American Heart Association, cardiopulmonary resuscitation and early defibrillation with an automated external defibrillator more than double a victim's chances of survival;

Whereas the Yale-New Haven Hospital and the New England Journal of Medicine state that women and African Americans are at a higher risk than the general population of dying as a result of sudden cardiac arrest, yet this fact is not well known to those at risk;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of sudden cardiac arrest and related therapies among medical professionals and the greater public in order to promote early detection and proper treatment of this disease and to improve quality of life; and

Whereas early October is an appropriate time to observe National Sudden Cardiac Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 5, 2008, as "National Sudden Cardiac Arrest Awareness Week";

(2) supports—

(A) the goals and ideals of National Sudden Cardiac Arrest Awareness Week; and

(B) efforts to educate people about sudden cardiac arrest and to raise awareness about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;

(3) acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and

(4) calls upon the people of the United States to observe this week with appropriate programs and activities.

SENATE RESOLUTION 531—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. BOXER, Mr. LEVIN, Mr. DURBIN, Mr. INOUYE, Mr. SANDERS, Mr. DODD, Mr. CASEY, Mr. LAUTENBERG, Mr. AKAKA, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 531

Whereas approximately 63 percent of the Nation's children under age 5 are in nonparental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,300,000 workers;

Whereas the average salary of early care and education workers is $18,820 per year, and only ⅓ of these workers have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to the children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and cognitive skills and helping them to be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources can be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early care and education workforce is critical to ensuring high-quality early learning environments;

Whereas child care workers should receive compensation commensurate with their training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, with support from the National Association for the Education of Young Children and other early childhood organizations, recognizes May 1 as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2008, as National Child Care Worthy Wage Day; and

(2) calls on the people of the United States to observe National Child Care Worthy Wage Day by honoring early childhood care and education staff and programs in their communities.

SENATE RESOLUTION 532—RECOMMENDING THAT THE LANGSTON GOLF COURSE, LOCATED IN NORTHEAST WASHINGTON, DC, AND OWNED BY THE NATIONAL PARK SERVICE, BE RECOGNIZED FOR ITS IMPORTANT LEGACY AND CONTRIBUTIONS TO AFRICAN-AMERICAN GOLF HISTORY, AND FOR OTHER PURPOSES

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 532

Whereas the Langston Golf Course was designated for construction by the Department of the Interior in the 1930s as a safe and expanded recreational facility for the local and national African-American communities;

Whereas Langston Golf Course was named for John Mercer Langston, the first African-American Representative elected to Congress from the State of Virginia, and who also was a founder of the Howard University Law School;

Whereas the Langston Golf Course is believed to be the first regulation course in the United States to be built almost entirely on a refuse landfill;

Whereas Langston Golf Course has been placed on the National Register of Historic Places, and the Capitol City Open golf tournament has made Langston Golf Course its home for the past 40 years;

Whereas the first American-born golf professional of African-American ancestry was John Shippen, who was born circa 1878 in the Anacostia area of Washington, placed 5th in the second United States Open golf tournament in 1896 at 16 years old, and helped found the Capitol City Golf Club in 1925;

Whereas the Capitol City Golf Club, eventually renamed the Royal Golf Club and Wake Robin Women's Club, has historically promoted a safe golf facility for African-Americans in Washington, especially during an era when few facilities were available, and these 2 clubs remain the oldest African American golf clubs in the United States;

Whereas the Langston facility continues to provide important recreational outlets, instructional forums, and a "safe haven center" for the enhancement of the lives of the city of Washington's inner city youth;

Whereas the Langston Golf Course and related recreational facilities provide a home for the Nation's important minority youth "First Tee" golf instruction and recreational program in Washington;

Whereas Langston Golf Course's operations and its related facilities seek to increase course-based educational opportunities under the auspices of the National Park Service for persons under 18 years of age, particularly those from populations of the inner-city and historically under-represented among visitors to units of the National Park System;

Whereas the preservation and ecologically balanced enhancements via future public and private funding for the lands making up the 212 acres of the Langston Golf Course will contribute a positive benefit to the National Park System's Environmental Leadership projects program, the Anacostia River Watershed, the city of Washington, and the entire metropolitan area;

Whereas Federal funds for enhancements to the Langston course have perennially been promised but rarely provided, even after the designation of Langston Golf

Course as a "Legacy Project for the 21st Century", and after significant private funding and contributions were committed and provided; and

Whereas the Langston Golf Course and related recreational facilities have traditionally provided additional quality of life value to all residents of Washington, DC, and will do more so once upgraded to meet its obvious athletic and historical promise: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Langston Golf Course, its general management, and the Royal Golf and Wake Robin Golf Clubs are to be commended for their historical and ongoing contributions to the local community and the Nation;

(2) the Director of the National Park Service and the Secretary of the Interior should give appropriate consideration to the future budget needs of this important park in the National Park System; and

(3) the Secretary of the Senate should transmit an enrolled copy of this resolution to the general manager of the Langston Golf Course.

SENATE RESOLUTION 533—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POLITICAL SITUATION IN ZIMBABWE

Mr. KERRY (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. OBAMA, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 533

Whereas, on March 29, 2008, parliamentary and presidential elections were held in Zimbabwe amid widespread reports of voting irregularities in favor of the ruling Zimbabwe African National Union-Patriotic Front (ZANU–PF) party and President Robert Mugabe, including, according to the Department of State, "production of far more ballots than there were registered voters...[and] the allowance of police in polling places";

Whereas official results showed that the opposition Movement for Democratic Change (MDC) won a majority of seats in the parliamentary elections, and independent monitors concluded based on initially posted results that MDC leader Morgan Tsvangirai received substantially more votes than President Mugabe in the presidential election;

Whereas, as of April 24, 2008, the Zimbabwe Electoral Commission has still not released the results of the presidential election, despite calls to do so by the African Union (AU), the European Union, the Government of South Africa, the Southern African Development Community (SADC), United Nations Secretary-General Ban Ki Moon, and the United States;

Whereas, on April 19, 2008, the Zimbabwe Electoral Commission officially commenced recounting ballots cast in 23 parliamentary constituencies, primarily in districts that did not support candidates affiliated with ZANU–PF;

Whereas, on April 21, 2008, British Foreign Secretary David Miliband stated that the ongoing recount was potentially a "charade of democracy" that "only serves to fuel suspicion that President Mugabe is seeking to reverse the results that have been published, to regain a majority in parliament, and to amplify his own count in the presidential election," and accused him of trying "to steal the election";

Whereas, the Government of Zimbabwe has arrested numerous members of the media and election officials, and over 1,000 Zimbabweans have reportedly been fleeing into South Africa every day, while forces loyal to the government have engaged in a brutal and systematic effort to intimidate voters;

Whereas, on April 20, 2008, the MDC released a detailed report showing that more than 400 of its supporters had been arrested, 500 had been attacked, 10 had been killed, and 3,000 families had been displaced, and Human Rights Watch reported on April 19, 2008, that ZANU–PF is operating "torture camps" where opposition supporters are being beaten;

Whereas United States Ambassador to the United Nations Zalmay Khalilzad stated on April 16, 2008, that he was "gravely concerned about the escalating politically motivated violence perpetrated by security forces and ruling party militias";

Whereas, while there is currently no international embargo on arms transfers to Zimbabwe, a Chinese ship carrying weapons destined for Zimbabwe was recently prevented from unloading its cargo in Durban, South Africa, and has been denied access to other ports in the region due to concerns that the weapons could further destabilize the situation in Zimbabwe;

Whereas Secretary of State Condoleezza Rice stated on April 17, 2008, that President Mugabe has "done more harm to his country than would have been imaginable . . . the last years have been really an abomination . . ." and called for the AU and SADC to play a greater role in resolving the crisis;

Whereas, the Department of State's 2007 Country Report on Human Rights Practices stated that, in Zimbabwe, "the ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions occurred. State sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists"; and

Whereas annual inflation in Zimbabwe is reportedly running over 150,000 percent, unemployment stands at over 80 percent, hunger affects over 4,000,000 people, and an estimated 3,500 people die each week from hunger, disease, and other causes related to extremely poor living conditions: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to support the people of Zimbabwe, who have been subjected to incredible hardships, including violence, political repression, and severe economic deprivation, in their aspirations for a free, democratic, and more prosperous future;

(2) to call for an immediate cessation of politically motivated violence, detentions, and efforts to intimidate the people of Zimbabwe perpetrated by Zimbabwe's security forces and militias loyal to ZANU–PF;

(3) that the Zimbabwe Electoral Commission should immediately release the legitimate results of the presidential election and ratify the previously announced results of the parliamentary elections;

(4) that President Robert Mugabe should accept the will of the people of Zimbabwe in order to effect a timely and peaceful transition to genuine democratic rule;

(5) that regional organizations, including SADC and the AU, should play a sustained and active role in resolving the crisis peacefully and in a manner that respects the will of the people of Zimbabwe;

(6) that the United Nations Security Council should be seized of the issue of Zimbabwe, support efforts to bring about a peaceful resolution of the crisis that respects the will of the people of Zimbabwe, and impose an international arms embargo on Zimbabwe until a legitimate democratic government has taken power;

(7) that the United States Government and the international community should impose targeted sanctions against additional individuals in the Government of Zimbabwe and state security services and militias in Zimbabwe who are responsible for human rights abuses and interference in the legitimate conduct of the elections in Zimbabwe; and

(8) that the United States Government and the international community should work together to prepare a comprehensive economic and political recovery package for Zimbabwe in the event that a genuinely democratic government is formed and commits to implementing key constitutional, economic, and political reforms.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4576. Mr. AKAKA (for himself and Mr. BURR) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.

SA 4577. Mr. WYDEN (for himself, Mr. BENNETT, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 334, to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; which was referred to the Committee on Finance.

TEXT OF AMENDMENTS

SA 4576. Mr. AKAKA (for himself and Mr. BURR) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes; as follows:

On page 12, beginning on line 8, strike "June 1, 2008" and insert "April 1, 2009".

On page 13, line 17, strike "January 1, 2008" and insert "January 1, 2009".

On page 14, line 9, strike "January 1, 2008" and insert "January 1, 2009"

On page 29, line 7, strike "October 1, 2007" and insert "October 1, 2008".

On page 29, line 12, strike "December 31, 2008" and insert "December 31, 2009".

On page 30, line 19, strike "December 31, 2008" and insert "December 31, 2009".

On page 35, line 22, add after the period the following: "The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010.".

On page 38, beginning on line 21, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 41, line 16, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 18, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 24, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 42, line 1, strike "the date of the enactment of this Act" and insert "that date".

On page 59, line 17, strike "October 1, 2007" and insert "October 1, 2008".

On page 62, line 22, strike "October 1, 2007" and insert "October 1, 2008".

On page 67, line 23, strike "October 1, 2007" and insert "October 1, 2008".

On page 71, beginning on line 9, strike "October 1, 2007, and ending on September 30, 2011" and insert "October 1, 2008, and ending on September 30, 2012".

On page 71, line 23, strike "March 31, 2011" and insert "March 31, 2012".

On page 72, line 3, strike "September 30, 2011" and insert "September 30, 2012".

On page 72, line 14, strike "fiscal years 2008 through 2011" and inserting "fiscal years 2009 through 2012".

On page 73, line 4, strike "fiscal year 2011" and insert "fiscal year 2012".

On page 75, beginning on line 22, strike "December 31, 2010" and insert "December 31, 2011".

SA 4577. Mr. WYDEN (for himself, Mr. BENNETT, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 334, to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; which was referred to the Committee on Finance; as follows:

On page 7, line 18, strike the period and insert the following: "or an employer-sponsored health coverage plan described under section 103 offered by an employer.".

On page 11, beginning on line 3, strike "offered through the HHA of the adult individual's State of residence".

On page 12, beginning on line 4, strike "offered through the HHA of the adult individual's State of residence".

On page 16, between lines 3 and 4, insert the following:

SEC. 103. HEALTH COVERAGE PLANS OFFERED BY EMPLOYERS.

(a) PLAN REQUIREMENTS.—

(1) IN GENERAL.—A health coverage plan described in section 105(h)(6) of the Internal Revenue Code of 1986 (relating to self-insured plans) that is offered by an employer shall be subject to—

(A) the requirements of subtitle B (except for subsections (a), (d)(2), and (d)(4) of section 111); and

(B) a risk-adjustment mechanism used to spread risk across all health plans.

(2) OTHER PLANS.—A health coverage plan that is not described in section 105(h)(6) of the Internal Revenue Code of 1986 that is offered by an employer shall be subject to the requirements of subtitle B (except for subsection (a) of section 111).

(b) DISTRIBUTION OF INFORMATION.—Employers that offer an employer-sponsored health coverage plan shall distribute to employees standardized, unbiased information on HAPI plans and supplemental health insurance options provided by the State HHA under section 502(b).

(c) PLANS OFFERED THROUGH EMPLOYERS.—An employer-sponsored health coverage plan shall be offered by an employer and not through the applicable State HHA.

On page 22, on line 13, insert "(including a risk-adjustment mechanism)" after "rating principals".

On page 102, line 19, insert "The preceding sentence shall not apply to any employer who has less than 10 employees." after "when paid.".

On page 117, line 9, insert "(except for employer-sponsored health coverage plans described under section 103 offered by employers)" after "HHA".

On page 117, between lines 15 and 16, insert the following:

(4) make risk-adjusted payments to all health insurance issuers and employers offering a HAPI plan in such State to account for the specific population covered by the plan, in accordance with guidelines established by the Secretary;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 9:30 a.m., in closed session to receive a briefing on a sensitive intelligence matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 24, 2008, at 10 a.m., to conduct a committee hearing entitled "Turmoil in U.S. Credit Markets: Examining the U.S. Regulatory Framework Assessing Sovereign Investments."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session during the session of the Senate on Thursday, April 24, 2008, at 10:30 a.m., in Room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session during the session of the Senate on Thursday, April 24, 2008, at 2:30 p.m., in Room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 10 a.m., in Room 215 of the Dirksen Senate Office Building, to hear testimony on "Tax Aspects of a Cap-and-Trade System."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 9:30 a.m. to hold a hearing on implementing smart power: setting an agenda for national security reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 2 p.m. to hold a hearing on international debt relief.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 4:45 p.m. to hold a briefing on a classified matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "Restoring FDA's Ability to Keep America's Families Safe" on Thursday, April 24, 2008. The hearing will commence at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 24, at 9 a.m. in Room 562 of the Dirksen Senate Office Building to conduct a business meeting on pending issues to be followed immediately by an oversight hearing on "Recommendations for Improving the Federal Acknowledgment Process."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 24, 2008, at 10 a.m. in Room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on April 24, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 9:30 a.m. in order to conduct a hearing entitled, "Addressing Iran's Nuclear Ambitions."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 2 p.m. in order to conduct a hearing entitled, "Beyond Control: Reforming Export Licensing Agencies for National Security and Economic Interests."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "An Examination of the Delta-Northwest Merger" on Thursday, April 24, 2008, at 2 p.m., in Room SD–226 of the Dirksen Senate Office Building. The witness list is not yet available.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. AKAKA. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, April 24, 2008, at 2:15 p.m., in Room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jeryle Greene and Mindy Van Woerkom of my staff be granted the privilege of the floor for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, on behalf of Senator DODD, I ask unanimous consent that Pam Bradley, a fellow in Senator DODD's office, be granted floor privileges for the duration of consideration of the Genetic Information Nondiscrimination Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 383, H.R. 2881, the FAA Reauthorization Act of 2007, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the motion to proceed to Calendar No. 383, H.R. 2881, the FAA reauthorization bill:
>
> Harry Reid, Daniel K. Inouye, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus.

Mr. REID. Mr. President, I ask unanimous consent that on Monday, April 28, the Senate resume consideration of the motion to invoke cloture at 4:30, with the time until 5:30 equally divided and controlled between the two leaders or their designees; and that at 5:30 the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 2881, with the mandatory quorum call being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN ENROLLED BILLS

Mr. REID. I ask unanimous consent the majority leader be authorized to sign duly enrolled bills and joint resolutions through the recess or adjournment of the Senate until Monday, April 28, of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

AWARDING THE CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

Mr. REID. I ask unanimous consent that the Banking Committee be discharged from consideration of H.R. 4286.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 4286) to award the Congressional Gold Medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights and democracy in Burma.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I rise today to note Senate passage of H.R. 4286, legislation that would award the Congressional Gold Medal to the jailed prodemocracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi. The bill now goes to the President for his signature.

I am pleased to report that this legislation has enjoyed broad bipartisan support. Once again I am joined in this effort by my friend, the senior Senator from California. Senator FEINSTEIN and I introduced this legislation and it has 76 cosponsors. In this regard, I would like to thank Rich Harper of Senator FEINSTEIN's staff and Lucy Bean of my staff for their work on the bill.

When first established in 1776, the Congressional Gold Medal was given to military leaders for their achievements in battle. Since that time, it has become America's highest civilian honor, having been bestowed upon great friends of freedom such as Winston Churchill, Nelson Mandela and Martin Luther King, Jr. Granting Suu Kyi the Gold Medal would continue that same tradition of honoring heroism in the defense of liberty.

For more than 20 years, Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta, the State Peace and Development Council, SPDC. She and her supporters have combated the brutality of the junta with peaceful protest and resistance. She has chosen dignity as her weapon, and she has found allies around the world to aid her in her struggle.

Despite the efforts of Suu Kyi and her allies, the SPDC will soon place a sham constitution before the people of Burma for an up-or-down vote. This might sound democratic, but no one is fooled. This proposed constitution includes language that would forbid Suu Kyi from holding public office. Criticism of the document is a criminal offense. The true intent behind the proposed constitution is not the expansion of democratic principles. Its true purpose is to legitimize and make permanent the military junta and its brutal tyranny.

By awarding Suu Kyi the Congressional Gold Medal, we in Congress are letting the world know that the American people stand with Suu Kyi and the freedom-loving people of Burma and against the junta and the illegitimate charter it is propounding.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, there be no intervening action or debate, and that all statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the third reading and passage of the bill.

The bill (H.R. 4286) was ordered to a third reading, was read the third time, and passed.

NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mr. REID. I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. Res. 510 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 510) supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and all statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 510) was agreed to.

The preamble was agreed to.

The resolution, with its preambles, reads as follows:

Whereas cystic fibrosis is one of the most common life-threatening genetic diseases in the United States and one for which there is no known cure;

Whereas the average life expectancy of an individual with cystic fibrosis is 37 years, an improvement from a life expectancy in the 1960s where children did not live long enough to attend elementary school, but still unacceptably short;

Whereas approximately 30,000 people in the United States have cystic fibrosis, more than half of them children;

Whereas 1 of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas more than 10,000,000 Americans are unknowing, symptom-free carriers of the cystic fibrosis gene;

Whereas the Centers for Disease Control and Prevention recommend that all States consider newborn screening for cystic fibrosis;

Whereas the Cystic Fibrosis Foundation urges all States to implement newborn screening for cystic fibrosis to facilitate early diagnosis and treatment which improves health and life expectancy;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas innovative research is progressing faster and is being conducted more aggressively than ever before, due, in part, to the Cystic Fibrosis Foundation's establishment of a model clinical trials network;

Whereas, although the Cystic Fibrosis Foundation continues to fund a research pipeline for more than 30 potential therapies and funds a nationwide network of care centers that extend the length and quality of life for people with cystic fibrosis, lives continue to be lost to this disease every day;

Whereas education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis; and

Whereas the Cystic Fibrosis Foundation will conduct activities to honor National Cystic Fibrosis Awareness Month in May 2008: Now, therefore, be it

Resolved, That the Senate—

(1) honors the goals and ideals of National Cystic Fibrosis Awareness Month;

(2) supports the promotion of further public awareness and understanding of cystic fibrosis;

(3) encourages early diagnosis and access to quality care for people with cystic fibrosis to improve the quality of their lives; and

(4) supports research to find a cure for cystic fibrosis by fostering an enhanced research program through a strong Federal commitment and expanded public-private partnerships.

REGARDING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 322.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 322) recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 322) was agreed to.

The preamble was agreed to.

Mr. REID. I would note that Senator LEVIN has agreed to lead the Senate delegation to this most important occasion. We appreciate very much his doing so. He is one of the senior Members of the Senate and chairman of the Armed Services Committee, an appropriate person to do this.

MEASURE READ THE FIRST TIME

Mr. REID. I understand that H.R. 5613 is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5613) to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

Mr. REID. Mr. President, I ask for its second reading but then object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR MONDAY, APRIL 28, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and that Senator DORGAN be recognized to speak for up to 30 minutes; that at 4:30 p.m., the Senate resume consideration of the motion to proceed to Calendar No. 383, H.R. 2881, FAA reauthorization, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA REAUTHORIZATION

Mr. REID. Mr. President, I had the opportunity to meet this afternoon with unions representing different airline entities. I also met with the owners and operators of airlines. We have a real problem on our hands. Fuel costs are now approaching 50 percent of the costs of our commercial airlines—50 percent. It used to be that the No. 1 cost, of course, was labor, personnel, but that is not the way it is. It is approaching 50 percent.

We are spending billions and billions of dollars, and most of that money is going to places we would rather it not go, to countries that have certainly nondemocratic forms of government, and a number of them are doing some very bad things with the money we are sending.

We are going to approach this FAA reauthorization to try to direct attention to some of the issues we read about every day: 3,000 flights being canceled, airlines flying with improper equipment. We are going to do our very best to have a good debate. I hope we can proceed to this legislation. It is something that is so important for us to do as a country.

Mr. President,the cloture vote on the motion to proceed to the FAA reauthorization bill—I will again remind everyone—will be at 5:30 p.m. on Monday.

MEASURE READ THE FIRST TIME—S. 2920

Mr. REID. Mr. President, I think—I do not think—I am almost certain that S. 2920 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2920) to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ADJOURNMENT UNTIL MONDAY, APRIL 28, 2008, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Monday, April 28, 2008, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008, VICE HAROLD C. PACHIOS, TERM EXPIRED.

DEPARTMENT OF STATE

KRISTEN SILVERBERG, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATESS NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID J. DORSETT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

STANLEY A. OKORO
MERYL A. SEVERSON III

To be lieutenant commander

COLEMAN J. BRYAN
BRIAN M. CAMERON
TED R. CAMPBELL
STEVE S. CHAN
JENNIFER M. COLOMBO
REBECCA J. EICK
BRIAN L. FELDMAN
KANTI R. FORD
MARION C. HENRY
JASON J. LUKAS
JOSEPH R. LYNCH
WEBB R. MCCANSE
KATHLEEN J. MCDONALD
EDWARD J. MILLER
JOSHUA P. MOSS
DANIEL G. NICASTRI
STACEY C. QUINTERO
JAMISON R. RIDGELEY
DAVID B. ROSENBERG

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 24, 2008 withdrawing from further Senate consideration the following nomination:

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

HOUSE OF REPRESENTATIVES—*Thursday, April 24, 2008*

The House met at 10 a.m.

Chaplain Paul L. Sherouse, Wing Chaplain, Andrews Air Force Base, Air Force District of Washington, offered the following prayer:

Almighty God, our gracious heavenly Father, we pause before the business of our Nation to remember that You have granted us a unique role at this moment in history.

Blessed with government committed to preserving individual freedoms; an abundance of natural resources that inspire our industry; and educational opportunities that have resulted in scientific and technological achievements, we are the most powerful and wealthiest nation on Earth. Grant us wisdom to use these gifts in service to our country and our world.

We give You special thanks for the Library of Congress, established 208 years ago today. May its example of research and scholarship continue to be an example for all. Send Your holy angels to watch over our military. Inspire their courage, protect them from danger, grant success to their missions and keep their families safe and secure in their absence; through Jesus Christ, Your Son, my Savior. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2324. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. Con. Res. 77. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008.

WELCOMING CHAPLAIN PAUL L. SHEROUSE

The SPEAKER. Without objection, the gentleman from Texas (Mr. GONZALEZ) is recognized for 1 minute.

There was no objection.

Mr. GONZALEZ. Madam Speaker, it is my honor and privilege to welcome Lieutenant Colonel Paul L. Sherouse this morning as he opened the United States House of Representatives with a prayer as our guest chaplain. Lieutenant Colonel Sherouse is a decorated member of the United States Air Force and has been honored with the Meritorious Service Medal with three oak leaf clusters, the Air Force Commendation Medal with three oak leaf clusters, the Southwest Asia Service Medal, and the Air Force Achievement Medal.

He is the Wing Chaplain at Andrews Air Force Base in Maryland and is endorsed by the Lutheran Church-Missouri Synod.

Previously, Lieutenant Colonel Sherouse was on assignment in Baghdad, Iraq, in July 2003. As he prepares for his latest deployment to Kuwait on May 3, 2008, we wish him the best and are honored to have him here with us this morning. On behalf of my constituents in San Antonio and the U.S. House of Representatives, we thank him and his family, including his wife, Pamela, and their children, Arynne and Oliver, for his honorable service to our country.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

NATIONAL URBAN SEARCH AND RESCUE AUTHORIZATION ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, every day and every night firefighters, police officers, and other first responders keep our communities safe and are ready to respond to emergencies as they arise.

Among all of the dedicated first responders in our cities and towns, several local agencies have taken their commitment a step further by sponsoring Urban Search and Rescue Task Forces. There are 28 Urban Search and Rescue Task Forces around the country, including one in my own district, sponsored by the Orange County Fire Authority.

These task forces stand ready to respond to natural disasters like earthquakes and hurricanes, and to terrorist attacks. For example, FEMA deployed 25 of the 28 on 9/11, and 28 of the 28 task forces to Hurricane Katrina.

Despite the fact that these task forces are deployed by FEMA, they have not been authorized by the Congress and as a result, the task force members are not eligible for Federal disability or death benefits if they are injured while federally deployed.

I have introduced H.R. 4183, the National Urban Search and Rescue Response System Act of 2007, which could give them the protections that they deserve. I hope all Members will join me in moving this legislation forward.

DENTON, TEXAS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise today to recognize Denton County, Texas.

I grew up in Denton, a town where a mere 160 years ago there were more cattle than people. In fact, when my parents moved to the area in 1951, the town of Denton was a city of 20,000. Today it is well over 100,000 and the county is well over 400,000.

Denton is not the biggest county in America, but as long as I can remember, it is the kind of place where you knew the mayor, the local shop owners, the bank tellers, or the manager of the local grocery store. The fabric of the community was in the businesses that helped build the community and sustain life there. The same is true today.

Some of these Denton County businesses and the Chambers of Commerce that represent them are here in Washington today. I am pleased to welcome my friends and some of the local officials to the Nation's capital. I also want to thank them for helping make Denton County a place of entrepreneurship and economic opportunity, a friendly place where people are glad to see you, and I, for one, am very glad to call home.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I would like to submit the names of the Denton County delegation for the RECORD: Mandy Calvin, Jonathan Calvin, Gene Carey, Donald Combs, Cindi Howard, Mary Jacoby, Claude King, Matt McCormick, Stan Morton, Jody Smith, Katy Taggart, and Lori Walker.

WORKERS MEMORIAL DAY

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, April 28 marks the 20th annual Workers Memorial Day. I rise with other members of the Labor and Working Family Caucus to acknowledge the millions of workers who have been killed or injured on the job.

Since 1970, OSHA has been a driving force in improving workplace safety across the country. However, the Bush administration has sought to downsize the agency. A weakened OSHA has real life-or-death consequences for workers, such as Cintas employee Eleazar Torres-Gomez who died last year when he was dragged into an industrial dryer.

Mr. Torres-Gomez's fate is, unfortunately, too common. Sixteen workers die every day in our country from work-related injuries.

Last year, along with Representative LYNN WOOLSEY, I introduced the Protecting America's Workers Act, which amends OSHA to cover more workers, and strengthens protections and accountability. During Workers Memorial Week, the best way to honor our workers is to quickly send this bill to the President's desk.

HERE COMES THE HORSE CAVALRY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Canada is the largest crude oil supplier to the United States. About half of that crude is derived from what is called oil sands. Also, the military wants to buy Canadian "unconventional fuels" instead of buying fuel from rogue dictators. The Air Force wants to use Canadian "coal to liquid fuel" and turn it into jet fuel.

But the nonenergy bill passed by Congress prohibits such purchases because of absurd environmental restrictions.

Now, not only is it harder for Americans to obtain affordable gasoline, our military is at risk of having a fuel shortage to carry out its mission in Iraq and Afghanistan.

This Nation is at war. Our troops need fuel. The latest congressional attempt to hurt the military as a way of appeasing environmental fear mongers could result in what happened to General George Patton in World War II. On August 31, 1944, General Patton was charging toward Germany and just outside of Metz, France, his tanks ran out of gas because bureaucrats here in the United States denied him fuel.

So unless Congress acts, our troops may be charging into battle riding cavalry horses, while our tanks and planes rust and gather dust because they are out of gas.

And that's just the way it is.

☐ 1015

RECOGNITION OF WORKERS MEMORIAL DAY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this coming Monday, April 28, millions of people worldwide will recognize Workers Memorial Day.

Each year, in this country, thousands of workers are killed due to workplace related injuries, and tens of thousands more die of occupational illness. It is staggering to think that each day an average of 16 workers are killed due to the injuries on the job.

The bottom line is that everyone deserves a safe and healthy workplace. Many of us take this basic right for granted, but for millions of Americans, the threat of being permanently disabled or even killed on a job is very real.

Workers Memorial Day not only recognizes and honors those who have been killed or injured on the job, it also reminds us of the overwhelming need to improve health and safety standards in our Nation's workplace.

Mr. Speaker, yesterday I introduced a resolution to recognize Workers Memorial Day, and I certainly encourage all my colleagues on Monday to pay respect for those who have lost their lives this past year.

COUNTY PAYMENTS FOR DESCHUTES COUNTY, OREGON

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. WALDEN of Oregon. Mr. Speaker, in Deschutes County, Oregon, 78 percent of the land is owned by the Federal Government. That's an area 50 percent larger than the State of Rhode Island. Yet the Federal Government has pulled the plug on its commitment to this central Oregon county, by allowing the county timber payments program to expire.

A full 10 percent of Deschutes County's annual budget is comprised of county payments. Faced with the possibility of losing those funds, the county last year laid off employees and cut services in its road department. This year the county's grappling with a similar choice, lay off more employees, cut vital services, or find a balance of the two.

Deschutes County Commissioner Dennis Luke said, "It's not only our roads that will take a hit. More importantly, it affects our ability to reduce the threat of wildfire, provide search and rescue services to folks who enjoy recreating on the vast stretches of federal lands."

All the while, the House has had a solution in waiting in H.R. 3058, a 4-year reauthorization, but its approval has been stymied by the Democratic leadership, which, for some reason refuses to allow it to come up for a vote.

H.R. 3058 languishes while we name post offices, honor sports teams and rename roads. There's time for that, but not time to vote on H.R. 3058.

I hope the health of rural America can find a spot somewhere tucked in among those priorities, and that the leadership will allow the House to vote to reauthorize county timber payments.

WORKERS MEMORIAL DAY

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise this morning to honor the thousands of American workers who are injured, sickened, and killed each year in this Nation.

Next Monday, April 28, is Workers Memorial Day, dedicated to remembering workers whose lives are lost on the job. Sixteen workers are killed on the job every day in America. Every. Day.

And these are not just workers in highly dangerous professions, but workers from every profession you can imagine, from mechanics to teachers to newspaper carriers.

Instead of addressing the crisis in worker safety, the Bush administration continues to underfund the Occupational Safety and Health Administration, OSHA. Like an old dog who's lost its teeth, OSHA doesn't scare anyone. It hasn't improved safety and it doesn't protect workers.

Today, I stand with families who have lost loved ones on the job. Tomorrow I continue working with my colleagues in the Labor and Working Families Caucus to strengthen OSHA.

American workers deserve to be safe while earning a living and contributing to this great country. And we must do more to ensure that they are safe.

DEMOCRATS' COMMONSENSE PLAN

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

That was Ms. PELOSI in a press release 1 year ago today. The price at the pump then, $2.91 a gallon, today almost $4 a gallon.

Also 2 years ago, Ms. PELOSI vowed that if her party took over Congress they would cut energy prices, especially gasoline. It's obvious there's a fast growing need for energy in our country, and this need must be met with a solution.

To provide a reduction in gas prices for Americans, we need to find resources here at home and support domestic energy production. Our country needs to research and fund alternative energy production to become less dependent on foreign sources for the security of our country, and to ease the burdening gas prices for our American families.

American families were promised a commonsense plan by the Democrat majority. If there's a commonsense plan, don't you think it's time that we see it?

THE ARMENIAN GENOCIDE

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. Mr. Speaker, I rise today to commemorate the 93rd anniversary of the Armenian Genocide, which, sadly, was the first genocide of the 20th century, a template for a cycle of genocide that continues to occur to this day.

The Armenian Genocide involved the issue of man's injustice to mankind. It continued to occur throughout the 20th century, as we know, in the Holocaust, Cambodia, Rwanda, Bosnia, and now in Darfur.

Growing up in Fresno, California, as we proudly say, the land of William Saroyan, I heard many stories as a young man from the grandparents of our neighbors, the Kezerians, the Koligians and the Abramhian families, about being forced to leave their homes and farms, the stories of long marches and systematic murders. They believe it was the first genocide of the 20th century, and ladies and gentlemen of the House, I believe it was too.

Genocide is not something that can simply be swept under the rug and forgotten. The United States cannot continue its policy of denial regarding the Armenian genocide, and I encourage that we once again reconsider the passage of H. Res. 106 to recognize the Armenian genocide.

OIL SHOCK

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. I want to read an editorial to the American people, Mr. Speaker, that was printed yesterday in Investors Business Daily:

"Oil Shock.

"When it comes to energy policy, Democrats always talk a good game. But look at their actual record while in control of Congress in the last year and a half. It's been nothing short of disastrous.

"Wasn't it 2 years ago that then Minority Leader Nancy Pelosi vowed, if the party took over Congress, to cut energy prices, especially gasoline?

"'Democrats have a commonsense plan,' Ms. Pelosi went on to say, 'to help bring down skyrocketing gas prices by cracking down on price gouging, rolling back the billions of dollars in taxpayer subsidies, tax breaks and royalty relief given to the big oil and gas companies, and increasing production of alternative fuels.'

"This is what Ms. Pelosi wrote in April of 2006 as part of her efforts to convince the American people to elect Democrats.

"How's that working for you? The cost of energy, measured by the price of West Texas Intermediate Crude is up more than 70 percent."

On 12/19/07 President Bush signed into law H.R. 6, which was the plan. It's not working.

We want to see the real plan, Ms. PELOSI.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COSTA). Members are reminded to address their remarks to the Chair.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 2830, the Coast Guard Reauthorization Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1126 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2830.

□ 1025

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, with Mr. MCNULTY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes, and the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 2830, the Coast Guard Authorization Act that includes critical provisions to strengthen the U.S. Coast Guard.

It's been since 2004, the last time we actually moved through House and Senate and conference a Coast Guard authorization bill, not for lack of effort. In the 109th Congress in 2005 and 2006 the Committee on Transportation and Infrastructure, under then Chairman DON YOUNG, a strong advocate, admirer of and one who embraces the U.S. Coast Guard, we moved the bill through committee, and we brought it to the House in 2006. Unfortunately, we were not able to reach conference with the other body, but not for lack of effort.

And so that bipartisan initiative was rekindled last year as the committee picked up the pieces and incorporated the work of previous Congresses and moved forward with a very expansive Coast Guard authorization bill.

Toward that purpose, I express my deepest appreciation for the chairmanship of the subcommittee, under ELIJAH CUMMINGS, the Member from Baltimore, who has embraced his responsibility and duty and embraced the Coast Guard and mastered the subject matter. And our ranking member on that Coast Guard Subcommittee, the gentleman from Ohio (Mr. LATOURETTE) who, in his ever thoughtful, judicious, thorough manner, similarly has mastered the subject matter. He is a master of detail, and has brought many thoughtful recommendations to the legislation that is before us.

And I thank the gentleman for his splendid cooperation, that of the ranking member of the full committee, Mr. MICA, who has ceded the floor responsibilities to Mr. LATOURETTE. Mr. MICA, representing the State of Florida, a State that is intimately related with, to, dependent upon, and grateful to the Coast Guard for its services.

In this bill, we extend, we first of all, increase personnel for the U.S. Coast Guard. In my first year in Congress, 1975, I served on the Coast Guard Subcommittee and subsequently, all through to 1995, when the Merchant Marine and Fisheries Committee, which included Coast Guard, was dissolved and the responsibilities of the Coast Guard transferred over to the Committee on Transportation and Infrastructure where I continued to work on Coast Guard issues.

From 1975, Coast Guard personnel authorization was at 39,000. We added 27 new functions, new responsibilities, various Congresses, various presidents over the years, without increasing substantially Coast Guard personnel. We do that in this legislation. We add 1,500 military personnel.

□ 1030

We increase the total strength of the Coast Guard to 47,000 to adequately serve the needs of the clear dual responsibilities of the Coast Guard, safety, which is search and rescue, and buoy tending and navigation aids and so on, and the security responsibility in the Coast Guard in the era of homeland security.

There will be no argument or no, how shall I say, excuse in the future that the Coast Guard doesn't have sufficient personnel so they have to be a multimission agency. We're going to assure that they have adequate personnel through this authorization and subsequent funding of it to carry out all of their civil responsibilities.

We extend benefits to Coast Guard personnel, reimburse them for medical-related travel for members assigned to remote locations. We grant access to Armed Forces retirement home systems to the Coast Guard veterans. We allow Coast Guard in this legislation to provide authorization for personnel who work in support of a declaration of a major disaster or emergency issued by the President to retain up to a total of 90 days of accrued leave compared to only 60 days currently.

We implement the administration's proposal initiated by the Coast Guard to reorganize the Coast Guard. As they propose in their plan in this legislation, we provide authorization that eliminates two area commands established by law and the Coast Guard chief of staff position and replace those with four vice admirals, deputy commandant for mission support, deputy commandant for national operations and policy, the commander for force readiness command and the commander for the operations command, and we promote, in this legislation, the vice commandant to full admiral.

The legislation strengthens substantially fishing vessel safety, the most dangerous occupation in the United States, improving the training, construction, and enforcement standards for commercial fishing vessels; double hull around fuel bunker tanks on new construction of U.S. vessels. Any vessel carrying more than 600 cubic meters of oil will have double hulls around their fuel tanks to prevent the disastrous consequences such as the *COSCO BUSAN*, which Chairman CUMMINGS went out to hold a hearing on in the San Francisco Bay following the allision with the Bay Bridge and with the release of 53,000 gallons of heavy fuel.

Ballast water treatment. We have the first enforcement program since invasive species were identified as a major problem in the Great Lakes in the 1970s. We require ships to install ballast water treatment systems in 2009 to control invasive species into U.S. ports, waterways, of course in the inland waterways and the Great Lakes. We established a standard adopted by the International Maritime Organization from 2009 to 2012, but beginning in 2012, the standard will be increased to 100 times greater than the IMO, based on best-available technology.

There are eight provisions dealing with port security that I will withhold comment on which Chairman BENNIE THOMPSON will speak, and I'm very grateful for his participation in all of our committee work. I will also set aside for the moment the Coast Guard Deepwater assets procurement issue for Chairman CUMMINGS to address. That was a matter on which he devoted an enormous amount of time.

We remove appearance of conflict by transferring administrative law judges from the Coast Guard to the National Transportation Safety Board, as we did years ago, bipartisan initiative in our committee for pilots. The venue for appeals to the commandant decision to suspend or revoke a mariner's license, such as a captain's license, for violation of marine safety laws or acts of professional incompetence will now be heard by an NTSB administrative law judge but retaining the Coast Guard authority to decide whether to seek suspension or revocation of a mariner's license.

In 2007, two former Coast Guard ALJs testified before the Subcommittee on Coast Guard and Maritime Transportation that they were pressured not to allow a mariner's discovery of information that could vindicate that mariner.

I think one of our major contributions, perhaps in my mind the most significant, apart from the Deepwater, which has already passed the House, is the establishment of new Marine Safety Authority and raising the quality of personnel and the authority for marine safety within the Coast Guard, establish marine safety as a function of the Coast Guard. It is now mentioned in their basic law. But we established marine safety as a Coast Guard function focused on actions necessary to protect life, property and the environment at sea.

Created an assistant commandant for marine safety. The chief of marine safety in each Coast Guard sector; established minimum qualifications for all marine safety personnel saying that those persons appointed to marine safety positions, safety inspectors, casualty inspectors, chief of marine safety, be technically qualified for those positions that they should have at least the qualifications that the American Bureau of Shipping has and better than those.

We establish a limited duty officer program in marine safety to allow commanders or chief warrant officers who have extensive marine safety experience to have the opportunity to specialize in marine safety.

We require that appeals and waivers of marine safety laws and regulations be handled by qualified marine inspectors. Those marine safety regulations now are handled by the chain of command of the Coast Guard. That means an appeal can be decided by a ship driver, a helicopter pilot, who has no qualifications in the specific issue at hand. We need to raise the qualifications, the skills of those personnel in key positions of the Coast Guard. This bill does that.

And we also require establishment of and funding for a course in marine safety as part of the curriculum at the U.S. Coast Guard Academy. I was there in New London at the Coast Guard Academy on Friday, and a commandant of the academy and a commandant of cadets both were thrilled with this idea, as were cadets with whom I visited.

And the final point I want to call attention to is the strengthening of the marine pollution prevention provisions in the act. I will leave those details to later.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, at this time it's my privilege to yield such time as he may consume to the ranking member of the full committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I would like to thank our ranking member, Mr. LATOURETTE, for yielding time to me, and I am pleased to speak on an important reauthorization measure, and that's reauthorization of our Coast Guard. Unfortunately, I'm told that even if we pass this bill today, and it will not be passed in totality, it still must be conferenced with the other body, that this authorization is only good through the end of this fiscal year. And, unfortunately, this reauthorization has been delayed, and we will find ourselves back at the beginning gate, starting gate, so to speak. That's one of my disappointments.

First, though, before I get into my disappointments, let me commend, first of all, our ranking member, Mr. LATOURETTE. He's worked tirelessly as the Republican leader of the Coast

Guard Subcommittee to try to bring this reauthorization legislation together. He's taken some absolutely terrible proposals that first came out and made them much, much better, and I commend Mr. LATOURETTE for his hard work on this and trying to reach compromise.

I also compliment Mr. OBERSTAR, my counterpart in the committee, heads up the Democrat side, our chairman, for his efforts to try to bring about bipartisan compromise on the legislation. Mr. CUMMINGS, the chairman of the Coast Guard Subcommittee, has worked with our ranking member.

So I thank all of them. Their efforts have been good, and I'm going to cast a vote in favor of this to move the process forward, and I think that's incumbent in my particular position to try to continue to make the bill better.

This is a good reauthorization start. I do have two major concerns that I want to say that I am not pleased with, the administration is not pleased with, and I think the United States Coast Guard is not pleased with.

First of all, I have opposition to two provisions. Let me speak about the first one, and one you heard a lot about, the safety regime that's created in this bill. Unfortunately, this particular provision, while it may sound good that the safety is being addressed, it really destroys the command and control function that is so essential in a national security agency.

Now the Coast Guard's primary responsibility is one of national security. It's also safety, but it is first and foremost, a national security agency. And this regime sets up an unprecedented bureaucracy. It also destroys the command approach that we have had in our services.

In fact, it would prescribe the duties, qualifications, and set up a chain of command of senior Coast Guard officials. This represents an extraordinary intrusion upon the service chiefs' authority to command and control a branch of the Armed Forces and, ultimately, the ability of the Secretary and the President to deploy the Coast Guard in an emergency.

Now this isn't just my evaluation. This is the Coast Guard, this is the administration, the President's evaluation of what the current language would do.

Unfortunately again, we still have this provision that needs to be worked on, and we need to make certain that national security, the ability to command and control a branch of the armed services is not damaged.

The second reason that I have concern about this legislation is that unfortunately, the waterside security provisions here that relate to liquefied natural gas terminals and liquefied natural gas tankers requires the Coast Guard to provide security in a manner that is contrary to the existing assistance framework and also at odds with assisted risk-management practices.

In simple layman's terms, what's happening is right now when we're having a difficulty of getting a supply of natural gas, and gas prices are soaring. People are seeing natural gas prices reach record levels. We're creating more redtape, more impediments and setting up another regime in which we will limit the supply and also actually create more impediments to getting the supply so the cost can go down and the people who have access to probably one of the best sources of energy has the least amount of damage of any of the fossil fuels to our environment.

So those are my two concerns.

But, again, I'm going to support the measure. I'm hoping that through conference, we can make the bill much better, that we can address the command regime that's set up here in a new safety bureaucracy, that we can also make certain that we have a supply of liquefied natural gas, access to liquefied natural gas and also bring the prices down for the consumer who's under incredible pressure right now trying to pay bills, meet the costs of increasing energy.

So those are my concerns.

Again, I want to thank all of the members who've worked on this in the committee, the ranking member Mr. LATOURETTE, Mr. OBERSTAR, and Mr. CUMMINGS for their efforts.

□ 1045

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes, first to express my great appreciation for John Cullather, Chief of Staff on the Coast Guard Subcommittee on the Democratic side, Richard Hiscock, Lucinda Lessley, Ianta Summers, Christy Rutherford, and on the Republican staff, John Rayfield and Eric Nagel, with whom we have worked diligently and consistently and thoroughly and achieved a great accommodation of use.

Secondly, I don't share the ranking Republican member's pessimistic outlook for this legislation. The Coast Guard reauthorization has been reported from committee in the other body. It has been hotlined by the Democratic leadership in the other body. They anticipate it will clear those hotline processes shortly and that the other body will be able to, in due course, in relatively short period of time, consider a Coast Guard bill on the floor, and that we can, in fact, anticipate conference with the other body by and before the beginning of summer. I have a very positive and hopeful outlook.

Third, as for redesigning and restructuring the Coast Guard, the committee has done that since the 1960s, directing how the structure of the Coast Guard shall be organized. In fact, we do far less structuring in this bill following in that tradition than is done for the U.S. Navy.

Mr. Chairman, I yield 5 minutes to the gentleman from Maryland, Chair of the subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. I want to thank the chairman for yielding.

And as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of the amendment in the nature of a substitute to H.R. 2830, the Coast Guard Authorization Act.

I want to thank Chairman OBERSTAR for his inspired leadership of the Transportation Committee. I also thank Chairman THOMPSON for his leadership on the Homeland Security Committee. Further, I thank my ranking member of the Transportation Committee, Mr. MICA. And I give special thanks to Congressman LATOURETTE for his service as the ranking member of the Coast Guard Subcommittee. And certainly I thank Congressman KING.

Throughout the 110th Congress, I've led the subcommittee in examining the many ways in which the Coast Guard, our thin blue line at sea, has been stretched since 9/11. The amendment in the nature of a substitute before us today responds directly to the issues we have examined by ensuring that the Coast Guard has the expertise and resources necessary to perform all of its missions effectively and efficiently.

The legislation would authorize $8.4 billion for the Coast Guard and authorize an increase in the total number of military personnel to 47,000.

Our subcommittee has become deeply concerned that the area where the Coast Guard is becoming thinnest is in marine safety, the function responsible for protecting lives, property and the environment at sea. The declines in this program have become shockingly evident when the Department of Homeland Security's Inspector General found that the Coast Guard dispatched three individuals who were not qualified to conduct an investigation to respond to the ship that hit the San Francisco Bay Bridge and subsequently spilled 54,000 gallons of fuel into the Bay.

Without taking away any of the resources or the flexibility that the Coast Guard needs to perform any other mission, including securing our ports, the amendment in the nature of a substitute requires that individuals who ensure the safety of the maritime industry prepare for these highly technical jobs by meeting requisite training standards. The bill also requires that as new liquefied natural gas (LNG) terminals are approved, all of the resources necessary to adequately secure these terminals are in place. I emphasize that these provisions will not impede the development of any new project. They will simply ensure that security requirements are met before new terminals become operational.

Further, H.R. 2830 will set new and increasingly stringent standards for the treatment of ballast water through which invasive species have been introduced to some of our Nation's most fragile marine environments, such as the Chesapeake Bay. It will also give mariners the right to have cases involving the potential suspension or revocation of their professional credentials heard by the National Transportation Safety Board's administrative law judge system.

These provisions respond to compelling testimony from former Coast Guard ALJs indicating that they did not work in an environment that supported their exercise of judicial independence. Mariners who are unsafe should not be on our Nation's waterways, but fair treatment must be assured to all individuals in any legal proceeding. And the transfer of the Coast Guard's ALJ function to the National Transportation Safety Board will avoid even the potential appearance of unfairness.

Finally, the amendment takes significant new steps to ensure that our Nation's "shield of freedom" resembles the nation it is defending. The bill would require applicants to the Coast Guard Academy to be nominated by Members of Congress or other authorities. This, in conjunction with expanded minority recruiting efforts, would draw students from all of our Nation's communities to the academy, beginning the process that the Commandant himself has said is needed to expand minorities at all ranks of the more than 6,000-member officer corps from the current number of 827.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, it is my honor to be an original cosponsor of H.R. 2830, which will set standards that will ensure the Coast Guard performs at the level it expects of itself while also providing the resources necessary to enable the service to fulfill all of its missions.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2830, and I'll tell you why in just a second, but just a couple of editorial notes. One is that it is my belief that this Coast Guard reauthorization is brought to the floor in the best traditions of the Transportation and Infrastructure Committee. And I want to commend the ranking member of our full committee, Mr. MICA, for his diligence and work, and also for expressing his remaining concerns.

I also want to express my appreciation to the chairman of our subcommittee, Mr. CUMMINGS, who I've had the pleasure now of working with about a year and a half, and I will tell you there is no Member that is more dedicated to not only the mission of the Coast Guard, but the safety of those that they entrust with supervising. It is a pleasure to serve in the post of ranking member with Mr. CUMMINGS as the chairman.

And, also, a special affection for the chairman of the full committee. I made the observation at the beginning of this Congress, and I'll repeat it again today, that obviously, as a Republican, none of us were excited about being thrust after 12 years from the majority party to the minority party, but if there was to be a Democratic Chair of the House Transportation and Infrastructure Committee, there is no one more deserving, in my opinion, perhaps in the history of the institution, than the gentleman from Minnesota (Mr. OBERSTAR). He really takes our committee, no matter what the issue, above partisanship to the goals of the Transportation Committee, and that is, safeguarding our waterways and building America.

And, lastly, while I'm saying nice things about people, I am pleased, Mr. Chairman, that the Speaker of the House, Ms. PELOSI, has installed you as the Chairman of the Committee of the Whole for the consideration of this piece of legislation.

I rise in strong support of this bill. And I am especially proud of the ballast water provisions and the marine safety provisions located within the bill.

This bill will establish national standards requiring the treatment of ballast water to minimize the introduction of invasive species into the Great Lakes and other U.S. waters. The bill will build on a lot of work that has already been done. Those of us that are from the Great Lakes know very well the importance of this issue.

I am disappointed that we'll have a colloquy later with the chairman of the full committee relative to an amendment that was offered at the Rules Committee that would protect millions of recreational boaters from falling under a discharge permitting program designed for large oceangoing vessels. In the absence of this language, come September recreational voters will be facing fines of up to $32,500 a day for violations of program rules. For more than 30 years, Mr. Chairman, both recreational and commercial vehicles were exempted from these programs, and I hope that the majority will join us to develop language addressing these understandings.

As well, when we get to the amendment portion of the bill, I have an amendment that I'm offering with Mr. BOUSTANY of Louisiana that addresses some of the concerns raised by the ranking member, Mr. MICA, relative to waterside security for liquefied natural gas facilities.

Again, I want to thank the Chair of the subcommittee and the full committee for working with us. I want to thank Mr. BOUSTANY for his dogged work to make sure that we come up with a resolution that not only fits with the reality of assets that are available, builds on a long tradition that we established in 2005, but also permits us to move forward with the goal of attaining cheaper energy for Americans through the form of natural gas.

With that, Mr. Chairman, I thank the Chair very much and would reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mrs. TAUSCHER) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2903. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

The SPEAKER pro tempore. The Committee will resume its sitting.

COAST GUARD AUTHORIZATION ACT OF 2008

The Committee resumed its sitting.

Mr. OBERSTAR. I would like to inquire how much time remains on each side.

The CHAIRMAN. The gentleman from Minnesota has 2½ minutes remaining. The gentleman from Ohio has 9½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, at this time, it is my pleasure to yield 3 minutes to a gentleman I mentioned in my opening remarks, the gentleman from Louisiana (Mr. BOUSTANY), who has been a true leader in the House of Representatives on this issue of shoreside and waterside security for LNG facilities.

Mr. BOUSTANY. I want to thank my colleague for yielding time and for his work with me on an amendment to this bill that I think will improve the bill.

I also want to thank the chairman and ranking member of the committee and the ranking member of the full committee for their work in bringing together a good bill.

I rise in support of the bill, but I want to emphasize that our Nation has a growing demand for natural gas, and this amendment that I'm going to offer with my colleague and friend, Mr. LATOURETTE, will help to ensure that we don't halt future domestic liquefied natural gas expansion.

Some localities have turned their backs on this promising energy solution. And if we're going to solve our energy problems in this country, we have to make sure that we diversify our sources to the fullest extent. In Louisiana, we have prided ourselves upon producing and delivering energy that all Americans rely upon, and liquefied natural gas is certainly no exception.

This past Monday, I was down in Cameron Parish on the coast of Louisiana in my district with Secretary Bodman for the opening of the first liquefied natural gas facility to be constructed in this country in over the past 25 years. And this facility, once fully operational, will be the largest liquefied natural gas facility in the world. It's going to supply approximately 5 percent of all U.S. natural gas needs when fully operational. It has two 42-inch pipelines that will connect to provide natural gas for 75 percent of all the markets in the United States. And within the next decade, 25 percent of all natural gas will run through my district.

So clearly, as we look at this bill, we should not have provisions that could potentially kill future liquefied natural gas expansion by arbitrarily legislating that no new facility can be certified unless the Coast Guard has the assets on hand to carry out the security measures. The Coast Guard does not need to do all of this. They have limited assets. And down in my district they have worked very well with local authorities, sheriff's department, other local authorities, to bring all assets to bear to provide the necessary security. The Coast Guard must be allowed to continue to have this ability to partner with local agencies and waterway users, state government, local law enforcement, to manage and protect our waterways.

The first delivery of natural gas into the newly constructed Sabine Pass facility that I just mentioned illustrates this point. The Sabine-Neches Navigation District manages the overall river maintenance. They help fund local law enforcement efforts. And the Jefferson County, Texas sheriff's department provides helicopter overflight security. Cameron Parish, just across the river in my district, provides the marine patrol supplement. And all of this is done under the approval and guidance of the Coast Guard. So we're not undermining what the Coast Guard does, we're merely enhancing what the Coast Guard is able to do to provide security.

□ 1100

A cooperative approach is working on the gulf coast. It allows the Coast Guard to work with Southwest Louisiana authorities and Texas authorities in this situation. We shouldn't handcuff these communities in this effort.

So I urge the adoption of the amendment as we go forward with this bill.

Mr. OBERSTAR. Mr. Chairman, could the gentleman yield 15 seconds?

The CHAIRMAN. The gentleman's time has expired.

Mr. LATOURETTE. I would be happy to yield 15 seconds to the distinguished gentleman from Minnesota.

Mr. OBERSTAR. Both gentlemen made a splendid statement on the issue and during the amendment process. Because of the persuasive case you've made, we are prepared to accept your amendment.

Mr. LATOURETTE. I thank the Chair.

At this time—if the gentleman is reserving his 2½ minutes—it's my pleasure to yield 3 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. I also want to commend the chairman, Mr. OBERSTAR, who is really interested in transportation issues, a good man of heart, and I applaud your leadership.

Mr. Chairman, this authorization bill brings 1,500 new Coast Guardsmen. We're proud of their service.

My debate, my concern, over the past 2 weeks, obviously, is energy and the increased cost of bringing on the 1,500 new Coast Guardsmen in addition to the burden on the government. It would be better if we had lower energy costs to help meet those needs, but we don't. We have higher costs.

Of course, the Coast Guard uses aviation fuel too, quite a bit of it. So does the United States Air Force. For every $10 over a barrel, it costs our Air Force 600 million more dollars out of the budget. We know the burden on the Coast Guard helicopters. We know the cost to the Coast Guard ships that are diesel run. For every dollar increase in diesel fuel, it costs the Coast Guard $26 million to operate.

And this is the kind of the charts I have been using over the past 3 weeks and will continue to use this ad infinitum until this country, which is the greatest country on the face of this Earth, does what other developing countries do: that we go and explore and use our own resources to meet our own needs.

We know that we are dependent upon imported crude oil. Shame on us. Shame on us when we have the ability to meet our energy needs.

And this is what happens: When this majority took over, the price of a barrel of crude oil was $58.31. Today it dropped a dollar from last week, $116. That's the problem. What's the problem at the pump? From $2.33 to $3.55. Bringing climate change legislation, 50 cents of additional tax on gasoline, we would be paying $4.05.

What's the solution? One, use our abundant natural resources in our country, coal-to-liquid technologies. In Illinois alone we have 250 years' worth of energy just waiting to be brought on line, turned into liquefied fuel, lowering the cost of diesel to our Coast Guard, saving the taxpayers money. But we won't move on any bill that brings on fossil fuels and expansion of fossil fuels on this floor. Shame on us.

What's another solution? The Coast Guard protects our coast. Look at the red area over there: the Outer Continental Shelf, ripe for exploration development, natural gas, crude oil. But, no, it's off-limits. We can't get there.

Think about Katrina. The Coast Guard performed admirably.

You know what we forget? Remember that big cloud that rolled up? Tell me the major ecological damage based upon all those oil platforms in the coast. Can you name one? No. Not a single one because we can do it safely. So we can do it safely in those areas. We should not have to burden the taxpayer with $26 million of cost for allowing crude oil prices to go up. We shouldn't do that. And that's why it's important to lower our prices.

Mr. OBERSTAR. Mr. Chairman, I continue to reserve the balance of my time.

Mr. LATOURETTE. May I ask—I know the chairman has 2½ minutes—how much time do we have?

The CHAIRMAN. The gentleman from Ohio has 3¼ minutes.

Mr. LATOURETTE. I thank the Chair.

Mr. Chairman, I would yield myself such time as I may consume to engage in two short colloquies with the chairman of the full committee, if I may.

Mr. Chairman, first of all, would you be willing to enter into a colloquy regarding the withdrawal of funds from the seamen's accounts authorized under section 405?

Mr. OBERSTAR. I invite the gentleman to pursue this colloquy.

Mr. LATOURETTE. Thank you.

Mr. Chairman, it's my understanding that it is current practice for seamen on passenger vessels to be paid in cash. Section 405 authorizes the deposit of their pay into certain approved accounts. The section also requires that those funds be available for withdrawal. I understand that, as a practical matter, many seamen want to make sure that they can make those withdrawals in cash.

Would the chairman and the chairman of the subcommittee be willing to work with us in conference to clarify the amounts that can be withdrawn from those in cash up to the amount of a seaman's pay?

Mr. OBERSTAR. Most certainly. This is a 120-year-old practice in seafaring, and we ought to address that issue, as the gentleman has rightly raised it.

Mr. LATOURETTE. I thank the Chair.

The second colloquy, if you'd be kind enough to engage in a colloquy relative to the delegation of certain functions of the Coast Guard to classification societies.

Mr. OBERSTAR. Of course. Please proceed.

Mr. LATOURETTE. Mr. Chairman, the unnumbered section in your amendment that replaces section 318 as reported by the Transportation and Infrastructure Committee adds a new subsection, subsection (d), to section 3316 of title 46 of the United States Code. Under paragraph (2) the Secretary may delegate the Coast Guard's authority to a foreign classification society "to the extent that" the government of the society's home country, one, accepts plan review, inspections, or examinations conducted by ABS, and, two, provides to ABS equivalent access to inspect, certify, and provide related services to offshore facilities under that country's jurisdiction.

I understand that some foreign countries do not use a delegation system but instead accept plan reviews, inspections, or examinations performed by classification societies as part of a comprehensive operating plan submitted by the offshore leaseholder. Concerns have been raised that the Secretary may construe acceptance of the ABS plan reviews, inspections, or examinations as part of those comprehensive plans to be something less than full acceptance of plan review, inspections, or examinations in the United States, thus limiting the work that classification societies headquartered in those companies could perform in the United States and limiting the work that ABS can perform in foreign offshore markets.

Would the Chair be willing to work in conference to clarify what constitutes fair and full access by ABS to work in foreign offshore markets and by foreign classification societies headquartered in countries which do not use delegation schemes to work domestic offshore markets?

Mr. OBERSTAR. I thank the gentleman for raising this very complex issue on which we've devoted an enormous amount of time and visited with the Norwegian Ambassador and other interests, the American Bureau of Shipping and others, and I'm committed to working with the gentleman to resolve this issue in an equitable and fair manner as we proceed forward with it.

Mr. LATOURETTE. I thank the Chair.

Mr. Chairman, at this time I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I rise in strong support of H.R. 2830, the Coast Guard Authorization Act.

In November of last year, the container ship *COSCO BUSAN* collided with the San Francisco Bay Bridge and spilled 58,000 gallons of bunker fuel into San Francisco Bay. The spill was one of the worst environmental disasters in San Francisco Bay history.

I have included language in this bill that would require the Coast Guard to have marine pilots carry their own navigation devices, commonly known as Portable Pilot Units. These devices are an easy and practical way to improve maritime safety and to protect our environment.

I want to thank the chairman of the subcommittee, Mr. CUMMINGS, and the chairman of the full committee, Mr. OBERSTAR, and the ranking member, Mr. LATOURETTE, for working with us to include this language. I think it's very important language that could prevent these kinds of accidents from happening in the future.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Chairman, there is no question that America entrusts the Coast Guard to secure and properly maintain and administer America's waterways and port facilities. The task before this Chamber today is not about oil prices. In fact, it's about the Coast Guard and their ability to quickly and effectively respond to intense demands.

Americans live along the coast, and they depend upon the Coast Guard to provide that layer of protection and security. In California, where the 11th District resides, 2,600 active and 3,500 volunteer auxiliaries have saved over 500 lives. Properly funding the Coast Guard's programs through this legislation of H.R. 2830 will not only enhance marine safety but reduce the risk of maritime terrorism on some of our Nation's most sensitive ports.

The CHAIRMAN. Each side has 30 seconds remaining.

Mr. LATOURETTE. Mr. Chairman, to close the debate on our side, and I hope that Homeland Security, if they don't use all their time, can give him more time, I yield 30 seconds to a distinguished member of the full committee, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Today is a great day for the Great Lakes and the coastal areas. Today is a terrible day for the zebra mussels.

And I want to thank Chairman OBERSTAR and Ranking Member LATOURETTE for their good work on this bill, because it contains measures to inspect and treat and exchange ballast water to prevent any more of those nasty invasive alien species from getting into this country, and into its waters. It now costs us about $13 billion every year for the damage caused by invasive species. This bill will help stop any future species from coming in, and I hope we will be able to develop methods of treating these critters so that we can get rid of them and once again enjoy the pure waters of this country the way we should.

So thanks again to both of you for doing this, and let's get out there and fight those nasty zebra mussels!

Mr. OBERSTAR. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. I thank the Chairman for the time and applaud him for his leadership of the Transportation and Infrastructure Committee. I also want to thank him and Subcommittee Chairman CUMMINGS for their work in bringing this bill to the floor.

I rise today in support of the Coast Guard Authorization Act. This bill makes important strides in strengthening the modern day mission of our Coast Guard and enhancing our national security.

Also included in this bill is language clarifying the rule related to the taxation of interstate waterway workers. Under current law, most employees whose jobs require them to work in multiple states, such as our rail and airline workers for example, are taxed only by their state of residence. This has previously not been true for waterway workers. In an effort to address the unsettled tax situation of waterway workers throughout the country, I authored legislation in the 106th Congress called the "Transportation Employment Fair Taxation Act." The legislation barred states from taxing a nonresident waterway worker "who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one state." As the House report for this legislation stated, the purpose of the legislation was to "prohibit any State from taxing the income of a non-resident interstate waterway worker." The Senate version of this legislation was signed into law on November 9, 2000.

Unfortunately, I have recently been made aware of a 2006 decision by one state's tax court that is inconsistent with the intent of the 2000 law. The court concluded that because the bill uses the word "of" instead of "in," it only applies the waterways that are owned jointly by more than one state. This was not the intent of the 2000 law. The legislative history at the time makes clear that it was not the intent of the law. And I know what the intent was because I authored the legislation.

The legislation before us today makes a slight wording change to the 2000 law to clarify that the law is intended to apply to all interstate waterway workers on all waterways, not just workers who work on waterways that are jointly owned by two or more states. It is my sincere hope that this minor change will, in no uncertain terms, make clear that states are prohibited from taxing the income of a nonresident interstate waterway worker. I want to make clear that this is the intent of the language in the bill before us today, and it remains the intent of the law I authored in 2000.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

I first thank the gentleman from Ohio for his very generous and very kind and thoughtful remarks. I greatly appreciate the camaraderie we share and the partnership in doing the work of the committee.

And I want to thank the gentleman from Michigan, who gave most insightful comment on this whole bill. It is a bad day for zebra mussels and spiny echinoderms and a whole host of other invasive species that we're going to deal with severely as this bill moves to enactment.

I do want to observe that the gentlewoman from California (Ms. WOOLSEY) is concerned about five Bay Area lighthouses, Point Montara, Alcatraz Island, Lime Point in Fort Baker, Point Diablo, and Point Bonita, and we will work with the gentlewoman and the Coast Guard to expedite transfer of those Coast Guard facilities to the U.S. Park Service.

And, again, I want to say, as I did at the outset, we took our time all through last year and part of this year to craft a splendid bill in an inclusive manner, hearing out the concerns of the Coast Guard and addressing extensively the concerns of the Republican members of the committee to be thorough and produce the best bill possible, and we are happy to bring this bill in good time to the House floor today.

The CHAIRMAN. Pursuant to the Chair's prior announcement, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. LUNGREN) each will control 10 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I believe the gentleman from California wants to engage in a colloquy, so I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman from Mississippi, and before we begin our debate on the Coast Guard Authorization Act for 2008, I yield myself such time as I may consume for the purposes of a colloquy with Mr. THOMPSON.

Mr. THOMPSON, would you please join me in remembering the sacrifice of Damage Controlman Third Class Nathan B. Bruckenthal of the U.S. Coast Guard, who was killed off the coast of Iraq on this date in 2004? He was the first U.S. Coast Guardsman to have been killed in battle since the end of the Vietnam War.

I yield to the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. I thank the gentleman for yielding.

Mr. Chairman, Petty Officer Bruckenthal and two Navy petty officers were killed during a coordinated suicide attack on the oil platforms off the coast of Iraq. These men offered what President Lincoln referred to as "the last full measure of devotion" for their country.

□ 1115

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, Petty Officer Bruckenthal is survived by his wife Patricia and their daughter Harper. We all join in thanking them for their sacrifice. Petty Officer Bruckenthal represented the very best of the U.S. Coast Guard and what it has to offer.

With that, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2830 is an important milestone in protecting our Nation's port and maritime security. It is the first bill to provide adequate resources to an agency that has been systematically underfunded for years. H.R. 2330 authorizes 1,500 additional Service Members, more Maritime Security Response Teams, more Canine Detection Teams, and the Waterway Watch program.

This bill was favorably reported by my committee on a bipartisan basis last fall. Representative KING and I share a commitment to the Coast Guard. I am pleased that we were able to work together to give the Coast Guard the resources it needs. For too long, the Coast Guard has had to make do with aging assets that do not meet the challenges of a 9/11 world. The Coast Guard is actually still operating boats that were used during World War II. It is time that these boats were retired and newer assets brought into service. These boats, however, must work.

Unfortunately, the Coast Guard has accepted, under the Deepwater contract, boats that can't even float. That is unacceptable. The American public and the men and women of the Coast Guard deserve better. The Homeland Security Committee has added the Deepwater reform provisions during our markup to get this critical program back on course.

I would like to thank Chairman OBERSTAR and Chairman CUMMINGS for displaying a willingness to work with me to bring this bill to the floor. I urge passage of this important legislation that will significantly improve the security of our Nation's maritime environment.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me thank Chairman THOMPSON for his and his staff's hard work in reporting a bill from our Committee on Homeland Security in September that I believe was the result of solid bipartisan compromise, and for Chairman THOMPSON's continued cooperation over the past several months as the committee worked to bring this bill to the floor.

Obviously, we have heard from those of the Transportation and Infrastructure Committee many of the good things in this bill. I must say, however, I am disappointed that the Transportation and Infrastructure Committee largely ignored the committee on Homeland Security's improvements, particularly to those provisions relating to LNG security.

While our committee's approach was reasonable and risk-based, as we have attempted to approach all of our problems with respect to homeland security, that is with a risk-based approach, the language adopted by the other committee, I fear, abandons the risk-based approach and assumes a cookie cutter, one-size-fits all approach.

My friend from Ohio (Mr. LATOURETTE) has an amendment that would clarify that State and local resources can be considered when identifying resources available to provide the newly mandated security patrols, and I would hope that his amendment would be adopted.

I am also very concerned about two entire titles that were added to the bill after they were considered by four committees of jurisdiction. A new title X shifts 80 percent of the Coast Guard's Administrative Law Judge resources and several of the Coast Guard's ALJ authorities to the National Transportation Safety Board. This is being proposed as over 1 million TWIC cards are being issued to our rail, truck, and port workers. These are those biometric cards that we have spent so much time developing and hoping that it would finally get in place.

The effect of this provision, I fear, could leave only two ALJs, that is Administrative Law Judges, to hear any appeals to TWIC denials. That has been one of the great concerns we have had. If we have this TWIC system set up, how can people appeal if they have been denied their TWIC cards. This would dramatically slow the appeals process, to the detriment of port security and our Nation's port workers, who are relying on a timely adjudication of a TWIC for their livelihood.

As a recent letter from TSA opposing this proposal states, "ALJs at the Coast Guard have built up expertise in transportation security matters, and I fear this provision will negatively impact not only TWIC, but other programs as well, including hazardous materials endorsement, and may result in even higher fees for these workers."

Mr. OBERSTAR. Would the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield, yes.

Mr. OBERSTAR. Just briefly to clarify that point. We do not transfer ALJs from the Coast Guard. We leave those in place, just transfer the venue, and we will provide both in this bill and in the subsequent NTSB authorization funding for additional ALJs at the NTSB, as we did in aviation.

Mr. DANIEL E. LUNGREN of California. I hope that is true, reclaiming my time.

Mr. OBERSTAR. I just tell the gentleman that is the case.

Mr. DANIEL E. LUNGREN of California. Well, the effect of the provision is to take 80 percent of the resources that are currently allocated to the ALJ, Administrative Law Judge program, and that in effect would make it very, very difficult for them to continue, since they have a total of seven ALJs, and if you take 80 percent of the funding, I believe that would leave us with about 20 percent.

I would like to include a copy of this letter from TSA in the RECORD.

U.S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION,
Arlington, VA.

Hon. PETER T. KING,
Ranking Member, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KING: I am writing to express the Transportation Security Administration's (TSA) strong opposition to Title X—Appeals to National Transportation Safety Board (NTSB) of the manager's amendment to H.R. 2830, the "Coast Guard Authorization Act of 2007." Title X would transfer Coast Guard Administrative Law Judge (ALJ) authority for review of merchant mariner documentation and 80 percent of the Coast Guard ALJ budget to the NTSB. This could have an adverse impact upon the adjudication of TSA's civil enforcement cases and anticipated cases dealing with the Transportation Worker Identification Credential (TWIC) program.

TSA questions whether sufficient legal, administrative, and budget resources will continue to be provided to the Coast Guard to support its remaining ALJ functions, including adjudication of TSA security cases.

For more than 5 years, TSA has been extremely well served by the Coast Guard ALJs as fair, impartial, and responsive adjudicators in security cases involving individuals in the transportation sector. Under an interagency agreement, Coast Guard ALJs play a major role in TSA's enforcement and security credentialing programs. They adjudicate aviation security civil penalty cases, Hazardous Materials Endorsement (HME) and TWIC denials of requests for waivers and appeals from individuals who have received a Final Determination of Threat Assessment; appeals by air cargo workers who have received a Final Determination of Threat Assessment; and appeals by individuals holding or applying for Federal Aviation Administration certificates, ratings, or authorizations who have received a Final Determination of Threat Assessment.

In the absence of sufficient ALJ legal and administrative resources at the Coast Guard, TSA does not regard NTSB ALJs as a good alternative. Coast Guard ALJs have substantial expertise in fair adjudication of security programs. NTSB ALJs do not have expertise in transportation security matters. As TSA continually expands the implementation of the TWIC program and the Coast Guard enforces it at our Nation's seaports, TSA and TWIC applicants will benefit from the substantial experience Coast Guard ALJs have in the maritime security environment.

In addition, Coast Guard ALJs have been sensitive to the challenges faced by individuals representing themselves in a formal administrative process and have worked with TSA to develop simplified procedures.

TSA and Coast Guard have worked together for years to establish caseload management procedures, agreements, and funding processes to efficiently handle TSA cases. For example, the Coast Guard serves as TSA's Docketing Center for its formal hearing process. Shifting the workload to ALJs of another agency would create a huge setback for TSA enforcement and administration. ALJ coverage, budgeting, processing time, and even geographic availability would have to be reassessed and reestablished, a process that may take several years.

In addition, TSA's HME and TWIC are fee-based programs. TSA developed its fee models based on Coast Guard cost estimates and processing models. If conditions necessitate TSA's seeking ALJ services outside Coast Guard, this could affect program costs, and consequently, fees for applicants.

I would appreciate your consideration of TSA's concerns about the potential adverse impact of Title X on the efficient adjudication of important TSA security cases.

Identical letters have been sent to the Chairman of the House Homeland Security Committee as well as the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure. Please do not hesitate to contact Ms. Claire Heffernan, Acting Assistant Administrator for Legislative Affairs, at (571) 227-2717 if you have any questions about this matter.

Sincerely yours,

KIP HAWLEY,
Assistant Secretary.

The second new title, title XI, creates an assistant commandant for marine safety and a vast new super structure, including Marine Safety Specialist, that receive special benefits such as geographic stability and special promotion system. It provides for the possibility of additional pay for Coast Guard personnel in the marine safety field. Unfortunately, with no regard for those Coast Guard men and women engaged in other critical, dangerous missions like search and rescue, national defense, and port security. I wonder if we really want to do that.

It appears to elevate the Coast Guard's marine safety mission above all others. Most notably, the Commandant of the Coast Guard has real and serious concerns about this reorganization language that has never been considered by any committee, to my knowledge. I would think we would want to seriously deliberate these provisions in an open forum and give the Commandant an opportunity to voice his concerns to the Congress.

Mr. BROUN of Georgia has introduced an amendment stripping these two problematic titles so they can be considered on their merits by the appropriate congressional committee, and I am pleased that his amendment has been made in order.

Other improving amendments offered by the Committee on Homeland Security members include Mr. BILIRAKIS of Florida, an amendment to make the Coast Guard's incredibly successful biometric identification pilot program more permanent. I hope this amendment is adopted. It will help us positively identify individuals with weapons, drug trafficking, and murder convictions, and help us keep them out of the United States.

Both Mr. POE and I are offering an amendment with language to make operations of the stealth mini submarines illegal. These subs, which can carry up to 10 tons of cocaine into the United States, and have done so, would be equally capable of transporting weapons of mass destruction or would-be terrorists. They are immediately scuttled, once detected, making prosecution nearly impossible. So I hope that this amendment, when considered, would be approved on this floor.

If these concerns are not adequately addressed here on the House floor, I would look forward to working with the Senate in a conference to ensure that the men and women of the Coast Guard have the resources it needs to continue to protect the citizens of the United States. The Coast Guard is one of the jewels of our overall executive branch, particularly in DHS, and this bill, this reauthorization bill recognizes that. Although it has some defects, as I mentioned, I hope we can work those out.

With that, I would reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, for the sake of clarifying an issue brought up, I would like to yield 15 seconds to the chairman of the full T&I Committee, Mr. OBERSTAR.

Mr. OBERSTAR. I just wanted to reaffirm for my colleague in the Hip Replacement Caucus from California that when we transferred authority from the FAA to the NTSB for aviation appeals, we provided authority, funding, and we went to the Appropriations Committee to seek additional moneys, and were successful in doing that. We are committed to doing the same in the case of the Coast Guard. Again, we will provide in the NTSB authorization additional ALJ personnel for these appeals.

Mr. THOMPSON of Mississippi. Mr. Chairman, I recognize the gentleman from Rhode Island (Mr. LANGEVIN) for 2 minutes.

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of the Coast Guard Reauthorization Act of 2008, H.R. 2830, which will allow the Coast Guard to appropriately balance its dual missions of safety and security. In the past few years, we have increasingly depended on the Coast Guard to ensure our shores against drug smuggling, acts of terrorism, and other suspicious activity, while simultaneously keeping recreational and commercial boaters safe.

Unfortunately, the Coast Guard has been required to do more with less. This important measure will reverse that trend by providing an additional 1,500 Coast Guard personnel and $8.4 billion in increased funding to ensure that the Coast Guard can carry out all of these responsibilities successfully. I am particularly pleased this bill will increase oversight and efficiency of the Transportation Worker Identification Credential, or the TWIC program as it's known, which has encountered numerous problems since its inception nearly 6 years ago. Many businesses, particularly those in my home State of Rhode

Island, particularly those hiring seasonal and temporary employees have experienced economic hardship under the program. But the bill before us will help fix many of the problems associated with the TWIC program.

Finally, H.R. 2830 will require the Coast Guard to protect and enforce security zones around all existing liquefied natural gas, or LNG facilities, and encourages State and local entities to assist the Coast Guard with this important mission. This provision will allow LNG facilities to safety operate in densely populated areas, such as those in my home State of Rhode Island.

In closing, Mr. Chairman, I commend both Chairman THOMPSON and Chairman OBERSTAR for their leadership in bringing this bill to the floor today, and I urge my colleagues to support the measure.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Michigan.

Mr. KNOLLENBERG. I thank the gentleman from California for yielding time.

I rise today in defense of the most important resource in my home State of Michigan, the Great Lakes. The Coast Guard bill contains a measure that will strengthen ballast water treatment requirements for oceangoing ships. For years, these ships have brought with them the scourge of invasive species. I am proud to support these new treatment requirements and consider them an important move to protect our Great Lakes waters for generations to come.

While not all invasive species have made their way into the Great Lakes through untreated ballast water, ballast water still remains one of the most common avenues into the Great Lakes for destructive aquatic invasive species. The ballast water treatment provisions included in this bill will go a long way toward keeping invasive species out of the lakes. Requiring ships to exchange their ballast water 200 miles outside the U.S. will help solve the problem in the short term before ships are required to have the ballast water treatment equipment installed in their ships in 2015.

We in Michigan face threats to our Great Lakes from many angles, from those who try to pollute them, to those who try to take our water. I am proud today that we have successfully strengthened the ballast water treatment requirements that will protect the health of our Great Lakes.

I thank, again, the gentleman from California for yielding time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank both Chairman OBERSTAR and of course Chairman THOMPSON and Subcommittee Chair ELIJAH CUMMINGS on this Coast Guard bill that all of us have worked on. As the Chair of the Transportation Security Subcommittee of Homeland Security, I can assure you that the idea of overcoming the administration's veto on the question of LNG security is going to be an important stand today as we vote for this bill.

□ 1130

The language that speaks to the LNG security is a fair statement. It gives the Coast Guard flexibility. It allows them to make an assessment, and it is the right thing to do. Coming from the City of Houston, with a very large port, I understand the need to protect the surrounding communities and the importance of LNG security.

In addition, I am grateful that I have an amendment going forward that will help expedite the TWIC card for so many who have not yet gone through the process, to make an assessment by the Coast Guard of the necessity of more resources, of keeping the facility open 24 hours a day and making sure that this TWIC process goes in order to secure those.

I am also grateful that we have increased the Coast Guard overall to 47,000 and that the underlying bill refocuses on the value of the Coast Guard, both in terms of their standard duties, but also the new enhanced duty for security.

I hope that as we move TSA administrative law judges, however, that we will find a way to ensure that TSA is not impacted negatively and that we will have oversight to ensure that this process will continue to work.

Again, Mr. Chairman, this is an important legislative initiative. This again is the Homeland Security Committee and the Transportation Committee and the two chairpersons and committee members working harmoniously together, recognizing that the bottom line of what we do on the floor today and what we do for the American people is to ensure their security. We have done that today.

I ask my colleagues to enthusiastically vote for this legislation.

Mr. Chairman, I rise in strong support of H.R. 2830, the Coast Guard Authorization Act of 2007, introduced by my distinguished colleague from Minnesota, Representative OBERSTAR. This important legislation will provide our Nation's Coast Guard with the resources it needs in order to successfully execute all its missions.

As a member of the Homeland Security Committee, I believe protecting our Nation by air, land, and sea to be critical to our national security interests. This bill, the Coast Guard Authorization Act of 2007, sets forth various provisions that will be beneficial to our maritime interests, and consequently to our national security. Included in the provisions are the establishments of grants for international maritime organizations, the establishment of the Merchant Mariner Medical Advisory Committee, and codified various provisions relating to Coast Guard personnel matters.

For some years now, I have been concerned about the diversion of Coast Guard resources from their historic missions of search and rescue and marine safety, to homeland security missions. Since the creation of the Department of Homeland Security, and the Coast Guard's inclusion in the Department, one of the greatest challenges has been ensuring that the funds that the Coast Guard have traditionally received in order to perform their duties remain intact so that they can fulfill the responsibilities that American citizens rely on them to perform, namely ensuring the safety of our Nation's seas, lakes, rivers, and ports.

Mr. Chairman, we have to ensure that the Coast Guard will get their full funding which is absolutely necessary to carry out their responsibilities, and that is precisely what this legislation does. This act authorizes appropriations for FY2008 for the Coast Guard. Furthermore, this act also authorizes the FY2008 levels of Coast Guard active duty military personnel and average military training student loans, allowing for sufficient human resources for the Coast Guard to achieve its designated goals. This bill explicitly authorizes end-strength by 1,500 members to 47,000 and increasing Coast Guard funding to $8.4 billion which has not been done since the 1970s.

The act also includes provisions regarding shipping and navigation, vessel size limits, maritime drug law enforcement, fishing vessel safety, liability limits for natural gas deepwater ports, claims against the Oil Spill Liability Trust Fund, dry bulk cargo rescue, merchant manner matter, and security.

Mr. Chairman, I was pleased to work with Chairman THOMPSON and offer an amendment during our Homeland Security Committee markup to this important legislation, which I felt improved the bill. My amendment mandated the creation of a strategic plan to utilize assistance programs to assist ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measures. I am also offering an amendment on the House floor today calling on the Secretary of Homeland Security to examine the challenges and delays faced by transportation workers seeking to obtain TWIC cards at enrollment sites and mandates the development of timelines and benchmarks for implementing the findings of this assessment.

Mr. Chairman, every year, 95 percent of the goods coming into the United States arrive at our Nation's seaports. These goods are shipped from ports around the world, some from developed countries and others from developing countries. I am particularly concerned about ports in developing countries. Developing countries have limited resources which means their ability to maintain effective anti-terrorism measures is limited.

We cannot allow terrorists to exploit this limitation. Rather, we should work with developing countries and others to build up their anti-terrorism measures. This assistance will benefit all of us. The developing countries will gain the support they need, and we will close a potential gap in our own supply chain. Every gap we close is one less gap that can be exploited by terrorists. I am pleased that this bill requires the Department of Homeland Security to develop a strategic plan to utilize existing assistance programs to assist foreign ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measured. This bill furthermore authorizes the Coast Guard to lend, lease, and donate equipment and provide technical training to noncompliant foreign ports or facilities. The multiple layers of security enhancement authorized in this legislation will minimize the ability of terrorists to target to maritime commerce and negatively impact the global supply chain.

I am pleased that the Coast Guard Authorization Act of 2007 includes specific provisions relating to Minority Serving Institutions (MSIs). Within this legislation, MSIs are defined as a historically Black college or university, a Hispanic serving institution, a Tribal College or University, a Predominantly Black institution, or a Native American-serving institution. Section 901 of this important legislation states that the Commandant shall establish a management internship program for students at MSIs, enabling them to intern at Coast Guard headquarters or Coast Guard regional offices in an effort to support the development of civilian, career-midlevel, and senior managers for the service. This legislation furthermore instructs the Coast Guard to work with the National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium to create this internship program and authorizes $2 million to be appropriated to this program.

Mr. Chairman, I have long stressed the importance of including this Nation's MSIs in the effort to secure our Nation. Section 903 of this legislation states that the Commandant shall establish Guard. Laboratory of Excellence-MSI a Coast Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery. It also calls on the Commandant to encourage collaboration among the minority serving institutions selected to participate in the cooperative technology program and institutions of higher education with institutional research and academic program resources and experience. These and other measures included within this bill are absolutely imperative as the Office of Workforce Planning has recently revealed that only 5 percent of the officer corps is African American and only 12 percent of the officer corps is comprised of ethnic minorities, while in the last 3 years the numbers of minority ascensions have actually decreased.

The Coast Guard Authorization Act of 2007 also increases oversight and efficiency of the TWIC program, which was originally mandated 6 years ago, yet continues to flounder. To date only 230,000 out of an estimated 845,000 applicants have enrolled in the TWIC program, while the deadline for enrollment is September 25, 2008. While this provision of the Coast Guard Authorization is both timely and important, there is still more which must be done in order to ensure that the program is both effective and efficient, which is why I have offered an amendment.

I would like to reiterate only a few of the obstacles that workers have faced in my State of Texas as well in my district of Houston. For example, a marine worker enrolled at the Houston Port enrolled on December 13, 2007. To date, he still does not yet have a TWIC card. He remained on hold for 4 hours and 10 minutes and was finally told by the operator that he would have to return to Houston to be fingerprinted again after APR. Incidentally, a representative of Higman Marine Services, Inc. asked the same question about their employee, and she was told that he should not return until June. This blatant inconsistency in service and information is simply unacceptable. Furthermore, another transportation worker went to the Beaumont center about three weeks ago to pick up his TWIC after being notified it was ready. He traveled from Hemphill, TX (117 miles) and was told that the card was accidentally shipped to Houston and he could drive there (85 miles) to pick it up. He presently does not have his card. The list of incidences in which workers have to continually overcome structural impediments is too long for me to name. It is from my concern for these workers that I have introduced my amendment.

My amendment calls for the Secretary of Homeland Security to compile an assessment of the enrollment sites for transportation security cards issued under 7 section 70105 of title 46, United States Code within 30 days of enactment. The assessment should, at a minimum, examine: the feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle the large number of applicants for such cards; the feasibility of keeping those enrollment sites open after September 25, 2008; and the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

My amendment furthermore calls on the Secretary of Homeland Security to develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary. By identifying the areas in which enrollment sites for homeland security cards are ineffective and inefficient and creating a timeline through which to implement necessary changes and benchmarks to ensure their progress and accountability, we will make this Nation a safer place accessible to labor and operations alike.

Mr. Chairman, the Transportation Security Administration has expressed some concern over Title X of this legislation. Title X would transfer Coast Guard Administrative Law Judge (ALJ) authority to review merchant mariner documentation as well as 80 percent of the ALJ budget to NTSB. I understand the TSA's concern that such a step might have an adverse impact on anticipated cases dealing with TWIC and adjudication of TSA's civil cases, and I am committed to working with TSA to ensure that the execution of this legislation is beneficial to all parties involved.

Long before the horrific events of September 11, 2001, citizens of American relied upon the Coast Guard to ensure the safety of our waterways, and we depend on them still. Therefore, I urge my fellow members of Congress to also support the Coast Guard Authorization Act of 2007 and ensure this rich and necessary tradition remains a thriving and useful part of not only our national defense strategy but also to protect us and the environment from those threats by sea.

The CHAIRMAN. The Chair would advise that the gentleman from California has 30 seconds remaining and the gentleman from Mississippi has 3¾ minutes remaining.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), who has been a leader on this issue on the committee, as well as one who is vitally interested in the reporting of various sexual assaults at the Academy.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank both my chairmen for the time.

I rise today in support of H.R. 2830, the Coast Guard Reauthorization Act. As the chairwoman of the Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism, I have the jurisdiction over the Coast Guard's security missions. I am very pleased that the Homeland Security Committee had the opportunity to mark up this legislation and that we included several provisions that will strengthen the Coast Guard's maritime security activities.

This bill increases the Coast Guard's end strength by 1,500 members to ensure that there are adequate personnel to carry out all of the Coast Guard's missions. This addresses my longstanding concerns about inadequate staffing at the Coast Guard.

The legislation also requires the use of security zones around all liquefied natural gas, or LNG, facilities. This is a critical step in stopping these facilities from becoming targets as the number of LNG imports increases.

This bill will also improve the lot of the Transportation Worker Identification Credential, or the TWIC, by providing more facilities where workers can submit their fingerprints so they can enroll in TWIC more efficiently and meet the September 25, 2008, deadline. This affects 650,000 port workers. In addition, the legislation enhances oversight of TWIC by requiring reports to Congress and the GAO on ongoing program implementation.

H.R. 2830 requires the establishment of an additional maritime security response team. Currently there is only one in the Nation, and it is based on the east coast. It makes sense to have a second one, because, of course, there are plenty of people on the west coast, and we need it.

I urge all of my colleagues to support this legislation and its many provisions. It strengthens the security operations and the safety operations that our Coast Guard does.

Thank you, Mr. Chairman. I want to thank all of those who worked so hard on this bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I have no more speakers. If the gentleman from California has no more speakers, then I am prepared to close after the gentleman closes.

The CHAIRMAN. The gentleman from California is recognized for 30 seconds.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I submit for the RECORD two more letters, one from the Commandant of the Coast Guard and one from four retired admirals of the Coast Guard.

Mr. Chairman, let me just repeat some language contained in the Director of TSA's letter to Congressman KING, the ranking member of Homeland Security, about the concern I have again about this ALJ question.

"In the absence of sufficient ALJ legal and administrative resources at the Coast Guard, TSA does not regard the NTSB ALJs as a good alternative. Coast Guard ALJs have substantial expertise in fair adjudication of security programs. NTSB ALJs do not have the expertise in transportation security matters."

What I have been trying to point out is my concern about the TWIC program, that all of us on a bipartisan basis here in the House and the Senate have tried to get up and running. I am afraid that while I appreciate the gentleman from Minnesota's clarification of his intent to do something in the future, I am concerned about the expertise being removed at a time when we need it.

U.S. DEPARTMENT OF HOMELAND SECURITY, UNITED STATES COAST GUARD,
Washington, DC, April 23, 2008.
Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: On April 18, the Committee filed with the Rules Committee an amendment in the nature of a substitute to H.R. 2830, that would be retitled the "Coast Guard Authorization Act of 2008." During numerous meetings and staff-level discussions over several months, we have described how a number of provisions that appear in this amendment would compromise organizational efficiency and operational effectiveness, diminish my command and control, and ultimately reduce the Coast Guard's effectiveness in carrying out its safety, security, and stewardship missions. We have expressed these and other concerns in Department of Homeland Security views letters concerning earlier bill language. The amendment also contains provisions neither previously shared nor discussed with the Coast Guard.

One provision requiring that the Coast Guard provide security around liquefied natural gas terminals and tankers is contrary to the existing assistance framework, at odds with accepted risk management practices, and would divert finite Coast Guard assets from other high-priority missions. I recommend a broader' discussion of security measures for all extremely hazardous cargoes. In the Statement of Administration Policy on H.R. 2830, the Administration has stated that, if the bill is presented to the President with this provision, his senior advisors would recommend that he veto the bill.

Among the others is one that, while similar to the Administration's proposal, fails to authorize the President to appoint officers to positions of importance and responsibility to accommodate organizational change in the future (Admirals and Vice Admirals). Others, primarily involving our important marine safety mission, would statutorily fix the designation and duties of other senior Coast Guard officials and officials at all levels of command, and prescribe inflexible personnel qualification requirements. Still other provisions would diminish the Coast Guard's capacity to adjudicate merchant mariner licensing matters efficiently and effectively and support other vital security adjudications of the Department of Homeland Security (Appeals to National Transportation Safety Board). Still more provisions would prescribe contracting and acquisition practices for the Deepwater program, thereby increasing the cost of, and adding delay to, the Deepwater acquisition process, as well as circumventing the review and approval authority of Coast Guard technical authorities (Coast Guard Integrated Deepwater Program).

Among the new provisions is one that dramatically alters admission procedures for the U.S. Coast Guard Academy. While I have discussed Academy admissions several times with Chairman Cummings and we agree that our process should yield successful cadets and reflect our diverse society, the proposed Congressional nomination process deserves full discussion and deliberate consideration. Other new provisions that affect how we execute our missions deserve similar scrutiny. Conversely, the bill omits the Administration proposal for much needed enhanced authority to prosecute those who would smuggle undocumented aliens into the United States by sea (Maritime Alien Smuggling Law Enforcement Act) and the Administration's proposal to protect seafarers who participate in investigations and adjudication of environmental crimes or who have been abandoned in the United States (Protection of and fair treatment of seafarers).

Over the last year in the course of hearings, personal meetings with you, and regional forums with industry, as well as in my public statements, I have assured you and the public that we share a common objective: a robust marine safety program suited to meet the evolving demands of industry and the marine public. I am already taking aggressive steps to right the balance between our marine safety mission and our other vital responsibilities, and improve the effectiveness, consistency, and responsiveness of our marine safety program, consistent with the framework I presented to you last September. Legislation such as the provisions I describe above was unnecessary to start this process. As I have stated on several occasions. I am the Commandant and am accountable to you to produce the changes needed to improve program performance.

Including these provisions and others in an Authorization Act that would otherwise be welcome compels me to strongly oppose the bill.

Sincerely,

T.W. ALLEN,
Admiral, U.S. Coast Guard, Commandant.

APRIL 15, 2008.

DEAR ADMIRAL ALLEN: We are sending you this letter to express our gratitude for the personal attention you have given Coast Guard's Marine Safety program the past several months. Industry and Congressional concern for Coast Guard performance of this vital mission needed addressing from the top. Your personal outreach to the stakeholders as well as the plans your staff developed to improve the program are making a difference. We fully support the Marine Safety Enhancement Plan delivered to Congress on September 25, 2007. This plan appropriately targets the concerns that have been voiced by both industry and Coast Guard members, and we are seeing progress towards addressing those concerns. We have also been closely following the Coast Guard's historic modernization efforts. Your Headquarters organization modernization plan provides the appropriate level of focus and visibility to implement the marine safety program enhancements.

We fully support Congressional commitment to hold the Coast Guard accountable for mission performance in Marine Safety, as in all other missions. At the same time, we believe that you need to have maximum flexibility in managing Coast Guard forces to achieve mission success. To achieve that degree of flexibility, the Coast Guard should continue its integrated approach to maritime safety, security, and stewardship to ensure our country's Marine Transportation System (MTS) operates safely and efficiently.

Above all, we applaud the Coast Guard and the Administration's request for additional resources to address Marine Safety mission requirements. By increasing capacity and expertise, the Coast Guard will be able to keep stride with the rapidly growing MTS and provide the level of services that maritime stakeholders expect and deserve.

We stand ready to assist in achieving the Coast Guard's Marine Safety goals.

Sincerely,

VADM JAMES C. CARD,
U.S. Coast Guard, Ret.
RADM PAUL J. PLUTA,
U.S. Coast Guard, Ret.
RADM ROBERT C. NORTH,
U.S. Coast Guard, Ret.
RADM THOMAS H. GILMOUR,
U.S. Coast Guard, Ret.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 2830, not only for what it does to enhance port security, but also for what it does to get the Deepwater program back on course. As someone who cares about the Coast Guard, it has been disturbing to see the mismanagement of the Deepwater program.

This year, a $24 billion effort to modernize the Coast Guard's fleet has suffered delays, cost increases and design flaws that ultimately culminated in the idling of eight patrol boats. By the time that these problems were discovered by both the Inspector General of DHS and the Comptroller General, $88 million had been wasted. Both Federal watchdogs have said that program failures were due to the excessive leeway given the program contractors.

H.R. 2830 includes provisions that protect American taxpayers by forcing the Coast Guard to, for the first time, manage this contract. Regrettably, the administration in its Statement of Administration Policy denounced the Deepwater provision, which, incidentally, was approved by the House on a vote of 426–0 on July 23, 2007. We cannot allow the Coast Guard to continue on a poorly navigated course. H.R. 2830 will steer the Deepwater procurement process in the right direction.

Mr. Chairman, for this reason and dozens of others, I urge my colleagues to join me in supporting H.R. 2830.

Ms. LEE. Mr. Chairman, I rise today in support of H.R. 2830, the Coast Guard Reauthorization Act of 2007, which makes significant strides in supporting the invaluable work of the United States Coast Guard.

I applaud the many improvements that this legislation will make to Federal policy in protecting our coastal environment, strengthening security in our Nation's ports, and providing the tools and resources necessary for rapid emergency response and coordination.

The collision of a containership with the San Francisco Bay Bridge near my district, and the resulting oil spill that spread throughout the Bay, raised many questions about maritime policy in our Nation's coastal waters and ports. Commendably though, the committee field hearing examining the Federal response to the oil spill also provided potential answers to these questions.

I am pleased to see that many important provisions were included in H.R. 2830 to improve our water vessel traffic systems, sharpen incident response, and tighten environmental and security requirements. H.R. 2830 will mandate double hulls for new container vessels with large oil capacities, reducing the risk of spills and contamination, and protecting animals, plant life, and local economies from the harmful impact of such disasters.

I also strongly support the provision added by my colleague, Rep. TAUSCHER, which authorizes the Coast Guard to issue regulations that require bar pilots to carry portable navigational devices when they are navigating large container and tanker ships. These portable devices provide pilots accurate and necessary information to safely navigate their ships, and are critical to preventing future accidents like the one that occurred in the San Francisco Bay.

As a longtime advocate of bringing common sense to our national security priorities, I am also pleased to acknowledge the important steps this legislation takes to securing our ports and the safety of communities that live around them. H.R. 2830 takes critical steps to safeguard nuclear materials by establishing a pilot program to employ preventive radiological/nuclear detection equipment on Coast Guard vessels.

Mr. Chairman, it is important to note that many States, including California, have been at the forefront of efforts to more effectively protect and manage our coastal waters. For instance, the Port of Oakland in my district was the first port in the United States to require that ships exchange their ballast water with seawater before entering the bay—a regulation that is now widely considered a critical measure of defense against invasive and nonindigenous species. Moving forward, we must work to ensure States can successfully complement Federal regulations in the future, to enhance coordination, and to provide a more comprehensive policy for protecting our waters.

Mr. Chairman, I am also pleased that this bill will support Coast Guard efforts to diversify its workforce, by helping to build valuable partnerships between the Coast Guard and minority serving institutions. In 2006, just 16 percent of the Coast Guard Officer Candidate School graduates were minorities. Programs such as the Minority Serving Institution Management Internship Program, will recruit students from Historically Black Colleges and Universities, Hispanic-serving institutions, and tribal colleges, among others, and help to develop a new and diverse generation of civilian managers and Coast Guard Officers.

The establishment of a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority-serving institutions will assist in modernizing the Coast Guard's security programs while increasing the number of minority graduate degree holders in science, engineering, mathematics, and information technology—all fields that are critical to the mission of the Coast Guard.

Mr. Chairman, I stand in strong support of H.R. 2830, and I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I rise today in support of H.R. 2830, the Coast Guard Authorization Act of 2007. This bill has many provisions which will improve homeland security, ensure safe navigation and enhance shipping reliability, among other measures. However, I would particularly like to draw my colleagues' attention to the ballast water protections in this bill.

As a member who hails from the Great Lakes State, I am perhaps more familiar than most with the havoc invasive species can reap on our waterways. I would note that in its 2005 report, the Great Lakes Collaboration stated that the world's greatest freshwater lakes are "succumbing to an irreversible 'invasional meltdown' that may be more severe than chemical pollution." There are currently 185 invasive species in the Great Lakes and another is discovered, on average, every 28 weeks!

Invasive species cost the Federal Government about $1.3 billion per year and it is estimated that 42 percent of plants and animals on the Threatened and Endangered Species List are at risk because of alien species. Aquatic invasives pose a particular threat because of their ability to spread quickly through connected waterways.

Ballast water, which is used to stabilize freighters, is taken on board before a voyage begins. It can often contain organisms which become invasive species when released in navigable waters. For the reasons outlined above, ballast water represents a significant threat to our Great Lakes.

To its credit, the National Park Service has already taken steps to prevent ballast water from spreading a deadly fish virus known as VHS in Lake Superior and Lake Michigan. But much more must be done to protect the Great Lakes and other waterways from the exotic species contained in ballast water.

H.R. 2830 takes these necessary steps. This legislation for the first time creates strong ballast water management treatment standards in statute and requires that ballast water treatment technology be installed on board beginning next year. In addition, the bill requires all discharged ballast water to be thoroughly treated and implements tougher standards beginning in 2012, with a goal of zero species in discharged water by 2015. The manager's amendment to the bill also includes clarifying provisions to ensure that ballast water management activities are properly reported, so that freighters can be held accountable for complying with the law.

I would like to thank my friend and colleague, Chairman JAMES OBERSTAR, for his hard work on this important legislation. We in the Great Lakes region are lucky to have one of our own, the distinguished gentleman from Minnesota, overseeing these matters. I urge all of my colleagues to support this critically important bill.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong support of this Coast Guard Authorization Bill being considered on the floor today.

I have the unique pleasure of representing over 265 miles of pristine Florida coastline—from Miami Beach to Key West. In fact, two of the largest Coast Guard Sectors in the United States, Sector Miami commanded by Captain Karl Schultz and Sector Key West commanded by Captain Scott A. Buschman are located in my Congressional district. As such, ensuring that the brave Coast Guard men and women have the tools they need to effectively patrol our coasts is of utmost concern.

I know that with this important mission, my constituents would not be pleased to hear of the lack of state-of-the-art equipment that the Coast Guard has been using to accomplish its goals.

Just to highlight the nature of our aging Coast Guard fleet, I can point to the oldest cutter still active. The *Storis*, still serving today in Alaska, was commissioned before the United States entry into World War II. A ship over 65 years old should not be tasked with protecting against the modern threats that face this great Nation.

Compare this to an April 18th article in the St. Petersburg Times where Drug Enforcement Agency officials are quoted as "scratching their heads over how to combat the latest innovation in drug smuggling: radar-dodging semisubmersible vessels packed with tons of cocaine." Determined drug smugglers are using very sophisticated ships and technologies in this cat-and-mouse game and it will become increasingly difficult to prevent their illegal activities if we are not able to modernize our fleet as well.

Fortunately, a vital portion of this bill is dedicated to the Coast Guard's Integrated Deepwater System. This is a critical program to modernize and replace the Coast Guard's aging ships and aircraft. The Deepwater Program is the largest acquisition in the history of the Coast Guard and any delay in the passage of this bill would have a serious and negative impact on the security of South Florida and our Nation.

We can all agree that these brave men and women deserve the fundamental resources they need. Certainly, without adequate funding the Coast Guard will not be equipped to accomplish their mission.

Coast Guard Sector Miami is scheduled to receive the first six Fast Response Cutters in addition to three ISLAND Class patrol boats. As well, Coast Guard Sector Key West is scheduled for delivery of the second six Fast Response Cutters in addition to one ISLAND Class patrol boat. I applaud these efforts and look forward to the continuation of the Deepwater Program.

Though this bill is by no means perfect, the urgency of modernizing our fleet and putting these ships in the water and these aircraft in the skies cannot be understated.

I urge all Members to recognize the crucial need to protect our Nation by strengthening the United States' oldest continuous seagoing service, the United States Coast Guard.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of H.R. 2830, the Coast Guard Reauthorization Act of 2008.

I would like to thank both the Chairman of the Transportation and Infrastructure Committee, Chairman OBERSTAR, and especially the Chairman of the Coast Guard and Maritime Transportation Subcommittee, Chairman CUMMINGS, for their leadership in crafting this important piece of legislation.

I have always been a strong supporter of the Coast Guard and providing it with the resources necessary to protect our Nation's coasts, ports and waterways, particularly the Port of Houston which I represent.

H.R. 2830 is also important to me because it contains provisions relating to the security of vessels and facilities that transport or process Liquefied Natural Gas—or LNG—in the United States. Demand for clean-burning natural gas is building up across our economy, and energy proposals Congress has passed and is currently considering will only accelerate this demand. I believe all of us here agree on the need to ensure the safety of LNG shipments to the U.S., but Congress should do so in a responsible way that does not unnecessarily impede future shipments of this clean-burning fuel.

Chairman CUMMINGS understood these concerns and included new language that would maximize the resources available to the Coast Guard for enforcing LNG security zones; maintain the multi-mission function of the Coast Guard; and mitigate bureaucratic hurdles in the LNG security process. While not perfect, these changes are an improvement from the original bill and reflect a more workable approach than first proposed.

I want to again thank my good friends Chairman CUMMINGS and Chairman OBERSTAR for working with me and other Members to consider America's need for both energy security and homeland security when crafting this legislation.

I urge my colleagues to support H.R. 2830.

Mr. SKELTON. Mr. Chairman, I rise today in support of H.R 2830, the Coast Guard Authorization Act. This is a good bill in many ways. I particularly appreciate the bills' emphasis on holding the Coast Guard accountable for the funds the service receives from us, the Congress. The well-documented problems with the Deepwater program make it clear that more, needs to be done to ensure the Coast Guard's procurement policies are producing results. This is not just a budget issue, although that is certainly important, but it is also a national security issue. We depend on the men and women serving in the Coast Guard to defend our Nation's waterways, and for that critical task they need new ships and aircraft. Congress can no longer stand by while billions of dollars are wasted on a program that has failed to give our coastal defenders the tools they need. This bill takes steps to demand the type of accountability from the Coast Guard that we expect from the other uniformed services, and I encourage my colleagues to join me in support of this good and necessary legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of important language in Chairman OBERSTAR's manager's amendment to H.R. 2830, the Coast Guard Reauthorization Act. This amendment is critical for my constituents who live in the Greenpoint area in Brooklyn. I want to thank Chairman OBERSTAR and others on the Committee who saw the need for this language, and were willing to act on it.

This important amendment directs the Environmental Protection Agency to conduct a follow up study on the Newtown Creek oil spill. The new EPA study builds upon my earlier effort with my distinguished colleague, Mr. WEINER, to get the EPA to issue a comprehensive report on the oil spill. That earlier report by the EPA, issued last fall, was an important step forward but it raised as many questions as it answered.

Mr. Chairman, it is appropriate that we are considering this issue on a Coast Guard bill. It was the Coast Guard, nearly 30 years ago, that discovered the Newtown Creek oil spill in Greenpoint. The spill is massive, and scientists lack accurate measurements of the scope and impact of the whole of the plume. That's why we need a full site characterization of the Creek, so we know just what is in, around and underneath the Creek bed.

The basic condition of the Creek was not comprehensively addressed in the earlier report. It's past time for a full site characterization of Newtown Creek. The goal not merely oil plume containment, but plume removal. We must help give this important waterway safely back to the community, for its use and enjoyment.

I also am deeply concerned about what threat this material poses to the public. A full site characterization should also allow us to better measure the public health impact of the oil spill. Residents in this part of Brooklyn suffer from asthma, emphysema and bronchitis at a 25 percent higher rate than the rest of the city. Child asthma hospital admissions are especially high. A full site characterization can help public health professionals draw conclusions about the impact of the oil spill on the health of the local community.

In conclusion, Mr. Chairman, I want to thank Mr. WEINER for his long-term partnership and hard work in addressing the serious public policy problem posed by the Newtown Creek Oil Spill. I would urge the EPA to seize upon these clear instructions from Congress, and help New York understand just what it is facing at Newtown Creek. Only a full site characterization can accomplish this worthy goal.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of H.R. 2830, the Coast Guard Authorization Act of 2008. Among the many important provisions of this bill is one that is particularly needed to help ensure that our coastwise laws are properly and promptly enforced.

Section 220 of the manager's amendment recognizes the importance of vigorous enforcement of our Nation's coastwise laws by expanding the Department of Homeland Security's enforcement authority to include the Coast Guard in addition to Customs and Border Protection.

In keeping with this important objective we hope that the Administration will make good on the effort that was begun last November with the publication of a proposed interpretive rule designed to address evasion by foreign cruise lines of one of our coastwise laws, the Passenger Vessel Services Act.

I have written to Secretary Michael Chertoff urging prompt implementation of a modified rule that addresses concerns raised during the comment process while ensuring that the coastwise laws are properly enforced. My letter details the frustration of important Congressional objectives that will result if the rule is not implemented and I ask that a copy be included in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 31, 2007.

Re Hawaiian Coastwise Cruises (USCBP-2007-0098)

Hon. MICHAEL CHERTOFF,
Secretary, Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: Customs and Border Protection ("CBP") proposed an interpretive rule regarding "Hawaiian Coastwise Cruises" on November 21, 2007. Since issuing the notice and accepting comments on the proposal, no final action has been taken to protect the only oceangoing U.S.-flag cruise ships in operation from unfair foreign competition. As a result, it has been announced that a second U.S.-flag cruise ship will be leaving Hawaii service and the U.S. registry in May 2008. I write today to urge the Department to immediately adopt a Hawaii specific rule in order to ensure that the remaining U.S.-flag cruise ship does not have the same fate.

On December 21, 2007, I joined the Hawai'i Congressional delegation and also offered separate comments of my own with respect to the proposed criteria to be used by CBP to determine whether non-coastwise-qualified passenger vessels are in violation of the Passenger Vessel Services Act ("PVSA") (46 U.S.C. 55103) and the Hawaii Cruise Ship Initiative enacted in 2003 (Pub. L. 108-7) when engaging in Hawaii cruise itineraries that include a "sham" foreign port stop of as little as an hour in the middle of the night to cleanse the voyage and avoid the application of U.S. laws.

As the preamble to the interpretive rule accurately states, "The intent of the maritime cabotage laws, including the PVSA, was to provide a 'legal structure that guarantees a coastwise monopol to American shipping and thereby promotes development of the American merchant marine'". I strongly support the PVSA, and was a primary sponsor of the subsequently enacted 2003 Hawaii Cruise Ship Initiative. I also strongly believe that CBP must take steps to vigorously enforce the PVSA, including adoption of the proposed interpretive rule for Hawaii. But I am concerned that CBP's effort to do so may unnecessarily slow implementation of the interpretive rule by needlessly trying to apply it broadly to all U.S. ports, where no oceangoing U.S.-flag cruise ships operate in regular service.

CBP's proposed interpretive rule is unnecessarily expansive. It goes beyond what is necessary to achieve the economic and national security policy objective of the PVSA and the 2003 Hawaii Cruise Ship Initiative. In fact, I believe a reasonable interpretation under those laws would limit the scope of proposed interpretation to Hawaii because it would further those important public policy goals.

Indeed, the vast majority of the opposition to CBP's proposed interpretation is based on the far reaching nature of the proposal. As a result, comments have been received from interested parties as far away from Hawaii as Maine and Florida who have understandably expressed concerns about the potential impact of the proposal on foreign cruise ships operating in areas where no oceangoing U.S. flag ships call. MARAD and CBP identified a specific and intentional effort to circumvent the PVSA on Hawaii cruises. Under the authorities provided by the PVSA and the 2003 Hawaii Cruise Ship Initiative, the final remedy proposed by CBP should be limited to addressing that specific issue in the Hawaii market where U.S. flag ships operate.

Moreover, the 2003 Hawai'i Cruise Ship Initiative requires that the affected U.S. flag ships identified in this proposed interpretation be in "regular service" in Hawai'i and explicitly prohibits their operation in coastwise service in Alaska, the Gulf of Mexico, and the Caribbean Sea, areas where interested parties have raised concerns about the application of the proposal. For these reasons, I strongly recommend that CBP issue a proposed PVSA interpretation limited to Hawai'i as follows:

CBP interprets a Hawai'i cruise itinerary to be "solely to one or more coastwise ports" even where it stops at a foreign port, unless the stop at the foreign port is a legitimate object of the cruise. CBP will assume that a stop at a foreign port is not a legitimate object of the cruise unless:

1. The amount of time at the foreign port is more than 50 percent of the total amount of time at the Hawai'i ports of call; and

2. The passengers are permitted to go ashore temporarily at the foreign port.

Accordingly, CBP proposes to adopt an interpretive rule under which it will presume that any Hawai'i cruise itinerary that does not include a foreign port of call that satisfies each of these two criteria constitutes coastwise transportation of passengers in violation of 19 CFR 4.80a(b)(1).

Thank you for considering my views on this important matter. I firmly believe that if CBP acts on the proposed rule as I have recommended, many of the concerns expressed by commenters in this docket will be alleviated, while at the same time ensuring the protection of the very oceangoing U.S.-flag cruise ships intended by the PVSA and the 2003 Hawaii Cruise Ship Initiative.

Sincerely,

NEIL ABERCROMBIE,
Member of Congress.

Mr. KAGEN. Mr. Chairman, I rise in strong support of H.R. 2830, the Coast Guard Authorization Act.

While this critical legislation is replete with numerous provisions that would make a variety of necessary changes to the Coast Guard's operations, I would like to focus on the portion of the bill that would regulate ballast water, which is of particular importance to northeast Wisconsin.

As my constituents know, ballast water is an easy way for invasive species to enter the Great Lakes. These species quickly take root and displace native species to the detriment of local environments.

There are also serious economic consequences associated with attempting to manage and control these aquatic invaders.

In the Great Lakes, it is estimated that roughly $5 billion in damages has been caused by the zebra mussel; while the cost of lost native species may never be known.

Additionally, there is an enormous recreational cost associated with the loss of fish and wildlife in the Great Lakes, which account for nearly 22 percent of the world's fresh surface water. They are a tremendous and extraordinary natural resource that we cannot afford to harm.

I would like to commend Mr. OBERSTAR for his leadership on this issue, and for including in his manager's amendment the requirement that each vessel provide monthly reports on ballast operations.

This prerequisite will allow for greater transparency in ballast management, and will sanction early detection of invasive species.

I am also encouraged that H.R. 2830 permits alternative ballast management measures for recreational vessels. In establishing rules for recreational vessels, I hope the Secretary recognizes that local boaters and fishermen should not be subjected to unreasonable overregulation.

In closing, I would urge all my colleagues to support passage of this legislation.

Mr. ISRAEL. Mr. Chairman, I would like to rise in support of language I included in the Coast Guard Reauthorization Act.

I have consistently fought for boating safety for the last three years in memory of my constituent Brianna Lieneck who died in August of 2005. Her parents came to me after losing their daughter. They have made it their mission to fight for boating safety and to make the water safer for others.

Their daughter Brianna an 11-year-old girl from my district who was tragically taken from us three years ago during a boating accident on the Great South Bay. The accident occurred on August 17, 2005 when a boat collided with their own. The operator of the other boat was reckless and there was poor visibility from the lack of lighting on the water that late at night.

While we can't bring back Brianna I have made it a priority to fight or mandatory boater education. And I want to commend Brianna's parents for taking this horrible tragedy and using it to fuel such a worthy cause.

This year the Coast Guard Reauthorization Act will include language mandating that the Coast Guard find the best and most feasible ways to establish mandatory boater education for all states and report back to Congress within 6 months. This is an important first step in boating safety because education directly translates to safer waters. The Coast Guard estimates that 70 percent of reported fatalities occur when a boat operator has not received boating safety instruction.

So many careless accidents can be avoided by taking one simple course and being more informed on the water.

Boating accidents claimed 710 lives in 2006 and caused 3,474 injuries. Of that, 14 deaths and 100 injuries occurred in New York State in 2006. There were a total of 152 boating accidents in the state of New York.

There has been no significant decrease in the number of boating deaths since 1996 and the number increased between 2003 and 2006. This is unacceptable. If one simple course will decrease the number of deaths and injuries on the water, it is so important that we do everything in our power to require mandatory boater education.

You must take a driving test before you are able to operate a car. You should, at the very least, be required to take an education course to operate a boat.

And we owe it to the memory of Brianna and other victims in the Nation to do all we can to prevent future fatalities on the water.

I would like to thank Chairman OBERSTAR and Ranking Member MICA for allowing this language to be included in the bill.

Mr. WEINER. Mr. Chairman, the House has under consideration the bill H.R. 2830, the Coast Guard Reauthorization Act of 2007. Mr. Chairman, I want to highlight an amendment that I offered which has been included in Chairman OBERSTAR's amendment before the House. It directs the Environmental Protection Agency to conduct a study of the Greenpoint, Brooklyn, New York underground oil spill at Newtown Creek.

Newtown Creek is a 3.5 mile-long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. It is the single most polluted waterway in New York City, a legacy left by more than a century of heavy industrial activity. The creek's banks are home to the largest oil spill in the United States, which dates back to the 1950s and is estimated to be 150 percent of the size of the Exxon-Valdez spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operated along the banks of the creek by the predecessors to ExxonMobil, BP/Amoco and Chevron-Texaco. To date, 9.4 million gallons have been cleaned, primarily conducted by ExxonMobil under a 1990 consent agreement with the New York State Department of Environmental Conservation that sets no timetable for completion and includes no meaningful criteria for compliance. Estimates indicate that it will take until at least 2026 to finish the remediation, almost 50 years since we discovered the spill.

Today, even though it has been 30 years since the oil spill was detected, the best information on the spill's size are estimates. While we have evidence that the spill is 17–30 million gallons, covering 55 to 70 acres, the full-extent of the spill remains unknown.

This information is critical. More than 200 observation wells and 35 recovery wells have been installed since 1978, but until we know the full extent of the problem, we may be wasting time.

In 2006, Congress directed the Environmental Protection Agency to revisit the findings of the United States Coast Guard's July 1979 report entitled "Investigation of Underground Accumulation of Hydrocarbons along

Newtown Creek." The 2006 study did not collect new data, determine the size or location of the spill, or conclusively assess its impact on public health and safety. It recommended reevaluating the entire plume.

Given this, the provision included in Chairman OBERSTAR's amendment instructs the Environmental Protection Agency to conduct a full-site characterization of the Greenpoint, Brooklyn underground oil spill.

This study is to be driven by the collection of new field evidence and will not be limited to the review or co-review of existing or scheduled data collection by private parties or state and municipal entities. This new evidence includes the collection of data from new product, groundwater and soil monitoring wells, as well as from existing groundwater and soil monitoring wells at the Greenpoint Oil Spill site. This site is loosely bound by Newtown Creek on the northeast, the Brooklyn-Queens Expressway on the east and south, North Henry Street on the west, and Greenpoint Avenue on the north.

Specifically, the full-site characterization is to include:

The investigation, collection, and analysis of data on the full extent of the free-product plume, or the portion of the underground petroleum plume that floats on top of the site's groundwater in its refined state or crude state, including any historic remnants currently distinct or fragmented from current spill delineations.

The investigation, collection, and analysis of data on the full extent of the dissolved phase of the plume, or the portion of the underground petroleum plume that has dissolved into the groundwater, including the geographic extent and concentrations of groundwater contamination.

The investigation, collection, and analysis of data on the full extent of soil contamination, including current and historic smear zones, or the area of soil contamination that may exist within the zone of horizontal and vertical water table fluctuations that have occurred since the time of the petroleum release.

The investigation, collection, and analysis of data on the full extent of soil vapor contamination, including vertical and horizontal pathways within the vadose zone, or the area between the land surface and the water table.

The evaluation of the entire spill area, covering both the free-product and dissolved plume, using three-phase numerical modeling techniques simulating the movement and interaction of water, oil, and vapor in a geologic medium, and use of such model to make an estimate on the length of time that will be required to recover free product, contaminated groundwater and contaminated soil from the underground plumes.

The investigation and collection of data on monthly groundwater levels over a representative area of the free product and dissolved phase contamination areas to establish background water levels.

The investigation, collection, and analysis of data on current and historic groundwater pathways in the region.

The investigation, collection, and analysis of data on the impact of tidal fluctuations on groundwater levels in the region.

The investigation, collection, and analysis of data on seepage of free product and dissolved phase groundwater into Newtown Creek along the full spill area shoreline.

Chemical analysis and description of the oil product in the Newtown Creek region in its free product phase, its dissolved phase, and its smeared phase.

An investigation of reports of oil in building foundations in the area of Roebling Street and North Eleventh Street in Brooklyn, New York, to determine whether those oil pockets are distinct from the Greenpoint Oil Spill, are historic remnants of the Greenpoint Oil Spill, or remain hydrologically connected to the Greenpoint Oil Spill.

A detailed, three-dimensional representation reflecting the latitudinal and longitudinal location of the oil spill in the Newtown Creek region and also the observed and corrected thickness of the spill.

A revised estimate of the volume and area of the spill in its three phases: free product, polluted groundwater, and smeared soils, and evaluate the remaining plume volume using corrected product thickness values.

There is no geographic limit to the study. Testing is to be performed at potential, historic migration pathways and currently or newly detected product and groundwater contamination areas near the Greenpoint oil spill. The study will begin with areas to the north, south, southeast, and east of the current published spill location. Emphasis is to be placed on the path the spill may have taken when it was subject to hydrologic pressures related to groundwater withdrawals in the early-to-mid part of the 20th Century.

As outlined in the amendment, this study is to be completed no later than one year after enactment of this law.

I would like to express my thanks to Chairman OBERSTAR and Chairman CUMMINGS for their willingness to work with me on this project. Furthermore, I would like to commend Mrs. VELÁZQUEZ, who represents the people of Greenpoint, and has worked closely with me on this initiative.

Additionally, I would like to thank the staff of the Transportation and Infrastructure Subcommittees on Water Resources and Environment and Coast Guard and Maritime Transportation, particularly Ryan Seiger, John Cullather, Lucinda Lessley, and Ben Webster, who have worked with me to address this critical, but often overlooked, issue.

I'd also like to thank Riverkeeper Incorporated, and its chief investigator, Basil Seggos. This organization's dedication and advice on remediating the Newtown Creek oil spill over the last six years has been an invaluable asset.

Finally, I'd like to thank Dori Friedberg of my staff for her time, work, and counsel on this issue.

Mr. Chairman, I thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard Reauthorization Act of 2007, and express my strong support for this bill.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Coast Guard Authorization Act. In particular, I urge my colleagues to support the legislation's ballast water treatment requirements.

The Great Lakes are one of this nation's crown jewels. They are the most unique set of freshwater lakes in the world. They provide drinking water for millions. They provide habitat for our fisheries and they offer tremendous recreational and tourism opportunities.

The Great Lakes are threatened by damaging aquatic invasive species that arrive in the Lakes at a rate of one every eight months. The communities I represent have first-hand experience of the devastation these aquatic invaders can cause. In the mid-1980s, the zebra mussel was brought to the Great Lakes by hitching a ride on an ocean vessel from Europe. They were first identified in Lake St. Clair in 1988, and since then the zebra mussels have spread throughout the Great Lakes and have made their way into the Mississippi River and its tributaries. The economic and ecological costs of dealing with aquatic invasive species are staggering.

Invasive aquatic species pose a clear and present danger to virtually every U.S. waterway and coastal area. Many more invasive species will arrive in rapid succession and spread within U.S. waters unless effective measures are taken to prevent them.

The bill before the House contains strong provisions to reduce and hopefully eliminate the spread of aquatic invasive species through ballast water. The bill establishes a national goal to eliminate invasive species from ballast water that is discharged into U.S. waters by the year 2015. As an interim step, the legislation requires all ships entering U.S. waters to conduct ballast water exchange at least 200 miles off the nation's coastline. Between now and the end of 2013, the legislation requires vessels to be fitted with effective ballast water treatment equipment.

I urge my colleagues to join me in supporting this comprehensive response to one of the most serious problems confronting the Great Lakes and waterways across the nation.

Mr. PASCRELL. Mr. Chairman, I rise to speak in strong support of H.R. 2830, the Coast Guard Authorization Act, as this is a necessary piece of legislation that is vital to our Nation's homeland security strategy.

The President and indeed many in this body often talk about the need not to fall back into a pre-9/11 mindset when it comes to homeland security and I could not agree more.

This is why I want to start by thanking Homeland Security Committee Chairman BENNIE THOMPSON for all his work to strengthen the crucial port security aspects of this bill.

Ever since 9/11 we have faced the fact that our Nation is vulnerable to possible terrorist attack by air, land and sea. In response our Nation's entire security apparatus has had to work harder and stretch their resources farther in order to be more responsive to these increased threats and few agencies have exemplified this more than the Coast Guard.

This legislation finally provides the resources necessary to ensure that the Coast Guard can successfully execute all its missions by authorizing the increase of their end-strength by 1,500 members to 47,000 and increasing funding to the Coast Guard to $8.4 billion, a full $200 million over the President's budget.

However, this President and many of this body have objected to Section 720 of this bill which would strengthen security around liquefied natural gas, LNG, terminals and tanker ships.

These terminals represent a critical piece of our energy infrastructure that could be attractive targets for attack, especially if we allow them to be built without any regard for our ability to secure them.

Without Section 720, we would certainly be guilty of maintaining a pre-9/11 mindset that says it's acceptable to maintain soft spots in our homeland security strategy and that is simply unacceptable.

I hope we would all learn the lessons of 9/11 and support this legislation in full instead of trying to weaken our comprehensive homeland security strategy.

Mr. KIND. Mr. Chairman, I rise today in support of the Coast Guard Authorization Act. This bill takes necessary steps to modernize our maritime fleet, enhance security at sea and at port, and reduce pollution. These measures are overdue, and I applaud Chairmen OBERSTAR, THOMPSON, and CONYERS and their respective ranking members for bringing this bill forward today.

I am most proud, however, that this bill finally begins to address the ever-growing scourge of invasive species spreading throughout our coastal and inland waters. These foreign organisms are wreaking havoc on native ecosystems and local economies. The Great Lakes are already home to a whopping 185 invasive species. Zebra mussels have clogged water intakes at power plants and municipal water treatment facilities, adding about $2 billion to the cost of producing electricity and clean drinking water, while also altering the ecosystem and reducing the number of prized fish species. The sea lamprey would have driven Great Lake trout species to extinction if the Federal Government did not spend $15 million per year to combat them. And the lakes face a menacing new threat as Asian carp continue their march up the Illinois River.

The ballast water treatment requirements in this bill seek to remedy the lackadaisical attitude that led to the introduction of each of these species into American waters. Rather than continuing to say, "Come what may," this bill states that it is now national policy that the introduction of non-indigenous aquatic nuisance species should be prohibited and establishes a goal of ensuring that by 2015 no ballast water discharged by ships in U.S. waters contains viable living organisms. Furthermore, the bill sets up ballast water treatment requirements for ships entering U.S. waters and methods for enforcement. With these protections in place, State and Federal Governments will have tools in hand to begin to reverse the tide of invasives and restore our own native ecosystems.

I have seen the waters of the Mississippi River in my own district be overrun by invasives such as the zebra mussel, which is why I have taken a keen interest in legislation to address the problem. I was proud to join with my colleague RAHM EMANUEL, who has been an outspoken proponent for action on this issue, in drafting amendments to H.R. 2380 to strengthen the bill's ballast water treatment section. One of these amendments would have clarified that vessels that do not carry ballast water on board—No Ballast On Board, or NOBOB—are also subject to the treatment provisions. The other would have required that ships make their logs of ballast treatment activities available to the Secretary of Transportation each month. By adding this requirement, the public will be assured access to this information and will be able to track the actions of all ships entering our waters.

I thank Chairman OBERSTAR for his support of these amendments and for including them in the manager's amendment approved today. These simple additions to the bill are important improvements that will strengthen our defenses against invasives and improve transparency and accountability. We greatly appreciate the chairman's willingness to make these changes and his great leadership when it comes to the health and safety of the Great Lakes.

On the heels of Earth Day, the time to pass the ballast water provisions in this bill could not be better. I urge my colleagues to support the bill.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 2830, "The Coast Guard Authorization Act" and would like to commend Chairman OBERSTAR and Ranking Member MICA for their work on the bill and their efforts in bringing it to the House floor today. The development of this bill has been a long process and a collaborative effort. We are pleased that it is before the House for passage. I would also like to commend Chairman THOMPSON, my colleagues on the Homeland Security Committee and staff for their work on the Port Security section of this legislation. I would like to thank Chairman CUMMINGS and Ranking Member LATOURETTE for theirs on Deepwater and their support of the Port Security provisions in H.R. 2830.

The United States Coast Guard has a broad and important role in homeland security, law enforcement, search and rescue, marine environmental pollution response, and the maintenance of river, Intracoastal and offshore aids to navigation. Yet it has been grossly underfunded and therefore understaffed and underresourced. This bill provides much needed resources and capacity building to effectuate these changes without compromising security. In addition to increasing funding by $8.4 billion and the bill provides a much needed increase from 1,500 coast guard personnel to 47,000.

There are many important provisions in the bill but I am particularly pleased with the provisions to improve Port Security, particularly for the Virgin Islands and the Caribbean. Section 419 of the bill authorizes the Secretary of Homeland Security to station additional Coast Guard assets in the U.S. Virgin Islands for port security and other purposes. Currently, the Virgin Islands are without a coast guard cutter and have to depend on Puerto Rico for use of their vessel. This provision is a step forward in establishing a permanent Coast Guard unit in the Virgin Islands.

Another very important issue to the Virgin Islands and the Caribbean is cruise security. It is estimated that 10.6 million Americans took a cruise from a U.S. port in 2007. These ports include locations in the U.S. Virgin Islands, Puerto Rico and points throughout the Caribbean. H.R. 2830 includes incident notification requirements that would enhance cruise ship security. This provision would make our ports more secure and thus more attractive to cruise ship travelers.

Enhancing Port Security has been a priority for the Homeland Security Committee and The Coast Guard Authorization Act of 2007 will give the Coast Guard much needed reform as well as strengthen our homeland security, protection of the marine environment and maritime safety. It reflects our commitment to improving port security.

We all remember with gratitude the stellar work of the U.S. Coast Guard during Hurricane Katrina. Were it not for them many more lives would have been lost. This bill is a down payment on the gratitude we owe them for this and their work in the waters of our Nation. I encourage my colleagues to support the bill and urge its final passage.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendments recommended by the Committees on Transportation and Infrastructure, Homeland Security, and the Judiciary printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 110-604. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Transfer of bridge administration program authority and functions.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.
Sec. 202. Industrial activities.
Sec. 203. Reimbursement for medical-related travel expenses.
Sec. 204. Commissioned officers.
Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
Sec. 206. Grants to international maritime organizations.
Sec. 207. Emergency leave retention authority.
Sec. 208. Enforcement authority.
Sec. 209. Repeal.
Sec. 210. Admirals and Vice Admirals.
Sec. 211. Merchant Mariner Medical Advisory Committee.
Sec. 212. Reserve commissioned warrant officer to lieutenant program.
Sec. 213. Enhanced status quo officer promotion system.
Sec. 214. Laser Training System.
Sec. 215. Coast Guard vessels and aircraft.
Sec. 216. Coast Guard District Ombudsmen.

Sec. 217. Ensuring contracting with small business concerns and disadvantaged business concerns.
Sec. 218. Assistant Commandant for Port and Waterway Security.
Sec. 219. Small business procurements.
Sec. 220. Enforcement of coastwise trade laws.
Sec. 221. Nomination and appointment of cadets at the Coast Guard Academy.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Vessel size limits.
Sec. 302. Goods and services.
Sec. 303. Seaward extension of anchorage grounds jurisdiction.
Sec. 304. Maritime Drug Law Enforcement Act amendment-simple possession.
Sec. 305. Technical amendments to tonnage measurement law.
Sec. 306. Cold weather survival training.
Sec. 307. Fishing vessel safety.
Sec. 308. Mariner records.
Sec. 309. Deletion of exemption of license requirement for operators of certain towing vessels.
Sec. 310. Adjustment of liability limits for natural gas deepwater ports.
Sec. 311. Period of limitations for claims against Oil Spill Liability Trust Fund.
Sec. 312. Log books.
Sec. 313. Unsafe operation.
Sec. 314. Approval of survival craft.
Sec. 315. Safety management.
Sec. 316. Protection against discrimination.
Sec. 317. Dry bulk cargo residue.
Sec. 318. Oil fuel tank protection.
Sec. 319. Registry endorsement for LNG vessels.
Sec. 320. Oaths.
Sec. 321. Duration of credentials.
Sec. 322. Fingerprinting.
Sec. 323. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
Sec. 324. Merchant mariner documentation.
Sec. 325. Merchant mariner assistance report.
Sec. 326. Merchant mariner shortage report.
Sec. 327. Merchant mariner document standards.
Sec. 328. Report on Coast Guard determinations.
Sec. 329. Pilot required.
Sec. 330. Offshore supply vessels.
Sec. 331. Recreational vessel operator education and training.
Sec. 332. Ship emission reduction technology demonstration project.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Certificate of documentation for GALLANT LADY.
Sec. 402. Waiver.
Sec. 403. Great Lakes Maritime Research Institute.
Sec. 404. Conveyance.
Sec. 405. Crew wages on passenger vessels.
Sec. 406. Technical corrections.
Sec. 407. Conveyance of decommissioned Coast Guard Cutter STORIS.
Sec. 408. Repeal of requirement of license for employment in the business of salvaging on the coast of Florida.
Sec. 409. Right-of-first-refusal for Coast Guard property on Jupiter Island, Florida.
Sec. 410. Conveyance of Coast Guard HU–25 Falcon Jet aircraft.
Sec. 411. Decommissioned Coast Guard vessels for Haiti.
Sec. 412. Extension of period of operation of vessel for setting, relocation, or recovery of anchors or other mooring equipment.
Sec. 413. Vessel traffic risk assessments.
Sec. 414. Vessel MARYLAND INDEPENDENCE.
Sec. 415. Study of relocation of Coast Guard Sector Buffalo facilities.
Sec. 416. Conveyance of Coast Guard vessel to Coahoma County, Mississippi.
Sec. 417. Conveyance of Coast Guard vessel to Warren County, Mississippi.
Sec. 418. Conveyance of Coast Guard vessel to Washington County, Mississippi.
Sec. 419. Coast Guard assets for United States Virgin Islands.
Sec. 420. Conveyance of the Presque Isle Light Station fresnel lens to Presque Isle Township, Michigan.
Sec. 421. Fishing in South Pacific tuna treaty convention area.
Sec. 422. Assessment of needs for additional Coast Guard presence in high latitude regions.
Sec. 423. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.
Sec. 424. Report on projected workload at the Coast Guard Yard in Curtis Bay, Maryland.
Sec. 425. Study of bridges over navigable waters.
Sec. 426. Limitation on jurisdiction of States to tax certain seamen.
Sec. 427. Decommissioned Coast Guard vessels for Bermuda.
Sec. 428. Recreational marine industry.
Sec. 429. Conveyance of Coast Guard vessels to Nassau County, New York.

TITLE V—BALLAST WATER TREATMENT

Sec. 501. Short title.
Sec. 502. Declaration of goals and purposes.
Sec. 503. Ballast water management.
Sec. 504. National ballast water management information.
Sec. 505. Ballast water management evaluation and demonstration program.
Sec. 506. Rapid response plan.
Sec. 507. Authorization of appropriations.

TITLE VI—MARITIME POLLUTION PREVENTION

Sec. 601. Short title.
Sec. 602. References.
Sec. 603. Definitions.
Sec. 604. Applicability.
Sec. 605. Administration and enforcement.
Sec. 606. Certificates.
Sec. 607. Reception facilities.
Sec. 608. Inspections.
Sec. 609. Amendments to the protocol.
Sec. 610. Penalties.
Sec. 611. Effect on other laws.

TITLE VII--PORT SECURITY

Sec. 701. Maritime homeland security public awareness program.
Sec. 702. Transportation Worker Identification Credential.
Sec. 703. Study to identify redundant background records checks.
Sec. 704. Review of interagency operational centers.
Sec. 705. Maritime security response teams.
Sec. 706. Coast Guard detection canine team program expansion.
Sec. 707. Coast Guard port assistance program.
Sec. 708. Maritime biometric identification.
Sec. 709. Review of potential threats.
Sec. 710. Port security pilot.
Sec. 711. Advance notice of port arrival of significant or fatal incidents involving U.S. persons.
Sec. 712. Safety and security assistance for foreign ports.
Sec. 713. Seasonal workers.
Sec. 714. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes.
Sec. 715. Pilot Program for fingerprinting of maritime workers.
Sec. 716. Transportation security cards on vessels.
Sec. 717. International labor study.
Sec. 718. Maritime security advisory committees.
Sec. 719. Seamen's shoreside access.
Sec. 720. Waterside security around liquefied natural gas terminals and liquefied natural gas tankers.

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

Sec. 801. Short title.
Sec. 802. Implementation of Coast Guard Integrated Deepwater Acquisition Program.
Sec. 803. Chief Acquisition Officer.
Sec. 804. Testing and certification.
Sec. 805. National Security Cutters.
Sec. 806. Miscellaneous reports.
Sec. 807. Use of the Naval Sea Systems Command, the Naval Air Systems Command, and the Space and Naval Warfare Systems Command to assist the Coast Guard in exercising technical authority for the Deepwater Program and other Coast Guard acquisition programs.
Sec. 808. Definitions.

TITLE IX—MINORITY SERVING INSTITUTIONS

Sec. 901. MSI Management Internship Program.
Sec. 902. MSI initiatives.
Sec. 903. Coast Guard-MSI Cooperative Technology Program.
Sec. 904. Definition.

TITLE X—APPEALS TO NATIONAL TRANSPORTATION SAFETY BOARD

Sec. 1001. Rights of appeal regarding licenses, certificates of registry, and merchant mariners' documents.
Sec. 1002. Authorities of National Transportation Safety Board.
Sec. 1003. Transfer of pending appeals to the National Transportation Safety Board.
Sec. 1004. Rulemaking requirements.
Sec. 1005. Administrative Law Judge recruiting program.

TITLE XI—MARINE SAFETY

Sec. 1101. Marine safety.
Sec. 1102. Marine safety staff.
Sec. 1103. Marine safety mission priorities and long term goals.
Sec. 1104. Powers and duties.
Sec. 1105. Appeals and waivers.
Sec. 1106. Coast Guard Academy.
Sec. 1107. Geographic stability.
Sec. 1108. Apprentice program.
Sec. 1109. Report regarding civilian marine inspectors.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2008 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,965,742,000, of which—

(A) $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5));

(B) $631,000,000 shall be available only for paying for search and rescue programs;

(C) $527,000,000 shall be available only for paying for marine safety programs;

(D) $80,500,000 shall be available only for paying for operating expenses of the Integrated Deepwater System program; and

(E) $1,523,000,000 shall be available only for paying for ports, waterways, and coastal security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,125,083,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) $990,444,000 is authorized for the Integrated Deepwater System Program; and

(C) $44,597,000 is authorized for shore facilities and aids to navigation.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $25,000,000, to remain available until expended, of which $2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $13,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $126,883,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for the fiscal year ending on September 30, 2008.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2008, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. TRANSFER OF BRIDGE ADMINISTRATION PROGRAM AUTHORITY AND FUNCTIONS.

(a) TRANSFER.—

(1) AUTHORITY AND FUNCTIONS.—Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)) or any other provision of law, the authorities of the Secretary of Homeland Security to approve the construction, alteration, or operation of a bridge, drawbridge, or causeway across or over the navigable waters of the United States and to require the alteration, repair, or removal of that bridge, drawbridge, or causeway, pursuant to the Bridge Act of 1906 (34 Stat. 84; 33 U.S.C. 491 et seq.), the General Bridge Act of 1946 (60 Stat. 847, 33 U.S.C. 525 note), the Truman-Hobbs Act (54 Stat. 497; 33 U.S.C. 511 et seq.), and the International Bridge Act of 1972 (60 Stat. 847; 33 U.S.C. 525 et seq.), and the functions related thereto, are hereby transferred to the Secretary of Transportation.

(2) TRANSFER AND ADMINISTRATION OF BALANCES.—Any unobligated balances of prior appropriations provided for the alteration of bridges are transferred and shall be available to the Secretary of Transportation to carry out the functions and authorities transferred by subsection (a).

TITLE II—COAST GUARD

SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"§153. Appointment of judges

"The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"153. Appointment of judges.".

SEC. 202. INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "All orders"; and

(2) by adding at the end the following:

"(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.".

SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

"§518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States

"In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 10741(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.".

SEC. 204. COMMISSIONED OFFICERS.

(a) ACTIVE DUTY PROMOTION LIST.—Section 42 of title 14, United States Code, is amended to read as follows:

"§42. Number and distribution of commissioned officers on active duty promotion list

"(a) MAXIMUM TOTAL NUMBER.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

"(b) DISTRIBUTION PERCENTAGES BY GRADE.—

"(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

"(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

"(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

"(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

"(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

"(c) COMPUTATIONS.—

"(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

"(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

"(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

"(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

"(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

"42. Number and distribution of commissioned officers on active duty promotion list.".

SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME (AFRH) SYSTEM.

(a) IN GENERAL.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(C) by inserting at the end the following:

"(E) the Assistant Commandant of the Coast Guard for Human Resources."; and

(3) by adding at the end of paragraph (6) the following:

"(E) The Master Chief Petty Officer of the Coast Guard.".

(b) CONFORMING AMENDMENTS.—(1) Section 2772 of title 10, United States Code, is amended—

(A) in subsection (a) by inserting "or, in the case of the Coast Guard, the Commandant" after "concerned"; and

(B) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) in paragraph (3) by inserting "or, in the case of the Coast Guard, the Commandant" after "Secretary of Defense";

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

"(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port state or flag state law enforcement or oversight.".

SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

"§426. Emergency leave retention authority

"With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following new item:

"426. Emergency leave retention authority.".

SEC. 208. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§99. Enforcement authority

"Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

"(1) carry a firearm; and

"(2) while at a facility (as defined in section 70101 of title 46)—

"(A) make an arrest without warrant for any offense against the United States committed in their presence; and

"(B) seize property as otherwise provided by law.".

(b) CONFORMING REPEAL.—The first section added to title 46, United States Code, by the amendment made by subsection (a) of section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), and the item relating to such first section enacted by the amendment made by subsection (b) of such section 801, are repealed.

(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"99. Enforcement authority.".

SEC. 209. REPEAL.

Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title, are repealed.

SEC. 210. ADMIRALS AND VICE ADMIRALS.

(a) VICE COMMANDANT.—Section 47 of title 14, United States Code, is amended by striking "vice admiral" and inserting "admiral".

(b) VICE ADMIRALS.—Section 50 of title 14, United States Code, is amended to read as follows:

"§50. Vice admirals

"(a)(1) The President may designate 4 positions of importance and responsibility that shall be held by officers who—

"(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

"(B) shall perform any duties as the Commandant may prescribe.

"(2) The 4 vice admiral positions authorized under paragraph (1) are, respectively, the following:

"(A) The Deputy Commandant for Mission Support.

"(B) The Deputy Commandant for National Operations and Policy.

"(C) The Commander, Force Readiness Command.

"(D) The Commander, Operations Command.

"(3) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to each of the positions designated under paragraph (1) an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for those appointments.

"(b)(1) The appointment and the grade of vice admiral under this section shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

"(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

"(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

"(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

"(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

"(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

"(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

"(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position to carry out effectively the duties and responsibilities of that position.".

(c) REPEAL.—Section 50a of title 14, United States Code, is repealed.

(d) CONFORMING AMENDMENT.—Section 51 of that title is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

"(a) An officer, other than the Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

"(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

"(c) An officer, other than the Commandant, who, after serving less than two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade."; and

(2) in subsection (d)(2) by striking "Area Commander, or Chief of Staff" and inserting "or Vice Admirals".

(e) CLERICAL AMENDMENTS.—

(1) The heading for section 47 of that title is amended by striking "**assignment**" and inserting "**appointment**".

(2) The table of sections at the beginning of chapter 3 of that title is amended—

(A) by striking the item relating to section 47 and inserting the following:

"47. Vice Commandant; appointment.";

(B) by striking the item relating to section 50 and inserting the following:

"50. Vice admirals.";

and

(C) by striking the item relating to section 50a.

(f) TECHNICAL CORRECTION.—Section 47 of that title is further amended in the fifth sentence by striking "subsection" and inserting "section".

SEC. 211. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 7115. Merchant Mariner Medical Advisory Committee

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the 'Committee').

"(2) FUNCTIONS.—The Committee shall advise the Secretary on matters relating to—

"(A) medical certification determinations for issuance of merchant mariner credentials;

"(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

"(C) medical examiner education; and

"(D) medical research.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 14 members, none of whom is a Federal employee, and shall include—

"(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

"(B) four who are professional mariners with knowledge and experience in mariner occupational requirements.

"(2) STATUS OF MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

"(c) APPOINTMENTS; TERMS; VACANCIES.—

"(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

"(2) TERMS.—Each member shall be appointed for a term of three years, except that, of the members first appointed, three members shall be appointed for a term of two years and three members shall be appointed for a term of one year.

"(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of that term.

"(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

"(e) COMPENSATION; REIMBURSEMENT.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

"(f) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.".

(b) FIRST MEETING.—No later than six months after the date of enactment of this Act, the Merchant Mariner Medical Advisory Committee established by the amendment made by this section shall hold its first meeting.

(c) CLERICAL AMENDMENT.—The analysis for chapter 71 of that title is amended by adding at the end the following:

"7115. Merchant Mariner Medical Advisory Committee.".

SEC. 212. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

"(a) The president may appoint temporary commissioned officers—

"(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

"(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.".

SEC. 213. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

Chapter 11 of title 14, United States Code, is amended—

(1) in section 253(a)—

(A) by inserting "and" after "considered,"; and

(B) by striking ", and the number of officers the board may recommend for promotion";

(2) in section 258—

(A) by inserting "(a) IN GENERAL.—" before the existing text;

(B) in subsection (a) (as so designated) by striking the colon at the end of the material preceding paragraph (1) and inserting "—"; and

(C) by adding at the end the following:

"(b) PROVISION OF DIRECTION AND GUIDANCE.—

"(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

"(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

"(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

"(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.";

(3) in section 259(a), by inserting after "whom the board" the following: ", giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,"; and

(4) in section 260(b), by inserting after "qualified for promotion" the following: "to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)".

SEC. 214. LASER TRAINING SYSTEM.

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard shall test an integrated laser engagement system for the training of members of the Coast Guard assigned to small vessels in the use of individual weapons and machine guns on those vessels. The test shall be conducted on vessels on the Great Lakes using similar laser equipment used by other Federal agencies. However, that equipment shall be adapted for use in the marine environment.

(b) REPORT.—The Secretary shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 6 months after the conclusions of the test required under subsection (a) on the costs and benefits of using the system regionally and nationwide to train members of the Coast Guard in the use of individual weapons and machine guns.

SEC. 215. COAST GUARD VESSELS AND AIRCRAFT.

(a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—Section 637(c) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking "; or" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) any other vessel or aircraft on government noncommercial service when—

"(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

"(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.".

(b) AUTHORITY TO DISPLAY COAST GUARD ENSIGNS AND PENNANTS.—Section 638(a) of title 14, United States Code, is amended by striking "Coast Guard vessels and aircraft" and inserting "Vessels and aircraft authorized by the Secretary".

SEC. 216. COAST GUARD DISTRICT OMBUDSMEN.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 55. District Ombudsmen

"(a) IN GENERAL.—The Commandant shall appoint an employee of the Coast Guard in each Coast Guard District as a District Ombudsman to serve as a liaison between ports, terminal operators, shipowners, and labor representatives and the Coast Guard. .

"(b) PURPOSE.—The purpose of the District Ombudsman shall be the following:

"(1) To support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

"(2) To improve communications between and among port stakeholders including, port and terminal operators, ship owners, labor representatives, and the Coast Guard.

"(3) To seek to resolve disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

"(c) FUNCTIONS.—

"(1) COMPLAINTS.—The District Ombudsman may examine complaints brought to the attention of the District Ombudsman by a petitioner operating in a port or by Coast Guard personnel.

"(2) GUIDELINES FOR DISPUTES.—

"(A) IN GENERAL.—The District Ombudsman shall develop guidelines regarding the types of disputes with respect to which the District Ombudsman will provide assistance.

"(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce.

"(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as the result of implementing a

Coast Guard requirement or being denied a Coast Guard service.

"(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard personnel who can aid in the investigation of a complaint.

"(4) ACCESS TO INFORMATION.—The District Ombudsman shall have access to any Coast Guard document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a compliant.

"(5) REPORTS.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

"(6) DEADLINE.—The District Ombudsman shall seek to resolve each complaint brought in accordance with the guidelines—

"(A) in a timely fashion; and

"(B) not later than 4 months after the complaint is officially accepted by the District Ombudsman.

"(d) APPOINTMENT.—The Commandant shall appoint as the District Ombudsman a civilian who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

"(e) ANNUAL REPORTS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

"(1) the number of matters brought before each District Ombudsman;

"(2) a brief summary of each such matter; and

"(3) the eventual resolution of each such matter.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is amended by adding at the end the following new item:

"55. District Ombudsmen.".

SEC. 217. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.

(a) REQUIREMENTS FOR PRIME CONTRACTS.—The Secretary shall include in each contract awarded for procurement of goods or services acquired for the Coast Guard—

(1) a requirement that the contractor shall implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq., 1101 et seq.), and Alaska Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), including the terms of such plan; and

(2) a requirement that the contractor shall submit to the Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with such plan, including specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in subsection (a)(1).

(b) UTILIZATION OF ALLIANCES.—The Secretary shall seek to facilitate award of contracts by the United States under the Deepwater Program to alliances of small business concerns, institutions, and corporations referred to in subsection (a)(1).

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by October 31 each year a report on the award of contracts under the Deepwater Program to small business concerns, institutions, and corporations referred to in subsection (a)(1) during the preceding fiscal year.

(2) CONTENTS.—The Secretary shall include in each report—

(A) specification of the value of such contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the United States under the Deepwater Program in such fiscal year;

(B) specification of the total dollar value of such contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (a)(1); and

(C) if the percentage specified under subparagraph (A) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

(d) DEFINITIONS.—In this section:

(1) DEEPWATER PROGRAM.—The term "Deepwater Program" means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled "Revised Deepwater Implementation Plan 2005", dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

SEC. 218. ASSISTANT COMMANDANT FOR PORT AND WATERWAY SECURITY.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

"§61. Assistant Commandant for Port and Waterway Security

"(a) There shall be in the Coast Guard an Assistant Commandant for Port and Waterway Security who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) selected by the Secretary.

"(b) The Assistant Commandant for Port and Waterway Security shall serve as the principal advisor to the Commandant regarding port and waterway security and shall carry out the duties and powers delegated and imposed by the Secretary.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is further amended by adding at the end the following:

"61. Assistant Commandant for Port and Waterway Security.".

SEC. 219. SMALL BUSINESS PROCUREMENTS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"§678. Disadvantaged business enterprise program

"(a) IN GENERAL.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts obligated by the Coast Guard for contracts in any fiscal year shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

"(b) DEFINITIONS.—In this subsection, the following definitions apply:

"(1) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

"(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term 'socially and economically disadvantaged individuals' has the meaning that term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

"(c) REGULATIONS.—The Secretary shall issue final regulations governing the administration of the program created by this section by one year after the date of enactment of this section. To the maximum extent feasible, these regulations shall impose requirements similar to those of part 26 of title 49, Code of Federal Regulations, with respect to setting overall and contract goals, good faith efforts, and the contract award process, counting of credit for the participation of businesses owned and controlled by socially and economically disadvantaged individuals, and determining whether businesses are eligible to participate in the program.

"(d) TERMINATION.—This section shall cease to be effective three years after the date of its enactment.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is further amended by adding at the end the following:

"678. Disadvantaged business enterprise program.".

SEC. 220. ENFORCEMENT OF COASTWISE TRADE LAWS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§101. Enforcement of coastwise trade laws

"Officers and members of the Coast Guard are authorized to enforce chapter 551 of title 46. The Secretary shall establish a program for these officers and members to enforce that chapter, including the application of those laws to vessels that support the exploration, development, and production of oil, gas, or mineral resources in the Gulf of Mexico.".

(b) CLERICAL AMENDMENT.—The analysis for that chapter is amended by adding at the end the following new item:

"101. Enforcement of coastwise trade laws.".

(c) REPORT.—The Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation within one year after the date of enactment of this Act on the enforcement strategies and enforcement actions taken to enforce the coastwise trade laws.

SEC. 221. NOMINATION AND APPOINTMENT OF CADETS AT THE COAST GUARD ACADEMY.

(a) NOMINATION AND COMPETITIVE APPOINTMENT, GENERALLY.—Section 182(a) of title 14, United States Code, is amended to read as follows:

"(a) NOMINATION AND COMPETITIVE APPOINTMENT OF CADETS.—

"(1) ELIGIBILITY FOR NOMINATION.—An individual may be nominated for a competitive appointment as a cadet at the Coast Guard Academy only if the individual–

"(A) is a citizen or national of the United States; and

"(B) meets the minimum requirements that the Secretary shall establish.

"(2) NOMINATORS.—Nominations for competitive appointments for the positions allocated under this section may be made as follows:

"(A) A Senator may nominate residents of the State represented by that Senator.

"(B) A Member of the House of Representatives may nominate residents of the State in which the congressional district represented by that Member is located.

"(C) A Delegate to the House of Representatives from the District of Columbia, the Virgin Islands, Guam, or American Samoa may nominate residents of the jurisdiction represented by that Delegate.

"(D) The Resident Commissioner to the United States from Puerto Rico may nominate residents of Puerto Rico.

"(E) The Governor of the Northern Mariana Islands may nominate residents of the Northern Mariana Islands.

"(3) ALLOCATION OF POSITIONS.—Positions for competitive appointments shall be allocated each year as follows:

"(A) Positions shall be allocated for residents of each State nominated by the Members of Congress from that State in proportion to the representation in Congress from that State.

"(B) Four positions shall be allocated for residents of the District of Columbia.

"(C) One position each shall be allocated for residents of the Virgin Islands, Guam, and American Samoa, respectively.

"(D) One position shall be allocated for a resident of Puerto Rico.

"(E) One position shall be allocated for a resident of the Northern Mariana Islands.

"(F) Two positions shall be allocated for individuals nominated by the Panama Canal Commission.

"(4) COMPETITIVE SYSTEM FOR APPOINTMENT.—

"(A) ESTABLISHMENT OF SYSTEM.—The Secretary shall establish a competitive system for selecting for appointment individuals nominated under paragraph (1) to fill the positions allocated under paragraph (3). The system must determine the relative merit of each individual based on competitive examinations, an assessment of the individual's academic background, and other effective indicators of motivation and probability of successful completion of training at the Academy.

"(B) APPOINTMENTS BY JURISDICTION.—The Secretary shall appoint individuals to fill the positions allocated under subsection (c) for each jurisdiction in the order of merit of the individuals nominated from that jurisdiction.

"(C) REMAINING UNFILLED POSITIONS.—If positions remain unfilled after the appointments are made under paragraph (2), the Secretary shall appoint individuals to fill the positions in the order of merit of the remaining individuals nominated from all jurisdictions.

"(5) NONCOMPETITIVE APPOINTMENTS.—The Secretary may appoint each year without competition as cadets at the Academy the following:

"(A) Without limit, the children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

"(B) Without limit—

"(i) children of individuals who died while on active duty in the armed forces of the United States;

"(ii) children of individuals who are determined by the Secretary of Veterans Affairs to have a service-connected disability rated at not less than 100 percent resulting from wounds or injuries received in, diseases contracted in, or preexisting injury or disease aggravated by, active service;

"(iii) children of members of the armed forces of the United States who are in a missing status as defined in section 551(2) of title 37; and

"(iv) children of civilian employees of the armed forces of the United States who are in missing status as defined in section 5561(5) of title 5.

"(C) Not more than 25 enlisted members of the Coast Guard;

"(D) Not more than 20 qualified individuals with qualities the Secretary considers to be of special value to the Academy and that the Secretary considers will achieve a national demographic balance at the Academy.

"(6) ADDITIONAL APPOINTMENTS FROM PARTICULAR AREAS.—

"(A) OTHER COUNTRIES IN WESTERN HEMISPHERE.—The President may appoint individuals from countries in the Western Hemisphere other than the United States to receive instruction at the Academy. Not more than 12 individuals may receive instruction under this subsection at the same time, and not more than 2 individuals from the same country may receive instruction under this subsection at the same time.

"(B) OTHER COUNTRIES GENERALLY.—

"(i) APPOINTMENT.—The Secretary, with the approval of the Secretary of State, may appoint individuals from countries other than the United States to receive instruction at the Academy. Not more than 20 individuals may receive instruction under this subsection at the same time.

"(ii) REIMBURSEMENT.—The Secretary shall ensure that the country from which an individual comes under this subsection will reimburse the Secretary for the cost (as determined by the Secretary) of the instruction and allowances received by the individual at the Academy.

"(C) COMMITMENT.—Each individual attending the Academy under this paragraph shall sign an agreement stating that the individual, upon graduation, will accept an appointment, if tendered, as an officer in the Coast Guard of the country from which the individual comes for at least five years.

"(7) PROHIBITED BASIS FOR APPOINTMENT.—Preference may not be given to an individual for appointment as a cadet at the Academy because one or more members of the individual's immediate family are alumni of the Academy.".

(b) MINORITY RECRUITING PROGRAM.—

(1) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 197. Minority recruiting program

"The Secretary of the department in which the Coast Guard is operating shall establish a minority recruiting program for prospective cadets at the Coast Guard Academy. The program may include—

"(1) use of minority cadets and officers to provide information regarding the Coast Guard and the Academy to students in high schools;

"(2) sponsoring of trips to high school teachers and guidance counselors to the Academy;

"(3) to the extent authorized by the Secretary of the Navy, maximizing the use of the Naval Academy Preparatory School to prepare students to be cadets at the Coast Guard Academy;

"(4) recruiting minority members of the Coast Guard to attend the Academy;

"(5) establishment of a minority affairs office at the Academy; and

"(6) use of minority officers and members of the Coast Guard Reserve and Auxiliary to promote the Academy.".

(2) CLERICAL AMENDMENT.—The table of sections for that cuapter is amended by adding at the end the folowing new item:

"197. Minority recruiting program.".

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) by inserting "and" after the semicolon at the end of subparagraph (A)(i);

(2) by striking "and" at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(5) by inserting at the end the following:

"(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681-627) and is eligible for a fishery endorsement under this section.".

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681–627) is amended to read as follows:

"(g) VESSEL REBUILDING AND REPLACEMENT.—

"(1) IN GENERAL.—

"(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

"(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

"(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

"(2) RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

"(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

"(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

"(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

"(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

"(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

"(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

"(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

"(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

"(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008.

"(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.".

(2) EXEMPTION OF CERTAIN VESSELS.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–620) is amended—

(A) by inserting "and" after "(United States official number 651041)";

(B) by striking ", NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)"; and

(C) by striking ", in the case of the NORTHERN" and all that follows through "PHOENIX,".

(3) FISHERY COOPERATIVE EXIT PROVISIONS.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–629) is amended—

(A) by moving the matter beginning with "the Secretary shall" in paragraph (1) 2 ems to the right;

(B) by adding at the end the following:

"(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

"(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

"(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008; and

"(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

"(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

"(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

"(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

"(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.".

SEC. 302. GOODS AND SERVICES.

Section 4(b) of the Act of July 5, 1884, commonly known as the Rivers and Harbors Appropriation Act of 1884 (33 U.S.C. 5(b)), is amended—

(1) by striking "or" at the end of paragraph (2)(C);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following:

"(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).".

SEC. 303. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(1) by striking "That the" and inserting the following:

"(a) IN GENERAL.—The".

(2) in subsection (a) (as designated by paragraph (1)) by striking "$100; and the" and inserting "up to $10,000. Each day during which a violation continues shall constitute a separate violation. The";

(3) by adding at the end the following:

"(b) DEFINITION.—As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.".

SEC. 304. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT-SIMPLE POSSESSION.

Section 70506 of title 46, United States Code, is amended by adding at the end the following:

"(c) SIMPLE POSSESSION.—

"(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed $10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

"(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

"(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.".

SEC. 305. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.

(a) DEFINITIONS.—Section 14101(4) of title 46, United States Code, is amended—

(1) by striking "engaged" the first place it appears and inserting "that engages";

(2) in subparagraph (A), by striking "arriving" and inserting "that arrives";

(3) in subparagraph (B)—

(A) by striking "making" and inserting "that makes"; and

(B) by striking "(except a foreign vessel engaged on that voyage)";

(4) in subparagraph (C), by striking "departing" and inserting "that departs"; and

(5) in subparagraph (D), by striking "making" and inserting "that makes".

(b) DELEGATION OF AUTHORITY.—Section 14103(c) of that title is amended by striking "intended to be engaged on" and inserting "that engages on".

(c) APPLICATION.—Section 14301 of that title is amended—

(1) by amending subsection (a) to read as follows:

"(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.";

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting ", unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.";

(B) in paragraph (3), by inserting "of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is" after "vessel";

(C) in paragraph (4), by striking "a vessel (except a vessel engaged" and inserting "a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages";

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

"(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.";

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(5) in subsection (c), as redesignated, by striking "After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)" and inserting "An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983 apply)".

(d) MEASUREMENT.—Section 14302(b) of that title is amended to read as follows:

"(b) A vessel measured under this chapter may not be required to be measured under another law.".

(e) TONNAGE CERTIFICATE.—

(1) ISSUANCE.—Section 14303 of title 46, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: "For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.";

(B) in subsection (b), by inserting "issued under this section" after "certificate"; and

(C) in the section heading by striking "**INTERNATIONAL**" and "**(1969)**".

(2) MAINTENANCE.—Section 14503 of that title is amended—

(A) by designating the existing text as subsection (a); and

(B) by adding at the end the following new subsection:

"(b) The certificate shall be maintained as required by the Secretary.".

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 143 of that title is amended by striking the item relating to section 14303 and inserting the following:

"14303. Tonnage Certificate.".

(f) OPTIONAL REGULATORY MEASUREMENT.—Section 14305(a) of that title is amended by striking "documented vessel measured under this chapter," and inserting "vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States,".

(g) APPLICATION.—Section 14501 of that title is amended—

(1) by amending paragraph (1) to read as follows:

"(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage."; and

(2) in paragraph (2), by striking "a vessel" and inserting "A vessel".

(h) DUAL TONNAGE MEASUREMENT.—Section 14513(c) of that title is amended—

(1) in paragraph (1)—

(A) by striking "vessel's tonnage mark is below the uppermost part of the load line marks," and inserting "vessel is assigned two sets of gross and net tonnages under this section,"; and

(B) by inserting "vessel's tonnage" before "mark" the second place such term appears; and

(2) in paragraph (2), by striking the period at the end and inserting "as assigned under this section.".

(i) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of that title is amended by adding at the end the following:

"§14514. Reciprocity for foreign vessels

"For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.".

(j) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following:

"14514. Reciprocity for foreign vessels.".

SEC. 306. COLD WEATHER SURVIVAL TRAINING.

(a) REPORT.—The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard in Coast Guard District 17 over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2008 through 2011.

(b) AUTHORIZATION OF APPROPRIATIONS FOR TRAINING.—There are authorized to be appropriated to the Secretary of Homeland Security $150,000 to carry out cold weather survival training in Coast Guard District 17.

SEC. 307. FISHING VESSEL SAFETY.

(a) SAFETY STANDARDS.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

"(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and"; and

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking "documented";

(B) in paragraph (1)(A), by striking "the Boundary Line" and inserting "3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes";

(C) in paragraph (2)(B), by striking "lifeboats or liferafts" and inserting "a survival craft that ensures that no part of an individual is immersed in water";

(D) in paragraph (2)(D), by inserting "marine" before "radio";

(E) in paragraph (2)(E), by striking "radar reflectors, nautical charts, and anchors" and inserting "nautical charts, and publications";

(F) in paragraph (2)(F), by striking ", including medicine chests" and inserting "and medical supplies sufficient for the size and area of operation of the vessel" and

(G) by amending paragraph (2)(G) to read as follows:

"(G) ground tackle sufficient for the vessel.";

(3) by amending subsection (f) to read as follows:

"(f) To ensure compliance with the requirements of this chapter, the Secretary—

"(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; and

"(2) shall examine at dockside a vessel described in subsection (b) at least twice every 5 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter."; and

(4) by adding at the end the following:

"(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

"(2) The training program shall—

"(A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, and weather;

"(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

"(C) recognize and give credit for recent past experience in fishing vessel operation; and

"(D) provide for issuance of a certificate to an individual that has successfully completed the program.

"(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

"(4) The Secretary shall establish a publicly accessible electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

"(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may established for recreational vessels under section 4302, if—

"(1) subsection (b) of this section applies to the vessel;

"(2) the vessel is less than 50 feet overall in length; and

"(3) the vessel is built after January 1, 2008.

"(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

"(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

"(i) in the case of vessel operators, meets the requirements of subsection (g); and

"(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

"(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

"(2) The Secretary shall award grants under this subsection on a competitive basis.

"(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

"(4) There is authorized to be appropriated $3,000,000 for each of fiscal years 2008 through 2012 for grants under this subsection.

"(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

"(2) The Secretary shall award grants under this subsection on a competitive basis.

"(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.".

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§4508. Commercial Fishing Safety Advisory Committee";

and

(B) in subsection (a) by striking "Industry Vessel".

(2) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

"4508. Commercial Fishing Safety Advisory Committee.".

(d) LOADLINES FOR VESSELS OVER 79 FEET.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after "vessel" the following ", unless the vessel is built or undergoes a major conversion completed after January 1, 2008".

(e) CLASSING OF VESSELS.—

(1) IN GENERAL.—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§4503. Fishing, fish tender, and fish processing vessel certification";

(B) in subsection (a) by striking "fish processing"; and

(C) by adding at the end the following:

"(c) This section applies to a vessel to which section 4502(b) of this title applies that—

"(1) is at least 50 feet overall in length;

"(2) is built after January 1, 2008; or

"(3) undergoes a major conversion completed after that date.

"(d)(1) After January 1, 2018, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

"(A) is at least 50 feet overall in length;

"(B) is built before January 1, 2008; and

"(C) is 25 years of age or older.

"(2) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

"(3) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before January 1, 2008, shall—

"(A) remain subject to the requirements of a classification society approved by the Secretary; and

"(B) have on board a certificate from that society.".

(2) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

"4503. Fishing, fish tender, and fish processing vessel certification.".

(f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—No later than January 1, 2015, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d) of the title 46, United States Code, as amended by this section.

SEC. 308. MARINER RECORDS.

Section 7502 of title 46, United States Code, is amended—

(1) by inserting "(a)" before "The";

(2) by striking "computerized records" and inserting "records, including electronic records,"; and

(3) by adding at the end the following:

"(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

"(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than $5,000.".

SEC. 309. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8905 of title 46, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 310. ADJUSTMENT OF LIABILITY LIMITS FOR NATURAL GAS DEEPWATER PORTS.

Section 1004(d)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)) is amended by adding at the end the following:

"(D) The Secretary may establish, by regulation, a limit of liability of not less than $12,000,000 for a deepwater port used only in connection with transportation of natural gas.".

SEC. 311. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST OIL SPILL LIABILITY TRUST FUND.

Section 1012(h)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(h)(1)) is amended by striking "6" and inserting "3".

SEC. 312. LOG BOOKS.

(a) IN GENERAL.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

"§11304. Additional logbook and entry requirements

"(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

"(b) The log book required by subsection (a) shall include the following entries:

"(1) The time when each seaman and each officer assumed or relieved the watch.

"(2) The number of hours in service to the vessels of each seaman and each officer.

"(3) An account of each accident, illness, and injury that occurs during each watch.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"11304. Additional logbook and entry requirements.".

SEC. 313. UNSAFE OPERATION.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

"§2116. Termination for unsafe operation

"An individual authorized to enforce this title—

"(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

"(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

"(3) may direct the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that title is amended by adding at the end the following:

"2116. Termination for unsafe operation.".

SEC. 314. APPROVAL OF SURVIVAL CRAFT.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following new section:

"§3104. Survival craft

"(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

"(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2013, if—

"(1) it was approved by the Secretary before January 1, 2008; and

"(2) it is in serviceable condition.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that title is amended by adding at the end the following:

"3104. Survival craft.".

SEC. 315. SAFETY MANAGEMENT.

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting "FOREIGN VOYAGES AND FOREIGN VESSELS.—";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

"(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

"(1) a passenger vessel or small passenger vessel; and

"(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.";

(4) in subsection (d), as so redesignated, by striking "subsection (b)" and inserting "subsection (c)";

(5) in subsection (d)(4), as so redesignated, by inserting "that is not described in subsection (b) of this section" after "waters".

(b) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—

"(1) the characteristics, methods of operation, and nature of the service of these vessels; and

"(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.".

SEC. 316. PROTECTION AGAINST DISCRIMINATION.

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking "or" after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end of subsection (a)(1) the following new subparagraphs:

"(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

"(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

"(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

"(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

"(G) the seaman accurately reported hours of duty under this part."; and

(4) by amending subsection (b) to read as follows:

"(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman's request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.".

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

SEC. 317. DRY BULK CARGO RESIDUE.

Section 623(a)(2) of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note) is amended by striking "2008" and inserting "2011".

SEC. 318. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Coast Guard Authorization Act of 2008, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection.'

"(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

"(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.".

SEC. 319. REGISTRY ENDORSEMENT FOR LNG VESSELS.

Section 12111 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) A vessel for which a registry endorsement is not issued may not engage in regasifying on navigable waters unless the vessel transported the gas from a foreign port.

"(2) Nothing in paragraph (1) or any other provision of this title may be construed as—

"(A) applying to such paragraph a definition of the term 'vessel' that includes any structure on, in, or under the navigable waters of the United States that the Coast Guard regulates as a waterfront facility handling liquified natural gas under part 127 of title 33, Code of Federal Regulations; or

"(B) having any effect on the jurisdiction of the Federal Energy Regulatory Commission under section 3(e)(1) of the Natural Gas Act.

"(3) Paragraph (2)(A) does not affect the authority of the Coast Guard to modify the provisions of part 127 of title 33, Code of Federal Regulations.".

SEC. 320. OATHS.

Sections 7105 and 7305 of title 46, United States Code, and the items relating to such sections in the analysis for chapters 71 and 73 of such title, are repealed.

SEC. 321. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

"(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

"(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

"(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.".

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

"§ 7106. Duration of licenses

"(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

"(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.".

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

"§ 7107. Duration of certificates of registry

"(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

"(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.".

SEC. 322. FINGERPRINTING.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§ 7507. Fingerprinting

"The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner's document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"7507. Fingerprinting.".

SEC. 323. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, as amended by section 322(a) of this Act, is further amended by adding at the end the following:

"§ 7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

"(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding section 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry.

"(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those documents.

"(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

"(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on June 30, 2009.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter, as amended by section 322(b), is further amended by adding at the end the following:

"7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.".

SEC. 324. MERCHANT MARINER DOCUMENTATION.

(a) INTERIM CLEARANCE PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop an interim clearance process for issuance of a merchant mariner document to enable a newly hired seaman to begin working on an offshore supply vessel or towing vessel if the Secretary makes an initial determination that the seaman does not pose a safety and security risk.

(b) CONTENTS OF PROCESS.—The process under subsection (a) shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government, review of the seaman's criminal record, and review of the results of testing the seaman for use of a dangerous drug (as defined in section 2101 of title 46, United States Code) in violation of law or Federal regulation.

SEC. 325. MERCHANT MARINER ASSISTANCE REPORT.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding a plan—

(1) to expand the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) to include proposals to simplify the application process for a license as an officer, staff officer, or operator and for a merchant mariner's document to help eliminate errors by merchant mariners when completing the application form (CG–719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) to provide notice to an applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) to ensure that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

SEC. 326. MERCHANT MARINER SHORTAGE REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning methods to address the current and future shortage in the number of merchant mariners, particularly entry-level mariners, including an evaluation of whether an educational loan program providing loans for the cost of on-the-job training would provide an incentive for workers and help alleviate the shortage.

SEC. 327. MERCHANT MARINER DOCUMENT STANDARDS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a plan to ensure that the process for an application, by an individual who has, or has applied for, a transportation security card under section 70105 of title 46, United States Code, for a merchant mariner document can be completed entirely by mail; and

(2) a report on the feasibility of, and a timeline to, redesign the merchant mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and include a review on whether or not such redesign will eliminate the need for separate credentials and background screening and streamline the application process for mariners.

SEC. 328. REPORT ON COAST GUARD DETERMINATIONS.

Not later than 180 days after enactment of this Act, the Secretary of Homeland Security shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards, enforcement of the Coast Guard's foreign rebuild determination regulations, and recommendations for improving the transparency in the Coast Guard's foreign rebuild determination process.

SEC. 329. PILOT REQUIRED.

Section 8502(g) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting "and Buzzards Bay, Massachusetts" before ", if any,"; and

(2) by adding at the end the following:

"(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tanker or tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a pilot, the pilot may not be a member of the crew of that vessel, and shall be a pilot licensed—

"(A) by the State of Massachusetts who is operating under a Federal first class pilot's license; or

"(B) under section 7101 of this title who has made at least 20 round trips on a vessel as a quartermaster, wheelsman, able seaman, or apprentice pilot, or in an equivalent capacity, including—

"(i) at least 1 round trip through Buzzards Bay in the preceding 12-month period; and

"(ii) if the vessel will be navigating in periods of darkness in an area of Buzzards Bay where a vessel is required by regulation to have a pilot, at least 5 round trips through Buzzards Bay during periods of darkness.".

SEC. 330. OFFSHORE SUPPLY VESSELS.

(a) DEFINITION.—Section 2101(19) of title 46, United States Code, is amended by striking "of more than 15 gross tons but less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

(b) EXEMPTION.—Section 5209(b)(1) of the Oceans Act of 1992 (Public Law 102–587; 46 U.S.C. 2101 note) is amended by inserting before the period at the end the following: "of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.".

(c) WATCHES.—Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting after "offshore supply vessel" the following: "of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title,";

(2) in subsection (d), by inserting "(1)" after "(d)", and by adding at the end the following:

"(2) Paragraph (1) does not apply to an offshore supply vessel of more than 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary."; and

(3) in subsection (e), by striking "subsection (d)" and inserting "subsection (d)(1)".

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) An offshore supply vessel shall have at least one mate. Additional mates on an offshore supply vessel of more than 6,000 gross tons as measured under section 14302 of this title shall be prescribe in accordance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.

"(2) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, may not be operated without a licensed engineer.".

SEC. 331. RECREATIONAL VESSEL OPERATOR EDUCATION AND TRAINING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study and report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate regarding recreational vessel operator training. The study and report shall included a review of—

(1) Coast Guard Auxiliary and Power Squadron training programs;

(2) existing State boating education programs, including programs by the National Association of State Boating Law Administrators (in this section referred to as "NASBLA"); and

(3) other hands-on training programs available to recreational vessel operators.

(b) INCLUDED SUBJECTS.—The study shall specifically examine—

(1) course materials;

(2) course content;

(3) training methodology;

(4) assessment methodology; and

(5) relevancy of course content to risks for recreational boaters.

(c) CONTENTS OF REPORT.—The report under this section shall include—

(1) a section regarding steps the Coast Guard and NASBLA have taken to encourage States to adopt mandatory recreational vessel operator training;

(2) an evaluation of the ability of the States to harmonize their education programs and testing procedures;

(3) an analysis of the extent States have provided reciprocity among the States for their respective mandatory and voluntary education requirements and programs;

(4) a section examining the level of uniformity of education and training between the States that currently have mandatory education and training programs;

(5) a section outlining the minimum standards for education of recreational vessel operators;

(6) a section analyzing how a Federal training and testing program can be harmonized with State training and testing programs;

(7) analysis of course content and delivery methodology for relevancy to risks for recreational boaters;

(8) a description of the current phase-in periods for mandatory boater education in State mandatory education programs and recommendation for the phase-in period for a mandatory boater education program including an evaluation as to whether the phase-in period affects course availability and cost;

(9) a description of the extent States allow for experienced boaters to by-pass mandatory education courses and go directly to testing;

(10) recommendations for a by-pass option for experienced boaters;

(11) a section analyzing how the Coast Guard would administer a Federal boating education, training, and testing program; and

(12) the extent to which a Federal boating education, training, and testing program should be required for all waters of a State, including internal waters.

SEC. 332. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study—

(1) on the methods and best practices of the use of exhaust emissions reduction technology on cargo or passenger ships that operate in United States waters and ports; and

(2) that identifies the Federal, State, and local laws, regulations, and other requirements that affect the ability of any entity to effectively demonstrate onboard technology for the reduction of contaminated emissions from ships.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CERTIFICATE OF DOCUMENTATION FOR GALLANT LADY.

Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking "of Transportation" and inserting "of the department in which the Coast Guard is operating"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).";

(2) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(3) in paragraph (3) (as so redesignated) by striking all after "shall expire" and inserting "on the date of the sale of the vessel by the owner.".

SEC. 402. WAIVER.

Notwithstanding section 12112 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the OCEAN VERITAS (IMO Number 7366805).

SEC. 403. GREAT LAKES MARITIME RESEARCH INSTITUTE.

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking "The Secretary of Transportation shall conduct a study that" and inserting "The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that";

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking "evaluates" and inserting "evaluate";

(C) in subparagraphs (D) and (G) by striking "analyzes" and inserting "analyze";

(D) by striking "and" at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following:

"(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

"(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

"(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

"(N) analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;

"(O) establish and maintain a model Great Lakes marine transportation system database; and

"(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes."; and

(2) by striking subsection (b)(4) and inserting the following:

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1)—

"(A) $2,200,000 for fiscal year 2008;

"(B) $2,300,000 for fiscal year 2009;

"(C) $2,400,000 for fiscal year 2010; and

"(D) $2,500,000 for fiscal year 2011.".

SEC. 404. CONVEYANCE.

(a) STATION BRANT POINT BOAT HOUSE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the buildings known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts, for use for a public purpose.

(2) TERMS OF CONVEYANCE.—A conveyance of the building under paragraph (1) shall be made—

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(3) REVERSIONARY INTEREST.—All right, title, and interest in property conveyed under this subsection shall revert to the United States if any portion of the property is used other than for a public purpose.

(b) LEASE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall enter into a lease with the town of Nantucket that authorizes the town of Nantucket to occupy the land on which the buildings conveyed under subsection (a) are located, subject to appropriate terms and conditions the Secretary considers necessary.

(2) LEASE TERM.—A lease under this subsection shall not expire before January 31, 2033.

(3) TERMINATION OF LEASE.—If the Secretary determines that the property leased under paragraph (1) is necessary for purposes of the Coast Guard, the Secretary—

(A) may terminate the lease without payment of compensation; and

(B) shall provide the town of Nantucket not less than 12 months notice of the requirement to vacate the site and move the buildings conveyed under subsection (a) to another location.

SEC. 405. CREW WAGES ON PASSENGER VESSELS.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10313(g) of title 46, United States Code, is amended—

(A) by striking "When" and inserting "(1) Subject to paragraph (2), when"; and

(B) by adding at the end the following:

"(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

"(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

"(A) the date of the end of the last voyage for which the wages are claimed; or

"(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the sub is made in the ordinary course of employment.".

(2) DEPOSITS.—Section 10315 of such title is amended by adding at the end the following:

"(f) DEPOSITS IN SEAMAN ACCOUNT.—By written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

"(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

"(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

"(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

"(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.".

(b) COASTWISE VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10504(c) of such title is amended—

(A) by striking "When" and inserting "(1) Subject to subsection (d), and except as provided in paragraph (2), when"; and

(B) by inserting at the end the following:

"(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

"(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

"(A) the date of the end of the last voyage for which the wages are claimed; or

"(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.".

(2) DEPOSITS.—Section 10504 of such title is amended by adding at the end the following:

"(f) DEPOSITS IN SEAMAN ACCOUNT.—On written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

"(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

"(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

"(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

"(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.".

SEC. 406. TECHNICAL CORRECTIONS.

(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Effective with enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241), such Act is amended—

(1) in section 311(b) (120 Stat. 530) by inserting "paragraphs (1) and (2) of" before "section 8104(o)";

(2) in section 603(a)(2) (120 Stat. 554) by striking "33 U.S.C. 2794(a)(2)" and inserting "33 U.S.C. 2704(a)(2)";

(3) in section 901(r)(2) (120 Stat. 566) by striking "the" the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting "of the United States" after "Revised Statutes";

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting "and" after the semicolon at the end of paragraph (1);

(B) by striking "and" at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking "this section" and inserting "this paragraph";

(7) in section 902(e)(2)(D) (as so redesignated) by striking "this section" and inserting "this paragraph";

(8) in section 902(h)(1) (120 Stat. 567)—

(A) by striking "Bisti/De-Na-Zin" and all that follows through "Protection" and inserting "Omnibus Parks and Public Lands Management"; and

(B) by inserting a period after "Commandant of the Coast Guard";

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting "the Act of March 23, 1906, commonly known as" before "the General Bridge";

(B) by striking "491)" and inserting "494),"; and

(C) by inserting "each place it appears" before "and inserting"; and

(10) in section 902(o) (120 Stat. 569) by striking the period after "Homeland Security".

(b) TITLE 14.—(1) The analysis for chapter 7 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 149.

(2) The analysis for chapter 17 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 677.

(3) The analysis for chapter 9 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 198.

(c) TITLE 46.—(1) The analysis for chapter 81 of title 46, United States Code, is amended by adding a period at the end of the item relating to section 8106.

(2) Section 70105(c)(3)(C) of such title is amended by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended by aligning the left margin of subparagraph (K) with the left margin of subparagraph (L).

(e) OIL POLLUTION ACT OF 1990.—(1) Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by striking the first comma following "$800,000".

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103 by striking "reports" and inserting "report".

SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) has funds available that will be committed to operate and maintain in good working condition the vessel conveyed, in the form of cash, liquid assets, or a written loan commitment and in an amount of at least $700,000; and

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

SEC. 408. REPEAL OF REQUIREMENT OF LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA.

Chapter 801 of title 46, United States Code, is amended—

(1) by striking section 80102; and

(2) in the table of sections at the beginning of the chapter by striking the item relating to that section.

SEC. 409. RIGHT-OF-FIRST-REFUSAL FOR COAST GUARD PROPERTY ON JUPITER ISLAND, FLORIDA.

(a) RIGHT-OF-FIRST-REFUSAL.—Notwithstanding any other law (other than this section), the Town of Jupiter Island, Florida, shall have the right-of-first-refusal for an exchange of real property within the jurisdiction of the Town comprising Parcel #35–38–42–004–000–02590–6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35–38–42–004–000–02610–2 (Bon Air Beach lots 261 to 267), including any improvements thereon, for other real property of equal or greater value.

(b) IDENTIFICATION OF PROPERTY.—The Commandant of the Coast Guard may identify, describe, and determine the property referred to in subsection (a) that is subject to the right of the Town under that subsection.

(c) LIMITATION.—The property referred to in subsection (a) may not be conveyed under that subsection until the Commandant of the Coast Guard determines that the property is not needed to carry out Coast Guard missions or functions.

(d) REQUIRED USE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any property conveyed under this section shall be used by the Town of Jupiter Island, Florida, solely for conservation of fish and wildlife habitat and other natural resources, including wetlands, beaches, and dunes, and as protection against damage from wind, tidal, and wave energy.

(2) PUBLIC ACCESS.—The Town of Jupiter Island shall allow the public to have reasonable public access to the property conveyed under this section, for customary recreation use of the beach under a management program established by agreement between the Town of Jupiter Island, Florida, and Martin County, Florida.

(e) REVERSION.—Any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Commandant of the Coast Guard, shall revert to the United States Government if the property is used for purposes other than conservation and public access.

(f) IMPLEMENTATION.—The Commandant of the Coast Guard shall upon request by the Town—

(1) promptly take those actions necessary to make property identified under subsection (b) and determined by the Commandant under subsection (c) ready for conveyance to the Town; and

(2) convey the property to the Town subject to subsections (d) and (e).

SEC. 410. CONVEYANCE OF COAST GUARD HU-25 FALCON JET AIRCRAFT.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Commandant of the Coast Guard may convey to the Elizabeth City State University (in this section referred to as the "University"), a public university located in the State of North Carolina, without consideration all right, title, and interest of the United States in an HU-25 Falcon Jet aircraft under the administrative jurisdiction of the Coast Guard that the Commandant determines—

(1) is appropriate for use by the University; and

(2) is excess to the needs of the Coast Guard.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of conveying an aircraft to the University under subsection (a), the Commandant shall enter into an agreement with the University under which the University agrees—

(A) to utilize the aircraft for educational purposes or other public purposes as jointly agreed upon by the Commandant and the University before conveyance; and

(B) to hold the United States harmless for any claim arising with respect to the aircraft after conveyance of the aircraft.

(2) REVERSIONARY INTEREST.—If the Commandant determines that the recipient violated subparagraph (A) or (B) of paragraph (1), then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such violation.

(c) LIMITATION ON FUTURE TRANSFERS.—

(1) IN GENERAL.—The Commandant shall include in the instruments for the conveyance a requirement that any further conveyance of an interest in the aircraft may not be made without the approval in advance of the Commandant.

(2) REVERSIONARY INTEREST.—If the Commandant determines that an interest in the aircraft was conveyed without such approval, then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such a violation.

(d) DELIVERY OF AIRCRAFT.—The Commandant shall deliver the aircraft conveyed under subsection (a)—

(1) at the place where the aircraft is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 411. DECOMMISSIONED COAST GUARD VESSELS FOR HAITI.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat, the Commandant of the Coast Guard shall give the Government of Haiti a right-of-first-refusal for conveyance of that vessel to the Government of Haiti, if that Government of Haiti agrees—

(1) to use the vessel for the Coast Guard of Haiti;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 10 vessels to the Government of Haiti pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

SEC. 412. EXTENSION OF PERIOD OF OPERATION OF VESSEL FOR SETTING, RELOCATION, OR RECOVERY OF ANCHORS OR OTHER MOORING EQUIPMENT.

Section 705(a)(2) of Public Law 109–347 (120 Stat. 1945) is amended by striking "2" and inserting "3".

SEC. 413. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) REQUIREMENT.—The Commandant of the Coast Guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

(1) for Cook Inlet, Alaska, within one year after the date of enactment of this Act; and

(2) for the Aleutian Islands, Alaska, within two years after the date of enactment of this Act.

(b) CONTENTS.—Each of the assessments shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Each of the assessments shall include any appropriate recommendations to enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of each assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commandant $1,800,000 for each of fiscal years 2008 and 2009 to the conduct the assessments.

SEC. 414. VESSEL MARYLAND INDEPENDENCE.

Notwithstanding sections 55101, 55103, and 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel MARYLAND INDEPENDENCE (official number 662573). The coastwise endorsement issued under authority of this section is terminated if—

(1) the vessel, or controlling interest in the person that owns the vessel, is conveyed after the date of enactment of this Act; or

(2) any repairs or alterations are made to the vessel outside of the United States.

SEC. 415. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to authorize a project study to evaluate the feasibility of consolidating and relocating Coast Guard facilities at Coast Guard Sector Buffalo within the study area;

(2) to obtain a preliminary plan for the design, engineering, and construction for the consolidation of Coast Guard facilities at Sector Buffalo; and

(3) to distinguish what Federal lands, if any, shall be identified as excess after the consolidation.

(b) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) SECTOR BUFFALO.—The term "Sector Buffalo" means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

(3) STUDY AREA.—The term "study area" means the area consisting of approximately 31 acres of real property and any improvements thereon that are commonly identified as Coast Guard Sector Buffalo, located at 1 Fuhrmann Boulevard, Buffalo, New York, and under the administrative control of the Coast Guard.

(c) STUDY.—

(1) IN GENERAL.—Within 12 months after the date on which funds are first made available to carry out this section, the Commandant shall conduct a project proposal report of the study area and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REQUIREMENTS.—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

(iii) a description of what Federal lands, if any, shall be considered excess to Coast Guard needs.

(d) LIMITATION.—Nothing in this section shall affect the current administration and management of the study area.

SEC. 416. CONVEYANCE OF COAST GUARD VESSEL TO COAHOMA COUNTY, MISSISSIPPI.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Department of Coahoma County, Mississippi (in this section referred to as the "Sheriff's Department"), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Department under which the Sheriff's Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Department before conveyance; and

(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Department for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 417. CONVEYANCE OF COAST GUARD VESSEL TO WARREN COUNTY, MISSISSIPPI.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Office of Warren County, Mississippi (in this section referred to as the "Sheriff's Office"), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Office; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Office under which the Sheriff's Office agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Office before conveyance; and

(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Office for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 418. CONVEYANCE OF COAST GUARD VESSEL TO WASHINGTON COUNTY, MISSISSIPPI.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Office of Washington County, Mississippi (in this section referred to as the "Sheriff's Office"), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Office; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Office under which the Sheriff's Office agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Office before conveyance; and

(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Office for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 419. COAST GUARD ASSETS FOR UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—The Secretary of Homeland Security may station additional Coast Guard assets in the United States Virgin Islands for port security and other associated purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2008 such sums as are necessary to carry out this section.

SEC. 420. CONVEYANCE OF THE PRESQUE ISLE LIGHT STATION FRESNEL LENS TO PRESQUE ISLE TOWNSHIP, MICHIGAN.

(a) CONVEYANCE OF LENS AUTHORIZED.—

(1) TRANSFER OF POSSESSION.—Notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer to Presque Isle Township, a township in Presque Isle County in the State of Michigan (in this section referred to as the "Township"), possession of the Historic Fresnel Lens (in this section referred to as the "Lens") from the Presque Isle Light Station Lighthouse, Michigan (in this section referred to as the "Lighthouse").

(2) CONDITION.—As a condition of the transfer of possession authorized by paragraph (1), the Township shall, not later than one year after the date of transfer, install the Lens in the Lighthouse for the purpose of operating the Lens and Lighthouse as a Class I private aid to navigation pursuant to section 85 of title 14, United States Code, and the applicable regulations under that section.

(3) CONVEYANCE OF LENS.—Upon the certification of the Commandant that the Township has installed the Lens in the Lighthouse and is able to operate the Lens and Lighthouse as a private aid to navigation as required by paragraph (2), the Commandant shall convey to the Township all right, title, and interest of the United States in and to the Lens.

(4) CESSATION OF UNITED STATES OPERATIONS OF AIDS TO NAVIGATION AT LIGHTHOUSE.—Upon the making of the certification described in paragraph (3), all active Federal aids to navigation located at the Lighthouse shall cease to be operated and maintained by the United States.

(b) REVERSION.—

(1) REVERSION FOR FAILURE OF AID TO NAVIGATION.—If the Township does not comply with the condition set forth in subsection (a)(2) within the time specified in that subsection, the Township shall, except as provided in paragraph (2), return the Lens to the Commandant at no cost to the United States and under such conditions as the Commandant may require.

(2) EXCEPTION FOR HISTORICAL PRESERVATION.—Notwithstanding the lack of compliance of the Township as described in paragraph (1), the Township may retain possession of the Lens for installation as an artifact in, at, or near the Lighthouse upon the approval of the Commandant and under such conditions for the preservation and conservation of the Lens as the Commandant shall specify for purposes of this paragraph. Installation of the Lens under this paragraph shall occur, if at all, not later than two years after the date of the transfer of the Lens to the Township under subsection (a)(1).

(3) REVERSION FOR FAILURE OF HISTORICAL PRESERVATION.—If retention of the Lens by the Township is authorized under paragraph (2) and the Township does not install the Lens in accordance with that paragraph within the time specified in that paragraph, the Township shall return the lens to the Coast Guard at no cost to the United States and under such conditions as the Commandant may require.

(c) CONVEYANCE OF ADDITIONAL PERSONAL PROPERTY.—

(1) TRANSFER AND CONVEYANCE OF PERSONAL PROPERTY.—Notwithstanding any other provision of law, the Commandant may transfer to the Township any additional personal property of the United States related to the Lens that the Commandant considers appropriate for conveyance under this section. If the Commandant conveys the Lens to the Township under subsection (a)(3), the Commandant may convey to the Township any personal property previously transferred to the Township under this subsection.

(2) REVERSION.—If the Lens is returned to the Coast Guard pursuant to subsection (b), the Township shall return to the Coast Guard all personal property transferred or conveyed to the Township under this subsection except to the extent otherwise approved by the Commandant.

(d) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance of the Lens and any personal property under this section shall be without consideration.

(e) DELIVERY OF PROPERTY.—The Commandant shall deliver property conveyed under this section—

(1) at the place where such property is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(f) MAINTENANCE OF PROPERTY.—As a condition of the conveyance of any property to the Township under this section, the Commandant shall enter into an agreement with the Township under which the Township agrees—

(1) to operate the Lens as a Class I private aid to navigation under section 85 of title 14, United States Code, and application regulations under that section; and

(2) to hold the United States harmless for any claim arising with respect to personal property conveyed under this section.

(g) LIMITATION ON FUTURE CONVEYANCE.—The instruments providing for the conveyance of property under this section shall—

(1) require that any further conveyance of an interest in such property may not be made without the advance approval of the Commandant; and

(2) provide that, if the Commandant determines that an interest in such property was conveyed without such approval—

(A) all right, title, and interest in such property shall revert to the United States, and the United States shall have the right to immediate possession of such property; and

(B) the recipient of such property shall pay the United States for costs incurred by the United States in recovering such property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyances authorized by this section as the Commandant considers appropriate to protect the interests of the United States.

SEC. 421. FISHING IN SOUTH PACIFIC TUNA TREATY CONVENTION AREA.

Section 12113 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(j) A fishery endorsement is not required for a United States-documented purse seine tuna fishing vessel home ported in American Samoa while fishing exclusively for highly migratory species under a license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America in the treaty area or in any portion of the United States exclusive economic zone bordering the treaty area.".

SEC. 422. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Within 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the report—

(1) an assessment of the high latitude operating capabilities of all current Coast Guard assets, including assets acquired under the Deepwater program;

(2) an assessment of projected needs for Coast Guard forward operating bases in the high latitude regions;

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard forward operating bases in the high latitude regions;

(4) an assessment of the need for high latitude icebreaking capability and the capability of the current high latitude icebreaking assets of the Coast Guard, including—

(A) whether the Coast Guard's high latitude icebreaking fleet is meeting current mission performance goals;

(B) whether the fleet is capable of meeting projected mission performance goals; and

(C) an assessment of the material condition, safety, and working conditions aboard high latitude icebreaking assets, including the effect of those conditions on mission performance;

(5) a detailed estimate of acquisition costs for each of the assets (including shore infrastructure) necessary for additional prevention and response capability in high latitude regions for all Coast Guard mission areas, and an estimate of operations and maintenance costs for such assets for the initial 10-year period of operations; and

(6) detailed cost estimates (including operating and maintenance for a period of 10 years) for high latitude icebreaking capability to ensure current and projected future mission performance goals are met, including estimates of the costs to—

(A) renovate and modernize the Coast Guard's existing high latitude icebreaking fleet; and

(B) replace the Coast Guard's existing high latitude icebreaking fleet.

SEC. 423. STUDY OF REGIONAL RESPONSE VESSEL AND SALVAGE CAPABILITY FOR OLYMPIC PENINSULA COAST, WASHINGTON.

No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study through the National Academy of Sciences the need for regional response vessel and salvage capability for the State of Washington Olympic Peninsula coast. In conducting the study, the National Academy of Sciences shall consult with Federal, State, and tribal officials and other relevant stakeholders. The study shall—

(1) identify the capabilities, equipment, and facilities necessary for a response vessel in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic Peninsula

coast and provide rescue towing services, oil spill response, and salvage and firefighting capabilities;

(2) analyze the multimission capabilities necessary for a rescue vessel and the need for that vessel to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress, and make recommendations as to the placement of such equipment;

(3) address scenarios that consider all vessel types and weather conditions and compare current Neah Bay rescue vessel capabilities, costs, and benefits with other United States industry-funded response vessels, including those currently operating in Alaska's Prince William Sound;

(4) determine whether the current level of protection afforded by the Neah Bay response vessel and associated response equipment is comparable to protection in other locations where response vessels operate, including Prince William Sound, Alaska, and if it is not comparable, make recommendations regarding how capabilities, equipment, and facilities should be modified to achieve optimum protection; and

(5) consider pending firefighting and salvage regulations developed pursuant to the Oil Pollution Act of 1990.

SEC. 424. REPORT ON PROJECTED WORKLOAD AT THE COAST GUARD YARD IN CURTIS BAY, MARYLAND.

Within six months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report detailing the projected workload for the current calendar year and each of the subsequent 5 calendar years at the Coast Guard Yard in Curtis Bay, Maryland, and the total full-time equivalents (FTE) to be supported by the account established under section 648 of title 14, United States Code, (popularly known as the Yard Fund) in each such calendar year to meet that workload. The report shall—

(1) detail work projects to be undertaken during the current calendar year and during each of the next five calendar years as part of the Mission Effectiveness Program (MEP) and projects projected to be undertaken that are not associated with the MEP;

(2) identify the number of regular full-time employees, term employees, and employees in any other classification that are projected to be employed in any capacity at the Yard in each such calendar year;

(3) specify how many of the employees in any capacity that are expected to be employed at the Yard in each such year are expected to be uniformed members of the Coast Guard and how many are expected to be civilians;

(4) identify how many employees in any capacity (whether uniformed or civilian) are projected to be assigned in each such calendar year to each of overhead positions, engineering positions, waterfront support positions, and waterfront trade positions to meet projected workloads in that year;

(5) identify the amount of overtime in each of overhead positions, engineering positions, waterfront support positions, and waterfront trade positions position that will be required to meet the projected workload in each such calendar year;

(6) identify the number of trades training students that are projected to be trained at the Yard in each such calendar year; and

(7) address whether the FTE ceiling in place for the Yard is sufficient to allow all work projects scheduled for the current calendar year to be completed on schedule, and what level of FTE is likely to be required in each of the subsequent five calendar years to allow completion on schedule of the projected workload in each of those years.

SEC. 425. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the proposed construction or alteration of any bridge, drawbridge, or causeway over navigable waters with a channel depth of 25 feet or greater of the United States that may impede or obstruct future navigation to or from port facilities.

SEC. 426. LIMITATION ON JURISDICTION OF STATES TO TAX CERTAIN SEAMEN.

Section 11108(b)(2)(B) of title 46, United States Code, is amended to read as follows:

"(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on navigable waters in 2 or more States.".

SEC. 427. DECOMMISSIONED COAST GUARD VESSELS FOR BERMUDA.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat and after the Government of Haiti has exercised all of their options under section 411, the Commandant of the Coast Guard shall give the Government of Bermuda a right-of-first-refusal for conveyance of that vessel to the Government of Bermuda, if that Government of Bermuda agrees—

(1) to use the vessel for the Coast Guard of Bermuda;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 3 vessels to the Government of Bermuda pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

SEC. 428. RECREATIONAL MARINE INDUSTRY.

(a) EXCEPTION.—Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)) is amended to read as follows:

"(F) individuals who—

"(i) are employed to manufacture any recreational vessel under 165 feet in length; or

"(ii) are employed to repair any recreational vessel, or to dismantle any part of any recreational vessel in connection with repair of the vessel;".

(b) RECREATIONAL ENDORSEMENT.—Section 12114 of title 46, United States Code, is amended by adding at the end the following:

"(d) VESSELS MANUFACTURED BY CERTAIN INDIVIDUALS.—A vessel manufactured by individuals under the exception provided in section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act may only be issued a recreational vessel endorsement under this chapter, and that restriction shall be noted on the certification of documentation issued under section 12105.".

SEC. 429. CONVEYANCE OF COAST GUARD VESSELS TO NASSAU COUNTY, NEW YORK.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Police Department of Nassau County, New York (in this section referred to as the "Police Department"), without consideration all right, title, and interest of the United States in and to two Coast Guard 41-foot patrol boats that the Commandant determines—

(1) is appropriate for use by the Police Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Police Department under which the Police Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Police Department before conveyance; and

(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver a vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Police Department for use to enhance the operability of a vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with a conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

TITLE V—BALLAST WATER TREATMENT

SEC. 501. SHORT TITLE.

This title may be cited as the "Ballast Water Treatment Act of 2008".

SEC. 502. DECLARATION OF GOALS AND PURPOSES.

Section 1002 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

"(b) DECLARATION OF GOALS AND PURPOSES.—The objective of this Act is to eliminate the threat and impacts of nonindigenous aquatic nuisance species in the waters of the United States. In order to achieve this objective, it is declared that, consistent with the provisions of this Act—

"(1) it is the national goal that ballast water discharged into the waters of the United States will contain no living (viable) organisms by the year 2015;

"(2) it is the national policy that the introduction of nonindigenous aquatic nuisance species in the waters of the United States be prohibited; and

"(3) it is the national policy that Federal, State, and local governments and the private sector identify the most effective ways to coordinate prevention efforts, and harmonize environmentally sound methods to prevent, detect, monitor, and control nonindigenous aquatic nuisance species, in an expeditious manner.".

(3) in subsection (c)(1) (as redesignated by paragraph (1) of this section)—

(A) by striking "prevent" and inserting "eliminate"; and

(B) by inserting "treatment" after "ballast water";

(4) in subsection (c)(2) (as so redesignated)—

(A) by inserting ", detection, monitoring," after "prevention"; and

(B) by striking "the zebra mussel and other";

(5) in subsection (c)(3) (as so redesignated)—

(A) by inserting "detect," after "prevent,"; and

(B) by striking "from pathways other than ballast water exchange";

(6) in subsection (c)(4) (as so redesignated) by striking ", including the zebra mussel"; and

(7) in subsection (c)(5) (as so redesignated)—

(A) by inserting "prevention," after "in the";

(B) by inserting a comma after "management"; and

(C) by striking "zebra mussels" and inserting "aquatic nuisance species".

SEC. 503. BALLAST WATER MANAGEMENT.

(a) IN GENERAL.—Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is amended to read as follows:

"SEC. 1101. BALLAST WATER MANAGEMENT.

"(a) VESSELS TO WHICH THIS SECTION APPLIES.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), this section applies to a vessel that engages in the discharge of ballast water in waters subject to the jurisdiction of the United States that—

"(A) is designed, constructed, or adapted to carry ballast water; and

"(B)(i) is a vessel of the United States; or

"(ii) is a foreign vessel that—

"(I) is en route to a United States port or place; or

"(II) has departed from a United States port or place and is within waters subject to the jurisdiction of the United States.

"(2) PERMANENT BALLAST WATER VESSELS.—This section does not apply to a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge or a vessel that continuously takes on and discharges ballast water in a flow-through system.

"(3) ARMED FORCES VESSELS.—

"(A) EXEMPTION.—Except as provided in subparagraph (B), this section does not apply to a vessel of the Armed Forces.

"(B) BALLAST WATER MANAGEMENT PROGRAM.—The Secretary and the Secretary of Defense, after consultation with each other and with the Under Secretary and the heads of other appropriate Federal agencies as determined by the Secretary, shall implement a ballast water management program, including the issuance of standards for ballast water exchange and treatment and for sediment management, for vessels of the Armed Forces under their respective jurisdictions designed, constructed, or adapted to carry ballast water that are—

"(i) consistent with the requirements of this section, including the deadlines established by this section; and

"(ii) at least as stringent as the requirements issued for such vessels under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

"(4) SPECIAL RULE FOR SMALL RECREATIONAL VESSELS.—In applying this section to recreational vessels less than 50 meters in length that have a maximum ballast water capacity of 8 cubic meters, the Secretary may issue alternative measures for managing ballast water in a manner that is consistent with the requirements of this section.

"(5) MARAD VESSELS.—Subsection (f) does not apply to any vessel in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking.

"(b) UPTAKE AND DISCHARGE OF BALLAST WATER OR SEDIMENT.—

"(1) PROHIBITION.—The operator of a vessel to which this section applies may not conduct the uptake or discharge of ballast water or sediment in waters subject to the jurisdiction of the United States except as provided in this section.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to the uptake or discharge of ballast water or sediment in the following circumstances:

"(A) The uptake or discharge is solely for the purpose of—

"(i) ensuring the safety of the vessel in an emergency situation; or

"(ii) saving a life at sea.

"(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—

"(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and

"(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

"(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge from the vessel of pollution that would otherwise violate applicable Federal or State law.

"(D) The uptake or discharge of ballast water and sediment occurs at the same location where the whole of that ballast water and that sediment originated and there is no mixing with ballast water and sediment from another area that has not been managed in accordance with the requirements of this section.

"(c) VESSEL BALLAST WATER MANAGEMENT PLAN.—

"(1) IN GENERAL.—The operator of a vessel to which this section applies shall conduct all ballast water management operations of that vessel in accordance with a ballast water management plan designed to minimize the discharge of aquatic nuisance species that—

"(A) meets the requirements prescribed by the Secretary by regulation; and

"(B) is approved by the Secretary.

"(2) APPROVAL CRITERIA.—

"(A) IN GENERAL.—The Secretary may not approve a ballast water management plan unless the Secretary determines that the plan—

"(i) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

"(ii) describes in detail the procedures to be used for disposal of sediment at sea and on shore in accordance with the requirements of this section;

"(iii) describes in detail safety procedures for the vessel and crew associated with ballast water management;

"(iv) designates the officer on board the vessel in charge of ensuring that the plan is properly implemented;

"(v) contains the reporting requirements for vessels established under this section and a copy of each form necessary to meet those requirements; and

"(vi) meets all other requirements prescribed by the Secretary.

"(B) FOREIGN VESSELS.—The Secretary may approve a ballast water management plan for a foreign vessel on the basis of a certificate of compliance issued by the vessel's country of registration if the government of that country requires the ballast water management plan for that vessel to include information comparable to the information required under regulations issued by the Secretary.

"(3) COPY OF PLAN ON BOARD VESSEL.—The owner or operator of a vessel to which this section applies shall—

"(A) maintain a copy of the vessel's ballast water management plan on board at all times; and

"(B) keep the plan readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times.

"(d) VESSEL BALLAST WATER RECORD BOOK.—

"(1) IN GENERAL.—The owner or operator of a vessel to which this section applies shall maintain, in English on board the vessel, a ballast water record book in which each operation of the vessel involving ballast water or sediment discharge is recorded in accordance with regulations issued by the Secretary.

"(2) AVAILABILITY.—The ballast water record book—

"(A) shall be kept readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times; and

"(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

"(3) RETENTION PERIOD.—The ballast water record book shall be retained—

"(A) on board the vessel for a period of 3 years after the date on which the last entry in the book is made; and

"(B) under the control of the vessel's owner for an additional period of 3 years.

"(4) REGULATIONS.—In the regulations issued under this section, the Secretary shall require, at a minimum, that—

"(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded;

“(B) each completed page in the ballast water record book be signed and dated by the master of the vessel; and

“(C) at least monthly, the owner or operator of the vessel transmit such information to the Secretary regarding the ballast operations of the vessel as the Secretary may require.

“(5) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary may provide, by regulation, for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection. Any electronic recordkeeping method authorized by the Secretary shall support the inspection and enforcement provisions of this Act and shall comply with applicable standards of the National Institute of Standards and Technology and the Office of Management and Budget governing reliability, integrity, identity authentication, and nonrepudiation of stored electronic data.

“(e) BALLAST WATER EXCHANGE REQUIREMENTS.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Until a vessel is required to conduct ballast water treatment in accordance with subsection (f), the operator of a vessel to which this section applies may not discharge ballast water in waters subject to the jurisdiction of the United States, except after—

“(i) conducting ballast water exchange as required by this subsection, in accordance with regulations issued by the Secretary;

“(ii) using ballast water treatment technology that meets the performance standards of subsection (f); or

“(iii) using environmentally sound alternative ballast water treatment technology if the Secretary determines that such treatment technology is at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species.

“(B) BALLAST WATER REGULATIONS.—Ballast water exchange regulations developed under subparagraph (A)(i) shall contain—

“(i) a provision for ballast water exchange that requires—

“(I) at least 1 empty-and-refill cycle, outside the exclusive economic zone or in an alternative exchange area designated by the Secretary, of each ballast tank that contains ballast water to be discharged into waters of the United States; or

“(II) for a case in which the master of a vessel determines that compliance with the requirement under subclause (I) is impracticable, a sufficient number of flow-through exchanges of ballast water, outside the exclusive economic zone or in an alternative exchange area designated by the Secretary, to achieve replacement of at least 95 percent of ballast water in ballast tanks of the vessel, as determined by a certification dye study conducted or model developed by the Secretary and recorded in the ballast water management plan of the vessel pursuant to subsection (c)(2)(A)(i); and

“(ii) if a ballast water exchange is not undertaken pursuant to subsection (h), a contingency procedure that requires the master of a vessel to use the best practicable technology or practice to treat ballast discharge.

“(C) TECHNOLOGY EFFICACY.—For purposes of this paragraph, a ballast water treatment technology shall be considered to be at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species if preliminary experiments prior to installation of the technology aboard the vessel demonstrate that the technology meets the ballast water discharge standard provided under Regulation D-2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments as signed on February 13, 2004.

“(2) GUIDANCE; 5-YEAR USAGE.—

“(A) GUIDANCE.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall develop and issue guidance on technology that may be used under paragraph (1)(A)(iii).

“(B) 5-YEAR USAGE.—The Secretary shall allow a vessel using environmentally-sound alternative ballast treatment technology under paragraph (1)(A)(iii) to continue to use that technology for 5 years after the date on which the environmentally-sound alternative ballast water treatment technology was first placed in service on the vessel or the date on which treatment requirements under subsection (f) become applicable, whichever is later.

“(3) EXCHANGE AREAS.—

“(A) VESSELS OUTSIDE THE UNITED STATES EEZ.—The operator of a vessel en route to a United States port or place from a port or place outside the waters subject to the jurisdiction of the United States shall conduct ballast water exchange—

“(i) before arriving at a United States port or place;

“(ii) at least 200 nautical miles from the nearest point of land; and

“(iii) in water at least 200 meters in depth.

“(B) COASTAL VOYAGES.—The operator of a vessel originating from a port or place within the United States exclusive economic zone, or from a port within 200 nautical miles of the United States in Canada, Mexico, or other ports designated by the Secretary for purposes of this section, shall conduct ballast water exchange—

“(i) at least 50 nautical miles from the nearest point of land; and

“(ii) in water at least 200 meters in depth.

“(4) SAFETY OR STABILITY EXCEPTION.—

“(A) SECRETARIAL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the Secretary determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or is passengers.

“(B) MASTER OF THE VESSEL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the master of a vessel determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition.

“(C) NOTIFICATION REQUIRED.—Whenever the master of a vessel is unable to comply with the requirements of paragraph (3) because of a determination made under subparagraph (B), the master of the vessel shall—

“(i) notify the Secretary as soon as practicable thereafter but no later than 24 hours after making that determination and shall ensure that the determination, the reasons for the determination, and the notice are recorded in the vessel's ballast water record book; and

“(ii) undertake ballast water exchange—

“(I) in an alternative area that may be designated by the Secretary, after consultation with the Under Secretary, and other appropriate Federal agencies as determined by the Secretary, and representatives of States the waters of which may be affected by the discharge of ballast water; or

“(II) in accordance with paragraph (6) if safety or stability concerns prevent undertaking ballast water exchange in the alternative area.

“(D) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge under the provisions of this paragraph, the Secretary shall review the circumstances to determine whether the discharge met the requirements of this paragraph. The review under this clause shall be in addition to any other enforcement authority of the Secretary.

“(5) DISCHARGE UNDER WAIVER.—

“(A) SUBSTANTIAL BUSINESS HARDSHIP WAIVER.—If, because of the short length of a voyage, the operator of a vessel is unable to discharge ballast water in accordance with the requirements of paragraph (3)(B) without substantial business hardship, as determined under regulations issued by the Secretary, the operator may request a waiver from the Secretary and discharge the ballast water in accordance with paragraph (6). A request for a waiver under this subparagraph shall be submitted to the Secretary at such time and in such form and manner as the Secretary may require.

“(B) SUBSTANTIAL BUSINESS HARDSHIP.—For purposes of subparagraph (A), the factors taken into account in determining substantial business hardship shall include whether—

“(i) compliance with the requirements of paragraph (3)(B) would require a sufficiently great change in routing or scheduling of service as to compromise the economic or commercial viability of the trade or business in which the vessel is operated; or

“(ii) it is reasonable to expect that the trade or business or service provided will be continued only if a waiver is granted under subparagraph (A).

“(6) PERMISSIBLE DISCHARGE.—

“(A) IN GENERAL.—The discharge of ballast water shall be considered to be carried out in accordance with this paragraph if it is—

“(i) in an area designated for that purpose by the Secretary, after consultation with the Under Secretary, the heads of other appropriate Federal agencies as determined by the Secretary, and representatives of any State that may be affected by discharge of ballast water in that area; or

“(ii) into a reception facility described in subsection (f)(2).

“(B) LIMITATION ON VOLUME.—The volume of any ballast water discharged under this paragraph may not exceed the volume necessary to ensure the safe operation of the vessel.

“(7) CERTAIN GEOGRAPHICALLY LIMITED ROUTES.—Notwithstanding paragraph (1), the operator of a vessel is not required to comply with the requirements of this subsection and subsection (h)(1)—

“(A) if the vessel operates exclusively—

“(i) within the Great Lakes ecosystem; or

“(ii) between or among the main group of the Hawaiian Islands; or

“(B) if the vessel operates exclusively within any area with respect to which the Secretary has determined, after consultation with the Under Secretary, the Administrator, and representatives of States the waters of which would be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge in the areas in which the vessel operates is insignificant.

“(8) NATIONAL MARINE SANCTUARIES AND OTHER PROHIBITED AREAS.—

"(A) IN GENERAL.—A vessel may not conduct ballast water exchange or discharge ballast water under this subsection—

"(i) within a national marine sanctuary designated under the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

"(ii) a marine national monument designated under the Act of June 8, 1906 (chapter 3060; 16 U.S.C. 433 et seq.), popularly known as the Antiquities Act of 1906;

"(iii) a national park;

"(iv) in waters that are approved by the Administrator as a nondischarge zone under section 312(n)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1322(n)(7)); or

"(v) in any other waters designated by the Secretary, in consultation with the Under Secretary and the Administrator.

"(B) ADDITIONAL AREAS.—The Secretary shall, after consultation with the Under Secretary, the Administrator, and other appropriate Federal and State agencies, as determined by the Secretary, and opportunity for public comment, establish criteria for designating additional areas in which, due to their sensitive ecological nature, restrictions on the discharge of vessel ballast water or sediment containing aquatic nuisance species are warranted.

"(C) STATE WATERS.—The Governor of any State may submit a written petition to the Secretary to designate an area of State waters that meets the criteria established under subparagraph (B) of this paragraph. The petition shall include a detailed analysis as to how the area proposed to be designated meets those criteria. An area may not be designated under this paragraph until the Secretary determines, based on evidence provided by the Governor, that adequate alternative areas or reception facilities for discharging ballast water or sediment are available. Within 180 days after receiving such a petition, the Secretary shall—

"(i) make a determination as to whether the proposal meets the requirements of this paragraph for designation; and

"(ii) either—

"(I) publish a written notice of the petition and the proposed restrictions in the Federal Register; or

"(II) notify the Governor in writing that the area proposed for designation does not qualify for designation under this paragraph and include in the notice a detailed explanation of why the area does not qualify for designation under this paragraph.

"(D) PROCEDURE; DEADLINE.—Before designating any area in response to a petition under subparagraph (C), the Secretary, after providing an opportunity for public comment, shall publish notice in the Federal Register of the proposed designation. The Secretary and the Under Secretary shall make such information available through other appropriate mechanisms, including a notice to mariners and inclusion on nautical charts.

"(E) EFFECT ON STATE LAW.—Nothing in this paragraph supersedes any State law in effect as of January 1, 2007, that restricts the discharge of ballast water or sediment in State waters and requires such discharges to be made into reception facilities.

"(9) VESSELS WITHOUT PUMPABLE BALLAST WATER OR WITH NO BALLAST ON BOARD.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall promulgate regulations to minimize the discharge of invasive species from vessels entering a United States port or place from outside the United States exclusive economic zone that do not exchange their ballast water pursuant to paragraph (1)(A)(iii) of this subsection and claim no ballast on board, or that claim to be carrying only unpumpable quantities of ballast, including, at a minimum, a requirement that—

"(A) such a ship shall conduct saltwater flushing of ballast water tanks—

"(i) outside the exclusive economic zone; or

"(ii) at a designated alternative exchange site; and

"(B) before being allowed entry into the Great Lakes beyond the St. Lawrence Seaway, the master of such a vessel shall certify that the vessel has complied with each applicable requirement under this subsection.

"(f) BALLAST WATER TREATMENT REQUIREMENTS.—

"(1) PERFORMANCE STANDARDS.—A vessel to which this section applies shall conduct ballast water treatment in accordance with the requirements of this subsection before discharging ballast water in waters subject to the jurisdiction of the United States so that the ballast water discharged will contain—

"(A) less than 1 living organism per 10 cubic meters that is 50 or more micrometers in minimum dimension;

"(B) less than 1 living organism per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

"(C) concentrations of indicator microbes that are less than—

"(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

"(ii) 126 colony-forming units of escherichia coli per 100 milliliters; and

"(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

"(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary and the Administrator, after consultation with other appropriate Federal agencies as determined by the Secretary and the Administrator, that are less than the amount specified in those regulations.

"(2) RECEPTION FACILITY EXCEPTION.—

"(A) IN GENERAL.—Paragraph (1) does not apply to a vessel that discharges ballast water into—

"(i) a land-based facility for the reception of ballast water that meets standards issued by the Administrator; or

"(ii) a water-based facility for the reception of ballast water that meets standards issued by the Secretary.

"(B) ISSUANCE OF STANDARDS.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue standards for—

"(i) the reception of ballast water in land-based and water-based reception facilities; and

"(ii) the disposal or treatment of such ballast water in a way that does not impair or damage the environment, human health, property, or resources.

"(3) TREATMENT SYSTEM IMPLEMENTATION.—

"(A) IMO STANDARD IMPLEMENTATION.—A vessel to which this section applies shall have a ballast water treatment system that meets the standards provided under Regulation D-2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments as signed on February 13, 2004, beginning on the date of the first drydocking of the vessel after December 31, 2008.

"(B) UNITED STATES STANDARD IMPLEMENTATION.—Paragraph (1) applies to a vessel to which this section applies beginning on the date of the first drydocking of the vessel after December 31, 2011, but not later than December 31, 2013.

"(C) PERIOD FOR USE OF EQUIPMENT.—The Secretary shall allow a vessel using a treatment system installed under this subsection to continue to use that system for 10 years after the date on which that system was first placed in service on the vessel.

"(4) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel to which this section applies may not use a ballast water treatment system to comply with the requirements of this subsection unless the system is approved by the Secretary. The Secretary, in consultation with the Administrator, shall issue regulations establishing a process for such approval, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary.

"(5) RELIANCE ON CERTAIN REPORTS, DOCUMENTS, AND RECORDS.—In approving a ballast water treatment system under this subsection, the Secretary may rely on reports, documents, and records of persons that meet such requirements as the Secretary may prescribe.

"(6) FEASIBILITY REVIEW.—

"(A) IN GENERAL.—Not less than 2 years before January 1, 2012, the Secretary, in consultation with the Administrator, shall complete a review to determine whether appropriate technologies are available to achieve the performance standards set forth in paragraph (1). In reviewing the technologies the Secretary, the Administrator, and the heads of other appropriate Federal agencies as determined by the Secretary, shall consider—

"(i) the effectiveness of a technology in achieving the standards;

"(ii) feasibility in terms of compatibility with ship design and operations;

"(iii) safety considerations;

"(iv) whether a technology has an adverse impact on the environment; and

"(v) cost effectiveness.

"(B) DELAY IN SCHEDULED APPLICATION.—If the Secretary, in consultation with the Administrator, determines, on the basis of the review conducted under subparagraph (A), and after an opportunity for a public hearing, that technology that complies with the standards set forth in paragraph (1) in accordance with the schedule set forth in paragraph (3) is not available for any class of vessels, the Secretary shall require use of technology that achieves the performance levels of the best performing technology available. If the Secretary finds that no technology is available that will achieve the standards set forth in paragraph (1), then the Secretary shall—

"(i) extend the date on which that paragraph applies to vessels for a period of not more than 24 months; and

"(ii) recommend action to ensure that compliance with the extended date schedule for that subparagraph is achieved.

"(C) MORE PROTECTIVE STANDARDS; EARLIER IMPLEMENTATION.—

"(i) PERFORMANCE STANDARDS.—If the Secretary and the Administrator determine that ballast water treatment technology exists that exceeds the performance standards required under paragraph (1), the Secretary and the Administrator shall, for any class of vessels, revise the performance standards to incorporate the higher performance standards.

"(ii) IMPLEMENTATION.—If the Secretary and the Administrator determine that technology that achieves the applicable performance standards required under paragraph (1) can be implemented earlier than required by this subsection, the Secretary and the Administrator shall, for any class of vessels, accelerate the implementation schedule under paragraph (3). If the Secretary and the Administrator accelerate the implementation schedule pursuant to this clause, the Secretary and the Administrator shall provide at least 24 months notice before such accelerated implementation goes into effect.

"(iii) DETERMINATIONS NOT MUTUALLY EXCLUSIVE.—The Secretary and the Administrator shall take action under both clause (i) and clause (ii) if the Secretary and the Administrator make determinations under both clauses.

"(7) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

"(A) IN GENERAL.—If a vessel participates in a program, including the Shipboard Technology Evaluation Program established under section 1104, using a technology approved by the Secretary to test and evaluate promising ballast water treatment technologies that are likely to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary shall allow the vessel to use that technology for a 10-year period and such vessel shall be deemed to be in compliance with the requirements of paragraph (1) during that 10-year period.

"(B) VESSEL DIVERSITY.—The Secretary—

"(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

"(ii) may not grant a delay under this paragraph to more than 5 percent of the vessels to which this section applies.

"(C) TERMINATION OF GRACE PERIOD.—The Secretary may terminate the 10-year grace period of a vessel under subparagraph (A) if—

"(i) the participation of the vessel in the program is terminated without the consent of the Secretary;

"(ii) the vessel does not comply with manufacturer's standards for operating the ballast water treatment technology used on such vessel; or

"(iii) the Secretary determines that the approved technology is insufficiently effective or is causing harm to the environment.

"(8) REVIEW OF STANDARDS.—

"(A) IN GENERAL.—In December 2012 and every third year thereafter, the Administrator and the Secretary shall complete review of ballast water treatment standards in effect under this subsection to determine, after consultation with the heads of other appropriate Federal agencies determined by the Administrator and the Secretary, if the standards under this subsection should be revised to reduce the amount of organisms or microbes allowed to be discharged, taking into account improvements in the scientific understanding of biological processes leading to the spread of aquatic nuisance species and improvements in ballast water treatment technology. The Administrator and the Secretary shall revise, by regulation, the requirements of this subsection as necessary.

"(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary and the Administrator shall provide for the prospective application of the adjusted standards issued under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

"(9) HIGH-RISK VOYAGES.—

"(A) VESSEL LIST.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall publish and regularly update a list of vessels, not equipped with ballast water equipment under this section, identified by the States that, due to factors such as the origin of their voyages, the frequency of their voyages, the volume of ballast water they carry, the biological makeup of the ballast water, and the fact that they frequently discharge ballast water under an exception to subsection (e), pose a high risk of introducing aquatic nuisance species into the waters of those States.

"(B) INCENTIVE PROGRAMS.—The Secretary shall give priority to vessels on the list for participation in a program described in paragraph (7). Any Federal agency, and any State agency with respect to vessels identified by such State to the Secretary for inclusion on a list under subparagraph (A), may develop and implement technology development programs or other incentives (whether positive or negative) in order to encourage the adoption of ballast water treatment technology by those vessels consistent with the requirements of this section on an expedited basis.

"(10) NONAPPLICABILITY OF VESSELS OPERATING EXCLUSIVELY IN DETERMINED AREA.—

"(A) IN GENERAL.—Except as provided in subparagraph (D), paragraph (1) does not apply to a vessel that operates exclusively within a geographically limited area if the Secretary and the Administrator have determined through a rulemaking proceeding, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary and the Administrator, and representatives of States the waters of which could be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge from the vessel is insignificant.

"(B) CERTAIN VESSELS.—A vessel constructed before January 1, 2001, that operates exclusively within the Great Lakes ecosystem shall be presumed not to pose a significant risk of introducing aquatic nuisance species unless the Secretary and the Administrator find otherwise in a rulemaking proceeding under subparagraph (A).

"(C) BEST PRACTICES.—The Secretary and the Administrator shall develop, and require a vessel exempted from complying with the requirements of paragraph (1) under this paragraph to follow, best practices to minimize the spreading of aquatic nuisance species in its operation area. The best practices shall be developed in consultation with the Governors of States that may be affected.

"(D) STOPPING THE SPREAD OF INFECTIOUS DISEASE.—The Secretary, at the request of the Secretary of Agriculture, shall require a vessel to which paragraph (1) does not apply in accordance with subparagraph (A) to have a ballast water treatment system approved by the Secretary under this subsection to stop the spread of infectious diseases to plants and animals as otherwise authorized by law.

"(11) TESTING PROTOCOLS AND LABORATORIES.—

"(A) IN GENERAL.—The Secretary and the Administrator, shall, no later than 90 days after the date of enactment of the Ballast Water Treatment Act of 2008 and without regard to chapter 5 of title 5, United States Code, issue interim protocols for verifying the performance of ballast water treatment technologies required by this Act, criteria for certifying laboratories to evaluate such technologies, and procedures for approving treatment equipment and systems for shipboard use.

"(B) PROTOCOLS AND PROCEDURES FOR TREATMENT TECHNOLOGIES.—In developing protocols and procedures for verifying and approving treatment technologies, the Secretary and the Administrator, shall consider using existing protocols and procedures including methods used as part of the Ballast Water Management Demonstration Program by the Environmental Protection Agency as a part of its Environmental Testing & Verification Program, or by the Secretary as part of the Coast Guard's Shipboard Technology Evaluation Program.

"(C) LABORATORIES.—The Secretary and the Administrator shall utilize Federal or non-Federal laboratories that meet standards established by the Secretary for the purpose of evaluating and certifying ballast water treatment technologies and equipment under this subsection.

"(D) REQUIREMENTS; UPDATES.—The Secretary and the Administrator shall periodically review and, if necessary, revise the criteria, protocols, and procedures developed under this paragraph.

"(12) PROGRAM TO SUPPORT THE PROMULGATION AND IMPLEMENTATION OF STANDARDS.—

"(A) IN GENERAL.—The Secretary and the Administrator, in coordination with the Under Secretary, the Task Force and other appropriate Federal agencies, shall carry out a coordinated program to support the promulgation and implementation of standards under this subsection to prevent the introduction and spread of aquatic invasive species by vessels. The program established under this section shall, at a minimum—

"(i) characterize physical, chemical, and biological harbor conditions relevant to ballast discharge into United States waters to inform the design and implementation of ship vector control technologies and practices;

"(ii) develop testing protocols for determining the effectiveness of vessel vector monitoring and control technologies and practices;

"(iii) demonstrate methods for mitigating the spread of invasive species by coastal voyages, including exploring the effectiveness of alternative exchange zones in the near coastal areas and other methods proposed to reduce transfers of organisms;

"(iv) verify the practical effectiveness of any process for approving a type of alternative ballast water management as meeting standards established under this subsection, to ensure that the process produces repeatable and accurate assessments of treatment effectiveness; and

"(v) evaluate the effectiveness and residual risk and environmental impacts associated with any standard set with respect to the vessel pathways.

"(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized by this title, to carry out this paragraph there are authorized to be appropriated $1,500,000 to the Secretary and $1,500,000 to the Under Secretary for each of fiscal years 2008 through 2012.

"(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

"(1) IN GENERAL.—The Secretary shall notify vessel owners and operators of any area in waters subject to the jurisdiction of the United States in which vessels may not uptake ballast water due to known conditions.

"(2) CONTENTS.—The notice shall include—

"(A) the coordinates of the area; and

"(B) if possible, the location of alternative areas for the uptake of ballast water.

"(h) SEDIMENT MANAGEMENT.—

"(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water, except—

"(A) in accordance with this subsection and the ballast water management plan approved under subsection (c); and

"(B)(i) more than 200 nautical miles from the nearest point of land; or

"(ii) into a reception facility that meets the requirements of paragraph (3).

"(2) DESIGN REQUIREMENTS.—

"(A) NEW VESSELS.—After December 31, 2008, a vessel to which this section applies may not be operated on waters subject to the jurisdiction of the United States, unless that vessel is designed and constructed in accordance with regulations issued under subparagraph (C) and in a manner that—

"(i) minimizes the uptake and entrapment of sediment;

"(ii) facilitates removal of sediment; and

"(iii) provides for safe access for sediment removal and sampling.

"(B) EXISTING VESSELS.—A vessel to which this section applies that was constructed before January 1, 2009, shall be modified, to the extent practicable, at the first drydocking of the vessel after December 31 2008, but not later than December 31, 2013, to achieve the objectives described in subparagraph (A).

"(C) REGULATIONS.—The Secretary shall issue regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guidance for modifications and practices under subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan approved under subsection (c).

"(3) SEDIMENT RECEPTION FACILITIES.—

"(A) STANDARDS.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area.

"(B) DESIGNATION.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations issued under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

"(i) EXAMINATIONS AND CERTIFICATIONS.—

"(1) INITIAL EXAMINATION.—

"(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

"(i) there is a ballast water management plan for the vessel that is approved by the Secretary and a ballast water record book on the vessel that meets the requirements of subsection (d);

"(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations issued under this section is installed and functioning properly.

"(B) NEW VESSELS.—For vessels constructed on or after January 1, 2009, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

"(C) EXISTING VESSELS.—For vessels constructed before January 1, 2009, the Secretary shall—

"(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

"(ii) inspect the vessel's ballast water record book required by subsection (d).

"(D) FOREIGN VESSEL.—In the case of a foreign vessel, the Secretary shall perform the examination required by this paragraph the first time the vessel enters a United States port.

"(2) SUBSEQUENT EXAMINATIONS.—In addition to the examination required by paragraph (1), the Secretary shall annually examine vessels to which this section applies, to ensure compliance with the requirements of this section and the regulations issued under this section.

"(3) INSPECTION AUTHORITY.—

"(A) IN GENERAL.—The Secretary may carry out inspections of any vessel to which this section applies at any time, including the taking of ballast water samples, to ensure compliance with this section. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring such vessels and shall establish adequate procedures for reporting violations of this section and accumulating evidence regarding such violations.

"(B) INVESTIGATIONS.—

"(i) IN GENERAL.—Upon receipt of evidence that a violation of this section or a regulation issued under this section has occurred, the Secretary shall cause the matter to be investigated.

"(ii) ISSUANCE OF SUBPOENAS.—In an investigation under this subparagraph, the Secretary may issue subpoenas to require the attendance of any witness and the production of documents and other evidence.

"(iii) COMPELLING COMPLIANCE WITH SUBPOENAS.—In case of refusal to obey a subpoena issued under this subparagraph, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

"(4) STATE PROGRAMS.—

"(A) SUBMISSION TO SECRETARY.—At any time after the date of issuance of ballast water treatment regulations issued under this section, the Governor of each State desiring to administer its own inspection and enforcement authority for ballast water discharges within its jurisdiction may submit to the Secretary a complete description of the program the Governor proposes to establish and administer under State law. In addition, the Governor shall submit a statement from the attorney general that the laws of such State provide adequate authority to carry out the described program.

"(B) APPROVAL.—The Secretary shall approve a program submitted under subparagraph (A), unless the Secretary determines that adequate resources do not exist or, in the case of ballast water testing, that adequate scientific expertise does not exist—

"(i) to inspect, monitor, and board any vessel to which this section applies at any time, including the taking and testing of ballast water samples, to ensure the vessel's compliance with this section;

"(ii) to ensure that any ballast water discharged within the waters subject to the jurisdiction of the State meet the ballast water requirements of this section and the regulations issued under this section, including any revisions to such requirements and regulations;

"(iii) to establish adequate procedures for reporting violations of this section;

"(iv) to investigate and abate violations of this section, including civil and criminal penalties and other ways and means of enforcement; and

"(v) to ensure that the Secretary receives notice of each violation of the ballast water treatment requirements issued under this section in an expeditious manner.

"(C) COMPLIANCE.—Any State program approved under this paragraph shall at all times be conducted in accordance with this section and regulations issued under this section.

"(D) WITHDRAWAL OF APPROVAL.—Whenever the Secretary determines, after public hearing, that a State is not administering a program approved under this paragraph in accordance with this section and regulations issued under this section, the Secretary shall notify the State and, if appropriate corrective action is not taken within a reasonable period of time not to exceed 90 days, the Secretary shall withdraw approval of the program. The Secretary shall not withdraw approval of any program unless the Secretary shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

"(E) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall limit the authority of the Secretary carry out inspections and investigations of any vessels under paragraph (3).

"(5) REQUIRED CERTIFICATE.—If, on the basis of an initial examination under paragraph (1), the Secretary finds that a vessel complies with the requirements of this section and the regulations issued under this section, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

"(6) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), investigation under paragraph (3), or any other information, that a vessel is being operated in violation of any requirement of this section or regulation issued under this section, the Secretary shall—

"(A) notify, in writing—

"(i) the master of the vessel; and

"(ii) the captain of the port at the vessel's next port of call;

"(B) remove from the vessel the certificate issued under paragraph (5);

"(C) take such other action as may be appropriate.

"(7) COMPLIANCE MONITORING.—

"(A) IN GENERAL.—The Secretary shall establish, by regulation, sampling and other procedures to monitor compliance with the requirements of this section and the regulations issued under this section.

"(B) USE OF MARKERS.—The Secretary may verify compliance with the discharge requirements of subsection (f) and the regulations issued under this section with respect to such requirements through identification of markers associated with a treatment technology's effectiveness, such as the presence of indicators associated with a certified treatment technology.

"(8) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the requirements of this section and the regulations issued under this section.

“(9) REPORT.—Beginning 1 year after final regulations have been adopted pursuant to this section after the enactment of the Ballast Water Treatment Act of 2008, and annually thereafter, the Secretary shall prepare a report summarizing the results of ballast water inspection and enforcement activities. The report shall, at a minimum, include information on the number of vessels inspected and the type of inspections, the status of implementation of treatment technologies, the number of exemptions claimed from ballast water exchange requirements, the number of violations, a summary of enforcement and regulatory actions, and overall compliance statistics. The report shall be made available on the National Ballast Information Clearinghouse established under section 1102(f).

“(j) DETENTION OF VESSELS.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

“(1) the vessel is a vessel to which this section applies; and

“(2) the vessel does not comply with any requirement of this section or regulation issued under this section or is being operated in violation of such a requirement or regulation.

“(k) SANCTIONS.—

“(1) CIVIL PENALTIES.—Any person who violates this section (including a regulation issued under this section) shall be liable for a civil penalty in an amount not to exceed $32,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of this section (including a regulation issued under this section) is liable in rem for any civil penalty assessed under this subsection for that violation.

“(2) CRIMINAL PENALTIES.—Whoever knowingly violates this section (including a regulation issued under this section) shall be fined under title 18, United States, or imprisoned not more than 12 years, or both.

“(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 60105 of title 46, United States Code, if the owner or operator of that vessel is in violation of this section or a regulation issued under this section.

“(l) ENFORCEMENT.—

“(1) ADMINISTRATIVE ACTIONS.—If the Secretary finds, after notice and an opportunity for a hearing, that a person has violated this section or a regulation issued under this section, the Secretary may assess a civil penalty for that violation. In determining the amount of the civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

“(2) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section or any regulation issued under this section. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

“(m) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines and regulations to be issued under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico and any other government of a foreign country that the Secretary, after consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic nuisance species through ballast water.

“(n) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the Under Secretary, the Secretary of State, the Administrator, the heads of other relevant Federal agencies, the International Maritime Organization of the United Nations, and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic invasive species. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean Region (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean, signed at Cartagena on March 24, 1983 (TIAF 11085), to carry out the objectives of this section.

“(o) NONDISCRIMINATION.—The Secretary shall ensure that foreign vessels do not receive more favorable treatment than vessels of the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

“(p) CONSULTATION WITH TASK FORCE.—The Secretary shall consult with the Task Force in carrying out this section.

“(q) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in subsection (i)(4) and paragraph (4) of this subsection but notwithstanding any other provision of law, the provisions of subsections (e) and (f) supersede any provision of State or local law that is inconsistent with the requirements of those subsections or that conflicts with the requirements of those subsections.

“(2) GREATER PENALTIES OR FEES.—For purpose of paragraph (1), the imposition by State or local law of greater penalties or fees for acts or omissions that are violations of such law and also violations of this Act or the imposition by a State of incentives under subsection (f)(9)(B) shall not be considered to be inconsistent, or to conflict, with the requirements of subsections (e) and (f).

“(3) RECEPTION FACILITIES.—The standards issued by the Secretary or the heads of other appropriate Federal agencies under subsection (f)(2) do not supersede any more stringent standard under any otherwise applicable Federal, State, or local law.

“(4) LIMITATION ON APPLICATION.—Until January 1, 2012, this subsection does not apply to a State law requiring ballast water treatment and any regulations prescribed under that law as those laws and regulations were in effect on January 1, 2007.

“(r) LEGAL ACTIONS.—

“(1) CIVIL ACTION.—Any person may petition the Secretary to bring a civil action in an appropriate district court of the United States to enforce this section, or any regulation promulgated hereunder. Within 90 days after receiving such a petition, the Secretary shall—

“(A) respond to the person filing the petition with a determination of whether a violation of this section, or any regulation promulgated hereunder, has occurred or is occurring; and

“(B) if the Secretary determines that a violation of this section, or any regulation promulgated hereunder, has occurred or is occurring—

“(i) immediately bring a civil action in an appropriate district court of the United States to enforce this section, or any regulation promulgated hereunder; or

“(ii) demonstrate that the violation has ceased.

“(2) RELIEF.—Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctive relief and civil penalties.

“(s) COAST GUARD REPORT ON OTHER SOURCES OF VESSEL-BOURNE NUISANCE SPECIES.—

“(1) IN GENERAL.—

“(A) HULL-FOULING AND OTHER VESSEL SOURCES.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on vessel-related pathways of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board.

“(B) BEST PRACTICES.—

“(i) IN GENERAL.—As soon as practicable, the Secretary shall develop best practices standards and procedures designed to reduce the introduction and spread of invasive species into and within the United States from vessels and establish a timeframe for implementation of those standards and procedures by vessels. Such standards and procedures shall include designation of geographical locations for uptake and discharge of untreated ballast water, as well as standards and procedure for other vessel pathways of aquatic invasive species.

“(ii) REPORT.—The Secretary shall transmit a report to the committees referred to in subparagraph (A) describing the standards and procedures developed under this subparagraph and the implementation timeframe, together with such recommendations as the Secretary determines appropriate.

“(iii) REGULATIONS.—The Secretary may issue regulations to incorporate and enforce standards and procedures developed under this paragraph.

“(2) TRANSITING VESSELS.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing—

“(A) an assessment of the magnitude and potential adverse impacts of ballast water operations from foreign vessels designed, adapted, or constructed to carry ballast water that are transiting waters subject to the jurisdiction of the United States; and

“(B) recommendations, including legislative recommendations if appropriate, of options for addressing ballast water operations of those vessels.”.

(b) DEFINITIONS.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating—

(A) paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) paragraphs (4), (5), and (6) as paragraphs (8), (9), and (10), respectively;

(C) paragraphs (7), (8), (9), and (10) as paragraphs (12), (13), (14), and (15), respectively;

(D) paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(E) paragraphs (13), (14), and (15) as paragraphs (20), (21), and (22), respectively;

(F) paragraph (16) as paragraph (27); and

(G) paragraph (17) as paragraph (23);

(2) by moving paragraph (23), as so redesignated, after paragraph (22), as so redesignated;

(3) by inserting before paragraph (2), as so redesignated, the following:

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;";

(4) by striking paragraph (4), as so redesignated, and inserting the following:

"(4) 'ballast water' means—

"(A) water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; or

"(B) any water placed into a ballast tank during cleaning, maintenance, or other operations;";

(5) by inserting after paragraph (4), as so redesignated and amended, the following:

"(5) 'ballast water capacity' means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank, space, or compartment designed to allow carriage of ballast water;

"(6) 'ballast water management' means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment;

"(7) 'constructed' means a state of construction of a vessel at which—

"(A) the keel is laid;

"(B) construction identifiable with the specific vessel begins;

"(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

"(D) the vessel undergoes a major conversion;";

(6) by inserting after paragraph (10), as so redesignated, the following:

"(11) 'foreign vessel' has the meaning such term has under section 110 of title 46, United States Code;";

(7) by inserting after paragraph (15), as so redesignated, the following:

"(16) 'major conversion' means a conversion of a vessel, that—

"(A) changes its ballast water carrying capacity by at least 15 percent;

"(B) changes the vessel class;

"(C) is projected to prolong the vessel's life by at least 10 years (as determined by the Secretary); or

"(D) results in modifications to the vessel's ballast water system, except—

"(i) component replacement-in-kind; or

"(ii) conversion of a vessel to meet the requirements of section 1101(e);";

(8) by inserting after paragraph (18), as so redesignated, the following:

"(19) 'sediment' means matter that has settled out of ballast water within a vessel;";

(9) in paragraph (12), as so redesignated, by striking the period at the end and inserting a semicolon;

(10) by inserting after paragraph (23), as so redesignated and moved, the following:

"(24) 'United States port' means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, and the United States Virgin Islands;

"(25) 'vessel of the Armed Forces' means—

"(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

"(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary as a vessel equivalent to a vessel described in subparagraph (A);

"(26) 'vessel of the United States' has the meaning such term has under section 116 of title 46, United States Code;"; and

(11) in paragraph (23), as so redesignated, by striking the period at the end and inserting ";".

(c) REPEAL OF SECTION 1103.—Section 1103 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4713) is repealed.

(d) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule as a temporary regulation implementing the amendments made by this section as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations issued under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than one year after the date of enactment of this Act.

SEC. 504. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.

Section 1102 (16 U.S.C. 4712) is amended—

(1) by adding at the end the following:

"(g) BALLAST WATER SURVEYS.—

"(1) IN GENERAL.—The Secretary shall conduct the following ballast water surveys:

"(A) A survey of the number of living organisms in untreated ballast water of a representative number of vessels, as determined by the Secretary.

"(B) A survey of the number of living organisms in the ballast water of a representative number of vessels, as determined by the Secretary, that has been exchanged on the high seas.

"(C) Surveys of the number of living organisms in the ballast water of vessels that are participating in a program to test and evaluate promising ballast water treatment, as approved by the Secretary.

"(2) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

"(A) a report on the results of the surveys under subparagraphs (A) and (B) of paragraph (1) by not later than 18 months after the date of enactment of the Ballast Water Treatment Act of 2008; and

"(B) a report on the results of the surveys required under subparagraph (C) of paragraph (1) upon completion of each demonstration concerned.";

(2) in subsection (b)(1)(B)(ii), by striking "guidelines issued and";

(3) in subsection (b)(2)(B)(ii), by striking "voluntary guidelines issued, and regulations promulgated," and inserting "regulations promulgated";

(4) in subsection (c)(1), by striking "section 1101(b)" and inserting "section 1101(a)"; and

(5) in subsection (f)(1)(B), by striking "guidelines issued pursuant to section 1101(c)" and inserting "regulations issued pursuant to section 1101".

SEC. 505. BALLAST WATER MANAGEMENT EVALUATION AND DEMONSTRATION PROGRAM.

Section 1104 (16 U.S.C. 4714) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1104. BALLAST WATER TREATMENT TECHNOLOGY EVALUATION AND DEMONSTRATION PROGRAMS.";

(2) by striking subsection (a);

(3) by redesignating subsection (b) as subsection (a);

(4) by redesignating subsection (c) as subsection (d);

(5) in subsection (a), as so redesignated—

(A) by striking so much as precedes paragraph (2) and inserting the following:

"(a) SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a Shipboard Technology Evaluation Program to evaluate ballast water treatment technologies aboard vessels to prevent aquatic nuisance species from being introduced into and spread through discharges of ballast water in waters of the United States."; and

(B) in paragraph (2) by striking "of the technologies and practices used in the demonstration program" and inserting "of ballast water treatment technologies used in the program";

(6) in subsection (a)(3), as so redesignated, by striking "technologies and practices" and all that follows through "shall—" and inserting "ballast water treatment technologies on vessels under this subsection, the Secretary shall—";

(7) in subsection (a)(3)(A), as so redesignated, by striking clause (i) and redesignating clauses (ii) and (iii) in order as clauses (i) and (ii);

(8) by amending subsection (a)(3)(A)(i), as so redesignated, to read as follows:

"(i) have ballast water systems conducive to testing aboard the vessel; and";

(9) by amending subsection (a)(3)(C), as so redesignated, to read as follows:

"(C) seek to use a variety of vessel types.";

(10) by amending subsection (a)(4), as so redesignated, to read as follows:

"(4) SELECTION OF BALLAST WATER TREATMENT TECHNOLOGIES.—In order for a ballast water treatment technology to be eligible to be installed on vessels for evaluation under this section, such technology must be, at a minimum—

"(A) determined by the Secretary to have the demonstrated potential to reduce the number of organisms greater than or equal to 50 microns in minimum dimension in discharged ballast water to fewer than 10 living organisms per cubic meter of water;

"(B) cost-effective;

"(C) environmentally sound;

"(D) operationally practical;

"(E) able to be retrofitted on existing vessels or incorporated in new vessel design (or both);

"(F) safe for a vessel and crew; and

"(G) accessible to monitoring.";

(11) in subsection (a), as so redesignated, by adding at the end the following:

"(6) AUTHORITY OF SECRETARY TO REVIEW AND REVISE CRITERIA.—The Secretary may review and revise the criteria described in paragraph (4)(A) to require ballast water treatment technologies to meet a more stringent ballast water discharge standard, including standards promulgated under section 1101(f), before being eligible for installation aboard vessels under the program.";

(12) by inserting after subsection (a), as so redesignated, the following:

"(b) SHIPBOARD TECHNOLOGY DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate ballast water treatment technologies evaluated aboard vessels under subsection (a) to prevent aquatic nuisance species from being introduced into and spread through ballast water in waters of the United States.

"(2) LOCATION.—The installation and construction of ballast water treatment technologies used in the demonstration program under this subsection shall be performed in the United States.

"(3) VESSEL ELIGIBILITY.—Vessels eligible to participate in the demonstration program under this subsection shall consist only of vessels that have been accepted into and are actively participating in the Shipboard Technology Evaluation Program under subsection (a).

"(4) GRANTS.—

"(A) IN GENERAL.—The Under Secretary shall establish a grant program to provide funding for acquiring, installing, and operating ballast water treatment technologies aboard vessels participating in the program under this subsection.

"(B) MATCHING REQUIREMENTS.—The amount of Federal funds used for any demonstration project under this subsection—

"(i) shall not exceed $1,000,000; and

"(ii) shall not exceed 50 percent of the total cost of such project.

"(c) ALTERNATIVE SHIP PATHWAY PROGRAM.—

"(1) IN GENERAL.—The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate and verify technologies and practices to monitor and control the introduction of aquatic invasive species by ship pathways other than the release of ballast water.

"(2) SELECTION OF METHODS.—The Under Secretary may not select technologies and practices for demonstration or verification under paragraph (1) unless such technologies and practices, in the determination of the Under Secretary, in consultation with the Secretary, meet the criteria outlined in subparagraphs (B) through (G) of subsection (a)(4).

"(3) LOCATION.—The installation and construction of technologies and practices for demonstration and verification under this subsection shall be performed in the United States."; and

(13) in subsection (d), as so redesignated, by striking "Secretary of the Interior" each place it appears and inserting "Secretary, in consultation with the Under Secretary,".

SEC. 506. RAPID RESPONSE PLAN.

Subtitle C of title I of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721 et seq.) is amended by adding at the end the following:

"SEC. 1210. RAPID RESPONSE PLAN.

"(a) PREPARATION BY PRESIDENT.—The President shall prepare and publish a national rapid response plan for killing, removing, or minimizing the spread of aquatic nuisance species in the waters of the United States in accordance with this section.

"(b) CONTENTS.—The national rapid response plan shall provide for efficient, coordinated, and effective action to minimize damage from aquatic nuisance species in the navigable waters of the United States, including killing, containing, and removal of the aquatic nuisance species, and shall include the following:

"(1) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies and port authorities and private entities.

"(2) Identification, procurement, maintenance, and storage of equipment and supplies needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section.

"(3) Establishment or designation by the President of Federal aquatic nuisance species response teams, consisting of—

"(A) personnel who shall be trained and prepared by the President and shall be available to provide necessary services to carry out the national rapid response plan;

"(B) adequate equipment and material needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section; and

"(C) a detailed plans to kill, contain, and remove aquatic nuisance species, including measures to protect fisheries and wildlife.

"(4) A system of surveillance and notice designed to safeguard against, as well as ensure earliest possible notice of, the introduction of aquatic nuisance species and imminent threats of such introduction to the appropriate State and Federal agencies.

"(5) Establishment by the President of a national center to provide coordination and direction for operations in carrying out the plan.

"(6) Procedures and techniques to be employed in identifying, containing, killing, and removing aquatic nuisance species in the waters of the United States.

"(7) A schedule, prepared by the President in cooperation with the States, identifying—

"(A) mitigating devices and substances, if any, that may be used in carrying out the plan;

"(B) the waters in which such mitigating devices and substances may be used; and

"(C) the quantities of such mitigating device or substance which can be used safely in such waters.

"(8) A system whereby the State or States affected by an aquatic nuisance species may act where necessary to remove such species.

"(9) Establishment by the President of criteria and procedures to ensure immediate and effective Federal identification of, and response to, an introduction of aquatic nuisance species.

"(10) Designation by the President of the Federal official who shall be the Federal on-scene coordinator for measures taken to kill, contain, and remove aquatic nuisance species under this section.

"(11) A fish and wildlife response plan for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by an introduction of an aquatic nuisance species.

"(c) FEDERAL REMOVAL AUTHORITY.—

"(1) REMOVAL REQUIREMENT.—

"(A) IN GENERAL.—The President shall ensure, in accordance with the national rapid response plan, effective and immediate killing, containing, and removal of the aquatic nuisance species in the waters of the United States.

"(B) DISCRETIONARY AUTHORITY.—In carrying out this paragraph, the President may—

"(i) kill, contain, and remove an aquatic nuisance species, at any time; and

"(ii) direct or monitor all Federal, State, and private actions to kill, contain, and remove the aquatic nuisance species.

"(2) ACTIONS IN ACCORDANCE WITH NATIONAL RAPID RESPONSE PLAN.—Each Federal agency, State, owner or operator, or other person participating in efforts under this subsection shall act in accordance with the national rapid response plan or as directed by the President to carry out the plan.".

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

Section 1301(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(a)) is amended—

(1) by striking "and" after the semicolon in paragraph (4)(B);

(2) by striking the period at the end of paragraph (5)(B) and inserting a semicolon; and

(3) by adding at the end the following:

"(6) $20,000,000 for each of fiscal years 2008 through 2012 to the Secretary to carry out section 1101;

"(7) $500,000 to the Secretary for each of fiscal years 2008 through 2013 to carry out section 1102(f);

"(8) $6,000,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out paragraph (4) of section 1104(b); and

"(9) $1,500,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out section 1104(c).".

TITLE VI—MARITIME POLLUTION PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the "Maritime Pollution Prevention Act of 2008".

SEC. 602. REFERENCES.

Wherever in this title an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 603. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency.";

(3) in paragraph (5) (as so redesignated) by striking "and V" and inserting "V, and VI";

(4) in paragraph (6) (as so redesignated) by striking "'discharge' and 'garbage' and 'harmful substance' and 'incident'" and inserting "'discharge', 'emission', 'garbage', 'harmful substance', and 'incident'"; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

"(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;".

SEC. 604. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

"(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

"(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

"(i) the navigable waters of the United States;

"(ii) an emission control area designated pursuant to section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

"(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

"(i) the navigable waters of the United States;

"(ii) an emission control area designated under section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

"(D) to the extent consistent with international law, to any other ship that is in—

"(i) the exclusive economic zone of the United States;

"(ii) the navigable waters of the United States;

"(iii) an emission control area designated under section 4; or

"(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.";

(2) in subsection (b)—

(A) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by adding at the end the following:

"(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.";

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:

"(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention."; and

(4) in subsection (e), as redesignated—

(A) by inserting "or the Administrator, consistent with section 4 of this Act," after "Secretary";

(B) by striking "of section (3)" and inserting "of this section"; and

(C) by striking "Protocol, including regulations conforming to and giving effect to the requirements of Annex V" and inserting "Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI".

SEC. 605. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

"(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

"(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act or regulations prescribed under that Act.

"(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.";

(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:

"(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior."; and

(3) by adding at the end of subsection (c), as redesignated, the following:

"(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.".

SEC. 606. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking "The Secretary" and inserting "Except as provided in section 4(b)(1), the Secretary";

(2) in subsection (b) by striking "Secretary under the authority of the MARPOL protocol." and inserting "Secretary or the Administrator under the authority of this Act."; and

(3) in subsection (e) by striking "environment." and inserting "environment or the public health and welfare.".

SEC. 607. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

"(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.";

(2) in subsection (b) by inserting "or the Administrator" after "Secretary";

(3) in subsection (e) by striking paragraph (2) and inserting the following:

"(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.";

(4) in subsection (f)(1) by striking "Secretary is" and inserting "Secretary and the Administrator are"; and

(5) in subsection (f)(2) by striking "(A)".

SEC. 608. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

"(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

"(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

"(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.".

SEC. 609. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended by inserting "or the Administrator as provided for in this Act," after "Secretary,".

SEC. 610. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking "Protocol,," each place it appears and inserting "Protocol,";

(2) in subsection (b)—

(A) by inserting ", or the Administrator as provided for in this Act" after "Secretary" the first place it appears;

(B) in paragraph (2), by inserting ", or the Administrator as provided for in this Act," after "Secretary"; and

(C) in the matter after paragraph (2)—

(i) by inserting ", or the Administrator as provided for in this Act" after "Secretary" the first place it appears; and

(ii) by inserting ", or the Administrator as provided for in this Act," after "Secretary" the second and third places it appears;

(3) in subsection (c), by inserting ", or the Administrator as provided for in this Act," after "Secretary" each place it appears; and

(4) in subsection (f), by inserting ", or the Administrator as provided for in this Act" after "Secretary" the first place appears.

SEC. 611. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

"SEC. 15. EFFECT ON OTHER LAWS.

"Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.".

TITLE VII—PORT SECURITY

SEC. 701. MARITIME HOMELAND SECURITY PUBLIC AWARENESS PROGRAM.

The Secretary of Homeland Security shall establish a program to help prevent acts of terrorism and other activities that jeopardize maritime homeland security, by seeking the cooperation of the commercial and recreational boating industries and the public to improve awareness of activity in the maritime domain and report suspicious or unusual activity.

SEC. 702. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.

(a) ASSESSMENT OF TWIC PROGRAM IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 120 days after implementing the Transportation Worker Identification Credential program (in this section referred to as "TWIC") at the ten ports designated top priority by the Secretary of Homeland Security, as required by section 70105(i)(2)(A) of title 46, United States Code, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General of the United States a report containing an assessment of the progress of the program's implementation. The report shall include—

(A) the number of workers enrolled in the program to date and the extent to which key metrics and contract requirements have been met; and

(B) an overview of the challenges encountered during implementation of the enrollment process, and plans for how these challenges will be addressed as the program is implemented at additional ports.

(2) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

(b) ASSESSMENT OF TWIC PILOT.—

(1) IN GENERAL.—Not later than 120 days after completing the pilot program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

(A) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

(B) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

(C) an analysis of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating identified challenges.

(2) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

SEC. 703. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study comparing those background records checks required under section 70105 of title 46, United States Code, and those conducted by States for similar homeland security purposes.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate on the results of the study, including—

(1) an identification of redundancies and inefficiencies in connection with such checks referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SEC. 704. REVIEW OF INTERAGENCY OPERATIONAL CENTERS.

(a) IN GENERAL.—Within 180 days of enactment of this Act, the Department of Homeland Security Inspector General shall provide a report to the Committee on Homeland Security of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate concerning the establishment of Interagency Operational Centers for Port Security required by section 108 of the SAFE Port Act (Public Law 109–347).

(b) REPORT.—The report shall include—

(1) an examination of the Department's efforts to establish the Interagency Operational Centers;

(2) a timeline for construction;

(3) a detailed breakdown, by center, as to the incorporation of those representatives required by section 70107A(b)(3) of title 46, United States Code;

(4) an analysis of the hurdles faced by the Department in developing these centers;

(5) information on the number of security clearances attained by State, local, and tribal officials participating in the program; and

(6) an examination of the relationship between the Interagency Operational Centers and State, local and regional fusion centers participating in the Department of Homeland Security's State, Local, and Regional Fusion Center Initiative under section 511 of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), with a particular emphasis on—

(A) how the centers collaborate and coordinate their efforts; and

(B) the resources allocated by the Coast Guard to both initiatives.

SEC. 705. MARITIME SECURITY RESPONSE TEAMS.

(a) IN GENERAL.—Section 70106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) MARITIME SECURITY RESPONSE TEAMS.—

"(1) IN GENERAL.—In addition to the maritime safety and security teams, the Secretary shall establish no less than two maritime security response teams to act as the Coast Guard's rapidly deployable counterterrorism and law enforcement response units that can apply advanced interdiction skills in response to threats of maritime terrorism.

"(2) MINIMIZATION OF RESPONSE TIME.—The maritime security response teams shall be stationed in such a way to minimize, to the extent practicable, the response time to any reported maritime terrorist threat.

"(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team and maritime security response team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.".

SEC. 706. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.

(a) DEFINITIONS.—For purposes of this section:

(1) CANINE DETECTION TEAM.—The term "detection canine team" means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(b) DETECTION CANINE TEAMS.—

(1) INCREASED CAPACITY.—Not later than 240 days after the date of enactment of this Act, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

(2) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall—

(A) procure detection canine teams as efficiently as possible, including, to the greatest extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant;

(B) support expansion and upgrading of existing canine training facilities operated by the department in which the Coast Guard is operating; and

(C) as appropriate, partner with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the breeding and training capacity for Coast Guard canine detection teams.

(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent with the Security and Accountability For Every Port Act of 2006 (Public Law 109–347).

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 707. COAST GUARD PORT ASSISTANCE PROGRAM.

Section 70110 of title 46, United States Code, is amended by adding at the end the following:

"(f) COAST GUARD ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

"(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

"(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

"(C) to assist the port or facility in exceeding the standards described in subparagraphs (A) and (B).

"(2) CONDITIONS.—The Secretary—

"(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

"(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

"(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.".

SEC. 708. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may conduct, in the maritime environment, a pilot program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure that the pilot program is coordinated with other biometric identification programs within the Department of Homeland Security and shall evaluate the costs and feasibility of expanding the capability to all Coast Guard cutters, stations and deployable maritime teams, and other appropriate Department of Homeland Security maritime vessels and units.

(c) DEFINITION.—For purposes of this section, the term "biometric identification" means use of fingerprint and digital photography images.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as appropriate to carry out this section.

SEC. 709. REVIEW OF POTENTIAL THREATS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report analyzing the threat, vulnerability, and consequence of a terrorist attack on gasoline and chemical cargo shipments in port activity areas in the United States.

SEC. 710. PORT SECURITY PILOT.

The Secretary of Homeland Security shall establish a pilot program to test and deploy preventive radiological or nuclear detection equipment on Coast Guard vessels and other locations in select port regions to enhance border security and for other purposes. The pilot program shall leverage existing Federal grant funding to support this program and the procurement of additional equipment.

SEC. 711. ADVANCE NOTICE OF PORT ARRIVAL OF SIGNIFICANT OR FATAL INCIDENTS INVOLVING U.S. PERSONS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall require the owner or operator of a cruise ship that embarks or disembarks passengers in a United States port to notify the Secretary of any covered security incident that occurs on the cruise ship in the course of the voyage (or voyage segment) in which a U.S. person is involved, in conjunction with any advance notice of arrival to a United States port required by part 160 of title 33, Code of Federal Regulations.

(b) DEFINITIONS.—For the purposes of this section:

(1) COVERED SECURITY INCIDENT.—The term "covered security incident" means any criminal act or omission that results in death or bodily injury, all sexual assaults and missing persons, or any other incident that poses a significant threat to the cruise ship, any cruise ship passenger, any port facility, or any person in or near the port.

(2) CRUISE SHIP.—The term "cruise ship" means a vessel on an international voyage that embarks or disembarks passengers at a port of United States jurisdiction to which subpart C of part 160 of title 33, Code of Federal Regulations, applies and that provides overnight accommodations.

(3) U.S. PERSON.—The term "U.S. person" means a citizen of the United States and an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(20)).

(4) UNITED STATES.—The term "United States" means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(c) SAVINGS CLAUSE.—Nothing in this section shall be interpreted to discourage immediate notification to the Secretary of a covered security incident, nor shall this section prohibit earlier notifications of covered security incidents otherwise required by law or regulation.

SEC. 712. SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: "The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.".

(b) CONFORMING AMENDMENTS.—

(1) Section 70110 of title 46, United States Code, is amended—

(A) by inserting "**or facilities**" after "**ports**" in the section heading;

(B) by inserting "or facility" after "port" each place it appears; and

(C) by striking "PORTS" in the heading for subsection (e) and inserting "PORTS, FACILITIES,".

(2) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

"70110. Actions and assistance for foreign ports or facilities and United States territories".

SEC. 713. SEASONAL WORKERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effects that the Transportation Worker Identification Card (in this section referred to as "TWIC") required by section 70105 of title 46, United States Code, has on companies that employ seasonal employees.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study, including—

(1) costs associated in requiring seasonal employees to obtain TWIC cards on companies

(2) whether the Coast Guard and Transportation Security Administration are processing TWIC applications quickly enough for seasonal workers to obtain TWIC certification;

(3) whether TWIC compliance costs or other factors have led to a reduction in service;

(3) the impact of TWIC on the recruiting and hiring of seasonal and other temporary employees; and

(4) an assessment of possible alternatives to TWIC certification that may be used for seasonal employees including any security vulnerabilities created by those alternatives.

SEC. 714. COMPARATIVE RISK ASSESSMENT OF VESSEL-BASED AND FACILITY-BASED LIQUEFIED NATURAL GAS REGASIFICATION PROCESSES.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall enter into an arrangement for the performance of an independent study to conduct a comparative risk assessment examining the relative safety and security risk associated with vessel-based and facility-based liquefied natural gas regasification processes conducted within 3 miles from land versus such processes conducted more than 3 miles from land.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary Homeland Security, acting through the Commandant, shall provide a report on the findings and conclusions of the study required by this section to the Committees on Homeland Security, Transportation and Infrastructure, and Energy and Commerce of the House of Representatives, and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

SEC. 715. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish procedures providing for an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, to be fingerprinted at any facility operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department.

(b) EXPIRATION.—This section expires on December 31, 2012.

SEC. 716. TRANSPORTATION SECURITY CARDS ON VESSELS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting after "title" the following: "allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title"; and

(2) in subparagraph (D), by inserting after "tank vessel" the following: "allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title".

SEC. 717. INTERNATIONAL LABOR STUDY.

The Comptroller General of the United States shall conduct a study of methods to conduct a background security investigation of an individual who possesses a biometric identification card that complies with International Labor Convention number 185 that are equivalent to the investigation conducted on individuals applying for a visa to enter the United States. The Comptroller General shall submit a report on the study within 180 days after the date of enactment of this Act to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 718. MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112 of title 46, United States Code, is amended—

(1) by amending subsection (b)(5) to read as follows:

"(5)(A) The National Maritime Security Advisory Committee shall be composed of—

"(i) at least 1 individual who represents the interests of the port authorities;

"(ii) at least 1 individual who represents the interests of the facilities owners or operators;

"(iii) at least 1 individual who represents the interests of the terminal owners or operators;

"(iv) at least 1 individual who represents the interests of the vessel owners or operators;

"(v) at least 1 individual who represents the interests of the maritime labor organizations;

"(vi) at least 1 individual who represents the interests of the academic community;

"(vii) at least 1 individual who represents the interests of State or local governments; and

"(viii) at least 1 individual who represents the interests of the maritime industry.

"(B) Each Area Maritime Security Advisory Committee shall be composed of individuals who represents the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas."; and

(2) in subsection (g)—

(A) in paragraph (1)(A), by striking "2008;" and inserting "2010;";

(B) by repealing paragraph (2);

(C) by striking "(1)"; and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

SEC. 719. SEAMEN'S SHORESIDE ACCESS.

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

SEC. 720. WATERSIDE SECURITY AROUND LIQUEFIED NATURAL GAS TERMINALS AND LIQUEFIED NATURAL GAS TANKERS.

(a) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of law, any security zone established by the Coast Guard around a tanker containing liquified natural gas shall be enforced by the Coast Guard. If the Coast Guard must enforce multiple simultaneous security zones, the Coast Guard shall allocate resources so as to deter to the maximum extent practicable a transportation security incident (as that term is defined in sectin 70101 of title 46, United States Code).

(b) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved as part of a facility security plan approved after the date of enactment of this Act under section 70103 of title 46, United States Code, for a liquefied natural gas terminal on or adjacent to the navigable waters of the United States, or to assist in the enforcement of any security zone established by the Coast Guard around a tanker containing liquefied natural gas, may not be based upon the provision of security by a State or local government unless the State or local government has entered into a contract, cooperative agreement, or other arrangement with the terminal operator to provide such services and the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, equipment, and experience necessary to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(c) DETERMINATION REQUIRED FOR NEW LNG TERMINALS.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new liquefied natural gas terminal the construction of which is begun after the date of enactment of this Act unless the Secretary determines that the Coast Guard has available to the sector in which the terminal is located the resources it needs to carry out the navigation and maritime security risk management measures identified in the waterway suitability report prepared pursuant to the Ports and Waterways Safety Act.

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the "Integrated Deepwater Program Reform Act".

SEC. 802. IMPLEMENTATION OF COAST GUARD INTEGRATED DEEPWATER ACQUISITION PROGRAM.

(a) USE OF PRIVATE SECTOR ENTITY AS A LEAD SYSTEMS INTEGRATOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Deepwater Program beginning on the earlier of October 1, 2011, or the date on which the Secretary certifies in writing to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

(2) COMPLETION OF EXISTING DELIVERY ORDERS AND TASK ORDERS.—The Secretary may use a private sector entity as a lead systems integrator to complete any delivery order or task order under the Deepwater Program that was issued to the lead systems integrator on or before the date of enactment of this Act.

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may obtain any type of assistance the Secretary considers appropriate, with any systems integration functions, from any Federal agency with experience in systems integration involving maritime vessels and aircraft.

(4) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may, subject to the availability of appropriations, obtain by grant, contract, or cooperative agreement any type of assistance the Secretary considers appropriate, with any systems integration functions, from any private sector entity with experience in systems integration involving maritime vessels and aircraft.

(b) COMPETITION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall use full and open competition for each class of asset acquisitions under the Deepwater Program for which an outside contractor is used, if the asset is procured directly by the Coast Guard or by the Integrated Coast Guard System acting under a contract with the Coast Guard.

(2) EXCEPTION.—The Secretary may use a procurement method that is less than full and open competition to procure an asset under the Deepwater Program, if—

(A) the Secretary determines that such method is in the best interests of the Federal Government; and

(B) by not later than 30 days before the date of the award of a contract for the procurement, the Secretary submits to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report explaining why such procurement is in the best interests of the Federal Government.

(3) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a contract, subcontract, or task order that was issued before the date of enactment of this Act, if there is no change in the quantity of assets or the specific type of assets procured.

(c) REQUIRED CONTRACT TERMS.—The Secretary shall include in each contract, subcontract, and task order issued under the Deepwater Program after the date of enactment of this Act the following provisions, as applicable:

(1) TECHNICAL REVIEWS.—A requirement that the Secretary shall conduct a technical review of all proposed designs, design changes, and engineering changes, and a requirement that the contractor must specifically address all engineering concerns identified in the technical reviews, before any funds may be obligated.

(2) RESPONSIBILITY FOR TECHNICAL REQUIREMENTS.—A requirement that the Secretary shall maintain the authority to establish, approve, and maintain technical requirements.

(3) COST ESTIMATE OF MAJOR CHANGES.—A requirement that an independent cost estimate must be prepared and approved by the Secretary before the execution of any change order costing more than 5 percent of the unit cost approved in the Deepwater Program baseline in effect as of May 2007.

(4) PERFORMANCE MEASUREMENT.—A requirement that any measurement of contractor and subcontractor performance must be based on the status of all work performed, including the extent to which the work performed met all cost, schedule, and mission performance requirements outlined in the Deepwater Program contract.

(5) EARLY OPERATIONAL ASSESSMENT.—For the acquisition of any cutter class for which

an Early Operational Assessment has not been developed—

(A) a requirement that the Secretary of the Department in which the Coast Guard is operating shall cause an Early Operational Assessment to be conducted by the Department of the Navy after the development of the preliminary design of the cutter and before the conduct of the critical design review of the cutter; and

(B) a requirement that the Coast Guard shall develop a plan to address the findings presented in the Early Operational Assessment.

(6) TRANSIENT ELECTROMAGNETIC PULSE EMANATION.—For the acquisition or upgrade of air, surface, or shore assets for which compliance with transient electromagnetic pulse emanation (TEMPEST) is a requirement, a provision specifying that the standard for determining such compliance shall be the air, surface, or shore asset standard then used by the Department of the Navy.

(7) OFFSHORE PATROL CUTTER UNDERWAY REQUIREMENT.—For any contract issued to acquire an Offshore Patrol Cutter, provisions specifying the service life, fatigue life, days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter shall be built to achieve.

(8) INSPECTOR GENERAL ACCESS.—A requirement that the Department of Homeland Security's Office of the Inspector General shall have access to all records maintained by all contractors working on the Deepwater Program, and shall have the right to privately interview any contractor personnel.

(d) LIFE CYCLE COST ESTIMATE.—

(1) IN GENERAL.—The Secretary shall develop an authoritative life cycle cost estimate for the Deepwater Program.

(2) CONTENTS.—The life cycle cost estimate shall include asset acquisition and logistics support decisions and planned operational tempo and locations as of the date of enactment of this Act.

(3) SUBMITTAL.—The Secretary shall—

(A) submit the life cycle cost estimate to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 4 months after the date of enactment of this Act; and

(B) submit updates of the life cycle cost estimate to such Committees annually.

(e) CONTRACT OFFICERS.—The Secretary shall assign a separate contract officer for each class of cutter and aircraft acquired or rehabilitated under the Deepwater Program, including the National Security Cutter, the Offshore Patrol Cutter, the Fast Response Cutter A, the Fast Response Cutter B, maritime patrol aircraft, the aircraft HC–130J, the helicopter HH–65, the helicopter HH–60, and the vertical unmanned aerial vehicle.

(f) TECHNOLOGY RISK REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying the technology risks and level of maturity for major technologies used on each class of asset acquisitions under the Deepwater Program, including the Fast Response Cutter A (FRC–A), the Fast Response Cutter B (FRC–B), the Offshore Patrol Cutter (OPC), and the Vertical Unmanned Aerial Vehicle (VUAV), not later than 90 days before the date of award of a contract for such an acquisition.

(g) SUBMISSION OF ASSESSMENT RESULTS AND PLANS TO CONGRESS.—The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) the results of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) and the plan approved by the Commandant pursuant to subsection (c)(5)(B) for addressing the findings of such assessment, within 30 days after the Commandant approves the plan; and

(2) a report describing how the recommendations of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) on the first in class of a new cutter class have been addressed in the design on which construction is to begin, within 30 days before initiation of construction.

SEC. 803. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

"§ 56. Chief Acquisition Officer

"(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—The Commandant shall appoint or designate a career reserved employee as Chief Acquisition Officer for the Coast Guard, who shall—

"(1) have acquisition management as that official's primary duty; and

"(2) report directly to the Commandant to advise and assist the Commandant to ensure that the mission of the Coast Guard is achieved through the management of the Coast Guard's acquisition activities.

"(b) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

"(1) monitoring the performance of acquisition activities and acquisition programs of the Coast Guard, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Commandant regarding the appropriate business strategy to achieve the mission of the Coast Guard;

"(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

"(3) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

"(4) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the Coast Guard;

"(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

"(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional workforce; and

"(7) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 of title 31—

"(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

"(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

"(C) reporting to the Commandant on the progress made in improving acquisition management capability.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"56. Chief Acquisition Officer.".

(c) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 804. TESTING AND CERTIFICATION.

(a) IN GENERAL.—The Secretary shall—

(1) cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping, before acceptance of delivery;

(2) cause the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2, to be certified by an independent third party with expertise in vessel design and construction certification to be able to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years;

(3) cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested and certified in accordance with TEMPEST standards and communications security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing and certification; and

(4) cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be certified for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before acceptance of delivery.

(b) FIRST IN CLASS OF A MAJOR ASSET ACQUISITION.—The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft to be subjected to an assessment of operational capability conducted by the Secretary of the Navy.

(c) FINAL ARBITER.—The Secretary shall be the final arbiter of all technical disputes regarding designs and acquisitions of vessels and aircraft for the Coast Guard.

SEC. 805. NATIONAL SECURITY CUTTERS.

(a) NATIONAL SECURITY CUTTERS 1 AND 2.—

(1) REPORT ON OPTIONS UNDER CONSIDERATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) within 120 days after the date of enactment of this Act, a report describing in detail the cost increases that have been experienced on National Security Cutters 1 and 2 since the date of the issuance of the task orders for construction of those cutters and explaining the causes of these cost increases; and

(B) within 180 days after the date of enactment of this Act, a report on the options that the Coast Guard is considering to strengthen the hulls of National Security Cutter 1 and National Security Cutter 2, including—

(i) the costs of each of the options under consideration;

(ii) a schedule for when the hull strengthening repairs are anticipated to be performed; and

(iii) the impact that the weight likely to be added to each the cutter by each option will have on the cutter's ability to meet both the original performance requirements included in the Deepwater Program contract and the performance requirements created by contract Amendment Modification 00042 dated February 7, 2007.

(2) DESIGN ASSESSMENT.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG–07–23 dated January 2007, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed hull strengthening design conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years.

(b) NATIONAL SECURITY CUTTERS 3 THROUGH 8.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order authorizing construction of National Security Cutters 3 through 8, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed designs to resolve the structural design, safety, and performance issues identified by the Department of Homeland Security Office of Inspector General report OIG–07–23 for the hulls of those cutters conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which such designs will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions.

SEC. 806. MISCELLANEOUS REPORTS.

(a) IN GENERAL.—The Secretary shall submit the following reports to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate:

(1) Within 4 months after the date of enactment of this Act, a justification for why 8 National Security Cutters are required to meet the operational needs of the Coast Guard, including—

(A) how many days per year each National Security Cutter will be underway at sea;

(B) where each National Security Cutter will be home ported;

(C) the amount of funding that will be required to establish home port operations for each National Security Cutter;

(D) the extent to which 8 National Security Cutters deployed without vertical unmanned aerial vehicles (VUAV) will meet or exceed the mission capability (including surveillance capacity) of the 12 Hamilton-class high endurance cutters that the National Security Cutters will replace;

(E) the business case in support of constructing National Security Cutters 3 through 8, including a cost-benefit analysis; and

(F) an analysis of how many Offshore Patrol Cutters would be required to provide the patrol coverage provided by a National Security Cutter.

(2) Within 4 months after the date of enactment of this Act, a report on—

(A) the impact that deployment of a National Security Cutter and other cutter assets without the vertical unmanned aerial vehicle (VUAV) will have on the amount of patrol coverage that will be able to be provided during missions conducted by the National Security Cutter and all other cutters planned to be equipped with a VUAV;

(B) how the coverage gap will be made up;

(C) an update on the current status of the development of the VUAV; and

(D) the timeline detailing the major milestones to be achieved during development of the VUAV and identifying the delivery date for the first and last VUAV.

(3) Within 30 days after the elevation to flag-level for resolution of any design or other dispute regarding the Deepwater Program contract or an item to be procured under that contract, including a detailed description of the issue and the rationale underlying the decision taken by the flag officer to resolve the issue.

(4) Within 4 months after the date of enactment of this Act, a report detailing the total number of change orders that have been created by the Coast Guard under the Deepwater Program before the date of enactment of this Act, the total cost of these change orders, and their impact on the Deepwater Program schedule.

(5) Within 180 days after the date of enactment of this Act, a report detailing the technology risks and level of maturity for major technologies used on maritime patrol aircraft, the HC–130J, and the National Security Cutter.

(6) Not less than 60 days before signing a contract to acquire any vessel or aircraft, a report comparing the cost of purchasing that vessel or aircraft directly from the manufacturer or shipyard with the cost of procuring it through the Integrated Coast Guard System.

(7) Within 30 days after the Program Executive Officer of the Deepwater Program becomes aware of a likely cost overrun exceeding 5 percent of the overall asset acquisition contract cost or schedule delay exceeding 5 percent of the estimated asset construction period under the Deepwater Program, a report by the Commandant containing a description of the cost overrun or delay, an explanation of the overrun or delay, a description of Coast Guard's response, and a description of significant delays in the procurement schedule likely to be caused by the overrun or delay.

(8) Within 90 days after the date of enactment of this Act, articulation of a doctrine and description of an anticipated implementation of a plan for management of acquisitions programs, financial management (including earned value management and cost estimating), engineering and logistics management, and contract management, that includes—

(A) a description of how the Coast Guard will cultivate among uniformed personnel expertise in acquisitions management and financial management;

(B) a description of the processes that will be followed to draft and ensure technical review of procurement packages, including statements of work, for any class of assets acquired by the Coast Guard;

(C) a description of how the Coast Guard will conduct an independent cost estimating process, including independently developing cost estimates for major change orders; and

(D) a description of how Coast Guard will strengthen the management of change orders.

(9) Within 4 months after the date of enactment of this Act, a report on the development of a new acquisitions office within the Coast Guard describing the specific staffing structure for that directorate, including—

(A) identification of all managerial positions proposed as part of the office, the functions that each managerial position will fill, and the number of employees each manager will supervise; and

(B) a formal organizational chart and identification of when managerial positions are to be filled.

(10) Ninety days prior to the issuance of a Request for Proposals for construction of an Offshore Patrol Cutter, a report detailing the service life, fatigue life, maximum range, maximum speed, and number of days underway under general Atlantic and North Pacific Sea conditions the cutter shall be built to achieve.

(11) The Secretary shall report annually on the percentage of the total amount of funds expended on procurements under the Deepwater Program that has been paid to each of small businesses and minority-owned businesses.

(12) Within 120 days after the date of enactment of this Act, a report on any Coast Guard mission performance gap due to the removal of Deepwater Program assets from service. The report shall include the following:

(A) A description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected.

(B) An analysis of factors affecting the mission performance gap that are unrelated to the Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages.

(C) A description of measures being taken in the near term to fill the mission performance gap, including what those measures are and when they will be implemented.

(D) A description of measures being taken in the long term to fill the mission performance gap, including what those measures are and when they will be implemented.

(E) A description of the potential alternatives to fill the mission performance gap, including any acquisition or lease considered and the reasons they were not pursued.

(b) REPORT REQUIRED ON ACCEPTANCE OF DELIVERY OF INCOMPLETE ASSET.—

(1) IN GENERAL.—If the Secretary accepts delivery of an asset after the date of enactment of this Act for which a contractually required certification cannot be achieved

within 30 days after the date of delivery or with any system that is not fully functional for the mission for which it was intended, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate within 30 days after accepting delivery of the asset a report explaining why acceptance of the asset in such a condition is in the best interests of the United States Government.

(2) CONTENTS.—The report shall—

(A) specify the systems that are not able to achieve contractually required certifications within 30 days after the date of delivery and the systems that are not fully functional at the time of delivery for the missions for which they were intended;

(B) identify milestones for the completion of required certifications and to make all systems fully functional; and

(C) identify when the milestones will be completed, who will complete them, and the cost to complete them.

SEC. 807. USE OF THE NAVAL SEA SYSTEMS COMMAND, THE NAVAL AIR SYSTEMS COMMAND, AND THE SPACE AND NAVAL WARFARE SYSTEMS COMMAND TO ASSIST THE COAST GUARD IN EXERCISING TECHNICAL AUTHORITY FOR THE DEEPWATER PROGRAM AND OTHER COAST GUARD ACQUISITION PROGRAMS.

(a) FINDINGS.—Congress finds that the Coast Guard's use of the technical, contractual, and program management oversight expertise of the Department of the Navy in ship and aircraft production complements and augments the Coast Guard's organic expertise as it procures assets for the Deepwater Program.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Secretary may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to provide for the use of the Navy Systems Commands to assist the Coast Guard with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Engineer and the Coast Guard Chief Information Officer, as Coast Guard Technical Authorities, may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Navy Systems Commands to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL AUTHORITIES.—The Coast Guard Chief Engineer, Chief Information Officer, and Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to ensure the Coast Guard Technical Authorities, or designated Technical Warrant Holders, approve all technical requirements.

(d) COORDINATION.—The Secretary, acting through the Commandant of the Coast Guard, may coordinate with the Secretary of the Navy, acting through the Chief of Naval Operations, to develop processes by which the assistance will be requested from the Navy Systems Commands and provided to the Coast Guard.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act and every twelve months thereafter, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the activities undertaken pursuant to such memorandum of understanding or memorandum of agreement.

SEC. 808. DEFINITIONS.

In this title:

(1) DEEPWATER PROGRAM.—The term "Deepwater Program" means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled "Revised Deepwater Implementation Plan 2005", dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

TITLE IX—MINORITY SERVING INSTITUTIONS

SEC. 901. MSI MANAGEMENT INTERNSHIP PROGRAM.

(a) ESTABLISHMENT AND PURPOSE.—The Commandant of the Coast Guard shall establish a two part management internship program for students at minority serving institutions (MSI) to intern at Coast Guard headquarters or a Coast Guard regional office, to be known as the "MSI Management Internship Program", to develop a cadre of civilian, career mid-level and senior managers for the Coast Guard.

(b) OPERATION.—The MSI Management Internship Program shall be managed by the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, in coordination with National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium.

(c) CRITERIA FOR SELECTION.—Participation in the MSI Management Internship Program shall be open to sophomores, juniors, and seniors at minority serving institutions, with an emphasis on such students who are majoring in management or business administration, international affairs, political science, marine sciences, criminal justice, or any other major related to homeland security.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to the Commandant to carry out this section.

SEC. 902. MSI INITIATIVES.

(a) ESTABLISHMENT OF MSI STUDENT PRE-COMMISSIONING INITIATIVE.—The Commandant of the Coast Guard shall establish an MSI component of the College Student Pre-Commissioning Initiative (to be known as the "MSI Student Pre-Commissioning Initiative Program") to ensure greater participation by students from MSIs in the College Student Pre-Commissioning Initiative.

(b) PARTICIPATION IN OFFICER CANDIDATE SCHOOL.—The Commandant of the Coast Guard shall ensure that graduates of the MSI Student Pre-Commissioning Initiative Program are included in the first enrollment for Officer Candidate School that commences after the date of enactment of this title and each enrollment period thereafter.

(c) REPORTS.—Not later than 90 days after the conclusion of each academic year with respect to which the College Student Pre-Commissioning Initiative and the MSI Student Pre-Commissioning Initiative Program is carried out beginning with the first full academic year after the date of the enactment of this title, the Commandant shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce of the Senate a report on the number of students in the College Student Pre-Commissioning Initiative and the number of students in the MSI Student Pre-Commissioning Initiative Program, outreach efforts and demographic information of enrollees including, age, gender, race, and disability.

(d) ESTABLISHMENT OF MSI AVIATION OFFICER CORPS INITIATIVE.—The Commandant of the Coast Guard shall establish an MSI Aviation Officer Corps Initiative to increase the diversity of the Coast Guard Aviation Officer Corps through an integrated recruiting, accession, training, and assignment process that offers guaranteed flight school opportunities to students from minority serving institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to the Commandant to carry out this section.

SEC. 903. COAST GUARD-MSI COOPERATIVE TECHNOLOGY PROGRAM.

(a) ESTABLISHMENT.—The Commandant of the Coast Guard shall establish a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery.

(b) COLLABORATION.—The Commandant shall encourage collaboration among the minority serving institutions selected under subsection (a) and institutions of higher education with institutional research and academic program resources and experience.

(c) PARTNERSHIPS.—The heads of the laboratories established at the minority serving institutions pursuant to subsection (a) may seek to establish partnerships with the private sector, especially small, disadvantaged businesses, to—

(1) develop increased research and development capacity;

(2) increase the number of baccalaureate and graduate degree holders in science, technology, engineering, mathematics (STEM), and information technology or other fields critical to the mission of the Coast Guard; and

(3) strengthen instructional ability among faculty.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,500,000 to the Commandant to carry out this section, including for instrumentation acquisition and funding undergraduate student scholarships, graduate fellowships, and faculty-post doctoral study.

SEC. 904. DEFINITION.

For purposes of this title, the terms "minority serving institution", "minority serving institutions", and "MSI" mean a historically Black college or university (as defined in section 322 of the Higher Education Act of 1965), a Hispanic-serving institution (as defined in section 502 of such Act), a Tribal College or University (as defined in section 316 of such Act), a Predominantly Black institution (as defined in section 499A(c) of such Act), or a Native American-serving nontribal institution (as defined in section 499A(c) of such Act).

TITLE X—APPEALS TO NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 1001. RIGHTS OF APPEAL REGARDING LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) DENIAL OF ISSUANCE OR RENEWAL.—

(1) LICENSES AND CERTIFICATES OF REGISTRY.—Section 7101 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(j) APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.—

"(1) IN GENERAL.—An individual whose application for the issuance or renewal of a license or certificate of registry has been denied under this chapter by the Secretary may appeal that decision to the National Transportation Safety Board, unless the individual holds a license or certificate that—

"(A) is suspended at the time of the denial; or

"(B) was revoked within the one-year period ending on the date of the denial.

"(2) PROCEDURE.—The Board shall conduct a hearing on the appeal. The Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law. At the end of the hearing, the Board shall decide whether the individual meets the requirements for issuance or renewal of the license or certificate of registry under applicable regulations and standards. The Secretary is bound by the Board's decision.".

(2) MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(h) APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.—

"(1) IN GENERAL.—An individual whose application for the issuance or renewal of a merchant mariners' document has been denied under this chapter by the Secretary may appeal that decision to the National Transportation Safety Board, unless the individual holds a merchant mariners' document that—

"(A) is suspended at the time of the denial; or

"(B) was revoked within the one-year period ending on the date of denial.

"(2) PROCEDURE.—The Board shall conduct a hearing on the appeal. The Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law. At the end of the hearing, the Board shall decide whether the individual meets the requirements for issuance or renewal of the document under applicable regulations and standards. The Secretary is bound by the Board's decision.".

(b) SUSPENSION AND REVOCATION.—Chapter 77 of title 46, United States Code, is amended—

(1) in section 7702—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(2) by adding at the end the following new sections:

"§7707. Appeals to the National Transportation Safety Board

"(a) IN GENERAL.—An individual whose license, certificate of registry, or merchant mariners' document has been suspended or revoked under this chapter by the Secretary may appeal that decision within 30 days to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and an opportunity for a hearing on the record. In conducting the hearing under this section, the Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section, unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

"(b) EFFECTIVENESS OF ORDER PENDING APPEAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2), upon the filing by an individual of an appeal with the Board under this subsection, the order of the Secretary suspending or revoking the license, certificate of registry, or merchant mariners' document is stayed.

"(2) EXCEPTION.—If the Secretary notifies the Board that the Secretary has determined there exists an emergency affecting safety in maritime transportation requires the immediate effectiveness of the order—

"(A) the order shall remain in effect pending disposition of the appeal;

"(B) the Board shall make a final disposition of the appeal not later than 60 days after the Secretary so notifies the Board; and

"(C) if the Board does not act within such 60-day period, the order shall continue in effect unless modified by the Secretary.

"(c) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Secretary's order under subsection (b)(2) may petition for a review by the Board under procedures promulgated by the Board of the Secretary's determination that an emergency exists. Such petition shall be filed with the Board not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in maritime transportation, the order shall be stayed, notwithstanding subsection (b). The Board shall dispose of a petition under this subsection not later than 5 days after the date on which the petition is filed.

"(d) JUDICIAL REVIEW.—An individual who is substantially affected by an order of the Board under this section, or the Secretary if the Secretary decides that an order of the Board will have a significant adverse effect on carrying out this part, may obtain judicial review of the order. The Secretary shall be made a party to the judicial review proceedings. In those proceedings, findings of fact of the Board are conclusive if supported by substantial evidence.

"§7708. Limitations on the Coast Guard's conduct of administrative proceedings

"The Coast Guard shall not conduct any administrative proceeding under section 7101, 7302, 7503, chapter 77, or section 9303 of this title under any contractual relationship or interagency agreement with the National Transportation Safety Board after October 1, 2009."; and

(3) in the analysis at the beginning of the chapter by adding at the end the following new items:

"Sec. 7707. Appeals to the National Transportation Safety Board.
"Sec. 7708. Limitations on the Coast Guard's conduct of administrative proceedings.".

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 2008.

SEC. 1002. AUTHORITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) REVIEW OF OTHER AGENCY ACTION.—Section 1133 of title 49, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) the denial, amendment, modification, suspension, or revocation of a license, certificate, document, or register in a proceeding under section 7101, 7302, 7503, or 9303, or chapter 77, of title 46; and".

(b) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 1153 of title 49, United States Code, is amended—

(A) in the heading for subsection (b) by inserting "and maritime" after "aviation"; and

(B) by adding at the end the following new subsection:

"(d) SECRETARY SEEKING JUDICIAL REVIEW OF MARITIME MATTERS.—If the Secretary of the department in which the Coast Guard is operating decides that an order of the Board under chapter 77 of title 46 will have a significant impact on carrying out this chapter with respect to a maritime matter, the Secretary may obtain judicial review of the order. Findings of fact of the Board are conclusive in those proceedings if supported by substantial evidence.".

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 2008.

SEC. 1003. TRANSFER OF PENDING APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.

(a) ADMINISTRATION OF PENDING DOCKET.—

(1) TRANSFER OF PENDING CASES.—On October 1, 2008, any pending cases remaining undecided by the Coast Guard Office of Administrative Law Judges shall be transferred to the National Transportation Safety Board for adjudication. Such cases shall be sequenced into the docket of the National Transportation Safety Board Office of Administrative Law Judges in the same order as the dates of filing with the Coast Guard.

(2) DETAIL OF ADMINISTRATIVE LAW JUDGES.—The Secretary of the department in which the Coast Guard is operating shall, if requested by the Chairman of the National Transportation Safety Board, make available to the Board via temporary detail not to exceed 180 days, and thereafter at the discretion of the Secretary, Administrative Law Judges currently employed by the Coast Guard sufficient to address the docket of maritime enforcement cases transferred by this subsection to the National Transportation Safety Board and those subsequently filed with the National Transportation Safety Board.

(3) ADMINISTRATIVE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating shall, if requested by the Chairman of the National Transportation Safety Board, make available assistance from the administrative offices of the Coast Guard Office of the Administrative Law Judges sufficient administrative personnel and other resources adequate to effect an orderly transfer of pending cases to the National Transportation Safety Board.

(b) TRANSFER OF FUNDS.—For each of fiscal years 2009 and 2010, 80 percent of all funding appropriated for the Coast Guard's Office of Administrative Law Judges shall be transferred as an interagency transfer to the National Transportation Safety Board and used for the Safety Board Office of Administrative Law Judges.

(c) MARITIME ENFORCEMENT APPEALS ACTIVITY.—

(1) IN GENERAL.—The National Transportation Safety Board may establish within the National Transportation Safety Board

Office of Administrative Law Judges a maritime enforcement appeals activity, to operate in concert or parallel with the aviation enforcement appeals activity currently existing, sufficient to handle maritime enforcement appeals under title 46, United States Code, as amended by this title.

(2) FILLING OF ADMINISTRATIVE LAW JUDGE POSITIONS.—Any Administrative Law Judge position established by the National Transportation Safety Board to address the cases and responsibilities transferred under this section shall be filled through the established Administrative Law Judge hiring process.

(3) LIMITATION ON EFFECT.—This section shall not be construed—

(A) to transfer from the Coast Guard any personnel, offices, or equipment funded under this provision; or

(B) to authorize requiring any person to transfer from the Coast Guard to the National Transportation Safety Board.

(4) EXEMPTION FROM REGULATIONS RELATING TO REDUCTIONS IN FORCE.—Any redesignation of agency responsibilities under this title is exempt from subpart C of part 351 of title 5, Code of Federal Regulations, and does not constitute a transfer of function (as that term is defined in section 351.203 of that title) for purposes of that subpart.

SEC. 1004. RULEMAKING REQUIREMENTS.

(a) INTERIM FINAL RULE.—The National Transportation Safety Board shall issue an interim final rule as a temporary regulation implementing this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act, without regard to chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(b) INITIATION OF RULEMAKING.—The Board may initiate a rulemaking to implement this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued under this section.

SEC. 1005. ADMINISTRATIVE LAW JUDGE RECRUITING PROGRAM.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish a program to recruit qualified individuals from appropriate sources in an effort to achieve a workforce drawn from all segments of society in the Coast Guard's Administrative Law Judge program. This program shall include—

(1) improved outreach efforts to include organizations outside the Federal Government in order to increase the number of minority candidates in the selection pool for Administrative Law Judges from which the Coast Guard selects their judges; and

(2) recruitment of minority candidates for Coast Guard Administrative Law Judges from other Federal agencies.

(b) REPORT.—The Secretary shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by October 1 of each year detailing the activities of the Coast Guard to comply with the requirements of this section.

TITLE XI—MARINE SAFETY

SEC. 1101. MARINE SAFETY.

(a) ESTABLISH MARINE SAFETY AS A COAST GUARD FUNCTION.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

"§100. Marine safety

"To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime safety as follows:

"(1) By taking actions necessary and in the public interest to protect such life, property, and the environment.

"(2) Based on the following priorities:

"(A) Preventing marine casualties and threats to the environment.

"(B) Minimizing the impacts of marine casualties and environmental threats.

"(C) Maximizing lives and property saved and environment protected in the event of a marine casualty.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

"100. Marine safety.".

SEC. 1102. MARINE SAFETY STAFF.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new section:

"§57. Marine safety staff

"(a) ASSISTANT COMMANDANT FOR MARINE SAFETY.—(1) There shall be in the Coast Guard an Assistant Commandant for Marine Safety who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) selected by the Secretary.

"(2) The Assistant Commandant for Marine Safety shall serve as the principal advisor to the Commandant regarding marine safety, and carry out the duties and powers delegated and imposed by the Secretary under section 631(b).

"(b) CHIEF OF MARINE SAFETY.—(1) There shall be in each Coast Guard sector a Chief of Marine Safety who—

"(A) shall be at least a Commander or civilian at level GS–14; and

"(B) shall be colocated with the Coast Guard officer in command of that sector.

"(2) The chief of marine safety for a sector—

"(A) is responsible for all individuals who, on behalf of the Coast Guard, inspect or examine vessels, conduct marine casualty investigations, or perform other marine safety responsibilities defined in section 631(b) in the sector; and

"(B) if not the Coast Guard officer in command of that sector, is the principle advisor to that officers regarding marine safety matters in that sector.

"(c) QUALIFICATIONS.—(1) The Assistant Commandant for Marine Safety and the Chiefs of Marine Safety of sectors, and all marine safety inspectors, investigators, examiners, and other professional staff assigned to the marine safety program of the Coast Guard, shall be appointed on the basis of their—

"(A) knowledge, skill, and practical experience in—

"(i) the construction and operation of commercial vessels; and

"(ii) judging the character, strength, stability, and safety qualities of such vessels and their equipment; and

"(B) knowledge about the qualifications and training of vessel personnel.

"(2) Marine inspectors shall have the training, experience, and qualifications equivalent to that required for a surveyor of a similar position of a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected.

"(3) Marine casualty investigators shall have the training, experience, and qualifications in investigation, accident reconstruction, human factors, and documentation equivalent to that required for a marine casualty investigator of the National Transportation Safety Board.

"(4) The Chief of Marine Safety of a sector shall be a qualified marine casualty investigator and marine inspector qualified to inspect vessels, vessel systems, and equipment commonly found in the sector.

"(5) Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type they are signing.

"(6) The Assistant Commandant for Marine Safety shall be a qualified marine casualty investigator and a marine inspector qualified for types of vessels, vessel systems, and equipment.

"§58. Limited duty officers

"(a) ESTABLISHMENT.—The Commandant shall establish in the Coast Guard a limited duty officer program for marine safety.

"(b) OFFICER ELIGIBILITY.—(1) Only commissioned officers in the Coast Guard with grade not above commander and chief warrant officers who have more than four years of marine safety experience may serve as limited duty officers under such program.

"(2) The Commandant may establish other limitations on eligibility that the Commandant believes are necessary for the good of the marine safety program.

"(3) Notwithstanding section 41a and chapter 11 of this title, the Commandant shall, by regulation, establish procedures pertaining to—

"(A) the promotion of commissioned officers and chief warrant officers who serve as limited duty officers, including the maintenance of a separate promotion list for commissioned officers who serve as limited duty officers;

"(B) the discharge, retirement, and revocation of commissions of such officers; and

"(C) the separation for cause of such officers.

"(4) The Commandant shall ensure that the procedures promulgated under paragraph (3)(A) encourage a specialization in marine safety and do not, in any way, inhibit or prejudice the orderly promotion or advancement of commissioned officers and chief warrant officers who serve as limited duty officers.

"(5) The Commandant shall, by regulation, prescribe a step increase in the pay system for limited duty officers in the marine safety program.

"(c) RECRUITMENT.—(1) The Commandant shall, by regulation, establish procedures pertaining to the recruitment of graduates from the United States Merchant Marine Academy and the State maritime colleges and individuals holding licenses issued under chapter 71 of title 46 to serve as limited duty officers.

"(2) Not later than the date of the submission of the President's budget request under section 1105 of title 31 for each fiscal year, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Coast Guard's efforts to recruit graduates from the United States Merchant Marine Academy and the State maritime colleges and individuals holding licenses issued under chapter 71 of title 46 to serve as limited duty officers. The report shall include information on the number of graduates recruited.

the lengths of service, the retention rates, and other activities undertaken by the Coast Guard to sustain or increase the numbers of recruits and officers.

"§59. Center for Expertise for Marine Safety

"(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish and operate a one or more Centers for Expertise for Marine Safety (in this section referred to as a 'Center').

"(b) MISSIONS.—The Centers shall—

"(1) be used to provide and facilitate education, training, and research in marine safety including vessel inspection and casuality investigation;

"(2) develop a repository of information on marine safety; and

"(3) perform any other missions as the Commandant may specify.

"(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

"(1) provide for joint operation of a Center; and

"(2) provide necessary administrative services for a Center, including administration and allocation of funds.

"(d) ACCEPTANCE OF DONATIONS.—(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a Center, donations to be used to defray the costs of the Center or to enhance the operation of the Center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

"(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

"(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

"(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

"(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

"§60. Marine industry training program.

"(a) IN GENERAL.—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, including for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—

"(1) with regard to an employee of the Coast Guard, shall include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

"(A) the duration and termination of assignments;

"(B) reimbursements; and

"(C) status, entitlements, benefits, and obligations of program participants; and

"(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard's funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

"(b) ANNUAL REPORT.—Not later than the date of the submission each year of the President's budget request under section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

"(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section;

"(2) the specific benefit that accrues to the Coast Guard for each assignment.".

(b) CERTIFICATES OF INSPECTION.—Section 3309 of title 46, United States Code, is amended by adding at the end the following:

"(d) A certificate of inspection issued under this section shall be signed by the individuals that inspected the vessel.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"57. Marine safety staff.
"58. Limited duty officers.
"59. Center for Expertise for Marine Safety.
"60. Marine industry training program.".

SEC. 1103. MARINE SAFETY MISSION PRIORITIES AND LONG TERM GOALS.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is further amended by adding after section 2116, as added by section 313 of this Act, the following new section:

"§2117. Marine Safety Strategy, goals, and performance assessments

"(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

"(1) Reducing the number and rates of marine casualties.

"(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

"(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

"(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

"(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

"(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

"(A) To increase the number of safety examinations on all high-risk vessels.

"(B) To eliminate the backlog of marine safety-related rulemakings.

"(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

"(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the powers and duties delegated and imposed by the Secretary under section 631(b).

"(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of—

"(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

"(B) the staff skills and training needed for timely and effective accomplishment of each goal.

"(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2010 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission under section 1105 of title 31.

"(d) ACHIEVEMENT OF GOALS.—

"(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Coast Guard Commandant and the Assistant Commandant for Marine Safety shall jointly assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant and the Assistant Commandant shall jointly convey their assessment to the employees of the Assistant Commandant and shall identify any deficiencies that should be remedied before the next progress assessment.

"(2) REPORT TO CONGRESS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

"(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

"(B) on the program's mission performance in achieving numerical measurable goals established under subsection (b); and

"(C) recommendations on how to improve performance of the program.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following new item:

"2117. Marine Safety Strategy, goals, and performance assessments.".

SEC. 1104. POWERS AND DUTIES.

Section 631 of title 14, United States Code, is amended—

(1) by inserting "(a)" before the first sentence; and

(2) by adding at the end the following new subsection:

"(b) The Assistant Commandant for Marine Safety shall serve as the principle advisor to the Commandant regarding—

"(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

"(2) approval of materials, equipment, appliances, and associated equipment;

"(3) the reporting and investigation of marine casualties and accidents;

"(4) the licensing, certification, documentation, protection and relief of merchant seamen;

"(5) suspension and revocation of licenses and certificates;

"(6) enforcement of manning requirements, citizenship requirements, control of log books;

"(7) documentation and numbering of vessels;

"(8) State boating safety programs;

"(9) commercial instruments and maritime liens;

"(10) the administration of bridge safety;

"(11) administration of the navigation rules;

"(12) the prevention of pollution from vessels;

"(13) ports and waterways safety;

"(14) waterways management; including regulation for regattas and marine parades;

"(15) aids to navigation; and

"(16) other duties and powers of the Secretary related to marine safety and stewardship.

"(c) OTHER AUTHORITY NOT AFFECTED.—Nothing in subsection (b) affects—

"(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 89 of this title; or

"(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.".

SEC. 1105. APPEALS AND WAIVERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is further amended by inserting at the end the following new section:

"§ 102. Appeals and waivers

"Except for the Commandant of the Coast Guard, any individual adjudicating an appeal of a decision or granting a waiver regarding marine safety, including inspection or manning and threats to the environment, shall be a qualified specialist with the training, experience and qualifications in marine safety to judge the facts and circumstances involved in the appeal or waiver and make a judgment regarding the merits of the appeal or waiver. In the case of an appeal or waiver involving an inspected vessel, vessel systems or equipment, the individual shall hold a letter of qualification to inspect the type of vessel, vessel systems or equipment involved in the appeal or waiver.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

"102. Appeals and waivers.".

SEC. 1106. COAST GUARD ACADEMY.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 199. Marine safety curriculum

"The Commandant of the Coast Guard shall ensure that professional courses of study in marine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard cadets and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design and construction, vessel inspection, casualty investigation, and administrative law and regulations.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

"199. Marine safety curriculum.".

SEC. 1107. GEOGRAPHIC STABILITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is further amended by inserting after section 336 the following new section:

"§ 337. Geographic stability

"The Commandant shall establish procedures that provide geographic stability to interested Coast Guard officers, employees, and members assigned to the marine safety program carried out under section 100 who have a minimum of 10 years of service in the marine safety program.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

"337. Geographic stability.".

SEC. 1108. APPRENTICE PROGRAM.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is further amended by inserting after section 337, as added by section 1107 of this Act, the following new section:

"§ 338. Apprentice program

"Any officer, member, or employee of the Coast Guard in training to become a marine inspector shall serve a minimum of one-year apprenticeship, unless otherwise directed by the Commandant of the Coast Guard, under the guidance of a qualified inspector before conducting unsupervised inspections of vessels under part B of subtitle II of title 46. The Commandant may authorize shorter apprentice periods for certain qualifications, as appropriate.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

"338. Apprentice program.".

SEC. 1109. REPORT REGARDING CIVILIAN MARINE INSPECTORS.

Not later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Coast Guard's efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and retention efforts on Coast Guard organizational performance.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-604.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. OBERSTAR:

At the end of title II add the following:

SEC. ___. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE COAST GUARD ACADEMY.

(a) REQUIRED POLICY.—Under guidance prescribed by the Secretary of the department in which the Coast Guard is operating, the Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—

(1) The Secretary, through the Commandant of the Coast Guard, shall direct the Superintendent of the Coast Guard Academy to conduct an assessment during each Academy program year to determine the effectiveness of the Academy's policies, training, and procedures on sexual harassment and sexual violence involving cadets and other Academy personnel.

(2) For the assessment for each of the 2009, 2010, 2011, 2012, and 2013 Academy program years, the Superintendent shall conduct a survey of all Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, in that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel on—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and violence involving Academy personnel in such program year; and

(iv) any other issues relating to sexual harassment and violence involving Academy personnel.

(d) ANNUAL REPORT.—

(1) The Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to submit to the Commandant a report on sexual harassment and sexual violence involving Academy personnel for each of the 2009, 2010, 2011, 2012, and 2013 Academy program years.

(2) The annual report under paragraph (1) shall contain, for the Academy program year covered by the report, the following matters:

(A) The number of sexual assaults, rapes, and other sexual offenses involving Academy personnel that have been reported to Academy officials during the program year, and the number of the reported cases that have been substantiated.

(B) The policies, procedures, and processes implemented by the Commandant of the

Coast Guard and the leadership of the Coast Guard Academy in response to sexual harassment and sexual violence involving Academy personnel during the program year.

(C) In the report for the 2009 Academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the results of the survey and a discussion of any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent Academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving Academy personnel.

(3) The Commandant of the Coast Guard shall transmit the annual report on the Coast Guard Academy required under this subsection, together with the Commandant's comments on the report, to the Secretary and the Board of Visitors of the Academy.

(4) The Secretary shall transmit the annual report, together with the Secretary's comments on the report, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(5) The report for the 2009 Academy program year for the Academy shall be submitted to the Commandant of the Coast Guard not later than one year after the date of the enactment of this Act.

(6) In this subsection, the term "Academy program year" with respect to a year, means the Academy program year that ends in that year.

At the end of title II add the following:

SEC. ___. HOME PORT OF COAST GUARD VESSELS IN GUAM.

Section 96 of title 14, United States Code, is amended—

(1) by striking "a State of the United States" and inserting "the United States or Guam"; and

(2) by inserting "or Guam" after "outside the United States".

At the end of title III add the following:

SEC. ___. DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES REGARDING OFFSHORE FACILITIES.

Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection or certificate of compliance; and

"(B) conduct inspections and examinations.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if the foreign classification society has offices and maintains records in the United States and—

"(A) if the government of the foreign country in which the society is headquartered delegates that authority to the American Bureau of Shipping; or

"(B) to the extent the government of the foreign country accepts plan review, inspections, or examinations conducted by the American Bureau of Shipping and provides equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country.

"(3) When an inspection or examination has been delegated under this subsection, the Secretary's delegate—

"(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

"(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

"(i) as a marine inspector and serving in a position as a marine inspector; or

"(ii) in writing by the Secretary to have access to those files.

"(4) For purposes of this section—

"(A) the term 'offshore facility' means any installation, structure, or other device (including any vessel not documented under chapter 121 of this title or the laws of another country) that is fixed or floating, dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea, and is used for the purpose of exploring for, developing, producing, or storing the resources from that seabed or subsoil; and

"(B) the term 'United States offshore facility' means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).".

At the end of title III add the following:

SEC. ___. REQUIREMENT FOR PILOTS TO CARRY AND UTILIZE PORTABLE ELECTRONIC NAVIGATIONAL DEVICE.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by inserting after section 4A the following:

"SEC. 4B. PORTABLE ELECTRONIC DEVICE FOR NAVIGATION PURPOSES.

"(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations that—

"(1) require that any pilot licensed under subtitle II of title 46, United States Code, while serving under the authority of that license as pilot on a covered vessel operating in waters designated in the regulation shall carry and utilize a portable electronic device that is—

"(A) equipped for navigational purposes; and

"(B) capable of being connected to an Automatic Identification System; and

"(2) require such pilots to obtain training in the use of such electronic devices, and prescribe requirements for such training after consultation with State or local pilotage authorities on specific equipment and practices in the waters designated in the regulation.

"(b) DETERMINATION OF NEED.—The Commandant shall consult with State or local pilotage authorities for the waters covered by the regulations to determine if the carriage and use of such portable electronic devices would improve safe navigation under local conditions and whether there is a need for mandatory carriage requirements.

"(c) COVERED VESSEL DEFINED.—In this section the term 'covered vessel' means a self-propelled commercial vessel of 300 gross tons or more that does not have an electronic chart prescribed under section 4A.".

At the end of title IV add the following:

SEC. ___. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the public health, safety, and environmental concerns related to the underground petroleum spill on the Brooklyn shoreline of Newtown Creek, New York City, New York, in Greenpoint, Brooklyn, New York.

(b) FULL-SITE CHARACTERIZATION AND COLLECTION OF NEW FIELD EVIDENCE.—In carrying out the study under this section, the Administrator shall conduct a full-site characterization of the underground petroleum spill, including the investigation, collection, and analysis of new and updated data and field evidence on the extent of the petroleum spill, including any portion of the spill that has been diluted into surrounding waters, and any surrounding soil contamination or soil vapor contamination.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

Page 158, beginning at line 16, strike "such information to the Secretary" and insert "to the Secretary all the entries entered in the ballast water record book during the preceding month, and transmit such additional information".

Page 172, after line 17, insert the following: "The vessels to which this paragraph applies shall conduct ballast water treatment in accordance with subsection (f) when it applies.

The CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

The manager's amendment authorizes the Coast Guard to delegate to classification societies the Coast Guard's authority for safety plan review and construction inspections of offshore oil structures. It allows this authority to be delegated to foreign classification societies to the extent that the government of the country in which the classification society is headquartered accepts documents prepared by our classification society, the American Bureau of Shipping, on behalf of the leaseholder, and does not limit the ABS to this process.

I also want to thank several colleagues for agreeing to have their amendments incorporated into the manager's amendment to expedite consideration of the bill: The gentlewoman from California (Mrs. TAUSCHER); the gentlewoman from California (Ms. LORETTA SANCHEZ); the gentleman from Wisconsin (Mr. KIND); the gentlewoman from Guam (Ms. BORDALLO); and the gentleman from New York (Mr. WEINER).

The Tauscher amendment requires federally licensed pilots to use portable electronic devices with navigational charts capable of being connected to an Automatic Identification System.

The Sanchez amendment requires the Superintendent of the Coast Guard to prescribe a policy on sexual harassment and sexual violence.

The Kind amendment deals with monthly ballast water treatment reports to the Secretary, requiring them. In addition, the amendment provides that no-ballast-on-board vessels will be required to conduct ballast water treatment, when applicable.

The Bordallo amendment requires Coast Guard vessels homeported in Guam to be repaired at shipyards in the U.S., including Guam shipyards. The same requirement applies to all other Coast Guard cutters homeported elsewhere in the United States.

The Weiner amendment requires the Environmental Protection Agency to conduct a study on health, safety and environmental concerns related to an underground petroleum spill on the Brooklyn, New York, shoreline.

All those amendments are incorporated into the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment, although I don't oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. LATOURETTE. Mr. Chairman, I have asked for the time in opposition to the amendment for the purpose of engaging the distinguished chairman of the Transportation and Infrastructure Committee in a colloquy relative to the issue of recreational boating.

Mr. Chairman, as you know, during the consideration of this measure before the Rules Committee, I offered several amendments related to discharges from recreational vessels. Those amendments were not made in order under the rule.

I am still concerned about the impact the proposed regulations may have on more than 16 million recreational boaters in the United States. At the Rules Committee, you were more than gracious in suggesting that we would work together to develop legislation, hold hearings in the committee and move legislation quickly to the House on this subject.

I would ask the chairman, and in saying this I also want to give a tip of the hat to CANDICE MILLER of Michigan, who has been a real champion on this issue as well, but I would ask the chairman if you would be willing to work with us to bring legislation to the House floor and to get it prompt consideration, as this deadline is now approaching in September?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Most certainly. I urged the gentleman at Rules in discussions to introduce a bill dealing with this authority under the Clean Water Act so that we would have a very strong authoritative base for the legislation, and that we will move quickly in committee to move it through subcommittee, full committee and to the House floor as promptly as the House legislative schedule will permit.

Mr. LATOURETTE. Reclaiming my time, I thank the chairman very much. I want to thank the chairman for not only his work on the bill, the manager's amendment, but also this issue. I look forward to working with him to solve this problem which is looming out there for these 16 million boaters that never thought they would need a discharge petition when they went walleye fishing on Lake Erie.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the manager's amendment and the underlying bill. I want to thank Chairman OBERSTAR for including the Sanchez amendment in his manager's amendment.

My amendment will require the United States Coast Guard Academy to establish comprehensive policies, training programs, surveys and reports on sexual harassment and sexual violence involving cadets or Academy personnel.

□ 1145

Several years ago, I added a similar amendment to the Department of Defense authorization bill to require the military academies under the Armed Services Committee jurisdiction to establish the same types of policies, and I am pleased that this amendment will ensure that all of our military service academies are treated the same; that they all have plans to prevent sexual assault, and that we know the incidents and allegations of sexual assault and that we know how to handle them.

This amendment also requires the academies to conduct surveys to get feedback on sexual harassment and sexual violence in the workplace, and this amendment will help to reduce the incidents of sexual assault and it will make our academies safer environments.

I urge my colleagues to support the manager's amendment.

Mr. OBERSTAR. May I inquire whether the gentleman has further speakers.

Mr. LATOURETTE. I would advise the distinguished chairman, I have no other speakers and am prepared to yield back whenever you are finished.

Mr. OBERSTAR. I yield the balance of our time to the gentleman from Maryland, the Chair of the subcommittee.

Mr. CUMMINGS. I want to thank the chairman for yielding.

Mr. Chairman, I support the amendment that you have offered, and I thank you again for your leadership on the Coast Guard authorization and all of the transportation issues that our Nation faces.

The manager's amendment includes provisions offered by several of our colleagues that would make a number of important improvements to H.R. 2830. Among other provisions, the manager's amendment would implement recommendations recently made by the Government Accountability Office to require the Commandant of the Coast Guard to prescribe a policy to combat sexual assault and sexual harassment at the Coast Guard Academy. And I do commend my colleague, Ms. SANCHEZ, for her hard work on this issue. As a member of the Naval Academy Board of Visitors, this is an issue that I have worked on very hard, not only there, but with regard to our Coast Guard Academy.

The amendment would also allow the Coast Guard to delegate some regulatory functions, including facility inspections regarding offshore facilities, to classifications societies.

Further, the amendment would authorize the Coast Guard to issue regulations to require a pilot to carry on board the vessel he or she is operating a computer equipped with electronic charts of the navigation areas the vessel will transit.

I would strongly support this amendment, and I thank the sponsors and thank the chairman for sponsoring it.

Mr. LATOURETTE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. LATOURETTE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–604.

Mr. LATOURETTE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. LATOURETTE:

In section 720 (page 257, line 10), after "resources" insert ", including State and local government resources available in accordance with subsection (b),".

The CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from

Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I indicated during the opening remarks general debate on this bill that this is an amendment which I cosponsored with Representative BOUSTANY, and it would authorize the Coast Guard to consider qualified State and local security assets, personnel and resources, made available to a liquefied natural gas terminal when determining whether security resources are available to carry out necessary security measures.

This language carries out an agreement that was developed in a colloquy with Chairman CUMMINGS during our subcommittee's and the full committee's consideration of the bill.

Mr. Chairman, all of us want to ensure the highest levels of security at LNG terminals and other at-risk assets. This amendment would do that by leveraging the collective resources of Federal, State, local, and private sector officials. I urge all members to support this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I rise to claim time in opposition to the amendment, though I don't intend to oppose it.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I indeed support the amendment offered by the gentleman from Ohio, who is our ranking member on the Coast Guard subcommittee, which he offers in conjunction with the distinguished gentleman from Louisiana (Mr. BOUSTANY), also a very good friend and colleague and committee member.

The amendment addresses section 720 of the substitute regarding waterside security around LNG tankers and terminals. It provides that the Coast Guard may consider security assets and personnel provided by State and local officials who are contracted for or otherwise made available to an LNG terminal operator in determining whether security resources are available to carry out our waterside security measures.

The Coast Guard has, as we have so often discussed, limited resources to undertake its many missions. Partnering with State and local officials or contracted waterside security services will be in effect force multipliers for the Coast Guard. So we support that initiative.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, at this time it is my pleasure to yield 1 minute to the distinguished gentleman from New Jersey, a valuable member of the full committee, subcommittee, and the former Chair of the Coast Guard Subcommittee, Mr. LOBIONDO.

Mr. LOBIONDO. I want to thank Mr. LATOURETTE.

Mr. OBERSTAR, let me thank you and Mr. CUMMINGS for your very thoughtful approach to these critically important issues, and to Mr. MICA and Mr. LATOURETTE for your diligence in these areas.

Mr. Chairman, I appreciate your consideration of this important issue, and Mr. LATOURETTE's thoughtful approach to making sure that we do not have a chilling effect on the future development of LNG in our country. It would effectively block the construction of a widely supported plant that is just north of my district that could definitely help provide much needed relief for home heating costs.

The bill I believe would also have the potential to undermine our security by not the allowing the Coast Guard to determine the personnel and assets necessary to escort LNG shipments. This should be a decision by the Coast Guard. I believe they are best able to do this, and the LaTourette amendment represents a very reasonable and realistic compromise which will give the Coast Guard the flexibility they need to ensure the security of LNG shipments as well as to deal with the other potential threats in our ports and waterways. I strongly urge all members to support the amendment.

Mr. OBERSTAR. How much time remains?

The CHAIRMAN. The gentleman from Minnesota has 4 minutes remaining. The gentleman from Ohio has 3 minutes remaining.

Mr. OBERSTAR. I yield such time as he may consume to the distinguished Chair of the subcommittee, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, the amendment offered by Mr. LATOURETTE and Mr. BOUSTANY, the ranking member on the Coast Guard subcommittee, would amend section 720, a section that addresses waterside security around LNG terminals and tankers, and I fully support it.

Subsection C of that section requires that, before the Coast Guard can approve a facility's security plan for a new LNG terminal, the service must determine that it has available to the sector in which the terminal is to be located the resources it needs to carry out the risk mitigation measures identified in the waterway suitability report for that terminal. This amendment would include State and local resources in the assessment, which is a good thing.

With the adoption of this amendment and with the measures already included in subsection C, section 720, we will ensure that the Coast Guard's resources do not have to be diverted from other high-priority missions as determined by the commandant to secure LNG operations.

The Coast Guard will be able to depend upon those State and local law enforcement resources that have the proven training, resources, personnel, equipment, and experience necessary to combat a terrorist attack, to conduct waterborne patrols around LNG facilities.

I emphasize that the State and local law enforcement cannot and should not be seen as replacements for the Coast Guard resources, as the Coast Guard is our Nation's maritime time security agency.

Further, having the Coast Guard, our trained maritime security agency, defend our communities from the risk of a terrorist attack on an LNG terminal in the neighborhood is not an unwarranted and unnecessary subsidy. As our Nation continues to approve new LNG terminals, we must commit to ensuring that all of the resources, particularly Coast Guard resources, necessary to secure these facilities are in place. I fully support the amendment.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I might consume to, one, thank the distinguished chairmen of the subcommittee and the full committee for working with us to massage this language and for accepting our amendment.

It is now my pleasure to yield 1 minute to the coauthor of the amendment with me, who spoke during the course of the general debate and who, when this issue was coming up, because of the importance of natural gas and because of the importance of natural gas in the gulf coast, immediately came to me and said, can we continue to work on this as we bring it to the floor? And I again want to commend Mr. BOUSTANY and his colleagues from the gulf coast for bringing this to our attention.

Mr. BOUSTANY. Mr. Chairman, I want to commend the chairman of the full committee, Mr. OBERSTAR, and the chairman of the subcommittee, Mr. CUMMINGS, for working with us on this amendment. It truly was a bipartisan effort as we went through the process, and I think it does strengthen the bill overall. It is a good balanced approach. It helps the Coast Guard, and I think it does meet security needs. I sincerely thank both of you gentlemen for working with us and accepting this amendment.

I also want to thank my good friend, Mr. LATOURETTE, the ranking member on the subcommittee, for working with me step by step through this process, and I am deeply grateful for the work that he has done on this. I think this amendment will strengthen the bill. It provides for our security needs, and it is a sensible approach.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

Does the gentleman from Ohio have any further speakers?

Mr. LATOURETTE. I would advise that I am prepared to close if the gentleman is.

Mr. OBERSTAR. If the gentleman is concluding, I will conclude on our side.

Mr. LATOURETTE. It's a good amendment. I hope we can all vote for it.

I yield back the balance of my time.

Mr. OBERSTAR. We accept the amendment on this side, and urge all Members to vote for it.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. MATSUI

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–604.

Ms. MATSUI. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Ms. MATSUI:

At the end of section 711 add the following new subsection:

(d) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

(1) WEBSITE.—The Secretary shall maintain, on an Internet site of the department in which the Coast Guard is operating, a numerical accounting of the missing persons and alleged crimes in covered security incidents for which the Secretary receives notification under subsection (a). The data shall be updated no less frequently than quarterly, aggregated by cruise line, and each cruise line shall be identified by name.

(2) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include on its Internet site a link to the Internet site referred to in paragraph (1), that is available to the public.

The CHAIRMAN. Pursuant to House Resolution 1126, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, I yield myself such time as I might consume.

Over 10 million Americans travel on cruise lines each year. Unfortunately, many are unaware that they are at risk of being victims of crime while on their vacations. And, it concerns me even more that these victims have inadequate access to assistance or law enforcement in the aftermath of a crime.

In recent years, the media has reported on a number of high-profile cases of passengers falling overboard, passengers going missing, and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved, and the perpetrators of sexual violence and other violent crimes on cruise ships are rarely brought to justice.

I became personally involved after a constituent of mine, Laurie Dishman, came to me for assistance after she had been a victim of a violent crime on a cruise ship.

As a result of continued cases of crimes on the high seas, and with the leadership of Chairman CUMMINGS, this Congress has held two hearings on safety on cruise ships. We learned that we must take action to inform people of exposure to risk while on cruise vacations. Mr. Chairman, sometimes even cruise ships need sunshine.

Our amendment seeks to do just that by requiring the Coast Guard to post on-line the number of deaths, missing persons, and reported crimes committed on cruise ships. The amendment also requires cruise lines to include a link to this data base on their public web sites. Our amendment would create transparency and promote a culture of accountability by allowing the public access to the number of crimes reported.

Prevention can be just as powerful as enforcement, and we all know that prevention starts with making people aware of the potential for a crime to occur. With prevention and enforcement, it is our hope that the tragic events that so many passengers have endured will not be repeated. I urge my colleagues to support this amendment.

I reserve the balance of my time.

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Mr. OBERSTAR. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I don't intend to oppose it.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. The amendment of the gentlewoman arises out of a very tragic case on which the committee held an extensive hearing, and attempted to address the issue in language within the pending bill.

Her amendment would go to the heart of this issue, establishing a Web site, updated quarterly, aggregated by cruise line, and providing a link to the site on their own Web site. These requirements will allow passengers to review the safety record of a cruise line before booking their cruise. I think that is a very important protection, especially for women who are often alone and can be subjected to violence, as we have seen in the course of these hearings. I support the amendment.

Mr. LATOURETTE. Would the gentleman yield?

Mr. OBERSTAR. I am delighted to yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the gentleman. I had intended to claim the time in opposition, even though I am not opposed to the amendment. I would indicate to the chairman and the sponsors of the amendment that we are prepared to accept the amendment.

I do have some concerns about the scope of the alleged incidents that will be reported via the Web site and the manner in which it will be presented, but I pledge to work with the amendment's sponsors as we move this bill to conference to facilitate those.

Ms. MATSUI. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Madam Chairman, I thank the gentlelady from California for yielding, and I want to thank Ms. MATSUI and her brave constituent, Laurie Dishman, for bringing this very important issue before Congress.

Every year 10 million American citizens board cruise ships and sail from American ports. These cruise ships are floating cities. But unlike cities, there are no peace officers or properly trained security personnel to protect passengers on board these ships. There is really no oversight or accountability for the cruise industry to properly or timely report secret crimes that occur on ships.

Our amendment just requires the Coast Guard to publicly maintain and regularly update a numerical accounting of crimes and number of missing persons on each ship. This is commonsense. We value information on college campuses, and this Congress under the Cleary Act requires reporting of crimes on college campuses. But when there is a crime on the high sea, it is a public relations cover-up because of the travel industry.

This amendment will create a better-informed passenger and, of course, safer cruise ships.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguish Chair of the Rail Subcommittee, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. I want to start out by thanking Chairmen OBERSTAR and CUMMINGS and Ranking Members MICA and LATOURETTE for all of their hard work on this bill.

We have given the Coast Guard so much responsibility, and they have been up to the challenge.

I have great respect for my colleague from California, but I rise to express my serious concern with her pending amendment. As a Member from the State of Florida, which has 14 ports and numerous cruise lines, I have a particular interest in the cruise industry. The cruise industry is one of the most important economic engines in the State of Florida. Over 5 million passengers embarked from Florida in 2005 and the industry contributed more than $6 billion in direct spending. In addition, the cruise industry is the second largest employer for Florida, generating more than 125,000 jobs.

Before coming to Congress I owned a travel agency, and I can tell you that a cruise is one of the most cost-effective, safe and enjoyable vacations one can take. In fact, I recently sent my mother on a cruise.

The cruise industry is highly regulated by State, Federal and international laws. They ensure that passengers are safe and have a sound safety and security record. It is apparent from the FBI statistics that crime against U.S. passengers on cruise ships are very rare.

The proposed amendment would unfairly penalize the cruise industry and require the public posting of crime allegations, organized by the name of the cruise line. No other private industry is required to provide such information on an Internet site.

The bill unfairly penalizes the cruise industry without any evidence or justification for this measure.

Requiring the reporting of allegations of crimes onboard ships would be misleading to the public as there is no distinction between an allegation and an actual crime committed. That is why if a local government requires the reporting of allegations of crime, no specific business is identified since in many instances these allegations are unfounded.

In closing, I will continue to work to make sure that the cruise industry is one of the safest industries in this country.

Ms. MATSUI. Madam Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentlelady for yielding and for her very strong support and thoughtful work on this legislation, and I am proud to join Congresswoman MATSUI and Congressmen SHAYS and POE on this amendment which would require the Coast Guard to maintain an online database about missing persons and alleged crimes committed on cruise ships and to require cruise lines to include a link to this database on their public Web sites.

Like my good friend from Florida, I also represent many fine ports and many fine cruise lines that have taken steps to improve their procedures. But certainly individuals going on trips should know the track records of cruise lines, and know the steps they have taken to improve safety. The absolute most important part of a vacation is to make sure you have a safe, enjoyable time.

This is a commonsense amendment, and it will provide the public with valuable information before booking their trips, as well as give an indication of where there are challenges in the industry and improvements that have taken place. I urge an "aye" vote.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, before beginning, Ms. MATSUI, do you have 30 seconds you could yield me?

Ms. MATSUI. And I yield 30 seconds to the gentleman from Connecticut.

Mr. SHAYS. I thank both Members for their courtesy in yielding me this time.

I have a different view than some of my colleagues. This industry may be highly regulated by State, Federal and international governments, but because all are involved, no one takes ownership.

I had an experience with a constituent, George Smith, who was lost at sea on his honeymoon on board a cruise ship in the Mediterranean. We had hearings on this tragedy, and had people contact us with unbelievable stories of someone missing, the family never being notified, the cruise line taking the person's possessions and putting them in a lost-and-found and then selling them, of sexual assaults and thefts, and no information being provided about the crimes to the proper authorities.

What this language does, the Matsui amendment, requires the secretary of the Department of Homeland Security to maintain a numerical account of missing persons and alleged crimes committed on cruise ships. The database will be updated quarterly and aggregated by the cruise line industry.

It requires cruise lines to include a link to this database on their public Web site. The public has a right to know about the exact circumstances that take place on board cruise ships.

This is a sensible amendment. It needs to pass. And I thank her for introducing it.

Ms. MATSUI. In closing, Madam Chairman, providing public access and crime statistics is an important part of crime prevention. I thank my cosponsors and supporters of this amendment, and urge my colleagues to support transparency in the cruise industries.

Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. This issue, as the chairman of the subcommittee, I have to tell you that this has been a very, very difficult issue. We have done two hearings out of a total of 17. It has been extremely emotional. But on balance, I think that this is a good amendment. I want to congratulate Ms. MATSUI and all of the cosponsors.

I think we have to protect the public; but at the same time, we have to make sure that we are fair to the cruise industry. This is an ongoing thing. We have discussions on other matters regarding cruise ships and passengers. I think this is a good amendment, and I support it.

The Acting CHAIRMAN (Mrs. JONES of Ohio). The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. POE

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–604.

Mr. POE. Madam Chairman, I have an amendment at the desk made in order on behalf of myself and Mr. LUNGREN of California.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. POE:

At the end of the bill add the following new title:

TITLE ___—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. ___. OPERATION OF SUBMERSIBLE OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2285. Operation of submersible or semi-submersible vessel without nationality

"(a) FINDINGS AND DECLARATIONS.—Congress finds and declares that operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

"(b) OFFENSES.—

"(1) IN GENERAL.—Whoever knowingly or intentionally operates by any means or embarks in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, shall be punished as prescribed in subsection (h).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to violate this section shall be punished as prescribed in subsection (h).

"(c) DEFINITIONS.—In this section, the term—

"(1) 'submersible vessel' means a vessel that is capable of operating below the surface of the water, and includes manned and unmanned watercraft.

"(2) 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of putting much of its bulk under the surface of the water.

"(3) 'vessel without nationality' has the same meaning as section 70502(d) of title 46.

"(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this section, including an attempt or conspiracy to commit such offense.

"(e) CLAIM OF NATIONALITY OR REGISTRY.—

"(1) A claim of nationality or registry under this section includes only—

"(A) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

"(B) flying its nation's ensign or flag; or

"(C) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

"(2) The failure of any submersible or semi-submersible vessel to display registry numbers or a national ensign or flag shall create a rebuttable presumption that the vessel is without nationality, as defined in this section.

"(f) FEDERAL ACTIVITIES.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

"(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to this section.

"(h) PENALTIES.—

"(1) VIOLATIONS.—A person violating this section shall be fined under this title, imprisoned not more than 20 years, or both.

"(2) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law, a term of imprisonment imposed under this section shall be consecutive to the sentence of imprisonment for any other offense.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following new item:

"2285. Operation of submersible or semi-submersible vessel without nationality.".

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE. Madam Chairman, I yield myself such time as I may consume.

This is a photograph regarding the amendment we will talk about this morning. These are mini-submarines. They are currently being made in the jungles of Colombia, alongside much of the drugs that they carry, probably from the Revolutionary Armed Forces of Colombia which is the military wing of the Colombian Communist Party.

These vessels are made out of fiberglass. They are about 100-feet long. They carry a crew of five and up to 13 tons of drugs with a street value of about $300 million. They travel about 14 miles per hour, and they are barely below the surface. They are constructed to remain below the surface of the water, making them difficult for the U.S. Navy and the Coast Guard to track. And they can travel all of the way from the north coast of South America to the southeastern United States without refueling.

These vessels that the Coast Guard are encountering are stateless vessels with no legitimate use. They are built for stealth and the capability to rapidly scuttle the illicit drugs they are carrying.

What happens is when the United States Coast Guard or the Navy comes upon one of these vessels, the crew scuttles the ship, it sinks, and all of the contraband sinks to the bottom of the ocean. The only one prosecution that has taken place, reflected here on the bottom, occurred when a bale of cocaine floated back to the surface. The five crewmen are now being prosecuted in Tampa, Florida. And let me mention that these vessels can not only be used for drugs, they can bring explosives into the United States. They come up our waterways. They can attack crude ships, ships that are bringing in oil tankers, our military ships like the U.S.S. *Cole*, or even cruise ships, as we mentioned earlier.

This amendment would simply state the findings of Congress that these stateless vehicles have no legitimate use on international waters, and the crew that is operating one of these is committing a Federal crime.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I claim the time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I thank the gentleman from Texas, a member of our committee, for offering this amendment.

The Coast Guard in the past 4 months has had 23 cases involving semi-submersible vessels, and the Coast Guard intelligence sector predicts that 85 cases will occur this year, possibly a projection of 120 such cases next year.

This amendment deals with stateless submersible or semi-submersible vessels on international voyages, and makes it a finding of Congress that they are a serious international problem that facilitates transnational crimes, including drug trafficking and terrorism, a serious threat to U.S. maritime security navigation, and I appreciate the gentleman offering the amendment.

I reserve the balance of my time.

Mr. POE. I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Madam Chairman, this is an important amendment. This is an attempt by us to get our criminal laws to catch up with the technology used by the bad guys, essentially.

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If you were to look at one of these in the open sea, you would find out how difficult it is to spot them actually, even from the air. They are a very effective means by which they can deliver illegal drugs to this country, which they have done.

The Coast Guard has done a remarkable job in fighting this. But this law will give us the ability to prosecute cases that are, we are incapable of prosecuting at the present time.

It will also alleviate the danger that is posed to our members of the Coast Guard in their attempt to retrieve the contraband that is thrown overboard when the perpetrators of these kinds of activities find that they are being chased by the Coast Guard. In this case, it will be illegal to be utilizing these kind of vessels for this type of purpose, but you will not have to prove the contraband actually is there.

This is an effective means by which we are giving an additional tool to our Coast Guard men and women around the world, and also to our prosecutors, to ensure that we deal with the continuing problem of drug trade.

But, in addition to that, as the gentleman from Texas mentioned, this could be used for delivering weapons of mass destruction to our shores. For that reason, if no other, I would hope we would get a unanimous vote in support of this amendment.

Mr. OBERSTAR. I will reserve the balance of our time. I will yield to the gentleman from Maryland to close on our side. So the gentleman may proceed with his speakers.

Mr. POE. Madam Chairman, I inquire as to how much time is left on each side.

The Acting CHAIRMAN. The gentleman from Texas has 1½ minutes. The gentleman from Minnesota has 4 minutes.

Mr. POE. Madam Chairman, I yield 30 seconds to my friend from Texas (Mr. CULBERSON).

Mr. CULBERSON. Madam Chairman, I won't take the whole time. Just to tell you I just returned from a briefing at the Coast Guard with Admiral Allen. They brought this to my attention. One of these vehicles can carry up to a billion dollars worth of drugs. They can carry weapons of mass destruction.

If the vessel sinks before the Coast Guard can get on it, they lose all the evidence. So this is a vitally important amendment to the Coast Guard to enforce our laws and protect this Nation. And I hope we will all support it.

Mr. OBERSTAR. The gentleman may close and we will close on our side.

Mr. POE. I want to thank the chairman of the committee and the chairman of the subcommittee for their support on this important legislation. It will make our country safer. I hope that it is adopted by our Congress immediately.

With that, I yield back the remainder of my time.

Mr. OBERSTAR. I yield to the gentleman from Maryland, Chair of the Coast Guard Subcommittee, the balance of our time.

Mr. CUMMINGS. Madam Chairman, may I inquire as to how much time we have.

The Acting CHAIRMAN. The gentleman has 4 minutes.

Mr. CUMMINGS. Thank you, Mr. Chairman, for yielding.

I also rise in support of this very important amendment. This amendment would make it a crime to operate on an international voyage a submersible or semi-submersible vessel utilized to traffic drugs or support other illegal activities.

The use of the submersible vehicles to attempt to smuggle drugs from foreign ports to the United States is on the rise, and such vehicles are capable of carrying vast quantities of drugs.

I'm very familiar with this issue, having been former ranking member of the Drug Subcommittee of the Government Reform Committee, and now chairman of this subcommittee. The very drugs that these folks are trying to bring into this country, they're trying to bring them on these kind of boats. I've actually seen these boats. And someone said it a moment ago.

It is so important that we keep up with the drug smugglers. They are constantly trying to find new methods to avoid capture and prosecution, and so this is a good thing.

In August of last year, for instance, the Coast Guard and other Federal partners seized a semi-submersible vessel carrying cocaine estimated to be worth more than $350 million.

And, by the way, Madam Chairman, I also note that this year the Coast Guard has taken in and seized more drugs than in any year in its history.

As someone who represents the City of Baltimore, I know firsthand the destruction that drugs can cause. And I know that every gram that is kept off our streets is a victory over the forces that destroy lives and communities.

I also know that the profit available from drug drives and smugglers, they continually try to come up with these new techniques, and this is our effort, Mr. POE's effort to address this.

With that, Madam Chairman, I wholeheartedly support this amendment. I want to thank Mr. POE for sponsoring it.

Mr. PAUL. Madam Chairman, I rise in opposition to this amendment because it strikes me as unconstitutional to make it a Federal crime to operate a submersible or semi-submersible vehicle that is not registered with a country if it navigates through international waters. I believe that this amendment, aside from being unconstitutional, is dangerously broad and may well lead to the persecution of individuals who are in no way engaging in illegal activity. I am concerned that this may lead to the prosecution of, for example, a scientific organization that builds and operates a submersible research vessel and operates it in international waters. Are these organizations going to be forced to register their activities with the U.S. Government or face a 20 year jail term? The real intent of this amendment is to add yet another draconian weapon in the arsenal of the government's failed war on drugs. This amendment may well have chilling unintended consequences for individuals and organizations that have nothing to do with drug or human smuggling and as such I cannot support the Poe amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. CUMMINGS. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. McNERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–604.

Mr. McNERNEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. McNERNEY:

At the end of the bill add the following new title.

TITLE ___—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. ___. LEGAL AUTHORITY OF THE COAST GUARD TO CARRY OUT ITS HOMELAND SECURITY MISSIONS NOT IMPAIRED.

The provisions of this Act governing the marine safety mission of the Coast Guard shall not impair the legal authority of the Coast Guard to carry out its homeland security missions including—

(1) protecting ports, waterways, coastal security, and the marine transportation system from an act of terrorism;

(2) securing our borders against aliens seeking to unlawfully enter the United States, illegal drugs, firearms, and weapons of mass destruction at ports, waterways, and throughout the marine transportation system;

(3) preventing human smuggling operations at ports, waterways, and throughout the marine transportation system;

(4) maintaining defense readiness to rapidly deploy defensive port operations and security operations and environmental defense operations;

(5) coordinating efforts and intelligence with Federal, State, and local agencies to deter, detect, and respond to the threat of terrorism at ports, on waterways, and throughout the marine transportation system;

(6) preventing Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States or any United States person;

(7) protecting the United States or any United States person from threats posed by weapons of mass destruction or other threats to national security.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from California (Mr. McNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McNERNEY. Madam Chairman, since the terrible events of September 11, 2001, we have relied heavily on the brave men and women of the U.S. Coast Guard to be our eyes and ears against terrorism along our coastal borders and at more than 300 of our Nation's ports.

The Coast Guard's homeland security mission isn't new. It began more than 200 years ago when the service was founded. Yet, today, we are more focused on the need to provide maritime security. The Coast Guard has ramped up its efforts to ensure that we don't allow people into this country who intend to do us harm or weapons to unleash upon us.

We have improved our ability to deal with potential terrorist threats, but we must keep up the progress. America's security is our paramount responsibility, and our goals must be always to counteract threats against our citizens, address the dangers posed by terrorists, and eliminate the potential for introduction of weapons of mass destruction.

My congressional district is home to the Port of Stockton, one of the largest inland ports in the Nation. While it is an economic engine for California's Central Valley, moving everything from agricultural products to wind turbines, it may be viewed as a potential entry point for those who intend to do us harm. Thankfully, the Coast Guard understands the risk and provides constant security that insures continued business and peace of mind.

I believe that it's important to highlight the dual responsibilities of the Coast Guard, and we should ensure that the Coast Guard's homeland security missions are not lessened by the licensing and regulatory functions of the Guard.

My amendment is both simple and needed. It outlines formally that none of the changes to the marine safeguard mission of the Coast Guard shall impair in any way, the homeland security mission of the Coast Guard. It is important to note that we are not creating new authorizations. We are simply outlining formally the continued importance of protecting our waterways and ports, maintaining coastal security, and securing our borders against aliens seeking to unlawfully enter the United States.

Americans deserve to know that our ports and waterways are protected. This amendment does just that by clarifying the Coast Guard's homeland security missions are strengthened by the legislation we are doing today.

I consider all of my colleagues support for this commonsense amendment, and I reserve the balance of my time.

Mr. LaTOURETTE. Madam Chairman, I ask unanimous consent to control the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. LaTOURETTE. Madam Chairman, we are prepared to accept this amendment. The Coast Guard is a multi-mission military service that must have the ability and flexibility to respond to numerous concerns and threats in the maritime domain.

We share the concern of the sponsor that no one Coast Guard mission should be elevated in precedence to the expense of the service's many other responsibilities.

I want to congratulate Mr. MCNERNEY, a new Member of the House, for bringing this amendment to the floor, bringing it to our attention.

I would be happy to yield to the distinguished chairman for any observations he would have.

Mr. OBERSTAR. I thank the gentleman for yielding time.

It was our purpose from the very outset of crafting the marine safety provisions of this bill to delineate clearly the responsibilities of the Coast Guard on safety, on its safety mission, and on the new emphasis within the Department o Homeland Security on their security responsibilities.

In fact, this was an issue, I would say to the gentleman from Ohio, that then Chairman YOUNG and I raised with the President at the White House some 6 plus years ago when he first proposed the Department of Homeland Security, that the bill, as proposed, the proposition set forth by the administration, did not distinguish between search, rescue, safety responsibilities of the Coast Guard and these new emphasis duties on security. We do that now in this legislation. The amendment of the gentleman from California will further delineate that distinction.

I thank the gentleman for yielding this time, and I thank the gentleman for his amendment.

Mr. LATOURETTE. I would ask the chairman of the subcommittee, Mr. CUMMINGS, do you want to say anything about the amendment?

I would be happy to yield to the gentleman from Maryland.

Mr. CUMMINGS. I rise in support of the amendment offered by Mr. MCNERNEY. This simple amendment clarifies that the provisions included in the Coast Guard authorization pertaining to the service's marine safety function will not in any way affect the Coast Guard's authority to carry out its Homeland Security missions.

As the chairman has said, basically, what we're trying to do is make sure that, while we understand that this organization is being stretched, we want to make sure that it takes on its functions effectively and efficiently. I think this amendment simply strengthens the legislation and, therefore, I support it.

Mr. LATOURETTE. I thank both chairmen and want to again congratulate Mr. MCNERNEY on his amendment.

I would yield back the balance of my time.

Mr. MCNERNEY. Madam Chairman, the purpose of this bill is just to erase any ambiguity that we want the Coast Guard to be involved in homeland security.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MCNERNEY. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. BILIRAKIS

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–604.

Mr. BILIRAKIS. Madam Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. BILIRAKIS:

Strike section 708 and insert the following:

SEC. 708. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guards Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) DEFINITION.—For the purposes of this section, the term "biometric identification" means use of fingerprint and digital photography images.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. I yield myself as much time as I may consume.

I rise to offer an amendment to the Coast Guard Authorization Act that will strengthen maritime security. My amendment would replace section 708 of the bill which incorporates language from a stand-alone bill I have introduced with tougher language that would codify and expand a Coast Guard pilot program to collect biometric information on aliens interdicted at sea.

My amendment requires the Coast Guard to move forward on this program within 1 year, and provide a cost analysis to Congress on expanding these capabilities in other Coast Guard and Department of Homeland Security vessels and units.

As part of this analysis, my amendment would encourage DHS to give priority to expanding mobile biometric collection capabilities to assets and areas that are most likely to encounter illegal border crossings in the maritime environment.

☐ 1230

The efforts of the Coast Guard in this area show great promise. Since the collection of limited biometrics on individuals interdicted at sea began, the Coast Guard has collected biometric data from 1,513 migrants resulting in nearly 300 matches against databases of wanted criminals, immigration violators, and others who have previously encountered government authorities. Instead of being released to repeat their dangerous and illegal behavior, these individuals are now detained and prosecuted.

The U.S. Attorney's Office in San Juan, Puerto Rico, has prosecuted more than 118 individuals for violations of U.S. laws, immigration laws, and other offenses based substantially on information obtained through the biometrics program.

The Coast Guard reports that illegal migration in the Mona Pass area, an area between the Dominican Republic and Puerto Rico, has been reduced by 50 percent in the past year as a direct result of the biometrics program.

By leveraging its relationships within DHS, the Coast Guard now has access to millions of fingerprint files it can use to positively identify individuals encountered at sea, those who are without identification and are suspected of attempting an illegality and illegally entering the United States. Now that the Coast Guard has determined the most effective way to collect biometrics at sea, the Department of Homeland Security needs to determine the most appropriate way to move forward and expand this effort as cost effectively as possible, which is what my amendment requires.

Given the success of existing efforts on biometrics by the Coast Guard, I believe it is imperative that we strengthen section 708 of the underlying bill on clarifying congressional intent in this area so that these efforts are cost effective and will do the most good. It is clear the collection of biometrics at sea by the Coast Guard is already helping greatly deter illegal migration and prevent the capture and release of dangerous individuals.

I urge the distinguished Members of this House to help further that effort by voting for this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I rise to claim the time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I do support the amendment offered by the distinguished gentleman from Florida with whose father I had the pleasure to serve, a person of great personal distinction who served this body very well and with whom I had a delightful personal relationship. And I always appreciated that friendship.

I thank the gentleman for offering this amendment which requires biometric identification of suspected persons, including terrorists, to strengthen border security. Fingerprinting, digital photos, and other technology can be used to identify illegal migrants, smugglers, and terrorists. It will be useful in establishing a database.

It parallels what we do in the TSA for aviation security and in other areas of security. It will be a valuable asset in the ongoing struggle against terrorism, and I appreciate the gentleman offering the amendment.

I am happy to yield to the gentleman from Ohio.

Mr. LATOURETTE. I want to congratulate Mr. BILIRAKIS on this amendment, and we all had the privilege of serving with his dad, Mike, and he's a "Gus" off the old block, and he's doing a fine job not only in this amendment but also the Waterway Watch program.

We're prepared to accept the amendment. The Coast Guard has operated a pilot program in Mona Pass, Puerto Rico. It has been extremely successful. We're aware that the Coast Guard intends to expand the program in the Caribbean Basin to make it a permanent program. His amendment would accomplish these goals.

For that reason, I support the amendment and congratulate Mr. BILIRAKIS.

Mr. BILIRAKIS. Madam Chairman, I would like to thank Chairman THOMPSON and also thank Ranking Member KING for supporting this good bill and my amendment. Thank you very much.

Mr. OBERSTAR. I yield to close on our side to the gentleman from Maryland.

Mr. CUMMINGS. Madam Chairman, this amendment merely, simply stated, makes sense. It amends section 708 to require the creation of a program that will enable the Coast Guard to test the use of biometrics technology to identify individuals intercepted by the service. I have actually seen this procedure and have seen this biometric equipment in operation. This allows us to use our resources, our limited resources that the Coast Guard has, in an efficient and effective manner; and it also will allow us to be able to learn exactly who these terrorists might be and get identification information on them immediately.

And so I want to thank the gentleman for providing us with this amendment, which makes our bill better.

Mr. BILIRAKIS. I also want to thank Chairman OBERSTAR for the kind words and Mr. LATOURETTE, my good friend. This is a great amendment. Thanks for your cooperation. I appreciate it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The amendment was agreed to.

Mr. OBERSTAR. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. ZOE LOFGREN of California) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, had come to no resolution thereon.

TEMPORARY EXTENSION OF FARM PROGRAMS

Mr. HOLDEN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2903) to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LUCAS. Madam Speaker, reserving the right to object, I rise in support of the temporary farm bill extension. It will extend the provisions of the 2002 farm bill an additional week to give our committee more time to finish the farm bill.

We continue to work towards an agreement on this very complex piece of legislation. While there is a significant amount of work that has been accomplished, there is more that remains to be done. And the House and Senate conferees have been meeting this week and continue to meet. The staff has worked diligently to bring this bill together.

The farm bill is a critical piece of legislation for this country. It's the commodity title, it's the social attrition problems, conservation, rural development and a variety of other things. It is something that must be accomplished and we on the Agriculture Committee, Congressman HOLDEN and myself, take very seriously as we work in that direction.

Mr. HOLDEN. Madam Speaker, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from Pennsylvania.

Mr. HOLDEN. Madam Speaker, I agree with my friend from Oklahoma. This legislation is desperately needed in rural America and in agriculture country. The conferees are making progress, but Chairman PETERSON and Ranking Member GOODLATTE are not on the floor right now because they are in meetings with the Ways and Means Committee and the Senate Finance Committee as progress is being made. But we need this one additional week to iron out the differences with the other body, and I urge the adoption of the bill.

Mr. LUCAS. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the Senate bill is as follows:

S. 2903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110–196 (122 Stat. 653) (as amended by Public Law 110–200 (122 Stat. 695)) is amended—

(1) in subsection (a), by striking "April 25, 2008" and inserting "May 2, 2008"; and

(2) in subsection (d), by striking "April 25, 2008" and inserting "May 2, 2008".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLDEN. Madam Speaker, I ask unanimous that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1126 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2830.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the further consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, with Mrs. JONES of Ohio (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 6 printed in part B of House Report 110–604 offered by the gentleman from Florida (Mr. BILIRAKIS) had been disposed of.

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–604.

Mr. MARKEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. MARKEY:

At the end of title VII add the following:

SEC. 708. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) NOTICE OF DETERMINATION.—Consistent with other provisions of law, the Secretary of Homeland Security must notify the Federal Energy Regulatory Commission when a determination is made that the waterway to a proposed waterside liquefied natural gas facility is suitable or unsuitable for the marine traffic associated with such facility.

(b) FEDERAL ENERGY REGULATORY COMMISSION RESPONSE.—The Federal Energy Regulatory Commission shall respond to the Secretary's determination under subsection (a) by informing the Secretary within 90 days of notification or at the conclusion of any available appeal process, whichever is later, of what action the Commission has taken, pursuant to its authorities under the Natural Gas Act, regarding a proposal to construct and operate a waterside liquefied natural gas facility subject to a determination made under subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Madam Chairman, it's good to see you back up in the Chair again. I'm glad that you have returned up there.

I would like to thank, first of all, Chairman JIM OBERSTAR, a great chairman of the Transportation Committee for his excellent work; Chairman BENNIE THOMPSON for his perspicacious leadership; to Chairman JOHN DINGELL, whose omniscient and ubiquitous presence on so many issues is always an essential ingredient in passing legislation of this magnitude.

And I encourage all of my colleagues to ensure that this commonsense provision, which will ensure that siting decisions for proposed LNG facilities are coordinated and informed by homeland security considerations.

My amendment requires the Department of Homeland Security to notify the Federal Energy Regulatory Commission of the Homeland Security Department's determination of whether the waterway to a proposed liquefied national gas facility is suitable for the marine traffic associated with the proposed facility.

The Federal Energy Regulatory Commission in turn must respond to the Department of Homeland Security within 90 days or at the conclusion of any available appeals process of what the action the commission will take on the LNG application.

My amendment does not dispute the need for more LNG. We need more LNG. What my provision says is that before we build a new LNG facility, we must first make sure we are not creating a giant terrorist tiger. In Boston, we've always known that the LNG facility on land in my congressional district was a huge potential fire hazard. But after the September 11 attacks, when we learned how many terrorists had actually gotten off the LNG ships themselves in Boston coming in from overseas, we learned that it was a huge potential terrorist tiger.

In the face of this kind of risk, my provision mandates that we should have the Homeland Security Department involved at the beginning when any new LNG facilities are being proposed so that the department can assess the potential homeland security risk of building one of these facilities before we blindly move forward to put more LNG terminals in various parts of the country.

The need for coordination between the Coast Guard and the commission was recently reinforced in Fall River, Massachusetts. In Fall River, the Federal Energy Regulatory Commission approved the construction of an LNG facility in 2005. Two years later, the Coast Guard determined that the waterway was not suitable for the marine traffic associated with it. So we have a situation where the FERC has approved a license for the LNG facility that the Coast Guard says, 2 years later, shouldn't be built because the waterway to the facility is not suitable.

□ 1245

But despite this action by the Coast Guard, which effectively blocks the facility, the FERC license remains in place. This lack of coordination makes no sense.

There currently is an interagency agreement among the FERC, the Coast Guard and the Office of Pipeline Safety that is supposed to coordinate efforts on the siting of LNG facilities and safety and security issues associated with proposed sites. But as the review process for the proposed LNG facility in Fall River makes clear, more structure and a timeline is needed to make sure that there is better coordination so that the FERC is not approving proposed facilities only to have the Coast Guard, years later, reject the proposals due to concerns over the suitability of the waterway to the facilities.

At this point, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim the time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. It was truly delightful to hear the discourse of the gentleman from Massachusetts, perspicacious, omniscient. It is rare that tediological inquiries occur in this body. And for that reason, it is rare to hear such felicitous language used in discourse on the floor, especially important on this aftermath, the day after the 444th celebration of the birth of Shakespeare. I thank the gentleman for his distinguished presentation.

Madam Chairman, I would be happy to yield to the distinguished gentleman from Ohio.

Mr. LATOURETTE. I thank the chairman for yielding. We are also prepared to accept this amendment. We think it's a good amendment.

Although I was very taken by the gentleman from Massachusetts' prose, I would indicate we did have a pretty extensive hearing in the Coast Guard Subcommittee on this particular bridge and this waterway up in Fall River. I'm never caught short about the imagination of the Massachusetts delegation.

Just to be clear, the FERC approval of that site was based upon one bridge. After the delegation applied for the construction of a new bridge and there was a proposal to demolish the old bridge 100 yards from the new bridge, the Massachusetts delegation has fallen in love with this old bridge. As a result, it is not a navigable waterway. That was the basis for the Coast Guard's decision in this matter. I congratulate Mr. MARKEY for not only his good amendment but also the Massachusetts delegation in general for their ingenious work.

Mr. OBERSTAR. Madam Chairman, I reserve the balance of my time.

Mr. MARKEY. How much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Massachusetts has 1 minute.

Mr. MARKEY. The purpose of my amendment is not the prevention of LNG facilities, but rather to promote coordinate between the Coast Guard and the FERC in siting. We have two other offshore facilities which we are also going to be licensing in Massachusetts. We need more LNG. We just want to make sure that there is good policy, good sense, good coordination.

Again, it's my great honor to have the support of the polysyllabic professor of transportation legislation, the gentleman from Minnesota, who has a mastery of the English language that when the CONGRESSIONAL RECORD is reviewed, no matter how many compound, complex sentences that he utters, they always parse. And that's a special gift that the chairman has. In the area of transportation that is so complex, we need people with those abilities to be able to put together complex policies as he does. I thank the gentleman.

Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. I thank the gentleman for those thoughtful remarks.

I yield the balance of our time to the distinguished Chair of the Coast Guard Subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. Madam Chairman, how much time do we have remaining?

The Acting CHAIRMAN. The gentleman has 3½ minutes.

Mr. CUMMINGS. Madam Chairman, I rise in full support of this amendment. It is another one of those makes-sense amendments that strengthens the legislation.

We have a situation here where currently, under an existing memorandum of understanding between FERC and the Coast Guard, the Coast Guard already provides the results of its waterway suitability reports to FERC. This amendment would simply codify that practice. The amendment would then require FERC to inform the Secretary of the actions the commission has taken regarding the proposed terminal's application.

It simply makes sense. We've got to have the Coast Guard and FERC working together. Of course the Coast Guard determines suitability of the waterway leading into the location where the LNG is going to be, and then of course FERC takes a look at other things. So the combination of them working together is so very, very, very important, and so we wholeheartedly support the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–604.

Ms. ZOE LOFGREN of California. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Ms. ZOE LOFGREN of California:

At the end of title VII add the following:

SEC. ___. USE OF SECONDARY AUTHENTICATION FOR TRANSPORTATION SECURITY CARDS.

The Secretary of Homeland Security may use a secondary authentication system for individuals applying for transportation security cards when fingerprints are not able to be taken or read to enhance transportation security.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentlewoman from California (Ms. ZOE LOFGREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ZOE LOFGREN of California. Madam Chairman, I yield myself such time as I may consume.

My amendment is a simple one. It allows the Secretary of the Department of Homeland Security to use a secondary authentication system to verify the identity of individuals who are applying for transportation worker identification credentials when those individuals have failed in their biometric verification due to the quality of their fingerprints.

Since this is the Department of Homeland Security, these credentials are called TWICs. And it is necessary currently, in the bill and under law, to have your fingerprints taken to enroll to get this TWIC. However, and this is very interesting, Stanford University has done the research. It turns out that about 5 percent of the population is unable to have their fingerprints taken. Now the reasons for this can be many; genetics, age, there is an ethnicity component, illness, hard labor. And when that happens, what that means is that individuals who would otherwise need the card will not be able to get the card unless this amendment is adopted.

I'll give you an example of an individual who has been impacted. George Thomas of Houston, Texas. Mr. Thomas is 85 years old and he is the president of Higman Marine Services. Higman Marine has been in the inland towing business since 1917. When Mr. Thomas applied for his TWIC card, he was told that his skin was too thin to have his fingerprints read and to come back in a couple of months to apply again. Well, what happens to Mr. Thomas, his company, and all his employees? What happens to his business without the president able to comply with TWIC requirements through no fault of his own?

The TWIC procedure already requires TSA to send pertinent parts of the enrollment record to the FBI as well as within the Department of Homeland Security so that appropriate terrorist threat, criminal history and immigration checks can be performed. This amendment authorizes the Secretary of DHS to perform a secondary check if a person's prints cannot be read instead of telling them to come back in a couple of months. This would mean an additional check of the name, but in the future, when the technology has been accepted for broad use, it could also include the use of other biometrics, such as iris, facial or retina scans, voice recognition and the like. It merely gives discretion to the Secretary to either do the name check, or use alternative biometrics.

The point of this amendment is to enhance security, but also to allow workers who are applying for TWIC to avoid being rejected unfairly.

I urge all of my colleagues to vote in favor of this amendment as well as the underlying bill. I would like to thank the chairman, Mr. OBERSTAR, and also Mr. CUMMINGS for their wonderful work on this bill.

Madam Chairman, I reserve the balance of my time.

Mr. LATOURETTE. Madam Chairman, I ask unanimous consent to control the time in opposition although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. LATOURETTE. Madam Chairman, we're prepared to accept this amendment, although I must say we have concerns about the overall effect the language will have on the requirements under the Transportation Worker Identification Credential program and port security levels in general.

As we all know, and the committee has received voluminous testimony, TWIC readers will not be available for some time. However, in my opinion, we should not relax identification requirements once the readers are in place in our Nation's ports. The evidence at the committee is that we're not dealing with an unknown universe of individuals, we're dealing with a universe anywhere from 750,000 to 1.5 million people who will eventually come and require a TWIC card.

I look forward to working with Representative ZOE LOFGREN and commend her on behalf of this 85-year-old gentleman, and others, for bringing this matter to our attention. I look forward to working with Chairman OBERSTAR and Chairman CUMMINGS and Representative ZOE LOFGREN in the conference to perhaps tweak the TWIC language and make sure that we're not saying that, in fact, the alternative identification measures are biometric, and they're not saying that we're going to use someone's driver's license as a substitute for those procedures.

I look forward to the conference, and would be happy to yield to the chairman for his observations on the amendment.

Mr. OBERSTAR. I thank the gentleman for yielding. And I share those concerns.

Lockheed Martin, which has the contractor responsibility for issuance of TWIC cards, has reported that fingerprint rejection rate due to poor print quality has been in the range of 2 percent. If you happen to be one of those 2 percent, then you really have a problem. And so that requires those who are rejected to keep coming back to an enrollment center. And the amendment would alleviate mariners from having to make several trips.

I remember myself, when I was working my way through college, I was working at a concrete block factory. I eventually wore out gloves and I said I can't afford any more gloves, so I just moved the concrete blocks with my hands until eventually I had such thick calluses I had no fingerprint whatever, no markings on any of my fingers. It took months afterwards, back in college, to shed those calluses. So I can imagine workers on the docks and all having similar problems. And I think this relief for mariners will be very, very beneficial.

I thank the gentleman for yielding.

Mr. LATOURETTE. I would ask the distinguished chairman of the subcommittee if he has any observations.

Mr. CUMMINGS. I thank the gentleman for yielding.

I support this amendment, also.

Under section 7-105 of title 46, United States Code, the Department of Homeland Security is required to issue a biometric credential to individuals who are authorized to have unescorted access to secure areas, vessels and facilities. And some people are unable to accomplish that. I was just talking to my aid, who said that she went to see the rollout and they didn't pick up her fingerprints, which was a bad day for them. And so I think we have to address this.

We will work to ensure that this amendment would not alter the standards in which a TWIC is issued in any way; however, we need to provide options for individuals whose fingerprints, like my aid's, cannot be used to authenticate the cards.

I strongly support the amendment, and we will tweak the TWIC. I thank the gentleman for yielding.

Mr. LATOURETTE. I thank the chairman and reserve the balance of my time.

Ms. ZOE LOFGREN of California. At this point, I would also like to thank Chairman THOMPSON of the Homeland Security Committee for his hard work on this bill.

I yield 1 minute to the gentleman from Texas.

Mr. CUELLAR. Madam Chairman, I rise in support of the amendment offered by Representative ZOE LOFGREN. As you know, in order to obtain a TWIC, a port worker must be fingerprinted. The problem is that it's not always possible to get an image of the person's fingerprint, as has been mentioned a few minutes ago. From excessive sweating to dry skin, all of that can impede the capture of a useable fingerprint. Dry skin is a common occurrence, age, genetics, disease can also cause dry skin. We need to address this.

As you know, the TSA is supposed to issue credentials to at least 850,000 workers by the end of September. Because of these limitations, we need to have a plan, TSA needs to have a plan, and this is why this amendment is important. A person's skin should not prevent them from getting credentialed for a job that they need. I urge support of this amendment.

The Acting CHAIRMAN. Who seeks time?

Ms. ZOE LOFGREN of California. Madam Chairman, I would reserve the balance of my time.

Mr. LATOURETTE. I would indicate to the gentlelady that if you're prepared to close, I will yield back when you're done.

Ms. ZOE LOFGREN of California. Before I yield back, let me just note that I have no motivation to weaken the security of the——

The Acting CHAIRMAN. The gentlewoman will suspend.

The Chair would note that the gentlewoman from California has the right to close.

Mr. LATOURETTE. Then I am happy to yield back the balance of my time.

□ 1300

The Acting CHAIRMAN. Because the gentleman is not managing time in opposition, the proponent has the right to close.

Mr. LATOURETTE. I just want to be clear as we move forward, Madam Chairman. This has happened a couple of times. And I am not questioning the ruling of the Chair, but a couple of times, the chairman of the committee, Mr. OBERSTAR, has risen to claim time in opposition without being opposed to the amendment and has claimed the right to close, and I just want to make sure we're all squared away.

The Acting CHAIRMAN. The assertions of a Member from the floor are not rulings.

Mr. LATOURETTE. No. You're doing a great job and making great rulings. I just want to be clear as we move forward, because we have about six more amendments. It is my understanding that the chairman closed because he was defending the position of the committee, which I'm doing. If that's not the ruling of the Chair, I'm happy to live with the ruling of the excellent Chair, but I just want to make sure we're squared away.

But in the meantime, I'm yielding back my time.

Ms. ZOE LOFGREN of California. Madam Chairman, I will just note there is not much of a closing. We are in agreement on this amendment. I appreciate the support. I look forward to working further on this.

Certainly, we don't want to weaken our security, but we don't want hardworking people who just can't get their fingerprints taken to be put out of a job. So we are of one mind on this. I thank the committee, all the Members.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110-604.

Mr. BISHOP of New York. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. BISHOP of New York:

At the end of title VII add the following:

SEC. ___. REPORT ON STATE AND LOCAL LAW ENFORCEMENT AUGMENTATION OF COAST GUARD RESOURCES WITH RESPECT TO SECURITY ZONES AND UNITED STATES PORTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the extent to which State and local law enforcement entities are augmenting Coast Guard resources by enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports and conducting port security patrols. At a minimum, the report shall specify–

(1) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(2) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provided through these agreements;

(3) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(4) the extent to which the Coast Guard has assessed the ability of State and local law

enforcement entities to carry out the security assignments which they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that these entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(5) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(6) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(7) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Madam Chairman, I yield myself such time as I may consume.

Let me start by thanking Chairman OBERSTAR and Chairman CUMMINGS and Ranking Member LATOURETTE for their leadership and tireless advocacy on behalf of the Coast Guard. I would also like to express my gratitude for the invaluable service provided by our exemplary Coast Guardsmen and women every day.

My amendment would require the Coast Guard to study the extent to which State and local law enforcement augment Coast Guard resources by enforcing Coast Guard-imposed security zones around vessels transiting to and from U.S. ports and conducting port security patrols. The amendment requires the Coast Guard to study and clarify their relationship with local law enforcement, the standards set to ensure that local law enforcement of Coast Guard security zones can deter a security incident. The amendment also seeks to identify the differences in law enforcement authority, particularly boarding authority, between the Coast Guard and local law enforcement. This amendment is necessary given evidence that the Coast Guard is overextended around the country.

A 2007 GAO report states that the assistance the Coast Guard already receives from State and local law enforcement is vital to meet security requirements with limited resources.

Some may point to this as a vindication of local law enforcement's ability to share in the responsibilities of protecting hazardous cargo from potential threats. I would argue that the GAO has shed a light on a more fundamental issue: a lack of adequate Coast Guard resources and a potential new role for local law enforcement that has historically been reserved for the Coast Guard. This issue requires increased scrutiny.

After 9/11 and the absorption of the Coast Guard by the Department of Homeland Security, considerable strain was placed on Coast Guard resources. This shortfall is apparent as dozens of LNG proposals across the country compete for Coast Guard resources to make waterways suitable for hazardous cargo. The Coast Guard on several occasions has expressed its concerns to Congress about the proliferation of LNG proposals that require extensive Coast Guard oversight. The limited public discussion about who should provide these resources has led to unanswered questions. Is this something that should be passed on to the consumer through the price of goods? Is this a local responsibility? Is this a Federal responsibility? This amendment begins the dialogue necessary to clarify what ratio of responsibility is appropriate to protect hazardous cargo.

It is vital to maritime security to determine the role local law enforcement should play in protecting hazardous cargo so that, as policymakers, we can determine exactly what the Coast Guard needs to protect and preserve America's waterways.

Madam Chairman, I encourage my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim time in opposition to the amendment, even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I want to start by thanking the Chair and the Parliamentarian for clarification of a rule of the House that somehow escaped my understanding, and it was interesting to have that explanation. I apologize to the gentleman from Ohio if we had some missteps even to the advantage of the committee.

Of course, I support the amendment, as I said at the outset. It's a study and report amendment to provide a critical assessment of how much the Coast Guard has done to establish standards for State and local law enforcement units that perform maritime patrols and the extent to which law enforcement can meet those standards. I think it's useful to have that information.

Madam Chairman, I would be happy to yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the chairman very much for yielding.

Madam Chairman, we have no objection to the amendment and are pleased to accept it. I want to congratulate Mr. BISHOP, a valued member of the committee and the subcommittee.

This will require the Coast Guard to report on the use and qualification of State and local officials used in a security capacities at LNG facilities.

I would just remark parenthetically that I assume that the chairman was able to close because he is much more revered in the institution than I am, and I accept that and I also agree with that assessment.

Mr. OBERSTAR. I thank the gentleman. I think we got away with one for a while.

Madam Chairman, I yield such time as he may consume to the distinguished Chair of the subcommittee.

Mr. CUMMINGS. I thank the chairman for yielding.

Madam Chairman, I fully support this amendment by Mr. BISHOP, the Vice Chair of our subcommittee.

This amendment would require the Coast Guard to detail the extent to which State and local law enforcement entities are augmenting Coast Guard resources by conducting port security patrols and by aiding in the enforcement of Coast Guard-imposed security zones around vessels entering our ports.

While I have the utmost respect for State and local law enforcement, the subcommittee is concerned that such entities may be undertaking maritime patrols to augment the Coast Guard's resources without having previously had experience performing law enforcement functions on the water and without fully understanding what it takes to respond to the unique threats that confront our Nation in the maritime environment.

The study required by Mr. BISHOP's amendment would provide the critical assessment that is needed both of whether the Coast Guard has established adequate training, resource, and equipment standards for State and local law enforcement units performing maritime patrols and the extent to which law enforcement can meet these standards.

I fully support the amendment.

Mr. BISHOP of New York. Madam Chairman, let me simply close by thanking Chairman OBERSTAR and Chairman CUMMINGS and Mr. LATOURETTE for their support of this amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110-604.

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk that has been made in order by the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. BROUN of Georgia:

Strikes titles X and XI.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Madam Chairman, I yield myself such time as I may consume.

I am offering this amendment because I am concerned about the intent and the function of title X and title XI. I would like to seek some clarification from the chairman of the Committee on Transportation and Infrastructure, my friend from Minnesota (Mr. OBERSTAR), if he would join me in a discussion.

Mr. OBERSTAR, with respect to title X, I'm concerned that if we transfer 80 percent of the funding for the Coast Guard Administrative Law Judge functions to the National Transportation Safety Board, the Coast Guard will not be able to manage the appeals process of any of the truck, rail, and port workers who might be denied the Transportation Worker Identification Credential, or TWIC, card. My concern is that we will create a bottleneck in the appeals process, effectively slowing TWIC appeals and preventing American workers from gainful employment while appeals are adjudicated.

Can you assure us that when this bill emerges from conference that you will make sure that the Coast Guard retains sufficient resources to address the expected TWIC appeal workload resulting from the million workers that are applying?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Certainly it's our intention to protect the resources of the Coast Guard. We will work to assure that when a bill emerges from conference that there will be sufficient change, that we will not elevate one mission above any other critical Coast Guard mission.

And as further clarification, it was simply a request from NTSB that at least for 1 year we transfer adequate funds to start off. So the legislation limits that transfer of dollars to 1 year, and we will work to assure the strengthening of that language to make sure that that's only for 1 year. And then in the meantime, as I said in an earlier discussion on this matter, we will go to the Appropriations Committee, I hope in a bipartisan effort, to ask them to provide sufficient additional funding for the Coast Guard to continue to carry out its missions.

Mr. BROUN of Georgia. I thank you for that assurance. It's certainly a huge issue, as far as I'm concerned, as we deal with Homeland Security and TWIC cards. So I greatly appreciate the chairman's assurance of that, and I'm looking forward to that bipartisan effort. We, unfortunately, don't have enough bipartisanship and bipartisan effort here; so I thank the chairman for that.

Reclaiming my time, Madam Chairman, with respect to title XI, I'm concerned that the current language might give the appearance of elevating the Coast Guard's marine safety mission above its other critical missions, such as search and rescue, national defense, and port security.

Can you confirm for me, Mr. Chairman, that it is not your intent to elevate this one mission above other missions that are critical for the Coast Guard?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Again I thank the gentleman for yielding.

It is certainly not our intent to elevate marine safety. Marine safety is one of several functions of the Coast Guard. But as I said in earlier debates, when Mr. YOUNG, then chairman of the committee, and I were at the White House at the earliest stages of creating the Department of Homeland Security, we raised this issue at the White House and said, You're not making clear enough distinction between the homeland security role of the Coast Guard and the other functions, search and rescue, marine safety, aid in navigation, and so on. So we're now providing that clear delineation, assuring there are adequate resources, providing additional personnel to the Coast Guard, the first really substantial increase in Coast Guard personnel since I came to Congress in 1975. And I'm really insistent on this, that we do not elevate above that but that we clearly delineate the marine safety function of the Coast Guard.

Mr. BROUN of Georgia. Certainly that's important.

And reclaiming my time, I thank the gentleman for his assurances, and I appreciate his willingness to engage in this dialogue to clarify the intent of these two titles and his commitment to work with me in conference to ensure that the Coast Guard has the authorities and resources it needs to secure our homeland.

Mr. CUMMINGS. Will the gentleman yield?

Mr. BROUN of Georgia. I yield to the gentleman from Maryland.

Mr. CUMMINGS. I thank the gentleman for yielding.

I just wanted to say that we are very concerned, as you are, and please note that no TWIC applicants have requested an ALJ hearing as of April 13.

The Acting CHAIRMAN. The gentleman from Georgia's time has expired.

Mr. LATOURETTE. Madam Chairman, I would like to claim the time in opposition to the amendment even though I am not opposed and would continue to yield to the distinguished chairman of the subcommittee.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CUMMINGS. I thank the gentleman for yielding.

Madam Chairman, I want to join with Chairman OBERSTAR in strongly opposing this amendment. But we do plan to work with the gentleman on this.

Title X grants mariners a "change of venue" when they appeal the suspension and revocation of their professional credentials from an Administrative Law Judge system controlled by the very same Coast Guard that is seeking to take their credentials to a system located in a neutral agency, the National Transportation Safety Board.

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I note that title X would move only Coast Guard suspension and revocation cases to NTSB. All other cases currently heard by the Coast Guard ALJ, including cases from TSA, would be unaffected by title X. I know that the concerns have been raised by the gentleman and that the changes proposed in title X would leave the Coast Guard ALJ program without the resources to handle the TSA, but we certainly question that. However, I note that the cases heard by the Coast Guard's ALJ for TSA and for other agencies, like NOAA, are heard on a cost reimbursement basis. Title X would continue to allow agencies to reimburse the Coast Guard ALJ for the costs associated with adjudication of those cases

Further, I'd note that since TSA was established, that agency has filed 504 civil penalty cases with the Coast Guard ALJ, 60 cases remain pending, a total of 230 cases did not proceed to an adjudication. Orders granting motions for a decision were issued in 156 cases, and dismissal orders were granted in four cases.

Finally, let me say this. No TWIC applicants have requested an ALJ hearing as of April 13, though there have been 230 enrollments, and they started enrolling back in October of 2007. Decisions and orders were issued in only 54 cases, which would be an average of about nine cases per year.

So, again, we have the same concerns, and I hope you understand why this even came about, because we have some very painful testimony from mariners about how they felt that the system was already set up against them before they got into the hearing room. And we had testimony from Administrative Law Judges who were concerned that an atmosphere of unfairness was being pushed upon them by those who may have been above them.

So I think that the ranking member and I and other members of our committee agreed that we needed to do something, and we thought this was the best vehicle. We have the same concerns that you have.

With that, I want to thank the gentleman for yielding.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. My concern was that the GAO is going to investigate any improprieties within the current Administrative Law Judge System, and that GAO report hasn't been completed. This just seems premature. That is what drew my concern, and I appreciate the chairman's assurances.

With that, I have got one more statement.

Mr. LATOURETTE. Reclaiming my time for a minute, it is my understanding that the gentleman from Georgia is going to ask unanimous consent to withdraw his amendment, and I want to express my appreciation because the amendment, from my perspective, is problematic. We do concur in the concerns that have been expressed in the colloquy between the chairman and Mr. BROUN, and I want to congratulate Dr. BROUN as another new Member of the House who has really stepped up to the plate and brought important issues before this body.

I would tell the gentleman that we did have some pretty illuminating hearings on the Administrative Law Judge, and the current Acting Chairman and I both served as prosecuting attorneys, she was also a judge, and I would tell you that my experience, and I think she would echo this, is that people can accept when they come into a forum if they lose, as long as they believe that they have lost fairly. The testimony that we received was that there are a number of people that don't have that feeling going in. It was our hope by making this small adjustment that even when they are ruled against, they will say, I got my day in court.

That was the objective. I do appreciate the gentleman's concern. I promise him that we will continue to work on it as it goes to conference.

I would be happy to yield once again to the gentleman from Georgia.

Mr. BROUN of Georgia. Madam Chairman, I submit for the RECORD two letters, a statement from the Commandant of the Coast Guard, as well as the letter from TSA stating their concern on these titles.

U.S. DEPARTMENT OF HOMELAND SECURITY, UNITED STATES COAST GUARD,
Washington, DC, April 23, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: On April 18, the Committee filed with the Rules Committee an amendment in the nature of a substitute to H.R. 2830, that would be retitled the "Coast Guard Authorization Act of 2008." During numerous meetings and staff-level discussions over several months, we have described how a number of provisions that appear in this amendment would compromise organizational efficiency and operational effectiveness, diminish my command and control, and ultimately reduce the Coast Guard's effectiveness in carrying out its safety, security, and stewardship missions. We have expressed these and other concerns in Department of Homeland Security views letters concerning earlier bill language. The amendment also contains provisions neither previously shared nor discussed with the Coast Guard.

One provision requiring that the Coast Guard provide security around liquefied natural gas terminals and tankers is contrary to the existing assistance framework, at odds with accepted risk management practices, and would divert finite Coast Guard assets from other high-priority missions. I recommend a broader discussion of security measures for all extremely hazardous cargoes. In the Statement of Administration Policy on H.R. 2830, the Administration has stated that, if the bill is presented to the President with this provision, his senior advisors would recommend that he veto the bill.

Among the others is one that, while similar to the Administration's proposal, fails to authorize the President to appoint officers to positions of importance and responsibility to accommodate organizational change in the future (Admirals and Vice Admirals). Others, primarily involving our important marine safety mission, would statutorily fix the designation and duties of other senior Coast Guard officials and officials at all levels of command, and prescribe inflexible personnel qualification requirements. Still other provisions would diminish the Coast Guard's capacity to adjudicate merchant mariner licensing matters efficiently and effectively and support other vital security adjudications of the Department of Homeland Security (Appeals to National Transportation Safety Board). Still more provisions would prescribe contracting and acquisition practices for the Deepwater program, thereby increasing the cost of, and adding delay to, the Deepwater acquisition process, as well as circumventing the review and approval authority of Coast Guard technical authorities (Coast Guard Integrated Deepwater Program).

Among the new provisions is one that dramatically alters admission procedures for the U.S. Coast Guard Academy. While I have discussed Academy admissions several times with Chairman Cummings and we agree that our process should yield successful cadets and reflect our diverse society, the proposed Congressional nomination process deserves full discussion and deliberate consideration. Other new provisions that affect how we execute our missions deserve similar scrutiny. Conversely, the bill omits the Administration proposal for much needed enhanced authority to prosecute those who would smuggle undocumented aliens into the United States by sea (Maritime Alien Smuggling Law Enforcement Act) and the Administration's proposal to protect seafarers who participate in investigations and adjudication of environmental crimes or who have been abandoned in the United States (Protection of and fair treatment of seafarers).

Over the last year in the course of hearings, personal meetings with you, and regional forums with industry, as well as in my public statements, I have assured you and the public that we share a common objective: a robust marine safety program suited to meet the evolving demands of industry and the marine public. I am already taking aggressive steps to right the balance between our marine safety mission and our other vital responsibilities, and improve the effectiveness, consistency, and responsiveness of our marine safety program, consistent with the framework I presented to you last September. Legislation such as the provisions I describe above was unnecessary to start this process. As I have stated on several occasions, I am the Commandant and am accountable to you to produce the changes needed to improve program performance.

Including these provisions and others in an Authorization Act that would otherwise be welcome compels me to strongly oppose the bill.

Sincerely,
T.W. ALLEN,
Admiral, U.S. Coast Guard Commandant.

U.S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION,
Arlington, VA, April 22, 2008.

Hon. PETER T. KING,
Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CONGRESSMAN KING: I am writing to express the Transportation Security Administration's (TSA) strong opposition to Title X—Appeals to National Transportation Safety Board (NTSB) of the manager's amendment to H.R. 2830, the "Coast Guard Authorization Act of 2007." Title X would transfer Coast Guard Administrative Law Judge (ALJ) authority for review of merchant mariner documentation and 80 percent of the Coast Guard ALJ budget to the NTSB. This could have an adverse impact upon the adjudication of TSA's civil enforcement cases and anticipated cases dealing with the Transportation Worker Identification Credential (TWIC) program.

TSA questions whether sufficient legal, administrative, and budget resources will continue to be provided to the Coast Guard to support its remaining ALJ functions, including adjudication of TSA security cases.

For more than 5 years, TSA has been extremely well served by the Coast Guard ALJs as fair, impartial, and responsive adjudicators in security cases involving individuals in the transportation sector. Under an interagency agreement, Coast Guard ALJs play a major role in TSA's enforcement and security credentialing programs. They adjudicate aviation security civil penalty cases, Hazardous Materials Endorsement (HME) and TWIC denials of requests for waivers and appeals from individuals who have received a

Final Determination of Threat Assessment; appeals by air cargo workers who have received a Final Determination of Threat Assessment; and appeals by individuals holding or applying for Federal Aviation Administration certificates, ratings, or authorizations who have received a Final Determination of Threat Assessment.

In the absence of sufficient ALJ legal and administrative resources at the Coast Guard, TSA does not regard NTSB ALJs as a good alternative. Coast Guard ALJs have substantial expertise in fair adjudication of security programs. NTSB ALJs do not have expertise in transportation security matters. As TSA continually expands the implementation of the TWIC program and the Coast Guard enforces it at our Nation's seaports, TSA and TWIC applicants will benefit from the substantial experience Coast Guard ALJs have in the maritime security environment.

In addition, Coast Guard ALJs have been sensitive to the challenges faced by individuals representing themselves in a formal administrative process and have worked with TSA to develop simplified procedures.

TSA and Coast Guard have worked together for years to establish caseload management procedures, agreements, and funding processes to efficiently handle TSA cases. For example, the Coast Guard serves as TSA's Docketing Center for its formal hearing process. Shifting the workload to ALJs of another agency would create a huge setback for TSA enforcement and administration. ALJ coverage, budgeting, processing time, and even geographic availability would have to be reassessed and reestablished, a process that may take several years.

In addition, TSA's HME and TWIC are fee-based programs. TSA developed its fee models based on Coast Guard cost estimates and processing models. If conditions necessitate TSA's seeking ALJ services outside Coast Guard, this could affect program costs, and consequently, fees for applicants.

I would appreciate your consideration of TSA's concerns about the potential adverse impact of Title X on the efficient adjudication of important TSA security cases.

Identical letters have been sent to the Chairman of the House Homeland Security Committee as well as the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure. Please do not hesitate to contact Ms. Claire Heffernan, Acting Assistant Administrator for Legislative Affairs, at (571) 227-2717 if you have any questions about this matter.

Sincerely yours,

KIP HAWLEY,
Assistant Secretary.

I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 11 OFFERED BY MR. CUELLAR

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110-604.

Mr. CUELLAR. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Mr. CUELLAR:

Add at the end the following:

TITLE ___—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. ___. MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, INTERNATIONAL WATER BOUNDARY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis shall take into account the Coast Guard's involvement on the Rio Grande River by assessing Coast Guard missions, assets, and personnel assigned along the Rio Grande River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and drug interdiction operations.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Thank you, Madam Chair. I yield myself such time as I may consume.

First, I want to thank Chairman OBERSTAR and also Chairman CUMMINGS and the ranking member from Ohio for the work that they have done on this particular bill, and also, Chairman THOMPSON, from the Committe on Homeland Security, for the work that they did on this bill together.

I also understand, Madam Chair, that this amendment is acceptable both to the majority and the minority, and it's also bipartisan. I believe Congressman MCCAUL will be speaking on this amendment in a few minutes.

Madam Chair, today the U.S. House of Representatives has an opportunity to improve the important and critical mission of the United States Coast Guard. One of the Coast Guard's most important functions is providing safety and security in international waters. I was born in Laredo, Texas. Laredo is located on the international border between the United States and Mexico. Our border is divided by the international waters called the Rio Grande River.

There have been many efforts to improve security along the U.S.-Mexico border. Some of those partnerships between the local and Federal Government law enforcement agencies have proven to be beneficial. The border security responsibilities shared by law enforcement departments are complicated for the first responders from the local communities that are located on the international waters of the Rio Grande. The safety of the international boundary is a national security concern, as the level of violence in Mexico increases and spills across the border. Drugs, cash, and people continue to cross the border into the United States, despite our efforts.

I am consistently asked and contacted by local officials in my district who are asking for more support in their border security effort, specifically for help in patrolling the international waters of the Rio Grande. Unfortunately, the local law enforcement agencies and the border patrol have limited resources for patrolling the international water boundary. As the Rio Grande represents over 1,200 miles of international border, I believe that it is time to address the critical need to provide security on the Rio Grande River and not just along the shores of the Rio Grande River.

My amendment would charge the U.S. Coast Guard to analyze what the current mission is along the international waters, including personnel and assets assessment. My amendment also asks the U.S. Coast Guard to identify what resources will be needed to increase the Coast Guard presence along the international boundary.

Madam Chair, there has been many discussions as to how to best secure the United States border along with Mexico. My amendment would simply allow us to consider the possibility of increasing the Coast Guard's presence in the area of unquestionable, the international waters of the Rio Grande River.

I reserve the balance of my time.

Mr. MCCAUL of Texas. Madam Chairman, I ask for unanimous consent to claim time, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL of Texas. I rise in support of this amendment. I want to commend my colleague, Congressman CUELLAR, for bringing this amendment to the floor, and I am honored to support it. He has a great deal of expertise in this area. We have traveled to the border towns together, both on the United States side and in Mexico, and I met with law enforcement on both sides of the aisle and with government officials and we served on the United States-Mexico Interparliamentary Group. He understands the importance of security at the border, and particularly in the post 9/11 world.

Currently, there is little Coast Guard presence on international waterways shared with Mexico. This amendment would require the United States Coast Guard to provide an analysis of their mission strength for the navigable portions of the Rio Grande River in Texas. The amendment also asks the U.S. Coast Guard to identify what resources would be needed to increase the Coast Guard's presence along the international boundary of the Rio Grande River.

One of the Coast Guard's most important functions is providing safety and security in international waters, and the safety of the international border is a national security concern as the level of violence in Mexico increases and continues to spill across our border. Contraband and undocumented people continue to pass and cross the border into the United States, despite our best efforts. This amendment may also pave the way for future studies assessing the need for Coast Guard presence in other areas of the United States where waterways are shared on the border of Mexico and with Canada.

So having said that, I want to thank my colleague, Mr. CUELLAR, for bringing this amendment, and I rise in support.

I yield to my colleague from Ohio.

Mr. LaTOURETTE. I thank the gentleman for yielding.

We are not opposed to this amendment. We are willing to accept the amendment, which requires the Coast Guard to develop mission needs down on the Rio Grande. I want to congratulate Mr. CUELLAR and Mr. McCAUL, who looks remarkably like Mr. FORTENBERRY, for bringing this amendment before the House. We accept it.

Mr. CUELLAR. I just want to thank again the Chairman, Mr. OBERSTAR; Mr. THOMPSON, Mr. CUMMINGS, the ranking member from Ohio, and of course the gentleman from Texas (Mr. McCAUL).

I yield the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. KIRK

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110-604.

Mr. KIRK. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 12 offered by Mr. KIRK:

Page 184, line 22, after "subparagraph (A)" insert "or (B)."

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. I rise in strong support of the underlying legislation, which provides critical protection for our Nation's waterways. For the first time, this legislation requires ballast water treatment of ships entering the Great Lakes, which claim to have no ballast water on board. These ships were previously not subject to any exchange or treatment requirements, and that created a massive loophole through which invasive species were introduced in our precious Great Lakes. I am very happy that this provision, similar to one I authored with Mr. EMANUEL in H.R. 801, will close this dangerous and expensive loophole that, unfortunately, has so radically changed the Great Lakes environment.

However, there is another loophole which currently exists in the bill which could help spread endemic diseases affecting a myriad of Great Lakes fish. Viral hemorrhagic septicemia, or VHS, is a highly contagious viral disease that caused a significant number of fish deaths in North America since its introduction just in 2005. This virus is only present in four of the five Great Lakes so far, and threatens to cost billions of dollars to the region in lost fishing and tourism revenue.

While the bill currently requires foreign ships to treat their ballast tanks in order to prevent new diseases from entering the Great Lakes, it exempts vessels from treating their ballast tanks when they operate exclusively inside the Great Lakes. This is a loophole which should be closed in the event of an emergency pathogen outbreak. While the Great Lakes ships do not introduce new pathogens into the lakes, they can fully transmit a disease from one lake to another. Currently, Lake Superior is not yet infected with VHS.

My amendment would close the loophole by providing the Secretary of Agriculture with the authority to request that Great Lakes vessels install ballast water treatment systems approved by the Coast Guard, should the Secretary deem it necessary in order to prevent the spread of an infectious disease from one Great Lake to another. The amendment is supported by the Healing Our Waters, Great Lakes Coalition.

I want to thank the chairman and ranking minority member, my colleague from Ohio, for working with me on this very important amendment. It's crucial that we provide the Department of Agriculture with the authority to prevent the spread of VHS to a lake like Lake Superior and to give them the authority to slow down or stop the spread of other infectious pathogens. We must provide officials with all the necessary tools that they need to protect this critical ecosystem, the crown jewel of the Midwest environment.

I reserve the balance of my time.

□ 1330

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim the time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Madam Chairman, I want to thank the distinguished gentleman from Illinois (Mr. KIRK) for offering this amendment. It does indeed correct a technical mistake and oversight in drafting the bill. There should have been a cross-reference as we inserted one provision in the bill so that the interlake transfer of ballast water would have been covered. Unfortunately, it was an oversight that the legislative counsel did not catch in time, and our committee staff found it after the manager's amendment had been already presented. So through the vigilance of the gentleman from Illinois and his concern for interlake transfer, we certainly accept this provision.

I am very happy to report that not only did we deal with invasive species in the WRDA bill, but also in this Coast Guard bill. It is the first time we have enforcement language on invasive species and interlake transfer. As the gentleman from Michigan (Mr. EHLERS) said earlier today, this is a bad day for invasive species. This is another bad moment for invasive species.

I also want to mention that either next week or the following week I have a meeting, the subject of which I have already discussed with Mr. LaTOURETTE, with one of our major interlake shipping companies and other entities to put in place this shipping season a control pilot program for ballast water for lakers. The lakers present a more complicated challenge on ballast water exchange because they have four or five times as many ballast chambers as do the salties coming into the Great Lakes, and dealing with the volume of water and the number of ballast chambers and the treatment technology, it becomes much more complicated for interlake shipping.

We are going to address that this summer. We are going to put in place a pilot program and explore all of the treatment methodologies and equipment and chemicals and how to treat those chemicals before they are again discharged back into the waters of the Great Lakes. And the viral hemorrhagic septicemia issue is chief among those. I think science still doesn't know how to address it. But it and other such assaults upon this one-fifth of all the fresh water upon the face of the Earth is vital. We make an assault upon it in this legislation, and we are determined to follow it through.

I thank the gentleman for his amendment.

I yield to the gentleman from Ohio.

Mr. LaTOURETTE. I thank the chairman for yielding.

Madam Chairman, we wholeheartedly support this amendment and congratulate the gentleman from Illinois (Mr. KIRK) for his catch and for his unwavering diligence and vigilance on Great Lakes water quality issues. Those of us that have the pleasure to represent districts that are near or abut the Great Lakes know the damage that has been done by invasive species, both plants, animals and pathogens. The gentleman's amendment improves upon our bill.

As I said before during general debate, I am so proud of this committee's work on this ballast water exchange program. It really is a shining example of how Members of both parties can come together and do the right thing and the noble thing, and that, of course, all begins at the top with Chairman OBERSTAR's leadership.

Mr. OBERSTAR. Madam Chairman, I yield to the chairman of the subcommittee.

Mr. CUMMINGS. I want to thank the gentleman for the amendment. Without a doubt, it makes the bill better. I too am very proud of what we have been able to accomplish with regard to ballast water. We have a duty to protect our environment, and this goes a long ways towards it.

Mr. OBERSTAR. Again, it is not just the Great Lakes, it's the saltwater ports as well. Our colleagues on the west coast for many years, I remember in the seventies and eighties, were saying, what are you worried about invasive species for? Then curious creatures began to appear in the waters of the ports on the west coast from ballast water discharged in those ports from vessels leaving the Pacific Rim, from Japan to Korea to the South China Sea. So this is a unified effort here.

Mr. KIRK. Madam Chairman, just to conclude, the West has the Grand Canyon as its crown jewel of the environment. Florida has the Everglades. But for us in the Midwest, it is the Great Lakes.

We have seen a failure to properly manage shipping in the past introduce a number of alien species. Our environment has suffered from the introduction of the lamprey eel, the rock goby, the fishhook flea, and now viral hemorrhagic septicemia. This legislation is essential to slow down the assault on the Great Lakes with these new species introduced into our critical ecosystem.

I want to thank my colleagues from Minnesota and from Ohio for joining together with this critical legislation, and urge adoption of the amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 110–604.

AMENDMENT NO. 14 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110–604.

Ms. JACKSON-LEE of Texas. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 14 offered by Ms. JACKSON-LEE of Texas:

At the end of title VII add the following new section:

SEC. ___. ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code, including—

(1) the feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle the large number of applications for such cards;

(2) the feasibility of keeping those enrollment sites open after September 25, 2008;

(3) the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

(b) TIMELINES AND BENCHMARKS.—The Secretary shall develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, as I indicated in the general debate, this is an exercise in unity as relates to the safety and security of the Nation and, of course, the reauthorization and the emphasis of the specialness of the Coast Guard. I am delighted to come from the fourth largest city in the Nation and to have a very large port that benefits from the outstanding service of the U.S. Coast Guard.

I want to thank Chairman OBERSTAR for not only his eloquence, but his long-standing history and knowledge of what we needed to do in this Congress, the chairman of the subcommittee, Mr. CUMMINGS, and as well the distinguished, as they all are distinguished, ranking member of the full committee, the distinguished gentleman from Ohio, working on this along with my full committee chair, Mr. THOMPSON. I serve as the Subcommittee Chair on Transportation, Security, and Infrastructure Protection. We have had a number of opportunities to work together. So we are filled with tasks, and those tasks must be addressed.

I rise in support of the legislation. My amendment is a simple but important addition to this vital legislation, which I believe can be supported by every Member of the House.

My amendment calls for the Secretary of Homeland Security to prepare an assessment of the enrollment site for the Transportation Worker Identification Credential, TWIC, which we have heard so much about. These cards are issued under section 70105 of Title 46 USC within 30 days of the enactment of this act.

The assessment should at a minimum examine the feasibility of keeping those enrollment sites open 24 hours per day, 7 days per week, in order to better handle the large number of applicants for such cards, the feasibility of keeping those enrollment sites open after September 25, 2008, and the quality of customer service, including the periods of time individuals are kept on hold on the telephone, appointments are kept, and processing times for applications. We are here to help.

In our committee, we have heard over and over again, everyone is trying to meet the deadline. DHS, the Department of Homeland Security, has a deadline. We believe as Members of Congress they should have a deadline to secure America, but we must make sure that the deadline is realistic in light of the resources and the tools that they have to comply.

Madam Chairman, I continue to receive firsthand accounts from my constituents in and around the Nation that deal with the question of transportation workers and operators who are frustrated because of sometimes the unsatisfactory performance of TWIC enrollment sites.

I have spoken with a multitude of people from throughout the country who have shared with me the great difficulty they experience due to administrative obstacles obtaining their TWIC cards. These obstacles include the lack of enrollment sites or the difficulty in getting to the enrollment sites, making appointments at enrollment sites which are not kept, long processing lines for applications, and staying on hold for hours on the telephone. While we have made securing our Nation a priority, we must ensure we do so in the most productive way.

Let me just briefly say what we have seen from the State of Texas and around the Nation. For example, a marine worker at the Houston Port enrolled on December 13, 2007, at the Houston center. To this date, he does not have a card. He remained on hold for 4 hours and 10 minutes and was finally told by the operator that he would have to return to Houston to be fingerprinted again after April. Incidentally, a representative of the Higman Marine Services asked the same question about the employee. That person was told that they should not return until June.

These inconsistencies in service and information are not helping us get our TWIC cards to those individuals, hardworking Americans who need to have a job and a TWIC card to work.

Furthermore, another transportation worker went to the Beaumont center about 3 weeks ago to pick up his TWIC after being notified it was ready. He traveled from a place in Texas. He was told that the card was accidentally shipped to Houston and he could drive 85 miles to pick it up. He presently does not have a card, and therefore he is not able to move forward. The list of incidents go on.

My amendment calls for the Secretary to assess within a month of the enactment these TWIC enrollment sites to determine the feasibility of having them open at times when transportation workers can come and improve the quality of processing procedures. Furthermore, my amendment calls on the Secretary to develop timelines and benchmarks on their assessment. Finally, it calls for them to implement any changes necessary, including keeping it open 24 hours a day, keeping it open 7 days a week, but really at the assessment of the Department of Homeland Security.

Workers are trying to do what they are supposed to do. We have to do what we have to do. I believe this amendment will help do it better, and I believe it is part of the security fabric, and I hope that we will pass this amendment.

Thank you, Madam Chairman, for affording me this opportunity to address the Members of the House of Representatives and explain my amendment to H.R. 2830, the "Coast Guard Authorization Act of 2007." My amendment is a simple but important addition to this important legislation, which I believe can be supported by every Member of this House.

My amendment calls for the Secretary of Homeland Security to prepare an assessment of the enrollment sites for Transportation Worker Identification Credential, TWIC, cards issued under section 70105 of title 46, United States Code, within 30 days of the enactment of this Act. This assessment should, at a minimum, examine: the feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle the large number of applicants for such cards; the feasibility of keeping those enrollment sites open after September 25, 2008; and the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

Madam Chairman, I continue to receive firsthand accounts from my constituents in Houston and from other transportation workers and operators around the country regarding their frustrations and the unsatisfactory performance of TWIC enrollment sites. I have spoken with a multitude of people from throughout the country who have shared with me the great difficulties they experienced due to administrative obstacles in obtaining their TWIC cards. These obstacles include the difficulty of going to enrollment sites, making appointments at enrollment sites which are not kept, long processing times for applications, and staying on hold for hours on the telephone. While we have made securing our Nation a priority, we must ensure that we do so in the most effective and efficient way possible.

I would like to reiterate only few of the obstacles that workers have faced in my State of Texas as well in my district of Houston. For example, a marine worker enrolled at the Houston Port enrolled on December 13, 2007. To this date, he still does not yet have a TWIC card. He remained on hold for 4 hours and 10 minutes and was finally told by the operator that he would have to return to Houston to be fingerprinted again after APR. Incidentally, a representative of Higman Marine Services, Inc., asked the same question about their employee, and she was told that he should not return until June. This blatant inconsistency in service and information is simply unacceptable. Furthermore, another transportation worker went to the Beaumont center about 3 weeks ago to pick up his TWIC after being notified it was ready. He traveled from Hemphill, TX (117 miles) and was told that the card was accidentally shipped to Houston and he could drive there (85 miles) to pick it up. He presently does not have his card. The list of incidences in which workers have to continually overcome structural impediments is too long for me to name. It is from my concern for these workers that I have introduced my amendment.

That is why my amendment calls for the Secretary of Homeland Security to assess, within a month of this Act's enactment, these TWIC enrollment sites to determine the feasibility of having them open at times where transportation workers can come and to improve the quality of their processing procedures. Furthermore, my amendment calls on the Secretary of Homeland Security to develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary. By identifying the areas in which enrollment sites for homeland security cards are ineffective and inefficient and creating a timeline through which to implement necessary changes and benchmarks to ensure their progress and accountability, we will make this nation a safer place—accessible to labor and operators alike.

In short, Madam Chairman, my amendment can be summed up as follows: for those who have confidence in how these TWIC enrollment sites are administering this program, my amendment offers vindication. For those who are skeptical and have seen firsthand the problems apparent at these enrollment sites, my amendment will provide the information necessary to rectify the causes for their frustrations and a way forward to ensure that the results of this assessment are actually implemented.

Mr. LATOURETTE. Madam Chairman, I ask unanimous consent to control the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. LATOURETTE. Madam Chairman, I want to congratulate the gentlewoman from Texas (Ms. JACKSON-LEE) for her thoughtful amendment. We are willing to accept her amendment, which will require the Department of Homeland Security to assess measures that may encourage maritime workers to accelerate application rates for the TWIC card. We all know a deadline is looming.

The only observation I would make so that no one is under a misapprehension, nobody has been prevented from working yet, because the TWIC requirements don't go into effect until September. But we support the gentlewoman's amendment. We think it is a thoughtful amendment.

I would be happy to yield to the chairman of the full committee for his thoughts.

Mr. OBERSTAR. I thank the gentleman for yielding and the gentlewoman for offering the amendment and her deep concern, which we share on the committee, for those maritime workers.

Madam Chairman, 230,000 applied and 64,000 have actually received their cards. There is a bottleneck at TSA principally in printing out those cards, and the amendment just provides a margin of safety and a time to accomplish the objective.

I thank the gentleman for yielding.

Mr. LATOURETTE. I am happy to yield to the chairman of the subcommittee for his observations.

Mr. CUMMINGS. I thank the gentleman for yielding. We have convened two hearings, Madam Chairman, in the Coast Guard Subcommittee on the TWIC card. Our most recent hearing was held in January after the enrollment process had been underway for a few months.

During that hearing, we heard about some of the glitches that individuals attempting to enroll have encountered. Such glitches are unacceptable when workers must pay $132.50 and take time off from work to obtain a card that they are required to have to do their job and to provide for their families.

TWIC is an essential part of our post-security regime and is intended to ensure that those who pose a threat to our maritime infrastructure do not gain access to the secure areas of vessels or port facilities.

□ 1345

However, enrollment must be conducted as seamlessly as possible to cause the least burden to those workers. And I want to thank Ms. JACKSON-LEE for her amendment. It helps to make our bill a better bill.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. LATOURETTE. It is my understanding that the gentlelady's time has expired. I learned the hard way today that I don't have the right to close. But I would be happy to yield the balance of our time to the sponsor of the legislation, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I just want to thank all of you, and I believe that this is the right step. The action item is that they should implement the process of their study to make it work for our various mariners so that they can be part of the security of America. I ask my colleagues to support the amendment.

Mr. LATOURETTE. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110-604.

Mr. STUPAK. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 15 offered by Mr. STUPAK:

At the end of title IV add the following new section:

SEC. ___. LAND CONVEYANCE, COAST GUARD PROPERTY IN MARQUETTE COUNTY, MICHIGAN, TO THE CITY OF MARQUETTE, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard may convey, without consideration, to the City of Marquette, Michigan (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located in Marquette County, Michigan, that is under the administrative control of the Coast Guard, consists of approximately 5.5 acres, and is commonly identified as Coast Guard Station Marquette and Lighthouse Point.

(b) RETENTION OF CERTAIN EASEMENTS.—In conveying the property under subsection (a), the Commandant of the Coast Guard may retain such easements over the property as the Commandant considers appropriate for access to aids to navigation.

(c) LIMITATIONS.—The property to be conveyed by subsection (a) may not be conveyed under that subsection until—

(1) the Coast Guard has relocated Coast Guard Station Marquette to a newly constructed station;

(2) any environmental remediation required under Federal law with respect to the property has been completed;

(3) the Commandant of the Coast Guard determines that retention of the property by the United States is not required to carry out Coast Guard missions or functions.

(d) CONDITIONS OF TRANSFER.—All conditions placed within the deed of title of the property to be conveyed under subsection (a) shall be construed as covenants running with the land.

(e) INAPPLICABILITY OF SCREENING OR OTHER REQUIREMENTS.—The conveyance of property authorized by subsection (a) shall be made without regard to the following;

(1) Section 2696 of title 10, United States Code.

(2) Chapter 5 of title 40, United States Code.

(3) Any other provision of law relating to the screening, evaluation, or administration of excess or surplus Federal property prior to conveyance by the Administrator of General Services.

(f) EXPIRATION OF AUTHORITY.—The authority in subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard. The cost of the survey shall be borne by the United States.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Madam Chairman, my amendment will facilitate a simple land transfer between the U.S. Coast Guard and the city of Marquette, Michigan.

The Coast Guard is currently located at the Coast Guard Station Marquette and Lighthouse Point in Marquette County on nine acres of land east of the Marquette Maritime Museum. This facility was originally constructed in 1891, and is the oldest of all U.S. Coast Guard lifesaving facilities in the Nation.

The Coast Guard is in the process of relocating to a new location just south of the Marquette Maritime Museum. This location will bring the Coast Guard closer to where their boats are docked and will help the Coast Guard respond to emergencies more quickly.

The City of Marquette sold this property for the new facility, 1.5 acres on the waterfront, to the Coast Guard for $1. In addition, the City of Marquette has committed $170,000 to reroute bike trails, make roadway improvements and other necessary infrastructure improvements in order to prepare the property for the new Coast Guard facility.

On April 7, 2008, the City of Marquette signed the official documents to turn over the City property to the Coast Guard. Upon moving to this new property, the Coast Guard will vacate their existing location.

My amendment will convey the property of the old Coast Guard facility to the City of Marquette. This is a straightforward amendment. The Coast Guard supports the conveyance of the existing property to the City. The City of Marquette is also in support of the land transfer, which would assist in accomplishing the goals outlined in the City's strategic Harbor Master Plan.

The Coast Guard Station in Marquette plays a vital role in responding to emergencies in the City of Marquette, the surrounding area, and on Lake Superior. This land transfer will facilitate a continued Coast Guard presence within the Marquette area. Without a well-equipped and state-of-the-art Coast Guard Station in Marquette, there would be virtually no presence of the Coast Guard between Sault Ste. Marie and Houghton, Michigan, which represents a stretch of at least 300 miles of shoreline on Lake Superior. This is a win-win for the Coast Guard and the City of Marquette.

I urge my colleagues to join me in voting for this amendment, and I encourage members to vote for final passage of the Coast Guard Authorization Act.

Vote "yes" on the Stupak amendment.

I reserve the balance of my time.

Mr. OBERSTAR. I ask unanimous consent to claim time in opposition to the amendment, though I do not oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. The amendment is very limited in nature, very specific, to deal with the transfer of property that will not take place until the Coast Guard has relocated the station at facilities that are yet to be built. It will also not take place until environmental cleanup has occurred on the existing site. And that is important. The commandant has determined that retention of property is not required to carry out any other Coast Guard mission. So protection for the Coast Guard, protection for the City and the cleanup provisions, and it is a very beneficial amendment.

I want to address another matter, the concern of the gentleman from Michigan about the transfer of excess property to the Christian Cornerstone Academy, a land transfer that is supported by the Coast Guard, by the Academy, and the community of Sheboygan. We had already filed the manager's amendment at the time that this issue came to the attention of the gentleman from Michigan, and it was not possible to include that in the manager's amendment nor in the amendments considered by the Rules Committee.

But I do want to assure the gentleman that we will work to accomplish the purposes of this land transfer as we get into conference with the other body. Or, should such language be included by the other body in their version of the Coast Guard, which is now working its way to the floor of the other body, that we should expect to meet in conference and recognize the special needs in this matter. The Coast Guard executed a 10-year, no cost lease for the construction of the Cornerstone Christian Academy in Sheboygan. The lease has been renegotiated to fair market value. The Coast Guard has deemed 6 acres of the property as excess, if I have described the matter rightly.

I yield to the gentleman from Michigan.

Mr. STUPAK. I thank the distinguished chairman.

The gentleman is correct, not only on Marquette but on the Christian Cornerstone Academy. We have been working to transfer this excess land. It would have been a straightforward transfer and supported by the Coast Guard to Christian Cornerstone Academy in the Sheboygan community.

I appreciate the chairman's willingness to work with us to have this inserted either at the Senate level or in conference. And, as always, I appreciate the gentleman's knowledge and wisdom on Coast Guard and Great Lakes issues, and look forward to continuing to work with him on this and thank him for his courtesies on this amendment.

Mr. OBERSTAR. I yield to the distinguished ranking member of the subcommittee.

Mr. LATOURETTE. I thank the chairman for yielding.

We are also willing to accept the gentleman from Michigan's amendment, which authorizes the conveyance of property and the light station to Marquette, Michigan. This provision follows the standard language that has been used by the committee in other light station conveyances in previous years.

I would just note, I know the chairman of the full committee represents very hearty folk. When he came to Akron and said that it was 41 below, I think, at International Falls, I also know the gentleman from Michigan, having gone to school in Michigan representing the UP, represents very hearty folk. And so I hope we not only give them what he wants in Marquette, but Sheboygan as well, because they deserve it because it is really cold.

Mr. OBERSTAR. I yield to the Chair of the subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. I heartily support the amendment of Mr. STUPAK.

The amount of land being conveyed here under this amendment is only 5.5 acres, and I believe it is appropriate that once the Coast Guard leaves this site, the land and the lighthouse be made available to a local municipality that can preserve these resources and utilize them for the public purpose.

Mr. OBERSTAR. Madam Chairman, I yield back the balance of my time.

Mr. STUPAK. Madam Chairman, I yield myself the balance of my time.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 3 minutes.

Mr. STUPAK. I thank the gentleman from Minnesota for his work to craft the Coast Guard Authorization Act, and for recognizing the need for a Coast Guard presence on the Great Lakes.

The Coast Guard Cutter *ACACIA* was decommissioned on June 7, 2006, after over 60 years of service to this country. The *ACACIA* has been stationed in Charlevoix, Michigan since 1990.

The *ACACIA* provided essential navigational and search and rescue services in the northern Great Lakes. This work is important for the safety as well as for businesses and individuals that rely on the Great Lakes. This year's cold winter showcased the need for a cutter presence when Beaver Island once again had to make an emergency call to the Coast Guard to break ice for a shipment of fuel for the island. This, unfortunately, is a common occurrence during the cold winter months, and this winter was exceptionally long and cold.

It is important that this new Coast Guard cutter or similar asset be stationed in Charlevoix. To facilitate this, I worked closely with the chairman to include language in the Coast Guard Authorization Act 2006 to require the Coast Guard Station to sustain icebreaking vessel capabilities in the Great Lakes. Unfortunately, the Coast Guard has ignored congressional intent.

I appreciate the chairman's support in our efforts, and I look forward to working with the chairman and ranking member, and the chair of the Coast Guard subcommittee, to ensure that the Coast Guard honors congressional intent and provides adequate icebreaking services in the Northern Great Lakes.

I yield to the chairman for comment.

Mr. OBERSTAR. I share the gentleman's concern for adequate icebreaking capability on the Great Lakes. We have the new icebreaker Mackinaw. The Coast Guard has smaller harbor icebreakers. But they simply are not sufficient to keep channels open. This past shipping season, the Coast Guard failed to send the Mackinaw upstream, up lake, to keep channels open for shipping of iron ore to lower lake steel mills.

I assure the gentleman, I will work diligently with the Coast Guard to keep their attention focused on our needs for icebreaking capability on the Great Lakes. On the Chesapeake Bay, I said to the chairman of the subcommittee, you don't have that problem. It doesn't freeze over.

Mr. STUPAK. I thank the gentleman for his words. I thank the work from the chairman on all Coast Guard and Great Lakes issues. I thank Mr. CUMMINGS and Mr. LATOURETTE for their help and support.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 110-604 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. POE of Texas.

Amendment No. 5 by Mr. MCNERNEY of California.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 4 OFFERED BY POE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 408, noes 1, not voting 27, as follows:

[Roll No. 220]

AYES—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.

Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—27

Alexander
Andrews
Blackburn
Brown-Waite, Ginny
Burgess
Campbell (CA)
Cramer
Diaz-Balart, L.
Doggett
Everett
Faleomavaega
Feeney
Higgins
Hulshof
Kind
LaHood
Lungren, Daniel E.
McCrery
Nadler
Pascrell
Porter
Pryce (OH)
Rush
Ryan (WI)
Udall (NM)
Waxman
Weller

☐ 1421

Messrs. MILLER of North Carolina and ISSA changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MC NERNEY

The Acting CHAIRMAN (Mr. JACKSON of Illinois). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 0, not voting 28, as follows:

[Roll No. 221]

AYES—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Alexander
Andrews
Blackburn
Blumenauer
Brown-Waite, Ginny
Burgess
Campbell (CA)
Cramer
Doggett
Everett
Faleomavaega
Feeney
Higgins
Hulshof
LaHood
Loebsack
Marshall
Nadler
Pascrell
Porter
Pryce (OH)
Radanovich

Reynolds
Rush
Ryan (WI)
Udall (NM)
Weller
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Approximately 2 minutes remain in this vote.

☐ 1430

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LOEBSACK. Mr. Chairman, on rollcall vote 221, I was unavoidably detained. Had I been present, I would have voted "aye."

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. JACKSON of Illinois, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, pursuant to House Resolution 1126, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CHABOT. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Chabot moves to recommit the bill H.R. 2830 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end of title IV add the following:

SEC. ___. EXTENSION OF EXEMPTION.

Section 3503(a) of title 46, United States Code, is amended by striking "2008" and inserting "2018".

Mr. CHABOT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBERSTAR. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, this motion is really quite simple. It continues the will of Congress, a will dating as far back as 1968 to allow the *Delta Queen* to operate within the inland waters of the United States. It's an exemption that's been granted by Congress on a number of occasions, eight times to be exact, most recently in 1996. However, unless it is renewed this year, this national treasure will be forced ashore unnecessarily. And unfortunately, an important chapter in our Nation's history will close.

For those who may be unfamiliar with the *Delta Queen*, and this is her right here, and its significance to this Nation, let me give you a brief history of what the *Delta Queen* is and is not. The *Delta Queen* is a symbol of our Nation's past serving as the last overnight operational steam paddle wheeler. She represents where we started as a Nation and our trials and tribulations and our progress over the years.

The *Delta Queen* is a registered national historic landmark and is a member of the National Maritime Hall of Fame. She is part of the greatest generation, honorably serving our country during World War II, first as a Navy barracks and later transporting servicemen to and from the Navy shipyards docked in the San Francisco harbor.

The *Delta Queen* provides jobs to American families and is a critical source of revenue for local communities, opening up towns and communities located along the Ohio, Missouri, and Mississippi Rivers such as Ashland, Kentucky; Gallipolis, Ohio; and Clarksville, Indiana, to tourists and allowing mom-and-pop businesses to flourish.

Contrary to what some opponents to this motion would have you believe, the *Delta Queen* is not a safety risk. In fact, the *Delta Queen* is inspected by the United States Coast Guard more than six times a year and has operated since 1968 without significant incident.

Indeed, when Congress first created the inland water exemption from fire retardant regulation, it recognized that vessels such as the *Delta Queen* would never be more than a short distance from shore, circumstances much different than ocean liners and other vessels that traverse the oceans.

House Report 93–289 indicates that an inclusion of this was inadvertent. That's why Congress has granted this exception eight times since 1968. Eight times. Moreover, despite its exemption, the *Delta Queen* has, and continues to operate, in accordance with the safety notification requirements set forth in section 3503(b) of the United States Code and the Coast Guard.

In addition, the *Delta Queen* has gone above and beyond these requirements, installing state-of-the-art fire and smoke detection and sprinkler systems, as well as mandating fire training for its crew, all of which have been approved by the Coast Guard. Every single stateroom on there has sprinklers within it. In fact, just last month, the owners of the *Delta Queen* replaced the vessel's boiler at the request of the Coast Guard. And just last month, the *Delta Queen* was most recently inspected by the Coast Guard and was given a clean bill of health.

Mr. Speaker, I don't understand why continuing the *Delta Queen*'s current exemption for an additional 10 years has generated such opposition. In fact, last session, this body unanimously supported this exemption, passing it by a voice vote. Just last year we did this exact thing that I am asking to be done today. Unfortunately, it was stalled over in the Senate.

I can only conclude that the opposition that we're seeing is not really about the *Delta Queen*. It's really about a labor dispute. If this is true, why should the American people be victims, losing access to this national landmark? Why should American jobs be lost? Why should local businesses be literally ruined all because of a labor dispute? I hope that unions do not have that type of influence here in Washington or here in this Congress.

Let's put all of the politics aside and do the right thing here, and I urge my colleagues to stand up for the *Delta Queen* right here. 1926, no major incidence since that entire time. And there is no reason why we shouldn't save this historic ship here. Keep part of our history alive here by supporting this motion. This really ought to be bipartisan, and I urge you to support this motion to recommit.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I enormously respect the distinguished and amiable gentleman from Ohio, the weight-lifting champ of the House gym. When he walks on the floor, the weights quiver and shake in awe of his appearance.

He has been an advocate for the *Delta Queen* even back to last fall when I was in the Bethesda Naval Hospital for an operation to correct a long-standing injury to my neck. He sent a sheet cake with the *Delta Queen* emblazoned upon it to remind me of his diligence and of his enthusiasm for the *Delta Queen*. I could only eat one slice of it, but I assured him that the staff at the hospital, who had no idea what the *Delta*

Queen was all about, appreciated this sheet cake from the very distinguished and caring gentleman from the State of Ohio.

But labor has nothing to do with this issue. I haven't heard from a single person in any labor union about this matter.

The *Delta Queen* was built in 1926 and carried 174 passengers, 88 state rooms. It has extensive wood superstructure. It has extensive wood interior and furniture, and for those reasons, the Coast Guard will not certify this vessel. Opposition is clear. The combustible construction of the vessel presents an unacceptable fire risk that cannot be mitigated by the addition of fire-suppression measures, says the Coast Guard.

As such, the Coast Guard's position remains unchanged. The *Delta Queen* should be prohibited from operating with overnight passengers.

Since May 28, 1936, the United States has required that passenger vessels be constructed essentially of fire retardant material. In the interest of maritime safety, the Coast Guard, continuing their quote, has consistently opposed legislation to prolong the service of the *Delta Queen*. A vessel constructed of wood operating in the overnight passenger trade presents an unacceptable fire risk to its passengers and crew.

It goes on at great length.

The *Delta Queen* can operate in daytime but not at night.

In the operation of the trade on the Mississippi River, the worst disaster in history occurred, fire onboard a paddle wheeler. Yes, in the 19th century, but 1,700 people died 100 yards from shore.

On March 22 of this year, of this year, the *Delta Queen* had a fire in the generating room requiring the use of their fixed $C0_2$ extinguishing system. Fortunately, no one was injured. The generator shorted, caused flames to shoot out the generator end.

Earlier this month, the *Queen of the West*, this April, a similar paddle wheel operated by the very same company that owns and operates the *Delta Queen* had a fire in the engine room, required evacuation of 177 passengers and crew. Three crew members were treated for smoke inhalation.

☐ 1445

Last year, in May, the *Empress of the North*, another excursion vessel operated by the same company owning the *Delta Queen*, ran aground in southeast Alaska, evacuating over 200 passengers and crew; fourth grounding of that vessel in less than 4 years.

Now I can understand those who live along the Mississippi River, which starts nearly in my district all the way down to the Gulf, but friends, we would never stand for limiting safety on a 747 aircraft. And over a decade ago, a foreign airline was trying to remove overwing exits from a 747. Congressman Bill Clinger, Pennsylvania's ranking Republican on the Committee on Aviation with me, we stopped them from doing that. We stopped the FAA from allowing that risk to safety. We should stop this risk to safety here. Fire at night is terrifying. Oppose the amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CHABOT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 195, noes 208, not voting 28, as follows:

[Roll No. 222]

AYES—195

Aderholt
Akin
Altmire
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Clay
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—208

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Clarke
Cleaver
Clyburn
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Young (AK)

NOT VOTING—28

Alexander
Andrews
Biggert
Blackburn
Brown-Waite, Ginny
Burgess
Campbell (CA)
Costello
Cramer
Doggett
Everett
Feeney
Higgins
Hulshof
LaHood
McNulty
Nadler
Pascrell
Porter
Pryce (OH)
Radanovich
Rush

Ryan (WI)
Slaughter
Udall (NM)
Weller
Wynn
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1504

Messrs. BISHOP of Georgia, LINCOLN DAVIS of Tennessee, PERLMUTTER, and ENGLISH of Pennsylvania changed their vote from "aye" to "no."

Mr. HARE changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 7, not voting 29, as follows:

[Roll No. 223]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—7

Coble
Duncan
Flake
Nunes
Paul
Rogers (KY)
Tancredo

NOT VOTING—29

Alexander
Andrews
Blackburn
Boyd (FL)
Brown-Waite, Ginny
Burgess
Buyer
Campbell (CA)
Costello
Cramer
Doggett
Everett
Feeney
Higgins
Hulshof
LaHood
McNulty
Miller, George
Nadler
Pascrell
Porter
Pryce (OH)
Radanovich
Rush
Ryan (WI)
Udall (NM)
Weldon (FL)
Weller
Yarmuth

□ 1513

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2830, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1515

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. I yield to my friend, the gentleman from Maryland, the majority leader, for information about the schedule.

Mr. HOYER. I thank the Republican whip.

On Monday, the House is not in session. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected.

We will consider several bills under suspension of the rules. The final list of suspension bills, as usual, will be announced by the close of business tomorrow. We will consider H.R. 493, the Genetic Information Nondiscrimination Act, and H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act.

Finally, Members should note that on Wednesday, the Prime Minister of Ireland, The Honorable Bertie Ahern, will address a joint meeting of the House and Senate.

Mr. BLUNT. I thank the gentleman for that information.

Will the Combustible Dust Explosion and Fire Prevention Act, will that act be under a rule?

Mr. HOYER. Yes.

Mr. BLUNT. And the Genetic Information Nondiscrimination Act will be as well?

Mr. HOYER. Yes.

Mr. BLUNT. I thank the gentleman for that. I notice the schedule doesn't include anything yet on the supplemental. I continue to see reports suggesting that the supplemental may come directly to the floor and not through committee. I wonder if the gentleman has any indication of what might be the schedule at this time on the supplemental.

I would yield.

Mr. HOYER. I thank my friend for yielding.

As you have read, we are discussing how to process the supplemental. As I indicated to you, it is my intention that we will pass the supplemental prior to Memorial Day. By that, I mean in sufficient time so the Senate can do so as well so we can pass it finally.

That is my hope and my intention. We are still working on the components of the supplemental, and very frankly, it has not yet been finally decided as to how that might be processed. Obviously, at times in the past it has been added to other legislation. In other times, it has been passed as a free-standing bill. Committee consideration, obviously, is part of the regular order, if we go that way, but there are other ways to go. We want to facilitate the passage of it as quickly as possible.

Mr. BLUNT. I appreciate the need to get this war supplemental done. Of course we have been talking about it during this entire work period for the last 4 weeks now. Since 1989, the Congress has passed 36 supplementals. All but seven of them went through the committee process. On those seven occasions—it was the supplemental right after 9/11, the supplemental right after Katrina. I would just say to the gentleman that I know our members of the Appropriations Committee today have expressed great concern if the committee doesn't have the opportunity to mark this up in regular order, and I don't know that that has anything other than informational value to you, it may very well go through the committee. If it doesn't, I have heard a lot of concern expressed about why, with the amount of time we have had here, we would do what is a relatively extraordinary thing.

I would be glad to yield.

Mr. HOYER. I appreciate the gentleman yielding.

Our intent obviously, as I said, is to pass this bill. Obviously we are considering the best way to do so, giving every Member an opportunity to vote as they see fit on various component parts of the supplemental, and we are considering how best to do that.

I understand, certainly, the committee's concern, having served on that committee for about 24 years, and having considered a number of supplementals. As a member of that committee, I understand that concern. But I will tell the gentleman that we are trying to proceed in a way that will facilitate the passage of this bill to the Senate and hopefully transmittal to the President prior to the Memorial Day break.

Mr. BLUNT. Well, I thank the gentleman for that. I do think the time does matter here because of the potential for furlough notices and other things for troops if we let this bill go much beyond the work period we are in right now between now and Memorial Day.

One of the items that I keep seeing reports that could be in this bill would be enhanced GI benefits. The cost estimates I have seen from a Senate cost estimate on a bill over there, to a bill here, have been anywhere from a low of $20 billion to a high of $60 billion over 10 years. I know a number of Republicans have been working on that as well. Some of them have reached out to Democrats this week, saying, We hope we can find a way to pay for this.

Does the gentleman have any knowledge of whether or not that GI bill, expanded GI benefits, is being actively discussed as part of the bill?

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I will tell the gentleman that very definitely it's being discussed. We believe this is a cost of war. We have over 4,000 families who have lost husbands, wives, brothers and sisters. We have over 30,000 severely injured. Obviously, the GI bill for those who came home from World War II and Korea had very good benefits that were helpful to them. Unfortunately, particularly with respect to our Guard and Reserve, that is not the case.

JIM WEBB, the former Secretary of the Navy, now the Senator from Virginia, as you know, has introduced a bill. STEPHANIE HERSETH SANDLIN on this side has also introduced a bill. Others have introduced legislation trying to make sure that the veterans who are coming home from Iraq that have been deployed for long periods of time, have had their lives very substantially disrupted, their families' lives disrupted, fighting for their country, that this is a cost of war.

We are trying to address this, and the gentleman is correct, there is discussion about, as a cost of war, having this proceed to the President perhaps on the supplemental. That is under discussion. That decision has not been made. But it's certainly very high on our priority list to take care of these veterans that have come home and give them the kind of benefits that we think they are due as great patriots who have sacrificed for our country.

Mr. BLUNT. I thank the gentleman for that information. I know Senator MCCAIN on the other side of the building also has come up with a proposal in this area. He introduced legislation in this area. So it's widely discussed. I think something can be done. Whether or not the supplemental is the place or not, I don't know. I do believe that whatever we do should become permanently part of the benefits that veterans should anticipate being able to have in the future and not have any kind of a temporary aspect to it.

The other question I had of my friend are just about the conferences that I haven't asked about in a couple of weeks. There are really three of them I am wondering about, and that would be the conference on the farm bill, the conference on the higher education bill, or the budget itself.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I think the good news is that certainly on the farm bill, Mr. PETERSON indicates that progress is being made. As you know, we extended it to May 2 to give the conference committee a little more time.

They have been working at it very diligently. It's difficult. There were substantial differences, not so much partisan differences, but substantial differences between the two Houses. The Democrats and Republicans, frankly, on both sides of the issues.

We believe that progress is being made. I am hopeful that we can, in the next week, have a conference report on the farm bill on the floor. I am hopeful. I am not predicting that, but I am hopeful.

As to the budget, I think progress is being made there as well. There are some thorny issues. We are very committed to PAYGO. You mentioned PAYGO as it relates to the GI bill. We are committed to PAYGO. I was very pleased to hear that some of your members want to make sure that the veterans bill is paid for. The war costs, which we believe the veterans benefit are a part of, are not paid for, as you know, in the President's proposal.

But with respect to the third conference, the higher education bill, let me see if I have a note here. We are also making progress, it says, on the higher education conference. But it is likely, according to the chairman, that we will need a short-term extension next week because apparently they are not sure that they will get it finished by next week. So we may need an extension. If so, we will bring one to the floor. I presume that will be in agreement with both the ranking member and the chairman.

Mr. BLUNT. I thank the gentleman for that. Of course we did a 1-week extension on the farm bill again today. We have done several extensions now. I hope we get to a point where we have a bill on the floor or have some ongoing policy that farmers can rely on, even if that is an extension of the bill we have, but some ongoing policy really does matter, and I hope we get there.

I thank the gentleman.

Mr. HOYER. I would just say we are in agreement.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, APRIL 30, 2008, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY BERTIE AHERN, PRIME MINISTER OF IRELAND

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, April 30, 2008, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Bertie Ahern, Prime Minister of Ireland.

The SPEAKER pro tempore (Mr. ALTMIRE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ADJOURNMENT FROM FRIDAY, APRIL 25, 2008, TO TUESDAY, APRIL 29, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING ADDITIONAL AMOUNTS FOR EXPENSES OF SELECT COMMITTEE ESTABLISHED UNDER HOUSE RESOLUTION 611

Mr. DAVIS of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 1148) providing additional amounts for the expenses of the select committee established under House Resolution 611.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the resolution is as follows:

H. RES. 1148

Resolved,

SECTION 1. EXPENSES OF SELECT COMMITTEE.

(a) PAYMENT OF EXPENSES.—In addition to the amounts authorized under House Resolution 723, as agreed to October 10, 2007, there shall be paid out of the applicable accounts of the House of Representatives not more than $150,000 for the expenses of the select committee established under House Resolution 611, as agreed to August, 3, 2007 (hereafter referred to as the "select committee").

(b) VOUCHERS.—Payments under this resolution shall be made on vouchers authorized by the select committee, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

(c) REGULATIONS.—Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM DEPUTY DISTRICT DIRECTOR, THE HONORABLE SUSAN A. DAVIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jessica Poole, Deputy District Director, the Honorable SUSAN A. DAVIS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

JESSICA POOLE,
Deputy District Director.

COMMUNICATION FROM STAFF ASSISTANT, THE HONORABLE SUSAN A. DAVIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nicholaus Norvell, Staff Assistant, the Honorable SUSAN A. DAVIS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

NICHOLAUS NORVELL,
Staff Assistant.

COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE SUSAN A. DAVIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Todd Gloria, District Director, the Honorable SUSAN A. DAVIS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

TODD GLORIA,
District Director.

□ 1530

HIGHLIGHTING APRIL AS NATIONAL STD AWARENESS MONTH

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to recognize April as National STD Awareness Month. As you may know, the Centers for Disease Control and Prevention recently released a disturbing statistic. One in four young women between the ages of 14 to 19 has a sexually transmitted disease, and it is likely that she does not even know it. This amounts to an estimated 3.2 million teen girls in America with at least one of four common STDs, including chlamydia and HPV.

The good news is that these diseases and infections are preventable. We have a responsibility to make sure that parents and teenagers have the resources they need to make smart choices for their health and well-being. This includes access to education and access to affordable preventive health care and screening.

As a Co-Chair of the Young Women's Task Force for the Women's Caucus, I call on my colleagues to take note of the CDC's startling statistic, and I congratulate Congresswoman STEPHANIE TUBBS JONES for introducing a resolution supporting National STD Awareness Month.

RECOGNIZING THE IMPORTANCE OF PRAYER IN AMERICAN LIFE AND HISTORY

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today as a member of the bipartisan Congressional Prayer

Caucus, as we do each week, to formally acknowledge the importance of prayer in American life and history. Today I remind my colleagues, constituents and country of our need for prayer by reading a portion of a proclamation by John Hancock 220 years ago in 1783 while he was Governor of the Commonwealth of Massachusetts.

He said, "It has been the laudable Practice of this Country, to open the Business of the Year, by setting apart a Day for Religious Exercise, thereby to implore the Blessing of God upon all the Undertakings of his People.

"He hath been graciously pleased to hear our Prayers. At such a Time then, it is peculiarly fit and becoming for us as a People, while we express our Gratitude to Almighty God for his numerous and unmerited Favors, to humble ourselves before Him for our manifold Sins, and to profess our entire Dependence upon his paternal Care, beseeching Him to give us his Grace that we may be able to improve his Mercies to his Honor and Glory."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind visitors in the gallery not to show approval or disapproval of the proceedings.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO TECHNICAL SERGEANT ANTHONY CAPRA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I quote: "Somehow or other their faces seemed different from those of ordinary men."

Winston Churchill wrote those words about volunteers who risked their lives defusing bombs in wartime. I imagine that he saw in their faces the constant strain of knowing that their smallest movements over the bomb could mean the difference between life and death. I imagine that he saw in the lines and creases the evidence of the burden they carried for their comrades; and, deeper still, some indefinable quality that made them willing to take that burden on again and again.

Mr. Speaker, I never met Technical Sergeant Tony Capra. But underneath all the marks of strain and stress, I am sure I could have seen there his love for his family: His wife, Angie; his five children, Mark, Victoria, Jared, Shawn, and Adrianna; his 11 brothers and sisters; his mother and his father.

Last week I had the opportunity to talk to his father about the loss of his son in Iraq as he disabled an IED and it exploded. Obviously, he saved scores of others, and paid the ultimate price. His dad, as one would imagine, was extraordinarily sad, but also exceptionally proud of the duty his son had performed.

I am sure I could have seen in his devotion to our Armed Forces an absolute commitment to their mission, to his duty, to his country.

Sergeant Tony Capra, 31 years of age, died on April 9th in Iraq. He was an Air Force Ordnance Technician based in Indian Head City, Maryland, in my district, an expert diffuser of improvised explosive devices. Quoting from the report about him, his "keen eye for details, astounding memory, and courage without measure," in the words of his commanding officer, as I have said, saved countless lives.

But in the middle of an Iraqi road, not far from Balad Air Force Base, an explosion took his life. Sergeant Capra was on his fourth tour in Iraq. When he could have rested at home, he volunteered to return to work, to work against explosive devices designed to maim and kill his fellow soldiers, as well as innocent Iraqi men and women, and, yes, too many children. He placed his body in harm's way. He laid his life down for others. He died in our country's service and was posthumously awarded a second Bronze Star.

But this great Nation owes him a debt far beyond its power to repay. It is because of the bravery and sacrifice of American patriots like Tony Capra that a dangerous dictator no longer menaces his own people and the world, and that 25 million human beings who were oppressed for a quarter of a century are currently struggling to establish a democratic government that answers to its own people, that stands for freedom, and respects the rule of law. That was Tony Capra's vision. That is why he served his country so well.

I hope, in time, that Tony's unwavering patriotism and courage gives some comfort to his family. I know it does. But, today, there is so little we can say to soften this blow. As his young brother James said shortly after his death, "It's like a puzzle. Our family is not complete without all the pieces together."

Memories of Tony are all that can be put in his place, and I know how insufficient they must seem right now. But my sincere hope for you, the family and friends of Sergeant Capra, is that those memories will turn in time from a source of grief to a well of comfort; that you will be consoled by the loving and devoted way he lived, and the fearless way he died in the service of others.

Let me end with this thought. We often speak in abstractions in this Chamber. We use words like "supplemental," "counterinsurgency," "redeployment." But behind each of these words is a young life like Sergeant Capra's. More than 4,000 Americans, like Tony Capra, have paid the ultimate price, have given the ultimate sacrifice for our Nation in Iraq and Afghanistan. They bear the burden of the decisions we make here almost every day. And we have a responsibility, indeed, we have a moral obligation, to never forget the Tony Capras and the 4,000 others whom we have lost.

Mr. Speaker, may God bless Tony Capra, a man of courage, patriotism, valor and commitment, and may He console and strengthen those who grieve his loss.

TIME FOR A DIVORCE FROM CORN-BASED ETHANOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Congress has a love affair with corn-based ethanol, and that love affair, Mr. Speaker, is on the rocks.

Ethanol has led to increased food prices, food shortages, and more pollution and less energy. As we have increased our reliance on ethanol, food supplies and prices have soared and have led to a global food shortage as customers stock up before stores run out. Shortages have led to food riots in Egypt, Haiti and other nations. There is an international shortage of basic commodities such as rice and wheat, and this has resulted in protests and riots.

American consumers are reactionary. They read about the international shortage and the riots and they run to the store to buy more food, stocking up. Yesterday, Wal-Mart and Costco announced they were limiting purchases of rice. You can only buy four bags of rice on any one trip at Wal-Mart.

Mr. Speaker, who would have thought that in the United States we would start having food rationing?

Also, because of inflation of the prices of corn-based ethanol, other food products are going up. Prices on beer, bread, coffee, pizza and rice are dramatically increasing. Anything that has a corn-based product has also increased in price.

In Mexico, cornmeal prices are up 60 percent. In Pakistan, flour prices have doubled. And even China is having a food inflation problem. In America, the cost of all groceries is skyrocketing. The shortage of staple food has larger consequences for our country, and, of course, it adds to inflation.

Also, we are now finding out that corn-based ethanol contributes to global warming. In March, Science Magazine reported that "Using good cropland to expand biofuels increases global warming."

Under Congress' ethanol mandates, farmers must plow more land to grow enough corn to use in our vehicles. This releases carbon stored in plants and in the soil. And Science Magazine continues to say that corn-based ethanol will increase greenhouse gasses by 93 percent in 30 years.

Ethanol also pollutes. Factories that convert corn into ethanol release carbon monoxide, methanol and some carcinogens at a very high level. The science that predicted less CO_2 from corn ethanol is now being questioned as junk science.

Ethanol pollution has also contributed to the dead zone in the Gulf of Mexico. What that is, Mr. Speaker, is the water that runs down into the Gulf of Mexico at the mouth of the Mississippi, because of the pollutants in that water, it causes a dead zone about the size of New Jersey where nothing lives and nothing grows.

As Congress continues to subsidize corn-based ethanol, farmers are using more and more fertilizer to plant corn, and thus more fertilizer runs into the Mississippi River, down the river to the Gulf of Mexico, and the dead zone continues to grow.

You see, we don't eat corn anymore. We burn it in our cars. Farmers planting more corn only increase the dead zone problem. So now we are having a problem with food production that comes from the sea, from the Gulf of Mexico, all because of corn-based ethanol.

And, of course, ethanol hurts other industries. While grain producers have benefited from ethanol mandates because of record profits, some other industries are hurting. The losers are livestock farmers and ranchers, who have lost about $30 more an animal since the fall.

☐ 1545

In other words, corn prices going up cost more to feed their beef, and then beef prices continue to go up as well. And we pay. The consumer always pays.

So, Mr. Speaker, Congress needs to rethink its love affair with ethanol. We need to lift the offshore drilling prohibition against drilling for crude oil and for natural gas. We need to develop our own natural resources. We need to allow permits for clean coal production. We need to use safe nuclear energy. And, we need to get back to eating corn instead of burning it in our vehicles. It is time for us to get a divorce from corn-based ethanol.

And that's just the way it is.

RETIRED OFFICERS AS PAWNS OF THE PENTAGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, last Sunday the front page of the New York Times included a story about the efforts of the Pentagon's public affairs operation to influence retired military officers now working as military analysts for some of our Nation's largest media organizations.

Mr. Speaker, I am very angry about the issues raised by the New York Times story, as are many of my colleagues who have called me aside to discuss it. The story does not reflect well on the Pentagon, on the military analysts in question, or on the media organizations that employ them.

Mr. Speaker, maybe I am too idealistic, but this story is appalling to me on a number of levels. For me, it all comes down to trust and credibility. And it would be a dangerous thing for the American people to lose trust in the Pentagon, in our retired officers corps, and in the press, each of which has a critical role to play in preserving our Nation's freedoms.

Through the years, I have frequently urged our military services to improve their efforts to tell America about the good work that is being done by our country's sons and daughters in the uniform. Our military services have an important story to tell, and public affairs offices are critical to that task. But credibility is paramount. Once lost, it is difficult or impossible to regain.

There is nothing inherently wrong with providing information to the public and to the press; but, there is a problem if the Pentagon is providing special access to retired officers, and then basically using them as pawns to spout the administration's talking points of the day. There are allegations that analysts who failed to deliver the message required by the administration mysteriously lost access to future briefings and information. I find this deeply troubling. We deserve to be able to trust the actions of the Pentagon.

We also deserve a retired officer corps that is worthy of the respect it receives from the American people, who place great faith in their judgment and their loyalty to our Nation. Americans trust our Active Duty and retired military, and rightly so.

I know a number of the retired officers employed by the media as military analysts to be honorable people. But the special access they are alleged to have received and the circumstances of their employment, without proper disclosure of their outside interests or biases, raise a number of uncomfortable questions that deserve serious answers.

Which master do these analysts serve: The United States Government, which supplies their retirement pay? The Pentagon, which may reduce the amount of analysis they actually need to do by providing detailed talking points promoting the current administration's message agenda? The defense contractors, who pay them for serving on boards for their defense expertise and, perhaps more to the point, for their Pentagon connections?

Will their analysis, either by design or just by lucky coincidence, result in contracts or other advantages for the companies from which they take home a paycheck?

Mr. Speaker, it hurts me to my core to think that there are those from the ranks of our retired officers who have decided to cash in and essentially prostitute themselves on the basis of their previous positions with the Department of Defense. I would hate to think that, because a few people have blurred ethical boundaries and cashed in on their former positions, that we might tarnish the military's hard-won reputation for professionalism and objectivity and love of country first and foremost.

Finally, I think our media have a serious responsibility to disclose potential conflicts of interest when they do their reporting. This applies to all of their stories, of course, and not just to those that include retired officer military analysts. I understand that different organizations have different rules, but perhaps it would not be out of order for our journalism schools and professional journalism organizations to develop ethical guidelines for dealing with such issues.

Mr. Speaker, our Nation's military exists to protect America's freedoms for its citizens today and for future generations. The First Amendment guarantees the right of all Americans, including retired servicemembers and members of the press, to speak freely and without restraint. But with our rights come responsibilities to act honestly and ethically.

I have no doubt we will continue to discuss these matters in the days ahead.

93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, today we mark the 93rd anniversary of the onset of the Armenian genocide. It is on this date that the Ottoman officials captured more than 200 Armenian intellectual leaders and placed them in prison. Unfortunately, these actions were only the beginning of the Ottoman-led atrocities against the Armenians.

During the following years, at least 1.5 million Armenians were arrested and compelled to march hundreds of miles to what is today the Syrian desert. And along the way, prisoners of all ages endured hunger, thirst, rape, sexual abuse, and other forms of torture.

While it is difficult for us to commemorate these terrible acts each year, we must continue to remember those horrors that can occur when governments persecute citizens based on ethnicity or religious affiliation.

We often hear those words of George Santayana's famous quote that, "Those who cannot remember the past are condemned to repeat it." And these words are ringing true today as well. Already, there are those who deny that the Armenian genocide occurred despite the vast evidence to the contrary. Meanwhile, our generation has seen its own mass murders occur in Rwanda and Sudan.

So, I urge my colleagues in the majority to bring House Resolution 106, which commemorates these atrocities that occurred only a few generations ago, to the House Floor for a vote. Now is the time for America to officially ensure that U.S. foreign policy reflects sensitivity concerning human rights issues.

Just yesterday, I had the privilege of meeting Alice Khachadoorian-Shnorhokian. Alice is a resident of Mahwah, New Jersey, which is a town in my district. Alice was born in Turkey in 1912 to a successful, respected Armenian family of eight. And when Turkish officials ordered Armenians to denounce their faith and nationality, she and her parents refused. As a result, her family was rounded up and ordered to march into the desert. Alice and her brother were too young, of course, at that age to walk, so her parents had to put them in boxes on either side of a donkey and march into the desert.

When they arrived in Aintab, her mother befriended their Turkish neighbors, and these neighbors ultimately enabled them to get a permit which allowed Alice and her family to escape. Alice moved to the United States in 1980, and became a citizen of the U.S. just 5 years later. And, as a survivor, she says she wants to, "see justice so that the words 'never again' become a reality."

So, while I am a Member of Congress, I will always remember Alice's words and her wish. We must fully recognize the friendship with our allies in Turkey today, but we cannot change nor should we forget the past. I hope that there can be some reconciliation between Turkey and Armenia, and that a proper acknowledgement of the crimes of the past can now allow them to move forward into a future of peace and also of mutual understanding.

WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, China is facing growing criticism for its record on human rights. It has been condemned for its recent crackdown on Tibet, its oppression of dissidents at home, and its support for the regime in Sudan that is responsible for the genocide in Darfur.

Russia is another country that has received justifiable criticism for cracking down on freedom. President Putin has rolled back many of the democratic gains Russia made after the Cold War. And the recent elections in Russia were a sham, clearly rigged to favor Putin's candidate.

Because of all of this, you would think that the people of the world would have a much higher opinion of the United States, the world's greatest democracy, than they would have of anti-democratic China and Russia. But that just isn't the case. Incredibly, according to the most recent annual survey of international attitudes, America is viewed more negatively around the world than China and Russia.

The Study of World Opinion was conducted by the BBC World Survey. According to the BBC, America's image abroad plummeted after our invasion of Iraq in the year 2003, and continued to decline in the following years.

The latest survey, which was released on April 1, however, has shown some good news. America's image is a little better than it was last year. But it is not because the world has suddenly changed its opinion about the Bush administration and its policies in Iraq.

The director of the survey was quoted as saying, "It may be that, as the U.S. approaches a new presidential election, views of the U.S. are being mitigated by hope that a new administration will move away from foreign policies that have been so unpopular in the world."

Mr. Speaker, what the world thinks of America matters. And it is not just because we want to win popularity contests. It is far more serious than that. Our ability to lead the world is badly damaged when our reputation is in tatters. We cannot lead the world in the fight against terrorism when so many people in the world, even our best friends, believe that we are a threat to peace ourselves. We cannot lead the world in the fight against the many other global problems, including poverty, disease, climate change, and the lack of educational opportunity when we have lost our moral authority and credibility.

When you go to war under false pretenses, devastate a nation that never attacked you, and condone torture, you don't make America stronger, you make America weaker, because you undermine values that are the real source of our strength. America's great values are democracy, the rule of law, peace, and compassion for the people of the world. Our occupation of Iraq has trampled on all of these values. The veto of Congress' effort to outlaw waterboarding is just the latest example of what I am talking about.

And what was gained by trashing our values? Nothing. A report written by the National Defense University, the Pentagon's premier military educational institute, called our occupation of Iraq a major debacle.

Mr. Speaker, 92 Members of the House have written to the President to tell him that we will fully fund the responsible redeployment of our troops out of Iraq, but we will not approve another penny to support the disastrous policy of open-ended occupation.

After more than 5 years of occupation, it is time for us to redeem America's reputation, restore our values, rebuild Iraq, and lead the world in the fight for peace once again.

CELEBRATING EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, 2 days ago we celebrated Earth Day, a holiday that began in 1970, when Senator Gaylord Nelson recognized the growing public movement that we now know as environmentalism, and called on environmentally concerned citizens to join him in cities around the world to demonstrate, teach, and learn about preserving the world's natural wonders.

Speaking on that occasion, Senator Nelson said of the first Earth Day, "It may be the birth date of a new American ethic that rejects the frontier philosophy that the continent was put here for our plunder and accepts the idea that even urbanized, affluent, mobile societies are interdependent with the fragile life-sustaining systems of the air, the water, and the land."

Today, we have accomplished many of the goals of the first environmentalists: Cleaning up rivers so polluted by industrial waste that they burned, and air polluted with lead, mercury, and sulfur. But there are still many pollutants that we have not eliminated, and we have come to realize that pollution is not a local problem, but a global one as well.

□ 1600

We alter the environment with factories and refineries, but also through agriculture, fishing and mining. In many ways we are lucky. Drawing on our long experience of environmental remediation and policy-making, we know some of the solutions to the endemic, international problem of climate change.

This is a problem of such scope and depth that it can seem daunting at times. But if I were ever tempted to retreat from confronting this problem because of its size, I need only look at my daughter Alexa, who is here with me today, and my son Eli and realize that this is not a problem I am willing to leave to them.

But Earth Day was first a day for awareness, and I would like to continue that tradition today by taking a short break from the important debates we had earlier today, and celebrate some of the small steps people around the country are taking to reduce their impact on the world we all share.

Some Americans have found that the wind passing over their farms and ranches is as valuable a resource as the oil beneath the farm or ranch once was, and have replaced their oil wells with windmills.

Some have jumped on board in the most American of ways—by starting a business. The green-tech sector is growing by leaps and bounds with companies developing technologies for solar, wind and geothermal energy, biofuels, carbon capture and storage, energy efficiency, smart electric grids, and low-carbon agriculture, to name a few.

Some have replaced their windows and washing machines with more energy-efficient ones, and installed extra insulation to reduce their heating bills. They have discovered that just changing the light bulbs to an energy-efficient model will reduce their electric bill dramatically and save energy.

Some companies now offer transit passes and bike racks to encourage their employees to commute efficiently, and many employees are taking up that challenge.

But Earth Day is also a day to look forward to see what we can do next.

Many Americans will install solar panels, solar water heaters, attic fans and geothermal heat pumps in our homes to reduce our dependence on the power company. Many Americans will buy houses made of renewable materials and cars that run on biofuels. Those same cars will plug into a grid during the day, providing a buffer against blackouts and brownouts.

Other Americans will enjoy public transportation that reaches further out into our suburbs and links our communities more tightly together. And still other Americans will work for companies that build green technologies and sell them all over the world to countries desperate for an answer to their polluted water and air, and mounting energy needs.

These are the efforts that we must begin today so we can see the fruits of our labor tomorrow. But today, we must all remember that Earth Day is an opportunity to teach our children to respect the planet we live on. By taking them hiking or fishing or camping or bicycling, we introduce them to a world of mountains and forests and beaches that they will continue to enjoy and appreciate for the rest of their lives. We protect the environment so our children will have a healthy planet to live on, and we teach our children to be environmentalists so that their children will have the same healthy home.

LIMITS ACT OF 2008

The SPEAKER pro tempore (Ms. TSONGAS). Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, is America giving visas and diplomatic immunity to terrorist sponsors who wish to destroy our country?

The United States has designated North Korea, Iran, Cuba, Syria, and Sudan as state sponsors of terrorism. These terrorist-sponsoring states are actively engaged in espionage against America.

Two months ago reports surfaced that Cuba is placing top intelligence operatives known as "ambassador spies" in key embassies worldwide to gather information and provide intelligence to America's enemies. In July of last year, Germany expelled an Iranian diplomatic for attempting to acquire nuclear components for the Islamic Republic's nuclear program. In December of 2006, South Korea indicted five people on charges of spying for North Korea for allegedly passing on "national secrets" such as U.S. troop movements, among other things.

Let me give you another example. Three years in a row, in 2002, 2003 and 2004, personnel from the Iranian Mission to the United Nations were actually caught, they were actually caught, photographing and videotaping the New York subway and other popular landmarks in New York City. Who knows what other things they were involved in that we do not know about?

These are not our friends, and yet we allow them to use the United Nations as a cover for their activities. Over 6,600 visas have been issued to diplomats, representatives, and other individuals from state sponsors of terrorism for the past 5 years. Some of these individuals with diplomatic immunity have already been expelled for spying, or in diplomatic terms, "engaging in activities inconsistent with their duties." Most of these individuals would not be otherwise allowed into our country.

U.S. Public Law 357, enacted in 1947, clarified the United Nations Headquarters Agreement of November 21, 1947. In section 6, this law states that "nothing in the agreement shall be construed as in any way diminishing, abridging or weakening the right of the United States to safeguard its own security," and in particular, "completely to control the entrance of aliens into any territory of the United States other than the U.N. headquarters district and its immediate vicinity."

The bill I am introducing with my colleagues today, the LIMITS Act, Limiting the Intrusive Miles of International Terrorist Sponsors Act of 2008, would limit the vicinity for state sponsors of terrorism to a half-mile radius of the U.N. complex. Half of a mile is more than enough space for personnel to obtain lodging, food and other necessities, even medical care, and it will be easier and more cost effective for the U.S. intelligence community and law enforcement to monitor suspected individuals when necessary.

Current mileage restrictions are far too lax to be effective. Some individuals from countries designated as state sponsors of terrorism are permitted to travel within a 25-mile radius of Columbus Circle in New York City. That is 50 miles from end to end which is a horrendously large area to effectively monitor hundreds of terrorist sponsors. And yet some countries designated as state sponsors of terrorism have no mileage restrictions at all.

This is a vulnerability that we have ignored for way too long. Foreign espionage against the United States has increased in recent years. In the case of the United Nations, there is no tradeoff or reciprocity. All of the risk is borne by the United States. Why are we continuing to ignore this problem?

It is time to level the playing field by providing a consistent, strict standard for personnel from state sponsors of terrorism, while simultaneously easing the burden on the U.S. intelligence community and the law enforcement community responsible for ensuring our safety.

I urge all of my colleagues that have not done so already to cosponsor this bill, the LIMITS Act of 2008. I encourage the leadership of the House of Representatives to bring this bill to the floor for a vote as soon as possible. Our security depends upon it.

HOMELAND SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to talk about the issues of homeland security and ask my colleagues to reflect upon the legislation, historic legislation that we have just passed regarding the U.S. Coast Guard. We have added enough new Coast Guard to raise the number to 47,000 members of the U.S. Coast Guard. That is something to applaud.

We have provided an opportunity for securing our LNG, liquid natural gas, in the number of ports around America where surrounding communities exist. We have created a format to secure our waterways where the U.S. Coast Guard is involved. We have provided for an enhanced expedited process for securing what we call TWIC cards. These are documentation for port workers to have after September 25, 2008.

Today I rise to offer a resolution that will acknowledge the Transportation Security Administration addressing the question of security as relates to our transportation security that would mandate the implementation of the recommendations of the 9/11 Commission Act of 2007 that enhances security against terrorist attack and other security threats to our Nation's rail and mass transit.

I am doing this along with a number of Members, including Chairman BENNIE THOMPSON of the full committee. It is important to note that transportation systems are systems that have been under attack, particularly mass transit, and I believe it is important to encourage TSA to continue to developed the National Explosive Detection Canine Team Program which is supported in a bipartisan manner, one that I have seen work and has been very effective to improve the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing against terrorist attacks on our transportation systems are highly trained and to continue to serve our Nation's mass transit and rail systems against terrorist attack and other security threats so as to ensure the safety of our commuters on our Nation's mass transit.

This is a resolution to encourage the TSA to improve their work product, to thank them for the work product that they are doing, but also to encourage them to work diligently in compliance with the new legislation that we just passed.

I also want to speak to the phenomenon that is being used across America called ICE raids. I am very well aware that the Secretary of Homeland Security believes that he has been forced to use a new tactic in immigration reform because this Congress has not been able to shed itself of obstacles of bias and disagreement, to get into a room and truly provide for comprehensive reform of the immigration system, something I have worked on for 6 years.

I appreciate the leadership from both sides of the aisle with their different perspectives. I am delighted to serve on the Judiciary Committee with JOHN CONYERS and ZOE LOFGREN, who have been champions of this reform process, along with BENNIE THOMPSON and LORETTA SANCHEZ on Homeland Security.

But we cannot stand by and allow our immigration system to be formed by massive raids on individuals who are here only to work. My fear is that a potential violent act may occur out of fear and apprehension. So I believe it is important for the administration, the White House, to stand up and be counted, to go to the bully pulpit and insist on a comprehensive response to immigration, not the raiding of Shipley's Do-Nuts, so that people in an apartment building are jumping out of apartment building windows out of fear. You are not going to deport 12 million people. Get a life. It is important to know who everyone is, and I want to make sure that we do so.

I want it to be known that I stand against random ICE raids. I am not against immigration reform in a right way. I am not for illegal immigration. But I will tell you it will not work. It will be deadly and it will be devastating. It is important for employers to hire documented workers and be under the eye of the law, and we should enforce this idea of making sure people are documented.

□ 1615

But it's up to the government to get a system that works so that we can give documentation to individuals who are here simply to work, and we can weed out the terrorists.

People who are working at Shipley's Do-Nuts, people who are in hotels and restaurants, who are not taking American jobs, are doing the work that this Nation needs.

We need to hire Americans first. But we cannot, by a raid, end the immigration crisis. We need to fix it, and we need to fix it now.

THE THREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, today is over 79 months after September 11, 2001. I rise today to discuss the grave matter that still lies before this Nation, now 6½ years after those horrendous attacks. Jihadism, or radical jihad, was with us before 9/11, has been with us since 9/11, and unfortunately, will continue to be with us into the foreseeable future in this, the 21st century.

It bears repeating what al Qaeda has done and intends to do to us, to our allies, to fellow nation states, and to fellow human beings around the globe. This is, in my judgment, the paramount issue of our time.

As one scholar wrote 1 month after 9/11, for Osama bin Laden and his followers, this is a holy war between Islam and the western world. If that is true, if it is also true, as stated recently in foreign affairs, that al Qaeda is a more dangerous enemy today than it's ever been before, this discussion is certainly worth having.

Let me briefly discuss what we are talking about. Who exactly are these jihadists? Are we referring to al Qaeda and its cohorts? Are we talking about Iran, Syria and the other nation states whose interests in the Middle East do not properly align with America's?

Or perhaps we mean Hamas, Hezbollah, or the myriad religious nationalist organizations across the Muslim world that share neither the ideology nor the aspirations of global transnational groups like al Qaeda that have, nevertheless, been dumped into the same category, them.

I would submit that we are primarily talking about al Qaeda and its minions, as well as those whose behavior is imitative of al Qaeda's, or any person or group which seeks to kill innocent civilian life for the purpose of coercing, through intimidation, fear and death, political, economic or cultural change.

While their aims and purposes may be somewhat divergent, depending on the geographical and geopolitical location of the perpetrator, wanton violence, death and destruction are their trademarks.

As the American people know, these aims and purposes did not originate on September 11, 2001. On February 26, 1993, murderous killers, using a Ryder van, bombed the World Trade Center, killing seven and wounding over 1,000.

In 1996, the Khobar Towers, barracks for our U.S. Army, were attacked in Saudi Arabia.

In 1998 the American embassies in Kenya and Tanzania were bombed.

USS *Cole* was attacked October 2000, and September 11, 2001 soon followed.

Since 2001, attacks, actual and premeditated, have been a constant fact of life across the globe. There have been attacks in Bali, Indonesia in 2001 and 2005, a planned attack in Barcelona in 2003, the deadly attack in Riyadh, Saudi Arabia in 2003, a foiled plot in Istanbul, Turkey in 2003, a deadly attack in Casablanca, Morocco in 2003, a terrible attack in Madrid, Spain in 2004, March 2004, attempted attacks in the Philippines in 2004, the deadly London attack in July, 2005, an attack in Algeria in 2006, an intended attack in Denmark in 2007, and a planned attack in Germany in 2007.

Al Qaeda has also tried to overthrow the governments of Egypt in 2004, Jordan in 2005, and Saudi Arabia in 2007.

Let us not forget the organization functioning in Iraq, fomenting violence and death as they speak, al Qaeda in Iraq.

I found the following summation of events and actors from one contemporary scholar quite informative, and wanted to share with those of you listening this evening. He says this: 9/11 was an epic intercontinental version of the violence Islamists visited upon Algeria and Egypt in the mid 1990s. In other words, it was the culmination of years of failure.

From 1992 to 1996, while Osama Bin Laden and his top deputy, Ayman al-Zawahiri, were based in the Sudan, they, like other veterans of the Afghan jihad, focused on overthrowing apostate, as they called it, Muslim regimes.

Bin Laden's primary foe at that time was the Saudi monarchy which had incurred his wrath by inviting the U.S.

troops, after Iraq's invasion of Kuwait, for protection against Saddam Hussein. Al-Zawahiri, an Egyptian, was particularly concerned with Hosni Mubarak, whom he had unsuccessfully plotted to assassinate in 1995.

Al Qaeda tried to help Islamists take power in Chechnya, where they had modest success, and Bosnia, where they had none. Gradually, al Qaeda's leaders realized that Islamism was losing its struggle against the regimes of the Muslim world. And as if to underscore this point, in 1996, Khartoum, that is, the Sudanese government, began mending fences with the West. And Bin Laden and al-Zawahiri were shipped off to Afghanistan.

It was there that al Qaeda adds a new strategy. Instead of going country by country, painstakingly trying to build local movements capable of overthrowing individual regimes, it would attack the far away enemy, the United States, in the hope that by humiliating the superpower that guaranteed political order in the Middle East, it would embolden the Muslim masses against their governments.

As was explained in the book, "The War for Muslim Minds", al-Zawahiri was the first al Qaeda leader to switch gears and give priority to the international struggle. The author continues, in an age of satellite television, Zawahiri reasoned, international media attention must replace the patient, close work of recruitment through Islamic charity organizations that in the past had targeted potential sympathizers and militants.

The first sign of this new offensive came in June of 1996, only a month after Osama Bin Laden had arrived in Afghanistan, when a truck bomb exploded outside of the Khobar Towers, a U.S. Army barracks in Saudi Arabia. 2 months later, Osama Bin Laden issued a declaration of jihad against Americans occupying the land of the two holy sites.

In February of 1998, Bin Laden, al-Zawahiri and other Islamist leaders broadened the new jihad, calling, in their words, for the killing of Americans and Jews wherever they may be. Six months later, al Qaeda destroyed the U.S. Embassies in Kenya and Tanzania. The date of the attack, August 7, was no accident, for it was the 8th anniversary of Riyadh's decision to allow U.S. troops on Saudi soil.

Two years later, in October, 2000, al Qaeda operatives detonated an explosive-laden dinghy alongside the USS *Cole*, docked at a port in Yemen, killing 17 of our Marines.

This strategy reached fruition, of course, with the massive attack on 9/11, which garnered al Qaeda more media attention than it could ever have dreamed. Thus we have a general synopsis of al Qaeda's actions and behavior in recent history.

We do not need to dissect the Koran, the Hadith, consult with the Ulama, the Shari'ah, or the Sunnah, to explain that these actions are beyond the pale of historic civilizational values. Whatever their source, reason and common sense dictate that these actions are hideous, egregious, murderous and unequivocally unacceptable in a civilized world. They would lead directly to local and international anarchy were they to be offered the least bit of implicit or explicit approbation.

Nonetheless, even those who agree with the quoted statement above have many times struggled to properly define our common enemy. Are they representatives of an Islamic insurgency? Do they symbolize a turn to Arabian Fascism, a totalitarian ideology inspired by a mythologic vision of the past which does not attract Arabs only but only those for whom the early Islamic wars of religion and conquest represent a golden age, which aims by force to restore this past not only in the world of Islam but ultimately throughout the world?

Others prefer the term, Islamicism, or Islamist descriptions and categorizations. I don't believe that these are quite precise enough. As Walter Russell Mead stated 4 years ago, we must find a better name for what we are opposing. Islamicism is an ugly term that also silently concedes that Bin Laden's ideology has a claim to be regarded as a legitimate form of Islam.

The phrase "War on Terror" has been the preferred nomenclature of this administration and others. I think it has its deficiencies. As one scholar has written, the War on Terror is a catchy phrase, but a clumsy and misleading one too. In fact, the United States is not fighting a generic war on generic terror. Our concern is with what Robert Art calls grand terror, terrorism like the attacks on the World Trade Center and Pentagon that create devastation and economic dislocation on a scale approximating that of a war.

Currently, the only organizations in the world with both the will and the means to attack the United States on that scale are radical terror groups based in the Islamic world. It is this kind of terror by these people that we are fighting, so says Walter Russell Mead in his book, "Power, Terror, Peace and War: America's Grand Strategy in a World At Risk".

The al Qaeda attacks were more than a hideous act of terrorism. They challenged core elements of American grand strategies in ways that Basque and IRA terrorism never challenged basic elements of British and Spanish security.

Besides endangering the security of Americans in their our own hemisphere and nation, the al Qaeda attacks pose a direct threat to the ever closer economic ties the United States seeks to built in the world. The symbolic choice of target, the World Trade Center, indicated a sophisticated mind at work, and the tactic of mass terror was well chosen. The attacks significantly exacerbated a damaging recession, and the potential that terrorists would smuggle weapons of mass destruction into New York or other major cities threatened the rapid flow of goods and people on which the American trading system depends.

The stated goal of al Qaeda's leaders, to build a fundamentalist Islamic caliphate in Saudi Arabia that can unite Muslims into a common struggle against the west, using the oil wealth of the region as a key weapon, is a direct threat to the American presence in a region that every president, since Franklin Delano Roosevelt, has seen as vital to the national interests.

While many of the measures that will be taken against al Qaeda and its allies will look more like police work, or at most, covert action by intelligence agencies and special forces than conventional war, the scale of the violence the terrorists are ready to use and the total nature of their demands are more like the actions of a hostile great power than like those of an ethnic resistance movement. Well said, I believe, by Walter Russell Mead.

Because of these stark facts, as just articulated, I prefer the simple term jihadism or radical jihad, for that is specifically about which we are speaking.

□ 1630

As George Weigel argues in his new book, "The War Against Jihadism," jihadism is the "religiously inspired ideology which teaches that it is every Muslim's duty to use any means necessary to compel the world's submission to Islam."

This ideology has nothing to do with a humble commitment to bettering mankind, reflecting on theological inspiration or transcendence, or furthering a collective knowledge of the physical and metaphysical world. No, its identity can be judged by its actions. Its commitment to death, destruction, and chaos, regardless of the victims' gender, education, age, skin color, creed, or socioeconomic status. It is cold-blooded and ruthless. It believes grievances, serious or superficial, are helped to resolve not through consultation, deliberation, and self-government but rather through intimidation, death and carnage.

How can one be so certain of this characterization? How can one attempt to perceive and interpret what guides the hearts and minds of others on our planet? All you or I have to do is simply listen, listen to the words and ideas expressed by such persons.

So let me begin in 1993.

As I have mentioned, it was in that year that the World Trade Center was bombed and several persons lost their lives and 1,000 were injured. The mastermind of the attack, Omar Abdel

Rahman, the blind sheik, referred to the cells then as emerging jihad army as the Battalion of Islam. Just a few weeks before the bombing on February 26, 1993, Rahman said at a rally in Brooklyn, New York, God has obliged us to perform jihad. The battalions of Islam and its divisions must be in the state of continuous readiness to hit their enemies with strength and power.

Nidal Ayyad was one of the Trade Center bombers arrested in March 1993. On his hard drive, the FBI recovered a "claim of responsibility" letter. In it, it says, "We are the Liberation Army fifth battalion. Unfortunately, our calculations were not very accurate this time. However, we promise you that next time it will be very precise, and the World Trade Center will continue to be one of our targets unless our demands have been met." What a shame we didn't listen.

In February 1998, Osama bin Laden published a declaration of holy war against America. He said this: To kill Americans and their allies, both civil and military, is the individual duty of every Muslim who is able. Those are the words of Osama bin Laden in 1998. Jihadist leaders have delineated a terrible difference between themselves and Americans. Shortly after 9/11, Osama bin Laden told a reporter this: We love death. The U.S. loves life. That is the big difference between us.

Afghani al Qaeda operative Maulana Inyadullah has said, "the Americans love Pepsi Cola. We love death." Sheik Feiz Mohammed, leader of the Global Islamic Youth Center in Sydney, Australia, preached these words: "We want to have children and offer them as soldiers defending Islam. Teach them this: There is nothing more beloved to me than wanting to die as a mujahid." Ayatollah Ali Khamenei, Iran's spiritual leader, said in a speech, "It is the zenith of honor for a man, a young person, boy or girl, to be prepared to sacrifice his life in order to serve in the interest of his nation and his religion."

Hassan Nasrallah, the leader of Hezbollah, has said, "We are going to win because they love life and we love death." He's also said, "Each of us lives his days and nights hoping more than anything to be killed for the sake of Allah."

Furthermore, jihadist leaders have been quite explicit about their goals and aspirations. Al-Zawahiri has said, Like our glorious ancestors, the Afghan jihadists believe that they, too, had brought down one global superpower, and now these modern-day knights must recommit their efforts to wreaking havoc on the remaining one, the United States.

One scholar has noted that the contents of one of al-Zawahiri's texts depicted ordinary Muslims as passive, sickly, and devoid of conscience for which the only cure was an apocalyptic jihad.

Then, following the exemplary attacks on the far enemy, unspecified process would lead to the collapse of apostate regimes and the creation of Islamic states. These states would form the core of an Islamic caliphate that would eventually rule the planet.

Osama bin Laden has openly justified the brutality in the innocent deaths of 9/11. He said this: "America and its allies are massacring us in Palestine, Chechnya, Kashmir, and Iraq. The Muslims have the right to attack American reprisal. The September eleven attacks were not targeted at women and children. The real targets were America's icons of military and economic power."

In the same interview, bin Laden openly discussed his willingness to use nuclear weapons. In October 2001, one month after September 11, bin Laden said, "If inciting people to do that, referring to 9/11, is terrorism, and if killing those who are killing our sons is terrorism, then let history be witness that we are terrorists." He said, "We practice the good terrorism."

The next year Osama bin Laden issued a fatwa authorizing the killing of up to 4 million Americans and specifying in that fatwa that half of them should be children. This he calculated as a proportionate response to the number of Arabs killed by U.S. and Israeli actions, and the only way to really kill on this scale would be with a nuclear weapon.

In relation to 9/11 itself, bin Laden said, "Here is America struck by God almighty in one of its vital organs so that its greatest buildings are destroyed. Grace and gratitude to God. America has been filled with horror from north to south and east to west, and thanks be to God. God has blessed a group of vanguard Muslims, the forefront of Islam, to destroy America. May God bless them and allot them a supreme place in heaven. As to America, I say to it and its people a few words: I swear to God that America will not live in peace before peace reigns in Palestine and before all of the army of infidels depart the land of Muhammad, peace be upon him."

He continued, "On the blessed Tuesday 11, September 2001, they launched their attacks with their planes and in an unparalleled and magnificent feat of valor unmatched by any in humankind before them. Yet with the destruction of the Twin Towers in New York, there occurred an even bigger destruction, that of the American Dream and legend of democracy."

Osama bin Laden and al-Zawahiri have been quite open about their desire to institute a new caliphate. Osama bin Laden has said, "These attacks took off the skin the American wolf and they've been left standing in their filthy, naked reality. Thus, the whole world awoke from its sleep and the Muslims realized the importance of the belief of loving and hating for the sake of Allah; the ties of brotherhood between the Muslims have become stronger, which is a very good sign, a great step toward the unity of Muslims and establishing the righteous Islamic Khilafah insha-Allah."

Al-Zawahiri has said, "the war with Israel is not about a treaty, a cease-fire agreement, Sykes-Picot borders, national zeal or disputed borders. It is, rather, a jihad for the sake of God until the religion of God is established. It is jihad for the liberation of Palestine, all Palestine, as well as every land that was a home for Islam from Andalusia to Iraq. The whole world is an open field for us.

"Supporting the jihad in Palestine with one's life, money, and opinion is the individual duty of every Muslim because Palestine was a land of Islam that was occupied by the infidels. This means that its liberation and reinstatement of Islamic rule there is the individual duty of every Muslim as unanimously decided by the nation's scholars, and such as the case with every land occupied by infidels."

Examples of jihadist contempt and hatred for the infidels are. Bin Laden has said, "this Is a War of Destiny Between Infidel and Islam" and that "the whole world is watching this war and the two Adversaries; the Islamic Nation on the one hand, and the United States and its allies on the other. It is either victory and glory or misery and humiliation."

He's also said, "O, young people of Islam, follow the orders of O Mighty God, his messenger and kill these people. Follow the example of Muhammad Bin-Musallamah and his companions. Death is better than living on this Earth with the unbelievers amongst us making a mockery of our religion and prophet, God's peace and blessings upon him. Fear God, try to please Him, and do not consult with anyone regarding the killing of those unbelievers."

One al Qaeda stated, "There Will Be Continuing Enmity Until Everyone Believes in Allah. We Will Not Meet the Enemy Halfway and There Will Be No Room For Dialogue With Them Until Everyone Believes in Allah. We Will Not Meet the Enemy Halfway and There Will Be No Room For Dialogue With Them."

An al Qaeda training manual gave "guidelines for beating and killing hostages: Religious scholars have permitted beating. In this tradition, we find permission to interrogate the hostage for the purpose of obtaining information. It is permitted to strike the nonbeliever who has no covenant until he reveals the news, information, and secrets of his people. The religious scholars have also permitted the killing of a hostage if he insists on withholding information from Muslims."

Again, an al Qaeda training manual says, Islam does not coincide or make a truce with unbelief, but rather confronts it. The confrontation that Islam calls for with these godless and apostate regimes, does not know Socratic debates, Platonic ideals, nor Aristotelian diplomacy. But it knows the dialogue of bullets, the ideals of assassination, bombing, and destruction and the diplomacy of the cannon and machine gun."

After a group of Saudis wrote an open letter to the United States expressing their belief that Islam was peace and tolerant, bin Laden wrote in response: "As to the relationship between Muslims and infidels, this is summarized by the Most High's Word: 'We renounce you. Enmity and hate shall forever reign between us—till you believe in Allah alone.'

"So there is an enmity evidenced by fierce hostility from the heart, and this fierce hostility, that is, battle, ceases only if the infidel submits to the authority of Islam or if his blood is forbidden from being shed or if Muslims are at that point weak and incapable. But if the hate at any time extinguishes from the heart, this is great apostasy! Allah almighty's Word to his Prophet recounts in summation the true relationship: 'O Prophet! Wage war against the infidels and hypocrites and be ruthless. Their abode is hell—an evil fate!' Such then is the basis and foundation of the relationship between the infidel and the Muslim. Battle, animosity, and hatred direct—directed from the Muslim to the infidel—is the foundation of our religion. And we consider this a justice and kindness to them."

That's Osama bin Laden's response to Muslims who wrote an open letter to the United States describing their religion and peace and tolerant, and he rejected that.

Slow debilitating attrition of will and resources in Iraq, and in general, are what jihadists openly desire as well as the importance of Iraq to the impending Islamic rule. Bin Laden said this: "America is definitely a great power, with an unbelievable military strength and a vibrant economy, but all of these have been built on a very weak and hollow foundation. Therefore, it is very easy to target that flimsy base and concentrate on their weak points. And even if we are able to target $\frac{1}{10}$ of these weak points, we will be able to crush and destroy them and remove them from ruling and conquering the world."

Osama bin Laden has called Baghdad, "The Capital of the Caliphate," and said, "I now address my speech to the whole of the Islamic Nation. Listen and understand. The issue is big and the misfortune is momentous. The most important and serious issue today for the whole world is this Third World War, which the Crusader-Zionist coalition began against the Islamic nation. It is raging in the land of the two rivers. The world's millstone and pillar is in Baghdad, the capital of the caliphate. Al-Zawahiri has stated, "So we must think for a long time about our next step and how we want to attain it. It is my humble opinion that the jihad in Iraq requires several incremental goals.

"The first stage: expel the Americans from Iraq; the second stage: establish an Islamic authority or amirate, then develop it and support it until it achieves the level of a caliphate—over as much territory as you can to spread its power in Iraq . . . the third stage: extend the jihad wave to the secular countries neighboring Iraq. The fourth stage: It may coincide with what came before: The clash with Israel, because Israel was established only to challenge any new Islamic entity.

☐ 1645

Bin Laden added: "Finally, I'd like to tell you that the war is for you or for us to win. If we win it, it means your defeat and disgrace forever as the winds blow in this direction with God's help."

So the war in Iraq, according to bin Laden, is "a war over the destiny of the entire worldwide Muslim community."

Also in Iraq, Abu Musab al-Zarqawi was responsible for three lethal hotel bombings in Amman, Jordan, numerous beheadings, including that of Nicholas Berg, the bombing of the United Nations headquarters in Iraq, where 22 perished, the murder of Ayatollah Muhammad Baqr al-Hakim, a revered cleric, in a car bomb that killed him and over 100 people outside Shia Islam's holy shrine in Najaf.

In the background of one of this murder's filmed beheadings was the trademark black banner of al-Zarqawi's newest group, al-Tawhid wa al-Jihad, or Monotheism and Jihad.

Jihadist leaders have not been ambiguous in their characterization of the United States. Hezbollah leader Nasrallah has said, "Let the entire world hear me. Our hostility to the Great Satan is absolute. I conclude my speak with a slogan that will continue to reverberate on all occasions so that nobody will think that we have weakened. Regardless of how the world has changed after 11 September, death to America will remain a reverberating and powerful slogan: Death to America."

Iranian President Mahmoud Ahmadinejad has said, "Undoubtedly, I say that this slogan and goal is achievable, and with the support and power of God we will soon experience a world without the United States and Zionism and will breathe in the brilliant time of Islamic sovereignty over today's world."

"Open your eyes and see the fate of Pharaoh. Open your eyes and see what happened to the Portuguese Empire, see the final fate of the British Empire. I'm telling you"—referring to the major powers—"if you do not abandon the path of falsehood and return to the path of justice, your doomed destiny will be annihilation, misfortune and abjectness."

Again, Ahmadinejad said, "The anger of Muslims may reach an explosion point soon. If such a date comes, they—referring to the Western governments—should know that the waves of the blast will not remain within the boundaries of our region and will engulf the corrupt powers that support this fake regime too."

In relation to America, Osama bin Laden has said, "It's been made clear during our defending and fighting against the American enemy that this enemy's combat strategy is heavily dependent on the psychological aspect of war due to its large and efficient media apparatus, and of course its indiscriminate aerial bombing which hides the cowardice and lack of fighting spirit of the American soldier. Likewise, let me remind you of the defeat of the American forces in Beirut in 1982, soon after the Israeli invasion of Lebanon, when the Lebanese resistance was personified by the truck laden with explosives that struck the main military base of the U.S. Marines in Beirut, killing 242 soldiers—towards hell was their destination, and what an evil destination that is." Bin Laden continued, "We found that out from our brothers who fought the Americans in Somalia. They did not see it as a power worthy of any mention. It was the big propaganda that the United States used to terrify people before fighting them. Our brothers, who were here in Afghanistan, also tried the Americans. God gave them and the mujahideen success in Somalia, and the United States pulled out, trailing disappointment, defeat and failure behind it. It achieved nothing. It left quicker than people had imagined."

Al-Zawahiri added, "This is the fumbling that precedes the defeat. Bush and Blair are hiding the true disaster they're facing in Iraq and Afghanistan. They know better than others that there is no hope in victory. The Vietnam specter is closing every outlet."

These thoughts should give us pause, and they remind us of how irrational and bloodthirsty are enemies truly are. After all, are any of Osama bin Laden's complaints really meant to be sincere? He complained about economic sanctions against Saddam Hussein. Well, did he encourage Saddam Hussein to abide by the U.N. resolutions to accelerate the cessation of such sanctions? He complained about U.S. troops in Saudi Arabia. Did he offer his advice to persuade Saddam Hussein to change his ways so that U.S. troops could leave Saudi Arabia? He criticized U.S. support of oppressive regimes. Has he spoken out forcefully for minority rights, democratic freedoms, the strengthening of civil society, the rule of law and economic transparency?

He criticized U.S. support of Israel. Has he in any way issued thoughtful statements outlining a path forward towards peace, articulating areas of compromise and concessions that can be worked out on both sides of the Israeli-Palestinian divide?

He has criticized American pressure on OPEC to keep oil prices low. Besides being contrary to the petroprofits which demand provides, which would be in his economic self-interest, has he spoken up for responsible economic policies such oil-producing states could turn to in order to turn their back on the need to produce oil? If he is so critical of America's demand, does he thus support ending OPEC's monopolistic tendencies so that other consumers can rightly partake in the legitimate capitalist practice of supply and demand?

He has criticized the United States for being in Afghanistan and Iraq. Has he offered any thoughtful solutions to those two geopolitical challenges? Surely a man who has criticized President Bush for not signing the International Criminal Court and for America's campaign finance problems can muster the intellectual strength to offer such astute suggestions as must be at the brim of his cerebral storehouse of knowledge.

But we know the answers to these questions. Osama bin Laden has no desire to do any of these obvious suggestions, they're merely a mirage for his murderous ideology. As Hassan Butt, a former jihadist, explained, "I was a fanatic. I know their thinking. When I was still a member of what is probably best termed the British Jihadi Network, I remember how we used to laugh in celebration whenever people on TV proclaimed that the sole cause for Islamic acts of terror like 9/11, the Madrid bombings and 7/7 was Western foreign policy." He adds, "By blaming the government for our actions, those who pushed this 'Blair's bombs' line did our propaganda work for us. More important, they also helped draw away any critical examination from the real engine of our violence, Islamic theology."

Now, I would not call it "Islamic theology." I myself would call it jihadism or radical jihad to make clear what Rudy Giuliani said some 4 years ago. He said, "Those who attacked us on 9/11 not only hijacked airliners, but they hijacked a noble religion." And we ought to keep that in mind.

As we've recently been debating in this war, the nature of intelligence has changed, but it is still indispensable. It's an essential element of any effective risk assessment. If we're going to effectively be able to protect ourselves against terrorist attack, we need to be involved in risk assessment. Risk assessment simply is looking at threat, looking at vulnerability, looking at consequence.

We can look at vulnerability and consequence with the information that is at our disposal, within our grasp, that is, when we try and figure out vulnerability, we look at perspective targets of the enemy, and we can assess what our vulnerabilities are. We can look at a dam, we can look at a building, we can look at the Capitol and we can say, what are the possibilities of attack here? How can we protect ourselves against those areas that we have not defended or thought of defending in the past?

Consequence. We can do models ahead of time to figure out what the consequence of an attack would be against the Capitol, against a dam, against a set of highways, against a number of large buildings in a metropolitan area and so forth.

What we don't have within our own information base is the third part of a risk assessment, that is, what is the threat? Because the only way we can determine the threat is by gathering information from the enemy; in other words, intelligence gathering; in other words, listening in on what the other side has to say; in other words, capturing their communications.

And it's not easy; intelligence gathering is difficult. And as pointed out by some in that arena, all intelligence bureaus get things spectacularly wrong much of the time, which just goes to the point of how difficult it is to be able to gather the information, analyze the information, draw conclusions from that information, and then make sure that in a timely fashion we distribute that information or the conclusions that we've obtained from them.

In fact, one of the reasons we didn't prevent 9/11 is simple: Neither the CIA nor its intelligence agencies, Western or Muslim, had a spy or an informant inside al Qaeda's command structure. And the stark reality is that our human intelligence against al Qaeda and other Sunni militants will probably never be as good as what we had against the Soviet system during the Cold War.

Nevertheless, the importance of intelligence is why I've been working so hard to find a long-term solution to our surveillance situation. As one distinguished Member of the other body has said, without a long-term solution, "the quality of the intelligence we're going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunications companies lose interest."

In a letter dated February 22 of this year, Director of National Intelligence Mike McConnell and Attorney General Michael Mukasey both wrote to the chairman of the House Intelligence Committee. In it they said this: "We have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act." What were they talking about? Well, let me explain.

In testimony before the House Judiciary Committee, Admiral McConnell, the Director of National Intelligence, stated that prior to the enactment of the Protect America Act—that is the FISA fix that we did last August which has now been allowed to expire—"we were not collecting somewhere between half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA which required the government to obtain FISA warrants for overseas surveillance."

Admiral McConnell said he came onto his job coming out of the private sector to return to government service with the responsibility of collecting information, that kind of information that would provide us with forewarning of what the terrorists intended to do. But he discovered that as a result of a decision made by the FISA court which changed the rules of the game because of technology changes, we were unable to do the job that he was given the responsibility for. Think about that. We had blinded ourselves to somewhere between one-half and two-thirds of the legitimate foreign intelligence targets that otherwise we would have been looking at. Now, we had the Protect America Act, which was the fix for FISA, Foreign Intelligence Surveillance Act, and that was in effect from the end of August until February 16 of this year. And what happened after it expired? Admiral McConnell and Attorney General Mukasey said, "Because we've allowed it to expire, we have lost intelligence this past week as a direct result of the uncertainty created by Congress' failure to act."

Now, we've heard some say that really that's not true because all of those intercepts that were in effect as a result of the new law that we had from the end of August until February continue in effect for a year, and that happens to be true. But that only solves part of the problem because, unless one believes that al Qaeda and its affiliates and its associates around the world have put their feet up on the desk and said, you know something, we're not going to plan anything else because the Congress can't listen in on what we're doing, unless that's a reality, we have put ourselves at jeopardy because we don't know what we don't know. We don't know the kinds of information that otherwise we would be able to gather, the kind of information that has allowed us to protect ourselves. That's why many of us on this floor have come and said, well, why not pass the bipartisan Senate FISA bill now?

We have almost every Member on this side of the aisle who is committed to it, and we have, I think, over 20 Members on the Democratic side who have, in writing, said they support it. Together, that is more than a majority in this House. So in other words, we could form a majority if we brought that bill up on our next legislative day that would allow us to accept the Senate bill. And we could have it signed into law by the President and we would no longer find ourselves as vulnerable as we are today.

Congress should act because we are in the legislative branch and have the responsibility to act. Let me repeat that. Congress has the responsibility to act. These issues should not and were not intended to be left to unelected, more cumbersome aspects of our government. They're inherently about legislating and about us, representatives of the people, doing our duty to protect the people.

□ 1700

After all, as Andrew McCarthy said in a National Review article dated March 4 of this year, "At bottom the dispute over the warrantless surveillance program is about the division of power between the political branches: Is it the executive or the legislative department that has ultimate authority over foreign intelligence collection? By nature that is a political question, not a legal one. In our system such issues are supposed to be worked out through the normal democratic process: legislation and elections. They are not the province of lawsuits in which, A, the public's interest is purportedly represented by groups like the ACLU, which, let's face it, holds views much different from those of the American people at large, and, B, the final policy determination is made by the judiciary, that is, the unaccountable nonpolitical branch . . . The genius of our system is that it does not draw many fixed, immutable lines between executive and legislative authority or between liberty and security. We have the capacity to rachet up or down depending on threat conditions. We rely confidently on our politics and the sound judgment of the American people. Voters can remove a President or lawmaker who strikes the wrong balance."

I have taken the time to speak on these threats today because I believe unequivocally that they are real threats. They are why I have worked so hard to pass legislation such as the bipartisan SAFE Ports Act of 2006. There are legitimate threats out there to which we must respond. But I must say there are those who take an opposite view.

Recently one commentator, Michael Hirsh, in the Newsweek Web Exclusive of February 21, asked his readers this: "Think about this for a moment. A small group of ragged American haters, who had one lucky day of mass murder nearly 7 years ago, will continue to define the foreign policy of the lone superpower for years, possibly decades to come. There's something wrong with this picture. Yes, we can all agree that 9/11 was one of the worst moments in American history. And we can certainly agree that al Qaeda must be completely eliminated. But the group has never come close to duplicating 9/11. Even the train bombings in London and Madrid that were attributed to al Qaeda-inspired cells were minor in comparison . . . The rational policy would be to replace the overblown 'war on terror' with what we should have been engaged in every day since 9/11: a war of annihilation against al Qaeda, an all-out effort to rid the Earth completely of the small, lunatic group that attacked us on that day. This is a task we should apply ourselves to fully, at long last. But it is absurd to assign the term 'transcendent challenge' to such a band of murderous anarchists, who have about as much hope of achieving their grand dream of turning the Mideast into an Islamist caliphate as scientists have of proving one day that the moon is made of green cheese. Terror cells may be spreading, but their ideology, such as it is, keeps dying every time it is exposed to the open air. Even in the tribal regions of Pakistan, safe haven to the newly regrouped Taliban and al Qaeda, voters last week turned out radical religious groups because of their ineffectiveness. Al Qaeda and related terror groups are hardly the 'heirs' to communism and totalitarianism, as Bush has described them."

With all due respect, I profoundly disagree. Does anybody believe, for instance, that Libya, with its leader, gave up its nuclear weapons, its weapons of mass destruction, because they just wanted to sit down and reason together? Is it by accident that Libya, Khadafi, changed their position after we moved aggressively to respond to terrorism in the Middle East? I think not. And with all due respect, I do believe these threats I've outlined here today are real and that they are the heirs to communism and totalitarianism. And while their victims may not as yet add up numerically to the quantified brutality of previous dictators and killers, nonetheless, their potential to do equivalent destruction is without question. The focus on "one lucky day," while disrespectful to the other victims of jihadism before and after 9/11, cannot be allowed to turn into "many" lucky days.

We also have a situation today where the possibility of obtaining a nuclear weapon and exploding it in a metropolitan area cannot be swept off the table as unthinkable. In fact, we ought to be thinking about it every day and thinking about how we prevent it.

We have seen and can envision without straining credulity what would happen in our large cities and our places of governance or commerce were other attacks such as 9/11 to be initiated. What would happen to us all, urban and rural, large and small, men and women, east and west, north and south, if our dams, our transportation structure, our trains, our subways, our purification system, our ports, our electrical grids, or our energy sources were to be maliciously struck? The results, both real and psychological, would be catastrophic.

Nevertheless, we must not give in to fear. Instead, we must think about what victory will mean in this confrontation, and whatever the definition of our terms of multifaceted success, we must continue to properly consider the possibility of what success means to al Qaeda. Those in the United States may not have an agreed theory of victory or path to get there, but Osama bin Laden and his cohorts certainly have. Bin laden's goal, as he; his deputy, Ayman al-Zawahiri; and others have often articulated, is to drive the United States out of Muslim lands, topple the region's current rulers, and establish Islamic authority under a new caliphate. The path to this goal, they have made clear, is to "provoke and bait" the United States into "bleeding wars" on Muslim lands. Since Americans, the argument goes, do not have the stomach for a long and bloody fight, they will eventually give up and leave the Middle East to its fate. Once the autocratic regimes responsible for the humiliation of the Muslim world have been removed, it would be possible to return to the idealized state of Arabia at the time of the Prophet Muhammad. A caliphate is in vision from Morocco to Central Asia, sharia rule prevailing, Israel destroyed, oil prices skyrocketing, the United States recoiling in humiliation and perhaps even collapse just as the Soviet Union did after the mujahideen defeated it in Afghanistan. These are their goals, and these are the goals we must understand if we are to be successful in defeating al Qaeda.

Remember, they warned us prior to 9/11 as to what they intended. They issued a fatwa. They said they would go after the World Trade Center once again. And we, as a Nation, didn't take them seriously enough.

We are facing a strange ruthless "hydra-headed" enemy. As some have recently demonstrated in their research into the biographical backgrounds of jihadists, many of these individuals are simply driven by individual alienation and group dynamics, while, as I have pointed out, the leadership often has more ideological views. These differences must be exploited. Also, as the RAND Corporation has recently reported, our ability to help states with their counterinsurgency measures has to be greatly enhanced.

So, Madam Speaker, whatever the means, whatever the solutions, whatever the minor delineations between the terror-using groups, whatever the tactics we must use, we must take this jihadist threat seriously. It is our first duty as representatives in a constitutional government and as trustees charged with preserving and protecting our Constitution, which upholds our equal natural rights as citizens in this great land and as a part of this esteemed republic. Let us be wise. Let us be discerning. Let us be steadfast. Let us uphold our Constitution. And in the end, let us be successful.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1315. An act to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Madam Speaker, it's an honor for the 30-Something Working Group to come to the floor once again. As you know, I'm a proud Member of the "Something" part of that 30-Something.

I yield to my colleague from the great State of Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Madam Speaker, I know that the gentleman from Florida, and I appreciate his yielding, is going to spend the bulk of his time here on the 30-Something Working Group talking about gas prices and the increase that we have seen and some things that this Congress has done to address the issue.

And I wanted to talk a little bit about the energy bill that we passed last year and the debate that took place along the way, one of which was what we should do about these taxpayer subsidies, $14 billion, that we're giving to the big oil companies at a time when they're making all-time record profits, your money and mine, taxpayer subsidies.

And it's clear that with oil at $117 a barrel and rising that ExxonMobil does not need taxpayer subsidies. They're going to make their money. They're doing quite well. They just set the all-time record for profit in one quarter in the history of American business. So there is no need for them to have that subsidy, and the majority of this House overwhelmingly agreed. Last year not once but twice, we passed legislation out of this House, in 2007, sent it over to the Senate, that would say that we are going to redirect every penny of that $14 billion away from the big oil companies and into research and development on alternative sources of energy, alternative fuels. And what we sent over to the Senate was legislation that had bipartisan support in this House.

Now, we sent it over to the Senate, and, unfortunately, as the gentleman from Florida knows, the rules in the Senate are different than the rules of the House. So they have to have 60 votes to bring a bill to the floor, and they didn't have the 60 votes to bring it to the floor, but they had enough to pass the bill. But the point of this is we in this House took affirmative action, not once but twice, to find alternative sources of energy, to create a national commitment, and to provide the funding that's necessary for R and D on alternative sources of energy.

But that's not all that this House has done. Today the leadership of the House called on President Bush to stop filling the Strategic Petroleum Reserve. Now, that's something that I sent a letter to President Bush about last month and something that would save from the price of gas between 4 and 24 cents. Now, that's not going to make the difference. When gas is at $3.55 a gallon, 24 cents may not seem like a lot. But at least it's an affirmative step in the right direction that we need to recognize, A, that we do have the responsibility in this country to do everything that we possibly can to relieve the burden on individuals, families, and businesses in this country and that burden that has been brought upon them by the incredible increase in gas prices. And what that is going to do is, for the temporary time being, lower costs a little bit, which is going to make a difference for families in this country. It's not going to solve the problem. It's certainly not a long-term solution. But it's something that we all can agree on in this Congress is a necessary step to suspend shipments into the Strategic Petroleum Reserve. That's something that President Bush has not joined us in yet, but I'm hopeful that we will be able to work together and find solutions to the problem.

Now, we, last year this Congress, passed a number of other pieces of legislation dealing specifically with rising gas prices, trying to head them off. We voted to hold OPEC accountable for oil price fixing. It passed this House 345–72, overwhelming bipartisan support. It faces the threat of a veto on the other end of Pennsylvania Avenue. We voted to crack down on gas price gouging. That passed 284–141, overwhelmingly bipartisan; yet the President, again, has threatened to veto that legislation. As I talked about, we voted to repeal the subsidies of the big oil companies at a time when they're making all-time record profits and redirect every penny into alternative sources of energy. Unfortunately, that faced a veto threat, and we were unable to get it through the Senate.

But what did become law, and at this point I would turn it over to the gentleman from Florida, was our new energy independence law, which, for the first time in 30 years, increased the cafe standards, the miles-per-gallon average that we see in our cars that are made in this country, for the first time in 30 years, from an average of 24 miles per gallon to an average of 35 miles per gallon. That by itself, when it's fully phased in, is going to save the average individual in this country about $1,000 a year on their fuel bill. That is real reform, and that is something that this House did, working with the Senate. We sent it to the President. He signed it. And that's something that we can definitely look forward to in the future. Now, again, that is not by itself going to lower the price of gas. The Strategic Petroleum Reserve shipments that we are talking about is going to have an impact but not a long-term impact. The only thing that we can do to solve this problem in the long term is to get ourselves off of oil. That's what this should be about. And we do have a healthy debate in this House and among our colleagues on how to achieve that.

There are some folks who believe that the issue is entirely supply and that we should spend our money at the Federal level in ways that will further our dependence on foreign oil. Build more refineries, drill in the Arctic National Wildlife Refuge, drill off the coast of Mr. MEEK's Florida, drill in the Outer Continental Shelf, that is one school of thought. And those are folks in this House that have the intent to bring down gas prices. They definitely have good thoughts in mind on that.

□ 1715

We just have a very strong disagreement. We don't question their motives. We just believe there's a better way. That is to use every penny that we spend in this country, whatever dollar amount that may be, on alternative energy. Whatever we determine to spend, spend it all in getting us off of oil. Don't spend one penny in furthering our dependence on oil because that is not going to solve the problem in the short-term and certainly not in the long-term.

So that is the difference of opinion that exists, should we invest in research and development and finding an alternative source of energy, getting us off of oil, or should we invest on the supply side for today in a way that is going to further and even deepen our dependence on oil. That is the debate that exists in this House.

So at that point I would thank the gentleman from Florida for his strong leadership on this issue, for allowing me the time to speak, and I would turn the time over to Mr. MEEK from Florida.

Mr. MEEK. Thank you, Mr. ALTMIRE. I want to thank you so very much for coming to the floor. You have to run back and do the work for your constituents back in your district.

Madam Speaker, I am going to do an abbreviated 30-Something today. Last night, we were on the floor talking about a letter that our friends on the other side, Republican colleagues, wrote to Speaker PELOSI. It was just, based on the information that I received from the letter and some of the reading that I have done and the research that we have done here on the 30-Something Working Group, I just had to come back today to finish making the point. So I think it's important, since the letter from the Republican leadership is talking about how we need to work together in a bipartisan way.

Madam Speaker, I know that you have heard me before say that bipartisanship is only achieved when the majority allows it. I have said that in the two previous Congresses, hoping that Republican leadership will work with the Democratic minority at that time to achieve this bipartisanship. We have worked time after time here on this side of the aisle to make sure that we can include Republicans and all Members of the House in good legislation.

The legislation dealing with price gouging on the military contract that was on the floor yesterday; unanimous vote. Never would have made it if it wasn't for the Democratic leadership allowing it to come to the floor. That bill would have never seen the light of day, leave alone the crack under the door, if we were under the Republican leadership that we used to be. But I am so glad that the American people found it fit to make sure that we allow Democrats to be in charge of this House so that those kinds of pieces of legislation were able to get to the floor.

As you know, Madam Speaker and Members, I always remind the Members of the daily report on what's going on in Iraq. We had a lot of chest beating going on in this chamber for about 4 or 5 years of who loves the troops, who supports the troops, and all of this and all of that and going back and forth. I have a tattoo on my arm saying I support the troops. That is not what they are looking for.

But I think it's very, very important that the Members realize as we end our legislative business for this week and as we start our legislative business for next week and as we go home to talk to our constituents this weekend, I think it's important for us to reflect on the real reality of what is going on with so many military families' communities.

As of today, April 24, we have the total number of deaths out of Iraq, 4,046; the total number of wounded in action and returned to duty, 16,520; and the total number of wounded in action, not returning to duty, is reported at 13,309. That number could have gone up since we last checked. But I think that it's important that we continue to put that into the RECORD so that people can reflect on our efforts in trying to draw down our troops in Iraq but making sure the necessary personnel stays there, a very small number, not 142,000 that is there now, and above.

I want to, Madam Speaker, pick up where I left off last evening. I think it's important because there was some action on the floor yesterday and I didn't want any of the Members to get confused when they go back to their district saying, Well, I voted on a motion to recommit, which, as we know, which is a procedural motion here on the floor, that really didn't make a lot of sense and really was counterproductive versus productive. We had a debate here, and it's nothing wrong with that because we can go back and forth. But let's go back and forth on fact and not fiction.

What I did not have last night, Madam Speaker and Members, what I have right now is the actual letter that went to the Speaker from the Republican leadership on this very issue. But I had to go further and we had to make sure that not only we had the letter that went to the Speaker and read that letter and the full text. I can contest to two pages. You have all of the Republican leadership that is elected. I won't call any names out. You know who they are.

They wrote this letter to the Speaker and in this letter it talks about how 2 years ago this week you stated that House Democrats had a commonsense plan to lower gas prices. In light of skyrocketing gas prices affecting the working families, and it goes on, the public sector. and it says to date the national average stands at $3.51 a gallon, and according to AAA, it's $1.18 higher than it was before the 110th Congress started. Then it goes on to say, More than 50 percent increase. It goes on and on and on. And, once a nightmare scenario, $4 a gallon is now very real and possibly becoming reality in the summer. Now let me just say this. I also owe credit to the Republican leadership. They said, We are looking forward to working toward a commonsense plan.

Well, that's the letter. In the release, Madam Speaker, they go on to say, using words like, House Republicans stand ready to work with Democratic colleagues in a bipartisan fashion to address America's energy prices. Another line I want to take out, And in light of skyrocketing gas prices affecting working families in an economy that is struggling, we stand ready to assist.

Now I just wanted to read that and I just want to point to what the facts are. Now I can go back to my office and write a letter that I feel good about, even if I didn't want to fact check it. I can go and say, Well, let me see; let me write a letter that makes me feel good as an individual. Well, I mean that is fine if I am writing it to a friend of mine that I went to college with and we are going back and forth about our different opinions on politics or whatever the case may be.

But when you're a part of the leadership of the United States Congress and you write a letter to the Speaker to make a point on the floor on a motion to recommit to say I wrote you, and have the Members here thinking goodness, am I voting the right way or the wrong way, when the evidence in your voting record doesn't stand towards what you said you want to do, or that you would like to do if you have the opportunity to do it.

Yes, gas prices are high. I said last night that many of my friends on the other side of the aisle, they are real people the too. They have to put gas in their tanks too. They have constituents that are sitting there trying to figure out, playing what I call the gas pump game, trying to stop at $10 and make it to work, and you have a little bit over, 2, 2½ gallons, maybe 3, if you're lucky. I know those individuals. I know what it means to sit at the dining room table, trying to figure out what you're going to pay and what you can't pay because the gas price has gone up, you have children, you have bills to pay, leave alone trying to pay for college.

Let me just make this quick point. I didn't have this last night, Madam Speaker, but thanks to the 30-Something Working Group and the people that support us, they blew this up for me because I wanted to make the point a little clearer because I like to break this thing down so all the Members know exactly what is going on.

Now I would say that the folks that assist us in getting together, they went a little further, making sure we had the names and signatures on the letter. I like to cover those names and signatures because I can tell you at the 30-Something Working Group we never individually pointed any Member of Congress out as it relates to what we disagree with them. So I want to continue with that philosophy as part of the leadership of the 30-Something Working Group. But I just want to make this point.

Now this goes down the Republican leadership. You can read the letter, and you can probably get the letter somehow under all of this transparency we see now, especially for the Members, and if the Members want to get a copy from me, I will be more than happy to supply you with it if you were unaware your leadership wrote this letter.

We had a piece of legislation that Mr. ALTMIRE talked about on the no oil producing and exploitation cartels. That is H.R. 2264. This legislation enables the Department of Justice to take action against OPEC-controlled entities for participating in oil cartels that drive up the price of oil globally and in the United States.

I am just going to point to right here. It goes from the top of the power, down to the bottom, voted no. That is no. Second in control voted no. The fifth in control voted no. Going all the way down, they all voted no against that.

Now that is something to give our Department of Justice the teeth it needs to go after those individuals that are not holding the interests of the American people, and they are holding greed. They voted no on it. I don't understand it because I want to make sure when individuals come to this floor, and it's a legitimate argument, I don't have any issues with it. But I want to make sure that the Members know if you're going to come to the floor, come right. If you're going to come right, make sure that you're not trying to fake anybody out. Because 30-Something Working Group is going to be on the floor and we are going to set the record straight. I just want to make sure that folks understand that this is serious business, because my constituents are paying too much for gas and we are up here trying to do something about it.

The Energy Price Gouging Act, H.R. 1252. This legislation empowers the Federal Trade Commission and gives it the authority to investigate and punish those who artificially inflate energy prices. Again, this is the Democratic Congress, just exactly as the Speaker said that we would do to drive gas prices down. What happened on that second piece of legislation? No. Second in control, no. Third person in control of the Republican conference, no. Fifth person, no. No, no, no. And they all signed the letter talking about what are you going to do about gas prices.

I just want to make sure that this is serious. Renewable Energy and Energy Conservation Act, a tax act of 2008, that is H.R. 5351. This bill will end unnecessary subsidies to big oil companies and invest in clean and renewable energy and energy efficiency. It also expands tax incentives for renewable energy programs.

I tell you, we want through for clean sweep on that one because that was taking money out of the pockets of those that have made record profits worldwide. Clean sweep here, folks. I am going to say Members. Clean sweep. I just want to make sure. From the top, all the way to the bottom, no. I guess that was the ultimate insult to those that had been celebrating the protection of the Republican Congress for so many years, and now the Democratic Congress is now elected and we are doing what we said we would do if we had the opportunity to do it.

Now we are going green instead of going into profit making for big oil companies. The protection is no longer there. I have no problem with Mobil or any of them out there. I don't have any problem with them. I mean they are businesses, and I don't think that profits are a bad word.

☐ 1730

But when you have the former Congress in the front seat protecting and have your back versus the American people, I got a problem with that. And so I think that it is important, and that is the reason why I came back here today on this last day of our legislative business to point this out.

Clean sweep. Clean sweep. Every last one of the Republican leadership voted no against that legislation. And I am going to make a point on that piece that I am going to point out this last vote. But I am going to make a point on why this clean sweep did not make sense as it relates to the policy of the vote that took place from the entire Republican leadership.

The market manipulation provision in the Energy Independence and Security Act of 2007. It goes on that it was signed into law in December, and this deals with the wholesale price of gasoline and petroleum, and required the Federal Trade Commission to enforce and punish those. Again, that is part of the market manipulation scheme.

The top voted no, and next two in charge I assume voted yes. And then the rest voted no, all the way going down to the bottom of the Republican leadership that voted yes. So we have six of the Republican leadership voting no, and we had three of the Republican leadership voting yes.

I said all of that to say that if we are going to sign a letter, you have got to fact check your own voting record if you are going to try to make a statement and put a press release out to the media to say that we are pushing them. It may look good on the website, but you don't want to put this on your website, because it doesn't speak toward the words.

Now I am going to tell you the reason why. Where is that chart? I need my chart on how many leases that are out there and what has happened.

Madam Speaker, we love charts here in the 30-Something Working Group. This is what we do.

This chart here shows how many leases that are out there and how many wells that are actually out there. On the red part is actually the leases. And you can see from 1994, here are the leases. These are the actual wells that are out there.

Well, under the Republican leadership of the previous Congress and the one before that, those are the ones I can attest for, because I was here. They did all they could to continue as many leases as they could. You know, we want to give it. If big oil wanted it, they can get it. It was an open door policy. Whatever you guys want, we want to take care of it.

I have another chart to talk about, the 2001 meeting that took place in Vice President DICK CHENEY's office, this energy conference that took place and how it took off for big oil and how it went against the American people.

But as you start looking at the drilling leases now, you see all the leases that are there and we see all of the wells that have been drilled and we see gas prices going up. So to say more leases, more drilling is better, it doesn't speak to that. That was the old strategy, Madam Speaker and Members, that the Republican leadership used to take. Give them what they asked for and gas prices will go down.

Well, that has not worked. So for the pot trying to call the kettle black, or saying Democrats have been doing something bad or something like that, or you haven't done anything, you can't forget that the President of the United States is a Republican too and has been a part of what the American people are experiencing.

Now, let me just share this with you. I had this chart last night, but I want to bring it out again because some of the Members might not have been up last night at 10 p.m. I was.

May 16th of 2001. You heard me refer to the White House energy plan that was submitted. This is Mr. CHENEY's task force. They were meeting. And I believe also this is a quote. "If you look at future prices with respect to gasoline, they will appear to be headed down." This what was said out of the White House at that particular time. But you can see it had a reverse effect on what the American people were told at that time. Gas prices continued, as you see the goal here, to go up.

Here is the meaning of the meeting here, I believe somewhere around June of 2005, of course, our leader with the Saudi Arabian king there, trying to build relations hopefully that we were all hoping would drive gas prices down. But as you can see, they continued to go up, and oil sets a new record above $119 a barrel and the retail gas raises to the national average of $3.51. Some people may say, where are you buying that gas, because that is cheap. That is an AP report of 4-22-08.

I think it is important that we look at this chart. I hope that we can put this chart on our 30-Something Working Group website. It is not there yet.

I don't think, but we will get it on there. Hopefully by the end of this week we will have it up, if Members want to pull that down and take a look at it.

Now, again, I am stating the obvious. January 22nd, 2001, $1.47; today, $3.53. That is as of 4-23-08. So we know that is today where we are on the gas price. And that source is AAA. Can we put that on our website, too? That would be very helpful.

I think what else is important, Madam Speaker, as I start to come in here for a landing here, the average price per gallon of fuel paid by the U.S. military units in Iraq is $3.23 a gallon. That is how much they are paying. That is an AP fact from the Associated Press. That is 4-22-08. Then it goes on, the price per gallon of gasoline for Iraqi residents is $1.36, and that is the AP on the same date, on 4-22-08.

Let me just finish with two other points here. The cost for fuel the U.S. military consumes per month is $153 million, and oil revenues that the Iraqi government is expected to take in this year is $70 billion.

Now, this leads to another point. If I had enough time I would make it, but I am going to cut my 30-something piece short today, because if I was to start talking about the Iraqi government, and that is the whole failure of the whole piece, what they are not doing to assist us. Because when you look at it, I think the U.S. military should be paying the price that Iraqis are paying.

Since we are over there carrying out this great deed, why are we spending $3.23 a gallon? I don't know why. And when we have just average Iraqis that are not taking the incoming that our troops are taking—they are paying a price, the Iraqi civilians, I must add—but the individuals that have to go out there on that midnight shift to protect the streets of Iraq are paying $3.23. I mean, we are just in the business of making sure that Americans pay more than anyone else.

So I am just going to put it that way. I just want to lay that out. Maybe somebody at the White House may hear me and may call somebody over in the parliament over in Iraq, if they are meeting, if they even have a quorum, to be able to deal with that issue.

This issue as it relates to gas is something that is very personal to many Americans. Again, I just want to make sure that the record was set straight on the CONGRESSIONAL RECORD as it relates to what Democrats have done to bring down gas prices. But, of course, we do not have the presidency of the United States, not as of yet, to be able to fulfill the total reality of how do we move towards alternative fuels, how do we go greener, even greening the Capitol.

Madam Speaker and Members, when I come back to the floor next week, I believe it will be Wednesday, I want to talk about the initiatives that we have going on right here in this Capitol, all the way down. I just wrote an article for one of the local publications here in Washington, D.C. talking about what we are doing.

Think about it. Greening the Capitol was not even a discussion until we, and when I say "we," the Democrats took control of the House, empowered by the American people. I will talk about that, and I will maybe enter it into the CONGRESSIONAL RECORD so it will be there to highlight exactly what the House Administration Committee and other committees that the Speaker has appointed to deal with this very issue are doing.

But, in closing, if you are going to send a letter to the Speaker, the Republican leadership, if you are going to send a letter to the Speaker, make sure you fact check your own letter. That is the message of today. And if you don't fact check it, I guarantee you that those of us that are in the Capitol will find the time to do it, especially on an issue that hits such a chord with so many Americans.

So, let's try to vote together. Let's try to work together. Let's try to resolve the problems of everyday Americans as it relates to the economy, as it relates to health care, as it relates to what is going on in Iraq together. Let's not stand in the schoolhouse door and then, you know, write a letter and say, oh, well, we don't know what you guys are doing. We would love to be a part of it. I don't know why you are sitting on your hands. You said 2 years ago you would do something. You haven't done it as of yet, as though we are working hand-in-hand. When I say "we," I am talking about the Republican leadership, and making sure that we achieve that.

Madam Speaker, with that, it is always an honor coming before the House. It is always good bringing this great information. I would like to thank the working members of the 30-Something Working Group and our staff.

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 10-181), I am pleased to appoint Mr. Dean G. Popps of Virginia to the Commission on Wartime Contracting.

Mr. Popps has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

ISSUES AFFECTING THE WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I am quite pleased to come to the floor and be recognized to address you. I am especially honored to be the first Member of Congress to address this Congress after Dean Popps has been appointed, as has just been read into the RECORD. I want to talk about two patriotic Americans this evening, and then transition to some other subject matter.

Dean Popps is one of those who has served his country, and done it very well. He was one of the first people to go into Iraq as part of the team with Paul Bremer, a person who gave up a pretty easy path here in the United States that he had earned for himself to take on a very difficult and challenging path to serve his country. I have seen him stand as we loaded wounded on to planes at Landstuhl, his hand over his heart and a tear in his eye.

□ 1745

And he will serve this country very well on the appointment that has just been read into the RECORD. And I look forward to the results of that service as I have seen the results of his past service. It is a matter of coincidence that I arrive here to hear the reading, and I can't pass up the opportunity to say a few kind words about the most qualified individual that could possibly come forward to serve on the commission. I look forward to that service, Madam Speaker.

Then, I also have come to the floor to convey a message, that conveys a message to you, Madam Speaker, that reflects across the United States Congress in listening to the remarks that were made by the previous speakers, including the gentleman from Florida, about our operations in this global war on terror; and global war on Islamic Jihadists is a more appropriate way to address our enemy.

Our enemy has a global presence, and they are attacking us globally and they have been doing that for 20 or more years, perhaps more than 25 years, in the modern era here, and we need to recognize who they are. Our soldiers and our troops recognize who they are, but there seems to be a myopic vision on the part of a lot of Members of Congress that happen to be right now in the majority. And I regret that I have seen this war turned into a political tug-of-war rather than a policy that we are committed to, and we are committed to in large numbers, to grant the authority to engage in the liberation of the Iraqi people.

And now that this has gone on for a while, and even though the casualties in the beginning were far, far less than those predicted by the very detractors today that say that the accumulated casualties over the last 5 years are more than this Nation can bear and that we should leave Iraq under any circumstances, according to their view, and let the calamity begin.

Well, the calamity began in the aftermath of Vietnam, and the body count by the time the killing fields in Cambodia were totaled up was some number between 2 million and 3 million people.

But today, because of the courageous actions on the part of all of our military, and that absolutely includes our Commander in Chief, the 25 or 26 or so million in Afghanistan breathe free. They voted for the first time on that piece of real estate on the planet, ever, because of U.S. and coalition forces liberating them. And there have been a number of elections in Iraq and another one coming up, a place where we can't say that they actually had a representative form of government. No constitutional republic existed there.

Today, they have a significant measure of freedom, and in fact their safety and security has improved dramatically, partly and in a large way because of the result of the surge, also because of the result of the diplomacy that takes place, not on the part of some of the self-appointed emissaries that think that they should be the Lone Ranger on American foreign policy, those who don't seem to understand our Constitution or the Logan Act.

No, Madam Speaker. I am talking about the American soldier, the American Marine, the American Airman, and the Sailors too, and particularly the Seabees that are on the ground, that are playing soccer with the Iraqi kids and handing out candy and nurturing them and saving children, saving their lives, and teaching them a little bit of English and learning a little bit of Arabic and being part of the cultural exchange. Those are the people that are earning the peace, and their lives are on the line, and every one of them is a volunteer. And they want to complete their mission, Madam Speaker.

This brings me to a message that I received in my e-mail, I am going to say a couple of weeks ago that I received this e-mail. It is from a Captain Sean P. O'Brien, 5th Battalion, 25th Field Artillery, 4th Brigade, 10th Mountain Division, a forward operating base somewhere in Iraq, and I will not divulge that location. I have watched as an older boy and then a young man, Sean O'Brien, grow up and learn patriotism and the cost of freedom, and know that some had to serve and some would sacrifice, and he volunteered to do so. He is a decorated veteran. He received a Purple Heart in Afghanistan, and went back into the theater of war and now he is there in Iraq. And he sent this e-mail to me, and, Madam Speaker, I would like to read it into the RECORD. Captain Sean P. O'Brien.

Hello again from Baghdad. I am not sure what is going on in the news these days, but I would like to offer another perspective.

As important as it is to the media to sensationalize a story, the nuisance of these attacks is just that. If there was ever a time that we were taking the wood to these jerks, it is now. The few that are causing the problems, and I mean the few, seem to be cut off, and they are fighting like it. They are making incredibly huge tactical errors, and their support seems to wane very easily in the face of the coalition and Iraqi Security Forces' resolve.

I have seen with my own eyes the bravery of the Iraqi Army. They really are fighting for their country, and they are making the kinds of sacrifices we like to remind ourselves of our own heroes. The Iraqi police, not as successful, but still holding their own, especially when they know that we have got their backs.

I hate this job. I hate being away from Dawn and the kids, but I love seeing the enemy's cowardice and the inconsistencies disintegrate into their death when they are met with deliberate and disciplined prosecution. They push teachers and kids out of schools and fight from the schoolhouses. They arrange coordinated attacks from mosques. I suppose, as any insurgent would, their best weapon is a booby trap.

By the way, a person who revolts against civil authority or an established government is an insurgent. Please note, established government.

The largest share of the attacks has been aimed at anything that represents the government, not so much coalition forces. Our mission is to protect the populous. The populous wants to be safe, and they demonstrate it. The Iraqi Army is getting stronger every day, and they give their lives for it. The enemy is very reactive and therefore easily predicted.

Something to think about. We are not leaving here. No one has told me this, but I do know that over the last 60 years we still have troops in the following places: Korea, Japan, and Germany. What is the difference? Hazard pay? Only a rhetorical question, he notes.

And Captain O'Brien goes on:

All countries are now contributing culturally and economically. Is the sacrifice any different now than it was then? Was it worth it to help them out? Is it worth it now?

To leave this place would be the same as standing by, idly watching your neighbors's house burn to the ground. It is irresponsible and it is morally wrong to ever consider such a thing.

Freedom is so important. It is one thing to say it; it is another completely to watch someone die for it or for someone else's.

All citizens and all governments are obliged to work for the avoidance of war. However, as long as the danger of war persists and there is no internal authority with the necessary competence and power, governments cannot be denied the right of lawful self-defense once all peace efforts have failed.

It is personal. The enemy wants to kill us because we are Americans. There is nothing else they want. They hate us; they hate who we are and what we represent. There is nothing to offer an extremist except extreme measures. However, all of that is just an effect.

Is it moral to fight an effect and not a cause? Yes; when your inaction means a culture will suffer for generations.

The real issue to consider is possibly: What is there to gain by a destabilized Iraq? And, who is to gain?

At the end of the day, the evaluation of these conditions and for the moral legitimacy belongs to the prudential judgment of those who have the responsibility for the common good. That is you and me, the American.

And back to the destabilizers. Imagine a few of these cowards kidnapping a loved one of yours, beating them, and then filming your loved one on their knees. You hear the words "Allahu Akbar" chanting in the background, meaning "God is great," and then you watch these hooded cowards saw the head off of your loved one with a dull knife. Fear is their only actual weapon, and this weapon is not effective in the face of a self-aware citizen army and populous such as the Americans and, soon, as the Iraqis will be.

Interesting that Senator OBAMA wants to immediately sully the prestige of his sought office by offering an open meeting to those who want our Nation to burn. To give away the store is the best analogy I can think of. No matter.

Captain O'Brien goes on: I have faith in the American people not to allow that conflicted man to represent the United States in any way. So naive, yet the amount of naivety seems to demonstrate that his intentions are calculated.

You should be proud of our Joes and Joeys over here. All are still giving some, and some have and are going to give all. But don't mourn them; honor them, and understand the sacrifice they are making and for whom they are making it.

Have a great day. It will be good to come back when we are done.

Captain Sean P. O'Brien, 5th Battalion, 25th Field Artillery, 4th Brigade, 10th Mountain Division, Baghdad.

Madam Speaker, that is a sample of the e-mails that I get. And that I think is the most profound one and among the most compelling, and I think it tells the body and the American people what goes on in the minds and the hearts of our uniformed Soldiers, Airmen, Marines, and Sailors over there.

And as I looked them in the eye on that soil and they ask me, how could anyone consider calling us home before we finish our mission? And they repeat to me that they are all volunteers. Every single one that serves in that theater is a volunteer. They volunteered for their branch of the service. They have, in doing so, that period of time that they have signed up or reupped for is certainly a period of time in which they knew that they were likely to be deployed over to that part of the world.

They are willing to put their lives on the line for our freedom, our liberty, and our posterity, Madam Speaker. And for us to sit back here and argue that we are tired; we are tired, when they are the ones that are fighting this war? What has America sacrificed? We have sacrificed some of our sons and daughters. We have given them a great deal in Iraq and around the world. Blood and treasure is priceless, and blood is far more priceless than treasure.

We have given them a great deal, but the price that has been paid by the individual American is small in comparison to what is being paid by our military that are standing there in their uniforms, volunteering, saying: Let us complete our mission. Let us be victorious and then come home. Let us leave a legacy of freedom in Iraq and in Afghanistan and across the world.

And think what the map of the world looks like. It sometimes takes courage. Sometimes it takes a level of leadership to do the noble thing. And, Madam Speaker, I wonder sometimes if we have lost our ability to take ourselves back to what is noble and what is right and what is good and what is just.

But Ronald Reagan did the noble thing. He did the noble thing when he gave the speech when he said, "Mr. Gorbachev, tear down this wall."

And, Madam Speaker, if the American people knew the story on how difficult it was for that language to remain in President Reagan's speech, how many Chicken Littles, how many people that wanted to play the cautious route, those that didn't have the courage, those that didn't want to be, could not and did not have the courage to do the noble thing, tried to pull that language out of Ronald Reagan's speech because they were afraid of what Gorbachev might do. They didn't like the idea that it would be adding to the tension and adding to the friction, because they were afraid of confrontation, Madam Speaker. And to fear confrontation means eventually you will have it, because it is the bullies of the world that will poke their finger in your chest. And if you fear the confrontation and step backwards to avoid the finger in your chest, then the bully will take a step forward and poke his finger in your chest again and again and again.

Countries, dictators, tyrants are the bullies of the world. And when you reach the point where you are up against the wall, then you can decide whether you are going to fight or whether you are going to grovel. But I can tell you, he has chosen that ground, and you make that decision on his terms, not yours.

The American people have been a bold people that have made the decisions on which ground to fight on our terms, not theirs. And Ronald Reagan made that decision when he stepped up and said, "Mr. Gorbachev, tear down this wall." And that laid out that inspiration. And a few years later, the wall came tumbling down.

When that wall fell down in Berlin, I watched this unfold on the news, and that was when I knew I needed to go get cable TV and a broader news cycle, because the whole story for the analysts was how families that had been divided by the wall could now come together, and they were breaking champagne bottles in their family reunions on the wall. And some were there with hammers chiseling away at the Berlin wall.

They missed the point. It was weeks and weeks and weeks before you could find a mainstream media, talking head pundit that even would utter the words that were close to the truth that most of us commonsense American people saw as we watched it on TV when the Berlin wall came down, hammers and chisels, a piece at a time. That was literally, literally, the Iron Curtain came crashing down.

The Iron Curtain that was constructed across Europe at Yalta on February 11, 1945 came crashing down beginning November 9, 1989. And the analysts in America didn't understand what that meant, and they didn't understand what it meant when Ronald Reagan said, "Mr. Gorbachev, tear down this wall." They didn't understand what it meant when Pope John Paul, now The Great, uttered his words and weighed in on this and gave an inspiration to the Christian reformation of Europe. And, how those minds and those voices together gave inspiration, along with Margaret Thatcher who, when she looked at Gorbachev and talked with him and met him, said to Ronald Reagan, "This is a man with whom we can do business."

And I don't know how good of a business he did for the interests of the Soviet Union since it collapsed some time later, but the business that got done was this, Madam Speaker. The strategy, the noble strategy of playing some brinksmanship, taking some risks, being bold, doing the American thing, doing the free world thing, and the contest was this. And Jean Kirkpatrick said it as she stepped down as ambassador to the United Nations, I think the year was 1984. Ironic that it would be, actually. But I remember her saying, and I read this in an article in the newspaper about page 3 or 4 in a tiny little three column inches; she said, what is going on as she resigned her ambassadorship to the United Nations: What is going on here in the conflict in the world, the Cold War, is the equivalent of playing chess and Monopoly on the same board. And the question was, would the United States of America bankrupt the Soviet Union economically before the Soviet Union checkmated the United States militarily?

□ 1800

Mr. Speaker, that was the contest that was going on. Ronald Reagan understood that. Margaret Thatcher understood that, and I think Pope John Paul the Great understood that and upped the ante and took the risk and did the bold thing and challenged. When he challenged, it added inspiration to a people. When they found that the emperor had no clothes, that the bear had no teeth, the bear had no claws, and they found that the will was not there any longer on the part of the Soviet Union to exterminate people who were just trying to get over the wall for their freedom, then they defied authority, and almost bloodlessly the wall came down. The Iron Curtain came crashing down and freedom echoed all of the way across Europe clear to the Pacific Ocean.

Hundreds of millions of people breathed free because of that courage and that boldness and that nobility of Ronald Reagan, Margaret Thatcher, and Pope John Paul.

That kind of bold move is what it takes for people to achieve freedom. It was a bold move to draft and sign the Declaration of Independence and hang that out in the public square and understand that as they pledged their lives, their fortunes and their sacred honor, they well might be hanging in the public square as well, our Founders, that signed the Declaration.

They took that risk, and many of their lives were ruined. But the birth of this country began and freedom was inspired. A bold and noble act brought forth the United States of America. A bold and noble act brought down the Berlin Wall, crashed the Iron Curtain, and a bold and noble act freed the Iraqi and the Afghani people.

Mr. Speaker, taking myself back to those moments in history, the noble times when people have been bold and had the courage to take a risk and know that bad things could come out of a bold decision, but seldom do any better things come out of decisions that are not so bold. I could go through history and talk about the Declaration of Independence, as I stated. And additionally, Abraham Lincoln's signing of the Emancipation Proclamation, the boldness with which he stuck to his guns and said we will preserve the Union, and almost at any cost, and it was a high price that was paid.

And the boldness to which Abraham hung to the principle of freedom for all people. He said, "As I would not be a slave, I would not be a master," and he acted on it.

My information from an accomplished historian is a story that I have to qualify because even though I am assured it is a true story, it is such a good story. Many things are attributed to Abraham Lincoln, so I am a little cautious. It is inspirational regardless of whether we can verify it to be fact. I have done some steps to verify. I believe it to be a fact, but I am not certain.

So I put that caveat in there, but I think it is important to consider this inspiration.

As Abraham Lincoln was considering whether to sign the Emancipation Proclamation, he had deliberated on it for some time. The political climate was different then than we imagine it might be. And he called his cabinet together. He spoke to the cabinet.

He said I have this Emancipation Proclamation, and I am seeking your counsel as to whether I should sign it. So he went around the table. They were all men in those days. And the first cabinet member, the first man said Mr. President, I don't think you should sign the Emancipation Proclamation because, after all you can't free anybody south of the Mason-Dixon Line because we don't occupy any of that territory and we have no authority since they have seceded from the Union, so it would be meaningless. President Lincoln listened.

Then he went to the next cabinet member. The next cabinet member said, Mr. President, I think it is meaningless because you can't free anybody by signing the Emancipation Proclamation. And furthermore, the African Americans who live north of the Mason-Dixon Line are already free. So it would be meaningless.

So he went to the third cabinet member who said, We have some people wearing our Union uniform that are fighting against the Confederates for other reasons. They want to bring the Union together, but they believe in slavery, and so you will lose some of the support of those soldiers who really aren't against slavery. They are there because they want to hold the Union together.

They went around the table. The cabinet was smaller then, but there was a different reason from each cabinet member. But each one advised President Lincoln, no, no, no, no, all of the way around the cabinet table. Every cabinet member advised President Lincoln do not sign the Emancipation Proclamation.

And the leadership of courage, the nobility of the man, President Lincoln looked at his cabinet members and he said, "Well, gentlemen, the aye has it."

"The aye has it," Mr. Speaker. That is courage. That is vision. That is nobility. That's the thing that we see out of our soldiers in places like Iraq and Afghanistan. And it is not getting easier in Afghanistan. The casualties are going up there. We do have support from a lot of our allies in Afghanistan, and we have significant support in Iraq from our allies there.

But we must not fold, we must not blink, we must not fail. We should listen to our uniformed military who are putting up the sacrifice. If I hear over here again, "I am tired of this war," find me a volunteer soldier that is not tired of war. But the numbers of those who support finishing this thing with the honor of a victory, and those who anticipate, as I do, an Iraq that is free, a moderate, Arabic nation that will be an ally that has significant oil resources in the Middle East, one who will be inspiring to the rest of that part of the world, that part of the world that has been in constant conflict and turmoil for centuries, we need to work with this principle that free people don't go to war against other free people.

If we have free people in Iraq and Afghanistan, and we do, that happens to be on the west and the east border of Iran, respectively. As they see the prosperity and the peacefulness and the opportunity and the freedom that exists today and will be an expanding freedom in Iraq and Afghanistan, can anybody imagine that the Iranian people will not want to partake in that freedom and prosperity? They will be inspired by their neighbors.

We can see that part of the globe bond together, free people, moderate Islamic nations who control their own government, people with a voice in the destiny of their nation. That is what I envision and what President Bush envisions. That is what we need to have the courage and the nobility to stand with. In the long run, first it saves American lives in the long run. Second, it changes the habitat that breeds terror.

If you look around the world, we have a list of countries that are called nations of interest. The nations of interest are the nations that produce terrorists. The reason they do is because they have the habitat that produces terrorists. Some is poverty, some is religion, some is culture. There is a hatred of freedom there and there is a love of death, as we heard the gentleman from California in his presentation earlier this afternoon.

That habitat can be changed. And we have lost Benazir Bhutto to this world, to this temporal world that we are in at this time. I got to know her and I had a number of conversations with her. Upon our first meeting, it was shortly after September 11, and I sat down with her one-on-one in Storm Lake, Iowa, I would add. And I asked her a series of questions.

One of my questions was, How do we get to the point where we can achieve victory in this war since this is an amorphous enemy and it is not a command-and-control structure and there is not a piece of real estate that we can go and capture and occupy and say we won? How do we win and declare victory? How do we know when we have won?

Her answer was you've got to give them freedom. You've got to give them a chance at democracy. If you do that, they will change their focus from hatred and terror toward their families, their communities, their neighborhoods, their country, and their mosques. If they do that, they will no longer be focused on hatred and I will pick it up from there. That is how we erase the habitat that breeds terrorists.

Another way to describe it, Mr. Speaker, is if you're sitting on your porch and a hornet should fly along and sting you on the arm, you are likely to swat the hornet and rub the arm a little bit. If it happens 2 weeks later, that is two too many, but it is not so alarming. But if the whole hive comes and stings one of your children or grandchildren to death, maybe 200 or 300 stings by 200 or 300 hornets, and for an unforeseen reason kills one of your family members, you no longer sit on the porch with your Raid can and your fly swatter. You go find the hive or hives, and you eradicate the habitat that breeds that kind of venom.

We are going another step here. We are eradicating the habitat that breeds that kind of venom, and we are replacing it with a positive habitat that breeds brotherly love and neighborly cooperation and common interest of commercial opportunity and an opportunity to weigh in to promote the destiny of their country.

All of those things come from the kind of mission that our military has been on, the kind of mission that Sean O'Brien has been on, and these things can and will flow from our efforts should we have the courage and the nobility to stand.

As I listened to my predecessor speakers, I am going to say illogical language about energy keeps coming forth from the microphones over on that side.

I would challenge them, and I would yield to anybody that comes up with a single thing that the Pelosi Congress has offered that put more energy on the market, anything that puts more Btus in the marketplace, that puts more gas into the market, more diesel fuel, more ethanol, more biodiesel, more wind or coal or nuclear or solar? Any single thing that has been proposed by the other side of the aisle that has put more energy into the marketplace?

I will yield if you can come up with an example. But I am going to say that answer is zilch. Not one, nada, no Btus more on the market. Every single move in these 15, going on 16 months of the 110th Congress, every single move by the Speaker's leadership has been to take energy off the market, make it more scarce.

I don't understand how the constituents for the people who advocate such a thing can tolerate suspending the law of supply and demand, making energy more scarce, driving the prices up. Gas prices are up 50 percent since NANCY PELOSI took the gavel; 50 percent.

We are paying $3.51 a gallon for gasoline today. Crude oil prices dropped a little today. They were almost $120 a barrel. They dropped about $6. That is about 5 percent. That is a good thing.

But to listen to the other side, Mr. Speaker, they ask us to believe the idea that somehow George Bush controls global oil prices, as if $120 a barrel for crude oil is something that only Americans are paying, but Europeans are not and Australians are not and Africans and South Americans are not.

The truth is this is a global market. If you really want to protect yourself from rising oil prices, you can hedge that on the futures market. Go buy yourself some barrels of oil. If you think oil is going up to $200 or $300 or $400 a barrel, buy some now. Invest in that now.

□ 1815

Invest that in the futures. You can protect your interest on that. But this is a global price. George Bush can't control the oil prices. Here's a news flash. A President of the United States can't do that. He can affect them, yes. This Congress can affect them too. But it has to do with how you affect the supply and what you do with the tax and the regulatory structure.

We need more refineries. We need to drill ANWR. We need to drill the Outer Continental Shelf. We need to drill the non national park public lands in America, and we need to build roads in distribution areas so that we can do that, so that we can deliver that oil to the marketplace.

And if we look around at what technology is doing, when oil prices went up, what happened?

Well, we know there's a huge oil supply in Northern Alberta in the tar sands, and we're working with the Canadians, and I hope the deal doesn't get destroyed by initiatives here that are anti-energy in this Congress, Mr. Speaker.

But we need to bring that pipeline down from Northern Alberta, and we bring that down into the heart of the United States and refine that crude oil of the Canadians and that huge supply that's there, and we need to tap into ANWR, and move to the east from where the north slope is, similar terrain and topography, and bring that oil into the domestic market of the United States; more importantly, get it on to the world market so we can cut down on, increase the supply so we can reduce the cost of the energy that we have.

If you saw that there was a report by USGS that they had identified an oil reserves in North Dakota, some spilling over into Montana; hopefully Mr. POMEROY knows about this. I'm sure he does. 3.4 billion barrels of oil up there. And they have to go down nearly 2 miles and do horizontal sand fractionalization to make that happen. But that's a tremendous amount of oil that's domestic, two big oil finds.

We also have the Chevron find down on the Gulf Coast within the last two years, a huge oil find. And the Brazilians have tapped into an oil find, a couple of different ones that look like they could rank in the top three of the oil reserves for the world. And we know that the west coast of Africa has a tremendous amount of oil.

So let's get this going. Let's put a lot of oil on the market, a lot of energy on the market.

And, Mr. Speaker, I'd direct the body's attention to what really does control the cost of energy. This is a little chart that we made up that, it is a pie chart. And this represents, this pie chart is 360 degrees. It is the whole of the energy that, as energy consumed in the United States, last year in 2007. This is in Btus. So in case you'll know what this number is, Mr. Speaker, being an astute individual.

We consumed 101.5 quadrillion Btus last year in the United States of America. Of those 101.5 quadrillion Btus, it breaks out this way as a percentage: 23 percent natural gas, petroleum, gas, 39.24 percent, and you go on up the line. We've got coal at 22.4 percent, nuclear at 8.29. That's got to be a diminishing number because we haven't built a nuclear plant in the United States since about 1975 or maybe 1978. There happens to be one going in now in South Carolina. I am glad to see that.

Let's expand the nuclear. It's very clean and very safe. It's the safest electrical supply that we have in the United States.

The hydroelectric has not been expanding, either, and I'm all for expanding that. That sits at 2.3. Geothermal, small little piece there, wind, small little piece, solar, very small piece. Fuel ethanol, not as big as someone might think. .94 of 1 percent of the energy we consume in the United States is ethanol. And the biodiesel is .06 percent, not very big.

And then wood and waste is bigger. I think that's going to be your biomass, remainder of the biomass component of this.

The thing we need to do for energy in the United States is expand every one of these slices of the energy pie; put more Btus out in each one of these colored pie categories that we have; make this circle a lot bigger so that the number of Btus that we produce is great enough that it puts pressure and downward pressure on the market prices. That's our mission. That's an energy policy.

And by the way, another slice of that pie needs to be conservation. That's not in there. We need to add conservation to that as well, Mr. Speaker.

So as we move forward in this policy, let's keep in mind you can't suspend the law of supply and demand. We can't be living in "Pah-la-la-losi Land." We've got to understand that what goes up must come down. That's the law of gravity.

The sun comes up in the east, not the west. It doesn't come up in San Francisco, it comes up over on the Atlantic ocean side of this. That's not going to change, and no amount of talking about it will change where the sun comes up. And no amount of talking is going to change the law of supply and demand, except taxes and regulation, which are going up on our energy producers, not down.

So I'll argue, Mr. Speaker, we need to supply more energy, not less. The idea that more expensive energy is a good thing for Mother Nature, that somehow, if you raise the price of gas to $3.51 or $4.50 or six bucks or seven bucks, that somebody's going to get on a bicycle and ride around town instead of driving around in their car, that may work in some occasions, but it doesn't work out very good for Grandma that's got to go 10 miles to town in January in Iowa. She can't put the chains on her bicycle and do that. She'll get in her car and she'll drive, and she'll pay a higher price out of her Social Security and her fixed limited income because you're driving up the price of gas; you're not driving it down. And it's limiting the quality of life, and people are having to make tough decisions.

We need to take action to put more energy on the market, not less. And if we do that, we can see these prices go down, not up.

And I'd add to that that the value of the dollar is a significant factor in this. The depreciation of the dollar, the dollar value needs to be shored up. A significant part of the cost of energy is because it takes more dollars to compete with the higher value currency in foreign countries, Mr. Speaker.

And so that is a summary of some of the things I came to the floor here to address. I want to thank you for recognizing me and the privilege of speaking here on the floor of the House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. HOYER) for today after 2:30 p.m.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today on account of attending the funeral of a fallen soldier.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 1.

Mr. JONES of North Carolina, for 5 minutes, May 1.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, April 30 and May 1.

Mr. TANCREDO, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 77. Concurrent Resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2903. To amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Friday, April 25, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6228. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerance [EPA-HQ-OPP-2007-0178; FRL-8353-2] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6229. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the Ozone Standard [EPA-R01-OAR-2008-0069; A-1-FRL-8543-4] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6230. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Stationary Source Permits [EPA-R09-OAR-2007-0165; FRL-8543-6] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6231. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Ohio SO2 Air Quality Implementation Plans and Designation of Areas [EPA-R05-OAR-2006-0546; FRL-8534-4] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6232. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Baton Rouge 8-Hour Ozone Nonattainment Area; State of Louisiana [EPA-R06-OAR-2007-0967; FRL-8544-6] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6233. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Beaumont/Port Arthur 8-hour Ozone Nonattainment Area; State of Texas; Final Rule [EPA-R06-OAR-2007-0969; FRL-8543-5] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6234. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Ozone [EPA-HQ-OAR-2005-0172; FRL-8544-3] (RIN: 2060-AN24) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6235. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6236. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6237. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6238. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6239. A letter from the Acting Associate Attorney General, Department of Justice, transmitting the Department's annual report on activities under the Freedom of Information Act for calendar year 2007, pursuant to 5 U.S.C. 552(d); to the Committee on Oversight and Government Reform.

6240. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual No Fear Report to Congress for FY 2007, pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2003, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6241. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6242. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's annual report for fiscal year 2007, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6243. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's annual reports for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6244. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the Strategic Plan FY 2007 — FY 2012; to the Committee on Oversight and Government Reform.

6245. A letter from the Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6246. A letter from the General Counsel, General Accountability Office, transmitting the information required pursuant to the annual reporting requirement set forth in Section 203 of the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (No Fear), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6247. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "In Search of Highly Skilled Workers: A Study on the Hiring of Upper Level Employees from Outside the Federal Government," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

6248. A letter from the Chairman, Merit Sytems Protection Board, transmitting the Board's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

6249. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6250. A letter from the Director, Office of Personnel Management, transmitting a copy of a legislative proposal entitled, "Grade Retention Modification Act of 2008"; to the Committee on Oversight and Government Reform.

6251. A letter from the Chairman, President's Council on Integrity and Efficiency, transmitting the Council's annual report entitled, "A Progress Report to the President, Fiscal Year 2007"; to the Committee on Oversight and Government Reform.

6252. A letter from the President and Chief Executive Officer, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2007, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

6253. A letter from the Executive Vice President and Chief Human Resources Officer, U.S. Postal Service, transmitting the Service's annual report for fiscal year 2007, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6254. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0411; Directorate Identifier 2007-NM-291-AD; Amendment 39-15326; AD 2004-07-22 R1] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6255. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-28921; Directorate Identifier 2007-NM-091-AD; Amendment 39-15371; AD 2008-03-20] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6256. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0262; Directorate Identifier 2007-NM-247-AD; Amendment 39-15370; AD 2008-03-19] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6257. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and Model SAAB 340B Airplanes [Docket No. FAA-2007-0298; Directorate Identifier 2007-NM-238-AD; Amendment 39-15369; AD 2008-03-18] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6258. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes [Docket No. FAA-2007-0212; Directorate Identifier 2007-NM-237-AD; Amendment 39-15368; AD 2008-03-17] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6259. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes [Docket No. FAA-2008-0153; Directorate Identifier 2007-NM-243-AD; Amendment 39-15372; AD 2008-03-21] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6260. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters [Docket No. FAA-2008-0101; Directorate Identifier 2007-SW-76-AD; Amendment 39-15357; AD 2007-26-51] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6261. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-7B Series Turbofan Engines [Docket No. FAA-2007-27229; Directorate Identifier 2007-NE-03-AD; Amendment 39-15359; AD 2008-03-09] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6262. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 525, 525A, and 525B Airplanes [Docket No. FAA-2007-28956; Directorate Identifier 2007-CE-068-AD; Amendment 39-15360; AD 2008-03-10] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6263. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes; and Model 767-200 and -300 Series Airplanes; Equipped with Certain Goodrich Evacuation Systems [Docket No. FAA-2007-28299; Directorate Identifier 2005-NM-139-AD; Amendment 39-15354; AD 2008-03-05] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-500 Airplanes [Docket No. FAA-2008-0121; Directorate Identifier 2007-NM-277-AD; Amendment 39-15363; AD 2008-03-13] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6265. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2007-0349 Directorate Identifier 2007-CE-094-AD; Amendment 39-15366; AD 2008-03-15] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6266. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2007-0299; Directorate Identifier 2007-NM-239-AD; Amendment 39-15358; AD 2008-03-08] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6267. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-50, -60, -60F, -70, and -70F Series Airplanes; Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; and Model MD-88 Airplanes [Docket No. FAA-2007-29061; Directorate Identifier 2006-NM-243-AD; Amendment 39-15362; AD 2008-03-12] (RIN: 2120-AA64) Received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6268. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes [Docket No. FAA-2007-0249; Directorate Identifier 2007-CE-088-AD; Amendment 39-15361; AD 2008-03-11] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6269. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce plc RB211 Series Turbofan Engines [Docket No. FAA-2007-27824; Directorate Identifier 2003-NE-12-AD; Amendment 39-15364; AD 2006-11-05R2] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6270. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No. FAA-2007-29336; Directorate Identifier 2007-NM-143-AD; Amendment 39-15373; AD 2008-04-01] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6271. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model (Caribou) DHC-4 and (Caribou) DHC-4A Airplanes; and Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket Nos. FAA-2007-0410, FAA-2007-0411, and FAA-2007-0412; Directorate Identifiers 2007-NM-338-AD, 2007-NM-

291-AD, and 2007-NM-290-AD; Amendments 39-15325, 39-15326, 39-15327; ADs 2008-01-02, 2004-07-22 R1, and 90-25-05 R1] (RIN: 2120-AA64) Received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6272. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model (Caribou) DHC-4 and (Caribou) DHC-4A Airplanes [Docket No. FAA-2008-0410; Directorate Identifier 2007-NM-338-AD; Amendment 39-15325; AD 2008-01-02] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6273. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2007-28987; Directorate Identifier 2007-NM-127-AD; Amendment 39-15269; AD 2007-24-03] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6274. A letter from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's "Major" final rule — Documents Required for Travelers Departing From or Arriving in the United States at Sea and Land Ports-of-Entry from Within the Western Hemisphere [USCBP 2007-0061] (RIN: 1651-AA69) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Science and Technology. H.R. 906. A bill to promote and coordinate global change research, and for other purposes; with an amendment (Rept. 110-605 Pt. 1). Ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 5720. A bill to amend the Internal Revenue Code of 1986 to provide assistance for housing; with an amendment (Rept. 110-606). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Committee on Ways and Means. H.R. 5749. A bill to provide for a program for emergency unemployment compensation; with an amendment (Rept. 110-607). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Foreign Affairs discharged from further consideration. H.R. 906 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURGESS:

H.R. 5885. A bill to promote a better health information system; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mrs. MYRICK, Mr. AKIN, Mr. MANZULLO, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. PITTS, Mr. GINGREY, Mr. GARRETT of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLINE of Minnesota, Mr. SESSIONS, and Mr. SALI):

H.R. 5886. A bill to restrict the diplomatic travel of officials and representatives of state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCKEON:

H.R. 5887. A bill to provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5888. A bill to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility; to the Committee on Veterans' Affairs.

By Mr. BERMAN (for himself, Mr. SMITH of Texas, Mr. CONYERS, and Mr. COBLE):

H.R. 5889. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr. DENT, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. ROGERS of Alabama, Mr. PASCRELL, Mrs. CHRISTENSEN, and Mr. ETHERIDGE):

H.R. 5890. A bill to amend the Homeland Security Act of 2002 to establish the Community Preparedness Division of the Department of Homeland Security and the Citizen Corps Program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 5891. A bill to adjust the boundary of Big Thicket National Preserve in Texas and provide for three ecotourism projects within the preserve, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of New York:

H.R. 5892. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADY of Pennsylvania:

H.R. 5893. A bill to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin:

H.R. 5894. A bill to provide funding for the Emergency Food and Shelter Program of the Federal Emergency Management Agency for housing-related assistance needed to prevent homelessness of families in connection with foreclosures on their residences; to the Committee on Financial Services.

By Mr. ACKERMAN:

H.R. 5895. A bill to require certain labeling of unsolicited commercial mail; to the Committee on Financial Services.

By Ms. SOLIS (for herself and Mr. HASTINGS of Florida):

H.R. 5896. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

By Mr. BARROW (for himself, Mr. THOMPSON of Mississippi, and Mr. TOWNS):

H.R. 5897. A bill to establish a health registry to ensure that certain individuals who may have been exposed to formaldehyde in a travel trailer have an opportunity to register for such registry and receive medical treatment for such exposure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 5898. A bill to authorize a grant program to help establish and improve State-administered notification systems to help locate missing individuals with Alzheimer's disease and other dementia-related illnesses, and for other purposes; to the Committee on the Judiciary.

By Mr. BOYD of Florida:

H.R. 5899. A bill to require funding under the Iraq Security Forces Fund to be provided in the form of loans and to require the Government of Iraq to provide matching funds under the Commanders' Emergency Response Program to be used for agreed-upon purposes which enable military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5900. A bill to amend the Homeland Security Act of 2002 to require, as a condition of receipt of certain State homeland security grants, that a State include a representative of the State department of education in homeland security decisionmaking bodies of the State; to the Committee on Homeland Security.

By Ms. CASTOR (for herself and Mrs. CHRISTENSEN):

H.R. 5901. A bill to amend title XVIII of the Social Security Act to eliminate contributing factors to disparities in breast cancer treatment through the development of a uniform set of consensus-based breast cancer treatment performance measures for a 6-year quality reporting system and value-based purchasing system under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE:

H.R. 5902. A bill to enhance environmental justice education in middle and high schools that serve disadvantaged students; to the Committee on Education and Labor.

By Mr. CONAWAY (for himself, Mr. BRADY of Texas, Mr. HINOJOSA, Mr. MARCHANT, Mr. SMITH of Texas, Mr. CARTER, Mr. CULBERSON, Mr. HALL of Texas, Ms. GRANGER, Mr. BURGESS, Mr. GOHMERT, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. THORNBERRY, Mr. HOEKSTRA, Mr. WESTMORELAND, Mr. BARTON of Texas, Mrs. MUSGRAVE, Mr. KLINE of Minnesota, Mr. BOUSTANY, and Mr. MCCAUL of Texas):

H.R. 5903. A bill to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the "George H. W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. COSTA (for himself, Mr. PUTNAM, Mr. CARDOZA, Mr. NUNES, and Mr. FARR):

H.R. 5904. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish new procedures and requirements to improve the safety of food, whether produced and distributed domestically or imported into the United States, by providing for improved information technology to identify high-risk imports and for enhanced capacity in the United States and in foreign governments to identify and address food safety issues on a scientific basis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. KIRK, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. KELLER, Mr. TIM MURPHY of Pennsylvania, Mr. ALEXANDER, and Mr. DOOLITTLE):

H.R. 5905. A bill to amend the Internal Revenue Code of 1986 to provide individuals a deduction for commuting expenses; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. BOREN, and Mr. HERGER):

H.R. 5906. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of certain real property; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 5907. A bill to provide a Federal income tax credit for Eagle employers, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. DREIER, Mr. SAM JOHNSON of Texas, Mr. BRADY of Texas, Mr. CANTOR, Mr. LINDER, Mr. CAMPBELL of California, and Mr. CONAWAY):

H.R. 5908. A bill to amend the Internal Revenue Code of 1986 to provide a permanent zero percent capital gains rate for individuals and corporations; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5909. A bill to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; to the Committee on Homeland Security.

By Mr. SMITH of New Jersey (for himself, Mr. LAMBORN, Mr. PITTS, Mr. SOUDER, Ms. FALLIN, Mr. RENZI, and Mr. HUNTER):

H.R. 5910. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself and Mr. DELAHUNT):

H. Con. Res. 332. Concurrent resolution recognizing the 60th anniversary of the Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

By Mr. HINCHEY (for himself and Mr. ROHRABACHER):

H. Con. Res. 333. Concurrent resolution expressing continued support for employee stock ownership plans; to the Committee on Education and Labor.

By Mr. SHAYS (for himself, Mr. FALEOMAVAEGA, Mr. KUHL of New York, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. KELLER, Mr. JONES of North Carolina, Mr. FOSSELLA, Mr. MCCAUL of Texas, Mr. LATHAM, Mr. DAVIS of Kentucky, Mr. POE, Mr. HALL of Texas, Mr. MCKEON, Mr. REICHERT, Mr. HOBSON, Mr. WOLF, Mr. MCCOTTER, and Mr. WESTMORELAND):

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated; to the Committee on Transportation and Infrastructure.

By Mr. MCHUGH (for himself and Ms. SLAUGHTER):

H. Res. 1146. A resolution expressing the sense of the House of Representatives that the International Joint Commission should adopt a water level management plan for Lake Ontario and the St. Lawrence River that strongly takes into account environmental considerations and the concerns of the public and the affected States and maximizes hydropower production at existing facilities, and further urges the Secretary of State not to approve a plan that fails to do so; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself, Mr. LEWIS of Kentucky, Mr. WHITFIELD of Kentucky, Mr. ROGERS of Kentucky, Mr. CHANDLER, and Mr. YARMUTH):

H. Res. 1147. A resolution congratulating the Northern Kentucky University Norse women's basketball team, champions of the 2008 National Collegiate Athletic Association Division II tournament; to the Committee on Education and Labor.

By Mr. DAVIS of Alabama:

H. Res. 1148. A resolution providing additional amounts for the expenses of the select committee established under House Resolution 611; considered and agreed to.

By Mr. DAVIS of Illinois:

H. Res. 1149. A resolution expressing support for the designation of April 2008 as National Sarcoidosis Awareness Month, and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas (for herself and Mr. THOMPSON of Mississippi):

H. Res. 1150. A resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines; to the Committee on Homeland Security.

By Mr. DUNCAN (for himself, Mr. DAVID DAVIS of Tennessee, Mr. WAMP, Mr. LINCOLN DAVIS of Tennessee, Mr. COOPER, Mr. GORDON, Mrs. BLACKBURN, Mr. TANNER, and Mr. COHEN):

H. Res. 1151. A resolution congratulating the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship; to the Committee on Education and Labor.

By Mr. FERGUSON (for himself and Mr. BACA):

H. Res. 1152. A resolution honoring Arnold Palmer for his distinguished career in the sport of golf and his commitment to excellence and sportsmanship; to the Committee on Oversight and Government Reform.

By Ms. HIRONO (for herself, Mr. HONDA, Mr. WU, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Ms. BORDALLO, Mr. BECERRA, Mr. FALEOMAVAEGA, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, and Mr. STARK):

H. Res. 1153. A resolution celebrating Asian Pacific American Heritage Month; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Ms. SUTTON, Mr. ELLISON, Mr. ALLEN, Ms. NORTON, Mr. HARE, Mr. YOUNG of Alaska, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. PAYNE, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. LANGEVIN, and Ms. LEE):

H. Res. 1154. A resolution supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. TSONGAS.

H.R. 45: Mr. CARSON.

H.R. 223: Mr. SOUDER.

H.R. 406: Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. CANTOR, Mr. CHABOT, Mr. DEAL of Georgia, Mr. FORBES, Mr. JORDAN, Mr. PITTS, Mr. WELDON of Florida, Mr. CAMP of Michigan, Mr. CASTLE, Mr. CULBERSON, Mr. GRAVES, Mr. KNOLLENBERG, Mr. LAMBORN, Mr. PENCE, Mr. ROGERS of Michigan, and Mr. WHITFIELD of Kentucky.

H.R. 436: Mr. MACK and Ms. ZOE LOFGREN of California.

H.R. 549: Mr. WITTMAN of Virginia.

H.R. 643: Mr. GOODLATTE and Mr. COURTNEY.

H.R. 676: Mr. CLYBURN.

H.R. 695: Mr. CARSON and Mr. AL GREEN of Texas.

H.R. 726: Mr. CARSON.

H.R. 861: Mr. ROSS, Mr. SHULER, and Mr. HELLER.

H.R. 1000: Mr. GUTIERREZ, Mr. PETERSON of Minnesota, Mr. BERMAN, Mr. BERRY, Mr. BOREN, Mr. BOYD of Florida, Mr. CARSON, Mr. ETHERIDGE, Mr. INSLEE, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. ZOE LOFGREN of California, Mr. MATHESON, Ms. WASSERMAN SCHULTZ, and Ms. SCHAKOWSKY.

H.R. 1029: Mr. COURTNEY and Mrs. BACHMANN.

H.R. 1134: Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, Mr. MARKEY, Ms. SHEA-PORTER, and Mr. SALAZAR.

H.R. 1232: Mr. OLVER.

H.R. 1282: Mr. ELLISON.

H.R. 1293: Mr. TIAHRT.

H.R. 1295: Mrs. MYRICK.

H.R. 1303: Mr. HODES.

H.R. 1359: Mr. TIAHRT.

H.R. 1419: Mr. KIRK, Mr. CARSON, and Mr. PICKERING.

H.R. 1422: Mr. SHULER.

H.R. 1474: Mr. SESSIONS.

H.R. 1552: Mrs. EMERSON, Mr. SALAZAR, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mrs. NAPOLITANO.

H.R. 1553: Ms. BEAN.

H.R. 1576: Mrs. BACHMANN and Mr. TIBERI.

H.R. 1584: Mr. CARSON.

H.R. 1610: MR. HELLER, MRS. JONES OF OHIO, MR. CARSON, MS. LORETTA SANCHEZ OF CALIFORNIA, MR. ANDREWS, AND MS. KILPATRICK.

H.R. 1619: Mr. LINDER.

H.R. 1621: Mr. GONZALEZ.

H.R. 1629: Mr. ALEXANDER and Mr. HERGER.

H.R. 1647: Mr. LARSEN of Washington, Mr. MELANCON, and Mr. THOMPSON of California.

H.R. 1655: Mr. WITTMAN of Virginia, Mr. UPTON, Ms. KILPATRICK, and Mr. REGULA.

H.R. 1738: Mr. GRIJALVA.

H.R. 1781: Mr. RUSH.

H.R. 1813: Mr. CARSON.

H.R. 1818: Mr. CARSON.

H.R. 1820: Mr. HIGGINS and Mr. VAN HOLLEN.

H.R. 1843: Mr. WOLF.

H.R. 2050: Mrs. BLACKBURN.

H.R. 2054: Mr. BOREN and Ms. FOXX.

H.R. 2091: Mr. TERRY and Mr. WALBERG.

H.R. 2092: Mr. GRIJALVA, Mr. VISCLOSKY, and Ms. CORRINE BROWN of Florida.

H.R. 2137: Mr. CARSON.

H.R. 2138: Mr. CARSON and Mr. ROTHMAN.

H.R. 2205: Mr. DUNCAN.

H.R. 2210: Mr. CUMMINGS.

H.R. 2231: Mr. ROGERS of Kentucky, Mrs. MCCARTHY of New York, and Ms. SHEA-PORTER.

H.R. 2267: Mr. BILIRAKIS.

H.R. 2332: Mr. SHAYS.

H.R. 2370: Mr. YOUNG of Florida.

H.R. 2380: Mr. DUNCAN.

H.R. 2477: Mr. SARBANES.

H.R. 2593: Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. LEE, and Ms. ROYBAL-ALLARD.

H.R. 2611: Mr. CLEAVER.

H.R. 2677: Mr. WELDON of Florida.

H.R. 2713: Mr. BISHOP of Georgia.

H.R. 2762: Mr. CAMP of Michigan.

H.R. 2860: Mr. MARSHALL.

H.R. 2914: Mr. PUTNAM and Mr. GRIJALVA.

H.R. 2922: Mr. RAHALL.

H.R. 2965: Ms. RICHARDSON, Mr. WAXMAN, Mr. RODRIGUEZ, and Ms. HIRONO.

H.R. 3001: Mr. CARSON.

H.R. 3024: Mr. RYAN of Ohio.

H.R. 3054: Mr. POMEROY.

H.R. 3212: Mr. HIGGINS.

H.R. 3267: Mrs. EMERSON, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. GRIJALVA.

H.R. 3273: Mr. CROWLEY and Mr. HONDA.

H.R. 3326: Mr. DELAHUNT, Mr. CARSON, and Mr. PAYNE.

H.R. 3334: Mr. ROSS.

H.R. 3362: Mrs. MYRICK.

H.R. 3363: Mr. ALTMIRE.

H.R. 3377: Mr. FERGUSON.

H.R. 3430: Mr. CARSON.

H.R. 3453: Mrs. EMERSON.

H.R. 3457: Mr. GOODLATTE.

H.R. 3533: Mr. CARSON.

H.R. 3543: Ms. LEE, Mr. JEFFERSON, Mr. ANDREWS, and Mr. GENE GREEN of Texas.

H.R. 3618: Mr. CARSON.

H.R. 3689: Mr. CARSON.

H.R. 3769: Mr. BOREN.

H.R. 3817: Mr. JOHNSON of Illinois.

H.R. 3820: Mr. DAVIS of Kentucky.

H.R. 3874: Mr. GOODLATTE.

H.R. 3995: Mr. FILNER.

H.R. 4044: Mr. HINCHEY.

H.R. 4054: Mr. CARSON.

H.R. 4059: Mr. CARNAHAN.

H.R. 4141: Mr. DAVID DAVIS of Tennessee.

H.R. 4218: Mr. MEEKS of New York.

H.R. 4236: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PETERSON of Minnesota, Ms. SUTTON, and Ms. GIFFORDS.

H.R. 4318: Ms. PRYCE of Ohio.

H.R. 4544: Ms. NORTON, Mr. BARRETT of South Carolina, and Mr. PASCRELL.

H.R. 4651: Mr. COHEN.

H.R. 4900: Mr. MICA and Mr. DAVIS of Alabama.

H.R. 4959: Mr. HODES.

H.R. 5057: Mr. PAYNE and Ms. SPEIER.

H.R. 5058: Mrs. MALONEY of New York and Mr. OLVER.

H.R. 5131: Mr. WITTMAN of Virginia.

H.R. 5155: Mr. WALZ of Minnesota.

H.R. 5173: Mr. CARSON.

H.R. 5180: Mr. CHABOT.

H.R. 5265: Ms. BALDWIN and Mr. TOWNS.

H.R. 5268: Mr. MILLER of North Carolina.

H.R. 5401: Mr. INSLEE.

H.R. 5404: Ms. WOOLSEY.

H.R. 5440: Ms. GRANGER.

H.R. 5443: Mr. BOREN.

H.R. 5445: Mrs. MUSGRAVE and Mr. TERRY.

H.R. 5448: Mr. MCGOVERN, Mr. ELLISON, and Mr. PETERSON of Minnesota.

H.R. 5450: Mr. GOODLATTE.

H.R. 5467: Mr. MAHONEY of Florida, Mr. WELCH of Vermont, Mr. HILL, Mr. ALTMIRE, and Mr. ELLSWORTH.

H.R. 5473: Mr. DONNELLY, Mr. RYAN of Ohio, Mr. TOWNS, Mr. MORAN of Virginia, Mr. DOYLE, Ms. SUTTON, Mr. HONDA, Mr. LANGEVIN, Mr. INSLEE, Mr. FATTAH, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Mr. BARTLETT of Maryland, Mr. ALLEN, Mr. LEWIS of Georgia, Mr. KIND, and Mr. REYES.

H.R. 5481: Mr. ALTMIRE and Mr. MILLER of Florida.

H.R. 5524: Mr. CLAY, Mr. LOEBSACK, and Mr. PAYNE.

H.R. 5534: Mr. GEORGE MILLER of California and Ms. CLARKE.

H.R. 5536: Mr. MORAN of Virginia and Mrs. CAPPS.

H.R. 5541: Mr. SCHIFF and Mr. PRICE of North Carolina.

H.R. 5548: Ms. CLARKE.

H.R. 5554: Mr. HINCHEY.

H.R. 5573: Mr. SCOTT of Virginia, Mr. GRIJALVA, and Mr. UPTON.

H.R. 5580: Ms. LEE.

H.R. 5592: Mr. FILNER.

H.R. 5656: Mr. SMITH of Texas.

H.R. 5663: Mr. PASTOR.

H.R. 5664: Mr. PASTOR.

H.R. 5669: Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. REGULA, and Mr. FORTENBERRY.

H.R. 5673: Mr. NUNES, Mr. FORTUÑO, Mr. TERRY, Mrs. BLACKBURN, and Mr. PEARCE.

H.R. 5684: Mr. YOUNG of Alaska, Mr. PAYNE, and Mr. MCGOVERN.

H.R. 5731: Mr. MCCARTHY of California.

H.R. 5740: Mr. LIPINSKI, Mr. REHBERG, Mr. CONYERS, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. SHIMKUS, and Ms. SCHWARTZ.

H.R. 5748: Mrs. EMERSON.

H.R. 5766: Mr. CARSON of Indiana, Ms. WASSERMAN SCHULTZ, and Mr. GUTIERREZ.

H.R. 5767: Mr. GUTIERREZ, Mr. KING of New York, Mr. WEXLER, Mr. CLAY, Mr. ACKERMAN, Ms. BERKLEY, Mr. HONDA, Mr. MCGOVERN, Mr. MORAN of Virginia, and Mr. FILNER.

H.R. 5785: Mr. BRALEY of Iowa.

H.R. 5788: Mrs. MYRICK, Mr. BLUMENAUER, Mr. BAIRD, Mr. UDALL of Colorado, Mr. WAMP, and Ms. DEGETTE.

H.R. 5793: Mr. MCCOTTER, Mrs. BONO MACK, and Mr. HONDA.

H.R. 5794: Mr. SALI.

H.R. 5798: Mr. FOSTER and Mr. BRALEY of Iowa.

H.R. 5804: Mr. BLUMENAUER and Mr. CARNAHAN.

H.R. 5806: Ms. LEE.

H.R. 5816: Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mrs. SCHMIDT, Mr. HAYES, Mr. FOSSELLA, Mr. WALSH of New York, Mr. CARTER, Mr. COLE of Oklahoma, Ms. GRANGER, and Mr. WELDON of Florida.

H.R. 5818: Mr. MORAN of Virginia and Mr. HIGGINS.

H.R. 5825: Mr. WALDEN of Oregon, Mr. BACHUS, Mr. JORDAN, Mr. CULBERSON, Mr. GILCHREST, Mr. SHADEGG, Ms. GRANGER, and Mr. KING of Iowa.

H.R. 5826: Mr. JOHNSON of Georgia.

H.R. 5830: Mr. HINOJOSA and Mr. LANGEVIN.

H.R. 5838: Mr. AL GREEN of Texas.

H.R. 5839: Mr. FERGUSON and Mr. BILBRAY.

H.R. 5843: Mr. CLAY.

H.R. 5845: Mr. GRIJALVA..

H.R. 5846: Mr. HONDA.

H.R. 5854: Mr. FORTUÑO.

H.R. 5857: Mr. BARRETT of South Carolina and Mr. CONAWAY.

H.R. 5869: Mr. BRADY of Pennsylvania, Mr. CUELLAR, and Mr. PASTOR.

H.R. 5875: Mr. ALLEN.

H.R. 5882: Mr. TOM DAVIS of Virginia.

H. J. Res. 12: Mr. WAMP.

H. Con. Res. 2: Mr. PAYNE and Ms. JACKSON-LEE of Texas.

H. Con. Res. 70: Ms. MCCOLLUM of Minnesota and Mr. KIRK.

H. Con. Res. 134: Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, and Mr. BRADY of Pennsylvania.

H. Con. Res. 244: Mr. PITTS, Ms. SHEA-PORTER, and Mr. MCCAUL of Texas.

H. Con. Res. 295: Mr. HUNTER, Mr. SAXTON, Mr. HAYES, Mr. LOBIONDO, Mr. WELDON of Florida, Ms. TSONGAS, Mr. GINGREY, Mr. FRANKS of Arizona, Mr. SHUSTER, Mr. WALBERG, Mrs. BACHMANN, Mr. HELLER, Mr. ROGERS of Michigan, and Mr. ROHRABACHER.

H. Con. Res. 305: Mr. PRICE of North Carolina.

H. Con. Res. 317: Mr. SHERMAN.

H. Con. Res. 324: Mr. HARE.

H. Con. Res. 328: Mr. HARE, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. HINCHEY.

H. Con. Res. 331: Ms. ZOE LOFGREN of California and Ms. BERKLEY.

H. Res. 111: Mr. BRALEY of Iowa.

H. Res. 232: Mr. WALBERG.

H. Res. 389: Ms. ROS-LEHTINEN, Mr. SCHIFF, Mr. MURPHY of Connecticut, Mr. BOOZMAN, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. SNYDER, Mr. BERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 610: Mr. SOUDER.

H. Res. 620: Mr. MCNULTY.

H. Res. 679: Mr. MCGOVERN.

H. Res. 834: Mr. TAYLOR.

H. Res. 937: Mr. MEEKS of New York.

H. Res. 985: Mr. MICHAUD.

H. Res. 1011: Mr. SMITH of Washington.

H. Res. 1022: Mr. MCDERMOTT.

H. Res. 1026: Mr. MURTHA and Mr. CONAWAY.

H. Res. 1073: Mr. BERMAN, Ms. CLARKE, and Mr. MILLER of North Carolina.

H. Res. 1078: Mr. KUCINICH.

H. Res. 1079: Mr. CAPUANO, Mr. WALDEN of Oregon, Mr. HARE, and Mr. CAMPBELL of California.

H. Res. 1080: Mr. MCCOTTER.

H. Res. 1087: Mr. GRIJALVA.

H. Res. 1104: Mr. FILNER.

H. Res. 1106: Mr. SHAYS, Mr. WALSH of New York, Mrs. CAPITO, Ms. BERKLEY, Mr. TANNER, Mr. SHUSTER, Mr. DENT, Ms. PRYCE of Ohio, Mrs. BIGGERT, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. REYNOLDS, Mr. KUHL of New York, Mr. KLINE of Minnesota, Mr. BARTON of Texas, Mr. HUNTER, Mrs. MYRICK, Ms. FOXX, Mr. BOOZMAN, Mr. THORNBERRY, Ms. GRANGER, Mr. DAVID DAVIS of Tennessee, Mr. ROGERS of Michigan, Mr. WAMP, Mr. BERMAN, Mr. HASTINGS of Washington, Mr. WESTMORELAND, Mr. HOEKSTRA, Mr. DAVIS of Kentucky, Mr. PASCRELL, Mr. DICKS, Mr. MILLER of Florida, Mr. WALDEN of Oregon, Mr. BARTLETT of Maryland, Mr. TERRY, Mr. WU, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. BISHOP of Utah, Mr. LEVIN, Mr. HERGER, Mr. MCNULTY, Mr. CONAWAY, Mr. WALZ of Minnesota, Mr. KENNEDY, Mr. REHBERG, Mr. DEFAZIO, Mrs. BLACKBURN, Mr. LOBIONDO, Mr. MCCAUL of Texas, Mr. FORTENBERRY, Mr. LIPINSKI, and Ms. TSONGAS.

H. Res. 1109: Mr. INGLIS of South Carolina.

H. Res. 1110: Ms. GRANGER.

H. Res. 1111: Mr. ALLEN, Mr. PETERSON of Minnesota, Mr. MAHONEY of Florida, Ms. SHEA-PORTER, Mr. FOSTER, Mr. CARSON, Ms. TSONGAS, and Ms. BEAN.

H. Res. 1113: Mr. WALSH of New York, Mr. ROGERS of Kentucky, Mr. MCCARTHY of California, Mr. SMITH of Nebraska, Mr. COBLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALBERG, Mr. DAVID DAVIS of Tennessee, Mrs. DRAKE, Mr. BARRETT of South Carolina, Mr. POE, Mr. THORNBERRY, Mr. MARCHANT, Mr. HALL of Texas, Mr. CARTER, Mr. NEUGEBAUER, Mr. DELAHUNT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KINGSTON, Ms. FALLIN, Mr. MANZULLO, Mrs. MUSGRAVE, Mr. ISSA, Mr. PRICE of Georgia, Mr. WHITFIELD of Kentucky, Mr. WALZ of Minnesota, Mr. GILCHREST, Mr. SCHIFF, Mr. SKELTON, and Mr. MELANCON.

H. Res. 1114: Mr. WALSH of New York, Mr. MCCARTHY of California, Mr. ROGERS of Kentucky, Mr. SMITH of Nebraska, Mr. COBLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALBERG, Mrs. DRAKE, Mr. BARRETT of South Carolina, Mr. POE, Mr. MARCHANT, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CARTER, Mr. NEUGEBAUER, Mr. DELAHUNT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KINGSTON, Ms. FALLIN, Mr. WAXMAN, Mr. MANZULLO, Mrs. MUSGRAVE, Mr. ISSA, Mr. PRICE of Georgia, Mr. WHITFIELD of Kentucky, Mr. WALZ of Minnesota, Mr. GILCHREST, Mr. SCHIFF, Mr. SKELTON, and Mr. MELANCON.

H. Res. 1122: Mr. YOUNG of Florida, Mr. FEENEY, Mr. TANCREDO, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. JONES of North Carolina, Mr. BRADY of Texas, Mr. FOSSELLA, Mr. JOHNSON of Illinois, Mr. CARTER, Mr. SAXTON, Mr. DAVIS of Kentucky, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. CUBIN, Mrs. BIGGERT, Mr. GOODLATTE, Mr. LEWIS of California, Mr. WAMP, Mr. GARRETT of New Jersey, Mrs. MILLER of Michigan, Mr. GOODE, Mr. GILCHREST, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. GUTIERREZ, Mr. BILIRAKIS, Mr. JORDAN, Mr. SMITH of Nebraska, Mr. LATTA, Mr. WITTMAN of Virginia, Mr. SAM JOHNSON of Texas, Mr. GERLACH, Mr. MCKEON, Mr. BARTON of Texas, Mr. PETERSON of Pennsylvania, Mr. MACK, Mr. KELLER, Mr. PUTNAM, Mr. WELDON of Florida, Mr. MCCAUL of Texas, Mr. CALVERT, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. PITTS, Mr. PENCE, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. FORBES, Mr. GALLEGLY, Mr. HALL of Texas, Mr. REICHERT, Mr. SMITH of New Jersey, Mr. HOBSON, Mr. MCCOTTER, Mr. MORAN of Kansas, Mr. SULLIVAN, Mr. SOUDER, Mr. BILBRAY, Mr. HOEKSTRA, Mr. HENSARLING, Mr. LUCAS, Mr. BOUSTANY, Mr. FORTENBERRY, Mr. ADERHOLT, Mr. HERGER, Mr. COLE of Oklahoma, Mr. HAYES, Mr. GOHMERT, Mr. KLINE of Minnesota, Mr. MANZULLO, Mr. MARCHANT, Mr. CONAWAY, Mr. ROSKAM, Mr. STEARNS, Mr. RENZI, Mr. DANIEL E. LUNGREN of California, Mr. WOLF, Mr. MCCRERY, Mr. HASTINGS of Washington, Mr. POE, Mr. CRENSHAW, Mr. BACHUS, Mr. CAMP of Michigan, Mr. CARDOZA, Mr. COBLE, Mr. LINCOLN DAVIS of Tennessee, Mr. LAMPSON, and Mr. HUNTER.

H. Res. 1123: Mr. TANCREDO.

H. Res. 1130: Mr. LATHAM and Ms. SCHAKOWSKY.

H. Res. 1131: Mr. HONDA.

H. Res. 1132: Mr. TIAHRT, Ms. BORDALLO, Mr. JOHNSON of Illinois, Mr. MCHUGH, Mr. HOLDEN, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. SHAYS, Mrs. BLACKBURN, Mr. DELAHUNT, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. ISSA, Mr. LOBIONDO, Mr. GRAVES, Mr. WYNN, Mr. LATHAM, Mrs. BONO MACK, and Mr. DAVID DAVIS of Tennessee.

H. Res. 1134: Mr. ALTMIRE, Mrs. CAPPS, Mr. CONYERS, Mr. ORTIZ, and Mrs. JONES of Ohio.

H. Res. 1137: Mr. REICHERT, Mr. HAYES, Mr. SHUSTER, Mr. PETRI, and Mrs. DRAKE.

H. Res. 1140: Ms. WATERS and Mr. FOSSELLA.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. JEFF FORTENBERRY

Bill Number: S. 2739.

Account: National Park Service.

Legal Name of Requesting Entity: Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization).

Address of Requesting Entity: 100 Valmont Drive, Nebraska City, Nebraska 68410.

Description of Request: The request is very straightforward. It would simply convey certain federal land near Nebraska City associated with the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center to the related non-profit group. The bill also authorizes $150,000 annually for ten years to operate the facility. This legislation would actually save the federal government about $50,000 a year since the National Park Service currently provides about $200,000 for the center.

OFFERED BY MR. PETER T. KING OF NEW YORK

Bill Number: H.R. 2830.

Excess Coast Guard Property.

Legal Name of Requesting Entity: Nassau County Police Department.

Address of Requesting Entity: 1490 Franklin Avenue, Mineola, New York 11501.

Description of Request: Section 429 of the Coast Guard Authorization Act of 2008 being considered on the House floor today authorizes the conveyance of two excess 41-foot utility boats to the Nassau County Police Department's Marine Bureau.

NCPD is currently using a pair of 1984 Bertrams on the north shore to provide marine patrols in Long Island Sound. These boats, approximately 33 feet in length, are commercially available recreational boats.

The Coast Guard Authorization Act of 2008 allows for the Coast Guard to transfer two of its excess 41-foot utility boats to the Nassau County Police Department once decommissioned by the Coast Guard. The boats still have many years of serviceable life, but are being replaced throughout the Coast Guard over the course of the next 6 years with the 45-foot Response Boat-Medium, built by Marinette Marine Corp.

The 41-foot utility boat has been the workhorse of the Coast Guard's small boat fleet for three decades. The boats have a greater endurance with a fuel capacity of 370 gallons, are more durable with their aluminum hull, and can tow 100 tons, making them the ideal asset to assist mariners in distress.

OFFERED BY MR. DARRELL E. ISSA

Bill Number: S. 2739 (H.R. 30).

The Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project will encourage and expand opportunities for recycled water use throughout Riverside County and southern California. Riverside County is one of the fastest growing regions of the United States. Rapid population growth has forced regional municipal water districts to seek out alternative sources to meet demand.

This project is a good use of taxpayer money because Eastern Municipal Water District's existing distribution system does not provide a "level of service" (pressure, flow control, peak pumping capacity) sufficient to meet the growing needs of its municipal irrigation customers. In order to meet the increased regional demand, Eastern must construct the necessary infrastructure needed to improve and expand the operating characteristics of an existing recycled water distribution system. This expanded system will be of great benefit to residents throughout the region.

The total cost of the project is $49,451,500 with a Federal authorization of $12 million

Below is a breakdown of the estimated costs of the project:

PROJECT COST ESTIMATE

	Quantity	Unit	$/Unit*	Cost
San Jacinto Wildlife Area Recycled Water Storage Project:				
Property Acquisition/Easements				$300,000
Pond excavation and clay liner (200 acres)	200	ACRES	32,265	6,453,000
Pond pump station (7,000 gpm)	1	PS	1,500,000	1,500,000
36 in. diameter pipeline from water storage pond/pump station to 36 in. diameter transmission main	1500	LF	396	594,000
Subtotal				8,847,000
Menifee East Tank:				
Property Acquisition/Easements (5 acres)	5	ACRES	109,000	545,000
Tank (5 MG)	5	MG	1,500,000	7,500,000
24 in. diameter pipeline from tank to Leon Rd.	3000	LF	228	684,000
Subtotal				8,729,000
East Diamond Valley Tank:				
Property Acquisition/Easements (4.5 acres)	4.5	ACRES	109,000	490,000
Tank (4 MG)	4	MG	1,500,000	6,000,000
24 in. diameter pipeline from Tank to State St/Domenigoni Pkwy	4000	LF	228	912,000
Subtotal				7,402,000
Lakeview Tank:				
Property Acquisition/Easements (5 acres)	5	ACRES	109,000	545,000
Tank (6 MG)	6	MG	1,500,000	9,000,000
24 in. diameter pipeline from tank to 36 in. transmission main in Ramona Expwy	1000	LF	228	2,280,000
Subtotal				11,825,000
Hemet Citrus In Lieu:				
24 in. diameter pipeline from SJVRWRF to Alessandro Ponds	19000	LF	228	4,332,000
24 in. diameter pipeline from Alessandro Ponds to Corwin Booster	20000	LF	228	4,560,000
Alessandro Booster/Pond Pump Station (7,000 gpm)	1	PS	2,000,000	2,000,000
Subtotal				10,892,000
Pond Pump Stations:				
Sun City Ponds pump station (3,000 gpm)	1	PS	750,000	750,000
18 in. diameter pipeline from pump station to 54 in. diameter transmission main	1000	LF	171	171,000
MWD Ponds pump station (3,000 gpm)	1	PS	750,000	750,000
18 in. pipeline from pump station to 24 in. diameter transmission main	500	LF	171	85,500
Subotal				1,756,500
Total				49,451,500

*Facility unit costs include planning, environmental, design and construction.

Again, this project is a good and prudent use of taxpayer funds that will provide expanded water access and resources for the residents of Riverside County and Southern California.

OFFERED BY MR. DON YOUNG OF ALASKA

Bill Number: H.R. 2830.

Provision: Title IV Sec. 407.

Legal Name of Requesting Entity: USCG CUTTER STORIS MUSEUM & MARITIME EDUCATION CENTER, LLC.

Address of Requesting Entity: 229 4th Street, Juneau, Alaska 99801.

Description of Request: The Storis Museum is organized and established for the purpose of obtaining the USCG *Cutter Storis* from the government of the United States of America and establishing a non-profit museum in Alaska that will maintain the Storis in Alaska when the vessel is declared surplus. It is the intent of the Storis Museum to make the USCG *Cutter Storis* available to the public as a museum and to work cooperatively with other museums to provide education and memorialize the maritime heritage of the Storis and other maritime activities in Alaska, the Pacific Northwest, the Arctic Ocean and adjacent oceans and seas and such other lawful affairs allowed in Alaska.

OFFERED BY MR. DON YOUNG OF ALASKA

Bill Number: H.R. 2830.

Provision: Title IV Sec. 402.

Legal Name of Requesting Entity: Stabbert Maritime.

Address of Requesting Entity: 2629 NW 54th Street, W-201, Seattle, WA, 98107.

Description of Request: This provision would restore the coastwise privileges to the U.S.-build research ship, the *Ocean Veritas*, that was sold foreign in 1997 but now is in the process of being reflagged to the U.S. flag. The ship was built in 1974 by Halter Marine Fabricators, Gulfport, MS, which is also its homeport. However, unless this provision is enacted the vessel would be without coastwise privileges as a result of that prior sale to a foreign owner.

EXTENSIONS OF REMARKS

HONORING ED MOODY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mrs. BLACKBURN. Madam Speaker, this Thursday evening in Franklin, Tennessee, our community will gather to honor an extraordinary American. I ask my colleagues to join me in congratulating Ed Moody as he receives the Community Service Award from Williamson Christian College.

Ed Moody was born and raised in Kingston Springs, Tennessee. After serving in the Pacific Theater in World War II, he joined his brother in a tire re-treading business on Main Street in Franklin. That business would eventually relocate to Columbia Avenue and become an institution in our community, Moody's Tire & Auto Service.

Not content with running a business and raising a family, Ed embraced Rotary International and its motto of "service above self." In his 56 years of membership, Ed Moody has been a living example of Rotary's principles of encouraging service, promoting ethical conduct, applying the ideal of service in personal, business, and community life, and advancing understanding, goodwill and peace.

Madam Speaker, I ask my colleagues to join me in celebrating the life of Ed Moody and congratulating him and his family on this occasion. We would all do well to follow his example of leaving a small piece of the world better than we found it.

ARMENIAN GENOCIDE

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ROYCE. Madam Speaker, on April 24, 1915, the Ottoman Empire set out on a campaign to exterminate the Armenian people. Between 1915 and 1923, the numbers were horrific. One and a half million Armenians were murdered and 500,000 deported from their homelands. At the end of these eight years, the Armenian population of Anatolia and Western Armenia was virtually eliminated, becoming one of the 20th century's darkest chapters.

While acknowledging the role played by the Ottoman Empire in killing Armenians, some have laid doubt to the claim of genocide, citing the subsequent deportation of the survivors as merely a movement of a people from one land to another. Henry Morgenthau, the U.S. Ambassador to the Ottoman Empire from 1913–1916, saw it much differently. In his memoirs, Morgenthau recalls that the Turks, "never had the slightest idea of reestablishing the Armenians in (a) new country" knowing that "the great majority of those would . . . either die of thirst and starvation, or be murdered by the wild Mohammedan desert tribes."

I recall Morgenthau's words here because he saw first hand the atrocities wrought on the Armenians, and he had been told by Turks that they understood quite well that they had handed down a death sentence to the Armenian people. The Turks not only knew of what they were doing, but spoke quite freely of it. Eighty years later, however, many are still unwilling to recognize the killing for what it was: genocide.

The U.S. has long been a global leader in promoting human rights around the world. On the issue of the Armenian genocide, however, we lag behind. The French, Swiss, Swedish, Germans, and even the Russian governments recognize the Armenian genocide properly. As a global leader in human rights, it is imperative for the U.S. to stand on principle and recognize the annihilation of the Armenians.

However, it is no less important today to recognize the Armenian genocide for what it is. The deafening silence that came in its wake set the stage for a century that saw genocides occur in Europe, Africa, and Asia. While the Armenian genocide was the first of the 20th century, the blind eye cast to the slaughter of Armenians was a point used by Hitler who asked his joint chiefs of staff, "Who . . . speaks today of the [their] annihilation?"

To the critics who say that we should not dwell on history, I say it's much harder to get tomorrow right if we get yesterday wrong. The world's strength to oppose killing today is made greater by accountability, for actions present, but also past. It's weakened by denial of accountability of past acts. Not recognizing the Armenian genocide, as such, does just that.

THE OCCASION OF THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. McNULTY. Madam Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. Today, April 24th, is the 93rd anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th Century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, 'Ketse azat ankakh Hayastan'—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

CONGRATULATING ANNA CERVENAK AND MAX BARTIKOWSKY, HONOREES OF THE GREATER WILKES-BARRE SOCIETY OF FELLOWS, ANTI-DEFAMATION LEAGUE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my distinguished colleagues in the House of Representatives to pay tribute to Anna Cervenak and Max Bartikowsky, recipients of the Anti-Defamation League's Distinguished Community Service Award.

This award is presented to persons who are dedicated champions of human rights and have distinguished themselves by civic, philanthropic and other extraordinary activities.

Max Bartikowsky was born and raised in Wilkes-Barre, Pennsylvania. His celebrity began at an early age, being the impish inspiration for a shoeshine boy character called "Little Max" created by the famous cartoonist, Ham Fisher, who originated the "Joe Palooka" comic strip once syndicated in over 900 newspapers nationwide. Fisher was also a native of northeastern Pennsylvania.

Bartikowsky graduated from Wyoming Seminary after which he attended the University of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Pennsylvania's Wharton School and Wilkes College. He served in the U.S. Navy from 1951 to 1955. He went on to complete the Gemological Institute of America's Diamond Grading Class after which he took an active role as the third generation in the Bartikowsky family jewelry business. Today, he is president and CEO of Bartikowsky Jewelers, currently celebrating 121 years in business.

Bartikowsky has been especially active with the Jewish Community Center (JCC) where he has served as president, a member of the board of trustees and the board of directors. He is a supporter of the JCC's Fitness Center, JCC Camp, JCC Basketball Banquet and the JCC 5:30 Club.

He also serves on the board of Temple Israel where his grandfather was the first president in 1924. He is a past president of the Wilkes-Barre Lions Club and Jewish Family Services and has been a member of Masonic Lodge 655, Caldwell Consistory, and Irem Temple for 50 years. He is also a supporter of Wyoming Seminary.

Bartikowsky has been honored by the Knights of the Saber, JCC 5:30 Club, Wyoming Valley Family Service Association and the Jewish Family Service. He was also featured in articles in the Outlook and Pennsylvania Heritage magazines.

Anna Cervenak graduated from Forty Fort High School and College Misericordia where she earned a bachelor of social work degree. She went on to Marywood University where she earned a master's degree in social work. A member of Alpha Sigma Lambda, Social Work Honor Society, she was elected to Who's Who Among Students in American Universities and Colleges.

Cervenak started her career at Bell of Pennsylvania while still in high school. She worked as an operator, in engineering, employment and as the company's public speaker. When she retired from Verizon in 2007, she was Director of Community Relations/Public Affairs.

A past president of Junior Achievement, she is currently a member of its board of directors. She is also a member of the board of directors of Penn's Northeast, Great Valley Technology Alliance, Pittston Chamber of Commerce, Wilkes-Barre Chamber of Business and Industry, Athena Award Committee, Victim's Resource Center, Catholic Youth Center, Catholic Social Services, King's College President's Council, Luzerne County Community College Foundation, Penn State-Wilkes-Barre, Step-By-Step, Boy Scouts of America, Blond Association, Circle 200 and the Mountain Laurel Center for the Performing Arts. Ms. Cervenak also chaired the Blue Ribbon Committee to save Tobyhanna Army Depot, Burn Foundation and the Jewish Family Service Advisory Board.

Her awards include Athena Award, Top 50 Business Women in Pennsylvania, Top Business Women in Northeastern Pennsylvania, Arthritis Foundation Community Leader of the Year, Susan B. Roebling Distinguished Citizen Award, Wyoming Valley Woman's Pathfinder Award, NEPA Boy Scouts Woman of the Year Award.

Madam Speaker, please join me in congratulating Mr. Bartikowsky and Ms. Cervenak. Their extraordinary community service to northeastern Pennsylvania is both legendary and inspiring. They have clearly made a significant contribution to the improvement of the regional quality of life and, for that, we are all grateful.

HONORING THE 100TH ANNIVERSARY OF EAGER FREE PUBLIC LIBRARY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor the Eager Free Public Library, EFPL, for 100 years of service to the people of Evansville, WI. Since the doors first opened a century ago, the Eager Free Public Library has been an invaluable and vital part of the community.

During the 1890s, Wisconsinites embarked on a movement to secure free public libraries around the State. However, few were as passionate and dedicated to the cause as Mr. Almeron Eager. Eager's passion for libraries was evident when he passed away in 1902. In his will, Mr. Eager bequeathed $10,000 to the city of Evansville to construct a free public library in his name. The library's cost would end up exceeding $10,000 but his surviving family members contributed money to cover the remaining cost. After several years of searching for the proper site, the first construction shovel finally pierced the ground in May 1907 and the library was dedicated in June 1908. The prairie school style of the building would become a trademark design of Claude and Stark, the architects of the EFPL.

One hundred years later, the library still stands tall, in large part thanks to the vision of Almeron Eager. As a communitarian, Mr. Eager knew that free public libraries are the cornerstone of our democracy. A library brings hope and knowledge to our children, fosters intellectual freedom, and makes important information readily available to all citizens. The mission of EFPL, and so many others, to provide equal access to resources makes free public libraries critical to fulfilling the promise of a democratic society.

Not only do our free public libraries provide intellectual enrichment but they also serve as an important community gathering place. Through a wide range of programs including discussion groups, computer classes, and family events, EFPL has worked tirelessly to give every citizen the opportunity to fulfill their potential and become an active participant in our democracy.

For the past 100 years, these overarching goals have been the foundation of the library's distinguished reputation and unwavering commitment to equality and education. I am proud to join the residents of Evansville in honoring the family of Mr. Almeron Eager and celebrating the 100th anniversary of the Eager Free Public Library.

HOLDING NORTH KOREA ACCOUNTABLE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. STEARNS. Madam Speaker, in 2006 the world was alarmed when North Korea tested a nuclear device. Since then, North Korea has been pressured to reveal details about its nuclear program, but it has blatantly defied transparency deadlines and Six-Party talks have yielded few results.

North Korea has recently re-declared its intent to provide a "complete and correct" declaration of all its nuclear programs, but while the U.S. awaits this declaration, we shouldn't reduce the necessary pressure required to hold North Korea accountable to its promises.

The U.S. should not ease sanctions on North Korea until we have sufficient verification measures in place. Specifically, North Korea should not be removed from the list of state sponsors of terrorism until it accurately declares the number of nuclear weapons and the amount of fissile material it has. We must continue to insist on full transparency and not acquiesce to deceitful North Korean rhetoric.

HAPPY BIRTHDAY FOR DR. RONALD NUTT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. DUNCAN. Madam Speaker, I rise today to honor a Tennessean on his 70th birthday whose scientific accomplishments have had an incalculable impact on the medical community and our Nation.

In 1969, Dr. Ronald Nutt received a PhD in Electrical Engineering at the University of Tennessee. In the nearly 40 years which followed, he pioneered technology which has saved countless lives and brought distinction to East Tennessee and the University of Tennessee.

Even those who have never heard of Positron Emission Tomography (PET) probably know someone who has been helped by it. PET is a non-invasive technique which can map the entire body with molecular imaging.

Pioneered and internationally marketed by Dr. Nutt, PET is a critical tool today in medicine, and the method is widely used in the fields of oncology, cardiology, and neurology. PET has saved countless lives by innovatively detecting tumors, improving biopsies, and helping to determine the stage of a disease. The effect of PET scanning was so extraordinary, Dr. Nutt was named Distinguished Scientist of the Year in 1999 and received the TIME Magazine Medical Innovation of the Year honor in December 2000.

Dr. Nutt's lifetime of developing this technology has led to many other discoveries. He is the holder of dozens of patents in the field of electrical engineering, with many more still pending. Prior to his work on PET technology, Dr. Nutt took a products business from a single employee to a $10 million a year business in the 1980s. Today, he sits on the board of directors of several companies and continues to be a leader his field.

Dr. Nutt is not only an example of American ingenuity, but his work is also the benchmark for success in his field. His professional accomplishments are equal in scope only with his personal character and continued devotion to family, community, and many worthy causes.

Madam Speaker, in closing, I urge my colleagues to join me in celebrating the career of Dr. Ronald Nutt on the occasion of his 70th birthday. His work is far from over, but his impact is already certain.

INTRODUCTION OF A RESOLUTION TO OPPOSE THE IJC'S PROPOSED WATER LEVEL MANAGEMENT PLAN

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MCHUGH. Madam Speaker, I rise today to introduce a resolution concerning the International Joint Commission, IJC, and water level management on Lake Ontario and the St. Lawrence River. I am deeply disappointed that it has come to the point where such action by Congress is necessary.

I have the distinct privilege of representing the entirety of the American span of the St. Lawrence River, as well as a significant portion of Lake Ontario. As a native of the area, I cannot emphasize enough the importance of the selection of an appropriate water level management plan to my constituents who live, work, and vacation along Lake Ontario and the St. Lawrence River.

The Great Lakes represent the largest supply of fresh water on the planet and this vast supply of fresh water flows out to the saltwater of the Atlantic Ocean via the St. Lawrence River. However, following the completion of the St. Lawrence Seaway and the Moses-Saunders Power Project in the 1950's, there was no choice but to come up with a plan for "artificially" regulating this outflow. Unfortunately, the current water level regulation plan, known as "1958 D with Deviations," has resulted in significant negative environmental impacts on fisheries and wildlife throughout the region I represent in Congress. For example, the current regime has resulted in the substantial derogation of at least 33,000 acres of wetlands, allowing a thick cattail monoculture to expand and replace large areas of biodiverse meadow marsh, resulting in the loss of habitat for a wide range of aquatic, avian, and upland species.

Since 2000, the IJC's International Lake Ontario St. Lawrence River, LOSL, study has spent more than $20 million in taxpayer money to develop an approach to water level regulation that would best suit the environmental and economic needs of this vital natural resource. And, over the years, the IJC has devised plan after plan to achieve that goal—soliciting extensive public comment to fully vet these proposals with the residents who are most affected. Yet, for all of that effort, the IJC has chosen to waste years of research and millions of dollars in taxpayer money, in addition to ignoring significant amounts of public comment, by proposing a brand new water levels regime "Plan 2007." Moreover, I am very concerned that the lack of transparency in the IJC final development of "Plan 2007" was created in the shadows and with little or no outside input.

It is clear to anyone living in this region that the wrong approach to water level regulation can have significant negative impacts. We have all seen firsthand the devastating consequences that the existing regime has had on the environment. The status quo is simply unacceptable. We need a comprehensive and effective approach to regulate the water levels of both Lake Ontario and the St. Lawrence River. Thus, like many residents along the lake and river, I invested time and effort to support the approach I believed best met the environmental and economic requirements of the region—Plan B+. I believe B+ appropriately balances sound environmental principles with the needs of both residents and recreational boaters, while, at the same time, providing benefits for the Moses-Saunders Power Project.

Virtually every regional and environmental organization that has examined this process agree that Plan B+ is based on sound scientific principles and is the one approach that best meets all the needs of the various stakeholders. Unfortunately, despite the public vetting of three proposed plans, on March 28, 2008, the IJC released "Plan 2007," which had not previously been submitted to the public for comment or fully evaluated by the scientific community and the State of New York, as the proposed water level management plan for Lake Ontario and the St. Lawrence River.

Plan 2007 does little to improve the existing water level management plan, both in terms of environmental protection and hydropower generation. Further, lessons learned from the LOSL Study will be used for the Upper Great Lakes Study to examine water levels on the St. Claire River and Lakes Ontario and Huron.

Therefore, today, along with the Gentlewoman from Western New York, Mrs. SLAUGHTER, a co-chair of the Great Lakes Task Force and trained biologist, I am introducing a resolution which calls on the Secretary of State to not approve Plan 2007. It further asks that the Secretary ensure that any plan which is adopted provide adequate environmental protection, maximize hydropower generation, and fully considers the views of the public and affected state governments.

For the RECORD, I am including letters of support for this resolution from Alcoa-Massena Operations; Alliance for the Great Lakes; American Rivers; Audubon; Audubon New York; Buffalo Niagara Riverkeeper; Citizens Campaign for the Environment; Ducks Unlimited—Great Lakes Region; Environmental Advocates of New York; Freshwater Future; Georgian Baykeeper for Georgian Bay Association and Foundation; Great Lakes Sport Fishing Council; Great Lakes United; International Association for Great Lakes Research; International Water Level Coalition; Izaak Walton League—New York Division; Michigan United Conservation Clubs; Midwest Environmental Advocates; National Wildlife Federation—Great Lakes; Save the River/Upper St. Lawrence Riverkeeper; The Nature Conservancy—New York; The New York State Conservation Council; Thousand Islands Land Trust; and Wisconsin Council of Trout Unlimited.

I urge my colleagues to join with Mrs. SLAUGHTER and me as cosponsors of this resolution. I will continue to work with my colleagues and my constituents by using every legislative tool at my disposal to ensure that the St. Lawrence River and Lake Ontario continue to be vibrant natural resources for future generations.

ALCOA PRIMARY METALS/
GLOBAL HARD ALLOY EXTRUSIONS,
Massena. NY, April 22, 2008.

Congressman JOHN M. MCHUGH,
Rayburn Office Building,
Washington, DC.

DEAR CONGRESSMAN MCHUGH: As a major North Country employer dependent upon hydropower for our production operations, we have a strong interest in the future of the St. Lawrence River and have closely followed the debate over various water level regulation plans.

We concur with you that it is imperative a plan be adopted by the International Joint Commission that takes into account environmental considerations and the concerns of the public, while at the same time maximizing hydropower production. As you recognize, all three of these issues—environmental considerations, public concerns regarding recreational uses and hydropower—are closely linked to the economy of this region. A St. Lawrence River water level management plan should clearly address these concerns in consideration of the economic future of the North Country.

We fully support your resolution regarding a water levels management plan that takes these three issues into account.

Sincerely,
WESLEY OBERHOLZER,
Primary Location Manager,
Alcoa Massena Operations.

AMERICAN RIVERS,
Washington, DC, April 22, 2008.

Hon. JOHN M. MCHUGH,
House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. LOUISE MCINTOSH SLAUGHTER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES MCHUGH AND SLAUGHTER: On behalf of our 65,000 members and supporters, I am writing in support of your resolution expressing the sense of the U.S. House of Representatives that the International Joint Commission (IJC) should adopt an appropriate water level management plan for Lake Ontario and the St. Lawrence River.

On April 17th, American Rivers named the St. Lawrence River as one of our Most Endangered Rivers of 2008. This annual report highlights the rivers of our nation that are facing the most uncertain futures. This year, the International Joint Commission has an opportunity to revise the deleterious 50-year-old water management plan for the Moses-Saunders Dam. The current plan has severely degraded river health and is threatening the river's lucrative tourism and recreation economy, and quality of life. The IJC must adopt a plan that provides 21st century solutions that benefit the millions of people who depend upon the river.

Research conducted by more than 180 scientists from the U.S. and Canada discovered that the current plan, which severely limits natural water level fluctuations, has significantly impacted the river environment. These conditions can be reversed by allowing the river to have a more natural flow as is proposed by Plan B+, a plan currently before the IJC. Plan B+ is widely supported by federal and state agencies, including the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Environment Canada and the New York Departments of Environmental Conservation and State, as well as numerous scientists, environmental groups, and federal, state and local lawmakers.

Thank you for introducing this resolution and for your leadership in ensuring that the most appropriate water level management plan is chosen for the Lake Ontario-St. Lawrence system.

Sincerely,

REBECCA R. WODDER,
President.

THE NATURE CONSERVANCY,
Albany, NY, April 21, 2008.

Congressman JOHN MCHUGH,
House of Representatives, Rayburn HOB, Washington, DC.
Congresswoman LOUISE SLAUGHTER,
House of Representatives, Rayburn HOB, Washington, DC.

DEAR CONGRESSMAN MCHUGH AND CONGRESSWOMAN SLAUGHTER: On behalf of the 65,000 members of The Nature Conservancy in New York, I write in strong support of your resolution on an environmentally sound and economically beneficial regulation plan for Lake Ontario and the St. Lawrence River.

The 650-mile coastline of Lake Ontario and the upper St. Lawrence River constitutes the largest coastal environment in New York State. Lake Ontario and the upper River harbor more than 64,000 acres of coastal wetlands, extensive barrier beaches, and other coastal habitats that have been shaped over thousands of years by the ebb and flow of the lake and river.

Sound water management is an essential step in preserving the ecological health of freshwater ecosystems like Lake Ontario. Healthy ecosystems enhance our quality of life, and provide the foundation for a healthy economy.

After six years of study, with stakeholder consultation and exemplary science, the International Joint Commission (IJC) has an historic opportunity to exercise principles of sound water management in the regulation of Lake Ontario/St. Lawrence.

However, the proposed new regulation plan released for public comment by the IJC—Plan 2007—does not restore the 30-year cycles that maintained the wetlands and dunes of Lake Ontario's coast prior to advent of water level regulation 50 years ago. The IJC's own 6-year study demonstrated that restoration of these age-old cycles could provide clear ecosystem benefits, and also economic benefits to the people of the basin.

An alternative regulation plan that achieves these benefits—Plan B+—was developed by the IJC study. The approach to water management of Plan B+ is to mimic Lake Ontario's natural hydrologic rhythm while dampening the extremes of high and low levels that can lead to economic damages.

By suggesting a pathway toward the much greater environmental improvements of Plan B+, the IJC recognizes the scientific basis for the broad support this plan has received from the State of New York and from federal and state/provincial agencies and NGOs in the U.S. and Canada.

Your resolution takes an important step toward adoption of a regulation plan that provides ecosystem benefits, addresses the concerns of the public and the State of New York, and increases the economic benefits from hydropower production for all New Yorkers. The Nature Conservancy thanks you for your initiative in developing this resolution, and we will join with partner organizations to bring concerned citizens to the public hearings in support of your efforts.

Sincerely,

KATHLEEN MOSER,
Acting State Director.

AUDUBON NEW YORK,
Albany, NY, April 21, 2008.

Hon. LOUISE SLAUGHTER,
House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. JOHN MCHUGH,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN SLAUGHTER AND CONGRESSMAN MCHUGH, On behalf of Audubon New York and the National Audubon Society, we write to you today in strong support of your resolution calling for a strong, environmentally sustainable water level management regulation to be developed for Lake Ontario and the St. Lawrence River. This strong and timely resolution sends a clear message that the environmental needs of the Great Lakes Ecosystem must be adequately addressed and protected before any such regulation developed by the International Joint Commission (IJC) is approved.

As you are aware, the Great Lakes are an amazing natural resources that is critical not only to the region's birds and other wildlife, but to the economy and quality of life of the 42 million people that live within its watershed. More than 300 different bird species call the Great Lakes their home, but due to a host of factors, especially the loss of coastal wetland habitat, the populations of many of these species are in serious decline.

Specifically in the Lake Ontario/St. Lawrence River ecosystem, as your resolution points out, over the last fifty years since the IJC began regulating water levels we have observed a fifty percent loss of coastal wetlands in the region. The loss of these important habitats not only reduces nesting availability for many species of birds, but also reduces food availability through the loss of important fish spawning grounds.

It is very unfortunate that the IJC has missed this important opportunity to reverse the decades of decline, and develop a regulation that restores a more natural flow and fluctuation of water levels in Lake Ontario and the St. Lawrence River, which is needed to sustain these important coastal ecosystems. By ignoring the findings of their six year, $20 million study and proposing "Plan 2007", the IJC is proposing to maintain the status quo and change little from the current management plan. "Plan 2007" will not restore the natural cyclical rhythms of Lake Ontario and the St. Lawrence River as was proposed in "Plan B+", the widely supported management proposal developed in the IJC Study that would provide significant environmental improvements to the region.

Audubon New York and the National Audubon Society applauds your attention to the need to restore the coastal ecosystems of Lake Ontario and the St. Lawrence River, and strongly supports your resolution calling for the adoption of a regulation that provides ecosystem benefits, and addresses the concerns of the public and the State of New York. We thank you for your strong efforts on this critical issue, and look forward to working with you and our partners throughout the region to ensure a sound environmental plan is implemented.

Sincerely,

ALBERT E. CACCESE,
Executive Director.
JOHN FLICKER,
President.

DUCKS UNLIMITED,
Ann Arbor, MI, April 17, 2008.

Congressman JOHN MCHUGH,
House of Representatives, Rayburn HOB, Washington, DC.
Congresswoman LOUISE SLAUGHTER,
House of Representatives, Rayburn HOB, Washington, DC.

DEAR CONGRESSMAN MCHUGH AND CONGRESSWOMAN SLAUGHTER: On behalf of the 16,000 Ducks Unlimited members in New York, I would like to thank you for your initiative on developing the resolution regarding the water level management plan for Lake Ontario and the St. Lawrence River. As you know, DU has been engaged in this issue for many years, and strongly encouraged the International Joint Commission to adopt Plan B+ for future water level management of the Lake Ontario/St. Lawrence system. In our scientific opinion. Plan B+ delivered the best overall environmental, economic and social benefits to all affected interests.

In our opinion, Plan 2007 as presented by the IJC does not go far enough to remedy the past management regime, nor look forward enough to ensure multiple future benefits for the majority of affected people and resources. DU is mobilizing our membership to be present at the public information sessions and public hearings scheduled by the IJC so that our voice will be heard.

Therefore, Ducks Unlimited supports your bi-partisan House Resolution calling for the IJC to increase the level of environmental protections and benefits, fully consider the views of the public and State of New York when selecting the new plan, and maximize hydropower production (in line with Plan B+). Again, thank you for your leadership on this issue, and rest assured that Ducks Unlimited will be following this important environmental issue very closely.

Sincerely,

RAY WHITTEMORE,
Director of Conservation Programs.

APRIL 22, 2008.

Hon. JOHN MCHUGH,
House of Representatives,
Washington, DC.
Hon. LOUISE M. SLAUGHTER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCHUGH AND CONGRESSWOMAN SLAUGHTER, We, the undersigned organizations, are writing to express our support for the house resolution you've developed that urges the International Joint Commission to adopt a water management plan for the St. Lawrence River and Lake Ontario that takes into consideration environmental needs and the concerns of the public and affected States and urges the Secretary of State to reject any plan that does not do so.

Since the completion of the Moses-Saunders hydropower dam 50 years ago, the Lake Ontario and St. Lawrence River ecosystems have suffered consistent losses to their globally significant biodiversity due to unnatural and damaging water levels regulation.

The current, 50 year-old regulation scheme has artificially constrained water levels, resulting in considerable damage to more than 50% of the region's coastal wetlands and significant impacts to many fish species and nesting water birds.

After more than five years of study funded by $20-million taxpayer dollars, the IJC has the information necessary to select a scientifically-based and publicly supported management plan that would deliver significant environmental improvements to the region. Instead, the IJC has turned its back on the Lake and River environment by proposing a plan—Plan 2007—that continues, and perhaps even worsens, the environmental destruction of the Lake and River.

In a time of unprecedented momentum towards restoring the Great Lakes-St. Lawrence system, the actions by the IJC that would reverse restoration programs are unacceptable.

We applaud your efforts to ensure that the environment of the St. Lawrence River and Lake Ontario are protected from further damage. By introducing and supporting this resolution, you are sending a strong signal to the International Joint Commission that the status quo, which has resulted in the significant losses of wetlands throughout the River and Lake ecosystem, is not acceptable.

Sincerely,

Jennifer Caddick, Executive Director, Save The River/Upper St. Lawrence Riverkeeper; Joel Brammeier, Vice President for Policy, Alliance for the Great Lakes; April H. Gromnicki, Esq., Director, Ecosystem Restoration, Audubon; Albert E. Caccese, Executive Director, Audubon New York; Julie M. Barrett O'Neill, Esq., Riverkeeper and Executive Director, Buffalo Niagara Riverkeeper; Dereth Glance, Executive Program Director, Citizens Campaign for the Environment; Gildo M. Tori, Director of Public Policy, Ducks Unlimited; Katherine Nadeau, Water & Natural Resources Program Associate, Environmental Advocates of New York; Jill Ryan, Executive Director, Freshwater Future; Mary Muter, Vice President, Environment, Georgian Baykeeper for Georgian Bay Association and Foundation; Thomas Marks, NY Director, Great Lakes Sport Fishing Council.

John Jackson, Director, Clean Production, Great Lakes United; Robert A. Sweeney, PhD, Executive Director, International Association for Great Lakes Research; Nancy Foster, Secretary, International Water Levels Coalition; Les Monostory, President, New York Division, Izaak Walton League; Robert M. Borchak, Director at Large, Michigan United Conservation Clubs; Karen M. Schapiro, Executive Director, Midwest Environmental Advocates; Andy Buchsbaum, Regional Executive Director, National Wildlife Federation; Harold L. Palmer, President, New York State Conservation Council; Aaron R. Vogel, Executive Director, Thousand Islands Land Trust; Bill Pielsticker, Legislative Chair, Wisconsin Council of Trout Unlimited.

TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT (H.R. 5719)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in strong support of the Taxpayer Assistance and Simplification Act (H.R. 5719). I want to thank Chairman RANGEL and Subcommittee Chairman LEWIS for bringing this legislation to the floor which modernizes IRS functions by responding to recommendations by the Taxpayer Advocate.

The Taxpayer Assistance and Simplification Act helps to simplify the tax process and protect taxpayers from abuses. It strengthens protection from identity theft and tax fraud by requiring the IRS to notify taxpayers if it suspects identity theft. H.R. 5719 also makes the tax process simpler by eliminating an outdated requirement for detailed records of calls made on employer-provided cell phones. It strengthens outreach to ensure that working families entitled to the Earned Income Tax Credit receive the refund they have earned and provides protections from predators.

H.R. 5719 helps to ensure tax fairness by closing an offshore loophole that allows government contractors, who receive millions or billions in taxpayers' dollars, to set up companies in foreign countries to avoid paying Social Security and Medicare taxes. For example, defense contractor KBR, has reportedly avoided paying over $100 million in Social Security and Medicare taxes by creating shell companies in the Cayman Islands.

This important bill also puts an end to the use of private debt collection agencies to collect Federal income taxes and ensure that this critical government function is performed by public servants on behalf of American taxpayers. Despite aggressive tactics, contractors only brought in a little more that half of what it cost the IRS to implement the program. IRS agents can do this more efficiently and ending this program prevents the possible misuse of confidential taxpayer information. Our constituents deserve to know that the person contacting them on behalf of the Federal Government is a public-servant, who is held to the highest standards of accountability and confidentiality, not a person whose paycheck depends solely on the number of collections they make.

I urge my colleagues to support the Taxpayer Assistance and Simplification Act.

IN RECOGNITION OF THE GRAND OPENING OF THE DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC IN OKALOOSA COUNTY, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MILLER of Florida. Madam Speaker, it is a great honor for me to rise today to recognize the grand opening on April 25, 2008, of the Department of Veterans Affairs Community-Based Outpatient Clinic (CBOC) in Okaloosa County, located in the First Congressional District in Northwest Florida.

This momentous occasion has been a long time coming for the ever-growing veterans' population along Florida's Emerald Coast. With the highest veterans' population of any congressional district in the Nation, many of the residents of Okaloosa County and the immediate areas have had to drive significant distances for some of the most basic outpatient care from the VA. This area was identified years ago as an underserved area for VA healthcare, and was marked as a priority location for future VA construction. Now completed and ready to receive patients, this CBOC will alleviate travel time and provide efficient access to VA healthcare for those veterans.

Beautiful beaches, warm weather, and friendly neighbors encourage many to call the Florida panhandle "home." With five military installations in my district alone it is little wonder that active and retired military and nearly 110,000 veterans make up a tremendous portion of my constituency. While many already saw the need for improved access to VA care, it took a coordinated effort from many interested parties to make this event a reality. There was no doubt that this facility is what our area's veterans needed and deserved.

A co-sharing agreement between VA and the Department of Defense has been a huge factor in bringing about this moment. By using land on Eglin Air Force base, in close proximity to the base hospital, veterans using the VA clinic have access to various DoD resources and active servicemembers stationed there have access to part of the clinic's specialty care. In addition, the use of DoD land ensures that VA does not have to deal with finding and acquiring land, resulting in the best deal for taxpayers and veterans alike.

Madam Speaker, on behalf of the United States Congress, I would like to recognize the efforts of all who worked toward bringing this important facility to Okaloosa County, Florida. We have an eternal debt of gratitude to our servicemen and women, and this much-needed VA clinic is one way that we can begin to say thank you for ensuring that the liberty continues to shine a bright light over our country.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CAPUANO. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian genocide and to celebrate a people who despite murder, hardship, and betrayal have persevered.

Throughout three decades in the late nineteenth and early twentieth centuries, millions of Armenians were systematically uprooted from their homeland of three thousand years and deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history the Armenian people. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery and torture. Most were ultimately murdered.

Many of our companions in the international community have already taken a final step towards healing and reconciliation. The European Parliament and the United Nations have recognized and reaffirmed the Armenian Genocide as historical fact, as have the Russian and Greek parliaments, the Canadian House of Commons, the Lebanese Chamber of Deputies and the French National Assembly. It is time for America to join the chorus and acknowledge the Armenians who suffered at the hands of the Ottoman Empire. And let me stress that I am not speaking of the government of modern day Turkey, but rather its predecessor, which many of Turkey's present day leaders helped to remove from power.

As I have in the past, as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the Armenian-Americans in my district to promote investment and prosperity in Armenia. And, I sincerely hope that this year, the U.S. will have the opportunity and courage to speak in support of the millions of Armenians who suffered because of their heritage.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WOLF. Madam Speaker, I rise today in remembrance of the 1.5 million men, women and children who were killed and the 500,000 survivors who were expelled from their homes during the Armenian Genocide. Today marks the 93rd anniversary of the beginning of a systematic effort carried out by the Ottoman Empire, which ultimately resulted in the elimination of ethnic Armenians from their historic homeland.

On April 24, 1915, the Ottoman authorities arrested approximately 250 Armenian intellectuals and community leaders in Istanbul. Following this episode, the military proceeded to round up hundreds of thousands of Armenians and force them to march hundreds of miles into present day Syria, denying them food and water along the way. Those that were not slaughtered and survived the treacherous journey were brutally raped and beaten along the way.

The root of this occurrence can be attributed to an official policy of discrimination, which culminated in genocide. I urge my colleagues to read Samantha Powers widely acclaimed book, A Problem From Hell: America and the Age of Genocide, which clearly describes this as genocide.

May we all take a moment to remember the victims of the Armenian Genocide, one of the most horrible tragedies of the 20th century. We remember, not so that we may dwell on the events of the past, but so that we may renew our personal commitments to never stand idly by and let such a tragedy happen again.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker. I wish to commemorate the 93rd anniversary of the Armenian Genocide. On April 23, 1915, the world suffered its first deliberate act of systematic mass murder of people of one culture by another—and the unspeakable crime of genocide was born. The massacre and mistreatment of approximately 1.5 million Armenians in the waning years of the Ottoman Empire epitomizes the depths of inhumanity that the human race is capable of.

Out of this wretched episode of history, we have made a determined effort to move beyond hatred, to recognize mistakes, and to prevent similar events from occurring in the future. It is our obligation to learn from lapses in moral judgment and forge safeguards for all oppressed, vulnerable, and subjugated peoples.

I would like to express my sympathy to the survivors and descendents of the Armenian Genocide. I hope we can all take time to reflect on this solemn day of remembrance.

HONORING TURKEY'S SHARED COMMITMENT TO SPREADING DEMOCRACY AND DEFEATING EXTREMISM

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WHITFIELD. Madam Speaker, I rise today to recognize a strong friendship that has proven enormously important since the beginning of the Cold War. Time and time again, the Republic of Turkey has stood firmly with the United States as we have pursued our shared goals in a region where we have few steady allies. Turkey, a fellow NATO country, is a vital partner in our fight against extremism and an example of a vibrant democracy in a region burdened with inequality.

Turkey's assistance in supporting combat operations in Iraq and Afghanistan has been instrumental in our efforts to bring opportunity and prosperity to millions of people. Its proximity to both countries has made it an ideal place to coordinate logistics and center supply routes. Over 74 percent of the air cargo that reaches American forces in Iraq passes through Incirlik Air Base in Southern Turkey, and around 4,000 trucks carrying fuel, food, and water cross into Iraq from Turkey every day.

The Turkish government also has provided over $50 million for reconstruction efforts in Iraq, and another $100 million for Afghanistan. Turkey has committed over 800 troops and assumed command of the North American Treaty Organization (NATO) Regional Command Center in Kabul. Their Provincial Reconstruction Team has trained over 1,900 members of the Afghan army, treated 650,000 patients at two fully equipped hospitals and four clinics, and educated 37,000 young minds at the more than 30 schools it has constructed. In Iraq, Turkey's training programs for both Shiite and Sunni officials alike has been able to fill an important void in encouraging cooperation and reconciliation between the two rival factions.

Of course, our common bond goes deeper than mere military and political cooperation in Iraq and Afghanistan. We have in Turkey an ally that has proven it shares our commitment to spreading democracy, both within its own borders and amongst its neighbors. Their 70 million citizens have rejected an extremist version of Islam in favor of a secular, democratic government. Turkey also has been a valuable contributor to United Nations peacekeeping missions intent on halting the bloodshed in Sierra Leone, Liberia, and Sudan.

Madam Speaker, Turkey has earned our respect, friendship, and gratitude, and deserves recognition for its crucial assistance over the last 60 years. I look forward to strengthening this important relationship as we continue working toward our mutual interests.

TRIBUTE TO TORREL HUSKEY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise to honor the service and sacrifice of my constituent, Mr. Torrel Huskey. Mr. Huskey is a 91-year-old World War II veteran living in Kansas City, Kansas. In 1943, Mr. Huskey was assigned to the 3496th Quartermaster Brigade as a truck driver on the "Red Ball Express," ferrying men, supplies and equipment to the front lines of battle as part of Operation Overlord.

During these missions, Mr. Huskey often dodged obstacles such as barbed wire and land mines and repeatedly came under attack from enemy small arms fire, mortar fire, artillery barrages and strafing runs by the German Luftwaffe. It was during one of these attacks that Mr. Huskey was wounded from enemy mortar fire.

With shrapnel embedded in his legs, and at the insistence of his commanding officer, Mr. Huskey bandaged his own wounds and carried on with his duties. He continued driving, despite his wounds, risking death or permanent injury because that was his job—to keep the wheels of the battlefront moving forward as the Allies raced to the Rhine.

When the "Red Ball Express" ended in September 1944, Mr. Huskey was assigned the arduous task of locating hastily buried comrades and transporting them to the U.S.

gravesites sprinkled throughout France, Belgium and elsewhere in Europe.

In June 2006, I was contacted by Mr. Huskey's oldest daughter, Lynda McClelland, with a request for assistance to obtain the Purple Heart medal for her father.

After nearly 2 years of researching medical records, reviewing morning reports and hearings before the Army Board for the Correction of Military Records, I learned that Mr. Huskey's files were destroyed during the 1973 fire at the National Personnel Records Center. There exists no record of Mr. Huskey's injuries or treatment for the wounds he sustained in action either in his medical records file or in existing morning reports. Therefore, the recommendation for the award of the Purple Heart was denied.

It is a shame that Mr. Huskey is still without the Purple Heart Medal, despite the fact that the Department of Veterans Affairs has found Mr. Husky to be service-connected for both Post Traumatic Stress Disorder and scars from the residuals of shrapnel embedded in his legs and knees.

It is for these reasons that I ask my colleagues to join me in honoring Mr. Torrel Huskey. Without the service and sacrifice of Mr. Huskey, and all of the men and women of the "greatest generation," our Nation would not be the resilient and flourishing country it is today. By continuing his mission, despite being wounded, Mr. Huskey lent great credit to himself, the Army Motor Transport Brigade and the United States of America.

HONORING NEIGHBORHOOD HOUSING SERVICES OF RICHLAND COUNTY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. KIND. Madam Speaker, I rise today to honor Neighborhood Housing Services, NHS, of Richland County for the 25 years of service this agency has provided to its communities. As America's first Rural NHS, Richland County has partnered with numerous entities in the areas of housing, insurance, and construction, allowing this agency to offer comprehensive services and assistance to area residents.

NHS of Richland County is able to revitalize communities and address current needs. Recent initiatives have addressed the mortgage crisis and the August 2007 flood in western Wisconsin. With interest rates rising and property values decreasing, many hardworking families have had an increasingly difficult time making their mortgage payments, thus now more than ever it is especially important that our local communities have the necessary resources to provide affordable housing for those who need it most.

NHS of Richland County responded to this need and in 2007 when in spite of this downturn in the housing market they assisted 81 households with loans and maintained a near zero percent foreclosure rate. NHS also created the Responsible Homeownership, R–HOME, initiative. This project is a comprehensive mortgage loan program created to better serve the needs of consumers with little or no credit history. In addition to the above endeavors, when the flood of August 2007 hit, NHS was part of local flood recovery effort in providing critical assistance to families.

Foreclosure prevention, homeownership seminars, flood recovery assistance and establishing renewable energy systems are just a few of the programs contributing to the success of Richland County's Neighborhood Housing Services. Since 1983, NHS of Richland County has responded and assisted over 3,000 households by building 39 affordable, energy-efficient homes, repairing more than 40 homes in the tornado stricken town of Viola, Wisconsin and constructing a 25-unit apartment complex for low-income seniors.

I applaud Neighborhood Housing Services of Richland County for providing invaluable support for homeowners in western Wisconsin, being a leader to housing services around the country and most importantly, upholding their motto of "Neighbors Helping Neighbors."

HONORING REID COLLIANDER AND REID'S LEMON-AID RIDE FOR RESEARCH

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ROSKAM. Madam Speaker, it is my great pleasure to rise today to recognize an outstanding young man from my Congressional District, Reid Colliander, for his hard work and dedication to raising money for Children's Memorial Hospital Brain Tumor Research.

Reid was diagnosed with a brain tumor when he was just 7 years old. As a benefactor of brain tumor research, he underwent brain surgery and over 3 years of rehabilitation. Today Reid is happy, healthy, normal, and active in basketball and baseball.

Reid's journey did not end when he was cured. In 2005, he formed Reid's Lemon-AID stand, which seeks to raise money for brain tumor research at Children's Memorial Hospital in Chicago, Illinois, and develop a lifestyle for local youth of charity and service. To this date, Reid has raised over $45,000.

As part of Lemon-AID, Reid, along with friends and family, visits several local communities to build awareness on the critical need for the funding of brain tumor research and to gain support for his organization.

More than 100 children, ranging in age from 5 to 12, have participated in various Reid's Lemon-AID fundraising events, learning citizenship and much more along the way.

One such event is the second annual Reid's LemonAid Ride for Research event. During this event, more than 100 kids will lead as many as 700 cyclists on a 5K bike ride through downtown Glen Ellyn, Illinois this Saturday April 19th.

This family fun bicycle ride is working to hit Reid's ultimate goal, $1 million for research of brain tumors.

Reid Colliander truly has turned what was once a tragic moment in his life to an outstanding service project, benefiting many children who are stricken with brain tumors.

To honor Reid, I encourage my colleagues to sign onto H. Res. 424, a resolution that calls for the recognition of National Brain Cancer Awareness Month in May.

Madam Speaker and Distinguished Colleagues, please join me in congratulating Reid Colliander and all that he has done for brain tumor research.

RECOGNIZING THE 90TH ANNIVERSARY OF TILSNER CARTON COMPANY IN ST. PAUL, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to honor Tilsner Carton Company of St. Paul, which is celebrating its 90th anniversary this year.

For such a long-lasting business, Tilsner Carton Company's beginnings were decidedly modest. Isadore Tilsener started collecting and reselling used boxes from liquor stores around St. Paul in 1918 to earn a living. As time passed, Tilsner Carton Company began manufacturing its own boxes with a same day delivery that became its trademark. Tilsner's son, Mike, took over Tilsner Carton Company as his son Joel Tilsner would do in 1986. Joel continues to operate the business and owns 100 percent of the company.

The corrugated box business has changed radically since Isadore Tilsner opened his warehouse in a garage 90 years ago. A few large manufacturers dominate today's market, but Tilsner Carton Company has continued to prosper through its responsive customer service, speedy production, and diversity of products. The company pays good jobs in our community as its customer base has grown both in size and geographic reach—today the business ships product displays all the way to Puerto Rico.

Madam Speaker, I am proud to recognize Tilsner Carton Company and its three generations of family ownership, and it is my honor to submit this statement for the official CONGRESSIONAL RECORD.

CELEBRATING THE LIFE AND WORK OF DALE WEN-CHIEH JIEH

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, this month, our nation's Capitol will lose a good friend in Dale Wen-chieh Jieh, Director of the Taipei Economic and Cultural Representative Office (TECRO). Dale will be leaving Washington for his new post as Director-General, Taipei Economic and Cultural Office in Kansas City, Kansas. Dale has served as Director of the Political Division since July 15, 2005, as well as Director of the Congressional Liaison Division since July 1, 2006. During the last three years in Washington, D.C., Dale has made many friends in the administration and on Capitol Hill. He is well known for his scholarly demeanor, warm personality and quick grasp of the issues. He is truly a diplomat's diplomat.

Born in Taiwan, Dale was destined for academic excellence. He attended the National Cheng-chi University in Taiwan and the Graduate Institute of International Relations in Geneva, earning his Master of Arts in International Relations at the Free University of Brussels, Belgium. In addition to Mandarin Chinese, Dale is fluent in English and French.

Dale joined Taiwan's government service in the 1980's. He was a Specialist for the Taiwan External Trade Development Council (1986–1987); Assistant to the Vice Foreign Minister (1987–1989); Third Secretary, Taipei Economic and Cultural Office in Chicago; Second Secretary, Taipei Economic and Cultural Office in Thailand (June 1993-August 1995); Second Secretary on home assignment, Department of African affairs, Ministry of Foreign Affairs; Section Chief, Department of International Organizations, MOFA (June 1997-November 1998); Director, European Union Affairs, Taipei Representative Office in Belgium (November 1998-July 2002); Principal Assistant to the Minister of Foreign Affairs (July 2002-April 2003); Deputy Director General, Department of International Organizations, MOFA (2003); Director, Political Division, TECRO (2005) and currently serves as Director of the Congressional Liaison Division, TECRO, a post Dale has lead with honor and distinction since 2006.

Though he will be missed in the halls of Congress, I trust Dale will continue to be an effective representative of the Taiwan government in his new post in Kansas City. I am confident Dale will continue to strengthen the relations between Taiwan and the United States in his new post, a task as important as ever as America continues to trade and do business with our friends and neighbors around the world. We will forever call upon the dedicated service of people like Dale to foster better, stronger and more valuable relationships between the United States and its allies.

So today, Madam Speaker, I rise to commend and congratulate my friend Dale Wen-chieh Jieh for his service to his country and also to the United States of America. I will always treasure my friendship with Dale and wish him, his charming wife and two beautiful daughters the best of luck as they journey west to their new home in Kansas City.

HONORING THE THIRTEENTH QUADRENNIAL CONVENTION OF THE SLAVONIC BENEVOLENT ORDER OF THE STATE OF TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the Thirteenth Quadrennial Convention of the Slavonic Benevolent Order of the State of Texas SPJST, which will be held on June 8–11, 2008. For 111 years, SPJST has served as a fraternal organization and an educational tool for Czech immigrants to learn the democratic process, the value of free speech, and the importance of voting in their newly adopted homeland.

Today, there are more than 47,000 members of the SPJST in 120 lodges throughout the state of Texas. In recent years, SPJST has expanded to include youth activities and community service programs. As a result, many SPJST projects and members have been recognized by the Texas Fraternal Congress for their service and contribution to communities throughout Texas. SPJST has provided its members with identity and support throughout the years. In lodges all over the State of Texas, members are committed to helping those in need by working in hospitals, providing scholarships, and supporting drug abuse programs and other charities. The members of SPJST have upheld the tradition of helping people to care for their families and their communities.

With its great commitment to its members, communities, and organizations that it serves, SPJST embodies the value and tradition of the great State of Texas.

HONORING THE 2008 ST. PAUL CENTRAL HIGH SCHOOL MINUTEMEN GIRLS BASKETBALL CHAMPIONS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, 1 year ago, I rose to congratulate the 2007 St. Paul Central High School Minutemen girls basketball champions. Today, I have the privilege again—congratulations to the 2008 St. Paul Central High School Minutemen girls basketball team for winning the State championship! The Minutemen girls team successfully defended their title by defeating the same team, the number one top-seeded Minneapolis South Tigers, in the final State championship class 4A on Saturday, March 15, 2008, at the Target Center.

Although the St. Paul Central High School girls basketball Minutemen were trailing by 9 points at half-time, they fought back hard and overpowered their opponents in the second half with their outstanding talent, power, speed and resiliency. The Minutemen went on to beat their opponents with the final scores of 49–44 over the Tigers.

I am so proud of these fine young athletes and wish to extend my heartfelt congratulations to them and the entire Central High School community. These back-to-back championship titles bring the school's record to four State championship titles, including 1976 and 1979. Last year, the Minutemen had a perfect season record of 32–0 and set a new record in post-season of Minnesota girls basketball championship history with the final score of 81–63 over the Minneapolis South Tigers. This year, the Minutemen are ranked third in the conference and were defeated by the Tigers once during the regular season, but in the post-season the Minutemen once again proved that they are the champions.

Madam Speaker, on behalf of the students, teachers and staff of Central High School as well as the entire St. Paul Public Schools District, please join me in honoring the 2008 St. Paul Central Minutemen girls basketball State champions.

TRIBUTE TO THE HONORABLE YVONNE BRATHWAITE BURKE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. LEE. Madam Speaker and Ms. KILPATRICK of Michigan, I rise today on behalf of the Congressional Black Caucus to honor Yvonne Brathwaite Burke, one of our own who served as a Representative of California's 37th Congressional District from 1973 to 1979, and is retiring at the end of this year, after an impressive 50-year career as a public servant in the State of California.

On the occasion of Mrs. Burke's retirement from public office, we wish to extend to her sincere congratulations for the decades of dedicated service that she has given to her nation, her State, and her County, most recently as Chair of the County of Los Angeles Board of Supervisors, the largest county in the nation with a population of over 10 million. For the past 15 years, she has served with distinction as the Supervisor of the Second District, representing nearly 2.5 million residents.

Indeed. Mrs. Burke has blazed a path for African-American women in public service that had its genesis during her high school years when, as a teenager, she got involved in public speaking and competitive contests, earning scholarships to the University of California-Berkeley and later to the University of California-Los Angeles.

In 1953, she was the first African-American woman to be admitted to the University of Southern California Law School since its founding in 1928. Upon graduation from Law School, inasmuch as many private law firms showed no interest in hiring women as attorneys, particularly African Americans, she opened a law practice, specializing in civil rights and laws regarding housing, immigration, eminent domain, and the licensing of residential care homes for children and adults.

Mrs. Burke was active in the Civil Rights Movement, with memberships in various local and national organizations, and served as a staff attorney on the McCone Commission that investigated the causes of the 1965 Watts Riots in Los Angeles. She became a spokesperson for the underrepresented and, through a grassroots campaign, won her first political office in 1966 as a California State Assemblywoman, a position she held for the next six years.

In 1972, Mrs. Burke was the first African-American woman, west of the Mississippi River, to be elected to the U.S. House of Representatives and, one year later, she was the first Member of Congress to give birth while in office. In 1978, she ran for Attorney General of California winning the Democratic nomination, but subsequently losing in the general election. The Governor of California in 1979 appointed her to a vacancy on the Fourth Supervisorial District in Los Angeles County.

She also was appointed by the Governor in 1982 to serve on the Board of Regents of the University of California. In 1984, Mrs. Burke was selected to serve as Vice Chairman of the U.S. Olympics Organizing Committee. before becoming the first African-American elected to the Los Angeles County Board of Supervisors in 1992.

Notably, Mrs. Burke served as the Vice Chair of the 1972 Democratic National Convention, and she played a significant role in the 2000 Democratic National Convention in hosting an event for hundreds of African-American elected officials nationwide.

She has received innumerable awards and honors both as an African American and as a woman, including being selected as one of Time Magazine's "America's 200 Future Leaders" in 1974, as The Los Angeles Times' "Woman of the Year" in 1996: UCLA's "Alumni of the Year" also in 1996, and UCLA's "Local Legislator of the Year" in 2008. She has served on the Boards of numerous prestigious organizations and corporations.

While these are just some of Mrs. Burke's significant accomplishments, on behalf of the Congressional Black Caucus, the House of Representatives, and the State of California, we extend our deepest gratitude for her important contributions throughout her illustrious career. With sincere best wishes, we congratulate Mrs. Burke upon her retirement from elective office. We are pleased to join her many co-workers, family, friends, and associates in wishing her health, happiness, and continued good fortune in her future endeavors.

In conclusion, Yvonne Brathwaite Burke's exemplary record testifies that she is a woman of indomitable compassion, courage, character, and faith. We believe that she will be remembered for the beneficial changes she made in people's lives.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mrs. MALONEY of New York. Madam Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise to join my colleagues in the sad commemoration of the Armenian genocide.

Today we declare once again that the Turkish and American governments must finally acknowledge what we have long understood: that the unimaginable horror committed on Turkish soil in the aftermath of World War I was, and is, an act of genocide.

The tragic events began on April 24, 1915, when more than 200 of Armenia's religious, political and intellectual leaders were arrested in Constantinople and killed. Ultimately, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks, and more than 500,000 more were exiled from their native land.

On this 93rd anniversary of the beginning of the genocide, I join with the chorus of voices that grows louder with each passing year. We simply will not allow the planned elimination of an entire people to remain in the shadows of history. The Armenian genocide must be acknowledged, studied, and never, ever allowed to happen again.

Two years ago I joined with my colleagues in the Caucus in urging PBS not to give a platform to the deniers of the genocide by canceling a planned broadcast of a panel which included two scholars who deny the Armenian genocide. This panel was to follow the airing of a documentary about the Armenian Genocide. Along with Representative ANTHONY WEINER, I led a successful effort to convince Channel Thirteen in New York City to pull the plug on these genocide deniers.

The United States must join the parliaments of Canada, France, and Switzerland in passing a resolution affirming that the Armenian people were indeed subjected to genocide. The House Committee on Foreign Affairs took an important step last year in passing H. Res. 106, and I am hopeful that this resolution will make it to the Floor.

An acknowledgment of the genocide is not our only objective. I remain committed to ensuring that the U.S. Government continues to provide direct financial assistance to Armenia. Over the years, this aid has played a critical role in the economic and political advancement of the Armenian people. This year I have joined with my colleagues in requesting no military aid for Azerbaijan in the FY09 Foreign Operations Appropriations bill. We also have requested $70 million in economic assistance for Armenia and $10 million for Nagorno-Karabakh.

Legislation passed in the 109th Congress and signed into law to reauthorize the Export Import Bank included important language prohibiting the Bank from funding railroad projects in the South Caucasus region that deliberately exclude Armenia.

American tax dollars should not be used to support efforts to isolate Armenia, and these provisions would prevent that by ensuring that U.S. funds are not used to support the construction of a new railway that bypasses Armenia. A railway already exists that connects the nations of Turkey, Georgia, and Azerbaijan, but because it crosses Armenia, an expensive and unnecessary new railway had been proposed. Allowing the exclusion of Armenia from important transportation routes would stymie the emergence of this region as an important east-west trade corridor.

On this solemn day, our message is clear: the world remembers the Armenian genocide, and the governments of Turkey and the United States must declare—once and for all—that they do, too.

HONORING KATHRYN FLYNN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today to congratulate Kathryn Flynn, of Santa Fe, New Mexico. She is being honored on May 2, 2008, with its 2008 Heritage Preservation Award for individual achievement from the New Mexico Cultural Properties review committee.

For the past 17 years, Kathryn has been committed to preserving the history and legacy of President Franklin D. Roosevelt's New Deal and its enormous impact on New Mexico and the Nation. She has labored tirelessly to locate, restore and document the undertakings of the Works Project Administration, WPA, and the Civilian Conservation Corps, CCC, in New Mexico. Functioning on shoestring budgets, Kathryn enlisted New Mexico volunteers to help in this effort and then went nationwide, state by state, to convince others to do the same. This resulted in the formation of the National New Deal Preservation Association, of which Kathryn was unanimously elected executive director, a position she holds today.

Through Kathryn's leadership, skills, talents and passion, hundreds of thousands of dollars have been raised in private and public funds for conserving New Deal art in New Mexico. This funding has allowed for the restoration and conservation of five Santos at the Palace of the Governor's Fine Arts Museum, seven Helmuth Naumer pastels at the New Mexico Taxation and Revenue Department, the Bronson Cutter bronze statue on the Santa Fe capitol grounds, seven paintings and etchings in the Taos public schools, and seven murals in the Ilfeld Auditorium at Highlands University. Conservation work is currently underway on public art works at New Mexico State University and Silver City, and numerous other preservation projects have been conducted because of Kathryn's remarkable leadership and efforts.

Kathryn's and the National New Deal Preservation Association's efforts culminated into the honoring of the 75th anniversary of the New Deal. Several meetings in our Nation's capital have taken place among many departments, including the Library of Congress, various organizations and private citizens, who have joined the association in this noble project. During 2008, various events and activities will be held nationwide to call attention to the New Deal and the extraordinary time in which it took place in our nation's history.

It is appropriate that I also call attention to Kathryn's distinguished professional career. Earning a Master's degree in Rehabilitation Counseling/Psychology, she served the State of New Mexico in health and rehabilitation services, as executive director for the Carrie Tingley Hospital and Foundation, and as executive director of Open Hands, Inc. She then became Deputy Secretary of State, where she edited for many years the Blue Book, an invaluable resource for such information as New Mexico history, landscape, government, educational institutions, political leaders, Native Americans and state attractions.

It was in the role of editing the Blue Book that Kathryn "found her true calling." She wanted to include a piece of WPA art for inclusion in the 1991 edition of the Blue Book, but it was nowhere to be found. The search for this artwork led to Kathryn's realization that much of what was created during the New Deal was being lost, not only through physical deterioration, but also as a legacy to younger generations. Kathryn wanted to ensure that the New Deal's history, artistic beauty, public works and, perhaps most importantly, the encouragement and hope that it created in the minds and hearts of millions of citizens who were out of work during the Great Depression, be preserved for posterity.

Kathryn Flynn is considered by many as our nation's leading authority on the New Deal, and she is well deserving of recognition. I invite my colleagues to join me in congratulating her upon receiving New Mexico's 2008 National Preservation Heritage Award. On behalf of all New Mexicans, I extend our deepest appreciation for all Kathryn has done to protect and preserve the history and all that the New Deal created for generations to come.

HONORING THE PHILADELPHIA PROGRAM OF VITAS INNOVATIVE HOSPICE CARE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor the outstanding community service provided by the volunteers of The Philadelphia Program of VITAS Innovative Hospice Care on the occasion of their annual volunteer celebration dinner taking place on April 30, 2008. This annual event is part of National Volunteer Appreciation Week from April 27 to May 3, 2008. National Volunteer Appreciation Week was created in 1974 when President Richard Nixon signed an executive order to establish the week as an annual celebration of volunteerism.

VITAS Innovative Hospice Care has been a pioneer and leader in the hospice care movement since 1978 and is the nation's largest provider of end-of-life care. The Philadelphia Program of VITAS, which started in 1993, has four inpatient units and serves the five-county Philadelphia area.

More than sixty Philadelphia-area volunteers perform numerous services and serve more than 350 patients a day. The volunteers are both young and old and provide a variety of services for the elderly. These services range from running errands and placing reassuring phone calls, to spending quality time with the elderly. The volunteers serve patients in their own homes, in hospitals, and in nursing homes.

Madam Speaker, I ask that my colleagues join me today in thanking The Philadelphia Program of VITAS volunteers for their exemplary service to the citizens of Southeastern Pennsylvania. May their work be an inspiration to us all.

ARMENIAN GENOCIDE

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CANTOR. Madam Speaker, today we remember the 1.5 million innocent victims of the Armenian genocide who horrifically lost their lives 93 years ago. The tragedy of the Armenians was the first genocide of the 20th century, but sadly not the last. Now, in a 21st Century rife with renewed ethnic and religious hatreds, the memory of the Armenian victims must remain fresh in our minds. It was Adolf Hitler who asked his generals, after deciding to brutally attack Poland in 1939, "Who still talks nowadays about the Armenians?" By remembering the Armenians on this day, as well as the millions of other victims claimed by genocides worldwide, we can individually and collectively contribute to the prevention of future atrocities and the end of genocide once and for all. I'd like to thank the Armenian-American community and the millions of others who have worked to ensure the American people never forget the victims of the Armenian genocide.

STATEMENT ON THE 93RD ANNIVERSARY OF THE BEGINNING OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. COSTELLO. Madam Speaker, I rise today to honor the memory of the victims of the Armenian genocide.

On April 24, 1915, over 200 Armenian religious, political, and intellectual leaders were murdered in Constantinople by the government of the Ottoman Empire. This event marked the beginning of a systematic mass murder of 1.5 million Armenian people and the displacement of nearly 500,000 refugees. Today marks the 93rd anniversary of the beginning of an 8 year siege against the property, dignity and lives of the Armenian people.

We are here today to fully recognize the impact of this event. More than a dozen other countries including France, Canada, Austria, Sweden, and Greece have acknowledged genocide and passed resolutions similar to H. Res. 106, commemorating those who lost their lives in Armenia between 1915 and 1923. Yet, despite the great suffering of the Armenian people, they have overcome adversity and continue to preserve their culture, traditions, religion and history. The United States and Armenia have had a strong, long-lasting relationship, including U.S. humanitarian and technical assistance to Armenia totaling nearly $2 billion to date. With the recent election of President Serge Sargsian, Armenia continues to demonstrate a maturing democracy. Armenian-American citizens have contributed to our society in countless ways and the memory of their ancestors deserves to be honored. Acknowledging the 1915–1923 genocide as a tragic piece of Armenian history is a stepping stone in preventing future atrocities from taking place around the globe.

Madam Speaker, I urge my colleagues to join the in paying tribute today to those who lost their lives in this horrible event against the Armenian people and honoring the survivors who continue to commemorate the memory of their lost family and friends.

HONORING THE CAREER AND ACCOMPLISHMENTS OF CAPTAIN JAMES C. HOWE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. COBLE. Madam Speaker, I take this occasion to honor Captain James C. Howe for his service to the United States House of Representatives and for his 27 years of service to our country in the United States Coast Guard.

Captain Howe was assigned as Chief of the Office of Coast Guard Congressional and Governmental Affairs in July 2005, and I am proud to have had the opportunity to work closely with him. In my leadership roles on the Coast Guard and Maritime Transportation Subcommittee and in numerous other venues, my staff and I have often relied on Captain Howe's knowledge and understanding of the operational missions, the current day-to-day challenges, and the roles and responsibilities of the United States Coast Guard.

During his career he spent 11 years at sea, conducted over 200 search and rescue cases, saved dozens of lives, interdicted nearly 1,000 illegal migrants, and seized 16 drug-laden vessels carrying more than 75 tons of marijuana and cocaine.

Captain Howe began his career at the United States Coast Guard Academy in New London, CT, where he graduated in 1981. Ensign Howe was assigned to his first unit as a Deck Watch Officer aboard USCGC *Active* in New Castle, New Hampshire, conducting search and rescue and fisheries patrols in the North Atlantic. He then was assigned as Executive Officer of USCGC *Petrel* in Key West, Florida, which proved to be an extremely action-packed tour of duty. In one drug case, his crew seized three smuggling vessels simultaneously, and in another he embarked a seized go-fast vessel to hunt down a second go-fast, chasing it at speeds in excess of 40 knots; his crew also pulled 265 Haitian migrants off a small sailboat found mired in a coral reef in the Bahamas.

Following these assignments at sea, then-Lieutenant Howe served from 1985 to 1988 at the First Coast Guard District Operations Center in Boston, Massachusetts, as a search and rescue coordinator; at night, he earned a master's degree from Harvard University Extension School.

Because of his genuine love of the sea and expertise in Coast Guard operations, he earned command of the newly-commissioned USCGC *Metompkin*, homeported in Charleston, South Carolina. On *Metompkin*'s first patrol, the cutter sped 140 miles at top speed across 25-foot waves to rescue three fishermen whose boat had been swamped; later, his crew rescued several fishermen whose vessels were destroyed during the height of Hurricane Hugo.

In 1991, he was assigned as Public Affairs Officer for the Seventh Coast Guard District in Miami, Florida, a position he held until 1995, and during which he acted as media spokesman for three mass migrations, two huge oil spills, a plethora of high-profile migrant and drug cases, and the Coast Guard response to

Hurricane Andrew. After leaving the Seventh District, then-Lieutenant Commander Howe was assigned as Executive Officer aboard USCGC *Northland*, homeported in Portsmouth, Virginia.

Due to his in-depth understanding and mastery of naval operations, he was then detailed as the Coast Guard Liaison to the Naval Doctrine Command in Norfolk, Virginia, where he conceived and wrote from scratch the Coast Guard's first ever tactical manual for counter drug and migrant interdiction operations. Next, Commander Howe earned command of the 270-foot cutter *Tampa*, homeported in Portsmouth, Virginia, leading his crew to several notable drug seizures and receiving the highest readiness evaluation ever achieved for a like-sized cutter.

Following command, Commander Howe was selected to attend the prestigious U.S. Marine Corps War College in Quantico, Virginia, where he earned a second master's degree and was named one of two Distinguished Graduates. He then served as the Deputy Chief of the Coast Guard Office of Congressional and Governmental Affairs from 2002 until 2003.

After this challenging assignment, Captain Howe was chosen to serve at the highest levels of government, working in the Office of the Vice President as a Special Advisor for homeland security, focusing on border and transportation issues. Finally, Captain Howe was assigned as the Chief of the Coast Guard's Office of Congressional and Governmental Affairs.

Captain Howe has earned numerous military decorations during his 27 years of active duty, including the Defense Superior Service Medal, four Meritorious Service Medals, five Coast Guard Commendation Medals, and 12 unit and team awards. He has also received a number of other honors, including the Harvard University Derek Bok Prize for public service, along with the Thomas Jefferson, Alex Haley, and Commander Jim Simpson Awards for excellence in media and public relations.

This week, Captain Howe will leave his post and retire after 27 years of honorable service to the Coast Guard and the Nation. He will be missed in the United States House of Representatives. It has been my pleasure to work with Captain Howe. On behalf of all who have also been fortunate to work with him, we wish Captain Howe, his wife Shira, and his five wonderful children (Margaret, Marc, Mary, James, and Iris) the best in all of their future endeavors.

IN RECOGNITION OF THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. LYNCH. Madam Speaker, I rise today to join with Armenians throughout the United States, Armenia, and the world in commemorating the 93rd anniversary of the Armenian genocide, one of the darkest episodes in Europe's recent past. This week, members and friends of the Armenian community gather to remember April 24, 1915, when the arrest and murder of 200 Armenian politicians, academics, and community leaders in Constantinople marked the beginning of an 8-year campaign of extermination against the Armenian people by the Ottoman Empire.

Between 1915 and 1923, approximately 1.5 million Armenians were killed and more than 500,000 were exiled to the desert to die of thirst or starvation. The Armenian genocide was the first mass murder of the 20th century, a century that was sadly to be marked by many similar attempts at racial or ethnic extermination, from the Holocaust to the Rwandan genocide and now the ongoing genocide in Darfur, Sudan.

While today is the day in which we solemnly remember the victims of the Armenian genocide, I believe it is also a day in which we can celebrate the extraordinary vitality and strength of the Armenian people, who have fought successfully to preserve their culture and identity for over a thousand years. The Armenian people withstood the horrors of genocide, two world wars, and several decades of Soviet dominance in order to establish modern Armenia. Armenia has defiantly rebuilt itself as a nation and a society—a triumph of human spirit in the face of overwhelming adversity.

It is my firm belief that only by learning from and commemorating the past can we work toward a future free from racial, ethnic, and religious hate. By acknowledging the Armenian genocide and speaking out against the principles by which it was conducted, we can send a clear message: never again.

CONGRATULATING THE CHICAGO CUBS ON THEIR 10,000TH FRANCHISE WIN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. EMANUEL. Madam Speaker, I rise today to congratulate the Chicago Cubs on their 10,000th franchise victory. Last night, the Cubs were away from the friendly confines of Wrigley Field, located in the heart of the Fifth Congressional District, and beat the Colorado Rockies in Denver to reach this historic milestone.

My hometown Cubbies are one of only two teams in MLB history to win 10,000 games. This year marks the Cubs 138th season, and 100th anniversary of our last World Series Championship, but like all Cubs fans, I have faith that this is our year.

Almost 142 years ago today, the Cubs played their first game in the National League as the Chicago White Stockings, and they finished in first place in that 1876 season. In 1902, the team officially became the Cubs, and northsiders have been rooting for our Cubbies ever since.

The Cubs' home, Wrigley Field, is located at 1060 W. Addison in my district, and is the oldest National League ballpark and second oldest in the majors. Countless memories have been created at Wrigley Field as Chicago families and fans across the country have come to watch the wins and losses of our Cubs.

Chicagoans are very excited about our Cubs this year, with the team playing great baseball and sitting in first place in the Central with a record of 15–6. Manager Lou Pinella has done a terrific job with an outstanding complement of players, from pitchers Carlos Zambrano, Ted Lilly, and Carlos Marmol to Derrek Lee, Aramis Ramirez, newcomer Kosuke Fukudome, and last night's hero, Ryan Theriot.

Great players have filled Cubs lore over the years, and we will never forget legends like Ernie Banks, Gabby Hartnett, Ron Santo, Billy Williams, Mordecai "Three Finger" Brown, Ryne Sandberg, Mark Grace, and others.

Last night's victory was hard fought, with the Cubs defeating the Rockies in 10 innings to earn that 10,000th victory. Madam Speaker, as the Representative of Wrigley Field and all the residents of the 5th Congressional District of Illinois, as well as hundreds of thousands of Chicago Cubs fans, I congratulate the Cubs on this wonderful milestone. I'm looking forward to many more victories and hope to see that "W" flag flying at Wrigley Field throughout the summer and fall.

A TRIBUTE TO JUNIOUS NORFLEET, A PIONEERING ARTIST, MUSICIAN AND AN AMERICAN ORIGINAL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. RUSH. Madam Speaker, on this day it is my esteemed honor to enter into the RECORD a heartfelt tribute to a great artist, musician and a Chicagoan for most of his life, the late Junious Norfleet. America may not know Junious Norfleet's name but they surely know his music. Junious, also known as "Bud," was the youngest brother of the famed Norfleet Brothers whose artistry—a skillful mix of R&B, jazz and gospel—grew in popularity in the 1950s. Junious provided the jazzy, sultry but powerful voice of a tenor whose tone, skillful delivery and showmanship propelled him to the lead of this pioneering musical group. Junious' life on Earth ended on March 25, 2008, following complications from a stroke. He leaves behind his wife, Janet Norfleet, Chicago's first female postmaster, and thousands of adoring family members, friends and fans, like me, throughout our Nation.

As a fan and admirer of Junious Norfleet, when I think of his life as an African American in these United States, I think that, in many ways, it mirrors the challenges, growth and triumphs of our nation. Junious was born in the town of Marion, Alabama on March 20, 1926 to the union of Jake and Indiana Norfleet. He was the youngest of 15 children, a "PK," or preacher's kid, who grew up in a loving, but disciplined home in the segregated South. Junious came of age enjoying his childhood. He learned the value of hard work while living in a large, rural environment where he was responsible for the care and upkeep of his own portion of land. There, his parents grew sweet potatoes, cotton and other produce and he recounted many days of happiness from enjoying something as simple and refreshing as watermelon on a hot summer day. He did share with his friends, though, that no children of his would ever have to perform such rigorous, manual labor. And he, indeed, delivered on that promise for his family.

With a father as a minister and the youngest of 15 children (ten boys and five girls), the church was always a big part of Junious' life. He grew up singing with his older brothers on the family farm in Marion, Alabama. They would perform at any time, anywhere, so long as people were around to listen. Junious was handsome and charismatic, the perfect lead for any music group. He possessed a booming voice that made others stop and take notice. As word of the Norfleet Brothers' talent began to spread, they gained their first taste of commercial success by hosting a 15-minute radio program which broadcast every Saturday afternoon from Stillman College in Tuscaloosa, Alabama. It was in Tuscaloosa where The Norfleet Brothers recorded their first record.

As their singing abilities began to be recognized, in 1948, after some of his older brothers completed tours of duty in WWII, The Norfleet Brothers began to travel. They sang in churches and town halls in Tennessee, Cincinnati, Ohio and Chicago while driving across the country in their cherished, fiery red Chevy. Junious along with his brothers, Peter Young, Arthur and Joseph, his nephew, Wilson, cousin Nathaniel and their friend, George, made quite a name for themselves while building an adoring fan base. Their notoriety had a bit of a downside as, after performing in Chicago, they found that their red Chevy had been stolen. But their loss was Chicago's gain as they decided to make Chicago their home.

Never afraid of hard work, Junious and his brothers worked a variety of jobs while continuing to sing. A patriotic American, like his brothers before him, Junious served, stateside, in the Army from 1953 to 1956. During this time he continued to balance love of country, love of family and a passionate desire to build a career in music and entertainment. Like other talented African American artists at that time, Junious and his brothers had to struggle with unscrupulous record labels and managers during an era when Jim Crow segregation remained the law of the land. Still, the Norfleet Brothers continued their rise to prominence in the 1950s with a traditional, four-part harmony gospel sound that was backed with guitar. The group maintained this structure even as gospel moved toward heavier instrumentation and more of a "shout out" style of singing, according to author Bob Marovich who is writing a history of gospel in Chicago. Songs on which Junious was featured as lead tenor included "Through it All" and "What a Friend We Have in Jesus." According to his wife, "Wade in the Water" was his favorite. During this time the group cut an album, "Shadrach," and were widely known for the song "None but the Righteous."

According to published reports, the cast of the group was fluid and they began touring in the late 1940s. Over time, The Norfleet Brothers were joined by other family members and an occasional outsider and, later, the sons of the original members also sang with the group. In 1957, they won the first place prize on the Morris B. Sikes Amateur Hour, a local television program. They appeared on several television programs and were hired to sing television commercials for a local auto dealer.

In 1963, The Norfleet Brothers became the host of the Emmy award-winning "Jubilee Showcase," Chicago's longest running television program (1963–1984). The Norfleet Brothers performed as the headlining act for 21 years! The group continued to perform at various churches and events. They held their annual gospel concerts at Hartzell Memorial United Methodist Church during the 1980s and early 1990s. In 1988, The Norfleet Brothers celebrated their 50th Anniversary in the music business with a concert at Olivet Baptist Church in Chicago.

Junious is survived by his loving wife, Janet, and by several children, grandchildren, a host of nieces and nephews, grand nieces, grand nephews and a legion of fans, young and old, who will miss his charming smile and his wonderful voice. In addition to this reflection, Junious Norfleet's legacy will live on as, in recent years, his grand nephew, Ronald Norfleet, his grand niece, Toni Reed, took the time to gather oral history from Junious that preserves the rich musical and family legacy he leaves behind. Reed, a Chicago-based documentary film producer, is working on a documentary feature film about her uncle's remarkable life.

My prayers and best wishes are forever extended to this large and loving family. I wish Ms. Reed and her family all the best in sharing the artistry, courage and musical gifts of Junious "Bud" Norfleet with family, friends and fans throughout the world.

SAN JACINTO DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commemorate one of the most important events in Texas history. Monday, April 21, Texans celebrated San Jacinto Day. In the past I have missed this event because I had to be in Washington for votes, but this year I was able to be at home in Texas, and actually be at the battleground where Sam Houston and Santa Anna fought over one hundred and seventy years ago.

On that day in 1836, approximately 900 Texan and Tejano volunteers overpowered a larger, professional Mexican army of conscript soldiers, after defeats at Goliad and the Alamo. These outnumbered volunteers succeeded because they were fighting against tyranny and they were fighting for their homeland. In the words of the Texas Declaration of Independence, the people's government had be "forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism."

The Texas Revolution proved the bonds of freedom are stronger than ethnicity, as many Tejanos sacrificed their lives for Texas' freedom at the battles of Gonzalez, Bexar, Goliad, the Alamo, and San Jacinto. The war was not between Anglos and Hispanics, it was a struggle between all Texans and the military dictatorship in Mexico City. Texans and Tejanos knew then what we know now—freedom requires sacrifice. Our young people going to or coming back from fighting in Afghanistan or Iraq are very aware of this hard fact of life.

Texas culture places high honors on heroes willing to sacrifice their lives for a better life for their fellow man, and Texans are known around the world as an honorable people who respond to the call of duty. While our young people are answering today's calls of duty, we should not forget those who have bravely answered the call in the past.

In that spirit. I want to highlight the work by the San Jacinto Chapter of the Daughters of the Texas Republic, who made the preservation of the San Jacinto Battleground possible by petitioning the Legislature to purchase the acreage and by donating their treasury to complete the sale in 1900. The San Jacinto Chapter of Daughters and the Texans Veterans Association did tremendous work to ensure that the legacy lived on, and the importance of the park has only expanded since then.

The park not only has the San Jacinto Monument to recognize the brave men that defeated the military dictator General Santa Anna, it is also home to the Battleship Texas, which is a symbol of Texans' sacrifices in World War I and World War II. Thankfully, through federal appropriations and state and local funding, the restoration and preservation of Battleship Texas is moving forward as part of a multi-year effort to collect the necessary funding for the restoration of this great historical site. The funding will help with the Battleship Texas Foundation's plans to restore the Battleship Texas and convert it into a museum. This is an important project not only to honor those in our past, but to educate future Texans who may have to answer future calls to service about our tradition of defending freedom.

As part of our historical preservation efforts, we are also working on the Buffalo Bayou National Heritage Area, which will stretch from Buffalo Bayou in East End Houston to San Jacinto Battleground, including the Ship Channel and the Baytown Nature Center. The Heritage Area will help the history of the establishment of the Texas republic. The restoration of the Battleship Texas and the establishment of a Buffalo Bayou National Heritage Area will go a long way to ensure that new generations of Texans know their tradition of bravery.

With an understanding of where they came from, future Texans will continue to respond to calls to service, and Texans will continue to be respected and admired around the world.

COMMEMORATION OF ARMENIAN GENOCIDE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. KING of New York. Madam Speaker, today I rise to mark the anniversary of the Armenian genocide which began on this date ninety-three years ago. From 1915–1923 the Ottoman Empire carried out the deportation of approximately 2 million Armenian men, women, and children from their homeland of which 1.5 million were killed. And to this day, neither the Ottoman nor Turkish governments have been held to account for their involvement.

The 20th century witnessed some of the worst violence and atrocities in history: the attempted extermination of the Jewish people during the Holocaust, Tutsis slaughtering Hutus in Rwanda, Stalin's campaign of mass murder and starvation, the killing fields of Cambodia, and, of course, the Armenian genocide. Millions upon millions of innocent people were killed solely because of the color of their skin, the tribe they belonged to, or the religion they practiced.

As you know, too often in the past the world has stood by or looked the other way when genocide was taking place. And now we see it happening once again in Darfur. We most stop this horrible violence taking place in Sudan at once and make sure genocide is never repeated anywhere around the world. The call of "never again" must not just be exclaimed but rather acted upon.

ARMENIAN GENOCIDE

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WALBERG. Madam Speaker, today we observe the anniversary of the Armenian genocide, a tragic persecution of Armenians that was both a systematic and intentional ethnic cleansing.

Before this tragedy, Armenians had only limited freedom living under the rule of the Ottoman Empire. Armenians did not have the liberties that Americans consider to be self-evident. In particular, they were limited in public practice of their Christian faith. Because the international community paid little attention, the conditions of Armenians deteriorated throughout the 1800s.

In the late 1800s, the situation became worse. Ottomans began to provoke, exploit, and murder many Armenians. Europe and North America took notice, but were weary of the economic and political consequences of intervening.

On this day in 1915, hundreds of influential and important Armenians were taken from their homes, imprisoned, and stripped of their remaining freedoms. The Ottoman military marched crowds of Armenians to be deported or exterminated. Hundreds of thousands Armenians were victims of this massacre, and an exact number of casualties is still unknown.

The systematic, state-sponsored extermination of these good, decent people demonstrates the need for protection of individual liberties and from injustice.

Years later, Adolf Hitler referenced the Armenian genocide, "the physical destruction of the enemy," as an example of the rest of the world forgetting or ignoring. My hope is that we can recognize these stains from the past and learn an important lesson from history. We must never forget about those in other lands who do not enjoy the freedoms found in America. We must not forget to stand for what is right and stand beside widows, orphans, and our fellow brothers.

Madam Speaker, today we honor the lives lost during the Armenian genocide and in their memory pledge to protect liberty and freedom by preventing similar injustices in the future.

PERSONAL EXPLANATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CLYBURN. Madam Speaker, due to my attendance at the funerals of two dear friends in my district, I was absent for all twelve recorded votes on Wednesday April 23, 2008 (rollcalls 208–219). I wish to offer the following explanations for how I would have voted.

Had I been present:

On rollcall 208, the motion to adjourn, I would have voted "nay."

On rollcall 209, Protecting the Medicaid Safety Net Act of 2008, I would have voted "aye."

On rollcall 210, Recognizing the 60th Anniversary of the founding of the modern State of Israel, I would have voted "aye."

On rollcall 211, Ordering the Previous Question, I would have voted "aye."

On rollcall 212, the Rule providing for consideration of SBIR/STTR Reauthorization Act, I would have voted "aye."

On rollcall 213, the Matheson amendment, I would have voted "aye."

On rollcall 214, the Capito amendment, I would have voted "aye."

On rollcall 215, the Foster amendment, I would have voted "aye."

On rollcall 216, motion to recommit, I would have voted "nay."

On rollcall 217, passage of SBIR/STTR Reauthorization Act, I would have voted "aye."

On rollcall 218, ordering the previous question, I would have voted "aye."

On rollcall 219, the rule providing for consideration of Coast Guard Authorization Act, I would have voted "aye."

CELEBRATING THE LIFE OF THE HONORABLE BILL SANDBERG, MAYOR OF NORTH SAINT PAUL, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, it is with great sadness that I come to the floor to speak about my dear friend, my mentor, and a tremendous Minnesota civic leader, Mayor Bill Sandberg of North Saint Paul. Mayor Sandberg passed away earlier this week to the great sadness to all who loved him and worked with him. For 30 years Bill served as North Saint Paul's mayor and his extraordinary leadership, warm smile and soft laugh will be missed.

Mayor Sandberg was profoundly committed to his family, our community, and his country. Having lived in North Saint Paul and raised my children there, I can say the success and well-being of our city was in large part due to Bill's hard work and his pride in serving his neighbors. Bill loved North Saint Paul and his constituents loved him.

All of us who worked with Bill Sandberg over the years were fortunate and blessed. We are all better for his friendship. In the mid 1980s it was Mayor Sandberg who encouraged me to stay involved in politics after I lost my first election and he created the opportunity for me to enter public life with an appointment to a city committee. Even though he was a Republican and I am Democrat, it didn't matter to Bill who always put public service and common sense first. He went out of his way to work with me and I am a better public official because of him.

In 1987, I was elected to the North Saint Paul City Council where I served with Mayor Sandberg for the next four years. After that, in the Minnesota State House and in Congress, I have had the honor of representing North Saint Paul and working closely with the mayor to keep the city strong and vibrant.

Bill Sandberg was also a devoted family man. His love and lifelong companion, Dolores, was a wonderful person who Bill cared for throughout her life. Bill was also blessed by a loving daughter, Karen, and son-in-law, Jack, have two wonderful children who also loved their grandfather very much.

Madam Speaker, I personally feel a great personal loss with Bill's death and I will miss him profoundly. He was a kind, loving man who was a blessing in my life and the lives of the many who he served over the years.

IN RECOGNITION OF THE WASHINGTON HIGH SCHOOL HATCHETS

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate Coach Gene Miller and the Washington High School Hatchets on their 2008 3A Division Indiana State Basketball Championship. The title is their fifth State title in school history and was a fitting conclusion to an outstanding season.

The Hatchets defeated the Fort Wayne Harding High School Hawks in the championship game by a score of 84–60, capping off an impressive 23–2 season.

Their victory is the culmination of years of hard work, dedication and sacrifice. The team and coaching staff have demonstrated outstanding talent and an unwavering commitment to achieving their goals.

The Washington Hatchets are shining examples of the idea that success in life comes to those who are willing to set goals and work hard to achieve them. They are an inspiration to me and everyone in the Washington, Indiana community who have followed their progress this season.

Go Hatchets!

THE COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MARKEY. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian genocide.

In September of 1919, President Woodrow Wilson spoke of his vision of a future Armenia. He said, "Armenia is to be redeemed . . . So that at last this great people, struggling through night after night of terror, knowing not when they may come out into a time when they can enjoy their rights as free people that they never dreamed they would be able to exercise."

The Armenian people finally have the ability to enjoy the rights that President Wilson hoped they would have so many years ago, and for that we are all thankful.

The nights of terror that President Wilson spoke about, the Armenian genocide, was the first genocide of the 20th century. It was the opening chapter of what was arguably the most violent period of human history. In the decades following this initial genocide, the world witnessed genocidal acts against the Jews and against the Roma in World War II, and subsequently in Cambodia, Rwanda, Bosnia-Herzegovina, and in too many wars to list here. Today, the world is witnessing genocide yet again in Darfur.

There is no more important way to commit ourselves to preventing the genocides of the future than to commemorate and never forget the genocides of the past. As such, I would like to note my continuing support for House finally passage of H. Res. 106, the Affirmation of the United States Record on the Armenian Genocide Resolution. In my view, it is long past time for the United States to officially recognize the massacre of one and a half million Armenians in early in the 20th century for what it undeniably was: a genocide.

Countries all around the world have adopted similar resolutions to ensure that the atrocities committed against the Armenian people are properly recognized as genocide. Canada, France, Switzerland, Greece, and Poland have passed resolutions affirming the recognition of the Armenian genocide. Properly recognizing the Armenian genocide here in America is essential to ensure that all past genocides are never forgotten and all future atrocities are never permitted. This House must afford the proper recognition to the Armenian genocide. We must do so not only because of our solemn obligation to recognize those that were lost, but also because of our duty to those that can still be saved.

A STUDENT'S THOUGHTFUL ESSAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. UDALL of Colorado. Madam Speaker, every present and former college student knows that writing a solid essay or research paper is not easy.

So, I think it's appropriate to recognize the careful effort displayed by Theresa Snyder in an essay published last month in the Pueblo Chieftain newspaper.

Ms. Snyder is a student at Colorado College in Colorado Springs. Her topic is a proposed water-delivery project called the Southern Delivery System, which would pipe water to that city from the Pueblo Reservoir—part of the Fryingpan-Arkansas Project—with return flows back to the Arkansas River via Fountain Creek.

Because of the complexity of the project, I joined others in asking the Bureau of Reclamation to provide additional time for comment on it—a request that I am happy to say has been granted.

I think Ms. Snyder's essay, written in connection with a class in Western Water Policy, reflects well on her and on the quality of instruction at Colorado College.

For the benefit of all our colleagues, here is the full text of her essay:

[From the Pueblo Chieftain, Mar. 16, 2008]

SPRINGS NEEDS TO CORRECT FOUNTAIN CREEK PROBLEMS

(By Theresa Snyder, Colorado College Student)

First things first . . .

In a time when water is becoming increasingly scarce, Colorado Springs has failed to explore its many options for responsible water use. The Springs, which has experienced rapid population growth in the past 40 years, is expected to grow by an additional 250,000 people by 2025.

To supplement water supply for this urban development, a $1 billion project known as the Southern Delivery System has been proposed by Colorado Springs Utilities. The project includes storing water in Lake Pueblo and running a 43-mile long pipeline from Pueblo Dam to Colorado Springs.

The city, while possessing all the required water rights to use the additional 78 million gallons a day from Lake Pueblo, currently is completing an Environmental Impact Statement as required by the National Environmental Policy Act of 1969. Drafts of the statement led the citizens of Pueblo to wonder about their future as downstream water users.

The focus of Pueblo's concern is Fountain Creek. This watershed begins as Monument Creek in Colorado Springs, flows south and joins Fountain Creek, continues to Pueblo and eventually joins the Arkansas River in Pueblo.

The creek has long been used to channel return flow wastewater from Colorado Springs. As a result of the Southern Delivery System, return flows from the city into Fountain Creek would greatly increase.

Anyone who walks along the creek can see the obvious problems with erosion, sedimentation and water quality already present in the creekbed. Current return flows from Colorado Springs have altered this previously intermittent stream to a year-round flow, and are to blame for the multitude of other problems in Fountain Creek.

Increased sedimentation along the creek bed produces stretches of dirt with no trace of vegetation. Other sections of the river have channelized as severely as 20 feet below previous flow lines. The result is a creek that looks sprawled in some areas and like a small canyon with steep, abrupt walls in others.

The Southern Delivery System would only increase average flows and consequently the sedimentation and erosion that results in an unappealing creek with muddy water. Where does all of this poor-quality, heavy-sediment water go? Downstream to Pueblo.

As Colorado Springs Utilities officials prepare to launch a $1 billion project, they have failed to address a serious issue that will only worsen upon completion of the project. Clean-up of Fountain Creek should be first on the list of projects to tackle. Colorado Springs brings in the majority of its water from the Western Slope of Colorado. Seventy percent actually comes from Fryingpan-Arkansas water storage projects across the Great Divide. This means fresh, crisp mountain water. Yet the city passes on poor-quality water and disregards the negative effects the flows have on a natural ecosystem and downstream municipality.

Pueblo has begun to speak up and demands that Colorado Springs dam Fountain Creek to control the overall flow of the creek. A dam would control flooding as well as mitigate the negative effects from erosion and sedimentation.

Yet Colorado Springs Utilities has cited cost as the primary reason for not damming the creek. How is cost an object when the utility is prepared to shovel out $1.1 billion for more water? It seems selfish and unfair of a municipality to not only ignore a problem such as Fountain Creek but to propose a huge project that only worsens the situation.

Colorado Springs is considered the "big bully" in this ongoing water issue. It's time for them to take a step back.

First things first: Colorado Springs officials should address the issues at hand such as Fountain Creek. They should become responsible water users before they gain access to more of the precious commodity.

Though they may have the legal rights to follow through with the Southern Delivery System, it's unfair and irresponsible to ignore the current mess and follow through with a project that brings more detrimental effects.

NATIONAL MINORITY CANCER AWARENESS WEEK

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. CASTOR. Madam Speaker, I would like to express my strong support of National Minority Cancer Awareness Week. This week increases awareness about the effects of cancer in minority communities and is dedicated to emphasizing the importance of early cancer detection.

Today, minorities are more likely to be diagnosed and die from cancer in comparison to the rest of the United States population. According to the American Cancer Society, African American men have a 37 percent higher cancer death rate than white men, and death rates for African American women are about 17 percent higher than rates for white women, despite the fact that African American women have lower cancer incidence rates than white women.

Disparities in breast cancer for minority women are among the most common. Studies have highlighted that African American women are 1.9 times more likely to be diagnosed with an advanced stage of breast cancer than white women. Hispanic women are 1.4 times more likely to be diagnosed with an advanced stage of breast cancer than white women. It is clear that, although there have been efforts to eliminate disparities in breast cancer related care, substantial disparities remain.

Today, in accordance with National Minority Cancer Awareness Week, I introduce, the Eliminating Disparities in Breast Cancer Treatment Act of 2008. This legislation will promote the implementation of standardized health care practices for breast cancer patients and help to eliminate inequities based on race, education, income, and health insurance status.

In order to eliminate unacceptable gaps in treatment quality, it is necessary that we create real incentives and requirements for doctors to provide the best care. All patients should receive the best treatment for their conditions. Quality care should be provided for everyone, not just patients that know to ask for it.

TRIBUTE TO THE MOUNT CARMEL MISSIONARY BAPTIST CHURCH

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise to commend Mount Carmel Missionary Baptist Church of Topeka, Kansas on its one-hundredth anniversary.

Mount Carmel is a fixture in the city of Topeka. It has thrived within the Capital City of Kansas throughout many adversities, both national and local. The past 100 years has offered our Midwestern State many challenges. The Great Depression, two World Wars and a Dustbowl to name a few. We have needed a place of refuge when things seemed their worst. Whatever the cause for prayer happened to be, Mount Carmel's doors have always been open to Kansans in need. They have been a provider of faith, hope and comfort . . . three products which come free and can never be overproduced.

I would be remiss to not mention the happiness born within this church as well. Babies have been baptized in recognition of life's beginnings. Countless weddings and social gatherings have taken place within its walls. Friends and loved ones have gathered around to say 'goodbye.'

It has been a meeting point for good community members. It has been a rallying point for those who make up the backbone of our Kansas communities.

I offer my sincerest congratulations to Mount Carmel Missionary Baptist Church and I truly hope they are there to serve the good people of Kansas for another hundred years.

HONORING MANAMI KITAZAWA

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. DOYLE. Madam Speaker, I rise today to recognize the artistic ability of a young woman from my Congressional District, Manami Kitazawa of Woodland Hills High School.

Manami is the winner of the 2008 14th Congressional District of Pennsylvania's High School Art Competition, "An Artistic Discovery." Manami's artwork, an intricately detailed charcoal drawing, was selected from a number of outstanding entries to this year's competition. Fifty works from ten different high schools were submitted to our panel of respected local artists.

Manami is an exchange student from Japan who is spending a year attending high school in my district in Pennsylvania. I am certain that her family in Japan and her host family here in the United States are both proud of her artistic talents as well as this accomplishment.

Manami's artwork will represent the 14th Congressional District of Pennsylvania in the national exhibit of high school students' artwork that will be displayed in the United States Capitol over the coming year. I am certain Manami had no idea that one of her drawings would hang in the U.S. Capitol when she applied to study in the United States.

I encourage my colleagues as well as any visitor to Capitol Hill to view Manami's artwork, along with all of the other winning artwork that will be on display in the Capitol tunnel. It is amazing to walk through this corridor and see the interpretation of life through the eyes of these young artists from all across our country—and in Manami's case, from across the globe.

I would like to recognize all of the participants in this year's 14th Congressional District High School Art Competition, "An Artistic Discovery." I would like to thank these impressive young artists for allowing us to share and celebrate their talents, imagination, and creativity. The efforts of these students in expressing themselves in a powerful and positive manner are no less than spectacular. I hope that all of these individuals continue to utilize their artistic talents. and I wish them all the best of luck in their future endeavors.

IN MEMORY OF PAUL MOLÉ

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. GALLEGLY. Madam Speaker, I rise to pay tribute to Paul Molé, a family man, a Marine, an entrepreneur and a long-time friend to my wife, Janice, and I, as well as our children, who died too young this week at age 60.

I met Paul more than 30 years ago while I was mayor of Simi Valley, California. A retired Marine and Purple Heart-decorated Vietnam War veteran, Paul served as the Marine bugler at Veterans Day and other veteran community events in Simi Valley and elsewhere throughout Ventura County. He founded the Marine Corps League Ventura County Detachment 597 to help active and retired Marines.

The restaurant he and his wife, Roseann, purchased from Roseann's parents in 1974 and which they renamed Paul's Italian Villa, became a mainstay of community activity. Not only was it a meeting place—official and unofficial—for the Marine Corps League, it served as the collection site for the annual Toys for Tots campaign for disadvantaged children, which Paul helped organize every year.

In addition, the Royal High School football team carbed down on spaghetti at the restaurant and were treated to Marine cheers from Paul before every game. Like many in Simi Valley, my tie to the restaurant is also personal—my daughter, Shannon, was one of the many Simi Valley teens and young adults who found work at the restaurant. Once you became part of Paul's and Roseann's extended family, you never left.

In addition to the restaurant, Paul was building a business repairing musical instruments, which grew out of his 1940s-style swing band, Paul Molé's Late Night Big Band. Paul played trumpet with 19 other professional musicians at community events and professional venues.

Paul Molé's a man with a huge heart accented by a lively sense of humor and a love of life. He is survived by Roseann, his wife of 38 years; two grown sons, Peter and Paul; two grandchildren; and too many friends to count. Madam Speaker, I know my colleagues will join me offering our condolences to Roseann, Peter, Paul and the rest of the Molé family, and all who knew him and called him a friend.

Godspeed, Paul.

HONORING MERCY HEALTH SYSTEMS FOR RECEIPT OF THE 2007 MALCOLM BALDRIDGE NATIONAL QUALITY AWARD

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MANZULLO. Madam Speaker, I rise today to honor Mercy Health System for receiving the highly prestigious Malcolm Baldrige Award yesterday at a special White House ceremony with the President. This award was created by Congress in 1987 in honor of former Commerce Secretary Malcolm Baldrige who had a passion for instilling quality and excellence in U.S. products and services. The award recognizes those in the private sector that help improve quality and productivity. It honors U.S. companies and non-profits for organizational innovation and performance excellence.

Mercy Health System started 18 years ago as a stand-alone hospital and transformed into a vertically integrated health system with 63 facilities serving 24 communities throughout southern Wisconsin and northern Illinois. Mercy now sees over 1 million patients annually, and employs 3,856 partners, 285 of whom are employed physicians. Mercy has added nearly $1.1 billion in industry economic sales, which has created an additional indirect

1,200 jobs in their service area. In the 16th District of Illinois, Mercy has a 77-bed acute-care hospital in Harvard, Illinois, along with 17 health care clinics in McHenry County, Illinois.

It is obvious that Mercy Health System did not reach these achievements by resting on its laurels. They have met the challenge of growth by developing a holistic approach to quality and a commitment to organizational excellence. Their actions back up their Four Pillars of Excellence: Quality, Service, Partnering, and Cost. I am impressed by their servant-leadership model as exemplified by Javon Bea, President and CEO of Mercy Health System.

Madam Speaker, I am proud to represent the employees and the patients of the Mercy Health System. They richly deserve to share in the high honor of the Malcolm Baldrige Award.

BELLEVUE: THE #1 CITY IN AMERICA FOR SMALL BUSINESS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. REICHERT. Madam Speaker, I rise to congratulate the City of Bellevue, Washington, for being named the best place in the Nation to live and launch a business by Fortune Small Business. Anyone who has visited in the past decade couldn't help but notice the abundance of construction cranes throughout the downtown area. They would also quickly realize that Bellevue embodies the true spirit of American innovation. I'm proud to represent this city that lies within the Eighth Congressional District of Washington.

Bellevue is a worthy recipient of this honor, with its growing downtown and natural beauty thanks to its proximity to the Cascade Mountains and breathtaking Mount Rainier. Citizens can enjoy the 90 city parks or nearby views of Lake Washington. With multiple high-tech corporations in the city, Bellevue draws a talented, high-tech workforce that embodies the entrepreneurial spirit that grows our economy and creates jobs.

As we celebrate the achievements of small businesses across the Nation during "Small Business Week," it is my hope that cities across the country follow Bellevue's lead and embrace their entrepreneurial spirit. Small businesses are the backbone of our economy, and provide the key to our economy's resilience in uncertain economic times. Today, I'm proud to honor the City of Bellevue for its achievements in creating one of the finest places in America to live and work.

I ask for unanimous consent to insert the following article into the RECORD.

THE NO. 1 CHAMPION: BELLEVUE, WASH. ABUNDANT TECH TALENT. GORGEOUS VIEWS. (BUT COSTLY HOMES AND TAXES.)

(By Mina Kimes, March 26, 2008)

BELLEVUE, WASH. (FORTUNE Small Business)—Earl Overstreet, Chief Executive Officer of General Microsystems (GMI) in Bellevue, travels fewer than five times a year for business. But he visits the Mercer Slough Nature Park, across the street from his office, every day on his lunch break. He walks across a wooden bridge, gazes at Bellevue's rising downtown—and then turns away.

Over the past ten years Overstreet has watched the city evolve from a bedroom community into an urban center of skyscrapers and 117,000 inhabitants (the latest population figures, according to the local chamber of commerce), but he's more eager to point out blackberry bushes and red-tailed hawks.

"When you're surrounded by mountains and nature," he says, "you can't help but be content."

Overstreet, 60, and his wife, Barb, the firm's CFO, spend free time hiking, kayaking, and biking around the area. While new businesses are cropping up quickly, most office buildings are still enveloped by greenery—the city boasts 90 parks and 50 miles of trail. "Taxes [including a 0.1496% business tax on gross receipts] and property costs are high," says Overstreet, "but it's a premium for the living conditions."

The median home sale price hovers at $500,000 (the metro area averages about $400,000), but Bellevue, lying 20 minutes from Seattle, also boasts low crime rates, great schools, and excellent health care. Nearly 60% of locals over 25 have at least a bachelor's degree. The city expects to add 15,500 jobs by 2010, up 11.5% from 2006. Bellevue's strategic location helps tire growth. GMI, whose revenue rose from $6 million in 2002 to $28 million last year, is based near its suppliers—Hitachi, Symantec, Sun Microsystems—as well as customers such as Boeing and Starbucks.

"Many of our employees came from our clients," Overstreet says.

The city is also a font of tech talent, thanks to the Microsoft campus in nearby Redmond. Many former Microsofties have launched startups in Bellevue. Current employees pour wealth into a growing service sector.

Overstreet points out that many small businesses in Bellevue operate globally—not surprising considering that 40% of the population is nonwhite or foreign-born. "We do have a glittering downtown now," he says, "but it's the diversity that attracts entrepreneurs like me."

COMMEMORATING THE SURVIVORS OF THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ACKERMAN, Madam Speaker, I rise today to commemorate the survivors of the Armenian genocide. Today marks the 93rd anniversary of the Armenian genocide which began in 1915 and lasted until 1923. Over the course of 8 years 1.5 million Armenians in the Ottoman Empire were murdered and over 500,000 were forced into exile. On this day we should take a moment to think of the survivors and commend them for the bravery they continue to show in the face of the memories they carry of that awful-time.

We are told to never to forget the egregious acts that human beings commit against other human beings, especially when they come in the form of a calculated mass extermination of a single people. In remembering the Armenian genocide it is important to keep in mind that we are not pointing fingers at Turkey. Modern day Turkey is no more the Ottoman Empire than today's Germany is the Third Reich. But we must not banish the truth from the world stage. What was done to the Armenian people was atrocious, nothing less than a crime against humanity. As such, it is our responsibility to accurately describe what happened between 1915 and 1923 and admit that what was done to the Armenian people was genocide.

As each year passes the number of survivors of the Armenian genocide diminishes further. And while there is nothing that can be done to alter the past, we can and should ensure that generations to come know how the Armenian people suffered at the hands of the Ottoman Empire. It is also important that this day be marked to commemorate the survivors of the Armenian genocide so that their fight for survival is honored and revered rather than forgotten and ignored.

Madam Speaker, I ask that all of my colleagues to join me in commemorating the survivors of the Armenian genocide on its 93rd anniversary.

INTRODUCTION RESOLUTION REGARDING TSA RAIL SECURITY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to introduce a resolution regarding the role of the Transportation Security Administration in securing our Nation's rail and mass transit lines. This resolution reaffirms the Congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 that the Transportation Security Administration enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines.

I am pleased to have Homeland Security Committee Chairman BENNIE THOMPSON, as an original cosponsor of this resolution. Chairman THOMPSON has been a leader in our efforts to secure against terrorist threats to our Nation's rail and mass transit lines.

Each weekday 11,300,000 passengers depend on our Nation's mass transit lines as a means of transportation.

Our Nation's mass transit lines serve as a target for terrorist attack as evidenced by the March 11, 2004, attack on the Madrid, Spain, mass transit system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, attack on the Mumbai, India, mass transit system.

The Transportation Security Administration has, through the development of its National Explosives Detection Canine Team Program, furthered its ability to provide security against terrorist attacks on the Nation's transportation systems by preventing and protecting against explosives threats.

It is imperative that our Nation's rail and mass transit lines remain secure from terrorist attack as they are critical to the functioning of our Nation's economy and serve as a means of transportation on a daily basis for millions of hard-working Americans.

JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WOLF. Madam Speaker, Pursuant to the Republican guidelines on earmarks, I submit the following statement for the RECORD regarding S. 2739, the Consolidated National Resources Act, which includes the Journey Through Hallowed Ground National Heritage Area.

Requesting Member: Congressman Frank Wolf.

Bill Number: S. 2739.

Provision: Title II, Section 2010.

Legal Name of Requesting Entity: Journey Through Hallowed Ground Partnership.

Address of Requesting Entity: P.O. Box 77, Waterford, VA 20197.

Description of Request: The legislation authorizes the appropriation of up to $1,000,000 a year for the purpose of carrying out a management plan, which must first be approved by the secretary of Interior. The management plan will describe comprehensive policies, goals, strategies, and recommendations for telling the story of the Journey Through Hallowed Ground National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Area. The authorization is limited to $15 million total. The legislation also requires a non-federal cost share match for each dollar contributed by the federal government. The Partnership must also submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives federal funds under this subtitle, which specifies the performance goals and accomplishments of the local coordinating entity and other related information, including uses of funds and amounts of non-federal funds leveraged in the effort. The Partnership is authorized, for the purposes of preparing and implementing the approved management plan for the National Heritage Area, to use federal funds made available under the legislation to make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area; enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, federal agencies, and other interested parties; hire and compensate staff, and other purposes related to the national heritage area.

The Journey Through Hallowed Ground Partnership is the designated local coordinating entity for this national heritage area. The Partnership is comprised of over 150 partners, including every elected body within the four-state region, including Virginia. West Virginia, Maryland and Pennsylvania, the convention and visitor associations of each of the included 15 counties, and the directors of tourism from each of the four states.

The legislation does not permit the Partnership to use any federal funds provided under the Act to acquire any interest in real property. In addition, Section 408 of the Act sets forth numerous safeguards for private property and makes unmistakably clear that nothing in the Act abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area.

PERSONAL EXPLANATION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. COOPER. Madam Speaker, I was absent on Tuesday, April 22, and much of Wednesday, April 23rd for personal reasons. Had I been present Tuesday for votes, I would have voted "yes" on each of the three votes taken: H.R. 5151, H.R. 831, and H. Res. 981. Had I been present Wednesday for votes, I would have voted "no" on the motion to adjourn and "yes" on both H.R. 5613 and H. Con. Res. 322. I would also have voted "yes" on ordering the previous question and passage of the rule, H. Res. 1125, and "yes" on all three amendments to H.R. 5819.

93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. COSTA. Madam Speaker, I rise today to commemorate the 93rd anniversary of the start of the Armenian genocide, which was the first genocide of the 20th century and sadly, the template for a cycle of genocide that continues to this very day.

It is, by any reasonable standard, established history that between 1915 and 1923 the Ottoman Empire systematically killed an estimated 1.5 million Armenians and drove hundreds of thousands of others into exile from their ancestral homeland. The record of this atrocity is well documented in the United States Archives and has been universally accepted in the International Association of Genocide Scholars and the broader historical and academic communities.

However, there is still debate around the world, including here in our Nation, on whether this incident actually qualifies as genocide. On April 26, 1915, the New York Times reported on the first reported purges of Armenians in Ottoman Turkey. Later in 1915, the Times ran a front page article about a report from the Committee on Armenian Atrocities discussing exactly what was happening to Armenians in Turkey. "The report tells of children under 15 years of age thrown into the Euphrates to be drowned; of women forced to desert infants in their arms and to leave them by the roadside to die; of young women and girls appropriated by the Turks, thrown into harems, attacked or else sold to the highest bidder, and of men murdered and tortured."

One can debate specific historical incidents, but growing up in Fresno, California, the land of William Saroyan, I heard stories shared by grandparents from the Kezerian, Koligian and Abramhian families about being forced to leave their homes, the stories of the long marches, and the random murders. Clearly, they believed there was a systematic approach to eliminate the Armenian communities in places that had been their homes and farms for centuries. My Armenian friends believe this systematic approach was among the first genocides of the 20th century, and so do I.

Around the world, in the single, longest lasting and far-reaching campaign of genocide denial, Turkey seeks to block recognition of this travesty. It's against the law to even mention the Armenian genocide in Turkey. The Armenian Genocide involved the issue of man's injustice to mankind, and it continued to occur throughout the 20th century in the Holocaust, Cambodia, Rwanda, Bosnia, and now in Darfur. As leaders, we must confront this and not allow Turkey to continue to stand alone and ask us to believe that the Armenian genocide was not genocide.

In standing up to this policy of denial, we, of course, honor the martyrs of the genocide and we encourage our Turkish allies and friends to come to terms with their past. And, in a very powerful and significant way, we reinforce our own vital role, as Americans, in leading the international community toward unconditional opposition to all instances of genocide.

Last October, the House Foreign Affairs Committee passed H. Res. 106, a resolution to recognize the Armenian genocide in the United States. Unfortunately, this bill has yet to come before the full House for a vote. Supporters of this resolution are constantly told that now isn't the time to recognize the genocide, that scholars, not Congress, should determine if this event was genocide, or that passage of this resolution will hurt our relationship with Turkey. I could not disagree more with these statements.

First, there is never a "right time" to recognize genocide. Ninety-three years have passed since the start events occurred, and we cannot wait around for a convenient moment to recognize this truly catastrophic historical event. Secondly, the scholars have spoken and the historical record is clear and thoroughly documented. And finally, we have seen over and over again that Turkey's warning of disastrous consequences are dramatically overstated. In fact, in nearly every instance, Turkey's bilateral trade has gone up with each of the countries that have recognized the Armenian genocide—including Canada, Italy, France, Russia, and Belgium.

Genocide is not something that can simply be swept under the rug and forgotten. We need leaders around the world to not only recognize it, but to condemn it so the world can truly say, "Never Again." The United States cannot continue its policy of denial regarding the Armenian genocide, and I encourage passage of H. Res. 106 to recognize the Armenian genocide in our Nation.

93RD ANNIVERSARY COMMEMORATING THE ARMENIAN GENOCIDE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CROWLEY. Madam Speaker, I rise today to recognize and commemorate the 93rd Anniversary of the Armenian genocide.

Since being elected to the U.S. Congress, I have come to the floor of the House every year to solemnly remember the atrocities that began on April 24, 1915—when the Ottoman government ordered the deportation of 2.5 million Armenians and oversaw the murder 1.5 million Armenian men, women, and children.

Today, as I stand for the 10th time in recognition of the Armenian genocide, I do so with one major distinction from years past. This year is different because the House Foreign Affairs Committee has formally recognized the Armenian genocide. Last October, under the leadership of the late Chairman Tom Lantos, the Committee passed House Resolution 106.

As a member of the Foreign Affairs Committee, I was proud to have been a part of this vote. And, as a strong supporter of the Armenian community, I will be proud when the full House of Representatives considers H. Res. 106.

In 2003, during my first visit to Armenia, I planted a tree at the genocide memorial and paid homage to those who perished and suffered. It was a somber day, just like today's anniversary of the Armenian genocide. We not only participate in these events to remember the past, but also so we never forget.

We must never forget the horrific events that took place 93 years ago. We must never forget those who were wrongly imprisoned, those who suffered and died, or those who lost their families and loved ones. And, most importantly, we must never forget that we must never let such atrocities occur again.

Madam Speaker, today, as we commemorate the 93rd Anniversary of the Armenian genocide, I urge the House to prevent history from repeating itself by finally recognizing the past.

COMMENDING CONSTANTINO BRUMIDI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ACKERMAN. Madam Speaker, I rise today to pay tribute to a great artist whose love of liberty inspired him to adorn the United States Capitol with beautiful frescoes. That man, of course, is Constantino Brumidi.

Brumidi's work adorns one House committee room and five Senate committee rooms in the Capitol. His work also decorates the Senate Reception room, the Office of the Vice President and most notably, the President's room which for many represents Brumidi's supreme effort.

Constantino Brumidi emigrated to the United States in 1849 and took up residence in New York City where he plied his trade as a portrait painter. That was soon followed by more important commissions in St. Stephen's Church. Those works include a fresco of the Crucifixion as well as works depicting the Martyrdom of St. Stephen and the Assumption of St. Mary. But it was on a return trip from Mexico that Brumidi stopped in Washington, DC and toured the Capitol building. He found in it a canvass that inspired him for the remainder of his life. Brumidi suggested to Quartermaster General Montgomery C. Meigs that the walls of the Capitol be decorated and Meigs agreed giving Brumidi the commission as well as making him a captain in the cavalry.

Brumidi's first work was in the meeting room of the House Agriculture Committee. He received $8 a day, but was soon given a raise to $10 a day by then Secretary of War Jefferson Davis since his work was receiving such favorable mention. Along with the raise came further commissions in the Capitol which include the Apotheosis of George Washington in the dome as well as other allegories and scenes from American history.

Brumidi died in 1880 but we have the benefit of seeing his work everyday we are here. And Americans who travel to our Nation's Capitol can also enjoy Brumidi's work, yet few know him or his story. That's why I believe all members should support two important bills pending before the House that will honor Constantino Brumidi and his work here in the Capitol. The first is H.R. 1609 introduced by Representative BILL PASCRELL. H.R. 1609 would posthumously award a Congressional Gold Medal to Constantino Brumidi and authorize the striking of duplicate medals for sale to the public. The second is H.R. 1313, introduced by Representative GUS BILIRAKIS to direct the Joint Committee on the Library to obtain a statue of Constantino Brumidi for display in the Capitol Visitors Center. Both of these bills will honor the memory of a great artist and so I ask all my colleagues to join me in supporting them both.

LIVINGSTON HIGH SCHOOL 100-YEAR CELEBRATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to honor and congratulate the city of Livingston and the Livingston Independent School District, as they celebrate the 100-year anniversary of Livingston High School. Since graduating its first class of three students in 1908, Livingston High School has been a place devoted to the single purpose of educating young people.

Since the city was established in the 1840s, education of youths has been of great public importance. In fact, the earliest recorded free school system in Livingston was established in 1849 and funded by the Trinity Masonic Lodge No. 14. Classes were held on the first floor of the Lodge building until the late 1880s. A school term during that time only lasted 3 months so as to enable the students to assist their families with farming activities.

The first structure solely devoted to public education was built in 1888 and was located on Jackson Avenue. The high school, which at that time allowed students to attend grades 9 and 10, was not initiated until 1906. Even though the size of that first graduating class was small in number, their accomplishments were far and reaching. The first female to graduate, Mrs. Myra Lewis (Green), became a schoolteacher and taught in Livingston and Raymondville. Mr. Brown L. Meece went on to attend Texas A&M University and later became Vice-President for both Global and Sinclair Oil Companies. After graduating from Livingston High School, Mr. Ralph Feagin attended the University of Texas and later served as Executive Vice President of Electric Bond and Share Company in New York City and later in his life he became a partner at the law firm of Baker, Botts, Andrew, and Wharton.

Today, Livingston High School is home to approximately 1200 students that attend the ninth through the twelfth grade. Students at the school have the ability to enrich themselves academically, culturally, and athletically by participating in many different clubs and extracurricular activities.

Livingston High School has worked hard to prepare its students for the rigors of a college education. Additionally, Livingston High School serves as an off-campus center for Angelina College which enables the students to earn college credits while still in high school.

Looking back at the 100-year history of Livingston High School there is much to be proud of. Graduates of Livingston High School have excelled in all areas of life and made many positive contributions to our country. We can rejoice, however, because with great teachers and administrators there are many more positive years ahead for Livingston High School.

Madam Speaker, our Nation's high schools are places that prepare the youth of our great country to led prosperous lives, and it is an honor to represent a high school that has such a distinguished record on doing just that in the U.S. House of Representatives. I urge you to join the in congratulating Livingston High School on 100 years of excellence in educating the youth of Polk County.

IN HONOR OF EQUAL PAY DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. AL GREEN of Texas. Madam Speaker, I wish to acknowledge and honor the 10 year anniversary of Equal Pay Day, a national day of recognition instituted by President Clinton in 1998 to raise awareness about the wage disparity and discrimination between men and women.

America has made some strides in narrowing this disparity in the workplace, but the fight for equal pay for equal work still remains prevalent and pertinent today. Thirty-five years ago, when President Kennedy signed the Equal Pay Act of 1963, women who worked full-time, year-round made 59 cents on average for every dollar earned by men. In 2006, women earned 77 cents for every dollar earned by men; the figures are even more unsettling for women of color. This data demonstrates that the wage gap has narrowed by less than half a cent per year. An 18 cent increase over 35 years indicates a significant wage disparity between working men and women that leaves a great deal of work for the employers and decision makers of today.

In the state of Texas, between 2004 and 2006, the average annual salary of men with a college degree or more was $63,000, while their female counterparts only received an average annual salary of $45,000 with the same credentials. In comparison, during that same time frame, the national average annual salary for men with a college degree or more was $66,000, while their female counterparts received only $50,000. Therefore, the state of Texas is about 5 percent below the national average in narrowing the wage disparity between men and women.

A great woman and former congresswoman from Texas, Barbara Jordan once said that, "If the society of today allows wrongs to go unchallenged, the impression is created that those wrongs have the approval of the majority." To take the late Ms. Jordan's advice: we who live in today's society must not allow the wrongs created by wage discrimination continue to discount minorities and women.

I ask my colleagues and employers nationwide to take up the fight of eliminating the wage disparity between men and women as we all honor the 10 year anniversary of Equal Pay Day.

YORK-ADAMS COUNTY CENTRAL LABOR COUNCIL 19TH ANNUAL WORKERS MEMORIAL DAY

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. PLATTS. Madam Speaker, I rise to commend the York-Adams County Central Labor Council, for helping to bring safety awareness to the issue of worker safety.

Every April for the past nineteen years, the York-Adams Central Labor Council has celebrated Workers Memorial Day by sponsoring public events to recognize workers who have been killed or injured on their job.

While the workplace fatality rate has decreased significantly since the passage of the Occupational Safety and Health Act, OSHA, in 1970, we must remain vigilant in working to ensure that workers are employed in safe environments. As a Member of the House Education and Labor Committee, I believe that ensuring worker safety should be one of Congress' top priorities.

Congress must appropriate adequate funding for OSHA so that representatives can carry out safety inspections and enforce safety regulations within workplaces across the Nation. It is imperative that employers understand OSHA regulations and comply accordingly to maintain the safest work environments possible.

Madam Speaker, I congratulate the York-Adams County Central Labor Council for its strong commitment to promoting safety in the workplace and look forward to joining them in honoring injured and deceased workers everywhere.

RECOGNIZING GERALDINE "JERRE" McPARTLIN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. EMANUEL. Madam Speaker, I rise today to honor Geraldine "Jerre" McPartlin for receiving "The 2008 Sister Huberta McCarthy, R.S.M. Woman of Mercy" award. Mrs. McPartlin is the fifth woman to have the honor of receiving the "Woman of Mercy" award, and I congratulate her on this achievement.

This award has been presented by Mercy Hospital and Medical Center's Women's Board in honor of Mrs. McPartlin's work carrying forth the mission of Mercy Hospital throughout her professional and private life.

In 1852 Mercy Hospital and Medical Center was founded as the State of Illinois' first hospital and Chicago's first chartered hospital. For the last 155 years, Mercy has helped treat countless Chicagoans from all backgrounds, income levels, and educations seeking medical care.

Jerre, as she is known to her friends and family, was raised on the West side of Chicago and educated at Resurrection Grammar School and Siena High School by the Sisters of Mercy. She began her career working with the local labor movement as a business agent for the Hotel Employees and Restaurant Employees Union. This union serves thousands of workers in the hospitality and food service industries in the Chicagoland area. In 1985 she became the First Vice-President of the Chicago Federation of Labor, and in 1995 was named "Labor Woman of the Year" by the Chicago Federation of Labor.

Jerre has given her time to a long list of worthwhile charities, including Concern Worldwide USA, Misericordia, and Mercy Home for Boys and Girls. She has been a member of the Mercy Women's Board for several years, as well as Vice President of the Women's Board from 2003–2005.

Amazingly, she has managed to give so much of her time and energy to others while also being devoted to another sizable organization—her family. Jerre has 12 children, 23 grandchildren, and 8 great-grandchildren, and I am as impressed with the size of her family as her commitment to service.

Madam Speaker, because of Jerre McPartlin's tireless commitment to our community, she has touched the hearts and lives of thousands of Chicagoans. On behalf of the people of the Fifth Congressional District of Illinois, I thank her for her service to the people of Chicago and wish her the best of luck in her future endeavors.

SCHEDULE FOR THE SELECT COMMITTEE TO INVESTIGATE THE VOTING IRREGULARITIES OF AUGUST 2

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. DELAHUNT. Madam Speaker, the Select Committee would like to give the Members a brief update on the activities of the Select Committee to Investigate the Voting Irregularities of August 2. The Select Committee held a series of briefings and hearings designed to inform the members of the Select Committee of the mechanics of conducting a record vote on the House floor, the electronic voting system, and the precedents and procedures relevant to the voting process. The Select Committee has been conducting a thorough investigation of rollcall 814. including the motion to reconsider that vote (rollcall 815). The Select Committee has completed 18 staff interviews and 4 Member interviews, perused almost 5000 pages of documents related to rollcall 814, and engaged in discussions on possible recommendations of changes to the rules and procedures of the House as mandated by the Select Committee's authorizing resolution (House Resolution 611). In the next month, the Select Committee will hold two public hearings relative to its investigation, one public hearing relative to its recommendations, and one public meeting on its final report. The Select Committee intends to file its final report by the end of May.

OBSERVING THE ARMENIAN GENOCIDE

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WALZ of Minnesota. Madam Speaker, today we mark a sad anniversary, the 93rd anniversary of the Armenian genocide, April 24, 1915 was the day that over two hundred Armenian political and intellectual leaders were arrested by Ottoman authorities. Subsequently, the systematic killing of Armenians resulted in well over one million deaths. This horrible mass killing is well-recognized and well documented, including in the United States' national archives, and it has been confirmed by the International Association of Genocide Scholars.

It is important to commemorate those who lost their lives. And it is important to recognize the Armenian genocide for what it was. At the time, the United States government and its citizens acted with generosity and diplomatic support in response to the mass killing. Today's observance is a continuation of that response. And only by recognizing and studying past cases of genocide will we have a chance of preventing them in the future.

93RD COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. PALLONE. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian genocide. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

In 1915, Henry Morgenthau, America's ambassador stationed in Istanbul described a "systematic attempt to uproot peaceful Armenian populations." He warned Washington of the government's plan to "crush the Armenian race."

After these warnings from Morgenthau, the U.S. Government took action and responded to the Armenian genocide. During a time when hundreds of thousands were left orphaned and starving, a time when a nation was on the verge of complete extermination, the United States took the lead and proudly helped end these atrocities. In fact, Americans helped launch an unprecedented U.S. diplomatic, political and humanitarian campaign to end the carnage and protect the survivors.

Yet, 93 years later, the United States has not officially recognized the Armenian genocide. We owe it to the Armenian-American community, to the 1.5 million that were massacred in the genocide and to its own history—to reaffirm what is fact.

Last October, the Foreign Affairs Committee passed the Armenian Genocide Resolution, giving full recognition to the genocide, but, since then, the bill has stalled due to the deep pocketed and well oiled Turkish lobby.

By not recognizing the Armenian genocide for what it was, the government sponsored, systematic killing of a people, we fall prey to the Turkish government's threats. At the expense of truth, we buckle to Turkey out of geo-political convenience.

Refusing to recognize the Armenian genocide only erodes our international reputation as human rights leaders. By remaining silent, we encourage Turkey to continue denial. While we look the other way, the Turkish government continues to prosecute those who speak out about the Armenian genocide in Turkey. This cannot continue. We must stop pandering to Turkish government.

Fortunately, there are citizens of Turkey who refuse to deny the facts of the Armenian genocide. The Human Rights Association of Istanbul opposes the government muzzle. They recognize that state denial is the continuation of genocide, depriving the decedents of the Armenians the right to mourn their loved ones.

We cannot let denial continue. By doing so, we show the international community that not only is genocide accepted, but that we are indifferent. Recognizing the Armenian genocide is crucial to helping end the cycle of genocide that has continued to plague civilization. If no one is held accountable, if America and the International community fail to act, then we allow these atrocities to continue.

A large majority of our colleagues want to support this resolution. Members want to reaffirm the United States' record on the Armenian genocide. Unfortunately, the strong Turkish lobby is making it difficult for this House to take a firm stance for the truth.

Recognizing the Armenian genocide will bring closure to a people and send the message that crimes against humanity cannot be silenced.

HONORING THE SERVICE OF DR. ERNEST MUNTZ

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the service of Dr. Ernest Muntz. Dr. Muntz left Wheaton College during his second year to join his fellow countrymen in defending freedom around the globe. Seeing his country in peril, simultaneously fighting a war on two fronts, Dr. Muntz enlisted in the Army Air Corps in 1942 because he believed that it was "the right thing to do."

During Dr. Muntz's time of service in the Army Air Corps, he played a key role as a cryptographer in the Pacific Theater. He received and deciphered messages as part of the Army Airways Communications System, saving lives with each decoded message. He retired from the U.S. Air Force in 1975 with the rank of full Colonel.

After the war, Dr. Muntz decided to complete his education at Wheaton College, graduating in 1948. He continued his education at the University of Rochester, earning his doctorate in history in 1960. Dr. Muntz held various professorships and contributed his knowledge and passion for academia to institutions of higher education. He had a distinguished career as a full professor of history at the University of Cincinnati and then dean of the Raymond Walters College.

I am honored to have Dr. Ernest Muntz as my constituent, and I hope that today's generation of young men and women will follow the shining example of patriotism and scholarship that he has set.

93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, every year we mark the anniversary of a terrible event that took place over the years of 1915–1923, during the First World War, when 1.5 million Armenians were slaughtered and over half a million survivors were forced to leave a homeland they had inhabited for over two millennia. Today marks the 93rd anniversary of the Armenian genocide.

I am a cosponsor of H. Res. 106, a resolution which simply affirms a historical fact. The United States National Archives and Record Administration holds extensive records, open to the public, which meticulously document the Armenian genocide. Furthermore, the post-World War I Turkish government indicted leaders who were involved in these killings which it labeled a "massacre." On May 24, 1915, the Allied Powers of England, France, and Russia issued a statement charging the Ottoman government of committing a "crime against humanity." President Ronald Reagan in proclamation number 4838, dated April 22, 1981, said, "like the genocide of the Armenians before it, and the genocide of the Cambodians, which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten."

The Armenian genocide resolution is offensive to some simply because it characterizes that massacre as "genocide." We do not use that term loosely, but violence on such a tremendous scale has earned that terrible title. These deaths were not caused by the inevitable hostility of war, but by systematic murder aimed at eliminating a people. We gain nothing by pretending it was anything less.

The United States Holocaust Memorial Museum includes a quote from Adolf Hitler who justified his own atrocities by saying, "[w]ho, after all, speaks today of the annihilation of the Armenians?" Shortly thereafter, the world would learn of the horrors of the Holocaust.

I wonder whether the horrors of the Second World War may have been averted had people loudly and with conviction condemned the Armenian genocide of the First World War. We cannot erase the events of history, and we ignore them at our peril. In the United States, we are still dealing with the consequences of slavery—a blight on our own historical record. But we cannot be committed to the principle of "never again" if we do not acknowledge the evil that first committed us to make that vow.

RECOGNIZING MARIO AND JOE SIMOES FOR THEIR ACCOMPLISHMENTS

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. NUNES. Madam Speaker, I am honored to join with my colleague, Mr. COSTA, to recognize these two brothers, Mario and Joe Simoes, for their accomplishments as both immigrants and farmers.

After the death of their mother when they were only 9 years old, Mario and Joe, aged 15, along with their father and younger sister, emigrated from Portugal in search of a better life for their family. Their first jobs were with the Manuel Faria and Sons Dairy in California. In 1970, some 20 years after coming to America, Mario and Joe bought their first dairy farm from this same family. Today, Mario and Joe, along with their extended families, own more than 10,000 cows and farm around 3,000 acres between them.

These brothers, born only 12 minutes apart, embody the hard work and perseverance that are so emblematic of the first American immigrants. They have always shared a special bond that has pushed them to share both their lives and livelihoods with each other. They even share the same wedding anniversary, although Joe was married four years after Mario.

Because of their active involvement in the agricultural community, Mario and Joe were both named as the 2007 Dairyman of the Year by the Tulare High School's SOPAS Club. Both brothers have served as president of the SPDES and both are members of the TDES, Land O' Lakes Tulare Division, the Dairy Farmers of America, and the St. John's of Tipton Men's Club.

On April 25, Mario and Joe will be honored as "Farmers of the Year" at the annual Kiwanis Luncheon in Tulare, CA. On behalf of myself and Mr. COSTA, it is an honor to recognize their hard work and dedication to community. Mario and Joe serve as a constant reminder of the values of this Nation and the unbreakable spirit of the American people.

L. NATHAN WINTERS RECEIVING GIRL SCOUTS AWARD OF DISTINCTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ORTIZ. Madam Speaker, I rise today to congratulate Mr. L. Nathan Winters of Harlingen, TX, for receiving the Award of Distinction from the Girl Scouts of Greater South Texas.

Mr. Winters has been a valuable member of our community and is known for his hard work and dedication to the Girl Scouts and numerous nonprofit organizations. When serving on the board of directors he was instrumental in acquiring Camp Bayview to serve girls all over South Texas. He also served as president of the Girl Scouts Tip of Texas Council, which later merged with the Paisano Council.

Not only is Mr. Winters dedicated to the advancement of the Girl Scouts, but he is also a remarkable husband, father, and grandfather.

The Girl Scouts of Greater South Texas serves more than 9,200 members in the 4-county area, including girls in low-income public schools, housing authorities, the Texas Migrant Council, and Boys and Girls Clubs.

We are now in an era where more women serve as leaders in our government, corporate board rooms, and communities. The Girl Scouts of America have done extraordinary work in molding young women into positions where they go on to achieve great things. Their mission is to build girls of courage, confidence, and character, who—as women, leaders, sisters, and mothers—will make the world a better place.

I commend the good work done by the Girl Scouts of America, and the Girls Scouts of Greater South Texas Council for awarding Mr. L. Nathan Winters their Award of Distinction.

2008 RETIREES FOR NORTH CENTRAL AREA SCHOOLS, MENOMINEE COUNTY, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. STUPAK. Madam Speaker, I rise to recognize four dedicated educators at the North Central Schools in Menominee County, Michigan. These four individuals will be retiring at the end of the current school year and I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in honoring their decades of service to educating children.

Deborah Bedogne came to North Central Area Schools (NCA) in 1985 after teaching at Marquette Area Public Schools. She has served as a guidance counselor and taught many different courses throughout her tenure at North Central. Her assistance in helping students choose their career path has impacted many lives, as has her dedication to the district and the students. Debbie's guidance will be greatly missed by the NCA community.

Janice Hafeman started her career in education in the North Central community with the Northern Menominee Community School program in 1989. She later came to North Central Area Schools in 1994 and has served as a Teacher of Special Education and Adult Basic Education. Both in and out of the classroom Janice treated all of her students with the utmost respect and kindness.

Donald Palmer began his career at North Central Area Schools in 2006 after serving as Superintendent of Hesperia Community Schools in Hesperia, Michigan. Although Mr. Palmer's time with NCA schools was short in years, in was great in impact, including a column that he wrote in the Escanaba Daily Press about his role as superintendent of schools. Throughout his career he has served as a teacher, principal and a Superintendent at several schools throughout the State of Michigan.

Mark Veeser was a dedicated and loyal teacher at North Central Area Schools for 31 years. He has taught in the very same community that his mother, Nell Veeser, and brother, Greg Veeser, also taught. His wife Barbara continues to teach there as well. Mark Veeser not only shared his gift for teaching with the students of North Central Area Schools, he also shared his gift of coaching with hundreds of NCA students throughout the years. For 28 years he coached the Jets in many capacities. The lessons he taught his players on and off the field will live on forever. Coach Veeser led the following teams: 19 years with Varsity Football, 7 years with Junior Varsity Football, 4 years with Girls Track, 3 years with Junior High & Freshman Boys Basketball, 3 years as a referee and one year each with Junior High Girls Basketball and Varsity Boys Track.

Madam Speaker, the dedicated men and women who devote their careers to educating the next generation seldom receive the praise they deserve. I ask that you and my colleagues here in the United States House of Representatives join me in thanking these four outstanding individuals for their service and in wishing them well in their retirement.

REMEMBERING VIRGINIA TECH AND COLUMBINE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. KUCINICH. Madam Speaker, Wednesday, April 16, 2008, was the anniversary of the tragic events on the campus of Virginia Tech that took the lives of 32 people and wounded many more. Sunday, April 20, 2008 marked the 9th anniversary of the Columbine High School massacre. These events rank second and third among the deadliest school shootings in the history of the United States. At the same time, from the wreckage has emerged a strong desire to prevent violence of this magnitude in the future.

I am proud to be the sponsor of H.R. 808, to establish a Department of Peace and Nonviolence, because this bill seeks to make nonviolence an organizing principle in our society. This cabinet-level department would address the myriad forms of violence that affect our Nation and the global community. As the disasters at Columbine and Virginia Tech have shown, violence has deep and lasting consequences that must be addressed by looking at root causes and endeavoring to find preventative solutions that are both dynamic and comprehensive. The Department of Peace and Nonviolence would provide a systematic tool to accomplish this admirable goal.

We can all agree that violence in our schools, among youth and adults alike, is an ongoing problem that must be addressed. H.R. 808 is a way to address not only violence in our schools but the violence that exists in our homes, workplaces and institutions throughout our communities both nationally and internationally.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. BERMAN. Mr. Speaker, today, April 24th, marks the 93rd anniversary of the beginning of the Armenian genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in Ottoman Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. We have only to recall the "killing fields" of Cambodia, mass killings in Rwanda, "ethnic cleansing" in Bosnia and Kosovo, and massacres and wholesale destruction of villages in Darfur to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contribution of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

With the arrogance of absolute impunity, Adolf Hitler famously urged his commanders to attack Poland with no fear of history's judgment because, as he put it, "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial. It is April 24, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,876 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth. It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,876 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is April 24, 2008, 12,876 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

CELEBRATING THE 125TH ANNIVERSARY OF BETHESDA HOSPITAL IN SAINT PAUL, MN

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to recognize Bethesda Hospital on its 125th anniversary in Saint Paul, MN. Since its founding in 1883, this hospital has been a leader in our community in providing quality health care services through a compassionate and holistic framework. Bethesda Hospital is now the largest long-term acute care hospital in the region and has earned a national reputation for excellence and innovation in health care.

In 1883, Bethesda Hospital was established by Reverend A. P. Monten, D.D., pastor of the first Swedish Lutheran Church in Saint Paul, along with the sponsorship of the Tabitha Society of the Swedish Lutheran Minnesota Conference. Rev. Monten and his fellow Swedish Lutherans converted a single family home near Lake Como in Saint Paul into a hospital with 20 beds to serve individuals who were impoverished and sick.

Today, Bethesda Hospital stays true to its deep roots, still helping those with illnesses recover, regardless of their ability to pay. Bethesda Hospital has also remained in Saint Paul these past 125 years. It has expanded its capacity since its modest origins, now providing 262 beds for patients, employing 740 staff, and treating about 1400 patients on an annual basis.

Bethesda Hospital has grown greatly throughout its history. In 1892, Bethesda moved from its Lake Como neighborhood to downtown Saint Paul at 9th and Wacouta Streets, near the Union Depot. This new facility featured two operating rooms on the third floor which were known to be the best operating rooms in the whole state.

Despite additions to Bethesda's facility at 9th and Wacouta, it eventually outgrew that location. By 1932, after an intense fundraising campaign to construct a new hospital, it reopened at what is still its current home, just steps away from the State Capitol.

As Saint Paul and its surrounding area has changed over the years, Bethesda Hospital has also adapted to meet the community's developing needs. During the closing and consolidation of hospitals in 1986, Bethesda joined together with St. John's and St. Joseph's Hospitals to merge under the newly created HealthEast Care system. Three years later, Bethesda was officially designated as a Long-Term Acute Care Hospital to focus on treating patients who require extensive and rigorous therapy to recuperate.

Bethesda Hospital is now a specialty hospital serving a wide-range of patients of all ages and illnesses, such as student football players with concussions, car accident survivors, and patients dealing with multiple sclerosis, Alzheimer's and Parkinson's diseases. Bethesda Hospital's inter-disciplinary teams of trained professionals develop individualized treatment plans for patients that may not only include behavioral, cognitive, occupational, physical, respiratory, and speech therapies, but also a variety of recreational therapies such as art therapy, pet therapy, and virtual therapy.

Bethesda Hospital has been widely acclaimed for its award-winning programs and services. In particular, the Brain Injury of Minnesota as well as The Commission on Accreditation of Rehabilitation Facilities have paid tribute to the hospital's outstanding service in the area of brain injury.

Building on its specialty in treating brain injuries, Bethesda Hospital continues to respond to the serious health care needs we face. Currently, Bethesda Hospital is collaborating with the Minneapolis VA Medical Center, Minnesota National Guard, the Department of Defense, and the Veterans Affairs Central Office in Washington, DC to identify ways that Bethesda Hospital can serve the veterans and injured soldiers across our nation who are returning from Iraq and Afghanistan. I am so pleased that Bethesda Hospital plans to answer the call and serve our troops and veterans who have served us so honorably. Bethesda Hospital has the expertise to conduct critical predeployment baseline cognitive skills testing and follow-up post deployment testing to evaluate our veterans' health conditions and track their recovery.

Madam Speaker, in honor of the legacy of caring that the dedicated donors, staff, patients, and volunteers at Bethesda Hospital have created, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing the 125th anniversary of Bethesda Hospital.

INTRODUCTION OF THE CITIZEN AND COMMUNITY PREPAREDNESS ACT OF 2008

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CUELLAR. Madam Speaker, I rise today to introduce the Citizen and Community Preparedness Act of 2008, which reaffirms the Federal Government's commitment to helping our communities prepare for and respond to acts of terrorism, natural disasters and other emergencies.

I am glad to be joined today in introducing this bipartisan bill by the Ranking Member of my Subcommittee—the Subcommittee on Emergency Communications, Preparedness and Response—the gentleman from Pennsylvania, CHARLIE DENT.

I am also pleased to have Homeland Security Committee Chairman BENNIE THOMPSON, as well as Congresswoman SHEILA JACKSON-LEE, as original cosponsors of this legislation. They are true leaders in the area of emergency preparedness and have been instrumental in the drafting of this bill.

If a disaster—whether large or small—occurs in a community, local responders and disaster-relief organizations will be there to help, but citizens need to be ready as well.

In fact, when individual citizens, families and communities are prepared, the fear, anxiety, and loss that accompany disasters is substantially minimized.

It is imperative that citizens know what to do in the event of an emergency and be ready to either shelter in place or evacuate their homes.

People must be ready to care for their basic needs should they be displaced for a period of time.

As we move toward the 3-year anniversary of Hurricane Katrina and the 7-year anniversary of 9/11, we must not lose sight of the lessons learned from these disasters.

While I recognize that the most effective emergency preparedness programs and messages are delivered locally and not from Washington, we must ensure that the Department of Homeland Security is working with State and local partners, providing them with the tools they need to get the message out.

Following the tragic events that occurred on September 11, 2001, Federal, State and local government officials agreed that the formula for ensuring a more secure and safer homeland consists of preparedness, training, and citizen involvement in supporting first responders.

As a result, the Citizen Corps Program and Ready campaigns were created.

To date, with limited resources available, over 2,000 communities in all 56 States and territories have established Citizen Corps Councils to help inform and train citizens in emergency preparedness, and promote volunteerism.

However, I think these programs can be improved.

The legislation I am introducing today formally authorizes the Citizen Corps Program and provides it with the necessary funding to be effective.

It also authorizes key Citizen Corps components administered by the Department of Homeland Security—Fire Corps and CERT.

Fire Corps promotes the use of volunteers to assist fire and rescue departments in non-operational roles such as fire safety outreach, youth programs, and administrative support.

The Community Emergency Response Team, CERT, program concept was developed and implemented by the Los Angeles City Fire Department in 1985 and has since spread to over 1,000 communities nationwide.

Under the CERT Program citizens are training citizens in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations.

As our Nation continues to glean lessons from the catastrophic events of Hurricane Katrina, the Federal Government must ensure that preparedness efforts help our Nation's most vulnerable populations.

To that end, this legislation requires the Secretary to work closely with organizations representing the elderly, the disabled, the hearing and visually impaired, communities with language and income barriers, and children to promote preparedness.

This legislation will also create a pilot program to enhance citizen preparedness at primary and secondary schools, as well as on university or college campuses, by providing training, exercises, and public awareness campaigns.

Finally, my bill directs the Secretary to carry out a public affairs campaign utilizing diverse media outlets to get the word out to the public to assist them in preparing for acts of terrorism and other emergencies.

Addressing the issue of citizen preparedness continues to be a major issue for our Nation.

In fact, the National Governors' Association 2007 State Homeland Security Directors Survey, which polled the 56 State and territorial homeland security advisors, cited citizen preparedness as one of the top 5 priorities for their States.

It is now time to stop paying lip service to the issue of citizen and community preparedness and to start acting.

In closing Madam Speaker, let me say that our citizens' lack of preparedness is often cited as an impediment to an effective emergency response. I believe this legislation will make strides to change that fact and I urge my colleagues to support it.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian Genocide, in which 1.5 million Armenian men, women, and children were killed by Ottoman authorities during World War I.

On April 24, 1915, the Ottoman government began its genocidal plan by arresting and murdering over 250 Armenian intellectuals and political figures in Istanbul. In the interior of the Ottoman Empire, where the bulk of the Armenian population lived, the government then arrested and killed village leaders. Meanwhile, most able-bodied Armenian men, who had been conscripted into the Ottoman army, were separated into labor battalions and subsequently murdered. Next, in various provinces, gendarmes and the army massacred Armenian villagers outright, while in other provinces, the remaining Armenian population of women, children and the elderly were forcibly deported over the mountains and into the scorching deserts of Syria, without food and water. Many of the female deportees were raped and killed en route, while other deportees died of starvation and dehydration. By the end of 1915 the centuries-old Armenian civilization of eastern Anatolia no longer existed.

U.S. diplomats who were stationed in Anatolia at the time were some of the main eyewitnesses and chroniclers of that horrific period. U.S. Consul Leslie Davis, stationed in Harput in eastern Anatolia, wrote the following in a cable to U.S. Ambassador Henry Morgenthau, dated July 24, 1915: "It has been no secret that the plan was to destroy the Armenian race as a race, but the methods used have been more cold-blooded and barbarous, if not effective, than I had first supposed." He also wrote in this same cable: "I do not believe there has ever been a massacre in the history of the world so general and thorough as that which is now being perpetrated in this region or that a more fiendish, diabolical scheme has been conceived in the mind of man."

This cable, and many others of a similar nature, is housed in the U.S. National Archives only a few blocks from the U.S. Capitol and the White House. They provide unambiguous, documentary evidence of what occurred. Yet there are those who still refuse to properly characterize what happened to the Armenian people during World War I as genocide. Although the word "genocide" was not invented in 1915, what these diplomats described was indeed genocide of a people.

I am deeply disappointed that many of our current officials avoid characterizing what occurred as "genocide." This avoidance does a disservice to the memory of the victims and their descendants, and hurts our moral standing in the world. I hope that one day soon, this legislative body and the U.S. Administration will properly characterize what happened to the Armenian population of the Ottoman Empire.

Many of the survivors of the Armenian genocide settled in the United States. Bearing painful physical and emotional scars, they nonetheless re-established their lives here, worked hard, and became proud American citizens, thankful for the opportunity to live in freedom. Many of their descendants have become leaders in the fields of science, business, academia, and the arts, and have served their country bravely in military uniform. They have also created a vibrant community. Yet they also bear the pain of what their parents and grandparents went through and are actively engaged in the effort to seek proper recognition of what happened to the Armenian people in 1915. Today, as we recall the events of the Armenian genocide and pay homage to the victims, we also honor the Armenian-American community for its unwavering commitment to this human rights struggle.

HONORING THE LIFE AND SERVICE OF FIRST SERGEANT LUKE J. MERCARDANTE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ISSA. Madam Speaker, I rise today to honor the life and service of United States Marine First Sergeant Luke J. Mercardante.

Luke Mercardante was the First Sergeant for Combat Logistics Battalion 24, the logistics element of the 24th Marine Expeditionary Unit. Luke was 35 when killed in the line of duty on April 16th in Kandahar province of Afghanistan while serving in Operation Iraqi Freedom.

First Sergeant Mercardante's position required him to serve as a leader, but leadership came naturally. He is remembered for his love for country and ability to inspire those around him. Other Marines described him as the "picture-perfect Marine."

Mercardante enlisted in the Marine Corps in 1992, graduating from Parris Island as the company honor graduate. He later served on a deserter apprehension team and was responsible for apprehending more than 130 deserters. As a drill instructor at Marine Corps Recruit Depot Parris Island. Mercardante trained more than 1,200 men, turning them from civilians into Marines. Later, he served at Camp Lejeune, North Carolina as the training chief and brig security for the base. He was assigned to the Virginia Military Institute as the assistant Marine officer instructor and was voted an honorary member of the class of 2007, as well as faculty mentor of the year in 2005.

First Sergeant Mercardante's personal decorations include the Navy and Marine Corps Commendation Medal with 3 gold stars in lieu of 4th award, Navy and Marine Corps Achievement Medal with 1 gold star in lieu of 2nd award, and the Outstanding Volunteer Service Medal.

Luke was engaged to Kimberly Hull and planned to marry when he returned from Afghanistan. He is survived by Kimberly, his mother Gertrude, father Patrick, brothers Patrick Jr., Frank and Mark, sister Bridget and his children Luke II and Cailin.

On behalf of the people of the United States whom he served with courage and valor, we honor and commemorate the life and service of First Sergeant Luke J. Mercardante.

HONORING DR. LON NUELL'S PASSION FOR THE ARTS AND EDUCATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor my friend, Dr. Lon Nuell, who passed away March 12.

Leon Richard Nuell served on the Murfreesboro City School Board for 12 years and taught as an art professor at my alma mater, Middle Tennessee State University, for 37 years. He was up for re-election to the school board this year and received nearly 400 votes posthumously as a testament to his legacy.

Lon did many things to improve the quality of education for children in Murfreesboro, including banning the practice of corporal punishment, championing full-time art teachers in each city school and establishing the Murfreesboro City Schools Foundation, an organization that fundraises for local schools.

Lon was a founding member of Congregation Micah in Nashville and the Tennessee Holocaust Museum. He facilitated the acquisition of two exhibits to educate the public through art—exhibits the Tennessee Holocaust Museum is now releasing to tour the United States. Lon was the faculty advisor of MTSU's Hillel and helped establish Friends-in-Faith, an interfaith group with members representing almost every religion in Middle Tennessee.

Prior to his unexpected passing, several community programs—Read to Succeed, Success by 6 and Project Pass—were establishing a literacy center in a space provided by First Baptist Church on East Main Street in Murfreesboro. It is fitting tribute that they have named the center the Lon Nuell Family Literacy Center. Lon believed in education for everyone and in the strength of collaboration.

Lon will be sorely missed by the community, his friends and family; wife, Christie and three sons, but his legacy will live on.

AGGIE MUSTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. POE. Madam Speaker, I may not exactly be the biggest Texas A&M fan around. And, I possibly ruffle a few maroon feathers from time-to-time poking fun at the Aggies. But, one thing I can say without a doubt is that there is no school known to man that has as loyal a following and dedication to tradition as Texas A&M. Trust me I know, I hear about every little quirky thing they do from my friend and former case manager, Patti Chapman—or "Aggie Mama" as her license plate proudly reads, and from Congressman Louie Gohmert from East Texas, with his maroon boots adorned with the Aggie logo.

You can always spot an Aggie, either from their personalized license plate, their maroon pickup adorned with A&M stickers, or the ring—don't forget the ring! And I have yet to meet an Aggie that doesn't work in to any conversation that you are having that they are an Aggie and what year they graduated, especially if you are not one. But with all their whooping and hissing, comes one tradition that I have the greatest respect for—Aggie Muster.

Last week, on April 21st, Aggies all around the world paid tribute to those that have gone before them. This time honored tradition began in June of 1883 as a reunion of sorts of former students reliving their college days from the ball field to the battlefield. By 1889 it had evolved into a celebration of Texas Independence, and in 1922 it became the official ceremony it is today that is held every year on April 21st—San Jacinto Day—the day Texas won its independence in 1836—to account for every Aggie around the world by honoring the "Roll Call of the Absent."

According to tradition, "if there is an A&M man in one hundred miles of you, you are expected to get together, eat a little, and live over the days you spent at the A&M College of Texas." The most famous example of this edict was the Muster of 1942 under the command of General George Moore during World War II. Amid fierce enemy fire, General Moore and 25 fellow Aggies mustered in the trenches on Corregidor in the Philippines. A war correspondent observed the make-shift ceremony and the world was introduced to the Aggie spirit.

During times of war, Muster is especially poignant. Texas A&M has produced more officers in the United States military than even West Point. It has the distinction, other than West Point, of having more Medal of Honor winners than any other university in the United States. When General George Patton was in Europe going to combat in the Third Army, he made a comment about the Texas Aggies and the soldiers that he had under his command. He said, "Give me an army of West Point graduates and I will win a battle. You give me a handful of Texas Aggies, and I will win the war."

The Aggies' long tradition of duty and service to our great nation dates back their beginning, to the days when A&M was an all-male military academy. Texas A&M trained nearly 4000 troops during World War I and over 20,000 Aggies served in World War II, 14,000 as officers. The entire graduating classes of 1941 and 1942 enlisted in the military. The Aggie War Hymn was written by Aggie Marine J.V. "Pinky" Wilson while standing guard on the Rhine River during World War I and it remains the most recognizable school fight song across the country—probably the world.

Today, Muster is observed in more than 400 places worldwide and this year's "Roll Call of the Absent" honored 970 people around the world, including those remarkable young men and women who gave their lives for our country today. While this is a time to honor those that have died, it also is a time when Aggies, young and old, come together to reconnect and celebrate a way of life known only to those that proudly call themselves an Aggie.

Muster means different things to different people. Every Aggie will tell you something different, something personal about what it means to them as an Aggie. One thing that is consistent in every answer is their dedication to tradition. It is the rich heritage of tradition that sets Texas A&M apart from all the rest. It is the Corps, the Aggie War Hymn, the 12th Man, Midnight Yell, Bonfire, State pride, and as much as it pains me to say it—it's TU. It's the Fightin' Texas Aggie Band, Silver Taps and "Hallabaloo, Canek, Canek." It's the Junction Boys, Howdy, Gig'em, Reville, the Dixie Chicken and of course, the ring. But above all else—it's Muster.

Gig'em Ags!

And that's just the way it is.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WAXMAN. Madam Speaker, each year on April 24, Armenian communities around the world commemorate the start of the Armenian genocide. This year marks the 93rd anniversary of this ominous date in history when Ottoman authorities began rounding up leaders of the Armenian community. The arrests were followed by eight years of massacres, death marches, and forced deportations to rid the Ottoman Empire of its Armenian population.

At the time, American diplomats, under the leadership of U.S. Ambassador Henry Morgenthau, Sr., recorded and reported information about these atrocities. While the calls for international action were soon eclipsed by the tumult of World War I, the State Department's historical records of these accounts are a remarkable example of the important role our diplomatic corps play as human rights observers around the world.

I am pleased to be a cosponsor of H. Res. 106, a resolution affirming the United States record on the Armenian Genocide, which calls for our foreign policy to reflect the U.S. record relating to this painful chapter of history. As we mourn the victims of the Armenian genocide and pay tribute to the survivors, let us look forward to the opportunity for the House to consider H. Res. 106 and stand up to those who seek to deny the genocide that took place.

THE DAILY 45: 41 PEOPLE SHOT IN 5 DAYS IN CHICAGO

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. In light of the shocking turn of events in the last five days in Chicago, I can imagine a day in the near future when this number may rise.

Yesterday, just seven blocks from my office, in the heart of my own congressional district, this Southside community was left reeling because five people—five people—were found shot to death in one home! As I mentioned yesterday, 36 people were shot in Chicago over a 48-hour period of time last weekend.

That's 41 people shot or killed, in only five days, in one American city. Who will tell their stories? Who will care about them?

Americans of conscious must come together to stop the senseless death of "The Daily 45." When will Americans say enough is enough, stop the killing!

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40 YEARS AFTER ITS FOUNDING, THE PEACE CORPS CONTINUES ITS MISSION WITH STRONG SUPPORT FROM MAINE

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ALLEN. Madam Speaker, in March, we marked the 47th anniversary of the founding of the Peace Corps. This unique service organization continues to fulfill its mission across the globe, bringing people together, and enlightening both American volunteers and the people and communities they serve.

After President John F. Kennedy established the Peace Corps, 51 Americans stepped forward to assume the challenge to serve.

Today, there are over 8,000 volunteers serving in over 74 countries around the world. They work in areas such as education, business development, environment, health and HIV/AIDS, and agriculture. They live the Middle East, Africa, Asia, Latin America, and Eastern Europe. They are both young and seasoned, but all contribute enormous skills, knowledge, compassion and commitment to help people help themselves. Over the years, Maine has contributed many volunteers to the Peace Corps. Current Maine residents now serving are:

Cassandra M. Atwood in Tonga, Michael T. Berg in Armenia, Clarissa L. Brundage in Togo, Selina H. Carter in Ecuador, Andrea D. Danielson in Gambia, Shawn C. Donohue in Mali, Greg N. Dorr in Malawi, Laura N. Dow in China, John M. Engler in Guatemala, Jeffrey E. Frank in Belize, Rebecca B. Friedrichs in Togo, Joseph P. Guglielmetti in Zambia, Benjamin C. Hatch in Mali, Clint O. Benslev in Romania, Richard E. Higgins in the Philippines, Sarah W. Holt in Ecuador, Matthew P. Krannig in Nicaragua, Jessica E. Lampron in South Africa, Karen A. Lee in Swaziland, Joshua D. Lincolns in Bolivia, David A. Ludman in Benin, Ran L. Mastropaolo in the Eastern Caribbean, Joshua R. Meservey in Zambia, Matthew A. Mowatt in Kazakhstan, Joel L. Patterson in Senegal, James Perlow in South Africa, Nancy L. Sherrill in South Africa, John W. Shryock in Bulgaria, Emily E. Silver in Tanzania, Jessica J. Sleeper in Vanuatu, Zoe J. Underhill in Ecuador, Aaron A. Weiss in Moldova, Cheney J. Wells in Costa Rica and Nicholas B. Wilson in Gambia.

I am proud that Maine, a small state in population, is making such a big difference in the world. My deep gratitude goes to these volunteers for serving their country, the Peace Corps and world peace.

93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. HOYER. Madam Speaker, today we commemorate one of the most tragic chapters in human history: the Armenian genocide, whose 93rd anniversary is marked today. From 1915 to 1923, officials of the Ottoman Empire carried out a systematic campaign of massacres and forced deportations of Armenians from their homeland. All told, 1.5 million innocent men, women and children were murdered in this genocide, and 500,000 became refugees and displaced persons.

And sadly, we see this pattern—of genocide—repeating itself today. It is no coincidence that on this very day of commemoration, the news from Darfur grows only worse. While the world's worst humanitarian and human rights crisis continues to unfold, the regime in Khartoum continues to stymie the implementation of a peacekeeping force, and the peace process has ground to a halt. From the U.N. come frightening new figures—300,000 dead and the vast majority of the region's population, 4.27 million out of 6 million, now "seriously affected" by the conflict.

Clearly, patterns repeat themselves. Which is all the more reason why, in commemorating the 20th century's first genocide, one cannot help but feel compelled to redouble our efforts to resolve the 21st century's first genocide—that of Darfur.

The Genocide Convention speaks not only of addressing genocide after it has happened—but also of preventing genocide. This day of commemoration should remind us all that we have a responsibility not only to honor the victims of genocide and their families, not only a responsibility to the past, but to the future. In the face of continuing genocide, we have a responsibility for action—not apathy.

In a July 24, 1915 cable, American Consul Leslie Davis said of the genocide of Armenians, "I do not believe there has ever been a massacre in the history of the world so general and thorough as that which is now being perpetrated in this region or that a more fiendish, diabolical scheme has ever been conceived by the mind of man." Today, those words strike us not only as tragic—but as outdated. The troubled 20th century showed us, again and again and again, that the mind of man is more than capable of such diabolical schemes.

Today, burdened by the memory of those crimes, we remember and rededicate. Today we return to the origin of genocide, and we honor the dead. Let us find in their memory not only grief, but new resolution—to speedily end today's atrocities, to prevent those of tomorrow, and to punish all those who would attempt or carry out evil on such a scale.

TRIBUTE TO ERNEST LEROY PETERSON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to the patriotic public service and self sacrifice of Ernest LeRoy Peterson.

Ernest LeRoy Peterson was born on December 28, 1920, in Albert Lea, Minnesota, to Oscar and Nora Peterson. He was the second eldest son of eight children. As a child, he moved to the eastern plains of Colorado, where his family was involved in farming.

In August 1942, he was drafted into the 531st Anti-Aircraft Artillery Battalion, 30th Army Division, as a private. He completed basic training at Ft. Bliss, Texas and then advanced combat training at Camp Coxcomb, California. He later advanced to the rank of sergeant and section chief of Squad 13, Eighth Gun Crew.

On February 12, 1944, his battalion sailed out of Boston Harbor aboard the RMS *Empress of Australia,* bound for England. The ship, one of the largest transport vessels, held 6,800 troops. Ernie's bunk was in the swimming pool due to the lack of space. After 10 days on the high seas, the unit debarked at the bomb-scarred city of Liverpool.

On June 4, 1944, General Eisenhower spoke to Ernest and thousands of other troops over a loud speaker telling them an invasion of France would begin on June 6 and said, "Soldiers, sailors and airmen of the Allied expeditionary force, you are about to embark upon the great crusade, toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you. . . . I have full confidence in your courage, devotion to duty and skill in battle. We will accept nothing less than full Victory! Good Luck! And let us all beseech the blessing of Almighty God upon this great and noble undertaking."

Ernest landed on Omaha Beach with the 531st on June 15th, nine days after D-day. Facing fierce battles along the way, Ernest's division first encountered the Germans at Isigny, France. During his march to Germany, Ernest participated in the Battle of the Bulge, which started on December 16, 1944. Three powerful German armies with over 500,000 men plunged into the heavily forested Ardennes region of eastern Belgium and northern Luxembourg. The Americans were able to stop them at Malmedy.

Ernest dug in his defensive position at Malmedy not more than 100 yards from where 86 American prisoners had been massacred by the Germans the day before. For 5 days in a row his unit was under air attack in Malmedy by Americans who thought the city had fallen to the Germans. Ernest eventually marched into Germany and met up with Russian soldiers on April 17, 1945.

Ernest's unit also went to Buchenwald concentration camp. They found piles of human bones and piles of eyeglasses five feet tall, as well as lamp shades made out of human skin. The prisoners that remained were skin and bone. Ernest did occupational duty as a guard at a prison in St. Marc, France, before returning to the United States. He received an honorable discharge from the Army on November 14, 1945.

For his service to this Nation, Ernest was awarded the Good Conduct Medal, the American Campaign Medal, the European-African-Middle Eastern Campaign Medal, the World War II Victory Medal, the Honorable Service Lapel Button, the Sharpshooter Badge and Rifle Bar and the Marksman Badge and Submachine Gun Bar. He was also awarded the Croix de Guerre by the French for volunteering to go on a special mission to push the Germans back across the Rhine River as well as the Fourragère of Belgium for his part in the liberation of Belgium.

On April 13, 2008, Ernest LeRoy Peterson passed away at the age of 87. He is survived by his wife of 57 years, Charlotte, his two children, six grandchildren, and four great-grandchildren.

Madam Speaker, I am honored to pay tribute to Mr. Peterson and other men and women who have given so much for our freedom. Like so many other members of the "Greatest Generation," I urge my colleagues to join me in expressing my heartfelt gratitude and sincere appreciation for the patriotic service of Mr. Ernest LeRoy Peterson.

RECOGNIZING THE RETIREMENT OF JAMES "CHOPPY" SAUNDERS, PRESIDENT OF THE BOARD OF TRUSTEES OF MIDDFEST INTERNATIONAL

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. BOEHNER. Madam Speaker, I rise to recognize the retirement of James "Choppy" Saunders, a leading citizen of Middletown, Ohio and to express my appreciation for his dedication and commitment to public service. Since 1986 Choppy has given freely of his time and talents to Middfest International and for that I offer him my utmost congratulations and thanks.

Choppy's love for his community goes far beyond his involvement with Middfest and his 17 years as its General Chairman. He has served on many boards and commissions. He is the past President and First Vice-President of the Ohio-Kentucky-Indiana Regional Planning Authority and Regional Council of Governments, President of the Middletown Board of Health, President of the Middletown Area Chamber of Commerce, Board Member of the Middletown Area Neediest Youth and of course was the first African American elected to the Middletown City Commission.

Choppy's record—as a committed community man and as a good neighbor helping those in need—will leave an enduring legacy in Middletown. His leadership will be missed, but the footprint he has left will inspire many to emulate his good works.

Choppy, I offer my congratulations and gratitude for your long and successful career in public service. I wish you well in your retirement, and I hope you continue to achieve happiness and success wherever your life journey may lead you.

HOUSE OF REPRESENTATIVES—*Friday, April 25, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. McGOVERN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 25, 2008.

I hereby appoint the Honorable JAMES P. McGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history and Sovereign Lord of all peoples, here in America You find a nation that welcomes the role of faith in the public square. We believe in religious liberty. We also believe that a love for freedom and a common moral law are written into every human heart and that these constitute the firm foundation on which any successful free society must be built.

Lord, may Americans know from their own experience today that freedom is not only a gift but also a summons to personal responsibility. Give them the courage to engage in civic life and bring their deepest beliefs and values to reasoned public debate and so give You glory now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, April 29, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6275. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's report on the implementation of the Service-Disabled Veteran-Owned Small Business (SDVOSB) Program, in response to Section 849 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Armed Services.

6276. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2007, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.

6277. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that were expended during the preceding fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(1); to the Committee on Armed Services.

6278. A letter from the Secretary of the Army, Department of Defense, transmitting notification regarding the cost-benefit analysis of the proposed reduction in Army Research, Development, Test and Evaluation funding for the High Energy Laser Systems Test Facility (HELSTF), pursuant to Public Law 110-181, section 242; to the Committee on Armed Services.

6279. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Claude V. Christianson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6280. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael A. Hamel, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6281. A letter from the Assistant Director, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.274-2: Disallowance of deductions for certain expenses for entertainment, amusement, recreation, or travel. (Also 62, 1.62-2.) (Rev. Rul. 2008-23) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6282. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Employer Comparable Contributions to Health Savings Accounts under Section 4980G [TD 9393] (RIN: 1545-BF97) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6283. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — ANNOUNCEMENT AND REPORT CONCERNING ADVANCE PRICING AGREEMENTS [Announcement 2008-27] received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6284. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Standards for Recognition of Tax-Exempt Status if Private Benefit Exists or if an Applicable Tax-Exempt Organization Has Engaged in Excess Benefit Transaction(s) [TD 9390] (RIN: 1545-BE37) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6285. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information in Connection with Written Contracts Among the IRS, Whistleblowers, and Legal Representatives of Whistleblowers [TD 9389] (RIN: 1545-BG74) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1475: Mr. McNERNEY.

H.R. 2991: Mr. DENT.

H.R. 4900: Mr. BROUN of Georgia.

H.R. 5841: Mrs. BOYDA of Kansas.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXTENSIONS OF REMARKS

2008 AWARDING CAO EXCELLENCE AWARDS FOR EMPLOYERS OF THE CHIEF ADMINISTRATIVE OFFICER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I am pleased to rise today to announce the recipients of the 2008 Awarding CAO Excellence, ACE Awards, being recognized by Dan Beard, the House Chief Administrative Officer, CAO, for their particular contributions to the House community over the past year.

This year's award winners are Monica Barnabae, Nicholas R. Garner, John J. Heeb III, Joseph L. Adams, Saint Juan "Angel" McFadden, Angel M. Goldsborough-Lee, Susan Marone, Andrew C. Graeub, Brent S. Conran and Marie Bums. Their ACE Awards acknowledge the exceptional efforts made by these employees to provide the highest quality service to the Members, Committees and offices of the House of Representatives. Considered the highest honors awarded to CAO staff, the foundation of these awards are exemplary customer service, a commitment to delivering solutions and the highest standards of performance excellence.

These recipients of the 2008 CAO ACE Awards represent many areas of the CAO organization, perform a variety of jobs and provide a wide range of services to the House community. Whether working directly with Members or staff, supporting CAO internal operations or ensuring the technical infrastructure is operational, each serves as an exemplary role model for the entire CAO community. Collectively, and individually, they deliver solutions that fulfill the CAO organization's goal of providing a quality customer experience.

Monica Barnabae and Nicholas Garner are the recipients of the 2008 "Darrell Norman Excellence Award." This award is named after an exemplary CAO employee who died in January of 2007 and whose long-time career with the House exemplified the customer service standards, the performance excellence and the "can do" spirit of the CAO organization.

In her role as Director of the House Child Care Center, Monica Barnabae has been instrumental in directing her staff through several critical undertakings over the past year. She worked to address a number of issues vitally important to the continuing enhancement of the team and the work environment, creating additional professional development opportunities for the staff and improving their job satisfaction. Monica's commitment to, and communications with, both the staff and the parents have been instrumental in improving the Center's operations. Under her leadership this past year, the facility was awarded the revised accreditation by the National Association for the Education of Young Children NAEYC, making it one of the first programs in the country to go through this extensive re-certification process. The center received an 80% or better rating in each of the critical areas of assessment, including teaching, evaluation of child progress, relationships, families, health and leadership and management—all reflective of the attributes of the CAO's standard of excellence.

Nicholas Garner, a Senior Office Coordinator in the CAO/AOC Joint Service Center in the Capitol, serves as the primary point of contact for coordinating major renovation projects and events for the House's Leadership Offices and Officers. Nick regularly goes above and beyond the expectations of his customers to meet the offices' needs and to provide a quick and complete solution. He supports a very large number of clients and coordinates an extensive array of customer requests, but yet consistently manages that workload without a hitch. Nick has built and continues to foster solid relationships with the Members and staff he serves—relationships reliant on Nick's approachability, integrity, trust, knowledge, experience and problem solving skills. All of these hallmarks are criteria for selection as a recipient of the "Darrell Norman Excellence Award."

John Heeb III and Joseph Adams have been selected for the 2008 "Knowledge Award." John Heeb of the CAO Advanced Business Solutions (CABS) team is recognized for his work in developing the business process designs for the Accounts Receivable Module as part of the ongoing development and configuration process of the House's new financial system (known as ATLAS). His work has been critical in addressing and mitigating potential problem areas with the required Treasury Reports that can be difficult to transition with financial system installations. John took the initiative to master a significant amount of new subject matter and he engaged the appropriate resources in developing the desired reporting capability. He developed an independent analytical tool and drove a meticulous and detailed analysis with the project team to get to the right solution, which included the development of the training materials.

Joseph Adams of CAO Technology Infrastructure Solutions is being acknowledged with the "Knowledge Award" as the embodiment of one of the CAO organization's critical attributes: providing expertise and advice to customers. With his exceptional technical ability and his tireless work ethic, Joe seeks constant feedback from his customers by asking the right questions to get to the fundamental user requirements. He is the "go-to" person for House data network technical questions and implementation issues. Joe not only directs the day-to-day operations of nine senior engineers and five contractors, but he is responsible for reviewing and approving all network designs. He has directed the Business Continuity/Disaster Recovery, BC/DR, designs for the Alternate Computing Facility, as well as the Capitol Visitor Center, and he has personally designed voice applications in response to the industry-wide convergence of voice and data technologies.

Saint Juan "Angel" McFadden of the CAO Payroll and Benefits team is the recipient of the 2008 "Simplify the Day Award." Angel has the reputation of going the extra mile for her customers, whether they are the staff in Member and Committee offices or her colleagues in the Payroll and Benefits office. When the Payroll and Benefits office carried out an innovations project this past April, Angel was a member of the Payroll "help desk" during the project. She was on the front lines of responding to customers by phone and in-person. Although not in a supervisory capacity, and not directed to do so, Angel took the initiative to create a set of procedures for her colleagues on the "help desk" that resulted in considerable improvements in client service. Specifically, her ingenuity and persistence in identifying unnecessary processing steps resulted in reducing average cycle time for document imaging from about 39 days to 10 hours, while also eliminating seven unnecessary processing steps.

Angel Goldsborough-Lee of the CAO Technology Support team is being recognized with this year's "One Team Award." Angel consistently demonstrates an ability to reach across teams in support of important CAO and House initiatives. Charged with the oversight of the Escalations Team, she is responsible for managing a dynamic group of support engineers who assist the Technical Support Representatives, TSRs, in the field with identifying and resolving complex problems and keeping customers informed of system outages, house-wide email delays and system failures. Angel's ability to engage and drive team collaboration has been particularly evident this past year in her work with the Exchange 2003 migration effort, the execution of the Daylight Savings Time workstation software upgrade and her coordination with the Committee on House Administration in the delivery of the "Working Smarter Series," which familiarizes House staff with information and services to enhance their day-to-day productivity.

Susan Marone of the Resume Referral/Outplacement Services office is the "Personalized Solutions" award recipient. Susan is being recognized for the practical resolutions she devises in response to the unique and varied needs of Member and Committee offices that post their vacancy announcements with the CAO's Resume Referral Service. Relying on her extensive knowledge of Capitol Hill and her exceptional understanding of the day-to-day operations of a Congressional office, and by asking the right questions to help offices identify and articulate their hiring requirements and selection criteria, Susan has been able to tailor her standard posting processes to the needs of each requesting office. This has resulted in a reduction in the time for the requesting office to not only post, but to fill, the vacancy. In 2007 alone, Susan posted over 486 positions for nearly half of the House Member and Committee offices.

Andrew Graeub and Brent Conran are the recipients of the 2008 "Jay Eagen Dedicated Award," renamed by CAO Dan Beard in honor of the House's previous CAO, whose years of unwavering dedication to the organization and the House have become a standard. Andrew Graeub of the CAO Technology Infrastructure Solutions team is being recognized this year for his dedication and energy as the driving force for the successful design and implementation of data networks for a critical Business Continuity/Disaster Recovery (BC/DR) project. Like so many other projects Andrew manages, this one necessitated an exhaustive identification of user requirements from across the House community as well as maintaining proficiency in current networking technologies, while anticipating and expertly evaluating emerging ones. As with most projects of this magnitude, obstacles and challenges arise. Andrew consistently manages and solves those challenges through his blend of technical know-how, customer focus, exceptional interpersonal skills and an infectious positive attitude—all reflective of his dedication to his customers throughout the House community and to his colleagues across the CAO organization.

Brent Conran of CAO Information Systems Security is our second recipient of the "Jay Eagen Dedicated" award. Brent is being acknowledged by the CAO organization for his dedication in managing his team of security engineers, responsible for keeping House production security systems up and running, 24/7. Brent is responsible for making sure the network remains secure from hacker attacks, viruses and spam. By staying current with the latest technology and through his ability to maneuver through CAO systems and processes, he has implemented new firewalls, spyware filtering and intrusion detection upgrades that have guaranteed the ongoing security and integrity of House systems. Brent has an insatiable appetite for keeping up with the newest detection technologies. The House benefits from his dedication to keep the institution's computer network secure and his desire to constantly do things better and quicker, staying ahead of the newer and more creative technology threats.

The CAO's final award recipient for 2008 is being acknowledged with the newest ACE award: the "Green the Capitol Award." This new award recognizes an employee who exhibits a commitment to the Green the Capitol Initiative by seeking innovative, cutting-edge approaches to traditional ways of doing business, promoting resource conservation and supporting an environmentally-sustainable and healthier workplace.

Marie Burns of the Office Supply/House Gift Shop is the recipient of the first CAO "Green the Capitol Award." Marie is being recognized for her commitment to the Green the Capitol Initiative and her effort to promote its goals within the CAO organization and the larger House community. Specifically, Marie has been involved in driving the purchase and availability of more environmentally-friendly products in the Office Supply Store and the House Gift Shop. As an example, by selling only 100 percent post-consumer recycled paper in the Office Supply Store, the House is helping to save 29,400 grown trees. Marie's personal commitment to the goals of the Green the Capitol Initiative and her leadership in focusing on the sustainability of the House supply chain has been instrumental in raising environmental awareness among her colleagues and the customers she serves.

On behalf of the entire House community, I extend congratulations to Monica Barnabae, Nicholas Garner, John Heeb III, Joseph Adams, Angel McFadden, Angel Goldsborough-Lee, Susan Marone, Andrew Graeub, Brent Conran and Marie Burns for their tireless efforts and outstanding service to the Members and staff of the U.S. House of Representatives. I wish this year's group of CAO ACE Award recipients continued success in their endeavors and I look forward to their ongoing contributions in support of the vital work of "the People's House."

THANKING PATTY KORIN FOR HER SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 25, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement in April 2008, I rise to thank Mrs. Patty Korin for 11 years of outstanding service to the U.S. House of Representatives.

Patty joined the Chief Administrative Officer, CAO, Financial Solutions Staff in the summer of 1997 as a senior accountant. Patty brought a wealth of accounting expertise relating to the creation of financial statements. Her attention to detail has been a significant contribution to the Accounting department. She has instructed CAO staff on proper accounting usage and written beneficial procedures to assist others. Her passionate customer service, organizational skills, resourcefulness and dedication to her work have benefited Member offices and staff over the past years.

In 1999, Patty received the Distinguished Service Award in recognition of her contribution to the first clean audit opinion for the U.S. House of Representatives.

On behalf of the entire House community, we extend congratulations to Patty for her years of dedication and outstanding service to the U.S. House of Representatives. We wish Patty many wonderful years in fulfilling her retirement dreams.

SENATE—*Monday, April 28, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, reawaken our conscience. Bend the ear of our spirit to Your voice that we may perceive Your will in these challenging times.

Remove from our lawmakers the false worldly wisdom that engenders division, and keep them vigilant in doing Your work on Earth. As they strive to make wise choices regarding nuanced issues, may they hear Your gentle voice whispering that they belong to You. Remind them that You will be with them. May all that they do and are today be an expression of Your truth, righteousness, and justice.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 28, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business until 4:30 today, with Senators permitted to speak for up to 10 minutes each, the time equally divided and controlled between the two leaders or their designees. Senator DORGAN is controlling 30 minutes of the majority's time. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 2881, the Federal Aviation Administration Reauthorization. At 5:30 today there will be a cloture vote on the motion to proceed to that bill.

As a reminder to all Senators, Wednesday, at 11 a.m., there will be a joint meeting of Congress in the Hall of the House of Representatives, with the Prime Minister of Ireland, Bertie Ahern, presenting his statement to the country.

MEASURE PLACED ON THE CALENDAR—H.R. 5613 AND S. 2920

Mr. REID. I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5613) to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009.

A bill (S. 2920) to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills, en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

UNANIMOUS-CONSENT REQUEST—H.R. 493

Mr. REID. Mr. President, I ask unanimous consent that the Secretary of the Senate is directed to request the House of Representatives to return to the Senate the bill, H.R. 493.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Senator from North Dakota, Mr. DORGAN, recognized to speak for up to 30 minutes.

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask the time during the quorum call be equally divided between the majority and minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOOD SECURITY CRISIS

Mr. CASEY. Mr. President, I rise today to highlight the growing food security crisis which faces the United States and countries around the world. The short-term challenges we face as a result of this food security crisis are economic, strategic, political, and humanitarian. All of these challenges we face are already being faced by the most vulnerable in our society.

Here in the United States, this crisis comes on the heels of so many other trying circumstances confronting poor and working families across America. Our Nation is facing an economic recession and ever-rising unemployment rates. Many of those who remain employed find themselves working more hours and yet earning less because their wages have not kept up with inflation.

While their incomes have declined, the unprecedented cost of food and home energy has continued to soar. Many of these same families are also facing a mortgage and housing crisis which may force them to forego ownership of the house they once considered their slice of the American dream.

In short, many families, who years or even months ago were living comfortably, are now struggling to get by. As a result, the increase in food prices over the last several months has added one more pressure to already overburdened American families.

Increasingly, these families are stretched to the breaking point and are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

turning to Federal food assistance programs and food banks for some measure of relief. I have seen this trend repeated firsthand at food banks and in headlines across Pennsylvania.

A couple of examples. This is the headline of the Allentown Morning Call: "Heavy Demand at Food Banks, Kitchens Is a Grim Economic Indicator for Valley" [meaning the Lehigh Valley].

The Scranton Times Tribune: "More Seeking Food Stamps: Recipients in Pennsylvania Rise 9.5 percent."

The Philadelphia Inquirer: "Working Poor Struggle to Get By."

The Pittsburgh Tribune Review: "Demand for Food Stamps 'Very Close' to Record."

All across the State and across the country, it is the same headlines, the same story, the same economic trauma, because of a food security challenge we face. The data shows evidence of this disturbing trend. The demand for food stamps in Pennsylvania is skyrocketing.

Back in December of 2000, before this current President took office, approximately 757,000 Pennsylvanians—1 out of every 16—were enrolled in the food stamp program. But this past December, 7 years later, that number has risen dramatically to 1.4 million Pennsylvanians, accounting for 1 out of every 10 State residents. This trend shows no sign of stopping.

From December 2007 to March of 2008, Pennsylvania enrolled an average of 10,000 new individuals in food stamps every month, bringing the total enrollment to 1.18 million. But the situation in our State is far from unique. All across the country the number of individuals enrolling in the Food Stamp Program continues to rise at historic rates. From December 2006 to December 2007, more than 40 States saw recipient numbers rise, and in seven of those States the 1-year rate of growth topped 10 percent. The Congressional Budget Office predicts that starting in fiscal year 2009, 28 million Americans will be enrolled in the Food Stamp Program, the most ever enrolled in this program since its inception 40 years ago.

For the millions of Americans struggling from the effects of economic recession and rising food prices but making too much to qualify for food stamps, food banks can provide some measure of respite by providing food to those who could not otherwise afford it. Unfortunately, these food banks are struggling as well from a combination of increasing food prices, decreasing donations, and increased demand.

Wholesale prices for such foods as eggs, flour, rice, fruits, vegetables, and dairy products have dramatically spiked in the last 8 years. For food banks this price spike resulted in diminished purchasing power, translating into the availability of fewer supplies to meet an ever-increasing demand. While there is no accurate nationwide or even statewide data to show the effects increased prices and increased demand are having on food bank supplies, we know from news articles, television stories, and firsthand reports from those working at food banks that this food security crisis has adversely affected emergency food assistance programs in every State.

The Senate-passed version of the 2007 Food and Energy Security Act, otherwise known as the farm bill, includes several measures intended to shore up Federal antihunger assistance programs. In fact, 67 percent of the funding of this bill is dedicated to protecting Americans from hunger. Provisions incorporated in the bill combat hunger, and they include measures to increase the value of food stamp benefits and language to increase the annual level of Federal commodity purchases for food banks from $140 million to $250 million.

Unfortunately, while the House and Senate are making strides in bringing their differences together, the longer it takes to complete this bill, the longer struggling Americans must wait for some measure of relief. Rising food prices and their effect on poor and working families are only part of the food security equation. While part of the increase in food prices can be attributed to the rising fuel and energy costs needed to produce and distribute these products, the far bigger driver behind those increased costs is lack of supply. Internationally, as well as domestically, food prices have been affected by severe shortages and record inflation of major food commodities such as corn, rice, soybeans, and wheat.

The head of the World Food Program has called the global food crisis a "silent tsunami," affecting the world's most vulnerable without regard to geography or traditional borders. World Bank President Robert Zoellick has said that surging food costs could translate into "seven lost years" in the fight against worldwide poverty.

Weather disasters and crop losses have caused devastating shortages across Africa and the Asia-Pacific, leading to historically low levels of world stocks of key commodities. Australia, one of the leading worldwide wheat producers and exporters, has endured several consecutive years of drought and last year lost 60 percent of its total wheat harvest. Floods in Asia have destroyed global production centers of wheat and rice as well.

The rapid economic growth of China and India have lifted millions out of poverty, but it has also succeeded in creating a new middle class complete with Western appetites for a diet of meat and protein. While foods such as rice and wheat remain a staple of the traditional diet, increased demand from China and India for meat produced from grain-fed animals is putting a strain on global supply and will only grow over time. Many of the commodity supplies these countries once exported are now being used for domestic production. Threatened by shortages at home, many countries have banned exports of critical foodstuffs, disrupting supplies for neighbors and trading partners and sending shock waves through the global markets.

Import-dependent countries such as the Philippines are left with no choice but to pay top dollar to forestall future crises. Others have added artificial incentives to attract food imports. These counterproductive actions only exacerbate food shortages and foster a beggar-thy-neighbor approach. The United States must work with the U.N. and other international actors to press countries against adopting such counterproductive measures. We must start looking at mid- and long-term strategies for helping countries deal with this crisis.

Higher food prices not only increase the potential for humanitarian disasters, they can also spark political instability and impact U.S. foreign policy. We have seen the devastating effect the food shortage has had on developing nations around the world, sparking violence and riots and putting added pressure on already fragile and underresourced governments.

Last week we saw protesters in Haiti chanting "we are hungry" and forcing out the Prime Minister. Food riots erupted in Egypt and Ethiopia, and troops were used in Pakistan and Thailand to protect crops and storage centers. According to the U.N. Food and Agricultural Organization, 37 countries are now facing a food security crisis and are at risk of a food-related upheaval.

In areas of vital concern to U.S. national security, such as Afghanistan, the food crisis threatens hard-fought progress we have achieved in peace, stability, and reconciliation. In Darfur, where the refugees and internationally displaced have already suffered under war, famine, and genocide, the international community may be forced to cut food supplies. The United States can serve its national security and humanitarian objectives by fully funding overseas emergency food assistance programs.

In March, I sent a letter to the Appropriations Committee along with Senator DURBIN and a number of other Members of the Senate calling for a $200 million increase in the fiscal year 2008 supplemental budget request to address the predicted shortfall in U.S. food assistance programs. Although President Bush directed the Agriculture Secretary to take out $200 million from the Bill Emerson Humanitarian Trust to help with the crisis, this is only a short-term fix. The

United States must do more by increasing our bilateral and multilateral contributions in funding to replenish the trust.

Supplemental funding in PL 480 title II programs is essential to maintain current food aid programs at current levels and meet the increased cost of food, freight, and fuel production. America can do more, and we must. While I don't claim to have all the answers to this mounting domestic and international crisis, I do believe this is an issue deserving the full attention of the Senate. We need to begin this effort with final passage of the 2007 Food and Energy Security Act and continue by including funding for domestic and international food aid in the supplemental appropriations bill. But these measures in and of themselves will not be enough.

We must act, we must legislate. The moral gravity of this food security crisis cannot be overstated. It is a matter of economic justice. It is also about preserving human life and alleviating suffering. It is also a matter of national security.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that time under the quorum call be evenly divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that I be allowed such time under morning business as I might consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH INSURANCE

Mr. ENZI. Mr. President, I just got back from Wyoming. I am in Wyoming almost every weekend. I travel to a different part of the State each time so I can see all the people. As a result, I do not do any polls. If you talk to more people in a weekend than pollsters cover when they do something, you can get a pretty good feel for what is happening.

I did run across a national poll, and the poll said the No. 1 concern on the minds of people in America was jobs and the economy. They said the No. 2 concern was health care. There is an interesting little anomaly in No. 1 and No. 2, which is when you talk to people about No. 1, jobs and the economy, one of the reasons they are concerned about jobs and the economy is because they don't want to lose their health insurance. If their job disappears, they are out there in the market and they don't have the coverage.

So I am going to talk about health care today. I have been talking to a lot of folks about health care, which isn't difficult because it is on everyone's mind these days. During the last work period—and we sometimes call it a recess, but I prefer to call it a work period because I usually travel from 1,000 to 5,000 miles around my State during that time—I went on a 10-stop tour of Wyoming. In just over 3 days, we drove over 1,200 miles and visited 10 towns and I met with lots of Wyomingites. I even spoke to people at several stops who live outside those 10 communities but drove miles and miles to come to our meeting. Wyoming does have miles and miles of miles and miles—about 400 miles on a side—and it is a long way between towns.

The dedication and passion of the people who live in the towns and the people who drove all those miles strengthens my commitment to getting something more done about health care. We need to do something. A lot of people feel more economically secure when they have health insurance. They know that if they have health insurance and something happens or they get sick, they will be able to get the care they need without mortgaging their home or going bankrupt. That is another concern on their mind. Nobody should have to worry about that. Everybody should be able to carry a health insurance card in their wallet.

The news isn't all bad, however. There have been plenty of wonderful things that have come from our health care system in recent years. Each year, new technologies are being invented and new drugs are being created that allow people to live longer and healthier lives. Researchers are finding cures for diseases, and parents are able to take care of sick children. They are able to take them to clinics in shopping centers and pharmacies to get throat cultures and flu shots. Plenty of good things are happening, but we can do better.

Now, during my Wyoming work periods, my wife Diana and I travel around and talk to folks about health care. I listen to what they tell me about the problems they are having and I bring that information back and I compare it to what my colleagues are saying. One of the things I do is to teach the East about the West. So when I am in DC, I usually have to explain to folks how Wyoming is different, how a plan designed around New York or Massachusetts would not work for Wyoming. I have to tell them it can be hard to get doctors and nurses to come to Wyoming. The smaller the town, the harder it is to attract good people. I remind the people in the East that we have a lot of people who work at the mines and in the oil patch and in the natural gasfields. They work hard for their hourly wages doing difficult and dangerous tasks. The type of health care they need is different than the type someone working at a computer needs. How do we help the construction worker and the computer technician both get better health care that fits their unique needs at a more reasonable price?

My position on the Senate Health Committee has allowed me to do a lot of research on this subject. I have talked to patients, health care providers, scientists, and financial advisers. You name it and we came up with a plan that I think is flexible enough to work for everybody.

The bill I have put together is called Ten Steps to Transform Health Care in America. The bill would get everyone an insurance card to carry in their wallets and purses. If you already have an insurance card, the bill will make sure you get to keep the card by wrangling in health care costs until they are affordable. The biggest danger people who have an insurance card have is costs are going to become so astronomical that it would not be offered anymore. We have to see that doesn't happen.

Why 10 steps? Well, I have discovered, over the course of the years I have been in the Senate, that if you put together one massive, comprehensive bill that solves everything, you will get a lot of discussion, but you would not get many results because one piece will have 5 people who don't like it, another piece will have 8 people who don't like it, and another piece will have 11 people who don't like it, and another piece will have 3 people who don't like it, and pretty quickly you are at 51 votes against you and you cannot get the bill done. When you try to do something comprehensively, it often looks revolutionary. We don't do things “revolutionarily” in the Senate. We do them “evolutionarily.” So I put together 10 pieces. If we don't get all 10, or even if we only get one, it is not a problem because any 1 step gets us closer to having every American insured. All 10 together would get every American insured. I will briefly walk you through all 10 steps.

In order to understand how the bill works, it is important to review a few facts of the history of health care insurance in our country. Right now, about 60 percent of the people under age 65 are getting their health insurance through their jobs. The question is, why are 60 percent of Americans getting their health insurance through their jobs? The short answer to that question is because of the way employer-sponsored health care insurance is treated for tax purposes.

Our current health insurance system is biased toward employer-based coverage due to a historical accident. The wage controls of World War II increased competition among employers for recruiting the best employees and incentivized employers to offer health benefits instead of increased wages. They weren't allowed to offer increased wages. In 1954, Congress codified the provision declaring that such a contribution would not count as taxable income. This tax policy made it very favorable for individuals to get their health benefits through their employers and, consequently, has penalized individuals who get their coverage through the individual market.

The Joint Committee on Taxation estimated that removing this tax bias and a few related health care tax policies will save the Federal Government $3.6 trillion over the next 10 years. That is real money—even in Washington. That is a lot of money that can and should be used to expand choices and access and give individuals more control over their health care. Ten Steps ensures every American can benefit from these savings—whether they get health care from their employers, from the individual insurance market, or they decide they want to get off Medicaid and switch to private insurance. That is one of the options.

How does this bill do it? The plan gives all Americans that have at least a certain amount of health insurance a standard tax deduction. The national above-the-line standard tax deduction for health insurance will equal $15,000 a year for a family and $7,500 for an individual. The bill also gives low-income folks a tax credit equal to $5,000 for a family and $2,500 for an individual. The subsidy amount phases out as incomes get higher, so some folks would not be eligible for the subsidy, but everyone is eligible for the standard deduction I mentioned first.

The bill takes this hybrid approach of coupling the standard deduction proposal with the tax credit proposal because I think it is the best way to ensure no particular group of people is adversely affected. I know some folks are advocating for just a standard deduction, and other folks are advocating for a tax credit. My plan does both, but I am supportive of all approaches. I am pleased so many colleagues agree we need to fix the flawed Tax Code. The bottom line is we need to get something done. Correcting the flawed Tax Code will make it easier for working Americans to buy health insurance. Jobs don't need insurance; people do.

One of the things this tax policy would do is encourage more companies in the insurance business to provide more options to the people. The options would vary in price, bringing prices down through more competition. We talked about Medicare Part D and got that instituted in the United States for the cost of pharmaceuticals to seniors to go down. I was concerned about how that would work. Wyoming has a low population. I think it will be about half a million in the next census. I wasn't sure we would be able to attract competition to our State. There is a little provision in Medicare that says if there isn't any plan interested in bidding, the Federal Government will provide a plan. In Wyoming, we had 49 companies bidding for each person's pharmaceutical work. It gave a lot of options and, more importantly, it brought the price down about 20 percent before we ever got started. That is what competition does. We also need to make sure the insurance is portable; that when one person changes jobs, they can be sure they still have their insurance. Some people are locked into jobs because they, or a family member, have a preexisting condition that will preclude them from getting insurance if they change.

The fourth step gives small businesses greater purchasing power to reduce the cost of insurance plans. Right now, a lot of rules are in place that prohibit groups of businesses from getting together and pooling their purchasing power across State lines—in fact, across the whole United States—so they can negotiate better deals on insurance cards. That doesn't make sense. If a group of shoe stores in Wyoming wants to get together with other shoe store owners in Montana and Colorado and the rest of the United States and band together to get a greater discount on health insurance, they should be allowed to do so. This isn't a brand new concept. Some States have enough population that they are able to do this anyway within their State borders. Ohio is a great example. They have been intensely interested in this piece of legislation. They have put together the small business health plan within their State, and it has saved a tremendous amount of money. They were inventive enough to do it in the first place and smart enough to know if they can expand across State borders and across the United States, they can reduce those prices a lot more. We should not be keeping them from doing that.

I mentioned earlier that jobs don't need health insurance, people do. Right now, when a small business wants to get health insurance for employees, they contact the health insurance agent and tell the agent how many are employed and they give information about the employees and then the agent quotes a price for offering health insurance to those employees.

Right now, there are some Federal rules in place that govern that process for small groups of employees and make sure the groups are fairly treated by insurance companies. The protections provide assurances to consumers that insurers will deal with preexisting conditions fairly and provide coverage—even to small groups. This has helped keep costs down for small businesses, but more needs to be done, especially given that none of these rules apply to individuals who purchase health insurance on their own. At a minimum, we need to make sure individuals get treated the same way groups get treated.

The fifth step blends the individual and group market to extend important HIPAA portability protections to the individual market so insurance security can better move with them from job to job.

The sixth step is possibly the most critical and one we must take to reduce medical costs across the board. This step moves our system from one that provides sick care to one that provides health care. That is an important distinction. As Ben Franklin said: "An ounce of prevention is worth a pound of cure." We need an innovative system that will do more to help Americans prevent and manage chronic illness, so they can live healthy lives with fewer medical costs. The Ten Steps plan would do that.

The seventh step gives individuals the choice to convert the value of their Medicaid and SCHIP program benefits into private health insurance, putting them in control of their health care, not the Federal Government. The rationale for this step is simple: If the market can provide better coverage at a lower price, then why not allow Americans to access that care?

This gives low-income individuals more options about where they can receive care and what care is available. It is time for people to start making decisions about their care. Let's get the Government out of the doctors' offices.

The eighth step is one that Congress has come close to passing in years past—a bipartisan plan to encourage the adoption of cutting-edge information technologies in health care. The health care industry is the last industry to go digital. Think about what technology has done to revolutionize every other industry and how it has led to a more efficient use of time and resources. The health care industry should not lag behind. The time has come for health information to go digital so we can save thousands of lives and billions of dollars.

Mr. President, did you know that you own your own health care record? I would like to know how many of my colleagues have theirs with them. I am willing to bet none not even me. Try to get your health care record some time. But you ought to have your health care record on a card you carry with you that has everything about you so if you come from Wyoming out to Washington, DC, and you get in a wreck, the doctor who is taking care of you can have all of the information he needs to make sure that while he is taking care of you, he is not hurting you another way. Right now, some of that technology is available in Wyoming, and some of that technology is available here. The difficulty is the card in Wyoming cannot be read here, and the card here cannot be read in Wyoming. Of course, we hope people will come out to Wyoming for a vacation, and we hope they do not get in an accident. If you are in Yellowstone Park, Grand Teton Park, or other beautiful places in Wyoming, if you get sick, we want the doctor there to have all the information he needs to be sure you are taken care of. That is possible now. We just need a standard of getting that information from one part of the country to another. You can take your ATM card anywhere in the world and get cash, but you cannot take your medical records anywhere.

There is another big problem with medical records. You go to one provider, and he has a test done. He sends you to a specialist. The specialist says it is going to take too long to get the test over here, this is important, and it is an emergency, so they do the test again. Do you know how much the tests cost? Sometimes $3,000, $4,000, $10,000, and they are duplicated. The RAND Corporation said duplication of tests may be costing us as much as $140 billion a year. That is real money. That is real money that could be spent on health care and health IT.

Some are concerned about the impact of health IT and electronic health records on the security of personal data, data security. Let me assure my colleagues that protecting patient information is a very high priority of mine, and nearly every section of this bill demonstrates it.

The health IT bill does a lot to build on protections we already have in place. The bill establishes the American Health Information Community which is made up of experts representing a complete cross section in health care, consumer, and technology communities.

The American Health Information Community is charged with providing the Secretary of Health and Human Services recommendations concerning national policies for adoption by the Federal Government to ensure that patient data remain secure. But there is another important part to this. The companies that are putting together these programs that we assume will have standardization so they can be used in all parts of the country have a real desire and a real need, if their product is going to be lasting, to be sure there is data security. They work on that every day, just as the banks work on your ATM card every day to make sure somebody is not getting your money. It should not be a worry.

The ninth step of the bill is one of the most important steps for frontier areas such as Wyoming. An insurance card in your wallet will not do any good if there is not a doctor or hospital around when you need care. If there are not enough nurses working in that hospital or no one is working at the desk to admit you, a health insurance card will not help you very much.

The 10-step plan addresses this problem by helping future providers and nurses pay for their education and encouraging them to serve in areas of great need. The plan provides competitive matching grants for States to encourage nurses to return to the profession after having left the workforce for 3 years or more.

People are living longer. People can be active longer. We need to encourage more people to stay in the workforce longer. This will do it for nurses and help solve a tremendous problem seniors are going to have.

The plan also boosts the current programs we have that are working well—the Community Health Centers Program and the loan repayment programs for the National Health Service Corps. Those community centers are providing a lot of health care to a lot of people who would not be able to get health care otherwise. We have the reauthorization ready to go on that issue and almost complete.

Another piece that is critical to Wyoming, the 10-step plan builds on the success of the current rural health care programs by ensuring the appropriate development of rural health systems and access to care for rural patients.

One of the things that continues to be very important to me as I work on this 10-step plan is listening to real folks about what they want from their health care. One thing I heard over and over is that seniors want to stay in their homes longer. They do not want to go to nursing homes if they don't have to. Sadly, because of the way our laws are written and the way our reimbursement policies are structured, folks are sometimes left with no option but to go to a nursing home. If the policies were different and there were more options and there were more flexibility, seniors could stay in their homes longer.

My plan works to do just that by putting the emphasis on community and home-based care, which is often much preferred, less costly and proven to increase the quality of life. One way to do this is by supporting programs such as the Greenhouse Project which creates a community setting rather than an institutional setting.

The final step of the 10-step plan decreases the skyrocketing costs of health care by restoring reliability in our medical justice system through State-based solutions. No one—not patients or health care providers—is appropriately served by our current medical litigation procedures.

Right now, many patients who are hurt by negligent actions receive no compensation for their losses. Those who do receive a mere 40 cents of every premium dollar, given the high cost of legal fees and administrative costs. That is simply a waste of medical resources.

Additionally, the likelihood and the outcomes of lawsuits and settlements bear little relation to whether a health care provider was at fault. Consequently, we are not learning from our mistakes. Rather, we are simply diverting our doctors, and they are spending more time in the courtroom. When someone has a medical emergency, they want to see a doctor in an operating room, not in a courtroom.

Those are the 10 steps. As I mentioned before, I worked on 10 steps so we can break the steps into separate bills and move them one at a time in a moveable, reasonable piece. Despite the intentions of Congress, we have to work in incremental doses rather than monumental doses in order to get anything done.

Some of the steps I have mentioned are newer ideas that still need some time to be worked out and will still need some tinkering around the edges, but some of the steps I went over today are ready to go. Health IT could be done any day this week. Those bills are drafted, they are stand-alone bills, and they are ready to move through Congress at any time. We need to do it.

Some people say this is a Presidential election year; what do the candidates think about it? What do they think about it? They are covering that a little bit. I think Senator McCain made a speech earlier today about health care and some of the things he intends to do with it. I have heard other speeches from other candidates. We do not need to wait for a Presidential election to do something in health care, to do anything in health care. When a person gets elected President, they give us pretty good suggestions, but they no longer get to vote on any of the issues. We have to do the votes. We have to draft the legislation. We have to do the debate. There is no reason to wait until we have a President, no need.

There is a need—a critical need, an understood need—by the people of America that we need to do something on health care and we need to do it right now. It is such an issue of great concern to the American people that it transcends politics as usual.

I never ask when I am in Wyoming whether a person is a Republican or Democrat when they bring me an idea or a problem. I just want to know what the idea is or what the problem is, and I do like it when they provide a solution with it as well. If it is doable, we do it. That is what we need to do on health care.

If we make sure that we transcend politics, if we get away from the polarization of a political year, we will have an opening to get something done that will help patients and doctors.

I am going to suggest we use my 80-percent rule. I came to Washington as a firm believer in the 80-percent rule. That is, we can reach agreement on 80 percent of the issues and we are probably never going to reach agreement on the other 20 percent. By focusing on 80 percent of the issues we can agree on, we can get something done. If we continue to let the 20 percent we disagree on serve as a roadblock, we will let some great opportunities pass. That is something we cannot afford to have happen again and again.

I truly hope this is the year we stop talking about health care and start doing something about it because Americans cannot wait another year. They do not want to wait for an election to see some changes. They certainly do not want to wait another year to stop their health care costs from going up and up. They want to see change, and they want to see change now.

Our small business owners, our working families, our millions of uninsured cannot afford to wait, and we can do it. We can do it now, and we can do it together.

Last week, we passed the genetic nondiscrimination bill. That has the potential to provide health care as opposed to sick care. That has the potential to let people have their blood tested to find out what possibilities there are to what could happen to them based on their genetic information so they can keep that from happening.

What the bill does is make sure that the information you get from that testing cannot be used against you by your insurance company or your employer. That should give you encouragement to find out more about yourself so if there is something that could be a preexisting condition, you can keep it from becoming a preexisting condition and your insurance company cannot make it a preexisting condition until it actually happens.

We have a chance to do a lot of things in health care. We have done something in health care. I hope we will get health IT done in health care this week or next week. There is no reason we cannot. The small business health plans, to let the companies group together over State lines, there is no reason that cannot get done. There are several ideas out there that have been put together well that can be combined to get something done. I hope it goes through the regular process, which means through committee. I also noticed legislation that does not go through a committee around here does not get done, and that is because it has not had that chance to be worked on in a very individual way. When we are in committee and doing a markup and there is a problem three or four people have, they can go off and work on that problem and come up with a solution. Sometimes it is a compromise; sometimes it is leaving something out; sometimes it is a brandnew way. That is where the innovation happens, in committee. Whenever we avoid the committee, what we are saying is: We have this legislation we want to shove down your throat. It will help make each side take some bad votes, and this is an election year, so maybe we should have some bad votes. I don't think that is necessary. I think there are solutions out there, solutions we can reach agreement on, solutions we can finish, and what is more, I think the American people expect it and, more importantly, demand it. We can do it. Let's do it.

I yield the floor.

Mr. DURBIN. Mr. President, is there a unanimous consent agreement with respect to the order of speaking or the time?

The ACTING PRESIDENT pro tempore. There is no consent with respect to the order of speaking.

Mr. DURBIN. It is my understanding there is 39 minutes remaining on the Democratic side?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DURBIN. I ask unanimous consent to be recognized for 9 minutes and to be notified by the Chair when that time has expired.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEGLECTING AFGHANISTAN

Mr. DURBIN. Mr. President, so much of the debate here in the Senate is consumed by the seemingly endless war in Iraq. I just left a hearing of the Democratic policy conference. It was the 13th hearing relative to the waste and abuse that took place during the course of this war. To think that we have spent almost $700 billion in the course of this war and how much of it has been wasted. We asked those who were testifying who were actually on the ground a few years ago in charge of allocating equipment and watching conduct. The estimates ranged from 30 percent to 80 percent of the money spent being wasted—taxpayers' dollars, dedicated to make a safer place for our troops—actually wasted and stolen. Unfortunately, little or nothing has been done about it.

The hearing from the Democratic policy conference began with Senator DORGAN back when the Republicans were in control of Congress and refused to hold the same hearings in the official committee structure. Now there are more hearings and more investigations both on the House and Senate side. But we can only hope, when a new President is elected, that President will decide it is time for a thorough investigation of the billions of dollars, taxpayers' dollars, that have been wasted in this war in Iraq—money not spent to make our troops safer, not spent to achieve our objectives but, rather, to line the pockets of greedy people.

This isn't the first war in which this has happened, but it is certainly the only time I can recall when an administration has been so cavalier when it comes to this occurrence.

We talk a lot about the war in Iraq. We should not forget what is happening in Afghanistan. This is a war that was declared shortly after September 11, unanimously in the Senate. Given how much blood and treasure has been lost in Iraq, it is easy to forget the stakes in Afghanistan.

Afghanistan was the original home for al-Qaida. It is where Osama bin Laden planned his attack on the United States. He may very well still be alive in the border area of Afghanistan or nearby in Pakistan. If Taliban hosts freely allowed al-Qaida terrorists to train in camps there, we understand the threat that could pose. The Taliban also ruthlessly suppressed its own people, particularly its women.

Let's remember what the 9/11 Commission said about Afghanistan:

> Bin Ladin appeared to have in Afghanistan a freedom of movement he lacked in Sudan. Al-Qaida members could travel freely within the country, enter and exit it without visas or any immigration procedures, purchase and import vehicles and weapons. . . . The Taliban seemed to open the doors to all who wanted to come to Afghanistan to train in the camps. The alliance with the Taliban provided al-Qaida a sanctuary in which to train and indoctrinate fighters and terrorists, import weapons, forge ties with other jihad groups and leaders, and plot and staff terrorist schemes.

Why revisit this history? Because the Taliban and al-Qaida have been regrouping along the Afghan and Pakistan border. In fact, now, more than 6 years into the war in Afghanistan, we are at risk of losing some of our hard-fought gains, gains paid for with the blood of American soldiers.

Recently, Admiral Mullen, Chairman of the Joint Chiefs of Staff, stated the obvious—that the U.S. military has too many troops tied down in Iraq to send reenforcements needed in Afghanistan. It is clear again this President decided before he won the war in Afghanistan to start a new war in the Iraq, at the expansion of our original mission. According to Admiral Mullen, "There are force requirements [in Afghanistan] that we can't currently meet." He said, "Having forces in Iraq at the level they're at doesn't allow us to fill the need that we have in Afghanistan."

The GAO just released an assessment of U.S. efforts to counter terrorist activity in the border area of Pakistan. The report concluded that the United States has not met its national security goals in Pakistan's tribal areas and that ". . . al-Qaida has established a safe haven near Pakistan's border with Afghanistan."

A top Army commander, MG Jeffrey Schloesser, warned that Afghanistan could see record levels of violence this year.

Just the other week, the British charity Oxfam released a report noting that Western countries have failed to deliver $10 billion of nonmilitary assistance pledged to Afghanistan since 2001. The United States is responsible for one-half of that shortfall. Despite the billions that have been spent in Iraq, we have failed to keep our promises when it came to humanitarian assistance, nonmilitary assistance, in Afghanistan.

This is not isolated. The World Bank has spent approximately half of its commitments to Afghanistan; the European Commission and Germany, less than two thirds; and the Asian Development Bank in India, a third.

Take another example—support for the National Solidarity Program, widely regarded as one of the most successful development efforts in Afghanistan. The 5-year-old program is funded by international donors, administered by the Government of Afghanistan. It is one of the few to reach into rural areas. In this program, village residents work collaboratively with local governments to identify developing needs. There is a feeling of ownership, of participation. Women are actively involved. Because of the sense of ownership, the Taliban is less likely to destroy these local projects.

Take for example the recent example profiled in the Washington Monthly. In the village of Dadi Khel, residents came together to decide on developing a small hydroelectric turbine for the nearby river. When finished, it will be able to provide electricity to about 300 families in the village.

Next to the site is a poster nailed to a tree that clearly shows to all the disbursement of funds for the project. A local teacher told the reporter, "This is our money. All the time we are checking whether it's spent correctly."

Yet this novel program is facing a shortfall of hundreds of millions of dollars to continue work in existing communities—let alone to expand into Afghanistan's remaining 7,000 villages. While Canada, Germany, and the U.K. have all increased financial support for this program, U.S. funding was reduced between 2006 and 2007.

It's not surprising therefore that the Oxfam report said that international development aid to Afghanistan remains "woefully inadequate." Oxfam noted that only $7 is spent in international development assistance in Afghanistan for every $100 in U.S. military expenditures.

That translates into less development aid per capita in Afghanistan than the world spent in postconflict Bosnia or East Timor.

How could we let this happen? How could we take our eye off the ball?

Of course, part of the answer is that this administration diverted critical military, intelligence, and civilian assets from Afghanistan to Iraq.

Just imagine how much more progress we could have made in Afghanistan if we had not gone into Iraq.

But another part of the problem is that we have not done enough to support long term development efforts so critical in winning the hearts and minds of the Afghan people.

I remember during a visit to Afghanistan last year that there were only six American agricultural experts for the entire country—I think today there are eight. That is right, for a nation with an agricultural economy and record poppy harvest, only a handful of agricultural development experts.

Sadly, I suppose this is not really surprising. USAID has seen its number of full time Foreign Service officers drop from a historic high of over 5,000, to only 1,000 today. The Peace Corps has seen its budget in real dollars drop by almost 40 percent since its inception in 1961.

America's strength comes not just from its military might, but from the power of its ideas, from its generosity, and from its ability to serve as a beacon of hope, human rights, and democracy. I fear in recent years a measure of this leadership has been lost.

We must ensure that the efforts in Afghanistan, and in Pakistan, receive the resources they deserve. We must invest in development activities that work to develop economic and educational opportunities. We must help with agricultural and democratic development.

And, we must work with our allies to ensure that the Taliban and al-Qaeda do not reemerge.

I hope all Members of the Senate will understand that as this administration comes to an end in just another 8 or 9 months, there will be a temptation on the other side of the aisle to blame this woeful state of affairs somehow on the Democratic Party. But this war in Iraq was initiated by this President with the overwhelming support of his party. This President has refused to change the policy in Iraq, and we continue to see an endless war, costing us dramatic sums of money, creating sacrifice in the United States, still endangering our troops, with no end in sight. That is the legacy of the Bush administration in Iraq, and that is why the war in Afghanistan, today, continues to be a challenge to the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

GAS PRICES

Mr. CORNYN. Mr. President, as the summer travel season rapidly approaches, the cost of gasoline continues to skyrocket and the American people are left to wonder whether Congress has any plans to do anything about it. Unfortunately, every "commonsense solution" that has been offered seems to be far from common sense or a solution because most of those that have been offered within the last year would only serve to raise, not lower, gasoline prices.

So far, Congress has offered the American people little more than newsclips and sound bites from hours of endless hearings lambasting, usually, the oil companies. The result, of course, has not been any reduction in gasoline prices but proposal after proposal to raise taxes on America's energy companies, which—guess what—would ultimately be passed on to the consumer, thus raising prices and not lowering prices. This policy posture reminds me of a quip from former President Ronald Reagan, who said, "Congress' approach is that if it moves, tax it; if it keeps moving, regulate it; if it stops moving, subsidize it."

History has shown that a tax increase ultimately has the effect of not only passing along costs to the ultimate consumer but of drastically reducing supply. From 1980 to 1988, this same tax idea, so-called windfall profits tax, actually caused a decline in oil production, reducing domestic oil by as much as 8 percent—that is right, reducing America's supply of its own natural resources and increasing our dependence on foreign sources of oil. The result, of course, was not eliminating a perceived windfall but, rather, causing a precipitous fall in production of American oil and, as I said, an increased dependence on foreign oil.

The problem, then, is the same as the problem today—not a cabal of oil executives conspiring to swindle the American people but a shortage of oil around the world. With burgeoning economies such as those in China and India, demand for oil has skyrocketed, while the supply has lagged behind. Raising a tax on domestic energy companies only takes away from the capital that could be used to reinvest in domestic energy discovery and production. It does nothing to address the world's stagnant supply of oil.

We can pass a lot of laws here in Congress, and we can actually repeal a law every now and then, but we can't repeal the law of supply and demand. This is the law that for some reason Congress just refuses to learn. In fact, one of the leading contributors to oil shortages in America is actually Congress itself, which refuses to allow our domestic oil companies to tap into American natural resources.

Revisiting failed policies of past decades and trying to beat the same old dead horse will not address our current energy challenges. Instead, some of my colleagues on the other side of the aisle have suggested a new solution, one of their new "commonsense" solutions: They will simply sue OPEC for more oil. Aside from the almost comical image of suing OPEC and somehow finding some court somewhere in the world that will accept jurisdiction of that lawsuit and somehow then direct OPEC to produce more oil so that

American consumers can enjoy lower prices for that oil, I would be concerned, first of all, how OPEC might respond to such a threat. Would they simply laugh it off or would they turn off the spigot? But let's say the proponents of suing OPEC were successful. Would that make us more dependent or less dependent on imported oil from foreign sources? I think it is obvious that it would continue to make us more dependent on foreign sources of oil.

We simply have to get out of this mindset that we can tax, regulate, and litigate our way to greater energy independence.

At the same time, one of the things we can all agree on is the need for America to be less dependent on foreign sources of oil. We need to remember how much of an impact our energy policies have on the lives of our constituents, of 300 million American citizens. High gas prices are driving up the cost of living, they are raising the cost of driving to work, driving your children to school, they are driving up the price of fuel for the airline industry that is hitting American travelers even harder.

While it is important that we increase our supply of energy from all sources, we need to recognize too that the heavy hand of the Federal Government can sometimes have unintended consequences. Our subsidization of ethanol as a fuel source is driving up food prices, as limited supplies of corn are being split between fuel, food, and livestock feed.

At the same time, rising prices at the pump are hitting families at the dinner table as well, as transportation costs continue to drive up food prices. Now, there is no question that in the long term, renewable fuels are an important answer to the energy crisis we face today. But it is also irrefutable that oil, whether from American sources or foreign sources, will continue to be a large part of our energy supply in the near to midterm.

Our solution to increasing the supply of oil must begin here at home, using America's vast natural resources. We can develop environmentally responsible oil production here at home if Congress would simply get out of the way and allow American companies to do so. In short, the majority's response to high gasoline prices appears to be summed up in three words: Posturing, suing, and raising taxes, none of which is designed to provide effective solutions to the problems that confront working families in America today.

The end result is an energy policy that shuts off the valve of American energy, while desperately awaiting the last drops from the trickling pipeline of foreign oil. This schizophrenic approach to gas prices is best summed up in a cartoon I saw recently which I wish to share with my colleagues. This is from Investor's Business Daily earlier this month.

While Democrats demand energy companies solve their problem, they simultaneously have rejected every responsible solution. As this cartoon points out, the first segment says, "We demand you energy companies do something about these high energy prices," to which they respond, "We can drill in ANWR." That is in Alaska. The answer: "Forget it."

"How about offshore?" The answer: "Are you crazy?"

"How about clean coal?" "Out of the question."

"Nuclear power?" "You are joking, right?"

"Well, don't just sit there, do something."

That is what Congress keeps telling the energy producers in this country time and time again. But every proposed solution, whether it is drilling in Alaska, whether it is developing offshore resources from the Outer Continental Shelf, whether it is investing America's ingenuity and know-how in using clean coal technology or nuclear energy or nuclear power, Congress seems to answer: No, no, a thousand times, no. And the price of oil and the price of energy for American consumers keeps going up, up, and up. With this kind of response from Congress, no wonder energy prices are so high.

At every turn, we handcuff American producers while at the same time demand they fix the problems that Congress is creating. The only real commonsense solution is to finally take advantage of the resources we have in this country with which we have been richly blessed. It is estimated that if the Congress stopped penalizing and handcuffing our domestic energy supply, we could produce as much as 2.7 to 3 million barrels of oil a day in addition to what is being produced now.

Does that not make more sense than continuing to rely on countries such as Venezuela and Hugo Chavez, and enriching our enemies and those who use that oil wealth to invest in military weapons and the like?

Allowing American companies to begin producing this oil would send a strong message to the American people and to the market, which has run up the price of oil to about $120 a barrel because of speculation that Congress intends to do nothing about it, and this static supply and increasing demand continues to drive up the price of oil and refined petroleum products.

But the message, if we were to pass some of this commonsense legislation, would be to tell the marketplace and the speculators we are serious about addressing this by producing as much as 3 million additional barrels of oil here in America each day. It would bring down the price, I believe precipitously, and I believe nearly immediately.

Demonstrating our commitment in this way would have an immediate impact, but, unfortunately, we find ourselves locked into the same old "he said, she said" sort of arguments and nothing seems to happen, to the detriment of the American consumer.

We find that sound energy policies continue to be blocked that would provide access to our vast natural resources here at home. If we are tired of relying upon other nations for our energy needs, along with the national security and economic risks that that entails, if we are tired of paying high prices for their low production, is it not time we did something about it here at home?

It would be nice to see a "Made in America" sticker on the side of a gas pump for once. Aside from demonstrating our independence and lowering gas prices, it would provide a boom to our economy. What better stimulus to our economy could there be than creating new jobs here in America as a result of increased activity, exploring and developing our natural resources right here at home?

We have a potentially enormous domestic energy industry waiting to be permitted by Congress to start going to work. Once we give them that opportunity, it will mean the creation of thousands of new jobs as well as more affordable gasoline and less dependence on foreign oil and gas from dangerous parts of the world.

While opening American resources would be beneficial, it will not have the full intended effect unless we also encourage companies to build new refinery capacity here in America. Of course, 70 percent of the cost of gasoline is due to the cost of oil. But a lack of adequate refinery capacity to take that oil and to make it into gasoline is another reason why the supply has been limited and prices continue to go up.

We have not built any new refineries in America since the 1970s, primarily because of burdensome regulation by the Federal Government. Since we have that limited capacity, we once again run in that pesky old law of supply and demand; the only law that, try as some of my colleagues might, we cannot repeal and we cannot ignore.

If we do not increase refinery capacity, prices will only continue to go higher. While we increase American oil production and lower our gas prices, we should also pursue technological developments and good old American know-how that will allow us to take advantage of the energy resources we do have here and are available.

We should not forget conservation efforts, and this has been one area where Congress has gotten it right by passing commonsense fuel efficiency requirements for automobiles and conserving this scarce resource.

We need to also be good stewards of the environment and ensure that we are doing all we can to use our resources wisely and not wastefully.

Finally, we need to pursue alternative energy solutions that will ensure our future energy production is secure. We need to start now to utilize and develop energy production methods that will work alongside of oil and gasoline to power America's economy into the future, sources such as, as I mentioned a moment ago, clean coal, nuclear energy; even biofuel and wind can be part of the answer to the overall fuel and energy mix our country needs.

But we need to give all of these potential power sources a free and open chance to develop and to reach their potential in the marketplace. We must encourage American innovation and technology to help us develop the ability to use these in a way that is compatible with a good environment.

We must be careful not to play favorites, as unfortunately we have, and are now seeing the consequences come home to roost and turn these industries into political tools. Different energies will work better in different areas, and all of them can work together to provide America with cost-efficient energy and the strong energy industry we need in order to fuel our growing economy.

But our future energy production starts today with removing the roadblocks that this cartoon indicates that Congress has thrown in front of every opportunity to increase energy supply and bring down the cost ultimately to the consumer.

We cannot make up for lost time, but we can start today by recognizing the mistakes of the past and what that has actually done to run up the cost of gasoline at the pump and made us even more dependent. We need to act now to build a strong American energy policy, bring down the price of gasoline, and free ourselves from foreign oil-producing nations, many of which want to do us harm.

Every day we delay brings a heavier burden on American families with the cost of gasoline. We cannot ask the American people to foot the bill for our inaction any longer. It is time for Congress to take responsibility for gas prices in America, by allowing our industries to utilize the American resources that are available to us that will eventually help bring that price down.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

TAXING THE RICH

Mr. KYL. Mr. President, I wish to compliment my colleague for his cogent analysis and remarks just now. He is absolutely right about the way we need to deal with our energy crisis today.

I wish to talk very briefly about another subject, frankly the challenge and a refrain that we have often heard from the other side; that is, that the so-called rich are an endless well that can be tapped to fund limitless spending priorities.

My colleagues across the aisle frequently argue that the 2001 and 2003 tax cuts were a giveaway to the so-called rich and that that should be allowed to expire, in effect, raising the tax rates to their pre-2001 level.

The marginal rate cuts enacted in 2001 and accelerated in 2003 reduced the tax burden for all Americans. In fact, the effective tax rate for the middle fifth quintile of taxpayers dropped more than 2 percentage points, from 16.6 to 14.2 percent as a result of these cuts.

Let's assume that the other side would not only let the tax cuts expire but actually repeal them this year. How much would taxing the so-called rich raise? The 2005 Internal Revenue Service Statistics of Income report notes that those earning over $349,700, putting them in this top marginal tax rate of 35 percent, earned a total of $1.1 trillion. Of that amount, $565.4 billion was taxed at the top rate.

These 950,000 taxpayers, or the top .9 percent, paid a total of $315.4 billion in taxes, $198 billion at the top marginal rate. So if the 2001 and 2003 tax cuts were repealed today, taxes on those filers would increase $26 billion, an increase of $27,300 per top marginal taxpayer, not an insignificant sum for those taxpayers, but clearly not enough to offset the cost of the Democratic spending plans.

What about broadening the definition of the "rich" by including those taxpayers in the upper middle class, or those in the second highest tax bracket of 33 percent? Would that bring in enough money?

Well, these 1.5 million taxpayers, or 1.4 percent of filers, paid $92.4 billion in taxes; $26.1 billion was paid at the marginal rate. If you increased their tax rate from 33 percent to the pre-2001 level of 36 percent, it would raise $2.4 billion in additional taxes.

Reinstating the 39.6-percent and 36-percent tax rates for the taxpayers in those two top brackets raises $28.4 billion more than under current rates, still just a fraction of what my colleagues on the other side of the aisle want to spend.

What if one reaches down a little deeper and includes the middle class by increasing taxes on people in the 25- and 28-percent tax brackets?

The ACTING PRESIDENT pro tempore. The Republican time has expired.

Mr. KYL. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. A back-of-the-envelope calculation using the same data shows that raising the top four marginal rates would increase taxes for 28 million Americans, increasing revenue on a static basis $37 billion this year and $111 billion over the next 5 years, not even enough to offset the cost of the additional discretionary spending assumed in the Democratic budget resolution.

When someone claims to want to increase taxes only on the rich, taxpayers should view such a proposal with a healthy dose of skepticism. Our experience with the AMT should convince us of that. Taxing the so-called rich never raises as much revenue as the other side claims and usually manages to hit a lot more taxpayers than just the rich. Invariably, when one talks about raising taxes to pay for new spending, a lot of people who would otherwise not consider themselves to be wealthy end up paying more in taxes.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from North Dakota.

CONTRACTING IN IRAQ

Mr. DORGAN. Mr. President, I wanted to discuss two things today. One is a hearing I have just concluded of our policy committee, and then I want to talk about the price of gasoline and oil.

Let me talk first about the hearing I just concluded of the Democratic policy committee. It is the 13th hearing I have done on the issue of contracting in Iraq and Afghanistan, especially waste, fraud, and abuse of contracting in Iraq. I have held a good many hearings. I am not easily surprised any longer about what I hear at these hearings of the unbelievable waste and fraud and abuse in Government contracting, where American taxpayers are being fleeced and where our soldiers are being disserved by waste and fraud and abuse.

I do get surprised, even though I say it is hard to surprise me. Today I hear about the stealing of artwork and rugs and crystal, the stealing of gold in Iraq in some of the palaces by contract employees, the stealing of gold and melting down of gold to make spurs for cowboy boots—something I hadn't heard before—the charging of a 100-percent markup on a little thing like a laptop computer. There is testimony today of the purchase of 300 laptops to be delivered to DynCorp in Iraq. They were purchased for $1,400 apiece, and then the Government is charged $2,800. That is a 100-percent markup.

A witness told us that a colleague of his was killed in a car in Iraq in a high-risk area. He was on an official assignment in an unarmored car and that car was hit with an ambush and he lost his life. He said that colleague should have been in the armored car, but the armored car was being used to transport prostitutes from Kuwait back to Baghdad for the enjoyment of this particular contractor's employees. So I say, I try not to be surprised, but the depth of incompetence and waste and fraud and abuse in contracting in Iraq is unbelievable.

I started the hearing today by describing again, as I have a couple of times, a piece of work done by the New York Times that I wish perhaps would have been done by the Pentagon or by the Congress in terms of oversight.

This is Efraim Diveroli, the CEO of a firm awarded $300 million in a contract by the Pentagon to arm the Afghani fighters. Our Pentagon wanted to provide weapons and ammunition to the Afghan fighters, a perfectly reasonable thing to do because they are taking on the Taliban and al-Qaida in Afghanistan. To arm the Afghan fighters, they contracted with a company who had a 22-year-old CEO. This company was largely a shell company established by this young 22-year-old's father. It had been an inactive shell company, but now it is behind an unmarked door in Miami Beach, FL. So a 22-year-old CEO gets a contract with the Pentagon. His 25-year-old vice president is a massage therapist, a masseur. So you have a 22-year-old and a 25-year-old massage therapist running a company, and they get, we are told, a third of a billion dollars in contracts from the Pentagon.

By the way, the contracts were to provide ammunition to the Afghan fighters. Here is a photograph, again, crediting the New York Times. It is first-rate reporting by three reporters. Here is an example of what they shipped to the Afghan fighters, ammunition including 40-year-old, Chinese-made cartridges, and the pictures of what the Afghan fighters received from this $300 million contract—boxes taped up, bulging at the seams and bursting at the side with bad ammunition. It is unbelievable.

The question is, How is it the Army Sustainment Command in Illinois provided a $300 million contract to a company that had a 22-year-old president of a company that used to be a shell company for most of its existence and a 25-year-old massage therapist as a vice president and they run off with a third of a billion dollars of the Pentagon's money?

Actually, the taxpayers' money, isn't it? So who is going to answer to that?

After the New York Times did their story, the Pentagon then suspended this contract. But my understanding from a discussion with a high-ranking Army official in the last week or so, that high-ranking Army official was saying privately: No, the contracting with that company was perfectly logical and legitimate. It is just that the goods that were provided the Afghanis didn't meet standards.

You tell me how a general in charge of this kind of contracting can decide to take what had been a shell company and give a 22-year-old and a 25-year-old masseur a third of a billion dollars. You justify that to the American taxpayer. It is not going to happen. That cannot be justified.

It is long past the time for this Congress to do something about it. We now have a very large urgent supplemental appropriations request in front of Congress. How much of that money is for this purpose? How many of those contracts would be as embarrassing as this contract? How many of those contracts will go to allow the kinds of things I heard for 2 hours this afternoon at a hearing I just held in the Dirksen Building? When are we going to have some feeling that some of this stuff is going to be straightened out?

I have described before what we should do about it. Some of my colleagues have put in place a piece of legislation called the Truman Commission. I fully support that. But that is a commission of people outside of our Government that will study and make recommendations on Government contracting. It is a good thing to do. I fully support it, but the President is not implementing that commission, despite the fact it was passed into law. But what we really should do as well, because you cannot delegate accountability for this, we really need what is called a Truman committee. That is a committee, a select committee, bipartisan committee in the Senate similar to the Truman committee of the 1940s. Harry S. Truman created a bipartisan select committee in the Senate. It cost $15,000 at the start of the Second World War.

They held 60 hearings a year. It was bipartisan. It had subpoena power. With a $15,000 cost as they started it, it saved the American taxpayers $15 billion. This Congress needs a Truman committee. Three times we have voted on it. Three times the minority voted against it. Because it takes 60 votes, we do not now have a Truman committee.

In nearly every other major war, every other conflict, we have had some kind of select committee to do the kind of oversight, to provide the focus on the waste and fraud and abuse. But that has not been the case now. We need to fix that. We need to make that happen. We have voted on it three times, and we will be voting again because the American taxpayers deserve that kind of oversight, that kind of accountability, and so, too, do the America soldiers who are being disserved by this waste, fraud, and abuse.

ENERGY PRICES

Mr. DORGAN. Mr. President, I would like to make a comment about energy, the price of gasoline, and the price of oil.

It is not surprising to people what is happening in this country. We see the price of oil and the price of gasoline, especially the price of gasoline, go up, up, and up because the price of oil has gone skyrocketing in recent months. I have a chart that shows what has happened to the price of oil.

You can see from April of 2007 to April of 2008 the increase in the price of oil. One might say, there must be something in the supply and demand—the need for oil relative to the supply of oil—that causes this to happen. After all, it is the market system, isn't it? No, it is not the market system. There is no free market here. There is nothing about a free market here.

A substantial portion of the oil is on the other side of the world, controlled by OPEC countries. That is not a free market. They sit in a room with a closed door, and the oil ministers of the OPEC countries then make decisions about supply and the effect on price that reflects their self-interest. So this is not some natural result of a market system.

I made the point a couple days ago that Saudi Arabia, which has the largest known reserves of oil in the world, is producing 800,000 barrels a day of oil less than they did 2 years ago. Think about that. The largest producer of oil in the world has cut back production by 800,000 barrels a day. Is it surprising that the price goes up and up? That is one reason, isn't it? The largest supplier of oil has cut back production.

What is another reason? Another reason is this administration—a smaller reason but nonetheless a reason—is taking oil from the Gulf of Mexico as royalty-in-kind oil and putting it underground. Here is what this administration is doing. At a time when oil is $110 to $120 a barrel, bouncing around like a yo-yo, this administration is taking 62,000 barrels of oil every day and sticking it underground in what is called the Strategic Petroleum Reserve. The Strategic Petroleum Reserve is 97 percent filled. Yet when oil is at a record high, this administration is continuing to stick oil underground, taking it out of supply and putting it underground. That is an unbelievably inept policy because it puts upward pressure on oil prices and upward pressure on gas prices.

The fact is, this isn't just any oil. This is sweet light crude which is a subset of oil, the most valuable subset of oil. And we have had testimony before the Energy Committee saying this activity does affect the price of oil and the price of gasoline in a negative way.

When I say putting it in the Strategic Petroleum Reserve, this chart shows where they are putting it. This is what it all looks like. This is the SPR, the Strategic Petroleum Reserve. The oil goes underground. They had a choice with that oil. The choice would have been to put it in the marketplace and perhaps reduce some of these prices. Instead they stick it underground. It is a bad policy. I aim to change it in our appropriations process, in the supplemental. One way or another, we are going to vote on this.

Do you really think that at $115 to $120 a barrel, we ought to be sticking oil underground and increasing the price? I don't.

There is another thing happening with respect to the price of oil. I just mentioned the Saudis cutting production back 800,000 barrels a day over the last 2 years. I just mentioned putting nearly 70,000 barrels underground every single day by this administration. That further cuts the amount in the supply line.

But there is something else happening with the price of oil. An orgy of speculation is occurring in the futures market for oil and gas. This didn't used to happen. The futures market is necessary. It is necessary to hedge. It is necessary to provide liquidity. I understand all that. But the futures market has become something unbelievably speculative. We have hedge funds neck deep in the futures market. Do they want oil? They don't want any oil. They just want to bet on oil. They want to gamble on oil. These are people who want to buy something they will never get from people who never had it and make money on both sides of the transaction in a futures market. We have hedge funds making big bets on oil in the futures market. We have investment banks making big bets on oil. Investment banks didn't used to be engaged in the futures market, but they are now.

In addition to that, in addition to the investment banks working in the futures market, we have investment banks that are actually buying oil storage for the purpose of taking oil off the market and putting it in storage until oil is more valuable later.

That is what is happening. We have not previously had that occur. So we have this binge of speculation in the futures market that has nothing at all to do with the supply and demand of oil. Why is this happening? At least in part it is happening because in the stock market. If you want to buy stock on margins, you have to pay 50 percent of the margin. You have to come up with half the money. If you want to buy stock on the margin, come up with half the money. If you want to buy oil on margin in the futures market, all you need to come up with is 5 to 7 percent. If you want to control 100 million dollars' worth of oil contracts, $5,000 to $7,000 will do it for you.

It is almost unbelievable what has happened with respect to the speculation in these futures markets. My belief is, we should change the margin requirements on the futures markets. When there is excess speculation, it injures this country's economy. It damages the American economy. This excess speculation has been pushing up oil prices in a very significant way.

Yes, there is a combination of things that are happening. One is, as I said, the Saudis cut back production by 800,000 barrels a day. Our Government, the Department of Energy, is sticking nearly 70,000 barrels a day underground of sweet, light crude. But it is also the case that a significant part of this, in my judgment, comes from a binge of speculation on the futures markets. I believe we should increase the margin requirement at least to 25 percent.

I want to go through a couple of observations.

On April 1 of this year, Stephen Simon, a senior vice president of ExxonMobil testified that:

> The price of oil should be about $50–$55 per barrel.

Oh, really? Then why isn't it? This is from an oil expert saying: I think the price of oil should be around $50 or $55 a barrel.

Well, this company is making plenty of money off of the current price of oil. The price is double. That company must grin all the way to the bank. That company, the Saudis, the OPEC countries, and the other large oil companies, they must be smiling all the way to the bank. But Mr. Simon says the price of oil should be about $50 or $55 a barrel.

Mr. Clarence Cazalot, Jr., the CEO of Marathon Oil said:

> $100 oil isn't justified by the physical demand in the market.

That was during a question-and-answer period with reporters. He said a more reasonable range for crude oil prices was between $55 and $60 a barrel. Now, understand what he said. He said: "$100 [a barrel] oil isn't justified by the physical demand in the market." He is the CEO of one of the large oil companies in the country.

This price is not justified by supply-demand.

Well, we are told the market system works; supply-demand determines the market price. I used to teach a little economics in college, and you teach supply-demand curves. You also talk about a free market, there is no free market here, of course.

As I started to say earlier, we have the OPEC countries, that is a cartel. We have the big oil companies—all with two names now. ExxonMobil, ConocoPhillips—they all have two names because they found they like each other and they wanted to marry up. So they merged. So they have much more muscle in the marketplace. Then we have the futures markets which have become a binge of speculation.

A New Jersey Star Ledger article from January of this year said:

> Experts, including the former head of Exxon Mobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

Fadel Gheit is a man who came to testify before the Senate Energy Committee. Fadel Gheit is an energy analyst for Oppenheimer & Co. I think he has been with them for 25 or 30 years. He knows this business. Here is what he said:

> There is absolutely no shortage of oil. . . . I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. . . . Oil speculators include "the largest financial institutions in the world."

He said:

> Call it the world's largest gambling hall . . . It's open 24/7. . . . Unfortunately, it's totally unregulated. . . . This is like a highway with no cops and no speed limit, and everybody's going 120 miles per hour.

Now, here is a picture of NYMEX, the New York Mercantile Exchange, where you can trade commodities such as oil. You will see the trading pits. A lot of people have made a lot of money in those trading pits. In fact, I have a Wall Street Journal story that describes this that is titled: "Trader Hits Jack Pot in Oil, as Commodity Boom Roars On." This describes Mr. Andrew Hall. Mr. Andrew Hall has earned a lot of money, about $250 million—a quarter of a billion dollars. It says:

> The commodities market's historic surge is generating huge paydays on Wall Street. One of the biggest beneficiaries has been Andrew Hall, an enigmatic British-born trader who, five years ago, anticipated an important shift in the way the world valued oil—and bet big.

The point of this is, here is a man who made a lot of money. I do not begrudge a man making a lot of money. But he made a lot of money by betting. He bet big. Isn't that interesting? As I said before, the notion of buying something you will never get from somebody who never had it—that is the futures market. It provides liquidity, yes. But when it goes way beyond liquidity and encompasses a binge of speculation, that is damaging and harmful to this country, then it seems to me it is not anything about the market system.

Anybody who has studied history and knows economics knows we have seen binges of speculation before. Go back four or five centuries, and you will read about a tulip bulb—one tulip bulb being sold for $25,000 because there was a speculative binge which, in the rear-view mirror, looks completely irrational with respect to the price of tulip bulbs.

Well, we have seen over the centuries many of these binges of speculation. We now see it in the futures market, in my judgment, in part because the margin requirement is so unbelievably low: 5 to 7 percent. We now see binges of speculation that are driving up the price of oil and causing the American consumers an enormous amount of lost income and great difficulty.

There is a group of truckers who have come to Washington, DC, today. I was talking to somebody who was a little disadvantaged—He said he got slowed down on some travel up Constitution Avenue. I said: Well, that is an inconvenience, but think of what truckers are going through right now—a whole lot more than inconvenience. When it costs a substantial amount of money—one trucker talked about that it cost $1,000 to fill his truck with fuel. That is a lot more than an inconvenience.

I talked a week or two ago about how I think there are three airlines—perhaps now four—that have announced bankruptcy as a result of fuel prices.

We have working folks who will drive up to the gas pump tonight to try to fill their tank, trying to figure out how to get the money. Where does the money come from to pay for the gas?

At the same time, we have people who are engaged on the futures market and who are going to the bank with the largest profits ever seen.

I think we have a right to ask in this country—when we have a market that is not a free market; when we have a perverted market, first by OPEC, a cartel, second by excessive speculation on futures markets—don't we have a responsibility to do something? I think the answer to that is clearly yes.

So my hope is we will, first, decide to support an amendment that I will offer to the supplemental that immediately shuts down placing nearly 70,000 barrels of oil every single day underground at a time when we need that in the supply pipeline. Why should we allow the Department of Energy to be taking oil at the highest possible price and sticking it underground? We can fix this, and we can fix it soon, within a matter of weeks, if we had the will to do it.

Second, while we have not previously legislated on the issue of a margin requirement for engaging in speculation on the commodities exchanges, I think if the Commodity Futures Trading Commission or other entities will not do it, I think Congress should. After all, Congress created the mechanism by which these exchanges exist. We created the referee for the exchanges, and if it does not work, then we have a responsibility to fix it.

I recall—and it does not relate to the oil companies—but I chaired the hearings on Enron over in the Commerce Committee. I had the CEO of Enron come and testify in front of me and take the fifth amendment. Ken Lay came and said he could not speak and took the fifth amendment. But when he did speak later he said he did not know anything about what was going on.

The fact is, there was unbelievable speculation going on on the west coast on wholesale electricity prices and the manipulation of markets, and it cost tens of billions of dollars to west coast consumers who were bilked out of that money.

When the system does not work, when regulatory authorities are not willing to regulate, when those who are supposed to be referees in this free market system are not making sure a perverted system is changed to make sure it works, then we have a responsibility in Congress to deal with it and to respond to it.

So I believe very strongly there are a few things we can do. First, stop SPR oil from going underground; second, find ways to increase the margin requirement on the futures market. There are several other approaches we can use as well.

But I would conclude by saying this: I am just a little tired of people talking about the free market. There is no free market here. I want oil companies to do well. I want them to find more oil. I was one of four people in this Chamber who led the fight—successfully, I might add—to open Lease 181 in the Gulf of Mexico where there is substantial oil and gas reserves. I believe we should produce more, and I witnessed that by being one of four Members of the Senate who helped get that done.

We should conserve more. We should provide much greater efficiency with all the things we use. We should provide much greater effort to renewable energy. We should do all of those things. But even as we do them, in my judgment, we have a responsibility to address this issue of oil and oil pricing. Even the oil companies say there is no justification, given the current supply and demand, for the price of oil to be above $60, $65 a barrel. We have heard it in the statements of people who run our major oil companies.

The rest of it is going up to the hedge funds and the investment banks and others who are making massive amounts of money at the expense of truckers, at the expense of airlines, at the expense of the ordinary American drivers who are trying to figure out: How on Earth do I pay this bill?, and stopping excessive speculation.

We need to fix this, and the sooner the better because I believe it is damaging our economy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all the time remaining for morning business be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAA REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume the motion to proceed to H.R. 2881, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, at 5:30 this afternoon, the Senate will vote on the motion to invoke cloture on the motion to proceed to the reauthorization of the airport and airway trust fund, also known as the aviation trust fund. I urge my colleagues to support getting to this important bill.

Before getting to the specifics of the bill, however, I would like to give some perspective on our current aviation system. And I will start with the story of Sir Robert Watson-Watt.

Robert Watson-Watt was born in Scotland in 1892. He was a descendant of the steam-engine pioneer James Watt. Robert was a student of science, with a fascination for radio waves and how they might be used to transmit information. After finishing school, he got a job as a meteorologist at the Royal Aircraft Factory, not far from London. He worked on developing methods of using radio waves to help British airmen locate and avoid thunderstorms.

After years of work, in 1935, Watson-Watt produced a report called "The Detection of Aircraft by Radio Methods." The report suggested a new idea. The idea was that people could use shortwave radio to detect not only bad weather, but also aircraft, including bombers.

Watson-Watt's superiors tested his theory, and it worked. They called his new gizmo RADAR, an acronym for radio detection and ranging.

By the time that World War II broke out in September 1939, the British Government had installed radar all along the English Channel and the North Sea coasts. That gave the British advance warning of Hitler's bombers. Acclaimed historian A.J.P. Taylor said he doubted that Britain could have survived the Second World War without Watson-Watt's invention.

Next, radar was ready for commercial application. All civil aviation needed for dramatic growth was a faster set of planes. That happened with advent of the jet engine in the 1950s and 1960s.

In 1952, what is now British Airways introduced the de Havilland Comets. Those were 36-seat British-made jets that could fly as fast as 500 miles an hour. Six years later, the Boeing 707 entered commercial service. Pan Am flew it from New York to Paris in just under 9 hours—twice as fast as a propeller plane.

It took Charles Lindberg 33 hours—almost four times longer.

Seven years after that, in February 1969, the world's first wide-body jet—the Boeing 747—made its inaugural flight. With seating for up to 450 passengers, the 747 was 80 percent bigger than the largest jet of that time. The era of mass aviation was in full swing.

But as air travel flourished, growing pains ensued. And by the late 1960s, public concern over air-traffic had spilled into the headlines: Here's a news story from 1967.

> Thicket in the Skies. . . . When a passenger hops a commercial plane to get from here to there quickly, he soon discovers that man does not live by one means of transportation alone. The Labor Day weekend congestion and peril underscores the point. . . .

And here's another story, from May 1969:

> FAA Predicts Summer Air Jam. . . . [The FAA] forecast yesterday that, despite Federal restrictions that would limit flights at five major airports beginning June 1, air travelers might have another summer of frustrating delays.

In short, the air transport system had grown beyond anyone's expectations. Change was needed. Congress responded by passing groundbreaking legislation.

In May 1970, Congress passed the aviation trust fund. Congress built on a Nixon administration proposal to adopt a law in which users of the aviation system paid for its upkeep. The new law imposed taxes on tickets, fuel, cargo, and the like. And the law established the aviation trust fund to provide a stable source of funding for our Nation's aviation needs.

Despite some ups and downs over the last 38 years—including a lapse of the Trust Fund in the early 1980s—this system of funding air traffic has by and large succeeded. The rates of the taxes have changed. And some—like those on aircraft tires—have been phased out. But generally, this Trust Fund has managed to finance the needs of the air-traveling public.

Not anymore. Our system needs modernization, to improve efficiency and safety. Our 2008 trust fund, born in the 1970s, is paying for 1930s technology. That will change with passage of this bill. That will change with the adoption of NextGen.

And that brings us to the bill in connection with which we will vote this afternoon—the reauthorization of the airport and airway trust fund, also known as the aviation trust fund. The trust fund finances the U.S. aviation system, with about $12 billion per year in user-based taxes. The Senate substitute amendment would provide an additional $800 million to the trust fund over the next 3 years. The bill would provide needed funds to modernize our aviation system.

The Senate substitute amendment is a compromise product. It represents months of work on the part of the Finance and Commerce Committees. Its passage promises improvements in safety and efficiency for air travelers.

Key to that improvement is NextGen. NextGen is the Federal Aviation Administration's plan to modernize the Nation's air-traffic system. NextGen would address the effect of air traffic growth. It would increase air-traffic capacity and efficiency. And it would improve safety and reduce the effect of air travel on the environment.

Generally speaking, NextGen involves the use of satellite-based technology. This includes items like Automatic Dependent Surveillance Broadcast. ADS-B would allow aircraft to continuously transmit location, speed, and altitude to other planes, pilots, and controllers. And that would improve the efficiency and safety of air traffic.

Instead of using Watson-Watt's radar to tell where they are, planes equipped with ADS-B get their exact location from Global Positioning System satellites. They then broadcast their flight number, speed, and heading—automatically and continuously—to ground control and other planes within 150 miles. This is a sea change in air-traffic technology. And we need to invest in it now.

So how do we pay for NextGen? The Finance Committee passed a bill to pay for NextGen this way:

First, we set the tax for General Aviation jet fuel at 36 cents a gallon. That is up from the current 21.9 cents a gallon. This proposal was agreed to by the General Aviation community. And it will raise about $240 million a year in additional funds for NextGen. Note that this proposal does not affect those who fly planes using "avgas," such as a propeller-powered Cessna.

Second, we moved partially owned planes—known as "fractional" aircraft—from the commercial taxation regime to that of General Aviation. Fractional owners expressed concern that without this change, their ability to fly and land in Europe would be hampered. The European Union has strict rules governing which airports commercial flights can use. And this change should allow fractional aircraft to be considered as general aviation not commercial aviation. This change comes with a cost to the fractional users.

The Senate substitute amendment drops a proposed increase on the tax on international departures and arrivals. The Finance Committee bill proposed raising that rate—currently at $15.40—by $1.55 each way. That is just over $3 roundtrip. We argued that if someone had the wherewithal to travel overseas, then the cost of a Starbucks at the airport was a reasonable price to pay for contributing to a modernized air traffic system.

But given the state of the commercial airline industry, Senator ROCKEFELLER and I agreed to drop this provision. In the face of dramatically higher fuel prices and mounting financial losses, we agreed that this was not the time to raise extra funds from the commercial industry.

All told, the package in the Senate substitute amendment raises an additional $800 million over the next 3 years. More may be needed, especially given the rapid state of technological change. I know that both the Finance Committee and Commerce Committee plan to monitor NextGen's implementation. And since this is just a 3-year reauthorization, we will be back at this again before long.

Finally, I will note that this bill is not just about aviation. The Finance Committee package also contains other critical infrastructure items, including a direly needed fix to the highway trust fund. The highway trust fund will run a deficit in 2009, unless Congress acts to repair that deficit.

In a time when our surface transportation suffers as much as—if not more so—than our air transport system, it is imperative that Congress act to restore needed monies to the highway trust fund. We need to finance construction and repair of our Nation's roads and bridges.

Taxes on gasoline, diesel, and heavy trucks finance the highway trust fund. The highway trust fund is thus sensitive to changes in the use of these items. As Americans drive less, and as vehicle fuel-efficiency increases, the highway trust fund's balance has taken a significant hit

A highway trust fund deficit is projected for 2009. And even worse projections are expected for 2010 and beyond. As we get nearer to the next highway bill, it's important that we at least make the highway trust fund whole going into 2009. The Senate substitute amendment would do that. And I urge my colleagues to support it.

Mr. President, we'll have a vigorous debate this week. And I look forward to it.

But before that debate begins in earnest, I want to thank my colleagues—particularly Senators ROCKEFELLER and INOUYE—for their willingness to seek common ground. I think that the Senate substitute amendment is a good package.

So let us help to bring air travel from Robert Watson-Watt's 1935 idea into the 21st century. Let us adopt NextGen to improve safety and efficiency in the skies. And let us vote to move to this bill this afternoon.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I believe it is absolutely crucial and probable, perhaps, but crucial that we have a vibrant and strong aviation industry and aviation industry discussion on the floor of the Senate. Not to put too fine a point on it, but the Nation's economic well-being depends on the Federal Aviation Administration and the aviation industry moving millions and millions of people and tons of cargo every single day.

I just landed at Washington National Airport, and it was absolutely jammed. I am trying to think what it will be like in 10 years. Even on the very best day, the Federal Aviation Administration struggles to operate the most complex airspace system in the world, a job made harder by an extremely antiquated air traffic control system which nobody else in the industrial world has, but we do. It is akin to using an x ray instead of an MRI. It is antiquated, it is pathetic, it wastes a lot of time, and it creates a lot of waiting for passengers.

Bad weather, mechanical problems, lax oversight by the Federal administrators can end up stranding hundreds of thousands of passengers—and it has—increasing jet fuel costs and making it harder and harder for airlines to operate. I particularly refer to legacy; that is, to the commercial airlines, which is the heart and soul of our system. All this amounts to a perfect storm that can and very may well wreck our aviation system.

An aviation expert predicts the situation is going to get much worse and very soon. By the year 2015, delays will become so bad that none of the 1 billion people predicted to fly that year will ever get to their destinations on time. More planes will be needed, and that will lead to greater congestion in the skies, a meltdown of the air traffic control system, and it will put passenger safety at extreme risk. If the FAA cannot manage the current situation, how can we expect them to deal with the challenges of the future.

Clearly, we need to take steps to turn this situation around. We must be prepared to take bold action and chart a course toward modernizing our aviation system and improving passenger safety. Again, I remind my colleagues, we are far behind every other industrial country in the world in our capacity. Toward that end, the Aviation Investment and Modernization Act truly lives up to its name. It is called S. 1300. It will establish a roadmap for the implementation of the next generation traffic control system. That is a GPS digitalized instead of an analog, x-ray type of system we have now. It will adequately and fairly fund this system, invest in our Nation's airport infrastructure, and continue to improve small community access to the Nation's aviation system.

S. 1300 is a product of compromises, not all of them pleasing to me. It is a good bill that has been made stronger. I have no doubt it will be further strengthened as it is considered by the full Senate.

In crafting this legislation, then-Senator Lott and I listened to the industry stakeholders. Each had their own opinion on how to best improve the aviation infrastructure, which was basically based upon the premise that they did not want to pay any more for anything. The one common theme from everyone was the urgent need to modernize our air traffic control system to meet the growing surge of passengers and to deal with the enormous increase in general aviation, particularly high-end jet aircraft. I will have a lot more to say about that in the next few days.

However, in recent months, that sense of urgency has been replaced with a debate over who should pay and how much as we work through how best to fund the modernization of our air traffic control system. The far more critical point of just how severe the problem has become, therefore, has been lost. Everyone is looking at how much they are going to do about this or do about that, and the general situation, the crisis we are facing all across this country, is not being looked at. Our air traffic control system relies on radio and radar to direct the hundreds of thousands of planes in the skies. It is a relic of the 1950s. The sad truth is that the GPS device in our cars or cell phones is more sophisticated than the hardware used to guide passenger and cargo planes in the air. That should not make Americans happy.

In this Senator's judgment, our air traffic control system is a national embarrassment. Unfortunately, the administration does not share this view. They seem to be prepared to accept the status quo. More to the point, they don't seem to care and have not shown up. Before Senator MURRAY assumed control of the Appropriations Transportation Subcommittee, the administration, in fact, proposed a $600 million cut in the FAA's—and this is just a technical term—facilities and equipment account, which funds the whole question of a new air traffic control system, a digitalized GPS-based one.

To reverse this course, S. 1300 provides over $12 billion to modernize the Nation's aging air traffic control system to allow the FAA to meet the projected increase in passengers over the next 10 years. Overall, this will probably cost between $40 and $60 billion in the long run. I believe S. 1300 lays the necessary foundation for developing the next-generation air traffic control system. We create a stable and guaranteed level of funding for FAA's capital investment accounts. That is what the current situation desperately needs. As a result, passenger safety should improve, commerce will flow more efficiently, and air carriers will see their fuel costs reduced. I say that with my fingers crossed.

What should not get lost in all this talk about runways and air traffic control systems and financing is the human element of air travel. The U.S. aviation system is, in fact, the safest in the world. But underneath those statistics lie lurking a lot of danger. We have to stay vigilant if we want that record to continue. This act, called the AIM Act, includes a number of provisions to improve safety by providing the FAA with the resources to conduct thorough oversight of air carriers and foreign repair stations and upgrade the existing infrastructure at our airports. It is arcane stuff, but at the heart of our commerce system.

S. 1300 authorizes approximately $65 billion for all of FAA's operations and programs and provides approximately $16 billion for airport infrastructure grants to meet airport safety and capacity needs.

The bill also reaffirms our commitment to rural America, and it increases the authorized funding level for the Essential Air Service Program. Most won't know what that is, but those of us who live in rural areas know that we have no connection with the outside world without the Essential Air Service Program. If we want to connect with the rest of the world, we have to have that.

This bill extends the Small Community Air Service Development Program for 4 more years. What is that? I will not explain it fully now, but this program has provided dozens of communities with the resources necessary to attract and retain air service.

As a Senator from West Virginia, I know how incredibly crucial both of these programs are in keeping our rural communities connected with the national aviation system. We have to be a part of that blood flow or else we shrink up. Without these important subsidies, air carriers would have no incentive to operate in and out of the most rural parts of many States—not just West Virginia, not just Iowa, but Texas, California, all kinds of places—New York. Rural is everywhere. Rural airports are everywhere. People should not be discriminated against because they come from rural areas as opposed to urban areas.

These two subsidies—the Essential Air Service Program and the Community Air Service Development Program, the airport development program—have made an incredible impact on the economic development in West Virginia. Having flights connected with Atlanta, Dulles, even Detroit, have helped attract international investors to our State—for example, Toyota. It is absolutely essential, moving forward, that we raise the authorization for these two programs so that people everywhere can continue flying and get to where they need to go.

Our bill strengthens passenger protections by incorporating elements of the Passenger Bill of Rights to deal with the most egregious flight delays and cancellations. For example, the industry would be required to provide passengers with information regarding ontime arrivals and chronically delayed flights.

Aviation incorporates so many of the things that are so critical to us. It connects people to distant family members, links businesses to businesses, and joins the world which has already shrunk and allows people easily to interact on a global scale. It is still amazing to me to be able to board a plane one morning in West Virginia and to be halfway around the world that same day. But really, what railroads and highways were to the 19th and 20th century air transportation is to the 21st century. But I know that if we do not make investments in our Nation's aviation system now, then we will fall far behind the rest of the world. Falling far behind the rest of the world is a relative term. I just want us to be good and safe. I want us to be good and safe. We are not now. Our commercial airlines are just barely hanging on—barely.

I urge my colleagues to vote yes on the motion to proceed to S. 1300, the Aviation Investment and Modernization Act of 2008.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished Senator from Iowa.

Mrs. HUTCHISON. Madam President, I ask the distinguished Senator how long his presentation is?

Mr. GRASSLEY. As I told the Senator, I have to be upstairs in 5 minutes.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that I be recognized immediately following the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, transportation is an important part of the American economy. It is vital to all rural and urban communities that people are able to travel in a timely, safe, and cost efficient manner. Whether it is the businesswoman traveling to meet her clients or visit her company's plants, the tourist who wants to experience the beauty and uniqueness of our country, or the grandparents visiting their grandchildren; efficient, affordable, and safe travel is imperative.

For several years we have been working on reauthorizing the aviation bill. While this process has not always been easy, I am pleased that we reached a bipartisan agreement and have a good bill before the Senate.

All of us have a vested interest in ensuring a stable, dependable, and predictable revenue flow to the airport and airways trust fund. Aviation has changed since the last time Congress considered aviation legislation. This bill reshapes our system to better reflect today's realities. It provides more funding to further modernize our air traffic control systems, airports, and facilities. It also provides for more efficient and safe travel to reduce delays and ease congestion in our skies.

While the United States has one of the best records for aviation safety, we need to continue to do better. We are back to the level of air traffic that we saw before 9/11 and we will likely see this number grow tremendously.

In light of these capacity issues and the 1950s equipment being used to manage our skies, our Nation needs to move as quickly and prudently towards the next generation of air traffic control systems. This bill provides more funding towards this project. Now is the right time to replace the old radar technology with real time GPS technology. The American people deserve our investment in this new system.

This bill also takes an honest look at the diversity of our airport system. It structures funding for the safety and fairness of every airport in America.

Rural States, like Iowa, have many communities that rely on our elaborate air transportation system. People who live near hub airports have the opportunity to take advantage of air travel somewhat efficiently and at a reasonable price. However, those in rural areas have more difficulties. This challenge has become even more difficult after 9/11 when most small communities were reduced to one air carrier with less frequent flights. Commercial carriers only fly into approximately 500 airports, although that is a business choice and there are other airports they could serve. It is more expensive to do business in rural America. This bill will continue the vital programs that our rural communities rely on to keep competitive in the worldwide marketplace.

Over the past decade, a new prong has developed in the aviation industry. Traditionally, the focus has been on just two main categories, commercial aviation and the private airplanes for individual or corporate use. Today, we have a growing new class of business aviation, which includes the new dynamic of fractional jet ownerships. The new business class is anticipated to grow at a faster rate than other segments of the industry. This new prong is providing valuable opportunities for businesses to enhance efficiencies and productivity, and is also a potential way for rural areas to have more transportation opportunities.

While business aviation is good for and may be a saving grace for struggling rural economies, the growth of business aviation is creating more stress on our national air traffic system. This bill provides more equity by having the business sector contribute more to the funding of our aviation system.

This bill not only addresses important aviation policy, it also provides the needed funding for Congress to meet the funding commitments made in the 2005 highway bill.

Currently, we fund highway infrastructure through fuel and other excise taxes. With record high gas prices and more fuel efficient vehicles, the highway trust fund has not had the receipts that were anticipated in 2005. Therefore, a shortfall is anticipated for fiscal year 2009 and for future years.

It is vital that the highway trust fund is kept whole through the life of the current authorization, SAFETEA-LU, so Congress can look to long-term financing solutions to meet our surface transportation needs. We need to have an important national dialogue in the next year so Congress can act in a prudent and expeditious manner on the next highway bill.

Provisions included in this bill will fill the funding shortfall for fiscal year 2009. Offsets are provided so this funding will not add to the overall budget deficit. Our States need to have the certainty that this funding will be in place so they can continue with vital projects to improve safety on our Nation's bridges and roadways.

In conclusion, I want to thank my colleagues on the Senate Finance and Commerce Committees in working together to bring this important bill to the Senate floor. This bill is good for Iowa and the Nation.

Mrs. HUTCHISON. Madam President, I come to the floor today as the ranking member of the Senate Aviation Subcommittee. I am going to encourage my colleagues to support cloture on the motion to proceed to consideration of the Federal Aviation Administration reauthorization bill.

I have been working with my colleagues on the Commerce Committee and the Finance Committee to develop a bill that we can all agree on. On the main parts of the Commerce Committee bill, and the main parts of the Finance Committee bill, we have come to agreement. There is one major part that was put in at the last minute that I think will bring everything down if we are not able to negotiate it. I am going to discuss that in a minute.

But I believe we have been able, in the main Commerce committee bill, of which Senator ROCKEFELLER is the chairman, I am the ranking member of the Aviation Subcommittee that put together the package, and in the main part of that bill, we have struck a balance that would finance the modernization of the FAA airport development, rural air service that is so important in our country, and the labor-related provision.

If we want a final bill, I tell my colleagues that we must keep that balance. We cannot load up this bill with controversial provisions, many of which are in the House bill, which is the bill we are going to go to cloture on, after which there will be the substitute on with the Commerce bill.

The House FAA bill already has a veto threat against it, and the prospects of a multiyear reauthorization for the FAA will diminish quickly if we do not resist the temptation to make this a political document. We have the opportunity to pass critical funding increases for the modernization projects, timely improvements for the safety programs at FAA, improvements to small community air service, and consumer and passenger protections.

Senator BOXER and I have worked on the passenger protections, especially when an airplane is sitting on the runway unable to take off. In the bill we have before us, which we will talk more about when the substitute is put forward, there is a 3-hour limit on how long an airplane can stay on the ground without letting passengers off. We think this is a major step in the right direction.

What I am going to be looking at, as we go through the week, is that we cannot do further harm to the aviation industry in this country. Rising fuel prices, tight credit markets, and the slowing economy are wreaking havoc on our U.S. carriers. There is not one that is saying: We are doing well.

As we move forward, I hope we will keep that in mind, rather than adding burdens that cannot be maintained. If this bill is going to throw any one of our airlines into a bankruptcy position, we will have failed.

Now, I am very concerned about the pension provision that was put in at the last, I guess in the last couple of days, that would take away a careful balance that was passed by this Congress last year. We worked very hard to make sure that the airlines that have kept their defined benefit plans, meaning they give full pensions to their members, are not held in a position that would be detrimental versus carriers that have gone to a defined contribution or 401(k) plan.

The new pension provision that was put in the Finance section of the FAA reauthorization bill does create an inequity for carriers trying to maintain their defined benefit plan. The language would create a disincentive for the airlines to fully fund their pension liabilities, because the new proposal would disallow past excess contributions being carried forward in future years as currently allowed.

To put this in perspective, for instance, American Airlines currently has about a 93-percent funding level in their defined benefit plan. However, the required level of funding for their plan is 80 percent. So they have a significantly higher level of funding than is required.

In difficult times, which everyone should see all of the airlines are in, they would be allowed, under present law, to use the excess funding level to meet their ongoing obligations like a downpayment.

Unfortunately, the language that was put in the Finance Committee bill strips that ability to use these excess contributions and instead forces them to fully fund their ongoing obligations at 100 percent. So rather than owing roughly $80 million for their annual contribution, they would instead owe $350 million. Over 3 years, that would be almost about $1 billion, even though they are 93 percent funded on their obligations.

This penalizes companies for having done the right thing in providing significant prior funding for their pensions, and it changes the rules of a carefully balanced congressional directive.

I hope we can work this out before we come to the point at which we are trying to put the Finance Committee portion of this bill with the Commerce Committee portion. I very much hope our members will become very educated on this issue, because if we are going to do this kind of harm, we should not be passing an authorization bill at all and instead do a long-term extension of the FAA authorization bill, and try to work these issues out so that no airline will be harmed or put in a significantly disadvantaged position relative to their competitors.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that I be permitted to speak for 2 minutes in favor of bringing this bill forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I am very pleased that Senator ROCKEFELLER, Senator BAUCUS, and their ranking members of the subcommittees and the full committee, the Chairs of Finance and Commerce have worked together to bring us to this moment where we can reauthorize the FAA bill. It has reached the time.

I was very pleased that Senator HUTCHISON mentioned the Passenger Bill of Rights that I was so pleased to author along with Senator OLYMPIA SNOWE. I was so pleased to have the support of so many on the committee. I wanted to remind everyone, it is important that we move forward on this bill.

There are so many things we have to consider now. We see what is happening with our air service. When it works right, it is terrific. Myself, today, it all worked right. I had to take two planes to get here all the way from California. It was smooth. But there are times when it is not smooth. We all know that.

But what we want to make sure of is that passengers are treated fairly, and without the heavy-handed Federal Government in everything. We make sure that the system works. That led me to author the Passenger Bill of Rights.

Kate Hanni was one of the people who got trapped on a plane for, I do not remember if it was 8 or 10 hours with her two little boys. There was no food for them. There were overflowing restrooms. It was a nightmare. People could not access their medicines. They were not allowed to, and certainly people did not have an option to get off the plane. And this happened over and over again.

I think we have all had experiences like that or we know someone who did. There is no excuse for this. People have to have adequate water, adequate food, and be able to use a clean restroom and get access to their medicines.

It seems to me that ought to be a basic rule of the airlines. It is not. And that is why we wrote this Passenger Bill of Rights, and the committee supported it in the underlying bill, and people will be granted those what I consider very minimum rights.

We think we are going to offer a perfecting amendment, because at this point what happens is, we put in there a 3-hour rule. That is the maximum time on the runway, with certain exceptions: safety, weather, other things. But we say: If an airline does not agree to a 3-hour rule, 3 hours of people trapped in the aircraft on a runway, that they have to submit an alternative to the FAA; but we do not require that the FAA sign off on it.

So we may want to strengthen that. I would alert colleagues. I hope they support us. I know I have no time remaining. I hope we will give this a strong "yea" vote.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. The time is now 5:30.

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 383, H.R. 2881, the FAA reauthorization bill.

Harry Reid, Daniel K. Inouye, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is: Is it the sense of the Senate that debate on the motion to proceed to H.R. 2881, the FAA reauthorization bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 88, nays 0, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—88

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—12

Biden
Clinton
Dodd
Dole
Gregg
Hagel
Kennedy
Kerry
Lautenberg
Martinez
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 88, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MENENDEZ. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to speak for 10 minutes, to be followed for 10 minutes by Senator KLOBUCHAR, as in morning business and for it to count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S WORKFORCE

Mr. BROWN. Madam President, America's workforce is facing immense challenges. Our country has lost 230,000 jobs in the first 3 months of 2008. Many of those jobs are in the Presiding Officer's State of Michigan and my State of Ohio. The national unemployment rate has gone to 5.1 percent. In Ohio, unemployment hovers around 6 percent. Early this year, Congress passed an economic stimulus package—a necessary step but only a small step and a first step.

Wall Street projects an unemployment rate of 6.5 percent by the end of 2009. It will likely be higher in my State. We have not acted on extending unemployment insurance. The Republicans filibustered extending unemployment insurance when we passed the stimulus package earlier this year. The Republicans again have stopped our efforts and have refused to extend unemployment benefits.

Over 2.6 million Americans—35 percent of all unemployed workers—have already exhausted their unemployment benefits over the past 12 months. These are people who want to work, who have tried to find other jobs, who simply have been unsuccessful in finding decent jobs.

Workers have paid into the unemployment system for years and deserve protection now. Again, these are workers who have paid into this fund. This is an insurance fund. It is not a welfare fund. These workers deserve the compensation to help during their difficult times as they search for jobs. I urge my colleagues to end their filibuster and to work on extending unemployment insurance.

The President continues to push for a Colombia trade deal. We have not even acted on trade adjustment assistance which provides vital assistance to workers who lose their jobs because of trade. The President has actually threatened to veto the House trade adjustment assistance package.

Whether we have another trade deal, one thing is certain. Trade assistance needs to be reformed, and it needs to be expanded to workers who cannot, in every case, prove they lost their jobs because of trade, even though they probably did. It should be expanded to service workers who have lost their jobs.

Last week, Senate Republicans staged a filibuster to prevent even having a debate on giving a woman a day in court when she faces discrimination in the workplace. Today, women and victims of discrimination, based on race or age or disability or religion, are denied a remedy when they are denied equal pay for equal work. It should not be a partisan issue, but the Republicans have made it one.

Today is Workers Memorial Day—a day set aside every year to honor workers killed and hurt on the job. Trade unionists around the world mark April 28 as an International Day of Mourning.

The most recent data shows that in the United States, there were 5,840 fatal workplace injuries in 2006. Over 5,800 Americans were killed on the job in 2006, over 100 more than in 2005. This includes 196 workers in my State of Ohio.

Under this administration, workplace inspections have declined. The Occupational Safety and Health Administration has not vigorously enforced current laws and regulations on the books. It has not set any standards except by court order. It continues to rely on "voluntary" compliance to protect workers in many of the most dangerous occupations.

OSHA has dragged its feet on the butter flavoring chemical in popcorn that has caused a fatal lung disease known as popcorn lung disease.

That is too late for Keith Campbell in Caledonia, OH, who is 50 years old but has the lungs of an 80-year-old because of exposure to the chemical at the popcorn plant in Marion, OH.

The point is, it has taken decades of struggle by workers and unions to improve conditions in the mines, in the meatpacking plants, and in the metal stamping shops—in all kinds of plants where workers get all kinds of occupational injuries and illnesses.

This progress has been slowly, and sometimes not so slowly, unraveled by the Bush administration.

Through budget cuts and a shift in emphasis to voluntary employer programs, the administration is essentially telling workers they are on their own. It hearkens back to an era when workers were treated like disposable goods.

In election years, some candidates give drive-by speeches in towns that are hit hard by unfair trade deals and tell them the ownership society is working. In some sense, it is true. More and more, workers "own" responsibility for their own safety, their own retirement, and their own health care.

We hear some candidates sometimes talk about how if only taxes on the wealthiest Americans were lower, companies would not outsource production to China or Mexico or to any other country. I don't think that argument is passing the straight-face test these days.

Middle-class families aren't buying it because they see perfectly well what is happening around them. The message of the ownership society coming from the White House is that every man and woman is responsible for himself or herself. But the result of the policies pursued under that banner of the ownership society is the greatest concentration of ownership in the hands of a few that we have seen since the Great Depression. It is ownership all right but only for those in high society.

Over the past 8 years, we have seen an administration that neither values nor rewards hard work. We have seen an administration that simply doesn't value manufacturing. Manufacturing changed the face of America and created a middle class that used its strength and power to change the course of society.

The progress in labor rights, women's suffrage, antitrust laws, conservation, and the social safety net would not have happened without manufacturing and would not have happened without rewarding our work.

When the Bush administration fails to value these manufacturing jobs in the first place, why should we not be surprised when it doesn't value safety in industries such as construction, mining, transportation, and manufacturing?

Our Nation is struggling. We struggle because of the Federal Government's wrongheaded tax policy, and because our trade policy all too often encourages investors to move jobs overseas.

In the last 14 months, I have traveled my State extensively and held roundtables with community leaders, workers, activists, teachers, farmers, and veterans in almost 100 different places in 62 of Ohio's 88 counties. It is clear to me that Ohio workers are fighting back to build a decent standard of living for themselves and for others to provide opportunities for their children and to construct a more prosperous State, one where smart and hard work is rewarded.

I listened to a woman, Dee Dee, who sat in negotiations representing 1,200 janitors in Cincinnati—1,200 men and women who work hard, raise their children, and who contribute to their community; and in this case they are not earning much more than the minimum wage.

Joined by several others at the bargaining table, Dee Dee helped reach an agreement with Cincinnati's office building owners. Over the next 3 years, 1,200 janitors will get between a $2- and $3-an-hour raise, health benefits, and they will get a small pension.

In northwest Ohio, in the farmland of Henry County, Mark Schwiebert, a very productive farmer in an increasingly competitive environment, told me his story. He is proud of his farm, to be sure, but he also takes his role seriously as an American citizen. He is an advocate for family farmers and for fair trade, understanding that the prosperity of Ohio depends on a vibrant rural Ohio where young people want to stay and work in their communities.

Ohioans and workers across the country are fighting back. They did not go away after this Chamber voted down the Fair Pay Act, again a victim of Republican filibuster. They did not go away last year when Republicans mounted yet another filibuster to prevent the Senate from considering legislation to level the playing field for unions trying to represent new groups of workers. They would not go away just because this administration has ignored worker safety and is forcing more families to mourn loved ones on Workers Memorial Day.

We need an ownership society, but it needs to be one in which workers own a greater share of the profits from their productivity, and the Government and employers own a greater share of responsibility for their safety and their well-being.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Minnesota is recognized.

ENERGY POLICY

Ms. KLOBUCHAR. Mr. President, Spring is finally arriving in Minnesota, even though we had snow last week. Spring does get to our State a little later than in Washington. This is the time of year when people start thinking about putting their boats in the water and start thinking about making a trip to their cabins. We call it the lake season. It is also the time of year when farmers are preparing to put their crops in the ground.

But this year is going to be different. The average price of gas just hit $3.45 a gallon in Minnesota, and it is $3.56 per gallon nationally. The price of diesel fuel is at $4.14 per gallon nationally. Of course, the price of crude oil is at an unbelievable $118 per barrel.

People cannot afford to do the things they used to do. I don't think people usually think of going up to a small lake cabin as a luxury, but it becomes one when gas is this expensive.

I have heard from constituents who are having to cancel their family road trips or their summer vacations up north because they cannot afford the gas they need to get there. I have heard from farmers who are having a hard time making ends meet, even in spite of the high commodity prices, because the cost of their inputs—diesel fuel for farm equipment and fertilizer made from natural gas—has spiraled out of control. Of course, it is particularly hard on middle-class and low-income families because when they have less disposable income and gas goes up to these levels, it is very difficult for them to get by.

The high price of energy has inflated the price of everything from groceries to transportation to home heating, as the occupant of the chair knows, as he is from Vermont. It has impacted every sector of our economy, from manufacturing, to forestry, to farms and small businesses.

In cold northern States such as Minnesota, Spring is when a lot of people—especially senior citizens living on their own—are trying to pay off their natural gas bill from the winter. They are too afraid to think about how they are going to pay their heating bills next winter, if this trend continues.

Middle-class families are struggling with the high cost of health care and a college education already, and they cannot afford this increase in the price of gas. I just heard an expert a few weeks ago talk about, if you look at the past 8 to 10 years, a regular, average middle-class family—their costs for everything from daycare, to home heating, to gas has gone up about $8,000 to $10,000 a year. But their wages have not gone up. They don't have a choice, Mr. President, about how they are going to get to work. In my State, many don't have a choice. They have to drive. They have to get to work, get to school, and they have to get to the doctor. Any wage increase they may have gotten last year goes straight into their gas tanks. And more often than not, there haven't even been any wage increases.

Not a day goes by when I don't hear about the struggle from my constituents in Minnesota. So it is hard for me to understand how recently the President seems taken aback when someone asked him about $4 gas. The President said—remember, this was February 28. The President said:

> You're predicting $4 a gallon gasoline? That's interesting. I hadn't heard that.

To the people in my State, $4 a gallon for gas isn't "interesting." It is a budget-buster for many middle-class families in our State.

The fact is, this administration has failed to provide Americans with a meaningful energy policy that would provide relief from high gas and energy prices.

This country needs a bold energy policy for the future, a policy that will stabilize prices and give consumers more alternatives, reduce our dependence on foreign oil, and provide us with the next generation of home-grown biofuels.

Brazil has already achieved this energy security. They have leapfrogged in front of our country. They can do it with sugarcane. We don't have that much sugarcane here, and we have to go to the next generation of biofuels, cellulosic, switch grass—many different things. But we have to put the reserve and incentives into place. We can do this, but we need the will, and we need to pursue a forward-looking energy policy with the same sense of urgency we used to put a man on the Moon nearly 40 years ago.

In the long term, this is going to mean strategic investments in research on hybrid electric cars, new solar technology, cellulosic ethanol, and other forms of energy from biomass.

We should be investing not in the oil cartels of the Middle East but in the farmers and workers of the Midwest. We need better fuel efficiency standards in our cars. We already have a start on that with the Energy bill and the 10-mile-per-gallon increase in fuel efficiency standards. We need to do more. We also need a renewable energy electricity standard, a portfolio standard for the Nation, like we have in Minnesota where the requirement is 25 percent of our electricity will come from renewables by 2025. It has spurred investment in wind. We are third in the country in wind now because we have been willing to take that step.

There is also much that we need to do in the short term, Mr. President. We can put a stop to oil company giveaways by ending the giveaways and tax breaks going to the oil companies and putting them into a futuristic energy policy focused on renewables. We tried to do that in the Energy bill, and we were one vote short of blocking the filibuster. I still believe we can do it.

We also have to look at the Strategic Petroleum Reserve. We can stop diverting 50,000 barrels of oil every day into that Strategic Petroleum Reserve. Of course, we need to have a petroleum reserve to protect our country in times of emergency. But the time to fill it is not when oil prices are at record highs.

Here is what the staff at the Strategic Petroleum Reserve had to say on the subject 6 years ago, in 2002:

> Commercial inventories are low, retail prices are high, and economic growth is slow. The Government should avoid acquiring oil for the reserve under these circumstances.

If this was true in 2002, it is doubly true today. Maybe I should say it is triply true because gas prices are more than triple what they were then. That is why I was proud to join with my colleague, Senator DORGAN of North Dakota, and others in sending a letter to the President asking him to halt inputs into the Strategic Petroleum Reserve to provide some relief for consumers.

Next, OPEC. Another area where we can take immediate action is in our dealings with the OPEC nations. OPEC is a cartel of oil-producing countries that meets and decides how much oil to produce and thereby control prices. They make no pretense of having a free market system. They don't obey the laws of supply and demand. They gather together and set production, which determines prices.

As a former prosecutor, I call that kind of behavior "collusion." It is illegal in our country. But the members of OPEC are foreign governments and so far they have gotten away with it.

As oil exporting nations, the members of OPEC could provide us with some relief. They have the spare capacity to increase production of oil and ease the pain being felt by American consumers and businesses. But OPEC recently met, as you know, and decided not to increase production, at least until the fall, after the summer driving season.

Not only that, Saudi Arabia has actually decreased production since 2005. So I have joined with my colleagues, Senators SCHUMER, DORGAN, and you, Mr. President, in calling on the President to demand that OPEC nations increase their oil production to provide American consumers and businesses with much needed relief.

Think about it: This country spends $600,000 every minute on imported oil. That is money leaving the pockets of American drivers going into the coffers of foreign countries. By refusing to step up production, OPEC nations are saying we don't think prices are too high yet; we want them to go even higher.

I don't think that is right. It is time this administration stepped up and did something about it. If we are going to be doing business with Saudi Arabia and some of these countries, this administration should have the leverage to push for more oil from OPEC.

Another short-term solution: Current prices are simply not justified by supply and demand. The administration likes to tell us nothing can be done, that it is a case of supply and demand. But that answer does not hold true any longer. Listen to what the oil company executives themselves have to say about this matter.

On October 30, 2007, the CEO of Marathon Oil said:

> $100 oil isn't justified by the physical demand in the market.

That is exactly what he said:

> $100 oil isn't justified by the physical demand in the market.

Let's look at what another CEO said. Here we have the CEO of Royal Dutch Shell. The CEO of Royal Dutch Shell said:

> The oil fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel.

On April 1, a senior vice president of ExxonMobil testified before the House that the price of oil should be about $50 to $55 per barrel. He said:

> The price of oil should be about $50 to $55 per barrel.

That was April 1, 2008. I note that is April Fool's Day, but he did say the price of oil should be about $50 to $55 per barrel. Why is it trading at $118? If supply and demand doesn't explain the high price, what does?

According to the experts, there is a frenzy of unregulated market speculation in the oil futures market that is driving prices up to record highs. I would like to share a quote from an energy market analyst with Oppenheimer who was recently named by Bloomberg as the top-ranked energy analyst in the country. He said:

> I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel . . . Oil speculators include the largest financial institutions in the world. I call it the world's largest gambling hall . . . It's open 24/7 . . . It's totally unregulated. . . . This is like a highway with no cops and no speed limit, and everybody's going 120 miles per hour.

That makes you feel good. It makes the people filling up their gas tanks paying that nearly 4 bucks a gallon feel good, like a gambling hall.

Why are these trades in a commodity as vital as oil unregulated? Back in 2000, a provision was inserted into the Commodity Futures Modernization Act that exempted electronic energy trades from Federal regulation. In the absence of oversight, what was once a small niche market became a booming industry, attracting rampant speculation from hedge funds and investment banks. Oil and natural gas prices became volatile. The provision has become known as the Enron loophole because it made possible the many abuses that triggered the Western energy crisis and cost the economy $35 billion and nearly 600,000 jobs.

The Federal Government has a critical role to play in conducting aggressive oversight of changing energy markets. History has shown us that when enforcement is lax, consumers ultimately pay the price.

Simply put, we need to close the Enron loophole and strengthen Federal oversight of energy trading. I am pleased to say my colleagues, Senators FEINSTEIN and LEVIN, have succeeded in including this provision in the farm bill. It is another reason we need to get the farm bill done.

I commend my colleagues, Representative COLLIN PETERSON, from Minnesota, and Senator HARKIN and Senator CONRAD for getting this provision done.

A final short-term solution. After the collapse of Enron, the President formed a Corporate Fraud Task Force at the Department of Justice. The task force has since produced more than 1,000 convictions by aggressively pursuing corporate fraud under existing law. What this shows us is good laws in and of themselves are not enough. We need enforcement. We need a cop on the beat. Any prosecutor can tell you that.

That is why I joined my colleague, Senator CANTWELL, in calling on the President to establish a new division of the Corporate Fraud Task Force specifically to apply to energy markets. This new Oil and Gas Market Fraud Task Force would allow us to focus combined efforts of the Department of Justice, FTC, SEC, and the Federal Energy Regulatory Commission.

In conclusion, the cost of energy is hurting Americans from all walks of life and businesses. I don't think we need one silver bullet. As we say in my State, we need a silver buckshot. We need a bold energy policy, first of all, in the short term, that focuses on temporarily suspending deliveries of oil into the Strategic Petroleum Reserve, that pressures OPEC nations to increase oil production, that closes the Enron loophole to eliminate that speculation, and to establish the DOJ Oil and Gas Market Fraud Task Force.

Then we need for the long term—Mr. President, you know this well we need to increase vehicle fuel efficiency, make a national commitment to generate electricity from renewables and invest in research in cutting-edge technologies for alternative fuel vehicles and renewable energy sources. This is what we need to do.

The time is now for Congress to take strong steps toward creating that bold energy policy. Americans are depending on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator KLOBUCHAR for her comments. I agree with so much of what she had to say. When you go out and talk to real people and see the impact on their lives of these huge prices, you begin to analyze where we are.

Ms. KLOBUCHAR. Mr. President, I ask the Senator if he will withhold. I think the plan is that I am to end the session and he is to speak.

Mr. SESSIONS. That sounds fine to me. I did not hear that. I yield the floor, before I complete bragging on the Senator's comments.

Ms. KLOBUCHAR. Mr. President, I thank my colleague for his kind words.

MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF THE UNIVERSITY OF NEVADA, LAS VEGAS

Mr. REID. Mr. President, this year marks the 50th anniversary of the University of Nevada, Las Vegas, UNLV. In 1957, UNLV was born as an extension of the University of Nevada, Reno, to accommodate the rapidly growing population of Las Vegas.

The first classes were held in the dressing rooms of Las Vegas High School's auditorium. There were only 28 students. When the Nevada Board of Regents founded the Southern Nevada Division of the University of Nevada, students led the charge to become their own independent institution. They adopted the Rebel as their mascot to signify their desire to break free of the Reno campus. With pressure from students and the Las Vegas community, an 80-acre parcel along a two-lane dirt road was selected as the location for the campus. On September 10, 1957, the first classes were held on the new campus. And in 1968, UNLV began its journey as an independent institution.

Over the past 50 years, Las Vegas has grown and become the entertainment capital of the world, and just like the city that it calls home, UNLV, too, has had its fair share of celebrity. In 1964 Elvis Presley and Ann-Margret danced in the gym in the famous scene from the film "Viva Las Vegas". Frank Sinatra and Wayne Newton served on the UNLV Foundation's board in the 1980s and Anthony Zuiker, the creator and producer of the hit show "CSI", is an alumni.

Today, UNLV is a thriving urban research institution with more than 28,000 students and more than 220 undergraduate, master's, and doctoral degree programs. The campus—now 350 acres—boasts over 100 buildings with state-of-the-art technology and research facilities. Two of the most recent additions have been a new student union and a student recreation and wellness facility all paid for by the students. In 1998, UNLV opened the Boyd School of Law, which quickly gained accreditation from the American Bar Association and is now nationally ranked for its quality legal education. This year, UNLV also welcomed its eighth president, David Ashley.

Many outside of Nevada know of UNLV for its athletic teams. The Rebels participate in 17 intercollegiate sports. In 1990, the Runnin' Rebels won the NCAA Men's Division I tournament, beating Duke 103 to 73, the largest margin of victory ever in the championship game. While the Runnin' Rebels have continued to be a perennial player in the NCAA tournament, in recent years, UNLV athletics have also achieved success in golf, swimming and diving, boxing, track and field, and soccer.

In its first 50 years, UNLV has grown from a satellite outpost of higher learning to a major player in the fields of gaming and hotel management, environmental and experimental science, engineering, English, and law. UNLV has blossomed with the city around it, and as UNLV enters its next 50 years, I am confident that it will continue to prosper and strengthen the city it calls home.

TRIBUTE TO EDWARD M. SMITH

Mr. DURBIN. Mr. President, I rise today to honor my good friend Edward M. Smith, a man for whom I have great respect and admiration.

Ed has been involved in the labor movement in Illinois for more than 40 years. He is deeply committed to the working families of America.

As a leader in the Laborers' International Union, Ed has worked to ensure workers earn a living wage, good benefits and the opportunity to advance and better their lives.

He is stepping down as Midwest Regional Manager of the Laborers' International Union of North America, Vice President of Laborers' International and Assistant to the General President, to become President of the Union Labor Life Insurance Company, labor's own insurance and financial services company.

For those who may not be familiar with the Laborers, they are the men and women who do the hard, dangerous work of building our country.

Ed literally grew up in the labor movement. He was only 13 when he joined Laborers' Local 773 in Cairo, IL. He worked his way through school as a construction craft laborer.

He was elected business manager of his local union in 1976 at the young age of 21. A decade later, he was elected president of the Southern Illinois Laborers' District Council.

In 1994, Ed was elected Midwest Regional Manager of the Laborers' International, leading more than 50,000 union members. Two years later, he was elected Vice President of the Laborers' International Union and became Assistant to the General President of the Union.

Laborers' International Union is one of the fastest-growing unions of construction workers and Ed oversaw over 30 successful organizing campaigns, mainly in the public sector.

Ed was the first member of the Laborers' International Union to graduate from the National Labor College with a bachelors degree. Ed also graduated from the Harvard University Trade program and from Shawnee College. In 1992, he received Shawnee College's first outstanding alumni award.

As Ed fought for Illinois' working families, he raised his own family with his wife Betty. He has two children, daughter Jordan and son Matt.

Ed also devotes a great deal of his life to charitable organizations. He has been a major benefactor to the Therapy Center in Carterville, IL, an organization that assists physically disabled children. He also serves as a board member of the I Can Read Program, for children with reading and learning disabilities.

In addition to his many union roles, Ed is well respected for his leadership with the Illinois State Board of Investment, the Illinois Department of Labor Advisory Board, and the National Alliance for Fair Contracting.

Ed Smith is a big man with a big heart. It says something about him that he has risen to such prominence in the American labor movement without ever leaving his hometown of Cairo, IL and without ever losing touch with his Midwestern roots and values. While he has remained in southern Illinois, the effects of his work can be seen and felt throughout our Nation.

As my friend Ed Smith begins the next chapter in his life, I want to congratulate him on his retirement from Laborers' International Union and thank him for over 40 years of dedication to working men and women. I wish him the best in his new role as president of Union Labor Life Insurance Company as he continues to protect the working families of America.

REMARKS OF RUPERT MURDOCK

Mr. STEVENS. Mr. President, last Monday evening I had the honor of attending a dinner of the Atlantic Council. At that dinner several distinguished individuals were honored: former British Prime Minister Tony Blair, News Corporation chairman and CEO Rupert Murdoch, and Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff for Distinguished International, Business and Military Leadership respectively.

During the evening, there was much discussion about the health of the transatlantic relationship. I was impressed with Rupert Murdock's comments as to how the alliance must change to meet future threats. He went on to say "We must face up to a painful truth: Europe no longer has either the political will or social culture to support military engagements in defense of itself and its allies. However strong NATO may be on paper, this fact makes NATO weak in practice. And it means that reform will not come from within.

Those who want a reformed NATO must look to the outside. In other words, we need to transform this Alliance from a community formed around a map to a community based on common values and a willingness to take joint action in defense of these values.

Those who want a reformed NATO must look to the outside. In other words, we need to transform this Alliance from a community formed around a map to a community based on common values and a willingness to take joint action in defense of these values."

I ask unanimous consent to have Mr. Murdock's entire remarks printed in the CONGRESSIONAL RECORD.

MR. RUPERT MURDOCH'S PREPARED REMARKS FOR THE ATLANTIC COUNCIL'S 2008 ANNUAL AWARDS DINNER

Good evening. Thank you, Henry, for that kind introduction. Your words remind me of the definition of a diplomat: A man who always remembers his wife's birthday—but never remembers her age.

I also want to thank the Atlantic Council for this fine award. By honoring me, you honor the work that News Corporation's 61,000 employees are doing to connect people across oceans, borders, and cultures. And you underscore the importance of a strong private sector for a free society.

Few organizations have done more for the preservation of our freedom than this Council. Tonight I want to commend Fred Kempe . . . General Jim Jones . . . the Council Board . . . and all the Council members for the important work you are doing. This Council was founded in the years following World War II. Statesmen on both sides of the Atlantic recognized that the defense of freedom would require the active engagement of a new generation of leaders. By working to keep that Alliance strong, you have helped the West prevail against Soviet communism—and ensure the advance of democracy from the Atlantic to the Urals.

Today we can be tempted to bask in our achievements—and wax nostalgic about all we have been through.

But this is no time for nostalgia. At this moment in our history, the Alliance that has been built up over decades now finds itself threatened on several fronts:

First, by the growing appeal of protectionism on both sides of the Atlantic . . .

Second, by the terrorists who target civilians in all our countries . . . and finally, by the crisis of confidence in a Europe that is losing its faith in the values and institutions that have kept us free.

We see this crisis of confidence in many areas. Yet nowhere is it more apparent than in the failure of nerve we are seeing in Afghanistan. After the attacks of September the 11th, 2001, it was clear that America and its allies needed to deprive al Qaeda of its safe haven. It was clear that we needed to help the Afghan people replace the Taliban with a free government that would build a more hopeful future for its citizens.

Unfortunately, far from reflecting our unity, Nato's entry into Afghanistan has exposed its divisions. Instead of standing together as full and equal partners, a handful of Alliance members are bearing the brunt of the fighting. Defense Secretary Robert Gates has said that the lack of equal burden sharing threatens the future of the Alliance. And he is right.

We must face up to a painful truth: Europe no longer has either the political will or social culture to support military engagements in defense of itself and its allies. However strong NATO may be on paper, this fact makes NATO weak in practice. And it means that reform will not come from within.

Those who want a reformed NATO must look to the outside. In other words, we need to transform this Alliance from a community formed around a map to a community based on common values and a willingness to take joint action in defense of these values.

In short, a strong and successful Atlantic Alliance will have to ground itself more on shared principles rather than accident of geography. And we need to show we are serious about defending those principles by standing with those who are standing up for them.

NATO's agreement to invite Albania and Croatia to become members is a welcome start. So is the somewhat weaker commitment that Ukraine and Georgia will become members of NATO at some point in the future.

But we need to go much further. As a rule, when an organization expands, the expansion dilutes its principles. For today's NATO, it is just the opposite. Expansion is the only hope of invigorating an Alliance weighed down by those who are no longer willing to commit themselves to defend its founding principles.

Around the world, there is no shortage of nations who share our values, and are willing to defend them. I am thinking of countries like Australia, which sent troops to Iraq . . . Israel, which has been fighting Islamic terrorism almost since its founding . . . and Japan, which generally follows a more "Western" policy than most of Western Europe.

Other countries have not reached the level of development these countries enjoy. But some are working hard to get there, and would be strong partners down the road. At the very least, the United States needs to support them as they struggle against the dark forces trying to pull them down.

Right now the United States has a test in our own backyard. Colombia is a nation that is fighting poverty, battling the drug lords, and taking on terrorists backed by foreign governments. Its citizens have suffered tremendously from violence, and who want peace and opportunity. And it is being led by a brave and innovative President, who is bringing the rule of law to people who have not known it.

What does this brave President ask of us? He asks that we ratify the trade agreement we have negotiated with his nation.

By ratifying this agreement, we would open an important market for American goods. We would demonstrate to millions in our hemisphere that the path to prosperity lies in freedom and democracy. And we would give strong moral support to a leader struggling to bring hope and opportunity to his people in an important part of the world.

Everyone knows this. Even the New York Times says the Democratic Congress should ratify this trade deal. Instead, Speaker Pelosi has effectively put off the bill by not scheduling a vote. We need to make clear to the leadership in Congress needs to know what killing this trade deal would mean.

Throughout Colombia, a defeat for the trade deal would be confirmation that the United States is not an ally you could count on.

Throughout Latin America, a defeat for the trade deal would be exploited by thugs like Hugo Chavez, who would tell the people, "See, the Americans will never accept you as equals and partners."

And throughout the world, a defeat for the trade deal would be taken as another sign that the U.S. will not stand by its friends when the going gets tough.

The Mexican ambassador to the United States puts it this way: "The most important geopolitical mistake the United States could do today . . . is not ratifying that treaty."

The world is watching. The same values that we are trying to uphold in the Atlantic Alliance are at stake now in Colombia. And if we fail to support them in Colombia, it will be harder to revive them in the Alliance.

Let me conclude with a little story. I was born in Australia . . . I received my university education in Britain . . . and I have made my home in America. Over a long and I hope productive life, I have learned that shared values are more important than shared borders.

If we continue to define "the West" or "the Alliance" as a strictly geographical concept, the Alliance will continue to erode. But if we define the West as a community of values, institutions, and a willingness to act jointly, we will revive an important bastion of freedom—and make it as pivotal in our own century as it was in the last.

Thank you for having me. And thank you again for this fine award.

SHAWN BENTLEY ORPHAN WORKS ACT OF 2008

Mr. HATCH. Mr. President, I rise today to express my support for The Shawn Bentley Orphan Works Act of 2008, S. 2913, introduced at the close of last week by Senate Judiciary Committee Chairman PATRICK LEAHY and myself. This piece of legislation is a product of years of hard work and collaboration.

I want to start off by thanking Chairman LEAHY for his willingness to name this bill in honor of my long-time staffer and former colleague, Shawn Bentley, whose untimely death, at 41, greatly saddened many in this body.

Shawn worked for the Judiciary Committee for a decade, from 1993–2003. Starting as my counsel, he rose through the ranks, ending his Senate tenure as the majority's Chief Intellectual Property Counsel and Deputy Chief Counsel to the committee. He worked on many important pieces of landmark intellectual property legislation, and he initiated what we have now introduced as an orphan works bill.

Thousands of artistic creations around the country are effectively locked away in a proverbial attic and unavailable for the general public to enjoy because the owner of the copyright for the work is unknown. These are generally referred to as "orphan works." It is not always easy to identify an owner of a copyrighted work, and in many cases, information about the copyright holder is not publicly known. To make matters worse, many are discouraged from using these so-called "orphan works" for fear of being sued should the owner eventually step forward.

In an effort make orphan works more accessible, Chairman LEAHY and I have been working together for years to craft meaningful legislation to address concerns that have been identified through public discussions on this issue. The Senate Judiciary Committee Subcommittee on Intellectual Property held a hearing entitled "Orphan Works: Proposals for a Legislative Solution," at which representatives from the photography, museum, documentary film, and technology communities testified. And a subcommittee of the House Judiciary Committee held two hearings in the 109th Congress and one in the 110th.

Under S. 2913, potential users may use an orphan work if they conduct and document a diligent search but were unable to locate the copyright owner of the work for permission. While the bill outlines the criteria for a search, and the copyright office will disclose best practices for finding a copyright owner, the court makes the final determination as to whether a search is diligent and in good faith.

The proposed legislation also has a "safe harbor" for uses of orphan works that are educational, charitable, or religious in nature, and which are used without commercial advantage. We anticipate that many institutions such as museums, libraries, archives, nonprofit educational organizations, as well as public broadcasting entities will greatly benefit from this legislation since they would be qualified users.

S. 2913 represents a commitment from Congress to move forward in creating a way to identify copyright owners of orphan works and unlock access to thousands of artistic works so the general public may once again enjoy them. I am hopeful that further refinements will be made to this bill during the legislative process. I am confident that Chairman LEAHY and I will continue to, with outside input, perfect this bill, and am confident in our House counterparts to do the same.

I am committed to moving this legislation forward and hope that we can join efforts to refine and enact this bill.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

COMMEMORATION OF THE ARMENIAN GENOCIDE

• Mr. OBAMA. Mr. President, last week, we paused in remembrance of the Armenian genocide, which was carried out by the Ottoman Empire from 1915 to 1923. Nearly 2 million Armenians were deported, and approximately 1.5 million of those deported were killed.

It is imperative that we recognize the horrific acts carried out against the Armenian people as genocide and I will continue to stand with the Armenian American community in calling for the Government of Turkey to acknowledge it as such. The occurrence of the Armenian genocide is a widely documented fact supported by an overwhelming collection of historical evidence.

I was deeply disturbed 2 years ago when the U.S. Ambassador to Armenia was fired after he used the term "genocide" to describe the mass slaughter of Armenians. I called for Secretary Rice to closely examine what I believe is an untenable position taken by the U.S. Government.

I will continue to push for the acknowledgement of the Armenian genocide, and I offer the Armenian people my condolences.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HONORING OUR ARMED FORCES

• Mr. LAUTENBERG. Mr. President, in honor of American troops who have lost their lives overseas in Iraq and Afghanistan I wish to make sure their service and sacrifice is forever memorialized in the CONGRESSIONAL RECORD.

Since I last included the names of our fallen troops on February 15, the Pentagon has announced the deaths of 101 troops in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten and today I submit their names into the RECORD:

SSG Shaun J. Whitehead, of Commerce, GA; SSG Ronald C. Blystone, of Springfield, MO; PFC John T. Bishop, of Gaylord, MI; 1stLT Timothy W. Cunningham, of College Station, TX; LCpl Jordan C. Haerter, of Sag Harbor, NY; CPL Jonathan T. Yale, of Burkeville, VA; SGT Guadalupe Cervantes Ramirez, of Fort Irwin, CA; 1stLT Matthew R. Vandergrift, of Littleton, CO; PVT Ronald R. Harrison, of Morris Plains, NJ; SPC Steven J. Christofferson, of Cudahy, WI; SGT Adam J. Kohlhaas, of Perryville, MO; PO1 Cherie L. Morton, of Bakersfield, CA; AA Adrian M. Campos, of El Paso, TX; CPL Benjamin K. Brosh, of Colorado Springs, CO; SPC Lance O. Eakes, of Apex, NC; SSGT Jason L. Brown, of Magnolia, TX; 1stSGT Luke J. Mercardante, of Athens, GA; CPL Kyle W. Wilks, of Rogers, AR; SPC Arturo Huerta-Cruz, of Clearwater, FL; SGT Joseph A. Richard III, of Lafayette, LA; CPL Richard J. Nelson, of Racine, WI; LCpl Dean D. Opicka, of Waukesha, WI; SGT William E. Allmon, of Ardmore, OK; SPC Jacob J. Fairbanks, of Saint Paul, MN; SGT Jesse A. Ault, of Dublin, VA; SGT Shaun P. Tousha, of Hull, TX; TSgt Anthony L. Capra, of Hanford, CA; SPC Jeremiah C. Hughes, of Jacksonville, FL; SSG Jeffery L. Hartley, of Hempstead, TX; MAJ Mark E. Rosenberg, of Miami Lakes, FL; SGT Timothy M. Smith, of South Lake Tahoe, CA; SPC Jason C. Kazarick, of Oakmont, PA; SGT Michael T. Lilly, of Boise, ID; SSG Jeremiah E. McNeal, of Norfolk, VA; SGT Richard A. Vaughn, of San Diego, CA; COL Stephen K. Scott, of New Market, AL; MAJ Stuart A. Wolfer, of Coral Springs, FL; SSG Emanuel Pickett, of Teachey, NC; CAPT Ulises Burgos-Cruz, of Puerto Rico; SPC Matthew T. Morris, of Cedar Park, TX; PFC Shane D. Penley, of Sauk Village, IL; SGT Nicholas A. Robertson, of Old Town, ME; SPC Charles A. Jankowski, of Panama City, FL; SSGT Travis L. Griffin, of Dover, DE; SGT Dayne D. Dhanoolal, of Brooklyn, NY; SGT Jevon K. Jordan, of Norfolk, VA; MAJ William G. Hall, of Seattle, WA; SPC Durrell L. Bennett, of Spanaway, WA; PFC Patrick J. Miller, of New Port Richey, FL; SGT Terrell W. Gilmore, of Baton Rouge, LA; CPL Steven I. Candelo, of Houston, TX; CPL Joshua A. Molina, of Houston, TX; SPC Gregory B. Rundell, of Ramsey, MN; SSG Joseph D. Gamboa, of Yigo, Guam; PVT George Delgado, of Palmdale, CA; SSG Christopher M. Hake, of Enid, OK; PFC Andrew J. Habsieger, of Festus, MO; CPL Jose A. Rubio Hernandez, of Mission, TX; LCpl Dustin L. Canham, of Lake Stevens, WA; SSG William R. Neil Jr., of Holmdel, NJ; SGT Thomas C. Ray, II, of Weaverville, NC; SGT David S. Stelmat, of Littleton, NH; SGT David B. Williams, of Tarboro, NC; PFC Antione V. Robinson, of Detroit, MI; PFC Tyler J. Smith, of Bethel, ME; TSgt William H. Jefferson, Jr., of Norfolk, VA; SGT Gregory D. Unruh, of Dickinson, TX; SSG Michael D. Elledge, of Brownsburg, IN; SGT Christopher C. Simpson, of Hampton, VA; SPC Lerando J. Brown, of Gulfport, MS; CPL William D. O'Brien, of Rice, TX; SFC Collin J. Bowen, of Millersville, MD; SFC Shawn M. Suzch, of Hilltown, PA; SSG Ernesto G. Cimarrusti, of Douglas, AZ; SSG David D. Julian, of Evanston, WY; CPL Robert T. McDavid, of Starkville, MS; CPL Scott A. McIntosh, of Houston, TX; SSG Juantrea T. Bradley, of Greenville, NC; SPC Dustin C. Jackson, of Arlington, TX; PFC Tenzin L. Samten, of Prescott, AZ; SSG Laurent J. West, of Raleigh, NC; SGT Phillip R. Anderson, of Everett, WA; SPC Donald A. Burkett, of Comanche, TX; CAPT Torre R. Mallard, of OK; CPL Jose A. Paniagua-Morales, of Bell Gardens, CA; SGT Gabriel Guzman, of Hornbrook, CA; SPC Steven R. Koch, of Milltown, NJ; SGT Robert T. Rapp, of Sonora, CA; SSGT Christopher S. Frost, of Waukesha, WI; SPC Orlando A. Perez, of Houston, TX; SPC Micheal E. Phillips, of Ardmore, OK; CPL Kevin S. Mowl, of Pittsford, NY; LCpl Drew W. Weaver, of St. Charles, MO; SPC Keisha M. Morgan, of Washington, DC; CAPT Nathan R. Raudenbush, of PA; SGT Conrad Alvarez, of Big Spring, TX; CPL Albert Bitton, of Chicago, IL; SPC Micheal B. Matlock, Jr., of Glen Burnie, MD; SSG Bryant W. Mackey, of Eureka, KS; CPL Chad D. Groepper, of Kingsley, IA; CPL Luke S. Runyan, of Spring Grove, PA.

We cannot forget these men and women and their sacrifice. These brave souls left behind parents and children, siblings and friends. We want them to know the country pledges to preserve the memory of our lost soldiers who gave their lives for our country.●

ADDITIONAL STATEMENTS

CONGRATULATING KEVIN WEBB

● Mr. BUNNING. Mr. President, I wish to congratulate Mr. Kevin Webb of Glasgow, KY. Mr. Webb was recently chosen to be one of eight speakers at the first ever Ticket to Work Partners Summit held in Louisville, KY.

In March 2008 the Social Security Administration launched the Ticket to Work Partners Summit to bring together over 400 of Social Security's partners who actively engage Social Security disability beneficiaries in work through the Ticket to Work Program. Mr. WEBB was chosen to be one of eight speakers nationally to discuss how they have benefited from this program.

With the help of the Social Security Administration, Mr. Webb was able to start his own business in April 2006. Today he is a proud co-owner with his father, Ron Taylor, of Webb/Taylor Horseback Riding and Boarding.

Prior to becoming a successful business owner, Mr. Webb was faced with a number of difficult challenges in finding employment. Despite all of the setbacks and obstacles he had to overcome, Mr. Webb never gave up on his dreams and continued to search for a job that made him happy.

Mr. Webb applied for a grant given to five individuals each year by the Kentucky Council on Developmental Disabilities and the State vocation rehabilitation for startup funds for new businesses. With the grant and a fully funded Plan for Achieving Self Support from the Social Security Administration, Mr. Webb and his father were able to launch the Webb/Taylor Horseback Riding and Boarding.

Besides starting his own business, Mr. Webb has also worked with elected officials in the Kentucky State Legislature on behalf of individuals with disabilities. In 2003, the Kentucky State Legislature passed the Kevin Webb and Kim Brown Self-Determination Act to require the Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disabilities to make recommendations to the Department of Medicaid Services for the implementation of a self-determination model for individuals who are receiving services through the Supports for Community Living waiver program.

I would like to congratulate Mr. Webb for his hard work and dedication as he celebrates the two year anniversary of opening Webb/Taylor Horseback Riding and Boarding. Mr. Webb is truly an inspiration to all Kentuckians and I wish him the best of luck in his future endeavors.●

2009 SPECIAL OLYMPICS

● Mr. BUNNING. Mr. President, today I wish to congratulate Ms. Kelly McCormick and Ms. Jeannie Luersen on their selection to participate in the 2009 Special Olympics World Winter Games, to be held February 6 to 13, in Boise, ID. Over 3,000 athletes from 85 countries will compete in 7 sports: Alpine skiing, cross-country skiing, figure skating, floor hockey, snowboarding, snowshoeing and speed skating.

Ms. Kelly McCormick has been a Special Olympics athlete for 17 years. She serves as a global messenger, speaking on behalf of the program at many public events. Ms. McCormick will compete in the Alpine Skiing event. This will be her first time participating in the world games.

Ms. Jeannie Luersen has participated in the Special Olympics program for 25 years. This will be her second straight year at the World Games. Having won a Gold Medal in figure skating at the 2005 Winter Games in Nagano, Japan, Ms. Luersen will compete again in the figure skating event.

Special Olympics is celebrating its 40th anniversary this year as an international, nonprofit organization dedicated to empowering individuals with intellectual disabilities to become physically fit, productive, and respected members of society through sports training and competition. Ms. McCormick and Ms. Luersen represent Special Olympics Kentucky, which is celebrating its 36th year.

I congratulate Ms. McCormick and Ms. Luersen on their achievements. They are an inspiration to the citizens of Kentucky and to athletes everywhere. I look forward to seeing all that they will accomplish in the future.●

COMMEMORATING LINTHICUM HEIGHTS

● Mr. CARDIN. Mr. President, I wish to congratulate Linthicum Heights, MD, on its 100th anniversary.

Linthicum Heights is a suburb of Baltimore that is also located near Annapolis and Washington, DC. Close to rail lines and good roads, Linthicum offers location without sacrificing its suburban character and historic property.

Linthicum is on the National Register of Historic Places. The community was farmland until 1908, when the decendents of Abner Linthicum decided to sell the farm land for houses. They created the Linthicum Heights Realty Company and named their development Linthicum Heights. Many of the original homes on the farm property remain. Two of the most famous are Turkey Hill, built in 1822 by William Linthicum, and Twin Oaks, which was home to U.S. Congressman John Charles Linthicum, who represented the Fourth Congressional District of Maryland from 1911 to 1932. U.S. Representative Linthicum was a sponsor of the legislation that named "The Star Spangled Banner" as our national anthem.

Today, Linthicum's location and its historic nature remain its charm and attraction. Easy access to Baltimore, Washington, DC, and Annapolis and its close proximity to Baltimore Washington Thurgood Marshall International Airport, Fort George G.

Meade, Goddard Space Flight Center, and numerous other Federal facilities make Linthicum a desirable place to live.

The residents of Linthicum Heights as well as the Woman's Club of Linthicum Heights, the Linthicum-Shipley Improvement Association, the North Linthicum Improvement Association, business leaders, and government officials are to be congratulated for their appreciation and steadfast support of Linthicum Heights and its history.

I ask my colleagues to join me today in congratulating Linthicum Heights on its 100th anniversary.•

HONORING DR. EMMETT BUELL

• Mr. LUGAR. Mr. President, I wish to pay tribute to a remarkable professor, scholar, and author, Dr. Emmett Buell of Denison University in Granville, OH. Today, April 28, 2008, Dr. Buell will teach his final class before stepping down as a full-time professor.

Professor Buell received his Ph.D. in political science from Vanderbilt University after earning his undergraduate and M.A. at Louisiana State University. He has taught at Denison since the 1969 to 1970 academic year and has directed the Richard G. Lugar Program in Politics and Public Service since its inception in 1995. This program provides students with opportunities to study various aspects of public policy, combining classroom instruction with the practical application of these studies through an internship experience. As of July 2007, about 110 students in the program will have served as interns in congressional offices. Given his exemplary leadership and record of success, Dr. Buell was subsequently installed as the inaugural holder of the Richard G. Lugar Chair in Public Policy on April 21, 2006.

Dr. Emmett Buell is a nationally recognized expert in the political science field and specifically on Presidential selection and negative campaigning in Presidential elections. He has authored, coauthored, or coedited four books, including "Attack Politics: Negativity in Presidential Campaigns Since 1960". Emmett also has authored or coauthored articles and research notes in the American Journal of Political Science, Journal of Politics, American Politics Quarterly, Urban Affairs Quarterly, Social Science Quarterly, and the Journal of Law & Politics. In addition, he has written chapters for books edited by others on such topics as the invisible primary, the New Hampshire primary, the changing role of national party conventions, and news coverage of Presidential aspirants.

Outside of his impressive list of experiences and skills, I know Emmett to be an individual of high integrity and character. He is idealistic, while remaining grounded in the practical. He is serious and thoughtful, while maintaining a sense of humor. He is generous with his time and attention, without losing his focus and personal discipline.

Perhaps most importantly, Dr. Buell has been an inspirational mentor to hundreds of students. His office door has always been open, and he makes every effort to assist, promote, and encourage those who seek guidance. I have heard from many individuals, including those who have worked in my own office, that they would not be in their employment positions today if it were not for his assistance. Likewise, I know that he is immensely proud of these students and their accomplishments.

Dr. Buell is also legendary on the Denison campus for his devotion to personal fitness and mastery of racquetball. He has encouraged numerous student challenges on the racquetball court throughout his career and has almost always been on the victorious side.

Mr. President, I was pleased to join with many of these former students, along with numerous faculty and friends, in celebration of Emmett's career at a retirement ceremony on Saturday, April 19, 2008. I am delighted that this event provided a forum to share our admiration for his years of service and contribution to Denison University.•

TRIBUTE TO INDIANA STATE SENATOR DAVID C. FORD

• Mr. LUGAR. Mr. President, I wish to honor the memory of an outstanding Hoosier, IN, State senator, David C. Ford.

Representing Senate District 19, David Ford served in the Indiana Senate from 1994 until his death from pancreatic cancer on March 5, 2008. His colleagues in the Indiana Senate have lost a dear friend and insightful leader. Public officials across the State will remember him as a tireless advocate for technological innovation. However, the breath of his knowledge extended to education, agriculture, and judiciary policy as well. In short, he was an able and devoted legislator who performed his duties with intelligence, vigor, and integrity.

Prior to being elected to the Indiana Senate, David Ford served as prosecutor in Blackford County, IN. He was also an accomplished pilot, an active member of the American Agriculture Law Association, a board member of Dollars for Scholars, and the recipient of many State and national awards.

I remember many wonderful visits with David over the years. I was always grateful for his wisdom and counsel, and I hope you will join me in paying tribute to State Senator Ford. May his wife Joyce and his many friends and family members continue to find love and comfort in the memory he has left us.•

HONORING THE SENIORS' RESOURCE CENTER

• Mr. SALAZAR. Mr. President, I wish to honor the 30th anniversary of the Seniors' Resource Center, SRC, in Jefferson County, CO. For three decades, the SRC has delivered critical services to the aging and disabled communities in the Denver metropolitan area through a variety of innovative programs. I salute Jon Zabawa, president and CEO of SRC, his staff, and the many volunteers who have made the Center what it is today.

From its inception as an extension of the Jefferson County Retired and Senior Volunteer Program, tasked with providing transportation assistance to the elderly, SRC has consistently received awards and acknowledgements for its terrific services. The National Council on Aging has named SRC one of its five Best Practices Organizations. The National Senior Citizen Education and Research Center has recognized SRC for "outstanding performance in the Senior Aide Program and in enrollment, budget management, and placement." In 2002, SRC was the Colorado Association of Transit Agencies' Mid Transportation System of the Year. In 2004, they were the winners of the Community Transportation Association of America and the Beverly Foundation's "Search for Innovation in Senior Transportation Award." Most recently, the center won the first-ever Non-Profit of the Year Award from the West Chamber of Commerce.

Over the last 30 years, SRC has worked to steadily improve and expand its programs. The organization has grown beyond Jefferson County to 10 other metropolitan counties. Today, more than 100,000 Colorado citizens have access to SRC's services, including adult day and respite services, in-home care, transportation, care management, referrals to community partners, and job training programs.

In the year 2010, there will be more than 770,000 seniors age 60 and over in Colorado, making organizations such as the SRC even more vital to the health of our communities. I am very proud of SRC's work, and I look forward to several more decades of their service to the community.•

WORKER EDUCATION

• Mr. SMITH. Mr. President, today I highlight the importance of acknowledging and celebrating extraordinary efforts by Americans who have led the way in protecting and preserving America's natural resources. I am honored to congratulate three educational institutions in my State of Oregon, Columbia Gorge Community College, Lane Community College and the Oregon Institute of Technology.

Recently, Columbia Gorge Community College received $1.6 million to support the college's community-based job training program to develop skilled technicians for renewable energy facilities such as wind, solar, hydropower and biofuels production. The funding is part of the Department of Labor's Community-Based Job Training Grant Initiative to help community colleges provide area students and workers with the skills needed to stay competitive in up-and-coming industries. The program is the only one of its kind on the west coast. Just in the Pacific Northwest, developers of wind energy facilities will need 300–500 additional workers in the next decade. Since the fall of 2007, Columbia Gorge Community College has offered a 1-year certificate and a 2-year associate of applied science degree in renewable energy technology.

Lane Community College in Eugene, OR, was recently commended for their certificate and 2-year degree programs which train students in energy management and renewable energy. Graduates of the program are in high demand by renewable energy companies. Lane Community College is quickly gaining recognition as a national leader in sustainability and has won five awards in the past 2 years, including the Campus Sustainability Leadership Award from the Association for the Advancement of Sustainability in Higher Education, and the Outstanding College Recycling Program Award from the National Recycling Coalition.

The Oregon Institute of Technology, OIT, also has earned distinction for offering the Nation's first 4-year undergraduate degree program in renewable energy. The institute is on track to graduate the first class of students this year. Graduating students can seek employment in variety of fields including design, engineering, installation, auditing and programming within the renewable energy sector. Additionally, OIT is working to become the only college campus in the world to be completely powered by geothermal energy.

I believe that we have a responsibility to encourage efforts to increase the availability of renewable energy and conserve our natural resources. Oregon continues to build on a long history of innovation in environmental policy and practice. These community colleges are leading the way in educating these workers and providing highly skilled workers to the rapidly expanding renewable energy sector in our State and the Nation. I commend them for their efforts and pledge my full support as they move forward.•

TRIBUTE TO JACK H. RHYNER

• Mr. STEVENS. Mr. President, last week Jack Rhyner lost his courageous battle against cancer, and Alaska lost a pioneer in our telecommunications industry and I lost a very good friend.

As a young man, Jack worked alongside his father, Richard Rhyner, as he founded TelAlaska. At 16, Jack salvaged telephone equipment damaged in the Fairbanks flood of 1967. Using emery boards to smooth out the gold points on the mechanical switches and high-pressure water hoses and brushes, he cleaned and repaired each component.

Jack and his dad used that salvaged equipment to build the first telephone system in Fort Yukon. Until then, residents of that village shared a single phone line at the airport. Today, more than 300 residents have private lines in their homes and access to DSL Internet service.

In 1982, Jack took leadership of Interior Telephone. Over the years he worked with his wife Donna developing and expanding TelAlaska into a statewide, modern company connecting many of our rural villages to phone service for the first time. Jack's commitment and hard work resulted in dozens of villages—most of them inaccessible by road—becoming connected to the world by telephone systems. In addition, TelAlaska provides DSL service to 12 villages and cable service to 4 small communities including my own hometown of Girdwood.

Jack was appointed to the FCC's Rural Task Force where he worked tirelessly to ensure affordable rates and reliable service in Alaska. As a respected leader in Alaska's telecommunications industry, Jack was often called upon to share his insight into our State's unique communications challenges with Congress, State, and Federal agencies.

Jack's contributions to the advancement of telecommunications in Alaska earned him the prestigious Kaguyak Award from the Alaska Telephone Association. The Western Telecommunications Alliance recognized Jack's dedication to rural telecommunications with the President's Award.

A true Alaskan, Jack was an avid outdoorsman. He enjoyed spending time with his shooting team which won more than a dozen championships at Birchwood Shooting Park. He would smile when he talked about setting up visits to the communities served by TelAlaska's companies, checking the calendar to ensure that he would arrive in the right season for a day or two of fishing or hunting. It is no surprise, then, that he wanted his ashes spread in the fall at his favorite duck hunting retreat at Cold Bay.

Catherine and I send our condolences to Donna and their sons, Ryan and Richard II, and all who knew and loved Jack. He will be missed.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill:

H.R. 2830. An act to authorize appropriations for the Coast Guard for fiscal year 2008, to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.

The message also announced that pursuant to section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 10–181), the Minority Leader appoints Mr. Dean G. Popps of Virginia to the Commission on Wartime Contracting.

At 4:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill:

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2920. A bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

H.R. 5613. To extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2830. An act to authorize appropriations for the Coast Guard for fiscal year 2008, to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5983. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Standard for the Flammability of Clothing Textiles" (RIN3041–AB68) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5984. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the feasibility study that was undertaken to evaluate flood damage reduction opportunities for the communities of Cynthiana, Millersburg, and Paris, in the Licking River Basin, Kentucky; to the Committee on Environment and Public Works.

EC–5985. A communication from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Public Access, Use, and Recreation Regulations for the Upper Mississippi River National Wildlife and Fish Refuge" (RIN1018–AV43) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5986. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a legislative proposal intended to address the declining balance in the Inland Waterways Trust Fund; to the Committee on Environment and Public Works.

EC–5987. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue—Backdated Stock Options Directive No. 2" (LMSB Control No. 4–0308–017) received on April 23, 2008; to the Committee on Finance.

EC–5988. A communication from the Acting Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to information that was omitted from the original transmittal of the Extradition Agreement with the European Union that was signed on June 25, 2003; to the Committee on Foreign Relations.

EC–5989. A communication from the Acting Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to information that was omitted from the original transmittal of the Agreement on Mutual Legal Assistance that was signed on June 25, 2003; to the Committee on Foreign Relations.

EC–5990. A communication from the General Counsel, Department of the Treasury, transmitting a draft bill intended to contribute to an international clean technology fund; to the Committee on Foreign Relations.

EC–5991. A communication from the General Counsel, Department of the Treasury, transmitting a draft bill intended to provide for a U.S. contribution to the replenishment of the resource of the International Development Association; to the Committee on Foreign Relations.

EC–5992. A communication from the General Counsel, Department of the Treasury, transmitting a draft bill intended to provide for U.S. contribution to the eleventh replenishment of the resources of the African Development Fund; to the Committee on Foreign Relations.

EC–5993. A communication from the Chairman, National Endowment for the Arts, National Foundation on the Arts and the Humanities, transmitting, pursuant to law, the Foundation's annual report relative to the Arts and Artifacts Indemnity Program for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–5994. A communication from the President, Gallaudet University, transmitting a report relative to the school's desire to appoint a Senator to its Board of Trustees; to the Committee on Homeland Security and Governmental Affairs.

EC–5995. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–338, "Transit Operator Protection and Enhanced Penalty Amendment Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5996. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–357, "Procurement of Natural Gas and Electricity Exemption Amendment Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5997. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–356, "Vending Regulation Temporary Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5998. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–339, "Telecommunications Competition Amendment Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5999. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–340, "Clinical Trials Insurance Coverage Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6000. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–341, "East of the River Hospital Revitalization Amendment Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6001. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–345, "Retirement Incentive Temporary Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6002. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–358, "Dedication of Land for Street Purposes, the Establishment of a Building Restriction Line, S.O. 06–9108, and the Removal of a Portion of a 50-foot Right-of-Way from the Highway Plan on Lot 822, in Square 1346, S.O. 06–9107, Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6003. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–342, "Loretta Carter Hanes Pesticide Consumer Notification Amendment Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6004. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–343, "Ballpark Public Safety Amendment Act of 2008" received on April 23, 2008; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–315. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass the "Florida Restaurants Lending a Helping Hand Act"; to the Committee on Banking, Housing, and Urban Affairs.

POM–316. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to repeal the 2011 Sunset of Miami-Dade Affordable Housing Surtax Program; to the Committee on Banking, Housing, and Urban Affairs.

POM–317. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation allowing forensic employees to purchase additional retirement credits; to the Committee on Health, Education, Labor, and Pensions.

POM–318. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation requiring health insurance policies to cover treatments for autism; to the Committee on Health, Education, Labor, and Pensions.

POM–319. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to declare the month of March 2008 as Lions Eye Bank Month; to the Committee on Health, Education, Labor, and Pensions.

POM–320. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation allowing voters with no party affiliation to vote in any party primary; to the Committee on Homeland Security and Governmental Affairs.

POM–321. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to provide additional flexibility in making partial payments of property taxes; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes (Rept. No. 110–332).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mrs. CLINTON):

S. 2921. A bill to require pilot programs on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury, to require a pilot program on provision of respite care to such veterans and members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (by request):

S. 2922. A bill to repeal certain oil and gas incentives established in the Energy Policy Act of 2005, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 2923. A bill to provide for a three-year extension of the Senior oversight Committee on wounded warrior matters, and for other purposes; to the Committee on Armed Services.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 2924. A bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 2925. A bill to provide for research into the development of energy-efficient technologies and renewable energy technologies and to foster the introduction of energy-efficient technologies and renewable energy technologies into the marketplace, with the goal of reducing United States oil imports; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 2926. A bill to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARRASSO (for himself and Mr. BOND):

S. 2927. A bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve and to amend the Energy Policy and Conservation Act to include additional acquisition requirements for the Reserve; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. LEVIN, Ms. STABENOW, Mr. KOHL, Mr. MENENDEZ, Mr. GRASSLEY, Mr. DURBIN, Mr. CASEY, and Mr. JOHNSON):

S. Res. 534. A resolution designating the month of May 2008 as "National Drug Court Month"; to the Committee on the Judiciary.

By Mr. REID (for Mrs. CLINTON (for herself, Mr. KERRY, Mr. BAYH, Mr. FEINGOLD, Mr. KENNEDY, Mr. SANDERS, and Mr. CASEY)):

S. Res. 535. A resolution recognizing April 28, 2008, as "National Healthy Schools Day"; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. LEVIN, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. CARPER, Ms. SNOWE, Mr. COLEMAN, Mr. SANDERS, Mrs. BOXER, Ms. STABENOW, and Mr. DURBIN):

S. Res. 536. A resolution recognizing the 15th anniversary of the founding of Seeds of Peace, an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict; considered and agreed to.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. DURBIN, and Mr. KOHL):

S. Res. 537. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. MENENDEZ, Mr. CRAIG, Mr. LUGAR, Mr. COCHRAN, Mr. BROWN, Mr. DURBIN, and Mr. CRAPO):

S. Res. 538. A resolution designating April 30, 2008, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes; considered and agreed to.

By Mr. INHOFE:

S. Con. Res. 78. A concurrent resolution expressing the sense of Congress that the People's Republic of China and all enterprises owned or controlled by the People's Republic of China should make proper disclosures with the Securities and Exchange Commission regarding the selective default status of certain bonds; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 186

At the request of Mr. SPECTER, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 223

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2407

At the request of Mr. CASEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2407, a bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents.

S. 2426

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2619

At the request of Mr. COBURN, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Alaska (Mr. STEVENS) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Ohio (Mr. BROWN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2688

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2688, a bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption.

S. 2726

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2726, a bill to amend the Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies under the emergency food assistance program.

S. 2758

At the request of Ms. MURKOWSKI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2758, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2785

At the request of Ms. STABENOW, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2867

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2867, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2886

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2886, a bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions.

S. 2895

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2895, a bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence.

S. 2899

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. 2919

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2919, a bill to promote the accurate transmission of network traffic identification information.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. RES. 523

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 523, a resolution expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

S. RES. 533

At the request of Mr. KERRY, the names of the Senator from Delaware

(Mr. BIDEN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. LEAHY), the Senator from New York (Mrs. CLINTON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 533, a resolution expressing the sense of the Senate regarding the political situation in Zimbabwe.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (by request):

S. 2922. A bill to repeal certain oil and gas incentives established in the Energy Policy Act of 2005, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce by request a bill transmitted by the Administration that would eliminate mandatory royalty relief incentives for the oil and gas industry on the Outer Continental Shelf, OCS, in the Gulf of Mexico. I share the administration's position that these royalty incentives should not apply to future OCS oil and gas lease sales on a mandatory basis.

Section 344 of the Energy Policy Act of 2005, EPAct, requires the Secretary of the Interior to provide for royalty relief for the production of deep gas from the OCS. Section 345 of EPAct requires the Secretary to extend royalty relief for oil and gas produced from deep water of the OCS. Under these provisions, at certain prices a set quantity of federally-owned oil and gas is allowed to be produced without any royalty payment by industry to the United States. Similar royalty relief language, included in legislation enacted in 1995, has given rise to circumstances that may expose the Treasury to up to an estimated $60 billion in forgone royalty revenues.

Neither deep gas nor deep water royalty relief is warranted in this price climate. Last year, the administration requested that these incentives be repealed. The President's proposed budget for fiscal year 2009 renews this request. I hope that my colleagues will join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CERTAIN OIL AND GAS INCENTIVES.

Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, April 7, 2008.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed is a copy of the letter sent to the President of the Senate on August 20, 2007, urging the Senate to consider legislation "to repeal certain oil and gas incentives contained in the Energy Policy Act of 2005." This legislative proposal would end the mandatory royalty relief incentives for future OCS lease sales.

I want to make sure that you are aware of the significance and time sensitivity of this legislative proposal. The next Gulf of Mexico lease sale is scheduled in August of 2008. By law, the Minerals Management Service (MMS) must publish a final notice of sale with final terms and conditions, including royalty relief incentives, at least 30 days prior to the sale. To ensure that any legislative changes are reflected in the final notice of sale for the August sale, this issue must be resolved by July 1.

Please note that an immediate repeal of the mandatory royalty relief is supported by the Administration. Provisions to support the repeal are included in the President's Fiscal Year 2008 budget and cleared by the Office of Management and Budget. Prompt action is now needed by Congress if the repeal of the mandatory royalty relief is to be included in the fast approaching Gulf of Mexico sale.

Your immediate attention would be greatly appreciated. I am personally available to discuss this legislation with you and answer any questions you or your staff may have.

Sincerely,

C. STEPHEN ALLRED,
Assistant Secretary,
Land and Minerals Management.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, April 20, 2007.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill, "to repeal certain oil and gas incentives contained in the Energy Policy Act of 2005 and for other purposes."

I recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

The repeal of sections 344 and 345 of the Energy Policy Act of 2005 (Energy Policy Act) has been proposed in the President's Fiscal Year 2008 budget. Section 344 of the Energy Policy Act extended existing deep gas incentives by mandating a royalty suspension volume of at least 35 billion cubic feet of natural gas for certain wells completed at depths greater than 20,000 feet subsea on leases located in 0–400 meters of water. Section 344 also directed that the same methodology used to calculate suspension volumes in the Minerals Management Service's 2004 rule for wells completed between 15,000 feet and 20,000 feet sub-sea on leases in 0–200 meters of water be applied to leases in 200–400 meters of water. Section 345 of the Energy Policy Act provided mandatory royalty suspension volumes for leases in water depths greater than 400 meters issued in the first five years after the Energy Policy Act's enactment (August 8, 2005–August 8, 2010).

Repeal of Sections 344 and 345 of the Energy Policy Act would eliminate incentives and royalty relief that we believe are unwarranted in today's price environment.

The Office of Management and Budget has advised that the enactment of this draft bill would be in accord with the program of the President.

An identical letter is being sent to the Honorable Nancy Pelosi, Speaker of the House of Representatives.

Sincerely,

C. STEPHEN ALLRED,
Assistant Secretary,
Land and Minerals Management.

A BILL

To repeal certain oil and gas incentives contained in the Energy Policy Act of 2005 and fur other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904 and 15905) are repealed.

SECTION BY SECTION SUMMARY

A bill to repeal certain oil and gas incentives contained in the Energy Policy Act of 2005 and for other purposes.

This bill would repeal incentives for natural gas production from deep wells in shallow waters of the Gulf of Mexico and royalty relief for deep water production in the Gulf of Mexico.

By Mr. AKAKA:

S. 2923. A bill to provide for a three-year extension of the Senior oversight Committee on wounded warrior matters, and for other purposes; to the Committee on Armed Services.

Mr. AKAKA. Mr. President, today I am introducing the proposed Senior Oversight Committee Extension Act of 2008 The VA and DoD Senior Oversight Committee—the SOC—has been an important component of ongoing efforts to ensure that the Departments of Veterans Affairs and Defense work together to improve the treatment and care of our Nation's wounded warriors. This bill requires a 3-year extension of the VA and DoD SOC so that it may continue its vitally important oversight function.

As a result of the problems identified at Walter Reed Army Medical Center in May 2007, VA and DoD established the SOC to identify corrective actions. It was tasked with reviewing and overseeing the implementation of the recommendations of the various task forces and study groups which were established to study problems related to the transitioning of seriously injured servicemembers. Today, the SOC and its supporting staff continue to work toward implementing policies and procedures to streamline and expedite joint efforts to provide seriously injured servicemembers and veterans with the best care available.

The SOC is currently co-chaired by the Deputy Secretary of Defense and the Deputy Secretary of Veterans Affairs. It brings together the most senior VA and DoD officials on a regular basis to ensure that the decisions designed to improve care, recovery, rehabilitation and reintegration of seriously injured servicemembers are made in a timely and efficient manner. It is supported by a full-time joint VA and DoD staff that is responsible for coordinating, integrating and synchronizing the activities of the Committee.

The Administration's current plan is for the SOC to hand over its responsibilities next January to the existing VA and DoD Joint Executive Council. However, the Joint Executive Council has neither a full time staff nor the equivalent involvement of senior VA and DoD officials. The JEC staff has neither the resources nor the leverage within the individual Departments to carry out the essential work that the SOC has managed. Veterans' organizations who testified at the April 23, 2008, Senate Veterans' Affairs Committee hearing support the need to extend the SOC rather than transfer responsibilities to the Joint Executive Council.

Although I am pleased with the progress that has been achieved over the past year on improving VA and DoD cooperation and collaboration, much work remains. I am concerned that, in the future, without the full weight of VA and DoD leadership behind these activities, an ongoing commitment to solving the problems related to the goal of seamless transition and a full time staff to track implementation, there is a very real risk of returning to the bureaucratic lethargy which contributed to the Walter Reed scandal. We have come too far to return to those days.

I am a firm believer in the adage that what the boss checks is what gets done. To make sure the boss—in this case, the Secretaries of Veterans Affairs and Defense—keep an eye on coordination and cooperation between the two departments, I am introducing this legislation to provide the two Secretaries with authority to extend the work of the SOC for 3 years, to ensure the continued existence of a joint body that will serve as the single point of contact for the oversight, strategy and integration of policies and procedures pertaining to the seriously injured.

With the upcoming change in Administration, there can be no wavering on the high level of attention that the Departments have brought to issues of coordination and cooperation. I am committed to sustaining this effort for as long as there are servicemembers in combat.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Oversight Committee Extension Act of 2008".

SEC. 2. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until September 30, 2011.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after September 30, 2011. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after September 30, 2011, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term "Senior Oversight Committee" means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007 to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serve as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

By Mr. AKAKA:

S. 2926. A bill to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing legislation concerning the nonprofit research and education corporations—NPCs—that serve the Department of Veterans Affairs. These organizations provide essential support to research and education at VA facilities around the country. My legislation will amend the law which authorizes NPCs so as to better reflect their mission and the needs of VA, as well as strengthen control and oversight of these entities.

The legislation which authorizes NPCs was enacted in 1988 to allow the establishment of these entities as flexible funding mechanisms for the conduct of research and education at VA medical centers. In 2006, 85 NPCs expended $227 million in support of over 5,000 VA research and education programs. NPCs give VA the opportunity to access and manage research funds from sources outside of VA, while maintaining VA oversight.

Twenty years have passed since the inception of NPCs, and it is time to update the law governing their operation. VA's research needs have shifted and the function of NPCs has evolved. I will highlight a few of the corrections this legislation would make.

NPCs are nonprofit 501(c)(3) organizations that are entirely dedicated to serving VA research. They efficiently administer VA research funds, and provide access to some funds that VA would otherwise be unable to access. Unfortunately, given their close affiliation with VA, and due in part to various state laws, NPC nonprofit status is in some situations unclear. My legislation would explicitly identify the nonprofit status of NPCs under IRS code. It would also make clear that NPCs are not owned or controlled by the U.S. Government, and are not agencies or instrumentalities of the U.S.

As the utility and appeal of NPCs have grown, their numbers have expanded. While this growth is positive, it is not always efficient or feasible for a medical center to establish and manage its own NPC. The legislation would create authority for multi-medical center NPCs to be shared among a number of medical centers. Condensing numerous NPCs into one would retain the local affiliations that make them valuable and effective, but would achieve greater efficiency and economy of scale by combining administrative resources.

The legislation would make additional adjustments in other areas. It would expand VA's oversight capability. It would clarify existing authority for NPCs to transfer funds among medical centers, and it would clarify reimbursement processes. It would also modify the required composition of NPC governance boards, to allow individuals with a wider range of expertise to serve.

I believe these proposed changes would facilitate better working relationships between NPCs and VA, thereby achieving better support of VA research and education. I am confident that these provisions will make an effective source of support for VA even stronger.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 534—DESIGNATING THE MONTH OF MAY 2008 AS "NATIONAL DRUG COURT MONTH"

Mr. BIDEN (for himself, Mr. LEVIN, Ms. STABENOW, Mr. KOHL, Mr. MENENDEZ, Mr. GRASSLEY, Mr. DURBIN, Mr. CASEY, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 534

Whereas drug courts provide focus and leadership for community-wide partnerships, bringing together public safety and public health professionals in the fight against drug abuse and criminality;

Whereas 60 percent to 80 percent of drug offenders sentenced to prison and over 40 percent sentenced to probation recidivate, and whereas fewer than 17 percent of drug court graduates recidivate;

Whereas the results of more than 100 program evaluations and at least 3 experimental studies have yielded evidence that drug courts greatly improve substance abuse treatment outcomes, substantially reduce crime, and produce significant societal benefits;

Whereas drug courts transform over 120,000 addicts each year in the adult, juvenile, and family court systems into drug-free, productive citizens;

Whereas judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement and community supervision personnel, researchers and educators, national and community leaders, and others dedicated to drug courts and similar types of treatment programs are healing families and communities across the country; and

Whereas the drug court movement has grown from the 12 original drug courts in 1994 to over 2,000 operational drug courts as of December 2007: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of May 2008 as "National Drug Court Month";

(2) encourages the people of the United States and interested groups to observe the month with appropriate ceremonies and activities;

(3) encourages leaders across the United States to increase the use of drug courts by instituting sustainable drug courts and other treatment-based alternatives to prison in all 3,143 counties in the United States, which serve the vast majority of the highest-need citizens in the justice system; and

(4) supports the goal of robustly funding the Drug Court Discretionary Grant Program and other treatment-based alternatives to prison in order to expand these critical criminal justice programs.

Mr. BIDEN. Mr. President, today I rise to introduce a resolution marking May 2008 as National Drug Court Month. The more than 2,000 drug courts that currently operate across the country are critical to curbing drug use, reducing recidivism, and turning non-violent prisoners into law abiding and productive members of our society.

Drug courts closely supervise non-violent drug offenders as they address their addiction or substance abuse problem. When they graduate from the program they are clean, sober and better prepared to participate productively in society. In order to graduate from most drug court programs, participants are required to finish high school or obtain a GED, hold down a job, as well as maintain financial obligations including drug court fees and child support payments. A sponsor is also required to help ensure they stay on track.

In 1994, I wrote the law that created the drug courts program because we believed that the programs they oversee were cost-effective, innovative alternatives to prison that would reduce crime and deal with non-violent offenders who are in desperate need of treatment. It turns out we were right. A 2005 report from the Government Accountability Office found that drug court program participants were less likely to be rearrested or reconvicted than those who did not participate in drug court programs. The report also concluded that a conservative estimate of the net benefits to society of sending a non-violent offender throug drug court program ranges from about $1,000 per participant to about $15,000. There is just no question that these alternative to prison programs not only work, but also make great financial sense.

Treating non-violent offenders through drug court-monitored programs and other alternatives to prison treatment programs provides them with an opportunity to turn away from drugs and to get on the path to be healthy, contributing members of society. It also helps to reduce America's exploding prison population: more than 2.3 million people are in prisons and jails across the U.S.; 1 in 100 adults in the United States are behind bars. It costs an average of nearly $24,000 to imprison an individual. Drug courts can reduce the financial burden on State and local budgets.

I hope that National Drug Court Month raises awareness about the importance of drug courts and other alternatives to prison treatment-based programs. I ask my colleagues to join me in commending these programs and urging state, local and Federal officials to help expand and robustly fund these treatment programs throughout the country.

SENATE RESOLUTION 535—RECOGNIZING APRIL 28, 2008, AS "NATIONAL HEALTHY SCHOOLS DAY"

Mr. REID (for Mrs. CLINTON (for herself, Mr. KERRY, Mr. BAYH, Mr. FEINGOLD, Mr. KENNEDY, Mr. SANDERS, and Mr. CASEY)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 535

Whereas over half of schools in the United States have problems linked to indoor air quality;

Whereas children are more vulnerable to environmental hazards as they breathe in more air per pound of body weight due to their developing systems;

Whereas children spend an average of 30 to 50 hours per week in school;

Whereas poor indoor environmental quality is associated with a wide rage of problems that include poor concentration, respiratory illnesses, learning difficulties, and cancer;

Whereas research suggests that children attending schools in poor condition score 11 percent lower on standardized tests than students who attend schools in good condition;

Whereas an average of 1 out of every 13 school-age children has asthma, the leading cause of school absenteeism, accounting for approximately 14,700,000 missed school days each year;

Whereas 17 separate studies all found positive health impacts from improved indoor air-quality, ranging from 13.5 percent up to 87 percent improvement;

Whereas our Nation's schools spent approximately $8,000,000,000 on energy costs in the last school year, causing officials to make very difficult decisions on cutting back much needed academic programs in efforts to maintain heat and electricity;

Whereas healthy and high performance schools designed to reduce energy and maintenance costs, provide cleaner air, improve lighting, and reduce exposures to toxic substances provide a healthier and safer learning environment for children and improved academic achievement and well-being;

Whereas green and healthy schools save on average $100,000 per year on energy costs, enough to hire 2 teachers, buy 200 new computers, or purchase 5,000 new textbooks;

Whereas converting all the Nation's schools to green schools would reduce carbon dioxide emissions by 33,200,000 metric tons;

Whereas Congress has demonstrated its interest in this compelling issue by including the Healthy High-Performance Schools Program in the No Child Left Behind Act and the Energy Independence and Security Act of 2007; and

Whereas our schools have the great responsibility of guiding the future of our children and our Nation: Now, therefore, be it

Resolved, That the Senate recognizes April 28, 2008, as "National Healthy Schools Day".

Mrs. CLINTON. Mr. President, today is National Healthy Schools Day—established to build awareness and promote healthy school environments for our children and school personnel.

Many organizations—including the Healthy Schools Network in New York—have worked together over the years to educate their communities as well as local, State, and Federal elected officials of the conditions that many of our children and teachers are subjected to on a daily basis. I strongly believe the work of these organizations is crucial in fostering the development and well being of our Nation's children. That is why I am proud to join them in this effort as the sponsor of resolution recognizing April 28, 2008 as National Healthy Schools Day. By recognizing this day, Congress can promote healthy school environments for all children, teachers, principals, and school staff.

Over half of our Nation' schools have environmental problems linked to poor indoor air quality AQ. Poor IAQ can cause a wide range of academic problems for the millions of children attending these schools, including lack of concentration, respiratory illnesses, learning difficulties, and even cancer. Furthermore, millions of school absences each year are attributed to health problems caused by poor IAQ or other unhealthy school environments.

It is imperative that we address these problems. From holding demonstrations on healthy cleaning practices to conducting workshops on how to design a healthy, high-performance school, the Healthy Schools Network along with other partner organizations will provide practical ways to make our schools healthier, safer learning environments for our children and teachers.

Congress has demonstrated its interest in this compelling issue by including the Healthy High-Performance Schools Program in the No Child Left Behind Act and the Energy Independence and Security Act. I encourage my colleagues to continue to fight on our children's behalf by adopting this resolution.

We must spread awareness of the environmental health of our Nation's schools. I commend those across the Nation who are using National Healthy Schools Day to do just that.

SENATE RESOLUTION 536—RECOGNIZING THE 15TH ANNIVERSARY OF THE FOUNDING OF SEEDS OF PEACE, AN ORGANIZATION PROMOTING UNDERSTANDING, RECONCILIATION, ACCEPTANCE, COEXISTENCE, AND PEACE IN THE MIDDLE EAST, SOUTH ASIA, AND OTHER REGIONS OF CONFLICT

Ms. COLLINS (for herself, Mr. LEVIN, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. CARPER, Ms. SNOWE, Mr. COLEMAN, Mr. SANDERS, Mrs. BOXER, Ms. STABENOW, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 536

Whereas Seeds of Peace, founded by John Wallach, organizes and operates a program that brings together young people and educators from regions of conflict to study and learn about coexistence and conflict resolution;

Whereas Seeds of Peace operates a summer camp in Otisfield, Maine, as well as regional programs around the world, such as the Facilitation Training Course in the Middle East, the Homestay Programs in South Asia, or the International Regional Conferences;

Whereas the first International Conflict Resolution Camp welcomed Israeli, Palestinian, Jordanian, and Egyptian youth the summer of 1993, and the camp has since expanded to involve youths from other regions of conflict, including Greece, Turkey, Cyprus, the Balkans, India, Pakistan, and Afghanistan;

Whereas Seeds of Peace utilizes the summer camp to initiate dialogue between the youth of the United States and youth from various conflict regions to dispel hatred and create religious and cultural understanding;

Whereas hundreds of educators receive training through the regional operations of Seeds of Peace to support and teach peaceful conflict resolution techniques in their classrooms, ensuring that thousands of students around the world are exposed to those techniques;

Whereas Seeds of Peace works to dispel fear, mistrust, and prejudice, which are root causes of violence and conflict, and to build a new generation of leaders who are committed to achieving peace;

Whereas Seeds of Peace reveals the human face of youth who are too often exposed to hatred, by engaging campers in both guided coexistence sessions and ordinary summer camp activities, such as sharing meals, canoeing, swimming, playing sports, and exploring creativity through the arts and computers;

Whereas the Arab-Israeli conflict, as well as India-Pakistan and Afghanistan-Pakistan tensions, are currently at critical junctures, and progress toward peace will be enhanced by the emergence of a new generation of leaders who will choose dialogue, friendship, and openness over violence and hatred;

Whereas Seeds of Peace provides year-round opportunities, through regional programming and the innovative use of technology, to enable former participants to build on the relationships forged at camp, so that the learning processes begun at camp may continue in the participants' home countries, where they are most needed;

Whereas youth graduates of the camp, known as "Seeds," currently number more than 4,000, with an additional 567 adult delegation leaders also having completed the camp programming;

Whereas this graduate network receives continued support in promoting professional cooperation;

Whereas Seeds of Peace is strongly supported by participating governments and many world leaders;

Whereas Federal funding for Seeds of Peace demonstrates the recognized importance of Seeds of Peace in promoting the foreign policy goals of the United States; and

Whereas it is especially important to reaffirm that youth must be involved in long-term, visionary solutions to conflicts perpetuated by cycles of violence: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 15th anniversary of the founding of Seeds of Peace;

(2) honors the accomplishments of Seeds of Peace in promoting understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict around the world; and

(3) recognizes Seeds of Peace as a model of hope for living together in peace and security.

SENATE RESOLUTION 537—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. LEAHY (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. DURBIN, and Mr. KOHL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 537

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas 181 peace officers across the United States were killed in the line of duty during 2007, tragically the highest yearly total since 2001;

Whereas Congress should strongly support initiatives to reduce violent crime and to increase the factors that contribute to the safety of law enforcement officers, including—

(1) better equipment and increased use of bullet-resistant vests;

(2) improved training; and

(3) advanced emergency medical care;

Whereas, every 2 days on average, 1 out of every 16 peace officers is assaulted, 1 out of every 56 peace officers is injured, and 1 out of every 5,500 peace officers is killed in the line of duty somewhere in the United States; and

Whereas, on May 15, 2008, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2008, as "Peace Officers Memorial Day", in honor of the Federal, State, and local law enforcement officers that have been killed or disabled in the line of duty; and

(2) calls on the people of the United States to observe that day with appropriate ceremonies, appreciation, and respect.

Mr. LEAHY. Mr. President, I am proud to submit today a bipartisan resolution to designate May 15, 2008, as National Peace Officers Memorial Day. Joining me in the submission of this resolution are Senators SPECTER, KENNEDY, DURBIN, and KOHL. We join in recognizing the sacrifices that law enforcement officers make each day for the American people.

This is now the twelfth year that I have been involved in offering this resolution to honor the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. For many years I submitted this resolution with my old friend and our former colleague Senator Campbell, a former deputy sheriff. Both Senator Campbell, and I, as a former prosecutor, know well the risks faced by law enforcement officers every day while they serve and protect the American people.

We do not thank our Nation's law enforcement officers enough for the sacrifices they make in order to protect all of us. State and local police officers and all of our first responders deserve our support and respect. Their role is crucial in upholding the rule of law and keeping our Nation's citizens safe and secure. They help make our democracy possible. They are our here-at-home, day-in-and-day-out, real-life heroes.

Currently, more than 900,000 men and women who guard our communities do so at great risk. Since the first recorded police death in 1792, there have been more than 18,200 law enforcement officers who have made the ultimate sacrifice. There is lots of talk about the war on crime. Our law enforcement officers are all too often the casualties in that effort.

We are fortunate in Vermont that we rank as the State with the fewest officer deaths in history, with 19 recorded. But of course that is still 19 deaths too many. The pain and the suffering and the loss associated with every one of those is difficult for anyone to even imagine.

Last year, in 2007, 181 law enforcement officers died while serving in the line of duty. That is a regrettable and significant increase from 2006. Tragically, it is the most line-of-duty deaths since 2001 and the losses from September 11 of that year.

With crime having risen during the last few years after a decade of decline, and with law enforcement officers' deaths increasing, Congress must do more to strongly support State and local law enforcement officers and agencies. Federal programs can bolster police departments and their support for line officers. We should help provide greater access to bulletproof vests, state-of-the-art technology, improved training and advanced emergency medical care. I believe that there is strength in numbers when it comes to fighting violent crime, and Congress owes it to all Americans to support the men and women who are on the front lines keeping America safe.

I am proud of the work I have been involved in to help make it safer on the beat for our officers. Back in 1998, Senator Campbell and I authored the Bulletproof Vest Grant Partnership Act in response to the tragic Carl Drega shootout on the Vermont-New Hampshire border. Two Sate troopers who lacked bulletproof vests were killed. Since then, we have successfully reauthorized this program three more times: in the Bulletproof Vest Partnership Grant Act of 2000, in the State Justice Institute Reauthorization Act of 2004, and most recently as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005. It is now authorized at $50 million per year through fiscal year 2009 to help State, tribal and local jurisdictions purchase armor vests for use by law enforcement officers.

I hope all Senators will join me to ensure that the program is fully funded for fiscal year 2009, and will also join with me to reauthorize this important program again this year. Bulletproof vests have saved the lives of thousands of officers and are a fundamental line of defense that no officer should be without. Hundreds of thousands of police officers are counting on us.

National Peace Officers Memorial Day will provide the people of the U.S., in their communities, in their State Capitals, and in the Nation's Capital, with the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by our police forces. During the week of May 15, more than 20,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades. I hope all Senators will join me in honoring their service by approving this bipartisan resolution.

SENATE RESOLUTION 538—DESIGNATING APRIL 30, 2008, AS "DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS", AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. CRAIG, Mr. LUGAR, Mr. COCHRAN, Mr. BROWN, Mr. DURBIN, and Mr. CRAPO) submitted the following resolution; which was considered and agreed to:

S. RES. 538

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños", or "Day of the Children", on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States and are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas, according to the latest Census report, there are more than 44,000,000 individuals of Hispanic descent living in the United States, nearly 15,000,000 of which are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans", a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2008, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

SENATE CONCURRENT RESOLUTION 78—EXPRESSING THE SENSE OF CONGRESS THAT THE PEOPLE'S REPUBLIC OF CHINA AND ALL ENTERPRISES OWNED OR CONTROLLED BY THE PEOPLE'S REPUBLIC OF CHINA SHOULD MAKE PROPER DISCLOSURES WITH THE SECURITIES AND EXCHANGE COMMISSION REGARDING THE SELECTIVE DEFAULT STATUS OF CERTAIN BONDS

Mr. INHOFE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas sovereign debt obligations (in this resolution referred to as "bonds") of the Government of the People's Republic of China were offered and sold in the United States capital markets;

Whereas the bonds constitute full faith and credit sovereign obligations of the internationally recognized Government of the People's Republic of China;

Whereas the China subsequently defaulted on the bonds;

Whereas the United States Foreign Claims Settlement Commission determined that the bonds constitute an unpaid general obligation of the Government of the People's Republic of China;

Whereas under the successor government doctrine of settled international law (establishing the continuity of obligations among successor governments), the repayment obligation for the bonds is the obligation of the Government of the People's Republic of China;

Whereas the Government of the People's Republic of China has been duly notified by representatives of the affiliated United States creditors of the demand for repayment of the bonds;

Whereas the Government of the People's Republic of China continues to refuse to repay the bonds held by United States citizens and has officially repudiated the debts; a clear violation of United States law, international law, rules and regulations of the World Bank and the International Monetary Fund, and the United Nations Charter;

Whereas the Government of the People's Republic of China honored repayment of the bonds held by British citizens while rejecting the claims of United States citizens;

Whereas the Government of the People's Republic of China, its state-owned enterprises, and other entities controlled by the People's Republic of China continue to enjoy open and unfettered access to the United States capital markets, while the Government of the People's Republic of China continues to reject the lawful claims of United States citizens;

Whereas the sales of securities in the United States capital markets issued by Chinese entities, including the Government of the People's Republic of China and its state-owned enterprises, fail to disclose both the existence of the defaulted debt of the Government of the People's Republic of China and the continued evasion of repayment of the bonds, the discriminatory treatment of United States citizens, and the People's Republic of China's repudiation of official debt;

Whereas the wrongful actions of the Government of the People's Republic of China are improperly concealed by the continuing publication of artificial "investment grade" sovereign credit rating classifications assigned to the Chinese government by the 3 primary Nationally Recognized Statistical Rating Organizations (NRSROs) and this concealment fails to conform to the published definitions of those Organizations;

Whereas the continued publication of artificial "investment grade" sovereign credit rating classifications assigned to the Government of the People's Republic of China provides an incentive to the Chinese government to avoid a negotiated settlement with United States citizens regarding China's default on its sovereign debt obligations;

Whereas the lack of transparency concerning the selective default of the Government of the People's Republic of China poses a material risk to the investing public and threatens the integrity of the United States capital markets; and

Whereas to provide relief to United States bondholders, restore transparency, uphold the rule of law, and affirm the validity of public debt contracts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the People's Republic of China and its government-owned and controlled enterprises should be required to properly disclose material information concerning the selective default status of these bonds in all prospectuses and filings with the Securities and Exchange Commission.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4578. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4578. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 715. OVERFLIGHTS IN GRAND CANYON NATIONAL PARK.

(a) In General.—Notwithstanding any other provision of law, for purposes of section 3(b)(1) of Public Law 100–91 (16 U.S.C. 1a–1 note), the substantial restoration of the natural quiet and experience of the Grand Canyon National Park (in this section referred to as the "Park") shall be considered to be achieved in the Park if, for at least 75 percent of each day, 50 percent of the Park is free of sound produced by commercial air tour operations that have an allocation to conduct commercial air tours in the Park as of the date of the enactment of this Act.

(b) Considerations.—

(1) In general.—For purposes of determining whether substantial restoration of the natural quiet and experience of the Park has been achieved in accordance with subsection (a), the Secretary of the Interior (in this section referred to as the "Secretary") shall use—

(A) the 2-zone system for the Park in effect on the date of the enactment of this Act to assess impacts relating to subsectional restoration of natural quiet at the Park, including—

(i) the thresholds for noticeability and audibility; and

(ii) the distribution of land between the 2 zones; and

(B) noise modeling science that is—

(i) developed for use at the Park;

(ii) validated by reasonable standards for conducting field observations of model results; and

(iii) accepted and validated by the Federal Interagency Committee on Aviation Noise.

(2) Sound from other sources.—The Secretary shall not consider sound produced by sources other than commercial air tour operations, including sound emitted by other types of aircraft operations or other noise sources, for purposes of—

(A) making recommendations, developing a final plan, or issuing regulations relating to commercial air tour operations in the Park; or

(B) determining under subsection (a) whether substantial restoration of the natural quiet and experience of the Park has been achieved.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 13, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the impacts of climate change on the reliability, security, economics and design of critical energy infrastructure in coastal regions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie Calabro@energy.senate.gov.

For further information, please contact Alicia Jackson at (202) 224–3607 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, April 28, 2008, at 4 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Madam President, I have a unanimous consent request that Michael Engel, a detailee to the Commerce Committee from the Federal Communications Commission; John Hennigan, a detailee to the Commerce Committee from the FAA; Pamela Friedmann, a detailee to the Commerce Committee from the Transportation Safety Administration; Harl Romine, a detailee to the Commerce Committee from the Coast Guard; and Charlotte Heike, a fellow for the Commerce Committee from the Sea Grant Fellowship, be granted the privilege of the floor on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TECHNICAL CORRECTIONS TO NATIONAL DEFENSE AUTHORIZATION ACT OF 2008

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2829 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2829) to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased to join the bipartisan group of Senators on this bill who all recognize our obligation to help those Iraqis who have assisted the United States in Iraq. This legislation will remove obstacles encountered by the Departments of

State and Homeland Security in issuing the 5,000 special visas that Congress authorized in January for those Iraqi citizens.

As part of the 2008 National Defense Authorization Act, Congress provided 5,000 special immigrant visas for Iraqis who had aided the United States as interpreters in the country. As chairman of the Judiciary Committee, I have supported these efforts. The Departments of State and Homeland Security seem stymied and unable to implement what Congress has provided. In our efforts to remove any impediment to fast implementation and address any excuse for further delays, we seek passage of this bill as well, to cut through bureaucratic stalling and technical requirements.

This administration has been woefully slow in recognizing its responsibilities not only to those Iraqis who have helped us, but to all Iraqis who have been displaced or have fled the violence still plaguing that country. The relative inaction by the administration with respect to those Iraqis whose lives are in grave danger due to their assistance of the United States is especially troubling. Action is needed now. The Judiciary Committee held its first hearing on this humanitarian problem more than 15 months ago. That hearing on the plight of Iraqi refugees was among our first, in January 2007. In the interim, the administration has continued to make promises it cannot, or will not keep with respect to the resettlement of Iraqi refugees in the United States.

The administration's failure to acknowledge the Iraqi refugee crisis is emblematic of its inability to address other serious human rights issues that are much of its own making. The injustice resulting from the administration's interpretation of the material support and terrorism related bars that were enacted following September 11, 2001, continues to deprive legitimate asylum seekers of our protection. The consequences of these laws continue to go unaddressed, despite the fact that Congress has now twice given the Department of Homeland Security the authority to alleviate the situation. While Secretary Chertoff is unwilling to use this authority to provide asylum to those who need our protection, he has repeatedly used the vast authority ceded to him by proponents of the REAL ID Act to waive landmark environmental laws in the course of constructing a border wall between the United States and Mexico.

This month, during the Judiciary Committee's oversight hearing on the Department of Homeland Security, I followed up by asking Secretary Chertoff about his Department's lack of progress on implementing the authority Congress has given to him to remedy the material support and terrorism bars. At that time, I challenged him to fulfill the goal of legislation I authored and Congress enacted to provide relief to individuals such as Saman Kareem Ahmad, who received a commendation from General Petreaus for his work on behalf of the United States in Iraq and instructs U.S military personnel in preparation for service in Iraq. Although Mr. Ahmad was granted asylum, his application for a green card was denied because the organization with which he had once served, the Kurdistan Democratic Party, was deemed a "terrorist organization" by DHS. I urged Secretary Chertoff to use the authority he has been given to ensure that individuals like Mr. Ahmad were not denied a place in the United States because of inflexible and expansive readings of the so-called "material support" bar. I hope the administration takes the opportunity Congress has given it to correct this wrongheaded policy and practice. It is long past the time for this administration to take action and acknowledge the severe humanitarian consequences of its policies, whether in Iraq, or at our shores where the persecuted are seeking refuge.

Providing for the safety of our Iraqi allies is only one aspect of an increasingly severe humanitarian crisis in Iraq. Refugees International recently reported that in the vacuum left by the failure of the Iraqi government to address the plight of millions of its internally displaced citizens, various non-state militias are providing assistance to those who are suffering. By the report's account, these militias are finding fertile ground for recruiting among this population, with the Shiite Sadrist movement now being the "main service provider" to displaced Iraqis. We have been pressing the administration for some time to acknowledge this crisis and to make increased efforts to assist those Iraqis who have been internally displaced or who have left the country. Now we learn that the dangers associated with the administration's failure to recognize the magnitude of this crisis go beyond the terrible human cost that has resulted and threaten to undermine any efforts to bring positive change to Iraq.

The bill the Senate approves today will be another effort to encourage this administration to fulfill its obligations to those who have sacrificed significantly to assist the United States. It is my hope that this will end the unacceptable delays and provide long overdue relief.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2829) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO PROVISION GRANTING SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

Section 1244(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in paragraph (1), by striking "each of the five years beginning after the date of the enactment of this Act" and inserting "fiscal years 2008 through 2012"; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking "ONE THROUGH FOUR" and inserting "2008 THROUGH 2011"; and

(ii) by striking "one through four" and inserting "2008 through 2011"; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i)—

(I) in the subparagraph heading, by striking "FIVE AND SIX" and inserting "2012 AND 2013";

(II) by striking "the fifth fiscal year beginning after the date of the enactment of this Act" and inserting "fiscal year 2012"; and

(III) by striking "the sixth fiscal year beginning after such date" and inserting "fiscal year 2013"; and

(ii) in each of clauses (i) and (ii), by striking "the fifth fiscal year" and inserting "fiscal year 2012".

SEC. 2. AUTHORITY TO CONVERT PETITIONS DURING TRANSITION PERIOD.

(a) IN GENERAL.—The Secretary of Homeland Security or the Secretary of State may convert an approved petition for special immigrant status under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) with respect to which a visa under such section 1059 is not immediately available to an approved petition for special immigrant status under section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) notwithstanding any requirement of subsection (a) or (b) of such section 1244 but subject to the numerical limitations applicable under subsection (c) of such section 1244, as amended by this Act.

(b) DURATION.—The authority under subsection (a) shall be available only with respect to petitions filed before October 1, 2008.

HONORING THE PRIME MINISTER OF IRELAND

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 708, S. Con. Res. 74.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 74) honoring the Prime Minister of Ireland, Bertie Ahern, for his service to the people of Ireland and to the world and welcoming the Prime Minister to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 74) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 74

Whereas the Members of the Senate and the House of Representatives are saddened that the Prime Minister of Ireland, Bertie Ahern, has announced that he will resign on May 6, 2008;

Whereas Prime Minister Ahern has served the people of Ireland with distinction for many years and has been an extraordinary friend to the United States throughout his years in office;

Whereas, during his extensive period of public service, Prime Minister Ahern has made significant contributions to an unprecedented era of peace, prosperity, and progress in Ireland;

Whereas Prime Minister Ahern entered politics in 1977 and has been elected 10 times in the past 31 years by the people of Dublin Central;

Whereas Prime Minister Ahern was elected leader of Fianna Fáil in 1994 and became Prime Minister in 1997;

Whereas Prime Minister Ahern is the second-longest-serving Taoiseach, or Prime Minister, in the history of Ireland, and the second-longest-serving leader of Fianna Fáil;

Whereas Prime Minister Ahern is the first Taoiseach since 1944 to be elected on 3 successive occasions;

Whereas Prime Minister Ahern has been fully committed to strengthening the economy of Ireland and, under his leadership, Ireland became more prosperous than at any time in the history of the country and became world-renowned as the "Celtic Tiger";

Whereas the people of Ireland have benefitted from a significantly improved quality of life during Prime Minister Ahern's service as Taoiseach;

Whereas Prime Minister Ahern promised years ago that one of his highest priorities was to end the decades-long cycle of hatred and violence in Northern Ireland;

Whereas Prime Minister Ahern kept that promise and worked assiduously to achieve the peace that Northern Ireland enjoys today;

Whereas the former Prime Minister of the United Kingdom, Tony Blair, described Prime Minister Ahern as a "remarkable leader" and stated that Prime Minister Ahern "will always be remembered for his crucial role in bringing about peace in Northern Ireland, [and] for transforming relations between Britain and the Irish Republic"; and

Whereas Prime Minister Ahern will address a joint session of Congress on April 30, 2008: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) the Prime Minister of Ireland, Bertie Ahern, has been a strong and effective leader for the people of Ireland and a good friend to the United States;

(B) the skillful leadership of Prime Minister Ahern was indispensable in finally achieving a successful resolution of the long-standing conflict in Northern Ireland; and

(C) the legacy of Prime Minister Ahern is clear and his contribution to peace is enormous;

(2) Congress thanks Prime Minister Ahern on behalf of the people of the United States, wishes him well, and hopes his unique talents will be of service in resolving conflicts elsewhere in the years ahead in our divided world; and

(3) the Members of the Senate and the House of Representatives look forward to paying fitting and fond tribute to Prime Minister Ahern when he addresses a joint session of Congress on April 30, 2008.

TO COMMEND PUBLIC SERVANTS DURING PUBLIC SERVICE RECOGNITION WEEK

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 704, S. Res. 497.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 497) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution (S. Res. 497) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 497

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 5 through 11, 2008, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 24th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

SUPPORTING UKRAINE AND GEORGIA BECOMING MEMBERS OF NATO

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 710, S. Res. 523.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 523) expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I further ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 523) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 523

Whereas, prior to the Bucharest Summit in April 2008, the Government of Georgia and the Government of Ukraine each expressed the desire to join the North Atlantic Treaty Organization (NATO), have committed their countries to programs of reforms consistent with membership in the Euro-Atlantic community, and have worked consistently for membership in NATO; and

Whereas, in April 2008 at the Bucharest Summit, the assembled leaders of NATO issued the following statement: "NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. We agreed today that these countries will become members of NATO. Both nations have made valuable contributions to Alliance operations. We welcome the democratic reforms in Ukraine and Georgia and look forward to free and fair parliamentary elections in Georgia in May. MAP is the next step for Ukraine and Georgia on their direct way to membership. Today we make clear that we support these countries' applications for MAP. Therefore we will now begin a period of intensive engagement with both at a high political level to address the questions still outstanding pertaining to their MAP applications. We have asked Foreign Ministers to make a first assessment of progress at their December 2008 meeting. Foreign Ministers have the authority to decide on the MAP applications of Ukraine and Georgia.": Now, therefore, be it

Resolved, That the Senate—

(1) supports the declaration of the Bucharest Summit, which stated that Ukraine and Georgia will become members of NATO;

(2) reiterates its support for the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership; and

(3) urges the foreign ministers of NATO member states at their meeting in December 2008 to consider favorably the applications of the governments of Ukraine and Georgia for Membership Action Plans.

HONORING SMALL BUSINESS OWNERS DURING NATIONAL SMALL BUSINESS WEEK

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the Small Business Committee be discharged from further consideration of S. Res. 524, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 524) honoring the entrepreneurial spirit of the owners of small business concerns in the United States during National Small Business Week, beginning April 21, 2008.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 524) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 524

Whereas the 26,800,000 small business concerns in the United States are the driving force behind the Nation's economy, creating more than ⅔ of all net new jobs and generating more than 50 percent of the Nation's nonfarm gross domestic product;

Whereas small business concerns represent 99.7 percent of all businesses and employ 50 percent of the Nation's workforce;

Whereas small business concerns represent 97 percent of all exporters and produce 28.6 percent of exported goods;

Whereas small business concerns are the Nation's innovators, advancing technology and productivity;

Whereas the resilience, vitality, and growth of small business concerns are critical to the Nation's competitiveness during a time of economic downturn;

Whereas Congress established the Small Business Administration in 1953, to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free competitive enterprise, to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Federal Government be placed with small business concerns, to ensure that a fair proportion of the total sales of Government property be made to such small business concerns, and to maintain and strengthen the overall economy of the Nation;

Whereas for over 50 years, the Small Business Administration has provided aid and assistance to millions of entrepreneurs who have succeeded in achieving the American dream of owning a small business concern, and thus has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning April 21, 2008, as National Small Business Week: Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of the owners of small business concerns in the United States during National Small Business Week, beginning April 21, 2008;

(2) honors the efforts and achievements of the owners and employees of small business concerns, whose hard work, commitment to excellence, and willingness to take a risk, have made them a crucial part of the Nation's economy;

(3) recognizes that small business concerns are essential to restoring the Nation's economic health;

(4) recognizes the vital role of the programs of the Small Business Administration and the work of its employees and its resource partners in providing assistance to entrepreneurs and the owners of small business concerns;

(5) strongly urges the President to take steps to ensure that—

(A) reasonable rules relating to the procurement program for women-owned small business concerns under section 8(m) of the Small Business Act (15 U.S.C. 637(m)) are expeditiously implemented to give women business owners a fair opportunity to compete for Federal contracts;

(B) small business concerns have access to quality affordable health insurance;

(C) the needs of veterans and reservists who own their own businesses, who work for small business concerns, or want to start their own businesses, are met during deployment and upon their return from duty;

(D) proper measures are enacted to provide a stimulus for business lending during this economic downturn;

(E) the tax burdens of small business concerns are reduced, and that there is a reduction in regulatory and bureaucratic barriers;

(F) small minority owned businesses are supported in their efforts to access the Federal marketplace and gain access to capital;

(G) small business concerns have the tools to become more energy efficient to survive rising costs of energy, increase profits, and reduce the Nation's reliance on foreign oil;

(H) all Federal agencies adhere to the contracting goals for small business concerns, including the goals for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, small business concerns owned and controlled by socially and economically disadvantaged individuals, and HUBZone small business concerns;

(I) venture capital and small business loans, including microloans and guaranteed loans that are delivered through private lenders, for start-up firms and growing small business concerns are available to all qualified small business concerns; and

(J) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as small business development centers, women's business centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to do their jobs; and

(6) urges that the Administrator of the Small Business Administration have an active role as a member of the President's Cabinet.

RECOGNIZING THE 15TH ANNIVERSARY OF THE FOUNDING OF SEEDS OF PEACE

Ms. KLOBUCHAR. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 536 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 536) recognizing the 15th anniversary of the founding of Seeds of Peace, an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 536) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 536

Whereas Seeds of Peace, founded by John Wallach, organizes and operates a program that brings together young people and educators from regions of conflict to study and learn about coexistence and conflict resolution;

Whereas Seeds of Peace operates a summer camp in Otisfield, Maine, as well as regional programs around the world, such as the Facilitation Training Course in the Middle East, the Homestay Programs in South Asia, or the International Regional Conferences;

Whereas the first International Conflict Resolution Camp welcomed Israeli, Palestinian, Jordanian, and Egyptian youth the summer of 1993, and the camp has since expanded to involve youths from other regions of conflict, including Greece, Turkey, Cyprus, the Balkans, India, Pakistan, and Afghanistan;

Whereas Seeds of Peace utilizes the summer camp to initiate dialogue between the youth of the United States and youth from various conflict regions to dispel hatred and create religious and cultural understanding;

Whereas hundreds of educators receive training through the regional operations of Seeds of Peace to support and teach peaceful conflict resolution techniques in their classrooms, ensuring that thousands of students around the world are exposed to those techniques;

Whereas Seeds of Peace works to dispel fear, mistrust, and prejudice, which are root causes of violence and conflict, and to build a new generation of leaders who are committed to achieving peace;

Whereas Seeds of Peace reveals the human face of youth who are too often exposed to hatred, by engaging campers in both guided coexistence sessions and ordinary summer camp activities, such as sharing meals, canoeing, swimming, playing sports, and exploring creativity through the arts and computers;

Whereas the Arab-Israeli conflict, as well as India-Pakistan and Afghanistan-Pakistan tensions, are currently at critical junctures, and progress toward peace will be enhanced by the emergence of a new generation of leaders who will choose dialogue, friendship, and openness over violence and hatred;

Whereas Seeds of Peace provides year-round opportunities, through regional programming and the innovative use of technology, to enable former participants to build on the relationships forged at camp, so that the learning processes begun at camp may continue in the participants' home countries, where they are most needed;

Whereas youth graduates of the camp, known as "Seeds", currently number more than 4,000, with an additional 567 adult delegation leaders also having completed the camp programming;

Whereas this graduate network receives continued support in promoting professional cooperation;

Whereas Seeds of Peace is strongly supported by participating governments and many world leaders;

Whereas Federal funding for Seeds of Peace demonstrates the recognized importance of Seeds of Peace in promoting the foreign policy goals of the United States; and

Whereas it is especially important to reaffirm that youth must be involved in long-term, visionary solutions to conflicts perpetuated by cycles of violence: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 15th anniversary of the founding of Seeds of Peace;

(2) honors the accomplishments of Seeds of Peace in promoting understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict around the world; and

(3) recognizes Seeds of Peace as a model of hope for living together in peace and security.

CELEBRATING YOUNG AMERICANS

Ms. KLOBUCHAR. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 538 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 538) designating April 30, 2008 as "Dia de los Ninos: Celebrating Young Americans," and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, it is with great pleasure that I support this resolution designating the 30th day of April 2008 as "Día de los Niños: Celebrating Young Americans." Over the years, the Senate has passed seven similar resolutions in recognition of the young people throughout our country.

Nations throughout the world, and especially within Latin America, celebrate Día de los Niños every April 30th, in recognition and celebration of their country's future, their children. Many American Hispanic families continue the tradition of honoring their children on this day by celebrating Día de los Niños in their homes.

The designation of April 30 as a day to honor the children of our Nation will continue to affirm for the people of the United States the significance of family, education, and community. This special recognition of children will provide them with an opportunity to reflect on their future aspirations and find comfort and security in the support of their family members and communities. This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies and activities.

I am joined in introducing this resolution by a bipartisan group of Senators that includes Senators MENENDEZ, CRAIG, LUGAR, COCHRAN, BROWN, DURBIN, and CRAPO. I urge the remainder of my colleagues to lend their support.

Ms. KLOBUCHAR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 538) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 538

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños", or "Day of the Children", on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States and are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas, according to the latest Census report, there are more than 44,000,000 individuals of Hispanic descent living in the United States, nearly 15,000,000 of which are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans", a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2008, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

MEASURE READ THE FIRST TIME—H.R. 5715

Ms. KLOBUCHAR. I understand that H.R. 5715 has been received from the House and is at the desk. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

Ms. KLOBUCHAR. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, APRIL 29, 2008

Ms. KLOBUCHAR. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, April 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 2881, FAA reauthorization; that all time during any period of morning business, recess, or adjournment count against cloture and the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Ms. KLOBUCHAR. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator SESSIONS. I wish to again thank Senator SESSIONS. I did not realize that this closing moment would take so long. I appreciate his patience.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama.

ENERGY

Mr. SESSIONS. Mr. President, I thank the Chair and Senator KLOBUCHAR for her comments. These things just take time. I fully understand that.

I would share with her a question as to why we would continue to pour large amounts of petroleum into our Reserve when we are clearly at high, even peak prices that seems to me not a good idea. It would help relieve some pressure on price and on supply if we were to suspend that. I also share her concern that on the world market, we are not in a free marketplace. Those experts who said they thought the price ought to be $50, $55 a barrel, I don't know what the prices ought to be, but I know OPEC meets and decides what the production level will be. As a prosecutor myself, that is a cartel. That is price fixing, as I understand it. Somehow, we need to make it a part of our sustained national policy to stand up to this.

In one sense, what OPEC does when they drive up the price by limiting production, what they are doing is taxing the United States of America. They just decide how much they are going to tax us for the oil we use. One expert has said that the cost of producing a barrel of oil in those fabulous oil sands in Saudi Arabia is less than $10 a barrel. So we see what the profit margin is when it hits $120 a barrel on the world market. Many factors are in it. I know the decline in the dollar and other factors are involved.

But I just want to say that I do think we are moving into a new era of government-controlled oil more than we ever have. Most people think oil companies control it. But recent studies show about 85 percent of oil is owned by nation states. For example, Mexico owns all of its oil and will not allow private industry to participate in its extraction. Because the Government is inefficient and unproductive, their production has fallen, whereas Mexico has huge reserves. Venezuela's production has fallen. Aramco, the Saudi Arabian company, owns theirs, and their production has fallen. As a result, we continue to see shortages on the world market, driving prices up, allowing certain people who are clever and smart and who have invested wisely or aggressively to make billions of dollars.

We have a serious energy problem in the United States. The high costs are impacting the lives of American citizens and farmers and others. There was an article in a local paper—I believe the Mobile Press Register—that I saw today where an individual who has a shrimp boat parked his boat at the dock and said: If the price of shrimp doesn't go up or the price of fuel drop, I cannot make a profit. There is no way I can go out and do this. He docked his boat. There was a similar article in the Florence Times talking about farmers and the increasing cost farmers see from the fuel they use.

Increased demand from India, Southeast Asia, South America, with decreased production around the globe, has created the opportunity for prices and profits to grow for certain people who are wisely positioned.

During my last trip to Alabama for a week, I had townhall meetings and visited with people throughout the State. Energy prices were the No. 1 thing people talked to me about. It is having a real impact on their family budget. The price of regular unleaded gasoline climbed to $3.50 a gallon. A year ago, it was $2.84, and 2 years ago, it was $2.74. That is a 28-percent increase in 2 years. This helps explain the economic doldrums and slowdown we are in. The typical American family with two cars is paying about $750 to $1,000 more per year for the same amount of fuel they were buying the previous year. That represents $70, $80 a month of disposable income that previously they could use for other things for their family. It is now going to buy the same amount of fuel they were using the year before or 2 years before. This represents a huge economic hit to the American family.

There is another adverse, serious problem for America as a nation: More than 60 percent of the fuel we utilize in our vehicles comes from places such as Saudi Arabia and Venezuela and Russia and Mexico, some of which countries are not friendly to us. That represents a $400 billion transfer of wealth on an annual basis from this country. Businessman T. Boone Pickens, in a recent interview in the American Spectator, referred to this as "the greatest transfer of wealth in the history of mankind." That is a pretty smart guy. He is an oil man himself. He said we have to do something about this. It is not something we can just ignore.

Of course, there is no silver bullet to solving the problems, but there are some basic principles we should respect. We must increase supplies in our own country, increase production in our country, which we certainly can do and which I regret to say we have attempted in this Senate and in the House more than once, to be blocked by various groups that seem to complain about high energy prices but don't want to do anything to allow us to produce more in the United States. We must conserve more energy. I supported the increased gas mileage standards which represent a substantial improvement. Maybe we can even do more. We certainly must try to use more biofuels, if we can, although under current technologies, we are reaching the limits. But I think other technology will help us in the future to expand the amount of biofuels we can use. We must use the fuel we have more efficiently.

The Government does have a responsibility to ensure that we have fairness in the world marketplace and in the American marketplace and to make sure these cartels openly fixing the price of oil do not succeed. As I will discuss in a minute, I think we should take a serious look at establishing a policy with regard to diesel fuel. I will mention that in a moment.

I know the problem for gasoline is hitting American families directly. But at this moment, I would like to share some specific thoughts about diesel fuel and those high costs.

Recent spikes in diesel fuel prices don't get a lot of attention in the media, but it has a huge impact on consumers and businessmen and truckers and shrimpers and farmers.

Today, I had the pleasure to meet with six independent truckers who are here in Washington to bring attention to the skyrocketing cost of diesel fuel. They had press conferences, and they talked to a number of people. I invited a group to come to my office.

Over-the-road trucks, 18-wheelers, heavy equipment, and agricultural trucks almost exclusively use diesel fuel. This month, diesel fuel prices climbed to $4.14 a gallon. Two years ago, it was $2.72. That is a 52-percent increase in diesel fuel, substantially greater than the increase in gasoline. That is putting a huge stress on trucking companies—independent truckers, particularly—small businesses, and farming and fishing operations.

Among automobiles and pickup trucks, 98 percent of the people drive vehicles that use unleaded gas. So you might say: I am not a trucker or a farmer. Those prices don't really affect me. But that is just not so, really. There are two ways the market for diesel fuel affects the average person's pocketbook. When diesel prices go up, the cost of transporting goods, consumer products, and food goes up. That increase is passed to consumers. Secondly, we have an opportunity, through improved diesel technology, of making diesel engines cleaner and more efficient than ever before. Mercedes, for example, Daimler-Chrysler, is offering consumers a range of vehicles with its blue tech diesel engine that is built in my home State. So we should spend a few minutes looking at our policies and how they affect diesel prices.

I hope the Energy Committee, of which I am a member, will have some hearings on this issue. It would be worth our having some time set aside exclusively to this problem. Nearly all trucks and delivery vehicles utilize diesel fuel. The price of diesel fuel affects our country in so many ways. Trucking currently uses 75 percent of the total diesel fuel used in the United States. Only 3.5 percent of the automobiles in America use diesel. But in Europe, approximately 50 percent of the automobiles are diesel. And in the United States, one action we took that may have had some impact on not using so much diesel fuel but had a good impact, perhaps, for the environment was to demand very clean, low-sulfur diesel fuel. Our diesel fuel is lower sulfur than the Europeans, and that is because of environmental reasons.

But did you know this? Diesel automobiles run approximately 30 percent farther on diesel fuel than similar gasoline-powered automobiles. Diesel engines get 30 percent better mileage than gasoline engines. Diesel-powered automobiles also get more miles per gallon even than hybrid automobiles, or about the same. Some insist it is better, but they are pretty much equal. In addition to being fuel efficient, diesel-powered automobiles emit fewer CO_2 emissions than similar hybrid and gasoline engines. A lot of people don't know that. Of course, that is why 50 percent of the automobiles in Europe, which has analyzed this more carefully than we, it appears, are now diesel. The European Union has emphasized diesel engines because it takes 30 percent less fuel to run a diesel engine.

The average price of diesel fuel used in motor vehicles has historically been lower than the price of regular gasoline. According to the Department of Energy, the average price of diesel has been higher than gasoline since 2004—as a matter of fact, substantially higher.

So for some reason, even though diesel fuel traditionally has been less expensive and requires less refining effort than gasoline, it has been averaging 64 cents a gallon more than gasoline.

Now, like I said, I believe in a free market. I am loathe for the Government to intervene. But let me ask this question: Why is that? Why? Why would a product that should be cheaper be consistently, since 2004, more expensive than the other product? I, frankly, do not know. But it does appear our country has made a determination to shift to a gasoline economy and a hybrid economy.

I think it is fabulous we are utilizing large numbers now of hybrid vehicles—large numbers. We certainly have enough on the roads today to be able to find out how well they work, to make their capabilities more sophisticated, to improve their lifespan, to improve their efficiency, to work out the bugs.

A lot of people are finding that the savings in gas alone will help pay for the somewhat more expensive hybrid engine. So I am not against the hybrid engine, and I am delighted we are leading the world in the effort to utilize hybrid engines.

What I am asking is, how have we gotten ourselves in a situation in which the less expensive diesel fuel, that gets 30 percent better gas mileage, is not readily available and is costing 64 cents more a gallon? Something is awry as far as I can see.

I say, let's get busy. Let's do something about it. Let's stand up to OPEC. Let's use every political influence and pressure we have to encourage them to increase productivity to reduce these shortages. Let's stop, at least temporarily, depositing to the petroleum reserve. Let's expand biofuels, and particularly biodiesel, which is a fabulous fuel that, unlike ethanol, is just as productive as diesel fuel and actually is even cleaner than diesel fuel.

We need to figure out how to get more production domestically from our own reserves. I will not go into the arguments we have had about ANWR, all the oil shale in the West, and offshore drilling. We simply have not done enough of it, and we still have large reserves available to us in this country. So when those reserves are produced, that wealth does not go to foreign nations but is kept within the United States, creating jobs in our country.

So we need more production, and we need to look at this question of refineries. I do not know what the problem is, but we need to ask some questions. I have already asked the Congressional Research Service and the Department of Energy some questions. But I intend to look at this more as to why we do not have sufficient diesel fuel being produced in the country and we continue to have shortages of it.

So that is what I think we need to do. I am not unaware and I understand completely that the surging cost of energy impacts working Americans directly. It hits their pocketbook. Those are the people who have the least disposable income, and it is like a hidden tax.

Yes, oil is more valuable today than it was. Mr. T. Boone Pickens, in his article, said he thought we were at a peak oil situation in the world while demands are going up worldwide. I do not know that we are yet at a total peak. I doubt we are, frankly. But we are getting close to that. So the oil is just a more valuable product. I understand that. But we need to execute the policies we know will work to help contain the price increases that are hurting Americans.

I will add this one thought: We need to be careful about cap and trade and other pieces of legislation that focus solely on CO_2 emissions because we know those actions and those pieces of legislation will only drive the cost of fuel higher. According to the Environmental Protection Agency, which has just completed a study of the cap and trade bill that the Environment and Public Works Committee just reported to the floor a month or two ago, that bill would raise the price of gasoline 50 cents a gallon. It could raise the price of electricity maybe as much as $100 a month for a family. Who is going to pay that?

So we have to be very careful when we pass cap-and-trade, global-warming-type legislation, that when we do, we do not dump huge costs on working Americans, on low-income Americans which they do not deserve and they are not justified. So I think that is a matter we will need to consider in the weeks to come.

I thank the Chair. I appreciate the opportunity to share these remarks. I appreciate very much the truckers who were in my office today. I enjoyed talking with them. They told me stories of people who are having to park their trucks and not being able to continue to work. They told me stories of people who were going to go into bankruptcy; they could not continue to make their payments.

So it is not an academic matter. It is a very real thing. We need to take action consistent with our great heritage of freedom in our country to see what we can do to confront this rising cost of energy.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned under the previous order until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:51 p.m., adjourned until Tuesday, April 29, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERIC L. BLOOMFIELD
DEBORAH L. MUELLER

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JIMMY D. SWANSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD J. SHELDON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ROBERT S. MCMASTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTOPHER S. KAPLAFKA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHARLES E. A. BAKER
LAWRENCE D. HILL
MICHAEL K. PRICE
RICHARD N. SOUCIE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RAYMOND E. CHARTIER, JR.
WILLIAM H. NISLEY II
ERIC J. TREHUBENKO
ROBIN D. TYNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT C. BUZZELL
DIEGO R. CORRAL
CLAUDE V. GALLUZZO
PATRICK R. HOLLEN
HONG C. KIM
EDUARDO E. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KEVIN G. AANDAHL
JEFFREY A. BRESLAU
EDGAR D. BUCLATIN
JANE E. CAMPBELL
HERMAN M. PHILLIPS
LYDIA R. ROBERTSON
DAVID E. WERNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID A. BONDURA
LINDA M. HUNTER
ALAN F. KUKULIES
JILL M. T. NEWTON
JOHN C. POST
JAMES V. STEVENSON
WILBURN T. J. STRICKLAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JON D. ALBRIGHT
CHRISTOPHER J. KENNEDY
ARTHUR P. PRUETT
JOHN C. SMAJDEK
NEIL E. WILLIAMS
MICHAEL W. ZARKOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES E. AULL
ANDREW L. CALDERA
BARBARA J. CODER
RONALD C. COPLEY
STEWART W. HOLBROOK
CARL R. INMAN
THOMAS W. JOHNSON
ANTHONY LAVECCHIA, JR.
CHRISTOPHER J. PAGE
ANDREA POLLARD
DAVID C. PORCARO
LAWRENCE J. STEIN
RICHARD M. STEVENSON
MICHAEL V. TREAT
DOUGLAS B. UPCHURCH
EDWARD B. WARFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHRISTIAN D. BECKER
RICHARD A. BURR
ANDREW L. CIBULA
JOHN K. GREEN, JR.
MICHELLE A. GUIDRY
ROGER W. LIGON
STEVEN D. NAKAGAWA
LUIS M. RAMIREZ
ELISA A. RANEY
ANDREW W. SWENSON
ANDREW J. WILLIAMS
DONALD L. ZWICK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM J. BROUGHAM
ROBERT A. CROWE
ALVARO F. CUELLAR
PHILLIP E. DAWSON III
MICHAEL W. GILL
PATRICIA A. GILL
WILLIAM C. GREENE
DIDIER A. LEGOFF
MARTIN RODRIGUEZ
JAMES W. SCROFANI
DOUGLAS W. SMALL
WILLIAM R. TATE
CHRISTOPHER L. WARREN
JOHNNY R. WOLFE, JR.
JEROME ZINNI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VORESA E. BOOKER
CHARLES B. CAMERON
ROBERT J. FINK
ELIZABETH S. HOSTETLER
KATHLEEN M. JANAC
CARL K. KLOTZSCHE
ANN R. KUBERA
THOMAS H. MACRAE
TERIANN SAMMIS
ROBERT C. WEITZMAN
PAT L. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DANELLE M. BARRETT
EUGENE D. COSTELLO
KATHLEEN M. CREIGHTON
BRUCE R. DEMELLO
CARRIE A. HASBROUCK
SANDRA M. JAMSHIDI
JOHN L. MACMICHAEL, JR.
VICTOR S. MALONE
SCOTT A. MARGULIS
LOURDES T. NEILAN
THOMAS E. ONEILL IV
JOSEPH B. SPEGELE
BOYD T. ZBINDEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHRISTOPHER P. ANKLAM
JEFFREY G. AUSTIN
JOHN D. BAMONTE
GRADY T. BANISTER III
JOHN T. BEAVER, JR.
STEVEN M. BENKE
MICHAEL D. BERNACCHI, JR.
STEVEN G. BETHKE
SCOTT R. BISCHOFF
CHRISTOPHER E. BOLT
ROBERT A. BORCHERT
MICHAEL E. BOYLE
DANIEL E. BOYLES
THOMAS P. BRASEK
VOLTAIRE H. BRION
BRADFORD L. BROWN

MARSHALL B. BROWN
WESLEY A. BROWN
MICHAEL BUCHANAN
DAVID L. BURNHAM, JR.
JOHN J. BURNHAM
WILLIAM S. BUTLER
JAMES W. BYERLY
WILLIAM D. BYRNE, JR.
ANTHONY F. CALIFANO
WILLIAM R. CAMPBELL
MICHAEL A. CARAMBAS
JOHN P. CARTER
DERMOT P. CASHMAN
EDWARD B. CASHMAN
CHARLES J. CASSIDY
NELSON C. CASTRO
CHARLES T. CHASE
SHOSHANA S. CHATFIELD
ANTHONY P. CHATHAM
CARL P. CHEBI
JOHN M. CLAUSEN
JAMES P. CODY
CARL R. CONTI II
JOHN M. COTTINGHAM
KEVIN M. COYNE
TODD W. CRAMER
HANS K. CROEBER
DAVID A. CULLER, JR.
DAVID C. CUTTER
MICHAEL C. DAVIS
GREGORY E. DAWSON
GEOFFREY G. DEBEAUCLAIR
WILLIAM W. DEBOW
JOSEPH A. DELEON
MOISES DELTORO III
JAMES H. DICK
JAMES J. DUKE, JR.
GREGORY T. EATON
EDWARD W. EIDSON
BURT L. ESPE
JOHN M. ESPOSITO
PAUL M. ESPOSITO
JOSEPH H. EVANS
SCOTT R. EVERTSON
TIMOTHY C. FALLER
JOHN P. FEENEY, JR.
RANDY A. FERGUSON
JAMES J. FISHER
SCOTT J. FISHER
DALE G. FLECK
DAVID P. FLUKER
JOHN V. FULLER
ARTURO M. GARCIA
ROBERT N. GEIS
DAVID A. GEISLER
STEPHEN M. GILLESPIE
HOWARD S. GOLDMAN
MICHAEL V. GOSHGARIAN
DAVID M. GROFF
MARK B. GUEVARRA
SCOTT F. GUIMOND
RICHARD E. HAIDVOGEL
IAN M. HALL
STEVEN E. HALPERN
KENNETH T. HAM
CHRISTOPHER L. HARKINS
GREGORY N. HARRIS
MICHAEL A. HEGARTY
ROBERT N. HEIN, JR.
ERIC J. HENDRICKSON
WILLIAM A. HESSER, JR.
KIRK R. HIBBERT
NELSON P. HILDRETH
JAMES R. HITT
SCOTT M. HOGAN
MICHAEL P. HOLLAND
ALAN W. HOLT II
PATRICK T. HOLUB
MARC D. HOMAN
DAVID A. HONABACH
ROBERT S. HOPKINS
SCOTT D. HORADAN
MICHAEL J. HORSEFIELD
JAMES E. HORTEN
JAMES F. HRUSKA
ROBERT E. HUDSON
DAVID W. HUGHES
BRIAN N. HUMM
RODNEY E. HUTTON
KENNETH A. INGLESBY
THOMAS E. ISHEE
JEFFREY T. JABLON
STEVEN M. JAMES
WILLIAM D. JOHNS
ERIK N. JOHNSON
KURT B. JOHNSON
MARK A. JOHNSON
MARK S. JOHNSON
NEIL A. KARNES
SHANNON E. KAWANE
PATRICK M. KELLY
KYLE R. KETCHUM
TODD A. KIEFER
THOMAS K. KISS
JOHN KROPCHO III
ERIC R. KYLE
JAMES W. LANDERS
GEORGE E. LANG, JR.
TIMOTHY K. LANGDON
BRADLEY LEE
HOWARD F. LENWAY
FRANK S. LINKOUS
CHARLES E. LITCHFIELD
ANDREW J. LOISELLE
RANDALL L. LOVELL
JAMES D. MACY
DAVID G. MANERO
VINCENT R. MARTINEZ
TODD H. MASSIDDA
LOUIS E. MAYER IV
GARY A. MAYES
WILLIAM P. MCKINLEY
KENNETH J. MCKOWN
RUSSELL T. MCLACHLAN
STEPHANIE MILLER
HUGH E. MILLS, JR.
SCOTT A. MINIUM
GARNER D. MORGAN, JR.
JAMES M. L. MORGAN
BRADFORD S. NEFF
PETER R. NETTE
MICHAEL D. NEUMANN
JAMES P. NICHOLS
FREDRICK J. NIELSEN
DEAN T. NILSEN
CATHAL S. OCONNOR
BRIAN P. ODONNELL
JAMES D. OLEARY II
DARREN M. OLSON
VICTOR M. OTT
EDWARD E. PALMER III
EUGENE F. PALUSO II
BOBBY J. PANNELL
SAMUEL J. PAPARO, JR.
ANTHONY J. PARISI
GEORGE B. PARISI
EVERETT S. PRATT
GREGORY B. PRENTISS
CHRISTOPHER G. RAPP
ROBERT E. RASMUSSEN
RONALD L. RAVELO
TIMOTHY D. REYNOLDS
CHRISTOPHER A. RHODEN
JOHN C. RING
JOHN F. RINKO
BRADLEY W. ROBERSON
JOHN L. ROBEY
CHARLES W. ROCK
JAMES A. ROICK
PHILIP H. ROOS
TIMOTHY P. RUDDEROW
ROBERT W. SANDERS
TERESA S. SANFORD
THOMAS C. SASS
PAUL E. SAVAGE
DANIEL J. SCHEBLER
RYAN B. SCHOLL
THOMAS P. SHAW
PATRICK O. SHEA
BENJAMIN A. SHEVCHUK
STEPHEN A. SHINEGO
EUGENE P. SIEVERS
DAVID J. SILKEY
DAVID W. SOMERS III
ROBERT C. SPARROCK
PAUL D. SPEAR
JOHN P. SPRINGETT
JOHN F. STEINBERGER
MICHAEL S. STEINER
WILLIAM L. STEVENS
MARK A. STURGES
WILLIAM H. SUGGS, JR.
SCOTT C. SWEHLA
TERRY R. TAKATS
MICHAEL J. TAYLOR
DOUGLAS J. TENHOOPEN
RICHARD E. THOMAS
RITCHARD R. THOMPSON
ARTHUR F. TRAHAN, JR.
OWEN M. TRAVIS
JOHN L. TREFZ, JR.
KAREN A. TSIANTAS
MARK L. TURNER
JEFFREY S. TYER
MARK S. VANYE
JOHN M. WEEKS
DAVID A. WELCH
BRIAN D. WHITTEN
SUNITA L. WILLIAMS
TED R. WILLIAMS
RICHARD K. WOOD II
DAVID L. WOODBURY
RICHARD A. WORTMAN
ERIK C. WRIGHT
JAMES R. WYATT
THOMAS M. YAMBRICK
STEVEN J. YODER

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 28, 2008, withdrawing from further Senate consideration the following nomination:

GEORGE A. KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN, WHICH WAS SENT TO THE SENATE ON JUNE 27, 2007.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 29, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

9 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine secret law and the threat to democratic and accountable government.

SD–226

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy and the U.S. nuclear weapon non-proliferation efforts.

SD–192

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–232A

10 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

10:30 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings to examine the National Reconnaissance Office (NRO)/Space Programs.

S–407, Capitol

2:30 p.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

3 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Consumer Product Safety Commission.

SD–192

Aging

To hold hearings to examine making government a model for hiring and retaining elderly workers.

SH–216

3:30 p.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior, and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.

SD–366

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Office of the Architect of the Capitol, the United States Capitol Police, and the Library of Congress.

SD–138

MAY 1

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

Energy and Natural Resources

To hold hearings to examine the adequacy of state and federal regulatory structures for governing electric utility holding companies relating to the repeal of the Public Utility Holding Company Act in the Energy Policy Act of 2005.

SD–366

Indian Affairs

To hold an oversight hearing to examine Indian energy development, focusing on regaining self-determination over reservation resources.

SD–562

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine preventing childhood injury.

SD–430

Appropriations

Military Construction and Veterans' Affairs, and Related Agencies Subcommittee

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold joint hearings to examine addressing the issue of homeless veterans in America.

SD–138

Joint Economic Committee

To hold hearings to examine how high food prices are impacting American families.

SH–216

2 p.m.

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine financial literacy for today's homebuyers.

SD–538

2:15 p.m.

Energy and Natural Resources

To hold hearings to examine the military build-up on Guam, focusing on the impact on civilian community, planning, and response.

SD–366

Judiciary

To hold hearings to examine the nominations of G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit, William T. Lawrence, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, to be United States District Judge for the District of Arizona.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Lily Fu Claffee, of Illinois, to be General Counsel, and William J. Brennan, of Maine, to be Assistant Secretary for Oceans and Atmosphere, both of the Department of Commerce.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

MAY 2

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

Joint Economic Committee

To hold hearings to examine the employment-unemployment situation for April 2008.

SD–562

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MAY 6

2 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine policing lenders and protecting homeowners, focusing on the current foreclosure crisis.

SD-226

MAY 7

9:30 a.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine reauthorization of vision for space exploration.

SR-253

Veterans' Affairs

To hold hearings to examine pending benefits legislation.

SR-418

2:30 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the state of the airline industry, focusing on the impact of the Delta/Northwest airlines merger.

SR-253

MAY 13

10 a.m.

Energy and Natural Resources

To hold hearings to examine the impacts of climate change on the reliability, security, economics, and design of critical energy infrastructure in coastal regions.

SD-366

MAY 20

10 a.m.

Energy and Natural Resources

To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109-58).

SD-366

MAY 21

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR-418

CANCELLATIONS

APRIL 30

10 a.m.

Rules and Administration

To hold hearings to examine electronic voting systems, focusing on top-to-bottom inquiries by Secretaries of State.

SR-301

SENATE—*Tuesday, April 29, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Lord in all seasons and for all reasons, help us to live lives that give You glory. Give us strength to do our duty, to stand for right and to give thanks at the remembrance of Your holiness. Help us to seek to serve rather than to be served and to treat others as we desire them to treat us.

Give wisdom and discernment to our Senators. Help them to find ways to lift people from vicious cycles of poverty, discovering the correct balance between personal responsibility and governmental intervention. And Lord, we pray today for our troops in harm's way and we pray this prayer in Your strong Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 29, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY of Pennsylvania thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if he decides to make some remarks today, we will proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

ORDER OF PROCEDURE

I ask unanimous consent the morning business hour be extended to 12:30 today, with the time to be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, if I could say to the Chair through my distinguished friend, I asked consent that we be in morning business until 12:30 to complete our conversations with our caucuses because of the bill that is coming up.

Mr. President, I ask you approve that consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 2881, the Federal Aviation Administration Reauthorization.

As a reminder, at 11 a.m. tomorrow, there will be a joint meeting of the Congress in the Hall of the House of Representatives with the Prime Minister of Ireland, Bertie Ahern.

FAA REAUTHORIZATION

Mr. REID. Mr. President, the bill we hope to start legislating on after the caucuses today is an important piece of legislation, FAA reauthorization.

Last Thursday, I met in my office with representatives of various unions that deal with the airline industry—flight attendants, mechanics, and air traffic controllers. They had some opinions as to what was going on. An hour or two later, I met with the chief executive officers of the major airlines in our country today. They were terribly concerned about what goes on. The fuel costs for these airlines is now approaching 50 percent of their overall cost. I may be a few cents wrong in my illustration, but they said: We can't compete. We pay $1.20 for a gallon of aviation fuel. In Europe they pay 70 cents. You cannot compete because the dollar has become so low in value around the world.

This is an extremely important bill. If there were ever a time we had to work in a bipartisan basis in order to approve legislation necessary to give the airline industry a chance to survive, then we must do it on this piece of legislation.

I will work with my Republican counterpart to see if we can see a way of each side offering amendments. I do not want to have to fill the so-called legislative tree. We have to be very careful. This is a tax bill. So I will have a conversation with my colleague this morning before our caucus to see if we can come up with a way to proceed on this legislation. It is very important legislation.

We have so many other things to do. We have the farm bill that is completed, basically, I understand. We are going to have to go to that soon because it expires the end of this week. We have the Consumer Products Safety Conference. That should be completed hopefully by the end of next week. We have the budget, our budget that we have to complete. Fortunately, on that, we have a statutory time to work toward its conclusion.

Whether we want it, there is going to have to be a discussion about fuel prices, what is going on. That is the No. 1 issue facing America today. It is more important now than the housing market, which is so in a state of distress.

So we have much to do in the next few weeks, not the least of which—the House is going to pass, next week, the supplemental appropriations bill dealing with the funding of the wars in Iraq and Afghanistan. It is no easy venture to complete that because, as you know, there are certain things the President wants to have on that bill that he has told us, in addition to the funding for the wars.

We have had a lot of opportunity in recent months to point fingers at each other. Hopefully, the next 4 weeks, until the Memorial Day recess, we can start pointing fingers to a way to complete some of this legislation because it is extremely important we do that. For example, we had to file cloture on this bill. I told my leadership team I met with this morning, we cannot blame that one on the Republicans because the fact is the substitute coming from the Finance Committee and the Commerce Committee had not been completed until 10 o'clock last night. So realistically we couldn't expect Republicans to start legislating on that before they had the piece of legislation themselves. But they have had it now since last night. I hope, after we have had our caucuses, we can proceed toward completing this legislation in some reasonable manner.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MEASURE PLACED ON THE CALENDAR—H.R. 5715

Mr. REID. Finally, it is my understanding that H.R. 5715 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GAS PRICES

Mr. McCONNELL. Mr. President, as we all know, the Senate voted unanimously last night to proceed to the FAA bill, despite the fact, as the majority leader indicated, at the time we voted, we had not yet received the Senate substitute. We did have a chance to receive it overnight and will now review it before proceeding. We can talk again after the respective policy lunches, at midday today, about that. It is my expectation when we do get on the bill that we, indeed, allow amendments. The majority leader has indicated that is his intention. Many on our side would like to offer amendments and there will be debate on this bill.

I would also like to point out that while the FAA is an important agency, the No. 1 issue for Americans right now, and their greater concern, is the price of gas at the pump. The price of gasoline has jumped by more than $1.25 a gallon since the beginning of the current Congress. The cost of oil has nearly tripled to $120 a barrel now. According to the AAA, the average price of a gallon of gas in Kentucky is $3.58, the highest ever. I was happy to read the majority has tasked their chairman to come up with ideas to work on this issue, but I fear the answer that comes back will be the same two-word prescription that has been offered in the past—higher taxes.

But higher taxes will only raise the price at the pump, not lower it. So while we move forward on the FAA bill, the Senate should not forget what Americans are most concerned about, the dramatic increase in pain at the pump over the last year. We should be able to stipulate at the outset that raising taxes as a way of addressing the problem is not even worth serious consideration.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GAS PRICES

Mr. DURBIN. Mr. President, it is interesting, the issues that touch the lives of people to the point where they bring them up to a Senator or Congressman. There is an issue now which, whether you live in Pennsylvania or Illinois, you are going to hear about—whether you are going to shop in a grocery store in Springfield, as I did over the weekend, or back home in church—and it is gas prices. It is understandable because this is an economic issue which hits you right between the eyes every time you drive down the street and hits you right in the pocketbook when you go to pay for gasoline. You know what is happening with the price of that commodity. You also know when something is obviously very wrong.

In my State, the average consumer is paying a record $3.71 a gallon for gasoline. There are many States paying more. Diesel fuels are even worse. The Illinois average now is $4.30 a gallon, but in some parts of America, diesel fuel costs as much as $5 a gallon.

Think about the trucker. Many of them have to live on a very slight margin, filling up the tank of that truck they are taking down the highway and putting out over $900, sometimes $1,000, to do it. For many of them, it means work extra hours, extra days, an extra week, to try to make enough to get by.

Fuel costs are approximately 2½ times what they were when President Bush took office in 2001. What a legacy this President will leave, when you take a look at energy in America today. We elect Presidents to look to the future to plan and guide America. In this situation, this administration, which was born in the oil patch, with both President Bush and Vice President CHENEY having their early roots in the business of oil companies—this administration has stood by on the sidelines and watched the cost of energy rise to record levels in America, creating hardship not just for families and individuals but small businesses as well as trucking firms—not to mention airlines, which I will mention in more detail in a moment.

When you take a look at the opportunity for economic growth in America, it is tied tightly to the cost of energy. This President has failed, in 7 years, to have an energy policy that had any vision. It was predictable that demand would increase for petroleum and crude oil in countries such as China and India; that limited resources around the world would be taxed as these economies grew, as their demand for oil grew, and as we had to compete for that oil with those other countries such as China and India. The law of supply and demand suggests that competition is going to raise the price of crude, and it has risen dramatically.

Many people say: Well, I suppose, because it has now reached $120 a barrel—as it did last week—that explains the gasoline prices I am paying, the diesel prices, and jet fuel prices. In fact, it does not. It is an oversimplification to say that is the reason. Because between the crude oil and the product you buy is a refinery, an oil company that takes the crude and converts it into the product we purchase. The difference in cost between the original barrel of crude oil and the ultimate product is called the crack spread—the cracking process at the refinery—and that has changed dramatically.

Not that long ago, the difference in cost was $1 or $2 a gallon, in terms of the refining process. Now it is up over $40 a gallon. So the refining process—between the crude oil and what you bought at the gas station—has risen dramatically in cost. Crude oil, of course, costs more. But that has risen dramatically.

That explains something else, a phenomenon which cannot be ignored. This is the week when America learns who is making money off the high gasoline costs we find at the pump. I think the answer is obvious: ConocoPhillips reported 2008 profits for its first quarter were up 17 percent, $4 billion in profits for ConocoPhillips in the first 3 months of the year.

This morning, British Petroleum, BP, announced they made $7.6 billion in profits in the first quarter of 2008. Royal Dutch Shell announced $9.08 billion in the first quarter. We are still waiting for ExxonMobil.

Understand, these are not the biggest profits in the history of the oil industry, these are the largest profits in the history of American business, some say in the history of all business throughout mankind; the largest profit taking ever. At whose expense? At the expense of consumers and families, small businesses, truckers, airlines, and our economy.

That is the reality. Would you not expect the President of the United States to call in the major leaders of these oil companies and say to them: You are destroying the economy we are counting on for America by your profit taking; you are making it impossible for this economy to grow. We are facing a recession over the housing crisis and now you are compounding this misery with your greediness and selfishness and profit taking from this economy.

That is fact. The oil companies say: Well, the problem is we do not have enough refineries. If we had more, then we would have more product and we might have a smaller spread and we would not be. Let me tell you what: Today, the refineries in America are operating at 85 percent of capacity. Do not buy this argument that it is about refineries. They have more capacity. They are holding back so they can keep their product dear and limited and short, and so the consumers will ultimately pay more.

The oil companies have been making money hand over fist as those oil prices have gone up. In 2007, the private oil industry pocketed $155 billion in profits, out of revenues of $1.9 trillion. And the largest integrated oil company, ExxonMobil, reported a profit in 2007 of $40.6 billion, record-breaking numbers.

Profits for the five largest integrated oil companies have more than quadrupled in 5 years. This deluge of profits has been so great that companies hardly know what to do with the flood of money filling their headquarters.

Do you think these profits are being reinvested in infrastructure and increasing production to ease rising prices? Are the profits being used to make it easier for us to use alternative fuel in cars and trucks? The answer is no. A good portion of their profits is being accumulated as uninvested cash. Cash holdings for the five supermajor oil companies in 2007 exceeded $52 billion; money right off your credit card into the oil company coffers that sits there earning interest. That is 279 percent greater than it was in the year 2002. Capital expenditures by the same industry for infrastructure and capacity increased by only 81 percent.

Now, some people have suggested a gas tax holiday; stop collecting the Federal gas tax. I will tell you in the first instance if American consumers are bought off with that alone, they ought to take a second look. If there is a 3-month gas tax holiday, as has been proposed, it will mean savings to consumers on average of about $25 to $30; $25 to $30 for the entire summer. Think about what you are paying for a tank of gas. If you take off the Federal gas tax, then the money is not going into the Federal trust fund to build the highways, to reduce the congestion so you do not sit in traffic burning gasoline and get to your destination. That is not a very good tradeoff. So the obvious question is, if the national gas tax is to come off and give me any savings, what am I ultimately going to pay? Who is going to pay for the money that is lost in the investment in the Federal highway trust fund? That, I think, is critical.

Last week I called on the Chairman of the Federal Trade Commission to launch an investigation into this matter. I should not have had to write that letter. The fact that a Member of Congress has to knock on the door and get a little stir inside the Federal Trade Commission and say: Anybody home? Have you noticed what is going on at gas stations across America? Why would a Member of Congress have to ask the Federal Trade Commission to do their job? But they should do their job. They should be taking a close look at the increase in gasoline prices and diesel prices and jet fuel prices.

This last week, the two biggest airlines in America, American Airlines and United Airlines, reported record losses for the first quarter because of the cost of jet fuel. In the instance of American Airlines, it was around $300 million; United Airlines, around $500 million. These are serious problems. United is going to lay off 1,000 people. That is going to hit my home State of Illinois and the City of Chicago. It is going to hurt us in terms of employment. Other airlines are facing the same squeeze because of jet fuel costs. It is the same issue as diesel fuel, the same issue as gasoline.

If America's economy is going to pull out of this recession and move forward, we need real leadership. We need the Federal Trade Commission investigating those oil companies and their profit taking. We need Congress to stand up on its hind legs and finally say "enough." And would it not be a joy to have a President who would wake up in the morning and look outside the window of the White House and see something other than Baghdad? If he looked outside the window and instead saw Chicago or Boston, or Miami, or Philadelphia, he would understand this American economy needs his attention.

As the President comes and asks us for $108 billion more for this war in Iraq with no end in sight, he is proud that he is going to leave office never changing this failed policy he instituted in Iraq, and he ignores the American economy.

A strong America begins at home. And most Americans will tell you, it begins at the gas pump. Give them affordable gasoline so this economy can grow and they can afford to meet the costs of living which continue to increase dramatically under this administration.

Unfortunately, this President has ignored it. Born in the oil patch, he has been raised to ignore the obvious. When the oil companies are taking obscene profits out of the wallets of American consumers, it not only hurts our economy, it hurts our security in this world.

I am glad 51 Senators have joined in asking President Bush to stop putting oil in the Strategic Petroleum Reserve for the remainder of this year. I wish he would listen, but he has not.

I hope we are going to move toward more research and development so we have cars and trucks that are more fuel efficient. This administration is devoid of ideas and devoid of leadership when it comes to this energy crisis. If this President would get out of the White House and visit any town in America and ask the average person what is on their mind, they would tell him: Mr. President, roll up your sleeves, focus on this country, bring down the cost of gasoline. Get energy prices under control so this economy can prosper.

AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 539 submitted earlier today by Senators REID and MCCONNELL.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 539) to authorize testimony and legal representation in State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in criminal trespass actions in Penobscot County Court in Bangor, ME. In these actions, protesters have been charged with trespassing for refusing requests by the police on March 7, 2007, to leave the Margaret Chase Smith Federal Building, which houses a number of Federal offices, including Senator SUSAN COLLINS' Bangor, ME office. Trials on charges of trespass are scheduled to commence on April 29, 2008. On April 28, 2008, a defendant subpoenaed a member of the Senator's staff who had conversations with the defendant protesters during the charged events. Senator COLLINS would like to cooperate by providing testimony from that staff member. This resolution would authorize that employee to testify in connection with these actions, with representation by the Senate legal counsel of that employee and any other employee of the Senator from whom evidence may be sought.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 539) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 539

Whereas, in the cases of State of Maine v. Douglas Rawlings (CR-2007-441), Jonathan Kreps (CR-2007-442), James Freeman (CR-2007-443), Henry Braun (CR-2007-444), Robert Shetterly (CR-2007-445), and Dudley Hendrick (CR-2007-467), pending in Penobscot County Court in Bangor, Maine, a defendant has subpoenaed testimony from Carol Woodcock, an employee in the office of Senator Susan Collins;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena. order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Carol Woodcock is authorized to testify in the cases of State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick, except concerning matters for which a privilege should he asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Carol Woodcock, and any other employee of the Senator from whom evidence may be sought, in the actions referenced in section one of this resolution.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

SMALL BUSINESS EMPOWERMENT ACT

Mr. BROWN. Mr. President, this week is the sixth annual Cover the Uninsured Week. Community organizations and foundations around the country will be hosting events to highlight the need for health reform. Across the Nation, we all know this: 47 million people lack health insurance. In my State of Ohio, 1.2 million people, 11 percent of the population, are uninsured.

It is no different in the Presiding Officer's State of Pennsylvania. But that even one American lacks health coverage is a national embarrassment. We are the wealthiest Nation in the world. We spend $2.38 trillion a year, $2.3 trillion a year in health care, but we cannot make sure that every American has health care coverage? Of course we can.

Every other industrialized nation on this Earth ensures access to coverage. We in this body have chosen not to. Last year Congress tried to provide health coverage to millions more low-income children. The House and Senate both passed bills twice to provide $35 billion over 5 years in additional funding for the State Children's Health Insurance Plan. It was the biggest bipartisan initiative to expand health care coverage in years. Twice—not once but twice—the President vetoed that legislation. We spend more than $3 billion every week in the war in Iraq. The President vetoed legislation spending $7 billion a year to insure 4 million children; $3 billion a week every week in Iraq; the President vetoed $7 billion a year to insure 4 million children. These are the sons and daughters of working parents; sons and daughters of parents in Toledo, in Mansfield, in Zanesville, who are working hard and playing by the rules.

Think about this: Since I have begun to speak a few moments ago, we have, in Iraq, spent $650,000. Yesterday in Iraq we spent $400 million. Last week in Iraq we spent $3 billion. Again, the President vetoed legislation $7 billion a year for 4 million children. It was disappointing to us as advocates for children's health insurance. But mostly it was disappointing to the parents of children around my State, in Cincinnati, from Ashtabula, from Marietta to Springfield, to Lima, parents around Ohio and around the country who need health insurance for their children.

Not only do many low-income children live without health insurance, but families whose breadwinners are self-employed or who work for small businesses struggle to get health insurance too, families such as the Coltmans of Conneaut, OH, a community in the northeast corner right across the line from Pennsylvania. The Coltmans are a large family with five children and two hard-working parents. Last year their 7-year-old son Caleb was diagnosed with leukemia. The doctors are optimistic, but treatment is wildly expensive. Last year, Kenna Coltman, Caleb's mother, left her job to work for her family business, a neighborhood grocery store. Unfortunately, this meant she had to search for new health insurance. After a long search for private insurance, the Coltmans found an affordable plan, but it was not scheduled to go into effect until August. By that time, Caleb had been diagnosed with leukemia, which was a deal breaker for the private insurer. Uninsured, facing a catastrophic illness, a parent's worst nightmare, the Coltmans had run out of options.

Kenna, the mother, a college-educated daughter herself of two Conneaut natives, recounted the experience this way.

She said: If there was absolutely any other way to get our son the care and medication he needs without totally impoverishing our family, we would do it.

In a country like ours, families should not have to worry about being thrown into abject poverty to pay for health insurance. Families want to do the right thing. They want to insure their children. They work hard, they play by the rules. But insurance is too often out of reach.

That is why today I am introducing a bill to make health insurance more viable for workers employed by small businesses. The Small Business Empowerment Act would create an insurance program for small businesses and self-employed Americans. This program is modeled after the excellent coverage that is provided to Federal workers and to Members of the House and Senate.

To keep premiums affordable, the Department of Health and Human Services would create a reinsurance mechanism to help cover high-cost enrollees. The legislation would establish a Federal commission to tackle the toughest health policy issues: how to rein in health care spending without compromising health care quality and access; how to craft an insurance package that treats all enrollees equally, regardless of what type of health care they need, which is essential; how to combat price gouging by the drug industry, the medical device industry, and the insurance industry. In other words, how to ensure our health care system is sustainable and equitable, efficient and effective. The bill was introduced to help families such as the Coltmans.

Thankfully, Caleb's current prognosis is good, and the family business seems to be turning the corner. His treatment was covered by Ohio's Medicaid I Program, another program that is crucial to providing coverage to families who are struggling; another program that is under attack by this administration as it tries to change the rules and as it cuts billions of dollars from the program.

This week and every week we need to work to keep Medicaid strong, to realize the expansion of CHIP for which we fought so hard, and to pass legislation for the self-employed and workers in small businesses. The small employer health insurance bill provides more options so that the rest of the Coltman family, including Caleb's parents, can access health insurance too. I don't want Caleb's parents in Conneaut, OH, to live in fear when their children fall down or get in an accident or catch the flu or have an allergic reaction to something they ate. They have enough on their plate already.

I look forward to working with my colleagues to protect Medicaid and the

Children's Health Insurance Program and to pass this bill.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NASA FUNDING

Mr. NELSON of Florida. Mr. President, the National Aeronautics and Space Administration is an incredible little Federal agency that has pulled off extraordinary feats and continues to do so—defying the laws of gravity, utilizing the principles of physics to do wondrous things—as we begin to continue our exploration of the heavens. But NASA is going through a very difficult time. First, NASA has been starved of funds. The National Aeronautics and Space Administration, in its human space program, has not been allocated enough money by this administration and a series of Congresses over the last several years in order to do everything they want to do. This was particularly acute earlier in this decade when we lost the second space shuttle, the Shuttle Columbia, in its breakup in the atmosphere upon reentry over Texas.

NASA spent $2.8 billion just in the recovery of that disaster and in the recovery of flight. Unlike the loss 20 years earlier of Challenger and the cost of recovery from Challenger, which was provided outside of the NASA budget, this time NASA had to eat the cost of recovery out of its operational budget, therefore leaving almost $3 billion less for NASA to operate on to do all it wants to do.

What are the things it wants to do? What do we want it to do? To fulfill the vision as enunciated several years ago by the President, that we would build a new vehicle after the space shuttle, the capsule called the Orion, the rocket called Aries, a program called Constellation that would have a new vehicle, like a capsule, like the old Apollo capsule that only carried three astronauts, that would carry six. It would be a new human vehicle to get to and from the space station, much safer than the space shuttle, more economical, but then that the program would then expand on for us to go back to the Moon by 2020 and establish a habitation on the Moon to learn from dealing in that environment, as ultimately humankind is going to go to Mars. That is the program called Constellation.

But NASA was never provided with enough money. Over the past couple of years, this Congress, this Senate has tried to provide NASA with the money. Indeed, last year we were successful in the NASA appropriations bill in getting an additional billion dollars just to partially pay back NASA for the money it had eaten out of its operating budget on the cost of recovery of the space shuttle disaster, the Space Shuttle Columbia. But when we got to the House, in the negotiations, the White House—specifically the White House budget director—would not support the additional billion dollars. The chairman of the House Appropriations Committee then insisted that it be taken out of the budget.

NASA is right back in the place where it found itself, with not enough money to do everything it is trying to do. It is like saying you want to take 10 pounds of potatoes and stuff them into a 5-pound potato sack. It doesn't fit.

Hopefully, the new President will understand this. Does America want a successful space program and does America want a successful human space program complementary to those robotic spacecraft that do so many successful things? I think the answer is clearly yes. We have always had the high ground. This country's technological achievements have always kept us at the cutting edge as the leader in the world.

Remember when the Soviets surprised us by putting up the first satellite sputnik, and we were scrambling to catch up. Remember when they surprised us and put the first human, Yuri Gagarin, into orbit and that surprised us. And we hadn't even gotten Alan Shepard up in suborbit, and it was 10 months later before we could get the first American in orbit, former Senator John Glenn, one of the great heroes of this country.

After that, then our resolve, the Nation's focus, a Presidential declaration by a young President who said: We are going to the Moon and return. With all of that combined, along with a space race with the Soviet Union, we clearly became the leader. The spinoffs from that program into everyday life, the technological achievements—Velcro, microminiaturization, new products, a lot of the modern miracles of medicine—are direct spinoffs from the research and development of the space program. When going to the Moon, we had to have highly reliable systems that were small in volume and light in weight. That led to a microminiaturization revolution of which we are all beneficiaries today.

The question is, Are we going to retain that leadership in space? Yet if we keep bleeding NASA of resources, we are not going to be able to. We are already facing a situation where we will not have human access to space for 5 or 6 years, when the space shuttle is shut down in 2010, and the Administrator of NASA tells us that we are not going to be able to fly the new vehicle Orion with humans until the year 2015, if that. What does that mean to us? It means we have a $100 billion investment in orbit right now called the International Space Station that is supposed to be used for scientific research, and we are not even going to have an American vehicle to get there for 5 or 6 years. That is unacceptable.

How are we going to get there? We are going to pay the Russians to get a ride for our American astronauts on their Soyuz vehicle which had a problem last week on reentry with a too steep reentry, a ballistic reentry, 8 Gs experienced by the cosmonaut and astronaut on board. So we are going to have to negotiate with Vladimir Putin during this 5-year period, which we are going to have to buy. We are going to be laying off American space workers at the Kennedy Space Center, and we are going to be funding jobs in Moscow at who knows what price Vladimir Putin will charge us because he knows it is the only way we have to get to the International Space Station. And, by the way, if that is not enough to cause heartburn, we can't pay Russia for space flights, of which we have to go about and contract right now if they are going to build a spacecraft for 2011, when we would need it. We can't pay them for it because we are prohibited by a law that says, since they are helping Iran, a nation that we are concerned about proliferating nuclear weapons, we have to get a waiver of that law.

All of this is to say that we have a mess. If this Nation wants to be a leader in space, which I believe every American believes we should, we have to start helping NASA. We have to get the next President attuned to this issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

ENERGY

Ms. MURKOWSKI. Mr. President, I rise this morning to talk about what everyone is talking about, which is the price of energy today. I was home in Alaska over the weekend. Everywhere I went, the price of gasoline was the main topic. Everyone wanted to talk about it. Here in the lower 48, as we are looking at high crude prices hitting the $120-per-barrel mark yesterday, or nearing that mark, recognizing that we are seeing a nationwide average of gas prices at $3.60 for a gallon of regular—this is up just 4 cents over the weekend—we all agree that prices are high, far too high. But in a State such as mine, we consider the prices to be in the stratosphere. In Bethel over the weekend, the price of gasoline was at $4.98 a gallon. I just met with a constituent coming over here. We were talking about prices in Fairbanks, about the national average. But up in Allakaket, which is a pretty remote little village, the prices they are looking at for their gasoline are over $7 a gallon for regular gasoline.

In Valdez, which is the site of the Trans-Alaska oil pipeline, the terminus of our gas line, they are finding regular selling there for more than $4 a gallon. I think we would all agree these prices are not just high, but for many they are absolutely unbearable.

We can talk about why the prices are high. It is important to understand that. But Americans are tired of hearing, when we talk about the world demand, the world using 85 million barrels a day, that there is very little surplus oil production capacity left.

They are tired of hearing of the weakness of the dollar that is driving investors into buying oil as a safe haven against inflation. The truckers who were gathered around The Mall yesterday in protest of the high prices—I have to wonder if they care that we, in Congress, in 2005 and again in 2007, passed legislation to promote energy conservation that requires an increase in the vehicle fuel efficiency standards. That is going to begin to improve their mileage in about 7 years. They do not necessarily care we have funded the research and the demonstration of alternative energy technologies, whether it is for geothermal or for ocean energy. They do not care about the loan guarantees we intend to make for nuclear and solar and wind and biomass as we try to make our biofuels go even further.

What people care about—what they want to know—is: What are you doing, Congress? What are you going to do to make the price I pay at the pump go down?

I suppose we can halt filling up the Strategic Petroleum Reserve—something we certainly are looking at. I think at this time of very high prices it makes some sense. But we need to recognize that is only going to add 70,000 barrels a day to the nearly 21 million we are using.

We could also reduce the Federal gas tax, which is currently 18.4 cents, and dedicate the nearly $5 billion we gained in OCS lease sales this winter from sales up in the Chukchi Sea in Alaska and from the Gulf of Mexico to help offset the losses to the highway trust fund. But, again, that would only offset the revenue losses to transportation projects for probably a few weeks.

So the question the consumer is asking is: What can you do that could make a difference in this country? I believe one of those things we need to do in America is to produce more of our domestic oil and gas supplies to help increase global oil supplies and, thus, drive down the prices. We would do this at the same time we are working toward renewable fuels. We would do this at the same time we are focusing on a level of conservation. It has to be this kind of three-legged stool approach. But we cannot stick our head in the sand and say increased domestic production should not be part of that comprehensive strategy.

Now, some have suggested we do not have enough oil in this country to make a difference. But look at what we in the Federal Government have done through regulation and through moratoria. We have prevented exploration in many of the places where oil and gas are most likely to be found in this country.

If you take the areas that are covered by the OCS moratoria—the Atlantic coast, parts of the Gulf of Mexico closest to Florida and the Pacific coast and you throw in the Arctic Coastal Plain and parts of the National Petroleum Reserve in Alaska—you have nearly 40 billion of the Nation's 112 billion barrels of remaining undiscovered oil which has been put off the table for consideration. That is nearly enough to power over 20 million cars for 60 years and heat nearly 10 million homes for the same period.

Last year, I came to this floor—actually, I come to this floor quite often—to urge my colleagues to consider greater oil development in my home State of Alaska. Earlier this year, I came and I urged that we simply allow—just allow—us winter-only exploration in northern Alaska to confirm that the oil we believe is there is truly there. Last year, when I spoke, the price of oil was at the $60 mark. At the same time, I warned that if we continued to do nothing, the prices would only continue to climb.

I have never been one of those people who relishes the "I told you so" approach, but I am here to say it is time for this country to snap out—snap out—of its lethargy and actually explore for and produce more of our Nation's fuel needs.

It was about a month ago, Senator STEVENS and I introduced new legislation to open a tiny part of the Coastal Plain of the Arctic National Wildlife Refuge to oil and gas development. Opening a few thousand acres—we are talking about 2,000 acres—of Alaska's Arctic coast to oil and gas production could produce up to 16 billion barrels of economic oil by current Government estimates. To some, that might not seem like much. But without opening ANWR, we are going to have to import between 780,000 and 1 million barrels of additional oil each day. That is only going to continue to help drive up the world price of oil.

Without ANWR, American domestic oil supplies fall sharply. The EIA predicts Alaska will be producing about 270,000 barrels a day, next decade, from our existing oil fields up in Prudhoe Bay. This is compared to the nearly 800,000 barrels a day the State is currently producing.

The bill we introduced will automatically open the coastal plain of ANWR in the northern part of the State if the world price of oil tops $125 a barrel for 5 days. In return, what it does is allocates all the Federal revenues that would come from that oil to both alternative energy development and to programs to help improve energy efficiencies and to those in need. What we anticipate, in terms of revenues, would be an estimated $297 billion—$297 billion—to help fund the wind technology, the solar, the biomass, the geothermal, the ocean energy, the landfill gas—everything that was covered in those Energy bills that were passed in 2005 and 2007, plus it would provide funding for LIHEAP, for weatherization, and for the WIC Program. The bill incorporates protections so that while we do the exploration and the production, we are also protecting the environment.

We mandate that the exploration occur only in the winter, when no animals are on the Coastal Plain to be disturbed. It requires the use of ice roads that disappear in the summer to protect the wildlife. It allows for special areas to be designated to protect the key habitat. There are dozens of stipulations to guard against noise and flight disturbances, spills or land use problems.

Opening ANWR does so many things. It makes us, first and foremost—and most important—less dependent on foreign sources of oil. It cuts our balance of payments deficit. It improves our economy. It keeps our jobs at home, not exporting them to foreign oil producers such as Venezuela. But, more importantly, I think it signals that we are finally serious about helping ourselves, that we will do it here first, that we can produce oil from ANWR, and we recognize this will help to drive down the psychology and the speculation that is currently acting to drive up world oil prices.

I will be the first one to admit to you that opening ANWR tomorrow will not produce more oil tomorrow. We recognize that. But we do believe it will dampen the price speculation that is helping to fuel higher prices.

We have to talk about true and meaningful solutions: not only increasing alternative energy—which is a must—not only doing more to improve our energy efficiency and our conservation—absolutely important—but we need to get on now with also increasing our domestic energy supplies. ANWR is one way to demonstrate we are serious about doing that.

I do hope we will seriously look at the current merits of opening ANWR to exploration and development.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator MURKOWSKI for her comments and agree with them very strongly. This is not a matter that she just raised. Her distinguished father, who chaired the Senate Energy Committee, was a champion of ANWR production when he was in the Senate.

When I came here almost 12 years ago, I believed that was the right thing then. I understood then that it did have the capability of maintaining wealth in our country and helping to ease the surging price of oil and gas. I believe, as history has proven, she is correct.

That is the way it is. We steadfastly—vote after vote after vote, for the last 12 years I have been in the Senate and before that—tried to produce the tremendous reserves of oil and gas that are contained in a small part of ANWR. We have been blocked.

It is odd that those who blocked it, and seem unphased by the fact that we are importing huge amounts of oil and gas from nations around the world that are often hostile to us, such as out of that great lake in Venezuela. Nobody is worrying about the environment in Venezuela—it is all right to bring it from Venezuela or other places but not from the United States.

After many years since I have been in the Senate, we finally were able to open up more lands in the Gulf of Mexico, where huge reserves exist. It is not an academic matter only. We are talking about gasoline that has risen to the price of $3.61 a gallon as of this morning. One year ago, it was $2.84 a gallon; and 2 years ago, it was $2.74 a gallon. As a result, the American family, with two cars, is paying about $75 a month more for the same amount of gasoline they were buying previously.

This impacts our economy adversely. It is a transfer of wealth. T. Boone Pickens—himself an oil producer and one of America's most successful entrepreneurs—recently talked about the fact we are buying over 60 percent of our oil from foreign countries at the cost, he estimates, of $600 billion a year. We are sending $600 billion a year to foreign countries to import the oil we utilize. T. Boone Pickens referred to that, in an American Spectator article recently, as: the greatest wealth transfer in the history of the world.

Do we have the ability to do something about it? Are we just totally hopeless? Do we have an ability to do something about that? Absolutely, we can do some things. I supported ethanol, although we clearly are pushing the limits on that. But if we could do more cellulosic ethanol, we could do better. I supported the increase in the gas mileage, which we did pass, which will have a significant reduction in our demands.

But as the population of our country is growing, even if we reduce our own individual use, we are going to have high demand in our country for years to come. It is a question of: Where are we going to get it? I support hybrid automobiles. I support diesel automobiles. In fact, diesel is as clean or cleaner, in terms of CO_2, and gets 30 percent better gas mileage than gasoline automobiles. Europeans utilize diesel automobiles. Fifty percent of their cars are now diesel. They actually get the same gas mileage and emit the same or less CO_2 than hybrids. Did you know that?

So somehow we have fiddled around here and ended up not promoting diesel in an effective way and have seen the price of diesel fuel, which should be cheaper, be 60 cents more per gallon at the pump. I would like to know more about why that is happening. I think it has to be a combination of things, but I think Congress needs to look into that. I hope, in the Energy Committee, we will have some hearings on that particular question.

But let me talk about some of the reserves we have in our country.

In 2005, this Congress directed the Department of the Interior to study our reserves on the Outer Continental Shelf. I am from Alabama. We are a gulf coast area. They found that 8.5 billion barrels of oil are currently known to exist off the Nation's shores. In addition, the study estimated that approximately 86 billion barrels of oil also exist in those areas that have not been charted yet. The U.S. Geological Survey and private industry also estimate that approximately 25 billion barrels of oil exist onshore in the lower 48 States and in Alaska.

This amounts to approximately 119 billion barrels of oil available to the United States in our country or off our shores alone, for which we do not have to pay any foreign nation. Any production we get, as Senator MURKOWSKI of Alaska stated, can create profits that come to the United States and not to foreign countries, and we can use it to accelerate nuclear power, plug in hybrids, ethanol, cellulosic ethanol, wind and solar, and those other kinds of energy forms. But apparently we have those who just steadfastly block this and prefer to send our money to Hugo Chavez in Venezuela.

Now, there are some additional sources of oil in our country of immense proportions, and at these world prices, it has proven to be already economically feasible to develop them. One is oil shale. The Congressional Research Service, our own independent research service, estimates this country's oil shale reserve to be equivalent to approximately 1.8 trillion barrels of oil, or 1,800 billion barrels of oil in oil shale. The largest oil producer in the world, Saudi Arabia, is estimated to have only 267 billion barrels. We are talking about 1.8 trillion in the United States, and it can be produced for less than $100 a barrel—some say $60 a barrel—and the people who produce it would be Americans paid salaries by the American Government, who would pay taxes to the U.S. Treasury, keeping our wealth at home and not transferring $600 billion to a foreign country.

In 2005, Congress recognized the potential—I want my colleagues to understand this—we recognized the potential of oil shale in the Energy Policy Act we passed, which was a good bill. It made a number of good steps forward. We identified it as strategically important and called for its further development. Yet the new Congress, under the new leadership, has acted to block the development of this abundant resource despite the record price of oil. They undermined the 2005 Energy Policy Act. In the recently passed Energy Independence and Security Act, the majority inserted language into the bill prohibiting any Federal agency from contracting to procure any alternative or synthetic fuel that produces greater life-cycle greenhouse gas emissions than those produced from the ground, those produced from Saudi Arabia. This language prohibits the Federal Government from contracting to produce oil shale. They knew exactly what they were doing, and that was exactly the purpose of that language. It really should be repealed. It is misguided. It is wrong.

The Energy Act of 2005 directed the Bureau of Land Management to lease Federal lands for oil shale research and development projects. Yet the Congress, in this same bill, acted to block the development of this provision. So we passed it in 2005, and they came along and blocked it. Language was inserted, actually, this time in the Consolidated Appropriations Act—that is, the Omnibus appropriations bill at the end of last session—that prohibited funds from being used to implement the leasing program which Congress directed BLM to implement in 2005. It should be repealed. That is not the right thing for us to do.

So there is much more we can say. We need technology. We need advancement in our ability to conserve energy, and at the same time, while we are making that progress, we do not need to be devastating our economy by transferring $600 billion a year to foreign countries when we can produce so much more here at home.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, may I inquire how much more time of morning business is allotted to this side?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. CORNYN. I ask unanimous consent to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

I don't blame the American people for being upset at the price of gasoline they have to pay at the pump. Frankly, the biggest cause of those high prices is the Congress.

It has been 2 years since Speaker PELOSI said that her party, the Democratic Party, had a commonsense plan to bring down prices at the pump. I am left to wonder how long we will have to wait to hear what that commonsense plan is. So far, all we have heard is an escalation of the blame game, which, of course, here in Washington, DC, inside the beltway, is a world-class sport. The problem with the blame game is it doesn't actually solve any problems. I think what the American people are frustrated about, among other things, is Congress's intransigence, its unresponsiveness, and its unwillingness to listen to their concerns—legitimate concerns—about how they are going to balance their family budget, particularly when it comes to the rising cost of gasoline and the rising cost of health care.

As my colleagues can see, in the 2 years that have gone by—in almost 2 years—we have gone from $2.33 for an average price for a gallon of gas to $3.61. That translates for an average family to about a $1,400 increase in expenses a year associated with their gasoline costs—$1,400 a year. So the Federal Government has essentially imposed an additional tax by its inaction on the average working family in this country. Frankly, we have the tools available to us to remove that tax and remove that burden if we will simply exercise our ability to use those tools in order to begin to bring down that price at the pump.

History has shown that raising taxes on oil companies is no solution because ultimately we know who ends up paying for tax increases. Ultimately, they are passed on down to the consumer. So it may be fashionable to beat up on big oil and say: Let's tax the oil companies because they are making too much money, but do you know what. If we raise taxes on the oil companies, we all end up paying an increased price for gasoline at the pump. It also has the effect as we saw from 1980 to 1988; the so-called windfall profits tax actually caused a decline in American oil production, reducing domestic production by as much as 8 percent. So for those who are worried, as I am, about our dependence on imported oil, a windfall profits tax is simply no answer at all. In fact, it is counterproductive.

Of course, the problem then was the same as the problem is today, and that is a shortage of oil around the world. I have said it before and I will say it again: Congress can pass a lot of laws, we can repeal some laws, but we cannot repeal the law of supply and demand. Other countries around the world have or want more of what we have in this country, which is unheralded prosperity, primarily because of our use of a disproportionate amount of energy. India and China and growing countries such as those with a billion people each are using more energy, and we are not seeing the supply go up, particularly here at home. So we know that Congress has been one of the biggest obstructions to increasing oil supply and lowering prices at the pump.

My staff helped me research these figures to make sure we had justification for them. As we see oil now approaching—maybe it has gone over—$120 a barrel today, if we were to develop the known resources we have available in Alaska that the Senator from Alaska just talked about, it would be the equivalent of $55-a-barrel oil—$120-a-barrel foreign oil versus $55-a-barrel American oil. If we were to develop more of the Outer Continental Shelf in places such as the Gulf of Mexico, even beyond the horizon where you can't even see it from shore, we could produce that oil from American reserves at the price of roughly $63 a barrel—$63-a-barrel American oil versus $120-a-barrel foreign oil.

It seems to me we are missing a great opportunity, not only to help bring down the major price driver of gasoline costs—70 percent of the cost of gasoline is the cost of oil—but also to make ourselves more secure and less dependent on foreign sources of oil, enhancing our national security and helping to bolster our economy at the same time. But, as we have heard, Congress has consistently thrown up a roadblock at accessing these sources of American oil.

Now, some of my colleagues on the other side of the aisle have proposed another so-called solution to low supplies. They said: You know what. We are going to take OPEC to court. Let's sue somebody. Unfortunately, that is an all-too-common proposed solution where we are going to litigate, regulate, and increase taxes. But, frankly, it is a little bit—well, more than a little bit—impractical, and it would make us even more hopelessly tied to foreign nations and their production whims. So if your solution is, let's sue OPEC and force them to sell us more oil, does that make us less dependent on foreign sources or more dependent? I would suggest that even if it were practical, which it is not, it would make us more dependent on foreign oil and is not a solution.

We need to remember just how much of an impact high energy prices have on the everyday lives of working Americans. High prices drive up the cost of all methods of travel. We are here this week talking about our airlines, and we know what economic pressure has been put on the airline industry and on the prices of tickets that continue to go up because, frankly, the price of oil is coming close to bankrupting the airline industry and driving those costs. But, of course, whether it is the cost of driving the kids to school or driving to work, these high gasoline prices impact everyday Americans all across our great country.

As the Senator from Alabama noted, sometimes Congress's best intentions backfire in things such as ethanol subsidies, using corn, using food for fuel, and leading to skyrocketing—helping to lead to skyrocketing food costs, not to mention livestock feed and other unintended consequences. We need to recognize that while developing renewable fuels certainly has its place as a part of the answer, no single solution is a panacea. All of these have to add to our energy diversity and our energy mix in order to provide the relief the American people want and need.

Increasing the supply, which will help bring down the cost of oil and the cost of gasoline, as I said earlier, must begin here at home using America's natural resources. Why Congress would mandate, in effect, that we can't buy American, we have to buy foreign when it comes to oil, is beyond me, and it just doesn't make any sense. We can develop environmentally responsible oil production right here at home if Congress would simply act.

The only real commonsense near-term solution to bringing down prices at the pump is to take advantage of the enormous natural resources we have right here at home. It is estimated that if Congress stopped penalizing and handcuffing American energy production right here at home, we could produce an additional 2.7 million to 3 million barrels of oil a day. That would be 3 million fewer barrels of oil a day that we would have to buy from Canada, from Venezuela, and from nations in the Middle East.

Allowing American production would send a strong message to the American people and to the financial markets that we are working as quickly as possible to drive down gas prices for American families. It would reduce speculation on the commodities markets that is helping to drive up the price of oil because when the financial markets see the Congress doing nothing and see the supply of oil remain static and see the demand increase, it is going to continue to drive prices higher and higher.

Unfortunately, we have seen too many Members of Congress block sound energy policies that would give American companies access to our valuable natural resources, such as we have heard about oil deposits in Alaska, offshore deposits, and shale oil sites that the Senator from Alabama mentioned a moment ago.

I think most Americans take an instinctive pride in the "Made in America" label, and wouldn't it be nice when it came to the gas pump if we saw a "Made in America" label on that gas pump.

I appreciate the opportunity to talk about what I think is probably the No. 1 issue on the minds of most of my constituents in Texas and most people in America today. It is the reason we had a bunch of truckers here yesterday complaining about the inaction by Congress when it comes to the price of fuel they need to earn a living and move America's goods and services around this country and to our homes.

I hope the majority leader and Members of Congress will work together on a bipartisan basis to try to bring some of these policies to the floor as soon as possible and without a moment of unnecessary delay.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, it is my understanding that we were going to go to the FAA bill at 11 o'clock. I was not aware morning business had been extended until 12:30 p.m.

The PRESIDING OFFICER. The Chair understands the Senator from West Virginia seeks recognition for 30 minutes.

Mr. ROCKEFELLER. The Presiding Officer is an extraordinary person.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

FAA REAUTHORIZATION

Mr. ROCKEFELLER. Mr. President, imagine this: gridlock in the skies; passengers delayed for hours and hours on a runway; an aging, antiquated air traffic control system just struggling to keep up with the growth of air traffic; a fight over how to pay for the billions of dollars needed to address airport infrastructure, infrastructure in all of its manifestations. I could be talking about the present, but I am not. I am talking about the years 2000 and 2001, prior to 9/11.

Then 9/11 did happen. It changed our country forever, and it changed it in countless ways. It forced us to understand how important aviation is to our Nation, our economy, and, in fact, very much our way of life. It also showed how fragile our system is and, I will argue, how fragile our system remains as it further deteriorates.

This Congress has worked diligently to address the security weaknesses. That was the TSA that took place a long time ago. That is working. It is not perfect, but it is working. I think people feel safe with it, but we have not adequately addressed any of the other weaknesses.

We have completely inadequately funded the Federal Aviation Administration. We have a chronically unprofitable commercial aviation industry, which is the backbone of our Nation's commerce. We have an inadequate investment in aerospace research. Because of this, we face the same problems we did in 2000 except they are worse. I want to spend a couple of minutes discussing why we have made so little progress in addressing this significant aviation system, and this is really my introduction to the bill. It is just not done in sequence.

Perversely, the attacks of September 11, which brought the commercial airlines system to its knees, flat to its knees, properly to its knees, solved the crisis of gridlock in the skies, to say the very least. The enormous dropoff of air travel in 2002 and 2003 reduced the stress on our Nation's 1950s air traffic control system. We are the only ones in the industrial world—and I have another comparison to make which is even more stunning later on. So delays and congestion were not issues for travelers. We felt pretty good about it. Passengers were not daring to fly yet. They didn't want to fly that much yet, so there was not a lot of congestion. Not so good for the airlines but good for people who wanted to get to places on time.

As is often the case, the urgency surrounding the need to modernize the air traffic control system and turn it from basically an x-ray and ground radio system into a digitalized, highly modern system, as every other industrial country has, the interest in that system becoming current, safer, more efficient, able to handle more passengers on time and more delivery of cargo, waned because the air traffic control system is not easily understood. It is assumed. It is taken for granted. People assume it is the most modern because it is America; therefore, it has to be. In fact, it is the least modern of all systems in industrial countries.

So interest waned, and in the 2003 FAA reauthorization, which I helped author with then-Senator Lott, we laid a foundation to build a modern, digital satellite-based air traffic control system. We authorized a significant increase in the FAA's capital budget to meet the ATC modernization needs, an increase based upon the administration's own request, in fact. But instead of investing in the system in 2004 and 2005; that is, speed of landing, parallel landing, all of those items, even taking into account wind shear, which every other country has except us, instead of that, in 2006, the Bush administration proposed dramatic cuts in the FAA's facility and equipment account, which is precisely the account which funds the modernization of our air traffic control system.

I have to say, Congress complied. I am not proud of that fact. I am not quite sure the reason for that, but facts must be stated.

Over this period, Congress therefore appropriated $600 million less than the 2003 FAA bill authorized for the FAA's capital accounts. It is a sad story on the part of the administration, and it is a sad story on the part of us. Neither of us were living up to our obligations. Obviously, people didn't see the future.

Under the leadership, however, of Senator MURRAY, the Senate has begun fully funding the FAA's modernization needs, but the damage of underfunding the FAA is not easily repaired. It is a large battleship. We just cannot turn it around in a couple of years.

The budget surpluses that we once had are gone, but by the FAA's own estimates the development of the next generation of air traffic control system, NextGen—when I say that, I mean the digitalized GPS system—is going to cost between $20 billion to $40 billion through the year 2025.

I might add, we are going to have to not only maintain our analog system because that is what we are using, inefficient as it might be, but build a new system at the same time.

Despite the popular misconception that we are building a new system that the FAA will turn on one day in 2025, NextGen is a program that will then employ multiple technologies over time. I will discuss NextGen in detail later. I will discuss a lot of items in a lot of speeches later. But we cannot just shut off the ground-based radar system. That is all we have, crummy as it is, pathetic as it is. The FAA will need to operate that system for years to come, probably 10 to 12 years to come.

By late 2006, it was clear that air travel was returning to pre-9/11 levels. That took some time, but in 2006 there we were. The ATC's system ability was again overtaxed to meet the demands being placed upon it. Gridlock in the skies returned, and it is only going to get worse.

I said yesterday the FAA is forecasting that 1 billion passengers will pass through our Nation's aviation system by the year 2025. That is a 300 million person increase from this year. We cannot ignore this issue anymore and, hence, this bill.

The United States is losing its position as the global leader in aviation. As the Economist magazine noted—this is so horrible I cannot even say it, but I am going to because it is true—the United States is behind Mongolia in the adoption of new air traffic control technologies. That is a national disgrace, and there is also a reason for it. Mongolia did not have an air traffic control system of any sort. So when they decided to do it, they did it digitally, GPS. So they are ahead of us.

I think it is a national embarrassment that a major carrier has to inconvenience 200,000 passengers—that is what we have been reading about for the last several weeks—because the FAA was not properly overseeing the airlines' maintenance.

Our Nation's aviation system is, to be quite blunt, on the brink—it is on the brink. It is at the cliff. We must move boldly into the future or we risk losing a lot of safety and a lot of lives.

I cannot emphasize the importance of a vibrant and strong aviation system. I want people to hear this point. They take it for granted. You get on an airplane, and you go do something. No, you get on an airplane, you go do something, but it is also the bellwether of the Nation's economic underpinning. It is not the U.S. highway system. People don't drive to States to look at industrial sites or to make decisions; they fly. What you cannot do over the Internet, the next closest step is aviation, and it bears our attention. It has never gotten it in the 24 years I have been in this body.

It is fundamental to our Nation's long-term growth. It is also vital to the economic future of countless small and local communities, something the distinguished Presiding Officer from his very roots understands very well.

For example, in West Virginia, people who work in the automotive industry need easy access to Asia to facilitate their business. Yes, that is West Virginia, but that is very important to me. West Virginia is like every other State. There is no State in this country that does not have rural areas. All of our future is tied to a modern aviation system, if we would only have the will to build it. In this bill, we begin to.

We have all witnessed the fragility of our Nation's aviation system firsthand. It has been all over the news. People are furious. The waiting lines, the stories about planes bumping into each other or almost bumping into each other on the runways as they move around—it is just too much, too many people. Go into any airport. As I said yesterday, I came back into Washington National Airport from some city in the North, and you couldn't move. You could barely move. The whole airport was just packed with people—not just around the counters, not just around the gateways, but the whole place was packed. I was saying to myself: This is Washington National, the Nation's Capital, highly prosperous, definitely growing. What is it going to be like 10 years from now?

If we do everything we want, we will not have this system in place by 10 years. It was scary.

Our constituents are very frustrated about flying and they have every right to blame us, the administration and the Congress. It is easy to blame the airlines. That is always everybody's choice of blame—blame the airlines. There is no question that the airlines have a lot to do to improve their customer service, and the bill addresses that issue. All kinds of things have to happen in the airline industry. But I am going to give a speech this afternoon which talks about the airline industry and how absolutely desperately close it is to collapsing. I exaggerate not.

We must address the core problem facing the system and the lack of capacity to allow more aircraft to use the skies. When the weather is clear and our Nation's aviation infrastructure operates perfectly, most travelers get to their destinations on time. It just seems the weather is not clear very often these days, and people are frequently shuttled to other places to get to where they are going, the original place, or they have to sit on the tarmac for a long time and they get in a very bad place—and indeed they should.

It is a conundrum. I heard this morning a couple of airlines are thinking about raising their prices. They have the price of oil and their fuel. The prices of oil and their fuel are, in fact, two very different numbers. What are they going to do? How are they going to get out of this? If the equipment fails to work properly because the weather is bad, or even for a few minutes, the system often grinds to a halt, and delays in key airports such as JFK and O'Hare Airport are felt through our entire system.

You can take eight runways—Senator DURBIN and I tried to do this a number of years ago. You can fix the eight runways at O'Hare Airport, which was built back in 1962 with very few people traveling and the runways were not built in the modern sense, with modern flow in mind. It would take about $10 billion to $12 billion to do that. But if you did it, air congestion in the United States would probably clear up by about 25 to 30 percent instantly. So it is not a large, complicated thing. Sometimes it is an air traffic control system you need, sometimes it is a reconfiguration of runways, sometimes it is how do you handle the New York-New Jersey area. But these are not problems beyond our reach. Aviation gridlock is not just an inconvenience, it is becoming a threat to our economic well-being.

Aviation experts predict that these delays are going to go from bad to worse—soon. By the year 2015, delays will become so bad—I hope my colleagues will listen to this part—that none of the 1 billion people who will be traveling on airlines that year will get to their destinations on time—not one. That is what is being predicted. That is not very far from now. That is what is being predicted. More planes will be needed and they will lead to greater congestion in the skies. The meltdown of the air traffic control system will put passenger safety at unnecessary risk. S. 1300, our bill, authorizes approximately $65 billion for all FAA operations and programs. Most important, our bill lays the necessary foundation for developing NextGen air traffic—that is the new air traffic control system—by providing it $12 billion over the life of this bill for FAA's capital investment accounts.

Importantly, Senator BAUCUS and Senator MURRAY and I have agreed on the creation of a new subaccount—this is not manipulation, it is a perfectly proper thing to do—a new subaccount with the aviation trust fund that will provide $400 million for the next length of this bill, and then for bills after that because we will have to do it again, so we can get our air traffic control system rebuilt.

I appreciate the hard work of our colleague. Senator MURRAY is unbelievable on these things, as she is on virtually everything. A new satellite-based radar system will allow airplanes to move more efficiently, improve safety, improve the flow of commerce, reduce the consumption of fuel which in turn creates environmental benefits.

The bill provides approximately $16 billion for airport infrastructure—it is a boring word with large consequences. Since 2000, I am pleased we have been able to double the amount of funding annually for airport infrastructure grants—that means lengthening runways, that means improving conditions, that means upgrading what is needed to handle air traffic in a rapidly growing traveling world. Our investment in runway capacity has made dramatic improvements in safety.

I believe everyone in aviation recognizes the need to modernize our national air transportation system in order to meet the growing surge of passengers and to accommodate the enormous increase in general aviation. I am going to have a speech to make about general aviation, but I will not do it today—particularly high-end general aviation. That is called jets. I am not talking about crop dusters. General aviation is made up of lots of things—we only include 10 percent of that 100 as our target, where we can rightfully and legitimately go. Those people are getting a free ride. I will have a speech about that, I guarantee you.

It is a very unhappy situation when people hear about it. It is probably best explained on Jay Leno or David Letterman. That would probably drive it home to people. Until then, it is sort of an abstract quality. Until then, look at those big, fancy jets. We don't like those big, fancy jets. What they are not doing is helping pay for all this. They are paying for 3 percent of our air traffic control system even though they are the majority of airplanes in the skies at any given moment over the United States of America.

All this has been a long and very bitter dialog. In early 2007, Senator Lott and I asked the stakeholders to come to an agreement on FAA funding issues. It was a fascinating experiment, which we see very often. No one wanted to compromise. So we said we will give you a choice. You sit down in a room. We will provide the sandwiches and the Coke or whatever. Then you come out with an agreement or we will write a bill for you. They chose not to yield a single point, not a single point. They all had to have exactly what they had.

They didn't want to pay anything more. Air traffic control—push that aside, you are not going to tax me. It is the other guy.

So Senator Lott and I imposed a compromise on everyone. The compromise sparked an absolutely fascinating but not pleasant multiyear, multimillion dollar campaign against our lovely bill, S. 1300. Later on I will discuss, as I indicated, much more about that.

We have compromised. I have compromised—not happily but necessarily—in order to reach a bipartisan bill that could actually be signed into law and begin the work of modernization in earnest, along with making such needed safety improvements.

Air traffic control modernization is but one of the many challenges the FAA faces. Over the last several weeks, the FAA's ability to oversee the airlines it regulates has undermined the public confidence in the safety of our Nation's air traffic system, and nobody can dispute that. People are in shock at what they have seen over the last several weeks. Statistically, the United States has the safest aviation system in the world. That is what they always throw at us. But statistics do not always tell the whole story, nor do they say anything about the future.

I am particularly concerned about the number of runway incursions. That is when airplanes are on the tarmac and they are moving around, positioning themselves under the guidance of the air traffic control system. They are constantly almost running into each other—or in the air—or just missing. It is unacceptable. It is horrible. It is heading in a much worse direction. It is not something we talk about much, but once in a while stories of near misses at our Nation's airports in fact do make the news.

Let's be honest. If it had not been for the quick thinking and action of a few air traffic control people and our pilots, our Nation would have had one if not several major accidents claiming the lives of hundreds of people over the last several years.

This legislation and the managers' amendment I have offered contain provisions to improve the safety of the Nation's aviation system and the FAA's oversight of that system. The AMAC, as we call it, includes a number of provisions to improve safety, providing the FAA with the resources to conduct thorough oversight of air carriers and foreign repair stations—this is a very controversial subject so expect to hear more about that—and upgrade the existing safety infrastructure at our airports.

Later in our debate—not today, not this morning—I will outline the important facts of the safety provision in the bill.

The bill addresses the other core challenge which will be facing our aviation system, and that is keeping America's small communities connected. The Presiding Officer and I understand that. So does every Senator in this body; if they choose to focus on it, they should be able to understand it. The continuing economic crisis facing the U.S. airline industry absolutely imperils, in stark and terminal terms, the future of hundreds of small rural communities across our country as area carriers drastically reduce service to small rural communities—which is exactly what is going on. That acceleration is going to pick up.

Then you have to say years ago we did this e-rate thing to make the Internet available to everybody in every classroom; no different rural and urban, everybody had it. We went from 15 percent connection to 97 percent.

Not so on aviation. We are going in the other direction. While small and rural communities have long had to cope with limited and unreliable service, we are grateful to have limited and even unreliable service. We are grateful to be able to get into a little prop—because that is what we have—and get from here to there because we can connect in the hub-and-spoke system.

All of these problems have been exacerbated by the weakened financial condition of most U.S. airlines. I am going to talk about that this afternoon. The reduction or elimination of air service has a devastating effect on the economy of small communities. Having adequate air service is not just a matter of convenience or pride, it is a matter of survival: economically, psychologically—self-esteem. Without access to reliable air service, no business is willing to locate its operations in these areas of the country, no matter how attractive the quality of life, no matter how much less the housing costs, no matter how much land may be available. They will not go there. Airports are economic engines that attract critical new development opportunities and jobs.

West Virginia has been able to attract firms from around the world. Why? Because corporate executives know they can visit their operations with ease—for no other reason. As I will explain in my next speech about the state of the airlines, which is a very depressing speech and therefore important, that is in jeopardy. Rural and smalltown America must continue to be adequately linked to the Nation's air transportation network. That is all we can do. We can't get from here to an important place directly, but we can link into the hub-and-spoke system, which has been what we have always done.

I wind up. Small and rural communities are the first to bear the brunt of bad economic times and the last to see the benefit of good economic times. That is not fair. Americans are Americans. The general economic downturn and the dire straits of the aviation community have placed exceptional burdens on air service to our most isolated communities. The Federal Government must provide additional resources, and our bill does that.

The bill also reaffirms our commitment to rural America by increasing the essential air service—the Presiding Officer well knows what that is—and also to the Small Community Air Service Development Program, for 4 more years, and we also have a passenger bill of rights which will be discussed later.

The industry would be required to provide a number of things: Telling people about what planes are on time, what are not, what the pattern is; sort of to get a sense of all that, but there is a lot more. So all of us recognize there are no quick and easy solutions to this timely and timeless problem that plague our aviation industry.

Aviation incorporates so many things that are so critical to all of us. It connects people to distant family members, links businesses to businesses, allows people to interact easily on a global scale. We are a global world, but it is still amazing to me to be able to get on a plane in the morning in West Virginia and be in Asia that same day.

So what railroads were to the 19th and 20th centuries, air transportation is to the 21st century; with all due respect to our interstate highway system. So given the challenges our Nation's aviation system faces, I think we must pass S. 1300, which is called the Aviation Investment and Modernization Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to inquire as to how much time I have.

The PRESIDING OFFICER. There is 37 minutes remaining for the use of the minority at this time.

Mr. INHOFE. First of all, let me say to my friend from West Virginia, we have done a good job in the areas you are talking about because it was not too long ago that all the AIP concentration was going to big regionals. Due to our efforts, we now have given greater power to the State aeronautic boards, who have a better idea as to what the needs are in the State of West Virginia, my State of Oklahoma.

I think we have come a long way. I would certainly echo what you say. I am a little privileged to be the last active commercial pilot in the Senate, so I take a personal interest in these things.

But there is nothing that can help a community be more viable than a good general aviation airport, an airport that can serve the commercial community. In fact, you can look through our State and see where the communities are not doing well and tie that to the capacity they have—air traffic capacity.

So I think we are going to be doing a good thing by addressing that this afternoon. That is not why I am here though.

BIOFUEL MANDATES

Mr. INHOFE. Mr. President, we are in the midst of global food difficulties. You have been seeing it on television, and it is the result of decades of misguided environment and energy policies. As worldwide food availability decreases and prices continue to skyrocket, decades of ill-conceived planning by politicians and bureaucrats right here in Washington, afraid of expanding our energy supplies, are now bearing ugly fruit.

American families and the international community continue to suffer from these misguided policies, and Washington has to take the first step to begin to address these problems. I think we know what the problem is right now. We have mandated certain things to take place in terms of our fuels, it has had a result of increasing prices of food, but it has another unintended consequence; that is, it is diverting the use of corn to go to fuel as opposed to food.

Now, I am here today to demand two dramatic and necessary actions to help mitigate our current biofuel policy blunder. I have always supported all forms of energy, including biofuels, for a diverse and stable energy mix, but currently policy has skewed common sense and violated the principles of sound energy policy.

These effects are being felt in my home State of Oklahoma, where I am hearing concerns regarding ethanol. Scott Dewald, with the Oklahoma Cattlemen's Association, described one aspect of biofuel's unintended consequences on April 28. He said:

> Cow-calf producers all the way to the feeding sector are feeling the pinch of high corn prices. Today's biofuels policies have completely ignored the costs to the livestock sector.

Now, first, Congress has to revisit the recently enacted biofuel mandate, which can only be described as the most expansive biofuel mandate in our Nation's history. The mandates were part of last year's—it was December it was taken up—Energy Independence and Security Act of 2007. Congress has to have the courage to address this issue and to address it now, to recognize we made a mistake in December.

Second, the EPA—this is something people are not aware of, even though this is mandated. EPA has the Congressionally-given authority to waive all or a portion of these food-to-fuel mandates as part of its rulemaking process. The EPA has to thoroughly review all the options to alleviate the food and fuel disruption of the 2007 Energy bill.

A lot of people do not realize and did not think—at the time they thought, well, this is very helpful to the corn States. We all want to help the corn States. My State of Oklahoma also grows corn. But they did not think about the unintended consequences of the cost of all fuel and everything you see on the shelves in the grocery store.

Last summer, when I offered an amendment to the Energy bill that would have put in place a stocks-to-use mechanism to provide the EPA Administrator more flexibility in waiver authority in the instance of crop shortages, I was told by the majority whip my amendment was not necessary.

Incidentally, The Hill newspaper reported yesterday the same majority whip who said my amendment was not necessary now acknowledges that:

> U.S. ethanol policies may be partly to blame for a global food crisis threatening to leave millions hungry.

I am glad to have his support in this concern I am expressing today. During the 2007 floor debate, he said:

> There is already a waiver provision in the bill that offers protection to consumers if corn prices or availability become unsustainable.

Last June when I offered this amendment, corn was trading at $3.70 a bushel. Less than a year later, corn is now trading at $6 a bushel. Corn prices and availability are now unsustainable. I ask my colleagues who opposed my amendment to now join me in calling for the EPA to exercise its waiver authority provided in the underlying bill.

I am working with my colleague from Texas, Senator KAY BAILEY HUTCHISON, to urge the EPA to take action. Senator HUTCHISON also announced she is introducing legislation that will freeze the biofuel mandate at current levels, instead of steadily increasing it through 2022.

Senator HUTCHISON correctly noted this is a commonsense measure that will reduce pressure on global food prices and restore balance to America's energy policy. The whole world is now reacting to the consequences of overzealous biofuel mandates.

While I supported realistic mandates in the past, I continue to support the development of cellulosic ethanol. I was one of eight Senators who voted against the 2007 Energy bill, with its restrictive biofuel mandates, last December.

On Tuesday, December 4, I joined with several Senators, including JACK REED, a Democrat from Rhode Island, BEN CARDIN, BERNIE SANDERS, and SUSAN COLLINS, in writing a letter to the President to:

> . . . urge the administration to carefully evaluate and respond to unintended public health and safety risks that could result from the increased use of ethanol as a general purpose transportation fuel.

The letter noted the administration had called for a national effort to reduce consumers' demand for gasoline by 20 percent in 10 years, in part through increased use of renewable transportation fuels such as ethanol. Sadly, these onerous biofuel mandates, which would significantly increase renewable fuel use, particularly the use of ethanol over the next two decades, became law.

Since December, the world has been confronted with irrefutable evidence that our current biofuels mandates are having massive and potentially life-threatening consequences. Once again, we are reminded how restrictive Government mandates and ill-advised bureaucratic meddling produce unintended consequences. Trying to centrally manage and plan a global food distribution network and economy through clumsy, unrealistically high mandates has been a proven failure.

An April 28 article on our current biofuel mandates in the National Review, by Phil Kepren and James Valvo, detailed the mindset of bureaucratic planners.

> Each new generation of central planners believes the previous generation wasn't smart enough. Yet central economic planning is forever doomed to failure since the approach itself limits human freedom, ingenuity, entrepreneurship, and innovation.

To put it in other terms, as Ronald Reagan said: "The more the plans fail, the more the planners plan."

A large auto manufacturer has erected a billboard for their lineup of so-called eco-friendly cars that run on ethanol that is currently being prominently displayed not far from the Capitol. This advertisement—I saw it yesterday—asks a simple question: "Why drill for fuel when you can grow it?"

That sounds like a politically correct question, to which the auto company's marketing team must have thought was an obvious answer. Let me allow world leaders and mainstream media outlets, the UN, and former believers in mandated Government standards to further answer the billboard's marketing campaign in no uncertain terms; that is, what the question is: Why drill for fuel when you can grow it?

The answer is found in India's Finance Minister's statement he made earlier this month. He said:

> When millions of people are going hungry, it's a crime against humanity that food should be diverted to biofuels.

Italian Prime Minister Romano Prodi said:

> Food prices were raising the specter of famine in certain countries. A conflict is emerging between foodstuffs and fuel . . . with disastrous social conflicts and dubious environmental results.

The United Kingdom Prime Minister, Gordon Brown, has called for a reevaluation of biofuels. He said:

> Now that we know that biofuels, intended to promote energy independence and combat climate change, are frequently energy inefficient we need to look closely at the impact

on food prices and the environment of different production methods and to ensure we are more selective in our support.

The Scotsman Brown also noted hunger is:

> the number one threat to public health across the world, responsible for a third of child deaths. Tackling hunger is a moral challenge for each of us.

The President of the European Commission, Jose Manuel Barroso, has now called for:

> an investigation into whether the push for biofuels is to blame for rising food prices.

According to an article in the United Kingdom Register, the EU may:

> cancel its target of requiring 10 percent of petro and diesel to be biofuel by 2020.

That is what they are doing in the United Kingdom. Now they recognize they made a mistake. The article explained:

> Recent weeks have seen riots over food prices in Egypt, Haiti, Indonesia and Mauritania. Rice prices have hit record levels this year and several countries have banned exports. India has renewed a ban on all exports of nonbasmati rice.

U.N. Secretary-General Ban Ki-Moon warned in April that high food prices could wipe out progress in reducing poverty and hurt global economic growth. The U.N. Secretary-General said:

> This steeply rising price of food has developed into a real global crisis.

He called for world leaders to meet on an urgent basis. You know, it is funny that I have been quoting the United Nations. I am probably the biggest critic of the United Nations in this Chamber. But I have also been very active over the years in Africa and doing the very thing we are trying to do now, to make sure that fewer people starve to death.

The head of the U.N. world food agency summed up global food difficulties this way. He said:

> A silent tsunami which knows no borders is sweeping the world.

On April 25, the U.N. food agency chief, Jacques Diouf, warned of possible civil war in some countries because of global food shortages.

I wish to pause a moment and note that some of the rhetoric by the United Nations and others may be a bit over the top and prone to hyped alarmism. I have taken to this Chamber many times to debunk so-called environmental crises and media manipulation of environmental issues.

I do not want to now be accused of overhyping our current global food situation. But please do not let over-the-top rhetoric obscure the fact that the world is currently facing a serious biofuel mandates problem and needs remedying.

Ironically, the anti-energy environmental left has spent decades worrying over various crises that never seem to materialize. You have to give the environmentalists credit, they may finally get their bona fide crisis, but alas, it will be one created by the very policies they advocated.

It is kind of interesting because we can recall the environmentalist community advocating the use of ethanol and the mandates and then not recognizing this creates a greater pollution problem as well as a starvation problem.

The most interesting is the mainstream news outlets have now turned on biofuels and, in particular, corn ethanol. Publications that normally uncritically parrot the leftwing environmental agenda are now among the biggest denouncers of our current biofuel policies.

The New York Times, for example, has stated:

> Soaring food prices, driven in part by demand for ethanol made from corn, have helped slash the amount of food aid the government buys to its lowest level in a decade, possibly resulting in more hungry people around the world this year.

Time magazine was blunt in an April 7, 2008, article titled "The Clean Energy Scam," by reporter Michael Grunwald, who wrote that our current policies on corn ethanol are "environmentally disastrous." "The biofuels boom, in short, is one that could haunt the planet for generations—and it's only getting started," Grunwald wrote.

Time magazine also featured Tim Searchinger, a Princeton scholar and former Environmental Defense attorney who said:

> People don't want to believe renewable fuels could be bad. But when you realize we're tearing down rain forests that store loads of carbon to grow crops that store much less carbon, it becomes obvious.

Time magazine also said the rising prices were "spurring a dramatic expansion of Brazilian agriculture, which is invading the Amazon [rain forest] at an increasingly alarming rate."

Former CBS newsman Dan Rather has also weighed in. Rather wrote on April 27:

> When more acreage is devoted to corn for ethanol, less is available for food production.

In this case I agree with Dan Rather. He said:

> Here in the United States, food is less often a matter of life and death, but it is putting an additional dangerous strain on families who are already struggling to get by in a faltering economy.

Rather added:

> Already there are reports of charitable food pantries unable to meet the needs of those they serve.

The New York Sun put it bluntly about the impact of our policies: "Food Rationing Confronts Breadbasket of the World." That was an article on April 21.

A 2007 study by the Organization for Economic Cooperation and Development concluded that biofuels "offer a cure [for oil dependency] that is worse than the disease." Other organizations have weighed in. The National Academy of Sciences conducted a study finding corn-based ethanol may strain water supplies. The American Lung Association has raised air pollution concerns from the burning of ethanol in gasoline. Cornell ecology professor David Pimental called our current ethanol policy a "boondoggle."

Pimental said:

> It does require 30 [percent] more energy oil equivalents to produce a gallon of ethanol than you actually get out, and it causes a lot of severe environmental problems. This is very significant. It takes 1,700 gallons of water to produce 1 gallon of ethanol.

No one ever talked about that last December.

Friends of the Earth has urged the UK to abandon its current biofuel targets, which I believe they are now doing. Food campaigner Vicky Hird from Friends of the Earth said:

> [UK Prime Minister] Gordon Brown is right to be concerned about the impact of biofuels on food prices and the environment. Evidence is growing that they cause more harm than good. Food production must be revolutionized to prevent a global catastrophe.

Jane Goodall, the internationally famous primate conservationist, warned about biofuels and the impact on the rain forests in Asia, Africa, and South America:

> We're cutting down forests now to grow sugar cane and palm oil for biofuels.

She said this in September of last year.

The group, Clean Air Task Force, recently reported that nearly 12 million hectares of peat land in Indonesia has been converted to accommodate a palm oil plantation. The land was reportedly drained, cleared, and burned for conversion to a plantation.

Even Miles O'Brien of CNN, a man of whom I have been harshly critical, and yet a man I consider to be a good friend in spite of our honest differences of opinion, and I are together on this issue. He reported on CNN on February 21:

> If every last ear of corn in America were used for ethanol, it would reduce our oil consumption by only 7 percent.

He is right. O'Brien also reported:

> Corn ethanol is not as clean, efficient, or practical as politicians claim.

I agree with this. I am glad to find something on which my good pilot friend and I can agree.

Lester Brown, who has been dubbed "the guru of the environmental movement," has added his voice in opposition to our current biofuels policies. Brown cowrote, on April 22:

> It is in this spirit that today, Earth Day, we call upon Congress to revisit recently enacted Federal mandates requiring the diversion of foodstuffs for production of biofuels.

Brown wrote that our current biofuel mandate was "causing environmental harm and contributing to a growing global food crisis."

Brown continued:

> Turning one-fourth of our corn into fuel is affecting global food prices. U.S. food prices are rising in twice the rate of inflation, hitting the pocketbook of lower income Americans and people living on fixed incomes.
>
> America must stop contributing to food price inflation through mandates that force us to use food to feed our cars instead of to feed people.

Brown concluded:

> It is impossible to avoid the conclusion that food-to-fuel mandates have failed. Congress took a big chance on biofuels that, unfortunately, has not worked out. Now, in the spirit of progress, let us learn the appropriate lessons from this setback, and let us act quickly to mitigate the damage and set upon a new course that holds greater promise for meeting the challenges ahead.

I agree. Not very often do we agree, but I do agree with that because there is something we can do about this. When you have Lester Brown, Miles O'Brien, Dan Rather, Time magazine, the New York Times, the United Nations, and Jim Inhofe all in agreement on changing an environmental policy, you can rest assured the policy is horribly misguided. All of these publications and individuals now realize the pure folly of the Federal Government's biofuel mandate.

You might ask, how did we get here? I would say, when the Republicans were the majority party, I was the chairman of the Senate Environment and Public Works Committee. I worked successfully with my colleagues to create a comprehensive yet measured approach. The result of this work, the Reliable Fuels Act, was ultimately incorporated into the 2005 Energy bill. This original renewable fuels standard—that is, the RFS—took a commonsense approach in that it prescribed just 4 billion gallons of renewable fuels in 2006, growing to a feasible 5.5 billion gallons in 2012. This low rampup allowed time and flexibility for the many foreseen and unforeseen challenges likely to surface with the implementation of such a program. Under my leadership, the committee held at least 13 hearings on the RFS program, examining issues from the future of transportation fuels to the most recent and, unfortunately, last oversight hearing in September 2006 which highlighted the implementation of the RFS program.

However, despite the enormous amount of attention and the eventual legislative enactment of that now greatly expanded RFS program, the EPW Committee has failed to hold even one hearing on RFS this Congress. This morning I challenged the chairman of that committee. I am still ranking member, but I challenged Chairman BOXER to hold such a hearing. Despite the EPW Committee's failure to conduct any oversight, by 2007 it had become increasingly clear that to double the RFS mandate into a shorter timeframe would prove reckless and premature. Yet many in Congress refuse to acknowledge the many warning signs.

The 2007 Energy bill mandated 36 million gallons of biofuels by 2022. Of this, 15 billion gallons are now required from corn-based ethanol by just 2015. Washington was abuzz last year with talk of energy independence, cutting our reliance on foreign sources of energy, increasing supplies of fuels, investing in biofuels, lowering the price of energy, especially prices at the pump—all fine goals. Yet this Congress's actions didn't meet its rhetoric. I believe a secure energy supply has to be grounded in three principles: stability, diversity, and affordability. Our policies have to promote domestic energy production, including oil, gas, nuclear, corn, as well as renewable fuels.

I have said this over and over. We need all of the above to meet the energy crisis in America. What the Democrats and the green movement failed to understand is environmental regulations are not free. They have a very real price. We should be producing more fuel at home. It is good for our security, good for jobs, good for consumers.

Working with Congressman FRANK LUCAS, I sponsored and secured Senate passage of the first national transitional assistance program to help farmers grow dedicated energy crops for cellulosic biofuels. This measure is vital to the development of cellulosic biofuels in the United States because it would encourage U.S. agricultural producers within a 50-mile radius of a cellulosic biorefinery to produce nonfood energy crops for clean burning fuel.

In addition, I am proud of the research taking place in my State of Oklahoma. It is being done by the Noble Foundation and its partners. By focusing on cellulosic ethanol, we can stimulate a biofuels industry that doesn't compete with other domestic agriculture. Since you can grow it all over the country—and that is not to be said about corn—you avoid the transportation problems of Midwest-focused ethanol. Cellulosic ethanol can increase both energy and economic security.

Washington has a long way to go to get energy policy right. The future of energy is going to require a wide variety of fuels and approaches. We all need to work together to achieve our common goals. The only way they can defeat us is to divide and conquer. We have seen examples of that recently. But we all need to work together. I call on all of my colleagues today to set aside our differences and work together for an abundant, secure, and environmentally sound energy policy.

It is worth repeating that when you have Lester Brown, Miles O'Brien, Dan Rather, Time magazine, New York Times, the United Nations, and JIM INHOFE all in agreement on changing an environmental policy, you can rest assured that the policy is horribly misguided. All of these publications and individuals now realize the pure folly of the Federal Government's current biofuel mandates. Once again, I call on Congress to revisit the enactment of this mandate.

Secondly, what we have to do—and I still am the ranking member of the Environment and Public Works Committee which has jurisdiction over the EPA—is to call upon EPA to put a stop to the mandate now. It can be done while they are trying to determine what effect this has on our food supplies. The only way to do it is to stop the mandate while the review is taking place. People are starving to death because of this transfer from food to fuel.

As the ranking member of the EPW Committee, which has jurisdiction, I am going to ask for an immediate waiver to stop this mandate.

I yield the floor to my good friend from Kansas who agrees with everything I just said.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Kansas.

FAA REAUTHORIZATION

Mr. ROBERTS. I thank my friend and colleague from Oklahoma.

Mr. President, I rise today in support of the bipartisan agreement reached by the Senate Finance and Commerce Committees on the reauthorization of the Federal Aviation Administration Airport and Airway Trust Fund. In my view this agreement represents the true meaning of the word "compromise" and shows what is possible when we really roll up our sleeves and go to work. I have been working on this bill for 2 years. Reauthorizing the FAA and the Airport and Airway Trust Fund is not only a top national priority, but it is a top priority for my State of Kansas as well. Kansas and aviation have a long history together. Aircraft pioneers such as Lloyd Stearman, who happened to sell his company to Walter Boeing, Walter Beech, Clyde Cessna, E.M. Laird, Amelia Earhart, William Lear, and many others, all have close ties to Kansas. It was a team of Kansans that really created the first commercially produced airplane in the United States. It was called the Laird Swallow. This plane took flight in April of 1920, just 88 years and a few weeks ago. My, how far we have come.

Today, about 40,000 employees in Wichita and the surrounding counties make their living building planes, manufacturing parts, and servicing aviation. The aviation industry directly and indirectly supports over 140,000 jobs in Kansas—140,000 jobs—and will soon contribute roughly $9 billion annually to our State's economy. That is not only significant, that is amazing.

Kansas is home to nearly 3,200 aviation and manufacturing businesses, including Cessna, Hawker-Beechcraft, Bombardier-Learjet, Boeing, Spirit AeroSystems, Garmin, and Honeywell, just to name a few. However, aviation is not simply an economic engine in Kansas, it is part of our history, our way of life, and, most importantly, part of our future. It is an example of our entrepreneurial spirit.

In late October of 2006, at my invitation, newly appointed Department of Transportation Secretary Mary Peters traveled to Kansas to see firsthand what the aviation industry means to our State. Congressman TODD TIAHRT and I joined the Secretary on a tour of Cessna's headquarters and manufacturing facility in Wichita to show the importance of general aviation—general aviation—to the Kansas economy.

Cessna actually traces its roots back to Clyde Cessna who built his first plane in Rago, KS, in 1911.

The Secretary and I then traveled to Olathe, KS, to visit the Kansas City air traffic control center. There we spoke with the controllers and the trainees about their work, listened in as they actually directed traffic through the Kansas City airspace, making it possible for people to fly in safety.

During our visit, the Secretary heard firsthand from industry leaders about the importance of updating our air traffic control system, and that the current tax mechanisms provide the most appropriate avenue to raise the necessary funds to upgrade into what they call NextGen technology—next generation technology.

This key message was delivered to me and the Secretary personally, and I have been delivering that same message to my colleagues since this debate began some time ago. It is no secret that I care passionately about this issue and how general aviation is treated, and to make sure they are treated fairly. With my State's close connection to the history of this industry, obviously, you can see why.

Kansas manufactures—this may be unbelievable to some—Kansas manufactures roughly 70 percent of the world's general aviation aircraft—70 percent.

Throughout this debate, general aviation has been called to increase its contribution to the Airport and Airway Trust Fund to help pay for the modernization of our air traffic control system.

All along the way, general aviation has stepped to the plate and agreed to help pay for the necessary increases to move our aviation infrastructure into next generation technology.

I cannot recall a time when an industry has come to me and said: We want to help. We are willing to support an increase in our taxes to actually do so. But that is exactly what the general aviation community did. Their only request has been that they be able to pay through the current efficient and effective tax structure of the fuel tax. That was their only request.

The agreement finally reached between the Finance and Commerce Committees respects this request and allows general aviation to be part of the modernization solution without creating a new bureaucracy or additional redtape. The agreement would allow AvGas to remain at its current rate, but would increase the Jet A fuel tax from 21.8 cents to 36 cents per gallon on general aviation flights.

Now, this raises an additional $250 million dedicated to updating the air traffic control technology that will increase safety and decrease congestion—something that is in the headlines every day. At the same time, our commercial airlines and passengers are held harmless from tax increases, given the challenges they face today.

I am pleased this agreement recognizes the value of both the commercial aviation and general aviation to our Nation's transportation system. I realize there have been strong feelings on both sides of this debate.

My goals, as we drafted this bill, were very clear: One, ensure that our air traffic control system is updated and remains safe for all passengers and aircraft; and, two, protect the general aviation community and Kansas jobs, which would have been threatened by something called a user fee.

Today, I am pleased to say we have succeeded on both counts. This legislation represents the best of bipartisan compromise in a real effort to make our skies safer. I am proud to be part of this compromise, as are the 40,000 workers employed in Kansas in aviation manufacturing.

Kansas has a long history of being the world's leader in aviation achievements. This agreement guarantees that Kansas and our great general aviation industry will remain leaders in the sky. Kansas is—always has been—and remains the air capital of the world under this agreement. I thank my colleagues for helping us reach an agreement that will maintain our world standing.

Also included in this agreement is a fix to the projected funding deficit in the highway trust fund for 2009. This 1-year patch will keep necessary transportation construction projects on schedule and help our State transportation departments meet their financial obligations.

I am hopeful the Senate will continue to work in the spirit of bipartisanship on the bill so we can quickly move to a conference committee and eventually have a bill signed into law before the current program expires.

We must do this. American travelers and businesses and pilots deserve the predictability and stability that comes with passing this bill.

Mr. President, I yield the floor. I believe Senator CASEY wishes to address the Senate. I yield to my colleague.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I thank my colleague from Kansas.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 516, 519 through 524, 526 through 536, 542 through 564, and all nominations on the Secretary's desk in the Foreign Service, Air Force, Army, Coast Guard, Marine Corps, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session; that any statements relating to any of these nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Rebecca A. Gregory, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

DEPARTMENT OF STATE

Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Coordinator for the Asia-Pacific Economic Cooperation (APEC) Forum.

Joxel Garcia, of Connecticut, to be Representative of the United States on the Executive Board of the World Health Organization.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Samuel W. Speck, of Ohio, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

DEPARTMENT OF STATE

Scot A. Marciel, of California, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for East Asian and Association of Southeast Asian Nations (ASEAN) Affairs.

Yousif Boutrous Ghafari, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Kurt Douglas Volker, of Pennsylvania, a Career Foreign Service Officer of Class One, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Robert J. Callahan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Heather M. Hodges, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Republic of Ecuador.

Barbara J. Stephenson, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

William Edward Todd, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Hugo Llorens, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Nancy E. McEldowney, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Stephen George McFarland, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Peter E. Cianchette, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Frank Charles Urbancic, Jr., of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Barbara McConnell Barrett, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Bruce A. Litchfield

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General C. D. Alston
Brigadier General Brooks L. Bash
Brigadier General Michael J. Basla
Brigadier General Paul F. Capasso
Brigadier General Floyd L. Carpenter
Brigadier General David J. Eichhorn
Brigadier General Gregory A. Feest
Brigadier General Burton M. Field
Brigadier General Randal D. Fullhart
Brigadier General Bradley A. Heithold
Brigadier General Ralph J. Jodice, II
Brigadier General Duane A. Jones
Brigadier General Frank J. Kisner
Brigadier General Jay H. Lindell
Brigadier General Darren W. McDew
Brigadier General Christopher D. Miller
Brigadier General Harold W. Moulton, II
Brigadier General Stephen P. Mueller
Brigadier General Ellen M. Pawlikowski
Brigadier General Paul G. Schafer
Brigadier General Stephen D. Schmidt
Brigadier General Michael A. Snodgrass
Brigadier General Mark S. Solo

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Dana T. Atkins

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Scott G. West

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Walter L. Sharp

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ann E. Dunwoody

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. David D. McKiernan

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert L. Caslen, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Mitchell H. Stevenson

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank G. Helmick

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Randolph D. Alles
Brigadier General Joseph F. Dunford, Jr.
Brigadier General Anthony L. Jackson
Brigadier General Paul E. Lefebvre
Brigadier General Richard P. Mills
Brigadier General Robert E. Milstead, Jr.
Brigadier General Martin Post
Brigadier General Michael R. Regner

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Darrell L. Moore

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Keith J. Stalder

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James M. Lariviere
Col. Kenneth J. Lee

The following named officer for appointment in the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Brig. Gen. Joseph F. Dunford, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John M. Paxton, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Dennis J. Hejlik

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard F. Natonski

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Duane D. Thiessen

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John M. Bird

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Victor C. See, Jr.

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Douglass T. Biesel
Captain Barry L. Bruner
Captain Jerry K. Burroughs
Captain James D. Cloyd
Captain Thomas A. Cropper

Captain Dennis E. Fitzpatrick
Captain Michael T. Franken
Captain Bradley R. Gehrke
Captain Robert P. Girrier
Captain Paul A. Grosklags
Captain Sinclair M. Harris
Captain Margaret D. Klein
Captain Patrick J. Lorge
Captain Brian L. Losey
Captain Michael E. McLaughlin
Captain William F. Moran
Captain Samuel Perez, Jr.
Captain James J. Shannon
Captain Clifford S. Sharpe
Captain Troy M. Shoemaker
Captain Dixon R. Smith
Captain Robert L. Thomas, Jr.
Captain Douglas J. Venlet

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., sections 5133 and 5138:

To be rear admiral

Rear Adm. (lh) Carol I. Turner

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1382 AIR FORCE nominations (2230) beginning DAVID M. ABEL, and ending MICHAEL M. ZWALVE, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1466 AIR FORCE nominations (19) beginning SUSAN S. BAKER, and ending JON C. WELCH, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1467 AIR FORCE nominations (65) beginning DAVID A. BARGATZE, and ending AARON E. WOODWARD, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1469 AIR FORCE nominations (34) beginning MARK E. ALLEN, and ending CHARLES E. WIEDIE JR., which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1470 AIR FORCE nominations (18) beginning KERRY M. ABBOTT, and ending WILLIAM F. ZIEGLER III, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1471 AIR FORCE nominations (23) beginning RICHARD T. BROYER, and ending BRIAN K. WYRICK, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1472 AIR FORCE nominations (1019) beginning JOHN T. AALBORG JR., and ending MICHAEL A. ZROSTLIK, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1526 AIR FORCE nominations (118) beginning DAVID L. BABCOCK, and ending WAYNE A. ZIMMET, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1551 AIR FORCE nomination of Howard P. Blount III, which was received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1552 AIR FORCE nomination of Errill C. Avecilla, which was received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1553 AIR FORCE nomination of Mark Y. Liu, which was received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1554 AIR FORCE nominations (2) beginning BRYCE G. WHISLER, and ending TIMOTHY M. FRENCH, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1555 AIR FORCE nominations (3) beginning PHIET T. BUT, and ending MICHAEL J. MORRIS, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2008.

IN THE ARMY

PN1473 ARMY nominations (174) beginning MARIO AGUIRRE III, and ending SCOTT B. ZIMA, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1474 ARMY nominations (187) beginning BARRY L. ADAMS, and ending TIMOTHY M. ZEGERS, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1475 ARMY nominations (45) beginning KEVIN S. ANDERSON, and ending RUFUS WOODS III, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1476 ARMY nominations (61) beginning ROBERT B. ALLMAN III, and ending RICHARD F. WINCHESTER, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1527 ARMY nomination of Barry L. Shoop, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1528 ARMY nomination of Brian J. Chapuran, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1529 ARMY nomination of Gregory T. Reppas, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1530 ARMY nomination of Vanessa M. Meyer, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1531 ARMY nominations (2) beginning THOMAS E. DURHAM, and ending DANIEL P. MASSEY, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1532 ARMY nominations (3) beginning CHARLES L. GARBARINI, and ending JUAN GARRASTEGUI, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1533 ARMY nominations (2) beginning MILTON M. ONG, and ending MATTHEW S. MOWER, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1534 ARMY nomination of Craig A. Myatt, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1556 ARMY nomination of John C. Kolb, which was received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1568 ARMY nomination of Kenneth D. Smith, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1569 ARMY nomination of John M. Hoppmann, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1570 ARMY nominations (38) beginning AMY M. BAJUS, and ending ROBERT P. VASQUEZ, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

IN THE COAST GUARD

PN1561 COAST GUARD nomination of Trevor M. Hare, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1562 COAST GUARD nomination of Susan M. Maitre, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

IN THE FOREIGN SERVICE

PN1452 FOREIGN SERVICE nominations (138) beginning Andrew Townsend Wiener, and ending Troy A. Lindquist, which nominations were received by the Senate and appeared in the Congressional Record of March 5, 2008.

IN THE MARINE CORPS

PN1571 MARINE CORPS nominations (3) beginning DAVID G. MCCULLOH, and ending PAUL W. VOSS, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

IN THE NAVY

PN1251 NAVY nomination of Thomas M. Cashman, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1302 NAVY nomination of Kelly R. Middleton, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1477 NAVY nomination of Theresa A. Fraser, which was received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1478–1 NAVY nominations (23) beginning LEE R. RAS, and ending ELIZABETH M. SOLZE, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1535 NAVY nomination of Aaron J. Beattie IV, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1536 NAVY nominations (3) beginning KRISTIAN E. LEWIS, and ending LUTHER P. MARTIN, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1587 NAVY nominations (3) beginning SAMUEL G. ESPIRITU, and ending PAUL G. SCANLAN, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1588 NAVY nominations (31) beginning TERRY L. BUCKMAN, and ending THOMAS M. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

EXTENDING THE PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2929, introduced earlier today by Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 2929) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2929) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "April 30, 2008" and inserting "May 31, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

RECESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

FAA REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GASOLINE PRICES

Mr. BARRASSO. Mr. President, today I rise to speak about the price of gasoline and the price of diesel fuel, which is affecting every driver in America. My principal message is that Washington policies should not drive up the prices at the pump. At an absolute minimum, Federal practices should not be making prices any worse.

According to the American Automobile Association, the average retail price for regular unleaded gasoline is $3.60 a gallon. The average price of diesel fuel is $4.24 a gallon. This is before this summer's driving season has even started.

Consumers all across America are hurt by the inflationary pressures at the pump. My constituents in Wyoming know firsthand the huge impact that $110 or $120 per barrel of oil has on their wallets. I visit with them every weekend. The price at the pump in Casper, WY, just 3 weeks ago was $2.91. This past weekend, it was $3.31. Wyoming ranks at the top of all States in terms of vehicle miles traveled on a per capita basis. Because of my State's sparse population and great distances, that means it is not uncommon to commute 20, 50, or even 100 miles round trip to work, to school, or just to buy groceries.

Today's current oil prices are primarily due to supply and demand fundamentals. At close examination, there are really several different underlying contributors to today's high prices: rising world demand, especially in India and China; geopolitical tensions in the Middle East, in Venezuela, in Nigeria; limited options for acquiring additional supply; the weakness of the U.S. dollar; environmental regulations; and perhaps even excessive market speculation and manipulation. Recognizing this, Federal Government practices should not—should not—drive prices even higher. That is why I am announcing legislation today, S. 2927, that provides for a temporary suspension of Federal oil purchases for the Strategic Petroleum Reserve.

This Strategic Petroleum Reserve was initially created in the mid-1970s. It was set up to protect the Nation from oil supply disruptions that followed the Arab oil embargo. I support the goal of protecting America's energy security. The Strategic Petroleum Reserve has served our Nation well. This legislation, though, says enough is enough. At today's high prices, this legislation tells the Government to stop putting any more oil into the Strategic Petroleum Reserve—to stop doing it whenever the average price of gasoline is over $2.50 a gallon. This chart clearly shows when we went above the red line, above $2.50, and when it has come below and when it is above. This has been in the last 3 years. This legislation also tells the Government to stop putting oil into the Strategic Petroleum Reserve when the price of diesel fuel exceeds $2.75 a gallon.

Currently, the United States is buying about 70,000 barrels, 70,000 barrels of oil each and every day to save and inject underground. The Government keeps buying it every day, regardless of price. When the prices of fuel go up, people try to use less. They carpool, they use public transportation. Not the U.S. Government—70,000 barrels every day regardless of need, regardless of price. The Strategic Petroleum Reserve already contains 700 million barrels of oil.

The Administrator of the Energy Information Administration recently testified to the Senate Energy and Natural Resources Committee. He said taking this much oil out of the market every day does drive up the price for American drivers. He wasn't sure of the amount. He estimated it could be $2 per barrel of oil, maybe a nickel per gallon. A private analyst has argued that continuing to fill the Strategic Petroleum Reserve could add as much as 10 percent to the price of gasoline—10 percent. While there appears to be a disagreement on the magnitude, it is clear that when the Government is competing with the American driver, it does have an impact. Every day, the Government is pulling 70,000 barrels of crude oil from the market. This is oil which could otherwise be used by airlines, by trucks, or by our neighbors.

My bill would also impose fiscal responsibility on future oil purchases. When the Federal Government buys oil at today's prices, it is an expensive proposition for all taxpayers. At current prices, it will cost over $8 million a day for the Government to purchase these 70,000 barrels of oil. Well, that equates to about $250 million a month, nearly $3 billion a year. The impact to the Treasury and to the American driver is real. Currently, the goal is to fill the Strategic Petroleum Reserve with up to 1.5 billion—billion—barrels of oil. At the current rate of putting in 70,000 barrels a day, it will take another 30 years to achieve this level—70,000 barrels a day for 30 years.

I recognize that a temporary suspension by itself is not going to bring down the price of gasoline to $2.50 or even $3 a gallon overnight. But I made a commitment to the people of Wyoming. I made a commitment to do what I can to help when it comes to Washington policies that just don't seem to make sense. As a physician, I took an oath to do no harm. As a Senator, I am committed to a philosophy of Government accountability and fiscal responsibility.

In addition to temporarily stopping the stockpiling of oil at these high prices, there is a second component to this bill: commonsense steps for fiscal responsibility. This legislation includes simple recommendations put forth by the Government Accountability Office.

This bill would require dollar cost averaging when it comes to purchasing oil in the future. We could save taxpayers money if we just purchased the same dollar amount of oil each month rather than the same volume of oil each month. This means you end up buying more oil when the prices are low and less oil when the prices are high. The practice works for individual investors. It is what millions of Americans do every month with their retirement plans.

There is an article in this week's Fortune magazine. It is entitled "Where to Put Your Money Now." The article says: With the markets giving off so many mixed signals, use dollar cost averaging. The Federal Government should operate with that same prudence. If the Department of Energy had used this approach in recent years, it could have saved American taxpayers over $590 million.

The Federal Government could also save taxpayer dollars by storing heavier grades of crude oil. The Government Accountability Office has pointed out that such a strategy would be more cost-effective and provide more refiners with the kind of oil the refiners can actually use.

These are two fundamental steps to improve Government accountability and fiscal responsibility. Many of us complain about Government waste. In this legislation, we have a chance to do something about it.

I fully recognize that our energy problems are complex. This body recently adopted new corporate average fuel economy requirements to improve long-term efficiency in our cars and in our trucks. Increased energy efficiency and conservation must be an important part of any long-term energy solution. Other policies worthy of debate include expanded domestic production of energy, and we have also held hearings on excessive speculation and market manipulation. More recently, some have called for a holiday on the Federal gasoline tax. All of these efforts are worthy of debate. A temporary halt on adding more oil to the Strategic Petroleum Reserve is really the low-hanging fruit. If we can't agree on these simple steps for fiscal responsibility, how will we come to an agreement on the more complex solutions to energy security?

I urge my colleagues on both sides of the aisle to support this legislation without delay. With gasoline prices at an alltime high, the American driver—the American driver—should not have to compete with Washington policies that are driving up the price at the pump.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I wish to take some time today to address a certain portion of H.R. 2881. Before I begin those remarks, I also wish to mention that there are a number of communities in Virginia that experienced some pretty devastating weather effects yesterday as a result of high winds and tornadoes. I want the people in those communities to know we have been in continuous contact from my office with the Governor's office and we have people from our office down in these communities, and we are committed to ensuring that appropriate governmental assistance be made available and remain available until the effects of this unfortunate weather occurrence are remedied.

I wish to thank the chairman for bringing this bill to the floor, and in general, I support the bill. Our Nation's air traffic control systems are in serious need of modernization. We all know that. This bill in most ways is the right step in addressing those challenges. But I would like to take a few minutes today to talk about an issue that is vitally important to a lot of communities in and around Reagan National Airport in northern Virginia.

I am deeply troubled by a provision in this bill that would add 20 additional slots at Reagan National, including several potential amendments that could further harm that airport as well as Dulles International Airport and their neighboring communities.

We should recall that in 1987, Congress created the Metropolitan Washington Airports Authority in order to run Reagan National and Washington Dulles International Airports. The creation of the Airports Authority established a professional organization to operate the airports efficiently and represented a commitment to the surrounding communities regarding aircraft noise and traffic. I think that bears repeating. Congress made a commitment to the residents of Alexandria, Arlington, and Fairfax County on the operation of Reagan National Airport when it transferred authority on these issues over to the Airports Authority. Those commitments were codified by Congress in the so-called perimeter and slot rules. Changes to these rules threaten to seriously degrade service to the airports, and they break the promises that were made to these surrounding communities.

In an ideal world, it sounds appealing to have more flights to Reagan National Airport, but the fact is that there are basic physical constraints to that airport that simply cannot be ignored. If anyone has ever tried to fly out of Reagan National during peak hours, they know that parking can be extraordinarily difficult, that ticket counters can be incredibly congested, and that the number of gates that park the jets is limited. I am told that an increase of just four airplane slots, for example, could result in an additional 400 to 500 passengers going through this airport an hour.

Nearly 10 years ago, the Airports Authority rebuilt much of Reagan National, transforming it into one of the most efficient airports in the Nation, as the facilities constructed were matched to the number of flights established by law. Any increase in the number of flights will overburden critical airport facilities and infrastructure, causing serious disruptions. New flights, obviously, would create greater demand for parking at a time when parking is difficult, affect gate access, and all these other areas I mentioned before.

When the Airports Authority upgraded their facilities in the 1990s, it did so with these slot and perimeter restrictions in mind. These were carefully crafted rules that work in harmony to manage this airport's capacity. Adding more flights would quickly exceed the physical capacity of the airport.

Importantly, the slot rules created an airport in balance with its surrounding neighborhoods. Because Reagan National is convenient to many air passengers, it is appreciated and well used. But this convenience comes at a heavy price for many of the airport neighbors in the form of aircraft noise and related traffic situations on the roads in these areas. Adding flights beyond what was agreed to in this legislation breaks the bond that was created with the neighbors of the airports. It unfairly burdens them for the sake of the convenience of others.

I note that the city of Alexandria, Arlington County, the McLean Citizens Association, the Mount Vernon Citizens Association, the Washington Council of Governments, and Virginia Governor Tim Kaine all oppose these changes.

I am particularly concerned that there is a tipping point with these matters. We have to be concerned about quality of life in these communities as we measure them against the convenience of using the airport.

It strikes me that the desire to change the slot and perimeter rules at Reagan National is not being driven by market demand but rather by a few airlines seeking a competitive advantage over others. By allowing existing rules to be altered further for a select class of airlines, Congress would be allocating this scarce resource for the convenience of a few and, again, in contradiction to the larger community need.

The bottom line question is, How many more additional aircraft and how much more noise should local citizenry have to endure before we have crossed this important threshold?

Congress added 24 new slots in 2000 and another 22 slots in 2003. If we continue to allow more flights this year, how many more are we going to have to continue to allow the next time this bill comes up?

The communities of Northern Virginia should not have to continually suffer for the convenience of a relative few.

I close by saying that the Congress made a commitment to these Virginia communities when it ceded control to the Airports Authority. It should honor those commitments. Let's allow the Airports Authority to run Washington's airports. I urge my colleagues to reject any changes to the slot and perimeter rules at Reagan National.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that following my remarks, Senator SCHUMER from New York be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, before us is H.R. 2881, which is the reauthorization of the Federal Aviation Administration and, of course, that is the authority tied directly to America's airlines and the body of public policy under which they operate. It comes at a time when all of us are frustrated by what was once a great American industry, and that, of course, is the airline industry. We set the records, we established the world standards in all respects to aviation, and now our industry is in great trouble. It is in great trouble for a lot of reasons, but one of the underlying reasons today is the substantial cost in aviation fuel that all of these large carriers must acquire on a daily basis and the inability to simply pass it through to the consumer.

Of course, that is exactly what is going on in nearly every industry in America today. We are experiencing an energy shock to our pocketbook—whether it be my private pocketbook or an Idahoan's private pocketbook or a corporate private pocketbook—in a way that leaves us with no ability to assume it, to consume it in a way that does not damage our choices on staying alive as a major air carrier or our choice as a consumer where we put our money—with what few discretionary dollars we have left.

In that context, it is so easy to blame somebody else for a problem that largely this Congress has observed, talked about, and denied action on for nearly 20 years. Those of us on energy committees in the Congress who said the answer to a looming problem was going to be conservation, new technology, increased development, and production of existing energy sources over the last two decades—and we have largely denied ourselves those options—are now today wringing our hands in frustration about the phenomenal cost of energy to the American consumer.

So what do we do? We reach out to blame someone when we cannot find it easy to blame ourselves. So to whom do we turn? We say it has to be ExxonMobile's fault; look at all of their profits. Or it has to be Chevron's fault or it has to be Marathon's fault or, if you read in the paper today, British Petroleum has record profits, a 12-percent increase in return on investment. Gosh, we have to blame those big oil companies because surely they are in control of the market, surely they demand the price, and it seems it has to be their fault.

I have brought before us today a chart that might change our minds just a little bit. When we talk about ExxonMobile as it relates to their position in the world, well, my goodness, they don't control the oil supply of the world. They have a very small piece of it. Chevron, oh, my goodness, they don't control the oil supply of the world. They have a very small piece of it.

Who owns the oil of the world today from which we buy? Not U.S. companies but world countries—Saudi Arabia, Saudi Armco, the largest producer by a magnitude of three or four times. Then walk right on down to 11, 12 of the leading major producers are not companies, they are countries, and it does not happen to be the United States of America that is in that top 12 group. We should be, but we are not because we have denied ourselves the ability to develop our oil reserves in Alaska, offshore United States, offshore west coast, offshore east coast, oh, all in the name of the environment even though it is our technology today that is the world-class, environmentally proven and sound technology for deep sea oil development. So then we blame corporate America for our own fault. Now our consumers are angry. And listen to the speeches given on the floor of this body accusing or blaming someone else for the problem we, in large part, created.

What are we experiencing today? I believe we are experiencing something that is simply called petronationalism. The Saudis have it figured out. They got the oil, we got the bucks; they sell us their oil, they get our bucks. That is pretty simple, isn't it? Sixty-four percent of the energy consumed out of the pump at the local gas stations on the corners of America today comes from somewhere else in the world, not the United States. We are spending over $1 billion a day somewhere else in the world to buy their oil. And if Americans want to be mad, they ought to be mad at their politician or politicians who, for the last 20 years, have denied the reality of the marketplace, all in the name of being supergreen or all in the name of just not liking big corporations, and so we couldn't let the Exxons, the Chevrons, or the Marathons do something about it.

Several years ago, I met with the president of American Oil before it merged. He was opining that they were never going to develop in the United States anymore because they could not afford to because of the regulations and the cost to produce a barrel of oil in the United States when they could go to the Caspian area of Central Europe or when they could go to Saudi Arabia or anywhere else in the Middle East. So today we suffer the reality of our own politics, and we ought to be able to do something about it.

Some of you who might have been listening a few moments ago heard the Senator from Wyoming making good common sense that we ought to quit buying oil out of this current market and putting it in our Strategic Petroleum Reserve. We have enough there for the time being in case something happened in the Middle East that created a crisis. It would not last very long because we would suck it out of the ground and put it in our pumps to avoid an oil shock. But the reality is quite simple. When you have a world with a growing demand for the consumption of oil and its products and you are not producing more, the price is going to go up.

Ten years ago the Chinese were not in the market. Ten years ago the Indians were not in the market. They are in the market today and they are increasing their demand out of the world's supply at a rate of 8 or 9 percent per year.

Is the world's supply increasing? No, it is not. Is the world's refining capacity increasing? Very little. So Americans are competing against the Chinese and the Indians and everybody else for their gallon of gas. That is the reality of the market today.

Oil is not a national commodity. It is a world commodity. As the dependency went up 60 percent over the last three decades, the overall consumer demand went up. Do ExxonMobil and Chevron and every other American company control it? No, they do not. Foreign nations control it and they are getting wealthy off of American's great ability to create wealth. If we do not get this under control as quickly as possible, we will simply spend ourselves broke and the rest of the world will have all of our money and then—guess what. They are now coming to the great banks of our country and saying: We see you have a financial problem. We would like to buy an interest in your bank and give you a big chunk of cash that we got by selling you oil.

They no longer own their oil because they sold it to us and we burned it. But they have our money and they are now coming back and buying our financial institutions. Isn't that an interesting cycle? The wealth we once sent overseas to Saudi Aramco and to all of these other national companies is now coming back to the United States in the form of them owning our financial institutions. Does that make good sense?

Right now we are going to look for any amount of cash we can get to bolster our financial institutions that are in trouble—possibly because of the housing industry or some other kind of large investment. So you might say that is a pretty good deal. I suggest the bad deal started 20 years ago when we began to progressively deny our country and its companies the right to produce and supply the marketplace. That is what we have done. Today we are paying the price.

I am going to be spending a good deal of time over the next several months talking about every segment of the energy portfolio of our country, not only gas and oil but electricity in all other forms and conservations and photovoltaics, wind, and cellulosic. All of that is going to be terribly important for the American consumer in the years ahead.

The bad news is what we have to say to the American consumer today is none of it is going to be ready for 4 or 5 or 6 or 8 or 10 years. In the meantime, your energy bill is going to become an ever larger part of your overall cost of living and your family budget. There is not much a politician can do about it because they have already damaged the marketplace in which you have to live.

I yield the floor.

The PRESIDING OFFICER. By unanimous consent, the Senator from New York is recognized.

Mr. SCHUMER. Before I get into the substance of my remarks on Medicaid regulation, I compliment my colleague on his speech. I do not agree with all of it; I agree with some. I note one of the reasons he pointed out on his chart is it was foreign countries that owned most of our oil supply. That is true. I would note and commend to him to look at the Saudis, who have the largest number of oil fields and are the largest producer. Actually at a time of increasing demand, as my colleague from Idaho well knows, Saudi Arabia has cut back on production. It was higher in 2005 than it was in 2006, and it was higher in 2006 than it was in 2007. I will be coming to the floor, either later today or, more likely, tomorrow, to talk about that.

The Saudis are, No. 1, the short-term answer. We can talk about increasing production here, whether it is alternative energy or fossil fuels. We can talk about increasing conservation. They are vital, necessary, and cannot be avoided. They are long-term answers. But the quickest short-term answer to the problem would be for the Saudis to increase production.

They have cut back. They talk a good game. We see pictures of President Bush arm in arm with the Saudi leader, the Saudi King, yet we get nothing in return. Yet we are considering selling them some of the most advanced weapons we have. So stay tuned tomorrow, where some of us are going to be talking about that and augmenting in a certain way what the Senator from Idaho was talking about.

MORATORIUM ON MEDICAID REGULATIONS

Mr. President, today I rise to speak about the moratorium on Medicaid regulations. Last week the House passed a bipartisan bill with overwhelming support to block the ill-advised Medicaid cuts the Bush administration has proposed. The House bill introduced by Chairman JOHN DINGELL passed by a vote of 349 to 62. By definition, that had to have a majority of both parties—128 Republicans and every Democrat voted for this bill. It was an incredible victory—at least a first step toward a victory for American patients who are served by hospitals, for hard-working physicians and other health providers as well as case managers and social workers who do so much to help those in need. It would extend all the way to those who work in hospitals at 2 a.m., sweeping the floors, mopping, to make sure the hospital is spick and span for the next morning.

Later today Majority Leader HARRY REID will ask for unanimous consent that H.R. 5613, protecting the Medicaid Safety Net Act—the same bill as passed the House—be approved. I hope my colleagues on the other side of the aisle will go along with this vitally needed piece of legislation. The bill is now on the Senate calendar, thanks to the majority leader and Chairman BAUCUS. Many of us on this side and I believe many on the other side hope we will have a chance to take it up this afternoon. These proposed Medicaid rules the administration proposed could not come at a worse time. State budgets are already worsening due to the weakening of the economy, and few States can absorb these massive and unvetted cuts. The administration did not look here or look there at specific places where they might save. Oh, no, it was a meat-ax, an almost across-the-board cut at a time when our hospitals, our economy, and most of all our people who are sick cannot take it.

If the Congress does not act, the States will face terrible choices—to cut their Medicaid Programs or cut other programs to free up more funds for Medicaid. In a sense it will undo much of the stimulus package, putting money in the hands of people so they can spend it and then requiring the States to cut back.

We need a moratorium so the next administration can make things right. We need a moratorium so this administration will not be able to succeed in its meat-ax approach to health care and to Medicaid in particular.

Let me tell you a little more about the eight Medicaid regulations this administration has proposed. I am sure many of my colleagues on both sides of the aisle have heard from their hospitals, their Governors, and constituents, that these rules are a disaster for our health care system.

The expiration of moratoria on two regulations, GME—that stands for graduate medical education—and the IGT, intergovernmental transfers, is fast approaching. It reaches us on May 25, 2008. That is a little less than a month away.

We have two additional moratoria that are expiring on June 30: the "rehabilitation" and "school-based health" rules. Then, if that is not enough, there are at least four other rules that have no moratoria, and they go into effect shortly, piling on the people and an industry that at this point is in bad enough shape.

What would happen if we didn't pass H.R. 5613 is that our States, our hospitals, our public providers who do so much important work for American patients would be devastated. Right now they are in a terrible state of panic—and that is not an exaggeration—over these proposed changes that will cost billions more dollars.

Like so many of my colleagues, I believe the integrity of the Medicaid Program is extremely important, but I think a large majority of the Senate agrees these rules go way too far and will end up hurting patients and the very system that serves them. With close to 50 million Americans uninsured in my own State of New York, the estimate is there are over 2 million adults and kids who do not have health insurance. We are penny wise and pound foolish to allow reductions in the critical safety net funding that currently exists.

The Medicaid GME, or graduate medical education rule, is one I am particularly worried about. This proposal represents a major shift in administration policy. By proposing not just to cut but to eliminate Medicaid GME, the Government is essentially forcing the Medicaid Program to shirk its responsibility to cover its share of training physicians. The GME regulation would pull the Federal rug out from underneath the Medicaid support for training physicians at a time when across the country, in rural and urban areas alike, we are experiencing a shortage of physicians in every specialty and in primary care.

For example, a community in New York State's southern tier, the area that borders Pennsylvania, experienced a 20-percent decline in general surgeons from 2002 to 2006. In 6 rural counties in the Mohawk Valley, there was a 33-percent loss in general surgeons over that same time period.

The impact of the GME proposal is estimated to be a $3 billion loss over 5 years to New York State teaching hospitals alone. The public hospitals in New York State have told me how devastating the cuts would be if these rules are implemented.

For instance, Coney Island Hospital, a hospital that tends to the poor, tells me they would no longer be able to offer smoking cessation programs for pregnant mothers. What a terrible shame. What a wrongheaded approach. These hospitals are using these funds in a cost-effective way that will improve health, but this administration is saying no to them and no to patients.

We talked about the sacredness of life, and we know a baby in vitro should be given, if not a head start, at least an equal chance. But if that baby's mother is smoking, the health of that child is impaired.

"Smoking cessation programs work. Let's cut them out."

No rationale, no discussion saying they do not work, just cut them. That is wrong. Prevention is important. Yet these rules make prevention efforts, such as smoking cessation programs, impossible.

They also hurt medical and dental residents. I recently heard from a dentist trainee, a dentist who was training in a New York public hospital, who said the wait for an appointment is already way too long. With these unwise regulations, that wait increases tenfold, and what was originally a minor dental treatment could end up a huge problem and end up costing the Federal Government and the State government more.

This dental trainee said these rules will increase emergency visits for situations that could have been prevented. It will increase unnecessary antibiotic prescriptions and reduce our ability to reach out and educate the community about dental care.

One of the hallmarks, and why the European systems are more cost efficient, is they focus more on education and prevention. We are cutting it out here. Instead of moving it forward and becoming more cost efficient by focusing on prevention, we are saying, Prevent it? Why would we want to do that?

We should be expanding prevention and expanding dental care in the early phase, not rolling it back.

With health care costs rising and health care reform the No. 1 issue on our constituents' minds, how can we allow these rules to go forward and make things so much worse? We need to vote on this legislation. We need to take this important step for health care.

I urge my colleague, the minority leader, to let this bill move forward. I urge all of my colleagues to do what the House did, a broad, bipartisan vote in favor.

We need to take this important step for health care. The list of supporters of the bill H.R. 5613 is a virtual who's who of health care: the American Medical Association, the American Hospital Association, the National Governors Association, the National Association of Mental Illness, the American Federation of Teachers, the National PTA, and the list goes on and on. More than 2,000 national and local groups have called for passage.

I urge all Members of the Senate to join the list of supporters when Senator REID asks for unanimous consent later this afternoon to allow us to move to H.R. 5613. I hope that will be met by unanimous accord on the other side. Our health care system demands no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

ENERGY INCENTIVES

Mr. CARPER. Mr. President, there has been a fair amount of discussion here on the floor today about what to do with respect to rising costs of gasoline and a discussion about what we should do in response to this runup of prices. I heard the Presiding Officer speak earlier today—I thought with passion and with wisdom—on an appropriate course of action. I wish to mention a few things that I think we ought to do.

No. 1, we should be investing tax dollars in basic research and development to make a reality the lithium ion battery that is going to provide power for a flex-fuel plug-in hybrid vehicle called the Chevrolet Volt over the next 24 months or so, a vehicle that will run for 40 miles on a charge of its battery and use auxiliary power on board the vehicle to raise fuel efficiency well beyond that, maybe as high as 70, 80 miles per gallon. That is what we ought to be doing, and we are.

Another thing we ought to be doing is using the Government's purchasing power to help commercialize the new technologies. Whether it is flex-fuel plug-in hybrids, whether it is very low emission diesels, whether it is fuel cell-powered vehicles, we should be using the Government's purchasing power to bring them to the marketplace. And we are doing that too. This year, there is a requirement that 70 percent of the cars, trucks, and vans the Federal Government purchases, both on the civilian side and on the military side, have to be advanced-technology vehicles. That includes vehicles purchased by the Postal Service.

We also ought to be providing tax credits to encourage consumers to buy highly energy efficient hybrid vehicles, highly efficient, low-emission, diesel-powered vehicles when those are produced and when they come to the marketplace. And we are doing that. That is part of our law. We provide a tax credit for folks who buy highly energy efficient hybrids and very low emission diesels, a tax credit that is worth up to close to $3,500 per vehicle. When the Chevrolet Volt or other flex-fuel vehicles, plug-in hybrids come on the marketplace in the next couple of years, we should provide an even greater tax credit to encourage American consumers to purchase those.

Several years ago, we voted here in this Chamber to create a commission. We create a lot of commissions around here. But this was an infrastructure commission, a transportation infrastructure commission. It was part of our major 5-year, 6-year bill that we pass every so often on transportation projects, a lot of it roads, highways, and so forth, but transit is included in there too.

When we passed the last bill, several years ago we said we want to create this commission, and we want the commission to go out and look at our infrastructure needs, transportation infrastructure needs across the country, quantify those for us and tell us what you think it is going to cost to bring our roads, highways, bridges, and transit systems to a state of good repair, and tell us how you think we ought to pay for those improvements. That commission was formed, worked hard for a year or so, and then came back to report back to us earlier this year as to how bad the situation is and what it is going to cost to fix it. They came back and said: We need to spend, to bring us out of the 20th century and into the 21st century, something like $225 billion a year—$225 billion a year; I think that is what they suggested—over 50 years, over the next 50 years. They called for actually increasing the gasoline tax by I think a nickel a year for 5 years, 6 years, something like that.

We have seen suggested to us a number of ideas for providing for a holiday for the gasoline tax, to suspend collecting the gasoline tax in this country, maybe for the summer. Now we are hearing from people: Let's extend it not for 3 months over the summer but for 3 months beyond that—which, ironically, would take us through the election, just past the election.

Let's think about that. In a day and age when we know our roads, highways, bridges, and our transit systems are falling further and further out of a state of good repair, making our transportation system and our economy even less efficient, we know we are not raising enough money to begin to catch up with the backlog, much less to address the new needs. The notion of diminishing the revenues that are available to try to improve our transportation system suggests to me that we are focused more maybe on the election than we are on the needs of our country.

A friend of mine used to say: Leadership is staying out of step when everybody else is marching to the wrong tune. Leadership is staying out of step when everyone else is marching to the wrong tune.

I used to say, when I was Governor of Delaware: Things worth having, whether it is health care, whether it is education, whether it is transportation—roads, highways, bridges—if they are worth having, we ought to pay for them. If we are not willing to pay for them, we should not have as many of them.

I mentioned a few minutes ago how we are providing tax credits to encourage consumers in this country to buy more energy-efficient vehicles. Wonder of wonders, the big three are beginning to produce them. After years of building these behemoths and the gas guzzlers, Ford and Chrysler are actually displaying and engineering and selling vehicles that Americans ought to be buying. The quality is vastly improved over what it was 10 or 20 years ago. I will mention a couple of them.

GM sells hybrid vehicles, not just the big SUVs like the Tahoe and the Yukon but also midsized sedans like the Saturn Aura and the Chevrolet Malibu, both of which were actually "Cars of the Year" this year and last year. Ford has a number of hybrid products on the road as well, not just the Escape but another as well. Chrysler joins the parade this summer by launching the hybrid Dodge Durango and the hybrid Chrysler Aspen. I understand from a friend of mine who is driving the Chrysler Aspen that in the city it is getting about 22 miles a gallon and on the highway it is expected to get close to 30 miles a gallon. Is that where we want to be and need to be? No, but that is a huge difference over the vehicles it replaces. Chrysler is launching, this fall, in the 2009 model year, very low emission, highly energy efficient diesel-powered vehicles.

We are, through our Tax Code, encouraging Americans not just to buy Toyota Priuses and Hondas but to buy hybrids, low-emission diesels that are manufactured by Ford, Chrysler, and GM. They are making them and we ought to buy them, and in doing that we begin to reduce the demand for oil that threatens to engulf us.

I ride the train back and forth most days. I live in Delaware, and I go back and forth. As my colleague, the Presiding Officer, knows, I go back and forth almost every night to Delaware. A strange thing is going on with respect to passenger rail ridership in this country.

I used to serve on the Amtrak board when I was Governor of Delaware, and every year we would see ridership go up by a couple of percentage points. We would struggle, try to raise money out of the fare box to pay for the system and the expansion of the system. Well, the first quarter of this fiscal year, ridership at Amtrak is up 15 percent. Revenues are up by 15 percent. People are starting to realize that maybe it makes sense to get out of our cars, trucks, and vans and take the train or take transit. Transit ridership is up again this fiscal year more dramatically than it has been in some time.

Americans are beginning to literally buy homes in places that are closer to opportunities for transit—for rail, for bus, for subways, for the metro systems. As we have seen the drop in home prices across the country—in some cases, very dramatic—among the surprises, at least for me, is to see housing prices stable and in some cases actually going up in places where people can buy a home and live and get to work or wherever they need to go to shop without driving to get there.

I don't know how gullible we think the American voters are to suggest to them that we are going to have this holiday on gas taxes, Federal gas taxes, for 3 months or for 6 months, maybe to get us through the next election, and then when the elections are over we will go ahead and reinstate the gasoline tax to what it has been even though in doing that we might be depleting further the money available for transportation improvements. I don't know how foolish we think the American voters are. They are a lot smarter than that. They are a lot smarter, maybe, than we give them credit for being.

I think in this country people are crying out for leadership. They are calling out for Presidential leadership, whether it is from our side of the aisle or the Republican side. People want leaders who are willing to stay out of step when everybody else is marching to the wrong tune, and I would suggest that the wrong tune is to suspend the Federal gasoline tax and at the same time not replace the dollars that would otherwise go into the transportation trust fund to fix our dilapidated, our decaying transportation system. Voters in this country deserve better leadership from us. I am determined, I am committed to making sure we provide and pay for that.

Before I close, there are a lot of good ideas for things we ought to do. I mentioned, tongue in cheek, that we ought to provide more R&D investment for a new generation of lithium batteries for plug-in hybrid vehicles. I say, tongue in cheek, we ought to use the Government purchasing power to commercialize advanced technology vehicles. We are doing that. I said with tongue in cheek we ought to provide tax credits to encourage people to buy highly efficient hybrid vehicles and very low diesel-powered vehicles that are efficient. We are doing that.

There other things we need to do too. We need to invest in rail service. We can send from Washington, DC, to Boston, MA, a ton of freight by rail on 1 gallon of diesel fuel. I will say that again. We could send from Washington, DC, to Boston, MA, a ton of freight by rail on 1 gallon of diesel fuel. But we as a government choose not to invest in freight rail and, frankly, to invest very modestly in passenger rail. It is a highly energy-efficient way to move people and goods.

One of my colleagues spoke a little bit ago and talked about why, as has Senator DORGAN, at a time when gasoline prices and fuel prices are so high, when the cost of a barrel of oil is 120 bucks a barrel, we are buying oil and putting it in the Strategic Petroleum Reserve when we are almost up to 100 percent capacity. That is a good question. It is foolish for us to continue to buy as much oil as we are right now to further drive up prices. We should stop filling the Strategic Petroleum Reserve as long as prices are at this level. One of my colleagues raised the question of speculators. If you go back a year ago, almost a year ago from today, the cost of a barrel of oil was something akin to $60, $63 a barrel. The price today is about $53 more than that. We have seen an increase of probably 75 percent in the price of a barrel of oil from last year to this. As somebody who studied some economics when I was in school, I believe in the law of supply and demand. But the law of supply and demand is not driving up the price of a barrel of oil from roughly $65 a barrel a year ago to almost twice that today. Speculation is going on that I don't fully understand. Maybe others do, but I don't. But I know something beyond the law of supply and demand is driving these prices of oil through the roof.

The investigative committees in this Congress, along with the Government Accountability Office and the administration, need to be all over that. Find out what is causing it and how we can stop it. It is difficult for the Congress. We write a lot of laws. I don't know how we can repeal the law of supply and demand, but more than the law of supply and demand is in effect in driving up oil prices.

Some have said: Why don't we have a holiday for the gas tax for this summer or for 3 months or 6 months and replace that with some kind of windfall profit tax on the oil and gas industry. I would suggest, if we are going to take away some tax advantages enjoyed by the oil and gas industry, the smarter thing is for us to use the revenues that would be generated in that way to extend the soon-to-be-expiring tax credits for the production of electricity from wind, solar, geothermal. Those tax credits expire at the end of the year. Businesses, individuals who are thinking of putting in place systems, small and large, to provide for alternative energy need some certainty. They need to know what the Tax Code is going to be.

The sooner the better. To be fiscally responsible, we can't extend the tax credits without paying for them. The extension of the tax credits reduces revenue to the Treasury and makes the deficit bigger. We need to pay for it. I would suggest, if we look carefully at some of the tax credits enjoyed by the oil and gas industry, we could probably find something there that is not fair or reasonable or productive. I suggest we use those revenues, not to offset the revenues that would be lost from suspending the Federal gasoline tax until after the election but to use those revenues to make sure we extend tax credits for renewable energy, wind, solar, geothermal, and so forth.

I will have a chance to come back later in the week and talk about this some more. Sometimes we underestimate the wisdom of the voters. I think it was Thomas Jefferson who said: If you tell the American people the truth, they won't make a mistake. I will do my dead level best to make sure, during the course of the debate on this notion of waiving the gasoline tax or having a holiday on the gasoline tax until after the election, I am going to make sure, I hope with a number of my colleagues, the American people understand the truth and the full picture and that they will make the right decision. Hopefully, we will too.

I yield the floor.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. SUNUNU. Madam President, I rise this afternoon to speak for a few minutes on the bill before the Senate, the FAA modernization bill. It is an extremely important reauthorization. At the end of the day, as we pass this legislation, it will be the kind of bill that we look back on and wonder why we were not able to work out the differences a little bit faster, and get it signed into law a little bit more quickly because this is a bill that is of great importance to our transportation infrastructure, to those who rely on the aviation system every day for business travel, for family travel, and for their jobs, their livelihood.

This is an important piece of legislation because it lays the foundation for modernization of our aviation infrastructure and the technology, the air traffic control systems that we depend on every day to keep our skies safe. Technology continues to evolve, that is a good thing. It improves efficiency, improves safety, and can really have a positive impact in the skies. But at the same time, we all understand that technology costs money. To purchase new systems, to install them, to train our traffic controllers to make sure they are in the strongest possible position to use that equipment costs money.

There is no question that one of the debates that delayed this legislation was over how to fund the infrastructure improvements that are in the bill, not whether to fund, and I suppose that is good news. There was general consensus that there needed to be a strong and clear funding commitment, but there was some debate over the exact mechanism.

I certainly want to give credit to Chairman BAUCUS and Chairman INOUYE of the Finance and Commerce Committees; the Ranking Member GRASSLEY and Vice Chairman STEVENS; and, of course, Senator HUTCHISON and Senator ROCKEFELLER for the work they did on the Aviation Subcommittee.

There was a lot of disagreement as to whether we should create a new fee system, whether we should create a new bureaucracy for assessing fees on general aviation. I am pleased to see that we did not go that route. We have a system for collecting aviation taxes in place, taxes on aviation fuel and jet fuel. There was a recognition on all sides that that tax burden needed to be increased to keep pace with the needs of the aviation system. It is an efficient system. It is one that works. It is one that is well understood. I think it would have been a mistake to try to create a new bureaucracy when we have such a system in place.

So this legislation will increase the taxes on general aviation jet fuel pretty significantly from about 22 cents a gallon to 36 cents a gallon, but there is a recognition that so long as that money stays in the aviation trust fund, so long as it is used to upgrade the aviation system, it will be well spent.

This tax increase on general aviation jet fuel will provide nearly $290 million annually in additional funding for the NextGen air traffic system, and that is something to be commended. It addresses the impact of air traffic growth because it increases the system's capacity and, at the same time, improves the efficiency and, of course, our focus at all times has to be safety.

One of the points that is most impressive about our aviation system, both on the commercial aviation and general aviation side, over the last couple of decades is the improvement in safety. The improvement in performance and safety per thousand miles flown or 100,000 miles flown has been significant, and everyone benefits from that improvement. Consumers benefit from a safer system and, of course, a safer system, a safer workplace, a safer environment is less costly and less expensive.

This legislation also provides increases to the Aviation Improvement Program, AIP. That is a program that is important to airports, large and small, across the country. In New Hampshire, the Manchester Airport has undergone tremendous levels of growth during the past decade, and much of that improvement, infrastructure, and investment at Manchester has been funded through the AIP, including the airport's noise reduction enhancements.

Today in New Hampshire, everyone benefits from the improvement in that infrastructure, the expansion at Manchester. The improvement in efficiency, not just in New Hampshire but across northern New England, creates a different choice for consumers, for businesses, and for tourism as well. That makes a difference, a real difference, in our northern New England economy.

This bill is not perfect. Rarely does anyone stand on the floor of the Senate and announce that a piece of legislation is perfect, but it is a good bipartisan effort. We will have opportunities to improve it, perhaps on the Senate floor during this debate, perhaps in conference, but it is important that we not bog down this legislation with amendments that will derail the bill, that will kill the bill, that will create a controversy that will make it difficult, if not impossible, to complete work on it in the coming weeks. It is a bill that needs to get done. It is a bill that needs to be sent to the President, not least of all so that the funding commitment for new technology can be implemented as quickly as possible.

Madam President, I again commend the work of the Senator from Texas as the ranking member of the Subcommittee on Aviation. I serve with her on the Commerce Committee, and I have really enjoyed working on this legislation. We had an exciting markup, to say the least, several months ago, but I am pleased to see we have been able to work through those differences and bring a very strong product to the floor.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I commend the Senator from New Hampshire. He was, indeed, a very important part of the negotiations on this bill. It is a complicated bill. He represents a State that has general aviation. It is very important to the service in his State. He spoke up for that service. In fact, in the bill, there are some very important components that are strong for general aviation, and also cities that have lost service in the past after deregulation we want to try to help get back in service with some incentives for service by smaller, maybe startup airlines.

The Senator from New Hampshire, Mr. SUNUNU, has been a very important part of helping us negotiate this bill that we have brought to the floor.

I know my chairman, Senator ROCKEFELLER, is going to be here soon. I hope we will be able to come to closure on the aviation part of this bill. I have very strong concerns about some of the provisions in the Finance Committee part that is going to be put into this bill. I hope the Finance Committee will work with us to take away some of the extraneous tax provisions that have nothing to do with aviation so that we can pass a good, solid bill that addresses aviation safety, which every consumer is interested in doing, that addresses the need for better service to our smaller communities, that increases the modernization of our air traffic control system, and that assures that passengers are taken care of when there are inordinate delays, and especially when they are on an airplane, maybe sitting on a runway for several hours at a time, and there are some very important parts of the bill that address the rights of passengers and the needs of passengers.

I hope we can get an aviation bill passed. I hope we can move out the extraneous provisions out and let the Finance Committee do those separately, which they certainly have the capability to do. But I do not want to hold up this good consumer bill.

I look forward to working with my colleagues, Senator ROCKEFELLER, Senator INOUYE, and Senator STEVENS on the committee, and Senator SUNUNU who just spoke, to get a good bill on which we can then go to conference with the House.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL DEFICIT

Mr. GREGG. Madam President, I rise to speak briefly about where we are headed as a government and specifically what we are passing on to our children, which is regrettably a lot more debt than they deserve. This year the Federal deficit is projected to be close to $400 billion. That is up from last year, where it was under $200 billion. That is not a good trend, to be driving up the deficit.

It is also not a good trend to be putting on the books program after program which will end up costing our children a lot of money, and which we borrow from our children to pay for.

This bill, which is brought forward today, has in it, unfortunately, a couple of items—at least one specifically—actually a couple that are questionable, in which we are spending money which could much better be used to reduce the debt on our children. As I said, this year alone we are going to add $400 billion of debt to our children's backs. Probably the most significant in this account is something that has nothing to do with air transportation. You can call it the train to nowhere or the fast track to waste. It is the train they are proposing to build somewhere in New York to go somewhere in New York which is going to cost $1.7 billion.

Clearly this is not the right bill for that proposal. But even if it were the right bill, this would be not an appropriate proposal. This is a situation where folks from New York, who are good and decent people, have decided to raid the Federal Treasury to get some money to pay for something—in a very questionable way, by the way; by basically waiving FICA taxes, which they are not paying to begin with, for town employees—State employees. They have decided to raid the Federal Treasury for the purposes of building this train to nowhere.

We have seen this before, these specific projects, which benefit a specific place, which are not defensible. This certainly falls into that category. But in the broader context it becomes even less defensible because we are facing such a large deficit. We are not only facing this very significant deficit of almost $400 billion, we are constantly adding to that deficit. There are now, within the framework of the walls of this Capitol building—there are not four walls, there are lots of different walls in this Capitol building, but within this Capitol there is a series of ideas which is being promoted, which is also on a fast track, regrettably, a fast track of spending, which is also going to end up ballooning that deficit further than $400 billion.

There is, for example, a proposal being floated which has merit in concept but, when it comes to paying for it, nobody is willing do that, which will cost close to $60 billion. That is a proposal to dramatically expand the GI bill, as it is known. There is a proposal to expand unemployment insurance, even in States where unemployment has not hit numbers where it represents an immediate problem. Traditionally, unemployment under 6 percent or 5.5 percent is deemed to be full employment. In much of this country today, many States have their unemployment rates under 5.5 percent. But there is a proposal to expand the number of weeks a person can claim unemployment, even in States where there is essentially a number that represents full employment and that is going to cost $15 billion.

There are proposals in the farm bill, which has all sorts of gimmicks and all sorts of machinations to cover its costs and claim that it is paid for, which will cost billions and billions of dollars. The farm bill itself is a $285 billion bill. Huge expenditures are coming down the pike here, which are going to have to be paid for by our children.

There are proposals for further relief for Katrina of $5 billion. There are food stamp proposals of billions of dollars. There are Byrne grants, competitiveness grants, county payments, Bureau of Prisons—all of these ideas are floating around this Capitol as ideas on which we should spend more money. Most of them have good and reasonable arguments behind them. But the problem is they also, almost in every case, end up passing more debt on to our children.

In many instances, especially the train to nowhere in New York, you cannot justify it. It is wasteful spending at the expense of our children and it is inappropriate because this debt is building up and up. As a result, paying off this debt is going to mean the taxes on our children are going to have to go up and up as they move into their earning years.

The practical effect of that is that the next generation, our kids and our children's children, are not going to be able to afford as high quality a lifestyle as our generation has because they will have to be paying so much to support the Federal Government and the debts of the Federal Government. They will not be able to afford to send their kids to college, assuming college is even affordable at that time. They will not be able to buy that first home. They will not be able to live the high quality of lifestyle that has become the nature and character of American life, because the cost of the government, which we have incurred today, will have to be paid for by them tomorrow.

It is not fair. It is not right. It used to be around here people talked about the deficit a lot. They used to point to it as a failure of our Government and there used to be genuine efforts to try to reduce the deficit—on the spending side of the ledger from our side of the aisle and on the other side of the aisle by raising taxes. But that discussion has waned. There is no focus right now on the deficit, I suspect in large part because we now have a Democratic Congress and deficit spending is justifiable if it meets an interest group's claims that they have a right to this money or they believe should have a program, such as the train to nowhere in New York, which is promoted by our colleagues from the other side of the aisle who represent New York.

In the end, if we do not return to the basic concept that every family in America has to confront, which is you need to pay your bills as they come in and you cannot put too much money on the credit card because that means down the road you are not going to be able to pay that credit card and you are going to have to suffer significant contraction as a family—if we do not face up to that real fact of day-to-day existence that most Americans must realize, as far as how their spending meets their income, or if we do not as a government face up to that, we are going to fundamentally undermine our Nation. We are certainly going to do significant damage to our children and their future.

We talk a lot now about the weakness of the dollar and how that has caused the price of gasoline to jump dramatically, which it has. The weak dollar has caused energy costs and costs of commodities which are not produced in the United States to be driven up in large part because the dollar has weakened so much. One of the drivers of the weak dollar is a belief in the international community that we are not going to put our fiscal house in order, that we are going to continue to run deficits that are excessive, and that is what we are doing as a Congress.

We have some responsibility here. You can't make great progress unless you begin somewhere. A good place to begin might be to take this $1.7 billion that is proposed in this bill to spend for the train to nowhere, or the fast track to waste, and eliminate that program and take the revenues that are alleged to be used to offset that program and use them to reduce the debt on our children's heads. Reduce that debt by $1.7 billion. That is progress. Granted, in the overall scheme of things it is not a huge amount of money compared to the total debt that is being incurred, even this year, the $400 billion, but you have to start somewhere. This would be a good place to start.

Let's stop the wasteful spending which is adding to the Federal debt, which inevitably will undermine the quality of life of this Nation and especially pass on to our children obligations which there is no reason we should ask them to bear.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, when the Senate considers the Federal Aviation Administration Authorization Act, I will offer a bipartisan amendment to strike section 808 of the substitute to this bill. The section I wish to strike would impose a significant competitive disadvantage on airlines that have done the most to protect their employees and provide for the secure retirement of those employees and current retirees. It would increase the pension obligations of these airlines above what is required of the airlines they compete with. It is fundamentally unfair. Such a move would undermine the ability of these airlines to maintain their commitments to their workers, particularly in today's struggling economy.

In 2006, with several airlines facing the prospect of bankruptcy, the Pension Protection Act adjusted how struggling airlines that had frozen their defined benefit pension plans could calculate their pension obligations. Those airlines were allowed to devote significantly less funding than their competitors toward payments to their pension plans. Understand, airlines facing bankruptcy that were on the cusp of losing defined benefit retirement plans were given better treatment under the Tax Code than those that didn't file bankruptcy and tried to keep their word to their employees under their defined benefit plans. Airlines that maintained their pension plans weren't given this benefit. As a result, American, Continental, Hawaiian, Alaskan, and US Airways were placed at a significant competitive disadvantage, only because they continued to offer their workers defined benefits for retirement. Those are the benefit plans, incidentally, that workers like the most. They are the ones that guarantee what you will receive when you retire, as opposed to a defined contribution plan, for example, that says a certain amount of money will be set aside, and maybe it will earn a lot before you retire, maybe it will not. The defined benefit plans—which, incidentally, Federal employees and Members of Congress have—are the best. These airlines that had similar plans for their employees and retirees and avoided bankruptcy were put at a disadvantage. The airlines facing bankruptcy, throwing away their pension plans, and changing them, were given a better break under the Tax Code than those that continued in business, avoiding bankruptcy and keeping their word to their employees and retirees.

In 2007, I joined with Senator HARRY REID, adding language to the Iraq supplemental that tried to address this unfairness and inequity. Under the 2006 law, airlines that had prohibited new workers from participating in their defined benefit plan were allowed to assume a rate of return of 8.85 percent on their pension investments. The 2007 law allowed the other airlines, those that had maintained the previous defined benefit commitment, to assume an 8.25-percent return. I know these numbers probably in the course of the speech don't impress you, but they should. It makes a significant difference of how much money an airline has to put in the pension plan, and the Tax Code, the law of our land, requires it. Airlines that had frozen their plans were allowed to amortize their plan shortfalls over 17 years; in other words, those that were facing bankruptcy and walking away from many aspects of their pension plans were able to take a longer period of time to pay out what was necessary to bring their plans up to solvency. The 2007 law gave airlines with defined benefit plans only 10 years, not 17. Therefore, airlines that are offering their workers defined benefits retirement face a competitive disadvantage.

The 2007 law I mentioned earlier partially closed the gap. Section 808 of this FAA reauthorization bill would tilt the playing field away from the airlines that already face this competitive disadvantage because they offer the very best pension benefits to their employees.

What it comes down to is this: Airlines are declaring bankruptcy in every direction. Some are reporting record losses. Last week, American Airlines reported a loss of $328 million in the first quarter, virtually all of it attributable to increases in jet fuel. A few days later, United Airlines, another major airline based in my home State of Illinois, announced first quarter losses, if I am not mistaken, of nearly $500 million and the need to lay off some 1,000 employees. Now comes this FAA reauthorization bill, and it includes a provision that will create an economic burden and hardship on some of these airlines that are struggling to survive. Could this Senate pick a worse time to hammer away at these airlines, when they are struggling to deal with jet fuel costs that are going through the roof and an uncertain economy facing a recession? If there was ever a bad idea, this is it.

Mr. ROCKEFELLER. Will the Senator yield for 15 seconds?

Mr. DURBIN. I am happy to yield.

Mr. ROCKEFELLER. I thank the Senator.

Madam President, I ask unanimous consent that all postcloture time be yielded back and that the motion to proceed be agreed to and the motion to reconsider laid upon the table; that once the bill is reported, the Senator who is now speaking be recognized to offer a substitute amendment; that upon reporting of that amendment, no further amendments be in order during today's session and that there be debate only today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, will the Senator from Illinois further yield?

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I want to say I am in complete agreement with what the Senator from Illinois has said. I know he is going to finish his statement, but he is making exactly the point I think needs to be made in this debate.

We will have an amendment tomorrow. Senator DURBIN and I are going to cosponsor an amendment that would fix the issue about which he is speaking. The idea that we would pass an

FAA reauthorization that would modernize our facilities, that would put more safety precautions in place, that would give passengers more rights and, oh, by the way, would also bankrupt some of our airlines in the meantime is ridiculous.

The bill will be so good. Senator ROCKEFELLER has done a great job. We have compromised. We have worked on a bipartisan basis. Then, all of a sudden, we see this pension issue rise up that would put one, maybe two airlines into bankruptcy, and then we have taken away all the advantages of this very good bill.

I commend the Senator from Illinois. I look forward to working with him tomorrow on an amendment—or whenever we are designated to put our amendment in place—and hope the balance we had is restored in the pension issues so that airlines that are offering defined benefit plans—which are so rare these days—will still be able to offer employees that, even at a greater cost.

I look forward to working with my colleague from West Virginia to make sure this very good bill goes forward without the bad tax provisions and the pension provision that was added, not by our committee, but by the Finance Committee.

I thank the Senator for yielding. I look forward to working with the Senator to fix this pension issue.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the Senator from Texas for joining me in offering this amendment. This is a bipartisan amendment. We urge our colleagues: Take a close look at this. At the end of the day, if we pass this FAA modernization bill and force more airlines into bankruptcy because of this provision, is that our goal?

We have lost so many airlines already, and now a major airline, such as American Airlines, which avoided bankruptcy and managed to keep its promise to its employees and retirees, and has provided significant funding for its pension, is going to be penalized by this bill.

Ask the people whose pensions are affected, those members of unions who are supporting our efforts to stop this change in the law. I cannot understand the motivation behind this change.

When this was originally considered a few years back, there was another group in charge in Congress and a chairman of the House Ways and Means Committee who singled out several airlines that were not facing bankruptcy and created a disadvantage for them. We tried to remedy it last year, and we got a temporary fix in there. And here they come again: this group that wants to keep changing this law, penalizing these airlines—at absolutely the worst possible moment. Wouldn't it be ironic if this were passed and the airlines that worked the hardest to avoid bankruptcy, the airlines that worked the hardest to keep the defined benefit plans—absolutely the gold standard when it comes to retirement—wouldn't it be ironic if the language of this bill ended up capsizing these airlines at this precarious moment in our economic history.

I am going to urge my colleagues: Take a close look at this. Ask yourselves: If the beneficiaries of these retirement plans oppose this change, if the airlines oppose this change, if there is no argument to be made as to why you would treat these airlines differently than those that have faced massive changes in their pension plans, why in the world would we want to pass this amendment?

At the end of the day, I want to make sure we have FAA modernization. But I also want to make sure there are airlines still serving America in every corner of America so our people have a chance to travel for business, for leisure, whatever it might be.

I urge my colleagues: Please take a close look at this. I hope they will consider supporting the Durbin-Hutchison amendment when it is offered tomorrow morning. It will be the first item of business. I hope we can entertain a debate and move to its consideration at an early time.

There is no reason to delay this. The sooner we remove this cloud from these airlines that have worked so hard to stay in business and avoid bankruptcy the better.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The motion to proceed is agreed to, and the motion to reconsider is laid on the table.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I thank the Senator from Illinois for allowing himself to be interrupted twice, and I wish him a good evening.

Madam President, I wish to talk, with your permission, for about 25 to 30 minutes on what I consider to be the core problem we face; and it is the real condition that people need to know about the American aviation industry.

FAA REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 4585

(Purpose: In the nature of a substitute)

Mr. ROCKEFELLER. Madam President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY, proposes an amendment numbered 4585.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, as I was indicating, I do not think most of our colleagues—they pick on certain subjects within aviation that are of interest that have hot buttons to them—look at the general situation of where the U.S. commercial aviation industry is, how bad its situation is, and I think it is time to tell the truth about that before we begin the debate on this bill.

After posting nearly $35 billion in cumulative net losses from 2001 through 2005, over the past 2 years, American commercial air carriers were able to recover financially for a brief period from the effects of September 11's grounding and subsequent adjustments. That is understandable.

Domestic airlines earned an estimated net profit of roughly $3.8 billion last year, more than twice the $1.7 billion net profits they achieved in 2006. That would appear to be going in the right direction. This year, however, marks a turning point, which I fear will be a sustained downturn in the industry's long-term outlook. Within the past week alone, we saw the Nation's third largest carrier—Delta—announce a first quarter loss of $6.4 billion. On that same day, the Nation's fifth largest airline—Northwest Airlines—posted a quarterly loss of $4.1 billion.

This month, we witnessed four of our airlines—Frontier Airlines, Aloha Airlines, ATA Airlines, and Skybus Airlines—forced to declare bankruptcy. Four airlines collapse in 1 month, and two airlines announce a combined loss of $10.5 billion in one single quarter. I think this underscores the dangerous direction in which I believe our aviation industry is now truly heading.

It is clear that in 2008 this industry is moving through what could be one of the most tumultuous periods it has ever experienced in our history. The recent window of profitability that commercial aviation experienced now seems to have closed. A worrying question for all of us—and for the future of our economy—is whether these losses will come to characterize its long-term financial outlook. I fear it will.

The challenges confronting our Nation's aviation market have now sharply affected a variety of consumers and stakeholders. Airline companies have been posting multibillion dollar losses this quarter alone. Tired and frustrated passengers are being caught up in the thousands of flights that have been canceled or delayed due to a number of things, including safety issues. A quarter of the airline industry's entire workforce have lost their jobs since the year 2000. I will repeat that: One quarter of the airline industry's entire workforce have lost their jobs since 2000. The air traffic control system remains outdated. As I indicated, we are trying to catch up with Mongolia. And management problems continue to beset the industry's overseer, the Federal Aviation Administration.

Compounding all of these difficulties is the reality that the industry is operating against a backdrop of a weaker American economy and general turmoil in global credit markets. Aside from all this, however, there remains one factor that has done more to change the face of the commercial aviation sector than any other; that is; the escalating cost of its lifeblood. We call it the price of oil.

To illustrate this dramatic spike in costs, it is worth recalling that back in 2000 the price of oil stood at $30 a barrel. Recently, oil prices have been approaching $120 a barrel. But this does not necessarily reflect the true cost to the airlines, as there is a difference between the price of oil and the price of jet fuel, what the industry refers to as the "crack spread." This means that, for example, on April 18, 2008, when oil was trading at nearly $116 a barrel, the price of jet fuel per barrel was trading at nearly $144—$116 for a barrel of oil becomes $144 for airplanes.

Such a dramatic increase in the industry's largest single cost clearly illustrates the extent of the problem it must absorb. With oil prices alone having risen 75 percent in the past year, it is somewhat unsurprising that the move toward further consolidation is gaining in speed.

It seems increasingly inevitable that the Delta-Northwest merger proposal will unleash a wave—a further wave—of industry consolidation. I note that various airlines have been considering a number of possible pairings for some time now.

In September 2005, US Airways and America West Airlines merged. In 2007, US Airways pursued an unsuccessful bid for Delta, and Midwest Airlines was purchased jointly by Texas Pacific Group and Northwest.

Numerous reports also indicate that further consolidation between United Airlines and Continental Airlines is likely—we will see—to happen as a consequence of the move by Delta and Northwest to consolidate—the domino theory.

With the emphasis on pursuing market share prior to 9/11, the big air carriers are now focused on route and flight profitability and are less willing to fly half-empty planes to keep their nationwide networks competitive. In an effort to improve their financial standings and compete with smaller carriers, many legacy airlines—commercial airlines—have aggressively sought to cut costs by reducing labor expenditures and by decreasing capacity through cuts to flight frequency, use of smaller aircraft, or the elimination of service altogether to some communities.

The major U.S. carriers have shown much more capacity discipline over the past few years and have retired, to their credit, many older, inefficient aircraft. Available seat miles—which is a term of art: a measure of capacity—increased only 0.3 percent in 2006, down from a 3.3-percent increase in 2005, and an 8.7-percent increase in 2004. As a result, load factors have increased by more than 10 percent since 2000, bringing in more revenue per operation. Profitability. Statistics from the Air Transport Association show that the legacy carriers' combined fleet was 2,860 aircraft in 2006, an 18-percent reduction from almost 3,500 planes at the end of 2000. So it has gone from 3,500 planes in 2000 to 2,800 aircraft in 2006. That is clearly a trend.

In West Virginia, aviation represents about $3.4 billion of the State's gross domestic product. To us, that is a rather huge figure. It employs over 50,000 people in our State. So the State has a direct interest in the impact any consolidation within the industry may have on services. I know the Presiding Officer knows that feeling.

I have said before that while I am not unilaterally opposed to consolidation, I do believe every transaction has to be considered on its own merits. With regard to Delta-Northwest as a merger, I believe it is critical that the Federal agencies examine the fine details of the merger thoroughly before approving it.

Now, this is of particular concern to me because Delta and Northwest provide critical air services to my State of West Virginia that allow businesses in our State to be connected with the rest of the world. I have said in the past, and I reiterate here today, that air services to small communities in my State and across the country depend on network carriers that use hub-and-spoke operations. There are no other sustainable options available to us. None. We have very few private aircraft, and obviously they are not available for commercial use. Low-cost carriers are not going to serve West Virginia's communities because we do not have the volume of passengers to work with their business models.

My State needs healthy network carriers if we are to attract new air services. At present, low-cost carriers are not going to fill the service void in our markets. It disturbs me, then, that since March 13 of this year alone, American air carriers have exited from 86 routes throughout the country, my guess would be all of them rural. I fear these airlines plan to exit many other routes in the future.

It was to ensure West Virginians continued access to adequate air services that I helped to create and expand the Small Community Air Service Development Program and the Essential Air Service Program. Both of these arrangements provide a Federal subsidy for air carriers to operate out of very rural areas. From my perspective, an adequate air service in West Virginia is not just a convenience but it is a flatout economic necessity for our survival.

The airline industry is not only about the viability of the companies that it comprises. It is important that we not forget the increasingly large number of American passengers who underwrite the industry by consuming its services each year. Passenger traffic demand has now surpassed pre-9/11 levels, with total passenger enplanements of 745 million in 2006, nearly 12 percent higher than the 666 million passengers who enplaned in 2000. The FAA's most recent forecast estimates passenger enplanements will grow to 794 million in 2008.

We are all aware and have probably often experienced ourselves the delays and the cancellations that seem to be a growing feature of this industry. Air carriers and their passengers continue to be plagued by severe weather problems—which seem more than normal each year—and an air traffic control system that lacks the necessary capacity to handle demand effectively. That is why, when we talk about building an air traffic control system, which is at least up to Mongolia—and as I said this morning, that is a little bit of an exaggeration because they had no air traffic, and so they started with what we want to move to. They started with what they should have started with, and that is digital GPS.

These conditions produced near gridlock at several key gateway airports throughout the country this past summer which almost matched the record delays reached in the summer of 2000. Congestion and delay problems cost the airlines and passengers billions of dollars each year in lost productivity, canceled flights, and, obviously, fuel expenses.

The severe congestion and delay problems that continue to plague air carriers and their passengers further exacerbate the high cost, therefore, of fuel. Inclement weather, an out-of-date air traffic control system, and management problems keep planes in the sky longer, which only increases fuel-burn. Due to these conditions, only 69 percent of reported commercial airline operations arrived at their destination on time during June and July of 2007.

I am pleased we have been able to work with the FAA on several efforts currently underway to address these problems, including a continuous focus on expanding infrastructure and adopting operational procedures, such as the implementation of reduced separation requirements and programs such as this fascinating acronym, the Area Navigation and Required Navigation Performance program, that permit more precise navigation of aircraft. But, you see, that is very difficult to do with x ray, with ground radio. That is why we need an air traffic control system which is modern, as every other modern country in the world has. Furthermore, since many of these delays originate in the New York City airspace, the FAA has committed itself to taking a number of specific steps to relieve congestion there—and I applaud them for that—including airspace redesign and the opening of military airspace to create additional capacity during particularly congested times.

All of these efforts are a part of a longer term endeavor to solve these problems by modernizing the entire air transportation system through the implementation of the Next Generation Air Transportation System, the system I have been talking about a good deal. I am confident we can continue to pursue a workable strategy to increase the capacity of the National Airspace System to keep pace with projected growth and demand for air travel while ensuring that we continue to operate the world's safest aviation system. But then again, you always have to look underneath the figures.

The pending Delta-Northwest merger could represent an absolute watershed moment in aviation industry history which would have a dramatic and wide-ranging impact on the industry, passengers, employees, and our national economy. This merger is emblematic of the aviation sector's future, in my judgment. We must acknowledge that a greater degree of consolidation is becoming simply unavoidable due to pressing economic factors, and we have no excuse to not manage these changes responsibly.

I will always remain a fierce defender of West Virginia's right to adequate and reliable air services. That is why I went there in the first place. That is why I am there. I fight for fairness, and we don't have it in aviation, and I fear losing more of it. Even in these new challenging times for the sector, I will continue to ensure that my State is not adversely affected by this consolidation or any consolidation.

Finally, I am concerned that even when the aviation industry did return to profitability over the past 2 years, services in my State did not dramatically improve or expand. They weren't investing. Now that the sector looks to be heading toward a more decidedly bleak future over a prolonged period, our efforts need to be redoubled so as to ensure crucial air services to small and rural communities everywhere are rightfully defended.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, today we debate the FAA reauthorization, and it is a debate that probably should have been joined a long time ago. This is a piece of legislation that has been kicking around here for a long time. I serve on the Senate Commerce Committee. I know both the House and the Senate reported bills out many months ago. We are finally now getting a bill on to the floor for debate. It is important we do this.

This is legislation that is critical to the infrastructure that supports our aviation industry, which is a critical industry to America's competitiveness, and if we look at what is happening in the airlines these days, obviously, we need to do everything we can to make sure we have a viable and effective aviation industry and commercial airlines are able to operate and provide the services to travelers who need to get, every single day, to places both here at home and around the world to conduct business and to recreate.

In the course of this debate, I cannot help but be struck by the fact that I do not see there is anything we can do in the FAA reauthorization that addresses what fundamentally is probably plaguing the airline industry more than anything else, and that is the high cost of energy.

I am looking at some information, graphs, some data. We can look at this graph for January of 2004 and see where the cost of crude oil and the cost of fuel for the airlines, for the aviation industry, was then and where it is today. Follow the red line, the way it tracks up. That spikes up. That is almost a straight vertical line.

If we take another graph which shows what the consumption of fuels is in the airline industry, the green line—you probably, Mr. President, cannot see this; it is too far away, but the green line shows consumption has been fairly static in terms of the amount of fuel that is used. But if we look at the expense or the cost of the fuel, it has increased at a sharp and dramatic rate.

My point very simply is that we cannot affect, I do not think, in a very substantial way, what is plaguing and ailing the airline industry and a lot of other industries in this country absent addressing the fundamental cost issue of energy independence.

If we look at where we are as a nation today and where we were 30 years ago, not much has changed. I remember as someone growing up during the oil embargoes and what we were experiencing in the late 1970s and a real concern at the time about our dependence, overdependence, dangerous dependence on foreign sources of energy. At that time it was 55, 60 percent. Here we are 30 years later and we are more than ever dependent on foreign sources of energy. Mr. President, 60 to 65 percent of our petroleum comes from outside the United States. We have very little control over the supply. The only way we fix that, the only way we can impact energy costs in this country in a meaningful way is to increase supply.

We can talk a lot about a lot of issues with regard to this problem, this challenge we face as a country. There are some things we can do to impact the demand side, too, and we did that in the Energy bill last year. We increased for the first time in a very long time fuel economy standards so now automobiles are going to be built to standards that will require more miles per gallon than they currently get. That will help control, to some degree, the demand side. Obviously, I think individual consumers in this country, drivers in this country, are going to begin to take steps to reduce the amount of fuel they consume because it is impacting so adversely their pocketbooks on a daily basis.

But there is not anything we can do totally on the demand side to get us out of this mess we are in. We have to do some things to impact supply. I can't help but think that if we had taken some of these steps years ago, back in 1995 or thereabouts when President Clinton vetoed legislation that would have allowed oil exploration on the North Slope of Alaska—at the time it was argued, oh, it will take 5 to 10 years for us to develop this resource and when we do, it will not be that much anyway. It is only 1 million or 1½ million barrels a day, and that is not that significant in the overall scheme of things. Here we are 10 years later. If we had done that then, this would be fully developed, we would have the barrels of oil on a daily basis, the daily equivalent of what we get from Saudi Arabia, available to meet our demand in this country.

It has probably been, since that time, half a dozen times we voted on that. In the House of Representatives, I don't know how many votes we had over there that would have allowed authorized exploration for oil on the North Slope of Alaska. We have had that vote in the Senate, since I have been here, on at least one occasion, maybe two times, where we were a couple votes short of reaching that magic 60-vote threshold that would allow us to move forward and explore some of these opportunities that we have to grow our supply, our domestic supply of energy.

Because he had listened to this debate for some time—I have been in the Congress, now, for the better part of 10 years and always was interested when the debate would come to the floor of the House or the Senate and you would hear both sides come to the floor and make their arguments—I actually went up to Alaska and visited the section 1002 area where it is proposed we develop this oil resource. We landed in Barrow, AK, in February, a couple years ago. It was 38 below. We visited a couple of the existing sites at Prudhoe Bay and then we went over to section 1002, which is the vast area we are talking about for development. What struck me is we are talking about a 2,000-acre footprint that would be used to access the oil below the surface, and with modern technology, you can actually get to those reserves below the surface with horizontal or directional drilling, with a minimal footprint on the surface, and it would be done during certain parts of the year where it wouldn't impact wildlife or anything.

Incidentally, there were caribou everywhere. Anybody who is worried about the caribou on the North Slope of Alaska, they have nothing to worry about because, if anything, it has been increased since the activity that has taken place up there.

But this particular area is a very isolated, remote area on the North Slope of Alaska. The estimates run from somewhere between 6 billion and 16 billion barrels of oil beneath the surface or, as I said, the daily equivalent of about 1.5 million barrels a day, which is comparable to what we get from Saudi Arabia.

To put it in perspective, a 2,000-acre footprint, for those who come from my part of the country who have an agricultural background, that is the equivalent of three sections of farm ground. That in an area of some 19.2 million acres in what they call ANWR, this refuge area. But if you look at the State of Alaska in its totality, Alaska, believe it or not, is 7.5 times the size of the State of South Dakota. You could put South Dakota geographically into Alaska 7.5 times. That is how vast this area is up there. It is part of our country, part of an area that has enormous resources below the surface that could be very meaningful in terms of addressing America's energy needs.

When you visit that area, you cannot help but be struck with, No. 1, how supportive the governmental leadership is in that area—the Governor, the State legislature, in many respects most of the local citizens. There are always those who are opposed to this type of development. We heard from them as well. But overwhelmingly, the majority of people in that area want to see this development.

Here we are again facing a crisis as we head into the summer driving season, travel season, vacation season. Families are looking, making plans. In my State of South Dakota, farmers are getting into the field, and they are having to deal with the input costs associated with high fuel costs, diesel costs. This is an economic issue that affects literally every American but particularly those middle-income Americans and those who this summer are looking at making plans to travel. They are going to be facing $3.50 gasoline, perhaps higher than that. Who knows how high that is going to go?

My point very simply is we should have been taking these steps many years ago. We are now paying a price for inaction on the part of this Congress when it comes to the things we can do to add to supply in this country, to make sure we are taking full advantage of the domestic resources we have right here at home so we do not have to continue to allow other countries around the world to hold us over a barrel when it comes to our energy needs.

The other thing we ought to have been doing—again this is something that is long overdue—is developing more refinery capacity. We are pretty much maxed out. We have not built a new refinery since 1976. They will tell you they have added or expanded existing refineries, and all that is true, but at the end of the day we have not done very much in terms of addressing the refinery shortage we have in this country either. So when it comes to raw resources such as the oil, petroleum resources below the surface on the North Slope of Alaska, when it comes to the ability to refine that into gasoline, we have some deficiencies that are of our own making. I regret the fact that we were not able to find the votes in this body to do these types of things many years ago, when today it would make a big difference in the challenge we face.

The other issue, the other point I will make—because I think it gets back at this issue of how doing some of these things, although at the time they may have seemed to be not that substantial, could make a difference at the margin—is what has happened with renewable energy in this country. We are now generating about 7.5, almost 8 billion gallons of renewable fuel or ethanol in America today. One would think perhaps, when you use 140 billion gallons of gasoline on an annual basis, that that is not that big of a dent. But there was a study done by Merrill Lynch, it was reported in the Wall Street Journal a few weeks back, that were it not for ethanol, the price per barrel of oil and the price per gallon of gasoline would actually be 15 percent higher than it is today. So even though it is 7.5 billion gallons out of a 140-billion-gallon annual demand for gasoline, it is affecting the price because it is impacting supply in a positive way.

In the same way, if we had opened the North Slope of Alaska when we had an opportunity to do so, we would have that 1½ million barrels a day coming into this country, which also would significantly impact the supply in a way that would begin to bring down prices. The only way we are going to bring downward pressure on prices is to increase supply. That is why I have been such a big advocate for renewable energy.

We are at 7.5 billion gallons today. The Energy bill that passed last year calls for 36 billion gallons of renewable fuel by the year 2022. I think we can reach that. We are not going to reach it with corn-based ethanol. We have to diversify the production of ethanol in this country with other forms of biomass, whether that is by woodchips out of our forests, whether it is by switchgrass, which we have an abundance of on the prairies of South Dakota—but there are a lot of opportunities for what we call the next generation, for cellulosics, to meet the demands for energy in this country. I think we should be moving full steam ahead when it comes to support for renewables so we can lessen the demand on foreign energy and we can become more energy efficient here at home and develop the supplies of fuel we have.

That being said, even if we get to 36 billion gallons of renewable fuels, we still will be way short of what we need. We are going to need a mix of fuels. We are going to rely on some of those traditional sources of fuel such as petroleum. Coal-to-liquid holds great promise in terms of being able to be used as a fuel, and coal is something we have in infinite amounts. We ought to be developing these types of resources. I think we also ought to be allowing States that want to, particularly some States in the upper Midwest, where ethanol is produced, to go to higher blends. We are at 10 percent ethanol today. There are States I think would like to go to higher blends. We ought to allow them, particularly when the studies are concluded by the Department of Energy and the EPA, which are determining the impact on drivability, materials compatibility, emissions—all those sorts of things. When they come back, which I believe they will, and conclusively determine that going to higher blends would not in any way adversely impact any of those metrics I mentioned, we ought to be moving to higher blends of ethanol because I think that also will help take pressure off oil prices as we continue to use more and more renewable energy.

These are all parts of a solution. We need supply. But we have not taken the necessary steps to add to supply. If not now, I don't know when. When we get prices such as we are seeing, and the impact that is having on transportation industries such as aviation, such as trucking, such as agriculture, these are impacts on our economy that are only going to bring great economic strain to many industries and a loss of jobs.

We can do something about it. We ought to be doing something about it.

We need to now authorize, even though we have had many opportunities to do it in the past—we ought to do it on the North Slope of Alaska and offshore and other places where we have these reserves. We ought to allow refineries to be built. We tried to get legislation through that would allow refineries to be built on BRAC bases; in other words, bases that were closed through the BRAC process, and it was blocked by the Democrats on the Environment and Public Works Committee.

Even when it came to the renewable fuel standard last year, that passed through the Senate and House and ultimately was signed into law, there is a deficiency there as well which has come to light now and a change that was made at the very 11th hour by the Speaker of the House that prevents biomass, residual types of biomass such as slash piles that are generated in our national forests, to be used to make cellulosic ethanol.

That makes absolutely no sense. We have waste products in our forests that add to fuel loads that create fire hazards. All we are simply saying is these types of products could be used to make next-generation biofuels and help grow our supply of renewable energy, and that was stripped out, at the 11th hour, by the House in the conference.

That is very unfortunate because it is steps such as that, it is steps such as blocking legislation that would allow for expedited permitting of refineries on BRAC bases, it is things such as blocking a vote on opening the North Slope of Alaska to oil exploration—those are the types of things that are stopping us. Those are the types of steps and maneuvers in the Senate and the House that are stopping us from adding to the supply of energy so we can do something about it, so we can impact, in a meaningful and positive way, the high prices that are affecting consumers across this country.

I wish to make one observation as well with regard to renewable energy because ethanol has come under a lot of criticism of late, much of it I think inspired by opponents of ethanol, such as oil companies. People are talking about the high cost of food, and food prices have gone up in this country. But if you think about it, the amount of corn that goes into a box of corn flakes, for example, it is about a nickel. If you think about what impacts the cost of the things we buy at the grocery store, transportation has a profound impact on the cost because you have transportation, you have packaging, processing—all those things which are very energy intensive. So when you have high energy prices, high fuel prices such as we are facing today, that has more to do with the costs of food than the cost for a bushel of corn is ever going to have, when it comes to corn flakes or when it comes to popcorn or many of the other things that are being mentioned now by some of these groups opposing ethanol.

I also would point out what I mentioned earlier and that is that were it not for ethanol—this again was reported upon by the Wall Street Journal a few weeks back, a study done by Merrill Lynch—oil prices, per-barrel oil prices and per-gallon gasoline prices would be about 15 percent higher. Couple that with the fact that a high commodity price means the Federal taxpayers under our farm programs are not making payments to producers to the tune of a savings of about $8 billion last year, according to the USDA, and there are lots of impacts that are not being mentioned by those who are specifically singling out ethanol and criticizing ethanol for the increase and runup in food costs.

Add to that or couple that with this piece of data that comes out of the USDA, that $8 billion in savings in taxpayer payments would be made under farm programs that were not made, that didn't go out this last year because of high product prices. That is a substantial savings to the taxpayers of this country. Again, couple that with the fact that ethanol has contributed 15 percent reduction in the overall costs of fuel in this country, ethanol is having the impact we hoped it would by increasing supply and taking pressure off the price at the pump in this country.

High fuel costs, high food costs, all these things are impacting consumers across this country. We cannot solve that problem. We cannot solve the problem of the airlines until we do something to develop our domestic resources right here at home.

We have some supplies, some reserves underground even in places that previously had not been contemplated as a source of energy, in places such as the Dakotas where we are now finding there are some reserves down there, that with prices being what they are may be economically recoverable. We should be doing everything we can to develop domestic resources, whether it is on the North Slope of Alaska, whether it is offshore, whether it is in the Dakotas, in the form of oil below the surface, or corn that grows above the surface that is renewable that we can use every single year. We need to be developing resources right here at home that will lessen our dependence upon foreign sources of energy and do something to take the pressure off these high gas prices we are seeing today that are affecting every single American.

I hope we will pass a comprehensive energy bill, one that includes increasing our supply, one that finally, once and for all, will allow us to get to that 6 to 16 billion barrels of oil beneath the surface on the North Slope of Alaska, which is widely supported by the political leadership in Alaska, the local citizenry there, that increases the amount of renewable energy we use in this country by allowing States that choose to increase and go to higher blends, perhaps to 20 percent or 30 percent ethanol. These are all things we could and should be doing today—allowing refineries to be built on bases that have been closed, and allowing for expedited permitting when it comes to constructing those refineries. These are all things that ought to be part of this energy solution. I think people are going to hold this Congress accountable if we do not take steps in that direction. My hope would be that before we move out of here before the next break—we have got a break coming up in a couple of weeks—we will take some action that will do something meaningful to lower energy prices for people in this country, increase our supply to build new refineries, to support the increased use of renewables. Those are all things that will happen and provide solutions and meaningful relief to the hard-working people in this country who are now faced with much higher gasoline prices.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from North Dakota.

ENERGY

Mr. DORGAN. Mr. President, I know a couple of my colleagues will be coming to the floor, specifically Senator CANTWELL will be coming to the floor, to speak about some energy issues in a moment. When she does, I will relinquish the floor.

I wanted to make a couple of comments. I listened with interest to my colleague from South Dakota making comments about the energy situation. We agree on much of what he has said and disagree on perhaps some amount of it. But renewable fuels, ethanol, providing renewable energy, all of that is very important.

The area where we would perhaps not agree is ANWR, which in my judgment ought to be a last resort rather than a first resort. But I might say to my colleague from South Dakota that particularly with respect to the Outer Continental Shelf, if you measure where oil exists, the best resources and reserves of oil and gas on the Outer Continental Shelf first are in the Gulf of Mexico; second, off California; third, off Alaska.

One of the things we have recently done on a bipartisan basis in this Congress was to pass something called Lease 181, which opened up a portion of the Gulf of Mexico for development of oil and gas. I was one of the four Senators who led the effort on that. I was pleased to do that because we are now producing and are going to be producing more oil and more natural gas from one of the most productive areas in the eastern Gulf of Mexico. So production is certainly one of the areas we ought to be concerned about, as the Senator indicated. Production, conservation, efficiency, and renewables, all of these are important elements of an energy policy.

No one has ever accused this Congress of speeding. I understand that. This system is not established to be necessarily efficient. It has checks and balances, which makes it very hard to get things done. But there is an urgency at this point, an urgency for families, for farmers, for truckers, yes, for businesses and airlines with respect to what is happening with the price of gasoline.

There are a lot of reasons for all of this, and I am not here to try to ascribe blame. I am here to say: Let's fix some of these things. I am going to offer an amendment, by the way, to the FAA reauthorization bill, that deals with something that as of today I note that 67 Members of the Senate have agreed to.

Some while ago, I introduced the notion of prohibiting the further movement of oil underground into the Strategic Petroleum Reserve. I have introduced legislation on that matter. Long ago I introduced it, had discussions with the Energy Committee about it. I had 51 Senators sign a letter to the President to say: Stop putting oil underground when the price of oil is $115, $120 a barrel. Stop taking oil out of supply and putting it underground into the Strategic Petroleum Reserve. It is already 97 percent full. Why would we take oil out of supply to put upward pressure on prices, on both oil and gasoline, at a time when oil is at a record high? That makes no sense. Let us use at least some reservoir of common sense. Fifty-one Members of the Senate signed my legislation, signed the letter to the President in support of my legislation.

Today, 16 members of the minority signed a letter to the President. They have also introduced legislation. So 51 and 16, 67 members agreed, that includes the person who spoke on the floor today. Senator MCCAIN has called for the identical policy. That is 67. That is veto proof. If 67 Members of this Senate say to this President and this administration: Stop sticking oil under the ground, nearly 70,000 barrels of sweet light crude every day—that is the most valuable subset of oil. We have had testimony before the Energy Committee that suggests it has put as much as a 10-percent increase on the price of a barrel of oil or a gallon of gasoline. And while families and farmers and truckers and airlines and all of these businesses are trying to figure out how on Earth do we pay this fuel bill, and while we see the damage and the dislocation of this country's economy because of it, this administration merrily goes along sticking oil underground. It is unbelievable. At the very least you ought to expect some common sense here.

Now, what has gotten us into this mess? Well, let me describe what is happening with Saudi Arabia. And if ever we should wonder about the danger of being overly dependent on oil from off this country's shores, this is the chart that shows why.

The Saudis, who have the largest reserve of oil in the world by far, have reduced their production by 800,000 barrels a day since 2005. They have reduced production by 800,000 barrels a day. That is part of the problem. So we sit here in the United States with a prodigious need for energy to make this economy work. And, by the way, as an aside, I have said before: We stick straws in this planet and suck oil out of the planet. We suck out 86 million barrels of oil a day. One-fourth of it is required here in the United States of America. We use one-fourth of everything that is produced every day in this world, on this planet. One-fourth of that oil is used here in the United States. We have an enormous appetite. So we need to conserve; we need more efficiency in the use of energy. We have done some things in that area. The CAFE standards increased fuel efficiency by 10 miles per gallon over 10 years. We have done some things in a range of these areas, but we are far too dependent on foreign sources of oil. When the Saudis decide they are going to cut back oil production by 800,000 barrels a day, and they say to us: Oh, by the way, with our strategic relationship, we want you to sell us precision munitions, it seems to me we ought to not be arming to the teeth the Middle East.

But aside from that, strategic partnerships run both ways. You cut your oil production by 800,000 barrels over 2 years; and by the way, we would like some strategic weapons for our strategic need in the region—it does not seem to me that is the way a partnership should work.

But let me describe with a couple of charts what is happening with this strategic reserve. Here we see that oil prices have nearly doubled in 1 year. There is no natural reason for that. The supply-demand relationship in the marketplace does not justify this. The marketplace simply is not working.

We have these people who shake the cymbals and worship at the altar of the marketplace. By the marketplace, that is the greatest allocation of goods and services known to mankind. Well, I believe it is a great allocator of goods and services. I used to teach economics in college briefly, and I understand the marketplace. But the marketplace needs a referee from time to time because sometimes the marketplace does not work; the arteries get clogged, it does not work.

So here is what has happened in a year. Oil prices nearly doubled in a year. Now, my colleagues have used quotes, and I have used many quotes. I am going to use one by Mr. Gheit, because Mr. Gheit said it all. He said: There is no shortage of oil.

Who is Mr. Gheit? He has worked for 30 years for Oppenheimer and Company, the top energy analyst for Oppenheimer. He said:

> There is no shortage of oil. I am absolutely convinced that oil prices shouldn't be a dime above $55 a barrel.

Oil speculators, including the largest financial institutions in the world—he said:

> I call it the world's largest gambling hall. It is open 24/7. Unfortunately it is totally unregulated. This is like a highway with no cops and no speed limit and everybody is going 120 miles per hour.

What is he talking about? He is talking about hedge funds neck deep in the futures market. He is talking about investment banks neck deep in the futures market. Is this because hedge funds and investment banks want to wallow in oil? Do they want to bathe in oil? Do they want to take it home and store it in their garage? They do not want to see oil. They want to speculate and make money.

They have made a lot of money. People who never had it are buying things from people who never will get it. So they are making money on both sides of the transaction.

Now, what does that do when you have this kind of unbelievable speculation? It causes the runup of prices in a very dramatic way. There is a trader named Andrew Hall. I would not know him from a cord of wood; never met him, never will, I suppose. He earned $250 million on the commodity market over the past 5 years, one-quarter of a billion dollars. He was betting. All of this is betting. He is betting long term, short term. He is not somebody who takes oil as a commodity; he just bets.

There are a couple of things we ought to do. I will be very brief. One, in order to be engaged in the futures market, as I have said before, if you want to speculate in the commodities future market for oil, for example, you only require 5 to 7 percent down; only 5 to 7 percent margin. You can control $100,000 worth of oil with $5,000 to $7,000 of your own money.

If you wanted to wager, that is a good way to do it, I suppose. If you want to do it in the stock market, to do this on margin, it takes 50 percent to buy in the stock market. But if you go to the commodities market, you can speculate to your little heart's content with 5 to 7 percent. That makes no sense. It ought to be 25 percent, in my judgment, or perhaps if you want to buy oil futures, you ought to take possession of the oil.

But one way or another, when you have a market that is not working, and you have speculation running out of control, I think there is an obligation on the part of this Congress to address that. Because that speculation is driving up the price of oil, and driving the price of gasoline well up beyond where the fundamentals would suggest. It injures the American drivers, consumers, business, and it injures this country's economy.

The second point I indicated I was going to make is on the Strategic Petroleum Reserve. This chart shows what the Strategic Petroleum Reserve looks like. These are holes in the ground, and we shove oil down those holes. We save it for a rainy day; it's 97 percent filled at this point. We are putting just under 70,000 barrels a day every day underground right now.

Sixty-seven Members of the Senate as of today have expressed themselves publicly. They think it is the wrong thing to do. They think this administration is making a mistake and they ought to stop it. Now, why do people say that? Because they know if we stop taking that 70,000 barrels of sweet light crude and sticking it underground, it will be part of the inventory out there, and they know that would put downward pressure on gas prices and downward pressure on oil prices. That is why 67 people have come to this conclusion.

The question is: What do we do to try to stop this? Well, when you put oil underground, you drive up to the gas station, you see the effects of this kind of policy. The question is: What do we do to put some downward pressure on prices? Stop filling the Strategic Petroleum Reserve and stop it now.

There is a bill on the floor of the Senate, the FAA reauthorization bill. I am part of the committee that has produced this bill. We need to modernize the system for aviation in this country. It is desperately in need of modernization. It is going to cost some money to do that, but we do not have much choice. We have had, I think, four airlines declare bankruptcy in the last month and a half.

A substantial part of it, announced by every one of those airlines, had to do with the price of jet fuel.

I am going to offer, as an amendment on this bill, legislation that would call a halt to filling the Strategic Reserve. To stop taking oil and sticking it underground, and put some downward pressure on jet fuel prices, downward pressure on gasoline prices. Some say this doesn't fit on this bill. It does. Fuel prices are why three or four airlines have gone bankrupt in the last month and a half.

I will be over here tomorrow speaking about this topic because I believe strongly that we should do something about this issue.

My colleague Senator BYRD used to talk about Aesop's fly. He described the fable Aesop's fly who was sitting on the axle of a chariot who would observe: My, what dust I do raise. There are some here in the Congress who have that notion, that if you just make a little bit of noise and have a little bit of activity, you can claim a lot of success. The fact is, that is not what the American people want this time. They want this Congress to understand the urgency, understand the problem, understand what it is doing to this country's families, and do something about it. When you have speculation that runs out of control, this Congress has a responsibility to do something. We can't have someone else do it, we can't wait for somebody else. It won't get done. If we don't do it, it won't happen.

These are two steps I believe we ought to take: No. 1, increase the margin requirement and stop the speculation in the futures market to begin to put downward pressure on prices; No. 2, stop putting oil underground when prices are at a record high and put downward pressure on prices. If we did both of those things, I am convinced we would bring oil and gas prices back down and we would provide some relief to the American driver and to the American economy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I come to the floor this evening to talk about the energy crisis, the price of oil, and how consumers are seeing the impacts of high oil prices in their everyday lives. The high price of oil is impacting businesses and many consumers can't afford to take family vacations and trips, dragging down our economy over all, and dragging us further into an economic downturn.

What I have heard today on the Senate floor from many of my colleagues is accusations and claims about what is going on and what might have transpired on various issues that might have caused the high price of gasoline and certainly the price of crude oil, which is now well over $100 a barrel. I think it is important to think about what Congress has already done and to make sure we are telling consumers what needs to be accomplished to solve the problem.

What we are hearing from analysts on Wall Street is that this issue is going to continue to exacerbate, and that oil prices will continue to rise. When we think about oil futures all the way out to 2015, still being over $100 a barrel, and oil futures impacting the physical price, it raises a lot of concerns about how the economy can sustain such a high price of fuel.

Let's start with some basics about supply and demand because many of my colleagues on the other side of the aisle have talked about the fact that they think oil supply hasn't been there, that growth in the numbers of people in India, China, other countries, is exacerbating the problem.

While we have seen growth in demand from other countries, this chart—starting in 1980, going all the way to 2006, and showing some numbers until 2008; the orange line is demand, and the yellow line is supply—except for some anomalies here, shows that supply and demand have kept pace. So anybody who wants to say this is all about supply and demand hasn't looked at a chart such as this showing that these lines pretty much track each other. What it tells us is that we have to look at other fundamental things that are happening in the marketplace and not just make accusations about what is going on.

In fact, if you want to look at the high price of gasoline, you can't say it is just an increase in demand. During the summer season, motor gasoline consumption in the United States is actually projected to decline by four-tenths of a percent, and it is projected to decline by three-tenths for the whole year. We are actually seeing a decline in demand. Obviously, that is not a surprise. Given the high price of fuel, people are not able to afford to continue their normal habits. But the issue isn't that the price is being driven up simply because there is this increase in demand. The high price of gasoline also isn't about the fact that there are low inventories. Some people have wanted to say this issue is about low inventories. When you look at what the industry says, here is an oil analyst who basically says that gasoline inventories are higher than the historical average at this time of the year. So there is really no need to worry about tight supply. Here is an oil analyst saying that.

It points, again, to other questions about what is going on. Some people have said: Let's blame it on renewables. Many Democrats have been big supporters of renewable energy, big supporters of getting alternatives into the marketplace, because we believe if you get alternative fuel into the marketplace, it will lower the demand on normal fossil fuel and create some competitive advantages. I know there are some people—a Governor—basically saying: You ought to repeal the whole RFS. You ought to get rid of this issue as it relates to having a renewable fuels standard. Here is the Wall Street Journal report from Merrill Lynch saying that without biofuels, the price would be even higher, and that basically oil and gasoline prices would be 15 percent higher if biofuels weren't helping to increase the output. So it is wrong to say that somehow our focus on renewable fuels has exacerbated the situation when, in fact, it has done nothing but help the situation. In fact, I love that this Texas

A&M study basically found that ethanol has increased in excess of what our renewable fuels standard was, indicating that relaxing the standard would not cause a contraction in the industry, nor would it cause a reduction in the price of corn.

The issue today is where do we go for solutions. Part of the issue is that many of my colleagues are saying it is all about more supply of fossil fuel for the United States. We have had this debate so many times in the Senate. We have had a debate about whether the United States, with 3 percent of the world's oil reserve, really is going to make a dent in increasing supply and giving consumers a chance to get off fossil fuels. We are going to have a big debate about global warming and its impact and whether we should even keep our focus on fossil fuel or accelerate getting off of it.

Many times today, even down at the Rose Garden, we hear the word "ANWR" again, and how ANWR was the secret recipe for lowering gas prices in America. I obviously don't support opening up drilling in the Arctic Wildlife Refuge because it is a wildlife refuge. But I certainly don't support it when even our own Energy Information Administration has said that drilling in the Arctic Wildlife Refuge would only reduce gasoline prices by a penny per gallon and only 20 years after we got to peak production. So at a penny per gallon, if people use 400 to 500 gallons of fuel, we are talking about a few dollars of savings there over many, many months. So the notion that ANWR would be some way of solving our problems just isn't true.

I know a lot of people have talked about refinery capacity, and I think you need to talk to the oil companies about refinery capacity and why they have not expanded. I know my colleague Senator BOXER has been out here many times talking about how she had to stop consolidation in her State because they didn't want to keep a refinery open. But I know this: We know it is not environmental regulation. In fact, according to this CEO of an oil company:

> We are not aware of any environmental regulations that would prevent us from expanding our refinery capacity or siting a new refinery.

So we know it is not about environmental regulations. That is not what is stopping them either.

Some people have said: Don't take the tax incentives away from the oil industry; don't do that because somehow that is what is keeping the industry afloat. The industry is making record profits. They are making so much profit they don't even know what to do with the profit. They are buying back their own stock.

We know this: We know the President of the United States, George W. Bush, said:

> With $55 oil, we don't need incentives for oil and gas companies to explore.

It is way above $55 a barrel. So I take him at his word that we don't need incentives to continue to explore at that level.

Let's talk about what is the issue. Let's talk about what is the problem we need to solve, for which we need to be responsible to consumers, to businesses, to the economy, and to make sure we continue to deal with this threatening crisis.

I know one oil analyst who looked at these markets. And maybe the man on the street, if you ask him, he thinks something is going on in the oil market. He doesn't think it is about supply and demand. He didn't happen to see that first chart I put up, but he knows something is going on because he sees the irregularity of prices. But this analyst said: Unless the U.S. Government steps in to rein in speculators' power in the market, prices will just keep going up. Basically he is saying that speculators have too much power in the market right now, and unless the Government does its job, the prices are going to keep going up. So it is time for us to act. It is time for us to get smart about this.

It reminds me of the debate we had when the Enron crisis hit the electricity markets. It probably took well into 2001, when many people said: Do you know what, this is all about environmental regulation, or, this is about not enough refineries, and it is about the fact that there is a supply shortage. They came up with all these things.

So as 2002 rolled around and as more and more investigation was done, we found out that, no, it was actually manipulative schemes by various individuals within a very large organization—actually several organizations—that purposely manipulated the electricity markets. They did this so they could short supply and drive up the price.

Now, Congress acted in 2005. We said—after we found out all the facts, we heard all the terms: Death Star, Get Shorty, all the various schemes that had been manipulated—we kept thinking: How could this happen when we had a Federal Power Act that said, on the wholesale rate of electricity and natural gas, you have to have just and reasonable pricing. We thought that is a clear enough message for people. But, in fact, it was not. It was not a clear enough message. It cost my State billions. It cost California's economy billions. So what did we do? Congress made it illegal to use manipulative devices or contrivances in the electricity or natural gas physical markets, and we greatly increased the penalties for market transparency violations.

Now, why did we go to the extent of doing this? We could not believe that such activities were in some way a gray area and that somehow people were still confused post-Enron that this kind of activity was OK. Some people said: Well, you already have the electricity and natural gas markets under the Federal Energy Regulatory Commission. What else do you need?

But I was very proud that Congress passed this legislation. Since that law has been on the books, since 2005, the Federal Energy Regulatory Commission, as it relates to electricity and natural gas markets, has been aggressive about pursuing this power and using it.

What have been the results? Well, the result has been making market manipulation illegal when it comes to oil and natural gas, so that they have had 64 investigations, 14 settlements, $48 million in civil penalties, two ongoing market manipulation cases that could net over $450 million in civil penalties, and a dramatic increase in self-reporting and self-policing. It is like one of my staffers said: If you want people to straighten up, let them know there is going to be a cop on the beat. Let them know there is going to be someone investigating these activities and we are not going to tolerate it, and people will start obeying the law. So we did that.

In 2007, we decided that if this kind of pervasive activity was still continuing in the natural gas and electricity markets—if that was still happening—maybe there was some correlation here with what was happening in the oil markets, because clearly, after looking at all those charts we just went through about supply and demand, and everything else, we could not understand what was happening. We have had oil company executives tell us that the price of oil today should be at somewhere between $50 and $60 a barrel given where supply and demand is. Oil company executives are throwing up their arms saying: We don't know why the price of oil is well over $100 a barrel. So we, in the Energy bill in 2007, passed a law saying it is time to make the same laws we have for natural gas and electricity apply to oil markets. We said that any person who uses, directly or indirectly, "any manipulative or deceptive device or contrivance" in connection with the wholesale purchase of crude oil or petroleum distillates—that that was illegal and that Congress made violations subject to penalties of up to $1 million a day. That is $1 million a day because we believe, if you are doing these kinds of activities, every day that you have engaged in those activities you should pay a fine for that.

Now, where are we today with this authority? Because some people say: Well, you passed a law. Is it working? This law does not really go into effect until the Federal Trade Commission adopts rules and puts them into action. That is what we are waiting for now. My colleagues on the Commerce Committee have urged the FTC to hurry about this task, that it is so important to our economy and to consumers to hurry about this task. I know Senator REID has encouraged them, Speaker PELOSI has encouraged them. So we are in the process now of hoping that the FTC will implement this rule and give proper notice but start the process because once the marketplace knows—just as they did in natural gas and electricity—that these kinds of activities will not be tolerated, we might be able to make a dent in what is happening with this excessive speculation in the energy markets.

Well, let's look at what exactly the market manipulation behavior is that we are concerned about. We basically have said we are interested in whether companies have manipulated the supply, whether they have given false reporting, whether they have cornered the market, and whether they have engaged in any kind of rogue trading. Those are the things we are concerned about.

Well, let's talk about supply manipulation for a second because that is something for which people might say: Well, it is just about supply and demand, and how do you pass a law about supply and supply manipulation? Believe it or not, there are good Federal statutes on the books starting with a lot of case law and a lot of history. What we are saying is, we do not want any artificial influencing of supply in the energy markets. We do not want someone creating something that is not a normal part of business but is artificially used to create a shortage—for example, diverting or exporting marginal supply in tight markets. That is, we know the market is tight on oil. You can go back to that chart on supply and demand. They pretty much track very closely. So it is a tight market. When you have an event like Katrina, it is even tighter.

Our question is, Did somebody export supply outside the country just to create a shortage in the United States and drive up the price? Have we had hedge funds holding crude oil ships off the coast just so the price will go up for a few more days?

That is the second point: holding supply deliveries temporarily to boost prices. We have people now who are major players in the oil market who really are not the end users of crude oil supply. They are just big financial movers in the marketplace. They are not taking the delivery of oil because they are out there delivering it to various jobbers or what have you. They are there for a financial investment.

In fact, we want to know if some of these inventory management strategies that have basically reduced physical supply—and basically everybody just trades their reserves on paper, and everybody just trades the paper around, where that, in fact, does not have much transparency to it. So we do not know how much that creates that management system in and of itself. Where we used to have 30 days of crude oil supply, thereby, the market was not so tight. Now we have this paper inventory system. We do not know what that really means. We do not know how much supply is really in reserve. Is that being used to manipulate supply?

Then, obviously, what we saw—I just think back to the Enron days when people said: Oh, no, no one would ever shut down a powerplant just to short supply. They would never do something like that. It must all be about the fact that really something was wrong. Well, we found out that there were purposeful shutdowns of various powerplants to short the market and to drive up the price. So we want to know if there are unnecessary and untimely "maintenance" shutdowns just to impact supply in the marketplace of oil.

We also want to know whether there is false reporting because false reporting can lead to misleading or inaccurate statements that also can hinder the marketplace.

Part of this legislation we passed in this bill is to say, in 2007, that if you gave false information, that was also subject to civil penalties of up to $1 million a day because part of this—the same in the Enron case—is it was very hard to understand these schemes. If it was not for videotapes that were put together, we would have never known exactly how these schemes would have worked just by looking at the books. So we want the Government to look at some of this information and if there are manipulative schemes. But if they provide false information, we believe that also should be a penalty.

Now, we know that in one case of natural gas—El Paso Merchant Energy—they reported nonexistent trades to reporting firms while at the same time failing to maintain certain records. They basically created false information about the trades that were going on. The result was six traders were convicted for false reporting and attempting to manipulate the energy market.

Now, the reason why this is so important to the subject we are debating today is that manipulation has happened in natural gas, and why this is so important now is because in the oil markets, and particularly in the oil futures market, we do not even have the same transparency in reporting requirements that we do with other commodities like natural gas. We have given them an exemption in the Enron loophole that was done in 2000 as part of the Commodity Exchange Act, so they do not have those reporting requirements. So we cannot even go and get some of this information to know that something like what was happening with El Paso Energy is transpiring in the oil markets, as it did in the natural gas markets.

So it is one of the reasons why we want to close the Enron loophole and to say that the trading of energy futures, which definitely impacts the price of oil today—and we will get to that on another day out here on the floor, about how the energy futures price impacts oil today, we will get to that, but for today we just know that if you do not have reporting, then there is no way—whether it is the SEC or the CFTC or FERC or the FTC—no one has any ability to get access to the information.

We also know that we want cornering the market to be illegal. Cornering the market would be exploiting the market power through excessive mergers like natural monopolies or blocking new entrants to basically corner the marketplace. We know this is something about which we have a great deal of concern. We know British Petroleum attempted to do this. Basically, they purchased excess propane in Texas, within the pipelines, to hold it from the market and then sell it high. We know they did that in trying to corner the market. The end result was that the Department of Justice and the CFTC ended up with a settlement case against them in the number of $303 million. So we know these things are happening in other energy markets, and we know they are a problem in the—potentially a problem—in the oil markets today.

We also know rogue trading is potentially a problem as well.

Mr. President, I am not going to take much more time on this issue as it relates to the high price of gasoline. I plan to continue to come out to the floor to talk about this issue about the need for the CFTC to promulgate this rule and get on about investigating the oil markets and to make sure consumers are protected.

I talked about what I think the rule needs to do. It needs to prohibit the manipulation of supply and to have a strong statute and penalty for falsifying information. It has to have a prohibition on cornering the market.

I believe that rogue trading is something else we are seeing in the marketplace. We need to have a prohibition on that. People might ask: What is that? It is employing manipulative trading schemes such as buying or selling large volumes of stock or futures contracts with the intention of influencing prices.

You can imagine, if somebody has a large position in one of these energy supplies or stocks, that basically ends up impacting the marketplace. We actually found this with the Amaranth case, in the area of natural gas. Amaranth sold large volumes of what is called next month natural gas delivery in the last 30 minutes of the market. What they did is basically crashed the close of the market. By selling large amounts of futures contracts for delivery of natural gas at the close of the market they manipulated the price and benefitted their large positions in other financial derivatives, and that ended up impacting the physical price of natural gas. The good news is the FERC, because of the 2005 law we passed, was on the beat, doing its job. Unfortunately, consumers paid something akin to $9 billion in increased natural gas costs before the FERC could get this situation under control. Now they are in the enforcement phase of a $291 million civil penalty against Amaranth. We know these situations are happening with rogue trading.

We know of another case that is similar to rogue trading and price manipulation, where Marathon Oil allegedly attempted to sell oil delivery contracts below the market prices in order to basically lower the market price, benefitting them as a net purchaser of foreign crude oil. So there ended up being an investigation by the CFTC, and today they are in a $1 million settlement with the CFTC on that issue.

All these issues, I believe, need to be investigated in the oil markets. They need to have a strong statute passed by the CFTC, similar to in 2005 for electricity and natural gas, where we can see the results of the investigation, we can see that a Federal agency is doing its job; we need to do the same thing with the oil market.

In fact, there are five things I think we need to do that would help protect consumers from high prices of gasoline. Our economy and consumers cannot afford much more.

We need to close the Enron loophole, in which that 2000 law said that online trading promulgated by Enron, they said, they don't have the same transparency, don't have to open their books or allow people to see what they are doing. We know for other commodities the Securities and Exchange Commission and CFTC look at those things to make sure there is not a manipulation in the marketplace. We cannot even get these because we gave them an exemption. That needs to be repealed. We need to require oversight of all oil futures markets. That is, as I said, the oil futures price affects the physical price of oil. If people are going to buy oil futures well into 2015 at over $100 a barrel, it is going to impact the physical price of oil today. If you can buy oil at over $116 in the oil futures, it is hard to believe that oil is going to drop much below that in the physical market. But these are markets—unlike, again, our commodities in the United States, on NYMEX or the mercantile exchange, such as corn or soybean futures, this is an exchange the United States doesn't have any regulatory impact on. We don't have the ability to look at those books, any enforcement mechanisms. We don't have the ability to protect consumers on that kind of speculation if there is manipulative activity going on.

As I said, we need to get the CFTC to finish their work. This is so important that I think the Department of Justice should coordinate all these agencies because there are futures activities, there is a physical market, and there is the falsification of information. What happened with Enron is the Department of Justice created a task force, called the Enron Task Force. It coordinated these agencies and got to the bottom of what was happening with the electricity markets and the manipulation. I think the Department of Justice should create an Oil Market Fraud Task Force to do the same thing.

Lastly, I know my colleagues will talk about this on the floor—to make price gouging a Federal crime. There are 28 States in our country that have the ability, in an emergency, to make a declaration in the event of a natural disaster, or huge anomalies in the market, and help stabilize the situation with executive power. I am willing to give that same executive power to the President of the United States. I hope he would use it.

In conclusion, there is a lack of transparency in energy trading markets. We need to fix that. This is one of the CFTC Commissioners who said:

> I am generally concerned about a lack of transparency and the need for greater oversight and enforcement of the derivatives industry.

He is basically talking about this offshore exchange, where we don't have the same kind of oversight that we do. In fact, I said earlier that we have more regulation of hamburger and the future of beef than we have of oil. I will tell you that oil is critically important to our economy, and it needs to have the same kind of transparency and oversight as other futures commodities.

Last, I will reiterate that even on Wall Street, even the analysts who know what is going on in the marketplace, who know these prices are outrageous, not based on supply and demand, are saying:

> Unless the U.S. Government steps in to rein in speculators' power in the market, prices will just keep going up.

An energy analyst said that this month.

It is clear the marketplace even thinks there is too much speculative power, and the answer is for us to do our jobs—for the FTC to do their job, to get the help of DOJ, and for us to make sure we are doing our job on oversight in giving consumers protection. But I think there are very few people in America who do not think these prices are out of control, that it is not normal market forces, it is not normal supply and demand, and if it keeps careening out of control, it is going to wreck our economy. It is certainly wrecking consumers' pocketbooks right now.

I hope we will take action. I hope the Federal agencies will get on their feet and be aggressive about protecting consumers on this important issue. I know we will continue to talk about this on the floor as we continue to pass legislation that does protect America from these out-of-control gasoline prices.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, Senator COBURN has agreed to come to the floor. I have a couple unanimous consent requests. He wanted to be present when I made these.

UNANIMOUS CONSENT REQUESTS—S. 579

Mr. President, every year, hundreds of thousands of women in America are diagnosed with breast cancer. Breast cancer will strike approximately one in eight American women in their lifetime, with a new case diagnosed every 2 minutes in America. This year alone, it is estimated that 250,000 women will be diagnosed with breast cancer, and 40,000 of them will die.

We have made remarkable progress in breast cancer diagnosis and treatment, but we still do not know the cause of breast cancer. There are theories but no one really knows. Scientists have identified some risk factors. Those factors help explain fewer than 30 percent of the cases.

This legislation that I am going to ask unanimous consent for in just a few minutes, the Breast Cancer and Environmental Research Act, would establish a national strategy to study the possible links between breast cancer and the environment and would authorize funding for such research.

Eminent scientists believe the breast cancer that is being found, discovered in America, very likely is the result of something in the environment. Resulting discoveries could be critical to improving our knowledge of this complex illness which could lead to better prevention and treatment and even perhaps one day a cure.

Although we first introduced this legislation in 2000, and despite strong bipartisan support—right now we have 68 Senators supporting this legislation and are cosponsors of it, Democrats and Republicans—Congress has yet to act and send this bill to President Bush. Last session, the bill was reported out of the HELP Committee, but one of our colleagues prevented final Senate passage. This session we have worked in good faith to address any concerns that have been raised about this legislation. As a result, this act was once again reported out of the HELP Committee, and as I have indicated, it is sponsored by 68 Senators.

It is long past time for the Senate to take up and pass this broadly supported bipartisan legislation. Too many women and their families have waited too long for Congress to act. I tried recently, last week, to pass this legislation by unanimous consent, but one Senator objected to my request. In response to that objection, I then offered a time agreement that would allow for 2 hours of debate on this bill with two amendments on each side. I think this is a fair offer for legislation that over two-thirds of this body have cosponsored. This offer was rejected.

I urge that we have this matter move forward. I urge my colleague to reconsider this offer and end the opposition to this matter—opposition to even debating this legislation which enjoys such broad bipartisan support. It is time to offer more than words of encouragement to those affected by breast cancer. Our wives, mothers, sisters, daughters, and friends have waited long enough.

I therefore ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 628, S. 579, the Breast Cancer and Environmental Research Act; that the committee-reported substitute be agreed to; the bill, as amended, be read three times and passed, and a motion to reconsider be laid upon the table; and that any statements be printed at the appropriate place in the RECORD as if given with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I will not take the time now to go into detail. I will wait until the Senator from Washington finishes her speech.

I will say I have a personal involvement with this issue. My sister has breast cancer. My sister-in-law has breast cancer. My most cherished person in the world besides my wife and children and grandchildren died of breast cancer. She was a breast cancer nurse specialist. I understand the disease. We spend more on breast cancer research than any other cancer in this country today. We spend $100 million on environmental causes related to breast cancer research.

I don't object to us spending money on breast cancer research. I object to us making the decisions about what the scientists know we should do versus what the politicians want us to do. So I will spend some time after the Senator from Washington State speaks outlining in detail my opposition to putting one cancer ahead of the other 70, No. 1; and one disease that—specifically, we are going to put one specific disease and one ideology of a specific disease ahead of all of the others, and I will outline that in detail.

On the basis of that, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand the objection, but I would hope everyone within the sound of my voice understands the lack of logic to the statement just made by my friend, the Senator from the State of Oklahoma. If he has problems with this legislation, why would he prevent the whole Senate from taking it up? Why wouldn't he come to the floor as legislators are supposed to do rather than some guerilla attack and not allowing this to come up, recognizing if I bring this to the floor, it takes time.

Now, I don't understand why, if he has all of these great ideas as to what should or shouldn't be done. Let's bring this to the floor, offer an amendment, offer two amendments. Why stop this matter from being legislated?

So I understand. I can't wave a medical degree, but I can wave the fact that this legislation is important to many people in America today, and this legislation gives them hope that something can be done to find a cause and hopefully a cure. If my friend is so certain of his position, he should be able to offer an amendment and prevail in that regard.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 628, S. 527, the Breast Cancer Research Act that was just spoken about, at a time to be determined by me following consultation with the Republican leader, and that the bill be considered under the following limitations: that other than the committee-reported substitute, the only first-degree amendments be four amendments—two for each leader—that are relevant to the provisions of the underlying bill and substitute; that there be a time limit of 1 hour for general debate on the bill and 1 hour on each amendment; with all time equally divided and controlled between the leaders or their designees; that upon the disposition of all amendments, the use or yielding back of all time, the substitute, as amended, if amended, be agreed to; the bill, as amended, be read a third time with no intervening action or debate; and the Senate proceed to a vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I would like to ask the majority leader a question. Are you aware of the thousands of studies that have already been published—

Mr. REID. Of the what?

Mr. COBURN. Are you aware of the thousands of studies that have already been written on this subject?

Mr. REID. I say to my friend, I am not aware of the thousands of studies. I am aware of the need to move forward with this legislation. I would say to my friend, if, in fact, there are thousands—and I don't in any way doubt the word of my friend—then why should that be a basis for stopping us to legislate on this issue?

We have 68 Senators who believe this legislation is important. If you, the Senator from Oklahoma, have a cause that this legislation is ill-founded, people are—I have changed my position on legislation before, and I can't understand why you would stand in the way of allowing this legislation to be legislated. That is what we do here. We are legislators.

So, no, I am not familiar with the thousands of studies.

Mr. COBURN. Mr. President, I appreciate the majority leader's response to my question. The reason is because the policy is wrong. We passed the NIH Reform Act just to eliminate this sort of issue because what we know is, out of the 2,037 diseases, we don't know which one to fund properly. We don't know which one to spend the most money on, but peer-reviewed science does. So what we have decided is, because we have a very effective lobbying group on this because it does impact hundreds of thousands of women, we are going to step right back in the middle of the NIH reform and say we didn't need it.

So the policy of us directing spending on research when we don't have the knowledge base to know that is the right thing to do—and the researchers agree with this, that we don't have the knowledge—in the context of all of the other 2,037 diseases, I will object to moving forward on this because the policy is wrong. It is not about debating it. I am happy to debate it all you want. But the policy is wrong.

Who says that the women who died of breast cancer this year are more important than the same number of people who died from lung cancer that is not related to smoking? Are we going to say that? Should we tell the NIH everything they should do, every amount of money, every disease we should decide, based on the effective lobbying of people who are absolutely affected—there is no question about that—but should we make that decision? The answer is no, we shouldn't. We should let the experts, not the Senators, not the Representatives, but the scientific experts make those decisions. We have given that charge to the NIH. That is what we ought to do. They would more sooner come to a cure and solve the problem than with us micromanaging the NIH.

With that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I first got interested in diseases of women a number of years ago when in my Las Vegas office three women came to see me. They didn't want to be there. They were embarrassed for being there. They had a condition. It is called interstitial fasciitis. I had never heard the words before, and it is still hard for me to say these words after all of these years. But I looked into this. The NIH and the scientific community and the country thought this was a psychosomatic disease; that this was something these women had in their head; that even though each of them described the pain the same—like slivers of glass being shoved up and down their bladder—it was all in their head.

I had the good fortune of having a woman, who is an orthopedic surgeon, who had this same condition, and she said: This is not in my head, it is in my bladder, and something should be done to study this. We have begged the NIH to do it. We have had others that we have asked to do it, and they are not doing anything: You, Senator REID, should have something done about this.

And we did this. We established a registry. We did that by legislation. As a result of that, now almost 50 percent of the people who have that disease have medicine to take that takes away their symptoms, the pain. It is pretty good.

Have we cured the disease? No, we haven't. But progress has been made because, as policymakers, that is what we do. We set policy. The NIH is a body of this legislature, this Congress, and we have an obligation and a right to direct them to do things. Now, they do good work. They do very good work. But there are other things that we think they should be doing.

Who cares about this, my friend asks? Well, who is lobbying for this, he asks? Two hundred and fifty thousand women who are going to get the disease this year are the lobbyists. They don't come here, all of them, and 40,000 to 250,000 are going to die. Now, is every penny of this money that we want to appropriate going to hit the mark and do the right thing? Maybe not, but it is going to lead to some discoveries that will help this disease and probably other diseases.

So I say, I am disappointed and we are going to continue to work this issue. This issue is not going to go away. It is not only this Senator but 67 other Senators and others who will support this when and if we get this to the floor. So I appreciate the courtesy of my friend from Oklahoma. He is a gentleman. I disagree with him on occasion, but I appreciate his statement.

UNANIMOUS CONSENT REQUEST—H.R. 5613

Mr. REID. We have more than 50 million low-income people—about 1 out of 6 Americans—depend on Medicaid for their health care. These are the poorest of the poor.

This administration has issued a series of regulations that will undermine the Medicaid safety net and create barriers for accessing care for the poorest of the poor.

These regulations, touted by the administration as "savings," would not lower health care costs.

Instead States—already facing tough economic times, strained budgets, and increased demand for services such as Medicaid—will either have to raise revenues elsewhere or be forced to cut services to our Nation's most vulnerable at a time when they need help the most.

Each regulation has different impact on individuals, providers, communities, and States. They include, among other things, detrimental provisions, such as limiting services for people with disabilities; preventing children from receiving health care during the schoolday; cutting payments to public hospitals and other safety net providers for such undertakings as emergency rooms, burn units, and trauma centers.

The administration claims these regulations are necessary to fight fraud and waste in the Medicaid Program. But in a recent hearing on the Medicaid Program, the General Accounting Office testified it did not recommend the administration's proposed changes. They would not help.

We are committed to ferreting out any fraud that may exist in the Medicaid Program. But regulations that harm our most vulnerable and place greater burden on fiscally strapped States are clearly not the way to accomplish this end.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 719, H.R. 5613—which, I might add, passed the House by a huge vote—a bill to protect the Medicaid safety net; that the bill be read the third time and passed and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection.

Mr. COBURN. Mr. President, there is $38 billion worth of fraud in Medicaid. We are on an unsustainable course as a nation. We have $74 trillion worth of unfunded liabilities. When we talk about controlling spending and earmarks, we always hear it is a mandatory program.

Finally, not all of what the administration has done do I absolutely agree with but on key points I do. These rules will make a difference. If we are interested in fraud, let's write the regulations to get out the fraud. That hasn't been the offer. All we are willing to do as a body is say to the administration you have ideas that will get rid of $42 billion worth of fraud over 5 years, but we don't like it because we are feeling pressure from the State Medicaid directors, when we know States game Medicaid. A great example: There is nothing in this to stop any Medicaid Program from taking a child from school to the doctor, but it does stop the 500-some-odd million dollars being spent on transporting schoolchildren back and forth to school who don't have a medical appointment. So what we have is a system that has been gamed. We have allowed it.

Now the administration put something forward which we don't like and which we ought to negotiate with them to change, rather than saying you are not going to do any of it. The fact is the unfunded liabilities associated with the Medicaid Program are about $12 trillion. We are going to do something—just forget it.

I applaud the administration for making an effort to try to fix some of this. But to say you cannot do any of it, when some of it is very badly needed, is wrong. So unfortunately, Mr. Leader, I have to object again.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, as I indicated in the last piece of legislation we tried to move forward on, would my friend allow us to bring it to the floor and debate the issue and offer amendments to it?

Mr. COBURN. I am objecting not solely for myself. I am happy to work on trying to put together a proposal with the administration that would make a difference and then bring it to the floor.

Mr. REID. How long do you think that would take?

Mr. COBURN. Two weeks.

Mr. REID. I appreciate that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Mr. COBURN. May I inquire how much longer the Senator is going to be?

Ms. CANTWELL. Three or four minutes.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized following the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I say to the majority leader, I appreciate what he said on behalf of women. Washington State has one of the highest rates of breast cancer in the Nation. We have a very good detection program and good survival rates. We don't know the cause of it, but we know it is very important to continue the research.

I know that in 1992, the so-called year of the woman, when we had one of the largest classes of women elected to the Congress, we saw an increase in women's health research. Why? Because women were in the Congress to say it was important to us to not have the research directed in a way that favored some of the particular programs that were about men's health.

So I thank my colleague. The majority leader is right to say we have to respond to our constituents who are concerned about this issue and want to give attention to it. Clearly, women's health research hasn't gotten all the attention it deserves in the past.

Mr. REID. Will the Senator yield?

Ms. CANTWELL. Yes.

Mr. REID. Does the Senator acknowledge that with diseases such as interstitial fasciitis, more than 90 percent of the people who have that disease are women? Women-related diseases have not gotten the attention they deserve, and one reason is because the legislature has been dominated by men.

Ms. CANTWELL. That is what we found in the 1990s, in that we didn't have enough representation to ask the hard questions, to say our constituents were not being heard on this issue and to raise this in various committees. Frankly, that was the time period when, for the first time, we had a woman on every committee in the House of Representatives. Once we got women on every committee, we asked the hard questions and increased the percentage of women's health research.

I think it is a very poignant point to the fact that, while NIH does good work, we have to respond to our constituency and, certainly, there can be discrepancies and issues that the larger public should have a say in as to health research.

The PRESIDING OFFICER. The Senator from Oklahoma.

CANCER RESEARCH

Mr. COBURN. Mr. President, I wish to spend a few minutes answering the question as to why would one Senator, in the light of all the other Senators who have cosponsored this bill, stand and block a bill that 60 some Senators want to see passed? I think it is a great time for us to define what is wrong in our country today.

What is wrong is we think about the next election far off and more often than we think about the next generation. I want us to cure breast cancer as badly as anybody else. The point Senator REID did not tell you is we are already spending $100 million on this very subject, the environmental connection to breast cancer. We are also spending more on breast cancer research than we are any other cancer, and yet it is not the leading cause of death.

We are going to have 160,000 people die this year from lung cancer, the same number who are going to die from breast cancer, 40,000 of which have no relationship to smoking, but you do not see anybody on the floor telling the NIH to do a study between the environmental effects and nonsmoking-related lung cancer.

The reason it is important is a little example of penicillin. It is a great example. We stumbled onto that through the science of microbiology, but we would never have gotten there if we had told the NIH: Study scarlet fever and find a cure; study strep tonsillitis and find a cure; study syphilis and find a cure; study gonorrhea, and we had gone four or five different ways. The point I am making is basic research is what we ought to be doing.

In the mid-nineties, I was one of the strong advocates for increasing the size of the NIH budget. It ought to be twice what it is today. The reason it is not $60 billion a year instead of $29 billion is because we will not fix the waste in Medicaid of $42 billion over 5 years, we will not fix the $90 billion in fraud in Medicare, we will not fix the $8 billion that was paid out by the Pentagon for performance bonuses that nobody earned last year, we will not fix the $50 billion that is associated with waste within the Pentagon. Nobody will fix it. We had one wheelchair that was sold multiple times for $5 million to Medicare in Florida alone—one wheelchair. We will not do the hard work that creates the long-term best interest for our country, but we will certainly respond to—granted, very real issues, but in an inappropriate way that does not get us where we want to go.

The NIH budget spends more on breast cancer research than any other research. We are going to spend $100 million on research on the link between breast cancer and the environment. Plus, the Defense Department is going to spend another $138 million, and the Centers for Disease Control and Prevention combined is greater than $1 billion. There is not any other disease we do that on right now. Yet we are going to tell them to do more of the same they are already doing, and we are never going to think about the other people with other diseases, the other 2,037 diseases that are not as well organized and have nowhere close to the same investment at NIH.

The point is, the hardcore, heavy-duty, peer-reviewed science ought to guide us, not emotion, not my poor cousin Sharon Wetz who died 6, 7 years ago of breast cancer, not my sister who has breast cancer, not my sister-in-law who has breast cancer. What we ought to be doing is what is in the best overall good for this country as a whole. And if we need to spend more money on breast cancer, then the way to do that is to get rid of some of the waste and double NIH, but any dollar we spend on breast cancer is a dollar we are not going to spend on colon cancer, it is a dollar we are not going to spend on thyroid cancer, it is a dollar we are not going to spend on lymphoma, because we are going to take it away.

In this bill, it says this should not interfere with peer-reviewed research. If that is the case, then this will never get appropriated. So either this bill is about doing research or it is about a press event for a politician. I will tell you, I think it is the latter.

In 2006, we modernized the NIH to keep exactly this thing from not happening. We took away all the silos. We gave the Director the power and the authority to start making great decisions based on what the raw science was telling him so when we invest in raw science, we magnify the potential benefits that come from it. Now we are going to go back and say we are going to start picking diseases; we are going to start managing it. Why do we need a staff at NIH? Let's let the Senate pick every disease and how much we are going to spend on every one of them; we obviously are qualified.

We are not qualified.

I find it amazing—I do not doubt Senator REID's story, but as a surgical resident in 1984, I was doing cystoscopies and diagnosing interstitial cystitis. We didn't think it was psychosomatic. We knew it was a real disease 3 years before Senator REID came to the Senate.

The question politicians ought to be asking is what is NIH doing? Where is the oversight on what they are doing? Find out what they are doing. How does their work rank in comparison to the other disease initiatives at NIH? We have not had a hearing on that issue.

The HELP Committee has had hearings on multiple speciality disease bills. So we are back into answering a real need, but maybe it is not the best priority. What if we spent the same money we are going to spend on this disease and we got a breakthrough that cured all cancers, but because we decided we were going to reconnect with one specific aspect of one potential risk for one cancer, we missed it?

The wisdom of this body has to be to think in the big picture and in the long term. I have diagnosed breast cancer over 500 times in my medical practice. It is a gut-wrenching, life-changing disease. Fortunately, we have had great improvements in it and our diagnostic skills are getting better, especially with digital MRI on breast examination. Early diagnosis has an impact, but what we do and how we do it is going to matter.

I will put forward that Senator REID can bring this bill to the floor, and if he brings it and we take the time—and I am more than happy to take 4 or 5 days to talk about how we should work at NIH, and I am happy to do that—and the bill will pass, but then are we going to do the same thing with every other disease the HELP Committee brought out? There are about eight other bills just like this bill. We are going to tell NIH: You have to spend this money here, you have to do it here. Regardless of what the raw molecular science says, regardless of what the peer-reviewed literature says, we are going to tell them what to do. Consequently, we are going to delay scientific discovery.

My opposition is not that I don't want to cure breast cancer. My opposition is not that I don't want us to find a cure. I want to find a cure for all of them. I am a two-time cancer survivor. I would love to prevent colon cancer. I don't like walking around with half a colon. There are a lot of consequences to it. I don't like having melanoma and having half my neck taken away. I don't like it, but I don't want colon cancer to displace possible cures for everybody and in the best interest of this country.

Will I object? Every time I come to the floor I will object because I think the ultimate underlying policy is wrong. The way we solve breast cancer in this country is double the NIH funding and let science drive the way we need to go. The way we double NIH funding is get rid of the $300 billion waste, fraud, and abuse that is in the discretionary budget every year which most of us don't have the courage to attack because it might gore somebody's ox.

To those who have breast cancer, as a physician and somebody who has been through cancer, I know your fear. I have been there. I have experienced the questions. I have experienced the chemotherapy. I have experienced the losing of 30 or 40 pounds. I have experienced the nausea and vomiting that is persistent with you for 4 or 6 months. Most of all, what I have experienced is, we have a great health care system and great research in this country that is saving a lot of lives. If we will get our hands out of it as politicians, they will be able to save a whole lot more lives than when we put our hands into it and tell them what they must and shall do.

I thank the good Lord for the time he has given me. I am 5 years out this month from colon cancer. There is no guarantee, but while I am alive, I am going to do things that are in the best long-term interest of our research for health care, that give us the most life for the dollars that we invest. If that is pleasing politically, great. If it is displeasing politically, it is OK too. What is important is we are good stewards—not just with the money but with the direction to allow science to lead us to cures.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MENENDEZ. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CORPORAL BENJAMIN K. BROSH

Mr. SALAZAR. Mr. President, I rise today to honor the life of Army Corporal Benjamin Brosh, of the 2nd Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division, out of Fort Campbell, KY. Corporal Brosh was killed last week in Balad, Iraq, when a car packed with explosives detonated near his position at Forward Operating Base Anaconda. He was 22 years old.

Corporal Brosh has roots in Mississippi and Colorado, where his mother still lives and where he loved to ski. Those who knew him remember his energy, sense of humor, his love for his family, and his commitment to the Army and to the soldiers with whom he served.

He entered the Army in 2006, shortly after experiencing and enduring the devastation that Hurricane Katrina wrought on his community. The storm stirred Benjamin to understand his gift for helping others in times of need. Although the storm had badly damaged his own crabbing business, which he had built out of his childhood love for fishing, Benjamin spent the days and weeks after the storm helping his family and friends dig out from the wreckage. "He just worked like a Trojan, and didn't want anything from it," recalls a family friend whose home Benjamin cleared of mud and debris.

He carried his dreams of helping others into the Army and then to Iraq, where, amid the violence of firefights and roadside bombs, he remained focused on doing what he could to help ordinary Iraqis rebuild their lives. Benjamin's father recalls how much he enjoyed delivering soccer balls to Iraqi children and then challenging them to a pickup game. In a war zone wrought with confusion and tragedy it is hard to imagine a gesture of humanity more powerful than that of an American soldier joining with Iraqi kids in a soccer match.

Corporal Brosh's passion for assisting others was matched only by his commitment to protecting the soldier next to him. He was a pillar of his unit, sustaining his fellow soldiers with his good spirits, optimism, and courage. He dispensed advice and encouragement and, ultimately, offered his life to protect his unit.

The words we offer to honor Corporal Brosh cannot begin to describe the heroism of his daily work or the depth of his character and convictions. From his memory, though, we draw a model for service and duty to which we can all aspire.

At a 1963 gathering remembering the life of the poet Robert Frost, President John F. Kennedy reminded the crowd that, "A nation reveals itself not only by the men it produces, but also by the men it honors, the men it remembers."

Our Nation tends to recognize those men and women of wide acclaim, with whose accomplishments we are already familiar. This, however, is a time of heroes. Over a million and a half Americans have left their families for deployments to Iraq and Afghanistan. Benjamin Brosh, a young man who learned his power to help others in the wake of Hurricane Katrina, gave even more than most. He lent his character, he lent his optimism, and he lent his life to his country. If a nation, as President Kennedy suggests, reveals itself by the citizens it produces, then Corporal Brosh is America at our finest. He is a patriot and a hero.

To Benjamin Brosh's parents, James and Barbara, and to all his friends and family, our thoughts and prayers are with you. I hope that, in time, your grief will be assuaged by the pride you must feel in Benjamin's service and by the honor he bestowed upon his country. This Nation will never forget him.

SERGEANT DAVID "DJ" STELMAT

Mr. GREGG. Mr. President, I rise today to honor U.S. Army Sergeant David Stelmat of Littleton, NH. On March 22, 2008, Sergeant Stelmat was tragically taken from us, along with two fellow soldiers from the North Carolina Army National Guard's 1132 Military Police Company, when his humvee encountered an improvised explosive device in Bagdad, Iraq. At only 27 years old, SGT David Stelmat, or DJ as he was known to his friends and family, will always be remembered as an adventurous, fun-loving young man who enjoyed the outdoors.

The attacks of September 11, 2001, were the worst our Nation has ever experienced. Terrorists hijacked commercial airplanes, turned them into weapons, and brutally steered them into the World Trade Center Towers in New York, the Pentagon only miles from here, and the last plane lost on a field in Pennsylvania as a result of the heroic stance of the passengers aboard. It has become part of New Hampshire lore that in the wake of this tragedy, when our Nation was looking to heal itself, DJ, a 1998 graduate of Profile High School, along with a friend, climbed to the top of the Old Man of the Mountain and placed an American flag in the iconic profile. Pictures of DJ's action quickly spread and served as a patriotic symbol of our State and our country.

Upon returning home from military service to our Nation as part of the infantry in Afghanistan, DJ attended the New Hampshire Technical Institute in his ardent desire to become an emergency medical technician. I am sure that this patriotic need to help our Nation heal after September 11 came from the same source of motivation which led to his burning desire to achieve his goal of military service as a combat medic.

In January 2006, DJ joined the New Hampshire National Guard's 237th Military Police Company. In August of that year he completed training as a health care specialist. After receiving training, he deployed with the 1132nd

Military Police Company. As a testament to his service, Sergeant Stelmat's awards include a Bronze Star, Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with "M" device, Army Service Ribbon, Overseas Service Ribbon, Combat Action Badge, Expert Rifle Weapons Qualification Badge, and an Overseas Service Bar.

My deepest sympathy, condolences and prayers go out to DJ's loved ones, especially his parents. The service and sacrifice of Sergeant Stelmat remind me of the words of another son of New Hampshire, Daniel Webster, who said, "What a man does for others, not what they do for him, gives him immortality." As combat medic, there is no doubt but that DJ put his country and his fellow soldiers before himself. For this selflessness, we are eternally grateful. May God bless U.S. Army Sergeant DJ Stelmat.

TRIBUTE TO BARB HESS

Mr. GRASSLEY. Mr. President, I would like to take a few moments to pay tribute to a remarkable teacher who has touched the lives of countless students in Davenport, IA. Miss Barb Hess is retiring after 46 years teaching various social studies courses at Davenport Central High School.

Many of us can think back to one favorite teacher who stands out amongst all the rest; who because of a unique combination of personality and teaching skills, was able to spark an interest in a certain subject or learning in general. Miss Hess has been such a teacher for an extraordinary number of students. Her profound impact on her students and on Central High is attested to by her colleagues who wrote me an impassioned letter recounting her impressive career, as well as by a great many of her former students, including a member of my staff.

In the classroom, Miss Hess commands respect and maintains discipline with only a few softly spoken but firm words, making clear that appropriate behavior is expected. She holds high academic expectations for her students, challenging them to achieve their potential. Her courses, many of which she developed herself, push students to think deeply and critically. Her students know that she expects papers to demonstrate clear writing with well reasoned arguments backed by solid research. In a time of much discussion about lack of rigor in high school coursework, Miss Hess's classes stand out as an example of rigorous preparation for higher education and other life-enriching opportunities.

Her high expectations for her students are a natural outgrowth of the high expectations she sets for herself. Although Miss Hess holds both a bachelor's and a master's degree from Drake University, she has never ceased to enhance her own knowledge of the subjects she teaches. She can always spot plagiarism, often because she is intimately familiar with the original source.

Outside the classroom, Miss Hess has been the adviser for the student council starting in 1974 and has advised numerous other student groups and organizations. In fact, she has organized, advised, or assisted with more functions at Davenport Central over the years than can be tallied. Barb Hess has been a loyal "Blue Devil" since her student days, consistently supporting sports teams, fine arts events, and other extracurricular activities over the years.

Barb Hess is a fixture at Davenport Central High School, having achieved near legendary status among those familiar with the school. Her imprint on the institution will continue to be felt very strongly. Her imprint on the lives of her students will be even more enduring. The best teachers combine extensive content knowledge with a certain intangible ability to connect with students and to inspire them to excel in school and life. Miss Hess's ability to care about each student as an individual, and unique talent for bringing out the best in students of all kinds, places her among the best of the best. She will be missed in her classroom at Central High, but her legacy of improving the lives of generations of students will last forever. I thank Barb Hess for her years of service to Iowa's youth and I wish her the very best in her retirement.

NORTH KOREA

Mr. BROWNBACK. Mr. President, the guard told the story of a father, a mother, a son, and a daughter who were stripped naked and led into a room together. The room was made of glass, ten feet wide, nine feet long, and seven feet high. Leading into the glass room where the family stood was a metal injection tube. Outside the room, a group of scientists waited with pens and note pads. The guard recalls that the gas began to flow through the tube into the glass room. At first, the gas collected along the floor. The family stood together in the middle of the room. Then, as the cloud of gas rose from the floor of the chamber, the son and the daughter began to vomit and then to die. The mother and father tried to save them. They stood as high as they could to gasp the last clean breaths of their lives, to breathe that air into the lungs of their children, and to preserve their lives for a few more moments. Soon, the parents, too, began to vomit and die. One by one, all four succumbed and collapsed into the cloud of gas. Eventually, the father, the mother, the son, and the daughter all lay dead on the floor of the gas chamber.

The story I have just told you did not happen decades ago in Nazi Germany. It happened recently, and there is every reason to believe that things just like it may continue to this day, perhaps at this very moment. They happened in a country with which our diplomats are talking about granting full diplomatic relations and all of the mercantile and diplomatic privileges of membership in the civilized world.

This story happened to forgotten people, in a forgotten part of a forgotten country. You have probably never heard of it, yet it is the scene of crimes against humanity whose scale and depravity rival those of Mauthausen, Tuol Sleng, or Srebrenica. The place is called "Camp 22." It lies in the far northeastern corner of North Korea.

Camp 22 is not history than we can condemn from the safe distance of time. Yet too many of us refuse to confront it, perhaps because we are afraid that confronting the crimes of Camp 22 would also require us to confront its moral imperatives. We cannot say that we act according to our values when we invite mass murder into the community of civilization, with all of its diplomatic and mercantile privileges. It is to horrors like these that we must say "never again," and mean it, and act.

It is a massive place, perhaps hundreds of square miles in area. Former guards say that 50,000 men, women, and children are confined there. Camp 22 is a killing field where guards murder children for scavenging garbage to eat, where prisoners are publicly stoned to death and disemboweled, and where entire families are slaughtered for no more reason than to serve as examples for other prisoners. It is a place where torture, starvation, and disease kill 20 percent of the prisoners every year, and where children die because their parents are accused of thought crimes.

Camp 22 is only one of an archipelago of concentration camps in North Korea. The U.S. Committee for Human Rights in North Korea estimates that 400,000 people have been murdered in these camps. Survivor Kang Chol Hwan describes spending ten years in another camp, Camp 15, where each spring brought a grim new harvest of deaths from starvation and disease.

The only people who have ever seen Camp 22 are its guards, its victims (none of whom has ever escaped), and the thousands of dead whose corpses and bones are strewn in its hills, fields, and ravines. Kim Jong Il's regime still denies that these camps exist. No foreigner has ever been permitted to go near them. Until North Korea allows us to go to the camps to prove or disprove these reports, we cannot know for certain what is happening there. Still, commercially available satellite imagery allows us to look upon Camp 22 for ourselves and verify what the survivors tell us in detail. Google Earth has made witnesses of us all. In these times, anyone with an Internet connection can look down into hell at Camp 22 and witness Holocaust Now.

I would like to thank the Rev. Chun Ki Won, whom many have dubbed the "Schindler of the East." Reverend Chun himself has led hundreds to safety and himself spent nearly nine months in a Chinese prison when he was caught trying to get into Mongolia with a group of refugees. The floor charts of satellite photos I am about to show were vetted by refugees, both victims and guards, he is in touch with in Korea and elsewhere. They identified the details of these gulags and confirmed their existence.

I want to show you Camp 22 today. I want you to see its fence lines, its gates, and moats. I want you to see the huts where its prisoners live, the coal mines where men are worked to death, and the forests and fields where the dead are discarded. I want you to be haunted by these things when you consider how we should deal with Kim Jong Il's regime, and when you are deciding what kind of a country we will be. I ask that you hear what I have to say while there is still time to stop this, and before our government surrenders the last pressure it may have to stop it. In Camp 22, it is forbidden to mourn the dead. Mourning them will not bring them back, but it may save others who still suffer.

Using Google Earth's highest resolution, it is possible to trace the camp's circumference perhaps hundreds of square miles. Unfortunately, only the western half of the camp can be seen in publicly available high-resolution imagery. The alleged gas chamber is outside of this area.

Tracing the camp's boundaries is not difficult. The camp is surrounded by electrified barbed wire fences from which vegetation has been cleared away. The sharp corners in the fence lines make them impossible to confuse with roads. At regular intervals, there are guard towers or distinctive guard posts.

In North Korea, fence lines like these are the distinctive mark of concentration camps, with a few exceptions, such as Kim Jong Il's palaces, and certain nuclear sites. For example, there is the fence line of Camp 14, the so-called "life imprisonment zone" at the headwaters of the Taedong River, from which no prisoner is supposed to leave, dead or alive.

Another camp that can be identified by its fenceline is Camp 15, made infamous by Kang Chol Hwan in his gulag memoir, "The Aquariums of Pyongyang." Kang was sent to that camp at the age of nine. It was not until his release 10 years later that he learned why he and his family were sent there. His grandfather had come under suspicion for having lived for many years in Japan. Kang and his family were arrested one night and taken to Camp 15 in accordance with the North Korean doctrine that class enemies must be rooted out for three generations.

Former guard Kwon Hyuk claims that the fences around Camp 22 are 2½ meters high, and electrified with 3,300 volts of electricity. He also says the camp is surrounded by spiked moats in places. Photographs from Google Earth also reveal trenches, railroad gates, and guard posts. In some pictures, you can even make out what appear to be clusters of people in the camps.

The farmers who live outside the gates of the camps cannot pretend not to know what goes on beyond the fence. One recent defector, who lived in this area, described living near Camp 22 to his English teacher, who wrote about them in the Washington Post. According to this young North Korean refugee, because food and alcohol are scarce in the countryside, the camp guards sometimes went to his house to drink, usually heavily. In their intoxication, the guards would confess to their sense of remorse.

When American soldiers and news cameras reached the gates of Dachau in 1945, we and millions of men and women of conscience throughout the world made a simple, solemn promise: "never again." Who among us today questions the righteousness of that promise? And who among us doubts that much of its meaning lies buried in the mass graves of Tuol Sleng, Rwanda, and Darfur? Why have we not done better? Perhaps the civilized world erred by making a promise it could not keep. We cannot solve all of the world's problems or suppress the worst impulses of humanity. Still, "never again" was, and is, a promise worth keeping if we read it as a promise, first, to speak the truth; second, to do no harm; and third, to find ways within our means to stay the hand of the murderer.

We find ourselves in the possession of information not unlike that which was in our possession in 1943. Our government had aerial photographs of Auschwitz, Dachau, and Buchenwald, too, and the accounts of the survivors were there for us to act on or disbelieve. Perhaps all of the evils of Camp 22 and these other camps are fictions. If that is so, let Kim Jong Il open them to the eyes of the world. Let him refute me and all of us who believe that it is beneath our nation to collaborate with evil of this depth.

I am aware that some in Washington, including many in our State Department, would prefer to hear even less discussion of the atrocities in North Korea for the sake of a diplomatic process that has taken decades to get us nowhere. I was deeply ashamed this year when I read in the Washington Post of how our State Department's East Asia Bureau had tried to pressure the authors of this year's human rights country reports to airbrush the section on North Korea, invoking "the Secretary's priority on the Six-Party talks" and asking the authors to "sacrifice a few adjectives for the cause." Perhaps this diplomat was guided by a sincere but mistaken belief that there will be time to deal with North Korea's atrocities when its disarmament is negotiated first. For those who are suffering and dying in these camps, this year, there may not be a next year.

With all due respect to Secretary Rice, I have come to doubt that our State Department is as serious about ending these atrocities as it is about pretending that we have progressed toward disarming North Korea. Why, more than 3 years after this Congress unanimously passed the North Korean Human Rights Act, are American consulates in China and other countries still refusing to let North Korean refugees in their gates? Under Assistant Secretary of State Christopher Hill, who tells us that he intends to make human rights one of many issues to be addressed through a "normalization working group" within the six-party talks, now says that America can raise its objections to these atrocities "in the context of two states that have diplomatic relations." Some of us had observed years ago that Ambassador Lefkowitz, our Special Envoy for Human Rights in North Korea, has been sidelined and silenced. Recently, we watched with embarrassment how he was treated when he dared to make the obvious connection between Kim Jong Il's malice toward his own people and his malice toward us.

After all, the basis of any negotiated disarmament or peace must be a shared interest in the preservation of human life. What does it tell us that Kim Jong Il holds human life in such low regard as to run places like Camp 22, and then lie so flagrantly as to deny its very existence? What lessons can we take from the fact that he left two and a half million North Koreans to starve to death while he expended his nation's depleted resources on nuclear weapons and luxuries for himself and the elites? What does it tell us that, according to multiple witnesses, this regime kills newborn babies of refugee women returned from China in the name of protecting North Korea's racial purity? Does this regime value human life including North Korean life—as we value it? If not, isn't it reasonable to conclude that neither a desire for peace nor good faith will motive Kim Jong Il to keep this latest agreement?

And finally, what does it tell us that China, the guarantor of that agreement and host for the six-party talks, greenlighted North Korea's nuclear test in 2006? Or that it has just announced a new plan to undermine the U.N. sanctions that followed that test by letting the regime's officials hold accounts in

Chinese banks, in Chinese currency? Or that it has flagrantly violated the U.N. Refugee Convention for years by offering bounties to people who catch and turn in North Korean refugees, so that it can string them together like fish on lines, with wires through their wrists and noses, as it leads them back to the death camps and firing squads? Or that it has bullied the UNHCR into refusing asylum to North Korean refugees? And what do we have to say about China's efforts to cleanse its territory of North Korean refugees to ensure that this year's Olympic games will be free of the wretched refuse of its tyrannical satellite?

Do not misunderstand my words. I am certainly not advocating war. After all, if we wish to rid the world of this repellent regime, we need only stop sustaining it. Kim Jong Il has already ruined North Korea's economy. He cannot sustain his misrule without the cash he receives from other nations, through aid, trade, and crime. Recent reports by economists and NGO's tell us that North Korea's regime has never been in greater economic distress, and that it has lost even the capacity to feed its elite. As Kim Jong Il shows stubborn contempt for our diplomatic efforts, we must relearn the lesson that diplomacy only influences evil men when it is backed by pressure. In the case of North Korea, the threat of economic pressure will gain power in the coming months . . . but only if we do not throw it away.

Nor do I fail to grasp that our idealism must sometimes find ways to conform to our immediate interests. But those who say that America should stand only for its pecuniary interests and abandon its values have forgotten how America built the treasures it now seeks to protect. We have always been a nation of ideas of values. What else unites us? We differ in our ethnicities, faiths, and even in the climates and cultures of our vast country's regions. If our values no longer guide us, we are nothing more than another color on the chessboard, and we have ceased to be a beacon for the world's hopes, a model for its development, and a magnet for its talents. What a tragedy that would be for a nation that, as De Tocqueville said, is great because it is good. I do not say that we are perfect; after all, our tendency to revel in our own imperfections has made our society far more just and good. And with greatness, and with goodness, come obligations to conform the pursuit of our interests to the pursuit of our values.

Here is an occasion when our values and our interests both demand that Kim Jong Il be given a stark choice: transparency or extinction. Let us resolve that we will not allow Kim Jong Il to plunge North Korea into famine again this year. Let all nations of conscience join to deny the Kim Jong Il the means—through trade or unrestricted aid—to perpetuate his rule and his luxurious lifestyle while the North Korean people suffer and starve. America should stand ready to help the people of North Korea, if and only if we can verify that every last citizen, soldier, peasant, and prisoner—including the prisoners in Camp 22—can share equally in the aid we should offer generously. If Kim Jong Il refuses the just terms on which we must condition our assistance, then why should we extend the misery of his people by delaying his meeting with the ash heap of history? That is why I am resolved to oppose, to the last breath in my body, adding this country to the list of Kim Jong Il's benefactors and abettors until the prisoners of Camp 22 are fed, healed, housed, and freed.

ADDITIONAL STATEMENTS

COMMENDING HAWAII'S LEXUS ENVIRONMENTAL CHALLENGE CHAMPIONS

• Mr. AKAKA. Mr. President, I congratulate the Dream Team, a team of eight students from Farrington High School in Honolulu, HI, for winning the grand prize in the 2007 to 2008 Lexus Environmental Challenge. The Lexus Environmental Challenge is a multiphased national competition between 350 middle and high schools from across the country. The challenge addressed issues from global warming awareness to informing communities about the critical importance of water conservation.

Over the course of 7 months, the Dream Team competed against 350 middle and high school teams from across America in challenges addressing local environmental issues. The Dream Team was one of 55 teams invited to compete in the final global challenge where students were asked to develop a program that could potentially change the world. For their final global challenge, the Dream Team took advantage of Hawaii's ethnic diversity to educate people around the world about the benefits of clean renewable energy by creating a video message in 11 different languages ranging from French to Samoan to Tagalog and Arabic.

The members of Farrington High School's Dream Team include Genevieve Cagoan, Robin John Delim, Carmina Figuracion, Robin Monzano, Minh Trang Nguyen, Herald Nones, Maria Sheville Lee, and Princes Rosit. The team was led by Ms. Bebi Davis, a Farrington High School chemistry teacher who was the team's adviser.

The grand prize for the Lexus Environmental Challenge is $75,000. Ms. Davis will receive $7,000 for various classroom projects, Farrington High School will receive $15,000, and the remaining $53,000 will be split equally among the eight members of the Dream Team.

I congratulate the Farrington High School Dream Team for its great accomplishment in capturing the 2007 to 2008 Lexus Environmental Challenge grand prize. I wish all of them the best in their future endeavors, and I urge them to continue to set an example for future generations. I extend the same congratulations to all students and advisers who participated in the 2007 to 2008 Lexus Environmental Challenge.•

50TH ANNIVERSARY OF THE SOUTHEASTERN COLORADO WATER CONSERVATION DISTRICT

• Mr. ALLARD. Mr. President, on April 29, 1958, the District Court in Pueblo, CO, established the Southeastern Colorado Water Conservancy District. That action resulted in a firm water supply for the Arkansas River Basin, providing much-needed supplemental water to communities which are home to the wonderful people of this region.

The Arkansas River Basin includes communities whose livelihoods have always depended on water: farming, ranching, steel manufacturing, small businesses. The economic tide in this region has ebbed and flowed during that 50-year period, but its riches lie not in dollars but in its people.

The Southeastern Colorado Water Conservancy District has served the region and people honorably and with diligence. The district works hard to help the Arkansas Valley realize the importance and value of a well-managed water supply.

Currently, the district is spearheading a plan to at last construct the Arkansas Valley Conduit, originally authorized as part of the Fryingpan-Arkansas Project. The conduit was deemed necessary five decades ago, and the need for clean and safe water supplies for the people of the valley has only increased as water quality is threatened and federally acceptable standards have increased. But the Lower Arkansas Valley, which this project will serve, needs assistance in providing that safe water supply and in meeting those standards.

This Arkansas Valley Conduit is a top priority to me as I near the end of my tenure in the Senate. As one of the final components of the Fryingpan-Arkansas Project and as a major goal of the now 50-year-old Southeastern Colorado Water Conservancy District, I congratulate the district on their hard work to make this project feature a reality, and thank them for all they have accomplished in their half century of commitment to the Arkansas Valley.•

PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNERS

• Mr. CARPER. Mr. President, I wish today to honor this year's Delaware winners of the Prudential Spirit of Community Award in recognition of their exemplary volunteer service. Congratulations to Anna Schuck of Wilmington, Matthew Waldman of Delmar, Alexandra Browne of Wilmington, and Taylor Folt, also of Wilmington.

I strongly believe that volunteerism is one of the cornerstones of American society. As shown on numerous occasions, volunteering is not only good for the community; it is an enriching and rewarding experience for the volunteer, as well. Anna, Matthew, Alexandra and Taylor all exemplify this spirit of involvement and giving back to their communities. They serve as models of selflessness and examples of how rewarding volunteering can be both personally and to the community they serve.

The Prudential Spirit of Community Awards was created by Prudential Financial and the National Association of Secondary School Principals to inspire and encourage youth volunteerism. Since being founded in 1995, these awards have honored more than 80,000 young volunteers at the local, State and, national levels.

Delaware winner Anna Schuck founded the H.U.G. Club, for "Helping the Underprivileged Globally," at her school, coordinating fundraising events including "Rock Uganda," a series of seven concerts. Her efforts helped to raise $14,500 to provide necessities for a school in Uganda.

Middle school winner Matthew Waldman has participated in a variety of volunteer activities, including a charity antique show, bell ringing for the Salvation Army, and a Humane Society walk. Matthew has also organized dances instead of birthday parties, asking attendees to donate food and other items instead of bringing gifts.

High school Distinguished Finalist Alexandra Browne spent 2 years coordinating events and fundraisers, recruiting volunteers and overseeing other logistics as chair of her school's Relay for Life fundraising event. The event, which raised more than $60,000, donates to cancer research, education, and patient support.

Middle school Distinguished Finalist Taylor Folt spent a month of her summer vacation teaching English and American History to students in India, as well as helping them with maintenance tasks around their campus.

Congratulations to this year's honorees, Anna, Matthew, Alexandra, and Taylor, who personify the spirit of giving back. These outstanding young volunteers are an inspiration to me and, I hope, to many others throughout Delaware.•

CONGRATULATING DAVENPORT UNIVERSITY

• Mr. LEVIN. Mr. President, I congratulate Davenport on the recent successes of their Athletic Department and student athletes. The men's hockey team won their first American Collegiate Hockey Association, ACHA, Division II National Championship with a 5–2 victory over Indiana University. The women's basketball team won the Wolverine Hoosier Athletic Conference Championship, WHAC, and made it to the Sweet 16 of the National Association of Intercollegiate Athletics, NAIA, Division II National Tournament. These are both extraordinary feats considering the Athletic Department at Davenport University was formed only 6 years ago. Both programs were honored in a celebration at Davenport University on March 26, 2008. These accomplishments bring great joy and satisfaction to all those associated with Davenport University and across the State of Michigan.

The hockey team's National Championship came after a third consecutive appearance in the ACHA Division II Final Four. The championship game ended an exciting week in Fort Myers, FL. Outscoring their five opponents by a combined total of 40–7, the Panthers dominated with their strong offensive attack. Under the leadership of head coach Paul Lowden, the team finished the season with a 35–11–4 record and won their third straight Great Midwest Hockey League, GMHL, regular season and tournament titles.

Each player of the Davenport University team made significant contributions to the winning season, including Alex Mikla, Wes Baughman, Pat Collar, Justin Poorman, Bill McSween, Jon Stolarz, Jeremy Bultema, Justin Welker, Eric Troup, Will Collar, Rick Gadwa, Dayne Gluting, Chad Anguilm, Bobby Collar, Jeff Kraemer, Adam Tomacari, Kevin Doyle, Adam Thomas, Kevin Moodie, Chris Joswiak, Scott Knight, Chad Rutzel, Eddie Wheeler, Jared Mailloux, Chris Green, Brit Ouelette, Brett Hagen, Luke Bonnewell, Kenny Jacobs, Jason Kraemer, Jonah Rogowski, Ben Duthler, head coach Paul Lowden, and assistant coaches Phil Sweeney, Jamie Bradford, and Joe Messina.

After only six seasons at Davenport University, head coach Paul Lowden was named the 2008 ACHA Men's Division II Coach-of-the-Year. He was honored with this award at the American Hockey Coaches Association Coach-of-the-Year Celebration this past weekend. Coach Lowden was also selected by the ACHA as the inaugural head coach for the Men's Division II Select Team. The select team traveled to Europe this winter and finished with a perfect 5–0–0 record.

The Lady Panthers basketball team, under the leadership of head coach Mark Youngs, earned their second consecutive Wolverine Hoosier Athletic Conference title. Senior Jeanette Woodberry, who was named both the WHAC Player of the Year and a First Team All-American, led the team to victory. Sara Haverdink and Kristin Bergsma were both named to the NAIA Academic All-American team. The basketball team finished this outstanding season with a record of 28–6 overall and 13–1 in their conference.

Teamwork, determination and a commitment to excellence by each member of this basketball team led to their success. The members include Lyndsey Shepherd, Megan Peters, Sara Haverdink, Andrea Kimm, Brittany Lyman, Kristin Bergsma, Kristi Boehm, Lynne Blomberg, Kayla Chapman, Jeanette Woodberry, Emily Rosenzweig, Kallie Benike, Sylvia Welch, Shannon Slattery, Stephani Roles, along with head coach Mark Youngs, and assistant coaches Kelly Wandel, Shannon Callaghan, and Alicia Barczak.

I am proud to recognize the outstanding achievements of the Davenport University Athletic Department. Their student athletes compete admirably in athletics and in the classroom, and maintain an average GPA of 3.22. I extend my best wishes to the players, coaches, families, and the University community that supported them throughout this triumphant season.

I know my colleagues in the Senate join me in congratulating Coach Lowden, Coach Youngs, and the Davenport University Panthers.•

HONORING LEIGH ANNE GILBERT

• Mr. MARTINEZ. Mr. President, I wish to recognize the efforts of a Floridian who has worked to make a difference in an underserved part of our world. Leigh Anne Gilbert, who recently returned to her hometown of Orlando, has spent the past 3 years establishing the Rainbow Primary Neighborhood School in Masthan Nagar, Hyderabad, India.

After her husband's job relocated the couple to an undeveloped part of India, Leigh Anne recognized the need to serve her new community and began work on a school to serve the area's children. Through the support of charitable organizations, Leigh Anne raised the funds necessary to charter and construct the Rainbow Primary Neighborhood School, which now serves more than 300 impoverished children living in the small Indian village.

Leigh Anne was responsible for bringing together all those involved in building and operating the school—the designers, construction workers, local government, teachers, and staff. She even recruited the services of the Naandi Foundation—a worldwide charitable organization fighting poverty and malnourishment—which delivers meals to the school and provides the students health care. Work on the school began in early 2007 and it was completed in March of this year.

The effort tested Leigh Anne's physical and mental fortitude as she worked tirelessly for the past 3 years to bring all the partners to the table. The project required patience, persistence, and cooperation from government officials, community leaders, and charity organizations. On Web posts, Leigh Anne reflected on the project and offered words of advice to those pursuing similar ventures: "The number one lesson learned: Get partners—rugged, go-to, and knowledgeable partners—then leverage the partnerships to meet needs. None of us can go it alone."

On behalf of Florida and the people of the United States, I would like to honor Leigh Anne Gilbert for the tremendous example she has set and the good work she has accomplished.●

SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

● Mr. SALAZAR. Mr. President, today I wish to recognize the 50th anniversary of the establishment of the Southeastern Colorado Water Conservancy District.

In the post-World War II era, communities large and small in the United States envisioned a period of growth and prosperity. Enthusiasm in the Arkansas Valley of Colorado was also high, but one limitation loomed large: the water needed to build and sustain that growth was simply not available.

The regional water users' group decided to pursue a bold vision: the Fryingpan-Arkansas Project, a complex diversion, storage, and delivery system, would move water from the western slope of the Rockies to the growing population on the eastern slope. The project itself is as complex as the politics of water in the West. It features both western slope and eastern slope facilities, some of them at elevations above 14,000 feet, and multiple dams, reservoirs, tunnels, and conduits.

Fifty years ago today, on April 29, 1958, a Pueblo, CO, district court established under the provisions of Colorado law the Southeastern Colorado Water Conservancy District. This administrative organization embodied the goals of the regional water users' group, which had proven adept at promoting the Fryingpan-Arkansas Project through the memorable and highly visible sale of small golden frying pans.

The original supporters of the Fryingpan-Arkansas, many of whom eventually served as board members of the district, were committed to seeing its promise made true. Their stalwart efforts led to the authorization of the Fryingpan-Arkansas in 1962, and the Southeastern District has been managing the project continuously since that time. They fought year after year to see this multipurpose project appropriated and constructed. Their success brought the additional water that the valley and its people had hoped for, and many of them lived to see it provide benefits to the Arkansas Valley. President John F. Kennedy's visit to Pueblo in 1962 to commemorate the start of construction of Pueblo Dam, the largest component of the Fry-Ark Project, remains one of the most memorable events in the history of southern Colorado.

Those of us in the West know that the development and responsible management of water is critical to people, to agriculture, to business and to the future. The Southeastern District has worked day in and day out for over five decades to ensure that the project's purpose is fulfilled. They work tirelessly in partnership with the people of the Arkansas Valley, with their Federal partner, the Bureau of Reclamation, and adroitly navigate the rules and regulations of Colorado water law to serve the people who depend on this water.

I commend the Southeastern Colorado Water Conservancy District for its diligence, and I commend the many distinguished people of the Arkansas Valley who have guided the district during its first 50 years as members of its board of directors. They established a tradition of vision, leadership, and distinction that will serve the people of southeastern Colorado well into their next 50 years.●

RECOGNIZING MIKE GEISEN

● Mr. SMITH. Mr. President, I wish to congratulate Mike Geisen for winning the National Teacher of the Year Award. The National Teacher of the Year Program was founded in 1952 by the Council of Chief State School Officers. By rewarding teachers who have affected their students and communities positively, the program focuses public attention on some of the philosophies, methods, and wisdom behind successful teaching. It has been delightful to learn of Mike's contributions, and I am thrilled that he will be traveling around the world to share his insights as Teacher of the Year.

Mike Geisen teaches seventh grade science at Crook County Middle School in Prineville, OR, but his colleagues and students would call that an understatement. Crook County Middle School principal Rocky Miner observed that before Mike assumed chairmanship of the school's science department, students' science test scores had stagnated, with about 55 percent of students meeting or exceeding State standards. Less than 2 years after Mike took the job, 72 percent of Crook County students were meeting or exceeding State standards.

It is clear that other educators have noticed Mike's successes and are starting to seek his advice. In October of last year, Oregon State superintendent Susan Castillo presented him with the Oregon Teacher of the Year Award. A month later, Mike spoke at the Oregon School Boards Association Conference in Portland about the need for schools to shift their attention to skills—such as collaboration, innovation, and adaptability that are more relevant in a globalized economy.

There is no question that Mike can teach and that he can raise test scores, but his focus is not directed at the statistical indications of success as a teacher. In his application for the National Teacher award, Mike wrote the following about America's youth: "These young people are our equals. They are not simply numbers, conglomerations of hormones, or future products. All the latest programs, fads, and statistics are meaningless to a child who isn't cared for on a deeper level. Whether you are a teacher or parent, businessperson or retired, young or old: reach deep down into each child with humor, love, and compassion and they will learn from you. They will learn much more than just how to read and write; they will learn they are wonderfully human."

Mike Geisen, or Mr. G, I thank you for your unique contributions. You are truly an inspiration to us all. As Henry Brooks Adams once remarked, "A teacher affects eternity; he can never tell where his influence stops." Mr. G, your influence will no doubt continue for generations.●

HONORING LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, today I acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC, free of charge. On May 3, 2008, a group of 95 veterans will reach Washington as part of this very special program.

I want to take a moment to thank all the brave veterans visiting our Capital City this trip:

Eldon L. Adams; Pat W. Aertker; Kent L. Babb; Luca Barbato; Brant Barnett; Lennie J. Benoit; Nesby J. Bergeron; Warren J. Bourgeois; Edward Breaux; Norman A. Briggs; Lloyd O. Bruchhaus; Edward G. Burleigh; Ralph D. Caillier; Norman W. Cameron; Robert T. Casanova; Viel P. Caswell; Reece J. Chenevert; Albert L. Clifton; William L. Clifton; Vincent C. Cuccio.

Thomas C. Darbonne; Charles W. Derbes, Sr.; Charles R. Doucet; Lloyd J. Doucet; Walter H. Duhon; Andrew V. Fontenot; Joseph F. Fontenot; James R. Gibson; Ernest J. Glavaz; Raphael I. Guidry; Clyde L. Hahn, Sr.; Marion T. Harmon; Didier J. Hebert, Jr.; Osburn Hebert; Herbert J. Hernandez; Richard M. Hollier; Hubert J. Hulin; Isaac Huval, Sr.; Edward B. Jennings; Norvell C. Johniken.

Raymond Kidder, Jr.; Ruth M. Kilgore; Percy J. Lalonde; John G. Lambousy; Isaac W. Lantz; Antoine C. LeBlance; Emile J. LeBlanc; Viealy J. Leger; Joseph H. LeGrand; Daniel J. Lejeune; Lionel Lejeune;

James R. LeMaire; Bernard Libersat, Jr.; James C. Martien, Jr.; Robert McDaniel; Humer L. Miller; Eugene O. Munson; Francis Myers; James R. Odom.

Theodore R. Poynter; Joseph R. Prejean; Jack M. Proffitt; David R. Pulver; Johnny M. Rabalais; Aldon J. Richard; Erman L. Richard; Winson Richard; Roy J. Roberie; Arthur L. Rozas; Eddie E. Salassi; Joseph San Filippo; LeeRoy J. Savoie; Lawrence Schambaugh; Clanice J. Schexnyder; Gordon L. Sibille; Ellis Soileau; Louis Soileau; Wallace R. Stelly; Nolan J. Stephens.

Harold L. Stevens; Joe P. Stevens; George Stout; Clarence Tauzin, Sr.; George J. Tellifero; Edward A. Thistewaite; Dallas E. Thomason; Mitchelle Trahan; Idolphus C. Turnley, Jr.; Harris J. Veillon; Charles C. Verzwyvelt; Dudley Vice; Stanley R. Wall; Edward R. williams; Charles C. Willoughby; Richard G. Wilson.

While visiting Washington, DC, these veterans will tour Arlington National Cemetery, the Iwo Jima Memorial, the Vietnam Memorial, the Korean Memorial, and the World War II Memorial. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building".

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office".

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathan Millican Lula Post Office".

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex".

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building".

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building".

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office."

At 5:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that in accordance with the request of the Senate, the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and all accompanying papers are hereby returned to the Senate.

ENROLLED BILL SIGNED

At 7:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4169. An act to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans; to the Committee on Veterans' Affairs.

H.R. 5492. An act to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes; to the Committee on Rules and Administration.

H.R. 5493. An act to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; to the Committee on Rules and Administration.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, should be designated as the "National Quilt Museum of the United States"; to the Committee on Energy and Natural Resources.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions by unanimous consent, and referred as indicated:

S. 2902. A bill to ensure the independent operation of the Office of Advocacy of the Small Business Administration, ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1922. To designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6005. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that has been identified as Navy case number 07-05; to the Committee on Appropriations.

EC-6006. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that has been identified as case number 05-01; to the Committee on Appropriations.

EC-6007. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13413 of October 27, 2006, relative to the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC-6008. A communication from the Special Counsel, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulatory Review Amendments" (RIN1557-AC79) received on April 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6009. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Grants to States for Operation of Qualified High Risk Pools" (RIN0938-AO46) received on April 24, 2008; to the Committee on Finance.

EC-6010. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to post-liberation Iraq for the period of February 15, 2008, through April 15, 2008; to the Committee on Foreign Relations.

EC-6011. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator, received on April 24, 2008; to the Committee on Foreign Relations.

EC-6012. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Participant's Choices of TSP Funds" (5 CFR Part 1601) received on April 24, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6013. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report relative to the applications for the interception of wire and other communications during fiscal year 2007; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-322. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to ensure that insurance companies comply with HB 1-A and pass savings on to policyholders; to the Committee on Banking, Housing, and Urban Affairs.

POM-323. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation allowing counties additional flexibility related to deferral of property taxes, to the Committee on Homeland Security and Governmental Affairs.

POM-324. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to place a constitutional amendment on the statewide ballot intended to strengthen the prohibition on unfunded mandates; to the Committee on Homeland Security and Governmental Affairs.

POM-325. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation increasing statutory fees for service of process; to the Committee on the Judiciary.

POM-326. A resolution adopted by the Commission of the City of Miami of the State of Florida urging Congress to support the re-enactment of the Federal Assault Weapons Ban; to the Committee on the Judiciary.

POM-327. A resolution adopted by the Coconut Creek City Commission of the State of Florida urging Congress to re-enact the Federal Assault Weapons Ban; to the Committee on the Judiciary.

POM-328. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to strengthen laws related to assault weapons; to the Committee on the Judiciary.

POM-329. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take actions necessary to call a constitutional convention to propose an amendment to include the Posse Comitatus Act as a constitutional prohibition; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 38

Whereas, the United States Constitution provides that, on the application of the legislatures of two-thirds of the several states, the congress shall call a convention for the purpose of proposing an amendment or amendments to the United States Constitution, which amendment or amendments when so proposed by such a convention must be ratified by the legislatures of, or conventions in, three-fourths of the states to become valid; and

Whereas, the Posse Comitatus Act, 18 U.S.C. 1385, was originally passed in 1878 to remove the Army from civilian law enforcement and to return it to its role of defending the borders of the United States; and

Whereas, the Posse Comitatus Act provides that whoever, except in cases and under circumstances expressly authorized by the constitution or act of congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined or imprisoned. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to call a convention pursuant to Article V of the United States Constitution for the sole purpose of proposing an amendment to add the Posse Comitatus Act to the United States Constitution. Be it further

Resolved, That the Congress of the United States is hereby requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes and become a part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states. Be it further

Resolved, That the Legislature of the Louisiana does hereby memorialize the presiding officers of the legislative bodies of the several states to apply to the Congress of the United States to call a convention for the sole purpose of proposing this amendment to the Constitution of the United States. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation and to the presiding officers of each house of the legislative bodies of the several states of the Union.

POM-330. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to provide refundable credits received by Louisiana homeowners to offset Louisiana Citizens Property Insurance Assessments; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 11

Whereas, the Legislature of Louisiana in Act No. 4 of the Second Extraordinary Session of the Louisiana Legislature provided relief to Louisiana homeowners from the large assessments levied on their homeowner's insurance premiums by the Louisiana Citizens Property Insurance Corporation as provided by law; and

Whereas, the levy of such assessments was made necessary by the unprecedented and widespread damage and destruction caused to homes by hurricanes Katrina and Rita; and

Whereas, the assessments on all homeowners were necessary for them to provide protection and coverage for their neighbors; and

Whereas, the Internal Revenue Service is threatening to force these already burdened citizens to report the amounts received as credits as income for federal tax purposes, raising the possibility that they will likely owe significant federal taxes. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the commissioner of the Internal Revenue Service and the Congress of the United States to take every action to provide that the amounts received by Louisiana homeowners to offset Louisiana Citizens Property Insurance Assessments on their homeowner's insurance premiums because of the unprecedented damage and destruction of homes in the recent hurricanes shall not be considered as income for federal tax purposes. Be it Further

Resolved, That a copy of this Resolution shall be transmitted to the commissioner of the Internal Revenue Service, the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM-331. A resolution adopted by the Legislature of the State of New York urging the New York State Congressional delegation to oppose S. 40/H.R. 3200; to the Committee on Banking, Housing, and Urban Affairs.

Legislative Resolution No. 4858

Whereas, regulation, oversight, and consumer protection have traditionally and historically been powers reserved to state governments under the McCarran-Ferguson Act of 1945; and

Whereas, state legislatures are more responsive to the needs of their constituents and the need for insurance products and regulation to meet their state's unique market demands; and

Whereas, many states, including New York, have recently enacted and amended state insurance laws to modernize market regulation and provide insurers with greater ability to respond to changes in market conditions; and

Whereas, state legislatures, the National Conference of Insurance Legislators (NCOIL), the National Association of Insurance Commissioners (NAIC), and the National Conference of State Legislatures (NCSL) continue to address uniformity issues between states by the adoption of model laws that address market conduct, product approval, agent and company licensing, and rate deregulation; and

Whereas, initiatives are being contemplated by certain members of the United States Congress that have the potential to destroy the state system of insurance regulation and create an unwieldy and inaccessible federal bureaucracy—all without consumer and constituent demand; and

Whereas, such initiatives include S. 40/H.R. 3200—the National Insurance Act of 2007—proposed optional federal charter legislation that would bifurcate insurance regulation and result in a quagmire of federal and state directives that would promote ambiguity and confusion; and

Whereas, S. 40/H.R. 3200 would allow companies to opt out of state insurance regulatory oversight and evade important state consumer protections; and

Whereas, the mechanism set up under S. 40/H.R. 3200 does not, and cannot by its very nature, respond, as state regulation does, to states' individual and unique insurance markets and constituent concerns; and

Whereas, S. 40/H.R. 3200 has the potential to compromise state guaranty fund coverage, and employers could end up absorbing losses otherwise covered by these safety nets for businesses affected by insolvencies; and

Whereas, S. 40/H.R. 3200 would ultimately impose the costs of a new and needless federal bureaucracy upon businesses and the public; and

Whereas, many state governments derive general revenue dollars from the regulation of the business of insurance, including nearly $14 billion in premium taxes generated in 2006; in fiscal year 2005–06, insurance taxes generated $987 million in the State of New York: Now, therefore, be it

Resolved, That the Congress of the United States be and hereby is respectfully memorialized by this Legislative Body to express its strong opposition to S. 40/H.R. 3200 and any other such federal legislation that would threaten the power of state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the business of insurance, and to protect consumers; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

POM–332. A joint resolution adopted by the Legislature of the State of Idaho urging Congress to take action to help stop children and employees from accessing Internet pornography; to the Committee on Commerce, Science, and Transportation.

House Joint Memorial No. 7

Whereas, the Internet has been an extremely important means of exchanging information, and is relied upon in Idaho for business, education, recreation and other uses; and

Whereas, many Internet sites contain material that is pornographic, either obscene or inappropriate for children, and a majority of these sites originate within the United States but outside of the state of Idaho; and

Whereas, the availability of Internet pornography on the job costs Idaho employers significant numbers of work hours, strains employers' computer equipment, reduces productivity and leads to potentially hostile work environments for men and women; and

Whereas, while the custody, care and nurturing of children resides primarily with parents, the widespread availability of Internet pornography and the ability of children to circumvent existing filtering technology defeat the best attempts at parental supervision or control; and

Whereas, Internet pornographers are using evolving techniques to lure Idaho children and others into viewing and purchasing pornographic material, defying existing technology designed to block adult content; and

Whereas, current methods for protecting computers and computer networks from unwanted Internet content are expensive, block more than the intended content and are easily circumvented; and

Whereas, because children, employees and others may seek out pornography, warnings and other labels meant to help avoid inadvertent hits on pornographic sites may simply increase the likelihood that these sites will be visited; and

Whereas, credit card verification systems burden credit card companies, are expensive and time consuming to establish and maintain and these systems inhibit legal speech, and other forms of age verification have not been practicable; and

Whereas, prior congressional attempts to address children's access to Internet pornography have been held unconstitutional or otherwise have not passed constitutional scrutiny and have not been based on technology that allows individual Internet users to select what kind of Internet content enters their homes and workplaces; and

Whereas, protecting the physical and psychological well-being of Idaho's children by shielding them from inappropriate materials is a compelling interest of the Legislature of the State of Idaho; and

Whereas, although the state of Idaho has taken rigorous action in an attempt to shield Idaho's children from obscenity and other inappropriate adult content, it cannot effectively curb the programs with Internet pornography within its borders without the support of the United States government; and

Whereas, the United States remains in control of the Internet through the Department of Commerce and the National Telecommunications and Information Association; and

Whereas, the United States has the ability to create appropriate policies and enforcement tools to effectively deal with these issues: Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we strongly urge the United States Congress to take action to help stop children and employees from accessing Internet pornography and that legislation be enacted to facilitate a technology-based solution that allows parents and employers to subscribe to Internet access services that exclude adult content. Be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–333. A resolution adopted by the Senate of the State of New Jersey urging Congress to enact legislation concerning public disclosure of companies outsourcing jobs; to the Committee on Commerce, Science, and Transportation.

Senate Resolution No. 24

Whereas, in recent years, a number of companies have replaced highly-skilled workers from New Jersey with lower-paid, foreign laborers, in a practice known as outsourcing; and

Whereas, these outsourcing trends coincide with the U.S. job market's longest slump since the 1930s; and

Whereas, many white-collar occupations, including technology and computer specialists, financial analysts, accountants, office support, and call-center employees are among the most vulnerable to outsourcing; and

Whereas, the preservation of jobs in New Jersey is of critical importance to the economic well-being of the State; and

Whereas, the economic dislocation caused by a company outsourcing jobs threatens the health, safety, and welfare of the people in this State; and

Whereas, Forrester Research, Inc. predicts that 3.3 million U.S. jobs will be sent offshore by 2015, accounting for 2 percent of the entire workforce and $136 billion in wages; and

Whereas, numerous citizens in the State of New Jersey are unaware that in many circumstances they are not conducting business with a U.S. company but are communicating with a third-party contractor in another country via telephone or Internet; and

Whereas, a public list disclosing companies which outsource or are planning to outsource, would help provide a public awareness to discourage outsourcing practices and enable local and state governments to prepare incentives for companies to retain essential U.S. jobs, now, therefore, be it

Resolved, by the Senate of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to enact legislation requiring annual publication of a list disclosing companies planning or currently in the practice of outsourcing U.S. jobs to other countries.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the presiding officers of the United States Senate and the House of Representatives, and to each member of Congress elected from the State of New Jersey.

S. Res. 24

This resolution memorializes Congress to enact legislation requiring annual publication of a list disclosing companies planning or currently in the practice of outsourcing U.S. jobs to other countries.

A large number of companies across the nation and in New Jersey have replaced highly skilled and educated workers with lower-paid, foreign laborers. This practice is referred to as "outsourcing" or "offshoring." Outsourcing U.S. jobs is growing at an alarming rate. Forrester Research, Inc. predicts that 3.3 million U.S. jobs will be sent offshore by 2015. The federal government does not maintain a list of companies that currently, or plan to, outsource jobs to other countries. Enacting legislation requiring publication of such a list not only raises public awareness, but also allows state and local governments to prepare initiatives targeted to keep companies from outsourcing critical U.S. jobs.

POM-334. A resolution adopted by the Senate of the State of New Jersey urging the establishment of a funding program for local communities establishing "quiet zones" along certain light rail lines; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 13

Whereas, the Federal Railroad Administration (FRA) in the United States Department of Transportation published a final rule on April 27, 2005, which was subsequently amended on August 17, 2006, concerning the use of locomotive horns at highway-rail grade crossings; and

Whereas, the final amended rule requires that locomotive horns be sounded at every public highway-rail grade crossing, with certain exceptions, including those areas designated "quiet zones"; and

Whereas, certain light rail lines which operate on railroad freight tracks, such as the River LINE in southern New Jersey, must comply with the stringent requirements of the FRA regarding the establishment of "quiet zones" by implementing supplementary safety measures, such as the installation of four-quadrant gates and lights at all public crossings, and conduct a diagnostic team review, which may involve the expenditure of hundreds of thousands of dollars by local communities for the safety equipment and engineering studies required to qualify for a "quiet zone" designation; and

Whereas, the cost of these measures must be undertaken by local communities, rather than the State, without any funds specifically provided for this purpose by the federal government; and

Whereas, it is in the public interest for the Government of the United States to establish a funding program to defray the costs incurred by local communities to establish "quiet zones" along these light rail lines: Now, therefore, be it

Resolved, by the Senate of the State of New Jersey:

1. This House respectfully requests the Government of the United States to establish a funding program to defray the safety equipment and engineering costs incurred by local communities to establish "quiet zones" along light rail lines operating on railroad freight tracks.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the Vice-President of the United States, the Speaker of the United States House of Representatives, every member of Congress elected from this State, the Secretary of Transportation of the United States and the Administrator of the Federal Railroad Administration in the United States Department of Transportation.

POM-335. A concurrent resolution adopted by the Senate of the State of Mississippi urging Congress to support passage of the Secure Rural Schools and Community Self-Determination Act; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION 556

Whereas, in December 2000, the Secure Rural Schools and Community Self-Determination Act, a Federal act, was signed into law; and

Whereas, the Secure Rural Schools and Community Self-Determination Act provides federal funds to counties and school districts with national forest lands located within the county boundaries; and

Whereas, 33 counties have substantial tracts of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

Whereas, these counties have United States National Forests within its boundaries and have received critical funds for roads and schools based on revenues generated from these forests; and

Whereas, the payments provided to these counties have been a consistent and necessary source of funding for the schools, teachers and students; and

Whereas, in December 2007, the United States Congress removed the reauthorization of the Secure Rural Schools and Community Self-Determination Act from the Energy Legislation to which it was attached. This legislation was subsequently passed and signed into law without reauthorization for the Secure Rural Schools and Community Self-Determination Act; and

Whereas, the funding provided through the Secure Rural Schools and Community Self-Determination Act will significantly contribute to the local economy of these counties by providing the necessary funds for schools and roads, which is vital for sustained economic development; and

Whereas, these counties depend on the funding from the Secure Rural Schools and Community Self-Determination Act and unless the funding is secured through legislation as deemed appropriate by the Mississippi congressional delegation, these counties will lose critical funding that it has received for decades; now, therefore, be it

Resolved, by the Senate of the State of Mississippi, the House of Representatives concurring therein, That we, the members of the Legislature of the State of Mississippi, respectfully request that the United States Congress pass the Secure Rural Schools and Community Self-Determination Act so that these Mississippi counties may continue to adequately maintain the roads and schools and sustain economic development in the state; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to President George W. Bush, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Governor of the State of Mississippi, each member of the Mississippi congressional delegation, and that copies be made available to members of the Capitol Press Corps.

POM-336. A resolution adopted by the California State Lands Commission urging the federal government to adopt policies that address climate change; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state resource, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is central to the state's forty-six billion dollar ocean economy; and

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands from the shoreline out three nautical miles into the Pacific Ocean, as well as the lands underlying California's bays, lakes, and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, a common law precept that requires these lands be protected for public use and needs involving commerce by means of navigation, fisheries, water related recreation and environmental protection; and

Whereas, the impacts of climate change will profoundly affect the public trust values of the lands under the Commission's jurisdiction and the utility of these lands to the public and the environment; and

Whereas, climate change is expected to cause oceans to rise by 18 to 59 centimeters by the end of this century according to a 2007 report by the United Nations Intergovernmental Panel on Climate Change (some other estimates are higher); and

Whereas, over the course of the 21st century, temperatures are projected to increase by 3 to 10 degrees Fahrenheit, causing ocean temperature to increase, which could cause more intense storms to hit California; and

Whereas, these climate change effects would dramatically alter the environment of the California ocean and coast, reducing beaches and wetlands and damaging important infrastructure, including the ports that contribute to California's role in the global economy; and

Whereas, of the world's annual human generated emissions of greenhouse gases, which are the cause of climate change, California emits 1.4%, and the United States emits almost 25%; and

Whereas, California has taken the lead nationally on the issue of climate change and passed AB 32 in 2006, which requires the California Air Resources Board to adopt regulations by 2011 to reduce greenhouse gas emissions in California to 1990 levels by 2020:

Whereas, while California has adopted the most innovative and proactive program in the United States for fighting climate change, the federal government has refused to take similar actions to control greenhouse gas emissions and has refused to ratify the Kyoto Treaty, a worldwide agreement to begin to reduce these harmful emissions; and

Whereas, on December 21, 2005, California displayed its leadership on the issue of climate change when the California Air Resources Board sent a request to the U.S. Environmental Protection Agency (U.S. EPA) for a waiver under the Clean Air Act that would allow California to adopt stricter vehicle greenhouse gas regulations on new vehicles than the regulations imposed by the federal government; and

Whereas, the Clean Air Act specifically allows California to request a waiver from the national emission standard for new motor vehicle engines and impose stricter emission standards than the federal government; and

Whereas, Congress granted California the ability to impose stricter emission standards under the Clean Air Act because it recognized the State's unique problems and pioneering efforts with regard to air emissions; and

Whereas, for the past 30 years the U.S. EPA has granted California more than 40 such waivers, while previously denying none; and

Whereas, on February 29, 2008, the U.S. EPA, for the first time in the history of the Clean Air Act, denied California's December 21, 2005 request to impose stricter emission standard for new motor vehicle engines than those imposed by the federal government; and

Whereas, the U.S. EPA denied California's request for waiver even though it recognized that "global climate change is a serious challenge" and that "the conditions related to global climate change in California are substantial;" and therefore be it

Resolved by the California State Lands Commission, That it encourages the U.S. EPA to reconsider and reverse its February 29, 2008 decision that denied California its request for a waiver under the Clean Air Act and precluded the State from imposing strict vehicle greenhouse gas regulations on new vehicles; and

Resolved, That the California State Lands Commission strongly supports federal policy making that follows the leadership of California in reducing greenhouse gas emissions to combat the causes of climate change; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to the Administrator of the U.S. EPA, to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–337. A resolution adopted by the Legislature of the State of Louisiana urging Congress to take the actions necessary to provide the state of Louisiana with one-hundred-year flood protection; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 39

Whereas, in the aftermath of the flooding and devastation caused by Hurricane Betsy in 1965, the Congress promised the citizens of southeast Louisiana Category 3 Hurricane Protection, for which the local citizenry contributed significant cost-share funding; and

Whereas, the United States Army Corps of Engineers before Hurricane Katrina informed Louisiana that it was protected against a hurricane likely to come no more frequently than once in two hundred years; and

Whereas, improvements along the entire Mississippi River system, including its tributaries, and the construction of flood protection reservoirs in states more than one thousand miles from the Gulf Coast deprived the Mississippi River of enormous amounts of sediment needed to sustain coastal lands in Louisiana; and

Whereas, southeast Louisiana has played a major role in the shipping and oil and gas industries, benefitting the quality of life and economy of the nation as a whole; and

Whereas, the activities of these industries along Louisiana's coast and the construction of the Mississippi River Gulf Outlet, in conjunction with the engineering of the entire Mississippi River system that provided economic benefit and flood protection hundreds of miles upriver from Louisiana which deprived Louisiana of the natural load of sediment, has led directly to the disappearance of two thousand one hundred square miles of Louisiana's coastal lands; and

Whereas, these benefits to the rest of the nation have substantially reduced natural barriers to storm surge and thus enormously increased the vulnerability of Louisiana to hurricanes far beyond what it would otherwise be; and

Whereas, on August 29, 2005, Hurricane Katrina devastated southeast Louisiana by overtopping levees and breaching floodwalls, with high winds, torrential rains, and flooding causing catastrophic damage to public and private properties in southeast Louisiana, severely impacting the population, local economy, and tax base of these parishes, and reducing the funding capabilities of their respective levee districts; and

Whereas, true one-hundred-year protection for southeast Louisiana must be approached from a regional perspective with a contiguous system that eliminates all gaps; and

Whereas, in the aftermath of Hurricane Katrina, one-hundred-year protection for southeast Louisiana was reevaluated by the United States Army Corps of Engineers and approved by Congress; however, the current local cost-share requirement for this protection is estimated to be a minimum of one billion six hundred million dollars for southeast Louisiana, and without payment of this substantial sum, this much-needed protection will not be constructed or will be substantially delayed, jeopardizing the safety and property of the people of southeast Louisiana; and

Whereas, since much of southeast Louisiana is still rebuilding and attempting to bring in new development, intervention is required on the federal level to address local cost-share and other local responsibilities in order to construct this much-needed protection; and

Whereas, the secretary of the United States Army Corps of Engineers has the discretion to allow local cost share to be paid over a thirty-year period, and this discretion has been applied in situations not as exigent as Louisiana's situation. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States and the Louisiana congressional delegation to take such actions as are necessary to appropriate one hundred percent federal share for one-hundred-year flood protection for southeast Louisiana. Be it further

Resolved, That in the event one hundred percent federal cost participation is not authorized, the Congress is hereby urged and requested to take the following actions:

(1) Authorize one-hundred-year flood protection for southeast Louisiana at no greater than historic share percentages.

(2) Authorize local cost-share participation to be paid over a thirty-year period.

(3) Authorize credit for past contributions.

(4) Authorize credit for operations and maintenance expenses paid by local government prior to completion of projects by the United States Army Corps of Engineers.

(5) Authorize credit to local levee districts at fair market value for borrow materials provided to the United States Army Corps of Engineers; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–338. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to appropriate sufficient funds to construct one-hundred-year flood protection for southeast Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 22

Whereas, in the aftermath of the flooding and devastation caused by Hurricane Betsy in 1965, the Congress of the United States promised the citizens of southeast Louisiana that they would have Category 3 hurricane protection, for which the local citizenry contributed significant cost-share funding; and

Whereas, the United States Army Corps of Engineers before Hurricane Katrina informed Louisiana that it was protected against a hurricane likely to come no more frequently than once in two hundred years; and

Whereas, levee improvements along the entire Mississippi River system, including its tributaries, and the construction of flood protection reservoirs in states more than one thousand miles from the Gulf Coast deprived the Mississippi River of enormous amounts of sediment needed to sustain coastal lands in Louisiana; and

Whereas, southeast Louisiana has played a major role in the shipping and oil and gas industries which provide benefits to enhance the quality of life and the stability of the economy of the nation as a whole; and

Whereas, the activities of these industries along Louisiana's coast in addition to the construction of the Mississippi River Gulf Outlet, in conjunction with the engineering of the entire Mississippi River, have led directly to the disappearance of well over two thousand one hundred square miles of Louisiana's coastal lands; and

Whereas, the benefits that have been derived by the rest of the nation from Louisiana's working coast and waterways have, in turn, substantially reduced Louisiana's natural barriers to storm surge and thus enormously increased the state's vulnerability to the impacts from hurricanes far beyond what it would otherwise have been; and

Whereas, on August 29, 2005, Hurricane Katrina devastated southeast Louisiana with high winds, torrential rains, and flooding which caused the overtopping of levees and breaching of floodwalls, causing catastrophic damage to public and private properties throughout southeast Louisiana, severely impacting the population, the local economy, and the tax base of these parishes, reducing the level of revenue collected by their respective levee districts; and

Whereas, true one-hundred-year protection for southeast Louisiana must be approached from a regional perspective with a contiguous system that eliminates all gaps; and

Whereas, in the aftermath of Hurricane Katrina, one-hundred-year flood and hurricane protection for southeast Louisiana was reevaluated by the United States Army Corps of Engineers and approved by Congress; however, the current local cost-share requirement for this protection is estimated to be a minimum of one billion six hundred million dollars for just the projects in southeast Louisiana, and without payment of this substantial sum this much-needed protection will not be constructed or will be substantially delayed, jeopardizing the safety and property of the people of southeast Louisiana; and

Whereas, since much of southeast Louisiana is still rebuilding and attempting to bring in new development, intervention is required on the federal level to address local cost-share and other local responsibilities in order to construct this much-needed protection; and

Whereas, the secretary of the Army has the discretion to allow local cost-share to be paid over a thirty-year period, and this discretion has been applied in situations not as exigent as Louisiana's: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States and Louisiana's congressional delegation to ensure the appropriation of a one hundred percent federal share for one-hundred-year flood protection for southeast Louisiana; and be it further

Resolved, That in the event one hundred percent federal cost participation is not authorized, the Congress of the United States is hereby requested and urged to take the following actions:

(1) Authorize one-hundred-year flood protection for southeast Louisiana at a historic share percentage.

(2) Authorize that local cost-share participation may be paid over a thirty-year period.

(3) Authorize match credit for past expenditures and construction.

(4) Authorize cost-share credit for operations and maintenance expenses paid by local government prior to completion of projects by the United States Army Corps of Engineers.

(5) Authorize cost-share credit to local levee districts at fair market value for borrowed materials provided to the Corps; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1760. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. DURBIN, Mr. KERRY, and Mr. MENENDEZ):

S. 2928. A bill to ban bisphenol A in children's products; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 2929. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mr. CASEY:

S. 2930. A bill to amend title 37, United States Code, to extend to members with dependents the second basic allowance for housing for members of the National Guard and Reserve and retired members without dependents who are mobilized in support of a contingency operation, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Ms. STABENOW, and Mr. JOHNSON):

S. 2931. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Finance.

By Mrs. MURRAY (for herself and Mr. BURR):

S. 2932. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. CONRAD, and Mr. KOHL):

S. 2933. A bill to improve the employability of older Americans; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2934. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. REED, and Mr. SCHUMER):

S. 2935. A bill to prevent the destruction of terrorist and criminal national instant criminal background check system records; to the Committee on the Judiciary.

By Mrs. DOLE:

S. 2936. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, to limit income eligibility expansions under that program until the lowest income eligible individuals are enrolled, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 2937. A bill to provide permanent treatment authority for participants in Department of Defense chemical and biological testing conducted by Deseret Test Center and an expanded study of the health impact of Project Shipboard Hazard and Defense, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRAHAM (for himself, Mr. BURR, Mr. MCCAIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. CORNYN, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. STEVENS, Mr. COCHRAN, Ms. COLLINS, Mr. BARRASSO, Mr. DOMENICI, Mrs. DOLE, Mr. WICKER, Mr. ISAKSON, and Mr. INHOFE):

S. 2938. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 539. A resolution to authorize testimony and legal representation in State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. Res. 540. A resolution recognizing the historical significance of the sloop-of-war USS *Constellation* as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. BROWN, Ms. KLOBUCHAR, and Mr. HAGEL):

S. Res. 541. A resolution supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. INHOFE, his name was withdrawn as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 45

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 211

At the request of Mrs. DOLE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 579

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 911

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 994

At the request of Mr. TESTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1445

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1743

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts.

S. 1760

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1779

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1779, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 1838

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1838, a bill to provide for the health care needs of veterans in far South Texas.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2144

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2144, a bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

S. 2161

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2465

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2498

At the request of Mr. DOMENICI, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAIG), the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mrs. DOLE), the Senator from Texas (Mr. CORNYN), the Senator from Maine (Ms. SNOWE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), the Senator from Colorado (Mr. ALLARD), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. ENZI), the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Mr. COLEMAN), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. THUNE), the Senator from Mississippi (Mr. WICKER), the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. VOINOVICH), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2630

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2686

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2686, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, and transit users as well as children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on streets and highways.

S. 2689

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2758

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2758, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. KOHL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2912

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2912, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2917

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2917, a bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

S. 2927

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2927, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve and to amend the Energy Policy and Conservation Act to include additional acquisition requirements for the Reserve.

S. RES. 537

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 537, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Ms. STABENOW, and Mr. JOHNSON):

S. 2931. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce the Medicare Access to Complex Rehabilitation and Assistive Technology Act of 2008. I am pleased to be joined by my colleague from Michigan, Senator STABENOW. Today, we unite to ensure access to medical equipment for severely disabled Medicare beneficiaries who seek to lead independent and productive lives.

In the 2003 Medicare Modernization Act, MMA, Congress directed the Centers for Medicare and Medicaid Services to proceed with a durable medical equipment competitive bidding demonstration project. The purpose of this demonstration was to determine whether competitive bidding can be used to provide quality medical equipment at prices below current Medicare Part B reimbursement rates. The bidding will result in a new fee schedule for some selected DME services, replacing Medicare's current fee schedule. In other words, competitive bidding will change how Medicare covers medical equipment and also determine which suppliers may participate in providing such equipment to beneficiaries.

It is critical to note that the Medicare competitive bidding program was designed to produce cost savings—both for Medicare and for beneficiaries in the form of lower copayments for medical equipment. The competitive process of submitting bids to supply particular services and products would reduce the price Medicare currently reimburses for these items.

Although competitive bidding may reduce the cost of some health services, this system will likely prove unworkable in certain circumstances. For example, many rural areas across the country may not have the health care infrastructure to support a competitive acquisition program. Small suppliers who service individuals residing in areas of low population density may be outbid by larger, distant providers, leading to limited access to medical equipment for Medicare beneficiaries living in these locations.

Another unique circumstance for which competitive bidding is inappropriate regards complex rehabilitation and assistive technology for individuals with significant and distinctive needs. Under the competitive acquisition program, thousands of individuals who require customized medical equipment may be forced to use ill-fitting products that will inevitably increase discomfort, further limit functional ability, and may even cause loss of function for these individuals who seek independence and mobility in their lives.

Let me give an example of how the competitive bidding program will hamper the ability of Medicare beneficiaries to access necessary rehabilitative and assistive technology. If a Medicare beneficiary has been diagnosed with muscular dystrophy and uses a power wheelchair due to the loss of muscle tone in the body, a wheelchair that is tailored to the individual is imperative for several reasons. Power wheelchairs that are not adapted to the particular needs of the individual lead to more than mere discomfort, but also can further worsening health. For instance, individuals with muscular dystrophy may have wheelchairs that allow them to change positioning in order to breathe more comfortably. In addition, these wheelchairs may also be adapted to accommodate other necessary medical equipment, such as breathing ventilators. Yet with Medicare competitive bidding, the process will likely yield more uniform wheelchairs, leaving severely impaired beneficiaries with limited options to meet their needs.

Our bill will remove complex rehabilitation and assistive technology products from the Medicare competitive bidding program. In a program intended to reduce costs through competition among suppliers providing medical products, it is simply untenable to include such sophisticated and personalized equipment. We all agree that we must address Medicare spending, but restricting access to necessary products for the beneficiaries that most require them is not the way to approach this issue—and may in fact increase costs.

I urge my colleagues to join with Senator STABENOW and myself in supporting the Medicare Access to Complex Rehabilitation and Assistive Technology Act of 2008 to support Medicare beneficiaries in receiving the specialized medical equipment they so critically need.

Ms. STABENOW. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing the Medicare Access to Complex Rehabilitation and Assistive Technology Act. This legislation will ensure Medicare beneficiaries who need complex rehabilitation and assistive technology will continue to receive the highest level of service and support necessary to maintain their independence. I am also pleased to be joined by my good friend, Senator TIM JOHNSON, in this effort.

Competitive bidding, while well-intentioned, does not work well for items that must be customized for individuals with complex and specialized needs. Unlike some of the items being considered by CMS for competitive bidding, complex rehab technologies are not the sort of products that are easily interchangeable. For example, individuals with neuromuscular diseases—such as multiple sclerosis, ALS, cerebral palsy, or Parkinson's disease—or conditions such as spinal cord injuries may require specialized services because of the profound and sometimes progressive nature of these conditions. Patients' access to assistive technology products for their unique needs could be in jeopardy.

I am pleased that our legislation has the support of numerous patient advocacy organizations. As co-chair of the Senate Parkinson's Caucus, I have seen firsthand how assistive technology can make a difference in helping a loved one achieve independence over a disease or disability. The legislation we are introducing today will ensure that the wonders of medical technology will continue to be available to the Medicare beneficiaries who need them the most.

By Mr. SMITH (for himself, Mr. CONRAD, and Mr. KOHL):

S. 2933. A bill to improve the employability of older Americans; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of Senators CONRAD and KOHL, I introduce the Incentives for Older Workers Act of 2008.

The United States is about to experience an unprecedented demographic shift with the aging of the baby boomer generation. According to the U.S. Census Bureau, in 1980, individuals age 50 and older represented 26 percent of the population. By 2050, this is expected to rise to 37 percent. In my home State of Oregon, residents age 65 and older are expected to comprise 25 percent of the State population by 2025. This will make Oregon the fourth oldest State in the country.

The aging of our population will have a significant impact on many aspects of our society, including our labor market. A 2007 Conference Board study reports that current retirement trends could create a U.S. labor shortage of 4.8 million workers in 10 years. According to Dr. Preston Pulliams of Portland Community College, 53 percent of Oregon businesses report that it is extremely or very likely that their organization will face a shortage of qualified workers during the next 5 years as a result of the retirement of baby boomers.

The Incentives for Older Workers Act will help mitigate the effects of our aging workforce by providing incentives to older Americans to stay in the workforce longer, encouraging employers to recruit and retain older workers, and eliminating barriers to working longer. For example, the current Work Opportunity Tax Credit allows employers credits against wages for hiring individuals from one or more of nine targeted groups, such as recipients of public assistance and high risk youth. Our bill would extend that credit for employers that hire older workers.

In addition, Social Security benefits are increased if retirement is delayed beyond full retirement age. Increases based on delaying retirement no longer apply when people reach age 70, even if they continue to delay taking benefits. Our bill would allow people to earn delayed retirement credits up until age 72, instead of age 70.

To collect, organize and disseminate information on older worker issues, the bill also would create a National Resource Center on Aging and the Workforce within the U.S. Department of Labor. This center would act as a national information clearinghouse on workforce issues, challenges and solutions for older workers.

The bipartisan Incentives for Older Workers Act will provide seniors with the flexibility and opportunity to continue working in retirement if they choose to. I look forward to working with my colleagues to enact these important reforms. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Incentives for Older Workers Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Prohibition of benefit reduction due to phased retirement.
Sec. 3. Allowance of delayed retirement social security credits until age 72.
Sec. 4. Reduction in social security benefit offset resulting from certain earnings.
Sec. 5. National Resource Center on Aging and the Workforce.
Sec. 6. Civil service retirement system computation for part-time service.
Sec. 7. Workforce investment activities for older workers.
Sec. 8. Eligibility of older workers for the work opportunity credit.
Sec. 9. Normal retirement age.

SEC. 2. PROHIBITION OF BENEFIT REDUCTION DUE TO PHASED RETIREMENT.

(a) PROHIBITION OF BENEFIT REDUCTION DUE TO PHASED RETIREMENT.—

(1) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following:

"(I)(i) Notwithstanding the preceding subparagraphs, in the case of a participant who——

"(I) begins a period of phased retirement, and

"(II) was employed on a substantially full-time basis during the 12-month period preceding the period of phased retirement,

a defined benefit plan shall be treated as meeting the requirements of this paragraph with respect to the participant only if the participant's compensation or average compensation taken into account under the plan with respect to the years of service before the period of phased retirement is not, for purposes of determining the accrued benefit for such years of service, reduced due to such phased retirement

"(ii) For purposes of this subparagraph, a period of phased retirement is a period during which an employee is employed on substantially less than a full-time basis or with substantially reduced responsibilities, but only if the period begins after the participant reaches age 50 or has completed 30 years of service creditable under the plan.".

(2) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 411(b)(1) of the Internal Revenue Code of 1986 (relating to accrued benefits) is amended by adding at the end the following:

"(I) ACCRUED BENEFIT MAY NOT DECREASE ON ACCOUNT OF PHASED RETIREMENT.—

"(i) IN GENERAL.—Notwithstanding the preceding subparagraphs, in the case of a participant who—

"(I) begins a period of phased retirement, and

"(II) was employed on a substantially full-time basis during the 12-month period preceding the period of phased retirement,

a defined benefit plan shall be treated as meeting the requirements of this paragraph with respect to the participant only if the participant's compensation or average compensation taken into account under the plan with respect to the years of service before the period of phased retirement is not, for purposes of determining the accrued benefit for such years of service, reduced due to such phased retirement.

"(ii) PERIOD OF PHASED RETIREMENT.—For purposes of this subparagraph, a period of phased retirement is a period during which an employee is employed on substantially less than a full-time basis or with substantially reduced responsibilities, but only if the period begins after the participant reaches age 50 or has completed 30 years of service creditable under the plan.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable after the date of enactment of this Act.

SEC. 3. ALLOWANCE OF DELAYED RETIREMENT SOCIAL SECURITY CREDITS UNTIL AGE 72.

(a) IN GENERAL.—Paragraphs (2) and (3) of section 202(w) of the Social Security Act (42 U.S.C. 402(w)) are each amended by striking "age 70" and inserting "age 72".

(b) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. REDUCTION IN SOCIAL SECURITY BENEFIT OFFSET RESULTING FROM CERTAIN EARNINGS.

(a) IN GENERAL.—Section 203(f)(3) of the Social Security Act (42 U.S.C. 403(f)(3)) is amended by striking "in the case of any individual" and all that follows through "in the case of any other individual".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 5. NATIONAL RESOURCE CENTER ON AGING AND THE WORKFORCE.

(a) ESTABLISHMENT.—The Secretary of Labor shall award a grant for the establishment and operation of a National Resource Center on Aging and the Workforce to address issues on age and the workforce and to collect, organize, and disseminate information on older workers.

(b) ACTIVITIES.—The Center established under subsection (a) shall—

(1) serve as a national information clearinghouse on workforce issues, challenges, and solutions planning for older workers that would serve employers, local communities, and State and local government organizations, as well as other public and private agencies, including providing for the cataloging, organization, and summarizing of existing research, resources, and scholarship relating to older workforce issues;

(2) identify best or most-promising practices across the United States that have enjoyed success in productively engaging older Americans in the workforce;

(3) create toolkits for employers, trade associations, labor organizations, and nonprofit employers that would feature a series of issue papers outlining specific tasks and activities for engaging older individuals in select industries;

(4) distribute information to government planners and policymakers, employers, organizations representing and serving older adults, and other appropriate entities through the establishment of an interactive Internet website, the publications of articles in periodicals, pamphlets, brochures, and reports, as well as through national and international conferences and events; and

(5) provide targeted and ongoing technical assistance to select units of government, private corporations, and nonprofit organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be available in each fiscal year to carry out this section.

SEC. 6. CIVIL SERVICE RETIREMENT SYSTEM COMPUTATION FOR PART-TIME SERVICE.

Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) In the administration of paragraph (1)—

"(i) subparagraph (A) of such paragraph shall apply to any service performed before, on, or after April 7, 1986;

"(ii) subparagraph (B) of such paragraph shall apply to all service performed on a part-time or full-time basis on or after April 7, 1986; and

"(iii) any service performed on a part-time basis before April 7, 1986, shall be credited as service performed on a full-time basis.

"(B) This paragraph shall be effective with respect to any annuity entitlement to which is based on a separation from service occurring on or after the date of the enactment of this paragraph.".

SEC. 7. WORKFORCE INVESTMENT ACTIVITIES FOR OLDER WORKERS.

(a) STATE BOARDS.—Section 111(b)(1)(C) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(b)(1)(C)) is amended—

(1) in clause (vi), by striking "and" at the end;

(2) by redesignating clause (vii) as clause (viii); and

(3) by inserting after clause (vi) the following:

"(vii) representatives of older individuals, who shall be representatives from the State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) in the State or recipients of grants under title V of such Act (42 U.S.C. 3056 et seq.) in the State; and".

(b) LOCAL BOARDS.—Section 117(b)(2)(A) of such Act (29 U.S.C. 2832(b)(2)(A)) is amended—

(1) in clause (v), by striking "and" at the end; and

(2) by adding at the end the following:

"(vii) representatives of older individuals, who shall be representatives from an area agency on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) in the local area or recipients of grants under title V of such Act (42 U.S.C. 3056 et seq.) in the local area; and".

(c) RESERVATION OF FUNDS FOR OLDER INDIVIDUALS.—Section 134 of such Act (29 U.S.C. 2864) is amended by adding at the end the following:

"(f) RESERVATION FOR OLDER INDIVIDUALS FROM FUNDS ALLOCATED FOR ADULTS.—

"(1) DEFINITION.—In this subsection, the term 'allocated funds' means the funds allocated to a local area under paragraph (2)(A) or (3) of section 133(b).

"(2) RESERVATION.—The local area shall ensure that 5 percent of the allocated funds that are used to provide services under subsection (d) or (e) are reserved for services for older individuals.".

SEC. 8. ELIGIBILITY OF OLDER WORKERS FOR THE WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Section 51(d)(1) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended—

(1) by striking "or" at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting ", or", and

(3) by adding at the end the following new subparagraph:

"(J) a qualified older worker.".

(b) QUALIFIED OLDER WORKER.—Section 51(d) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively, and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) QUALIFIED OLDER WORKER.—The term 'qualified older worker' means any individual who is certified by the designated local agency as being an individual who is age 55 or older and whose income is not more than 125 percent of the poverty line (as defined by the Office of Management and Budget), excluding any income that is unemployment compensation, a benefit received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), a payment made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs, or 25 percent of a benefit received under title II of the Social Security Act (42 U.S.C. 401 et seq.).".

(c) EFFECTIVE DATE.—The amendments made this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

SEC. 9. NORMAL RETIREMENT AGE.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 411of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR DETERMINING NORMAL RETIREMENT AGE FOR CERTAIN EXISTING DEFINED BENEFIT PLANS.—

"(1) IN GENERAL.—For purposes of subsection (a)(8)(A), an applicable plan shall not be treated as failing to meet any requirement of this subchapter, or as failing to have a uniform normal retirement age for purposes of this subchapter, solely because the plan has adopted the normal retirement age described in paragraph (2).

"(2) APPLICABLE PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable plan' means a defined benefit plan that, on the date of the introduction of the Incentives for Older Workers Act, has adopted a normal retirement age which is the earlier of—

"(i) an age otherwise permitted under subsection (a)(8)(A), or

"(ii) the age at which a participant completes the number of years (not less than 30 years) of benefit accrual service specified by the plan.

A plan shall not fail to be treated as an applicable plan solely because, as of such date, the normal retirement age described in the preceding sentence only applied to certain participants or to certain employers participating in the plan.

"(B) EXPANDED APPLICATION.—If, after the date described in subparagraph (A), an applicable plan expands the application of the normal retirement age described in subparagraph (A) to additional participants or participating employers, such plan shall also be treated as an applicable plan with respect to such participants or participating employers.".

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204 of the Employee Retirement Income Security Act of 1974 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) SPECIAL RULE FOR DETERMINING NORMAL RETIREMENT AGE FOR CERTAIN EXISTING DEFINED BENEFIT PLANS.—

"(1) IN GENERAL.—For purposes of section 3(24), an applicable plan shall not be treated as failing to meet any requirement of this title, or as failing to have a uniform normal retirement age for purposes of this title, solely because the plan has adopted the normal retirement age described in paragraph (2).

"(2) APPLICABLE PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable plan' means a defined benefit plan that, on the date of the introduction of the Incentives for Older Workers Act, has adopted a normal retirement age which is the earlier of—

"(i) an age otherwise permitted under section 2(24), or

"(ii) the age at which a participant completes the number of years (not less than 30 years) of benefit accrual service specified by the plan.

A plan shall not fail to be treated as an applicable plan solely because, as of such date, the normal retirement age described in the preceding sentence only applied to certain participants or to certain employers participating in the plan.

"(B) EXPANDED APPLICATION.—If, after the date described in subparagraph (A), an applicable plan expands the application of the normal retirement age described in subparagraph (A) to additional participants or participating employers, such plan shall also be treated as an applicable plan with respect to such participants or participating employers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning before, on, or after the date of the enactment of this Act.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. REED, and Mr. SCHUMER):

S. 2935. A bill to prevent the destruction of terrorist and criminal national instant criminal background check system records; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Preserving Records of Terrorist and Criminal Transactions, or PROTECT Act of 2008. I am proud to be joined by cosponsors Senators FEINSTEIN, LEVIN, LIEBERMAN, MENENDEZ, REED, SCHUMER, and WHITEHOUSE.

In 1994, we passed the Brady Law, which requires criminal background checks for all guns sold by licensed firearm dealers. In the 14 years since it was enacted, the Brady law has prevented more than 1.5 million felons and other dangerous individuals from buying guns. I am proud to say that more than 150,000 of those denials have been to convicted domestic abusers because of a law I wrote in 1996.

Every time a Brady background check is conducted, the FBI's National Instant Criminal Background Check System—or NICS—creates an audit log. The audit log includes information about the purchaser, the weapon, and the seller.

The information could be extremely valuable to the FBI. The agency could use it to help determine whether gun dealers are complying with the background check requirements, to help law enforcement fight crime by figuring out whether a criminal has been able to buy a gun, or even to help prevent terrorist attacks.

Yet, despite this information's value in fighting crime and terrorism, the FBI destroys the background check data.

In most cases, the audit log is destroyed within 24 hours after the sale is allowed to go through. That's because every year since 2004, a rider has been attached to appropriations bills mandating that the FBI destroy the background check record within 24 hours of allowing the gun sale to proceed. That means that the purchaser's name, social security number, and all other personally identifying information are purged from the system within 24 hours.

Once this information is destroyed, the FBI can no longer run searches using a person's name. So if a local law enforcement agency were to call the FBI to see if a criminal on the loose had purchased any guns recently, the FBI would not be able to search its database using the suspect's name if the gun was purchased two months, two weeks, or even two days earlier.

This destruction requirement hinders the FBI's ability to help the Bureau of Alcohol, Tobacco, Firearms, and Explosives verify that gun dealers are conducting background checks properly. Before the destruction requirement, ATF could compare the NICS records to the paper records that gun dealers are required to keep on file to determine whether the dealers were submitting all the required information.

The destruction requirement also prevents the FBI from determining whether a felon, fugitive, or other person who is prohibited from having a gun was able to purchase one in violation of the law, and to retrieve guns from people who are prohibited from having them. The FBI has only three days to conduct background checks, and sometimes receives information after already approving a sale that the purchaser was legally prohibited from having a firearm. But without the background check information at hand, the FBI has no way of retrieving guns from these dangerous people who never should have been allowed to purchase them in the first place.

Prior to the 24-hour destruction requirement, the Government Accountability Office found that over a 6-month period the FBI used retained Brady background check records to initiate 235 actions to retrieve illegally possessed guns. According to GAO, 228—97 percent—of those retrieval actions would not have been possible under a 24-hour destruction policy. Those are hundreds of guns in the hands of felons, fugitives and other dangerous people. We have the power to stop them, and we should use it.

Up until now, I have been talking about dangerous people who are prohibited from having guns under current federal law, such as felons, fugitives, and convicted domestic abusers. But there is one category of very dangerous people who are allowed to purchase firearms under current federal law-known and suspected terrorists. It is hard to believe, but nothing in our federal gun laws prevents known and suspected terrorists from purchasing guns.

And we know that terrorists exploit this Terror Gap in our gun laws. In a 2005 report that Senator Biden and I requested, GAO found that during a four-month period in 2004, a total of 44 firearm purchase attempts were made by known or suspected terrorists. In 35 of those cases, the FBI authorized the transactions to proceed because FBI field agents were unable to find any disqualifying information within the federally prescribed three-day background check period. I have introduced another bill—the Denying Firearms and Explosives to Dangerous Terrorists Act S. 1237—to close this Terror Gap, and I urge my colleagues to support that bill as well.

Not only do our current laws allow terrorists to buy guns, but the FBI also destroys the background check records from terrorist gun purchases within 90 days. That means that a joint terrorism task force conducting a terror investigation over the course of months or even years cannot call the FBI to find out if the target of the investigation—someone who is on the terror watch list—purchased firearms last year.

The PROTECT Act would address both of these record retention problems by preserving records that are critical to effective background checks, law enforcement, and terrorism prevention. Specifically, it would:

(1) require the FBI to retain for 10 years all background check records involving a valid match to a terror watch list; and

(2) require the FBI to retain for at least 180 days all other background check records.

This is a common-sense public safety measure. At a time when 32 people are murdered as a result of gun violence every day in the United States and we are fighting against terrorism, the last thing we should be doing is prematurely destroying a valuable anti-crime and anti-terrorism tool that we have at our fingertips.

At a Commerce, Justice, Science and Related Agencies Appropriations Subcommittee hearing last year, I asked FBI Director Robert Mueller if he thought that background check records should be retained for more than 24 hours. He replied, "[T]here is a substantial argument in my mind for retaining records for a substantial period of time." That's what this bill would do, and I hope my Senate colleagues will join me in passing it swiftly.

By Mr. GRAHAM (for himself, Mr. BURR, Mr. MCCAIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. CORNYN, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. STEVENS, Mr. COCHRAN, Ms. COLLINS, Mr. BARRASSO, Mr. DOMENICI, Mrs. DOLE, Mr. WICKER, Mr. ISAKSON, and Mr. INHOFE):

S. 2938. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCAIN. Mr. President, I am very pleased to join today with Senator LINDSEY GRAHAM, the Ranking Member of the Personnel Subcommittee of the Senate Armed Services Committee, and Senator RICHARD BURR, the Ranking Member of the Senate Veterans Committee, in introducing the Enhancement of Recruitment, Retention, and Readjustment Through Education Act. This legislation, which is designed to greatly enhance veterans' education benefits, is also cosponsored by Senators CHAMBLISS, LIEBERMAN, CORNYN, ALEXANDER, HUTCHISON, MARTINEZ, STEVENS, COCHRAN, COLLINS, BARRASSO, DOMENICI, DOLE, WICKER, and ISAKSON.

Mr. President, America has an obligation to provide unwavering support to America's veterans, servicemembers, and retirees. Men and women who have served their country deserve the best education benefits we are able to give them, and they deserve to receive them as quickly as possible. And that is what our legislation is designed to accomplish.

The Enhancement of Recruitment, Retention, and Readjustment Through Education Act would increase education benefits for servicemembers, veterans, and members of the Guard and Reserve. It would help facilitate successful recruitment efforts and, importantly, encourage continued service in the military by granting a higher education payment for longer service. It also provides a transferability feature to allow the serviceman and woman to have the option of transferring education benefits to their children and spouses. In developing this legislation, the one theme we heard from almost every veterans' services organization is the need for such a transferability provision.

As my colleagues know, our proposal is not the only measure that has been offered to increase GI education benefits, and I want to commend the efforts of Senators WEBB, HAGEL, WARNER and others on their work to bring this important issue to the forefront in the Senate, by the introduction of S. 22. Each of us supports a revitalized GI program. While I don't think anyone disagrees with the overall intent of S. 22, I believe we can and should do more to promote recruitment and retention of servicemen and women and to ensure that veterans and their families receive the education benefits they deserve, and in a timely manner. But I remain very hopeful that we can all work together in a bipartisan manner to ensure that Congress enacts meaningful legislation that will be signed into law as soon as possible.

Unlike S. 22, our legislation builds on the existing Montgomery GI Bill educational benefits to ensure rapid implementation. Unlike S. 22, our bill focuses on the entire spectrum of military members who make up the All Volunteer Force, from the newest recruit to the career NCOs, officers, reservists and National Guardsmen, to veterans who have completed their service and retirees, as well as the families of all of these individuals.

The legislation would immediately increase education benefits for active duty personnel from $1100 to $1500 a month. To encourage careers in the military, the education benefits would increase to $2000 a month after 12 or more years of service. Further, it would allow a servicemember to transfer 50 percent of benefits to a spouse or child starting after 6 years of service, and after 12 years of service, 100 percent may be transferred to a spouse or dependent children. This is a key pro-retention provision. In addition, our bill would provide $500 annually for college books and supplies while our servicemembers are going to school.

The bill also would increase from $880 to $1200 per month the education benefits for Guard and Reserve members called to active duty since September 11, 2001. Further, it would gradually increase benefits to $1600 per month for those members of the Guard and Reserves who serve in the Selected Reserve for 12 years or more and who continue serving in the Selected Reserve.

Servicemembers who enlist after they have already received post-secondary education degrees should also be allowed to benefit under an improved GI Bill and be allowed to use their education benefits to repay Federal student loans. Under our bill, servicemembers could use up to $6,000 per year of Montgomery G.I. Bill education benefits to repay Federal student loans. And, it doubles from $317 to $634 the education benefits for other members of the Guard and Reserves.

Our bill also recognizes the sacrifice of all who have served in the Global War on Terror, including members of the Guard and Reserve who are serving on active duty and deploying at historic rates by doubling the educational assistance for members of the Selected Reserve and, again, making the educational benefits transferable to family members.

Finally, I do think it is important that the Administration's views on this important issue are taken into account. That is why earlier this month, Senator LEVIN and I wrote to the Department of Defense seeking views on proposals to modernize the GI Bill.

Again, it is my hope that the proponents of the pending veteran's education benefits measures can join together to ensure that Congress enacts meaningful legislation that the President will sign. Such legislation should address the entire spectrum of the All Volunteer Force. It must be easily understood and implemented and responsive to the needs not only of veterans, but also of those who are serving in the active duty forces, the Guard and Reserve, and their families. Their exemplary service to our nation, and the sacrifice of their families, deserves no less.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, April 29, 2008.

Hon. JOHN McCAIN,
Ranking Member, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR SENATOR McCAIN: you earlier asked for my views on S. 22. Since your request, two other bills have been introduced (H.R. 5684 and, in the Senate, the Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008). I welcome the opportunity to outline the criteria the Department has established to evaluate specific proposals, with the ultimate objective of strengthening the All-Volunteer Force, as well as properly recognizing our veterans' service.

Our first objective is to strengthen the All-Volunteer force. Accordingly, it is essential to permit transferability of unused education benefits from service members to family. This is the highest priority set by the Service Chiefs and the Chairman of the Joint Chiefs of Staff, reflecting the strong interest from the field and fleet. Transferability supports military families, thereby enhancing retention. Second, any enhancement of the education benefit, whether used in service or after retirement, must serve to enhance recruiting and not undercut retention.

Third, significant benefit increases need to be focused on those willing to commit to longer periods of service—hence the Department's interest in at least six years of service to be eligible for transferability. Re-enlistments (and longer service) are critical to the success of the All-Volunteer Force. Fourth, the program should provide participants with benefits tailored to their unique situation, thereby broadening the population from which we retain and recruit. This includes those whose past educational achievements have resulted in education debt through student loans, and those seeking advanced degrees and who may have earned undergraduate degrees with Department of Defense support.

As you may well appreciate, a key issue is the determination of the benefit level for the basic GI bill program. The Department estimates that serious retention issues could arise if the benefit were expanded beyond the level sufficient to offset average monthly costs for a public four-year institution (tuition, room, board, and fees). These costs are presently estimated at about $1,500 according to the National Center for Education Statistics. This would still entail a substantial increase to the present benefit value of $1,100.

An important corollary to the GI Bill is the recognition that today, remaining in the military is entirely consistent with the attainment of education goals. Unlike the past, our nation now encourages the fulfillment of college aspirations while serving, thus dealing with readjustment through up front programs, rather than only after discharge. DoD invests about $700 million annually to offer funded, education tuition assistance for our servicemen and women while serving. More than 400,000 members of the armed forces took advantage of such tuition assistance last year.

In conclusion, for all these reasons, the Department does not support S. 22. This legislation does not meet, and, in some respects, is in direct variance to the Department's above-stated objectives and supporting criteria.

Thank you for the opportunity to comment. We look forward to working closely with the Congress to strengthen the All-Volunteer force through a balanced program of recruiting, retention and education benefits, and to recognize the service of our veterans.

Sincerely,

ROBERT M. GATES

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 539—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF MAINE V. DOUGLAS RAWLINGS, JONATHAN KREPS, JAMES FREEMAN, HENRY BRAUN, ROBERT SHETTERLY, AND DUDLEY HENDRICK

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 539

Whereas, in the cases of State of Maine v. Douglas Rawlings (CR 09-2007-441), Jonathan Kreps (CR-2007-442), James Freeman (CR-2007-443), Henry Braun (CR-2007-444), Robert Shetterly (CR-2007-445), and Dudley Hendrick (CR-2007-467), pending in Penobscot County Court in Bangor, Maine, a defendant has subpoenaed testimony from Carol Woodcock, an employee in the office of Senator Susan Collins;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That Carol Woodcock is authorized to testify in the cases of State of Maine v. Douglas Rawlings, Jonathan Kreps James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick, except concerning matters for which a privilege should he asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Woodcock, and any other employee of the Senator from whom evidence may be sought, in the actions referenced in section one of this resolution.

SENATE RESOLUTION 540—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE SLOOP-OF-WAR USS "CONSTELLATION" AS A REMINDER OF THE PARTICIPATION OF THE UNITED STATES IN THE TRANSATLANTIC SLAVE TRADE AND OF THE EFFORTS OF THE UNITED STATES TO END THE SLAVE TRADE

Ms. MIKULSKI (for herself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 540

Whereas, on September 17, 1787, the Constitution of the United States was adopted, and article I, section 9 declared that Congress could prohibit the importation of slaves into the United States in the year 1808;

Whereas, in 1794, the United States Congress passed "An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country", approved March 22, 1794 (1 Stat. 347), thus beginning the efforts of the United States to halt the slave trade;

Whereas, on May 10, 1800, Congress enacted a law that outlawed all participation by people in the United States in the international trafficking of slaves and authorized the United States Navy to seize vessels flying the flag of the United States engaged in the slave trade;

Whereas, on March 2, 1807, President Thomas Jefferson signed into law "An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first of January, in the year of our Lord one thousand eight hundred and eight" (2 Stat. 426);

Whereas, on January 1, 1808, the prohibition on the importation of slaves into the United States took effect;

Whereas, on March 3, 1819, Congress authorized the Navy to cruise the coast of Africa to suppress the slave trade, declaring that Africans on captured ships be placed under Federal jurisdiction and authorizing the President to appoint an agent in Africa to facilitate the return of captured Africans to the continent;

Whereas, in 1819, the Royal Navy of Great Britain established the West Coast of Africa as a separate naval station and actively plied the waters in pursuit of slave ships, and Great Britain negotiated with many other countries to obtain the right to search vessels suspected of engaging in the slave trade;

Whereas, on May 15, 1820, Congress declared the trading of slaves to be an act of piracy and that those convicted of trading slaves were subject to the death penalty;

Whereas the Webster-Ashburton Treaty between Great Britain and the United States, signed August 9, 1842, provided that both countries would maintain separate naval squadrons on the coast of Africa to enforce their respective laws against the slave trade;

Whereas, in 1843, the newly formed United States African Squadron sailed for Africa and remained in operation until the Civil War erupted in 1861;

Whereas, in 1859, the USS *Constellation*, the last all-sail vessel designed and built by the United States Navy, sailed to West Africa as the flagship of the United States African Squadron, which consisted of 8 ships, including 4 steam-powered vessels suitable for chasing down and capturing slave ships;

Whereas, on December 21, 1859, the USS *Constellation* captured the brig *Delicia* after a 10-hour chase, and although the *Delicia* had no human cargo on board upon capture, the crew had been preparing the ship to take on slaves;

Whereas, on the night of September 25, 1860, the USS *Constellation* spotted the barque *Cora* near the mouth of the Congo River and, after a dramatic moonlit chase, captured the slave ship with 705 Africans crammed into her permanent "slave deck";

Whereas after capturing the *Cora*, a detachment of the *Constellation*'s crew sailed the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African Americans, which became the destination for all Africans freed on slave ships captured by the United States Navy;

Whereas, on May 21, 1861, the USS *Constellation* captured the brig *Triton*, and although the *Triton* did not have Africans captured for slavery on board when intercepted by the *Constellation*, a search confirmed that the ship had been prepared to take on slaves;

Whereas the *Triton*, registered in Charleston, South Carolina, was one of the first Union naval captures of the Civil War;

Whereas, from 1859 to 1861, the USS *Constellation* and the United States African Squadron captured 14 slave ships and liberated nearly 4,000 Africans destined for a life of servitude in the Americas, a record unsurpassed by the squadron under previous commanders; and

Whereas, on September 25, 2008, the USS *Constellation* Museum will hold a ceremony to commemorate the bicentennial of the abolition of the transatlantic slave trade aboard the same ship that, 148 years before, forced the capitulation of the slave ship *Cora* and freed the 705 Africans confined within: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical and educational significance of the USS *Constellation*, a 153-year-old warship berthed in Baltimore, Maryland, as a reminder of both the participation of the United States in the slave trade and the efforts of the United States Government to suppress the inhumane practice;

(2) applauds the preservation of the historic vessel and the efforts of the USS *Constellation* Museum to engage people from all over the world with this vital part of our history; and

(3) supports the USS *Constellation* as an appropriate site for the Nation to commemorate the bicentennial of the abolition of the transatlantic slave trade in 2008.

SENATE RESOLUTION 541—SUPPORTING HUMANITARIAN ASSISTANCE, PROTECTION OF CIVILIANS, ACCOUNTABILITY FOR ABUSES IN SOMALIA, AND URGING CONCRETE PROGRESS IN LINE WITH THE TRANSITIONAL FEDERAL CHARTER OF SOMALIA TOWARD THE ESTABLISHMENT OF A VIABLE GOVERNMENT OF NATIONAL UNITY

Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. BROWN, Ms. KLOBUCHAR, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 541

Whereas, despite the formation of the internationally recognized Transitional Federal Government (TFG) in 2004, there has been little improvement in the governance or stability of southern and central Somalia, and stability in the northern region of Puntland has deteriorated;

Whereas governance failures in Somalia have permitted and contributed to escalating violence, egregious human rights abuses, and violations of international humanitarian law, which occur with impunity and have led to an independent system of roadblocks, checkpoints, and extortion that hinders trade, business, and the delivery of desperately needed humanitarian assistance;

Whereas the Government of Ethiopia intervened in Somalia in December 2006 against the Islamic Courts Union (ICU) and continues to serve as the primary security force for the TFG in Somalia;

Whereas a United Nations Monitoring Group on Somalia report presented to the United Nations Security Council on July 20, 2007, alleged that Eritreans have provided arms to insurgents in Somalia as part of a long-standing dispute between Ethiopia and Eritrea that includes a series of interlocking proxy wars in the Horn of Africa;

Whereas the United Nations estimates that, as of April 2008, 2,000,000 people in Somalia need humanitarian assistance or livelihood support for at least the next 6 months, including 745,000 people who have fled ongoing insecurity and sporadic violence in Mogadishu over the past 16 months, adding to more than 275,000 long-term internally displaced Somalis;

Whereas, despite Prime Minister Nur Hassan Hussein's public commitment to humanitarian operations, local and international aid agencies remain hindered by extortion, harassment, and administrative obstructions;

Whereas, in March 2008, United Nations Secretary-General Ban Ki-moon presented his report on Somalia based on recent strategic assessments and fact-finding missions, which offered recommendations for increasing United Nations engagement while decreasing the presence of foreign troops, including the establishment of a maritime task force to deter piracy and support the 1992 international arms embargo;

Whereas the United States Government has allocated nearly $50,000,000 to support the African Union Mission in Somalia (AMISOM) and continues to be the leading contributor of humanitarian assistance in Somalia, with approximately $140,000,000 provided in fiscal year 2007 and fiscal year 2008 to date, but still lacks a comprehensive strategy to build a sustainable peace;

Whereas, over the last 5 years, the Senate has repeatedly called upon the President through resolutions, amendments, bills, oversight letters, and hearings to develop and implement a comprehensive strategy to contribute to lasting peace and security throughout the Horn of Africa by helping to establish a legitimate, stable central government in Somalia capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists;

Whereas a February 2008 Government Accountability Office (GAO) report entitled "Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts", found that United States and international "efforts have been limited by lack of security, access to vulnerable populations, and effective government institutions" as well as the fact that the "U.S. strategy for Somalia, outlined in the Administration's 2007 report to Congress on its Comprehensive Regional Strategy on Somalia, is incomplete";

Whereas the recent designation by the Department of State of Somali's al Shabaab militia as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and as a specially designated global terrorist under section 1(b) of Executive Order 13224 (September 23, 2001) highlights the growing need for a strategic, multifaceted, and coordinated approach to Somalia; and

Whereas it is in the interest of the United States, the people of Somalia, and the citizens and governments of neighboring and other interested countries to work towards a legitimate peace and a sustainable resolution to the crisis in Somalia that includes civilian protection and access to services, upholds the rule of law, and promotes accountability: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States remains committed to the people of Somalia and to helping build the institutions necessary for a stable nation free from civil war and violent extremism;

(2) the President, in partnership with the African Union, the United Nations, and the international community. should—

(A) provide sufficient humanitarian assistance to those most seriously affected by armed conflict, drought, and flooding throughout Somalia, and call on the Transitional Federal Government to actively facilitate the dispersal of such assistance;

(B) ensure accountability for all state, non-state, and external parties responsible for violations of human rights and international humanitarian law in Somalia, including through the deployment of United Nations human rights monitors and the establishment of a United Nations Commission of Inquiry to investigate abuses;

(C) call on all parties to recommit to an inclusive dialogue, with international support, in the interest of promoting sustainable peace and security in Somalia and across the Horn of Africa;

(D) urge the Government of Ethiopia, in coordination with the United Nations Political Office in Somalia, to develop a clear timeline for the responsible withdrawal of its armed forces from Somalia, to honor its obligation under the Geneva Conventions to ensure protection of civilians under its control, and to observe the distinction between civilians and military combatants and their assets;

(E) urge the Government of Eritrea to play a productive role in helping to bring about stability to Somalia, including ceasing to provide any financial and material support, such as arms and ammunition, to insurgent groups in and around Mogadishu and throughout the region; and

(F) call on all countries in the region and wider international community to provide increased support for AMISOM and ensure a robust civilian protection mandate;

(3) to achieve sustainable peace in the region, the Transitional Federal Government, including the newly appointed Prime Minister and his Cabinet, should—

(A) take necessary steps to protect civilians from dangers related to military operations, investigate and prosecute human rights abuses, provide basic services to all the people of Somalia, and ensure that humanitarian organizations have full access to vulnerable populations;

(B) recommit to the Transitional Federal Charter;

(C) set a detailed timeline and demonstrate observable progress for completing the political transition laid out in the Transitional Federal Charter by 2009, including concrete and immediate steps toward scheduling elections as a means of establishing a democratically elected government that represents the people of Somalia; and

(D) agree to participate in an inclusive and transparent political process, with international support, towards the formation of a government of national unity based on the principles of democracy, accountability, and the rule of law.

Mr. FEINGOLD. Mr. President, one month ago I urged greater U.S. and international action to end the horrific violence plaguing Somalia and to press for a political solution that will lead to a sustainable peace in this war-torn country and stability for the volatile Horn of Africa region. Today, relentless violence in Somalia's capital, Mogadishu, is worsening the humanitarian and human rights crisis faced by hundreds of thousands of Somali civilians, while Islamist militias have gained substantial territorial control in south and central Somalia and Somali pirates are wreaking havoc off the country's coast. In the past few days, a range of actors from the UN's Under Secretary-General for Humanitarian Affairs to Human Rights Watch, and even Pope Benedict, have issued urgent appeals for an end to the lawless violence in Somalia.

Today, I am introducing a resolution that will add the U.S. Senate to the list of those calling for the protection of civilians and a recommitment to the ideals and implementation of the 2004 Transitional Federal Charter. The resolution I am introducing—along with Senators COLEMAN, BROWN, and KLOBUCHAR—acknowledges the good work the U.S. has done, including the allocation of nearly $50 million to support the African Union peacekeepers in Somalia. The U.S. continues to be the leading humanitarian contributor, with more than $140 million in humanitarian assistance since the Ethiopians went into Somalia in December 2006.

This most recent "emergency" response to the situation in Somalia has now gone on for sixteen months and yet conditions on the ground have deteriorated significantly, with some experts claiming Mogadishu is worse now than it has been since the civil war began in the early 1990s. It is clear our current policy towards Somalia is not working—and we can no longer rely on temporary measures to stitch the crisis together.

This new Senate resolution aims to refocus U.S. and international attention on the medium- and long-term priorities, namely, our commitment to helping Somalis build the institutions and conditions necessary for a stable nation free from civil war and violent extremism. The resolution reflects information gleaned from a hearing I held last month in the Senate Subcommittee on African Affairs, in which expert witnesses stressed the need for an inclusive regional political process that facilitates dialogue and accountability.

I will continue to demand a U.S. and international strategy to bring stability and security to Somalia until there is evidence that an effective plan exists and is being implemented in a consistent and coordinated fashion. For the sake of the people of Somalia and the reputation of the U.S. and the international community—not to mention our own national security—it is vital to reinvigorate a political process and stimulate legitimate progress towards that end. Given our historic role on the Horn of Africa and the critical national security concerns emanating from this part of the world, I encourage my colleagues to join me in calling upon the U.S. administration, other foreign donors, the Transitional Federal Government of Somalia, and other leaders in the region to end Somalia's descent into instability by facilitating political negotiations to address the need for accountability and the rule of law, and to prevent future suffering.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4579. Mr. WYDEN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4580. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4581. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4582. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4583. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4584. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4585. Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2881, supra.

SA 4586. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4579. Mr. WYDEN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

(a) IN GENERAL.—Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of insolvency or bankruptcy of the other air carrier.

(b) PASSENGER OBLIGATION.—An air carrier is not required to provide air transportation under subsection (a) to a passenger unless that passenger makes alternative arrangements with the air carrier for such transportation not later than 60 days after the date on which that passenger's air transportation was suspended, interrupted, or discontinued (without regard to the originally scheduled travel date on the ticket).

SA 4580. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFINITION OF FABRICATED.

As used in section 21.191(g) of title 14, Code of Federal Regulations, the term "fabricated" means "to assemble from parts".

SA 4581. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. GAO STUDY OF AIR CARRIER FUELS AND FUEL-EFFICIENCY.

(a) IN GENERAL.—Within 30 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Comptroller General shall initiate an investigation of—

(1) the prospects for using alternative fuels for jet aircraft in the United States air carrier fleet;

(2) the prospects for increasing the fuel efficiency for the United States air carrier fleet; and

(3) the effect of crude oil prices on the U.S. air carrier industry.

(b) REPORT.—No later than July 1, 2009, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings and recommendations.

SA 4582. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 834 and insert the following:

SEC. 834. EXEMPTION OF CERTAIN COMMERCIAL CARGO FROM THE HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Section 4462 is amended by redesignating subsection (i) as subjection (j) and by inserting after subsection (h) the following new subsection:

"(i) EXEMPTION FOR CERTAIN SHORT SEA SHIPPING CARGO.—

"(1) IN GENERAL.—No tax shall be imposed under section 4461(a) with respect to commercial cargo contained in intermodal cargo containers and loaded by crane on a vessel, or commercial cargo loaded on a vessel by means of wheeled technology—

"(A) that is loaded at a port in the United States mainland and unloaded at another port in the United States mainland after transport solely by coastal route or river or unloaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System, or

"(B) that is loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States mainland.

"(2) UNITED STATES MAINLAND.—For purposes of this subsection, the term 'United States mainland' has the meaning given such term in subsection (b).

"(3) GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—For the purposes of this subsection, the term 'Great Lakes Saint Lawrence Seaway System' means the waterway between Duluth, Minnesota and Sept. Iles, Quebec, encompassing the five Great Lakes, their connecting channels, and the Saint Lawrence River.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SA 4583. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. SPECIAL RULE FOR NEW ORLEANS AND LAKE CHARLES AIRPORTS.

(a) IN GENERAL.—Section 40117 is amended by adding at the end the following:

"(o) SPECIAL RULE FOR NEW ORLEANS AND LAKE CHARLES AIRPORTS.—

"(1) AUTHORITY TO RECOVER LOSSES RESULTING FROM HURRICANES KATRINA AND RITA.—Subject to the requirements of this subsection, for Louis Armstrong New Orleans International Airport and Lake Charles Regional Airport, the recovery of covered losses shall be treated as an eligible airport-related project under subsection (a)(3).

"(2) COVERED LOSSES DEFINED.—In this subsection, the term 'covered losses' means losses, including operating expenses, that—

"(A) are incurred by an airport referred to in paragraph (1) in the period beginning August 29, 2005, and ending December 31, 2008;

"(B) are directly and substantially related to the continued operation of the airport following Hurricanes Katrina and Rita; and

"(C) have not been recovered from another source.

"(3) AMOUNT AND DURATION OF CHARGES.—The Secretary may approve an application that an eligible agency has submitted under subsection (c) for authority to use not more than ½ of the collected passenger facility charge to finance the recovery of covered losses.

"(4) LIMITATION.—Notwithstanding any other provision of this subsection, the Secretary shall not approve an application that an eligible agency has submitted under subsection (c) for authority to use not more than ½ of the collected passenger facility charges to finance the recovery of covered losses by an airport if the Secretary and the eligible agency agree that covered losses incurred by the airport have been or will be recovered from another source.

"(5) REPORTING REQUIREMENTS.—As part of an application that an eligible agency submits under subsection (c) for authority to use not more than ½ of the collected passenger facility charge to finance the recovery of covered losses, the Secretary may require the submission of such information as the Secretary considers necessary—

"(A) to verify the covered losses;

"(B) to ensure the covered losses are directly and substantially related to the continued operation of the airport following Hurricanes Katrina and Rita; and

"(C) to ensure that the covered losses have not been recovered from any other funding source.

"(6) COMMUNITY DISASTER LOAN REPAYMENTS.—A passenger facility charge collected pursuant to this subsection shall not be treated as revenue of a local government for purposes of cancellation of repayment of all or any part of a community disaster loan made to the local government under section 417(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184(c)).".

(b) SPECIAL RULE RELATING TO COMMUNITY DISASTER LOANS.—A passenger facility charge collected under section 40117 of title 49, United States Code, and any amounts borrowed from the Federal Aviation Administration using passenger facility revenues as collateral shall not be treated as revenue of a local government for purposes of cancellation of repayment of all or any part of a community disaster loan made to the local government under section 417(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184(c)).

SA 4584. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress makes the following findings:

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the "airport"), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system.

(2) Closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SA 4585. Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Aviation Investment and Modernization Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS AND FINANCING

Sec. 101. Operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Research and development.
Sec. 104. Airport planning and development and noise compatibility planning and programs.
Sec. 105. Other aviation programs.
Sec. 106. Delineation of next generation air transportation system projects.
Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.
Sec. 202. Passenger facility charge pilot program.
Sec. 203. Amendments to grant assurances.
Sec. 204. Government share of project costs.
Sec. 205. Amendments to allowable costs.
Sec. 206. Sale of private airport to public sponsor.
Sec. 207. Pilot program for airport takeover of air navigation facilities.
Sec. 208. Government share of certain air project costs.
Sec. 209. Miscellaneous amendments.
Sec. 210. State block grant program.
Sec. 211. Airport funding of special studies or reviews.
Sec. 212. Grant eligibility for assessment of flight procedures.
Sec. 213. Safety-critical airports.
Sec. 214. Expanded passenger facility charge eligibility for noise compatibility projects.
Sec. 215. Environmental mitigation demonstration pilot program.
Sec. 216. Allowable project costs for airport development program.
Sec. 217. Glycol recovery vehicles.
Sec. 218. Research improvement for aircraft.

TITLE III—FAA ORGANIZATION AND REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.
Sec. 302. ADS-B support pilot program.
Sec. 303. Facilitation of next generation air traffic services.
Sec. 304. Clarification of authority to enter into reimbursable agreements.
Sec. 305. Clarification to acquisition reform authority.
Sec. 306. Assistance to other aviation authorities.
Sec. 307. Presidential rank award program.
Sec. 308. Next generation facilities needs assessment.
Sec. 309. Next generation air transportation system planning office.
Sec. 310. Definition of air navigation facility.
Sec. 311. Improved management of property inventory.
Sec. 312. Educational requirements.
Sec. 313. FAA personnel management system.
Sec. 314. Rulemaking and report on ADS-B implementation.
Sec. 315. FAA task force on air traffic control facility conditions.
Sec. 316. State ADS-B equipage bank pilot program.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

Sec. 401. Airline contingency service requirements.
Sec. 402. Publication of customer service data and flight delay history.
Sec. 403. EAS connectivity program.
Sec. 404. Extension of final order establishing mileage adjustment eligibility.
Sec. 405. EAS contract guidelines.
Sec. 406. Conversion of former EAS airports.
Sec. 407. EAS reform.
Sec. 408. Clarification of air carrier fee disputes.
Sec. 409. Small community air service.
Sec. 410. Contract tower program.
Sec. 411. Airfares for members of the armed forces.
Sec. 412. Expansion of DOT airline consumer complaint investigations.
Sec. 413. EAS marketing.
Sec. 414. Extraperimetal and intraperimetal slots at Ronald Reagan Washington National Airport.
Sec. 415. Establishment of advisory committee for aviation consumer protection.
Sec. 416. Rural aviation improvement.

TITLE V—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.
Sec. 502. Aircraft fuel tank safety improvement.
Sec. 503. Judicial review of denial of airman certificates.
Sec. 504. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 505. Design organization certificates.
Sec. 506. FAA access to criminal history records or database systems.
Sec. 507. Flight crew fatigue.
Sec. 508. Increasing safety for helicopter emergency medical service operators.
Sec. 509. Cabin crew communication.
Sec. 510. Clarification of memorandum of understanding with osha.
Sec. 511. Acceleration of development and implementation of required navigation performance approach procedures.
Sec. 512. Enhanced safety for airport operations.
Sec. 513. Improved safety information.
Sec. 514. Voluntary disclosure reporting process improvements.
Sec. 515. Procedural improvements for inspections.
Sec. 516. Independent review of safety issues.
Sec. 517. National review team.
Sec. 518. FAA Academy improvements.
Sec. 519. Reduction of runway incursions and operational errors.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.
Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
Sec. 603. Production of clean coal fuel technology for civilian aircraft.
Sec. 604. Advisory committee on future of aeronautics.
Sec. 605. Research program to improve airfield pavements.
Sec. 606. Wake turbulence, volcanic ash, and weather research.
Sec. 607. Incorporation of unmanned aerial systems into FAA plans and policies.
Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
Sec. 609. Pilot program for zero emission airport vehicles.
Sec. 610. Reduction of emissions from airport power sources.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.
Sec. 702. Human intervention management study.
Sec. 703. Airport program modifications.
Sec. 704. Miscellaneous program extensions.
Sec. 705. Extension of competitive access reports.
Sec. 706. Update on overflights.
Sec. 707. Technical corrections.
Sec. 708. FAA technical training and staffing.
Sec. 709. Commercial air tour operators in national parks.
Sec. 710. Phaseout of stage 1 and 2 aircraft.
Sec. 711. Weight restrictions at teterboro airport.
Sec. 712. Pilot program for redevelopment of airport properties.
Sec. 713. Air carriage of international mail.
Sec. 714. Transporting musical instruments.
Sec. 715. Recycling plans for airports.
Sec. 716. Consumer information pamphlet.

TITLE VIII—AMERICAN INFRASTRUCTURE INVESTMENT AND IMPROVEMENT

Sec. 800. Short title, etc.

Subtitle A—Airport and Airway Trust Fund Provisions and Related Taxes

Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
Sec. 803. Modification of excise tax on kerosene used in aviation .
Sec. 804. Air Traffic Control System Modernization Account.
Sec. 805. Treatment of fractional aircraft ownership programs.
Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
Sec. 807. Transparency in passenger tax disclosures.
Sec. 808. Required funding of new accruals under air carrier pension plans.

Subtitle B—Increased Funding for Highway Trust Fund

Sec. 811. Replenish emergency spending from Highway Trust Fund.
Sec. 812. Suspension of transfers from highway trust fund for certain repayments and credit.
Sec. 813. Taxation of taxable fuels in foreign trade zones.
Sec. 814. Clarification of penalty for sale of fuel failing to meet EPA regulations.
Sec. 815. Treatment of qualified alcohol fuel mixtures and qualified biodiesel fuel mixtures as taxable fuels.
Sec. 816. Calculation of volume of alcohol for fuel credits.

Sec. 817. Bulk transfer exception not to apply to finished gasoline.
Sec. 818. Increase and extension of Oil Spill Liability Trust Fund tax.
Sec. 819. Application of rules treating inverted corporations as domestic corporations to certain transactions occurring after March 20, 2002.
Sec. 820. Denial of deduction for punitive damages.
Sec. 821. Motor fuel tax enforcement advisory commission.
Sec. 822. Highway Trust Fund conforming expenditure amendment.

Subtitle C—Additional Infrastructure Modifications and Revenue Provisions

Sec. 831. Restructuring of New York Liberty Zone tax credits.
Sec. 832. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 833. Increased information return penalties.
Sec. 834. Exemption of certain commercial cargo from harbor maintenance tax.
Sec. 835. Credit to holders of qualified rail infrastructure bonds.
Sec. 836. Repeal of suspension of certain penalties and interest.
Sec. 837. Denial of deduction for certain fines, penalties, and other amounts.
Sec. 838. Revision of tax rules on expatriation.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

TITLE I—AUTHORIZATIONS AND FINANCING

SEC. 101. OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

"(A) $8,726,000,000 for fiscal year 2008;

"(B) $8,990,000,000 for fiscal year 2009;

"(C) $9,330,000,000 for fiscal year 2010; and

"(D) $9,620,000,000 for fiscal year 2011.".

(b) SAFETY PROJECT.—Section 106(k)(2)(F) is amended by striking "2007" and inserting "2011".

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $2,572,000,000 for fiscal year 2008;

"(2) $2,923,000,000 for fiscal year 2009, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund;

"(3) $3,079,000,000 for fiscal year 2010, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

"(4) $3,317,000,000 for fiscal year 2011, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.".

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

"(1) $140,000,000 for fiscal year 2008.

"(2) $191,000,000 for fiscal year 2009.

"(3) $191,000,000 for fiscal year 2010.

"(4) $194,000,000 for fiscal year 2011.";

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

"(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

"(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

"(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

"(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

"(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.".

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $3,800,000,000 for fiscal year 2008;

"(2) $3,900,000,000 for fiscal year 2009;

"(3) $4,000,000,000 for fiscal year 2010; and

"(4) $4,100,000,000 for fiscal year 2011.".

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking "2007" in subsection (a)(1)(A) and inserting "2011";

(2) by striking "2007," in subsection (a)(2) and inserting "2011,"; and

(3) by striking "2007" in subsection (c)(2) and inserting "2011".

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking "and" after the semicolon in paragraph (3);

(2) by striking "defense." in paragraph (4) and inserting "defense; and"; and

(3) by adding at the end thereof the following:

"(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.".

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

"§ 48105. Airport programs administrative expenses

"Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

"(1) for fiscal year 2008, $80,676,000;

"(2) for fiscal year 2009, $85,000,000;

"(3) for fiscal year 2010, $89,000,000; and

"(4) for fiscal year 2011, $93,000,000.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

"48105. Airport programs administrative expenses.".

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

"(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

"(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

"(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

"(B) the total amount of program revenue collected by the agency during the period covered by the report;

"(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

"(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

"(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

"(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

"(G) any other information on the program that the Secretary may require.

"(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

"(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

"(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

"(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

"(ii) that the notice include a full description and justification for a proposed project;

"(iii) that the notice include a detailed financial plan for the proposed project; and

"(iv) that the notice include the proposed level for the passenger facility charge.

"(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

"(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

"(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

"(iii) provides scheduled service at the airport.

"(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

"(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

"(4) PUBLIC NOTICE AND COMMENT.—

"(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

"(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

"(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

"(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

"(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

"(5) OBJECTIONS.—

"(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

"(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

"(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

"(i) the project is not an eligible airport related project;

"(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

"(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

"(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

"(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

"(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

"(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

"(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

"(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

"(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

"(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.".

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking "FEE" in the heading for paragraph (5) and inserting "CHARGE"; and

(ii) by striking "fee" each place it appears in paragraphs (5) and (6) and inserting "charge".

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking "fee" or "fees" each place either appears and inserting "charge" or "charges", respectively; and

(ii) by striking "FEE" in the subsection caption for subsection (l), and "FEES" in the subsection captions for subsections (e) and (m), and inserting "CHARGE" and "CHARGES", respectively.

(C) The caption for section 40117 is amended to read as follows:

"§ 40117. Passenger facility charges".

(D) The chapter analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

"40117. Passenger facility charges.".

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking "subsection (c) of this section to finance a specific" and inserting "subsection (c)(6) of this section to finance an intermodal ground access";

(B) by striking "specific" in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

"(2) the project is an eligible airport-related project; and";

(D) by striking "each of the specific projects; and" in paragraph (3) and inserting "the project."; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: "(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.".

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking "long-term".

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.".

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking "(c)(2)" in paragraph (2) and inserting "(c)(3)"; and

(B) by striking "date that is 3 years after the date of issuance of regulations to carry out this subsection." in paragraph (7) and inserting "date of issuance of regulations to carry out subsection (c) of this section, as amended by the Aviation Investment and Modernization Act of 2008.".

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking "sponsor" the second place it appears in the first

sentence and all that follows and inserting "sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.".

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

Section 40117 is amended by adding at the end thereof the following:

"(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

"(2) COLLECTION REQUIREMENTS.—

"(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

"(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

"(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

"(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.".

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking "made;" in subsection (a)(16)(D)(ii) and inserting "made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;";

(2) by striking "purpose;" in subsection (c)(2)(A)(i) and inserting "purpose, which includes serving as noise buffer land;";

(3) by striking "paid to the Secretary for deposit in the Fund if another eligible project does not exist." in subsection (c)(2)(B)(iii) and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes."; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

"(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

"(i) reinvestment in an approved noise compatibility project;

"(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

"(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

"(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

"(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).".

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking "subsection (b) or subsection (c)" in subsection (a) and inserting "subsection (b), (c), or (e)"; and

(2) by adding at the end the following:

"(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.".

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking "year 2004." and inserting "years 2008, 2009, 2010, and 2011.".

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

"(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

"(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

"(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

"(3) the Secretary determines that the change is beyond the control of the airport sponsor."; and

(2) by striking "facilities, including fuel farms and hangars," in subsection (h) and inserting "facilities, as defined by section 47102,".

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting "(1)" before "Subsection"; and

(3) by adding at the end thereof the following:

"(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

"(A) the sale is approved by the Secretary;

"(B) funding is provided under this title for the public sponsor's acquisition; and

"(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

"(3) This subsection shall apply to grants issued on or after October 1, 1996.".

SEC. 207. PILOT PROGRAM FOR AIRPORT TAKEOVER OF AIR NAVIGATION FACILITIES.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following new section:

"§44518. Pilot program for airport takeover of terminal area air navigation equipment

"(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administrator may carry out a pilot program under which the Administrator may transfer ownership, operating, and maintenance responsibilities for airport terminal area air navigation equipment to sponsors of not more than 10 airports.

"(b) TERMS AND CONDITIONS OF TRANSFER FOR AIRPORT SPONSORS.—As a condition of participating in this pilot program the sponsor shall agree that the sponsor will—

"(1) operate and maintain all of the air navigation equipment that is subject to this section at the airport in accordance with standards established by the Administrator;

"(2) permit the Administrator or a person designated by the Administrator to conduct inspections of the air navigation equipment under a schedule established by the Administrator; and

"(3) acquire and maintain new air navigation equipment as needed to replace facilities that have to be replaced at the end of their useful life or to meet new standards established by the Administrator.

"(c) TERMS AND CONDITIONS OF TRANSFER FOR THE ADMINISTRATOR.—When the Administrator approves a sponsor's participation in this pilot program, the Administrator shall—

"(1) transfer, at no cost to the sponsor, the title and ownership of the air navigation equipment facilities approved for transfer under this program; and

"(2) transfer, at no cost to the sponsor, the government's property interest in the land on which the air navigation facilities transferred under paragraph (1) are located.

"(d) TREATMENT OF AIRPORT COSTS UNDER PILOT PROGRAM.—Upon transfer by the Administrator, any costs incurred by the airport for ownership and maintenance of the equipment transferred under this section shall be considered a cost of providing airfield facilities and services under standards and guidelines issued by the Secretary under section 47129(b)(2) and may be recovered in rates and charges assessed for use of the airfield.

"(e) DEFINITIONS.—In this section:

"(1) SPONSOR.—The term 'sponsor' has the meaning given that term in section 40102.

"(2) TERMINAL AREA AIR NAVIGATION EQUIPMENT.—The term 'terminal area air navigation equipment' means an air navigation facility under section 40102, other than buildings used for air traffic control functions, that exists to provide approach and landing guidance to aircraft.

"(f) GUIDELINES.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by inserting after the item relating to section 44517 the following:

"44518. Pilot program for airport takeover of terminal area air navigation equipment.".

SEC. 208. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 209. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking "each airport to—" in subsection (a) and inserting "the airport system to—";

(2) by striking "system in the particular area;" in subsection (a)(1) and inserting

“system, including connection to the surface transportation network; and”;

(3) by striking “aeronautics; and” in subsection (a)(2) and inserting “aeronautics.”;

(4) by striking subsection (a)(3);

(5) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(6) by striking “operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,” in subsection (b)(2), as redesignated, and inserting “operations”; and

(7) by striking “status of the” in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking “separated from” in paragraph (1)(B) and inserting “discharged or released from active duty in”;

(2) by adding at the end of paragraph (1) the following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.”; and

(3) by striking “veterans and” in paragraph (2) and inserting “veterans, Afghanistan-Iraq war veterans, and”.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking “April 1” and inserting “June 1”; and

(2) by striking paragraphs (1) through (4) and inserting the following:

“(1) a summary of airport development and planning completed;

“(2) a summary of individual grants issued;

“(3) an accounting of discretionary and apportioned funds allocated;

“(4) the allocation of appropriations; and”.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking “47102(3)(F),” in subsection (a);

(2) by striking “47102(3)(F),” in subsection (b);

(3) by striking “47102(3)(L), or 47140” in subsection (b) and inserting “or 47102(3)(L),”;

(4) by striking “47103(3)(F), in subsection (b);

(5) by striking “47102(3)(L), or 47140,” in subsection (b) and inserting “or 47102(3)(L),”.

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking “(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),”.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking “Airport Capacity Benchmark Report 2001.” in paragraph (2) and inserting “2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report.”; and

(2) by adding at the end thereof the following:

“(7) JOINT USE AIRPORT.—The term ‘joint use airport’ means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.”.

(h) CARGO AIRPORTS.—Section 47114(c)(2)(A) is amended by striking “3.5 percent” and inserting “4.0 percent”.

(i) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking “35 percent” in the first sentence and inserting “$300,000,000”;

(2) by striking “and” after “47141,”;

(3) by striking “et seq.).” and inserting “et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.) approved in an environmental record of decision for an airport development project under this title.”; and

(4) by striking “such 35 percent requirement is” in the second sentence and inserting “the requirements of the preceding sentence are”.

(j) USE OF APPORTIONED AMOUNTS.—An amount apportioned under section 47114 of title 49, United States Code, or made available under section 47115 of that title, to the sponsor of a reliever airport the crosswind runway of which was closed as a result of a Record of Decision dated September 3, 2004, shall be available for project costs associated with the establishment of a new crosswind runway.

(k) USE OF PREVIOUS FISCAL YEAR’S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking “airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.” in subparagraph (E)(iii) and inserting “airport—

“(I) if it is included in the essential air service program in the calendar year in which the passenger boardings fall below 9,700;

“(II) if at the airport the total passenger boardings from large certificated air carriers (as defined in part 241 of title 14, Code of Federal Regulations) conducting scheduled plus nonscheduled service totals 10,000 or more in the calendar year in which the airport does not meet the criteria for a primary airport under section 47102 of this title; or

“(III) if the documented interruption to scheduled service at the airport was equal to 4 percent of the scheduled flights in calendar year 2006, exclusive of cancellations due to severe weather conditions, and the airport is served by a single air carrier.”;

(2) by redesignating subparagraphs (F) and (G) as (G) and (H), respectively, and inserting after subparagraph (E) the following:

“(F) For fiscal years 2009 through 2012, with regard to an airport that meets the criteria described in paragraph (E)(iii), if the calendar year passenger boardings for the calculation of apportionments under this section fall below 10,000 passenger boardings, the Secretary may use the passenger boardings for the last fiscal year in which passenger boardings exceeded 10,000 for calculating apportionments.”.

(l) Section 47102(3) is amended by adding at the end the following:

“(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.”.

(m) Section 47115(g)(1) is amended by striking “of—” and all that follows and inserting “of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.”.

(n) Section 47114(c) is amended by adding at the end thereof the following:

“(3) AIRPORTS SERVED BY LARGE CERTIFICATED CARRIERS.—

“(A) APPORTIONMENT.—The Secretary shall apportion to the sponsor of an airport that received scheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations) an amount equal to the minimum apportionment specified in paragraph (1) of this subsection.

“(B) LIMITATION.—The apportionment under subparagraph (A) shall be made available to an airport sponsor only if—

“(i) the large certificated air carrier began scheduled air service at the airport in May 2006 and ceased scheduled air service at the airport in October 2006; and

“(ii) the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.”.

(o) Subparagraph (H) of section 47114(c)(1), as redesignated by subsection (k)(2) of this section, is amended—

(1) by striking “FISCAL YEAR 2006” in the subparagraph heading and inserting “FISCAL YEARS 2008 THROUGH 2011.—”;

(2) by striking “fiscal year 2006” and inserting “each of fiscal years 2008 through 2011”; and

(3) by striking clause (i) and inserting the following:

“(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;”; and

(4) by striking “2000 or 2001;” in clause (ii) and inserting “2003”.

(p) Section 47114 is amended by adding at the end thereof the following:

“(g) APPROACH LIGHTING SYSTEM.—Any amount apportioned for airport 03-02-0133 under the National Plan of Integrated Airport Systems may be utilized in any fiscal year for approach lighting systems including a medium intensity approach lighting system with runway alignment lights.”.

SEC. 210. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking “regulations” each place it appears in subsection (a) and inserting “guidance”;

(2) by striking “grant;” in subsection (b)(4) and inserting “grant, including Federal environmental requirements or an agreed upon equivalent;”;

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

“(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.”; and

(4) by adding at the end the following:

“(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).”.

SEC. 211. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking “project.” and inserting “project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration

Record of Decision or Finding of No Significant Impact.".

SEC. 212. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

"(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

"(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

"(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.".

SEC. 213. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "delays." in paragraph (2) and inserting "delays; or"; and

(3) by adding at the end the following:

"(3) be critical to the safety of commercial, military, or general aviation in trans-oceanic flights.".

SEC. 214. EXPANDED PASSENGER FACILITY CHARGE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) is amended by adding at the end the following:

"(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

"(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

"(i) the Secretary determines that the building is adversely affected by airport noise;

"(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

"(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

"(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

"(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

"(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.".

SEC. 215. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

"§47143. Environmental mitigation demonstration pilot program

"(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

"(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

"(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

"(2) will be implemented by an eligible consortium.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

"(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

"(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

"(g) DEFINITIONS.—In this section:

"(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

"(A) Businesses incorporated in the United States.

"(B) Public or private educational or research organizations located in the United States.

"(C) Entities of State or local governments in the United States.

"(D) Federal laboratories.

"(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

"(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

"(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

"(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

"(i) practical to implement at or near multiple public use airports; and

"(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47142 the following:

"47143. Environmental mitigation demonstration pilot program".

SEC. 216. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) of title 49, United States Code, is amended—

(1) by striking "; or" in paragraph (1) and inserting a semicolon;

(2) by striking "project." in paragraph (2) and inserting "project; or"; and

(3) by adding at the end the following:

"(3) necessarily incurred in anticipation of severe weather.".

SEC. 217. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting "including acquiring glycol recovery vehicles," after "aircraft,".

SEC. 218. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking "and" after the semicolon in paragraph (6);

(2) by striking "aircraft." in paragraph (7) and inserting "aircraft; and"; and

(3) by adding at the end thereof the following:

"(8) to conduct research to support programs designed to reduce gases and particulates emitted.".

TITLE III—FAA ORGANIZATION AND REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

"(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

"(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

"(2) MEMBERSHIP.—The Board shall be comprised of 7 members, who shall consist of—

"(A) the Administrator of the Federal Aviation Administration and a representative from the Department of Defense;

"(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

"(C) 4 members representing aviation interests, as follows:

"(i) 1 representative that is the chief executive officer of an airport.

"(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

"(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation, maintenance or procurement of the air traffic control system.

"(iv) 1 representative with extensive operational experience in the general aviation community.

"(3) APPOINTMENT AND QUALIFICATIONS.—

"(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

"(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

"(i) management of large service organizations;

"(ii) customer service;

"(iii) management of large procurements;

"(iv) information and communications technology;

"(v) organizational development; and

"(vi) labor relations.

"(4) FUNCTIONS.—

"(A) IN GENERAL.—The Board shall—

"(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

"(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

"(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

"(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

"(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

"(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

"(vii) annually approve the Operational Evolution Plan;

"(viii) approve the Administrator's selection of a Chief Operating Officer for the Air Traffic Organization and on the appointment and compensation of its managers; and

"(ix) approve the selection of the head of the Joint Planning Development Office.

"(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

"(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

"(6) ADMINISTRATIVE MATTERS.—

"(A) TERMS OF MEMBERS.—Members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

"(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

"(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

"(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

"(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

"(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

"(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

"(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

"(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

"(II) to affect any other right or remedy against the United States under applicable law; or

"(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that he or she—

"(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

"(ii) does not engage in another business related to aviation or aeronautics; and

"(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

"(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

"(I) COMPENSATON.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

"(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

"(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

"(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).".

SEC. 302. ADS–B SUPPORT PILOT PROGRAM.

(a) IN GENERAL.—Chapter 445, as amended by section 207, is amended by adding at the end the following:

"§44519. ADS–B support pilot program

"(a) IN GENERAL.—The Secretary may carry out a pilot program to support non-Federal acquisition of National Airspace System compliant Automatic Dependent Surveillance-Broadcast (ADS–B) ground stations if—

"(1) the Secretary determines that acquisition of the ground stations benefits the improvement of safety or capacity in the National Airspace System;

"(2) the ground stations provide the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point; and

"(3) the ground stations acquired under this program are supplemental to ground stations established under programs administered by the Administrator of the Federal Aviation Administration.

"(b) PROJECT GRANTS.—

"(1) For purposes of carrying out the pilot program and notwithstanding the requirements of section 47114(d), the Secretary may make a project grant out of funds apportioned under section 47114(d)(2) to not more than 10 eligible sponsors to acquire and install ADS–B ground stations in order to serve any public-use airport.

"(2) The Secretary shall establish procurement procedures applicable to grants issued under this section. The procedures shall permit the sponsor to carry out the project using Federal Aviation Administration contracts. The procedures established by the Secretary may provide for the direct reimbursement (including administrative costs) of the Administrator by the sponsor using grant funds under this section, for the ordering of such equipment and its installation, or for the direct ordering of such equipment and its installation by the sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.

"(c) MATCHING REQUIREMENT.—The amount of a grant to an eligible sponsor under subsection (b) may not exceed 90 percent of the costs of the acquisition and installation of the ground support equipment.

"(d) DEFINITIONS.—In this section:

"(1) ADS–B GROUND STATION.—The term 'ADS–B ground station' means electronic equipment that provides for ADS–B reception and broadcast services.

"(2) ELIGIBLE SPONSOR.—The term 'eligible sponsor' means a State or any consortium of 2 or more State or local governments meeting the definition of a sponsor under section 47102 of this title.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by inserting after the item relating to section 44518 the following:

"44519. ADS–B support pilot program.".

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

"(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

"(A) promote the safety of life and property;

"(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

"(C) encourage competition and provide services to the largest feasible number of users; and

"(D) take into account the unique role served by general aviation.".

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking "without" in the last sentence and inserting "with or without".

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting "and" after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting "(whether public or private)" in paragraph (1) after "authorities";

(2) by striking "safety." in paragraph (1) and inserting "safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears."; and

(3) by striking "appropriation from which expenses were incurred in providing such services." in paragraph (3) and inserting "appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.".

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (G);

(2) by striking "Board." in subparagraph (H) and inserting "Board;"; and

(3) by inserting at the end the following new subparagraph:

"(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and section subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank-awards), except that—

"(i) for purposes of applying such provisions to the personnel management system—

"(I) the term 'agency' means the Department of Transportation;

"(II) the term 'senior executive' means an Federal Aviation Administration executive;

"(III) the term 'career appointee' means an Federal Aviation Administration career executive; and

"(IV) the term 'senior career employee' means an Federal Aviation Administration career senior professional;

"(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

"(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.".

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation, and a description of the costs and savings of such transition.

(c) REALIGNMENT DEFINED.—As used in this section, the term "realignment" includes any action which relocates or reorganizes functions, services, and personnel positions but does not include a reduction in personnel resulting from workload adjustments.

(d) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Federal Aviation Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(e) REVIEW AND RECOMMENDATIONS.—

(1) After receiving the recommendations from the Administrator pursuant to subsection (b), the Board shall provide opportunity for public comment on such recommendations.

(2) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(3) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(4) The Administrator may not consolidate any additional approach control facilities into the Southern California TRACON, or the Memphis TRACON until the Board's recommendations are completed.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting "(A)" after "(3)" in subsection (a)(3);

(2) by inserting after subsection (a)(3) the following:

"(B) The Administrator of the Federal Aviation Administration, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

"(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office; and

"(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

"(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

"(C) The head of any such Department or agency shall ensure that—

"(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

"(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

"(D)(i) Within 6 months after the date of enactment of the Aviation Investment and Modernization Act of 2008, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

"(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

"(II) the budgetary and staff resources committed to the project.

"(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.";

(3) by adding at the end of subsection (a) the following:

"(5) The Director of the Office shall be a voting member of the Federal Aviation Administration's Joint Resources Council and the Air Traffic Organization's Executive Council.";

(4) by striking "beyond those currently included in the Federal Aviation Administration's Operational Evolution Plan" in subsection (b);

(5) by striking "research and development roadmap" in subsection (b)(3) and inserting "implementation plan";

(6) by striking "and" after the semicolon in subsection (b)(3)(B);

(7) by inserting after subsection (b)(3)(C) the following:

"(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and";

(8) by inserting "and key technologies" after "concepts" in subsection (b)(4);

(9) by striking "users" in subsection (b)(4) and inserting "users, an implementation plan,";

(10) by adding at the end of subsection (b) the following:

"Within 6 months after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter."; and

(11) by striking "2010." in subsection (e) and inserting "2011.".

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking "Secretary." and inserting "Secretary and shall meet at least once each quarter.".

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

"(B) runway lighting and airport surface visual and other navigation aids;";

(2) by striking "weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and" in subparagraph (C) and inserting "aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;";

(3) by striking "another structure" in subparagraph (D) and inserting "any structure or equipment";

(4) by striking "aircraft." in subparagraph (D) and inserting "aircraft; and"; and

(5) by adding at the end the following:

"(E) buildings, equipment and systems dedicated to the National Airspace System.".

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation; and" and inserting "compensation, and the amount received may be credited to the appropriation current when the amount is received; and".

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator of the Federal Aviation Administration shall make payments to the Department of Defense for the education of dependent children of those Federal Aviation Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

"(2) DISPUTE RESOLUTION.—

"(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) does not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

"(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

"(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph, and any agreement hereunder, shall be in the United States District Court for the District of Columbia.".

SEC. 314. RULEMAKING AND REPORT ON ADS-B IMPLEMENTATION.

(a) REPORT.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration program and schedule for integrating ADS-B technology into the National Airspace System. The report shall include—

(1) Phase 1 and Phase 2 activity to purchase and install necessary ADS-B ground stations; and

(2) detailed plans and schedules for implementation of advanced operational procedures and ADS-B air-to-air applications.

(b) RULEMAKING.—Not later than 12 months after the date of enactment of this Act the Administrator shall issue guidelines and regulations required for the implementation of ADS-B, including—

(1) the type of avionics (e.g., ADS-B avionics) required of aircraft for all classes of airspace;

(2) a schedule outlining when aircraft will be required to be equipped with such avionics;

(3) the expected costs associated with the avionics; and

(4) the expected uses and benefits of the avionics.

SEC. 315. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the "FAA Task Force on Air Traffic Control Facility Conditions".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, "sick building syndrome," and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically-approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 316. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS-B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS-B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS-B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2009 through 2013.

(c) FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE BANKS.—An ADS-B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS-B equipage account of an ADS-B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS-B avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS-B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(5) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(6) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(7) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SEC. 401. AIRLINE CONTINGENCY SERVICE REQUIREMENTS.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

"SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

"§ 41781. AIRLINE CONTINGENCY SERVICE REQUIREMENTS.

"(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, each air carrier shall submit a contingency service plan to the Secretary of Transportation for review and approval. The plan shall require the air carrier to implement, at a minimum, the following practices:

"(1) PROVISION OF FOOD AND WATER.—If the departure of a flight of an air carrier is substantially delayed, or disembarkation of passengers on an arriving flight that has landed is substantially delayed, the air carrier shall provide—

"(A) adequate food and potable water to passengers on such flight during such delay; and

"(B) adequate restroom facilities to passengers on such flight during such delay.

"(2) RIGHT TO DEPLANE.—

"(A) IN GENERAL.—An air carrier shall develop a plan, that incorporates medical considerations, to ensure that passengers are provided a clear timeframe under which they will be permitted to deplane a delayed aircraft. The air carrier shall provide a copy of the plan to the Secretary of Transportation, who shall make the plan available to the public. In the absence of such a plan, except as provided in subparagraph (B), if more than 3 hours after passengers have boarded a flight, the aircraft doors are closed and the aircraft has not departed, the air carrier shall provide passengers with the option to deplane safely before the departure of such aircraft. Such option shall be provided to passengers not less often than once during each 3-hour period that the plane remains on the ground.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

"(i) if the pilot of such flight reasonably determines that such flight will depart not later than 30 minutes after the 3 hour delay; or

"(ii) if the pilot of such flight reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

"(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

"(b) POSTING CONSUMER RIGHTS ON WEBSITE.—An air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall publish conspicuously and update monthly on the Internet website of the air carrier a statement of the air carrier's customer service policy and of air carrier customers' consumer rights under Federal and State law.

"(c) REVIEW AND APPROVAL; MINIMUM STANDARDS.—The Secretary of Transportation shall review the contingency service plan submitted by an air carrier under subsection (a) and may approve it or disapprove it and return it to the carrier for modification and resubmittal. The Secretary may establish minimum standards for such plans and require air carriers to meet those standards.

"(d) AIR CARRIER.—In this section the term 'air carrier' means an air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation.".

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the

Secretary of Transportation shall promulgate such regulations as the Secretary determines necessary to carry out the amendment made by subsection (a).

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by adding at the end the following:

SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

"41781. Airline contingency service requirements.".

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

Section 41722 is amended by adding at the end the following:

"(f) CHRONICALLY DELAYED FLIGHTS.—

"(1) PUBLICATION OF LIST OF FLIGHTS.—An air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall publish and update monthly on the Internet website of the air carrier, or provide on request, a list of chronically delayed flights operated by the air carrier.

"(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—An air carrier shall disclose the following information prominently to an individual before that individual books transportation on the air carrier's Internet website for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, and for which the air carrier has primary responsibility for inventory control:

"(A) The on-time performance for the flight if it is a chronically delayed flight.

"(B) The cancellation rate for the flight if it is a chronically canceled flight.

"(3) CHRONICALLY DELAYED; CHRONICALLY CANCELED.—The Secretary of Transportation shall define the terms 'chronically delayed flight' and 'chronically canceled flight' for purposes of this subsection.".

SEC. 403. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "may" and inserting "shall".

SEC. 404. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "September 30, 2007." and inserting "September 30, 2011.".

SEC. 405. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking "and" after the semicolon in subparagraph (B);

(2) by striking "provided." in subparagraph (C) and inserting "provided;"; and

(3) by adding at the end the following:

"(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

"(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.".

SEC. 406. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

"(c) CONVERSION OF LOST ELIGIBILITY AIRPORTS.—

"(1) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

"(2) GRANTS.—A grant under this subsection—

"(A) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

"(B) may be used—

"(i) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

"(ii) to defray operating expenses, if such use is approved by the Secretary; or

"(iii) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

"(3) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this subsection for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this subsection.

"(4) LIMITATION.—The sponsor of an airport receiving funding under this subsection is not eligible for funding under section 41736.".

(b) CONFORMING AMENDMENT.—Section 41745(f), as redesignated, is amended—

(1) by striking "An eligible place" and inserting "Neither an eligible place, nor a place to which subsection (c) applies,"; and

(2) by striking "not".

SEC. 407. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) "Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended."; and

(2) by striking "$77,000,000" in paragraph (2) and inserting "$125,000,000".

SEC. 408. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

"§47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees" ;

(2) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the subsection caption for subsection (d);

(3) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the paragraph caption for subsection (d)(2);

(4) by striking "air carrier" each place it appears and inserting "air carrier or foreign air carrier";

(5) by striking "air carrier's" each place it appears and inserting "air carrier's or foreign air carrier's";

(6) by striking "air carriers" and inserting "air carriers or foreign air carriers"; and

(7) by striking "(as defined in section 40102 of this title)" in subsection (a) and inserting "(as those terms are defined in section 40102 of this title)".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

"47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees.".

SEC. 409. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking "and" after the semicolon in subparagraph (D);

(2) by striking "fashion." in subparagraph (E) and inserting "fashion; and"; and

(3) by adding at the end the following:

"(F) multiple communities cooperate to submit a region or multistate application to improve air service.".

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking "2008" and inserting "2011".

SEC. 410. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

"(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.".

(b) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking "and" after "2006,"; and

(2) by inserting "$8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011" after "2007,"; and

(3) by inserting after "paragraph." the following: "If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under paragraph (b)(1) of this section.".

(c) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking "$1,500,000." and inserting "$2,000,000.".

(d) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

"(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.".

SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 412. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—The Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 413. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 414. EXTRAPERIMETAL AND INTRAPERIMETAL SLOTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718 (a) is amended by striking "24" and inserting "36".

(b) WITHIN PERIMETER EXEMPTIONS.—Section 41718 (b) is amended by striking "20" and inserting "28".

(c) LIMITATIONS.—Section 41718(c) is amended—

(1) by striking "3 operations." in paragraph (2) and inserting "5 operations. Operations conducted by new entrant and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to section 41718 with the highest scheduling priority afforded to beyond-perimeter operations conducted by new entrant and limited incumbent air carriers.";

(2) by striking "six" in paragraph (3)(A) and inserting "8";

(3) by striking "ten" in paragraph (3)(B) and inserting "12"; and

(4) by striking "four" in paragraph (3)(C) and inserting "8".

SEC. 415. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 416. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

"§41749. Essential air service for eligible places above per passenger subsidy cap

"(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

"(b) PLACE DESCRIBED.—A place described in this subsection is a place—

"(1) that is otherwise an eligible place; and

"(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

"(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

"(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

"(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

"(A) the per passenger subsidy; and

"(B) the dollar amount allowable for such subsidy under this subchapter.

"(d) COMPENSATION PAYMENTS.—

"(1) IN GENERAL—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

"(2) DURATION OF PAYMENTS—The Secretary shall continue to pay compensation under this section only as long as—

"(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

"(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

"(e) REVIEW—

"(1) IN GENERAL—The Secretary shall periodically review the type and level of air service provided under this section.

"(2) CONSULTATION—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

"(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

"(1) the Secretary;

"(2) the affected community; and

"(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).".

(2) CLERICAL AMENDMENT—The chapter analysis for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

"41749. Essential air service for eligible places above per passenger subsidy cap.".

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

"§41750. Preferred essential air service

"(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

"(b) PREFERRED AIR CARRIER DESCRIBED—A preferred air carrier described in this subsection is an air carrier that—

"(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

"(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

"(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

"(c) DECISIONS—Not later than 90 days after receiving a proposal under subsection

(a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

"(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

"(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

"(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

"(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

"(d) COMPENSATION PAYMENTS—

"(1) IN GENERAL—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

"(2) DURATION OF PAYMENTS—The Secretary shall continue to pay compensation under this section only as long as—

"(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

"(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

"(e) REVIEW—

"(1) IN GENERAL—The Secretary shall periodically review the type and level of air service provided under this section.

"(2) CONSULTATION—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

"(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

"(1) the Secretary;

"(2) the affected community; and

"(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT—The chapter analysis for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

"41750. Preferred essential air service.'.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.——Section 41733 is amended by adding at the end the following new subsection:

"(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE—

"(1) IN GENERAL—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

"(2) DETERMINATION BY SECRETARY—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).'.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(b) FUNCTIONS—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(e) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking "2008'' and inserting "2011''.

(f) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS—Section 41737 is amended—

(1) by striking "and'' after the semicolon in subsection (a)(1)(B);

(2) by striking "provided.'' in subsection (a)(1)(C) and inserting "provided; and'';

(3) by adding at the end of subsection (a)(1) the following:

"(D) provide for an adjustment in compensation, for service or transportation to a place that was an eligible place as of November 1, 2007, to account for significant increases in fuel costs, in accordance with subsection (e).''; and

(4) by adding at the end thereof the following:

"(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.''.

(f) CONTINUED ELIGIBILITY.—Notwithstanding any provision of subchapter II of chapter 417 of title 49, United States Code, to the contrary, a community that was receiving service or transportation under that subchapter as an eligible place (as defined in section 41731(a)(1) of such title) as of November 1, 2007, shall continue to be eligible to receive service or transportation under that subchapter without regard to whether the per passenger subsidy required exceeds the per passenger subsidy cap provided under that subchapter.

TITLE V—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration operational evolution plan.

SEC. 502. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.

Not later than December 31, 2008, the Federal Aviation Administration shall issue a final rule regarding the reduction of fuel tank flammability in transport category aircraft.

SEC. 503. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

"(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking "section 44709 or'' and inserting "section 44703(d), 44709, or''.

SEC. 504. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

"(5) RELEASE OF DATA.—

"(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

"(i) the certificate containing the requested data has been inactive for 3 years;

"(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

"(iii) the designation of such data as public data will enhance aviation safety.

"(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.''.

SEC. 505. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking "Beginning 7 years after the date of enactment of this subsection,'' in paragraph (1) and inserting "Effective January 1, 2013,'';

(2) by striking "testing'' in paragraph (2) and inserting "production''; and

(3) by striking paragraph (3) and inserting the following:

"(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.''.

SEC. 506. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

"§40130. FAA access to criminal history records or databases systems

"(a) Access to Records or Databases Systems.—

"(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

"(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

"(b) Designated Employees.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

"(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

"(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

"(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

"(c) System of Documented Criminal Justice Information Defined.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.".

(b) Conforming Amendment.—The chapter analysis for chapter 401 is amended by inserting after the item relating to section 40129 the following:

"40130. FAA access to criminal history records or databases systems.".

SEC. 507. FLIGHT CREW FATIGUE.

(a) In General.—Within 3 months after the date of enactment of this Act the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) Study.—The study shall include consideration of—

(1) research on fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements recommended by the National Transportation Safety Board; and

(3) international standards.

(c) Report.—Within 18 months after initiating the study, the National Academy shall submit a report to the Administrator containing its findings and recommendations, including recommendations with respect to Federal Aviation Regulations governing flight limitation and rest requirements.

(d) Rulemaking.—After the Administrator receives the National Academy's report, the Federal Aviation Administration shall consider the findings of the National Academy in its rulemaking proceeding on flight time limitations and rest requirements.

(e) Implementation of Flight Attendant Fatigue Study Recommendations.—Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a process to carry out the recommendations of the CAMI study on flight attendant fatigue.

SEC. 508. INCREASING SAFETY FOR HELICOPTER EMERGENCY MEDICAL SERVICE OPERATORS.

(a) Compliance With 14 CFR Part 135 Regulations.—No later than 18 months after the date of enactment of this Act, all helicopter emergency medical service operators shall comply with the regulations in part 135 of title 14, Code of Federal Regulations whenever there is a medical crew on board, without regard to whether there are patients on board the helicopter.

(b) Implementation of Flight Risk Evaluation Program.—Within 60 days after the date of enactment of this Act, the Federal Aviation Administration shall initiate, and complete within 18 months, a rulemaking—

(1) to create a standardized checklist of risk evaluation factors based on its Notice 8000.301, issued in August, 2005; and

(2) to require helicopter emergency medical service operators to use the checklist to determine whether a mission should be accepted.

(c) Comprehensive Consistent Flight Dispatch Procedures.—Within 60 days after the date of enactment of this Act, the Federal Aviation Administration shall initiate, and complete within 18 months, a rulemaking—

(1) to create standardized flight dispatch procedures for helicopter emergency medical service operators based on the regulations in part 121 of title 14, Code of Federal Regulations; and

(2) to require such operators to use those procedures for flights.

(d) Improving Situational Awareness.—Any helicopter used for helicopter emergency medical service operations that is ordered, purchased, or otherwise obtained after the date of enactment of this Act shall have on board an operational terrain awareness and warning system that meets the technical specifications of section 135.154 of the Federal Aviation Regulations (14 C.F.R. 135.154).

(e) Improving the Data Available to NTSB Investigators at Crash Sites.—

(1) Study.—Within 1 year after the date of enactment of this Act, the Federal Aviation Administration shall complete a feasibility study of requiring flight data and cockpit voice recorders on new and existing helicopters used for emergency medical service operations. The study shall address, at a minimum, issues related to survivability, weight, and financial considerations of such a requirement.

(2) Rulemaking.—Within 2 years after the date of enactment of this Act, the Federal Aviation Administration shall complete a rulemaking to require flight data and cockpit voice recorders on board such helicopters.

SEC. 509. CABIN CREW COMMUNICATION.

(a) In General.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) Minimum Language Skills.—

"(1) In general.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has the ability to read, speak, and write English well enough to—

"(A) read material written in English and comprehend the information;

"(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

"(C) write incident reports and statements and log entries and statements; and

"(D) carry out written and oral instructions regarding the proper performance of their duties.

"(2) Foreign flights.—The requirements of paragraph (1) do not apply to service as a flight attendant on a flight operated by a certificate holder solely between points outside the United States.".

(b) Administration.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 510. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) In General.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft cabin.

(b) Policy Statement.—The policy statement to be developed under subsection (a)(2) shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 511. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria.

(b) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

SEC. 512. ENHANCED SAFETY FOR AIRPORT OPERATIONS.

From amounts appropriated for fiscal years 2009 through 2011 pursuant to section 48101(a) of title 49, United States Code, the Secretary shall make available such sums as may be necessary for use in relocating the radar facility at National Plan of Integrated Airport Systems airport number 54-0026 to improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather. The Administrator of the Federal Aviation Administration shall ensure that the radar is relocated before September 30, 2011.

SEC. 513. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA-2008-0188, *Re-registration and Renewal of Aircraft Registration*. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 514. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure; and

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

SEC. 515. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) EMPLOYMENT BY INSPECTED AIR CARRIERS.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to revise its post-employment guidance to prohibit an inspector employed by an air carrier the inspector was responsible for inspecting from representing that air carrier before the Federal Aviation Administration or participating in negotiations or other contacts with the Federal Aviation Administration on behalf of that air carrier for a period of 2 years after terminating employment by the Federal Aviation Administration.

(b) INSPECTION TRACKING.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall implement a process for tracking field office review of air carrier compliance with Federal Aviation Administration air worthiness directives. In tracking air worthiness directive compliance, the Administrator shall ensure that—

(1) each air carriers under the Administration's air transportation oversight system is reviewed for 100 percent compliance on a 5-year cycle;

(2) Compliance reviews include physical inspections at each applicable carrier of a sample of the aircraft to which the air worthiness certificate applies; and

(3) the appropriate local and regional offices, and the Administrator, are alerted whenever a carrier is no longer in compliance with an air worthiness directive.

SEC. 516. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 517. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

(c) ADDITIONAL SAFETY INSPECTORS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration may hire a net increase of 200 additional safety inspectors.

SEC. 518. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 519. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking "establish a 4-year pilot" in paragraph (1) and inserting "maintain an"; and

(2) by inserting "pilot" in paragraph (4) before "program" the first time it appears; and

(3) by striking "program, including recommendations as to the need for establishing a permanent airport cooperative research program." in paragraph (4) and inserting "program.".

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2008, 2009, 2010, and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft source noise and emissions through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation of educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels.

(b) ESTABLISHING A CONSORTIUM.—Within 6 months after the date of enactment of this Act, the Administrator shall designate, using a competitive process, an institution, entity, or consortium described in subsection (a) as a Consortium for Aviation Noise, Emissions, and Energy Technology Research to perform research in accordance with this section. The Consortium shall conduct the research program in coordination with the National Aeronautics and Space Administration and other relevant agencies.

(c) PERFORMANCE OBJECTIVES.—By January 1, 2015, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that increases aircraft fuel efficiency by 25 percent relative to 1997 subsonic aircraft technology.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

(3) Certifiable aircraft technology that reduces noise levels by 10 dB (30 dB cumulative) relative to 1997 subsonic jet aircraft technology.

(4) Determination of the feasibility of use of alternative fuels in aircraft systems, including successful demonstration and quantification of benefits.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be know as the "Advisory Committee on the Future of Aeronautics".

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 607. INCORPORATION OF UNMANNED AERIAL SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504 is amended—

(A) by inserting "unmanned and manned" in subsection (a) after "improve";

(B) by striking "and" after the semicolon in subsection (b)(6);

(C) by striking "aircraft." in subsection (b)(7) and inserting "aircraft; and"; and

(D) by adding at the end of subsection (b) the following:

"(8) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aerial systems that could result in a catastrophic failure.".

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking "and" after the semicolon in paragraph (4);

(B) by striking "programs." in paragraph (5)(C) and inserting "programs; and"; and

(C) by adding at the end thereof the following:

"(6) to develop a better understanding of the relationship between human factors and unmanned aerial systems air safety; and

"(7) to develop dynamic simulation models of integrating all classes of unmanned aerial systems into the National Air Space.".

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Science for an assessment of unmanned aerial systems that shall include consideration of—

(A) human factors regarding unmanned aerial systems operation;

(B) "detect, sense and avoid technologies" with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms for letter others know where the unmanned aerial system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aerial systems flight control;

(J) technologies for unmanned aerial systems propulsion;

(K) unmanned aerial systems operator qualifications, medical standards, and training requirements;

(L) unmanned aerial systems maintenance requirements and training requirements; and

(M) any other unmanned aerial systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace to conduct experiments and collect data in order to accelerate the safe integration of unmanned aerial systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aerial systems.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aerial systems.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aerial systems.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 60 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2008 and 2009 such sums as may be necessary to conduct the pilot projects.

(d) FAA TASK LIST.—

(1) STREAMLINE UNMANNED AERIAL SYSTEMS CERTIFICATION PROCESS.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and transmit an unmanned aerial systems "roadmap" to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(2) UPDATE POLICY STATEMENT.—Within 45 days after the date of enactment of this Act, the Administrator shall issue an updated policy statement on unmanned aerial systems under Docket No. FAA-2006-25714; Notice No. 07-01.

(3) ISSUE NPRM FOR CERTIFICATES.—Within 90 days after the date of enactment of this Act, the Administrator shall publish a notice of proposed rulemaking on issuing airworthiness certificates and experimental certificates to unmanned aerial systems operators for compensation or hire. The Administrator shall promulgate a final rule 90 days after the date on which the notice is published.

(4) NOTICE TO CONGRESS ON BASING UNMANNED AERIAL SYSTEMS REGULATIONS ON ULTRALIGHT REGULATIONS.—Within 90 days after the date of enactment of this Act, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential of using part 103 of title 14, Code of Federal Regulations (relating to Ultralight Aircraft), as the regulatory basis for regulations on lightweight unmanned aerial systems.

(e) CONSOLIDATED RULEMAKING DEADLINE.—No later than April 30, 2010, the Federal Aviation Administration and other affected Federal agencies shall have initiated all of the rule makings regarding vehicle design requirements, operational requirements, airworthiness requirements, and flight crew certifications requirements necessary for integrating all categories of unmanned aerial systems into the national air space, taking into consideration the recommendations the Administrator receives from the National Academy of Sciences report under subsection (b), the unmanned aerial systems "roadmap" developed by the Administrator under subsection (d)(1), the recommendations of the Radio Technical Committee Aeronautics Special Committee 203 (RTCA-SC 203), and the data generated from the 3 pilot projects conducted under subsection (c).

SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking "$500,000 for fiscal year 2004" and inserting "$1,000,000 for each of fiscal years 2008 through 2012".

SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

"§47136A. Zero emission airport vehicles and infrastructure

"(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120-94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

"(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

"(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

"(e) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

"(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

"(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.".

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47136 the following:

"47136A. Zero emission airport vehicles and infrastructure".

SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

"§47140A. Reduction of emissions from airport power sources

"(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

"(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47140 the following:

"47140A. Reduction of emissions from airport power sources".

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking "December 31, 2006," and inserting "December 31, 2012,".

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking "March 30, 2008." and inserting "October 1, 2017.".

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the

Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking "2008," and inserting "2011,".

(b) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking "2007," and inserting "2011,".

(c) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (17 Stat. 2518) is amended by striking "October 1, 2007," and inserting "October 1, 2011,".

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

"(b) LIMITATIONS.—

"(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

"(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2009. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

"(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

"(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

"(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

"(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.".

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

"(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of title 49 of the United States Code shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and".

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking "2302(b), relating to whistleblower protection," in paragraph (2)(A) and inserting "2302,";

(2) by striking "and" after the semicolon in paragraph (2)(H).

(3) by striking "Plan." in paragraph (2)(I)(iii) and inserting "Plan; and";

(4) by adding at the end of paragraph (2) the following:

"(J) sections 6381 through 6387, relating to Family and Medical Leave."; and

(5) by adding at the end of paragraph (3) "Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.".

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) SAFETY STAFFING MODEL.—Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking "Director" each place it appears and inserting "Secretary of the Interior";

(C) by striking "National Park Service" in subsection (a)(2)(B)(vi) and inserting "Department of the Interior"; and

(D) by striking "National Park Service" in subsection (b)(4)(C) and inserting "Department of the Interior".

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking "Director" in section 804(b) and inserting "Secretary of the Interior";

(B) in section 805—

(i) by striking "Director of the National Park Service" in subsection (a) and inserting "Secretary of the Interior";

(ii) by striking "Director" each place it appears and inserting "Secretary of the Interior";

(iii) by striking "National Park Service" each place it appears in subsection (b) and inserting "Department of the Interior";

(iv) by striking "National Park Service" in subsection (d)(2) and inserting "Department of the Interior"; and

(C) in section 807—

(i) by striking "National Park Service" in subsection (a)(1) and inserting "Department of the Interior"; and

(ii) by striking "Director of the National Park Service" in subsection (b) and inserting "Secretary of the Interior".

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking "and" in subparagraph (B);

(2) by striking "lands." in subparagraph (C) and inserting "lands; and"; and

(3) by adding at the end the following:

"(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.".

(c) ADDITIONAL EXEMPTIONS TO AIR TOUR MANAGEMENT PLANS.—Subsection (a) of section 40128 is further amended by adding at the end the following:

"(5) WAIVER FOR NATIONAL PARKS WITH 100 OR FEWER COMMERCIAL AIR TOUR OPERATIONS PER YEAR.—

"(A) IN GENERAL.—Subject to subparagraph (B), and without further administrative or environmental process, the Secretary may waive the requirements of this section with respect to a national park over which 100 or fewer commercial air tour operations are conducted in a year.

"(B) EXCEPTION TO WAIVER IF NECESSARY TO PROTECT PARK RESOURCES.—

"(i) IN GENERAL.—The Secretary may not waive the requirements of this section if the Secretary determines that an air tour management plan is necessary to protect park resources and values.

"(ii) NOTICE AND PUBLICATION.—The Secretary shall inform the Administrator in writing of the determinations under clause (i), and the Secretary and the Administrator shall publish in the Federal Register a list of the national parks that fall under this subparagraph.

"(6) WAIVER WITH RESPECT TO VOLUNTARY AGREEMENTS.—

"(A) IN GENERAL.—The Secretary may waive the requirements of this section if a commercial air tour operator enters into a voluntary agreement with a national park to manage commercial air tour operations over the national park.

"(B) PURPOSE OF VOLUNTARY AGREEMENTS.—A voluntary agreement described in subparagraph (A) shall seek to protect park resources and visitor experiences without compromising aviation safety, and may—

"(i) include provisions described in subparagraph (B) through (E) of subsection (b)(3);

"(ii) include provisions to ensure the stability of, and compliance with, the provisions of the voluntary agreement; and

"(iii) set forth a fee schedule for operating over the national park.

"(C) CONSULTATION.—Before entering into a voluntary agreement described in subparagraph (A), a national park shall consult with any Indian tribe over whose tribal lands a commercial air tour operator may conduct commercial air tour operations pursuant to the voluntary agreement.

"(D) REVIEW AND APPROVAL BY THE SECRETARY AND THE ADMINISTRATOR.—

"(i) REVIEW.—Before executing a voluntary agreement described in subparagraph (A), a national park shall submit the voluntary agreement to the Secretary and the Administrator for review and approval.

"(ii) APPROVAL.—Not later than 60 days after receiving the agreement from the national park, the Secretary and the Administrator shall inform the national park of the determination of the Secretary and the Administrator regarding the approval of the agreement.

"(E) RESCISSION OF VOLUNTARY AGREEMENT.—

"(i) BY THE SECRETARY.—The Secretary may rescind a voluntary agreement described in subparagraph (A) if the Secretary determines that the agreement does not adequately protect park resources or visitor experiences.

"(ii) BY THE ADMINISTRATOR.—The Administrator may rescind a voluntary agreement described in subparagraph (A) if the Administrator determines that the agreement adversely affects aviation safety or the management of the national airspace system.

"(iii) EFFECT OF RESCISSION.—If the Secretary or the Administrator rescinds a voluntary agreement described in subparagraph (A), the commercial air tour operator that was a party to the agreement shall operate under the requirements for interim operating authority of subsection (c) until an air tour management plan for the national park becomes effective.".

(d) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Subsection (c)(2)(I) of section 40128 is amended to read as follows:

"(I) may allow for modifications of the interim operating authority without further environmental process, if—

"(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

"(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

"(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.".

(e) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(f) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior may assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall consider the cost of developing air tour management plans for each national park.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(g) AUTHORIZATION OF APPROPRIATIONS FOR AIR TOUR MANAGEMENT PLANS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 to the Secretary of the Interior for the development of air tour management plans under section 40128(b) of title 49, United States Code.

(2) USE OF FUNDS.—The funds authorized to be appropriated by paragraph (1) shall be used to develop air tour management plans for the national parks the Secretary determines would most benefit from such a plan.

(h) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(i) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

"§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

"(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

"(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

"(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

"(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

"(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

"(2) to scrap the aircraft;

"(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

"(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

"(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

"(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

"(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

"(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.".

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking "47529, or 47530" and inserting "47529, 47530, or 47534".

(2) Section 47532 is amended by striking "47528-47531" and inserting "47528 through 47531 or 47534".

(3) The chapter analysis for chapter 475 is amended by inserting after the item relating to section 47533 the following:

"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for airport sponsors that have submitted a noise compatibility program to the Federal Aviation Administration, from funds apportioned under section 47504 or section 40117 of title 49, United States Code, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATABILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (D);

(2) by striking "operations." in subparagraph (E) and inserting "operations;"; and

(3) by adding at the end the following:

"(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interests acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential; and

"(G) utility upgrades and other site preparation efforts.".

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants under subsection (a) for demonstration projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning Part 150 lands to productive use.

SEC. 713. AIR CARRIAGE OF INTERNATIONAL MAIL.

(a) CONTRACTING AUTHORITY.—Section 5402 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

"(b) INTERNATIONAL MAIL.—

"(1) IN GENERAL.—

"(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certificated air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

"(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal

Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service's requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service sought if, when the Postal Service seeks offers or proposals from foreign air carriers, it also seeks an offer or proposal to provide that service from any certificated air carrier providing service between those points, or pairs of points within a geographic region or regions, on the same terms and conditions that are being sought from foreign air carriers.

"(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices for the Postal Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

"(D) For purposes of this subsection, ceiling prices determined pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

"(i) a weighted average based on market rate data furnished by the International Air Transport Association or a subsidiary unit thereof; or

"(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

"(E) If, for purposes of subparagraph (D)(ii), concurrence cannot be attained, then the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

"(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

"(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

"(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

"(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

"(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier without complying with the requirements of paragraphs (b)(1) and (2) if—

"(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

"(B) its demand for lift exceeds the space available to it under existing contracts and—

"(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service's service commitments to its own customers; and

"(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

"(c) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b).".

(b) CONFORMING AMENDMENTS TO TITLE 49.—

(1) Section 41901(a) is amended by striking "39." and inserting "39, and in foreign air transportation under section 5402(b) and (c) of title 39.".

(2) Section 41901(b)(1) is amended by striking "in foreign air transportation or".

(3) Section 41902 is amended—

(A) by striking "in foreign air transportation or" in subsection (a);

(B) by striking subsection (b) and inserting the following:

"(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

"(1) the places between which the carrier is authorized to transport mail in Alaska;

"(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

"(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.";

(C) by striking "subsection (b)(3)" each place it appears in subsections (c)(1) and (d) and inserting "subsection (b)(2)"; and

(D) by striking subsections (e) and (f).

(4) Section 41903 is amended by striking "in foreign air transportation or" each place it appears.

(5) Section 41904 is amended—

(A) by striking "**to or in foreign countries**" in the section heading;

(B) by striking "to or in a foreign country" and inserting "between two points outside the United States"; and

(C) by inserting after "transportation." the following: "Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.".

(6) Section 41910 is amended by striking the first sentence and inserting "The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and –administrative computations necessary in the interest of mail service.".

(7) Chapter 419 is amended—

(A) by striking sections 41905, 41907, 41908, and 41911; and

(B) redesignating sections 41906, 41909, 41910, and 49112 as sections 41905, 41906, 41907, and 41908, respectively.

(8) The chapter analysis for chapter 419 is amended by redesignating the items relating to sections 41906, 41909, 41910, and 49112 as relating to sections 41905, 41906, 41907, and 41908, respectively.

(9) Section 101(f) of title 39, United States Code, is amended by striking "mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service." and inserting "mail.".

(9) Subsections (b) and (c) of section 3401 of title 39, United States Code, are amended—

(A) by striking "at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49" and inserting "or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title";

(B) by striking "at rates not to exceed those so fixed and determined for scheduled United States air carriers";

(C) by striking "scheduled" each place it appears and inserting "certificated"; and

(D) by striking the last sentence in each such subsection.

(10) Section 5402(a) of title 39, United States Code, is amended—

(A) by inserting " 'foreign air carrier'. " after " 'interstate air transportation', " in paragraph (2);

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

"(7) the term 'certificated air carrier' means an air carrier that holds a —certificate of public convenience and necessity issued under section 41102(a) of —-title 49;"; and

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

"(9) the term 'code-share relationship' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 714. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§ 41724. Musical instruments

"(a) IN GENERAL.—

"(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

"(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

"(B) there is space for such stowage at the time the passenger boards the aircraft.

"(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

"(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

"(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

"(C) the instrument can be secured by a seat belt to avoid shifting during flight;

"(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

"(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

"(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

"(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

"(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

"(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 120 inches; and

"(B) the weight of the instrument does not exceed 100 pounds.

"(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41723 the following:

"41724. Musical instruments".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 715. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—section 47102(5) is amended by striking "planning." and inserting "planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.".

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking "proposed." in paragraph (5) and inserting "proposed; and"; and

(3) by adding at the end the following:

"(6) if the project is for an airport that has an airport master plan, the master plan addresses—

"(A) the feasibility of solid waste recycling at the airport;

"(B) minimizing the generation of solid waste at the airport;

"(C) operation and maintenance requirements;

"(D) the review of waste management contracts;

"(E) the potential for cost savings or the generation of revenue; and

"(F) training and education requirements.".

SEC. 716. CONSUMER INFORMATION PAMPHLET.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and make available to the public in written and electronic form a consumer and parental information pamphlet that includes—

(1) a summary of the unaccompanied minor policies of major air carriers serving United States airports;

(2) a summary of such carriers' policies pertaining to passenger air travel by children aged 17 and under;

(3) recommendations to parents about who the appropriate authorities are to notify if a minor is traveling unsupervised and without parental consent on a major air carrier; and

(4) any additional recommendations the Secretary deems appropriate or necessary.

TITLE VIII—AMERICAN INFRASTRUCTURE INVESTMENT AND IMPROVEMENT

SECTION 800. SHORT TITLE, ETC.

(a) SHORT TITLE; AMENDMENT OF 1986 CODE.—This title may be cited as the "American Infrastructure Investment and Improvement Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Airport and Airway Trust Fund Provisions and Related Taxes

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking "July 1, 2008" in the matter preceding subparagraph (A) and inserting "October 1, 2011", and

(2) by striking the semicolon at the end of subparagraph (A) and inserting "or the Aviation Investment and Modernization Act of 2008;".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking "July 1, 2008" and inserting "October 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.".

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

"(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.".

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking "kerosene" and inserting "aviation-grade kerosene",

(B) by striking "section 4081(a)(2)(A)(iii)" and inserting "section 4081(a)(2)(A)(iv)", and

(C) by striking "KEROSENE" in the heading and inserting "AVIATION-GRADE KEROSENE".

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting "other than aviation-grade kerosene" after "kerosene".

(B) The following provisions are each amended by striking "kerosene" and inserting "aviation-grade kerosene":

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) is amended—

(i) by striking "paragraph (2)(C)(i)" in clause (i) and inserting "paragraph (2)(C)", and

(ii) by striking "paragraph (2)(C)(ii)" in clause (ii) and inserting "paragraph (2)(A)(iv)".

(D) Section 4081(a)(4) is amended—

(i) in the heading by striking "KEROSENE" and inserting "AVIATION-GRADE KEROSENE", and

(ii) by striking "paragraph (2)(C)(i)" and inserting "paragraph (2)(C)".

(E) Section 4081(d)(2) is amended by striking "(a)(2)(C)(ii)" and inserting "(a)(2)(A)(iv)".

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting "at the rate specified in subsection (a)(2)(A)(iv) thereof" after "section 4081".

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

"(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).".

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking "specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be," and inserting "so imposed".

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

"(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

"(i) is registered under section 4101, and

"(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).".

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.".

(4) CONFORMING AMENDMENTS.—

(A) Section 4082(d)(2)(B) is amended by striking "6427(l)(5)(B)" and inserting "6427(l)(6)(B)".

(B) Section 6427(i)(4) is amended—

(i) by striking "(4)(C)" the first two places it occurs and inserting "(4)(B)", and

(ii) by striking ", (l)(4)(C)(ii), and" and inserting "and".

(C) The heading of section 6427(l) is amended by striking "DIESEL FUEL AND KEROSENE" and inserting "DIESEL FUEL, KEROSENE, AND AVIATION FUEL".

(D) Section 6427(l)(1) is amended by striking "paragraph (4)(C)(i)" and inserting "paragraph (4)(B)".

(E) Section 6427(l)(4) is amended—

(i) by striking "KEROSENE USED IN AVIATION" in the heading and inserting "AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION", and

(ii) in subparagraph (A)—

(I) by striking "kerosene" and inserting "aviation-grade kerosene",

(II) by striking "KEROSENE USED IN COMMERCIAL AVIATION" in the heading and inserting "IN GENERAL".

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

"(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and".

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) in paragraph (2) by striking "(other than subsection (l)(4) thereof)", and

(ii) in paragraph (3) by striking "(other than payments made by reason of paragraph (4) of section 6427(l))".

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

"(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

"(F) section 4041(c).".

(ii) Section 9503(c) is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) is amended—

(I) by striking "appropriated, credited, or paid into" and inserting "appropriated or credited to", and

(II) by striking ", section 9503(c)(7),".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2008.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2009, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2009, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term "aviation fuel" means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2009, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

"(g) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

"(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

"(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2008, and annually thereafter, the Secretary shall transfer to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene an amount equal to $400,000,000.

"(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).".

(b) CONFORMING AMENDMENT.—Section 9502(d)(1) is amended by striking "Amounts" and inserting "Except as provided in subsection (g), amounts".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

"SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

"(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

"(1) registered in the United States, and

"(2) part of a fractional ownership aircraft program.

"(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

"(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

"(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

"(B) 2 or more airworthy aircraft are part of the program,

"(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

"(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

"(E) there exists a dry-lease exchange arrangement among all of the fractional owners, and

"(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

"(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

"(A) a fractional ownership interest equal to or greater than 1⁄16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

"(B) a fractional ownership interest equal to or greater than 1⁄32 of a least 1 rotorcraft program aircraft.

"(3) DRY-LEASE EXCHANGE ARRANGEMENT.—A 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

"(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2011.".

(2) CONFORMING AMENDMENT.—Section 4082(e) is amended by inserting "(other than an aircraft described in section 4043(a))" after "an aircraft".

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(b)(1) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),".

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

"Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.".

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: "Such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).".

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).".

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsections (a) shall apply to fuel used after December 31, 2008.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after December 31, 2008.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after December 31, 2008.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

"SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

"The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.".

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking "on nonestablished lines" and inserting "operated solely for sightseeing".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after December 31, 2008.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking "subsection (a) or (b)" in subsection (d), as so redesignated, and inserting "subsection (a), (b), or (c)", and

(3) by inserting after subsection (b) the following new subsection:

"(c) NON-TAX CHARGES.—

"(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

"(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after December 31, 2008.

SEC. 808. REQUIRED FUNDING OF NEW ACCRUALS UNDER AIR CARRIER PENSION PLANS.

(a) IN GENERAL.—Section 402(a) of the Pension Protection Act of 2006, as amended by section 6615(a) of the U. S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), is amended—

(1) in paragraph (2)—

(A) by striking "to its first taxable year beginning in 2008",

(B) by striking "for such taxable year" and inserting "for its first plan year beginning in 2008", and

(C) by striking "and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)", and

(2) by adding at the end the following new flush matter:

"If the plan sponsor of an eligible plan elects the application of paragraph (2), the plan sponsor may also elect, in determining the funding target for each of the 10 plan years during the period described in paragraph (2), to use an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve). Notwithstanding the preceding sentence, in the case of any plan year of the eligible plan for which such 8.25 percent interest rate is used, the minimum required contribution under section 303 of such Act and section 430 of such Code shall in no event be less than the target normal cost of the plan for such plan year (as determined under section 303(b) of such Act and section 430(b) of such Code). A plan sponsor may revoke the election to use the 8.25 percent interest rate and if the revocation is made, the revocation shall apply to the plan year for which made and all subsequent plan years and the plan sponsor may not elect to use the 8.25 percent interest rate for any subsequent plan year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate.

Subtitle B—Increased Funding for Highway Trust Fund

SEC. 811. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) is amended—

(1) by adding at the end the following new paragraph:

"(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund $3,400,000,000.", and

(2) by striking "AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES" in the heading and inserting "CERTAIN AMOUNTS".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. SUSPENSION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDIT.

Section 9503(c)(2) is amended by adding at the end the following new subparagraph:

"(D) TEMPORARY SUSPENSION.—This paragraph shall not apply to 85 percent of the amounts estimated by the Secretary to be attributable to the 6-month period beginning on the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008.".

SEC. 813. TAXATION OF TAXABLE FUELS IN FOREIGN TRADE ZONES.

(a) TAX IMPOSED ON REMOVALS AND ENTRIES IN FOREIGN TRADE ZONES.—

(1) IN GENERAL.—Subsection (a) of section 4083 (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) UNITED STATES.—The term 'United States' includes any foreign trade zone or bonded warehouse located in the United States.".

(2) CONFORMING AMENDMENT.—Section 4081(a)(1)(A) (relating to imposition of tax) is amended—

(A) in clause (i), by inserting "in the United States" after "refinery"; and

(B) in clause (ii), by inserting "in the United States" after "terminal".

(b) TREATMENT OF TAXABLE FUEL IN FOREIGN TRADE ZONES.—Paragraph (2) of section 81c(a) of title 19, United States Code, is amended by inserting "(other than the provisions relating to taxable fuel (as defined under section 4083(a) of the Internal Revenue Code of 1986))" after "thereunder".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to removals and entries after December 31, 2008.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on January 1, 2009.

SEC. 814. CLARIFICATION OF PENALTY FOR SALE OF FUEL FAILING TO MEET EPA REGULATIONS.

(a) IN GENERAL.—Subsection (a) of section 6720A (relating to penalty with respect to certain adulterated fuels) is amended by striking "applicable EPA regulations (as defined in section 45H(c)(3))" and inserting "the requirements for diesel fuel under section 211 of the Clean Air Act, as determined by the Secretary,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any transfer, sale, or holding out for sale or resale occurring after the date of the enactment of this Act.

SEC. 815. TREATMENT OF QUALIFIED ALCOHOL FUEL MIXTURES AND QUALIFIED BIODIESEL FUEL MIXTURES AS TAXABLE FUELS.

(a) IN GENERAL.—

(1) QUALIFIED ALCOHOL FUEL MIXTURES.—Paragraph (2) of section 4083(a) (relating to gasoline) is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes any qualified mixture (as defined in section 40(b)(1)(B)) which is a mixture of alcohol and special fuel, and".

(2) QUALIFIED BIODIESEL FUEL MIXTURES.—Subparagraph (A) of section 4083(a)(3) (relating to diesel fuel) is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and inserting after clause (ii) the following new clause:

"(iii) any qualified biodiesel mixture (as defined in section 40A(b)(1)(B)), and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2008.

SEC. 816. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking "5 percent" and inserting "2 percent".

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 817. BULK TRANSFER EXCEPTION NOT TO APPLY TO FINISHED GASOLINE.

(a) IN GENERAL.—Subparagraph (B) of section 4081(a)(1) (relating to tax on removal, entry, or sale) is amended by adding at the end the following new clause:

"(iii) EXCEPTION FOR FINISHED GASOLINE.—Clause (i) shall not apply to any finished gasoline.".

(b) EXCEPTION TO TAX ON FINISHED GASOLINE FOR PRIOR TAXABLE REMOVALS.—Paragraph (1) of section 4081(a) is amended by adding at the end the following new subparagraph:

"(C) EXEMPTION FOR PREVIOUSLY TAXED FINISHED GASOLINE.—The tax imposed by this paragraph shall not apply to the removal of gasoline described in subparagraph (B)(iii) from any terminal if there was a prior taxable removal or entry of such fuel under clause (i), (ii), or (iii) of subparagraph (A). The preceding sentence shall not apply to the volume of any product added to such gasoline at the terminal unless there was a prior taxable removal or entry of such product under clause (i), (ii), or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel removed, entered, or sold after December 31, 2008.

SEC. 818. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking "5 cents" and inserting "10 cents".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after September 30, 2018.".

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking "paragraphs (2) and (3)" and inserting "paragraph (2)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 819. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its first taxable year ending after the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 820. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 821. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

(a) IN GENERAL.—Section 11141 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is amended to read as follows:

"SEC. 11141. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

"(a) ESTABLISHMENT.—There is established a Motor Fuel Tax Enforcement Advisory Commission (in this section referred to as the 'Commission').

"(b) MEMBERSHIP.—

"(1) APPOINTMENT.—The Commission shall be composed of 14 members, of which—

"(A) 1 shall be appointed by the Administrator of the Federal Highway Administration as a representative of the Federal Highway Administration,

"(B) 1 shall be appointed by the Inspector General for the Department of Transportation as a representative the Office of Inspector General for the Department of Transportation,

"(C) 1 shall be appointed by the Secretary of Transportation as a representative of the Department of Transportation,

"(D) 1 shall be appointed by the Secretary of Homeland Security to be a representative of the Department of Homeland Security,

"(E) 1 shall be appointed by the Secretary of Defense to be a representative of the Department of Defense,

"(F) 1 shall be appointed by the Attorney General to be a representative of the Department of Justice,

"(G) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate,

"(H) 2 shall be appointed by the Ranking Member of the Committee on Finance of the Senate,

"(I) 2 shall be appointed by Chairman of the Committee on Ways and Means of the House of Representatives, and

"(J) 2 shall be appointed by Ranking Member of the Committee on Ways and Means of the House of Representatives.

"(2) QUALIFICATION FOR CERTAIN MEMBERS.—Of the members appointed under subparagraphs (G), (H), (I) and (J)—

"(A) at least 1 shall be representative from the Federation of State Tax Administrators,

"(B) at least 1shall be a representative from any State department of transportation,

"(C) at least 1 shall be a representative from the retail fuel industry, and

"(D) at least 1 shall be a representative from industries relating to fuel distribution (such a refiners, distributors, pipeline operators, and terminal operators).

"(3) TERMS.—Members shall be appointed for the life of the Commission.

"(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

"(c) DUTIES.—

"(1) IN GENERAL.—The Commission shall—

"(A) review motor fuel revenue collections, historical and current;

"(B) review the progress of investigations;

"(C) develop and review legislative proposals with respect to motor fuel taxes;

"(D) monitor the progress of administrative regulation projects relating to motor fuel taxes;

"(E) evaluate and make recommendations to the President and Congress regarding—

"(i) the effectiveness of existing Federal enforcement programs regarding motor fuel taxes,

"(ii) enforcement personnel allocation, and

"(iii) proposals for regulatory projects, legislation, and funding.

"(2) REPORT.—Not later than September 30, 2009, the Commission shall submit to Congress a final report that contains a detailed statement on the findings and conclusions of the Commission, together with recommendations for such legislation and administrative action as the Commission considers appropriate or necessary.

"(d) POWERS.—

"(1) HEARINGS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

"(2) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States, information (other than information required by any law to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission. The Commission shall also gather evidence through such means as it may determine appropriate, including through holding hearings and soliciting comments by means of Federal Register notices.

"(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(4) GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and requests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. Gifts and bequests of money, and the proceeds from the sale of any other property received as gifts or bequests, shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Commission. For purposes of Federal income, estate, and gift taxation, property accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

"(e) SUPPORT SERVICES.—

"(1) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary of Transportation shall provide to the Commission administrative support services necessary to enable the Commission to carry out its duties under this Act.

"(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(3) VOLUNTARY SERVICES.—

"(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence as authorized by section 5703, United States Code.

"(B) TREATMENT OF VOLUNTEERS.—A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of the following provisions of law:

"(i) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries;

"(ii) chapter 171 of title 28, United States Code, relating to tort claims; and

"(iii) chapter 11 of title 18, United States Code, relating to conflicts of interest.

"(4) CONSULTATION.—Upon request of the Commission, representatives of the Department of the Treasury and the Internal Revenue Service shall be available for consultation to assist the Commission in carrying out its duties under this section.

"(5) COOPERATION.—The staff of the Department of Transportation, the Department of Homeland Security, the Department of Justice, and the Department of Defense shall cooperate with the Commission as necessary.

"(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"(g) TERMINATION.—

"(1) IN GENERAL.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report required under subsection (c)(2).

"(2) RECORDS.—Not later than the date on which the Commission terminates, the Commission shall transmit all records of the Commission to the National Archives.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 822. HIGHWAY TRUST FUND CONFORMING EXPENDITURE AMENDMENT.

(a) IN GENERAL.—Subsections (c)(1) and (e)(3) of section 9503 are each amended by inserting ", as amended by An Act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes," after "Users".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of An Act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

Subtitle C—Additional Infrastructure Modifications and Revenue Provisions

SEC. 831. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and "(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

"(C) ANNUAL LIMIT.—

"(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(I) the applicable limit, plus

"(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(ii) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year in the credit period is $169,000,000 and in the case of any calendar year after 2020, zero.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2025.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

"(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calender year after 2025.".

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking "the termination date" and inserting "the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008 or the termination date if pursuant to a binding contract in effect on such enactment date".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking "1400L" and inserting "1400K".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after December 31, 2008.

(2) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 832. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 833. INCREASED INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) (relating to imposition of penalty) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "in lieu of $50" and inserting "in lieu of $250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking “$50” and inserting “$250”, and

(B) by striking “$100,000” and inserting “$1,000,000”.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking “$100” in paragraph (1) and inserting “$500”, and

(B) by striking “$100,000” in paragraph (2)(A) and inserting “$1,000,000”.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking “$50” and inserting “$250”, and

(2) by striking “$100,000” and inserting “$1,000,000”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2009.

SEC. 834. EXEMPTION OF CERTAIN COMMERCIAL CARGO FROM HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Section 4462 is amended—

(1) by redesignating subsection (i) as subsection (j), and

(2) by inserting after subsection (h) the following new subsection:

“(i) EXEMPTION FOR CERTAIN CARGO TRANSPORTED ON THE GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—

“(1) IN GENERAL.—No tax shall be imposed under section 4461(a) with respect to—

“(A) commercial cargo (other than bulk cargo) loaded at a port in the United States located in the Great Lakes Saint Lawrence Seaway System and unloaded at another port in the United States located in such system, and

“(B) commercial cargo (other than bulk cargo) unloaded at a port in the United States located in the Great Lakes Saint Lawrence Seaway System which was loaded at a port in Canada located in such system.

“(2) BULK CARGO.—For purposes of this subsection, the term ‘bulk cargo’ shall have the meaning given such term by section 53101(1) of title 46, United States Code (as in effect on the date of the enactment of this section).

“(3) GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—For purposes of this subsection, the term ‘Great Lakes Saint Lawrence Seaway System’ means the waterway between Duluth, Minnesota and Sept. Iles, Quebec, encompassing the five Great Lakes, their connecting channels, and the Saint Lawrence River.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 835. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

“SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

“(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified rail infrastructure bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

“(b) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified rail infrastructure bond is 25 percent of the annual credit determined with respect to such bond.

“(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified rail infrastructure bond is the product of—

“(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

“(B) the outstanding face amount of the bond.

“(3) DETERMINATION.—For purposes of paragraph (2), with respect to any qualified rail infrastructure bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary’s designee estimates will permit the issuance of qualified rail infrastructure bonds with a specified maturity or redemption date, without discount and without interest cost to the qualified issuer.

“(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term also includes the last day on which the bond is outstanding.

“(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under this part (other than this subpart, subpart C, and section 1400N(l)).

“(d) QUALIFIED RAIL INFRASTRUCTURE BOND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified rail infrastructure bond’ means any bond issued as part of an issue if—

“(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national qualified rail infrastructure bond annual limitation under subsection (f)(2) by not later than the end of the calendar year following the year of such allocation,

“(B) 95 percent or more of the proceeds of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

“(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

“(D) the issue meets the requirements of subsection (h).

“(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

“(A) IN GENERAL.—The term ‘qualified project’ means a project eligible under section 26101(b) of title 49, United States Code (determined without regard to paragraph (2) thereof), which the Secretary determines was selected using the criteria of subsection (c) of such section 26101 by the Secretary of Transportation, that makes a substantial contribution to improving a rail transportation corridor for intercity passenger rail use.

“(B) CERTIFICATION REQUIRED REGARDING CERTAIN PROJECTS.—The Secretary shall not consider a project to be a qualified project unless an applicant certifies to the Secretary that—

“(i) if a project involves a rail transportation corridor which includes the use of rights-of-way owned by a freight railroad, the applicant has entered into a written agreement with such freight railroad regarding the use of the rights-of-way and has received assurances that collective bargaining agreements between such freight railroad and its employees (including terms regarding the contracting of work performed on such corridor) shall remain in full force and effect during the term of such written agreement,

“(ii) any person which provides railroad transportation over infrastructure improved or acquired pursuant to this section, is a rail carrier as defined by section 10102 of title 49, United States Code, and

“(iii) the applicant shall, with respect to improvements to rail infrastructure made pursuant to this section, comply with the standards applicable to construction work in such title 49, in the same manner in which the National Railroad Passenger Corporation is required to comply with such standards.

“(C) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a qualified rail infrastructure bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

“(D) REIMBURSEMENT.—For purposes of paragraph (1)(B), a qualified rail infrastructure bond may be issued to reimburse for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

“(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified rail infrastructure bond,

“(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

“(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

“(E) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified rail infrastructure bond.

“(e) MATURITY LIMITATIONS.—

“(1) DURATION OF TERM.—A bond shall not be treated as a qualified rail infrastructure bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

“(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of paragraph (3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a qualified rail infrastructure bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).

"(f) ANNUAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL ANNUAL LIMITATION.—There is a national qualified rail infrastructure bond annual limitation for each calendar year. Such limitation is $900,000,000 for 2009, 2010, and 2011, and, except as provided in paragraph (3), zero thereafter.

"(2) ALLOCATION BY SECRETARY.—The national qualified rail infrastructure bond annual limitation for a calendar year shall be allocated by the Secretary among qualified projects in such manner as the Secretary determines appropriate.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year, the national qualified rail infrastructure bond annual limitation for such year exceeds the amount of bonds allocated during such year, such limitation for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation shall be treated as used on a first-in first-out basis.

"(g) CREDIT TREATED AS INTEREST.—For purposes of this title, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

"(h) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

"(A) at least 95 percent of the proceeds of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the qualified rail infrastructure bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified rail infrastructure bond, and

"(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a qualified rail infrastructure bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(j) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(k) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) QUALIFIED ISSUER.—The term 'qualified issuer' means 1 or more States or an interstate compact of States.

"(4) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(5) S CORPORATIONS AND PARTNERSHIPS.—In the case of a qualified rail infrastructure bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of the corporation or partners of such partnership shall be treated as a distribution.

"(6) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified rail infrastructure bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(7) REPORTING.—Issuers of qualified rail infrastructure bonds shall submit reports similar to the reports required under section 149(e).

"(8) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2013.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED RAIL INFRASTRUCTURE BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54A. Credit to holders of qualified rail infrastructure bonds.".

(2) Section 54(c)(2) is amended by inserting ", section 54A," after "subpart C".

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 836. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

(2) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

SEC. 837. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

"(A) the violation of any law, or

"(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified by the Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 838. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

“(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

“(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term ‘taxable payment’ means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

“(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

“(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

“(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

“(B) no early distribution tax shall apply by reason of such treatment, and

“(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

“(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term ‘eligible deferred compensation item’ means any deferred compensation item with respect to which—

“(A) the payor of such item is—

“(i) a United States person, or

“(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

“(B) the covered expatriate—

“(i) notifies the payor of his status as a covered expatriate, and

“(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

“(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term ‘deferred compensation item’ means—

“(A) any interest in a plan or arrangement described in section 219(g)(5),

“(B) any interest in a foreign pension plan or similar retirement arrangement or program,

“(C) any item of deferred compensation, and

“(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

“(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

“(6) SPECIAL RULES.—

“(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

“(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

“(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

“(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

“(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

“(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

“(B) no early distribution tax shall apply by reason of such treatment, and

“(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

“(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term ‘specified tax deferred account’ means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

“(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

“(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

“(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

“(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

“(2) TAXABLE PORTION.—For purposes of this subsection, the term ‘taxable portion’ means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

“(3) NONGRANTOR TRUST.—For purposes of this subsection, the term ‘nongrantor trust’ means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

“(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

“(A) rules similar to the rules of subsection (d)(6) shall apply, and

“(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

“(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

“(1) COVERED EXPATRIATE.—

“(A) IN GENERAL.—The term ‘covered expatriate’ means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

“(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

“(i) the individual—

“(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

“(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

“(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

“(2) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes his citizenship, and

“(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

“(3) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

“(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

“(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

SA 4586. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking "September 30, 2007" and inserting "September 30, 2011".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 29, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled "Oversight on EPA Toxic Chemical Policies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Oversight of Trade Functions: Customs and Other Trade Agencies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "When a Worker is Killed: Do OSHA Penalties Enhance Workplace Safety?" on Tuesday, April 29, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Living on the Street: Finding Solutions to Protect Runaway and Homeless Youth" on Tuesday, April 29, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 29, 2008, at 2:30 p.m., to hold a closed mark-up.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 4 p.m., in closed session to mark up the emerging threats and capabilities programs and provisions contained in the National Defense Authorization Act for fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the Session of the Senate on Tuesday, April 29, 2008, at 9:30 a.m., in closed session to mark up the personnel programs and provisions contained in the National Defense Authorization Act for Fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 3 p.m., in closed session to mark up the Readiness and Management Support Programs and provisions contained in the National Defense Authorization Act for fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEA POWER

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 29. 2008, at 2:30 p.m., in closed session to mark up the Seapower Programs and Provisions contained in the National Defense Authorization Act for Fiscal Year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 9:30 a.m. to conduct a hearing entitled, "The Impact of Implementation: A Review of the REAL ID Act and the Western Hemisphere Travel Initiative."

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 4040

Mr. MENENDEZ. Mr. President, with respect to H.R. 4040, which passed the Senate on March 6, 2008, I now ask unanimous consent the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer (Mr. BROWN) appointed Mr. INOUYE, Mr. PRYOR, Mrs. BOXER, Ms. KLOBUCHAR, Mr. STEVENS, Mrs. HUTCHISON, and Mr. SUNUNU conferees on the part of the Senate.

DISCHARGE AND REFERRAL—S. 2902

Mr. MENENDEZ. Mr. President, I ask unanimous consent the Committee on Health, Education, Labor and Pensions be discharged from further consideration of S. 2902, and the bill be referred to the Committee on Small Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE LIFE AND WORK OF DITH PRAN

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 716, S. Res. 515.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 515) commemorating the life and work of Dith Pran.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 515) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 515

Whereas, between 1975 and 1979, Dith Pran dedicated his life and journalistic career to preventing genocide by exposing the atrocities perpetrated by the Khmer Rouge regime in his native Cambodia;

Whereas Dith Pran, the subject of the Academy Award-winning film "The Killing Fields", survived the genocide in Cambodia in which up to 2,000,000 men, women, and children, including most of Dith Pran's extended family, were killed by the Khmer Rouge;

Whereas Dith Pran assisted many of his fellow journalists who were covering the impending takeover of Cambodia by the Khmer Rouge to escape unharmed from the country when the capital of Cambodia, Phnom Penh, fell to the Khmer Rouge in 1975;

Whereas Dith Pran was subsequently imprisoned by the Khmer Rouge, and for 4 years endured forced labor, beatings, and unconscionable conditions of human suffering;

Whereas, in 1979, Dith Pran escaped from forced labor past the Khmer Rouge's "killing fields", a term Mr. Dith created to describe the mass graveyards he saw on his 40-mile journey to a refugee camp in Thailand;

Whereas Dith Pran, in the words of New York Times Executive Editor Bill Keller, "reminds us of a special category of journalistic heroism, the local partner, the stringer, the interpreter, the driver, the fixer, who knows the ropes, who makes your work possible, who often becomes your friend, who may save your life, who shares little of the glory, and who risks so much more than you do";

Whereas Dith Pran moved to New York in 1980 and devoted the remainder of his life and journalistic career to advocating against genocide and for human rights worldwide;

Whereas Dith Pran educated people around the world about the horrors of genocide in general, and the genocide in Cambodia in particular, through his creation of the Dith Pran Holocaust Awareness Project;

Whereas, in 1985, Dith Pran was appointed a United Nations Goodwill Ambassador by the United Nations High Commissioner for Refugees;

Whereas Dith Pran lost his battle with cancer on March 30, 2008, leaving behind a world that better understands the tragedy of the genocide in Cambodia and the need to prevent future genocides, largely due to his compelling story, reporting, and advocacy;

Whereas Dith Pran said, "Part of my life is saving life. I don't consider myself a politician or a hero. I'm a messenger. If Cambodia is to survive, she needs many voices."; and

Whereas the example of Dith Pran should endure for generations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Dith Pran is a modern day hero and an exemplar of what it means to be a citizen of the United States and a citizen of the world;

(2) the United States owes a debt of gratitude to Dith Pran for his tireless work to prevent genocide and violations of fundamental human rights; and

(3) teachers throughout the United States should spread Dith Pran's message by educating their students about his life, the genocide in Cambodia, and the collective responsibility of all people to prevent modern-day atrocities and human rights abuses.

REGARDING THE POLITICAL SITUATION IN ZIMBABWE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 533 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 533) expressing the sense of the Senate regarding the political situation in Zimbabwe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 533) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 533

Whereas, on March 29, 2008, parliamentary and presidential elections were held in Zimbabwe amid widespread reports of voting irregularities in favor of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) party and President Robert Mugabe, including, according to the Department of State, "production of far more ballots than there were registered voters...[and] the allowance of police in polling places";

Whereas official results showed that the opposition Movement for Democratic Change (MDC) won a majority of seats in the parliamentary elections, and independent monitors concluded based on initially posted results that MDC leader Morgan Tsvangirai received substantially more votes than President Mugabe in the presidential election;

Whereas, as of April 24, 2008, the Zimbabwe Electoral Commission has still not released the results of the presidential election, despite calls to do so by the African Union (AU), the European Union, the Government of South Africa, the Southern African Development Community (SADC), United Nations Secretary-General Ban Ki Moon, and the United States;

Whereas, on April 19, 2008, the Zimbabwe Electoral Commission officially commenced recounting ballots cast in 23 parliamentary constituencies, primarily in districts that did not support candidates affiliated with ZANU-PF;

Whereas, on April 21, 2008, British Foreign Secretary David Miliband stated that the ongoing recount was potentially a "charade of democracy" that "only serves to fuel suspicion that President Mugabe is seeking to reverse the results that have been published, to regain a majority in parliament, and to amplify his own count in the presidential election," and accused him of trying "to steal the election";

Whereas, the Government of Zimbabwe has arrested numerous members of the media and election officials, and over 1,000 Zimbabweans have reportedly been fleeing into South Africa every day, while forces loyal to the government have engaged in a brutal and systematic effort to intimidate voters;

Whereas, on April 20, 2008, the MDC released a detailed report showing that more than 400 of its supporters had been arrested, 500 had been attacked, 10 had been killed, and 3,000 families had been displaced, and Human Rights Watch reported on April 19, 2008, that ZANU-PF is operating "torture camps" where opposition supporters are being beaten;

Whereas United States Ambassador to the United Nations Zalmay Khalilzad stated on April 16, 2008, that he was "gravely concerned about the escalating politically motivated violence perpetrated by security forces and ruling party militias";

Whereas, while there is currently no international embargo on arms transfers to Zimbabwe, a Chinese ship carrying weapons destined for Zimbabwe was recently prevented from unloading its cargo in Durban, South Africa, and has been denied access to other ports in the region due to concerns that the weapons could further destabilize the situation in Zimbabwe;

Whereas Secretary of State Condoleezza Rice stated on April 17, 2008, that President Mugabe has "done more harm to his country than would have been imaginable...the last years have been really an abomination...," and called for the AU and SADC to play a greater role in resolving the crisis;

Whereas, the Department of State's 2007 Country Report on Human Rights Practices stated that, in Zimbabwe, "the ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions occurred. State sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists"; and

Whereas annual inflation in Zimbabwe is reportedly running over 150,000 percent, unemployment stands at over 80 percent, hunger affects over 4,000,000 people, and an estimated 3,500 people die each week from hunger, disease, and other causes related to extremely poor living conditions: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to support the people of Zimbabwe, who have been subjected to incredible hardships, including violence, political repression, and severe economic deprivation, in their aspirations for a free, democratic, and more prosperous future;

(2) to call for an immediate cessation of politically motivated violence, detentions, and efforts to intimidate the people of Zimbabwe perpetrated by Zimbabwe's security forces and militias loyal to ZANU-PF;

(3) that the Zimbabwe Electoral Commission should immediately release the legitimate results of the presidential election and ratify the previously announced results of the parliamentary elections;

(4) that President Robert Mugabe should accept the will of the people of Zimbabwe in order to effect a timely and peaceful transition to genuine democratic rule;

(5) that regional organizations, including SADC and the AU, should play a sustained and active role in resolving the crisis peacefully and in a manner that respects the will of the people of Zimbabwe;

(6) that the United Nations Security Council should be seized of the issue of Zimbabwe, support efforts to bring about a peaceful resolution of the crisis that respects the will of the people of Zimbabwe, and impose an international arms embargo on Zimbabwe

until a legitimate democratic government has taken power;

(7) that the United States Government and the international community should impose targeted sanctions against additional individuals in the Government of Zimbabwe and state security services and militias in Zimbabwe who are responsible for human rights abuses and interference in the legitimate conduct of the elections in Zimbabwe; and

(8) that the United States Government and the international community should work together to prepare a comprehensive economic and political recovery package for Zimbabwe in the event that a genuinely democratic government is formed and commits to implementing key constitutional, economic, and political reforms.

ORDERS FOR WEDNESDAY, APRIL 30, 2008

Mr. MENENDEZ. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, April 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, and the Senate then resume consideration of H.R. 2881, the FAA reauthorization bill, with Senator DURBIN recognized to offer an amendment; that at 10:40 a.m., the Senate recess until 12 noon for the joint meeting of Congress.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. MENENDEZ. Mr. President, as a reminder, at 11 a.m. tomorrow, there will be a joint meeting of Congress with the Prime Minister of Ireland, Bertie Ahern. Senators attending the meeting should gather in the Senate Chamber at 10:30 a.m. and proceed as a body to the Hall of the House at 10:40 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MENENDEZ. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:36 p.m., adjourned until Wednesday, April 30, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ERIC J. BOSWELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY), VICE RICHARD J. GRIFFIN, RESIGNED.

ERIC J. BOSWELL, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE RICHARD J. GRIFFIN, RESIGNED.

PATRICIA MCMAHON HAWKINS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

THE JUDICIARY

PAUL G. GARDEPHE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE CHARLES L. BRIEANT, JR., RETIRED.

CLARK WADDOUPS, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE PAUL G. CASSELL, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MARTIN NEUBAUER

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KENNY C. MONTOYA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL STEPHEN E. BOGLE
BRIGADIER GENERAL JAMES G. CHAMPION
BRIGADIER GENERAL JOSEPH J. CHAVES
BRIGADIER GENERAL MYLES L. DEERING
BRIGADIER GENERAL THOMAS C. LAWING
BRIGADIER GENERAL MARK E. ZIRKELBACH

To be brigadier general

COLONEL ROMA J. AMUNDSON
COLONEL MARK E. ANDERSON
COLONEL ERNEST C. AUDINO
COLONEL DAVID A. CARRION-BARALT
COLONEL JEFFREY E. BERTRANG
COLONEL TIMOTHY B. BRITT
COLONEL LAWRENCE W. BROCK III
COLONEL MELVIN L. BURCH
COLONEL SCOTT E. CHAMBERS
COLONEL DONALD J. CURRIER
COLONEL CECILIA I. FLORES
COLONEL SHERYL E. GORDON
COLONEL PETER C. HINZ
COLONEL ROBERT A. MASON
COLONEL BRUCE E. OLIVEIRA
COLONEL DAVID C. PETERSEN
COLONEL CHARLES W. RHOADS
COLONEL RUFUS J. SMITH
COLONEL JAMES B. TODD
COLONEL JOE M. WELLS

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, April 29, 2008:

DEPARTMENT OF STATE

PATRICIA M. HASLACH, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS UNITED STATES SENIOR COORDINATOR FOR THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

JOXEL GARCIA, OF CONNECTICUT, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

SAMUEL W. SPECK, OF OHIO, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

DEPARTMENT OF STATE

SCOT A. MARCIEL, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AFFAIRS.

YOUSIF BOUTROUS GHAFARI, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

KURT DOUGLAS VOLKER, OF PENNSYLVANIA, A CAREER FOREIGN SERVICE OFFICER OF CLASS ONE, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ROBERT J. CALLAHAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

HEATHER M. HODGES, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

BARBARA J. STEPHENSON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

WILLIAM EDWARD TODD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

HUGO LLORENS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

NANCY E. MCELDOWNEY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

STEPHEN GEORGE MCFARLAND, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

PETER E. CIANCHETTE, OF MAINE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

FRANK CHARLES URBANCIC, JR., OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT G. MCSWAIN, OF MARYLAND, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

REBECCA A. GREGORY, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE A. LITCHFIELD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL C. D. ALSTON
BRIGADIER GENERAL BROOKS L. BASH
BRIGADIER GENERAL MICHAEL J. BASLA
BRIGADIER GENERAL PAUL F. CAPASSO
BRIGADIER GENERAL FLOYD L. CARPENTER
BRIGADIER GENERAL DAVID J. EICHHORN
BRIGADIER GENERAL GREGORY A. FEEST
BRIGADIER GENERAL BURTON M. FIELD
BRIGADIER GENERAL RANDAL D. FULLHART
BRIGADIER GENERAL BRADLEY A. HEITHOLD
BRIGADIER GENERAL RALPH J. JODICE II
BRIGADIER GENERAL DUANE A. JONES
BRIGADIER GENERAL FRANK J. KISNER
BRIGADIER GENERAL JAY H. LINDELL
BRIGADIER GENERAL DARREN W. MCDEW
BRIGADIER GENERAL CHRISTOPHER D. MILLER
BRIGADIER GENERAL HAROLD W. MOULTON II
BRIGADIER GENERAL STEPHEN P. MUELLER
BRIGADIER GENERAL ELLEN M. PAWLIKOWSKI
BRIGADIER GENERAL PAUL G. SCHAFER
BRIGADIER GENERAL STEPHEN D. SCHMIDT
BRIGADIER GENERAL MICHAEL A. SNODGRASS
BRIGADIER GENERAL MARK S. SOLO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DANA T. ATKINS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. SCOTT G. WEST

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WALTER L. SHARP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ANN E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID D. MCKIERNAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT L. CASLEN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MITCHELL H. STEVENSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK G. HELMICK

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RANDOLPH D. ALLES
BRIGADIER GENERAL JOSEPH F. DUNFORD, JR.
BRIGADIER GENERAL ANTHONY L. JACKSON
BRIGADIER GENERAL PAUL E. LEFEBVRE
BRIGADIER GENERAL RICHARD P. MILLS
BRIGADIER GENERAL ROBERT E. MILSTEAD, JR.
BRIGADIER GENERAL MARTIN POST
BRIGADIER GENERAL MICHAEL R. REGNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DARRELL L. MOORE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KEITH J. STALDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES M. LARIVIERE
COL. KENNETH J. LEE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. JOSEPH F. DUNFORD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DENNIS J. HEJLIK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD F. NATONSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DUANE D. THIESSEN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN M. BIRD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) VICTOR C. SEE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN DOUGLASS T. BIESEL
CAPTAIN BARRY L. BRUNER
CAPTAIN JERRY K. BURROUGHS
CAPTAIN JAMES D. CLOYD
CAPTAIN THOMAS A. CROPPER
CAPTAIN DENNIS E. FITZPATRICK
CAPTAIN MICHAEL T. FRANKEN
CAPTAIN BRADLEY R. GEHRKE
CAPTAIN ROBERT P. GIRRIER
CAPTAIN PAUL A. GROSKLAGS
CAPTAIN SINCLAIR M. HARRIS
CAPTAIN MARGARET D. KLEIN
CAPTAIN PATRICK J. LORGE
CAPTAIN BRIAN L. LOSEY
CAPTAIN MICHAEL E. MCLAUGHLIN
CAPTAIN WILLIAM F. MORAN
CAPTAIN SAMUEL PEREZ, JR.
CAPTAIN JAMES J. SHANNON
CAPTAIN CLIFFORD S. SHARPE
CAPTAIN TROY M. SHOEMAKER
CAPTAIN DIXON R. SMITH
CAPTAIN ROBERT L. THOMAS, JR.
CAPTAIN DOUGLAS J. VENLET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5133 AND 5138:

To be rear admiral

REAR ADM. (LH) CAROL I. TURNER

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH DAVID M. ABEL AND ENDING WITH MICHAEL M. ZWALVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH SUSAN S. BAKER AND ENDING WITH JON C. WELCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID A. BARGATZE AND ENDING WITH AARON E. WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH MARK E. ALLEN AND ENDING WITH CHARLES E. WIEDIE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH KERRY M. ABBOTT AND ENDING WITH WILLIAM F. ZIEGLER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD T. BROYER AND ENDING WITH BRIAN K. WYRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN T. AALBORG, JR. AND ENDING WITH MICHAEL A. ZROSTLIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID L BABCOCK AND ENDING WITH WAYNE A. ZIMMET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

AIR FORCE NOMINATION OF HOWARD P. BLOUNT III, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF ERRILL C. AVECILLA, TO BE MAJOR.

AIR FORCE NOMINATION OF MARK Y. LIU, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH BRYCE G WHISLER AND ENDING WITH TIMOTHY M. FRENCH WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH PHIET T BUI AND ENDING WITH MICHAEL J. MORRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2008.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH MARIO AGUIRRE III AND ENDING WITH SCOTT B. ZIMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

ARMY NOMINATIONS BEGINNING WITH BARRY L ADAMS AND ENDING WITH TIMOTHY M. ZEGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

ARMY NOMINATIONS BEGINNING WITH KEVIN S. ANDERSON AND ENDING WITH RUFUS WOODS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

ARMY NOMINATIONS BEGINNING WITH ROBERT B ALLMAN III AND ENDING WITH RICHARD F. WINCHESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

ARMY NOMINATION OF BARRY L. SHOOP, TO BE COLONEL.

ARMY NOMINATION OF BRIAN J. CHAPURAN, TO BE MAJOR.

ARMY NOMINATION OF GREGORY T. REPPAS, TO BE MAJOR.

ARMY NOMINATION OF VANESSA M. MEYER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH THOMAS E. DURHAM AND ENDING WITH DANIEL P. MASSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

ARMY NOMINATIONS BEGINNING WITH CHARLES L GARBARINO AND ENDING WITH JUAN GARRASTEGUI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

ARMY NOMINATIONS BEGINNING WITH MILTON M. ONG AND ENDING WITH MATTHEW S. MOWER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

ARMY NOMINATION OF CRAIG A. MYATT, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF JOHN C. KOLB, TO BE COLONEL.

ARMY NOMINATION OF KENNETH D. SMITH, TO BE MAJOR.

ARMY NOMINATION OF JOHN M. HOPPMANN, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH AMY M. BAJUS AND ENDING WITH ROBERT P. VASQUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

IN THE COAST GUARD

COAST GUARD NOMINATION OF TREVOR M. HARE, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF SUSAN M. MAITRE, TO BE LIEUTENANT COMMANDER.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANDREW TOWNSEND WIENER AND ENDING WITH TROY A LINDQUIST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 5, 2008.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID G. MCCULLOH AND ENDING WITH PAUL W. VOSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

IN THE NAVY

NAVY NOMINATION OF THOMAS M. CASHMAN, TO BE CAPTAIN.

NAVY NOMINATION OF KELLY R. MIDDLETON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF THERESA A. FRASER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH LEE R. RAS AND ENDING WITH ELIZABETH M. SOLZE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

NAVY NOMINATION OF AARON J. BEATTIE IV, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KRISTIAN E. LEWIS AND ENDING WITH LUTHER P. MARTIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

NAVY NOMINATIONS BEGINNING WITH SAMUEL G. ESPIRITU AND ENDING WITH PAUL G. SCANLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH TERRY L. BUCKMAN AND ENDING WITH THOMAS M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

HOUSE OF REPRESENTATIVES—*Tuesday, April 29, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 29, 2008.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

FEDERAL GAS TAX HOLIDAY A BAD IDEA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you, Mr. Speaker.

During this election season, we've seen some pretty painful moments. It has been embarrassing, for instance, to watch the flip-flopping of Senator McCAIN on tax cuts that he is now for before he was against them. But there is no idea that is as bad as his most recent suggestion that we just have a gas tax holiday, to suspend the 18.4 cent per gallon Federal gas tax from Memorial Day through Labor Day.

This is a really unfortunate suggestion. It's unfortunate to me that Senator CLINTON appears to be embracing it. I would hope that Senator CLINTON's staff will help her remember her own words when this proposal was launched by one of her opponents in 2000 when she was running for the United States Senate, where Senator CLINTON pointed out that it would be a "bad deal for New York and a potential bonanza for the oil companies," which is why she opposed it back then. Her words were true in 2000 and they are true today. In fact, it's even more important.

First of all, there is absolutely no evidence that States that have suspended the gas tax have ended up putting any more money in the pockets of consumers. The research suggests that it's more likely that they have simply increased the amount of money that goes to the oil companies who are not reducing their prices to compensate for the reduction. At a time when ExxonMobil's profits set a new record of $40.6 billion, we don't have to give them even more money at the expense of our infrastructure, because this proposal comes at a time when for the first time in history the highway trust fund is going into deficit. And this proposal would add more than $10 billion to that deficit, money that will not go to State and local governments to deal with badly needed transportation infrastructure. It comes at a time when we recognize that our infrastructure is falling apart. The Society of Civil Engineers has graded it D-minus, and they're grading on a curve.

It would be far more logical and effective to help poor citizens and people in rural districts that have to drive a great deal directly as a part of the economic stimulus, or a rebate that actually gets into their hands, not to the oil companies. It would make more sense to invest in renewable futures and green jobs, like not allowing the production tax credit to expire at the end of the year, costing thousands of jobs in the wind energy business.

It makes sense to rebuild and renew America with a vision for the future, attaching a budget priority, and be honest with the American public, not cheap political tricks that may sound good for a moment but will end up hurting us in the long run.

GAS PRICES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Thank you, Mr. Speaker.

Gas prices have skyrocketed by more than 50 percent in the 15 months since the new majority took control of Congress. Back in North Carolina, constituents of the Fifth District and over the rest of the State are now paying $1.33 more per gallon for gas than when the Democrats took over.

Two years ago, Speaker PELOSI promised the American people a "commonsense" plan to lower gasoline prices. We're still trying to figure out what that plan is. House Democrats have not only failed to offer any meaningful solutions, they've pushed policies that will have precisely the opposite effect.

This $1.33 Pelosi premium is putting tremendous pressure on the budgets of the hardworking people of North Carolina. As gas prices soar to $3.50 and beyond, I pose this question: How much will the Pelosi premium end up costing average Americans? If this is part of the "commonsense plan" to lower gas prices, I'm afraid it isn't working.

Middle class families and their increasingly tight budgets need relief, not more broken promises. While House Democrats propose more of the same—tax increases—House Republicans have offered real commonsense solutions to reduce America's dependence on foreign sources of energy, lower gas prices here at home, and invest in all forms of energy to create American jobs and grow our economy.

U.S. CASUALTIES IN IRAQ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, we owe a debt of gratitude to Dana Milbank at the Washington Post and to Hal Bernton at one of my hometown newspapers, The Seattle Times. These two journalists, writing almost exactly 4 years apart, have pierced the veil of secrecy this administration shamefully uses to hide the painful images of U.S. casualties in Iraq and the touching and patriotic farewells by loved ones.

On Sunday, April 18, 2004, Bernton wrote a story called: The Somber Task of Honoring the Fallen. This poignant story included the first newspaper pictures of caskets being loaded into a military airplane. The story, which I will enter into the RECORD, set off a firestorm, because the administration did not want anyone to see the grim reality of war—rows of flag-draped coffins inside a military plane to begin the last homecoming. And the civilian contractor who took the pictures was fired for sharing them with the media. They were published at a time when the administration was doing everything to make people believe in its May 1, 2003, Mission Accomplished banner.

The administration continues to spin the message from that phony PR event. To do that, the administration continues to hide the grim reality of the Iraq war. Last Thursday, Milbank wrote a story in the Washington Post called: What the Family Would Let You See, the Pentagon Obstructs. Almost 4 years later after The Seattle Times story, the American people are still denied access to the truth.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Behind me is a photograph of Lieutenant Colonel Billy Hall from the Post story. Let me read an excerpt from that story:

"The family of 38-year-old Hall, who leaves behind two young daughters and two stepsons, gave their permission for the media to cover his Arlington burial—a decision many grieving families make so that the nation will learn about their loved ones' sacrifice. But the military had other ideas, and they arranged the marine's burial yesterday so that no sound, and few images, would make it into the public domain."

They don't want you to see the faces of our fallen heroes, and in my view that's outrageous. Lieutenant Colonel Hall is the highest ranking military officer to fall in Iraq. He went to Garfield High School in Seattle. He deserves to be buried according to the wishes of his family, not hidden from view, because the people running this war only want you to see the images that proclaim Mission Accomplished. I will not accept this disrespect for our soldiers and their families, or the outright distortion of the truth about the war. To honor our fallen heroes, I and many of my colleagues here in Washington have easels outside our congressional offices with pictures and the names of service men and women who have died in Iraq.

Outside my office, there are three boards with the photographs of 94 soldiers from the State of Washington who have fallen in Iraq. Brave fallen heroes, including:

Specialist Christopher W. Dickison,
Major William G. Hall,
Lance Corporal Daniel Chavez,
1st Lieutenant Michael R. Adams,
Specialist Joshua M. Boyd,
Staff Sergeant Tracy L. Melvin,
Sergeant 1st Class Steven M. Langmack, all from Seattle.

I will enter into the RECORD the Web address where you can see the faces and the names of the fallen from every State:

http://projects.washingtonpost.com/fallen/search/

Instead of helping to provide closure to these wounded families, the President's surrogates are deepening the wounds for these families. They only want to share their grief and the pride in their loved ones. Who wouldn't be proud of Billy Hall? They want to share that with us.

Today, in full view, let us honor the ultimate sacrifice made by Lieutenant Colonel Billy Hall and the fallen soldiers from Washington and across this country.

MOMENT OF SILENCE

I ask for a moment of silence in honor of the following:

Sgt. Nathan P. Hayes, 21
Staff Sgt. Juan M. Ridout, 29
Lance Cpl. Cedric E. Bruns, 22
Spc. Justin W. Hebert, 20
Pfc. Kerry D. Scott, 21
Spc. John P. Johnson, 24
2nd Lt. Benjamin J. Colgan, 30
Spc. Robert Benson, 20
Sgt. Jay A. Blessing, 23
Spc. Nathan W. Nakis, 19
Sgt. Curt E. Jordan, Jr., 25
Staff Sgt. Christopher Bunda, 29
1st Lt. Michael R. Adams, 24
Spc. Jacob R. Herring, 21
Spc. Jeffrey R. Shaver, 26
Pfc. Cody S. Calavan, 19
Lance Cpl. Dustin L. Sides, 22
Staff Sgt. Marvin Best, 33
Spc. Jeremiah Schmunk, 21
Capt. Gergory A. Ratzlaff, 36
Sgt. Yadir Reynoso, 27
Lance Cpl. Kane M. Funke, 20
Lance Cpl. Caleb J. Powers, 21
Sgt. Jason Cook, 25
Sgt. Jacob H. Demand, 29
Cpl. Steven Rintamaki, 29
Staff Sgt. Michael Lee Burbank, 34
Spc. Jonathan J. Santos, 22
Staff Sgt. David G. Ries, 29
Lance Cpl. Nathan R. Wood, 19
Spc. Blain M. Ebert, 22
Spc. Harley D. R. Miller, 21
Pfc. Andrew M. Ward, 25
Staff Sgt. Kyle A. Eggers, 27
Pfc. Curtis L. Wooten III, 20
Chief Warrant Officer Clint J. Prather, 46
Maj. Steve Thornton, 46
Cpl. Jeffrey B. Starr, 22
Staff Sgt. Casey J. Crate, 26
Sgt. 1st Class Steven Langmack, 33
Lance Cpl. Daniel Chaves, 20
Spc. Christopher W. Dickison, 26
Lance Cpl. Shane C. Swanberg, 24
Sgt. 1st Class Lawrence Morrison, 45
Staff Sgt. Travis W. Nixon, 24
Cpl. Joseph P. Bier, 22
Staff Sgt. Christopher J. Vanderhorn, 37
1st Lt. Jaime L. Campbell, 25
Sgt. Charles E. Matheny IV, 23
Staff Sgt. Abraham Twitchell, 28
Spc. Eric D. King, 28
1st Lt. Forrest Ewens, 25
Pfc. Devon J. Gibbons, 28
Sgt. Justin D. Norton, 21
Pfc. Jason Hanson, 21
Staff Sgt. Tracy L. Melvin, 31
Spc. David J. Ramsey, 27
Master Sgt. Robb G. Needham, 51
Sgt. Velton Locklear III, 29
Staff Sgt. Ronald L. Paulsen, 53
Sgt. Lucas T. White, 28
Spc. Jordan W. Hess, 26
Maj. Megan M. McClung, 34
Cpl. Jeremiah J. Johnson, 23
Spc. James D. Riekena, 22
Cpl. Darrel J. Morris, 21
Maj. Alan R. Johnson, 44
Sgt. Mickel D. Garrigus, 24
Lance Cpl. Adam Q. Emul, 19
Sgt. Corey J. Aultz, 31
Sgt. Travis. D. Pfister, 27
Spc. Ryan M. Bell, 21
Spc. Joshua M. Boyd
Staff Sgt. Casey D. Combs, 28
Staff Sgt. Coby G. Schwab, 25
Spc. Kelly B. Grothe, 21
Pfc. Jerome J. Potter, 24
Sgt. Dariek E. Dehn, 32
Cpl. Llythaniele Fender, 21
Pfc. Casey S. Carriker, 20
Chief Warrant Officer Scott A.M. Oswell, 33
Lance Cpl. Shawn V. Starkovich, 20
Pvt. Michael A. Bologa, 21
Cpl. Jason M. Kessler, 29
Sgt. Bryce D. Howard, 24
Spc. Matthew J. Emerson, 20
Spc. Vincent G. Kamka, 23
Lance Cpl. Jeremy W. Burris, 22
Sgt. 1st Class Johnny C. Walls, 41
Cpl. Christopher J. Nelson, 22
Sgt. Phillip R. Anderson, 28
Lance Cpl. Dustin L. Canham, 21
Spc. Durrell L. Bennett, 22
Lt. Col. William G. Hall, 38

[From the Seattle Times, Apr. 18, 2004]

THE SOMBER TASK OF HONORING THE FALLEN

(By Hal Bernton)

The aluminum boxes, in ordered rows, are bound by clean white straps on freshly scrubbed pallets. American flags are draped evenly over the boxes. Uniformed honor guards form on either side of the pallets as they move from the tarmac to the entryways of the cargo planes. There are prayers, salutes and hands on hearts. Then the caskets are carefully placed in cargo holds for a flight to Germany.

In recent weeks, military and civilian contract crews have loaded scores of these caskets onto planes departing the U.S. military area of Kuwait International Airport, south of Kuwait City. And the rituals are repeated over and over again.

"The way everyone salutes with such emotion and intensity and respect. The families would be proud to see their sons and daughters saluted like that," says Tami Silicio, a contract employee from the Seattle area who works the night shift at the cargo terminal.

For U.S. troops, April has been the worst month of this war, with at least 94 service members killed by hostile fire.

"So far this month, almost every night we send them home," Silicio said. ". . . It's tough. Very tough."

The remains arrive at the Kuwait airport accompanied by a soldier, sometimes a comrade from the same unit. On one occasion, the comrade was also the victim's father. Another time, the comrade was the wife.

Silicio knows what it is like to lose a child. The mother of three sons suffered the death of her oldest to a brain tumor when he was 19. "It kind of helps me to know what these mothers are going through, and I try to watch over their children as they head home," she said in an interview conducted by telephone and e-mail.

Silicio, who grew up in Seattle and Edmonds, is used to hard work. After a decade of events-decorating work in the Seattle area, she went to war-torn Kosovo, where she worked on the transportation crew for a contractor during the NATO peacekeeping mission in 1999.

"Nothing scares her," said Silicio's mother, Leona Silicio.

Tami Silicio first went to work at the Kuwait airport in March 2003, before the start of the war. She then returned home but found it tough to get a job in an economy still sour from the recession. So by last October, she was back in Kuwait and her airport job for a contractor that works with the military to coordinate and process airport cargo.

The crews help move thousands of tons of supplies onto the Iraq-bound flights that support the U.S. military forces. Much of Silicio's job is handling paperwork to track the cargo. But she also might drive equipment to help load cargo, or make a quick run to a Kentucky Fried Chicken outlet to secure a few savory buckets to offer a soldier just in from Iraq.

Around Christmas, she helped handle a rash of incoming cargo from the United States—candy, shaving cream, razors, baby wipes and other items in care packages headed to Iraq."Thank God, no fruitcakes," she e-mailed her mother. "The soldiers would just give it to the Iraqis, anyway."

Just after Christmas, there was a marathon of work as medical supplies to aid Iranian earthquake victims moved through Kuwait.

And now, the crews are helping to coordinate the departures of dozens of U.S. civilian contractors who, with the recent violence and kidnappings, no longer want to risk being in the region.

More time also is devoted to the dead. The fallen come into Kuwait on flights from Baghdad. Before they are loaded onto the outbound aircraft, soldiers in full uniform form parallel lines along the tarmac. There is a prayer. Then loaders lift up the coffins, which are joined on board by soldiers who share the final journey. After going first to Germany, according to the military, they fly to Dover Air Base in Delaware.

Since the 1991 Gulf War, photographs of coffins as they return to the United States have been tightly restricted. And few such photographs have been published during the conflict in Iraq.

On the April day depicted in the photograph that accompanies this story, more than 20 coffins went into a cargo plane bound for Germany. Silicio says those who lost loved ones in Iraq should understand the care and devotion that civilians and military crews dedicate to the task of returning the soldiers home.

Silicio says she shares her motto, "Purpose and Cause," with colleagues who appear worn down from the job: "We serve a purpose and we have a cause—that's what living life is all about."

[From the Washington Post, Apr. 24, 2008]

WHAT THE FAMILY WOULD LET YOU SEE, THE PENTAGON OBSTRUCTS

(By Dana Milbank)

Lt. Col. Billy Hall, one of the most senior officers to be killed in the Iraq war, was laid to rest yesterday at Arlington National Cemetery. It's hard to escape the conclusion that the Pentagon doesn't want you to know that.

The family of 38-year-old Hall, who leaves behind two young daughters and two stepsons, gave their permission for the media to cover his Arlington burial—a decision many grieving families make so that the nation will learn about their loved ones' sacrifice. But the military had other ideas, and they arranged the Marine's burial yesterday so that no sound, and few images, would make it into the public domain.

That's a shame, because Hall's story is a moving reminder that the war in Iraq, forgotten by much of the nation, remains real and present for some. Among those unlikely to forget the war: 6-year-old Gladys and 3-year-old Tatianna. The rest of the nation, if it remembers Hall at all, will remember him as the 4,011th American service member to die in Iraq, give or take, and the 419th to be buried at Arlington. Gladys and Tatianna will remember him as Dad.

The two girls were there in Section 60 yesterday beside grave 8,672—or at least it appeared that they were from a distance. Journalists were held 50 yards from the service, separated from the mourning party by six or seven rows of graves, and staring into the sun and penned in by a yellow rope. Photographers and reporters pleaded with Arlington officials.

"There will be a yellow rope in the face of the next of kin," protested one photographer with a large telephoto lens.

"This is the best shot you're going to get," a man from the cemetery replied.

"We're not going to be able to hear a thing," a reporter argued.

"Mm-hmm," an Arlington official answered.

The distance made it impossible to hear the words of Chaplain Ron Nordan, who, an official news release said, was leading the service. Even a reporter who stood surreptitiously just behind the mourners could make out only the familiar strains of the Lord's Prayer. Whatever Chaplain Nordan had to say about Hall's valor and sacrifice were lost to the drone of airplanes leaving National Airport.

It had the feel of a throwback to Donald Rumsfeld's Pentagon, when the military cracked down on photographs of flag-draped caskets returning home from the war. Rumsfeld himself was exposed for failing to sign by hand the condolence letters he sent to the next of kin. His successor, Robert Gates, has brought some glasnost to the Pentagon, but the military funerals remain tightly controlled. Even when families approve media coverage for a funeral, the journalists are held at a distance for the pageantry—the caisson, the band, the firing party, "Taps," the presenting of the flag—then whisked away when the service itself begins.

Nor does the blocking of funeral coverage seem to be the work of overzealous bureaucrats. Gina Gray, Arlington's new public affairs director, pushed vigorously to allow the journalists more access to the service yesterday—but she was apparently shot down by other cemetery officials.

Media whining? Perhaps. But the de facto ban on media at Arlington funerals fits neatly with an effort by the administration to sanitize the war in Iraq. That, in turn, has contributed to a public boredom with the war. A Pew Research Center poll earlier this month found that 14 percent of Americans considered Iraq the news story of most interest—less than half the 32 percent hooked on the presidential campaign and barely more than the 11 percent hooked on the raid of a polygamist compound in Texas.

On March 29, a week before the raid on the polygamists' ranch, William G. Hall was riding from his quarters to the place in Fallujah where he was training Iraqi troops when his vehicle hit an improvised explosive device. He was taken into surgery, but he died from his injuries. The Marines awarded him a posthumous promotion from major to lieutenant colonel.

Newspapers in Seattle, where Hall had lived, printed an e-mail the fallen fighter had sent his family two days before his death.

"I am sure the first question in each of your minds is my safety, and I am happy to tell you that I'm safe and doing well," he wrote, giving his family a hopeful picture of events in Iraq. "I know most of what you hear on the news about Iraq is not usually good news and that so many are dying over here," the e-mail said. "That is true to an extent but it does not paint the total picture, and violence is not everywhere throughout the country. So please don't associate what you see on the news with all of Iraq. "Love you and miss you," he wrote. "I'll write again soon."

Except, of course, that he didn't. And yesterday, his family walked slowly behind the horse-drawn caisson to section 60. In the front row of mourners, one young girl trudged along, clinging to a grown-up's hand; another child found a ride on an adult's shoulders.

It was a moving scene—and one the Pentagon shouldn't try to hide from the American public.

REAL HEALTH CARE SOLUTIONS FOR AMERICAN FAMILIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY) for 5 minutes.

Mr. BOUSTANY. Thank you, Mr. Speaker.

Mr. Speaker, Americans remain frustrated with the cost of health care. As costs rise, fears grow that they'll lose coverage and even fall into bankruptcy. Americans face this anxiety every day. But it doesn't need to be that way. We can give all American families confidence in a health care system.

Americans deserve more affordable and more widely available health care. Americans deserve real access to health care, not just health care coverage that doesn't lead to access but real access to health care. That's why we must modernize our health care system and learn from other sectors of the economy where competition has driven down costs, particularly in the insurance arena, so that we can drive down those premium costs and make it more affordable for all American families.

When addressing health care, Washington fails to put the needs of the patient first. I know this as a physician. I was in private practice for 14 years and saw how policies really drove a wedge between the patient and their doctor.

Patients want personal, quality, high-value health care. That's what we all want. That's going to be the way that we get true quality in health care. We must focus on what patients most want and need: prevention, early detection, early diagnosis, control of chronic illnesses, enhancing the quality of life, and wellness programs.

I know as a physician that trying to get a patient to quit smoking takes a lot of work. Simple television commercials and public service announcements, while they help, won't do the job. But if you have a doctor-patient relationship where the doctor knows the patient and that trust develops and a doctor supports the patient in their effort to quit smoking, it's much more likely to be successful.

The same thing with dietary measures. These are the kinds of things that we need to do that will help reduce the cost of health care and will help make Americans more healthy. These are the kinds of solutions that will help Americans stay out of hospitals and avoid other expensive institutional forms of treatment.

Just yesterday, my colleagues and I across the aisle debated these very issues at the Cincinnati Children's Hospital. It was a great debate. But let me say that Republicans focused on strengthening the doctor-patient relationship that is fundamental to good quality health care. As I said before, we can't expect good quality health care to come about without this fundamental relationship between a doctor and a patient.

We think back to the old days, of Marcus Welby and how a physician portrayed as Marcus Welby on television had that relationship with the patient and their family. We think back to Norman Rockwell paintings that depict this type of relationship that patients had with the doctor, of mutual trust that focused not just on sickness but on health, not just on the disease process but how the disease affected the entire patient's well-being and their family circumstances.

These are the things that we as Republicans want to focus on as we try to introduce information technology into health care, a wide range of choices for families to pick a good health care policy that meets their specific needs, not somebody else picking what they need, let families pick what they need and put families back in control of their health care destiny.

Our opponents on the other side of the aisle have suggested a one-size-fits-all program, something like you see in Canada or in England where there are waiting lists for care. I know as a physician that when I was in Rochester, New York, we had patients who were being told they couldn't have heart surgery for 18 months and they were coming across the border into the U.S. to have their heart surgery done. A friend of mine who is a heart surgeon in England was told 6 months into the year that he couldn't do any more heart surgery and when he attempted to do so, his superiors threatened to fire him. Think of the patients that suffered because of this type of rationing of care. That's not what Americans want. Americans want a health care system that provides access and that's affordable and available.

I know, I think everyone knows, that Americans deserve better than what we're getting, and I know and I'm very confident that we can make it better if we adhere to those principles I outlined earlier, of information and choice and patient and family control. We can create a health care system that meets patients' needs and allays Americans' anxieties, a health care system that gives all of us confidence that our health care needs will be taken care of. And we can do this by putting in place new policies that respond to consumer needs, individual needs, and the demands for more available and affordable health insurance and for more control over our health care decisions. That's what we all want. We want a health care system that provides real access to care, not just coverage on paper. There are far too many examples of where folks have coverage but not real access. We want access.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 2 p.m.

PRAYER

Dr. William Lloyd Birch, retired Baptist minister, Florence, South Carolina, offered the following prayer:

We are so grateful for the blessings You have given to us. But the blessings of the past will not suffice for the needs of today. We know that if we commit ourselves to You, You will help us to focus on the needs of our Nation.

We confess that so often we fall short of the expectations You have for us. We are tempted and so often we succumb to these temptations. We put ourselves before others. We fail to show our brothers and sisters the love that You want us to demonstrate by the quality of our lives.

As we face this day, help us to be honest, unselfish, compassionate people. What have we gained if we obtain success in the eyes of the world and yet lose the sense of Your presence and Your will among us?

May Your kingdom come. May Your will be done. We pray in the name of our Lord, the God of our Nation.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. CLYBURN) come forward and lead the House in the Pledge of Allegiance.

Mr. CLYBURN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

> S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

WELCOMING DR. WILLIAM LLOYD BIRCH

(Mr. CLYBURN asked and was given permission to address the House for 1 minute.)

Mr. CLYBURN. Mr. Speaker, it is indeed a pleasure for me to welcome and thank the gentleman and scholar who provided us with today's invocation. Dr. William Lloyd Birch hails from my congressional district. He is an ordained minister in Florence, South Carolina.

Over his illustrious ministerial career, Dr. Birch has served as interim pastor in more than 42 churches. Dr. Birch is the founder of the Sociology Department at Francis Marion University, and chaired it for over 30 years. Prior to his retirement, Dr. Birch was a family therapist, and chaired the South Carolina Board of Licensing.

Dr. Birch is known by many in the Pee Dee area of South Carolina as their professor, as the minister who baptized their children or performed their son's or daughter's weddings, as the interim pastor at their church, or as the counselor who guided them through a family crisis.

Many have also seen him riding his horses, fox hunting or playing the bluegrass music he loves. Many of us are grateful for his work throughout the Pee Dee communities in South Carolina.

He is joined here today by his wife of 57 years, Jean, and I thank both of them for their daughter Lindy's work in my office on behalf of the people of South Carolina and the Nation.

BLACKBERRY CAPER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, last week, President Bush and President Calderon of Mexico met in New Orleans to discuss mutual concerns of both nations, such as trade. Electronic devices by staff are not permitted in these meetings, and are left on a table outside the room.

After the high level talks concluded, a senior official with Mexico, Rafael Curiel, was caught on video grabbing seven White House BlackBerrys off the outside table. He was nabbed with the booty by the Secret Service at the airport as he was about to make good his getaway.

He gave numerous contradictory accounts about why he had the White House BlackBerrys. Then he said he was innocent. When all else failed, he claimed diplomatic immunity, and left the United States for Mexico.

Mr. Speaker, Rafael Curiel is just misunderstood. Obviously, when the White House discussion centered around free trade with the two countries, Curiel took the phrase "free trade" literally and did a little free trading on his own with those American BlackBerrys.

Mexico has since fired the free trader.

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 29, 2008, at 10:36 a.m.:

That the Senate passed S. 2829.

That the Senate agreed to S. Con. Res. 74.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 28, 2008, at 3:21 p.m.:

That the Senate passed without amendment H.R. 4286.

That the Senate agreed to without amendment H. Con. Res. 322.

That the Senate requests the return of the papers H.R. 493.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE PHIL GINGREY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Janet Byington, District Director, the Honorable PHIL GINGREY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for testimony issued by the Superior Court of Floyd County, Georgia.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House.

Sincerely,

JANET BYINGTON,
District Director,
Congressman Phil Gingrey.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

MASHANTUCKET PEQUOT (WESTERN) TRIBE LEASE EXTENSIONS

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2457) to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSIONS OF LEASES OF CERTAIN LAND BY MASHANTUCKET PEQUOT (WESTERN) TRIBE.

(a) IN GENERAL.—Any lease of restricted land of the Mashantucket Pequot (Western) Tribe (referred to in this section as the "Tribe") entered into on behalf of the Tribe by the tribal corporation of the Tribe chartered pursuant to section 17 of the Act of June 18, 1934 (25 U.S.C. 477), may include an option to renew the lease for not more than 2 additional terms, each of which shall not exceed 25 years, subject only to the approval of the tribal council of the Tribe.

(b) LIABILITY OF UNITED STATES.—The United States shall not be liable to any party for any loss resulting from a renewal of a lease entered into pursuant to subsection (a).

(c) PROHIBITION ON GAMING ACTIVITIES.—No entity may conduct any gaming activity (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) pursuant to a claim of inherent authority or any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission pursuant to that Act) on any land that is leased with an option to renew the lease in accordance with this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

Existing Federal law allows tribal corporations to lease tribal land for a term of 25 years. However, there are instances where the Congress has provided the authority for a tribal corporation to engage in even longer terms.

The pending measure would give the Mashantucket Pequot Tribe of Connecticut the ability to lease its lands for not more than two additional terms of up to 25 years each, for a total of 75 years, in an effort to assist this tribe, expand its economy and assist its members.

Furthermore, it prohibits any entity from conducting gaming activity on any land that is leased with an option to renew under this act.

I would note that this measure passed the other body by unanimous consent. And I would commend our colleague from Connecticut (Mr. LARSON) for his leadership and championing this measure in the House.

I urge its passage and I reserve the balance of my time, Mr. Speaker.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Senate bill 2457 provides for extensions of leases of certain land by the Mashantucket Pequot Tribe of Connecticut. The leased land is for nongaming commercial purposes. I urge support of this legislation as does the administration.

I have no additional speakers. Therefore, I yield back the balance of my time.

Mr. RAHALL. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S. 2457.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

JICARILLA APACHE RESERVATION CONVEYANCE

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3522) to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this act, the following definitions apply:

(1) JICARILLA APACHE NATION.—The term "Jicarilla Apache Nation" means the Jicarilla Apache Nation, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; popularly known as the Indian Reorganization Act).

(2) 1988 RESERVATION ADDITION.—The term "1988 Reservation Addition" means those lands, known locally as the Theis Ranch, that are described in the Federal Register published on September 26, 1988 at 53 F.R. 37355-56 and were added to the Jicarilla Apache Reservation in New Mexico in 1988.

(3) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the agreement executed by the President of the Jicarilla Apache Nation on May 6, 2003 and executed by the Chairman of the Rio Arriba Board of County Commissioners on May 15, 2003 and approved by the Department of the Interior on June 18, 2003 to settle the Lawsuit.

(4) LAWSUIT.—The term "Lawsuit" means the case identified as Jicarilla Apache Tribe v. Board of County Commissioners, County of Rio Arriba, No. RA 87-2225(C), State of New Mexico District Court, First Judicial District, filed in October 1987.

(5) RIO ARRIBA COUNTY.—The term "Rio Arriba County" means the political subdivision of the state of New Mexico described in Section 4-21-1 and Section 4-21-2, New Mexico Statutes Annotated 1978 (Original Pamphlet).

(6) SETTLEMENT LANDS.—The term "Settlement Lands" means Tract A and Tract B as described in the plat of the "Dependent Resurvey and Survey of Tract within Theis Ranch" within the Tierra Amarilla Grant, New Mexico prepared by Leo P. Kelley, Cadastral Surveyor, United States Department of the Interior, Bureau of Land Management, dated January 7, 2004, and recorded in the office of the Rio Arriba County Clerk on March 8, 2004, in Cabinet C-1, Page 199, Document No. 242411, consisting of 70.75 acres more or less. Title to the Settlement Lands is held by the United States in trust for the Jicarilla Apache Nation.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) DISPUTED COUNTY ROAD.—The term "Disputed County Road" means the county road passing through the 1988 Reservation Addition along the course identified in the judgment entered by the New Mexico District Court in the Lawsuit on December 10, 2001 and the decision entered on December 11, 2001, which judgment and decision have been appealed to the New Mexico Court of Appeals.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Lawsuit is now pending before the Court of Appeals of the State of New Mexico and involves a claim that a county road passing through the 1988 Reservation Addition had been established by prescription prior to acquisition of the land by the Jicarilla Apache Nation in 1985.

(2) The parties to that lawsuit, the Jicarilla Apache Nation and the County of Rio Arriba, have executed a Settlement Agreement, approved by the Secretary of the Interior, to resolve all claims relating to the disputed county road, which agreement requires ratifying legislation by the Congress of the United States.

(3) The parties to the Settlement Agreement desire to settle the claims relating to the disputed county road on the terms agreed to by the parties, and it is in the best interests of the parties to resolve the claims through the Settlement Agreement and this implementing legislation.

SEC. 3. CONDITION ON EFFECT OF SECTION.

(a) IN GENERAL.—Section 4 of this Act shall not take effect until the Secretary finds the following events have occurred:

(1) The Board of Commissioners of Rio Arriba County has enacted a resolution permanently abandoning the disputed county road and has submitted a copy of that resolution to the Secretary.

(2) The Jicarilla Apache Nation has executed a quitclaim deed to Rio Arriba County for the Settlement Lands subject to the exceptions identified in the Settlement Agreement and has submitted a copy of the quitclaim deed to the Secretary.

(b) PUBLICATION OF FINDINGS.—If the Secretary finds that the conditions set forth in subsection (a) have occurred, the Secretary shall publish such findings in the Federal Register.

SEC. 4. RATIFICATION OF CONVEYANCE; ISSUANCE OF PATENT.

(a) CONDITIONAL RATIFICATION AND APPROVAL.—This Act ratifies and approves the Jicarilla Apache Nation's quitclaim deed for the Settlement Lands to Rio Arriba County, but such ratification and approval shall be effective only upon satisfaction of all conditions in section 3, and only as of the date that the Secretary's findings are published in the Federal Register pursuant to section 3.

(b) PATENT.—Following publication of the notice described in section 3, the Secretary shall issue to Rio Arriba County a patent for the Settlement Lands, subject to the exceptions and restrictive covenants described subsection (c).

(c) CONDITIONS OF PATENT.—The patent to be issued by the Secretary under subsection (b) shall be subject to all valid existing rights of third parties, including but not limited to easements of record, and shall include the following perpetual restrictive covenant running with the Settlement Lands for the benefit of the lands comprising the Jicarilla Apache Reservation adjacent to the Settlement Lands: "Tract A shall be used only for governmental purposes and shall not be used for a prison, jail or other facility for incarcerating persons accused or convicted of a crime. For purposes of this restrictive covenant," governmental purposes "shall include the provision of governmental services to the public by Rio Arriba County and the development and operation of private businesses to the extent permitted by applicable State law.".

SEC. 5. BOUNDARY CHANGE.

Upon issuance of the patent authorized by section 4, the lands conveyed to Rio Arriba County in the patent shall cease to be a part of the Jicarilla Apache Reservation and the exterior boundary of the Jicarilla Apache Reservation shall be deemed relocated accordingly.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

Passage of the pending measure will resolve a longstanding dispute between the Jicarilla Apache Nation and the county of Rio Arriba in New Mexico over a disputed road. The tribe and the county have agreed to a settlement which requires the approval of Congress in order to become effective.

Under this settlement agreement, the tribe will transfer 70.5 acres of land located within its expanded 1988 reservation to the county. In exchange, the county will abandon any and all claims to the disputed road.

I would like to commend our colleague from New Mexico for his super leadership and determination, Mr. TOM UDALL, for bringing this bill before us today.

Some of the more difficult and contentious issues that we deal with are those of property lines and jurisdictions of towns, private landowners and Indian tribes. Mr. UDALL has never shied away from such matters when they affect the Indian tribes of New Mexico, and I commend him. I urge my colleagues to support its passage.

□ 1415

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3522 implements a settlement agreement worked out by the tribe and Rio Arriba County. As a result, the parties resolve a long-lasting litigation by conveying tribal lands to the county for transportation purposes.

I support the settlement along with the administration. I urge my colleagues to do the same thing.

We have no additional speakers, and I yield back the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, today the House will take one of the final steps in securing a long overdue resolution to a dispute between the Jicarilla Apache Nation and Rio Arriba County in the State of New Mexico. After 20 years of negotiation and effort, I am pleased that the House is moving this bill forward.

In September of 1988, a parcel of land formerly referred to as the Theis Ranch became part of the Jicarilla Nation Reservation. Since that land transfer, there has been continued dispute between the Jicarilla Nation and the County of Rio Arriba over the ownership of a particular road on this land.

A lawsuit was filed in October of 1987 to determine the ownership status of the disputed road. In the original lawsuit, Rio Arriba County sought to establish that the County acquired the disputed road by prescription and, therefore, that the County was the road's rightful owner. However, the Jicarilla Nation contended that the Nation owned the road because the road was, and continues to be, within the boundaries of the expanded 1988 Jicarilla reservation. On December 10, 2001, the District Court found in favor of the Jicarilla Nation, determining that the disputed road traversed the Jicarilla reservation in several locations. Rio Arriba County appealed the District Court decision, and the appeal is currently pending before the Court of Appeals of the State of New Mexico.

In an effort to settle the road dispute amicably, the Jicarilla Nation and Rio Arriba County entered into mediation, and the parties successfully reached a settlement. Representatives of the Secretary of the Interior approved the settlement on June 18, 2003. The settlement agreement, which would be implemented by this legislation, provides that the Jicarilla Nation will transfer approximately 70.5 acres of land located with the expanded 1988 Jicarilla reservation to Rio Arriba County. In exchange for the Jicarilla Nation's land conveyance, Rio Arriba County agreed to permanently abandon any and all claims to the disputed road. The settlement also provides that the terms of the agreement do not take effect until all parties complete their respective promises in the agreement and the United States, pursuant to federal law, approves of the conveyance of this particular Jicarilla trust land to Rio Arriba County.

I commend both parties and the Secretary of the Interior for having already executed the terms agreed to within the settlement agreement. All that stands between the parties to this dispute and long overdue resolution is Congressional approval.

The legislation we are voting on today upholds Congress' trust responsibility to the Jicarilla Nation by placing restrictive covenants on the trust land transferred to the County. As a result of the transferred land's proximity to the reservation, certain uses of the transferred land would have a detrimental effect on the remaining reservation. Therefore, this legislation allows the County to use the land only for "governmental purposes" and specifically prohibits the County from using the land for prisons, jails, or other incarcerated persons, and other purposes.

In the 109th Congress, this bill received broad support and passed the House by voice vote. Unfortunately, the bill was then held up in the Senate, but the provisions that raised minor objections have been resolved and I expect bicameral support and passage of this long overdue legislation.

The Jicarilla Nation and Rio Arriba County have done their part; they have found a fair solution. Today, the House will do its part. I urge my colleagues to support passage of this important legislation. Both the Nation and the County have waited years for this agreement to be implemented.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3522.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TUOLUMNE ME-WUK LAND TRANSFER ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3490) to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tuolumne Me-Wuk Land Transfer Act of 2008".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, California (referred to in this Act as the "Tribe"), is a federally recognized Indian tribe;

(2) 3 tracts of Federal lands managed by the Bureau of Land Management are adjacent to the Tuolumne Rancheria of California, a federally recognized Indian Reservation held in trust for the benefit of the Tribe;

(3) one such tract is a cemetery within which are buried the remains of ancestors of the Tribe and other Indians;

(4) another such tract is needed for use by the Tribe for a cultural center and other public uses of the Tribe;

(5) the remaining tract is needed for use by the Tribe for agricultural, housing, and open space needs;

(6) none of the foregoing 3 tracts are to be used by the Tribe for gaming purposes;

(7) certain parcels of lands adjacent to the Tuolumne Rancheria were taken into trust for the benefit of the Tribe; and

(8) 2 parcels of fee lands owned by the Tribe and adjacent to the Tuolumne Rancheria, commonly referred to as the "Thomas and Coenenburg properties", have been approved and are pending transfer into trust status by the Bureau of Indian Affairs for the benefit of the Tribe.

SEC. 3. LANDS TO BE TAKEN INTO TRUST.

(a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), immediately after the Secretary of the Interior has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of those Federal lands, the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act of 2000 (title IX, Public Law 106–568; 114 Stat. 2868, 2921).

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act of 2000.

(b) FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) TRUST LANDS DESCRIBED.—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, this measure introduced by our colleague from California, GEORGE RADANOVICH, would transfer approximately 66 acres of land from the Bureau of Land Management to the Bureau of Indian Affairs.

This land would be held in trust for the Tuolumne band of Me-Wuk Indians of the Tuolumne Rancheria. The BLM land is adjacent to land held in trust for the tribe or that is owned in fee by the tribe. Included on this land is a cemetery where the tribe has historically buried its ancestors.

Other areas of this land would be used for a cultural center, agricultural activities, housing, and open-space needs. The legislation prohibits these lands from being used for gaming.

In addition, approximately 357 acres of land which the tribe already owns would be deemed to be within the tribe's reservation boundaries.

Essentially, the purpose of this legislation is to make this tribe whole.

I urge my colleagues to support the measure.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3490 takes 66 acres of Federal land into trust for the tribe's existing reservation for non-gaming purposes. In addition, it deems three tracts of adjacent land part of the tribe's reservation in the Sierra Nevada. The tribe will use the lands to alleviate overcrowded housing, to build a cultural center, for agriculture, and for open space. They will also continue to use the land as a cemetery.

Congressman RADANOVICH should be commended for his work on this bill, and I urge my colleagues to join the administration in support of this particular piece of legislation.

I yield back my time.

Mr. RADANOVICH. Mr. Speaker, thank you for the opportunity to express my support for H.R. 3490, the Tuolumne Me-Wuk Land Transfer Act of 2007. H.R. 3490 was considered and approved by the House of Representatives. This bill provides for the transfer of three small parcels of land from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the benefit of the Tuolumne Me-Wuk Tribe located in Tuolumne, California.

I introduced this bill on behalf of the Tuolumne Me-Wuk, a federally recognized tribe in my district. In addition to providing for the land transfer, H.R. 3490 also extends the boundaries of the Tuolumne Me-Wuk Reservation to encompass the BLM lands and other certain lands that have either been taken into trust for the Tribe, or that the federal government has announced plans to take into trust for the Tribe.

The lands to be transferred are located in close proximity to the existing Tuolumne Me-Wuk Reservation. They include a small parcel which contains an active tribal burial ground, a parcel originally intended as an inter-tribal health facility that was never built, and a third parcel located near the first two. These lands will be available to meet the needs of tribal housing, along with cultural and infrastructure improvements. Furthermore, the Tuolumne Me-Wuk burial ground deserves to be properly maintained and preserved by the Tribe. None of these lands are to be used for tribal gaming.

The Bureau of Land Management expressed support for this land transfer in the Natural Resources Committee hearing earlier this month and has listed the parcels as available for disposal. In addition, there is local support for this non-controversial land transfer from the community and the Tuolumne County Board of Supervisors.

I thank my colleagues for recognizing the benefits of this legislation and unanimously supporting the Tuolumne Me-Wuk Land Transfer Act of 2007. Furthermore, I look forward to working with my colleagues in the Senate to continue the movement of this important legislation.

Mr. RAHALL. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3490, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHIEF STANDING BEAR

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1043) honoring the life and legacy of Chief Standing Bear, a pioneer in civil rights for Native Americans, on the 100th anniversary of Chief Standing Bear's death.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1043

Whereas Chief Standing Bear was born on Ponca land in what is now Nebraska;

Whereas Chief Standing Bear became chief of the Ponca Tribe at a young age because of his leadership abilities;

Whereas, in 1878, Chief Standing Bear and the Ponca Tribe were forced by a Federal treaty to leave their home for Indian Territory in what is now Oklahoma;

Whereas the hardship of travel, illness, and the inhospitable conditions of Indian Territory caused many members of the tribe to perish including Chief Standing Bear's son;

Whereas Chief Standing Bear, determined to bury his son in his homeland, led 30 members of his tribe back to their home in Nebraska;

Whereas Chief Standing Bear and the 30 members of his tribe were arrested by the Department of the Interior upon their return;

Whereas Chief Standing Bear enlisted the help of Thomas Tibbles of the predecessor to the Omaha World-Herald and 2 attorneys to petition the Federal court to rule on the Ponca Tribe's treatment by the Government;

Whereas, in 1879, the case came before Judge Elmer Dundy;

Whereas Chief Standing Bear, at the conclusion of the court proceedings, extended his hand as he took the oath and said, "That hand is not the color of yours, but if I pierce it, I shall feel pain. If you pierce your hand, you also feel pain. The blood that will flow from mine will be the same color as yours. I am a man. God made us both";

Whereas as Judge Dundy ultimately ruled that Native Americans were citizens with all of the rights and freedoms guaranteed by the Constitution;

Whereas the Ponca won their freedom and eventually were able to return to their home in Nebraska;

Whereas Chief Standing Bear would spend the next 4 years touring the Eastern United States promoting Native American rights;

Whereas Chief Standing Bear demonstrated the highest level of courage and determination;

Whereas Chief Standing Bear made a vital contribution to civil rights for Native Americans; and

Whereas 2008 is the 100th anniversary of Chief Standing Bear's death: Now, therefore, be it

Resolved, That the House of Representatives honors the life, legacy, and contributions to civil rights of Chief Standing Bear.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Chief Standing Bear, a member of the Ponca Tribe of Nebraska, stood against the grains of injustice in the name of his people. His valuable and historic contributions as a Native American leader would be further honored on the 100th anniversary of his death through this resolution.

I would like to commend our colleague from Nebraska (Mr. FORTENBERRY) for sponsoring this resolution that is before us today.

I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

H.Res. 1043 honors the life and legacy of Chief Standing Bear, a pioneer in civil rights for Native Americans. This resolution also commemorates the 100th anniversary of his death, and I ask my colleagues to join me in honoring Chief Standing Bear.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield as much time as he may consume to the gentleman from Nebraska, the sponsor of this bill, the author of this bill, Mr. FORTENBERRY.

Mr. FORTENBERRY. Mr. Speaker, I would like to begin by thanking the gentleman from West Virginia (Mr. RAHALL) for his assistance in bringing this important resolution to the floor, as well as the distinguished gentleman from Alaska (Mr. YOUNG) for his assistance as well.

Mr. Speaker, I rise in support of this resolution, a measure I introduced earlier this year to honor the life and legacy of Chief Standing Bear. His plea for justice and human decency challenged the heart of our Nation, yet his poignant story as one of America's earliest civil rights leaders remains largely unknown.

2008 is the 100th anniversary of Chief Standing Bear's death. It is fitting that we honor this anniversary, that generations of Americans will know his life and his legacy.

Standing Bear was born in the Niobrara River Valley, in what is now Nebraska, in 1834. An individual of exceptional talent and ability, he became chief of the Ponca Tribe at a young age. In 1877, the Ponca people were forced by treaty to relocate from their home in Nebraska to the Indian territory of Oklahoma. The hardship of this 500-mile journey on foot, illnesses, as well as the harsh living conditions in Oklahoma, caused the death of many members of the tribe, including Chief Standing Bear's son.

Committed to a promise he made to his son to return him to their Niobrara homeland for burial, Chief Standing Bear left for Nebraska with all who would follow him. Upon their return, the Chief and 30 of his fellow Ponca Tribe members were arrested by the Department of Interior in Omaha.

With the assistance of Omaha attorneys, John Webster and A.J. Poppleton, and frontier newsman, Thomas Tibbles, who worked for the predecessor to our current newspaper in Omaha, the Omaha World-Herald, Chief Standing Bear petitioned the Federal courts for relief from the unjust Federal treatment of the Ponca Tribe.

In 1879, the case came before U.S. District Court Judge Elmer Dundy. At the conclusion of his testimony, Chief Standing Bear raised his hand and he spoke these words: "That hand is not the color of yours," he said. "But if I pierce it, I shall feel pain. If you pierce your hand, you will also feel pain. The blood that will flow from mine will be the same color as yours. I am a man. God made us both."

The wisdom and dignity in Standing Bear's words were not lost on Judge Dundy who ruled that Native Americans are, in fact, citizens endowed with all of the rights and all of the freedoms guaranteed by the United States Constitution. Through the steadfast efforts of Chief Standing Bear and caring Nebraskans, the Ponca won their freedom and the right to return to their Nebraska homeland on the Niobrara where Chief Standing Bear declared, "Here we will live, and here we will die."

Chief Standing Bear would spend the next 4 years touring the United States advocating for Native Americans' civil rights and inspiring a generation. Then he returned to his home near the mouth of Niobrara, farmed his land, and died there a quarter century later in 1908.

Mr. Speaker, the courage and determination of Chief Standing Bear have earned him a place in our civil rights history. His example is an inspiration for all those engaged in the advancement of civil rights, of human rights.

I want to thank all of my colleagues in the House who have been supportive of bringing this resolution to the floor so that we can rightly honor this great man, Chief Standing Bear.

Mr. RAHALL. Mr. Speaker, I have no further requests for time. I am prepared to yield back.

Mr. BISHOP of Utah. I yield back my time.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in honor of one of our nation's greatest advocates for Native Americans, Chief Standing Bear.

I have long said a leader does not make people do the right thing—a leader inspires them to do the right thing.

Chief Standing Bear was such a leader.

Born in Nebraska, the Ponca Chief and his tribe were forcibly moved to Oklahoma. In 1879, Chief Standing Bear was arrested and put on trial for leaving Indian Territory to bury his son in their ancestral home.

After a two-day trial, a federal judge recognized Standing Bear as human under the law and freed him, a landmark decision securing constitutional rights for all Native Americans.

I am proud to cosponsor H. Res. 1043, honoring Chief Standing Bear's life, legacy, and contributions to civil rights.

Mr. RAHALL. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 1043.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONSOLIDATED NATURAL RESOURCES ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consolidated Natural Resources Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREST SERVICE AUTHORIZATIONS

Sec. 101. Wild Sky Wilderness.
Sec. 102. Designation of national recreational trail, Willamette National Forest, Oregon, in honor of Jim Weaver, a former Member of the House of Representatives.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Sec. 201. Piedras Blancas Historic Light Station.
Sec. 202. Jupiter Inlet Lighthouse Outstanding Natural Area.
Sec. 203. Nevada National Guard land conveyance, Clark County, Nevada.

TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Cooperative Agreements

Sec. 301. Cooperative agreements for national park natural resource protection.

Subtitle B—Boundary Adjustments and Authorizations

Sec. 311. Carl Sandburg Home National Historic Site boundary adjustment.

Sec. 312. Lowell National Historical Park boundary adjustment.
Sec. 313. Minidoka National Historic Site.
Sec. 314. Acadia National Park improvement.

Subtitle C—Studies

Sec. 321. National Park System special resource study, Newtonia Civil War Battlefields, Missouri.
Sec. 322. National Park Service study regarding the Soldiers' Memorial Military Museum.
Sec. 323. Wolf House study.
Sec. 324. Space Shuttle Columbia study.
Sec. 325. César E. Chávez study.
Sec. 326. Taunton, Massachusetts, special resource study.
Sec. 327. Rim of the Valley Corridor study.

Subtitle D—Memorials, Commissions, and Museums

Sec. 331. Commemorative work to honor Brigadier General Francis Marion and his family.
Sec. 332. Dwight D. Eisenhower Memorial Commission.
Sec. 333. Commission to Study the Potential Creation of a National Museum of the American Latino.
Sec. 334. Hudson-Fulton-Champlain Quadricentennial Commemoration Commission.
Sec. 335. Sense of Congress regarding the designation of the Museum of the American Quilter's Society of the United States.
Sec. 336. Sense of Congress regarding the designation of the National Museum of Wildlife Art of the United States.
Sec. 337. Redesignation of Ellis Island Library.

Subtitle E—Trails and Rivers

Sec. 341. Authorization and administration of Star-Spangled Banner National Historic Trail.
Sec. 342. Land conveyance, Lewis and Clark National Historic Trail, Nebraska.
Sec. 343. Lewis and Clark National Historic Trail extension.
Sec. 344. Wild and scenic River designation, Eightmile River, Connecticut.

Subtitle F—Denali National Park and Alaska Railroad Exchange

Sec. 351. Denali National Park and Alaska Railroad Corporation exchange.

Subtitle G—National Underground Railroad Network to Freedom Amendments

Sec. 361. Authorizing appropriations for specific purposes.

Subtitle H—Grand Canyon Subcontractors

Sec. 371. Definitions.
Sec. 372. Authorization.

TITLE IV—NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. Designation of the Journey Through Hallowed Ground National Heritage Area.
Sec. 404. Management plan.
Sec. 405. Evaluation; report.
Sec. 406. Local coordinating entity.
Sec. 407. Relationship to other Federal agencies.
Sec. 408. Private property and regulatory protections.
Sec. 409. Authorization of appropriations.
Sec. 410. Use of Federal funds from other sources.
Sec. 411. Sunset for grants and other assistance.

Subtitle B—Niagara Falls National Heritage Area

Sec. 421. Purposes.
Sec. 422. Definitions.
Sec. 423. Designation of the Niagara Falls National Heritage Area.
Sec. 424. Management plan.
Sec. 425. Evaluation; report.
Sec. 426. Local coordinating entity.
Sec. 427. Niagara Falls Heritage Area Commission.
Sec. 428. Relationship to other Federal agencies.
Sec. 429. Private property and regulatory protections.
Sec. 430. Authorization of appropriations.
Sec. 431. Use of Federal funds from other sources.
Sec. 432. Sunset for grants and other assistance.

Subtitle C—Abraham Lincoln National Heritage Area

Sec. 441. Purposes.
Sec. 442. Definitions.
Sec. 443. Designation of Abraham Lincoln National Heritage Area.
Sec. 444. Management plan.
Sec. 445. Evaluation; report.
Sec. 446. Local coordinating entity.
Sec. 447. Relationship to other Federal agencies.
Sec. 448. Private property and regulatory protections.
Sec. 449. Authorization of appropriations.
Sec. 450. Use of Federal funds from other sources.
Sec. 451. Sunset for grants and other assistance.

Subtitle D—Authorization Extensions and Viability Studies

Sec. 461. Extensions of authorized appropriations.
Sec. 462. Evaluation and report.

Subtitle E—Technical Corrections and Additions

Sec. 471. National Coal Heritage Area technical corrections.
Sec. 472. Rivers of Steel National Heritage Area addition.
Sec. 473. South Carolina National Heritage Corridor addition.
Sec. 474. Ohio and Erie Canal National Heritage Corridor technical corrections.
Sec. 475. New Jersey Coastal Heritage trail route extension of authorization.

Subtitle F—Studies

Sec. 481. Columbia-Pacific National Heritage Area study.
Sec. 482. Study of sites relating to Abraham Lincoln in Kentucky.

TITLE V—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

Sec. 501. Alaska water resources study.
Sec. 502. Renegotiation of payment schedule, Redwood Valley County Water District.
Sec. 503. American River Pump Station Project transfer.
Sec. 504. Arthur V. Watkins Dam enlargement.
Sec. 505. New Mexico water planning assistance.
Sec. 506. Conveyance of certain buildings and lands of the Yakima Project, Washington.
Sec. 507. Conjunctive use of surface and groundwater in Juab County, Utah.
Sec. 508. Early repayment of A & B Irrigation District construction costs.
Sec. 509. Oregon water resources.
Sec. 510. Republican River Basin feasibility study.
Sec. 511. Eastern Municipal Water District.
Sec. 512. Bay Area regional water recycling program.
Sec. 513. Bureau of Reclamation site security.
Sec. 514. More water, more energy, and less waste.
Sec. 515. Platte River Recovery Implementation Program and Pathfinder Modification Project authorization.
Sec. 516. Central Oklahoma Master Conservatory District feasibility study.

TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

Sec. 601. Energy technology transfer.
Sec. 602. Amendments to the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

TITLE VII—NORTHERN MARIANA ISLANDS

Subtitle A—Immigration, Security, and Labor

Sec. 701. Statement of congressional intent.
Sec. 702. Immigration reform for the Commonwealth.
Sec. 703. Further amendments to Public Law 94-241.
Sec. 704. Authorization of appropriations.
Sec. 705. Effective date.

Subtitle B—Northern Mariana Islands Delegate

Sec. 711. Delegate to House of Representatives from Commonwealth of the Northern Mariana Islands.
Sec. 712. Election of Delegate.
Sec. 713. Qualifications for Office of Delegate.
Sec. 714. Determination of election procedure.
Sec. 715. Compensation, privileges, and immunities.
Sec. 716. Lack of effect on covenant.
Sec. 717. Definition.
Sec. 718. Conforming amendments regarding appointments to military service academies by Delegate from the Commonwealth of the Northern Mariana Islands.

TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

Sec. 801. Approval of Agreements.
Sec. 802. Funds to facilitate Federal activities.
Sec. 803. Conforming amendment.
Sec. 804. Clarifications regarding Palau.
Sec. 805. Availability of legal services.
Sec. 806. Technical amendments.
Sec. 807. Transmission of videotape programming.
Sec. 808. Palau road maintenance.
Sec. 809. Clarification of tax-free status of trust funds.
Sec. 810. Transfer of naval vessels to certain foreign recipients.

TITLE I—FOREST SERVICE AUTHORIZATIONS

SEC. 101. WILD SKY WILDERNESS.

(a) ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled "Wild Sky

Wilderness Proposal'' and dated February 6, 2007, which shall be known as the "Wild Sky Wilderness''.

(2) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this section with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The map and description shall have the same force and effect as if included in this section, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) ADMINISTRATION PROVISIONS.—

(1) IN GENERAL.—

(A) Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that, with respect to any wilderness areas designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(B) To fulfill the purposes of this section and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this section as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

(2) NEW TRAILS.—

(A) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to develop—

(i) a system of hiking and equestrian trails within the wilderness designated by this section in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) a system of trails adjacent to or to provide access to the wilderness designated by this section.

(B) Within 2 years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this section. This report shall include the identification of priority trails for development.

(3) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

(4) FLOAT PLANE ACCESS.—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines to be desirable.

(5) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this section shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was occurring as of the date of enactment of this Act.

(c) AUTHORIZATION FOR LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as "Priority Acquisition Lands'' on the map described in subsection (a)(1). The boundaries of the Mt. Baker-Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(2) ACCESS.—Consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary of Agriculture shall ensure adequate access to private inholdings within the Wild Sky Wilderness.

(3) APPRAISAL.—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this section.

(d) LAND EXCHANGES.—The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled "Chelan County Public Utility District Exchange'' and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within 90 days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of the date of enactment of this Act, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this section shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

SEC. 102. DESIGNATION OF NATIONAL RECREATIONAL TRAIL, WILLAMETTE NATIONAL FOREST, OREGON, IN HONOR OF JIM WEAVER, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) DESIGNATION.—Forest Service trail number 3590 in the Willamette National Forest in Lane County, Oregon, which is a 19.6 mile trail that begins and ends at North Waldo Campground and circumnavigates Waldo Lake, is hereby designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243) and shall be known as the "Jim Weaver Loop Trail''.

(b) INTERPRETIVE SIGN.—Using funds available for the Forest Service, the Secretary of Agriculture shall prepare, install, and maintain an appropriate sign at the trailhead of the Jim Weaver Loop Trail to indicate the name of the trail and to provide information regarding the life and career of Congressman Jim Weaver.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

SEC. 201. PIEDRAS BLANCAS HISTORIC LIGHT STATION.

(a) DEFINITIONS.—In this section:

(1) LIGHT STATION.—The term "Light Station'' means Piedras Blancas Light Station.

(2) OUTSTANDING NATURAL AREA.—The term "Outstanding Natural Area'' means the Piedras Blancas Historic Light Station Outstanding Natural Area established pursuant to subsection (c).

(3) PUBLIC LANDS.—The term "public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

(4) SECRETARY.—The term "Secretary'' means the Secretary of the Interior.

(b) FINDINGS.—Congress finds as follows:

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

(5) The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California.

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

(c) DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(2) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area as those shown on the map entitled "Piedras Blancas Historic Light Station: Outstanding Natural Area'', dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land

Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(3) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(4) WITHDRAWAL.—Subject to valid existing rights, and in accordance with the existing withdrawal as set forth in Public Land Order 7501 (Oct. 12, 2001, Vol. 66, No. 198, Federal Register 52149), the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(d) MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements of subsection (c)(3).

(2) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in subsection (c)(1).

(3) MANAGEMENT PLAN.—Not later than 3 years after of the date of enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in subsection (c)(1). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

(A) provisions designed to ensure the protection of the resources and values described in subsection (c)(1);

(B) objectives to restore the historic Light Station and ancillary buildings;

(C) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(D) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in paragraph (1) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(E) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(4) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(5) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in subsection (c)(1) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(6) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(7) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(8) OVERFLIGHTS.—Nothing in this section or the management plan shall be construed to—

(A) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(B) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(C) modify regulations governing low-level overflights above the adjacent Monterey Bay National Marine Sanctuary.

(9) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(10) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this subsection, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996 et seq.; commonly referred to as the "American Indian Religious Freedom Act").

(11) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this section can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 202. JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term "Lighthouse" means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term "Local Partners" includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under subsection (c)(1).

(5) MAP.—The term "map" means the map entitled "Jupiter Inlet Lighthouse Outstanding Natural Area" and dated October 29, 2007.

(6) OUTSTANDING NATURAL AREA.—The term "Outstanding Natural Area" means the Jupiter Inlet Lighthouse Outstanding Natural Area established by subsection (b)(1).

(7) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means the State of Florida.

(b) ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in paragraph (2) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(2) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(A) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(B) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights, subsection (e), and any existing withdrawals under the Executive orders and public land order described in subparagraph (B), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(B) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in subparagraph (A) are—

(i) the Executive Order dated October 22, 1854;

(ii) Executive Order No. 4254 (June 12, 1925); and

(iii) Public Land Order No. 7202 (61 Fed. Reg. 29758).

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(A) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(B) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(2) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(A) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, and other partners; and

(B) in a manner that ensures full public participation.

(3) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(4) INCLUSIONS.—The management plan shall include—

(A) objectives and provisions to ensure—

(i) the protection and conservation of the resource values of the Outstanding Natural Area; and

(ii) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(B) objectives and provisions to maintain or recreate historic structures;

(C) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(D) a proposal for administrative and public facilities to be developed or improved that—

(i) are compatible with achieving the resource objectives for the Outstanding Natural Area described in subsection (d)(1)(A)(ii); and

(ii) would accommodate visitors to the Outstanding Natural Area;

(E) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(F) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(5) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

(d) MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) MANAGEMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(i) as part of the National Landscape Conservation System;

(ii) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems; and

(iii) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws.

(B) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(2) USES.—Subject to valid existing rights and subsection (e), the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further the purposes for which the Outstanding Natural Area is established.

(3) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary may, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area.

(4) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in subsection (b)(2).

(5) ACQUISITION OF LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(i) adjacent to the Outstanding Natural Area; and

(ii) identified in the management plan as appropriate for acquisition.

(B) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under subparagraph (A) only by donation, exchange, or purchase from a willing seller with donated or appropriated funds.

(C) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under subparagraph (A) shall be added to, and administered as part of, the Outstanding Natural Area.

(6) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(A) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(B) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(C) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(7) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

(e) EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 203. NEVADA NATIONAL GUARD LAND CONVEYANCE, CLARK COUNTY, NEVADA.

(a) IN GENERAL.—Notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, to the Nevada Division of State Lands for use by the Nevada National Guard approximately 51 acres of land in Clark County, Nevada, as generally depicted on the map entitled "Southern Nevada Readiness Center Act" and dated October 4, 2005.

(b) LIMITATION.—If the land described in subsection (a) ceases to be used by the Nevada National Guard, the land shall revert to Clark County, Nevada, for management in accordance with the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2343).

TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Cooperative Agreements

SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or

(C) restoration of natural resources, including native wildlife habitat or ecosystems;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit of the National Park System; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Boundary Adjustments and Authorizations

SEC. 311. CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term "Historic Site" means Carl Sandburg Home National Historic Site.

(2) MAP.—The term "map" means the map entitled "Sandburg Center Alternative" numbered 445/80,017 and dated April 2007.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange not more than 110 acres of land, water, or interests in land and water, within the area depicted on the map, to be added to the Historic Site.

(c) VISITOR CENTER.—To preserve the historic character and landscape of the site, the Secretary may also acquire up to five acres for the development of a visitor center and visitor parking area adjacent to or in the general vicinity of the Historic Site.

(d) BOUNDARY REVISION.—Upon acquisition of any land or interest in land under this section, the Secretary shall revise the boundary of the Historic Site to reflect the acquisition.

(e) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—Land added to the Historic Site by this section shall be administered as part of the Historic Site in accordance with applicable laws and regulations.

SEC. 312. LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes" approved June 5, 1978 (Public Law 95-290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows:

"(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).".

(2) In section 202(a)(2), by adding at the end the following new subparagraph:

"(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

"(i) 91 Pevey Street.

"(ii) The portion of 607 Middlesex Place.

"(iii) Eagle Court.

"(iv) The portion of 50 Payne Street.

"(v) 726 Broadway.".

SEC. 313. MINIDOKA NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Idaho.

(b) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Minidoka Internment National Monument, located in the State and established by Presidential Proclamation 7395 of January 17, 2001, is adjusted to include the Nidoto Nai Yoni ("Let it not happen again") memorial (referred to in this subsection as the "memorial"), which—

(i) commemorates the Japanese Americans of Bainbridge Island, Washington, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II under Executive Order No. 9066; and

(ii) consists of approximately 8 acres of land owned by the City of Bainbridge Island, Washington, as depicted on the map entitled "Bainbridge Island Japanese American Memorial", numbered 194/80,003, and dated September, 2006.

(B) MAP.—The map referred to in subparagraph (A) shall be kept on file and made available for public inspection in the appropriate offices of the National Park Service.

(2) ADMINISTRATION OF MEMORIAL.—

(A) IN GENERAL.—The memorial shall be administered as part of the Minidoka Internment National Monument.

(B) AGREEMENTS.—To carry out this subsection, the Secretary may enter into agreements with—

(i) the City of Bainbridge Island, Washington;

(ii) the Bainbridge Island Metropolitan Park and Recreational District;

(iii) the Bainbridge Island Japanese American Community Memorial Committee;

(iv) the Bainbridge Island Historical Society; and

(v) other appropriate individuals or entities.

(C) IMPLEMENTATION.—To implement an agreement entered into under this paragraph, the Secretary may—

(i) enter into a cooperative management agreement relating to the operation and maintenance of the memorial with the City of Bainbridge Island, Washington, in accordance with section 3(l) of Public law 91-383 (16 U.S.C. 1a-2(l)); and

(ii) enter into cooperative agreements with, or make grants to, the City of Bainbridge Island, Washington, and other non-Federal entities for the development of facilities, infrastructure, and interpretive media at the memorial, if any Federal funds provided by a grant or through a cooperative agreement are matched with non-Federal funds.

(D) ADMINISTRATION AND VISITOR USE SITE.—The Secretary may operate and maintain a site in the State of Washington for administrative and visitor use purposes associated with the Minidoka Internment National Monument.

(c) ESTABLISHMENT OF MINIDOKA NATIONAL HISTORIC SITE.—

(1) DEFINITIONS.—In this section:

(A) HISTORIC SITE.—The term "Historic Site" means the Minidoka National Historic Site established by paragraph (2)(A).

(B) MINIDOKA MAP.—The term "Minidoka Map" means the map entitled "Minidoka National Historic Site, Proposed Boundary Map", numbered 194/80,004, and dated December 2006.

(2) ESTABLISHMENT.—

(A) NATIONAL HISTORIC SITE.—In order to protect, preserve, and interpret the resources associated with the former Minidoka Relocation Center where Japanese Americans were incarcerated during World War II, there is established the Minidoka National Historic Site.

(B) MINIDOKA INTERNMENT NATIONAL MONUMENT.—

(i) IN GENERAL.—The Minidoka Internment National Monument (referred to in this subsection as the "Monument)", as described in Presidential Proclamation 7395 of January 17, 2001, is abolished.

(ii) INCORPORATION.—The land and any interests in the land at the Monument are incorporated within, and made part of, the Historic Site.

(iii) FUNDS.—Any funds available for purposes of the Monument shall be available for the Historic Site.

(C) REFERENCES.—Any reference in a law (other than in this title), map, regulation, document, record, or other paper of the United States to the "Minidoka Internment National Monument" shall be considered to be a reference to the "Minidoka National Historic Site".

(3) BOUNDARY OF HISTORIC SITE.—

(A) BOUNDARY.—The boundary of the Historic Site shall include—

(i) approximately 292 acres of land, as depicted on the Minidoka Map; and

(ii) approximately 8 acres of land, as described in subsection (b)(1)(A)(ii).

(B) AVAILABILITY OF MAP.—The Minidoka Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) LAND TRANSFERS AND ACQUISITION.—

(A) TRANSFER FROM BUREAU OF RECLAMATION.—Administrative jurisdiction over the land identified on the Minidoka Map as "BOR parcel 1" and "BOR parcel 2", including any improvements on, and appurtenances to, the parcels, is transferred from the Bureau of Reclamation to the National Park Service for inclusion in the Historic Site.

(B) TRANSFER FROM BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the land identified on the Minidoka Map as "Public Domain Lands" is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Historic Site, and the portions of any prior Secretarial orders withdrawing the land are revoked.

(C) ACQUISITION AUTHORITY.—The Secretary may acquire any land or interest in land located within the boundary of the Historic Site, as depicted on the Minidoka Map, by—

(i) donation;

(ii) purchase with donated or appropriated funds from a willing seller; or

(iii) exchange.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Historic Site shall be administered in accordance with—

(i) this Act; and

(ii) laws (including regulations) generally applicable to units of the National Park System, including—

(I) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(II) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(B) INTERPRETATION AND EDUCATION.—

(i) IN GENERAL.—The Secretary shall interpret—

(I) the story of the relocation of Japanese Americans during World War II to the Minidoka Relocation Center and other centers across the United States;

(II) the living conditions of the relocation centers;

(III) the work performed by the internees at the relocation centers; and

(IV) the contributions to the United States military made by Japanese Americans who had been interned.

(ii) ORAL HISTORIES.—To the extent feasible, the collection of oral histories and testimonials from Japanese Americans who were confined shall be a part of the interpretive program at the Historic Site.

(iii) COORDINATION.—The Secretary shall coordinate the development of interpretive and educational materials and programs for the Historic Site with the Manzanar National Historic Site in the State of California.

(C) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—The Bainbridge Island Japanese American Memorial shall be administered in accordance with subsection (b)(2).

(D) CONTINUED AGRICULTURAL USE.—In keeping with the historical use of the land following the decommission of the Minidoka Relocation Center, the Secretary may issue a special use permit or enter into a lease to allow agricultural uses within the Historic Site under appropriate terms and conditions, as determined by the Secretary.

(6) DISCLAIMER OF INTEREST IN LAND.—

(A) IN GENERAL.—The Secretary may issue to Jerome County, Idaho, a document of disclaimer of interest in land for the parcel identified as "Tract No. 2"—

(i) in the final order of condemnation, for the case numbered 2479, filed on January 31, 1947, in the District Court of the United States, in and for the District of Idaho, Southern Division; and

(ii) on the Minidoka Map.

(B) PROCESS.—The Secretary shall issue the document of disclaimer of interest in land under subsection (a) in accordance with section 315(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745(b)).

(C) EFFECT.—The issuance by the Secretary of the document of disclaimer of interest in land under subsection (a) shall have the same effect as a quit-claim deed issued by the United States.

(d) CONVEYANCE OF AMERICAN FALLS RESERVOIR DISTRICT NUMBER 2.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term "Agreement" means Agreement No. 5-07-10-L1688 between the United States and the District, entitled "Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2".

(B) DISTRICT.—The term "District" means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, of the State.

(2) AUTHORITY TO CONVEY TITLE.—

(A) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(i) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(ii) to the city of Gooding, located in Gooding County, of the State, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(iii) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(B) COMPLIANCE WITH AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(3) COMPLIANCE WITH OTHER LAWS.—

(A) IN GENERAL.—On conveyance of the land and improvements under paragraph (2)(A)(i), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(B) APPLICABLE AUTHORITY.—Nothing in this subsection modifies or otherwise affects the applicability of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

(4) REVOCATION OF WITHDRAWALS.—

(A) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(B) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subparagraph (A) subject to valid existing rights.

(5) LIABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), upon completion of a conveyance under paragraph (2), the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(B) EXCEPTION.—Subparagraph (A) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(C) FEDERAL TORT CLAIMS ACT.—Nothing in this paragraph increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

(6) FUTURE BENEFITS.—

(A) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under paragraph (2)(A)(i), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(B) ELIGIBILITY FOR FEDERAL FUNDING.—

(i) IN GENERAL.—Except as provided in clause (ii), the District shall not be eligible to receive Federal funding to assist in any activity described in subparagraph (A) relating to land and improvements transferred under paragraph (2)(A)(i).

(ii) EXCEPTION.—Clause (i; shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

(7) NATIONAL ENVIRONMENTAL POLICY ACT.—Before completing any conveyance under this subsection, the Secretary shall complete all actions required under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(D) all other applicable laws (including regulations).

(8) PAYMENT.—

(A) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under paragraph (2)(A)(i), the District shall pay the fair market value for the withdrawn lands to be acquired by the District, in accordance with the terms of the Agreement.

(B) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka National Historic Site, the Secretary, acting through the Commissioner of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 314. ACADIA NATIONAL PARK IMPROVEMENT.

(a) EXTENSION OF LAND CONVEYANCE AUTHORITY.—Section 102(d) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking paragraph (2) and inserting the following:

"(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been conveyed to the Secretary.".

(b) EXTENSION OF ACADIA NATIONAL PARK ADVISORY COMMISSION.—

(1) IN GENERAL.—Section 103(f) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking "20" and inserting "40".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 25, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 106 of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding the following:

"(c) ADDITIONAL FUNDING.—In addition to such sums as have been heretofore appropriated, there is hereby authorized $10,000,000 for acquisition of lands and interests therein.".

(d) INTERMODAL TRANSPORTATION CENTER.—Title I of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding at the end the following new section:

"SEC. 108. INTERMODAL TRANSPORTATION CENTER.

"(a) IN GENERAL.—The Secretary may provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.

"(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—

"(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

"(2) to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system or any successor transit system;

"(3) to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and

"(4) to assist with the operation and maintenance of the intermodal transportation center.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary not more than 40 percent of the total cost necessary to carry out this section (including planning, design and construction of the intermodal transportation center).

"(2) OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated to the Secretary not more than 85 percent of the total cost necessary to maintain and operate the intermodal transportation center.".

Subtitle C—Studies

SEC. 321. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled "Vision Plan for Newtonia Battlefield Preservation" and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 322. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.

(a) FINDINGS.—Congress finds as follows:

(1) The Soldiers' Memorial is a tribute to all veterans located in the greater St. Louis area, including Southern Illinois.

(2) The current annual budget for the memorial is $185,000 and is paid for exclusively by the City of St. Louis.

(3) In 1923, the City of St. Louis voted to spend $6,000,000 to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I.

(4) The purchase of the 7 block site exhausted the funds and no money remained to construct a monument.

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise $1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

(6) On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site.

(7) On Memorial Day in 1938, Mayor Dickmann opened the building to the public.

(b) STUDY.—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by this section.

(d) REPORT.—The Secretary shall submit a report describing the results the study required by this section to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 323. WOLF HOUSE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Wolf House located on Highway 5 in Norfork, Arkansas, to determine—

(1) the suitability and feasibility of designating the Wolf House as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Wolf House by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 324. SPACE SHUTTLE COLUMBIA STUDY.

(a) DEFINITIONS.—In this section:

(1) MEMORIAL.—The term "memorial" means a memorial to the Space Shuttle Columbia that is subject to the study in subsection (b).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall conduct a special resource study to determine the feasibility and suitability of establishing a memorial as a unit or units of the National Park System

to the Space Shuttle Columbia on land in the State of Texas described in paragraph (2) on which large debris from the Shuttle was recovered.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(B) the parcel of land owned by Temple Inland Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(C) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(D) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(3) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

SEC. 325. CÉSAR E. CHÁVEZ STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); or

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union; and

(C) State and local historical associations and societies, including any State historic preservation offices in the State in which the site is located.

(c) REPORT.—On completion of the study, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 326. TAUNTON, MASSACHUSETTS, SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, Massachusetts, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study required under subsection (a).

(c) PRIVATE PROPERTY.—The recommendations in the report submitted pursuant to subsection (b) shall include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this section as a unit of the National Park System.

SEC. 327. RIM OF THE VALLEY CORRIDOR STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the area known as the Rim of the Valley Corridor, generally including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California, to determine—

(1) the suitability and feasibility of designating all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area; and

(2) the methods and means for the protection and interpretation of this corridor by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) DOCUMENTATION.—In conducting the study authorized under subsection (a), the Secretary shall document—

(1) the process used to develop the existing Santa Monica Mountains National Recreation Area Fire Management Plan and Environmental Impact Statement (September 2005); and

(2) all activity conducted pursuant to the plan referred to in paragraph (1) designed to protect lives and property from wildfire.

(c) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Memorials, Commissions, and Museums

SEC. 331. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.

(a) FINDINGS.—The Congress finds the following:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him". Thus, the legend of the "Swamp Fox" was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. Since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) DEFINITIONS.—For the purposes of this section, the terms "commemorative work" and "the District of Columbia and its environs" have the meanings given to such terms in section 8902(a) of title 40, United States Code.

SEC. 332. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274) is amended—

(1) by striking subsection (j) and inserting the following:

"(j) POWERS OF THE COMMISSION.—

"(1) IN GENERAL.—

"(A) POWERS.—The Commission may—

"(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

"(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

"(iii) hold hearings and enter into contracts;

"(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

"(v) take such actions as are necessary to carry out this section.

"(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—

"(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and

"(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title.

"(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

"(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.

"(4) POWERS OF MEMBERS AND AGENTS.—

"(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

"(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

"(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

"(ii) perform other duties as designated by the Chairperson of the Commission.

"(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

"(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.";

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding after subsection (n) the following:

"(o) STAFF AND SUPPORT SERVICES.—

"(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

"(2) STAFF.—

"(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS–15 of the General Schedule.

"(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

"(3) STAFF OF FEDERAL AGENCIES.—On request of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

"(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

"(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

"(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

"(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

"(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

"(7) VOLUNTEER SERVICES.—

"(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

"(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(C) LIABILITY.—

"(i) IN GENERAL.—Subject to clause (ii), a volunteer described in subparagraph (A) shall be considered to be a volunteer for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

"(ii) EXCEPTION.—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).

"(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.".

SEC. 333. COMMISSION TO STUDY THE POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino (hereafter in this section referred to as the "Commission").

(2) MEMBERSHIP.—The Commission shall consist of 23 members appointed not later than 6 months after the date of enactment of this Act as follows:

(A) The President shall appoint 7 voting members.

(B) The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 3 voting members.

(C) In addition to the members appointed under subparagraph (B), the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 1 nonvoting member.

(3) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(A) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(i) expertise in museum administration;

(ii) expertise in fundraising for nonprofit or cultural institutions;

(iii) experience in the study and teaching of Latino culture and history at the post-secondary level;

(iv) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(v) extensive experience in public or elected service; or

(B) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

(b) FUNCTIONS OF THE COMMISSION.—

(1) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC (hereafter in this section referred to as the "Museum").

(2) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(3) REPORT ON ISSUES.—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and the Congress on, the following issues:

(A) The availability and cost of collections to be acquired and housed in the Museum.

(B) The impact of the Museum on regional Hispanic- and Latino-related museums.

(C) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(D) Whether the Museum should be located within the Smithsonian Institution.

(E) The governance and organizational structure from which the Museum should operate.

(F) How to engage the American Latino community in the development and design of the Museum.

(G) The cost of constructing, operating, and maintaining the Museum.

(4) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under paragraph (1) and the report submitted under paragraph (3), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

(5) NATIONAL CONFERENCE.—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

(c) ADMINISTRATIVE PROVISIONS.—

(1) FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

(2) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(3) TRAVEL EXPENSES.—Each member shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) FEDERAL ADVISORY COMMITTEE ACT.—The Commission is not subject to the provisions of the Federal Advisory Committee Act.

(d) DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.—

(1) DEADLINE.—The Commission shall submit final versions of the reports and plans required under subsection (b) not later than 24 months after the date of the Commission's first meeting.

(2) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out the activities of the Commission $2,100,000 for the first fiscal year beginning after the date of enactment of this Act and $1,100,000 for the second fiscal year beginning after the date of enactment of this Act.

SEC. 334. HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION.

(a) COORDINATION.—Each commission established under this section shall coordinate with the other respective commission established under this section to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are—

(1) consistent with the plans and programs of the commemorative commissions established by the States of New York and Vermont; and

(2) well-organized and successful.

(b) DEFINITIONS.—In this section:

(1) CHAMPLAIN COMMEMORATION.—The term "Champlain commemoration" means the commemoration of the 400th anniversary of the voyage of Samuel de Champlain.

(2) CHAMPLAIN COMMISSION.—The term "Champlain Commission" means the Champlain Quadricentennial Commemoration Commission established by subsection (c)(1).

(3) COMMISSION.—The term "Commission" means each of the Champlain Commission and the Hudson-Fulton Commission.

(4) HUDSON-FULTON COMMEMORATION.—The term "Hudson-Fulton commemoration" means the commemoration of—

(A) the 200th anniversary of the voyage of Robert Fulton in the Clermont; and

(B) the 400th anniversary of the voyage of Henry Hudson in the Half Moon.

(5) HUDSON-FULTON COMMISSION.—The term "Hudson-Fulton Commission" means the Hudson-Fulton 400th Commemoration Commission established by subsection (d)(1).

(6) LAKE CHAMPLAIN BASIN PROGRAM.—The term "Lake Champlain Basin Program" means the partnership established by section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) between the States of New York and Vermont and Federal agencies to carry out the Lake Champlain management plan entitled, "Opportunities for Action: An Evolving Plan for the Lake Champlain Basin".

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) ESTABLISHMENT OF CHAMPLAIN COMMISSION.—

(1) IN GENERAL.—There is established a commission to be known as the "Champlain Quadricentennial Commemoration Commission".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Champlain Commission shall be composed of 10 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Hudson-Fulton-Champlain Quadricentennial Commission of the State of New York; and

(II) residents of Champlain Valley, New York;

(iii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Lake Champlain Quadricentennial Commission of the State of Vermont; and

(II) residents of the State of Vermont; and

(iv) 1 member shall be appointed by the Secretary, and shall be an individual who has—

(I) an interest in, support for, and expertise appropriate with respect to, the Champlain commemoration; and

(II) knowledge relating to the history of the Champlain Valley.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Champlain Commission shall be appointed for the life of the Champlain Commission.

(ii) VACANCIES.—A vacancy on the Champlain Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Champlain Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(B) facilitate activities relating to the Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Champlain Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the Lake Champlain Basin Program;

(iv) the National Endowment for the Arts; and

(v) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyage of Samuel de Champlain;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyage of Samuel de Champlain;

(G) ensure that the Champlain 2009 anniversary provides a lasting legacy and a long-term public benefit by assisting in the development of appropriate programs and facilities;

(H) help ensure that the observances of the voyage of Samuel de Champlain are inclusive and appropriately recognize the experiences and heritage of all people present when Samuel de Champlain arrived in the Champlain Valley; and

(I) consult and coordinate with the Lake Champlain Basin Program and other relevant organizations to plan and develop programs and activities to commemorate the voyage of Samuel de Champlain.

(d) ESTABLISHMENT OF HUDSON-FULTON COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the "Hudson-Fulton 400th Commemoration Commission".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Hudson-Fulton Commission shall be composed of 15 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 1 member shall be appointed by the Secretary, after considering the recommendation of the Governor of the State of New York;

(iii) 6 members shall be appointed by the Secretary, after considering the recommendations of the Members of the House of Representatives whose districts encompass the Hudson River Valley;

(iv) 2 members shall be appointed by the Secretary, after considering the recommendations of the Members of the Senate from the State of New York;

(v) 2 members shall be—

(I) appointed by the Secretary; and

(II) individuals who have an interest in, support for, and expertise appropriate with respect to, the Hudson-Fulton commemoration, of whom—

(aa) 1 member shall be an individual with expertise in the Hudson River Valley National Heritage Area; and

(bb) 1 member shall be an individual with expertise in the State of New York, as it relates to the Hudson-Fulton commemoration;

(vi) 1 member shall be the Chairperson of a commemorative commission formed by the State of New York (or the designee of the Chairperson); and

(vii) 2 members shall be appointed by the Secretary, after—

(I) considering the recommendation of the Mayor of the city of New York; and

(II) consulting the Members of the House of Representatives whose districts encompass the city of New York.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Hudson-Fulton Commission shall be appointed for the life of the Hudson-Fulton Commission.

(ii) VACANCIES.—A vacancy on the Hudson-Fulton Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Hudson-Fulton Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate—

(i) the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River; and

(ii) the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis;

(B) facilitate activities relating to the Hudson-Fulton-Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Hudson-Fulton Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the National Park Service, with respect to the Hudson River Valley National Heritage Area;

(iv) the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997;

(v) the National Endowment for the Humanities;

(vi) the National Endowment for the Arts; and

(vii) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson and Robert Fulton;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Hudson-Fulton commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson and Robert Fulton;

(G) ensure that the Hudson-Fulton 2009 commemorations provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities; and

(H) help ensure that the observances of Henry Hudson are inclusive and appropriately recognize the experiences and heritage of all people present when Henry Hudson sailed the Hudson River.

(e) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of a commission established under this section have been appointed, the applicable Commission shall hold an initial meeting.

(2) MEETINGS.—A commission established under this section shall meet—

(A) at least twice each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—A commission established under this section shall act only on an affirmative vote of a majority of the voting members of the applicable Commission.

(f) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS.—

(A) CHAMPLAIN COMMISSION.—The Champlain Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Champlain commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyage of Samuel de Champlain.

(B) HUDSON-FULTON COMMISSION.—The Hudson-Fulton Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Hudson-Fulton commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Henry Hudson and Robert Fulton.

(7) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration and Hudson-Fulton commemoration, as applicable.

(8) COORDINATION AND CONSULTATION WITH LAKE CHAMPLAIN BASIN PROGRAM.—The Champlain Commission shall coordinate and consult with the Lake Champlain Basin Program to provide grants and technical assistance under paragraphs (6)(A) and (7) for the development of activities commemorating the voyage of Samuel de Champlain.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the Executive Director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State of New York or the State of Vermont, as appropriate (including subdivisions of the States); and

(ii) reimburse the State of New York or the State of Vermont for services of detailed personnel.

(C) LAKE CHAMPLAIN BASIN PROGRAM EMPLOYEES.—The Champlain Commission may—

(i) accept the services of personnel detailed from the Lake Champlain Basin Program; and

(ii) reimburse the Lake Champlain Basin Program for services of detailed personnel.

(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(7) SUPPORT SERVICES.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(8) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORTS.—Not later than September 30, 2010, the Commission shall submit to the Secretary a report that contains—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings and recommendations of the Commission.

(i) TERMINATION OF COMMISSIONS.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2010.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all of its documents and materials of the Commission to the National Archives or another appropriate Federal entity.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for each of fiscal years 2008 through 2011—

(A) $500,000 to the Champlain Commission; and

(B) $500,000 to the Hudson-Fulton Commission.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

SEC. 335. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE MUSEUM OF THE AMERICAN QUILTER'S SOCIETY OF THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the Museum of the American Quilter's Society is the largest quilt museum in the world, with a total of 13,400 square feet of exhibition space and more than 150 quilts exhibited year-round in its 3 galleries;

(2) the mission of the Museum is to educate the local, national, and international public about the art, history, and heritage of quiltmaking;

(3) quilts in the Museum's permanent collection are made by quilters from 44 of the 50 States and many foreign countries;

(4) the Museum, centrally located in Paducah, Kentucky, and open to the public year-round, averages 40,000 visitors per year;

(5) individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

(6) the Museum's Friends, an organization dedicated to supporting and sustaining the Museum, also has members in all 50 States, with 84 percent of members living more than 60 miles from the Museum;

(7) many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

(8) quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

(9) the Museum of the American Quilter's Society has national significance and support.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the "National Quilt Museum of the United States".

SEC. 336. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the National Museum of Wildlife Art in Jackson, Wyoming, is devoted to inspiring global recognition of fine art related to nature and wildlife;

(2) the National Museum of Wildlife Art is an excellent example of a thematic museum that strives to unify the humanities and sciences into a coherent body of knowledge through art;

(3) the National Museum of Wildlife Art, which was founded in 1987 with a private gift of a collection of art, has grown in stature and importance and is recognized today as the world's premier museum of wildlife art;

(4) the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

(5) the National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000-square foot facility that overlooks the 28,000-acre National Elk Refuge and is adjacent to the Grand Teton National Park;

(6) the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

(7) the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists, including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

(8) the National Museum of Wildlife Art is a destination attraction in the Western United States with annual attendance of 92,000 visitors from all over the world and an award-winning website that receives more than 10,000 visits per week;

(9) the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

(10) a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States".

SEC. 337. REDESIGNATION OF ELLIS ISLAND LIBRARY.

(a) REDESIGNATION.—The Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, shall be known and redesignated as the "Bob Hope Memorial Library".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ellis Island Library on the third floor of the Ellis Island Immigration Museum referred to in subsection (a) shall be deemed to be a reference to the "Bob Hope Memorial Library".

Subtitle E—Trails and Rivers

SEC. 341. AUTHORIZATION AND ADMINISTRATION OF STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(26) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.

"(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

"(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

"(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

"(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

"(i) carrying out preservation and development of the trail; and

"(ii) providing education relating to the War of 1812 along the trail.".

SEC. 342. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410), all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of 2 parcels as generally depicted on the map titled "Lewis and Clark National Historic Trail", numbered 648/80,002, and dated March 2006.

(b) SURVEY; CONVEYANCE COST.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated $150,000 per year for a period not to exceed 10 years.

SEC. 343. LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION.

(a) DEFINITIONS.—In this section:

(1) EASTERN LEGACY SITES.—The term "Eastern Legacy sites" means the sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly known as the "Eastern Legacy", including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. This includes the routes followed by Meriwether Lewis and William Clark, whether independently or together.

(2) TRAIL.—The term "Trail" means the Lewis and Clark National Historic Trail designated by section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)).

(b) SPECIAL RESOURCE STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of the Eastern Legacy sites to determine—

(A) the suitability and feasibility of adding these sites to the Trail; and

(B) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall conduct the study in accordance with section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)).

(B) IMPACT ON TOURISM.—In conducting the study, the Secretary shall analyze the potential impact that the inclusion of the Eastern Legacy sites is likely to have on tourist visitation to the western portion of the trail.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 344. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107-65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the "Eightmile River Watershed Management Plan"), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05-18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

"(170) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

"(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

"(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

"(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

"(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

"(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.".

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the "Eightmile River") shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed "villages" and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (b). The authority of the Secretary to acquire lands for the purposes of this section shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

Subtitle F—Denali National Park and Alaska Railroad Exchange

SEC. 351. DENALI NATIONAL PARK AND ALASKA RAILROAD CORPORATION EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) CORPORATION.—The term "Corporation" means the Alaska Railroad Corporation owned by the State of Alaska.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) EXCHANGE.—

(1) IN GENERAL.—

(A) EASEMENT EXPANDED.—The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.

(B) EASEMENT RELINQUISHED.—In exchange for the easement granted in subparagraph (A), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

(2) CONDITIONS OF THE EXCHANGE.—

(A) EQUAL EXCHANGE.—The exchange of easements under this section shall be on an approximately equal-acre basis.

(B) TOTAL ACRES.—The easement granted under paragraph (1)(A) shall not exceed 25 acres.

(C) INTERESTS CONVEYED.—The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.).

(D) COSTS.—The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the costs of any surveys, and other reasonable costs.

(E) LAND TO BE PART OF WILDERNESS.—The land underlying any easement relinquished to the United States under this section that is adjacent to designated wilderness is hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).

(F) OTHER TERMS AND CONDITIONS.—The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.

Subtitle G—National Underground Railroad Network to Freedom Amendments

SEC. 361. AUTHORIZING APPROPRIATIONS FOR SPECIFIC PURPOSES.

(a) IN GENERAL.—The National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 4691 et seq.) is amended—

(1) by striking section 3(d);

(2) by striking section 4(d); and

(3) by adding at the end the following:

"SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

"(a) AMOUNTS.—There are authorized to be appropriated to carry out this Act $2,500,000 for each fiscal year, to be allocated as follows:

"(1) $2,000,000 is to be used for the purposes of section 3.

"(2) $500,000 is to be used for the purposes of section 4.

"(b) RESTRICTIONS.—No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act.

Subtitle H—Grand Canyon Subcontractors

SEC. 371. DEFINITIONS.

In this subtitle:

(1) IDIQ.—The term "IDIQ" means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term "park" means Grand Canyon National Park.

(3) PGI.—The term "PGI" means Pacific General, Inc.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 372. AUTHORIZATION.

The Secretary is authorized, subject to the appropriation of such funds as may be necessary, to pay the amount owed to the subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003, provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

TITLE IV—NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

SEC. 401. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled "The Journey Through Hallowed Ground National Heritage Area Feasibility Study" dated September 2006;

(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;

(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;

(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and post-war reconstruction period;

(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

SEC. 402. DEFINITIONS.

In this subtitle—

(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 403. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Journey Through Hallowed Ground National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.

(2) MAP.—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled "Journey Through Hallowed Ground National Heritage Area", numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 404. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 405. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 406. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 407. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 408. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 410. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 411. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

Subtitle B—Niagara Falls National Heritage Area

SEC. 421. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled "Niagara National Heritage Area Study" dated 2005;

(2) to preserve, support; conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;

(3) to promote heritage, cultural, and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;

(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;

(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area,

to protect, enhance, and interpret resources outside of park boundaries.

SEC. 422. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term "Commission" means the Niagara Falls National Heritage Area Commission established under this subtitle.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of New York.

(3) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.

(4) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(5) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Niagara Falls National Heritage Area established in this subtitle.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 423. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled "Niagara Falls National Heritage Area," and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 424. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 425. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 426. LOCAL COORDINATING ENTITY.

(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—

(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and

(2) on expiration of the 5-year period described in paragraph (1), a private nonprofit or governmental organization designated by the Commission.

(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and

(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.

(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—

(1) 1 member shall be the Director of the National Park Service (or a designee);

(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—

(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or

(B) any successors of the agencies described in subparagraph (A);

(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;

(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;

(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;

(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;

(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and

(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—

(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and

(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.

(c) TERMS; VACANCIES.—

(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.

(2) VACANCIES.—

(A) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) QUORUM.—

(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(2) NOTICE.—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.

(3) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(g) AUTHORITIES OF THE COMMISSION.—In addition to the authorities otherwise granted in this subtitle, the Commission may—

(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or nonreimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and

(4) use the United States mails in the same manner as other agencies of the Federal Government.

(h) DUTIES OF THE COMMISSION.—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.

(i) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(j) GIFTS.—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.

(k) USE OF FEDERAL FUNDS.—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

SEC. 428. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 429. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 430. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 431. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 432. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Abraham Lincoln National Heritage Area

SEC. 441. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled "Feasibility Study of the Proposed Abraham Lincoln National Heritage Area" prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;

(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln's life left its traces in the stories, folklore, buildings, streetscapes, and landscapes of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

SEC. 442. DEFINITIONS.

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(3) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Abraham Lincoln National Heritage Area established in this subtitle.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 443. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Abraham Lincoln National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermillion, Warren and Woodford counties.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled "Proposed Abraham Lincoln National Heritage Area", and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 444. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made

available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 445. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 446. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 447. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 448. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 449. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 450. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 451. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.

Subtitle D—Authorization Extensions and Viability Studies

SEC. 461. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by section 474(9)), and 909(c), by striking "$10,000,000" and inserting "$15,000,000".

SEC. 462. EVALUATION AND REPORT.

(a) IN GENERAL.—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local management entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

Subtitle E—Technical Corrections and Additions

SEC. 471. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—

(1) by striking section 103(b) and inserting the following:

"(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.";

(2) by striking section 105 and inserting the following:

"SEC. 105. ELIGIBLE RESOURCES.

"(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—

"(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

"(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.

"(b) PRIORITY.—Priority consideration shall be given to those sites listed as 'Conservation Priorities' and 'Important Historic Resources' as depicted on the map entitled 'Study Area: Historic Resources' in such study.";

(3) in section 106(a)—

(A) by striking "Governor" and all that follows through "Parks," and inserting "National Coal Heritage Area Authority"; and

(B) in paragraph (3), by striking "State of West Virginia" and all that follows through "entities, or" and inserting "National Coal Heritage Area Authority or"; and

(4) in section 106(b), by inserting "not" before "meet".

SEC. 472. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.

Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting "Butler," after "Beaver,".

SEC. 473. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.

Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

"(O) Berkeley County.

"(P) Saluda County.

"(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.".

SEC. 474. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking "Canal National Heritage Corridor" each place it appears and inserting "National Heritage Canalway";

(2) by striking "corridor" each place it appears and inserting "canalway", except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking "CORRIDOR" and inserting "CANALWAY";

(4) in the title heading, by striking "**CANAL NATIONAL HERITAGE CORRIDOR**" and inserting "**NATIONAL HERITAGE CANALWAY**";

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B)), by striking "808" and inserting "806"; and

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking "807(a)" and inserting "805(a)";

(6) in the heading of section 804, by striking "**CANAL NATIONAL HERITAGE CORRIDOR**" and inserting "**NATIONAL HERITAGE CANALWAY**";

(7) in the second sentence of section 804(b)(1), by striking "808" and inserting "806";

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by paragraph (9)), by striking "808" and inserting "806";

(11) in section 806 (as redesignated by paragraph (9))—

(A) in subsection (a)(1), by striking "Committee" and inserting "Secretary";

(B) in the heading of subsection (a)(1), by striking "COMMITTEE" and inserting "SECRETARY";

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking "Committee" and inserting "management entity";

(D) in subsection (e), by striking "807(d)(1)" and inserting "805(d)(1)"; and

(E) in subsection (f), by striking "807(d)(1)" and inserting "805(d)(1)";

(12) in section 807 (as redesignated by paragraph (9)), in subsection (c) by striking "Cayohoga Valley National Recreation Area" and inserting "Cayohoga Valley National Park";

(13) in section 808 (as redesignated by paragraph (9))—

(A) in subsection (b), by striking "Committee or"; and

(B) in subsection (c), in the matter before paragraph (1), by striking "Committee" and inserting "management entity"; and

(14) in section 809 (as redesignated by paragraph (9)), by striking "assistance" and inserting "financial assistance".

SEC. 475. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

"(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

"(A) technical assistance;

"(B) the design and fabrication of interpretive materials, devices, and signs; and

"(C) the preparation of the strategic plan.".

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

"(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.".

(3) Subsection (c) is amended by striking "2007" and inserting "2011".

Subtitle F—Studies

SEC. 481. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means—

(A) the coastal areas of Clatsop and Pacific Counties (also known as the North Beach Peninsula); and

(B) areas relating to Native American history, local history, Euro-American settlement culture, and related economic activities of the Columbia River within a corridor along the Columbia River eastward in Clatsop, Pacific, Columbia, and Wahkiakum Counties.

(b) COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the managers of any Federal land within the study area, appropriate State and local governmental agencies, tribal governments, and any interested organizations, shall conduct a study to determine the feasibility of designating the study area as the Columbia-Pacific National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(3) PRIVATE PROPERTY.—In conducting the study required by this subsection, the Secretary shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the findings, conclusions, and recommendations of the Secretary with respect to the study.

SEC. 482. STUDY OF SITES RELATING TO ABRAHAM LINCOLN IN KENTUCKY.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means a National Heritage Area in the State to honor Abraham Lincoln.

(2) STATE.—The term "State" means the Commonwealth of Kentucky.

(3) STUDY AREA.—The term "study area" means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Kentucky Historical Society, other State historical societies, the State Historic Preservation Officer, State tourism offices, and other appropriate organizations and agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area in the State to honor Abraham Lincoln.

(2) DESCRIPTION OF STUDY AREA.—The study area shall include—

(A) Boyle, Breckinridge, Fayette, Franklin, Hardin, Jefferson, Jessamine, Larue, Madison, Mercer, and Washington Counties in the State; and

(B) the following sites in the State:

(i) The Abraham Lincoln Birthplace National Historic Site.

(ii) The Abraham Lincoln Boyhood Home Unit.

(iii) Downtown Hodgenville, Kentucky, including the Lincoln Museum and Adolph A. Weinman statue.

(iv) Lincoln Homestead State Park and Mordecai Lincoln House.

(v) Camp Nelson Heritage Park.

(vi) Farmington Historic Home.

(vii) The Mary Todd Lincoln House.

(viii) Ashland, which is the Henry Clay Estate.

(ix) The Old State Capitol.

(x) The Kentucky Military History Museum.

(xi) The Thomas D. Clark Center for Kentucky History.

(xii) The New State Capitol.

(xiii) Whitehall.

(xiv) Perryville Battlefield State Historic Site.

(xv) The Joseph Holt House.

(xvi) Elizabethtown, Kentucky, including the Lincoln Heritage House.

(xvii) Lincoln Marriage Temple at Fort Harrod.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) interpret—

(I) the life of Abraham Lincoln; and

(II) the contributions of Abraham Lincoln to the United States;

(ii) represent distinctive aspects of the heritage of the United States;

(iii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iv) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and historical events that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Heritage Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(iii) have demonstrated support for designation of the Heritage Area;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Heritage Area while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the third fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

TITLE V—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 501. ALASKA WATER RESOURCES STUDY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Alaska.

(b) ALASKA WATER RESOURCES STUDY.—

(1) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, where appropriate, and in accordance with this section and other applicable provisions of law, shall conduct a study that includes—

(A) a survey of accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough;

(B) a survey of water treatment needs and technologies, including desalination, applicable to the water resources of the State; and

(C) a review of the need for enhancement of the streamflow information collected by the United States Geological Survey in the State relating to critical water needs in areas such as—

(i) infrastructure risks to State transportation;

(ii) flood forecasting;

(iii) resource extraction; and

(iv) fire management.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study required by paragraph (1).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 502. RENEGOTIATION OF PAYMENT SCHEDULE, REDWOOD VALLEY COUNTY WATER DISTRICT.

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended—

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The Secretary shall reschedule the payments due under loans numbered 14–06–200–8423A and 14–06–200–8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.)."; and

(2) by striking subsection (c).

SEC. 503. AMERICAN RIVER PUMP STATION PROJECT TRANSFER.

(a) AUTHORITY TO TRANSFER.—The Secretary of the Interior (hereafter in this section referred to as the "Secretary") shall transfer ownership of the American River Pump Station Project located at Auburn, California, which includes the Pumping Plant, associated facilities, and easements necessary for permanent operation of the facilities, to the Placer County Water Agency, in accordance with the terms of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency and the terms and conditions established in this section.

(b) FEDERAL COSTS NONREIMBURSABLE.—Federal costs associated with construction of the American River Pump Station Project located at Auburn, California, are nonreimbursable.

(c) GRANT OF REAL PROPERTY INTEREST.—The Secretary is authorized to grant title to Placer County Water Agency as provided in subsection (a) in full satisfaction of the United States' obligations under Land Purchase Contract 14–06–859–308 to provide a water supply to the Placer County Water Agency.

(d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

(1) IN GENERAL.—Before conveying land and facilities pursuant to this section, the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) EFFECT.—Nothing in this section modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) RELEASE FROM LIABILITY.—Effective on the date of transfer to the Placer County Water Agency of any land or facility under this section, the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, consistent with Article 9 of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency.

SEC. 504. ARTHUR V. WATKINS DAM ENLARGEMENT.

(a) FINDINGS.—Congress finds the following:

(1) Arthur V. Watkins Dam is a feature of the Weber Basin Project, which was authorized by law on August 29, 1949.

(2) Increasing the height of Arthur V. Watkins Dam and construction of pertinent facilities may provide additional storage capacity for the development of additional water supply for the Weber Basin Project for uses of municipal and industrial water supply, flood control, fish and wildlife, and recreation.

(b) AUTHORIZATION OF FEASIBILITY STUDY.—The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to conduct a feasibility study on raising the height of Arthur V. Watkins Dam for the development of additional storage to meet water supply needs within the Weber Basin Project area and the Wasatch Front. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and a cost allocation as required under the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(c) COST SHARES.—

(1) FEDERAL SHARE.—The Federal share of the costs of the study authorized in subsection (b) shall not exceed 50 percent of the total cost of the study.

(2) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, in-kind contributions of goods or services from the Weber Basin Water Conservancy District. Such goods and services accepted under this subsection shall be counted as part of the non-Federal cost share for the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 for the Federal cost share of the study authorized in subsection (b).

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

SEC. 505. NEW MEXICO WATER PLANNING ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term "State" means the State of New Mexico.

(b) COMPREHENSIVE WATER PLAN ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Governor of the State and subject to paragraphs (2) through (6), the Secretary shall—

(A) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(B) conduct water resources mapping in the State; and

(C) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(2) TECHNICAL ASSISTANCE.—Technical assistance provided under paragraph (1) may include—

(A) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(B) expansion of climate, surface water, and groundwater monitoring networks;

(C) assessment of existing water resources, surface water storage, and groundwater storage potential;

(D) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(E) participation in State planning forums and planning groups;

(F) coordination of Federal water management planning efforts;

(G) technical review of data, models, planning scenarios, and water plans developed by the State; and

(H) provision of scientific and technical specialists to support State and local activities.

(3) ALLOCATION.—In providing grants under paragraph (1), the Secretary shall, subject to the availability of appropriations, allocate—

(A) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(B) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(C) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(D) $4,500,000 for statewide digital orthophotography mapping; and

(E) such sums as are necessary to carry out additional projects consistent with paragraph (2).

(4) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(5) NONREIMBURSABLE BASIS.—Any assistance or grants provided to the State under this section shall be made on a non-reimbursable basis.

(6) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any

amounts made available to the State to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2008 through 2012.

(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

SEC. 506. CONVEYANCE OF CERTAIN BUILDINGS AND LANDS OF THE YAKIMA PROJECT, WASHINGTON.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall convey to the Yakima-Tieton Irrigation District, located in Yakima County, Washington, all right, title, and interest of the United States in and to the buildings and lands of the Yakima Project, Washington, in accordance with the terms and conditions set forth in the agreement titled "Agreement Between the United States and the Yakima-Tieton Irrigation District to Transfer Title to Certain Federally Owned Buildings and Lands, With Certain Property Rights, Title, and Interest, to the Yakima-Tieton Irrigation District" (Contract No. 5-07-10-L1658).

(b) LIABILITY.—Effective upon the date of conveyance under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed buildings and lands, except for damages caused by acts of negligence committed by the United States or by its employees or agents before the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act), on the date of enactment of this Act.

(c) BENEFITS.—After conveyance of the buildings and lands to the Yakima-Tieton Irrigation District under this section—

(1) such buildings and lands shall not be considered to be a part of a Federal reclamation project; and

(2) such irrigation district shall not be eligible to receive any benefits with respect to any buildings and lands conveyed, except benefits that would be available to a similarly situated person with respect to such buildings and lands that are not part of a Federal reclamation project.

(d) REPORT.—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that explains the reason such conveyance has not been completed and stating the date by which the conveyance will be completed.

SEC. 507. CONJUNCTIVE USE OF SURFACE AND GROUNDWATER IN JUAB COUNTY, UTAH.

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) is amended by inserting "Juab," after "Davis,".

SEC. 508. EARLY REPAYMENT OF A & B IRRIGATION DISTRICT CONSTRUCTION COSTS.

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A & B Irrigation District in the State (referred to in this section as the "District") may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this section—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

SEC. 509. OREGON WATER RESOURCES.

(a) EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.—Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (a)(1), by striking "Deschutes River Basin Working Group" and inserting "Deschutes River Conservancy Working Group";

(2) by amending the text of subsection (a)(1)(B) to read as follows: "4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;";

(3) in subsection (b)(3), by inserting before the final period the following: ", and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016"; and

(4) in subsection (h), by inserting before the period at the end the following: ", and $2,000,000 for each of fiscal years 2007 through 2016".

(b) WALLOWA LAKE DAM REHABILITATION ACT.—

(1) DEFINITIONS.—In this subsection:

(A) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term "Associated Ditch Companies, Incorporated" means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(C) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term "Wallowa Lake Dam Rehabilitation Program" means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, "Phase I Dam Assessment and Preliminary Engineering Design", dated December 2002, and on file with the Bureau of Reclamation.

(2) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(A) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(B) CONDITIONS.—As a condition of providing funds under subparagraph (A), the Secretary shall ensure that—

(i) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(ii) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this subsection; and

(iii) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this subsection, both while and after activities are conducted using Federal funds provided under this subsection.

(C) COST SHARING.—

(i) IN GENERAL.—The Federal share of the costs of activities authorized under this subsection shall not exceed 50 percent.

(ii) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(I) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(II) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(D) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this subsection, shall comply with applicable Oregon State water law.

(E) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this subsection.

(F) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this subsection.

(3) RELATIONSHIP TO OTHER LAW.—Activities funded under this subsection shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388; chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this subsection $6,000,000.

(5) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this subsection.

(c) LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.—

(1) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the "Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project", dated July 2, 2004.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this subsection.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out paragraph (1).

(ii) FORM.—The non-Federal share required under clause (i) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under paragraph (1).

(3) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this section.

(d) NORTH UNIT IRRIGATION DISTRICT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting "(referred to in this Act as the 'District')" after "irrigation district"; and

(B) by inserting "(referred to in this Act as the 'Contract')" after "1953"; and

(2) by adding at the end the following:

"SEC. 3. ADDITIONAL TERMS.

"On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

"(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

"(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled "Land Classification, North Unit, Deschutes Project, 1953" which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

"(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

"(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

"(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

"(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

"(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

"(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

"SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

"The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.".

SEC. 510. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.

(a) AUTHORIZATION OF STUDY.—Pursuant to reclamation laws, the Secretary of the Interior, acting through the Bureau of Reclamation and in consultation and cooperation with the States of Nebraska, Kansas, and Colorado, may conduct a study to—

(1) determine the feasibility of implementing a water supply and conservation project that will—

(A) improve water supply reliability in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, including areas in the counties of Harlan, Franklin, Webster, and Nuckolls in Nebraska and Jewel, Republic, Cloud, Washington, and Clay in Kansas (in this section referred to as the "Republican River Basin");

(B) increase the capacity of water storage through modifications of existing projects or through new projects that serve areas in the Republican River Basin; and

(C) improve water management efficiency in the Republican River Basin through conservation and other available means and, where appropriate, evaluate integrated water resource management and supply needs in the Republican River Basin; and

(2) consider appropriate cost-sharing options for implementation of the project.

(b) COST SHARING.—The Federal share of the cost of the study shall not exceed 50 percent of the total cost of the study, and shall be nonreimbursable.

(c) COOPERATIVE AGREEMENTS.—The Secretary shall undertake the study through cooperative agreements with the State of Kansas or Nebraska and other appropriate entities determined by the Secretary.

(d) COMPLETION AND REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this Act, the Secretary of the Interior shall complete the study and transmit to the Congress a report containing the results of the study.

(2) EXTENSION.—If the Secretary determines that the study cannot be completed within the 3-year period beginning on the date of the enactment of this Act, the Secretary—

(A) shall, at the time of that determination, report to the Congress on the status of the study, including an estimate of the date of completion; and

(B) complete the study and transmit to the Congress a report containing the results of the study by not later than that date.

(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 511. EASTERN MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1639. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000.

"(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

"Sec. 1639. Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.".

SEC. 512. BAY AREA REGIONAL WATER RECYCLING PROGRAM.

(a) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a)) is amended by adding at the end the following:

"SEC. 1642. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

"SEC. 1643. PITTSBURG RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,750,000.

"SEC. 1644. ANTIOCH RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

"SEC. 1645. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

"SEC. 1646. REDWOOD CITY RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

"SEC. 1647. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

"SEC. 1648. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.".

(2) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(b)) is amended by inserting after the item relating to section 1641 the following:

"Sec. 1642. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
"Sec. 1643. Pittsburg Recycled Water Project.
"Sec. 1644. Antioch Recycled Water Project.
"Sec. 1645. North Coast County Water District Recycled Water Project.
"Sec. 1646. Redwood City Recycled Water Project.
"Sec. 1647. South Santa Clara County Recycled Water Project.
"Sec. 1648. South Bay Advanced Recycled Water Treatment Facility.".

(b) SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.—It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–5).

SEC. 513. BUREAU OF RECLAMATION SITE SECURITY.

(a) TREATMENT OF CAPITAL COSTS.—Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be nonreimbursable.

(b) TREATMENT OF SECURITY-RELATED OPERATION AND MAINTENANCE COSTS.—

(1) REIMBURSABLE COSTS.—The Secretary of the Interior shall include no more than $18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(2) COSTS COLLECTED THROUGH WATER RATES.—In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this section shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

(c) TRANSPARENCY AND REPORT TO CONGRESS.—

(1) POLICIES AND PROCEDURES.—The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of paragraphs (2) and (3), to provide for the payment of the reimbursable costs described in subsection (b).

(2) NOTICE.—On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(A) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(B) summarizing the administrative and legal requirements relating to the site security measure.

(3) CONSULTATION.—The Secretary shall—

(A) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(B) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in subparagraph (A).

(4) RESPONSE; NOTICE.—Before incurring costs pursuant to activities described in subsection (b), the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(A) a timely written response describing proposed actions, if any, to address the recommendation; and

(B) notice regarding the costs and status of such activities on a periodic basis.

(5) REPORT.—The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

(d) PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.—Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

SEC. 514. MORE WATER, MORE ENERGY, AND LESS WASTE.

(a) FINDINGS.—The Congress finds that—

(1) development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources;

(2) some of that produced water is used for irrigation or other purposes, but most of the water is returned to the subsurface or otherwise disposed of as waste;

(3) reducing the quantity of produced water returned to the subsurface and increasing the quantity of produced water that is made available for irrigation and other uses—

(A) would augment water supplies;

(B) could reduce the costs to energy developers for disposing of the water; and

(C) in some cases, could increase the efficiency of energy development activities; and

(4) it is in the national interest—

(A) to limit the quantity of produced water disposed of as waste;

(B) to optimize the production of energy resources; and

(C) to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

(b) PURPOSES.—The purposes of this section are—

(1) to optimize the production of energy resources—

(A) by minimizing the quantity of produced water; and

(B) by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment; and

(2) to demonstrate means of accomplishing those results.

(c) DEFINITIONS.—In this section:

(1) LOWER BASIN STATE.—The term "Lower Basin State" means any of the States of—

(A) Arizona;

(B) California; and

(C) Nevada.

(2) PRODUCED WATER.—The term "produced water" means water from an underground source that is brought to the surface as part of the process of exploration for, or development of—

(A) oil;

(B) natural gas;

(C) coalbed methane; or

(D) any other substance to be used as an energy source.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UPPER BASIN STATE.—The term "Upper Basin State" means any of the States of—

(A) Colorado;

(B) New Mexico;

(C) Utah; and

(D) Wyoming.

(d) IDENTIFICATION OF PROBLEMS AND SOLUTIONS.—

(1) STUDY.—The Secretary shall conduct a study to identify—

(A) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water;

(B) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality, public health, or the environment;

(C) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified in subparagraphs (A) and (B); and

(D) the costs and benefits associated with reducing or eliminating the obstacles identified in subparagraphs (A) and (B).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study under paragraph (1).

(e) IMPLEMENTATION.—

(1) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide financial assistance for the development of facilities, technologies, and processes to demonstrate the feasibility, effectiveness, and safety of—

(A) optimizing energy resource production by reducing the quantity of produced water generated; or

(B) increasing the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

(2) LIMITATIONS.—Assistance under this subsection—

(A) shall be provided for—

(i) at least 1 project in each of the Upper Basin States; and

(ii) at least 1 project in at least 1 of the Lower Basin States;

(B) shall not exceed $1,000,000 for any project;

(C) shall be used to pay not more than 50 percent of the total cost of a project;

(D) shall not be used for the operation or maintenance of any facility; and

(E) may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(f) CONSULTATION, ADVICE, AND COMMENTS.—In carrying out this section, including in preparing the report under subsection (d)(2) and establishing criteria to be used in connection with an award of financial assistance under subsection (e), the Secretary shall—

(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

(2)(A) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.); and

(B) to the extent the Secretary determines to be advisable, include that information in the report under subsection (d)(2);

(3) seek the advice of—

(A) individuals with relevant professional or academic expertise; and

(B) individuals or representatives of entities with industrial experience, particularly experience relating to production of oil, natural gas, coalbed methane, or other energy resources (including geothermal resources); and

(4) solicit comments and suggestions from the public.

(g) RELATION TO OTHER LAWS.—Nothing in this section supersedes, modifies, abrogates, or limits—

(1) the effect of any State law or any interstate authority or compact relating to—

(A) any use of water; or

(B) the regulation of water quantity or quality; or

(2) the applicability or effect of any Federal law (including regulations).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $1,000,000 to carry out subsection (d); and

(2) $7,500,000 to carry out subsection (e).

SEC. 515. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION PROJECT AUTHORIZATION.

(a) PURPOSES.—The purposes of this section are to authorize—

(1) the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and

(2) the modification of the Pathfinder Dam and Reservoir, in accordance with the requirements described in subsection (c).

(b) PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term "Agreement" means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.

(B) FIRST INCREMENT.—The term "First Increment" means the first 13 years of the Program.

(C) GOVERNANCE COMMITTEE.—The term "Governance Committee" means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(D) INTEREST IN LAND OR WATER.—The term "interest in land or water" includes a fee title, short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.

(E) PROGRAM.—The term "Program" means the Platte River Recovery Implementation Program established under the Agreement.

(F) PROJECT OR ACTIVITY.—The term "project or activity" means—

(i) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;

(ii) the acquisition of an interest in land or water;

(iii) habitat restoration;

(iv) research and monitoring;

(v) program administration; and

(vi) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(G) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(H) STATES.—The term "States" means the States of Nebraska, Wyoming, and Colorado.

(2) IMPLEMENTATION OF PROGRAM.—

(A) IN GENERAL.—The Secretary, in cooperation with the Governance Committee, may—

(i) participate in the Program; and

(ii) carry out any projects and activities that are designated for implementation during the First Increment.

(B) AUTHORITY OF SECRETARY.—For purposes of carrying out this section, the Secretary, in cooperation with the Governance Committee, may—

(i) enter into agreements and contracts with Federal and non-Federal entities;

(ii) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;

(iii) subsequently transfer any interests acquired under clause (ii); and

(iv) accept or provide grants.

(3) COST-SHARING CONTRIBUTIONS.—

(A) IN GENERAL.—As provided in the Agreement, the States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(B) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States' share of the Program:

(i) $30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(ii) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(C) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.

(4) AUTHORITY TO MODIFY PROGRAM.—The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.

(5) EFFECT.—

(A) EFFECT ON RECLAMATION LAWS.—No action carried out under this subsection shall, with respect to the acreage limitation provisions of the reclamation laws—

(i) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(ii) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or

(iii) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.

(B) EFFECT ON WATER RIGHTS.—Nothing in this section—

(i) creates Federal water rights; or

(ii) requires the grant of water rights to Federal entities.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out projects and activities under this subsection $157,140,000, as adjusted under subparagraph (C).

(B) NONREIMBURSABLE FEDERAL EXPENDITURES.—Any amounts expended under subparagraph (A) shall be considered to be nonreimbursable Federal expenditures.

(C) ADJUSTMENT.—The balance of funds remaining to be appropriated shall be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(D) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds for projects and activities made available under subparagraph (A) shall be retained for use in future fiscal years to implement projects and activities under the Program.

(7) TERMINATION OF AUTHORITY.—The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.

(c) PATHFINDER MODIFICATION PROJECT.—

(1) AUTHORIZATION OF PROJECT.—

(A) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this subsection as the "Secretary"), may—

(i) modify the Pathfinder Dam and Reservoir; and

(ii) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this subsection as the "Project"), as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(B) FEDERAL APPROPRIATIONS.—No Federal appropriations are required to modify the Pathfinder Dam under this paragraph.

(2) AUTHORIZED USES OF PATHFINDER RESERVOIR.—Provided that all of the conditions described in paragraph (3) are first met, the approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(3) CONDITIONS PRECEDENT.—The actions and water uses authorized in paragraphs (1)(A)(i) and (2) shall not occur until each of the following actions have been completed:

(A) Final approval from the Wyoming legislature for the export of Project water to the State of Nebraska under the laws (including regulations) of the State of Wyoming.

(B) Final approval in a change of water use proceeding under the laws (including regulations) of the State of Wyoming for all new uses planned for Project water. Final approval, as used in this subparagraph, includes exhaustion of any available review under State law of any administrative action authorizing the change of the Pathfinder Reservoir water right.

SEC. 516. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this section as the "Secretary"), shall—

(A) conduct a feasibility study of alternatives to augment the water supplies of—

(i) the Central Oklahoma Master Conservatory District (referred to in this section as the "District"); and

(ii) cities served by the District;

(2) INCLUSIONS.—The study under paragraph (1) shall include recommendations of the Secretary, if any, relating to the alternatives studied.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total costs of the study under subsection (a) shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to conduct the study under subsection (a) $900,000.

TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

SEC. 601. ENERGY TECHNOLOGY TRANSFER.

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

"SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

"(a) GRANTS.—Not later than 18 months after the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2008, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or institutions of higher education (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In making awards under this section, the Secretary shall—

"(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and information about advanced energy efficiency methods and technologies;

"(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

"(A) about a variety of technologies; and

"(B) in a variety of geographic areas;

"(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region; and

"(4) consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit.

"(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

"(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

"(2) Carrying out demonstrations of advanced energy methods and technologies.

"(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

"(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and cooling systems, for a wide range of energy end-users.

"(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

"(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

"(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

"(1) a description of the applicant's outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

"(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

"(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

"(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

"(5) a description of how the applicant will assess the success of the program.

"(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

"(1) The ability of the applicant to carry out the proposed activities.

"(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, institutions of higher education, and National Laboratories.

"(3) The appropriateness of the applicant's outreach program for carrying out the program described in this section.

"(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

"(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

"(f) DURATION.—

"(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

"(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

"(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

"(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

"(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term 'advanced energy methods and technologies' means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

"(2) CENTER.—The term 'Center' means an Advanced Energy Technology Transfer Center established pursuant to this section.

"(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means an electric power generation technology, including photovoltaic, small wind, and micro-combined heat and power, that serves electric consumers at or near the site of production.

"(4) COOPERATIVE EXTENSION.—The term 'Cooperative Extension' means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

"(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

"(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

"(B) 1890 Institutions (as defined in section 2 of that Act); and

"(C) 1994 Institutions (as defined in section 2 of that Act).

"(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.".

SEC. 602. AMENDMENTS TO THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act $12,000,000 for each of the fiscal years 2008 through 2012.".

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking "coatings for sheet steels" and inserting "sheet and bar steels"; and

(2) by adding at the end the following new subparagraph:

"(K) The development of technologies which reduce greenhouse gas emissions.".

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting ", beginning with fiscal year 2008," after "close of each fiscal year".

TITLE VII—NORTHERN MARIANA ISLANDS

Subtitle A—Immigration, Security, and Labor

SEC. 701. STATEMENT OF CONGRESSIONAL INTENT.

(a) IMMIGRATION AND GROWTH.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this subtitle—

(1) to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(17)), to apply to the Commonwealth of the Northern Mariana Islands (referred to in this subtitle as the "Commonwealth"), with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth; and

(2) to minimize, to the greatest extent practicable, potential adverse economic and fiscal effects of phasing-out the Commonwealth's nonresident contract worker program and to maximize the Commonwealth's potential for future economic and business growth by—

(A) encouraging diversification and growth of the economy of the Commonwealth in accordance with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America through consultation with the Governor of the Commonwealth;

(C) assisting the Commonwealth in achieving a progressively higher standard of living for citizens of the Commonwealth through the provision of technical and other assistance;

(D) providing opportunities for individuals authorized to work in the United States, including citizens of the freely associated states; and

(E) providing a mechanism for the continued use of alien workers, to the extent those workers continue to be necessary to supplement the Commonwealth's resident workforce, and to protect those workers from the potential for abuse and exploitation.

(b) AVOIDING ADVERSE EFFECTS.—In recognition of the Commonwealth's unique economic circumstances, history, and geographical location, it is the intent of the Congress that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources, and developing new economic opportunities, consistent with the mandates of this subtitle. This subtitle, and the amendments made by this subtitle, should be implemented wherever possible to expand tourism and economic development in the Commonwealth, including aiding prospective tourists in gaining access to the Commonwealth's memorials, beaches, parks, dive sites, and other points of interest.

SEC. 702. IMMIGRATION REFORM FOR THE COMMONWEALTH.

(a) AMENDMENT TO JOINT RESOLUTION APPROVING COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241; 90 Stat. 263), is amended by adding at the end the following new section:

"SEC. 6. IMMIGRATION AND TRANSITION.

"(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after the date of enactment of the Consolidated Natural Resources Act of 2008 (hereafter referred to as the 'transition program effective date'), the provisions of the 'immigration laws' (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the 'Commonwealth'), except as otherwise provided in this section.

"(2) TRANSITION PERIOD.—There shall be a transition period beginning on the transition program effective date and ending on December 31, 2014, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the 'transition program').

"(3) DELAY OF COMMENCEMENT OF TRANSITION PERIOD.—

"(A) IN GENERAL.—The Secretary of Homeland Security, in the Secretary's sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

"(B) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

"(C) CONGRESSIONAL REVIEW.—A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

"(4) REQUIREMENT FOR REGULATIONS.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

"(5) INTERAGENCY AGREEMENTS.—The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

"(6) CERTAIN EDUCATION FUNDING.—In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of $150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

"(7) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

"(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

"(c) NONIMMIGRANT INVESTOR VISAS.—

"(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), during the transition period, the Secretary of Homeland Security may, upon the application of an alien, classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

"(A) has been admitted to the Commonwealth in long-term investor status under the immigration laws of the Commonwealth before the transition program effective date;

"(B) has continuously maintained residence in the Commonwealth under long-term investor status;

"(C) is otherwise admissible; and

"(D) maintains the investment or investments that formed the basis for such long-term investor status.

"(2) REQUIREMENT FOR REGULATIONS.—Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

"(d) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL WORKERS.—An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:

"(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

"(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basisto zero, during a period not to extend beyond December 31, 2014, unless extended pursuant to paragraph 5 of this subsection. In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admissible freely associated state citizen labor. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

"(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien admitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

"(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien's authorized stay therein, without permission of the employee's current or prior employer, within the alien's occupational category or another occupational category the Secretary of Homeland Security has found requires alien workers to supplement the resident workforce.

"(5)(A) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Interior, and the Governor of the Commonwealth, shall ascertain the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary's sole discretion.

"(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

"(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

"(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth's businesses;

"(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

"(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

"(iv) the number of unemployed alien workers in the Commonwealth;

"(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

"(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

"(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

"(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

"(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to join a worker admitted pursuant to this subsection.

"(e) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH IMMIGRATION LAW.—

"(1) PROHIBITION ON REMOVAL.—

"(A) IN GENERAL.—Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien's presence in the Commonwealth is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

"(i) of the completion of the period of the alien's admission under the immigration laws of the Commonwealth; or

"(ii) that is 2 years after the transition program effective date.

"(B) LIMITATIONS.—Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after the date of enactment of the Consolidated Natural Resources Act of 2008, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 702(i) of the Consolidated Natural Resources Act of 2008.

"(2) EMPLOYMENT AUTHORIZATION.—An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

"(A) of expiration of the alien's employment authorization under the immigration laws of the Commonwealth; or

"(B) that is 2 years after the transition program effective date.

"(3) REGISTRATION.—The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Consolidated Natural Resources Act of 2008. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.

"(4) REMOVABLE ALIENS.—Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

"(5) PRIOR ORDERS OF REMOVAL.—The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date, upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the alien has previously been removed from the United States or the Commonwealth pursuant to such order.

"(f) EFFECT ON OTHER LAWS.—The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

"(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

"(h) REPORT ON NONRESIDENT GUESTWORKER POPULATION.—The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after the date of enactment of the Consolidated Natural Resources Act of 2008. The report shall include—

"(1) the number of aliens residing in the Commonwealth;

"(2) a description of the legal status (under Federal law) of such aliens;

"(3) the number of years each alien has been residing in the Commonwealth;

"(4) the current and future requirements of the Commonwealth economy for an alien workforce; and

"(5) such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on such enactment date to apply for long-term status under the immigration and nationality laws of the United States.".

(b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT VISITORS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 214(a)(1) (8 U.S.C. 1184(a)(1))—

(A) by striking "Guam" each place such term appears and inserting "Guam or the Commonwealth of the Northern Mariana Islands"; and

(B) by striking "fifteen" and inserting "45";

(2) in section 212(a)(7)(B) (8 U.S.C. 1182(a)(7)(B)), by amending clause (iii) to read as follows:

"(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.—For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (l)."; and

(3) by amending section 212(l) (8 U.S.C. 1182(l)) to read as follows:

"(l) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM.—

"(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay in Guam or the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, determines that—

"(A) an adequate arrival and departure control system has been developed in Guam and the Commonwealth of the Northern Mariana Islands; and

"(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

"(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

"(A) to review or appeal under this Act an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands; or

"(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208, any action for removal of the alien.

"(3) REGULATIONS.—All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, on or before the 180th day after the date of enactment of the Consolidated Natural Resources Act of 2008. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

"(A) a listing of all countries whose nationals may obtain the waiver also provided by this subsection, except that such regulations shall provide for a listing of any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of enactment of the Consolidated Natural Resources Act of 2008, unless the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

"(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for nonimmigrant visitors.

"(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

"(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary's discretion suspend the Guam and Northern Mariana Islands visa waiver program at any time, on a country-by-country basis, for other good cause.

"(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary's sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.".

(c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands (referred to in this subsection as "CNMI") may request that the Secretary of Homeland Security study the feasibility of creating additional Guam or CNMI-only nonimmigrant visas to the extent that existing nonimmigrant visa categories under the Immigration and Nationality Act do not provide for the type of visitor, the duration of allowable visit, or other circumstance. The Secretary of Homeland Security may review such a request, and, after consultation with the Secretary of State and the Secretary of the Interior, shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives with respect to the feasibility of creating those additional Guam or CNMI-only visa categories. Consideration of such additional Guam or CNMI-only visa categories may include, but are not limited to, special nonimmigrant statuses for investors, students, and retirees, but shall not include nonimmigrant status for the purpose of employment in Guam or the CNMI.

(d) INSPECTION OF PERSONS ARRIVING FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF THE UNITED STATES.—Section 212(d)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "Guam,".

(e) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Governor of the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 6(a)(4) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241), as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admissible citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) CONSULTATION.—In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) COST-SHARING.—For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.

(f) OPERATIONS.—

(1) ESTABLISHMENT.—At any time on and after the date of enactment of this Act, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241), as added by subsection (a).

(2) PERSONNEL.—To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).

(g) CONFORMING AMENDMENTS TO PUBLIC LAW 94-241.—

(1) AMENDMENTS.—Public Law 94-241 is amended as follows:

(A) In section 503 of the covenant set forth in section 1, by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(B) By striking section 506 of the covenant set forth in section 1.

(C) In section 703(b) of the covenant set forth in section 1, by striking "quarantine, passport, immigration and naturalization" and inserting "quarantine and passport".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the transition program effective date described in section 6 of Public Law 94-241 (as added by subsection (a)).

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than March 1 of the first year that is at least 2 full years after the date of enactment of this subtitle, and annually thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report that evaluates the overall effect of the transition program established under section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241), as added by subsection (a), and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth.

(2) CONTENTS.—In addition to other topics otherwise required to be included under this subtitle or the amendments made by this subtitle, each report submitted under paragraph (1) shall include a description of the efforts that have been undertaken during the period covered by the report to diversify and strengthen the local economy of the Commonwealth, including efforts to promote the Commonwealth as a tourist destination. The report by the President shall include an estimate for the numbers of nonimmigrant workers described under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid adverse economic effects in Guam and the Commonwealth.

(3) GAO REPORT.—The Government Accountability Office shall submit a report to the Congress not later than 2 years after the date of enactment of this Act, to include, at a minimum, the following items:

(A) An assessment of the implementation of this subtitle and the amendments made by this subtitle, including an assessment of the performance of Federal agencies and the Government of the Commonwealth in meeting congressional intent.

(B) An assessment of the short-term and long-term impacts of implementation of this subtitle and the amendments made by this subtitle on the economy of the Commonwealth, including its ability to obtain workers to supplement its resident workforce and to maintain access to its tourists and customers, and any effect on compliance with United States treaty obligations mandating non-refoulement for refugees.

(C) An assessment of the economic benefit of the investors "grandfathered" under subsection (c) of section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Commonwealth's ability to attract new investors after the date of enactment of this Act.

(D) An assessment of the number of illegal aliens in the Commonwealth, including any Federal and Commonwealth efforts to locate and repatriate them.

(4) REPORTS BY THE LOCAL GOVERNMENT.—The Governor of the Commonwealth may submit an annual report to the President on the implementation of this subtitle, and the amendments made by this subtitle, with recommendations for future changes. The President shall forward the Governor's report to the Congress with any Administration comment after an appropriate period of time for internal review, provided that nothing in this paragraph shall be construed to require the President to provide any legislative recommendation to the Congress.

(5) REPORT ON FEDERAL PERSONNEL AND RESOURCE REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, after consulting with the Secretary of the Interior and other departments and agencies as may be deemed necessary, shall submit a report to the Committee on Natural Resources, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate, on the current and planned levels of Transportation Security Administration, United States Customs and Border Protection, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, and United States Coast Guard personnel and resources necessary for fulfilling mission requirements on Guam and the Commonwealth in a manner comparable to the level provided at other similar ports of entry in the United States. In fulfilling this reporting requirement, the Secretary shall consider and anticipate the increased requirements due to the proposed realignment of military forces on Guam and in the Commonwealth and growth in the tourism sector.

(i) REQUIRED ACTIONS PRIOR TO TRANSITION PROGRAM EFFECTIVE DATE.—During the period beginning on the date of enactment of this Act and ending on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)), the Government of the Commonwealth shall—

(1) not permit an increase in the total number of alien workers who are present in the Commonwealth as of the date of enactment of this Act; and

(2) administer its nonrefoulement protection program—

(A) according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth of the Northern Mariana Islands and the United States Department of Interior, Office of Insular Affairs, executed on September 12, 2003 (which terms and procedures, including but not limited to funding by the Secretary of the Interior and performance by the Secretary of Homeland Security of the duties of "Protection Consultant" to the Commonwealth, shall have effect on and after the date of enactment of this Act), as well as CNMI Public Law 13–61 and the Immigration Regulations Establishing a Procedural Mechanism for Persons Requesting Protection from Refoulement; and

(B) so as not to remove or otherwise effect the involuntary return of any alien whom the Protection Consultant has determined to be eligible for protection from persecution or torture.

(j) CONFORMING AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(D)(ii), by inserting "or the Commonwealth of the Northern Mariana Islands" after "Guam" each time such term appears;

(2) in section 101(a)(36), by striking "and the Virgin Islands of the United States" and inserting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands";

(3) in section 101(a)(38), by striking "and the Virgin Islands of the United States" and inserting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands";

(4) in section 208, by adding at the end the following:

"(e) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The provisions of this section and section 209(b) shall apply to persons physically present in the Commonwealth of the Northern Mariana Islands or arriving in the Commonwealth (whether or not at a designated port of arrival and including persons who are brought to the Commonwealth after having been interdicted in international or United States waters) only on or after January 1, 2014."; and

(5) in section 235(b)(1), by adding at the end the following:

"(G) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Nothing in this subsection shall be construed to authorize or require any person described in section 208(e) to be permitted to apply for asylum under section 208 at any time before January 1, 2014.".

(k) AVAILABILITY OF OTHER NONIMMIGRANT PROFESSIONALS.—The requirements of section 212(m)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(6)(B)) shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

SEC. 703. FURTHER AMENDMENTS TO PUBLIC LAW 94–241.

Public Law 94–241, as amended, is further amended in section 4(c)(3) by striking the colon after "Marshall Islands" and inserting the following: ", except that $200,000 in fiscal year 2009 and $225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress".

SEC. 704. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 705. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided in this section or otherwise in this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the date of enactment of this Act.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The amendments to the Immigration and Nationality Act made by this subtitle, and other provisions of this subtitle applying the immigration laws (as defined in section 101(a)(17) of Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)), unless specifically provided otherwise in this subtitle.

(c) CONSTRUCTION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)) residence or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien's presence in the Commonwealth before, on, or after the date of enactment of this Act shall be considered to be presence in the United States.

Subtitle B—Northern Mariana Islands Delegate

SEC. 711. DELEGATE TO HOUSE OF REPRESENTATIVES FROM COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94-241 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this subtitle.

SEC. 712. ELECTION OF DELEGATE.

(a) ELECTORS AND TIME OF ELECTION.—The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) MANNER OF ELECTION.—

(1) IN GENERAL.—The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) VACANCY.—In case of a permanent vacancy in the office of Delegate, the office of

Delegate shall remain vacant until a successor is elected and qualified.

(d) COMMENCEMENT OF TERM.—The term of the Delegate shall commence on the 3d day of January following the date of the election.

SEC. 713. QUALIFICATIONS FOR OFFICE OF DELEGATE.

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) have been a citizen of the United States for at least 7 years prior to the date of the election;

(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;

(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and

(5) not be, on the date of the election, a candidate for any other office.

SEC. 714. DETERMINATION OF ELECTION PROCEDURE.

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subtitle.

SEC. 715. COMPENSATION, PRIVILEGES, AND IMMUNITIES.

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.

SEC. 716. LACK OF EFFECT ON COVENANT.

No provision of this subtitle shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 711 except section 901 of the covenant.

SEC. 717. DEFINITION.

For purposes of this subtitle, the term "Delegate" means the Resident Representative referred to in section 711.

SEC. 718. CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO MILITARY SERVICE ACADEMIES BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking "resident representative" and inserting "Delegate in Congress".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking "resident representative" and inserting "Delegate in Congress".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking "resident representative" and inserting "Delegate in Congress".

TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

SEC. 801. APPROVAL OF AGREEMENTS.

(a) IN GENERAL.—Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof"; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date that is 180 days after the date of enactment of this Act.

SEC. 802. FUNDS TO FACILITATE FEDERAL ACTIVITIES.

Unobligated amounts appropriated before the date of enactment of this Act pursuant to section 105(f)(1)(A)(ii) of the Compact of Free Association Amendments Act of 2003 shall be available to both the United States Agency for International Development and the Federal Emergency Management Agency to facilitate each agency's activities under the Federal Programs and Services Agreements.

SEC. 803. CONFORMING AMENDMENT.

(a) IN GENERAL.—Section 105(f)(1)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

"(A) EMERGENCY AND DISASTER ASSISTANCE.—

"(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs and Services Agreements may be carried out notwithstanding any other provision of law. In the sections referred to in this clause, the term 'United States Agency for International Development, Office of Foreign Disaster Assistance' shall be construed to mean 'the United States Agency for International Development'.

"(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date that is 180 days after the date of enactment of this Act.

SEC. 804. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking "and its territories" and inserting ", its territories, and the Republic of Palau";

(2) in clause (iii)(II), by striking ", or the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, or the Republic of Palau"; and

(3) in clause (ix)—

(A) by striking "Republic" both places it appears and inserting "government, institutions, and people";

(B) by striking "2007" and inserting "2009"; and

(C) by striking "was" and inserting "were".

SEC. 805. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: ", which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)".

SEC. 806. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking "section 177" and inserting "Section 177".

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting "the" before "U.S.–RMI Compact,";

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking "to include" and inserting "and include";

(ii) in paragraph (9)(A), by inserting a comma after "may"; and

(iii) in paragraph (10), by striking "related to service" and inserting "related to such services"; and

(C) in the first sentence of subsection (j), by inserting "the" before "Interior".

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking "Trust Fund" and inserting "Trust Funds".

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking "courts" and inserting "court"; and

(ii) in subsection (b)(2), by striking "the" before "November";

(B) in section 177(a), by striking ", or Palau" and inserting "(or Palau)";

(C) in section 179(b), by striking "amended Compact" and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the fifth sentence of subsection (a), by striking "Trust Fund Agreement," and inserting "Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),";

(iii) in subsection (b)—

(I) in the first sentence, by striking "Government of the" before "Federated"; and

(II) in the second sentence, by striking "Sections 321 and 323 of the Compact of Free Association, as Amended" and inserting "Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,"; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in the first sentence of section 215(b), by striking "subsection(a)" and inserting "subsection (a)";

(F) in section 221—

(i) in subsection (a)(6), by inserting "(Federal Emergency Management Agency)" after "Homeland Security"; and

(ii) in the first sentence of subsection (c), by striking "agreements" and inserting "agreement";

(G) in the second sentence of section 222, by inserting "in" after "referred to";

(H) in the second sentence of section 232, by striking "sections 102 (c)" and all that follows through "January 14, 1986)" and inserting "section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003";

(I) in the second sentence of section 252, by inserting ", as amended," after "Compact";

(J) in the first sentence of the first undesignated paragraph of section 341, by striking "Section 141" and inserting "section 141";

(K) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(L) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(M) in section 461(h), by striking "Telecommunications" and inserting "Telecommunication";

(N) in section 462(b)(4), by striking "of Free Association" the second place it appears; and

(O) in section 463(b), by striking "Articles IV" and inserting "Article IV".

(2) U.S.-RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking "court" and inserting "courts";

(B) in section 177(a), by striking the comma before "(or Palau)";

(C) in section 179(b), by striking "amended Compact," and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the first sentence of subsection (b), by striking "Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights" and inserting "Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)"; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking "Section 231" and inserting "section 231"; and

(ii) in paragraph (5), by inserting "(Federal Emergency Management Agency)" after "Homeland Security";

(F) in the second sentence of section 232, by striking "sections 103(m)" and all that follows through "(January 14, 1986)" and inserting "section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003";

(G) in the first sentence of section 341, by striking "Section 141" and inserting "section 141";

(H) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(I) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(J) in the first sentence of section 443, by inserting ", as amended." after "the Compact";

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking "1978" and inserting "1998"; and

(ii) by striking "Telecommunications" and inserting "Telecommunication Union"; and

(L) in section 463(b), by striking "Article" and inserting "Articles".

SEC. 807. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands".

SEC. 808. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

SEC. 809. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.-RMI Compact, the U.S.-FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term "State" means "State, territory, or the District of Columbia".

SEC. 810. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC–58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC–57) and KINGFISHER (MHC–56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I am pleased to call up this legislation which is comprised of 61 separate measures that were already considered by this body, packaged by the Senate, and sent back to us for further and final consideration. This is a bipartisan package, almost evenly split between bills sponsored by Democrats and Republicans.

Further, I would note that 57 of the measures included in this package originated in the Committee on Natural Resources. In this regard, I salute the committee's Chairs who worked so hard on this legislation:

RAÚL GRIJALVA, chairman of the Subcommittee on National Parks, Forests and Public Lands; GRACE NAPOLITANO, chairwoman of the Subcommittee on Water and Power, and DONNA CHRISTENSEN, chairwoman of the Subcommittee on Insular Affairs.

In this body, these three Members did all of the heavy lifting, the hearings, the managing of the individual bills on the floor, the listening from other Members of this body that helped to make the package we are considering today possible.

The pending measures include new protections for wilderness, national parks, historic sites and trails, and precious water resources from sea to shining sea.

I will not speak to each and every provision of this legislation today but would like to highlight two in particular.

This bill will finally designate the long-awaited Wild Sky Wilderness in Washington State, championed by our colleague, RICK LARSEN. As I noted last week when the House considered wilderness legislation for my home State of West Virginia, to be in a wilderness area is truly a humbling experience. To be part of designating the wilderness is even more humbling because wilderness is an effort to retain the landscape as God created it. And as with God's good graces, we are working toward designating new wilderness areas in West Virginia today.

Let this be the next-to-last action, other than the President's signature, on establishing the Wild Sky Wilderness in the State of Washington.

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The other measure I would like to highlight would finally bring badly needed immigration, national security and labor protections for the Commonwealth of the Northern Mariana Islands. Further, this legislation would also grant a nonvoting delegate to the U.S. House of Representatives to the Northern Mariana Islands.

For too long, abuses took place in the CNMI, and for too long remedial legislation was held hostage in this body. Let this legislation bring forth a new dawn, the start of a new era with a delegate to this body, that the people of the CNMI's voices be heard.

Again, I want to thank the gentlelady from the Virgin Islands, the chairman of the Subcommittee on Insular Affairs, Dr. DONNA CHRISTENSEN, for her great work on this matter.

There are other issues of note in this bill. It would expand parks in Maine, Massachusetts, North Carolina, Washington and Idaho. It would improve visitor transportation options at Denali National Park and Acadia National Park. And it would expand and increase the authorization for the National Underground Railroad Network to Freedom. Three new national heritage areas and nine existing areas will receive Federal assistance under this measure. Seven other areas will be examined as possible new park units.

This bill would also authorize Federal participation in new and expanded water recycling projects around the west, projects which will provide an estimated 52,600 acre-feet of water annually in an area experiencing severe drought.

It's a good bill, Mr. Speaker. I urge all Members to vote for this package.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate bill 2739 contains around 62 provisions, and I am pleased to see that they're finally on their way to the President's desk. However, this bill is also a testament to the dysfunction of a certain body on the other side of this Rotunda.

Many of the sections of this bill are unable to stand on their own and have subsequently been bundled into a $300 million brew to avoid individual scrutiny. To solve the problem and avoid the discomfort of saying "no," this omnibus was created with enough prizes that inevitably the bad will be overlooked and everything, the good, the bad and the ugly, will be able to cross the finish line.

Many of these provisions were passed by this House last year, so it's nice to say that finally something is coming out of the Senate, even if it's coming in this very poor form. But in other ways this bill is also symbolic of this session. We have wasted time and then glob everything together and throw it together with one fell swoop without the ability of scrutinizing it as individual issues, and at the same time miss essential bills that address critical needs.

This legislation deals with land where energy opportunities do exist, and yet once again we are moving forward with gas approaching $4 a gallon. Today, the average price of gasoline in the United States was $3.61. That's $1.28 for gasoline, $1.57 for diesel, 55 and 59 percent above what it was at the beginning of the 110th Congress. And still, with no plan to solve this issue, we pass bills that exacerbate this conundrum.

This particular bill is full of new designations intended to draw tourists, but the only sightseeing that's going to be done in this country will be from the couch watching the Travel Channel if we don't address our fuel crisis. Every time we pass feel-good natural resource legislation with warm and fuzzy titles, we must consider the damage being done to our ability to provide for ourselves. We have locked up so much of our public land from energy development that we are now seeing the results at the pump, and these are our priorities.

What else do we do? Our solution is to offer biofuels; in other words, we want to burn food to power cars. Not only is this immoral, it is devastating Third World countries now unable to afford food to feed their starving children. These are our priorities.

We could have used forest mass that's dead every year, it would have been perfect cellulose for production of energy and at the same time save our forests from catastrophic fires, but such was specifically prohibited in the "no energy" bill that passed this Congress recently. So, these are our consequences.

We discussed many of the sections in this bill individually when they first came to the House floor in 2007. We did it the right way, even if I disagreed with some of the outcomes we decided. Unfortunately, they are back without improvements that would have made them palatable.

I don't believe private property rights are adequately protected in any of the heritage areas in this bill. And I question why the amendment to protect second amendment rights, which was overwhelmingly passed on the House floor, was stripped from this package. It is flat out wrong to have done that. It is almost unfathomable that the Senate would do such a thing and that we would consider passing this bill with that significant provision not there. Yet again, the second amendment and property rights take a back seat to misguided priorities of the other body.

As I stated earlier, there are a few positives I am pleased to support. Congressmen WILSON and BROWN of South Carolina have worked to get the "Swamp Fox" General Francis Marion Memorial to the President. I congratulate them. Minority Whip BLUNT has labored to authorize the Newtonia Civil War Battlefields study that we will move today. I thank him for his fine work. My Resource Committee colleague, Congressman LOUIS GOHMERT from Texas, has an important study to honor the Space Shuttle, *Columbia*, and I'm pleased that this is included in Senate 2739. Resource Committee Ranking Member DON YOUNG has several provisions that will benefit the country and his constituents in Alaska, and I thank him for his tireless efforts and advocacy on their behalf.

Finally, of all the provisions, probably the best one is a dam bill provision for my congressional district. This provision would authorize the Bureau of Reclamation to do a feasibility study on raising the height of the Arthur V. Watkins Dam in Box Elder County. And given the shortage of water in the West, by increasing storage capacity of this vital reservoir, the residents of my congressional district will have a more secure water supply and water future.

Having already spent too many hours debating these bills when they came before us that now make up this legislative Frankenstein, I see no need to prolong this much longer.

I will reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to a senior member of our Committee on Natural Resources, Mr. DeFazio from Oregon.

Mr. DEFAZIO. I thank the chairman.

This legislation includes legislation earlier passed by this House, H.R. 247, endorsed by all the members of the Oregon delegation, to recognize the Jim Weaver Trail.

In 1964, the original Wilderness Act put a lot of high elevation Oregon into wilderness, but it left out our precious forests and our old growth. Ten years later, Oregon's most persistent champion of wilderness, Jim Weaver, was elected to the United States Congress. Despite the fact that he represented the largest public timber-producing district in the country, Jim engaged in a battle over the next 10 years to set aside some of Oregon's most beautiful forests for future generations. He engaged in the first fights to preserve old growth, fights which are continuing to this day.

The Forest Service originally recommended 370,000 acres for wilderness designation in Oregon. Jim upped the ante a little bit to 1.2 million. He had very, very tough and difficult negotiations with the Senate, and in the end he and Senator Hatfield were able to settle on 861,500 acres, not everything Jim wanted, but a tremendous legacy for our future.

At the very last minute, Jim got Grassy Knob added and Monument Rock protected. And then one of the toughest things that he had to do, he was asked by Senator Hatfield did he want Hardesty Mountain or did he want Waldo. Jim chose Waldo. And so it's extremely appropriate that this House acts today to name the trail which encompasses pristine Waldo Lake as the Jim Weaver Trail. And future generations of Oregonians utilizing that trail will begin to understand the history and the fight that went into preserving some of their most precious wildlands, a fight which I'm attempting to continue with wilderness legislation this year, and a fight with the BLM over their attempts to harvest the last of our precious old growth.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentlelady from Illinois (Mrs. Biggert).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of S. 2739, which includes the provisions of H.R. 85, a bill called the Energy Technology Transfer Act that I introduced with my Science and Technology Committee colleague from North Carolina (Mr. Miller). The House approved our bill by a vote of 395–1 back in March of last year. And this is so important, Mr. Speaker, that it is now before this House again, and I appreciate it.

Mr. Speaker, the Federal Government spends billions every year on energy-related research and development for our universities and national laboratories. The result is often new technologies that exponentially reduce our consumption of energy or encourage the use of alternative fuels and thus reduce our dependence on foreign sources of energy. But the biggest challenge to realizing these energy savings is getting these technologies out of the laboratory and into the marketplace where they can benefit all energy end users. Whether we're talking about a business owner, a homeowner, a county or local government officials, these energy end users may be hesitant to embrace advanced or alternative technologies with which they are not familiar, have little experience, or which may require new infrastructure.

To help energy end users embrace these new technologies, section 917 of the Energy Policy Act (EPACT) of 2005 directed the Department of Energy to create a geographically dispersed network of energy efficiency technology transfer centers to help in this process. This bill will simply improve that section 917 of EPACT, and instead of creating from scratch these network centers, H.R. 85 authorizes the DOE to provide grants to and partner with existing community outreach networks. These existing networks could include Cooperative Extension Systems—just like what we have seen with the farms—offices, State energy offices, local governments, institutions of higher education, and nonprofit organizations with expertise in energy technologies or outreach. And so instead of limiting these centers to the transfer of energy efficiency technologies, it also expands their mission to include all advanced energy technologies and requires grantees to provide feedback to DOE on the energy research needs identified by these energy end users.

I just want to give you one example of what I'm talking about in Chicago and how this program might work. Before expanding their frozen pizza production plant in Illinois, Home Run Inn Pizza consulted with the University of Illinois—Chicago's Energy Resource Center. After conducting an assessment of the plant and its operations, the UIC Energy Resource Center identified nine ways that the Home Run Inn Pizza could reduce their energy consumption and energy costs. Using advanced energy technologies developed as a result of the DOE-funded research, Home Run Inn Pizza could reduce natural gas consumption by 15 percent and electricity consumption by 5 to 6 percent, saving a total of about $15,000 annually.

So with the enactment of H.R. 85, the UIC Energy Resource Center and other cooperative extension and community outreach organizations could add capacity and expertise to help many, many companies, building managers, homebuilders and homeowners use the technology to save energy and money.

So the bill represents just a small investment in the tech transfer capabilities that we need to help our universities and labs move advanced energy technologies from labs into the market so Americans can enjoy the tangible benefits of our Federal investment in R&D.

I want to thank my colleague, Mr. Miller from North Carolina, for his strong interest in tech transfer and for being the lead Democrat on this bill. I want to thank Chairman Gordon and Ranking Member Hall for recognizing the value of this bill and moving it through the committee, Senators Bingaman and Domenici and the Senate Energy and Natural Resources Committee for approving this bill and including it in S. 2739. Finally, I want to thank the chairman and ranking member of the Natural Resources Committee and the House Republican and Democrat leadership for bringing this package of bills to the floor today and I urge my colleagues to support it.

Mr. RAHALL. Mr. Speaker, I have already commended her profusely, but I want to once again thank the chairwoman of our Subcommittee on Insular Affairs, Donna Christensen, from the Virgin Islands for the hard work and long hours that she has put in on this legislation. I now yield her 3 minutes.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman, for those kind remarks. And I am pleased to rise in support of S. 2739, which includes two bills that I sponsored, H.R. 3079, the CNMI Immigration, Security, and Labor Act (ISLA), which also includes the NMI Delegate Act, and H.R. 2705, the Compacts of Free Association Amendments Act of 2007. Both were unanimously passed by this Chamber this year.

ISLA resolves two issues which have been before this Congress for decades. First, it would extend U.S. immigration laws to the CNMI. And second, it would authorize a CNMI nonvoting delegate to serve in this body beginning in the 111th Congress.

For two decades, the CNMI has had local control over immigration policy, and it has never been represented in this Chamber. For those unheard voices, for the prosperity of those islands, and for the security of our Nation, the path should now lead in a different direction.

ISLA provides the needed policy flexibility to transition immigration from local to Federal control. It ensures that employers can fill jobs, residents receive vocational training, nonresident guest workers be protected, the region's economy be diversified, and the Marianas archipelago be strategically secure.

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H.R. 2705 makes technical corrections to the Compact Agreements of 2003 and ushers in a new disaster assistance regime between FEMA and USAID for the FAS.

I'm grateful to Chairman RAHALL for his commitment to prioritize issues affecting U.S. territories in the Freely Associated States. I thank the committee ranking member, Mr. YOUNG, and the subcommittee ranking member, Mr. FORTŨNO. I also want to thank the staff of the subcommittee.

I want to especially acknowledge Mr. FALEOMAVAEGA and Ms. BORDALLO, both members of the subcommittee, for traveling with me to the CNMI to conduct our hearing. They are tireless in their support of the subcommittee's agenda, and Ms. BORDALLO worked closely with me to ensure that the interests of all the people in the Marianas, as well as the priorities for our Nation's security, were included in ISLA.

I urge my colleagues to pass S. 2739.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, first I want to thank the ranking member, Mr. BISHOP, for his fairness as we went through this process. And I want to thank the chairman, Mr. RAHALL, for his leadership in moving this. I am very, very grateful.

I want to rise in support of this bill, which includes a provision to establish the Journey Through Hallowed Ground National Heritage Area. Establishing this heritage area spans 175 miles through four States.

The Journey Through Hallowed Ground winds its way along U.S. Route 15 from Gettysburg, Pennsylvania, to Jefferson's home of Monticello in Charlottesville, Virginia. Starting as a trail used by the Susquehannock and Iroquois, America's early history can literally be traced along this corridor. Jefferson's Monticello, Madison's Montpellier, Monroe's Oak Hill and Ashlawn Highland, Zachary Taylor's homes, Eisenhower's cottage, Teddy Roosevelt's cabin, John Marshall's home, General George Marshall's home, and Camp David are situated along this route, which is also dotted with numerous Civil War battlefields.

I close with Abraham Lincoln's Gettysburg Address, spoken at the northern terminus of the Journey Through Hallowed Ground corridor and signifies the history, and he said:

"We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men and women, living and dead, who struggled here, have hallowed it far above our poor power to add or detract."

I urge my colleagues to support this legislation.

Mr. RAHALL. Mr. Speaker, I want to yield 2 minutes to another of our subcommittee chairwomen who has put in long hours and very hard work on this legislation, the chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans (Ms. BORDALLO).

Ms. BORDALLO. I thank Chairman RAHALL for yielding to me.

Mr. Speaker, I rise in support of S. 2739, and I urge my colleagues to vote to pass it and send it to the President's desk. I underscore my support for subtitle B of title VII of this comprehensive, important legislation, which provides for the election and the seating of a delegate representing the Commonwealth of the Northern Mariana Islands.

Mr. Speaker, the people of Guam and the people of the Northern Marianas are neighbors, and we share a common heritage. This bill is the product of careful deliberation and bipartisan cooperation. Many Members have worked diligently to shape it into the form in which it has arrived on the floor today. And for this reason and for the leadership brought to bear in drafting the CNMI title and responding to the concerns and interests of stakeholders on Guam, I want to thank very much Chairman NICK RAHALL and Insular Affairs Subcommittee Chairwoman DONNA CHRISTENSEN.

The CNMI delegate provision represents the beginning of a stronger partnership for this body with the people of the Northern Marianas. I look forward to welcoming a new delegate in this hall and to that day next January when Members will take the oath with a new colleague representing the CNMI.

This House has a strong record of affording U.S. territories representation in Congress. To date, Mr. Speaker, 188 delegates and 32 resident commissioners have served ably in this House over the course of its history. It is a tradition that dates back to 1790, with the Northwest Ordinance areas, and today we continue this tradition by extending a long overdue voice for the people of the Northern Marianas. The CNMI should be afforded the honor and given the responsibility of electing a delegate to represent their interests.

This is about democracy and representation. The compelling case for representation for the CNMI has finally been made. So vote for S. 2739.

Mr. BISHOP of Utah. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to a member of our Committee on Natural Resources, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I would like to commend this bill for two reasons.

First, the passage of the Bainbridge Island Japanese American Monument Act. It is long overdue. We will finally present a monument to a chapter in American history that should never be a occasioned again. On March 30, 1942, on Bainbridge Island, Washington, the island where I live, the United States Army rounded up 227 people living on Bainbridge Island, put them on a ferry boat, shipped them by trains to a camp in Manzanar for the duration of the war, totally without legality. And 62 of those people subsequently served in World War II.

Two years ago a 95-year-old woman, Fumiko Hayashida, came to Congress and testified about the pain that episode caused her and all of America. And this dedication of a monument on Bainbridge Island will serve as a monument to all Americans of all future generations that we should never ever allow the power of fear to overcome the promise of liberty. This monument will serve to do that.

I want to thank the great work of people on Bainbridge Island: Fumiko Hayashida, Frank Kitamoto, Clarence Moriwaki; Senator CANTWELL and others who worked on this bill. And I invite all Americans to come see this monument when it's completed.

I would also like to congratulate my colleague RICK LARSEN and Senator MURRAY for their incredible work, who really set the model of how to do wilderness legislation in finally today passing the Wild Sky Wilderness. I sat on top of Berry Mountain a couple years ago and looked down, and I want to thank them for their great leadership so that my grandchild will be able to look down from the top of Berry Mountain and see the same wilderness; and to their allies, Tom Uniack, Mike Towns, and Jon Owen, all of who really created a model of how to do future wildernesses. Thank you very much, Rick and others, and I congratulate all of us for final passage of these great pieces of work.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I have commended this gentleman in my opening remarks because he truly has worked hard over a number of years for a major part of this package. It is a highlight of the package, and I yield 2 minutes to the gentleman from Washington (Mr. LARSEN) to explain it.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in support of the bipartisan Consolidated Natural Resources Act of 2008, which includes legislation I introduced to create the first new wilderness area in Washington State in over 20 years. The Wild Sky Wilderness will be unique, protecting 106,000 acres of pristine forests and streams in my district, while providing a clean and accessible place to hunt, to fish, and to hike.

My staff first met on this issue on February 20, 2001, 48 days into my first term. And now 2,625 or so days later, we are ready to pass the Wild Sky Wilderness bill as part of the broader bill and send it to the President's desk.

The Wild Sky Wilderness Act is a carefully crafted piece of legislation that reflects years of community input. It will protect the peaks, the forests, and the lakes of the Mount Baker-Snoqualmie National Forest, as well as thousands of acres of lower-elevation forests and salmon-bearing streams.

The bill has been vetted through a 7-year process of hearings, debate, local town hall meetings. It started out as a much larger bill, but through a series of compromises and through a process of inclusiveness, we came up with the bill that now stands before you today as part of the larger bill. And it would not have been possible without the help of many people here in Congress and in the Second District. Large businesses like REI, smaller businesses like a small bed and breakfast located in Index support this bill. It garners the support of Democrats and Republicans alike in Washington State. But deserving special recognition here in Congress are people like Chairman NICK RAHALL and his staff, led by Jim Zoia and Rick Healy. This proposal went through a 7-year process and is soon to become law as it goes to the President's desk.

I also want to thank my partner on the Senate side, Senator PATTY MURRAY. Creating the Wild Sky Wilderness bill would not have been possible without her hard work and strong leadership in the Senate.

So I ask my colleagues today to support the Consolidated Natural Resources Act of 2008 and know that when you do that, you will be helping to create the first wilderness bill for Washington State in over 20 years. I urge passage of this legislation.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. "Whereas, whenever kings, instead of protecting the lives and property of their subjects, as is their bounden duty, do endeavor to perpetrate the destruction of either, they thereby cease to be kings, become tyrants, and dissolve all ties of allegiance between themselves and their people . . . " This was stated by Benjamin Franklin in his preamble to a congressional resolution.

Mr. Speaker, legislation should never attempt to seize land from the public and restrict its use. Property rights are a central institution of western civilization, and they're an essential ingredient in freedom. The Consolidated Natural Resources Act of 2008 is a violation of the basic principles that our Founding Fathers set out to prevent. Congress continues to ignore, neglect, disparage, and not understand its importance.

The Federal Government already owns nearly 650 million acres of land, half of which experience severe maintenance problems and backlogs. This legislation threatens recreation, user access, grazing, mining, oil and gas exploration, and many other public uses. By restricting access to land for exploration, this legislation is limiting the potential of the economy and directly interfering with America's entrepreneurial drive.

Do we know for certain that fossil fuels are not contained in these lands? At a time when gas is nearly $4 a gallon, the very last thing we should be doing is permanently restricting access to this land.

Government abuse is increasing on all levels, and a vote for S. 2739 is a vote for an increase in the size and scope of government. We must protect America's right to utilize and to prosper from the land.

John Dickinson, a signer of the Constitution, declared: "Let these truths be indelibly impressed on our minds: that we cannot be happy without being free; that we cannot be free without being secure in our property; that we cannot be secure in our property if, without our consent, others may as by right take it away."

God's Word, the Holy Bible, says: "In the multitude of words, sin is not lacking." Mr. Speaker, there's a lot of sin in this bill.

Stop increasing government control and regulation of American property owners and vote "no" on S. 2739.

Mr. RAHALL. Mr. Speaker, a simple response to the gentleman who just spoke. There's no eminent domain authority whatsoever granted in this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, a very valued Member that has worked hard on this bill and has done a superb job, and I want to commend Mr. COURTNEY for his leadership and work on this legislation.

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Mr. COURTNEY. Mr. Speaker, I want to salute Chairman RAHALL and Subcommittee Chairman GRIJALVA for the hard work that both of these individuals did to bring this legislation to the floor today. It took persistent leadership to, again, get 61 measures all here, ready for vote and final passage and transmittal to the White House.

Included in this bill, section 344, is the language which was included in H.R. 986 legislation, which we debated and passed last July, the designation of the Eightmile River in Connecticut, Wild and Scenic designation. This is an effort that has taken 10 years in the State of Connecticut. It's a river that is 8 miles long, extends from East Haddam through Salem, into Lyme, and then to Hamburg Cove on Long Island Sound.

It is one of the most pristine treasures in a highly densely populated part of the country, one of the original colonies, where we respect property rights dearly in the State of Connecticut. Over that 10-year period, a balanced process was followed, which brought consensus among all the communities, bipartisan support, the Republican Governor of Connecticut, the entire delegation from Connecticut, and particularly Senator DODD, who led the fight in the Senate for passage. And the communities who have worked so hard to preserve this extraordinary body of water are, again, anxious and excited to see final passage, which will take the Eightmile River and make it part of the family of rivers that have received the Wild and Scenic designation over the 40 years of that act's existence in this country, 160 rivers.

Again, I want to salute the Resources Committee for the hard work that they did to make sure that the Eightmile River plan will now become a reality.

Mr. BISHOP of Utah. I continue to reserve.

Mr. RAHALL. I am prepared to close on this side, Mr. Speaker.

Mr. BISHOP of Utah. Mr. Speaker, this Frankenstein bill that we have before us has a whole lot of good stuff in it. It also has a whole lot of bad stuff in there, things that could be cataclysmic consequences to this particular country.

One of the things that is so sad is the process in which we are involved. I realize it's regular order, but it's still a sad process. We have germaneness rules that are very loose. The Senate has germaneness rules that are even looser. Former Senator Gene McCarthy said, The Senate has rules, but no one knows what they are so it doesn't really matter.

Bringing a bill in this pattern with these many provisions over here is something that would never be allowed in most legislative bodies within our States. One of the things we should learn as a body is sometimes it is best if we actually deal with bills on an individual basis in a timely manner. I realize part of this problem cannot be laid at the hands of the chairman of our committee because it's actually dealing with the other body on the other side, which decided to lump everything together as a big glob and just throw it at us.

At the same time, it should be a lesson for us to learn that if we really want to reform the system so that we have actual input on bills in a timely fashion and timely manner, we should have one issue, one bill, one vote, and plumping everything together is simply poor parts of legislation. For all the good that is in this bill, and there is much good, as well as the bad, and there is some bad, it still is the wrong process that we should be engaged.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I mentioned in my opening remarks, this is 60-some pieces of legislation in this bill, and it may not be perfect, but it's the nature of the beast, as the process is. Of the 60-some measures in this legislation, 57 that went through our committee on Natural Resources were pretty well examined. They weren't just thrown into this bill without any consideration whatsoever. Either in this Congress or the previous Congress, these bills have had hearings on them. I mentioned the subcommittee process that worked its will in our Committee on Natural Resources. So this bill has had pretty careful scrutiny.

I'd like to conclude by commending the majority leader of the other body, Mr. REID. He has called me on this legislation. It passed through the other body after a tortuous process. The final vote over there was 91-4. I also want to commend the Chairman of the Energy and Natural Resources Committee on the other side, Mr. BINGAMAN, for his work and his tenacity.

Again, I commend my ranking member, the gentleman from Alaska (Mr. YOUNG) and the subcommittee ranking member, Mr. BISHOP, and the staffs on both sides of our committee on Natural Resources for the long hours that they have put in on this legislation. It is indeed, as the process goes, an excellent piece of legislation, and I am very proud and highly commend it to my colleagues for passage and on to the President for his signature.

Mr. UDALL of Colorado, Mr. Speaker, I rise in support of this Senate-passed bill, and urge that it be passed and sent to the President for signing into law.

It gathers into one omnibus measure some 60 bills—dealing with various public land, national park, water, and territorial issues—that have already been passed by the House but on which the Senate has not taken separate action. To expedite their consideration, Senator BINGAMAN, the Chairman of the other body's Committee on Energy and Natural Resources, gathered them into one package after most if not all of them had been favorably reported by that committee and been pending on the Senate calendar for some time. Each part of the package is important, but I want to highlight three.

PRODUCED WATER LEGISLATION

Section 514, entitled "More Water, More Energy, Less Waste," is based on my bill, H.R. 902, the "More Water and More Energy Act," which passed the House last year.

Its purpose is to facilitate the use of water produced in connection with development of energy resources for irrigation and other uses in ways that will not adversely affect water quality or the environment.

I think there is a possibility that it can help change an energy-industry problem into an opportunity, not just for oil and gas producers but for everyone else who would benefit from increased supplies of useable water. And especially in the arid west, that covers everyone—not least our hard-pressed ranchers and farmers.

The focus of the section is the underground water extracted in connection with development of energy sources like oil, natural gas or coalbed methane. It would do two things:

First, it would direct the Bureau of Reclamation and the USGS to identify the obstacles to greater use of produced water and how those obstacles could be reduced or eliminated without adversely affecting water quality or the environment.

Second, it would provide for Federal help in building pilot plants to demonstrate ways to treat produced water to make it suitable for irrigation or other uses, again without adversely affecting water quality or the environment. At least one of these pilot plants would be in each of the States in the Upper Basin of the Colorado River—that is, Colorado, New Mexico, Utah, and Wyoming—and at least one would be in one of the States in the Colorado River's lower basin—Arizona, California, and Nevada. This is to assure that, together, the plants would demonstrate techniques applicable to a variety of geologic and other conditions. The Federal Government could pay up to half the cost of building each plant, but no more than $1 million for any one plant. No Federal funds could be used for operating the plants.

The extent of the potential benefits was shown by the testimony of Mr. David Templet at a hearing on the similar bill of mine the House considered in the 109th Congress.

Testifying on behalf of the Domestic Petroleum Council and several other groups, including the Colorado Oil & Gas Association, he noted that produced water is the most abundant byproduct associated with the production of oil and gas, with about 18 billion barrels being generated by onshore wells in 1995. And he pointed out that if only an additional 1 percent of that total could be put to beneficial use, the result would be to make over 75 billion gallons annually available for use for irrigation or other agriculture, municipal purposes, or to benefit fish and wildlife.

Now, remember that in the west we usually measure water by the acre-foot—the amount that would cover an acre to the depth of one foot—and an acre-foot is about 328,560 gallons, so an additional 75 billion gallons is more than 230,000 acre feet—more water, indeed.

And at the same time making produced water available for surface uses, instead of just reinjecting it into the subsurface, can help increase the production of oil and gas.

At the hearing, this was illustrated by the testimony of Dr. David Stewart, a registered professional engineer from Colorado. He cited the example of an oil field in California from which an estimated additional 150 million barrels of oil could be recovered if water were removed from the subsurface reservoir. And he pointed out that where oil recovery is thermally enhanced, a reduced amount of underground water means less steam—and so less cost—is needed to recover the oil.

The potential for having both more water and more energy is also illustrated by the example of a project near Wellington, Colorado, that treats produced water as a new water resource. I had the opportunity to visit it last year, and found it very interesting. An oil company is embarking on the project to increase oil production while a separate company will purchase the produced water to supplement existing supplies, eventually allowing the town of Wellington and other water users in the area to have increased water for drinking and other purposes.

In view of its potential for leading to both "more water" and "more energy" as well as "less waste," I was pleased but not surprised that the Administration, through the Interior Department, has testified that it "agrees that the goals of the bill are commendable and the needs that could be addressed are real." So, I welcome the fact that the Senate has followed the lead of the House in approving this legislation, and I look forward to its enactment.

PLATTE RIVER RECOVERY IMPLEMENTATION LEGISLATION

Section 515 of this Senate-passed bill is also based on a bill (H.R. 1462) I introduced last year. It will authorize the Interior Department to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin.

As I said when the House debated that bill, I consider myself fortunate to have the honor of introducing it, and am gratified that it was cosponsored by my Colorado colleagues, Representatives DEGETTE, SALAZAR, and PERLMUTTER, as well as the entire House delegations of our neighboring States of Wyoming and Nebraska.

Its purpose is to continue a cooperative effort involving the Federal Government and the States of Colorado, Nebraska, and Wyoming (and other entities and groups) aimed at recovery of endangered species in ways that will not involve the creation of Federal water rights or requiring the grant of water rights to Federal entities. It is the result of 14 years of negotiations that culminated in 2006 when the Governors of Colorado, Wyoming, and Nebraska joined Secretary Kempthorne in signing the agreement.

The program is modeled after a somewhat similar program for the recovery of several endangered species of fish in the upper basin of the Colorado River. I have strongly supported that program because it has enabled us in Colorado and other participating States to meet the requirements of the Endangered Species Act while allowing continued development and use of water for other purposes as well. While such arrangements are not easy to work out, I think doing so is far better than alternative approaches that are more likely to be marked by conflicts or litigation. So, I think all concerned in the negotiation of this important agreement are to be congratulated.

The Program has three main elements—(1) increasing stream flows in the central Platte River during relevant periods through retiming and water conservation/supply projects; (2) enhancing, restoring and protecting habitat lands for the target bird species; and (3) accommodating certain new water related activities. Its purpose is to benefit three endangered species (interior least tern, whooping crane, and pallid sturgeon) and one threatened species (piping plover) referred to as the "target species." The Federal Government is to pay half the cost, for which the total authorization would be $157.14 million plus any needed inflation adjustments. Implementation of the Program will mitigate the adverse impacts of certain new water related activities through the implementation of state and federal depletions plans. This will allow continued growth and water development to occur in the Platte River basin along with improving conditions for the target species.

The legislation is important for Colorado and our neighbors in Wyoming and Nebraska. I am glad that the Senate has approved it and look forward to its becoming law.

NORTHERN MARIANAS LEGISLATION

Finally, Mr. Speaker, I want to note that Title VII of the bill before us includes important provisions related to the Commonwealth of the Northern Mariana Islands, or CNMI.

Subtitle A of that Title responds to long-standing Federal concerns regarding immigration, labor, and law enforcement in the CNMI.

Its enactment will bring completion, at long last, to more than a decade of congressional and executive branch efforts to extend the U.S. immigration laws to the CNMI including the establishment of Federal border control as anticipated by the 1976 covenant agreement between the CNMI and the United States.

And Subtitle B will enable the citizens of the CNMI—who have been U.S. citizens and members of the U.S. family for over 20 years—to elect a Delegate to the House of Representatives, a necessary step if we are to keep faith with our Nation's founding principle of representative government.

The CNMI, a U.S. Territory located in the western Pacific Ocean, is an archipelago comprised of fourteen islands. The majority of CNMI's population lives on three of the most southern islands: its capital Saipan, Rota, and Tinian. At the end of World War II, along with most of the other islands in the Micronesian region, they were included in a United Nations Strategic Trust Territory administered by the United States. In the early 1970's, the Northern Marianas sought greater self-government, and in 1975 submitted a "Covenant" proposal to the U.S. for final approval. After favorable consideration by Congress, that Covenant, which established the Commonwealth of the Northern Mariana Islands in political union with the United States, was signed into law in 1976 by President Gerald Ford.

During the negotiations over the Covenant, island officials expressed concern about possible adverse effects on their culture and economic development that could come from application of certain U.S. laws. In response, the Marianas government was given temporary responsibility for determining minimum wage laws, immigration standards, and an income tax system.

Beginning in the late 1980s, the CNMI focused on developing a garment industry and used its local control of immigration policy to allow for the recruitment and importation of foreign guest workers. But there were increasing reports of abuses.

For example, after visiting the islands in July, 1997, the U.S. Commission on Immigration Reform reported it had found problems "ranging from bureaucratic inefficiencies to labor abuses to an unsustainable economic, social and political system that is antithetical to most American values," including exploitation of foreign workers with retaliation against protesters, suppression of basic freedoms, and flagrant abuses of household workers, agricultural workers, and bar girls. The Commission said the CNMI's guest-worker policy had created major policy problems and resulted in a two-class system where the majority of workers were denied political and social rights.

That and similar reports prompted efforts to achieve reforms through Federal legislation, and both the George H. W. Bush Administration and the Clinton Administration were concerned about repeated allegations that foreign guest workers were being mistreated and exploited. Both Administrations supported addressing the problem through legal reforms.

I have long supported those reforms. In 1999—my first year as a Representative from Colorado—I joined as a cosponsor of a bill a bill entitled the "United States-Commonwealth of the Northern Marianas Human Dignity Act" to bar use of the "Made in the USA" label on textiles produced in the CNMI unless they were produced in plants that conformed with American labor laws, including those aimed at protecting health and safety and guarding against exploitation.

And ever since, I have supported similar legislation, including the bill (H.R. 3079, the "Northern Mariana Islands Immigration, Security, and Labor Act") which passed the House last year and which is the basis for Subtitle A of Title VII of the bill before us today.

I did so, in part, because in September, 1999, the Committee on Resources (as it was then named) held an oversight hearing regarding the enforcement of federal laws and the use of federal funds in the CNMI at which officials of the Interior Department and the Departments of Justice and Labor, testified that reform legislation was needed.

As the witness from the Justice Department put it, "in order to control crime in the CNMI, the U.S. government must be able to prevent criminals from gaining unlimited access to the islands. We cannot expect to stop the flow of drugs, or guns, or trafficking in women and forced prostitution, unless we keep out the people who we know are already committing these crimes" and "the only way to fight effectively the larger crime problem on the CNMI is to apply the Act as it is applied in other U.S. jurisdictions with appropriate transitional phase-in provisions to prevent avoidable adverse impacts on the economy." And the witness from the Labor Department told our committee that "there are extremely serious, pervasive, and stubbornly persist[ing] immigration, labor, and human rights problems in the Commonwealth of the Northern Marianas" which "derive from systematic, structural weaknesses in the legal framework in the Commonwealth and any solution to these problems demands a comprehensive, structural solution."

In short, in the words of the witness from the Interior Department, "current Federal law is insufficient to correct the continuing inadequacies caused by CNMI immigration and labor policy" and "the need to apply . . . Federal immigration, wage, and trade standards is inescapable."

Unfortunately Mr. Speaker, while responsible Federal officials saw the need as inescapable, for too long Congress did not act to meet that need. In part, that was because those responsible for some of the worse abuses had friends in powerful positions here in the House of Representatives.

That evidently was why the then-leadership of the House refused to even allow the House to debate a reform bill (S. 1052 of the 106th Congress) sponsored by the Republican Senator who chaired the Committee on Energy and Natural Resources that passed the Senate without dissent in 2000.

Instead of being brought to the House floor, like this bill, that measure was bottled up in the Resources Committee and Jack Abramoff, the lobbyist who represented some of its most important opponents, reportedly informed his clients that "We erected a roadblock in the House to stop the bill from moving."

But now that roadblock is gone, and today we can write an end to that sad chapter by approving reforms that have been delayed far too long.

Mr. Speaker, this is a good bill that deserves enactment, and I urge the House to approve it.

Mr. HASTINGS of Washington. Mr. Speaker, the House of Representatives is being asked to swallow this colossal Senate lands bill without any Member having the opportunity to offer amendments or provide input. This is an abdication of our duties as elected Representatives and it means good legislation will continue to sit lingering and waiting for action in the Senate because it's not been included in this packaged bill.

There are parts of this massive bill that I do support. In fact, I am the sponsor and author of the bill, H.R. 386, that will convey certain buildings and land from the Bureau of Reclamation to the Yakima-Tieton Irrigation District. This measure will allow for greater local control of property that is already being used for irrigation purposes. It will also allow the irrigation district to make needed improvements. H.R. 386 passed the House by a vote of 417–0 in February, 2007 and I am pleased that the Senate finally acted on this bipartisan piece of legislation.

However, this package excludes many other House passed bills that have been awaiting Senate action, including two of which are of particular interest to me and communities in Central Washington state.

The first bill, H.R. 523, passed the House last October by a vote of 377 to zero. This bill would allow for the sale of several parcels of property from the Bureau of Land Management to the Douglas County PUD for both ease and efficiency of management, while ensuring environmental protections. Additionally, the funds generated from this sale would be put towards improving public access to existing BLM lands in Washington state. This creates an opportunity to address some longstanding needs to improve public access to public lands in my state, including for recreation at the Juniper Dunes area. Having passed the House over six months ago without dissent, and also being subject of a positive Senate hearing in February, there is no reason that this bill shouldn't be part of this package.

Second, I am frustrated that the Senate did not include H.R. 1285, the Snoqualmie Pass Land Conveyance Act. This legislation would help facilitate the construction of a modem fire station to serve both local communities and interstate freeway travelers crossing Snoqualmie Pass. The Snoqualmie Pass Fire and Rescue is often the first to respond to emergencies through the pass. This heavily traveled area often sees major snowstorms as well as avalanches. This bill passed the House last July by voice vote and it merits passage by the Senate and to be signed into law.

Instead of action on these two bills, there is indefinite delay and no apparent plan for action. I will not be allowed to offer an amendment to add these two non-controversial bills to this Senate package. The House is only given the choice of passing this bill.

I have heard some of my colleagues in both the House and the Senate claim that this conglomerate Senate bill mainly includes bills that passed out of the House of Representatives and enjoy strong bipartisan support. Both H.R. 523 as well as H.R. 1285 fit both of those criteria. Why then were they not included in S. 2739 when other bills were included that have never passed the House or had prior Senate Committee approval?

I am frustrated and disappointed at the closed manner in which the House is being forced to vote on this bill. Furthermore, I am concerned at the enormous expansion of federal land ownership and management responsibilities created by this bill when we are not currently able to meet our public lands existing maintenance needs. It is ironic that both of the bills that have been left out of this legislation would, in a responsible way, actually decrease and relieve these demands and stress on current capabilities.

For these reasons, I must vote against this bill.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of S. 2739, the Consolidated Natural Resources Act of 2008. This measure, recently approved by the Senate, includes a number of measures that earlier had been approved by the House of Representatives, including H.R. 2094, a bill that I sponsored with Representatives JERRY MORAN, TODD TIAHRT, NANCY BOYDA, LEONARD BOSWELL, and MAC THORNBERRY. As an Executive Committee member of the Dwight D. Eisenhower Memorial Commission, I know that this legislation is important to our continuing efforts to establish a National, permanent memorial to President Eisenhower. H.R. 2094 would make important amendments to the statute establishing the Eisenhower Memorial Commission, so that it can more effectively discharge its duties.

Congress created the Eisenhower Memorial Commission in 1999 and charged the Commission with establishing a National memorial to Dwight David Eisenhower to honor his memory and commemorate his contributions to the nation. The Commission is completely bipartisan, consisting of four Senators, four Representatives, and four private citizens. The Commission keeps an office in Washington, DC, with four full-time staff, including an Executive Director and Executive Architect.

Since determining a preferred site in June 2005, the Commission has worked tirelessly to speed the progress of the memorialization. In September 2006, only fifteen months later, the Commission received final site approval from the National Capital Planning Commission and the Commission of Fine Arts. The National Eisenhower Memorial will be located across the street from the National Air and Space Museum at the intersection of Maryland and Independence Avenues, SW. The site is surrounded by institutions Ike either created or profoundly influenced, including the Department of Education.

The Commission is now engaged in Pre-Design Programming, a concerted effort to determine what the memorial should be. Eisenhower family members, Eisenhower contemporaries, historians, Kansans, and many others have been interviewed on their vision for the memorial. A voluntary online questionnaire is available to the public. Although there are many diverse opinions on Ike's greatest achievement and the appropriate focus for his memorial, all agree that Eisenhower is, as Michael Korda presents in his new biography, "an American hero."

I am particularly proud to claim one of the greatest 20th-century Americans as a fellow Kansan. He ranks as one of the preeminent figures in the global history of the 20th century. Dwight Eisenhower spent his entire life in public service. His most well-known contributions include serving as Supreme Commander of the Allied Expeditionary Forces in World War II and as 34th President of the United States, but Eisenhower also served as the first commander of NATO and as President of Columbia University. Dramatic changes occurred in America during his lifetime, many of which he participated in and influenced through his extraordinary leadership as President. Although Ike grew up before automobiles existed, he created the Interstate Highway System and took America into space. He created NASA, the Department of Health, Education, and Welfare, and the Federal Aviation Administration. He added Hawaii and Alaska to the United States and ended the Korean War. President Eisenhower desegregated the District of Columbia and sent federal troops into Little Rock, Arkansas, to enforce school integration. He defused international crises and inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War. A career soldier, Eisenhower championed peace, freedom, justice and security, and as President he stressed the interdependence of those goals. He spent a lifetime fulfilling his duty to his country, always remembering to ask what's best for America.

The development of the Pre-Design Program will produce three books to serve as an information packet for potential designers and the eventual design team for the memorial. The reasons for building a memorial to Eisenhower are only one part of the challenge set out in the Pre-Design Program. Technical considerations and guidance from the National Park Service are also included. Issues from preserving the historic view to the U.S. Capitol to providing a National Park Service Ranger station at the site are presented. This stage is the last major step prior to procuring a design team.

While the Eisenhower Memorial Commission has so far been able to efficiently manage the memorialization process, the tasks involved in design and construction require revised administrative and operational authority. H.R. 2094 provides the needed revisions and will enable the Commission to work more efficiently and effectively during design and construction when quick turnaround times are vital and daily decisions must be made. The authority provided in this legislation is based on the authority given to temporary commissions in existence for up to three years. The Eisenhower Memorial Commission has similar needs, but exists for no set time period. The Commission will exist until the completion of the memorial.

For example, H.R. 2094 will enable the Commission to hire temporary federal employees instead of contract consultants, simplifying administration of staffing and covering the liability of its employees. H.R. 2094 will also provide for the Executive Architect to represent the Commission on the panels that will select the design team for the memorial. As currently written, the Commission's legislation prohibits its staff or members from participating in the determination of the design team.

H.R. 2094 will enable the Commission to continue working not only to ensure that the National Eisenhower Memorial is an inspiration to future generations, but also to ensure that the memorialization process is an example of responsible public work. I urge my colleagues to support passage of S. 2739 today, and with it, the language included in H.R 2094.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of S. 2739, the Consolidated Natural Resources Act of 2008. This bipartisan legislation consists of 61 measures that previously passed the House earlier in the 110th Congress. Among the bill's provisions is Section 201, which incorporates H.R. 276, the Piedras Blancas Historic Light Station Outstanding Natural Area Act of 2007, a bill I sponsored and was approved by the House on March 5, 2007, by voice vote.

First, I want to thank the chairman of the Natural Resources Committee, Mr. RAHALL, and chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. GRIJALVA, as well as the ranking members of the full Committee and Subcommittee for expediting the consideration of this legislation and for bringing S. 2739 before us today. I also want to thank Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee, as well as Senator FEINSTEIN and Senator BOXER for their support of the Consolidated Natural Resources Act.

Section 201 of S. 2739 would designate the Piedras Blancas Historic Light Station—located in my congressional district—as an Outstanding Natural Area within the BLM's National Landscape Conservation System.

The Piedras Blancas Light Station is located on an 18-acre parcel of BLM-administered land along the Pacific Coast in San Luis Obispo County. The property is adjacent to Pacific Coast Highway and the Hearst Castle State Historic Monument, and it looks over a pristine coastal area that includes the southern portion of the Monterey Bay National Marine Sanctuary and California Coastal National Monument. It is also nationally recognized as an important monitoring point for migrating whales, and is used by the U.S. Geological Survey, the National Marine Fisheries Service and a number of universities and colleges for marine wildlife and plant research.

The Light Station and the surrounding area are also important for tourism. For example, the national historic Light House—built in 1879—is a main destination focal point on the Central Coast, and the peninsula is very popular for viewing sea otters, elephant seals, and sea lions from shore. The elephant seal colony at Piedras Blancas attracts an estimated 400,000 visitors annually.

In 2001, BLM assumed ownership and management of the Light Station from the U.S. Coast Guard. Since then, BLM, State and local agencies, community stakeholders and conservation groups have developed a very successful partnership to preserve the Light Station.

Some of these partners include: the Piedras Blancas Light Station Association; California State Parks; San Luis Obispo County; the cities of Cambria and San Simeon; the California Coastal Conservancy and Coastal Commission; NOAA; and the Hearst Corporation.

As a result of their hard work, the site was re-opened to public tours in 2003—for the first time in 128 years! These partners continue to work together on a series of environmental education, historical restoration and resource protection programs. And I'm confidant they will each support and showcase this national designation if enacted.

Mr. Speaker, I also want to acknowledge the second and third-graders at Grover Heights Elementary school in my congressional district for their support of this Light Station. In 2006, these students began the "Pennies for Piedras" campaign to raise money toward restoration of the lighthouse. By the end of the school year, the students had raised $1337.30 in pennies to repair Piedras Blancas. I'm happy to report the students at Grover Heights continue this wonderful effort to protect and enhance one of the Central Coast's crown jewels.

As you know, my legislation tracks the successful model of designating the Oregon Coast's Yaquina Head as an Outstanding Natural Area, which was signed into law in 1980. Yaquina Head was later included in the National Landscape Conservation System.

Like Yaquina Head, the addition of the Piedras Blancas Light Station to the NLCS would be an important step in protecting and preserving this valuable natural and historic resource. It will also focus attention on the restoration of the Light Station and surrounding area, specifically the three on-site National Register properties. And, it will serve as a means to increase public awareness of the Light Station's scientific, cultural and educational values.

Specifically, Section 201 stresses long-term conservation of the Light Station by requiring timely completion of a management plan. The management plan would be developed through a public process and include guidelines for restoration of the National Register of Historic Places buildings, including the Light House; public access; ecological and cultural resource management; and, fostering scientific study and research opportunities.

Mr. Speaker, the Piedras Blancas Light Station is a wonderful resource. It has the potential to serve as a model for future resource management, and therefore would be an appropriate addition to the BLM's National Landscape Conservation System.

Again, I would like to thank the Committee on Natural Resources for supporting this bill, which among other things, will designate the Piedras Blancas Historic Light Station as an Outstanding Natural Area, and urge its immediate passage.

Mr. REGULA. Mr. Speaker. I want to thank Chairman RAHALL and my colleagues in the Senate for all of their hard work on this bill. It is my pleasure today to speak on behalf of S. 2739.

I rise to highlight Title IV of this comprehensive natural resources bill, which reauthorizes the National Heritage Area program. Heritage Areas allow communities to preserve and maintain places of cultural and historical importance so that future generations can enjoy them. These areas also provide important recreational opportunities for local families and visitors who come from all over the country. They relieve the Federal Government of the burden of permanently maintaining these spaces as national parks at a time when the National Park System is overburdened.

Mr. Speaker, this bill is a tremendous benefit to the American people. National Heritage Areas provide opportunities for the health, education, and recreation of the American people in their communities. In my State of Ohio, the Ohio and Erie Canalway is one of the many great examples of the success of this program. The Ohio and Erie Canal was originally created nearly two centuries ago in an attempt to bring Ohio out of economic stagnation by making the State a vital link in the waterways that connect the Eastern States with the Gulf of Mexico. As a result, Ohio excelled to become one of the most prosperous States within 20 years of the canal's creation. Today, that heritage is shared with the people as they enjoy the many of the benefits Ohio and Erie Canal Towpath. With over 3 million users a year, this one of several National Heritage Areas clearly highlights the success of this program.

I also want to emphasize the fiscal responsibility of the heritage area provisions. This bill will not provide money to managing entities unless they provide matching funds from other sources. For example, within the Ohio and Erie Canalway, for the $8 million in Federal funding that has been secured for this area, over $270 million in State, local, and private contributions have been leveraged.

Mr. Speaker, the National Heritage Area program has been a successful program for nearly 10 years. I believe it will continue to be a successful program as it has been an efficient use of the taxpayers' money while preserving historic and cultural landmarks for communities across this country. I ask my colleagues to support S. 2739.

Mr. BECERRA. Mr. Speaker, I rise in support of S. 2739, the Consolidated Natural Resources Act of 2008, which includes a provision to establish a commission that will report to Congress on the feasibility of creating a National Museum of the American Latino.

Recently, the Senate passed this legislation. The House of Representatives already voted unanimously for the National Museum of the American Latino provision in the form of H.R. 512 on February 4, 2007. And today, we get the chance to do it once again.

The passage of S. 2739 will ensure that a full, rich, and inclusive story of American Latinos will be told in our nation's capital soon. Tomorrow, as many families and educators celebrate El Día de los Niños, a day on which families and educators celebrate our children, it is important to consider a valuable learning tool that until now has been somewhat neglected. Our national museums influence what Americans and foreign visitors know and believe about this nation's collective history and cultural life. My largest disappointment is that the official narrative portrayed in our museums still fails to recognize and exhibit the significant contributions made by Latinos to the culture and history of the United States.

This National Museum of the American Latino Commission Act included in S. 2739 creates a bipartisan Commission tasked with looking at whether our national museums are doing all they can to provide future generations a more complete portrayal of American Latino contributions to American life. The 23-member Commission of experts would examine whether and how to establish a new museum dedicated to the art, history, and culture of the American Latino population of the United States. Within two years of the bill being signed into law, the Commission will report their findings and recommendations to Congress, detailing a recommended plan of action on how to move forward with taking the museum from concept to reality.

In passing this legislation, we are laying the first cobblestones in what many hope will ultimately create a National Museum of the American Latino. Though American Latinos' contributions span centuries and economic sectors, many people are unaware of the role Americans of Latino descent played, and continue to play, in America. This legislation offers an extraordinary opportunity to better understand the historical and significant contributions that make this country great.

It is my hope that children who visit Washington, DC's museums go home with a more complete understanding of what it means to be an American. We hope one day our children can learn from our national museums that:

Latinos' contributions to the United States of America date back to 1565, when the Spanish established the first permanent settlement in the territorial United States in St. Augustine, Florida—four decades before the establishment of Jamestown and Plymouth Rock.

From General Bernard de Galvez who supported General George Washington's rebellion against England to the 500,000 Hispanics who served in the Armed Forces during World War

II to the soldiers like Jose Antonio Gutierrez who was among the first casualties of American troops in Iraq, Latinos have played a pivotal role in every major U.S. military war.

The sacrifices and honor of our Latino service members represent a proportionately larger number of our Nation's Congressional Medal of Honor awardees than any other ethnic group.

Latino astronauts, such as astronauts Dr. Franklin Chang-Díaz, Sydney Gutiérrez, and Dr. Ellen Ochoa, have soared into space.

During Hispanic Heritage Month in October, 2003, I first sponsored this important legislation with my good friend, Representative ILEANA ROS-LEHTINEN. I thank her and my Senate colleagues, Senators KEN SALAZAR, BOB MENENDEZ, and MEL MARTINEZ for their work as lead champions of the National American Latino Heritage Museum Commission Act in the Senate. To Senator JEFF BINGAMAN and Majority Leader HARRY REID, I send my appreciation for their help both in including H.R. 512 as part of the Consolidated Natural Resources Act of 2008 and in ensuring the bill's safe Senate passage.

Mr. Speaker, we are moving closer to the day when we can confidently say that the mosaic portrayed in Washington, DC's museums truly reflects America. I thank you for allowing the consideration of S. 2739, which includes the National Museum of the American Latino Commission Act to have its time on the House floor. I strongly encourage my colleagues to vote in support of S. 2739, so that we can clear this final congressional hurdle and move forward a broadly supported effort to ensure that American Latinos are included in our national narrative.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of S. 2739, the Consolidated Natural Resources Act of 2008. This omnibus bill contains many essential elements that reinforce the infrastructure of our Nation's historical and natural treasures. Out of the several important pieces of legislation, I would like to emphasize the National Underground Railroad Network to Freedom Reauthorization Act of 2007, which my friend Representative CASTLE and I introduced and led to passage in the House last year.

I would like to once again thank Chairman RAHALL and Subcommittee Chairman GRIJALVA for their support of H.R. 1239 when it passed the House and commend them for bringing this omnibus legislation to the floor today. Additionally, I thank Senator BIDEN for his leadership in introducing the companion to H.R. 1239 and the National Parks Conservation Association for their tireless work for the Network to Freedom and other national park initiatives.

Mr. Speaker, the National Underground Railroad Network to Freedom is the only national program dedicated to the preservation, interpretation, and dissemination of Underground Railroad history included in this legislation. It appropriately adjusts authorization levels for the Network to Freedom to reflect the growth of interest nationally and the resulting expansion of opportunities.

The Consolidated Natural Resources Act of 2008 is part of a concerted movement to overcome the funding challenges that threaten all national parks. In doing so, this legislation appropriately empowers the Network to Freedom by moderately expanding their operating funds and establishing appropriate oversight for grant funds.

If not for the plethora of other reasons to support the overarching legislation, I urge my colleagues to vote for S. 2739 because it truly demonstrates that African-American history is synonymous with American history. This legislation preserves the Underground Railroad Network to Freedom so that future generations will have a chance to learn about our history not only in a book, but with their own eyes.

Mr. SMITH of Nebraska. Madam Speaker, I want to thank the House of Representatives for taking action on the Platte River Recovery Implementation Program today.

The Platte River has undergone extensive development for irrigation, power generation, and municipal water uses. The river system today contains 15 major dams and reservoirs and provides water for about 3.5 million people.

Existing facilities on the river provide hydroelectric power, irrigation water, flood control, recreation, and fish and wildlife habitat. Substantial portions of the economies of the Platte River basin States—Wyoming, Colorado, and Nebraska—are based on water supplied by the Platte River.

In 1997, the three States and the U.S. Department of the Interior signed an agreement to pursue a basinwide cooperative recovery implementation program to improve and maintain habitat for four threatened and endangered species which use the Platte River.

The legislation we are discussing today is designed to implement a multi-state cooperative approach to assist in the conservation and recovery of habitat for the Platte River's endangered and threatened species and to help prevent the need to list more species under the Endangered Species Act. The bill would also provide regulatory certainty to the cities and industries which rely on flows of the river.

As we move forward with the implementation of the program, positive and negative economic impacts must be assessed and considered in order to minimize adverse effects of the recovery efforts.

This legislation is the first step of many to protect and recover species and provide long-term water use for our communities.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of 2008 the Consolidated Natural Resources Act of 2008 which includes the renaming of the Ellis Island Library on the third floor of the Ellis Island Immigration Museum as the "Bob Hope Memorial Library."

Bob Hope is an American institution and was one of our greatest entertainers. Most Americans remember Bob Hope for his work in the entertainment business as well as for his USO shows for American soldiers, sailors, marines, and airmen fighting overseas.

What few know is that Bob Hope was an immigrant from England. Like many of the other 16 million immigrants who passed through Ellis Island, Bob Hope and his family arrived in America in 1908 with little but the American dream. Bob Hope described himself upon arrival as "a 4-year-old boy in knickers who had no idea of the opportunities that lay ahead."

Bob Hope held a special place in his heart for Ellis Island and, in 1990, when the Ellis Island Restoration Commission suggested naming the third floor of the museum in his honor, he stated that it would be "one of the single most important highpoints in his career."

The library will be a daily reminder to Ellis Island's visitors of the great contributions of one of our Nation's most renowned immigrants and of the opportunities of the American dream. While Bob Hope did not live to see this project completed after more than 15 years, we honor his memory by passing this legislation today.

It is my hope that the National Park Service and the Ellis Island Restoration Commission will work together to make the Ellis Island Museum, including the Bob Hope Memorial Library, a place to remember the 16 million immigrants who passed through Ellis Island and an interactive destination to honor the memories of and learn more about some of America's most famous immigrants, such as Bob Hope.

Mr. SHULER. Mr. Speaker, I rise today to support S. 2739, the Consolidated Natural Resources Act of 2008. S. 2739 includes the text of many important House-passed Federal lands bills, including H.R. 1100, my legislation to ensure the preservation of the beautiful natural surroundings at the Carl Sandburg Home Historic Site in Western North Carolina.

Carl Sandburg is one of America's finest and favorite poets. In 1945, Sandburg moved to Flat Rock, North Carolina, where he would spend the rest of his life.

The Sandburg Home is an important part of both our heritage and our economy in Western North Carolina. It is imperative that we protect the integrity of the Sandburg Home Site so future generations can fully appreciate its tremendous natural beauty. Expanding this site will also allow Western North Carolina to attract more tourists to the area, further driving the economy of the region.

I thank my colleagues in the House for the overwhelming bipartisan support they demonstrated in passing H.R. 1100 last year, and I thank Senators DOLE and BURR for their support of this legislation in the Senate.

I ask my colleagues to join me once again in preserving this national treasure.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S. 2739.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FINANCIAL LITERACY MONTH 2008

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1079) supporting the goals and ideals of Financial Literacy Month 2008, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1079

Whereas personal financial literacy is essential to ensure that individuals are prepared to make informed financial choices, as well as manage money, credit, debt, and risk and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas personal financial management skills and lifelong habits begin to develop during childhood;

Whereas a study completed in 2006 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know less about principles of basic personal finance than did high school seniors 7 years earlier, and the average scores in both years were failing grades;

Whereas the 2007 Survey of the States by the National Council on Economic Education found that 49 States include the subject of economics and 40 States include the subject of personal finance in their elementary and secondary education standards, up from 48 and 31 States, respectively, in 2002;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least 1 credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the personal savings rate in the United States was zero percent at the end of the fourth quarter of 2007, which puts it among the lowest since the government began collecting the data in 1959;

Whereas although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as "401(k) plans"), a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement and 37 percent of workers say that they are not currently saving for retirement;

Whereas the average baby boomer has only $50,000 in savings apart from equity in their homes;

Whereas a study by the American Institute of Certified Public Accountants found that 55 percent of people between the ages of 25 and 34 maintain an interest-bearing account or other savings instrument, a decrease of 10 percent since 1985;

Whereas the April 2007 National Foundation for Credit Counseling consumer financial literacy survey found that only 39 percent of American consumers keep close track of their expenses; less than half have ordered their credit report; and one-third do not know where to go for financial advice;

Whereas studies show that as many as 10,000,000 households in the United States are "unbanked" or are without access to mainstream financial products and services;

Whereas expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth;

Whereas public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, websites, and one-on-one counseling for individuals;

Whereas at least 6,500 bankers will teach savings skills to young people on April 29, 2008, during Teach Children to Save Day, which was started by the American Bankers Association Education Foundation in April of 1997 and has helped more than 45,000 bankers teach savings skills to nearly 2,300,000 young people;

Whereas staff from America's credit unions will make presentations to young people at local schools on financial topics such as student loans, balancing a checkbook, and auto loans during National Credit Union Youth Week, which will be held April 20–26, 2008;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus (FELC) in February 2005 to (1) provide a forum for interested Members of Congress to review, discuss and recommend financial and economic literacy policies, legislation, and programs, (2) collaborate with the private sector, and nonprofit and community-based organizations, and (3) organize and promote financial literacy legislation, seminars, and events, such as "Financial Literacy Month" in April, 2008, and the annual "Financial Literacy Day" fair on April 28, 2008; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and JA Worldwide have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about financial education;

(2) recognizes the importance of managing personal finances, increasing personal savings and reducing indebtedness in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, personal financial management skills and lifelong habits begin to develop during childhood. It is essential that we begin preparing our youth as early as possible to make informed financial choices, as well as manage money, credit, debt, and risk, and become responsible workers, heads of household, investors, entrepreneurs, business leaders, and citizens.

We need to begin working closely with the Department of Education in States and localities to ensure that we begin the financial literacy learning process at least by the time a child enters kindergarten, and we need to work with the States to encourage them to require some form of financial literacy as a required part of the education curriculum.

Policymakers of both parties at the local, State, and Federal levels recently have increased their focus on financial literacy and economic education issues because national surveys from such groups as Jump$tart, the National Council on Economic Education, and the National Federation for Credit Counseling reveal troubling gaps in students' and the public's knowledge of these subjects.

Economic competency and financial literacy skills are critical for individuals to make sound decisions regarding home ownership, in savings, investment, credit and borrowing, as well as retirement planning. An educated and literate populace will strengthen the national economy as individuals improve their own economic well-being.

Mr. Speaker, our government should lead by example. We should coordinate and communicate a unified message on financial literacy across this Nation. We should authorize and appropriate such funds as necessary to create a broad-based public awareness campaign comprised of a substantial mass market, multimedia effort in support of a national financial literacy initiative on the scale of the "Truth" campaign developed through the Public Education Fund to discourage smoking among young people.

Furthermore, I believe that the National Endowment on Financial Education and several other financial literacy nonprofits and community-based groups would agree with me. In 2004, Congress passed a bill known as the FACT Act. One of the provisions in that act required Treasury and a Financial Literacy Commission to create such a campaign. It is now 2008, and Treasury has failed. So now it's our turn to take back control of the situation.

We can introduce legislation authorizing funds for such a national multimedia financial literacy campaign. The National Endowment on Financial Education recently completed one that was a success. I hope that all of my colleagues will support such legislation once it has been introduced.

Mr. Speaker, some disturbing facts. The personal savings rate in the United States was a negative 1 percent at the end of 2006, and it was zero percent at the end of the fourth quarter of 2007, which puts it among the lowest level since the government began collecting the savings rate data in 1959. Although more than 42 million people living in the U.S. participate in 401(k) plans, a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement, and only 37 percent of workers say that they are not currently saving for retirement.

Even more disturbing is the fact that the average baby boomer has only $50,000 in savings, apart from equity in their home, and the first wave of baby boomers have already entered their retirement years. This is unbelievable and dangerous to our economy and our way of life.

Something I want to discuss at length, Mr. Speaker, is the plight of what are known as the "unbanked." As many as 10 million households in the United States are unbanked, without access to mainstream financial products and services. This is a very common occurrence in my congressional district. People tend to operate in a cash society along the Texas Mexico border. If these individuals were to buy their goods and services by drawing down funds from a checking or a savings account, they would eventually be incorporated into the entire mainstream financial system. By doing so, they would establish credit. Lenders would have access to their credit reports and scores, and this would hopefully result in these previously unbanked persons attaining the American Dream of homeownership.

Unfortunately, even when these formally unbanked individuals finally have the ways and means to purchase a home, they quickly discover that they have to protect themselves from predatory lenders. I believe that the legislation that Chairman FRANK and the Committee on Financial Services is crafting will help low-income individuals who have been duped by unscrupulous salespersons, which has resulted in the current economic crisis. Chairman FRANK definitely has his finger on the pulse of this problem, and he will make sure the train stays on the track.

I salute Congresswoman BIGGERT for her work on this issue. Six years ago, to address all of these financial literacy problems, my colleague and good friend and staunch supporter of financial literacy, Congresswoman JUDY BIGGERT, and I cofounded and currently cochair the Congressional Financial and Economic Literacy Caucus. The caucus seeks to address these issues head-on by increasing public awareness of poor financial literacy rates and working to find the ways and means to improve them.

The caucus has helped promote policies that advance financial literacy and economic education. Together, we have done so by connecting Members of Congress with Federal agencies that can help them teach financial literacy at town hall meetings, through financial literacy e-newsletters, financial literacy fairs, financial football, the stock market game, and many more activities.

Mr. Speaker, I want to take this opportunity to commend my colleagues and friends, Congresswoman EDDIE BERNICE JOHNSON and Congressman DON PAYNE, for all that they are doing to improve financial literacy. With a solid background knowledge of financial literacy, America's youth can become responsible employees, heads of household, investors, entrepreneurs, and business leaders.

□ 1515

Parents and teachers need to teach our youth to start saving young, stay insured, budget their money, not borrow what they cannot repay, and especially avoid excessive credit card debt and the credit card sharks that prey on students on every college campus across the United States.

Before I close, Mr. Speaker, I want to take this opportunity to thank Congresswoman BIGGERT for working with me over the years on financial literacy. It is a pleasure to work with you and to be able to accomplish so much in just a few years.

I also want to commend her staff, Nicole Austin and Zach Cikanek, for their dedication to the financial literacy cause. I want to also express my sincere appreciation for the assistance Denise Wilson of our Committee on Government Reform provided my staff. I applaud the staff from America's credit unions, who made presentations to young people at local schools on financial topics such as student loans, balancing a checkbook and auto loans during National Credit Union Youth Week, which was held the week of April 20 of this year.

I also want to commend the American Bankers Association Education Foundation for holding their annual Teach Children to Save Day. Today, April 29, just happens to be Teach Children to Save Day. It is my understanding that over 12,000 bankers from 1,100 bank branches signed up to host financial literacy events today. Furthermore, I understand that tomorrow is El Dia de los Ninos, and they too will be exposed to financial literacy education in English and in Spanish. Many American children will share financial literacy lessons with approximately 435,000 students, which is quite an endeavor, but one which they can accomplish under the direction of Kathryn Kelly.

I include the following extraneous material for the RECORD:

NFCC AND MSN MONEY RELEASE CONSUMER SURVEY RESULTS ON CAPITOL HILL—2008 SURVEY REVEALS SERIOUS GAPS IN FINANCIAL LITERACY

SILVER SPRING, MD.—The National Foundation for Credit Counseling (NFCC) and MSN Money today released the results of their 2008 Consumer Financial Literacy Survey during a Congressional Briefing on Capitol Hill. The purpose of the survey, conducted by Princeton Survey Research Associates International, is to identify what Americans know about their finances and to assess their overall financial health. Having identified the key areas of deficiency, the NFCC and MSN Money plan to target their financial education initiatives to those Americans most at-risk.

While some results were positive, others revealed an undeniable need for financial education. Key findings were as follows:

Significant number struggle with mortgage payments and complexity of buying a home. One in every 10 Americans with a mortgage, or roughly 10 million adults, report being late or missing a mortgage payment in the last year. Adding more stress to the current housing market, almost one-quarter of Americans say they do not know enough about owning a home to consider buying one.

Millions have serious difficulties paying bills each month, most notably Generation Y. While a majority of the public reports that they pay their bills on time and do not have any debts in collections, a notable minority has fallen behind and is struggling, with seven percent, or roughly 15 million adults, either getting calls from collectors or seriously considering filing for bankruptcy. Higher income households and older Americans are more likely to stay on top of their bills. Whites and Latinos are more likely to pay their bills on time and stay clear of collections than blacks. Alarmingly, only 59 percent or roughly 23 million of the young adults in Generation Y, those ages 18–29, pay their bills on time every month. That translates into millions of tomorrow's leaders, those who will drive the engine of our economy for years to come, who are not practicing a most basic financial principle. The previous generation of consumers, those ages 30–49, also do not appear to be modeling good financial behavior.

Only a minority keep close track of expenses/spending. Financial experts generally agree that having a household budget is sound financial management. However, similar to the findings from 2007, only a minority of Americans say they keep close track of what they their typical monthly expenses are. Although a majority of the public has at least a somewhat good idea of where their money goes each month, nearly two in 10, or roughly 40 million adults, keep little or no track at all. Contrary to some stereotypes, how closely Americans manage their money does not vary by gender, age, or income. Women continue to be as likely as men, younger people as likely as older people, and lower income households as likely as higher income ones to keep close track of what they spend.

Savings and emergency funds lacking. A majority of the public does not have a sufficient emergency fund, defined as three to six months income saved. More than one-third, or roughly 76 million adults, say they do not have any non-retirement savings. Although a majority is currently saving for their retirement, more than one-quarter are not.

Many Americans are under-insured, Latinos at higher risk. Even though the baby boomer generation has come of age, only a little more than one-quarter say they have long-term care insurance. Another at-risk group is renters, with only one in 10 saying they have renters insurance. Latinos are also less likely to have medical and life insurance than whites or blacks.

Minority has ordered credit report. Financial experts recommend that consumers check their credit history at least once a year. Yet, only a minority of Americans has ordered their credit report in the past year, in spite of the fact that it can be acquired for free. And one-third, or roughly 72 million adults, readily admit that they do not know their all-important credit score.

Parents and home the biggest influence on financial education. A plurality of the public says they have learned the most about personal finance from their parents or at home. Almost half of those who closely monitor their finances are more likely to say that they learned about personal finance from their parents or at home, underscoring the potential positive influence parents can have on their children financially. To a lesser extent, some say they learned the most about personal finance on their own, followed by a financial professional, self-help sources, school, work, friends, and their spouse or partner.

Americans worry about future income growth; Midwest has greatest concerns. And matters are not likely to improve, according to some Americans. Only one-quarter expect their income to outpace inflation. More than half of all Americans believe their income will shrink, not keep pace with inflation, or stay even; this worry is greatest among Americans in the Midwest at nearly 70 percent.

"If there were ever a time that Americans needed to embrace financial literacy, it is now," said Susan C. Keating, president and CEO of the NFCC. "The NFCC is proud to make public the results of this survey in hopes that it will be a wake-up call to consumers. We live in a credit-dominated society and it is important that consumers avail themselves to the many opportunities to sharpen their financial skills and avoid any traps along the path to financial stability."

"The findings of this study are staggering, especially given the current economic outlook. We conducted this study to get at the core of what financial issues plague Americans and with this information we are now better equipped to help consumers where they need it most," said Richard Jenkins, editor-in-chief of MSN Money. "The good news is that there's an array of tools, expert advice and other resources available to better equip Americans with the information they need to stay on top of their finances. As a first step, I encourage consumers to check out the NFCC and MSN Money Web sites for tips and guidance on how to get their finances on track and stay ahead during these tough financial times."

Survey Methodology. Princeton Survey Research Associates International conducted telephone interviews between March 5th and March 15th, 2008 from a representative sampling of 1,001 Americans nationwide. The margin of error for questions based on the total sample is +/− 3 percentage points.

Washington, DC, April 8, 2008.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT:

I am writing on behalf of the Credit Union National Association (CUNA), to express our support for H. Res. 1079, which supports the goals and ideals of Financial Literacy Month 2008. CUNA is the nation's largest credit union advocacy organization, representing 90% of our nation's approximately 8,800 state and federal credit unions, their state credit union leagues, and their 88 million members.

Given the uncertainty in today's financial markets, the subprime lending crisis and other economic factors, financial literacy is more important than ever for all Americans. A knowledge of personal financial management, including savings, investment and debt, is essential to ensuring that individuals are empowered to make informed decisions about their finances. The financial literacy is vital to the well-being of American families and the overall economic health and prosperity of our nation.

Credit unions are particularly aware of the importance of providing a financial education to young people. During Financial Literacy Month, credit unions will demonstrate our commitment to educating youth as we hold National Credit Union Youth Week from April 20–26, 2008. Through the week's National Youth Savings Challenge, participating credit unions will motivate children, teenagers, and their parents to become more active users of credit union services. Each year of the challenge has seen a steady increase in participation and savings. In 2007, 393 credit unions participated in the challenge and 71,844 youth—an increase of 9,067 youth accounts—made $10.1 million in saving deposits.

In keeping with our commitment, credit unions manage many other financial youth literacy programs throughout the year. Credit unions have directly assisted in delivering the National Endowment for Financial Education's (NEFE) High School Financial Planning Program materials to more than 1,200 schools and 500,000 students nationwide from 2000 to 2007. Of the 6 million student guides which have been distributed since its publication, 4 million were distributed since CUNA's partnership with the program in 2000.

In addition, credit unions have helped fund the BizKid$ Television Series—a 26-episode series that promotes financial education for middle and high school students and reaches nearly 90 million American households—which was a joint project of the Washington Credit Union Foundation, the Public Broadcasting Service, and Junior Achievement Worldwide. Credit unions across the country also reach out to students on a personal level by visiting local schools to speak about such topics as student loans and hosting personal finance camps for teenagers.

CUNA believes in the importance of financial literacy for all Americans and thanks you for your leadership in introducing H. Res. 1079. We strongly urge its adoption in the House of Representatives.

Sincerely,

DANIEL A. MICA,
President & CEO.

ICBA APPLAUDS REPS. HINOJOSA AND BIGGERT FOR RESOLUTION ON FINANCIAL LITERACY MONTH

WASHINGTON, D.C. (April 15, 2008).—The Independent Community Bankers of America (ICBA) strongly supports the bi-partisan congressional resolution Recognizing the Goals and Ideals of Financial Literacy Month (H. Res. 1079) designating April as "Financial Literacy Month," which calls on government, non-profit organizations and the private sector to raise public awareness about the importance of financial education in the United States and the serious consequences that can result from a lack of understanding about personal finances.

"Managing money wisely is critical to success in life," said Cynthia L. Blankenship, ICBA chairman and vice chairman and chief operating officer of Bank of the West, Irving, Texas. "Too many Americans lack the skill and knowledge to make appropriate financial decisions. The more consumers and young adults know, the better they are at managing their finances, and the better they manage their finances, the more likely they are to enjoy a secure financial future.

"We commend Reps. Rubén Hinojosa (D-Tex.) and Judy Biggert (R–Ill.) for introducing a resolution that supports the goals and ideas of Financial Literacy Month," said Blankenship. "Financial education is important for today's consumers so that they can understand and make good decisions when faced with the complex array of financial products and services available."

ICBA encourages its nearly 5,000 member community banks to support the goals of Financial Literacy Month by promoting financial literacy programs during ICBA Community Banking Month in April, as well as throughout the year. ICBA has an on-going commitment to improving financial literacy by forging government, non-profit and private-sector partnerships, such as the Jump$tart Coalition and America Saves.

ICBA recognizes community banks for their outstanding financial literacy efforts within their community through the National Community Bank Service Award Financial Literacy Award. For 2007, two community banks received recognition:

Howard Bank, Ellicott City, Md., was honored for its financial literacy program by donating more than $70,000 and volunteering countless hours to local schools, community groups and non-profit associations needing help with financial literacy.

1st Centennial Bank, Redlands, Calif., was honored for developing curriculum that teaches the basics of money management such as saving, budgeting, spending and using credit wisely. 1st Centennial offers the program and provides all materials for free.

Some of the results of the National Federation for Credit Counseling's survey were positive, but others revealed an undeniable need for financial education. These results are consistent with the findings of Jump$tart's 2008 financial literacy survey, the National Council on Economic Education's 2007 Survey of the States, the 2007 Ariel-Schwab Black Investor Survey, the Employer Benefit Retirement Institute's recent Retirement Confidence Survey, and the National Council of La Raza's "Financial Counseling: A Meaningful Strategy for Building Wealth in the Latino Community."

In closing, Mr. Speaker, our country is suffering financially and our constituents are not armed with the tools they need to provide for a good future. Whether you are 5 or 65, it is never too early nor too late to take control of your finances. So why not start now?

For these reasons and more, I encourage my colleagues to support this resolution, H. Res. 1079.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 1079, which recognizes April as National Financial Literacy Month. I am pleased to say that this will be the fifth year in a row that Congress has designated April as Financial Literacy Month, and I would like to thank my good friend and fellow Chair of the House Financial and Economic Literacy Caucus, Mr. HINOJOSA, for introducing this resolution and for his continuing efforts to improve financial literacy rates in America.

Our caucus, which boasts about 80 members from both sides of the aisle, has been on the front line of this issue for several years, and I think it is fair to say that we have made some genuine progress. Today, 40 States include personal finance in their educational standards. That is up from 31 in 2002. Even more promising, 49 States now include some aspect of economics in the curriculum guidelines. But we have much work ahead of us if we are going to help today's children become tomorrow's smart investors, entrepreneurs and business leaders.

The savings rate is still hovering just below zero; 10 million Americans are unbanked; there were 2.2 million foreclosures in 2007; and the front pages of our newspapers across the country proclaim that millions of Americans are losing their homes because they were not ready to be homeowners.

Clearly, the need to improve financial literacy of Americans is greater than ever. And this applies to all Americans, not just students and children. From college grads to senior citizens, consumers are being asked to make decisions about increasingly complex financial products. According to the FTC, one-third of borrowers could not even identify the interest rate in a mortgage disclosure form and half could not correctly identify the loan amount. The problem is amplified by complicated legal jargon about balloon payments, rate resets, escrow accounts, prepayments and closing costs. The list goes on and on. That is why I have introduced several bills to help owners find a loan that best meets their budget and needs, steering them away from a situation that could lead to foreclosure down the road.

Just last week, I joined Financial Services Ranking Member BACHUS and Housing and Community Development Subcommittee Ranking Member SHELLEY MOORE CAPITO to introduce legislation that would simplify mortgage documents and increase resources for housing counseling. Taken together, these reforms will not only prevent foreclosures, they will help owners to avoid fraud and allow them to easily compare financial products to find the best loan for their families' needs.

Mr. Speaker, efforts to stimulate the economy cannot succeed unless we equip Americans with the knowledge and resources they need to succeed in today's sophisticated economic market. Housing is just one of these areas where improved financial literacy will benefit consumers.

Americans also need access to the proper tools for saving and investing money. At the start of the 110th Congress, I introduced a bill called the 401 Kids Family Savings Act of 2007. This bill will allow parents and family members to set aside money in a child's account that will accumulate tax-free and can be used for college tuition, a first home, or even retirement, should the money last that long. Not only will this boost savings, it will get kids actively engaged in banking from the time they are old enough to count. This way, they can learn about things like compound interest in the best way imaginable, by watching their own college fund grow.

Mr. Speaker, there are so many great ideas for improving financial literacy rates. In fact, over 50 nonprofit community and private sector organizations from across the country came to the Hill yesterday for the annual Financial Literacy Day Fair. On display for policymakers were hundreds of books, programs and resources on how to improve financial literacy in ways that will make a positive impact on people's lives. It was a remarkable success, and I would like to congratulate the National Council on Economic Education, the Jump$tart Coalition, Junior Achievement, and all the other sponsors who worked with Senators AKAKA and ENZI to put it together.

I would also like to recognize the impressive efforts of Charles Schwab, John Hope Bryant and the other members of the President's new Private Sector Advisory Council on Financial Literacy. It is increasingly clear that teaching financial literacy requires cooperation between the government and industry. This council will help to facilitate that cooperation by making and implementing recommendations for improving on current financial literacy outreach efforts.

Mr. Speaker, Americans are a diverse group, but we all share some very basic financial needs. We need to be prepared for tuition costs, a home, health care and retirement. We need a financial cushion against unexpected challenges like the death of a family member. And we need the capital necessary for new entrepreneurs to launch the start-ups and open the small businesses that drive the economy. Every American should have the opportunity and know-how to fulfill each of these goals. That is why I urge my colleagues to support this resolution and show that financial literacy remains a top priority for Congress.

I would like to once again thank Representative HINOJOSA and his staff, especially Greg Davis, for all their hard work on this resolution. I would also like to thank the chairman and ranking member of the Financial Services Committee, Mr. FRANK and Mr. BACHUS, for helping to move this resolution through our committee in a bipartisan way.

Mr. Speaker, I strongly support this resolution and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I am delighted to be able to recognize and yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding and congratulate him on this resolution and all of his hard work.

Mr. Speaker, I rise in support of this resolution, and I want to thank Chairman HINOJOSA and Congresswoman BIGGERT for their leadership in this area as co-chairs of the bipartisan Financial and Economic Literacy Caucus.

As this resolution states, we need to work to encourage government and private sector initiatives to enhance financial literacy. Given the current turmoil in the financial markets, the housing crisis, increasing credit card indebtedness and the economic downturn, it is very important that all Americans become better educated and more responsible financial consumers.

Financial literacy is important for many reasons, not the least of which is to learn how to save. As some point out, we have lost that ability. The Department of Commerce reports that personal saving as a percentage of disposable income, already low, declined to zero in the fourth quarter of 2007, and with the economic downturn, the situation will likely get worse. We need to help individuals develop personal savings skills, and this resolution will encourage them to do so.

The deregulation of financial markets and the rapid increase in the number and complexity of financial products stump even the most financially savvy. We know that financial literacy is especially low for certain groups, such as those with lower educational attainment and low income. If you don't understand how finance charges on mortgages, credit cards or car loans work, you can't make decisions that help you, and these decisions could push you further into debt without you realizing it.

The efforts of our school system are uneven, and we need to encourage them. In its 2007 Survey of the States, the National Council of Economic Education found that only 41 States require economic standards to be implemented in the high school curriculum, only 17 States actually require an economics course for graduation, only 22 States actually test students' knowledge of economics, only seven States require that students take a personal finance course for graduation, and only nine States actually test students' knowledge of personal finance.

Just last month, the Jump$tart Coalition released its annual study, which found that the 2008 high school senior class knows less about principles of basic personal finance than their 2006 counterparts. This does not bode well for their ability to manage their finances as a result.

This resolution shows our commitment to improving financial literacy through both public and private sector efforts. I urge my colleagues to support it. I congratulate the authors, and I congratulate the chairman and the ranking member for their efforts in moving it through the committee.

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), an important member of the Financial Services Committee.

Mr. SHAYS. Mr. Speaker, I rise today in support of the goals and ideals of Financial Literacy Month and the commitment in Congress to raise public awareness about the importance of financial education.

As we near the end of April, which is Financial Literacy Month, credit card debt is on the rise, borrowers are defaulting on mortgage payments, oil prices are hitting historic highs, unemployment is increasing and consumers continue to bite off more debt than they can handle. Financially illiterate consumers cannot be expected to make sound financial decisions because they simply are not equipped with the tools and knowledge they need.

□ 1530

It seems to me we can't expect people to be thoughtful consumers when they are not afforded the knowledge they need to make wise choices about their finances.

In light of recent turmoil in the subprime mortgage and credit markets, financial education is now more important than ever. Federal Reserve Chairman Ben Bernanke drew attention to this point when he said, "The crisis in the U.S. subprime mortgage market underscored the need for Americans to develop a sound base of financial knowledge."

I believe it is important to ensure Americans have access to the knowledge and expertise they need to be savvy consumers and wise investors. It is never too early to learn about the importance of good credit and savings.

Parents and schools play an important role in educating tomorrow's consumers, which is why I am supportive of initiatives like Jump$tart that bring financial education into our Nation's classrooms. Jump$tart is a national coalition of organizations dedicated to improving the financial literacy of kindergarten through college-aged youth by providing educational resources and advocating for increased personal finance education. A 2008 survey of high school seniors conducted by the alliance revealed that graduating seniors continue to struggle with basic financial concepts.

First convened in December 1995, the Jump$tart Coalition for Personal Financial Literacy determined that the average high school graduate lacks basic personal financial management skills like even balancing a checkbook. Laying the groundwork for financial independence at a young age will create a generation of individually prosperous and fiscally responsible consumers, and a corresponding stronger and better Nation.

Mr. HINOJOSA. Mr. Speaker, I submit the following extraneous material for the RECORD:

FINANCIAL COUNSELING: A MEANINGFUL STRATEGY FOR BUILDING WEALTH IN THE LATINO COMMUNITY

(By Beatriz Ibarra, National Council of La Raza)

SUMMARY

The report shows that current policies to improve financial literacy for Latinos fail to include one-on-one financial counseling programs, the linchpin of any strategy to close the wealth gap for Hispanics. Financial Counseling: A Meaningful Strategy for Building Wealth in the Latino Community provides specific policy recommendations on how to increase programs proven to improve financial decision-making of Hispanics—especially the more than 14.5 million who lack a basic checking account.

Mr. BACA. Mr. Speaker, I rise to support H. Res. 1079, a resolution supporting the goals and ideals of Financial Literacy Month and thank my friend and colleague Mr. HINOJOSA for offering it. I also want to thank Mr. HINOJOSA for his leadership of the Financial and Economic Literacy Caucus (FELC), of which I am a proud member.

This year, the theme for my annual women's conference was "Financial Literacy for Women," to recognize the importance of educating and encouraging women to take steps that could result in a better financial future for themselves and their families. At this conference, I invited speakers to motivate the women in my district to think about their finances and plan for the future.

That's what this resolution is all about, ensuring that individuals from all walks of life—women, men, young and old—recognize the importance of managing personal finances, increase personal savings and reduce their debt. In these tough economic times it is important that we all prepare for our financial future.

The past few months we have seen rising prices for gas to food, more Americans losing their homes or the value in their homes, and rising unemployment. Earlier this year, the New Direction Congress passed an economic stimulus package to help families with high costs of gas, health care and groceries, and to jumpstart our slowing economy. Recovery Rebates will be in the hands of 130 million Americans, starting early in May.

The strain of the economic downturn on middle-class families demands a second growth and relief package now—and Congress will work in a bipartisan way to find solutions for the immediate crisis and for a long-term economic recovery for America.

I am a proud member of the House Financial Services Committee and last week, we held a markup of legislation that will help address the foreclosure crisis. The first bill, H.R. 5818 provides $15 billion in loans and grants to States to allow them to buy up repossessed properties. This will help ensure that abandoned homes don't stay on the market too long to keep home prices from dropping even further. The second bill, H.R. 5830 allows the FHA to insure up to $300 billion in subprime loans so that these families in danger of foreclosing can refinance into a more affordable loan. It also provides money to housing counselors to increase their efforts in underserved, poor, and minority communities.

Congress is doing its part to help stabilize our economy and help keep families in their homes. This resolution supports our efforts by calling on the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities to observe Financial Literacy Month with community programs and events. This outreach will help us raise public awareness about financial education and is particularly important for our country's present and future economic well-being.

I urge my colleagues to support H. Res. 1079.

Mrs. BACHMANN. Mr. Speaker, I rise to support H. Res. 1079. Financial stability is the foundation on which freedom and prosperity are built. It is vital that all Americans grab hold of their personal finances so that families and future generations of Americans have the opportunity to prosper. I rise to honor the goals and ideals "Financial Literacy Month" represents, and urge the nation to secure their finances and plan for the years to come.

As a member of the Financial Literacy Caucus and co-sponsor of this resolution, I join my colleagues in acknowledging the importance of financial planning and encourage Americans to set goals rather than live from paycheck to paycheck. With the assistance of dedicated financial planners, Americans can be educated and assisted with setting up a sound financial plan and provide for their family a more secure life.

Through a financial plan, we begin to dream. When we dream, we have the incentive to save; and through savings, we flourish financially.

Through a variety of activities, workshops, and seminars in local communities, citizens will have the ideal opportunity to speak with knowledgeable financial planners and begin to paint a picture of a more sound and secure future of financial independence.

Mr. Speaker, I am thrilled to co-sponsor this resolution so that many Americans, for the first time, can begin to dream of a life of financial security, and work to reach their highest goals and aspirations.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1079, supporting the goals and ideals of Financial Literacy Month. I would first like to thank my distinguished colleague, RUBÉN HINOJOSA of

Texas, for introducing this important legislation. I believe basic financial literacy is imperative to ensure that individuals are capable of making financial choices, as well as managing money, credit, debt, and risk and becoming responsible workers, heads of households, investors, entrepreneurs, business leaders, and financially stable citizens. Understanding how each of these topics work together and affect each other is important for laying the groundwork for solid financial foundation for you and your family.

Personal financial management skills and lifelong habits begin to develop during childhood. In 2006, the JumpStart Coalition for Personal Financial Literacy found that high school seniors knew less about principles of basic personal finance than did high school seniors 7 years earlier, and the average scores in both years were failing grades. Financial security is the cornerstone of prosperous communities, nurturing neighborhoods and strong families. However, many individuals and families are experiencing financial crisis because of inadequate savings, too much debt and poor planning for potential major life events. Today, a majority of consumers are experiencing some sort of financial difficulty causing a significant impact on their everyday lives. In fact, Americans carry more than $2 trillion in consumer debt and 30 percent of consumers report having no extra cash—making it impossible to escape the financial burden of living paycheck to paycheck. On average, U.S. households carry about $8,000 in credit card debt alone. The total U.S consumer credit card—revolving credit—debt was $937.5 billion in November 2007 which is absolutely unheard of.

Far too many Americans are insufficiently educated about their personal finances. The personal savings rate in the United States was zero percent at the end of the fourth quarter of 2007, which puts it among the lowest since the government began collecting the data in 1959. Shockingly, about half of adults—49 percent—say they are concerned they have not paid enough attention to managing their finances as they should have and 48 percent are concerned they don't know enough about financial planning; 4 out of 10 American workers are not saving for retirement. Public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, Web sites, and one-on-one counseling for individuals.

Mr. Speaker, I urge Members of Congress in a time of economic crises and brink of economic recession, to promote literacy in all aspects of finance. I support the goals and efforts established by the National Council on Economic Education, the JumpStart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations for supporting the goals and ideals of Financial Literacy Month, including raising public awareness about financial education. I recognize the importance of managing personal finances, increasing personal savings and reducing indebtedness in the United States. I urge my colleagues to join me in supporting this legislation that requests the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

Mr. CARSON. Mr. Speaker, I rise in strong support of H.R. 1079, a resolution supporting the goals and ideals of Financial Literacy Month 2008. It is fitting that in April, the month that our taxes are due, we bring attention to the important issue of financial literacy.

As citizens face their taxes this year, they have also been facing the burden of increased financial difficulties as foreclosure rates soar, health care and energy costs continue to rise, and substantial numbers of jobs are cut. During this time of economic strain, it is especially crucial that consumers become knowledgeable about their own financial situation and that we take steps to ensure our children receive proper financial education to plan for their future.

In my district, groups such as the Indianapolis Asset Building Campaign are working to increase financial literacy in the city, especially among moderate and low income individuals. The campaign was spearheaded by my grandmother, Representative Julia Carson, former Mayor Bart Peterson, Momentive, Purdue Cooperative Extension, Indianapolis Neighborhood Housing Partnership, the Boner Center, Junior Achievement, the Internal Revenue Service and the Annie E. Casey Foundation.

It has been proactive in connecting taxpayers with financial literacy information such as free preparation services, tax credit information, the availability of low or no cost savings accounts and predatory lending. These kinds of efforts are critical to stem the cyclical debt low and moderate income individuals frequently become trapped in.

I want to thank Chairman FRANK for bringing light to this issue by holding a hearing in the Financial Services Committee and I want to also note Congressman HINOJOSA's strong leadership in this issue and his dedication to educating consumers on the importance of debt management and asset building.

We must continue working on this issue to help consumers become savvy on the complex financial products we have in the marketplace today and prevent them from becoming dependent on credit or victims of predatory lending.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support H. Res. 1079, a resolution supporting the goals and ideals of Financial Literacy Month 2008. With the economy in its current state, and with the anticipation of more hardships to come, it has become increasingly important for all Americans to have a basic understanding of financial systems and resources. Many of the challenges that we face today could have been avoided if more Americans were financially literate and able to make informed decisions while protecting themselves from abusive financial practices.

A recent 2008 Financial Literacy Survey prepared for the National Foundation on Credit Counseling and MSN Money highlights the growing need for quality financial literacy education. According to the report, over 50 million Americans have no money set aside for their own retirement, and roughly 76 million Americans have no savings outside of their retirement fund. Over 30 percent of Americans do not know their own credit score, and over 60 percent have not requested a free copy of their credit report in the past year. Approximately 40 million Americans make little or no effort to budget their finances or keep track of their own spending, and around 15 million Americans are being called by collectors and have seriously considered filing for bankruptcy. In the state of Texas, there were more than 184,000 prime and subprime mortgages in delinquency at the end of 2007, a situation that was closely linked to the lack of financial literacy among consumers. The problem is only worsened by the fact that one in four Americans say they would not consider buying a home at this time because they do not know enough to feet comfortable doing so.

By designating April as Financial Literacy Month, we are recognizing the importance of financial literacy and making an active effort to encourage and support quality financial literacy education programs. The American Dream cannot be obtained by those who suffer from dangerous consumer habits, poorly managed finances, unsustainable levels of debt, and barriers to mainstream financial services and institutions. Financial Literacy Month is a reminder for all of us to continue working so that every individual will have the tools and knowledge they need to attain financial security and strengthen our Nation's economy.

Mr. DREIER. Mr. Speaker, I would like to commend the gentleman from Texas, Mr. HINOJOSA, and the gentlelady from Illinois, Mrs. BIGGERT, for introducing H. Res. 1079, a resolution supporting the goals and ideals of Financial Literacy Month 2008. As a co-sponsor of this resolution and a member of the Financial and Economic Literacy Caucus, I am proud to support this measure.

Almost a decade into the 21st century, we are finding that more Americans have access to financial services and products than ever before. With the click of a button, consumers can perform a variety of financial activities over the Internet, from paying bills to managing investments. Technology has allowed more people to enjoy the benefits of access to capital and today, half of all American households own equities. This growing number of "investor class" Americans are participating in financial markets through retirement plans, investment vehicles or Internet trading accounts.

Yet, many Americans are concerned about our economy. Uncertainty has not only had a big impact on housing markets, but has also resulted in a great deal of volatility in stock markets both in the United States and abroad. The need for financial literacy has never been greater than it is right now. While sound financial and investment decisions are necessary for creating economic booms, they are absolutely essential in weathering the busts. As working Americans, small-business owners and the ever-growing investor class address these current economic challenges, they must have the right tools to make the best decisions for their own financial security.

Therefore, it is fitting that this resolution reaffirms the important role that financial literacy plays in helping individuals evaluate the complex financial choices that they encounter and further recognizes the need to begin teaching financial management skills at an early age. By educating our youth to understand money, savings, credit, debt and risk, we will not only be providing lifelong skills, but also can ensure that individuals will have the tools necessary to make informed decisions in this evolving 21st century economy.

It is also important to note that efforts to enhance financial literacy are not confined to our own country. Earlier this month, governments throughout Europe declared their commitment to promoting financial education. The private sector is also actively engaged in enhancing economic literacy throughout the developing world. For example, Citigroup and the Citigroup Foundation have provided more than $22 million in support of financial education programs that have reached millions of people in more than 40 countries. These activities include community development projects to support the expansion of thrift and credit-based cooperative groups in India and the development of a microfinance industry in China. As we strive for expanded trade and investment with our global partners, it is clear that growth in world markets is increasingly linked to growth in our own economy. In other words, financial literacy abroad allows us to reap the benefits here at home.

Ultimately, expanding access to the financial system and knowledge of its workings provides individuals with greater choice and lower costs when managing finances, building wealth and making investments. These activities in turn lead to increases in economic activity and growth that benefits our entire Nation. I urge my colleagues to recognize the importance of financial literacy and support this measure.

Mr. HINOJOSA. Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 1079.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FINANCIAL CONSUMER HOTLINE ACT OF 2007

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4332) to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Consumer Hotline Act of 2007".

SEC. 2. CENTRALIZED INTAKE OF CONSUMER COMPLAINTS AND INQUIRIES MADE TO FEDERAL FINANCIAL INSTITUTION REGULATORY AGENCIES.

The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended by inserting after section 1009A the following new section:

"SEC. 1009B. CONSUMER COMPLAINTS AND INQUIRIES.

"(a) SINGLE TOLL-FREE TELEPHONE NUMBER FOR CONSUMER COMPLAINTS AND INQUIRIES.—

"(1) CALL INTAKE SYSTEM.—The Federal financial institution regulatory agencies, coordinating through the Council, shall establish a single, toll-free telephone number for consumer complaints and inquiries concerning institutions regulated by such agencies and a system for routing such calls to the Federal financial institution regulatory agency that primarily supervises the financial institution, or that is otherwise the appropriate agency to address the subject of the complaint or inquiry.

"(2) ROUTING CALLS TO STATES.—To the extent practicable, State agencies may receive appropriate call transfers from the system established under paragraph (1) if—

"(A) the State agency's system has the functional capacity to receive calls routed by the system; and

"(B) the State agency has satisfied any conditions of participation in the system that the Council, coordinating with State agencies through the chairperson of the State Liaison Committee, may establish.

"(b) REPORT TO THE CONGRESS.—Not later than 6 months after the date of the enactment of the Financial Consumer Hotline Act of 2007, the Federal financial institution regulatory agencies shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the agencies' efforts to establish—

"(1) a public interagency Web site for directing and referring Internet consumer complaints and inquiries concerning any financial institution to the Federal financial institution regulatory agency that primarily supervises the financial institution, or to the Federal financial institution regulatory agency or State agency that is otherwise the appropriate agency to address the subject of the complaint or inquiry; and

"(2) a system to expedite the prompt and effective rerouting of any misdirected consumer complaint or inquiry documents between or among the agencies, with prompt referral of any complaint or inquiry to the appropriate Federal financial institution regulatory agency, and to participating State agencies.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4332, the Financial Consumers Hotline Act of 2008, which has received strong bipartisan support from the Financial Services Committee.

The bill establishes a single toll-free telephone number that consumers can call if they have a problem with their bank and want to speak to someone who can help them.

Given that depository institutions in the United States can be regulated by any of five Federal regulators or a State regulator, consumers often don't know what entity to call if they have a problem with their account.

In a hearing in my subcommittee, the regulators and consumer groups testified that customers often end up calling their Attorney General. Since State authority over national banks has been preempted by the Federal OCC, AGs can't help in this category.

This legislation builds on a suggestion that Comptroller Dugan put forward to provide consumers with a single number to call to get help with their banking issues, and we drafted it in close consultation with all five regulators.

As the OCC, the FDIC, and the OTS all testified, this legislation will be cost efficient as well as consumer friendly. I should note that CBO came out with an estimate last week. The bill would have no significant effect on direct spending or revenues. So this legislation can help our constituents without spending any money.

Right now, each of the agencies has a Web site and provides a phone number for consumers to call with questions and has a staff to follow up on complaints or inquiries, some of which may be unique to their responsibilities. For example, the Federal Deposit Insurance Corporation has systems in place to respond to consumer inquiries about deposit insurance and bank failures.

This bill would not replace these existing consumer response systems, but helps consumers find them. It adds a simple one-stop routing method to minimize confusion for consumers who are unclear about where to call for help and directs them to the right agency for specialized assistance. The establishment of a single toll-free number will help encourage greater use of the agency's resources to help their consumers.

Establishment of a single toll-free number will also assist the banking regulators in compiling consumer complaints and inquiries so that better information would be available about problems or issues that cut across the institutions that the various agencies supervise. It would help governments spot developing problems. Congressional legislation and oversight would also be better informed by such centralized statistics.

This legislation directs the Federal Financial Institutions Examination Council to set up the hotline. The Council is an existing interagency body established by statute to prescribe uniform principles and standards for financial institutions and to otherwise coordinate regulatory activity among the Federal banking regulators. The Federal Reserve, FDIC, NCUA, OCC, and OTS are all members of the Council.

The legislation also directs the Council to work with State banking regulators to integrate them into the hotline service. And, the Conference of State Bank Supervisors testified that they have already started to implement such a plan. The act also requires the Council to report to Congress 6 months after enactment on the agency's efforts to establish a public interagency Web site, likewise directing and referring consumer complaints and inquiries received on the Internet concerning any financial institution to the appropriate Federal or State financial institution regulatory agency.

I should note that not only the OCC but the Council as a whole has taken some steps in this direction on its own initiative, with an eye to both cutting costs and improving service to consumers. Last summer, the Council formed a working group to study ways in which the separate consumer complaint handling systems of each regulator could be streamlined and leveraged to better and more efficiently serve consumers.

With this legislation, we give consumers a statutory mandate and a timetable to support and guide these efforts, as well as a framework for congressional oversight.

I urge my colleagues to support this bill. I thank the Chair and the ranking member and subcommittee Ranking Member BIGGERT and many others for their help on this legislation. I urge a "yea" vote.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentlewoman from New York (Mrs. MALONEY), the Chair of the Financial Institution Subcommittee, for her hard work on this bill, and I am pleased to be a cosponsor of this bill and urge my colleagues to support it.

Mr. Speaker, if you are a consumer and you have a complaint or a problem of a financial nature, which regulator are you going to call, the FDIC, the Federal Reserve, the OCC, the CFTC, FTC, OFHEO, HUD, Treasury, OTS, NCUA, the SEC? In these challenging times, consumers should not have to have a Ph.D. in finance to quickly and easily get in touch with the appropriate State and Federal banking regulators.

Given the complexity of our banking system and the various regulators that work in this area, consumers may not know where to turn when they have a dispute with their institutions. This legislation creates a single hotline that can help steer consumers in the right direction. Federal regulators currently have had an informal system in place to redirect misplaced consumer complaints, and regulators are constantly trying to improve the system. But this bill will ensure that no consumer complaint falls through the cracks. Consumers should not have to make 12 phone calls to find the right regulator.

Again, I am pleased that this bill will ensure that consumer complaints are heard and that regulators are responsive. I urge my colleagues to support the bill.

I yield back the balance of my time.

Mrs. MALONEY of New York. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 4332.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF HOUSE ESTABLISHING NATIONAL WATERMELON MONTH

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 578) expressing the sense of the House of Representatives that there should be established a National Watermelon Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 578

Whereas watermelon production constitutes an important sector of the agricultural industry of the United States;

Whereas, according to the January 2006 statistics compiled by the National Agricultural Statistics Service of the United States Department of Agriculture, the United States produces 4,200,000,000 pounds of watermelon annually;

Whereas watermelon is grown in 49 States, is purchased and consumed in all 50 States, and is exported to Canada;

Whereas evidence indicates that eating 2.5 to 5 cups of fruits and vegetables daily as part of a healthy diet will improve health and protect against diseases such as cancer, high blood pressure, stroke, and heart disease;

Whereas proper diet and nutrition are important factors in preventing diseases such as childhood obesity and diabetes;

Whereas watermelon has no fat or cholesterol and is an excellent source of the vitamins A, B6, and C, fiber, and potassium, which are vital to good health and disease prevention;

Whereas watermelon is also an excellent source of lycopene;

Whereas lycopene, an antioxidant found only in a few red plant foods, has been shown to reduce the risk of certain cancers;

Whereas watermelon is a heart-healthy food that has qualified for the heart-check mark from the American Heart Association;

Whereas watermelon has been a nutritious summer favorite from generation to generation;

Whereas it is important to educate citizens of the United States regarding the health benefits of watermelon and other fruits and vegetables; and

Whereas July would be an appropriate month to establish as National Watermelon Month: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that there should be established a National Watermelon Month to recognize the health benefits of watermelon and the importance of watermelon to the agriculture industry of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 578 that will establish a National Watermelon Month.

Watermelon has been enjoyed over the years as one of our country's favorite foods. As Mark Twain said, "It is chief of this world's luxuries, king by the grace of God over all the fruits of the earth. When one has tasted it, he knows what the angels eat."

According to the United States Agriculture Department statistics, the United States produces 4.2 billion pounds of watermelon annually. This summertime staple ranges in size from 5 pounds to over 40 pounds, and is grown in 49 States. Many towns in the

U.S. strive to become the Watermelon Capital of the World; however, Cordele, Georgia has won this title repeatedly by producing the biggest, best, and most abundant watermelons in the country. Watermelon may be eaten in a variety of ways and is also often used to flavor summer drinks, including sweet red wine.

And lest anyone accuse us of dealing with a frivolous subject, let me call attention to a serious matter. In a time where we have all become aware of the benefits of good nutrition, it is fortunate watermelon provides an excellent source of vitamin C, vitamin A, vitamin B, and vitamin B1. Additionally, many other beneficial minerals are contained in watermelon and are shown to help prevent cancer, heart disease, high blood pressure, and a host of other serious diseases. Furthermore, the antioxidant lycopene, found only in a few red plant foods, has been shown to reduce the risk of certain cancers. Because watermelon is such a nutritious, heart-healthy food, the American Heart Association has qualified watermelon for the well-known "Heart-Check Mark."

The great joy of eating a slice of watermelon on a hot summer day lives in the memories of almost all Americans. For these nutritious and delicious reasons, I express my support to a National Watermelon Month that will provide the watermelon industry many opportunities to market their product and to educate the public about the health benefits associated with consuming watermelon through various related programs.

Mr. Speaker, I reserve the balance of my time.

☐ 1545

Mr. KUCINICH. Mr. Speaker, I want to thank my colleague for her expression of support for the resolution. I am also going to support the resolution. I just want to add one note of observation so that all those who are enjoying watermelons in this country also keep in mind the people who do the work, who pick those watermelons. It is hard work.

Today we have other bills under suspension that will give us a chance to celebrate the work of laborers. I think that it is important that we are grateful for those who pick the watermelons, and we have to recognize in this market where there are increasing restrictions on migrant workers, making it very difficult for farmers to get the kind of labor that they used to get. We are also seeing that many farmers are beginning to turn to prison labor. This should be a concern to us, all of us who want to make sure that all of those people out of jobs right now in this country who would like to work on farms would have the chance to get that work.

There is an article from the Christian Science Monitor that refers to this problem. I would like to include that in the RECORD. There also is an article about a settlement that was reached with workers regarding the attempt by a major agricultural company to circumvent Department of Labor rules and also circumvent the H–2A program that resulted actually in a settlement of a very prominent lawsuit about a month ago. I would like to include that article from the Texas Rio Grande Legal Aid.

[From the Christian Science Monitor, Aug. 22, 2007]

U.S. FARMERS USING PRISON LABOR

With tightening restrictions on migrant workers, some farmers are turning to the incarcerated.

For labor-rights activists, federal immigration reform is the only viable solution to worker shortages.

Marc Grossman, spokesman for the United Farm Workers of America, says inmate labor undermines what unionized farm workers have wanted for years: to be paid based on skill and experience. "It's rather insulting that the state [Arizona] would look so poorly on farm workers that they would attempt to use inmates," Grossman says. There is also the food-safety aspect, he says: Experienced workers understand sanitary harvesting.

"Agriculture does not have a reliable workforce, and the answer does not lie with prison labor," says Paul Simonds of the Western Growers Association, a trade association representing California and Arizona. "This just underscores the need for legislation to be passed to provide a legal, stable workforce." A prison lockdown would be disastrous, he points out, with perishable crops awaiting harvest. Other crops, like asparagus and broccoli, require skilled workers.

Although the ADC is considering innovative solutions—including satellite prisons—to fulfill companies' requests for inmate labor, prison officials agree that, in the end, the demand is too high. "To go into a state where agriculture is worth $9.2 billion and expect to meet a workforce need is impossible," says Katie Decker, spokeswoman for ADC. At any given time only about 3,300 prisoners statewide (out of a prison population of about 37,000) are cleared to work outside.

ACI provides inmates to nine private agriculture companies in Arizona, ranging from a hydroponics greenhouse tomato plant to a green chile cannery. Unlike other sectors where federal regulations require that inmate workers be paid a prevailing wage and receive worker compensation, agriculture companies can hire state inmates on a contract basis. They must be paid a minimum of $2 per hour. Thirty percent of their wages go to room and board in prison. The rest goes to court-ordered restitution for victims, any child support, and a mandatory savings account. Private companies are required to pay for transportation from the prison to the worksite and for prison guards.

For Reyna, his work on farms over the past couple of years has added $9,000 in his savings account and given him a renewed respect for his Mexican father's lifetime of stoop labor.

At Dixon's farm, it's 103 degrees F. The inmate crews, wearing orange jumpsuits, work in a rhythmic line, calling out the number of the watermelons, and alongside the trailer. Just a few yards away, Mexican workers also work in a line. The inmates will quit at 4 p.m., while the immigrant laborers may work 13-hour days. "We go back, they stay out there," Reyna says. "It really isn't the same."

In the farm's office, watermelons line the counter, and photos of migrant workers hang in dusty frames. When asked why he doesn't sell the farm, Dixon says, "the inmates, the migrants, these people are part of the family—that's why I keep this darn place."

Dixon says he supports the idea of a reformed, guest-worker program that would employ migrant workers during the harvest and return them to Mexico in the winter. But until that happens, he's willing to fight for the workers he's shared the land with for most of his life.

"People are crossing the border because they are starving to death," Dixon says, "I don't care what their status is. If they are hungry and thirsty, I am going to feed them.

"I could sell this and quit," he continues, "But I believe in supporting the American farming industry."

[From the Texas RioGrande Legal Aid Press Center, Mar. 26, 2008]

FARMWORKERS REACH SETTLEMENT IN LAWSUIT AGAINST WATERMELON GROWER

EAGLE PASS, TX.—Twenty two Texas farmworkers have reached a settlement with three Rio Grande Valley companies over a lawsuit regarding the importation of more than 400 foreign guestworkers into the United States between 2001 and 2007.

Represented by Texas RioGrande Legal Aid (TRLA), the leading provider of legal aid in Texas, the workers claimed that Nowell Borders, L.P., Hargill Harvesting & Packing, Inc., Mata Trucking Company, and Martinez Packing Company, upon advice of counsel, misused the U.S. visa program to hire foreign labor and avoid providing housing, transportation, and meals to workers. The companies applied for guestworker visas using the H-2B program instead of the H-2A program which would have required the recruitment of domestic workers at higher wages.

"This settlement signifies a commitment on behalf of all four companies to engage in fair employment practices and respect the rights of American farmworkers," said TRLA attorney Javier Riojas. The settlement also creates a mechanism for resolving future disputes without resorting to litigation.

John Flanigan, Executive Vice President for Hargill Harvesting and Packing, Inc., states he was pleased with the agreement that was reached and enjoyed working with TRLA to resolve the dispute.

The companies compensated the workers for more than $60,000 in wages and agreed to modify their employment practices so that U.S. workers are hired first and receive equal pay and benefits compared to foreign workers. The companies also agreed to use the H-2A guestworker program that provides more benefits and protections for workers than the H-2B program.

Originally filed in October 2007, the lawsuit also targeted the Department of Labor (DOL) for its failure to enforce the regulations on the guestworker program. The case against DOL is not part of the settlement and is still ongoing. See Riojas, et al v. Chao, DR–07–CA–058, W.D. Tex., filed Oct. 9, 2007.

"The law guarantees that U.S. workers have certain protections over foreign labor. The Department of Labor looked the other way in this situation and the federal government, of all entities, should be looking out for U.S. workers the most," added TRLA attorney and Equal Justice Works Fellow Jake Wedemeyer.

Established in 1970, Texas RioGrande Legal Aid, Inc. (TRLA) is a nonprofit organization that provides free civil legal services to low-income and disadvantaged clients in a 68-country service area. TRLA's mission is to promote the dignity, self-sufficiency, safety and stability of low-income Texas residents by providing high-quality legal assistance and related educational services.

If we keep in mind there are 4.2 billion pounds of watermelons grown in this country annually, we understand that this is a very important business. It is also, as my friend Representative FOXX points out, a matter that relates to nutrition and health; and let's face it, enjoyment. People love watermelon. While enjoying it, we need to keep in mind the people who are doing the work raising this tremendous fruit. Let's remember those workers and make sure that they have basic rights. Let's make sure that they can make a living and support their families. Let's make sure that they live in conditions that are humane. In that way we can truly celebrate National Watermelon Month, not only for those consuming watermelons, but also those helping to grow and harvest those watermelons.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I want to give thanks to all those who grow and produce watermelons and make it possible for all of us to eat them, those who plant, grow, and pick them and get them to markets where we can enjoy them. I urge Members to support the passage of H. Res. 578.

I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I thank the gentlelady and congratulate her on her service in the Congress and say how much I enjoy working with her.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 578, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 892) expressing support for designation of March 11, 2008, as "National Funeral Director and Mortician Recognition Day," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 892

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas the memorialization and celebration of the decedent's life is the fabric of today's funeral service;

Whereas the family of the decedent has traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of a funeral ceremony; and

Whereas March 11, 2008, would be an appropriate day to designate as "National Funeral Director and Mortician Recognition Day" to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation's families in their times of sadness and grief and help families mourn a death and celebrate a life: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of a "National Funeral Director and Mortician Recognition Day".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, in recognition of the fact that one of our colleagues, Representative WILSON who I am proud to say is from the State of Ohio, has a family-owned business and is a funeral director, I yield him such time as he may consume.

Mr. WILSON of Ohio. Mr. Speaker, I rise today in support of House Resolution 892 which I introduced to express the support for the establishment of the National Funeral Director and Mortician Recognition Day.

I introduced this resolution because I know firsthand how funeral directors help families through the grieving process in a most difficult time.

Mr. Speaker, I am a fourth generation funeral director in my family, and I know very well the profound service that funeral directors provide to their communities. Funeral directors are on call 24 hours a day, 365 days a year. When a family calls a funeral director to make arrangements for a recently deceased loved one, the funeral director must put everything else on hold and attend to the family's needs immediately.

We all know that the death of a loved one can be emotionally devastating. Funeral directors play an essential role in giving families the space they need to navigate the grieving process. By taking care of all of the logistical arrangements, funeral directors allow families to celebrate the life of the recently departed and spending time together as a family.

Funeral directors also provide a major public service by participating in planning for pandemic disease and other mass casualty events that could happen within their community. Because of their familiarity with the physical aspects of death, they provide invaluable technical knowledge and assistance to public officials who are responsible for contingency planning.

Mr. Speaker, I am proud to say that funeral homes are also economic anchors of their community. The funeral business is often a family business with multiple generations serving the community as funeral directors. Through good economic times and bad, funeral directors are there to serve their families with caring compassion and certainly with strict integrity.

As a lifelong funeral director, I know how important this service is to grieving families. This is why I think that it is proper that this Congress recognize the hard work and the sacrifice of thousands of funeral directors in this country by passing this bill. I thank Chairman WAXMAN for his support in this measure, and I urge the Congress to support it.

Mr. KUCINICH. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge passage of this resolution expressing support for the designation of a National Funeral Director and Mortician Recognition Day. Mr. Speaker, I think it is critical that we recognize the service that our Nation's funeral directors and morticians provide at one of the most difficult times in a person's life. Death is something that affects us all. It sees no boundaries, nor does it discriminate among social or economic classes. It hits us all in different ways, but one thing is for certain: the time immediately following the death of a loved one is one of the most trying times for anyone. It is during this critical time that funeral directors and morticians from around the country provide our Nation's citizens with the support and guidance necessary to make the right decisions for their beloved ones.

This allows for those who are grieving to concentrate on what is most important: supporting family and friends. Funeral directors and morticians have the arduous task of carrying out the final wishes of the deceased. They are involved in all details of the process, everything from arranging for pallbearers to making sure that the correct paperwork is completed to file for appropriate certificates with the State.

They are tasked with demonstrating the same compassion with every family they meet, as if that family is the most important family that the funeral director has ever met.

It is also important to recognize that most funeral homes are small, family-owned and operated facilities. These individuals work long, irregular hours and contribute to the economic well-being of communities around our Nation.

Ultimately, Mr. Speaker, I believe recognizing those in this caring community is long overdue. They are entrusted with the enormous task of making the last hours you will have with the earthly remains of loved ones as peaceful as possible.

Mr. Speaker, I ask all Members to join me in supporting this resolution.

I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I support this resolution. I am from Cleveland, Ohio, and all of us know in any community we are from, we come into contact with funeral directors and morticians. Funeral directors make it possible for families to be able to find a way to come to grips with a passing. Those transitions in life are very important moments for the survivors because we need help in being able to deal with a situation when we lose a loved one, and funeral directors perform a very valuable service.

I know as someone who represents the people of Cleveland that when I go to pay my respects to someone who has passed, I have the opportunity not only to meet the families that are grieving and comfort them, but also to see the work that is being done by those who are directing the funeral. It is something that is easy to lose sight of when you are moving into territory that is laden with grief. But it is also something that is appropriate for us at this moment to pay tribute to because everyone who is involved in that work really has to achieve a level of sensitivity and compassion and caring so that they can help families deal with what for many is one of the most serious moments of their lives involving the passing of a loved one.

I want to thank Representative WILSON for his choice of career and his family's commitment to providing that kind of compassionate service to people, and also my colleague, Representative FOXX, for supporting this bill.

Ms. FOXX. Mr. Speaker, I also thank my colleague from Ohio (Mr. WILSON) for his service, and I urge all Members to support the passage of H. Res. 892.

I yield back the balance of my time.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H. Res. 892, a resolution that designates March 11 as "National Funeral Director and Mortician Recognition Day."

Funeral directors and morticians are vitally important in helping families mourn death, celebrate a life, and begin the process of closure. They also give advice on the decisions one needs to make as a caretaker and as a provider of a funeral service. According to the Minnesota Funeral Directors Association, "The funeral ritual is helpful and valuable for all who feel the loss of the deceased. It validates life and allows us to go on living. The ritual aspect is important for closure and social reasons. Attending the funeral allows us to deal with the loss, says goodbye, and reaffirms the importance of living."

Mayor Bill Sandberg of North Saint Paul, who died on April 20, 2007, was one of my mentors. He spent his career as a funeral director in the St. Paul area and was active in the Minnesota Funeral Directors Association and a Heritage Club member of the National Funeral Directors Association (NFDA). NFDA was established in 1882 in order to better serve the public and its members. Today, it is the oldest and largest national funeral service organization in the world.

I want to thank funeral directors and morticians for their dedication to this profession and urge my colleagues to support this resolution.

Mr. KUCINICH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 892, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution expressing support for designation of a 'National Funeral Director and Mortician Recognition Day' ".

A motion to reconsider was laid on the table.

PUBLIC SERVICE RECOGNITION WEEK

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1073) expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1073

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 5 through 11, 2008, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 24th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

☐ 1600

Mr. KUCINICH. Mr. Speaker, all those of us who chose to be in elected office realize that we can't do our jobs unless there is a vast array of people who are in every category of employment, doing their jobs. And those workers in many cases, are people who are public employees.

Public employees may be people who are working in the streets. They may be people who pick up the garbage; they may be people who are working desk jobs. There are people who perform so many different functions.

At a Federal level, public employees are involved in providing direct service to people, whether it's making sure that people get their Social Security checks, their Medicare benefits, making sure that people have the opportunity to be able to have access to important government services.

Public service is a worthy profession. It's one that we ought to be encouraging young people to be involved in. It's one that needs to achieve more appreciation, not less. In this era where people try to attack government, they're actually attacking the people who do the work of government. We need to lift up the position of government workers. This resolution of Public Service Recognition Week is certainly one way to do it. And it allows us to demonstrate the involvement of public employees in the daily life surrounding our communities and, in turn, we're reminded that we live in the United States of America, relying on each other to ensure the stability and greatness of our country.

This is an important moment when we can recognize, through this resolution, everyone who serves. Each person who serves is worthy of respect. There is no level of service which is not worthy of respect. Dr. King pointed that out in some of his speeches when he talked about the street sweeper, how that street sweeper should sweep streets in a way that would reflect a great virtuoso performance.

We need to have that kind of awareness that those who perform the daily work of government, at a local, county, State and Federal level, and also at regional levels, are people who love their country, love their community and ought to be honored.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm pleased to rise today in support of H. Res. 1073, honoring the millions of dedicated public employees who serve our Nation. Our country would have a difficult time functioning without its innovative, professional, highly trained public service employees. At all levels of government, you will find hardworking staff implementing policies that make our country prosper and thrive through their contributions.

The expertise and work ethic offered by these individuals sets an honorable example for future generations of public employees, as well as those in the private sector.

From emergency responders to librarians and educators, public servants span the spectrum of jobs. They keep our country efficient and safe. Beyond the tremendous work of civilian employees, uniformed service personnel and the members of our Armed Forces are those on the front lines in the fight to maintain national security. They provide vital strategic support for our Nation's military, both at home and abroad. Additionally, their tremendous accomplishments in providing support to our 50 States, as well as countries overseas with natural disaster relief, is to be commended.

Once again, I congratulate these employees who help make up the fabric of our country and government for performing the challenging and oftentimes thankless jobs with honor and dedication. I appreciate them for moving our country forward, as well as maintaining our safety and security.

For these reasons, I express my support of Public Service Recognition Week.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. I would like to take this opportunity, before we close the debate, to thank those who are involved in public service in my own community, in Cleveland, Cuyahoga County, Ohio.

Having served in municipal government for many years, I understand how important the daily work of a city is. And I know that its people who repair the streets, who pick up the garbage, who make sure that the lights are repaired, who make sure the traffic signals work, who answer calls for fire or police protection, I know that all of those individuals love their community and they deserve to be appreciated.

Also, on a county level, in Cuyahoga County, you have many workers who are unsung for their service as clerks, people who work in recording deeds, people who work in collecting taxes, people who work in seeing that welfare services are given, case workers and others, they're all public servants and all public employees. This resolution is a fitting way to honor those individuals.

And I just wanted to cite specifically Cleveland and Cuyahoga County, because, having been involved with that constituency for so long, I understand the workers who make possible the work of those various governmental jurisdictions.

At this time I would reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of H. Res. 1073 and the hardworking public servants it so deservedly recognizes today.

As the son of a career foreign service officer and a State Department analyst, public service—in all its forms—has always been a value in my family. Whether you're talking about soldiers putting themselves on the line for our nation, police and firefighters protecting our communities, scientists and researchers developing breakthrough medicines, or teachers and librarians educating our children, it should be clear to all who stop and think about it that America simply could not be its best without the ongoing courage, intelligence and efforts of its public servants.

That is why I believe so strongly in the enduring value of a robust, highly trained and dynamic civil service—and in pursuing public policies that can recruit and retain that kind of workforce. For me, that means pay parity for civil servants, a decent and dignified workplace across the government, genuinely fair rules for outsourcing competitions and benefit packages that will enable more of our best and brightest to pursue careers in public service over otherwise potentially more lucrative opportunities in the private sector. It also means generating a renewed sense of excitement and respect for public service careers in the culture.

Mr. Speaker, towards that end, I believe this resolution is well-deserved and a terrific place to start. I look forward to working more closely with my colleagues on both sides of the aisle to put the spirit of today's resolution into action as we deliberate policy affecting our public servants throughout the rest of the year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1073, "Expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008," introduced by my distinguished colleague from Illinois, Representative DANNY K. DAVIS. This important legislation illustrates a nation's commitment to recognize the work and fortitude of public service and the numerous citizens who are employed in that division.

Government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants. The Public Service Recognition Week encourages a new generation to consider a career in public service as an admirable profession. The week also serves to promote the significant contributions of public servants and to honor men and women at all levels of government.

During Public Service Recognition Week, Federal, State, county and local public employees take part in events such as job fairs, student activities, and agency exhibits that celebrate the broad variety of services performed by employees at all levels of government. Public Service Recognition Week, celebrated the first Monday through Sunday in May since 1985, is a time set aside each year to honor the diverse men and women who meet the needs of the Nation through work at the Federal, State and local government levels.

Throughout the Nation, public employees use Public Service Recognition Week to educate citizens about the many ways in which the Federal government serves the people and how Federal government services make life better for all of us. Public service employees are the educators who instruct us in complex academia, the policemen and firemen who fight crime and fires, the physicians who fight disease and promote better health, and the military who consistently defend our freedom and advance United States interests around the world. Public service employees encompass the fields of public transportation, waste management, social services, housing, electricity and more. These hard workers deserve the care and benefits they have earned through their honorable service.

The Nation benefits daily from the knowledge and skills of these highly trained individuals. The services that these workers provide are a necessity to modem life and is understood that its universal provision should be guaranteed. It is imperative that Congress recognizes the magnitude of the worker's job and its subsequent effects on environmental integrity, human health and overall quality of life in the United States.

Mr. Speaker, we should continuously honor our government employees who have given their lives in service to this country. The most important reason for Public Service Recognition Week is the need to celebrate and recognize the valuable services that millions of public servants provide to the Nation. All too often, the contributions made by America's public employees to our democracy are forgotten—not only by our fellow citizens but even by those of us who serve. Public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health. The Federal, State, and local governments are responsive, innovative, and effective because of the exceptional work of public servants, and this involvement should not be disregarded.

Public service employees play a significant role in the greatness and affluence of the United States. I humbly commend public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year for their unyielding dedication and spirit for public service. I strongly urge my colleagues to join me in supporting this important legislation, and, in so-doing, giving our public service personnel the respect and recognition they deserve.

Mr. SARBANES. Mr. Speaker, I rise today, during public service recognition week, in honor of Maryland's Federal workers.

The work of our Federal employees often goes unnoticed in our daily lives. Without these men and women, though, we would not have made enormous progress in areas such as medical research and the protection of clean water and clean air. We would not have a mail system that our communities, families and businesses can rely on—rain or shine. The list goes on and on.

This year, the Baltimore Federal Executive Board will give gold, silver and bronze awards for excellence in job performance to 217 Maryland Federal employees and military servicemembers in nineteen different job excellence categories. These awards are one effort to showcase the remarkable work that is going on in our Federal sector and I congratulate this year's outstanding class of awardees.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Res. 1073, and yield back the balance of my time.

Mr. KUCINICH. I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 1073.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE ESTABLISHING A NATIONAL LETTER CARRIERS APPRECIATION DAY

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 49) expressing the sense of the House of Representatives that there should be established a National Letter Carriers Appreciation Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 49

Whereas the commercial activity and economic vitality of the Nation is significantly enhanced by the timely and efficient service of letter carriers of the United States Postal Service;

Whereas letter carriers of the United States Postal Service provide mail delivery service to over 144,000,000 households across the Nation;

Whereas letter carriers of the United States Postal Service deliver more than 43 tons of mail per year, averaging approximately 2,300 letters, cards, magazines, and circulars per carrier a day;

Whereas letter carriers of the United States Postal Service delivered approximately 212,000,000,000 pieces of mail in 2005;

Whereas letter carriers of the United States Postal Service handle over 44 percent of the world's mail volume, more than any other national postal service; and

Whereas the United States Postal Service employs over 705,000 career letter carriers and 98,000 noncareer employees, making it the 3rd largest employer in the Nation; Now, therefore be it

Resolved, That the House of Representatives supports the goals and ideals of a National Letter Carriers Appreciation Day to recognize the unique contributions made by letter carriers of the United States Postal Service to the well-being and prosperity of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, we're honoring workers today, and it's appropriate, among those workers, that we single out letter carriers.

As a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in support of H. Res. 49, which seeks to commemorate our Nation's postal carriers for their dedication and hard work.

By consistently delivering the mail in a timely and congenial fashion for over hundreds of years, mail carriers have become an irreplaceable component, not only to the economy of America, but to the culture and livelihood of our country.

I believe we have a tendency to forget how important the every day service is. Yet, if we were to go 1 day without the United States Postal Service, over 2,300 pieces of mail per carrier would go undelivered.

It is our mail carriers who help preserve the concept of universal service that is so integral to the work of the United States Postal Service.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution expressing the sense that there should be established a National Letter Carriers Appreciation Day.

The emblematic quote, "Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds" is emblazoned across the front of the Farley Post Office in New York City. It is safe to say we all know this famous, yet unofficial motto of the United States Postal Service.

However, we can easily forget how much we appreciate and depend on the dedicated letter carriers of the United States Postal Service. These tireless public servants ensure that over 144 million households receive more than 43 tons of mail each year, equal to 44 percent of the world's mail volume.

Letter carriers, also referred to as mailmen or mail carriers, are the public face of the U.S. Postal Service. As the front line, carriers are routinely pressured too move faster, work harder and perform more tasks in a timely manner. In the most stressful of crafts, carriers are watched, timed and inspected more than any other employees.

There are three types of mail carriers in the United States, servicing all areas of this broad Nation. City letter carriers, represented by the National Association of Letter Carriers, skillfully navigate the expansive urban landscapes, providing efficient service to the millions of Americans living in densely populated areas.

Rural letter carriers, represented by the National Rural Letter Carriers' Association, support the diverse territory surrounding our cities. With increased development of rural areas, the Rural Carrier Craft is the only expanding craft in the Postal Service.

The final group of carriers, known as Highway Contract Route Carriers, work expansive routes where population density is less than one customer per mile driven. Driving their own vehicles, these committed carriers travel great distances to ensure timely delivery.

Whether they brave bustling urban jungles, constantly changing suburban expanses, or broad rural landscapes, these men and women brave all conditions to provide us with timely and effective mail service. For their efforts, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I'm hopeful that when this resolution passes, as I'm sure it will, that the United States Postal Service will post a copy of it in every post office in the country so that our letter carriers will be able to see that Members of Congress appreciate the work that they do.

Day in and day out our letter carriers are there. We rely on them to move the commerce of the country. Many of us are aware that the United States Postal Service is the third largest employer in America; that they employ over 700,000 career letter carriers, and 98,000 noncareer employees; that they move about 44 percent of the world's mail volume. They have an extraordinarily important work to do in providing for communication in this country, in making sure that people here from one another in carrying messages that are so important to our commerce.

The United States Postal Service employees, these letter carriers that we're honoring today, deserve our constant appreciation for the work that they do. I'm so glad that this House is involved in paying attention to the people that do the everyday work of our Nation that aren't often recognized.

We who are in these exalted positions always need to remember that the work of the government is done in so many ways, and when somebody, step by step, moves through his or her appointed rounds, every day, out there delivering the mail, they deserve just as much respect as those of us who are holding high public office. And so it's with a great deal of appreciation for the letter carriers that I stand in support of the bill.

I reserve the balance of my time.

Mr. CAMP of Michigan. Mr. Speaker, I rise today in support of my bill, House Resolution 49, which honors the dedication and contributions made by letter carriers across the country.

Being a representative of one of the largest congressional districts land-wise east of the Mississippi, I am well aware of the necessity of timely and efficient postal service.

Most of us rely on letter carriers of the United States Postal Service to deliver our monthly bills, drop off our favorite magazine, or ship an important package.

Amazingly, letter carriers delivered over 212 billion pieces of mail in 2005. That's 1.4 million pieces a day for every Congressional District.

Their dedication is accurately reflected in the unofficial USPS motto: "Neither snow, nor rain, nor heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds."

This bill is a straight-forward resolution that expresses the sense of Congress that America's letter carriers make a vital contribution to the well-being and economic prosperity of our Nation and calls for a national day of appreciation to honor their service.

It is also important to recognize the contribution that letter carriers make to their communities through their community service efforts and charitable donations. These contributions are undoubtedly recognized by the American public as the USPS was voted "The Most Trusted Government Agency" earlier this month, for the fourth year in a row.

My fellow Members, we seem to spend a significant amount of time dedicating Post Offices; it is about time we honor those that work within them. I hope you will join me in saluting their efforts.

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to express support for House Resolution 49, which would establish National Letter Carriers Appreciation Day. I want to thank the gentleman from Michigan, Mr. CAMP, for so kindly offering this resolution.

This resolution recognizes the significant role of American letter carriers, the largest mail delivery workforce in the world, which make deliveries to over 144 million households in this country. To ensure careful delivery of our most important letters and cards, we depend on the exceptional service provided by our letter carriers. Most assuredly, the quality of the American mail delivery system is due to the integrity and superior service of these men and women. I want to especially recognize the diligent work of Georgia's letter carriers for everything they do for my constituents in the 13th Congressional District and across our State.

Mr. Speaker, in closing, I offer my wholehearted support for the passage of this important legislation in recognition of the hard work of America's letter carriers.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Res. 49, which expresses the sense of the House of Representatives that there should be established a National Letter Carriers Appreciation Day.

In 1775, Members of the Second Continental Congress established the Post Office Department, the predecessor of the Postal Service and the second oldest Federal department or agency in the United States. For the past two centuries, the United States Postal Service has evolved and changed as the United States has grown. Today, the Postal Service delivers hundreds of millions of messages each day to more than 141 million homes and businesses. Behind the delivery of each of these letters is the hard work and dedication of a letter carrier.

Letter carriers deliver more than 43 tons of mail per year, which averages out to about 2,300 letters, cards, and circulars per carrier per day. Six days a week, rain or shine, hurricane or blizzard, our Nation's 705,000 carrier letter carriers and 98,000 non-carrier employees faithfully contribute to our economic strength and vitality through their timely and efficient delivery of mail.

I have spent hours walking mail routes with the letter carriers in New Jersey. I have seen first hand how dedicated postal employees are to ensuring the timely and safe delivery of mail and tying together our local communities. These letter carriers should be applauded for their service to all Americans.

I urge all of my colleagues to support H. Res. 49 and acknowledge the hard work and dedication of the letter carriers in your congressional district.

Mr. SHULER. Mr. Speaker, I rise today in favor of H. Res. 49, supporting the establishment of a National Letter Carriers Appreciation Day.

As the son of a rural letter carrier, I understand the hard work and sacrifice of our nation's letter carriers. Letter carriers deliver billions of pieces of mail to millions of homes and businesses each year. Working six days a week, letter carriers fulfill a great need in this country.

Inscribed at the New York City General Post Office is the United States Postal Services' unofficial motto: "Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds."

Our nation's letter carriers are entrusted to carry out a vital service, and they do so with dignity. Many carriers, like my father, serve the same communities for their entire career. These carriers develop invaluable relationships with their customers and become an important part of their community.

I ask my colleagues to join me in supporting the establishment of a National Letter Carriers Appreciation Day.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Res. 49, and yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 49.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CORPORAL BRADLEY T. ARMS POST OFFICE BUILDING

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5631) to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the "Corporal Bradley T. Arms Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORPORAL BRADLEY T. ARMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, shall be known and designated as the "Corporal Bradley T. Arms Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Bradley T. Arms Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues from the Commonwealth of Virginia in consideration of H.R. 5631, which names a postal facility in Charlottesville, Virginia, after Corporal Bradley T. Arms, a distinguished and heroic American serviceman.

H.R. 5631 was introduced by Representative GOODE of Virginia on March 13, 2008, and was considered by and reported from the Oversight Committee on April 9 by a voice vote. The measure has the support of the entire congressional delegation from Virginia, and provides us with another opportunity to pay tribute to a member of our country's Armed Forces.

A 20-year-old University of Georgia student from Charlottesville, Virginia, Corporal Bradley T. Arms was assigned to the 4th Combat Engineer Battalion, 4th Marine Division, Marine Corps Reserve, out of Baltimore, Maryland.

☐ 1615

Corporal Arms left college the summer before his junior year to enlist in the United States Marine Corps where he would later serve a tour of duty in Iraq until his tragic death on November 19, 2004. Corporal Arms was killed in action in the Anbar province of Iraq.

Mr. Speaker, let's remember and pay tribute to the ultimate sacrifice made by Corporal Arms and pass H.R. 5631.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this bill to designate the post office located at 1155 Seminole Trail in Charlottesville, Virginia, as the "Corporal Bradley T. Arms Post Office Building."

On November 19, 2004, Corporal Bradley Arms was killed during small-arms fire in Anbar province, Iraq. It is only appropriate that we honor this fallen hero for the great sacrifice he made for his country.

Before becoming a Marine, Bradley was a student at the University of Georgia and a member of the Sigma Phi Epsilon fraternity. When he left Georgia before his junior year to serve in the 4th Division of the 4th Combat Engineer Battalion, it was with courage and optimism in his heart. He believed in what he was fighting for, and he wrote to his brothers of the changes he saw every day. He described his desire to influence the future of Iraq telling his friends that, "as long as we can keep younger generations open minded, then we will win this war."

His family members, who reside in Charlottesville, Virginia, remember Bradley's kindness and desire to help those who could not help themselves, one of the factors initially inspiring him to join the military.

When speaking to his parents shortly before his death, he told them he was confident that God had a plan for him and that he was exactly where he was supposed to be. While he was only 20 years old, Bradley aspired to live the life of a leader and be a positive role model for those around him, and he did just that.

Those who knew Bradley recall his honor and enthusiasm, and in recognition of the unparalleled sacrifice he made for his country, it is fitting that we should dedicate this post office to his memory.

I would like to thank my respected colleague, Mr. GOODE, for introducing this important legislation honoring the memory of a valiant and courageous young man.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I would ask that all of our colleagues join us in paying respect, appreciation, and gratitude to the life and the service of Corporal Bradley Arms by joining us in approving this resolution which honors his name by naming a United States post office facility after him in recognition of his sacrifice.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Ohio for his eloquent words, and I, too, urge all Members to support the passage of H.R. 5631.

I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I thank the gentlelady from North Carolina.

Mr. GOODE. Mr. Speaker, I rise today in support of H.R. 5631, a bill I introduced to designate the Charlottesville Post Office as the "Corporal Bradley Arms Post Office Building" in honor of a young man from the 5th District of Virginia who made the ultimate sacrifice in defending the United States of America.

Marine Corporal Bradley Arms died in combat at the age of 20 in the Anbar Province of Iraq on November 19, 2004 in service to his country. Originally from Charlottesville, Virginia, "Brad" attended the University of Georgia until he was called into service with the Marine Corps Reserve.

Friends and family described Brad as a friendly, caring, optimistic, patriotic and purposeful person. The three personal items he brought to Iraq appropriately illustrate his personality: a Bible, a picture of his family, and a University of Georgia flag. Brad was also a member of the Sigma Phi Epsilon fraternity at the University of Georgia. Family members recalled that Brad greatly enjoyed his fraternity brothers, friends, music, and faith in God.

While in Iraq, Brad often wrote to friends and family, displaying his positive attitude toward his mission in the military and demonstrating how proud he was to serve and defend his country. He said that his experiences in the military, "strengthened his resolve to live the life of a balanced man and lead by example."

Connor Rund, a young man who attends the same high school that Corporal Arms graduated from, contacted me suggesting that the Charlottesville Post Office be dedicated in Brad's honor. Since then, I have received several communications from members of the Charlottesville community in support of this tribute to Brad.

Please join me in honoring the memory of this young man who was a great son, friend, and patriot by supporting H.R. 5631 and renaming the Charlottesville Post Office as the "Corporal Bradley T. Arms Post Office Building."

Mr. KUCINICH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and pass the bill, H.R. 5631.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REQUESTING RETURN OF H.R. 493, GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

The SPEAKER pro tempore laid before the House the following privileged message from the Senate:

> In the Senate of the United States, April 28, 2008.
>
> *Ordered*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 493) entitled "An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.", and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to, and H.R. 493 will be returned to the Senate.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. McCollum of Minnesota) at 6 o'clock and 30 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 29, 2008.

Hon. NANCY PELOSI
The Speaker, H-232 The Capitol, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 29, 2008, at 5:51 p.m.:

That the Senate passed with an amendment H.R. 493.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 493, GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–612) on the resolution (H. Res. 1156) providing for consideration of the Senate amendment to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5522, COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–613) on the resolution (H. Res. 1157) providing for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5534

Mr. BURTON of Indiana. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5534.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. FLAKE. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to agree to the provisions contained in section 1703(b)(2) of the Senate amendment (relating to a $40,000 limitation on direct payments).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1079, by the yeas and nays;

H.R. 4332, by the yeas and nays;

S. 2739, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FINANCIAL LITERACY MONTH 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1079, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 1079.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 27, as follows:

[Roll No. 224]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz

Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—27

Andrews
Becerra
Blunt
Braley (IA)
DeGette
Doggett
Drake
Engel
Fallin
Feeney
Forbes
Granger
Gutierrez
Higgins
Hulshof
Kaptur
McCrery
Neal (MA)
Pascrell
Rohrabacher
Rush
Shuler
Solis
Taylor
Waxman
Weiner
Weldon (FL)

☐ 1858

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 224, I was unavoidably detained. Had I been present, I would have voted "yea."

FINANCIAL CONSUMER HOTLINE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4332, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 4332.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, not voting 22, as follows:

[Roll No. 225]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—22

Andrews
Bilirakis
Blunt
Davis, Tom
DeGette
Doggett
Drake
Forbes
Granger
Gutierrez
Higgins
Hulshof
Linder
McCrery
Neal (MA)
Pascrell
Rohrabacher
Rush
Shuler
Solis
Taylor
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1909

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSOLIDATED NATURAL RESOURCES ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2739, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S. 2739.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 291, nays 117, not voting 23, as follows:

[Roll No. 226]

YEAS—291

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—117

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOT VOTING—23

Andrews
Blackburn
Blunt
Cleaver
Davis, Tom
DeGette
Doggett
Drake
Forbes
Granger
Gutierrez
Higgins
Hulshof
Linder
McCrery
Moore (KS)
Pascrell
Rohrabacher
Rush
Shuler
Solis
Taylor
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

☐ 1918

Ms. McCOLLUM of Minnesota and Mr. TIM MURPHY of Pennsylvania changed their vote from "no" to "aye."

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. RYAN of Wisconsin. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 2419, the Food and Energy Security Act.

The form of the motion is as follows:

> Mr. Ryan of Wisconsin moves that the managers on the part of the House on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed, within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

TRIBUTE TO DON MYERS

(Mr. SPACE asked and was given permission to address the House for 1 minute.)

Mr. SPACE. Madam Speaker, I rise today to pay tribute to a great man that worked tirelessly to improve the way of life of many Ohioans.

Don Myers was an extraordinary Executive Director of the Ohio Mid-Eastern Governments Association Development District, a position that is at the heart of economic development for one of the most underserved regions of Ohio. During his tenure, the organization helped secure over $600 million in development and infrastructure improvement for the region. He was the embodiment of the meaning of "community."

I knew Don Myers well. He was a kind gentleman who carried himself with a great degree of grace, and he will be missed very much by the people in Ohio, his family, his friends and his neighbors.

HONORING THE CITY OF CORAL SPRINGS, FLORIDA

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor the City of Coral Springs, Florida, on receiving the 2007 Malcolm Baldrige National Quality Award, the Nation's highest presidential honor for excellence and organizational performance.

In 1993, city management implemented a Total Quality Management Program designed to overhaul operations and service delivery by becoming more customer-focused and quality-oriented. Today, Coral Springs was the first city to receive the award.

The National Institute of Standards and Technology said of the City of Coral Springs that it "demonstrates a consistently high level of financial performance" and that its key strategic advantage is the "city's effectiveness of running like a business."

The city's efforts to improve public safety have resulted in the city's crime rate decreasing by nearly half over the last 10 years, the lowest crime rate in the State.

I rise to congratulate the City of Coral Springs, its citizens and its leadership for striving for the best and inspiring others to do the same.

SAVING STARVING CHILDREN AROUND THE WORLD

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today as the Chair of the Congressional Children's Caucus to emphasis the crisis in the lack of food for those around the world. As we have seen the rising food costs, we in America are suffering, but the rest of the world is in a crisis.

I believe it is imperative as we move into our appropriations process that we emphasis the importance of utilizing the food stock here in the United States to provide service and support around the world, and I believe it is even more important to focus on the impact on children.

I will convene a briefing that will draw upon the insight of food advocates from around the Nation to focus on how we can prioritize children in developing nations being provided foodstuffs and receiving priority over adults, for a malnourished child dies, a malnourished child has disease.

We are in a crisis. It is time for us to act to save the children.

THANK YOU TO THE 218TH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, soldiers of the 218th Brigade Combat Team of the South Carolina Army National Guard, under the leadership of Brigadier General Bob Livingston, are successfully returning to South Carolina. For the past year they have been in Afghanistan as part of Task Force Phoenix working to build the Afghan military and police.

As a 28-year veteran of the 218th, I know firsthand of their competence and patriotism. These citizen soldiers have built one Afghan military battalion to be fully independent with 13 additional battalions to be operational by this summer. After overhauling the Afghani police forces to eliminate corruption, the 218th helped build an Afghan police force of 79,000.

Additionally, the 218th provided humanitarian relief, including the construction of schools, hospitals and roads. They conducted 200 medical assistance missions and delivered 300 tons of food and supplies to the 37,000 Afghans.

At this time, we also remember the fallen. Staff Sergeant James D. Bullard, Sergeant Shawn F. Hill and Sergeant Edward O. Philpot lost their lives during the year-long deployment. These patriots gave the ultimate sacrifice in defense of American families by defeating terrorists overseas. Our thoughts and prayers are with their families.

In conclusion, God bless our troops, and we will never forget September the 11th.

In addition to the information provided above, the 218th Brigade Combat Team has had extraordinary success in working alongside the Afghan forces. During the past winter—a time when Taliban forces often regroup—soldiers from the 218th, along with Afghan soldiers, stayed in forwarding operating bases around Afghanistan and took the fight to the Taliban. This action kept the enemy from gathering strength.

Due to the commitment and professionalism of the men and women of the 218th, the Afghan army now has a reenlistment rate of 55 percent—more than double the 20 percent a year ago. The percentage of Afghan soldiers ready for duty has gone up from 55 percent to 85 percent. Their absent without leave percentage has dropped to eight percent, and they have 29,000 recruits that have completed basic training.

The Afghan police continue to grow in size and ability. As a sign of success, this winter the police were able to defend and hold their 364 district centers. This is something they have not been able to accomplish since the beginning of Operation Enduring Freedom in 2001.

I appreciate the above factual information provided by embedded reporter Chuck Crumbo from Kabul, Afghanistan, in The State of Columbia, South Carolina, on April 27, 2008.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 1073 and House Resolution 49.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BRINGING RECONCILIATION TO THE PEOPLE OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise to announce that Representative CHRIS SHAYS of Connecticut and I have introduced an important bipartisan bill in the House today that can help bring desperately needed reconciliation to the people of Iraq. The bill is called the International Partnership for Reconciliation in Iraq. By the standards of the Federal Government, it is a tiny outfit. But few government agencies have delivered more bang for their buck or done so much with so few people.

The USIP Institute has an impressive track record of conflict management and peace building in the Balkans, the Philippines, Nigeria, the Sudan, Rwanda and other parts of the world, including Iraq.

This bill is vitally important, because, as Ambassador Ryan Crocker has said, "reconciliation is perhaps the most critical challenge that Iraq faces right now." Our bill would encourage reconciliation by supporting the work of a remarkable but unheralded organization called the United States Institute of Peace.

☐ 1930

The Institute was established by Congress 24 years ago today. It has 142 employees and a budget of $32 million. It has been successful because it is unique. There is no other organization like it. It is a center and a clearinghouse for best practices in preventing and dealing with conflict. Its staff includes many of the world's top experts in conflict resolution and peacebuilding. These incredibly dedicated experts travel to some of the world's most violent places to facilitate reconciliation efforts on the ground.

And the Institute is impartial, it is nonideological. Its only axe to grind is peace. That is why USIP has gained the respect and trust in all sides in conflict. In fact, you can say the Institute is one of the world's top brand names when it comes to making peace.

In Iraq, the Institute has been working to inspire reconciliation at the regional, at the national, and at the community levels. It has been particularly effective in the city of Mahmoudiya, which has been called the Triangle of Death. There, it has worked to bring Sunni and Shiite factions together. Its work has been so effective that the U.S. Army's provincial reconstruction teams have asked the Institute to help with reconciliation efforts in other parts of Iraq. Not bad for an organization whose annual budget is less than what we spend in Iraq every 3 hours.

There is an excellent article on the Institute's work, Madam Speaker, in the current issue of the National Journal, and I urge all my colleagues to read it.

The bill that Representative SHAYS and I introduced today would provide assistance to the Institute to do the following in Iraq: Prevent violent conflict, promote post-conflict stability and development, increase conflict management capacity, promote tolerance and forgiveness, and facilitate regional dialogue.

We believe that the Institute's work will also encourage nations from outside the region to get involved. Reconciliation in Iraq has become something like the weather: Everyone here in Washington talks about it, but no one can really do anything about it. We just sort of sit around and wait for the Iraqi government to meet their reconciliation benchmarks. Then, when they don't, we make speeches.

This bill is an opportunity to do something about reconciliation by supporting an organization that knows how to get the job done. And this bill we can all get behind, because no matter where we stand on the Iraq issue we all support reconciliation.

I am proud to join with Representative SHAYS in asking all of our colleagues in the House on both sides of the aisle to cosponsor this critically important bipartisan bill.

POLICE GONE WILD—MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, brutal actions of local and state police are going unpunished; and, as the founder of the Victims Right Caucus, I bring this serious matter to the House's attention.

Two years ago, on May 3 and 4, 2006, there was a lawful protest in support of local flower sellers who had been displaced from their business because a new airport was being built. During the protest, law enforcement officers arrested and detained 47 separate women. The police officers didn't read the women their rights; the women were just arrest arrested, locked up, and taken into custody. Then, Madam Speaker, the officers beat and sexually assaulted them. I repeat, they beat and sexually assaulted the 47 women that were arrested. Obviously, lawmen have become outlaws.

One of the 47 women was Barbara Mendez, a 27-year-old student and a child advocate. Barbara went to the protest because she heard a child was killed in the violence between the police and the protesters. As a child advocate, Barbara went to show her support for the child and her community. But after Barbara arrived at the protest, the police beat her and arrested her because she was with the protesters and supposedly blocking a road. Barbara was placed in a police vehicle and forced to take off her clothes. She was then gang raped by the police officers, as other officers watched and cheered on the rapists. Barbara was then locked up in jail for 12 days.

Madam Speaker, this is a case of police gone wild.

Jail doctors then examined Barbara, but it just so happened that they failed to document her physical injuries or gather any forensic evidence of the rape. This evidence is crucial for any prosecution.

Madam Speaker, rape is a crime that tries to destroy the soul of the victim. And of these 47 women arrested and assaulted, 26 of them later filed complaints with authorities claiming physical, psychological, and sexual abuse during the arrest and detention. But since these assaults occurred, none of the police criminals have been brought to justice. No, not one. And this ought not to be.

Five months after the assaults, a national human rights commission called for criminal investigations into the assaults, but no investigations have occurred.

In February of 2007, the Supreme Court instructed a special judicial commission to investigate the crimes by the police in the arrest of these 47 women.

Then, Barbara Mendez and several other victims filed another complaint with federal authorities, but the federal authorities are sitting on these cases refusing to move forward. Why isn't there any justice for these women?

Next week marks the second year anniversary of these assaults, and yet none of these women have seen a courtroom. Obviously, no justice for these rape victims. Of the 47 women, two are from Spain, one is from Germany, two are from Chile, and the rest are Mexican citizens. But none of them received any justice. Basic human rights is obviously being denied.

Madam Speaker, these assaults did not occur in the United States. They occurred in San Salvador Atenco, Mexico, just 30 miles outside of Mexico City.

This issue is a world human rights issue, and this type of abuse cannot be tolerated and peace officers cannot enjoy impunity. Police officers are supposed to protect the community and keep people safe from harm, not cause harm to people. And, of course, this includes Mexican police officers. These officers must be held accountable. They need to have their day in court. And, if they are guilty, they need to be sent off to the jailhouse.

As we approach Mother's Day in the United States, Madam Speaker, we need to proclaim that mothers and women throughout the world receive the respect and honor due them. That includes justice, because justice is the one thing we should always find, even in Mexico.

And that's just the way it is.

RISING FUEL PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Madam Speaker, I rise to express my disappointment that the administration has done nothing to rein in rising fuel prices.

The past 7 years have brought hardship to anyone in Maine with a vehicle to fill up at the gas station, a furnace to feed, or a livelihood dependent on affordable fuel.

As you can see in this chart, in January 2001 oil traded at $23 to $25 per barrel. This week, it topped $120 per barrel.

In January 2001, #2 heating oil cost Maine families and businesses $1.55 a gallon. This week, it topped $3.85.

In January 2001, regular unleaded gasoline cost Maine drivers $1.55 a gallon. According to the AAA, the going price in Portland this week is $3.55 a gallon, and rising.

In January 2001, diesel for their rigs cost Maine's independent truckers $1.53 per gallon. In Bangor this week, it was $4.33 per gallon.

These past 7 years, the oil companies have padded their bottom lines at the expense of the hardworking people of Maine and across the country. For the past 7 years, everyone in Maine has paid a steep price for the Bush administration's disastrous energy policy and for Big Oil's efforts in Congress to block legislation to stop energy profiteering.

What has the administration done? Nothing. And they will do nothing unless the people's elected representatives push them to action.

That is why I have called upon the Federal Trade Commission, the Commodity Futures Trading Commission, the Federal Energy Regulatory Commission, the Attorney General of the U.S., and the Secretary of Energy to launch an immediate investigation of price fixing, manipulation, rampant speculation, and other unscrupulous behavior in the petroleum markets. Inappropriate and criminal behavior by oil companies, their subsidiaries, agents, or employees must be prosecuted and punished to the full extent of the law.

These outrageous price increases are a cruel blow for Maine families whose incomes are stagnant or shrinking, and whose costs for health insurance, college tuition, and other everyday expenses continue to rise faster than inflation. Fuel prices are an economic catastrophe for Maine farmers, fishermen, and other small business people. For some of Maine's independent truckers, like those I met on the road in Kennebunk when they were coming down here, unbridled fuel costs when coupled with a stagnating economy may very well put them out of business.

As independent truckers are staring down unemployment, oil companies are reaping record profits. However, for one sector of the economy, the last 7 years have been a bonanza.

In 2001, the Big 5 Oil companies posted combined profits of just over $40 billion. In 2007, their combined profits topped $123 billion. ExxonMobil's $41 billion profit last year was more than all of the Big 5 combined in 2001, and smashed the record for the highest annual profit in history for a U.S. company.

To put that number in perspective, ExxonMobil's profits last year were more than we spent on road construction; they were greater than the amount the VA will spend on health care for our veterans this year. ExxonMobil's profits were larger than the entire budget for the Homeland Security Department in fiscal year 2008. That is profits, not revenues, and those profits come directly from the pockets of our constituents who pay the oil companies' exorbitant prices.

In the House, we passed the Federal Price Gouging Act to give the Federal Trade Commission explicit authority to investigate and punish those who artificially inflate the price of energy, especially those who profit most, those at the top of the chain. The bill has passed the House, but it has stalled in the other body.

It is also time to go after the energy speculators who drive up energy prices through off-market trading. Those trading practices are unseen and unregulated, but they do great damage. I support the Close the Enron Loophole Act, and the Preventing the Unfair Manipulation of Prices Act legislation to hold oil speculators accountable to the same rules that already govern traders who are trading on regulated markets.

It is time now to roll back the $14 billion in tax breaks and incentives that we gave to Big Oil in the 2005 energy bill. It was a disgrace then, and it is an outrage now. I voted against these tax incentives, tax breaks in 2005, and I am pleased that the House under new leadership has already voted to role them back. But in the other body, Big Oil's friends have maneuvered to block a vote on the rollback bill.

Finally, we need to provide targeted relief to the small businesses that depend on fuel, whether they are heating buildings or driving trucks. We need more leadership in the House and over in the other body and with the administration.

ENERGY PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Speaker, I am glad the gentleman who has just left was talking about the energy prices, because that is what I want to talk about, too, the energy prices.

I was elected to Congress 4 years ago, and I came up here and you really think you are going to be dealing with some smart people. It took all I could muster up just to graduate from high school. I did attend college for 2 years. But I have come up here and I have found out that evidently a lot of people in this body don't understand either business or the economy or economics or something, because I keep hearing about the majority wanting to bring down gas prices, but they want to do it by raising taxes and taxing oil companies.

Now, the gentleman just spoke about getting the President's help. Well, I think he has tried to help. I think he has put together some good proposals, but they don't want to do any drilling.

On April 24, 2006, Speaker PELOSI put out a thing, they were trying to get into the majority, and it said: "Democrats have a commonsense plan to help bring down skyrocketing gas prices." And at the time, gas was probably $2 a gallon and, as the gentleman stated a while ago, it is about $3.80 now. Oil was probably $60 a barrel, and it is about $120 a barrel now. But you passed H.R. 6. That was one of the first 100 Hours, one of these great proposals, the Energy Independence and Security Act of 2007.

Well, we did a little research. In that bill, which is over 300 pages, "crude oil" is mentioned five times. Over 300 pages, "crude oil" is mentioned just five times.

□ 1945

"Gasoline" is mentioned 12 times in over 300 pages.

"Exploratory drilling" is mentioned twice.

"Offshore drilling" is mentioned, none.

"Domestic drilling" is mentioned, none.

"Domestic oil" is mentioned, none.

"Domestic gas," zero mention.

"Domestic fuel," zero mention.

"Domestic petroleum," zero.

"Gas price" or "gas prices," zero.

The word "commonsense," zero.

What is mentioned is "greenhouse," 103 times.

"Green building," 101 times.

"Ecosystem," 24 times.

"Climate change," 18 times.

One of their favorite words "regulation," 98 times.

"Environmental," 160 times.

"Geothermal," 94 times.

"Renewable," 333 times.

The word "pool" because, Madam Speaker, there was the Swimming Pool Safety Act attached to the Energy Independence and Security Act. Here is the thing I found interesting. The word "pool" was mentioned 47 times; or nine times more than crude oil and four times more than the word "gasoline."

"Lamp" or "light bulb" is mentioned 350 times; 350 times they talk about lamps or light bulbs.

So get the picture here. The Democratic plan for lowering gas prices is not drilling, it is not using domestic production, it is becoming more reliant on foreign oil; and it is going to do it through greenhouse, green building, regulation, geothermal, swimming pool safety, and light bulbs.

Now I have a hard time when I go home to the people of the Third Congressional District explaining to them that that's our plan for energy independence. And I don't know if I am the only one that is having the problem of convincing my constituents that this is what Congress is doing to lower gas prices.

Now just another side note here. Tonight we passed Senate bill 2739, Consolidated Natural Resource Act of 2008, but I see my time has expired.

ENERGY AND OUR CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. Madam Speaker, I come here tonight, as we do every month or so, to begin another session of the Constitution hour. Members of the Congressional Constitution Caucus basically use these opportunities to emphasize to our colleagues and people across the Nation the necessity of ensuring that our government is operating under the intent of our Founding Fathers. Specifically, we look at the 10th amendment which affirms that the authority over most domestic issues belongs to the States, either directly or through their political subdivisions, and to the people therefore themselves. Actually, the exact wording of it is that all powers not specifically delegated to the United States Government is retained by the people or the States respectively.

So we come to the floor as we do every month or so to bring this point home, to educate the Members of Congress, and to have a discussion on the constitutional merits of what we are debating here in the week before and after. In a little while we will look at a piece of pending legislation, a sunset bill, as it were. But before I do that, I would like to yield to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Thank you, Mr. GARRETT. This has something to do with the Constitution, something to do with what the intent of our Founding Fathers was. I don't think that they had in mind Senate bill 2739 which just passed the House with 117 dissenting votes and they must have had right at 300 who voted for it. It was an omnibus bill that included 61 distinct pieces of legislation, 61, at a cost of $380 million. Sixty-one bills rolled into one, $380 million, 20 minutes debate, voted under suspension.

That has got to make Americans proud, Madam Speaker. It has got to make our Founding Fathers roll over in their graves.

But the part that really bothered me the most, because I talked earlier about the price of gas and what the majority party's commonsense plan to lower those gas prices was. And I look at this bill, Senate bill 2739 permanently blocks exploration for natural energy resources on millions of acres of Federal land at a time when this country and our entire economy is suffering as a result of these record high energy prices. But yet we permanently block exploration of natural gas.

Also, you know, we only own 670 million acres. You know, Congressman GARRETT, I don't know what the Founding Fathers had in mind with the Constitution, but I think if they had really figured that the Federal Government would own 670 million acres, they may have put that in there somewhere.

One thing they did put in the Constitution was about private property rights. The natural heritage area designations included in this bill restrict, and I think the Constitution talks about this somewhere, restricts how residential and commercial property owners utilize their private property without any notice or warning.

It also kicked out and stripped out some amendments put in by the House that would have protected the second amendment, and I believe that may be in the Constitution, it is talked about somewhere, the second amendment. So the right to bear arms and property rights in these natural heritage areas were stripped out of this bill.

What breaks my heart even more is that the minority party, who has been standing up here complaining about our energy cost, all we had to get was about 28 more votes and this bill would have had to come under regular order where we could have stood on this floor in front of the American people, Madam Speaker, and debated this bill. But we could not muster 145 votes out of the 199 Members that we have in the Republican conference. That's embarrassing to me. That is just as hard for me to understand and to go home and try to explain to my constituents when I am standing up here night after night arguing about oil and gas prices and the price of energy and what little pitiful bit the majority is doing when my party won't support doing something to make some real change in what we are paying at the pump.

Mr. GARRETT, I want to thank you for doing this special order on the Constitution, and I hope that you will bring up the private property rights, the second amendment, the fact that we can pass legislation $380 million worth, 61 different bills rolled into one under suspension with 20 minutes of debate.

Like I said, Madam Speaker, I know that makes America proud.

Mr. GARRETT of New Jersey. I thank the gentleman for raising these points. He takes the lead from the gentleman from Maine from the other side of the aisle who had just previously done 5 minutes talking about the energy situation. Let me follow up along those lines before we talk about the sunset bill we want to talk about tonight.

I agree with the gentleman from Georgia that our Founding Fathers would be rolling their eyes and turning over to the proverbial grave if they were ever to look to see the size and scope and depth of regulation of the Federal Government, a far cry from what the Founders ever intended as the appropriate role of government in people's lives.

They did, as the gentleman from Georgia said, put a significant weight and value to that of private property rights, and they did believe that private property was just that, something to be held by the private citizen and not by the government, whether it is the State or Federal, but specifically here on the Federal level.

The gentleman from Maine was making the observation that something needs to be done with regard to the fact that our citizens back home, our constituents back home are aggrieved by the high price of oil, whether it is the gasoline for your car or for the diesel for your truck, or home heating fuel if you are in the northern States such as myself. The gentleman from the other side of the aisle on the majority party would suggest that the answer comes from the Federal Government.

I would suggest that the answer, as far as the Founding Fathers would believe, the answer comes from the private sector, would that the private sector have a free hand and free rein in order to address the problem.

But as we stand here right now, 85 percent of our natural resources in this area of energy offshore of this country are tied up, locked up, if you will, unobtainable for all of us to use as was intended; 85 percent locked up, unavailable for us to be going to get, either oil or natural gas. So we are paying the price for that.

So when the gentleman from Maine from the majority party says that the administration is at fault here, I had to sit and scratch my head and try to remember who is running this House, and which party is running the Senate as well. And of course we know the answer, it is the Democrat Party.

This is not a partisan issue I'm raising here. I think everyone from this side of the aisle would like to extend a hand to the other side of the aisle to try to work together and come to a resolution on this issue.

But if the way that they take is to point blame and blame the President and the Bush administration and the like, that's not going to bring us to closure. That is not going to bring us to a solution satisfactory to the American public.

□ 2000

We need to work together on this.

Likewise, we are not going to get to that solution if all we have is empty promises. I remember all too well a little over 2 years ago, in the 2006 elections, when the, then they were the minority party, but the Democrat Party was saying that they had the solution. They had the answer to the oil problem and the oil crisis and the price of gas at the pump, and if they were elected, they said, and they were put into the majority power, they would be able to give us that solution and that plan and bring us to a better day.

And if you think back to where it was and what they were saying was so terrible at that time, well, gas at that time was like $1.90 or something like that. It was just approaching, it hadn't quite gone over $2 a gallon at the pump. But they said elect them and they'd have a solution.

Well, here it is in April, 16 months after they've been in office, and we are still waiting for that solution. We are still waiting for that answer to come down the road, to be handed to us so that we can all get behind it in a bipartisan manner and answer that the challenge that the American public gave to us, how can we solve this problem. Because the American public, I think, would be more akin and in tune with what the founders would say.

The American public would say, to solve this problem you must release the abilities and the entrepreneurial spirit and the great ideas of the business person and the landowner and the private property owner and those who own renewable and other energy sources to be able to develop those and allow them to come into the marketplace.

But that is not happening yet, so long as the other side of the aisle refuses to give us whatever their solution or their plan is that they told us about some time ago, nor is that about to come about so long as the other side of the aisle simply comes to the floor and casts aspersion on the Bush administration or whoever's in the White House at the time and says it's all somebody else's fault, rather than really grappling with the issue and trying to come to a solution to it.

There are solutions to it. There are free market principles. They are principles that our founding fathers would have enjoyed and appreciated and applauded as they crafted the U.S. Constitution, and that's what we should be embracing today, so that we can go home to our constituents, so the gentleman from Georgia, who said he's somewhat embarrassed to go back to his constituents and say this is what is happening now in Congress as Congress fails to deliver on its promises.

We should be able to deliver, if not on our promises, then on the promises on the other side of the aisle and to address this solution in a bipartisan manner and get the job done in the manner that their founders would have intended.

Now, I believe that the gentleman from Utah (Mr. BISHOP) had another point on a different issue. The gentleman, I am pleased, has just joined us, from Utah. And before we get to the topic that we came here tonight, which was to discuss the issue of the Brady bill, which is the bill dealing with the Sunset Commission and how the Constitution ties into that topic and why the founding fathers would applaud the ideas that Mr. BRADY has given us as far as addressing the over-running government that we have, the gentleman from Utah has joined us, Mr. BISHOP, to fill us in on the issue dealing with NASA.

Mr. BISHOP of Utah. Thank you, Madam Speaker. And I appreciate the gentleman from New Jersey in yielding a few moments so we can talk about another issue of significance, I think, right now.

It was in the year 2004 that the President outlined our Nation's vision for space exploration; and he gave three goals:

Number 1, to complete the international space station by 2010, 2, to conduct the first manned mission of a new vehicle for astronauts by 2014; and Number 3, to return a man to the moon by 2020.

Now, these goals won bipartisan approval by Congress in the 2005 NASA Authorization Act, and we gave clear directions to NASA to administer this act. In it, the administrator was directed to develop a human presence on the moon, promote exploration, science and commerce, United States presence in space, and to create a stepping stone to future exploration of mars and other destinations.

It further codified more specific requirements to use personnel and assets of the current space shuttle program in developing a new crew vehicle and two new launch vehicles.

Now, after the old space shuttle, the original one here has fulfilled its mission to complete the international space station, it will retire in the year 2010 and, by law, must be replaced no later than 2014 by a new vehicle, this one at the top, which is called Orion, which will take humans to the space station, to the moon, to Mars and to beyond.

This vision is a bulwark of our Nation's space future for the decades to come. You see, the space shuttle will have been in service for 30 years by the time it's retired, and we can expect as much or more from these new systems.

NASA Administrator, Michael Griffin, has translated these objectives into a coherent program for further exploration in the solar systems. Its name is Project Constellation, and it will include Orion, and be powered by the most effective, reliable and safe launch vehicles to carry our crew into orbit or lift supplies needed for space exploration; and those two new rockets will be called Ares I and Ares V.

Now, Orion will give the United States the best capability to transport astronauts to destinations outside of the Earth's orbit and, at the same time, serve the international space station. The development of the Ares I rocket will boost Orion into orbit, and it has made tremendous progress. In fact, the first unmanned prototype test launch of Ares I is in April of this year.

Ares I is at least a factor of 10 times safer, and will lift crews into space at a cost significantly lower than the current space shuttle. In fact, Ares I will be reliable and cost effective enough to be used for commercial purposes, delivering on NASA's promise to energize space activities in the commercial sector.

Ares V will be the largest rocket ever produced, exceeding even the carrying capacity of the old Saturn V rocket. Now, the Ares V will only be used to take cargo into space. But the combined capabilities of the Ares I and Ares V rockets will support the space station, moon and Mars exploration, large scientific and commercial payloads and journeys to destinations in our solar system that Kirk, Pickard, Spock and the guy on Reading Rainbow only dreamed of.

Furthermore, these rockets will reassert our leadership in exploration of space for decades to come, a leadership that is currently being challenged by other countries.

NASA's space exploration vision is vital to this Nation's continued global leadership in space and technology. It will inspire a new generation to become physicists, chemists, geologists, mathematicians who will pursue careers in fields critical to our continued economic wellbeing and world leadership.

Now, we often bemoan the lack of interest in science and math, and dream up all sorts of incentives here in Congress that will fail because kids really don't want a Federal bribe. They want to be challenged and inspired. And just like the space race of the 1950s and the 1960s motivated a whole generation of students to pursue education in science and technology, NASA's new exploration plans can inspire a sense of adventure and pride in today's kids.

The Mercury, Gemini and Apollo programs provided this kind of dramatic motivation from grade school to college graduates. So within a few years we were turning out growing numbers of highly skilled engineers and scientists as America's space program offered challenging jobs in pursuit of landing humans on the moon.

It is not coincidentally, a coincidence at all that scientific and engineering expertise lost its momentum immediately after the successful Apollo program was prematurely ended and our space commitment was de-emphasized. With no greater challenges in human space flight on the horizon, the historic excitement to earn science and engineering degrees simply withered.

Improving the quality of education is as simple as firing the imagination of a child. The dream of working on the moon, traveling to Mars, exploring the other planets will spark that drive. An inspirational vision such as space exploration can provide that necessary spark. We need that inspiration, not only to compete in space, but to continue to compete successfully here on earth. Without this motivation, it simply won't happen.

While JFK's challenge was to send a man to the moon and return him safely to the earth, and that was indeed an historic accomplishment, the most important legacy of Apollo is that it inspired a generation to do great things. It's more important now than ever that we do great things. Space exploration will motivate the next generation to accomplish feats that we can only imagine today, and will secure America's position as a world leader.

The NASA administrator, Michael Griffin, put it in the proper perspective when he said, "We go not for gold or silver, but for knowledge and experience, and for the expansion of technology. And that occurs when we explore. These are the reasons we do these things, and they are part of what makes us human."

Previous space exploration has brought tangible benefits that have improved our lives in innumerable ways. When we say space spin-off products, most people think of Tang and maybe Velcro. But we watch the weather reports on television every night and don't recognize this would not be possible without the space program. Or we make a phone call and don't consider that the connection may be via a communication satellite. GPS navigation satellites, originally developed for the military, are now used 95 percent of the time for civilian application. And many of these benefits are so taken for granted that we now consider them intangible benefits.

There are many tangible benefits from the space program. The 2007

"Space Report" estimated that last year's impact on the economy from space was $220 billion, with 60 percent of that figure coming from commercial goods and services, not NASA nor the Pentagon. In fact, a common misperception about space is that this money is spent in space, when in reality, these funds are spent right here on earth in the most high tech jobs in the world.

Another common misconception is the size of NASA's budget. Opinion surveys will show that Americans think NASA's budget is 10 to 20 percent of Federal spending. In reality, NASA's budget is .6 percent of the Federal budget. The returns on this investment are priceless.

The President, Congress and NASA got it right 3 years ago. A clear space exploration strategy now exists in the form of the Constellation program being executed by a team led by an Administrator Michael Griffin, who clearly understands not only the technical issues but, indeed, the delicate balance between performance, risk and cost. In short, Griffin gets it.

Implementing the space exploration program will not be an easy task, but it will be worth the journey. Retiring the space shuttle in 2010 and replacing it with Orion no later than 2014 is essential. We have to go forward without delay with this vision as it now stands. And let us not hinder and its dedicated partners from achieving it for all of us.

In 2010 the international space station will be complete and the space shuttle program will draw to a close. But the future will belong to Project Constellation. Constellation will give us new space vehicles. It will take us to the space station, the moon, onward to Mars. The names of Orion and Ares will becomes as familiar to the world as Mercury, Gemini, Apollo and the space shuttle have been.

Thank you for your patience, Madam Speaker. Appreciate the gentleman from New Jersey for giving me these few minutes to talk about an essential program that we have to push in the future. And I will yield back as we go on to the next topic of this discussion.

Mr. GARRETT of New Jersey. I thank the gentleman from Utah. And the gentleman makes an interesting point when he says to educate takes only to excite the mind and the imaginations and, of course, that is what happened some 200-plus years ago in this country when our founding fathers came to this land and excited the imagination that a new form of government never conceived by any human in any portion of the world ever before, and that was, we've seen today, in the U.S. Constitution.

You know, that document today, for a lot of people is just a historical document and nothing more than that. And to many citizens the Federal Government is nothing more than a problem solving institution of government.

However, the founding fathers delegated only a few specific powers to us here in Washington, to the House and the Senate and the White House, few specific powers, and they are in numerated in the Constitution. The remaining political powers were reserved for the States and the local governments and the people specifically.

So tonight, I'm joined by my colleagues, Mr. BISHOP who will speak again in a few moments, and Mr. BRADY from Texas who'll try to focus on one aspect of trying to revert the government to what the founders intended in the first place by focusing on the inefficiencies and the waste that occurs when the Federal Government oversteps its bounds that were set forth in the Constitution.

And we come here not simply to complain about the situation. No, and that's why I'm pleased that I'm joined by Mr. BRADY, because Mr. BRADY comes here with a solution to the problem as well, and he does so in the form of the Federal Sunset Act, which would help our country, in essence, return to the limits originally intended by our founding fathers.

So with that I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I appreciate the gentleman from Michigan's leadership and keeping the focus of Congress on the Constitution, what roles we play of a limited government.

I don't know if you can remember what you were doing last Wednesday, but I do. Last Wednesday is what we call Tax Freedom Day. It's the first day of the year that you and I start working for ourselves and our families. From New Year's Day up to last Wednesday, April 23, we were working just to pay taxes to our State, local and Federal Government.

If you think about what an overtaxed Nation we are, think about your day. You wake up in the morning, grab a shower, you pay the water tax. You stop and grab a cup of coffee, you pay a sales tax. And take your car down to work, you pay gas taxes. At work you pay two taxes, an income tax and a payroll tax. You come home at the end of the day, you open the door, turn on the light, pay electricity tax, turn on the television, pay a cable tax, use your phone and pay a telephone tax, kiss your spouse good night and pay a marriage penalty tax.

□ 2015

And on and on and on. Every day the rest of your life. And then when you die, you pay a death tax. No wonder it is so hard for families to make ends meet in America these days especially with the prices being what they are.

And the only thing worse than how much we spend on taxes, especially those we send to Washington and Uncle Sam, is how poorly Washington spends our hard-earned dollars. I am convinced, Madam Speaker, that we make horrible use of the dollars our taxpayers give us. And I'm convinced that if Congress in Washington were a manufacturing plant, we would manufacture spending. That's what we were designed to do. If we want our government to manufacture savings and efficiency, we need to retool the plant. We need to change the way Washington works.

I have a proposal that does that. This is a bill that I introduced as a freshman bipartisan Member with my good friend, Congressman Jim Turner from Texas. Well, we came in together as freshmen. It is the Federal Sunset Act. And what it does is its goal is to abolish obsolete agencies and eliminate duplications within programs because we know we don't spend money wisely. What the commission does is, bipartisan, made up equally of Republicans and Democrats, mostly legislators, but it also includes four members appointed from the public, and basically what it does is it places an expiration date on every Federal agency and program where they have to justify their existence or face elimination.

They have to justify their existence not on what they were for created 80 years ago or 60 or 40 years ago, but they answer the question, Do they deserve our precious tax dollars to date? Ronald Reagan once said, The closest thing to eternal life on Earth is a Federal program, and he is right.

The other thing, of course, is once created, Federal programs duplicate themselves. They clone themselves, it seems like. For example, we have more than 300 separate different economic development programs. We have more than 100 separate, different, or separate job-development programs. We have 64 different welfare programs. There are so many urban aid, inner-city programs, different ones; that we could get in a car once a week and visit one in a week, and it would take us nearly 9 years just to see those programs in that one year. We waste and duplicate too much of America's hard-earned money.

The Sunset Commission has worked now in over 24 States, so it's a proven method of cutting wasteful spending. In my home State of Texas over the years, it has abolished 54 State agencies, consolidated 12 more, and saved our taxpayers nearly $1 billion. That's in one State. I'm convinced it can do even more in Washington.

Our government, unfortunately, for all of the good things it does, is too big and too fast. It needs to go on a diet. And the Federal Sunset Commission isn't a crash diet. It's a take-off-pounds-sensibly diet where each party, who seems to talk about wanting to balance a budget, who always wants to talk about cutting wasteful spending but won't act to do it, it gives both parties the responsibility and the ability to work together to streamline this big, bloated Federal Government so that a Tax Freedom Day, whether it is April 23 this year or if President Bush's tax cuts are to expire, which they shouldn't, we would actually work until May, the fifth month of the year, until we start working for ourselves.

It is important that if we want to have lower taxes, more freedom and use taxpayers' money wisely, we need to enact a Federal Sunset Commission and enact it today. And I think that is the constitutional role of this Congress is while we may collect the taxes, we have even greater responsibility to limit its use as a government and to make sure they're used as wisely and efficiently as possible.

And with that, again, the gentleman from Michigan has led the effort here among Republicans and among the Republican Study Committee to better define our Constitution and Congress' real role. I think these days, that's even more important we do that.

Mr. GARRETT of New Jersey. I thank the gentleman for taking the lead on this issue, not only in this session of Congress, but in the past session of Congress as well where I have been a proud cosponsor of your legislation because it goes a long ways to, what was that phrase that Barry Goldwater used when he came to Washington the first time? He said, I did not come to Washington to streamline government or make it more efficient. I came to Washington to eliminate it. And that's what you're trying to do as well with the intent of the legislation is define those areas of government that are extra-Constitutional, outside of the bounds of the Constitution, find those portions of government that are wasteful, duplicative and the like and to basically eliminate those so that the Federal Government can appropriately focus its attention on those areas that it's supposed to and then get that job done so that you and I can go back to our constituents and say that we are fulfilling the role of the Constitution and we are doing it in a Constitutional manner.

I will yield.

Mr. BRADY of Texas. For 30 years, picking up on what you just said, the public doesn't have to take my word for how inefficient we are, even your words, Mr. GARRETT, about how inefficient it is.

Recently, the Office of Management and Budget assessed over a thousand Federal agencies. They determined that nearly one-quarter are simply not performing. These agencies account for nearly $123 billion annually in increased spending, in duplicative spending, in spending that no longer works or helps anyone. And I keep thinking, what would our families do with $123 billion of their own money that they're sending us and we're wasting? What could they do for the families? What dreams could they reach? What decisions would they make and not rely on government to do that?

I just think that all of this is about giving more faith in people than it is in government, and I think that's what our Founding Fathers intended this great Republic to be.

Mr. GARRETT of New Jersey. I appreciate your hard work on this initiative so that, as I say, when we go back to our constituents and one of those bills comes up in the future, and it will come up, when it's laden with additional spending, I'm not talking about earmarks or proverbial pork barrel spending, I'm talking about just legislation, that appropriation for dollars going to some other duplicative-type programs that you mention out there that we, you and I and the rest of us who are in agreement on this issue, can go back to our constituents and say, I voted the right way. I voted to eliminate those programs. I voted to downsize those programs. I voted to make sure that all we have left standing are those things that the Founders would agree with and that the programs and the agencies and the services that the public desires and demands and it's within the confines of the Constitution, and they're getting it done in an effective and efficient manner.

So I appreciate your taking the bold step to accomplish that, and we're behind you on that. Now, if we can get the support on the other side of the aisle and move this legislation, we will be even further down the field than that.

We're joined again by the gentleman from Utah to join us in this discussion on the Constitution and more specifically, on the Brady bill with regard to the sunsetting these wasteful, duplicative unconstitutional initiatives that the Federal Government is wanting and ripe to continue but for the fact that we have legislation like this.

I yield to the gentleman from Utah.

Mr. BISHOP of Utah. I thank the gentleman from New Jersey for yielding some time. I appreciate the gentleman from Texas who has introduced this particular piece of legislation.

Madam Speaker, many of us grew up listening to vinyl records played on phonographs, something that my kids have probably never heard, let alone seen. But for its day, the phonograph was an amazing device. It gave beautiful music, or maybe not so beautiful music, into our homes; it brought great orchestras and bands to those who would have never heard them otherwise. And a few people still use them, but most of them had replaced them long ago with tapes and CD's and MP3 files, and other types of digital media acknowledging that the phonograph and vinyl record are outdated and that better technologies are available.

In the same vein, most of us gave up typewriters a long time ago for computers. But there are a few who, for fear or suspicion, cling to their ancient and inefficient typewriters. Admittedly, the typewriter was a marvelous tool in its time, but there are simply better tools available now.

So, Madam Speaker, I want to make the point that it's always a shame to see things that last beyond their usefulness, whether it's an outdated technology, a once-great athlete eventually cut from a team, or even a U.S. senator. You like to see things end in their prime and retain their dignity.

Madam Speaker, I'm not here to propose a Commission for Involuntary Retirement of Senators. Nor will I suggest an investigation into aging athletes who should call it quits. I think Mr. WAXMAN could probably do that for us all. I'm here to support Mr. BRADY's idea for a Federal Sunset Commission to evaluate government agencies and find those agencies that are outdated and beyond their usefulness.

You see, in most sectors of American life, the free market simply dictates that old products, as great as they may have at one time been, are replaced by newer, better products. Unfortunately in the government, that process of creative destruction stops after we create the first version. The old out-of-date programs or agencies don't really get replaced. It stays around. Performing, maybe not performing, duplicative functions and sucking up tax dollars at the same time.

Several years ago, the comptroller, David Walker, pointed out that the USDA, the FDA, and 10 other Federal agencies administer 35 different food safety laws; the Department of Homeland Security, Justice, and HHS administer 16 different grant programs for first responders; and USDA and HUD both provide assistance for rural housing. And I won't even go into the Department of Education; that would be too easy.

Why do we have such a hard time getting rid of old programs? It simply has to do with public-choice theory. Every government agency and program, no matter how outdated, has a core constituency who benefit from its existence. Those who are employed at the agency or program and those who receive benefits have a huge incentive to fight for its continued existence. I understand this attitude. I basically did the same thing as a teacher. I was not content, as many of the old-guard teachers were, to simply teach the same lesson year after year. So I and other innovative staff members started new programs like the Historical Society, the Renaissance Festival, a scholarship program, an oral history program, and Close-Up, an internship program at our State capitol. Now, fortunately, most of these program enhancements cost the school very little money except my time, but I did it because I always wanted to have a bigger role at the school. The status quo was never sufficient; I wanted to do more.

And herein lies the problem for both government programs and for me as a teacher: In our mindset, if a program is not growing, something is wrong. To self justify, government agencies and offices always think of new ways to expand their "services." The goal is always "bigger" and "more," which ends up costing the taxpayers. The desire to grow is the natural instinct of any government agency, and it is the natural instinct of us, but it means to control government, a legislative body has to continually fight that which naturally occurs. It's always an uphill battle. We continue the old and introduce the new.

Simply, what we do is when we introduce a new program and there is still an old one in place, it puts us in the silly position of using a computer and a typewriter at the same time. Comptroller Walker, before he retired, in the same report that I just quoted, said, "A fundamental reassessment of government programs, policies, and activities can help weed out programs that are outdated, ineffective, unsustainable, or simply a lower priority than they used to be. In most Federal mission areas, from low-income housing to food safety to higher education assistance, national goals are achieved through the use of a variety of tools and increasingly through participation of many organizations such as State and local governments that are beyond the direct control of the Federal Government."

"Government cannot accept as given all of the existing major programs, policies, and operations. A fundamental review of what the Federal Government does, how it does it, and in some cases, who does the government's business, will be required, particularly given the demographic tidal wave that is starting to show on our fiscal horizon."

"A fundamental reassessment." It's a novel idea. Make agencies and programs continually prove their value. That brings us to Mr. BRADY's bill, the Federal Sunset Act of 2008. Sunset commissions aren't a new idea. States, as are often the case, are ahead of us here. I'm told that there are 24 States currently that have some form of a sunset review and have saved millions of dollars through this process, and it is simply about time the Federal Government follows their lead.

P.J. O'Rourke once said, "the mystery of government is not how Washington works, but how to make it stop." Mr. BRADY's bill helps solve that mystery. It's a practical solution that will make it easier to get rid of outdated or low-performing or duplicative or wasteful government agencies and programs, and I commend him for reintroducing this bill.

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It is something this government has to have to put some balance and rationality and logic back into the delivery of services by the Federal Government.

And with that, I would be happy to yield back to the gentleman from Texas.

Mr. BRADY of Texas. Well, if I may just follow up. You made, sir, I think a key component of why we need this. Right now in Washington today, if you try to abolish an agency that has outlived its usefulness or you question programs that duplicate themselves, there is always someone who jumps up and says, well, you know, I remember they've done some good things in the past. Almost impossible to do it. The Federal Sunset Commission changes that around and it basically says to the agency, you must justify your existence to taxpayers, not just to law makers, but to taxpayers themselves. You have to prove your value and worth and success.

When I served in the Texas legislature, what I saw was in the 2 years before an agency was sunset, it was amazing how responsive they became, how quickly they returned your phone calls, how responsive they were on their letters. Now they were under the mistaken belief that their customers were actually the legislature. Their customers are the taxpayers. I want to reintroduce customer service back into our government, and I want agencies to know that if they drift far away from their original mission, if they do not perform and produce, if they don't recognize that they work for the public, the public doesn't work for them, they work for the public, if they forget that, they need to understand that on a regular basis they will be held accountable for it. And I think that's a part of our government today. Unfortunately, that is missing.

One thing, too, I've noticed, my experience in sunsetting at State level, the gentleman from Utah mentioned it, is that programs that succeed, that do their job, spend their money wisely, perform and are responsive to the taxpayers, they do beautifully in the sunset. They have no problem at all. It is the programs that don't do any of those that struggle. And my belief is that we should fund constitutional programs that deliver quality services to our taxpayers, and not a dime for those who don't, not a dime for those who don't. And what's interesting, we've had one vote on the House floor in 12 years on this. Congressman TURNER and I offered an amendment to a bill, and it passed with 272 votes, 2–1 margin. Now, the bill it was attached to eventually died, those things happen here in Washington, DC, but it showed us that there is support.

We put this issue of a Federal sunset bill on a national poll some years ago, we wanted to know how America felt about it. Seventy-seven percent of Americans across every region believed we need a Federal sunset act and we should hold agencies accountable to the taxpayers. And I believe that done wisely and done well, this could be an effective tool for shrinking the size of our government, using our tax dollars more wisely. And in a time of war, in a time of deficits, I think it's even more important for both parties to pull together, find new tools they can both use day in and day out to try to squeeze the absolute best out of every tax dollar that is sent to us.

And with that, I would yield either to the gentleman from Utah or the leader of this special hour, the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman from Texas (Mr. BRADY) for being on the floor tonight and also for the subject, for introducing this Federal Sunset Act, an act which would, as he said, return our country and our government to the intent as set forth by our Founding Fathers.

And when you think about it, in light of the extremely high taxes and even higher deficit, the time for greater efficiency in government couldn't be any greater than it is today. The American worker is handing far too much of his or her hard-earned money, his paycheck each week over to the Federal Government only to see it wasted in layers of bureaucracy, red tape and so on. I think you quoted Ronald Reagan before when you said that a government bureau is the nearest thing to eternal thing that we'll ever see on Earth, but regrettably, longevity truly has nothing to do whatsoever with a program's effectiveness or efficiency or usefulness to the American people. Just because it's been around a long time doesn't mean that it's good.

Now, the background for the idea of a sunset, as the gentleman from Utah said, comes from the States, who are usually on the cutting edge because they are the laboratory of experimentation. And the sunset takes its name from the sunset laws used by many States to provide for a periodic review of the efficiency and effectiveness of the agency operations and their policies. It was back in 1976 that Colorado was the first State to implement a sunset. And at the State level this process has saved the taxpayer hundreds and hundreds of millions of dollars. And it has also reduced the size of government at the same time. And simply how it works is that each and every Federal agency must justify its own existence, and not its existence from the time that it was created, which may have been 100 years ago or 80 years or 60 or 40 or even 10 years ago, but its existence today to the consumer, which is the taxpayer, constituent. And then after a thorough evaluation, the commission recommends to Congress that an agency be reauthorized, streamlined, consolidated, or in some cases, maybe even eliminated.

So why is that a great idea? It's a great idea because, as we said before, the Federal Government is just far too big, too fat, too wasteful. And especially now, in a time of war, in a time of deficit, don't we need every single dollar to really count, to be accounted for and to go for what is necessary? And a Federal sunset law is truly a proven way to abolish those obsolete Federal programs, eliminate duplication, and hold every agency accountable to the taxpayer.

You know, it's no secret that there are many Federal programs that are simply not serving the American public. And these are the programs that have outlived their purpose, duplicated other programs, simply waste taxpayer dollars by diverting dollars away from real priorities and into what you might want to say is a black hole of ineffectiveness, which is what we see in Washington. And I think Mr. BRADY said it, a taxpayer now works up to 113 days out of a year just to pay for his share of the Federal Government's spending of ineffectiveness.

Unfortunately, these programs survive anyway. And they survive because of special interests, these cottage industries that grow down here that live off the taxpayer earnings. But you know, Madam Speaker, we're not here to represent any of those special interests. We are here to represent the mothers and fathers who could be at home with their children instead of working an extra shift so that they can make their contribution to this bloated bureaucracy that we call Washington. With a Federal deficit in the billions of dollars and with taxes that are too high and too unfair, we must do everything we can to ensure that our Federal spending is as limited as possible and most efficient as possible.

And with that, let me just make one additional point. The idea and why we come to the floor now and why I commend Mr. BRADY so much for his work on this is that the Federal Government was intended to be limited by the Founding Fathers, and this Sunset Commission would give us the opportunity to revisit that issue.

I often say that when we vote on a bill, specifically on appropriation bills or authorization bills, and as we take out of our pocket the little card, which is our voting right, we should ask ourselves whether or not we have the constitutional authority to be voting yes on that spending or authorization bill. And in order to know whether we have that authority, we should be looking to the U.S. Constitution.

Now, what this Sunset bill would basically force us to do is to look to see whether we actually have that authority and make each one of those Federal bureaus and agencies and departments and so on and so forth, whether they have that specific authority to do what they have been doing for 20 or 40 or more years, and whether, therefore, they should be eliminated or continued, or not.

There have been different perspectives on whether or not these agencies should have the authority. And what we would have to do in this instance is take a look at what the Constitution says. One area we look to is article I, section 8, which basically would set out for the Congress, as they review these agencies and as we should really be looking at any time we look at any piece of legislation that comes before us, and this sets forth the enumerated powers of the Constitution and the powers here in Congress.

There are a couple of views on how this is interpreted, but both of them are basically a limitation. Enumerated powers means that if it's listed in the Constitution, they are enumerating, they are listing certain powers that we have the right of. And therefore, the converse of that is if they are not enumerated, if they are not listed, then, therefore, we do not have the power to do so. And therefore, if there is an agency that does not have the specific powers to conduct its activity, that program should be eliminated.

Now, the one view most strict on this, of course, was James Madison, who repeatedly argued that the power to tax and spend, which is what we're talking about when we're talking about appropriations or authorizations, did not confer upon the Congress the right to do whatever it thought was best in the interest of the Nation, but only to further the ends specifically enumerated elsewhere in the Constitution. So you have to look either there or someplace else in the Constitution.

The second view on this, of course, is a little bit broader, but still pretty limited, and would still fall under this bill as far as a review under this bill as to what we should be doing here. And that simply says, does the agency, the bureau's activities, does it contain its own limitation, namely, that spending under this law be for general use, that is, national welfare, not purely for local or regional benefit. And so here what the founders were intending to say is if it's general use, general welfare, does it apply across the board to the benefit of everyone? Now, when we do this, and if this legislation were to become law and we are able to systematically look at each and every agency, I think we would find that much of what we appropriate our dollars for, the taxpayers dollars for does not meet either one of these tests. It is not simply a power that is being enumerated elsewhere in the Constitution, nor is it for the general use of the entire country. And when you look for the definition of the general use of the entire country, we can look again to see how the founders interpreted that when they passed in the First and the Second, Third or Fourth Congress as to how they interpreted it.

You know, in the very First Congress of the United States, they looked at an example to make an appropriation for a loan to a glass manufacturer. That piece of legislation failed in Congress after Members expressed the view that such an appropriation would be unconstitutional under article I, section 8. Likewise, under the Fourth Congress, they did not believe the power to provide relief for citizens of Savannah, Georgia after a devastating fire destroyed the entire city; likewise, outside the purview of the Constitution.

Whether we are talking about restrictions under this provision or otherwise, the sunset provision would give Congress in the future the opportunity to review each and every agency to make sure that it is operating within the confines of the Constitution as intended by the Founding Fathers, and that it can only be a good thing at the end of the day for the U.S. citizen.

With that, I yield the remaining time to the gentleman from Texas.

Mr. BRADY of Texas. Well, again, I would praise the gentleman from New Jersey for being a leader and the gentleman from Utah on trying to reinvent government, take it back to the features, take it back to its roots and make it work for us.

I was intrigued by the gentleman from New Jersey's comments about our Founding Fathers because I was reading one of the many books about Thomas Jefferson. And he sent a letter back to a colleague, as the third President of the United States, where he expressed frustration that he was already struggling to try to close down Federal programs that had already outlived their usefulness. This was our third President, and he was already fighting to do that. It tells you what a challenge we have.

But I am convinced that if both parties really mean it, that we can accomplish this. I think if we spent less time in Washington holding hearings on steroids and baseball, you know, if we spent less time promoting longer lasting light bulbs, and those are good, of course, but the priorities of this country, I think this Congress especially is disconnected from the real world, from what real families face. And when people are paying so much out of their paycheck and paying so much at the pump, it just isn't a responsibility to use their money wisely, it's an obligation. It's in the Constitution. It's in principle. It's really a case in morality. But we're taking people's money and wasting it.

I hope people who are watching tonight will call their Member of Congress and ask why aren't they in support of the Sunset Commission, why don't they get on the Sunset Commission and use their thoughts and ideas to trim this budget? Because I'm telling you, we have Members of Congress, both parties, who I think can do an excellent job, but we have to have the will and the backbone to do it first. And I again applaud the gentleman from New Jersey for being a leader on constitutional issues here in Washington.

Mr. GARRETT of New Jersey. And I thank the gentleman from Texas. I thank the gentleman from Utah as well for being on the floor, and for both your leadership on this issue.

ENERGY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's an honor to be recognized to address you here on the floor of the United States House of Representatives.

I listened to my colleagues with great interest, and I appreciate the constitutional acumen that they bring to the floor. I honor their work and support their statements, and do through a rather unsmooth segue into the issue that I believe needs to be addressed here, Madam Speaker, so that there can be a greater depth of knowledge about the subject of energy in this country.

First of all, there is a certain idea that somehow we can talk about energy conservation and we can pass legislation to require automobiles to get 75 miles to the gallon and somehow that's not going to cost a price in quality of life or in engineering costs. And some people believe that that can actually happen. And I know that if we go so far as to mandate such a thing, you would have to park your Harley today because it wouldn't get that kind of mileage. And if that's going to happen with a family automobile, I would like to know how that is designed to be done without putting us in a very flexible and crashable vehicle that doesn't provide very much safety for the people that are inside.

I'm concerned about that approach, Madam Speaker, and I'm concerned about an approach that believes that there is maybe only one or two things we can do with energy, and maybe there is a silver bullet here to solve all of this.

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Madam Speaker, there is no silver bullet on energy. It is a cost of everything that we do. A cup of coffee, a pair of shoes, a suit, a ticket to the ball game, a television set, everything that we might buy or consume, including all of our food, the price of it is wrapped up in energy. And inflation of energy is inflation of everything. And as we watched gas prices go up since the beginning of this Congress, this 110th Congress, when Speaker PELOSI took the gavel, gas prices have gone up over 50 percent in that period of time. And the promise was, well, there was going to be a commonsense approach to energy.

Madam Speaker, I'm still waiting for that commonsense approach. I've seen pieces of legislation come across this floor a number of times in this 110th Congress, and every piece of legislation that addressed energy raised the cost of energy, and no piece of legislation increased the supply of energy, which would reduce the cost.

The law of supply and demand is that if you have more supply than you have demand, prices fall because the sellers have to discount in order to turn their product into cash. And if you have a demand that's higher than the supply, the price goes up because the buyers are willing to pay more because they want it; so they compete for the product.

Just the same way as if you're a great athlete, Madam Speaker, and maybe only a few people can sky walk above the hoop and slam the ball down through in a basketball court, and only a few of those people get offered the millions of dollars because it's a rare talent. There's a lot of demand for that kind of talent and only a little bit of supply. So the price for a very highly talented basketball player goes up and up. The same goes for all of our sports. We can see that easily. If you're a clutch pitcher and you can step into a baseball game with the bases loaded and nobody out and are ahead by one run and take them down three at a time and you can do that consistently and perform well under pressure, if you've got that kind of control, you're worth a lot of money in that arena because the supply is low and the demand is high.

Well, with energy the supply is low and the demand is high, just like it is for a very talented basketball player or a very talented attorney or a very talented actress or a very talented CEO. So how do you reverse this when you're dealing with the American people, whose standard of living and quality of life is wrapped up in this cost of energy? And, Madam Speaker, I will submit that we must increase the supply of energy, in every category that we intend to use energy, we need to increase the supply.

Now, if you'll imagine, Madam Speaker, in your mind's eye, a pie chart, a 360-degree pie chart of all the components of our sources of energy, and that would include gasoline and diesel fuel and natural gas and clean burning coal. It would include wind energy, solar energy, ethanol, biodiesel and biomass, hydroelectric, and it would include nuclear. And also on that pie chart, we need to add a slice in there for energy conservation because energy conservation is—on this, Madam Speaker, I agree with the majority party. Energy conservation is an important component of our overall energy solution.

But there is no energy solution that has been offered by the leadership here. We do not have a commonsense solution that's been offered by the leadership. We have pieces of legislation that raise the cost of energy, blocking certain parts of the publicly owned lands from drilling. And the places where we could drill, there has already been a blockage of being able to transport natural gas or oil through those public lands. So we have taken millions of acres of oil-producing lands off-limits, off-limits to the American people, while we are dependent on foreign oil. The exact opposite that I believe that we should do.

And we're not drilling in ANWR. Now, ANWR, the Arctic National Wildlife Refuge, whoever named that was really thinking ahead if they thought that they wanted to lock up a lot of energy underneath the frozen tundra. But I went up there to look at that land. I really thought that if I would get up there, I would find ANWR, the Arctic National Wildlife Refuge—I believed I would get there and it would be teeming with wildlife. I thought caribou would be running all over the place and there would be some wolves there picking off the strays, and I thought there would be some musk-oxen and maybe some Arctic fox, and I thought I would see an alpine forest because I had seen that in one of the commercials that said "Don't drill ANWR."

Well, I went up there, and I did actually do the research to find out where the furthest-most northerly tree is. If you remember, Madam Speaker, I think you and I learned this in eighth grade science class that the Arctic Circle and the Antarctic Circle are lines around the globe—on the northern hemisphere, the Arctic Circle is a line around the globe, north of which trees don't grow. So it shouldn't be a surprise to anybody to find out there are no trees in ANWR. And it was a surprise to me to find out that there is no resident caribou herd there. I did see four musk-oxen as we flew all over ANWR looking for some wildlife. We saw that and two white birds, and that was the extent of it, although there are some whales that get harvested as they swim along the shoreline and there are some polar bears that live up there along the shore. So it's not without wildlife.

But we drilled in the North Slope of Alaska back in 1973—1972 and 1973 was when it began. There was a great concern about disturbing the natural regions up there and a concern that we would tear up the natural tundra and it could never be replaced again and that there would be oil spills that soaked up that couldn't be cleaned up.

And, Madam Speaker, I went up there and found out that we have drilled in the North Slope, and we have done it well. And if we fly across that North Slope and look around, I couldn't identify a single oil well, not one. They are all submersible pumps set down below the ground level. And the pads that are there for workover are places that they drive to on ice. So when the ice melts in the summer, there's no sign that anybody approached the well. And the caribou herd went from 7,000 head in 1972 to 28,000 head as of a couple, 3 years ago. That's a fourfold increase in caribou herd in the North Slope in Alaska, in a region that was alleged to have been poised before it was drilled to having the wildlife and the natural environment there damaged significantly. It has not been, and there is no example that it was. The only example that we can find is that caribou like to get up on the higher ground where the wind blows the flies off of them and they like to have their calves up there out of the water; so their population has increased. But those are the caribou herds that are resident to the North Slope of Alaska, but there are no caribou herds that are residents in ANWR. So the natural animal life there won't benefit quite as much except the caribou do migrate into ANWR to have their calves in the spring starting about mid-May, early to mid-May, and then along about mid-June or the latter part of June when the calves are strong enough, they walk back over to Canada, where they actually do live.

But in that whole region in the North Slope, no spills, no measurable impact on the environment. And we can do the same thing, only better, in ANWR. We can do it with about a 2,000-acre footprint, and we can drill directionally, and we can open that up and we can bring that oil over to the Alaska pipeline, pump it down to Valdez, and put it on tankers and ship it like we have done out of Alaska for years and years successfully. That oil needs to come out. It needs to come out of the ground. It needs to go into the marketplace.

You cannot defy the law of supply and demand. If you shut down the supply and the demand remains the same, the price goes up. If you increase the demand and you keep the supply the same, the price goes up. We have both of those things happening. We have a demand increase, and we have a supply growth that's being shut down.

And not only that, Madam Speaker, but instead of voting down drilling on publicly owned land, and I will say nonnational park public lands, we need to open up our nonnational park public lands for drilling. We need to do that. We need to drill in the Outer Continental Shelf, primarily offshore Florida, where we know there are at least 406 trillion cubic feet of natural gas. And where the people who are sitting on the beach, there's a concern that if they have information that there's a drill rig out there at 199 miles, though you can't see it much beyond about 12 miles, but if there's a drill rig out there offshore at 199 miles, some folks are afraid that people won't go sit on the beach if they hear a rumor that there's a drill rig out there. So we shut off a 200-mile limit for exploration when a country like this needs the natural gas and a country like this needs the oil. We need to drill the Outer Continental Shelf all the way up and down our coast off of California, all the way north as far as there is energy. We need to tap into it. We need to tap into it all, Madam Speaker, and put it all on the market.

And we need to add into that the alternative energy uses that we have. We have developed a tremendous industry in renewable fuels. And I speak from a base of, I will say, experience, and I represent the Fifth Congressional District of Iowa. There are 435 congressional districts in Iowa, and of the 435 districts, there's only one that produces the most renewable energy, and that's the Fifth District of Iowa, when you count ethanol, biodiesel, and wind.

But I see my good friend from California, former chairman, now ranking member of the Armed Services Committee, Mr. DUNCAN HUNTER, to whom I'd be so happy to yield.

And I appreciate your being down here, DUNCAN.

Mr. HUNTER. I thank my friend for yielding. And the gentleman from Iowa is indeed an expert on renewable energy, and I've spent a lot of time in his wonderful State examining that program, which is very robust right now.

I thought the gentleman might be interested, because this is a subject that's near and dear to your heart, in the recent progress on the border fence and the recent actions that have been undertaken by the administration.

The gentleman from Iowa and I have linked arms on a number of occasions to do several things: one, pass the border fence legislation that mandates the construction of a double fence across the southern border for about 854 miles. And as we know, that legislation was watered down some in December by the Senate, but it remains a mandate to do at least 700 miles of fence. And the administration just undertook the waiver of environmental regulations that would keep the fence from being built for many years.

In fact, I remember that when we tried to fence Smugglers Gulch, where a great deal of cocaine came into the United States between San Diego, California, and Tijuana, Mexico, we were delayed for 12 years by a series of lawsuits and regulations being invoked. I think the last regulatory delay revolved around whether or not a gnatcatcher would fly over a 12-foot-high fence, and after a year I think the experts concluded that indeed that gnatcatcher could clear the fence; so we could build it.

So the administration has invoked this waiver, and I want to commend Secretary Chertoff for undertaking that waiver because it's absolutely necessary if we're going to get the fence built. Otherwise, we will never get it built. And today the southwest border, and particularly Texas along with Arizona, are absolutely on fire with the smuggling of drugs and illegal aliens. And last year they moved about 22 metric tons of cocaine across the border, across the southwest border, and about 368 tons of marijuana. So it's still a trafficking corridor or a series of corridors which are flowing relatively unimpeded by this relatively small force of Border Patrolmen and Customs and DEA agents who attend the border. But getting that double-border fence up, and in some cases it's a single fence—I would like to see a double fence all the way across—but getting that fence up is going to have a great, very salutary effect on law enforcement in the United States.

And I'm reminded that when we built the double fence in San Diego, the crime rate by FBI statistics in the county of San Diego dropped by 56.3 percent. And I think if we indeed get the series of fences up across the southwest border, you're going to see fewer criminal aliens being incarcerated at the Federal, State, and local level. And right now there are 250,000 of them in incarceration.

So since the gentleman has been my partner in these endeavors, I knew he would want to hear the report.

A hearing was chaired by the Committee on Resources and two subcommittees in Brownsville, Texas, and I think we aired the issues very fully. And if you listened to all the testimony, a couple of things were clear: One, we need the fence because no one has an alternative; and, number two, if we don't get the waivers, we will never get the fence built.

So I thought the gentleman would be interested in that progress, and I just wanted to report that to him.

And I thank you for yielding.

Mr. KING of Iowa. Reclaiming my time, Madam Speaker, I very much appreciate the gentleman from California (Mr. HUNTER) for coming to the floor and filling us all in on this report.

I look at the statistics, and absolutely I support the mandate of Congress. You say 700 miles, but when you calculate curves in the border, it comes out to 854 miles, as the gentleman has said. The 22 metric tons of drugs and you add to that the 368 tons of——

Mr. HUNTER. Of marijuana.

Mr. KING of Iowa. Of marijuana. And I happen to know that the value of those drugs coming across our southern border are $65 billion worth of illegal drugs.

□ 2100

That is with a B. To try to get one's mind around $65 billion; what is that? Well, for example, PEMEX, Mexican nationalized oil company, produces about $28 billion worth of oil pumped out of Mexico and along the Gulf; $28 billion. This is about 2½ times the value of all the illegal drugs coming into the United States. The 250,000 criminal illegal aliens that are incarcerated in the United States amounts to 27 percent of the criminal population, the inmate population in our Federal penitentiaries, and there is a report that came out in April of 2005 that shows that we are funding about one out of every four prisoners that apply. And you do the math on that, and it comes out to about 25 percent of our State and local prisons are criminal inmates there as well.

So when I look at what happens in places like Israel, where they have built a fence that has been almost 100 percent effective, you can't make the argument, I don't believe, that it's not effective when you put up a barrier to keep people out. It's a lot different than building a Berlin Wall, for example, to keep people in. This is a barrier to keep people out. And with those that do come in, the crime that comes in with that, as the gentleman from California said, a reduction of 56.3 percent in the Smugglers Gulch area.

There are Americans that are dying every day in this country at the hands of people that if they were simply kept in the country where they are citizens, their crimes would be perpetrated someplace else. The measure of that is far greater than our casualties in the Middle East. I don't think there's any way to calculate it otherwise.

As I add to this argument, I ought to point out also that the news I saw showed that in Tijuana over the weekend there was a running drug gang fight where they were driving through the streets, shooting at each other, with tourists around and residents around, and the number that I saw was 13 killed, and those that were killed, the way I understood it, were all criminal drug gangs.

Mr. HUNTER. If the gentleman will yield.

What that really amounts to is that this industry of moving this poison across the international border to the United States is cocaine that poisons our young people. That is such a massive industry now on the southern border of the U.S. that the drug gangs are fighting each other for control of this lucrative industry. That is what it represents. That is another reason why we need to build that border fence.

Incidentally, we had 202,000 arrests in the area where the fence has now been constructed between San Diego, California, and Tijuana, Mexico. After we constructed it, we went down to 9,000 arrests. That is a reduction of more than 90 percent. And in the Yuma sector, where we have also now constructed double fencing, we went from 138,000 arrests to a little under 4,000. That is more than a 95 percent reduction.

So of all the things that we have tried with respect to controlling the border, we have discovered that one thing does work and that is a border fence. The President and Mr. Chertoff should be commended for invoking this waiver that we gave them so we can move ahead on this very, very important part of the people's business, and that is keeping their kids safe.

The last statistic that I would give the gentleman that I brought up in Brownsville was this. Last year, we intercepted 58,000 people coming across the border from Mexico who were not citizens of Mexico. They came from virtually every country in the world. More than 800 of them came from Communist China, 14 came from Iran, and 3 of them came from North Korea. That means that anybody in the world with a television set can understand very quickly that the way to get into the United States illegally is no longer through the airports, because they have been effectively blocked. It's to get to Mexico and cross the land border between Mexico and the U.S. Another reason to build the border fence.

Mr. KING of Iowa. I want to reiterate too the utilization of the waiver. As I have tracked that through the news, I also commend Secretary Chertoff for utilizing the waiver to go forward and build the fence. As the gentleman from California references, the fence and the triple barriers that exist down in the southwestern Arizona area, San Luis, south of Yuma, I remember visiting there and asking the question of Secretary Chertoff, We always hear the statement if you build, I will show you an 11-foot ladder, you build a 20-foot fence, I'll show you a 21-foot ladder.

I saw the fence down there, and as I asked this question, Has anyone defeated this barrier, and it had to be asked a number of times, and the answer came back no. When I was there, no one had defeated the new triple fencing barrier that was constructed in the San Luis area where the crossings have gone down from 138,000 to 4,000.

I ask the gentleman from California, are you aware that anyone has defeated the triple barrier fence anywhere?

Mr. HUNTER. No. As long as you have a modicum of manning, that is if you leave a fence totally alone, obviously a person can come in, sit down for hours with welding gear and cut through anything, or bring in heavy construction equipment and cut through anything. As long as you have a modicum of manning. That is why you have the Border Patrol road in between the fences, so the smuggler has to come across the first fence, cross a high speed Border Patrol road, sit down with his welding gear and work on the second fence, or carry that 22-foot ladder. Then the question comes back to the person who makes that statement—incidentally, that statement was made by Governor Napolitano, who is the Governor of Arizona.

Now, let me see. She said, You show me a 20-foot fence, I'll show you a 21-foot ladder. She derided the fence. And in her district where we built the double fence at Yuma, we have brought down the arrest rate from 138,000 to 4,000. So apparently the smugglers haven't read her statement that they should have no problem with this fence.

But it does work and, incidentally, the other thing it does is it leverages the Border Patrol. Because we were able to pull Border Patrolmen off our fenced area and move them to other places on the southern border. You don't need as many Border Patrolmen when you have an impediment, that is when you have the fence in place.

So for those who say the question is, How many Border Patrol can we get? You free up a lot of Border Patrolmen by having the fence. Incidentally, you need to have that double fence because you trap the smugglers in between the two fences.

I thank the gentleman for yielding and for his great work on this important issue. We will continue to work together.

Mr. KING of Iowa. I thank the gentleman from California, who has been the leader on this fence and made sure the first got built and is here making sure that we get the last of it built. I just submit we don't have to build exactly 2,000 miles of fence to get this all done. I submit we build the Duncan Hunter 700/854 miles of fence and then we will just keep right on building as long as they keep going around the end. If they stop going around the end, we can stop building fence. If they start going around the end, we'll start building some more.

Mr. HUNTER. I thank the gentleman.

Mr. KING of Iowa. I thank the gentleman from California. There's a lot more to be taken up on that. As a matter of transition on the cost of this border, we are spending $8 billion on our southern border. When you calculate the cost of funding Border Patrol and all their equipment and all of the costs that are associated with that, as well as the costs of ICE and the enforcement that we have along on the border, about $8 billion a year. That is $4 million a mile. Now we can build interstate for that kind of money. Instead, we just simply want to build a couple of fences with some sensors on it and invest that money and get the return back in the first year.

As we recruit Border Patrol that come to work, I ask them to keep your spirits up and get tied into the mission.

Often there is a loss of notion on that lack of mission if it's not clearly articulated. There isn't a place to compromise the law. When someone violates it, we must enforce it and follow through with prosecution. We need to put the resources in your hands so you can do that. You are brave Americans serving this country, serving us well. I go down along that part of the border and sit down in nice quiet meetings with brave Americans that are serving this country and I hear your stories. I hear them anonymously sometimes. And I sit along the border in the dark at night and watch and listen as the infiltration comes through.

I have got a sense of what you're up against. I'm sure I don't appreciate it the way you do, being faced against it every day. I appreciate the work, as this Congress does, and I appreciate the gentleman from California coming to the floor.

I wanted to swing back to the energy piece of this, Mr. Speaker, and as I talked about the different components of the energy pie, the overall pie chart, our sources of energy, and I listed a whole series of them: Gas, diesel, biodiesel, and nuclear, wind. The list goes on. Not necessarily to repeat them all, but just to refresh in our eye the things we are talking about here from the sources of energy that we have.

I was in the process of making the statement that of all 435 congressional districts in America, there is one congressional district that produces more renewable energy than any other congressional district. That is the Fifth Congressional District of Iowa. We are in the top three in ethanol production of all the congressional districts. We are the top biodiesel-producing district of all of the congressional districts. We are in the top one to four on wind. Perhaps today we are third or maybe second on wind generation of electricity. If you add up the Btu's we are converting into renewable energy sources, the Fifth District produces more than anybody else. So we ought to know a little more about it.

First of all, and I need to debunk some of the myths that are out there. One of them is a myth, it is a myth that it takes more energy to produce ethanol than you get out of the ethanol. That is a myth. There was a college professor that did a study that went back and added up all the energy it would take to produce the tractor and smelt the steel and produce the rubber for the tires and transport the tractor and the combine and the cultivator and the application equipment all the way to the farm field. They calculated all of the energy that it took to do that, as well as the energy it took to make seven passes over the field, if I remember that number correctly. It didn't add up quite good enough yet so they charged against the energy consumption to produce ethanol, this is to raise a crop of corn, by the way, 4,000 calories a day for the farm workers because it takes energy to keep them going.

When you get to that point, Mr. Speaker, you have to know that they are grasping at straws, they are reaching pretty hard to try to pull in as many ways that they can describe that there's energy consumption in ethanol production through corn. Well, let me submit, Mr. Speaker, that first of all, if you add all that up, then you can make anything so inefficient, we couldn't possibly do it. But the corn is going to be raised anyway. So that description isn't valid and it's not a rational way to compare how much energy that we are getting out of corn versus how much energy it takes to produce the equipment that raises the farm crop.

If we are going to measure the amount of energy used to produce tractors and combines that are used in the field, along with the diesel fuel or the gas that is in the tractor and in the combine and in the trucks that haul the grain away, then by the same comparison we have got to look at the energy that is consumed when we produce gasoline out of crude oil. It isn't just an inequation of a barrel sitting at the refinery of Texas. It is all of the military that has to go over to defend the oil fields. It's the anchor, all the energy it takes to cast the anchor for the battleship and all the energy it takes to produce weaponry of all kinds, and the F–16s that have to fly in the air and the bullet proof vests and armored Humvees. How much energy does it take to drive an army? Are they consuming 4,000 calories a day? Perhaps they are. In fact, I'd submit more than that, as much as they are up against.

If you add all that up, you can compare that to the energy it takes to produce tractors and combines and energy in the form of ethanol out of corn. But I will submit that that is a ridiculous path to go down to try to prove something. I think that the study that said that it took more energy to produce ethanol, the specious one about measuring the energy it took to produce the tractor to farm the corn is a specious study and it is invalid and it was grasping at straws.

When the same people go back and calculate what it takes to put an army in the field and a navy in the sea and an air force in the air and how much fuel to drive all of that, compare that and the energy you get out of the crude oil versus the energy you get out of corn, we are still going to look really good, although neither comparison is valid.

So what is valid is this. We are going to raise the corn anyway. We have the oil out there coming out of the ground anyway. So what is valid is each one of them has a commodity price, and as ADAM SMITH said, the value of anything in the marketplace is the sum total of the capital that it takes to produce it and the labor that it takes to produce it. So when you add up the capital and the labor, and you look at the price, the market price, you will have those two things together.

For example, crude oil has gone up by the barrel from, not that long ago, $50 a barrel, to $118 or $119 a barrel. That more than doubled over the last year and 15 months or so.

□ 2115

Why is that? Because of supply and demand. Because it has gotten more scarce, because there is more demand on the oil, and because the cost of capital and production and labor have gone up.

So we measure the value of the commodity in the marketplace. What does it command when it is marketed as a commodity? What is corn worth by the bushel, what is crude oil worth by the barrel? That is how we determine what it is worth.

I will submit this, Mr. Speaker, and that is that if we put a barrel of crude oil sitting outside the gates of the refinery, let's just say in Texas, and we are going to have to refine that crude oil and do what we call crack gas out of that crude oil, that takes energy to do that. And the energy that it takes to crack one Btu out of gasoline out of crude oil is 1.3 Btus of energy to do so.

If you put a bushel of corn sitting outside the gates of an ethanol plant in Iowa, for example, anyplace in the corn belt, and you are going to produce one Btu out of that corn in the form of ethanol, it will take .67 Btus of energy input to get one Btu out in ethanol in the form of corn.

If you do that in gasoline coming out of crude oil at the refinery in Texas, you will use up 1.3 Btus to get one Btu back. It is almost, by modern numbers, actually, twice as much energy consumed to produce gasoline from crude oil as it takes to get ethanol out of corn. That is a laboratory fact. It is not a negotiable one, it is not an opinion, it is a laboratory fact.

And they worry about water consumption, how much water does it take to produce ethanol for the amount of water that it takes to produce gasoline. Cracking gasoline takes significantly, multiple times more water than producing ethanol out of corn. Cracking gas out of crude oil, a lot more water than ethanol out of corn.

So we take care of those two arguments. Those things stand up with laboratories tests. Those are finite numbers. They are not negotiable. They are a matter of scientific fact. It isn't even "settled science," in the way Al Gore would say his opinion is. It is laboratory facts.

So, now we have this ethanol, and we have put it into the marketplace and we have produced upwards perhaps in the last year somewhere near 9 billion gallons of ethanol. And that is putting a dent into the overall supply. We are burning about 142 billion gallons of gasoline in a year, so the 9 million gallons of ethanol is approaching that level where it is significant in its contribution in keeping the cost of energy down.

But the argument comes back then to me and across the airwaves of this country, Mr. Speaker, that we have high food prices because the production of ethanol has taken corn off the marketplace and made food prices higher.

Now, why is it that people that don't understand the law of supply and demand when it comes to the cost of energy can all of a sudden discover the law of supply and demand when it comes to food prices, and then misinform themselves for the suitability of their own argument?

So it works like this: We don't consume a lot of field corn for human consumption. Most of it, if it is not processed into some 300-some different products, but most of the field corn is used in livestock feed and it does get converted into food that way.

But here is how this works. In 2007 we produced 13.1 billion bushels of corn. Of that, we exported 2.5 billion bushels of corn. That left 10.6 billion bushels back for us, 10.6 billion to use here domestically. Of that, we converted 3.2 billion into ethanol, a little over 9 billion gallons of ethanol. That left 7.4 bushels of corn for domestic production. That 7.4 billion gets added back to it at least half of the corn that we use for ethanol, because there is a high grade animal feed product that is a by-product of ethanol production. That would be about 1.6 billion bushel equivalent added back in.

So we end up with exactly, by my calculation here, 9.0 billion bushels of corn to be used here domestically for animal feed, for processing into the things that we process it into. And so the argument would be, well is that 9.0 billion bushel, is that more or less corn than we normally have for domestic production?

We pushed our production up, and over the last 6 years we have produced an average of only 10.3 billion bushels of corn, and we have exported about 2 billion. So that takes us down to 8.3 billion bushels of corn available in an average year. Last year there was 9 billion bushels available. And yet the people who don't understand the law of supply and demand when it comes to energy seem to think that even though we have more domestic corn available on the market here in the United States, even after we exported more corn than ever before, somehow they think that is what is driving up food prices.

Mr. Speaker, I submit food prices are driven up because of energy costs, not because of the supply and demand on corn, because we have more corn. And so all we have to do is look at the numbers to understand this and realize the cheap dollar has been driving up commodity prices for food, it has been driving up gas prices, it has been driving up the cost of defense.

I would be happy to yield to my friend from California.

Mr. HUNTER. I thank my friend for yielding. He truly is the resident expert on ethanol production and it has been very interesting to listen to him.

Another aspect of providing enough energy, of course, and becoming energy independent, which really is a national security issue at this point, is that we have to use all of our sources. And it is important for this body and for the other body, for the U.S. Senate, to pass finally permission for us to drill in Alaska.

Right now we have got an abolition on drilling, a lot of impediments to moving forward and increasing the amount of petroleum product that is available to the American people. If we drill in Alaska, and, incidentally, the Alaskan pipeline has not hurt any wildlife species. You can see caribou rubbing their summer coats on the Alaskan pipeline. They are that worried about it.

If we drill in Alaska, we are going to find new oil. We will also be able to utilize the production that is available there. And every drop of oil that we produce in this continent is oil that we don't have to worry about coming through the Straits of Hormuz. That is that narrow channel of water where the Iranian gunboats came out and harassed an American naval ship here a couple of months ago, where we are constantly watching a short-fused situation with very unstable countries, monitoring that particular dangerous part of the world.

Having energy independence for this country is a very, very important part of national security, and we should open up Alaska so we can utilize in a very responsible way the petroleum resources that lie under that great State.

I thank the gentleman.

Mr. KING of Iowa. I thank the gentleman from California for bringing his background and expertise to this. Sometimes there is a different view on things between California and Iowa, and I don't find that to be the case when it comes to common sense, particularly when it has to do with energy production and when it has to do with the immigration issues that are there.

I have, of course, traveled to ANWR and seen the situation up there. I would add also that the people that believe that we are going to run out of energy supply here in the world and so somehow we should not tap into the known energy, what would be a better time to go where we know we have a lot of energy than right now, get up to Alaska and drill that?

We are hearing also announcements of huge energy finds around the globe. For example, we know that there are tremendous reserves of oil off the West Coast of Africa, and offshore is a good thing in that part of the world because it is actually easier to provide security offshore than onshore in some of those areas. Brazil has announced two huge crude oil finds, oil fields, there. And with the Chevron find in the Gulf of Mexico a year-and-a-half or so, it was another huge find. And they announced the other day there are 3.4 billion barrels of oil in the North Dakota and Montana area, in that overthrust area they were drilling in 20 or 25 years ago. Now they go down about 10,000 feet and they have to drill then from there horizontally with new technology, and they can draw the oil out. There are 3.4 billion barrels of oil up there, along with one of the world's largest oil supplies, the oil sands area in northern Alberta, which we hope to build a pipeline down and tap that in and refine it here in the United States. We have got that going on. We have a nuclear power plant under construction in South Carolina today. So we are taking some steps.

But the barrier here in this Congress, the leadership that is provided currently with the people that hold the gavels, it is all about cutting down on the supply of energy and raising the price, because I think that they believe, and maybe the gentleman from California is better tuned into this myopic belief, but I think they believe that if they can raise the cost of energy and take supply down, people will ride bicycles and park their car. And that doesn't help grandma very much in January in Iowa when she is 10 miles away from town. But if they ride bicycles more and then drive up the cost of everything we do, somehow that saves the environment and saves the planet. That is what I hear coming out of the voices in Congress.

I would ask for the judgment of the gentleman from California.

Mr. HUNTER. Well, I would say to my friend, I think he has made an excellent point. The way you bring down the price on any commodity is to increase the supply. And we have got a number of leaders in this House who have undertaken, if you look at their legislative record, undertaken a major campaign to stop the supply, to strangle the supply, to diminish the supply of petroleum production. And every time we take wells out of production or we don't produce, where we know we have known reserves, then we are handing part of our future to people in another part of the world who don't have America's best interests at heart.

Mr. KING of Iowa. As the gentleman knows, my view on this, and I think we would concur, is that I always say grow the size of the energy pie. Take every slice of that pie. Let's produce more domestic gas, more domestic diesel fuel and more cleaning burning coal. Let's keep wind energy going, and whatever we can do economically with solar, and expand the nuclear. I would expand the hydroelectric if I could do it and add the ethanol and biodiesel to it. I am sure I am leaving somebody out. But if you can find a way to produce energy and get it into the marketplace, biomass is another one.

We have got some closed systems coming now where we can take an ethanol plant and ship corn in there, feed the corn; the glutton or the dried distiller grain comes out and gets fed to cattle in the feedlot; it is converted to beef; and then the manure goes into biomass and creates the energy that drives the ethanol plant. It is a closed system.

We are developing systems now where we can take the byproduct and convert that into a high concentrated CO_2 environment and produce photosynthesis which traps the carbon gas out and turns it into cellulose and energy. We are only in the first phase of renewable energy production, and, as the technology develops, each piece of it as it comes forward to me is just fascinating how far we will be able to go.

Mr. HUNTER. I appreciate the gentleman letting me participate in this discussion. I appreciate his expertise. I know we will work together to be sure we increase the supply of energy and fuel. I thank the gentleman.

Mr. KING of Iowa. I thank the gentleman from California.

Mr. Speaker, I just hope that we all recognize that it is getting towards evening here in Washington, D.C., and there are some folks that do go off and go to bed or call it a day. The gentleman from California has worked diligently in this Congress for more than 20 years, and I recognize that and appreciate it.

As I move forward here on the energy policy, I wanted to reiterate this equation so that the point on ethanol efficiency, Mr. Speaker, does come home in a clear way. It is this: We have more corn available to us domestically now than we had as an average over any time in the last 20 years that I can come up with for records.

It works like this: In 2007, we produced 13.1 billion bushels of corn. I believe that is the largest crop ever. Out of that, we exported more corn than we had ever exported before, to foreign countries, just shipped it off in the form of grain. We exported 2.5 billion bushels of corn. That left us 10.6 billion bushels left, and out of that we took 3.2 billion bushels and produced ethanol with it, around 9 billion gallons of ethanol.

□ 2130

And, we get to add back in—that left 7.4 billion bushels for domestic consumption, which is real close to the average available for domestic consumption over the last 6 to 7 years, but half of the corn that went off to be produced into the 9 billion gallons of ethanol gets added back into the formula because it goes back into high-quality animal feed. So, we end up with an effective remaining amount of 9 billion bushels of corn into the domestic market here in the United States where the average previous years in the same decade comes to about 7.6 billion bushels of corn available for domestic consumption here in the United States.

So, we increase the supply of corn for domestic consumption even though we exported more corn than we had ever exported before, even though we produced 9 billion gallons of ethanol. And all of that, and we get the allegation made by the slightly informed that food prices are up because we have turned more corn into ethanol and that has hurt us. It has actually been a big help.

And what we can do is we can take that number and try to be logical about it and realize that the high price for food comes from two things. One is the cheap dollar; the cheap dollar that if we would take the price of energy up—if we would uphold the value of our dollar, shore up the value of our dollar, we could take perhaps one-third of that cost out. And so the gasoline that we are paying $3.50 for today would be worth maybe about $2.15 if we could shore up the value of the dollar. Corn that sold cash in Iowa last week for $6 a bushel would be around $4 a bushel. Say it is 55 or 60 cash today, it would take it down to below $4 a bushel if we could take one-third of that out by shoring up the dollar. It would slow down some of our exports and it would change some of the equations, but it would add more stability into overall markets, and we should do that.

But there is a great big future for corn-based ethanol. And it is not a full solution by any means; and in fact, if I look at our corn production and look at our gasoline consumption, I have to think that somewhere in that 13 or 14 percent category is about where we end up, Mr. Speaker, of how much of the gasoline in this country we can substitute ethanol for. But that is a part of it. And if we can get 13 or 14 percent, it surely was worth it to start building wind chargers to produce electricity when we thought we would have to cap that off at about 15 percent because it is not a stable enough supply to produce all of the energy that we could have. And that is a tremendous capital investment, Mr. Speaker.

So, this corn does have a future. And it has got a future in ethanol, and it is a future that needs to be sustained and maintained by this Congress. The blenders credits have got to stay in place, and we have got to maintain the import duty on Brazilian ethanol, because if we take that off, we will be building infrastructure to produce more ethanol in a place like Brazil. They can produce, they can build their own infrastructure with their own capital. We need to put capital back into the corn belt and into the ag areas of the United States so that we can build out this renewable energy infrastructure. If we do that, we will have an industry there that will provide renewable fuels over and over again.

And the people that argue that corn ethanol has a carbon footprint know the worst that you can say for it is it is carbon neutral, because the carbon that is sequestered by the photosynthesis is released, some of it, back in the atmosphere in the form of CO_2. But we can convert that CO_2 into a useful byproduct. We are in the process of developing it. I believe we have the science to do that. We don't have it up to the industrial proven model yet.

But I would argue this, Mr. Speaker: That about $5.50 bushel a corn, by the time we process not quite 3 gallons a bushel out of that corn into ethanol we get about $7 worth of ethanol out of that bushel of corn. And then when we add to that where through the fractionization process we crack out the germ, and out of the germ we take the oil. And the oil, some of it is there, it is for food grade consumption high quality oil that is worth about 85 cents a pound now. And then we get a lower grade oil that goes into biodiesel. And so we could take the corn oil, some goes to human consumption, some goes into biodiesel. That taking the corn oil out allows then the remaining grain to leave a residue for a dried distiller's grain that can then be digested by hogs and poultry because the oil is out. It is the oil that gives them a problem.

So if we do the fractionization process of the corn and take the germ out and take the oil out of the germ, when we are done, this is a more useful feed than what it is today, it is more versatile, because it can go to a lot of different livestock where right today cattle have an advantage. $7 worth of ethanol and a bushel of corn.

By the time you add up the dried distiller grain feed amount, and by the time we take the CO_2 and convert that into a useful byproduct by using photosynthesis and converting it into biodiesel and the residue of that going back as a feed grain, we capture it all. We capture it all and roll it into something useful. And the short back-of-the-envelope calculation comes to about $7 worth of ethanol in a bushel of corn that is worth about $5.50 and another $7 worth of high-value product that we used to call byproduct.

When the byproduct gets to be worth more than the primary product, then the byproduct is no longer a byproduct. We could actually get that point. And, I had better not utter those words into the CONGRESSIONAL RECORD, Mr. Speaker, but we have made significant progress. And the value added on this bushel of corn at about $5.50 turns into about $14 if we do this right, with no carbon footprint, a carbon plus instead of a carbon neutral. No downside on this. And it takes half the energy to produce a Btu in the form of ethanol out of the corn as compared to gasoline out of crude oil. It takes a lot less water.

And, by the way, the water that it takes to grow the crop, the folks that are critical, they will say they will charge all the water off as if we irrigated that corn. About 12 percent of the corn in America is irrigated; the balance of it is just God's watering it for us. And so it is going to rain anyway. If it is going to rain anyway on that field, you can't charge that water usage against ethanol production, Mr. Speaker. It defies common sense to see such logical contortionisms going on on the parts of the critics that will not stand down here and lay out fact against fact against fact.

Facts are, we have more corn available for domestic consumption than ever before. We have exported more corn than ever before. And, we have produced, we have turned more corn into ethanol than ever before. We have done all of those things all in the same year, and the inflated costs of food has not related in a significant way to the overall cost of grain. It is more related to the cheaper dollar than it is the supply and demand of the commodity corn.

And so, Mr. Speaker, I submit that we are on the right path, and we need to put more into the infrastructure and we need to produce more ethanol. And, if we can do that, we are helping to solve this problem. And, by the way, food prices appreciated by about 4.9 percent over the last year. Energy prices, Mr. Speaker, appreciated 18 percent over the last year. And a significant portion of the food price appreciation, the increase came because of energy price increases. The cost of energy has a lot more to do with the cost of food than the supply and demand of that food does, because an energy component goes into everything, the distribution and the processing of it, as well as the raising of it.

And so how high would gas be today if you took 9 billion gallons off the market as we put 9 billion of ethanol in? If you took that 9 billion gallons off the market, how much more costly would gasoline be today and how might it change the equation?

I will submit, Mr. Speaker, that food is cheaper today because of corn-based ethanol. And I would submit that the energy we have today is cheaper because of corn-based ethanol; and, that this equation works out very good for the farm bill, too, because, for example, in 2005, there is a government program, a subsidy that has been there since the 1930s, it paid out in 2005 $6.8 billion in counter-cyclical and loan deficiency payments. The counter-cyclical and LDPs paid out a total of $6.5 billion in 2005. By 2006, the subsequent year, commodity prices were up high enough that that zeroed out. There was no $6.8 billion going into counter-cyclicals and LDPs. And if you charge that all to ethanol demand—and I have already made the argument you don't. But if you do, if you sustain and you are on the side of this argument, Mr. Speaker, that it really was the consumption of corn through ethanol that drove up the price, then you have to also argue that the $6.8 billion in farm subsidies disappeared because of ethanol.

So, at no cost to the taxpayer and a program that had been there in some form or another since the 1930s, we did pay back in that same year $3 billion in blenders credit. So there was a net savings to the taxpayers of $3.8 billion out of the $6.8 billion that was subsidized the year before. That is pretty good, too.

I don't know of a way that we can do this calculation in a macro national perspective and not come up with corn-based ethanol as a great big plus for the country. It is more energy. It doesn't reduce our food supply, at least by the numbers that we have. Now, if we go overboard, it can. And it doesn't taken away from our export of corn. We still exported more corn than ever before. We have more corn available on the market. It takes about half as much energy to produce a Btu out of corn at the ethanol plant as it does to produce a Btu of energy in the form of gasoline at a refinery out of crude oil.

All of these numbers that I produced here are based in fact, and I can anchor the foundation numbers down by laboratory numbers, Mr. Speaker. This is a picture of the real facts, and I challenge those folks who disagree to come up with something that is solid, a calculation. Give me something that is empirical. Don't give me your feelings, don't give me your senses. Don't say, gee, I just feel this or I feel that. Look at the whole picture, look at the big picture, but look at the composition of the numbers, build a formula there, and see what it does for America. We are on the right track, not the wrong track.

I recognize that the gentleman is here from Maryland who has the next special order. In that case, and out of deference to him, I would, Mr. Speaker, thank you for your attention here tonight and I yield back the balance of my time.

THE MIDDLE EAST

The SPEAKER pro tempore (Mr. McNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. GILCHREST) is recognized for 60 minutes.

Mr. GILCHREST. I thank the Speaker for yielding.

Mr. Speaker, tonight I would like to talk to you and the American people about the troubled Middle East.

American troops are serving in Iraq and Afghan as we speak. They are stunningly competent and, to some extent, they are implementing a policy that is flawed.

America is behind the troops. Members of Congress are behind the troops. We want to bring independence, a sense of freedom and justice, certainly democracy to this troubled area of the world. But I think in order for us, the policymakers, to develop a policy that is as competent as those troops are competent that carry out the policy, then there is some knowledge that we need to acquire. So, what I would like to do tonight is talk a little bit about the present crisis in Iraq and the way forward.

In order to understand the present crisis in Iraq, and the way forward, which, yes, we can say, can lead to stability, can lead to peace, respect for the rule of law, human dignity, justice and democracy, we need to acquire information to have a better understanding of that region and the present crisis.

So what I would like to do is give a brief history of the Cold War and the United States' involvement in that, during the Cold War what was going on in the Middle East, touch on the present crisis that we are now seeing since 2003, and then, how do we solve this particular situation?

Before I get into that information, I would like to share with you, Mr. Speaker, and Americans where in part some of this information I will give to you tonight has come from. And so I would like the listeners, Mr. Speaker, and I will say this twice during my address this evening. I would like them to get a piece of paper and a pencil, because I want them to write down the name of some of these books. There are not a lot of books. I am not talking about 100 books or 50 books or 20 books, although there are many out there. I am just talking about 10 books that can be easily read in a relatively short period of time.

And what I would ask the readers to do, or in this case if they read the books, the listeners, out across the landscape: You support the troops. You may have a son, a daughter, a father, a brother, a cousin, some relative, a friend in Iraq or Afghanistan, and you want America to rise up and support the troops. You want America to rise up and have a shared sacrifice in this huge endeavor that we are now involved with.

☐ 2145

But you are not quite sure how to do that. We are not collecting tin cans for the troops. We are not storing or sending cans of food. We are not using less gasoline, although we should, to support the troops. What specifically are we doing as individual Americans to support the troops and understand the policy in which those troops are implemented?

I would suggest, Mr. Speaker, that the listeners starting tonight turn the television off every night for as long as it takes to really understand, deeply understand the policy in Iraq. Understand the history, the intrigue, the violence, the complexity of the troubled area, the Middle East. So I would ask the listeners, you might have some interesting shows you like to watch occasionally, but I would ask the listeners to put on your calendars two hours every night you are not going to watch television. What are you going to do for those two hours, you are going to support the troops. How are you going to support the troops? You are going to become knowledgeable in the issues in which the troops are involved. You are going to become knowledgeable in the issues that Members of Congress should know and debate and come to some resolution on.

Here are the books. Number one, "A Letter to America," very easily read. It is a message of hope through difficult times by a former Senator from Oklahoma, David Boren. "A Letter to America." Pick it up. You can read it in a day, but it will take a few nights. Take a look at it. You will have some understanding where this Nation is right now in the 21st century.

The next volume is a paperback by James Baker and Lee Hamilton, you've heard of it, Iraq Study Group. "The Iraq Study Group Report" gives a clear vision on the way forward in Iraq. Take a look at it. It is not very long either.

The next one is a little heavy reading by Thomas Ricks. It is called "Fiasco." It gets deep into the complexities of why there are still continuing difficulties in the war in Iraq especially.

Just a thought about that. A few years ago we saw "Mission Accomplished" on a huge aircraft carrier out in the Pacific Ocean. I am not going to make a comment about whether "Mission Accomplished" was appropriate or not appropriate, but there was a remark by a defense intelligence analyst right at that moment who said Israel won the war with the Arabs in 1967 in 6 days. They won that war in 6 days in 1967. Forty-one years later the struggle continues. Read "Fiasco." It gives you some sense of the problems and difficulties and mistakes that the policymakers made in Iraq that the troops, stunningly competent, are trying to implement.

The next is by a retired marine general, Tony Zinni, "The Battle for Peace." The struggle for peace in the Middle East will take everything we have: a strong military, a strong and vibrant intelligence apparatus. But the thing that is vital in this particular conflict is dialogue, consensus, talking to your friends and foes.

Number five is "Violent Politics" by William Polk. He worked for President Kennedy and President Johnson. "Violent Politics." It is not what we see here arguing. "Violent Politics" is about wars of insurgency when there is no dialogue and diplomacy has failed and small groups of people supported by the population in the region continue to fight. It will give you an understanding what we are going through right now in Afghanistan and Iraq.

Number six is by Trita Parsi, "Treacherous Alliance." It is a fascinating book because it shows for 30 years the Israelis and the Iranians, the Iranians who are Persian, not Arab, speak Farsi, not Arabic, the Iranians had a quiet alliance where they traded oil for technology with Israel. Israel was allied with Iran mainly because they had similar enemies. Israel was an enemy of the Soviet Union; so was Iran. Israel was an enemy of many Arab countries; so was Iran.

Book number seven, "All the Shah's Men" by Stephen Kinzer. It is about Iran and its relationship with Britain and the United States in the 20th century, mainly the first half of the 20th century, where Britain and the Anglo-Persian Oil Company, which is now British Petroleum, extracted huge amounts of natural resources, mostly oil and natural gas from Iran without the Iranians knowing or being able to know how much was leaving and how much they were being paid. It is a fascinating book about how the United States made a mistake during the Cold War in its relationship with Iran which festered until 1979.

Number eight is "The Silence of the Rational Center" by Halper and Clarke. Scholars and diplomats from great institutions in the United States, universities, including retired diplomats, speak out about what America needs to do in the 21st century, and "The Silence of the Rational Center" are those people who have great information, have years and decades of experience in different areas of the world, especially the Middle East, have been silent about a better way, more and better sophisticated policy. It is not just enough to know something, you have to act on that knowledge.

Number nine is a fascinating book by a man called Archimedes Patti who was in the OSS. That is the Office of Strategic Services, the forerunner of the CIA, who met Ho Chi Minh in 1945 because Ho Chi Minh and the Viet Minh were helping the United States track Japanese troop movements in Southeast Asia because the French were not willing to do that for the United States. And Ho Chi Minh talked and discussed issues, including the wording of the soon-to-be-independent Vietnam about their declaration of independence which Ho Chi Minh, talking with Archimedes Patti, wanted it to be very similar to our Declaration of Independence, much of the words written by Thomas Jefferson. The name of the book is "Why Vietnam?" It gives you an understanding of the intrigue, the complexity, the foreign policy issues, the conflict issues, the economic issues, the criminal issues, the deception that was perpetrated in that region of the world back in 1945. The book goes from 1940 to 1954, "Why Vietnam?" Archimedes Patti. It will give you a fascinating understanding, along with these other books, about the intrigue, the complexity, the violence and sometimes the tragedy of how these very complex issues are handled.

The last book, Mr. Speaker, is called "Human Options" by Norman Cousins. That is a book about choices and how we make them, how we make decisions.

I use that as the last book because I want to start our discussion tonight with two quotes from Norman Cousins' book "Human Options." The first quote is: "Knowledge is the solvent for danger." Knowledge is the solvent for danger. The more you know when you are going into any situation, you are going to benefit from that knowledge. Preparation, understanding, to develop a policy, is so critical.

The troops in Iraq are stunningly competent because they are prepared. They are trained. They learn things. They know things. The integration of integrity with their fellow soldiers, and now their fellow Iraqi soldiers, and the Iraqi citizens. The integration of integrity happens because they are prepared.

How prepared are the policymakers in their knowledge, in their information, in their ability to integrate their integrity with their fellow members in the international community? You as American citizens can be knowledgeable and help resolve this conflict.

The next quote by Norman Cousins in his book "Human Options" is: "History is a vast early warning system." I have heard for a long time about many conflicts we have experienced. Even in Iraq, I hear many of the people in the administration who are retired or have left the administration say, "If we only knew this in 2003." "Well, if we knew that, we would have done things differently." I have heard that about the Vietnam war for decades.

"Well, if we knew back then what we know now, things would be different." That is a bad excuse. That is a bad excuse because if you are knowledgeable, if you are prepared, if you want to know things, if you had a broad enough mind to view the majesty of this complex world in all of its dimensions, you would understand that hindsight is nothing more than understanding history to make better decisions.

Rudyard Kipling, a British writer whose son was killed tragically in World War II in northern France resolved his sadness by saying this: "Why did young men die because old men lied?"

We can take Robert Kipling's phrase to try to heal his soul because of the loss of his son, we can paraphrase it today and say: Old men should talk before they send young men to die. And that is what we should do.

And it is not just talking to Maliki or our friends in Iraq, it is talking to all of the different factions in Iraq, whether they be Sunni or Shia or Kurds or any of the other factions that are there. And we should also be talking through dialogue with the Iranians and the Syrians. We should be talking to the full length and breadth of people in the Middle East because if we just focus on a few over-simplified issues in Iraq, the resolution will be long in coming.

The Israelis won the 1967 war in 6 days; 41 years later that conflict is still a tragedy.

Let's take a look at the Cold War and some of the incidents that occurred after World War II. We finally resolved the Korean War, at least to continue in a dialogue for decades, but only after 54,000 Americans were killed. And many, many more wounded.

In the 1950s, Khrushchev said on a number of occasions, the leader of the Soviet Union, pointing his finger at Americans in the U.N., in speeches around the Soviet Union and speeches around Eastern Europe he said we will bury the United States. Well, what was President Eisenhower's response to Khrushchev's volatile rhetoric? President Eisenhower invited Khrushchev to the United States to have a dialogue. They visited cities and the suburbs. They visited factories and farms. They went throughout the United States, and what was the sense of Americans when Eisenhower invited Khrushchev to the United States, our number one enemy with nuclear weapons pointing at America, what was America's response to Eisenhower inviting the enemy of this country here? America welcomed Premier Khrushchev. America was relieved because now we can have a dialogue and learn about each other. America responded in a positive fashion because they were sick of war, World War II and Korea on its heels.

When Kennedy found out that there were deployable nuclear weapons in Cuba pointing at the United States, 90 miles from our shore, those nuclear missiles were minutes from the United States. What was Kennedy's response? Let's quickly talk to the Soviets and see if we can resolve this issue without war and conflict, without bloodletting. Let's resolve the issue, and the issue was resolved and the missiles were removed.

Communist China Mao Zedong said many times it would be worth for half the population of China to die in a war with the United States as long as we could get rid of the United States. This was an enemy of the United States.

What was America's reaction when Nixon went to China? They were relieved. They were glad. The bloodshed, the violence, the sadness, the tragedy is avoided through a dialogue, through a conversation by learning how to see the world through the Chinese eyes, by learning how to see the world through Khrushchev's eyes, by learning how to see the world in all of its complexities and difficulties.

☐ 2200

The other conflict that I have to mention here, Mr. Speaker, is the Vietnam war. 58,000 Americans dead, well over 100,000 wounded. A million Vietnamese dead.

Ho Chi Minh, a small, frail, sickly old Vietnamese man, who wanted sovereignty from the French; he wanted his independence. He was tired of French colonial rule. He was tired of Japanese oppression. He didn't want the British to come in and colonize another section of Southeast Asia. He wanted his freedom.

Because of that misunderstanding, because we didn't go to Hanoi and talk to Ho Chi Minh; some Americans did but it never worked its way up to the White House, we had a conflict, we had tragedy, we had war. We had a problem.

The present crisis in Iraq, how do we see it?

Well, in the Middle East, three great religions, for centuries, these religions have lived together. They've shared joy and they've shared sorrow. For centuries there was laughter or there was blood letting. There was community or there was death. It's a complicated place.

Faith, to each of these three world religions, Judaism, Christianity and Islam, is an important part of everyday life throughout the Middle East. They all come together in Jerusalem. They all have an important part of that city that emanates throughout the Middle East.

In the Middle East, oil exports are the economy. Economic viability depends upon oil exports. Because of the war in Iraq, because of the crash of the Soviet Union, because of the war in Afghanistan, because of other problems, the geopolitical balance of power is fractured right now.

Who will be more influential in the Middle East? It's not going to be Europe. They pretty much left there after World War II. Most of the countries do not want Russia. They feel that Russia, an atheistic country, has not found its soul yet. The Middle Eastern countries don't want China to have that much influence, because China, they know, is after the resources.

The geopolitical balance of power is fractured. Who still do the countries of the Middle East look to for resolving this and creating a better climate for a balance of power for the economy, for an integrated security alliance similar to what we have in NATO or SEATO or the Organization of American States or the European Union or other places? They still look to the United States.

And the world is still waiting for the United States, since the focus of the Middle East came after 9/11. They're still waiting to see how we can not only resolve the issues between the Shiia, the Sunnis and the Kurds in Iraq, but how do we bring all of the Middle East together.

How do we separate to the American mind the difference between the Shiia, the Kurds, the Sunnis, al Qaeda, and the Taliban and Wahhabiism? They're all very different forms of Islam.

The Iranians, for example, are bitter enemies of al Qaeda and the Taliban. The Wahhabis, mostly in Saudi Arabia, are not bitter enemies of al Qaeda or the Taliban. The government of Saudi Arabia may keep them at arm's length, but many of the Sunnis in Saudi Arabia, have a relationship with the Taliban and al Qaeda. Virtually nobody in Iran has a relationship with al Qaeda and the Taliban. A pretty complex place, the Middle East. The more we know about it the better able we are to deal with it.

The war in Iraq, it's a war. There's a war in Iraq. But ask this question. Where are the munitions factories that we can bomb like we did in Germany and Japan and Italy? Where are the large troop concentrations that can be decimated? Where are the supply lines that we can cut off?

It's not that kind of war it's a war of insurgency. It's a war of a few radical people who are supported by the vast population, by their tribes, by their relatives, by people across the vast reaches of the Middle East. Political violence is an insurgency, but it's a different kind of war.

The present crisis in Iraq has taken 34,000 American casualties. What does that mean? That means over 4,000 Americans are dead. Over 30,000 Americans are wounded and have lost limbs, have lost good brain function, cannot walk, have Post-traumatic Stress Syndrome.

And what's post-traumatic stress? It's when you see pretty violent acts. Someone is blown up, someone is shot and killed. You pull the trigger of your rifle and someone dies. That's a pretty traumatic act. Do you forget that? Not for the rest of your life. You come home and that image comes in the forefront of your thoughts because of a smell, a sound, something you see, something you feel that will be with you for the rest of your life.

Post-traumatic Stress Syndrome is virtually 100 percent of anybody in combat. Now, most are able to digest that and deal with it and go about their daily lives and compartmentalize those horrific incidents, but many are not.

Over $600 billion so far in the war in Iraq. How engaged are the Americans in the war in Iraq? How often do they discuss the issue at the mall, at the movies, at the grocery store, at parties? How often is this issue discussed?

There's a sense of apprehension about the war in Iraq. Americans are disturbed. They want it to end. But how engaged are we in the war in Iraq?

There's global dissent. We look around the globe, we look at many of our allies, many of them said we should not have gone in to Iraq. One of our strongest allies in the Middle East, Saudi Arabia, says that the U.S. war in Iraq is illegal. That's really interesting.

But we should understand, do we ever question them about that? Do we have a dialogue with the Saudis about that?

The present crisis is still very difficult. Now, should we leave Iraq right now? Should we send all the U.S. troops down into Basra, bring Navy ships up there, load them on the ships and bring them home? Should we do that right away?

Well, look what happened in Mogadishu some years ago when the Americans left. It was chaos. There was rape, murder and mayhem. The criminals took over. We don't want another Mogadishu in Iraq. So we shouldn't leave right away. We need to be responsible about how we deal with it. But as we gradually pull out, how many American troops do we leave?

And unless some of the politics are resolved, both in Iraq and the Middle East, we may have another French Dien Bien Phu, 1954 Vietnam, when the French pulled most of their troops out of Vietnam and the last remaining troops were surrounded by the Vietnamese, and many Frenchmen lost their lives.

General Petraeus says there's no military solution in Iraq. Is there a political solution under the present circumstances?

If we just look at Iraq, like many of us do, just Iraq, there is no political solution and there is no military solution. If we just look at Iraq in isolation, that's simply not going to happen.

What we need to do is look at Iraq in the broader context of the Middle East. American troops right now, it's understood, are the skeletal structure upon which the entire Iraqi society depends, so you can't pull them out. But how long do they stay?

And if there's no military solution, how do you deal with this politically?

Well, the first step is to understand the Middle East and what drives radicals to run to al Qaeda or the Taliban. What drives Arab and Islamic fundamentalists to hate the United States?

The Palestinian Israeli question has been going on since 1948. Palestine was created, Israel was created out of the region, the former British protectorate, Palestine, after the war, after the Holocaust, when the world felt that they needed to do something for the Jews who lost six million of their fellow citizens during World War II in Nazi concentration camps.

Since 1948, the Arabs and the Palestinians, the Palestinians and the Israelis have been fighting, since 1948. So the United States needs to engage, as we've started, but more fully engage as an objective arbitrator of the conflict between the Palestinians and the Israelis. And the Arabs need to see that. We need to do that because it's the right thing to do. It's the ethical thing to do because both the Israelis and the Palestinians need and justly deserve peace, the rule of law and to raise their children out of harm's way. But the Arab world needs to see the United States working on this issue in a very objective fashion.

And we need to engage the Saudis, because the Saudis are Sunnis, and there are Sunnis in Iraq, but there are Shiias in Iraq. And the Saudis have some fear that Iraq, if left unattended, can become an Iranian satellite. And the Iranians are Shiias. This sounds all pretty confusing, but it shouldn't be confusing at this point. It's year 2008. The war started in 2002. And so Americans need to be more engaged in some of these issues.

The Saudis need to know that Iraq is not going to become an Iranian satellite. And we need to assure them that that's the case so they can work constructively with the Sunnis in Iraq.

The Iraqis need to know that the Americans aren't going to abandon them. But they also need to know we're not going to stay there for 100 years, certainly. They also need to know that militarily, this conflict which is an insurgency, is not going to be won unless there's a political solution.

And the Iranians, who we should talk to, need to know that the United States, eventually, will become one of their allies, and the United States will help the Iranians find a way to stabilize the mess in Iraq.

Eisenhower said that there were three things the United States needed to do in order to remain strong. Three. We needed a strong military, we needed the best intelligence of the world we could gather in the world, and the third leg of that stool was consensus and dialogue.

We have the strongest military in the world. We should not be afraid to talk to anybody. We have the best intelligence in the world, especially if it is objectively analyzed. But we need to engage our enemies, as well as our friends, in a conversation, in a dialogue.

When President Kennedy invited Kruschev to the United States to talk about issues, this was not Chamberlain telling Hitler he could have a piece of Czechoslovakia. This was not a compromise that started World War II. When Kennedy brought Kruschev to the United States it was from a position of strength, and it was a dialogue and we avoided tragedy and death and suffering. Eisenhower and Kennedy, Richard Nixon did the same thing.

We should talk to the Iranians without any preconditions. This is not giving in to the Iranians. This is showing the rest of the world who the Iranians are and what the Iranians are really like. The United States is bargaining from a position of power.

Consensus and dialogue are the third leg of that three-legged stool. Knowledge is the solvent for danger. Knowledge. The more information we have, the better off we're going to be.

History is a vast early warning system. We know the things that have worked in the past. Kennedy and Kruschev, it worked. It avoided war. The collapse eventually of the Soviet Union.

We did not have a dialogue with Ho Chi Minh. And if we did we could have avoided the tragedy of the war in Vietnam.

And what is our policy in Iraq now based on? What do you, the American people, understand our policy to be?

Let's take a look at Sam Rayburn, former Speaker of the House. Sam said, "Any mule can kick a barn door down, but it takes a carpenter to build one."

We need carpenters to build the dialog, the integration of integrity with all the world's peoples.

What did Rudyard Kipling say so many years ago when his son tragically died in Northern France? "Why did young men die? Because old men lied?"

And why did old men lie? Maybe they just didn't know enough.

To paraphrase Rudyard Kipling today, old people should talk. Old people should be carpenters, not mules, carpenters, before they send young men, young women, young people to die.

☐ 2215

The landscape of human history is tragically filled with conflicts. What is the main reason for these conflicts? Ignorance, arrogance, and dogma. What does that combination lead to? I'm right and you are wrong. Monstrous certainty. Can you shoot your way through that? How do you get through that, that maze of complexity, of arrogance, ignorance, and dogma?

You replace ignorance with knowledge, and you do that with knowledge and you do a consensus and you do it with dialogue. Arrogance is replaced with humility. And generally, the more someone knows, the more humble they are. And you get rid of dogma with tolerance.

We need a diplomatic surge in the Middle East. That diplomatic surge means that we have the best and the brightest diplomats in the world right here and now employed in the State Department, employed in the Defense Department, retired diplomats, retired generals. And they can integrate themselves throughout the Middle East. They can talk about an economic alliance, a security alliance. They can talk about exchanging all kinds of medical and scientific and economic information.

We need to continue and let the world know the drawdown in a responsible, strategic fashion of our military presence in the Middle East. Work for reconciliation among the different factions in the Middle East by integrating those factions with a broader Middle East.

Let's look at some examples of the past.

1941. United States, Britain, and a number of other countries right at the very early stages of World War II signed something called the Atlantic Alliance. And what was the Atlantic Alliance? It was a commitment, an agreement among many countries around the world that people would live in freedom, they would work for economic prosperity in all the world, they would make sure people would live free of fear and want, and the list goes on.

The Atlantic Charter. What did the Atlantic Charter lead to? It led to the union of the many regions of the world, led to the North Atlantic Treaty Organization. It led to the Southeast Asian Treaty Organization. It led to the Organization of American States in Latin America. It was a commitment of nations that they would work together to have dialogue and rule out the use of force.

You know what Ho Chi Minh said about the Atlantic Charter in 1942 when he heard about it? He said, I hope it applies to Asians, meaning Vietnamese, because they were still under the iron fist of the Japanese and the French. You know what Ho Chi Minh said in 1945? He said, I guess the Atlantic Charter doesn't apply to the Vietnamese people.

To me, that's pretty sad.

1975, we signed the Helsinki Accords. A number of countries around Europe, including the Soviet Union and most of Eastern European countries except Albania. Helsinki Accords said basically the same thing as the Atlantic Charter: We would respect the integrity of the territory of all of the states that signed this; it would be peaceful settlement of disputes and not armed interaction; we would not interfere in the internal affairs of other countries; there would be freedom of thought, conscious, and religion; there would be equal rights for people.

The Helsinki Accords, 1975, what did that do to oppressed people in Eastern Europe and the Soviet Union when they found out that the Soviet Union signed that? They gradually, the courageous ones, began to rise up, and eventually you saw the collapse of the Soviet Union. People in the Ukraine or Georgia or Poland or Czechoslovakia or the former Yugoslavia, they saw the Helsinki Accords, and they had a goal that they would reach out to. So the Helsinki Accords gradually integrated like-minded, peace-loving, freedom-loving people to begin exercising their God-given rights.

1949, one last comment about the past. The Geneva Conventions. The international community came together and signed the Geneva Conventions about the treatment of people in conflicts. Not just uniformed soldiers. This international agreement applied to anybody that was captured on a battlefield and how that person was to be treated and how they were to be interrogated and how they were be imprisoned, and it was based on some pretty fundamental human rights. An international agreement.

So people from around the world see these things. They understand that there is hope; the way forward is to have knowledge. It's to understand the complexity of this world and see it in all its vast, deep dimensions. Don't look at the world through a bent straw. That is the way too many of us see it. There's vast opportunities.

I'm going to quote from a book that you don't have to read, it's called "The Ascent of Man" by Jacob Bronowski. It's actually a book about the evolution of science and civilizations going back to pre-history. But there's a chapter in there about World War II. Many of Jacob Bronowski's relatives died in concentration camps in Auschwitz, and Bronowski has a paragraph: there are two parts to the human dilemma, one is the belief that the end justifies the means, that push-button philosophy that delivered deafness to suffering that has become the monster in the war machine.

When we go to the mall, do we think about the war in Iraq, or is it silent to us? Do we have conversations at the dinner table about the war in Iraq, or do we talk about other things? Do we ever talk about the war in Iraq, or do we have a sense of deliberate deafness to suffering? Do we think the war machine is going to take care of it?

The other aspect of human dilemma is that too often, tragically, nations become a nation of ghosts, obedient ghosts or tortured ghosts. That means you're not a whole human being. You go through life almost imperceptible. What is your value? What is your contribution? How do you make that contribution?

So those two dilemmas can be resolved by listening to the sound and the voices of tragedy and then becoming knowledgeable and begin learning that you, too, can do something.

So over the next few months, turn the television off. You want to commit yourself to helping the soldiers in Iraq, the people of Iraq, the people in Afghanistan, the tragedy of human history that plagues us so often where there is ignorance, arrogance, and dogma. "A Letter to America," David Boren. "A Letter to America." "The Iraq Study Group," James Baker, Lee Hamilton; "Fiasco," Thomas Ricks; "The Battle for Peace," Tony Zinni; "Violent Politics," William Polk; "Treacherous Alliance," Trita Parsi; "All the Shah's Men," Steve Kinzer; "The Silence of the Rational Center," Halper and Clarke; "Why Vietnam?" by Archimedes Patti; "Human Options," Norman Cousins.

I wish you well in your reading.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman yield the balance of his time?

Mr. GILCHREST. I yield the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOGGETT (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. HIGGINS (at the request of Mr. HOYER) for April 23 through May 1 on account of a family emergency.

Mrs. DRAKE (at the request of Mr. BOEHNER) for today on account of touring Suffolk, Virginia, and other areas in southeast Virginia affected by yesterday's tornadoes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. SPACE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 5 and 6.

Mr. WELLER of Illinois, for 5 minutes, today and April 30.

Mr. JONES of North Carolina, for 5 minutes, May 5 and 6.

Mr. BURTON of Indiana, for 5 minutes, today, April 30, and May 1.

Mr. FORBES, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, April 30 and May 1.

Mr. FLAKE, for 5 minutes, April 30.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2829. An Act to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes; the Committee on the Judiciary.

S. Con. Res. 74. Concurrent resolution honoring the Prime Minister of Ireland, Bertie Ahern, for his service to the people of Ireland and to the world and welcoming the Prime Minister to the United States; the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building".

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office".

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office".

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the " Sgt. Jason Harkins Post Office Building".

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex".

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building".

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building".

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman JoAnn S. Davis Post Office".

ADJOURNMENT

Mr. GILCHREST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 30, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6286. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota [Docket No. APHIS-2008-0037] received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6287. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8355-7] (RIN: 2070-AC83) received April 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6288. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York [Docket No. EPA-R02-OAR-2008-0011, FRL-8554-8] received April 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6289. A letter from the Legal Advisor/Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Biennial Regulatory Review — Amendment of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services [WT Docket No. 03-264] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6290. A letter from the Director, Office of Enforcement, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines [RM07-9-000] received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6291. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Conduct of New Reactor Licensing Proceedings; Final Policy Statement — received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6292. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Determination and Memorandum of Justification on the provision of financial assistance for Sudan; to the Committee on Foreign Affairs.

6293. A letter from the Deputy Assistant Secretary, OFCCP, Department of Labor, transmitting the Department's final rule — Nondiscrimination and Affirmative Action Obligations of Contractors and Subcontractors Regarding Protected Veterans (RIN: 1215-AB65) received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6294. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Outer Continental Shelf Regulations-Technical Corrections [Docket ID: MMS-2007-0MM-0070] (RIN: 1010-AD49) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6295. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Incorporate American Petroleum Institute Hurricane Bulletins [Docket ID: MMS-2007-OMM-0060] (RIN: 1010-AD48) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6296. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG28) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6297. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG08) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6298. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management [Docket No. 070816465-8008-02] (RIN: 0648-AV96) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6299. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG17) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6300. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG09) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6301. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG12) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6302. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF95) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6303. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG19) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6304. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-45] received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6305. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease Facilities [CMS-3818-F] (RIN: 0938-AG82) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 964. Resolution to promote the safe operation of 15-passenger vans; with amendments (Rept. 110–608). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. H.R. 3490. A bill to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes; with an amendment (Rept. 110–609). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3522. A bill to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes (Rept. 110–610). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe (Rept. 110–611). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1156. Resolution providing for consideration of the Senate amendment to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment (Rept. 110–612). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1157. Resolution providing for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes (Rept. 110–613). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FLAKE (for himself, Mr. DEAL of Georgia, Mr. ROHRABACHER, Mr. BROUN of Georgia, and Mr. STARK):

H.R. 5911. A bill to repeal certain incentives and subsidies for renewable fuels; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mrs. CAPPS, and Mr. MORAN of Virginia):

H.R. 5912. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. COHEN, and Mr. GRIJALVA):

H.R. 5913. A bill to amend title 28, United States Code, to provide for service of process over foreign nationals in cases involving defective products causing injury in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 5914. A bill to clarify the authority of the Federal Financing Bank to purchase loans guaranteed under part B of title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Financial Services.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5915. A bill to amend the Homeland Security Act of 2002 to require motor vehicle operators transporting security sensitive material in commerce to obtain a transportation security card from the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. SHERMAN, and Mr. MANZULLO):

H.R. 5916. A bill to reform the administration of the Arms Export Control Act, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KNOLLENBERG (for himself, Mr. UPTON, Mr. ROGERS of Michigan, and Mr. MCCOTTER):

H.R. 5917. A bill to provide for the coordination of efforts in the development of viable efficient alternative fuel technologies; to the Committee on Science and Technology, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 5918. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD:

H.R. 5919. A bill to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia:

H.R. 5920. A bill to direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself and Mr. GOODLATTE):

H.R. 5921. A bill to amend the Immigration and Nationality Act to eliminate the per country level for employment-based immigrants and to end the spill-over of unused immigrant visa numbers between employment-based and family-sponsored categories; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 5922. A bill to amend title 5, United States Code, to provide that a Federal employee may use up to 2 days of sick leave a year in the performance of community service; to the Committee on Oversight and Government Reform.

By Mr. SHADEGG (for himself, Mrs. MUSGRAVE, Mr. WAMP, Mr. AKIN, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. KINGSTON, Mr. GINGREY, Mr. MARCHANT, Mr. ISSA, Mr. PENCE, Mr. FRANKS of Arizona, Mr. FORTUÑO, Mr. PITTS, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mr. BARTLETT of Maryland, Mr. SOUDER, and Mr. FEENEY):

H.R. 5923. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable and advancable credit against income tax for health insurance costs, to allow employees who elect not to participate in employer subsidized health plans an exclusion from gross income for employer payments in lieu of such participations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself and Mr. SENSENBRENNER):

H.R. 5924. A bill to provide relief for the shortage of nurses in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Mr. SHAYS):

H.R. 5925. A bill to establish a fund to support international efforts for political reconciliation in Iraq, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALTMIRE (for himself, Mr. LYNCH, Mr. BOOZMAN, and Mr. BILIRAKIS):

H. Con. Res. 336. Concurrent resolution honoring the sacrifices and contributions made by disabled American veterans; to the Committee on Veterans' Affairs.

By Mr. ALLEN (for himself, Mr. TOWNS, Mr. CROWLEY, Mr. MICHAUD. Mr. WEXLER, Mr. BLUMENAUER, Mr. MCGOVERN, Ms. SUTTON, Mr. MCDERMOTT, Mr. FARR, Mrs. CAPPS, Mr. ACKERMAN, Mr. WAXMAN, Mrs. TAUSCHER, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. ENGEL, Mr. ISRAEL, Mr. DELAHUNT, Mrs. DAVIS of California, Mr. ROTHMAN, Mr. BERMAN, Mr. UDALL of Colorado, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEVIN, Mr. ELLISON, Mr. TANNER, Mr. MILLER of North Carolina, Mr. MARKEY, Mr. COHEN, Mr. HINCHEY, Mr. DINGELL, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. FORTENBERRY, Mr. BURTON of Indiana, and Mr. CHABOT):

H. Con. Res. 337. Concurrent resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HONDA, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCKEON, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Ms. SPEIER, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. GARY G. MILLER of California, Mr. RADANOVICH, Mr. ROYCE, Mr. ISSA, and Mr. HUNTER):

H. Con. Res. 338. Concurrent resolution recognizing the Honorable Yvonne Brathwaite Burke for her distinguished career in public service; to the Committee on House Administration.

By Mr. ROSS:

H. Res. 1155. A resolution honoring the recipients of the El Dorado Promise scholarship; to the Committee on Education and Labor.

By Mr. BOOZMAN (for himself, Mr. ROSS, Mr. SNYDER, and Mr. BERRY):

H. Res. 1158. A resolution recognizing the 100th anniversary of the establishment of the Ozark National Forest in Arkansas; to the Committee on Natural Resources.

By Mr. CUMMINGS (for himself, Mr. MEEKS of New York, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CARSON, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FORTUÑO, Ms. LEE, Mr. MARKEY, Mr. MCGOVERN, Mr. PAYNE, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SMITH of New Jersey, Mr. SARBANES, Mr. SNYDER, Mr. STARK, Mr. TOWNS, Ms. WATSON, Mr. WYNN, Ms. JACKSON-LEE of Texas, and Mrs. CHRISTENSEN):

H. Res. 1159. A resolution recognizing the historical significance of the United States sloop-of-war Constellation as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America's effort to end the practice; to the Committee on Foreign Affairs.

By Mr. ENGLISH of Pennsylvania:

H. Res. 1160. A resolution authorizing Members of the House of Representatives to use funds provided for official and representational duties to sponsor and conduct academic and community service competitions among elementary and secondary school students in their Congressional districts and to permit the use of the facilities of their offices in support of the activities of charitable organizations; to the Committee on House Administration.

By Mrs. LOWEY:

H. Res. 1161. A resolution encouraging State and local governments to establish plastic bag recycling programs; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, and Mr. PLATTS):

H. Res. 1162. A resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and Labor.

By Mrs. MUSGRAVE:

H. Res. 1163. A resolution expressing the support and sympathy of the House of Representatives and the people of the United States for the victims of the tragic fire that occurred in Ordway, Colorado, on April 16, 2008; to the Committee on Oversight and Government Reform.

By Mr. NEAL of Massachusetts:

H. Res. 1164. A resolution expressing support for designation of May 2008 as "National Workforce Development Professionals Month"; to the Committee on Oversight and Government Reform.

By Mr. POE (for himself, Mr. SMITH of New Jersey, Mr. PLATTS, Mr. TIAHRT, Mr. SHUSTER, Mr. SERRANO, Ms. GRANGER, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, Mr. CARTER, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. PAUL, Mr. SHAYS, Mr. TERRY, Mr. TOWNS, Ms. BORDALLO, and Mr. HALL of Texas):

H. Res. 1165. A resolution honoring the life and accomplishments of the actor Jimmy Stewart and the contributions he made to the Nation on the 100th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mr. WEXLER (for himself, Mr. BERMAN, Ms. SCHWARTZ, Mr. SHUSTER, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. CHABOT, Mr. KIND, Mr. ACKERMAN, Mr. CROWLEY, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. SHIMKUS, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. MCNULTY, Mr. ANDREWS, Mr. FORTUÑO, Mr. SESTAK, Mr. SIRES, Mr. ROTHMAN, and Mr. DREIER):

H. Res. 1166. A resolution expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. ANDREWS.

H.R. 96: Ms. DEGETTE.

H.R. 111: Ms. SUTTON and Mr. FOSTER.

H.R. 135: Mr. HINOJOSA and Mr. CALVERT.

H.R. 139: Mr. SHUSTER.

H.R. 154: Mr. HINOJOSA.

H.R. 191: Mr. PITTS.

H.R. 303: Mr. SALI and Mr. CARSON.

H.R. 436: Mrs. MYRICK.

H.R. 549: Mr. CARNEY.

H.R. 552: Ms. MOORE of Wisconsin, Mr. CASTLE, Mr. ISRAEL, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, and Mrs. MCMORRIS RODGERS.

H.R. 594: Mr. FATTAH and Mr. WALZ of Minnesota.

H.R. 646: Mr. CARSON.

H.R. 662: Mr. FILNER.

H.R. 688: Mr. FERGUSON and Mr. CARTER.

H.R. 728: Mr. SHAYS.

H.R. 748: Mrs. NAPOLITANO, Ms. SHEA-PORTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SPACE, Ms. DEGETTE, Ms. MATSUI, and Mr. BROWN of South Carolina.

H.R. 821: Mr. BACA.

H.R. 826: Mr. FORTUÑO.

H.R. 882: Mr. BARRETT of South Carolina, Ms. BERKLEY, Mr. FRELINGHUYSEN, Mr. SCHIFF, and Mrs. BACHMANN.

H.R. 991: Mrs. BACHMANN.

H.R. 1022: Mr. PRICE of North Carolina and Mr. MEEK of Florida.

H.R. 1078: Mr. DAVIS of Illinois.

H.R. 1107: Ms. RICHARDSON.

H.R. 1110: Mr. LARSON of Connecticut, Mr. CARSON, Mr. TIAHRT, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California and Mrs. BACHMANN.

H.R. 1147: Mr. CARSON.

H.R. 1185: Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. GUTIERREZ, Ms. LINDA T. SÁNCHEZ of California, and Mr. SIRES.

H.R. 1197: Mr. CARSON.

H.R. 1272: Mr. CARSON.

H.R. 1293: Mr. CARSON.

H.R. 1308: Mr. CARSON.

H.R. 1328: Mr. MEEKS of New York.

H.R. 1343: Mr. DEFAZIO.

H.R. 1354: Mr. CARSON.

H.R. 1366: Mr. PITTS.

H.R. 1431: Mr. TOWNS.

H.R. 1435: Mr. CARSON.

H.R. 1440: Mr. BARROW.

H.R. 1518: Mr. CARSON.

H.R. 1542: Mr. FATTAH.

H.R. 1546: Mr. CARSON.

H.R. 1553: Mr. SHERMAN and Mr. KIRK.

H.R. 1594: Mr. CARSON.

H.R. 1606: Mrs. NAPOLITANO.

H.R. 1609: Mr. WALDEN of Oregon, Mr. BOREN, and Mr. SMITH of New Jersey.

H.R. 1619: Mr. MOORE of Kansas.

H.R. 1643: Mr. SESTAK.

H.R. 1645: Mr. ANDREWS and Mr. CARSON.

H.R. 1653: Mr. SARBANES.

H.R. 1738: Mr. CARSON and Mr. SMITH of New Jersey.

H.R. 1742: Mr. ELLISON, Mr. WYNN, and Mr. GARRETT of New Jersey.

H.R. 1755: Mr. LOEBSACK.

H.R. 1763: Mr. GUTIERREZ.

H.R. 1776: Mr. GRIJALVA, Mr. ARCURI, Mr. WYNN, and Mr. REYES.

H.R. 1884: Mr. BRADY of Texas, Mrs. EMERSON, Mr. ROSKAM, Mr. MORAN of Kansas, Ms. BEAN, Mr. BERRY, Mr. UPTON, Mr. FARR, Mr. GRIJALVA, Mr. CARSON, and Mr. SALI.

H.R. 1927: Mr. WAXMAN and Ms. MATSUI.

H.R. 1944: Mr. CARSON.

H.R. 1952: Mr. CARSON.

H.R. 1956: Mr. CARSON.

H.R. 1983: Mr. UPTON.

H.R. 2012: Mr. ROSKAM, Mr. FARR, and Ms. ROS-LEHTINEN.

H.R. 2032: Mrs. CHRISTENSEN, Mr. ARCURI, Mr. MICHAUD, Mr. COHEN, Mr. CARSON, Mr. CUMMINGS, Mr. GRIJALVA, and Mr. WELCH of Vermont.

H.R. 2045: Mr. CARSON.

H.R. 2053: Mrs. BLACKBURN, Mr. EVERETT, and Mr. CARSON.

H.R. 2092: Mr. CARSON and Ms. VELÁZQUEZ.

H.R. 2140: Mr. CARSON.

H.R. 2158: Mr. PITTS.

H.R. 2167: Mr. LEWIS of Georgia.

H.R. 2172: Mr. CARSON.

H.R. 2188: Mr. UPTON, Mr. BRADY of Pennsylvania, and Mr. HINCHEY.

H.R. 2205: Mr. BROWN of South Carolina, Mr. CARSON, and Mr. BACA.

H.R. 2219: Mr. CARSON.

H.R. 2221: Mr. AL GREEN of Texas.

H.R. 2236: Mr. MEEKS of New York.

H.R. 2244: Mr. CARSON.

H.R. 2266: Ms. MOORE of Wisconsin.

H.R. 2268: Mrs. CAPPS, Mr. JONES of North Carolina, Mr. BACA, Mr. HERGER, Mr. WELCH of Vermont, Mr. WESTMORELAND, Mr. KLINE of Minnesota, Mr. BISHOP of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. HENSARLING, Mr. TOWNS, Mr. MARIO DIAZ-BALART of Florida, Mr. MORAN of Kansas, and Ms. WASSERMAN SCHULTZ.

H.R. 2325: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2353: Mr. CARSON.

H.R. 2370: Ms. BERKLEY and Mr. TIM MURPHY of Pennsylvania.

H.R. 2371: Mr. ROTHMAN.

H.R. 2380: Mr. TIM MURPHY of Pennsylvania.

H.R. 2417: Mr. CARSON.

H.R. 2472: Mr. PORTER.

H.R. 2511: Mr. CARSON.

H.R. 2514: Mr. CARSON.

H.R. 2552: Mr. PAYNE, Mr. MEEKS of New York, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. CUMMINGS, Mr. WAXMAN, and Mr. ABERCROMBIE.

H.R. 2676: Mr. CARSON and Mr. REGULA.

H.R. 2677: Mr. CARSON.

H.R. 2702: Mr. ENGLISH of Pennsylvania and Mrs. DAVIS of California.

H.R. 2731: Mr. CARSON.

H.R. 2744: Ms. HARMAN and Ms. KAPTUR.

H.R. 2749: Mr. CARSON.

H.R. 2790: Mr. CARSON.

H.R. 2805: Mr. RAHALL and Mr. CARSON.

H.R. 2851: Mr. SCHIFF, Mr. ELLSWORTH, Mr. CARSON, and Mr. ROTHMAN.

H.R. 2852: Mr. FILNER, Mr. ELLISON, and Mr. DENT.

H.R. 2896: Mr. ROSS.

H.R. 2965: Mr. ETHERIDGE and Mr. PRICE of North Carolina.

H.R. 2991: Mr. CARSON.

H.R. 2994: Mr. CARSON and Mr. WELCH of Vermont.

H.R. 3005: Mr. CARSON and Mr. HASTINGS of Florida.

H.R. 3008: Mr. CARSON.

H.R. 3016: Mr. CARSON.

H.R. 3061: Mr. CARSON.

H.R. 3063: Mr. ACKERMAN, Mr. ARCURI, Mr. COHEN, Mr. CROWLEY, Mr. HALL of New York, Mr. HINCHEY, Mrs. MALONEY of New York, Mr. MCNULTY, Mr. MEEKS of New York, and Mr. TOWNS.

H.R. 3078: Mr. CARSON.

H.R. 3080: Mr. MURPHY of Connecticut.

H.R. 3098: Mr. SULLIVAN.

H.R. 3109: Mrs. CUBIN.

H.R. 3127: Mr. CARSON.

H.R. 3189: Mr. DAVIS of Alabama.

H.R. 3202: Mrs. MALONEY of New York.

H.R. 3249: Mr. CARSON.

H.R. 3251: Mr. CARSON.

H.R. 3257: Mr. COHEN, Mr. PETERSON of Pennsylvania, Mr. ELLISON, and Mr. BOSWELL.

H.R. 3267: Mr. HINOJOSA, Mr. MEEKS of New York, Mr. ELLISON, and Ms. CLARKE.

H.R. 3282: Mr. PASTOR.

H.R. 3287: Ms. LEE.

H.R. 3298: Mr. CARSON.

H.R. 3404: Mr. CARSON.

H.R. 3457: Mr. CARSON.

H.R. 3543: Mr. WEXLER, Mr. PASTOR, and Mr. CARSON.

H.R. 3544: Mr. CARSON, Mr. RODRIGUEZ, Mrs. CAPPS, and Mr. MATHESON.

H.R. 3561: Mr. CARSON.

H.R. 3563: Mr. CARSON.

H.R. 3622: Mr. WATT, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. DELAHUNT, Mr. FATTAH, Mr. RYAN of Ohio, Mr. RAHALL, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. KLEIN of Florida, Mr. CARSON, Ms. RICHARDSON, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ELLSWORTH, Ms. CLARKE and Mr. LANGEVIN.

H.R. 3634: Mr. ROTHMAN.

H.R. 3650: Mr. CULBERSON.

H.R. 3652: Ms. DEGETTE.

H.R. 3658: Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SHERMAN.

H.R. 3700: Mr. DOYLE.

H.R. 3750: Mr. CARSON.

H.R. 3769: Ms. DEGETTE and Mr. RODRIGUEZ.

H.R. 3819: Mr. BUCHANAN.

H.R. 3870: Mr. HARE, Mrs. LOWEY, Mr. RYAN of Ohio, Ms. WOOLSEY, and Mr. FARR.

H.R. 3886: Mr. PAYNE and Mr. BRADY of Pennsylvania.

H.R. 3926: Mr. ARCURI.

H.R. 3934: Mr. CARSON and Mr. LAMPSON.

H.R. 3944: Ms. BERKLEY, Mr. GRIJALVA, and Mr. JACKSON of Illinois.

H.R. 3961: Mr. CARNAHAN.

H.R. 4008: Mr. MITCHELL.

H.R. 4044: Mr. ALLEN.

H.R. 4061: Mr. GONZALEZ, Mr. CARSON, and Mr. DOGGETT.

H.R. 4089: Mr. ELLISON.

H.R. 4105: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. LEE.

H.R. 4107: Mr. ALLEN, Mrs. CAPPS, and Mr. ETHERIDGE.

H.R. 4114: Mr. FILNER.

H.R. 4133: Mr. LINDER, Mr. NEUGEBAUER, Mr. WESTMORELAND, and Mr. SHADEGG.

H.R. 4141: Mr. TERRY and Mr. LOBIONDO.

H.R. 4188: Mrs. MALONEY of New York.

H.R. 4206: Mr. CARSON.

H.R. 4207: Mr. DAVIS of Illinois.

H.R. 4221: Mr. MCGOVERN and Mr. CLAY.

H.R. 4237: Mrs. CHRISTENSEN and Mr. FARR.

H.R. 4296: Mr. CARSON and Mrs. BLACKBURN.

H.R. 4301: Mr. CARSON.

H.R. 4318: Mr. CANTOR and Mr. CARSON.

H.R. 4332: Mrs. CAPITO.

H.R. 4335: Mr. NADLER.

H.R. 4461: Ms. MCCOLLUM of Minnesota.

H.R. 4544: Mr. BOOZMAN and Mr. BLUMENAUER.

H.R. 4651: Mr. CARSON.

H.R. 4652: Mr. CARNAHAN, Mr. MCGOVERN, Mrs. JONES of Ohio, and Mrs. MCCARTHY of New York.

H.R. 4736: Mr. PRICE of Georgia.

H.R. 4807: Mr. CARSON.

H.R. 4836: Mr. ELLSWORTH.

H.R. 4879: Ms. CLARKE.

H.R. 4884: Mrs. MALONEY of New York.

H.R. 4930: Mr. SCOTT of Georgia and Mr. SALI.

H.R. 4935: Ms. GRANGER, Mr. PAYNE, and Mr. RUPPERSBERGER.

H.R. 4990: Mr. PAYNE and Mr. COHEN.

H.R. 5161: Mr. LEWIS of Georgia.

H.R. 5176: Mr. RODRIGUEZ and Mr. CARSON.

H.R. 5180: Mr. MANZULLO.

H.R. 5223: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5229: Mr. BOUCHER.

H.R. 5244: Mr. COURTNEY and Mr. ALLEN.

H.R. 5266: Mr. KENNEDY.

H.R. 5267: Ms. WASSERMAN SCHULTZ.

H.R. 5404: Mr. MICHAUD.

H.R. 5440: Mr. FRELINGHUYSEN.

H.R. 5443: Mr. BARRETT of South Carolina.

H.R. 5446: Mr. ROTHMAN and Mr. FILNER.

H.R. 5447: Mr. CLEAVER, Mrs. CHRISTENSEN, and Mr. KUCINICH.

H.R. 5450: Mrs. CUBIN, Mrs. TAUSCHER, and Mr. SHULER.

H.R. 5461: Mr. WEXLER.

H.R. 5465: Ms. MCCOLLUM of Minnesota and Mr. WELCH of Vermont.

H.R. 5488: Mr. MCGOVERN.

H.R. 5505: Mr. EMANUEL.

H.R. 5507: Mr. BLUMENAUER, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. CLAY, Mr. STARK, and Mr. OLVER.

H.R. 5519: Mr. YOUNG of Alaska, Mr. PAUL, Mr. FEENEY, Mr. CARSON, and Mr. HARE.

H.R. 5532: Mr. BLUMENAUER.

H.R. 5544: Mr. MCCOTTER and Mrs. BLACKBURN.

H.R. 5545: Mr. MCCOTTER.

H.R. 5546: Mr. ALLEN and Ms. JACKSON-LEE of Texas.

H.R. 5549: Mr. SIRES and Mr. FARR.

H.R. 5573: Mr. ENGLISH of Pennsylvania and Mr. MICHAUD.

H.R. 5590: Mr. SIMPSON and Ms. JACKSON-LEE of Texas.

H.R. 5603: Mr. RAHALL and Mr. LATTA.

H.R. 5606: Mr. MCDERMOTT, Mr. MCCOTTER, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, and Mr. WAXMAN.

H.R. 5611: Mr. BOUSTANY and Mr. HENSARLING.

H.R. 5629: Mr. HONDA.

H.R. 5641: Mrs. Bono MACK.

H.R. 5656: Mrs. DRAKE and Mr. BARTON of Texas.

H.R. 5669: Mr. GONZALEZ, Ms. LEE, Mr. LEWIS of Georgia, and Mr. COSTELLO.

H.R. 5672: Mr. COHEN.

H.R. 5673: Mr. BACHUS, Mr. BUCHANAN, Mr. CARTER, Mr. HAYES, Mr. JOHNSON of Illinois, and Mr. SHADEGG.

H.R. 5674: Mr. KINGSTON.

H.R. 5683: Mr. FILNER.

H.R. 5684: Ms. DEGETTE, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. DOGGETT, Mr. BACA, and Mr. ALLEN.

H.R. 5690: Mr. WELCH of Vermont and Ms. JACKSON-LEE of Texas.

H.R. 5700: Mr. SPACE, Mr. ETHERIDGE, and Mr. CARSON.

H.R. 5703: Mr. RAMSTAD.

H.R. 5704: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 5709: Mr. WALZ of Minnesota.

H.R. 5713: Mr. JONES of North Carolina.

H.R. 5716: Mr. CONYERS.

H.R. 5734: Mr. PRICE of North Carolina, Mr. GOODE, and Mr. WELCH of Vermont.

H.R. 5737: Mrs. CUBIN.

H.R. 5740: Mr. SHERMAN, Mr. WU, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Mr. DOGGETT, Mr. BACA, Mr. KUCINICH, Mr. NEAL of Massachusetts, and Mr. DOYLE.

H.R. 5752: Mr. GINGREY.

H.R. 5759: Mr. SALI and Mrs. CUBIN.

H.R. 5761: Mr. MCINTYRE.

H.R. 5769: Mr. ARCURI.

H.R. 5775: Mr. PITTS.

H.R. 5776: Mrs. CUBIN.

H.R. 5784: Mr. TIAHRT.

H.R. 5787: Mr. TANNER.

H.R. 5795: Mr. BARRETT of South Carolina.

H.R. 5797: Mrs. BLACKBURN.

H.R. 5802: Mr. HINCHEY.

H.R. 5805: Mr. SALI and Mr. RENZI.

H.R. 5816: Mr. WALBERG and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5818: Mr. MCGOVERN and Mr. SIRES.

H.R. 5821: Mr. SHAYS.

H.R. 5823: Mrs. MCCARTHY of New York, Ms. CLARKE, and Mr. CROWLEY.

H.R. 5824: Mr. BOSWELL, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. ALTMIRE, and Mr. RODRIGUEZ.

H.R. 5825: Mr. HILL, Mr. SMITH of Texas, Mr. LATTA, Mr. PICKERING, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. OBERSTAR, Mrs. GILLIBRAND, Ms. BORDALLO, Mr. HINCHEY, Mr. MCDERMOTT, Mr. DAVIS of Illinois, and Mr. CARSON.

H.R. 5828: Ms. ROS-LEHTINEN and Mr. BURTON of Indiana.

H.R. 5829: Mr. CARSON.

H.R. 5830: Mr. CAPUANO and Mr. CUMMINGS.

H.R. 5831: Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mr. LEWIS of Georgia, and Mr. TOWNS.

H.R. 5833: Mr. WU.

H.R. 5834: Mr. MANZULLO and Mr. SHERMAN.

H.R. 5835: Mr. CARSON.

H.R. 5838: Ms. WOOLSEY.

H.R. 5841: Mr. FEENEY.

H.R. 5846: Ms. ZOE LOFGREN of California.

H.R. 5847: Mr. CHABOT, Mr. JONES of North Carolina, and Mr. LOBIONDO.

H.R. 5854: Ms. CORRINE BROWN of Florida, Mr. PETERSON of Minnesota, Mr. FARR, and Mr. COHEN.

H.R. 5858: Mr. MCINTYRE.

H.R. 5868: Mr. GINGREY, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. PORTER, Mrs. BONO MACK, Mr. HALL of Texas, Mr. BILIRAKIS, Mrs. DRAKE, Mr. PITTS, Mr. KELLER, Mr. MARIO DIAZ-BALART of Florida, Mr. CARTER, Mr. HELLER, Mr. DAVID DAVIS of Tennessee, Mr. SALI, Mr. WITTMAN of Virginia, Mr. SESSIONS, Mr. HOBSON, Mr. POE, Mrs. MILLER of Michigan, Mr. ROGERS of Alabama, Mr. EHLERS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WESTMORELAND, Mr. LINDER, Mr. TIBERI, Mr. COBLE, Mr. SAXTON, Mr. DELAHUNT, Mr. REHBERG, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. ROSKAM, Mr. AKIN, Mr. FORBES, Mr. TOWNS, Ms. ZOE LOFGREN of California, Mr. ROGERS of Michigan, Mr. JORDAN, Mr. HASTINGS of Washington, and Mrs. EMERSON.

H.R. 5869: Mr. GONZALEZ and Ms. GIFFORDS.

H.R. 5886: Mr. POE.

H.R. 5901: Ms. JACKSON-LEE of Texas and Ms. NORTON.

H.J. Res. 23: Mr. WALBERG.

H.J. Res. 39: Mr. SARBANES.

H.J. Res. 79: Mr. FILNER.

H. Con. Res. 134: Mr. COHEN.

H. Con. Res. 257: Mr. MCHUGH, Mr. ANDREWS, Mr. MARSHALL, and Mr. HAYES.

H. Con. Res. 294: Mr. WEXLER and Mr. DEFAZIO.

H. Con. Res. 299: Mr. OLVER, Mr. SESSIONS, Mr. COURTNEY, Mr. WOLF, Mr. MCCOTTER, Ms. ZOE LOFGREN of California, Mr. LINCOLN DAVIS of Tennessee, Mr. GONZALEZ, and Mr. NADLER.

H. Con. Res. 317: Mr. MCCOTTER.

H. Con. Res. 318: Mr. SHERMAN, Mr. HONDA, Mrs. CHRISTENSEN, and Mr. WAXMAN.

H. Con. Res. 320: Mr. CUMMINGS.

H. Con. Res. 321: Mr. CASTLE, Mr. OLVER, and Mr. FRANK of Massachusetts.

H. Con. Res. 330: Ms. LEE, Mr. GRIJALVA, Mr. BERMAN, Mr. COHEN, and Ms. ROYBAL-ALLARD.

H. Con. Res. 331: Ms. GRANGER, Mr. MCDERMOTT, and Mr. MCNULTY.

H. Con. Res. 332: Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. MILLER of North Carolina, Mr. BOOZMAN, Mr. FALEOMAVAEGA, Mr. WOLF, Mr. INGLIS of South Carolina, Mr. POE, Mr. PITTS, Mr. SMITH of New Jersey, Mr. PENCE, Mr. PAYNE, Mr. SHERMAN, Mr. ENGEL, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. GRIJALVA, Mr. MELANCON, Mr. CARNAHAN, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. SHAYS, Mr. HINOJOSA, Mr. SIRES, Mr. FARR, Ms. LEE, Mrs. MUSGRAVE, and Mr. WU.

H. Con. Res. 334: Mr. CASTLE, Mr. PLATTS, Mr. BOUSTANY, Mr. LOBIONDO, Mrs. MILLER of Michigan, Mr. UPTON, Mr. TOM DAVIS of Virginia, Mr. GILCHREST, Ms. PRYCE of Ohio, Mr. DENT, Mr. FORTENBERRY, Mr. BURTON of Indiana, Mr. YOUNG of Florida, Mr. CANNON, Ms. FOXX, Mr. ISSA, Mr. SALI, Ms. GINNY BROWN-WAITE of Florida, Mr. CRENSHAW, Mr. FEENEY, and Mr. KIRK.

H. Res. 49: Ms. MCCOLLUM of Minnesota.

H. Res. 76: Mr. LEWIS of Georgia.

H. Res. 353: Mr. REYES and Mr. CARSON.

H. Res. 356: Mr. TERRY.

H. Res. 389: Mr. ENGEL, Mr. FALEOMAVAEGA, and Mr. SHERMAN.

H. Res. 415: Ms. ROYBAL-ALLARD.

H. Res. 674: Mr. ROTHMAN.

H. Res. 834: Mr. BLUMENAUER.

H. Res. 881: Mr. SPACE, Mr. MAHONEY of Florida, Mr. BOYD of Florida, and Mr. CRAMER.

H. Res. 937: Mr. SALI and Mr. FOSSELLA.

H. Res. 977: Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. PRICE of North Carolina, Mr. SCOTT of Georgia, and Mr. CARSON.

H. Res. 1008: Mr. ETHERIDGE.

H. Res. 1009: Mr. SHAYS.

H. Res. 1011: Mr. SHERMAN and Mr. MICHAUD.

H. Res. 1022: Mrs. TAUSCHER and Mr. HINCHEY.

H. Res. 1043: Mr. FALEOMAVAEGA and Mr. TERRY.

H. Res. 1062: Mr. ROTHMAN.

H. Res. 1063: Mr. SHERMAN.

H. Res. 1064: Mr. SMITH of New Jersey and Mr. FEENEY.

H. Res. 1069: Mr. BOREN, Mr. MARIO DIAZ-BALART of Florida, Mrs. BLACKBURN, Mr. ROTHMAN, Mr. LAMBORN, Mr. SMITH of Washington, Ms. GIFFORDS, and Mr. SMITH of New Jersey.

H. Res. 1079: Mr. TIM MURPHY of Pennsylvania.

H. Res. 1080: Mr. ISSA and Mr. RANGEL.

H. Res. 1086: Mr. TOWNS, Mr. EDWARDS, Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. REYES, Mr. BUTTERFIELD, Ms. BERKLEY, Mr. MORAN of Virginia, Mr. LEVIN, Mr. CLEAVER, Ms. KILPATRICK, Mr. MEEKS of New York, Mr. DOGGETT, Mr. ALLEN, Mr. LATHAM, Mr. WAXMAN, Mr. TERRY, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. OLVER, Ms. NORTON, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. OBERSTAR, Ms. MATSUI, Mr. COSTELLO, Mr. BAIRD, Mr. HOLT, Mr. PORTER, Mr. ALTMIRE, Ms. JACKSON-LEE of Texas, Mr. MATHESON, Mr. ISRAEL, Mr. HOLDEN, and Ms. HIRONO.

H. Res. 1091: Mr. BURGESS, Mr. ALTMIRE, and Mr. HASTINGS of Washington.

H. Res. 1093: Ms. SHEA-PORTER, Mr. LOBIONDO, Mr. HINCHEY, and Mr. WELCH of Vermont.

H. Res. 1100: Mr. JORDAN.

H. Res. 1104: Mr. STARK, Mr. COSTA, Mrs. JONES of Ohio, and Mr. WAXMAN.

H. Res. 1109: Mr. MCCOTTER, Mr. ROHRABACHER, and Mr. BURTON of Indiana.

H. Res. 1110: Mr. CROWLEY, Mr. CALVERT, Mr. ROTHMAN, and Mr. LAMBORN.

H. Res. 1113: Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. BOOZMAN, Mr. SESSIONS, Mr. SHULER, Ms. BERKLEY, Mr. ADERHOLT, Mr. BROUN of Georgia, Mr. LOEBSACK, Mr. MORAN of Kansas, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. MCCAUL of Texas, Mr. GARRETT of New Jersey, and Mr. KELLER.

H. Res. 1114: Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. BOOZMAN, Mr. SESSIONS, Mr. SHULER, Ms. BERKLEY, Mr. ADERHOLT, Mr. BROUN of Georgia, Mr. LOEBSACK, Mr. MORAN of Kansas, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. MCCAUL of Texas, Mr. GARRETT of New Jersey, and Mr. KELLER.

H. Res. 1122: Mr. WILSON of South Carolina, Mrs. WILSON of New Mexico, and Mr. CULBERSON.

H. Res. 1124: Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. LOEBSACK, Mr. MOORE of Kansas, Ms. MATSUI, Ms. HOOLEY, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. CARSON, Mr. INSLEE, Mr. SHIMKUS, Mr. SCHIFF, Mr. RUSH, Mr. ISRAEL, Mr. COSTELLO, Mr. MCDERMOTT, and Mr. STARK.

H. Res. 1130: Mr. RANGEL, Mr. SALI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CARSON, Mr. PAYNE, Mr. REICHERT, Ms. GRANGER, Mr. BILIRAKIS, Mr. FATTAH, and Mr. NEUGEBAUER.

H. Res. 1131: Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Ms. DEGETTE.

H. Res. 1132: Mr. ROGERS of Michigan, Mr. CALVERT, Mr. LATTA, Mr. DAVIS of Kentucky, Mr. UPTON, Mrs. DRAKE, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. BOOZMAN, Mrs. BOYDA of Kansas, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. REYNOLDS, Mr. WALBERG, Ms. MCCOLLUM of Minnesota, Mr. CUELLAR, Mrs. SCHMIDT, Mr. REICHERT, Mrs. MALONEY of New York, Mrs. MYRICK, Mr. WOLF, Ms. GRANGER, Mrs. BACHMANN, Mr. PETERSON of Minnesota, Mr. GOODE, Mr. KENNEDY, Mr. MCHENRY, Mr. GENE GREEN of Texas, Mr. COSTA, and Mr. SMITH of New Jersey.

H. Res. 1134: Mr. BERMAN, Mrs. BONO MACK, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. ENGEL, Mr. HOLT, Ms. MATSUI, Mr. NADLER, Mr. SCOTT of Virginia, Ms. SUTTON, Mrs. BOYDA of Kansas, Mr. DOGGETT, Mr. FALEOMAVAEGA, Mr. FARR, Ms. GIFFORDS, Mr. AL GREEN of Texas, Ms. HIRONO, Ms. KILPATRICK, Mr. LEVIN, Mr. LOEBSACK, Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. NORTON, and Mr. OBERSTAR.

H. Res. 1140: Mr. SALI, Mr. MCCOTTER, Mr. FORTENBERRY, Mr. CHABOT, Mr. BERMAN, and Mr. INGLIS of South Carolina.

H. Res. 1144: Mr. DELAHUNT, Mr. SIRES, Mr. COHEN, and Mr. SMITH of New Jersey.

H. Res. 1146: Mr. HINCHEY.

H. Res. 1149: Ms. LEE, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. MEEKS of New York, Ms. RICHARDSON, Mr. HARE, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. TOWNS, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Mr. KUCINICH, Mr. SCOTT of Virginia, Mr. FATTAH, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Ms. KILPATRICK, Mr. MCHUGH, Mr. SARBANES, and Mr. LIPINSKI.

H. Res. 1153: Ms. SOLIS, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. BERMAN, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Ms. LORETTA SANCHEZ of California, Mr. COHEN, Mr. SCHIFF, Mr. SESTAK, Mr. ELLISON, and Mr. SCOTT of Georgia.

H. Res. 1154: Mr. LEWIS of Georgia, Mr. LYNCH, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, Mr. HASTINGS of Florida, Mr. JEFFERSON, and Mr. MEEKS of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. BISHOP OF UTAH

Today the House of Representatives will consider S. 2739. Section 504 of S. 2739 authorizes funding for the Arthur V. Watkins Dam Enlargement Project. This language is similar to language found in H.R. 839, a bill which authorizes a feasibility study on raising the height of the Arthur V. Watkins Dam at Willard Bay in Box Elder County, Utah. The entity authorized to receive funding under this request is the Department of the Interior at 1849 C. Street, Washington, DC 20240.

The authorized study is cost shared 50/50 between Weber Basin and the Bureau of Reclamation (BOR) at the Department of the Interior, a record of BOR's finance plan is not available. However, a copy of Weber Basin's finance plan (for its share of the project) is attached.

This project is justified as the Arthur V. Watkins Dam is a federally owned water storage facility. It is managed by the Weber Basin Water Conservancy District, a political subdivision of the State of Utah. Water stored in this facility serves the culinary water needs of Weber, Davis and Box Elder Counties, which encompass some of the most populous areas of northern Utah. The federal government has made a significant financial commitment to the State of Utah to ensure that this arid state has adequate water resources to meet the needs of its residents. This authorization ensures that.

A.V. WATKINS DAM RAISE FEASIBILITY STUDY

Under a feasibility study to be prepared by Reclamation an integrated feasibility report and National Environmental Policy Act (NEPA) compliance document will be prepared to address the potential raise of A.V. Watkins Dam to accommodate additional storage of 10,000 acre-feet.

The following areas and estimated costs are presented to cover the study:

Item	Description	Estimated cost
1	NEPA: Investigation and report of environmental impacts and appropriate federal actions.	$500,000
2	Cultural Mitigation Plan: Investigation of impacts to cultural findings and corresponding recovery plan.	200,000
3	Water Rights: Review and verification of the preliminary water rights work originally conducted. Will include coordination with the Utah Division of Water Rights.	50,000
4	Investigations/Drilling/Laboratory Testing: A study of existing physical conditions including field testing and verification of existing geology of the entire 14 mile dam.	900,000
5	Hydrology: Review and verification of the available river flows from the Ogden and Weber rivers.	50,000
6	Feasibility Design/Drawings/Report: Culmination of the feasibility study including written conclusions from each of the above investigations.	300,000
Total		2,000,000

Expected duration of report—1½ to 2 years.

The Weber Basin Water Conservancy District (District), in an effort to insure that it is able to meet the ever increasing demand for water throughout its service area, continues to evaluate the need for improvements, including the development of new resources. Part of the challenges facing the District in this effort are: identifying growth patterns and projecting future populations by geographic location; estimating the total water consumption of the projected population both indoors and outdoors; and evaluating existing supplies to determine how to most effectively utilize those supplies, particularly in times of drought. Through these proactive efforts, a need for additional resources has been identified in order for the District to meet future demands along the Wasatch Front.

To estimate the future demand for water within the District's service area across the Wasatch Front, the District completed the Supply and Demand Study (January 2008), in which population projections were developed through build-out, and the associated water demand of that population estimated based on historic water use. The demands were then compared to available District supplies, including those developed by the United States Bureau of Reclamation via the Weber Basin Project, those developed or being developed by the District, and outside resources that are controlled by various independent agencies (municipalities, improvement districts, etc.). Based on the results of this study, the District anticipates a need for one or more additional raw water resources within the next 20 years; possibly as early as 2015. Future sources that are being considered include wastewater reuse (for outdoor irrigation use), aquifer storage and recovery, and the importation of water from the Bear River. Even with the full development of all of the new resources listed, it is anticipated that the supply will still be inadequate to meet projected demands without aggressive coinciding conservation efforts. The District has implemented an aggressive water conservation plan with a goal to reduce per capita water consumption by 25 percent by 2025.

Although the need for additional water supplies within the District's service area is becoming increasingly evident, nowhere is it more evident than in the Weber County area. Population projections predict that much of the future growth along the Wasatch Front will occur in the area of western Weber County. As growth has tended to move outward from the Salt Lake City area, from Davis County into Weber County, the District has observed increasing demands on the Weber South and Davis North Treatment Plants (located in southern Weber County and northern Davis County respectively). Those plants are now approaching capacity during times of peak demand. To evaluate the need for additional treatment plant capacity, the District recently retained consulting engineers to examine several strategic locations for construction of a new water treatment plant to meet increasing demands. The resulting Implementation Plan and Schedule (Technical Memorandum 11, Site Evaluation for the New Weber West WTP and Related Facilities, Draft dated 06/11/07) indicates that in order to keep up with the increasing demand resulting from growth in western Weber County, a new centrally located treatment plant will be required. The report further concludes that design of the new raw water conveyance facilities should commence in early 2009, with construction beginning in late 2010. Completion and commissioning of all facilities would then be scheduled for 2012. All of the possible water treatment plant sites considered were assumed to utilize raw water from storage at Arthur V. Watkins Dam/Willard Bay Reservoir.

Based on current projections, the need for additional water supplies along the Wasatch Front is both certain and imminent. With the Bureau of Reclamation already having filed for additional water rights from the Ogden and Weber rivers, raising the Arthur V. Watkins Dam would effectively increase the water that can be stored in Willard Bay by an additional 10,000 to 70,000 acre-feet and would make it available for use within the time projected for additional demand. Arthur V. Watkins Dam/Willard Bay Reservoir is strategically located relative to future demands, and as an existing facility could be increased at a relative lesser cost, and without the significant impacts that are sure to accompany other projects of this magnitude.

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The amendment to be offered by Representative GEORGE MILLER or a designee to H.R. 5522, the Worker Protection Against Combustible Dust Explosion and Fire Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. WALDEN OF OREGON

Bill Number: S. 2739 (H.R. 495).

Account: Secretary of the Interior, Bureau of Reclamation.

Legal Name of Requesting Entity(ies): The North Unit Irrigation District Act—Requesting Entity: North Unit Irrigation District, Madras, Oregon; The Deschutes River Conservancy Reauthorization Act—Requesting Entity: Deschutes River Conservancy, Bend, Oregon; The Wallowa Lake Dam Rehabilitation Act—Requesting Entity: Associated Ditch Company, Joseph, Oregon; The Little Butte/Bear Creek Subbasins Water Feasibility Act—Requesting Entity: City of Medford, Medford, Oregon.

Address of Requesting Entity(ies): North Unit Irrigation Districts, 2024 NW Beech Streets, Madras, Oregon 97740, (ph) 541-475-3625; Deschutes River Conservancy, 700 NW Hill Street, Bend Oregon 97701, (ph) 541-382-4077; Associated Ditch Company, 1102 Engleside Avenue, Joseph, Oregon 97846, (ph) 541-432-6155; City of Medford, 411 W 8th Street #312, Medford, Oregon 97501, (ph) 541-774-2000.

Description of Request(s): I am the author of H.R. 495, the Oregon Water Resources Management Act of 2007, which is a package of water-related bills contained within S. 2739 which is scheduled to be considered by the full House on April 29, 2008. On July 23, 2007, the House of Representatives passed this package of bills included in H.R. 495 by voice vote. H.R. 495 is identical to the bill passed unanimously by the Resources Committee and the full House in the 109th Congress (H.R. 5079). All of these measures, described in detail below, are related to projects in my district and have been thoroughly vetted through the Committee and are supported by my colleagues from Oregon in the United States Senate, Senators Ron Wyden and Gordon Smith. H.R. 495 does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Deschutes River Conservancy Reauthorization Act—Bill language would amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation (Reclamation) in the Deschutes River Conservancy (DRC) through Fiscal Year 2015. The DRC was originally authorized by Congress in 1996 to implement water conservation measures in the Deschutes River basin. The DRC was founded by local irrigation districts, the Confederated Tribes of the Warm Springs Reservation, conservation groups, and other local stakeholders in an effort to focus on practical, incentive-based solutions to the basin's water management challenges. The DRC has leased over 70 cubic feet per second of water in the basin's streams and has restored over 100 miles of stream corridor using livestock management techniques, restored channel floodplain connectivity, and planted over 250,000 native plants and trees in the riparian zone. The DRC has permanently acquired about 9,200 acre-feet of senior water rights in the Deschutes Basin that will remain instream during critical low flow periods, benefiting fish species such as ESA listed bull trout and summer steelhead. The bill has received positive and bipartisan support in the House and Senate, is supported by the DRC, the local community and Reclamation. This bill would authorize $2 million per year over 10 years in federal spending. The use of federal funding for this project is justified because it would address critical water shortage issues in the summer months that have a direct impact on federal Endangered Species Act listed salmon and steelhead.

Wallowa Lake Dam Rehabilitation Act—Bill language authorizes the Bureau of Reclamation to provide grants, or to enter into cooperative agreements, with tribal, State, local governmental entities and the Associated Ditch Companies to plan, design, and repair Wallowa Lake Dam. Over the last several years I have visited Wallowa County on a number of occasions to convene meetings with both proponents and opponents of this legislation in order to gain a full understanding of the situation and to discuss the merits of this proposal. These meetings have clearly demonstrated that the overwhelming majority of Wallowa County residents support this bill and its main tenet—the rehabilitation of the Wallowa Lake Dam—has been identified by the U.S. Army Corp of Engineers as a high hazard structure. H.R. 495 authorizes $6 million in federal funds for dam rehabilitation; however, spending authority sunsets after 10 years and requires a 50/50 federal/local cost share match. Federal funding for this project is justified to not only protect citizens from the highly hazardous Wallowa Lake Dam, but to assist with the tremendous environmental costs that directly result from the presence of federally listed Endangered Species Act salmon and steelhead in the dam rehabilitation project.

Little Butte/Bear Creek Subbasins Water Feasibility Act—Bill language would authorize the Bureau of Reclamation (Reclamation) to conduct a needed water management feasibility study and environmental impact statement for the Water for Irrigation, Streams, and the Economy Project in accordance with the Memorandum of Agreement (MOA) between City of Medford and Reclamation in order to address water management issues for irrigation, municipal use and conservation. This bill language passed the Senate by unanimous consent in November 2005 and the bill is nearly identical to legislation I sponsored in the 108th Congress which received a hearing in the Subcommittee on Water and Power, passed by the Committee by unanimous consent, and ultimately passed the House by voice vote in September of 2004. H.R. 495 authorizes $500,000 in federal funds; however, spending authority sunsets after 10 years and requires a 50/50 federal/local cost share match. Federal funds are justified because the federal partnership established via the MOA is for the express purpose of addressing federal Clean Water Act and Endangered Species Act (ESA) requirements. Additionally, Congress needs to provide Reclamation the authority to achieve the goals of the MOA and also provide funds due to costs from addressing previous acts of Congress, including the Clean Water Act and ESA.

North Unit Irrigation District Act—Bill language amends a repayment contract between the Bureau of Reclamation (Reclamation) and the North Unit Irrigation District (District) to meet State water conservation law and allow the District to improve its overall water management and efficiency. The bill increases the maximum irrigated land within the District available to receive Deschutes Project water from 50,000 acres to 59,000 acres, and reclassifies that land. The legislation allows the repayment terms to shift from a variable to a fixed term, and would allow for accelerated repayment of capital costs. Finally, the legislation allows Reclamation to negotiate future contract terms without Congressional authorization, only after receiving written notice from the District and getting the consent of the Commissioner of Reclamation. The legislative authority granted in H.R. 495 to change the Reclamation contract would not require additional taxpayer funding above the existing programmatic appropriations for the agency. Conservation efforts to provide additional instream water and other conservation projects cannot be implemented solely by the District without a change in their current Reclamation authorities; Congress provided the current authorities and only Congress can modify those authorities.

OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Bill Number: H.R. 1195.

Bill Section: Sec. 102.

Account: U.S. Department of Transportation.

Legal Entities To Receive Funding: Nevada Department of Transportation, 1263 South Stewart Street, Carson City, NV 89712, who shall cooperate with the California-Nevada Super Speed Train Commission, 400 Stewart Street, Las Vegas, NV 89101; U.S. Department of Transportation; 1200 New Jersey Ave., SE., Washington, DC 20590.

Description of Request: In the SAFETEA-LU Act, two Magnetic Levitation Transportation Projects (MAGLEV) received federal authorization for a total of $90,000,000; however, mistakenly, contract authority was not assigned to these important projects. To ensure these MAGLEV projects have the funding necessary to succeed, I requested language to amend Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) to add contract authority to the projects at the funding levels authorized in SAFETEA-LU. The term "MAGLEV" means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour. According to SAFETEA-LU, this funding can be used for preconstruction planning activities and to supplement the cost of the fixed guideway infrastructure of these MAGLEV projects, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities substations, control and communications facilities, access roads, and storage, repair, and maintenance facilities. The federal cost share of these projects will be 80 percent.

MAGLEV is an advanced train technology that can offer competitive trip-time savings compared to alternative forms of travel over long distances. Federal funding is needed to deploy this technology further and thereby reduce congestion along heavily travelled corridors in the United States. In addition to the request for contract authority, I also requested that the project description contained in Sec. 102(d)(1) be amended to ensure the entire high-speed ground transportation corridor project, which starts in Las Vegas, Nevada, and extends to Anaheim, California, is authorized to receive federal assistance and that the project be coordinated with the California-Nevada Super Speed Train Commission.

OFFERED BY MRS. WILSON OF NEW MEXICO

Bill Number: S. 2739 (Companion H.R. 1904).

Account: Interior, Bureau of Land Management, USGS, Management of Lands and Resources.

Legal Name of Requesting Entity: State of New Mexico.

Address of Requesting Entity: 1220 South St. Francis Drive, Santa Fe, New Mexico 87505.

Description of Request: Provide a total earmark of $12,000,000 apportioned in equal amounts of $3,000,000 in Fiscal years FY08 through 2011 to assist the State of New Mexico in water planning. This includes: technical assistance and grants for the development of comprehensive State water plans, activities to conduct a mapping of water resources throughout the State, and to conduct a comprehensive study of groundwater resources (including potable, brackish, and saline) throughout the State. This assistance may include acquisition of hydrologic data, expansion of water monitoring networks, modeling of resources, coordination with Federal water management planning, integration of State planning forums and groups in the planning efforts, and technical reviews of data, models, planning scenarios and water plans developed by the State. Expansion of water resources throughout the State is critical to the continued development of the economy within the State.

The funding and levels of effort will be allocated approximately as follows: $5,000,000 to develop hydrologic models covering the Rio Grande and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojaque and Tesequе, Rio Chama, and Lower Rio Grande tributaries; $1,500,000 for surveys for the San Juan River and tributaries; $1,000,000 for surveys for the Southwest New Mexico basins, and $4,500,000 for statewide digital mapping.

The non-Federal share of all work shall be 50% and may be provided with in-kind resource acceptable to the Secretary of the Interior.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5534: Mr. BURTON of Indiana.

DISCHARGE PETITIONS

[Omitted from the Record of Apr. 25, 2008]

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7, April 23, 2008, by Mr. FOSSELLA on the bill (H.R. 5440), was signed by the following Members: Vito Fossella, John A. Boehner, John R. "Randy" Kuhl, Jr., Greg Walden, Virgil H. Goode, Jr., Peter Sessions, Gus M. Bilirakis, Joseph R. Pitts, David Davis, Ileana Ros-Lehtinen, Jo Bonner, Joe Wilson, Tim Walberg, Dennis R. Rehberg, Robert E. Latta, Kevin McCarthy, Peter T. King, F. James Sensenbrenner, Jr., Candice S. Miller, John Kline, Ron Lewis, Heather Wilson, J. Gresham Barrett, Adrian Smith, Frank A. LoBiondo, Paul C. Broun, Dan Burton, Ander Crenshaw, Michael N. Castle, Michele Bachmann, Mike Ferguson, Jim Jordan, Joe Knollenberg, Bill Sali, Jim Gerlach, Zach Wamp, Lynn A. Westmoreland, Rob Bishop, Charles W. Dent, Mark Steven Kirk, Louie Gohmert, Tom Price, Doc Hastings, Michael C. Burgess, Jeff Miller, Trent Franks, J. Randy Forbes, Tom Latham, Mac Thornberry, Terry Everett, Daniel E. Lungren, Harold Rogers, Kevin Brady, Phil Gingrey, Cathy McMorris Rodgers, Henry E. Brown, Jr., David Dreier, Jerry Lewis, Rick Renzi, Peter J. Roskam, Doug Lamborn, Ted Poe, Michael T. McCaul, Dana Rohrabacher, Jeff Fortenberry, Todd Tiahrt, Gary G. Miller, K. Michael Conaway, Ric Keller, Vern Buchanan, Dave Weldon, Geoff Davis, David G. Reichert, Darrell E. Issa, Dave Camp, John R. Carter, Kay Granger, Judy Biggert, Randy Neugebauer, Thaddeus G. McCotter, Thelma D. Drake, Tom Cole, Todd Russell Platts, W. Todd Akin, John M. McHugh, John L. Mica, Charles W. Boustany, Jr., Stevan Pearce, Elton Gallegly, Ken Calvert, Jon C. Porter, Thomas M. Reynolds, Howard Coble, Sam Johnson, Phil English, Jo Ann Emerson, Jean Schmidt, Howard P. "Buck" McKeon. Steve Buyer, Edward R. Royce, Barbara Cubin, Roy Blunt, Robert J. Wittman, John T. Doolittle, Vernon J. Ehlers, Steve Chabot, Mary Bono Mack, Virginia Foxx, Michael K. Simpson, Lincoln Diaz-Balart, Mario Diaz-Balart, Thomas G. Tancredo, James T. Walsh, Dean Heller, Rodney P. Frelinghuysen, Bob Inglis, Adam H. Putnam, Jim Ramstad, Christopher Shays, John Abney Culberson, Nathan Deal, Paul Ryan, Frank R. Wolf, Patrick J. Tiberi, Patrick T. McHenry, Wally Herger, Deborah Pryce, Michael R. Turner, Lee Terry, Frank D. Lucas, Devin Nunes, Kenny Marchant, Jim McCrery, John Linder, George Radanovich, Eric Cantor, Joe Barton, John B. Shadegg, John Shimkus, Scott Garrett, Marilyn N. Musgrave, Bob Goodlatte, Lamar Smith, Brian P. Bilbray, Bill Shuster, Spencer Bachus, Don Young, Steve King, Cliff Stearns, Mary Fallin, John Boozman, Steven C. LaTourette, C.W. Bill Young, Jeb Hensarling, Ed Whitfield, Tom Davis, Roscoe G. Bartlett, Jack Kingston, Donald A. Manzullo, Chris Cannon, Sue Wilkins Myrick, Mike Pence, Mike Rogers, Duncan Hunter, Christopher H. Smith, John Sullivan, Peter Hoekstra, Mark E. Souder, Jerry Moran, Charles W. "Chip" Pickering, Jim Saxton, David L. Hobson, John E. Peterson, Thomas E. Petri, Ralph M. Hall, and Sam Graves.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

[Omitted from the Record of Apr. 25, 2008]

The following Member added his name to the following discharge petition:

Petition 6 by Mr. BOUSTANY on House Resolution 1025: Michael K. Simpson.

EXTENSIONS OF REMARKS

IN RECOGNITION OF DR. BARBARA WARREN'S 20TH ANNIVERSARY AT THE LGBT CENTER

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. NADLER. Madam Speaker, I rise today in recognition of Dr. Barbara Warren who is celebrating 20 years of service, dedication and hard work at the Lesbian, Gay, Bisexual and Transgender Center in New York City.

Dr. Warren joined the staff of the center in 1988 as a psychologist and only healthcare professional within the staff of six. Today, the Center has a staff of nearly 80 with a third of those in service to health programs created under her leadership. Dr. Warren is one of the greatest resources to be found at the Center, a font of information and a tireless worker for the LGBT Community and all New Yorkers.

Dr. Warren has created numerous health programs, many the first of their kind, which now serve as examples both nationally and internationally. This array of programs include programs concerning HIV/AIDS, Crystal Meth, Bereavement, Alcohol, Substance and Tobacco Abuse, the Lesbian Cancer Initiative, the Gender Identity Project and the new Center CARE Recovery. Center CARE Recovery is the first licensed, outpatient LGBT-specific alcohol and substance abuse recovery program in New York State. Additionally, Dr. Warren created the Center Youth Program, Youth Enrichment Services (YES), 18 years ago, the first LGBT Youth program in the country, which has grown today to serve countless youth from all over the New York Metro area.

Barbara has been active for many years in helping to secure critically important funding for LGBT social service programs through the New York State Network of Lesbian, Gay, Bisexual and Transgender Health and Human Services Providers, the National Association of LGBT Community Centers and the Harry Benjamin International Gender Dysphoria Association, and is also a Faculty Member at the New York State Academy of Addiction Studies and at the graduate programs of Fordham University, Hunter College, Columbia University and Yeshiva University.

Dr. Warren was the principal writer of the official state-sponsored (NYS Office of Alcohol and Substance Abuse Service's Training for Counselors) training curriculum, which addresses sensitivity to LGBT-specific needs.

Today I rise to recognize and congratulate Dr. Barbara Warren for 20 years of outstanding and dedicated service to the people of New York and for her groundbreaking work in the field of LGBT Social Services which has set the standard for such programs both nationally and internationally.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. DELAURO. Madam Speaker, due to medical reasons I missed a series of procedural votes. Had I been present, I would have voted "aye" on Rollcall numbers 192, 193, 194 and 195.

RECOGNIZING NORTHWEST FLORIDA WAVES UNIT 52

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to honor the Northwest Florida Women Accepted for Volunteer Emergency Services, WAVES, Unit 52 and recognize its members' past, present, and future service to our country.

Women had been serving the war effort for years before they became an official addition to the United States Navy in 1956. Tens of thousands of officers and enlisted women contributed significantly to the Allied success of WWII. After their role in the Navy was legitimized, WAVES National was formed to connect former servicewomen and enable them to share their stories and experiences.

It is with grateful appreciation that I address this organization of valiant women whose participation in the military has evolved from the unprecedented to the exemplary. At a time when the role of women in the war effort was limited, members of WAVES transgressed societal norms by dutifully and commendably serving in the Navy and uniting against the Axis Power. Now, over sixty years later, women serve in every branch of our armed forces. Heroic accounts detailing the patriotism of women both on the battlefield and behind the line have altered the perception of women's role in the military and redefined the archetypal soldier.

The Northwest Florida WAVES Unit 52 consists of 43 members, half of whom served in WWII. Their mission is to encourage "patriotism, loyalty, and devotion to God, country and family." Membership is limited to women and includes those who have served or are currently serving in the Navy, Naval Reserve or other military Sea Services. Additional service is allotted to the community as members engage in various activities that benefit the surrounding area.

The women of Waves Unit 52 have dedicated their lives to preserving the security of every American citizen. In conjunction with National Military Appreciation Month, we recognize the initial women of WAVES for employing a bold determination to serve in the war effort and celebrate the outstanding service of all the women who decorate its membership. The women of WAVES have exuded exceptional patriotism and valor and the First District of Florida is honored to house this exemplary organization.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Northwest Florida WAVES Unit 52 for its honorable service and dedication.

CONGRATULATING THE WINONA STATE UNIVERSITY MEN'S COLLEGE BASKETBALL TEAM

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. BACHMANN. Madam Speaker, I rise to congratulate the Winona State University Men's College Basketball team, winners of the NCAA Division 11 College Basketball Championship. A proud Warrior myself, I am honored to recognize the accomplishments of the team and its talented members, and to acknowledge the contributions they make to the University and its surrounding community.

I am especially proud of 3 Warriors from Minnesota's Sixth District: Mr. Ryan Gargaro, Mr. Travis Whipple, and Mr. Max Hintz, all of Woodbury. Their tireless hard work and dedication to their teammates and their University set a great example for all Winona State students.

Senior Ryan Gargaro and junior Travis Whipple are also to be commended for their brilliance off the court. Ryan was named to the 2005–2006 and 2006–2007 NSIC All-Academic Teams. Travis was also named to the 2006–2007 Team, and will be a key leader as he returns next season. Max Hintz is a freshman, and our eyes will be on him as he explores his great promise in the years to come.

Madam Speaker, it is my honor as a Winona State University Alum to congratulate the Men's College Basketball team on its second NCAA Division II Championship in its last 3 seasons. The contributions of its players and these Woodbury residents to the program and the greater University community will serve as a constant reminder to prospective and current students of the true pride and honor that goes in to being a Winona State Warrior.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO CAPTAIN JACK B. HOWEY

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ARCURI. Madam Speaker, I rise today in recognition of Captain Jack B. Howey, a member of my Veterans Advisory Committee who passed away on April 14, 2008.

Captain Howey had 9 years of enlisted service and 18 years of commissioned service in the Active Duty Army, the Army Reserve and the New York Army National Guard. A veteran of the Korean War, he served as an advisor to the South Korean Army. He retired in 1974 from the 204th Engineer Battalion of the New York Army National Guard.

As the Director of the Tioga County Veterans Service Agency and as a member of my Veterans Advisory Committee, he worked diligently to ensure that fellow veterans were getting all the benefits that they deserved in the quickest way possible. He particularly focused on ensuring that veterans had adequate transportation so that they could get to hospitals and outpatient clinics for medical treatment. He also shared his hard work with others by writing articles in the Owego Pennysaver to alert veterans of any news that might be of use to them.

Captain Howey was born on October 24, 1928 in Oneonta, New York, to the late Morris and Eva Burrell Howey. He leaves behind his wife, Audrey; sister, Maureen; son, Clark; stepdaughters Tammy and Ellen; and stepsons Mark, Tom and Henry. He is also survived by his grandchildren: Maria, Randi, Chance, Andrew, Amanda and Justin, and great-grandchildren: Christian, Justin and Shea.

He was involved in many organizations, including serving as past commander and lifelong member of the Owego Veterans of Foreign Wars Post No. 1371 and as a member of the American Legion, Quiet Birdmen, Binghamton Hanger and Harris Hill Soaring Corporation. In addition to his work for veterans, Captain Howey was also an avid pilot who worked as a pilot instructor and examiner.

His exceptional dedication to veterans, as well as his own faithful service to his country and community, is to be commended. I express my deepest sympathies to Captain Howey's family, and the entire Tioga County community, for their loss.

IN RECOGNITION OF SGT. KEVIN HALL AND THE POLICE UNITY TOUR

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize Sgt. Kevin Hall of the Webster Police Department and the Police Unity Tour.

On May 9, 2008, Sgt. Hall will begin a trek to Washington, DC, consisting of 300 miles. He will stop in Liberty Park, New Jersey where he will join about 1,000 officers and continue to our Nation's capitol. The tour will finish in Washington, DC where groups from the north, south and west will converge. On Monday, May 12, the contingent of officers will bicycle to the National Law Enforcement Memorial, to honor all officers who died in the line of duty. This bicycle tour also marks the start of Law Enforcement Week.

Sgt. Kevin Hall has always strived to cheerfully serve and protect his fellow citizens and I am proud to recognize him today. I congratulate Sgt. Hall on joining this important group and I wish him the best in his training and journey. On behalf of the people of the 25th District of New York, I thank Officer Hall for his dedicated service that has been a strong pillar in the community.

RECOGNITION OF DR. ROBERT FRALEY OF ST. LOUIS, MISSOURI AS RECIPIENT OF THE NATIONAL ACADEMY OF SCIENCES' AWARD FOR THE INDUSTRIAL APPLICATION OF SCIENCE

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. AKIN. Madam Speaker, I rise today in recognition of Dr. Robert Fraley who was a recent recipient of the National Academy of Sciences' Award for the Industrial Application of Science.

Every three years, the National Academy of Sciences recognizes one individual for original scientific work of both intrinsic scientific importance and with significant, beneficial applications in industry. This year, Dr. Fraley was honored with this important distinction for developing technologies that have enabled the production of the world's first transgenic crops. These modified plants have increased productivity, reduced chemical use, and profoundly changed global agriculture.

Since the 1980s, Dr. Fraley has been involved in agricultural biotechnology. Often referred to as the father of agricultural biotechnology, Dr. Fraley currently oversees Monsanto's integral crop and seed agribusiness biotechnology and research.

Throughout his distinguished career, Dr. Fraley has contributed to various significant agricultural development activities including authoring more than 100 publications and patent applications relating to technical advances in agricultural biotechnology. In 1999, Dr. Fraley received the National Medal of Technology from President Clinton and was awarded the National Award for Agricultural Excellence in Science by the National Agri-Marketing Association in 1995. Dr. Fraley has also been awarded the Monsanto Edgar M. Queeny Award in recognition of the discovery, development and successful commercialization of Roundup Ready® crops as well as the Monsanto Thomas and Hochwalt Award for recognition of the advances made in basic research in plant biology.

Dr. Fraley is a shining example of the innovative ideas and great leadership that we have in Missouri. I thank Dr. Fraley for his service to the St. Louis community and beyond. I ask that my colleagues join me in congratulating him on this important honor.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ANDREWS. Madam Speaker, I was not present on April 23, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall 209, rollcall 210, rollcall 211, rollcall 212, rollcall 213, rollcall 214, rollcall 215, rollcall 217, and rollcall 219.

I would have voted "nay" on the following: rollcall 208 and rollcall 216.

TEACH ABOUT THE GENOCIDE OF ROMA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I closely monitor incidents of racism and intolerance in the OSCE region. Today, I rise to address the need to foster greater knowledge of the genocide of Roma. I am moved to do so by some recent developments in the Czech Republic.

Too little is known, and too little is understood, about the genocide of Roma during World War II—and that ignorance manifests itself in many ways.

Last year, a tape recording emerged of a local housing committee meeting in the town of Ostrava in the eastern part of the Czech Republic, On this tape recording was the voice of Senator Liana Janackova. who was serving as a local mayor at the time the recording was made. And on this tape recording, Senator Janackova is heard to say: "Unfortunately, I am a racist. I disagree with the integration of Gypsies so that they would live across the area. Unfortunately, we have chosen the Bedriska (colony) and so they will stay there, with a high fence and with electricity." She was also heard to say that she had no place to move the Roma and would therefore like to dynamite them away.

News reports say that the Senator has since apologized and called her remarks "silly" and explained that they were not directed against all Roma, just some Roma.

Last week, this case was back in the news because the Czech Senate declined to lift Senator Janackova's immunity, a necessary step for prosecutors to charge her under the Czech Republic's laws that make defamation of a nation, ethnic group, race or faith a crime.

There has already been considerable criticism of the Czech Senate's 54 to 13 vote. According to news reports, those who voted against lifting Senator Janackova's immunity argued that she didn't make those remarks with a racist intent. Senator Janackova declared herself to be a racist and talked about dynamiting members of the Czech Republic's most persecuted minority, but they didn't think she had a racist intent. Frankly, I'm having a little trouble following that logic.

The fact is, this case illustrates one of the many ways in which hate speech laws stray from their original purpose and, often, don't work the way they were intended.

Now, I am not an advocate of hate speech laws as a means to address racism and intolerance. It is perhaps worth recalling that just a few years ago in the Czech Republic, a Romani woman cursed the wall that had been built in Usti nad Labem to separate Roma from non-Roma. In an extraordinary miscarriage of justice, she was convicted of hate speech for doing so. If not pardoned by Václav Havel, she would've gone to prison. And Romani activist Ondrej Gina was threatened with hate speech charges for saying his town was racist.

From where I stand, there are just too many cases where people are charged under hate speech laws not because they have fomented racial hatred, but because they have offended the national or local government's political sensitivities.

So I am not here to make the case for prosecuting people for the content of their speech, or to argue that Senator Janackova should go to jail for what she said. Instead, I rise today to recommend that Senator Janackova visit the Romani camp at Auschwitz.

During World War II, Roma were targeted for death by the Nazis based on their ethnicity. At least 23,000 Roma were brought to Auschwitz—including many from the concentrations camps at Lety and Hodonin. Almost all of them perished in the gas chambers or from starvation. exhaustion, or disease. Some Ronia also died at the hands of sadistic SS doctors, like Joseph Mengele. In fact, a young Czech woman, Dina Babbitt-Gottlieb, also interned at Auschwitz, was forced to paint portraits of Roma for Mengele, who particularly liked to conduct gruesome medical experiments on Roma.

On the night of August 2nd and 3rd, 1944, the order was given to liquidate the Romani camp at Auschwitz. In a single evening, 2,897 Romani men, women and children were killed in gas chambers. In the end, almost the entire Romani population of the Czech lands was exterminated during the Nazi occupation.

I don't know Senator Janackova. But I'd bet she has not been to the Romani camp at Auschwitz. Maybe she has not even been to the Museum of Roma Culture in Brno. Maybe she could view the collection of photographs of Czech Romani Holocaust victims that have been displayed in Prague. Maybe she could even help secure the resources to remove the pig farm from the site of the Lety concentration camp, as called for by many Romani activists and some government officials.

So I'm not calling for Senator Janackova go to jail. But I would like it if she could visit the Romani camp at Auschwitz. I think she would learn a lot there—she might even learn that words can have real consequences.

GREAT LOSS OF ALFRED BARNES

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. CASTOR. Madam Speaker, I rise today in honor of a great educator and leader, Alfred "Al" Barnes. The Tampa Bay community suffered a great loss on April 22, 2008 when he passed away.

Mr. Barnes grew up in the North Boulevard Homes in West Tampa and graduated from Middleton High School in 1956. He went on to Fort Valley State College on a full football scholarship, where he completed his Bachelor of Science. Upon graduation, Mr. Barnes began his career in education. His first assignment was as a P.E. teacher at the all-black Progress Village Elementary. But as segregation ended and Tampa worked to integrate its schools, Mr. Barnes was transferred to the then all-white Riverhills Elementary in 1965. It was a difficult time to be a black man in a white school, but Mr. Barnes' dedication to children and love of teaching moved him onward. In 1969 he became Tampa's first black varsity coach at Hillsborough High School, and for 25 years, he was the human relations specialist at Plant High School, helping at risk students.

Over his 40-year career in education. Mr. Barnes taught generations of Tampa students about acceptance and understanding, and his efforts are well remembered by them today. As Olga Barnes, his wife of 45 years puts it. "The children fell in love with him, and he fell in love with them." Tampa Mayor Pam Iorio, Mr. Barnes' former student, considers him a role model and appointed him to the Tampa Sports Authority. Carlye Morgan, a member of my staff in DC, is a graduate of Plant and was a member of the Student Advisory Committee, a student club that Mr. Barnes started to promote race relations and leadership at the school. She remembers his capacity to bring students of all backgrounds together to work on common goals. "He gave me the chance to be a leader at my school and taught me the power of mutual respect and acceptance. And students knew he was the type of teacher they could always come to if they needed help."

Outside of school. Mr. Barnes loved to scour flea markets for jewelry. A pocket watch and antiques collector, neighbors and friends rarely saw him without a healthy dose of his latest finds glittering back at them. As a member of First Baptist Church of College Hill, his collection of African artifacts was always a hit with the congregation during Black History Month.

Madam Speaker. Al Barnes will he greatly missed by me and my community. Tampa is a more loving and accepting place because of his dedication to our children. My thoughts are with Olga, his children Alfred and Zane, and his grandchildren, Luisa, Angelita, Andy, Brian, Kayla, and Kelsey.

HONORING GREENE COUNTY

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday April 29, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to Greene County and Greeneville, Tennessee. Both celebrated their 225th anniversary on April 26.

Greene County was originally formed by the North Carolina Legislature on April 26, 1783 and just two years later, it because part of the state of Tennessee during the split of the State of Franklin. Today it still shares the pristine mountains, abundant history, and rich culture that it did 225 years ago.

Greene County has become a thriving tourist destination with its abundant history and the many restorations throughout the county.

Located in the foothills of the Smoky Mountains, Greene County is one of the largest counties in Tennessee and hosts Greeneville; Tennessee's second oldest town.

Our 17th President, Andrew Johnson, who took the presidency after Abraham Lincoln, also calls Greene County home and is where he was finally laid to rest in 1875.

Celebrated hero, American folklore legend, and former Member of the United States House of Representatives, Davy Crockett was born in Greene County.

Tusculum College, which calls Greene County home, was founded in 1794 and is Tennessee's oldest college. Tusculum also is the oldest educational institution to be affiliated with the Presbyterian Church.

Greene County's Civil War ties are abundant and the county played a pivotal role in the Civil War. The county was mostly made up of Unionist sympathizers and the Greeneville Convention of 1861 was Tennessee's largest and most important pro-Union meeting in the weeks prior to the Civil War. Furthermore, after the Confederate loss at the battle of Knoxville in 1863, General James Longstreet intended to stay the winter in Greeneville.

Greene County's historic production of burley tobacco led to prosperity in the late nineteenth century. After years of being one of the region's most important tobacco markets, the University of Tennessee Extension Service has invested in an experimental farm just outside of Greeneville which provides students with unique learning opportunities.

I would like to honor all who have had a hand in shaping the historic past of Greene County and those who will continue to shape Greene County for many years to come. Madame Speaker, as you can see, history, heritage, and culture are major characteristics of the First District, Greene County, and Greeneville. I ask my colleagues to honor and share Greene County and Greeneville's 225th anniversary celebration here today.

CONGRATULATING BRIDGER HIGH SCHOOL

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. REHBERG. Madam Speaker, I rise today to recognize Bridger High School of Bridger, Montana for their 2008 Grammy Signature School Enterprise Award. With this prestigious award for academic excellence in music, Bridger High School receives a $5,000 grant to use for improvement in their music department. These funds will also help this school's music department improve the quality of their program to a level that will allow them to compete for Grammy Signature School status in years to come.

The Grammy Signature School program was created by the Grammy Foundation in 1998. Through a stringent application process that begins in September with notifying over 20,000 schools nation-wide each school year, public high schools from a variety of large, small, urban, and rural districts are encouraged to send information regarding each school's music program. After each application is reviewed, finalists are chosen and then required to submit additional documentation including recordings of school concerts and programs. The Grammy screening committee then reviews each finalist to determine the winners. Bridger High School is the first school in Montana history to win the Enterprise Award.

Bridger, Montana is a small agricultural community of approximately 750 residents located in south-central Montana. Bridger High School is part of a K-12 school with 199 students. The music department has one teacher, Mrs. Michel Sticka. Since Mrs. Sticka joined the staff six years ago, the music department has grown from a handful of students to the exceptional program it is today. The fact that Mrs. Sticka has built this music program from the ground up is phenomenal, especially considering the relatively small size of the school. Her music program consists of a high school choir, band, pep band, and jazz band, as well as a junior high cadet jazz band, 5th grade band and 6th–8th grade music.

All Montanans can be proud of this outstanding contribution to music education. The hard work and dedication of Mrs. Sticka and her students is certainly well-deserving of the 2008 Grammy Signature School Enterprise Award.

I ask that Mrs. Michel Sticka, Bridger High School, and the high school music students be added in my comments today.

Music Teacher: Mrs. Michel Sticka

Superintendent: Mr. John Ballard

Students: Benton Asbury, Katryna Asbury, Samantha Bobby, Jon Bostwick, Devon Cabellero, Jenny Cooke, Jessica Denney, Karissa DeRudder, Sommer Dykstra, Rebekah Edelman, Hayden Forsythe, Hannah Goetz, Jacey Griswold, Elliott McCarthy, Forrest McCarthy, Kimberly McClurg, Heidi Mudd, Wendi Mudd, Taran Murray, Lenore Pierson, Cole Schwend, Edward Stevenson, Andrea Sticka, Bailee Vaughn, Ryan Witt, Kyla Young, Tyler Young, Brittany Zentner.

RECOGNIZING DARKNESS TO LIGHT OF CHARLESTON, SOUTH CAROLINA DURING NATIONAL CHILD ABUSE PREVENTION MONTH

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. BROWN of South Carolina. Madam Speaker, as you know, April is Child Abuse Prevention Month. I would like to take this opportunity to tell you about an organization in my home town of Charleston, South Carolina that was started just eight years ago to prevent one of the most horrific aspects of child abuse: child sexual abuse.

Statistics show that one in four girls and one in six boys will be sexually abused by the age of 18. Further, 90 percent of child sexual abuse offenders are in an authority position over the children they are abusing, making it difficult for children to speak out or confront the abuse.

Ms. Anne Lee of Charleston founded Darkness to Light™ in 1999 with the core belief that adults should be responsible for the care and protection of children. Darkness to Light seeks to reduce the incidence of child sexual abuse by shifting the responsibility from children to adults. Their Stewards of Children™ training program teaches adults to prevent, recognize and react responsibly to child sexual abuse. It was recently named "Crime Prevention Program of the Year" by the National Crime Prevention Association.

This training program is being utilized by youth-serving organizations, as well as individuals and businesses who want to respond to the epidemic nature of this problem. Darkness to Light also offers Stewards program in a fully interactive, on-line format.

To date, over 120,000 adults in 47 U.S. States and territories—as well as nine foreign countries—have completed the Stewards of Children training. I commend Anne Lee and all of her colleagues for creating this important child protection program, and I encourage you all to visit the Darkness to Light website at *wwwD2L.org* to get the necessary information to protect children from child sexual abuse.

HONORING THE EAGLE SCOUTS OF BOY SCOUT TROOP 10 OF LOWER MAKEFIELD

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the 10 recipients who have achieved the rank of Eagle from Boy Scout Troop 10 in Lower Makefield, Pennsylvania. This troop has a long and notable history of improving Bucks County through various service projects and community outreach programs.

On May 4, 2008, 10 members of the Boy Scout Troop 10 will receive their Eagle Badge at the Troop's Eagle Court of Honor ceremony. Becoming an Eagle Scout is the highest honor a Boy Scout can receive and reflects the high expectations the Boy Scouts of America have of their members. Only about 5 percent of Boy Scouts will go on to receive their Eagle Scout rank. This award reflects proficiency in several areas such as leadership and outdoor skills as well as years of dedication and hard work serving one's community.

The dedication of Troop 10 to the principles of scouting is evident in the hard work and dedication the Scouts showed in completing their various Eagle Scout service projects. Max Lee Telsey, Assistant Quartermaster, worked on several construction projects to improve the Cornerstone Church in Philadelphia. Stuart Nyal Taylor, Senior Patrol Leader, restored a historically accurate fence at Pennsbury Manor. Benjamin Lawrence Caggia, Assistant Senior Patrol Leader and Troop Guide, spray painted house numbers on the street curbs for emergency service responders in the Heather Ridge and Yardley Run neighborhoods. Owen Lynn, Assistant Senior Patrol Leader, assembled and delivered 346 meals for Aid for Friends. Jacob Robert Vandenburg, also an Assistant Senior Patrol Leader, constructed a shelving unit for the American Red Cross's new Disaster Services readiness storage unit in Lower Bucks County. Jared Michael Slaweski, Troop Guide and Quartermaster, renovated a community nature trail and worked on bridge and sign construction for Lower Makefield Township. Ryan Mathew Bender, Quartermaster, designed and built an outdoor family recreation area at the Bucks County Housing Group. Andrew Maxwell Sing, Quartermaster and Troop Scribe, installed shelves in the childcare supply closet, reconditioned a resident bathroom and organized the donation room for the Levittown American Red Cross Shelter. Robert James Pennington, Troop Guide, reconditioned a community nature trail for Lower Makefield Township. Colin Steuart Johnston, Quartermaster, organized and collected $1,500 worth of snacks for the healthy snack food drive for the American Red Cross of Lower Bucks County.

Boy Scout Troop 10 of Lower Makefield and its 10 recipients of the rank of Eagle are exceptional examples of how a group of dedicated individuals can truly better the lives of those around them. The outstanding work of Troop 10 and the Eagle Scouts has significantly improved the Bucks County community. Madam Speaker, I am proud to represent Boy Scout Troop 10 and grateful for the opportunity to recognize those attaining the rank of Eagle Scout.

IN RECOGNITION OF NEW YORK ARTISTS EQUITY ASSOCIATION'S 60TH ANNIVERSARY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. NADLER. Madam Speaker, I rise today in recognition of New York Artists Equity Association (NYAEA), now celebrating its 60th anniversary.

NYAEA's advocacy for legislation on behalf of visual artists is matched only by its dedication to the development of the visual arts in our communities, placing the New York artistic world in the context of the larger society, as a necessary component that enriches all of our lives.

Significantly, the Association promotes emerging American and international artists in its Broome Street Gallery. In 2006, the organization established the Jacob and Gwendolyn Lawrence Awards Fund, which finances solo exhibitions for emerging and under-recognized artists. I had the pleasure of meeting Jacob Lawrence, a renowned artist and past president of NYAEA at their 50th anniversary celebration, when Al Hirschfeld honored me by putting both of us in one of his drawings.

Madam Speaker, I particularly commend NYAEA, under the leadership of its Executive Director, Regina Stewart, for supporting visual artists at a time when they receive no help from the government. The Association provides referrals, legal services, and health care to visual artists in need, helping to ensure economic stability for those artists who might otherwise be forced to abandon their talents due to economic difficulties. New York Artists Equity Association works to preserve endangered visual art work, helping to assure the survival of our rich artistic past.

I am proud that NYAEA is in my Congressional District, and that its work reaches far beyond my District to help visual artists in the larger community. I wish to thank the Association for all it has done to advocate for the visual arts, and I also want to thank one of the Association's Past Vice Presidents, Doris Wyman, who serves on my Arts Advisory Committee, for her tireless advocacy. Because of my on-going work with this fine organization and their leadership, I know of their constant efforts and I commend them.

For 60 years, NYAEA has been a passionate advocate for visual artists. I salute New York Artists Equity Association for helping to assure a stable artistic community—one that is, and always must be, recognized as vital to our heritage and culture.

HONORING THE RECORDING FOR THE BLIND AND DYSLEXIC FOR THEIR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. DELAURO. Madam Speaker, as we celebrate National Volunteers Week, I rise today to recognize the outstanding efforts of the Recording for the Blind and Dyslexic—a national non-profit, volunteer organization that, for 60 years, has been the leading producer of accessible education materials for students with disabilities. I would like to extend a special note of thanks and appreciation to the Connecticut chapter led by my good friend, Anne Fortunato.

"Education is a right, not a privilege." That was the mantra of Anne T. Macdonald, founder of the Recording for the Blind and Dyslexic. Shortly after the end of World War II, letters began flooding the New York Library's Women's Auxiliary from soldiers who had lost their sight during combat but were eager to move forward with their lives. The new GI bill guaranteed them a college education but among the many obstacles they faced was access to college textbooks. These veterans were hoping for any assistance the auxiliary could provide and they developed a creative solution that continues to benefit others today.

The women transformed the attic of the New York Library into a recording studio where volunteers began recording textbooks for the servicemen. In just 3 short years demand had grown so much the organization was incorporated as the Nation's only nonprofit to record textbooks. The following year, Anne Macdonald traveled across the country to organize recording studios in other communities. Today, there are a total of 30 studios nationwide and the organization has expanded its mission to provide education materials for students of all ages coping with various disabilities.

One of those studios is the Connecticut unit located in New Haven which was established in 1959 and has since become a model for other communities. The Connecticut unit has been a leader for the organization since their inception. A testament to the quality of production, shortly after their establishment the Connecticut unit was selected by the national headquarters for a very special and prestigious project—the recording of the complete works of nine American authors including Samuel Clemens, Stephen Crane, Ralph Waldo Emerson, Nathaniel Hawthorne, William Dean Howells, Washington Irving, Herman Melville, Henry David Thoreau, and Walt Whitman.

Today, the Connecticut unit specializes in the production of science and technology books. Led by Anne Fortunato, a respected advocate and distinguished leader in education, the Connecticut unit operates a studio with six soundproof booths and utilizes over 160 volunteers along with a small paid staff to record books for hundreds of Connecticut residents and thousands of people across the country. I have been a proud supporter of the Connecticut unit for more than a decade and it is always an honor for me to go to the studio each year to record pieces on their behalf. Their work and that of the other studios across the country are making all the difference—ensuring that a quality education is an opportunity for all and truly making education a right and not a privilege.

This week, as we recognize the invaluable contributions made to all of our communities by volunteers, I am proud to stand and pay tribute to the Recording for the Blind and Dyslexic and the hundreds of individuals who volunteer their time to make their mission possible. There are no words of praise that can describe the extraordinary impact of this organization. There is no doubt that their good work will continue to open the doors of opportunity to others for generations to come.

HONORING THE LIFE OF BRENDA BUSH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of Northwest Florida's beloved Brenda Bush.

A native of Andalusia, Alabama. Brenda Bush moved to Crestview, Florida, located in Florida's First Congressional District, in 1986—a place where her footsteps were planted and will never wash away.

Mrs. Bush was an active member in the business, civic, and church communities. In 1993, Brenda Bush was elected to the Crestview City Council, where she continually served her community with passion and commitment to excellence. Mrs. Bush was also a member of the Okaloosa County League of Cities, Northwest Florida League of Cities, Okaloosa-Walton Transportation Planning Organization, and Economic Development Council. An active member of First Baptist Church of Crestview, Mrs. Bush served on various committees and as a Sunday school teacher. She was a member of the North Okaloosa Unit of the American Cancer Society, Woman's Club of Crestview, and Crestview Area Chamber of Commerce. Her service to the Northwest Florida community was not uncommon to all who knew her and all who were blessed by her presence, as it played a role in her daily life.

To some Brenda Bush will be remembered as a public servant and dear colleague, and to others an educator and volunteer. She will long be remembered by her family and friends as a woman of strong Christian faith, a loving and compassionate mother, grandmother, wife, and companion; and we will all remember her passion and generosity. Mrs. Bush touched a number of lives. We will forever be grateful and forever be inspired by her life.

Mrs. Bush is survived by her husband, Jim, three children, and three grandchildren. To her family and friends, I would like to offer my sincere condolences. Northwest Florida has suffered a great loss.

Madam Speaker, on behalf of the United States Congress, I am proud to honor the life of Brenda Bush and her living legacy.

TRIBUTE TO MR. ROLAND ROEBUCK

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. CHRISTENSEN. Madam Speaker, I rise to congratulate Mr. Roland Roebuck, on the occasion of his retirement. Mr. Roebuck is a Virgin Islander who has served the Government of the District of Columbia, his adopted community, in an exemplary manner, for 25 years. Roland, or Rolando, as those in the Hispanic community affectionately refer to him, has been an advocate for the social, economic and political causes of people of color.

Roland grew up on St. Croix, the protégé of a Puerto Rican mother and a Crucian father, where he was able to bridge the two cultures and gain the best of both worlds.

Later, he served in the U.S. Air Force, giving back to the Nation that he loves, before furthering his education and earning a Bachelor of Arts degree from the University of the District of Columbia.

In 1984, Roland joined the District of Columbia Government and worked in various positions over the years. He excelled in ensuring that the rights of Latinos were protected and facilitated the understanding of their cultures and more.

As a guardian of culture, Roland travelled around the world, giving lectures and workshops in understanding the lives of others who were different. As a former board member of the St. Croix Landmark Society, he used the opportunity to dialogue with the people of Denmark, a country that sold the then Danish Virgin Islands to the United States for $25, 000,000 in 1917, to preserve and incorporate their influences on the lives of Virgin Islanders. He assisted in developing an archival program that has allowed my constituents to search their genealogical connections and get a sense of their ancestry.

Roland is a dependable, compassionate person, who truly cares about those with whom he has come in contact. His responsiveness to those who seek his knowledge and wisdom, speak to his dedication. He is always there, giving support to his family, friends and community and he has left a fitting legacy in the Government of the District of Columbia that others will do well to exemplify.

Madam Speaker, on behalf of myself and my family, my entire staff and the communities of the United States Virgin Islands and the District of Columbia, let me express our gratitude to Roland for his many contributions over the years. We know that he will continue to work on behalf of his many causes as he begins his retirement. Roland, thank you for a job well done.

HONORING THE YOUTH EDUCATIONAL SERVICES OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the 40th Anniversary of Youth Educational Services, an innovative community-based organization at Humboldt State University in Humboldt County, California.

Youth Educational Services (YES) trains students for volunteer positions throughout the community, encouraging leadership, communication and interpersonal skills. This well-directed service aids students in becoming successful in all aspects of program direction and management. The skills developed at YES open up a variety of future career opportunities and many students who once served as volunteers have gone on to have a positive impact in Humboldt County and around the world.

Over the past 40 years, YES has created over 70 volunteer programs that address the diverse needs of local residents and provide students with a myriad of service-learning opportunities. Their efforts facilitate active student participation in social change by addressing the needs of the local community.

A wide range of local organizations began as programs at Youth Educational Services, contributing to the overall health of our community. Outstanding examples include, Humboldt Open Door Clinic, which provides high quality, affordable, accessible health care and education to the county; Humboldt State University's Campus Center for Appropriate Technology, an on-campus educational center for sustainable technology and resource conservation; and 4–H Trail, a therapeutic horseback riding program for children with disabilities.

Madam Speaker, it is appropriate that we recognize the Youth Educational Services program at Humboldt State University for their outstanding achievements and contributions to the community over the last 40 years.

HONORING THE 75TH ANNIVERSARY OF THE SOUTH BEND SYMPHONY ORCHESTRA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. DONNELLY. Madam Speaker, I rise today to honor the 75th anniversary of the South Bend Symphony Orchestra. The South Bend Symphony Orchestra has been an integral part of cultural growth in the South Bend community since its inception in 1932. Thanks to the efforts of the orchestra's first president and concept manager Ella May Morris, people from around the world have enjoyed the opportunity to hear the South Bend Symphony perform for over seven decades.

I should first pay tribute to the tireless efforts of Maestro Tsung Yeh, the music director and conductor of the symphony orchestra. His nineteen-year tenure at the South Bend Symphony Orchestra helped it become an outstanding orchestra. Maestro Yeh is praised around the world for conducting the South Bend Symphony and at venues in Singapore.

I also recognize the group of talented musicians that comprise the South Bend Symphony Orchestra. These professional musicians moved to our community from the finest music schools and conservatories around the world. We are grateful for their gifts to the community.

Finally, I thank the South Bend community for continually supporting the South Bend Symphony Orchestra. I am proud to be a member of a community that invests in maintaining cultural diversity through continued patronage of the arts.

The South Bend Symphony Orchestra has achieved a memorable milestone. I offer my congratulations to the musicians, Maestro Tsung Yeh, the symphony's board, the many financial donors, and the greater South Bend community for helping the orchestra complete 75 wonderful years.

A TRIBUTE TO OUR TROOPS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WILSON of South Carolina. Madam Speaker, poet and capitol tour guide Albert C. Caswell has penned a number of heartfelt tributes to our military, and recently he wrote a piece dedicated to the "magnificent men and women who've given their lives to keep freedom alive."

ALL THEY ASK

(By Albert Carey Caswell)

A young man or woman goes off to war this day,
Followed with them by so many splendidly fine heroes on their ways. . .

Courageously fine Men and Women, with 'oh so such magnificent hearts so very brave!
But, all they ask. . .
As they do not cry, nor do they complain. . .
Knowing full well, that they may never so see their loved ones again!
With but just one final kiss, with just one final hug goodbye . . . wishing somehow to so remain!
But, all they ask. . .

As there they go, upon their most courageous ways. . .
All heading, straight out into that dark face of hell . . . as do they!
America's finest, her greatest of all patriots . . . all of whom, to us the word heroism is portrayed!
But all they ask. . .

Splendidly fine heroes, who are but willing to die. . .
Who go where Angels so fear to tread, and do not ask why. . .
With 'oh such brave hearts, who so dare to take up our beloved nation's battle cry!
But, all they ask. . .

Army, Navy, Coast Guard, Air Force and Marines,
All with 'oh so such heroic hearts, there as seen . . . who just like all of us, all have the same such dreams!
Who all have families so beloved, all within their hearts of love . . . carried with them where they so convene.
But, all they ask. . .

As this the burden they so gladly take,
While, so very unselfishly their own lives they so forsake!
As this their gifts to God and Country, are of the greatest sacrifices . . . let none this so mistake!
But, all they asked. . .
For they are not looking for money, nor are they fame. . .
Nor, do they even so care if you but so remember their most magnificent names. . .
All for love of country, so stands the reason why . . . all of these most splendid heroes here so came!
But, all they ask. . .

For all they want and all they ask!
Is but, for you to stand behind them forever there steadfast!
And as the battle rages on, all they pray for is for your support to carry on . . . and to last!
That's, all they asked!

A young Hero died today. . .
While, it was he or she . . . who here so showed us all the way!

And now, as they lower this Most Splendid
Hero . . . this Most Magnificent Patriot into their grave. . .
But, did you give them all that they asked
. . . is that but what you gave?
That's all they asked!

INTRODUCTION OF THE PROTECTING AMERICANS FROM UNSAFE FOREIGN PRODUCTS ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Protecting Americans from Unsafe Foreign Products Act.

I have been alarmed by the steady stream of defective, foreign-manufactured products flooding our marketplace. From the millions of toys recalled because of lead paint to heparin, the tainted blood thinner that caused at least 81 deaths and scores of injuries, it has become increasingly clear that our health and welfare have been compromised by foreign-made products.

I am also concerned that foreign manufacturers have gained an unfair advantage over U.S. manufacturers because foreign manufacturers have avoided liability for defective products in our marketplace. Because of the difficulties associated with serving process on and establishing jurisdiction over foreign manufacturers, many Americans harmed by defective foreign-made products never get their day in court. That is why I am introducing the Protecting Americans from Unsafe Foreign Products Act. This legislation would help eliminate the unfair competitive advantage enjoyed by foreign manufacturers and ensure that they can be held accountable for injuries consumers suffer as a result of defective products.

The legislation amends current law to facilitate service of process on foreign manufacturers by permitting service on manufacturers wherever they reside, are found, have an agent, or transact business. Service of process and personal jurisdiction is proper so long as one of the following two criteria is met: (1) the manufacturer knew or reasonably should have known that the product or component would be imported for or use in the U.S.; or (2) the manufacturer had contacts with the U.S. whether or not such contacts occurred in the place where the injury occurred.

Given the increase of imported products that do not meet U.S. standards for health, safety, and quality, and the fact that neither the Consumer Product Safety Commission nor the Food and Drug Administration have effectively prevented the importation of defective products, more consumers have become endangered. This legislation will improve accountability of foreign manufacturers and promote consumer safety, and I urge all my colleagues to join as cosponsors.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. PUTNAM. Madam Speaker, on Tuesday, April 22, 2008, I was not present for three votes. Please let the record show that had I been here, I would have voted: "Yea" on H. Res. 981—Recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States and worldwide; "yea" on H.R. 5151—Wild Monongahela Act: A National Legacy for West Virginia's Special Places; and "yea" on H.R. 831—Coffman Cove Administrative Site Conveyance Act.

IN RECOGNITION OF NEW YORK COUNTY LAWYERS' ASSOCIATION CENTENNIAL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. NADLER. Madam Speaker, I rise today in recognition of the New York County Lawyers' Association (NYCLA) which is celebrating 100 years of hard work and dedication in providing services to the legal profession and the public of New York City.

The New York County Lawyers' Association was founded one hundred years ago for the purpose of combating systemic exclusion of lawyers from bar membership on the basis of race, religion, ethnicity and sex.

In the past century, the Association has grown to 10,000 members, earning national prestige for its commitment to promoting the public interest. The NYCLA has continuously pursued the administration of justice through reforms in the law, by elevating standards of integrity and professionalism in the legal field, and by providing free legal services for those in need.

Over its long history, the NYCLA has sponsored countless initiatives that have contributed to the improvement of New York's justice system. The Association has played a major role in the reduction of court congestion, the rehabilitation of delinquent children, the implementation of anti-discriminatory provisions of the Internal Revenue Code, and the attainment of higher compensation for attorneys representing the indigent.

NYCLA has also issued many highly influential reports and resolutions to call attention to shortages of our legal system. These include calling for measures to reduce false confessions in criminal trials, ensuring right to counsel for residential tenants in Housing Court who cannot afford representation, and securing just compensation for judges.

The Association further offers a variety of meaningful Pro Bono Projects that provide counseling and representation to the low-income, indigent and other persons in need. Included among these are projects that provide assistance to lay guardians with low assets, basic estate-planning documents to low-income persons, and counseling in the areas of family, employment, consumer bankruptcy and landlord/tenant law.

Consistently, the Association has worked to meet the changing needs of legal practice in the 21st century. The Association's highly acclaimed Continuing Legal Education Institute offers attorneys a variety of educational programs. NYCLA also facilitates public awareness and education on a wide array of issues through its forums and lecture series.

Today I rise to recognize and congratulate The New York County Lawyers' Association for 100 years of outstanding and dedicated service to the people of New York and for its groundbreaking work in furthering the administration of justice.

TRIBUTE TO THE WINONA STATE UNIVERSITY WARRIORS

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WALZ of Minnesota. Madam Speaker, it is with great pleasure that I congratulate the Winona State University Men's Basketball team for winning the 2008 National Collegiate Athletic Association Division II Men's Basketball National Championship with a victory over Augusta State University (Ga.) by a score of 87–76 in Springfield. Massachusetts.

This victory, which came 1 month ago on March 29, 2008, marked the second national championship for the Warriors in 3 years.

This team's accomplishments are almost too many to list. This was their third straight trip to the national championship. They have won the North Central Region title nine times in a row. They have won three straight Northern Sun Intercollegiate Conference titles.

In 2006–07, they broke the NCAA Division II consecutive win record by winning 57 straight games.

In 2008, the Warriors finished the season with a record of 38–1, an NCAA Division II record for most victories in a season by an NCAA Men's Basketball Team. Over the past 3 years, they have posted an overall record of 105–6.

The Warriors were coached to these accomplishments, as well as their second national championship, by head coach Mike Leaf, who has been named the Northern Sun Intercollegiate Conference Coach of the Year four times.

This team was led by five seniors—John Smith, Jonte Flowers, Quincy Henderson, Shane Neiss and Brent Riese—who accrued a record of 129–17 in their 4 years together.

Following the 2008 Championship game, Jonte Flowers was named the 2008 NCAA Division II Elite Eight Tournament's Most Outstanding Player, while John Smith was named the NCAA Division II Player of the Year by three separate publications.

Congratulations to the Warriors! I look forward to your next National Championship!

CONGRATULATING AUSTIN J. BURKE, RECIPIENT OF THE 2008 AMERICANISM AWARD FROM B'NAI B'RITH AMOS LODGE 136, SCRANTON, PA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Austin J. Burke, president of the Greater Scranton Chamber of Commerce, recipient of this year's Americanism Award from B'nai B'rith Amos Lodge 136 in Scranton.

The Americanism Award honors outstanding community leaders for their dedicated public service. Mr. Burke was selected for this honor by past Americanism Award recipients and representatives of various service and community organizations including the United Way of Lackawanna County, Scranton Rotary and Lions Clubs and UNICO.

Mr. Burke has worked in the community development arena since 1972. He was named president of the Greater Scranton Chamber of Commerce in 1981. At the Chamber, he has worked with area leaders to craft responses to community needs with programs like Skills in Scranton and Leadership Lackawanna. Throughout the country, Austin is recognized as one of the most successful economic development leaders, and we are indeed fortunate that he chose to dedicate his career to serving Greater Scranton.

He was an incorporator of Montage Mountain Inc. and worked to bring Steamtown National Historic Site to Scranton. He has participated in national convocations including the White House Roundtable, the U.S. Chamber Business Civic Leadership Conference and the American Assembly: Retooling for Growth.

Mr. Burke is also a board member of the International Economic Development Council, Commonwealth Financing Authority and the Ben Franklin Technology Development Authority.

He is the chairman of the Lackawanna County Workforce Investment Board, a past chairman of the Scranton Area Foundation and a member of the board of trustees of Marywood University. He is also a former trustee and chairman of the Facilities Committee of the University of Scranton which awarded him an honorary Doctor of Laws degree in 1998.

A veteran of the United States Air Force, Mr. Burke received his bachelor's degree in economics from Dickinson College where he was elected to Phi Beta Kappa. He is a graduate of the Chamber of Commerce Institute for Organization Management.

On a personal note, let me express my appreciation for the extraordinary friendship that Austin has extended to me over the years. I am grateful for his partnership in service to Northeastern Pennsylvania.

A resident of Archbald, PA, Mr. Burke resides with his wife, Marianne.

Madam Speaker, please join me in congratulating Mr. Burke on this auspicious occasion. Mr. Burke's extraordinary contributions to his community have earned him a reputation as a leader among leaders and his efforts have greatly improved the quality of life throughout the northeastern Pennsylvania region.

HONORING WAWONA MIDDLE SCHOOL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Wawona Middle School upon celebrating their 50th anniversary. The school will celebrate the anniversary with current and former staff and students at an open house to be held on Tuesday, April 22, 2008.

Originally named Wawona Junior High School, Wawona first opened its doors for the 1957–1958 school year, and became part of the Bullard Unified School District. Due to the location of the school, Wawona was named for an important area of the southern part of Yosemite National Park. "Wawona" is a local Indian name meaning "big tree." The people that helped to build Wawona were Superintendent Westin M. Alt, President of the Board of Trustees Carroll H. Baird and board members Harry Bud Buck, Dr. William Adams Jr., Dr. William Beatty, Jr. and Robert McMahan.

Wawona Middle School is now part of Fresno Unified School District. The school was originally located on the outskirts of Fresno, but today it is in the middle of an urban sprawl. As the area has grown and developed, so has the school. In 2000, Wawona began looking into developing a Pre-International Baccalaureate Middle Years Programme to enhance the academic program of the school. This program started in 2003 with about sixty sixth grade students and has grown in size each year since. For the 2006–2007 school year, Wawona Middle School had 870 sixth, seventh and eighth grade students enrolled in the school.

Madam Speaker, I rise today to commend and congratulate Wawona Middle School on 50 years of dedicated service to providing a solid education to the students of Fresno. I invite my colleagues to join me in wishing Wawona Middle School many years of continued success.

TRIBUTE TO DR. FRANK BROWN

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WESTMORELAND. Madam Speaker, on behalf of the people in Georgia's 3rd Congressional District, I rise today to pay tribute to the distinguished service of Dr. Frank Brown, longtime president of Columbus State University.

The longest-serving president in the University System of Georgia will retire this spring after 20 years at the helm. While his time on the job draws short, his legacy at CSU stretches long.

During Dr. Brown's tenure, Columbus State has experienced extraordinary growth and progress. He transitioned the school from a college to a university that now boasts more than 50 undergraduate programs and more than 35 master's or specialist's programs. The school's expansion includes numerous new academic facilities, new housing for more than 1,200 students and a clock tower that has become a symbol of the university and the center of campus life. The school also has developed a downtown campus called RiverPark that houses 350 students and the arts, theater and music departments.

The academic caliber of the university has grown also under Dr. Brown's leadership. The D. Abbott Turner College of Business is now among only about 27 percent of business schools in the country accredited by the Association to Advance Collegiate Schools of Business; and the College of Education was recently re-accredited by National Council for Accreditation of Teacher Education. Additionally, the nursing, art, theater, music and counseling programs have all achieved national accreditation in their disciplines, a mark of clear distinction in academic circles.

The most recent indication of the university's level of respect may be the success of CSU's capital campaign, An Investment in People. When the campaign was first being considered in the late 1990s, many considered the originally proposed goal of about $35 million too ambitious. At its conclusion, the campaign exceeded $100 million, thanks to an unbelievably supportive community, a wide-reaching team of dedicated volunteers and the partnerships established over the years.

The success of CSU under Dr. Brown has benefited the community of Columbus at large, according to Chamber of Commerce President Mike Gaymon. "Thanks to Frank's leadership, the university has expanded to bring three of its schools downtown to make art, music and theater a major part of UpTown Columbus," Gaymon said. "Dr. Brown has led a renaissance at CSU."

Dr. Brown's good works off campus complement his accomplishments on campus. He was the 1994 volunteer of the year for the Lung Association of Georgia and he's also contributed his time to the American Red Cross. He's a member of the Columbus First Baptist Church and the Columbus Rotary Club, and he's been involved with the Greater Columbus Chamber of Commerce, the United Way, the Georgia Council on Economic Education and the Boy Scouts of America.

When announcing his retirement from Columbus State, Dr. Brown said the time was simply right for a new leader to build on the successes of the past 20 years. Admirers of Dr. Brown will no doubt feel a certain pity for the successor who must fill such big shoes.

Over the past generation, our state of Georgia has moved from the backwaters to the forefront of the American higher education systems. It has been the leadership, intelligence, dedication and perseverance of educators such as Dr. Frank Brown that have lifted higher education in Georgia to standards of excellence.

More than the students and alumni at Columbus State University owe Dr. Frank Brown a debt of gratitude. His contributions are felt positively throughout the Greater Columbus area. Upon his retirement, we can look back and pay him the ultimate compliment: He dedicated his career to a worthwhile endeavor, and he left it better off than how he found it. In Frank Brown's case, he left it immeasurably better than he found it. For that, we thank him and we praise him. As he moves on into another phase of life we wish health and happiness to him and his wife Jo Ann.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the record votes I would have cast had I been present for rollcall votes 205 through 233: I was absent on Tuesday, April 22nd, Wednesday, April 23rd, and Thursday, April 24th due to personal reasons.

If I were present I would have voted, "yea" on rollcall vote 205, "yea" on rollcall vote 206, "yea" on rollcall vote 207, "nay" on rollcall vote 208, "yea" on rollcall vote 209, "yea" on rollcall vote 210, "nay" on rollcall vote 211, "nay" on rollcall vote 212, "yea" on rollcall vote 213, "yea" on rollcall vote 214, "yea" on rollcall vote 215, "yea" on rollcall vote 216, "yea" on rollcall vote 217, "nay" on rollcall vote 218, "nay" on rollcall vote 219, "yea" on rollcall vote 220, "yea" on rollcall vote 221, "yea" on rollcall vote 222, and "yea" on rollcall vote 223.

CELEBRATING THE LIFE AND COURAGE OF MARVIN JOHNSON

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. NADLER. Madam Speaker, I rise today to honor the lifelong work of a true fighter for civil liberties and civil rights, Marvin Johnson. Sadly, Marv passed away on March 21, after a long battle with complications from diabetes. It is a personal loss to those who knew him as a friend and colleague, and a loss to the many Americans who will never know how tirelessly he fought for their rights, sometimes against great odds, and often for the truly unpopular cause.

At the time of his passing, Marv was the first amendment counsel at the American Civil Liberties Union's Washington Legislative Office, a position he held for 8 years. During that time, he led many of the fights to protect the first amendment and our fundamental freedoms. He fought to ensure that all Americans enjoyed their freedom of expression, not only in print or in the public square, but also in ways that the framers never could have imagined—on television or on the internet.

Marv also wrote two reports detailing the dangers of domestic spying by Federal law enforcement, including an examination of the tactics used by our Government against Dr. Martin Luther King, Jr. As we now struggle to regain these precious constitutional rights, Marv's work has become even more important. As Marv wrote, "American citizens must once again be confident they may exercise their constitutionally protected right to protest government policy without becoming targets of government scrutiny."

Marv was also an outstanding resource. His vast knowledge and sound judgment were always ready to aid us in our work. As the Chair of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, I always valued Marv's views, even on those occasions where we disagreed.

Prior to his time in Washington, Marv was the Executive Director of the ACLU of Wyoming and before that, he was its board chair. During his tenure as executive director a notorious hate crime was committed against a young gay man, Matthew Sheppard. That vicious murder is now infamous. Marv Johnson led the Wyoming LGBT and civil liberties communities during that difficult time. Marv also successfully resolved numerous first amendment cases in Wyoming, and he has a long list of legislative accomplishments.

Before his time at the ACLU of Wyoming, Marv worked as an attorney in private practice. He also served in the Air Force as a Judge Advocate General, including two years as the Chief of Military Justice for F.E. Warren Air Force Base.

Marv Johnson is survived by his wife Billie Ruth Edwards, who has also devoted her life to fighting for civil liberties. My deepest sympathies go out to her.

Madam Speaker, those of us who had the privilege of knowing Marv Johnson and working with him will remember his dedication to justice and human rights, his legal and political acumen, and his capacity for hard work. We will also remember his personal decency and good humor which seemed always there just when we needed it most. America is a better Nation because people like Marv are willing to fight for what is right even when that is profoundly unpopular. He enriched the lives of those who knew him. We will all miss his sharp wit and deep-rooted passion for liberty and freedom. I can think of no better way to remember and honor him than to continue his work with the same fearless passion he brought to everything he did.

A TRIBUTE TO HONOR THE COMMANDING OFFICER AND CREW OF THE USS "NORTH CAROLINA"

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Commander Mark E. Davis, as well as the officers and crew of the USS *North Carolina*, as the first to serve on the newest attack submarine, which will be commissioned by the United States Navy in Wilmington, North Carolina, this weekend. This strong, state-of-the art warrior joins an impressive group of ships on deployment protecting our Nation and defending our freedoms and national security interests.

As a senior member of the U.S. House Committee on Armed Services and a long time supporter of our great Nation's military and those who have served our country, it is my honor to recognize that this submarine joins a distinguished list of five military ships named "North Carolina"—four from the U.S. Navy and one from the Civil War. The USS *North Carolina* represents a long-standing commitment and tradition of service in our Nation's armed services by the citizens of North Carolina.

The people of southeastern North Carolina are honored to welcome and host Commander Davis and his crew for the commissioning festivities for this new vessel and hope they will consider the coastline of this state as a special home for them. I am especially appreciative of the Secretary of the Navy, the Honorable Dr. Donald C. Winter, for granting my request for this commissioning to occur in North Carolina and his willingness to be our honored guest speaker for this historic occasion. This, in fact, will not only be the first submarine, but also the first warship, ever commissioned in the "Tar Heel State." The State of North Carolina and this Nation are deeply proud of the personal talent and ability represented by the officers and crew of this new submarine. It is their spirit, service, and sacrifice for which we all are extremely grateful.

Madam Speaker, may we also never forget the bravery and dedication of those who have served before, as well as those who currently serve—and those who will serve our country—and may we continue to receive inspiration from their courageous words and deeds. May God's blessings be with the USS *North Carolina*, her officers, and her crew as she begins her time in service to this wonderful Nation—the United States of America!

TRIBUTE TO DOUGLAS M. TREADWAY, PH.D.

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Dr. Douglas M. Treadway, who is retiring as president/superintendent of the Ohlone Community College District based in Fremont, California. Dr. Treadway assumed his duties at Ohlone on July 1, 2003. He is retiring on May 16, 2008, at which time his friends, admirers and colleagues will pay tribute to his exemplary leadership in education.

Dr. Treadway holds a Ph.D. in counseling psychology from Northwestern University and pursued postdoctoral study at Harvard University. In addition to his chief executive officer career, he has served on the faculties of Northwestern University, the University of Hawaii and Oregon State University. He is the author of 20 research and scholarly publications in the fields of higher education, community and human development.

Prior to his tenure at Ohlone College, Dr. Treadway served 9 years as president/superintendent of Shasta College in Redding, California. He has held other higher education executive officer positions including: chancellor of the North Dakota University System, president of Southwest Minnesota State University and president of Western Montana State College.

During his time as president/superintendent of Ohlone College, enrollment has grown by 10 percent, with a total enrollment at the college exceeding 19,000 students annually.

Under his visionary leadership, the Ohlone College Newark campus was developed on vacant land to become a 135,000 square-foot Center for the Health Sciences and Technology, enrolling close to 3,000 students during its first semester.

As one of the founders of the American Association of Sustainability in Higher Education, Dr. Treadway lead Ohlone to adopt an environmental sustainability policy that has resulted in LEED platinum certification for the Ohlone College Newark Center from the U.S. Green Building Council.

Dr. Treadway's community and professional service is exemplary. He has devoted many hours providing leadership in education and making a difference through his involvement in community service organizations.

Maximizing human potential in teaching, learning and leadership has been the hallmark of Dr. Treadway's work during his tenure in education. He has achieved a level of excellence and commitment that is a model of success. I wish Dr. Treadway every success with his well-deserved retirement.

CORN-BASED ETHANOL CAUSES FOOD SHORTAGES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. POE. Madam Speaker, as a growing number of political leaders jump on the ethanol bandwagon, people across the world are dying of starvation. The increasing shift of America's agricultural industry from food production to biofuel production is contributing to mass food shortages on a global scale. Riots have broken out in Haiti, Egypt, Burkina Faso, and Cameroon as food prices soar to unprecedented levels.

According to the U.N., "it takes 232 kg of corn to fill a 50-liter car tank with ethanol. That is enough to feed a child for a year". Contrast that against the fact that, "if every bushel of U.S. corn, wheat, rice and soybean were used to produce ethanol, it would only cover about 4% of U.S. energy needs on a net basis".

Why are we wasting our resources here? Ethanol is not even proven to be environmentally friendly. In fact, a recent article from the AP stated that, "The widespread use of ethanol from corn could result in nearly twice the greenhouse gas emissions as the gasoline it would replace because of expected land-use changes".

We need to wake up and take a real look at current energy policy and actually consider the consequences of simply hopping on every global warming fad that comes along. Responsibility and foresight are critical to the decisions this Congress makes. This current ethanol policy needs to be changed.

And that's just the way it is.

IN RECOGNITION OF THE MATER DEI HIGH SCHOOL CAR TEAM

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate the Mater Dei High School Car Team from Evansville, Indiana. The students won the Shell Eco-Marathon fuel efficiency competition in Fontana, California.

The Shell Eco-Marathon challenges students to design and build vehicles that push the energy efficiency envelope. The competition is also designed to raise awareness about the importance of technology and innovation in finding solutions to the energy challenges we face.

Mater Dei entered two vehicles in the competition and placed first and third, beating more than 80 teams. The first-place vehicle achieved an impressive 2,843 miles per gallon, breaking a number of the team's personal records.

At a time when prices are skyrocketing at the pump, America must look for ways to reduce our reliance on foreign oil and put our country on a permanent path toward energy independence. Increasing the fuel efficiency of automobiles is a critical step, and I commend the members of the Mater Dei Car Team for their ingenuity and dedication to this important goal. These students represent the future engineers and scientists who can help lead the way in addressing the energy challenges we face.

THE HUNGER CRISIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KUCINICH. Madam Speaker, approximately 11 percent of our Nation's households are "food insecure," meaning hungry or at risk of hunger. This includes over twelve million children. According to a recent study from the Center for Community Solutions, portions of my district, including Lakewood, Fairview Park and Parma, have experienced a 74 percent increase in participation in the Food Stamp Program between 2002 and 2007.

In March 2008, the World Food Programme (WFP) of the United Nations issued an emergency appeal to member nations asking for $500 million to help close the funding gap created by increasing food and fuel prices. The United States Agency for International Development (USAID) echoed a similar plea in March saying that an additional $200 million was needed to meet emergency food aid needs.

Unrest has broken out around the globe due to rising food costs. In Cameroon, where food costs have increased by 50 percent over the last year, 4 days of rioting ended with a death toll of at least 40 people. Violent demonstrations have broken out in Senegal, a country that imports the majority of its food, over the rising prices of rice and milk. In Yemen, multiple days of rioting, spurred by a doubling of wheat prices over a 2 month period, culminated in one hundred arrests.

A new study released by the international NGO, GRAIN, states that "[f]armers across the world produced a record 2.3 billion tons of grain in 2007, up 4% on the previous year . . . the bottom line is that there is enough food produced in the world to feed the population."

The following article by Anuradha Mittal raises valid questions that we must address in our fight against global hunger:

[From the Oakland Institute Reporter]

DANGEROUS LIAISONS: A BATTLE PLAN FROM THE UNITED NATIONS AND THE INTERNATIONAL FINANCIAL INSTITUTIONS TO FIGHT GLOBAL HUNGER

(By Anuradha Mittal)

UN agencies are meeting in Berne to tackle the world food price crisis. Heads of International Financial Institutions (IFIs), including Robert Zoellick, President of the World Bank (former U.S. trade representative) and Pascal Lamy, WTO's Director General, are among the attendees. Will the "battle plan" emerging from the Swiss capital, a charming city with splendid sandstone buildings and far removed from the grinding poverty and hunger which has reduced people to eating mud cakes in Haiti and scavenging garbage heaps, be more of the same—promote free trade to deal with the food crisis.

The growing social unrest against food prices has forced governments to take policy measures such as export bans, to fulfill domestic needs. This has created uproar among policy circles as fear of trade being undermined sets in. "The food crisis of 2008 may become it challenge to globalization," exclaims The Economist in its April 17. 2008 issue. Not surprisingly then, the "Doha Development Round" which has been in a stalemate since the collapse of the 2003 WTO Ministerial in Cancun, largely due to the hypocrisy of agricultural polices of the rich nations, is being resuscitated as a solution to rising food prices.

Speaking at the Center for Global Development, Zoellick passionately argued that the time was "now or never" for breaking the Doha Round impasse and reaching a global trade deal. Pascal Lamy has argued, "At a time when the world economy is in rough waters, concluding the Doha Round can provide strong anchor." Dominique Strauss-Kahn, Managing Director of the IMF, has claimed, "No one should forget that all countries rely on open trade to feed their populations. Completing the Doha round would play a critically helpful role in this regard, as it would reduce trade barriers and distortions and encourage agricultural trade."

Preaching at the altar of free market to deal with the current crisis requires a degree of official amnesia. It was through the removal of tariff barriers, through the international trade agreements, that allowed rich nations such as the U.S. to dump heavily subsidized farm surplus in developing countries while destroying their agricultural base and undermining local food production. Reduction of rice tariffs from 100 to 20 percent in Ghana under structural adjustment policies enforced by the World Bank, rice imports increased from 250,000 tons in 1998 to 415,150 tons in 2003, with 66 percent of rice producers recording negative returns leading to loss of employment. In Cameroon, poultry imports increased by about six-fold with the lowering of tariff protection to 25 percent while import increases wiped out 70 percent of Senegal's poultry industry.

Developing countries had an overall agricultural trade surplus of almost US $7 billion per year in the 1960s. According to the Food and Agricultural Organization (FAO), gross imports of food by developing countries grew with trade liberalization, turning into a food trade deficit of more than US $11 billion by 2001 with cereal import bill for Low Income Food Deficit Countries reaching over $38 billion in 2007/2008.

Erosion of agricultural base of the developing countries has increased hunger among their farmers while destroying their ability to meet their food needs. The 1996 World Food Summit's commitment to reduce the number of hungry—815 million then—by half by 2015 had already become a far-fetched idea by its 10th anniversary. U.N. Special Rapporteur on the Right to Food, Jean Ziegler, reported last June that nearly 854 million people in the world—one in every six human beings—are gravely undernourished.

So on who's behalf are the heads of the IFIs promoting the conclusion of the Doha Round and further liberalization of agriculture. While Investors Chronicle in its April 2008 feature story, "Crop Boom Winners" explores how investors can gain exposure to the dramatic turnaround in food and farmland prices, a new report from GRAIN, Making a Killing, from the Food Crisis, shows Cargill, the world's biggest grain trader, achieved an 86 percent increase in profits from commodity trading in the first quarter of 2008: Bunge had a 77 percent increase in profits during the last quarter of 2007; ADM, the second largest grain trader in the world, registered a 67 percent increase in profits in 2007. Behind the chieftains of the capitalist system are powerful transnational corporations, traders, and speculators who trade food worldwide, determine commodity prices, create and then manipulate shortages and surpluses to their advantage, and are the real beneficiaries of international trade agreements.

The vultures of greed are circling the carcasses of growing hunger and poverty as another 100 million join the ranks of the world's poorest—nearly 3 billion people who live on less than $2 a day. Agriculture is fundamental to the well-being of all people, both in terms of access to safe and nutritious food and as the foundation of healthy communities, cultures, and environment. The answer to the current crisis will not come from the WTO or the World Bank, but lies in the principles of food sovereignty that can ensure food self-sufficiency for each nation. It is time for the developing countries to uphold the rights of their people to safe and nutritious food and break with decades of ill-advised policies that have failed to benefit their people.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial. It is April 29, 2008, in the land of the free and the home of the brave, and before the sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,881 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,881 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is April 29, 2008, 12,881 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

PAYING TRIBUTE TO SISTER ROBERT JOSEPH BAILEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Sister Robert Joseph Bailey by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Sister Robert Joseph Bailey for her life and accomplishments, and applaud her for having an elementary school named in her honor by the Clark County School District.

Sister Robert was born as Margaret Bailey on April 22, 1923 in Detroit, Michigan. When she entered the Dominican Order of Sisters in 1940, she chose the name Robert Joseph, in honor of her favorite younger brother. She graduated in 1941 with a bachelor's degree from Sienna Heights College, and began sharing her gift of teaching in various schools throughout the country. In 1951, Sister Robert moved to Henderson, where she was assigned to teach 4th and 5th grade at St. Peter's School. She taught at St. Peters for nine years.

After leaving St. Peter's, Sister Robert went on to what is now known as the Rose de Lima Campus of the St. Rose Dominican Hospitals where she assumed responsibility of dietary services, and eventually turned to community education. During her 37 years at St. Rose, she implemented several community outreach programs dedicated to children throughout the community. She initiated the Positive Impact on Reading Program in which volunteers visit local elementary schools to spend time interactively reading with children. Sister Robert visited many of the schools in the Henderson community and delivered special presentations on a variety of topics such as health, nutrition, hygiene, safety, and even how to be a good babysitter. She also initiated a hotline for children who were home alone and lonely. Typically, these children could call the hospital and talk to a volunteer for as long and often as needed.

Madam Speaker, I am proud to honor Sister Robert Joseph Bailey for her accomplishments throughout the Henderson community. The programs that Sister Robert initiated came as a result of her concerns for the education, health, and comfort of others. Her legacy is an inspiration to the members of the school community, and I applaud the Clark County School District for naming an elementary school in her honor.

A TRIBUTE TO WINDELL DANIELS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. McINTYRE. Madam Speaker, last week the City of Wilmington, North Carolina, lost one of its most beloved leaders and doers—Windell Daniels. I had the distinct honor to give remarks at his funeral and wanted all my colleagues here in the U.S. Congress and indeed the entire nation to know what a lasting impact this one man made on so many.

Luke, Chapter 6, Verse 38 says, "Give and it will be given back to you: good measure, pressed down, shaken together, and running over will be put into your bosom. For with the same measure that you use, it will be measured back to you."

Wilma, Euran, and Jay—your husband and your father lived a life of giving.

And in his eternal resting place with God, his soul has been replenished with the overflowing blessings of the joy, peace, and love that he shared with so many throughout his extraordinary life.

My friends, Windell Daniels was a humble hero. A humble hero that lived his life the best way he knew how—by serving others. A humble hero that had unfinished business here on earth. And a humble hero that would now tell each of us to keep building the bridge he had begun and keep giving to others.

Only a handful of people come into one's life and touch it in dramatic fashion. Some are flickers of light, and others are consistent glows. Windell Daniels was one of those very few consistent glows—indeed, he was a beacon.

As we celebrate the wonderful life of this friend to all, let us be challenged by Windell's work, will, and wisdom that inspired us all.

First, it was his work. Windell did his good deeds by stealth—never advertising all the assistance he gave. But look around here today and look around this beautiful city—and you see many people, places, and organizations that have been on the receiving end of his gentle kindness.

From his work at the Wilmington Housing Authority to provide the most basic of services to those in need—a home, to his work at UNCW to help our young people receive a quality education; from his work at the Greater Wilmington Chamber of Commerce to help expand the economic opportunity for all, to his work to help address the homeless challenge; and from his work and service as a Marine in Vietnam; to his efforts to promote the beautiful historic port city—Windell Daniels gave his time, talents, and treasures.

Second, in addition to his work, it was Windell's will to make this community better that set him apart. It was a will that found a way—not an excuse. It was a will that asked not, "What is in this for me? Instead, how is this going to affect others?"

It was a will that when he gave his commitment to get something done, he did it wholeheartedly. It was a will that—with Windell—you knew exactly where you stood with him. And he stood with you. And it was a will that graced our life more than he could have ever imagined!

Third, with his work and his will, it was Windell's wisdom that so many sought after. From business executives to community leaders to educators, Windell was a solid sounding board because his wisdom was so keen. Some of you may not know this, but Windell and I worked together every year for the last twelve years to promote our celebration of Black History Month for all of southeastern North Carolina. And many of you know that he was the coordinator of the many, many volunteers who are getting ready for the commissioning of the USS *North Carolina* submarine next weekend; and he was already coordinating with my office an effort to honor Wilmington in a special Coast Guard Day celebration scheduled later this summer.

His was wisdom that was a fount of knowledge, know-how, and knack to get it done! That's why he was so involved, because everyone valued his opinion and respected his advice. We have lost a man far too soon—that no one can replace anytime soon.

But through Windell Daniels' work, will, and work, we have been given much that will live on for generations and generations.

As Windell approached those glorious lights of Heaven Tuesday night, I have no doubt that the good Lord was there with open arms saying, "Well done, good and faithful servant."

Thank you, and may God bless the life of Windell Daniels and of his family and friends.

RECOGNIZING THE HISTORIC ALAMEDA THEATER RESTORATION PROJECT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to the historic Art Deco Alameda Theater, in Alameda, California. The theater first opened in 1932 and boasted one of the largest screens in the Bay Area. Designed by the prominent San Francisco architect, Timothy L. Pflueger, the theater opened shortly after another one of Pflueger's historically significant theaters, the Paramount in Oakland, California.

The 2 theaters share many of the same finishes and details. The Alameda Theater building was under private ownership and in continuous operation as a cinema until 1979. It has undergone a number of adverse changes to its interior finishes since that time. The deteriorating theater sat vacant or underutilized until the City of Alameda acquired the property in July 2006 and commenced restoration efforts in November 2006.

The Alameda Theater restoration project is the signature component of a larger downtown revitalization project in the city's Park Street Historic District. A newly built movie Cineplex will be a part of the Alameda Theater complex and all patrons will enter through the historic Art Deco Alameda Theater lobby to access all the screens in the Cineplex.

The Alameda Theater restoration project is a public/private partnership that resulted in the blend of a new theater complex and the saving of a historic treasure in the City of Alameda.

The City will celebrate the reopening of the Alameda Theater at a gala on May 21st and a civic ceremony on May 24th. I am confident theater goers will appreciate the restored historic Art Deco Alameda Theater and will enjoy the entertainment benefits it will bring for years to come. Congratulations to the city of Alameda and all who had a hand in the development and completion of the historic Alameda Theater Restoration Project.

LOU BRISSIE: A HERO ON THE BASEBALL AND BATTLE FIELDS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KINGSTON. Madam Speaker, I submit the following for the RECORD.

[From the Savannah Morning News, April 29, 2008.]

(By Nathan Dominitz)

Former major league all-star pitcher Lou Brissie can tell stories about his ballpark encounters with the likes of Babe Ruth, Ted Williams, Connie Mack and Satchel Paige.

Monday night and [Tuesday], people are sharing stories about Brissie, Savannah's own living legend for his starring role on the 1947 South Atlantic League championship team.

"We didn't measure speed in those days, but I know he must have thrown close to 100 miles an hour," said longtime friend Bill Hockenbury, an all-star third baseman on the 1947 Savannah Indians, a Class A affiliate of the then-Philadelphia Athletics. "I'm serious. He just reared back and threw that ball."

Brissie, now 83, might have enough power in his left arm to throw out the first pitch [Tuesday] night at Grayson Stadium, where the Savannah Sand Gnats will retire his No. 3 jersey before the 7 p.m. game against the Hickory Crawdads. The first 1,000 fans receive a replica Brissie jersey T-shirt courtesy of the Philadelphia Athletics Historical Society.

There was a "Lou Brissie Day" scheduled in 2007, but it was rained out, rescheduled and rained out again late last season in Savannah. Brissie didn't think a higher power was sending a message.

"No, he speaks plainer than that," said Brissie, a North Augusta, S.C., resident for the last 30-plus years with his wife, Diana.

The Sand Gnats also organized a banquet in his honor Monday night at the Riverfront Marriott. Again it rained, but thankfully this event was indoors. Attendees received the T-shirt as well as a figurine of Brissie pitching. Brissie's own story is worthy of a movie, and indeed it was re-enacted decades ago for a television program starring former pro athlete Chuck Connors, famous as "The Rifleman." Brissie also is the subject of an ongoing book project.

TRUE GRIT

The dramatic elements are there. A teenage pitching prospect enlists in the U.S. Army during World War II. On a battlefield in Northern Italy in 1944, the corporal nearly has his left leg blown off when an artillery shell lands at his feet.

"I broke an ankle and my feet. My leg was shattered in 30 pieces between the knee and the ankle," said Brissie, who would receive two Purple Heart medals and a Bronze Star during his military service.

Amputation was an option, but Brissie knew that would end hopes of a baseball career. He persuaded doctors to save the leg, and credits a military surgeon, Capt. Wilbur Brubaker, for doing the incredible.

"I was just a guy with a dream," said Brissie, who would spend parts of seven seasons in the majors with the Athletics and Indians, including an appearance in the 1949 All-Star Game. "I think I was just blessed from Day One. There weren't guys who attain the major leagues who were as fortunate and blessed as I was."

Brissie, through 23 surgeries and countless setbacks, would pitch again—eventually for the Philadelphia Athletics, who originally signed him in 1940 and resigned the 6-foot-4, 210-pound lefty in 1946.

He was assigned to Savannah, posting a 23–5 record, 1.91 ERA and SAL record 278 batters in 254 innings. He wore a brace on his left leg, which was about 1½ inches shorter than the right. He also had the admiration of his teammates, who saw his daily routine of playing with a leg that under the bandages "looked like a piece of tissue paper," Hockenbury said.

"He was our hero," recalled Hockenbury, a World War II veteran and one of half a dozen Indians to eventually make it to the big leagues. "He was great. He was our leader. He was our superstar."

HOME-FIELD ADVANTAGE

Savannah responded, packing Grayson Stadium when Brissie pitched and often when he didn't, Hockenbury said.

"We had great community support," Brissie said. "The fans were just tremendous. We had community business support. I think it was the ideal time after World War II and before television."

The talented team, playing in a league stocked with future major leaguers, had the unity necessary for success over the long summer months.

"In all of that time, I never heard two guys have a bad word or get upset," Brissie said. "Everybody was for everybody else. It's really one of my greatest memories."

The retiree makes weekly visits to a Veterans Administration hospital and speaks with injured servicemen. He shares motivational stories and asks them not to give up their dreams.

"You've got to live each day and look for something better, and it will show up," he said.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. BECERRA. Madam Speaker, on Wednesday, March 12, 2008, Friday, March 14, 2008, Wednesday, April 8, 2008 and Monday, April 14, 2008, I was unable to cast my floor vote on rollcall votes 133, 146, 169, 170, 171, 172, 183, 184 and 185.

Had I been present for the votes, I would have voted "aye" for rollcall votes 133, 146, 170, 171, 183, 184 and 185 and "nay" on rollcall votes 169 and 172.

"OPERATION HOLIDAY CHEER"

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ALLEN. Madam Speaker, I would like to take this opportunity to congratulate the Kiwanis Club of Gorham, Maine for acknowledging the courage and sacrifices of the children of Maine's military families through their program entitled "Operation Holiday Cheer."

Kiwanis is an organization dedicated to service to children and youth through initiatives intended to improve the quality of life of children in communities around the world. Currently, Kiwanis has over 500,000 members internationally, representing 96 countries with 34 clubs in Maine.

On July 17, 2007, the Kiwanis Club of Gorham, later joined by the Kiwanis Clubs of Maine, launched Operation Holiday Cheer, a program to provide a holiday gift to each participating child of Maine's military families, including, Army, Navy, Air Force, Marine Corp, Coast Guard, Reserves and National Guard. Over 9,000 children in Maine have a parent serving in the military.

In executing Operation Holiday Cheer, the Kiwanis organization acquired, wrapped and distributed a holiday gift to each participating military child in over 140 cities and towns throughout the State of Maine. Included with each gift was a hand-written note thanking the child and his or her family which read, "On behalf of the Kiwanis Clubs of Maine and the people of the State of Maine, we would like to offer you this token of our appreciation for your sacrifice. You are the child of a Maine military family and the bravery that you show every day by sharing your parent to help protect our country is being recognized and honored. You should be extremely proud of your service to our country and you should know that we, the Kiwanis and the people of Maine, stand proudly and beside you. We wish you and your family a Happy Holiday Season."

I extend my appreciation to the Kiwanis Clubs of Maine for their thoughtfulness in bringing some cheer to the lives of thousands of Maine children whose parents are serving our country. As they seek to expand this program throughout New England and to New York in 2008, I wish them all the best.

RECOGNIZING DENIM DAY IN NJ 2008

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ROTHMAN. Madam Speaker, I rise to support the efforts of the Young Women's Christian Association, YWCA, of Bergen County Rape Crisis Center to designate April 28, 2008 as Denim Day in New Jersey. This day-long observance is an important opportunity to raise awareness about sexual violence and end the 'blame-the-victim' mentality about rape that continues to impede justice for those attacked.

Unfortunately, appalling misconceptions about rape and sexual violence still exist and were on full display in the Italian Supreme Court decision that launched International Denim Day in 1998. In that case, the justices overturned a rape conviction because the woman wore jeans. They reasoned that the victim must have helped her attacker remove her jeans because they were "tight," thereby implying her consent. After the decision, women in the Italian Parliament protested by wearing jeans to work the next day.

Those Italian legislators were right to protest such an awful decision and inspired people around the world to speak out against similar injustices. We must do everything possible as a community and as a Nation of laws to stop rape and sexual assault and help survivors. That includes educating young men and women about consent, making clear that rape is the responsibility of the offender, not the victim, and eliminating the fear of shame and blame that prevents an estimated 9 in 10 rape victims from reporting an attack.

Today, on the first annual Denim Day in NJ, I commend the ongoing efforts of the YWCA of Bergen County Rape Crisis Center to accomplish these goals. I stand united with the YWCA, survivors of sexual assault, and their loved ones in observing this important day.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. RYAN of Wisconsin. Madam Speaker, I was absent for legislative business conducted on April 24, 2008, to attend the funeral of a fallen soldier who lost his life in support of Operation Iraqi Freedom. As a result, I missed rollcall votes 220 through 223.

Had I been present, I would have voted:

"Aye" on rollcall vote 220—the Poe Amendment to H.R. 2830;

"Aye" on rollcall vote 221—the McNerny Amendment to H.R. 2830;

"Aye" on rollcall vote 222—the Motion to Recommit H.R. 2830 with instructions; and

"Aye" on rollcall vote 223—Passage of H.R. 2830.

A TRIBUTE TO DR. DARRELL PAGE OF BLADEN COMMUNITY COLLEGE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Dr. Darrell Page of Dublin, North Carolina for his 11 years of service as President of Bladen Community College in Bladen County. Dr. Page's leadership, integrity, and insight have made a tremendous difference at this community college and in his community.

Samuel Logan Bringle, the legendary leader in the Salvation Army, once said some very important words that reflect the character and life of Darrell Page. He said, "The final estimate of a man will show that history cares not one iota about the title he has carried or the rank he has borne, but only about the quality of his deeds and the character of his heart." Indeed, Dr. Page has reflected this through his sacrifice and commitment.

During Dr. Page's tenure at the college, many positive developments and advancements have occurred. Student enrollment has more than doubled, total budget at the school has tripled, and the college has achieved Superior Performance status five of the past 6 years. In addition, Bladen Community has become a state leader in distance education. Furthermore, as a devoted husband, father, and friend, Darrell Page has truly been a foundation on which Bladen Community College and Bladen County have continued to thrive. Service to others has been the embodiment of his life—service that sets a path for others to follow and that we all should emulate.

In celebrating Dr. Page's upcoming retirement this June, let each of us remember the words of our third President of the United States, Thomas Jefferson, who said, "To do our fellow man the most good, we must lead where we can, follow where we cannot, and still go with him, always watching for that favorable moment to help him another step forward!"

We thank Darrell, on behalf of the citizens of Dublin, Bladen County, Bladen Community College, and the State of North Carolina, for always looking for that favorable moment and always helping his fellow citizens. May God's strength, joy and peace be with him always.

A PROCLAMATION HONORING NICK JACKSON FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SPACE. Madam Speaker:

Whereas, Nick Jackson showed hard work and dedication to the sport of basketball; and

Whereas, Nick Jackson was a supportive team player; and

Whereas, Nick Jackson always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Nick Jackson on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HELEN KOVAK—A JEWEL OF SOUTHEAST TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. POE. Madam Speaker, today I am proud to recognize a lifelong volunteer and inspiration to the Beaumont community, Helen Kovak.

Mrs. Kovak is a pillar of the Beaumont community, and has a heart the size of Texas. For almost her entire life, she has given to back to the community she holds so dear. Her friends have even described her as, "the best volunteer in the world; always ready to do whatever it takes to get the job done."

Mrs. Kovak has served in a number of areas, one of which is the political arena, where she has been volunteering since the day she could vote. She is responsible for starting one of the first direct mail campaigns, which she carried out from her home, way back when Goldwater was running for office, and she serves as a Precinct Chairman for the Republican Party to this day.

A graduate of the University of Texas, Mrs. Kovak still sports a UT sticker on the back of her VW Beetle. She celebrated her 90th birthday on April 26th, and at a recent party with friends she stressed that people should appreciate what they have and "live each day to the fullest, because you never know when it's gonna end."

I am proud to recognize this gem of Southeast Texas on her 90th birthday. She is a true inspiration to us all.

CONGRATULATING THE STUDENT ENGINEERS AT THE UNIVERSITY OF EVANSVILLE FOR WINNING NASA'S 15TH ANNUAL GREAT MOONBUGGY RACE

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate the student engineers at the University of Evansville for winning first place in NASA's 15th Annual Great Moonbuggy Race.

The race is held each year to honor the ingenuity and creative problem-solving of the designers of the original lunar rover used during the Apollo Moon missions in the 1970s.

The University of Evansville team defeated 24 teams to win the college division competition. Their moonbuggy completed a half-mile course designed to replicate lunar ground conditions in 4 minutes and 25 seconds.

These students represent America's next generation of scientists, mathematicians, and engineers. I have no doubts that their ingenuity, creativity, and dedication to discovery will result in creative solutions to many of the challenges America faces after they leave the University of Evansville. Congratulations!

SEWAGE CRISIS NOW ADDED TO THE HUMANITARIAN DEBACLE IN GAZA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KUCINICH. Madam Speaker, since late January 2008, the 1.5 million person population in Gaza has been enduring an Israeli-imposed blockade. The blockade effectively restricts the entry of food, clean water, fuel, and medical supplies. The lack of basic goods has severely deteriorated Gaza's health, economy, and social fabric.

The World Bank reports that since Hamas ousted Fatah from Gaza last June, 90 percent of businesses have shut down costing workers more than 100,000 jobs. Due to the closure of Gaza's borders and its inability to import raw materials, farmers and businesses are unable to produce and export their goods leaving nearly half a million people without an income.

According to Oxfam, today 80 percent of Gaza's population is dependent on food aid. On April 24th, the United Nations, UN, announced the suspension of their food aid program to 650,000 Gazans, 56 percent of whom are children, due to a lack of fuel for their trucks. These restrictions exacerbate an already dire humanitarian crisis in which 17.5 percent of children under the age of five suffer from chronic malnutrition.

Water and wastewater systems have also become a casualty of the blockade. Gaza's water and wastewater system is heavily reliant on diesel-powered generators. Due to the restrictions on the entry of diesel into Gaza, many water pumps do not have the power to provide running water. Additionally, the sewage system dates back to 1967 and was meant to provide for a population one-third the size of Gaza's Population. The lack of clean water and an adequate sewage system has led to a sanitary water crisis in Gaza.

According to a recent UN publication, seventy-five percent of Gaza's drinking water is polluted. The lack of clean water and a proper sewage system has caused infestations of small organisms such as amoeba that have led to several ailments including abdominal colic, diarrhea, and constipation. The sewage crisis has also led to overflow. On March 27, 2007, a wall of human waste overflowed into Gaza's residential areas and caused the death of children and elderly people.

According to the United Relief Works Agency, UNRWA, "Gaza is on the threshold of becoming the first territory to be intentionally reduced to a state of abject destitution, with the knowledge, acquiescence and, some would say, encouragement of the international community."

Israel must protect its citizens and ensure their security, but pursuant to the Fourth Geneva Convention, Israel also has a legal duty to provide Gazans with food, clean water, electricity, and medical care. I urge the U.S. Administration to help end the humanitarian crisis in Gaza and ensure the health, safety, and security for Palestinians and Israelis.

NEW BRIDGING INDUSTRY AND GOVERNMENT TOUGH HI-TECH RESEARCH ON ENERGY EFFICIENCY (BIG THREE) ACT OF 2008

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to introduce the New Bridging Industry and Government Through Hi-Tech Research on Energy Efficiency (BIG THREE) Act of 2008. This important legislation is a bold step to foster innovation, create and retain high-paying jobs, and promote efficient and alternative fuel technology to ensure that automakers meet the increased Corporate Average Fuel Economy, CAFE, standards.

It is impossible to overlook the importance of the automotive industry to the U.S. economy. Our history and our heritage as a nation are deeply rooted in the automotive industry, which has greatly improved the quality of life in our time. Nearly 400,000 Americans jobs are provided directly by the automotive industry on assembly lines, in research facilities, and offices across the country. Additionally, approximately 3.5 million other jobs are supported by the automotive industry through parts suppliers, hospitals, schools, and police stations that serve them. That means that every automotive job equals nearly 9 other jobs for U.S. workers.

It is also impossible to ignore the current struggles of the automotive industry. When Congress enacted energy legislation that increased CAFE standards to 35 miles per gallon by 2020, it placed the burden of cost on the auto industry to meet the aggressive efficiency targets. Increased CAFE standards represent only the latest hurdle thrown at the automotive industry from Washington, with little help delivered to assist the industry's pursuit of higher efficiency and lower emissions. During a time of an economic slowdown, Washington should take steps to protect these valuable jobs, not jeopardize them.

CAFE will cost the domestic automotive industry an estimated $85 billion to research, develop, and implement the efficient and alternative fuel technology required to meet the aggressive new standards. For an industry that already spends approximately $16 billion per year on research and development, finding the extra funds to develop this technology without compromising drivers' safety will be extremely difficult. This means that the increased costs will have to be passed on to the consumer, with some estimating that it will cost an extra $6,000 per car to meet CAFE standards.

Instead of throwing the automotive industry up the creek without a paddle,

Washington should play a part in increasing energy efficiency. Energy security is an issue of national security and must be addressed over the short term and the long term. This requires a comprehensive strategy and steadfast dedication to meet our goal.

That is why I have introduced this legislation, which will help automakers meet the new regulations, help make our country a leader in alternative fuel technologies, and help stimulate our slowing national economy. Michigan's economy has been in unique and deep trouble for some time.

The first step in my plan is to permanently extend the research and development tax credit at 20 percent and make it fully refundable for expenditures that help meet the new CAFE standards. Automakers and suppliers have not been able to take advantage of the tax credit because they have not made substantial profits in recent years. Allowing an industry that currently invests significant funding in advanced research and development to take advantage of the tax credit will help defray the costs of increased research and development. This will enable them to reinvest these funds and create more high-paying jobs in the U.S.

The New BIG THREE Act will also invest significant Federal funding in research and development of leap-ahead technologies that will help us meet the new CAFE standards. Advanced battery technology is one of the most promising ways to dramatically increase fuel efficiency. However, there is no domestic production of advanced battery technology that is applicable to vehicles. By investing $750 million over 5 years to research and develop advanced battery technology, my bill will help ensure that America is the epicenter of hybrid and plug-in electric vehicles that will help reduce our dependence on oil.

Hydrogen fuel cell technology has always been regarded as the long-term goal of extremely low-emission transportation. The New BIG THREE Act will invest $250 million over 5 years to install hydrogen fuel pumps in commercial gas stations in at least two pilot regions. By establishing a hydrogen infrastructure, we can promote use of currently available hydrogen vehicles and provide an incentive to produce more of these leap-ahead vehicles. The New BIG THREE Act will also invest $150 million over 3 years for the Federal Government to purchase hydrogen vehicles in order to reduce the emissions of our fleets and demonstrate the viability of the technology.

The New BIG THREE Act also has a provision that will affect short-term efforts to increase fuel efficiency. Clean diesel technology is one of the best ways to reduce emissions in the short term, and utilizing biodiesel is a promising way to reduce our dependence on Middle East oil. However, not all current biodiesel blends are compatible with all biodiesel engines. My bill will direct the Environmental Protection Agency to make a harmonized national standard for biodiesel composition.

Finally, my comprehensive plan will establish the Interagency Group on CAFE Standards, which will make sure Federal agencies work together and that all money spent on auto-related projects is used wisely and most effectively.

Ultimately, my plan is about jobs and our economy. The New BIG THREE Act is about working with one of our most important industries to create and retain good jobs, allow the industry to be competitive in the global market, and help move to a cleaner and more efficient line of American cars. The strong position of the Federal Government created by CAFE on all of these issues mandates a strong commitment to make sure the goals are accomplished. I hope you will help American manufacturing succeed by supporting this important legislation.

COMMENDING THE ACCOMPLISHMENTS OF STUDENTS FROM SOUTH TEXAS HIGH SCHOOL FOR HEALTH PROFESSIONS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. HINOJOSA. Madam Speaker, I rise today to commend the students of South Texas High School for Health Professions in Mercedes, Texas for once again excelling in the Health Occupations Students of America state competition. This year 13 Med High students scored first or second among all Texas students in competitions testing their knowledge of subjects ranging from nutrition to personal care to first aid techniques. The hard work of these South Texas high school students is to he commended, as is their involvement with HOSA.

As our Nation struggles to find and train a sufficient number of health care workers to meet the needs of our aging population, HOSA has endeavored to play a leading role in training high school and post-secondary students for futures in health care careers. To date, over 90,000 students have participated in the HOSA program through approximately 2,600 secondary and post-secondary chapters across the country.

By expanding the number of students receiving training and instruction in health care careers, our Nation would be investing in the futures of both our students and our communities. This Congress, I have introduced H.R. 3618, the Safe Schools and Health Care Professional Pipeline Act, to facilitate the expansion of health care and medical education in our secondary and post-secondary institutions. This bill will create a pipeline of trained students into the health professions, where they will be able to provide for the medical needs of their communities. By introducing these students to health care careers at an early age, our high schools and universities will join in our effort to sustain an adequate supply of medical professionals while developing the skills of our young people.

Madam Speaker, I urge my colleagues to join me in commending the accomplishments of the students of Med High and in supporting the Safe Schools and Health Care Professional Pipeline Act.

A TRIBUTE TO STAFF SERGEANT EMANUAL PICKETT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Staff Sergeant Emanuel Pickett of Wallace, North Carolina, who lost his life while defending our Nation on April 6 during a mortar attack in Baghdad. In addition to his service in the North Carolina National Guard, Emanuel served as a captain with the Wallace, North Carolina, Police Department. He shall be remembered by all those whose lives he touched as the finest example of bravery, honor, and public service.

Emanuel lived in Wallace his entire life, and throughout his 34 years, worked selflessly to make a positive difference in his community. Besides working as a captain with the Wallace Police Department, he also worked as a reserve deputy for the Duplin County Sheriff's office, where he led undercover drug investigations in several surrounding counties. Emanuel's giving spirit found many outlets. He also started a crime watch in his own neighborhood, helped to found a program to mentor kids without fathers, and coached youth basketball.

Emanuel will be missed by his family and friends. He was the son of Harry and Merlese Pickett, the youngest of 6 children. He was the loving father of 3 children—2 daughters, ages 17 and 10, and a 14-year-old son. Over his lifetime, Emanuel earned countless friends. Because of his 13 years of service with the police department and his stint of more than 20 years employed at a local butcher shop, Emanuel owned one of the most recognizable faces in his community. He was so admired within his community, in fact, that his family has received condolences from thousands of people, including some that Emanuel helped send to prison.

Emanuel Pickett was serving his second tour of duty in Iraq when his life was taken. His courage will continue to be an inspiration to us all. His life is a strong representation of what can be accomplished through devotion to a community and its people. May God bless his family, and may we always remember the life of Staff Sergeant Emanuel Pickett.

A PROCLAMATION HONORING GERRY JASPER FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SPACE. Madam Speaker:

Whereas, Gerry Jasper showed hard work and dedication to the sport of basketball; and

Whereas, Gerry Jasper was a supportive team player; and

Whereas, Gerry Jasper always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Gerry Jasper on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

TRIBUTE TO MARGARETE WALDEN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. McDERMOTT. Madam Speaker, this past Sunday, April 27, 2008, Margarete Walden of the 7th Congressional District in Washington State, was announced the national winner of the Student Conservation Association and Mazda North American Operation's Conservation in Action multimedia contest. The contest was designed to create new, practical solutions to our Nation's most urgent environmental issues.

Margarete Walden's winning essay, titled The Pen Pal Project: A Kyoto Protocol for the Individual Citizen, develops an action-oriented environmental solution. Implemented on the classroom level, American students would be paired with students from a developing country and would be responsible for lowering their carbon footprint to below per capita 1990 levels by the end of the school year. This pen pal partnership is modeled on the Kyoto Protocol so that the pairs can work together to meet their target while learning about international environmental politics. The project's main goal would be to provide students with a practical opportunity for action on global warming in the short term that would lead to a lifestyle change of great benefit to the environment in the long term.

Today, I am proud to welcome Miss Walden to our Nation's capital where she will receive her cash prize and the 2008 fuel efficient Mazda 3 sedan.

Margarete Walden reminds our Nation that every citizen must be leaders in the incessant challenge to improve old models of conservation.

RECOGNIZING DARRELL R. GREEN AS THE RECIPIENT OF THE CARE AWARD

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize Darrell R. Green, an NFL Hall of Famer, seven-time All-Pro defensive back for the Washington Redskins and founder of the Darrell Green Youth Life Foundation, upon his receiving the Commonwealth Academy Recognition for Educators, CARE, Award.

Mr. Green is being honored for his visionary leadership in establishing the Darrell Green Youth Life Foundation, which provides support services to young people facing challenging life circumstances. Through his foundation, Mr. Green has opened the Youth Life Learning Center in the District of Columbia and affiliate centers in Richmond, Virginia, and Nashville, Tennessee. These centers provide comprehensive after-school and summer programs for at-risk teens and pre-teens. They offer academic enrichment and remedial education in the areas of reading, language arts, mathematics, supplemental services, mentoring and character development. In addition to providing these services, Mr. Green's foundation has created a National Training Institute where community leaders can learn how to launch similar programs in their own neighborhoods.

A native of Houston, Texas, Darrell Green had an illustrious career with the Washington Redskins. He was a seven-time All-Pro defensive back, played in three Super Bowls and retired in 2002 after a heralded 20-year career. A top draft choice out of Texas A&I University, Darrell understood the power of an education, going back to school to complete his undergraduate degree which he earned in 1998 from St. Paul's College in Lawrenceville, Virginia. In 1999, Marymount University recognized Green for his extraordinary humanitarian work and conferred upon him the honorary degree of doctor of humane letters.

Mr. Green has been breaking ground his entire life. At an early age he faced some very challenging circumstances. But, with the support of his high school coach and faith community, Darrell was able to overcome those obstacles, rising to become a celebrated pro athlete. This personal experience is what prompted him to create the foundation, so that at-risk young people can receive the support they also need to succeed.

I am delighted to be presenting the prestigious CARE award to Darrell Green, an outstanding community leader who has worked tirelessly to enhance the lives of young people. I ask my colleagues to join me in congratulating Darrell on this award and for his ongoing commitment to improving the lives of others.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. HIGGINS. Madam Speaker, last week I regrettably missed a number of votes to attend to a family emergency. Had I been present for these votes, I would have voted as indicated below.

On Roll #213, the Matheson of Utah Amendment, I would have voted "aye."

On Roll #214, the Capito of West Virginia Amendment, I would have voted "aye."

On Roll #215, the Foster of Illinois Amendment, I would have voted "aye."

On Roll #216, the Motion to Recommit with Instructions, I would have voted "no."

On Roll #217, final passage of H.R. 5819, I would have voted "aye."

On Roll #218, on Ordering the Previous Question, I would have voted "aye."

On Roll #219, on agreeing to H. Res. 1126, I would have votes "aye."

On Roll #220, the Poe of Texas Amendment, I would have voted "aye."

On Roll #221, the McNerney of California Amendment, I would have voted "aye."

On Roll #222, the Motion to Recommit with Instructions, I would have voted "no."

On Roll #223, final passage of H.R. 2830, I would have voted "aye."

HONORING NATIONAL MINORITY CANCER AWARENESS WEEK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. BACA. Madam Speaker, I ask unanimous consent to revise and extend my remarks to recognize National Minority Cancer Awareness Week.

Cancer continues to devastate American families throughout the United States. The Congressional District I represent lies in the Cancer belt of California, with increase in the number of cases diagnosed every day. Minorities in my area continue to be significantly impacted and every day are faced with the question of what to do and how to pay for costly treatments.

National Minority Cancer Awareness Week is recognized on the third week of April to raise awareness of the alarming incidence and effects cancer has amongst the minorities. This awareness contributes to much needed outreach education to those most affected.

High cancer rates among minorities are a widely known fact, and sadly due in large part to the health disparities in access to high quality prevention, early detection and treatment services.

In Congress, I have continued my efforts in combating Breast Cancer by partnering with Senator DIANNE FEINSTEIN in reauthorizing the Breast Cancer Research Stamp for another two years. Without research we are all in the dark. Thanks to this stamp, research for breast cancer has increased by over $50 million.

Increasing awareness is vital at a time when we are facing cuts in Medicaid funding to States, and a shortage of funding to important programs like S–CHIP and WIC. Families need to realize that cancer does strike disproportionately in the minority community.

Sadly, many patients find out about a cancer diagnosis after it is too late. This is especially tragic when we know that only about 5 percent of all cancers are strongly hereditary, most cancers result in damage (mutation) to genes that occur during one's lifetime, according to the American Cancer Society.

African Americans have the highest death rate for all cancers than any other group. In fact, African American men are twice as likely to die from prostate cancer as white men. The American Cancer Society also reports that an estimated 152,000 African Americans will be diagnosed and more than 62,000 African Americans will die from cancer this year.

For Hispanics in the United States, the data is just as alarming. Cancer is the second leading cause of death for Hispanics in the United States. Moreover, cancer rates are higher for Hispanics for the cancers of the stomach, liver, cervix, and gallbladder.

These are alarming statistics that are only a reflection of the devastating effects of cancer in our minority communities. Cancer touches the lives of not just only the patients, but the family as well.

American families are the backbone of our society, it is essential that we help them in any way we can. Increased research and educational outreach is the first step.

We are all facing the detrimental effects of the skyrocketing gas prices and a devastating number of foreclosures; these families affected with cancer especially need our help. No one should have to choose between paying for medicine and paying for gas to get to a doctor's appointment.

A TRIBUTE TO COMMISSIONER R.E. "GENE" BROWN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Pender County Commissioner R.E. Brown of Burgaw, North Carolina, who recently passed away at the age of 85. Affectionately referred to as "Gene" by those who knew him and those he served, Commissioner Brown had been a commissioner in the town of Burgaw for over 20 years and was serving as mayor pro-tempore. As a native of southeastern North Carolina and as a public servant, he offered an unwavering service to everything he did and to everyone who knew him, and he had admirable commitment to his responsibilities as an elected official.

Truly an asset to his community, Commissioner Brown understood the people he represented and cared deeply about making a positive difference in their lives. Over his lifetime, Brown dedicated himself to both government and public service. He was a member of the U.S. Army during World War II, and afterward he served for 42 years as the postmaster in the towns of Burgaw and Wallace. He was active in several community organizations, including the Burgaw Jaycees, the Burgaw Lions, the King Solomon #138 Masonic Lodge, and was an original member of the Pender County Rescue Squad. He was chairman of the Pender Adult Services executive board. A man of faith, he was also a member of Burgaw Baptist Church, where he served as a deacon and Sunday school teacher. In honor of his extensive involvement and giving spirit, Brown was awarded the North Carolina Governor's Award for Volunteerism and Community Service in 2004. A father of three and grandfather of five, Brown leaves behind his wife of 57 years.

Commissioner Brown's dedication to the town of Burgaw, both as a citizen and as an elected official, is an inspiration to us all. His record of service is a strong representation of what can be accomplished through devotion to a community and its people. May God bless his family, and may we always remember the leadership and life of Commissioner Gene Brown.

A PROCLAMATION HONORING SHANE YORK FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SPACE. Madam Speaker:

Whereas, Shane York showed hard work and dedication to the sport of basketball; and

Whereas, Shane York was a supportive team player; and

Whereas, Shane York always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Shane York on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SALAZAR. Madam Speaker, I rise today to honor the occasion of the 50th Anniversary of the Southeastern Colorado Water Conservancy District. All of us have in our districts special places and special people. The Arkansas Valley is very near to me because of the grit of its people and its genuine effort to sustain its culture and rural economy.

More than half a century ago, this region was optimistic about its future. The Valley knew that if it worked hard, it could prosper. But the people in the Valley also knew that they needed more water in order to do so. It was then that they envisioned a project which would bring them supplemental water for farms and ranches and small businesses and industry like the steel mill.

The people came together to push such a project, which came to be known as the Fryingpan-Arkansas because it moved water from the Fryingpan River watershed to the Arkansas River basin. In fact, the people needed to lobby Washington on behalf of the project, and they sold small golden fryingpans to raise money to send citizen lobbyists to Washington to tell the story of their need and their dream.

The Southeastern Colorado Water Conservancy District was eventually formed by these local activists, if you will. It was created under Colorado statute and designated by the Pueblo, Colorado district court. Its mission was to develop, in partnership with the Bureau of Reclamation, the multi-purpose project we now know.

I want to congratulate the District on its 50 years of dedicated work. Not only does it manage this complex project with its many diversion, conveyance and storage features; it promotes conservation programs, administers a valuable winter water storage program, and manages return flows for augmentation purposes.

The District and its many distinguished board members who have served the District and the Valley over 50 years are to be commended for their important efforts as they celebrate their golden anniversary today.

COMMENDING THE STATE OF KANSAS

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I would like to commend the state of Kansas for passing the Interstate Compact on Educational Opportunity for Military Children Kansas (Kansas House Bill 2714).

Military parents, like all parents, want a high-quality education for their children. Due to the nature of their jobs, which often require frequent moves, military families are too often faced with extra challenges. The enactment of the Interstate Compact on Educational Opportunity for Military Children is truly a hallmark for the state of Kansas. It will remove the educational barriers military children often face when parents must move to another state or are deployed.

The bill creates a pact with other states to streamline the school transfer process. It includes many creative solutions such as allowing students to use hand-carried records, rather than waiting on schools to transfer records, and requiring districts that do transfer records to do so within 10 days. it also gives extra excused absences to children with a parent who is deploying or returning and lets students enroll in advanced courses and special education programs previously enrolled in. Further, it provides schools with the choice to enroll students into extracurricular programs midseason and waive prerequisites

Provisions in the bill will apply to children of active members of the military, including those members severely injured and medically discharged and those retired for a period of up to one year after retirement.

The U.S. Department of Defense Office of Personnel and Readiness, in cooperation with the Council of State Governments and Advisory Group, have embraced the compact and look forward to working with other states as they develop similar programs.

This compact celebrates our nation's defenders and I ask my colleagues in Congress to congratulate the fine state of Kansas and to encourage their states to join the Compact.

A TRIBUTE TO STANLEY F. BATTLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Stanley F. Battle, who on July 1, 2007, assumed the position of chancellor of North Carolina Agricultural and Technical State University.

A native of Springfield, Massachusetts, Dr. Battle majored in sociology at Springfield College, graduating in 1973. After completing a master's degree in social work from the University of Connecticut in 1975, he earned a master's degree in public health (1979) and a doctorate in social welfare policy (1980) from the University of Pittsburgh. He later completed the Institute for Educational Management at Harvard University and the Millennium Leadership Institute of the American Association of State Colleges and Universities.

Dr. Battle began his academic career at the University of Minnesota in 1980, serving as an assistant professor in the School of Social Work with an adjunct appointment in the School of Public Health. Four years later, he moved to Boston University, holding joint appointments in the Schools of Social Work and Public Health. He was named a professor in the University of Connecticut School of Social Work in 1987, where he was promoted to associate dean for research and development in 1991.

In 1993, Battle was recruited to Eastern Connecticut State University as associate vice president for academic affairs. Five years later, he joined the University of Wisconsin-Milwaukee as the Sullivan-Spaights Distinguished Professor in UWM's School of Social Welfare and Education. In that role, he established scholarships, a summer research institute focused on issues pertaining to adolescent fathers, and a mentoring institute for adolescent African American males. In 2000, he was promoted to vice chancellor of student and multicultural affairs at UMW, a post he held until being named president of Coppin State in 2003.

Throughout his career, Dr. Battle has remained committed to scholarly endeavor, community involvement and collaboration. Battle has numerous awards and honors and is an accomplished teacher, researcher, and speaker. He is also the author or co-author of 11 books and more than 60 articles and book chapters, primarily focusing on social issues involving the African American community.

Battle and his wife, Judith Lynn Rozie-Battle, an attorney, have one daughter, Ashley Lynn, a graduate of Mount Holyoke College who is now pursuing a master's degree from the Columbia School of Journalism.

RECOGNIZING THE SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. MUSGRAVE. Madam Speaker, Fifty years ago today, the Southeastern Colorado Water Conservancy District was formed by a district court in Pueblo, Colorado. Its charge was to develop and administer the Fryingpan-Arkansas Project.

My Congressional District includes the Lower Arkansas Valley, which both the Project and the District serve. Supplemental water is provided for agricultural, municipal and industrial purposes with the hope of sustaining the livelihood of the people of this region.

The Arkansas Valley is not a wealthy region, but its people are rich in their determination and their love for the Valley. After World War II, this area like many others, saw a future of growth and enhancement, but it needed more to obtain those goals.

The Southeastern District and the many wonderful Valley residents who have served on its Board of Directors over the 50 years of its existence have served us well. The Fryingpan-Arkansas Project is an important tool in the area's efforts to survive both economically and culturally. While the Arkansas Basin experiences its highs and lows, often influenced by the availability of water in any given year, the Basin recognizes the value of the Project and the District which manages it capably and effectively.

I want to thank the Southeastern District for its efforts and congratulate them on their half a century of success.

A PROCLAMATION HONORING MATT BLAKE FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SPACE. Madam Speaker:

Whereas, Matt Blake showed hard work and dedication to the sport of basketball; and

Whereas, Matt Blake was a supportive team player; and

Whereas, Matt Blake always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Matt Blake on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

IN TRIBUTE TO THE AIGEN HAIFA CHAPTER OF AMERICAN FRIENDS OF MAGEN DAVID ADOM

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. WASSERMAN SCHULTZ. Madam Speaker, I rise today to pay tribute to the Aigen Haifa Chapter of American Friends of Magen David Adom. Magen David Adom is Israel's equivalent to the Red Cross.

The chapter based out of Sunrise, Florida, is celebrating the 60th anniversary of the state of Israel. Since its formation in 1992, the chapter has raised several million dollars. This money has gone to buy 11 ambulances that cost anywhere between $70 and $100 thousand. The money also helps build blood centers in Israel which supply 95 percent of the blood in the state to among others, hospitals and the military.

Over the last three years, the chapter has been short handed. Many of us remember the destruction by Hurricane Wilma in 2005. This group felt it first hand, more than 50 of its 120 members have left and not returned to the area. But that has not stopped them from taking money out of their own pockets to donate to the state of Israel. On several occasions, a former member has passed away, and willed money to the organization so they could help their brothers and sisters in Israel.

Madam Speaker, this group exemplifies some of the best that this country has to offer. I thank you for giving me the opportunity to tell all of America about some of the women and men in my district who work to make positive changes in the lives of others.

HOUSE OF REPRESENTATIVES—*Wednesday, April 30, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 30, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Nathan Meador, Zion Lutheran Church, Staunton, Illinois, offered the following prayer:

Almighty Father, Wisdom Incarnate and Eternal Spirit of Truth and Life, You bid Your people seek Your will, Your wisdom and Your gifts. At this time in history, our Nation is faced with many challenges and presented with many great opportunities for serving You and our neighbors. Grant the Members of this House Your strength, wisdom and guidance as they seek to serve You in leading this great Nation in the way of Truth and Life. Bestow Your blessing upon all the people of this great Nation whom this august assembly serves. Strengthen us as we face those challenges and encourage us as we seize the divinely given opportunities to make this world a better place. At Your direction and in Your peace, may we dwell in safety and live for You and the service of our neighbors. We pray in the risen name of our Lord Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4040) "An Act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. PRYOR, Mrs. BOXER, Ms. KLOBUCHAR, Mr. STEVENS, Mrs. HUTCHISON, and Mr. SUNUNU, to be the conferees on the part of the Senate.

WELCOMING REV. NATHAN MEADOR

The SPEAKER pro tempore. Without objection, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 1 minute.

There was no objection.

Mr. SHIMKUS. Thank you, Mr. Speaker.

I want to welcome Rev. Nathan Meador to the Chamber today. Pastor Meador is the pastor of Zion Lutheran Church in Staunton, Illinois. He has served in this capacity since August of 2003. He currently serves as a vicarage supervisor and resident field education adviser to several students from Concordia Seminary, St. Louis. Elected in 2006, he is also a member of the Southern Illinois District of the Lutheran Church Missouri Synod's Board for Congregational Support.

In Staunton, Rev. Meador is proud to serve as the chaplain for the Staunton Volunteer Fire Department, treasurer of the Staunton Area Clergy Association and chairman of the Board of Trustees for the Staunton Education Foundation.

Born January 29, 1970, in Highland, Illinois, Rev. Meador spent his entire childhood as a resident of Edwardsville, Illinois. He is a 1988 graduate of Metro-East Lutheran High School in Edwardsville, Illinois, and my former student. He continued his education at Concordia University Wisconsin, earning a bachelor of arts with a double major in pre-seminary studies and theological languages. A master of divinity degree was earned from Concordia Seminary, St. Louis, Missouri, in 1996.

His first call was to serve a dual parish in Sheldon and Gilman, Wisconsin. There he served Trinity and Zion as pastor for 2 years. In 1998 he accepted the call to serve as pastor of Zion Lutheran Church in rural Wausau, Wisconsin. He served in this capacity until August 2003 when he accepted the call to serve in Staunton, Illinois.

Rev. Meador is married to Jill Jaeger and has been married for 15 years. They have three children: Joseph, 11; Beth, 8; and Andrew, 4.

When not being a parish pastor, Rev. Meador enjoys officiating high school and youth athletics and playing golf.

Welcome, Nathan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Bertie Ahern, Prime Minister of Ireland, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, April 24, 2008, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1053

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY BERTIE AHERN, THE PRIME MINISTER OF IRELAND

The Speaker of the House presided.

The Majority Floor Services Chief, Barry Sullivan, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Bertie Ahern, the Prime Minister of Ireland, into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Illinois (Mr. EMANUEL);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from Wisconsin (Mr. OBEY);

The gentleman from Massachusetts (Mr. MARKEY);

The gentleman from Massachusetts (Mr. NEAL);

The gentlewoman from New York (Mrs. MALONEY);

The gentleman from Rhode Island (Mr. KENNEDY);

The gentleman from New York (Mr. CROWLEY);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Florida (Mr. PUTNAM);

The gentleman from Michigan (Mr. MCCOTTER);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from Louisiana (Mr. MCCRERY);

The gentleman from New York (Mr. WALSH);

The gentleman from New York (Mr. KING);

The gentleman from New York (Mr. MCHUGH); and

The gentleman from New Jersey (Mr. FERGUSON).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Bertie Ahern, the Prime Minister of Ireland, into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Massachusetts (Mr. KENNEDY);

The Senator from Vermont (Mr. LEAHY);

The Senator from Connecticut (Mr. DODD);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Pennsylvania (Mr. CASEY);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Texas (Mr. CORNYN);

The Senator from Mississippi (Mr. COCHRAN); and

The Senator from Maine (Ms. COLLINS).

The Majority Floor Services Chief announced the Acting Dean of the Diplomatic Corps, His Excellency Jerome Mendouga, Ambassador of Cameroon.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Majority Floor Services Chief announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 8 minutes a.m., the Majority Floor Services Chief announced His Excellency Bertie Ahern, the Prime Minister of Ireland.

The Prime Minister of Ireland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Bertie Ahern, the Taoiseach, Prime Minister of Ireland.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY BERTIE AHERN, THE PRIME MINISTER OF IRELAND

Prime Minister AHERN. Madam Speaker, Senator BYRD, Members of Congress, Senator KENNEDY, Chairman and Past Chairman of the Friends of Ireland, Mr. NEAL and Mr. WALSH, my distinguished predecessor as Taoiseach, Ambassador Bruton, distinguished guests:

Thank you for your kind introduction. Your invitation to address this joint meeting this morning honors my country and honors me also. It reaffirms the enduring bonds of friendship and esteem between our two peoples and between our two republics. Those bonds have been built and nurtured and refreshed over the centuries. America and Ireland have something that goes beyond a friendship between countries. To be an Irishman among Americans is to be at home.

So, Madam Speaker, I stand here before you as a proud son of Ireland. And I stand with you as a steadfast friend of the United States of America.

I know, Madam Speaker, like so many others assembled here, you share many links with Ireland and with County Wicklow in particular. A famous son of Wicklow, the son also of an American mother, Charles Stewart Parnell, stood in this place 128 years ago, the first Irish leader to do so. Parnell turned to the United States, as have many Irish leaders since, as we strove to emulate the achievements of America and to vindicate the principles that inspired your Founding Fathers: the principles of liberty, of equality and of justice.

In the early part of the last century, Eamon De Valera came here seeking help as Ireland struggled for her independence. In more recent times, many Irish leaders have come here in the quest for peace in Northern Ireland. Whenever we have asked for help, America has always been there for us—a friend in good times and in bad. From the very outset, Ireland gave to America Presidents, patriots and productive citizens of a new nation. Beginning with the Irish-Scots in the 17th and 18th centuries, they came from all corners of our island and from all creeds. The Irish helped to build America. The very bricks and stones in this unique building were quarried and carried by the hands of Irish immigrant laborers. A sculptor of Scots-Irish descent, Thomas Crawford, created the figure of Freedom, the statue later raised to the top of this famous dome here on Capitol Hill. It reminds us all of the shared values of democracy and freedom which inspired both our journeys towards independence—the values that shine as a beacon of light and that stand strong as a city upon the hill among all the nations of the earth. That statue also tells our Irish immigrant story—a story which is an indelible part of America's own story of immigration, of struggle and of success.

The great waves of Irish immigration in the 19th century carried millions to your shores in flight from famine and despair. They carried little with them as they arrived on these shores, except a determination to work hard and to succeed. In the words of the poet Eavan Boland, that eloquent voice of America and Ireland, they had:

> Their hardships parceled in them.
> Patience. Fortitude.
> Long suffering in the bruise-colored dusk of the New World.
> And all the old songs.
> And nothing to lose.

To them, and the legions of others who came before and after, America was more than a destination. It was a destiny. We see the same spirit in the New Irish at home today—the many people from beyond our shores who are now making new lives in Ireland. They too had the courage to come to a foreign place, to find their way and to provide for themselves, for their children and, in many cases, for their families far away.

The New Ireland—once a place so many left—is now a place to which so many come. These newcomers to our society have enriched the texture of our land and of our lives. We are working, as are you, to welcome those who contribute to our society as they lift up their own lives, while we also address the inevitable implications for our society, our culture, our community and our way of life.

So we are profoundly aware of those challenges as we ask you to consider the case of our undocumented Irish immigrant community in the United States today. We hope you will be able to find a solution to their plight that would enable them to regularize their status and open to them a path to permanent residency.

There is, of course, a wider issue for Congress to address. And it is your definitive right to address it in line with the interests of the American people. I welcome the wise words of your President when he addressed you on the State of the Union earlier this year and said he hoped to find a sensible and humane way to deal with people here illegally, to resolve a complicated issue in a way that upholds both America's laws and her highest ideals. On this great issue of immigration to both our shores, let us resolve to make the fair and rational choices, the practical and decent decisions, so that in the future people will look back and say: They chose well. They did what was right for their country.

Madam Speaker, for millions across the globe, the great symbol of the freedom and the welcome of America is the Statue of Liberty and the New York City skyline. The promise inscribed there says so much about this country:

Give me your tired, your poor, your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door.

Annie Moore was one of those who heard that promise. She was a young Irish girl, aged only 15, from County Cork. She was the first immigrant to pass through the Ellis Island immigration station when it was officially opened in 1892. She came here with her brothers to make a new life in America. Her story is one among millions. The Irish are to be found in the police departments and the firehouses, in the hospitals, the schools and the universities, in the board rooms and on the construction sites, in the churches and on the sports fields of America. Their contribution is seen in much of the great literature, film, art and music that America has given to the world. Each of them is a green strand woven into the American Dream. In all of America, there is Irish America.

My friends, on September 11, 2001, some of the most terrible, evil events in world history occurred. Close to Ellis Island, near this very building, and in the skies and fields of Pennsylvania. It is a day that is etched into the memory of all humanity. On that day, Father Mychal Judge, the chaplain of the New York Fire Department and the son of Irish immigrants from County Leitrim, rushed to the World Trade Center to help those who were in danger and to minister to the injured and the dying. Along with so many other good, innocent people, Father Mike died inside the Twin Towers that day. He was officially designated Victim No. 1. Of course he was no more important than any other victim. He was just a simple man of faith and of courage trying to help others.

In recognition of the bravery of all who died on that terrible day, I am deeply honored to be joined here today by some of Father Mike's comrades from the New York Fire Department and the New York Police Department. I want to thank Officer Steven McDonald of the New York Police Department and Chief Robert Sweeney of the New York Fire Department for being with us. I honor them and all of their fallen comrades—those who fell on that day and all who have fallen during their duty to serve the people.

There was a national day of mourning in Ireland after 9/11. Every city, town and village fell silent in remembrance of the dead. The names on the casualty list of the terrorist attack included Boyle, Crotty, Collins, Murphy, McSweeney, and O'Neill—our names, the names of our families and our friends, the names of our nation. There are many other names, too, from many other nations. Those attacks were an attack on the free nations of the world and on humanity itself. No words of mine then or now can adequately address such an immense tragedy. But I could not come to this place today without pausing to reflect and to remember and honor those who died on that day. Our hearts and prayers remain with their families. Ar Dheis De go raibh a n-anam dilis go leir.

Madam Speaker, the relationship between Ireland and the United States continues to grow from strength to strength. It proceeds from all that has gone before, but it also thrives on the changes and new challenges which we must face together. In Ireland, we firmly believe our experience of hardship and of forced emigration is at an end. For that achievement, too, we owe so much to America. Our two countries are reaping the rewards together. We are investing in each other's economies, bringing together our entrepreneurial energy and creating employment across Ireland and across the 50 States of America. That is the true measure of our economic achievements together. It points to a friendship every bit as strong in the future as it is today. Our relationship is also part of a broader relationship between Europe and America. The Atlantic Ocean will always bring Europe and America together. I do not see the Atlantic as something that keeps America and Europe apart. Ireland, as Europe's most westerly state with so many ties to the United States, is a bridge between Europe and America.

I ask you to consider what has been achieved in Europe in the past 50 years. We have put aside hostilities that led to countless wars over the centuries and to two world wars in the last century alone. We have created a European Union of 27 democratic states, committed to democracy, peace and freedom. We are committed to an open market and to a single currency that benefits hundreds of millions of European citizens. We all recall two great Irish Americans—President Kennedy in 1963 and President Reagan in 1987—standing at the Berlin Wall during the Cold War and calling out for freedom in Germany and in Europe. That call was heard, as freedom's call always will be. Berlin is now at the heart of a united, democratic Germany.

On the 1st of May, 2004, in my native city in Dublin, 10 new members formally joined the European Union. Many of them were emerging from behind the Iron Curtain after decades of oppression. I remember the intensity of the emotions. For many of these countries, this was a moment that was unthinkable only a few years before. Along with Berlin, the great cities of Prague, Budapest and Warsaw have joined Dublin, London, Paris, Rome, Madrid and Vienna as capital cities within a free and democratic European Union. The Union now stretches from the beautiful west coast of Ireland, where the locals say that the next parish is America, to countries with a land frontier with Russia and Ukraine. I passionately believe in Europe and I passionately believe in the European Union as a force for good in the world. It is profoundly encouraging that we are seeing the members of the European Union continuing to rise together as a force for development, for stability, for peace in the world. Soon, the Irish people will vote on a new reform treaty that aims to make the European Union work even more effectively, both internally and in the wider world. I trust in their wisdom to support and to believe in Europe, as they always have.

My friends, between America and Europe, there is contrast, but not contradiction. Energized by a common framework of values and imbued by democratic principles, together we can and we shall be a beacon for economic progress, individual liberty, and the dignity of all mankind. Acting in partnership, there are few limits to the good we can do. We are all citizens of the world. We must, therefore, develop a true spirit of global citizenship. This cannot and should not be an alternative to national pride and patriotism, but rather a complement to it. We should care for our planet as much as we care for our country. We should champion peace, justice and human rights across the globe as well as at home. It is an affront to our civilization that there are children, anywhere in the world, who will die of hunger or of a curable disease.

In this year of the 60th anniversary of the Universal Declaration of Human Rights, it angers us that some corners of the world remain hidden from the light of the universal principles expressed so eloquently in that document. Although a small country, Ireland has always sought to play a full part on the international stage. We have consistently advocated acting in accordance with the principles of democracy, the rule of law, human rights and human dignity. Ireland believes in multilateral institutions. We believe in the United Nations. We believe in the European Union. And we believe in multilateral action. For over half a century, Irish men and women have served the cause of peace under the United Nations flag. They have served in the Congo and in Lebanon, on the borders between Israel and Syria, and between Iraq and Iran, in Cyprus, in Eritrea, in Liberia, in East Timor, in Bosnia, in Kosovo and, of course, in Afghanistan today. Tragically, some have paid the ultimate price and they have given their lives in that noble service.

Madam Speaker, never has the expression "the global village" been more appropriate. The great challenges that we face in the 21st century are truly global. Falling financial markets, rising food and energy prices and climate change are global phenomena. Eradicating poverty, starvation and disease, countering international terrorism and containing nuclear proliferation are not national but international issues. They cannot be overcome except by countries working together. In many ways, the modern world is a much better place, but it remains a dangerous place. The values we share are our strength and our protection.

Forty years ago, the threat of nuclear war hung over the world. Not least through the wisdom of America's leaders at crucial moments, we no longer live every day under that shadow. Ireland was at the forefront of efforts at the time to agree to the nuclear nonproliferation treaty. Today, there are new possibilities for mass devastation. The need for concerted international action to prevent the proliferation of nuclear weapons technology is no less urgent now than it has been in the past.

Madam Speaker, in Ireland today, we are looking out from our own shores more than ever before—no longer with thoughts of exile but to be part of the world. Connected to it, contributing to it, learning from it. The long and proud tradition of Irish missionaries, of teachers, of nurses and of doctors working around the globe to combat poverty, hunger and disease continues today. For us, famine and oppression are not tragedies that could only happen elsewhere. They happened to us at a sad time in our history. They happened to those who fled here and helped build America and to the many who did not survive that fateful journey across the ocean. For that more than any other reason, we recognize our obligation to share what we have with the poor of the world. That is why Ireland is committed to reach the United Nations aid target by 2012. Today, we are the sixth largest per capita donor of development assistance in the world. The strength of our efforts to tackle poverty, to cure disease and to feed the hungry in the developing world is a measure of our common humanity.

At this moment in our history, that common humanity is being tested in parts of the continent of Africa—in countries like Sudan and Chad, where lives have been lost on a terrible scale, where countless families have been driven from their homes, where conflict threatens a whole region with chaos and destruction.

Today, Irish soldiers are in Chad as part of a United Nations-mandated force, led by an Irish officer, protecting hundreds of thousands of refugees fleeing from conflict in that country and in neighboring Darfur.

America has shown the way in its commitment to healing the conflict in Sudan and to Africa as a whole. You have shown the way also in your enormous investment in the fight against HIV, AIDS and malaria. And you have given huge support and leadership to the peace process in the Middle East. That terrible conflict has been a central challenge to the world, and a cause of pain and suffering to the Israeli and the Palestinian people for far too long. We must succeed in our collective international efforts to secure a peaceful future for the people of Israel and of Palestine.

Madam Speaker, this year, in Ireland, we are celebrating the 10th anniversary of the Good Friday Agreement. It was a defining moment in Ireland's history. In the years since then, some doubted that the agreement would endure. I never did. I knew it would last because it is built on the highest ideals of democracy—the ideals of liberty, of equality, of justice, of friendship and of respect for our fellow men and women. Above all, the settlement of 1998 will flourish because of one simple and unalterable fact. It represents the will, democratically expressed, north and south, of all of the people of Ireland to live together in peace and harmony. That is far more powerful than any words of hatred or any weapon of terror.

In 1981, in much darker days for my country, the Friends of Ireland in the United States Congress were founded. Their simple purpose was to seek a peaceful settlement in Northern Ireland. The statement, placed in the CONGRESSIONAL RECORD during a session chaired by Speaker Tip O'Neill, read: "We look forward to a future St. Patrick's Day, one that we can foresee, when true peace can finally come and Irish men and women everywhere, from Dublin to Derry, from Boston and New York to Chicago and San Francisco shall hail that peace and welcome the dawn of a new Ireland."

On St. Patrick's Day 2008, a few short weeks ago, I came here to Washington. I came with a simple and an extraordinary message. That great day of hope has dawned. Our prayer has been answered. Our faith has been rewarded. After so many decades of conflict, I am so proud, Madam Speaker, to be the first Irish leader to inform the United States Congress: Ireland is at peace.

Madam Speaker, our dream, and the dream of all the friends of Ireland in America and across the world, has come true. To you, to your predecessors and to all of the American leaders from both sides of the aisle who have traveled with us, we offer our heartfelt gratitude. We also recognize the steadfast support of President Bush, of President Clinton, their administrations, their envoys and of their predecessors. And, of course, for us, the great Senator George Mitchell.

Beyond Washington, there are so many others, whether amongst the dedicated leaders of Irish America, or in the smallest towns and communities across this great Nation, who have supported us, and who never gave up hope that a solution would be found and that peace would come. We have all shared that journey together. When we needed true champions of peace, when we needed true friends, when we needed inspiration, we found them here. We found them among you. Many of us found inspiration in the words of Dr. Martin Luther King, whose live we recall this year on the 40th anniversary of his death. We believed, to borrow Dr. King's immortal phrase, that we would be able to transform the jangling discords into a beautiful symphony of brotherhood. His dream, born of America but heard by the whole world, inspired us through its unanswerable commitment to justice and to nonviolence. We discovered that peace can be found without suspending your moral judgment, without sacrificing your identity and without surrendering your most deeply held political aspirations.

Today, as I stand before you in this great democratic assembly, I struggle to convey the enormous good that was done by so many people in my country, with your help. Do not underestimate the good that you have done. Do not forget the legacy that you have forged. And if ever you doubt America's place in the world, or hesitate about your power to influence events for the better, look to Ireland. Look to the good you have done. Look at the richness of so many individual futures that now stretch out before us for generations, no longer subject to conflict and violence. Look to the hope and confidence that we now feel on our island. The healing of history. Look and be glad.

Madam Speaker, there is, of course, no ending to history. We will always have new problems, new challenges and new opportunities. We are seeing an ever-increasing range of new technological and scientific developments, which are created and diffused at ever-greater speeds. Our societies are increasingly diverse. Side by side with great wealth and prosperity, we still see social exclusion and poverty. We endeavor to help families and communities ravaged by a minority who engage in crime or deal in drugs. We strive to deliver quality, affordable health care to all our people. We want the best education for our children. We seek to provide social protection and security for our older people, to recognize what they have given to help create our successful societies.

These are the challenges for modern Ireland, just as they are throughout America and across the developed world. These are the very essence of politics. That is why, with all our faults as human beings, we seek the honor of representing the people. We believe that diversity does not have to mean fragmentation or discord. We believe that wealth and prosperity does not have to be accompanied by poverty and inequality. We believe that evil or injustice need not—and will not—triumph. We believe—we insist—that all that is good and just is also possible. We believe in our republics and our forms of government, in which the sovereign power resides in the whole body of the people, and is exercised by representatives elected by the people.

An American President once said: "The supreme purpose of history is a better world." Making a better world is also the supreme purpose of representative politics in our two democratic republics.

Madam Speaker, I will shortly step down from the office of Taoiseach after almost 11 years. I am honored to have been elected by the Irish people to serve them in that great office. Tomorrow, as I journey home to Ireland for the last time as Taoiseach, I will travel to the great city of Boston, Massachusetts. There, I will join my great friend, Senator Edward Kennedy, and pay tribute to President Kennedy and to Robert Kennedy—great Irishmen, great Americans and great leaders. In doing so, I will pay fitting tribute to all the Irish in America.

On the 6th of May, Madam Speaker, I will go to that famous field on the banks of the River Boyne in Ireland where, over three centuries ago, fierce and awful battle was waged between the Protestant King William and the Catholic King James. It was not just an Irish battle. It was part of a wider European struggle of power, of politics and of religion. For centuries after, the two sides on that field remained apart and remained divided. Today, both sides, proud of their history and confident of their identity, can come together in peace and part in harmony. They can offer each other the open hand of friendship. They will reaffirm again what Ireland has achieved and what we know in our hearts to be true. Centuries of war, of strife and of struggle are over, and over for good. The field of slaughter is now a meeting place of mutual understanding. Our children will live in peace. And their children will enjoy the fruits of their inheritance. This is the triumph of people and of politics. This is the achievement of democracy. The great achievement of Ireland and the great blessing of peace.

On that same day, I will go to the President of Ireland, Mary McAleese—a woman who rose from the conflict-torn streets of Belfast to be elected our head of state and our first citizen. I will offer her my resignation as Taoiseach. I will humbly hand over the seal of office which I have so proudly held. Finally, on the morning after, in the hours before my worthy successor steps forward to stand in my stead, I will stand silently at the simple graves of the patriot dead who proclaimed Ireland's republic and who fought for Ireland's freedom at Easter 1916. There I will discharge my last duty as Taoiseach and pay the homage that Ireland owes to those men and those women. And I will recall the words of the 1916 Proclamation, so resonant of the United States Declaration of Independence and so relevant to humanity around the world:

The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally.

These are the values on which Ireland stands. These are the values by which I strive to live. The vindication of these universal values is the highest tribute we can pay to those who have gone before and the greatest legacy that we can bequeath for those who are yet to come. There are no finer words with which to finish and upon which to say:

In history, in politics and in life, there are no ends, only new beginnings.

So let us begin.

Go raibh mile maith agaibh.

Thank you for the opportunity.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., His Excellency Bertie Ahern, the Prime Minister of Ireland, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Majority Floor Services Chief escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 41 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. CARNAHAN. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minutes on each side.

NO MORE SUBSIDIES FOR OIL COMPANIES

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, the price of gasoline has reached another record high, nearly $4 a gallon. And yet when the Democrats, along with Speaker PELOSI and the Democratic majority, have asked the President to stop filling the Strategic Petroleum Reserve, which is 97 percent full and which experts say could lower the price of gasoline by 5 to 24 cents a gallon, the President says he doesn't believe the cost benefit analysis of immediate action for consumers persuaded him.

Well, Mr. Speaker, I would suggest that the President consider how Americans are suffering with the price of gasoline at the pump, how that's limiting their other choices in expenditures, and how it will reduce their opportunity for summer vacations.

Yesterday, Mr. Speaker, I signed on to a bill for a windfall profits tax on oil companies. Oil companies presently have subsidies given to them in the past, which this Congress tried to repeal but we didn't have bipartisan support to repeal those subsidies. So these companies making more money than ever have subsidies rather than windfall profit taxes.

Mr. Speaker, we need to look out for the motoring public.

THE AMAZING BORDER SHERIFFS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the United States is intending to send $1.4 billion in taxpayer money to Mexico to fight the cartel drug criminals on the border. This may sound good on the surface, but there are problems with sending money south of the border. It's an unfortunate reality that border corruption exists between Mexican law enforcement and the drug cartels. America has no assurance that some of that money or equipment won't end up in the very hands of the people we're trying to stop.

This $1.4 billion would be better spent if it stayed in America. It should go to the Border Sheriffs Coalition. These are hard-nosed lawmen from Brownsville, Texas, to San Diego, California, that operate on a shoestring budget, and they know better how to stop the drug smugglers and coyotes from entering their counties. I have met with them numerous times along our southern border. These border lawmen are amazing crime fighters and protectors of America.

The 18 Texas border sheriffs unanimously believe that, "the culture of corruption and smuggling both in narcotics and humans and the threat of terrorism on the border will increase" if this money is sent to Mexico.

Mr. Speaker, let's help out our first responders and give them the tools to fight crime on the border and keep the money in America.

And that's just the way it is.

IT IS UP TO THE DEMOCRATS TO TAKE US OUT OF THE ECONOMIC MESS PRESIDENT BUSH CREATED

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the President wants to blame the Democrats for the economic mess he's made. He is the one who wants to sweep our problems under the rug. He should be ashamed of himself.

When he came into office, the previous administration had created more than 22 million new jobs. The economy was booming. People had the chance to live the American dream. Now gasoline is too high, food is too high, the rent is too high, and nobody can get a raise.

Bush had his hand on the wheel for 7 years. He has been in charge. But he wants to blame the Democrats for the economic mess he made. Well, as they say in the South, that dog won't hunt.

The Republicans got us into the mess, and now it's going to take the Democrats to get us out.

GENERAL ELECTRIC

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. INGLIS of South Carolina. Mr. Speaker, there's plenty of bad economic news around, and we've shared in some of that in the upstate of South Carolina. But there are also some real bright spots. One of them is on Garlington Road in Greenville, South Carolina, where General Electric is currently looking for 200 more engineers. That would add to the 3,000 employees they have at that plant. Half are engineers, roughly the other half are manufacturing staff.

One of the most exciting things they're doing there is wind turbines. In fact, General Electric is now the number two installer of wind turbine units in the whole world, and they're made, in significant part, in Greenville, South Carolina.

If the renewable production tax credit is extended, and that's an important "if" for us here in the House, we need to do that; if we do extend that credit, General Electric expects that the United States will surpass Germany as the number one producer of wind energy in the world.

Mr. Speaker, it's an exciting thing when we see new technology create jobs, especially when that new technology moves us away from dependence on oil and helps us break this addiction.

CONGRATULATING DEERE AND COMPANY FOR RANKING FOURTH IN "100 BEST CORPORATE CITIZENS"

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to congratulate Deere and Company for placing 4th among more than 1,000 companies in the annual "100 Best Corporate Citizens" list, compiled by CRO magazine. I'm proud to represent John Deere facilities located in Waterloo, Dubuque, and the Quad Cities in my district.

John Deere has a long history in Iowa. Iowa farmers were using John Deere plows to break the prairie in 1837 before Iowa even became a State. In 1918, John Deere purchased the Waterloo Gasoline Engine Company which transformed the company into a national leader for farm machine production. In fact, the "Waterloo Boy" tractor is displayed at the Smithsonian. In the 1940s, Deere expanded by building an industrial equipment factory in Dubuque.

John Deere is the world's leading manufacturer of agricultural and forestry equipment and today employs around 47,000 people worldwide, and nearly 10,000 of them are in my district. I'm proud to have such a John Deere presence in my district, and I'm pleased that the company scored high in the areas of climate change, human rights, and philanthropy. I commend Deere and Company for all it has done in Iowa and the country.

Go green or go home.

IRAQ: PAY FOR ITS SECURITY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Iraq's oil revenue is projected to be a record $70 billion this year, according to a report set to be released today from the Special Inspector General for Iraq Reconstruction. The cost of Iraqi oil has skyrocketed in recent years up 250 percent since 2003. With these soaring oil revenues, the time is now for the Iraqi government to take greater responsibility for the security and reconstruction of their country and begin the process of weaning themselves off the largesse of the United States of America.

Recently, Secretary of Defense, Robert Gates, announced that he was cutting $171 million in Pentagon funding for a police station construction in Iraq. This is a good first step towards ensuring that the Iraqi government understands that they need to show a real and sustained commitment to taking control of their country's destiny. By spending some of their record oil revenues, the Iraqis can send a definitive statement that they are serious about investing in their own future.

BUSH CONTINUES TO OPPOSE EFFORTS TO PROVIDE COVERAGE FOR THE UNINSURED

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, this is National Cover the Uninsured Week. This recognition is particularly important this year as our economy continues to dip into recession. The Kaiser Family Foundation recently released a study that shows each time the unemployment rate increases by one percentage point, an additional 600,000 children lose their insurance.

Congress has worked hard to ensure that our children have access to health care coverage through the CHIP program. In strong bipartisan votes, this Congress has repeatedly sent President Bush legislation that would provide 10 million children quality health care coverage, but repeatedly, he vetoed the legislation and prevented us from reaching more children.

This legislation is even more important today as more Americans are losing their jobs and their health care, and yet President Bush and most Republicans in this Chamber refuse to ensure that 10 million children have access to quality health care.

Mr. Speaker, as we recognize the uninsured this week, I once again urge President Bush to reconsider his veto of the CHIP bill.

REAUTHORIZE THE COUNTY PAYMENTS PROGRAM

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. WALDEN of Oregon. Mr. Speaker, this Congress continues to break the Federal Government's promise to America's timbered counties, including Klamath County in southern Oregon, by not reauthorizing the county payments program. Klamath County usually receives upwards of $19 million annually from county payments. The lapse of this program obviously has created a major budget shortfall for that rural county. It's been forced to deplete its operational reserves. It's cut over 10 jobs in areas like the sheriff's office, juvenile justice, administration, and planning.

If revenues fail to meet projections and with the operational reserves depleted, the next rounds of cuts could easily result in more than 25 people in the sheriff's department alone losing their jobs. Klamath County is known for running a tight ship so each new cut carries serious consequences to public services.

Since January of this year, the Democrat majority in this House has sat on H.R. 3058, a bipartisan 4-year reauthorization bill for county payments. Nothing's happened. No vote.

I, again, call on the Democratic leadership: Do the right thing. Keep the commitment to the timbered communities of this country and pass the reauthorization or put it in the farm bill or put it in the supplemental. Don't strip it out. Restore faith with rural counties all across America. Keep the Federal commitment to these timbered counties.

SOARING PRICES, SILENCE AND SECRECY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the President announced that he's open to ideas to lower soaring gasoline prices. That's good news because I noticed gasoline prices began to rise not long after Vice President CHENEY held secret meetings with the energy companies. So the first thing the President ought to do is have the Vice President release the transcripts from those secret meetings. The American people still don't know what the Vice President's energy cabal cooked up. The gasoline prices have skyrocketed ever since.

The President's solution is to allow his oil pals to drill in the Arctic National Wildlife Refuge. That keeps us addicted to oil, risks environmental catastrophe but feeds the profits of oil companies. Two of the oil companies, BP and Shell, reported almost $19 billion in profits from the first quarter, and their surrogates in the White House can only meet soaring gas prices with silence and secrecy.

The President claimed he's looking for new ideas. How about an old reliable one: open government. Tell the people what happened in those secret meetings. Maybe then we will find out why I paid $3.75 for a gallon of gas last night. It was $1.90 when the President came in.

RECORD HIGH GAS PRICES REQUIRE ACTION, NOT BLAME

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, skyrocketing gas prices continue to squeeze Americans who are now paying more than double the price for gasoline than they did when President Bush first took office. Families and businesses are paying a heavy price for the Bush administration's failure to enact a comprehensive energy plan.

In December, the Democratic Congress passed a historic Energy Independence and Security Act which is expected to lower gas prices for the average family anywhere between $700 and $1,000 a year. In addition to this landmark legislation, the Democratic Congress has passed six other bills that put us on a path towards energy independence and crack down on price gouging. However, President Bush and his Republican allies in Congress strongly opposed every single one of these bills.

Mr. Speaker, for years, the President promised to end the addiction to foreign oil, but this administration's energy policies favor massive subsidies for the oil industry. As gas prices hit record highs, President Bush should reconsider his opposition to these bills.

☐ 1230

MORTGAGE CRISIS

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Mr. Speaker, I rise today to bring attention to an issue of great concern to the people of my district. When I was home in Indianapolis this weekend I heard from countless homeowners who are concerned about losing their homes and the mortgage crisis. These are good, hardworking people, not speculators or investors, who find themselves on the brink of foreclosure. And the Hoosiers I met aren't alone. Some estimate that nearly 50,000 homes in Indiana will be lost to this crisis if we fail to act.

Indiana families are counting on Congress, and we are taking action. I am proud to serve on the Financial Services Committee, where we are continuing to work on a plan that will provide real relief to homeowners who are struggling. Our plan will help ease the mortgage crisis and help more homeowners stay in their homes.

And I am proud that the legislation includes an amendment I have offered to ensure organizations that serve minority communities have the resources they need to counsel and support homeowners in trouble. Many of these communities have been hit especially hard by this crisis, and it's essential that organizations who serve these neighborhoods can step in and help prevent more foreclosures.

Mr. Speaker, the economic downturn is taking its toll on families in Indianapolis, and we know we can't get our economy back on track unless we address the housing crisis. It is my sincere hope that Members on both sides of the aisle and the President will work together to ensure homeowners stay in their homes and end this crisis.

I–376 TECHNICAL CORRECTION

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, today the House will complete work on the technical corrections bill for the Federal Highway Transportation Act. This bill includes a project that is critical to my district, the future I–376 corridor.

Pittsburgh International Airport is the only major airport not currently on a Federal interstate. This has hurt the region's ability to compete and limited business development along the highways that lead to it. The redesignation of Pennsylvania Routes 22, 30 and 60 as Federal Interstate 376 is critical to future economic development and the marketability of western Pennsylvania. Completion of the project is also contingent on safety upgrades at two separate interchanges.

With today's passage of the technical corrections bill, we are taking one more step in advancing the I–376 designation and in making the regional priority a reality. I thank the chairman, Mr. OBERSTAR.

REPUBLICAN PRESIDENTIAL CANDIDATE OUT OF TOUCH ON THE ECONOMY

(Ms. SUTTON asked and was given permission to address the House for 1 minute.)

Ms. SUTTON. Mr. Speaker, Senator JOHN MCCAIN admitted months ago that he wasn't an expert on the economy. And that certainly explained his comments earlier this month when he declared, "You can make the argument that there's been great progress economically" over the last 7 years. Great economic progress?

Clearly, Senator MCCAIN has not been talking with the middle class families across America who overwhelmingly believe they are worse off today than they were when President Bush took office in January of 2001. And there is a good reason they're feeling that way. Since January of 2001, health care premiums have increased by more than $5,000 per year for the average middle class family, while college costs for their children have shot up $2,500 a year for a public university.

Middle class families are finding it increasingly difficult to find the money for these skyrocketing costs, considering the average median income has actually fallen by more than $900 over the last 7 years. And Senator MCCAIN calls this economic progress?

Mr. Speaker, the American middle class cannot afford another 4 years of failed Republican leadership in the White House.

WHERE'S THE PLAN?

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker and my colleagues, talking to folks in the district last night in a telephone town hall conference and visiting with folks in my district, they want to know what Congress is doing about gas prices and energy prices. People are struggling as they try to fill up their gas tank. They're struggling when they go to the store and see inflated food costs. And so far, we haven't seen any results from Congress.

Now the other side of the aisle, the Democrats, are in charge, they've been in charge. They said they were going to take over and they would have a plan. The Speaker, the then leader on the other side, said they would have a plan. Where is the plan? Gasoline prices when the Democrats took control were just a little over $2. Now they're reaching $4 in some areas. Where is the plan?

The only plan I've seen is the $870,000 plan to replace the light in the dome of the Capitol, a 200-year payout. Where is the plan? People in America want to know where the plan is and how we're going to reduce gas prices for them and food prices for them.

GAS PRICES

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, last night, gas prices in New London, Connecticut reached $3.77 a gallon. When George Bush took office, they were $1.52 a gallon. Those prices are 72 cents higher than last year in New London County, 42 cents higher than just last month. Commercial fishermen on Long Island Sound have seen their fuel costs double, truck drivers have seen their diesel prices more than double in the last year.

Dozens of Members of Congress have written to President Bush asking him, with one stroke of the pen, to change the delivery schedule for the Strategic Petroleum Oil Reserve, which is a tried and true practice that he himself exercised in 2005 after Hurricane Katrina which brought down the price of gas by 40 cents at a time when the price per barrel was $75. Today, at $120 per barrel, it is time for President Bush to listen to the people of this country, Members of Congress, who are asking him to exercise his power to bring down the price of gas. And our Congress, the Democratic-led Congress, is going to keep the pressure on the President until he listens to the people of this country and avoids smothering our attempts to bring this country out of recession with the economic stimulus package.

SOLVING THE OIL CRISIS BEGINS AT HOME

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Alaska. Thank God for George Bush. He's created the hurricanes, the earthquakes and the high price of gas.

There is only one group responsible for the high price of gas for the consumers of America and that's the United States Congress. They have done nothing, nothing since 1973 to increase the productivity of fossil fuels in the United States, and they still are doing nothing, Mr. and Mrs. America. They talk about it. They blame Mr. Bush. That's it. The best thing you can do is blame the other guy. The truth of the matter is that until we start drilling and until we start liquefying coal, until we use the offshore oil we have available, until we use the ANWR in Alaska, we're going to pay a lot more.

The prediction we have now, by the first of next year a barrel of oil will be, get this, $180 a barrel, because the consumers abroad in other countries are consuming oil at a greater rate than we are. But we sit here and say we're going to solve it by putting $800,000 on the dome of the Capitol to save, in 200 years, 10 bucks.

What's wrong with this Congress? And remember, I said "this Congress." You haven't done the job. You're not doing the job. Until we wake up, Mr. and Mrs. America, and start drilling as we should drill, you're going to pay a lot more at that tank. You think about it, $200 a barrel 2 years from now, you'd better get a bicycle.

PORTLAND, OREGON PROMOTES CYCLING

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Following up on my good friend, I'm glad he mentioned bicycles, because there are some people in America that are doing something to provide more choices to Americans, to burn calories instead of fossil fuels. I am pleased that my community, Portland, Oregon, was just designated a "platinum level bicycle-friendly city," the highest rating granted by the League of American Bicyclists.

Portland celebrates three decades of consistently applying policies that promote cycling, and the third consecutive year of double digit growth in bicycle ridership. This makes a big difference for real life people. It's why Portlanders are nine times more likely to ride a bicycle that the average American, and part of the rich choice menu for Portlanders with cars and transit and bicycles that ends up having them drive 20 percent less than the average American family. That translates into a savings of $2,500 a year per family that they can spend on education, on housing, on entertainment, on investing back into the community.

I would suggest that it's time to celebrate choices, and I'm proud that Portland, Oregon, has decided to give cyclists the choices they deserve and is being honored for that effort.

CONGRESS HAS TO END EMBARGO ON AMERICAN OIL

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, recently I met with a number of independent truckers in my district who said that many of their businesses cannot survive the current cost of diesel fuel. And many of my constituents have also said they cannot continue to pay these rising prices of gasoline, the rising prices of food.

What much of this comes down to is: Congress has to end its embargo on American oil. To say we cannot drill in the gulf coast, the Atlantic coast, the Pacific coast, in the Colorado area with the shale oil, or Alaska, has reached a point where OPEC has continued to grab us by the throat and continues to fund both sides of the war on terror.

Americans understand that whoever controls the supply can demand whatever price they want. And now with gasoline being over 70 percent of the cost of oil, isn't it time that America took control of its own economy and began to use its own resources in an environmentally responsible way?

Let's end the embargo on American oil. Let's take back control of our economy. Let's take action on this.

DEMOCRATS WANT TO WORK WITH WASHINGTON REPUBLICANS ON STIMULATING THE ECONOMY

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, congressional Democrats know that middle class families are struggling to make ends meet in an economy that is simply leaving too many of them behind. That is why we worked in a bipartisan way to pass an economic stimulus plan earlier this year. And starting this week, more than 130 million Americans will receive some much-needed relief in the form of recovery rebate checks.

This is a good start, but more needs to be done. Once again, this Democratic-led Congress is reaching out in a bipartisan way to develop consensus for a second round of economic recovery legislation. We believe that a second economic stimulus plan is needed as the bleak news around the economy continues to mount and Americans everywhere are feeling the negative impact of President Bush's economic policies. Unfortunately, the President has said that a second economic stimulus package is not necessary.

Mr. Speaker, the President is incorrect. The congressional Democrats hope the President will reconsider so that we can work in a bipartisan fashion to get this economy back on track, create jobs, and speed up assistance to middle class families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

H.R. 1195

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "SAFETEA-LU Technical Corrections Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

Sec. 101. Surface transportation technical corrections.
Sec. 102. MAGLEV.
Sec. 103. Projects of national and regional significance and national corridor infrastructure improvement projects.
Sec. 104. Idling reduction facilities.
Sec. 105. Project authorizations.
Sec. 106. Nonmotorized transportation pilot program.
Sec. 107. Correction of Interstate and National Highway System designations.
Sec. 108. Budget justification; buy America.
Sec. 109. Transportation improvements.
Sec. 110. I-95/Contee Road interchange design.
Sec. 111. Highway research funding.
Sec. 112. Rescission.
Sec. 113. TEA-21 technical corrections.
Sec. 114. High priority corridor and innovative project technical corrections.
Sec. 115. Definition of repeat intoxicated driver law.
Sec. 116. Research technical correction.
Sec. 117. Buy America waiver notification and annual reports.
Sec. 118. Efficient use of existing highway capacity.
Sec. 119. Future interstate designation.
Sec. 120. Project flexibility.
Sec. 121. Effective date.

TITLE II—TRANSIT PROVISIONS

Sec. 201. Transit technical corrections.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

Sec. 301. Technical amendments relating to motor carrier safety.
Sec. 302. Technical amendments relating to hazardous materials transportation.
Sec. 303. Highway safety.
Sec. 304. Correction of study requirement regarding on-scene motor vehicle collision causation.
Sec. 305. Motor carrier transportation registration.
Sec. 306. Applicability of Fair Labor Standards Act requirements and limitation on liability.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Conveyance of GSA Fleet Management Center to Alaska Railroad Corporation.
Sec. 402. Conveyance of retained interest in St. Joseph Memorial Hall.

TITLE V—OTHER PROVISIONS

Sec. 501. De Soto County, Mississippi.
Sec. 502. Department of Justice review.

TITLE I—HIGHWAY PROVISIONS

SEC. 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking "paragraph (1)" each place it appears and inserting "paragraph (2)".

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking "among the States".

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

"(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

"(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

"(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

"(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.".

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting "LA," after "TX,".

(e) CORRECTION OF HIGH PRIORITY DESIGNATIONS.—

(1) KENTUCKY HIGH PRIORITY CORRIDOR DESIGNATION.—Section 1105(c)(18)(E) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 189; 115 Stat. 872) is amended by inserting before the period at the end the following: ", follow Interstate Route 24 to the Wendell H. Ford Western Kentucky Parkway, then utilize the existing Wendell H. Ford Western Kentucky Parkway and Edward T. Breathitt (Pennyrile) Parkway to Henderson".

(2) INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION.—

(A) IN GENERAL.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking "and on United States Route 422".

(B) CONFORMING AMENDMENT.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking "and United States Route 422".

(f) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation

Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking "through 189 as sections 601 through 609, respectively" and inserting "through 190 as sections 601 through 610, respectively".

(g) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking "only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,"; and

(2) by striking "section 120(b)" and inserting "section 120".

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

"(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

"(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.".

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2007, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways".

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting "(112 Stat. 257)" after "21st Century"; and

(4) in subsection (a)(2)(B)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "SAFETEA-LU" and inserting "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)".

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking "purposes under this subsection" and inserting "highway safety improvement program purposes".

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking "**REPLACEMENT AND REHABILITATION**";

(B) in subsections (b), (c)(1), and (e) by striking "Federal-aid system" each place it appears and inserting "Federal-aid highway";

(C) in subsections (c)(2) and (o) by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways";

(D) in the heading to paragraph (4) of subsection (d) by inserting "SYSTEMATIC" before "PREVENTIVE";

(E) in subsection (e) by striking "off-system bridges" each place it appears and inserting "bridges not on Federal-aid highways";

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (1)(A)(vi) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by inserting "and the removal of the Missisquoi Bay causeway" after "Bridge";

(I) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by striking the paragraph heading and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(J) in subsection (m) (as redesignated by subparagraph (G) of this paragraph) by striking the subsection heading and inserting "PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS"; and

(K) in subsection (n)(4)(B) (as redesignated by subparagraph (G) of this paragraph) by striking "State highway agency" and inserting "State transportation department".

(2) SPECIAL CONDITIONS.—Section 1114 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1172) is amended by adding at the end the following:

"(h) SPECIAL CONDITIONS.—Any unobligated or unexpended funds remaining on completion of the project carried out under section 144(f)(1)(A)(vi) of title 23, United States Code, shall be made available to carry out the project described in section 144(f)(1)(A)(vii) of that title after the date on which the Vermont Agency of Transportation certifies to the Federal Highway Administration the final determination of the agency regarding the removal of the Missisquoi Bay causeway.".

(3) CONFORMING AMENDMENTS.—

(A) METROPOLITAN PLANNING.—Section 104(f)(1) of title 23, United States Code, is amended by striking "replacement and rehabilitation".

(B) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking "replacement and rehabilitation" each place it appears.

(C) ANALYSIS.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking "replacement and rehabilitation".

(n) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

"(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this title and chapter 53 of title 49, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.";

(2) in subsection (j)(3)(D) by inserting "or the identified phase" after "the project" each place it appears; and

(3) in subsection (k)(2) by striking "a metropolitan planning area serving".

(o) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking "a National Scenic Byway under subparagraph (A)" and inserting "a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)"; and

(2) in subsection (c)(3) by striking "or All-American Road" each place it appears and inserting "All-American Road, or one of America's Byways".

(p) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking "paragraph (3)" and inserting "paragraph (4)".

(q) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking "(B), (C), and (D)" and inserting "(B) and (C)".

(r) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting "bbb minus, BBB (low)," after "Baa3,".

(s) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting "tribal," after "local,".

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking "plan administer" and inserting "plan and administer".

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting "equity bonus," after "minimum guarantee,";

(B) by striking "freight intermodal connectors" and inserting "railway-highway crossings";

(C) by striking "high risk rural road,"; and

(D) by inserting after "highway safety improvement programs" the following: "(and separately the set aside for the high risk rural road program)".

SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking "Act—" and all that follows through the end of the paragraph and inserting "Act, $45,000,000 for each of fiscal years 2008 and 2009.".

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

"(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.".

(c) ALLOCATION.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by striking subsection (d) and inserting the following:

"(d) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall allocate—

"(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

"(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) PROJECT OF NATIONAL AND REGIONAL SIGNIFICANCE.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 4 by striking the project description and inserting "$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; $12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic";

(2) in item number 19 by striking the project description and inserting "For purposes of construction and other related transportation improvements associated with the rail yard relocation in the vicinity of Santa Teresa"; and

(3) in item number 22 by striking the project description and inserting "Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County".

(b) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting "Improvements to State Road 312, Hammond".

SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) PROJECT MODIFICATIONS.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting "Removal and Reconfiguration of Interstate ramps, I–40, Memphis";

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting "M–291 highway outer road improvement project";

(4) in item number 128 by striking "$2,400,000" and inserting "$4,800,000";

(5) in item number 154 by striking "Virginia" and inserting "Eveleth";

(6) in item number 193 by striking the project description and inserting "Improvements to or access to Route 108 to enhance access to the business park near Rumford";

(7) in item number 240 by striking "$800,000" and inserting "$2,400,000";

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting "Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan";

(10) in item number 277 by striking the project description and inserting "Construct connector road from Rushing Drive North to Grand Ave., Williamson County";

(11) in item number 395 by striking the project description and inserting "Plan and construct interchange at I–65, from existing SR–109 to I–65";

(12) in item number 463 by striking "Cookeville" and inserting "Putnam County";

(13) in item number 576 by striking the project description and inserting "Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129";

(14) in item number 595 by striking "Street Closure at" and inserting "Transportation improvement project near";

(15) in item number 649 by striking the project description and inserting "Construction and enhancement of the Fillmore Avenue Corridor, Buffalo";

(16) in item number 655 by inserting ", safety improvement construction," after "Environmental studies";

(17) in item number 676 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(18) in item number 770 by striking the project description and inserting "Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road";

(19) in item number 777 by striking the project description and inserting "Akutan Airport access";

(20) in item number 829 by striking the project description and inserting "$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road";

(21) in item number 881 by striking the project description and inserting "Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park";

(22) in item number 923 by striking the project description and inserting "Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County";

(23) in item number 947 by striking the project description and inserting "Third East/West River Crossing, St. Lucie River";

(24) in item numbers 959 and 3327 by striking "Northern Section," each place it appears;

(25) in item number 963 by striking the project description and inserting "For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53";

(26) in item number 983 by striking the project description and inserting "Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties";

(27) in item number 1039 by striking the project description and inserting "Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111";

(28) in item number 1047 by striking the project description and inserting "Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough";

(29) in item number 1124 by striking "bridge over Stillwater River, Orono" and inserting "routes";

(30) in item number 1206 by striking "Pleasantville" and inserting "Briarcliff Manor";

(31) in item number 1281 by striking the project description and inserting "Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County";

(32) in item number 1487 by striking "$800,000" and inserting "$1;600,000";

(33) in item number 1575 by striking the project description and inserting "Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities";

(34) in item number 1661 by striking the project description and inserting "Sheldon West Extension in Matanuska-Susitna Borough";

(35) in item number 1810 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(36) in item number 1852 by striking "Milepost 9.3" and inserting "Milepost 24.3";

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting "Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio";

(38) in item number 1933 by striking the project description and inserting "Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving";

(39) in item number 1975 by striking the project description and inserting "Point MacKenzie Access Road improvements in Matanuska-Susitna Borough";

(40) in item number 2015 by striking the project description and amount and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements" and "$2,000,000", respectively;

(41) in item number 2087 by striking the project description and inserting "Railroad crossing improvement on Illinois Route 82 in Geneseo";

(42) in item number 2211 by striking the project description and inserting "Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio";

(43) in item number 2234 by striking the project description and amount and inserting "North Atherton Signal Coordination Project in Centre County" and "$400,000", respectively;

(44) in item number 2316 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(45) in item number 2420 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(46) in item number 2482 by striking "Country" and inserting "County";

(47) in item number 2663 by striking the project description and inserting "Rosemead Boulevard safety enhancement and beautification, Temple City";

(48) in item number 2671 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George";

(49) in item number 2743 by striking the project description and inserting "Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County";

(50) by striking item number 2800;

(51) in item number 2826 by striking "State Street and Cajon Boulevard" and inserting "Palm Avenue";

(52) in item number 2931 by striking "Frazho Road" and inserting "Martin Road";

(53) in item number 3047 by inserting "and roadway improvements" after "safety project";

(54) in item number 3078 by striking the project description and inserting "U.S. 2/Sultan Basin Road improvements in Sultan";

(55) in item number 3174 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(56) in item number 3219 by striking "Forest" and inserting "Warren";

(57) in item number 3254 by striking the project description and inserting "Reconstruct PA Route 274/34 Corridor, Perry County";

(58) in item number 3260 by striking "Lake Shore Drive" and inserting "Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry";

(59) in item number 3368 by striking the project description and inserting "Plan, design, and engineering, Ludlam Trail, Miami";

(60) in item number 3410 by striking the project description and inserting "Design, purchase land, and construct sound walls along the west side of I–65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road";

(61) in item number 3537 by inserting "and the study of alternatives along the North South Corridor," after "Valley";

(62) in item number 3582 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(63) in item number 3604 by inserting "/Kane Creek Boulevard" after "500 West";

(64) in item number 3632 by striking the State, project description, and amount and inserting "FL", "Pine Island Road pedestrian overpass, city of Tamarac", and "$610,000", respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting "FL", "West Avenue Bridge, city of Miami Beach", and "$620,000", respectively;

(66) in item number 3673 by striking the project description and inserting "Improve marine dry-dock and facilities in Ketchikan";

(67) in item number 2942 by striking the project description and inserting "Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania";

(68) in item number 2781 by striking the project description and inserting "Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas";

(69) in item number 2430 by striking "200 South Interchange" and inserting "400 South Interchange";

(70) by striking item number 20;

(71) in item number 424 by striking "$264,000" and inserting "$644,000";

(72) in item number 1210 by striking the project description and inserting "Town of New Windsor—Riley Road, Shore Drive, and area road improvements";

(73) by striking item numbers 68, 905, and 1742;

(74) in item number 1059 by striking "$240,000" and inserting "$420,000";

(75) in item number 2974 by striking "$120,000" and inserting "$220,000";

(76) by striking item numbers 841, 960, and 2030;

(77) in item number 1278 by striking "$740,000" and inserting "$989,600";

(78) in item number 207 by striking "$13,600,000" and inserting "$13,200,000";

(79) in item number 2656 by striking "$12,228,000" and inserting "$8,970,000";

(80) in item number 1983 by striking "$1,600,000" and inserting "$1,000,000";

(81) in item number 753 by striking "$2,700,000" and inserting "$3,200,000";

(82) in item number 64 by striking "$6,560,000" and inserting "$8,480,000";

(83) in item number 2338 by striking "$1,600,000" and inserting "$1,800,000";

(84) in item number 1533 by striking "$392,000" and inserting "$490,000";

(85) in item number 1354 by striking "$40,000" and inserting "$50,000";

(86) in item number 3106 by striking "$400,000" and inserting "$500,000";

(87) in item number 799 by striking "$1,600,000" and inserting "$2,000,000";

(88) in item number 159—

(A) by striking "Construct interchange for 146th St. and I–69" and inserting "Upgrade 146th St. to I–69 Access"; and

(B) by striking "$2,400,000" and inserting "$3,200,000";

(89) by striking item number 2936;

(90) in item number 3138 by striking the project description and inserting "Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion";

(91) in item number 2274 by striking "between Farmington and Merriman" and inserting "between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road";

(92) in item number 52 by striking the project description and inserting "Pontiac Trail between E. Liberty and McHattie Street";

(93) in item number 1544 by striking "connector";

(94) in item number 2573 by striking the project description and inserting "Rehabilitation of Sugar Hill Road in North Salem, NY";

(95) in item number 1450 by striking "III–VI" and inserting "III–VII";

(96) in item number 2637 by striking the project description and inserting "Construction, road and safety improvements in Geauga County, OH";

(97) in item number 2342 by striking the project description and inserting "Streetscaping, bicycle trails, and related improvements to the I–90/SR–615 interchange and adjacent area and Heisley Road in Mentor, including acquisition of necessary right-of-way within the Newell Creek development to build future bicycle trails and bicycle staging areas that will connect into the existing bicycle trail system at I–90/SR–615, widening the Garfield Road Bridge over I–90 to provide connectivity to the existing bicycle trail system between the I–90/SR–615 interchange and Lakeland Community College, and acquisition of additional land needed for the preservation of the Lake Metroparks Greenspace Corridor with the Newell Creek development adjacent to the I–90/SR–615 interchange";

(98) in item number 161 by striking the project description and inserting "Construct False Pass causeway and road to the terminus of the south arm breakwater project";

(99) in item number 2002 by striking the project description and inserting "Dowling Road extension/reconstruction west from Minnesota Drive to Old Seward Highway, Anchorage";

(100) in item number 2023 by striking the project description and inserting "Biking and pedestrian trail construction, Kentland";

(101) in item number 2035 by striking "Replace" and inserting "Repair";

(102) in item number 2511 by striking "Replace" and inserting "Rehabilitate";

(103) in item number 2981 by striking the project description and inserting "Roadway improvements on Highway 262 on the Navajo Nation in Aneth";

(104) in item number 2068 by inserting "and approaches" after "capacity";

(105) in item number 98 by striking the project description and inserting "Right-of-way acquisition and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield";

(106) in item number 1783 by striking the project description and inserting "Clark Road access improvements, Jacksonville";

(107) in item number 2711 by striking the project description and inserting "Main Street Road Improvements through Springfield, Jacksonville";

(108) in item number 3485 by striking the project description and inserting "Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville";

(109) in item number 3486 by striking the project description and inserting "Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville";

(110) in item number 3487 by striking the project description and inserting "Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville";

(111) in item number 803 by striking "St. Clair County" and inserting "city of Madison";

(112) in item number 615 by striking the project description and inserting "Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue";

(113) by striking item number 889;

(114) in item number 324 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";

(115) in item number 301 by striking the project description and inserting "Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast";

(116) in item number 1519 by inserting "at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex" after "roadway redesign";

(117) in item number 2604 by inserting "on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane" after "roadway redesign";

(118) in item number 1157 by inserting "on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end" after "roadway redesign";

(119) in item number 805 by inserting "on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard" after "roadway redesign";

(120) in item number 2704 by inserting "on West Cemetery Street and Frederick Courts" after "roadway redesign";

(121) in item number 4599 by striking the project description and inserting "Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South";

(122) in item number 1363 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving,

lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County'';

(123) in item number 883 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County'';

(124) in item number 625 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County'';

(125) in item number 372 by inserting '', replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)'' after ''roadway redesign'';

(126) in item number 2308 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County'';

(127) in item number 967 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County'';

(128) in item number 989 by inserting ''on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street'' after ''roadway redesign'';

(129) in item number 342 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County'';

(130) in item number 2332 by striking ''Monroe County'' and inserting ''Carbon, Monroe, Pike, and Wayne Counties'';

(131) in item number 4914 by striking the project description and inserting ''Roadway improvements on I–90 loop in Mitchell along Haven Street from near Burr Street to near Ohlman Street'';

(132) by striking item number 2723;

(133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL'', and ''$250,000'', respectively;

(134) in item number 314 by striking the project description and amount and inserting ''Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority'' and ''$610,000'', respectively;

(135) in item number 1639 by striking the project description and inserting ''Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate'';

(136) in item number 2860 by striking the project description and inserting ''Roadway improvements from Halchita to Mexican Hat on the Navajo Nation'';

(137) in item number 2549 by striking ''on Navy Pier'';

(138) in item number 2804 by striking ''on Navy Pier'';

(139) in item number 1328 by striking the project description and inserting ''Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton'';

(140) in item number 2559 by striking the project description and inserting ''Construct sound walls on Route 164 at and near the Maersk interchange'';

(141) in item number 1849 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh'';

(142) in item number 697 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh'';

(143) in item number 3597 by striking the project description and inserting ''Road Alignment from IL Route 159 to Sullivan Drive, Swansea'';

(144) in item number 2352 by striking the project description and inserting ''Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley'';

(145) in item number 3482 by striking the project description and inserting ''Conduct a study to examine multi-modal improvements to the I–5 corridor between the Main Street Interchange and State Route 54'';

(146) in item number 1275 by striking the project description and inserting ''Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny'';

(147) in item number 726 by striking the project description and inserting ''Grade Separation at Vanowen and Clybourn, Burbank'';

(148) in item number 1579 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(149) in item number 2690 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(150) in item number 2811 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(151) in item number 259 by striking the project description and inserting ''Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County'';

(152) in item number 3456 by striking the project description and inserting ''Completion of Phase II/Part I of a project on Elizabeth Avenue in Coleraine to west of Itasca County State Aid Highway 15 in Itasca County'';

(153) in item number 2329 by striking the project description and inserting ''Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn'';

(154) in item number 766 by striking the project description and inserting ''Design and construction of the walking path at Ellis Pond, Norwood'';

(155) in item number 3474 by striking the project description and inserting ''Yellow River Trail, Newton County'';

(156) in item number 3291 by striking the amount and inserting ''$200,000'';

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting ''GA'', ''Access Road in Montezuma'', and ''$200,000'', respectively;

(158) in item number 716 by striking the project description and inserting ''Conduct a project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region'';

(159) in item number 1386 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities, and street lighting in Haddon Heights'' and ''$300,000'', respectively;

(160) in item number 2720 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington'' and ''$700,000'', respectively;

(161) in item number 2523 by striking the project description and inserting ''Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access or stabilization, Bangor and Brewer'';

(162) in item number 545 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewistown and Auburn downtowns'';

(163) by striking item number 2168;

(164) by striking item number 170;

(165) in item number 2366 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township'';

(166) in item number 826 by striking ''and Interstate 81'' and inserting ''and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.'';

(167) in item number 2144 by striking the project description and inserting ''Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County'';

(168) in item number 1765 by striking the project description and amount and inserting ''Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting,

safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity of and including Main, William, and Parsonage Streets in Pittston" and "$1,600,000", respectively;

(169) in item number 2957 by striking the project description and amount and inserting "Design, engineering, land acquisition, right-of-way acquisition, and construction of a parking garage, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre" and "$2,800,000", respectively;

(170) in item number 3283 by striking the project description and amount and inserting "Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York" and "$1,300,000", respectively;

(171) in item number 3556 by striking the project description and amount and inserting "Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County" and "$1,100,000", respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting "Design and Construct school safety projects in New York City" and "$2,500,000", respectively;

(182) in item number 2375 by striking the project description and amount and inserting "Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill" and "$100,000";

(183) in item number 221 by striking the project description and inserting "Study and Implement transportation improvements on Flatbush Ave. between Avenue U and the Marine Park Bridge in front of Gateway National Park in Kings County, New York";

(184) in item number 2732 striking the project description and inserting "Pedestrian safety improvements in the vicinity of LIRR stations";

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting "Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive";

(187) in item number 446 by striking the project description and inserting "Transportation improvements for development of the Williamsport-Pile Bay Road corridor";

(188) in item number 671 by striking "and Pedestrian Trail Expansion" and inserting ", including parking facilities and Pedestrian Trail Expansion";

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR–21) in Troy, AL", and "$300,000", respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR–6, CR–20, SH–7, James Street, and College Drive)", and "$300,000", respectively;

(191) in item number 746 by striking "Planning and construction of a bicycle trail adjacent to the I–90 and SR 615 Interchange in" and inserting "Planning, construction, and extension of bicycle trails adjacent to the I–90 and SR 615 Interchange, along the Greenway Corridor and throughout";

(192) in item number 749 by striking the matters in the State, project description, and amount columns and inserting "PA", "UPMC Heliport in Bedford", and "$750,000", respectively;

(193) in item number 813 by striking the project description and inserting "Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project";

(194) in item number 816 by striking "$800,000" and inserting "$880,000";

(195) in item number 852 by striking "Acquire Right-of-Way for Ludlam Trail, Miami, Florida" and inserting "Planning, design, and engineering, Ludlam Trail, Miami";

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne", and "$500,000", respectively;

(197) in item number 1015 by striking the project description and inserting "Mississippi River Crossing connecting I–94 and US 10 between US 160 and TH 101, MN";

(198) in item number 1101 by striking the project description and inserting "I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(199) in item number 1211 by striking the matters in the State, project description, and amount columns and inserting "PA", "Road improvements and upgrades related to the Pennsylvania State Baseball Stadium", and "$500,000", respectively;

(200) in item number 1345 by striking "to Stony Creek Park, 25 Mile Road in Shelby Township" and inserting "south to the city of Utica";

(201) in item number 1501 by striking the project description and inserting "Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael";

(202) in item number 1525 by striking "north of CSX RR Bridge" and inserting "US Highway 90";

(203) in item number 1847 by striking the project description and inserting "Improve roads, sidewalks, and road drainage, City of Seward";

(204) in item number 2031 by striking the project description and inserting "Construct and improve Westside Parkway in Fulton County";

(205) in item number 2103 by striking "$2,000,000" and inserting "$3,000,000";

(206) in item number 2219 by striking "SR 91 in City of Twinsburg, OH" and inserting "Center Valley Parkway in Twinsburg, OH";

(207) in item number 2302 by inserting "and other road improvements to Safford Street" after "crossings";

(208) in item number 2560 by striking the project description and inserting "I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(209) in item number 2563 by striking the project description and amount and inserting "Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County" and "$486,400", respectively;

(210) in item number 2698 by striking the project description and inserting "Interchanges at I–95/Ellis Road and between Grant Road and Micco Road, Brevard County";

(211) in item number 3141 by striking "$2,800,000" and inserting "$1,800,000";

(212) by striking item number 3160;

(213) in item number 3353 by inserting "and construction" after "mitigation";

(214) in item number 996 by striking "$2,000,000" and inserting "$687,000";

(215) in item number 2166 by striking the project description and inserting "Design, right-of-way acquisition, and construction for I–35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake";

(216) in item number 3251 by striking the project description and inserting "I–94 and Radio Drive Interchange and frontage road project, design, right-of-way acquisition, and construction, Woodbury";

(217) in item number 1488 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border";

(218) in item number 3240 by striking the project description and inserting "Railroad-highway crossings in Pierre";

(219) in item number 1738 by striking "Paving" and inserting "Planning, design, and construction";

(220) in item number 3672 by striking the project description and inserting "Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border";

(221) in item number 2424 by striking "Construction" and inserting "preconstruction (including survey and archeological clearances) and construction";

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting "PA", "For roadway construction improvements to Route 222 relocation, Lehigh County", and "$1,313,000", respectively;

(223) in item number 2956 by striking "$1,360,000" and inserting "$2,080,000";

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough", and "$700,000", respectively;

(225) in item number 1291 by striking the matters in the State, project description, and amount columns and inserting "PA", "Enhance parking facilities in Chester Springs, Historic Yellow Springs", and "$20,000", respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County", and "$250,000", respectively;

(227) in item number 1357 by striking the matters in the State, project description, and amount columns and inserting "PA", "Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County", and "$250,000", respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 29, Lehigh County", and "$220,000", respectively;

(229) in item number 80 by striking "$4,544,000" and inserting "$4,731,200";

(230) in item number 2096 by striking "$4,800,000" and inserting "$5,217,600";

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting "PA", "Study future needs of East-West road infrastructure in Adams County", and "$115,200", respectively;

(232) in item number 2193 by striking the project description and inserting "710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the

710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility";

(233) in item number 2445 by striking the project description and inserting "$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County";

(234) in item number 346 by striking the project description and inserting "Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue";

(235) by striking item number 449;

(236) in item number 3688 by striking "road" and inserting "trail";

(237) in item number 3695 by striking "in Soldotna" and inserting "in the Kenai River corridor";

(238) in item number 3699 by striking "to improve fish habitat";

(239) in item number 3700 by inserting "and ferry facilities" after "a ferry";

(240) in item number 3703 by inserting "or other roads" after "Cape Blossom Road";

(241) in item number 3704 by striking "Fairbanks" and inserting "Alaska Highway";

(242) in item number 3705 by striking "in Cook Inlet for the Westside development/Williamsport-Pile Bay Road" and inserting "for development of the Williamsport-Pile Bay Road corridor";

(243) in item number 3829 by striking the amount and inserting "$3,050,000";

(244) by inserting after item number 3829 the following:

"3829A	*CO*	*U.S. 550, New Mexico State line to Durango.*	*$950,000";*

(245) in item number 4788 by striking the project description and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements";

(246) in item number 3861 by striking the project description and inserting "Creation of a greenway path along the Naugatuck River in Waterbury";

(247) in item number 3883 by striking the project description and inserting "Wilmington Riverfront Access and Street Grid Redesign";

(248) in item number 3892 by striking "$5,000,000" and inserting "$8,800,000";

(249) in item number 3894 by striking "$5,000,000" and inserting "$1,200,000";

(250) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91";

(251) in item number 3911 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(252) in item number 3916 by striking the project description and inserting "City of Hollywood for U.S. 1/Federal Highway, north of Young Circle";

(253) in item number 3937 by striking the project description and inserting "Kingsland bypass from CR 61 to I–95, Camden County";

(254) in item number 3945 by striking "CR 293 to CS 5231" and inserting "SR 371 to SR 400";

(255) in item number 3965 by striking "transportation projects" and inserting "and air quality projects";

(256) in item number 3986 by striking the project description and inserting "Extension of Sugarloaf Parkway, Gwinnett County";

(257) in item number 3999 by striking "Bridges" and inserting "Bridge and Corridor";

(258) in item number 4003 by striking the project description and inserting "City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project";

(259) in item number 4043 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(260) in item number 4050 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(261) in item number 4058 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(262) in each of item numbers 4062 and 4084 by striking the project description and inserting "Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park";

(263) in item number 4089 by inserting "and parking facility/entrance improvements serving the Museum of Science and Industry" after "Lakeshore Drive";

(264) in item number 4103 by inserting "and adjacent to the" before "Shawnee";

(265) in item number 4110 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(266) in item number 4120 by striking the matters in the project description and amount columns and inserting "Upgrade 146th Street to Improve I–69 Access" and "$800,000", respectively;

(267) in item number 4125 by striking "$250,000" and inserting "$1,650,000";

(268) by striking item number 4170;

(269) by striking item number 4179;

(270) in item number 4185 by striking the project description and inserting "Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne";

(271) in item number 4299 by striking the project description and inserting "Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(272) in item number 4313 by striking "Maryland Avenue" and all that follows through "Rd. corridor" and inserting "intermodal access, streetscape, and pedestrian safety improvements";

(273) in item number 4315 by striking "stormwater mitigation project" and inserting "environmental preservation project";

(274) in item number 4318 by striking the project description and inserting "Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns";

(275) in item number 4323 by striking the project description and inserting "MaineDOT Acadia intermodal passenger and maintenance facility";

(276) in item number 4338 by striking the project description and inserting "Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(277) in item number 4355 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(278) in item number 4357 by striking the project description and inserting "Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the city of St. Michael";

(279) in item number 4360 by striking the project description and inserting "Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul";

(280) in item number 4362 by striking the project description and inserting "I–494/U.S. 169 interchange reconstruction including U.S. 169 Valley View Road interchange, Twin Cities Metropolitan Area";

(281) in item number 4365 by striking the project description and inserting "34th Street realignment and 34th Street and I–94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I–94, and other transportation improvements for the city of Moorhead, including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program";

(282) in item number 4369 by striking the project description and inserting "Construction of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud";

(283) in item number 4371 by striking the project description and inserting "Construction and ROW of TH 241, CSAH 35 and associated streets in the city of St. Michael";

(284) in item number 4411 by striking "Southaven" and inserting "DeSoto County";

(285) in item number 4424 by striking the project description and inserting "U.S. 93 Evaro to Polson transportation improvement projects";

(286) in item number 4428 by striking the project description and inserting "US 76 improvements";

(287) in item number 4457 by striking the project description and inserting "Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County";

(288) in item number 4461 by striking the project description and inserting "Transportation and related improvements at Queens University of Charlotte, including the Queens Science Center and the Marion Diehl Center, Charlotte";

(289) in item number 4507 by striking the project description and inserting "Design, right-of-way acquisition, and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I–129";

(290) in item number 4555 by inserting "Canal Street and" after "Reconstruction of";

(291) in item number 4565 by striking the project description and inserting "Railroad Construction and Acquisition, Ely and White Pine County";

(292) in item number 4588 by inserting "Private Parking and" before "Transportation";

(293) in item number 4596 by striking the project description and inserting "Centerway Bridge and Bike Trail Project, Corning";

(294) in item number 4610 by striking the project description and inserting "Preparation, demolition, disposal, and site restoration of Alert Facility on Access Road to Plattsburgh International Airport";

(295) in item number 4649 by striking the project description and inserting "Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas";

(296) in item number 4651 by striking "for the transfer of rail to truck for the intermodal" and inserting ", and construction of an intermodal freight";

(297) in item number 4691 by striking the project description and inserting "Transportation improvements to Idabel Industrial Park Rail Spur, Idabel";

(298) in item number 4722 by striking the project description and inserting "Highway,

traffic, pedestrian, and riverfront improvements, Pittsburgh";

(299) in item number 4749 by striking "study" and inserting "improvements";

(300) in item number 4821 by striking "highway grade crossing project, Clearfield and Clinton Counties" and inserting "Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties";

(301) in item number 4838 by striking "study" and inserting "improvements";

(302) in item number 4839 by striking "fuel-celled" and inserting "fueled";

(303) in item number 4866 by striking "$11,000,000" and inserting "$9,400,000";

(304) by inserting after item number 4866 the following:

"4866A	RI	Repair and restore railroad bridge in Westerly.	$1,600,000";

(305) in item number 4892 by striking the project description and inserting "Construct a 4-lane highway between maverick Junction and the Nebraska border";

(306) in item number 4916 by striking "$1,000,000" and inserting "$328,000";

(307) in item number 4924 by striking "$3,450,000" and inserting "$4,122,000";

(308) in item number 4960 by inserting "of which $50,000 shall be used for a street paving project, Calhoun" after "County";

(309) in item number 4974 by striking ", Sevier County";

(310) in item number 5008 by inserting "/Kane Creek Boulevard" after "500 West";

(311) in each of item numbers 5011 and 5033 by striking "200 South Interchange" and inserting "400 South Interchange";

(312) in item number 5021 by striking "Pine View Dam,";

(313) in item number 5026 by striking the project description and inserting "Roadway improvements on Washington Fields Road/300 East, Washington";

(314) in item number 5027 by inserting "and roadway improvements" after "safety project";

(315) in item number 5028 by inserting "and roadway improvements" after "lighting";

(316) in item number 5029 by inserting "and roadway improvements" after "lights";

(317) in number 5032 by striking the project description and inserting "Expand Redhills Parkway, St. George";

(318) in item number 5132 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(319) in item number 5161 by striking the project description and inserting "Raleigh Street Extension Project in Martinsburg";

(320) in item number 1824 by striking the project description and inserting "U.S. Route 10 expansion in Wadena and Ottertail Counties";

(321) in item number 1194 by striking the project description and inserting "Roadway and pedestrian design and improvements for Pennsylvania Avenue, Brooklyn";

(322) in item number 2286 by striking the project description and inserting "Road improvements for Church Street between NY State Route 25A and Hilden Street in Kings Park";

(323) in item number 1724 by striking the project description and amount and inserting "For road resurfacing and upgrades to Old Nichols Road and road repairs in the Nissequogue River watershed in Smithtown" and "$1,500,000", respectively;

(324) in item number 3636 by striking the matters in the State, project description, and amount columns and inserting "NY", "Road repair and maintenance in the Town of Southampton", and "$500,000", respectively;

(325) in item number 3638 by striking the matters in the State, project description, and amount columns and inserting "NY", "Improve NY State Route 112 from Old Town Road to NY State Route 347", and "$6,000,000", respectively;

(326) in item number 3479 by striking the project description and inserting "Road improvements and utility relocations within the city of Jackson";

(327) in item number 141 by striking "construction of pedestrian and bicycle improvements" and inserting "transportation enhancement activities";

(328) in item number 1204 by striking "at SR 283";

(329) in item number 2896 by striking the project description and inserting "Improve streetscape and signage and pave roads in McMinn County, including $50,000 that may be used for paving local roads in the city of Calhoun";

(330) in item number 3017 by striking ", Pine View Dam";

(331) in item number 3188 insert after "Reconstruction" the following: "including U.S. 169/Valley View Road Interchange,";

(332) in item number 1772 by striking the project description and inserting "Reconstruction of Historic Eastern Parkway";

(333) in item number 2610 by striking the project description and inserting "Reconstruction of Times and Duffy Squares in New York City";

(334) in item number 2462—

(A) by striking "of the New Jersey Turnpike, Carteret" and inserting "and the Tremley Point Connector Road of the New Jersey Turnpike"; and

(B) by striking "$1,200,000" and inserting "$450,000";

(335) in item number 2871 by striking the amount and inserting "$2,430,000";

(336) in item number 3381 by striking the project description and inserting "Determine scope, design, engineering, and construction of Western Boulevard Extension from Northern Boulevard to Route 9 in Ocean County, New Jersey";

(337) in item number 2703 by striking the project description and inserting "Upgrading existing railroad crossings with installation of active signals and gates and to study the feasibility and necessity of rail grade separation";

(338) in item number 1004 by inserting "SR 71 near" after "turn lane on";

(339) in item number 2824 by striking the project description and inserting the following: "Sevier County, TN, SR 35 near SR 449 intersection";

(340) in item number 373 by striking the project description and inserting "Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49";

(341) in item number 1486, by striking the project description and inserting "Bridge reconstruction and road widening on Route 252 and Route 30 in Tredyffrin Township, PA, in conjunction with the Paoli Transportation Center Project";

(342) in item number 4541 by striking "of the New Jersey Turnpike, Carteret" and inserting "and the Tremley Point Connector Road of the New Jersey Turnpike";

(343) in item number 4006 by striking the project description and inserting "Improvement to Alice's Road/105th Street Corridor including bridge, interchange, roadway, right-of-way, and enhancements";

(344) in item number 2901 by striking the project description and inserting "Purchase of land and conservation easements within U.S. 24 study area in Lucas, Henry, and Fulton Counties, Ohio";

(345) in item number 2619 by striking the project description and inserting "Improve access to I–55 between Bayless Avenue and Loughborough Avenue, including bridge 230.06";

(346) in item number 1687 by striking the project description and inserting "Construct an interchange at I–675 and Warren Avenue near downtown Saginaw";

(347) by striking item number 206;

(348) by striking item number 821;

(349) by striking item number 906;

(350) by striking item number 1144;

(351) in item number 1693 by striking the project description and amount and inserting "Plan and implement truck route improvements in the Maspeth neighborhood of Queens County" and "$500,000", respectively;

(352) in item number 3039 by striking the project description and inserting "Pittsfield greenways construction to connect Pittsfield to the Ann Arbor greenway system, Pittsfield Township";

(353) in item number 2922 by striking the project description and amount and inserting "Detroit River International Wildlife Refuge for land acquisition adjacent to I–75 in Monroe County for wetland mitigation and habitat restoration, Fish and Wildlife Service" and "$1,800,000", respectively;

(354) in item number 3641 by striking the matters in the State, project description, and amount columns and inserting "MI", "River Raisin Battlefield for acquisition of historic battlefield land in Monroe County, Port of Monroe", and "$1,200,000"; respectively;

(355) in item number 3643 by striking the matters in the State, project description, and amount columns and inserting "MI", "Phase 1 of Monroe County greenway system construction, Monroe County", and "$940,000", respectively;

(356) in item number 3645 by striking the matters in the State, project description, and amount columns and inserting "MI", "East County fueling operations consolidation at the Monroe County Road Commission and enhancement of facilities to accommodate biodiesel fuel pumps, Monroe County", and "$1,000,000", respectively;

(357) in item number 3646 by striking the matters in the State, project description, and amount columns and inserting "MI", "Greenway trail construction from City of Monroe to Sterling State Park, City of Monroe", and "$100,000"; respectively;

(358) in item number 1883 by striking the project description and inserting "Planning for the Orangeline High Speed MAGLEV from Los Angeles County to Orange County";

(359) in item number 3757 by inserting ", including Van Asche Drive" after "Corridor";

(360) in item number 4347 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";

(361) in item number 4335 by striking the project description and inserting "Construct an interchange at I–675 and Warren Avenue near downtown Saginaw";

(362) in item number 4891 by striking the project description and inserting "Widening U.S. 17 in Charleston County from the Isle of Palms Connector to a point at or near Darrell Creek Trail";

(363) in item number 3647 by striking the matters in the State, project description, and amount columns and inserting "AL", "Drainage and infrastructure improvements on U.S. 11 in front of Springville Middle School in Springville", and "$1,000,000", respectively;

(364) in item number 3648 by striking the matters in the State, project description, and amount columns and inserting "AL", "Transportation enhancement projects for sidewalks

and streetscaping along Cahaba Road between the Botanical Gardens and the Birmingham Zoo in the City of Birmingham", and "$1,075,000", respectively;

(365) in item number 3651 by striking the matters in the State, project description, and amount columns and inserting "AL", "Engineering and right-of-way acquisition for the McWrights Ferry Road extension between Rice Mine Road and New Watermelon Road in Tuscaloosa County", and "$1,075,000", respectively;

(366) in item number 562 by striking "a designated truck route through" and inserting "roadway and sidewalk improvements in";

(367) in item number 2836 by striking the project description and inserting "Traffic calming and safety improvements to Lido Boulevard, Town of Hampstead, Nassau County";

(368) in item number 1353 by striking the project description and inserting "Improve the flow of truck traffic in Orrville";

(369) in item number 1975 by striking the project description and inserting "Hatcher Pass Ski Development Road in Matanuska-Susitna Borough";

(370) in item number 1661 by striking the project description and inserting "Hatcher Pass Ski Development Road in Matanuska-Susitna Borough";

(371) in item number 1574 by striking the project description and inserting "Construct commuter parking structure in the central business district in the vicinity of La Grange Road, and for projects identified by the Village of La Grange as its highest priorities";

(372) in item number 3461 by striking the project description and inserting "Construct Leon Pass overpass, and for projects identified by the Village of Hodgkins as its highest priorities";

(373) in item numbers 1310 and 2265 by striking the project descriptions and inserting "To construct up to 2 interchanges on U.S. Alternate Highway 72/Alabama Highway 20 from Interstate 65 to U.S. Highway 31 in Decatur, Alabama, with additional lanes as necessary";

(374) in item number 4934 by striking "connection with Hermitage Avenue" and inserting "Hermitage Avenue and pedestrian connection";

(375) in item number 1227 by striking the project description and inserting "Construct road improvements near industrial park near SR 209 and CR 345 that improve access to the industrial park";

(376) in item number 2507 by striking the project description and inserting "Texas Department of Transportation: for those projects the Department has identified as its highest priorities";

(377) in item number 3903 by striking the project description and inserting "Planning, design, and engineering study to widen (4 lanes) SR 87 from the intersection of US 90 and SR 87 South to the Alabama State line";

(378) in item number 56 by striking the project description and inserting "Bicycle and pedestrian improvements, Oregon";

(379) in item number 604 by striking the amount and inserting "$11,800,000";

(380) in item number 1299 by striking the amount and inserting "$9,800,000";

(381) in item number 1506 by striking the amount and inserting "$5,100,000";

(382) in item number 1904 by striking the project description and inserting "Study and construct access to intermodal facility in Azusa";

(383) in item number 3653 by striking the matters in the State, project description, and amount columns and inserting "MI", "Bicycle and pedestrian trails in Harrison Township", and "$2,900,000", respectively;

(384) in item number 3447 by striking the project description and inserting "Carlton, 4th Street Railroad Crossing Improvement Project: Construct a safe, at grade crossing of the railroad and necessary bridge, connecting the community's educational and athletic facilities";

(385) in item number 2321 by striking the project description and inserting "Design and construct roadway and traffic signal improvements on Stella Street and Front Street, Wormleysburg, PA"; and

(386) in item number 370 by striking the project description and inserting "Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South".

(b) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940, commonly known as the "Truman-Hobbs Act", (33 U.S.C. 511 et seq.).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2008 and 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(e) PROJECT FEDERAL SHARE.—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

"(c) SPECIAL RULE.—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent.".

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking "Minneapolis-St. Paul, Minnesota" and inserting "Minneapolis, Minnesota".

SEC. 107. CORRECTION OF INTERSTATE AND NATIONAL HIGHWAY SYSTEM DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking "from the Arkansas State line" and inserting "from Interstate Route 540".

SEC. 108. BUDGET JUSTIFICATION; BUY AMERICA.

(a) BUDGET JUSTIFICATION.—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking "The Department" and inserting "Notwithstanding any other provision of law, the Department".

(b) BUY AMERICA.—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) the current application by the Federal Highway Administration of the Buy America test, that is only applied to components or parts of a bridge project and nct the entire bridge project, is inconsistent with this sense of Congress;".

SEC. 109. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting ", Saole," after "Sua";

(2) in item number 448 by inserting "by removing asphalt and concrete and reinstalling blue cobblestones" after "streets";

(3) by striking item number 451;

(4) in item number 452 by striking "$2,000,000" and inserting "$3,000,000";

(5) in item number 12 by striking "Yukon River" and inserting "Kuskokwim River";

(6) in item number 18 by striking "Engineering and Construction in Merced County" and inserting "and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties";

(7) in item number 38 by striking the project description and inserting "Relocation of the Newark Train Station";

(8) in item number 57 by striking the project description and inserting "Kingsland bypass from CR 61 to I–95, Camden County";

(9) in item number 114 by striking "IA-32" and inserting "SW" after "Construct";

(10) in item number 122 by striking the project description and inserting "Design, right-of-way

acquisition, and construction of the SW Arterial and connections to U.S. 20, Dubuque County";

(11) in item number 130 by striking the project description and inserting "Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad";

(12) in item number 133 by striking "IA–32";

(13) in item number 138 by striking the project description and inserting "West Spencer Beltway Project";

(14) in item number 142 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(15) in item number 161 by striking "Bridge replacement on Johnson Drive and Nall Ave." and inserting "Construction improvements";

(16) in item number 182 by striking the project description and inserting "Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(17) in item number 198 by striking the project description and inserting "Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(18) in item number 201 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";

(19) in item number 238 by striking the project description and inserting "Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage";

(20) in item number 329 by inserting ", Tulsa" after "technology";

(21) in item number 358 by striking "fuel-celled" and inserting "fueled";

(22) in item number 374 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border";

(23) in item number 402 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George";

(24) in item number 309 by striking the project description and inserting "Streetscape, roadway, pedestrian, and parking improvements at the intersection of Meadow Lane, Chestnut Lane, Willow Drive, and Liberty Avenue for the College of New Rochelle campus in New Rochelle"; and

(25) in item number 462 by striking the project description and inserting "I–75 widening and improvements in Collier and Lee Counties, Florida".

SEC. 110. I–95/CONTEE ROAD INTERCHANGE DESIGN.

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

(1) in the section heading by striking "**STUDY**" and inserting "**DESIGN**";

(2) by striking subsections (a), (b), and (c) and inserting the following:

"(a) DESIGN.—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I–95/Contee Road interchange in Prince George's County, Maryland."; and

(3) by redesignating subsection (d) as subsection (b).

SEC. 111. HIGHWAY RESEARCH FUNDING.

(a) F–SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2008 and 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking "509, and 510" and inserting "and 509";

(B) in subsection (a)(4) by striking "$69,700,000" and all that follows through "2009" and inserting "$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009"; and

(C) in subsection (b) by inserting after "50 percent" the following "or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent".

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2008 and 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking "PROGRAM APPRECIATION.—" and inserting "PROGRAM APPLICATION.—".

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (c)(2)(B) by striking "tier" and inserting "Tier";

(B) in subsection (i)—

(i) by striking "In order to" and inserting the following:

"(1) IN GENERAL.—In order to"; and

(ii) by adding at the end the following:

"(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution."; and

(C) in subsection (k)(3) by striking "The Secretary" and all that follows through "to carry out this section" and inserting "For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section".

SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking "$8,593,000,000" each place it appears and inserting "$8,708,000,000".

SEC. 113. TEA–21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking "2003" and inserting "2009".

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of such Act (112 Stat. 257) is amended—

(1) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting ", and planning and construction to Heisley Road," before "in Mentor, Ohio";

(2) in item number 1646 by striking "and construction" and inserting "construction, reconstruction, resurfacing, restoration, rehabilitation, and repaving"; and

(3) in item number 614 by inserting "and for NJ Carteret, NJ Ferry Service Terminal" after "east".

SEC. 114. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking "and United States Routes 1, 3, 9, 17, and 46," and inserting "United States Routes 1, 9, and 46, and State Routes 3 and 17,"; and

(2) in paragraph (64)—

(A) by striking "United States Route 42" and inserting "State Route 42"; and

(B) by striking "Interstate Route 676" and inserting "Interstate Routes 76 and 676".

(b) INNOVATIVE PROJECTS.—Item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052) is amended in the matter under the column with the heading "INNOVATIVE PROJECTS" by inserting "and contiguous counties" after "Michigan".

SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) receive—

"(i) a driver's license suspension for not less than 1 year; or

"(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

"(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;".

SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking "$2,225,000" and inserting "$2,250,000".

SEC. 117. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) WAIVER NOTIFICATION.—

(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.

SEC. 118. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 119. FUTURE INTERSTATE DESIGNATION.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation shall designate, as a future Interstate Route 69 Spur, the Audubon Parkway and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky. Any segment of such routes shall become part of the Interstate System (as defined in section 101 of title 23, United States Code) at such time as the Secretary determines that the segment—

(1) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(2) connects to an existing Interstate System segment.

(b) SIGNS.—Section 103(c)(4)(B)(iv) of title 23, United States Code, shall apply to the designations under subsection (a); except that a State may install signs on the 2 parkways that are to be designated under subsection (a) indicating the approximate location of each of the future Interstate System highways.

(c) REMOVAL OF DESIGNATION.—The Secretary shall remove designation of a highway referred to in subsection (a) as a future Interstate System route if the Secretary, as of the last day of the 25-year period beginning on the date of enactment of this Act, has not made the determinations under paragraphs (1) and (2) of subsection (a) with respect to such highway.

SEC. 120. PROJECT FLEXIBILITY.

Section 1935(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1510) is amended by inserting "the project numbered 1322 and" before "the projects".

SEC. 121. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) shall be treated as not being enacted.

(c) CONFORMING AMENDMENT TO HIGHWAY TRUST FUND.—Subsections (c)(1) and (e)(3) of section 9503 of the Internal Revenue Code of 1986 are each amended by striking "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" and inserting "SAFETEA–LU Technical Corrections Act of 2008".

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking "charter," and inserting "charter, sightseeing,".

(b) SECTION 5303.—

(1) Section 5303(f)(3)(C)(ii) of such title is amended by striking subclause (II) and inserting the following:

"(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this chapter and title 23, prior to any allocation under section 202 of title 23, and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 of title 23, and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.".

(2) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting "or the identified phase" before "within the time"; and

(B) by inserting "or the identified phase" before the period at the end.

(3) Section 5303(k)(2) of such title is amended by striking "a metropolitan planning area serving".

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in the heading for paragraph (2) by striking "2007" and inserting "2009";

(2) in paragraph (2)(A)—

(A) by striking "2007" and inserting "2009"; and

(B) by striking "mass" and inserting "public";

(3) by adding at the end of paragraph (2) the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002."; and

(4) in paragraph (3) by striking "section 5305(a)" and inserting "section 5303(k)".

(d) SECTION 5309.—Section 5309 of such title is amended—

(1) in subsection (d)(5)(B) by striking "regulation." and inserting "this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.";

(2) in subsection (e)(6)(B) by striking "subsection." and inserting "subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.";

(3) in the heading for paragraph (2)(A) of subsection (m) by striking "MAJOR CAPITAL" and inserting "CAPITAL"; and

(4) in subsection (m)(7)(B) by striking "section 3039" and inserting "section 3045".

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking "for any purpose other than operating assistance" and inserting "for a capital project or project administrative expenses";

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking "capital" after "net"; and

(3) in subsection (i)(1) by striking "Sections 5323(a)(1)(D) and 5333(b) of this title apply" and inserting "Section 5333(b) applies".

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking "MASS TRANSPORTATION" and inserting "PUBLIC TRANSPORTATION".

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking "section 5323(a)(1)(D)" and inserting "section 5333(b)".

(h) SECTION 5319.—Section 5319 of such title is amended by striking "section 5307(k)" and inserting "section 5307(d)(1)(K)".

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking "intra—agency" and inserting "intraagency";

(2) in subsection (b)(5)(A) by striking "5302(a)(1)(A)" and inserting "5302(a)(1)";

(3) in subsection (d)(1) by inserting "to administer this section and" after "5338(b)(2)(J)";

(4) by adding at the end of subsection (d) the following:

"(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.";

(5) in subsection (k)(3) by striking "subsection (d)(1)" and inserting "subsection (e)(1)";

(6) by redesignating subsections (a) through (m) as subsections (b) through (n), respectively; and

(7) by inserting before subsection (b) (as so redesignated) the following:

"(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.".

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking "section 5336(e)(2)" and inserting "section 5336(d)(2)".

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end "adopted before August 10, 2005";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking "Of the amount" and all that follows before paragraph (1) and inserting "Of the amount apportioned under subsection (i)(2) to carry out section 5307—";

(B) in subsection (d)(1) by striking "subsections (a) and (h)(2) of section 5338" and inserting "subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338"; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking "paragraph (2)" and inserting "subsection (a)(2)".

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking "for each of fiscal years 1998 through 2003" and inserting "for each of fiscal years 2005 through 2009".

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking "section 5315(a)(16)" and inserting "section 5315(b)(2)(P)".

(o) SAFETEA-LU.—

(1) SECTION 3011.—Section 3011(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1589) is amended by adding to the end the following:

"(5) Central Florida Commuter Rail Transit Project.".

(2) SECTION 3037.—Section 3037(c) of such Act (119 Stat. 1636) is amended—

(A) in paragraph (3) by striking "Phase II"; and

(B) by striking paragraph (10).

(3) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking "$7,871,895,000" and inserting "$7,872,893,000".

(4) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting "/Milwaukie" after "Mall".

(B) LOS ANGELES.—

(i) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

"(13) Los Angeles—Exposition LRT (Phase 1).".

(ii) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

"(104A) Los Angeles—Exposition LRT (Phase 2).".

(C) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking "LOSSAN Del Mar-San Diego—Rail Corridor Improvements" and inserting "LOSSAN Rail Corridor Improvements".

(D) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking "San Diego" and inserting "San Diego Transit".

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking "Downtown".

(F) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

"(6) Boston-Silver Line Phase III, $20,000,000.".

(G) PROJECT CONSTRUCTION GRANTS.—Section 3043(e) of such Act (119 Stat. 1651) is amended by adding at the end the following:

"(4) PROJECT CONSTRUCTION GRANTS.—Projects recommended by the Secretary for a project construction grant agreement under section 5309(e) of title 49, United States Code, or for funding under section 5309(m)(2)(A)(i) of such title during fiscal year 2008 and fiscal year 2009 are authorized for preliminary engineering, final design, and construction for fiscal years 2007 through 2009 upon the completion of the notification process for each such project under section 5309(g)(5).".

(H) LOS ANGELES AND SAN GABRIEL VALLEY.—Section 3043 of such Act (119 Stat. 1640) is amended by adding at the end the following:

"(k) LOS ANGELES EXTENSION.—In evaluating the local share of the project authorized by subsection (c)(104A) in the new starts rating process, the Secretary shall give consideration to project elements of the project authorized by subsection (b)(13) advanced with 100 percent non-Federal funds.

"(l) SAN GABRIEL VALLEY—GOLD LINE FOOTHILL EXTENSION PHASE II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by subsection (b)(33) in the new starts rating process, the Secretary shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.".

(5) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking "$217,360" and inserting "$167,360"; and

(II) by striking "$225,720" and inserting "$175,720";

(ii) in item number 36 by striking the project description and inserting "Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area";

(iii) in item number 71 by inserting "Metropolitan Bus Authority" after "Puerto Rico";

(iv) in item number 84 by striking the project description and inserting "Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)";

(v) in item number 94 by striking the project description and inserting "Pacific Transit, WA Vehicle Replacement";

(vi) in item number 120 by striking "Dayton Airport Intermodal Rail Feasibility Study" and inserting "Greater Dayton Regional Transit Authority buses and bus facilities";

(vii) in item number 152 by inserting "Metropolitan Bus Authority" after "Puerto Rico";

(viii) in item number 416 by striking "Improve marine intermodal" and inserting "Improve marine dry-dock and";

(ix) in item number 457—

(I) by striking "$65,000" and inserting "$0"; and

(II) by striking "$67,500" and inserting "$0"; and

(x) in item number 458—

(I) by striking "$65,000" and inserting "$130,000";

(II) by striking "$67,500" and inserting "$135,000"; and

(xi) in item number 57 by striking the project description and inserting "Wilmington, NC, maintenance and operations facilities and administration and transfer facilities";

(xii) in item number 460 by striking the matters in the project description, FY08 column, and FY09 column and inserting "460. Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and intermodal terminals in Albuquerque and Santa Fe", "$500,000", and "$500,000", respectively.

(xiii) in item number 138 by striking "Design" and inserting "Determine scope, engineering, design,";

(xiv) in item number 23 by striking "Construct" and inserting "Design, engineering, right-of-way acquisition, and construction";

(xv) in item number 439 by inserting before "Central" the following: "Design, engineering, right-of-way acquisition, and construction";

(xvi) in item number 453 by inserting before "Central" the following: "Design, engineering, right-of-way acquisition, and construction";

(xvii) in item number 371 by striking the project description and inserting "Regional Transportation Commission of Southern Nevada, Sunset Bus Maintenance Facility";

(xviii) in item number 487 by striking "Central Arkansas Transit Authority Facility Upgrades" and inserting "Central Arkansas Transit Authority Bus Acquisition";

(xix) in item number 491 by striking the project description and inserting "Pace, IL, Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis";

(xx) in item number 512 by striking "Corning, NY, Phase II Corning Preserve Transportation Enhancement Project" and inserting "Transportation Center Enhancements, Corning, NY";

(xxi) in item number 534 by striking "Community Buses" and inserting "Bus and Bus Facilities";

(xxii) in item number 570 by striking "Maine Department of Transportation-Acadia Intermodal Facility" and inserting "MaineDOT Acadia Intermodal Passenger and Maintenance Facility";

(xxiii) in item number 80 by striking the project description and amounts and inserting "Flagler County, Florida-buses and bus facility", "$57,684", "$60,192", "$65,208", and "$67,716" respectively;

(xxiv) in item number 135 by striking the project description and inserting "Pace Suburban Bus, IL–Purchase Vehicles";

(xxv) in item number 276 by striking the project description and amounts and inserting "Long Beach Transit, Long Beach, California, for the purchase of transit vehicles and enhancement of para-transit and senior transportation services", "$128,180", "$133,760", "$144,906", and "$150,480", respectively; and

(xxvi) by adding at the end—

(I)(aa) in the project description column "666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes"; and

(bb) in the FY08 column and the FY09 column "$50,000";

(II)(aa) in the project description column "667. St. Johns County Council on Aging buses and bus facilities, Florida"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "$57,684", "$60,192", "$65,208", and "$67,716", respectively;

(III)(aa) in the project description column "668. The City of Compton, California, for the replacement of buses and paratransit vehicles"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "$128,180", "$133,760", "$144,906", and "$150,480", respectively; and

(IV)(aa) in the project description column "669. City of Los Angeles, California, for the purchase of transit vehicles in Watts and enhancement of paratransit and senior transportation services"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "$128,200", "$133,760", "$144,908", and "$150,480", respectively.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting ", or other entity," after "State or local governmental authority"; and

(ii) by striking "projects numbered 258 and 347" and inserting "projects numbered 258, 347, and 411"; and

(iii) by striking the period at the end and inserting: ", and funds made available for fiscal year 2006 for the bus and bus-related facilities projects numbered 176 and 652 under subsection (a) shall remain available until September 30, 2009.".

(6) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking "hydrogen fuel cell vehicles" and inserting "hydrogen fueled vehicles";

(B) by striking "hydrogen fuel cell employee shuttle vans" and inserting "hydrogen fueled employee shuttle vans"; and

(C) by striking "in Allentown, Pennsylvania" and inserting "to the DaVinci Center in Allentown, Pennsylvania".

(7) SECTION 3050.—Section 3050(b) of such Act (119 Stat. 1713) is amended by inserting "by negotiating the extension of the existing agreement between mile post 191.13 and mile post 185.1 to mile post 165.9 in Rhode Island" before the period at the end.

(p) TRANSIT TUNNELS.—In carrying out section 5309(d)(3)(D) of title 49, United States Code, the Secretary of Transportation shall specifically analyze, evaluate, and consider—

(1) the congestion relief, improved mobility, and other benefits of transit tunnels in those projects which include a transit tunnel; and

(2) the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects which do not include a transit tunnel, but where a transit tunnel was one of the alternatives analyzed.

(q) KNOXVILLE, TENNESSEE, PROPERTY ACQUISITION.—The acquisition of property for the city of Knoxville, Tennessee, for the Knoxville, Tennessee, Central Station project shall be deemed to qualify as an acquisition of land for protective purposes pursuant to section 622.101 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary of Transportation may allow the costs of such acquisition to be credited toward the non-Federal share for the project.

(r) CALIFORNIA TRANSIT SERVICES.—The Secretary of Transportation shall use not more than $3,000,000 of the funds made available for use at the discretion of the Secretary for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities to reimburse the California State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services that were provided by the department of transportation as a temporary substitute for highway traffic service following the freeway collapse at the interchange connecting Interstate Routes 80, 580, and 880 near the San Francisco-Oakland Bay Bridge, on April 29, 2007, until the reopening of that facility on June 29, 2007. The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking "Section 31104" and inserting "Section 31144"; and

(B) in paragraph (1) by inserting "(c)" after "the second subsection".

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking "the second subsection (c)" and inserting "(f)".

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking "amendment made by subsection (a)" and inserting "amendments made by subsections (a) and (b)".

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "section".

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking "31139(f)(5)" and inserting "31139(g)(5)".

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking "license" and inserting "licenses".

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking "31318" and inserting "31313".

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting "of title 49, United States Code," after "31502".

(j) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(k) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking "Surface Transportation Safety Improvement Act of 2005", and inserting "Motor Carrier Safety Reauthorization Act of 2005"; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(l) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

"(e) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.".

(m) COMMERCIAL MOTOR VEHICLE DEFINITION.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking "a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier" and inserting "determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier".

(n) CLARIFICATION OF UNREASONABLE BURDEN.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking "interstate" the last place it appears and inserting "intrastate".

(o) CONTENTS OF AGREEMENT TYPO.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking "or" the last place it appears.

(p) OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking "the a" and inserting "a";

(2) in subsection (f)(1)(A)(i) by striking "in connection with the filing of proof of financial responsibility"; and

(3) in subsection (f)(1)(A)(ii) by striking "in connection with such a filing" and inserting "under the UCR agreement".

(q) IDENTIFICATION OF VEHICLES.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: "or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement".

(r) DRIVEAWAY SADDLEMOUNT VEHICLE.—

(1) DEFINITION.—Section 31111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking "DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT" and inserting "DRIVEAWAY SADDLEMOUNT";

(B) by striking "drive-away saddlemount with fullmount" and inserting "driveaway saddlemount"; and

(C) by inserting "Such combination may include one fullmount." after the period at the end.

(2) IN GENERAL.—Section 31111(b)(1)(D) of such title is amended by striking "a driveaway saddlemount with fullmount" and inserting "all driveaway saddlemount".

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) DEFINITION OF HAZMAT EMPLOYEES.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

(1) by striking "(3)(A)" and inserting "(3)";

(2) in subparagraph (A) by striking "clause (i)" and inserting "clause (i) of subparagraph (A)"; and

(3) in subparagraph (B) by striking "clause (ii)" and inserting "subparagraph (A)(ii)".

(b) TECHNICAL CORRECTION.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "subsection".

(c) PREEMPTION CORRECTION.—Section 5125 of title 49, United States Code, is amended—

(1) in subsection (d)(1) by striking "5119(e)" and inserting "5119(f)";

(2) in each of subsections (e) and (g) by striking "5119(b)" and inserting "5119(f)"; and

(3) in subsection (g) by striking "(b), (c)(1), or (d)" and inserting "(a), (b)(1), or (c)".

(d) RELATIONSHIP TO OTHER LAWS.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting "the first place it appears" before "and inserting".

(e) REPORT.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking "exemptions" and inserting "special permits"; and

(2) in paragraph (3) by striking "exemption" and inserting "special permit".

(f) SECTION HEADING.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

"§5128. Authorization of appropriations".

(g) CHAPTER ANALYSIS.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking "Transportation" and inserting "transportation".

(h) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting "(including delegations by the Secretary of Transportation)" after "All orders".

(i) SHIPPING PAPERS.—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking "SHIPPERS" and inserting "OFFERORS"; and

(2) by striking "shipper's" and inserting "offeror's".

(j) NTSB RECOMMENDATIONS.—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking "165" and inserting "1165".

SEC. 303. HIGHWAY SAFETY.

(a) STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking "The annual apportionment to each State shall not be less than one-half of 1 per centum" and inserting "The annual apportionment to each State shall not be less than three-quarters of 1 percent".

(b) CONSOLIDATION OF GRANT APPLICATIONS.—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking "through" and inserting "for which"; and

(2) by inserting "is appropriate" before the period at the end.

(c) TECHNICAL CORRECTIONS.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking "and" at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking "clause (i)" and inserting "clauses (i) and (ii)".

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

SEC. 304. CORRECTION OF STUDY REQUIREMENT REGARDING ON-SCENE MOTOR VEHICLE COLLISION CAUSATION.

Section 2003(c)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1522) is amended in the second sentence by striking "shall" and inserting "may".

SEC. 305. MOTOR CARRIER TRANSPORTATION REGISTRATION.

(a) GENERAL REQUIREMENTS.—Section 31138 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL REQUIREMENT.—

"(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

"(A) a place in another State;

"(B) another place in the same State through a place outside of that State; or

"(C) a place outside the United States.

"(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

"(A) a place in another State;

"(B) another place in the same State through a place outside of that State; or

"(C) a place outside the United States."; and

(2) by striking "commercial" each place it appears in subsection (c)(4).

(b) TRANSPORTATION OF PROPERTY.—Section 31139 of such title is amended—

(1) by striking "commercial motor vehicle" in subsection (b)(1) and inserting "motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)"; and

(2) by striking "commercial" in subsection (c).

(c) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6)(B), (7)(B), (14), and (15) of section 13102 of such title are each amended by striking "commercial motor vehicle (as defined in section 31132)" and inserting "motor vehicle".

(d) FREIGHT FORWARDERS.—Section 13903(a) of such title is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.".

(e) BROKERS.—Section 13904(a) of such title is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.".

SEC. 306. APPLICABILITY OF FAIR LABOR STANDARDS ACT REQUIREMENTS AND LIMITATION ON LIABILITY.

(a) APPLICABILITY FOLLOWING THIS ACT.—Beginning on the date of enactment of this Act, section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply to a covered employee notwithstanding section 13(b)(1) of that Act (29 U.S.C. 213(b)(1)).

(b) LIABILITY LIMITATION FOLLOWING SAFETEA-LU.—

(1) LIMITATION ON LIABILITY.—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if—

(A) the violation occurred in the 1-year period beginning on August 10, 2005; and

(B) as of the date of the violation, the employer did not have actual knowledge that the employer was subject to the requirements of such section with respect to the covered employee.

(2) ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the 1-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) COVERED EMPLOYEE DEFINED.—In this section, the term "covered employee" means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SEC. 402. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL DEFINED.—In this section, the term "St. Joseph Memorial Hall" means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay $10,000 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

TITLE V—OTHER PROVISIONS

SEC. 501. DE SOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257) is amended by striking "$55,000,000" and inserting "$75,000,000".

SEC. 502. DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109–59 to ascertain if a violation of Federal criminal law has occurred.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

□ 1245

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill pending before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and colleagues, here we are once again for at least the fifth time in 3 years to consider technical corrections to the SAFETEA–LU legislation.

In the 109th Congress, the gentleman from Alaska, then Chair of the full committee on Transportation and Infrastructure, and I worked to bring this technical corrections bill to the House floor, passed it successfully. We dealt with hundreds and hundreds of minor adjustments, changes that normally happen in the course of passing a major bill of this nature. If I recall rightly, in ISTEA in 1991, there were 600 or 700 such technical corrections in the TEA–21 bill. In 1998 there were something like 1,200 technical corrections that had to be made. And we had a somewhat smaller number for SAFETEA–LU. We passed it three times in that Congress, and three times we could not get the other body, as we affectionately call them, to come to agreement and move the bill. We tried, in fact, after election in November, 2006, in a conference call, I recall, with Chairman YOUNG and me, with the other body leadership, but they could not come to a resolution on the matter. So we took it up again in this Congress, and we passed it. It's been a year since we moved the bill.

This is bipartisan. Finally, it's a bicameral agreement among all the issues under jurisdiction of our committee on the bill that we passed. Finally, the Senate passed the bill by an overwhelming margin of 88–2. In our body it passed 422–1 in August of 2007.

So we now have a number of changes here. A good many of the adjustments were requested by the DOT Modal Administrators, and we have accommodated those in this legislation.

Particularly, there were errors made in drafting the final language in the research program. Funding calculations resulted in lower than intended funding levels for several research programs. These technical fixes now will finally recapture critical research funds for the Future Strategic Highway Research program aimed at dealing with highway safety, reliability, capacity, renewal; and the University Transportation Center program that provides funding for the many disciplines in the Academic Center that generate useful and productive ideas for the practitioners of highway and bridge construction and transit operation. We also have an important clarification to the repeat intoxicated driver law to allow for use of ignition interlock devices, strongly supported by Mothers Against Drunk Driving. This legislation gives States more flexibility to either continue with the 1-year license suspension or permit a 45-day license suspension with limited driving privileges.

We also have clarifying language to help the Federal Transit Administration to interpret section 3011 of SAFETEA–LU on new start and small start projects. I say "help." It will put them on the right course to do the right thing that we intended in House-Senate conference on the transit title of the bill. As then Chairman YOUNG will recall, we had a very vigorous debate with the conferees from the other body on this matter, and we came out with this language, and now it's been misrepresented over there by the Federal Transit Administration.

The number of technical corrections that we provide in this legislation will allow hundreds, maybe even thousands, of projects to move more vigorously ahead to the construction stage, and I'm quite certain that we will see a generation of at least 40,000 family-wage, highway-related construction jobs that will help lift this economy out of its doldrums. With over a million construction trades workers out of a job, we'll make at least a start in getting the economy back on track and putting them back to work.

For bringing us to this stage, I especially want to thank the gentleman from Florida (Mr. MICA), ranking member of the committee, who has devoted a great deal of time. I know personally that he has interceded with the leadership in the other body to ask them to move this legislation along, and proceeded with one of the principal recalcitrant Members of the other body. He's really done his share of shouldering the workload and then some, and I'm grateful to the gentleman. And I appreciate the enduring participation with the former chairman, Mr. YOUNG, the work that we did together in the last Congress to move the SAFETEA-LU legislation and then the technical corrections portion of it, and I appreciate that participation.

This really is a bipartisan initiative in the best tradition of this committee. Again, I thank the gentleman from Florida for his splendid work and the gentleman from Oregon (Mr. DEFAZIO) for the splendid effort he has made.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

As we consider before the House H.R. 1195, I want to express my support for this legislation. And, first off, I'd like to thank the chairman of the committee, Mr. OBERSTAR, for his work and efforts, for his staff; Mr. DEFAZIO, who chairs the Highway Subcommittee; and also Mr. DUNCAN on our side of the aisle.

Now, I know that this bill's being here didn't come by accident. As you heard, this has passed the House at least four other times. A great deal of credit for the achievement in bringing this legislation forward also must go to the former Chair of the committee, the distinguished gentleman from Alaska (Mr. YOUNG). Mr. YOUNG worked closely with Mr. OBERSTAR in crafting legislation to deal with some of the needed changes that were necessary. When you pass a, I think it was, $286 billion transportation and highway transit authorization bill, there are always technical corrections that are needed. It's almost impossible to pass a bill of that magnitude with that many numbers, that many projects, and not come back and make adjustments, both in some of the formulas that are required and also in some of the requests from Members. So this is part of the process.

One of the most important things, as people also ask us what we are doing to move the economy forward, I think it's absolutely essential that our transportation and infrastructure projects move forward. And without this legislation that cannot be possible because, again, of some of the drafting requirements under the July, 2005, SAFETEA-LU bill that was passed.

So here we are, the fifth time the House of Representatives will pass this legislation. It should be on its way to the President. As you heard, this legislation passed in the 109th Congress. It passed in the 110th Congress. Under the leadership of Chairman YOUNG and then ranking member of the committee Mr. OBERSTAR, it moved forward, and now we have it in this Congress.

The technical corrections in this bill have been clearly identified by the Department of Transportation and also by State Departments of Transportation and are mostly a conforming nature or correcting drafting errors. Again, a huge bill with many provisions.

The largest section of the bill, section 105, makes changes to 386 high-priority projects in section 1702 of the SAFETEA-LU bill. These changes address surface transportation projects that cannot be executed as they are currently drafted in the current law, again, that we passed back in July of 2005. And, of course, next year we will be doing another bill, and that's why it's so important that we get this on the President's desk as soon as possible so that these technical changes clarify who the recipients are and project descriptions and make corrections that in some instances will increase project funding levels and decrease others to achieve budget neutrality.

There are many Members of Congress in the House and Senate who have written to our committee or to the Senate Committee on the Environment and Public Works or the Banking Committee in the Senate supporting specific projects and policy corrections. These requests have been submitted, I believe, through an open and transparent process. On my side of the aisle, I've tried to keep all of these requests public, available to the press, and, again, in a very transparent manner for everyone to see what has been requested, what the projects are, and who has requested them.

In this legislation there are 150 corrections made at the request of Senators, 197 corrections made at the request of House Democrats, and 138 corrections made at the request of House Republicans.

I support this legislation. It's necessary, again, to move these projects forward to stimulate our economy and build our Nation's infrastructure.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. I have no further speakers on our side at this time, and I reserve the balance of my time.

Mr. MICA. Mr. Speaker, one of the members of our committee, the gentleman from Florida (Mr. MACK) has requested time, and I would like to yield him 2 minutes.

Mr. MACK. I want to thank the ranking member for the time.

Mr. Speaker, I rise today to lend my strong support to passage of this important legislation, which would restore $10 million to the critical widening of I-75, which is now underway in Southwest Florida. It is the same language that we included in the transportation bill when we voted on it in 2005.

By ensuring this $10 million will be spent to widen I-75 in Lee and Collier Counties in Florida, we are protecting the economic viability, quality of life, and public safety for all who rely on it. For that, I thank my colleagues for supporting this important legislation.

While this matter has received well-deserved scrutiny, the legislative process, however flawed it has been, is now doing what the people want and deserve. I would hope that as a result of what we have learned and what we may continue to learn that this institution will be better and that we will ensure it never happens again.

Again, I want to thank my colleagues for supporting this legislation and for doing what is best and right for the people of Southwest Florida.

□ 1300

Mr. OBERSTAR. Mr. Speaker, I continue to reserve my time.

Mr. MICA. Might I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 14 minutes.

Mr. MICA. I would like to yield 6 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. OBERSTAR. Mr. Speaker, how much time remains on our time?

The SPEAKER pro tempore. The gentleman has 13½ minutes remaining.

Mr. OBERSTAR. I yield 5 minutes to the gentleman from Alaska.

The SPEAKER pro tempore. The gentleman from Alaska will be recognized for 11 minutes.

Mr. YOUNG of Alaska. First, let me thank the chairman of the full committee, Mr. OBERSTAR, and the ranking member, Mr. MICA, for bringing this technical corrections bill to the floor. I will be supporting this bill today because it is a good bill.

I want to again thank my minority member, Mr. OBERSTAR. When I was chairman, we had worked very hard on TEA-LU. It was the only positive piece of legislation this Congress passed in 6 years. When I say positive, it left a part of infrastructure, not all of it, for the good of this Nation. I take great pride in that because it probably created about 185,000 new jobs, $286 billion to be spent for the infrastructure and for the economy of this great Nation.

I bring that up because I hear some people talking about, well, we will repeal the 18.2 percent tax on fuel to help our consumers out. Then goodbye to the roads, the repairs, the new needs for the additional automobiles on our highways. I say beware. It will be a terrible disaster for this great Nation of ours. We have other ideas about solving the high gas prices, but that is probably the worst I have heard of all.

Having said that, I am going to go through a chronological order of what has occurred about the issue of Coconut Road. In 2001, I became chairman of the House Committee on Transportation, a position I held for 6 years. This committee is the largest committee in the House of Representatives, with oversight over all modes of transportation; aviation, highways, railroads, all public buildings, waterways, and emergency management.

As the only Congressman from Alaska, I worked very hard for the State of Alaska. I worked with the Governor, State legislature, and local officials. I can say with great pride we did very well for the State of Alaska because we need transportation in that State, as every other State needs it.

I want to remind people, the responsibility of a chairman is to address the transportation needs in all of the country. As chairman, I worked with officials throughout the country, Governors, mayors, transportation officials, and, of course, all 434 Members and delegates of this body.

As we prepared for the writing of the national transportation bill, members of our committee and I traveled extensively throughout the country at the request of House Members and State and local officials. For the thousands and thousands of transportation projects requested of us, I visited as many communities as possible to meet with the Members, local officials, and public to discuss these requests.

In 2004, Florida Gulf Coast University President William Merwin commissioned a study of a road improvement that would increase the university's ability to cope with hurricanes and other disasters. One of the recommendations in the report was for the construction of an on-ramp from Coconut Road to I–75.

In 2005, the City of Bonita Springs hired a consultant to determine if the interchange at Coconut Road and I–75 would improve traffic congestion on Bonita Beach Road, Corkscrew Road, Old 41, I–75 and Coconut Road. The study determined that the Coconut interchange would take 9,000 cars off of Bonita Road and Corkscrew Road each day, but add about 6,000 cars per day to Coconut Road.

In February 2005, I was invited by a congressional colleague, who was a member of the Transportation Committee, to his district in Florida to hear the needs and concerns of local constituents. On February 19, a town hall meeting was held at Florida Gulf Coast University, whose arena also serves as a hurricane shelter.

This town hall meeting was attended by more than 200 local constituents, transportation officials, and elected officials. One of the issues discussed at the town hall meeting was the need for a hurricane evacuation route to ensure that people could get to safety more quickly during a national disaster. This project was to be an interchange from the heavily traveled I–75 highway to Coconut Road, which leads to the Florida Gulf Coast University in Bonita Springs.

At the town hall meeting, University President William Merwin spoke of the need for a research center at the university that would focus on transportation improvements using new technologies. He also presented a study showing the need for the interchange at Coconut Road to help hurricane evacuees reach the two main shelters in south Lee County. The goal was to provide $10 million for a study, not to build, but study this interchange.

I also would like to note, to the credit of the Florida delegation, this area received $81 million for the widening of I–75. This funding was totally justified and important to the area. The $10 million for the Coconut Road study did not take any money away or divert any funds of the $81 million allocated for I–75 widening. The $10 million for the Coconut Road was funded separately under the national highway bill. Otherwise, it was money above the line.

This interchange study had the support of the Florida Gulf Coast University, the Technical Advisory Committee, which consisted of city and county transportation experts, and the local citizens' advisory committee. The Bonita Springs City Council and the Regional Planning Council Staff have also supported the interchange study. The Technical Advisory Committee and local citizens' advisory committee voted unanimously to include the study in the long range Lee Metropolitan Planning Organization Transportation plan. Unanimously voted for. However, the Metropolitan Planning Organization voted not to include the interchange study in their long range plan. They instead wanted to transfer the $10 million to another project, including I–75.

While I don't agree with this organization's decision, I respect it. It's important to stress that this study funding did not go to any one person, it did not go to any one group of people. The funding was to go to the State of Florida, were they to choose to proceed with the study.

This has always been a good project. The residents of this community deserve to have a safe and effective evacuation route for themselves in case of a national disaster. With Hurricanes Katrina and Rita we saw firsthand what happens when Americans are unable to get to safety. But for now, I support these residents in their wanting to put this money towards another project. I have always supported the community's right to do what they think is best for them. The change is in this technical corrections bill, and I support it.

So why I am talking about this, other than to give the chronological order of event that occurred? Well, it's very easy. I have been the subject of much innuendo concerning my intent and motivation of this project. These accusations have little, if any, connection with what actually occurred.

I outlined my intent and motivations on this, and it is quite different from what I have been hearing lately about this study. Some of the media have made this study into being about one land owner in the area. Not one word has been mentioned about the hundreds of people who attended the town hall meeting in support of this study or about the numerous local organizations and officials who supported it.

This study was included in the largest national highway bill in history. There were more than 6,200 high priority projects, some call them earmarks, in that bill. About half of these were sponsored by the Democrats and Republicans of this body. About half were sponsored evenly by Republicans and Democrats in the other body. These 6,200 high priority project earmarks from the House and Senate totaled 5 percent of the total highway bill. Five percent.

Two committees handled this bill, the Transportation and Infrastructure Committee, and the Ways and Means Committee. Four committees worked on this bill in the Senate. I did not write this bill by myself. There were six committee chairmen, six ranking members, and dozens of subcommittee chairmen and subcommittee ranking members, members of both party's leadership, and countless others who played major roles in the legislation.

The 6,200 high priority projects, earmarks, were requested by virtually every Member in this House, other than 14 Members of the House, including Mr. FLAKE. This body had nothing to do with the projects requested by the other body, and they had nothing to do with those requested by this body.

This was a massive bill that was not completed until several months after the previous highway authorization had already expired. Members and staff were literally working around the clock until we were able to pass the bill in July, 2005.

As to the debate concerning the process of the enrollment of this and any other legislation, that is not a process I own or control. There are officers of the House and the Senate whose job it is to oversee this process. A committee chairman does not control the enrollment process. I have never been in an enrollment office, and I do not believe any chairman has that right.

After all the accusations and rumors about this bill, I hope this sets the record straight. This project was asked for by the community, it was supported by the Congressman from that district, and there are letters to back that up. But, the Senate is meddling in House affairs. I am supporting this bill. I welcome, if you want to welcome, an investigation into the House. I will support that. But, remember, that is a slippery, slippery road which we are about to be involved in.

We have an opportunity in this bill to stimulate the economy, keep our people working. I am going to support this legislation. But keep in mind that Coconut Road was not my idea. It was created and fostered by the local people of that community.

It's not the first time in the enrollment process. Even in this bill, Jacksonville was mentioned in the bill. What we didn't know, when the Senate and the House voted on it, was that there were six Jacksonvilles in this Nation. It had to be changed, and it was changed prior going to the President's desk, and the House never voted on it. I can go on to other cases where legislation has been changed by the enrollment process when it is considered not the intent of the House.

I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, I would inquire of the gentleman from Florida if he has other speakers. We are waiting for one speaker on our side.

Mr. MICA. I do have other speakers. I would be pleased to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I rise in opposition to this bill. H.R. 1195 is purported to be a technical corrections bill. When you hear "technical corrections," you often think of missing commas or misspellings or inverted numbers or other drafting errors. We are doing far, far, far more than that here with this legislation. There are, I believe, more than 200 earmarks that are receiving so-called technical corrections here. These are substantial in nature. They are not simply technical. I think they deserve further scrutiny.

We have all found out what happens when we rush legislation like this through. The underlying bill had 6,300 or 6,200 earmarks, as was mentioned. If you're making technical corrections, they should be technical. These are more than technical. They deserve more scrutiny. We don't want to find out later that we have the same problems that we had before. For that reason, I will oppose the legislation.

Mr. OBERSTAR. Mr. Speaker, I will continue to reserve my time.

Mr. MICA. May I inquire as to how much time our side has?

The SPEAKER pro tempore. The gentleman has 7 minutes.

Mr. MICA. I would like to yield 5 minutes to the gentleman who heads up the Highway Subcommittee on our side, our ranking member, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman for yielding.

I first would like to thank Chairman OBERSTAR, Ranking Member MICA, and Mr. DEFAZIO, the chairman of the Highways and Transit Subcommittee, for continuing to work on this important technical corrections bill. I rise to voice my support for H.R. 1195 as amended by the Senate, and I encourage my colleagues to do the same. This is the fifth time we have brought a SAFETEA–LU technical corrections bill to the House floor in the past 2 years.

The bill we are considering today is H.R. 1195. This is a bill that the House passed in March of 2007. The House also passed a more recent version of SAFETEA–LU technical corrections on August 1, 2007, H.R. 3248. As Chairman OBERSTAR mentioned, that bill passed the House with only one dissenting vote. The Senate has amended H.R. 1195 so that the version of H.R. 1195 that we are considering today includes all the changes that were made in H.R. 3248.

Once the President signs this bill, SAFETEA–LU will finally be able to accomplish what the Congress voted for it to do almost 3 years ago. There were many minor errors in policy and in Members' projects in SAFETEA–LU that needed technical correction.

□ 1315

We have heard from the U.S. Department of Transportation and several State DOTs regarding fixes to different programs and high priority projects. I believe this bill addresses most of the issues that have been brought to our attention.

This bill makes critical corrections to the Federal Highway Research Program to ensure that the department can continue essential research programs, including the Future Strategic Highway Research Program and the University Transportation Center Research Program. The bill also corrects several drafting errors regarding the Magnetic Levitation Transportation Deployment Program.

It is important to note that this bill does not make substantial policy changes to SAFETEA–LU. Rather, this bill corrects provisions that were not workable by State DOTs or the U.S. Department of Transportation.

Let me just add a couple of things. Ranking Member MICA, Chairman OBERSTAR and others have mentioned that our economy needs this bill. Just a couple of hours ago, I met with homebuilders from my district in Tennessee. In 2000, Fortune Magazine said the Knoxville metropolitan area was the most popular place to move to in the whole country based on the number moving in in relation to fewest moving out. Ours has been a very popular, fast growing area. Yet this group of homebuilders told me that their market was down 60 percent just from last year. I have been hearing similar stories. We have got some problems that need work.

One of the Republican Presidential candidates was talking about the stimulus package that we passed earlier and they said the problem with it was that we were going to be borrowing money from the Chinese so that people could buy Chinese products. I am not really talking about the merits or demerits of that bill, but he suggested that what we should do is have a stimulus package on infrastructure, because that would be doing things that needed to be done here in this country and the money would be going to American workers to do that very needed work in this country. So I think that is something that we might want to consider at a later point.

But I simply will close at this time by once again thanking our great chairman, Mr. OBERSTAR, and my boss and good friend, Ranking Member MICA, for their persistence on this technical corrections bill. I hope all of my colleagues will join me in supporting this bill.

Mr. OBERSTAR. Mr. Speaker, I yield myself 3 minutes.

One of the items in our technical corrections bill that I mentioned at the outset was clarifying language to help the Federal Transit Administration to properly interpret section 3011 of SAFETEA–LU on New Start and Small Start project justifications. The reason for that language was that in the consideration of the bill in the House and Senate, and then during conference on SAFETEA–LU, it was clear the Federal Transit Administration was trying to, by administrative action, change existing law.

So we, the lawmakers, gave specific direction to FTA that rather than rely so heavily on their own fabricated cost-effectiveness index in determining authorization or approval of New Start and Small Start projects, they are giving inadequate consideration to other factors, economic development and environmental benefits among them, the investments that private sector interests make at transit stops on major projects, such as Dallas Area Rapid Transit, such as the Washington Area Metro project, where over $20 billion in private sector capital investments have been made along the stops. In Dallas, it is over $1 billion. FTA was not taking into consideration those additional benefits that flow from the investment in a transit project.

Similarly, they were not taking those factors into consideration in evaluating the Dulles Corridor Metrorail Project extension out to Wiehle Avenue, which is otherwise known as the Dulles Metro Extension.

Well, I am delighted that even before we moved this bill through to final enactment, the Federal Transit Administration announced this morning that it intends "to approve entry into final design for the Dulles Corridor Metrorail Project," one of the most important transit projects in the entire United States. This is a vital decision. It is very important to move ahead with this project, so, frankly, we don't look like a third world country when it comes to moving people and goods in our economy.

I would also like to take this opportunity to note that one of the technical corrections that was so important for us to make in this legislation is for the authority to move ahead with MAGLEV development. Magnetic levitation technology was initiated in the United States going back even before ISTEA in 1991 under an amendment that I advanced with the support of the Congressional Steel Caucus to perfect magnetic levitation technology.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. OBERSTAR. I yield myself an additional 2 minutes.

While we continued to study it and develop it in university research centers and in contracts with the private sector, Germany and Japan moved ahead with test track MAGLEV technology projects. One of those, the German technology version, has already been implemented in Shanghai, China, while we continue to lag behind because we have not moved ahead with sufficient authority.

Well, we have provided that authority in SAFETEA–LU, but the language wasn't precise enough to satisfy the Federal Transit Administration to move ahead. So we have corrected that ambiguity, if you will, or at least what the Department of Transportation considered to be an ambiguity, with the following language. "Fifty percent of the funds will be allocated to the Nevada Department of Transportation, who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm." In addition, the other 50 percent of the funds shall be allocated "for existing MAGLEV projects located east of the Mississippi River, using such criteria as the Secretary deems appropriate."

In the accompanying report, section 102 language on MAGLEV, we further specify how those funds are to be used, specifically, the 50 percent allocated to the California-Nevada Super Speed Train Commission for Las Vegas-Primm and the other 50 percent for projects east of the Mississippi. The intent of this clarification is to limit the eligible projects to three existing projects east of the Mississippi River; Pittsburgh, Baltimore-Washington and Atlanta-Chattanooga, in a competition to be determined by and evaluated and resolved by the Secretary of Transportation.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has again expired.

Mr. OBERSTAR. I yield myself an additional minute.

I earnestly hope now that after two decades of studying, evaluating and developing in very limited test modes, MAGLEV technology will now be able to move ahead with passenger MAGLEV technology.

I also note for the record that the gentleman from California (Mr. ROHRABACHER) and I have been working with the Port Authority of Los Angeles-Long Beach and the California Transportation Department, and Mr. ROHRABACHER with the Governor's office in California, on a MAGLEV circular route, loop route, from the Port of Los Angeles to Riverside, California, to carry container cargo that can actually pay its own way to the interior of California and avoid the grade crossings and actually haul paying passenger containers.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has again expired.

Mr. OBERSTAR. I yield myself 1 additional minute.

I think these opportunities for advancing the state of the art of this very exciting magnetic levitation technology will now come to fruition with the final language in this legislation on these two projects, plus the initiative in the Port of Long Beach-Los Angeles.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

In closing for our side, again I want to thank Mr. OBERSTAR and Mr. DEFAZIO and Mr. DUNCAN, who spoke previously, and Mr. YOUNG, the previous Chair of the Transportation and Infrastructure Committee.

Let me just respond to a couple of items here. First of all, I want to join Mr. OBERSTAR. Both of us worked very hard and intently with the Governor of Virginia and with the delegation from Virginia, the Northern Virginia congressional delegation. I am so delighted to see that the extension of the Metrorail will continue out to Dulles.

It is expensive, folks. It is not going to get any cheaper. If you are looking at solutions to help the environment and deal with congestion, that is one of them, and we have to move forward. I am very pleased, and I thank the gentleman for his efforts and our joint efforts in making that possible.

We are all joined together by one common denominator in transportation, from sea to shining sea: We face congestion everywhere, in small towns, middle-sized towns, metropolitan areas. This bill, more than any other legislation that we will do this year, will move projects forward.

Now, there has been some criticism that this changes earmarks or redefines some earmarks. Yes, it does. These are congressional earmarks, and I say from our side of the aisle, I can tell you that we have done everything we can to make this process transparent, open, and have Members publicly state what their intent is. So I feel good about what we have done.

I can't control what the other body does. Mr. OBERSTAR can't either. But we have done our best to vet these projects and move the interests of this country, which is building and moving the infrastructure of this country forward. This legislation will do that. I urge Members to support this legislation.

Now, I know it does have a provision in here that does allow the Department of Justice to conduct an investigation on one of the projects. The leadership of the House and Senate and Mr. YOUNG and others have agreed to move forward with this. I don't think it sets a good precedent, because the House and Senate should be the judge of their own Members under the Constitution. Be that as it may, I will still support this bill, move forward with the process, and we will try to do our best to keep America moving forward with its infrastructure and transportation projects, which is absolutely vital to our economy at this time.

I ask Members to support this legislation, and again thank all those involved.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time. How much remains?

The SPEAKER pro tempore. Two minutes.

Mr. OBERSTAR. I yield myself the balance of my time again to express my great appreciation to the gentleman from Florida for the splendid cooperation, bipartisan participation, for the efforts made here in this body and with the other body on moving them along to bring the technical corrections to a conclusion.

I also want to note for the record the gentleman from Florida joined with me in the appeal, in fact, he initiated the request to the Secretary of Transportation, Ms. Peters, last October, for a meeting in our committee offices with the Governor of Virginia, the Commissioner of Transportation for Virginia, the Northern Virginia bipartisan Republican and Democratic House delegation, with Senator WARNER's staff and FTA Administrator Simpson to discuss this Dulles Metrorail project, to bring to the attention of the administration that this is a bipartisan initiative, that we are together on supporting it, and to move it ahead. Now we are there. I thank the gentleman for his consistency and constancy on that initiative.

I concur also with the gentleman's remarks. These are technical corrections. There are 485 of them. Some of them, a good many of them, are just misspellings that needed to be technically corrected. There was some wording that the Federal Highway Administration wanted clarification on, that the Federal Transit Administration asked us to provide clarifying language on, and we do that in this legislation.

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There were other projects where Members found that a project had been designated and was not exactly what their constituents were anticipating, they wanted to change it, dollar for dollar, no increasing, no additional spending. It is appropriate.

As former Chairman Bud Shuster was fond of saying: We Members of Congress are not potted plants. We are not there to just stand and look on benignly while the executive branch implements the legislation that we vote for. We are the ones who are accountable to raise the revenues; we are the ones who are accountable to put the policies in place, and we have a say in how they are carried out. And that is what we do with these Member high-priority projects.

So I urge all Members to support this legislation as an affirmation of the role of the people's body in setting transportation policy.

Mrs. BACHMANN. Mr. Speaker, today the House is considering H.R. 1195, a bill to make technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Included in this bill is an important technical correction to a previously authorized high-priority project (HPP) which would increase vehicle crossing capacity over the Mississippi River and provide congestion relief for many of my constituents in Anoka County.

Development associated with population growth in the northwestern portion of the Twin Cities metro region has significantly increased traffic volume along the Highway 101, Highway 169, and 1–94 corridors. These increases currently cause significant delays at corridor crossings over the Mississippi River during the rush hours. Congestion experienced along these existing corridors will increase markedly as the area continues to grow.

Unfortunately, H.R. 1195 includes an error in the language referring to this project, mislabeling US 169 as US 160. In the past, typo mistakes have held up funding previously authorized by the House. I hope that my statement will serve to clarify this typo now and in the future as this important project moves forward.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1195.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 308) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 308

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 27th annual National Peace Officers' Memorial Service (in this resolution referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2007.

(b) DATE OF EVENT.—The event shall be held on May 15, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 308.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 308 authorizes the use of the Capitol Grounds for the 27th National Peace Officers' Memorial Service. Statistics from the National Law Enforcement Officers Memorial Fund indicate that, in 2007, 181 officers died in the line of duty, and they will be honored at this year's memorial service.

On average, in the United States a peace officer is killed every 53 hours. Sadly, these numbers make 2007 one of the deadliest years for peace officers. Five officers were women. Forty States plus the District of Columbia experienced officer fatalities in 2007; 13 States had five or more fatalities.

In 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week.

The first official Memorial Service took place on May 15, 1982, at which 91 law enforcement officers were honored. Over the past 27 years, the Memorial Service has honored over 3,000 law enforcement officers from around our Nation. Today, the National Peace Officers' Memorial Service on Capitol Hill has become one in a series of well-attended events during Police Week.

Activities on the Capitol Grounds conducted under H. Con. Res. 308 will be coordinated with the Office of the Architect of the Capitol, will be free and open to the public. I support this resolution and urge its passage.

I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 308 authorizes the use of the Capitol Grounds for the annual National Peace Officers' Memorial Service to be held Thursday, May 15, 2008, as was pointed out. The National Peace Officers' Memorial Service will pay tribute to the 191 officers killed in the line of duty during 2007 and years prior.

Since 1962, this ceremony, sponsored by the Grand Lodge of the Fraternal Order of Police and its auxiliary, has honored fallen Federal, State, and local officers and their families.

This year will be the 28th time the memorial service has been held on the grounds of the Capitol. The events of National Police Week lead up to the annual Peace Officers' Memorial Service with honors for the fallen officers.

This year, National Police Week will run from Sunday, May 11, through Saturday, May 17, with events around the country and here in Washington, D.C.

The families and colleagues of officers killed in duty will gather to remember and honor the men and women who protect our communities.

One of the fallen officers who will be recognized this year is Deputy Sheriff Charles Cook from Missouri. Deputy Cook served the Buchanan County Sheriffs Office honorably for 3 years before his death in the line of duty. It is entirely appropriate to honor on the floor of the House the service and sacrifice of Deputy Cook and the other officers who have lost their lives serving and protecting our communities and our country.

The service and the other events of National Police Week are valuable reminders of the sacrifices of many of our Nation's police officers and their families. I encourage my colleagues to attend the National Peace Officers' Memorial Service, to pay tribute to the fallen officers, and recognize the individuals nationwide who put their lives at risk every day for the safety of our communities. I support the measure and would encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Concurrent Resolution 308, authorizing the use of the Capitol Grounds for the 27th National Peace Officers' Memorial Service. More than 150 Federal, State, and local law enforcement officers killed in the line of duty in 2007 will be honored at this Memorial Service. According to the National Law Enforcement Officers Memorial Fund, 181 officers died in the line of duty in 2007. Five officers were women. Forty States and the District of Columbia experienced officer fatalities in 2007. Thirteen States had five or more fatalities.

In 1962, President John F. Kennedy signed a proclamation which designated May 15th as Peace Officers Memorial Day, and the week in which that date falls as "Police Week". The first official memorial service took place on May 15, 1982, at which 91 law enforcement officers were honored. Over the past 27 years, the Memorial Service has honored more than 3,000 law enforcement officers from around our nation. Today, the National Peace Officers' Memorial Service on Capitol Hill has become one in a series of well attended events during Police Week.

Activities on the Capitol Grounds conducted under H. Con. Res. 308 will be coordinated with the Architect of the Capitol, will be free, and open to the public.

I urge my colleagues to join me in supporting H. Con. Res. 308.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 308, which authorizes the use of the Capitol grounds for the National Peace Officers' Memorial Service.

Peace officers, the sworn, public-sector officers entrusted with law enforcement authority and the power of arrest, risk their lives daily to protect our nation. These individuals, who are responsible for safeguarding the rights and freedoms we enjoy as Americans, are true heroes.

Peace Officers Memorial Day honors those who have made the ultimate sacrifice for the safety and security of their communities and our nation. Created by Public Law 87–726, signed by President Kennedy in 1962, this day gives us the opportunity to acknowledge and pay our respects to those who, through their courageous deeds, have fallen in the line of duty.

Mr. Speaker, on Sunday, May 15, 2008, our nation will come together to honor, remember and record those law enforcement officers who were killed in the line of duty during the year of 2007. Mr. Speaker, one of the names of the fallen heroes added to the list last year was Officer Rodney J. Johnson of the Houston Police Department. Officer Johnson, a 12 year veteran of the Houston Police Department, was killed September 21, 2006, while taking a suspect in custody during a traffic stop. He leaves to honor his memory his beloved wife, Houston Police Department Officer Joslyn Johnson, and five teen-age children; three daughters and two sons, ages 14 to 19.

Officer Rodney Johnson was born in Houston and served in the U.S. Army as a military police officer until being honorably discharged in 1990. He then went to work as a corrections officer for the Texas Department of Criminal Justice and then as a jail attendant. He graduated from the Houston police academy in 1994.

As a member of the department's Southeast Gang Task Force, Officer Rodney Johnson earned two Lifesaving Awards and one Medal of Valor from the state of Texas. In January 1998, Officer Rodney Johnson rescued a physically challenged driver trapped in rising floodwaters in January 1998 and later that year he rescued mentally challenged people trapped inside of a burning house.

Officer Rodney Johnson, who stood 6 feet 5 inches tall and weighed nearly 300 pounds, served on his union's board of directors. As Hans Marticiuc, the president of Officer Johnson's union stated, "he was big and he was intimidating-looking, but he was as gentle as a baby bear."

Although the number of officers killed in the line of duty has declined in recent years, the fact that one officer is killed every two-and-a-half days in our country is a sober reminder that protecting our communities and safeguarding our democracy come at a heavy price. Last year, the total number of law enforcement officers killed in the line of duty was represented by 17,917 names engraved on the Memorial, representing officers from all 50 states, the District of Columbia, US territories, and federal law enforcement and military police agencies.

This resolution permits the Grand Lodge of the Fraternal Order of Police and its auxiliary to sponsor a free public event, the 27th Annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 2008. This service will honor the law enforcement officers killed in the line of duty during 2007 who have died in the line of duty, as well as the 800,000 officers who continue to serve in Federal, State and local law enforcement agencies nationwide.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution.

Mr. GRAVES. Mr. Speaker, I yield back the balance of my time.

Mr. CARNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 308.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL AVIATION MAINTENANCE TECHNICIAN DAY

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 444) supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 444

Whereas the safety of the flying public is ensured and the integrity of the aircraft airworthiness is personally guaranteed by individuals who comprise the professional aviation maintenance technician workforce;

Whereas the professional aviation maintenance technician is a key member of the United States military in protecting America through a strong armed forces aviation infrastructure;

Whereas the duties of aviation maintenance technicians are critical to United States homeland security and an integral component of the Nation's aerospace industry;

Whereas the professional aviation maintenance technician provides the strong infrastructure on which public confidence in our airborne transportation safety and military aviation strength is ensured;

Whereas the professional philosophy of the certificated aviation maintenance technician is embodied in the Aviation Mechanic's Creed:

UPON MY HONOR I swear that I shall hold in sacred trust the rights and privileges conferred upon me as a certified mechanic. Knowing full well that the safety and lives of others are dependent upon my skill and judgment, I shall never knowingly subject others to risks which I would not be willing to assume for myself, or for those dear to me.

IN DISCHARGING this trust, I pledge myself never to undertake work or approve work which I feel to be beyond the limits of my knowledge nor shall I allow any non-certified superior to persuade me to approve aircraft or equipment as airworthy against my better judgment, nor shall I permit my judgment to be influenced by money or other personal gain, nor shall I pass as airworthy aircraft or equipment about which I am in doubt either as a result of direct inspection or uncertainty regarding the ability of others who have worked on it to accomplish their work satisfactorily.

I REALIZE the grave responsibility which is mine as a certified airman, to exercise my judgment on the airworthiness of aircraft or equipment. I, therefore, pledge my unyielding adherence to these precepts for the advancement of aviation and for the dignity of my vocation.

Whereas in 1902 Charles Edward Taylor began working as a machinist for Orville and Wilbur Wright at the Wright Cycle Company in Dayton, Ohio;

Whereas using only a metal lathe, drill press, and hand tools, Charles Edward Taylor built, in 6 weeks, the 12-horsepower engine that was used to power the Wright brothers' first flying machine;

Whereas Charles Edward Taylor's ingenuity earned him a place in aviation history when the Wright brothers successfully flew their airplane in controlled flight on December 17, 1903;

Whereas Charles Edward Taylor had a successful career in aviation maintenance for more than 60 years;

Whereas Charles Edward Taylor was honored by the Federal Aviation Administration with the establishment of the Charles Edward Taylor Master Mechanic Award, which recognizes individuals with 50 years or more of aviation maintenance experience;

Whereas Charles Edward Taylor has become a hero to aircraft maintenance technicians worldwide; and

Whereas 45 of the States together with the Commonwealths, Territories, Republics, and Federations of the United States have already declared May 24 to be Aviation Maintenance Technician Day within their jurisdictions: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports National Aviation Maintenance Technician Day to honor the professional men and women who ensure the safety and security of our airborne aviation infrastructure; and

(2) recognizes the life and memory of Charles Edward Taylor, the aviation maintenance technician who built and maintained the engine that was used to power the Wright brothers' first controlled flying machine on December 17, 1903.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I thank the Speaker and I thank our House Speaker for bringing this to the floor today, H. Res. 444, a resolution which supports the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft.

With all the concerns, Mr. Speaker, today about safety and airlines, it is the men and women who actually do the maintenance that we depend on so greatly.

It was Charles Edward Taylor who built and maintained the engine that was used to power the Wright brothers' first controlled aircraft, the Flyer, and he was born in 1868. He is widely regarded as the father of aviation maintenance, and was a vital contributor of mechanical skills in the building and maintaining of early Wright brothers engines and airplanes. Taylor also built the wind tunnel used by the Wrights to test their early designs. He became a leading mechanic in the Wright Aircraft Company when it was formed in 1909. In fact, when Calbraith Perry Rodgers made his famous cross-country trip in a Wright brothers aircraft, he paid Charles Edward Taylor $70 a week, a pretty large sum at the time, to be his mechanic. Taylor followed the flight by train, making required repairs and preparing the aircraft for the next day's flight throughout the cross-country trip from Long Island to California.

Although Taylor was largely ignored by history, it is important to note that the Wright brothers were very close friends with him, and remained in close contact with him throughout their lives.

Charles Edward Taylor saved enough money from his ventures to buy several hundred acres of farmland near the Salton Sea, which is located in my district. However, the economic climate of the time eventually brought him to poverty, and he died penniless in 1956 at the age of 87. He was buried at the Portal of Folded Wings Shrine to Aviation in Burbank, California.

Mr. Speaker, the humble beginnings of the aviation maintenance profession belies the fact that all of us in the Congress and our constituents rely on the work that these technicians do every day. They play an invaluable role not only in ensuring the safety of commercial aircraft, but also ensuring that our men and women in uniform have safe, reliable planes and helicopters while in their combat and training. Thanks to these dedicated, well-trained professionals, the United States has by far the safest air transportation system in the world. We owe aircraft mechanics a debt of gratitude for their service to the flying public.

We are hearing a lot today about consolidations in the airline industry, and some airlines have already been outsourcing aviation maintenance abroad to cut their costs. I urge everyone in this Chamber to remember how critical it is for our own safety to have a well-trained U.S.-based workforce to fix and maintain our aircraft. As the airline industry seeks to cut costs and merge, it is very important for all of us to keep a watchful eye on the impact of these consolidations on aviation maintenance technicians. We cannot afford to cut corners when it comes to safety.

Mr. Speaker, 45 U.S. States have already declared May 24 to be Aviation Maintenance Technician Day within their jurisdictions. My resolution is intended to support these efforts and honor aviation maintenance technicians, including the first, Charles Edward Taylor. I urge all my colleagues to vote for H. Res. 444.

I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of Resolution 444, Supporting National Aviation Technician Day, and honoring Charles Edward Taylor. This resolution was introduced by the gentleman from California (Mr. FILNER) in honor of aviation maintenance mechanics and their profession.

Day in and day out, aviation mechanics ensure the safety of the flying public. They are also critical for the safety of our Armed Forces aviation infrastructure. They keep our military aircraft flying and are key elements in ensuring their security.

The aviation mechanics creed embodies their professional philosophy. Words such as "sacred," "trust," "judgment," and "dignity" are used to describe their duties and professionalism.

Our public confidence in aviation transportation is a direct result of their commitment to these ideals and the unwavering integrity of their work.

H. Res. 444 also rightly honors Charles Edward Taylor, who played a fundamental role in aviation history. In 1902, Mr. Taylor began work as a machinist in Dayton, Ohio for the Wright Cycle Company. In just 6 weeks, he built a 12 horsepower engine with only a metal lathe, a drill press, and hand tools. On December 17, 1903, his engine was used on the Wright brothers' first flying machine and propelled the world into controlled flight. Mr. Taylor's career lasted 60 years and earned him a place in aviation history. To this day, he is known as the father of aviation maintenance.

The Federal Aviation Administration's Charles Edward Taylor Master Mechanic Award is bestowed upon individuals who have over 50 years of experience in aviation maintenance and is truly an honor to receive.

Mr. Speaker, 45 States currently designate May 24 as Aviation Maintenance Technician Day. I encourage my Members to support this resolution to honor the men and women of aviation maintenance and the life and memory of Charles Edward Taylor.

Mr. Speaker, I actually got to hear one of the very original Wright brothers engines, which was built by Mr. Taylor, at Oshkosh just a few years ago. There are still a couple of them that are existing today. They were actually built by hand, very crudely built, and I got an opportunity to hear one of them started up running. It was actually the third engine that he ever built, and it was absolutely a neat thing to see.

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In my district I have one of the American Airlines overhaul bases which houses a lot of mechanics and aviation technicians who work on those aircraft, and from a base as large as that right down to some of our very small businesses, like Joe Rankin who runs an aviation shop in a little airport in Marionville, Missouri, those aviation mechanics are important to the entire industry.

Being a pilot myself, I know just how important good maintenance and those mechanics can be to your aircraft. It really is an honor to have the opportunity to be able to handle this bill for the minority side today. I thank the gentleman from California for his work on it. I think it truly says a lot about aviation mechanics and the reason we are honoring them.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Resolution 444. H. Res. 444 highlights the House of Representatives' support for the May 24 National Aviation Maintenance Technician Day to honor Charles Edward Taylor, the first aviation maintenance technician who created and maintained the engine used to power the Wright brothers' aircraft, and the men and women who followed in his footsteps as aviation maintenance technicians.

This resolution celebrates the life and achievements of one of the fathers of aviation while also recognizing the indispensable role aviation maintenance technicians play by ensuring the safety of civil and military aircraft and infrastructure as well as the American people. In 1901, Charles Edward Taylor left his job making 25 cents an hour at the Dayton Electric Company to make 30 cents an hour in the Wright brothers' bicycle shop. Within a year of starting, Taylor helped them build a wind tunnel to test the Wrights' theories on winds and control surfaces.

When, in 1903, the Wright brothers' tasked Taylor with creating an 8-horsepower engine to power the Flyer, his only prior experience was an attempt to repair a gasoline automobile engine in 1901. He designed and built an aluminum, water-cooled, 12-horsepower engine. He built the engine from scratch in only 6 weeks, and without drawings, using a drill press, metal lathe, and hand tools.

Taylor said, "[I] always wanted to learn to fly, but I never did. The Wrights refused to teach me and tried to discourage the idea. They said they needed me in the shop and to service their machines, and if I learned to fly, I'd be gadding about the country and maybe become an exhibition pilot, and then they'd never see me again."

After assisting the Wright brothers, Taylor went on to a pioneering aviation maintenance career spanning more than 60 years including a job as the chief mechanic for the first transcontinental flight in 1911 by Calbraith Perry Rodgers.

I urge my colleagues to join me in supporting H. Res. 444, honoring the first aviation maintenance technician, Charles Edward Taylor, and every aviation maintenance technician who has or will follow in his footsteps.

Mr. COSTELLO. Mr. Speaker, today, we are considering H. Res. 444, a resolution supporting the goals and ideals of national aviation maintenance technician day, honoring Charles Edward Taylor, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of both civil and military aircraft.

This important legislation was introduced by our colleague, Mr. FILNER.

Charles Edward Taylor was born in Illinois in 1868 and worked as the machinist for the Wright brothers in their Dayton, Ohio facility. It was here that he built the 12-horsepower engine to power the Wright brothers' first flying machine.

Taylor had an impressive career spanning over sixty years, where he did all of the preliminary engine design work for the Wright brothers and later taught them to build aircraft engines.

As a testament to his skill and this important craft, the Federal Aviation Administration awards the Charles Taylor Master Mechanic Award recognizing the lifetime accomplishments of certificated mechanics and repairmen who have worked in aviation for at least 50 years.

Our aviation maintenance professionals ensure the safety of aircraft each and everyday. By honoring Charles Taylor, we demonstrate our respect and admiration for this important profession.

Mr. Speaker, aviation maintenance professionals continue to keep our civil and military aircraft safe and secure. That is why I support H. Res. 444 and urge my colleagues to do the same.

Mr. GRAVES, I yield back the balance of my time.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 444.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PROMOTING THE SAFE OPERATION OF 15-PASSENGER VANS

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 964) to promote the safe operation of 15 passenger vans, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 964

Whereas an organization that owns or operates a 15-passenger van should not allow an inexperienced driver of such a van to drive the van because design and handling characteristics of a 15-passenger van make it drive differently than other passenger vehicles;

Whereas the safety records of drivers experienced in driving a 15-passenger van are significantly better than drivers not experienced in driving such a van;

Whereas according to the National Highway Traffic Safety Administration, from 1997 through 2006, there were 1,090 fatalities of van occupants resulting from crashes involving 15-passenger vans of which 534 fatalities resulted from largely preventable single-vehicle rollover crashes of such vans;

Whereas according to the Insurance Institute for Highway Safety, in 2005, 59 percent of the fatalities in 15-passenger van crashes occurred in single-vehicle rollover crashes, which is higher than the rollover fatality rates for any other passenger vehicle type;

Whereas 15-passenger vans require special driving skills because they are larger, with higher centers of gravity, which makes them less stable than vehicles such as cars, especially if the van is heavily loaded;

Whereas adding passengers in a 15-passenger van increases the center of gravity, causing the van to be increasingly difficult to handle and less stable;

Whereas the death rate for all occupants was higher for 15-passenger vans than for other passenger vehicle types combined;

Whereas during the period 2001 through 2005, the death rate for occupants of 15-passenger vans was 250 fatalities per million registered vehicles compared to 151 fatalities per million of all other registered vehicles;

Whereas impressing upon 15-passenger van drivers the inherent dangers of operating these vehicles, particularly when fully loaded, and educating them about proper handling and control, particularly during emergency situations, can reduce the risk of rollover, and such training can also help dispel the expectation that these vans operate like large passenger cars;

Whereas wearing safety belts dramatically increases the chances of survival during a rollover crash;

Whereas nearly 80 percent of those who died in 15-passenger van rollovers nationwide between 1990 and 2003 were not buckled up;

Whereas in fatal, single-vehicle rollover crashes involving 15-passenger vans over the past decade, 91 percent of occupants wearing safety belts survived; and

Whereas driver education and training, and general awareness of the dangers of these vans are effective means of reducing the death rates of occupants of 15-passenger vans: Now, therefore, be it

Resolved, that the House of Representatives recognizes the need for awareness regarding the increased risks of driving 15-passenger vans and encourages any operator of such a vehicle or person who provides transportation in such a vehicle to provide adequate training for drivers and safety information, including the necessity for wearing safety belts, to passengers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 964.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this issue has been highlighted and brought to the attention of the committee by the ranking member, Mr. DUNCAN. It is his resolution and he has been an activist on the committee in highlighting the problems of safety with 15-passenger vans. I appreciate his work on this issue.

We are intending to hold a hearing on safety issues, and include some testimony from individuals who have had family tragedies because of these vans. The vans have had particular problems with single-vehicle rollover crashes. They have higher rollover fatality rates than any other passenger vehicle type. From 2001 to 2005, the death rate for 15-passenger vans was 250 per million registered vehicles compared to 151 per million for all other registered vehicles.

The committee had formerly noted problems with this, and in the SAFETEA–LU legislation which was amended by technical corrections earlier by the House, Congress directed the National Highway Transportation Safety Administration to test 15-passenger vans as part of their rollover resistance program.

We also prohibited schools from purchasing, renting or leasing 15-passenger vans to transport students. But there are still a lot of these vans on the road. It is imperative that drivers be alerted to the increased risk of driving a 15-passenger van compared to a regular passenger vehicle. There have been cases even when the occupants, particularly children, because of their smaller size, were wearing lap and shoulder belts where tragic deaths occurred in some of these rollover crashes.

I look at this resolution as a first step in raising public awareness, and I hope that the committee and other committees which have jurisdiction in this area will take more definitive action in the near future.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank Chairman DEFAZIO for his strong and enthusiastic support for this resolution, and I want to add my support for House Resolution 964.

I introduced this resolution because of a tragic 15-passenger van accident last July in which a 10-year-old girl from my hometown of Knoxville was killed.

Alexis "Lexie" James was traveling in a 15-passenger van being driven by close family friends to Savannah, Georgia, for a softball tournament. The driver was not a professional driver with a commercial driver's license. In fact, a commercial driver's license is not required to drive 15-passenger vans. This van was privately owned, and there were only five passengers: the dad and mom, their 16- and 10-year-old children, and Lexie.

On July 17, 2007, as the van was traveling east on Interstate 26 near St. Matthews, South Carolina, the left rear tire of the van blew out, and the van ran off the right side of the highway, down an embankment, overturned, struck a fence, crossed the frontage road, and came to rest on its side.

Everyone in the van was wearing a seat belt, but somehow Lexie slipped out of her belt and was ejected from the van onto the frontage road and was killed.

I have met with Lexie's dad, Patrick James, and he is asking some hard questions about the safety of 15-passenger vans. The resolution we are considering today focuses on safety issues that are firmly within the jurisdiction of the Transportation and Infrastructure Committee regarding driver and passenger behavior, including the need for better driver training and passenger safety information.

A 15-passenger van does not handle or operate like a larger version of a passenger car. These vans have a higher center of gravity, which makes them less stable and more difficult to handle. In addition, the bodies of the vans extend 4 to 5 feet beyond the rear wheels, causing instability during emergency maneuvers such as sudden turns. This causes the vans to fishtail, and because they are top heavy and may be overloaded in the rear, they are prone to roll over and result in devastating crashes.

In May of 2005, the National Highway Traffic Safety Administration issued a consumer advisory safety warning to all drivers of these vehicles. The precautions that NHTSA recommends for all drivers of 15-passenger vans are:

One, keep your passenger load light.

Two, check your van's tire pressure every week.

Three, require all occupants to use seat belts or the appropriate child restraint.

Four, if possible, seat passengers and place cargo forward of the rear axle.

Five, do not place loads on the van's roof.

Six, be very mindful of speed and road conditions.

Better driver training and more thorough dissemination of safety tips like these are the best tools we have right now to help save the lives of other children and adults riding in 15-passenger vans.

As Chairman DEFAZIO just stated, this resolution is a first step towards calling the public's attention to the very dangerous situation or condition of some of these 15-passenger vans and how prone they are to very serious vehicle accidents.

I strongly support this resolution and hope to make this important safety issue a priority for the Nation. Mr. Speaker, I urge all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

I would again congratulate the gentleman. It is sad that such a tragedy occurred to one of his constituents. But the best we can do to try to make sense of that tragedy is to try and prevent future tragedies as a result of these sorts of vehicles.

It has been fully my intention as chairman of the committee to hold hearings on both these vans and some other related safety items that have come to the attention of the committee. The reason the hearing has been delayed is because the head of the National Highway Transportation Safety Administration has been on administrative leave for personal reasons. We expect her back in the not-too-distant future, and then intend to go ahead.

But in the interim, by passing this legislation we can at least send the message that we have concern and we can try to alert the American public, we can try and avert more tragedies.

I would also point out that our colleagues on the Energy and Commerce Committee have substantial jurisdiction in this area. And hopefully as they cast their votes for this initiative, this resolution here today, they will think about their jurisdiction and perhaps they too will join with us in raising concerns.

With that, I have no further requests for time.

Mr. DUNCAN. Mr. Speaker, I have no other speakers. Once again I would thank Chairman DEFAZIO for his support and for his offer to hold a hearing on the safety involving these 15-passenger vans. I urge my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of the resolution, H. Res. 964, which seeks to promote the safe operation of 15-passenger vans and highlights an important safety issue. I thank the gentleman from Tennessee (Mr. DUNCAN) for bringing this important issue to the Committee on Transportation and Infrastructure and the House.

This resolution encourages all organizations owning or operating a 15-passenger van not to allow inexperienced drivers to operate these vehicles without proper training and education regarding the safe operation of these vehicles. The design and handling characteristics of 15-passenger vans make them different to drive than other passenger vehicles.

The operators of these vehicles must understand the special driving skills necessary for their safe operation due to the larger size and higher centers of gravity. These characteristics make 15-passenger vans less stable than vehicles such as cars.

According to the National Highway Traffic Safety Administration, from 1997 through

2006, there were 1,090 fatalities of van occupants resulting from crashes involving 15-passenger vans, of which 534 fatalities resulted from largely preventable single-vehicle rollover crashes of such vans.

Furthermore, according to the Insurance Institute for Highway Safety, in 2005, 59 percent of the fatalities in 15-passenger van crashes occurred in single-vehicle rollover crashes, which is higher than the rollover fatality rates for any other passenger vehicle type. The threat of rollover in these vehicles becomes even greater when operators place heavy loads on the roofs of the vans, such as luggage.

Mr. Speaker, safety belts dramatically increase the chances of survival during a rollover crash. Nearly 80 percent of those who died in 15-passenger van rollovers nationwide between 1990 and 2003 were not buckled up. These striking statistics paint a very clear portrait of the dangers associated with 15-passenger vans, and that the operation of these vans by inexperienced drivers raises significant safety concerns for operators and passengers in these vehicles.

In the last federal surface transportation act, we made progress on this issue. However, more must be done to bring public awareness to this critical issue impacting the public safety on our nation's roadways. As we embark on the initial stages of our next surface transportation authorization bill, we must include the concerns raised by H. Res. 964 in our discussions and ensure that the safety problems associated with 15-passenger vans are addressed.

I urge my colleagues to join me in supporting H. Res. 964.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 964, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution promoting the safe operation of 15-passenger vans.".

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS TO NEWBORN SCREENING SAVES LIVES ACT

Ms. ROYBAL-ALLARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5919) to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION TO NEWBORN SCREENING SAVES LIVES ACT.

(a) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) IMPROVED SCREENING.—Section 1109 of the Public Health Service Act (42 U.S.C. 300b-8(j)), as added by section 2 of the Newborn Screening Saves Lives Act of 2007, is amended by striking subsection (j) and inserting the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to provide grants for the purpose of carrying out activities under subsection (a)(1), $15,000,000 for fiscal year 2009; $15,187,500 for fiscal year 2010, $15,375,000 for fiscal year 2011, $15,562,500 for fiscal year 2012, and $15,750,000 for fiscal year 2013; and

"(2) to provide grants for the purpose of carrying out activities under paragraphs (2), (3), and (4) of subsection (a), $15,000,000 for fiscal year 2009, $15,187,500 for fiscal year 2010, $15,375,000 for fiscal year 2011, $15,562,500 for fiscal year 2012, and $15,750,000 for fiscal year 2013.".

(2) EVALUATING THE EFFECTIVENESS.—Section 1110(d) of the Public Health Service Act (42 U.S.C. 300b-9(d)), as added by section 3 of the Newborn Screening Saves Lives Act of 2007, is amended by striking "2008" and all that follows and inserting "2009, $5,062,500 for fiscal year 2010, $5,125,000 for fiscal year 2011, $5,187,500 for fiscal year 2012, and $5,250,000 for fiscal year 2013.".

(3) ADVISORY COMMITTEE.—Section 1111 of the Public Health Service Act (42 U.S.C. 300b-11), as amended by section 4 of the Newborn Screening Saves Lives Act of 2007, is amended—

(A) in subsection (d)(2), by striking "2007" and inserting "2008";

(B) in subsection (e), by striking "2007" and inserting "2008";

(C) in subsection (f), by striking "2007" and inserting "2008"; and

(D) in subsection (g), by striking "2008" and all that follows and inserting "2009, $1,012,500 for fiscal year 2010, $1,025,000 for fiscal year 2011, $1,037,500 for fiscal year 2012, and $1,050,000 for fiscal year 2013.".

(4) CLEARINGHOUSE.—Section 1112 of the Public Health Service Act (as added by section 5 of the Newborn Screening Saves Lives Act of 2007) is amended—

(A) in subsection (b)(4)(D), by striking "2007" and inserting "2008"; and

(B) in subsection (d), by striking "2008" and all that follows and inserting "2009, $2,531,250 for fiscal year 2010, $2,562,500 for fiscal year 2011, $2,593,750 for fiscal year 2012, and $2,625,000 for fiscal year 2013.".

(5) LABORATORY QUALITY.—Section 1113(b) of the Public Health Service Act (as added by section 6 of the Newborn Screening Saves Lives Act of 2007) is amended by striking "2008" and all that follows and inserting "2009, $5,062,500 for fiscal year 2010, $5,125,000 for fiscal year 2011, $5,187,500 for fiscal year 2012, and $5,250,000 for fiscal year 2013.".

(6) INTERAGENCY COORDINATING COMMITTEE.—Section 1114(e) of the Public Health Service Act (as added by section 6 of the Newborn Screening Saves Lives Act of 2007) is amended by striking "2008" and all that follows and inserting "2009, $1,012,500 for fiscal year 2010, $1,025,000 for fiscal year 2011, $1,037,500 for fiscal year 2012, and $1,050,000 for fiscal year 2013.".

(7) HUNTER KELLY RESEARCH PROGRAM.—Section 1116(a)(1)(B) of the Public Health Service Act (as added by section 7 of the Newborn Screening Saves Lives Act of 2007) is amended by striking "and or" and inserting ", or".

(b) OTHER TECHNICAL AMENDMENTS.—The Newborn Screening Saves Lives Act of 2007 is amended—

(1) in section 1, by striking "2007" and inserting "2008"; and

(2) in section 4(2)(A), by inserting ", respectively" before the semicolon.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ROYBAL-ALLARD) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ROYBAL-ALLARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ROYBAL-ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5919, a bill to make minor technical corrections to the Newborn Screening Saves Lives Act that was signed into law last week by President Bush.

I thank Chairman DINGELL and Chairman PALLONE for bringing this technical corrections bill to the House floor so promptly.

Passage of H.R. 5919 will help us implement the provisions of the Newborn Screening Saves Lives Act to address the State disparities that currently exist in newborn screening. The act encourages States to uniformly test newborns, and keep an updated scientifically recommended panel of disorders.

The new law also provides resources for States to expand and improve their newborn screening programs; it provides grants to empower health care professionals and parents with information about the importance of newborn screening and follow-up care; and it requires the Centers for Disease Control to ensure the quality of laboratories involved in newborn screening.

Passage of the Newborn Screening Saves Lives Act has been one of my legislative priorities for over 4 years. I sincerely thank my original co-sponsors, Congressmen MICHAEL SIMPSON, TOM REYNOLDS, and HENRY WAXMAN, and my colleagues in the House whose support helped to make passage of the bill a reality.

I also thank Senators CHRIS DODD, HILLARY CLINTON, and ORRIN HATCH for championing the Senate companion bill.

Mr. Speaker, I urge my colleagues to support H.R. 5919 so we can begin to eliminate preventable newborn disabilities and deaths, and give all newborn babies in our country an equal opportunity for a healthy life.

Mr. Speaker, I reserve the balance of my time.

□ 1400

Mr. TERRY. Mr. Speaker, I too rise in support of H.R. 5919, a bill to make technical corrections to the Newborn Screening Saves Lives Act of 2007.

The House and Senate both overwhelmingly agreed to the underlying legislation just last month. However, there needed to be a change in the date. Another version was sent to the White House, so now we're here to make the corrections that were supposed to have been made then. So that's all that this is. We all support it.

I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentleman for his support. I urge my colleagues to support H.R. 5919.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ROYBAL-ALLARD) that the House suspend the rules and pass the bill, H.R. 5919.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5522, COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1157 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1157

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5522 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 1157.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, H. Res. 1157 provides for the consideration of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act of 2008, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor, and makes in order the committee-reported substitute. It also makes in order two amendments printed in the Rules report, with a manager's amendment debatable for 10 minutes and the Wilson substitute debatable for 30 minutes.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in support of this rule and the underlying legislation, H.R. 5522, the Worker Protection Against Combustible Dust Explosion and Fire Act of 2008. It directs the Occupational Safety and Health Administration to issue rules regulating combustible industrial dust that can build up to hazardous levels and explode.

Combustible dust has caused deaths and injuries to workers in our Nation, deaths and injuries that could have been prevented. Most recently, everyone can recall the enormous explosion in February at the Imperial Sugar refinery in Savannah, Georgia, which claimed the lives of 13 workers and injured over 60. Many of these workers remain hospitalized today, receiving care for the severe burns they received on that awful day.

While OSHA has marginally improved dust inspection procedures, this legislation goes further to bring combustible dust emissions under control by establishing stronger standards. Included are engineering controls, hazardous inspection, security assessments, housekeeping and explosion protection standards.

□ 1415

Specifically, the Worker Protection Against Combustible Dust Explosion and Fire Act requires OSHA to issue an interim final standard to control the risk of combustible dust explosions. The standard would contain provisions for housekeeping, engineering controls, and worker training.

Mr. Speaker, in 2003, there was a series of similar explosions at various factories due to combustible dust. The U.S. government undertook a study carried out by the Chemical Safety Board to determine the causes and make recommendations to OSHA. That report came out 2 years ago in 2006. OSHA has yet to issue standards to control the risks to workers and companies on the hazards of combustible dust.

For this reason, the bill requires an interim standard to be issued. OSHA would then be required to issue a final standard within 18 months through its regular procedures. OSHA would be required to "include relevant and appropriate provisions of National Fire Protection Association combustible dust standards."

H.R. 5522 would also direct OSHA to explicitly list combustible dusts as a "physical hazard" in the Hazard Communication Standard, which requires employers to train workers about the chemical hazards that they are exposed to.

Mr. Speaker, every worker in this country deserves a safe and healthy work environment. The AFL–CIO, the UAW, the International Association of Firefighters, the American Industrial Hygiene Association, the SEIU, the Teamsters, and the United Food and Commercial Workers Union all strongly support this important legislation.

By establishing stronger protections and safer standards, this legislation better ensures thousands of workers in refineries, mills, and plants from risk of death or injury.

I urge my colleagues to support the rule, and I support the underlying legislation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. McGOVERN) for the time, and I yield myself such time as I may consume.

On February 7, 2008, a terrible explosion occurred at the Imperial Sugar Company refinery in the community of Port Wentworth, Georgia. The explosion killed 13 people, injured over 40 refinery workers. That explosion at the Imperial Sugar Company refinery pointed to the danger of combustible dust in the workplace. It's a very serious concern, and we must take every possible step to protect workers from those dangers.

The underlying legislation, the Combustible Dust Explosion and Fire Prevention Act, would require OSHA to issue an interim final combustible dust standard within 90 days and a permanent standard within 18 months. It also lists a specific number of items that would be required under the Interim Final Standard including a written dust control program, hazard assessment, worker training and employee participation in the development and conduct of the dust control program. OSHA would also be required to include combustible dust in the definition of physical hazards in OSHA's Hazard Communication Standard.

It is quite disconcerting, Mr. Speaker, that on an issue as important as workplace safety, the majority is only allowing the House of Representatives to consider one amendment by the minority, one Republican amendment. The majority campaign platform said they would run the House of Representatives in an open and bipartisan manner, yet they systematically and consistently block the minority time and time again from offering amendments.

All Members of this representative institution wish to do the most they can to provide workers a safe working environment, Mr. Speaker. And it is most unfortunate that the majority blocks Members from offering their proposals. Instead of offering such a tightly structured rule, the majority should be allowing every Member the opportunity to offer their thoughts and proposals to the House for consideration.

As important as the underlying legislation may be, I believe there are other issues that are on the minds of Americans at this point that are pressing to Americans: For example, confronting the rising cost of gasoline.

On Monday, hundreds of truckers drove through the streets of this capital city to protest in desperation the rising cost of diesel fuel. They are not the only ones desperate due to the rising oil prices. All consumers are paying more for gasoline, which also causes price increases in virtually every consumer product, including food. A recent policy found that 44 percent of Americans find paying for gasoline to be their top personal economic problem.

Since Democrats took control of Congress in January of last year, the cost of a gallon of unleaded gasoline has skyrocketed. According to AAA, the national average for regular unleaded gas has gone up $1.20 during that time. The cost of gas has gone up more in 15 months than it had gone up in the prior 6 years.

But oil prices don't have to be so high, Mr. Speaker, because I understand the majority claims to have a plan, a plan to reduce oil prices. Just over 2 years ago, April 2006, now-House Speaker NANCY PELOSI, then the Democrat minority leader, issued a press release claiming that House Democrats, "have a commonsense plan to bring down skyrocketing gas prices." Two weeks after that press release, then-Minority Leader PELOSI said that Democrats have "real solutions" that would lower the price at the pump. That was 2 years ago.

Democrats have controlled Congress for a year and a half, and we have yet to see them act on their "commonsense plan to bring down skyrocketing gas prices."

Instead of empty promises, Republicans are working on providing relief to consumers faced with the constantly rising cost of gasoline. For example, last week, I, along with several of my colleagues, introduced H.R. 5905, the CARS Act, the prime sponsor of which is Congressman MARIO DIAZ-BALART. That legislation would give commuters a tax break on their commuting expenses. That important legislation will actually help taxpayers with the rising cost of gasoline, unlike the majority's "mystery plan," the mystery plan, Mr. Speaker, that we have not yet seen.

At this time, I reserve my time.

Mr. McGOVERN. Mr. Speaker, I have no further requests for time. I would ask the gentleman if he has any other speakers.

I will reserve my time and let the gentleman close.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again, I would like to thank Mr. McGOVERN for the time. Back in April of 2006, as I just said, over 2 years ago, the now distinguished Speaker, Ms. PELOSI, issued the following statement, "With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican rubberstamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month and double the price than when President Bush first came into office."

Mr. Speaker, most Americans would be happy if they were paying $2.91 for a gallon of gasoline.

In the same press release, the distinguished Speaker went on to say, "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

Well, while I hear they have a plan, I haven't seen the mystery plan, Mr. Speaker. Instead, while we wait for the majority to act, the cost of fuel continues to rise with the average cost of a gallon of gasoline now being over $3.60, hitting consumers at the pump every time they go to fill up their cars, reinforcing the fact that the majority has yet to confront the high price of gasoline.

Today, Investor's Business Daily in an editorial said that this Congress is "possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy."

Mr. Speaker, I insert into the CONGRESSIONAL RECORD that editorial from Investor's Business Daily.

[From Investor's Business Daily, Apr. 30, 2008]

CONGRESS VS. YOU

We've said it before, but we'll say it again: This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.

The media won't call either the House or the Senate on its failures, for one very obvious reason: They mostly share an ideology with the Democrats that keeps them from understanding how free markets and supply and demand really work. Sad, but true.

So we were happy to hear the president do the job, calling out Congress for its inaction and ignorance in his wide-ranging press conference Tuesday.

"Many Americans are understandably anxious about issues affecting their pocketbook, from gas and food prices to mortgage and tuition bills," Bush said. "They're looking to their elected leaders in Congress for action. Unfortunately, on many of these issues, all they're getting is delay."

Best of all, Bush didn't let the issue sit with just generalities. He reeled off a bill of particulars of congressional energy inaction, including:

Failing to allow drilling in ANWR. We have, as Bush noted, estimated capacity of a million barrels of oil a day from this source alone—enough for 27 million gallons of gas and diesel. But Congress won't touch it, fearful of the clout of the environmental lobby. As a result, you pay at the pump so your representative can raise campaign cash.

Refusing to build new refineries. The U.S. hasn't built one since 1976, yet sanctions at least 15 unique "boutique" fuel blends around the nation. So even the slightest problem at a refinery causes enormous supply problems and price spikes. Congress has done nothing about this.

Turning its back on nuclear power. It's safe and, with advances in nuclear reprocessing technology, waste problems have been minimized. Still, we have just 104 nuclear plants—the same as a decade ago—producing just 19% of our total energy. (Many European nations produce 40% or more of their power with nuclear.) Granted, nuclear power plants are expensive—about $3 billion each. But they produce energy at $1.72/kilowatt-hour vs. $2.37 for coal and $6.35 for natural gas.

Raising taxes on energy producers. This is where a basic understanding of economics would help: Higher taxes and needless regulation lead to less production of a commodity. So by proposing "windfall" and other taxes on energy companies plus tough new rules, Congress makes our energy situation worse.

These are just a few of Congress' sins of omission—all while India, China, Eastern Europe and the Middle East add more than a million barrels of new demand each and every year. New Energy Department forecasts see world oil demand growing 40% by 2030, including a 28% increase in the U.S.

Americans who are worried about the direction of their country, including runaway energy and food prices, should keep in mind the upcoming election isn't just about choosing a new president. We'll also pick a new Congress.

The current Congress, led on the House side by a speaker who promised a "common sense plan" to cut energy prices two years ago, has shown itself to be incompetent and irresponsible. It doesn't deserve re-election.

Today, I will be asking my colleagues to vote "no" on the previous question for this rule, Mr. Speaker. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce gas prices for consumers, such as H.R. 5905, the CARS Act, which would give commuters a tax break on their commuting expenses and actually help alleviate the price of energy for the consumer. It will also give the majority the chance to introduce, Mr. Speaker, the "mystery plan" that they claim to have.

By voting "no" on the previous question, Members can take a stand against these high fuel prices and demand that the majority act on their plan. The majority said they had a plan. Let's see the mystery plan, Mr. Speaker. Let's see the mystery plan.

I encourage a "no" vote on the previous question.

I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me remind my colleagues that the underlying bill that we are dealing with is a bill that would actually protect workers in the workplace, the Combustible Dust Explosion and Fire Prevention Act of 2008, and it's a bill that responds to a terrible tragedy that has killed a number of workers and injured a number of workers. We need to pass this bill, and I hope we will pass the rule and pass the underlying bill.

But I have to say, Mr. Speaker, it is almost laughable to hear a member of the minority get up and talk about energy prices. The Republicans have controlled the White House for 8 years. They controlled the Congress for 12 years, and we have seen energy costs rise and rise and rise under their leadership; and we have seen their policy, which is to give more subsidies and more tax breaks to Big Oil, and they have fought us consistently in trying to invest resources into alternative sources of energy, into forms of energy to help make us more independent from foreign oil.

Speaker PELOSI called on President Bush to suspend purchases of oil from the Strategic Petroleum Reserve temporarily. You know, filling the Strategic Petroleum Reserve, Mr. Speaker, takes 70,000 barrels of oil off the market each day even though the reserve is 97 percent full with enough to meet our national security needs. That's a good idea. Republicans opposed that.

At a time of record gas prices, suspending these government purchases, as we have done in the past, could reduce gas prices by 5 to 24 cents a gallon, a critical first step for America's families, businesses and the economy.

For years, Mr. Speaker, Democrats fought to reduce our dependence on foreign oil and bring down gas prices and launch a cleaner, smarter energy future for America. Yet with Republican obstructionism, American consumers and businesses have had more pain at the pump paying a record $3.56 a gallon.

President Bush and congressional Republicans have spent all of their time in power doling out billions and billions and billions of dollars in subsidies to big oil companies instead of working for energy independence plans for America.

We have had a number of important pieces of legislation that we have brought to the floor such as H.R. 1252, the Federal Price Gouging Prevention Act, to crack down on gas price gouging, something that is a reality in this market.

□ 1430

It was opposed by 140 Republicans.

We had a bill, H.R. 2264, the No Oil Producing and Exporting Cartels Act, to hold OPEC accountable for oil price fixing. That was opposed by 67 Republicans, including almost the entire Republican leadership.

We have had a bill to repeal the subsidies to profit-rich big oil companies and invest in renewable energy, which was H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. It passed on February 27, 236–182. One hundred seventy-four Republicans opposed that, including the President of the United States. Now, get this, Mr. Speaker, the Republicans have opposed a measure that would take away the taxpayer-funded subsidies from the five biggest oil companies in this country that are making record profits, historic profits, it would take those subsidies and put it into renewable energy to help us become more energy independent, and they opposed it, and the President said he would veto it. And they have stopped progress on that measure.

They opposed the Energy Independence and Security Act, which would be an energy independence law with a market manipulation ban and new vehicle mileage standards. Again, the majority of the Republicans stood up and opposed these commonsense measures to help us become more energy independent and to help bring these gas prices down.

So their record is clear. It has been one of obstructionism. And it has been a record that has always been in the corner of Big Oil and against investing properly in some of these new technologies.

So President Bush and the Republicans have blocked our efforts virtually every step of the way. I hope that that will change after the next election. I expect that will change after the next election. But it is time for the Republicans to change their habit of saying "no" to consumers and American business on gas prices and always saying "yes" to Big Oil.

Enough is enough. It is time for House Republicans to provide the critical votes needed for a veto-proof majority for the legislation that I have outlined here today.

Americans are paying a heavy price for the obstructionism of the Republicans in this Congress and the President of the United States. They don't want to give any more taxpayer subsidies to the big oil companies. They want us to redirect those resources into commonsense, clean, renewable, alternative sources of energy. If we do that, Mr. Speaker, then we will get these gas prices under control, and we will also take a big step forward in cleaning up our environment.

Again, Mr. Speaker, I would urge a "yes" vote on the previous question and on the rule.

AMENDMENT TO H. RES. 1157 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the substitute which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI.

SEC. 4. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: "A bill to provide a common sense plan to help bring down skyrocketing gas prices." Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause 1 of rule X.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

* * *

COMMENDING THE KANSAS JAYHAWKS FOR WINNING THE 2008 NCAA MEN'S BASKETBALL CHAMPIONSHIP

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1096) commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1096

Whereas on April 7, 2008, the University of Kansas Jayhawks defeated the University of Memphis Tigers 75–68 in the final game of the National Collegiate Athletic Association (NCAA) Division I Men's Basketball Tournament in San Antonio, Texas, on the 20th anniversary of the historic win by the team led by Danny Manning, known as "Danny and the Miracles";

Whereas the Jayhawks now hold 5 men's basketball national titles, including 3 NCAA men's basketball championships;

Whereas with this win, the Jayhawks achieved a school record for all-time season wins, posting a 37–3 record during their run for the title, and finished the season with a 13-game winning streak, securing the Big XII Conference Championship title after starting the season with a 20-game undefeated record, in addition to the 2008 NCAA Division I men's basketball crown;

Whereas Kansas head coach Bill Self won his first NCAA title and improved his all-time record at Kansas to 142–32;

Whereas Kansas guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four, and was named to the NCAA Final Four All-Tournament Team, along with guard Brandon Rush and forward Darrell Arthur;

Whereas Kansas seniors Jeremy Case, Darnell Jackson, Sasha Kaun, Russell Robinson, Rodrick Stewart, and Brad Witherspoon ended their collegiate careers with a national championship;

Whereas the roster of the Kansas Jayhawks also included juniors Brennan Bechard and Matt Kleinmann; sophomores Sherron Collins and Brady Morningstar; and freshmen Cole Aldrich, Chase Buford, Tyrel Reed, and Conner Teahan;

Whereas the Jayhawks' student-athletes, coaches, staff, and others associated with the team continue to represent the University of Kansas and the State of Kansas with exemplary sportsmanship, and deserve praise and credit for their efforts and their dedication to the common goal of winning the NCAA men's basketball championship;

Whereas the students at the University of Kansas, Jayhawk fans, and members of the Lawrence, Kansas, community showed tremendous class in their celebration of the Jayhawks' historic win; and

Whereas the families of the student-athletes, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Kansas men's basketball team for winning the 2008 National Collegiate Athletic Association (NCAA) Division I basketball championship;

(2) recognizes the achievements of all the student-athletes, coaches, and support staff who were instrumental in helping the University of Kansas men's basketball team win its 3rd NCAA Division I basketball championship and 5th national championship; and

(3) respectfully requests the Clerk of the House of Representatives to transmit a copy of this resolution to—

(A) the University of Kansas for appropriate display;

(B) Robert Hemenway, the Chancellor of the University of Kansas;

(C) Lew Perkins, the Athletic Director of the University of Kansas; and

(D) Bill Self, the Head Coach of the University of Kansas men's basketball team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert relevant material to H. Res. 1096 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, all of us know of the tremendous importance of the game of basketball to the United States of America and all that it provides for all of us in terms of the thrills everybody shares when they're watching their favorite team.

I rise to congratulate the University of Kansas Jayhawks for their win in the 2008 National Collegiate Athletic Association Division I men's basketball tournament.

On April 7, 2008, the University of Kansas won their fifth men's national basketball title by defeating the University of Memphis Tigers. College basketball fans and players were treated to an exciting national championship game, with victory coming to the Jayhawks after an amazing effort which pushed the game into overtime.

I want to extend congratulations to Head Coach Bill Self, Athletic Director Lew Perkins, University of Kansas Chancellor Robert Hemingway, and Kansas' student athletes on an excellent season. While securing their first national title in 20 years, the Jayhawks also won the Big 12 Conference championship title. The Jayhawks also set a school record for all-time season wins with a 37–3 record.

I also wish to extend congratulations to the University of Memphis Tigers and their student athletes for a great season. The Tigers' loss in the finals was only their second loss of the season. Memphis also won Conference USA with a perfect 16–0 record.

Winning the 2008 national championship has brought national attention and acclaim to the University of Kansas' outstanding basketball program. I know that the fans of this university will remember this very special moment for many years to come.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1096, commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship.

On April 7 of this year, trailing 60–51 with just 2:12 left in regulation, the University of Kansas Jayhawks mounted a comeback that will go down as one of the most memorable in NCAA history. In overtime, the Jayhawks defeated Memphis 75–68 to win the national championship, its fifth national title in school history. With this win, the Jayhawks achieved a school record for all-time season wins, posting a 37–3 record during their run for the title. The Jayhawks finished the season with a 13-game winning streak, securing the Big 12 Conference championship in addition to the national title.

Jayhawks guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four and was named to the NCAA Final Four All-Tournament Team along with guard Brandon Rush and forward Darrell Arthur. Seniors Jeremy Case, Darnell Jackson, Sasha Kaun, Russell Robinson, Rodrick Stewart and Brad Witherspoon ended their collegiate careers with a national championship. In addition, this was Head Coach Bill Self's first NCAA title. He improved his all-time record at Kansas to 142 wins, 32 losses.

KU has a rich history beyond the basketball court as well. Opened in 1866, the University of Kansas is a comprehensive educational and research institution with 29,000 plus students and more than 2,000 faculty members. KU includes the main campus in Lawrence, a city of about 88,000 in northeastern Kansas; the Medical Center in Kansas City, Kansas; the Edwards Campus in Overland Park; a clinical campus of the School of Medicine in Wichita; and educational and research facilities throughout the State.

Pulitzer and Nobel Prize winners have graduated from this great university, and many pharmacists, teachers, nurses and doctors have begun their careers at KU as well.

Today, I would like to congratulate Robert Hemingway, KU's Chancellor; Lew Perkins, the Director of Athletics; the student athletes, the students, alumni and all fans for the Jayhawks' historic win.

I'm happy to join with my colleague, Representative MOORE, in honoring this exceptional team and all its accomplishments, and wish them continued success in their future endeavors.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield such time as he might consume to the gentleman from Kansas, Representative DENNIS MOORE.

Mr. MOORE of Kansas. Mr. Speaker, it's my great privilege today to honor the 2008 NCAA men's Division I basketball champions, the University of Kansas Jayhawks, and to encourage my colleagues to support H.R. 1096.

The University of Kansas men's basketball team began their season by winning 20 straight games on their way to a final regular season record of 28–3, a share of the Big 12 regular season title and the Big 12 Conference tournament title.

Upon being selected a number one seed in the NCAA tournament, the Jayhawks defeated their first three opponents by 24 points, 19 points and 15 points, respectively. When challenged by Davidson in the regional final and the University of North Carolina in the national semifinal game, Kansas won these competitive, emotionally charged games by emphasizing teamwork, persistence, and focus, three qualities they displayed all season long.

And finally, the Jayhawks won the national title by besting a skilled Memphis team in one of the most dramatic games in Final Four history, 20 years after another Kansas team lead by Danny Manning also won the national championship in dramatic fashion.

As a proud alum of the University of Kansas, I was proud that through the entire season the students, athletes, coaches and everyone associated with the University of Kansas men's basketball team represented the university and the State of Kansas in great fashion by demonstrating sportsmanship, skill, and the ability to overcome adversity. They deserve praise and credit for their efforts and for their dedication of the common goal of winning the NCAA championship.

It should also be said that the students of the University of Kansas, the members of the Lawrence, Kansas community and Jayhawk fans everywhere showed tremendous class in the celebration of the Jayhawks' historic win. And, friends, this is a Jayhawk.

Students and fans take great pride in Kansas basketball, and I believe that this commitment and passion was demonstrated by the fact that nearly 80,000 people showed up on a chilly spring afternoon for the team's championship parade and celebration.

Mr. Speaker, I'm honored to stand here today to pay tribute to the hard work and success of this championship team, its coaches and its fans, and I ask my colleagues to please support House Resolution 1096.

Rock Chalk Jayhawks!

Mr. PLATTS. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Kansas (Mr. MORAN) and would recognize that he is proudly wearing his KU colors as an undergraduate and law degree graduate of the university.

☐ 1445

Mr. MORAN of Kansas. I thank the gentleman for yielding.

Mr. Speaker, I am here today with my colleague the gentleman from Kansas (Mr. MOORE) as we commend and congratulate an amazing year at the University of Kansas in its Department of Athletics with an earlier victory at the Orange Bowl in the football program followed up by a victory by our basketball team at the Final Four in San Antonio, Texas, just a few weeks ago. We're anxious to have the Jayhawks—the players, the team, and school athletic officials—here so that our colleagues from Congress can greet and congratulate them, and we hope that happens in the near future. And we are also expecting that the President will invite the Jayhawks to the White House for the traditional commendation from the President of the United States.

I, of course, support House Resolution 1096 commending my alma mater, the University of Kansas. It's been a long time for Kansas Jayhawk basketball fans since "Danny Manning and the Miracles" shocked the sporting world and defeated the Oklahoma Sooners and won KU's last basketball championship. In that time since 1988, KU has had many memorable moments but also some real heartbreaks as at times it came up just a bit short in returning the championship trophy back to Kansas.

On April 7 the Jayhawks were trailing the Memphis Tigers 60–51 with 2:12 left in regulation. Then began one of the most amazing comebacks that we have seen in the history of basketball and one of the most memorable college basketball experiences. With just 2.1 seconds left in regulation, Final Four MVP Mario Chalmers hit a game-tying 3 point shot. It was the exact scenario that every young kid dreams of when practicing shooting those baskets in their home driveway. KU went on to defeat Memphis 75–68 to claim its fifth national championship to the jubilation of Kansans everywhere.

In our State we have a number of choices for students to attend college and a lot of rivalries within our State. Two of the greatest rivalries, Kansas State University and their outstanding program, as well as the University of Kansas and their program. But even our Wildcat fans and K State supporters were pleased and proud of the Kansas victory. Forty thousand fans celebrated that night in Lawrence, and later close to a hundred thousand Kansans came across our State to share in the Jayhawk victory parade in Lawrence, Kansas.

I should also mention that the class that all Kansans showed that night in celebrating, Kansans were typical Kansans that evening, well behaved but in a great mood of celebration.

The University of Kansas has one of the most distinguished histories in college basketball. The founder of basketball, Dr. James Naismith, was the first coach at the University of Kansas, and he was also the only coach in KU's history to ever have a losing season. This is KU's fifth national championship, and they've been to the Final Four 13 times and have captured an astounding 51 conference titles in history.

My congratulations to the chancellor of the university, my friend Bob Hemenway; and to my friend the athletic director, Lew Perkins; Coach Bill Self; the assistant coaches Danny Manning, Joe Dooley, Kurtis Townsend, Brett Ballard, and Ronnie Chalmers; and the outstanding KU basketball team.

All Kansans are proud. We commend you on this amazing year and your success. And as the congressman from Kansas (Mr. MOORE) says, "Rock Chalk Jayhawk."

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield now such time as she may consume to the distinguished cosponsor of this resolution, the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, I rise again with my colleague Mr. MORAN to salute the 2008 national champion Kansas Jayhawks.

Rock Chalk Jayhawk. Rock Chalk Jayhawk.

My district includes some of the most loyal college basketball fans in the Nation. Every week they get up, go out in the dark in the middle of the Kansas prairie winter, and they journey out into the cold and dark to sit on wooden benches in an old field house, and they cheer on our local team, the Kansas Jayhawks, just like their parents and grandparents did. They are also some of the luckiest college basketball fans in the Nation. Our field house is the legendary Allen Field House, and our local team is the Kansas Jayhawks, one of the most dominant college basketball teams in this Nation. This year the Kansas Jayhawks made their 13th, their 13th, Final Four and they won their fifth national championship.

Eat your heart out, MU.

In 109 years of basketball, the Jayhawks have had only eight head coaches. The position was first held by James Naismith, the very founder of this legendary game, but there have been none better than our current head coach, Bill Self. Self came to Kansas 5 years ago, and since then he's led the Kansas Jayhawks to four consecutive Big 12 Conference regular season championships and through three consecutive Big 12 tournament championships. And, Mr. Speaker, this is a tough, tough conference where even the lowly Missouri Tigers were able to hold Kansas close until the final minutes.

The Kansas Jayhawks won the first Final Four where all four number one seeds participated. This year all four of the number one seeds were in the last Final Four. And our Kansas Jayhawks won in dramatic fashion. Those of us who are from Kansas were hoping that the last three points that Mario Chalmers sunk into that basket might replace some of those annoying comments about Dorothy and the Wizard of Oz and then they're going to say, "You're from Kansas. Aren't they the great basketball team that won in such a wonderful fashion?" And I'm going to say yes, Mr. Speaker, they are. Our Kansas Jayhawks have made us all proud. And I congratulate them; I congratulate our chancellor, Bob Hemenway; and the entire KU and Bill Self for their wonderful victory and for making Kansans so proud.

Mr. PLATTS. Mr. Speaker, I urge a "yes" vote.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to again join with all of the residents of Kansas and also indicate that they have a tremendous recruitment program because Mario Chalmers, the young fellow that people have been talking about as the outstanding player, grew up in my neighborhood, in my community, went to Crane High School. It just happened that I talked to the principal of that school this morning about something else, and I didn't know that I would get an opportunity to congratulate them on the floor this afternoon.

And so I join with all of America in congratulating the great Jayhawks on an outstanding season and urge passage of this resolution.

Mr. TIAHRT. Mr. Speaker, I rise today to offer my support for H. Res 1096, Head Coach Bill Self, and his national champion basketball team at Kansas University. Congratulations to the team on an outstanding season, and a thrilling ride through March Madness.

The season began with high expectations, as the Jayhawks were ranked fourth in the preseason ESPN/USA Today poll. These expectations were justified, as KU won the first 20 games of the season and climbed as high as number 2 in the polls, before losing to Kansas State University at the end of January. Two additional losses, including a heartbreaker to then 7th ranked Texas, dropped them as low as 7th in the national polls, and many sports pundits questioned their ability to win in big games.

Coach Self and his players continued to believe in themselves, however, and finished the season ranked fourth in the Nation, with a 28–3 record. It was a rocky trip through the Big XII Conference Tournament, with narrow wins against Nebraska and Texas A&M, before avenging their regular season loss against co-conference regular season champion Texas. The Jayhawks were getting hot at the right time. Their 10 point victory over the Longhorns gave them their 7th Conference Tournament championship in 12 years, and was enough to lock up a number one seed in the national tournament.

KU did not meet a significant challenge in the tournament until the regional final, where they met tournament darlings Stephen Curry and Davidson. They played each other neck and neck throughout the game, with neither team leading by more than 5 points at any time during the game. An errant three point shot by Davidson as time expired gave Kansas the win, and secured their place in the Final Four.

Kansas avenged another loss in the national semi-final—that of former coach Roy Williams, who left the university in 2003. Thought to be the best team in the country this year, North Carolina could not keep up with KU's fast paced game plan, and had no answer for their swarming defense. Kansas won in a rout, 84–66.

The national final against Memphis was an instant classic. Though the teams were close for much of the game, Memphis began to pull away towards the end. Undeterred, KU was able to capitalize on the Achilles' Heel of Memphis—free throw shooting. Even so, they were still trailing by 3 with 10 seconds left when Sherron Collins drove the length of the floor, and passed to Mario Chalmers who drained a 3–pointer with 2.1 seconds left, sending the game into overtime. Kansas continued to perform well through overtime, and won the game 75–68. This was the first national championship for Coach Bill Self, and the first for KU since Danny and the Miracles in 1988.

Congratulations to Coach Self, the basketball team, and the entire Kansas University community. Rock, Chalk, Jayhawk!

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1096.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF IOWA HAWKEYES WRESTLING TEAM ON WINNING THE 2008 NCAA DIVISION I NATIONAL WRESTLING CHAMPIONSHIPS

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1100) congratulating the University of Iowa Hawkeyes Wrestling Team on Winning the 2008 NCAA Division I National Wrestling Championships, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1100

Whereas the University of Iowa Hawkeyes Wrestling Head Coach Tom Brands was named the Big Ten Coach of the Year, the National Wrestling Coaches Association (NWCA) Coach of the Year, and led the team to its 21st national title and his 1st national title;

Whereas the University of Iowa Hawkeyes Wrestling Team crowned two national champions, Mark Perry, and Brent Metcalf;

Whereas Mark Perry won his 2d national title making him only the 14th University of Iowa wrestler to earn 2 national titles while also overcoming a knee injury during his match, and was awarded his 4th all-American honor making him only the 17th University of Iowa wrestler to earn 4 all-American honors;

Whereas Brent Metcalf won his 1st national title, was awarded his 1st all-American honor, was awarded the Dan Hodge Trophy, was named as the Big Ten Wrestler of the Year, was crowned a Big Ten Champion, finished the season with a 32-match winning streak, was named Outstanding Wrestler at the NCAA and Big Ten Championships, and was named Outstanding Wrestler at the Division I NWCA/Cliff Keen National Duals;

Whereas the University of Iowa Hawkeyes Wrestling Team was represented proudly by three NCAA Division I National Wrestling Championship Finalists by Mark Perry, Brent Metcalf, and Joe Slaton;

Whereas the University of Iowa Hawkeyes Wrestling Team was honored by having seven all-Americans with Mark Perry, Charlie Falck, Joe Slaton, Brent Metcalf, Jay Borschel, Matt Fields, and Phillip Keddy being named;

Whereas the University of Iowa Hawkeyes Wrestling Team was honored by having six Academic All-Big Ten wrestlers with Matt Ballweg, Jay Borschel, Matt Fields, Dan LeClere, T.H. Leet, and Brent Metcalf being named;

Whereas the University of Iowa Hawkeyes Wrestling Team also won their 32d Big Ten title, which is the 1st for Head Coach Tom Brands, with a perfect 8–0 conference record;

Whereas the University of Iowa Hawkeyes Wrestling Team had a final team score of 117.5 to place them 1st in the Division I standings with the 2d place team scoring only 79;

Whereas the University of Iowa Hawkeyes Wrestling Team has a rich tradition and history of producing champions and outstanding collegiate athletes and coaches since the program began in 1911;

Whereas former University of Iowa Hawkeyes Wrestling Head Coach, and Olympic Gold Medalist, Dan Gable helped establish one of the most successful wrestling programs in the nation and is commended for his leadership and guidance provided to the current 2008 championship team;

Whereas the current University of Iowa Hawkeyes Wrestling team has continued the teams winning history which includes Big Ten Conference Championships in 1915, 1916, 1958, 1962, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 2000, 2004, and 2008, and NCAA Division I National Wrestling Championships in 1975, 1976, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1991, 1992, 1993, 1995, 1996, 1997, 1998, 1999, 2000, and 2008;

Whereas the hard work and dedication of the University of Iowa Hawkeyes Wrestling team's Brodie Ambrose, Matt Ballweg, Chad Beatty, Jay Borschel, Derek Coorough, Daniel Dennis, Dan Erekson, Michael Fahrer, Charlie Falck, Matt Fields, Stew Gillmor, Tyler Halverson, Aaron Janssen, Jordan Johnson, Phillip Keddy, Jake Kerr, Nick Kolegraff, Brooks Kopsa, J.J. Krutsinger, Ryan Kurovski, Dan LeClere, Nick LeClere, T.H. Leet, Rick Loera, Luke Lofthouse, Thomas Magnani, Montell Marion, Weston Marling, Jordan McLaughlin, Derrick Mehmen, Brent Metcalf, Ryan Morningstar, Mark Perry, Blake Rasing, Ethan Sebert, Joe Slaton, Alex Tsirtsis, Vinnie Wagner, Head Coach Tom Brands, Assistant Coach Wes Hand, Interim Assistant Coach Doug Schwab, and Strength Training Coach Mike Zadick all contributed to an outstanding season culminating in the 2008 national title; and

Whereas the University of Iowa Hawkeyes Wrestling Team have brought honor to themselves, the University of Iowa, the City of Iowa City, and the State of Iowa: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Iowa Hawkeyes Wrestling Team for winning the 2008 NCAA Division I National Wrestling Championship; and

(2) congratulates the team on winning their 21st national title since 1975 and finishing the season with a 21–1 overall dual record and a perfect 8–0 conference record.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 1100 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the sponsor of this resolution, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentleman from Illinois for yielding.

Mr. Speaker, I rise today to congratulate an amazing team from the Second District of Iowa, which I represent. I'm proud to stand before my colleagues today and commend the University of Iowa Hawkeyes wrestling team for winning the 2008 NCAA Division I national wrestling championship.

As many wrestling fans know, the University of Iowa has a celebrated history of exemplary wrestlers and coaches who have allowed the University of Iowa, the city of Iowa City, and the entire State of Iowa to boast numerous Big Ten titles and NCAA championships.

In total, the University of Iowa Hawkeyes wrestling team has won 32 Big Ten Conference championships and, since 1975, a total of 21 NCAA Division I national wrestling championships. The current team has kept the Hawkeye record strong, and it's my privilege to congratulate them on the 32nd Big Ten title and the 21st national championship for the school.

The University of Iowa Hawkeyes wrestling team is led by Head Coach Tom Brands, who, in addition to this championship win, was named Big Ten Coach of the Year and National Wrestling Coaches Association Coach of the Year. Under Coach Brands' leadership, along with his assistants and strength coaches, the team also had two individual national champions.

Mark Perry won his second national title even while overcoming a knee injury during his match and also was awarded his fourth All-American honor. Brent Metcalf won his first national title. He was also awarded his first All-American honor, the Dan Hodge Trophy, was named Big Ten Wrestler of the Year, was crowned a Big Ten champion, finished the season with a 32-match winning streak, was named outstanding wrestler at the NCAA and Big Ten championships, and was named outstanding wrestler at the Division I NWCA/Cliff Keen National Duals. Including the two individual national champions, the team had a total of seven All-Americans and six Academic All-Big Ten wrestlers.

With the wrestling program starting in 1911, the current University of Iowa Hawkeyes wrestling team has built upon past successes to continue the team's and school's winning tradition. As wrestling fans know, much of this past success was made possible by the leadership of former head coach and Olympic gold medalist Dan Gable, who continues to provide guidance and leadership to the program.

Congratulations to the entire University of Iowa Hawkeyes wrestling team, the University of Iowa, the city of Iowa City, and to my home State of Iowa for this great victory.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1100, congratulating the University of Iowa Hawkeyes wrestling team.

Since the program began in 1911, the University of Iowa wrestling team has had a rich tradition and a history of producing champions and outstanding collegiate athletes and coaches, and this year proved to be no different as the top-ranked Hawkeyes wrestling team clinched its 21st national team title in the NCAA championships. In addition to the team title, the Hawkeyes also crowned two national championships, Mark Perry and Brent Metcalf; seven All-Americans; and six Academic All-Big Ten wrestlers.

At the helm of this outstanding team sits Head Coach Tom Brands, who was named the Big Ten Coach of the Year and the National Wrestling Coaches Association's Coach of the Year. Coach Brands, a former Hawkeyes wrestler, 1996 Olympic gold medalist, and four time All-American, is in his second season as head wrestling coach at the University of Iowa.

Former head coach and Olympic gold medalist Dan Gable should also be commended for his leadership and guidance provided to the current 2008 championship team. Throughout his tenure, Coach Gable helped establish one of the most successful wrestling programs in the Nation.

The University of Iowa wrestling team has brought honor to themselves, but I would be remiss if I failed to also recognize the university for its outstanding commitment as a public university. Established in 1847, Iowa has won international recognition for its wealth of achievements in the arts, sciences, and humanities. Iowa was the first United States public university to admit men and women on an equal basis and the first institution of higher education in the Nation to accept creative work in theater, writing, music, and art as theses for advanced degrees. It established the first law school and the first educational radio station west of the Mississippi, broadcast the world's first educational television programs, and developed and continues to hold preeminence in educational testing.

I extend my congratulations to the University's president, Sally Mason; Athletics Director Gary Barta; Head Coach Tom Brands and his staff; all the hardworking wrestlers; their fans; and the entire University of Iowa community.

I am happy to join with my distinguished colleague Representative LOEBSACK in honoring this exceptional team and all of its accomplishments and wish all involved continued success.

Mr. Speaker, I yield back the balance of my time.

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Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleague, Representative LOEBSACK from Iowa, and the entire Iowa delegation, as well as all of the Members of the House in congratulating the University of Iowa Hawkeyes wrestling team for their victory in the 2008 NCAA Division I national wrestling championship.

On March 22, college wrestling fans were treated to an exceptional wrestling match as the top-ranked University of Iowa won its 21st national team title and crowned two individual national champions, Mark Perry and Brent Metcalf. Three of the Hawkeyes' seven All-Americans competed in the finals in St. Louis for a combined team score of 117.5 points.

I want to extend my congratulations to coach Tom Brands, who returned to his alma mater and led the team to a perfect 8-0 conference record in his second season as head coach. Impressive feats such as these are why Coach Brands was named Coach of the Year by both the Big Ten Conference and the National Wrestling Coaches Association.

Congratulations also are in order for senior Mark Perry, who overcame a knee injury to win his second national title. He is only the 14th University of Iowa wrestler to earn two national titles. Additionally, Perry rounded out his final year with his fourth All-American honor.

The other individual national title winner was sophomore Brent Metcalf. Metcalf ended the season on an impressive 23-match winning streak and earned many accolades, including the Dan Hodge Trophy, Big Ten Wrestler of the Year, and Outstanding Wrestler at both the NCAA and Big Ten championships.

The University of Iowa Hawkeyes wrestling program began in 1911 and has produced a rich history of champions. With 32 Big Ten conference championships and 21 NCAA Division I national championships, the Hawkeyes wrestling team is a premier program. The extraordinary achievement of this season is a tribute to the skill and dedication of the many wrestlers, coaches, students, alumni, families, and fans that have helped to make the University of Iowa a wrestling powerhouse.

Winning the national championship, finishing the season with a 21-1 overall dual record, and winning the Big Ten conference championship for the 32nd time has brought national acclaim to the University of Iowa. I know the fans of the university will revel in this accomplishment as they look forward to the 2009 season.

So, Mr. Speaker, once again I congratulate the University of Iowa for their tremendous success.

Mr. LATHAM. Madam Speaker, I rise today to congratulate the University of Iowa Men's Wrestling Program on winning the 2008 NCAA Division I National Wrestling Championship.

Dating back to the early 1900's my home State of Iowa has lead the way in shaping what competitive collegiate wrestling has become today. In fact, the first ever NCAA Division I National Wrestling Championship Tournament took place in Ames, Iowa. Anyone who follows the sport will tell you that you can always count on a team from the State of Iowa finishing among the top of almost every tournament.

At all levels, the State of Iowa has a long storied and honored wrestling tradition and it is the preferred sport of many Iowa households. It has been a hallmark of Iowa athletics for decades and its competition remains prominent in the majority of middle schools, high schools, state colleges and universities throughout the state today. There is a tremendous amount of hard-work, discipline and dedication required to succeed in wrestling, common characteristics of all Iowans which may explain why we have been so successful in the sport for so long.

The University of Iowa's wrestling program has significantly contributed to this success and tradition. It has historically been, and remains, considered among the nation's elite programs. In 2008 the University of Iowa won its 21st national title, its first since 2000, and crowned two individual champions—senior Mark Perry and sophomore Brent Metcalf. And, Coach Tom Brands was selected as 2008 Coach of the Year.

Again, I wish to congratulate the Iowa wrestling program on a job well done as they celebrate their 2008 national championship and I encourage my colleagues to do so as well by adopting this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1100, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Ms. BALDWIN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 330) supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 330

Whereas on average, a person is sexually assaulted in the United States every two-and-a-half minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as "National Sexual Assault Awareness and Prevention Month": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Studies show that 1 in 6 women and 1 in 33 men will be a victim of rape or attempted rape in their lifetime and that, on average, a person is sexually assaulted in the United States every 2½ minutes. In my State of Wisconsin, there were 5,628 sexual assaults reported in the year 2004, the last year statistics are available. This marks a 3.7 percent increase from the previous year. Nationwide, we know that children and young adults are most at risk. Forty-four percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30.

Although most victims are younger women, the effects of sexual assault cross all racial, social, religious, ethnic, and economic boundaries. Whether the crime is rape, incest, child sexual abuse, stalking, or sexual harassment, sexual assault impacts our schools, our workplaces, our streets, and our homes. Survivors are our sons, our daughters, our brothers, our sisters, our friends, our grandparents.

In addition to the physical effects of victimization, the emotional scars felt by sexual assault survivors may persist long after the physical scars have healed. Sexual violence costs an estimated $127 billion per year in medical expenses, lost productivity, treatment of psychological trauma, and pain and suffering. Yet we know that only 41 percent of sexual assault survivors pursue prosecution by reporting their attack to law enforcement officials, and despite the support services offered by the National Sexual Assault Hotline and more than 1,000 crisis centers across the Nation, fewer than 50 percent of survivors ever tell anyone about their experience. These statistics are staggering and unconscionable. Despite the alarming prevalence of sexual assault, there is a clear and significant need for more public education and awareness.

National Sexual Assault Awareness and Prevention Month does just this. Observed each year in April, this dedicated month provides a special opportunity to educate Americans about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators.

As part of the National Sexual Assault Awareness and Prevention Month, we recognize national and community organizations, as well as private sector supporters, for their work in promoting awareness about sexual assault. We also applaud public safety, law enforcement, and health professionals for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of offenders.

Along with my colleague, Congressman TED POE from Texas, I introduced House Concurrent Resolution 330 to recognize April 2008 as National Sexual Assault Awareness and Prevention Month. By supporting this resolution, we highlight the efforts of individuals and agencies that provide rape crisis intervention and prevention services. We also call attention to sexual violence as a major public health issue and raise awareness of the need for increased resources for preventing sexual violence.

Mr. Speaker, I want to quickly extend my thanks to a number of advocates for their work on sexual assault prevention. In Wisconsin, we are incredibly lucky to have the Wisconsin Coalition Against Sexual Assault working to create the social change necessary to end sexual violence. My thanks to the Coalition and their member organizations across the State for the important work that they do.

Since the first national observance of Sexual Assault Awareness Month in 2001, many Members of Congress have been actively involved in ensuring congressional support for efforts to raise awareness around sexual violence. I wholeheartedly thank all the cosponsors of this bipartisan resolution for once again lending their names to this worthy cause.

Finally, I want to extend my sincerest thank you to my colleague, Congressman TED POE, for his strong support as the lead sponsor of this resolution. Mr. POE has been a dedicated advocate for victims and victims' rights in this Congress, and I have very much admired his commitment to ending sexual violence in all forms. Thanks for your hard work and leadership on this resolution.

Although we have made significant progress, we still have far to go in eradicating the harm inflicted on our community by sexual assault. I urge all of my colleagues to fully support this resolution recognizing the National Sexual Assault Awareness and Prevention Month.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 330, recognizing April as National Sexual Assault Awareness and Prevention Month. Every 2½ minutes, a person is sexually assaulted in the United States. Sadly, one in six women have been victims of rape or attempted rape. Two-thirds of these assaults are committed by someone known to the victim, and yet only 40 percent of sexual assaults are reported to the police.

Sexual Assault Awareness Month attempts to change these startling statistics by promoting educational programs, victim support services, advances in DNA and forensics technology, and aggressive prosecution and incarceration of sexual offenders. National Sexual Assault Awareness and Prevention Month helps to educate the public about sexual violence in our communities and the long-term effects on these victims. It also recognizes the selfless work of staff and volunteers at rape crisis centers and other community organizations across the United States that provide counseling and victim support services to sexual assault survivors.

This year, the featured event of Sexual Assault Awareness Month was "Shop to End Sexual Violence." Businesses throughout America pledged to donate a percentage of their sales during April to increase awareness of sexual violence and promote community involvement in reducing these crimes.

With education and community support, it is my hope that more victims will pursue prosecution of their attackers by reporting these assaults. Once the victims take the first and critical steps, it is up to lawmakers and law enforcement to ensure these violent offenders are put away.

Earlier this month, the Judiciary Committee held a hearing on H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Program. The Debbie Smith Program, originally authorized in 2000, awards grants to State and local governments to reduce the DNA backlog of samples collected from crime scenes and the backlog for entry into the national DNA database. Through these grants, State and local governments received funding to test approximately 104,000 DNA cases between 2004 and 2007.

These grants have also funded the collection of 2.5 million DNA samples from convicted offenders and arrestees for inclusion in the national DNA database. The Department of Justice estimates that over 5,000 "hits" or matches are the result of this DNA backlog reduction. This is a positive step forward, but we must continue our efforts to reduce the DNA backlog to provide justice for sexual assault victims and put their attackers behind bars for good.

I wish to thank my Judiciary colleague, Congresswoman TAMMY BALDWIN, for sponsoring this resolution, and also thank Congressman TED POE for taking the lead on our side of the aisle in moving forward this important resolution. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I have no requests for time at this moment. I would continue to reserve.

Mr. KELLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE), the coauthor of this resolution.

Mr. POE. I thank the gentleman for yielding.

I am proud to have introduced this National Sexual Assault Awareness and Prevention Month resolution with my friend, Congresswoman BALDWIN from Wisconsin. I appreciate her leadership in bringing this issue to the national attention of all of us.

When I was an assistant district attorney back in Texas, I prosecuted rapists for 8 years, and then I sat on the bench as a judge in Houston for 22 years, hearing felony criminal cases.

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During those 30 years, I learned a lot about sexual assault and the devastation it has on victims.

Probably one of the best statements ever made about a sexual assault and how it affects the victim was a sexual assault victim who was 90 years old and had been raped. She testified on the witness stand that what happened to her "was a fate worse than death." And, yes, many times it is a fate worse than murder itself, the crime that occurs against these individuals throughout our country. It devastates the victim, and after the crime occurs the victim faces a lifetime of battle to recover. In many cases, sexual assault or rape is an attempt on the part of the offender to destroy the inner soul and being of the victim, and sometimes that actually occurs.

When I came to Congress, I founded the Victims' Rights Caucus to advocate on behalf of victims so that this caucus could be a voice for all crime victims. The gentlewoman from Wisconsin who introduced this resolution is a member of this caucus and continues to be a leader in public awareness.

With this resolution, I hope we can educate the public about this horrendous crime, but also thank the outstanding victim advocates who hold the victim's hand from the time the crime is committed and sometimes throughout the entire episode until the trial is over with.

Rape and sexual assault statistics are difficult to determine because many victims are ashamed and afraid to come forward and report these crimes. There are outstanding support services in this country, like the National Sexual Assault Hotline, and many, many hundreds of thousands of crisis centers throughout the country, but still sexual assault victims are reluctant to come forward. By drawing attention to sexual violence and speaking about it on the national level here in our Congress, we can encourage victims to report these crimes and get the help they need.

Predators intimidate and threaten victims with the hope that these victims will never tell anyone about it. Victims need to understand that American citizens support victims and are on their side. Of those reported sexual assaults, there are haunting statistics. Three out of four victims knew the perpetrator that committed the crime against them. The rapist is not a stranger.

I would like to relate one case that occurred many years ago when I was prosecuting these types of cases. I will call this young lady Lisa, to protect the privacy of her family. She was a student at one of our universities in Houston. She left the university one night and stopped at a service station for help, because her car was having difficulty in moving down the highway.

She came in contact with an individual that I will call Luke. He was not a service station attendant. He was just a criminal. He kidnapped Lisa. He sexually assaulted her. He pistol-whipped her. He beat her so bad that he thought he had killed her, and when he was arrested, he was mad that he hadn't killed her. He was captured and he was tried. A jury in Houston, Texas, convicted him and gave him 99 years in the Texas penitentiary, which he earned and deserved.

But Lisa's life fell apart. She never went back to school. She lost her job. Her husband, the kind of individual he was, sued her for divorce, got all the children and left the State. She started using drugs, first alcohol and then everything else. Not long after the trial, I received a phone call from Lisa's mother telling me that she had taken her own life, and she left a note that I still have today that says, "I am tired of running from Luke Johnson in my nightmares."

You see, crime occurs. Victims are victimized. But sometimes they live a short life thereafter because of the crime that has occurred. And no crime is more devastating to a victim than sexual assault.

So it is important that we designate April as National Sexual Assault and Awareness Month so we can educate our fellow citizens on these statistics and encourage rape and sexual assault victims to no longer be afraid. We need to promote justice for sexual assault victims, because justice is what we do in America.

And that's just the way it is.

Mr. KELLER of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BALDWIN. Mr. Speaker, in closing, I wish to urge my colleagues to support this resolution. As we have heard, this bill supports the goals and ideals of National Sexual Assault Awareness and Prevention Month and highlights the need for increased awareness about this major public health issue. I wish to again commend my colleague, the gentleman from Texas (Mr. POE), for his heartfelt and strong leadership on this issue, and urge all of my colleagues to support its passage.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H. Con. Res. 330, which supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I was the lead Democratic sponsor of the original legislation, introduced by former Representative Mark Green and signed into law in 2003, that designated April as National Sexual Assault Awareness and Prevention Month.

It is important that we remember that preventing sexual assault should be a top priority during each month of the year. Every 2½ minutes, someone in the United States is sexually assaulted. I have long been a champion of increased efforts to prevent violence against women and in 2004, legislation that I first introduced, "The Debbie Smith Act," was signed into law. Through this landmark act, we have the ability to protect our daughters, our sisters, and our friends by putting rapists behind bars through DNA evidence. We know that DNA evidence is better than a fresh set of fingerprints. And we know that it is often better than eyewitness testimony. With "The Debbie Smith Act," the hundreds of thousands of rape kits that were gathering dust across the country are finally being processed.

In January I introduced H.R. 5057, "The Debbie Smith Reauthorization Act," to extend the Debbie Smith DNA Backlog Elimination Program through FY 2014. I am pleased to have been joined in introducing the legislation by the Chairman and Ranking Member of the Judiciary Committee, Chairman CONYERS and Ranking Member SMITH.

It is vitally important that we support the Violence Against Women Act by fully funding the important programs that will help women escape abusive and dangerous situations and begin new lives that are free from violence and fear. The organizations, shelters, and counseling centers that are on the front lines of this problem need our steadfast commitment that they will have the resources to continue their important work.

I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 330, "Supporting the Goals and Ideals of National Sexual Assault Awareness and Prevention Month". I would like to thank my distinguished colleague, Congresswoman TAMMY BALDWIN of Wisconsin, for introducing this important piece of legislation.

Sexual Assault Awareness and Prevention Month highlights an issue that has often been covered up even in this great nation. Rape is a violent assault, not a sexually-motivated or gratifying act. The rapist's aim is to dominate, humiliate, control and degrade the victim. For the victim of sexual assault, it is a wound that while covered never truly heals.

TEXAS STATISTICS ON SEXUAL ASSAULT

Approximately 1.9 million adult Texans, or 1 in 5 women and 1 in 20 men, have been sexually assaulted at some point in their lifetime. While these numbers are daunting they pale in comparison to the vast number of incidents that we never hear about.

An estimated 82 percent of rapes go unreported. The vast majority of rape victims—nearly 80 percent—know the person who rapes them.

In any given year, sexual assault of adults costs the state of Texas $27,161,428. Nine percent of sexual assault victims in Texas sought medical care after being victimized (5 percent of male victims, 10 percent of female victims).

Over 30,000 sexual assault survivors receive services at Texas rape crisis centers each year. Sadly approximately 43 Texas counties are not currently served by a rape crisis center or other victim's assistance organization. Which leaves victims feeling further isolated and without support from the local community.

As of January 1, 2005, there were 2,546 cases pending for sexual assault of an adult and 10,543 cases pending for sexual assault or indecency with a child. In that same year, there were only 559 convictions for sexual assault of an adult, and 2,449 convictions for sexual assault or indecency with a child.

PREVENTION

For many years now, rape crisis centers across Texas and the U.S. have provided invaluable services to survivors of sexual violence while also educating their communities about the prevalence and nature of sexual violence. Unfortunately, the need for services continues to exceed the capacity of most of our State's crisis centers. In order to address the astonishing rates of sexual violence, we are now increasing our focus on the primary prevention of sexual violence.

Plainly put, we're trying to engage communities to stop sexual violence before it occurs and to build safe, healthy communities. Dr. George Albee, a pioneer in clinical psychology, put it best, "No mass disorder afflicting humankind has been eliminated or brought under control by attempts at treating the affected individual. Sexual violence prevention requires comprehensive, community-based initiatives that address the various systemic issues, attitudes, behaviors and norms that perpetuate sexual violence."

As a member of the Women's and Children's Caucus, I strongly urge my colleagues to examine the issue of sexual assault and prevention. Let's stop trying to sweep the issue under the rug simply because it is difficult to hear. For it affects you and me, and our families and our communities. Eighty-two percent of victims reported that the rape permanently changed them. Thirteen percent of rape victims attempt suicide. Thirty percent said they contemplated suicide.

These lasting scars are on the hearts, minds, and souls of women, men, and children. Sexual Assault—Sexual Violence is a problem that must be dealt with for it is not going away.

As the electronic games our children play, the sexual exploitation and violence they see on television grows, and the miseducation of what love, sex, and violence really mean continues to exist. We will need to highlight this important issue.

In the time it took me to give this statement, someone in America was sexually assaulted for the Department of Justice has stated that every two minutes someone in America is sexually assaulted. I express my support for the designation of National Sexual Assault Awareness and Prevention Month. I believe we should increase public awareness of sexual assault and continue to look at new ways to focus on prevention.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support Concurrent Resolution 330, supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I am proud to be a cosponsor of this resolution, which urges national and community organizations, private businesses, colleges and universities to promote awareness of sexual violence and encourage strategies to decrease the incidence of sexual assault.

We have heard the frightening statistics too many times: 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape; a person in the United States is sexually assaulted every two-and-a-half minutes; one in four college-aged women has been sexually assaulted. These numbers do not even take into account the assaults that go unreported by victims too scared to notify law enforcement or too far from sexual assault victim centers.

National Sexual Assault Awareness and Prevention Month is a time to educate the American public about the unacceptable extent to which this form of violence has become common in the United States. But this month must also be a time to focus on the solutions so that come next April we can instead announce statistics measuring the progress we have made in bringing an end to sexual violence.

In communities throughout the United States, women and men are working tirelessly to develop and implement innovative programs critical to the prevention and treatment of sexual assault. In Minnesota's Fourth District, Ramsey County developed the Runaway Intervention Project, which provides counseling and support for girls who have run away—or are at risk of running away—to reduce their danger of being sexual victimized. The County also reached out to men by creating the Men's Line hotline for men to call and receive guidance on practicing healthy, peaceful relationships. According to the National Network to End Domestic Violence, in one day, over 53,000 American men, women and children use sexual assault services like these and others.

During Sexual Assault Awareness and Prevention Month, I encourage my colleagues to learn about and promote organizations in their Districts that work to prevent sexual assault, treat its survivors and prosecute its perpetrators to bring an end to this violent crisis. Madam Speaker, I urge my colleagues to join me in supporting this resolution and honoring those working across the country to bring an end to violence in our communities.

Ms. BALDWIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 330.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING AMERICA'S TEACHERS

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1130) recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1130

Whereas education and knowledge are the foundation of America's current and future strength;

Whereas teachers and other education staff have earned and deserve the respect of their students and communities for their selfless dedication to community service and the future of our Nation's children;

Whereas the purpose of National Teacher Appreciation Week, May 4, 2008, through May 10, 2008, is to raise public awareness of the unquantifiable contributions of teachers and to promote greater respect and understanding for the teaching profession; and

Whereas a number of organizations representing educators, such as the National Education Association and the National Parent Teacher Association, are hosting teacher appreciation events in recognition of National Teacher Appreciation Week: Now, therefore, be it

Resolved, That the United States House of Representatives thanks and promotes the profession of teaching to encourage students, parents, school administrators, and public officials to participate in teacher appreciation events during National Teacher Appreciation Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today to recognize the important contributions that teachers make to our Nation. Next week is National Teacher Appreciation Week. The National PTA created Teacher Appreciation Week in 1984 to show gratitude to the many teachers in the United States. It is a chance for us to thank those individuals who have contributed greatly to society in ways that cannot be measured. It is a chance for us to recognize the selflessness and dedication of teachers and to show our respect for the teaching profession.

Mr. Speaker, we know that good teachers make a tremendous difference to our Nation's youth. During the last decade, a body of evidence has grown to support the notion that teacher quality is the single most important factor outside of the home in affecting student achievement. Teachers serve as excellent role models and instill a love for knowledge and lifelong learning in our students.

We know that teaching is an important profession that deserves our support and respect. Teachers have the important job of helping to shape tomorrow's leaders. Those in the teaching profession work tirelessly for little reward, and good teachers constantly reflect on their lessons and modify instruction to reach the diverse needs of the students in their classrooms. Quality teachers hone their skills and are experts not only in the subject matter, but also in connecting with young people and making learning come alive.

Unfortunately, research has also shown us the negative impacts of teacher shortages. It is important and imperative that schools and communities support teachers. National Teacher Appreciation Week is an opportunity for all of us to pursue and recognize the selfless dedication of our educators. It is also an opportunity for us to recognize the importance of education and make absolutely certain that every child in America has the greatest opportunity to achieve this commodity that we call education. So we have to search our budgets, stretch our imagination and find the resources that are necessary to attract the best and the brightest individuals into the teaching profession.

Yes, there is no greater profession in our country than that of teaching. I call teachers the salt of the Earth, the pillars of the universe, those individuals who give of themselves each and every day so that others will have the opportunity to connect with this vast reservoir of knowledge that we have to be spread around.

I am indeed pleased, Mr. Speaker, to join with all of those who urge passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1130, recognizing the roles and contributions of America's teachers in educating and nurturing our Nation's children and thereby building and enhancing our Nation's civic, cultural and economic well-being.

A teacher's role in student development is irreplaceable. All of our lives have been influenced by the teachers that directed our classrooms, classrooms where students acquire the knowledge necessary to become a part of our Nation's future.

Showing teachers appreciation and recognition during the upcoming National Teacher Appreciation Week which takes place next week helps to remind us how important teachers are and what an integral role they play in the lives of our Nation's citizens. It is important that we recognize teachers for the critical work they do in improving our Nation in so many ways.

Teachers today devote more of their lives to teaching young people than ever before and spend more time on professional development, their own education and on class preparation outside the classroom. Teachers spend an average of over 50 hours per week on teaching duties and an average of $443 each year out of their own pockets to meet the needs of their students, all the while earning an average annual salary of slightly more than $31,000.

The future of our Nation's children is dependent on the individuals to make these time, energy and monetary commitments, and they deserve recognition for their service.

On a personal note, I certainly am honored to recognize the teachers I had in kindergarten through 12th grade in the New York suburban school district and know but for their support and guidance, I would not have had the opportunity to pursue my dreams, including the dream of serving in this very body, the United States House of Representatives.

Behind the upbringing of my mom and dad, my teachers, Dorothy Mirtz, my third grade teacher who is now 97 years old and still going strong as I visited with her just a few weeks back, my eighth grade teacher, Earl Lucius, who took the lessons of my parents of community service and inspired me to pursue a career in public service, they and so many other teachers and administrators I had the blessing to interact with in my education and career played a critical role in my life, as teachers do in all of our Nation's children's lives, in the past, the present and the future.

So I am honored and pleased to stand in support of this resolution, recognizing the important roles and contributions of America's teachers and support National Teacher Appreciation Week.

I certainly thank my colleague, Mr. GRAVES from Missouri, for introducing this resolution, and encourage an "aye" vote in favor of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. PLATTS. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, teachers plant the seeds of learning in the minds of their students. I support America's teachers and I am proud to be a cosponsor of this resolution. This measure recognizes significant roles and contributions that America's teachers have had and continue to have building and enhancing our country's civic, cultural and economic well-being.

The U.S. Census Bureau reports that there are 6 million teachers in the United States. I, like many others in this House, turned out the way I did because of teachers that were in my background, like my seventh grade Texas history teacher, Mrs. Wilson. She formed early on a desire in my soul to go into public service, and she gets the credit or the blame, whichever people see, for my lifetime career in public service.

□ 1530

I also come from a long line of teachers. My mother was a teacher; my wife is a teacher; my three daughters are teachers, and two of those teach at elementary school level and one of my daughters teaches at Baylor University. And even while I was prosecuting back in Houston, Texas, I spent some time teaching law at the University of Houston.

But teaching isn't just a tradition in my family. Teaching has been a tradition in this country since its very inception. Back then, of course, most teaching happened at home under the instruction of parents. Today, parents have many options when it comes to education of their children. Some are taught in private schools, others public schools, some at charter schools, and others continue to home school.

Teachers play a primary role in equipping our youth to be good citizens, to take pride in the democratic heritage of our Nation, and to be competitive on the world marketplace of ideas. Teachers spend a long week and long hours teaching our greatest resource, children.

This year, we celebrate National Teachers Week on May 4 through 10, and let's be sure to let teachers know that those, especially that have touched our lives, how important they are. And like the bumper sticker says, "If you can read, thank a teacher."

And that's just the way it is.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I urge a "yes" vote, and again thank all the teachers of our great Nation for their devotion to our Nation's children and for their commitment to bettering the lives of those children and, in doing so, strengthening our Nation as a whole.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, in closing I want to thank Representative PLATTS and Representative POE for their comments relative to this resolution, and certainly join with them in expressing again tremendous appreciation for all of those in the teaching profession.

As I listened to them, I couldn't help but be reminded of important teachers during my life. I began school in a one-room school, as a matter of fact, in your home State of Arkansas, where one woman, Ms. Beadie King, taught eight grades plus the little primer and the big primer all by herself. But then I was fortunate because, later on, she was the high school English teacher. And there are individuals who would suggest that I sometimes use poems and poetry and pithy words in expression, and practically all of that really came from Ms. Beadie King. She was unbelievable. As a matter of fact, she walked at least seven, eight miles to school every day to teach.

There are a lot of teachers who give that kind of dedication today. They don't necessarily walk 7, 8 miles, but they go into their pockets and buy materials; they purchase clothing for their students when they don't have the appropriate things to wear; they purchase lunch for students; buy materials for their classes. They give the very best of everything that it is that they have.

I don't think that we can ever express—I use the opportunity to express appreciation to my wife who taught for more than 30 years, members of my family, my sister who just retired as a principal, my sister-in-law who just retired. And so there are many teachers that all of us stand on their shoulders. Like you, Representative PLATTS, I know that had not it been for those individuals that I came into contact with growing up, there is no way that I would be standing here this evening expressing myself as a Member of the greatest body that exists in the world, the United States House of Representatives.

Again, I thank all of the teachers in America and urge passage of this resolution.

Mr. GRAVES. Mr. Speaker, I introduced this resolution to provide the Members of this body the opportunity to express our common thanks and appreciation for our Nation's teachers.

Many people enter the teaching profession as a calling.

There are other jobs with much better pay, shorter hours and, often times, less hassle than teaching.

However, each year thousands of college graduates choose teaching as a profession, in no small part as the result of a personal experience they had with one of their own teachers.

National Teacher Appreciation Week is designed to provide a means for students, parents and entire communities to come together and participate in events and activities that show their appreciation for teachers.

Personally, I will be hosting an event in my district to recognize Alesia Hamilton, a first-grade teacher at Edison Elementary School in St. Joseph, Missouri who in accordance with the character and commitment that defines all teachers, has invited into her class as a student Mr. Alferd Williams, a 70-year-old man born into poverty who never had the opportunity to learn how to read, much less receive a formal education.

Each day, Alesia Hamilton works with Mr. Williams on reading assignments and other tasks that will ultimately help Alferd Williams earn his GED.

Mr. Speaker, what Alesia Hamilton is doing with Mr. Williams is just one example of what teachers do every day to improve the lives of not only their students but the people of our communities.

I appreciate my colleagues for the opportunity to offer this resolution on the floor of the House today.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of this bill to recognize the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being.

It is clear that we cannot improve schools or ensure student success without good teachers. We know that an engaged teacher can be the difference between kids getting ahead and falling behind. And I'm sure we can all remember a teacher who provided guidance or sparked interest in a new subject.

Today's bill recognizes teachers, but they deserve more than recognition. We have to make sure we are taking tangible steps to assist them. And that means funding for our schools, high quality training, and fair pay. It means making sure that every teacher is prepared to walk into the classroom and every teacher has support through the school day.

We trust our Nation's teachers with our most important task—caring for and educating our children. We need to honor their commitment and support that mission.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1130 "Recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well being," introduced by my distinguished colleague from Missouri, Representative SAM GRAVES. This important legislation illustrates a Nation's commitment to recognize the work and fortitude of America's teachers. It is the teacher's remarkable dedication to our students and their tireless efforts in support of education. These hard workers deserve the care, the admiration, and the benefits they have earned through their honorable service.

From the beginning, our Nation has recognized the importance of education and has always taken a leading role in its development. Teachers provide an education that represents mankind's potential to turn distant dreams into a practical reality. The expansion of our horizons has been essential for reasons beyond the advances it may provide. An education is a symbol of upward mobility and privileged wisdom. It is the foundation in which we generate innovative technology, methods and ideas that are used for the advancement of society. A higher education is vital. As we progress in technology and other critical advancements, there is a continuing shift from blue-collar to white-collar occupations; the number of available traditional jobs decline and new jobs demand greater sophistication, expertise, and an advanced degree.

Teachers are the catalyst to the quality of life and the gatekeepers to extensive knowledge. An instructor's dedication to educating and conveying knowledge is significant to the foundation of America's present and potential strength. Horace Mann, a well-renowned politician and educator, articulated the goals of public schools in the 1800s; not only would the country provide public schools, but there would be a teacher hired by the locals. Education was once decentralized to the level of the classroom where educators believed their "professional place" was in the classrooms. Instructors viewed teaching as a true profession; however, before long, they were expected to solve problems of society. Teachers were expected to teach health, sexual education, D.A.R.E., driver's education and supplementary courses that were not in conjunction with regular academia. Teachers provide an education which represents mankind's capability to turn remote dreams into a sensible reality. Teachers play a significant role in the greatness and affluence of the United States. Therefore, I humbly commend teachers for their outstanding contributions to this great Nation and throughout the year for their unyielding dedication and spirit to educate.

Mr. Speaker, we should continuously honor the teachers who have given their lives in service to this country. May 6, 2008 is Teacher Appreciation Day; this day will celebrate and recognize the valuable services that millions of teachers provide to the nation. Teacher Appreciation Day should be the crescendo of a years long's worth of recognition efforts. All too often, the contributions made by teachers to our country are forgotten. During National Teacher Appreciation Week, which is May 4, 2008, through May 10, 2008, the profession of teaching is promoted to encourage students, parents, school administrators, and public officials to partake in teacher appreciation events. It is fitting that we take time each year during Teacher Appreciation Week to thank our teachers—as the work they do has a tremendous and very direct effect on the lives of young people. As President Bush has said, "There's nothing more noble than to teach."

The innumerable contributions of teachers are invaluable and shall never go unnoticed. The strategic teaching methods that teachers employ are ostensibly successful. Because of the exceptional work of their students, their involvement should never be disregarded. Teachers and other education staff undeniably deserve the respect of their students and communities for their selfless dedication to community service and the future of our Nation's children.

I strongly urge my colleagues to join me in supporting this important legislation, and, in-so-doing, honoring teachers and recognizing the lasting contributions they make to our lives.

Mr. TIAHRT. Mr. Speaker, I rise today to express my support for H. Res. 1130, and for our Nation's teachers. Their hard work and dedication to the students of this Nation is exemplary, and I commend them for it.

If the United States is to remain competitive, if our economy is to continue to grow, our children must have access to quality education, specifically in the areas of science and mathematics. One of the best ways to stimulate the economy is through a well-rounded and well-educated workforce. A quality education provides options for students to achieve the skills necessary to successfully compete in today's demanding job market. And our students would not be able to obtain a quality education were it not for the dedication of America's educators.

Teachers in this Nation are over-worked, and under-appreciated. Teaching has never been an easy profession. The work of teachers extends far beyond the time spent in the classroom, preparing lessons, grading papers, and looking for additional ways to enhance the educational experience in the classroom. We in Congress have not made their jobs any easier. In our, albeit laudable, effort to enhance the performance of our students, we have placed additional requirements on our teachers that demand more and more of their time. Federal regulations place additional pressure on both teachers and students. Our teachers do not receive nearly enough recognition for the care and concern they show for their students.

So today, I take the time to thank the many teachers who helped educate a restless boy that now has the honor of serving in this remarkable institution, the teachers who have guided my children and given them the skills to pursue their dreams, and also my beloved wife, Vicki, who has used her many talents to help teach children with disabilities. I urge my colleagues to show their support for America's teachers by voting in favor of this resolution.

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to express support for the passage of House Resolution 1130, which recognizes the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural and economic well-being. I want to thank the gentleman from Missouri, Mr. GRAVES, for offering this important resolution.

Our teachers play an instrumental role in guiding children throughout their adolescence and into adulthood. More than just instructors, teachers are mentors and friends who encourage students to reach their potential. They also serve as the eyes and ears for parents during the school day, playing a vital role in helping a child's personal growth and development.

As our Nation continues to expand rapidly, we must also continue to encourage people to enter the teaching profession so we will continue to have great teachers to meet our growing needs. Since entering Congress in 2003, I have been proud to support initiatives to recruit high school and college students to enter teaching and work in communities with the greatest needs. This year, I was also pleased to join as a co-sponsor of a resolution establishing National Teacher Day during National Teacher Appreciation Week, offered by the gentleman from Florida, Mr. KLEIN. Going forward, I will continue to support increased funding for NCLB and IDEA so that teachers have the resources they need to be most successful. Our teachers deserve nothing less.

Next week, as we celebrate National Teacher Appreciation Week, I encourage my constituents and all Americans to take a moment to reflect upon special moments they have shared with their teachers. I also encourage parents and students to take a moment, whether with a shiny apple or a simple thank you, to show teachers that they appreciate their service to our schools.

In closing, Mr. Speaker, I want to thank Mr. GRAVES once again for offering this timely resolution and I want to thank each of my teachers for all they did to help me reach my potential.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1130.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1119) supporting the goals and ideals highlighted through National Volunteer Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1119

Whereas National Volunteer Week will be observed during the week of April 27, 2008 through May 3, 2008;

Whereas the National Volunteer Week will give Americans the opportunity to thank some of our Nation's most valuable assets, our volunteers, and to recognize the myriad of ways they improve our communities;

Whereas the theme of this year's National Volunteer Week is "Volunteer to Change the World", and is about engaging individuals in service, inspiring a Nation to join a movement for change, and recognizing the deserving volunteers, including those that have received the President's Volunteer Service Award, for their work in their local communities;

Whereas National Volunteer Week began in 1974 when President Nixon signed an Executive Order establishing the week as an annual celebration of volunteering, and since then, every United States President, along with many governors, mayors, and other elected officials has signed a proclamation promoting National Volunteer Week;

Whereas about 61,000,000 people volunteered through or for an organization at least once between September 2006 and September 2007, according to a recent survey by the United States Bureau of Labor Statistics, which represents more than a quarter of the total United States population;

Whereas an analysis of data from the Longitudinal Study of Aging found that those individuals who volunteer have lower mortality rates than those who do not volunteer and research shows that communities with high levels of social networks have higher levels of parental engagement in schools, stronger local economies, less crime, and lower incidence of illnesses;

Whereas volunteers have contributed to the enhancement and improvement of communities across the United States, especially with respect to the aftermath of the hurricanes on the Gulf Coast; and

Whereas National Volunteer Week will continue to build awareness of the role that volunteers play in local, national, and international communities, and their commitment and dedication to improving lives, strengthening communities, and fostering civic engagement through service and volunteering: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals highlighted through National Volunteer Week;

(2) acknowledges the diligent efforts of our major federally funded community service and volunteer programs;

(3) recognizes with gratitude the contributions of the millions of dedicated and caring individuals who have chosen to serve others through volunteerism; and

(4) encourages all American people, of any age and background, to seek out opportunities to serve through volunteerism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days in which Members may have the opportunity to insert material relevant to H. Res. 1119 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the designation of April 27 to May 3, 2008, as National Volunteer Week, and to laud the efforts of volunteers who serve without reward to support America's communities.

National Volunteer Week is an opportunity to engage individuals throughout the Nation in a common goal of service to better our Nation. This year's theme, Volunteer to Change the World, hopes to inspire all people to connect with their community and truly make a difference through working together to effect positive change. In addition to many volunteer opportunities, the week will recognize deserving volunteers with the President's Volunteer Service Award and other significant signs of thanks.

Next week, volunteers across the Nation will work on a wide variety of projects. Activities range from community arts projects, school renovations, park rehabilitation, and many more equally engaging projects. With a large force of volunteers working together, National Volunteer Week will demonstrate the power of volunteerism and highlight the strength of compassion. The large number of volunteers will continue to inspire the Nation to mobilize for positive change and help people discover their ability to make a difference.

Volunteering has far reaching positive impacts on the community as a whole, and even on individual volunteers themselves. Research has shown that communities with high levels of social capital have a higher quality of life. Communities with strong volunteer networks, therefore, are healthy and dynamic places to live and work. Additionally, data shows that individuals who volunteer live longer than those who do not. Individuals and communities reap numerous constructive benefits from volunteering and can be the center of positive social change.

So, Mr. Speaker, once again I express my support for National Volunteer Week, and recognize all the hard work that volunteers put in on a daily basis. I encourage more people to become volunteers and recognize the fact that, by working together, we can more effectively meet the challenges our Nation face. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1119, which supports the goals and ideals highlighted through National Volunteer Week. I am proud to have introduced this resolution, with my National Service Caucus cochairs, Representatives CHRIS SHAYS, DAVID PRICE, and DORIS MATSUI, as well as Representative BUCK MCKEON.

Mr. Speaker, National Volunteer Week was created in 1974, when President Richard Nixon signed an executive order to establish the week as an annual celebration of volunteering. Every year since that time, each President of the United States, along with many Governors, mayors, and other elected officials, have signed a proclamation promoting National Volunteer Week.

This year, National Volunteer Week is being recognized this very week, April 27 to May 3. Various events are being held throughout the Nation to promote the 2008 theme of "Volunteer to Change the World."

Throughout the history of the United States, Americans have valued an ethic of service. Volunteering not only has a positive impact on local communities, but also on the volunteer himself or herself. Those Americans who give their time to serve are valuable assets to our local communities, and National Volunteer Week is our opportunity to thank them for their service and to encourage others to serve.

Across our country, Americans of all ages, backgrounds, and abilities are donating their time and talents to schools, churches, hospitals, and local nonprofits in an effort to improve their communities and serve a purpose greater than themselves. According to data collected over the past 30 years by the United States Census Bureau, Americans are volunteering at historically high rates. Between September 2006 and September 2007, 61.2 million Americans donated their time to help others, by mentoring students, beautifying neighborhoods, restoring homes after disasters, and much more.

In fact, earlier this week I had the pleasure of participating in a recognition ceremony at a local senior center, the Red Land Area Senior Center in York County, Pennsylvania, where dozens of senior volunteers and others were recognized for thousands of hours of donated volunteer service time in 2007. In fact, the top two volunteers recognized, Jim Fitzkee and Leona Deardorff, each contributed almost 700 hours of volunteer service to this center in 2007.

Volunteering is not only a rewarding but a necessary aspect of meeting the most pressing needs facing our Nation, including combating crime and gangs, poverty, disasters, illiteracy, and homelessness. Volunteering is also an important part of maintaining the health of our citizens, as research consistently shows that those who volunteer, especially those 65 years of age and older, lead healthier lives than those who do not engage in their communities. The intangible benefits alone, such as pride, satisfaction, empowerment, and accomplishment are worthwhile reasons to serve and give back.

Today I would like to recognize the diligent efforts of our major federally funded community service and volunteer service programs, thank the millions of dedicated and caring volunteers for their service, and encourage all Americans to give of themselves to make a difference in their local communities. I urge my colleagues to support House Resolution 1119.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1119.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR THE DESIGNATION OF APRIL 2008 AS NATIONAL SARCOIDOSIS AWARENESS MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1149) expressing support for the designation of April 2008 as National Sarcoidosis Awareness Month, and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1149

Whereas sarcoidosis is a noncontagious systemic disease of unknown origin and is commonly diagnosed with the detection of inflamed, microscopic growths called granulomas that grow and often affect the lungs, skin, eyes, and nervous system;

Whereas sarcoidosis can affect any organ of the body and more than one organ at any given time;

Whereas the inflammation of such vital organs may cause seizures, blindness, disfiguring lesions, and heart failure;

Whereas many individuals stricken with sarcoidosis eventually develop a serious disabling or potentially fatal condition;

Whereas sarcoidosis was once thought to be an uncommon condition, but is now known to affect tens of thousands of people throughout the United States;

Whereas sarcoidosis afflicts African-Americans up to 8 times more frequently than other races;

Whereas as many people with sarcoidosis have no symptoms, it is difficult to measure how many people have the condition;

Whereas sarcoidosis is a disease that affects Americans nationwide and people around the world, and yet its causes and potential treatments remain a mystery;

Whereas skin-related symptoms of this chronic, multisystemic disease were first recognized more than 100 years ago, but the effects of the disease on other organs were not observed until the first quarter of this century;

Whereas sarcoidosis was the chief diagnosis of the death of fluorescent light bulb workers in Salem, Massachusetts in the 1940s;

Whereas sarcoidosis was the first diagnosis for an overwhelming majority of rescue workers' health conditions on September 11, 2001;

Whereas sarcoidosis has been documented to be disproportionately found among factory workers and Navy deckgrinders;

Whereas today, researchers are still trying to learn more about the causes, cures, and overall nature of this affliction;

Whereas the American Lung Association has actively advocated for more research to better understand how environmental and occupational exposures may increase the risk of sarcoidosis;

Whereas the National Sarcoidosis Society strives to serve those afflicted by the disease by focusing its efforts on public policy, research funding, patient services, public awareness and education, and finding a cure; and

Whereas April 2008 would be appropriate to designate as National Sarcoidosis Awareness Month to increase public awareness of the need to support individuals with sarcoidosis, to raise awareness of the environmental and occupational issues associated with sarcoidosis, and to educate medical professionals who care for individuals with sarcoidosis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Sarcoidosis Awareness Month;

(2) recognizes that sarcoidosis has played a prominent yet hidden role in America's workforce history;

(3) acknowledges the diligent efforts of individuals and organizations who observe National Sarcoidosis Awareness Month with appropriate activities to further promote awareness of the disease; and

(4) supports research efforts to better understand the links between sarcoidosis and specific occupations where sarcoidosis is disproportionately represented.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and insert material relevant to H. Res. 1149 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in strong support of House Resolution 1149, commemorating April 2008 as National Sarcoidosis Awareness Month.

According to the National Heart, Lung, and Blood Institute, tens of thousands of Americans nationwide are afflicted with this disease. However, currently, there is no cure, no definitive identification of exactly what causes sarcoidosis, no known measures to prevent it, and many people who have sarcoidosis do not exhibit any symptoms. So one might ask the question, what is sarcoidosis?

Sarcoidosis is characterized by the inflammation associated with the production of tiny lumps of cells in various organs of our bodies called granulomas because they look like grains of sugar or sand. These grainlike cells grow and clump together in an organ, affecting how the organ works.

□ 1545

The increase of these growths can inflame vital organs like the lung, brain, skin, eyes and nervous system, causing seizures, blindness, disfiguring lesions, heart failure and sometimes even death.

Sarcoidosis is overrepresented among African Americans compared to other races and ethnic groups, and afflicts African Americans more severely than other races in this country.

By documenting the prevalence of sarcoidosis among fluorescent light bulb workers in the 1940s and among U.S. Navy deck grinders, and recognizing that sarcoidosis disproportionately affects factory workers and was the first diagnosis for an overwhelming majority of rescue workers in New York after the September 11, 2001, attacks, researchers at the American Lung Association have uncovered a link between certain types of occupations and this disease.

More careful monitoring of a sarcoidosis diagnosis can dramatically improve public health, including the health of civilian and military workers. It is my hope that by passing this legislation, we will promote more careful examination and investigation of sarcoidosis diagnosis, and lead to the reduction of morbidity and mortality of workers, as well as reduce costs.

By supporting House Resolution 1149 designating April 2008 as National Sarcoidosis Awareness Month, we as the House of Representatives of these United States of America will demonstrate our acknowledgment of and commitment to the importance of raising awareness for the purpose of uncovering the causes of sarcoidosis disease, environmental and otherwise, and the promotion of strategies to support and protect our thriving workforce. I urge passage of this resolution.

I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1149, expressing support for the designation of the month of April 2008 as National Sarcoidosis Awareness Month to bring attention to this disease, its potential causes, and the need for research on the causes and potential treatments.

Sarcoidosis is a noncontagious systemic disease of unknown origin that causes inflamed, microscopic growths called granulomas that often affect one or more systems in the body, including the lungs, skin, eyes, and nervous system. This disease is sometimes difficult to diagnose.

The American Lung Association reports that more than 90 percent of the people diagnosed with sarcoidosis experience some degree of problem with their lungs which may reduce their ability to absorb oxygen. Because of scarring caused by the inflammations, between 20 and 30 percent of people with pulmonary sarcoidosis end up with some degree of permanent lung damage. Although death is relatively uncommon, mortality can occur due to lung failure or if the disease causes serious damage to a vital organ other than the lungs.

It has been observed that the disease occurs throughout the world in all races and both sexes, although gender and ethnicity may have an impact on the risk of developing sarcoidosis and its severity. Women and people of African descent, along with those of Scandinavian, German, Irish and Puerto Rican descent, are particularly prone to the disease and its more chronic and serious manifestations. The reasons for this are yet unknown.

The cause or causes of sarcoidosis remain a mystery. Our best medical evidence to date has not discovered the extent to which lifestyle, environment, or heredity affects the development, severity, or length of this disease.

The American Lung Association reports that most researchers believe that the disease involves an altered immune system. Some studies suggest sarcoidosis is caused by a respiratory infection triggered by bacteria or a virus, or even by exposure to burning wood. Others suggest possible occupational or environmental risks. And some studies also show that sarcoidosis may run within families, suggesting a genetic link.

Medical science has developed treatments that manage the symptoms of the disease, but no treatment is clearly effective for a prolonged period, and there is no cure.

Considering the broad reach of this disease, across people of different genders and ethnicities throughout the world, and the lack of scientific evidence as to its cause or a cure, it is important to acknowledge the efforts of individuals and organizations to observe National Sarcoidosis Awareness Month and work on promoting awareness and the search for the cause and effective treatments. I am pleased, therefore, to stand in support of this resolution and ask for a "yes" vote.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. PLATTS. Mr. Speaker, I urge a "yes" vote, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I was very pleased to be the sponsor of this resolution, and I want to commend and thank all of the sarcoidosis activists who have visited my office, who have called me, who have written letters and telegrams and e-mails urging that we do something to further promote and raise awareness around this illness. I am pleased we have this resolution on the floor today. I urge its passage.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of House Resolution 1149, which expresses support for the designation of April 2008 as National Sarcoidosis Awareness Month.

Sarcoidosis is an inflammatory disease that produces tiny lumps of cells called granulomas in the lungs, lymph nodes or skin. The cause of sarcoidosis is unclear, but it has been associated with exposures to organic and chemical dusts, metals, silica and wood dust or smoke.

We know that New York City Fire Fighters who responded to the World Trade Center collapses in the aftermath of 9/11 have markedly higher rates of sarcoidosis. In the year immediately following 9/11, there was a 6-fold increase from pre-9/11 levels.

There's no doubt that many heroes of 9/11 are sick because of their exposure to Ground Zero toxins. Raising awareness of sarcoidosis and encouraging funding for research into the disease is one small way we can honor the heroes and heroines of 9/11.

I thank the gentleman from Illinois for introducing this resolution, and I urge my colleagues to support it.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1149, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE MISSION AND GOALS OF WORKERS MEMORIAL DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1154) supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1154

Whereas each year, more than 5,500 workers are killed due to workplace-related injuries in the United States, and more than 2,000,000 workers across the world die of workplace-related accidents and diseases;

Whereas each day, an average of 16 workers are killed due to workplace injuries in the United States;

Whereas there are more than 4,000,000 occupational injuries and illnesses in the United States annually;

Whereas tens of thousands of Americans with workplace injuries or illness become permanently disabled;

Whereas worldwide, more people are killed each year at work than in wars;

Whereas observing Workers Memorial Day allows us to honor and remember victims of workplace injuries and disease; and

Whereas observing Workers Memorial Day reminds us of the need to strive for better worker safety and health protections: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Workers Memorial Day to honor and remember workers who have been killed or injured in the workplace;

(2) recognizes the importance of worker health and safety standards;

(3) encourages the Occupational Safety and Health Administration, industries, employers and employees to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and insert material relevant to H. Res. 1154 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she might consume to the sponsor of this resolution, the distinguished gentlewoman from the State of Texas, Representative EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman from Illinois for bringing this bill to the floor.

On Monday of this week, millions of people worldwide recognized Workers Memorial Day. I introduced H. Res. 1154 because each year this country has thousands of workers who are killed due to workplace-related injuries, and tens of thousands more die of occupational illnesses. It is staggering to think that each day an average of 16 workers are killed due to injuries on the job. Worldwide, more than 2 million workers die of occupational illness and injuries annually. That means more people are killed on the job each year than in wars.

The bottom line is that everyone deserves a safe and healthy workplace. Many of us may take this basic right for granted. But for millions of Americans, the threat of being permanently disabled or even killed on the job is very real.

Workers Memorial Day not only recognizes and honors those who have been killed or injured on the job, it also reminds us of the overwhelming need to improve health and safety standards in our Nation's workplaces.

It has been 38 years since the creation of OSHA, and over this time worker health and safety standards have vastly improved. However, there is still work to be done, as evidenced by the Sago mine disaster and the recent combustible dust explosion at the Imperial Sugar refinery in Georgia that killed 12 workers.

Today we will take a step toward improving those safety standards by considering the Worker Protection

Against Combustible Dust Explosion and Fire Act. This bill represents a pressing need for OSHA standards to prevent combustible dust explosions which have killed more than 100 workers since 1980. That's 100 workers who went to work in the morning but never returned home to their families and loved ones. Workers Memorial Day remembers those workers who gave their lives and the families they left behind.

I would like to thank House leadership and Chairman MILLER for his support in bringing this resolution to the floor today; and, of course, Mr. DAVIS. I would also like to thank the House Labor and Working Families Caucus, and in particular Congresswoman LINDA SÁNCHEZ, for their assistance in bringing this resolution forward. I urge my colleagues to support recognizing this Workers Memorial Day.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1154, supporting the mission and goals of Workers Memorial Day in order to honor, remember and pay tribute to the workers who have been killed or injured in the workplace.

Monday, April 28 marked the 20th annual Workers Memorial Day, a day to honor our Nation's workers who were injured or lost their lives as a result of incidents in the workplace.

I was honored in my district in York, Pennsylvania, to participate with the York Adams County Central Labor Council in a Worker Memorial Day ceremony where three individuals were remembered following their deaths in the workplace in 2007, and pay tribute to them, with their families being in our thoughts and prayers and our sympathies going out to them on the loss of their loved ones.

We remember and pay tribute to all Americans who have given the most to ensure our Nation's economic growth and sustainability. On this day, we reaffirm our commitment to guarantee a safe and healthy work environment for all employees.

Employers, employees, and the local, State, and Federal Governments have all shared in the mission of protecting our Nation's workforce. I would note, Mr. Speaker, that labor organizations are not specifically mentioned in the resolution, but certainly they have played a critically important role in promoting and enhancing workplace safety. We all aspire to have hazard-free workplaces, and the combined efforts of these groups and individuals have moved us closer towards achieving this goal.

According to OSHA Administrator Edwin Foulke, Jr., in 2006, the Department of Labor reported that the Nation's injury and illness incident rate of 4.4 per 100 employees was the lowest ever recorded. Additionally, fatality rates remain at historic lows. Clearly these numbers show that workplaces are getting safer, but we must ensure that this trend continues.

April 28 also commemorated the 37th anniversary of the start-up of the Department of Labor's Occupation Safety and Health Administration. We commend OSHA for years of hard work and dedication. From day one, the agency has promoted a safe and healthy workplace for all employees. OSHA's regulations, educational efforts, and enforcement activities have enhanced both workplace safety and success across the United States.

Moving forward, it is important to remember that OSHA cannot guarantee the safety of our workers by itself. OSHA cannot write and enforce rules effectively if it does not receive adequate funding and valuable input from all interested stakeholders. We must ensure that our efforts to enhance workplace safety provide for this funding and input. We must maintain a strong commitment to work with OSHA on its mission of protecting the American worker.

Even one workplace injury or fatality is one too many. Workers Memorial Day serves to reaffirm our commitment to protecting all employees. On a day when we remember those who have sacrificed so much, it is clear Americans must work together to ingrain a culture of safety in all workplaces. I am pleased to support this resolution and ask for a "yes" vote.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I want to commend Representative JOHNSON from Texas for introducing this resolution, and I am pleased to join with her and with Representative PLATTS in supporting its passage. I rise in support of the mission and goals of Workers Memorial Day.

□ 1600

Workers Memorial Day allows us to honor and remember the many workers who have been injured or even killed in the workplace. Unfortunately, while the United States loses about 5,500 workers each year, more than 2 million people die worldwide from workplace-related accidents and disease.

According to the National Safety Council and the Bureau of Labor Statistics, the job fatality rate has been cut by 78 percent since 1970. While direct comparisons of injury data for 2006 and years prior to 2003 are not possible due to a change in classification systems, in general, declines in workplace fatalities and injuries have been much greater in those industries where the Occupational Safety and Health Administration has targeted its standards and enforcement activities.

So, Mr. Speaker, I urge my colleagues to support this legislation, which encourages OSHA industries, employers and employees, to support activities that increase awareness of the importance of preventing illness, injury and death in the workplace.

I would also like to thank all those who took the time on Monday to remember those Americans who were injured, or those who have lost their lives due to a workplace accident.

And so, again, Mr. Speaker, I commend Representative JOHNSON from Texas for introducing this timely and important resolution.

I also thank Mr. PLATTS, the gentleman from Pennsylvania, for his support. But I also thank him for the opportunity to work with him this afternoon. It's been a pleasure, as it always is. He is one of the most pleasant Members of this House, and it's always a pleasure to interact and work with him.

Mr. HARE. Mr. Speaker, I rise today in strong support of H. Res. 1154, supporting the mission and goals of Workers Memorial Day, and commend my colleague, Representative EDDIE BERNICE JOHNSON for introducing this important resolution.

Just 2 days ago on April 28th we honored the 20th Annual Workers Memorial Day, when people all over the world gathered to remember the workers who have been killed or injured on the job.

April 28th also commemorated the creation of the Occupational Safety and Health Administration (OSHA). Since 1970, OSHA has been a driving force in improving workplace safety and health conditions across the country. However, the Bush administration has sought to stifle that progress by downsizing OSHA, favoring employer voluntary programs over real enforcement.

A weakened OSHA has real life-or-death consequences for American workers. One such worker is Cintas washroom employee Eleazar Torres-Gomez—father of four—who was killed on March 6, 2007 when he was dragged by a conveyor belt into an industrial dryer.

Mr. Torres-Gomez's fate is unfortunately too common—16 workers die every day in our country from work-related injuries. In 2005 alone, over 5,700 workers were killed at work, and the situation is only getting worse. The Bureau of Labor Statistics found that the number of workplace deaths jumped by more than two percent between 2005 and 2006.

Last year, Representative LYNN WOOLSEY and I, along with Senator TED KENNEDY introduced the "Protecting America's Workers Act," which amends OSHA to cover more workers, increases penalties and strengthens protections and accountability. The best way to honor Mr. Torres-Gomez and all the other workers who have been killed at their jobs is to quickly send this bill to the President's desk.

Again, I thank Representative EDDIE BERNICE JOHNSON for introducing this resolution to honor our workers.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr.

DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1154.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 1157, by the yeas and nays; adopting House Resolution 1157, if ordered; and suspending the rules and concurring in the Senate amendment to H.R. 1195, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5522, COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1157, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 11, as follows:

[Roll No. 227]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Doggett
Forbes
Granger
Higgins
Hill
Miller (FL)
Payne
Pearce
Pence
Rush

☐ 1627

Mr. WALSH of New York and Mr. EHLERS changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 16, as follows:

[Roll No. 228]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)

Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Berman
Boren
Cummings
Doggett
Forbes
Granger
Higgins
Hill
Lamborn
McKeon
Miller (FL)
Payne
Pence
Rush
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

☐ 1635

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 1195, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1195.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 51, answered "present" 11, not voting 11, as follows:

[Roll No. 229]

YEAS—358

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—51

Akin
Barton (TX)
Blackburn
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Carter
Chabot
Davis (KY)
Doolittle
Ehlers
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Hensarling
Herger
Hoekstra
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
LaHood
Lamborn
Linder
Lungren, Daniel E.
Manzullo
Marchant
Miller (FL)
Musgrave
Neugebauer
Nunes
Paul
Putnam
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Souder
Stearns
Tancredo
Thornberry
Wilson (SC)

ANSWERED "PRESENT"—11

Barrett (SC)
Bonner
Delahunt
Doyle
Green, Gene
Hastings (WA)
Jones (OH)
Kline (MN)
McCaul (TX)
Roybal-Allard
Weller

NOT VOTING—11

Andrews
Doggett
Forbes
Gordon
Granger
Higgins
Hill
Payne
Pence
Rush
Wexler

☐ 1644

Mr. ROYCE changed his vote from "yea" to "nay."

Mr. DELAHUNT changed his vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5534

Ms. FALLIN. Madam Speaker, I ask unanimous consent to have my name removed from H.R. 5534, the Bear Protection Act of 2008.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oklahoma?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–614) on the resolution (H. Res. 1167) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 5522.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1157 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5522.

☐ 1646

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, with Mrs. CHRISTENSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act of 2008.

On February 7 of this year, a huge explosion ripped through the Imperial Sugar refinery in Port Wentworth, Georgia. Eight workers died instantly, and five more have died in the months since the explosion from the horrific burns that they suffered. More than sixty workers were injured, some so seriously that they will never fully recover. This was a terrible disaster, one of our Nation's worst workplace tragedies of the past decade.

The cause of the explosion was combustible sugar dust. It may surprise many of us that sugar dust can explode with such violence. But it can, and so can many other dusts that are commonly found in U.S. industrial sites.

In 2003, three fatal dust explosions occurred in the United States, killing 14 workers. The U.S. Chemical Safety Board investigated these incidents. The board examined whether these tragedies were just coincidences or a major national problem. The Chemical Safety Board also examined whether there were adequate laws to protect workers or whether new protections were needed. The Chemical Safety Board found that these explosions were not coincidences. In fact, between 1980 and 2005, 119 workers had been killed and 718 injured in dust explosions that had also extensively damaged the industrial facilities. The Chemical Safety Board also found that there were no enforceable national regulations to prevent combustible dust incidents. Let me repeat that. The Chemical Safety Board also found that there were no enforceable national regulations to prevent combustible dust incidents.

The Chemical Safety Board concluded that controlling combustible dust explosions isn't a mystery. In fact, the first National Fire Protection Association standards to prevent combustible dust explosions were issued in 1923. In November of 2006, the Chemical Safety Board, an independent Federal agency whose members were all appointed by President George W. Bush, concluded that the only way to prevent more worker deaths was for OSHA to issue a comprehensive standard covering combustible dust. That was in November of 2006. But to this day, OSHA has taken no action to issue a standard. In fact, OSHA has refused to act despite the fact that 70 more combustible dust explosions have occurred since 2006.

Even now, after 13 needless deaths in Georgia, OSHA demonstrates no understanding of the urgency of this problem. This is a shocking failure by the very governmental agency responsible for keeping workers safe.

Sadly, this isn't the only time that OSHA has failed to act on a Chemical Safety Board recommendation, and it's not the only time where the result of that inaction has been the death of American workers. The Chemical Safety Board warned OSHA in 2002 that new rules were needed to prevent reactive chemical explosions, but OSHA refused to act. Then last December a reactive chemical explosion in Jacksonville, Florida, killed four workers.

Because OSHA refused to act, Congress must now act. Congressman JOHN BARROW and I have introduced H.R. 5522 to force OSHA to do the job it should have done on its own. The legislation will require OSHA to issue an interim standard on combustible dust within 90 days and a permanent standard within 18 months. It would require OSHA to base the new standard on the National Fire Protection Association standards.

OSHA says that the combustible dust hazards are already covered by numerous existing regulations. But that simply is not true. Most of the existing standards do not even mention the word "dust" and do nothing to educate or inform employers and employees how to prevent combustible dust explosions. Existing OSHA standards also do not address what levels of dust are safe, how to clean the dust safely, or how to prevent dust from accumulating to unsafe levels.

And it is not true, as opponents of this bill say, that we don't allow for public input. In fact, OSHA would have to conduct full public hearings and a small business review but to do so on an expedited basis that reflects the life-or-death urgency of this issue.

Because of the serious hazards imposed by combustible dust, because OSHA has issued no major standard during this administration except under pressure of the courts or the Congress, and because OSHA is unable to meet the regulatory deadlines it sets for itself, it is necessary to set some tight deadlines for action.

It is also not true that this bill requires OSHA to adopt the National Fire Protection Association standards. The bill requires OSHA to include only the relevant and appropriate provisions of the National Fire Protection Association combustible dust standards. While the National Fire Protection Association standards have proven to be effective, OSHA should use its discretion, after full public hearings and comments, to determine how the National Fire Protection Association guidelines should be used in a final standard.

You will hear opponents of this measure say we should wait until the OSHA investigation is completed and the results of OSHA's current National Emphasis Program are in. But we have waited long enough. And, in fact, again, the Chemical Safety Board recommendations predate that accident based upon the urgent need for these regulations to save American workers' lives and to prevent their injuries prior to that time.

Again, if OSHA doesn't act, we must. We know that most businesses are doing the best they can to make their workplace safe. But it is also clear that other businesses may not be doing enough to ensure the safety of their employees. The bottom line is that workers need protection and the agency established by Congress 37 years ago to protect workers has once again failed in that duty.

The goal today is to protect workers from those preventable explosions, and we believe that this legislation accomplishes that goal without imposing unreasonable burdens on employers.

I want to leave the House with the closing words of a witness who appeared before the Education and Labor Committee, Tammy Miser. Tammy Miser's brother, Shawn Boone, was killed in a combustible dust explosion in 2003. Tammy recounted the terrible suffering that her brother went through before he died, her hopes that something would happen after the Chemical Safety Board recommendations were issued, and her disappointment that OSHA has yet to act, even after the Imperial Sugar explosion.

Tammy left us with this one request: "that you not let our loved ones die in vain and help us keep other families safe from the dangers of combustible dust."

It's the least we can do for Shawn Boone, the workers in Port Wentworth, and the many other workers who have needlessly lost their lives.

Madam Chairman, I strongly urge that all of my colleagues will support H.R. 5522.

Madam Chairman, I reserve the balance of my time.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

I rise in opposition to the bill at this time and in this form.

Consideration of this bill is a somber occurrence. It reminds us that less than 3 months ago, workers at the Imperial Sugar refinery in Port Wentworth, Georgia, lost their lives to a tragic workplace accident. Even today many others remain injured.

As with any workplace accident of this magnitude, the Occupational Safety and Health Administration, or OSHA, was dispatched to the scene to investigate what went wrong. Preliminary reports indicate that the explosion was linked to combustible dust, a known hazard for which at least 17 OSHA standards currently apply.

OSHA has 6 months to complete its investigation, a time frame that I think is appropriate for any injury of this seriousness. I expect that investigation to provide us a thorough, candid examination of exactly what went wrong so that steps can be taken to prevent such an accident in the future.

Among the first questions OSHA needs to answer is whether existing safety guidelines were followed at the Imperial refinery. This question is fundamental. It will tell us whether the cause of this accident was a lack of sufficient safety standards or a failure to follow the standards that exist.

The bill before us today presumes that current safety standards were insufficient. But the truth is we don't yet know whether that is the case. Less than 3 months after the accident, OSHA has not even had an opportunity to complete its investigation. We cannot possibly provide effective new safety standards when we don't know which standards, if any, we're lacking.

I understand why we're here today. Like Chairman MILLER; Representatives BARROW and KINGSTON, who represent the refinery and surrounding areas; and all Members of this body, I grieve for the workers who lost their lives. But making an end run around a proven process for establishing workplace safety guidelines is the wrong answer at the wrong time.

The bill before us proposes a highly proscriptive regulatory mandate in an excruciatingly compressed time frame. More concerning still, OSHA, the agency that would be responsible for implementing these new requirements, does not believe this bill will produce the most effective safety measures.

□ 1700

Of course, this is not to say that we should do nothing in the face of such an accident. To the contrary. I believe OSHA has a responsibility to complete a thorough, aggressive investigation of the accident at the Imperial Sugar refinery to determine its causes and consider whether additional regulatory guidance is needed. If it becomes clear that existing standards are ineffective, OSHA should move forward with a robust regulatory process that provides clearer, more effective guidance on combustible dust.

I want to be clear on this point. This bill at this time, and in this form, is not the only opportunity to strengthen safety standards for combustible dust. OSHA itself has not ruled out additional regulations if it becomes clear that the 17 existing standards that apply to workplaces with combustible dust hazards are not effective or clear enough to protect workers.

The danger of combustible dust in the workplace is a serious concern, and I am committed to appropriate and effective safety measures. That is why we plan to offer an alternative proposal today that calls for a more comprehensive approach that would include stakeholder input and expertise in any regulatory action that may be needed.

We had hoped to see another amendment made in order, as proposed by Representative KINGSTON. Because of the compressed timetable in the bill, OSHA will not have to take into account economic feasibility of the standard. Mr. KINGSTON's amendment would have simply asked that a study on the job losses resulting from the standard be reported to Congress. Surely it would not have been too much to ask whether Congress was exacerbating job losses in an already weakening economy. But, unfortunately, that amendment was not made in order.

Still, I continue to believe we can work together in good faith to protect worker safety without undermining the proven road to developing effective, enforceable safety protections.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY), the Chair of the subcommittee.

Ms. WOOLSEY. This past Monday was Workers Memorial Day. Workers Memorial Day is the day when we remember those who have lost their lives or have been injured as a result of unsafe health and safety conditions in the workplace. On Workers Memorial Day we also recommit to the fight for safe working conditions for every single worker in America.

So, Madam Chairwoman, it's fitting that today we are considering H.R. 5522, the Worker Protection Against Combustible Dust Explosions and Fires Act, which was introduced by Chairman MILLER and Representative BARROW, a bill that requires OSHA to develop a standard for combustible dust. I am proud to be a cosponsor of that bill, and I want to commend Chairman MILLER and Representative BARROW because they introduced it.

Like other Members of Congress, I was absolutely shocked and saddened by the combustible dust explosion at the Imperial Sugar Company in Port Wentworth, Georgia, which resulted in 13 deaths and 60 injuries. My heart goes out to the families of those who died, and my hopes and prayers, all of our hopes and prayers are with those workers who were seriously injured. The survivors have a tough road ahead of them.

Unfortunately, Madam Chairwoman, this explosion, like so many other workplace incidents that have occurred lately, could have been prevented. That is the most important part of it. It didn't need to happen. Lives were senselessly lost, and more workers remain in critical condition.

That is why immediately after the explosion, Chairman MILLER and I sent a letter to OSHA demanding that the agency begin work on a standard for combustible dust. Such a standard was recommended not last year, but longer than that ago, a year and a half ago, at least, by the Chemical Safety Board. That is an independent Federal agency charged with investigating chemical accidents. But OSHA has failed to act on this recommendation, and unfortunately, but not surprisingly, OSHA has failed to respond to our letter in a timely manner.

So that is why we in Congress need to act, and we need to act now. We must act just as we did when we passed H.R. 2693, the Popcorn Lung Disease Prevention Act. That was legislation that requires OSHA to issue an emergency temporary standard to regulate workers' exposure to diacetyl, a chemical used in butter flavoring for microwave popcorn and other food products, a chemical that was killing and injuring workers.

I wish that we could trust OSHA under this administration to do the job that was laid out for them. But we cannot. So that is why I urge my colleagues to pass H.R. 5522. Take care of our workers.

Mr. MCKEON. Madam Chairman, I yield to the subcommittee ranking member that has jurisdiction over this issue, the gentleman from Minnesota (Mr. KLINE), such time as he may consume.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Madam Chairman, I rise in support of workplace safety, but in opposition to H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act. We all share, I believe, the common goal of working to protect employees from hazards in the workplace. The accident at the Imperial Sugar refinery in Georgia is a tragedy. It must be fully investigated. The Department of Labor's Occupational Safety and Health Administration has undertaken the investigation that, by law, must be completed within 6 months. The results of this investigation will help identify the cause of the Imperial Sugar accident.

I appreciate the concern about workers' safety, but as lawmakers, we have the responsibility to debate and enact laws that are reasonable. The bill before us today is an impulsive attempt to rush into action before OSHA can complete the investigation.

Under this bill, OSHA will be required to adopt an interim rule within 90 days of enactment and a final rule within 18 months. This accelerated time frame is not only unrealistic, but would also deny stakeholder input ranging from industry, to academia, to organized labor, and other groups who could provide important and insightful contributions. By undermining the process, this legislation could have negative consequences and actually undercut workers' safety.

In a letter to the committee dated April 8, 2008, the Department of Labor's Assistant Secretary for Occupational Safety and Health, Edwin Foulke, states: "The time constraints of this legislation would give OSHA no choice but to ignore other statutory and regulatory requirements for rulemaking under the Occupational Safety and Health Act, the Regulatory Flexibility Act, the Administrative Procedures Act, numerous executive orders, and Office of Management and Budget bulletins and guidelines."

H.R. 5522 also disregards the preventive efforts that have been under way well before the tragic accident in Georgia. Last year, based on the recommendations by the Chemical Safety Board, OSHA initiated a National Emphasis Program that aims to identify any gaps that may exist among the standards that currently apply to workplaces with combustible dust. While OSHA's opinion has been dismissed by the other side, yesterday the President issued a veto threat, reiterating serious concerns with this hasty regulatory proposal.

Again, we should not rush to legislative action. Rather, we should take the time to thoroughly and thoughtfully review all the facts. I urge my colleagues to vote "no" on this bill.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARROW), the cosponsor of this legislation.

Mr. BARROW. I thank Chairman MILLER.

Madam Chairman, what we have learned in my community since the Imperial disaster hit us is the experts have known about this problems for decades. There have been voluntary standards that effectively deal with this problem, but not enough people even know about the problem, much less the solutions, and those who do know about the solutions, aren't required to adopt them.

We have also learned that the only standards that are mandatory really aren't designed with this problem in mind in the first place, and they aren't working. So we have good standards that are not mandatory and inadequate standards that are mandatory.

Up until now, the argument has been between those who say we wouldn't go too fast in developing a national standard and those who argue we are going too slow. There are those who argue the costs of a comprehensive solution outweigh the benefits. I disagree. I say that if we can prevent just one of these disasters from happening, if we can prevent just one family from having to go through what families at Imperial Sugar are still going through, it would all be worth it.

But don't take my word for it. The Savannah Morning News reported this morning that the chairman and chief executive officer of the National Safety Board believes this bill will, and I quote, "would save lives." He believes that the measure "is good for business and the corporate world should support it."

He told the editorial board back home, "I wish I could take 50 business people at a time to the refinery and have them take a look at the destruction. This is what your facility could look like if you don't take care of the dust." Mr. Bresland ought to know what he's talking about. He's not a bureaucrat, he's a "hard-headed businessman from the corporate world" who worked for many years at Honeywell International. He is right. This bill isn't just good government, it's also good business.

I commend Chairman MILLER and Ms. WOOLSEY for their hard work in support of this bill, and I urge my colleagues to join us and vote in favor of it.

Mr. MCKEON. I yield to the gentleman from Georgia (Mr. KINGSTON), who represents constituents that work in this sugar factory, and has been dealing with this problem now for 3 months. I am happy to yield him 4 minutes.

Mr. KINGSTON. I thank the ranking member and I thank the chairman of the committee, and my colleagues, Mr. BARROW and Ms. WOOLSEY, for their work on this. While I support many of the points of the ranking member, I believe that this bill is a step in the right direction and something that we are just going to have to push OSHA on.

The Imperial Sugar explosion, of course, was a very tragic accident, of which Mr. BARROW and I were involved in it. I actually was there the night that it happened and he and I went there for several days afterwards to look at the damage. I met with many of the families. It's a very sad thing. Sometimes in a situation like that it's hard to be objective in terms of what to support and what not to support, or what to change, especially since we don't know the exact cause of the accident; if any of the existing standards, for example, were violated, if a new standard would have prevented it, or if this is going to boil down to housekeeping, in which there would already be a violation and something a new standard or an old standard cannot address because the employer did not do what the employer is supposed to do, which would be to keep the workplace clean.

I share the goal of comprehensive worker safety, but sometimes the history of legislating it shows that if we move too quickly, then you might not get the goal that you want to do. Throughout its history, OSHA standards set in process has been governed by the Administrative Procedures Act. This generally requires a Federal agency to develop and draft proposed regulations, issue proposed rules and regulations in a transparent process that allows for comment and input from the stakeholders and incorporate any appropriate stakeholders' comments in the publication of the final rule.

The bill was improved greatly with the Woolsey substitute. That substitute moved more of the capital and equipment-intensive mandates to the final rule rather than the interim rule, including engineering, administration, workplace practices. It also moved the reference to the NFPA, the National Fire Protection Act, from the interim to the final rule, and making the language more flexible. Those were very good improvements. Lastly, it required that the 18-month final rule be made under the normal rule making process.

Now I understand that the chairman may offer further improvements during the floor debate tonight that may include making engineering controls required under the interim standard effective 6 months after the issuance of the interim rather than 30 days under the base bill in clarifying that the standard must be promulgated in accordance with normal OSHA rulemaking procedure including that that provides for the review of small businesses.

I think that that might a good step because the more input you get from the business community, the labor community, and the users, I think the better. That's why I offered an amendment that would have said that we should consider if there will be any job loss because of these rules or because of the interim rules. I was very disappointed that the Rules Committee did not allow my amendment to be considered on the floor because I think it would have been very helpful and something that certainly would have given bipartisan support to it.

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One thing I also want to point out, OSHA can actually make rules themselves. The Assistant Secretary, Mr. Foulke, has stated, "We have not ruled out the possibility of doing rulemaking, and that is an option for us still. But we are just trying to collect the data through the National Emphasis Program where we look at sites and determine do our standards actually cover what we need to cover? Or are there some holes in the coverage that we may need to address, and would a comprehensive standard address that."

So we need to remember that if this bill gets bogged down somewhere along the line, that OSHA itself probably will come out with some sort of rule modification which could be helpful.

We have talked about the grain standard being a good standard.

The CHAIRMAN. The gentleman from Georgia's time has expired.

Mr. McKEON. I yield the gentleman 1 additional minute.

Mr. KINGSTON. The leadership of the committee has said that the grain standard works fairly well. But I want to point out that this took 7 years, so maybe the reason the grain standard is working so well is that it took a long time and lots of input to pass. I would hope that we could take the lessons of the grain standard and not have to wait anywhere near 7 years, but say, hey, that will has already been invented. Let's apply what we found on the grain standard to this. I am hoping that the chairman's amendment addresses some of those things, but I am also confident that the Senate is going to do it as well.

Let me close by saying I believe under these circumstances that the committee has done a good job. I think there has been some solid input from the minority, and the majority has been listening. I do plan to support the bill, but I do think we have a lot more that we could do to improve it.

Ms. CORRINE BROWN of Florida. Madam Chairman, I rise in support of H.R. 5522, the Worker Protection Against Combustible Dust Explosion and Fire Act of 2008. This bill would require the U.S. Occupational Safety and Health Administration, OSHA, to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode.

Opponents of this bill claim that OSHA has enough existing standard and education materials to protect workers. However, I would strongly argue that the absence of clear OSHA standards puts thousands of American workers and innocent bystanders at risk from workplace hazards. Unfortunately, I have an example to back up my statement.

On December 19, 2007 there was a chemical explosion at the T2 Laboratories in Jacksonville, Florida. According to the U.S. Chemical Safety Board, CSB, this explosion was one of the worse chemical accidents in their 10-year history. Unfortunately, this isn't an isolated incident. A year earlier, there was another explosion in Daytona Beach at the Bethune Point Wastewater Plant. These two incidents demonstrate a critical need for stronger OSHA regulations.

In 2002, following a series of fatal explosions and a large number of deaths and injuries caused by runaway chemical reactions, the CSB issued a report concluding that reactive incidents are "a significant chemical safety problem" and that OSHA's Process Safety Management Standard, PSM standard, has "significant gaps in coverage of reactive hazards." The study identified 167 serious reactive chemical accidents resulting in 108 fatalities in the U.S. over a 20 year period. The CSB therefore recommended that OSHA amend the PSM standard to better control reactive chemical hazards.

Reactive hazards rulemaking had been on OSHA's agenda during the Clinton administration as a result of a number of fatalities and a labor union petition, but the Bush administration removed it from the regulatory agenda.

OSHA's mission is to ensure employee safety and health and as OSHA is watching the progress of H.R. 5522, I ask that they review the 2002 recommendations by the Chemical Safety Board and revise the Process Safety Management standards to prevent further workplace accidents.

Mr. GENE GREEN of Texas. Madam Chairman, I rise in strong support of this bill to improve worker protections.

The Combustible Dust Explosion and Fire Prevention Act would force the U.S. Occupational Safety and Health Administration to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode.

While OSHA already has the authority to issue such a rule without Congress passing new legislation, the agency has failed to act despite the fact that the dangers of combustible dust have been well known for years.

In 2006, following a series of fatal combustible dust explosions, the U.S. Chemical Safety Board conducted a major study of combustible dust hazards.

It identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers, injured 718 others, and extensively damaged industrial facilities.

Time and time again we have seen this administration fail to take necessary actions to protect workers, and without action by Congress, it appears OSHA has no plans to act on combustible dust regulation.

As recently as February of this year, we saw the tragedy that can be caused by combustible dust explosions. The combustible dust explosion at the Imperial Sugar Company in Port Wentworth, Georgia, was a senseless tragedy that, like similar incidents, could have been prevented with OSHA regulation and oversight.

The bill has three main components. First, it directs OSHA to issue interim rules on combustible dust within 90 days. Second, it directs OSHA to issue final rules within 18 months. The rules would be based on effective voluntary standards devised by the National Fire Protection Association, a nonprofit organization, and in addition to items required in the interim rules, would include requirements for building design and explosion protection. Lastly, it directs OSHA to revise the Hazard Communication Standard to include combustible dusts.

Madam Chairman, I urge my colleague to join me in supporting this resolution to make sure OSHA takes necessary actions to protect workers.

Mr. BACA. Madam Chairman, I rise today to speak in support of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act of 2008.

H.R. 5522 would direct OSHA to improve engineering controls, and worker training.

OSHA would be directed to issue a final standard to include requirements for building design and explosion protection within 18 months; and to include combustible dusts in the Hazardous Communication Standard.

This bill reduces workplace hazards; Workers have a right to work in a safe environment with trustworthy safety standards;

Workers should not have to fear dust explosions or resultant fires;

In February, 6 people died and 42 were injured when sugar dust exploded in a silo at Imperial Sugar Company's largest refinery in Savannah, Georgia.

Families should not have to worry that their loved one will not return home due to a dust explosion.

OSHA must immediately protect workers in these plants.

I urge your support of H.R. 5522.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in strong support of H.R. 5522, requiring the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes. I would like to thank my distinguished colleague from California, Chairman of the Committee on Education and Labor, Representative GEORGE MILLER for his leadership on this important issue.

The Worker Protection Against Combustible Dust Explosion and Fire Act requires the U.S. Occupational Safety and Health Administration, OSHA, to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode. There are numerous occasions in recent history where combustible dust levels have resulted in explosions, killing and injuring numerous workers. On February 7, 2008, the Imperial Sugar refinery in Port Wentworth, Georgia, exploded, killing 13 workers and seriously injuring more than 60 others in a combustible dust explosion. The tragedy at Imperial Sugar shows that the threat of dust explosions is very real at industrial worksites across America and needs to be addressed immediately.

In 2003, there were a total of 3 catastrophic dust explosions that resulted in the death of 14 workers. These explosions prompted the Chemical Safety and Hazard Investigation Board, CSB, to issue a report in November 2006, identifying 281 conbustible dust incidents between 1980 and 2005 that resulted in the death of 119 workers and injured 718. The Chemical Safety and Hazard Investigation Board concluded their report finding, "combustible dust explosions are a serious hazard in American industry." Since 2001, in case after case and industry after industry,

Since 2001, in case after case and industry after industry, OSHA has chosen to emphasize voluntary compliance over setting strong rules and enforcing them. Effective voluntary guidelines to control combustible dust hazards and prevent dust explosions already exist. But in order to truly protect workers, OSHA needs an enforceable standard in order to ensure industry compliance and to protect workers. Without an OSHA standard, many employers are unaware of the hazards of combustible dusts, while others have chosen not to adopt voluntary standards.

This important act directs OSHA to issue an interim final Combustible Dust standard within 90 days. The standard would include measures to minimize hazards associated with combustible dust through improved housekeeping, engineering controls, worker training and a written combustible dust safety program. This legislation also directs OSHA to issue a final standard within 18 months and fulfill all administrative rulemaking requirements including full public hearings, feasibility analysis and small business review. Lastly, H.R. 5522 directs OSHA to include combustible dusts in the Hazard Communication Standard which requires workers to receive information and training about the hazards they face on their jobs daily.

In addition, I would like to have seen companies submit certifications showing that they are in compliance of these sets of standards. This recommendation would ensure that companies follow the criteria outlined within this bill by certifying compliance. Also, the Secretary of Labor should do continuous inspections during the initial months of enactment, to ensure companies are in compliance.

Madam Chairman, this important legislation requiring the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, is necessary in order to protect Americans across the Nation. This important Act will help to prevent further accidents from occurring within the workplace. For these reasons, I strongly support H.R. 5522 and urge all members to do the same.

Mr. HARE. Madam Chairman, I rise today in strong support of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act and commend Chairman GEORGE MILLER for his tireless efforts on behalf of America's workers.

Our Nation was horrified by news of the February 7 explosion at the Imperial Sugar Refinery in Port Wentworth, GA. I think we were even more stunned by the fact that it was caused by "combustible dust." Although, combustible dust explosions are well documented by the Chemical Safety Board, most employers, workers and the general public are not aware that accumulated dust can cause such destruction. Therefore, it comes as no surprise that not enough is being done to keep workplaces clean and safe from this hazard.

During a March 12, 2008, hearing in the Education and Labor Committee, the Occupational Safety and Health Administration, OSHA, Assistant Secretary, Edwin Foulke testified that OSHA has established a housekeeping and ventilation standard, as well as developed programs to address combustible dust hazards. While I appreciate these efforts, frankly they are not enough.

For one, the housekeeping standard is too vague to be useful, and secondly, these measures are "voluntary." When regulations are voluntary, people do not follow them. In my experience as the former President of UNITE HERE Local 617, most employers do not address hazards if doing so interferes with their bottom line or costs time and money.

At this same hearing, witnesses also testified that absent a comprehensive OSHA standard for combustible dust, no one can be confident that dust hazards will be cited and corrected prior to the occurrence of additional accidents.

In fact, the Chemical Safety Board ruled that in addition to the Imperial Sugar incident, several other recent refinery explosions in North Carolina, Kentucky and Indiana could have been prevented if the facilities had complied with the safety and engineering practices contained in National Fire Protection Association standard 484 and 654.

I have often said in this House how frustrated I am that we wait for an emergency to occur before reacting, rather than working to prevent it in the first place. We tend to pass laws, establish regulations and mitigate hazards after disasters and fatalities have occurred.

Today, by passing the Combustible Dust Explosion and Fire Prevention Act, we take a proactive step to protect workers rather than waiting for even one more injury.

Specifically, this bill directs OSHA to issue an interim final combustible dust standard within 90 days. The standard would include measures to minimize hazards associated with combustible dust through improved housekeeping, engineering controls, worker training and a written combustible dust safety program. OSHA would then be required to issue a final standard within eighteen months. In addition to items required in the interim standard, the final standard would include requirements for building design and explosion protection. Finally, OSHA would have to include combustible dusts in the Hazard Communication Standard which requires workers to receive information and training about the hazards they face.

Again, I thank Chairman MILLER and the committee staff for their hard work on this legislation and urge all my colleagues to vote "yes" on final passage.

Ms. MCCOLLUM of Minnesota. Madam Chairman, I rise today in strong support of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act. This legislation would require the U.S. Occupational Safety and Health Administration (OSHA) to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode.

Working families are the backbone of Minnesota and our Nation, and it is critical that all Americans to have a safe and healthy workplace. Unfortunately, due to the Bush Administration's failure in leaving worker safety in the hands of industry, OSHA has issued only one major safety standard, the fewest in its history, and killed and delayed dozens of existing and proposed regulations since President Bush took office. In 2005, over 5,700 workers were killed on the job and another 4.2 million workers were injured. It is clear that there is still a need for greater workplace protections.

A tragic example of this need occurred in early February when the Imperial Sugar refinery in Savannah, Georgia, exploded, killing thirteen people and injuring many others.

When dust builds up to dangerous levels in industrial worksites, it can become fuel for fires and explosions. Combustible dust can come from many sources, such as sugar, wood, furniture, textiles, and metals, and therefore poses a risk across a number of different industries throughout the United States. There have been 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured several others. Despite this, OSHA has failed to act to provide the necessary safety regulations.

The Combustible Dust Explosion and Fire Prevention Act (H.R. 5522) recognizes the serious hazard presented by combustible dust in American industry, and requires OSHA to issue rules regulating combustible industrial dusts. This bill sets a timeline for OSHA to respond, and requires workers to receive information and training about the hazards of combustible dusts. OSHA has known about these dangers for years, but has failed to act. Since 2001, in case after case and industry after industry, OSHA has chosen to emphasize voluntary compliance over setting strong rules and enforcing them.

Workers cannot be asked to wait any longer for these basic worker protections. The tragedy at Imperial Sugar shows that the threat of dust explosions is very real at industrial worksites across America and needs to be addressed immediately. Methods to control combustible dust hazards are well known. However, as we have tragically seen, voluntary standards are not enough. Without an OSHA standard, many employers are unaware of the hazards of combustible dusts, while others have chosen not to adopt voluntary standards.

It is time for Congress to take action to protect American workers, because OSHA did not. I urge my colleagues to join me in supporting the Combustible Dust Explosion and Fire Prevention Act to save American workers from harm.

Mr. McKEON. Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combustible Dust Explosion and Fire Prevention Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) An emergency exists concerning worker exposure to combustible dust explosions and fires.

(2) 13 workers were killed and more than 60 seriously injured in a catastrophic combustible dust explosion at Imperial Sugar in Port Wentworth, Georgia on February 7, 2008.

(3) Following 3 catastrophic dust explosions that killed 14 workers in 2003, the Chemical Safety and Hazard Investigation Board (CSB) issued a report in November 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured 718. The CSB concluded that "combustible dust explosions are a serious hazard in American industry".

(4) A quarter of the explosions occurred at food industry facilities, including sugar plants. Seventy additional combustible dust explosions have occurred since 2005.

(5) Material Safety Data Sheets (MSDSs) often do not adequately address the hazards of combustible dusts, and the OSHA Hazard Communication Standard (HCS) inadequately addresses dust explosion hazards and fails to ensure that safe work practices and guidance documents are included in MSDSs.

(6) The CSB recommended that OSHA issue a standard designed to prevent combustible dust fires and explosions in general industry, based on current National Fire Protection Association (NFPA) dust explosion standards.

(7) The CSB also recommended that OSHA revise the Hazard Communication Standard (HCS) (1910.1200) to clarify that combustible dusts are covered and that Material Safety Data Sheets contain information about the hazards and physical properties of combustible dusts.

(8) OSHA has not initiated rulemaking in response to the CSB's recommendation.

(9) OSHA issued a grain handling facilities standard (29 C.F.R. 1910.272), in 1987 that has proven highly effective in reducing the risk of combustible grain dust explosions, according to an OSHA evaluation.

(10) No Occupational Safety and Health Administration standard comprehensively addresses combustible dust explosion hazards in general industry.

(11) Voluntary National Fire Protection Association standards exist which, when implemented, effectively reduce the likelihood and impact of combustible dust explosions.

SEC. 3. ISSUANCE OF STANDARD ON COMBUSTIBLE DUST.

(a) INTERIM STANDARD.—

(1) APPLICATION AND RULEMAKING.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an interim final standard regulating combustible dusts. The interim final standard shall, at a minimum, apply to manufacturing, processing, blending, conveying, repackaging, and handling of combustible particulate solids and their dusts, including organic dusts (such as sugar, candy, paper, soap, and dried blood), plastics, sulfur, wood, rubber, furniture, textiles, pesticides, pharmaceuticals, fibers, dyes, coal, metals (such as aluminum, chromium, iron, magnesium, and zinc), fossil fuels, and others determined by the Secretary, but shall not apply to processes already covered by OSHA's standard on grain facilities (29 C.F.R. 1910.272).

(2) REQUIREMENTS.—The interim final standard required under this subsection shall include the following:

(A) Requirements for hazard assessment to identify, evaluate, and control combustible dust hazards.

(B) Requirements for a written program that includes provisions for hazardous dust inspection, testing, hot work, ignition control, and housekeeping, including the frequency and method or methods used to minimize accumulations of combustible dust on ledges, floors, equipment, and other exposed surfaces.

(C) Requirements for engineering, administrative controls, and operating procedures, such as means to control fugitive dust emissions and ignition sources, the safe use and maintenance of dust producing and dust collection systems and filters, minimizing horizontal surfaces where dust can accumulate, and sealing of areas inaccessible to housekeeping.

(D) Requirements for housekeeping to prevent accumulation of combustible dust in places of employment in such depths that it can present explosion, deflagration, or other fire hazards, including safe methods of dust removal.

(E) Requirements for employee participation in hazard assessment, development of and compliance with the written program, and other elements of hazard management.

(F) Requirements to provide written safety and health information and annual training to employees, including housekeeping procedures, hot work procedures, preventive maintenance procedures, common ignition sources, and lock-out, tag-out procedures.

(3) PROCEDURE.—The requirements in this subsection shall take effect without regard to the procedural requirements applicable to regulations promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) or the procedural requirements of chapter 5 of title 5, United States Code.

(4) EFFECTIVE DATE OF INTERIM STANDARD.—The interim final standard shall take effect 30 days after issuance. The interim final standard shall have the legal effect of an occupational safety and health standard, and shall apply until a final standard becomes effective under section 6 of the Occupational Safety and Health Act (29 U.S.C. 655).

(b) FINAL STANDARD.—

(1) RULEMAKING.—Not later than 18 months after the date of enactment of this Act, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), promulgate a final standard regulating combustible dust explosions.

(2) REQUIREMENTS.—The final standard required under this subsection shall include the following:

(A) The scope described in subsection (a)(1).

(B) The worker protection provisions in subsection (a)(2).

(C) Requirements for managing change of dust producing materials, technology, equipment, staffing, and procedures.

(D) Requirements for building design such as explosion venting, ducting, and sprinklers.

(E) Requirements for explosion protection, including separation and segregation of the hazard.

(F) Relevant and appropriate provisions of National Fire Protection Association combustible dust standards, including the "Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids" (NFPA 654), "Standard for Combustible Metals" (NFPA 484), and "Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities" (NFPA 61).

SEC. 4. REVISION OF THE HAZARD COMMUNICATION STANDARD.

(a) REVISION REQUIRED.—Notwithstanding any other provision of law, not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall revise the hazard communication standard in section 1910.1200 of title 29, Code of Federal Regulations, by amending the definition of "physical hazard" in subsection (c) of such section to include "a combustible dust" as an additional example of such a hazard.

(b) EFFECT OF MODIFICATIONS.—The modification under this section shall be in force until superseded in whole or in part by regulations promulgated by the Secretary of Labor under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and shall be enforced in the same manner and to the same extent as any rule or regulation promulgated under section 6(b).

(c) EFFECTIVE DATE.—The modification to the hazard communication standard required shall take effect within 30 days after the publication of the revised rule.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 110-613. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–613.

Mr. GEORGE MILLER of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Page 2, beginning on line 4, strike "Combustible Dust" and all that follows through "Act" on line 5, and insert "Worker Protection Against Combustible Dust Explosions and Fires Act".

Page 5, line 22, insert "controls (which requirements shall be effective 6 months after the date on which the interim standard is issued)" after "engineering".

Page 7, line 4, strike "The" and insert "Except as specified in paragraph (2)(C) with regards to engineering controls, the".

Page 8, beginning on line 8, strike ", including" and all that follows through line 15 and insert a period.

Page 8, after line 15, insert the following:

(3) PROCEDURE.—The final standard required by this subsection shall be promulgated in accordance with the procedural requirements for rulemaking under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and under title 5, United States Code, including the requirements relating to small businesses in chapter 6 of such title.

The CHAIRMAN. Pursuant to House Resolution 1157, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 4 minutes.

This manager's amendment is offered because during the drafting and the refining of this bill we have had numerous extensive conversations with OSHA, with its technical staff and with affected industry associations about problematic issues. Our goal is to save workers lives, but also make these OSHA standards workable for businesses who need to implement them. To that end, the manager's amendment makes four adjustments to the bill:

One, several industry associations were concerned that the short 1-month effective date on the interim standards was too short to make some of the capital improvements that may be needed for engineering controls. The manager's amendment therefore provides for engineering controls required by the interim standards shall be effective 6 months after the issuance of the standard, rather than 30 days.

Because emphasizing specific National Fire Protection Association standards was seen as putting more emphasis on some than on others that were not mentioned, the manager's amendment maintains the provisions that OSHA shall include appropriate and relevant National Fire Protection Association standards in its final standards, but eliminates reference to specific National Fire Protection Association standards.

Then, because we want to make perfectly clear that OSHA is expected to conduct a full review of small business impacts of this standard, the manager's amendment clarifies that the final standard shall be conducted in accordance with the usual rulemaking procedural requirements, including those that provide for a small business review.

Finally, it changes the title to "The Worker Protection Against Combustible Dust Explosions and Fires Act."

I would encourage all of my colleagues to support the manager's amendment.

I reserve the balance of my time.

Mr. McKEON. Madam Chairman, I claim the time in opposition to the bill, although I do not expect to oppose it.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Madam Chairman, although the changes in this amendment are modest, they are a step in the right direction. Unfortunately, they simply do not go far enough.

Specifically, this amendment includes a cosmetic change to the requirement that OSHA include National Fire Protection Association standards among its new mandates. As Chairman MILLER knows, the NFPA standards are voluntary guidelines that offer a far more complex, stringent protocol that may be adopted in whole or in part by industry participants. These guidelines play an important role as voluntary practices that can enhance safety efforts, but they are entirely inappropriate as a replacement for effective OSHA rulemaking.

So while I appreciate that this amendment removes a direct mandate for a specific NFPA standard, I remain deeply concerned that the amendment retains the requirement that OSHA include relevant and appropriate NFPA standards in the final rule. I fear that this may be a distinction without a difference.

The amendment includes other modest improvements, including a more reasonable time frame for implementation of the engineering controls in the interim standard. It also clarifies that the final rule would be developed under more normal and inclusive procedures. Both of these steps improve the underlying bill, but because they fail to fully address concerns about the bill's abbreviated timeline, they are half measures at best.

However, I do appreciate the gentleman's efforts, and I will support the amendment.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–613.

Mr. WILSON of South Carolina. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WILSON of South Carolina:

Strike all after the enacting clause and insert the following:

SECTION 1. INVESTIGATION ON COMBUSTIBLE DUST AND DETERMINATION OF ADDITIONAL ACTION.

(a) DETERMINATION BY THE SECRETARY.—Upon completion of the Department of Labor's investigation of the accident that occurred at Imperial Sugar in Port Wentworth, Georgia on February 7, 2008, and based on the data gathered from the Combustible Dust National Emphasis Program, the Secretary of Labor shall determine—

(1) if the safety standards that are in effect as of the date of enactment of this Act do not adequately address the issue of combustible dust; and

(2) whether an occupational safety and health standard regarding combustible dust is necessary.

(b) RULEMAKING OR REPORT TO CONGRESS.—If the Secretary determines that an occupational safety and health standard regarding combustible dust is necessary, the Secretary shall promulgate a rule pursuant to section 6(b) of the Occupational Safety and Health Act (29 U.S.C. 655(b)) not later than 36 months after the completion of the investigation described in subsection (a). If the Secretary determines that such a standard is not necessary, the Secretary, not later than 6 months after making such a determination, shall transmit a report to Congress that specifically addresses the Secretary's reasons for determining that a combustible dust standard is unnecessary.

The CHAIRMAN. Pursuant to House Resolution 1157, the gentleman from South Carolina (Mr. WILSON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. WILSON of South Carolina. Madam Chairman, I yield myself such time as I may consume.

While I share the majority's commitment to ensuring workplace safety, I believe the underlying bill fails to provide for the most effective means to ensure that safety.

Currently, there are several initiatives concerning dust under way at the Occupational Safety and Health Administration, OSHA. Since October, the agency has implemented a combustible dust National Emphasis Program. This agency has sent high hazard alert letters to over 30,000 businesses emphasizing the need to prevent dust from accumulating.

Most importantly, OSHA is in the midst of the investigation of the February disaster at the Imperial Sugar refinery. The Imperial Sugar refinery in Georgia is located in a community adjacent to the Second Congressional District of South Carolina, which I have the honor to represent.

Instead of undermining the progress of existing combustible dust safety efforts, this substitute requires the Department of Labor to gather all necessary information about the Imperial refinery explosion specifically, as well as the broader dust hazard being examined through the National Emphasis Program. Once that information has been gathered and analyzed, the Secretary of Labor will be able to determine whether and what type of combustible dust standard is necessary.

Should the Secretary determine that existing safety requirements can effectively protect against the combustible dust hazard, the Secretary will be required to report to Congress as to why no new regulatory framework is necessary. But if the National Emphasis Program and the results of the Imperial refinery investigation show that additional guidance and regulation are needed, this substitute requires OSHA to complete a rigorous regulatory process that includes all relevant stakeholders within a fixed time frame.

Our amendment will allow for the regulation to be completed expeditiously and thoroughly without circumventing the Occupational Safety and Health Act, the Regulatory Flexibility Act, the Administrative Procedures Act and other laws and regulations that ensure effective Federal regulations.

We have heard concerns from OSHA that the underlying bill will be difficult to comply with and difficult to enforce. This leaves workers at risk. I have trust in my constituent, Monty Felix of Sandy Run, South Carolina, who is the National President of the American Composites Manufacturers Association, to promote safety. We need the expertise of successful manufacturers.

Our goal today should be to move forward with the most effective strategy to ensure a safe workplace. I believe this substitute achieves that goal, and I urge my colleagues to vote in favor of this substitute.

I yield at this time to the ranking member from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding and I am pleased to lend my support to this amendment.

As Representative WILSON has made clear, this amendment will ensure OSHA takes the necessary steps to protect workers against the hazards of combustible dust. It demands an aggressive investigation into the Imperial Sugar refinery, it requires that OSHA utilize the findings of its National Emphasis Program on dust hazards, and it calls for a comprehensive, inclusive and effective standard to be established if it becomes clear that existing safeguards are not protecting workers.

The amendment fulfills our shared commitment to workplace safety, and it does so without undermining the credibility of the rulemaking process. I urge its adoption.

Mr. WILSON of South Carolina. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Madam Chairman, this amendment is an attempt to gut this legislation. This amendment would have OSHA not only wait for the outcome of the Imperial Sugar investigation, but also from findings from the combustible dust National Emphasis Program before deciding on whether or not to move forward. The National Emphasis Program could go on for years before there are findings. In fact, at the end of the day, OSHA could decide to do nothing.

To do nothing has turned out to be very expensive for the American workers in those workplaces where there is combustible dust. The track record is horrible with respect to OSHA preventing these dust explosions from taking place. That is the reason that prior to the most recent explosion that Mr. BARROW and I are trying to address, prior to that, the Chemical Safety Board made a recommendation to OSHA that they should promulgate these enforceable regulations, because there are no enforceable regulations with respect to dust currently in effect, except for what we did years ago in the grain industry.

□ 1730

Except for what we did years ago in the grain industry, and that dramatically reduced the number of incidents that took place. So to adopt the Wilson amendment is to adopt a position to do nothing, and to take an agency that has chosen time and again to do nothing in this field that any way provides for enforceable regulations of this most dangerous material when the workplace is not properly maintained and preventible actions are taken. That is just not acceptable. That is not acceptable in the name of the workers who died in the Port Wentworth plant. It is unacceptable to the workers who died earlier from the explosions.

OSHA has refused to act. They have not acted on a single standard in the entire last 8 years unless they were prodded by the Congress or the courts. So to now say that you are going to take the lives of American workers and you are going to give those lives again back to OSHA, where they have not seen any hazard, they have not seen any danger in spite of the explosions is just the height of irresponsibility by this Congress. And I would hope that the Congress would overwhelmingly reject this amendment that allows OSHA to continue the status quo that allows OSHA to continue its irresponsible position.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Chairman, I submit for the RECORD a letter dated April 29, 2008, from the OSHA Fairness Coalition, which is two dozen industry associations, relative to this issue.

OSHA FAIRNESS COALITION,
April 29, 2008.

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES

We write to express our strong opposition to the Combustible Dust Explosion and Fire Prevention Act of 2008, H.R. 5522 which will be considered on the House floor this week. While we were saddened to see the accounts of the explosion at the Imperial Sugar plant near Savannah, Georgia we do not believe this bill, as it was approved by the Education and Labor Committee, is an appropriate response to that tragedy or the hazards of combustible dust and urge you to oppose this bill.

While H.R. 5522 was improved in committee, we are still troubled by its mandate that OSHA promulgate an interim final regulation (IFR) within 90 days without any of the normal rulemaking procedures associated with OSHA rulemaking. The IFR would therefore be issued without any opportunity for comments by those subject to it, nor would OSHA perform any analyses such as those for significant risk, economic and technological feasibility, and small business impact, among others. The bill would then require that within 18 months OSHA promulgate a final standard that would carry forward all of the requirements of the IFR and add others mandating engineering, administrative, and work practice controls. The final standard would also have to incorporate provisions from various voluntary consensus standards issued by the National Fire Protection Association (NFPA). Further refinements from the Chairman that may be accepted on the floor do not alter the requirement for an IFR with none of the normal OSHA rulemaking protections.

We object to the short circuiting of the normal rulemaking process that this bill would impose. Normal OSHA rulemaking allows the agency to produce the most feasible, narrowly tailored regulation, which in turn maximizes the chances for implementation and compliance. Abandoning these procedures is a prescription for an ineffective regulation which will not produce safer workplaces. Indeed, even the Chemical Safety Board report referenced in this bill recommends that OSHA conduct a full rulemaking, and makes no mention of an IFR.

Additionally, instructing OSHA to incorporate provisions from voluntary consensus standards issued by the NFPA may sound like a good way to expedite rulemaking on this issue, but doing so is inappropriate. The process for producing these consensus standards is not at all like the process which OSHA undertakes to produce a regulation. There is no opportunity for the general public to examine and comment on these consensus standards. Nor are these standards subject to any of the critical reviews regarding quality of data, feasibility, and impact that OSHA regulations must undergo. The consensus process, which produces these standards, leaves significant terms and requirements intentionally vague and ambiguous so that different groups and interests will endorse these standards. But this also makes these standards unsuitable for becoming a mandatory OSHA regulation. Furthermore, none of the NFPA standards are fully available to the public without charge. While the NFPA has put them on their website for reading access, to print them, and therefore have them available for use, requires paying NFPA a fee. We object to giving NFPA such a windfall revenue stream.

The hazard of combustible dust is an issue which is already covered by numerous OSHA regulations, in addition to a wide array of private sector information. OSHA has responded in the wake of the Imperial Sugar explosion in various ways that will help employers become more knowledgeable about this hazard including reissuing a Safety and Health Information Bulletin, and reissuing a National Emphasis Program and targeting companies that may have combustible dust hazards in a way that will combine greater information with greater inspection and enforcement activity. The investigation of the tragedy at the Imperial Sugar plant has yet to determine that a lack of regulatory guidance contributed to the explosion and there is no evidence that a new OSHA standard would have prevented that tragedy, particularly if that regulation is produced in the manner specified in H.R. 5522. Providing employers with useful, practical information on how to avoid a hazard will always be more effective in preventing such disasters than issuing a new regulation which will only serve as a means for enforcement after the fact.

H.R. 5522 would produce a flawed regulation by discarding normal OSHA rulemaking procedures and because of this, we urge you to oppose the Combustible Dust Explosion and Fire Prevention Act of 2008, H.R. 5522.

Sincerely,

American Bakers Association.
American Composites Manufacturers Association.
American Forest & Paper Association.
American Foundry Society.
Associated Builders and Contractors.
Associated General Contractors.
Building Owners and Managers Association International.
Independent Electrical Contractors, Inc.
Mason Contractors Association.
National Association of Home Builders.
National Association of Manufacturers.
National Association of Wholesaler-Distributors.
National Automobile Dealers Association.
National Federation of Independent Business.
National Marine Manufacturers Association.
National Mining Association.
National Paint and Coatings Association.
National Roofing Contractors Association.
Plumbing Heating Cooling Contractors National Association.
Printing Industries of America.
Retail Industry Leaders Association.
Textile Rental Services Association of America.
The Industrial Minerals Association—North America.
The National Industrial Sand Association.
The National Oilseed Processors Association.
The Society of the Plastics Industry, Inc.
U.S. Chamber of Commerce.

Additionally, I would like to bring the attention of our Members to the first and last paragraphs of that letter:

This coalition writes to express their strong opposition to the Combustible Dust Explosion and Fire Prevention Act of 2008, H.R. 5522, which will be considered on the House floor this week. While we were saddened to see the accounts of the explosion at the Imperial Sugar plant near Savannah, Georgia, we do not believe this bill, as was approved by the Education and Labor Committee, is an appropriate response to that tragedy or the hazards of combustible dust, and urge you to oppose the bill.

It concludes with the statement:

H.R. 5522 would produce a flawed regulation by discarding normal OSHA rulemaking procedures. And, because of this, we urge you to oppose the Combustible Dust Explosion and Fire Prevention Act of 2008, which is H.R. 5522.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the gentleman for yielding.

I understand the appeal that the amendment has. I can appreciate its superficial appeal and what I think it is getting at. But the notion that we have to finish everything before we do anything is a formula to do nothing.

With the National Emphasis Program and everything that is going on right now at OSHA, it is perfectly obvious that the current folks who have got OSHA under their control can cram more activity into less action than anybody I know or any agency I know.

The time for us to take into consideration and to follow all leads and to learn as much as we can will always be with us, but the time to act is now. This is the time to take the actions and begin the process of fixing what's broke with the regulatory system at OSHA.

Mr. GEORGE MILLER of California. I thank the gentleman. I think the gentleman has the right to close on his amendment.

Could the Chair advise me of the time I have remaining.

The CHAIRMAN. The gentleman from California has 12½ minutes remaining.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

I would just note that a significant number of the signatories to the letter that was referred to by my colleague on the other side of the aisle really have little or nothing to do with these standards or are impacted by them. And this is the same coalition that continues to call for no action with respect to actions by OSHA, and it is that approach to the protection of American workers and to the safety of those workers that has led to the tragedy that we witnessed at the Imperial Sugar facility. And, clearly, these are accidents that we know are preventable, that we know we can dramatically reduce because we have the experience from the grain dust standards.

This legislation is designed to be workable. It was worked, as I pointed out, with numerous conversations with the technical staff of OSHA, with the affected industries and the trade associations that are involved with this.

I would note that the National Fire Protection Association, when we tell OSHA that they should select the ones that are relevant to the standards and the ones that are meaningful to this effort, we are talking about standards in which a consensus has been arrived at within the industries. These are consensus regulations that are put out there, but they are not required. And we think that in our discussions again with the OSHA staff and with the associations this is a good place to start because of the consensus. There may have to be additions and subtractions, and that is within the discretion of OSHA during the process that is anticipated under this legislation.

So I would hope that we would reject this amendment by Mr. WILSON and that we would pass the underlying bill.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Chairman, indeed, I would like to commend Chairman MILLER and Congressman BARROW. I know that the intent is very positive to address a terrible tragedy that occurred in February at Port Wentworth with the Imperial refinery explosion.

I do want to point out that it has been stated that we do not have sufficient regulations relative to combustible dust, but that there are 17 standards addressing combustible dust which do apply, and would submit these for the RECORD.

APPENDIX A. STANDARDS ADDRESSING COMBUSTIBLE DUST

1910.272 Grain Handling.

1910.94 Ventilation Standard.

1910.22 Housekeeping.

1910.176 Housekeeping violations in storage areas.

1910.269 Housekeeping violations at coal-handling operations.

1910.132 Personal Protective Equipment (PPE).

1910.119 Process Safety Management.

1910.307(b) Electrical Violations

1910.178 Powered Industrial Trucks.

1910.252 Welding, cutting, and brazing.

1910.145 Warning Sign.

1910.1200 Hazard communication violations.

Subpart E—Means of Egress 1910.33–37

1910–156–157 Fire protection violations.

F1910.263 Bakery equipment violations.

1910. 265 Sawmill violations.

1928 Agriculture. The only provisions discussed in this NEP which may be cited in connection with agricultural operations are the hazard communication standard (see 29 CFR 1928.21) and the general duty clause. Industries in SIC 0723, Crop Preparation Services for Market, Except Cotton Ginning, listed in Appendix D, are engaged in agricultural operations.

Additionally, it has been stated that combustible dust maybe doesn't apply to some of the associations that are referenced in the letter that I previously handed in. I would like to point out that in fact it may appear that way, but just a few minutes ago I just met with members of the National Association of Home Builders. I am still a dues-paying member of the Greater Columbia Home Builders Association. And as we were discussing this bill with members who were visiting in my office, they expressed concern that they felt like that this could be negative toward the home building industry. So, indeed, it doesn't appear sometimes that things apply, but they do even where you wouldn't expect it.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I would just say that the problem with home building is not explosions, it is implosions.

With that, I reserve the balance of my time.

Mr. WILSON of South Carolina. I would like to introduce appendix D, which are industries which may have combustible dust. And, indeed, Chairman MILLER and myself are learning that there is a broad array of industries, dozens of them, that could be impacted by combustible dust and I believe that we are actually helping by bringing this to the attention of the American people.

APPENDIX D—INDUSTRIES THAT MAY HAVE COMBUSTIBLE DUSTS

SICS	Industry	NAICS
0723	Crop Preparation Services for Market, Except Cotton Ginning.	115114, 115111
2052	Fresh cookies. crackers, pretzels, and similar "dry" bakery products.	311821
2062	Refining purchased raw cane sugar and sugar syrup.	311312
2087	Flavoring extracts, syrups, powders, and related products, not elsewhere classified.	311930
2099	Prepared foods and miscellaneous food specialties, not elsewhere classified..	311212
2221	Broadwoven Fabric Mills, Manmade Fiber and Silk.	313210
2262	Finishers of Broadwoven Fabrics of Manmade Fiber and Silk.	313311
2299	Textile Goods, Not Elsewhere Classified	31311
2421	Sawmills and Planning Mills, General	321113
2431	Millwork	321911
2434	Wood Kitchen Cabinets	33711
2439	Structural Wood Members, Not Elsewhere Classified.	321213, 321214
2452	Prefabricated Wood Buildings and Components.	321992
2493	Reconstituted Wood Products	321219
2499	Wood Products, Not Elsewhere Classified.	321920, 321219
2511	Wood Household Furniture, Except Upholstered.	337122
2591	Drapery Hardware and Window Blinds and Shades.	337920
2819	Industrial Inorganic Chemicals, Not Elsewhere Classified.	325188, 325998, 331311
2821	Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers.	325211
2823	Cellulosic Manmade Fibers	325221
2834	Pharmaceutical Preparations	325412
2841	Soap and Other Detergents, Except Specialty Cleaners.	325611
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products.	32551
2861	Gum and Wood Chemicals	325191
2899	Chemicals and Chemical Preparations, Not Elsewhere Classified.	325510, 325998
3011	Tires And Inner Tubes	326211
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods.	326291
3069	Fabricated Rubber Products, Not Elsewhere Classified.	326299
3081	Unsupported Plastics Film and Sheet	326113
3082	Unsupported Plastics Profile Shapes	326121
3086	Plastics Foam Products	326140, 326150
3087	Custom Compounding of Purchased Plastics Resins.	325991
3089	Plastics Products, Not Elsewhere Classified.	326199
3291	Abrasive Products	327910
3313	Alumina and Aluminum Production and Processing.	331312
3334	Primary Production of Aluminum	331312
3341	Secondary Smelting and Refining of Nonferrous Metals.	331314
3354	Aluminum Extruded Products	331316
3363	Aluminum Die-Castings	331521
3365	Aluminum Foundries	331524
3369	Nonferrous Foundries, Except Aluminum and Copper.	331528
3398	Metal Heat Treating	332811
3441	Metal Cans	332431
3469	Metal Stampings, Not Elsewhere Classified.	332116
3471	Electroplating, Plating, Polishing, Anodizing, and Coloring.	332813
3479	Coating, Engraving, and Allied Services, Not Elsewhere Classified.	332812
3496	Miscellaneous Fabricated Wire Products	332618
3499	Fabricated Metal Products, Not Elsewhere Classified.	332999
3548	Lighting Equipment, Not Elsewhere Classified.	335129
3644	Noncurrent-Carrying Wiring Devices	335932
3714	Motor Vehicle Parts and Accessories	336322
3761	Guided Missiles and Space Vehicles	336414
3799	Transportation Equipment, Not Elsewhere Classified.	333924
3995	Burial Caskets	339995
3999	Manufacturing Industries, Not Elsewhere Classified.	321999, 325998, 326199
4221	Farm product warehousing and storage	493130
4911	Electric Services Establishments engaged in the generation, transmission, and/or distribution of electric energy for sale.	221112
4952	Sanitary treatment facilities	221320
4953	Refuse Systems	562920
5093	Scrap and waste materials	423930
5162	Plastics materials and basic forms and shapes.	424610

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I would hope that people would vote against the Wilson amendment. The people who are truly impacted by combustible dust are the workers who have been killed in the past and the workers that will be killed and injured in the future if we do not have an enforceable standard. I appreciate you have 17 regulations and all these things that OSHA is yakking about now, after years of doing nothing. The fact of the matter is, according to the Chemical Safety Board, they are not enforceable standards with respect to dust.

I yield back the balance of my time.

Mr. WILSON of South Carolina. Madam Chairman, I do urge my colleagues to support the amendment. The amendment is really, I believe, quite simple. It provides for a sequence of investigation, development of regulations, and promoting safety in the workplace.

I urge a positive vote on the amendment this evening.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. WILSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILSON of South Carolina. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–613 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GEORGE MILLER of California.

Amendment No. 2 by Mr. WILSON of South Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 0, not voting 24, as follows:

[Roll No. 230]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Duncan
Forbes
Fortuño
Goodlatte
Higgins
Hill
Hoyer
Issa
Jones (OH)
Lee
Obey
Payne
Pence
Rush
Sánchez, Linda
T.
Wynn

☐ 1806

Mr. SESSIONS changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. WILSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 237, answered "present" 1, not voting 20, as follows:

[Roll No. 231]

AYES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boren
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Costa
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—237

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman

Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—20

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Duncan
Forbes
Fortuño
Goodlatte
Higgins
Hill
Issa
Jones (OH)
Payne
Pence
Rush
Wynn

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are less than 2 minutes remaining in this vote.

□ 1815

Ms. LINDA T. SÁNCHEZ of California changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BALDWIN) having assumed the chair, Mrs. CHRISTENSEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, pursuant to House Resolution 1157, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALBERG

Mr. WALBERG. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALBERG. Yes, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walberg moves to recommit the bill, H.R. 5522, to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill insert the following:

SEC. 5. EXEMPTION FOR GRAIN PENDING DETERMINATION OF IMPACT ON PRICES.

Neither the interim nor final standards required under this Act shall apply to any organic dust which is a food grain until the Secretary makes a determination that the application of such standard or standards will not increase the domestic price of such food grain.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Thank you, Madam Speaker.

This motion to recommit is simple and straightforward. It maintains our commitment to safety. And it does nothing—I repeat nothing—to prevent OSHA from developing a combustible dust safety standard.

This motion is simply a way for us to tell our constituents, the hardworking families who are struggling with the rising cost of living and an uncertain economy, that we're sensitive to their concerns; that we recognize that rising food costs, in particular, are a difficult burden to bear for many families; and that we know that in these difficult times, the very last thing we should be doing is driving up the cost of food for our children and our families.

The motion I have offered makes clear that the new mandates included in this bill will not be imposed on food grain production until we have determined that it will not cause an increase in prices at the grocery store.

During today's debate, we heard numerous objections to this bill, including its impact on the grain and feed industry that is so integral to food production and distribution in this country. I know that Members on both sides of the aisle have heard directly from the grain industry on this measure, and many of us have wondered how we can enhance worker safety without unnecessarily driving up food costs.

The answer, Madam Speaker, is to pass this motion to recommit.

By voting "yes" on this motion, OSHA will still be required to begin immediate development of a combustible dust standard. By voting "yes" on this motion, there will be no delay in implementation of these new rules for facilities that do not handle food grains. And lest anyone be concerned about the workers at facilities producing the grains we eat, if we pass this measure, these workers will continue to be protected as well under the same standard that has already produced a 60 percent reduction in grain facility explosions.

Feed, corn, and flour mills are already covered by existing OSHA grain-handling regulations. As a member of both the House Education and Labor Committee and Agriculture Committee, I understand that the food manufacturing industry is affected by combustible dust as much as any other industry.

Reregulating and duplicating existing Federal regulations on American family farmers and small rural businesses could seriously impact commodity prices and drive up the cost of everything from a loaf of bread to a gallon of gasoline.

I find it ironic that at the same time the leaders within the majority party are advocating for up to $300 million in additional spending for international food aid in the supplemental, these same folks are simultaneously considering legislation that could further drive up the price of food here at home.

My motion to recommit ensures we conduct a thorough economic analysis on the impact of H.R. 5522 on food prices. This MTR will ensure we do not unnecessarily cause irreparable harm to family farms, agricultural producers and American consumers by driving up the price of food because of another unintended consequence in the majority's continued rush to regulate first and ask questions later.

I urge my colleagues to vote "yes."

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker and Members of the

House, this is a very serious piece of legislation and a very important piece of legislation. The idea that we would delay this until some time that the Secretary of Labor could make some certification about its impact on food costs is really unacceptable.

Let's look at the record of the Secretary of Labor. Since January 1980 until 2006, there were 281 explosions in these kinds of facilities due to dust. Seven hundred eighteen people were injured and 119 died in those explosions. One hundred nineteen bread-winners were killed in those explosions. That's the result of a study from the Chemical Safety Board of whose members are all appointed by President George W. Bush, an independent agency that may be the gold standard in terms of independent review of accidents.

They then recommended that OSHA adopt dust standards. OSHA did nothing. Did nothing. No enforceable standards were adopted by that point. No enforceable standards at all. And then in February 2008, the Imperial Sugar plant exploded.

In the meantime, 67 explosions took place since the Chemical Safety Board recommended the standard. Five hundred seventy-five injuries and 14 deaths took place before OSHA did anything. And the Chemical Safety Board recommendations continue to say there are no enforceable standards with respect to dust. Not only does it devastate the lives of these individuals and their families and the community, it devastates the facility, a facility here that is key to the commerce of that area. So talk about an impact on price in a tight market when these facilities start pumping up.

The feed and grain people, they're under their own standards. And what is their analysis of that standard? That it drove technologies, it drove better design, and better productivity in their markets. That's their findings. They're not implicated in these standards. What happened there? Eight people were killed in the explosion, 20 were put into medically induced comas for a number of weeks, 5 of those died, and 3 are still in the hospital.

Since the Chemical Safety Board made its recommendation, there have been 67 explosions, and OSHA never found the urgency to protect these workers. Now to come along and to be so cynical as to suggest that if we could just keep killing the workers, the price of food will stay down.

You know, it's funny. I read the papers, read the business journal, read The Wall Street Journal, and they're talking about how the price of food has driven the profits of the grain companies; but when they talk about why it's gone up, it says, "The crisis stems from a combination of heightened demand for food from fast-growing developing countries like China and India, low grain stockpiles caused by bad weather, rising fuel prices and the increasing amount of land used to grow crops for ethanol" and others.

Some people say it's because Zimbabwe has quit producing food under the corrupt regime of Mr. Mugabe, so Africa has a double problem. I see the Governor of Texas, Mr. Rick Perry, thinks we ought to cut back on ethanol production. He doesn't think we ought to keep killing American workers. Nowhere in this paper, The Wall Street Journal mind you, nowhere in this paper, when you read about food prices, do you see any mention that we ought to continue to subsidize food prices by blowing up processing plants and killing and injuring workers. Nowhere do you see that except, perhaps, in this amendment.

□ 1830

We ought not to accept this amendment. These workers and this critical industry are entitled to this protection. And the facts on the ground are: The last time we put in a standard was for the feed and grain industry, and it has turned out to be wildly successful. Why is it wildly successful? Because injuries went down 40 percent, fatalities went down 60 percent, explosions went down 60 percent.

Don't you think we know enough now to think that these other workers in this industry are entitled to this protection? But OSHA has done nothing. OSHA has done nothing. And if OSHA is not going to act, we must. In this administration, OSHA has only acted when prodded by the courts or the Congress, never on their own. Never on their own have they suggested that they were going to go out and do this. Even after the recommendation of a presidentially appointed commission to look at these kinds of accidents, appointed by this President, they've chosen to do nothing. And it's important; it's important to these workers, it's important to the Congress.

John Barrow and I have put together legislation that works for the industry. We've consulted with the industry. We've sat down with the industry. We've sat down with OSHA. And we ought to oppose this motion to recommit in the name of the workers, in the name of their families, in the name of our Nation, we owe it to protect these workers.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALBERG. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 187, noes 225, not voting 19, as follows:

[Roll No. 232]

AYES—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette

Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Forbes
Goodlatte
Hill
Issa
Payne
Pence
Rush
Shuster
Slaughter
Tierney
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1848

Mr. KAGEN changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 232, I was unavoidably detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 165, not voting 19, as follows:

[Roll No. 233]

AYES—247

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—19

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Boyd (FL)
Cole (OK)
Davis, Tom
Dicks
Doggett
Forbes
Goodlatte
Hill
Hunter
Issa
Payne
Pence
Rush
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1856

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5522, COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 5522, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. RYAN of Wisconsin. Madam Speaker, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 2419, pursuant to clause 7(c) of rule XXI.

The form of the motion is as follows:

Mr. Ryan of Wisconsin moves that the managers on the part of the House on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed, within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1201

Mr. SOUDER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1201.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2448

Mr. SALI. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2448.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. KIND. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Kind moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to—

(1) insist on the amendment contained in section 2401(d) of the House bill (relating to funding for the environmental quality incentive program);

(2) insist on the amendments contained in section 2104 of the House bill (relating to the grassland reserve program) and reject the amendment contained in section 2401(2) of the Senate amendment (relating to funding for the grassland reserve program);

(3) insist on the amendments contained in section 2102 of the House bill (relating to the wetland reserve program); and

(4) insist on the amendments contained in section 2608 of the Senate bill (relating to crop insurance ineligibility relating to crop production on native sod).

□ 1900

NEED-BASED EDUCATIONAL AID ACT OF 2008

Mr. DELAHUNT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Need-Based Educational Aid Act of 2008".

SEC. 2. AMENDMENT.

Subsection (d) of section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is repealed.

The SPEAKER pro tempore (Mr. LOEBSACK). Pursuant to the rule, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. DELAHUNT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank the Chair of the Judiciary Committee for allowing this important piece of legislation to move forward. I particularly want to thank the ranking member of the Judiciary Committee, Mr. LAMAR SMITH, for the opportunity to work with him on this significant legislation and for his outstanding work on this issue throughout the year.

The Need-Based Educational Aid Act of 2008, as its name suggests, is aimed at making college more affordable and accessible to qualified students, something that this Congress has repeatedly shown its commitment to. With overwhelming bipartisan majorities, we have passed such legislation as the College Cost Reduction and Access Act, and just last week, the Ensuring Continued Access to Student Loans Act. We have also increased transparency in the higher educational financial aid system by passing the Student Loan Sunshine Act.

H.R. 1777 will further that commitment to enhance educational opportunities. These successes are rooted in clear recognition on both sides of the aisle that access to higher education is vital to our national economy and central to America's promise.

However, the Need-Based Educational Act differs from those bills I just enumerated in two important aspects. First, this bill addresses institutional aid only. That is, aid provided to students from a college or university's own funds, not Federal dollars. Second, this bill is about increasing access to grants, as opposed to loans. Given the current cost of higher education, the financial sacrifices families make to send their children to college, and the amount students owe when they graduate, grants, as opposed to loans, play a vital and unique role in maintaining access to higher education.

This act will permanently extend the current antitrust exemption for colleges and universities that admit all students on a need-blind basis, without regard to a student's ability to pay, and provide institutional aid that is strictly need-based. This safe harbor from the antitrust laws allows two or more of these schools to agree on a common aid application in a common system of analysis of financial need, and to exchange information on commonly admitted students. It does not permit discussion or comparison of institutional awards for individual students. The current exemption expires on September 30 of this year.

Why is this bill necessary? Beginning in the 1950s, a substantial number of our most prestigious private colleges and universities agreed to award institutional financial aid to students solely on the basis of demonstrated financial need. The schools recognized that, without such an agreement, and without a uniform analysis of "need," the schools would spend all of their money competing with each other to offer the largest aid package to a small select group of elite students. As a practical matter, the schools would be unable to fill the available spots in each incoming class because the select top students, who may or may not need such aid, were few in number. In addition, though, there would be many highly meritorious students who would be forced to forego their admission because of limited economic circumstances and insufficient financial aid.

The schools' decision was made in service of a social goal that the antitrust laws do not address, namely, making financial aid available to the broadest pool of students solely on the basis of demonstrated financial need. Congress responded quickly, passing the first temporary antitrust exemption in 1992, and we have reauthorized the exemption three times, each time improving and extending the exemption over the previous iteration.

The current exemption allows the schools to agree on this system of need-blind admissions and need-based aid, and allows a one-time exchange of student financial information through a third party. However, any further information-sharing is prohibited.

Since the last extension, both the GAO and the Antitrust Modernization Commission have examined the exemption and have found it consistent with antitrust principles. The schools themselves have lauded the exemption for increasing access to need-based aid and for bringing greater transparency to financial aid allocations. However, without this safe harbor, the schools fear that their collaboration on financial aid policies would subject them to prosecution.

Many studies show that our Nation's poorest students benefit the most from attendance at a prestigious school and, conversely, stand to lose the most from lack of access. Fortunately, these schools were empowered to continue and expand upon this truly American ideal that no individual should be denied a real chance to succeed because he or she was born poor.

I urge my colleagues to join myself and Mr. SMITH in passing the Need-Based Educational Aid Act.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I am glad we are considering this timely legislation tonight, H.R. 1777, the Need-Based Educational Aid Act of 2008. I also want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his tireless efforts in promoting this legislation, and also for his leadership, because if it were not for his leadership, we would not be here tonight considering this important bill. It was good working with him and I appreciate the success that he has had in getting us to this point. This issue has long been of interest to me personally as well. I also sponsored the bill that extended the exemption in 1997 and 2001.

Beginning in the mid-1950s, a number of private colleges and universities agreed to award financial aid solely on the basis of demonstrated need. These schools also agreed to use common criteria to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of that group of schools. In the 1950s to the late 1980s, the practice continued.

In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges. After extensive litigation, the parties entered into a consent decree in 1991 that all but ended the practice. In 1992, Congress passed the first exemption to the antitrust laws for these colleges as part of the Higher Education Amendments. That temporary exemption codified the settlement and allowed colleges to provide aid on the basis of need only, to use common criteria to determine need, to use a common financial aid application form, and to allow the exchange of the student's financial information through a third party.

In 1994, Congress extended this exemption as section 568 of the Improving America's Schools Act. Congress has extended the exemption twice since 1994, in 1997 and 2001. Twenty-seven schools currently are members of the so-called Presidents' Group which utilizes this antitrust exemption. Several other colleges, including Yale and Harvard, participate as advisory members of the group. This exemption expires on September 30, 2008.

Common treatment of these types of issues makes sense and, to my knowledge, there are no complaints about the existing exemption. In fact, a recent GAO study of the exemption found that there had been no abuse of the exemption and stated that there had not been an increase in the cost of tuition as a result of the exemption. The Antitrust Modernization Commission studied this exemption and found that it provides "limited immunity for limited conduct." That is, it is narrowly tailored to meet its goals of promoting access to need-based financial aid.

This bill would make the exemption passed in 1992, 1994, 1997, and 2001 permanent. It would not make any change to the substance of the exemption itself. The need-based financial aid system serves worthy goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. No student who is otherwise qualified should be denied the opportunity to go to one of the colleges involved because of the limited financial means of his or her family. This bill helps protect need-based aid and need-blind admissions.

Mr. Speaker, the last time the House considered a permanent extension of this antitrust exemption, it passed by a vote of 414–0. The bill is supported by the American Association of Community Colleges, the American Association of State Colleges and Universities, the American Council on Education, the Association of American Universities, the National Association for Independent Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, and the Presidents' Group. I urge my colleagues to support this bill as well.

Finally, Mr. Speaker, I want to again thank Mr. DELAHUNT for his work on this legislation and for getting us to the point where it is being considered tonight.

With that, I will yield back the balance of my time.

Mr. DELAHUNT. Mr. Speaker, before yielding my time back, I want to suggest that the eloquence of the ranking member of the Judiciary Committee will result in a more significant margin this year than that 410–0. Again, I sincerely appreciate his fine work.

Mr. CONYERS. Mr. Speaker, I support the bill cosponsored by Representative BILL DELAHUNT and Ranking Member LAMAR SMITH. H.R. 1777, the "Need-Based Educational Aid Act of 2007," removes the current sunset attached to an exemption in the antitrust laws that permits schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations.

The exemption also allows for agreement on the use of a common aid application form and for the exchange of student financial information through a third party.

In 1992, Congress passed a similar temporary exemption, which was first extended in 1994, then again extended in 1997, and once again extended in 2001. The exemption passed in 2001 expires later this year. During the years of its operation, we have been able to witness and evaluate the exemption, and we have found that it seems to be working.

The need-based financial aid system makes financial aid available to the broadest number of students solely on the basis of demonstrated need. The schools have been concerned that without this exemption, they would be required to compete—through financial aid awards—for the very top students, which could result in a system in which the very top students receive an excess of the available aid while the rest of the applicant pool receives less or none at all. Ultimately, such a system could undermine the principles of need-based aid and need-blind admissions.

Because the exemption has thus far appeared warranted, I support H.R. 1777 and hope that it will continue to protect need-based aid and need-blind admissions, and preserve the opportunity for all students to attend one of the Nation's most prestigious schools.

Mr. DELAHUNT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. DELAHUNT) that the House suspend the rules and pass the bill, H.R. 1777, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. FLAKE. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Flake of Arizona moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to agree to the provisions contained in section 1703(b)(2) of the Senate amendment (relating to a $40,000 limitation on direct payments).

□ 1915

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Minnesota (Mr. PETERSON) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This motion to instruct conferees is simple. It would simply urge farm bill conferees to accept the Senate provision on the payment limits for annual direct payments, which is the same as current law. Again, we are simply asking to accept current law, rather than increase payments limitations. Let me explain.

Under current law, farmers and eligible landowners can receive $40,000 per person in direct payments per year, not including a loophole that currently exists that enables that amount to be doubled. The House-passed farm bill seeks to raise this limit to $60,000 per person, while the Senate passed bill keeps the limit at the $40,000 level as in current law. In essence, this motion to instruct conferees would simply say, retain current law. Don't increase the limit on how much a farmer or landowner can receive in direct payments.

Direct payments are one of the three primary subsidy programs available for commodity crops, along with countercyclical payments and marketing loan payments. Direct payments are paid to farmers and eligible landowners that have had so-called base acreage that was historically farmed for program crops like wheat or cotton or corn. Direct payments go to farmers and landowners whether the whether they farm or not on the property and are independent of crop prices. Simply put, these checks are in the mail to eligible recipients, no matter what the price of commodities.

While these payments were originally intended to transition farmers away from subsidies, it is unfortunate that they have come to take a permanent place in the entitlement spending landscape and that Congress is on the verge of upping the limits on how much recipients can receive.

These payments cost taxpayers more than $5 billion a year, under the last farm bill, that is, and while the bill under consideration might cut them by a minuscule amount, taxpayers will still foot a staggering bill.

These handouts are often distributed to landowners who don't farm. I have even heard anecdotes about rice farmers who later subdivide the land for mini-mansions even, and realtors will advertise that direct payments will come to the new landowners. Lucky them. Get a house on land that was previously a rice farm. You are going to be getting direct payments. How is that? How can we countenance a situation like that continuing?

According to a recent analysis by the Environmental Working Group, with the present loopholes that are available to recipients, "a total of 1,234 recipients collected direct payment subsidies worth $120,000 or more, costing taxpayers $226 million total. One hundred forty-nine recipients got more than $250,000 in direct payments. The top 10 percent of direct payment subsidy recipients in 2007 collected about 60 percent of this government money." These are the payments on which the House-passed bill would increase the limit by 50 percent.

We have a strong agricultural economy at present. Unlike the countercyclical and marketing loan programs, which, if you have a good agricultural economy, don't get paid out, this program keeps paying out no matter what. These are independent of crop prices.

It is unfathomable that U.S. farmers that are enjoying historically low debt-to-asset ratios and consistently high cash receipts and robust farm export values, under this scenario the conferees would need to increase the limit on direct payments beyond the current $40,000 limits. It is unfortunate. It looks like the 2007 farm bill will be a missed opportunity to reform the wasteful farm subsidy programs, like the one I have spoken about.

As approved by the House, the best that can be achieved in terms of reform is a reduction in the income cap for payment eligibility programs from $2.5 million to $1 million or $2 million for married folks. Even though the administration has sought a $200,000 income cap, both the House and the Senate it seems, and it seems the conferees, appear content to continue to allow millionaires to receive farm payments. While acting as if real reform had been made on the income cap, the House-passed farm bill actually relaxes the limits on how much a recipient can receive in farm payments.

We simply cannot go in this direction. We have been told again and again and again by both sides of the aisle that we won't have a farm bill that has the generous subsidy payments that we have had before, that there has to be reform. This is not reform.

Some people may try to sell it and say we are getting rid of a loophole there, so we will have to increase this, and then we will phase it out at some other time. That is probably what we will hear. When you hear that, hold on to your wallet.

You have to remember that this program that we are talking about, this direct payment program was instituted in the nineties as a way to transition farmers away from subsidies. Yet here it is still, a decade later, and we are talking about increasing it. So if anybody tells you we are increasing it so we can actually phase it out easier or somehow lessen payments that will go out, don't believe it. Don't believe it.

Let's vote for this motion to instruct.

I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

The conference committee is close to wrapping up work on the bill and we will have significant reform in the final package that comes out of the conference committee. I can assure people of that. Apparently the issue that is before us today is one small part of that whole package. Frankly, the discussion has not really focused that much on this part of the payment limit issue. It has been more on the AGI issue.

But just so folks understand what happened here, we in our bill that passed the House made the most significant reform in this area that has been made in a long time, and that is to get rid of the triple entity rule and to require direct attribution. If you had told people 2 years ago that you were going to accomplish that, they would have thought you were crazy. So we did that in our bill. We are going to do that in the conference report.

The reality of how this all works, with the limits, the internal limits that we have in the House-passed bill,

$60,000 on direct payments, $65,000 on countercyclical, it keeps the direct payment level for folks that had a triple entity at the same amount that it is under the previous system. So I will agree that we did in certain cases keep the direct payment limits the same as what they were in the past before we eliminated triple entity. And there are other factors in here, like limitations on countercyclical payments and so forth. So there is a lot of disagreement about how this should be done and so forth.

There are a lot of statistics put out about who is getting what and what percentage they are of farmers. I would just like people to know that according to USDA, we have 2.1 million farmers in the country. But people would be surprised to find out what it takes to qualify as a farmer under USDA rules. It says that all you have to do is have $1,000 of income from farming. Well, it doesn't even say that. It just says you have to be able to have had $1,000 of income. So you don't even have to sell $1,000. If you could have sold $1,000, you would qualify as a farmer.

So all of these statistics are based off of 2.1 million farmers, when the reality is the true commercial farmers that produce 90 percent of the food in this country amount to 350,000. So you have a lot of folks in this system that really aren't farmers. You have got a lot of people that are hobby farmers, that farm on the weekend, and they are all being counted and they are all being used in these statistics that people like Mr. FLAKE and others use.

That is fine. But what we have tried to do in the Agriculture Committee is focus on the real farmers, the people that farm every day, that are commercial farmers that produce 85 to 90 percent of the food in this country, and to provide them a safety net where they can get a loan from the bank in the spring and they can survive the bad years and keep farming. And that is not an easy thing. It is a very risky business, and it costs a lot of money to be in this business on a commercial scale.

So we have, unfortunately in my opinion, and others will disagree with this, we got this system put on us in 1996 under a thing called Freedom to Farm, which I opposed as a member of the Agriculture Committee. The idea was we were going to have direct payments that were not tied to any production and that were based on past history because prices were good and the WTO wanted us to do this, and this was ideology run amuck.

I said at the time that this is not going to work, this is a bad idea, that these prices are going to go down and we are going to have to rescue farmers, and that is exactly what happened.

We spent $30 billion 2 years in a row to bail out farmers. That is more than the entire cost of these direct payments over 5 years. We spent that every year for 2 or 3 years to bail farmers out in 1998, 1999 and 2000. So we get to the 2002 bill and people figured out, well, we have to put the safety net back. And they kept the direct payments. So now we went back to the old system, but we kept the direct payments.

Well, if I had to do it, I would do it different. But that is the system we have, and that is the system that people want, especially in the South, because it is in their financial structure and it is how they organize everything. If I had my way, we would take those direct payments, we would raise the loan rates, we would raise the countercyclical target prices, we would have a stronger safety net. But the consensus is that we do some of each. So these direct payments serve as a base for farmers to go get a loan at the bank.

For those folks that are concerned about food prices going up, the folks that have been pushing payment limits, what the effect of that will be is to raise food prices. So if that is what you want to do, you know, that is probably not going to be real popular. But whenever you get the government mucking around and deciding how big a farm should be, which is what you are doing, you are going to make the farms more inefficient and you are going to drive up the cost of farming. That is what you are going to do. And it is going to increase the cost of goods to consumers.

So we have considered this. The committee had looked at it. We are looking at the limitation on direct payments, and there will be some changes in that area. But we have had this debate on the floor of the House. They have had it in the Senate. We appreciate Mr. FLAKE's input, but we think that what we are doing here now in the conference committee will be a better outcome that will provide a better situation for our farmers.

Mr. Speaker, I yield 5 minutes to Mr. NEUGEBAUER from Texas, a member of my committee.

Mr. NEUGEBAUER. I thank the chairman.

My friend from Arizona and I agree many times on many issues, but this is one on which I must disagree.

There has been a lot of discussion about reform in the farm bill. I think before I go down and list some of the reform that is being considered in this current farm bill, I think we have to step back and look at what has transpired with the 2002 farm bill.

The 2002 farm bill actually cost $25 billion less than what it was originally projected to cost. Let me repeat that. This is a Federal program that actually came in $25 billion less than what it was budgeted. I would ask my friend from Arizona; name me another mandatory program in the last 5 years that has come in under what was originally projected.

Additionally, the Congressional Budget Office projection for what farm policy will cost has imposed for the baseline going forward a $60 billion reduction over what was originally planned in 2002. The reason that that reduction is in place and the reason that this bill came in $25 billion less than what it was projected is because it was working the way it was supposed to.

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And it was designed when commodity prices were low for there to be a safety net so that we could preserve that farm infrastructure. When the commodity prices are high, then the safety net was not available because there was no need for that safety bill. So when you look at the reform, $60 billion sounds like a lot of reform to me. Now I don't know about out in Arizona, but $60 billion in Texas is a lot of money.

Additionally, one of the things, and I think the chairman alluded to this, is that both in the House and the Senate bill, the three-entity rule has been eliminated bringing some transparency; in other words, being able to boil it down, who is actually farming, and making sure that the farm safety net is actually available to those people that are involved, actively engaged in farming.

The other thing that is going on here is that with the elimination of that three-entity rule, it is estimated that some 50 percent reduction will be affected, some of the operations that are currently under this bill. So that is a fairly good reduction when you look at 50 percent for some of those operations.

Compared to the House and the Senate version, quite honestly, a $10,000 reduction has been on the table over the original House version. As the chairman mentioned, these discussions are still under way and we don't know what that final number is going to be.

The other thing, and the chairman also alluded to this, because there has been a lot of discussion about are these payments going to millionaire farmers. And so one of the things that we have taken is steps to materially reduce the adjusted gross income figure, some 70 percent reduction.

Now I think the point that the chairman was trying to make, and it is a very important point, 30, 40, years ago farmers across America could farm a small piece of land and make a good living. Today, in a global economy where they are competing with producers all over the world, what they are faced with is, how do they get to a size that makes sense with today's cost of production and with today's cost of tractors and all the equipment necessary. And the days of a small farm being able to support a family are gone. So today, many farmers in my district, for example, are farming 3,000 and 4,000 and 5,000 acres, and this is still a family farm. This is not a company that has a lot of employees; this is a family farm. And so when you look at those numbers, it takes a lot of money, it takes a lot of capital and investment for them to produce this many acres.

Farmers are taking a big risk today. Yes, the commodity prices are up, and that is a good thing for farmers and producers. The bad news for them, though, is that their costs are up as well. Looking across fuel and fertilizer and all of those, in just the last few years production costs for commodities is up almost 25 percent.

One of the things that, as we look at this farm bill, I think we have to step back and look at it and I think sometimes I get kind of amused. As we talk about this farm bill, only about 12 percent, Mr. Speaker, 12 percent of this farm bill actually has anything to do with production of agriculture. A good portion of this farm bill has to do with food stamps and nutrition programs and conservation programs. While those may be worthy, I am not here to debate those, when we look at the production of the agriculture part, the part that actually allows American agriculture to produce food and fiber for Americans, we are talking about 12 percent of this bill having anything to do with that.

So when you step back, why is that important to America? Why should America be concerned about having a good, strong agricultural industry in this country? Well, I will tell you why, Mr. Speaker. Right now, we are watching with amazement as we look at people, Americans across America having to pay $3.50 a gallon for gasoline. We have seen tremendous increases. This country today is energy dependent. That means that we wake up every morning looking for some other country to furnish the energy that it takes to run our country's economy. It is, quite honestly, a security risk to our country as well as an economic security risk to our country. And so how did we get in that situation is because we let America's infrastructure for producing energy fall to the wayside. We did not make it a priority.

My greatest fear here today is that, as we move forward, if we begin to undermine American agriculture, who will then feed and clothe Americans in the future? Do the American people want to wake up every morning and wonder where we are going to get our next meal? What country is going to feed us?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. PETERSON of Minnesota. I yield the gentleman an additional 2 minutes.

Mr. NEUGEBAUER. Because we let American agriculture infrastructure fall to the wayside. Our producers are competing on an unlevel playing field. I wish the playing field was level. If the playing field was level, we wouldn't need any of these programs, because American producers can compete with anybody in the world on a level playing field.

Unfortunately, the WTO discussions that we have been involved in have not yielded much fruit. Many countries that our producers are competing with all across the world are competing against other countries that provide subsidies at a much greater level than we are providing under this underlying bill.

So while I appreciate the gentleman from Arizona's concern about being fiscally responsible, I understand that he would like to see some reforms. I am here tonight to tell him that there are a lot of reforms in this bill. But at the same time, it is important to have a balanced bill to make sure that we have a strong agricultural economy in this country from this point forward so that when Americans wake up every morning, they are not going to worry about who is going to feed or clothe them.

Mr. FLAKE. Before yielding to the gentleman from Wisconsin, let me simply say that we are not talking about the food stamp program here. We are not talking about nutrition programs or conservation programs. We are talking about direct payments. This is a different program. This is simply an effort to say, let's not increase the amount of money going to direct payments at a time when commodity prices are so high and when the farm community is doing so well. It just not make sense to reform by increasing the subsidy.

I yield 5 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman from Arizona for yielding me this time, and I commend him for this motion to instruct.

Mr. Speaker, let me be clear: We need a farm bill, and we need one as soon as possible. It is planting season back home in the upper Midwest and the district I represent in western Wisconsin, and our farmers need some predictability. They need to know what the rules are that they are going to be operating under and producing under in the coming fiscal year and in the coming 5 years.

But we also need a good farm bill, not a bad farm bill, one that is responsible to the American taxpayer and one that does well by the American farmer. And those of us who have been talking about much overdue and needed reforms under the commodity title, these subsidy payments to a handful of commodity producers in this country, have been saying, let's give farmers help when they need it but let's not when they don't.

And the market conditions today are something we have never seen before. They are talking about $10 corn by this summer. Soybean, wheat, rice at an all-time high in the marketplace. Yet instead of trying to tighten up these subsidy programs and rein them in for some possible savings so we can address the other priorities in the farm bill, what is being proposed, to our understanding, and we haven't been privy to the conference negotiations that have been going on, is actually expanding direct payments from the current maximum level of $40,000 up to $60,000, and allowing dual entities operating on the same farm to qualify for the same amount of these direct payments.

And to be clear, the direct payments bear no relationship to commodity prices, no relationship to production. They are something that go out automatically regardless of the marketplace. And, quite frankly, it is the least justifiable aspect of this farm bill today in light of the record commodity prices that exist.

But we also need a farm bill that this President is comfortable in signing, and the administration has been clear from the beginning that they feel there is more room for reform under these commodity programs. We are not talking about the two other subsidy programs, the loan deficiency program or the countercyclical program, although there too they are ramping up the target price and the loan rates under those programs. We are only talking about the direct payments right now, that which goes out automatically to only five principal commodity crops at the expense of everything else that we are trying to accomplish in this farm bill, having a strong conservation title in light of the increased pressure that crop production is placing on sensitive and highly erodible land. And we are seeing that now with a lot of CRP acreage being taken out of CRP and put back into production.

And what does that mean to the average person? That is going to affect quality water supplies throughout the Nation, it's going to affect habitat, wildlife populations, all of which depend on good land stewardship of these lands and knowing what land is highly erodible and what isn't. And that was the whole basis behind CRP to begin with, and yet that now is in jeopardy because of increased commodity prices.

I don't begrudge, and I don't think anyone here begrudges family farmers getting a decent price finally in the marketplace. But where I am from in Wisconsin and talking to my producers, for years they kept saying: We don't like these subsidy programs, either. We wish we didn't have to rely on it. And if we could only get a decent price in the marketplace, we wouldn't have to. Well, guess what. That day has come. And now is an opportunity, never better in the history of the Congress, to start reforming these commodities subsidy programs right now so that at the end of the day we are not painting this big bull's eye on the back of our farmers with more subsidy payments that are going to be challenged through the WTO and possibly taken away through the WTO challenges, just as Brazil has done with the cotton challenge that they successfully prevailed on. And this is only the beginning.

Instead, we could redirect funding for what are called green box payments, conservation payments that also go to family farmers to help them be good land stewards but do not distort the marketplace and they do not distort trade policy, and it doesn't get us into trouble by these outside challenges that we may be facing in the future.

So that is why I think this gentleman's motion to instruct is important. We understand it is in the 11th hour. I appreciate the hard work that the chairman and everyone involved in the conference has been doing. Putting together a farm bill is probably one of the toughest things to do in this place given the parochial interests, given the different ideas and opinions that go into deliberations. But we have an opportunity right now of maintaining an important safety net for family farmers in case things do go south in the commodity market, but at the same time starting to reform these subsidy programs so we are more responsible to the taxpayer but also helping our farmers modernize so they can be more competitive both domestically and abroad. Otherwise, again, we are setting them up for future challenges by loading up these subsidy programs to the extent that they have been occurring.

I would be happy to yield to my friend from Arizona.

Mr. FLAKE. I will yield the gentleman an additional 5 minutes, if he would like, as long as he wants.

Mr. KIND. I probably won't need that much time. But, again, hard negotiations. We are getting into the final details of it. There is still an opportunity of producing a bill that the President feels comfortable with in signing, and that way the farmers know what they are operating under.

But, again, these direct payments are probably the least justifiable program going forward today in light of what the marketplace is producing. And the futures market right now is looking astounding when it comes to these commodity crops, and that is going to be good for farm income and debt-to-asset ratio. For family farms, it has never been better. And that again speaks to what we think is a reasonable and justifiable goal of trying to reform these commodity programs so we can deal with the other priorities and still maintain an important safety net to the family farmer.

Again, I thank my friend from Arizona for offering the motion.

Mr. PETERSON of Minnesota. Mr. Speaker, before I recognize the gentleman from Arkansas, I would just like folks to know that these prices that everybody talks about, if you are a real farmer out there and goes to your elevator, you cannot get a contract at these prices. And if you really want to do something here on this floor that will do some good, it would be to keep this Wall Street hedge fund money out of the commodity market, which has run these prices up and created a bubble.

People need to remember that these direct payments came about because of high prices, quote, back in 1996. We heard the same speeches. That is how we got these direct payments in the first place. And what happened? It collapsed. And I will tell you one thing that I know about farming, is that whenever you have good prices, farmers are very good at creating low prices, and they will do it again. And that is why we need a safety net.

I yield to the gentleman from Arkansas such time as he may consume.

Mr. BERRY. Mr. Speaker, I too want to recognize Chairman PETERSON and Speaker PELOSI for the hard work and the dedication that they have exhibited as they have pursued this farm bill and the great job that they have done and continue to do to get us a farm bill.

As I listened to these discussions, and I have heard them year after year, we go through this when we do the appropriations, we always have those that consider that they are more knowledgeable than the people that are actually in the business and have to make these businesses work and make them profitable. They know more about how to make this happen than the people that really do make it happen.

One thing that we know, the only reason for a farm bill and a farm bill is to guarantee adequate production and processing capacity so that our people have a reasonably priced food and fiber supply.

In a global marketplace, and we are certainly in a global marketplace in agriculture today, every country that has food security has a stronger farm bill than we do.

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They have a better safety net than we do in this country.

We absolutely know, just like the chairman said, these prices come up and they go down. Right now the price that you can see on the Chicago Board of Trade is in some cases 25 percent higher than a farmer can actually receive. And even then the prices that are available to them aren't too bad.

But as the gentleman from Texas recognized, production costs, when some of these numbers were put in this bill or in the other bills that we have had, diesel fuel was 30 cents a gallon. It is $4 a gallon today, or over $4. You can say that about all of the production costs that a farmer has to face. The cost of machinery has gone up a great deal in the last couple of years. All of these things are necessary to have efficient production of food and fiber in this country. The same thing can be said about a farm bill. Without a farm bill as a safety net, this system cannot continue to function. And I offer as evidence that it has functioned successfully for a long time, that the American people feed themselves for a lot less of their disposable income than people in any other country in the world.

Now you can't pick up a newspaper today or hear a broadcast news story for very long that doesn't talk about the high price of food. If you really want to see some catastrophic prices, just keep doing what these guys have tried to do over and over, year after year and continue to chip away at this safety net.

Like the chairman said, I believe, or maybe it was the gentleman from Texas, they want the government to decide how big your farm can be. They don't even want you to be able to decide that I will farm part of it, my son will farm part of it. They want to use every tool that there is to try to mix that up and make it less efficient.

In the South, in rice and cotton country, 2,000 acres is no longer a viable economic unit. You cannot be prepared to put in a crop on 2,000 acres with a million dollars worth of machinery and another nearly million dollars worth of fuel and fertilizer and seed and chemicals. And there are those who don't think you ought to use fertilizer, and there are those who don't think you ought to use chemicals. But if you do those things, just be ready to produce whatever you are going to eat and your family is going to eat in your own backyard because we are not going to have the efficient production machine that we have in this country today that farm bills have made possible.

And these people may have huge dollars invested, but they don't make huge profits. This is a very dangerous thing. We all know the damage that high fuel costs and high energy costs are bringing to our economy today. That is going to be an insignificant event when we lose the ability to be the most efficient producers of food and fiber that has ever existed in the history of the world.

The American farmer doesn't have to take a second place to anybody in their ability to feed our people. They do it. It is the hardest work in the world. All they ask is a fair chance. All they ask is enough safety net so that they can get a loan from the bank and continue to do what they love to do and what they are really, really good at.

We should be doing more to allow these wonderful entrepreneurs to do what they have to do to be successful and to produce food that is inexpensive enough for us to buy it. There is no shortage of food in the United States of America today. But what these proposals will do is create a shortage that you can't fix. It will create a situation that you cannot take care of in any kind of a short time frame. You just get one crop a year.

So I would ask this Congress, and I would ask the gentlemen, I know they have good intentions, unfortunately they have got bad ideas. This is something that we should not gamble with. We have got a system that we know works. I think it is inadequate, but at least give us this so that our producers can have the ability to continue to be successful.

I once again thank the chairman for all of his hard work.

Mr. FLAKE. Sometimes I think we are just talking completely in a vacuum here, that inside the Beltway here in Washington, that we see it somehow differently than the rest of the country. To hear the debate on the other side, you would think it was just one crazy guy from Arizona and another crazy guy from Wisconsin who think that we are out of bounds here. That is hardly the case, and I will read some of what the rest of the country is saying later.

I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding.

I have great respect for the gentleman from Minnesota, chairman of the Agriculture Committee, and my friend from Arkansas and their depth of knowledge when it comes to farm policy in this country. They have invested their careers in trying to understand these programs and how they work.

But I have as much respect and admiration for my family farmers back home in Wisconsin, too. The gentleman from Arkansas is exactly right; these are hardworking individuals playing by the rules in a market that is set out for them. But when I have producers in my district in western Wisconsin coming up to me and saying, Ron, why are we still receiving these direct payments when the market prices are so good right now?

I say, You know, you're right. We should be looking at this anew.

The gentleman from Minnesota pointed out that the first time direct payments were introduced in a farm bill was back in 1996 as a transitional program to get away from these direct subsidy payments to the farmers.

Now we are into the third farm bill, and instead of at least holding them constant, as the gentleman's motion would have us do, we are talking about increasing the reliance on these direct payments over the next 5 to 10 years.

In my conversations with farm experts from Australia and New Zealand, they said they heard the same arguments down there when they weaned their producers off direct government subsidies for agricultural production, that this would spell disaster for the entire farming community in Australia and New Zealand. And now you would be hard-pressed to go down to either one of those countries and find one farmer who wants to go back to the government-subsidized system that they were operating under all these years. They say that with a change of those subsidy programs, it has made them more efficient and more competitive, especially in the global marketplace.

And whether we like it not, that day has arrived for our producers. The world is at our doorstep, and I don't think we are doing them any more favors by propping them up with these artificial subsidy programs with the strong market prices they are receiving, and at the same time telling them that you can go out and compete with everyone else around the globe.

There is a better way of doing this while still maintaining a safety net, and I think that is what the gentleman is trying to get at with this motion.

Mr. FLAKE. I appreciate the words of the gentleman from Wisconsin. I too have traveled to Australia and New Zealand, and I talked to the farmers there. They heard the same horror stories there. They worried about the same thing when they got rid of subsidies in New Zealand.

As the gentleman from Wisconsin mentioned, you would be hard-pressed to find anybody who wants to go back to that system because, just as the gentleman from Arkansas just mentioned, they don't like the government telling them what they can and can't farm.

A main element of this program we are talking about right now is that if you are to receive these direct payments, you can't farm specialty crops. You have to farm corn or wheat or rice. You can't do specialty crops. So for all of the talk about we don't want government telling us what we can and can't plant, that is a central element of this program that you accept those restrictions. There is something wrong with that argument when we say we don't want government to tell us; but yes, you can tell us as long as we can collect these direct payments.

The gentleman from Arkansas said that prices are up high now, but they will go down. Yes, they will; but these direct payments will remain the same. That is the problem here. These aren't a safety net, these are just a direct subsidy in many cases whether you farm or not. That's the problem with this.

And we aren't saying get rid of it. I would like to, frankly, if it were up to me. But we're not saying that. All we are saying is keep it the same. Don't increase it. Yet we are hearing the argument that somehow all of the family farms are going to go away unless we increase a direct payment that bears no relationship to crop prices at all. There is something wrong with that argument. So we are competing here in a vacuum.

Mr. KIND. Would the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. KIND. One of the things that I have noticed back home in Wisconsin with the direct payments and the overall subsidy programs that exist for these commodity crops is that it is leading to greater consolidation. We know these subsidies have been primarily skewed to the larger entities, and they are using them to gobble up smaller family farms around them. And they are also driving up land values by artificially inflating these land values with the subsidy guarantees that attach to them, and it is making it virtually impossible for newer or beginning farmers to have the capital in order to invest in order to enter this very honorable work and profession.

So that is the unintended consequences that these subsidy programs have brought in, putting the squeeze on smaller family farmers throughout America.

I think it would be reasonable as well, although we can't address it in this motion, to have some reasonable means testing attaching to these direct subsidy programs. It is tough to justify to the American taxpayer that if someone is earning $900,000 in adjusted gross income, that is profit, that is after you back out the expenses and all of the deductions of doing business, that you would still qualify for subsidy payments.

I understand in the course of negotiations there has been some movement, and hopefully that is a good thing; but nevertheless, that is a pretty hefty adjusted gross annual income for anyone. And then to say they still qualify for American-taxpayer subsidies at the end of the day, that is pretty tough to explain back home.

Mr. FLAKE. I thank the gentleman.

I mentioned that it is often said on the other side that it is just a couple of guys who don't know what they are talking about, and the rest of the country feels differently. Let me tell you what some people around the country are saying about this farm bill.

The Minneapolis Star-Tribune wrote: "The Senate passed a $286 billion farm bill that makes only minor changes to the bloated agricultural subsidy system that rewards rich farmers for being farmers."

The Burlington, Vermont, Free Press: "The farm bill making its way through Congress is a good example of what's wrong with the way major legislation gets passed in Washington."

The Boston Globe: "That kind of calculation is just the sort of special-interest politicking that is making voters nationwide question what was gained by giving the Democrats power."

The East Brunswick, New Jersey, Home News Tribune: "The farm bill is the sort of confounding public policy document that too often wins approval in Washington; it's stuffed full of pork and misdirected at the same time."

This is not a Republican issue or a Democrat issue. The Republicans passed, I thought, what was a far too generous, bloated farm bill back in 2002, and I believe the gentleman from Arkansas and I had a debate at that time.

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So this isn't a partisan debate at all. This is a debate about what taxpayers should be required to pay.

The Orlando Florida Sentinel: "The system those lawmakers would perpetuate dumps billions of dollars a year in taxpayer subsidies on the farmers of a few crops, whether they need it or not. The largest commercial farms reap the bulk of the subsidies, while most growers get little or nothing."

The Charleston South Carolina Post Courier: "So far the impulse to reform has been overwhelmed by the efforts of those representing the beneficiaries of farm program largesse."

The Winston-Salem, North Carolina Journal: "The legislation that was designed to put American family farms back on their feet has now become the massive giveaway program to mega corporations that manage family farms. The farm bill is hopelessly bloated and outdated."

The Pittsburgh Pennsylvania Tribune-Review: "The U.S. Senate has once again failed to slow the nonstop pigout in multi-billion dollar family farm subsidies."

The Bismarck, North Dakota Tribune said: "The provision that would get wide agreement would require that government payments be attributed to an actual, named person, rather than to shadow entities that might even belong to people who do no farming themselves." We call that reform.

The Lewiston, Maine Sun Journal wrote: "The prospect of starving constituents is unpalatable. What's worse, though, is using them as chattel to negotiate subsidies for wealthy farmers."

As the gentleman from Wisconsin said, we're hardly talking about payments to those who are just getting by. In some cases, payments are going to those with adjusted gross incomes nearing $1 million. Yet we're saying, well, there are large expenses that farmers have. Yes. That's adjusted gross income after expenses are already backed out.

So we're not a couple of guys here who are seeing things differently. I think we're seeing it as the rest of the country does. I think that this place is in a bubble sometimes when we discuss continuing a program to subsidize people who, in many cases, aren't farming, and having subsidies tied not to crop prices at all, not a safety net, mind you, but payments that go and go and go, regardless of whether or not crop prices are high or low.

With that, I reserve the balance of my time.

Mr. PETERSON of Minnesota. I have no more speakers, so if they're ready to wrap up, I am, I guess.

Mr. FLAKE. May I inquire as to who has the final word.

The SPEAKER pro tempore (Mr. BRALEY of Iowa). The gentleman from Arizona has the right to close.

Mr. FLAKE. I will go ahead and reserve until the gentleman has closed.

Mr. PETERSON of Minnesota. I will just say very briefly that, as I said earlier, we get kind of off on tangents here on talking about small farmers and so forth. But the effect of a lot of these different proposals on reform, the effect of them are going to be to raise food prices for people in this country and around the world, and if that's what you want to do, you know, you can talk to your voters about that.

But 23 percent of the farms in this country have more than $50,000 of sales. But they do 90 percent of the business. They produce 90 percent of the food and they get 81 percent of the payments. So we already have changed things.

But the point is $50,000, I think my good friend from Arkansas will agree, in our part of the world is not a real farm. You can't make a living on $50,000 of gross income on a farm. It's just not realistic.

So when you get up to a realistic commercial size farm, they produce just about all the food in this country. Now there's some small farms that are developing that are doing pretty well, and I've been supporting that and we're supporting that for the first time in this farm bill; and that is people producing organic, people producing local foods, getting out of the commercial system.

So there is a place for small farmers in these niche markets, and they're growing, and that's a good thing. But you go to those niche markets and you're finding you're paying a lot more money for that type of food. And a lot of people want that and that's great.

If we get involved in this and screw up this system, the gentleman from Arkansas is correct, we're going to endanger the national security of this country. If we ever get in a position in this country with this food that we're at with oil, we've got significant problems.

And this isn't a perfect system. When it was established, I voted against it. If I had my way, as I said earlier, I would not do it this way: But this is the consensus of people in the business of agriculture, the system that we have, that works so they can get financing and they can stay in business.

And you hear about the WTO. One of the biggest objections to what I want to do, the direction I'd like to go with farm policy, is that we can't do that because the WTO would object. And we've got the World Bank out there getting these developing countries to adopt these free market ideas like some people have done in this country, and the effect of that has been to not help the people. It's made them more food insecure.

So we're never going to settle this debate. As my friend from Arkansas said, we've argued about this for how long.

We are going to produce a farm bill here pretty quick. It's going to have a lot of reform in it. It's going to have a lot of new initiatives that we haven't done before in organic, in energy. There's a lot of money in there for conservation. We're going to have $10 billion of new spending above the baseline. After we took a $58 billion hit in the commodity title, we added $10 billion not in the commodity title. We added it into nutrition. So we're adding $10 billion of spending, and 10.261 of that, more than we've added to the bill, is going to nutrition to help people to cope with these high food prices.

So we're doing, we think, the right things, putting in the right kind of initiatives in this farm bill. It's not going to satisfy everybody, but it's moving in what we think is the right direction for the country.

I would encourage my colleagues to oppose this motion to instruct and continue to support the work of the Agriculture Committee.

I yield back the balance of my time.

Mr. FLAKE. I've enjoyed this back-and-forth. Let me just say that it's implied again that we don't know what we're talking about somehow, that somehow we're divorced from the farming community and we don't know what they go through.

Let me just say, if you look at the end of my right index finger, it's gone. I left it in an alfalfa field at age 5.

I don't know all the ins and outs. I've been away from farming on a real basis for a while. But it's not a complete alien world to me, and certainly not to my family and relatives.

But let's get back to what we're talking about with this motion to instruct. We're talking about not a safety net at all. We're talking about direct payments, in many cases to farmers who don't farm at all, that is not tied to crop prices, whether they're high or low. This is a relic of reform attempts in the 1990s when we were trying to wean farmers away from subsidies that didn't happen. But these subsidies still remain, despite the fact that the other subsidy programs came back.

And all we're saying here is that, let's keep the limit at current law, at $40,000 per person, not increase it to $60,000 per person. Yet we're being accused of trying to completely dismantle the family farm by not increasing the subsidies that are being paid out right now. We're simply saying they should remain where they are in current law.

So despite all the talk about stable food prices for citizens of the United States, or whatever else, remember, this motion to instruct has nothing to do with that. This simply has to do with a program that gives direct payments to people who, in many cases, do not farm at all, that has no tie to crop prices, whether they're high or whether they're low.

Let me simply say also that the administration said this week, this plan would result, talking about the current iteration of the farm bill, this plan would result in the continuation of farm subsidy payments to individuals with extremely high incomes.

The administration also said, this is not reform, and does not move Congress closer to a farm bill that the President would sign.

I certainly hope that the President sticks with that commitment. We need a farm bill that honors our commitment to have some fiscal responsibility here. Upping the limit of direct payments, increasing it by 50 percent, is not fiscally responsible.

So I would encourage my colleagues to join us in voting for this motion to instruct. Discount the debate that doesn't have anything to do with this debate on whether or not the conferees should accept the current subsidies or increase them.

With that, I thank the gentleman from Wisconsin for his words and for all those who have participated. I would encourage a vote in favor of the motion to instruct.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The postponed vote on the motion to suspend the rules with regard to House Concurrent Resolution 308 will be taken tomorrow.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SYRIA AND NORTH KOREA CONSPIRE TO BUILD NUCLEAR WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, North Korea and Syria were working together with Pakistan rogue scientist Abdul Khan to build a nuclear reactor in Syria, capable of producing plutonium for two nuclear weapons within a year of when it was destroyed by Israeli jets in September of 2007.

Israel, by the way, has not confirmed or denied the air strikes. But Israel acted in self-defense and self-interest because of the fact that Israel is so close to Syria.

Mr. Speaker, here is a map of the area. We have Syria and, of course, we have Israel and Iraq and then, of course, Iran on the other side. And here is the location in Eastern Syria where the nuclear facility was being built, with the aid of the North Koreans. From that location, in Alkibar facility, it is only 450 miles to Tel Aviv, where the majority of the Israelis live.

□ 2015

This whole area, of course, is in somewhat of a turmoil because of the fact you have Syria and the rogue dictator in Iran working together with the North Koreans to facilitate the development of nuclear weapons for all three countries.

The CIA has reported recently that North Korea is building Syria a reactor similar to the one that they have in North Korea. And North Korea then helped the Syrians cover up the results of the bombing after the reactor was destroyed.

Here are four photographs that the CIA has released and declassified just this week. Over on the top corner here is a photograph of North Korea's nuclear reactor that is capable of producing plutonium. You will see right next to it Syria's nuclear reactor as it was being built. It was built with the same floor plan, the same design as the North Korean facility that is in North Korea. This photograph was taken of Syria's reactor shortly before it was blown up.

Here is an aerial photograph of Syria's reactor, and you can see, Mr. Speaker, it's camouflaged to the extent that it looks just like a boxed building just in the eastern part of Syria with nothing anywhere close to it. And after Israeli jets came in and bombed the facility, this photograph on the bottom corner shows the results of the Syrian reactor after it was bombed by the Israeli jets.

And what is interesting, after the Israeli jets came in and bombed this facility, the North Koreans and the Syrians started working together very quickly to destroy what was left of this facility and bury it in the desert and then put in its place another facility, a building that looks just like this one but obviously, based on intelligence, is just a shell and not really used for any purpose whatsoever.

The purpose, of course, to build the second building was to let the world know that they didn't have anything in this area, but of course, we know that they buried all of their equipment and all of their nuclear devices or equipment, I should say, in the desert underneath the bombing that was done by the Israeli pilots.

So it's important for us to be aware of the contact and the working of North Korea with Syria. It is not a recent development. North Korea started working with Syria to build this facility in 2001, and they have continued to work with them until they started actually building this facility that would be capable of producing plutonium and at least to be able to build two nuclear weapons within a year.

North Korea is a nuclear threat and appears to help any nation with evil intentions, and the whole world needs to know about it. The countries of Iran, North Korea, and now Syria need to be known to all the world that they are nations with hearts that are fatally built on mischief and with malice aforethought. They build nuclear facilities with no redeemable, peaceful intentions. The normal, peaceful countries of our planet, especially those in the Middle East, cannot allow these three nations to have nuclear nonsense continue. They are on a path of destruction for at least somebody else, other than themselves, if their intentions are not stopped.

As for the nameless Israeli bomber pilots who flew these missions to destroy this nuclear facility capable of later being able to build nuclear weapons, they are thanked for their job well done, and the world needs to be aware that North Korea, Syria, and Iran seem to continue to work together to thwart world peace by building facilities that are capable of destruction for other countries, especially their neighbors.

And that's just the way it is.

BRING OUR TROOPS HOME AND HELP IRAQ HEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today I joined Representatives MAXINE WATERS, BARBARA LEE, and ALCEE HASTINGS in hosting a remarkable photo exhibit reception focusing on the appalling refugee situation resulting from the occupation of Iraq.

Renowned photographer, Gabriela Bulisova, traveled to Syria to document the plight of the millions of Iraqis who have been forced from their homes and from their homelands. The photos show the tragic human side of the international refugee crisis, and in the faces of the children, you see confusion and fear. How do you explain to a child why he must leave his home, her friends, his school? How do you explain where her father is, or why his neighborhood is riddled with concrete and burned-out hulls of cars?

Nearly 5 million Iraqis have become refugees because of the occupation and civil war ravaging their nation. International relief organizations believe that 2 million of those 5 million refugees have fled their own nations and have sought safe haven in surrounding countries including Jordan, Syria, and Lebanon.

The photos in the exhibit were taken in Damascus. They are a glimpse into the lives of the all-too-often nameless and faceless. How can we even think about what it means to have 5 million people without a permanent home? It would be the same as if the entire population of the State of Kentucky or Colorado or Minnesota was suddenly evacuated from its State. No homes, no jobs. A detachment from everything we take for granted: income, schooling, access to financial savings, being close to one's family doctor. Some people even lose the very land upon which their homes are built.

The United States State Department made a commitment to assist in the voluntary resettlement, but despite a promise to take in 7,000 refugees in fiscal year 2007, only 1,600 were admitted into our country. In the last 6 months, State has only permitted an average of 400 people a month. At this pace, we're going to miss the target by a huge amount again.

We owe the Iraqi people more, Mr. Speaker. Certainly more than broken promises and despair. We cannot solely rely on the good graces of Iraq's neighbors or the assistance of the United Nations. This is a problem that we started, and it is our moral obligation to help resolve it.

The U.S., the United States of America, must end the occupation of Iraq and focus on the real needs of the Iraqi people. If we took even a fraction of what we are paying to occupy a nation in the middle of a civil war and put it towards the refugee crisis, we could change millions of lives and offer real hope for their future.

Next week or the week after, the House may consider the Iraq spending bill. Instead of extending the administration's occupation of Iraq, let's reaffirm our commitment to the Iraqi people through humanitarian assistance. Let's bring our troops and military contractors home, and let's help Iraq begin to heal.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is April 30, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,882 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,882 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is April 30, 2008, 12,882 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

AMERICA NEEDS TO DEVELOP ITS OWN NATURAL RESOURCES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHIMKUS. Mr. Speaker, it's great to be down on the House floor. It has been a limited schedule this week, so we haven't had a chance to really take time to focus on the number one pressing issue in America today, which is the high price of gasoline and energy in this country. We get a chance to do that tonight.

I am going to initially yield to some of my colleagues who have graciously come down to help, and the first one I would like to yield to is Mr. SALI from Idaho.

Mr. SALI. Mr. Speaker, if you're afraid of the future, said Ronald Reagan, then get out of the way, stand aside; the people of this country are ready to move again.

As with so many things, President Reagan was right. We cannot avoid real problems, gloss over pressing needs or, out of fear of something unforeseen, sit immobile until we are overtaken by inevitable results of our previous inaction.

Americans are paying on average $3.62 a gallon, and by early summer, we're going to be at $4 a gallon. By the end of this year, it's projected oil will be at $180 per barrel, an approximate doubling in the space of 1 year. Why are we paying so much? Very fundamentally, it's a supply and demand issue. We need oil, but the supply is limited. This is frustrating in its own right, but it's truly maddening when you consider the supply of crude is not really limited and that we have additional resources available to us, but they have been locked up by Congress.

The current majority claims they have the answers in a new clean energy agenda which purports to offer reduced reliance on foreign oil. But they seek to do it through increased alternative forms of energy, much of which is not even available today, instead of drilling for and pumping American crude.

Before the vote was taken on the majority's latest energy bill on December 18, 2007, Speaker PELOSI said, You are present at a moment of change, of real change. Perhaps she was correct, only the change she envisions is radically different than what most Americans want.

To lower the price at the pump and to break our addiction to foreign energy, we must increase production of American crude, not stifle it. Today, our country currently imports 61 percent of its crude oil and 15 percent of its natural gas. It's not only expensive but foolish for us to depend on such politically unstable regions like the Middle East for our energy.

If this Congress were serious about reducing America's reliance on foreign oil, one would also think it would invest in new energy supplies that it can produce in the U.S., such as coal-to-liquids using clean coal technology; and it would engage in immediate development of domestic oil sources by obtaining oil from ANWR, drawing oil from our Outer Continental Shelf, our oil shale, and even oil sands.

Additionally, we have large supplies of natural gas, and instead of using it for domestic purposes, we're selling about two-thirds of it abroad. Natural gas is a steal when compared to crude oil. According to one recent news story, natural gas prices are currently much lower than crude oil when the two are compared on a BTU equivalency basis. Currently, crude oil is nearly $120 a barrel compared to natural gas at about $11 per thousand cubic feet. Since natural gas is used at about one-sixth of the cost of crude oil, that's a bargain.

We need to actively develop American natural gas resources, and we can because the supply is there. We need to lift the moratorium Congress has imposed on drilling our offshore natural gas reserves and tap into this incredible resource.

These are supplies that we have right now on the lands of our own Nation. We don't have to go abroad and be held economic hostage to foreign oil cartels.

Natural gas is one piece of the puzzle. But let's be candid. We still need oil, a lot of it. And as we increase oil supply, we must also increase refining capacity to process it, yet it has been three decades since we built a new oil refinery. Lack of refinery capacity is another reason why gas prices are so high.

And we further tied our hands by shying away from clean, secure, safe nuclear energy. Since the 1970s, nuclear technology has been developed that will enable us to produce nuclear energy without the potential dangers of previous years.

In his news conference yesterday, President Bush said, Many of the same people in Congress who complain about high energy costs support legislation that would make energy even more expensive for our consumers and small businesses. He went on to say, Congress is considering bills to raise taxes on domestic energy production, impose new and costly mandates on producers and demand dramatic emission cuts that would shut down coal plants and increase reliance on expensive natural gas. That would drive up prices even further. The cost of these actions would be passed on to consumers in the form of even higher prices at the pump and even bigger electric bills.

□ 2030

Now, of course the President was referring to our friends on the other side of the aisle. And the fact that he's right does sadden me because this is not a partisan problem, it's an American problem that demands a true bipartisan solution. Yet, the Speaker's energy bill that came out at the end of last year will invest less than $300 million over 3 years in such clean energy sources as hydropower, marine and hydrokinetic energy, wind energy, solar, and clean coal technology.

In contrast, consider the cost of what the Speaker chose to invest in through her energy bill. The bill contained $375 million for a Green Jobs program for 3 years; $600 million to assist developing countries with their renewable energy development, and additional funding, as needed, to assist India and China with the same. That's right, we are sending American tax dollars overseas to the two very countries we are competing with for energy supplies. Is that the kind of real change that Americans want?

Tragically, with the policy changes wrest by this Congress, Americans across this country have only continued to see higher and higher gas prices as new record-high gas prices are reached almost daily. As President Reagan correctly reminded us, Americans are not afraid of the future, we welcome it. In facing the future, however, America needs sound energy policy that develops domestic energy sources from every source available, including crude oil, natural gas, clean coal, hydropower, and every alternative source of energy. To put it another way, we need all the energy we can get from all the sources we can possibly afford. We need a real energy policy, not a futuristic wish list. Madam Speaker, we're waiting. Please don't make us wait any longer.

With that, I yield back.

Mr. SHIMKUS. I want to thank my colleague, and I appreciate it.

A couple of things I want to highlight. When he talks about supply, we have a 250 years worth supply of coal in this country, 250 years that we can have access to. And according to the Federal Government, there is enough oil in deep waters many miles off our coast and on Federal land to power more than 60 million cars for 60 years. So your point about supply is important and a critical portion of this debate, and really what separates Republicans from the Democrats as we fight about these energy costs.

We believe that when you bring more supply to the public that's demanding it, prices will go low. Speaker PELOSI promised, on April 24, 2006, "Democrats have a commonsense plan to help bring down the skyrocketing gas prices." Well, they have a plan, but the plan was just the opposite of what she envisioned. Here's a barrel of crude oil, $58.31 when she became Speaker of the House; the price today, $115.92. That, as I stated on this floor numerous times, that is bitter change, that's negative change. Change is not always good. This is bad change. This is change that was promised by the current leadership in the House.

Now, how does that translate into the fuel for the soccer moms in the country? Well, when the Democrat majority came in, the price of gasoline at the pump was $2.33. Today, it stands at, on average, $3.65, a huge increase. Again, negative change based upon what was promised by the then Democrats in the minority. What they said, what happened when they got into the majority, they promised change. This isn't the change that we bargained for.

And just because I like to bring in the aspect that energy is the item that affects every aspect of our lives, as I said last week, in the Coast Guard Authorization bill, for every dollar increase in diesel fuel, it costs our Coast Guard $24 million. For every dollar increase in a barrel of crude oil, it costs our United States Air Force $60 million. For the sake of the taxpayers we ought to be demanding more supply.

And BILL, you know the coal-to-liquid opportunities that are up in your neck of the woods, and how the Air Force is pleading with us for energy security, for the ability for them to project their cost, and really for national security. Isn't it crazy that our military is dependent upon foreign sources of energy to run our war machines? Not only is it crazy, it's scary. And I would make the argument that it's negligent on our part to keep our military financially reliant on imported energy and really militarily at risk, where we could, in essence, be blackmailed with the threat of controlling those supplies when we need to move our war machines.

Add to this, I always like to add this on this chart, $3.65 is the price. Guess what happens when we moved to climate change? Chairman DINGELL of the Commerce Committee is the only intellectually honest person who started talking about climate change, and he said, "for us to address climate change, it will require an additional 50 cents per gallon of gas." So now if we've got, on average, $3.65 and we add 50 cents for climate change, that means right now, before we get to the summer driving season, people will be paying $4.15 for a gallon of gasoline. That is bitter change. That is change that the public did not agree to when Speaker PELOSI made her promise in 2006.

And this highlights what you were talking about. Here's a comic. And you know when issues start getting into the media and the folks start making fun of public policy in America that you've really got a point that's resonating. "We demand you energy companies do something about these high prices." Isn't that what we're hearing our friends from the other side of the aisle? Okay, energy companies, do something. Can we drill in ANWR? Forget it. How about offshore? Are you crazy? Clean coal? Out of the question. Nuclear power? You're joking, right? Well, don't just sit there, do something.

And what do we hear from the other side of this building? What we hear is, which is laughable, let's add more taxes to the energy companies. Now, where in the history of this country, when you've added more taxes do you get lower prices? I would challenge anybody on the other side of the aisle to show me any time in history where we added more taxes and we lowered the price of a good. You know what? They can't do it. It's ludicrous.

And then they also say, I know what, we're going to force the people who are selling us the oil, we're going to force them to drill and produce more oil when we won't even do that ourselves. How crazy is that?

So as my colleague, Mr. SALI, pointed out, we have options, we have solutions. We mentioned many of them. One is, take our natural resources in coal, over 250 years of coal resources. Now, I would rather have the good midwestern Illinois coal-basing coal that you have to go underground, not stuff you can get off the surface like in some of the western States, but here is a picture of a western State. Grab that, build a refinery, refine that coal into a fuel, stick it in a pipeline, send it to our Air Force bases, or send it to our airports. How many recent budget airlines have just gone bankrupt? At my count, there's four. Think of all the job losses. Think of all the health care now that's no longer accessible to those families. Why did they go bankrupt? High jet fuel costs.

One solution would be this; and the great thing about this is, American jobs in the coal mines, American jobs to build a refinery, American jobs to operate the refinery. These are good-paying jobs with good benefits. American jobs to build a pipeline. And of course, these are American jobs to fly the airplanes and operate the airfields or protect us.

So with that, I would like to yield to my colleague from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. Thank you, Mr. SHIMKUS, for your leadership tonight, and thank you for your interest in this issue.

It's interesting, looking at your charts tonight, I notice some of your charts actually have numbers that have to change. If you look at those, that's almost like I see when I go back home to east Tennessee every weekend, I see on the pumps at the gas stations, they have to change, also. And it's changing because we see the gas prices continuing day after day——

Mr. SHIMKUS. If my colleague would yield, they're not going down. Ever since I started this, the numbers are always going up.

Mr. DAVID DAVIS of Tennessee. And you're exactly right. I think when Speaker PELOSI took over, oil, I think, was $58 a barrel according to your chart. Now it's $115 a barrel. And I can bet by tomorrow if we use that same chart, that $115 will be gone and you'll have to change that chart again.

I do thank you for your leadership in this issue. You know, we've been busy in this Congress. So far in the 110th Congress we've named 78 post offices, Federal buildings or roads. We've also passed legislation honoring LSU for their NCAA Football Championship, and the Red Sox for their World Series sweep over Colorado, and even commemorated the Detroit Tigers for winning the American League pennant.

Granted, post offices need names and championship teams need to be honored, but when I go back to the First District of Tennessee, people don't ask if I'm working on these types of things. They ask, DAVID, how am I going to fill up my pick-up truck if the gas prices don't come down?

What we haven't done is pass a sensible energy policy that will break our dependence on foreign oil. And I don't know about you, and I think you will agree with me, it scares me that we're dependent on foreign nations for our energy needs, dependent on people that hate us and hate our freedoms and, quite frankly, hate our religion. It is a dangerous precedent that we set when we become more and more and more dependent every day. It's time to get our priorities straight and help the citizens, families and small businesses in each of our districts across America. There is no excuse for this when families in my district are struggling to fill up their vehicles just to go to work.

I can remember a time 10 or 12 years ago, before I came to Washington, when there was a lot of talk about one party would steal milk from babies, or have senior adults eating dog food. Well, I can tell you, this worries me when I have families in east Tennessee that are to the point that they have to decide, do they buy food that's going up, or do they buy energy to go to work? This worries me.

There is no excuse for small businesses in my district to be forced into bankruptcy because they can't operate under high energy prices that they're facing. There is no excuse when families in my district have to choose between driving to work each day or putting food on their table or sending their kids off to college. There is no excuse.

Energy is the foundation and lifeblood of the American economy, creating the conditions that help us support good-paying jobs in the United States and allowing our industrial base to compete with the rest of the world.

Gasoline prices have increased more than $1.23 per gallon since the majority party took control of this House last year, increasing from a nationwide average of $2.33 per gallon on the very first day of the 110th Congress to now $3.55 per gallon. And again, that will probably change by tomorrow, and it's changing every day.

What we need is no more excuses. We need an energy policy that allows us to use American energy. We need to drill for oil in ANWR and off the Intercontinental Shelf. We need to use our abundant coal supplies through the use of clean coal technology.

One of the first things I did when I was elected to Congress is went to the Pentagon and spoke with the Secretary of the Air Force. And one of their top priorities is to use American coal, American energy, and take that coal and turn it into a fuel that we can actually fly our jets with. That's not too much to ask. And we think, boy that sounds a little out there, a little futuristic. Well, let me tell you how futuristic it is. The Germans ran their war machines in World War II by changing lumps of coal into gas. In World War II. This is not futuristic, some pie-in-the-sky issue, this is something that was done in World War II, it can be done now.

☐ 2045

And we need to create safe nuclear power plants and we need to build refineries. And we need to expand our green energy initiatives like switchgrass. The University of Tennessee has a wonderful program looking at that possibility. Wind power, solar power, hydroelectric power. I think we have to look at green energy, but I think we've got our heads in the sand if we feel like we can run the American economy off green energy.

I think we have to have an energy plan. And an energy plan, an energy policy, combines all of these things together. It's a supply-and-demand issue. It's that simple. If you have a lot of something and a few people want it, the price will come down. This is basic economics that you learn in high school. If you have a small amount of a product and a lot of people want it, the price will go up. We have a limited supply. And it's not just Americans now that want the supply. China wants the supply. India wants the supply. We live in a global marketplace.

There are people in this Congress that believe you can tax and regulate yourself into prosperity. It never has happened. It won't happen today, and it will not happen in the future. If there's anybody that serves in this House that believes that you can put a tax on a business and that tax won't be passed on to the consumer, they haven't taken economics. They will pass that cost directly on to the pump.

Now we see that gas prices have gone from $2.33 a gallon, when the majority party took over, to $3.65, according to your chart today. Can you imagine if we put more taxes on top of that, what that's going to do? That's going to put a higher burden on the American consumer, on the American family.

There are families back in East Tennessee that sit around their kitchen table trying to decide how they're going to put a budget together, and it's putting a real dampening spirit on them when they have to try to spend $50 or $60 to fill up their vehicle.

Mr. Speaker, some people here in Washington believe the best way to reduce our gasoline price is just to tax the oil companies that are providing our energy supply. You can't tax and regulate yourself out of an energy crisis. You can't tax Joe's or John's or Chris's pickup truck full of gasoline. It just doesn't make any sense.

The American middle class deserves better. They deserve an energy policy that is dependent on American energy, not foreign energy. That's why 2 weeks ago, I signed onto a piece of legislation that's carried from my good friend from Texas, MAC THORNBERRY, called the "No More Excuses Energy Act." "No More Excuses."

We've talked about energy for years, before I ever came here. As I was running for office in the last election, I heard the majority party say if you'll just let us take power, we're going to lower your energy costs. Well, I certainly don't see it in your charts today, Mr. SHIMKUS. I can tell you we need no more excuses. We need to use American energy. It's the only way to lower the cost at the pump and to give some relief to the American taxpaying citizen.

Thank you for your leadership.

Mr. SHIMKUS. Thank you.

And I have a few comments. Immediately after you mentioned Mac Thornberry's bill, I also signed onto the No More Excuses Energy Act.

The school bus folks were in town today, and what I have really gotten an appreciation of over the past year is, as I said earlier, how energy costs affect everything.

Look at the cost to the local school district, who is paying for the school buses to pick up the kids. The prices of diesel fuel are double. It's not planned in the budget. How are they going to meet these costs? Many will have to go back to the voters of the local control school that we have, and they're going to have to raise taxes to pay for it. There's no benefit to that for the kids. I mean they're still driving the same buses. That is a lost opportunity for money to go in a different direction to help educate kids but now has to go to fund the transportation system to get kids to school.

So I appreciate those comments.

Mr. DAVID DAVIS of Tennessee. Just to follow that same logic, think of the local volunteer fire department or the local ambulance service taking money from health care or the local police department taking money from corrections. You can see this through all branches of the economy. It really is affecting people in a very negative way.

Mr. SHIMKUS. And it's silly that we're not going after our own resources and our own supply when Russia is attempting to grab vast chunks of the Arctic to claim its vast potential of oil and gas and mineral wealth to fuel their country's economy. And actually, as we know, and I've got a friend from Michigan who knows this, they use energy to extort and impose their will on the free governments of the former captive nations, and they use it as an extortion tool. And they're going after resources and we don't. It's crazy.

Russia and China have overtaken the United States in dominating the global energy industry. China's building 40 nuclear plants. China opened a new domestic energy reserve in 2004. China is increasing offshore energy production. In fact, China is in league with Cuba to go after Outer Continental Shelf oil 50 miles off Miami, 50 miles. We can't go there, but we're allowing the Communist Chinese access to the gas and oil reserves on the Outer Continental Shelf. And there's much, much more.

It is ludicrous that we are the only industrialized nation in the world that does not go after and use our own resources. How crazy is that? It's time we stopped. And I hope the public is getting significantly angry enough that they are going to demand that this House does something to open up reserves.

Now I'm joined by my good friend and colleague KEVIN BRADY from Texas.

Welcome..

Mr. BRADY of Texas. Thank you for your leadership on this issue. You come from a State, Illinois, that has a diverse blend of energy sources, and you've got a leadership role on the Energy and Commerce Committee. You know this issue. And you're right, "no" is not an energy policy.

I think this new Democrat Congress is completely disconnected from the real world. I say that because recently I held some roundtables at Mama Jack's Restaurant in Kountze, Texas, which, by the way, has great food and a great small business owner who's living the American Dream. And then I went to a new Chevron station earlier this week in Shenandoah, Texas, across from the Woodlands, where our family lives, and just talked to motorists about this issue.

What I found at Mama Jack's Restaurant were two small business people who basically say they work for free now. One was a florist. Another one, I forget what small business he was in. They basically said the price of fuel has eaten up all their profits for the week.

I talked to the sheriff of Hardin County, who said, basically, they run through their annual budget in law enforcement about halfway through the year. Now their officers aren't able to make some of the discretionary, positive, proactive calls they'd like to make. They don't have the money to do it.

At the gas station, I talked to a painter who lives in Montgomery County, works all throughout the Houston area, who said, basically, that he used to make $500 a week, what his net was. Now his fuel eats up $250 of that.

I ran into a teacher, a guitar teacher, a young man who had a very fuel-efficient car. He actually sold his land in Willis and moved closer to where he works just because, as he said, "We just can't take these fuel prices."

Yet look at Congress. Look at this new Democrat Congress. Since they've been in office, not only has the price of energy just skyrocketed, but look at what it's done. The first thing it did to address energy prices, it passed a bill through the House to allow individuals to sue OPEC. To sue OPEC. What is that going to accomplish?

Then the second thing is this Congress began promoting longer-lasting light bulbs. Those are fine, but I don't think it's going to help lower the price at the pump anywhere.

Then they decided, no, here's the problem: We're apparently producing too much energy here in America. So they went after the U.S. energy companies. And what happened was 3 years ago, a Republican Congress, concerned about the loss of jobs overseas, changed the Tax Code. We basically said, look, if you produce and invest in America, create jobs in America, manufacture in America, you will have a lower tax rate than if you do that overseas. It makes great sense. Well, this new Democrat Congress said, no, there's one industry that we won't stand for. So they singled out the U.S. energy industry and said, no, we're going to tax you like you're producing, investing, and creating jobs in foreign countries; so we're going to treat you and your workers like you're a foreign investor. So at a time when we need more U.S. energy, we basically told our American energy companies, we're going to punish you for exploring here and producing and manufacturing in America, and, by the way, we're going to outsource good American energy jobs to other countries. We'll just make it more attractive for them.

And then this Congress apparently squeezed in between hearings on steroids in baseball and appearances by Julia Roberts, and we managed somehow to pass a measure to insist on more fuel-efficient cars. That's good. That actually is a good thing. But then this Congress went right back to punishing U.S. energy producers. The latest scheme out there is that we won't sell any military planes made in America, by the way, by American workers unless OPEC agrees to sell us more oil. So, in other words, our message to OPEC was: We want to do less, but we insist that you do more. It makes no sense at all.

I agree with you, Mr. SHIMKUS. We need a balanced approach to our energy. We need to take more responsibility as America for our own energy needs. We need to conserve more. Every one of us can do more to stretch our energy. We do need new technology because everything we touch can be made more energy efficient. And, yes, renewables are important. In fact, the Republican Congress is the one who put in place many incentives on wind and solar and biomass and biofuels types of issues.

But what your point is that I agree with, and, I think, the American public agrees with, is we do have to increase supply. We are, I think, a country of Americans that want more American energy. And the way we do that is to unlock our resources.

I'm from Texas. I have watched this Government push our energy companies deeper and deeper into the gulf coast, into riskier and more expensive waters, and then we wonder why the price of oil is higher. We've locked off most of our reserves along the gulf coast. We've locked off our Arctic energy, which is a tremendous, vast resource. We refuse to help work on the U.S. Naval Shale Reserve, which is another resource. Mr. SHIMKUS, for many years I have heard you talk about the need to take coal and turn it into super clean liquid fuels that can help again fuel our country as we go forward.

The good news is America has remarkable resources if we will just take more responsibility for what we need because our economy is like a growing young boy. We continue to grow. But other countries do as well.

I will finish with this: I've watched Congress blame everyone in the world for high oil prices except themselves. I think Congress ought to look in the mirror when it comes to high energy prices at the pump, and here is why: The high world oil prices reflect the new reality of this Democrat Congress. And what we have said is stable governments like America are no longer going to take responsibility for energy; so we are actually pushing more of the world's reserves into unstable countries, just as you said: Russia, Venezuela, Iran, Nigeria, and others. As a result, we pay a premium price because the rest of the world now knows that America, a stable government, has said no, we are not going to be part of the solution, we want other countries to. And, unfortunately, our motorists, our small businesses, our law enforcement are paying the price. America needs to take more responsibility for our energy.

Mr. SHIMKUS. I thank my colleague.

There is something about the American character. We believe that America is strong because we have this value of rugged individualism, that we believe in self-reliance. And what galls Americans in this debate is that the Democrats are demanding increased oil production everywhere but in America. I mean the Democrats demand increased oil production everywhere around the world but America. And when they do that, they are creating jobs everywhere in the world except in America.

Here's the result of their "no" policy: When they came in, $2.33 per gallon of gas. On average today, $3.65. You add to that a 50 cent global warming tax, and we would be paying at the pump today $4.15. The barrel of crude oil, the feedstock, when this Democrat majority came in, $58.31. What is it today? It's $115.92.

There's a 250-year supply. And by far the least expensive fuel we have in coal reserves across this country, the largest coal reserves of any country in the world, is right here in the United States. And according to the Federal Government, there's enough oil in deep waters many miles off our coast, and on Federal land—that's not on the coast, that's just on Federal land—to power more than 60 million cars for 60 years.

□ 2100

Mr. SHIMKUS. Again, the Democrats have decided to demand other countries explore, develop, create jobs in energy, and continue to keep our reserves locked up, never to be used.

I am happy to welcome my colleague and friend from Michigan, Congressman MCCOTTER.

Mr. MCCOTTER. I thank the gentleman for his leadership on this issue and for yielding me some time.

We have heard a lot throughout the past years about making America more energy independent. Myself, being a natural contrarian, have heard recently members of my own party saying that the Speaker has yet to unveil her plan to lower gas prices. I think this is an error. I think the more disturbing news is we have seen the Democratic party's plan to lower gas prices, and it has failed miserably.

If we remember last year, we were told we were taking the steps toward American energy independence. We passed a "Lethargy Bill," as I referred to it, that was going to solve all our problems. We were going to innovate our way out of this, we were going to conserve our way out of this. We were going to throw American taxpayers' money to India and Communist China and around the world to make the red bureaucrats green.

When the Speaker was recently on Larry King's show last week, apparently she was under the impression that their plan had worked. When asked what the price of gas was, she replied, $2.56. She was off by $1. Evidently the pattern of wishful thinking had already set in; that their wonderfully detailed plan that they had waited to unveil had already been hoisted upon an unsuspecting American electorate. And these are the results.

Now we hear the "blame game" beginning. Because having had their energy plan fail, they are now looking for scapegoats. When politicians come looking for scapegoats to explain their failure, I assure you of one thing, it's going to cost taxpayers money. It may cost you directly, it may cost you indirectly, but this will cost you money.

I will say why. First, their policy having failed for a fundamental reason, they can come up with no better thing to do than to try to affix blame. Their policy has failed because it's built on a 21st century energy fallacy. The fallacy is that environmental conservation and energy production are irreconcilable. The Republican party takes the opposite view. We believe that a plan of conservation and innovation and responsible production through the use of green technologies and others is entirely possible for our free people, and it can help increase the supply of domestic energy and help to alleviate the cost of gas at the pump and the cost of energy throughout our economy, which is eating into family budgets even as we speak and do nothing in this 110th Congress.

Now what are they going to do instead? They are going to put taxes on energy companies. Windfall profits tax. I remember something Ronald Reagan said a long time ago. Corporations are not taxpayers, corporations are tax collectors.

So here's how this works. This is the new energy plan. The new energy plan is to divert attention from the fact this Congress has done nothing to increase the supply of oil or domestic energy to help Americans. They will then try to tax the energy companies. The energy companies will turn right around and put that cost into your pump. It will be passed right on. This is not my speculation, this is what economists tell you almost universally.

Then the politician comes to you, after Government has more of your money, and says, Thank me. I punished those bad people. And you say to them, Well, that is great, but what about me? Is there any more energy being produced? You have taxed it, there is less of it, the price continues to go up. You walk out of here with more of my money. I don't think the American people are going to be grateful for that.

Another short term gimmick that we are hearing is we must demand that OPEC produce more oil. This is sheer genius. Sheer genius. We are now hearing calls from the Democratic party to make America more energy dependent on foreign sources. They pump more, we buy more, they keep the money. There is no energy independence in this shortsighted call, there is just another attempt to deflect blame and responsibility away from this Chamber, where it belongs, the Chamber across the hall, where it belongs, and from a total failure of a 21st century fallacy to fix energy needs in America and make us more energy independent.

Now, as we know, these costs go throughout the economy. They are inflating the cost of living for all Americans. And yet there's talk, talk, talk, talk. But there are people who are not talking about energy. We are engaged in a fight for the global access to oil with the Communist Chinese as we speak. They are in every continent of our world and they are trying as hard as they can to gain direct access to these foreign sources.

At the very time the United States of America, as the distinguished gentleman from Texas points out, is trying to deter American companies from finding new sources of oil, at the very time we are told by some voices that we demand energy production everywhere but America, it is easy in our day and age to say to ourselves that there is no real direct cost to Government. We live in a credit card age. We don't live in the age my parents grew up in, my grandparents, and I was raised to respect you save your money, you plan your budget, you work responsibly, and hopefully the good Lord takes care of you. No.

But when you think that votes on an energy bill or votes on a regulation that is imposed or votes on litigation that is imposed or votes on taxation that seem indirectly removed from you, there's a cost to all this. When we talk about the cost of taxation, litigation, regulation and an aversion to production of American energy, you need not go to the CBO to have this scored.

Look at the gentleman from Illinois's chart. That is the cost of a government that is unaware of what is happening in America, what our future energy needs are, and who do not understand that the American people, when challenged, will meet that challenge, we will provide for environmental conservation, free market innovation, and the domestic production of energy to take America where it needs to be, which is energy independent. But then, again, we have always viewed America as the solution, and we always will.

I thank the gentleman for all the work that he has done on this, and I look forward to continuing this discussion with him in similar forums, for it is important that the American people understand something. According to the chart in front of us today, it is clear that in the 110th Congress Democrats don't care what they cost you.

I yield back.

Mr. SHIMKUS. I thank my colleague.

There's a great op ed today in the Washington Post by Robert Samuelson. I want to read the first paragraph: "What to do about oil? First it went from $60 to $80 a barrel, then from $80 to $100 and now to $120. Perhaps we can persuade OPEC to raise production, as some Senators suggest; but this seems unlikely. The truth is that we are almost powerless to influence today's prices. We are because we didn't take sensible actions 10 or 20 years ago. If we persist, we will be even worse off in a decade or two. The first thing to do is start drilling."

Now I am joined by my colleague from Georgia, Mr. WESTMORELAND. Welcome.

Mr. WESTMORELAND. Thank you, Mr. SHIMKUS, and thank you for doing this. I am glad to hear all of the discussion today. As Mr. MCCOTTER was just talking about, the Democratic plan, I guess, or their policy, was H.R. 6, which was part of their monument pieces of legislation this was going to change the direction of this country. As we see by your chart, they definitely have changed the direction of gas prices in that they are skyrocketing up. We heard so much before they got in charge about the commonsense plan that they had. So H.R. 6 was their energy bill.

If you look at H.R. 6, and, Mr. SHIMKUS, I did a little word search and found that crude oil was mentioned five times in that bill, which was well over 300 pages. Gasoline was mentioned about 12 times. Domestic drilling was not mentioned. Drilling on the Outer Continental Shelf was not mentioned. But what was curious was that swimming pool was mentioned 47 times because there was a piece of swimming pool legislation that was added to the bill. So swimming pool was mentioned about seven times more or eight times more than gasoline. Then the other interesting thing is 350 times in that bill was lamp or light bulbs.

So I have a hard time explaining. I just spoke to a group of farmers Saturday morning at a breakfast and they were asking me about fuel prices. As you know, the price of diesel is up well over $4 a gallon. When I tried to explain to them the Democratic solution to our energy problems and our dependency on foreign oil, I don't think that they believed me. I read them the bill, I read them the things that were in the bill, and I am having a hard time convincing them that I am telling the truth.

So I am proud that you're here and that these other members are here so I can have somebody to go back and say, Look, I told you I am telling you the truth. This is their policy. It is a non-policy. Their commonsense plan that they had to reduce our dependency on foreign oil and to bring down the rising gas prices has done nothing but cause them to go up almost 50 percent.

So I thank you for doing this, and I hope that by me sitting here listening to some of my other colleagues, I can get some ideas about what to go home and tell the people of the Third Congressional District of Georgia.

What really is their plan? Did they really have one? As it turns, it seems if they had one, it has certainly backfired on them and, shamefully, the American people.

Thank you.

Mr. SHIMKUS. I thank my colleague for coming. In reality, and I taught high school for a couple of years, and when you don't make a decision, you have made a decision. Even though you don't have a policy, you in fact have a policy.

Our debate is that when the Democrats promised us, when Speaker PELOSI promised us, and I quote, "Democrats have a commonsense plan to help bring down skyrocketing gas prices"; and when Majority Leader STENY HOYER promised, "Democrats believe that we can do more for the American people who are struggling to deal with his gas prices," well, they sure did more. They just burdened struggling citizens with higher gas prices. Democrat Whip JIM CLYBURN said, "House Democrats will have a plan to help curb rising gas prices."

When you don't have a plan, the plan that you have is a plan for failure. This is a planned failure, $58 to $115. Facts are hard things to dispute. Gasoline prices, $2.33, $3.65. That is Speaker PELOSI's plan to bring down skyrocketing gas prices. They are skyrocketing gas prices but they are not being brought down. They are continuing to go up.

So Monday we had truckers driving around Washington, D.C. protesting the high cost of diesel fuel. I have got independent truckers going bankrupt. In fact, I brought to the floor in the last couple of weeks a picture of a local strike of independent strikers protesting the high cost of diesel.

My friend, Congressman BRADY, highlights the fact that many small town, independent, self-employed people are not making any profit this year because the profit they had planned, it's all going into pay the high cost of gasoline. This is failure.

We would hope our colleagues on the other side would recognize this failure and come to the floor and help us fix this. But their solution is demanding on other countries more drilling when they won't demand drilling in our own country. And then they have this convoluted idea that if you tax people, that is going to lower prices. I challenge them anywhere historically to show me a time when you have raised taxes and prices have come down.

In fact, I have got the perfect colleague to come up here and talk, a CPA and accountant. He has probably seen a lot of small businesses, probably seen a lot of tax burden come onto businesses. I am not sure those tax burdens have ever lowered the cost of that company doing business. But I would like to welcome Congressman CONAWAY from Texas.

Mr. CONAWAY. I thank my colleague for hosting the hour tonight and for his work on the issue of trying to educate the American people as to what we are doing here.

□ 2115

I would say as kind of a spin-off of your comment earlier, I think our colleagues on the other side do have a plan, but they are not explaining the plan fully to the American public. Their plan is to promote anything but oil and gas and fossil fuels. And that is fine. We can have a legitimate philosophical debate and argument and disagreement as to whether or not we should continue to explore for and exploit fossil fuels. But in that conversation ought to be the cost of changing to a non-fossil fuel environment.

So I would argue that the policies that have been put in place over the last 15 months have been specifically garnered to reduce America's production of fossil fuels. They have been specifically put in place to raise those costs and make other alternatives more competitive in the market. But what they have not done a particularly good job of is explaining to the American public that these alternative sources have a cost.

If it were already cheaper to produce electricity any other way than the way we are currently doing it, we would be doing it that way. That is the American model. If it were already cheaper to power our automobiles and trucks and planes any other way, we would be doing that.

So as we look at these policies that are being put in place by our colleagues on the other side, they are specifically intended to raise costs on our businesses, raise costs on American businesses, raise costs to consumers. When you raise costs to businesses, those businesses compete in a global environment. They compete with companies around the world who may have a different cost structure than they do. And to the extent that our costs here are higher than other places in the world, particularly as it relates to energy, then our companies would be less competitive, and the less competitive our companies become, the fewer jobs available for Americans to take. So you can kind of get a sense of this death spiral that we put ourselves in by making ourselves less competitive.

The cold, hard facts are that energy costs over my lifetime and your lifetime will continue to increase. There is just no other way to get around it. That is going to happen. But those increases should not be as dramatic as the increases that my colleague has shown on the floor. We can manage and work towards slowing those increases down, making those increases much more manageable and easier to deal with if we had a rational, pro-production, pro-supply policy that we put in place.

If we make a decision that we want to go totally green, we want to go to a zero carbon footprint, that has immense costs that we have to agree on. If we collectively agree those are costs we want to bear, then let's go do that. But at this point, at this juncture in time, no one is talking about the costs of moving to the style of energy production that my colleagues on the other side want to do.

As an example, section 526 of the energy bill that was passed in December prevents any Federal agency from contracting for sources of energy if they can't prove that the lifecycle greenhouse gases are less than they otherwise would have been. Well, that has a cost to it, because that means our Federal agencies, including the Department of Defense, can't buy energy from Canada.

Now do you want to buy energy from Canada? We share a long border with those guys, it is a democracy and we go to war together. We don't go to war with each other. Or do you want to buy crude oil from countries who hate our guts, from regimes that would just as soon America would go away as look at us?

What section 526 does, well-intentioned but misguided in its impact, is it says you can't buy things, you can't buy unconventional sources of energy like gas-to-liquids, like oil shale, like tar sands, unless you can prove, quote-unquote, that the greenhouse gas cycle is less.

These are policies that our colleagues on the other side are putting on. They are policies intended to increase costs to the American consumer. They simply won't say that. But if you look at the impact those policies have, they are specifically set to reduce America's supply of energy. If you reduce our supply of energy in a growing demand circumstance, straight economics tells you that your costs are going to be higher.

So as we move toward what we would all agree is a laudable goal, and that is making America dependent on energy sources that are within American control, that are environmentally responsible, let's look at the cost of how we make those moves. If we want to make them dramatically and unprepared, then, fine, those are dramatically higher costs than would otherwise have needed to be the deal.

So the basic points are costs will go up over the rest of our lifetime. We ought to do to what we can to manage those costs, prevent the spikes we see and the dramatic impact there, because businesses and consumers have a difficult time dealing with spikes. They can deal with a gradual increase over time, because that is just the way normal things work, but spikes hurt us in trying to plan for and be competitive in the world markets.

Let's come clean as to what all of these costs are for carbon tax or global warming or climate change, whatever it is. Our colleague from Michigan has said it ought to be 50 cents a gallon for gasoline. I don't know if that is the right number, but at least he put a dollar value on the ideas of how we move toward less dependence on sources of oil, in this instance fossil fuels.

But the phrase "energy independence" is a misnomer. We will never have a world where we aren't dependent on energy. We have to have energy to turn the lights on in this building. What the phrase should be is that we are not dependent on energy from sources that we don't control, from sources in countries who hate our guts, from sources that when we give them money, they turn around and take that money and do bad things to American citizens. So we can have an energy policy that makes sense, is responsible to the environment, but doesn't raise costs dramatically and arbitrarily on the American consumer.

I appreciate my colleague giving me a chance to rant a bit tonight and participate in our conversation.

Mr. SHIMKUS. I thank my colleague. Pro-production, pro-supply, and conservation I think are key items.

Mr. CONAWAY. Let me add one other thing that I left out. I had a conversation today with some folks from an energy electric company. We talk about energy, we ought to bifurcate the discussion. One is the electricity production, which is the bulk of the energy we use in this country, versus fuels that power cars and airplanes and trucks. They are looking at the impact that some of the proposals out there are with respect to increased costs in order to lower their CO_2 emissions.

They currently produce energy at almost 4 cents a kilowatt hour. Under the proposals that they are examining, which are led by the Democrats, they believe their costs will go to 11.8 cents a kilowatt hour. That doesn't mean just in the vacuum. But take your electric bill that you pay this month, or the one you pay in July when it is really high because of air conditioning, and multiply it by 2½. That will be kind of a rule of thumb as to what some of the proposals out there are doing for energy costs.

Mr. SHIMKUS. I appreciate that. And I have tried to segue a little bit of the climate change debate. We mentioned it here with Chairman DINGELL. To be intellectually honest, a carbon tax would be a way to go. He says 50 cents a gallon. So if the average price today is $3.65, you add 50 cents a gallon, Americans will be paying $4.15 a gallon. Now, even in the cap and trade program, really cap and trade equates to 50 cents a gallon. And we just want folks to be intellectually honest and be clear, so the public has to understand.

An issue out today, politicians beware, the issue tied for last, climate change tied for last on a list of domestic priorities for President Bush and Congress in a 2008 survey from the Pew Research Center for the people in the press, lagging behind influence of lobbyists, moral breakdown, et cetera. Last. But California just passed a 20 to 30 percent increase on the electricity bills to deal with climate change. So if we want lower energy prices, we need more supply.

Thank you, Mr. Speaker.

EFFECTS OF TROOP DEPLOYMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Speaker.

Mr. Speaker, before I begin, I would like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we appreciate the opportunity tonight in the 30-Something Working Group to talk about an item that is extremely important to America and particularly important to America's military families, and that is the effects of troop deployment on the children, families and communities of military personnel.

Speaker PELOSI has been so supportive of the notion that we need to make sure that we shape our policy, particularly around our Nation's veterans, in support of our military families. The extended troop deployments, the tour after tour of duty, I know that so many of us as Members have met with soldiers' families and met with individual troops who have said they are on their third and fourth tour of duty, that they are having extended deployments, that they are having a much shorter than they are supposed to time between deployments. Normally they are supposed to go through about 365 days between deployments. Those times have not been respected and they have been sent back much sooner.

Since October 2001, approximately 1.6 million U.S. troops have been deployed to Iraq and Afghanistan. Deployed family members are leaving behind parents, children and spouses to provide a selfless patriotic service to our country. However, families are also asked to make great sacrifices when dealing with the stress and anxiety of multiple deployments, limited and infrequent communications, and the separation of a family member.

In this Month of the Military Child, we thought it was only appropriate that we show our support for those that themselves provide so much support to our soldiers and discuss the consequences of these prolonged separations.

I would like to begin, Mr. Speaker, with a story of the Lopez family. The Lopez family is right here. They were profiled in the Sesame Workshop Talk, Listen, Connect Series. Ten-year-old Ernesto, who is the little boy right here, and 6-year-old Jennifer, live with their mother and baby brother on Fort Bragg in North Carolina, which is home of the Airborne and Special Operations Forces and one of the largest military bases in the world. Their dad, Staff Sergeant Ernesto Lopez, is in Iraq on his third tour of duty.

Look how little these children are. The daughter is 6 years old. If he is on his third tour of duty, and most of these tours of duty, Mr. Speaker, are, as you know, about a year each, that means that he has missed half of Jennifer's life already. Half. It is just unbelievable.

Jennifer keeps a special calendar in her room to mark the days until her dad comes home. Ernesto sleeps with a duplicate of the small ball that his father carries, a soft army ball with a molded helmet and a soldier's face, onto which Ernesto drew a heart that means "we love each other," in his words. Even baby Elan, who was born 2 days before his father was deployed, has a soft-sided photo album filled with pictures of his dad that his mother hopes will ease his recognition when he returns.

Imagine. It is going to be incredibly difficult for this family to go through the restoration of bonding that military families inevitably go through. I can't imagine having just given birth and having to leave to go across the world and not know whether or if I would see my family again. That is what our men and women that are fighting for us in Iraq are going through every single day. And as Ernesto, Jennifer, Elan and Mrs. Lopez know so well, when a parent is deployed, the entire family is deployed.

The Lopez children are an example of the 1.2 million children under the age of 10 who have a parent or parents on active military duty or in the Reserves, which is more than at any other time since World War II.

Tonight, Mr. Speaker, we are going to be discussing the burdens of deployment on the children, families and communities of the brave men and women that serve us in uniform. Families and communities of military personnel are making huge sacrifices every day for the protection of this country, and we must be prepared as a Nation to ensure the well-being of military families, welcome home our brave soldiers at the end of their tours, and provide for their safe reintegration into their communities.

At this time, I would like to recognize the gentleman who suggested that the 30-Something Working Group take up this subject during our weekly hour. He is a tremendous leader when it comes to the issues important to veterans and military families, Chairman BOB FILNER, the gentleman from California.

Mr. FILNER. I thank the gentlewoman for her leadership on many issues, especially in these special orders, and tonight a very important one, the effect of deployment on our families, our military families.

You know, this is a war that has gone on the second longest in our history. There are over 4,000 young men and women who have been killed. There have been at least 30,000 casualties that we account for of Americans, hundreds of thousands of Iraqis. That 30,000 official figure, by the way, compare that with the following statistic: Over 800,000 veterans have already returned from this war in Iraq.

□ 2130

Over 300,000 of them have filed claims for injuries, whether physical or psychological, while in battle, 300,000. Compare that with the official figure of 30,000. It is a factor of ten. Something is not being told to the American people here.

But then, think of all the families involved of those who have been killed, the best and brightest of our young men and women, the casualties that we admit, the hundreds of thousands of casualties when they come home. Not only do they have to deal with fatality or grave injury, they have to deal with income problems. A spouse may have to take care of her husband and lose two incomes.

What about the children? Over 1 million children of those deployed or were deployed or will be deployed, how do they take daddy coming home, or not coming home, dealing with violence that is a symptom of PTSD, posttraumatic stress disorder, dealing with an amputated father or mother, dealing with brain injuries?

This is something that we as a society have got to deal with. It is part of the cost of war, and the cost of war that we have been asked to take on doesn't cover this. We have to fight for every penny for veterans and their families.

The President says support our troops, support our troops, support our troops. But when they come home, who supports the troops, and who is looking after the families? And that is what we are dealing with tonight.

Ms. WASSERMAN SCHULTZ. Mr. FILNER, your leadership on the Veterans' Affairs Committee has just been second to none. Your commitment to our military families has been so incredibly important in trying to make sure that we can highlight their needs and the struggles and difficulties that they go through; and the policy that you are shaping in your committee to make sure that we can improve their lives.

Look at the statistics there. The statistics there show just exactly what the impact is on our military families. The dark green shows 2003 to 2005 what you had in infidelity, it was about 4 percent. Fast forward to 2007, and we are at 15 percent. You go to divorce. We are at 11 percent 2003 to 2005, and you are up to 20 percent in 2007. And then look at any other problem. And of course the military families have problems just like anybody else, but look at the explosion of problems that military families have had in terms of their marital problems. In 2003 to 2005, it was 12 percent and they are at 27 percent now. Granted, war is a stressful situation, Mr. Chairman. But, my gosh, we need to do more. And I know that your committee is committed to doing that.

Mr. FILNER. Let me focus, if I may, Ms. WASSERMAN SCHULTZ, on the children. And children have to deal again with dad or mom away for extended periods. You mentioned the Lopez family. Or the problems may really begin when dad or mom come comes back, amputated legs, spinal cord injuries, posttraumatic stress disorder.

Now, this is something that our VA or DOD or administration ought to be worried about, and yet it was left to the private sector to figure out, what do we tell our children? How do we answer something at an age-appropriate level?

And I want to thank the Sesame Street Workshop who produces Sesame Street, the nonprofit educational organization, for its leadership. As you mentioned, there are hundreds and thousands of children of military families who are impacted every day by the deployment of one or both of their parents. They responded to this 2 years ago by making an outreach tool to help families and their young children cope with the challenges of deployment: A DVD featuring Elmo who struggles with military deployment of his father, and urges his viewers to share their emotions and fears directly with their parents. After watching this video together, families have found a new opportunity to talk with their children and communicate together as a family.

Here is the first DVD that Sesame Street did under a Talk, Listen, and Connect series, Helping Families During Military Deployment; and also in Spanish, Partides Militares Bienvenidos Cambios. And that was distributed with the help of the military and the help of the VA to hundreds of thousands of young people.

Just yesterday, Sesame Street launched a new DVD, a new series called Deployments, Homecoming, and Changes. And that addresses the level of anxiety children may experience after multiple deployments, as well as to help young children gain an age-appropriate understanding of a parent's combat-related health condition so the family can heal together. The DVD features again Elmo and Rosita, and intersperses the Muppets with real families like the Lopez family that you showed us earlier. They are meant for children, but spouses and friends and relatives facing a complicated transition of multiple deployments or the physical and psychological wounds.

I invite, by the way, all Members of the House of Representatives to meet Elmo and the Cookie Monster next Wednesday on May 7, at 4:00, at HC–5. Sesame Street will bring Elmo and the Cookie Monster. You can take pictures with him or her, I am not sure, and pick up a copy of this DVD. It will be distributed free to military families all over the Nation.

I hope every one of our colleagues picks up a copy, watches it, and helps distribute it in their own districts. This is an important tool that was produced for us by people who care about what is going on.

And I will tell you, we are now in the Month of the Military Child. We want to honor the children of military families. But we have now a tool to reach children. This is aimed at very young children below the age of five. And if they watch what is going on, again, I have seen some of the previews. One of the children of a parent with a prosthetic leg was shown bringing the leg to dad to try to make that situation sort of natural and a part of life and not something to be ashamed of or to fear. And so Sesame Street uses the power of video to connect with soldiers and their families and of course the children.

You can watch the video yourself. Go to sesameworkshop.org/tlc for Talk, Listen, and Connect; Hablen, Escuchen, Conecten, at sesameworkshop.org/tlc, and you can see that and watch it for yourself.

I would just like to say to my colleague from San Antonio, who is a psychologist and has dealt with children in his professional life and is a great aid on our veterans committee for issues of mental health and the issues we are talking about today, we thank you for your leadership, Mr. RODRIGUEZ.

Mr. Speaker, let me also thank Ms. WASSERMAN SCHULTZ for her steadfast support of America's children and her interest in the needs of veterans' families.

Every day the men and women of our armed forces sacrifice to protect and preserve our way of life, whether by putting themselves in harm's way, or by enduring time away from their loved ones at home.

I would like to recognize Sesame Workshop, the nonprofit educational organization behind Sesame Street, for its leadership in serving the most vulnerable population of the Armed Services—the thousands of young children in military families who are impacted every day by issues related to deployment.

Sesame Workshop has responded to the needs of the 700,000 children under the age of 5 who have a parent in the military. In August 2006, Sesame Workshop launched a critically needed outreach tool to help families and their young children cope with the challenges of deployment.

In this video, Elmo struggles with the military deployment of his father and urges his viewers to share their emotions and fears directly with their parents.

After watching this video together, families have found a new opportunity to talk with their children and communicate together as a family.

Just yesterday, Sesame Workshop launched its second phase of its Talk, Listen, Connect series of videos for military children.

This newest resource kit is titled, "Deployments, Homecomings, Changes" and it addresses the level of anxiety children may experience after multiple deployments as well as help young children gain an age-appropriate understanding of a parent's combat-related health condition so the family can heal together.

These new outreach materials are meant for spouses, friends, and relatives of military parents and children who are facing the complicated transitions of multiple deployments or who have returned home with combat-related health injuries, both physical and psychological.

Elmo is again filling an unmet need for developmentally appropriate resources for young children.

This project has garnered overwhelming support from the military community, with nearly 400,000 of the original kits requested from active duty, National Guard, and reserve families to help build a sense of stability and resiliency during times of separation and change.

April is the “Month of the Military Child.” Today, we are taking the time to honor the children in military families and acknowledging the personal sacrifices they make and the challenges they overcome.

I applaud the critical work of organizations like Sesame Workshop whose project, Talk, Listen, Connect, has the sole purpose of helping make the lives of these children and their families a little easier during some of the most difficult of times.

I commend Sesame Workshop for its work to help empower children and adults alike, as well as help families overcome adversity together in order to bring hope for the future.

Sesame Workshop uses the power of video to connect with soldiers and their families during these difficult times. The video honestly addresses the sadness, confusion and anxiety with sensitivity and clarity for the 700,000 preschool kids in this country whose parents serve lengthy and frequent deployments.

This video is available to watch on the internet. Just search for Sesame Workshop and TLC.

You can also order a kit on the web site—for your neighbor, your co-worker, or even your own child—that might be struggling with the extended deployment of a parent, or adapting to a parent that has returned home but is suffering from visible or invisible wounds.

As a Nation, we must do more than simply say we support our service members and their families. We must follow through with true deeds and bold action that will ultimately assist our military families as they make the transition into civilian life.

I urge you to learn more about Sesame Workshop and share these extraordinary resources with military families you know.

This video will begin to build a dialogue between children and parents, as well as this country and our Nation's military families. America cares for our military families and this Sesame Workshop film shares this message of support.

We need to make sure the fabric of our society is strong enough to ensure the well-being of the military family and I want to thank Sesame Workshop and the many organizations that contributed to this project.

Again, my thanks to Congresswoman WASSERMAN SCHULTZ for your leadership on this issue.

Mr. RODRIGUEZ. And I want to personally take this opportunity to thank you for your leadership as chairman of the VA Committee. And I can honestly tell you that I spent 8 years on the committee prior to leaving for 2 years and then coming back, and it has been day and night with your leadership there. And I want to personally thank you.

Nothing was more frustrating than to serve on the VA Committee for 8 long years and not be able to make things happen. And, in fact, during that period of time is when we were charging our veterans even co-payments and fees and those kind of things. But in the last 1 year and 4 months we have been able, not only with the 2007 budget, the 2008 budget, and the supplemental, we have been able to put $13 billion to our veterans. And so I want to personally thank you for your leadership on the part of the legislation that we have passed.

Just today in your committee, Mr. Chairman—and Chairwoman, thank you for this opportunity—we are able to pass a series of bills, one of them that seemed to simple, but picks up the COLA that addresses the needs of the survivor spouse as well as children, survivors of veterans, as well as disability compensation. So I want to thank you for that.

Let me just give you a couple of statistics. More than 700,000 children have had parents deployed at some point during the conflict, 700,000 children; 19,000 children have had their parents wounded in action; some 2,220 children have lost their parents both in Afghanistan and Iraq. Not to mention the fact that we have lost more soldiers, some 6,000 per year, to suicides, which is uncalled for. And I am really glad that we have started to move on working on posttraumatic stress with our soldiers and adding some resources, and including legislation that allows an opportunity for the first time to reach out and work with the families of those individuals that suffer from posttraumatic stress disorders.

I know personally, just like those families know, that when somebody suffers from posttraumatic stress, just like when somebody suffers from alcoholism, the whole family gets impacted, the children, the spouses.

I just got a call a couple of weeks ago from a soldier that is getting deployed for the fourth time. And he was basically telling me, “Mr. RODRIGUEZ, I have already lost my wife, we have gotten a divorce, and they are now taking away the opportunity for me to visit the children.”

Ms. WASSERMAN SCHULTZ. Can I ask you a question on that? Given your expertise and your professional background in psychology; obviously posttraumatic stress disorder is incredibly stressful on families, and I just want to bring up some statistics and maybe have you comment on them.

We have documentation that servicemembers who are given a diagnosis of PTSD were significantly more likely to perpetrate violence toward their partners, with more than 80 percent committing at least one act of violence in the previous year, and almost half at least one severe act. And that source, the third-party validator we have on that is the Journal of Marital and Family Therapy, and that was back in 2003 that they cited that.

The stress on families, beyond the deployment, which is obviously incredibly stressful. When they come back and they are suffering from PTSD, that has to have an incredibly horrific impact.

Mr. RODRIGUEZ. It really does. And one of the things that we are now looking back, and we should even go back to the Vietnam era, a large number of those veterans that are homeless out there are suffering from posttraumatic stress from the Vietnam veteran era. So we cannot allow that to occur to this generation of soldiers coming in from Iraq and Afghanistan. So I am real pleased with the resources that we have come forward. Now, we have got to make sure that we have those programs and treatment that reach out not only to that veteran but to the entire family and community as a whole. We allowed for legislation because we don't have the sufficient workers out there to provide that treatment, to contract out with the community health centers, mental health centers, to reach out as quickly as possible to those specific soldiers.

We are anticipating, and we are trying to make it more flexible so that soldiers can go through that treatment, because we also know that part of that is we don't want them to go through the stigma, but it almost has to be required that every soldier in those kind of settings go through some degree of treatment to assure that we can come to grips with it as quickly as possible.

We know that the number of suicides that are occurring right now, some 6,000 annually, that is uncalled for. And it is disproportional on the side of veterans versus the general public in terms of those suicides.

I had a young lady in the military that committed suicide. And, believe me, when they commit suicide while in the military, they get treated very differently. The family does not get any compensation whatsoever. And we are having difficulty right now, as we had difficulty with the DOD, Department of Defense, when they ID'd some 22,000 soldiers with personality disorders. When that occurs, that means that it is a preexisting condition. We have to go back and assess. Maybe they do belong with that diagnosis, but we have got to make sure that they are not wrongly diagnosed and not given what they should be; otherwise, they won't be receiving their compensation.

So I want to personally thank you for allowing us to come here tonight and talk about our soldiers and their families and their children, because they are the ones who are also suffering, and those statistics are just alarming and we should not tolerate that.

Ms. WASSERMAN SCHULTZ. And in this Month of the Military Child, we want to make sure that we highlight the impact on our military members' families, because they are the ones that end up forgotten.

And I thank all of you for coming this evening, because you all have some unique experience and involvement, unique constituencies who are significantly impacted by our troops' deployment in the wars in Iraq and Afghanistan.

And someone who in particular has a specific family member who has inspired him is Congressman JERRY McNERNEY, who actually was inspired to run for Congress by his son, Michael, who in response to the attacks from September 11 sought and received a commission in the United States Air Force. And Michael suggested that his dad serve his country, too, by running for Congress. And when they pulled together as a family, Congressman McNERNEY decided that that was what he needed to do. And we were so pleased when your victory became clear on election night in 2006, and it is with a deep sense of duty and your family's support that I know you are serving here and serving admirably.

So, the gentleman from California (Mr. McNERNEY).

Mr. McNERNEY. Thank you, Ms. WASSERMAN SCHULTZ. And first I want to say thank you personally for everything you have done for this institution and for this Nation. The kind of leadership you are showing tonight has been shown over and over throughout your 3½ years in the Congress, and I look forward to that kind of leadership in the future.

I want to say a few things about posttraumatic stress. The marital problems diagram that we saw earlier is a shocking example of the kind of thing that we are seeing throughout society as a result of this conflict. It turns out that about one in five of our soldiers that returns from Iraq is suffering from a serious form of posttraumatic stress. And that correlates very well with the numbers we are seeing in the graph: About 20 percent of divorce in the current year, 27 percent of other problems, 15 percent of infidelity. So we know that those numbers are about right. And this is exacerbated by having extended tours, by staying there longer than 12 months, and by going back repeatedly. And we know now that only about half of the servicemembers who are suffering from posttraumatic stress and veterans are receiving the right kind of treatment or are receiving any kind of treatment or have sought treatment.

□ 2145

We know that only about half of those that are looking for treatment are getting the kind of treatment they need. So only about 5 percent of the veterans really are getting the kind of treatment that they need on that.

We really do owe the veterans of the country that have served, that have volunteered in this day and age to serve our country, to go to a conflict region, knowing that their lives are in danger, that they could end up with post-traumatic stress, that it is going to be harmful on their families, nonetheless they volunteered to serve our country, to protect our freedom and fight for us back home. No matter how you feel about the war and any of those political issues, we should all agree that we owe our veterans for what they have done for our country.

You are finding throughout this Congress, the 110th Congress, that we have made a collective decision to do what we can for the veterans. We have increased the VA budget by $8 billion over the previous year. And that is significant. That is great, but we still need to do a lot more, and we are moving in that direction.

Today in the Veterans' Affairs Committee we had some bills on the GI bill for the 21st century which are an extension of the Montgomery GI bill, a terrific advancement to give our veterans the kind of education that they need to be productive members of our society.

That money is very, very well spent. I have heard oftentimes that for every dollar we invest in education for our veterans, we get paid back ten-fold. You can see that as a true indication of what happened after World War II. The veterans came back from World War II, and they were given a terrific GI bill, and they have contributed to our society in so many ways in terms of developing our infrastructure, in terms of raising our national stature. And we want to make sure that the veterans coming back from Iraq today have those same opportunities to contribute in other ways than just participating in the war.

With regard to the Iraq war, a specific type of injury is the hallmark or signature of this war, that is the traumatic brain injury. Before in earlier conflicts those kind of injuries, a serious form of traumatic brain injury resulted in death. Today they know how to treat that injury. I will give you sort of a graphic explanation. If that is going to be offensive, you better turn off the sound for a little while.

Basically in a serious form of traumatic brain injury, you get a bullet or shrapnel lodged in the brain, and what happens is your brain begins to swell from the injury. And so unless that swelling is dealt with very soon after the injury, the subject will die. So what they do in the field now is they open up a large section of your skull. They remove the skull itself and embed that into your GI territory to keep that skull viable so it can be reattached later on. In this situation the brain is allowed to swell, and they will have this proceed for about a month. During that time they need to put you in a cold surrounding. They put a cold jacket on you so you are shivering in your bed for about a month. They keep you on medication to keep the swelling down. When the swelling eventually goes down, they will reattach the skull and let you heal.

Another problem is when you have this sort of injury, you are very susceptible to reinjure that, to swell it after they have removed the shrapnel if they can or the bullet. You are very susceptible, so you have to be very careful a year or longer after this kind of injury.

We had a young man from my district, from the town of Manteca. It is a small town of about 60,000 people. He was a Navy corpsman and he was serving in Iraq and their convoy was attacked. He was servicing marines that were injured, and a piece of shrapnel was embedded into his brain. It went in through his eye and he lost his eye. He went through the treatment, and then they brought him back to Bethesda, Maryland. I visited him there a couple of times. This is a very long recovery. The young man is doing fine. He is back home now.

I can tell you the town of Manteca where he grew up and lived and went to church really came together for him. They had a dinner when he was still in Bethesda. About 300 people came out to the dinner to contribute and to show their support for this young man. It was a terrific outpouring of community and faith and love. It was a terrific thing to be representing this kind of town and this kind of a district where people come together in that sort of way for one of their own.

And then when he did come home, the church that he went to, they had a gathering. About a thousand people showed up, and he was there receiving accolades and welcome and love from the entire community. I can tell you, it is a terrible thing to see. Unfortunately, a lot of our young men and women who come back from Iraq don't have that strong of a community. We need to make sure that we provide them, through treatments and efforts to integrate them back into society, to educate them, that they get that sort of opportunity and that they receive the kind of reward that they should for the kind of service and sacrifice that they have made.

With that, I yield back to Ms. WASSERMAN SCHULTZ, and thank you for your leadership.

Ms. WASSERMAN SCHULTZ. Mr. McNERNEY, thank you. It is wonderful we have someone of your stature and your commitment, that is willing to come to the floor and talk about the importance of making sure that we take care of not just the troops but of the troops' family members because they are making a decision to serve the public as well. They make sacrifices, and we all wanted to come together tonight as House Democrats and talk about the sacrifices that those families make.

It is my distinct pleasure to yield to my colleague from Ohio, Congressman ZACK SPACE, whose father served in the Marines during the Korean War, and who also serves on the Veterans' Affairs Committee and has been a passionate advocate on behalf of issues important to veterans and their families.

Mr. SPACE. I thank the gentlewoman from Florida for taking the lead on this initiative.

In assessing the cost of war, all too often we resort to cold, hard numbers. And we return to things like the financial cost of this war, how much is it costing this Nation or how many lives have we lost. Those are important considerations, obviously; but in assessing the cost of this war, I think it is important that we as a body, as an institution, point out that there are other costs. For example, the loss of international goodwill, the cost of veterans' care is a part of the cost of war, and what we are talking about tonight, the strain and the effect that the war has had on families.

As I see it, there are a lot of different ways to measure that. The most immediate and obvious is the trauma of deployment. Many families in this country today are uneasy as we speak, praying and worrying about their loved ones who are in a strange and foreign land subjected to hostile conditions.

The financial strain on these families is enormous. The marital strain is significant. The cost to a child who doesn't even know their parent, it affects entire families.

I, too, have a loved one serving now in his second tour of duty in Iraq. Zack Space is his name as well, my cousin. I had the pleasure of spending some time with his folks Sunday in Ohio for Greek Orthodox Easter. We gathered as a family very mindful of little Zack's absence, and prayed for him. To see the concern and worry in his mother's eyes is moving and very visceral.

A second way of evaluating the cost and strain that this war has had on families is to look at the loss that those families have occasioned. We have heard some testimony today from some very able folks talking about the realities of war and those who are returning from war, the suicide rates, homelessness, drug and alcohol addiction, even the breakdown of the traditional family unit. They are all affected by the rigors of war.

And many of these attributes are due to post-traumatic disorder or traumatic brain injury that my colleagues have talked about today, lifelong conditions that will forever plague these families.

I would like to talk if I could for a moment about a couple of folks back home and some others that have had a really profound effect on me and my impressions of this war. One of them is Army Corporal Keith Nepsa, who at the age of 22 years was killed in June of 2007 from wounds sustained when an IED detonated near his vehicle in Iraq. Keith was from New Philadelphia, Ohio, in Tuscarawas County, and I know his father. I went to his funeral and again saw the look in their eyes as they laid their son to rest. They will forever be plagued by this war. Their lives will never be the same.

Another young man from my region, Marine Gunnery Sergeant Joshua Heck who was grievously injured on the battlefield last year, and I went to visit him in Walter Reed not long after his return to the States, a return of a shattered man who had lost limbs, suffering from post-traumatic stress disorder, and doomed to a life much different than that which he took with him to Iraq.

I had the pleasure of meeting his wife, Brooke, and his mother who were at his side at Walter Reed bearing much of this burden. As a side note, Joshua, in his hospital bed when I went to visit him, it was at a time when we were debating the course of action that this Congress should take on the war. I asked him what he thought we should do. Having been there, I felt he was qualified to make that assessment and I welcomed his input.

When I asked him that question his response was: Sir, that's not for me to say. You tell me to fight, I fight. I'm a soldier. You tell me to stop and I stop.

And despite his broken body, his love for this country remained as strong as ever. I found it very moving and touching.

Under the leadership of Chairman FILNER, our Veterans' Affairs Committee earlier this year held an Oversight and Investigations Subcommittee hearing on the care of the seriously injured after inpatient care. And at this hearing we received testimony from Sarah Wade, not of my district, but who came to testify on behalf of her husband, Sergeant Ted Wade, who had sustained traumatic brain injury.

☐ 2200

And Sarah has been left with a completely different life than that which she had before her husband went off to war. He, and she, and their family, will forever be plagued by these injuries.

When young men and women are killed in this war, or come back grievously wounded, it's not just the soldier that suffers, it's their family. And it's not just the family that suffers, it's their community. Their communities grieve.

I'm blessed with a special district. Ohio's 18th district is one wonderful small town after another. The largest city I have in my district has about 25,000 people. And there are a lot of great things about living in a district like that. We're very community-oriented. There's a strong sense of personal responsibility. When good things happen to us, we celebrate together. When bad things happen, like the loss of a heroic soldier, like Corporal Nepsa, we grieve together as a community. Our community continues to grieve for him, as well as the 15 other young men who went to this war and will never come home.

This war has spread its tentacles in many different directions within our culture. As a Member of Congress, I'm sure I share this sentiment with all of those colleagues who are here with me today. We have a sacred obligation to make sure that we protect them while at war to the extent that we're able. But we also have an obligation to bring them home to their families and to their communities as soon as we are able.

I yield back.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. SPACE and thank you for your commitment. You really have been representing your district proudly, and I know they're proud of you. And I am honored to serve with you. We truly appreciate your being here this evening.

It's now my pleasure to yield a few minutes to my 30 something colleague who is a little bit more familiar with the normal give and take that we have in the 30-Something group. This is a little more staid and low key for 30-Something, but we're trying to help you all keep up with the pace. And feel free, to my colleagues, to jump in. We usually have a little bit more dynamic style in the 30-Something instead of a one at a time type of approach.

So my colleague, Congressman ALTMIRE, from the great State of Pennsylvania, I have to tell a story before I yield to you. And you've heard me tell this before.

Literally, I'm on the whip team for our caucus, and it was my responsibility right after Mr. ALTMIRE's election to sidle over to him and talk to him about some legislation that we wanted him to vote with the caucus on. And literally, his first words to me were that he had to make sure what the impact was on veterans, and that he came here to make sure that the quality of life of our Nation's veterans was upheld and that that was paramount to him. So I thought that was really admirable and wonderful; and you have represented veterans in your community incredibly well.

And I yield to my colleague from Pennsylvania.

Mr. ALTMIRE. I appreciate the gentlewoman's kind remarks and yielding me the time. And I appreciate my colleagues who have been here allowing me the opportunity to speak because I do have to take the chair. And I want to thank the gentleman from Iowa (Mr. BRALEY) for his patience while he waits for me to step up to the plate.

I really think it's important for us to consider the work that this Congress has done on these issues. And we've spent a lot of time tonight talking about the problem; and that's very important. But it's important that our colleagues and the American people understand what we've done about it. We're not just in a position where we're going to talk about what's wrong. And we know the issues.

There's 700,000 children in America where the head of the household has been deployed. 700,000 children that are missing a parent right now because they're deployed overseas. 19,000 children have had a parent wounded in action. 2,200 have lost a parent in Iraq or Afghanistan.

And we have 40 percent of active duty servicemen and women that are married. So, Mr. SPACE talked about the effect of the spouse, certainly in the tragic extreme, but even when they're deployed and all of the circumstances that arise.

And just today, the American Psychiatric Association released a study focused on the mental health effects of deployments on servicemembers and their family. And that study, again, by the American Psychiatric Association, said that over 30 percent of military family members admitted to being very stressed because of the deployment.

Five years into the war in Iraq, one out of five, 20 percent of those family members surveyed, did not realize that they had the ability to access mental health care treatment to help them with that stress.

And I know we've talked tonight, and it's well documented, the increase in spousal abuse that takes place upon the return from active duty service.

So what has this Congress done? And there are many examples we can give. The largest increase in the 77-year history of VA. We've talked many times.

I wanted to talk about one specific amendment that took place which I offered to the Defense Authorization Bill that dealt with family and medical leave, and extending the current Family and Medical Leave Act to cover the family members of military, Guard and Reserve members who were deployed, because we obviously need to allow time to work with families in those post-deployment briefings that often take place during the work day. They can't get time off work when they're gathering with their peers from the region to learn what's happening overseas and what the updates are for what's available to them. They should be able to take that time for family medical leave.

Household expenses, getting their financial house in order, dealing with child care issues, all of these are things that are now covered under family medical leave because of the actions of this Congress. This has been signed into law.

Importantly, when the serviceman or woman is injured overseas, you can take Family and Medical Leave Act time to care for the injured serviceman or woman. That's incredibly important. That's going to fundamentally change people's lives, and that's something that this Congress did.

But most to the point of what we're talking about with this study from the American Psychiatric Association and other evidence that exists, we allow family members to take Family and Medical Leave Act time to re-assimilate, as a family, after the serviceman or woman returns from their deployment so they can get to know each other again, spend time with their spouse, spend time with their kids. That is incredibly important. That is a huge achievement of this Congress, and that's something that I'm very proud of, that this Congress has done. That's been signed into law, and it is going to have a major impact on the lives of our brave servicemen and women who are fighting for this country.

So I just wanted to tell that story before I took the chair. And again, I would thank Mr. BRALEY, and I would yield back to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. ALTMIRE. And thank you for really making America's military, veterans as well as the troops currently serving, a high priority for yourself and your agenda and the issues that you champion on behalf of the people in the district that you represent in Pennsylvania.

I want to turn now to another Pennsylvanian who served in the United States Navy for 31 years and rose to the rank of three star Admiral. His battle group conducted combat operations in Afghanistan and precursor operations to the war in Iraq, and he is one of our caucus' foremost experts on the issues that are important to military families and that are important to us as we try to wrestle with this very difficult issue of how we're going to extricate ourselves from this war in Iraq. And our caucus has tremendous respect for your service. And it's my pleasure to yield to Congressman JOE SESTAK.

Mr. SESTAK. Thank you very much. I may be the one slowing us down tonight because I'm 50-something in a 30-something group.

This is wonderful. If I might speak, I'm really honored to be asked to say a few words on the last day of the Month of the Military Child.

In the Pentagon, across from the Secretary of Defense's office is the best painting in all of the Pentagon. It's of a young servicemember kneeling in church. And next to him is his young spouse and his young child. And under it is that wonderful saying from the book of Isaiah where God turns to Isaiah and says, Who shall I send? Who will go for us? And Isaiah replies, here am I. Send me.

But really, what that picture depicts is the family that actually is saying, here we are, send us.

I got to know, joining up in 1970 and on, a lot of those families. We don't have, in the military, a human resource department where you outsource problems or challenges. So you sit with them when they're in debt and help to balance their checkbook, or you sit there with them trying to make sure that they get the proper care in the hospital. You get to know the families very well.

And you get to know them in another way during long deployments. Back then, in those early 1970 days, you'd sit there as a young man came up after leaving port and receiving a letter, or getting a letter at sea from another ship as it passes from ship to ship, from his wife that says, Johnny's okay after the operation. But he didn't know about the operation. Maybe in the next port of call, 30 days later, the letter would come in that said, want you to know Johnny had a broken leg. It's okay. He'll have an operation next week.

Or go ahead 3½ decades or so, and how I could sit there and, with technology, record over the Internet and read each evening to my daughter, who was, during this, while gone from her for about a year, during the war and would be able to read to her a book so that she'd go up to the TV and just kiss it. Even today, 7 years later she goes up to the TV if I'm on and kisses it.

I bring those up because I think what people in the military learn is that when authority or responsibility passes, and you come home, that what's really left is the infinite tenderness and caring of a loving family.

And yet, we also recognize in the military, in words that were more reflective of its time, three, 3½ decades ago, that on the commissary bag, shopping bags of each of the military or the Navy complexes would be a saying, "Navy wife, toughest job in the Navy."

Or as 70 years ago, the wife of a Chief of Naval Operations said in a poem, a Navy wife remembers. When crying seems likely, just laugh it away.

I bring those up because what sets our military apart from our professions, as someone once said, is it has the dignity of danger. And the character that our men and women who serve in the military show and triumph which didn't begin in theories. It really begins in those places from whence we come and the people who made us who we are, not just our communities, but in particular our families.

And I bring that up because today as was brought out here, is every war is different. World War II, our veterans, on average, had about 182 days of combat. Horrific combat. Battles like Normandy or Guadalcanal. But there was some dwell time in between those battles, time for your physical nerves to adjust, which has a major impact upon your mental state, and time for your mental state to readjust.

In Iraq, however, our soldiers go outside the wire every day for 15 months, into a combat-like situation, and then they come home for 12 and go back again. And then come back to families where 19 percent of them face Post-Traumatic Stress Disorder, 33 percent have a mental challenge from depression to anxiety.

So as our families say, here we are, send us, it's never been more vital than now to recognize that if this Nation still wants its families to say here we are, send us, we, more than ever before, I believe, owe it to our veterans to take care of them and their families in the ways that have been laid out much better than I could have by my colleagues. So thank you for speaking tonight.

It's a wonderful brotherhood and sisterhood I lived in for many years that finds the grandest sepulchre of all, a home in the hearts of brave men and women. But again, when all that passes out there, what's left is that family. And whatever we can do for them, from now and forever, is the most arduous responsibility I believe Congress, in this time of war can be charged with.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. SESTAK, for your 31 years of military service and now your continued public service to our country and to the citizens of Pennsylvania and your district. We really truly appreciate your expertise and the heart that you put into this job in representing your community. So thank you so much for joining us.

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It's my pleasure to turn to someone who I admire and respect and look up to. She is one of the few women that are in a leadership role in our Congress on the Armed Services Committee, and she is really a person who has broken through on the issues that are important to the military and the military families and provided a different perspective, as women often do.

And this was such a tremendous source of pride for me, Ms. Davis, that you chair the Subcommittee on Military Personnel, which is an incredibly important assignment of the House Armed Services Committee; and you represent the community of San Diego so admirably in this institution, and you have been a champion on behalf of veterans and military families.

It is my pleasure to yield to you. Thank you so much for joining us.

Mrs. DAVIS of California. Thank you, Ms. WASSERMAN SCHULTZ.

Mr. Speaker, I really am delighted to join my colleagues here and to hear the warm stories that they've told and how critical, how important the issue that we're speaking about this evening is because, you know, what is it about? It's really about our national security, and it is about the willingness of men and women to serve.

I found a quote from our first Commander in Chief, President Washington, and I think it's appropriate to what we've been talking about here today because he said that "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of early wars were treated and appreciated by our nation."

And I would add to what President Washington said that the willingness with which our families are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive families of early wars were treated and appreciated by our Nation.

When I first came to Congress and I found this fabulous opportunity to serve on the Armed Services Committee, we were not at war. And I met with many of our families and our ombudspeople in the Navy and began to understand what they go through. And I remember so strongly that one of the spouses, one of the ombudsmen said to me, You know, people think of our husbands who deploy on ships, obviously, in the Navy. But, you know, all of us prepare and deploy, that families prepare for this. She was talking about a time when we are not at war.

So we can imagine how difficult it is for families who are preparing for that deployment, preparing for the kind of uncertainties that they know will be around the corner. And that's so difficult.

You have the picture of the family here and the children, and I look at the faces of the children; and I see such resilience in their eyes, and children are tremendously resilient. But the reality is that our children who go to school, and most of our children go to regular schools; they don't go to schools where there are only military families, and on some of our bases that's true, but I have learned on many of our bases that most of the families are in public schools out in the community.

Many of those children come to school with great fears of what is going to happen that day. They don't know if Mommy and Daddy are even going to come home, those who are a little more sophisticated about what they are going through. So we have to be very, very careful, be very, very supportive of those families.

We can even think about our own struggles at home, our own struggles with financial issues and just the general stuff that any couples go through and then magnify that for our families. Many of our families are very young, and we especially need to be supportive of them.

We've covered a lot of ground here this evening, so I don't want to have to go over some of that ground. But if we're going to deploy our men and women at the current pace that we're doing today, we really have to understand the consequences of our policy decisions and sufficiently address how they affect the brave men and women who are serving.

And there is one area that I think the public is learning more about now. And the other day, I had a few hours, and I decided that I didn't have anybody to go with at the time but I wanted to just go see the movie Stop-Loss. And I wanted to just sit in that theater by myself and feel the full impact of that movie because there is a policy involved there that we have undertaken. And I think when you go and you see the movie, and I would certainly encourage people to do that to understand the pain that our families go through, how unpredictable it is and how difficult it is.

We have been looking at this policy, of course, and we would like to stop it. But we know that in fact we need the men and women serving today. So as much as we want to stop that, we're not able to do that right away. Stop-loss, as we know, allows the military to extend a servicemember's time in uniform, and it has been used far too often, and there have been some attempts to change that. We also know, very significantly, predictability is so important to our men and women who serve, and the repeated deployments make that very, very difficult.

So I think we need to focus, and we are, on the dwell-time that families have. They need to readjust. I have had spouses tell me that now that they've been through so many deployments, they're beginning to teach other families about how to give their loved ones space because when you come home, the family wants to just be right there. Well, sometimes that doesn't work so well, and people need to learn that.

So I think that with many of the policies that we're working on today, and yes, we are learning more; we're learning more about PTSD, we're learning about how we can erase the stigma, and I think the military can actually lead the way for the country in that if we do it right.

So I just want to commend you for having this time today and let you know that we are working hard on this. I wish we could work a lot faster on these issues. But we are trying very hard and keeping in mind every day our wonderful men and women who are serving and their families. They are the ones who are sacrificing today, and we need to give them every support that we can.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. DAVIS.

Mr. Speaker, I sense that our time is drawing to a close.

The whole point of doing this 30-Something hour focused on the impact of deployments on military families was to try to improve the quality of their life and decrease the impact, the negative impact.

I just want to show you an important statistic here is that less than 50 percent of military families felt that they had support available through all of the phases of their family members' deployment, and that is absolutely unconscionable. It is something that Chairman FILNER and the members of the Armed Services Committee, as well as the Veterans' Affairs Committee, have been working very hard at trying to improve, and that is what the Democratic Caucus, under Speaker PELOSI's leadership, has been absolutely committed to.

Mr. Speaker, I want to yield 30 seconds to Mr. SPACE, and then we will wrap up.

Mr. SPACE. I, once again, thank the gentlewoman from Florida.

Mr. Speaker, when we ask troops to go to war, we have a couple of obligations: We have to make sure that we only send them to war when we have to, that we give them the protection on the battlefield to keep them safe and allow them to accomplish their mission, care for them when they return, especially if they're wounded; but certainly, as our colleague from Pennsylvania, Admiral Sestak, attested to, abide by their familial concerns.

It is absolutely unacceptable that 50 percent of all family members of those who are deployed feel that they're not receiving the support they deserve. I thank the gentlewoman for bringing attention to it and beginning to address that problem.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, to bring us home, Mr. MCNERNEY.

Mr. MCNERNEY. Thank you, Ms. WASSERMAN SCHULTZ.

Mr. Speaker, we've heard a lot of different aspects of the stress of this war on our soldiers, from the families and the children, to the men and women serving.

One thing we haven't talked about is financial stress, and we know that veterans, especially guardsmen and women and reservists when they go overseas, they're particularly vulnerable to foreclosure; and just today in the Veteran's Affairs Committee, we did pass a significant Veterans Housing Authority bill that will be available to those young men and women coming up in the next month or two.

So we're working at all parts of this problem and finding ways to help the veterans through the crises that they're going to be facing upon return, and we welcome them back. This country loves our veterans, and we want to do everything we can for them

Ms. WASSERMAN SCHULTZ. Mr. Speaker, with that, in honor of the Month of the Military Child, we thank Speaker PELOSI for her generous donation of this time to the 30–Something Working Group.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PENCE (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, May 1.

Mr. POE, for 5 minutes, May 7.

Mr. JONES of North Carolina, for 5 minutes, May 7.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2457. To provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. To authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, May 1, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6306. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-01, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6307. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6308. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-08 informing of an intent to sign the Integrated Soldier Capabilities Memorandum of Understanding between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6309. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 03-08 informing of an intent to sign the New, More Powerful, and Insensitive Melt-Cast Metallized Explosives Research Collaboration Project Agreement under the Memorandum of Understanding between the United States and the Republic of Singapore, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6310. A letter from the Secretary3, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6311. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6312. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on Foreign Affairs.

6313. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the February 15, 2007 — April 15, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

6314. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 051-08); to the Committee on Foreign Affairs.

6315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia, Kazakhstan, and Canada (Transmittal No. DDTC 044-08); to the Committee on Foreign Affairs.

6316. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Portugal (Transmittal No. DDTC 048-08); to the Committee on Foreign Affairs.

6317. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of technical data, defense articles and services to the Governments of Belgium, France, Germany, Luxembourg, Spain, Turkey, the United Kingdom, Italy, South Africa, and Malaysia (Transmittal No. DDTC 131-07); to the Committee on Foreign Affairs.

6318. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Germany (Transmittal No. RSAT-02-08); to the Committee on Foreign Affairs.

6319. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on the status of Data Mining Activities, pursuant to Implementing Recommendations of the 9/11 Commission Act, Section 804; to the Committee on Foreign Affairs.

6320. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6321. A letter from the EEO Programs Director, Board of Governors of the Federal Reserve System, transmitting the third annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2007; to the Committee on Oversight and Government Reform.

6322. A letter from the Associate Deputy Director, Central Intelligence Agency, transmitting the Agency's annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Years 2007 and 2006; to the Committee on Oversight and Government Reform.

6323. A letter from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting the Administration's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

6324. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2006 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6325. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's Fiscal Year 2007 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

6326. A letter from the Director, Office of Government Ethics, transmitting the Office's comments on H.R. 5687, a bill to amend the Federal Advisory Committee Act; to the Committee on Oversight and Government Reform.

6327. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; State Boat Channel, Babylon, NY [USCG-2008-0151] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6328. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Rio Vista, CA, Drawbridge Maintenance [Docket No. USCG-2008-0174] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6329. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Harlem River, New York City, NY [USCG-2008-0177] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6330. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Atlantic City, NJ, Air Show Event [USCG-2008-0184] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6331. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA. [Docket No. USCG-2007-0070] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6332. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Liberty Bayou, Slidell, LA. [Docket No. USCG-2007-0078] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6333. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tchefuncta River, Madisonville, LA. [Docket No. USCG-2007-0079] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6334. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Mile 113, St. Petersburg Beach, FL [Docket No. USCG-2007-0096] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6335. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [USCG-2008-0115] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6336. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), at Scotts Hill, NC [USCG-2008-0116] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6337. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [Docket No. USCG-2007-0195] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6338. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Wilmington, North Carolina [USCG-2008-0103] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6339. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Yarmouth, Maine, Casco Bay [Docket No. USCG-2008-0076] (RIN: 1625-AA01) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6340. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries [Docket No. USCG-2006-25708] (RIN: 1625-AB09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6341. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas: Cape Fear River, Wilmington, North Carolina [USCG-2008-0061] (RIN: 1625-AA11) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6342. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area: Herbert C. Bonner Bridge, Oregon Inlet, NC [USCG-2008-0045] (RIN: 1625-AA11) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6343. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bass Wedding Fireworks Display, San Francisco Bay, CA. [Docket No. USCG-2008-0080] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6344. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Molokini Crater, Maui, HI [Docket No. USCG-2008-0083] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6345. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks Display, Pasquotank River, Elizabeth City, North Carolina [Docket No. USCG-2008-0147] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6346. A letter from the Chief, Regulations and Adminsitrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Longwood Events Wedding Fireworks Display, Boston Harbor, Boston, Massachusetts [Docket No. USCG-2008-0173] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6347. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Sunset Beach, NC [CGD05-07-026] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6348. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Manbirtee Key, Port of Manatee, FL [Docket No. USCG-2007-0061, formerly COTP St. Petersburg 07-226] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6349. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Sector Anchorage Western Alaska Marine Inspection and Captain of the Port Zones; Technical Amendment [USCG-2008-0073] (RIN: 1625-ZA15) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6350. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — 2008 Rates for Pilotage on the Great Lakes [USCG-2007-0039] (RIN: 1625-AB23) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6351. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0062 formerly CGD11-08-002] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6352. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0063 formerly CGD11-08-003] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6353. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0066 formerly CGD11-08-004] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6354. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW); Wrightsville Beach, NC [USCG-2008-0104] (RIN: 1625-AA-09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6355. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Taunton River, Fall River and Somerset, MA [USCG-2008-0046] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6356. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Final Rule: Special Local Regulations Concerning Fireworks Displays in Norwich and Middletown, Connecticut [USCG-2007-0011] (RIN: 1625-AA08) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6357. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [Docket No. USCG-2007-0076] (RIN: 1625-AA08) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6358. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-18, waiving and certifying the statutory provisions regarding the Palestine Liberation Organization (PLO) Office; jointly to the Committees on Foreign Affairs and Appropriations.

6359. A letter from the Director, Office of Government Ethics, transmitting a copy of proposed legislation, "To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes"; jointly to the Committees on Oversight and Government Reform, House Administration, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1167. Resolution providing for consideration of motions to suspend the rules. (Rept. 110–614). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DICKS (for himself, Mr. LARSEN of Washington, Mr. INSLEE, and Mr. MCDERMOTT):

H.R. 5926. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Ms. DELAURO, and Mr. MARSHALL):

H.R. 5927. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs.

By Mr. WU:

H.R. 5928. A bill to establish the Mark O. Hatfield Scholarship and Excellence in Tribal Governance Foundation, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER:

H.R. 5929. A bill to improve the Nation's nuclear forensics capability to help deter and respond to nuclear terrorism; to the Committee on Science and Technology, and in addition to the Committees on Armed Services, Foreign Affairs, Homeland Security, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself and Mr. THOMPSON of California):

H.R. 5930. A bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to collect and disperse deductible contributions for certain individuals who are injured or killed in an effort to protect life or property; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself and Mr. ABERCROMBIE):

H.R. 5931. A bill to ensure appropriate implementation and oversight of the realignment of military installations and the relocation of military personnel on Guam, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 5932. A bill to designate the facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, as the "Harry Lee Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. JEFFERSON:

H.R. 5933. A bill to designate the facility of the United States Postal Service located at 5351 Laplaco Boulevard in Marrero, Louisiana, as the "Lionel R. Collins, Sr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PETRI:

H.R. 5934. A bill to amend title 49, United States Code, to require that fuel surcharges collected by a motor carrier, broker, or freight forwarder be passed through to the person responsible for bearing the cost of fuel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. VISCLOSKY (for himself, Mr. ENGLISH of Pennsylvania, Ms. KAPTUR, Ms. SUTTON, Mr. BRADY of Pennsylvania, Mr. OBERSTAR, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Mr. STUPAK, Mr. SOUDER, and Mr. ALTMIRE):

H.R. 5935. A bill to require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Ms. ESHOO):

H.R. 5936. A bill to amend title XIX of the Social Security Act to require States to provide hair prostheses under the Medicaid Program for individuals diagnosed with alopecia areata; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. RYAN of Wisconsin, Mr. BRADY of Texas, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. FEENEY, Mr. KING of Iowa, Mr. SALI, Mr. LAMBORN, Mr. FLAKE, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. PENCE, Mr. GINGREY, Mrs. BLACKBURN, Mr. JORDAN, Mr. HERGER, Mr. FRANKS of Arizona, Mr. MCCAUL of Texas, Mr. GOHMERT, Mr. CONAWAY, Mr. SHADEGG, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. MARCHANT, Mr. GOODE, Mr. BARTLETT of Maryland, Ms. FOXX, Mr. BISHOP of Utah, Mr. SHIMKUS, Mr. FORBES, and Mrs. MYRICK):

H.J. Res. 81. A joint resolution proposing an amendment to the Constitution of the United States to control spending; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. BUCHANAN.

H.R. 269: Mr. JONES of North Carolina.

H.R. 333: Mr. CARSON.

H.R. 406: Mr. KINGSTON, Mr. MICA, Mr. REICHERT, Mr. BLUNT, Mr. MCHUGH, Mr. MANZULLO, and Mr. TIBERI.

H.R. 446: Mr. CARSON.

H.R. 549: Mr. RUPPERSBERGER.

H.R. 552: Mr. CARSON.

H.R. 579: Mr. GOODLATTE, Mr. LYNCH, and Mr. DONNELLY.

H.R. 594: Mr. DONNELLY and Mr. STARK.

H.R. 643: Mr. WEXLER.

H.R. 715: Mr. ROTHMAN and Mr. SCOTT of Virginia.

H.R. 741: Mr. CARSON.

H.R. 758: Mr. CARSON.

H.R. 769: Mrs. EMERSON.

H.R. 826: Mr. DUNCAN.

H.R. 946: Mr. WAXMAN.

H.R. 1032: Mr. DAVIS of Illinois and Mr. CARSON.

H.R. 1043: Ms. TSONGAS.

H.R. 1064: Mr. CARSON.

H.R. 1072: Mr. PAYNE.

H.R. 1102: Mr. KLINE of Minnesota.

H.R. 1120: Mr. PITTS.

H.R. 1193: Mr. CARNEY and Mr. CARSON.

H.R. 1264: Mr. BOUSTANY and Mr. CONAWAY.

H.R. 1354: Mr. JEFFERSON.

H.R. 1363: Mr. PASTOR and Mr. FARR.

H.R. 1386: Mr. HARE.

H.R. 1439: Mr. ALLEN.

H.R. 1440: Mr. CARSON.

H.R. 1507: Mr. MOORE of Kansas.

H.R. 1521: Mr. CARSON.

H.R. 1524: Mr. REYES.

H.R. 1542: Mr. ORTIZ.

H.R. 1609: Mr. TANCREDO.

H.R. 1621: Ms. MCCOLLUM of Minnesota, Mr. ALLEN, and Mr. MEEKS of New York.

H.R. 1641: Mr. CARSON.

H.R. 1644: Mr. CARSON and Mr. DOGGETT.

H.R. 1645: Mr. CONYERS.

H.R. 1667: Mrs. MCCARTHY of New York.

H.R. 1742: Mr. SULLIVAN and Mr. WAXMAN.

H.R. 1781: Mr. CARSON.

H.R. 1783: Mr. CROWLEY and Ms. DELAURO.

H.R. 1820: Mr. CARSON and Mr. WEINER.

H.R. 1843: Mr. HULSHOF.

H.R. 1845: Mr. WEXLER.

H.R. 1924: Mr. BAIRD.

H.R. 1927: Mr. COURTNEY.

H.R. 2034: Mr. CARSON.

H.R. 2092: Mr. CUELLAR, Mr. YARMUTH, and Mr. BACA.

H.R. 2131: Mr. CARSON.

H.R. 2188: Mr. MCCOTTER.

H.R. 2267: Mr. KANJORSKI.

H.R. 2303: Mr. OBERSTAR.

H.R. 2343: Mr. SCOTT of Virginia.

H.R. 2407: Mr. PICKERING.

H.R. 2458: Mr. PORTER.

H.R. 2470: Mr. CARSON.

H.R. 2506: Mr. HONDA.

H.R. 2533: Mr. LEWIS of Georgia.

H.R. 2578: Mr. WELCH of Vermont and Ms. ROYBAL-ALLARD.

H.R. 2712: Mrs. CUBIN.

H.R. 2897: Mr. CARSON.

H.R. 2910: Mr. CARSON.

H.R. 2933: Mr. GOODE and Mr. PETRI.

H.R. 2943: Mr. CARSON.

H.R. 2946: Mr. DAVIS of Kentucky.

H.R. 3028: Mr. CAPUANO.

H.R. 3036: Mr. BLUMENAUER.

H.R. 3063: Mrs. LOWEY and Mr. WALSH of New York.

H.R. 3192: Ms. ZOE LOFGREN of California.

H.R. 3232: Mr. LEWIS of Georgia, Mr. MILLER of North Carolina, Ms. SCHWARTZ, Mr. RODRIGUEZ, Mr. FATTAH, Mr. WAXMAN, and Mr. BRADY of Texas.

H.R. 3257: Mr. MCGOVERN.

H.R. 3334: Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. HULSHOF, Mr. PRICE of Georgia, and Ms. HOOLEY.

H.R. 3480: Mr. BOREN.

H.R. 3543: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, and Ms. WATSON.

H.R. 3652: Mr. STARK.

H.R. 3654: Mr. SMITH of Washington.

H.R. 3663: Mr. AL GREEN of Texas.

H.R. 3682: Ms. LEE.

H.R. 3750: Mr. AL GREEN of Texas, Mr. REYES, Mr. TERRY, Mr. DAVIS of Illinois, and Ms. SOLIS.

H.R. 3769: Mr. WILSON of South Carolina.

H.R. 3819: Ms. MCCOLLUM of Minnesota.

H.R. 3905: Mr. CARSON.

H.R. 3934: Mr. SMITH of Nebraska.

H.R. 4026: Mr. COHEN, Ms. HIRONO, Mr. HINCHEY, Ms. CLARKE, and Mr. HARE.

H.R. 4061: Mr. CRENSHAW and Mr. STUPAK.

H.R. 4188: Mr. MURPHY of Connecticut.

H.R. 4236: Mr. KANJORSKI, Ms. SLAUGHTER, and Mr. HARE.

H.R. 4279: Mr. GALLEGLY and Mr. SHERMAN.

H.R. 4344: Mrs. CUBIN.

H.R. 4497: Mr. CARTER.

H.R. 4544: Mr. ACKERMAN.

H.R. 4611: Mr. CAPUANO.

H.R. 4900: Mr. LATTA, Mr. MCCARTHY of California, Mr. WALSH of New York, Mr. KANJORSKI, Mr. SULLIVAN, Mr. HULSHOF, and Ms. ROS-LEHTINEN.

H.R. 4926: Mr. HOLT.

H.R. 4990: Mr. HINOJOSA and Mr. AL GREEN of Texas.

H.R. 5128: Mr. OLVER.

H.R. 5130: Mr. WATT.

H.R. 5131: Mr. CARNEY.

H.R. 5155: Mr. WELCH of Vermont.

H.R. 5315: Mr. YOUNG of Alaska.

H.R. 5404: Ms. HOOLEY and Mr. FARR.

H.R. 5440: Mr. ROSKAM.

H.R. 5443: Mr. WITTMAN of Virginia.

H.R. 5448: Mr. UDALL of Colorado.

H.R. 5461: Mr. CARSON.

H.R. 5464: Ms. JACKSON-LEE of Texas.

H.R. 5510: Mr. PAUL, Mr. BISHOP of Georgia, and Mr. HOLT.

H.R. 5519: Mr. GENE GREEN of Texas.

H.R. 5524: Mr. CARSON.

H.R. 5534: Mr. ISRAEL.

H.R. 5546: Mr. KAGEN.

H.R. 5554: Ms. MCCOLLUM of Minnesota and Mr. CAPUANO.

H.R. 5573: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.

H.R. 5580: Mr. GRIJALVA.

H.R. 5595: Mr. SESTAK, Mr. CONYERS, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. LOBIONDO, and Mr. GERLACH.

H.R. 5615: Mr. CARSON.

H.R. 5629: Mr. WALSH of New York.

H.R. 5635: Mr. CARSON.

H.R. 5648: Mrs. CUBIN.

H.R. 5656: Mr. GINGREY, Mr. WALBERG, and Mr. WILSON of South Carolina.

H.R. 5678: Mr. ELLISON and Ms. KAPTUR.

H.R. 5684: Mr. DONNELLY, Mr. SHERMAN, Mr. MCHUGH, Mr. COSTA, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Ms. MCCOLLUM of Minnesota, and Mr. CAPUANO.

H.R. 5740: Mr. MARKEY, Mr. KANJORSKI, Mr. RAMSTAD, Mr. TIBERI, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. MORAN of Kansas, Mr. BISHOP of Utah, Mr. BAIRD, Mr. SNYDER, and Mr. ABERCROMBIE.

H.R. 5741: Mr. WAXMAN.

H.R. 5748: Mr. SESSIONS.

H.R. 5752: Mr. HOEKSTRA.

H.R. 5755: Mr. MOORE of Kansas.

H.R. 5770: Mr. GRIJALVA.

H.R. 5784: Mr. CARTER and Mr. SHAYS.

H.R. 5791: Mr. LEWIS of Georgia, Mr. YOUNG of Florida, Mr. GERLACH, Mr. JOHNSON of Georgia, Mr. GONZALEZ, Mrs. EMERSON, and Mr. JEFFERSON.

H.R. 5801: Mr. HIGGINS, Mr. KAGEN, Mr. BISHOP of Georgia, and Mr. MCNERNEY.

H.R. 5804: Mr. CARSON and Mr. WAXMAN.

H.R. 5818: Ms. BERKLEY, Mr. CAPUANO, and Mr. PASTOR.

H.R. 5824: Mr. JOHNSON of Georgia, Mr. YARMUTH, Ms. HIRONO, Mr. PERLMUTTER, Mr. COURTNEY, and Ms. CASTOR.

H.R. 5825: Mr. COURTNEY.

H.R. 5845: Mr. CARSON.

H.R. 5854: Mrs. BOYDA of Kansas.

H.R. 5869: Mr. GRIJALVA.

H.R. 5873: Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. MCGOVERN.

H.R. 5875: Mrs. BOYDA of Kansas.

H.R. 5881: Mr. COHEN.

H.R. 5886: Mr. LINDER.

H.R. 5892: Mr. DONNELLY, Mr. RODRIGUEZ, and Ms. BORDALLO.

H.R. 5894: Mr. FRANK of Massachusetts, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. WYNN, and Mrs. CHRISTENSEN.

H.R. 5899: Mrs. GILLIBRAND, Mr. TANNER, Mr. ROSS, Mr. FARR, Mr. DONNELLY, and Mr. ELLSWORTH.

H.R. 5905: Mr. SALI.

H.R. 5906: Mr. CHABOT.

H.R. 5908: Mr. BARTLETT of Maryland, Mr. PITTS, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. LAMBORN, Mr. GINGREY, Mr. FRANKS of

Arizona, Mr. FEENEY, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. KINGSTON, and Mr. HENSARLING.

H.R. 5911: Mr. SENSENBRENNER, Mr. POE, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. PITTS, Mr. GINGREY, and Mr. MARCHANT.

H.R. 5917: Mrs. MILLER of Michigan.

H.J. Res. 39: Mr. VAN HOLLEN.

H. Con. Res. 320: Mrs. TAUSCHER and Mr. MEEK of Florida.

H. Con. Res. 331: Mr. ALLEN, Mr. DAVIS of Illinois, Mr. ROSS, and Ms. ESHOO.

H. Con. Res. 332: Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUMENAUER, Mr. KIRK, and Mr. FRANKS of Arizona.

H. Con. Res. 333: Mr. THOMPSON of California.

H. Con. Res. 334: Mr. ROGERS of Michigan, Mr. CALVERT, Mr. TOWNS, Mr. TURNER, Mr. SOUDER, Mr. MCHUGH, and Mr. MARCHANT.

H. Con. Res. 337: Ms. KAPTUR, Ms. WASSERMAN SCHULTZ, Mr. SHERMAN, and Mrs. MALONEY of New York.

H. Con. Res. 338: Mr. DOOLITTLE, Mr. HASTINGS of Florida, Mr. HERGER, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. NUNES, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Mr. WYNN.

H. Res. 111: Mr. HARE.

H. Res. 169: Mr. MCCOTTER.

H. Res. 258: Mr. YOUNG of Florida and Mr. HINOJOSA.

H. Res. 339: Mr. EDWARDS.

H. Res. 598: Mr. GOODE, Mr. HAYES, and Mr. WALBERG.

H. Res. 653: Mr. DELAHUNT.

H. Res. 758: Mr. UPTON.

H. Res. 937: Mr. BILIRAKIS.

H. Res. 959: Mr. HOLDEN.

H. Res. 992: Ms. MCCOLLUM of Minnesota.

H. Res. 1011: Ms. DELAURO.

H. Res. 1012: Mr. LATHAM.

H. Res. 1019: Mr. FARR.

H. Res. 1026: Mr. HINOJOSA and Mr. BISHOP of New York.

H. Res. 1028: Mr. STARK.

H. Res. 1046: Mr. GRIJALVA.

H. Res. 1054: Mr. GONZALEZ.

H. Res. 1056: Ms. BORDALLO and Mr. HINCHEY.

H. Res. 1072: Mr. MCCOTTER.

H. Res. 1078: Mr. GRIJALVA.

H. Res. 1080: Ms. MCCOLLUM of Minnesota.

H. Res. 1086: Mr. MICHAUD, Mr. RAHALL, Mr. KAGEN, Ms. BALDWIN, Mr. PAYNE, Mr. HONDA, Ms. CLARKE, Ms. CASTOR, Mr. KUCINICH, Mr. BACA, Mr. POE, Ms. SOLIS, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. UDALL of New Mexico, Mrs. LOWEY, Mr. WELCH of Vermont, Mr. DICKS, Mrs. TAUSCHER, Ms. BEAN, Mr. HILL, Mr. SCHIFF, Mr. EMANUEL, Mr. MOLLOHAN, Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. BARROW, Mr. BRADY of Pennsylvania, and Mr. MARCHANT.

H. Res. 1104: Mrs. CAPPS.

H. Res. 1109: Mr. FARR, Mr. SMITH of New Jersey, Mrs. CAPPS, and Mr. DELAHUNT.

H. Res. 1110: Mr. MCHUGH and Mr. UDALL of Colorado.

H. Res. 1113: Mr. KNOLLENBERG and Mr. GOODE.

H. Res. 1114: Mr. GOODE.

H. Res. 1119: Ms. BORDALLO.

H. Res. 1122: Mr. MCHUGH and Mr. LAMBORN.

H. Res. 1127: Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. INGLIS of South Carolina, Mr. COHEN, Mr. KLEIN of Florida, Mr. SHERMAN, Mr. COSTA, Mr. WAXMAN, Mr. WEXLER, Ms. GIFFORDS, Mr. FRANK of Massachusetts, Mr. ROTHMAN, Mr. MCCOTTER, Mr. SIRES, Mr. CARNAHAN, Ms. WOOLSEY, Mr. SCOTT of Georgia, Mr. WU, Mr. CROWLEY, Mr. MEEKS of New York, and Ms. BERKLEY.

H. Res. 1132: Mr. SOUDER.

H. Res. 1134: Mr. ABERCROMBIE, Mr. BECERRA, Mrs. BLACKBURN, Mr. BISHOP of Georgia, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Ms. HARMAN, Mr. LIPINSKI, Ms. KAPTUR, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. MEEKS of New York, Mr. MITCHELL, Ms. MOORE of Wisconsin, Mr. MURTHA, Mr. NEUGEBAUER, Mr. OBEY, Mr. RAHALL, Mr. REICHERT, Mr. REYES, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. SALAZAR, Mr. SAXTON, Mr. SKELTON, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. TAYLOR, Mr. WALZ of Minnesota, Mr. WATT, Mr. WITTMAN of Virginia, and Mr. WU.

H. Res. 1139: Mr. JOHNSON of Georgia, Mr. BARTLETT of Maryland, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. TANNER, Mr. REYES, Mr. TOWNS, Mr. YOUNG of Alaska, Ms. BORDALLO, Mr. HALL of Texas, Mr. FEENEY, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Ms. SHEA-PORTER, Mr. MCGOVERN, Mr. COHEN, Mr. LOEBSACK, Mr. JONES of North Carolina, Mr. POE, and Mr. TAYLOR.

H. Res. 1140: Mr. CAPUANO and Mr. WILSON of South Carolina.

H. Res. 1146: Mr. ARCURI.

H. Res. 1166: Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. KLEIN of Florida, Mr. CARNAHAN, Mr. CLEAVER, and Mr. ENGLISH of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1201: Mr. SOUDER.

H.R. 2448: Mr. SALI.

H.R. 5534: Ms. FALLIN.

SENATE—*Wednesday, April 30, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of life, we praise You and honor Your Holy Name. Awaken in us the joy of living this day, all new, in challenge and in hope. Lift our hearts amid the fathomless beauty of creation above all malice and indifference.

Use our Senators today to do Your bidding. May they fill these precious hours with redeeming radiance and substantive labor that will make a stronger nation and a better world. Turn their sorrow into joy and their sadness into singing. Give them courage that banishes fear and a gratitude worthy of Your grace.

We pray in Your worthy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a please communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 30, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Mr. MCCONNELL, if he decides to make such remarks, the Senate will resume consideration of H.R. 2881, the Federal Aviation Administration Reauthorization Act. Senator DURBIN will be recognized to offer an amendment on his behalf and that of Senator KAY BAILEY HUTCHISON.

As a reminder, the joint meeting of Congress with the Prime Minister of Ireland, Bertie Ahern, is today at 11 a.m. Senators attending the meeting will gather in the Senate at 10:30 a.m. and proceed as a body to the Hall of the House at 10:40 a.m. In order to accommodate the joint meeting, the Senate will then be in recess from 10:40 until 12 noon.

Mr. President, the first amendment is a bipartisan amendment that will be offered, as I have indicated, by Senator DURBIN and Senator HUTCHISON. I am going to have another conversation with the distinguished Republican leader as soon as he completes his statement here today, to see if we can figure out an orderly way to proceed on this very important piece of legislation. I think the managers have a good feel of this legislation. They think it is something we can complete fairly quickly. We just have to make sure we legislate on the FAA aspect of what is going on in the world today and not other things that have no bearing on this issue. We will see what we can work out. Hopefully, we can have a good day today and, with a little bit of good fortune, finish this bill this week.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I apologize in advance for my pollen-ridden voice this morning. It makes it a bit of a challenge to speak.

TRIBUTE TO BILL KEIGHTLEY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who was a fixture of Kentucky basketball, with a fervent passion for competition and a fast loyalty to his country, his State, and his beloved University of Kentucky Wildcats.

Bill Keightley, affectionately known as "Mr. Wildcat," passed away recently at the age of 81. He embodied the spirit and tradition that is Kentucky basketball. Born William Bond Keightley in 1926, Mr. Keightley was an All-State center for the Kavanaugh High School basketball team in his hometown of Lawrenceburg, KY.

He later enlisted in the U.S. Marine Corps and bravely served his country during World War II. After the war, Mr. Keightley spent much of his young adulthood working as a mail carrier.

Then in 1962, his friend and fellow postman George Hukle asked him to help out washing jerseys and towels for the University of Kentucky men's basketball team. Over the next 4½ decades, he proved himself indispensable as the school's top cheerleader, ambassador of goodwill and confidante to players and coaches alike.

"Mr. Bill," as he was called by friends and family, witnessed three national championships, befriended six head coaches, and cared for hundreds of players over his long career.

Loved by fans and respected by opponents, he earned a permanent seat on the Kentucky bench at every game. In fact, Mr. Keightley attended more than 1,400 UK basketball games, nearly 60 percent of all games ever recorded. And former UK basketball coach Orlando "Tubby" Smith points out that "it has been . . . us [coaches] sitting next to him, not him sitting next to us."

Mr. Keightley often served as a father-like figure to the players, and many recall his talks with "his boys" on anything from Kentucky sports to lessons of integrity and pride. "Players, coaches, and athletic directors come and go, but Bill Keightley was constant," says Kenny Walker, a friend and former UK player.

John Pelphrey, member of the "Unforgettable" 1992 Wildcats team and now head coach at Arkansas University, says:

> For 48 years, Mr. Bill looked over coaches and student-athletes with love and care that only a father could give . . . every time we had an encounter, there was a hearty hello, a hug, and a laugh, every single time, just like the first time.

In 1997, Mr. Bill's jersey was elevated into the rafters of Rupp Arena, making him one of only two people to receive this honor without having taken to the court to play the game.

In 2005, he was entered with the charter class into the UK Athletics Hall of Fame. The equipment room in Lexington's Memorial Coliseum was named in his honor, and he humbly presided over it until his unfortunate passing this past March 31.

Noted Lexington sportscaster and friend Dave Baker says of Mr. Keightley:

> He knew just when to lend a hand to the young man from Appalachia who was adjusting to the big city, or a young man who had been recruited from out-of-state and was getting accustomed to a brand new life in Kentucky. Mr. Keightley lived his life as a celebration.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Perhaps the most lasting tribute to Bill began in 2002, when the University of Kentucky athletic department presented its first Bill Keightley Award to the individual "who exemplifies the pride, respect, and positive attributes" associated with the University of Kentucky basketball program. They still present this award annually, to honor Mr. Bill.

UK followers and basketball lovers across the Commonwealth have lost the sport's No. 1 fan. And I know I speak for all of them when I say our prayers and best wishes of support go out to his family, including his wife, Hazel; and his daughter and son-in-law, Karen and Alden Marlowe.

UK President Lee Todd, Jr., best expressed what many Kentuckians are feeling when he said that we have "lost someone who was not only the face of Kentucky Wildcat basketball, but the University itself." I second his words, and add to them my own: We will not soon forget the loyalty, passion, and dedication to excellence that Bill Keightley exemplified.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAA REAUTHORIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2881 which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Pending:

Rockefeller amendment No. 4585 in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding under the agreement that I can proffer an amendment at this time to the bill?

The ACTING PRESIDENT pro tempore. The Senator is correct.

AMENDMENT NO. 4587 TO AMENDMENT NO. 4585

Mr. DURBIN. I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mrs. HUTCHISON, Mr. BROWN, Mr. INHOFE, Mr. LAUTENBERG, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. CORNYN, Mr. MENENDEZ, Mr. HARKIN, and Mr. BOND, proposes amendment numbered 4587 to amendment No. 4585.

The amendment is as follows:

(Purpose: To strike the provision relating to required funding of new accruals under air carrier pension plans)

Strike section 808.

Mr. DURBIN. Mr. President, if you sat down this morning to design a system that would offer American workers the most secure retirement possible, where would you start? If you are starting from scratch, what principles would guide you?

Here are a few I think you might begin with. First, you want to encourage companies to offer secure retirement benefits. That is obvious. Second, you want to ensure that companies keep their promises to their employees and retirees. That ought to be at the top of the list. Third, don't create circumstances under which employers decide they can't afford to keep offering decent retirement benefits without becoming uncompetitive as a business or insolvent. That is pretty sensible. Fourth, treat all the companies in an industry equally so as not to pick the winners and losers. Don't tip the scales.

There are many other goals you might set out to achieve. Of course, we are not starting from scratch this morning, and this is not primarily a pensions bill, it is a reauthorization bill for the Federal Aviation Administration. But the substitute amendment we are now considering contains one pension provision that I think violates the principles I just laid out. That is why I am offering an amendment with Senator HUTCHISON of Texas, with a lengthy list of bipartisan cosponsors, to strike that provision of the bill.

The impact of our amendment will be to provide retirement security for over 180,000 American workers and at the same time maintain air service for all of our constituents in over 300 cities in our Nation and around the world.

Who supports this amendment dealing with the pensions of workers? The workers themselves. It is supported by the 135,000-strong Transport Workers Union of the AFL/CIO, and it is supported by a long list, a bipartisan list of cosponsors starting with Senator HUTCHISON, who will be speaking a little later on this amendment this morning, as well as Senator BROWN of Ohio, Senator INHOFE of Oklahoma, Senator LAUTENBERG of New Jersey, Senator VOINOVICH of Ohio, Senator BILL NELSON of Florida, Senator JOHN CORNYN of Texas, Senator BOB MENENDEZ of New Jersey, and Senator TOM HARKIN of Iowa. As you can tell from this list, this is a very diverse sponsorship—both sides of the aisle, all over the country. We have the support of the workers whose pensions are being affected, and we have the support of Senators from both sides of the aisle in a bipartisan fashion to strike this section of the bill.

It is a little complicated, but for the record we need to get into the background of why we are here today.

In 2006, we passed the Pension Protection Act, which established new rules for defining which companies were meeting their obligations to their employees and retirees and which companies were not. All the companies in America were, in effect, given 7 years to catch up on any underfunded pension plan, and rules were established regarding how the underfunding was to be estimated. That is only right and sensible because if we are going to offer a pension to an employee and the employee can count on that pension, they have to make sure the pension plan is adequately funded so when they call on that plan at the time of retirement, the benefits will be there, the benefits that have been promised over the lifetime of a worker.

It affected all the companies in America except for airlines. We recognized at the time that the airlines were facing unique circumstances. They owed huge amounts of money to hundreds of thousands of workers and retirees, and yet they were facing a very difficult struggle to profitability after 9/11. We all recall what happened. Airlines were shut down completely across the United States and then air travel was at least compromised if not inhibited for months and years afterward.

We understood the airline industry needed special consideration, so we gave the airlines a special arrangement when it came to funding their pension plans. We said airlines had 10 years to make their pensions whole instead of 7 years, which gave them a little longer period of time. We allowed the airlines to assume a rate of return on their investments of 6 percent instead of assuming a lower rate based on the formula that other companies were forced to use—all airlines, that is, except for two, Delta and Northwest. These airlines had frozen their defined benefit retirement plans.

What does that mean to freeze the benefit plan? It meant no new workers at those airlines could participate. It meant the workers then working were covered by their defined benefit pension plans; those new workers coming onboard at these airlines did not get that benefit; and no new benefits could be provided to existing workers and retirees. The current pension benefits were frozen, excluded new employees from coverage.

So, in a way, Delta and Northwest were given special treatment. They were allowed to deal with their retirees in a different fashion than any company in America, than any airline in America. These airlines were told they could take 17 years to catch up on the payments instead of 10 years, and they could assume a rate of return of not 6 percent but 8.85 percent. It was a very generous deal.

Let me restate that another way. Some airlines, but not all of them, could assume a far higher rate of return and spread their payments over a much longer period of time. What difference does it make? It meant those airlines, Delta and Northwest, had to set aside far less cash toward their pension plans each year than the other airlines with which they were competing.

In a very competitive industry such as air travel in this country, this created a huge advantage for these two airlines, Delta and Northwest. To make matters worse, we rewarded the airlines that froze their pensions. Let's compare that result then to the principles I laid out at the beginning of the statement.

Did we encourage, with this decision, companies to offer secure retirement benefits? No. It seems to me instead we encouraged companies to freeze their benefit plans.

Second, did we ensure that companies keep their promises to their employees and retirees? I do not know about that. Does allowing companies to take 17 years to adequately fund their obligations ensure that they keep their promise? It is a fair question.

Third, did we avoid creating circumstances under which employers might decide they could not afford to keep offering decent retirement benefits without becoming uncompetitive or even insolvent? I think trying to avoid this scenario was part of the rationale for giving airlines a bit more of a cushion. So perhaps we did.

Did we treat all companies in an industry equally, so as not to pick winners and losers and create a competitive advantage for some airlines over others? We most certainly did not.

Now, fast-forward to last year. On the first day of the new Congress, Senator KAY BAILEY HUTCHISON of Texas introduced legislation to bring more balance to pension rules for the airline industry. We passed this legislation as part of the Iraq supplemental last spring, and I supported Senator HUTCHISON.

What did the language do? It gave the airlines that have not frozen their pension plans—and let me be specific which airlines: American Airlines, Continental, Hawaiian, Alaskan, and US Airways—the opportunity to assume a better rate of return on their investments. They now can assume a rate of return of 8.25 percent.

Remember, Delta and Northwest, under the law that we passed, can assume a rate of return of 8.85 percent, whether that, in fact, takes place. So even under the existing law before the bill that we have before us, those two airlines are going to benefit. They get a better break, better treatment, Delta and Northwest, than all the other airlines, and they can smooth out these payments over 17 years, not 10 years.

So did the change in the law on pensions benefit those two airlines initially? Yes. Is their benefit compromised by what we are doing with this amendment today? No. But does it bring the other airlines in the country closer to the same treatment? Yes, it does. So we still have not provided all of the industry players with parity. Delta and Northwest still do much better. The airlines that are still trying to provide their workers secure retirements through defined benefit plans that are not frozen are still getting a much worse deal than the airlines that froze their plans, but it is a bit fairer.

So what was done years ago rewarded those airlines—struggling, I will concede—with better treatment in terms of funding their pension plans from a corporate point of view than other airlines. What we are doing today is lessening that advantage slightly but not at the expense of Delta and Northwest. In fact, what we are doing is maintaining what has been the law since last year. That brings us today to this substitute amendment which we are considering.

Section 808 of the substitute amendment would place new responsibilities on only those airlines that we tried to help last year. This section would once again widen the disparity between the rules that apply to some airlines versus the rules that apply to others. That does not make any sense. This section would require only the five airlines that I mentioned to fully fund all new pension obligations this year and every year going forward, only those five airlines.

Now, you might say, in a vacuum that seems reasonable, fully funding a pension. We want companies to pay their pension plans, right? Well, it is up to a reasonable point. There are three fundamental problems that I think are very important for my colleagues to understand. First, the provision in the bill which Senator HUTCHISON and I would strike penalizes the airlines that have worked the hardest to fully fund their pensions already. Don't we want companies to work hard to fully fund their pensions? If we do, why would we want this section of the bill which penalizes them for their effort to protect their workers and be fair in their pension plans?

Take American Airlines, for example. According to the rules, American Airlines' pensions are 116 percent funded. To put it another way, the management has put more money into their pension plans than they actually need to put in to make sure they make all of the payments promised, 16 percent more. It is not as if American is underfunding their pensions; they are overfunding their requirements. The assets on hand, after assuming the investment rate of return over time, are worth more than what American Airlines has promised its workers and retirees. How can we ask for anything more than that?

So why should American Airlines have to then fully fund all of its new obligations each year so it continually maintains 116 percent funding? Is not 100 percent enough?

Second, this provision unnecessarily pushes these five airlines closer to bankruptcy. Is it really in our Nation's best interest that these five airlines pay an additional $2 billion into their pension funds over the next 5 years when they simply do not have cash laying around?

As a national policy, is it better for us to have more airlines or fewer? Do we want more competition or less? Do we want fewer bankruptcies or more? And if we really care about the retirements of these hundreds of thousands of workers who are employed at these five major airlines, why would we push their companies closer to bankruptcy?

Do you know what happens when a company goes into bankruptcy? Ask the employees of United Airlines what happened? The first casualty is their pension plan. I have been there. They are based in Illinois; they are based in Chicago. It was painful. And if you push more airlines into bankruptcy, you are not helping their workers and their retirement, you are jeopardizing it.

If that sounds dramatic, I would like to show this chart to my colleagues who are following this debate. These are the bankrupt airlines, recent bankrupt airlines: Frontier Airlines filed for bankruptcy, 6,000 employees were affected by that decision; ATA filed for bankruptcy, 2,230 employees affected; Skybus, 450 employees terminated; Aloha, 1,900 employees; EOS airlines, 450 employees.

This is the reality of the airline industry today. By my count, over 11,000 employees were affected by these bankruptcies. So why in the world would we put a provision in this bill which would require our airlines, these five airlines, to put dramatically more cash into these pensions, beyond what is required of other airlines, beyond what is required for 100 percent funding, and jeopardize them and endanger them so that they face bankruptcy?

Let's look at the losses recently reported for the first quarter by some of the largest domestic carriers, just in case those who are critical of this amendment believe these airlines are flush with cash. Look at what happened in the first quarter of this year: Delta Airlines' first quarter losses, $274 million; American Airlines, $328 million; and United, $537 million.

If there is someone who believes—and I do not know who it might be—that the airline industry is so flush with cash, that they are so strong they can handle this new pension requirement that is put in this bill, and it will not have a negative impact, they have not noticed the reports on the first quarter. In virtually every instance every airline in America has struggled and fallen behind because of jet fuel costs.

Now comes this bill, not providing these airlines a helping hand through one of their most difficult periods in history where bankruptcies are rampant and losses are at record levels. This bill imposes new regulations on airlines struggling to survive.

At a time where crude oil is threatening to reach $120 a barrel—it did last week—and jet fuel is pushing $160 a barrel, I do not think the airlines are in a position to add another $2 billion to their pensions which are already well funded.

Remember, Delta and Northwest were given a privileged position when it came to the treatment of their pension plans under the law. They did not have to put as much money into their pension plans. They were given a longer period of time to pay out or to fund them, 17 years, and the rest of the airlines were given circumstances which were more demanding of them. They had to put in more money.

What Senator HUTCHISON and I are trying to do is protect a difference but one that we think is reasonable. What the bill does is to push these airlines at exactly the wrong moment in America's business history into a position where they are going to have to surrender cash reserves and risk bankruptcy.

Now, is that in the best interests of the workers and the pilots of those airlines? Eleven thousand workers at airlines are already bankrupt or out of work. There are over 180,000 workers in America who stand to lose nearly everything if we push these airlines into bankruptcy, and the over 300 cities that could lose air service and face higher fares? Why? Why do we want this?

Third, and finally, this provision creates an even larger disparity between the way some airlines are treated and the way other airlines are treated. In this most competitive industry, why in the world are we trying to tip the scales to the advantage of some airlines and push others near bankruptcy? It does not sound right.

Why are we demanding these five airlines to follow rules that no other company in America must follow? Why are we demanding these five airlines follow rules that two of their competitors do not have to follow?

The amendment I have with Senator HUTCHISON and others would strike this provision from the bill and leave current law unchanged. I think this is important to all Senators. It is not just an issue for those of us whose home States entertain these airlines and have them as carriers. I urge every Member who is interested in providing equitable treatment under the law to all companies in a given industry to support our amendment.

Do this for 180,000 workers who have weighed in, whose pensions are at stake and strike section 808. It is a bad idea. And let me also say this on behalf of the largest carrier affected, American Airlines. This legacy carrier is the only one left—of the larger carriers, I should say—that has not gone through bankruptcy. They have made sacrifices. They have cut back. They have tried to protect their workers and provide quality service. It has not been easy.

Now they are facing recordbreaking jet fuel costs. That is a reality. They have tried to keep their word to their unionized workforce to keep them on the job, to pay them as promised, to give them the pension they promised. Why do we want to punish good conduct? Why do we want to punish an airline that has tried its level best to keep its word to its employees and retirees? That is a question not only asked by the management of American Airlines, it is being asked by the workers of American Airlines.

They oppose section 808. They think it could be the end of their airline. What a legacy we would leave at the end of the day if we pass a bill that is supposed to pass to make air travel safer and jeopardize the existence of five major airlines in the process. That is exactly what section 808 would do.

I urge every Member who is interested in giving their constituents as many options for flight travel as possible by keeping afloat as many airlines as we can to support our amendment. I thank the 135,000 members of the transport workers unions whose pensions are at issue with this amendment. They have stood up in what I think is the best interest not only of transportation workers today but those retirees. I thank Senators HUTCHISON, BROWN, INHOFE, LAUTENBERG, VOINOVICH, NELSON, CORNYN, MENENDEZ, and HARKIN for cosponsoring the amendment. I urge my colleagues to join us. Let's strip this section from the bill and then move forward to do what we need to do to make American air travel safe and to respect the companies and workers we count on every day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Illinois for taking the lead on this very important amendment. He and I are in complete agreement. I have never seen a time or an amendment or an issue before our Senate that has shown the companies fighting so hard to do the right thing for their employees; the employees standing with them in total solidarity, saying: This is something we should be encouraging companies to do, not discouraging companies from doing; that is, to provide the very best pension plan.

These are huge corporations. American, Continental, US Air, these are big corporations. They are trying to do the very best. They are going the extra mile for their employees. Yet they can't rely on the Congress to make a law and then keep it.

Let's go back a little bit in history. First, we settled this issue in a very hard-fought negotiation last year. We had airlines that chose to keep their defined benefit plans, doing the very best for their employees they could, making added contributions based on the law as it was. So they got ahead in their backup payments because, under the law as it was, anything in excess of their backup payments would help them offset their going-forward payments. They were in relatively good shape, as good shape as an airline could be last year. They had extra money. They poured it right into their pension plans. They overfunded their past obligations or the obligations they had for their past pension deficits. They did that, thinking that if they got into a cashflow problem, they would be able to offset those overages, which is what the law has been.

Now, in an aviation modernization bill that is to modernize our air traffic control system, that will address the safety issues we want to make sure are the very best that we can provide for consumers and passengers, a bill that will provide a passenger bill of rights—when a passenger is in an airplane and it is delayed, there are going to be new rules; there will be plans that have to be submitted for airlines to take care of them—in a bill that has so much good, that came out of the Commerce Committee, of which I am the ranking member of the Aviation Subcommittee and Senator ROCKEFELLER is the chairman, it came out with complete bipartisan support. Now we have in the package that is going to be put forward a rehash of long negotiations that were settled last year.

I will take a moment here to say that I had a very telling conversation with the CEO of a major international corporation based in America.

I said: Why are you opening plants overseas instead of America? Why are you sending jobs overseas instead of America?

This CEO said: Well, really, basically two things. One is, the regulatory environment is better overseas. And secondly, the regulatory laws are more stable.

I said: More stable? This is America. What do you mean? There is a country overseas that has more stable regulations?

He said: Absolutely. Because we can't count on the law being the law. We see time and time again Congress or a regulator coming in, after a law has been on the books, we have done things in compliance with the law, relying that it is the law, and Congress changes something that affects something that we have done in reliance on that law.

I said: If there is one thing that the United States should be able to do, it would be leading in stability in laws and regulations. Maybe there are too many laws and regulations. Maybe there are too many taxes. But at least we should be able to be stable. We are the greatest economy on Earth.

Yet here we have a prime example of a law that was passed, contributions were made from the company to these pension systems based on the law that was passed, thinking we had come to an agreement. It was hard fought. A deal is a deal.

Let's go back and look at that law. In 2006, Congress passed the Pension Protection Act. Included in that legislation was a change in funding rules for airlines that had chosen to freeze their defined benefit pension plans. I argued strongly at the time that the playing field should be leveled for those carriers that continued to meet their obligations. There was virtually unanimous support for this view in the Senate. But in conference, the chairman of the Committee on Ways and Means of the House, who is no longer a Member of Congress, refused a provision that would level that playing field. Accordingly, we reached agreement with the leadership of the Senate at the time that we would take the first available opportunity in the next Congress to rectify this inequity. That is why on January 4, 2007, my colleague from Texas, Senator CORNYN, and I introduced S. 191. This bill was referred to the Committee on Health, Education, Labor, and Pensions. My staff also provided it to Finance Committee staff and personally briefed them on the bill on January 26, 2007.

The bill, which was subsequently enacted into law, established funding rules that, while not as generous as those given to airlines that froze their plans, were at least more equitable and created a better unlevel playing field than we had seen in the 2006 bill. It was very clear, when we introduced this bill, that we had it out there for the purpose of everyone knowing that we intended to offer it when appropriate legislation came through. That is the way things work in the Senate.

The provision adopted by the Senate and agreed to by the House is the exact language we drafted in S. 191. It should be a surprise to no one that we would offer that bill at the first available opportunity, which was the last omnibus appropriations bill. There has been something said in writing in opposition to our amendment, that this was a big surprise that was crammed into the supplemental appropriations bill. It was not a surprise. It was out there in the open. All of the relevant committees had been briefed and knew this was a bill that was pending that would be available for amending a proper vehicle. The proper vehicle was the appropriations omnibus, because there was not anything else that was going through.

None of the airlines adversely affected by the proposed change in the pension laws has missed a pension payment under current law. The greatest risk to pensions is bankruptcy. I am not saying the proposal in the bill would necessarily result in bankruptcy of these carriers, although that has been brought up as one eventuality. But at the very best case, it is going to restrict their cash reserves precisely at a time when they need it the most. Jet fuel is now being sold at $160 a barrel. At these prices, it is a race against time for airlines to preserve their cash. For Congress to intervene now, undo a law that was passed and relied on by the airlines to restrict the flexibility of a few airlines that need the maximum flexibility to meet this crisis, would be irresponsible.

It is as if maybe some of our Senators who I think have very good motives are not realizing the situation today, which is 10 times worse than it was last year when this legislation was passed. Prices of oil have gone up. Every airline is on its knees. Everyone is struggling. We are seeing the beginning of mergers, which I don't like, but it is a free world, and I don't think we have the right to intervene. But I don't want to have fewer airlines. I want our airlines to be robust, compete, and do the best for their employees they can possibly do.

It is as if we are living in another world to think that this is not a crisis time for the airlines. I don't want to hurt the other airlines either. I have nothing against Delta and Northwest. I hope they survive. I hope they do very well, because the more airlines we have doing well, the better it is for consumers and passengers. But I want to make sure that airlines that have kept their defined benefit plans, that are trying to go the extra mile for their employees and do the very most they can, as they are at the same time struggling with the higher cost of fuel, especially, I don't think we ought to penalize them. I don't think we ought to retroactively change what they relied on and made contributions to their pension plans, relying that the law was the law, and that the Senate and the Congress was a body of intelligent people who could reasonably look at the economic news in the world and know this is not a time when we would destabilize and further hurt an industry that is so important to commerce and the overall viability of our country.

Let's put it on the table. In the past 5 years, American Airlines has made $1.7 billion in contributions to its pension plans, when—I may be wrong; I am not saying that I know exactly—in the last 5 years, I might remember two quarters, maybe three, where they have actually shown a profit. Maybe it has been 1 year out of 5. But every time I pick up the papers, I am not seeing airlines with robust profits being reported at the end of a quarter. Last year alone, as oil prices were going up—and jet fuel is even more expensive than gasoline—they made a contribution of $386 million, which is more than they needed to make to keep their obligations current. Under the rules in place today, before this change would take place, they are 115 percent funded.

Continental Airlines has made a $1.3 billion contribution to its defined benefit pension plan in the previous 5 years, including $336 million last year—significantly above the minimum funding required. So if there is anything our Senate ought to be able to do, it is, No. 1, when a law is passed and relied on, that we would not retroactively change that law to penalize one company in an industry. It is not the place of the Senate to pick winners and losers. We are the model of free enterprise in the world, and we must keep that stability.

Secondly, if the parts of the bill that are being added that are extraneous to the underlying FAA modernization bill stay in, it is going to bring down a great bill, a bipartisan bill, that my colleague, Senator ROCKEFELLER, and I have worked on very hard, along with Senator INOUYE and Senator STEVENS, the chairman and vice chairman of the committee.

We have all supported the bill that came out of Commerce almost unanimously. It has been a joy to work on a bill that provides a better consumer environment, a safer environment for passengers, that would modernize our air traffic control system even further, that would address the issues that have been raised in the last few months about passengers being held hostage on airplanes that are on the ground, and giving them rights, and requiring airlines to do right by them. It is a great bill.

But if we do not strike this pension plan—which I do not think is right in any sense of the word—if we do not strike this from the bill, and if we do not take out some of the other extraneous tax provisions we will deal with later that do not have anything to do with aviation, it is going to do great damage to the flying public and to commerce in our country.

I urge my colleagues to look at the arguments and help us remain stable—as stable as an airline can be in this very volatile environment. Let's not change the rules. Let's not give advantages to one over another. Let's try to help all of the airlines make it, be profitable, be robust, provide competition, and, especially, give the very best benefits to their hard-working employees they can possibly do. And, please, let's do not penalize those that are going the extra mile and giving their employees what is becoming more and more rare in this country today, and that is defined benefits for their pension plans.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I might consume.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. BAUCUS. Mr. President, on the surface, this is a complicated matter. Pension law is complicated. It gets into whether a company has a defined contribution plan, a defined benefit plan, issues such as: What is the assumed interest rate that applies to the pension plan? It is backwards: the higher the rate, frankly, the less of an obligation by the company to contribute to the plan. I think on the surface we would think it would be a little bit of the opposite. It gets into length of years, the time within which companies are required to contribute to their plan to fully fund their plan. It is very complicated on the surface.

It is very simple. This question we are dealing with here is very simple when you get down to what is going on around here. So I ask my colleagues to pay a lot of attention to the statistics and all the complexities at the surface, but pay more attention to what is going on here. After all the charts and all the statistics and all the stuff, what is going on here?

I think Senators and their staffs will find, when they do that, what is going on here is the question of—there are two questions here—do we want to keep the playing field level among the airlines? Airlines are going through some difficult times today, clearly. Fuel costs are high. There are other problems facing the airlines. But do we want the playing field to be level? The second question: Do we want to help provide adequate protection to the pension plans, to retirees? Those are the two basic questions.

So how did we get here? Back several years ago, after 9/11, and when the country was facing some economic difficulties, when pension plans were going belly up because companies, regrettably, were not adequately funding their pension plans—especially the defined benefit plans; to some degree, the defined contributions, but especially defined benefit plans—what did we do? We in the Congress exercised our responsibility to do something about all that. What did we do?

In 2006, we passed a pension bill. What did that provide? Well, we were kind of caught in the middle—Congress was—especially with respect to airlines because after 9/11, airlines were not doing well at all because people were not flying as much, and they were under significant stress and strain, and, at the same time, pension plans were not in good shape generally—not just airline pension plans but other companies' pension plans.

So we refined the law in 2006 to give much more protection to retirees in their pension plans because companies basically were not doing what they should have been doing back up to that time.

We had another little problem on the side, and that was airlines because they were under a lot more financial stress than other companies in the United States generally. So what did we do? We said: Well, we want to help the airlines. We do not want to hurt the airlines. We also want to protect the pension plans. So we raised the pension plan requirements that all companies must face.

But we gave a little break to the airlines. We gave a longer period of time in which they had to fully fund their plans. We said: For those that are in bankruptcy—there were a couple back then—you get a long time. You get 17 years. We will also give you a big, high interest rate. "Big, high interest rate" means it is computed at a greater rate of return on your assets so you do not have to contribute as much to the plan. We also gave a big break to the airlines that were not in bankruptcy. We gave them 10 years. The standard rule was 6 years for all other companies. We said: OK, you are in real stress. You get 17 years. If you are in some stress—not as much—you get 10 years. Those are companies that were not in as much stress. Those are companies that did not freeze their plans, whereas, those that had 17 years did freeze their plans. We said: OK, after 10 years and 17 years, the playing field will be back to level again.

A couple airlines with plans that were not frozen, that had the 10-year requirement—remember, the standard rule is 6 years, but they got the 10 years, not the 17 years—said: Wait a minute, you are helping those who are in bankruptcy too much at our expense. They said they were doing the right thing. So we said: OK—that is what this bill does—OK, we will give you virtually the same interest rate as the others. What does that mean? It means you do not have to contribute to your pension plan. You do not have to.

So we think that levels the playing field because now all companies will have to contribute to their plans, at least prospectively. We are saying to the other companies—the 10-year companies—you do not have to contribute to your plan up to today's date, up to 2008. You are free. You are off the hook.

So these arguments you hear on the floor that this underlying bill is putting financial stress on certain companies are not true because those companies will not have any obligation to contribute more to their pension plan for past liabilities, but they will currently.

We think that is a fair compromise. This is not a perfect world. But under our committee bill, it is clear it is basically a level playing field because all companies now will have the same computed interest rate to calculate what their assets are to indicate the degree to which they have to contribute to the plans.

Now the Durbin amendment says: No. No. We want to give a bigger break to the companies that do not freeze their plans that are not in bankruptcy. The effect of the Durbin amendment will be that those companies will not have to contribute to their pension plans. They have not, and they will not have to for a couple years in the future because the Durbin amendment gives a higher interest rate, which, in effect, means they will not have to contribute.

Well, if I am a retiree, and I work for one of these airlines, I would say: Wait a minute. I want to make sure I am protected too.

So, as I said, there are two questions here. Is the playing field level? And, are we going to protect the pension plans?

The effect of the committee bill is to level things off. It is not perfect, but it is almost perfect; where the effect of the Durbin amendment is to make it much less perfect and basically help a couple airlines that, as a consequence, will not have to contribute to their pension plans for past liabilities, and will not have to in the future either, because of the interest rate they provide for in their amendment, and other airlines will have to contribute into their plans.

I say the right answer here—airlines are squabbling among themselves over all this—the right answer is to keep it fair for everybody, have the same law essentially apply for everybody. The committee bill does that.

I might say also, we want to protect our pension plans because that was the whole purpose of the 2006 pension bill. The effect of the Durbin amendment is to say: No, these plans are not going to be protected as much under the Durbin amendment. That is not the right thing to do.

There are some who say: Gee, this is going to cause bankruptcies in the poor financial condition the country is in right now. That is a bogus argument. We are saying: Keep the playing field level. That is all we are saying in this committee bill. It is not going to affect the bottom line. Our committee bill will not affect the bottom line of these airlines because, basically, it is a cashflow issue because cash is transferrable between the plan and the company. So it is not going to affect the bottom line of these airlines at all—the committee bill—nor will the Durbin amendment affect the bottom line. That is a bogus argument.

But the effect of the Durbin amendment is to give less protection to retirees—that is indisputable—less protection to retirees. And do not forget, under the 2006 pension bill, we were trying to give more protection to retirees.

Also, the second effect of the Durbin amendment is to unlevel the playing field. It favors certain airlines at the expense of others. I think the best policy is to protect pensioners and to protect retirees, and also to keep the playing field level. That is why I think it is better to not adopt the Durbin amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I respect the Senator who is the chairman of the Finance Committee. It is one of the toughest assignments on Capitol Hill. He has adequately described what I think is the challenge of pension plans—how to make sure companies put the money in they promised, and to keep their promise to their retirees.

What I am saying is, the approach the Senator brings to the floor, in section 808, is opposed by the retirees and workers. They do not believe it is in their best interest. They certainly do not think it is in their best interest if their airline goes into bankruptcy. They know what has happened repeatedly. When an airline goes into bankruptcy, the first losers are the retirees and the pension benefits of current workers. They are worried, and they should be. Look at how precarious this industry is, with the jet fuel costs and the record losses these airlines are facing.

Secondly, I cannot quarrel with the chairman's premise about keeping the playing field level when it comes to airlines. But if that is the case, how can he explain to us that two airlines are treated so dramatically different than others? Delta and Northwest have 17 years to make their pension liability right. We assume they are going to earn 8.85 percent each year on their investments regardless of what they actually earn.

The airlines we are talking about have 10 years to make their pension liability right, and their assumption of interest is 8.25 percent. Doesn't sound like much. It has been dismissed a little bit here. But if you are talking about hundreds of millions of dollars that are being invested in pension funds, you can understand the impact this might have.

The last point I wish to make is this: Senator HUTCHISON and I wish to keep the status quo. The section 808 amendment we want to strike changes it. Under the current status, the largest airline affected, American Airlines, has 115 percent of funding—115 percent. They are not falling behind; they are keeping their word to their employees and their retirees. That is why I hope my colleagues will support our amendment to strike section 808.

Mr. President, I ask unanimous consent before yielding the floor that Senator BOND be added as a cosponsor of our amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have some responses to the Senator from Illinois when we get back because they are bogus arguments.

I yield the floor.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF IRELAND

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 12 o'clock.

Thereupon, the Senate, at 10:31 a.m., recessed until 12 noon, and the Senate, preceded by the Secretary of the Senate, Nancy Erickson, and the Deputy Sergeant at Arms, Drew Willison, proceeded to the Hall of the House of Representatives to hear the address of the Prime Minister of Ireland, Bertie Ahern.

(The address delivered by the Prime Minister of Ireland to a joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. CASEY).

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 33RD ANNIVERSARY OF THE FALL OF SOUTH VIETNAM

Mr. WEBB. Mr. President, today is the 33rd anniversary of the fall of South Vietnam, where the North Vietnamese offensive that had begun in the aftermath of a vote in this Congress to cut off supplemental funding to the Government of South Vietnam. This was combined with a massive refurbishment of the North Vietnamese Army that allowed an invasion to kick off at a time when our South Vietnamese allies were attempting to reorganize their positions in order to adapt to the reality that they were going to get markedly less funding from the United States in their effort to grow their incipient democracy.

I think it is important for us to look back on that event and to give credit where credit is due, and also to talk a little bit about the future of relations between our country and the present Government in Vietnam.

Too often in today's school systems and in the discussions that examine the Vietnam war, we are overwhelmed by mythology. In many cases, we tend to assume this was a war between the United States and Vietnam. Nothing could be further from the truth. This was an attempt by the United States to assist a government in the south that had been formed with the idea that it would evolve into a properly functioning democracy, in the same way that we assisted South Korea when it was divided from North Korea, in the same way that we very successfully assisted West Germany when the demarcation line at the end of World War II divided Germany between the Communist east and the free society in the west. We were not successful in that endeavor in Vietnam for a number of reasons. But it would be wrong to assume that this was an action by our country against the country of Vietnam. It was an attempt to actually assist that country.

There is a lot of talk about the domino theory and the heightened and unjustified warnings about what was going on in the rest of the region with respect to different efforts that were backed by the Soviet Union and Communist China at that point. But these were actually valid concerns at the time. Indonesia had suffered an attempted coup that was sponsored by the Chinese. We had a hot war in South Korea when North Korea invaded. This was a region in a great deal of turmoil, when you look back at the European powers that had colonies throughout Southeast Asia, which had largely pulled back after World War II because of the enormous costs of that war. It had shrunk back into their own national perimeters. The Japanese had colonized a good part of Southeast Asia, and after World War II they had withdrawn their forces. There was a good deal of turbulence, and there was a great deal of strategic justification for what we attempted to do.

The bottom line is 58,000 Americans were killed in action or died of hostile causes during the Vietnam war. We should remember them with the validity that their effort deserves. Mr. President, 245,000 South Vietnamese soldiers fought alongside us and perished; 1.4 million Communist soldiers died in that endeavor.

The events following the fall of Saigon on April 30, 1975, have never really been given the proper attention in terms of how we evaluate the history of what we attempted to do. One million of the cream of South Vietnam's leaders were sent into reeducation camps, and 240,000 of them remained in those camps for 4 years or longer; 56,000 of them died in the reeducation camps. This was the cream of South Vietnam's leadership—almost as many as we lost in the entire war. Two million Vietnamese were displaced, a million of them hitting the ocean, risking their lives in order to try to reach a better life that would not be under the oppression of a government that had succeeded in conquering the south. Many of them came to the United States.

Many of the families whose fathers and, in some cases, mothers had been in reeducation camps were able to relocate here and begin a different life. A Stalinist system took over in the north. When I started going back to Vietnam in 1991, that system was very much in place.

We should look to the future. I believe there are two important things for us to keep in mind at this point in the evolution of our relations with Vietnam. First is that over a pretty rocky period of time, the Communist Government of Vietnam has made adjustments and positive contributions. This is not to say that we are in a perfectly beneficial relationship, but I have been pleased, since 1991, to participate in many of these endeavors to bring a more moderate society inside Vietnam and to assist in bringing in American businesses.

Vietnam and Thailand, in my view, are two of the most important countries in terms of how the United States should be looking at East Asia and Southeast Asia with the emergence of China, the emergence of India, and the evolution of Muslim fundamentalism that spills over in Southeast Asia into countries such as Indonesia, Malaysia, and the south Philippines. Vietnam and Thailand are very important to us, and the relationships evolving between Vietnam and the United States are healthy and in the long term are going to be successful.

The second thing we should remember is that there are many Vietnamese Americans in this country who suffered not only during the war, but after 1975. We tend to forget that with the reorganization of the society that occurred under Communist rule. I have spent a good bit of my life working to assist this refugee community in the United States. I also have been working to build a bridge between the overseas Vietnamese community and the ruling Government in Vietnam today. Through that bridge, we are going to have a much healthier society here and also a much more productive society in Vietnam.

Today, I wanted to do my small part in making sure we in this country remember not only a struggle that had a great deal of validity to it—even though it did not turn out the way many of us wanted it to—but also the positive aspects of our relations with Vietnam looking into the future.

With, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I honor, as always, the words and wisdom of the Senator from Virginia.

Mr. WEBB. I thank the Senator from West Virginia.

FAA REAUTHORIZATION ACT OF 2007—Continued

AMENDMENT NO. 4587

Mr. ROCKEFELLER. Mr. President, I rise in support of Senator DURBIN's amendment.

The debate is not about an arcane, technical pension funding rule. The issue before us is about whether thousands and thousands of airline employees are allowed to keep hard-earned defined benefit pensions or if we are going to regulate them or throw them out to the underfunded PBGC, which has so much debt that you cannot count the zeros. This issue is about whether we are going to send additional major carriers, who have so far avoided bankruptcy in these brutal financial circumstances, into a downward spiral. My premise is to hold the main carriers harmless. They are up against it, at the cliff. We should hold them harmless.

Adding this pension provision to the FAA bill would defeat the whole purpose of this compromise brokered by the Finance and the Commerce Committees, which was done with the underlying principle that we should hold the commercial airlines harmless during these turbulent economic times, which are expected to last. That is sacred. That is why it would be unwise to load up an additional liability on airlines trying to do the right thing for their employees.

It would be especially wrong to cause that result in a misguided effort to put the preservation of regular order before common sense—in other words, going around a committee. It happens. Airline employees will pay the unnecessary price for this change from current law. It cannot happen.

During these tough times of rising fuel prices and mounting financial losses, this is not the time to impose tougher, unrealistic pension funding requirements upon the airline industry. To do so would risk more bankruptcies and force carriers to dump their pensions into the woebegone PBGC. That would put in danger the economic security of workers who would prefer to stay employed and not have their pensions frozen.

In 2005, when the Senate was considering the Pension Protection Act on the Senate floor, we passed an amendment by voice vote that I cosponsored with Senator ISAKSON and Senator Lott. The amendment would have given all airline carriers substantial pension relief. The amendment did not pick winners or losers within the airline industry. It is not our business. Rather, it focused on keeping their defined benefit pension plans solvent.

Unfortunately, as Senator HUTCHISON pointed out, the final product that came out of conference in 2006 limited the pension relief the Senate sought to give all airlines. Led by—and I will say he is gone and I am not sad—the Ways and Means Committee chairman, Bill Thomas, the conference report chose winners and losers. It gave some carriers more pension relief than others, creating a competitive advantage for some carriers.

A number of Senators were not happy with the airline provisions bill, including Senators DURBIN, REID, OBAMA, HARKIN, MENENDEZ, LAUTENBERG, BILL NELSON, and a lot of the rest of us. They entered a colloquy on the floor arguing that this disparity needed to be dealt with.

That is why in last year's Iraq war supplemental appropriations legislation DICK DURBIN did the only thing that he had available to him to do, and with the strong support of Senator HUTCHISON, he sought to right this wrong and inserted a provision that brought the airlines up to par and gave them the necessary pension relief that they deserved. I understand this was perhaps not the best process. We are not a body known for our meticulous protocol. We are trying to get something in that is lifesaving for the Nation.

As a senior member of the Finance Committee myself, which has jurisdiction of pension legislation, I agree with Senator BAUCUS that it would have been more ideal to go through the regular order and have the Finance Committee review and vet the provision. The problem is that it wasn't going to happen.

However, airlines need and deserve pension relief. We cannot adopt the pension provision of the Finance Committee tax title and impose higher pension burdens upon five domestic airlines, which has been discussed by various people, during these tougher economic times.

Remember, hold legacy commercial airlines harmless. So we would be turning our backs on American, Continental, US Airways, Hawaiian, and Alaska Air. To do so would risk more bankruptcies and more job losses. I pointed out earlier that one out of every six jobs in the airline industry has been lost in the last 6 years.

In 2005, while we were debating the Isakson-Rockefeller-Lott amendment that brought all airlines equitable pension relief, I stated on the Senate floor that my goal was to protect the employees and retirees who worked so hard to earn retirement benefits, and that remains my goal today.

To deny disadvantaged airlines the relief they rightfully deserve in the Pension Protection Act and which the Senate voted to give them would be unfair.

I have the utmost respect for Senators BAUCUS and GRASSLEY. They are a superb team. They did their very best and did a very good job on the whole on the Pension Protection Act. But the Finance Committee in the Senate should not have received the dicta of the now thoroughly retired former Ways and Means Committee chairman. The former House majority succeeded with their desperate efforts to achieve questionable policy goals by holding long-awaited pension reform legislation hostage. But that was then and this is now, and we should not give the former House majority the satisfaction of achieving their desired objective over a jurisdictional squabble, and that is all it is. It counts. I understand that. It counts. People lie on the floor to protect it, but in this case, we are dealing with something much larger.

We can do better, and that must begin by us stepping back and invoking the "do no harm" principle. America cannot afford another major bankruptcy to cripple our aviation system.

With all of my respect to the Finance Committee leadership, we just cannot do one more thing to jeopardize the health of our domestic aviation industry, particularly the commercial sector. The rest of it is doing very well. For that reason, I will support Senator DURBIN's amendment, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I take a view opposite what was just spoken by Senator ROCKEFELLER on the amendment that is before the Senate, the Durbin amendment, No. 1, because of a very carefully crafted compromise that was worked out when the pension reform bill was passed, and No. 2, the purpose of that legislation was to protect the pensions of the workers of the corporations of America, including the workers who work for our airlines.

What we are trying to do is stay within the realm of that compromise and the protection of workers' pensions. This effort detracts from it. I am trying to make sure workers' pensions are protected.

I am going to ask my colleagues to be against the Durbin-Hutchison amendment. The amendment before us seeks to keep in place a policy that is wrong from a pension policy standpoint. The amendment also would preserve a process followed against two committees with jurisdiction over pension policy—the Finance Committee and the Health, Education, Labor, and Pensions Committee. These two committees worked arm in arm for all of 2006 to get a pension reform bill together that would protect workers' pensions.

If the proponents of this amendment succeed in their effort, it will taint the legislative process with respect to one of the most important policy challenges before Congress, and this is strengthening retirement security.

The provision the proponents seek to strike is not only justified from a policy perspective—but the way in which the original provision of the Pension Protection Act was modified should raise the eyebrows of some of my Senate colleagues.

I would first like to walk my Senate colleagues through the yearlong conference negotiations of the Pension Act which occurred less than 2 years ago. But let me first remind my colleagues that the underlying intent of the Pension Act is to require defined benefit plan sponsors to fully fund their pension plans; in other words, keep their promise to their employees.

In nontechnical terms, the Pension Act makes sure plan sponsors are not digging a deeper hole by requiring plans to pay off their unfunded liabilities.

The Pension Act requires defined benefit plan sponsors to make contributions, one, to cover benefits accrued in the current year and, two, to pay off any unfunded pension liabilities or past liabilities over a 7-year period of time. A lot of people think we were not doing justice to the workers of America by giving these companies 7 years to pay off these past liabilities, but at least we have a plan in place that two committees of this Senate worked on that was a compromise that would bring us to the point where even after 7 years, workers' pensions would be protected.

There is an interest rate issue with a lot of pensions—the interest rate used to determine these past liabilities based on the yield curve of high-quality corporate bond rates. Currently, the corporate bond yield curve rate is approximately 6 percent. The Pension Act provided two exceptions to this general rule. The exceptions were specifically provided for certain commercial airline carriers that may have had difficulty meeting the general requirements within the bill. In other words, we were taking into consideration 2 years ago the very critical and—how would I say it—very unpredictable future of airlines. That is something that was legitimate at the time.

There were exceptions for these commercial airline carriers. Under the first exception, carriers that froze their pension plans were permitted to pay off any past pension liabilities over 17 years—that is instead of 7 years—and use in the process an 8.85-percent interest rate to calculate past liabilities. And that would be instead of current law, which is a 6-percent rate. Under the second exception, carriers that did not freeze their pension plans were permitted to pay off liabilities over 10 years instead of 17 years, if they chose the other course, and use the current 6-percent rate instead of the 8.85-percent interest rate.

During the Pension Act negotiations, those airline carriers freezing their plans were permitted to take advantage of the first exception. We were aware at that time that these carriers pledged to make new 401(k) contributions on behalf of current and new employees in their union negotiations.

Those airline carriers that did not freeze their plans did not need to make the same pledge for a 401(k)-type retirement because these carriers continued their pension plans. The workers for these carriers continued to accrue benefits under the pension plan.

The opponents of section 808 do not understand or maybe they choose to ignore that this was a carefully crafted compromise which was intended to place workers of each of these carriers in a similar position from a retirement perspective. Workers of carriers that did not freeze their plans continued to accrue their usual pension benefits. Workers of carriers that froze their plans received retirement benefits under 401(k) plans. Under each approach, the carriers remain obligated to pay their retirement benefits that accrue in the current year.

This was a proworker, proparticipant approach that recognized the financial distress the airline industry was experiencing. It also recognized the differences in the financial health of the carriers that froze their pension plans and the financial health of carriers that did not freeze their retirement plans.

The amendment's proponents are now saying they want the same set of rules that were offered to carriers that froze their plans.

What is on the books that we in the Finance Committee are trying to correct in this legislation is that we gave maximum flexibility to airlines to choose one plan or another, the one that fit, whether they wanted to freeze their pension plans or not freeze their pension plans. And if they froze their pension plans, they chose a future 401(k) for their employees. It was maximum flexibility because these union agreements were much different among the airlines and the financial conditions of the airlines were very much different. We wanted to give choice for flexibility for the financial management of the corporations to keep their promise to their workers, and we wanted to keep our promise that Congress made under our laws that workers' retirement ought to be protected. So there was maximum flexibility.

OK, everybody agreed to this, and then later on, people wanted to change the rules in the middle of the game to benefit one airline over another airline. So the proponents of the present law, the present distraction from our compromise that was made less than 2 years ago, will tell you that just before passage of the Pension Act, an agreement was reached with Senate leadership that the Senate would take the first available opportunity in the next Congress to offer the same set of rules to carriers who do not freeze their pension plans. If that is true, then why did we worry and try to make this compromise over a period of 7 months during 2006? We wouldn't have had to spend the time to do that.

On January 4, 2007, Senator HUTCHISON and Senator CORNYN introduced a bill that loosened the rules for those carriers that did not freeze their plans. The bill increased the current interest rate of 6 percent to 8.25 percent, which, in their view, is closer to the 8.85-percent rate given to frozen plans.

The bill was referred to the Health, Education, Labor, and Pensions Committee. I don't recall Chairman KENNEDY and Ranking Member ENZI considering the Hutchison-Cornyn bill in the normal course of the committee process. I know for a fact that neither Chairman BAUCUS nor I considered the Hutchison-Cornyn bill in the Finance Committee.

Language that was identical to Hutchison-Cornyn was slipped into the war supplemental conference agreement. This action was taken without consideration by the two committees of jurisdiction over pensions, the very same two committees that worked for several months during 2006 to work out this carefully crafted compromise that took into consideration the financial conditions of the various airlines, the desire of some airlines to freeze their pensions and substitute 401(k)s and those airlines that wanted to keep their pension system going as was, without any consideration to the people who worked on this for so long.

It was slipped into the conference agreement of an appropriations bill. Isn't that the process we here in the Senate are trying to put an end to? No promises were broken. The promise to make the rules the same was taken up in this Congress. Specifically, the Senate Finance Committee included the provision we are debating today and the modification of the chairman's mark of the Federal Aviation Administration authorization bill. The mark was considered by the full Senate Finance Committee in September of last year. The full committee overwhelmingly supported that provision and favorably reported it out of committee. Proponents of this amendment cannot stand on the Senate floor and cannot in good conscience argue that promises made to them were not kept.

Let me remind my colleagues that we here in the Senate have a committee process which enables Members to debate and dispense with issues in an orderly process. Without this orderly process, the democratic process our Founding Fathers gave us breaks down. I didn't serve as chairman and now ranking member of the Finance Committee to let an orderly and democratic process break down, particularly considering the months of compromise the House and Senate took to work out what that pension bill was all about.

For my Senate colleagues to suggest that a provision that was not considered during the normal course of the committee process is making good on a promise that was made to them—I think that is not acceptable. For my Senate colleagues who, alternately, contend that the promises that were made to them were not kept, I ask them why they did not speak up during the full and open deliberation that occurred in the Finance Committee in September. Why are they now opposing a provision that was out there in the clear light of day for over 7 months and, if they had problems with the provisions, not speak to us about them? Or is it that the airline carriers that oppose this provision finally woke up? I don't know. Did they wake up to the fact that their blatant end run around the committee process would not go unnoticed and they wanted to find some way to undo the careful compromise of 2006? I am skeptical, of course. "Skeptical" is an understatement.

But let me turn to the policy in the Finance Committee bill. As we have established, opponents of that provision successfully increased the interest rate for nonfrozen plans to 8.25 percent. They say the 8.25-percent rate levels the playing field. I admit that and agree with them. But it only levels the playing field in the context of calculating past liabilities. So I agree it is equitable to allow all the carriers to use the more favorable interest rate to calculate past liabilities, but it is not equitable to allow carriers that did not freeze their plans to underfund benefits earned in the future and maybe get us back to the position we are still in somewhat, even regardless of the law that is now on the books. This is what is going to happen if we do not do something about it right now.

I would like to correct the manner in which my distinguished colleague from Illinois—and he is here on the floor—refers to the now infamous 8.25 percent, versus the 8.85 percent. These are not "earnings rates." The rates are not used to determine the value of plan assets. Instead, the rates are discount rates that actuaries use to determine the present value of pension liabilities. Basically, the rates are used to determine how much a company has to contribute today to make good on the promised pension payments that would be due when an employee retires.

This is an important distinction because when a company uses a higher interest to project the present value, the company is able to understate—or I would use the word "mask"—the promised pension payments. This understatement allows the company to contribute less money to the plan. Less money to the plan is an important distinction because we are talking about protecting workers and their pension rights.

Why would a worker support a policy that places the full value of their promised pension payments in jeopardy? My colleague from Illinois contends that the workers of the carriers in question support this practice and, of course, the Durbin-Hutchison amendment. Most workers I know ask for bigger payments or at least want to make sure they are secure in retirement. It is usually management that wants to short the worker. That is why we get into the trouble we are in and why the Pension Act of 2006 was necessary.

But let me get back to what the war supplemental actually accomplished. Carriers that are currently using the 8.25-percent interest rate are now permitted, No. 1, to mask the pension plan's unfunded liabilities and, No. 2, contribute less money to a pension plan. The greater extent to which a pension plan is underfunded, the greater the risks to the Pension Benefit Guaranty Corporation, the Federal insurer of the pension plans. Then, obviously, if that comes up short, the taxpayers pick up the bill.

Opponents of the Finance Committee provision argue that the most important risk factor for the Pension Benefit Guaranty Corporation is the financial health of a plan sponsor. This is not entirely true. Whether a plan is underfunded is an equally important risk factor. Specifically, if the company goes into bankruptcy and pushes the pension liabilities onto the PBGC, guess who is holding the bag for those unfunded liabilities—it is the PBGC. In the most extreme cases, then the taxpayers might be left holding the bag.

My opponents cannot tell half of the story. Yes, the financial health of the plan sponsor is important, but so is the funding status of the plan. What we have here is an issue of underfunding. I told you that from an actuarial perspective, higher interest rates mean lower plan liabilities. When a plan's sponsor uses a higher interest rate to determine its liability, the sponsor is effectively masking the plan's liabilities. In other words, the plan's liabilities are artificially understated. I want to emphasize the word "artificial" because what we have here is a case where the carriers that oppose the Finance Committee provision are trying to take advantage of a special funding rule based on an artificial funding status.

I went to great lengths to say to my colleagues during 2006 how we tried to take into consideration—between the two committees, the Labor Committee and the Finance Committee—considerations of the different financial conditions of the various air carriers and to give them some choice. Specifically, if a plan sponsor using the normal 6-percent rate is 100 percent funded, the plan sponsor is only required to contribute money to cover the current year's costs. If the plan is, say, 115 percent funded, the plan sponsor may use the excess to cover the current year liabilities. In some cases, the plan sponsor will not have to contribute any money because the excess would cover the current year costs. Carriers that are using the 8.25-percent are contending that, because their plan is 116 percent funded, they do not have to make the current year contribution. The problem here is that the 116-percent funding status is artificial. It is artificial because the 8.25 rate effectively masks the underfunding of the plan.

So I ask my Senate colleagues, should a plan that is artificially funded be permitted to avail itself of a rule that is only available to plans that are adequately funded? Or put another way—this is fuzzy funding math. It is fuzzy in the way it puts the plan at risk. Should plans that are artificially funded be allowed to skip making their current year contributions? In that case, are they not just digging the hole deeper?

The Finance Committee provision says that if these carriers use the 8.25-percent rate, which results in an artificial funding level, these carriers cannot skip their current year's contributions. So the Finance Committee provision makes good on the promise that was made to Senators during the year 2006; that is, that we are allowing carriers that did not freeze their plans to use a more favorable interest rate to determine their past liabilities—the same deal that was given to frozen plans. What we are also saying, however, is that if you are using the more favorable rate, you have to contribute the current year's cost. That is the grand compromise of 2006.

Again, the same deal was given to the other set of airlines and/or other corporations—to freeze their plan. To do otherwise would, No. 1, adversely affect active workers and, No. 2, allow these carriers to dig a deeper hole by allowing pension liabilities to continue to grow.

Moreover, taxpayers can end up being on the hook for these unfunded liabilities.

It all comes down to this bottom line: Workers, retirees, and taxpayers are in better shape if there is more money in the retirement plans. Workers, retirees, and taxpayers are in worse shape if there is less money in the retirement plans. Management wins if the company puts less money into the plan and workers, retirees, and taxpayers lose.

A vote for this amendment is a vote to put less money in the retirement plan. A vote against this amendment is a vote to put more money in.

Let me make sure I said that right. A vote for the amendment is a vote to put less money in the retirement plan. A vote against the amendment is a vote to put more money into the retirement plan. If you vote for the amendment, you are putting workers and retirees—and you ought to be concerned about taxpayers, most of all—at risk.

I hope my colleagues join me in opposing this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Illinois.

Mr. DURBIN. Mr. President, I greatly respect the Senator from Iowa. I know he may have to leave, but I do have to tell him I disagree with several things he said.

First, the point he raised: Why wasn't I in the Finance Committee stating my position? I am not a member of that committee and I do not know the procedure that was followed by the committee.

I will tell you, in this Federal Aviation Administration authorization bill, this is the only pension provision. To think this is a pension bill and we should have been forewarned that airline pensions would be part of the discussion about keeping America's skies safer and air travel safer came as somewhat of a surprise.

I learned of this amendment last week. I have known for a long time the position of the chairman and ranking member in opposition to my position on this issue, and I knew the day would come when we would revisit it.

But there are several things here which I think have to be said: First, freezing a pension plan might not sound like much unless you are a retiree. A frozen pension, which is what we are talking about with some airlines, would disqualify new workers from qualifying for the pension and restrict the airline from expanding any benefits under the retirement plan.

That is a frozen plan. That is what happened with several airlines as they faced and went into bankruptcy. They froze their plans. They said to their retirees: Times are tough. We cannot cover new employees. We cannot give you anything more; it is frozen.

Now, they were given pretty good treatment by the Finance Committee. In fact, they were given the most preferred treatment of any corporations in America. They were allowed to fund their pension plan over a longer period of time than any company in America, 17 years, and they started with an imputed assumption of 8.85 in terms of—as the Senator from Iowa called it the discount rate or others, the interest rate. But they were given this preferred position. It applied to two airlines, Northwest and Delta.

Now, what about the rest of the airlines? They were put in a different category. In their situations, airlines such as American Airlines did not freeze their pension plans; new workers came into their pension plans; benefits could be improved in their pension plans.

They were told: You will not be given the preferred treatment given to those that freeze their pension plans. It seems like it is upside down. You would think we would be benefitting those companies that are trying to do better by their employees. But, instead, we went the other way and said: We limit their catchup funding and liability to 10 years and the imputed interest to 8.25 percent, not as good a deal, and in the world of hundreds of millions of dollars, a very expensive difference between frozen pension plans and those that still have active defined benefit plans.

So now comes the argument with this new amendment in the Federal Aviation Administration authorization bill, that we have to freeze the current level of contributions being given by the airlines. Well, let me give you an example of what that means. In the instance of American Airlines, they have not only funded their liability to 100 percent, they have added more, despite the tough economic times.

Their funding level is 115 percent. It is not as if they are trying to pull anything over on their workers and retirees, they are putting more money in than they are required, even in these tough times.

The effect of this amendment, if it is not removed, is to hold them at that 115 percent contribution. What does it mean to the airlines such as American? It means $1 billion over 5 years. It means $200 million each year to keep the funding level way beyond the 100 percent that is necessary.

Now, if these were prosperous times, and these were companies that were making money, having record profits, you might be able to make that argument. I am not sure how, but you might be able to make it. But exactly the opposite is true.

I think the Senator from Iowa knows as well as I do how many airlines have gone bankrupt. The first time I met the Senator from Iowa, we were flying together on Ozark Airlines. That goes back a few years. Then we were flying together on TWA. That goes back a few years. And these airlines are gone. In the last few weeks, another five airlines are gone. This is a very risky business with the cost of jet fuel.

To say: Well, this will not hurt the airlines, another $200 million a year, just have them keep overfunding their pension liability is to ignore the obvious. As dangerous as it may be to have an unfunded pension plan, it is even more dangerous to be working at a company that goes into bankruptcy. I have been with companies that have gone through this PBGC. They do not always come out whole at the end of the day. There are limits on what the PBGC will pay, in terms of outstanding benefits to workers. They can end up with less.

So what we have is a circumstance where the Finance Committee is wanting to roll the dice. They want to bet that American airlines in general, not the American Airlines but American airlines in general, that do not have frozen benefits plans are going to start making a lot of money. They seem to think the price of a barrel of oil is going to go down; they think the cost of jet fuel is going to go down; they think these airlines are going to be flush with cash and be able to overfund their pensions.

Well, that is one possibility, but you would have to say, looking at what has happened over the last several weeks, not very likely; it is more likely that airlines will continue to face the pressure of increasing energy and fuel costs, more airlines will be flirting with bankruptcy, they will be struggling to meet the bottom line.

United Airlines laid off 1,000 workers last week, a $500 million loss in the first quarter. I think it is the largest they have ever sustained. Things do not look that rosy.

What Senator HUTCHISON and I are saying is be careful. Do not toy with the pensions of so many workers. Do not bet the farm, even an Iowa corn farm, on the possibility that things are going to get better for the airlines. Be conservative. Be careful. But protect the workers in the meantime. So as you listen to the Senator from Iowa close and say: Well, if you want to put more money in the pension system, vote against this amendment. If you want to take money out, vote for it.

I would say to the Senator, there is only one problem with his argument: 150,000 of the 180,000 workers affected by your amendment support the Durbin-Hutchison amendment. They believe it is far better to maintain the current system of funding, not jeopardize these airlines so they might go into bankruptcy, have fair funding that makes sure these retirement benefits can continue to be paid. That is a fact.

When Senator BAUCUS, the chairman of the committee, came to the floor earlier, he said he wants to level the playing field. Well, the current law is already unfair. The field is far from level. And section 808 makes this inequity even worse, even worse.

It tips the playing field heavily on the side of Delta and Northwest at the expense of the other airlines, the five that would be hit by this. I urge my colleagues, if we are going to err, let's err on the side of caution. Caution tells us: Good funding of the pension liabilities in a difficult economic climate, with airlines going into bankruptcy, listen to the workers whose pensions are at stake and vote for the Durbin-Hutchison amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Texas.

Mr. CORNYN. Mr. President, I am proud to join Senator DURBIN and Senator HUTCHISON, the senior Senator from Texas, along with Senators BROWN, VOINOVICH, Senator BILL NELSON of Florida, and Senator LAUTENBERG from New Jersey in support of this amendment which would strike section 808 of the FAA reauthorization bill.

I would like to explain why. The 30,000-foot view is, if enacted, it would impose a significant and unfair burden on airlines that have done the most to provide for secure retirements for their former employees or their employees who will retire.

This amendment will make sure Congress does not jeopardize the pensions of 50,000 of my constituents in Texas who depend on the airline industry for their retirement, their nest egg, that they will retire on when they leave active duty.

Also, if this amendment is passed, it will relieve a significant competitive disadvantage some airlines, not coincidentally a couple headquartered in my State, American and Continental, would operate under, if the Finance Committee proposal would prevail.

That is why I support striking section 808 of the FAA authorization bill. Section 808 would undermine the ability of some airlines to maintain their commitments to their workers at a time when our economy is becoming softer and more questions than answers are apparent with regard to what our economic future, at least in the short term, is going to look like. It would reduce the financial flexibility of airlines, precisely at a time when they need it the most.

Now, I think a little refresher on recent history is important. Because what has actually happened is, in 2006, the Pension Protection Act was passed, and to be blunt about it, what happened is it benefitted airlines such as Delta and some others around the country, while American and Continental were basically told to wait, there will be an opportunity later on to come back to take care of your concerns and level the playing field and to eliminate the preferential treatment that was given to some other airlines during the Pension Protection Act of 2006.

So patiently we waited. Last year's supplemental appropriations bill was the vehicle we used to correct the inequitable treatment created for airlines such as Continental and American in the Pension Protection Act of 2006. The act included language that is in the supplemental appropriations bill, language out of S. 119, that I introduced with Senator HUTCHISON. As I said, it corrected the inequity that was earlier created in the Pension Protection Act of 2006.

But now, section 808 in the Finance Committee provision would simply undo the corrective action that Congress undertook in the supplemental appropriations bill I mentioned a moment ago. It should not be a part of the bill, I would also say, that is about improving and modernizing the air traffic control system in this country. Why would we be messing with the pensions of 50,000 Texans who depend on those two major airlines for their retirement benefits in this bill? It makes no sense.

I believe it is unfair and would reverse the corrective action we were able to accomplish in last year's supplemental appropriations bill. I have worked hard, along with my colleagues I mentioned, to make sure those folks who work in the airline industry will have a pension when they retire. I will continue to do so. I sincerely believe that passing the Finance Committee provision, section 808, would jeopardize their retirement benefits; could, in all probability, result in more airlines becoming bankrupt with tremendous uncertainty injected in terms of how their pensions would be protected.

At a time when airlines and their employees are facing enormous challenges, Congress should not pull the carpet out from under their feet and get in the business of picking winners and losers by giving some airlines preferential treatment over other airlines.

I wish to extend my gratitude to the Senator from Illinois, Mr. DURBIN, and my colleague, Senator HUTCHISON, for their leadership on this issue. I am proud to join them in this bipartisan amendment, which would strike section 808 of the FAA authorization bill, as I have described, and would, I think, make sure that what we do is keep the level playing field, not jeopardize the pensions of thousands of airline workers and would comport with fundamental fairness and equity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business on the energy crisis taking place in our country.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY CRISIS

Mr. SANDERS. Mr. President, I think virtually everyone in America understands our country is in extremely difficult straits; that the middle class is collapsing; that poverty is increasing; and that one of the immediate factors that is driving so many Americans over the edge is outrageously high energy prices.

This impacts every community in America, but it especially impacts rural States such as the State of Vermont, where workers are forced to drive long distances to work and end up spending an inordinate amount of money at the gas tank.

It is not uncommon in my State for people to travel 100 miles a day to work and back. If you do the arithmetic, you will find that in many cases, as oil prices and gas price have risen, people today are paying $1,000 a year more than a year and a half ago to fill up their gas tanks.

If you are a worker earning $30,000 or $35,000 a year, and you got a 3-percent increase in your wages, that is pretty good; in some cases all of your wage increase is going down that gas tank. You have to pay higher health care costs, higher educational costs, higher property taxes, and you are in a lot of trouble, which is why the middle class in America is, in fact, shrinking significantly.

Not only is this a major crisis in terms of what is happening at the gas pump, there is also severe worry about what happens next winter when people have to fill up their home heating oil furnaces and stay warm in the winter in States such as Vermont.

I can tell you that all over my State, a lot of senior citizens and other people are extremely worried about how they are going to stay warm next winter with the price of home heating fuel soaring to the degree it is.

Meanwhile, while prices at the gas pump are soaring, while home heating oil and diesel fuel are soaring, the profits of huge oil companies are going up to recordbreaking levels; hedge fund managers make billions speculating on oil futures, and OPEC continues to function as a price-fixing cartel in violation of World Trade Organization rules.

The average price for a gallon of gas recently hit a record breaking $3.60 a gallon, which has more than doubled since President Bush has been in office. The price of diesel fuel is now averaging over $4.17 a gallon, which is a $1.36 more than a year ago, and the price of oil is well over $114 a barrel. These prices say it all. What they say is we have a national emergency on our hands. It is absolutely imperative for the Congress to begin to act in order to lessen this onerous burden on tens of millions of families. These record-breaking oil and gas prices at the pump are impacting not only consumers of oil and gas but, obviously, our entire economy. They are impacting family farmers, small businesses, airlines, grocery stores, restaurants, tourism and, of course, the price of food. This national oil emergency demands both short-term and long-term solutions.

One of the issues that concerns me is, I hear people getting up and saying: Long term, we have to transform our energy system away from fossil fuel to energy efficiency and sustainable energy. There is nobody in the Senate who believes that more than I do. We are on the cusp of a major transformation of our energy system. We need an Apollo-type project to invest heavily in wind, solar, and geothermal energy efficiency. We can do that. In the process, we can create millions of good-paying jobs. We have made a start in that direction, but we have not gone far enough. But to say we must focus on long-term solutions does not mean we can ignore the immediate crisis. Yes, we have to break our dependency on fossil fuel, but that is not going to solve the problem for a worker in Vermont who is paying $3.50 for a gallon of gas today. We have to address his and her problem as well. So it is not either/or. Yes, we break our dependency on fossil fuel and move to sustainable energy, but we also address the crisis of today. We tell workers all over this country that we understand they cannot afford to pay outrageous prices for gas.

There have been literally dozens of ideas from both sides of the aisle, good ideas, an understanding of the crisis as to why oil prices are soaring and also good ideas as to how we might solve the problem. I applaud all of those Senators who have come up with ideas. But it seems to me if we are going to be successful in helping the average American, we have to come forward with a comprehensive package. It is not good enough to say: I have an amendment in this bill and I have some language in that bill which may come about in 2 years or may never come about, and I have something over there. What we need is a comprehensive piece of legislation which understands the cause of this crisis is not just one thing—it is a multipronged problem which is causing oil prices to soar, and we will not solve this crisis through one simple action. We need a series of actions, but we have to bring our solutions together in a comprehensive package which says to the American people if that package is passed, oil and gas prices are going down. That is what we need to do.

I have been working with a number of my colleagues in order to do that. Let me briefly talk about what I believe should be in that package. It is about four provisions that could play a major role in lowering gas prices today. First, we need to impose an excise tax on the profits of the oil and gas industry. The American people simply do not understand why they are paying record-breaking prices at the pump while ExxonMobil has made more profits than any company in history in the last 2 years. Last year alone, ExxonMobil made $40 billion in profits, and they rewarded their CEO with a $21 million package in total compensation. A couple of years ago, they rewarded their former CEO, Lee Raymond, with a retirement package of $400 million. But it is not ExxonMobil alone. We have seen BP come in the other day with a 63-percent increase in their profits. Shell made a huge increase in their profits.

Since President Bush has been President, the five largest oil companies have made over $595 billion in profits, and that number is only going to go up as the oil companies report last quarter's profits. Last year alone, the major oil companies made over $155 billion in profits. People are sitting at home saying: I can't afford to fill up my gas tank to go to work, and ExxonMobil and Conoco and Shell, all the big oil companies, are making huge profits. What is the Congress doing about it?

Well, up to now, the truth is, the Congress is doing nothing about it. Obviously, the President is not doing anything about it. But I think most people understand the President and Vice President are never going to do anything to represent the interests of ordinary Americans. The question is, what do we do about it? The time is now that we should move forward with an excise profits tax. If we enacted a 23-percent excise tax on oil company profits, that would bring in about $35 billion this year. That sum of money would be enough to provide a 6-month suspension in Federal gas and diesel taxes and would also allow States to suspend all or part of their gas and diesel taxes as well. In other words, we are not just talking about Federal taxes; we are talking about State taxes. That would lower gas prices at the pump by almost 37 cents a gallon and up to 48.8 cents for diesel during the next 6 months. Is that going to solve all of the problems? No. But if you can't afford to get to work right now, it will help. Having an excise profits tax on the oil companies is only one of the things we should be doing.

Congress has to also address another area where there is strong evidence that speculators, both in hedge funds and in other financial institutions, are driving the price of oil to outrageously high levels. What we have to address is undoing the so-called Enron loophole. This loophole was created in 2000, as part of the Commodities Futures Modernization Act. At the behest of Enron lobbyists, a provision in that bill was inserted in the dark of night with no congressional hearings. Specifically, the Enron loophole exempts electronic energy trading from Federal commodities laws. Virtually overnight the loophole freed over-the-counter energy trading from Federal oversight requirements, opening the door to excessive speculation and energy price manipulation. Of course, nobody knows exactly what the impact of the Enron loophole is. But we do know huge amounts of money are being made, not simply in the production of oil but in driving oil futures prices up.

Let me quote Stephen Simon, a senior vice president of ExxonMobil, on April 1, 2008, in recent testimony before the House:

> The price of oil should be about $50 to $55 per barrel.

Right now it is more than double that. He attributes the addition, the almost doubling of the price, to speculation that is taking place.

Closing the Enron loophole would subject electronic energy markets to proper regulatory oversight by the Commodity Futures Trading Commission to prevent price manipulation and excessive speculation. I applaud Senators LEVIN, FEINSTEIN, DORGAN, and others who have focused on this issue. In addition to an excise profits tax on the oil companies, we must go after the speculation on the part of people within hedge funds and in the financial institutions industry who are simply playing games, making money, and driving the price of oil up. Those are two important steps we must take to lower the price of gas and oil.

Thirdly, the Bush administration must stop the flow of oil into the Strategic Petroleum Reserve and, in fact, release oil from this Federal stockpile. At a time of record-breaking prices, it makes no sense to continue to take oil off the market and put it into the Strategic Petroleum Reserve. This is not just my opinion. We have seen staff at the Strategic Petroleum Reserve recommend against buying more oil for the SPR in the spring of 2002. This is not a new idea. The truth is, this is an idea that has been used before under Democratic and Republican administrations. For example, when President Clinton ordered the release of 30 million barrels of crude oil from the SPR in 2000, the price of gas fell by 14 cents a gallon in 2 weeks. When the first President Bush released 13 million barrels of crude oil from SPR in 1991, crude oil prices dropped by over $10 a barrel. This is an approach which has been used in the past. It has worked in the past, and it is something we should do right now. That is the third provision I believe we should undertake.

Further, and in terms of where I think the comprehensive package should be, we must begin to address the OPEC cartel. I hear a lot of folks around here talk about the wonders of the free market and capitalism and free enterprise. But every single Member of the Senate understands that by definition, OPEC is a cartel. That is what they are. They are a group of oil-producing nations that come together to control oil production, to limit oil production, and, therefore, to artificially raise the price of oil. That is what a cartel is, and that is what OPEC is doing.

In that regard, we have to do two things. No. 1, the President must file a complaint with the World Trade Organization. The truth is, OPEC itself is a violation of the rules of the WTO which is presumably about creating the free flow of goods and free trade. On the surface, OPEC is in violation of those rules and agreements. The second thing we must do is to tell people in Saudi Arabia, Kuwait, people whom American soldiers died for in 1991, when Saddam Hussein invaded Kuwait: Friendship is a two-way street. We protected you in 1991. Now the United States economy and much of the world's economy is in serious trouble. What you, Saudi Arabia, have to do is increase the production of oil.

My understanding is that right now Saudi Arabia is producing less oil than they did 2 years ago. There are experts who believe Saudi Arabia can produce almost 2 million barrels a day of oil more than they are currently producing.

So that is where we are. Where we are right now is, we have a national crisis. We have working people suffering and wondering about how they are going to be able to afford to get to work or keep warm in the wintertime, at the same time as oil companies are enjoying recordbreaking profits, and at the same time as speculators are making billions and billions of dollars in profits.

Now, it is no secret—everybody knows—that the oil and gas industry is enormously powerful. Everybody understands these people have spent hundreds of millions of dollars in the last 10 years on lobbying, and we know their lobbyists are hard at work at this very moment. We know those people have contributed hundreds of millions of dollars in campaign contributions. That is the reality and that is the American political system. That is the way it is. It is a system we have to change, but that is the way it is.

I think the time is now for the Congress and for the Senate to begin to stand up to these very powerful special interests. I think we need a comprehensive energy approach, and I have outlined it. I think we need a long-term approach moving away from fossil fuels to sustainable energy. I think we need a short-term approach, and I have outlined the four provisions I believe should be in it.

Let me conclude by saying this: The crisis we are facing as a nation is not just an energy crisis. It is a crisis as to whether the American people have faith in their own Government, in the people they elect. It is no secret that the President's approval ratings are perhaps as low as any President in American history, and the approval ratings of this Congress are even lower. That is the simple reality.

We are a democratic society. When people have problems, they look to their elected officials to respond to those problems and, hopefully, to address them. If we cannot do that, I am not quite sure why we are here. If the oil companies and the gas companies are so powerful with all of their money and their lobbyists and their campaign contributions that we cannot address the crisis facing working Americans, well, maybe we should rethink about what we do here.

But I think we can do something, and I have outlined what I think is a series of ideas that, if passed, would address, in a very significant way, this crisis. I look forward to working with my colleagues to do just that.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORECLOSURE CRISIS

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, as I come to the floor to speak this afternoon, millions of Americans are struggling to hold on to their homes in the wake of the foreclosure crisis. Thousands of them have lost their jobs, just in the last couple of months. Millions more are finding it harder just to get by because sky-high oil prices are forcing many of our families to pay more at the pump, more at the grocery store, and more in their power bills.

Yet while all of these working families are scrimping so hard today, the economic downturn has not even registered for one segment of America—big oil. The major oil companies reported their profits this week, and they are seeing record increases.

ConocoPhillips reported first quarter profits of $4.1 billion. That beats their previous record by $600 million. Shell and BP are also reporting huge gains.

Americans do not have to look very hard to figure out where the responsibility lies—why oil companies are seeing their profits soar—while working families are watching their bank accounts bottom out. Over the last 7½ years, Republicans have backed an energy policy that does very little but gives big oil companies tax breaks and special favors. Meanwhile, our middle-class families today are paying the price, and they know it.

In the first month of the Bush administration, oil prices averaged $29.50 a barrel. Almost 8 years later, that price has quadrupled. It is almost $120 a barrel this week.

When President Bush first took office, Americans were paying just $1.46 a gallon to fill their gas tanks. Last week, gas prices averaged a whopping $3.60 a gallon.

I went home last week—like I always do—to Washington State, where drivers are paying even more. A gallon of gas in Seattle, WA, costs $3.70; up in Bellingham, near the Canadian border, $3.80.

Families across my State are telling me they are cutting back on everything from shopping errands to summer vacations, and they are pretty angry they have to pinch their pennies while oil companies are making record profits.

When I travel around my State, gas prices are one of the first things people come up and talk to me about. They have written me countless letters about this.

For example, there is a stay-at-home mom from Yakima, WA, who wrote me that she worries every single day because her husband now has started riding a motorcycle to work instead of his car in order to save money on their gas bill. She wrote to me, and I want to read to you what she said. She said:

> It is unnerving to think of him riding his motorcycle after working a 10-plus hour shift. . . . It does not seem fair that my middle class family has to choose between paying the doctor—or putting gas in [our] car—while oil companies are making record profits.

High gas prices are not just affecting our drivers. Industries from shipping to trucking to commercial fishing in my State are all hurting. Our farmers in Washington State are especially concerned. We have thousands of farmers in Washington State. They grow everything from apples to wheat. They have to plow their fields and harvest their crops. Cutting back is not an option for them. They have no choice but to absorb the cost of fuel.

One woman—from the southern Washington farming community of Goldendale—just wrote to me that she and her husband are finding it hard to pay for groceries. I want to quote what she said:

> We, the little people, are struggling. Meanwhile, the gas companies are still netting billions. When is it going to stop? Something needs to be done to stop the nonsense.

That is how a farmer's wife from southwest Washington sees it.

Republicans have supported the energy policy of tax breaks for the oil companies because, they say, oil prices would be higher without them. But even President Bush said that was not true. In April of 2006, he said:

> Congress has got to understand that these energy companies don't need unnecessary tax breaks like the write-offs of certain geological and geophysical expenditures—or the use of taxpayers' monies to subsidize energy companies' research into deep-water drilling.

That was President Bush.

The reality is, not only have Republicans allowed oil companies to make record profits while gas prices have soared, but their policies have made us more dependent on foreign oil than ever before. That has put our economy and our national security at risk. The amount of money we have sent to OPEC countries, such as Saudi Arabia, has skyrocketed from $41 billion to $140 billion since 2001. Just this week, the president of OPEC said oil prices could go as high as $200 a barrel.

Now, I come to the floor to talk about this today because over the last several days we have seen a parade of Republican Senators coming to the floor complaining about high gas prices. In many cases, they have been blaming Democrats for failing to address this crisis over the past 16 months. They are bringing out charts that show the price of gas when Democrats took over in Congress and the price now, and they ask all of us to simply forget the real reason for this crisis; that is, the misguided energy policy this administration has pursued for over 6 years.

But I have to tell you, the people in my State and the American people are not going to forget. They are not going to forget it was this administration that asked oil and gas companies to write that energy plan. They are not going to forget that the only real idea coming from the other side is to drill our way out of this problem. And they will not forget this is an administration closer to the oil and gas industry than any in U.S. history.

Now, we are not going to forget either, and that is why we are fighting for change. We have already won higher fuel economy standards and new investments in renewable energy sources. We all know we need to do more. We know that Americans cannot rely on big oil to solve our energy problems.

People in my home State of Washington are worried. They are worried about the future. They want to be sure their kids are going to have economic security. They want a solution to our energy problems that is going to keep us safe and protect our environment for the long term. Democrats have been fighting for policies that will help cut our gas prices, help to create jobs, and help keep our air and our water clean and, importantly, our Nation secure. We are going to keep up that fight. We know it is not going to be easy. The oil companies and those who support them are not going to give up on the status quo. Still, I hope our friends on the other side of the aisle will see what I see when I go home: Americans have had enough. I hope they will join us in investing in America's future and putting our working families first again.

Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

(The remarks of Mr. KENNEDY are located in today's RECORD under "Morning Business.")

Mr. KENNEDY. Mr. Presdient, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask you to let me know when I have spoken for 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will advise.

ENERGY

Mr. SCHUMER. Mr. President, I rise today to address a serious issue and that is the dramatically rising cost of energy and its impact on American families. The problem with rising gas prices compounds the pain felt in the American economy. Today we learned the economy had stalled to a paltry .6-percent growth rate. If you factor out the highest 10 percent in income, the remaining 90 percent of Americans are clearly experiencing a recession. Only people at the very high end—the wealthiest, the best educated, by and large—are experiencing significant increases in income, and when you factor that out, everybody else is experiencing decreases in income. The vast majority of Americans are already in a recession, and they do not need any statistic to tell them that.

It is also obvious from today's data that the entire economy has stalled. The last time we had two significant quarters such as this, we were battling a recession in the 1990s. Americans are being squeezed at every possible pressure point—at the gas pump—I am going to talk about this issue later—the grocery store, by their mortgage company, and by their employers. Just because President Bush will not say the word does not mean Americans are not feeling like we are in a recession. If we look at income numbers for most Americans, that is absolutely true.

It is long past time for the President to work with the Congress to help get this economy and American families back on track. If President Bush simply gives speeches and brings out the same old saws, we know he does not want to work with us. He is simply trying to say: I am out here talking about this, but there is no real solution. Imagine, the solution to the oil crisis is ANWR, the Alaskan oil reserve, which has been defeated even in a Republican-controlled Congress, which would not produce a drop of oil for 10 years and would bring no relief to the American driver. But I guess it is better than saying nothing, at least if you are the President of the United States.

With regular gasoline prices in States such as mine already over $3.75 a gallon—over $4 a gallon in many other States—and with the entire national average threatening to surpass

$4 a gallon this summer, it is no surprise Americans are outraged as they hear about record profits for both the big oil companies and OPEC. Sometimes I wonder if there is any difference because OPEC and the big oil companies are almost always in cahoots.

Gas prices are 63 cents higher than last year, more than double in the time since President Bush took office, and they show no intention of slowing down. Shockingly, our very own President responded with a surprise to a question at the end of February about the likelihood of $4-a-gallon gasoline by saying:

That's interesting. I hadn't heard that.

Well, Mr. President, I hope you hear us now because gas is at $4 a gallon already in many places in America, and it is only going higher. The only people who are happy about $4-a-gallon gasoline are big oil companies and OPEC in the Middle East.

We know the reason prices keep going up, of course, is in good part, world demand is increasing. We know, too, in the long run, we will not be able to reverse this price increase if we do not have a real energy policy. In fact, we have had no energy policy since President Bush took office. If you think it is energy policy to say let the oil companies do what they want, you are sadly mistaken. That is why we have $4-a-gallon gasoline.

This administration's energy policy is simply of, by, and for big oil and OPEC, of course, their partners, their buddies benefit. So in the long run, we need a comprehensive plan. We need conservation—that is the cheapest and easiest way to get lower prices—and we need new production of alternatives and also, in a reasonable and sound environmental way, new production of fossil fuels in America.

But we are also looking for some short-term ways to reduce the price of gasoline because even should we embark on a long-term energy policy that makes sense—and I am hopeful under the next administration, the new President, she or he, will make sure that happens—there are things we can at least attempt to do in the short term because people cannot wait 4, 5, 6 years to begin reducing the price. Even if tomorrow we were to implement a comprehensive policy, it would not be enough, it would not happen quickly enough.

So what can be done in the short term? One of the most important things that could be done quickly in the short term is to increase supply in existing reserves. The one country that has ample supply and has held back is our good "ally"—and I use that word in quotes—the Saudis. The Saudis should begin to understand that their relationship with America is a two-way street. They want our weapons, they want our troops to provide them with protection, but then they rake us over the coals when it comes to the price of oil.

The Saudis and big oil are in cahoots, and this administration has coddled both of them for far too long. There is no better evidence of this cozy cooperation than BP and Shell reporting record earnings this week and ExxonMobil and others on deck to do the same.

The bottom line—the sad bottom line—is the whole Bush tax cut for middle-class families this year will line the pockets of OPEC. Let me repeat that. The whole Bush tax cut for middle-class families this year will line the pockets of OPEC. People will pay out more because of the increase in energy prices than they got back on any tax rebate. The stimulus checks we are all so proud people are receiving, the stimulus checks families will receive in the mail next month will, in all likelihood, go to paying eye-popping gas and grocery bills this summer and end up in the coffers of countries such as Saudi Arabia. Therefore, people will pay more for gasoline this year than they will receive from their stimulus checks. It is galling to think our stimulus checks will be lining the pockets of OPEC.

Yet despite all this, last week, Saudi Arabia's Oil Minister said there was no need to increase supplies by even one barrel of oil. However, as they are saying no, no, no to U.S. consumers, the Saudis are planning to double oil production for China.

Despite record billion-dollar profits, it seems the big oil producers, such as Saudi Arabia, the United Arab Emirates, and Kuwait, are willing to turn a blind eye to the supply demands and leave Americans with skyrocketing prices at the pump. In Saudi's case, they have not produced as much oil in the last 2 years as they did in 2005.

I urge my colleagues to take a look at this chart when they get a chance because it says it all. Here is Saudi oil production in 2005. It is lower in 2006 and lower still in 2007. This is not new production they have to explore for, this is not something where they have to change things around. They can order the new production and we could have millions of extra barrels of oil a day out there in the markets within a month or two, and the price would come down significantly.

The countries are putting profits straight into their pockets. So that is why I, along with four others of my colleagues, have demanded the Bush administration stipulate that Saudi Arabia, the United Arab Emirates, and Kuwait must increase their oil production or risk that Congress will block their lucrative arms deals while they stick it to American consumers at the gas pump.

The administration has proposed selling roughly $14 billion in arms to gulf countries that are members of OPEC, and it is clear to us that without pressure from this administration, oil prices will continue to rise as countries such as Saudi Arabia will continue to reap the reward of high prices.

It is terrible that this administration, after making the American taxpayer foot the bill for its war in Iraq, is now rewarding the very countries that are driving up the price of oil.

Congress has the authority to block these arms deals, and we want to put the administration on notice that if they fail to deal aggressively with OPEC countries that are not producing at their full capacity, we will seriously consider blocking this and other arms deals.

On their face, I question the merit of these deals, $14 billion in arms, but it is particularly egregious when Americans are paying through the nose to put money in the pockets of the administration's friends in the Middle East. OPEC nations may have to protect themselves with these weapons systems, but American consumers and our economy also need protection from high oil prices, exacerbated by OPEC's stranglehold on supply.

The administration needs to use all the leverage it has to influence the OPEC cartel to stop manipulating the world's oil supply to its member nations.

Again, to those who say we cannot do anything in the short term to reduce prices, look again at this chart. Saudi production in 2005, Saudi production in 2006, Saudi production in the last full year we have numbers for, 2007, it is lower and lower. The Saudis have not kept the supply flat; they have decreased it at a time when the world is thirsty for oil.

At a time when the world is thirsty for oil, we know they are driving down supply, increasing the price. Yesterday, President Bush said there is not much you can do about the price of oil. Mr. President, we beg to differ. Get your friends, the Saudis, get your close buddy, the King of Saudi Arabia, to begin producing more oil. If they produce half a million more barrels of oil a day, the price would come down a very significant amount and at the same time it would stop the speculation that keeps driving up the price of oil. We would get a double benefit.

We need to ask ourselves what the economic consequences are for our Nation—not only from the long and expensive war in Iraq but from this administration's cozy relationship with the only international organization he seems to have any high regard for—OPEC.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, we have been talking about the Durbin-

Hutchison amendment during most of the day. I have heard some of the debate going back and forth. I want to address some of the issues raised in the debate, trying to stop our amendment from going forward.

First, let me say I so appreciate Senator DURBIN joining with me to make sure we have a bipartisan effort that stands for the companies that are trying desperately to keep their defined benefit plans for pensions for their employees.

These airlines that are doing this are doing it at the same time that the price of jet fuel has gone up exponentially. For instance, since January 2007, a little bit more than 1 year ago, the price of jet fuel has increased 107 percent. Continental Airlines' year-over-year increase in fuel costs is approaching $2 billion. This year, American Airlines' fuel bill is going to be $9.3 billion. Everybody who is driving an automobile to their job or to pick up their children from school knows how much it costs to fill up the tank of a car. Just multiply that for an airline whose entire business is flying back and forth across the country and across the globe. You can imagine what that does to the bottom line of a business.

Here we are, looking at actually three airlines that are trying to make their benefits the most generous they can be while they are looking at rising fuel prices that are about to sink them. They are all showing unprofitable months and quarters. Now we have legislation coming forward that would take away a law that was passed last year that attempted to equalize the airlines that have benefit plans that are defined benefits and plans that are defined contributions, which are 401(k)s. We want to keep the playing field as level as we can. If you put on top of that the fact that the timing of this could not be worse because of the rising fuel costs, it is just impossible to imagine that the Senate will do this.

The underlying provision, it has been suggested, would have no effect on the bottom line. Of course it is going to have an effect on the bottom line. It requires full funding of pension obligations, irrespective of past overfunding. In plain English, the carrier must come up with more cash, even if they have overpaid. According to one carrier, the new cash demand would be $1 billion over the next 3 years. Where are we going to find that amount of cash?

Domestic fare increases are not even covering the rising cost of fuel. As compared to January 2007, the price of jet fuel was 65 percent higher and domestic average fares have risen 9 percent. You are beginning to see they are not going to be able to recover this at the fare box. But if we pass this legislation requiring one airline, instead of putting in $80 million, to put in $350 million, how is it going to offset those higher costs? There is only one way, and that is higher ticket prices. Are we going to pass a law that is going to raise ticket prices at a time when the airlines—and every American—are feeling the pinch of this economy? I cannot even imagine we would do that.

I have also heard it argued that the provision in the bill that we are trying to eliminate is fair. The truth is the current law is equitable and fair. Changing the current law in the manner suggested would treat two carriers differently from the other carriers that do not have defined benefit plans. We had the equity debate. The current law is the product of that debate. Ask the carriers if they think the current law is equitable. They will say yes.

The carriers that are not affected by this have told me they are agnostic on this issue. They are not pushing for a competitive advantage because I think all the carriers know that this is not the time that anybody wants to go into bankruptcy and they do not even want their competitors to go into bankruptcy, because we can't handle the commerce in this country without the airlines we have operating without a disruption.

We settled this debate. We settled it in 2006. It was undone. We settled it again in 2007. The law we passed must be adhered to because these businesses made decisions based on the law.

The employees of these airlines will be the biggest losers if this bill is allowed to stand with this provision in it. Senator DURBIN and I are trying to take this provision out to protect the employees and to, hopefully, keep the airlines from having a hit they cannot take right now.

I have heard the argument on this floor that the amendment we are putting forth would mean less money to employee pensions. It is exactly the opposite. The carriers that are hurt by this provision are trying to do the right thing by maintaining their pensions and providing their employees with strong retirement benefits. In fact, these impacted carriers have been prepaying their pension obligations in good years, showing their employees they are committed to these benefits. The excess contributions helped ensure that, in tough times, if cash becomes tight, the pensions of these hard-working employees are protected and funded. If the pension rules are changed to disallow the flexibility of using past excess contributions, they will actually discourage overfunding of pensions. The carriers will only provide the minimum contributions in order to preserve cash in difficult times.

Some have challenged this claim on the belief that cash contributed to pensions can be pulled out in tough times, so they wouldn't be in any way discouraged from overcontributing to pensions. But this is not true. Once cash is contributed to the pension plans, it cannot be taken out. In fact, that is one of the reasons the current law allows companies to offset ongoing pension costs with previous overfunding. If they couldn't do it, a company would never put extra cash into pension funds. Instead, they would put it in a bank account where they could get it out. In the end, a carrier would never contribute in excess to the plan because they just couldn't do it.

Employees are at risk with the underlying provision we are trying to take out. The cash demands this language places on the carrier trying to secure solid pension benefits for its employees will simply be too high. If we destabilize this environment, we could very well jeopardize the ability of these carriers to weather the current storm, and the outcome would be devastating to employees. Bankruptcy is not kind to employees. Ask any person who has worked for a company that has gone into bankruptcy. Whether it is their present livelihood or their pensions, the employees would lose. That is why they support striking this provision with our amendment.

The current pension laws for air carriers are fair and equitable. They do not need changes. They especially do not need changes retroactively, after they have made decisions to overfund pension plans based on the law as it is today. The change could lead to disastrous consequences for impacted carriers and especially for their employees.

Why would we take such a risk? We should be doing everything to help these companies during difficult operating environments, not destabilizing them, not giving advantages to some in the industry.

No one in the industry is asking for this. This is something that has come up seemingly because there were process arguments about what bill the fix went into. The bill that the fix went into was the only available bill where you could put an amendment, and the amendment had been given to all of the relevant committees, so they knew what we were trying to do. There was nothing hidden. There was nothing sudden. Everybody knew we were going to try to correct the inequities, as we have all negotiated at the table to do. If you ask any of the carriers I have spoken to, no one is asking for this to be retroactively fixed in a different way from the present law, a law that has been relied on.

The bottom line is some airlines have overfunded their pension obligations because they had cash and that is where they wanted to put it, to assure employees of a safe and sound pension system, more than the law required. American Airlines is 115 percent funded. But that was always done because, under the present law, you had the flexibility to just catch up with the current obligations with a credit for the overobligation as these airlines are working out their pension plans according to the law we passed last year and the year before.

I hope we can get a vote on the Durbin-Hutchison amendment. The members of the committee who have worked on this—the Commerce Committee, Senator ROCKEFELLER, the chairman of the Aviation Committee—have been very supportive of us having our bill, which we worked so hard in a bipartisan way to produce, which has such good effects for the aviation industry, not to be hobbled by an extraneous issue that has been put in by another committee that does not have the aviation jurisdiction but is a tax committee.

I hope we will keep the underlying bill, which is very solid. Senator ROCKEFELLER and I, Senator INOUYE, and Senator STEVENS have worked very hard. We have a great bill. It is a bill that will fund more safety measures. It will put more inspectors in the FAA. It is a bill that has a passengers bill of rights—Senator BOXER has worked on this for a long time. It will assure that passengers who are stranded in a plane that cannot take off will have accommodations for comfort or they will be able to get off the airplane—something we have never had before.

It is a bill that will modernize the traffic control system so we will have more service in our country. This bill has so many good features. I hope we can pass the Durbin-Hutchison amendment that will keep the bill intact that was hammered out by the Commerce Committee and not have it taken down by a tax bill, most of which has nothing to do with aviation at all.

The aviation part of the bill is great. It is a good, solid compromise. But the pension and the extraneous provisions are going to sink this bill, and it will be a sad day for the consumers in the aviation system in this country if that happens.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

FIFTH ANNIVERSARY OF "MISSION ACCOMPLISHED"

Mr. BYRD. Mr. President, tomorrow we mark the fifth anniversary of the now infamous "Mission Accomplished" speech which was delivered by President Bush on the deck of the USS *Abraham Lincoln* on May 1, 2003.

Five years ago, I took issue with the President's choreographed political theatrics because I believed then that our military forces deserved to be treated with respect and dignity, and not used as stage props to embellish a Presidential speech.

The President's declaration of "Mission Accomplished" and the "end of major combat operations" proved wildly premature and dangerously naive. The complete lack of foresight and planning by the President for what lay ahead became tragically clear in short order. Our Nation continues to pay the price every single day. More than 97 percent of the more than 4,000 Americans killed in Iraq lost their lives after the President's flashy declaration of victory.

Years from now, I expect that history books will feature the sorry "Mission Accomplished" episode as the epitome of this administration's reckless and arrogant foreign policy, which has reaped disastrous consequences for our Nation and the world. We have seen a President who is eager to use American troops for a political backdrop, yet who is seemingly indifferent when it comes to providing those same American troops with the equipment they need, quality health care, or a real plan for ending this terrible war.

President Bush has said that history will judge him on his decision to go to war in Iraq. I say that history is already delivering its verdict. It is evident in the strains of the long and multiple deployments that are wearing down our mighty military, and in the sufferings of the American people as they bury their fallen heroes. It is evident in the fear and distrust with which the rest of the world views us, and in the instability wracking the Middle East, Iraq, and Afghanistan as a result of the Bush policies.

President Bush has recklessly squandered more than 200 years of American leadership, American good will, and prosperity. If that is what he was aiming for when he took office, then he can claim "Mission Accomplished." That is his legacy. As we write the next chapter in our Nation's history, let us commit to building a new legacy that restores the promise of America, both at home and around the world.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I wish to inform the Presiding Officer of a quandary. We have in front of us a bill which would come close to rescuing the aviation industry of the United States of America. It is a bill that the aviation industry supports. It is a bill that the general aviation community supports. But it is not supported by a couple of Senators, with their reasons, and we find ourselves, therefore, in a position not to be able to move forward in the short term. It is one of those situations when the more you wait, or the greater the disagreement, the more people dig in.

I wish to offer my feelings which are that in a big bill such as this, which I think would be the biggest policy bill this Congress has passed this year if we were to do it, there are always areas of disagreement. The trick is to work out those areas of disagreement. That is what the floor of the Senate is for. That is what negotiations are for.

But I do want people to understand that in the interests of protecting certain prerogatives, protocols, our aviation industry as a whole is being ignored and thereby threatened. If we were to put up some purportedly helpful amendments, we have no idea at this point how they might turn out. So there are really a couple of people who control this entire situation. As long as they remain negative, there is very little we can do that we can count on turning into success.

The aviation industry, just in my State, as I have explained a number of times, is a $3.4 billion industry that employs 51,000 people. That is something almost nobody does in a State as small as West Virginia. But we have to work this through. Everybody can't come out an exact winner. If I were to line up one side versus another side, I think having an aviation industry, giving them the confidence to go forward, the passing of this bill would be like an increase in their bond rating, certainly psychologically, and it would give them the confidence that we are trying to do the right thing by them.

In doing that, we have held all of the commercial aviation airlines harmless so they will not have to pay any more fuel tax than they do today, which is about $10.7 billion, and adding a small portion of fuel tax on to the general aviation industry so they would be paying about a billion dollars.

We found a mechanism, being clever but correct, to actually raise $400 million a year for the life of this bill. Of course, there would have to be other bills to get us on our way to building a $20 billion to $30 billion to $40 billion air traffic control system which is sufficient for the needs of the aviation industry. I know the Presiding Officer has an amendment which I would support, and there are others who have—they just don't want to—I don't know how to put it, but they just don't want to lose their position in all of this.

So the question is, What do we do? I am just here to report that we are hard at work. Everybody is working feverishly in back rooms—that is in a good sense—the Democratic and Republican cloakrooms. Senator HUTCHISON and I are in precise agreement on all of this, and it is a bipartisan bill. It has enormous consequences to the economy of America, to the passengers who are held hostage by delays and maintenance problems. Sixty-eight rural States have had airports entirely removed from service which were previously served. It is very painful if you are from a rural State. It sort of defines the meaning of being cut off from the rest of the world. That is not important to some people, but it is very important to those of us who come from a rural State, and to be quite frank, every one of us comes from a rural State in some part.

So what I am saying is, the stakes are extraordinarily high. It is, in my judgment, and on a bipartisan basis, an amazingly one-sided case. You protect your legacies; that is, your commercial airlines, you get the support of the general aviation community which has an enormous number of airplanes with millions more to come, and you get the financing to start on an air traffic control system which is behind that of, as I have said today several times, Mongolia. Landing aircraft by ground radio and x-rays is not really the way to run a safe system. We have had so many close collisions that have been averted only at the last moment by air traffic control folks and very quick-witted pilots. Hundreds and hundreds of deaths could have easily resulted.

So I think it is a choice of the people doing the negotiating or the people who want to block the people who are doing the negotiating to think in very clear terms about what is important. Is it pride? Is it the future of the aviation industry? We haven't passed any bills in Congress on our side, and this would be a major accomplishment. But that is not important. The importance is it would save an aviation industry, and they believe that because the bill carries on for a number of years. They would begin to get their safe landing system.

So people must be wondering what is going on, and I just wanted to report that people are at work, hopefully in good faith, trying to get a parliamentary situation or an amendment situation or whatever that works our way through this crisis.

In the meantime, we are on hold. I wanted to make that report to the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, our Nation depends on our system of air travel to do business, to visit family and friends, to connect us with the world. We depend on the Federal Government to keep an eye on that system and to make sure air travel is as safe as humanly possible. But over the last 7 years, the American people's trust in the Federal Aviation Administration has come crashing down. When we learned that the FAA had allowed hundreds of flights on planes with cracks in them, that was just the latest abuse of our trust.

It seems as if we are finding new regulatory problems in American aviation every day. With every new headline and every whistleblower who comes forward, we learn that something else has gone wrong—something that could inconvenience us, at best and, at worst, claim human lives. Meanwhile, the FAA is enveloped in a cloud of cronyism and neglect. Whether we are talking about managing delays, maintaining safety, or managing its employee relations, the FAA has constantly let us all down and put us all at risk.

Last month, we found out that Southwest Airlines was allowing dozens of planes to take off without inspection. We found out American Airlines was flying planes for weeks that had potentially dangerous wiring problems. When the news got out, thousands of Americans saw their flights canceled while airlines scrambled to comply with safety guidelines they should have been following all along.

Why did it take so long for the FAA to notice?

A few weeks ago, one FAA employee testified before Congress that when he found out these planes were flying with cracks and complained about it, Southwest contacted the FAA, and he was removed—removed—from his role of overseeing the airline. Other employees who complained were encouraged to transfer or removed from their posts.

Now, what is the FAA—the Federal Aviation Administration—supposed to be doing? Job 1, it seems to me, is to ensure the safety of the flying public. I know they have this dual mission. I have always wondered about that dual mission of safety and promoting the industry—the other mission. But safety is job 1—job 1.

When they take employees who come forward and say: Look, there are cracks, maybe we should not let this airplane take off, or a series of airplanes take off, and because the company objects, it gets them hauled off of the job, or when others come forth and they are told: Well, maybe you should consider transferring, it simply undermines the very essence of what is job 1. The message that was sent is: If you are an inspector, don't do your job too well or you will lose it.

Those are not the only safety concerns. The people of my home State of New Jersey have reason to be worried about safety at our airports. We just learned that Teterboro Airport, which is one of the small but one of the busiest airports we have in the region, has one of the highest numbers of near-misses in the country. A few months ago, at Newark Airport, two planes came within seconds of crashing into each other. There was a similar incident in December and three near-misses last May. How many serious close calls do we have to live through before the FAA takes this problem seriously?

Not only is the FAA failing to do due diligence on behalf of the people in the air, they have risked the well-being of people on the ground as well.

A while back, the FAA decided to redesign the airspace around some New Jersey, New York, and Pennsylvania airports. Now, I have been a big supporter of airspace redesign since when I was first in the House on the Transportation Committee. We live in the most congested airspace in the Nation. We are in somewhat of a straitjacket. But the redesign should have been done in such a way that not only did we do something about delays, which this redesign does not do very much about, but it should not have the pounding decibels of noise upon communities that this new redesign does.

They decided to change the flightpaths—and it is fair to do that every now and then—but they forgot one thing: They forgot to listen to the people who are going to be flown over. When they rearranged the flightpaths, the FAA simply did not account for air noise and how it affects people's lives. I am not talking about simply being bothered by a little noise. I am talking about the pounding and pounding and pounding of decibel levels that actually affect hearing.

Some of the communities have populations that are least likely to be able to be in a position to do something about it. They forgot about people such as Ray Bennett, who lives in Westville, NJ. He has lived there for nearly 40 years. In all those years, he could not remember a single plane flying directly overhead, especially at low altitudes. Now, since the FAA rushed to implement this plan, not only is there noise, but it is noise that causes his windows to vibrate and keeps him up at night. Imagine that. In the comfort of your own home, in a place where you should be able to find your own peace and quiet with your family, one day the Government decides to turn the volume level way up by running jet planes over your house regularly. Ray has seriously thought about moving out of his home, and it is hard to blame him. This is not a case of one or two isolated households. Planes are now flying directly over the center of the city of

Elizabeth, NJ, affecting tens of thousands of people.

The effects go beyond annoyance. It can cost people money by reducing property values. In the midst of a nationwide housing crisis, in a time when far too many New Jerseyans are facing foreclosure, skyrocketing electricity and home heating costs, and the specter of $4 per gallon gasoline, the last thing they need is for air noise to bring down their property values.

It is almost no wonder that we are seeing this agency become so out of touch, considering how toxic the working environment there has been. In addition to the FAA's questionable safety record, there is also the issue of its hostile relationship with its own employees. Experienced air traffic controllers are leaving their jobs at an alarming rate, and the FAA is struggling to attract, train, and keep new ones. But instead of trying to work with the unions to try to finally implement a contract, they fan the flames by publicly suggesting that if the controllers do not like working for the FAA, they should reconsider their line of work. With this kind of working environment, it is no wonder we have a shortage of experienced controllers working to keep our skies safe.

We are talking about increasingly—and I fly, obviously, quite a bit, certainly to my home State of New Jersey through Newark International. But in the whole region, and across the country, where we have controllers—trainees, I should say. They are still not fully controllers. It takes about 5 years to fully train a controller. Trainees can only do part of the segment necessary, whether it be on takeoffs, whether it be on landings, or whether it be about controlling the airspace, as delays take place and aircraft are made to be put in holding patterns.

So imagine you and your family are up in an airplane and you are dealing with, increasingly, individuals who do not have the full certification to do all of these elements together, which is what we would like to see—for them to have the expertise. Because we can spend all the money in the world—and I appreciate the bill does move us forward in modernization and technology, and that is critically important—but at the end of the day, we can have the best technology in the world, but if, in fact, we do not have the human capital to make that technology work successfully, then, in fact, we have failed. That human capital happens to be the air traffic controllers. At the end of the day, all the technology in the world will be used by those individuals. Human capital in this regard is incredibly important. The FAA has disdain for them. I believe they are the critical nexus to the safety of the flying public. So you are seeing a system that is on a path to becoming slower and less safe because experienced personnel are colliding with management.

When you have problems that are so widespread and an institutional culture that shows no sense of urgency, it is not just about one employee or another, it is about a lack of leadership. That is why Senator LAUTENBERG, my colleague from New Jersey, and I have placed a hold on the nomination of Robert Sturgell as the FAA Administrator, and we will continue the hold until the FAA truly addresses these and other concerns.

We have no choice but to use every tool at our disposal to make this unresponsive bureaucracy do what is right for the well-being of the American public. If the public's concerns are not being addressed at the FAA, we will have to make sure they are addressed in Congress.

Which brings me to this bill. We have an opportunity—and I salute Senator ROCKEFELLER and the members of the Commerce Committee who have worked with him to bring this bill to the floor—we have a tremendous opportunity with this authorization bill to set some things right.

This bill makes smart investments to make air traffic safer. It upgrades our aging airport infrastructure.

The bill improves the oversight of airlines and the FAA. This legislation makes great strides in making air travel safer not only in the skies, but on the runways.

But I also believe the base bill can have some improvements, so at the appropriate time—I want to talk about a few of them now—I will be offering some amendments to it. The first is to strengthen the provision with reference to the revolving door between the FAA and the airline industry and end the cozy relationship between safety inspectors and the airline industry. We have to have faith and confidence in the people who are critical to making sure that when we fly, we are flying in airplanes that are as safe as safe can be; that they are not compromised. I appreciate what the committee did in the bill, but I think there are some elements of it that can be strengthened.

The second amendment will require the FAA to monitor the air noise impacts of the air space redesign and simply provide that data to the public. I don't even understand why the FAA has no intention—no intention whatsoever—of monitoring air noise as a result of the redesign. I think the public has a right to know what health consequences there are in that redesign, and that is a minimal—a minimal—amount of information and transparency that we should be allowing the flying public to have and the communities that are affected to know.

The third will help local communities coordinate with nearby airports to plan compatible land use and mitigate air noise and to receive grants from the FAA to do so. This is incredibly important. There are several communities, I am sure, across the Nation, but in our State in the city of Elizabeth, which is the third largest city in the State, it is pounded, pounded, pounded away—schools have actually held a press conference at one of the schools. I don't know how students learn at that school, because all you hear is one constant drone of jet noise. I can imagine a teacher in the classroom having to overcome that challenge day in and day out to keep the attention of the students. We should have the ability to make sure that in fact there is mitigation money for that noise, and we look forward to being able to offer that.

The last amendment we are considering is to address the growing problem of low fuel landings. We have had a whole host of low fuel landings at Newark International. That means you are sitting on an airplane and because the industry is trying to save money, they have less fuel in the aircraft and now, because you have been put in delays and holding patterns, it gets pretty low, maybe dangerously low. We want to know what is the level of that and what is the reporting of that so we can make judgments—and certainly so the FAA can make judgments—along the way. We think that is incredibly important.

Finally, one of the worst casualties of the Bush administration is how much trust the public has lost in their Government. We lost trust when the administration flew us into Iraq on the wings of a lie. We lost trust when millions of dollars in tax breaks were given to those with million-dollar bank accounts while the middle class saw their economic situation get worse. And at the very least, at the very least, we should be able to trust our Government to keep us safe when we take to the skies. That is the core mission of the Federal Aviation Administration. It is time for them to put that mission ahead of the financial interests of the industry they regulate. It is time for them to put that mission and our safety first. This bill goes an enormous way to making that happen.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY INDEPENDENCE

Mr. ALEXANDER. Madam President, in 1942 President Franklin D. Roosevelt summoned a bipartisan group of congressional leaders to the White House. He outlined with them a secret plan to win World War II. At the conclusion of the briefing, the President asked Kenneth McKellar of Tennessee, who chaired the Appropriations Committee in the Senate, if the Senator could hide $2 billion in the appropriations bill for this project to win the war. Senator McKellar replied:

> That will be no problem, Mr. President, but I have one question: Just where in Tennessee do you want me to hide the $2 billion?

That place in Tennessee turned out to be Oak Ridge, one of the three secret cities, along with Hanford in Washington and Los Alamos in New Mexico, that became the principal sites for the Manhattan Project.

The purpose of the Manhattan Project was to end the war by finding a way to split the atom and build a bomb before Germany could. Nearly 200,000 people worked secretly in 30 different sites in three countries. President Roosevelt's $2 billion appropriation equaled $24 billion in today's dollars.

Less than 3 years later, after that conversation between President Roosevelt and Senator McKellar, the project succeeded when on August 6 and 9, 1945, the first atomic bombs were dropped on Hiroshima and Nagasaki. On August 14, Japan surrendered unconditionally.

According to New York Times science reporter William Laurence, who watched the Nagasaki bombing:

> Into its design went millions of man-hours of what is without doubt the most concentrated intellectual effort in history.

On Friday, May 9, I will go to one of those secret cities—Oak Ridge—to propose that the United States launch a new Manhattan Project: A 5-year project to put America firmly on the path to clean energy independence. Instead of ending a war, the goal will be clean energy independence so we can deal with rising gasoline prices, electricity prices, clean air, climate change, and national security—for our country first, and—because other countries have the same urgent needs and therefore will adopt our ideas—for the rest of the world.

By independence, I do not mean the United States would never buy oil from Mexico or from Canada or from Saudi Arabia. By independence I do mean the United States could never be held hostage by any country for our energy supplies.

In 1942, many were afraid that the first country to build an atomic bomb could blackmail the rest of the world. The overwhelming challenge in the Manhattan Project veteran George Cowan's words was:

> the prospect of a Fascist world and the need to build a weapon so powerful that it would quickly guarantee victory.

Today, countries that supply oil and natural gas can blackmail the rest of the world. Today's need is to create clean energy independence to quickly guarantee victory over that kind of extortion.

Such a concentration of brain power directed toward an urgent national need is not a new idea, but it is a good idea, and it fits the goal of clean energy independence.

The Apollo project to send men to the Moon in the 1960s was a kind of Manhattan Project. Senator SUSAN COLLINS of Maine has suggested an energy independence by 2020 project, comparable to the goal of putting a man on the Moon. Others such as Senator KIT BOND of Missouri and Congressman RANDY FORBES of Virginia have suggested a Manhattan Project for clean energy or energy independence. As part of their ongoing Presidential campaigns, both Senator JOHN MCCAIN and Senator BARACK OBAMA have called for a Manhattan Project for new energy sources. Likewise, former House Speaker Newt Gingrich and Democratic National Committee Chairman Howard Dean have said a Manhattan Project-type program is needed to develop technologies to free us from oil dependence.

All throughout the 2 years of discussion that led to the passage by this Congress of the America COMPETES Act, several participants suggested that we should focus on energy—believing that solving the energy challenges would force the kind of investments in the physical sciences and research and teaching that the America COMPETES Act seeks to encourage.

The Manhattan Project in 1942 was in response to an overwhelming challenge: the prospect that Germany would build a bomb and win the war before America did.

In his address on Monday to the annual meeting of the National Academy of Sciences, Academy President Ralph Cicerone described today's overwhelming challenge, and that is the need to discover ways to satisfy the human demand and use of energy in an environmentally satisfactory and affordable way so we are not overly dependent on overseas sources. According to Cicerone, this year Americans will pay nearly $500 billion overseas for oil—that is $1,600 for each one of us—some of it to nations that are hostile to us or even trying to kill us by bankrolling terrorists. That weakens our dollar. It is half our trade deficit. It forces gasoline prices toward $4 a gallon, and it is crushing family budgets.

Then there are the environmental consequences. If worldwide energy usage continues to grow as projected and fossil fuels continue to supply over 80 percent of that energy, humans would inject as much CO_2 into the air from fossil fuel burning between 2000 and 2030 as they did between 1850 and 2000. We have plenty of coal to help achieve our energy independence, but we have no commercial way yet to capture the carbon from the coal, and we have not finished the job of controlling sulfur, nitrogen, and mercury emissions.

So instead of finding a way to build a bomb to win a war, the new goal would be to find ways to help our country, which consumes 25 percent of all the energy in the world, to achieve clean energy independence, and to do it at a price the family budget can afford, with the hope that the rest of the world will follow our lead.

In addition to the need to meet an overwhelming challenge, other characteristics of the Manhattan Project are suited to the challenge of a new Manhattan Project. First, it will require what Harris Mayer has called meta-engineering. Next, it needs to proceed as fast as possible along several tracks to reach the goal.

According to Don Gillespie, a young engineer in Los Alamos during World War II:

> The entire project was being conducted using a shotgun approach, trying all possible approaches simultaneously, without regard to cost, to speed toward a conclusion.

Next, it needs Presidential focus and it needs bipartisan support in Congress. It needs the kind of centralized, gruff leadership that Gen. Leslie R. Groves of the Army Corps of Engineers gave the first Manhattan Project. A new Manhattan Project needs to put aside old biases and subsidies and instead break the mold. As Dr. J. Robert Oppenheimer said in a speech to Los Alamos scientists in November of 1945 about the atomic bomb, the challenge of clean energy independence is "too revolutionary to consider in the framework of old ideas."

Most important, in the words of George Cowan as reported in a book on the Manhattan Project edited by Cynthia C. Kelly:

> The first Manhattan Project wouldn't have come into existence at all without initial concepts that were spelled out by a small number of extraordinary people. . . . The Manhattan Project model starts with a small, diverse group of great minds.

As I said to the various National Academies when we first asked for their help in the American competitiveness project in 2005:

> In Washington, DC, most ideas fail for lack of the idea. We need ideas from the best minds we have.

I said it then about American competitiveness, and I say it now about clean energy independence.

I addressed a meeting earlier this week of about 500 men and women from all over America who were here to encourage the Congress to fully fund the America COMPETES Act that we passed into law in 2007. The President has asked for an 18-percent increase in funding for the Department of Energy's Office of Science, which is the money for our national laboratories. He has asked for a 13-percent increase in funding for the National Science Foundation. Both of those would put us on the road to doubling funding for the physical sciences so we can keep our brain power advantage so we can keep our jobs from going overseas.

That was the recommendation of the small, diverse group of great minds whom we asked 3 years ago to tell us what we need to do to keep our brain power advantage. Most of the speakers at that meeting this week were talking about the need to come persuade the Senator from New York or the Senator from Tennessee or the Senator from some other State to fully fund the America COMPETES Act.

I see the Senator from New York here. He was very active in that legislation, especially with a project from New York that helped focus on better ways of teaching mathematics to young people. Almost all of us here have felt some sense of ownership of the America COMPETES legislation: The majority leader and the minority leader were the principal sponsors, and 70 of us cosponsored it. So we saw the need for it. Now we need to apply even more focus and discipline on a different goal, which is clean energy independence. That is why I am going to Oak Ridge on May 9 to propose a second Manhattan Project for clean energy independence.

I believe the work we did during the America COMPETES Act over the last 3 years has important lessons for how we solve the energy challenge.

Let's remember how America COMPETES happened. Three years ago, in May of 2005, a bipartisan group of us asked the National Academies to tell Congress in priority order the 10 most important steps we could take to keep America's brain power advantage. Basically, we were asking for the antidote to the problems set out in Tom Friedman's book, "The World is Flat."

By October 2005, the academies had assembled what might be called a "small diverse group of great minds," chaired by Norm Augustine, a member of the Academy of Engineering, which presented to the Congress and the President 20 specific recommendations in a report called "Rising Above the Gathering Storm."

We worked with the Bush administration in a number of "homework sessions" to refine the proposals, and we considered a number of other very good proposals by different competitiveness commissions.

Then, in January of 2006, President Bush outlined his American Competitiveness Initiative to double over 10 years basic research for the physical sciences and engineering, and he included money to do that in his budgets that he proposed 2 years ago, 1 year ago, and this year.

As I mentioned earlier, the Republican and Democratic leaders of the Senate became the principal sponsors of the legislation. That didn't change even when the Senate changed from Republican to Democrat.

Last week, I telephoned Ralph Cicerone, the president of the National Academy of Sciences. I told him about my proposed May 9 Oak Ridge speech. He told me about an address he made this past Monday before the annual meeting of the National Academy of Sciences on America's energy future. That study will be completed in 2010.

Mr. President, I ask unanimous consent that, following my remarks, the remarks of Ralph Cicerone be printed in the RECORD from the 145th annual meeting of the Academy of Sciences on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, I told Dr. Cicerone that what I will be proposing at Oak Ridge will require more specific and quicker action than what the National Academies already have underway. I hope that within the next few weeks, a bipartisan group of us from the Congress could meet with the National Academies and see what concrete proposals we might offer the new President and the new Congress, and that we complete that work this year.

Democrat BART GORDON, a Congressman from Tennessee and chairman of the Science Committee in the House of Representatives, was—along with Senator BINGAMAN, myself, and then-Congressman Sherwood Boehlert—one of the four original signers of the 2005 request to the National Academies that led to the America COMPETES Act. Congressman GORDON will join me in Oak Ridge on May 9, and he will address those who are there about clean energy independence. Also there—and cohost for the meeting, along with the Director of the Oak Ridge National Laboratory—will be Congressman ZACH WAMP, a senior Member of the House Appropriations Committee in whose district we will be. I have talked this week with our leaders in the Senate on energy, Senator BINGAMAN and Senator DOMENICI—both of New Mexico—who have played such a large role in the America COMPETES Act over the last 3 years. I talked with Senator MURKOWSKI, who likely will succeed Senator DOMENICI as the senior Republican on the Energy Committee when Senator DOMENICI retires at the end of this year.

I know this is a Presidential election year. I have no illusions about the difficulty of bipartisan congressional action. But I also know that gasoline is nearing $4, and that the electricity produced by America today is not clean enough for our country. I also know that, on our present course, we permit other countries in the world to whom we are paying $500 billion a year the possibility of blackmailing us, or other countries, because of their ownership of oil assets. I believe now is the best possible time for Members of Congress and candidates for President of the United States to address the clean energy independence goal.

Let us compete to see who can come up with the best ideas and compare them with one another, knowing that in the end—especially in the Senate—it will take the kind of bipartisan cooperation we had with the America COMPETES Act to get a result. After all, the people didn't elect us to take a vacation this year just because there is a Presidential election.

This country of ours is a remarkable place. While enduring this economic slowdown, this year we will produce about 30 percent of all the wealth in the world for 5 percent of those of us who live here. We have 30 percent of the wealth in the world, but we are just 5 percent of all the people in the world.

Despite the "gathering storm" of concern about American competitiveness, no other country approaches our brain power advantage—the collection of research universities we have, the national laboratories we have, the private sector companies that exist in the United States. And this United States is still the only country where people can say with a straight face that anything is possible—and believe it.

These are precisely the ingredients America needs during the next 5 years to place ourselves firmly on a path to clean energy independence and, in doing so, we can make our jobs more secure, help balance the family budget, make our air cleaner and our planet safer and healthier, and lead the world to do the same by our example.

I yield the floor.

EXHIBIT 1

ENERGY CHALLENGES

(Presented to the 145th Annual Meeting of the National Academy of Sciences, Ralph J. Cicerone, President, Apr. 28, 2008)

As I stand before the members of the NAS, I feel as each of you would in my place—that it is a great honor and a rare opportunity to address you here in our historic NAS building. As you know, we are planning a major restoration of the building which will be discussed further in tomorrow's business meeting.

I want to recognize NAS Presidents-Emeritus Frank Press and Bruce Alberts who are here with us today. Each of them led the Academy with distinction and continues to represent us well.

The past year has been a very busy one, reflecting the importance of science and technology in contemporary society. One project, the revision and updating of our 1984 and 1999 booklets on science and creationism, was completed when the new booklet, Science, Evolution and Creationism was released in January. This project was initiated and supported by the NAS Council. For this third edition, we invited the Institute of Medicine to join the NAS.

The authoring committee is shown here. I ask each of the authors who is here today to stand.

Today I want to use the opportunity to draw your attention to a major issue of today, human demand for and usage of energy, a topic that has become progressively more serious, one that will take years to address and which requires scientific efforts of many kinds.

In the past fifty or sixty years there have been other transforming issues that have dominated national and international attention and which required science and technology for any successful outcome, but these earlier cases have not been numerous. One can recall the nuclear arms race, the polio outbreaks of the 1950's, and the very rapid increases of human populations of the 1950's and 1960's. Science made possible the cessation of nuclear weapons testing through demonstrated capability to detect the detonation of even relatively small weapons, while computational methods enabled stockpile stewardship. Similarly, through medical immunology, scientists came to understand the cause of polio and created preventive vaccines; and the Green Revolution made it possible to feed many more people. Two other major issues in which public attention was focused on science and technology were the launching of early Earth-orbiting satellites (and placing a man on the Moon), and the capabilities that emerged in the early 1970's from molecular biology for safe laboratory DNA-transfer experiments.

Now in 2008, we see that human demand and usage of energy is a pervasive issue. The issue has multiple dimensions and constraints. It is both national and worldwide. Enormous in scale, it will remain serious for the foreseeable future, and science and engineering are essential for progress.

MAIN POINTS

My main points today are:

Our energy-intensive way of life, population growth and worldwide economic progress combine to create large and growing demand for energy.

Our options to meet this large demand with types of energy now available to us are seriously constrained. We must assure access to energy and geopolitical security, overcome the financial impact of high costs, deal with climate change, other environmental impacts, nuclear safety and wastes. There is no simple single solution and some attractive options are mutually incompatible.

Science and technology and scientists are essential to meeting this pervasive challenge.

ENERGY USAGE AND DEMAND

The scale of human energy usage today is large and projections of future demands are even larger. Let me begin by outlining current energy usage in the United States.

We consume 100 Quadrillion BTU (one Quad is 10^{15} BTU) per year as a nation, or 3.3 x 10^8 BTU per person annually. There are many ways to disaggregate these figures. For example, we can examine end usage by economic sector or by function. One such cut reveals that 28 percent of U.S. energy usage is for transportation (burning gasoline, diesel and jet fuel) and 39 percent is used in buildings for lighting, heating, cooling, appliances and office equipment.

What are the sources of our primary energy? For the U.S., 85 percent comes from the burning of fossil fuels: 23 percent from natural gas, 23 percent from coal and 40 percent from petroleum (using rounded numbers). Eight percent is derived from nuclear power and six percent from renewable sources like hydropower (3 percent), biomass (3 percent), geothermal sources, wind, and solar.

Two key factors are liquid fuels for transportation and coal burning to generate electricity. Slide 5 shows growth in U. S. imports and consumption of petroleum.

Net imports grew from 3 million barrels per day in 1970 and surpassed domestic "production" in 1996. Today, we import approximately twelve million barrels of oil daily, most of it for transportation, and we consume about six million barrels of oil more each day for running our automobiles and trucks than is produced (extracted, to be more precise) domestically.

A related figure is the fraction 41 percent of primary energy consumption that goes into producing electricity.

Annually, the U.S. consumes about 3800 billion kWh of electricity, with an average instantaneous consumption rate of 440 million kW, or 1.47 kW per person. Because of considerable inefficiency in the conversion of primary energy into electricity during generation and losses in its distribution, the electrical energy received by the end user is only about one-third of the primary energy invested in generating it.

Our electricity is generated in several ways but the major pathways are from coal burning (52 percent), nuclear power (20 percent), natural gas (19 percent) and renewable energy including hydropower (8.5 percent). While still small, electricity generated from wind power grew by over 25 percent compounded annually from 2001–2005.

Slide 7 shows world energy consumption 1970–2005 and projected usage to 2030, developed & developing countries. Worldwide energy consumption was about 447 quadrillion BTU in 2004. This figure grew from approximately 207 quadrillion BTU in 1970; it doubled in 30–32 years. World average energy consumption is approximately 6.2x10^7 BTU/person, or only one-fifth as much as for Americans. The fraction of total world energy usage from fossil-fuel sources was about 87 percent in 2004, slightly higher than the corresponding U.S. figure. The fraction of world electricity from nuclear power was only six percent as opposed to eight percent in the U.S. although it is well known that France's electricity is generated primarily (70 percent) from nuclear power, and of course, there are other nations that employ no nuclear power at all. Recently, Germany has emerged as a world leader in capturing wind energy and in the manufacturing of photovoltaic cells for the direct conversion of sunlight to electricity, as is Japan.

World energy consumption is projected to grow to approximately 700 quadrillion BTU in 2030, another doubling from its early 1990's value. Much of this projected growth is likely to occur in developing, or emerging market countries, where there is great demand for energy usage per capita to grow, while slower growth is projected for mature market countries like those of advanced developed countries. One projection is for non-OECD countries (including China and India) to increase energy usage by over three percent annually, more than doubling between 2004 and 2030 while U.S. energy growth is projected to be one percent annually. This differential growth will continue trends observed from 1999–2005 when China and India increased their energy usage by 80 percent and 25 percent, respectively.

The dynamics and impacts of this differential growth are extremely important to analyze. For example, we must understand what is driving this increased demand (electrification, pumping water for irrigation and for manufacturing and consumer uses, population growth . . .). We must also anticipate impacts on world prices and availability and on world geopolitics, environment and climate. A recent report from the Inter-Academy Council is a rich source of data on growing demand and strategies for satisfying it worldwide.

IMPACTS OF ENERGY USAGE AND CONSTRAINTS

For many years there have been concerns over the stability of energy supplies or the cost of energy or the consequences of too much dependence on overseas sources or over various environmental impacts. Now all of these concerns are operative at once and they are seen as long term as opposed to temporary.

For example, as U.S. consumption of petroleum, mostly for transportation, has grown, and costs have risen to over $100 per barrel, the net flow of dollars to oil-exporting countries has ballooned to between $450 to $500 billion annually, as noted recently by former CIA Director James Woolsey. Let me note that even at the now past price of $65 per barrel, 300 million Americans send $1000 each overseas for oil annually. At our NAS/NAE energy symposium on March 14, former Secretary of Energy and Secretary of Defense James Schlesinger said that our dependence on foreign oil is allowing some hostile oil-exporting countries to accumulate dollars, resulting in diminished U.S. influence not only toward them but also with our allies. He stated that "we cannot ensure energy security, only mitigate energy insecurity".

Predicting future energy costs is perilous and certainly not a talent of mine. Personally, I did not predict that gasoline would cost $3.5 to $4 per gallon as it is now. However, there is general consensus that the era of low cost energy is over, largely due to increasing demand from developing countries. Thus, one can expect U.S. purchases of oil to continue and world prices to remain high enough to cause difficulties for poorer countries. Worldwide fleets of car and trucks demand oil as does the growing commercial airline sector. High costs of energy are being felt by individuals, families, businesses, universities, governments, and hospitals, for example. High energy costs are now beginning to be blamed for rising grain costs and food shortages in some countries.

The imperative for access to secure energy supplies prompts some regions and countries to turn to coal or to nuclear power. For example, the U.S., China, South Africa and India have substantial domestic coal supplies. Environmental and climatic impacts must be dealt with. Inadvertent emissions of soot, sulfur, nitrogen oxides and mercury, historical challenges which have been met in some selected regions, remain major problems elsewhere and due to the scale of coal usage, they are increasingly serious problems, as are deleterious effects of coal mining on land surfaces and ground water. In each of the last several years, a large number of coal-fired power plants have been built in China; total generating capacity from these plants has increased annually by approximately 95 Gwatts (adding approximately the entire capacity of France or Germany).

In recent years it has become clearer that the global climate is changing in response to increased atmospheric concentrations of carbon dioxide from fossil-fuel burning. Current atmospheric concentration of CO_2 is over 380 ppm, compared to a pre-industrial level of 280 ppm. Climate change is being observed in elevated air and sea temperatures, losses of ice, rising sea level and several other variables, and it is judged mostly due to greenhouse gases, including carbon dioxide, from human activities. While some climate change can be accommodated, there is increasing evidence and concern that dangerous changes can also occur. "Dangerous" here is defined as irreversible changes such as sea-level rise and loss of biodiversity, and generally other physical variables whose rates of change exceed the rates at which we can adapt to them. Large or prolonged changes in regional water supplies can destabilize entire nations.

While it might be intuitive to guess that we could stabilize worldwide atmospheric carbon dioxide amounts by holding worldwide emissions constant, the natural uptake of atmospheric CO_2 by the global carbon cycle is only about 40 percent of current emissions; this figure has been derived by decades of research, much of it by NAS members. Current annual emissions are nearly seven billion tons of C as CO_2. The eventual steady-state atmospheric concentration of CO_2 from current emissions would be over 650 ppm. Thus, a specified carbon constraint such as preventing atmospheric CO_2 from rising above say 450 parts per million, is difficult to satisfy: it would require reducing emissions by more than four billion tons (C) from current levels. Several examples show how difficult it will be. Reducing emissions by just one billion tons C per year would require a fleet of two billion cars to achieve 60 mpg instead of 30 mpg, or replacing 700 one GW coal-burning power plants with nuclear plants, or replacing coal-burning plants with one million 2 MWe (peak) wind turbines or 2,000 1-GWe (peak) photovoltaic power plants.

Instead, if worldwide energy usage continues to grow as projected and fossil fuels continue to supply over 80% of that energy, worldwide CO_2 emissions would grow to over ten B tons C annually by 2030, just 22 years from now. At such a rate of fossil-fuel burning, humans would inject as much CO_2 into the air from fossil-fuel burning between 2000 and 2030 as they did between 1850 and 2000.

In addition to climatic change from carbon dioxide, we expect the world's oceans to become acidified by the CO_2 added from the atmosphere. Research on the biological effects of this acidification is in its early stages and there are many questions surrounding the ability of calcifying marine organisms to make shells, for example.

The view that emerges is of a carbon-constrained world. Taking into account the fact that coal is relatively plentiful and that its supplies are secure within several large countries, and recognizing the carbon constraint gives rise to the need for research on carbon capture and storage (CCS) and to other means to tap into coal's energy without releasing CO_2 to the atmosphere and oceans.

Even if coal, for example with effective CCS, could be used even more intensively to generate electricity, one must realize that to use today's fleets of cars and trucks and airplanes, one requires liquid fuels, presumably from oil. While coal yields less energy per unit of CO_2 released, carbon constraints apply to oil and natural gas as well as to coal.

The constraints of energy supply, dependence on foreign sources and atmospheric carbon dioxide cause us to consider wider usage of nuclear power. Nuclear power plants, currently based on nuclear fission processes, offer several advantages in that their operation does not emit carbon dioxide nor are supplies of nuclear fuel thought to be seriously limited physically or immediately. Widespread utilization of nuclear power is limited instead by concerns over safety of operation and over waste handling, storage and disposal. Strongly related is the need to prevent the misappropriation of nuclear wastes to produce nuclear weapons or conventional bombs spiked with radioactivity (dirty bombs). In addition, costs of electrical power from current nuclear plants exceed those for coal and from natural gas; capital costs of nuclear plants are much higher. These concerns have virtually stopped the building of new and replacement nuclear power plants in many countries since approximately 1980.

For nuclear power to satisfy large parts of current and future world demand for electrical energy would require the siting, construction and operation of large numbers of new and replacement nuclear power plants such as a tripling or quadrupling of the number of such plants now in service. Local limitations on volumes and temperatures of cooling water will tighten as tensions grow over water supplies and heat waves intensify. Even if successful, we would not have satisfied much of world demand for energy to drive transportation, now supplied by petroleum, with today's fleet of automobiles and trucks.

AGENDA FOR SCIENTISTS, THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL RESEARCH COUNCIL

The constraints placed on energy choices for the United States and for the world today can appear to be intractable. For example, large U.S. domestic coal reserves, much of our existing infrastructure and the goal of energy security all argue for more dependence on coal. However, we are pushed in the opposite direction by the pressing need to reduce CO_2 emissions to the atmosphere so as to limit climate change, and by several other environmental impacts including ocean acidification. In a democracy there are many different voices representing people with differing values and interests, such as protecting or advancing locally based industries, and also with differing weighting factors for addressing the various constraints.

All of these challenges place scientists and engineers in an essential position—we can:

Perform research relevant to energy supplies and usage,

Formulate and analyze options for decisionmakers,

Inform the public about research and policy options,

Advise and help government officials and business leaders,

Develop scientific and engineering human resources.

We must address each of these needed roles with complementary skills. Along with creating specialized processes and strategies, we need big-picture synthesis. For example, achieving increased energy efficiency can relax all of these constraints but implementing this goal requires great attention to detail.

The NAS and the NAE, working through the NRC, are conducting a study, America's Energy Future, and it will be published in less than a year from now. This report will present objective, quantitative data and estimates of contributions to our energy supply from various energy technologies, including energy-efficiency technologies, along with their costs. Many NAS and NAE members and other experts are involved on this project. It is led by economist Harold Shapiro, President-emeritus of Princeton University (and an IOM member). This report will lay a foundation for much more work to follow on energy research, energy-policy options and worldwide cases. It is intended to provide what Benjamin Franklin aptly described as "useful knowledge" to individuals and groups in business and government and the general public as they consider how to transition to the energy trajectories that are needed.

We are also beginning a new suite of studies on climate change, focusing on how to benefit from and extend the scientific understanding of climate change and also how to mitigate it and adapt to it.

Scientific research, as always, offers possibilities for improvements in how we extract, convert, store, distribute and consume energy. Indeed, research can lead to major changes which could revolutionize our current systems and which could dodge some of the constraints that now bind us. Opportunities for this research to create new technologies with worldwide business potential are enormous.

There are numerous fascinating research topics in physical and biological sciences which could dramatically transform the energy landscape or which could at least improve our options. Photovoltaic devices based on new materials to convert sunlight into electricity and chemical means to convert sunlight into chemical fuels offer great opportunities. Photosynthesis-based designs are beginning to receive some attention. Energy-storage devices with high energy and power densities could enable much wider use of solar, wind and nuclear energy, for example, in electric-drive vehicles.

Alternative energy sources for transportation must match or overcome a large advantage of liquid hydrocarbons; the oxidizer for their combustion does not have to be carried along with the fuel. A major goal is to derive petroleum substitutes from plant matter other than food crops which would be approximately carbon-neutral. Microbiological processes enhanced by molecular biology comprise many potential advanced pathways toward creating liquid biofuels such as alcohols. In such advanced processes, efficient use of normally recalcitrant material like plant cellulose and lignins must be made. Progress from this laboratory-based biological research is needed to obtain higher biofuel yields which justify inputs of energy, fertilizer, water and land. These input/output ratios themselves and corresponding tradeoffs require research to clarify the value of this option.

Wider usage of nuclear power to generate much larger amounts of electricity could displace some fossil-fuel usage but it requires safe and efficient handling of wastes which in turn require secure geological and geochemical storage. Similarly, economical and safe waste-to-fuel reprocessing represent research and engineering challenges and opportunities, and some materials problems with reactors remain.

As has been the case for too many years, nuclear fusion remains a distant but tantalizing pathway toward plentiful energy, with almost no radioactive waste, but very difficult problems in confining high-temperature plasmas have impeded progress.

A host of other research frontiers must be explored, for example, can carbon dioxide be effectively captured and stored in geological reservoirs in amounts measured in tens of billions of tons and for centuries? Can transmission lines be vastly improved through superconductivity or by using direct current transmission instead of AC, with better system analysis and control? If so, solar and wind energy can be distributed in ways to match generation and demand time functions better.

Scientific research on climate change is essential to enable us to predict how climate will change in smaller geographical areas and shorter time intervals than is now possible so as to guide our efforts in mitigating the changes and in adapting to changes that do transpire. Economic science and social phenomena must be incorporated in this endeavor, and as is the case in all of the topics mentioned here, computational science has become essential.

In deciding how to deal with the constraints placed on us by U.S. and global energy usage, governments, businesses, NGO's and individuals want to know what options they have. An important role for us as individuals and through National Research Council committees is to help to formulate and analyze options that can illuminate the consequences of various proposed actions. This work can consist of focused analyses of specific energy sources or pathways and respective technologies, or on comparisons of many alternatives. Variables include physical, chemical and biological principles, costs, readiness for deployment, social acceptance and time frames. In many cases, those who will make decisions amongst the options will be political or business leaders who have little or no scientific background, so scientists' communications skills will be tested. In these interactions centered on formulation and analysis of options, scientists must be prepared to interact with such decisionmakers in iterative ways. It is likely that some overall pathways to a more secure, safe and robust energy strategy will involve short-term options in preparation for transitions to a longer term.

More broadly, scientists can inform the public about research prospects and goals and about policy options. The pervasive nature of our challenges with energy requires wide public awareness and consensus, and arriving at consensus will be challenging. Whether deciding how to locate solar collector arrays, nuclear power plants or wind farms or how to gauge the benefits of various biofuels or automobile fuel efficiency, and how to invest their own resources or public funds, people must appreciate the constraints and the goals to choose the best options and to avoid costly mistakes and ineffective actions. Scientists who are effective communicators should present public talks and/or help other scientists and journalists who are even more effective. In our NAS communications with the general public, we plan to emphasize energy topics in several ways.

We depend on many structures and institutions to govern us. Agencies of the U.S. Government which support science research, set standards, monitor and regulate trade, products and pollutants need qualified people to serve in them and they need external counsel through advisory committees, for example. Each of us should serve when invited, and we should prepare thoroughly for each assignment. Important roles in advising the government are carried out by the National Research Council. State and local governments have many significant energy issues in front of them so the need for scientific advice is even larger. Scientists can also help each other when one is called to advise.

Education of the current and future generations of students is a high priority. All of the needs listed above require an educated public to recognize our options, to understand their consequences, and to exploit opportunities. Students who will go on into business and government will have big roles just as future scientists will. We must develop human resources, both broadly and in specific scientific endeavors, from microbiology and molecular biology to nuclear science and engineering. Our university curricula for science and for non-science students must create awareness of challenges and opportunities surrounding energy usage, efficiency and related research. As always, research opportunities for students are especially important.

CONCLUSION

We must change the trajectories of our energy usage and energy sources. World peace, economic development for much of the world, continuing prosperity for the developed countries and a stable climate require us to do so. To create and analyze options, and to educate and inform people about the work ahead, scientists and engineers are critical.

There is no single action or individual technology that will take us to this goal. (The glass(es) are partly filled and partly empty. The baseball is just for fun!)

Rather we must explore all sources and pathways and discover, invent and optimize in each case. While it might disappoint some people that there is no single pathway to success, a world in which many energy sources and solutions are integral to the whole will be more stable and less susceptible to disruption. Our enthusiasm and efforts must be broad as we seek to discover and disseminate useful knowledge.

A great deal of innovative and determined work is needed by scientists and engineers in the years ahead. It is our privilege and our responsibility to rise to these energy challenges. Let's get going; there is a lot of useful knowledge to be gained.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I welcome the bipartisan support for programs that will move us toward energy independence. I agree with my colleague from Tennessee that we need to do a Manhattan-type project, with the same type of commitment we made when putting a person on the Moon, to become energy independent. We have the technology. We know how to get it done. If we have the will, this Nation can do anything it wants to do.

I think there is a growing awareness among Members of this body, as well as on the other side of the Capitol, that we need to take immediate steps so this Nation can become energy independent. So I welcome the comments that have been made.

I come to the floor because the people of Maryland and throughout the Nation are hurting today. The most recent assault on their pocketbooks has been filling up their cars with gasoline. The costs are prohibitive for families—gasoline prices. Quite frankly, I think the administration is doing virtually nothing to help those who are trying to afford energy costs today—whether it is their electricity bills in their homes, or whether it is running the family automobile, or whether it is a business that requires them to use an automobile. This administration has done very little to help deal with the escalating costs of energy. Instead, they look for additional tax breaks for oil companies, or they want to extend tax cuts for millionaires. They don't come forward with energy policies that would try to make energy much more affordable.

I believe we need to have a strong energy legislation in this Congress. Let me give you some of the statistics that people in my State of Maryland are confronting on energy costs. Electricity rates went up 72 percent in 2007. Gasoline prices in Maryland are now $3.49, on average, for regular gasoline, and $3.80 for high test. That is a 150-percent increase since President Bush took office.

Let me try to translate this as to how it affects the average family in my State. When you take a look at what household costs have gone up, just for gasoline for your automobile, since President Bush took office, for a typical household it has increased $2,731 for the people of Maryland. If that household has children, it is an increase of $3,414 a year. If they have a teenager also operating a car, it has gone up over $4,000. To me, that is a shocking increase in just 7 years on the cost of gasoline that we put into our automobiles.

I recently had a conversation with small business owners in Maryland. Sixty-two percent of small business owners use a vehicle in their business. They need automobiles. They have to fill these tanks with gasoline. The majority drive over 50 miles a day in their automobiles to operate their businesses. So the statistics show that small businesses—and all of us talk about helping small businesses—spend more than their competitors that are large companies on energy costs. It can cost up to three times as much for a small business person for their energy cost to deliver a product to the market than for larger companies. I am sure you are aware that small businesses don't have the same availability of capital in order to buy equipment or the same availability of capital in order to keep their businesses afloat. Many small business owners are mortgaging their homes in order to keep their businesses going. Many are using credit cards with the highest possible interest rates to keep afloat. Now they have additional energy costs. So, yes, we need to take action on the energy problem.

I must tell you that the first thing we need is a national energy policy. We have had bills that have been submitted on this floor. I appreciate my colleagues on both sides of the aisle coming forward in support of a national energy policy for energy independence. But if you remember when we voted on the renewable energy portfolio, we didn't seem to get the votes we needed from the Republican side of the aisle. It is time to take action on a national energy policy—one that will truly make this Nation energy independent—whether you call it a Manhattan-type project or an Apollo-type project, we can do it. We can do it by using less energy and by developing alternative and renewable energy sources. We can do it in a way that will be good for America.

We should not be dependent for oil upon any country halfway around the world, that disagrees with our policies. We have to eliminate our dependency on imported oil. We need to do that for the security of America. Our national security should come first. If for no other reason, we should do it for national security. Also, let's do it for the environment. I listened to my friend talk about green energy. We have a chance to do that. We have a bill in the Environment and Public Works Committee that Senator BOXER provided tremendous leadership on, along with Senators LIEBERMAN and WARNER, that would cap our carbon emissions. That would energize our economy to produce green jobs and would help us to become energy independent. It would reduce greenhouse gases and would help our environment. We need to become energy independent because of our national security and because of our environment.

My friends who are talking about energy independence, we have a chance to move forward on that. Let's bring out the Lieberman-Warner legislation and move it on the floor. We are trying to do that, and if we had more help on the Republican side of the aisle, we could get that done this year and move toward energy independence.

There is a third reason we need an energy policy, and that is our economy. I don't need a clearer message about how important it is to be independent for our economy than to fill up my tank with gasoline. Go to any of your neighborhood gasoline stations and look at the price. We don't have control over our energy costs. If we were energy independent, we would. So we need an energy policy that is good for this Nation. We should not be financing other countries. That is what you do every time you fill up a tank with gas—financing other countries, and actually we are borrowing money to do that.

So we need a policy that is good for this Nation. What have the oil companies done to help us in this regard? They are doing quite well. We have businesses that are hurting. We are in a recession. We are not doing well in economic growth. But in the last year, the five major oil companies had profits of $103 billion, and 2008 is going to be a better year than 2007 for the oil companies.

These are excessive profits. We need to do something about them. The administration says let's continue tax breaks for the oil companies; let's create some new ones. We should be using these tax breaks to develop alternative energy sources. That is what we should be doing to help the people in our communities. We should be using these tax breaks to generate green jobs. We can do that if we energize the American economy to develop the alternative technologies that can solve our energy crisis as well as our environmental challenges.

We need to use these tax breaks so we have less reliance on foreign energy sources—alternative fuels. I wish to underscore that we need to get this administration, if they are really serious about trying to make this Nation energy independent, to refocus the tools we are using. Every time we try to do that—we try to take these tax credits and target it to the alternative energy sources rather than just giving them to the oil companies—we get a veto threat from the President.

I can tell you, Mr. President, people in Maryland desperately need leadership on energy. They need immediate help. One of the suggestions that has been made that I think we should move forward—again, the President said he is not going to do this—is the Strategic Petroleum Reserve. It is 95 percent filled. Let me explain to my constituents what this is about. Our Government is in the market every day buying 70,000 gallons of oil to put in the Strategic Petroleum Reserve. As a result, the cost to the consumers in filling up their automobiles' tanks is higher. It is supply and demand. The Government is there every day first at the gas pumps taking 70,000 gallons of fuel that otherwise could be available for consumers, and with supply and demand, the more fuel we have available, the lower the cost will be. This is something we can do immediately to try to reduce the cost of gasoline to the people of this Nation.

We need immediate action. We need immediate action to help the middle-income families in America and the small businesses that are literally being strangled by the high cost of gasoline and the high cost of energy. They need immediate relief. They need an administration that is going to take action to make more supply available. If the administration does not, the Congress should take action to do that. The American people need us to take action for immediate relief. But they also understand we cannot continue decade after decade to be dependent on foreign energy sources. It is way past time that this Nation become energy independent. We can get there.

As I hear my colleagues speak on both sides of the aisle, let's come together for the sake of our Nation, for the sake of our national security, for the sake of our environment, for the sake of our economy, and let's act together to pass laws so at last America can become energy independent and control its own destiny, be a good citizen of the world on the environment, and do much better for the growth of our economy. I am convinced we can do this if we act together in the best interest of our country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHARLTON HESTON

Mr. CRAIG. Mr. President, over the last few weeks, I have taken note of the tributes that have been made about a great American who passed away on April 5, 2008. That American is Charlton Heston. This Senate even joined in those tributes, and I was pleased to cosponsor a resolution offered by my colleague, Senator JIM DEMINT, officially honoring Mr. Heston's life and extending the sympathies of the Senate to the Heston family.

Charlton Heston's significance was more than his distinguished career as an actor. In his lifetime, he became undeniably an American icon. But there is an aspect of his life that has not received the attention that I believe it deserves—his truly admirable record of public service. That is why I rise this afternoon to comment about his contributions to our Nation.

This was not a man who only recited patriotic speeches; he put his words into action and put his reputation and career on the line for the causes he supported. This was especially true in an area that people seem to have forgotten: his work on civil rights.

Charlton Heston freely allowed his fame to be used to draw attention and support to the cause of civil rights, and he did so at a time when it wasn't the popular thing for Hollywood stars to do. In fact, according to his autobiography, some of his associates warned him that his activism could harm his career and his financial success. But he pursued it anyway.

He told the story of demonstrating outside some Oklahoma City restaurants that refused to serve black Americans in 1961, and while he modestly acknowledged this was a small effort that "made no more than a ripple in the wider world"—those are his words, not mine—the restaurants did change their practices, and the episode was a significant personal milestone for him.

His civil rights activism took him further. He was an admirer of Dr. Martin Luther King Jr., and wrote "Many men who knew him better than I have written about Martin Luther King. I can't match their eloquence; I can confirm what they've written: He was a special man, put on Earth, I do believe, to be a twentieth-century Moses for his people. Dr. King sought him out to discuss how to integrate certain segments of the film industry. Mr. Heston was supportive but had doubts that it could be done; he was surprised and impressed when Dr. King accomplished that goal.

Later in 1963, when Martin Luther King famously marched on Washington Charlton Heston was not only part of the march but helped organize and lead a contingent from the American arts community in participating. Their job was to help draw press attention to the cause but Mr. Heston characterized the role he played as essentially an "extra" at the event. Even so, he said of the march on Washington: "In a long life of activism in support of some good causes, I'm proudest of having stood in the sun behind that man, that morning."

I think many people fail to appreciate the importance of Mr. Heston's involvement in supporting the cause of civil rights at that particular time. It was a turning point in our Nation's history. His position put him at odds with many in his industry, not to mention the mainstream America that existed in those days. It was no small thing for Charlton Heston to commit his energies and his name to advancing a cause that was deeply controversial.

Today, some have forgotten what those times were like and the risk he took. I would even argue that some prefer to overlook or rewrite the record of his civil rights activism because they disagree with other causes he took up later in his life.

Maybe it just doesn't sit right with the predominately liberal majority in the media and Hollywood that Mr. Heston could both march with Dr. King and later publicly denounce the violent, pornographic lyrics of rapper Ice-T. Maybe they don't understand how the same man who picketed against racism could criticize the Screen Actors Guild—an organization he presided over for six terms—for practicing reverse discrimination.

Or maybe they just don't understand the common denominator between his fight for civil rights and his fight for the Second Amendment. When he took the helm of the National Rifle Association for an unprecedented three terms Americans' firearms rights were under attack as never before. I met with him and encouraged his participation, as others did. Mr. Heston did participate and brought for formidable energy to the defense of this fundamental civil right of the law-abiding American citizen.

It was my great privilege to work with him in those days. I came to know him as an unabashed patriot and a friend. He was amazingly modest about his accomplishments when he told me about his past involvement in policy and political issues, but it was from him I learned about his early work on behalf of civil rights.

Charlton Heston is remembered by countless Americans around the world for the great roles he played and the characters he created, as only he could do. That legacy will live forever. As his movies are discovered by new audiences in the future, a new life for that memory will emerge.

But Americans should also be aware and celebrate and treasure another legacy he left behind—his simple and quiet service to our Nation. Let the record show Charlton Heston did not sit safely on the sidelines. He strode boldly into the arena of public affairs and took on all the risks of fighting in that arena. He worked to make this Nation a better place through his activism in promoting civil rights and individual liberties, a legacy that will have an even more lasting impact on our lives and the lives of our fellow citizens.

Goodbye, Charlton Heston. America misses you.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM POLICY

Mr. CRAIG. Mr. President, I am going to address, very briefly, an action that will come before us this evening in a 2-week extension of current farm policy that will be sought by Chairman HARKIN, as they work out, I understand, the final details of a new farm policy for our country.

As my colleagues know, over the last several weeks, I have come to the floor to speak out about the urgency at hand of getting a new farm policy before American agriculture as we move into the spring season and before the early harvest in the grain belt of our country, which starts very soon in Oklahoma and northern Texas.

As most of my colleagues know, both the House and Senate passed new farm policy last year, but because of their differences, we were simply not able to work out a compromise in conference. In fact, the House waited months to appoint conferees. Then the Speaker openly spoke out about being unwilling to provide the tax package to finance the necessary new policy.

I began to object. After 6 months and 4 extensions, finally, last week on the floor I did object. But out of that we began to work together and worked out a compromise, and I must say to all the conferees on the House and the Senate side that their diligence appears to have paid off. In talking with my colleague and the ranking member of the Senate Agriculture Committee, Senator Saxby Chambliss, today, their work in large part is done. It is a matter of simply putting it in final form, bringing it to print and, of course, then bringing the conference report to the floor of the House and the Senate. Apparently, the White House has also signed off on that and their work is largely complete.

It is with that understanding that I will not object this evening to a unanimous consent request to extend the current farm policy for another 2 weeks while they work out and put to print their final effort.

Let me thank them all for the sense of urgency that has developed over the last 2 weeks and the work in completing it. Obviously, the finance committee in the House, the House Ways and Means Committee and Senate Finance Committee had to bring about the necessary package. Senator Max Baucus and Congressman RANGEL, apparently working with the Republican side, have solved those problems and put the appropriate finance package together.

There are very important policies, new policies inside this farm bill. We are hearing for the first time, at least in my memory, a question about food shortages or at least some commodity shortages because of new demands we put on the production of American agriculture as it relates to the production of energy. There is no other time more important in our country to have farm policy in place and operative than right now, to say to the American people we can get our work done in a timely fashion—and that work is now complete; to say to American agriculture: Here is your policy for the next 5 years, whether it is nutritional policy for America's poor, whether it is production policy for America's farmland, whether it is conservation policy or energy policy; in large part all that is embodied.

I thank my colleagues for the work they have done. I hope their sense of reality and their finishing the product and getting it before us meets that timing. With that in mind, I will not object tonight to an extension. But I am on the floor to personally thank them for the work they have accomplished in getting it completed in the next 2 weeks and getting it before us as soon as possible so we can say to American agriculture: The work is done. Here is agricultural policy for the next 5 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY MARKET

Ms. CANTWELL. Mr. President, I have been to the floor now a couple of times already to talk about the high price of gasoline and what is going on in the oil markets. I want to take a few minutes this evening and talk about this issue as it relates to the futures market and what is happening to the day-to-day price of gasoline.

I know my constituents are outraged over this price. I know they are frustrated. It is impacting our economy. They want to see results. They want to see us take action. I think it is very important for us to keep delving into the details of what is causing this problem; that is, the price of gas increasing over 100 percent in about a year's time.

The first thing that is important for us to remember is how dependent the United States is on foreign oil; that we are, at 20 million barrels per day, the highest user of a country dependent on oil. And when you look at other countries and where they are on this issue, you can see that 20, almost 21 million barrels a day of foreign oil really means the United States, given the high oil prices we are seeing in the world market, is more impacted than any other economy.

So that means the United States has to step up and deal with this issue. I am not saying other economies, such as China, Japan, and Germany, are not impacted, but we are five times more impacted, and that is why we need to be aggressive and act on this legislation.

Now, we know where oil has been. In fact, I made this chart a few days ago to show how oil prices have tripled since 2002. I said oil was at $118 a barrel. Well, that changed. It went to $120. Now I think it is back down maybe to $116 today. I have not seen where it has closed. But that means we have seen gas go from $3.50 to $3.60. We have seen diesel at $4.22.

The important point is that oil futures; that is, the future price of oil, people are already purchasing oil and oil contracts into the future, and they are paying $100 or more for the next several years. That means those contracts that people are purchasing in oil futures help set the price for the commodity we purchase today.

If people are saying: I will buy oil into many years from now, 7, 8 years from now, and pay over $100 a barrel, it makes it very hard to have oil purchased in the physical market for a cheaper price than that.

Now, I have spent many hours on the Senate floor talking about supply and demand. The reason I have done that is because when you have a normal market, you have supply and demand, it works pretty well. My concern is, when you look at the statistics and the numbers, and here is a particular example, that world supply basically since 1988 has increased 33 percent and world demand has increased in that same time period 33 percent.

I showed a chart the other day that basically showed these two lines in parallel. This is not about supply and demand. This is not about a major market disruption and thereby not having a lot of supply and thereby causing a shortage and an increase, a spike in price. Now, yes, we have had some anomalies in the marketplace. We have had situations like Katrina, but they have been small instances, nothing that would cause a 100-percent increase in a 1-year period of time in the price of oil.

So that leads you to say simply: What is going on in this marketplace if it is not supply and demand, if the market is not functioning?

Well, one thing I know about this futures price that I described to you is that we have had a lot of testimony before the Energy Committee, before the Commerce Committee. I am sure some of my colleagues with oversight of the CFTC have had hearings.

But one thing we heard from a professor from the University of Maryland was, with those selling or buying commodities in the spot markets, they rely on the future price to judge the amount they are going to pay for the delivery of those commodities.

So I am reinforcing what I said earlier; that is, if people are already buying future contracts, and those future contracts are saying: We are definitely going to pay more than $100 a barrel for oil, That is going to affect the spot market. And the spot market is the market in which people buy the commodity today and what price they will pay.

So if you are sitting there thinking: How much am I going to pay for oil, and people are going to pay over $100 a barrel for it over the next several years, it is certainly going to affect the day-to-day price of oil.

Now, why is this so important? Well, it is so important because the futures market, in my mind, is out of control as it relates to the price of oil. It is out of control in the sense that it is not regulated in the same way other futures commodities are regulated. It is not regulated the same way cattle futures are, for example. They have reporting requirements. They have trading requirements. They have oversight by the CFTC. They are not exchanged on an international exchange to which we do not have access. There is no loophole, but for oil there is. That is the futures market, and the futures market impacts the spot price market.

So let's look at what happened. In fact, one of the analyses that was done on these hedge funds and how they are impacting the futures market—because I know a lot of people think crude oil is produced and an oil company either has that supply and then delivers it to its regional retailers throughout the United States or maybe to other countries and that is how it works. But what is happening is major investors are buying that product.

In fact, hedge funds are taking an ever-larger bet in the futures market because it is smaller than the stock market or the bond market, which means you can have more influence. The funds are using borrowed money to maximize their bets, magnifying their impact on the energy markets and prices.

So this is a reporter reporting about what is happening in the futures market and how hedge funds are playing this large role of moving in and having an impact on what the futures price is. Now, the reason I mention this is because we know this is causing problems. We have a very big example of a hedge fund gone wrong; that is, a hedge fund that was involved in rogue trading and used its power in the futures markets to disrupt the market as it related to natural gas.

So many people probably read about Amaranth; they have seen it in the paper. But what happened is, Amaranth sold large volumes of the next month's gas delivery in the last 30 minutes of the market. So they took a huge amount of supply and basically did what was called "crashing the close," basically to benefit their position.

Now what this did is it cost consumers $9 billion more in the cost of natural gas. That is what this hedge fund did in disrupting the natural gas markets. And, thank God, we had passed a law in 2005 saying this kind of activity was manipulative and it ought to be outlawed. The FERC is working on enforcement penalties of $291 million against Amaranth in this case.

But this is an example of how a hedge fund has come into the system and had a significant impact. Now, the Chairman of the FERC is saying these futures market prices impact the physical market price, and these manipulative schemes that were used like in Amaranth were designed to lower the prices in the futures market in order to benefit positions held in the physical market.

It is that kind of activity that we do not have enough insight into in the oil markets. You are saying: Well, how do we know about this? This was a natural gas market. And post-Enron we passed a law and said: We need to make this clear, a bright line that this kind of market manipulation is against the law.

We did that, and this is what the policeman on the beat, the FERC, has been doing to stop bad actors. And it is a very bright line. But what we need to do now is to do the same thing with the oil markets because after the Amaranth case, after it collapsed, lo and behold, what happened? What happened? Well, the futures price dropped to the lowest level for that contract in 2.5 years. So, basically, after Amaranth got out of the situation, and throughout this period thereafter, the market fundamentals of supply and demand basically have been unchanged.

This was an investigation that was done by our Permanent Committee on Investigations of the natural gas market. So once Amaranth was out of the market and their activities, guess what. We saw a stabilization in price. That is what we want. We want policing of the market. And that is why we want the FTC to do its job. We want the FTC to do the aggressive job that FERC is now doing in policing the electricity and natural gas market.

This body, this Congress, this President, signed into law language saying that the oil markets should also have a very bright line and should not tolerate market manipulation. That was signed into law last December. For the law to take effect, we need the Federal Trade Commission to actually implement the rule, to say how they are going to use this law, and to focus on catching the bad actors.

I want to reiterate the things that we need to do. We need to close the Enron loophole. The Enron loophole allows for online trading to be exempt from the regulations that other futures commodities comply with.

We need to require oversight of all oil futures markets. We cannot be held, in the United States with that 21 million barrels of oil, to having a blind spot on how the market is being impacted because the FTC does not have any insight into bad actors who might be manipulating it like Amaranth did.

We need the FTC to implement these new market rules. The FTC needs to be clear. They need to publish these rules and implement them as soon as possible.

I believe we need the Department of Justice to step in and help because we have seen, in the Enron case, when the Department of Justice and the CFTC and the FERC and various agencies worked together to piece this puzzle together with their authority, more enforcement mechanisms were used to catch bad actors.

I am sure we will have time again to talk about how 28 States have already implemented statutes to make price gouging illegal. I believe that is some authority that we should give the President.

So these are the things that we should be doing to protect consumers. I know it might seem to some of my colleagues that the oil futures market is complex and might not be the subject of something we should be dealing with on the floor of the Senate. But I will guarantee you, if we do not have a policeman on the beat for the oil markets, we are going to see a continuation of these incredible prices that are not based on market fundamentals.

I know whether you are an oil company or a hedge fund or whether you are someone in the supply chain, no one wants manipulation. Everybody wants markets to function based on supply and demand and basic fundamentals. Everybody should be for transparency of these markets, and they should be for strong Federal statutes implemented by the FTC, and they should be in support of having a very aggressive policeman on the beat to make sure we send a very strong message that these kind of practices will not be tolerated.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

DEFENDERS OF FREEDOM FELLOWSHIP

Mr. BAUCUS. Madam President, John F. Kennedy once said:

> As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

I rise today to express my gratitude to the Montanans who have served our country in uniform. Montana is home to over 100,000 veterans. Many others gave the ultimate sacrifice in service of our Nation. Twenty-four Montanans have given their lives in combat in Iraq and Afghanistan. We owe these brave warriors a debt of gratitude that can never be fully repaid, and it is an honor to call myself one of their countrymen.

These veterans embody everything that is great about this Nation. They are tough. They are smart. They work hard. No matter the task, they get the job done. But the highest appreciation deserves more than just words. In honor of all Montanans who have served this great Nation, I am launching the Defenders of Freedom Fellowship. The Defenders of Freedom Fellowship offers professional experience in the U.S. Senate for Montana veterans. Each fellow will work in my personal office on veterans issues. The fellow will research issues and correspond with constituents, attend congressional hearings, and work on new legislation. The fellow will gain a rare insight into how the American Government works. The fellow will serve our Nation's veterans and all the people of Montana.

The fellowship has three goals. First, the fellowship aims to help involve more veterans in public service. A veteran's patriotism and love of service is a valuable asset to any public office.

Second, the fellowship will take advantage of all the experience a veteran has to offer. Many of these young men and women have experience well beyond their years. We have much to learn from what they have seen and done. We will gain a new perspective on tough problems we are working to solve.

Last, the fellowship is a humble way to say thank you to Montana's veterans, humble because it is an invitation for a veteran to come to Washington to work. However, this fellowship can also offer a gift. Some fellows will find a love for public service that will last a lifetime. This passion for public service has propelled many to greatness. It is this spirit that has inspired our Nation's greatest leaders.

I am excited about this—very excited. I am very excited about this fellowship and the opportunity I will have to work with some of Montana's veterans. To all Montana veterans and their families, I offer my gratitude for your service and for your sacrifice. To the future Defenders of Freedom fellows, I look forward to working with you soon. I thank you in advance for your efforts. I am confident you will find your service very rewarding.

Madam President, I yield the floor.

Mr. SPECTER. Mr. President, I wish to speak to an amendment to the pending legislation, H.R. 2881, the FAA Reauthorization bill, which would require the FAA to more effectively address flight delays that are caused by airline overscheduling.

Airlines continually schedule more flights than airports can physically handle. Schedules are made to reduce operating costs and maximize airline profits without regard for airport capacity. Since only a certain number of flights can be accommodated within a specified time period, overscheduling triggers built-in delays which can take the air traffic system hours to recover from. Responsible scheduling of flights within airport capacity limits will go a long way towards alleviating delays.

Many interested parties point out that airport capacity needs to be expanded to match existing schedules. This is true. We do need to ultimately expand airport capacity to accommodate passenger demand, but projects to expand capacity can take years to develop and millions of dollars to construct. In the nearterm, we should ensure that there is some rationality to flight schedules so that passengers can trust that their flight has a reasonable chance of being accommodated.

This amendment, on its own, would not cap or reduce peak hour flights at any airport. It would simply direct the Federal Aviation Administration to intervene in cases where overscheduling is causing significant delays.

Specifically, it would require the FAA Administrator to convene a meeting of airlines to discuss voluntary flight schedule reductions at any airport where flights exceed the maximum hourly departure and arrival rates set by the FAA, provided that such excess flights are likely to have a significant adverse effect on the national or regional airspace system. In other words, if the excess flights were deemed not likely to have an adverse effect, no action would be taken. If an agreement cannot be reached on voluntary flight schedule reductions, then the Administrator, working with the affected airport, would be required to take such action as is necessary to ensure that flight schedule reductions are implemented. This gives the FAA and the local airport the flexibility to decide how best to bring their schedules within capacity. Additionally, the Administrator would be required to submit a report to Congress every 3 months on flight scheduling at the Nation's 35 busiest airports.

This amendment is supported by the Airports Council International-North America as a measure that will force the FAA to more effectively deal with delays. Accordingly, I urge my colleagues to adopt it.

Mr. President, on December 19, 2007, the Federal Aviation Administration, FAA, ordered air traffic controllers at Philadelphia International Airport, PHL, to use new dispersal departure headings, sending aircraft at low altitudes over residential portions of Pennsylvania, Delaware and New Jersey.

These new flight paths, a component of the FAA's New York/New Jersey/Philadelphia metropolitan area airspace redesign, have been met with enormous fury in local communities, prompting 12 lawsuits against the FAA. They also prompted air traffic controllers at PHL to file an "Unsatisfactory Condition Report," claiming that mandatory use of dispersal headings unnecessarily complicates departure procedures.

The FAA has always touted this project as a congestion relief initiative, and it is vitally important to address airspace congestion in the northeast. However, they are not sending planes over residential areas as a relief option. According to air traffic controllers, these dispersal headings are being used as a primary option from 9–11AM and 2–7PM, resulting in overflights even when there are no other planes waiting to take off at PHL.

At an April 25, 2008, field hearing that I chaired in Philadelphia under the auspices of the Transportation and Housing and Urban Development Appropriations Subcommittee, FAA Administrator Robert Sturgell confirmed that overflights are occurring when less than 10 planes are waiting to depart at PHL.

This runs counter to prior commitments the FAA had made to only use the headings during moderate to heavy traffic periods at PHL, when 10 or more aircraft were waiting to depart. The FAA has been unwilling to honor its commitment by limiting use of the headings to only those times when 10 or more aircraft are waiting because they claim that doing so would require them to conduct a reevaluation and analysis. I would argue that a reevaluation and analysis are in order if it would provide relief to the communities surrounding PHL, but I am more interested in seeing to it that the FAA honors its commitments.

Since they have not been willing to do so on their own, this amendment would force them to honor their commitment by prohibiting the use of dispersal departure headings at PHL unless 10 or more aircraft are waiting to depart. It will ensure that communities are not frivolously disrupted by overflights but still give air traffic controllers the option of using dispersal headings as a relief option when the airport is most congested.

It is important to note that the FAA is limiting overflights from Newark Airport to times when 10 or more aircraft are waiting, so this is not a policy that is unprecedented or impossible to implement. Accordingly, I urge my colleagues to adopt this amendment.

AMENDMENT NO. 4585 WITHDRAWN

Mr. ROCKEFELLER. Madam President, I withdraw my amendment No. 4585.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 4627

(Purpose: In the nature of a substitute)

Mr. ROCKEFELLER. Madam President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 4627.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 4628 TO AMENDMENT NO. 4627

Mr. REID. Madam President, I have a perfecting amendment to the substitute at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4628 to amendment No. 4627.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

The provisions shall become effective 5 days after enactment.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. HUTCHISON. Madam President, parliamentary inquiry: Could I ask what the amendment is?

Mr. REID. Madam President, it is a change of date.

Mrs. HUTCHISON. Just a date change.

Could I ask, on the amendment that was offered by the Senator from West Virginia, is that the bill that has been discussed that has already been on the table without the pension provision? Is that the new substitute that was just put forward?

Mr. REID. That is our understanding.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4629 TO AMENDMENT NO. 4628

Mr. REID. Madam President, I have a second-degree amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4629 to amendment No. 4628.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "5" and insert "4".

AMENDMENT NO. 4630

Mr. REID. Madam President, I have an amendment to the bill at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4630 to the language proposed to be stricken by amendment No. 4627.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

"The provision shall become effective 3 days upon enactment."

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4631 TO AMENDMENT NO. 4630

Mr. REID. Madam President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4631 to amendment No. 4630.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. Madam President, to all the Senators who are on the floor, and those within the sound of my voice, there has been a new substitute filed. The purpose of that is to eliminate the provision we have been dealing with all day here. I say to my colleagues, there are discussions going on as to how we can resolve that, if, in fact, we can resolve it.

I say to especially my distinguished counterpart, Senator MCCONNELL, at this stage we are now ready to start the amendment process. I was told early this morning that there was a Bunning amendment the minority wanted to offer. No problem; we just have not seen it. I think this bill, which is a tax bill—we do not want to tell anyone what they can or cannot offer—but I think it should be in keeping with what this bill is about. I have no problem if the Republicans want to offer one amendment, two amendments, or lots of amendments. I have no intention of trying to prevent them from offering amendments to this piece of legislation. But there comes a time when you have to move on, and that is what we are doing now.

I repeat: The floor is open. I do think it is appropriate—and the only thing I did here is to stop random amendments from being offered. I do not know how I can be more suggestive of the fact I want to finish this bill. I want it to be done. If there are people who want to amend parts of this very important bill, they should have a right to do so. I have no problem with that. I do say it would be appropriate that we at least see what the amendment is so we can move on, and as long as it is in keeping with this bill, I do not care what it does.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I certainly share the view of the majority leader that this is an important bill that needs to be completed. However, I do not agree that employing a parliamentary technique of filling the tree, which is what my good friend, the majority leader, did, will help facilitate the completion of the bill. This, of course, gives the majority leader the opportunity to basically pick which amendments from my side will be allowed. That is the kind of procedure that makes it impossible to get enough cooperation on the minority side to get cloture and finish the bill.

This process is not going to help us get the bill finished. We will have to continue our discussions on both sides about the amendments we are going to insist be offered.

Hopefully, at the end of the day, after we get through the various procedural moves that have been made, we can develop a regular amendment process. I do not think there will be a huge number of amendments, but the amendments that need to be dealt with are important to this side of the aisle.

Until that kind of procedure is agreed to or worked out in one way or another, it would be difficult to get cloture and to finish the bill.

I see my good friend from Texas on the floor. She has been working diligently on this, along with Senator ROCKEFELLER, for quite some time. She may want to offer her observations as well.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I say, through the Chair to my friend, I want to legislate on this bill. If someone can come up with a better way that we do it, I am happy to do that.

As we know, if this vehicle is here, standing alone, anyone can offer any amendment on anything. I do not think that is helpful to the process. I do not want to stop them. If there are amendments over here to offer, I have said once, twice—this is the third time—more power to you, offer them. I don't wish to stand in the way of anyone offering an amendment. I don't want to be dealing with the war in Iraq, abortion or anything else which are some things that are very difficult to deal with. That is my whole purpose in doing this. I want to deal with FAA or anything within the realm of transportation. I hope everyone understands that. I will be happy—if somebody can figure out a different way to do this, let me know, and I will be happy to cooperate.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I am greatly disappointed that we have come to the time when we are not going to be able to move this bill because there is not an open amendment process. I have worked with Senator ROCKEFELLER on the aviation bill; this is the FAA reauthorization. We have come to agreement on the basic bill. It is very bipartisan. Senator INOUYE and Senator STEVENS, the chairman of the Commerce Committee and the ranking member, have come to an agreement on the aviation portions of this bill. The distinguished majority leader said we don't want to take amendments that are not relevant to the bill, but, in fact, the tax package that is in the substitute that was put forward deals with many issues that are not in any way related to aviation, not in one instance. So we would like to be able to pass a bipartisan FAA reauthorization bill.

We have come to agreement in the Commerce Committee on the importance of the bill—the passenger bill of rights, the added safety features. It will modernize the air traffic control system. Yet now we have a bill that has no amendments allowed unless we get permission to offer amendments, when the underlying bill has many extraneous provisions in it that were added by the Finance Committee. They are not relevant to this bill, and they are not agreed to even by the leaders on the Commerce Committee whose bill this is.

So I am disappointed. I think it is going to stop the consideration of the FAA bill. If we could pare it back to FAA reauthorization, modernization, then I think we would have a bipartisan step forward for the consumers and passengers in this country.

I wish to thank my colleague, the Senator from Illinois, for working on the pension part, which has now been taken out. I think that is an excellent step in the right direction. It is very important to me. I was the cosponsor of his amendment. That amendment has now virtually been adopted. But I can't walk away from the rest of the people on my side of the aisle who want to offer legitimate amendments and who have very great concerns about the tax provisions in this bill that have nothing to do with aviation.

So I hope once we get to the point the bill doesn't move forward, which is where I think we will go, we can once again come together in a bipartisan spirit and have the aviation bill we have agreed to, with the tax provisions that relate to aviation that we have agreed to, and get this bill going. There will be legitimate amendments on perimeter rule, on some other safety issues. Those will be relevant. But we can't move forward when half our body virtually is unable to be a participant.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. The Senator from Texas makes my case. If there is part of this bill she doesn't like, whether it is tax provisions or anything else, offer an amendment to try to take it out. No one is trying to stop her from legislating. It appears to me my friend from Texas is looking for an excuse to kill this bill. If she doesn't like the tax provisions in this bill, offer an amendment to strike them. No one is stopping her from doing that.

I don't think it is asking too much to say we would like to have some idea of what amendments are going to be offered. I don't care what they are if they relate to this bill. I don't know how many more times I need to say that. I think people, such as my friend from Texas, are looking for an excuse to deep six this bill, and that is what is going to happen.

We are at a place now where I have said if you want to offer amendments, offer amendments, and they are saying, well, we don't want to offer amendments because you have said you want to look at the amendments first.

Mrs. HUTCHISON. Madam President, parliamentary inquiry: Wasn't the tree filled up so that there are no possibilities of offering amendments?

Mr. REID. I have said—it is so easy. If anyone wants to offer an amendment, we take that little tree and add her branch to it. It is easy to do. I am not trying to stop anyone from offering amendments to this FAA bill. It is an important piece of legislation and it should be accomplished. But we can't stand around for days on end looking at each other. We have people who say they want to offer amendments. Good. Let them offer amendments. I have no problem with that.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, I will try one more time with this voice. I expect I am correct in saying that filling up the tree has not worked except on occasions when the Republican leader agreed with the majority leader on filling up the tree, and there have been a few occasions on which I have agreed. I do not agree this time. This is not a process that is going to get us a bill. But we all continue to talk to each other, and we will hope that when the Sun comes up tomorrow, there will be a process agreed to that will give us a chance to get the votes we are going to have to get on this side of the aisle in order to complete a bill we would all basically like to complete.

Mr. REID. Madam President, I have an idea. Why don't we have an arrangement where the minority leader, the Republican leader, can also look at amendments with me. I am not going to try to stop anyone from offering an amendment. He can be part of the deal. I shouldn't be the sole arbiter. He can work with me on these amendments.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I would observe that from the very beginning of this most interesting day, my very good friend, Senator HUTCHISON, who is the ranking member on the Aviation Committee, has said there is a way to pass this bill in 5 minutes and that is: One, we do the amendment with respect to what my substitute amendment does; and, secondly, that the extraneous amendments, financial amendments which the Republicans do not like, they can put up that amendment. Now, they have said nobody on their side will vote for our amendment on the theory that it didn't come before they had a chance to take out the extraneous amendments. So I would say to my distinguished friend, Senator KAY BAILEY HUTCHISON, offer your amendment right now, right now. Offer it. You may find a more welcome audience than you think.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, it is frankly unfortunate that we are getting all high bound here and wrapped up around the axle. The action by the majority leader, as I understand it, in effect has adopted the Durbin amendment, which off the top I think is regrettable. I think it is important that this body protect pension plans—all pension plans—and the effect of the substitute would be to let a certain airline off the hook in providing enough protection to the plans. It has made big promises, but it is not fully funding the plan.

Second, it is a bit disturbing that things have developed this way because I had discussions with the majority leader as to how we can resolve the Durbin amendment, how we can resolve that issue. It was my hope we could continue those negotiations and discussions to possibly take that issue off the table.

I say to my good friend from Texas and to all Members, the leader asked me to work with Senator ROCKEFELLER to come up with a bill that merges both the Commerce Committee bill and the Finance Committee bill. Senator ROCKEFELLER and I did that. We sat down and worked out an agreement on the bill. It is unfortunate we are not starting with that agreement because it is a good-faith agreement and it also included tax provisions. We have to have tax provisions to pay for our airlines, for the trust fund, the airline trust fund. We have to have tax provisions to pay for the highway trust fund. Again, we negotiated this out, the chairman and I did, Senator ROCKEFELLER and I did in good faith and we came up with the measure which I think is fair.

Now, fairly, Senators have the right to offer amendments and should offer amendments. After all, this is the Senate. I think there is a way to work out the Durbin amendment. I made a suggestion to the majority leader as to how to do that, and I think it would be helpful if those negotiations could continue as we unwind one of the problems we are faced with. But second, I hope we can get away from the situation the minority leader described, which is filling up the tree which tends to get us stuck. The goal is not to get stuck; the goal is to seek an expeditious process and to move along quickly.

We have been spending all afternoon doing nothing, frankly. I made a suggestion as to how to deal with at least one significant part and that is the Durbin amendment, and it would be my hope that, as has been suggested, when the Sun rises tomorrow and we all sleep on this a little bit, cooler heads prevail, and we can find a way to get from here to there. That means passing the FAA bill, which deals with issues Senator HUTCHISON has talked about and which also finances the airport trust fund and the highway trust fund—that is, the plussed-up highway trust fund—and also a way to resolve the Durbin amendment in a fair and equitable way. Because nobody is 100 percent right here. Senator DURBIN is not 100 percent right and I am not 100 percent right. But I do think there is a way to resolve this, and I hope this evening we can think about it, sleep on it, and work it out.

Mr. DURBIN. Madam President, I wish to thank the Senator from Montana. We have had some words today, some positive and some not so positive, but I hope we can follow through on this conversation and this dialogue and try to see if there is common ground. I don't know if there is, but I am willing to try, and I hope we can see if we can achieve it.

I offered with Senator HUTCHISON to have a vote earlier today and that didn't happen. But at this point I hope we can find a way to reach an amicable solution. This pension issue is a very important issue to thousands and thousands of workers and to many communities that are served by these airlines. We worked hard and I think had a sizable number of Senators who supported our position, but you never know until you take the actual vote. I will say the underlying bill, after all this conversation about the pension plans affecting five airlines—and the tax provisions, which, frankly, I support—I think the tax provisions in this bill are good, relative to rail bonds, to the New York situation, and to the highway trust fund. I support that. I am happy to support it. But we want to make sure that at the end of the day, the underlying bill is enacted into law. This is long overdue to bring modernization and safety to our skies, and I know the work that has been put into it by the Senator from Texas and especially the Senator from West Virginia.

So I am prepared to sit down and meet with anyone in good faith to try to resolve this if we can. I hope that at the end of the day, though, what the majority leader said a few minutes ago is remembered. He is looking for any germane amendments relative to this bill and is prepared to engage a debate on both sides. He used this procedural approach to try to break a logjam, but he clearly is looking for a way to move to amendments and most importantly to pass this bill. I think that was a good-faith offer, and I know he is a man of his word. So we are prepared to work with Senator ROCKEFELLER and Senator HUTCHISON and all the Members to try to resolve these differences.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I appreciate what the Senator from Montana and the Senator from Illinois have said. I do hope we can continue to work on this. I know the situation, as it stands right now, would not be acceptable: having a major piece of legislation that needs to be debated, and we need to have the ability for the minority voice to be heard. I don't think that it is going to happen with this particular procedure, but that doesn't mean the door is closed.

We do want to work on this bill because, as I have said many times, the underlying bill is one I fully support. It may be that one of the options would be to separate the tax part of the bill and the aviation part. I agree with the aviation tax part as well. Most people on our side of the aisle do. It is the taxes that have nothing to do with aviation that have been put into this bill that are the problem. That is what is killing this bill right now. If we can come to an agreement on the aviation taxes and the aviation bill and let the other tax provisions that relate to the subway and the railway and the highway fund, if those can be done in a separate package and then we have the votes up or down, then I think that is one option we ought to consider.

So right now, in this particular procedure, I think we are going nowhere. But we are going to continue to talk, and perhaps one of these other options would be doable. The pension part is so important to me. I have worked with Senator DURBIN all day and ever since I learned the pension part had been changed in the tax part of the package.

I hope we can come to a conclusion. I would like to come to a conclusion with the Finance Committee because I think there are some compromises, perhaps, that could be made. But I know what is in the bill now would be very detrimental to some of the airlines in this country. I think, as a matter of fairness and equity and protection of employees, that we could not accept the language that is there. That doesn't mean the door isn't open to talk. But if we can do something in a separate bill and let the aviation bill—taxes and authorization—go forward, I would hope that would be an option to consider.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, first, I appreciate the words of the Senator from Illinois and the Senator from Texas and their willingness to work out an accommodation on the pension provision.

Second, I caution this body about potentially separating these bills because the revenues provided in the bill are for the airport trust fund. I think that is very important. Also, the revenues are provided for NextGen, which is the next generation of air traffic control infrastructure, as they move from analog to satellite. European countries already have it. We need it here. We are behind the times. We need the money to get started. So I wonder about the advisability of separating those provisions.

Third, our highway trust fund is in deep trouble because of inflation, fuel costs, and construction costs going up. It is important that we so-called plus-up the highway trust fund and revenues there. The ways we are paying for the highway trust fund have been agreed to by the Commerce Committee and the Finance Committee, Senator ROCKEFELLER and myself. We agreed. That should not be an issue. The ways we are paying for the highway trust fund are provisions that are very meek and mild, not inflammatory at all. One is to limit fuel fraud. We should do that. Next, we should increase the solvency of the liability trust fund. That has not been opposed by anybody that I am aware of. That is jobs. We know this country and our growth rate is not what we would like it to be, and we could work this out.

Again, here we are at about 7 o'clock this evening, and a lot of good words have been spoken in good faith. Let's follow up and try to find a solution tomorrow.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, if I may respond briefly to the Senator from Montana, there is a lot of room for us to work on the highway trust fund issue. Everybody wants to replenish the highway trust fund. I do think there are issues with paying for it, and I think there is the view that we don't have to put a tax on some sectors in order to make this whole, because it is stimulative, and I think we could work on something that would get the highway trust fund replenished but not have to then find the issue of how we pay for it—particularly, one of the things is the retroactive tax version which is a problem for some people.

With the highway trust fund, I think we are replenishing something we can all agree is necessary. If we can come to terms on paying for it and in what manner it will be paid for, that is an area we would like to discuss.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I don't know if I am closing or not. I want to offer this observation. I have been here virtually all day. I have had plenty of rest—very little talking and very little learning. What strikes me, as this day closes, is that the people who are objecting in various ways to taking a vote—there will be no votes from our side on this or that or whatever—are missing the whole point of the bill. I support the Durbin position on pensions because it is part of the written law. It is not very difficult.

Everybody wants their own little piece to win. I have heard almost no conversation today—and virtually none yesterday—about the perilous condition of our aviation industry, particularly the commercial aviation industry. There isn't any sense of urgency about the large matter. Maybe people have it in their hearts, but they don't choose to bring it out here because on the floor they want to win points or they have ideological considerations that we cannot raise taxes or whatever. But while we are sitting here doing nothing—and I am sure impressing the American people mightily with our vigor—we have an aviation industry that is on the verge of collapse.

I pointed out a number of times that one out of every six employees has been laid off by commercial airlines. The fastest growing part of the aviation industry is the general aviation industry. I have very strong feelings about that, but for the sake of the chairman of the Finance Committee, I backed off of my solution for a fee of $25 per flight for a high-end private or corporate jet. I never really figured out how the $25 was going to bring them to the feet of catastrophe. Most of the jets that are made at the high end are sold elsewhere, overseas.

So I am very frustrated, as chairman of the Aviation Subcommittee, that we are not really talking about how to fix aviation. We are talking about how to keep our turf, how you are going to get no votes on this until I get my votes on that. None of it is about the big picture. It is about little things inside the bill which people choose to put their feet down on and then not move.

That is very depressing to me because I am very keenly aware that aviation is not a subject that has a great deal of appeal broadly. Most of our meetings on the Commerce Committee are attended by relatively few. There are relatively few on the floor of the Senate who really understand the condition of the aviation industry or the details pertaining to its condition, the history of that condition, and what the future holds.

I hope that, as we go through this night of cooling down, we will become reflective about what the bill is about, which is trying to give the commercial aviation industry, as well as the general aviation industry, a chance to survive in one case and flourish in the other case.

I made enormous compromises with the chairman of the Finance Committee—monumental, from my point of view. But so what. That is not even the point. The point is commercial airlines. So many of them are closing down. So many of them are in chapter 11 bankruptcy, in and out of chapter 11. Some are headed toward chapter 7. It is a national catastrophe—not to speak of our air traffic control system where we are at this point behind Mongolia.

So these things are important, and evidently others don't think so because they want to win their points to keep their positions and let the aviation industry take care of itself. I have not heard anybody on the floor today discussing with any passion, any coherency, or logic the condition of our aviation industry. That is very disappointing to me.

So I put up that caution and say that I hope we will be a wiser group tomorrow and that we will reach an accommodation because if we don't, we will not only not be the world class of aviation, we will be very far from it. It is not just the commercial airlines, it is the air traffic control system. And, yes, you do have to kind of raise taxes for that. You have to build a digital GPS satellite system at the same time as you maintain an analog system. It will take 10 or 12 years to build this modern air traffic control system which every other country in Europe has—Japan and probably China have it.

It is discouraging to me for people not to be keeping their eye on the central force of this bill, which is to preserve what we need to do in commerce, to stay in touch with each other, to visit a dying mother, and do all kinds of things that are in the American way of life. Our debate today has not reflected the American way of life. It has reflected kind of a much more parochial view than I am comfortable with. But I am managing the bill, so I have to deal with that.

So I just close by saying that I hope tomorrow will be a brighter day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I wasn't present on the floor when the maneuvering that just took place happened that puts this Senate in a very difficult position, but it gets us into a very bad and dangerous situation.

The maneuvering of the Democratic leader and floor manager that was just done is not used very often in the Senate. In fact, substituting—putting a modification of a substitute that was agreed to by two separate committees that jointly brought this to the floor is something that I think is very unprecedented. This process of filling the tree so that only the majority party can decide what amendments can come up is not only dangerous and can keep this very important piece of legislation from being passed, but it is dangerous for the whole process of the Senate's comity in getting the job done.

As I said, this substitute was the product of two committees—not one committee but two committees—and by the overwhelming support of people on those committees that we needed to not only reauthorize the Federal Aviation Administration and do everything we can to improve airport safety, as well as airport facilities, but also the financing of it, to make sure there is plenty of money available to get the job done.

On safety at the airports, we have the Commerce Committee doing their work. On financing it, we have the tax-writing Finance Committee making sure the money is available. These two committees do their work almost in a unanimous way, and it comes to the Senate floor. That ought to be a procedure that gets this bill through this body quickly, without a lot of controversy, and by an overwhelming vote that reflects the comity that went into it and that reflects the need of the airline industry, both for commerce and for the passenger.

These joint deals should not be taken lightly, and because one amendment is offered that a few powerful Senators do not like, and their unwillingness to set it aside so we could work on other amendments as we tried to work out a compromise was not accepted, they take this extraordinary measure that only a manager of a bill can do to ask to modify an amendment by taking out the provision of the bill which dealt with the Durbin amendment that was before the Senate. That is nothing else, just blatant political power to get around something that people did not want to deal with. This was something that was agreed to between the two committees. That move breaches the deal.

What is more, the Democratic leader has backstopped the breach of the deal by this procedure we call "filling the tree" so that only amendments can be offered that can get unanimous consent to offer them, and that is very difficult to do and is only done for the sole purpose of keeping the issue dealing with the Durbin amendment from debate and finality on the floor of the Senate.

All day long the floor managers could have set aside the Durbin amendment, as I said, and moved along to other business. That is what the Finance Committee does in similar situations. We have already heard speakers before me say there are very real possibilities of working out compromises on that amendment that the majority manager did not like.

Let it be clear that we could have processed other business if Senator DURBIN would have deferred action on his amendment, and we would have been moving along. We would not be in this position that is dangerous from two standpoints: dangerous whether or not this important legislation can be passed, and dangerous from the standpoint of working together on other legislation that needs to be done in future weeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

(The remarks of Mr. BROWN are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

Mr. BROWN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

IRAQ

Mr. CASEY. Mr. President, I rise tonight to talk about the war in Iraq, from two different vantage points. One, the first vantage point, is from the perspective of those who have served—some of our fighting men and women who happen to be in the Reserves. I also wish to talk about a victim of this war and some thoughts I have in my heart today about the war and about this particular victim and what it tells about our country. First of all, with regard to a particular problem and then some legislation I introduced to correct it.

We have a policy right now, which I would regard as unfair, that if it is fully implemented would hurt numerous Army Reserve members and consequently our national security. Last year, the Army implemented a new policy whereby Reserve members who were called to Active Duty for a period of time exceeding 180 days, will be given an option—an option of a permanent change in station assignment or a waiver request to receive a significantly reduced per diem rate for the locality to which they are temporarily assigned. This could tremendously disadvantage those who happen to be serving in the Army Reserves.

While on its face it might seem harmless because it gets fairly technical, its unintended ramifications could be very costly. Reserve Members from across Pennsylvania and across the country have described this policy as a hardship that could potentially cause future problems for retention and enlistment rates. For instance, under this new policy, an Army reservist living in Philadelphia who is deployed for a temporary mobilization, as short as 9 or 12 months, for example—and this is an increasingly common occurrence because of the strain the war in Iraq has placed on our military, but this particular example means that person could face the financial necessity of selling his or her home if he or she is unable to afford to maintain both their primary residence and their temporary housing on a reduced per diem rate. In other words, they are not being helped in that interim period of, say, 9 to 12 months. This is not only a story about Pennsylvania, but it is a story that could be replicated, unfortunately, across the country.

I introduced legislation yesterday entitled "The Reserve Residence Protection Act of 2008," which would correct this fundamentally unfair policy. The legislation would provide a basic allowance for housing to cover the costs of maintaining the primary residence of National Guard or Reserve members when they are mobilized outside their local area.

In addition, it would pay a lower second basic allowance at their mission location, if onbase housing is not provided. In January, when we passed the fiscal year 2007 National Defense Authorization Act, we passed a provision providing for the second basic housing allowance to protect the residence of Reserve members without dependents, but we left out—it is hard to believe this but we did—this body left out members with dependents. So if you had dependents and you are in this dilemma, you were left out. This legislation corrects this very important oversight.

Our Nation today is relying more than ever on National Guard and Reserve troops to fulfill our missions around the world and especially to carry on the work these men and women are doing in Iraq. Without these citizen soldiers placing their lives on the line to contribute to our national security, we could not carry out all our vital missions. National Guard and Reserve members know the sacrifices they need to make whether they enlist, but no Reserve members should be forced to choose—as they are now, if this policy is implemented without the bill passing—no Reserve member should be forced to choose selling his or her primary residence in order to fulfill a temporary mobilization order or deciding not to reenlist due to this unnecessary burden. In addition to being unfair in the first instance, it acts as a disincentive to those who might want to give even more service to their country.

When citizen soldiers enlist, they sign agreements to train and deploy when they are called up. That is the commitment they make to us and to our national security. However, I do not believe, and no one in this Chamber believes, that this is a one-way street or a one-way deal. The Nation, at the end of this bargain, promises to acknowledge their unique role as citizen soldiers and to aid in the transition between Active and Reserve Duty.

I am proud to have introduced the Reserve Residence Protection Act of 2008 because it will ensure that America is keeping its promise, keeping our promise to those who serve in our National Guard and Reserve, and we are keeping our promise to their families as well.

In conclusion tonight, I wish to talk about the war for a few moments, from the perspective of one victim, but I think this one victim tells a very dear and sad story. Today's Washington Post had a picture on the front above the headline. The headline read: "U.S. Role Deepens in Sadr City." The subheadline reads, "Fierce Battle Against Shiite Militiamen Echoes First Years Of War."

I would say this in the context of where we are today. Tomorrow is the fifth anniversary of President Bush declaring, "Mission Accomplished." That is one thing we are thinking about today and tomorrow—all the time that has passed, all the trauma to our country and to the people of Iraq since then. But also we note, in yesterday's press, in the month of April, as of April 29, yesterday, 44 Americans died in Iraq, the highest number since September of 2007.

So why do I say that in the context of this story? The story, which is an ominous sign for what is happening in Sadr City with regard to our troops—and we have seen the loss of life this week. But above that story is this horrific picture. I know you may not be able to see it from a distance, but many have seen it today. I will read the caption before I show the picture.

The caption reads: "Ali Hussein is pulled from the rubble of his home after a U.S. airstrike in Baghdad's Sadr City. The 2-year-old died at a hospital."

The picture depicts two men, one holding this 2-year-old child above his head. The 2-year-old, this child, would look like any child in America with the kind of sandals you can connect with Velcro. He has shorts on and a shirt.

Unfortunately, I know you cannot see it from here, unfortunately for this child, who later died, apparently when this picture was taken he is still alive, he looks at that moment, in fact, dead. His eyes are closed, his mouth is open. You can see the soot or the dust from an explosion covering his body. So at that moment he had not died, but he died a short time after. And what does this mean? Well, it means a lot of things. It means this war grinds on, and that the lives of our soldiers, the effect on their families, and we see other victims—we do not see pictures like this very often of children dying in Iraq.

This is not the fault of any one person or any side of the aisle here. It is something we have got to be more cognizant of, especially in the context of this raging debate we are having in America about our economy. And it is so important that we have a debate about our economy. It is so important that we focus on those who have lost their jobs, focus on those who have been devastated by the loss of their homes, focus on the increasingly difficult challenge that people have paying to fill their gas tank; all of the horrific and traumatic economic circumstances we face.

But as that debate is taking place, we are still at war. We still have soldiers coming home who, as Lincoln said, in his second inaugural when he spoke of "him who has borne the battle and his widow and his orphan."

So many soldiers are coming home either maimed or coming home dead for their final rest. And even victims in Iraq, young victims such as this young boy, 2 years old. He lost his life in an airstrike. So whether it is a 2-year-old in Sadr City who happened to be Iraqi or whether it is a 2-year-old boy or girl here in America who lost their mother or their father in Iraq serving our country, we have to remind ourselves that this anniversary challenges all of us to do all we can to bring this conflict to an end.

No one has a corner on the market of truth. No one knows the only way to do this. But we have to continue to worry about it and think about this war and its victims, and we have to figure out a way to get our troops out of this civil war.

As we do that, unfortunately, these pictures of the victims, whether they are nameless and faceless, or whether they are, in fact, identified, as this poor child was identified, must be reminders to all of us that we have a lot of unfinished business in the Senate and in Washington when it comes to the policy that has led to the loss of life we have seen here in America.

In my home State of Pennsylvania, like the Presiding Officer's, Ohio, we are up to 184 deaths and more than 1,200 wounded, in many cases grievously, permanently, irreparably wounded.

So this picture reminds us that we have a lot of work to do when it comes to the policy as it relates to the war in Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AAA SCHOOL SAFETY PATROLLERS

Mr. REID. Mr. President, I rise today in recognition of three young Americans recently chosen by the American Automobile Association to receive the School Safety Patrol Lifesaving award.

In 1920, the American Automobile Association, AAA, began the School Safety Patrol Program in order to ensure that children across the country could commute to school in a safe manner. Today over 500,000 young people participate in this program, and every year since 1949, the AAA has recognized those patrollers who go above and beyond their duties.

For nearly 50 years, the AAA has given its highest School Safety Patrol honor, the Lifesaving Award, to those patrollers who have risked their own lives to save the life of another. Today

I have the great honor of recognizing three courageous patrollers who, while on duty, showed the kind of clear-thinking, quick-acting skills that save lives.

Nicole Epstein participates in the School Safety Patrol Program at North Chevy Chase Elementary in Chevy Chase, MD, not far from where we stand today. In June of 2007, an 8-year-old boy watched the traffic light turn to green and began to cross a busy road, unaware that a car making a right-hand turn was heading directly toward him. Nicole, seeing the oncoming car, stepped off the curb and grabbed the boy's backpack to pull him to safety. The driver of the car must not have seen the boy, because the vehicle completed the turn and drove on with out slowing down or acknowledging the children. Through her bravery and quick thinking, Nicole saved this young boy from being hit by that car.

Raul Valdez, a AAA school safety patroller at West Gate Elementary in Manassas, VA, showed great courage when he saved a young girl who ran out in front of an oncoming van on April 13, 2007. Following an adult guard's "hold back" instruction, Raul put his arms up to prevent students from crossing the busy area of the school drive where buses and daycare vans collect children. When a young girl attempted to run across the drive, Raul reached for her shoulder and swiftly pulled her out of the way of an approaching daycare van. Thanks to Raul's attentiveness and his speedy reaction time, that young girl was saved from harm.

Clarissa Sourada is a safety patroller at Union Mill Elementary in Clifton, VA. On a morning in February 2007, Clarissa was holding two children at the edge of a residential driveway near her post, waiting for the clear to cross, when she noticed a vehicle backing towards them. She alerted the children to the danger and called for them to move out of the way. When one child did not heed her warning, Clarissa pushed the child from the driveway to the sidewalk, safely out of the path of the car. That child's life was saved thanks to Clarissa's quick thinking and attentive supervision.

As these three exceptional young people have demonstrated, the participants in the AAA School Safety Patrol Program serve an important role in ensuring that our young people get to school safely. This program has helped save countless lives, and I thank the AAA and the program volunteers for making it all possible. I know I speak for every Member of the Senate in expressing our gratitude for their valuable work in our communities.

ONE YEAR AFTER VIRGINIA TECH

Mr. LEVIN. Mr. President, April 16 marked 1 year since the deadliest shooting rampage in our Nation's history, a tragedy that took the lives of 32 Virginia Tech students and faculty members and wounded 17 more. April 16 was a day that forever changed the lives of many and we struggle to make sense of this senseless tragedy.

In almost 32 States, and on at least 32 college campuses, survivors and family members of those killed or injured in that shooting recently joined students, parents, and concerned citizens to remember the lives lost on April 16, 2007. During remembrance events across the country, hundreds laid silently on the ground in groups of 32 to honor the 32 innocent victims murdered at Virginia Tech. In my home State of Michigan, people gathered in Detroit and Kalamazoo to ring bells, read names, and recite prayers, all to remember the victims of this horrible tragedy.

These commemorations also sought to remember the families and loved ones of the more than approximately 100,000 people who are killed or injured by a firearm every year in America. Hundreds joined in expressing their frustrations at the glaring gaps in our Nation's gun laws. In August 2007, a panel of experts, commissioned by Virginia Gov. Tim Kaine, issued a report based upon their independent review of the tragedy at Virginia Tech. Among other things, the report pointed to weak enforcement of and gaps in regulations regarding the purchase of guns, as well as holes in State and Federal laws. It also emphasized the critical need for improved background checks and the danger firearms can present on college campuses.

Despite these calls from experts and outcries from the American people, the Congress has yet to act to make it harder for dangerous people to obtain dangerous weapons. By strengthening our background check system, closing the gun show loophole, and renewing the assault weapons ban we could help put an end to the type of tragedies such as the one that occurred at Virginia Tech.

RECOGNITION OF THE SERVICE OF FORMER SENATOR WALTER "FRITZ" MONDALE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to have printed in the RECORD a statement made by Senator LEAHY at the University of Minnesota on April 7, 2008.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. LEAHY. Thank you Senator Klobuchar. And what a joy it still is to say those two words together. Minnesota's new senator already is bringing even more distinction to the seat that Hubert Humphrey held. She is another star who was mentored by Fritz Mondale, and she is upholding that grand DFL tradition.

When I was asked if I could be here with you, I was more than glad to clear my calendar to do it. It is a special honor and a great pleasure to be here with you in recognition of the service, the historical significance, and the 80th anniversary year of a friend, a former colleague, and an American statesman.

In this room we know him as "Fritz." Others call him Walter. When he was a halfback in high school, they called him "Crazylegs Mondale" for some reason. He has also gone by Mr. Attorney General, Senator, Mr. Vice President, Mr. Ambassador, and Dad. I think I like Crazylegs best. I can't wait to ask him about how that happened.

The history of the era of his public service has not yet taken full form for the ages, but even now Fritz Mondale looms large as a model and as a catalyst, in his roles in the Senate and as Vice President.

I have been asked to focus particularly on his time in the Senate.

Walter Mondale is sometimes described as the paradigm figure of the transition between two eras—the FDR Coalition up to the War in Vietnam, and the social ferment that came after the war. And perhaps this is so. But to me, who Fritz Mondale is, and what he stands for, are just as important as when he stood there. Deep echoes resonate throughout his service of the first principles of our Republic. The issues he led on then are as fresh as today's news, and as enduring as our founding documents.

Issues like the concentration and abuse of power. Or social and economic justice and the consolidation of wealth in the pockets and portfolios of just a few. Or the role of government in protecting the little guy when powerful market forces run roughshod. Or the tension between freedom and security. Or the challenge of achieving energy security. Or the very roles of both the Senate and the Office of the Vice President in the American system. Even the question of whether a woman ever could credibly assume the highest office in the land. Trace any of these issues back in time, and you will find Fritz Mondale at earlier decision points. For example, just imagine how loose from our moorings we might be right now without the guideposts of the FISA law, which resulted from the investigation that he, Frank Church and others launched into earlier abuses of the power of government to snoop into Americans' lives.

Here is something to which we all can attest. Fritz Mondale is a good man whose decency elevated every institution in which he served. Who he is has everything to do with what he achieved.

Clarence once said that his brother's politics were, as he put it, "an extension of our father's preaching," and I can see that. Their father, the farmer-turned-minister, felt and saw the ravages of the Great Depression on the farms and the communities of the heartland. And when Fritz entered politics, he did it for the right reasons, to make life better for the people.

In the Senate we mostly chalked Fritz's personality up to clean air, clean living and Norwegian genes. He was and is well liked on both sides of the aisle. Fritz's dad taught him that your integrity is everything, and the lesson stuck. He kept his word and everyone trusted him. He was always well prepared. And he surrounded himself with good and competent people. He had one of the best staffs on the Hill, and it's a treat to see some of those staffers sprinkled around the room today.

I've known Fritz a long while, but you still pick up some new perspectives in preparing for an occasion like this. I knew he was avid about hunting and fishing in the North Woods, but I hadn't known his reputation for being such a good "bull cook."

I looked it up. A bull cook is the fellow stuck with doing the chores around camp, cutting fuel, cleaning up and cooking. But when he rings the bell in the morning, everyone has to get up. I think that after being in a place like the Senate where no one is able to give orders that stick, Fritz likes that sense of real power when he rings that bell.

One side of Fritz that the public did not see as readily as we did in the Senate was his sense of humor—one of the best I have ever known. In many a tense moment, his sense of humor often defused the tension and restored the spirit of comity that is so crucial in getting things done in the Senate.

I wish the American people had seen more of that side of Fritz Mondale. Mike Berman told Fritz's biographer Finlay Lewis that the staff was always urging Fritz to loosen up in public. Mike said, "I can't count the number of lit cigars I have stuffed in my pocket over the years."

He loved the Senate, and the Senate loved him back. He once said that he "found his sweet spot" in the Senate. He was a quick learner and craved learning new things. He said the Senate "was like mainlining human nature." And it's true. You pick up any day's Congressional Record, and it's like America's newspaper. Whatever is happening in the country or the world on any given day is being talked about and sometimes even acted on in the United States Senate.

His first major legislative achievement was a 1966 law to make automakers notify car owners of dangerous defects. He went on to win another victory for consumers by stepping up regulation of slaughterhouses that had been selling diseased and putrid meat.

But he really came into his own in mastering the legislative process with a key victory on his open housing bill. Part of his success in winning a key cloture vote, against great odds, was helped along by his earlier bonding with a crusty earlier chairman of the Judiciary Committee, James Eastland. I hasten to note that I haven't yet entered into my crusty phase. Fritz knew the art of being able to disagree without being disagreeable.

That was a heady and vibrant legislative era, and Fritz had a hand in virtually every major piece of civil rights, education and child care legislation that emerged from Congress during that period.

To me, part of his Senate legacy that is the most significant and timely—timely, even today—was his work on and after the Senate's investigation—headed by Senator Frank Church—into the abuses that led to the spying on the American people by their own government. The FBI's COINTELPRO operation, for instance, had spent more than two decades searching in vain for communist influence in the NAACP, and they had infiltrated domestic groups like organizations that advocated for women's rights.

More than any other member of the special committee, Fritz Mondale mastered the issues and dug into the research, which spanned testimony from 800 witnesses and more than one hundred thousand classified pages. The evidence added up, in his words, to "a road map to the destruction of American democracy." Powerful government surveillance tools were misused against the American people. There had been little effective congressional oversight of these federal investigative and intelligence agencies, and too little judicial review.

Their work led to the creation of the Select Committee on Intelligence, and later, to the Foreign Intelligence Surveillance Act—the FISA law that only lately has entered the public lexicon.

Then, as now, in the name of security, some were willing to trade away the people's rights. Then, as now, some would have the United States of America stoop to the level of our enemies, giving them a victory over us that they could not achieve on their own.

The parallels with today are clear and so are the lessons, but Fritz freshened the bottom line for us in his address to Senators not long after 9/11, as part of the Senate's leaders lecture series. Even before Abu Ghraib, the disclosure of the torture memos, the revelations about unlawful surveillance of Americans, or White House political tampering with U.S. Attorneys, this is what he said in September, 2002: "There is always the danger that our fears will overcome our faith in the power of justice and accountability. Whenever we have gone down that road, we have hurt the innocent and embarrassed ourselves. Justice and accountability make us better able to face our enemies. Justice strengthens us." Unquote, and amen.

Another of Fritz Mondale's most remarkable and lasting achievements in the Senate was to engineer a change in the Senate's rules, to curb the abuse of filibusters in thwarting the will of clear majorities of the American people. The difficulty in passing the civil rights laws of the 60s had gradually convinced more and more Senators that the bar for cutting off debate in the Senate was set too high.

That might not sound difficult, but changing the way the Senate operates is something akin to trying to change the weather.

As a freshman Senator, I had a front seat and a bit part in Fritz's highly organized campaign to change the cloture rule.

He and Republican Senator James Pearson of Kansas launched the effort to change cloture from two-thirds to three-fifths. Fritz preceded and followed that launch by carefully laying the groundwork, enlisting Senators one by one. When it finally reached the Senate Floor, the debate itself was protracted. Finlay Lewis set the scene well in describing part of the debate. Quoting him, "To an uninitiated or casual visitor, the proceedings must have seemed arcane, even bizarre. Here was the world's greatest deliberative body solemnly voting to table the Lord's Prayer. At another point, the Senate became polarized over a murky motion to table a motion to reconsider a vote to table an appeal of a ruling that a point of order was NOT in order against a motion to table another point of order against a motion to bring to a vote a motion to call up a resolution that would change the rules. At least, that's what it sounded like." Unquote.

Late, late one night, at about this point in the debate, Fritz and Majority Leader Mike Mansfield enlisted me, a young whippersnapper, to play a role. They asked me to stay on the floor one night around two in the morning to take the gavel as the presiding officer. They expected that a lot of tight rulings were coming up. But I felt the honor of the calling drain away as Mansfield explained that they needed someone big who was still awake to be in the chair for those rulings. Sometimes a Senator is no more than a conscious body in the right place at the right time.

The debate went on and on and on, and so did the parliamentary and coalition-building by Fritz and by his opponents. Relationships and Senate comity were being tested. Before they reached the breaking point, Fritz rightly knew when to strike a compromise, and he worked one out with Russell Long.

He won the change in the cloture rule, and it is not an exaggeration to point out that his efforts probably saved the Senate as we know it, and he did it without changing the Senate's fundamental character. As difficult as it still is to get things done in the Senate, without the Mondale cloture rule the Senate by now would be largely unmanageable.

It is saddening and frustrating today to see that even the Mondale rule has been abused. Filibusters are used far more often than they used to be. We had to have 72 cloture votes last year, and with a razor thin majority like the current Democratic majority in the Senate, that usually is an insurmountable hurdle. As Fritz knows and as Fritz practiced, the Senate's machinery is oiled by good will and self restraint, and there is less and less of that around.

Through his public service, Fritz Mondale invested himself in the belief that our democracy offers civilizing power to all of us together as a community, through our representative government, to give each of us, and all of us, the opportunity to thrive, to make justice real, and to make the economy work for all and not just for some.

In a time when government is compiling more and more information about every American, every American deserves to know what their government is doing. Checks and balances and the kind of oversight that Fritz Mondale believes in and practiced makes government more accountable to the people. It helps make our system work as the Framers intended.

This is the way he put it in that address in 2002: "What a paradise we would live in if trust were never abused. But our Founders knew better. They built our system on this deep insight into human nature. We are not perfect. We are, all of us, mixtures of the good and base, lofty and lowly, selfless and selfish. We are capable of sonatas, sonnets, and cathedrals. But we are also capable of greed, paranoia, and a dangerous thirst for power." Unquote. That insight of the Framers, he concluded, accounts for our unique system of checks and balances.

The Senate at its best can be the conscience of the nation. I have seen that when it happens, and I marvel in the fundamental soundness and wisdom of our system every time it does. But we cannot afford to put any part of the mechanism on automatic pilot. It takes constant work and vigilance to keep our system working as it should for the betterment of our society and its people. Keeping faith with these fundamentals accounts for much of the legacy of Fritz Mondale.

It is easy for politicians to appeal to our worst instincts and to our selfishness. Political leaders serve best when they appeal to the best in us, to lift our sights, summon our will and raise us to a higher level.

This year we celebrate our good fortune of knowing and benefiting from Fritz Mondale's ample service to the nation, and there is much to celebrate. His is the generous and optimistic spirit of the reformer, and of the patriot.

Thank you, Fritz. And Happy Birthday.

COMMISSION ON THE NATIONAL GUARD AND RESERVES

Mr. WARNER. Mr. President, I rise today to commend the work of the Commission on the National Guard and Reserves. Under the leadership of Arnold L. Punaro, the Commission has done this Nation a great service. It was my privilege as chairman of the Senate Armed Services Committee to include the legislation that established the Commission in the annual National Defense Authorization Act for Fiscal Year 2005.

On January 31, 2008, the Commission submitted its final report to the House and Senate Armed Services Committees and the Secretary of Defense. That report is thorough, is based on substantial and careful research and an extensive information-gathering process, and reflects many hours of deliberations by the Commission's members.

The 12 Commissioners, between them, brought 288 total years of military service, 186 total years of non-military government service, and many years of private-sector experience to the task. In addition to Chairman Punaro, the Commission's members are William L. Ball, III; Les Brownlee; Rhett B. Dawson; Larry K. Eckles; Patricia L. Lewis; Dan McKinnon; Wade Rowley; James E. Sherrard, III; Donald L. Stockton; E. Gordon Stump; and J. Stanton Thompson.

The Commission was established by Public Law 108-375, the Ronald Reagan National Defense Authorization Act for fiscal year 2005, as amended by Public Law 109-163, to assess the reserve component of the U.S. military and to recommend changes to ensure that the National Guard and other reserve components are organized, trained, equipped, compensated, and supported to best meet the needs of U.S. national security.

The Commission's first interim report, containing initial findings and the description of a strategic plan to complete its work, was delivered on June 5, 2006. The second interim report, delivered on March 1, 2007, was required by Public Law 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, enacted on October 17, 2006. That second report examined 17 proposals contained in the National Defense Enhancement and National Guard Empowerment Act, and included 23 recommendations covering the broad spectrum of issues raised by the legislation.

The Commission's second report was thoroughly reviewed by both Congress and the Department of Defense, and careful consideration was given to the Commission's recommendations that have changed, in a fundamental way, the Department of Defense's role for domestic security, taking significant steps towards improvements to make the nation safer from man-made and natural disasters. Secretary of Defense Gates also has taken timely and decisive action to implement those recommendations not requiring legislation, and has advocated before Congress for those requiring legislation.

The final report of the Commission was constructed from 17 days of public hearings, involving 115 witnesses; 52 Commission meetings; more than 850 interviews; numerous site visits, forums, and panel discussions; and the detailed analysis of thousands of documents supplied at the Commission's request by the military services, government agencies, experts, and other stakeholders. It contains 6 major conclusions and 95 recommendations, supported by 163 findings. This prodigious, thorough effort met the expectations of Congress.

In conducting its work, the Commission gathered information, analyzed evidence, identified significant problems facing the reserve components, and sought to offer the best possible recommendations to solve the problems identified. The Commissioners stated clearly their belief that the problems identified in the report are systemic, have evolved over many years, and are not the product of any one official or administration. Many of the Commission's recommendations to solve those problems can now be implemented; however, a number of them will take years to reach full implementation and will require additional work by Congress and the executive branch.

At the core of these changes is the explicit recognition of the evolution of the reserve components from a purely strategic force, with lengthy mobilization times designed to meet threats from large nation-states, to an operational force. This operational reserve must be readily available for emergencies at home and abroad, and more fully integrated with active components. Simultaneously, this force must retain its own required strategic elements and capabilities.

The Commission concluded that there will be greater reliance on the reserve components as part of its operational force for missions at home and abroad. Moreover, the Commission also concluded that the change from the reserve components' historic Cold War posture necessitates fundamental reforms to reserve components' homeland roles and missions, to personnel management systems, to equipping and training policies, to policies affecting families and employers, and to the organizations and structures used to manage the reserves. These reforms are essential to ensure that this operational reserve is feasible in the short term while sustainable over the long term. In fact, the Commission believes that the future of the all-volunteer force depends upon the continued success of our implementation of needed reforms to ensure that the reserve components are ready, capable, and available for both operational and strategic missions.

In reviewing the past several decades of diverse use of the reserve components, as an integral part of operations in Iraq, Afghanistan, and the homeland, most notably the Commission has found indisputable and overwhelming evidence of the need for future policymakers and the military to break with outdated policies and processes and implement fundamental, thorough reforms in these areas.

The members of the Commission on the National Guard and Reserves share this view unanimously. The Commission notes that these recommendations will require the nation to reorder the priorities of the Department of Defense, thereby necessitating a major restructuring of laws and DOD's budget. While there are some costs associated with these recommendations, the Commission believes that the problems are serious, the need to address them is urgent, and the benefits of the reforms we identify more than exceed the expense of implementing them.

Clearly, the reserve force has proven itself to be a wise investment in our overall security structure and should be commended for their professional contributions to our Nation's defense. The Commission recognizes that these issues are extremely complex, and that there will be disagreement with some of the solutions it has proposed. That is to be expected. Commission members anticipate that this report will generate lively debate among the organizations and key policymakers responsible for protecting U.S. national security. With the submission of its last report, the Commission turns its findings, conclusions, and recommendations over to the legislative and executive branches, where Commission members feel confident that they will be carefully considered, improved upon, and implemented.

The Commission has provided America a blueprint for our work on the National Guard and Reserves this year and in the future. Each of its 95 recommendations merits our careful consideration. The Senate Armed Services and Homeland Security and Governmental Affairs Committees have already held hearings on the Commission's report, and we await the Department of Defense's formal response to its recommendations.

It is with profound admiration and gratitude that I extend our collective thanks for the service that this Commission has rendered to our nation and to our men and women in uniform. I know my colleagues will agree when I say that this Commission has made profound and substantive recommendations for reforming our National Guard and Reserves and that we look forward to working to address the issues raised by the Commission's final report.

ADDITIONAL STATEMENTS

TRIBUTE TO MICHAEL E. BAKER

• Mr. AKAKA. Mr. President, it is a privilege for me today to honor Mr. Michael E. Baker as he retires as president of Maryknoll School. I want to express a heartfelt mahalo nui loa—thank you very much—and best wishes with my warmest aloha as he retires after 11 years at the helm of the school with an unsurpassed record of achievements. He leaves a legacy which benefitted students and continues to do so and is appreciated by parents, alumni, and our educational community. His is a legacy of a great leader and educator.

As a former principal in our public school system, I agree wholeheartedly with the philosophy contained in Mr. Baker's "President's Message" in which he emphasize the critical importance of exceptional teachers in the commencement and development of students, intellectually and spiritually, and to inculcate them with these and all the other attributes necessary to develop into a valued member of our society. He has built on the solid foundation laid by his predecessors and attracted the very best faculty recognized for their excellence locally, regionally, and nationally.

As he retires from his stewardship of Maryknoll School to spend more time with his family, I also want to congratulate him for his leadership that made the Maryknoll School Community Center a reality. When completed, this much-needed first-rate center for the school's athletics program will be an important part of the school's curriculum as it continues to build success upon success for its students.

Mr. President, I join President Michael E. Baker's family, colleagues, friends, and the community in wishing him Godspeed as he enters the next phase of his life. He has earned the right to enjoy his family and the simple pleasures of life in retirement.•

TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I am proud to honor a group of 94 World War II veterans from Louisiana who are traveling to Washington, DC, this weekend to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable service members.

Louisiana HonorAir, a group based in Lafayette, LA, is sponsoring this Saturday's trip to the Nation' s Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials. They will also travel to Arlington National Cemetery to lay a wreath on the Tomb of the Unknowns.

This is the eighth flight Louisiana HonorAir has made to Washington, DC., and there will be one additional flight this spring.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 40,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. Veterans in this HonorAir group range in age from 79 to 91. They began their service as early as 1939, before the bombing of Pearl Harbor, and some members of this group served as late as 1976. They served in various branches of the military—37 members in the Army; 17 in the Army Air Corps, including one in the Women's Air Corps; 28 in the Navy; 3 in the Naval Reserve; 4 in the Marines; 1 in the Marine Corps Reserve; 2 in the Merchant Marines; and 2 in the U.S. Coast Guard.

Our heroes served across the globe in the Pacific, Atlantic, Asiatic Pacific and China Burma India theaters. Others served in North Africa, Japan, Korea, the islands of the South Pacific and in other areas of Europe and stateside. Our service members battled at Iwo Jima, Guadalcanal, Okinawa, Saipan, Tinian and the Solomon Islands.

Many of these veterans earned Purple Hearts, Bronze Star Medals and Croix de Guerre medals. They served on famous battleships such as USS *North Carolina*, and they participated in the liberation of the Philippines.

I ask the Senate to join me in honoring these 94 veterans, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.•

HONORING TRANS-TECH INDUSTRIES

• Ms. SNOWE. Mr. President, I rise today to commend the immeasurable contributions of a small Maine company both to its industry and community. Trans-Tech Industries is an innovative manufacturer of aluminum tanks and trailers which are used to transport fuel and petroleum products. In addition to leading its field, Trans-Tech has given back to the city of Brewer, ME, in countless ways.

Trans-Tech is a shining model for companies seeking to compete in the demanding global marketplace. Founded in 1984, the company set out with a simple goal: strengthen existing models of aluminum tanks to become safer and more convenient for the operator. Trans-Tech originally began operations in a converted storage unit in the seaside town of Southwest Harbor. During its early years, Trans-Tech manufactured tanks and trailers as well as aluminum boats. But company president Ken Peters found it difficult to produce the number of tanks for which he had hoped, and he continually increased efforts to make more tanks. In 1999, Trans-Tech finally moved to a location in Brewer's East-West Industrial Park that better suited the company's needs.

Since relocating to Brewer, Trans-Tech's tank production has soared. The company presently makes between 400 and 500 tanks each year, as opposed to the less than 100 it previously produced, and revenues have increased threefold. Moreover, the company continues to improve and expand. Besides its state-of-the-art 43,000 square foot production facility, Trans-Tech added an adjacent 7,200 square foot building in 2004, allowing it to focus on the manufacturing of specialty trailers. Trans-Tech was additionally able to realize its goal of developing aircraft refuelers that range from 1,000 to 10,000 gallons each which are now in use at airports across the country, showing how Trans-Tech has made the most of its new opportunities.

While Trans-Tech certainly produces high quality tanks and trailers, the firm and its over 60 employees are also a good neighbor, donating time and resources to many area organizations and charities. Trans-Tech's commitment to the community is visible with its assistance to The Salvation Army; the company's sponsoring a youth hockey team; and its major participation in the Brewer Days and Brewer Winterfest, two well-attended annual community events.

One of Trans-Tech's most recognizable efforts is its involvement with the Bangor Area Homeless Shelter. Mr. Peters serves on the shelter's board of directors, and he and Trans-Tech constantly provide the shelter with needed supplies such as furniture and food. They even donated a new air conditioner for the hot summer months. Mr. Peters also serves as a board member on the Brewer Economic Development Corporation and he is a founding member of the Penobscot Landing Committee, which is aimed at revitalizing the historic Brewer waterfront. He is also the 2008 recipient of the Governor's Service Award as chosen by the Maine Commission for Community Service, a fitting acknowledgement of the devotion he and Trans-Tech have shown to improving the well-being of Brewer.

Through its unyielding pledge to both business and community, Trans-Tech sets a high bar for companies seeking to succeed in all facets. Ken Peters inspires his employees, and they in turn help make Brewer a better community in which to live. He also gives back to his employees in numerous ways, including providing them with a raise to help them manage rising gas prices. The firm's magnanimous spirit truly flows from the top, and it is something to be celebrated. I congratulate Trans-Tech Industries on all it does, and wish the company well in the future.●

TRIBUTE TO MICHAEL J. BARTLETT

● Mr. SUNUNU. Mr. President, I wish to pay tribute to Michael J. Bartlett, supervisor of the U.S. Fish and Wildlife Service New England Field Office, who is retiring after four decades of exemplary public service. My home State of New Hampshire, the New England region, and our Nation have benefitted greatly from Mike's efforts as a tireless defender of our natural resources.

After completing military service over 37 years ago, Mike joined the U.S. Fish and Wildlife Service as a staff biologist. Prior to his current role, he served as a project leader in the New Jersey Ecological Services Office, Northeast regional chief of field operations, and Northeast deputy assistant regional director.

Like any good steward, Mike has left things better than he found them in each of these positions. Throughout his time with the Fish and Wildlife Service, Mike has fostered accountability, efficiency, and teamwork. For his accomplishments in strengthening employee-supervisor relationships and improving overall employee satisfaction, Mike was honored with the Fish and Wildlife Service Northeast Region's "Invest in People" award.

Mike's leadership and collaborative approach to natural resource protection are widely respected. As Supervisor of the New England Field Office, Mike has minimized the adversarial nature of his office's regulatory role and repeatedly brought parties together for mutually beneficial outcomes. At the same time, Mike has been unwavering in his dedication to natural resource protection.

Mike was instrumental in complex and lengthy negotiations with the Maine aquaculture industry, the Army Corps of Engineers, the Environmental Protection Agency, and State of Maine that resulted in strong protections for endangered Atlantic salmon. Additionally, under his supervision, the New England Field Office has secured significant resource benefits by negotiating numerous settlement agreements on contentious hydroelectric project license renewals. For example, a mitigation fund created as part of the relicensing of the Fifteen Mile Falls hydroelectric project on the Connecticut River has allowed the restoration of 20 miles of river habitat, protection of over 25,000 acres of watershed lands, and fish passage improvements.

Under Mike's supervision, the New England Field Office has been a wise steward of natural resource damage assessment funds. Mike has insisted that such funds be used to obtain the greatest possible benefit for fish and wildlife impacted by oilspills and other environmental degradation. In Maine, settlement funds totaling $8 million were used to leverage over $100 million in additional investment to protect habitat for common loons and ducks that were impacted by the North Cape oilspill in Rhode Island. The combined funds secured the protection of 1.5 million acres and more than 200 lakes and ponds that provide nesting habitat for over 125 pairs of loons and 600 pairs of common eiders. In Massachusetts, settlement funds have been used to preserve endangered roseate tern colonies in Buzzards Bay, restore saltmarsh and eelgrass beds, and provide herring with spawning habitat on the Acushnet River.

Mike's emphasis on collaboration shines through in the exceptional work performed by his office through the Fish and Wildlife Service Partners program. During Mike's tenure as supervisor of the New England Field Office, the program has restored hundreds of miles of river access and thousands of acres of wetlands in the region. In New Hampshire, thanks to a highly successful dam removal program that Mike conceived and helped to create, I have witnessed improvements to our rivers such as the Contoocook and Souhegan. Meanwhile, the Partners program has restored coastal saltmarsh in Greenland, Newmarket, Newington, Hampton, Rye and North Hampton, New Hampshire. This and similar work throughout New England has enhanced landscapes and preserved critical habitat for Atlantic salmon, American shad, American eel, brook trout, and freshwater mussels.

Mike's work has also benefitted many species including Indiana bats, New England cottontail rabbits, and a variety of migratory birds such as piping plovers, bobolinks, eastern meadowlarks, loons, roseate terns, and bald eagles. His stewardship has even impacted the smallest of species. Mike's negotiation of an agreement with the city of Concord, the New Hampshire Department of Fish and Game, and private partners has ensured the protection of the federally endangered Karner blue butterfly through cooperative management of 300 acres of habitat at the Concord City Airport.

Mike plans to teach in his retirement, and this is fitting because he has already been a mentor, coach, and teacher for many individuals. Mike's dedication and his outgoing and gregarious personality, to which colleagues and friends attribute much of his success, are widely admired. The inspiration Mike provides for others will undoubtedly continue to be a catalyst for conservation.

Mike is to be commended for his extensive work on behalf of fish, wildlife, wetlands, and conservation in general. I am certain that Mike's retirement will be enjoyable, as some say that his professional and personal attributes may be equaled only by his aquatic resource collection skills with a fly rod. Mike's upcoming time for angling, hunting, kayaking, and relaxing with his wife, children, and grandchildren, is well-deserved. I wish Mike and his family great success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3490. An act to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes.

H.R. 3522. An act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 4332. An act to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes.

H.R. 5631. An act to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the "Corporal Bradley T. Arms Post Office Building".

The message also announced that the House has passed the following bills, without amendment:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building".

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office".

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathan Millican Lula Post Office".

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex".

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building".

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the service men and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building".

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office."

At 5:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3490. An act to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4332. An act to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5631. An act to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the "Corporal Bradley T. Arms Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5712. An act to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-339. A resolution adopted by the House of Representatives of the State of Alaska urging Congress to permanently repeal the federal estate tax; to the Committee on Finance.

HOUSE RESOLUTION NO. 7

Whereas the Economic Growth and Tax Relief Reconciliation Act of 2001 temporarily phased out but did not permanently eliminate the federal estate tax; and

Whereas our form of government is premised on the right to enjoy the fruit of one's labor, to own one's own possessions, and to pass on one's bounty to one's heirs; and

Whereas, when a person works for a lifetime to build assets, saving and investing money, building a business, or buying and developing land, that person has a moral right to pass those assets on to the person's family without being penalized with inheritance taxes; and

Whereas there is a fundamental problem of double taxation when a decedent's survivors are forced to pay an inheritance tax on assets acquired by the decedent with after-tax dollars; and

Whereas we need a tax system that encourages lifelong saving, investment, and business activity, and not one that can result in heirs liquidating or selling family businesses that are often asset rich but cash poor, thereby destroying those ongoing job-producing businesses simply to fund increased government consumption; and

Whereas the persistent uncertainty created by sec. 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001, which provides for the reinstatement of federal estate tax law for decedents dying after December 31, 2010, prevents families and small businesses from fully benefitting from the temporary repeal; be it

Resolved, That the House of Representatives strongly urges the United States Congress to support, work to pass, and vote for the immediate and permanent repeal of the federal estate tax.

POM-340. A resolution adopted by the Legislature of the State of Arizona urging Congress to authorize the Department of the Treasury to intercept federal tax refunds to pay overdue victim restitution; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL NO. 1004

Whereas, between $500 million and $1 billion in victim restitution, fines, fees and surcharges are past due and owed to courts across Arizona; and

Whereas, under current law, the Internal Revenue Service is authorized to intercept tax refunds for child support debts, state and federal tax debt and federal agency debt, but not for the collection of court-ordered restitution, fines and fees; and

Whereas, Arizona law currently allows state tax refunds to be intercepted for past-due court obligations, and in fiscal year 2007, approximately $7.1 million was collected through this program and distributed to victims and various criminal justice agencies throughout the state; and

Whereas, legislation has been introduced in Congress, S. 1287, that would add state court debts to the list of debts that can be withheld from federal tax refunds. It is estimated that approximately $70 million could be collected for Arizona if federal tax refunds were subject to intercept by the Internal Revenue Service; and

Whereas, mechanisms already are in place to intercept this debt and such a plan would result in no loss to the federal budget. The federal tax intercept proposal is a fair and simple way to enforce debts owed without implementing a tax increase.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays.

1. That the United States Congress enact S. 1287 or other similar legislation that would authorize the United States Department of the Treasury to intercept federal tax refunds to pay overdue victim restitution and other financial obligations ordered by state and local criminal and traffic courts.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–341. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to extend the expiration deadline of the Gulf Opportunity Zone Act of 2005; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 20

Whereas, hurricanes Katrina and Rita struck the United States in August and September 2005, and were considered the most devastating natural disasters to hit the United States; and

Whereas, in response to these natural disasters Congress in December 2005, enacted the Gulf Opportunity Zone Act (GO Zone Act) of 2005 to provide desperately needed economic relief, and

Whereas, the GO Zone Act provides federal tax incentives and bonds to rebuild the economies of those areas impacted by hurricanes Katrina, Rita and Wilma; and

Whereas, even though the entire state of Louisiana was included in the hurricanes Katrina and Rita disaster areas, the provisions of the GO Zone Act apply only to certain designated parishes; and

Whereas, the GO Zone Act applies to the following parishes: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, and West Feliciana; and

Whereas, the GO Zone Act provides low-income housing credits, rehabilitation tax credits for restoring commercial buildings, employer-provided housing benefits, fifty percent bonus depreciation on certain new property investments, deductions for demolition and clean-up costs, and net operating loss carrybacks; and

Whereas, many of the GO Zone Act provisions expired at the end of 2007 and other provisions are due to expire at the end of 2010 for certain parishes; and

Whereas, many Louisiana citizens and businesses can directly benefit from the Act's incentives if the GO Zone Act is extended; therefore, be it,

Resolved That the Legislature of Louisiana memorializes the Congress of the United States to extend the expiration deadline of the Gulf Opportunity Zone Act of 2005; be it further,

Resolved That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–342. A joint resolution adopted by the Legislature of the State of Idaho urging the Idaho congressional delegation to take measures to improve quality care in the skilled nursing facilities in Idaho; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL NO. 6

Whereas, the federal survey process through which skilled nursing facilities are inspected is a federal process which is not available for significant state deviation or modification; and

Whereas, the federal survey process was developed in 1987 and was designed for typical residents in skilled nursing facilities at that time; and

Whereas, the acuity levels of patients now being cared for in skilled nursing facilities are significantly elevated from those of twenty years ago; and

Whereas, the federal survey process does not allow for trained, experienced surveyors to provide consulting of any kind when surveying a skilled nursing facility; and

Whereas, the punitive and negative design of the federal survey process often negatively impacts the morale, turnover and motivation of the workforce of the skilled nursing facility; and

Whereas, the costs of the very expensive federal survey process outweigh the benefits; and

Whereas, the state of Idaho has produced a survey process for assisted living providers which is not punitive, provides for significant consulting and, as current feedback indicates, a confidence building and learning experience for employees of the facility; now, therefore, be it,

Resolved by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That the Idaho Legislature urges the Idaho congressional delegation, the Idaho Department of Health and Welfare, the United States Department of Health and Human Services, resident advocate groups in Idaho and industry representatives to negotiate how to improve the survey process in skilled nursing facilities in Idaho and that the Idaho Legislature supports measures to improve quality care in the skilled nursing facilities in Idaho and the Idaho Legislature also affirms our desire to be efficient with tax dollars; be it further

Resolved, That the Idaho Legislature urges the Idaho congressional delegation to request support and necessary funding from the United States Congress for a pilot project in the state of Idaho to implement the changes negotiated by the aforementioned groups; be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the Secretary of the United States Department of Health and Human Services, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

POM–343. A resolution adopted by the Legislature of the State of Massachusetts urging Congress to create an office of the national nurse; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION

Whereas, nurses are highly valued and trusted by the public and, in addition to administering health care, are often called upon to deliver educational messages about health maintenance and disease prevention; and

Whereas, there are thousands of nurses and nurse educators currently living and working in the commmonwealth; and

Whereas, a national effort is underway to create an Office of the National Nurse; and

Whereas, on March 8, 2006, Congresswoman Lois Capps, a nurse representing the 23rd Congressional District of California, introduced H.R. 4903 in the House of Representatives to amend the Public Health Service Act to establish an Office of the National Nurse; and

Whereas, H.R. 4903 enjoyed bipartisan support and 42 Members of the House of Representatives signed on to the bill; and

Whereas, the Office of the National Nurse would raise awareness of health issues and promote good health through education and community outreach; and

Whereas, the Office of the National Nurse would effectively complement the Office of the Surgeon General of the United States; and

Whereas, the Office of the National Nurse would support valuable initiatives, such as producing weekly media broadcasts to promote health, increasing the number of nurse educators, facilitating the deployment of nurses to underserved areas, promoting volunteerism within the Medical Reserves Corps and partnering with existing agencies to deliver nursing assistance and education to communities, particularly communities in crisis; Therefore be it

Resolved, That the Massachusetts General Court memorializes the Congress of the United States to enact legislation to create an Office of the National Nurse as described in H.R. 4903 similar legislation; and be it further

Resolved, That copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of Congress and the members thereof from the commonwealth.

POM–344. A concurrent resolution adopted by the Legislature of the State of Kansas expressing its support for the National Bio and Agro-Defense Facility; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 1624

Whereas, Homeland Security Presidential Directive Nine (HSPD–9) has tasked the Secretary of the Department of Homeland Security to coordinate, "counter-measure research and development of new methods for detection, prevention technologies, agent characterization and dose response relationships for high-consequence agents"; and

Whereas, at present no facilities in the United States have adequate containment, security, equipment and infrastructure to meet the requirements identified in HSPD–9; and

Whereas, to meet this need, the Department of Homeland Security and its federal partners initiated plans for a National Bio and Agro-Defense Facility (NBAF); and

Whereas, the NBAF will enhance protection from both natural and intentional threats by providing and integrating high-biosecurity facilities, thus increasing our nation's capacity to assess potential threats to both human and animal life; and

Whereas, the Department of Homeland Security is seeking a location to build the $451 million, 500,000 square foot, NBAF facility; and

Whereas, A site on the campus of Kansas State University is one of six sites actively under consideration by the Department of Homeland Security as possible locations for the NBAF facility; and

Whereas, the State of Kansas recognizes the NBAF as a critical national investment and pledges its support for the funding and construction of the NBAF in order to protect human and animal health from both naturally occurring and intentionally introduced disease threats; and

Whereas, Kansas is the ideal location for the NBAF. Kansas is a world leader in bioscience, particularly in the areas of animal health and vaccines, infectious diseases, and food safety. Kansas also has in place an exceptionally well qualified workforce; and

Whereas, in demonstration of their zealous support for locating the NBAF in Kansas, Governor Kathleen Sebelius and the Kansas Bioscience Authority have initiated a task force to lead Kansas' bid for the NBAF. This task force consists of prominent industry leaders, public officials—including the entire Kansas congressional delegation—representatives from the Kansas legislature, producer groups and leaders of prominent academic institutions; and

Whereas, the State of Kansas is committed to partnering with the federal government to support biosecurity. As part of this commitment, Kansas—along with the federal government—invested $54 million in the nation's most modern biosecurity laboratory, the Biosecurity Research Institute at Kansas State University: Now, therefore, be it

Resolved, by the Senate of the State of Kansas, the House of Representatives concurring therein, That the Kansas legislature pledges its support for Kansas State University and the City of Manhattan, in their bid to have the U.S. Department of Homeland Security's National Bio and Agro-Defense Facility located in Kansas, and that the Legislature underscores its commitment to provide any and all support necessary to ensure the location of the NBAF in Kansas; and be it further

Resolved, That the Kansas Legislature purposefully encourages the U.S. Department of Homeland Security to consider Kansas' demonstrated expertise and experience with research, its existing facilities and security infrastructure, and the human resources already in place that make Kansas a natural fit for the location of this new federal laboratory; and be it further

Resolved, That copies of this resolution be provided to President Bush and Vice President Cheney, Secretary Chertoff of the U.S. Department of Homeland Security, Secretary Schafer of the U.S. Department of Agriculture, Secretary Leavitt of the U.S. Department of Health and Human Services, the Kansas congressional delegation and Governor Kathleen Sebelius.

POM-345. A resolution adopted by the Senate of the State of Michigan urging Congress to reverse funding cuts to the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 165

Whereas, the grants funded through the Byrne Justice assistance Grant Program are used throughout Michigan for statewide and local law enforcement efforts. The Byrne program grants assist the apprehension, prosecution, adjudication, detention, and rehabilitation of offenders. The funding supports training, equipment, additional personnel, and other measures to increase the effectiveness of law enforcement and victim assistance; and

Whereas, the cuts in the fiscal year 2008 appropriations for the Byrne program that were approved by Congress and signed into law are staggering. Michigan will lose two-thirds of the funding received in the previous year, down to only $3.2 million. For programs such as the Office of Drug Control Policy, the slashing of the funds available will cripple the office and force the cancellation of many worthwhile programs. The effects on other state and local programs will be similarly drastic. With the state's budget situation still in question due to negative trends in the national economy that threaten to overwhelm state efforts to restore growth, we clearly cannot replace the lost federal money; and

Whereas, as the federal government continues to grapple wih the budget and economic growth measures, there is still time for Congress to correct the looming crisis in law enforcement efforts in the states. We know that cuts in funding now, when the economic picture is growing bleak, will make the need to effective law enforcement an victim assistance more important than ever. Congress must restore funding to the Byrne program to fiscal year 2007 levels through a supplemental appropriations act in order to prevent the curtailment or cancellation of key criminal justice programs; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to reverse cuts to the Edward Byrne Memorial Justice Assistance Grant Program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-346. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take the actions necessary to ensure adequate funding for veterans' health care; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 23

Whereas, the United States Department of Veterans Affairs provides medical care to veterans who have risked their lives to protect the security of the nation; and

Whereas, the United States Department of Veterans Affairs has the largest integrated health care system in the United States; and

Whereas, the missions of the United States Department of Veterans Affairs include providing health care to veterans, educating and training health care personnel, conducting medical research, serving as backup to the United States Department of Defense, and supporting communities in times of crisis; and

Whereas, the United States Department of Veterans Affairs provides a wide range of specialized services to meet the unique needs of veterans, including treatment and care for spinal cord injury, blindness, traumatic brain injury, post traumatic stress disorder, amputation injuries, mental health issues, substance abuse, and conditions requiring long-tern care; and

Whereas, federal discretionary funding for veterans' health care is controlled by the executive branch and congress through the budget and appropriations process; and

Whereas, the United States Governmental Accountability Office report in 2005 highlighted the lack of resources and staffing available to the United States Veterans Administration for processing an increasing backlog of veterans' claims; and

Whereas, discretionary funding for the United States Department of Veterans Affairs lags behind both medical inflation and the increased demands for services; and

Whereas, former United States Secretary of Veterans Affairs Anthony Principi has publicly stated that the United States Department of Veterans Affairs has been struggling to provide health care to the rapidly rising number of veterans who require health care; and

Whereas, it is imperative that the members of congress make funding health care for veterans a major priority. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Congress to ensure adequate funding for veterans' health care. Be it further

Resolved, That the legislature does hereby express profound and enduring gratitude to veterans for sacrifices made while serving in the United States Armed Forces, particularly those who suffer as a result of injuries sustained during military service. Be it further

Resolved, That copies of this Resolution be transmitted to the president and vice president of the United States and to the members of Louisiana's congressional delegation.

POM-347. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to adopt and implement the recommendations of the Veterans' Disability Benefits Commission; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 28

Whereas, the Veterans' Disability Benefits Commission was established by the Congress of the United States in Public Law 108–136, the National Defense Authorization Act of 2004; and

Whereas, between May 2005 and October 2007, the commission conducted an in-depth analysis of the benefits and services available to veterans, service members, their survivors, and their families to compensate and provide assistance for the effects of disabilities and deaths attributable to military service; and

Whereas, the commission examined the appropriateness and purpose of benefits, benefit levels and payment rates, and the processes and purposes used to determine eligibility for such services; and

Whereas, the commission reviewed past studies on these subjects, the legislative history of these benefit programs, and related issues that have been debated repeatedly over several decades; and

Whereas, in federal fiscal year 2006, the Department of Veterans' Affairs expended over forty billion dollars on a wide array of these benefits and services for veterans, service members, their survivors and their families; and

Whereas, the commission identified eight principles that it believes should guide the development and delivery of future benefits for veterans, service members, and their families; and

Whereas, the following are those eight principles:

(1) Benefits should recognize the often enormous sacrifices of military service as a continuing cost of war, and commend military service as the highest obligation of citizenship.

(2) The goal of disability benefits should be rehabilitation and reintegration into civilian

life to the maximum extent possible and preservation of the veterans' dignity.

(3) Benefits should be uniformly based on severity of service-connected disability without regard to the circumstances of the disability (wartime vs. peacetime, combat vs. training, or geographical location).

(4) Benefits and services should be provided that collectively compensate for the consequence of service-connected disability on the average impairment of earnings capacity, the ability to engage in usual life activities, and quality of life.

(5) Benefits and standards for determining benefits should be updated or adapted frequently based on changes in the economic and social impact of disability and impairment, advances in medical knowledge and technology, and the evolving nature of warfare and military service.

(6) Benefits should include access to a full range of health care provided at no cost to service-disabled veterans. Priority for care must be based on service connection and degree of disability.

(7) Funding and resources to adequately meet the needs of service-disabled veterans and their families must be fully provided while being aware of the burden on current and future generations.

(8) Benefits to our nation's service-disabled veterans must be delivered in a consistent, fair, equitable, and timely manner; and

Whereas, with these principles clearly in mind, the commission has urged the nation to set a firm foundation upon which to shape and evolve a system of appropriate, and generous benefits for the disabled veterans of today and tomorrow. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt and implement the recommendations of the Veterans' Disability Benefits Commission. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 2939. A bill to expand and improve mental health care and reintegration programs for members of the National Guard and Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN:

S. 2940. A bill to promote green energy production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 2941. A bill to improve airport runway safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. GRAHAM):

S. 2942. A bill to authorize funding for the National Advocacy Center; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2943. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mrs. CLINTON):

S. 2944. A bill to amend the Child Abuse Prevention and Treatment Act to examine and improve the child welfare workforce, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2945. A bill to amend title VII of the Civil Rights Act of 1964, to clarify that a discriminatory compensation decision or other practice occurs on the date on which the aggrieved person knew or should have known that the person was affected by the decision or practice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself and Mr. BROWNBACK):

S. 2946. A bill to amend title 38, United States Code, to make a stillborn child an insurable dependent for purposes for the Servicemembers' Group Life Insurance program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. 2947. A bill to amend the Food Security Act of 1985 to encourage owners and operators of privately held farm, ranch, and forest land to voluntarily make their land available for access by the public for maple-tapping activities under programs administered by States and tribal governments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN:

S. 2948. A bill to provide quality, affordable health insurance for small employers and individuals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH:

S. 2949. A bill to establish the Mark O. Hatfield Scholarship and Excellence in Tribal Governance Foundation and for other purposes; to the Committee on Indian Affairs.

By Mr. MENENDEZ:

S. 2950. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for Mrs. CLINTON (for herself, Mr. MENENDEZ, Mr. FEINGOLD, and Mr. LAUTENBERG)):

S. Res. 542. A resolution designating April 2008 as "National STD Awareness Month"; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. JOHNSON, and Mr. BINGAMAN):

S. Res. 543. A resolution designating the week beginning May 11, 2008, as "National Nursing Home Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 796

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1340

At the request of Mrs. LINCOLN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1366

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 1998

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2161

At the request of Mr. ISAKSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2536

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2536, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts to the United States in the case of veterans who die as a result of a service-connected disability incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2682

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2682, a bill to direct United States funding to the United Nations Population Fund for certain purposes.

S. 2704

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2704, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2774

At the request of Mr. LEAHY, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2775

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2775, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits.

S. 2777

At the request of Mr. MARTINEZ, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2777, a bill to award a Congressional Gold Medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2812

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2812, a bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program.

S. 2822

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2822, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas.

S. 2867

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2867, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 2928

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2928, a bill to ban bisphenol A in children's products.

S. 2934

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2934, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries.

S. 2935

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2935, a bill to prevent the destruction of terrorist and criminal national instant criminal background check system records.

AMENDMENT NO. 4579

At the request of Mr. WYDEN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4579 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4582

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 4582 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4584

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 4584 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 2939. A bill to expand and improve mental health care and reintegration programs for members of the National Guard and Reserve, and for other purposes; to the Committee on Armed Services.

Mr. KENNEDY. Today, I introduce the National Guard and Reserve Mental Health Access Act, which provides greater access to mental health services for our members of the National Guard and Reserve.

The wars in Iraq and Afghanistan are taking an excruciatingly high toll on veterans and their families and the Nation obviously needs to give greater priority to their mental health needs, including the National Guard and the Reserve.

As of April 29, 2008, 31,848 servicemembers have been wounded in Iraq and Afghanistan. Thirty percent of our soldiers struggle with brain injuries, mental illnesses, including post-traumatic stress disorder and depression, or a combination of these physical and mental wounds.

Earlier this month, the RAND Corporation released a report documenting the alarmingly high numbers of veterans who struggle with mental health problems and brain injuries. One in 5 of these brave men and women report mental health problems.

These mental health problems take various forms, including post-traumatic stress disorder, depression, suicidal tendencies and substance abuse, and they can persist for months or even years after their service. Some will never be the same again.

It is our duty to give our National Guard and Reserves the best possible treatment, whatever their injury. Mental conditions should be treated with the same care and concern as physical conditions.

This bill calls for the implementation of the Yellow Ribbon Reintegration Program, which provides counseling, education and family services to returning members of the Guard and reservists. It establishes a Joint Psychological Health Program in the National Guard Bureau to oversee and coordinate support for Guard members with mental illness or brain injuries, and it creates a pilot project for providing new applications of technology in tele-mental health and anti-stigma treatment.

The National Guard and Reserve Mental Health Access Act is a three-part approach to targeting these mental health needs, which require specialized access to care and services.

Our National Guard and Reserves make incredible sacrifices for our country and we owe them the very best access to care possible.

By Mr. BROWN:

S. 2940. A bill to promote green energy production, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BROWN. Mr. President, energy independence is no longer an option for our Nation. It is an imperative. The clock is ticking. If we do not break the ties, our children and grandchildren will have to clean up our mess. It is not too late.

Today I introduced legislation to help U.S. companies and U.S. workers chart a new course. This is an energy bill. It is a jobs bill. It is an environment bill. It will help companies turn green energy research into green energy products. It will help workers build careers around green energy development and production. It will help our Nation break free of foreign oil and grow our economy by growing green energy. It is an important step that, along with comprehensive climate change legislation, will put our country on a path to energy independence.

While the first oil well in the United States was in the Presiding Officer's State of Pennsylvania, just a year later oil was being produced in Ohio. Before long, derricks dotted the landscape in every corner of our State. My bill begins to address what Ohio and Pennsylvania have known for years about energy.

The history of my State is also rich in coal. Frontiersmen discovered large deposits of coal in Tuscarawas County in the mid-1700s, long before Ohio became a State. Today, coal power is more than 90 percent of Ohio's electricity production.

Oil and coal powered this Nation through two World Wars. They helped the United States win the Cold War. And they made America the world's largest economy. But today our economic future depends on our ability to move toward alternative energy development. Green energy just will not restore our energy independence, it will secure our global leadership.

In my 15 months in the Senate, I have held nearly 100 roundtables across Ohio learning about Ohio's capabilities and potential in leading the way in the alternative energy industry. From Ralph Dahl's farm in northwest Montgomery County and the technology he has employed, to high-tech companies in Cleveland looking for financing but fearing the so-called valley of death, to eager entrepreneurs in Athens who are installing solar panels and wind turbines all over their part of the State, to the work of Stark State on fuel cells. But we haven't gone nearly far enough. It is only the beginning.

The Germans have long supported the development of solar power, and today they lead the world in that technology. Just last week, China announced plans to set up trade protection laws, not to increase wind energy in China but to corner the market on wind-energy-related products.

While we are debating whether to punch more holes in the ground to drill for oil, the rest of the world is about to pass us by. But it is not too late. American ingenuity and innovation can and will give our Nation an edge over the competition. My bill creates an investment corporation for that purpose lead by the best and brightest from the business, labor, and environmental worlds. It will be charged with supporting the development and commercialization of new energy products.

Great ideas are being left on the drawing board these days or, worse yet, getting produced overseas. Investments will be aimed with this legislation at communities with high levels of unemployment, with excess manufacturing capacity, and with brownfield industrial cleanup sites—communities with enormous potential and significant needs. My State, as is Pennsylvania, is dotted with dozens of those communities.

Our green energy manufacturing future should build on our great manufacturing past, revitalizing flagging industries, and reenergizing manufacturing hubs.

This bill creates the Green Redevelopment Opportunity and Workforce Program that provides grants to companies a little further from commercialization than those that receive loans in the Green Markets Program.

These companies have green energy ideas that are a few years away from the market. Without these grants, they would never make it into production.

We cannot pick, and we should not pick, winners in the fight for the future of green energy, so we must explore as many ideas and inventions that get to the market as possible.

My bill would also establish grant money for pilot programs for green energy communities, colleges, and National Guard bases even. These pilot programs will serve as important resources for business interested in commercializing green technologies, as well as models for other communities that are trying to transition their economies to green energy.

The corporation will run a green energy internship and apprenticeship program that will help innovate green energy companies, hire new talent, and help students earn valuable industry experience in this new industry as it begins to take off.

My bill establishes a Green Energy Efficiency Grant Program that is a dollar-for-dollar match for energy producers, including municipal power companies and rural electric co-ops.

This provision helps by ending the conflict that energy producers often face with protecting the environment and growing their businesses. These energy producers try to encourage people to conserve, but at the same time they are saying don't buy our product, which obviously is not a good business decision. This provision in this legislation will help answer that.

By meeting these companies halfway, by matching their investment in energy efficiency, the Government cannot do it all, but it can help these responsible companies do right by the consumers and the environment.

Today, most of Ohio's oil wells are dry, coal production is literally only half what it was in 1970, and Ohio's manufacturing centers from Steubenville to Lima, from Ravenna to Springfield, from Xenia to Findlay, are struggling to remain competitive. Our Nation's green future is more than using green energy or living in green houses or putting in green light bulbs. All those things are good, but we must build the green energy and its components in the United States. We know green energy is inevitable, but importing green energy from China and Germany, like we do today with oil from Saudi Arabia and Venezuela, need not be inevitable, and it is not in our Nation's best interests. We need to end our foreign energy dependence, whether it is today, too much with Saudi Arabia, or in the future, too much with Germany.

The next green energy company that can change the world is out there waiting to happen. It could be the National Composite Center in Dayton, could be the cutting-edge fuel cell research ongoing in Mount Vernon, OH.

We can do this. If we do this right, if we wean ourselves from foreign oil, we can create good-paying jobs right here at home in the United States of America.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2943. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, my home State of Washington, and the Pacific Northwest in general, is home to some of the most pristine nature and breathtaking scenery this country has to offer. I rise today to recognize a well known local treasure that puts the priceless gems of our region within reach. The Pacific Northwest Trail, running from the Continental Divide to the Pacific Coast, is 1,200 miles long and ranks among the most scenic trails in the world. This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast. From beginning to end it passes through three States, crosses three National Parks, and winds through seven National Forests. This trail is a national prize and should be recognized as such. That is why, today, I am introducing the Pacific Northwest National Scenic Trail Act of 2008 with my colleague from Washington State, Senator MURRAY.

The National Trails System was created in 1968 by the National Trails System Act. This act authorized a national system of trails to provide additional outdoor recreation opportunities and to promote the preservation of access to the outdoor areas and historic resources of the nation. Today there are eight National Scenic Trails that provide recreation, conservation, and enjoyment of significant scenic, historic, natural, or cultural qualities. Designating the Pacific Northwest Trail a National Scenic Trail will give it the proper recognition, bring benefits to countless neighboring communities, and promote its protection, development, and maintenance.

Adding the Pacific Northwest Trail to the National Trail System has gained the support of Commissioners in Clallam, Jefferson, Island, Skagit, Whatcom, Okanogan, Ferry, Stevens, and Pend Oreille Counties in Washington and Boundary County in Idaho. Mayors in numerous cities along the trail support the economic impact the trail has had on their communities

I urge my colleagues to support this bill and to come hike the Pacific Northwest Trail if ever given the opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2943

There being no objection, the text of bhe bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pacific Northwest National Scenic Trail Act of 2008".

SEC. 2. FINDINGS.

Congress finds that—

(1) in accordance with section 5(c)(22) of the National Trails System Act (16 U.S.C. 1244(c)(22)), a feasibility study of the proposed Pacific Northwest Trail was—

(A) conducted by the Director of the National Park Service and the Chief of the Forest Service; and

(B) completed in June 1980;

(2) the feasability study contained—

(A) a conclusion that the Pacific Northwest Trail "would have the scenic and recreational qualities needed for designation as a National Scenic Trail"; but

(B) a recommendation against the designation of the Pacific Northwest Trail, citing as obstacles factors that are present in every other national scenic trail that has been designated under the National Trails System Act (16 U.S.C. 1241 et seq.);

(3) undaunted, the founder of the Pacific Northwest Trail and many supporters—

(A) moved forward with the creation of the Pacific Northwest Trail; and

(B) established a private volunteer organization to build, maintain, and promote the Pacific Northwest Trail;

(4) similar to each other national scenic trail designated under the National Trails System Act (16 U.S.C. 1241 et seq.), the Pacific Northwest Trail stands as an outstanding example of the recreational opportunities that can be provided through a partnership among the Federal Government, State and local governments, private nonprofit trail organizations, individual volunteers, and landowners;

(5) today, approximately 950 miles of the Pacific Northwest Trail are completed and provide significant outdoor recreational experiences to citizens and visitors of the United States, thus providing on-the-ground proof of the feasibility and desirability of designating the Pacific Northwest Trail as national scenic trail, as required under section 5(b) of the National Trails System Act (16 U.S.C. 1244(b));

(6) 3 segments of the Pacific Northwest Trail have already been designated by Congress as national recreation trails; and

(7) because the entire route of the Pacific Northwest Trail was found to qualify for designation as a national scenic trail, Congress should—

(A) designate the entire Pacific Northwest Trail as a national scenic trail; and

(B) provide administrative, technical, and financial assistance in accordance with the National Trails System Act (16 U.S.C. 1241 et seq.).

SEC. 3. DESIGNATION OF PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(26) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

"(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled 'Pacific Northwest National Scenic Trail: Proposed Trail', numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the 'map').

"(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.".

By Mr. REID (for Mrs. CLINTON):

S. 2944. A bill to amend the Child Abuse Prevention and Treatment Act to examine and improve the child welfare workforce, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, today I am pleased to introduce a bill that will address a pressing need in our nation's child welfare system: improvements to the child welfare workforce. In 2006, the most recent year for which data are available, approximately 905,000 children were determined to be victims of abuse or neglect. Whether a child needs in-home support or foster care, family preservation or adoption, the child welfare workforce strives to meet the individual needs of children and families, so that safety and permanency are achieved as quickly as possible.

Unfortunately, the members of the child welfare workforce face a variety of barriers to their execution of this critically important work. Due to high caseloads and workloads, caseworkers have insufficient time to interact with children and families, prepare individualized plans, and provide services. Burnout and turnover are endemic to the child welfare system. The average tenure of a child welfare worker is just under 2 years, with staff citing high caseloads, a need for greater supervision, and few training opportunities as reasons for leaving their positions. This turnover leads to discontinuity of services, children's multiple placements in foster care, longer stays of children in care, and lower rates of finding permanent homes for children. There is evidence that turnover is lower among child welfare workers holding a degree in social work than among those who do not; yet, fewer than a third of child welfare workers hold these degrees.

Turnover is also expensive. The U.S. Department of Labor has estimated that the cost of worker turnover is equivalent to approximately one-third of the worker's annual salary. Therefore, it may cost agencies between $10,000 and $20,000 each time a worker leaves his or her position. Additionally, costs increase when turnover leads to children's extended stays in foster care, as maintaining children in foster care is more expensive than establishing permanency through reunification, adoption, or guardianship.

In addition to these obstacles, Federal support for training of child welfare workers is restricted. Title IV–E of the Social Security Act, the primary Federal source for child welfare training funds, is linked to an outdated income requirement. As a result, States may only access these dollars on behalf of a portion of the children in their care. Currently, Title IV–E funds may not be used to train child welfare staff employed by contracted nonprofit child welfare agencies, a huge barrier given the fact that many states rely on these agencies for providing necessary services. The Title IV–E training program does not address the essential role of non-child welfare professionals, such as substance abuse and domestic violence counselors, educators, and mental health providers, who work with children and families involved in the child welfare system. We must improve States' access to these funds in order to attract and maintain a trained and committed child welfare workforce.

Finally, Federal regulations limit the extent to which public child welfare agencies can partner with educational institutions to provide training to prospective and currently employed child welfare staff. Training programs implemented using Title IV–E university partnerships have shown great success. States running such programs show up to 90 percent retention of graduates in child welfare positions, even after their employment obligation period has expired. Unfortunately, because regulations prohibit private institutions from providing the state match for IV–E funded university training programs, state child welfare agencies are limited in the university partnerships they can create. As such, regions that have ready and willing private schools of social work, but few nearby public schools, are often unable to create these useful programs.

The Child Welfare Workforce Improvement Act tackles these challenges head on. This legislation calls on the National Academy of Sciences to conduct a study that assesses the child welfare workforce nationwide; makes recommendations regarding appropriate levels of caseload, workload, training, and supervision; and makes recommendations for linking workforce data to data on child outcomes. The bill requires the Department of Health and Human Services to devise a method for regularly collecting data on the child welfare workforce so that it can be linked to existing databases of child outcomes.

Additionally, the bill amends Title IV–E so that federal funds for training can be accessed by the full breadth of professionals responsible for children and families in the child welfare system. The legislation eliminates the 1996 AFDC "look-back" for IV–E training dollars so that a state can access training funds based on all of its children in foster care. It removes limitations so that funds may be used to train staff who provide support, preservation, or reunification services as well as foster care and adoption services. The bill allows related professionals access to short-term IV–E training in order to enhance their work with children and families in the child welfare system. Finally, the bill permits private nonprofit institutions of higher education to contribute matching dollars for IV–E funded training programs. This provision will allow State child welfare systems to set up university partnerships with a broader range of schools, thereby enhancing program quality, and helping to generate a cadre of professionally trained and committed child welfare workers.

We absolutely must support the members of the child welfare workforce if we want high quality services for our Nation's vulnerable children and families. I hope that my colleagues in the Senate will join me in this important effort.

By Mr. BROWN:

S. 2948. A bill to provide quality, affordable health insurance for small employers and individuals; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, earlier this week, I spoke on the Senate floor about Cover the Uninsured Week and a bill I was introducing that would increase access to health coverage for small businesses and self-employed individuals.

I will formally introduce the Small Business Empowerment Act today, and I would like to discuss the bill in a bit more depth.

First, why is it necessary?

It is necessary because 82 percent of the uninsured are workers, and the overwhelming majority work in small firms.

In Ohio, 99 percent of firms with more than 50 workers sponsor health coverage. About 44 percent of firms with less than 50 do.

And small employers that do offer coverage are struggling under the weight of it. According to the well-respected Rand Corporation, small businesses saw the economic burden of health insurance rise by 30 percent between 2000 and 2005.

The situation is even worse for the self-employed, who must contend with staggeringly high premiums for individual coverage, if, that is, they can find an insurer willing to cover them.

In the meantime, health insurers have been living large, their profits increasing by more than a third over the last 5 years. That's not revenue, it's profits.

Middle class families are shouldering the burden of skyrocketing gas prices and ballooning food prices, even as the equity in their homes erodes and the cost of putting their children through college explodes.

It would be ideal if they could also afford to pay a king's ransom for health insurance.

They can't. They shouldn't have to.

With those realities staring us in the face, inaction is the same as indifference.

My legislation attacks the issue of health coverage access from several directions.

To ensure widespread access, the bill would establish a national insurance pool modeled after the successful Federal Employees Health Benefits program.

FEHB, which enables enrollees to choose from a variety of health plans whose rates and benefits are negotiated by the federal Office of Personnel Management, has served members of Congress and federal employees well for many years now.

Under my bill, an independent contractor would manage a program that looks like FEHB, with a few modifications to accommodate the market segment it would serve.

A few of those modifications are designed to hold down costs:

The bill would establish a reinsurance program to pay claims that fall between $5,000 and $75,000. This approach minimizes premium spikes and makes coverage affordable for companies regardless of the age and health of their employees.

The bill would also establish what is called a "loss-ratio" standard for insurers. Basically this means that insurers would be required to spend most of their premium income on claims, and hold down their administrative costs.

And the bill would identify and apply strategies to ensure that providers employ "best practices" in health care, which means that they are providing the right care in the right amounts.

Finally, the bill would target "price-gouging" by drug manufacturers and other manufacturers of medical products. Price gouging occurs in U.S. health care when a company exploits American consumers by charging them dramatically higher prices than consumers in other wealthy nations.

Other modifications are designed to ensure that health coverage is non-discriminatory.

Think about it: If you develop a mental illness like clinical depression and I develop a medical illness like heart disease, why should you be denied health benefits while I receive them? We both have paid premiums to cover health care costs and we both need health care. Why is my condition more worthy of coverage than yours?

My bill charges a group representing providers, businesses, consumers, economists, and health policy experts with rethinking health care coverage to eliminate arbitrary differences in the coverage of equally disruptive, disabling, or dangerous health conditions.

The bottom-line is this. We have an opportunity to expand access to health coverage in a way that advances fundamental goals:

We can reach populations who can't find a home in the current insurance system.

We stand up for American consumers who are paying ridiculous prices for essential health care.

We can demand spending discipline on the part of insurers—they have chosen to play a pivotal role in the health of our nation; they can live with reasonable limits on their administrative costs.

We can clean up duplication and random variation in the delivery of health care services; and we can end arbitrary coverage rules that turn health protection into a health care crapshoot.

For the sake of small employers and their employees, for the sake of self-employed entrepreneurs, and for the sake of every American who didn't request a particular health problem and shouldn't be penalized for having it, I hope Members on both sides of the aisle will support my bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 542—DESIGNATING APRIL 2008 AS "NATIONAL STD AWARENESS MONTH"

Mr. REID (for Mrs. CLINTON (for herself, Mr. MENENDEZ, Mr. FEINGOLD, and Mr. LAUTENBERG)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 542

Whereas sexually transmitted diseases (STDs) pose a significant burden in the United States both in economic and human terms;

Whereas the United States has the highest rate of STD infection in the industrialized world, with an estimated 19,000,000 new cases of STDs occurring each year, and almost half of those infections occurring in young people between the ages of 15 to 24;

Whereas, according to the Centers for Disease Control and Prevention (CDC), STDs impose a tremendous economic burden on the United States, with direct medical costs as high as $15,300,000,000 per year;

Whereas, in 2008, the CDC estimated that 1 in 4 young women between the ages of 14 and 19 in the United States, or 3,200,000 teenage girls, is infected with at least 1 of the most common STDs, which are human papillomavirus (HPV), chlamydia, herpes simplex virus, and trichomoniasis;

Whereas poverty and lack of access to quality health care exacerbate the rate of infection with HIV and other STDs;

Whereas the CDC reports that 48 percent of young African-American women are infected with an STD, compared to 20 percent of young Caucasian women;

Whereas the CDC also reports that the 2 most common STDs among young women are HPV, with 18 percent infected, and chlamydia, with 4 percent infected;

Whereas the long-term health effects of STDs are especially severe for women and include infertility and cervical cancer;

Whereas HPV vaccination and the screening and early treatment of STDs can prevent some of the most devastating effects of untreated STDs;

Whereas the high STD infection rate among young women in the United States demonstrates the need to develop ways to reach those young women most at risk of infection;

Whereas the CDC recommends annual chlamydia screenings for sexually active women 25 years old and younger;

Whereas the CDC also recommends that girls and women between the ages of 11 and 26 who have not been vaccinated, or who have not completed the full series of shots, be fully vaccinated against HPV;

Whereas chlamydia can lead to chronic pain, infertility, and tubular pregnancies, which can affect a woman's health and well-being throughout her lifetime;

Whereas the harmful impact of STDs on infants leads to long-term emotional suffering and stress for families;

Whereas, unlike other diseases, STDs often cause stigma and feelings of shame for patients diagnosed with those diseases;

Whereas the Federal Government should help people protect themselves against STDs by supplying them with information about their options and funding screening and treatment services through a variety of programs, including programs under title X of the Public Health Service Act (42 U.S.C. 300 et seq.) and the CDC's STD prevention program; and

Whereas STD screening, vaccination, and other prevention strategies for sexually active women should be among our highest public health priorities: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as "National STD Awareness Month";

(2) requests the Federal Government, States, localities, and nonprofit organizations to observe the month with appropriate programs and activities, with the goal of increasing public knowledge of the risks of sexually transmitted diseases (STDs) and protecting people of all ages;

(3) recognizes the human toll of the STD epidemic and makes the prevention and cure of STDs a higher public health priority; and

(4) calls on all people in the United States to learn what screenings are recommended for them and their families and to seek appropriate care.

SENATE RESOLUTION 543—DESIGNATING THE WEEK BEGINNING MAY 11, 2008, AS "NATIONAL NURSING HOME WEEK"

Mr. THUNE (for himself, Mr. JOHNSON, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 543

Whereas more than 1,500,000 elderly and disabled individuals live in the nearly 16,000 nursing facilities in the United States;

Whereas the annual celebration of National Nursing Home Week invites people in communities nationwide to recognize nursing home residents and staff for their contributions to their communities;

Whereas the theme for National Nursing Home Week in 2008 is "Love is Ageless", emphasizing that each person, caregiver, and community has an abundance of love, no matter what their age;

Whereas love can be celebrated in a variety of ways, such as through the telling of personal stories, traditions, friendship, and family; and

Whereas National Nursing Home Week recognizes the people who provide care to the Nation's most vulnerable population: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 11, 2008, as "National Nursing Home Week";

(2) recognizes that a majority of people in the United States, because of social needs, disability, trauma, or illness, will require long-term care services at some point in their lives;

(3) honors nursing home residents and the people who care for them each day, including family members, volunteers, and dedicated long-term care professionals, for their contributions to their communities and the United States; and

(4) encourages the people of the United States to observe National Nursing Home Week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4587. Mr. DURBIN (for himself, Mrs. HUTCHISON, Mr. BROWN, Mr. INHOFE, Mr. LAUTENBERG, Mr. VOINOVICH, Mr. NELSON, of Florida, Mr. CORNYN, Mr. MENENDEZ, Mr. HARKIN, Mr. BOND, and Mr. BIDEN) proposed an amendment to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

SA 4588. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4589. Mr. DORGAN (for himself, Mr. SCHUMER, Mr. BINGAMAN, Mr. BROWN, Mrs. CLINTON, Ms. COLLINS, Mr. DOMENICI, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. MCCASKILL, Mr. OBAMA, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4590. Mrs. McCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4591. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4592. Mr. DURBIN (for Mr. KENNEDY (for himself and Mr. ENZI)) proposed an amendment to the bill H.R. 5715, to ensure continued availability of access to the Federal student loan program for students and families.

SA 4593. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4594. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4595. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4596. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4597. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4598. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4599. Mr. CARPER (for himself, Mr. SPECTER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4600. Mr. MENENDEZ (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4601. Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. SPECTER, Mr. CASEY, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4602. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4603. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4604. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4605. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4606. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4607. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4608. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4609. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4610. Mr. SCHUMER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4611. Mr. SCHUMER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4612. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4613. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4614. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4615. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4616. Mr. ENSIGN (for himself, Mrs. BOXER, Mr. MCCAIN, Mr. KYL, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4617. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4618. Mr. SCHUMER (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4619. Mr. CASEY (for himself, Mr. BIDEN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4620. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4621. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4622. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4623. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4624. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4625. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4626. Mr. NELSON, of Nebraska (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4627. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 2881, supra.

SA 4628. Mr. REID proposed an amendment to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra.

SA 4629. Mr. REID proposed an amendment to amendment SA 4628 proposed by Mr. REID to the amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra.

SA 4630. Mr. REID proposed an amendment to the bill H.R. 2881, supra.

SA 4631. Mr. REID proposed an amendment to amendment SA 4630 proposed by Mr. REID to the bill H.R. 2881, supra.

SA 4632. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4633. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4634. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4587. Mr. DURBIN (for himself, Mrs. HUTCHISON, Mr. BROWN, Mr. INHOFE, Mr. LAUTENBERG, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. CORNYN, Mr. MENENDEZ, Mr. HARKIN, Mr. BOND, and Mr. BIDEN) proposed an amendment to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

Strike section 808.

SA 4588. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 22 and all that follows through page 25, line 10, and insert the following:

(2) in subsection (c)(2)(A)(i), by striking "purpose" and inserting the following: "purpose, which includes serving as noise buffer land that may be—

"(I) undeveloped; or

"(II) developed in a way that is compatible with using such land for noise buffering purposes;".

(3) in subsection (c)(2)(B)(iii), by striking "paid to the Secretary for deposit in the Fund if another eligible project does not exist." and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes; and"; and

(4) in subsection (c)—

(A) by redesignating paragraph (3) as paragraph (5);

(B) by inserting after paragraph (2) the following:

"(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose with a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

"(B) The airport owner or operator may use revenues from such lease for ongoing airport operational and capital purposes.

"(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that such leases are consistent with noise buffering purposes.

"(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

"(4) In approving the reinvestment or transfer of

SA 4589. Mr. DORGAN (for himself, Mr. SCHUMER, Mr. BINGAMAN, Mr. BROWN, Mrs. CLINTON, Ms. COLLINS, Mr. DOMENICI, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. MCCASKILL, Mr. OBAMA, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7___. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

SA 4590. Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. ENHANCED OVERSIGHT AND INSPECTION OF REPAIR STATIONS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102(a) of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in such section 40102(a).

(4) AIRCRAFT.—The term "aircraft" has the meaning given that term in such section 40102(a).

(5) COVERED MAINTENANCE WORK.—The term "covered maintenance work" means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

(6) PART 121 AIR CARRIER.—The term "part 121 air carrier" means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

(7) PART 145 REPAIR STATION.—The term "part 145 repair station" means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

(8) UNITED STATES COMMERCIAL AIRCRAFT.—The term "United States commercial aircraft" means an aircraft registered in the United States and owned or leased by a commercial air carrier.

(b) REGULATION OF REPAIR STATIONS FOR SAFETY.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"SEC. 44730. REPAIR STATIONS.

"(a) DEFINITIONS.—In this section:

"(1) COVERED MAINTENANCE WORK.—The term 'covered maintenance work' means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

"(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

"(3) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

"(4) UNITED STATES COMMERCIAL AIRCRAFT.—The term 'United States commercial aircraft' means an aircraft registered in the United States and owned or leased by a commercial air carrier.

"(b) REQUIREMENTS FOR MAINTENANCE PERSONNEL PROVIDING COVERED MAINTENANCE WORK.—Not later than 3 years after the date of the enactment of this section, the Administrator shall prescribe regulations requiring all covered maintenance work on United States commercial aircraft to be performed by maintenance personnel employed by—

"(1) a part 145 repair station;

"(2) a part 121 air carrier; or

"(3) a person that provides contract maintenance personnel to a part 145 repair station or a part 121 air carrier, if such personnel—

"(A) meet the requirements of such repair station or air carrier, as the case may be;

"(B) work under the direct supervision and control of such repair station or air carrier, as the case may be; and

"(C) carry out their work in accordance with the quality control manuals of such repair station or the maintenance manual of such air carrier, as the case may be.

"(c) CERTIFICATION OF INSPECTION OF FOREIGN REPAIR STATIONS.—Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Administrator shall certify to Congress that—

"(1) each certified foreign repair station that performs maintenance work on an aircraft or a component of an aircraft for a part 121 air carrier has been inspected not fewer than 2 times in the preceding calendar year by an aviation safety inspector of the Federal Aviation Administration; and

"(2) not fewer than 1 of the inspections required by paragraph (1) for each certified foreign repair station was carried out at such repair station without any advance notice to such foreign repair station.

"(d) DRUG AND ALCOHOL TESTING OF FOREIGN REPAIR STATION PERSONNEL.—Not later than 1 year after the date of the enactment of this section, the Administrator shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of this title of any individual employed by a foreign repair station and performing a safety-sensitive function on a United States commercial aircraft for a foreign repair station.".

(2) TEMPORARY PROGRAM OF IDENTIFICATION AND OVERSIGHT OF NONCERTIFIED REPAIR FACILITIES.—

(A) DEVELOP PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a plan for a program—

(i) to require each part 121 air carrier to identify and submit to the Administrator a complete list of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft used by such part 121 air carriers to provide air transportation;

(ii) to validate lists described in clause (i) that are submitted by a part 121 air carrier to the Administrator by sampling the records of part 121 air carriers, such as maintenance activity reports and general vendor listings; and

(iii) to carry out surveillance and oversight by field inspectors of the Federal Aviation Administration of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft for part 121 air carriers.

(B) REPORT ON PLAN FOR PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report that contains the plan required by subparagraph (A).

(C) IMPLEMENTATION OF PLANNED PROGRAM.—Not later than 1 year after the date of the enactment of this Act and until regulations are prescribed under section 44730(b) of title 49, United States Code, as added by paragraph (1), the Administrator shall carry out the plan required by subparagraph (A).

(D) ANNUAL REPORT ON IMPLEMENTATION.—Not later than 180 days after the commencement of the plan under subparagraph (C) and each year thereafter until the regulations described in such subparagraph are prescribed, the Administrator shall submit to Congress a report on the implementation of the plan carried out under such subparagraph.

(3) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

"44730. Repairs stations.".

(c) REGULATION OF FOREIGN REPAIR STATIONS FOR SECURITY.—Section 44924 is amended by adding at the end the following:

"(h) COMPLIANCE OF FOREIGN REPAIR STATIONS WITH SECURITY REGULATIONS.—

"(1) PROHIBITION ON CERTIFICATION OF FOREIGN REPAIR STATIONS THAT DO NOT COMPLY WITH SECURITY REGULATIONS.—The Administrator may not certify or recertify a foreign repair station under part 145 of title 14, Code of Federal Regulations, unless such foreign repair station is in compliance with all applicable final security regulations prescribed under subsection (f).

"(2) NOTIFICATION TO AIR CARRIERS OF NONCOMPLIANCE BY FOREIGN REPAIR STATIONS.—If the Under Secretary for Border and Transportation Security of the Department of Homeland Security is aware that a foreign repair station is not in compliance with a security regulation or that a security issue or vulnerability has been identified with respect to such foreign repair station in a security review or audit required under subsection (a) or any regulation prescribed under subsection (f), the Under Secretary shall provide notice to each air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations, of such noncompliance or security issue or vulnerability.".

(d) UPDATE OF FOREIGN REPAIR FEE SCHEDULE.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall revise the methodology for computation of fees for certification services performed outside the United States under part 187 of title 14, Code of Federal Regulations, to cover fully the costs to the Federal Aviation Administration of such certification services, including—

(A) the costs of all related inspection services;

(B) all travel expenses, salary, and employment benefits of inspectors who provide such services; and

(C) any increased costs to the Administration resulting from requirements of this section.

(2) UPDATES.—The Administrator shall periodically revise such methodology to account for subsequent changes in such costs to the Administration.

(e) ANNUAL REPORT BY INSPECTOR GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Inspector General of the Department of Transportation shall submit to Congress a report on the implementation of—

(1) section 44730 of title 49, United States Code, as added by subsection (b)(1) of this section;

(2) subsection (b)(2) of this section;

(3) subsection (h) of section 44924 of such title, as added by subsection (c) of this section;

(4) subsection (d) of this section; and

(5) the regulations prescribed or amended under the provisions described in this subsection.

SA 4591. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following:

SEC. 839. INCLUSION OF TRANSPORTATION BETWEEN HAWAII AND CALIFORNIA IN QUALIFIED ZONE DOMESTIC TRADE.

(a) IN GENERAL.—Subparagraph (B) of section 1355(g)(4) is amended to read as follows:

"(B) QUALIFIED ZONE.—The term 'qualified zone' means any of the following:

"(i) The Great Lakes Waterway and the St. Lawrence Seaway.

"(ii) The area between any port in Hawaii and any port in California.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1355(g)(4)(A) is amended by striking "in the qualified zone" and inserting "in any one qualified zone".

(2) The heading of subsection (g) of section 1355 is amended by striking "GREAT LAKES" and inserting "CERTAIN".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4592. Mr. DURBIN (for Mr. KENNEDY (for himself and Mr. ENZI)) proposed an amendment to the bill H.R. 5715, to ensure continued availability of access to the Federal student loan program for students and families; as follows:

Section 2 of the Ensuring Continued Access to Student Loans Act of 2008 is amended—

(1) in the section heading, by striking "**AND GRADUATE**"; and

(2) in subsection (c), by striking "issued" and inserting "first disbursed".

Section 3(c) of the Ensuring Continued Access to Student Loans Act of 2008 is amended by striking "issued" and inserting "first disbursed".

In section 428B(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–2(a)(3)), as amended by section 4 of the Ensuring Continued Access to Student Loans Act of 2008, strike subparagraph (B) and insert the following:

"(B)(i) EXTENUATING CIRCUMSTANCES.—An eligible lender may determine that extenuating circumstances exist under the regulations promulgated pursuant to paragraph (1)(A) if, during the period beginning January 1, 2007, and ending December 31, 2009, an applicant for a loan under this section—

"(I) is or has been delinquent for 180 days or fewer on mortgage loan payments or on medical bill payments during such period; and

"(II) is not and has not been more than 89 days delinquent on the repayment of any other debt during such period.

"(ii) DEFINITION OF MORTGAGE LOAN.—In this subparagraph, the term 'mortgage loan' means an extension of credit to a borrower that is secured by the primary residence of the borrower.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit an eligible lender's authority under the regulations promulgated pursuant to paragraph (1)(A) to determine that extenuating circumstances exist.".

Section 428(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(j)), as amended by section 5 of the Ensuring Continued Access to Student Loans Act of 2008, is amended—

(1) in paragraph (1), by inserting after the second sentence the following: "No loan under section 428, 428B, or 428H that is made pursuant to this subsection shall be made with interest rates, origination or default fees, or other terms and conditions that are more favorable to the borrower than the maximum interest rates, origination or default fees, or other terms and conditions applicable to that type of loan under this part.";

(2) in paragraph (5)(A), by striking "lenders willing to make loans" and inserting "eligible lenders willing to make loans under this part"; and

(3) by adding at the end the following:

"(6) EXPIRATION OF AUTHORITY.—The Secretary's authority under paragraph (4) to designate institutions of higher education for participation in the program under this subsection shall expire on June 30, 2009.

"(7) EXPIRATION OF DESIGNATION.—The eligibility of an institution of higher education, or borrowers from such institution, to participate in the program under this subsection pursuant to a designation of the institution by the Secretary under paragraph (4) shall expire on June 30, 2009. After such date, borrowers from an institution designated under paragraph (4) shall be eligible to participate in the program under this subsection as such program existed on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008.

"(8) PROHIBITION ON INDUCEMENTS AND MARKETING.—Each guaranty agency or eligible lender that serves as a lender-of-last-resort under this subsection—

"(A) shall be subject to the prohibitions on inducements contained in subsection (b)(3) and the requirements of section 435(d)(5); and

"(B) shall not advertise, market, or otherwise promote loans under this subsection, except that nothing in this paragraph shall prohibit a guaranty agency from fulfilling its responsibilities under paragraph (2)(C).

"(9) DISSEMINATION AND REPORTING.—

"(A) IN GENERAL.—The Secretary shall—

"(i) broadly disseminate information regarding the availability of loans made under this subsection;

"(ii) during the period beginning July 1, 2008 and ending June 30, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—

"(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection;

"(II) quarterly reports on—

"(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

"(bb) any related payments by the Department, a guaranty agency, or an eligible lender; and

"(III) a budget estimate of the costs to the Federal Government (including subsidy and administrative costs) for each 100 dollars loaned, of loans made pursuant to this subsection between the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008 and June 30, 2009, disaggregated by type of loan, compared to such costs to the Federal Government during such time period of comparable loans under this part and part D, disaggregated by part and by type of loan; and

"(iii) beginning July 1, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—

"(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection; and

"(II) annual reports on—

"(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

"(bb) any related payments by the Department, a guaranty agency, or an eligible lender.

"(B) SEPARATE REPORTING.—The information required to be reported under subparagraph (A)(ii)(II) shall be reported separately for loans originated or approved pursuant to paragraph (4), or payments related to such loans, for the time period in which the Secretary is authorized to make designations under paragraph (4).".

In section 5(c) of the Ensuring Continued Access to Student Loans Act of 2008, strike "agency's" and insert "agencies".

In section 6(a)(3) of the Ensuring Continued Access to Student Loans Act of 2008, strike "adding at the end" and insert "inserting before the matter following paragraph (5)".

Section 459A(a) of the Higher Education Act of 1965, as added by section 7(b) of the Ensuring Continued Access to Student Loans Act of 2008, is amended—

(1) in paragraph (1)—

(A) by striking "loans originated" and inserting "loans first disbursed";

(B) by inserting "and before July 1, 2009," after "October 1, 2003,"; and

(C) by inserting "(including the cost of servicing the loans purchased)" after "Federal Government"; and

(2) by striking paragraphs (2) and (3) and inserting the following:

"(2) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any purchase of loans under this section that—

"(A) establishes the terms and conditions governing the purchases authorized by paragraph (1);

"(B) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the price at which to purchase loans made under section 428, 428B, or 428H; and

"(C) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).".

The Ensuring Continued Access to Student Loans Act of 2008 is amended by adding at the end the following:

SEC. 10. ACADEMIC COMPETITIVENESS GRANTS.

(a) AMENDMENTS.—Section 401A of the Higher Education Act of 1965 (20 U.S.C. 1070a-1) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.";

(2) in subsection (b)—

(A) by striking "academic year" each place it appears and inserting "year"; and

(B) in paragraph (2), by striking "third or fourth" and inserting "third, fourth, or fifth";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "full-time";

(ii) by striking "academic" and inserting "award"; and

(iii) by striking "is made" and inserting "is made for a grant under this section";

(B) by striking paragraphs (1) and (2) and inserting the following:

"(1) is eligible for a Federal Pell Grant;

"(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and"; and

(C) in paragraph (3)—

(i) by striking "academic" each place the term appears;

(ii) in subparagraph (A)—

(I) by striking the matter preceding clause (i) and inserting the following:

"(A) the first year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than one year for which the institution awards a certificate)—";

(II) by striking clause (i) and inserting the following:

"(i) has successfully completed, after January 1, 2006, a rigorous secondary school program of study that prepares students for college and is recognized as such by the State official designated for such recognition, or with respect to any private or home school, the school official designated for such recognition for such school, consistent with State law, which recognized program shall be reported to the Secretary; and"; and

(III) in clause (ii), by inserting ", except as part of a secondary school program of study" before the semicolon;

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "year of" and all that follows through "higher education" and inserting "year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than two years for which the institution awards a certificate)"; and

(II) in clause (ii), by striking "or" after the semicolon at the end;

(iv) in subparagraph (C)—

(I) in the matter preceding subclause (I) of clause (i), by inserting "certified by the institution to be" after "is";

(II) by striking clause (i)(II) and inserting the following:

"(II) a critical foreign language; and"; and

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

"(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)), is attending an institution that demonstrates, to the satisfaction of the Secretary, that the institution—

"(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and the student—

"(I)(aa) studies, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; and

"(bb) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; or

"(II) is required, as part of the student's degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

"(aa) 4 years of study in mathematics; and

"(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

"(ii) offered such curriculum prior to February 8, 2006; or

"(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework, as certified by the appropriate official of the degree-granting institution of higher education, for which a baccalaureate degree is awarded by a degree-granting institution of higher education—

"(i) is certified by the institution of higher education to be pursuing a major in—

"(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

"(II) a critical foreign language; and

"(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "The" and inserting "IN GENERAL.—The";

(II) in clause (ii), by striking "or" after the semicolon at the end;

(III) in clause (iii), by striking "subsection (c)(3)(C)." and inserting "subparagraph (C) or (D) of subsection (c)(3), for each of the two years described in such subparagraphs; or"; and

(IV) by adding at the end the following:

"(iv) $4,000 for an eligible student under subsection (c)(3)(E)."; and

(ii) in subparagraph (B)—

(I) by striking "Notwithstanding" and inserting "LIMITATION; RATABLE REDUCTION.—Notwithstanding";

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

"(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal

Pell Grant is reduced under section 401(b)(2)(B);'';

(B) by striking paragraph (2) and inserting the following:

"(2) LIMITATIONS.—

"(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

"(B) NUMBER OF GRANTS.—The Secretary may not award more than one grant to a student described in subsection (c)(3) for each year of study described in such subsection.''; and

(C) by adding at the end the following: and

"(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking "at least one'' and inserting "not less than one''; and

(B) by striking "subsection (c)(3)(A) and (B)'' and inserting "subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking "academic'' and inserting "award''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2009.

SEC. 11. INAPPLICABILITY OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to amendments made by sections 2 through 9 of this Act, or to any regulations promulgated under such amendments.

SA 4593. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7_____. OIL AND GAS LEASING IN NEW PRODUCING AREAS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCING STATE.—The term "eligible producing State'' means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil and gas leasing.

(2) NEW PRODUCING AREA.—The term "new producing area'' means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil and gas leasing as of the date of enactment of this Act.

(3) NEW PRODUCING STATE.—The term "new producing State'' means a State with respect to which a petition has been approved by the Secretary under subsection (b).

(4) QUALIFIED REVENUES.—The term "qualified revenues'' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) SECRETARY.—The term "Secretary'' means the Secretary of the Interior.

(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the West Texas Intermediate daily price of crude oil (in dollars per barrel) exceeds 190 percent of the annual price of crude oil (in dollars per barrel) for calendar year 2006, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for oil and gas leasing in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) ACTION BY SECRETARY.—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified revenues in the general fund of the Treasury; and

(2) 50 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—

(A) 37.5 percent to eligible producing States for new producing areas, to be allocated in accordance with subsection (d)(1); and

(B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8).

(d) ALLOCATION TO ELIGIBLE PRODUCING STATES.—

(1) IN GENERAL.—The amount made available under subsection (c)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) USE.—Amounts allocated to an eligible producing State under subparagraph (A) shall be used to address the impacts of oil and gas exploration and production activities under this section.

(e) EFFECT.—Nothing in this section affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(2) any authority that permits energy production under any other provision of law.

SA 4594. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. _____. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in gross income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(K)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in gross income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term "eligible retirement plan" has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term "qualified taxpayer" means—

(1) any individual who is a plaintiff in the civil action In re Exxon Valdez, No. 89-095-CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term "qualified settlement income" means any interest and punitive damage awards which are—

(1) otherwise includible in gross income (determined without regard to subsection (b)), and

(2) received (whether as lump sums or periodic payments) in connection with the civil action In re Exxon Valdez, No. 89-095-CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

SA 4595. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2008 through 2011 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) FUNCTIONS.—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SA 4596. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 414.

SA 4597. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT OIL ACQUISITION FINANCIAL ACCOUNTABILITY AND CONSUMER RELIEF.

(a) SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the conditions described in paragraph (2) are not met—

(A) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(B) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(2) RESUMPTION.—

(A) IN GENERAL.—The Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program, and the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method, not earlier than 30 days after the date on which the President notifies Congress that the President has determined that, for the most recent consecutive 4-week period—

(i) the weighted average price of retail, regular, all formulations gasoline in the United States is $2.50 or less per gallon (as adjusted under subparagraph (B)); or

(ii) the weighted average price of retail, No. 2 diesel in the United States is $2.75 or less per gallon (as adjusted under subparagraph (B)).

(B) ADJUSTMENT.—For fiscal year 2009 and each subsequent fiscal year, the prices specified in clauses (i) and (ii) of subparagraph (A) for the preceding fiscal year shall be adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) ADDITIONAL ACQUISITION REQUIREMENTS.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended by inserting after subsection (c) the following:

"(d) ADDITIONAL ACQUISITION REQUIREMENTS.—

"(1) IN GENERAL.—To the maximum extent practicable, any acquisitions made by the Secretary of the Interior for the Strategic Petroleum Reserve through the royalty-in-kind program and any acquisitions made by the Secretary of Energy for the Reserve through any other acquisition method (referred to in this subsection as the 'respective Secretary') shall reflect a steady monthly dollar value of oil acquired through the royalty-in-kind program or any other acquisition method allowed by law.

"(2) PARTICULAR INCLUSION.—

"(A) DEFINITION OF HEAVY CRUDE OIL.—In this paragraph, the term 'heavy crude oil' means oil with a gravity index of not more than 22 degrees.

"(B) REQUIREMENT.—To the extent technologically feasible, financially beneficial for the Treasury of the United States, and compatible with domestic refining requirements, the respective Secretary shall include at least 10 percent heavy crude oil in making any acquisitions of crude oil for the Reserve.

"(3) NEGOTIATION OF DELIVERY DATES.—Nothing in this subsection limits the ability of the respective Secretary to negotiate delivery dates for crude oil acquired for the Reserve.

"(4) NATIONAL SECURITY NEEDS.—The respective Secretary may waive any requirement under this subsection if the respective Secretary determines that the requirement is inconsistent with the national security needs of the United States.".

SA 4598. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7___. OVERFLIGHTS OF NATIONAL PARKS.

Section 40128(b) of title 49, United States Code, is amended by adding at the end the following:

"(7) LIMITATION ON COMMERCIAL AIR TOUR OPERATIONS.—Notwithstanding any other provision of this section, beginning on the date that is 2 years after the date of enactment of this paragraph, no commercial air tour operations may be conducted over a national park unless an air tour management plan has been established for the national park in accordance with this subsection.".

SA 4599. Mr. CARPER (for himself, Mr. SPECTER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, between lines 7 and 8, insert the following:

(d) NOISE MITIGATION STUDY.—The Administrator of the Federal Aviation Administration shall—

(1) conduct a study of the current laws and regulations governing the evaluation and mitigation of airport noise;

(2) identify ways to improve the reporting and mitigation of noise impacts from airports, including—

(A) using the 65 DNL (Day/Night Noise Level) as the threshold for Federal noise abatement programs and

(B) determining whether frequent spikes in noise level above 65 decibels should be tracked and mitigated, even if such mitigation results in an average noise level below 65 DNL; and

(3) not later than September 30, 2009, submit a report to Congress that describes—

(A) the current process for evaluating airport noise impacts on surrounding communities;

(B) possible alternatives to the existing process and benchmarks; and

(C) the implications of adopting such alternatives.

SA 4600. Mr. MENENDEZ (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 126, strike line 23 and all that follows through page 127, line 9, and insert the following:

(a) CONFLICT OF INTEREST.—

(1) MODIFICATION OF POST EMPLOYMENT GUIDANCE ON EMPLOYMENT BY INSPECTED AIR CARRIERS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to revise the Administration's post employment guidance to prohibit an individual from representing an air carrier before the Federal Aviation Administration or participating in negotiations or other contacts with the Federal Aviation Administration on behalf of an air carrier for a period of 2 years beginning on the date of the termination of the employment of such individual with the Federal Aviation Administration if such individual—

(A) is employed by that air carrier and was the inspector responsible for inspecting that air carrier while employed by the Federal Aviation Administration;

(B) is employed by that air carrier and was a supervisor of inspectors responsible for inspecting that air carrier while employed by the Federal Aviation Administration; or

(C) is employed by that air carrier and was in a management position responsible for overseeing safety regulation of that air carrier while employed by the Federal Aviation Administration.

(2) LIMITATION ON EMPLOYMENT OF INDIVIDUALS WHO PREVIOUSLY WORKED FOR AN AIR CARRIER.—The Administrator of the Federal Aviation Administration shall prohibit any employee of the Administration who was employed by an air carrier before commencement of the employment of the individual with the Administration from personal and substantial involvement with the oversight of safety inspections or safety regulations of that air carrier for a period of 2 years beginning on the date of such commencement.

SA 4601. Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. SPECTER, Mr. CASEY, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SA 4602. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, for other purposes; which was ordered to lie on the table; as follows:

On page 135, strike lines 8 through 11, and insert the following:

(b) MEMBERSHIP.—The Advisory Committee shall consist of—

(1) the Administrator of the Federal Aviation Administration or the Administrator's designee;

(2) the Administrator of the National Aeronautics and Space Administration or the Administrator's designee; and

(3) 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

SA 4603. Mrs. HUTCHISON submitted an amendment intended to be proposed to by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 7, strike "2" and insert "3".

SA 4604. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SCHEDULE REDUCTION.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall convene a conference of air carriers to voluntarily reduce operations described in paragraphs (1) and (2), in accordance with section 41722 of title 49, United States Code, to less than the maximum departure and arrival rate established by the Administrator for such operations, if the Administrator determines that—

(1) the aircraft operations of air carriers during any hour at an airport exceeds such hourly maximum departure and arrival rate; and

(2) the operations in excess of such maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system.

(b) NO AGREEMENT.—If the air carriers participating in a conference convened under subsection (a) with respect to an airport are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator, in consultation with representatives of the affected airport, shall take such action as is necessary to ensure that the reduction described in subsection (a) is implemented.

(c) QUARTERLY REPORTS.—Not later than 3 months after the date of the enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report that describes—

(1) scheduling at the 35 airports that have the greatest number of passenger enplanements; and

(2) each occurrence in which hourly scheduled aircraft operations of air carriers at any such airport exceeded the maximum departure and arrival rate for such airport.

SA 4605. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON USE OF DISPERSAL DEPARTURE HEADINGS AT PHILADELPHIA INTERNATIONAL AIRPORT.

The Federal Aviation Administration may not use dispersal departure headings at Philadelphia International Airport unless 10 or more aircraft are waiting to depart.

SA 4606. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking "the harm" and inserting "(A) except in the case of subparagraph (B), the harm";

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(B) the volunteer—

"(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

"(ii) was properly licensed and insured for the operation of such aircraft."; and

(2) in subsection (c)—

(A) by striking "Nothing in this section" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section"; and

(B) by adding at the end the following:

"(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

"(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

"(B) is properly licensed for the operation of such aircraft; and

"(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.".

SA 4607. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AVIATION TRAVELER TASKFORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) While the aircraft safety should be a top priority for the Federal Aviation Administration and air carriers, compliance with Federal safety regulations should not come at the expense of passenger convenience.

(2) One of the chief complaints of customers left stranded during April 2008 by massive cancellations was the lack of notification about the status of their flights.

(3) Commercial air flight cancellations were announced with little advance notice, causing many travelers to discover that their flight was cancelled after they arrived at the airport.

(4) Air carriers have also reduced the number of flights on their schedules, which has frustrated consumers' attempts to find replacement flights on other air carriers.

(b) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish an Aviation Traveler Taskforce, comprised of Federal Aviation Administration employees and representatives of the commercial aviation industry.

(c) FUNCTIONS.—The Aviation Traveler Taskforce shall—

(1) clarify interpretations of safety directives issued by the Federal Aviation Administration with which air carriers will soon need to comply;

(2) develop contingency plans in the event that additional aircraft—

(A) are found to be out of compliance with such safety directives; and

(B) need to be grounded;

(3) generate ideas for the best way to notify passengers on a massive scale that their flights have been cancelled; and

(4) design a notification system to alert passengers of potential service disruptions.

(d) INSPECTION PLANS.—The Administrator of the Federal Aviation Administration shall ensure that any standardized plan to perform inspections of commercial aircraft includes a plan to reduce groundings and other consequences resulting from such inspections.

SA 4608. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPLEMENTATION OF FAA RULE RELATING TO FUEL TANK FLAMMABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later 1 year after the date of the enactment of this Act, the Federal Aviation Administration shall finalize and implement, in accordance with paragraph (2), the rule proposed by the Federal Aviation Administration relating to the reduction of fuel tank flammability in transport category airplanes (70 Fed. Reg. 70922, dated November 23, 2005) and operators and manufacturers of airplanes shall take appropriate action to comply with the rule.

(b) MATCHING FUNDS.—For each of the fiscal years 2009 through 2018, the Administrator of the Federal Aviation Administration may provide financial assistance to operators and manufacturers of airplanes in an amount that does not exceed $1 for every $1 incurred by such operators and manufacturers for complying with the rule described in subsection (a).

(c) STUDY AND REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study and report to Congress regarding ways to improve the safety and reduce the flammability of fuel tanks that are located on the wings of airplanes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $40,000,000 for each of the fiscal years 2009 through 2018, to carry out the provisions of subsection (b).

SA 4609. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NEW YORK INTEGRATION OFFICE.

(a) BUDGET AUTHORITY.—The Director of the New York Integration Office of the Federal Aviation Administration is authorized to transfer any amounts appropriated for the operations of such office to any function that the Director determines to be necessary to carry out any flight delay reduction project involving the airspace in the New York-New Jersey region.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Aviation Administration such sums as may be necessary to carry out the responsibilities of the New York Integration Office, including hiring necessary support staff.

SA 4610. Mr. SCHUMER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PLAN FOR SHARING MILITARY AND SPECIAL USE AIRSPACE.

The Administrator of the Federal Aviation Administration, in consultation with the Secretary of Transportation and the Secretary of Defense, shall develop—

(1) a plan to open up special use airspace for additional lanes of air traffic at specific choke points during the summer of 2008; and

(2) a permanent plan to share the military airspace off the eastern coast of the United States, which—

(A) creates a corridor for commercial flights seeking to avoid inclement weather or excessive air traffic; and

(B) provides for immediate reclamation of such airspace by the Department of Defense in the event of a national emergency.

SA 4611. Mr. SCHUMER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 9, strike "28" and insert "68".

On page 99, line 17, strike "beyond-perimeter".

On page 99, line 19, insert "and" after the semicolon.

On page 98, strike lines 20 through 25 and insert the following:

(2) in paragraph (3)—

(A) in subparagraph (B), strike "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) the remaining 48 exemptions shall be distributed in accordance with criteria developed by the Secretary in a manner that—

"(i) promotes air transportation by new entrant air carriers and limited incumbent air carriers;

"(ii) will produce the maximum competitive benefits, including low fares; or

"(iii) will increase the presence of new entrant and limited incumbent air carriers, particularly in hub markets dominated by large incumbent air carriers.".

SA 4612. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED PENALTIES FOR FLIGHT SCHOOLS THAT KNOWINGLY ACCEPT INELIGIBLE ALIENS.

(a) CIVIL PENALTIES.—Section 46301(a)(4) is amended—

(1) by striking "Notwithstanding paragraph (1) of this subsection" and inserting the following:

"(A) Notwithstanding paragraph (1) and except as provided under subparagraph (B)"; and

(2) by adding at the end the following:

"(B) The maximum civil penalty for knowingly providing flight training to an alien who is not eligible for such training in violation of section 44939 shall be—

"(i) $20,000; or

"(ii) $50,000 in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman).".

(b) CRIMINAL PENALTIES.—Section 46317 is amended by adding at the end the following:

"(c) CRIMINAL PENALTY FOR PROVIDING FLIGHT TRAINING TO INELIGIBLE ALIENS.—In addition to any civil penalty imposed under section 46301(a)(4)(B), an individual shall be fined under title 18 if that individual knowingly provides flight training to an alien who is not eligible for such training in violation of section 44939.".

SA 4613. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AVAILABILITY OF FLIGHT DELAY INFORMATION.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 714 of this Act, is further amended by adding at the end the following:

"§41725. Availability of flight delay information

"(a) REQUIREMENT TO MAKE INFORMATION AVAILABLE.—The Secretary of Transportation shall require each air carrier, foreign air carrier, or intrastate air carrier that provides air transportation or intrastate air transportation to make available to the public information regarding the delay of a scheduled passenger flight not later than 10 minutes after such information is available.

"(b) MANNER OF AVAILABILITY.—An air carrier, foreign air carrier, or intrastate air carrier shall make the information referred to in subsection (a) available through—

"(1) any Internet website of such air carrier, foreign air carrier, or intrastate air carrier;

"(2) any automated recording related to flight departure or arrival times maintained by such air carrier, foreign air carrier, or intrastate air carrier;

"(3) announcements at appropriate airports; and

"(4) flight information screens at appropriate airports.".

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall promulgate regulations to implement section 41725 of title 49, United States Code, as added by subsection (a).

(c) CONFORMING AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding after the item relating to section 41724, as added by section 714 of this Act, the following:

"41725. Availability of flight delay information.".

SA 4614. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRPORT SCREENING.

(a) AIRPORT EMPLOYEE AND CONTRACTOR SCREENING.—

(1) SCREENING AIR CARRIER EMPLOYEES.—Section 44901 is amended—

(A) in subsection (a), by inserting ", air carrier employees," after "passengers"; and

(B) in subsection (b), by inserting ", air carrier employees," after "passengers".

(2) SCREENING EMPLOYEES WITH ACCESS TO SECURED AREAS.—Section 44903(h)(4)(A) is amended by inserting "(including airport and air carrier employees, contractors, and vendors)" after "individuals".

(b) AIRPORT SCREENING PLANS.—Section 44903(h) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

"(7) AIRPORT SCREENING PLANS.—

"(A) LARGE HUB AIRPORTS.—Not later than 180 days after the date of the enactment of the Aviation Investment and Modernization Act of 2008, the head of each large hub airport shall submit a plan for comprehensive screening of all individuals entering the secure area of such airport to the Administrator of the Transportation Security Administration.

"(B) MEDIUM HUB AIRPORTS.—Not later than September 30, 2009, the head of each medium hub airport shall submit a plan for comprehensive screening of all individuals entering the secure area of such airport to the Administrator of the Transportation Security Administration.

"(C) SMALL HUB AIRPORTS.—Not later than September 30, 2010, the head of each small hub airport shall submit a plan for comprehensive screening of all individuals entering the secure area of such airport to the Administrator of the Transportation Security Administration.

"(D) NONHUB AIRPORTS.—Not later than September 30, 2011, the head of each nonhub airport shall submit a plan for comprehensive screening of all individuals entering the secure area of such airport to the Administrator of the Transportation Security Administration.

"(E) IMPLEMENTATION OF PLANS.—Not later than 60 days after the submission of a comprehensive screening plan for an airport under this paragraph, the plan shall be implemented at such airport.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SA 4615. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING LIMITATION FOR INTEGRATED AIRSPACE ALTERNATIVE.

The Administrator of the Federal Aviation Administration may not expend any Federal funds to carry out the Integrated Airspace Alternative (IAA), the preferred alternative selected by the Federal Aviation Administration for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign Project, until all the lawsuits challenging the legality of the IAA that were filed in a Federal court before the date of the enactment of this Act have been dismissed or otherwise reached a final resolution in favor of the Federal Aviation Administration.

SA 4616. Mr. ENSIGN (for himself, Mrs. BOXER, Mr. MCCAIN, Mr. KYL and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 414, add the following:

(d) EXTENDING THE LENGTH OF FLIGHTS FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—Section 41718 is amended by adding at the end the following:

"(g) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of January 1, 2008, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between that airport and a large hub airport (as defined in section 40102(a)(29)), may use such slots for service between Ronald Reagan Washington National Airport and any airport located outside of the perimeter restriction described in section 49109.".

SA 4617. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII add the following:

SEC. ____. CLARIFICATION OF APPLICABILITY OF INTEREST ON REFUNDS OF OVERPAYMENTS OF HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Paragraph (1) of section 4462(f) (relating to extension of provisions of law applicable to customs duty) is amended by inserting ", and any requirement to pay interest on refunds of excess moneys deposited as customs duties and fees shall be made applicable to a refund of the tax imposed by this subchapter and paid in respect of port use for cargo exported from the United States by deeming the refund of such tax to be a liquidation occurring on the date of such refund payment, and the persons who paid such tax to be importers" after "cargo".

(b) EFFECTIVE DATE; TIMING OF ACTIONS FOR PAYMENT.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendments made by section 11116(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(2) TIMING OF ACTIONS FOR PAYMENT.—Notwithstanding any other provision of law, claims for interest on refunds of the tax imposed under subchapter A of chapter 36 of the Internal Revenue Code of 1986 and paid in respect of port use for cargo exported from the United States may be enforced in an action brought in the Court of International Trade by or on behalf of persons entitled to receive such interest not later than 90 days after the date of the enactment of this Act.

SA 4618. Mr. SCHUMER (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON AUCTIONS AND CONGESTION PRICING AT COMMERCIAL AIRPORTS.

(a) FEDERAL AVIATION ADMINISTRATION.—Title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 (division K of Public Law 110–161) is amended by inserting "or to promulgate any regulation or take any action to regulate or influence airway operations at any commercial airport in the United States, which involves Federal allocation of such operations based on the Federal implementation or approval of auctions, leasing, peak-hour pricing, or congestion pricing, or encourage, require, or permit an airport to take such action" after "the date of the enactment of this Act".

(b) DEPARTMENT OF TRANSPORTATION.—Notwithstanding any other provision of law, the Secretary of Transportation may not promulgate any regulation or take any action to regulate or influence airway operations at any commercial airport in the United States, which involves Federal allocation of such operations based on the Federal implementation or approval of auctions, leasing, peak-hour pricing, or congestion pricing, or encourage, require, or permit an airport to take such action.

SA 4619. Mr. CASEY (for himself, Mr. BIDEN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

(5) The Administrator may not consolidate any additional approach control facilities into the Philadelphia TRACON and Tower, and may not realign, relocate or reorganize any functions at the approach control facilities at the Philadelphia International Airport until the Board's recommendations are completed.

SA 4620. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 24, insert "consolidate any TRACON in Michigan or" after "may not".

SA 4621. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 149, strike lines 18 through 20 and insert the following:

(a) WAR RISK INSURANCE.—

(1) EXTENSION OF INSURANCE POLICIES.—Section 44302(f)(1) is amended by striking "August 31, 2008, and may extend through December 31, 2008" and inserting "December 31, 2011".

(2) THIRD PARTY CLAIMS ARISING FROM ACTS OF TERRORISM.—Section 44303(b) is amended by striking "December 31, 2008" and inserting "December 31, 2011".

SA 4622. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 5 and 6, insert the following:

"(v) 1 representative that is a senior executive of an airframe manufacturer.

SA 4623. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 3, strike "benefits." and insert the following: "benefits. In making that determination, the research program shall include a life cycle analysis to assess the environmental benefits of using alternative fuels, including reductions of greenhouse gas emissions.".

SA 4624. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 10 and 11, insert the following:

SEC. 317. NEXT GENERATION AIR TRANSPORTATION SYSTEM METRICS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop metrics—

(1) to measure the progress, over the near, intermediate, and long terms, of the Next Generation Air Transportation System toward achieving the operational performance goals of the system by 2025; and

(2) to allow for a practical assessment of the performance of the system with respect to safety, capacity, efficiency, and cost reduction.

(b) METRICS.—The metrics developed under subsection (a) shall include the following:

(1) The number and rate of fatal accidents each year associated with commercial air carriers and with general aviation.

(2) The average actual and scheduled gate-to-gate travel times on a set of routes that the Administrator determines are nationally representative.

(3) The number of useable operations per hour on runways at Operational Evolution Partnership airports.

(4) The number of new runways at existing, secondary, and new airports where additional runway capacity is needed.

(5) The average cost per flight per year.

(c) REPORT.—The Administrator shall include in the annual report required under section 709(d) of Vision 100–Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) an assessment of the progress of the system in the near, intermediate, and long terms based on the metrics developed under subsection (a).

(d) PUBLIC AVAILABILITY.—The Administrator shall post on the Internet website of the Federal Aviation Administration the metrics developed under subsection (a) and the assessment of the progress of the system required under subsection (c).

SA 4625. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 23 and all that follows through page 69, line 2, and insert the following:

"(5)(A) There is established the position of Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration and report to the Administrator.

"(B) The Associate Administrator for the Next Generation Air Transportation System shall—

"(i) be the head of the Office; and

"(ii) be a voting member of the Federal Aviation Administration's Joint Resources Council and the Air Traffic Organization's Executive Council.";

SA 4626. Mr. NELSON of Nebraska (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CALCULATION OF HIGHWAY MILEAGE TO MEDIUM AND LARGE HUB AIRPORTS.

(a) IN GENERAL.—Section 41731 of title 49, United States Code, is amended by adding at the end the following:

"(c) CALCULATION OF HIGHWAY MILEAGE TO MEDIUM AND LARGE HUB AIRPORTS.—

"(1) IN GENERAL.—In any determination under this subchapter of compensation or eligibility for compensation for essential air service based on the highway mileage of an eligible place from the nearest medium hub airport or large hub airport, the highway mileage shall be that of the most commonly used route, as identified under paragraph (2).

"(2) MOST COMMONLY USED ROUTE.—The Secretary of Transportation shall identify the most commonly used route between an eligible place and the nearest medium hub airport or large hub airport by—

"(A) consulting with the Governor or a designee of the Governor in the State in which the eligible place is located; and

"(B) considering the certification of the Governor or a designee of the Governor as to the most commonly used route.

"(3) APPLICABILITY.—This subsection shall apply only to eligible places in the 48 contiguous States and the District of Columbia.".

(b) CONFORMING AMENDMENT.—Section 409 of Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) is repealed.

SA 4627. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Aviation Investment and Modernization Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS AND FINANCING

Sec. 101. Operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Research and development.
Sec. 104. Airport planning and development and noise compatibility planning and programs.
Sec. 105. Other aviation programs.
Sec. 106. Delineation of next generation air transportation system projects.
Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.
Sec. 202. Passenger facility charge pilot program.
Sec. 203. Amendments to grant assurances.
Sec. 204. Government share of project costs.
Sec. 205. Amendments to allowable costs.
Sec. 206. Sale of private airport to public sponsor.
Sec. 207. Pilot program for airport takeover of air navigation facilities.
Sec. 208. Government share of certain air project costs.
Sec. 209. Miscellaneous amendments.
Sec. 210. State block grant program.
Sec. 211. Airport funding of special studies or reviews.
Sec. 212. Grant eligibility for assessment of flight procedures.
Sec. 213. Safety-critical airports.
Sec. 214. Expanded passenger facility charge eligibility for noise compatibility projects.
Sec. 215. Environmental mitigation demonstration pilot program.
Sec. 216. Allowable project costs for airport development program.
Sec. 217. Glycol recovery vehicles.
Sec. 218. Research improvement for aircraft.

TITLE III—FAA ORGANIZATION AND REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.
Sec. 302. ADS–B support pilot program.
Sec. 303. Facilitation of next generation air traffic services.
Sec. 304. Clarification of authority to enter into reimbursable agreements.
Sec. 305. Clarification to acquisition reform authority.
Sec. 306. Assistance to other aviation authorities.
Sec. 307. Presidential rank award program.
Sec. 308. Next generation facilities needs assessment.
Sec. 309. Next generation air transportation system planning office.
Sec. 310. Definition of air navigation facility.
Sec. 311. Improved management of property inventory.
Sec. 312. Educational requirements.
Sec. 313. FAA personnel management system.
Sec. 314. Rulemaking and report on ADS-B implementation.
Sec. 315. FAA task force on air traffic control facility conditions.
Sec. 316. State ADS-B equipage bank pilot program.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

Sec. 401. Airline contingency service requirements.

Sec. 402. Publication of customer service data and flight delay history.
Sec. 403. EAS connectivity program.
Sec. 404. Extension of final order establishing mileage adjustment eligibility.
Sec. 405. EAS contract guidelines.
Sec. 406. Conversion of former EAS airports.
Sec. 407. EAS reform.
Sec. 408. Clarification of air carrier fee disputes.
Sec. 409. Small community air service.
Sec. 410. Contract tower program.
Sec. 411. Airfares for members of the armed forces.
Sec. 412. Expansion of DOT airline consumer complaint investigations.
Sec. 413. EAS marketing.
Sec. 414. Extraperimetal and intraperimetal slots at Ronald Reagan Washington National Airport.
Sec. 415. Establishment of advisory committee for aviation consumer protection.
Sec. 416. Rural aviation improvement.

TITLE V—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.
Sec. 502. Aircraft fuel tank safety improvement.
Sec. 503. Judicial review of denial of airman certificates.
Sec. 504. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 505. Design organization certificates.
Sec. 506. FAA access to criminal history records or database systems.
Sec. 507. Flight crew fatigue.
Sec. 508. Increasing safety for helicopter emergency medical service operators.
Sec. 509. Cabin crew communication.
Sec. 510. Clarification of memorandum of understanding with osha.
Sec. 511. Acceleration of development and implementation of required navigation performance approach procedures.
Sec. 512. Enhanced safety for airport operations.
Sec. 513. Improved safety information.
Sec. 514. Voluntary disclosure reporting process improvements.
Sec. 515. Procedural improvements for inspections.
Sec. 516. Independent review of safety issues.
Sec. 517. National review team.
Sec. 518. FAA Academy improvements.
Sec. 519. Reduction of runway incursions and operational errors.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.
Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
Sec. 603. Production of clean coal fuel technology for civilian aircraft.
Sec. 604. Advisory committee on future of aeronautics.
Sec. 605. Research program to improve airfield pavements.
Sec. 606. Wake turbulence, volcanic ash, and weather research.
Sec. 607. Incorporation of unmanned aerial systems into FAA plans and policies.
Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
Sec. 609. Pilot program for zero emission airport vehicles.
Sec. 610. Reduction of emissions from airport power sources.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.
Sec. 702. Human intervention management study.
Sec. 703. Airport program modifications.
Sec. 704. Miscellaneous program extensions.
Sec. 705. Extension of competitive access reports.
Sec. 706. Update on overflights.
Sec. 707. Technical corrections.
Sec. 708. FAA technical training and staffing.
Sec. 709. Commercial air tour operators in national parks.
Sec. 710. Phaseout of stage 1 and 2 aircraft.
Sec. 711. Weight restrictions at teterboro airport.
Sec. 712. Pilot program for redevelopment of airport properties.
Sec. 713. Air carriage of international mail.
Sec. 714. Transporting musical instruments.
Sec. 715. Recycling plans for airports.
Sec. 716. Consumer information pamphlet.

TITLE VIII—AMERICAN INFRASTRUCTURE INVESTMENT AND IMPROVEMENT

Sec. 800. Short title, etc.

Subtitle A—Airport and Airway Trust Fund Provisions and Related Taxes

Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
Sec. 803. Modification of excise tax on kerosene used in aviation .
Sec. 804. Air Traffic Control System Modernization Account.
Sec. 805. Treatment of fractional aircraft ownership programs.
Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
Sec. 807. Transparency in passenger tax disclosures.ier pension plans.

Subtitle B—Increased Funding for Highway Trust Fund

Sec. 811. Replenish emergency spending from Highway Trust Fund.
Sec. 812. Suspension of transfers from highway trust fund for certain repayments and credit.
Sec. 813. Taxation of taxable fuels in foreign trade zones.
Sec. 814. Clarification of penalty for sale of fuel failing to meet EPA regulations.
Sec. 815. Treatment of qualified alcohol fuel mixtures and qualified biodiesel fuel mixtures as taxable fuels.
Sec. 816. Calculation of volume of alcohol for fuel credits.
Sec. 817. Bulk transfer exception not to apply to finished gasoline.
Sec. 818. Increase and extension of Oil Spill Liability Trust Fund tax.
Sec. 819. Application of rules treating inverted corporations as domestic corporations to certain transactions occurring after March 20, 2002.
Sec. 820. Denial of deduction for punitive damages.
Sec. 821. Motor fuel tax enforcement advisory commission.
Sec. 822. Highway Trust Fund conforming expenditure amendment.

Subtitle C—Additional Infrastructure Modifications and Revenue Provisions

Sec. 831. Restructuring of New York Liberty Zone tax credits.
Sec. 832. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 833. Increased information return penalties.
Sec. 834. Exemption of certain commercial cargo from harbor maintenance tax.
Sec. 835. Credit to holders of qualified rail infrastructure bonds.
Sec. 836. Repeal of suspension of certain penalties and interest.
Sec. 837. Denial of deduction for certain fines, penalties, and other amounts.
Sec. 838. Revision of tax rules on expatriation.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

TITLE I—AUTHORIZATIONS AND FINANCING

SEC. 101. OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

"(A) $8,726,000,000 for fiscal year 2008;

"(B) $8,990,000,000 for fiscal year 2009;

"(C) $9,330,000,000 for fiscal year 2010; and

"(D) $9,620,000,000 for fiscal year 2011.".

(b) SAFETY PROJECT.—Section 106(k)(2)(F) is amended by striking "2007" and inserting "2011".

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $2,572,000,000 for fiscal year 2008;

"(2) $2,923,000,000 for fiscal year 2009, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund;

"(3) $3,079,000,000 for fiscal year 2010, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

"(4) $3,317,000,000 for fiscal year 2011, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.".

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

"(1) $140,000,000 for fiscal year 2008.

"(2) $191,000,000 for fiscal year 2009.

"(3) $191,000,000 for fiscal year 2010.

"(4) $194,000,000 for fiscal year 2011.";

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

"(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

"(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

"(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

"(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

"(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.".

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $3,800,000,000 for fiscal year 2008;

"(2) $3,900,000,000 for fiscal year 2009;

"(3) $4,000,000,000 for fiscal year 2010; and

"(4) $4,100,000,000 for fiscal year 2011.".

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking "2007" in subsection (a)(1)(A) and inserting "2011";

(2) by striking "2007," in subsection (a)(2) and inserting "2011,"; and

(3) by striking "2007" in subsection (c)(2) and inserting "2011".

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking "and" after the semicolon in paragraph (3);

(2) by striking "defense." in paragraph (4) and inserting "defense; and"; and

(3) by adding at the end thereof the following:

"(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.".

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

"§ 48105. Airport programs administrative expenses

"Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

"(1) for fiscal year 2008, $80,676,000;

"(2) for fiscal year 2009, $85,000,000;

"(3) for fiscal year 2010, $89,000,000; and

"(4) for fiscal year 2011, $93,000,000.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

"48105. Airport programs administrative expenses.".

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

"(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

"(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

"(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

"(B) the total amount of program revenue collected by the agency during the period covered by the report;

"(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

"(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

"(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

"(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

"(G) any other information on the program that the Secretary may require.

"(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

"(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

"(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

"(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

"(ii) that the notice include a full description and justification for a proposed project;

"(iii) that the notice include a detailed financial plan for the proposed project; and

"(iv) that the notice include the proposed level for the passenger facility charge.

"(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

"(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

"(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

"(iii) provides scheduled service at the airport.

"(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

"(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

"(4) PUBLIC NOTICE AND COMMENT.—

"(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

"(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

"(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

"(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

"(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

"(5) OBJECTIONS.—

"(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

"(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

"(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

"(i) the project is not an eligible airport related project;

"(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

"(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

"(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

"(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

"(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

"(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

"(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

"(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

"(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

"(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.".

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking "FEE" in the heading for paragraph (5) and inserting "CHARGE"; and

(ii) by striking "fee" each place it appears in paragraphs (5) and (6) and inserting "charge".

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking "fee" or "fees" each place either appears and inserting "charge" or "charges", respectively; and

(ii) by striking "FEE" in the subsection caption for subsection (l), and "FEES" in the subsection captions for subsections (e) and (m), and inserting "CHARGE" and "CHARGES", respectively.

(C) The caption for section 40117 is amended to read as follows:

"§ 40117. Passenger facility charges".

(D) The chapter analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

"40117. Passenger facility charges.".

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking "subsection (c) of this section to finance a specific" and inserting "subsection (c)(6) of this section to finance an intermodal ground access";

(B) by striking "specific" in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

"(2) the project is an eligible airport-related project; and";

(D) by striking "each of the specific projects; and" in paragraph (3) and inserting "the project."; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: "(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.".

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking "long-term".

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.".

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking "(c)(2)" in paragraph (2) and inserting "(c)(3)"; and

(B) by striking "date that is 3 years after the date of issuance of regulations to carry out this subsection." in paragraph (7) and inserting "date of issuance of regulations to carry out subsection (c) of this section, as amended by the Aviation Investment and Modernization Act of 2008.".

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking "sponsor" the second place it appears in the first sentence and all that follows and inserting "sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.".

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

Section 40117 is amended by adding at the end thereof the following:

"(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

"(2) COLLECTION REQUIREMENTS.—

"(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

"(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

"(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

"(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.".

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking "made;" in subsection (a)(16)(D)(ii) and inserting "made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;";

(2) by striking "purpose;" in subsection (c)(2)(A)(i) and inserting "purpose, which includes serving as noise buffer land;";

(3) by striking "paid to the Secretary for deposit in the Fund if another eligible project does not exist." in subsection (c)(2)(B)(iii) and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes."; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

"(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

"(i) reinvestment in an approved noise compatibility project;

"(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

"(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

"(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

"(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).".

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking "subsection (b) or subsection (c)" in subsection (a) and inserting "subsection (b), (c), or (e)"; and

(2) by adding at the end the following:

"(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.".

(b) Transitioning Airports.—Section 47114(f)(3)(B) is amended by striking "year 2004." and inserting "years 2008, 2009, 2010, and 2011.".

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

"(d) Relocation of Airport-Owned Facilities.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

"(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

"(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

"(3) the Secretary determines that the change is beyond the control of the airport sponsor."; and

(2) by striking "facilities, including fuel farms and hangars," in subsection (h) and inserting "facilities, as defined by section 47102,".

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting "(1)" before "Subsection"; and

(3) by adding at the end thereof the following:

"(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

"(A) the sale is approved by the Secretary;

"(B) funding is provided under this title for the public sponsor's acquisition; and

"(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

"(3) This subsection shall apply to grants issued on or after October 1, 1996.".

SEC. 207. PILOT PROGRAM FOR AIRPORT TAKEOVER OF AIR NAVIGATION FACILITIES.

(a) In General.—Chapter 445 is amended by adding at the end the following new section:

"§44518. Pilot program for airport takeover of terminal area air navigation equipment

"(a) In General.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administrator may carry out a pilot program under which the Administrator may transfer ownership, operating, and maintenance responsibilities for airport terminal area air navigation equipment to sponsors of not more than 10 airports.

"(b) Terms and Conditions of Transfer for Airport Sponsors.—As a condition of participating in this pilot program the sponsor shall agree that the sponsor will—

"(1) operate and maintain all of the air navigation equipment that is subject to this section at the airport in accordance with standards established by the Administrator;

"(2) permit the Administrator or a person designated by the Administrator to conduct inspections of the air navigation equipment under a schedule established by the Administrator; and

"(3) acquire and maintain new air navigation equipment as needed to replace facilities that have to be replaced at the end of their useful life or to meet new standards established by the Administrator.

"(c) Terms and Conditions of Transfer for the Administrator.—When the Administrator approves a sponsor's participation in this pilot program, the Administrator shall—

"(1) transfer, at no cost to the sponsor, the title and ownership of the air navigation equipment facilities approved for transfer under this program; and

"(2) transfer, at no cost to the sponsor, the government's property interest in the land on which the air navigation facilities transferred under paragraph (1) are located.

"(d) Treatment of Airport Costs Under Pilot Program.—Upon transfer by the Administrator, any costs incurred by the airport for ownership and maintenance of the equipment transferred under this section shall be considered a cost of providing airfield facilities and services under standards and guidelines issued by the Secretary under section 47129(b)(2) and may be recovered in rates and charges assessed for use of the airfield.

"(e) Definitions.—In this section:

"(1) Sponsor.—The term 'sponsor' has the meaning given that term in section 40102.

"(2) Terminal area air navigation equipment.—The term 'terminal area air navigation equipment' means an air navigation facility under section 40102, other than buildings used for air traffic control functions, that exists to provide approach and landing guidance to aircraft.

"(f) Guidelines.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.".

(b) Conforming Amendment.—The chapter analysis for chapter 445 is amended by inserting after the item relating to section 44517 the following:

"44518. Pilot program for airport takeover of terminal area air navigation equipment.".

SEC. 208. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 209. MISCELLANEOUS AMENDMENTS.

(a) Technical Changes to National Plan of Integrated Airport Systems.—Section 47103 is amended—

(1) by striking "each airport to—" in subsection (a) and inserting "the airport system to—";

(2) by striking "system in the particular area;" in subsection (a)(1) and inserting "system, including connection to the surface transportation network; and";

(3) by striking "aeronautics; and" in subsection (a)(2) and inserting "aeronautics.";

(4) by striking subsection (a)(3);

(5) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(6) by striking "operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations," in subsection (b)(2), as redesignated, and inserting "operations"; and

(7) by striking "status of the" in subsection (d).

(b) Update Veterans Preference Definition.—Section 47112(c) is amended—

(1) by striking "separated from" in paragraph (1)(B) and inserting "discharged or released from active duty in";

(2) by adding at the end of paragraph (1) the following:

"(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom."; and

(3) by striking "veterans and" in paragraph (2) and inserting "veterans, Afghanistan-Iraq war veterans, and".

(c) Annual Report.—Section 47131(a) is amended—

(1) by striking "April 1" and inserting "June 1"; and

(2) by striking paragraphs (1) through (4) and inserting the following:

"(1) a summary of airport development and planning completed;

"(2) a summary of individual grants issued;

"(3) an accounting of discretionary and apportioned funds allocated;

"(4) the allocation of appropriations; and".

(d) Sunset of Program.—Section 47137 is repealed effective September 30, 2008.

(e) Correction to Emission Credits Provision.—Section 47139 is amended—

(1) by striking "47102(3)(F)," in subsection (a);

(2) by striking "47102(3)(F)," in subsection (b);

(3) by striking "47102(3)(L), or 47140" in subsection (b) and inserting "or 47102(3)(L),";

(4) by striking "47103(3)(F), in subsection (b);

(5) by striking "47102(3)(L), or 47140," in subsection (b) and inserting "or 47102(3)(L),".

(f) Correction to Surplus Property Authority.—Section 47151(e) is amended by striking "(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),".

(g) Airport Capacity Benchmark Reports; Definition of Joint Use Airport.—Section 47175 is amended—

(1) by striking "Airport Capacity Benchmark Report 2001." in paragraph (2) and inserting "2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report."; and

(2) by adding at the end thereof the following:

"(7) Joint use airport.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.".

(h) Cargo Airports.—Section 47114(c)(2)(A) is amended by striking "3.5 percent" and inserting "4.0 percent".

(i) Use of Apportioned Amounts.—Section 47117(e)(1)(A) is amended—

(1) by striking "35 percent" in the first sentence and inserting "$300,000,000";

(2) by striking "and" after "47141,";

(3) by striking "et seq.)." and inserting "et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.) approved in an environmental record of decision for an airport development project under this title."; and

(4) by striking "such 35 percent requirement is" in the second sentence and inserting "the requirements of the preceding sentence are".

(j) USE OF APPORTIONED AMOUNTS.—An amount apportioned under section 47114 of title 49, United States Code, or made available under section 47115 of that title, to the sponsor of a reliever airport the crosswind runway of which was closed as a result of a Record of Decision dated September 3, 2004, shall be available for project costs associated with the establishment of a new crosswind runway.

(k) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking "airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport." in subparagraph (E)(iii) and inserting "airport—

"(I) if it is included in the essential air service program in the calendar year in which the passenger boardings fall below 9,700;

"(II) if at the airport the total passenger boardings from large certificated air carriers (as defined in part 241 of title 14, Code of Federal Regulations) conducting scheduled plus nonscheduled service totals 10,000 or more in the calendar year in which the airport does not meet the criteria for a primary airport under section 47102 of this title; or

"(III) if the documented interruption to scheduled service at the airport was equal to 4 percent of the scheduled flights in calendar year 2006, exclusive of cancellations due to severe weather conditions, and the airport is served by a single air carrier.";

(2) by redesignating subparagraphs (F) and (G) as (G) and (H), respectively, and inserting after subparagraph (E) the following:

"(F) For fiscal years 2009 through 2012, with regard to an airport that meets the criteria described in paragraph (E)(iii), if the calendar year passenger boardings for the calculation of apportionments under this section fall below 10,000 passenger boardings, the Secretary may use the passenger boardings for the last fiscal year in which passenger boardings exceeded 10,000 for calculating apportionments.".

(l) Section 47102(3) is amended by adding at the end the following:

"(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.".

(m) Section 47115(g)(1) is amended by striking "of—" and all that follows and inserting "of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.".

(n) Section 47114(c) is amended by adding at the end thereof the following:

"(3) AIRPORTS SERVED BY LARGE CERTIFICATED CARRIERS.—

"(A) APPORTIONMENT.—The Secretary shall apportion to the sponsor of an airport that received scheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations) an amount equal to the minimum apportionment specified in paragraph (1) of this subsection.

"(B) LIMITATION.—The apportionment under subparagraph (A) shall be made available to an airport sponsor only if—

"(i) the large certificated air carrier began scheduled air service at the airport in May 2006 and ceased scheduled air service at the airport in October 2006; and

"(ii) the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.".

(o) Subparagraph (H) of section 47114(c)(1), as redesignated by subsection (k)(2) of this section, is amended—

(1) by striking "FISCAL YEAR 2006" in the subparagraph heading and inserting "FISCAL YEARS 2008 THROUGH 2011.—";

(2) by striking "fiscal year 2006" and inserting "each of fiscal years 2008 through 2011"; and

(3) by striking clause (i) and inserting the following:

"(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;"; and

(4) by striking "2000 or 2001;" in clause (ii) and inserting "2003".

(p) Section 47114 is amended by adding at the end thereof the following:

"(g) APPROACH LIGHTING SYSTEM.—Any amount apportioned for airport 03-02-0133 under the National Plan of Integrated Airport Systems may be utilized in any fiscal year for approach lighting systems including a medium intensity approach lighting system with runway alignment lights.".

SEC. 210. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking "regulations" each place it appears in subsection (a) and inserting "guidance";

(2) by striking "grant;" in subsection (b)(4) and inserting "grant, including Federal environmental requirements or an agreed upon equivalent;";

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

"(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements."; and

(4) by adding at the end the following:

"(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).".

SEC. 211. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking "project." and inserting "project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.".

SEC. 212. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

"(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

"(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

"(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.".

SEC. 213. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "delays." in paragraph (2) and inserting "delays; or"; and

(3) by adding at the end the following:

"(3) be critical to the safety of commercial, military, or general aviation in transoceanic flights.".

SEC. 214. EXPANDED PASSENGER FACILITY CHARGE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) is amended by adding at the end the following:

"(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

"(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

"(i) the Secretary determines that the building is adversely affected by airport noise;

"(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

"(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

"(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

"(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

"(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.".

SEC. 215. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

"§ 47143. Environmental mitigation demonstration pilot program

"(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

"(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

"(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

"(2) will be implemented by an eligible consortium.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

"(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

"(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

"(g) DEFINITIONS.—In this section:

"(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

"(A) Businesses incorporated in the United States.

"(B) Public or private educational or research organizations located in the United States.

"(C) Entities of State or local governments in the United States.

"(D) Federal laboratories.

"(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

"(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

"(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

"(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

"(i) practical to implement at or near multiple public use airports; and

"(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47142 the following:

"47143. Environmental mitigation demonstration pilot program".

SEC. 216. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) of title 49, United States Code, is amended—

(1) by striking "; or" in paragraph (1) and inserting a semicolon;

(2) by striking "project." in paragraph (2) and inserting "project; or"; and

(3) by adding at the end the following:

"(3) necessarily incurred in anticipation of severe weather.".

SEC. 217. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting "including acquiring glycol recovery vehicles," after "aircraft,".

SEC. 218. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking "and" after the semicolon in paragraph (6);

(2) by striking "aircraft." in paragraph (7) and inserting "aircraft; and"; and

(3) by adding at the end thereof the following:

"(8) to conduct research to support programs designed to reduce gases and particulates emitted.".

TITLE III—FAA ORGANIZATION AND REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

"(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

"(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

"(2) MEMBERSHIP.—The Board shall be comprised of 7 members, who shall consist of—

"(A) the Administrator of the Federal Aviation Administration and a representative from the Department of Defense;

"(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

"(C) 4 members representing aviation interests, as follows:

"(i) 1 representative that is the chief executive officer of an airport.

"(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

"(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation, maintenance or procurement of the air traffic control system.

"(iv) 1 representative with extensive operational experience in the general aviation community.

"(3) APPOINTMENT AND QUALIFICATIONS.—

"(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

"(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

"(i) management of large service organizations;

"(ii) customer service;

"(iii) management of large procurements;

"(iv) information and communications technology;

"(v) organizational development; and

"(vi) labor relations.

"(4) FUNCTIONS.—

"(A) IN GENERAL.—The Board shall—

"(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

"(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

"(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

"(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

"(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

"(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

"(vii) annually approve the Operational Evolution Plan;

"(viii) approve the Administrator's selection of a Chief Operating Officer for the Air Traffic Organization and on the appointment and compensation of its managers; and

"(ix) approve the selection of the head of the Joint Planning Development Office.

"(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

"(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

"(6) ADMINISTRATIVE MATTERS.—

"(A) TERMS OF MEMBERS.—Members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

"(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

"(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

"(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

"(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

"(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

"(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

"(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

"(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

"(II) to affect any other right or remedy against the United States under applicable law; or

"(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that he or she—

"(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

"(ii) does not engage in another business related to aviation or aeronautics; and

"(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

"(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

"(I) COMPENSATON.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

"(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

"(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

"(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).".

SEC. 302. ADS–B SUPPORT PILOT PROGRAM.

(a) IN GENERAL.—Chapter 445, as amended by section 207, is amended by adding at the end the following:

"§44519. ADS–B support pilot program

"(a) IN GENERAL.—The Secretary may carry out a pilot program to support non-Federal acquisition of National Airspace System compliant Automatic Dependent Surveillance-Broadcast (ADS–B) ground stations if—

"(1) the Secretary determines that acquisition of the ground stations benefits the improvement of safety or capacity in the National Airspace System;

"(2) the ground stations provide the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point; and

"(3) the ground stations acquired under this program are supplemental to ground stations established under programs administered by the Administrator of the Federal Aviation Administration.

"(b) PROJECT GRANTS.—

"(1) For purposes of carrying out the pilot program and notwithstanding the requirements of section 47114(d), the Secretary may make a project grant out of funds apportioned under section 47114(d)(2) to not more than 10 eligible sponsors to acquire and install ADS–B ground stations in order to serve any public-use airport.

"(2) The Secretary shall establish procurement procedures applicable to grants issued under this section. The procedures shall permit the sponsor to carry out the project using Federal Aviation Administration contracts. The procedures established by the Secretary may provide for the direct reimbursement (including administrative costs) of the Administrator by the sponsor using grant funds under this section, for the ordering of such equipment and its installation, or for the direct ordering of such equipment and its installation by the sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.

"(c) MATCHING REQUIREMENT.—The amount of a grant to an eligible sponsor under subsection (b) may not exceed 90 percent of the costs of the acquisition and installation of the ground support equipment.

"(d) DEFINITIONS.—In this section:

"(1) ADS–B GROUND STATION.—The term 'ADS–B ground station' means electronic equipment that provides for ADS–B reception and broadcast services.

"(2) ELIGIBLE SPONSOR.—The term 'eligible sponsor' means a State or any consortium of 2 or more State or local governments meeting the definition of a sponsor under section 47102 of this title.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by inserting after the item relating to section 44518 the following:

"44519. ADS–B support pilot program.".

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

"(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

"(A) promote the safety of life and property;

"(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

"(C) encourage competition and provide services to the largest feasible number of users; and

"(D) take into account the unique role served by general aviation.".

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking "without" in the last sentence and inserting "with or without".

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting "and" after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting "(whether public or private)" in paragraph (1) after "authorities";

(2) by striking "safety." in paragraph (1) and inserting "safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears."; and

(3) by striking "appropriation from which expenses were incurred in providing such services." in paragraph (3) and inserting "appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.".

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (G);

(2) by striking "Board." in subparagraph (H) and inserting "Board;"; and

(3) by inserting at the end the following new subparagraph:

"(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and section subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank-awards), except that—

"(i) for purposes of applying such provisions to the personnel management system—

"(I) the term 'agency' means the Department of Transportation;

"(II) the term 'senior executive' means an Federal Aviation Administration executive;

"(III) the term 'career appointee' means an Federal Aviation Administration career executive; and

"(IV) the term 'senior career employee' means an Federal Aviation Administration career senior professional;

"(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

"(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.".

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation, and a description of the costs and savings of such transition.

(c) REALIGNMENT DEFINED.—As used in this section, the term "realignment" includes any action which relocates or reorganizes functions, services, and personnel positions but does not include a reduction in personnel resulting from workload adjustments.

(d) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Federal Aviation Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(e) REVIEW AND RECOMMENDATIONS.—

(1) After receiving the recommendations from the Administrator pursuant to subsection (b), the Board shall provide opportunity for public comment on such recommendations.

(2) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(3) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(4) The Administrator may not consolidate any additional approach control facilities into the Southern California TRACON, or the Memphis TRACON until the Board's recommendations are completed.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting "(A)" after "(3)" in subsection (a)(3);

(2) by inserting after subsection (a)(3) the following:

"(B) The Administrator of the Federal Aviation Administration, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

"(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office; and

"(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

"(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

"(C) The head of any such Department or agency shall ensure that—

"(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

"(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

"(D)(i) Within 6 months after the date of enactment of the Aviation Investment and Modernization Act of 2008, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

"(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

"(II) the budgetary and staff resources committed to the project.

"(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.";

(3) by adding at the end of subsection (a) the following:

"(5) The Director of the Office shall be a voting member of the Federal Aviation Administration's Joint Resources Council and the Air Traffic Organization's Executive Council.";

(4) by striking "beyond those currently included in the Federal Aviation Administration's Operational Evolution Plan" in subsection (b);

(5) by striking "research and development roadmap" in subsection (b)(3) and inserting "implementation plan";

(6) by striking "and" after the semicolon in subsection (b)(3)(B);

(7) by inserting after subsection (b)(3)(C) the following:

"(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and";

(8) by inserting "and key technologies" after "concepts" in subsection (b)(4);

(9) by striking "users" in subsection (b)(4) and inserting "users, an implementation plan,";

(10) by adding at the end of subsection (b) the following:

"Within 6 months after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter."; and

(11) by striking "2010." in subsection (e) and inserting "2011.".

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking "Secretary." and inserting "Secretary and shall meet at least once each quarter.".

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

"(B) runway lighting and airport surface visual and other navigation aids;";

(2) by striking "weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and" in subparagraph (C) and inserting "aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;";

(3) by striking "another structure" in subparagraph (D) and inserting "any structure or equipment";

(4) by striking "aircraft." in subparagraph (D) and inserting "aircraft; and"; and

(5) by adding at the end the following:

"(E) buildings, equipment and systems dedicated to the National Airspace System.".

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation; and" and inserting "compensation, and the amount received may be credited to the appropriation current when the amount is received; and".

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator of the Federal Aviation Administration shall make payments to the Department of Defense for the education of dependent children of those Federal Aviation Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

"(2) DISPUTE RESOLUTION.—

"(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) does not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

"(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

"(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph, and any agreement hereunder, shall be in the United States District Court for the District of Columbia.".

SEC. 314. RULEMAKING AND REPORT ON ADS-B IMPLEMENTATION.

(a) REPORT.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration program and schedule for integrating ADS-B technology into the National Airspace System. The report shall include—

(1) Phase 1 and Phase 2 activity to purchase and install necessary ADS-B ground stations; and

(2) detailed plans and schedules for implementation of advanced operational procedures and ADS-B air-to-air applications.

(b) RULEMAKING.—Not later than 12 months after the date of enactment of this Act the Administrator shall issue guidelines and regulations required for the implementation of ADS-B, including—

(1) the type of avionics (e.g., ADS-B avionics) required of aircraft for all classes of airspace;

(2) a schedule outlining when aircraft will be required to be equipped with such avionics;

(3) the expected costs associated with the avionics; and

(4) the expected uses and benefits of the avionics.

SEC. 315. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the "FAA Task Force on Air Traffic Control Facility Conditions".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, "sick building syndrome," and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically-approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 316. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS-B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS-B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS-B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2009 through 2013.

(c) FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE BANKS.—An ADS-B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS-B equipage account of an ADS-B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS-B avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS-B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(5) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(6) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(7) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SEC. 401. AIRLINE CONTINGENCY SERVICE REQUIREMENTS.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

"SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

"§ 41781. AIRLINE CONTINGENCY SERVICE REQUIREMENTS.

"(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, each air carrier shall submit a contingency service plan to the Secretary of Transportation for review and approval. The plan shall require the air carrier to implement, at a minimum, the following practices:

"(1) PROVISION OF FOOD AND WATER.—If the departure of a flight of an air carrier is substantially delayed, or disembarkation of passengers on an arriving flight that has landed is substantially delayed, the air carrier shall provide—

"(A) adequate food and potable water to passengers on such flight during such delay; and

"(B) adequate restroom facilities to passengers on such flight during such delay.

"(2) RIGHT TO DEPLANE.—

"(A) IN GENERAL.—An air carrier shall develop a plan, that incorporates medical considerations, to ensure that passengers are provided a clear timeframe under which they will be permitted to deplane a delayed aircraft. The air carrier shall provide a copy of the plan to the Secretary of Transportation, who shall make the plan available to the public. In the absence of such a plan, except as provided in subparagraph (B), if more than 3 hours after passengers have boarded a flight, the aircraft doors are closed and the aircraft has not departed, the air carrier shall provide passengers with the option to deplane safely before the departure of such aircraft. Such option shall be provided to passengers not less often than once during each 3-hour period that the plane remains on the ground.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

"(i) if the pilot of such flight reasonably determines that such flight will depart not later than 30 minutes after the 3 hour delay; or

"(ii) if the pilot of such flight reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

"(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

"(b) POSTING CONSUMER RIGHTS ON WEBSITE.—An air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall publish conspicuously and update monthly on the Internet website of the air carrier a statement of the air carrier's customer service policy and of air carrier customers' consumer rights under Federal and State law.

"(c) REVIEW AND APPROVAL; MINIMUM STANDARDS.—The Secretary of Transportation shall review the contingency service plan submitted by an air carrier under subsection (a) and may approve it or disapprove it and return it to the carrier for modification and resubmittal. The Secretary may establish minimum standards for such plans and require air carriers to meet those standards.

"(d) AIR CARRIER.—In this section the term 'air carrier' means an air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation.".

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate such regulations as the Secretary determines necessary to carry out the amendment made by subsection (a).

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by adding at the end the following:

SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

"41781. Airline contingency service requirements.".

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

Section 41722 is amended by adding at the end the following:

"(f) CHRONICALLY DELAYED FLIGHTS.—

"(1) PUBLICATION OF LIST OF FLIGHTS.—An air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall publish and update monthly on the Internet website of the air carrier, or provide on request, a list of chronically delayed flights operated by the air carrier.

"(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—An air carrier shall disclose the following information prominently to an individual before that individual books transportation on the air carrier's Internet website for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, and for which the air carrier has primary responsibility for inventory control:

"(A) The on-time performance for the flight if it is a chronically delayed flight.

"(B) The cancellation rate for the flight if it is a chronically canceled flight.

"(3) CHRONICALLY DELAYED; CHRONICALLY CANCELED.—The Secretary of Transportation shall define the terms 'chronically delayed flight' and 'chronically canceled flight' for purposes of this subsection.".

SEC. 403. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "may" and inserting "shall".

SEC. 404. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "September 30, 2007." and inserting "September 30, 2011.".

SEC. 405. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking "and" after the semicolon in subparagraph (B);

(2) by striking "provided." in subparagraph (C) and inserting "provided;"; and

(3) by adding at the end the following:

"(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

"(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.".

SEC. 406. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

"(c) CONVERSION OF LOST ELIGIBILITY AIRPORTS.—

"(1) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

"(2) GRANTS.—A grant under this subsection—

"(A) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

"(B) may be used—

"(i) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

"(ii) to defray operating expenses, if such use is approved by the Secretary; or

"(iii) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

"(3) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this subsection for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this subsection.

"(4) LIMITATION.—The sponsor of an airport receiving funding under this subsection is not eligible for funding under section 41736.".

(b) CONFORMING AMENDMENT.—Section 41745(f), as redesignated, is amended—

(1) by striking "An eligible place" and inserting "Neither an eligible place, nor a place to which subsection (c) applies,"; and

(2) by striking "not".

SEC. 407. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) "Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended."; and

(2) by striking "$77,000,000" in paragraph (2) and inserting "$125,000,000".

SEC. 408. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

"§47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees" ;

(2) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the subsection caption for subsection (d);

(3) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the paragraph caption for subsection (d)(2);

(4) by striking "air carrier" each place it appears and inserting "air carrier or foreign air carrier";

(5) by striking "air carrier's" each place it appears and inserting "air carrier's or foreign air carrier's";

(6) by striking "air carriers" and inserting "air carriers or foreign air carriers"; and

(7) by striking "(as defined in section 40102 of this title)" in subsection (a) and inserting "(as those terms are defined in section 40102 of this title)".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

"47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees.".

SEC. 409. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking "and" after the semicolon in subparagraph (D);

(2) by striking "fashion." in subparagraph (E) and inserting "fashion; and"; and

(3) by adding at the end the following:

"(F) multiple communities cooperate to submit a region or multistate application to improve air service.".

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking "2008" and inserting "2011".

SEC. 410. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

"(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.".

(b) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking "and" after "2006,"; and

(2) by inserting "$8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011" after "2007,"; and

(3) by inserting after "paragraph." the following: "If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under paragraph (b)(1) of this section.".

(c) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking "$1,500,000." and inserting "$2,000,000.".

(d) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

"(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.".

SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 412. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—The Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 413. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 414. EXTRAPERIMETAL AND INTRAPERIMETAL SLOTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718 (a) is amended by striking "24" and inserting "36".

(b) WITHIN PERIMETER EXEMPTIONS.—Section 41718 (b) is amended by striking "20" and inserting "28".

(c) LIMITATIONS.—Section 41718(c) is amended—

(1) by striking "3 operations." in paragraph (2) and inserting "5 operations. Operations conducted by new entrant and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to section 41718 with the highest scheduling priority afforded to beyond-perimeter operations conducted by new entrant and limited incumbent air carriers.";

(2) by striking "six" in paragraph (3)(A) and inserting "8";

(3) by striking "ten" in paragraph (3)(B) and inserting "12"; and

(4) by striking "four" in paragraph (3)(C) and inserting "8".

SEC. 415. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 416. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

"§ 41749. Essential air service for eligible places above per passenger subsidy cap

"(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

"(b) PLACE DESCRIBED.—A place described in this subsection is a place—

"(1) that is otherwise an eligible place; and

"(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

"(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

"(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

"(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

"(A) the per passenger subsidy; and

"(B) the dollar amount allowable for such subsidy under this subchapter.

"(d) COMPENSATION PAYMENTS.—

"(1) IN GENERAL—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

"(2) DURATION OF PAYMENTS—The Secretary shall continue to pay compensation under this section only as long as—

"(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

"(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

"(e) REVIEW—

"(1) IN GENERAL—The Secretary shall periodically review the type and level of air service provided under this section.

"(2) CONSULTATION—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

"(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

"(1) the Secretary;

"(2) the affected community; and

"(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).".

(2) CLERICAL AMENDMENT—The chapter analysis for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

"41749. Essential air service for eligible places above per passenger subsidy cap.".

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

"§ 41750. Preferred essential air service

"(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

"(b) PREFERRED AIR CARRIER DESCRIBED—A preferred air carrier described in this subsection is an air carrier that—

"(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

"(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

"(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

"(c) DECISIONS—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

"(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

"(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

"(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

"(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

"(d) COMPENSATION PAYMENTS—

"(1) IN GENERAL—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

"(2) DURATION OF PAYMENTS—The Secretary shall continue to pay compensation under this section only as long as—

"(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

"(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

"(e) REVIEW—

"(1) IN GENERAL—The Secretary shall periodically review the type and level of air service provided under this section.

"(2) CONSULTATION—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

"(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

"(1) the Secretary;

"(2) the affected community; and

"(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).".

(2) CLERICAL AMENDMENT—The chapter analysis for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

"41750. Preferred essential air service.'.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.——Section 41733 is amended by adding at the end the following new subsection:

"(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE—

"(1) IN GENERAL—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

"(2) DETERMINATION BY SECRETARY—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).'.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(b) FUNCTIONS—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(e) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking "2008" and inserting "2011".

(f) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS—Section 41737 is amended—

(1) by striking "and" after the semicolon in subsection (a)(1)(B);

(2) by striking "provided." in subsection (a)(1)(C) and inserting "provided; and";

(3) by adding at the end of subsection (a)(1) the following:

"(D) provide for an adjustment in compensation, for service or transportation to a place that was an eligible place as of November 1, 2007, to account for significant increases in fuel costs, in accordance with subsection (e)."; and

(4) by adding at the end thereof the following:

"(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.".

(f) CONTINUED ELIGIBILITY.—Notwithstanding any provision of subchapter II of chapter 417 of title 49, United States Code, to the contrary, a community that was receiving service or transportation under that subchapter as an eligible place (as defined in section 41731(a)(1) of such title) as of November 1, 2007, shall continue to be eligible to receive service or transportation under that subchapter without regard to whether the per passenger subsidy required exceeds the per passenger subsidy cap provided under that subchapter.

TITLE V—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration operational evolution plan.

SEC. 502. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.

Not later than December 31, 2008, the Federal Aviation Administration shall issue a final rule regarding the reduction of fuel tank flammability in transport category aircraft.

SEC. 503. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

"(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.".

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking "section 44709 or" and inserting "section 44703(d), 44709, or".

SEC. 504. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

"(5) RELEASE OF DATA.—

"(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

"(i) the certificate containing the requested data has been inactive for 3 years;

"(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

"(iii) the designation of such data as public data will enhance aviation safety.

"(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.".

SEC. 505. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking "Beginning 7 years after the date of enactment of this subsection," in paragraph (1) and inserting "Effective January 1, 2013,";

(2) by striking "testing" in paragraph (2) and inserting "production"; and

(3) by striking paragraph (3) and inserting the following:

"(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.".

SEC. 506. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

"§40130. FAA access to criminal history records or databases systems

"(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

"(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

"(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

"(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

"(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

"(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

"(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

"(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 is amended by inserting after the item relating to section 40129 the following:

"40130. FAA access to criminal history records or databases systems.".

SEC. 507. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Within 3 months after the date of enactment of this Act the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

(1) research on fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements recommended by the National Transportation Safety Board; and

(3) international standards.

(c) REPORT.—Within 18 months after initiating the study, the National Academy shall submit a report to the Administrator containing its findings and recommendations, including recommendations with respect to Federal Aviation Regulations governing flight limitation and rest requirements.

(d) RULEMAKING.—After the Administrator receives the National Academy's report, the Federal Aviation Administration shall consider the findings of the National Academy in its rulemaking proceeding on flight time limitations and rest requirements.

(e) Implementation of Flight Attendant Fatigue Study Recommendations.—Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a process to carry out the recommendations of the CAMI study on flight attendant fatigue.

SEC. 508. INCREASING SAFETY FOR HELICOPTER EMERGENCY MEDICAL SERVICE OPERATORS.

(a) Compliance With 14 CFR Part 135 Regulations.—No later than 18 months after the date of enactment of this Act, all helicopter emergency medical service operators shall comply with the regulations in part 135 of title 14, Code of Federal Regulations whenever there is a medical crew on board, without regard to whether there are patients on board the helicopter.

(b) Implementation of Flight Risk Evaluation Program.—Within 60 days after the date of enactment of this Act, the Federal Aviation Administration shall initiate, and complete within 18 months, a rulemaking—

(1) to create a standardized checklist of risk evaluation factors based on its Notice 8000.301, issued in August, 2005; and

(2) to require helicopter emergency medical service operators to use the checklist to determine whether a mission should be accepted.

(c) Comprehensive Consistent Flight Dispatch Procedures.—Within 60 days after the date of enactment of this Act, the Federal Aviation Administration shall initiate, and complete within 18 months, a rulemaking—

(1) to create standardized flight dispatch procedures for helicopter emergency medical service operators based on the regulations in part 121 of title 14, Code of Federal Regulations; and

(2) to require such operators to use those procedures for flights.

(d) Improving Situational Awareness.—Any helicopter used for helicopter emergency medical service operations that is ordered, purchased, or otherwise obtained after the date of enactment of this Act shall have on board an operational terrain awareness and warning system that meets the technical specifications of section 135.154 of the Federal Aviation Regulations (14 C.F.R. 135.154).

(e) Improving the Data Available to NTSB Investigators at Crash Sites.—

(1) Study.—Within 1 year after the date of enactment of this Act, the Federal Aviation Administration shall complete a feasibility study of requiring flight data and cockpit voice recorders on new and existing helicopters used for emergency medical service operations. The study shall address, at a minimum, issues related to survivability, weight, and financial considerations of such a requirement.

(2) Rulemaking.—Within 2 years after the date of enactment of this Act, the Federal Aviation Administration shall complete a rulemaking to require flight data and cockpit voice recorders on board such helicopters.

SEC. 509. CABIN CREW COMMUNICATION.

(a) In General.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) Minimum Language Skills.—

"(1) In general.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has the ability to read, speak, and write English well enough to—

"(A) read material written in English and comprehend the information;

"(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

"(C) write incident reports and statements and log entries and statements; and

"(D) carry out written and oral instructions regarding the proper performance of their duties.

"(2) Foreign flights.—The requirements of paragraph (1) do not apply to service as a flight attendant on a flight operated by a certificate holder solely between points outside the United States.".

(b) Administration.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 510. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) In General.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft cabin.

(b) Policy Statement.—The policy statement to be developed under subsection (a)(2) shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 511. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) In General.—The Administrator of the Federal Aviation Administration shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria.

(b) Use of Third Parties.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

SEC. 512. ENHANCED SAFETY FOR AIRPORT OPERATIONS.

From amounts appropriated for fiscal years 2009 through 2011 pursuant to section 48101(a) of title 49, United States Code, the Secretary shall make available such sums as may be necessary for use in relocating the radar facility at National Plan of Integrated Airport Systems airport number 54-0026 to improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather. The Administrator of the Federal Aviation Administration shall ensure that the radar is relocated before September 30, 2011.

SEC. 513. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA-2008-0188, *Re-registration and Renewal of Aircraft Registration*. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 514. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure; and

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

SEC. 515. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) Employment by Inspected Air Carriers.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to revise its post-employment guidance to prohibit an inspector employed by an air carrier the inspector was responsible for inspecting from representing that air carrier before the Federal Aviation Administration or participating in negotiations or other contacts with the Federal Aviation Administration on behalf of that air carrier for a period of 2 years after terminating employment by the Federal Aviation Administration.

(b) INSPECTION TRACKING.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall implement a process for tracking field office review of air carrier compliance with Federal Aviation Administration air worthiness directives. In tracking air worthiness directive compliance, the Administrator shall ensure that—

(1) each air carriers under the Administration's air transportation oversight system is reviewed for 100 percent compliance on a 5-year cycle;

(2) Compliance reviews include physical inspections at each applicable carrier of a sample of the aircraft to which the air worthiness certificate applies; and

(3) the appropriate local and regional offices, and the Administrator, are alerted whenever a carrier is no longer in compliance with an air worthiness directive.

SEC. 516. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 517. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

(c) ADDITIONAL SAFETY INSPECTORS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration may hire a net increase of 200 additional safety inspectors.

SEC. 518. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 519. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking "establish a 4-year pilot" in paragraph (1) and inserting "maintain an"; and

(2) by inserting "pilot" in paragraph (4) before "program" the first time it appears; and

(3) by striking "program, including recommendations as to the need for establishing a permanent airport cooperative research program." in paragraph (4) and inserting "program.".

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2008, 2009, 2010, and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft source noise and emissions through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation of educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels.

(b) ESTABLISHING A CONSORTIUM.—Within 6 months after the date of enactment of this Act, the Administrator shall designate, using a competitive process, an institution, entity, or consortium described in subsection (a) as a Consortium for Aviation Noise, Emissions, and Energy Technology Research to perform research in accordance with this section. The Consortium shall conduct the research program in coordination with the National Aeronautics and Space Administration and other relevant agencies.

(c) PERFORMANCE OBJECTIVES.—By January 1, 2015, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that increases aircraft fuel efficiency by 25 percent relative to 1997 subsonic aircraft technology.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

(3) Certifiable aircraft technology that reduces noise levels by 10 dB (30 dB cumulative) relative to 1997 subsonic jet aircraft technology.

(4) Determination of the feasibility of use of alternative fuels in aircraft systems, including successful demonstration and quantification of benefits.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be know as the "Advisory Committee on the Future of Aeronautics".

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 607. INCORPORATION OF UNMANNED AERIAL SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504 is amended—

(A) by inserting "unmanned and manned" in subsection (a) after "improve";

(B) by striking "and" after the semicolon in subsection (b)(6);

(C) by striking "aircraft." in subsection (b)(7) and inserting "aircraft; and"; and

(D) by adding at the end of subsection (b) the following:

"(8) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aerial systems that could result in a catastrophic failure.".

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking "and" after the semicolon in paragraph (4);

(B) by striking "programs." in paragraph (5)(C) and inserting "programs; and"; and

(C) by adding at the end thereof the following:

"(6) to develop a better understanding of the relationship between human factors and unmanned aerial systems air safety; and

"(7) to develop dynamic simulation models of integrating all classes of unmanned aerial systems into the National Air Space.".

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Science for an assessment of unmanned aerial systems that shall include consideration of—

(A) human factors regarding unmanned aerial systems operation;

(B) "detect, sense and avoid technologies" with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms for letter others know where the unmanned aerial system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aerial systems flight control;

(J) technologies for unmanned aerial systems propulsion;

(K) unmanned aerial systems operator qualifications, medical standards, and training requirements;

(L) unmanned aerial systems maintenance requirements and training requirements; and

(M) any other unmanned aerial systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace to conduct experiments and collect data in order to accelerate the safe integration of unmanned aerial systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aerial systems.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aerial systems.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aerial systems.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 60 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2008 and 2009 such sums as may be necessary to conduct the pilot projects.

(d) FAA TASK LIST.—

(1) STREAMLINE UNMANNED AERIAL SYSTEMS CERTIFICATION PROCESS.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and transmit an unmanned aerial systems "roadmap" to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(2) UPDATE POLICY STATEMENT.—Within 45 days after the date of enactment of this Act, the Administrator shall issue an updated policy statement on unmanned aerial systems under Docket No. FAA–2006–25714; Notice No. 07–01.

(3) ISSUE NPRM FOR CERTIFICATES.—Within 90 days after the date of enactment of this Act, the Administrator shall publish a notice of proposed rulemaking on issuing airworthiness certificates and experimental certificates to unmanned aerial systems operators for compensation or hire. The Administrator shall promulgate a final rule 90 days after the date on which the notice is published.

(4) NOTICE TO CONGRESS ON BASING UNMANNED AERIAL SYSTEMS REGULATIONS ON ULTRALIGHT REGULATIONS.—Within 90 days after the date of enactment of this Act, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential of using part 103 of title 14, Code of Federal Regulations (relating to Ultralight Aircraft), as the regulatory basis for regulations on lightweight unmanned aerial systems.

(e) CONSOLIDATED RULEMAKING DEADLINE.—No later than April 30, 2010, the Federal Aviation Administration and other affected Federal agencies shall have initiated all of the rule makings regarding vehicle design requirements, operational requirements, airworthiness requirements, and flight crew certifications requirements necessary for integrating all categories of unmanned aerial systems into the national air space, taking into consideration the recommendations the Administrator receives from the National Academy of Sciences report under subsection (b), the unmanned aerial systems "roadmap" developed by the Administrator under subsection (d)(1), the recommendations of the Radio Technical Committee Aeronautics Special Committee 203 (RTCA–SC 203), and the data generated from the 3 pilot projects conducted under subsection (c).

SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking "$500,000 for fiscal year 2004" and inserting "$1,000,000 for each of fiscal years 2008 through 2012".

SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

"§47136A. Zero emission airport vehicles and infrastructure

"(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

"(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

"(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

"(e) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

"(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

"(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.".

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47136 the following:

"47136A. Zero emission airport vehicles and infrastructure".

SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

"§47140A. Reduction of emissions from airport power sources

"(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

"(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47140 the following:

"47140A. Reduction of emissions from airport power sources".

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking "December 31, 2006," and inserting "December 31, 2012,".

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking "March 30, 2008." and inserting "October 1, 2017.".

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking "2008," and inserting "2011,".

(b) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking "2007," and inserting "2011,".

(c) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (17 Stat. 2518) is amended by striking "October 1, 2007," and inserting "October 1, 2011,".

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

"(b) LIMITATIONS.—

"(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

"(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2009. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

"(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

"(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

"(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

"(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.".

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

"(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of title 49 of the United States Code shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and".

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking "2302(b), relating to whistleblower protection," in paragraph (2)(A) and inserting "2302,";

(2) by striking "and" after the semicolon in paragraph (2)(H).

(3) by striking "Plan." in paragraph (2)(I)(iii) and inserting "Plan; and";

(4) by adding at the end of paragraph (2) the following:

"(J) sections 6381 through 6387, relating to Family and Medical Leave."; and

(5) by adding at the end of paragraph (3) "Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.".

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) SAFETY STAFFING MODEL.—Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking "Director" each place it appears and inserting "Secretary of the Interior";

(C) by striking "National Park Service" in subsection (a)(2)(B)(vi) and inserting "Department of the Interior"; and

(D) by striking "National Park Service" in subsection (b)(4)(C) and inserting "Department of the Interior".

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking "Director" in section 804(b) and inserting "Secretary of the Interior";

(B) in section 805—

(i) by striking "Director of the National Park Service" in subsection (a) and inserting "Secretary of the Interior";

(ii) by striking "Director" each place it appears and inserting "Secretary of the Interior";

(iii) by striking "National Park Service" each place it appears in subsection (b) and inserting "Department of the Interior";

(iv) by striking "National Park Service" in subsection (d)(2) and inserting "Department of the Interior"; and

(C) in section 807—

(i) by striking "National Park Service" in subsection (a)(1) and inserting "Department of the Interior"; and

(ii) by striking "Director of the National Park Service" in subsection (b) and inserting "Secretary of the Interior".

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking "and" in subparagraph (B);

(2) by striking "lands." in subparagraph (C) and inserting "lands; and"; and

(3) by adding at the end the following:

"(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.".

(c) ADDITIONAL EXEMPTIONS TO AIR TOUR MANAGEMENT PLANS.—Subsection (a) of section 40128 is further amended by adding at the end the following:

"(5) WAIVER FOR NATIONAL PARKS WITH 100 OR FEWER COMMERCIAL AIR TOUR OPERATIONS PER YEAR.—

"(A) IN GENERAL.—Subject to subparagraph (B), and without further administrative or environmental process, the Secretary may waive the requirements of this section with respect to a national park over which 100 or fewer commercial air tour operations are conducted in a year.

"(B) EXCEPTION TO WAIVER IF NECESSARY TO PROTECT PARK RESOURCES.—

"(i) IN GENERAL.—The Secretary may not waive the requirements of this section if the Secretary determines that an air tour management plan is necessary to protect park resources and values.

"(ii) NOTICE AND PUBLICATION.—The Secretary shall inform the Administrator in writing of the determinations under clause (i), and the Secretary and the Administrator shall publish in the Federal Register a list of the national parks that fall under this subparagraph.

"(6) WAIVER WITH RESPECT TO VOLUNTARY AGREEMENTS.—

"(A) IN GENERAL.—The Secretary may waive the requirements of this section if a commercial air tour operator enters into a voluntary agreement with a national park to manage commercial air tour operations over the national park.

"(B) PURPOSE OF VOLUNTARY AGREEMENTS.—A voluntary agreement described in subparagraph (A) shall seek to protect park resources and visitor experiences without compromising aviation safety, and may—

"(i) include provisions described in subparagraph (B) through (E) of subsection (b)(3);

"(ii) include provisions to ensure the stability of, and compliance with, the provisions of the voluntary agreement; and

"(iii) set forth a fee schedule for operating over the national park.

"(C) CONSULTATION.—Before entering into a voluntary agreement described in subparagraph (A), a national park shall consult with any Indian tribe over whose tribal lands a commercial air tour operator may conduct commercial air tour operations pursuant to the voluntary agreement.

"(D) REVIEW AND APPROVAL BY THE SECRETARY AND THE ADMINISTRATOR.—

"(i) REVIEW.—Before executing a voluntary agreement described in subparagraph (A), a national park shall submit the voluntary agreement to the Secretary and the Administrator for review and approval.

"(ii) APPROVAL.—Not later than 60 days after receiving the agreement from the national park, the Secretary and the Administrator shall inform the national park of the determination of the Secretary and the Administrator regarding the approval of the agreement.

"(E) RESCISSION OF VOLUNTARY AGREEMENT.—

"(i) BY THE SECRETARY.—The Secretary may rescind a voluntary agreement described in subparagraph (A) if the Secretary determines that the agreement does not adequately protect park resources or visitor experiences.

"(ii) BY THE ADMINISTRATOR.—The Administrator may rescind a voluntary agreement described in subparagraph (A) if the Administrator determines that the agreement adversely affects aviation safety or the management of the national airspace system.

"(iii) EFFECT OF RESCISSION.—If the Secretary or the Administrator rescinds a voluntary agreement described in subparagraph (A), the commercial air tour operator that was a party to the agreement shall operate under the requirements for interim operating authority of subsection (c) until an air tour management plan for the national park becomes effective.".

(d) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Subsection (c)(2)(I) of section 40128 is amended to read as follows:

"(I) may allow for modifications of the interim operating authority without further environmental process, if—

"(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

"(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

"(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.".

(e) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(f) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior may assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall consider the cost of developing air tour management plans for each national park.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(g) AUTHORIZATION OF APPROPRIATIONS FOR AIR TOUR MANAGEMENT PLANS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 to the Secretary of the Interior for the development of air tour management plans under section 40128(b) of title 49, United States Code.

(2) USE OF FUNDS.—The funds authorized to be appropriated by paragraph (1) shall be used to develop air tour management plans for the national parks the Secretary determines would most benefit from such a plan.

(h) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(i) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

"§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

"(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

"(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

"(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

"(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

"(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

"(2) to scrap the aircraft;

"(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

"(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

"(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

"(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

"(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

"(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.".

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking "47529, or 47530" and inserting "47529, 47530, or 47534".

(2) Section 47532 is amended by striking "47528-47531" and inserting "47528 through 47531 or 47534".

(3) The chapter analysis for chapter 475 is amended by inserting after the item relating to section 47533 the following:

"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for airport sponsors that have submitted a noise compatibility program to the Federal Aviation Administration, from funds apportioned under section 47504 or section 40117 of title 49, United States Code, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATABILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (D);

(2) by striking "operations." in subparagraph (E) and inserting "operations;"; and

(3) by adding at the end the following:

"(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interests acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential; and

"(G) utility upgrades and other site preparation efforts.".

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants under subsection (a) for demonstration projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning Part 150 lands to productive use.

SEC. 713. AIR CARRIAGE OF INTERNATIONAL MAIL.

(a) CONTRACTING AUTHORITY.—Section 5402 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

"(b) INTERNATIONAL MAIL.—

"(1) IN GENERAL.—

"(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certificated air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

"(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service's requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service sought if, when the Postal Service seeks offers or proposals from foreign air carriers, it also seeks an offer or proposal to provide that service from any certificated air carrier providing service between those points, or pairs of points within a geographic region or regions, on the same terms and conditions that are being sought from foreign air carriers.

"(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices for the Postal Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

"(D) For purposes of this subsection, ceiling prices determined pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

"(i) a weighted average based on market rate data furnished by the International Air Transport Association or a subsidiary unit thereof; or

"(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

"(E) If, for purposes of subparagraph (D)(ii), concurrence cannot be attained, then the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

"(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

"(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

"(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

"(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

"(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier without complying with the requirements of paragraphs (b)(1) and (2) if—

"(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

"(B) its demand for lift exceeds the space available to it under existing contracts and—

"(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service's service commitments to its own customers; and

"(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

"(c) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b).".

(b) CONFORMING AMENDMENTS TO TITLE 49.—

(1) Section 41901(a) is amended by striking "39." and inserting "39, and in foreign air transportation under section 5402(b) and (c) of title 39.".

(2) Section 41901(b)(1) is amended by striking "in foreign air transportation or".

(3) Section 41902 is amended—

(A) by striking "in foreign air transportation or" in subsection (a);

(B) by striking subsection (b) and inserting the following:

"(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

"(1) the places between which the carrier is authorized to transport mail in Alaska;

"(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

"(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.";

(C) by striking "subsection (b)(3)" each place it appears in subsections (c)(1) and (d) and inserting "subsection (b)(2)"; and

(D) by striking subsections (e) and (f).

(4) Section 41903 is amended by striking "in foreign air transportation or" each place it appears.

(5) Section 41904 is amended—

(A) by striking "**to or in foreign countries**" in the section heading;

(B) by striking "to or in a foreign country" and inserting "between two points outside the United States"; and

(C) by inserrting after "transportation." the following: "Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.".

(6) Section 41910 is amended by striking the first sentence and inserting "The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and -administrative computations necessary in the interest of mail service.".

(7) Chapter 419 is amended—

(A) by striking sections 41905, 41907, 41908, and 41911; and

(B) redesignating sections 41906, 41909, 41910, and 49112 as sections 41905, 41906, 41907, and 41908, respectively.

(8) The chapter analysis for chapter 419 is amended by redesignating the items relating to sections 41906, 41909, 41910, and 49112 as relating to sections 41905, 41906, 41907, and 41908, respectively.

(9) Section 101(f) of title 39, United States Code, is amended by striking "mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service." and inserting "mail.".

(9) Subsections (b) and (c) of section 3401 of title 39, United States Code, are amended—

(A) by striking "at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49" and inserting "or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title";

(B) by striking "at rates not to exceed those so fixed and determined for scheduled United States air carriers";

(C) by striking "scheduled" each place it appears and inserting "certificated"; and

(D) by striking the last sentence in each such subsection.

(10) Section 5402(a) of title 39, United States Code, is amended—

(A) by inserting " 'foreign air carrier'. " after " 'interstate air transportation', " in paragraph (2);

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

"(7) the term 'certificated air carrier' means an air carrier that holds a —certificate of public convenience and necessity issued under section 41102(a) of —title 49;"; and

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

"(9) the term 'code-share relationship' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 714. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§41724. Musical instruments

"(a) IN GENERAL.—

"(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

"(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

"(B) there is space for such stowage at the time the passenger boards the aircraft.

"(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

"(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

"(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

"(C) the instrument can be secured by a seat belt to avoid shifting during flight;

"(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

"(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

"(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

"(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

"(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

"(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 120 inches; and

"(B) the weight of the instrument does not exceed 100 pounds.

"(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41723 the following:

"41724. Musical instruments".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 715. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—section 47102(5) is amended by striking "planning." and inserting "planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.".

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking "proposed." in paragraph (5) and inserting "proposed; and"; and

(3) by adding at the end the following:

"(6) if the project is for an airport that has an airport master plan, the master plan addresses—

"(A) the feasibility of solid waste recycling at the airport;

"(B) minimizing the generation of solid waste at the airport;

"(C) operation and maintenance requirements;

"(D) the review of waste management contracts;

"(E) the potential for cost savings or the generation of revenue; and

"(F) training and education requirements.".

SEC. 716. CONSUMER INFORMATION PAMPHLET.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and make available to the public in written and electronic form a consumer and parental information pamphlet that includes—

(1) a summary of the unaccompanied minor policies of major air carriers serving United States airports;

(2) a summary of such carriers' policies pertaining to passenger air travel by children aged 17 and under;

(3) recommendations to parents about who the appropriate authorities are to notify if a minor is traveling unsupervised and without parental consent on a major air carrier; and

(4) any additional recommendations the Secretary deems appropriate or necessary.

TITLE VIII—AMERICAN INFRASTRUCTURE INVESTMENT AND IMPROVEMENT

SECTION 800. SHORT TITLE, ETC.

(a) SHORT TITLE; AMENDMENT OF 1986 CODE.—This title may be cited as the "American Infrastructure Investment and Improvement Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Airport and Airway Trust Fund Provisions and Related Taxes

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking "July 1, 2008" in the matter preceding subparagraph (A) and inserting "October 1, 2011", and

(2) by striking the semicolon at the end of subparagraph (A) and inserting "or the Aviation Investment and Modernization Act of 2008;".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking "July 1, 2008" and inserting "October 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.".

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

"(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.".

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking "kerosene" and inserting "aviation-grade kerosene",

(B) by striking "section 4081(a)(2)(A)(iii)" and inserting "section 4081(a)(2)(A)(iv)", and

(C) by striking "KEROSENE" in the heading and inserting "AVIATION-GRADE KEROSENE".

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting "other than aviation-grade kerosene" after "kerosene".

(B) The following provisions are each amended by striking "kerosene" and inserting "aviation-grade kerosene":

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) is amended—

(i) by striking "paragraph (2)(C)(i)" in clause (i) and inserting "paragraph (2)(C)", and

(ii) by striking "paragraph (2)(C)(ii)" in clause (ii) and inserting "paragraph (2)(A)(iv)".

(D) Section 4081(a)(4) is amended—

(i) in the heading by striking "KEROSENE" and inserting "AVIATION-GRADE KEROSENE", and

(ii) by striking "paragraph (2)(C)(i)" and inserting "paragraph (2)(C)".

(E) Section 4081(d)(2) is amended by striking "(a)(2)(C)(ii)" and inserting "(a)(2)(A)(iv)".

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting "at the rate specified in subsection (a)(2)(A)(iv) thereof" after "section 4081".

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

"(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).".

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking "specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be," and inserting "so imposed".

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

"(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

"(i) is registered under section 4101, and

"(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).".

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.".

(4) CONFORMING AMENDMENTS.—

(A) Section 4082(d)(2)(B) is amended by striking "6427(l)(5)(B)" and inserting "6427(l)(6)(B)".

(B) Section 6427(l)(4) is amended—

(i) by striking "(4)(C)" the first two places it occurs and inserting "(4)(B)", and

(ii) by striking ", (l)(4)(C)(ii), and" and inserting "and".

(C) The heading of section 6427(l) is amended by striking "DIESEL FUEL AND KEROSENE" and inserting "DIESEL FUEL, KEROSENE, AND AVIATION FUEL".

(D) Section 6427(l)(1) is amended by striking "paragraph (4)(C)(i)" and inserting "paragraph (4)(B)".

(E) Section 6427(l)(4) is amended—

(i) by striking "KEROSENE USED IN AVIATION" in the heading and inserting "AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION", and

(ii) in subparagraph (A)—

(I) by striking "kerosene" and inserting "aviation-grade kerosene",

(II) by striking "KEROSENE USED IN COMMERCIAL AVIATION" in the heading and inserting "IN GENERAL".

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

"(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and".

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) in paragraph (2) by striking "(other than subsection (l)(4) thereof)", and

(ii) in paragraph (3) by striking "(other than payments made by reason of paragraph (4) of section 6427(l))".

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

"(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

"(F) section 4041(c).".

(ii) Section 9503(c) is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) is amended—

(I) by striking "appropriated, credited, or paid into" and inserting "appropriated or credited to", and

(II) by striking ", section 9503(c)(7),".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2008.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2009, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2009, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term "aviation fuel" means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2009, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

"(g) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

"(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

"(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2008, and annually thereafter, the Secretary shall transfer to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene an amount equal to $400,000,000.

"(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).".

(b) CONFORMING AMENDMENT.—Section 9502(d)(1) is amended by striking "Amounts" and inserting "Except as provided in subsection (g), amounts".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

"SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

"(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

"(1) registered in the United States, and

"(2) part of a fractional ownership aircraft program.

"(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

"(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

"(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

"(B) 2 or more airworthy aircraft are part of the program,

"(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

"(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

"(E) there exists a dry-lease exchange arrangement among all of the fractional owners, and

"(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

"(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

"(A) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

"(B) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

"(3) DRY-LEASE EXCHANGE ARRANGEMENT.—A 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

"(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2011.".

(2) CONFORMING AMENDMENT.—Section 4082(e) is amended by inserting "(other than an aircraft described in section 4043(a))" after "an aircraft".

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(b)(1) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),".

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

"Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.".

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: "Such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).".

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).".

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsections (a) shall apply to fuel used after December 31, 2008.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after December 31, 2008.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after December 31, 2008.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

"SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

"The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.".

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking "on nonestablished lines" and inserting "operated solely for sightseeing".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after December 31, 2008.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking "subsection (a) or (b)" in subsection (d), as so redesignated, and inserting "subsection (a), (b), or (c)", and

(3) by inserting after subsection (b) the following new subsection:

"(c) NON-TAX CHARGES.—

"(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

"(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after December 31, 2008.

Subtitle B—Increased Funding for Highway Trust Fund

SEC. 811. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) is amended—

(1) by adding at the end the following new paragraph:

"(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund $3,400,000,000.", and

(2) by striking "AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES" in the heading and inserting "CERTAIN AMOUNTS".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. SUSPENSION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDIT.

Section 9503(c)(2) is amended by adding at the end the following new subparagraph:

"(D) TEMPORARY SUSPENSION.—This paragraph shall not apply to 85 percent of the amounts estimated by the Secretary to be attributable to the 6-month period beginning on the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008.".

SEC. 813. TAXATION OF TAXABLE FUELS IN FOREIGN TRADE ZONES.

(a) TAX IMPOSED ON REMOVALS AND ENTRIES IN FOREIGN TRADE ZONES.—

(1) IN GENERAL.—Subsection (a) of section 4083 (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) UNITED STATES.—The term 'United States' includes any foreign trade zone or bonded warehouse located in the United States.".

(2) CONFORMING AMENDMENT.—Section 4081(a)(1)(A) (relating to imposition of tax) is amended—

(A) in clause (i), by inserting "in the United States" after "refinery"; and

(B) in clause (ii), by inserting "in the United States" after "terminal".

(b) TREATMENT OF TAXABLE FUEL IN FOREIGN TRADE ZONES.—Paragraph (2) of section 81c(a) of title 19, United States Code, is amended by inserting "(other than the provisions relating to taxable fuel (as defined under section 4083(a) of the Internal Revenue Code of 1986))" after "thereunder".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to removals and entries after December 31, 2008.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on January 1, 2009.

SEC. 814. CLARIFICATION OF PENALTY FOR SALE OF FUEL FAILING TO MEET EPA REGULATIONS.

(a) IN GENERAL.—Subsection (a) of section 6720A (relating to penalty with respect to certain adulterated fuels) is amended by striking "applicable EPA regulations (as defined in section 45H(c)(3))" and inserting "the requirements for diesel fuel under section 211 of the Clean Air Act, as determined by the Secretary,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any transfer, sale, or holding out for sale or resale occurring after the date of the enactment of this Act.

SEC. 815. TREATMENT OF QUALIFIED ALCOHOL FUEL MIXTURES AND QUALIFIED BIODIESEL FUEL MIXTURES AS TAXABLE FUELS.

(a) IN GENERAL.—

(1) QUALIFIED ALCOHOL FUEL MIXTURES.—Paragraph (2) of section 4083(a) (relating to gasoline) is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes any qualified mixture (as defined in section 40(b)(1)(B)) which is a mixture of alcohol and special fuel, and".

(2) QUALIFIED BIODIESEL FUEL MIXTURES.—Subparagraph (A) of section 4083(a)(3) (relating to diesel fuel) is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and inserting after clause (ii) the following new clause:

"(iii) any qualified biodiesel mixture (as defined in section 40A(b)(1)(B)), and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2008.

SEC. 816. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking "5 percent" and inserting "2 percent".

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 817. BULK TRANSFER EXCEPTION NOT TO APPLY TO FINISHED GASOLINE.

(a) IN GENERAL.—Subparagraph (B) of section 4081(a)(1) (relating to tax on removal, entry, or sale) is amended by adding at the end the following new clause:

"(iii) EXCEPTION FOR FINISHED GASOLINE.—Clause (i) shall not apply to any finished gasoline.".

(b) EXCEPTION TO TAX ON FINISHED GASOLINE FOR PRIOR TAXABLE REMOVALS.—Paragraph (1) of section 4081(a) is amended by adding at the end the following new subparagraph:

"(C) EXEMPTION FOR PREVIOUSLY TAXED FINISHED GASOLINE.—The tax imposed by this paragraph shall not apply to the removal of gasoline described in subparagraph (B)(iii) from any terminal if there was a prior taxable removal or entry of such fuel under clause (i), (ii), or (iii) of subparagraph (A). The preceding sentence shall not apply to the volume of any product added to such gasoline at the terminal unless there was a prior taxable removal or entry of such product under clause (i), (ii), or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel removed, entered, or sold after December 31, 2008.

SEC. 818. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking "5 cents" and inserting "10 cents".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after September 30, 2018.".

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking "paragraphs (2) and (3)" and inserting "paragraph (2)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 819. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its first taxable year ending after the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 820. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 821. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

(a) IN GENERAL.—Section 11141 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is amended to read as follows:

"SEC. 11141. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

"(a) ESTABLISHMENT.—There is established a Motor Fuel Tax Enforcement Advisory Commission (in this section referred to as the 'Commission').

"(b) MEMBERSHIP.—

"(1) APPOINTMENT.—The Commission shall be composed of 14 members, of which—

"(A) 1 shall be appointed by the Administrator of the Federal Highway Administration as a representative of the Federal Highway Administration,

"(B) 1 shall be appointed by the Inspector General for the Department of Transportation as a representative the Office of Inspector General for the Department of Transportation,

"(C) 1 shall be appointed by the Secretary of Transportation as a representative of the Department of Transportation,

"(D) 1 shall be appointed by the Secretary of Homeland Security to be a representative of the Department of Homeland Security,

"(E) 1 shall be appointed by the Secretary of Defense to be a representative of the Department of Defense,

"(F) 1 shall be appointed by the Attorney General to be a representative of the Department of Justice,

"(G) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate,

"(H) 2 shall be appointed by the Ranking Member of the Committee on Finance of the Senate,

"(I) 2 shall be appointed by Chairman of the Committee on Ways and Means of the House of Representatives, and

"(J) 2 shall be appointed by Ranking Member of the Committee on Ways and Means of the House of Representatives.

"(2) QUALIFICATION FOR CERTAIN MEMBERS.—Of the members appointed under subparagraphs (G), (H), (I) and (J)—

"(A) at least 1 shall be representative from the Federation of State Tax Administrators,

"(B) at least 1 shall be a representative from any State department of transportation,

"(C) at least ! shall be a representative from the retail fuel industry, and

"(D) at least 1 shall be a representative from industries relating to fuel distribution (such a refiners, distributors, pipeline operators, and terminal operators).

"(3) TERMS.—Members shall be appointed for the life of the Commission.

"(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

"(c) DUTIES.—

"(1) IN GENERAL.—The Commission shall—

"(A) review motor fuel revenue collections, historical and current;

"(B) review the progress of investigations;

"(C) develop and review legislative proposals with respect to motor fuel taxes;

"(D) monitor the progress of administrative regulation projects relating to motor fuel taxes;

"(E) evaluate and make recommendations to the President and Congress regarding—

"(i) the effectiveness of existing Federal enforcement programs regarding motor fuel taxes,

"(ii) enforcement personnel allocation, and

"(iii) proposals for regulatory projects, legislation, and funding.

"(2) REPORT.—Not later than September 30, 2009, the Commission shall submit to Congress a final report that contains a detailed statement on the findings and conclusions of the Commission, together with recommendations for such legislation and administrative action as the Commission considers appropriate or necessary.

"(d) POWERS.—

"(1) HEARINGS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

"(2) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States, information (other than information required by any law to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission. The Commission shall also gather evidence through such means as it may determine appropriate, including through holding hearings and soliciting comments by means of Federal Register notices.

"(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(4) GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and requests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. Gifts and bequests of money, and the proceeds from the sale of any other property received as gifts or bequests, shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Commission. For purposes of Federal income, estate, and gift taxation, property accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

"(e) SUPPORT SERVICES.—

"(1) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary of Transportation shall provide to the Commission administrative support services necessary to enable the Commission to carry out its duties under this Act.

"(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(3) VOLUNTARY SERVICES.—

"(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence as authorized by section 5703, United States Code.

"(B) TREATMENT OF VOLUNTEERS.—A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of the following provisions of law:

"(i) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries;

"(ii) chapter 171 of title 28, United States Code, relating to tort claims; and

"(iii) chapter 11 of title 18, United States Code, relating to conflicts of interest.

"(4) CONSULTATION.—Upon request of the Commission, representatives of the Department of the Treasury and the Internal Revenue Service shall be available for consultation to assist the Commission in carrying out its duties under this section.

"(5) COOPERATION.—The staff of the Department of Transportation, the Department of Homeland Security, the Department of Justice, and the Department of Defense shall cooperate with the Commission as necessary.

"(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"(g) TERMINATION.—

"(1) IN GENERAL.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report required under subsection (c)(2).

"(2) RECORDS.—Not later than the date on which the Commission terminates, the Commission shall transmit all records of the Commission to the National Archives.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 822. HIGHWAY TRUST FUND CONFORMING EXPENDITURE AMENDMENT.

(a) IN GENERAL.—Subsections (c)(1) and (e)(3) of section 9503 are each amended by inserting ", as amended by An Act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes," after "Users".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of An Act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

Subtitle C—Additional Infrastructure Modifications and Revenue Provisions

SEC. 831. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

"(C) ANNUAL LIMIT.—

"(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(I) the applicable limit, plus

"(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(ii) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year in the credit period is $169,000,000 and in the case of any calendar year after 2020, zero.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2025.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

"(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calender year after 2025.".

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking "the termination date" and inserting "the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008 or the termination date if pursuant to a binding contract in effect on such enactment date".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking "1400L" and inserting "1400K".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after December 31, 2008.

(2) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 832. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 833. INCREASED INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) (relating to imposition of penalty) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "in lieu of $50" and inserting "in lieu of $250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2009.

SEC. 834. EXEMPTION OF CERTAIN COMMERCIAL CARGO FROM HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Section 4462 is amended—

(1) by redesignating subsection (i) as subsection (j), and

(2) by inserting after subsection (h) the following new subsection:

"(i) EXEMPTION FOR CERTAIN CARGO TRANSPORTED ON THE GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—

"(1) IN GENERAL.—No tax shall be imposed under section 4461(a) with respect to—

"(A) commercial cargo (other than bulk cargo) loaded at a port in the United States located in the Great Lakes Saint Lawrence Seaway System and unloaded at another port in the United States located in such system, and

"(B) commercial cargo (other than bulk cargo) unloaded at a port in the United States located in the Great Lakes Saint Lawrence Seaway System which was loaded at a port in Canada located in such system.

"(2) BULK CARGO.—For purposes of this subsection, the term 'bulk cargo' shall have the meaning given such term by section 53101(1) of title 46, United States Code (as in effect on the date of the enactment of this section).

"(3) GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—For purposes of this subsection, the term 'Great Lakes Saint Lawrence Seaway System' means the waterway between Duluth, Minnesota and Sept. Iles, Quebec, encompassing the five Great Lakes, their connecting channels, and the Saint Lawrence River.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 835. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified rail infrastructure bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified rail infrastructure bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified rail infrastructure bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) DETERMINATION.—For purposes of paragraph (2), with respect to any qualified rail infrastructure bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of qualified rail infrastructure bonds with a specified maturity or redemption date, without discount and without interest cost to the qualified issuer.

"(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term also includes the last day on which the bond is outstanding.

"(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under this part (other than this subpart, subpart C, and section 1400N(l)).

"(d) QUALIFIED RAIL INFRASTRUCTURE BOND.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified rail infrastructure bond' means any bond issued as part of an issue if—

"(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national qualified rail infrastructure bond annual limitation under subsection (f)(2) by not later than the end of the calendar year following the year of such allocation,

"(B) 95 percent or more of the proceeds of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

"(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

"(D) the issue meets the requirements of subsection (h).

"(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

"(A) IN GENERAL.—The term 'qualified project' means a project eligible under section 26101(b) of title 49, United States Code (determined without regard to paragraph (2) thereof), which the Secretary determines was selected using the criteria of subsection (c) of such section 26101 by the Secretary of Transportation, that makes a substantial contribution to improving a rail transportation corridor for intercity passenger rail use.

"(B) CERTIFICATION REQUIRED REGARDING CERTAIN PROJECTS.—The Secretary shall not consider a project to be a qualified project unless an applicant certifies to the Secretary that—

"(i) if a project involves a rail transportation corridor which includes the use of rights-of-way owned by a freight railroad, the applicant has entered into a written agreement with such freight railroad regarding the use of the rights-of-way and has received assurances that collective bargaining agreements between such freight railroad and its employees (including terms regarding the contracting of work performed on such corridor) shall remain in full force and effect during the term of such written agreement,

"(ii) any person which provides railroad transportation over infrastructure improved or acquired pursuant to this section, is a rail carrier as defined by section 10102 of title 49, United States Code, and

"(iii) the applicant shall, with respect to improvements to rail infrastructure made pursuant to this section, comply with the standards applicable to construction work in such title 49, in the same manner in which the National Railroad Passenger Corporation is required to comply with such standards.

"(C) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a qualified rail infrastructure bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

"(D) REIMBURSEMENT.—For purposes of paragraph (1)(B), a qualified rail infrastructure bond may be issued to reimburse for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

"(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified rail infrastructure bond,

"(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(E) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified rail infrastructure bond.

"(e) MATURITY LIMITATIONS.—

"(1) DURATION OF TERM.—A bond shall not be treated as a qualified rail infrastructure bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

"(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of paragraph (3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a qualified rail infrastructure bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).

"(f) ANNUAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL ANNUAL LIMITATION.—There is a national qualified rail infrastructure bond annual limitation for each calendar year. Such limitation is $900,000,000 for 2009, 2010, and 2011, and, except as provided in paragraph (3), zero thereafter.

"(2) ALLOCATION BY SECRETARY.—The national qualified rail infrastructure bond annual limitation for a calendar year shall be allocated by the Secretary among qualified projects in such manner as the Secretary determines appropriate.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year, the national qualified rail infrastructure bond annual limitation for such year exceeds the amount of bonds allocated during such year, such limitation for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation shall be treated as used on a first-in first-out basis.

"(g) CREDIT TREATED AS INTEREST.—For purposes of this title, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

"(h) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

"(A) at least 95 percent of the proceeds of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the qualified rail infrastructure bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified rail infrastructure bond, and

"(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a qualified rail infrastructure bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(j) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(k) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) QUALIFIED ISSUER.—The term 'qualified issuer' means 1 or more States or an interstate compact of States.

"(4) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(5) S CORPORATIONS AND PARTNERSHIPS.—In the case of a qualified rail infrastructure bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of the corporation or partners of such partnership shall be treated as a distribution.

"(6) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified rail infrastructure bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(7) REPORTING.—Issuers of qualified rail infrastructure bonds shall submit reports similar to the reports required under section 149(e).

"(8) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2013.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED RAIL INFRASTRUCTURE BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54A. Credit to holders of qualified rail infrastructure bonds.".

(2) Section 54(c)(2) is amended by inserting ", section 54A," after "subpart C".

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 836. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

(2) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

SEC. 837. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

"(A) the violation of any law, or

"(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified by the Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 838. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

SA 4628. Mr. REID proposed an amendment to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

At the end add the following:

The provisions shall become effective 5 days after enactment.

SA 4629. Mr. REID proposed an amendment to amendment SA 4628 proposed by Mr. REID to the amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

In the amendment, strike "5" and insert "4".

SA 4630. Mr. REID proposed an amendment to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

At the end of the bill, add the following:

The provision shall become effective 3 days upon enactment.

SA 4631. Mr. REID proposed an amendment to amendment SA 4630 proposed by Mr. REID to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

In the amendment, strike "3" and insert "2".

SA 4632. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, strike lines 16 through 24, and insert the following:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aerial systems, which are analogous to RC models covered in AC 91-57).

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aerial systems, which are nonstandard aircraft that perform special purpose operations and for which operators have provided evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aerial systems, which are capable of flying throughout all categories of airspace and conforms to part 91 of title 14, Code of Federal Regulations.

SA 4633. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, strike lines 1 through 13, and insert the following:

SEC. 511. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall set a target of implementing at least 200 Required Navigation Performance (RNP) procedures for each of the fiscal years 2009 through 2012.

(b) DEVELOPMENT OF STANDARDS AND GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall develop standards and issue guidance under sections 91, 121, 135, and 129 of title 14, Code of Federal Regulations, to accelerate and streamline the development and implementation of RNP procedures.

(c) DEMONSTRATION PROJECT.—The Administrator shall authorize an air carrier to demonstrate the benefits of implementing RNP procedures in gate-to-gate operations through a project that includes not fewer than 75 daily flights between 2 airports which are more than 275 miles apart.

(d) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement RNP procedures.

(e) PROTECTION OF PROPRIETARY DATA.—Notwithstanding any other provision of law, the Administrator shall not require the disclosure of proprietary data used in the development, implementation, or maintenance of RNP procedures, except as required for flight safety.

(f) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the progress made by the Federal Aviation Administration in implementing subsection (b).

SA 4634. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW OF DE-ICING AND ANTI-ICING PROGRAMS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a review of the de-icing and anti-icing programs of each air carrier (as that term is defined in section 40102(a)(2) of title 49, United States Code) to ensure that those programs comply with the policies of the Federal Aviation Administration.

(b) DE-ICING AND ANTI-ICING PROGRAMS DEFINED.—For purposes of this section, the term "de-icing and anti-icing program" includes—

(1) the procedures of an air carrier or a contractor of an air carrier for removing ice from aircraft and preventing the formation of ice on aircraft; and

(2) the training of—

(A) employees of the air carrier with respect to the procedures described in paragraph (1); and

(B) contractors of the air carrier or any other persons providing de-icing or anti-icing services for aircraft of the air carrier with respect to such procedures.

(c) CONSEQUENCES OF NONCOMPLIANCE.—If the Administrator determines that the de-icing and anti-icing programs of an air carrier do not comply with the policies of the Federal Aviation Administration, the Administrator shall require the air carrier to submit a plan, as soon as practicable—

(1) to ensure that the de-icing and anti-icing programs of the air carrier comply with the policies of the Administration—

(A) in the case of a program being carried out in the United States, by not later than 90 days after the Administrator determines that the program is not in compliance; and

(B) in the case of a program being carried out outside of the United States, by not later than October 1, 2008; and

(2) to ensure the safe de-icing and anti-icing of the aircraft of the air carrier in the period before the de-icing and anti-icing programs of the air carrier can be brought into compliance.

(d) REPORT.—Not later than October 1, 2008, the Administrator shall submit to Congress a report setting forth the results of the review required under subsection (a).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Commiitee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 30, 2008, at 2:30 p.m., in closed session to mark up the National Defense Authorization Act for fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, April 30, 2008, at 3:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 30, 2008, at 10 a.m., in closed session to mark up the Airland programs and provisions contained in the National Defense Authorization Act for Fiscal Year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Secret Law and the Threat to Democratic and Accountable Government" on Wednesday, April 30, 2008, at 9 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 30, 2008, at 9:30 a.m., in closed session to mark up the Strategic Forces Programs and Provisions contained in the National Defense Authorization Act for Fiscal Year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, April 30, 2008, from 3–5 p.m., in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns of the Finance Committee be allowed floor privileges during consideration of the FAA bill: Ben Miller, Bridget Mallon, Damian Kudelka, Emily Schwartz, Ezana Teferra, Mary Baker, Tamara Clay, and Tom Louthan.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Leighton Quon of my staff be granted the privileges of the floor during consideration of the FAA bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 722, H.R. 5715.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, with each passing day, families are confronted with growing challenges stemming from our lagging economy. We have had a surge of bad news, and there is almost certainly more to come. People have done everything right. They have worked hard all their lives. They have been good citizens and they cared for their communities. Many have served in the military. They have bought homes in which to raise their families and have dutifully paid the mortgage every month.

But now they are seeing everything they have worked for, everything they have saved for and sacrificed for placed at risk. Families are stretched to the limit by stagnant wages and soaring prices. They have seen the value of their homes and retirement savings plunge. They wonder if they can afford to put gas in the tank in order to get to work.

Now there is a danger that their children will be the next victims of the economic crisis.

What started as a crisis in the housing market has spread to the banks and beyond. We must draw a line there and not let the crisis in the credit markets become a crisis for students struggling to pay for college and access to the American dream.

If we allow that to happen, we not only limit the horizon for a new generation of Americans, but we will damage the long-term economic health of America as well. More than ever, a college degree is the key to the door of opportunity for individual students. Sending more of our students to college is key to our international competitiveness in the global economy.

Yet students are facing new obstacles as they pay for their education. The credit crisis in the mortgage market has rippled throughout the lending industry and has begun to affect student loans.

The full scope of the problem isn't clear yet, but we cannot afford to wait for a full-blown crisis before we act. Students are applying now for loans to cover the fall term. I am very pleased the Senate acted earlier today to ensure that the loans they need will be available, and I look forward to prompt action by the House.

Already, almost 50 lenders have completely dropped out of the Federal program. Together, they make up almost 14 percent of the Federal student loan market. We need to make sure we have done everything we can to protect students in case that downturn continues.

The first line of defense for students and families is the Direct Loan Program. It is insulated from the turbulence of the credit markets because the Federal Government provides the capital directly to students, without having to pay a bank or other middleman. I have urged colleges across the country to sign up to participate in this program to protect them from any problems in the credit markets.

We need to take additional steps to shore up the alternative federally subsidized loan program—the FFEL program—in the short term as an additional backstop against unacceptable disruptions in the financial aid process later this year.

The legislation the Senate passed today will protect students from the problems in the credit markets by ensuring they will be able to access federally subsidized loans.

First, Mr. President, it ensures that private lenders will continue to participate in the federally subsidized program by giving the Secretary of Education the authority to buy outstanding Federal loans in order to provide lenders with the capital needed to make new loans to students for the upcoming school year.

Second, as a backup for students who still have trouble obtaining a loan, the bill facilitates students' access to "lender of last resort" loans. These loans are provided to students through existing State-operated guaranty agencies, using capital advanced by the Secretary of Education.

Third, the bill assists students who rely on higher cost, non-federally guaranteed loans by making additional low-cost Federal options available to them and their families.

The bill raises Federal loan limits for undergraduate students by $2,000. This legislation also makes it easier for parents to take out low-cost federally subsidized loans on behalf of their children through the PLUS loan program. The bill ensures that parents affected by the current mortgage crisis can still obtain these loans, and it allows parents to delay repayment on these loans until after their child graduates from school. This is very important—the fact that it would delay repayment until after graduation. That is a major assistance to families.

We are increasing the amount that will be available at the lower rates to college students, and we are extending the period of time that will help the families in terms of the repayment schedule.

Finally, this bill helps students decrease student loan debt levels by expanding access to an existing grant program, the Academic Competitiveness Grants. Under this bill, an additional 100,000 students can receive up to $4,000 more a year in grant aid.

We need to get these safety nets in place now before we are hit with a problem that is beyond our control. College affordability should not be determined by the quarterly profits or losses of the banks.

The student aid system is not about banks' bottom lines. As the cost of college has tripled over the past 20 years, the Federal student aid system of grants and loans has made the dream of college a reality for millions of students who could not otherwise afford it.

In 1993, less than half of all graduates had to take out college loans, but in 2004 nearly two-thirds had to borrow to finance their education. This chart reflects that. This chart reflects the students taking out the loans in 1993. Here it reflects those who took out loans for 2004. Years ago, when we passed the student loan program—back in 1965—these were effectively all grant programs; about 80 percent are grants, and only 20 percent are loans. We have seen this dramatic shift over the period of recent years now to the loan program. That has all kinds of implications in terms of indebtedness to students. Too often many of the students are now working one or two jobs, and they are also trying to pay off their debts in the future years. This has a very important adverse impact in terms of students and their ability to pursue careers, the careers that are lower paying, but so critical to our society, such as teaching, public health or social work.

In the 2004–2005 school year in Massachusetts, 86 percent of students relied on Federal student loans. The average debt of these students was over $18,000. So the best way to help students and families afford college is to increase the grant aid. More aid up front means fewer loans and less debt on graduation day. That is why Congress acted last year on our promise to raise the maximum Pell grant to $5,400 by 2012, an increase of $1,350 under the level at which it stagnated under this Administration. As a result, students eligible for the maximum Pell grant will have to borrow $6,000 less in loans over the course of their college career.

That is a very important relief to those families. The legislation we enacted last year also made Federal loans less costly for students by cutting the interest rates in half for undergraduates. In addition, we helped students manage debt by capping monthly loan payments at 15 percent of their income. If they go into public service, their loans would be completely forgiven as long as they stay in public service for a period of years. All of these benefits would be meaningless if students cannot obtain the loans they need to pay for college.

So I thank my Senate colleagues for supporting this legislation, and I urge our colleagues in the House of Representatives, and the President, to act quickly so our Nation's college students don't become the next victims of our slumping economy. Together we can ensure that the students get the assistance they need to go to school so their dreams don't turn into nightmares, caused by the volatilities of our credit markets.

Mr. President, I am very grateful to my colleague and friend, Senator ENZI, the ranking Republican member, and the members of our Education Committee for their help and assistance during this period of time. We have had hearings on this legislation. We also had field hearings on this subject matter and gained a good deal of information. We have worked very closely with the Administration, with Secretary Spellings. We are grateful to her for her involvement and help and assistance. We worked very closely with the House, with both Chairman MILLER and Mr. McKEON, the ranking minority member as well.

In the Senate, we have followed a longstanding tradition of trying to work and find common ground in education policy to benefit students. I think we have done a good job on that over a period of years.

This legislation, which is basically the stopgap legislation meant to deal with the challenges we are facing in the credit markets and that students will face in the credit markets, will respond to that need. We are on alert for any additional changes that are going to be necessary as we move along.

We are going to be monitoring this very closely in the days and weeks ahead, and we welcome ideas and suggestions and recommendations from students and from parents, as well as from all others, about how we can best ensure that we will be able to make sure that the a college education is going to be available to the young people in this country.

Mr. ENZI. Mr. President, I rise to speak about the importance of the Ensuring Continued Access to Student Loans Act of 2008. In a time when there is great concern about turmoil in our credit markets, the action we are taking today addresses an important segment of those markets. What began as a problem within the mortgage market has threatened to disrupt the market that students and their parents rely on to obtain student loans. This bill is a necessary step to providing students access to the loans they need for college this fall.

While not perfect, this bill will go a long way toward restoring the confidence needed for the student loan market to work. And this is being accomplished at no cost to the Government.

The Secretary of Education can now take actions that will increase loan limits for students and provide parents with greater access to federally guaranteed loans. Both provisions will decrease reliance on private loans which cost more and are becoming less available.

This bill demonstrates our commitment to maintaining the availability of loans through the Federal Family Education Loan, FFEL, program as well as the Federal Direct Loan program. Currently FFEL serves 80 percent of postsecondary students who take out student loans, while the Federal Direct Loan program serves 20 percent. Both loan programs must remain strong.

With the passage of this bill, we create the means to stabilize the college loan market in the coming months. However, I realize that this is a short-term solution. We must preserve the long-term viability of the FFEL program for the students and parents who rely on it to achieve their educational goals.

Additionally, in this bill we have increased grant support for Pell-eligible students who take rigorous high school courses and major in science, technology, engineering, math and critical foreign languages. At a time when our economy needs more individuals with knowledge and skills in these areas, this bill provides low-income college students with the means to be successful in these high-need, high-reward fields.

I appreciate the opportunity to work with Senator KENNEDY on this bill to help students. However, the job is not yet done. We need to finish our work on the comprehensive reauthorization of the Higher Education Act as a lot has changed since it was reauthorized 10 years ago. It is a much more competitive world today. We need a stronger, more relevant system of higher education in this country to compete and win in the global economy.

Last July we passed the Senate bill by a vote of 95–0. We are now working with the House to get an agreement to the President before Memorial Day. I look forward to continuing to work with Senator KENNEDY to get the best bill possible for students and their families.

As we finish our work on the reauthorization of the Higher Education Act, we will continue to monitor the bill we passed today and its impact on the availability of student loans to ensure that it accomplishes what we intended. Our students are our future and we have to make sure that we provide them with every opportunity to be successful.

Mr. REED. Mr. President, I strongly support passage of H.R. 5715, the Ensuring Continued Access to Student Loans Act.

As an original cosponsor of the Senate companion of this legislation, I am pleased that this bipartisan bill seeks to proactively address the impact of the credit crunch on the student loan market, and ensure that students attending college this fall have sustained, uninterrupted access to affordable Federal grant and loan aid.

In an effort to increase college access and affordability, last fall Congress passed the College Cost Reduction and Access Act, to provide over $20 billion in new student financial aid. I was glad to help write this law. It increased the maximum Pell Grant by nearly $500 this year and to $5,400 by 2012, providing Rhode Island students with $7.8 million in additional grant aid this year and nearly $85 million over the next 5 years. To help students and families borrowing for college, this law also cut the interest rate on Federal loans in half for undergraduate students over 4 years; capped monthly payments on Federal student loans at 15 percent of a borrower's discretionary income; and encouraged public service by forgiving loan debt for those like nurses, teachers, and librarians after 10 years.

However, the current instability of the credit markets has raised concern in my home State of Rhode Island and across the country regarding the availability this spring of Federal loans and how parents will be able to pay tuition for their sons and daughters to attend college in the fall. Although we have not heard of a single student or parent unable to receive a Federal loan yet, the busy time of year for borrowing has only just begun as most student loan applications are not due until the beginning of May. Additionally, we know that over 50 lenders nationwide have stopped offering federally subsidized loans.

As such, this bill takes important initial steps to ensuring that students and their families have the necessary financial means to attend and succeed in college. It provides additional grant aid opportunities for low-income students to reduce their reliance on student loans by directing savings generated by the bill into increased Academic Competitiveness and National SMART Grants. These two grant programs provided nearly 2,100 Rhode Island students with over $2.2 million in additional grant aid in 2006–07. It also reduces student reliance on costlier private loans by expanding the amount a student may borrow through a modest raise in the Federal Stafford loan limits. The bill also improves the availability of lower-interest federally subsidized PLUS loans for parent borrowers by providing an option to defer repayment of these loans until after their child graduates college, and ensuring that parents recently impacted by the downturn in the housing market can continue to qualify for these loans.

The bill also takes a number of actions to provide an overall Federal backstop so students do not have to borrow higher cost private loans. First, to ensure lenders have the necessary capital to make new Federal loans, the bill gives temporary authority to the Department of Education to act as a secondary market for loans originated in the federally subsidized student loan market. It also eases the process by which a guaranty agency or institution may be deemed eligible as a lender of last resort, ensuring the further availability of Federal student loans. And the direct loan program is on stand-by for institutions concerned that their students may experience difficulty finding a Federal loan this year. Direct loans are directly originated by the Federal Government and as such, not subject to credit market instability and fluctuation.

I thank Senators KENNEDY and ENZI, and their staffs, for their work and leadership on this bill. I will continue to very closely monitor this situation and explore any additional necessary options in the coming weeks to ensure that the credit crunch does not prevent deserving students from attending college.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Kennedy-Enzi amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid on the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4592) was agreed to.

(The amendment is printed in today's RECORD under ("Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5715), as amended, was read the third time and passed.

HEALTHY START REAUTHORIZATION ACT OF 2007

Mr. BROWN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 723, S. 1760.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1760) to amend the Public Health Service Act with respect to the Healthy Start Initiative.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Start Reauthorization Act of 2007".

SEC. 2. AMENDMENTS TO HEALTHY START INITIATIVE.

(a) CONSIDERATIONS IN MAKING GRANTS.—Section 330H(b) of the Public Health Service Act (42 U.S.C. 254c–8(b)) is amended—

(1) by striking "(b) REQUIREMENTS" and all that follows through "In making grants under subsection (a)" and inserting the following:

"(b) CONSIDERATIONS IN MAKING GRANTS.—

"(1) REQUIREMENTS.—In making grants under subsection (a)"; and

(2) by adding at the end the following paragraphs:

"(2) OTHER CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall take into consideration the following:

"(A) Factors that contribute to infant mortality, such as low birthweight.

"(B) The extent to which applicants for such grants facilitate—

"(i) a community-based approach to the delivery of services; and

"(ii) a comprehensive approach to women's health care to improve perinatal outcomes.

"(3) SPECIAL PROJECTS.—Nothing in paragraph (2) shall be construed to prevent the Secretary from awarding grants under subsection (a) for special projects that are intended to address significant disparities in perinatal health indicators in communities along the United States-Mexico border or in Alaska or Hawaii.".

(b) OTHER GRANTS.—Section 330H of the Public Health Service Act (42 U.S.C. 254c–8) is amended—

(1) in subsection (a), by striking paragraph (3); and

(2) by striking subsections (e) and (f).

(c) FUNDING.—Section 330H of the Public Health Service Act, as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

"(e) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated—

"(A) $120,000,000 for fiscal year 2008; and

"(B) for each of fiscal years 2009 through 2013, the amount authorized for the preceding fiscal year increased by the percentage increase in the Consumer Price Index for all urban consumers for such year.

"(2) ALLOCATION.—

"(A) PROGRAM ADMINISTRATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may reserve up to 5 percent for coordination, dissemination, technical assistance, and data activities that are determined by the Secretary to be appropriate for carrying out the program under this section.

"(B) EVALUATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may reserve up to 1 percent for evaluations of projects carried out under subsection (a). Each such evaluation shall include a determination of whether such projects have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups.".

Mr. BROWN. Mr. President, I ask unanimous consent the substitute be agreed to; the bill as amended, be read a third time; the motion to reconsider be laid on the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendment in the nature of a substitute was agreed to.

The bill (S. 1760), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

JOHN S. MCCAIN, III CITIZENSHIP

Mr. BROWN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 715, S. Res 511.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 511) recognizing that John Sidney McCain, III, is a natural born citizen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, today we are considering a bipartisan resolution to express the common sense of all in this Chamber that Senator MCCAIN is a "natural born Citizen," as the term is used in the Constitution of the United States. Last week the Judiciary Committee voted unanimously to report this resolution to the Senate. I urge Senators to come together to pass this bipartisan resolution without delay.

Our Constitution contains three requirements for a person to be eligible to be President—the person must have reached the age of 35; must have resided in America for 14 years; and must be a "natural born Citizen" of the United States. Certainly there is no doubt that Senator MCCAIN is of sufficient years on this Earth and in this country given that he has been serving in Washington for over 25 years. "However, some have raised the question whether he is a "natural born Citizen" because he was born outside of the United States.

JOHN SIDNEY MCCAIN, III, was born to American citizens on an American Naval base in the Panama Canal Zone in 1936. His father was serving in the Navy at that time.

It is possible that at the time of our Nation's founding, the Framers of our Constitution could not imagine how pronounced our commitments overseas would become but it would make no sense to limit the careers of children born to military families simply because they were stationed overseas. Similarly, it would not make sense to punish children born to foreign service families or Ambassadors stationed overseas or children born overseas to American missionaries. They are all American citizens at the time of their birth.

Numerous legal scholars have looked into the purpose and intent of the "natural born Citizen" requirement. As far as I am aware, no one has discovered any reason to think that the Framers would have wanted to limit the rights of children born to Americans abroad or that such a limited view would serve any noble purpose enshrined in our founding document. Based on the understanding of the pertinent sources of constitutional meaning, it is widely believed that if someone is born to American citizens anywhere in the world they are natural born citizens.

It is interesting to note that another previous Presidential candidate, George Romney, was also born outside of the United States. He was widely understood to be eligible to be President. Senator Barry Goldwater was born in a U.S territory that later became the State of Arizona. Certainly those who voted for these two Republican candidates believed that they were eligible to assume the office of the President.

Because he was born to American citizens, there is no doubt in my mind that Senator MCCAIN is a "natural born Citizen". I recently asked Secretary of Homeland Security Michael Chertoff, a former Federal judge, if he had any doubts in his mind. He did not.

Former Solicitor General Theodore Olson and Harvard Law School Professor Laurence Tribe also analyzed the issue and came to the same conclusion—that Senator MCCAIN is a natural born citizen eligible to serve as President.

Our bipartisan resolution would make it clear that Senator MCCAIN, born in 1936 on an American Naval base to U.S. citizens, is a "natural born Citizen. We should act today on a bipartisan basis to erase any doubt that Senator MCCAIN is eligible to run for President because of his citizenship status.

I ask unanimous consent that the legal analysis of Theodore Olson and Laurence Tribe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GIBSON, DUNN & CRUTCHER LLP,
Washington, DC, April 8, 2008.

Re legal analysis of question whether Senator John McCain is a natural born citizen eligible to hold the office of President.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: Pursuant to a request received from the staff of your Committee, I enclose for your and your Committee's consideration a copy of my and Professor Laurence Tribe's analysis of the question whether Senator John McCain is a natural-born citizen eligible, under Article II of the Constitution, to hold the office of President of the United States. Professor Tribe and I are in agreement that the circumstances of Senator McCain's birth to American parents in the Panama Canal Zone make him a natural-born citizen within the meaning of the Constitution.

Please do not hesitate to contact me if I can be of further assistance in this matter.

Very truly yours,
THEODORE B. OLSON.

GIBSON, DUNN & CRUTCHER LLP
Washington, DC, April 8, 2008.

Re legal analysis of question whether Senator John McCain is a natural born citizen eligible to hold the office of President.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Pursuant to a request received from Democratic Committee staff, I enclose for your consideration a copy of my and Professor Laurence Tribe's analysis of the question whether Senator John McCain is a "natural born citizen" eligible, under Article II of the Constitution, to hold the office of President of the United States. Professor Tribe and I are in agreement that the circumstances of Senator McCain's birth to American parents in the Panama Canal Zone make him a natural born citizen within the meaning of the Constitution.

Please do not hesitate to contact me if I can be of further assistance in this matter.

Very truly yours,

THEODORE B. OLSON.

MARCH 19, 2008.

We have analyzed whether Senator John McCain is eligible for the U.S. Presidency, in light of the requirement under Article II of the U.S. Constitution that only "natural born Citizen[s] . . . shall be eligible to the Office of President." U.S. Const. art. II, §1, cl. 5. We conclude that Senator McCain is a "natural born Citizen" by virtue of his birth in 1936 to U.S. citizen parents who were serving their country on a U.S. military base in the Panama Canal Zone. The circumstances of Senator McCain's birth satisfy the original meaning and intent of the Natural Born Citizen Clause, as confirmed by subsequent legal precedent and historical practice.

The Constitution does not define the meaning of "natural born Citizen." The U.S. Supreme Court gives meaning to terms that are not expressly defined in the Constitution by looking to the context in which those terms are used; to statutes enacted by the First Congress, Marsh v. Chambers, 463 U.S. 783, 790–91 (1983); and to the common law at the time of the Founding. United States v. Wong Kim Ark, 169 U.S. 649, 655 (1898). These sources all confirm that the phrase "natural born" includes both birth abroad to parents who were citizens, and birth within a nation's territory and allegiance. Thus, regardless of the sovereign status of the Panama Canal Zone at the time of Senator McCain's birth, he is a "natural born" citizen because he was born to parents who were U.S. citizens.

Congress has recognized in successive federal statutes since the Nation's Founding that children born abroad to U.S. citizens are themselves U.S. citizens. 8 U.S.C. §1401(c); see also Act of May 24, 1934, Pub. L. No. 73-250, §1, 48 Stat. 797, 797. Indeed, the statute that the First Congress enacted on this subject not only established that such children are U.S. citizens, but also expressly referred to them as "natural born citizens." Act of Mar. 26, 1790, ch. 3, §1, 1 Stat. 103, 104.

Senator McCain's status as a "natural born" citizen by virtue of his birth to U.S. citizen parents is consistent with British statutes in force when the Constitution was drafted, which undoubtedly informed the Framers' understanding of the Natural Born Citizen Clause. Those statutes provided, for example, that children born abroad to parents who were "natural-born Subjects" were also "natural-born Subjects . . . to all Intents, Constructions and Purposes whatsoever." British Nationality Act, 1730, 4 Geol. 2, c. 21. The Framers substituted the word "citizen" for "subject" to reflect the shift from monarchy to democracy, but the Supreme Court has recognized that the two terms are otherwise identical. See, e.g., Hennessy v. Richardson Drug Co., 189 U.S. 25, 34–35 (1903). Thus, the First Congress's statutory recognition that persons born abroad to U.S. citizens were "natural born" citizens fully conformed to British tradition, whereby citizenship conferred by statute based on the circumstances of one's birth made one natural born.

There is a second and independent basis for concluding that Senator McCain is a "natural born" citizen within the meaning of the Constitution. If the Panama Canal Zone was sovereign U.S. territory at the time of Senator McCain's birth, then that fact alone would make him a "natural born" citizen under the well-established principle that "natural born" citizenship includes birth within the territory and allegiance of the United States. See, e.g., Wong Kim Ark, 169 U.S. at 655–66. The Fourteenth Amendment expressly enshrines this connection between birthplace and citizenship in the text of the Constitution. U.S. Const. amend. XIV, §1 ("All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States. * * *") (emphases added). Premising "natural born" citizenship on the character of the territory in which one is born is rooted in the common-law understanding that persons born within the British kingdom and under loyalty to the British Crown—including most of the Framers themselves, who were born in the American colonies—were deemed "natural born subjects." See, e.g., 1 William Blackstone, Commentaries on the Laws of England 354 (Legal Classics Library 1983) (1765) ("Natural-born subjects are such as are born within the dominions of the crown of England, that is, within the ligeance, or as it is generally called, the allegiance of the king.* * *").

There is substantial legal support for the proposition that the Panama Canal Zone was indeed sovereign U.S. territory when Senator McCain was born there in 1936. The U.S. Supreme Court has explained that, "[f]rom 1904 to 1979, the United States exercised sovereignty over the Panama Canal and the surrounding 10-mile-wide Panama Canal Zone." *O'Connor* v. *United States*, 479 U.S. 27, 28 (1986). Congress and the executive branch similarly suggested that the Canal Zone was subject to the sovereignty of the United States. See, e.g., The President—Government of the Canal Zone, 26 Op. Att'y Gen. 113, 116 (1907) (recognizing that the 1904 treaty between the United States and Panama "imposed upon the United States the obligations as well as the powers of a sovereign within the [Canal Zone]"); Panama Canal Act of 1912, Pub. L. No. 62-337, §1, 37 Stat. 560, 560 (recognizing that "the use, occupancy, or control" of the Canal Zone had been "granted to the United States by the treaty between the United States and the Republic of Panama"). Thus, although Senator McCain was not born within a State, there is a significant body of legal authority indicating that he was nevertheless born within the sovereign territory of the United States.

Historical practice confirms that birth on soil that is under the sovereignty of the United States, but not within a State, satisfies the Natural Born Citizen Clause. For example, Vice President Charles Curtis was born in the territory of Kansas on January 25, 1860—one year before Kansas became a State. Because the Twelfth Amendment requires that Vice Presidents possess the same qualifications as Presidents, the service of Vice President Curtis verifies that the phrase "natural born Citizen" includes birth outside of any State but within U.S. territory. Similarly, Senator Barry Goldwater was born in Arizona before its statehood, yet attained the Republican Party's presidential nomination in 1964. And Senator Barack Obama was born in Hawaii on August 4, 1961—not long after its admission to the Union on August 21, 1959. We find it inconceivable that Senator Obama would have been ineligible for the Presidency had he been born two years earlier.

Senator McCain's candidacy for the Presidency is consistent not only with the accepted meaning of "natural born Citizen," but also with the Framers' intentions when adopting that language. The Natural Born Citizen Clause was added to the Constitution shortly after John Jay sent a letter to George Washington expressing concern about "Foreigners" attaining the position of Commander in Chief. 3 Max Farrand, The Records of the Federal Convention of 1787, at 61 (1911). It goes without saying that the Framers did not intend to exclude a person from the office of the President simply because he or she was born to U.S. citizens serving in the U.S. military outside of the continental United States; Senator McCain is certainly not the hypothetical "Foreigner" who John Jay and George Washington were concerned might usurp the role of Commander in Chief.

Therefore, based on the original meaning of the Constitution, the Framers' intentions, and subsequent legal and historical precedent, Senator McCain's birth to parents who were U.S. citizens, serving on a U.S. military base in the Panama Canal Zone in 1936, makes him a "natural born Citizen" within the meaning of the Constitution.

LAURENCE H. TRIBE.
THEODORE B. OLSON.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 511) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 511

Whereas the Constitution of the United States requires that, to be eligible for the Office of the President, a person must be a "natural born Citizen" of the United States;

Whereas the term "natural born Citizen", as that term appears in Article II, Section 1, is not defined in the Constitution of the United States;

Whereas there is no evidence of the intention of the Framers or any Congress to limit the constitutional rights of children born to Americans serving in the military nor to prevent those children from serving as their country's President;

Whereas such limitations would be inconsistent with the purpose and intent of the "natural born Citizen" clause of the Constitution of the United States, as evidenced by the First Congress's own statute defining the term "natural born Citizen";

Whereas the well-being of all citizens of the United States is preserved and enhanced by the men and women who are assigned to serve our country outside of our national borders;

Whereas previous presidential candidates were born outside of the United States of America and were understood to be eligible to be President; and

Whereas John Sidney McCain, III, was born to American citizens on an American military base in the Panama Canal Zone in 1936: Now, therefore, be it

Resolved, That John Sidney McCain, III, is a "natural born Citizen" under Article II, Section 1, of the Constitution of the United States.

ORDER FOR AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BROWN. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the Second Session of the 110th Congress: the Honorable GEORGE V. VOINOVICH of Ohio, and the Honorable LISA A. MURKOWSKI of Alaska.

ORDERS FOR THURSDAY, APRIL 30, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, May 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, there then be a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second half; and following morning business, the Senate resume consideration of H.R. 2881, the FAA reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BROWN. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order, following the remarks of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA REAUTHORIZATION

Mr. REID. Mr. President, as we close tonight, I want everyone within the sound of my voice to understand this: We are working on a very important piece of legislation, the reauthorization of the Federal Aviation Administration—the agency responsible for making sure aircraft is safe and reliable.

Right now, we have an antiquated system. This legislation will do what has been needed for a long time to change the way we do aviation in this country. All the experts say it is long past due. We have had hard work for a long period of time. This bill is way overdue. Senator ROCKEFELLER has worked very hard in bringing the product to the floor. It is a good product.

We had an issue today that came up, and Senator ROCKEFELLER offered an amendment which takes away that as an issue. My friends, the Republicans, obviously, want to kill this bill to add to the other list they have sent to the graveyard. They are using an excuse: Well, we don't have the ability to offer amendments.

Mr. President, I have offered them anything possible to make sure they can offer all the amendments they want. The distinguished Senator from Texas, Mrs. KAY BAILEY HUTCHISON, obviously does not like some of the tax portions of this bill. Offer an amendment to try to take them out. I have offered the Republican leader: Give us a list of the amendments you want to offer. This is very standard procedure around here. No response to that.

It is very obvious to me this is an effort to kill this bill. Let's be logical. We are on the floor. I have said: Any amendments you want to offer that are germane or relevant to this bill, you can do that. Now, that is very wide. It allows anything that relates basically to transportation to be offered on this bill. But they have turned that down.

They have broken all records for filibuster—they, the Republicans. On this one, on the motion to proceed, I said on the floor earlier this week, this was not their fault. We did not have the substitute Senators ROCKEFELLER and BAUCUS had worked on. It was not ready until Monday night. But it was ready Tuesday morning, and they had every opportunity to work at that time and give us a list of amendments they wanted to do. We would give them ours.

I was told today, when the Durbin amendment was filed, that they wanted to offer the next amendment. They wanted to offer it from Senator BUNNING. No problem. We have been waiting all day for the language of that amendment, which is probably nonexistent.

We have been fair. We have been reasonable. But, obviously, we are now at a point where they are back to their old tricks and just killing the bill. They should just tell us this rather than play the games. They should say: We do not want this bill.

I have spoken to the Republican leader saying: If we really want to get this bill done, why don't I file cloture then, because no one seems to be wanting to offer any amendments. He said: No, it's too early. You have not allowed us to offer any amendments. I say: Offer amendments.

So this is really, Mr. President, a typical procedure around here, that the minority, wanting to maintain the status quo with air travel, as everything else, puts us in a position where we have no alternative but to either pull the bill or file cloture, and they said they will not give us the extra nine votes we need.

Remember, Mr. President, this bill has, for example, the Passenger Bill of Rights in it so that when people are held up on a flight—you are on a runway for hours at a time—there are certain rights passengers have. All those things that cause so much consternation when you are trying to travel on an airplane—the Passenger Bill of Rights addresses many of those. But with Republicans that will go down the tubes with everything else in this bill.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. Mr. President, I am happy to yield.

Mr. DURBIN. Mr. President, I know the Senator and I spoke earlier, and I heard his conversation on the floor earlier.

I would say, through the Chair, if the Republican minority came forward, in the morning, with a list of germane amendments to this bill, it is my understanding the majority leader has said we will entertain and consider those amendments. This is open for an amendment process, for deliberation, and for votes on this important aviation safety bill. Is that correct?

Mr. REID. Mr. President, I even went one step further. I said the distinguished Republican leader would have the right to look at our amendments. It would not be just me; I want him in on the deal.

Mr. DURBIN. Mr. President, if I can further ask the majority leader: The Senator from Texas, Mrs. HUTCHISON—who has put a lot of time in this, along with Senator ROCKEFELLER—has objected to two or three provisions in the bill from the Finance Committee related to transportation and financing. I have said I support those provisions. But if the Senator from Texas, Mrs. HUTCHISON, wants to offer a motion in the morning to strike those provisions, is the majority leader saying—I ask through the Chair—is the majority leader saying it is her right to offer that motion to strike?

Mr. REID. Mr. President, I say to my friend from Illinois, I asked our staff: When we close today, let's not have morning business. Let's go directly to the bill. But we found that was fruitless. They did not want us to go to the bill. I have said so many different times, in so many different ways, that we want to finish this legislation. We want to work with Republicans to finish this legislation.

And I say to my friend, the Senator from Texas, it is my understanding, has asked other people: Why don't you offer the amendment to strike all this stuff? For whatever reason, she does not want to have her fingerprints on eliminating this amendment, obviously. I just think it is really too bad.

I want this bill to go forward. The main thing I want is to make sure everyone understands we Democrats want to change things. We want change. We need change in a lot of different places, but one place we need change is the way air traffic is handled today. And the Republicans, obviously, want it to stay the same; let's keep it the same; let's maintain the status quo.

Mr. DURBIN. Mr. President, if I could ask the majority leader to yield for one other question.

It is my understanding, so far in this session, the Republicans have initiated 68 filibusters, which is an attempt to slow down or stop the business of the Senate. But that breaks all records in the Senate, and they are on course, if they continue at this pace, to offer over 100 filibusters before the end of the year, maybe even more.

I would like to ask the majority leader, if they continue trying to stop us from even bringing bills to the floor, debating them, amending them, and bringing them to a vote—I would like to ask the majority leader how we could reach a point where we actually do change things for the better, where we can see the progress that the American people expect.

Mr. REID. Mr. President, there are things we need to do. The No. 1 issue in America today: gas prices. We cannot go to gas prices because we are stuck on this thing that they will not let us move on, and that is the way it has been going since we took the majority. That is something they have had trouble getting over, that we are in the majority. It is a slim majority, but it is the majority, and because of that, we have the opportunity to determine what issues come to the floor. The issue that was long past due was FAA reauthorization. But they are stopping us from doing virtually anything that needs to be done for this country.

I have trouble understanding why they want to continue to up the record they have already broken. They broke the 2-year filibuster record in 10 months. But now I guess they want to keep adding to their record to see how many filibusters they can conduct. And they have been fairly successful stopping us from passing things that the American people want, such as the matter now on the floor. But energy legislation—they stopped us on that. That is to go to alternative energy so we do not have to use 21 million barrels of oil every day. We have wanted to do things dealing with education. We have not been able to do that. Health care, we haven't been able to do that. Things that the American people want are being stopped because of the Republicans' love of the status quo.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is nothing more to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:01 p.m, adjourned until Thursday, May 1, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID H. PETRAEUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. PETER W. CHIARELLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RAYMOND T. ODIERNO

THE JUDICIARY

MICHAEL M. ANELLO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE NAPOLEON A. JONES, RETIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 30, 2008 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATION OF LT. GEN. RAYMOND T. ODIERNO, TO BE GENERAL, FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034, WHICH WAS SENT TO THE SENATE ON FEBRUARY 5, 2008.

EXTENSIONS OF REMARKS

IN RECOGNITION OF MS. LAUREN EWING

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Lauren Ewing, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Lauren moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Lauren was a highly qualified candidate for the Youth of the Year 2008. Lauren actively participates in her local Boys & Girls Club, Simon Circle, where she is the President of the Keystone Club and a member of the Torch Club. Lauren is involved in various organizations, including ROTC, Dover Caring Community Youth Coalition, and Cooperative Extension Nutrition Program.

Once again, I would like to commend Lauren Ewing for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

IN MEMORY OF JACK GIBSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend and former colleague in the Arkansas State Senate, Jack Gibson of Boydell, Arkansas, who passed away April 24, 2008.

I will forever remember Jack Gibson as a good friend, a devoted public servant and someone who cared deeply about improving the quality of life in southeast Arkansas. As a natural born leader, he excelled at every task he took on and was an inspiration to all of us who knew him.

Jack Gibson served his country in the U.S. Navy during World War II as a decorated naval pilot, and has been recognized for shooting down the last enemy aircraft of the war. After the war, he returned home to southeast Arkansas to pursue his true passion of agriculture. His advocacy for the industry began while working with his father at their family-owned farm, cotton gin and agricultural spraying service, where he learned the importance of farming to our economy. As a member of the Farm Bureau for over 50 years, as well as his affiliation with numerous other agricultural organizations, he relentlessly promoted the value and resources the agriculture community contributes to the fabric of our State and Nation.

Jack Gibson was also a distinguished State senator representing Arkansas State Senate District 35 for 12 years. He was a thoughtful and diligent senator who admirably represented all those he was elected to serve. I was honored to serve with him in the Arkansas Senate where I experienced his tireless and dedicated work on agriculture and economic development issues facing Arkansas. His leadership in the Senate, whether as a Chairman or Member of a committee or council, was guided by his dedication to the State of Arkansas and to all of those who work and reside in our beloved State. The opportunity to get to know and work with Jack Gibson will forever be etched fondly into my memory.

Jack Gibson will always be known for his outstanding service to our country and his community. Above all, he will sorely be missed as a friend. I extend my deepest condolences to his wife, Elizabeth Haniken Gibson; his son, Stephen Anderson Gibson of Boydell, Arkansas; his daughter Marcie Elizabeth Gibson of Little Rock, Arkansas; his sister, Mary Jane Bowman of Dermott, Arkansas; and to his nephews, grandchildren, great-grandchildren and friends. Jack Gibson will be greatly missed in southeast Arkansas and throughout the State, and I am truly saddened by this loss.

HONORING DR. CHARLES GRANT ON HIS COMMUNITY SERVICE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commend Dr. Charles Grant for his community service and his friendship for over 20 years. Dr. Grant has been an educator for 35 years and for 25 years has served at San Jacinto College North. His positions have included: instructor of Management Development, director of Continuing Education, dean of Continuing Education, and vice president of Instruction and for the last 10 years, he has served as president of San Jacinto College North.

Dr. Grant is a graduate of the first class from North Shore High School, in Texas, and received his degree from San Jacinto College. Dr. Grant has been an active part of the North Channel Area chamber of Commerce for many years, where he was chairman of the board in 1997 and was selected board member of the year for 1995.

Dr. Grant is a member of North Shore Rotary Club since 1987, serving as president for the 2002–03 year, named a Paul Harris fellow, and was awarded rotarian of the year for 2004–05. Dr. Grant is a charter sponsor of San Jacinto College North Rotaract Club for 25 years; Rotary District 5890 Rotaract chair for seven years; serving on the Rotary International Rotaract Committee for three years and as the Rotary International Rotaract chair for 2005–06. Dr. Grant has served as the college coordinator for CDS International's German-American Youth Exchange Program for 24 years and has hosted, along with his wife, Gail, a German exchange student.

And so it is with great pleasure that I recognize Dr. Charles Grant, for his service to San Jacinto College North and I congratulate him on his continued commitment to community service.

CHIEF LARRY SHIFLET: TEXAS LAWMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. POE. Madam Speaker, Texas is known for its legendary Lawmen that bring criminals to justice. Today, I want to recognize the life of Assistant Chief Deputy Larry Shiflet. He is a lifetime member of what is referred to in my part of Texas as the Poe-leece. It is an informal organization made up of my long-time friends in the Texas law enforcement community. It is an honor to pay tribute to him today as he retires from public service.

Larry Eugene Shiflet was born in Houston on Sept. 2, 1940 and was destined to be a Texas Lawman. At the age of 17, he joined the U.S. Air Force. After serving his country for four years, a friend got him a job in the Union Pacific Railroad Police Department.

He got to do what most boys from Texas only dream about doing: being a real cowboy that protected railroad cars from bandits. He worked in the special investigative unit that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tracked down thieves, drug smugglers and hobo stowaways. He later became the head of the investigative unit and had jurisdiction over four states. He worked for 20 years with the railroad before retiring for the first time.

After leaving the rail road police, he obtained additional police training and he was soon hired by the Harris County Precinct 4 Constable's Office in Houston, Texas. His attitude as a deputy was to enforce the spirit of the law rather than the letter of the law. Chief Shiflet's personality and professionalism earned him respect from both those he worked with and with those he arrested. He inspired many young deputies to strive for excellence and they credit his leadership as the reason for their professional success.

His boss and close friend, Constable Ron Hickman, described Chief Shiflet as being a part of the backbone of the organization. "Chief Shiflet's keen sense of community involvement, understanding of law enforcement responsibility, leadership skills, wisdom and experience have made him an indispensable part of our organization," said Hickman. "His fair, but firm hand has provided a stalwart position that many of us have looked to for resolution during difficult times. I have had the distinct pleasure of working alongside Larry for 25 years and count him among my best friends."

Hickman also described Chief Shiflet as a man that is fully aware of the real dangers of police work, but at the same time is deathly afraid of snakes. Even after working for years along the Texas border for the railroad police, Hickman said that Chief Shiflet is still very likely to shoot somebody to get out of the way of a snake.

Along the way during his career in the Constable's office, Chief Shiflet met his wife Cynthia Calvert when he worked in Atascocita. She was the editor of a local newspaper at the time and called him to ask about the violent crime wave of bicycle thefts in Kingwood. Chief Shiflet suggested that it would be best to discuss the bike thefts over a cup of coffee. That face to face meeting request was the beginning of a relationship that later led to their marriage.

In addition to his law enforcement career, Chief Shiflet had a brief stint as an unofficial U.S. Ambassador to Ireland during a family vacation. At every pub his family stopped at for a meal and a drink, Chief Shiflet would have to defend America and President George W. Bush's foreign policies. As soon as the natives heard the warm, southern drawl in Chief Shiflet's voice, they knew he was from Texas and would launch into anti-American foreign policy tirades.

Chief Shiflet patiently, respectfully and eloquently explained that they were wrong and America was right. As only a true American patriot would, Chief Shiflet spent his entire family vacation defending America and our President from Irish criticism.

Ironically, even though he has spent 50 years in public service through the military and law enforcement, Chief Shiflet started his working career in the newspaper business and it looks like he will end it with newspapers. When he was 10 years old he delivered newspapers by hand from his bike for an old city paper called the Houston Press. In 2007, he and his wife started a community newspaper company called the Tribune newspapers. Instead of delivering papers on a bicycle, he will soon be delivering issues of the Tribune from his red Corvette.

As Chief Shiflet retires today from the Harris County Precinct 4 Constable's Office, I am honored to recognize his lifetime of law enforcement service. For 46 years, he has put on a badge and a gun to protect and serve the people and communities that he loves. As he hangs up his gun for the last time today and turns in his badge, he can ride off into the sunset in his Corvette knowing that he is loved, respected and appreciated by so many.

Happy Trails to you, Chief Shiflet. Thank you for a job well done and for all your hard work to make our Texas neighborhoods safer.

And that's just the way it is.

HONORING FIRST LIEUTENANT MATTHEW RYAN VANDEGRIFT

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. TANCREDO. Madam Speaker, I rise today to honor the sacrifice of a fallen hero and Marine from my district, First Lieutenant Matthew Ryan Vandegrift, of Littleton, Colorado. First Lieutenant Vandegrift was killed while conducting combat operations in Basra, Iraq, just four days after celebrating his 28th birthday.

First Lieutenant Vandegrift, stationed in Iraq since August 2007, was assigned to the 2nd Battalion, 10th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force out of Camp Lejeune, NC. Matthew was part of a team responsible for training Iraqi security forces. Through his service, Matthew played a critical role in establishing Iraqi sovereignty by preparing Iraqi security outfits with the knowledge and expertise necessary to survive as a free and independent democracy.

Born and raised in Austin, Texas, First Lieutenant Vandegrift found his home in Colorado, when his family moved while Matthew was studying international business at Texas A&M University. While at Texas A&M, Matthew maintained a perfect 4.0 grade point average, and participated in the Midshipmen Battalion NROTC program. Following graduation, Matthew returned to Littleton, when in 2005 he courageously decided to continue the Vandegrift family tradition of serving America, by joining the United States Marine Corps.

First Lieutenant Vandegrift fought to protect and preserve the freedom and democracy that we as Americans enjoy. First Lieutenant Vandegrift exemplified what it is to be an American, and he will forever be remembered for his sacrifice and patriotism.

Madam Speaker, my most heartfelt condolences go out to Matthew's family and friends. He will be missed by all those who knew and loved him.

TRIBUTE TO CHARLES "CHARLIE" NILES

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. MCHUGH. Madam Speaker, I rise today with sadness to note the recent passing of a constituent, Mr. Charles "Charlie" Niles, a resident of Plattsburgh, New York, who died at the age of 85 on April 2, 2008.

I greatly appreciate the service Charlie provided to our Nation as a member of the U.S. Army during World War II and for his 33 years of service as a part-time immigration inspector at the Port of Champlain in Champlain, New York. In addition to that service, Charlie also served the community of Champlain, New York. Specifically, he taught English at Northeastern Clinton Central School. Charlie retired in 1988 and was a member of the New York State Retired Teacher's Association. I am advised that he made Shakespeare, Steinbeck, and other classics come alive for his students while teaching them to speak and write the "King's English."

Accordingly, I now wish to extend my deepest sympathies to his wife of 62 years Elizabeth L. Niles, sons Charles A. Niles, Jr. and John Niles, daughter Marilyn Donohue and grandchildren Adam C. Niles, Jennifer L. Niles, Ryan J. Donohue, and Timothy B. Donohue.

IN RECOGNITION OF MR. GREGORY HENRY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Gregory Henry, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state-level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Gregory moved onto the state-level competition, where he refined his essay and prepared for the next round of interviews. Gregory was a highly qualified candidate for the Youth of the Year 2008. He volunteers with the Smyrna Police Department and plans to become a Citizen Auxiliary Policeman, being the youngest member of the department. At the awards ceremony, Gregory was honored with the Best Essay Award.

Once again, I would like to commend Gregory Henry for being nominated as the Boys & Girls Club of Delaware's Youth of the Year and winning the Best Essay Award.

H.R. 493, TO PROHIBIT DISCRIMINATION BASED ON GENETIC INFORMATION WITH RESPECT TO HEALTH INSURANCE AND EMPLOYMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BACA. Madam Speaker, I rise today in strong support of H.R. 493, to prohibit discrimination based on genetic information with respect to health insurance and employment. Thanks to breakthroughs in science we are able to genetically test for potential health problems. This is information about "potential" health problems that an individual can use to reduce the likelihood of contracting an illness.

Awareness of potential health problems is the first step; but individuals still need health care coverage to access the proper testing and treatments.

During the 1970s, the sickle-cell anemia craze led to discrimination against African Americans and unnecessary public fear. To prevent this type of public fear and discrimination against any individual, this bill bars employers and health insurance companies from discriminating against an individual based on genetic information about potential health problems. The bill protects the consumer, by denying health insurance companies from setting higher premiums based on genetic tests.

Individuals should not be penalized because of their genetic make-up; this is something no one has control of. Just because an individual is Hispanic and a likelier candidate for heart disease, should not lead to a higher insurance premium based on the results of a genetic test. Higher premiums are unrealistic and harmful to American families that already are struggling to pay for health care coverage for themselves and their children.

Parents should not skip out on vital fact-finding genetic tests about potential health problems because of fear of loss of health care coverage or loss of their job.

We need to protect our families and protect their health care coverage. I urge my Colleagues to support H.R. 493.

HONORING THE SERVICE AND ACCOMPLISHMENTS OF DR. ZENIA CHERNYK

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and honor Dr. Zenia Chernyk of Huntingdon Valley, Pennsylvania for her many years of service to the Ukrainian people and to the Ukrainian-American community. Throughout the years I have worked closely with Dr. Chernyk, I have seen up close her dedication and unbridled energy that has resulted in tremendous accomplishments.

Originally born in Ukraine, Dr. Chernyk lived in Poland during her childhood years and attended the Medical School of Wroclaw University. In 1964, she was invited to work on kidney and pancreas transplant research at Hahnemann Hospital in Philadelphia. Since this time, Dr. Chernyk has worked closely with the Ukrainian Embassy, members of Congress, and national and international organizations and institutions to advocate on behalf of the healthcare needs of Ukrainian children with specialized medical needs.

For the past 17 years, Dr. Chernyk has been the Chair of the Healthcare Program of the Ukrainian Federation of America. Through this program, Dr. Chernyk has overseen the development and implementation of a variety of healthcare programs in Ukraine, including the education of healthcare providers and increasing the level of medical technology and research support available to Ukrainian healthcare programs. In addition to this position, Dr. Chernyk also serves as the director of Project Lifeline, a healthcare reform project aimed at establishing rural practice clinics in Ukraine. These programs are a valuable asset in the efforts to improve the quality of healthcare for the children of Ukraine and the Ukrainian community.

Madam Speaker, I ask that my colleagues join me today in honoring Dr. Zenia Chernyk for her tireless efforts and service to Ukraine and the Philadelphia area Ukrainian-American community. May her continued service be an inspiration to us all.

TRIBUTE TO CLARE M. ALBOM

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize the life of Clare M. Albom a consummate leader in physical education, safety, senior and women's issues in eastern Connecticut. On April 26, 2008, Clare passed away.

Clare was born in Ellington, Connecticut, on June 17, 1919. She attended Rockville High School and subsequently earned a B.A. in health, physical education and recreation from Arnold College in New Haven. After graduation, Clare moved to Pasadena, California, and assumed a position with the Aerojet Engineering Corporation, drafting blue prints for jet engines. After 2 years in Pasadena, Clare and her husband, Milton, returned to Rockville to raise a family.

Following the birth of her three children and the untimely death of her beloved husband, she began teaching with her alma mater, Rockville High School. For 15 years, she remained dedicated to girls' physical education at Rockville High School, teaching sports curriculum and forming the Girls' Athletic Activities Club (GAAC). The GAAC, which was a huge success, offered girls in the community an unprecedented opportunity to explore interests in individual and team sports. In 1971, the GAAC received national accolades, when the program was recognized as the most outstanding in the U.S.

Over the course of her career, Clare worked with the Connecticut State Department of Education, evaluating the quality of physical education programs across the State and conducting teacher workshops. Highlights included serving as a master bowling clinician for the Lifetime Sports Education Project and conducting bowling workshops for special education teachers withthe acclaimed Kennedy Institute. Her work in physical education has also been solidified in physical education textbooks and national manuals.

In addition to her work in the physical education community, Clare was a passionate advocate for children's safety. Between 1970 and 1979, she served as the supervisor of Health, Elementary and Girls' Physical Education in the Vernon school system. In 1974, she developed a safety education program which was recognized at the State level by the Connecticut Safety Commission. In 1978, she produced a film on bus safety, "Alert and Alive," which also received State recognition by the Connecticut Department of Motor Vehicles and national recognition at the National Highway Transportation Convention in Washington, D.C.

After retiring, Clare was asked by the Vernon mayor, Marie Herbst, to head up the Vernon Senior Center, which at the time was a very small program. Clare transformed the center into one of the most successful municipal senior centers in Connecticut. The center sponsored group trips in the U.S. and abroad, started "The Golden Steppers" dance program, a golf league, a bridge club, holiday events—the list goes on. Even more importantly, the center became an advocate in Vernon, the State capital, and Washington, DC, to create innovative assistance for seniors—ConnPACE, circuit breaks property tax relief and improvements to Social Security and Medicare.

As a State Representative for the town of Vernon I had the privilege to know and work with Clare for the last 22 years. She was a tireless advocate for the center, but even more importantly, for her progressive, compassionate vision of the Vernon community.

Madam Speaker, Clare lived an extraordinary life. Her advocacy and leadership roles in often overlooked issues, including girls' physical education, children's safety and opportunities for senior citizens, improved the lives of our friends and neighbors in Connecticut and across the Nation, and would change the status quo for future generations.

I ask my colleagues to join with me and my constituents in recognizing her life and legacy and offering condolences to her family.

IN RECOGNITION OF MR. WILL TOWNSVILLE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Will Townsville, who was named the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5-minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Will moved onto the state level competition, where he refined his essay and prepared for the next round of interviews. Will was an extremely qualified candidate for the Youth of the Year 2008. He served as President of the Greater Newark Boys & Girls Club's Keystone Club for 2 years. At school, Will participates in a variety of activities, including boys' basketball and baseball, Leaders of America, and the yearbook committee. Will volunteers with the Jefferson Finance Awards committee and Adopt-A-Family.

Once again, I commend Will Townsville for being named as the Boys & Girls Club of Delaware's Youth of the Year.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ANDREWS. Madam Speaker, I was not present on April 24, 2008. Had I been present, I would have voted yea on the following rollcall votes: Rollcall 220, rollcall 221, rollcall 223.

I would have voted "nay" on the following: Rollcall 222.

IN RECOGNITION OF CLEAN AIR CHAMPIONS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mrs. MATSUI. Madam Speaker, I rise today to recognize many of Sacramento's outstanding individuals and businesses as members of the Sacramento community gather at the 32nd Annual Clean Air Awards Luncheon hosted by Breathe California of Sacramento Emigrant Trails. The men and women being honored this afternoon are dedicated to the success of Sacramento and have worked tirelessly to advance the region's environmental conditions. I ask all my colleagues to join me in honoring these fine Sacramentans.

Gary Federico and the Federico Beauty Institute will be presented with the "Business Award." Gary has partnered with Sacramento Municipal Utility District to implement a recycling program, changed his light bulbs to energy efficient compact fluorescent lights, established a photovoltaic carport system, and installed occupancy sensors to save energy. These changes will reduce carbon dioxide emissions by 165,643 pounds, which is equivalent to annually removing 14 cars from the road. Gary and the Federico Beauty Institute are an example of how even individuals and small businesses can truly make a difference.

Tony Powers is receiving the Clean Air "Individual Award," for his tireless dedication to air quality by focusing on bicycle-friendly alternatives to driving. Tony has worked with the City of Folsom to build a new Lake Natoma Crossing and has inspired people to trade in their cars for bicycles. Tony has made bicycling easier and safer for the Sacramento community. Due to his efforts, Sacramento is ranked among the top 10 cities in the Nation for bicycle commuting.

The Natomas Unified School District is receiving the Clean Air "Government Award" for its dedication to air quality and energy-saving techniques. These techniques include solar panel use, conversion of school buses to biodiesel, synthetic turf playing fields and promoting walking and bicycling to school with the Safe Routes to School program. This program reduces traffic and encourages safe driving. The Natomas Unified School District has also been designated as the State's only "Climate Action Leader" due to their participation in voluntary greenhouse gas emissions reporting programs.

The Clean Air "Regional Award" will be presented to the Million Mile May Program. This program challenges individuals in the Sacramento Region to not only bike to work, but also to use their bicycles for their errands and leisure time as well. So far this year, over 2,500 individuals have pledged to ride over 600,000 miles and this number continues to rise. In 2007, the Million Mile May Program nearly reached its 1 million mile goal and saved nearly 19,000 gallons of gasoline. I would like to commend this program for its dedication to promoting clean air and exercise.

9onF is being awarded the Clean Air "Smart Growth Award" for their work in developing more eco-friendly homes in the Sacramento area. These homes feature state-of-the art energy performance combined with environmental responsibility. They come equipped with geothermal heating and cooling systems, the SMUD "Solar Smart" Program and they are LEED-for-Homes certified. This project improves air quality in building design and construction materials as well as in its location. 9onF is built within walking distances of restaurants, stores, entertainment venues, and employment bases.

Keelan Shaw-Connelly is receiving the Clean Air "Youth Leadership Award" for her involvement in air quality issues. Keelan joined the Breathe California Youth Advisory Board as a freshman in high school and has done a wonderful job giving her peers a voice in all of the organization's outreach activities. Now as a Sacramento Country Day School junior, Keelan has become a role model for others. Active in her community, Keelan organized a tree planting day at Arcade Middle School, bringing together student volunteers from Muslim, Jewish and Christian faiths.

Madam Speaker, as we celebrate the Clean Air Champions, I am honored to recognize these individuals and businesses for their contributions to the environment and to the Sacramento region. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in honoring their unwavering commitment to our region.

TRIBUTE TO MR. ALAN S. WEYMAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize an outstanding public servant, Alan S. Weyman, as he completes more than 39 years of continuous service within the civilian leadership of the Department of Defense. He began his public service life in naval shipbuilding in 1969 as an engineer in training in the New Construction Program Office for the USS *Virginia* Class Cruiser and is ending it as NAVSEA's Executive Director for Surface Warfare. Throughout his career, he worked tirelessly to serve America and our Navy.

Mr. Weyman joined NAVSEA in 1979 as Assistant Program Manager for New Construction. In 1987 he was appointed to the Senior Executive Service and assigned as the Deputy in the Gas Turbine Combatant Ship Program Office where he shared responsibility for fleet support and modernization of all non-Aegis gas turbine ships, acquisition of FFG 7 Class ships, and execution of the Australian and Taiwanese foreign military sales programs.

He was designated as Director of Corporate Operations at NAVSEA in June 1995. While in this position, Mr. Weyman successfully led the organization through a continuing downsizing and restructuring of monumental proportions. Under his leadership, the organization reduced by 45 percent to meet downsizing workforce goals, with minimal mission impact and involuntary separations. Mr. Weyman was a natural leader in this Navy initiative, educating the organization and developing actions to meet a major budget reduction of $1 billion over 5 years. Through his determination, Mr. Weyman developed a plan to eliminate any negative impact on the fleet, core equities, or mission organizational objectives. The process he developed has been adopted as the standard for the Navy.

In 1999, Mr. Weyman was assigned to the Assistant Secretary of the Navy (R,D&A) as the Executive Director for the Program Executive Officer for Theater Surface Combatants which consisted of nearly 400 managers, engineers, logisticians, and financial managers. He was directly responsible to the PEO for the development and execution of a wide variety of Navy programs, including *Arleigh Burke* Destroyer Class shipbuilding, Navy Area and Theater Wide Ballistic Missile Defense, the AEGIS program, and life cycle fleet support of the 115 surface ship combatant fleet.

As Executive Director, New Construction-Current Ship Fleet Support and Inactive Ships, he was instrumental in the successful restructuring of the PEO organization, phasing out PEO Theater Surface Combatants, primarily responsible for the Aegis Shipbuilding Program, and standing up a new organization, PEO Ships, that is responsible for all surface ship shipbuilding and modernization. He initiated an integrated Fleet Support Group for all surface ships and executed that structure within the Commander Fleet Forces Command SHIPMAIN initiative.

Mr. Weyman has far exceeded expected results of his duties as Executive Director for In-Service Ships. He was instrumental in the successful operations of the PEO, primarily responsible for the in-service support for all surface ships, including destroyer and cruiser modernization programs, the ships inactivation program and the FMS Ship Transfer Program. Under his leadership, the In-Service Ship Team was the horsepower behind the SHIPMAIN Modernization Initiative, CFT 4 which prioritized alterations across classes of ships, removed non-valve alterations with a savings to the navy of over $500M, and instituted a drum beat for alteration accomplishment. He supported SHIPMAIN CFT's 1, 2 and 3, and the development of the Surface Warfare Enterprise. He achieved success in the implementation of a Multi-Ship Multi-Option contract approach for all surface ships maintenance and modernization. MSMO contracts have stabilized the repair industrial base and reduced costs to the fleet OM&N accounts. The achieved successes in the re-activation of the ex-*Kidd* Class destroyers for the Taiwanese Ship Transfer program were extremely impressive; four ships were re-activated for the Taiwanese Navy several months early and tens of millions under budget. Planning for follow-on ship transfer work for the MHC's, ex-*Trenton*, and ex-*Coronado* are already in place. The ship Inactivation Programs still continues to make great strides in reducing the size of the inactive fleet through the development of innovative processes and continuous improvements of existing methods.

Mr. Weyman's visionary approach to challenges allows for the transformation from a "business as usual" mentality into actions that permit innovative improvements in the way the Government and its private industry partners achieve best value products and services. It is, therefore, a pleasure to recognize Mr. Alan S. Weyman for his many contributions in a life devoted to our Nation's security as he leaves the Department of the Navy. I know my colleagues join me in wishing him and his wife Barbara much happiness and fair winds and following seas as they begin a new chapter in their lives.

IN RECOGNITION OF MS. KI'ARA RUFUS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Ki'Ara Rufus, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the local Youth of the Year award, Ki'Ara moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Ki'Ara was an extremely qualified candidate for the Youth of the Year 2008. She has been an active member of the Great Milford Club since she was 6. Throughout her time with the Boys & Girls Club, Ki'Ara has been a member of the Torch Club and the Youth Respond program. She also served as treasurer for the African American Heritage Club at Milford High School.

Once again, I would like to commend Ki'Ara Rufus for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

SALUTING THE SOUTHEASTERN PENNSYLVANIA RED CROSS AND ITS VOLUNTEERS

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. SESTAK. Madam Speaker, I rise before you to salute the southeastern Pennsylvania Red Cross and its outstanding volunteers during National Volunteer Week.

April 27 through May 3 is National Volunteer Week. Last year in southeastern Pennsylvania, 7,664 Red Cross volunteers helped victims of disaster, taught their neighbors how to save a life, mentored school kids on the meaning of community, and connected military families separated by war and thousands of miles.

The Red Cross in southeastern Pennsylvania is the place where:

Someone you do not recognize puts your family to bed the night you have been burned out of your home—72,000 fires in America last year, 905 of them in southeastern Pennsylvania. Red Cross volunteers answered the call every night when 5,292 of our neighbors—over 40% of them children—suddenly found themselves without a place to live.

A total stranger will give you their blood—four million donors across America, 175,000 of them in southeastern Pennsylvania. Over 1,600 local Red Cross volunteers run over 240 blood drives every month.

Someone you never knew will help save your child from drowning—11 million Americans were trained last year in life saving techniques, 111,739 in southeastern Pennsylvania in over 8,000 classes.

You call to speak to a friendly voice when you have an emergency that involves a serviceman or woman overseas. 3,253 times, the Red Cross received those calls on its 24–7 hotline last year.

400 kids from 18 Philadelphia public high schools gather to learn how to save a life, to help out at the "Kids Carnival" on Martin Luther King Day, and to organize blood drives, food drives or toy drives in their schools and their communities.

And Red Cross volunteers are people like:

Martin Strom: During the day he is a SEPTA bus driver, but at night "Big Marty" turns up at the burning homes of people he has never met—starting them on the road to recovery from what for many is the worst night of their lives.

Wilma Yeakel: Wilma has worked over 2,000 blood drives in 25 years, and she will tell you that volunteers are paid in six figures—s-m-i-l-e-s.

Tom Warner: this septuagenarian still turns up at his neighborhood "Y" in Germantown to teach lifeguard classes—as he has every year for 57 years—and he will tell you that his lungs are in better shape than many of his students.

Carol Barnett: longtime Eagles fan Carol has been helping military families for the last 17 years, working at least two ten-hour shifts like clockwork, every single week. And Carol volunteers on holidays so that others can take a break.

Cornelius Moody: Franklin Learning Center junior Cornelius said it best in his essay on the honor of wearing his Red Cross Shirt: "Our Red Cross Club is not just another school program, it's a mindset. A mindset to help anyone in need in any way you can, not because you know them, not for privileges, not for awards, but because in your heart you know you can help this person, you should help this person, so you will help this person."

Thomas Jefferson wrote, "It is part of the American character to consider nothing as desperate." Surely what Jefferson envisioned for his America were people like Janice Lufkin and Andrew Brownstein in Montgomery County; Dan Hagen and Edna Hendricks in Delaware County; and Ed Bittner and Debbie Dorito in Chester County—who have together put in over one century of service to people they will probably never see again, but who desperately needed their help, their shoulder, their kind words in their time of greatest need. These volunteers have served in every corner of this region, and in places like Biloxi, Pascagoola and New Orleans, at wildfires in California, tornadoes in the Midwest, bridge collapses in Minnesota, and hurricanes in Florida.

Jefferson was right—nothing is desperate, when you live in a country with people like them and the other 7,664 volunteers here at the southeastern Pennsylvania Chapter of the American Red Cross.

RECOGNIZING THE 25TH ANNUAL MEETING OF THE COMMITTEE ON PIPE AND TUBE IMPORTS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ALTMIRE. Madam Speaker, I rise today to recognize the 25th Annual Meeting of the Committee on Pipe and Tube Imports, known to many as the "voice of the industry" in Washington, DC.

The Committee on Pipe and Tube Imports has strong roots in western Pennsylvania. In fact, a number of local steel pipe and tube industry leaders—including Mr. James Feeney, formerly of Wheatland Tube Co.; Mr. Joseph Nowak, formerly of Cyclops Corporation; and individuals from Allied Tube and Conduit—created the vision of the Committee. Since its beginning, the Committee has worked closely with leaders in Congress to develop sound and fair trade policies that ensure U.S. trade laws are strengthened and maintained.

Throughout its 25-year history, the Committee on Pipe and Tube Imports has had many notable achievements, including the filing of over 100 antidumping and countervailing duty cases challenging unfairly traded imports; inclusion of steel pipe and tube in the President's Steel Voluntary Restraint Agreement program; and work on the enactment of trade legislation. It is obvious that this organization has made a significant and lasting impact on our nation's trade policies and through its advocacy has ensured a future for this important segment of the steel industry and its workers across the country.

I am honored to have this opportunity to thank the Committee's founding members, past chairmen, and staff for all of the amazing work they have accomplished on behalf of the United States steel pipe, tube and fittings industry and wish them continued success in the years to come.

HONORING JENNIFER AND JAMES GRIFFIN ON THE OCCASION OF THEIR MARRIAGE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor two of my constituents who were married Saturday, March 8, 2008. Jennifer Lewis Fowlkes and James Sean Griffin celebrated their commitment to each other at a wedding ceremony held at the Griffin home in Land O'Lakes, Florida. A couple firmly dedicated to the Pasco County region, Jennifer works for Verizon, and Jeff is an entrepreneur.

As George Eliot once said, "What greater thing is there for two human souls than to feel that they are joined together to strengthen each other in all labour, to minister to each other in all sorrow, to share with each other in all gladness, to be one with each other in the silent unspoken memories?" Having known the Griffin family for many years, I know Jennifer and James' will have a lifetime of wedded joy ahead of them. I can only hope that their marriage is as long lasting and full of love as that of James' parents, Danielle and Jeff Griffin.

Madam Speaker, we should all be jealous of newlyweds like Jennifer and Jeff. Their lifelong journey began with the first step of a marriage ceremony, and they have yet to see the ups and downs and joys and sorrows that come with every union of man and woman. Their commitment to each other is one to be celebrated and commended and one in which I offer my congratulations and wish them well as they begin their new life together.

OPERATION IRAQI HEALING

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize the non-governmental organization Severus Worldwide and the work they are doing on behalf of the health and well-being of the Iraqi people through their project, "Operation Iraqi Healing."

Prior to the fall of Saddam Hussein's regime, Iraqi citizens suffered from a humanitarian crisis perpetrated by a totalitarian dictatorship focused on preserving power rather than providing for the citizenry. Following the liberation of Iraq, remnants of that broken system and the emergence of destabilizing violence created a scenario where the Iraqi people are in dire need of medical supplies and medical facilities to support a healthy nation.

While the American military and our coalition partners have worked hard to help build an infrastructure in the face of ongoing violence, our efforts have been impeded by an enemy that targets Iraqi infrastructure and an Iraqi medical community that has not been fully engaged. Thankfully, private organizations are stepping up and providing invaluable assistance.

Severus Worldwide's "Operation Iraqi Healing" brings together Iraqi physicians and medical personnel along with civil affairs officers from both the U.S. Army and U.S. Marine Corps to provide the necessary funding and infrastructure to build, staff, and equip hospitals and clinics to serve the people of Iraq. This type of comprehensive strategy is needed, and I am grateful for Severus Worldwide's tremendous efforts on behalf of the Iraqi people.

The time to act is now. The success that can be achieved by strengthening the healthcare system of Iraq is two-fold. The people of Iraq will have the tools and resources to treat the sick and wounded. But, just as important, the stability that a strong and growing infrastructure can bring to this nation will be invaluable in helping the young democracy of Iraq flourish. The men and women of Severus Worldwide and the numerous other private and public organizations that have continued to contribute to a stable Iraq should be commended for their compassion.

IN RECOGNITION OF MR. DEVONG PECK

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. Castle. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. DeVong Peck, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the local Youth of the Year award, DeVong moved onto the state level competition, where he refined his essay and prepared for the next round of interviews. DeVong was a highly qualified candidate for the Youth of the Year 2008. He won the Governor's Youth Volunteer Service Award, the Robert Taylor Character and Leadership Award, and the Dover High School Superstar Award. At the Welsey College Boys & Girls

Club, DeVong is a member of the Keystone Club and an active volunteer with numerous other organizations.

Once again, I would like to commend DeVong Peck for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

JOINT SESSION ADDRESS BY IRISH TAOISEACH BERTIE AHERN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. WALSH of New York. Madam Speaker, I was deeply honored to accompany my good friend and partner in peace Bertie Ahern before one of his last and most prestigious official engagements, less than a week before he stands down from office.

Taoiseach Ahern is one of the finest public servants I have ever known. For more than 30 years he has served his community and the people of Ireland valiantly and with a prevailing sense of civic duty. Bertie Ahern's persistence led to the signing of the Good Friday Accord, the St. Andrews Agreement and more than a decade of prosperity for Ireland. I believe that will be the hallmark of his legacy: commitment to peace, prosperity and progress.

As a fellow elected official who will also be transitioning back into private life, I wish him and his family well in whatever future endeavors they choose to undertake.

IN RECOGNITION OF THE INAUGURAL FLIGHT OF EMERALD COAST HONOR FLIGHT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. MILLER of Florida. Madam Speaker, it is a great honor for me to rise today to recognize the Inaugural Mission of Emerald Coast Honor Flight on April 30, 2008. The organization's efforts serve as a much-deserved tribute to our Nation's veterans.

Emerald Coast Honor Flight was established as a regional program in my district in Northwest Florida to fly World War II veterans to Washington, DC, for one day and give them a chance to see the memorials specifically dedicated to the conflicts in which they bravely served. The organization is privately funded, and with the support of individuals and businesses alike, the trip is made at absolutely no cost to the veteran.

The Emerald Coast is well-known for its unwavering support for our men and women in uniform in both current and past conflicts. With a strong military presence and nearly 110,000 veterans, there is a tremendous appreciation in the area for those who put their lives on the line to defend liberty. It is therefore of little surprise to me that people throughout Florida's First Congressional District came together so willingly and eagerly to make this day a reality. For many of our veterans, especially World War II veterans who have waited so long for a memorial, this will be a once-in-a-lifetime opportunity. The Greatest Generation made our world a better place because they fought for what was right, and it is right for us to show them our gratitude at every opportunity.

Our men and women in uniform have always stood ready to defend liberty, and for that we owe them an eternal debt of gratitude. I am deeply moved by Emerald Coast Honor Flight's efforts to convey to these veterans the knowledge that their service will be long remembered and appreciated.

Madam Speaker, on behalf of the United States Congress, I would like to recognize the efforts of all who worked toward making this inaugural flight possible. The goal of Emerald Coast Honor Flight is noble and commendable, and I look forward to many more flights being made by this organization.

HONORING THE LIFE OF DANE BRITTON

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. MORAN of Kansas. Madam Speaker, I rise today to honor the life of a man who positively influenced the future of central Kansas and in the process touched the lives of thousands of his fellow citizens.

It is a privilege for me to pay tribute to the life of Mr. Dane Britton of Ellsworth, Kansas.

As Kansans, we are dutifully aware of our State motto, Ad Astra Per Aspera, which translates, "To the Stars Through Difficulties." Dane lived this theme with passion.

In 1975, at only 23 years of age, Dane was named Police Officer of the Year for Houston, Texas. Five years later, Dane returned home to Ellsworth to serve as president and chief executive officer of Citizens State Bank—representing the third generation of his family's leadership at the bank. At the same time, Dane stepped forward as a civic leader in his hometown. He was instrumental in securing construction and expansion of the Ellsworth Correctional Facility. His efforts helped bring Cashco, a manufacturing firm, to the community and helped prevent closure of the Independent Salt Company in Kanopolis, Kansas. Dane also provided leadership for construction of the local Performing Arts Center and the Ellsworth Fire Station. As a member of the Ellsworth City Council, Dane led an effort to establish 911 emergency services to the community. He also served as chairman of the board for Smoky Hills Public Television.

In 1988, Dane was appointed Director of Security and Drug Enforcement for the U.S. Department of the Interior. In that role, he oversaw law enforcement responsibilities for all interior department lands—including two presidential emergency centers. In 1992, Dane was selected as one of two Eisenhower Fellows and in so doing became the first Kansan ever chosen for this honor.

Later, Dane moved to Salina, Kansas, where he worked as a stock broker and again established a leadership presence in the community. Dane was elected chairman of the Salina Planning Commission and served on the Salina Community Theater Board of Directors.

Dane touched the lives of many people. His civic leadership was marked by strategic thinking, passion and a willingness to work to make certain that good things happen.

"What he did for Ellsworth was incredible," said Nick Slechta, director of the Ellsworth Chamber of Commerce and a longtime friend of Dane's. "He was very proficient in everything he did. He put so much gusto into every part of his work." I can think of no finer tribute.

Dane's dedication to his community, the State of Kansas and our country was exceptional. I join Dane's many friends and admirers in extending my deepest sympathies to his family during their time of loss.

HONORING TEXAS DEPARTMENT OF PUBLIC SAFETY TROOPER LARRY BUXTON FOR RECEIVING A PURPLE HEART

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BURGESS. Madam Speaker, I rise today to honor the bravery of Texas Department of Public Safety Trooper Larry Buxton. Mr. Buxton, who is stationed in Denton, Texas, in Texas' 26th District, is a recent recipient of the department's Purple Heart Award.

Trooper Buxton suffered life-threatening injuries April 6, 2007, at a roadside park in Denton County after he pulled over a suspected drunken driver. While performing routine checks he was injured when a car driven by another suspected drunken driver veered off the highway into the park. Despite his severe injuries, Buxton managed to check on the condition of the drivers while also calling for help.

Trooper Buxton has been with the Texas Department of Public Safety for 13 years, and has since returned to duty. The Purple Heart Award which he was justly awarded honors the sacrifices of troopers while performing their duties. The Texas Department of Public Safety provides public safety services to the people of the State of Texas.

Madam Speaker, it is with great honor that I rise today to recognize a dedicated public servant. Trooper Larry Buxton is a fine example of what the Texas Department of Public Safety requires in an officer and is truly deserving of the Purple Heart Award. I am glad to know that the 26th District of Texas has the best of the best protecting its citizens and am truly grateful for the commitments and sacrifices Larry Buxton has made to protect his community. It is an honor to represent him in the United States House of Representatives.

IN RECOGNITION OF MS. MELANIE STALLWORTH

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Melanie Stallworth, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year and awarded the Future Leaders Award.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Melanie moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Melanie was an extremely qualified candidate for the Youth of the Year 2008. Melanie actively volunteered through her club with Habitat for Humanity. Melanie serves as a mentor to younger members and she is a member of Torch Club, Caesar Rodney High School Kick Butts anti-smoking club, and the Spanish Club. Melanie's activism did not go unnoticed, and she was awarded the Future Leaders Award.

Once again, I would like to commend Melanie Stallworth for being nominated as the Boys & Girls Club of Delaware's Youth of the Year and winning the Future Leaders Award.

PAYING TRIBUTE TO ROGER HALL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. PORTER. Madam Speaker, I rise today to honor my dear friend Roger Hall, the Director of the Boulder City Parks and Recreation Department for his outstanding achievements throughout the Boulder City community.

Roger was born in Arlington, Virginia in 1952 when his parents were in the military working at the Pentagon. His father was in the Air Force, which required his family to travel. Roger attended various schools in Japan and Germany, where he graduated from Munich American High School in 1971. In high school, he was the captain of both the football and basketball teams, and was an All-Conference soccer player. He received an Associates of Arts Degree from the University of Maryland Campus in Germany, and Bachelor of Science Degree in Recreation Administration from the University of Northern Colorado in Greely. In college, Roger was the starting point guard on the University of Maryland Basketball Team in which he graced the cover of a recent Boulder City local newspaper decked out in a short 70's inspired uniform complete with long flowing hair and a matching headband. At this time he was a player and coach for their football team, and was an avid soccer player. Upon graduation, Roger worked at the Air Force Academy for the summer, before moving to Boulder City, Nevada.

While working in Boulder City, Roger established the soccer program, and was the first Pool Manager of Boulder City Pool and Racquetball Complex which was built in 1980. In 1984, Roger was promoted to the Director for the Boulder City Parks and Recreation Department, which he has proudly held for 23 years. In addition to his professional duties, Roger is very active within the Boulder City community. He has served as President of the Boulder City Rotary Club and has been a member for the past 16 years. In his free time Roger is a true outdoorsman, and an avid hunter.

Madam Speaker, I am proud to honor the accomplishments of Roger Hall. He is a passionate and dedicated, civic-minded, individual and an integral force within the community. I congratulate Roger, his wife Tracey, his four children, and two grandchildren for his contributions to the people of Boulder City.

IN RECOGNITION OF MR. BRIAN ROSARIO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Brian Rosario, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and State level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5-minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year Award, Brian moved onto the State level competition, where he refined his essay and prepared for the next round of interviews. Brian was an extremely qualified candidate for the Youth of the Year 2008. As a member of the Appoquinimink Boys & Girls Club, Brian learned communication skills and how one can better service his community. Besides volunteering and participating in the Boys & Girls Club, Brian is a member of the Japanese and Art Clubs, Middletown High School Track Team, and performed in his school's plays and musicals.

Once again, I would like to commend Brian Rosario for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

CELEBRATING DON BROWN'S LEADERSHIP IN YOUNG LIFE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize Don Brown for his contribution to the Young Life organization. Following many years of passionate, devoted service to the high school students of North Texas, Mr. Brown is retiring.

Don Brown served as a volunteer for Young Life for seven years prior to taking over as director of the Lewisville/Flower Mound area branch of the organization. Whereas the standard tenure for a leader is five years, Don served as the local director for 30 outstanding years.

Young Life is a non-denominational Christian youth outreach ministry for high school students. In 1938, youth leader Jim Rayburn started a weekly Christian club in Gainesville, Texas; by 1941, it had evolved into a motivational and inspirational group called Young Life. The goal of the organization is to introduce young people to Jesus Christ and to help them grow in their faith. This occurs by creating an atmosphere in which caring adults can build genuine friendships and a connection of faith with the young group members. Young Life depends on the relationships between the leaders and the students to create a strong fellowship within the group, and there is no better example of a successful and devoted Young Life leader than Don Brown.

Mr. Brown facilitates the Young Life assemblies, during which attendees watch skits, sing songs, and learn about Christ. Don also serves as a confidante, mentor and friend to the students, proving time and again that he is a reliable source of information, advice, and compassion for those interested in learning.

I extend my sincerest congratulations to Mr. Brown on his retirement and commend his dedication and desire to serve the Young Life community. It is an honor to represent such a selfless and civic-minded individual in the 26th District of Texas. I know his commitment to the youth of North Texas will inspire others to follow his lead.

INTRODUCTION OF THE TRUST IN RELIABLE UNDERSTANDING OF CONSUMER COSTS ACT (TRUCC ACT) TO RESTORE FAIRNESS FOR SMALL AND INDEPENDENT TRUCKERS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. PETRI. Madam Speaker, today I am introducing legislation that would require that fuel surcharges collected by a motor carrier, broker or freight forwarder be passed through to the person responsible for bearing the cost of the fuel. This is similar to legislation introduced in the Senate by Senators OLYMPIA SNOWE and SHERROD BROWN.

I am introducing this bill in response to comments I have heard from independent truckers and small trucking companies in my district and the State of Wisconsin. They tell me that there are occasions where they must pay for the cost of fuel but the broker or carrier they are working with is not passing on to them fuel charges that are being billed to the shipper.

In normal circumstances, this seems patently unfair, but in this day of $4.00-plus per gallon diesel fuel, it is unconscionable that a fuel surcharge is being assessed but not passed on to the one actually paying the fuel bill. I have been told by one of my constituents who is an independent trucker who will be appearing in bankruptcy court next month that this inequity contributed to his financial problems. It is not right and it should be corrected.

Diesel is now the largest operating expense that truckers are facing. According to the American Trucking Associations, it is expected that the annual diesel bill for the trucking industry will increase by more than $22 billion in 2008—from $112 billion in 2007 to $135 billion this year.

The trucking industry is primarily small businesses and we have 325,000 independent owner-operators that collectively operate 525,000 trucks in the United States. They are crucial to our economic vitality in delivering goods across the country, but are facing ever-increasing challenges in terms of regulation and costs. The TRUCC Act is the least we can do to send the message and be clear that they should not be disadvantaged from the payments they deserve.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. PASCRELL. Madam Speaker, I was unavoidably detained yesterday during the rollcall votes for the following three bills considered under suspension: H. Res. 1079, Supporting the goals and ideals of Financial Literacy Month 2008; HR 4332, Financial Consumer Hotline Act of 2007; S. 2739, Consolidated Natural Resources Act of 2008.

Had I been present, I would have voted: "Yes" on rollcall vote 224 (H. Res. 1079, Supporting the goals and ideals of Financial Literacy Month 2008); "Yes" on rollcall vote 225 (H.R. 4332, Financial Consumer Hotline Act of 2007); "Yes" on rollcall vote 226 (S. 2739, Consolidated Natural Resources Act of 2008).

IN RECOGNITION OF MR. JEREL BREECE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Jerel Breece, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the local Youth of the Year award, Jerel moved on to the state level competition, where he refined his essay and prepared for the next round of interviews. Jerel was an extremely qualified candidate for the Youth of the Year 2008. Jerel is a member of Claymont Boys & Girls Club Keystone Club, Brandywine High School track team, and participates in Claymont Community Center's Green Day. Jerel was also selected as Claymont Boys & Girls Club's representative at the Northeast Regional Keystone Conference.

Once again, I would like to commend Jerel Breece for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

TRIBUTE TO THE NATIONAL INSTITUTES OF HEALTH

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the National Institutes of Health (NIH) and the important research it is doing. There are few investments the Federal Government makes that regularly pay dividends to the American taxpayer. The National Institutes of Health, the lead government agency tasked with preventing and curing diseases and disorders, is one such investment. NIH conducts biomedical research at its Maryland campus and also supports biomedical research at medical centers, independent research laboratories and colleges and universities across our country. I would like to highlight one example of research that NIH is supporting to improve our constituents' overall health and well-being through the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD).

Premature birth is a major public health priority for the United States and a major research priority for the NICHD. In 2003, one out of every eight infants was born premature—resulting in more than $18 billion in hospital expenditures. Premature infants are at high risk for a variety of disorders, including mental retardation, cerebral palsy, and vision impairment.

The primary goal of prematurity research is to find a way to prevent births from occurring before an infant is strong enough to survive outside of the womb. Because women who have one premature birth are considered to be at high risk for another premature birth, NICHD investigators have focused their attention on trying to prevent premature birth among these high-risk women. Researchers in an NICHD funded Maternal-Fetal Medicine Network set out to test the use of a specific type of progesterone called 17P that the body makes to support pregnancy. The results were remarkable—for women who have a history of premature delivery that are carrying one baby, injections of 17P reduced premature birth by one-third. The results of this research are currently being translated into real world results as obstetricians across the country are putting them into practice with their patients. This research is a clear and important step towards achieving our goal of bringing healthy babies into the world.

This is just one example of how the research funded with taxpayer dollars at the NIH is improving the health and well-being of all Americans.

TRIBUTE TO 2008 NATIONAL TEACHER OF THE YEAR MIKE GEISEN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. WALDEN of Oregon. Madam Speaker, it is my privilege to rise today to recognize the 2008 National Teacher of the Year, Mr. Mike Geisen, whom I am proud to represent in Congress. I want to take the opportunity to draw the attention of our colleagues in the United States House of Representatives and our Nation's citizens to the tremendous contributions Mike has made to his students, the State of Oregon, and the profession of teaching. This morning, I have the great privilege to join Mike at the White House where the President will acknowledge his outstanding achievement.

Mike and his wife, Jennifer, have two children, Johanna and Aspen, and together they make their home in beautiful Crook County, Oregon. Mike is a native of Washington State and made his way to Oregon's Second Congressional District by way of a job with the United States Forest Service, which took him to Grants Pass, Oregon. Fortunately for Oregon's students, Mike decided to translate his love of nature and desire to give into a career as a science teacher. After working as a student teacher at Crook County Middle School in Prineville, Oregon, he was hired as a seventh grade science teacher and has made a tremendously positive impact there for the past 7 years. It is remarkable that someone who began teaching such a short time ago could rise so rapidly to an honor such as the National Teacher of the Year.

The Crook County School District is located in Central Oregon and includes all of Crook County and much of southeast Deschutes County, an area totaling approximately 3,000 square miles—the size of Rhode Island and Delaware combined. It is a rural district with its main offices located in Prineville, the oldest town in central Oregon. The school district itself has 3,200 students and Crook County Middle School, where Mike teaches, has 700 students.

Mike is known for his extraordinary dedication and creative ways of engaging his students. For example, he and his students turned the dead grass, weeds and peeling paint of their school's courtyard into an outdoor learning lab. This "naturescape" is an area that students maintain and use to conduct experiments. He makes use of every resource available to him to engage his students and inspire them to learn. He is known for designing fun review games, performing demonstrations, helping students get involved with hands-on labs, acting out scientific principles, and even bringing his guitar to school and singing songs about the lesson at hand, such as gravity, atoms, and "The Bacteria Blues." Mike's dedication to his students goes beyond just his science classroom curriculum; he fundraised to have a climbing wall installed at the school for the students. Mike's philosophy, in his own words: "Teaching just doesn't happen inside the classroom, it happens all over the community."

As chair of the science department at Crook County Middle School, Mike helps create assessments and design curriculum, and has earned the high respect of his colleagues. Mike's passion for teaching and engaging lessons makes learning fun for students and has led to increased test scores. Prior to Mike becoming science department chair, the school had reached a plateau, with 55 percent of students meeting the State's science benchmark. During his first 2 years as department chair, scores jumped from an average of 55 percent to 72 percent, meeting the State science benchmark. Mike's formula for success is putting a bit of himself, a bit of Prineville, and a good dose of humor and creativity into each activity, project, and assignment.

The National Teacher of the Year must serve as an inspiration to students of all backgrounds and abilities to learn, have the respect and admiration of students, parents, and colleagues, play an active and positive role in the community as well as in the school, and be poised, articulate, and possess the energy to withstand a taxing schedule. Recipients of this rare honor are knowledgeable and skilled. Above all, they are exceptionally dedicated. Mike Geisen certainly exceeds each of these characteristics.

The National Teacher of the Year award is obviously a tremendous honor, and I couldn't be more pleased that Mike has achieved this top status in our country. While he will surely be missed at Crook County Middle School during his year of national service as a spokesman for the teaching profession, Oregon's temporary loss of Mike in the classroom will be a significant gain for the United States as a whole. As the first Oregon teacher to be awarded this prestigious honor since 1973, I know that when Mike returns home to Prineville, he will bring a host of new experiences and ideas to share with his colleagues and students and will continue to excel and make learning fun for generations of Oregonians to come.

Please join me in congratulating Mike Geisen for being chosen as the 2008 National Teacher of the Year and in thanking him for his deep commitment to educating our children.

IN RECOGNITION OF MS. BRITTANY CUPERY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Brittany Cupery, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Brittany moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Brittany was a highly qualified candidate for the Youth of the Year 2008. She volunteers daily at the Oak Orchard Boys & Girls Club where she is a mentor and big sister to many of the members. She also actively participates at her local volunteer fire company house.

Once again, I would like to commend Brittany Cupery for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On May 3, 2008 a group of 96 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home state of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

HONORING JOSE DE ARMAS Y CARDENAS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to posthumously honor Jose de Armas y Cardenas, a prominent Cuban journalist who wrote under the pseudonym Justo de Lara.

From the time of his birth in 1866 in Guanabacoa, Cuba, Mr. de Armas y Cardenas was taught the fundamentals of journalism and literature by his parents Jose de Armas y Cespedes, the editor of La Nación newspaper and his mother Fermina de Cardenas, a noted feminist, who founded and was the editor of the Pink Pages newspaper.

After being educated as a lawyer Mr. de Armas y Cardenas began his remarkable and prolific journalistic career at his father's newspaper, La Nación. He then went on to found El Peregrino magazine in Madrid, Spain, and La Avispa magazine in Havana and New York. He also served as a journalist for The New York Sun and New York Herald newspapers. While working for The Sun during Cuban War of Independence and later during the Spanish-American War he became an official translator of conversations between Cuban General Calixto Garcia and U.S. Lt. Colonel Theodore Roosevelt.

But his career as a journalist was not enough to satisfy Mr. de Armas y Cardenas' intellectual curiosity. Mr. de Armas y Cardenas was fluent in Spanish, Italian, French and English. He also became a distinguished Cervantes scholar and in 1916 was the only Spanish-speaking person to be named by the Government of the United Kingdom to be a member of a commission responsible for the celebration of the life and work of William Shakespeare.

Although Mr. de Armas y Cardenas passed away in 1919 he continues to posthumously serve as an example to all true journalists throughout the world. So much so that the Florida House of Representatives recently honored Mr. de Armas y Cardenas by designating March 28, 2008 as "Spanish Language Journalism Day in Honor of Justo de Lara."

Madam Speaker, I am proud to join my fellow Floridians in honoring Mr. de Armas y Cardenas for being an exemplary model for journalists of calling everywhere.

PERSONAL EXPLANATION

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CARSON of Indiana. Madam Speaker, I rise today to speak on a resolution that was passed in the House on April 14, 2008. H. Res. 994 expresses support for designation of a National Glanzmann's Thrombasthenia Awareness Day.

Glanzmann's Thrombasthenia is an inherited, rare bleeding disorder that affects many men, women and children. The disease can present symptoms in these patients ranging from minimal bleeding to life-threatening hemorrhages. This serious disease deserves careful attention within the medical community and I am pleased this resolution brought attention to this issue.

I was regrettably detained from casting my vote, but had I been present, I would have voted "yes" on the resolution.

IN SUPPORT OF GO SKATEBOARDING DAY, JUNE 21, 2008

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Ms. MATSUI. Madam Speaker, I rise today to recognize the International Association of Skateboarding Companies for their work promoting increased participation and safety in skateboarding among children and adults alike. The association, and skaters across the country, will recognize and celebrate National Go Skateboarding Day on June 21, 2008.

Skateboarding, a native sport of my home State of California, continues to attract new riders every day and has grown into a major domestic industry and employer. Today, we see the sport throughout our country. From major metropolitan cities to small heartland towns, we see skateboard shops and skateboard parks creating opportunities for outdoor recreation, at a time when the health and physical activity of our citizens is in crisis.

This truly unique sport has grown up with our younger Americans, and has influenced untold aspects of our culture and society. While once thought of as a sport for the young, many of the top tier skateboarders are now older than many top tier athletes in more traditional sports, proving it is simply a sport for the young at heart.

Anyone who has seen skateboarding in the media or watched a skateboarder perfect their trade knows that it is a sport of intense discipline. As is true with traditional sports, many skateboarders learn larger life lessons from the activity. Persistence, discipline, creativity, individuality, community, risk-taking skills, and accomplishing one's goals are all important character traits that can carry over into real world success.

Go Skateboarding Day will further promote this worthwhile sport. According to the association, "Go Skateboarding Day, an international event, began in 2004. Each year the holiday grows bigger and better than last. Skateboard parks, skateboard shops, cities and skateboarders plan events such as barbeques, fundraisers, contests, or simply took to the streets."

The work of the International Association of Skateboarding Companies has promoted skateboarding and encouraged young people to enjoy the outdoors and exercise while strengthening their coordination, focus, and cardiovascular health. Skateboarding builds confidence and self-esteem while promoting teamwork and group participation. As a representative in Congress, one of my most important priorities is promoting and maintaining healthy living opportunities, and I thank the International Association of Skateboarding Companies for their efforts toward this important goal.

I ask my colleagues to join me in acknowledgement and support of Go Skateboarding Day, this June 21st.

SAGEN BLACKWELL

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. INGLIS. Madam Speaker, I rise to highlight the accomplishments of Sagen Blackwell, a 15-year-old from Woodruff, South Carolina.

In 2006, Sagen visited Walter Reed with her family and saw the sacrifices made by America's heroic servicemembers. She felt called to service, so she started by sending care packages to Walter Reed.

In April 2007, Sagen became President of the South Carolina Society of Children of the American Revolution. For her State project, she chose to raise funds for the Wounded Warrior Project.

So far, Sagen has raised over $50,000 through a variety of fundraising initiatives, including the Carolinas Challenge Soldier Ride. She has touched the lives of over 500 families. Sagen's service is an example to us all.

She shows us the difference that one person can make, when we answer the call to service that we feel in our hearts. America's future is bright in the hands of a generation of Sagens.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BECERRA. Madam Speaker, on Tuesday, April 29, 2008, I was unable to cast my floor vote on rollcall vote 224.

Had I been present for the votes, I would have voted "aye" for rollcall vote 224.

IN RECOGNITION OF MS. REBEKAH STIEGLER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Rebekah Stiegler, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the local Youth of the Year award, Rebekah moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Rebekah was a highly qualified candidate for the Youth of the Year 2008. Rebekah actively participates at her high school, as a band member, Flag Team Captain, and Spanish Club member. At the awards ceremony, Rebekah was awarded with the Demonstrates Best Service to Club Award.

Once again, I would like to commend Rebekah Stiegler for being nominated as the Boys & Girls Club of Delaware's Youth of the Year and being awarded Demonstrates Best Service to Club Award.

IN HONOR OF DR. ROBERT O. COLLINS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. WOLF. Madam Speaker, I rise today to honor the memory of Dr. Robert Collins, esteemed author and expert on Africa's Upper Nile Valley, particularly Sudan.

Dr. Collins' expertise in Sudan was a tremendous asset to academia and policymakers alike. First traveling to Sudan in 1956, the year Sudan achieved independence from Great Britain, Dr. Collins spent literally decades traveling in and writing about Sudan and its many wars. I had the honor of knowing Dr. Collins and am deeply saddened by his death.

Dr. Collins' seminal works included Alms for Jihad, which he co-authored with J. Millard Burr. This critical analysis details the use of Islamic charities to fund terrorist activity around the world. It reaches back into history, particularly into Sudan where much of the activities of fundamentalist Islamist groups found their origins, and traces them to the modern-day struggle against extremist forces around the world. We cannot understand the current war on tenor, which extends far beyond the terrible events of September 11, without examining this important book by Collins and Burr.

I have attached Dr. Collins' obituary printed in the Los Angeles Times. The loss of this bright mind will be felt acutely by all whose lives Dr. Collins touched with his scholarship. I extend my condolences to his family and friends.

[From the Los Angeles Times, Apr. 25, 2008]

ROBERT O. COLLINS, 75; UC SCHOLAR'S BIN LADEN BOOK WAS WITHDRAWN BY PUBLISHER

(By Jocelyn Y. Stewart)

In a career devoted to the study of Africa's Upper Nile Valley, particularly Sudan, historian Robert O. Collins wrote books and articles that were considered required reading for scholars and students of Africa.

The U.S. government sought his insight on the conflict in Darfur and on Osama bin Laden. Hollywood filmmakers asked his advice in depicting the region on screen. A former president of Sudan presented Collins with a distinguished award for scholarship.

But when Collins and a colleague wrote the 2006 book "Alms for Jihad: Charity and Terrorism in the Islamic World," the two historians found themselves in the middle of what the New York Times called an international cause celebre.

To avoid a defamation lawsuit in British courts—where the burden of proof is on the defendant—the publisher of "Alms" apologized to a wealthy Saudi mentioned in the book, Sheikh Khalid bin Mahfouz, and paid a settlement. The publisher, Cambridge University Press, also destroyed all unsold copies of "Alms," an act of pure heresy to Collins and other scholars,

Until his death from cancer in Santa Barbara on April 11, the 75-year-old Collins maintained that he and J. Millard Burr had written a good book that deserved to exist. "The Shaykh can burn the books in Britain, but he cannot prevent the recovery of the copyright by the authors nor their search for a U.S. publisher to reprint a new edition of 'Alms for Jihad,'" Collins said in an essay posted online at George Mason University's History News Network.

The "Alms" debacle was a rare incident in the life of the professor emeritus who was a preeminent scholar in his field.

Robert Oakley Collins was born in Waukegan, Ill., on April 1, 1933. His interest in Africa was ignited while browsing the library at Dartmouth University in the 1950s.

He found the Africa area and he just became enthralled," said his daughter, Catharine Collins Kristian. "At the time, it was an emerging area. All the colonial countries were either leaving or talking about granting independence."

Collins traveled to Sudan in 1956, the year the country gained independence. It was the first of many trips and the beginning of a lifelong relationship with the nation, Kristian said.

After earning a bachelor's degree from Dartmouth in 1954, Collins earned many other degrees in history: bachelor's and master's degrees from Oxford University's Balliol College in 1956 and 1960, as well as a master's degree and a doctorate from Yale University in 1958 and 1959. He was fluent in Arabic.

Collins taught for brief periods at Williams College in Massachusetts and at Columbia University in New York before joining the faculty of UC Santa Barbara in 1965.

For 10 years Collins served as dean of the graduate division. After his retirement in 1994 he continued to teach, write and mentor. With his doctoral students he was demanding, affable and always available.

"He wanted us to have a holistic understanding of African history from the beginning of times to modern times. And he was tough," said Scopas S. Poggo, a native of Sudan who is now an assistant professor of African American and African studies at Ohio State University.

Collins wrote or co-wrote at least 30 books and many articles. His book "Shadows in the Grass: Britain in the Southern Sudan, 1918–1956" won the John Ben Snow Foundation Prize for the best book in British studies in 1984.

An eloquent public speaker, Collins brought strong storytelling skills to his writing, melding them with meticulous research. "Alms" was also thoroughly researched, "our interpretations judicious, our conclusions made in good faith on the available evidence," Collins wrote in his online essay.

But "Alms" may be on the shelf again with a new publisher, Kristian said. Collins' book "A History of Modern Sudan" is scheduled for release in May. The book traces Sudan's history over 200 years and reveals the link between tragedies of today and events of the past.

"I wish all of his books could be reprinted," Poggo said. "He has made very significant contributions to the history of southern Sudan. He left a very strong legacy."

In addition to his daughter, Collins is survived by two sons, Randolph William Collins of Healdsburg, Calif., and Robert Ware Collins of San Jose; two brothers, Jack Gore Collins of Portland, Ore., and George William Collins II of Chesterland, Ohio; and five grandchildren.

There will be no public memorial service. Memorial donations may be sent to the Sudan-American Foundation for Education (SAFE), 141 N. Henderson Road, No. 1205, Arlington, VA 22203.

HONORING LEWIS CHAPPELEAR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. SHERMAN. Madam Speaker, today I rise to commend and congratulate an outstanding California teacher, Lewis Chappelear, for being named a finalist for the National Teacher of the Year award.

Mr. Chappelear is an accomplished scholar, receiving his Bachelor of Science degree in biomedical engineering from Boston University in 1994, a Master of Science degree in mechanical engineering from Columbia University in 1995, and a California Clear Teaching Credential in math, physics, and electronics in 2001. He received a National Board Certification in 2005. Highly praised by both his students and the community, he has received several awards including: Los Angeles Unified School District, LAUSD, Teacher of the Year, Los Angeles County Teacher of the Year, and California Teacher of the Year, and is California's nominee for the National Teacher of the Year Award.

Most importantly, Mr. Chappelear is a renowned teacher. He developed Monroe's School of Engineering and Design—an extremely successful hands-on learning environment which has received several prestigious awards. The school's mission is to prepare students for hightech jobs by placing students in internships through collaboration with local organizations and businesses. Students work on projects related to careers in engineering and jobs skills such as how to write a resume or business letter. He encourages learning by incorporating the most recent computer software and technology into his classroom lectures in a way that inspires all of his students.

Realizing that robotics is one of the most effective ways to teach science and math, Mr. Chappelear has recruited and trained teachers from all over California to begin similar robotics programs. In 2007, his students took first place in a regional robotics championship held at California State University, Northridge.

Mr. Chappelear's work extends beyond the classroom. After noticing that students in his classes were having problems with drugs and alcohol, he facilitated groups to help students during his breaks. He considers himself an important part of the community: His students are his family. His philosophy on teaching is to make emotional connections with each student and to make their learning relevant. He believes that everything in the classroom should be interdisciplinary. In his words, "I am not just an Engineering and Design teacher * * * I am also a mentor, a guide and a critical link in my students' lives." He feels that student achievement is based in rigor, relevance and relationships.

Madam Speaker, I am proud to recognize Lewis Chappelear as a finalist for the National Teacher of the Year award. I am truly honored to pay tribute to this outstanding teacher.

HONORING MRS. DEBORAH ROZANSKI

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ANDREWS. Madam Speaker, I rise today to honor Mrs. Deborah Rozanski on the occasion of her retirement. Mrs. Rozanski has served as a New Jersey public school teacher for 34 years. She has dedicated herself to the Audubon School District for the past 29 years, enriching the lives of countless students. In addition, Mrs. Rozanski deserves to be commended for her dedication over the past 28 years as an advisor to the Audubon Safety Patrol, as a student council advisor, and as a representative on the instructional council.

Beyond the classroom, Mrs. Rozanski is also an advocate for the protection of our environment. Mrs. Rozanski has organized the planting of many trees on the Mansion Avenue School campus, which add to the beauty of the school and the surrounding community.

Madam Speaker, the devotion that Mrs. Rozanski has shown to her work and to the community is truly praiseworthy. I want to thank Mrs. Rozanski for her tireless effort as a teacher and wish her the best of luck upon her retirement.

TRIBUTE TO THE URBAN SCENE AND HOST DON FRIERSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CLYBURN. Madam Speaker, I rise today to celebrate the 20th anniversary of a radio institution in my hometown of Columbia, South Carolina. The Urban Scene is the first issue-oriented radio talk show in Columbia, and it remains a touchstone in the African American community today.

In 1988, WOIC radio began airing The Urban Scene with host Ben Scott. The next year, Gwen Foushee and Don Frierson took over the hosting duties, and by the end of 1989, Don was flying solo.

The next big change for The Urban Scene was its move from WOIC to WGCV/620 AM in Columbia in 2000. It is a testament to the popularity of the show that its loyal audience followed The Urban Scene, and many new listeners tuned in,

The Urban Scene quickly made its mark as the place to go for an in-depth discussion and debate of the issues of the day. Under Don's guidance, listeners feel comfortable to call in and give their opinions or ask questions, The topics covered on The Urban Scene run the gamut and are always entertaining and informative. Don has featured guests from all walks of life, including actor Danny Glover; House Majority Leader Dick Gephardt; former Miss America Kimberly Aiken; gospel legend Dr. Bobby Jones; civil rights pioneer Modjeska Simpkins; and nationally syndicated talk show host Bev Smith. I have been known to make appearances on The Urban Scene from time to time as well.

I don't believe The Urban Scene would have enjoyed its longevity without the leadership of Don Frierson. He has done a tremendous job over the last 19 years in creating a midday talk show that is consistently the talk of the town. As a native of Columbia, Don knows the issues that are important to his listeners. He graduated from the University of South Carolina in 1983 with a degree in journalism, and continues to work full-time for the South Carolina Human Affairs Commission.

Don maintains the pulse of the community by being involved in many activities. He has served on the board of Bethlehem Community Center, the Columbia Branch NAACP, and the South Carolina Conference of Branches of NAACP. He has volunteered his time with Big Brothers and Sisters of the Midlands, as a mentor, working with children in Richland School District One, and has assisted nonprofit agencies and organizations in the areas of press and publicity. He is a volunteer docent with the South Carolina State Museum and has served as third Vice President of the Columbia Branch NAACP.

Don's many awards include the Living the Legacy Award, presented by the National Council of Negro Women for outstanding work in the field of Journalism; Certificate for Outstanding Community Service in the field of Journalism, from the Omicron Phi Chapter of Omega Psi Phi Fraternity; Community Leader of Excellence Award, from the Cush Fellowship Ministries; Million Man March Appreciation Award, from the Nation of Islam, for work in promoting the Million Man March; Martin Luther King Award for Community Service presented by Zion Baptist Church No.1; Award for Community Service, presented by Masjid Al-Islam; Outstanding Service Award from the Alcorn Middle School Community Task Force; Community Service Award from the Sister Clara Muhammad School; Certificate of Honor from the Columbia Branch NAACP for service; and a commendation from the South Carolina House of Representatives for public service.

Madam Speaker, I ask you to join me today in celebrating the 20th anniversary of The Urban Scene and the outstanding work of its host Don Frierson. The show and its host are synonymous with intelligent and thought-provoking radio. I applaud the tremendous service Don provides on The Urban Scene, and I am proud to call him a friend.

HONORING THE OSAGE UNIT 278 OF THE AMERICAN LEGION AUXILIARY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the great work and service that Osage Unit 278 of the American Legion Auxiliary, Department of Iowa is doing on behalf of our young citizens' education.

The members of Osage Unit 278 place a great value on the education of our young citizens who will be the leaders of tomorrow. The Unit recently held a scholarship luncheon/bake sale on April 5, 2008, with the purpose of raising money to give scholarships to the graduating seniors of Osage High School. Their objective was met, and funds raised will allow for 13 scholarships of $250.00 each to be awarded; 10 of those by the Unit; two to be given in honor of members by their families; and one from the Unit Auxiliary marching group known as the Starlighters.

Unit 278 also contributed $250.00 to benefit the Special Olympians of the Osage School System, enabling them to attend the State of Iowa Special Olympics.

The work of the 381 member Unit has always been highly respected, regarded and appreciated by the community of Osage. Their work and dedication exemplifies the great Iowa spirit of giving to help others. And Unit 278 truly follows one of the guiding principles of the American Legion Auxiliary mission statement, "that Auxiliary members continue to be the leaders in all that is good in this nation today, tomorrow and for generations to come through serving others first and not self."

I know that my colleagues in the United States Congress join me in recognizing the dedicated work and accomplishments of Osage Unit 278 of the American Legion Auxiliary, Department of Iowa. I am proud and honored to represent all 381 members of the Unit in the United States House of Representatives and I wish them continued success in their future work.

HONORING THE 8TH BATTALION, 4TH REGIMENT

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. GOODE. Madam Speaker, it is with great honor that I rise today to recognize the U.S. Army 8th Battalion, 4th Regiment on the occasion of their association reunion, which will take place May 2–6.

The 4th Artillery was authorized and constituted by an Act of Congress in June 1812, as the 4th Artillery Regiment. The regiment has seen continuous duty since that date. The 8th Battalion, 4th Artillery, has served in varied capacities throughout its illustrious service: Coast Artillery, Harbor Defense, Anti-Aircraft Artillery, Pack Artillery, 177mm Gun Battalion and as a 175mm 18 inch (SP) Gun Battalion.

On March 1, 1967, the 8th Battalion, 4th Artillery was activated at Fort Sill, OK, as a 175mm gun battalion. Its mission was to deploy on July 24, 1967, to the central highlands of Vietnam. The only battalion from Fort Sill to deploy on its original deployment date, the 8th Battalion, 4th Artillery departed Ft. Sill, OK, with the personal good wishes and promised continued support from the Fort Sill commanding general. The battalion's equipment, including its 12 175mm guns, departed in early July. The equipment was moved by rail to Houston, TX, then by ship through the Panama Canal and on to Vietnam.

The men of the battalion traveled by air to Tacoma, WA, and boarded a U.S. naval troop ship, the USNS *UPSHUR*, along with two smaller Army units. On the high seas, after a 12-hour shore break on Okinawa, we were notified our mission had changed. We were being diverted to Da Nang with a support mission to the 1st and 3rd Marine Divisions. The battalion was originally assigned the dual mission of supporting both the 1st and 3rd Marine Divisions with long-range heavy artillery fire until November 1, 1967, when it was assigned to the 108th Artillery Group, reinforcing the 12th Marine Regiment.

From January 31, 1968 until March, the battalion supported the 5th Marines and the Americal Division during "Operation Auburn." It participated in "Operation Rock" by firing in support of the 7th Marines from March 6 until March 10, 1968. From March 13 until March 26, 1968, it supported the 7th Marines during "Operation Worth." From August 1968 until September 1968, the battalion provided general support for units operating near the DMZ.

During the first year in Vietnam, the battalion changed over 300 gun tubes. In its 4 years in the Republic of Vietnam, the battalion had fired more than 450,000 rounds of 175mm/S inch ammunition in support of the United States and the Army of the Republic of Vietnam (ARVN) forces. It had supported operations throughout the northern sector of South Vietnam and had fired from positions at Da Nang, Dong Ha, Quang Tn, Bastone, Camp Lo, Camp J J Carroll, Thon Som Lam ("Rockpile"), True Khe, FSB C–I, FSB C–2, and FSB A–4 (Con Thien).

In ceremonies held August 6, 1971, at Dong Ha Combat Base, the battalion was presented the Meritorious Unit Citation. The award covered the period from January 31, 1968 to January 31, 1969, and was primarily for actions in support of the 1st and 3rd Marine Divisions. The battalion was also awarded the Naval Presidential Unit Citation in support of the 3rd Marine Division and the Republic of Vietnam Cross of Gallantry.

As the Republic of Vietnam Armed Forces began their withdrawal from Laos and the Khe San area, the need for artillery support along the route of egress became vital. By April 1971, all remaining elements of the battalion departed the Khe San Plains. The 8th Battalion, 4th Artillery, was the first heavy artillery battalion into the Khe San area and the last heavy unit to return.

In the 63 days that the battalion was involved with the Khe San Operation, it suffered losses of 4 persons killed and 41 wounded, with 17 vehicles destroyed. It was credited with costing the enemy 1,238 killed, unknown numbers wounded, 26 field guns destroyed, 3 tanks destroyed, 5 fighting positions destroyed, 16 wheeled vehicles destroyed, and 2,644 secondary explosions. During this same period, in line with increased troop withdrawals, the American ground troops in the area turned over their fire bases to the ARVN and withdrew to Quang Tri for their consolidation.

At 0930 hours, 15 October 1971, the 8th Battalion, 4th Artillery, conducted a redeployment ceremony at Quang Tri Combat Base. The battalion colors were furled and cased for redeployment to Fort Sill, OK, where the 3rd Battalion, 73rd Artillery, was being redesignated the 4th Battalion, 4th Artillery. On this date, the unit completed its tactical mission, and after completing the Keystone stand down operations from October 15 through November 15, 1971, sent its color guard and colors to Fort Sill to begin a new phase in the illustrious career of the 4th Artillery.

After a stay of 4 years on the DMZ, the battalion had truly earned its unofficial motto, "The Guns of the DMZ," with 26 killed in action and numerous wounded. Today the 4th Artillery continues with the 2nd Battalion, 4th Artillery, a multiple launch rocket system battalion stationed at Fort Sill, OK. The 2nd Battalion, 4th Artillery deployed to Iraq during the initial assault of "Desert Storm," and continue their combat role in the great tradition of the historic 4th Artillery Regiment.

I appreciate the opportunity to offer these remarks and share my appreciation for our veterans. We are forever grateful to the 8th Battalion, 4th Artillery and all the veterans who have preserved our country.

TRIBUTE TO DR. CONSTANCE MIERENDORF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to recognize Dr. Constance Mierendorf and to celebrate her inauguration as the first female President of Sussex County Community College.

Constance Mierendorf brings a wealth of experience to this position as a teacher, academic leader and innovative small businesswoman. Dr. Mierendorf holds a Ph.D. in English from the University of Nebraska at Lincoln; earning her Bachelor and Master degree in English from the University of Nebraska at Omaha. She also holds certificates for secondary teaching and teaching English as a second Language. Her post-graduate work includes coursework at Harvard University's Institute for Educational Management.

Dr. Constance Mierendorf comes to the Presidency of SCCC from Raritan Valley Community College, where she held the position of Vice President of Academic Affairs. She held the same position at Santa Fe Community College in New Mexico, and was also a faculty member and department chair at Minneapolis Community and Technical College.

In addition to her education background, Dr. Mierendorf brings considerable business expertise to the College. She worked as a corporate trainer to Chief Executive Officers of several Fortune 500 companies and was a partner and business manager for Mierendorf Productions, a three-time Emmy Award winning documentary film company.

Sussex County Community College is a true gem of the Fifth Congressional District. It currently serves more than 3,500 credit and 1,700 non-credit students each year. SCCC is ranked 11th in the country, as the fastest growing community college of its size, with a 43-percent increase in enrollment over the past 5 years. I am confident Dr. Mierendorf will continue to raise the bar of SCCC's educational standards.

I commend Dr. Mierendorf on her appointment as the President of Sussex County Community College. I wish her all the best as she embarks on this opportunity and congratulate her on this remarkable accomplishment.

TRIBUTE TO CHARLES DANIEL

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BERRY. Madam Speaker, I rise today to pay tribute to a great Arkansan and a fine citizen of Marshall, Arkansas. I am proud to recognize Dr. Charles Daniel in the United States Congress for his four decades of service to Arkansas. He has made numerous invaluable contributions to his community, his State and our Nation.

Dr. Charles Daniel was born in Marshall, Arkansas on July 1, 1940 and currently resides there today. After graduating from Marshall High School in 1958 as valedictorian, he received his medical degree from the University of Arkansas for Medical Sciences in 1967. He married his wife Sharon Guthrie in 1964 and they have two children.

In addition to his decades of service to the community as a leading medical professional, Dr. Daniel has dedicated 40 years of service to both the Rotary Club and the Searcy County Economic Development Commission. He was a leading advocate for the construction of the Searcy County Civic Center and was recognized by the Searcy County Economic Development Commission as Citizen of the Year in 2007.

Dr. Daniel is one of the few remaining genuine, southern gentlemen. He is a humble man who goes out of his way to help others simply because it is the right thing to do, never for personal gain. Dr. Daniel's office was always open to people in need of medical attention. Often he would keep his doors open well into the evening and would visit with patients at their homes on weekends to ensure they received the care they needed. Not only does he epitomize what a family doctor should be, he is the living example of how we should treat our neighbor.

Dr. Daniel embodies the old fashioned values of service, leadership and commitment to his community that has made our State and our Nation great. He has dedicated his life to serving the people of Searcy County as a leader in both his profession and his community. On behalf of the United States Congress, I extend congratulations and best wishes to my good friend Dr. Charles Daniel for a lifetime of outstanding personal and professional achievements.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BOYD of Florida. Madam Speaker, last week, I missed the final vote on H.R. 2830, the Coast Guard Reauthorization Act. Had I been present, I would have voted as follows: H.R. 2830. Recorded vote. 24-Apr-2008, 3:13 p.m. Question: On Passage. Bill Title: Coast Guard Authorization for 2008.

"Aye" for Mr. F. Allen Boyd, Jr.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ELLISON. Madam Speaker, on April 2, 2008, I inadvertently failed to vote on rollcall No. 155. Had I voted, I would have voted "aye" on rollcall Vote No. 155.

THE GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 493, "The Genetic Information Nondiscrimination Act, GINA." I would like to thank my colleague, Congresswoman LOUISE MCINTOSH SLAUGHTER, from New York for introducing this important legislation. I would also like to thank my colleagues on Energy and Commerce, Ways and Means, Education and Labor committees for their leadership in this highly contentious and complex health issue.

The Genetic Information Nondiscrimination Act, GINA, would restrict health insurers' (Title I) and employers' (Title II) acquisition and use of genetic information in several ways. It is also supported by consumer groups, the medical profession, researchers, the medical products industry and pharmaceutical companies.

Since the first bills were introduced in the 103rd Congress, many of the arguments and positions supporting and opposing genetic nondiscrimination legislation have remained largely unchanged. The simple fact is without protection, people are apprehensive about seeking potentially beneficial genetic services or participating in much needed clinical research.

Alex Haley, the gifted author of Roots, stated on the front page of his book that "In all of us there is a hunger, marrow deep, to know our heritage—to know who we are and where we have come from. Without this enriching knowledge there is a hollow yearning. No matter what our attainment in life, there is still a vacuum, an emptiness and the most disquieting loneliness."

When author Alex Haley revealed his Roots in the late 1970's, everyone in the Nation, it seemed, wondered about their own great-great-great grandparents. As a result, the genealogical quest fever spread, particularly among African Americans.

It took Haley more than a decade to trace back several generations, but as most Black people realize, not many of similar heritage will be able to unearth their lineage even that soon. That's because few, if any, reliable records of the centuries-long Atlantic slave trade remain to help in the search. That's what became all too apparent to rheumatologist Dr. Paul Plotz in 1992, when "a chance occurrence" pointed his research on a rare muscle disorder to West Africa and "the greatest undocumented migration of modern times."

As Haley pointed out, people have an inherent interest in knowing their heritage. Our investment in modern science, specifically the Human Genome Project, is poised not only to reveal medical truths about ourselves and our potential for health, but also to help us make that connection to our past.

While some of my colleagues are focused that GINA will provide further incentives and additional opportunities for litigation against employers, they seem to forget the very real concern of individual protections. In an age where electronic databases are easily tampered with and private information is passed around like a bad cold, we must focus on the rights of individuals and their families when dealing with such a complex and contentious issue.

At a time when we want people to seek out preventative care and gain greater health literacy, we want to ensure them that they are safe and big brother is not selling their detailed information to the highest bidder.

Researchers at Penn State University have stated that from a medical viewpoint, African genetic diversity is important in understanding genetic diseases of African Americans and for finding treatment methods for contagious diseases that originated in Africa. These researchers have said that if they could identify the genetic changes that provided this protection, then they might be able to find treatment methods for the diseases.

These revolutionary discoveries are due to a diverse group of people feeling secure enough with their doctors, nurses, and health insurance companies that they participate in genetic testing and research studies.

We exclaim that we want better health care, greater incidences of prevention, better understanding of current diseases, and most importantly more cures to the illnesses of Americans. This is what genetic testing and research can do. If we allow employers and health insurance companies to manipulate the data to further restrict American's access to quality care, then we should not support this bill.

However, if we are for access to quality health care, if we are for greater understanding of infectious diseases and mutations, if we are for privacy protections in medical records and payment systems . . . then we must give our full support to this bill.

Thank you, Madam Speaker, for your leadership in the area of health care access, this is yet one more area that allows us to support an individual's right to care without fear of retribution by increased health insurance payments or even worse, denial of care altogether. Vote in support of access, understanding, and privacy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 1, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 2

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for April 2008.
SD–562

MAY 6

10 a.m.
Environment and Public Works
To hold hearings to examine perchlorate and trichloroethylene (TCE) in water.
SD–406
Finance
To hold hearings to examine seizing the new opportunity for health reform.
SD–215
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold an oversight hearing to examine the National Oceanic and Atmospheric Administration.
SR–253

2 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine policing lenders and protecting homeowners, focusing on the current foreclosure crisis.
SD–226

2:30 p.m.
Intelligence
To hold hearings to examine the nomination of Michael E. Leiter, of the District of Columbia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.
SH–216

3 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine oil and food prices relating to the link between energy and environmental security, focusing on the role that environmental technologies can play in increasing energy security while combating climate change by reducing demand on hydrocarbon resources.
B318, Rayburn Building

MAY 7

9:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of Marcia Stephens Bloom Bernicat, of New Jersey, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador

to the Republic of Guinea-Bissau, Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Mali, Donald Gene Teitelbaum, of Texas, to be Ambassador to the Republic of Ghana, Linda Thomas-Greenfield, of Louisiana, to be Ambassador to the Republic of Liberia, Peter William Bodde, of Maryland, to be Ambassador to the Republic of Malawi, Donald E. Booth, of Virginia, to be Ambassador to the Republic of Zambia, Marianne Matuzic Myles, of New York, to be Ambassador to the Republic of Cape Verde, and Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana, all of the Department of State.
SD–419

Environment and Public Works
Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection Subcommittee
To hold an oversight hearing to examine science and environmental regulatory decisions.
SD–406

Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine reauthorization of vision for space exploration.
SR–253

Veterans' Affairs
To hold hearings to examine pending benefits legislation.
SR–418

10 a.m.

Homeland Security and Governmental Affairs
To hold hearings to examine fuel subsidies relating to food supply and prices.
SD–342

Judiciary
To hold hearings to examine the nominations of Helene N. White, and Raymond M. Kethledge, both of Michigan, both to be United States Circuit Judges for the Sixth Circuit, and Stephen Joseph Murphy III, to be United States District Judge for the Eastern District of Michigan.
SD–226

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine United States credit markets, focusing on the regulation of investment banks by the United States Securities and Exchange Commission.
SD–538

10:30 a.m.

Appropriations
Defense Subcommittee
To hold closed hearings to examine proposed budget estimates for fiscal year 2009 for the United States intelligence community.
S–407, Capitol

2 p.m.

Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine concentration in agriculture, focusing on an examination of the JBS Swift Group acquisitions.
SD–226

2:30 p.m.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine the state of the airline industry, focusing on the impact of the Delta/Northwest airlines merger.
SR–253

Foreign Relations
To hold hearings to examine international Convention for the Suppression of Acts of Nuclear Terrorism (the "Convention"), adopted by the United Nations General Assembly on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (Treaty Doc. 110–04), amendment to the Convention on the Physical Protection of Nuclear Material (the "Amendment"). A conference of States Parties to the Convention on the Physical Protection of Nuclear Material, adopted on October 28, 1979, adopted the Amendment on July 8, 2005, at the International Atomic Energy Agency in Vienna (Treaty Doc. 110–06), and protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the "2005 SUA Protocol") and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the "2005 Fixed Platforms Protocol") (together, "the Protocols"), adopted by the International Maritime Organization Diplomatic Conference in London on October 14, 2005, and signed by the United States of America on February 17, 2006 (Treaty Doc. 110–08).
SD–419

Judiciary
To hold hearings to examine a way forward for the United States Commission on Civil Rights.
SD–430

3 p.m.

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Commodity Futures Trading Commission and Securities and Exchange Commission.
SD–192

MAY 8

10 a.m.

Finance
To hold hearings to examine social security field offices, focusing on the resources and workforce needed to deliver quality service to the public.
SD–215

2:30 p.m.

Commerce, Science, and Transportation
To hold hearings to examine improving the capacity of United States climate modeling for decision-makers and end-users.
SR–253

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 13

10 a.m.

Energy and Natural Resources
To hold hearings to examine the impacts of climate change on the reliability, security, economics, and design of critical energy infrastructure in coastal regions.
SD–366

MAY 20

10 a.m.

Energy and Natural Resources
To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109–58).
SD–366

MAY 21

9:30 a.m.

Veterans' Affairs
To hold hearings to examine pending health care legislation.
SR–418

CANCELLATIONS

MAY 2

9:30 a.m.

Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.
SR–222